Congressional Record

PROCEEDINGS AND DEBATES

OF THE

FIRST SESSION OF THE SEVENTIETH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME LXIX—PART 6

APRIL 4 TO APRIL 21, 1928

(Pages 5837 to 6962)

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON
1928

AUTHENTICATED
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Congressional Record

PROCEEDINGS AND DEBATES OF THE SEVENTIETH CONGRESS FIRST SESSION

SENATE

WEDNESDAY, *April 4, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty and everliving God, the source of all being and life, whose mercies are infinite and whose love is unceasing, send Thy blessing upon all who are in authority in this land and all who guide the thought of Thy people, that pure ideals may inspire us, that beauty may crown our common life, and that vision, without which the people perish, may be kept alive in our midst. Give us calm serenity and steadfastness of purpose in the face of life, with its gleams and shadows, its ecstasy and pain, its olive wreath and crown of thorns, its glories and its Golgothas, that we may grow up into the perfection of Thy Son, who dreamed only of mankind's redemption and died to make that dream come true. Grant this for His sake, who was lifted up that He might draw all men unto Him, Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, April 2, 1928, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Heflin	Sackett
Barkley	Edwards	Kendrick	Sheppard
Bayard	Fletcher	Keyes	Shipstead
Bingham	Frazier	King	Shortridge
Black	George	McLean	Smith
Blaine	Gerry	McMaster	Smoot
Blease	Gillett	McNary	Steiwer
Borah	Glass	Mayfield	Stephens
Bratton	Goff	Neely	Swanson
Brookhart	Gooding	Nye	Tyson
Broussard	Gould	Oddie	Wagner
Capper	Greene	Overman	Walsh, Mass.
Caraway	Hale	Phipps	Walsh, Mont.
Copeland	Harris	Pine	Warren
Couzens	Harrison	Pittman	Waterman
Curtis	Hawes	Ransdell	Wheeler
Cutting	Hayden	Reed, Pa.	

Mr. CURTIS. I desire to announce that the Senator from Washington [Mr. JONES], the Senator from Ohio [Mr. FESS], the Senator from Indiana [Mr. WATSON], the Senator from New Hampshire [Mr. MOSES], the Senator from South Dakota [Mr. NORBECK], and the Senator from Rhode Island [Mr. METCALF] are detained from the Senate attending the funeral of the late Senator WILLIS.

Mr. WALSH of Montana. I desire to announce that the Senator from Tennessee [Mr. MCKELLAR], the Senator from Washington [Mr. DILL], and the Senator from Oklahoma [Mr. THOMAS] are absent from the Senate in attendance upon the funeral of the late Senator WILLIS.

Mr. MCNARY. I wish to announce that the Senator from California [Mr. JOHNSON] is necessarily absent on account of illness.

The VICE PRESIDENT. Sixty-seven Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of New Jersey, which was referred to the Committee on Post Offices and Post Roads:

HOUSE OF ASSEMBLY,
STATEHOUSE, TRENTON, N. J.

Concurrent resolution memorializing and requesting the Congress of the United States to authorize the Postmaster General to issue a special series of postage stamps commemorative of the Battle of Monmouth in the Revolutionary War. Introduced and adopted by the senate and the house of assembly on March 5, 1928.

Whereas there will be celebrated in June, 1928, the one hundred and fiftieth anniversary of the Battle of Monmouth in the Revolutionary War; and

Whereas said conflict was one of the great turning points in the memorable struggle for independence; and

Whereas it is fitting and proper that due recognition be given to said anniversary by the issuing of stamps commemorative thereof: Therefore be it

Resolved by the house of assembly (the senate concurring) (1) That the Congress of the United States be memorialized and requested to authorize and direct the Postmaster General of the United States to issue a special series of postage stamps to commemorate the one hundred and fiftieth anniversary of the Battle of Monmouth in the Revolutionary War; be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of the Senate and House of Representatives of the United States in Congress assembled, and to each Senator and Representative of this State in the Congress of the United States.

(2) This concurrent resolution shall take effect immediately.

We hereby certify that the above resolution is a true and official copy of the concurrent resolution adopted by the senate and house of assembly on March 5, 1928.

THOMAS L. L. PARSON,
Speaker of the House of Assembly.

Attest:

FRED'K A. BRODESSER,
Clerk of the House of Assembly.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the board of administration of the Emanuel Lutheran Church, of Butte, Mont., protesting against execution of the national-origins provision of the existing immigration law and favoring the taking of immediate steps to eliminate such provision, which was referred to the Committee on Immigration.

He also laid before the Senate a resolution of the City Council of Los Angeles, Calif., favoring the passage of legislation for the continuance and development of the American Green Cross, especially its educational and statistical work, which was referred to the Committee on Commerce.

Mr. BROOKHART presented a memorial signed by H. G. Campbell and sundry other citizens of Woodbury County, Iowa, remonstrating against adoption of the proposed enlarged naval building program, which was referred to the Committee on Naval Affairs.

Mr. JONES presented a petition of sundry citizens of Spokane, Wash., praying for adoption of the proposed naval building program, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Tacoma, Wash., praying for the passage of legislation creating a Federal department of education, which were referred to the Committee on Education and Labor.

Mr. FESS presented petitions of sundry citizens of Cleveland and Cincinnati, in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

DISTRICT OF COLUMBIA FISCAL RELATIONS

Mr. COPELAND presented resolutions adopted by the Citizens' Association of Takoma Park, D. C., which were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolved, That we heartily commend the Senate Committee on Appropriations for the stand it has taken in amending the pending District bill so as to restore the definite fixed proportion of 60–40, as provided by existing law.

Resolved further, That we especially thank the chairman of the Senate subcommittee, Hon. LAWRENCE C. PHIPPS, of Colorado, for the very able and fair presentation of this matter to the Senate during the last week.

Resolved further, That copies of these resolutions be forwarded to the Senate and House of Representatives and to Senator PHIPPS.

REPORTS OF COMMITTEES

Mr. BORAH. Mr. President, from the Committee on Foreign Relations I submit, as in executive session, two reports for the Executive Calendar.

The VICE PRESIDENT. The reports will be received and placed on the Executive Calendar.

Mr. BORAH, from the Committee on Foreign Relations, to which were referred the following bills, reported them severally without amendment:

H. R. 6360. An act for the relief of Edward S. Lathrop;

H. R. 8650. An act for the relief of C. S. Winans;

H. R. 8651. An act for the relief of Lynn W. Franklin; and

H. R. 10932. An act for the relief of the widows of certain Foreign Service officers.

Mr. BORAH also, from the Committee on Foreign Relations, to which was referred the bill (H. R. 9411) for the relief of Maurice P. Dunlap, reported it with an amendment.

He also, from the Committee on the Judiciary, to which was referred the joint resolution (S. J. Res. 25) to declare the 11th day of November, celebrated and known as Armistice Day, a legal public holiday, reported adversely thereon.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (S. 3308) to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of John L. Alcock, reported it with an amendment and submitted a report (No. 693) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (S. 126) for the relief of May Gordon Rodes and Sara Louise Rodes, heirs at law of Tyree Rodes, deceased, reported it with an amendment and submitted a report (No. 694) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 3774) to provide a temporary location for a farmers' market in the District of Columbia, reported it with amendments and submitted a report (No. 695) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3338) authorizing the sale of certain lands on Petit Jean Mountain, near Morrilton, Ark., for use by the Young Men's Christian Association of Arkansas, reported it with amendments and submitted a report (No. 696) thereon.

He also, from the same committee, to which was referred the bill (S. 3602) to quiet title and possession with respect to certain lands in Faulkner County, Ark., reported it with an amendment and submitted a report (No. 697) thereon.

Mr. McNARY, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3699) for the relief of the land-grant railroad operated between the station formerly known as East Portland, in the State of Oregon, and Roseville, in the State of California, reported it without amendment and submitted a report (No. 698) thereon.

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which was referred the bill (S. 2505) granting increase of pensions under the general law to soldiers and sailors of the Regular Army and Navy and their dependents, for disability incurred in service in line of duty, and authorizing that the records of the War and Navy Departments be accepted as to incurrence of a disability in service in line of duty, reported it with amendments and submitted a report (No. 699) thereon.

Mr. THOMAS, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 405) providing for horticultural experiment and demonstration work in the southern Great Plains area, reported it without amendment and submitted a report (No. 700) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 3571) granting the consent of Congress to the county court of Roane County, Tenn., to construct a bridge across the Emery River at Suddaths Ferry, in Roane County, Tenn., reported it without amendment and submitted a report (No. 701) thereon.

He also, from the Committee on Civil Service, to which were referred the following bills, reported them each without amendment:

S. 1729. An act extending the classified civil service to include postmasters of the third class, and for other purposes; and

H. R. 7908. An act to authorize the granting of leave to veterans of the Spanish-American War to attend the annual convention of the United Spanish War Veterans and auxiliary at Habana, Cuba, in 1928.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COPELAND:

A bill (S. 3887) granting an increase of pension to Hannah F. Summers; to the Committee on Pensions.

By Mr. CUTTING:

A bill (S. 3888) for the relief of Oscar Lee Owen; to the Committee on Claims.

A bill (S. 3889) granting the Congressional Medal of Honor to Capt. G. D. Hatfield; to the Committee on Naval Affairs.

By Mr. GILLETT:

A bill (S. 3890) to amend section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes"; to the Committee on Post Offices and Post Roads.

By Mr. NYE (for Mr. NORRIS):

A bill (S. 3891) granting a pension to Mary Grace Catlett; to the Committee on Pensions.

(By request.) A bill (S. 3892) to provide for the naturalization and to define the citizenship status of married women, and for other purposes; to the Committee on Immigration.

By Mr. KEYES:

A bill (S. 3893) for the relief of Frank Leer, alias Antoine Laporte; to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 3894) to define fruit jams, preserves, jellies, and other products, to provide standards therefor, and to require the labeling thereof, and to regulate traffic therein, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. DILL:

A bill (S. 3895) for the relief of H. E. Mills; to the Committee on Claims.

By Mr. ROBINSON of Indiana:

A bill (S. 3896) granting an increase of pension to Valeria S. Shook; and

A bill (S. 3897) granting an increase of pension to Julia A. Hensel (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3898) granting a pension to Patience Winsor; and

A bill (S. 3899) granting an increase of pension to Robert O. Graves; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3900) to amend the Code of Laws of the District of Columbia relating to interest and usury; to the Committee on the District of Columbia.

By Mr. GILLETT:

A joint resolution (S. J. Res. 121) to provide for the display of the national flag in United States courts; to the Committee on the Judiciary.

PROPOSED CHANGE IN IMMIGRATION LAW—SEPARATED FAMILIES

Mr. WALSH of Massachusetts introduced a joint resolution (S. J. Res. 122) to permit admission within the quota of relatives of declarants who have been admitted to the United States prior to July 1, 1924, which was read twice by its title.

Mr. WALSH of Massachusetts. Mr. President, I ask that certain statements explaining the terms of the joint resolution and the effect it will have in tending to correct and remedy what many consider are unreasonable features of the present immigration law may be printed in the CONGRESSIONAL RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WALSH of Massachusetts. Mr. President, briefly, the resolution seeks to admit within two years the members of the families of alien immigrants who have declared their intention to become American citizens without increasing the total number of immigrants authorized under present law. It merely prefers the families of alien declarants over other prospective immigrants seeking admission into the United States.

This measure is sponsored and indorsed by the following national organizations: National Board of the Young Women's Christian Association, American Federation of Labor, National Women's Trade Union League, National Catholic Welfare Council, National Council of Catholic Women, National Council of Jewish Women, and the Foreign Language Information Service, all of which organizations are desirous of obtaining relief for the separated families of alien immigrants without in any way affecting the restrictive features of the present immigration law by increasing the number of immigrants who are now permitted to enter the country under the general quota.

I move that the joint resolution be referred to the Committee on Immigration.

The motion was agreed to.

The statements presented by Mr. WALSH of Massachusetts are as follows:

STATEMENT UPON THE FAMILY AND THE IMMIGRATION LAW

DID YOU KNOW

That many residents of the United States have been separated from their families and deprived of home life in consequence of the immigration law? When, suddenly and without warning, the so-called quota law went into effect July 1, 1924, it became impossible for resident aliens previously legally admitted to this country to bring their wives and children to join them. The plight of these men is tragic for them and bad for the community.

They came expecting to bring their families as soon as they could earn enough money to send for them, and thus to reestablish their homes here. They are acceptable to the country and expect to become citizens when they can. Some came early in 1924. Others came just before the war and had been unable to locate their families in devastated regions in time to bring them in before the quota law went into effect. Many will eventually become citizens and bring their families outside the quota, but—

MEANWHILE

Husbands and wives will be growing further apart; the children are missing the American education that would fit them for life in the country that will be theirs; money must be sent to support the families abroad that would otherwise be spent here. Is it any wonder if many become embittered and hopeless and ask whether America does not believe in homes and family life?

THERE IS A REMEDY

Senate Joint Resolution 122, introduced by Senator WALSH of Massachusetts, would—

Divide the quota for all countries into two equal parts.

Administer one-half just as the entire number is now administered.

Let the other 50 per cent be thrown into a common quota fund, from which, for a period of two years, quota numbers will be given only to families of alien residents who were in the United States before July 1, 1924, numbers to be given according to priority of application and only upon petition of relatives here.

THIS WILL NOT

Break down our restrictive policy;

Add a single individual to the present annual immigration;

Add to the class of "nonquota immigrants";

Require new administrative machinery.

IT WILL

Make it possible for all families to be reunited within two years.

STATEMENT ON RELIEF FOR SEPARATED FAMILIES

This measure would divide the quota for all countries into two equal parts.

Administer one-half just as the entire number is now administered.

Throw the other half into a common quota fund for a period of two years only.

From this half of the quota (called in the bill the quota fund) numbers will be given only to families of alien residents who were in the United States before July 1, 1924, and to unmarried children under 21 and parents of citizens. Numbers will be given according to priority of application, and only upon petition of relatives here.

This is not an amendment to the immigration law but a temporary measure designed to reunite, within a two-year period, all families separated in consequence of the immigration law of 1924, the so-called "quota law."

It will not "let down the bars" nor change the restrictive policy that is fundamental in our present law.

It will not increase the class known as "nonquota immigrants."

It will not add a single immigrant to the total number now admitted annually in the quota.

It will not require new administrative machinery.

It will allow families to enter as regular quota immigrants.

It will make it possible for all families to be reunited within the next two years.

It will enable all residents to spend their earnings in support of families in this country.

It will clear up the matter of separated families once for all.

It will reduce the number of nonquota immigrants for all future years.

AGRICULTURE AND THE MECHANIC ARTS

Mr. BAYARD submitted an amendment intended to be proposed by him to the bill (H. R. 9495) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture, which was ordered to lie on the table and to be printed.

CHANGES OF REFERENCE

On motion of Mr. NYE, the Committee on Public Lands and Surveys was discharged from the further consideration of the bill (H. R. 8487) to adjudicate the claims of homestead settlers on the drained Mud Lake bottom, in the State of Minnesota, and it was referred to the Committee on Claims.

On motion of Mr. KEYES, the Committee on Public Buildings and Grounds was discharged from the further consideration of the bill (H. R. 9363) to provide for the completion and repair of customs buildings in Porto Rico, and it was referred to the Committee on Territories and Insular Possessions.

INVESTIGATION OF PATENT OFFICE PROCEDURE

Mr. KING submitted the following resolution (S. Res. 188), which was referred to the Committee on Patents:

Whereas there are awaiting action in the United States Patent Office more than 95,000 applications for patents, many of which have been pending without action for from six to eight months; and

Whereas it usually requires from two to seven years after application for a patent to issue from the Patent Office, during which time the applicant is powerless to protect his invention against infringers, with the result that inventions which might be effective in promoting new industries often, because of the delay in the Patent Office, lose their effectiveness and value; and

Whereas the procedure of the Patent Office to determine priority of invention as between applicants claiming the same invention is unsatisfactory and expensive, and attempts to adjudicate valuable rights between parties without the procedure and facilities of equity courts of the United States, which permits such Patent Office practice to be abused by unscrupulous parties to exhaust the resources of bona fide inventors and to delay and prevent the issue of patents to applicants who are justly entitled thereto; and

Whereas the practice of the Patent Office in interference cases operates in many instances to cause forfeiture and abandonment of valid applications for patentable inventions; and

Whereas it is claimed that the present practice of the Patent Office tends to give undue advantage to unscrupulous persons who intervene dishonestly in order to prevent the issue of patents to competing inventions and who otherwise throw applications into interference in order to extort and exact money as an inducement to waive adverse claims; and

Whereas it is claimed that patents of great advantage to the industry and economy of the country have been and are being bought up by trusts and monopolies in order to prevent the use of such inventions by competitors, which practice results in the suppression of such inventions as far as service to the industries of the country is concerned; and

Whereas it is claimed that patented inventions affecting certain industries are by a system of exclusive cross-licensing made the instruments of monopolistic domination of such industries: Now, therefore, be it

Resolved, That the President of the Senate appoint a special committee to consist of five Senators, which committee is authorized to investigate and appraise the present practice and procedure of the United States Patent Office, to discover any evils which may exist in relation thereto and particularly any evils which may exist with respect to the practice and procedure in interference cases, to study ways and means for revising and improving Patent Office procedure, to investigate the extent to which suppression of the use of patents and the cross licensing of patents contribute to monopoly or to the monopolistic control of industry; and to recommend such amendatory and corrective legislation as may be found to be necessary to correct abuses and to insure the maximum of protection to inventors, to scientists, and to the industries of the country; said committee is authorized to administer oaths, to send for persons and papers, to employ necessary clerical and technical assistance, to sit during the recesses of Congress, and is instructed to report at the first session of the Seventy-first Congress.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 380. An act for the relief of Charles H. Niehaus;

S. 2537. An act to amend section 110, national defense act, so as to provide better administrative procedure in the disbursements for pay of National Guard officers and enlisted men;

S. 2827. An act granting the consent of Congress to the States of South Dakota and Nebraska to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.;

S. 2950. An act to amend the second paragraph of section 67, national defense act, as amended;

S. 3131. An act to provide additional pay for personnel of the United States Navy assigned to duty on submarines and to diving duty;

S. 3558. An act authorizing Point Pleasant & Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va.;

H. R. 4115. An act for the relief of Winfield Scott;

H. R. 4116. An act for the relief of W. Laurence Hazard;

H. R. 4117. An act for the relief of Harriet K. Carey;

H. R. 11140. An act to provide for the inspection of the battle field of Kings Mountain, S. C.; and

H. R. 12245. An act to amend the War Finance Corporation act, approved April 5, 1918, as amended.

THE COTTON-CLOTH INDUSTRY AND IMPORTS

Mr. WALSH of Massachusetts. Mr. President, I am about to request the insertion in the CONGRESSIONAL RECORD of a letter from the Tariff Commission, and I should like to preface the request by a brief statement.

Mr. President, on May 12, 1924, a resolution presented by me was adopted by the Senate, requesting a report of the United States Tariff Commission on the then extensive depreciation in and the effect of imports upon the cotton-cloth industry. On June 7, 1924, the United States Tariff Commission transmitted its report in response to my resolution, which report was printed as Senate Document 150, Sixty-eighth Congress.

Recently—namely on March 10, last—I addressed an inquiry to the United States Tariff Commission upon the suggestion of one of the cotton textile manufacturers of Massachusetts for information in regard to the extent of importations of cotton cloth in order to find out whether increased imports were in any appreciable manner responsible for the long-continued curtailment in the cotton-textile industry.

The commission in its letter states that the amount of imports of cotton cloth have not differed very much from the normal average of the last six tariff acts. The letter also confirms what was stated in the report of 1924, namely, "that the bulk of the imported cloth was sold on the American market at higher prices than those of the nearest comparable domestic cloth." In a word, the letter of the commission states that conditions have not changed for years in so far as cotton-cloth imports are affecting the domestic market.

Mr. President, I ask that a letter from the Yorke Manufacturing Co., of Boston, Mass., and the letter from the Tariff Commission, together with the table accompanying the letter, may be printed in the CONGRESSIONAL RECORD. They indicate that imports of cotton cloths are apparently not the cause of the long depression in this industry, now extending over a period of about five years.

The PRESIDING OFFICER (Mr. BRATTON in the chair). Without objection, the letters and table will be inserted in the RECORD.

The matter referred to is as follows:

YORKE MANUFACTURING CO.,
Boston, Mass., March 8, 1928.

Hon. DAVID I. WALSH,
Washington, D. C.

DEAR SENATOR:

* * * * * * *

For your own information, if you care to use it, I would like to point out to you that the imports of foreign textile products are again growing. The last report, if I am correctly informed, shows importations of over 5,000,000 yards per month. This is positively hurting New England, as we can not meet the price at which they are coming in.

Now, again, this information may be of some value to you. The present rate of tariff on such goods as made in our New England mills is based on "finished goods," and to get around this many goods are coming in in larger volume in what we class as "gray goods" (unfinished state), and being finished here. Not knowing what this loophole might be, I am simply passing it on to you, as I know you desire to be posted on matters pertaining to New England, and the above pertains especially to New Bedford and Fall River mills.

With kindest regards, I beg to remain,

Very truly yours,

FRED W. STEELE, *Treasurer.*

UNITED STATES TARIFF COMMISSION,
Washington, March 29, 1928.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: Your letter of March 10 was duly received, with inclosure of a communication from Fred W. Steele, treasurer York Manufacturing Co., Boston, Mass.

* * * * * * *

In compliance with your request for information in regard to the importation of cotton cloth, there has been compiled a table, of which a copy is inclosed, showing imports under the last six tariff acts. This table covers the period from October 6, 1890, the beginning of the tariff act of 1890, to the end of the calendar year 1927, the latest period for which data are available. During this period of 13,600 days, or 37.26 years, imports of cotton cloth averaged 68,133,679 square yards per year of 365 days.

The data in Table 7 shows that Mr. Steele is correct in his statement that imports of cotton cloth exceed 5,000,000 square yards per month. Imports were 64,317,508 square yards in 1927 and 61,005,063 square yards in 1926. These amounts, however, may be considered as normal since they do not differ very much from the annual average, above stated, for the last six tariff acts.

As shown in Table 7, cotton-cloth imports were unusually large in the 1920–1925 period. The largest importation, of 206,146,780 square yards, occurred in 1923. This appears to have been due largely to the unusually low price of Egyptian cotton, which is used in most of the imported cloths, relative to the price of American cottons, which are used in most of the domestic cloths. With the restoration, after 1924, of the normal ratio between Egyptian and American cottons, imports of cotton cloth have dropped to a normal level.

In the Tariff Commission's "Report on the Cotton-Cloth Industry" (S. Doc. 150, printed in 1924), a copy of which is inclosed herewith, it was stated that the bulk of the imported cloths were sold on the American market at prices higher than those of the nearest comparable domestic cloths. Although the commission has not undertaken any recent field investigation of this subject, such data as are available tend to show that relationship still to exist.

In regard to the point raised by Mr. Steele that a large proportion of the total cotton-cloth imports enter in the gray (unbleached) state, it may be noted that this is not a new departure, but has been the normal condition in this line for a number of years. Attention was called to this fact in the commission's report referred to above, and it was there stated (pp. 9 and 10):

"The increased proportion of goods entered in the gray has probably been due in part to the lower rates of duty in the present as in other acts applicable to unfinished goods. In larger part, however, it has been due to the improvement during the last decade in the finishing facilities in this country for such cloths. One advantage in importing in the gray is that the goods can be finished here as desired to meet the changing demands of the market. It is claimed in the trade that charges for finishing are as low in the United States as in England. This is in line with the facts found by the Tariff Commission as far back as 1911."

Very truly yours,

JOHN F. BETHUNE, *Secretary.*

TABLE 7.—*Countable cotton cloths: Imports for consumption, and revenue, 1891–1927*[1]

[Compiled according to tariff acts by U. S. Tariff Commisssion]

Fiscal year (unless otherwise stated)	Quantity	Value	Duty collected	Value per unit	Equivalent ad valorem rate	Equivalent specific rate
	Square yards				*Per cent*	*Per sq. yd.*
1891 (Oct. 6, 1890, to June 30, 1891)	27,307,568	$3,638,780	$1,686,532	$0.133	46.35	$0.062
1892	34,230,870	4,508,915	2,110,363	.132	46.80	.062
1893	45,669,241	5,705,068	2,728,851	.125	47.83	.060
1894	27,581,490	3,465,333	1,656,671	.126	47.81	.060
1895 (July 1 to Aug. 27, 1894)	3,210,962	380,875	183,372	.119	48.15	.057
Total (1,422 days, act of 1890)	138,000,131	17,698,971	8,365,789	.128	47.26	.061
Annual average (act of 1890)	35,421,975	4,542,985	2,147,337	.128	47.26	.061

[1] Countable cotton cloths such as are dutiable under pars. 903 and 906 of the tariff act of 1922. Cotton cloths containing silk or artificial silk (now dutiable under par. 908) are not includedi n this table.

TABLE 7.—*Countable cotton cloths: Imports for consumption, and revenue, 1891–1927*—Continued

Fiscal year (unless otherwise stated)	Quantity	Value	Duty collected	Value per unit	Equivalent ad valorem rate	Equivalent specific rate
	Square yards				*Per cent*	*Per sq. yd.*
1895 (Aug. 28, 1894, to June 30, 1895)	43, 511, 334	$5, 133, 812	$2, 129, 042	$0. 118	41. 47	$0. 049
1896	42, 068, 865	4, 998, 739	2, 080, 325	.119	41. 62	.049
1897	40, 178, 832	4, 846, 318	1, 980, 786	.121	40. 87	.049
1898 (July 1 to July 24, 1897)	2, 701, 536	324, 627	137, 447	.120	42. 34	.051
Total (1,062 days, act of 1894)	128, 460, 567	15, 303, 496	6, 327, 600	.119	41. 35	.049
Annual average (act of 1894)	44, 150, 760	5, 259, 676	2, 174, 740	.119	41. 35	.049
1898 (July 25, 1897, to June 30, 1898)	40, 738, 827	4, 980, 224	2, 182, 731	.122	43. 83	.054
1899	54, 294, 327	6, 911, 306	3, 047, 841	.127	44. 10	.056
1900	60, 625, 422	7, 994, 064	3, 498, 272	.132	43. 76	.058
1901	43, 615, 055	6, 422, 959	2, 636, 958	.147	41. 06	.060
1902	48, 260, 978	7, 238, 355	2, 918, 607	.150	40. 32	.060
1903	58, 621, 129	9, 146, 023	3, 528, 084	.156	38. 58	.060
1904	50, 254, 073	8, 043, 146	3, 053, 635	.160	37. 97	.061
1905	50, 339, 051	8, 217, 735	3, 167, 543	.163	38. 55	.063
1906	74, 868, 012	11, 322, 411	4, 372, 728	.151	38. 62	.058
1907	83, 640, 236	13, 059, 050	4, 984, 497	.156	38. 17	.060
1908	79, 212, 048	12, 320, 893	4, 624, 299	.156	37. 53	.058
1909	68, 914, 101	10, 499, 288	3, 928, 586	.152	37. 42	.057
1910 (July 1 to Aug. 5, 1909)	5, 973, 305	920, 632	346, 136	.154	37. 60	.058
Total (4,394 days, act of 1897)	719, 356, 564	107, 076, 086	42, 289, 917	.149	39. 50	.059
Annual average (act of 1897)	59, 755, 381	8, 894, 577	3, 512. 931	.149	39. 50	.059
1910 (Aug. 6, 1909, to June 30, 1910)	59, 377, 196	8, 761, 214	3, 731, 898	.148	42. 60	.063
1911	55, 516, 744	8, 832, 673	3, 797, 449	.159	42. 99	.068
1912	46, 041, 533	7, 638, 631	3, 265, 187	.166	42. 75	.071
1913	43, 648, 762	7, 717, 873	3, 161, 723	.177	40. 97	.072
1914 (July 1 to Oct. 3, 1913)	6, 567, 056	1, 204, 780	492, 143	.183	40. 85	.075
Total (1,520 days, act of 1909)	211, 151, 291	34, 155, 171	14, 448, 400	.162	42. 30	.068
Annual average (act of 1909)	50, 704, 093	8, 201, 735	3, 469, 517	.162	42. 30	.068
1914 (Oct. 4, 1913, to June 30, 1914)	52, 054, 440	10, 319, 049	1, 896, 118	.198	18. 37	.036
1915	45, 705, 579	7, 208, 472	1, 474, 895	.158	20. 46	.032
1916	53, 800, 547	9, 002, 572	1, 798, 181	.167	19. 97	.033
1917	73, 752, 185	15, 093, 203	2, 916, 116	.205	19. 32	.040
1918	44, 522, 663	12, 693, 999	2, 276, 919	.285	17. 94	.051
1918 (July 1 to Dec. 31, 1918)	14, 138, 149	5, 222, 078	1, 000, 722	.369	19. 16	.071
1919 (calendar year)	47, 846, 024	17, 047, 514	3, 675, 772	.356	21. 56	.077
1920 (calendar year)	124, 446, 600	44, 913, 694	9, 857, 887	.361	21. 95	.079
1921 (calendar year)	[2] 112, 340, 259	33, 723, 908	7, 974, 812	.300	23. 65	.071
1922 (Jan. 1 to Sept. 21, 1922)	[3] 118, 859, 802	33, 157, 705	7, 734, 760	.279	23. 33	.065
Total (3,275 days, act of 1913)	687, 466, 248	188, 382, 194	40, 606, 182	.274	21. 56	.059
Annual average (act of 1913)	76, 618, 376	20, 995, 267	4, 525, 574	.274	21. 56	.059
1922 (Sept. 22 to Dec. 31, 1922)	[4] 29, 483, 238	7, 705, 930	2, 203, 890	.261	28. 60	.075
1923 (calendar year)	[5] 206, 146, 780	44, 804, 119	13, 180, 591	.217	29. 42	.064
1924 (calendar year)	[6] 183, 711, 446	38, 839, 515	10, 605, 119	.211	27. 30	.058
1925 (calendar year)	[7] 109, 580, 704	26, 502, 206	7, 086, 199	.242	26. 74	.065
1926 (calendar year)	[8] 61, 005, 063	16, 266, 646	4, 796, 509	.267	29. 49	.079
1927 (calendar year)[9]	[10] 64, 317, 508	15, 788, 349		.246		

[2] Includes, under the emergency tariff act, 37,560,591 square yards (4,491,560 pounds), valued at $10,031,141, composed in chief value of cotton of 1⅜ inches or longer, paying, on the basis of 7 cents a pound in addition to the ad valorem rates, total duty of $2,855,214, equivalent to 28.46 per cent ad valorem.

[3] Includes 64,680,807 square yards (8,070,314 pounds), valued at $18,674,727, subject to emergency tariff act surtax of 7 cents a pound and paying total duty of $5,313,753, equivalent to 28.45 per cent ad valorem.

[4] Imports in this period amounted to 4,913,873 pounds. No record was kept as to square yards, but assuming an average of 6 square yards to the pound there has been obtained for comparison the figures shown. 29,483,238 square yards.

[5] Weighing 35,028,240 pounds.

[6] Weighing 35,899,993 pounds.

[7] Weighing 22,318,163 pounds.

[8] Weighing 12,484,125 pounds.

[9] Preliminary figures.

[10] Weighing 11,825,758 pounds.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. PHIPPS. Mr. President, I ask unanimous consent that the Senate resume the consideration of House bill 11133, the District of Columbia appropriation bill, for the purpose of considering the amendments which were passed over yesterday.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

Mr. FLETCHER. Mr. President, we have not had a call of the calendar for some days. I was wondering if we could not go on with the calendar for a little while.

Mr. PHIPPS. I do not believe there is going to be a great deal of discussion of the remaining items in the bill.

Mr. CURTIS. Mr. President, if we get through with the appropriation bill before 2 o'clock, I shall ask unanimous consent to proceed with the calendar, for the consideration of unobjected bills, until that hour. If we do not and the Senator from Florida will consent now to proceed with the appropriation bill, I shall be glad to ask for an adjournment this evening so that we may have a call of the calendar to-morrow morning.

Mr. FLETCHER. I do not want to stand in the way of the consideration of appropriation bills, though I am very anxious to have a call of the calendar. There is not much time before us when we can transact such business at this session.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes.

The VICE PRESIDENT. The first amendment passed over will be stated.

The CHIEF CLERK. The first amendment passed over is on page 1, where the committee proposes to strike out after the enacting clause down to and including line 10, on page 2, and to insert:

That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1929, 40 per cent of each of the following sums, except those herein directed to be paid otherwise, is appropriated out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia, and the tax rate in effect in the fiscal year 1928 on real estate and tangible personal property subject to taxation in the District of Columbia shall be continued for the fiscal year 1929, namely.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. KING. Mr. President——

Mr. PHIPPS. Mr. President, if the Senator will yield to me for a few moments, I shall be glad to make a very brief statement in regard to the amendment.

Mr. KING. I yield to the Senator for that purpose. I shall be glad to have the Senator make an explanation of the amendment.

Mr. PHIPPS. Mr. President, the bill as it comes to us from the House provides for a lump-sum contribution on the part of the Federal Government, which is not in accord with the provisions of the substantive law of 1922. Recently I made a statement on the floor of the Senate calling attention to the manner in which the progress of the District is being retarded by this departure from the law which is on the statute books. The Senate committee has given very serious consideration to this question, and has favored the amendment which is now written in the bill, which is exactly in accordance with the law as it stands on the statute books to-day. The committee added a provision that the taxation on real estate and tangible property shall be at the same rate as that being collected during the present fiscal year.

Mr. President, we feel that this is an important matter. There is no disposition on the part of the Senate committee, so far as I am aware, to attempt to reduce the rate of taxation in the city. On the other hand, the consensus of opinion is that property in the city of Washington should pay a rate of taxation equal to that exacted in any city of comparable size in the United States; but it is also the feeling that unless we go ahead on a different basis from that which we have been following under pressure for the last two or three years, the advancement, the development, and the beautification of this city are going to be seriously retarded.

If the citizens of the District of Columbia are not paying as much taxation as they should on real estate and tangible property, that fact can be ascertained through a commission to be appointed for that purpose, and the rates can be put on a fair, comparable basis. If that should result in a change in the present legal proportion of 60–40, I do not think there would be very much objection to a modification of that ratio; but at the present time we know, and I think I have conclusively shown, that the improvements and betterments which should be made in Washington at the present day are being held back by reason of a condition which has grown up here, and which the Appropriations Committee of the Senate has protested against and has never favored.

I understand the junior Senator from Utah [Mr. KING] wishes to make some remarks on this subject.

Mr. KING. Mr. President, I submit a point of order against the amendment reported by the committee which strikes out the provision of the House bill, carrying an appropriation of $9,000,000, from the Federal Treasury to meet the expenditures of the District of Columbia for the fiscal year ending June 30, 1929. The amendment offered by the Senate committee provides that 40 per cent of the appropriations carried by the bill shall be met by the Federal Government out of the Federal Treasury, the remainder of the expenses to be paid out of the combined revenues of the District. The amendment also provides that the tax rate in effect during the fiscal year 1928, on real estate and tangible property, shall be continued for the fiscal year 1929. In my opinion the amendment is subject to a point of order for the reason that it is legislation upon an appropriation bill, and for the further reason that if the law is as stated by the Senator from Colorado, the proposed amendment would change the same. That the tendered amendment is legislation upon an appropriation bill can not, I think, be denied. If there is a statute which provides a division of the expenses of the District upon the basis of 40 per cent being paid out of the Federal Treasury, and 60 per cent to be met by taxes levied upon privately owned property within the District of Columbia, then that statute also provides that the property to be taxed shall not only be real estate and tangible property but intangible property.

The reported amendment, in effect, limits the taxes to be levied and collected to real estate and tangible personal property. The present tax law provides for the collection of taxes upon intangible property, and the amendment relieves intangible property from the burden of taxation. Conceding that to be true, waiving the question of the amendment constituting general legislation upon an appropriation bill, then the point of order should lie, because the existing revenue law applicable to the District is sought to be amended, and one source from which revenue is now derived by the District is absolutely destroyed.

The Presiding Officer is aware of the fact that in many jurisdictions a considerable portion of the revenue is derived from a tax upon intangible property. I am advised that intangible property taxed in the District of Columbia yields no inconsiderable sum. The word "intangible" as it is found in revenue laws has a well-understood meaning. It has been construed by many courts, and the validity of statutes levying taxes upon intangible property has been upheld. To strike down one of the pillars of the revenue system of the District, as this amendment seeks to do, is legislation. It is general legislation so far as appropriation bills are concerned. This amendment therefore seeks to graft upon an appropriation bill legislation of a general character and, as stated, to change the revenue laws of the District of Columbia.

I must respectfully insist therefore, Mr. President, that the point of order should be sustained. Before the Chair rules upon the point of order I desire to submit a few remarks with reference to the amendment. I regret having to differ from the Senator from Colorado [Mr. PHIPPS] in regard to the proposition under discussion, because I know that he has sincerely and earnestly addressed himself to the interests of the District and to its legislative and administrative affairs. I do not now remember any Senator since I have been in this body who has been more interested in the welfare of the District than the Senator from Colorado.

Mr. PHIPPS. I thank the Senator.

Mr. KING. He has, with ability and impartiality, dealt with the problems incident to the government of the District as they have been brought to the attention of Congress, and I pay tribute to his fine ability and his distinguished service. However, I can not bring myself to accept his view upon the question involved in the amendment. In my opinion, the proposition that the Federal Government shall pay 40 per cent of all amounts expended for the benefit of the District of Columbia, in defraying its annual operating expenses, is not reasonable or founded upon just and rational grounds.

It is an arbitrary distribution of the burdens of the District and, so far as I have been able to discover, this division has not and can not be justified upon the theory of benefits derived or to be derived by the Federal Government and by the residents of the District of Columbia. I am not contending that a lump-sum appropriation of five millions or nine millions or fifteen millions or any other sum to be taken from the Treasury of the United States for the District purposes, is entirely rational or a permanent system which should govern the fiscal relations between the United States and the District of Columbia. But a lump-sum appropriation is certainly as fair and as reasonable as a fractional division of the amount annually appropriated to defray the expenses of the District. Neither am I contending that the United States should not meet a portion of the expenses incurred by the District of Columbia.

Mr. President, the question is not a new one. It has been before many Congresses and, in my opinion, so far as I understand the facts, no formula has been adopted which fairly and justly meets the situation. There is much rhapsodical talk about this being the capital of the greatest nation of the world, and that as such should be the most wonderful and beautiful city in all the world. Of course, all true Americans have a deep interest in their country. They are proud of its achievements and desire that its prestige, morally and spiritually, shall not only not be diminished but shall be augmented as the years go by. I might say, however, in passing, that mighty cities and powerful states and material wealth do not mean the stability and permanence of nations. There are other forces and influences in the world, more permanent and enduring, and which must be transmuted into the life and spirit of the peoples of nations if the latter are to endure.

The Senator from Colorado [Mr. PHIPPS] has just stated that there is no disposition upon the part of the committee to relieve the people of the District of Columbia from the payment of a just and fair tax. I hope that view is shared by all people of the District. I confess, however, that I have encountered many persons who entertain the view that the Government of the United States, because of its holdings and because this is the Capital of the Republic, should meet a much larger share of the expenses of the District than it heretofore has paid. Upon the other hand, I have no doubt that a large majority of the inhabitants of the District are willing to pay what they conceive to be a fair tax to defray the expenses of the District government. The difficulty, however, is to determine what is a fair and just tax.

For many years the Federal Government contributed to the District treasury 50 per cent of the costs of operating the District government. Doubtless many persons believed that the tax levied upon their property to raise the 50 per cent was a fair and just tax. Later when a readjustment took place and the Government paid 40 per cent of the expenses of the District government, it was doubtless believed by many residents of the District that the tax imposed upon their property in order to yield the 60 per cent of the expenses of the District constituted an equitable and fair tax.

From representations made to me by estimable people who have their homes in the District and who have property herein, I am led to believe that many of the inhabitants of Washington believe that the District should pay no more than 60 per cent of the costs of the District. To exact of them a larger per cent would be regarded by those of whom I speak as unfair.

An analysis of the reasons offered in support of the proposition that the privately owned property in the District should contribute but 60 per cent of the costs of the District government, will, in my opinion, convince impartial investigators of the facts that the adoption of the 60-40 rule is not fair to the Federal Government and is unfair to the taxpayers of the United States living outside of the District of Columbia. There are many advantages enjoyed by residents of Washington denied to those residing in other parts of the Union. This is the Capital of the United States, and there come to it annually hundreds of thousands of persons from all parts of the United States and large numbers from other countries. The financial benefits accruing to the inhabitants of the District from this stream of tourists and visitors can scarcely be computed. There are tens of thousands of Government officials and Federal employees who make their homes within the District, and they expend hundreds of millions of dollars annually, substantially all of which inure directly to the financial and material advantage of the District and enhance the value of privately owned property. Moreover, the Federal Government expends enormous sums for Federal buildings.

These activities furnished employment to thousands and markets for commodities and products of the value of tens of millions of dollars. The large expenditures made by the Federal Government give added value to privately owned property. Every dollar expended by the Government for improvements and public buildings and in the execution of its duties increases the wealth of the people of Washington. An examination of the assessment rolls of the District extending over a period of 30 or 40 years emphasizes the truth of the statement just made. The assessed value of the property of the District for the year 1927 is considerably more than $1,000,000,000. Only a few decades ago the assessed value was less than $200,000,000. The expenditures of the Federal Government added to the population of the District. There are now more than 500,000 persons residing within the limits of the District of Columbia. This great increase in the population has contributed largely to the value of privately owned property within the District.

The activities of the Federal Government are constantly increasing. They will continue to increase as the years go by. The Federal Government is reaching out into new fields of endeavor. It is taking over responsibilities and duties belonging to the States, and its assumption of power and authority magnify its position, increase its machinery, and multiply the number of its officials and employees.

Its supervision and control of many business activities, its entrance into fields of endeavor heretofore regarded as exclusively within the domain of private enterprise, have resulted in bringing to Washington representatives of diversified industries from all parts of the United States, thus adding to the population and the wealth of the District. More and more people of wealth and leisure are establishing their homes in Washington. They make investments here, and the capital which they bring adds to the wealth of Washington. These accretions to the population are due to this being the Capital of the Republic and to the stupendous expenditures made by the Federal Government in the District of Columbia. Why should the General Government be penalized because it has done so much for the District and has contributed so materially to increasing the population and augmenting the wealth of those residing therein? And yet the argument is made that because the Government is doing so much for the welfare of the Capital, is constructing magnificent buildings, furnishing work to tens of thousands of people, that it should, in addition to maintaining its own property and keeping the same in repair, pay a very large proportion of the expenses incident to the execution of the functions of the municipality.

When the Federal Government erects post offices in the various cities of the United States, as well as other public buildings, and makes improvements, material benefits are derived therefrom by the residents of such cities. The people are anxious for Federal expenditures, because of the benefits locally derived therefrom. The Government constructs highways, acquires national parks and builds roads and makes improvements therein, constructs and operates navy yards and munitions plants. It builds and operates a merchant marine, maintains harbors, expends hundreds of millions of dollars for the improvement of waterways. These and many other things engage the attention of the Federal Government and result in the expending of hundreds of millions of dollars taken from the people by taxation. These expenditures and improvements and operations add to the wealth of cities and States. The people throughout the country are glad to have these improvements made, recognizing the material and financial benefits resulting therefrom. There is no thought of taxing the Government because of its activities and the property which it acquires in the execution of its duties. And yet, as I have indicated, the argument is made by some that the more the Government expends in Washington for the development of the Capital, and the more it increases the population and adds to the wealth of individuals, the less taxes they should pay and the greater the contributions to be exacted of the Federal Government to defray the expenses of the municipal government within the District. To me the argument is fallacious and utterly untenable.

I return to the question as to what is a fair tax. Resort may be had to the cities and States of our country to determine what is a fair tax. Certainly the residents of Washington should not claim advantages over other parts of the United States in the matter of taxation. I have adverted to the fact that they derive advantages not enjoyed by the inhabitants of any other city or State. Washington is one of the best governed cities in our country. The large expenditures by the General Government have added to its beauty and brought to it prestige, and I was about to say glory, not enjoyed by any other city of our country. The millions spent for magnificent buildings for the Nation add to the material as well as the moral wealth of the District.

In determining what is a fair tax, the question as to the form of the government of the District is not of controlling importance. The present governmental structure of the District is a distinct material advantage to property owners. Hundreds of residents of Washington have told me that they believe that their property was more valuable with Congress controlling the District directly and through the District Commissioners and other agencies set up than if the District were a municipality governed as other municipalities are governed throughout the Union.

The values of property within the District are regarded as protected, investments are regarded as safe and secure, there is no bonded indebtedness resting upon the District, and speaking generally the public funds raised by taxation and contributed by the Federal Government are wisely expended. Of course, it can not be said that the District Government is 100 per cent perfect. It has defects, as all human institutions have defects. There is and always will be some waste, some extravagance, some inefficiency. There are and always will be officials and employees who are incompetent and negligent in the discharge of their duties. But speaking in broad terms, I think it can be truthfully said that Washington is one of the best governed cities in all the world. These things are to be taken into account when the question of taxation is under consideration. If the people enjoy good government, if their investments are secure, if wise laws are enacted and are justly enforced, the people can afford to make liberal contributions for the maintenance of the Government that brings them such rich and inestimable fruits.

In determining whether the people of Washington are justly taxed it is quite proper to refer to the burdens of taxation resting upon the people throughout the United States. In many of the States the people, in addition to heavy property taxes, are compelled to pay taxes upon their incomes and estate and inheritance taxes. In some States there are corporation taxes which are very heavy, and in some of the mining States there is a heavy tax upon the output of the mines. In the District of Columbia there are no income taxes imposed nor inheritance or estate taxes.

Mr. SACKETT. The estate tax is fixed by Federal law. If an estate tax is not provided by the State law then the Federal law takes the whole 20 per cent.

Mr. KING. I am speaking of the District of Columbia. There is no estate or inheritance tax imposed upon the inhabitants of the District for purely District purposes. The Federal statute to which the Senator refers relates to the entire country and is imposed for the benefit of the General Government.

Mr. SACKETT. But estates in the District of Columbia have to pay the estate tax.

Mr. KING. Certainly. But the inhabitants of all States are required to pay a Federal estate tax which goes into the Federal Treasury, but in many of the States the people are required to pay not alone the Federal estate tax but local or State inheritance or estate taxes. Florida and a few other

States and the District of Columbia impose no estate or inheritance taxes. As I have stated, some of the States collect income taxes and in my opinion with the growing expenses of States, counties, and municipalities, resort will be had to income and estate and inheritance taxes. The burden of taxation in the States has become oppressive. For many years substantially all of the revenue of the States and their political subdivisions was derived from property taxes. Real estate and personal property were easily found, and it was less difficult to collect taxes upon property which was visible than it was upon unseen and sometimes hidden sources of wealth, but the home owner and the man of limited means whose property was visible was always taxed, began to feel the heavy yoke of taxation, and so demands were made that the base of taxation should be broadened. Accordingly, as I have stated, other sources of revenue were sought, and now many of the States are obtaining a considerable part of their revenue from income taxes, corporation taxes, estate and inheritance taxes, and from what has been called intangible property taxes.

As stated, income taxes and estate and inheritance taxes are not imposed in the District of Columbia. I am told that many individuals have established residence in Washington who have large financial interests in other States; that the reason for having their residence in Washington is to avoid income and estate taxes which are laid in States in which they formerly lived and in which they have considerable financial interests. I do not mention this by way of complaint, but merely for the purpose of indicating that the people of the District of Columbia are not burdened by various forms of taxation laid upon the people of most of the States of the Union. An examination of the taxes paid in cities comparable with Washington in population and wealth will reveal that the inhabitants of those cities pay heavier taxes than are paid by those residing in the District of Columbia. In addition to the municipal taxes paid in the cities of the United States, most of them are required to pay county taxes and all of them State taxes, and, of course, the Federal taxes have to be met. It is not infrequent for persons to speak of the taxes of a city like Detroit or Denver or Cleveland as if the municipal taxes were the only burdens imposed upon the residents of such cities. But the fact is that in many cities the taxes for public schools are collected, not by the cities, but by school districts or by counties or by officials of the States. The municipal taxes constitute, as stated, but a fraction of the total taxes imposed upon the residents of the various cities throughout the country. In many cities the municipal taxes are 2 per cent or more and the county, State, and school taxes are as much or more. In some parts of the United States the taxes imposed amount to between 3 and 4 or 5 per cent upon a fair cash valuation of the property assessed.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. KING. I am glad to yield.

Mr. CARAWAY. Why should not, however, the people of the District of Columbia pay as fair a tax as the people in the cities in the States? They get as much and more. They get their parks, their museums, their libraries, and their art galleries, and all those things that make life enjoyable, and yet pay less than the people of any other city in the Union.

Mr. KING. I agree with the Senator.

Mr. CARAWAY. I own property in the District of Columbia and I own property in two other jurisdictions, and I pay from three to four times as much outside of the District as I pay here. It is an outrage that people who have large investments in the District of Columbia insist that the people back in their States shall pay their taxes here. That is all it is. That is what is back of it all.

Mr. KING. I agree with the Senator that the residents of the District of Columbia should pay a fair tax upon their property for the support of the Government of the District, and in my opinion in determining what is a fair tax resort may be had to the taxes which are imposed upon the people within various cities of the United States. There is no reason why the people of the District of Columbia should not be taxed upon substantially the same basis as the residents of Detroit, Cleveland, Louisville, or other progressive cities of the United States. And when I say "taxes" upon the properties within the cities I mean, of course, all taxes, municipal, school, county, and State.

It has been my position ever since I have been in the Senate that a plan should be adopted by which a fair and just system of taxation should be put into effect in the District of Columbia. That the revenue derived from the application of that system should be devoted to defraying the expenses of the District government, and that any deficit resulting should be met by appropriations from the Federal Treasury. To illustrate. If up-to-date and progressive cities of the United States pay 4 per cent or 3 per cent upon their taxable property for city, county, school, and State purposes, then the privately owned property within the District should bear substantially the same rate of taxation, and if after collecting upon that basis from the people sufficient revenue is not obtained to meet the legitimate needs of the District then the Federal Government should appropriate whatever residue is required.

I am not in favor of naming the per cent of appropriations to be paid by the Federal Government or by the District. Nor am I in favor of fixing definitely the levy to be imposed upon the property for revenue purposes for an indefinite period. In the cities, counties, and States the rate of taxation is fixed annually or biennially. The needs of cities and States vary each year. Often the rate of taxation is diminished, measured by the preceding years' rate. The needs of Washington vary. If the needs were stationary and the value of property increased, a fixed annual rate of taxation would be improper. Manifestly the rate must change as the needs of the District change and as the value of the property within the District changes. Moreover, if an inheritance tax was levied or income taxes were resorted to for revenue purposes, the rate of taxation upon property would decrease. It is not wise or proper to have a fixed rate of taxation as so many have urged.

In my opinion, after it is determined what the needs of the District are for a given year, the commissioners, with the approval of Congress, should then fix the rate of taxation for the current year. I repeat, when I say, if after levying a fair and just tax upon the property of the District and a sufficient sum is not obtained to meet the needs of the District, then Congress should make the necessary appropriation to cover the difference. If the needs of the District should be fifty millions of dollars and the tax paid by the people under a fair system of taxation amounted to but twenty or twenty-five millions of dollars, I should vote for an appropriation from the Federal Treasury to meet the difference.

Mr. President, as I indicated earlier in my remarks, a lump-sum appropriation of five million or nine million or fifteen million dollars to be paid out of the Federal Treasury is arbitrary. It is an arrangement that is not entirely sound or logical. As I have stated, the just and rational manner of dealing with the problem is to impose a just and fair tax upon the property within the district, and then have the Federal Government pay the balance required by the District.

But I shall support the position of the House because it is fairer than the 60-40 proposition, and is no more illogical than the latter plan. A 60-40 division is wholly unsound and can not be justified in my opinion upon any logical or rational basis. An analysis of the taxes paid by the people of the United States outside of the District with those paid within the District, furnishes conclusive evidence that those within the District have less tax burdens than other citizens of the United States. A tax of $1.70 on the hundred dollars which is levied in the District is far less than that levied upon the property of the people elsewhere throughout the country. And a lump-sum appropriation of $9,000,000 is a larger contribution than the Federal Government would be required to pay if the property which it owns and uses were taxed as other property within the District is taxed. But as I have stated, the property owned by the States and municipalities is not taxed anywhere.

I invite the attention of the Senate to the excellent and able address of Mr. SIMMONS, Congressman from Nebraska, when the District appropriation bill was under consideration in the House. His address will be found in the CONGRESSIONAL RECORD of February 21, 1928. He deals with this question in a comprehensive manner, and, in my opinion, presents a case against the 60–40 plan which can not be refuted. I ask the attention of the Senate to some of the statements made by him in his address. He refers to the $9,000,000 lump sum carried in the House bill and then states that in addition the Federal Government is contributing an additional amount for the purpose of defraying the expenses of the District. He states that the Government, in addition to the $9,000,000, contributes approximately $850,000 annually, which it would have received under the 60–40 plan; that the Government also furnishes the services of a number of officials who are employed in District activities. Mr. SIMMONS figures that the Federal Government contributes more than a million dollars to the expenses of the District over and above the million dollars provided in the lump-sum appropriation. He deals with the oft-repeated claim that the Government's holdings in the District are very large, and therefore it should pay a considerable portion of the District government's expenses. A report made by the District assessor places the value of the Government's holding at $470,000,000 and

the assessed value of private property at $1,150,000,000. The value of churches and other tax-free property was placed by the assessor at $75,000,000.

But Mr. SIMMONS explains that property of the value of $157,670,000 is to be deducted from the $470,000,000 alleged to be the value of the Government property for the reason that it is used for municipal purposes. To all intents and purposes it is property belonging to the District, though the legal title is in the United States. The assesor in figuring the value of the Government property at $470,000,000, included in addition to the property estimated to be $157,670,000, used exclusively by the District, all of the squares, circles, parks, including Rock Creek and Anacostia, the Zoo and jail, and city hospital, the Red Cross and Pan American Building, the city post office, the water front, the city reservoir, the filtration plant, the city stables, the Center Market, the Industrial School for Colored Children, the police stations, the schoolhouses, the Highway Bridge, Judiciary Square, the courthouse, and other properties.

It is absurd to treat these properties as Federal property, even in the desperate attempts to find some excuse for supporting the 60–40 proposition.

Mr. SIMMONS further states that the District collects rent from the Center Market. Deducting $157,670,000, the value of the property as given by the assessor and used for municipal purposes, from the total of $470,000,000, there would remain a total value of $312,330,000 for property used largely by the Government.

This represents 18 per cent of the total District values. But if the 60–40 plan prevails, the Government would in effect be paying taxes on the entire 18 per cent of the property, though a portion of the same is used by the District and its inhabitants. If the Government should pay taxes based on $1.70 per $100 and upon the values above referred to furnished by the assessor, its tax upon the property valued at $312,330,000 would be $5,309,610.

In contributing from the Federal Treasury $9,000,000 to defray the Federal expenses of the District, it would pay substantially $4,000,000 above any tax levied upon the property so valued. Representative SIMMONS contends that if the 60–40 plan should be adopted for the next fiscal year, the United States would be required to pay $13,466,734, while the District would pay but $20,965,102 from general taxes. Of course, these figures are based upon the bill as reported by the House and upon the assumption that no more would be collected than called for by the appropriation bill, amounting to $37,059,035, as it passed the House.

I quote from the speech of Mr. SIMMONS the following paragraphs. They are exceedingly interesting and I commend them to the attention of the Senate:

> Figuring the Government values at $341,130,000, by the Federal payment carried in this bill we are charging the United States at a tax rate of $2.70, while the private holder pays a $1.70 rate. If the 60–40 plan were returned to, the private rate would be $1.20 and the United States rate would be $3.90 a hundred. What more need be said?
>
> Bear in mind always in this discussion that the District tax rate includes all taxes on real and tangible personal property. Or stated another way, it includes all items generally known as school district, sanitary district, city, county, and State items.
>
> In these calculations I have not included revenues from and expenses of the water department. It is a self-supporting activity. The board of trade in its statement has charged many things against the Federal Government. One that the city is "giving free water service" to the United States. What are the facts? I have pointed out that in fixing the value of United States property in the District there was included $19,622,441 for water reservoirs, etc., in the city system. Later on they claim to own the system and want us to pay both taxes on our system and water charges on their system. The present water system was started in 1853 and paid for and maintained entirely by the United States down to 1882. The people of Georgetown and Washington paid nothing for water save the expense of tapping the mains. Beginning in 1882 the water system was maintained out of District revenues, to which the United States contributed one-half, and the revenues of the system went into the general fund of the District. From 1917 to date the water system has been maintained out of its own revenues. The water rates are like Washington taxes—low—due to the fact that the United States bought and paid for the system, maintained it for years, and in effect gave it to the District. Other cities have paid for their own water systems. At the present time the total United States investment in the system is $11,953,700. The total District investment is $11,266,213. In other words, the water sysem is owned jointly by the United States and the District of Columbia, the Federal Government owning slightly more than one-half. In addition to that $24,753,863 from earnings have been invested in the system.
>
> The United States receives from the water system, of which it is half owner, 3,311,481 m. g. of water, or a return of 2.21 per cent on the investment that it has made in the plant. The District of Columbia receives 8,103,525 m. g., which makes a return of 5.75 per cent on its investment. In addition the District's return in extensions to the property brings the gross return to the District up to 7.13 per cent. Contrast the Federal return of 2.21 per cent with the District's return of 7.13 per cent, and the conclusion is reached that if anyone is receiving free water it is the District and not the United States. (See table, p. 945 of the hearings.)
>
> What is Washington's comparative tax rate with other cities? You will find in the hearings a table taken from the Bureau of the Census publication Financial Statistics of Cities, 1925, Washington is in the class of 500,000 or more population. That table shows the per capita levy in Washington for all purposes at $30.31, the lowest of the group. St. Louis is next, with $34.28; Baltimore, $37.58; San Francisco, for city purposes only, $42.94; Milwaukee, for city purposes only, $47.69; Philadelphia, for city purposes only, $42.81; Cleveland, $54.08; Buffalo, $55.15; New York, $55.80; Chicago, $56.08; Pittsburgh, for city purposes only, $58.15; Detroit, $57.34; Boston, $63.63. So those who want an increased Federal contribution find no aid in that table. Then, in the hearings are tables from financial statistics of cities for 1926, prepared by the Bureau of the Census.
>
> Those tables show that Washington is third lowest in the payment of general property taxes in cities of its population group, Washington having a per capita levy of $36.87, while Boston goes to $72.78.
>
> Baltimore and St. Louis have a smaller per capita levy, $34.15 and $35.05. But it must be noted that this table includes the levy for city purposes only, whereas the other cities in the group must have in addition their State and other taxes, amounting in 1925 to $4.12 for Baltimore and $1.47 for St. Louis. So that with those figures included Washington will have the lowest per capita levy in 1926 of any city in its size group save St. Louis. Likewise the general property revenues for 1926 are the lowest in Washington of any city in its class, lowest in earnings of public service enterprise and lowest in all other revenues. Likewise there are but three cities showing a lower per capita operation and maintenance cost. The committee has before it the comparative tax rates for cities for 1927, issued by the Detroit Bureau of Governmental Research. After adjusting the tax rate to a uniform 100 per cent basis of assessment and adjusting values, the final adjusted tax rate for Washington is given at $15.30 (the District assessor says it should be $16.20) per $1,000, actual value. Taking either of the two rates Washington is shown to have the lowest tax rate per actual value of property in any of the first 34 cities of the United States.

Mr. President, the fact has been stressed by some persons that the Government owns the title to the parks and to some of the public grounds surrounding the Federal buildings, and that the care of these parks and grounds is a charge upon the District. The fact is that between two and three millions of dollars are carried in other appropriation bills to care for and maintain the Federal buildings and grounds surrounding the same. And some of the parks within the District are likewise cared for by appropriations in other measures. The Federal Government contributes several millions of dollars above the appropriations carried in the District bill for the maintenance of public grounds and buildings and parks within the District of Columbia. It is not inappropriate to call attention to the fact that the parks, large and small, add to the value of the property within the District, and, of course, are an added attraction to the beauty of Washington. If there were no parks and no public grounds surrounding the Federal buildings, the value of the real estate within the District would not be as great as it now is. Central Park in New York City is exceedingly valuable. It is said that if sold for commercial purposes, it would pay the bonded indebtedness of the city of New York. No one thinks of taxing the park for municipal or State purposes. The parks within the District contribute to the happiness, health, and welfare of the people therein. They bring tourists and visitors to the city; they add to the value of privately owned property of the District.

Mr. CARAWAY. Mr. President, while the Senator is talking about that, may I show him how differently that has been decided? A jury in the District of Columbia found that the establishment of Rock Creek Park did not enhance the value of the property adjoining it one cent. That makes the Senator and me smile.

Mr. KING. Mr. President, if a person tried to buy a piece of property abutting upon the park or adjoining it, he would soon discover that the park has added to the value of the property in the market.

Mr. CARAWAY. It makes a difference of about from $10 to $1,000 an acre.

Mr. KING. I regret to learn that a jury in the District of Columbia should have so far forgotten its duty as to have rendered the verdict indicated by the Senator from Arkansas.

Mr. President, I submit the point of order, believing that it should be sustained.

Mr. CARAWAY. Mr. President, at one time I was on the District of Columbia Committee and was familiar with its business as then transacted. I am conscious that if you want to be a "statesman"—and that moves some Senators—and get your picture in the local paper, you should say that the people back home shall pay all the taxes of the District of Columbia.

How Senators living here, with large property interests, can sit in the Senate and vote to make the people in their home States pay their taxes is something that I can not understand; and yet they do it. Senators advocating this amendment have very large interests here, and ask their people back home to pay their taxes for them. None of them would go back home and tell the people, "You are taxed four times as high as the people of the District of Columbia are taxed, and I have property in the District of Columbia, and I will vote to make you pay my taxes there in addition to paying your own back here"; and yet that is what they are doing. It is outrageous to do it, and yet they do it.

There is not a Member of the Senate who knows anything about the rate of taxation in the District of Columbia by actually owning property here and owning property in any State of this Union who does not know that he is requiring the people in the States to pay his taxes. I have property here, and I know that the rate of taxes on it is not over one-fourth the rate of taxes I am paying on property in my home town; and I think my home people are as good as the people here. I should be ashamed to want to load an additional part of the tax I pay here on them, and yet that is what this amendment seeks to do.

In addition to having the lowest tax rate, the people here have the greatest advantages. They have the parks; they have the museums; they have the art gallery; and they make the people back home buy the schoolbooks for the children in the schools here.

The people coming from States where there are public lands contend the Government ought to pay because it has certain interests here. Proportionately the Government has not one-tenth the interest here that it has in the State of Arizona, and yet there is not one of these Senators who will vote to have the Government pay 40 per cent of the taxes in the State of Arizona. They have not as much property proportionately here as they have in the State of Arkansas, and yet no Senator asked the Federal Government to pay our taxes.

In my home town one of the best blocks of land belongs to the Government, and there is on it the Government post office. We paved our streets by assessing the cost upon the adjoining owners, and we paid for paving the street in front of the Government property without cost to the Government, and put the burden upon the property owners of the State.

At one time I, together with the Senator from Washington [Mr. JONES], had passed through the Senate an amendment to a tax bill that ought to have become law. It was killed in the House. It provided that the people of the District of Columbia should pay for what they get—a fair tax proportionately to what people pay elsewhere—and then that if there was a deficit, the Federal Government should pay that. Of course, it met with no favor on the part of the people who have been advocating the Government paying all the taxes.

I do not want to criticize the District government, because we created it; but certainly it needs reform. There is a bill pending before the Committee on the District of Columbia to give this community a city manager instead of three commissioners. Everybody knows that the three commissioners have been a failure as a governmental agency. I do not say that the gentlemen themselves are not entirely worthy men, but the form of the government has been a failure. It is the most extravagant government. I live on a street which used to be resurfaced and dug up about every other week. The other day I saw seven men doing a repair job—one man at work and six looking on.

The form of government lends itself to extravagance and inefficiency. I had hoped it would be changed, but I could not get consideration for it.

I would like to see the District get an efficient administration. I would like to see it able to try a policeman without having a riot such as is going on down here now. There ought to be some reform of the judiciary. If such a thing is possible, if the people who are holding the trial have no power to control it, the District Committee could do very much more good for the District of Columbia by reporting out some measure to give them an efficient way of trying a policeman, instead of making it a regular mob, and appealing to the crowd to overrule the court, and threatening the court.

I want the people of the District of Columbia to have a good government. I am not going to concede, as my friend over on the other side concedes, that they are entitled to any more than the people who live in the town of the Senator from Texas [Mr. MAYFIELD] are entitled. They are no better.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. MAYFIELD. If I understand this proposition, it merely means an additional tax upon the people in the various States of the country.

Mr. CARAWAY. Absolutely; to relieve the people here from paying taxes.

Mr. MAYFIELD. Then, when we vote for this proposition, we simply vote to tax our people back home?

Mr. CARAWAY. Absolutely; and many of them own very large interests here, and they vote to take the tax off their own property and put it on the people in their own States. There is no use beating about the bush. That is the intention of it. It is absolutely unfair, to use the most moderate language that I know of to characterize it.

I am perfectly willing, as I said, that the District of Columbia should be treated fairly, but I have never yet been able to grow so enthusiastic over the city of Washington as to say it ought to have everything, though you strip to the bone the people in the States. The people here are no better than those in any other community. There is nothing about them that entitles them to any more than the people in any other community are entitled to receive. It is absurd to say that because they live in the District of Columbia they honor the Government by so doing, and that the Government ought to pay them to live here. That is all the amendment means.

Mr. PHIPPS. Mr. President——

The VICE PRESIDENT. The Chair is ready to rule on the point of order.

Mr. PHIPPS. Does the Chair have in mind a former ruling on a similar question, made by Vice President Marshall, that when the House had written into a bill a new provision it opened the door, and made it subject to any amendment which the Senate might choose to write in?

The VICE PRESIDENT. The Chair, upon investigation, finds that in the District of Columbia appropriation act approved June 29, 1922, a provision was incorporated fixing a 60–40 basis of expenditures annually for the District and Federal Governments, respectively, from and after July 1, 1922, with certain exceptions, and further authorizing a tax rate on tangible and intangible property necessary to bring the amount to be paid by the District of Columbia government up to the 60 per cent prescribed in the law.

The Chair, therefore, is of the opinion that the amendment is in line with the present law, and overrules the point of order.

Mr. PHIPPS. Mr. President, on the matter of the intangible tax, the minimum rate is fixed in the substantive law of March, 1922. It is optional with the commissioners, and they have the power to increase that rate, providing they do not at any time exceed the rate fixed on real estate or tangible property. Therefore it is unnecessary to write restrictions in the amendment proposed by the Senate committee, because it is not intended to change the law. The minimum must be assessed on intangible property by the commissioners until the law is changed.

The situation with reference to real estate and tangible property is different, in that the commissioners are authorized to adopt any rate which, in their judgment, is sufficient to yield the amount of revenue necessary to provide for the conduct of affairs in the District of Columbia, taking into consideration the contribution on the part of the Federal Government.

Mr. President, reference has been made to comparisons between the rate of taxation or the taxes actually paid by residents of the District on property and on intangibles and the amounts paid in other cities of comparable size. The attitude of the Senate Committee on Appropriations ever since 1922 has been that the properties in the District of Columbia should be assessed practically on the same basis as are the properties in similar cities. Endeavors have been made to have those comparisons properly laid before the Congress by a commission to be appointed for that purpose. The proponents of the lump-sum proposition have resisted all legislation tending to that end.

The attitude of the Senate Committee on Appropriations is that the present rate of tax should not be lowered. I think I am justified in saying it is the feeling of the committee that a commission should be appointed to determine just what would be the proper rates of taxation that would impose upon the citizens, the property owners of the District of Columbia, amounts of annual taxes equal to those paid by residents and

property owners in cities similarly situated and having the same advantages.

The main objections to a lump-sum appropriation I endeavored to set forth in my remarks on the floor of the Senate last week. I do not desire to go into a lengthy discussion this morning of all the various elements entering into this question.

I do feel that the progress of the city is being retarded, and has been kept back, by the lump-sum provision, and it is well known that that was imposed against the wishes and against the protest of the Senate Committee on Appropriations.

Mr. GLASS. Mr. President, this is not a new question, by any means. It has been a controverted problem nearly ever since I have been a member of the subcommittee of the Committee on Appropriations having in charge the District of Columbia appropriation bill. It has been searchingly reviewed at every session of Congress. For some years we adopted the policy of a percentage appropriation. For the last three years, I believe, we have had a lump-sum appropriation.

I have been unable to determine how anyone can defend the lump-sum appropriation for the District of Columbia. I do not know to whom the reference is made as to selfish interests in these matters. I myself do not own and never have owned a dollar's worth of property in the District of Columbia. I come from a State that pays into the Federal Treasury, in the aggregate, in direct taxes, fifteen times what is paid by the States of some gentlemen who advocate the lump-sum proposition, and the per capita taxes paid by the people of my State are in some instances five times as great as the per capita taxes paid into the Federal Treasury by some of the proponents of the lump-sum proposition.

Mr. CARAWAY. To what State does the Senator refer?

Mr. GLASS. I am referring to several States, of those who are the proponents of the lump-sum proposition. Take the State of Nebraska, for instance. The chief proponent of the lump-sum proposition in another branch of Congress comes from the State of Nebraska. It paid into the Federal Treasury $6,000,000 last year, and drew out $3,038,000 for Federal aid to its institutions. It drew out 50 per cent of the direct taxes that it paid into the Federal Treasury.

The State of Virginia paid into the Federal Treasury last year $79,000,000, and drew out an inappreciable percentage of that amount.

Mr. CARAWAY. Is it the Senator's contention that the State of Virginia was not treated fairly?

Mr. GLASS. It certainly is not treated fairly when it comes to the question of proportionate burden.

Mr. CARAWAY. Is it not a principle that the individual ought to pay according to his wealth? Do the citizens of Nebraska pay less, according to their wealth, than the citizens of Virginia?

Mr. GLASS. Oh, yes; the products of Nebraska escape taxation, whereas the farm products of Virginia, notably tobacco, are taxed in a most burdensome degree as commodities, not upon income.

What I am trying to indicate is that I would be the last person in the Senate who would have any disposition in the world to increase the burden of taxes back home. I do not want the people of my State to pay any more Federal taxes than they are obliged to pay. But my contention is that the lump-sum proposition is indefensible in any event.

I do not say that 60–40 is necessarily a fair proportion of the taxes respectively to be paid by the Federal Government and by the District government. The just proportion might be arrived at if in conference we might consider all of the factors entering into the proposition; but hitherto, as is a notorious fact, we have never been permitted to consider anything. The conferees on the part of the other House have always taken their stand and have been most arbitrary in the maintenance of it, without consideration of the factors which enter into the proposition. In any event, whatever may be done, the division ought to be a percentage division. Whether it be 60–40 or 70–30 or otherwise, it ought to be a percentage division.

Now, as to the question of taxation——

Mr. KING. Mr. President, will the Senator yield?

Mr. GLASS. Certainly.

Mr. KING. I am interested in the statement of the Senator that it ought to be a percentage basis. I confess I can not comprehend upon what standard one would base the taxes of the District upon that theory.

Mr. GLASS. Will the Senator please tell the Senate upon what logical basis he bases a lump-sum proposition of $9,000,000 when the total appropriation is $30,000,000, and $9,000,000 when the total appropriation is $42,000,000?

Mr. KING. I am not justifying $9,000,000, but $9,000,000 is fairer to the people of the United States than 40 per cent.

Mr. GLASS. That is the conclusion of the Senator from Utah, whereas the conclusion of other Senators who have given the matter very careful study—perhaps not so intelligent a study as the Senator from Utah has, but certainly very painstaking study—is different.

Mr. KING. Mr. President, will the Senator submit to a further interruption?

Mr. GLASS. Certainly.

Mr. KING. Of course, I appreciate the thrust which the Senator makes.

Mr. GLASS. No; I am not making any thrust whatsoever.

Mr. KING. But waiving that aside, because I know the characteristics of the Senator and admire them very much——

Mr. GLASS. What is the difficulty about the Senator's characteristics now?

Mr. KING. None.

Mr. GLASS. I am not referring to any characteristics of the Senator from Utah. This is purely an impersonal matter with me.

Mr. KING. I was about to observe that it seems to me if the Senator seeks a proper basis to determine the amount that should be paid, it should be this: Assess the property of the District of Columbia at a fair valuation. Then if there is any residue, if there is any deficit, I am perfectly willing the Government should pay it, whether it is $1,000,000 or $15,000,000. But I do insist that the property of the District of Columbia shall be fairly taxed; and then, because the Government is here and we have some property here, I am willing that the Government shall then pay a reasonable sum to make up the deficit; but let us tax the property of the District fairly, as we tax property in Wyoming, Virginia, and other States.

Mr. GLASS. To all that I agree. To all that I have always agreed. If the Senator, who is a member of the subcommittee, would just help us determine what is a fair assessment in the District, I would yield to his judgment in the matter. The statement has been made over and over again before our committee, and uncontradicted by any responsible person so far as I recall, that the assessment in the District of Columbia is ample and is fair. Now, if it is not ample, if it is not fair, I, as a member of the District Committee, desire to have it made so.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. GLASS. Certainly.

Mr. CARAWAY. What is the rate of taxation per $100 in Lynchburg, the city in which the Senator lives?

Mr. GLASS. We have a variety of taxes there. The State of Virginia no longer imposes a tax upon real estate, if I recall. I have been away from Lynchburg many years, and I do not keep as well posted on matters there as perhaps I should.

Mr. CARAWAY. I am talking about the entire tax, State, county, and municipality.

Mr. GLASS. I think the tax in my town is $1.50.

Mr. CARAWAY. That covers State, county, and municipality?

Mr. GLASS. I think so.

Mr. CARAWAY. On the full 100 per cent valuation?

Mr. GLASS. The State of Virginia no longer levies any taxes on real estate at all.

Mr. CARAWAY. From what source does it get its tax money?

Mr. GLASS. From corporations and intangible property, and a variety of other sources, such as licenses and things of that sort. It segregates real estate for the purposes of local taxation.

Mr. CARAWAY. When we add the other items, we can get some idea of how much it paid. Suppose the Senator's property is worth $10,000 and he pays every kind of taxes, what would he pay?

Mr. GLASS. I do not keep up with those matters, though I am a taxpayer to a moderate extent in Virginia. If the Senator will permit me to say so without offense, I do not think that those details are pertinent here, for the simple reason that I stand upon the ground that if the property of the District of Columbia is not amply assessed, it should be. If anybody will come before the District Committee and convince me that it is not fully assessed, I will vote to increase the assessment. If anybody will come before the committee and convince me that the $1.70 proposed in the pending bill is not a fair tax, is not comparable to the taxes paid throughout the country in cities of like size and population, I will vote to increase the tax rate.

My simple contention is that whatever shall be the respective burdens of the Federal Government and of the District government, it should be upon a fair percentage basis and not upon

an inexorable lump-sum proposition that applies to a total taxation of $30,000,000 for one year and applies just as precisely in the same way to a total taxation of $42,000,000 in another year.

This has been an exceedingly intricate and difficult problem to determine for the reason that I alluded to a while ago. The conferees on the part of the House have never been willing to discuss the details. They have never been willing to arrive at an ample assessment if the existing assessment is deficient. We have never been able to determine the proper rate of taxation if the existing rate is not ample. They have come into the conference room set upon their particular view of the subject, have been offensive to their colleagues on the part of the Senate, and have not been willing to discuss matters, as any member of the Senate committee will testify.

Mr. COPELAND. Mr. President, it is natural for us to differ on all matters relating to taxation, but as I view the situation here it is entirely different from the situation as regards any other city in the country. I think we have to choose between two possible solutions of the pending problem. On the one hand, the Federal Government must share with the District, carrying the sorrows and the joys and the expense of government. In that case we can justify our supervision of the expenditures of the District. On the other hand, if we fix a lump sum as a charge against the District, we have no moral right then to determine how the money in excess of that sum shall be expended.

We have chosen as a government to take possession of the seat of government. I think the debates in the Constitutional Convention and the history of events leading up to the decision of the convention are most interesting. They have a bearing upon the problem.

It will be recalled that the Congress met in Philadelphia, and at one time, driven by the uncomfortable feeling in the Army, the feeling on the part of the troops that they were not decently paid and not promptly paid, they streamed into Congress in Philadelphia and demanded that "justice" should be done. The Congress called upon the authorities of Philadelphia to restrain those men. Congress had no consideration from the authorities and as a result adjourned and left Philadelphia. They went over to Trenton, N. J., and went on with their work there. Many of the men who were in that Congress were members of the Constitutional Convention of 1787. Recalling their uncomfortable experience, they determined that the seat of government should be in a place over which the Government itself had full direction and power.

Mr. CARAWAY. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER (Mr. BRATTON in the chair). Does the Senator from New York yield to the Senator from Arkansas?

Mr. COPELAND. I yield.

Mr. CARAWAY. I dislike to correct the Senator, but the question of the seat of government was fixed very much later, in a compromise between Mr. Jefferson and——

Mr. COPELAND. I am not speaking about this seat of government, the District. It was determined by the Constitutional Convention that wherever the seat of government was full authority should be had over that place, just exactly as the Government has authority over a fort. As a result of that decision, at a later time, as the Senator from Arkansas has said, this particular site was chosen. But in the founding of government we decided to have authority over the seat of government, and it is right that we should have.

While I differ often with the Senator from Utah [Mr. KING] about matters of policy, I think he and I are in full agreement as regards the question of whether the people in the District of Columbia should vote. I think the Government should continue to have full authority over the District. So long as we have it and exercise it, if we are to assume control of the fiscal affairs of the community, we must be fair with the people. To this end there must be some stated division of the costs; otherwise there can be a suspicion of unfairness. It would not be right at all, as I see it, to establish $9,000,000 or any other sum as the sum which the Government should contribute and then say, "In addition to that we are going to tell you how to spend your own money." We deprive the people of the District the right to determine for themselves how they shall be treated, and therefore we must be very sure that we are dealing fairly with them in all matters, particularly of taxation.

This city differs from any other American city because it is "our city." I speak with just as much pride of "my city of Washington" as I speak of "my city of New York." Every citizen of the country takes pride in the National Capital. Consequently, every citizen of the United States wants this to be a model place.

Is it a model place? It is not. We ought to spend more money here than we are spending. As I see it, we ought to make it a model in every respect, with model streets, model parks, model lighting, model schoolhouses, modern illumination and ventilation in our schoolhouses. We ought in every way that we can to make this a place to be held up to every other community in the United States and have it said, "That is the kind of city this country believes in. Let us imitate and emulate the example of Washington."

I do not believe for myself that the taxpayers in my State are going to find any fault with me because I advocate fairness in the payment by the Government of its full share of the taxes of this community.

Because of our power to do it, we have chosen to withdraw from taxation many blocks of valuable property. The wonderful improvements about to be made on the Mall—and we are proud of them—will take from the tax rolls blocks and blocks of property now paying taxes. This is an added reason why it is right that the Federal Government should increase its contribution.

I am not here to say whether 60–40 is a fair proportion; that is the one I voted for because it is the one which I understand was fixed by law; but I think that there must be such a fixed division as to show a real partnership. Otherwise we are immoral when, as a Congress, we seek to determine what expenditures shall be made in the District of Columbia.

Just one further word, Mr. President. I think any American who has traveled extensively over the world has had occasion to be ashamed of the appearance of our establishments in foreign countries. I was proud and happy to cast my vote for the expenditure of money so that there should be an improvement in the appearance of those buildings and in the housing of our officials abroad. In exactly the same spirit, I am glad to give my vote for the committee amendment. Even though it may cost the people of my State a lot of money, I am pleased to do it, because my constituents desire to see the city of Washington made the model, outstanding, beautiful city which it should be and which every American wants it to be.

Mr. CARAWAY. Mr. President, of course, there are some Senators who can satisfy their sense of justice by saying that everybody is proud of the District of Columbia. Some way or another, I have just as much pride in the humblest home of any citizen in my State as I have in the most magnificent palace in the District of Columbia. I have never been willing to say that I would thrust my hand into the pockets of the people of the States in order to establish somewhere a more beautiful place than they themselves can enjoy. Neither have I been ashamed of the way in which the representatives of this Government were housed abroad; that has never humiliated me. I have been more ashamed sometimes when the people who have borne the heat and burden of making this country what it is have been denied justice here at home. That is the thing that has worried me.

I am not the keeper of anybody's else sense of what is right or wrong. I am unable, however, to reconcile my own convictions to the suggestion that we ought to thrust the taxing hand of the Government into the pockets of the people of the States in order to beautify Washington. Of course, if that is wrong, then I am wrong.

For anybody who ever studied the situation a minute to say that the District of Columbia is paying as much taxes as people similarly situated in other cities is to deny a common intelligence. Much as I dislike to disagree with those who make that assertion, I know that they have not given the question any consideration at all, or they would know they are wrong. There is possibly some property here that is paying too much; I do not know. The assessor for the District of Columbia went around all last summer making a guess on what this building was worth, what the Treasury was worth, what the White House was worth, while there is property right within a block the assessment of which he has not changed in 25 years.

The thing I am complaining about, Mr. President, is not that the Government should pay something. I want the people of the District to pay a fair tax, and then the remainder of the necessary expenditures may be paid by the Government; but I am not willing with my friend from New York [Mr. COPELAND] to say that we ought to take off all the reins and pour out money so long as anybody may cry out for it.

The people in the District of Columbia are no better than the people who live in the humblest hamlet in California or in the city of New York. After all the question of morality raised by the Senator from New York is this: Shall we as the arbiters between other communities and the District take from them to give to the District? There is where the immorality lies.

I feel rather strongly on this subject, Mr. President, because I know and everybody else knows of the constant propaganda

on this question that goes on here. We have seen Senators change their viewpoint on the subject in order to escape that propaganda, and some change their viewpoint for other reasons. I know that there is more justice in saying that the Government shall pay so much as a lump sum and then let the community determine the expenditures and pay what it will, than to say the District can make the expenditures what they will and the Government shall pay 40 per cent of them. Anybody can see the question of immorality or good sense, either one, that is involved. Of course, I realize that some Senators here would be perfectly willing to go into the Treasury and pay 100 per cent, and, in addition, pay the people of the District a bonus, and they would be called by them statesmen.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Kendrick	Shipstead
Barkley	Edwards	Keyes	Shortridge
Bayard	Fletcher	King	Smith
Bingham	Frazier	McMaster	Smoot
Black	George	McNary	Steck
Blaine	Gerry	Mayfield	Steiwer
Blease	Gillett	Neely	Stephens
Borah	Glass	Nye	Swanson
Bratton	Goff	Oddie	Tyson
Brookhart	Gooding	Overman	Wagner
Broussard	Gould	Phipps	Walsh, Mass.
Capper	Hale	Pine	Walsh, Mont.
Caraway	Harris	Pittman	Warren
Copeland	Harrison	Ransdell	Waterman
Couzens	Hawes	Reed, Pa.	Wheeler
Curtis	Hayden	Sackett	
Cutting	Heflin	Sheppard	

Mr. CURTIS. I desire to announce that the Senator from Washington [Mr. JONES], the Senator from Ohio [Mr. FESS], the Senator from Indiana [Mr. WATSON], the Senator from New Hampshire [Mr. MOSES], the Senator from Rhode Island [Mr. METCALF], and the Senator from South Dakota [Mr. NORBECK] are detained from the Senate because of attendance on the funeral of the late Senator WILLIS.

Mr. GERRY. I wish to announce that the Senator from Tennessee [Mr. MCKELLAR], the Senator from Washington [Mr. DILL], and the Senator from Oklahoma [Mr. THOMAS] are detained from the Senate because of attendance on the funeral of the late Senator WILLIS.

The PRESIDING OFFICER. Sixty-six Senators having answered to their names, a quorum is present.

Mr. BLAINE. Mr. President, in the consideration of this item in the District of Columbia appropriation bill it is not my purpose to prolong the debate but to call attention to a few pertinent facts which, in my opinion, ought to be controlling, and which constitute sufficient grounds for a vote against the committee amendment.

Of course, it is understood that the lump-sum appropriation heretofore made under the District of Columbia appropriation bill was $9,000,000. Under the proposed committee amendment, by adopting the ratio of 60–40—that is, the taxpayers of the District of Columbia paying 60 per cent of the appropriation and the people of the United States paying 40 per cent of the appropriation—it results as follows, as shown by a schedule inserted in the RECORD during the consideration of the bill in the House of Representatives:

The total appropriation, after adding deficiency and supplemental appropriations for 1928, estimated, is $34,664,281, of which it is proposed that the people of the United States shall pay $13,865,712, or $4,865,712 more than they have been paying toward the government of the District of Columbia. That, in effect, is an increase of over 50 per cent. Under the proposed amendment the tax rate upon an assessment of $1,000 would be only $1.20.

Mr. PHIPPS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. BLAINE. I yield.

Mr. PHIPPS. May I call the Senator's attention to the fact that the Senate amendment provides that the rate of taxation shall not be reduced. There would be an accumulation of funds, necessarily, which is now required to make up the deficiencies of former years when we have failed to advance at a proper rate in the erection of school buildings, in the acquisition of park lands, and other activities of the District. The Senator will find printed in the RECORD a list made up by the Commissioners of the District of Columbia showing a program that will require, in round figures, $52,000,000, which is in fact now delinquent, representing activities that should be carried on immediately, plus an additional $29,000,000 that is considered desirable, and therefore recommended.

Mr. BLAINE. And what is the present tax rate, may I inquire?

Mr. PHIPPS. The present tax rate on real estate and tangible property is 1.7 per cent, $1.70 on the $100, on full valuation; and the best estimates obtainable indicate that the real estate is assessed up to within 96 per cent of full valuation. Of course, in some cases the full valuation may not be put on it. In other cases it is assessed above the price at which it would sell on the market to-day.

In that connection, going into the question of comparisons in order to determine whether or not taxation in the District of Columbia is as high as it is in other cities of comparable size, it is necessary to consider not only the tax rate but the basis of assessment, because it is found that that will vary from 40 per cent to perhaps 75 per cent. It is rarely indeed that you will find any community where the real estate is assessed at as near full valuation as in the District of Columbia.

Mr. BLAINE. Mr. President, it is very clear that there is a difference of opinion with respect to what the facts are. My information does not lead me to the conclusion that the District tax rate is $1.70, and I shall go into that before I conclude my remarks; but the effect of this amendment is to impose upon the people of the United States 40 per cent of the appropriations made for the government of the District of Columbia, or an increase of over 50 per cent, notwithstanding the remarks of the Senator from Colorado.

The Senator from Virginia [Mr. GLASS], whose opinion I very much respect, has suggested that there is no justification for a lump-sum appropriation. Again I submit that there are few facts upon which to base opinions in connection with this matter. I submit that there is just as much justification for a lump-sum appropriation as there is for a percentage appropriation.

It has been charged on the floor this morning that those who administer the appropriations made in the District are extravagant. Whether that is true or not is not essential to be established in connection with my remarks. It is pertinent, however, to call attention to the fact that when a percentage of an appropriation comes out of the Public Treasury of the United States, regardless of the maximum that that percentage may produce in funds, those who administer the appropriations to the District are encouraged toward extravagance.

In other words, when the taxpayers of this District pay only 60 per cent of the expenses of the District, and the people of this country pay 40 per cent, there is no inducement on the part of the commissioners who administer the appropriation to administer it economically, because the Federal Government is making up the deficiency. All the taxpayers of the United States are paying this added $4,500,000, and you are simply pouring that amount into the laps of the commissioners, and they can expend it and the maximum of it for the purposes specified in the bill; and of course any system of that kind is bound to promote extravagance. It is not their money. It is not the money levied as taxation upon the people of this District. It is money that the Treasury of the United States pours into the lap of the District, to be expended within the limitations of the bill.

Mr. PHIPPS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin further yield to the Senator from Colorado?

Mr. BLAINE. I yield.

Mr. PHIPPS. I did not hear the criticism on extravagance of expenditures in the District to which the Senator refers. Perhaps my attention was diverted at the moment; but I believe beyond question, and I have made an intimate study of the operations in this District during the nine years I have been a Member of this body, that no city in the United States is more efficiently and economically administered; no municipal government is better than that of the District of Columbia. After the Senator has been with us a few years, and been in contact with the Budget system, and become acquainted with the commissioners and the men who administer affairs in this District, his mind will be disabused of the thought that there is carelessness or extravagance in management. Quite the reverse is the fact. Every item of expenditure must be accounted for. There is never any suspicion of graft. Purchases are made in the most systematic and careful manner. Everything is checked by the Budget. Not only that but it is again checked by the Appropriations Committee of the House and by the Appropriations Committee of the Senate before the appropriation is made, and no appropriation may be exceeded, because the money is not available for the purpose.

Mr. BLAINE. Mr. President, the Senator evidently missed the purport of my remarks. I did not charge that there was extravagance.

Mr. PHIPPS. I did not so understand the Senator. I said I missed the remarks to which he referred.

Mr. BLAINE. I suggested that there was a charge on the floor this morning with respect to extravagance, made by the Senator across the aisle from the Senator from Colorado, and only a few feet from him. I am not indorsing that charge or making it. I am saying, however, that extravagance will be promoted where a percentage of total cost is poured into the laps of those who are to administer the appropriation.

Moreover, the people of the District of Columbia, as has been asserted, pay no income taxes into the District funds and pay no inheritance taxes into the District funds. In many of the States of the Union inheritance taxes are collected and income taxes are collected, State inheritance and State income taxes, which the people of the District of Columbia escape.

Mr. President, I call attention to the fact that there was compiled by the Detroit Bureau of Governmental Research from data furnished by members of the governmental research conference, city officials, and chambers of commerce, a table with respect to the question of the rate of taxation as it affects the larger cities of the United States. That table is inserted in the CONGRESSIONAL RECORD of February 21 of this year, found on pages 3369 and 3370.

I have been unable to discover in the record any showing that this table is incorrect. The table was not made up for the purpose of convicting the District of Columbia of having a low tax rate. It was made up for the purpose of determining the general rates of taxation in cities throughout the United States, and was a disinterested study, so far as this District was concerned. It had no other purpose than to ascertain the facts, and it is shown by that schedule that, taking the actual assessment upon realty and upon personal property, taking the amounts paid for city, school, county, and State taxes, and readjusting the actual assessment to a uniform 100 per cent basis of assessment, which works out mathematically absolutely correct, the District of Columbia has a tax rate of $1.53, or $15.30 per $1,000 assessment.

The city of Milwaukee, in my own State, upon the same basis, has a tax rate of $24.48. The city of Buffalo, N. Y., has a tax rate of $18.70. That is per $1,000 of assessed valuation, after the readjustment. The rate for the city of New York is $19.15; Chicago, $23.23; Philadelphia, $23.85; Detroit, $21.71; Los Angeles, $20.30; Cleveland, Ohio, $19.28; St. Louis, $19.35; Baltimore, $21.31; Boston, $30; Pittsburgh, $30.46; San Francisco, $18.30.

Of 14 cities, with a population of from 500,000 and upward, the city of Washington, or the District of Columbia, has by far the lowest tax rate upon the adjusted basis. Of cities with a population of from 300,000 to 500,000, there are eight set forth in the schedule, all of them with a higher tax rate upon the same adjustment than the District of Columbia, and none of those eight cities has a lower tax rate than $19.03, running as high as $37.90.

Of cities with a population of 100,000 to 300,000 there are 40 listed, and Washington, or the District of Columbia, has a tax rate lower than any of those 40 cities except 2. Those 2 are Birmingham, Ala., with a rate of $12.96, and Dallas, Tex., with a rate of $13.04. All the others, 38 of them, have a higher tax rate than the city of Washington.

If there is any error in this table, I can not find that it has been pointed out in the discussion in the House, nor has there been information on the floor of the Senate that would lead one to a conclusion that this table is in error.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. PHIPPS. Can the Senator inform us how this table was compiled, other than that it was gotten up by the Detroit bureau? Does he know whether or not that bureau got the actual information, or simply took the estimates of the various treasurers or assessors of these different cities that their property valuations were in accordance with the law based upon assessments of 75 per cent, or 60 per cent, or some other figure?

The difficulty is in getting at an actual situation. This table states that property in Washington is assessed at 90 per cent. Our assessor would report that it is assessed at 100 per cent. The best information I have been able to get is that it is assessed at approximately 96 per cent.

Mr. BLAINE. Let me suggest now that if the local assessor claims the assessment at 100 per cent, the actual value, I can not subscribe to that statement.

Mr. PHIPPS. He is supposed to. That is the law.

Mr. BLAINE. I challenge the Senator and I challenge the assessor to go out and buy a single tract of real estate in the city of Washington at the assessed valuation. There is no tract that you can purchase at any such rate at all.

Mr. PHIPPS. As a general statement, the Senator is quite correct, but there are instances where the property is assessed at more than its recent selling price. I had an instance in my own experience, where I acquired a piece of property to round out my residence property, and I returned for the purpose of assessment the actual money consideration in the purchase of that property. The assessor would not accept that. In other words, he had valued it himself and put it at a higher figure, and when his attention was called to the actual purchase price for that property he said, "We must make this comparable with the valuation of adjoining property." With that statement I acquiesced and said, "Very well, then, I will pay taxes on a valuation higher than what I really paid for this piece of real estate." That is the fact.

Mr. BLAINE. Mr. President, of course there may be an isolated case, such as the Senator suggests, and we could call in citizens from throughout the District and find other cases of that kind. But go out and try to buy property in this District at the assessed valuation, and I dare say it would take you the rest of your lifetime before you would find anybody who was willing to sell at less than the assessed valuation, unless, perchance, in the case of the Senator from Colorado, of course.

Mr. PHIPPS. Mr. President, the District officials have been acquiring property for school sites, for playgrounds, and for other purposes right along, and in many instances they have acquired property at less than the assessed valuation. The Senator can assure himself of that by making inquiry at the District Building.

Mr. BLAINE. But in the completion of the Mall the Senator knows, and we all know, that the Government is going to pay a largely increased price over the assessed valuation for the aggregate property within the area proposed to be taken over. If the southwest location is purchased for the market, the District of Columbia or the Federal Government, whichever purchases the property, will find itself exactly in the same situation. I know here and there is a tract, a lot, that is assessed too high; there is no doubt about that; but that does not represent the average assessment in the city of Washington. I submit, Mr. President, that this table as presented in the House is a fair representation of the facts as it relates to the several cities in the United States included within the table.

Moreover, Mr. President, the Federal Government has purchased and is maintaining magnificent parks about the city, public libraries about the city, and other public improvements here, generally enjoyed by the citizens of Washington, for which they do not pay one cent. Perhaps they should not pay for any of those enjoyments, but I want to say that they are enjoyments which are not afforded to very many people in the United States.

Mr. PHIPPS. Mr. President, did I understand the Senator to state that the upkeep of the public libraries and the parks was taken care of by the Federal Government and not the citizens of the District?

Mr. BLAINE. I say that the Federal Government has magnificent parks within the District of Columbia, has magnificent public libraries within the District of Columbia, and museums, to which the District does not contribute one cent, and I point out, if you please, and submit to the Senator from Colorado the Congressional Library.

Mr. PHIPPS. Mr. President, of course the Congressional Library is a Federal institution; but the Senator will find items right in this appropriation bill for the public libraries and the parks here, appropriations for their upkeep, for salaries, and everything else.

Mr. BLAINE. But the Senator does not deny the statement I made that there are public parks and these other advantages to which the people of the District of Columbia contribute nothing, so far as general property taxes are concerned.

Mr. PHIPPS. There are no parks I know of at the moment that are not maintained by the District of Columbia. The District of Columbia to-day is paying for the reclaiming of land in the Anacostia flats, recovering the Anacostia flats to make additional parks.

Mr. BLAINE. I am afraid the Senator is a little technical in his definition of a park. He and I are thinking about different things. The Mall, of course, will not be called a park, but in all essential features it is going to be a public recreation ground, and in all essential features will be a park. I refer to those public improvements and public acquisitions by the Federal Government.

Moreover, there is a distinct advantage, social and commercial, enjoyed by the people who live within the District of Columbia. I do not believe there is another community in the United States, indeed, in this whole world of ours, where the same opportunities are afforded. I do not believe, however,

that the people of the District of Columbia should be specially taxed for those things.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, Senate bill 3555, the farm relief bill.

Mr. PHIPPS. Mr. President, I understood from the Senator in charge of the unfinished business that it would be agreeable to him to have it laid aside temporarily in order that we may complete the consideration of the District appropriation bill. I therefore ask unanimous consent that the unfinished business be temporarily laid aside for that purpose.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado?

Mr. BLEASE. Mr. President, I would like to inquire how long "temporarily" means? Is it during the day or just for an hour or two, or how long?

Mr. PHIPPS. I had hoped we would reach a vote on the pending amendment and conclude the consideration of the bill itself by this hour. I do not know that it will require very much longer. I know of only one other Senator who intends to speak on the pending amendment, which is the only matter really in controversy. I am informed that one or two Senators, who had intended to speak on the farm relief bill this afternoon, are indifferent as to whether they shall speak this afternoon or to-morrow.

The PRESIDING OFFICER. Without objection, the unfinished business is temporarily laid aside, and the Senate resume the consideration of the District of Columbia appropriation bill. The Senator from Wisconsin [Mr. BLAINE] will proceed.

Mr. BLAINE. Mr. President, I appreciate that Congress has a certain responsibility to the District of Columbia; in fact, a very special responsibility. This city is the seat of our Government. It is the pride of the people of the United States. We are anxious to advance the beauty of this community, to preserve it, to make it a model city. I am sure, as I observed, that there is no Member of this body who desires to do the unfair thing toward the people living within the District of Columbia. No one has been able to state whether $9,000,000 as a lump sum is the proper amount. No one has been able to state with any degree of accuracy or with any confidence in his statement that the Federal Government should contribute 40 per cent toward the expenses of the District of Columbia. The fact is that we are without specific facts and information upon the question. However, the absence of those facts does not, in my opinion, justify an increase of the appropriation, as I have pointed out, over 50 per cent and the placing of that additional burden upon the people of the United States. While we do hold in our hands a trust to be administered in the interests of the District of Columbia, because this is the seat of government, in no less measure do we hold in our hands a trust to be administered in the interest of the people of the whole of the United States.

Mr. BLEASE. Mr. President, I do not care to discuss particularly the amendment now before the Senate, but I would like to call attention to an injustice being done to some citizens of the District of Columbia. I know, for instance, of a little community within the District called Hillcrest, where there are about 200 homes and a nice school, but without any facilities whatever for the children or the teachers. Each teacher is required to teach three or four different grades. There are no sidewalks, no sewers, no lights. They are just left out there without any of the conveniences of the present day and time at all.

It does seem to me that when the Commissioners of the District come to Congress asking for more money and asking the Federal Government to pay a very large part of that money, they should pay some attention to those parts of the District which have been so long neglected and have not been given the ordinary, decent accommodations which are given to almost all communities.

I thoroughly agree with the Senator from New York [Mr. COPELAND] that this is our capital. It is just as much my city as it is anyone else's, as he well said. I want to see it made a beautiful city. I want to see the most beautiful city in the world for the United States Capital, because when people come here from other countries I like to be in a position to show them something a little better than they have at home.

I do not think it is right to ask for a proposition of this kind to benefit only a few of the people. The worst part of it is that it benefits the people who are able to take care of themselves, while the others are not. They have not the money. They have their little humble homes, their little schools; they are fighting along the best they can to take care of their families and rear their children properly and give them an education, and yet when those children go to school they have to walk in the mud. When the ladies go out anywhere, to call on each other, to attend church, or anything of the sort, they have to tramp through the mud. The health of the community is not properly protected because they have not the facilities that are given to the ordinary people of this day.

I simply wanted to call the attention of the Senate and the District Committee to the fact that they are endangering the health of these little children.

We passed a resolution here yesterday to have May 1 set aside as children's health day, and yet here, almost within the sound of a bugle call from the Capitol, where we make these heavy appropriations, we are letting children be subjected to the worst kind of treatment for the want of proper consideration by those in authority. I simply desired to call this matter to the attention of the District Commissioners and of the Senate, and to state that so far as I am concerned, unless this money is more equitably divided, unless the District Commissioners and the District Committees of the House and Senate pay more attention to outlying districts and do not give all the money to people who are able to have their own systems of sewerage, and so forth, hereafter I shall not vote to support any such appropriation.

Mr. SMOOT. Mr. President, I am compelled to leave the Senate Chamber to attend a committee meeting, and I want to be sure that I understand the amendment to the house of detention item. I understand that the amendment, if agreed to in the Senate, will then go to conference and, before having been finally decided upon, there will be a hearing held upon those items. Am I correct in my understanding?

Mr. PHIPPS. It is proposed to have a hearing by the subcommittee of the Committee on Appropriations, not by the conferees. The subcommittee desires to inform itself further and fully regarding the matter and everything included in it, so that it may be in a position to present a very clear case to the conferees on the part of the House.

Mr. SMOOT. That will be done before the conference is held?

Mr. PHIPPS. Yes; that is correct.

Mr. SMOOT. With that understanding, I have nothing further to say.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. BLEASE. Mr. President, I suggest the absence of a quorum. Several Senators left the Chamber, not expecting that the vote would come quite so soon.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Keyes	Sheppard
Barkley	Edwards	King	Shipstead
Bayard	Fess	McKellar	Simmons
Bingham	Fletcher	McMaster	Smith
Black	Frazier	McNary	Smoot
Blaine	George	Mayfield	Steck
Blease	Gerry	Metcalf	Steiwer
Borah	Gillett	Moses	Stephens
Bratton	Glass	Neely	Swanson
Brookhart	Goff	Norbeck	Thomas
Broussard	Greene	Nye	Tyson
Capper	Hale	Oddie	Wagner
Caraway	Harris	Overman	Walsh, Mass.
Copeland	Harrison	Phipps	Warren
Couzens	Hawes	Pittman	Waterman
Curtis	Hayden	Ransdell	Watson
Cutting	Heflin	Reed, Pa.	
Dale	Jones	Robinson, Ind.	
Dill	Kendrick	Sackett	

The VICE PRESIDENT. Seventy-three Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment reported by the committee.

Mr. CARAWAY and Mr. KING asked for the yeas and nays.

The yeas and nays were ordered, and the roll was called.

Mr. CURTIS (after having voted in the affirmative). I have a pair with the Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the Senator from Illinois [Mr. DENEEN] and let my vote stand.

Mr. McNARY. I wish to announce that the Senator from California [Mr. JOHNSON] is necessarily absent on account of illness.

Mr. GERRY. I wish to announce that the senior Senator from Montana [Mr. WALSH], the junior Senator from Montana [Mr. WHEELER], and the Senator from Louisiana [Mr. RANSDELL] are detained from the Senate on official business.

I also desire to announce the following general pairs:

The Senator from Maryland [Mr. TYDINGS] with the Senator from Minnesota [Mr. SCHALL];

The Senator from Florida [Mr. TRAMMELL] with the Senator from Delaware [Mr. DU PONT]; and

The Senator from Missouri [Mr. REED] with the Senator from Oregon [Mr. MCNARY].

The result was announced—yeas 47, nays 20, as follows:

YEAS—47

Ashurst	Fletcher	Kendrick	Sackett
Bayard	George	Keyes	Shipstead
Bingham	Gerry	Metcalf	Simmons
Broussard	Gillett	Moses	Smith
Capper	Glass	Neely	Steiwer
Copeland	Goff	Nye	Swanson
Curtis	Greene	Oddie	Tyson
Cutting	Hale	Overman	Walsh, Mass.
Dale	Harrison	Phipps	Warren
Edge	Hawes	Pittman	Waterman
Edwards	Hayden	Reed, Pa.	Watson
Fess	Jones	Robinson, Ind.	

NAYS—20

Barkley	Brookhart	Heflin	Sheppard
Black	Caraway	King	Steck
Blaine	Dill	McKellar	Stephens
Blease	Frazier	McMaster	Thomas
Bratton	Harris	Mayfield	Wagner

NOT VOTING—25

Borah	Howell	Pine	Trammell
Bruce	Johnson	Ransdell	Tydings
Couzens	La Follette	Reed, Mo.	Walsh, Mont.
Deneen	McLean	Robinson, Ark.	Wheeler
du Pont	McNary	Schall	
Gooding	Norbeck	Shortridge	
Gould	Norris	Smoot	

So the amendment of the committee was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment passed over.

The LEGISLATIVE CLERK. The next amendment passed over is on page 58, line 7, where the committee proposes to strike out the words "of children under 17 years of age, and, in the discretion of the commissioners."

Mr. PHIPPS. Mr. President, let me say for the information of the Senate that the only amendments remaining, being those passed over last night, relate to the house of detention and the proposed receiving home for children. I have previously made a short statement to the effect that it is the intention of the subcommittee of the Senate Committee on Appropriations to obtain some further information which will put that committee in proper position to place the entire question before the Representatives of the House. The provisions are now written into the bill by the Senate amendments put the bill in such position that whatever is decided upon as the wise and proper thing may be properly cared for by adjustment in conference; and, of course, at the moment I feel confident that the amendments as written in the bill by the Senate committee are right and proper and should be agreed to.

Mr. KING. Mr. President, will the Senator yield?

Mr. PHIPPS. I yield.

Mr. KING. As I understand the amendments, I am in accord with the position just taken by the chairman of the committee. Those amendments have for their object the separation of the detention home from the police, either policemen or policewomen, and placing the juveniles who may be arrested not under the control of policewomen or policemen but in a separate place, where they can be properly cared for. That is the purpose of the amendment?

Mr. PHIPPS. That is correct.

Mr. KING. With that understanding, I hope the amendments offered by the committee will be agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment passed over.

The LEGISLATIVE CLERK. The next amendment passed over is, on page 58, line 16, where it is proposed to strike out "$14,000" and insert "$8,000."

The amendment was agreed to.

The LEGISLATIVE CLERK. Also, in line 17, strike out "$15,780; in all, $29,780" and insert "$6,480; in all, $14,480."

The amendment was agreed to.

Mr. PHIPPS. The next amendment passed over is on page 73.

The LEGISLATIVE CLERK. On page 73, after line 20, insert:

For the maintenance, under the jurisdiction of the Board of Public Welfare, of a suitable place for the reception and detention of children under 17 years of age arrested by the police on charge of offense against any laws in force in the District of Columbia, or committed to the guardianship of the board, or held as witnesses, or held temporarily, or pending hearing, or otherwise, including transportation, purchase of one passenger-carrying motor vehicle at a cost not to exceed $750, operation and maintenance of motor vehicles, food, clothing, medicine and medical supplies, rental and repair and upkeep of buildings, fuel, gas, electricity, ice, supplies and equipment, and other necessary expenses, including personal services in accordance with the classification act of 1923, $25,000, to be immediately available: *Provided*, That such portion as the Commissioners of the District of Columbia may determine of the appropriation of $25,000 for rent, under the heading "Contingent and miscellaneous expenses, District of Columbia," contained in the first deficiency act, fiscal year 1928, shall be available for the purposes of this paragraph.

The amendment was agreed to.

Mr. PHIPPS. There is one other amendment passed over, on page 84, line 6.

The LEGISLATIVE CLERK. On page 84, line 6, strike out "$24,600" and insert "$21,600."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills:

S. 380. An act for the relief of Charles H. Niehaus;

S. 2537. An act to amend section 110, national defense act, so as to provide better administrative procedure in the disbursements for pay of National Guard officers and enlisted men;

S. 2827. An act granting the consent of Congress to the States of South Dakota and Nebraska to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.;

S. 2950. An act to amend the second paragraph of section 67, national defense act, as amended;

S. 3131. An act to provide additional pay for personnel of the United States Navy assigned to duty on submarines and to diving duty; and

S. 3558. An act authorizing Point Pleasant and Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1498) to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to each of the following bills:

H. R. 9147. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River, on the Jasper-Chattanooga road in Marion County, Tenn.;

H. R. 9197. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.; and

H. R. 9198. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to each of the following bills:

H. R. 8725. An act to amend section 224 of the Judicial Code;

H. R. 9137. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn.; and

H. R. 9199. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.

CHESAPEAKE BAY BRIDGE

Mr. JONES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1498) entitled "An act to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge," having met, after full and free conference have

agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1 and 2, and to the amendment to the title, and agree to the same.

W. L. JONES,
CHAS. L. MCNARY,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.
JAMES S. PARKER,
E. E. DENISON,
TILMAN PARKS,
Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On April 2, 1928:

S. 716. An act to exempt American Indians born in Canada from the operation of the immigration act of 1924.

On April 3, 1928:

S. 2310. An act supplementary to, and amendatory of, the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia; and

S. J. Res. 30. Joint resolution to provide for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro.

THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar, beginning where we left off the other day.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

TAXES IN THE DISTRICT OF COLUMBIA

The first business on the calendar under the unanimous-consent agreement was the bill (S. 3178) to provide an additional method for collecting taxes in the District of Columbia, and for other purposes.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc. That whenever any real estate in the District of Columbia has been or shall hereafter be sold for nonpayment of taxes or assessments of any kind whatsoever and shall have been bought in by the District of Columbia, and more than two years shall have elapsed since such bidding in, and the same has not been redeemed in the manner and on the terms provided by law, the Commissioners of the District of Columbia may, in the name of and on behalf of the District of Columbia, apply to the Supreme Court of the District of Columbia, sitting in equity, for the purpose of enforcing such tax lien by the said District of Columbia on the aforesaid property; and up to the time of the sale hereinafter provided for, such property may be redeemed by the owner thereof by the payment of the taxes and all legal penalties and costs thereon and such other costs as the court may deem proper.

Upon the proof in such suit of the failure of the owner or owners of the property to redeem it as provided by law, the court shall, without unreasonable delay decree the sale of said property to satisfy the taxes, assessments, penalties, costs, and interest due the District of Columbia and the costs of the suit, and said sale shall be by the collector of taxes or his deputy, at public auction in front of said premises after advertisement of said sale for 10 consecutive days in some daily newspaper of general circulation published in the District of Columbia: *Provided,* That if it shall appear that there were substantial defects in any tax sale, no part of the penalties and charges incidental to such sales shall be collectible. All persons interested in the property or entitled to redeem from such tax sale shall be made parties thereto, and the proceeds from such judicial sale shall be applicable to the payment of the aggregate taxes, penalties, costs, including costs of such public advertising and sale, and interest due to the District of Columbia and the payment of costs of such suit. In no such case shall there be any allowance by the court for attorneys' fees or trustees' commission.

No sale shall be made, unless by express order of the court, for an amount less than such aggregate taxes, interest, and costs of suit, including advertising and sale. Any surplus received from such sale over said amounts shall be paid by the collector of taxes into court to abide its further order for payment to the person or persons in equity entitled to receive it, if they shall be known. On confirmation of the sale by the court, the court shall cause to be issued to the purchaser, when he shall have paid the purchase money and complied with the terms of sale, a deed to be executed by the clerk of the court which shall have the effect to convey to the purchaser all the right, title, and estate of all parties defendant, whether proceeded against as known or unknown.

Publication may be substituted for personal service upon any defendants not personally served by the marshal, whether known or unknown, by advertisement in some daily newspaper published in the District of Columbia at least once a week for three successive weeks, the first of such advertisements to appear at least three weeks before any petition shall be filed, and such cost of publication shall be lawful charges and be included in the costs of suit.

SEC. 2. That all acts or parts of acts inconsistent herewith are hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 28) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the years 1866, 1867, and 1868, and vesting the right in each State to sue in its own name, was announced as next in order.

Mr. KING. Mr. President, there will be some discussion on that joint resolution. There is some information that I have asked for which I have not obtained. I ask that it be passed over temporarily.

The VICE PRESIDENT. The joint resolution will be passed over.

LEGAL PROCEEDINGS IN TERRITORY OF ALASKA

The bill (H. R. 328) to relieve the Territory of Alaska from the necessity of filing bonds or security in legal proceedings in which such Territory is interested was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RESOLUTION PASSED OVER

The resolution (S. Res. 173) expressing it as the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury was announced as next in order.

Mr. METCALF. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

AMENDMENT OF DISTRICT OF COLUMBIA CODE

The bill (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia, with amendments.

The first amendment was, on page 1, line 10, after the word "this," to strike out "act" and insert "subchapter"; on page 2, line 3, after the word "Columbia," to strike out "nor shall" and insert "or"; in line 5, after the word "otherwise," to insert "undertaking to"; and in the same line, after the word "degree," to insert "operate," so as to read:

Be it enacted, etc., That subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia be amended by adding the following new sections:

"SEC. 586a. The fee payable to the recorder of deeds for filing the certificate of incorporation under this subchapter shall be $25.

"SEC. 586b. No institution heretofore or hereafter incorporated under the provisions of this subchapter shall have the power to confer any degree in the District of Columbia or elsewhere, nor shall any institution incorporated outside of the District of Columbia or any person or persons individually or as a partnership or association or otherwise, undertaking to confer any degree, operate in the District of Columbia, unless under and by virtue of a license from the Board of Education of the District of Columbia, which before granting any such license may require satisfactory evidence—

"1. That in the case of an individual or any unincorporated group of individuals be, or a majority of them, or in the case of an incorporated institution, a majority of the trustees, directors, or managers of said institution are persons of good repute and qualified to conduct an institution of learning."

The amendment was agreed to.

Mr. KING. Mr. President, may I ask the chairman of the committee if this bill now is substantially in the form in which it was when the committee considered it?

Mr. CAPPER. At a meeting of the committee yesterday I was directed to ask that the amendment proposed on page 2, striking out section 2, lines 15 to 18, and substituting another

section, be rejected, and that the bill remain in the form originally introduced.

The VICE PRESIDENT. The amendment referred to will be stated.

The next amendment was, on page 2, after line 14, to strike out:

2. That any such degree shall be awarded only after such period of residence and such quantity and character of work as is usually required by reputable institutions awarding such degrees.

And to insert:

2. That any such degree shall be awarded only after such quantity and quality of work shall have been pursued as is usually required by reputable institutions awarding such degrees: *And provided further,* That if more than one-half of the requirement for any such degree shall have been earned by correspondence or extramural study, such fact shall be conspicuously noted on the diploma conferred.

Mr. CAPPER. I ask that that amendment be rejected.

The amendment was rejected.

The next amendment was, on page 5, line 6, after the words "provisions of," to insert "this"; and in the same line, after the word "subchapter," to strike out "1 of this act," so as to read:

3. That applicants for said degree possess the usual high-school qualifications at the time of their candidacy therefor.

4. That considering the number and character of the courses offered, the faculty is of reasonable number and properly qualified, and that the institution is possessed of suitable classroom, laboratory, and library equipment.

SEC. 586c. Application for the license referred to in the preceding section shall be in writing upon forms prepared under the direction of the Board of Education, and shall be filed with the secretary of the said board, whose duty it shall be, in case the institution so licensed is incorporated under the laws of the District of Columbia, to forward a copy of said license to the recorder of deeds for the District of Columbia, who shall indorse upon the certificate of incorporation the fact that said license has been issued. The Board of Education is hereby authorized to employ the personnel of the public-school system of the District of Columbia, so far as the same may be necessary, for the proper performance of its duties under this act, and it shall be the duty of all public officers and bureaus of the Federal Government concerned with educational matters to render such advice and assistance to the Board of Education as it may from time to time consider necessary or desirable for the better performance of its duties under this act.

SEC. 586d. A license once issued may be revoked by said Board of Education for noncompliance on the part of any individual or individuals, association, or incorporated institution so licensed with the provisions of section 586b of this act. Upon the revocation of any such license it shall be the duty of the secretary of the Board of Education, in the case of an institution incorporated under the laws of the District of Columbia, to forward a copy of the revocation to the recorder of deeds for the District of Columbia, who shall cause a notation to be placed upon the certificate of incorporation to the effect that its authority to confer degrees has been revoked: *Provided, however,* That 30 days' notice shall first have been given to such individual or individuals, association, or to the trustees, directors, or managers of said institutions, with full opportunity to be heard by said Board of Education at either a public or nonpublic session thereof, as may be desired by such individual or individuals, association, or the institution threatened with revocation of its license, and the evidence upon which said board shall act in the revocation of such license shall be committed to writing under the direction of the board, and upon application therefor a copy thereof furnished to such individual or individuals, association, or the institution whose license has been revoked: *And provided further,* That any party aggrieved by the action of said board in refusing to license or in revoking a license previously granted may have the action of the said Board of Education reviewed by the Supreme Court of the District of Columbia at an equity term thereof.

SEC. 586e. No institution incorporated under the provisions of this subchapter shall use as its title, in whole or in part, the words United States, Federal, American, national, or civil service, or any other words which might reasonably imply an official connection with the Government of the United States, or any of its departments, bureaus, or agencies, or of the government of the District of Columbia, nor shall any such institutions advertise or claim the power to issue degrees under the authority of Congress or otherwise than under the authority of the license granted to them by the Board of Education as hereinbefore provided. The prohibition in this section contained shall be deemed to include and is hereby declared applicable to any individual or individuals, association, or incorporation outside of the District of Columbia which shall undertake to do business in the District of Columbia or to confer degrees or certificates therein, and any such individual or individuals, association, or incorporation violating the provisions of this section shall be subject to the penalty hereinafter in section 586f provided.

SEC. 586f. Any person or persons who shall, directly or indirectly, participate in, aid, or assist in the conferring of any degree by any unlicensed individual or individuals, association, or institution, or by any individual or individuals, association, or institution whose license has been revoked, or shall advertise or claim any authority to confer any such degree, except in pursuance of the provisions of this act, or who shall violate the provisions of the section of this act immediately preceding shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Supreme Court of the District of Columbia shall be punished by a fine of not more than $2,000, or imprisonment for not more than two years, or both.

The amendment was agreed to.

Mr. COPELAND. Mr. President, on page 2, line 17, there is one word that needs to be changed to make the English right. The verb "is" should be changed to "are." I offer that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIMIT OF TIME FOR DECISIONS OF UNITED STATES COURTS

The bill (S. 726) to make it the duty of certain courts of the United States to render decisions within certain maximum limits of time was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 1, line 5, after the word "final," to strike out "within four months after the submission of such matter" and insert "as soon as possible after such submission and in all cases not to exceed five months thereafter"; on the same page, to strike out:

SEC. 2. The United States Circuit Courts of Appeal and the Court of Appeals of the District of Columbia shall decide every such matter, within six months after submission.

And on page 2, line 1, to change the number of the section from "3" to "2," so as to make the bill read:

Be it enacted, etc., That the district courts of the United States and the Supreme Court of the District of Columbia shall decide every matter submitted in a cause, whether interlocutory or final, as soon as possible after such submission and in all cases in not to exceed five months thereafter.

SEC. 2. As to matters already submitted in any of said courts the period of time herein limited shall run from the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1748) relating to the qualifications of jurors in the Federal courts was announced as next in order.

Mr. JONES. Mr. President, it seems to me that is a very important measure. Apparently it changes the general practice with reference to jurors. I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

SISKIYOU NATIONAL FOREST, OREG.

The bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture be hereby authorized to construct and maintain such improvements within and near the Oregon Caves in the Siskiyou National Forest, Oreg., as are necessary for the comfort and convenience of the visiting public, including the purchase of materials and equipment for lighting the caves and washing the interior thereof, and providing easier accessibility and traversibility thereof, and providing an additonal exit or entrance, and for installing such materials and equipment; and for the aforesaid purposes the sum of $35,000 is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUSTER STATE PARK, S. DAK.

The bill (S. 2910) granting to the State of South Dakota for park purposes the public lands within the Custer State Park, S. Dak., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there be, and is hereby, granted to the State of South Dakota, for public park purposes, the publicly owned lands within the boundaries of the Custer State Park in townships 3 and 4 south, range 6 east, and the east one-third of townships 3 and 4 south,

range 5 east, Black Hills meridian: *Provided*, That in the event of the failure on the part of the State of South Dakota to use the lands hereby granted for public park purposes the title thereto shall revert to the United States, and the Secretary of the Interior is hereby authorized and empowered to determine the facts and to declare such forfeiture and such reversion and to restore said lands to the public domain.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DUPLICATE CONGRESSIONAL MEDAL OF HONOR FOR WIDOW OF LIEUT. COL. WILLIAM J. SPERRY

The joint resolution (H. J. Res. 118) authorizing the Secretary of War to award a duplicate Congressional Medal of Honor for the widow of Lieut. Col. William J. Sperry was considered as in Committee of the Whole.

Mr. JONES. May we have a brief explanation of that bill?

Mr. SHEPPARD. Mr. President, this is a bill authorizing the issuance of a duplicate Congressional Medal of Honor to the widow of a Civil War veteran, Lieut. Col. William J. Sperry. The widow lost the medal and the citations of honor in the Vermont flood, with all her other belongings except the clothes she wore at the time.

Mr. JONES. I have no objection to the joint resolution.

Mr. DALE. Mr. President, I am quite familiar with that case, and I know that it is all right.

Mr. JONES. I say, I have no objection to the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution authorizing the Secretary of War to award a duplicate Congressional Medal of Honor to Lieut. Col. William J. Sperry."

WILLIAM F. WHEELER

The bill (H. R. 1530) to amend the military record of William F. Wheeler was considered as in Committee of the Whole.

Mr. JONES. Let us have an explanation of that bill, Mr. President. It seems that the Senator from Wisconsin [Mr. BLAINE] reported it.

Mr. BLAINE. Mr. President, this is one of those claims for relieving Civil War veterans of a dishonorable discharge. The facts are all stated in the report.

Mr. JONES. I see that this bill has been reported in the House and has passed the House at one time. I am perfectly willing to take the report of the Senate committee upon any bill of this kind that has passed the House.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "An act for the relief of William F. Wheeler."

GEORGE A. WINSLOW

The bill (H. R. 3466) for the relief of George A. Winslow was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD TIGH

The bill (H. R. 6364) for the relief of Edward Tigh was announced as next in order.

The VICE PRESIDENT. This bill is reported adversely. Without objection, it will be indefinitely postponed.

Mr. JONES. Mr. President, apparently that bill has passed the House. The Senate committee makes an adverse report upon it. As I stated a moment ago, I am perfectly willing to accept a bill that has passed the House in a matter of this kind. I should like to have the Senator from Wisconsin make a brief explanation as to why the Senate committee makes this adverse recommendation on the House bill.

Mr. BLAINE. May I have the report on that bill? I do not seem to have a report in my file.

Mr. JONES. Apparently the report is not in the files.

Mr. FLETCHER. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

AGNES M'MANUS

The bill (S. 471) for the relief of Agnes McManus and George J. McManus was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $14,400, and when appropriated the Treasurer of the United States is hereby authorized and directed to pay same to Agnes McManus and George J. McManus, or to the survivors of them, covering rental on their building in Ranger, Tex., at the reasonable rental thereof of $1,800 per year from June 5, 1920, to June 5, 1928, the United States Government having occupied the said building as a post office since the said June 5, 1920, without having paid any rental therefor; and should the Post Office Department desire to use such building after June 5, 1928, it is directed to enter into a lease satisfactory to the owner thereof prior to such date, otherwise to vacate such premises by that date.

Mr. JONES. Let us have a brief explanation of that bill.

Mr. SHEPPARD. Mr. President, this is to pay the owners of a building at Ranger, Tex., what the department considers a reasonable rental for a period of some eight years. No rental has yet been paid. The Post Office Department, after examining the situation, found that this sum represented a reasonable rental.

Mr. JONES. How does it come that no rent has been paid for six or seven or eight years?

Mr. SHEPPARD. For some reason the parties could not reach an agreement as to what the owner had agreed to furnish. The post-office inspector reported that the owners had not complied with all the terms. Yet the Government continued to occupy the building. It was found that the owners had complied with all the terms, but no rent was forthcoming and the Government remained. The owner frequently asked the Government to vacate the building if it would not pay the rent. It has occupied the building for some eight years and has not paid anything.

This is a bill to provide that the Government shall pay what is considered a reasonable rental. It is provided further that if a reasonable rental can not be agreed upon for the future, the Government must vacate. At present the Government does not vacate and does not pay.

Mr. JONES. Did the committee look into the situation carefully and determine that this was a reasonable rental for that period of time?

Mr. SHEPPARD. The committee examined the situation very carefully, and found that the sum carried in this measure represented a fair and reasonable rental.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OMER D. LEWIS

The bill (S. 1448) for the relief of Omer D. Lewis was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,573.25 to Omer D. Lewis for the purpose of reimbursing him for expenses incurred for hospital and doctor's fees paid and serious personal injuries received while aiding Federal officers engaged in suppressing the sale of liquor to Indians, the same to be immediately available.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VALIDATION OF ACQUISITION OF CANADIAN PROPERTY

The bill (S. 1738) for the validation of the acquisition of Canadian properties by the War Department and for the relief of certain disbursing officers for payments made thereon was announced as next in order.

Mr. JONES. May we have an explanation of that bill? I see that the Senator who reported it is not present, and I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

INSURANCE AND INTEREST ON WHEAT

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent that we return to Calendar 453, Senate Joint Resolution 59, authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Whereas it is provided in the act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel (ch. 53, 40 Stat. L., approved Aug. 10, 1917, and ch. 125, 40 Stat. L., approved Mar. 4, 1919), wherein the President was authorized to determine and fix a guaranteed price, to be paid producers of wheat, and wherein the President was further authorized as follows:

"Whenever the President shall find it essential in order to carry out the guarantees aforesaid, or to protect the United States against undue enhancement of its liabilities thereunder, he is authorized to make reasonable compensation for handling, transportation, insurance, and other charges with respect to wheat and wheat flour of said crops and for storage thereof in elevators, on farms, and elsewhere"; and

Whereas the President by an Executive order (No. 3087), dated May 14, 1919, in pursuance of the power conferred on him by said act, did order as follows:

"I further find it essential and hereby direct that in order to carry out the guaranties made producers of wheat of the crops of 1919, and to protect the United States against undue enhancement of its liabilities thereunder, the United States wheat director utilize the services of the Food Administration Grain Corporation—now the United States Grain Corporation by reason of a change of name authorized by Executive order—as an agency of the United States, and I authorize the Food Administration Grain Corporation * * * to enter into such voluntary agreements to make such arrangements and to do and perform all such acts and things as may be necessary to carry out the purposes of said act"; and

Whereas the United States Grain Corporation, in pursuance of said Executive order, and, for the purpose of carrying out and making effective the guaranteed price, made and entered into, a certain contract, known as "the grain dealers' agreement," with various independent and farmer grain firms and grain elevator companies in Montana, North Dakota, South Dakota, Minnesota, Nebraska, Kansas, Iowa, Missouri, Wyoming, and Oklahoma, and wherein it was agreed as follows:

"Fourth. In case the dealer—the elevator firms—shall be unable, after using every effort and all diligence to ship in any week such total of grain as makes the equivalent of at least 20 per cent of the amount of wheat in his elevator and owned by him at the beginning of such week, the grain corporation shall pay to the dealer to cover insurance and interest for such week seven-twentieths of a cent per bushel on the wheat in the elevator owned by him at the beginning of such week"; and

Whereas the President, in an Executive order, dated August 21, 1920, did approve, ratify, and confirm all acts done or authorized by the said United States Grain Corporation in carrying out and making the guaranteed price effective; and

Whereas a number of claims of the said grain dealers, for money earned under said contract, still remains unpaid, and are now justly due said claimants: Therefore be it

Resolved, etc., That the President be, and he is hereby, authorized to ascertain the amounts due on said claims, and he is further authorized to adjust and pay said claims, as ascertained to be due said claimants, out of any funds now in the hands of the United States Grain Corporation, and belonging to the United States, or out of the funds in the United States Treasury, not otherwise appropriated, and the President is authorized to make payment thereof therefrom to the several persons entitled thereto, as their respective interests may appear.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES E. TRUSSELL

The bill (S. 2673) for the relief of James E. Trussell was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, James E. Trussell, who was a private in Company K, Fourteenth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged therefrom: *Provided*, That other than as above set forth no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3151) to limit the jurisdiction of district courts of the United States was announced as next in order.

Mr. BRATTON. Mr. President, I should like to have an explanation of the purpose of the bill.

Mr. JONES. I see that the Senator who introduced it and who reported it is not here, being necessarily absent, so I ask that it may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2612) for the relief of Mary Ellen Tiefenthaler was announced as next in order.

Mr. JONES. May we have an explanation of that? I will ask that it go over if no one is present to explain it.

The VICE PRESIDENT. The bill will be passed over.

ATLANTIC WORKS OF BOSTON, MASS.

The bill (S. 2655) to carry out the findings of the Court of Claims in the case of the Atlantic Works of Boston, Mass., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the money in the Treasury not otherwise appropriated, the sum of $133,872.44 to the Atlantic Works of Boston, Mass., being the difference between the actual cost of the construction of the revenue cutter *Daniel Manning* and the amount paid under the contract entered into for the building of said vessel, as found by the Court of Claims and reported in Senate Document No. 5, Sixty-eighth Congress, first session.

Mr. JONES. Mr. President, that involves quite a large sum of money. Will not the Senator from Delaware explain it?

Mr. BAYARD. Mr. President, this bill is to pay this company a sum stated in the bill, which was the excess cost to which the company was put in delivering this special type of boat to the Government.

The contract price was paid by the Government, and the amount of excess cost was referred to the Court of Claims, and the sum set up in the bill was found by the Court of Claims to have been expended by the company in properly building and constructing this boat.

In the course of the construction of the boat it was found that it was to be of a novel construction, a character of construction that the Federal Government had theretofore not indulged in, and the contract was very severe in its terms, the Government inspectors were more severe in their terms, and by several changes made it very much harder upon the contracting company to deliver the boat in time. The boat was not delivered in time by reason of that, and increased cost was incurred by the building company, but the boat was finally accepted, and has proved satisfactory.

As I said, the matter was referred to the Court of Claims to ascertain the facts, and the Court of Claims has found that the shipbuilding company did incur these expenses, legitimate expenses, over and above the amount of the contract price.

I would say to the Senator that we have had several cases not unlike this lately. One was that of the Fore River Shipbuilding Co., in which a similar state of facts came before us. That was a more recent case. In the case to which I have referred the Government made a contract with the Fore River Shipbuilding Co., and the contract was put through, but on account of the imposition of extras, so to speak, by the Federal Government, and the increased cost of construction growing out of circumstances over which the shipbuilding company had no control, the excess cost was placed upon the shipbuilding company. Recourse was had by way of a claim bill in Congress, the facts were examined into, and Congress passed a bill to pay the excess price. So that in principle this is the same as that case.

Mr. JONES. May I ask the Senator whether there was anything under the terms of the contract that warranted paying for what you might term "extras"?

Mr. BAYARD. It is very true that there was a deliberate contract entered into by the shipbuilding company, but the Court of Claims found that the shipbuilding company lived up to every possible phase of the contract it could under the circumstances, but that it was placed under undue handicaps by reason of the novelty of the form of construction. It was a character of boat that never had been built by the Government or private parties before.

Mr. JONES. Did they not take that into account when they entered into the contract to build the boat?

Mr. BAYARD. It was supposed they had, but it seemed that they had not. More than that, the Government made necessary the doing of certain extra things by changing the contract.

Mr. JONES. Did not the contract provide for such contingencies as that?

Mr. BAYARD. Generally speaking, I think the Senator is right. But, as I stated a moment ago, in the case of the Fore River Shipbuilding Co. contract, Congress responded when it found that the company had lived up to its contract, and the Government had gotten a good bargain. This boat has been used ever since.

Mr. JONES. I am rather interested in the situation, because I have a bill which I think is very much on all fours with the pending one, under the explanation the Senator gives.

Mr. BAYARD. The Government got its money's worth in this case. The Court of Claims found that it was a necessary amount expended by the shipbuilding company, and I think in justice and equity the company should be reimbursed.

Mr. JONES. I do not know what action the department took in reference to this bill originally. Did the department recommend it?

Mr. BAYARD. Yes.

Mr. JONES. I have a bill pending now before the Committee on Claims wherein it is at least the contention of the claimant that he was compelled to make additional expenditures on account of circumstances over which he had no control, and yet I find that the War Department reports adversely against such a claim. If we are to deal in equities in these

matters, then I think we ought to apply the rule equitably to all these claims when they come to Congress.

Mr. BAYARD. I quite agree with the Senator. I think the departments are rather cheeseparing in their reports to Congress. They get more than value received.

Mr. WALSH of Massachusetts. Is the committee report unanimous?

Mr. BAYARD. It is unanimous.

Mr. WALSH of Massachusetts. Is this the amount the Court of Claims has agreed was due the company?

Mr. BAYARD. Yes.

Mr. WALSH of Massachusetts. And the department approved it?

Mr. BAYARD. Yes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL JUDGE, SOUTHERN DISTRICT OF FLORIDA

The bill (S. 1275) to create an additional judge for the southern district of Florida was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint an additional judge of the District Court of the United States for the Southern District of Florida, who shall reside in said district, and whose compensation, duties, and powers shall be the same as now provided by law for the judge of said district.

SEC. 2. That this act shall take effect immediately.

Mr. JONES. Mr. President, I would like to have an explanation as to the need for this additional judge. Conditions are such out in my State that the people have been pressing for an additional judge for five or six years; yet I have been unable to convince the committee that there was sufficient business to justify it, while, as a matter of fact, the judges there are working day and night, but can not keep up with the business. So I am interested in knowing the sort of a showing the Senator made to the committee to induce them to provide for an additional judge.

Mr. FLETCHER obtained the floor.

Mr. NEELY. Mr. President, the distinguished Senator from Florida showed nothing to the committee. But with the discernment for which he is justly famous he had his bill referred to a sympathetic subcommittee, to the members of which he demonstrated the necessity for an additional Federal judge in the State of Florida.

If the able Senator from Washington will follow the course pursued by the Senator from Florida, he may obtain the desired result.

Mr. JONES. Who is the chairman of the subcommittee?

Mr. NEELY. The able Senator from Colorado [Mr. WATERMAN].

Mr. JONES. I think I shall look up that subcommittee.

Mr. FLETCHER. Mr. President, I may say that I had nothing to do with the naming of the subcommittee, but I was entirely satisfied with it. We did have a hearing before the subcommittee, and it reported unanimously in favor of the bill, and the whole committee makes a unanimous report. We were able to show the need for this additional judge.

Some 20 years ago the line between the northern and southern district of Florida was changed, so that it threw into the southern district of Florida at least two-thirds of the population and of the territory of the State. That district runs from the northern boundary line of the State, the Georgia line, to Key West, nearly 600 miles. The territory embraces over a million population, and great distances intervene between the places for holding court.

There is no question, as far as economy is concerned, but that the salary of this judge would be earned in one term of court held in that district in the matter of jurors' fees, witness fees, and that sort of thing.

In addition to that, just to be brief, the Chief Justice has been obliged to assign judges from other portions of the country to hold court in that district. There have been assigned to that district Judge Henry D. Clayton, from Alabama; Judge Grubb, from Alabama; and Judge Hunt was recently there from California, and they all have certified that this judge is needed.

In addition to that, the Chief Justice himself, to whom this bill was referred by the Attorney General, has stated, and I have this letter here if the Senator wants to read it, that there is need for this additional judge. The department itself is in favor of the bill. They know the conditions and the need for this additional judge.

I do not think there could be anything added to what we have been able to show respecting the need for this additional judge.

Mr. JONES. Mr. President, about the only difficulty that I would have in making such a showing as Florida makes is that I have not been able to get the Chief Justice of the United States to acquaint himself with the conditions out in Washington. Furthermore, the geographical conditions are a little bit different. It is true that the distances the judges and the witnesses and the jurors have to travel, with only one court in Florida, are very much greater than in my State; but as far as the business necessary to be done is concerned, I think probably we can make a stronger showing. Hardly six months passes without our having judges sent in from the outside. I shall not object to this bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EASEMENT TO TOWN OF CICERO, ILL.

The bill (H. R. 7472) to grant to the town of Cicero, Cook County, Ill., an easement over certain Government property was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF CODE OF LAW FOR THE DISTRICT OF COLUMBIA

The bill (S. 3395) to amend subchapter 3 of Chapter XVI of the Code of Law for the District of Columbia, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the second paragraph of section 546 of the Code of Law for the District of Columbia is hereby amended by inserting after the word "instruments," where it first occurs in that paragraph, the words "or any release thereof or any release of a conditional bill of sale," so that said second paragraph will read as follows:

"And it shall not be necessary for the recorder of deeds to spread such instruments, or any release thereof or any release of a conditional bill of sale, upon the records of his office, but the same shall be indexed in the manner as deeds to real estate are indexed, and said instruments shall be kept on file and shall be open to inspection by the public and shall have the same force and legal effect as if they were actually recorded in the books of said office. For filing and indexing such aforesaid instruments the recorder of deeds shall collect $1 each."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORTER BROS. & BIFFLE

Mr. MAYFIELD. Mr. President, speaking for the junior Senator from Oklahoma [Mr. THOMAS], I ask that we recur to Calendar No. 85, Senate bill 1476, for the relief of Porter Bros. & Biffle and certain other citizens.

Mr. CURTIS. Mr. President, I hope that will not be done. The bill went over under objection some time ago, and the other Senator from Oklahoma is not present.

Mr. MAYFIELD. If there is objection——

Mr. CURTIS. I do not know whether there is objection or not. There was before when the bill was called up, and it went over under objection.

Mr. MAYFIELD. I may state for the RECORD that the same bill passed the Senate, having been introduced by other Senators and reported favorably.

BILL PASSED OVER

The bill (S. 3280) for the relief of Margaret Diederich was announced as next in order.

Mr. BRATTON. Let the bill go over.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The bill will be passed over.

COMPENSATION TO SUN JUI-CHIN

The joint resolution (S. J. Res. 93) to provide for the payment of the claim of the Government of China for compensation of Sun Jui-chin for injuries resulting from an assault on him by a private in the United States Marine Corps was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That there is hereby authorized to be paid to the Government of China, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor, a sum equivalent to $500 Mexican as full indemnity for injuries to Sun Jui-chin resulting from an assault upon him in China by a private in the United States Marine Corps on June 11, 1923, as recommended in the message of the President of December 17, 1927, printed as Senate Document No. 23, Seventieth Congress, first session.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1387) for the relief of J. W. Anderson was announced as next in order.

Mr. JONES. Mr. President, may we have some explanation of the bill? I have not had an opportunity to read the report. The Senator from Kansas [Mr. CAPPER] reported the bill.

Mr. CAPPER. The Senator from Virginia [Mr. SWANSON] is absent. I think he should be here when the bill is considered.

Mr. JONES. The Senator from Virginia is necessarily absent, so I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

SHOSHONE OR WIND RIVER RESERVATION, WYO.

The bill (S. 3365) to authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo., was considered as in Committee of the Whole. The bill had been reported from the Committee on Indian Affairs with amendments, on page 1, line 9, after the word "exceeding," to strike out the words "six hundred and forty" and insert in lieu thereof the words "three hundred and twenty"; and on page 2, line 3, after the word "amended," to insert the following proviso:

Provided, That all minerals, including oil and gas, on any of the lands allotted hereunder are reserved to the Indians having rights on the reservation, and may be leased for mining purposes under existing law.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to allot lands classified as nonirrigable, nontimbered grazing lands on the diminished Shoshone or Wind River Reservation, Wyo., to all unallotted living children enrolled or entitled to be enrolled on said reservation, in areas not exceeding 320 acres each, and to issue therefor trust patents of the form and legal effect authorized by the general allotment act of February 8, 1887 (24 Stat. 388), as amended: *Provided,* That all minerals, including oil and gas, on any of the lands allotted hereunder are reserved to the Indians having rights on the reservation, and may be leased for mining purposes under existing law.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000 or so much thereof as may be necessary to pay the expenses for necessary surveys, classification of lands, and all other expenses in connection with the allotment work.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN CLAYTON COUNTY, IOWA

The joint resolution (H. J. Res. 215) to authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, for the purposes of the upper Mississippi River wild life and fish refuge act was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That the Secretary of Agriculture be, and hereby is, authorized to accept on behalf of the United States from James B. Munn, of New York City, N. Y., a gift of certain lands in Clayton County, Iowa, described as Government lot 1, section 23, township 94 north, range 3 west, fifth principal meridian, 58.50 acres; north half Government lot 2, section 23, township 94 north, range 3 west, fifth principal meridian, 24.30 acres; part of Government lot 1, section 11, township 94 north, range 3 west, fifth principal meridian, 11 acres; Government lot 4, section 11, township 94 north, range 3 west, fifth principal meridian, 45.45 acres; Government lot 3, section 35, township 95 north, range 3 west, fifth principal meridian, 68.40 acres; Government lot 4, section 35, township 95 north, range 3 west, fifth principal meridian, 35 acres; south part Government lot 2, section 35, township 95 north, range 3 west, fifth principal meridian, 28 acres; part of north half, section 27, township 95 north, range 3 west, fifth principal meridian, 136.76 acres; part of southwest quarter, section 22, township 95 north, range 3 west, fifth principal meridian, 49 acres; part of east half, section 22, township 95 north, range 3 west, fifth principal meridian, 31.59 acres. Total area, 488 acres, including all the buildings and improvements thereon and all rights, easements, and appurtenances thereunto appertaining; and upon acceptance of said lands by the Secretary of Agriculture they shall become a part of the upper Mississippi River wild life and fish refuge established pursuant to the authority contained in the upper Mississippi River wild life and fish refuge act approved June 7, 1924.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STOCK-WATERING PLACES IN MODOC NATIONAL FOREST

The bill (S. 1179) to provide for the development of stock-watering places in the Modoc National Forest was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $30,000, to be expended by the Secretary of Agriculture for digging wells and otherwise developing stock-watering places in the Modoc National Forest.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN BENTON AND WALLA WALLA COUNTIES, WASH.

The joint resolution (S. J. Res. 111) authorizing the acceptance of title to certain lands in the counties of Benton and Walla Walla, Wash., adjacent to the Columbia River bird refuge in said State established in accordance with the authority contained in Executive Order No. 4501, dated August 28, 1926, was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the Secretary of Agriculture be, and he is hereby, authorized to accept, on behalf of and without expense to the United States, from the Northern Pacific Railway Co., a corporation organized and existing under the laws of the State of Wisconsin, or its authorized agents, a gift of certain lands situate in the counties of Benton and Walla Walla, State of Washington, described as lot 8, section 21, and lot 5, section 33, all in township 7 north, range 31 east, Willamette principal meridian, containing 6.97 acres, more or less, including all the buildings and improvements thereon, and all rights, easements, and appurtenances thereunto appertaining: *Provided,* That upon the acceptance of the title to the lands above described by the United States they shall become a part of the Columbia River bird refuge established pursuant to the authority contained in Executive Order No. 4501, dated August 28, 1926, and shall be subject to any laws governing the administration and protection of said refuge.

The joint resolution was reported to the Senate without amendment, order to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 9830) authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls was announced as next in order.

Mr. DALE. Mr. President, I have in mind that the senior Senator from Nebraska [Mr. NORRIS] would want to be present when the bill is considered. Therefore I ask that it may go over.

The PRESIDING OFFICER. On objection the bill will go over.

The bill (H. R. 9495) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture, was announced as next in order.

Mr. BAYARD. Over.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

MUSK OXEN FOR ALASKA

The bill (S. 3439) to authorize the Secretary of Agriculture to acquire a herd of musk oxen for introduction into Alaska for experimentation with a view to their domestication and utilization in the Territory was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with an amendment, on page 2, line 6, after the word "appropriated," to insert the words "to remain available until expended," so as to make the bill read:

Be it enacted, etc., That the Secretary of Agriculture is authorized to acquire, by gift or purchase, not more than 20 musk oxen, to be by him, or under his direction, established upon such area of land of the United States in Alaska as shall be designated by the President as a refuge for musk oxen and other wild animals, on the recommendation of the Secretary of Agriculture, in order that the Secretary of Agriculture may experiment with such musk oxen with a view to determining and demonstrating the practicability of establishing the musk ox

as a useful domestic animal in Alaska; and there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, to remain available until expended, the sum of $25,000 for expenditure by the Secretary of Agriculture for all expenses that he may deem necessary for carrying out the purposes of this act, including the construction of such buildings, pens, inclosures, or other structures as may be requisite for the efficient execution of such experiment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1794) establishing additional land offices in the States of Montana, Oregon, Idaho, and South Dakota was announced as next in order.

Mr. CURTIS. I think the bill had better go over.

The PRESIDING OFFICER. The bill will be passed over.

TAXATION OF LANDS WITHIN RECLAMATION PROJECTS

The bill (S. 3512) to authorize the taxation of certain interests in lands within reclamation projects was announced as next in order.

Mr. CURTIS. Mr. President, I would like to know what land the bill affects. Does it affect Indian lands or not?

Mr. NORBECK. Only lands within reclamation projects.

Mr. CURTIS. But does that mean Indian lands on the projects?

Mr. NORBECK. I am absolutely unable to answer the Senator.

Mr. CURTIS. Would the Senator object to the bill going over?

Mr. NORBECK. No; not at all. It is not my bill. I happen to know the purpose back of it, but that is all.

The PRESIDING OFFICER. Objection being made, the bill will go over.

ETHNOLOGICAL RESEARCHES ON AMERICAN INDIANS

The bill (S. 838) to provide for cooperation by the Smithsonian Institution with State educational and scientific organizations in the United States for continuing ethnological researches on the American Indians was announced as next in order.

Mr. FRAZIER. Mr. President, House bill 5945, which is identical with Senate bill 838, has passed the House and is on the clerk's desk. I ask unanimous consent that the House bill be substituted for the Senate bill, that the House bill be passed, and the Senate bill be indefinitely postponed.

Mr. McKELLAR. Mr. President, I hope very much that will be done. I am the author of the bill.

There being no objection, the Senate, as in the Committee of the Whole, proceeded to consider the bill (H. R. 5495) to provide for cooperation by the Smithsonian Institution with State educational and scientific organizations in the United States for continuing ethnological researches on the American Indians, and it was read as follows:

Be it enacted, etc., That the Secretary of the Smithsonian Institution is hereby authorized to cooperate with any State, educational institution, or scientific organization in the United States for continuing ethnological researches among the American Indians and the excavation and preservation of archæological remains.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, which shall be available until expended for the above purposes: *Provided*, That at such time as the Smithsonian Institution is satisfied that any State, educational institution, or scientific organization in any of the United States is prepared to contribute to such investigation and when in its judgment such investigation shall appear meritorious, the Secretary of the Smithsonian Institution may direct that an amount from this sum equal to that contributed by such State, educational institution, or scientific organization, not to exceed $2,000 to be expended from such sum in any one State during any calendar year, be made available for cooperative investigation: *Provided further*, That all such cooperative work and division of the result thereof shall be under the direction of the Secretary of the Smithsonian Institution: *Provided further*, That where lands are involved which are under the jurisdiction of the Bureau of Indian Affairs or the National Park Service, cooperative work thereon shall be under such regulations and conditions as the Secretary of the Interior may provide.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 838 will be indefinitely postponed.

CROW INDIAN RESERVATION (MONT.) ROAD

The bill (S. 3435) to authorize an appropriation from tribal funds to pay part of the cost of the construction of a road on the Crow Indian Reservation, Mont., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 4, to strike out "$5,000" and insert in lieu thereof "$7,500," so as to make the bill read:

Be it enacted, etc., That an appropriation is hereby authorized in the sum of $7,500 from the tribal funds on deposit in the United States Treasury to the credit of the Indians of the Crow Reservation in the State of Montana to pay part of the cost of the construction of a road on said reservation between the towns of Hardin and St. Xavier, a distance of about 22 miles, under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That before any money is expended hereunder the county of Big Horn or the State of Montana shall first set aside $15,000 to pay the remainder of the cost of said road.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UMATILLA RESERVATION, OREG.

The bill (S. 1191) to amend an act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes," was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 1, line 4, to strike out the numerals "142" and insert in lieu thereof the numerals "340"; and on page 1, line 9, after the word "reservation" to strike out the following proviso: "*Provided*, That any settler on these lands prior to April 21, 1921, shall be permitted to acquire title to the lands covered by his settlement, not exceeding 160 acres of nontimbered lands and 40 acres of timbered lands, at not less than the appraised value thereof by making entry of the lands at the proper district land office within six months after the date of the passage of this act and by complying with the provisions of law governing other entries of Umatilla lands," so as to make the bill read:

Be it enacted, etc., That section 2 of the act of March 3, 1885 (23 Stat. L. 340), be, and the same hereby is, amended so as to authorize the Secretary of the Interior to withhold from sale or disposition, for use as tribal grazing grounds, all unentered and undisposed of lands in township 2 south, range 34 and 35 east of the Willamette meridian, Oregon, formerly a part of the Umatilla Reservation.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TAXATION OF LANDS WITHIN RECLAMATION PROJECT

Mr. CURTIS. Mr. President, I ask unanimous consent to return to Order of Business 656, the bill (S. 3512) to authorize the taxation of certain interests in lands within reclamation projects. I have looked at the report and find that it has no reference to Indian lands. It is recommended by the department, and I have no objection to its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the interest of any person in any farm unit established under an act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, or any act amendatory thereof or supplemental thereof, may, if satisfactory proof of residence, improvement, and cultivation upon such farm unit has been made in accordance with the general provisions of the homestead laws, be taxed by the State or political subdivision thereof in which such farm unit is located; but the rate of such taxation shall not be higher than the rate on other interests in real property within such State or political subdivision. Any tax legally assessed by such State or political subdivision against such interest in such farm unit may be enforced against such interest in accordance with the laws of such State or political subdivision; but the lien of such tax and all proceedings for the enforcement thereof against such interest and any title derived through the same shall be subject to a prior lien for all sums due or to become due to the United States in respect to such farm unit.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHIPPEWA INDIAN CLAIMS, MINNESOTA

The bill (S. 2979) amending an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims" was announced as next in order.

Mr. FRAZIER. The bill (H. R. 7463) amending an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," which is identical with Senate bill 2979, has passed the House and is on the clerk's desk. I ask unanimous consent that the House bill be substituted for the Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7463) amending an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," and it was read, as follows:

Be it enacted, etc., That section 8 of the act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926 (44 Stat. L. 555), be, and the same is hereby, amended to read as follows:

"SEC. 8. All actual and necessary expenses incurred by the attorney or attorneys so employed to represent the Chippewa Indians of Minnesota, including court costs, bills for printing required by law or court rules, the cruising and examination of lands and timber, the auditing and tabulation of accounts, travel, and subsistence of said attorneys and their employees while engaged solely in the preparation or prosecution of said suit or suits, securing and taking evidence deemed material therein, the compensation of stenographers, and such clerical assistance as shall be reasonably employed solely upon work in connection therewith, fees or commissions of notaries public or commissioners, and any other expense reasonably necessary for the preparation for trial or prosecution of any such suit or suits, shall be paid by the Secretary of the Interior from time to time, as they accrue, out of the funds standing to the credit of said Indians in the Treasury of the United States upon verified accounts submitted in such form as may be required by the Secretary of the Interior: *Provided*, That no payment shall be allowed hereunder for expense incurred for compensation to other attorneys for rendering service as attorneys in assisting in said suits, nor for any item of so-called overhead, office, or other expense not solely and exclusively incurred for or on account of such suit or suits: *And provided further*, That before the attorneys are authorized to incur any expense in excess of $200 for any purpose they shall first secure the approval of the Commissioner of Indian Affairs and the Secretary of the Interior."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2979 is indefinitely postponed.

SALE OF LANDS NEAR SEWARD, ALASKA

The bill (H. R. 333) authorizing the sale of certain lands near Seward, Alaska, for use in connection with the Jesse Lee Home, was considered as in Committe of the Whole and was read, as follows:

Be it enacted, etc., That upon payment therefor at the rate of $1.25 per acre the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent for the following-described lands to the Woman's Home Missionary Society of the Methodist Episcopal Church for use in connection with the Jesse Lee Home, a home for orphan children: Approximately the west 21.86 chains of United States survey No. 242, Alaska: *Provided*, That the lands shall be identified on the ground by survey before patent issues, and that patent shall issue in accordance with such survey: *Provided further*, That there shall be reserved to the United States all oil, coal, or other minerals in the land and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior shall prescribe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3375) to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437), was announced as next in order.

Mr. BRATTON. I should like to have an explanation as to the manner in which the bill amends the general leasing act. The author of the bill seems to be absent, so I ask that it go over.

The PRESIDING OFFICER. Under objection the bill will go over.

LAND IN OKLAHOMA CITY, OKLA.

The bill (H. R. 465) to authorize the city of Oklahoma City, Okla., to sell certain public squares situated therein was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the city of Oklahoma City, Okla., be, and it is hereby, authorized, whenever in its judgment the best interests of said city require such action, to sell the two tracts of land designated as public squares, in block 23 and block 62, Oklahoma City, Okla., or any portion thereof, patented to said city on January 10, 1919, for public purposes in accordance with the provisions of section 22 of the act of May 2, 1890 (26 Stat. L. 81), notwithstanding the restrictions contained in said act: *Provided*, That the proceeds from the sale of said tracts shall be devoted by said city to the public purpose referred to in said section 22 of the said act of May 2, 1890.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRANT OF LANDS TO CALIFORNIA

The bill (H. R. 5545) granting certain lands to the State of California was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That upon conveyance to and acceptance by the State of California of either the North Calaveras Big Tree Grove, described as the west half of the southwest quarter of section 14; the east half of the southeast quarter; the southwest quarter of the southeast quarter; the southeast quarter of the southwest quarter of section 15; the north half of the northeast quarter; the southwest quarter of the northeast quarter; the east half of the northwest quarter of section 22, township 5 north, range 15 east, Mount Diablo base and meridian; or, the South Calaveras Big Tree Grove, described as the south half of the northwest quarter; the north half of the southwest quarter; the southwest quarter of the southwest quarter of section 28; the southeast quarter; the south half of the southwest quarter of section 29; the north half of the northeast quarter; the southwest quarter of the northeast quarter; the northwest quarter; the north half of the southwest quarter of section 32; the east half of the northeast quarter, the southwest quarter of the northeast quarter; the north half of the southeast quarter; the southwest quarter of the southeast quarter; the southwest quarter of section 31, township 5 north, range 16 east, Mount Diablo base and meridian; or, both of the aforesaid groves, and the dedication as a State park of the lands so conveyed and accepted by the State of California, within six years from the passage of this act, then the Secretary of the Interior shall, upon request of the Governor of California, and with the concurrence of the Secretary of Agriculture issue a patent to the State of California for the following-described lands: The southeast quarter of the southeast quarter of section 22; the north half of the southeast quarter of section 24; the north half; the southwest quarter; the west half of the southeast quarter of section 25; the east half of the west half, the southeast quarter, the south half of the northeast quarter of section 26; the north half of the northeast quarter of section 35, township 5 north, range 15 east, Mount Diablo base and meridian; the southeast quarter of the southeast quarter of section 31, township 5 north, range 16 east, Mount Diablo base and meridian.

SEC. 2. That the conveyance hereby authorized shall be subject to the right of the United States to occupy or to authorize the occupancy of so much of the conveyed lands as may be required for rights of way for roads, trails, railroads, transmission lines, conduits or other works constructed and maintained by or under the authority of the United States: *Provided*, That the said State of California shall not have the right to sell or convey the land acquired under the provisions of this act, or any part thereof, or to devote said land to other than State park purposes, and if the said land is sold or conveyed or is used for other than State park purposes, contrary to the provisions of this act, the part so conveyed or used shall revert to the United States; the condition and reservation herein provided for to be expressed in the patent: *Provided further*, That there shall be reserved to the United States all oil, gas, coal, or other mineral deposits found at any time in the land, and the right to prospect for, mine, and remove the same, under such regulations as the Secretary of the Interior shall prescribe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. BRAASCH

The bill (H. R. 9118) for the relief of William C. Braasch was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior, in his judgment and discretion, is hereby authorized to sell, in the manner hereinafter provided, any of those lands which he has found or shall hereafter find are public lands of the United States that have accreted to section 14 of township 5 north, range 4 west, Washington meridian, in the State of Mississippi, and to sections 65, 66, 67, and 68, of township 5 north, range 9 east, Louisiana meridian, in the State of Louisiana, and which are not lawfully appropriated by a qualified settler or entryman or other adverse claimant claiming under the public land laws.

SEC. 2. That the owners of said above-described lots or sections shall have a preferred right to file in the office of the register of the United States Land Office of the district in which the lands are situated an

application to purchase the public lands thus formed by accretion at any time within 90 days from the filing of plats of such accreted area in the United States Land Office. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right by virtue of the ownership of said above-described lots or sections and that the lands which he applies to purchase are not in the legal possession of any adverse claimant.

SEC. 3. That upon the filing of any application to purchase any lands subject to the operation of this act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, including the timber thereon and the stumpage value of any timber cut or removed by the applicant or his predecessors in interest. Such appraisement shall be exclusive of any increased value resulting from the development or improvement of the land for agricultural purposes by the applicant or his predecessors in interest.

SEC. 4. That an applicant who applies to purchase land under the provisions of this act in order to be entitled to receive a patent must within 30 days from receipt of notice of appraisal by the Secretary of the Interior pay to the register of the United States Land Office of the district in which the lands are situated the appraised value of the lands, and thereupon patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this act. The proceeds derived by the Government from the sale of lands hereunder shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

SEC. 5. If at the date of the approval of this act any of the lots or sections or parts of lots or sections above described are covered by a pending entry on which satisfactory final proof in support thereof has not been submitted, patent based on any application to purchase land subject to the provisions of this act shall be withheld to await the completion of the pending entry. If upon completion of the pending entry it shall then be found that applicant has shown due compliance with the law under the said pending unperfected entry and his application to purchase is otherwise satisfactory patent on said application to purchase shall then be issued.

SEC. 6. That the Secretary of the Interior is hereby authorized to prescribe all necessary rules and regulations for administering the provisions of this act and determining conflicting claims arising hereunder.

Mr. JONES. Mr. President, may we have a brief explanation of the bill?

Mr. NYE. This is for the relief of William Braasch, who made a coal application in 1921 for which he paid $400. Two years later the department withdrew the entry which had been credited to him, and because he did not within the provided time of two years make application for repayment of the $400, the department under its rulings declined to pay it. The bill is for his relief, with the approval of the department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HAWAII NATIONAL PARK

The bill (H. R. 10483) to revise the boundary of a portion of the Hawaii National Park, on the island of Hawaii, in the Territory of Hawaii, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the boundary of that portion of the Hawaii National Park on the island of Hawaii firstly described in the act of Congress approved August 1, 1916 (39 Stat. 432, sec. 391, title 16, U. S. C.), entitled "An act to establish a national park in the Territory of Hawaii," be, and the same is hereby, amended to read, as follows:

"All that tract of land comprising portion of the lands of Kapapala and Keauhou, in the district of Kau, and portions of the lands of Keaau, Kahaualea, Panaunui, and Apua, in the district of Puna, containing approximately thirty-four thousand five hundred and thirty-one acres, bounded as follows:

"Beginning at a point on the west edge of the Keamoku Aa Flow (lava flow of 1823), the coordinates of said point of beginning referred to Government Survey Trigonometry Station 'Uwekahuna,' being four thousand seven hundred and six and six-tenths feet south and seventeen thousand nine hundred and seventy and three-tenths feet west, and the true azimuth and distance from said point of beginning to Government Survey Trigonometry Station 'Ohaikea,' being one hundred and sixty-six degrees and twenty minutes, six thousand three hundred and fifty feet, and running by true azimuths—

"1. Along the west edge of the Keamoku Aa Flow in a northeasterly and northwesterly direction, the direct azimuth and distance being one hundred and ninety-eight degrees and ten minutes fourteen thousand seven hundred feet;

"2. Two hundred and fifty-six degrees, eleven thousand four hundred feet across the land of Kapapala and Keauhou to a marked point on the Humuula Trail;

"3. Three hundred and twenty-eight degrees and fifteen minutes eight thousand seven hundred and twenty-five feet across the land of Keauhou to the top of the fault north and the Kau Road;

"4. Thence along the fault in a northeasterly direction along the remainder of Keauhou to a pipe, the direct azimuth and distance being two hundred and fifty-one degrees and thirty minutes four thousand three hundred and thirty feet;

"5. Two hundred and eighty-six degrees five hundred and thirty feet along the remainder of Keauhou;

"6. Two hundred and ninety-eight degrees nine hundred and sixty feet along same;

"7. Two hundred and eighty-three degrees and forty-eight minutes one thousand one hundred and forty-six and five-tenths feet along same to a pipe;

"8. Two hundred and sixty-seven degrees and twenty minutes one thousand and twenty-seven and five-tenths feet along same;

"9. Two hundred and ninety-three degrees and ten minutes one thousand and fifty feet along same to a pipe;

"10. Three hundred and twenty-one degrees and forty-six minutes one thousand one hundred and eleven and three-tenths feet along same;

"11. Three hundred and thirty-three degrees and fifty minutes one thousand one hundred feet along same;

"12. Three hundred and twenty-seven degrees and twenty minutes one thousand nine hundred and forty feet along same;

"13. Two hundred and eighty-three degrees and thirty-nine minutes two thousand and fifty-seven and four-tenths feet along same to a pipe;

"14. Three hundred and thirty-three degrees and twenty minutes two hundred and fifty feet along same to a pipe on the north side of Government Main Road at junction with the Keahou Road, said pipe being by true azimuth and distance two hundred and ninety-five degrees and twelve minutes six thousand one hundred and sixty-seven and one-tenth feet from Government Survey Trigonometry Station 'Volcano House Flag';

"15. Three hundred and thirty-three degrees and twenty minutes three thousand two hundred and eighty-three and two-tenths feet along the remainder at Keauhou to a pipe;

"16. Three hundred and fifty-four degrees and fifty-four minutes sixty feet along the remainder of Keaau;

"17. Two hundred and thirty-one degrees and thirty-one minutes one thousand six hundred and seventy-eight and eight-tenths feet along same;

"18. Three hundred and eighteen degrees eight hundred and sixteen and four-tenths feet along same to the boundary between the lands of Keaau and Kahaualea;

"19. Seventy-two degrees and forty-five minutes one thousand two hundred and thirty-three and three-tenths feet along the land of Kahaualea to a pipe;

"20. Forty-eight degrees six hundred and thirty-four feet along the remainder of Kahaualea to a pipe on the Kahaualea-Keauhou boundary;

"21. Three hundred and thirty-two degrees and ten minutes six thousand five hundred and fifty-one and four-tenths feet along the Kahaualea-Keaau boundary to a pipe;

"22. Two hundred and eighty-one degrees thirty thousand three hundred and one and seven-tenths feet along the remainder of Kahaualea to a pipe;

"23. Thirty-one degrees and thirty minutes thirteen thousand and seventy-four and seven tenths feet along the remainder of Kahaualea and Panaunui to a pipe, passing over a pipe at five thousand nine hundred and twenty-two and two-tenths feet on the Kahaualea-Panaunui boundary;

"24. Eighty-nine degrees and ten minutes thirty-two thousand nine hundred feet along the remainder of Panaunui, across the lands of Apua and Keauhou to 'Palilele-o-Kalihipaa,' at an angle in the Keauhou-Kapapala boundary marked by a pile of stones, passing over pipes at three thousand five hundred and seventy-two and eight-tenths feet on the Panaunui-Apua boundary and eight thousand four hundred and thirty-five and three-tenths feet;

"25. Fifty-one degrees fifty minutes and thirty seconds five thousand four hundred and thirty feet across the land of Kapapala;

"26. One hundred and two degrees and fifty minutes nineteen thousand one hundred and fifty feet across same to a small cone about one thousand five hundred feet southwest of 'Puu Koae';

"27. One hundred and sixty-six degrees and twenty minutes twenty-one thousand feet across the land of Kapapala to the point of beginning"; and all of those lands lying within the boundary above described are hereby included in and made a part of the Hawaii National Park subject to all laws and regulations pertaining to said park.

SEC. 2. That the provisions of the act of February 27, 1920, entitled "An act to authorize the Governor of the Territory of Hawaii to acquire privately owned lands and rights of way within the boundaries of the Hawaii National Park," are hereby extended over and made applicable to the lands added to the park and included within the boundary established by the preceding section of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NYE. I move that Senate bill 3023, being an identical bill, be indefinitely postponed.

The motion was agreed to.

OLIVER C. MACEY AND MARGUERITE MACEY

The bill (S. 1648) for the relief of Oliver C. Macey and Marguerite Macey was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Oliver C. Macey, of Anne Arundel County, Md., out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full compensation for the death of his infant daughter, Eleanor Macey, who was killed December 14, 1925, by reason of the negligence of the operator of a United States Navy commissary truck.

SEC. 2. The Secretary of the Treasury is also authorized and directed to pay to Marguerite Macey, out of any money in the Treasury not otherwise appropriated, the sum of $1,250, in full compensation for personal injuries, medical and funeral expenses, and loss of automobile, which resulted by reason of the negligence of the operator of a United States Navy commissary truck.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARRY C. SAXTON

The bill (S. 1499) for the relief of Harry C. Saxton was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized to extend to Harry C. Saxton, who suffered injury to, and consequent subsequent loss of, his right foot on May 19, 1905, while in discharge of his duty as a mechanic in the Public Health and Marine Hospital Service at Reedy Island Quarantine Station, Port Penn, Del., the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts amendatory thereof; compensation to be provided hereunder as if the provisions of the act approved September 7, 1916, and amendatory acts, had been operative on May 19, 1905.

Mr. JONES. Mr. President, I think we ought to have an explanation of the bill because apparently this man was injured about 11 years before the act was passed. If we are to bring such persons under the compensation act, why should we not make the act itself retroactive?

Mr. BAYARD. Mr. President, if the Senator would read the report he would find in a letter from the Secretary of the Treasury a complete statement of the facts in the case. This man was injured while moving a safe down at Reedy Island Quarantine Station on the Delaware River on the date mentioned. The matter went on from time to time and finally resulted in the loss of his leg. As a matter of fact, although it does not appear here, the bill was introduced two or three times in the House. The man at that time lived in New Jersey. Three or four years ago he moved to Delaware and at his instance this year I introduced a bill. It would appear that the bill never got out of the committee in the House. I do not know why. The papers do not disclose any report from any department in relation to it, so I assume the bill was not pressed in the House.

The reason why the bill is brought here in this way instead of giving a flat sum as originally called for, the Secretary of the Treasury recommended that the terms of the workmen's compensation act of 1916 be extended to him, that he may be examined by the authorities under that act and such relief given him under that act as they may find is due him.

Mr. JONES. Does the Senator see any objection to having a general act passed under which those who may have been injured prior to the passage of that act may be brought within its terms?

Mr. BAYARD. I think the provisions of the amendment suggested by the Secretary of the Treasury are probably wise, because it is very hard for the department, because of the lapse of time, to determine the amount accurately from the information they might get from the medical officers, and so forth. The only thing they can get is the general situation from the record of the case. The Secretary was of the opinion that it would be a wise thing to relegate this case to the terms of the compensation act, let him appear before the compensation board, and be given what compensation they deem wise from the facts arising in the case.

Mr. JONES. And he so recommended?

Mr. BAYARD. He drew up the amendment himself and of course recommended it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

W. J. BRYSON

The bill (H. R. 5075) for the relief of W. J. Bryson was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $500, to reimburse W. J. Bryson for the amount paid on the bond of one John Searight, defendant in the case of the United States against John Searight, in the District Court of the United States for the Southern District of Iowa, the said John Searight having been subsequently returned to the custody of the United States marshal through the efforts and at the expense of said Bryson.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SANITARIUM CO., OF PORTLAND, OREG.

The bill (H. R. 5923) for the relief of the Sanitarium Co., of Portland, Oreg., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated and in full settlement against the Government, the sum of $1,180 to the Sanitarium Co., of Portland, Oreg., for the purpose of reimbursing said corporation in that amount, which was disallowed by the Comptroller General of the United States and deducted from moneys due the Sanitarium Co., under its contracts with the Secretary of the Interior dated, respectively, January 25, 1919, and June 11, 1920, for the care and maintenance of the legally adjudged insane of Alaska.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OWNERS OF SCHOONER "ADDISON E. BULLARD"

The bill (S. 1486) for the relief of the owners of the schooner *Addison E. Bullard* was announced as next in order.

Mr. CURTIS. I have been requested to ask that that bill go over.

The PRESIDING OFFICER. Objection being made, the bill goes over.

Mr. BLACK. Mr. President, do I understand that objection was made?

Mr. CURTIS. Personally I know nothing about the bill, and have no objection, but a Senator, who is attending a committee meeting, asked me to request that it go over.

Mr. BLACK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Keyes	Reed, Pa.
Barkley	Edwards	King	Robinson, Ind.
Bayard	Fess	McKellar	Sackett
Bingham	Fletcher	McLean	Sheppard
Black	Frazier	McMaster	Shortridge
Blaine	Gerry	McNary	Smith
Blease	Gillett	Mayfield	Smoot
Borah	Gould	Metcalf	Steiwer
Bratton	Greene	Moses	Stephens
Brookhart	Hale	Neely	Swanson
Capper	Harris	Norbeck	Tyson
Caraway	Hawes	Nye	Wagner
Copeland	Hayden	Oddie	Waterman
Couzens	Heflin	Overman	
Curtis	Jones	Phipps	
Dale	Kendrick	Pittman	

Mr. GERRY. I desire to announce that the Senator from Georgia [Mr. GEORGE], the Senator from North Carolina [Mr. SIMMONS], the Senator from Mississippi [Mr. HARRISON], the Senator from Virginia [Mr. GLASS], the Senator from Louisiana [Mr. BROUSSARD], the senior Senator from Montana [Mr. WALSH], and the junior Senator from Montana [Mr. WHEELER] are necessarily detained from the Senate on official business.

The PRESIDING OFFICER (Mr. MCNARY in the chair). I wish to announce that the Senator from California [Mr. JOHNSON] is necessarily absent on account of illness.

Sixty-one Senators having answered to their names, there is a quorum present.

J. W. ANDERSON

Mr. SWANSON. Mr. President, a few moments ago, during my absence, Order of Business No. 647, being Senate bill 1387,

for the relief of J. W. Anderson, when reached on the calendar was passed over. I ask that the Senate recur to that bill. I desire to make a statement concerning it.

The PRESIDING OFFICER. Is there objection to recurring to the bill mentioned by the Senator from Virginia? The Chair hears none, and the Senator from Virginia is recognized.

Mr. SWANSON. Mr. President, the beneficiary of this bill was an employee of the District of Columbia at its workhouse near Lorton, Va. While in pursuit of some prisoners who had escaped, he jumped from a moving train and was so badly injured that one of his legs had to be amputated. The amount proposed to be appropriated by the bill is to be paid out of District funds.

Formerly it was usual to pay a specific sum of money in compensation for injuries of this kind, but since the accident occurred—whether one, two, or three years ago I forget—a compensation law for the District of Columbia has been enacted. That law covers compensation to employees of the District who have been injured. If they file for compensation under that law, they are reimbursed.

As this bill was introduced it provided for an appropriation of $10,000. The bill was referred to the District Commissioners, who recommend that the claimant should be paid the amount he would have received provided the compensation law which has since been passed were applicable to his case.

Mr. JONES. Mr. President, I withdraw the objection which I made to the bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, in line 6, after the words "sum of," to strike out "$10,000" and insert "$4,700," so as to make the bill read:

Be it enacted, etc., That there shall be paid to J. W. Anderson, by the Commissioners of the District of Columbia, out of the funds of the District of Columbia, by warrant drawn upon the Treasurer of the United States, the sum of $4,700 for personal injuries received March 19, 1912, while in the service of the District government as an employee of the District workhouse.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OWNERS OF SCHOONER "ADDISON E. BULLARD"

Mr. BLACK. Mr. President, at the time I suggested the absence of a quorum we had reached Order of Business No. 674, being Senate bill 1486, for the relief of the owners of the schooner *Addison E. Bullard.* I desire to go back to that bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. SMOOT. That does not mean that there is no objection to the bill, Mr. President.

The PRESIDING OFFICER. That is merely for the purpose of considering the bill at this time.

Mr. SMOOT. So far as that is concerned, I have a committee meeting to attend immediately.

Mr. BLACK. Do I understand that the Senator from Utah objects to the bill?

Mr. SMOOT. Certainly; I object to the bill.

Mr. BLACK. Do I understand that the Senator knows anything about it?

Mr. SMOOT. I beg pardon.

Mr. BLACK. Does the Senator object from knowledge of the bill? Shall I explain it to him?

Mr. SMOOT. I have all the records regarding the bill, but I do not have them with me, and I object to the consideration of the bill.

Mr. EDGE. Mr. President, before the bill goes over, in view of the fact that the Senator from Alabama has asked that the Senate return to it, I merely wish to say a word. The Senator called my attention to the bill, I think, yesterday, or perhaps the day before—I am not quite positive which—and sent the report on the bill for me to look over. I simply have not had the time to read the report. It was sent to me only a day or two ago and we have a few other things to do here. At this moment some of us should be attending a meeting of the Finance Committee. The Senator sent a note to me to ask what my objection to the bill was. I can not now give any specific objection to the bill, and I may not have any objection to it, but I must have time at least to investigate it. As I understand, this is the first time that this particular bill has been reached on the call of the calendar. Frequently bills go over two or three times before they are finally passed upon, and in 24 hours I simply have not had time to give the matter any thought.

Mr. BLACK. I should like to explain the bill, Mr. President.

Mr. SMOOT. Mr. President, I will merely say at this time—and then I must leave the Chamber—that the owners of the schooner *Addison E. Bullard* have had their day in court. They tried to come to an agreement with the Shipping Board as to the amount to be paid for the loss sustained in connection with the shipment of a certain cargo of goods during the war. All other persons similarly situated made a settlement with the Government of the United States. In this case, however, the owners refused and went into court. The lower court gave them a judgment. They were not satisfied with that, and appealed to the superior court. The superior court decided that they had no claim such as was alleged in the suit. Now, they come here, and ask the Congress of the United States to give them $80,000, as I remember, when the courts of the country have said that they were not entitled to that sum.

Mr. BLACK. Mr. President, it is just a little bit strange that the Senator from Utah [Mr. SMOOT], the chairman of the Finance Committee, a man who has numerous burdens upon his shoulders, both political and governmental, should have found time to become so remarkably familiar with an individual claim that comes from the State of Alabama and is one of the hundreds of claims that are upon the calendar. I say again it is somewhat remarkable that the Senator from Utah, on the first call of the calendar when this bill is reached, should be able to state in detail everything in connection with this claim. There is, of course, a reason for it. That reason I can only surmise.

Mr. SMOOT. I will tell the Senator the reason.

Mr. BLACK. No; I can surmise. I have the floor.

Mr. SMOOT. But there is no need to surmise, for I will tell the Senator the facts.

Mr. BLACK. Sometimes the truth can be obtained by surmising and sometimes it can be obtained in other ways.

Mr. SMOOT. Does the Senator from Alabama question the accuracy of the statement I made regarding the bill?

Mr. BLACK. At present I am commenting upon the Senator's remarkable familiarity with one individual claim.

Mr. SMOOT. It was before the Appropriations Committee.

Mr. BLACK. I think I have the floor. I was commenting upon the Senator's familiarity with one individual claim, when the burdens of state rest upon his shoulders, when he is the chairman of the Finance Committee, when he is the chairman and interrogator in various other committees, and expressing my surprise that he should have found time to investigate a claim coming up from the State of Alabama.

Mr. EDGE. Mr. President, will the Senator yield for a moment?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. BLACK. I would rather finish.

Mr. EDGE. In justice to the Senator from Utah, I wish to state that I am afraid the Senator from Alabama has not followed the activities of the Senator from Utah. Almost every time the calendar is called you will find both Senators from Utah on guard in the Chamber, and very, very few bills go through without their demonstrating considerable knowledge about them.

Mr. BLACK. That is true, after they are here and look over the bills; but the Senator comes from another room, where he has been working, I presume, on financial matters or on other matters. I do not know exactly which is claiming his attention to-day. Working on those matters, he comes from another room, and, without looking at the calendar, rises and explains in detail this bill. It is just somewhat of a coincidence, I assume, that my good friend the Senator from New Jersey [Mr. EDGE]——

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Washington?

Mr. BLACK. I do not yield at present. It is just a little bit remarkable, or a coincidence, that the Senator from New Jersey [Mr. EDGE] should have left the objection in this case to the Senator from Utah. It is a coincidence, of course, that the chief counsel for the Shipping Board is a constituent of the Senator from New Jersey.

Mr. EDGE. I have not any apology to make for that.

Mr. BLACK. It is a coincidence that a few weeks ago we obtained a reduction of the appropriation by showing in the Senate that there were useless legal employees in the Shipping Board. It is also somewhat of a coincidence that the Senator from Utah, the gentleman who makes the objection to the consideration of this bill, is the one who stood up on the floor to defend the chief counsel of the Shipping Board and the employ-

ment of useless attorneys in the Shipping Board. It is just a little bit remarkable and somewhat of a coincidence that the Senator from Utah, the remarkable apostle of economy, should have been the chief spokesman of the Shipping Board on this floor when an effort was made to lop off useless employees in the legal department of the Shipping Board, more, even, than we knew at that time, because since that date I have had sent to me statistics, and I have them in my office, showing that they have spent for lawyers $192,000 more than appeared in the hearings before the Appropriations Committee. It is somewhat of a coincidence that when this bill comes up, offered by myself, who happens to have been to a slight degree instrumental in bringing about the amendment to reduce the salary of the chief counsel for the Shipping Board, Mr. Chauncey Parker, I believe, of Newark, or somewhere in New Jersey——

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. BLACK. I do.

Mr. EDGE. The Senator is drawing inferences. I, of course, do not presume for a moment to suggest any inferences. I do not believe in inferences in debate. Does the Senator see any inference in the very statement he has made himself—that he was interested in this matter of litigation as an attorney before the Shipping Board, and has been active upon the floor of the Senate in endeavoring to reduce the salary of the chief counsel of the Shipping Board? I ask that question of the Senator in view of his drawing inferences.

Mr. BLACK. The statement that the Senator from Alabama is the attorney for this claimant is not true. It is wholly and completely untrue, if that is the inference that was intended to be left.

Mr. EDGE. The Senator is drawing inferences, and I am merely drawing attention to a statement of fact.

Mr. BLACK. Since the Senator drew an inference, I answer it by the statement that the inference, if it be an inference, that the Senator from Alabama is now or ever has been the attorney for this gentleman from Mobile who has the claim, is untrue.

Mr. EDGE. Has the Senator ever appeared before the Shipping Board in connection with the case?

Mr. BLACK. As a Senator of the United States, yes, sir; with regard to the claim of a citizen of Alabama.

Mr. EDGE. As a Senator of the United States or as a Senator elect of the United States?

Mr. BLACK. I do not know exactly what distinction the Senator is trying to draw. I was up here last March about the time when my term began. I do not recall whether I went there March 3 or March 5. Perhaps the Senator has gone down to Mr. Parker and has the dates. I do not know; I can not say about that; but I do know that here is a bill for the payment of the claim of a citizen of Alabama. The Shipping Board for 10 years have had his money. They know they have had it. They have had $83,000 which has been paid to them for him. That is the evidence which is a part of this record. That money was paid into the United States Treasury for this citizen of Alabama; and the legal department of the Shipping Board, in line with other claims, one of which I reported a few days ago, evidently not having enough to do, knowing that they owe the money, take it to the court, where the court says that the claim is moral, and not legal, just like a claim that I reported for the Senator from New York last week from the Claims Committee, where some people had paid money into the Shipping Board treasury.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. BLACK. When I finish this statement. They had paid money into the Shipping Board treasury. There was $22,500 of that that belonged to the citizens, and there were two or three claims interposed for it. The Shipping Board attorneys took the matter all the way to the Supreme Court of the United States, on the ground that the Government could not be sued, although they owe the money, have always owed the money, and have never denied it. In the case of this citizen, to whom the board admit they owe the money, they passed a resolution and agreed to pay it to him if he would buy a tugboat. He said he did not need a tugboat; that he was not in the tugboat business; so they canceled it, and said, "We will fight you. Of course the Government has the money. The Government is going to keep it. The Government is bigger than you are. We are the representatives of the Government," with 45 lawyers down here trying 62 cases in one year, drawing for it $262,000 of the money of the people. Then when this claim comes up—a claim for money which is justly due a citizen of this country, whose money they have held for 10 years for some reason—of course, the Shipping Board must be interested, because the objection comes from my good friend the genial Senator from New Jersey, who is the Senator from the State of the abode of the chief counsel of the Shipping Board.

Mr. EDGE. Mr. President——

Mr. BLACK. I am not through.

Mr. President, I desire to make a parliamentary inquiry. Can I make a motion now to take up this bill? Is it in order?

The PRESIDING OFFICER. No; the present occupant of the chair is advised that it is not in order, because the Senate is working under a unanimous-consent agreement to consider only unobjected bills.

Mr. BLACK. I can not make that motion until we finish, then.

Mr. CURTIS, Mr. EDGE, and Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. CURTIS. I desire to raise a parliamentary inquiry in reference to debate. As I understand, debate is limited to five minutes.

The PRESIDING OFFICER. Debate is limited to five minutes. The present occupant of the chair permitted the Senator from Alabama to exceed the limit somewhat.

Mr. EDGE. Mr. President, I assure the present Presiding Officer that I shall not occupy five minutes. I shall not occupy three minutes.

It seems to me that the introduction of entirely extraneous matters into the consideration of an ordinary claims bill is a rather unusual proceeding.

As I have already stated to the Senate, this bill was drawn to my attention certainly not more than two days ago, and my impression is that it was only yesterday morning. I have absolutely no knowledge of the justification or otherwise of the bill. Perhaps the bill is absolutely justified in every way, as the Senator from Alabama endeavors to demonstrate; but when a bill is drawn to a Senator's attention, whether it be drawn to his attention by the Shipping Board or by any other citizen, it is usually considered the courteous thing to do to give him an opportunity to examine into the bill.

I have no prejudice whatever in the matter, and it is unnecessary for me even to make that suggestion, I think, after my service in the Senate of the United States; but I do most positively resent the implication, almost the charge, that because the distinguished chief counsel of the Shipping Board, Judge Parker, lives in New Jersey that should have the slightest thing to do with the merits or my consideration of this measure.

May I say in passing, in connection with Judge Parker, that he is one of the most distinguished jurists in the State of New Jersey. He came to the city of Washington absolutely at a sacrifice of one of the largest practices any lawyer in New Jersey has ever had. He was president of the State bar association and his position among the legal fraternity in New Jersey is absolutely unquestioned. Whatever his salary has been under the United States Government, I repeat, his service here has been absolutely at a decided personal financial sacrifice.

Ordinarily I should have no desire and would not even have attempted to make any suggestion of a defense, or, rather, an explanation; but in view of the fact that the Senator from Alabama has taken this unusual position in the consideration of an ordinary claim bill, which may be highly meritorious for all I know—I trust it is, and I trust I can join with him in its passage—I at least reserve the usual right, the ordinary right, to have a few hours to look into the merits of the bill and make some inquiries about the bill before imputations and almost accusations are delivered across this Chamber.

Mr. BLACK. Mr. President, will the Senator yield for a question?

Mr. EDGE. I yield the floor.

Mr. BLACK. Since the Senator has yielded the floor, may I make this statement: The Senator says the bill was called to his attention two days ago.

Mr. EDGE. Is not that correct?

Mr. BLACK. I understood that it was called to his attention and that he spoke to the Senator from Mississippi about it about three weeks ago.

Mr. EDGE. I have already informed the Senator from Alabama to that effect; and, if the Senator recalls, I also told him that I had forgotten all about it, and in view of the fact that he directed my attention to it I would gladly look into it. Is not that correct?

Mr. BLACK. That is correct.

Mr. EDGE. I thank the Senator.

Mr. BLACK. And I gave the Senator the report, which is very short. It consists of about two pages. I sent it over to the Senator's office on yesterday, in order that he might read it. I had anticipated that probably the Shipping Board, by reason of the very matter I have suggested, would object to the bill and that the objection would go to the Senator. I have every

reason to suppose it came from there. The Senator has not said it did not.

Mr. EDGE. As a matter of fact, the Senator is entirely mistaken.

Mr. BLACK. It did not come from the Shipping Board?

Mr. EDGE. The request to look into this bill came to me from a Member of this body.

Mr. BLACK. It did not come from a member of the Shipping Board?

Mr. EDGE. It came from a Member of this body.

Mr. BLACK. Then, I misunderstood the Senator yesterday.

Mr. EDGE. The Senator certainly misunderstood me.

Mr. BLACK. I understood the Senator to say that it came from a member of the Shipping Board, and not from Mr. Parker.

Mr. EDGE. Of course, Mr. President, I have known—any Senator would know—about this controversy between the Shipping Board and the Senator from Alabama, who attacked the counsel for the Shipping Board in his objection to the independent offices bill; but so far as the particular bill in question is concerned the first information I had about it was from a Member of this body.

Mr. BLACK. And it has not come from any Shipping Board member at all?

Mr. EDGE. I have not even discussed it with a Shipping Board member, and if I had that certainly would not be an unusual proceeding to the slightest degree. I think it is my duty now to discuss it with the members of the Shipping Board, and I shall take great pains to do so.

Mr. BLACK. Would the Senator object to stating which Senator made the inquiry of him, so that I can find out if it came from Mr. Parker of the Shipping Board?

Mr. EDGE. The Senator can conduct his own case in his own way.

Mr. BLACK. I can not conduct it without the facts.

Mr. EDGE. The Senator is an able lawyer, and, of course, I do not claim membership in the legal fraternity.

The PRESIDING OFFICER. Does the Senator from New Jersey object to the present consideration of the bill?

Mr. EDGE. The Senator from Utah [Mr. SMOOT], I understood, objected before he left the Chamber.

Mr. BLACK. The Senator from Utah is not here, and we were still discussing whether or not the bill would come up.

Mr. EDGE. Well, if that technicality means anything, I will object.

The PRESIDING OFFICER. Objection is made. The Secretary will state the next bill on the calendar.

The bill (H. R. 9112) for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds, was announced as next in order.

Mr. HEFLIN. Mr. President, reserving the right to object, I am very sorry that the Senator from New Jersey [Mr. EDGE] is holding up Senate bill 1486. It is a meritorious bill. The Government owes this money to Mr. Turner, a citizen of Alabama, as my colleague [Mr. BLACK] has stated, and offered to pay him if he would take some junk. If he would let them tell him what he should take in settlement, they offered to pay him. I do not believe that there is a Senator here who would permit the Shipping Board to engage in such business as that. If this Government owes money to a citizen of Alabama, or of Kansas, or of any other State, it ought to pay him money. Why should they require him to take settlement in some property that the Government has?

Mr. Turner said he did not want the tugboat. Then they told him they would fight his claim. This Government is too big to indulge in such business as that. That is too small, it is too mean, it is contemptible.

Mr. MAYFIELD. Mr. President, the Shipping Board disposed of several boats worth millions of dollars for very paltry sums. It may be that this tugboat that they offered the citizen of the Senator's State in settlement of a debt of $80,000 might have cost several millions.

Mr. HEFLIN. I do not know what it cost, but the board has no right, when it owes a citizen money, to offer him and try to compel him to take in settlement something that is not money.

Yes; they sold ships that cost the Government $800,000 for $2,100. They sold ships that cost the Government over $500,000 for $1,600. I called the attention of the Senate once before to an instance where they sold a ship like that for $1,600, and the man who bought it had it insured, lightning struck it, and he collected $35,000 insurance from the insurance company. That is the sort of business they are doing on the one hand, but on the other hand, in case a citizen, a patriotic, upstanding American citizen, is doing business with the Government, and the Government acknowledges it owes him money, eighty some odd thousand dollars, the Shipping Board goes to him and tells him, "If you take this ship in settlement, we will pay you, but if you will not take the ship we will not pay you, we will fight your claim."

Mr. President, when they do that, they are misrepresenting the Government, they are defeating the ends of justice, they are mistreating a sovereign citizen.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. MAYFIELD. In considering this bill before the Committee on Claims of the Senate we did not have any evidence as to the character of this tugboat. I was just wondering whether the Senator from Alabama could give the Senate any particular information about the tugboat which they wanted the citizen of his State to take in settlement of his claim. Just what kind of a boat is it?

Mr. HEFLIN. I have not time to go into that. The first knowledge I had of that was the information given me by my colleague, who is perfectly familiar with the case in detail.

Mr. President, the Government does not deny that it owes this man, but now we have reached the point where they do not want to pay him. Mr. Parker, who is drawing a big salary, I understand, has tried only one case in the Supreme Court in a year. The Senator from New Jersey praises him as a great lawyer, but he has tried only one case, and he and all the lawyers with him on the board have tried only about 45 cases for the Government in a year, drawing nearly $300,000 in salaries. We ought to get rid of them, and the head of the board, Mr. Parker, ought to go first.

If he is angry at my colleague for making an attempt to bring down the number on that board to where it should be, to save money to the Government, and to have efficient service rendered, and he is calling on friends here to object to the payment of claims to citizens of my State for the purpose of intimidating and coercing a Senator, it is time this body was waking up to its duty. It ought to call Mr. Parker before some committee and ask him who authorized him to indulge in such activity.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HEFLIN. I want to say to the Senate that we will have something more to say about this claim; and if it is not going to be paid, we might just as well begin objecting to the passage of bills on the calendar, and start it now, because the objecting business is something others can take a hand in.

BILL PASSED OVER

Mr. JONES. Mr. President, are we on Order of Business 675?

The PRESIDING OFFICER. That is correct.

Mr. JONES. I do not see the Senator from Mississippi [Mr. STEPHENS], who reported the bill, in the Chamber. It is a House bill, and I want to ask some questions about one or two items in it. Therefore I ask that it may go over.

The PRESIDING OFFICER. The bill will go over, under objection.

NATIONAL FOREST LANDS

The bill (H. R. 9829) to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands," was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 1, line 11, after the word "Mexico" and the period, to insert the following: "The lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the national forests within or near whose exterior boundaries they are located."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LAKE OF THE WOODS

The bill (H. R. 10884) to amend the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926, was considered as in Committee of the Whole.

Mr. BORAH. Mr. President, the Senator from Minnesota [Mr. SHIPSTEAD] is not in the Chamber, but I know that he is very much interested in this bill, and it is a bill which ought to pass. It has passed the House and was unanimously reported by the committee of the Senate.

The intent and purpose of the bill is to expedite the carrying out of a treaty with Canada with reference to the Lake of the Woods. I do not believe there can be any valid objection to it.

Mr. JONES. May I ask the Senator what it provides for?

Mr. BORAH. It is designed to extend the acquisition of certain flowage easements and to make certain provisions as to measure of damages, and so forth.

Mr. JONES. I have no objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VOCATIONAL EDUCATION

Mr. GEORGE. Mr. President, I was not in the Chamber at the time the calendar was taken up, and I do not know at what number the call commenced.

The PRESIDING OFFICER. The call commenced with Calendar No. 615.

Mr. GEORGE. I wish to ask unanimous consent to return to Calendar No. 469, Senate bill 1731, to provide for the more complete development of vocational education in the several States.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. Mr. President, may we not complete the calendar before returning to that? There is only one more page. I will have no objection to the Senator's request when we shall have completed the call of the calendar.

Mr. GEORGE. I withdraw the request.

OREGON & CALIFORNIA RAILROAD

The bill (H. R. 10563) extending the provisions of the recreational act of June 14, 1926 (44 Stat. L. 741), to former Oregon & California Railroad and Coos Bay Wagon Road grant lands in the State of Oregon was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

IDAHO NATIONAL FOREST, IDAHO

The bill (H. R. 142) to add certain lands to the Idaho National Forest, Idaho, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHALLIS AND SAWTOOTH NATIONAL FORESTS, IDAHO

The bill (H. R. 144) to add certain lands to the Challis and Sawtooth National Forests, Idaho, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHALLIS NATIONAL FOREST

The bill (H. R. 6056) to provide for addition of certain land to the Challis National Forest was announced as next in order.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RETIREMENT OF EMPLOYEES IN THE CLASSIFIED CIVIL SERVICE

The bill (S. 1727) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, approved July 3, 1926, was announced as next in order.

Mr. BRATTON. Mr. President, the junior Senator from Utah, who is now absent from the Chamber, left a request that that bill go over, and on his behalf I make objection.

The PRESIDING OFFICER. The bill will be passed over.

WILLIAM RODERICK DORSEY

Mr. STEPHENS. Mr. President, I want the attention of the Senator from Washington for a moment. I was called out of the Chamber a moment ago, and was not here when House bill 1912, for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds, was reached. Since my return I have been informed that the Senator from Washington asked that the bill go over, stating that he wanted an explanation.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. JONES. Mr. President, I wanted to ask the Senator a question. On page 4, commencing with line 13, there is a provision for the reimbursement of Richard L. Sprague, American consul at Gibraltar, of the sum of £423.15. All the other items in this bill relating to matters arising in foreign countries are in American money. I was wondering why in that case the amount was designated as so many pounds, instead of in American money. I also wondered, with reference to the same item, why this man should have been required, or it may have been necessary for him, to go on and settle a judgment out of his own funds.

Mr. STEPHENS. I am not informed as to why he was required to do that, but, as a matter of fact, the record shows that he did make the settlement. This matter was investigated thoroughly by the department, and came to the House with a favorable recommendation. In fact, the bill itself, I am informed, was prepared by some one at the State Department. The House committee investigated the matter, the bill passed the House and came over to the Senate from the House, and the Senate committee simply took the records of the State Department and the recommendation, and followed them.

Mr. JONES. Did the department recommend these other items in American money and this item in British pounds?

Mr. STEPHENS. Yes; that is what was done. The memorandum was all prepared by the State Department. I notice on page 14 of the report of the committee the number of pounds are given, and then it is stated in our money.

Mr. JONES. Does not the Senator think we ought to amend the bill by striking out the amount as given here and putting in the amount in American dollars?

Mr. STEPHENS. I rather think so.

Mr. JONES. I think that would better be done.

Mr. STEPHENS. I have no objection to that being done.

Mr. JONES. I have no objection to the bill. I have no doubt this man is entitled to be reimbursed for what he has paid out.

Mr. HEFLIN. What is the amount in dollars?

Mr. STEPHENS. It would be about $2,000.

Mr. FLETCHER. On page 14 of the report the amount is given as $1,897.87.

Mr. JONES. If the Senator has no objection, I move to strike out, in line 13, page 4, "£423.15" and insert in lieu thereof "$1,897.87."

The amendment was agreed to.

Mr. STEPHENS. As a matter of fact, I believe really the intention was to do that, but it was overlooked.

Mr. FLETCHER. May I ask the Senator if there should not be a semicolon instead of a comma after "1926" in line 16? Is that the beginning of another claim?

Mr. JONES. No; I think not.

Mr. STEPHENS. No; that refers to the same matter. Mr. Sprague paid the judgment in favor of Smith, Imossi & Co.

Mr. FLETCHER. Very well.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

APPEALS FROM DISTRICT COURTS

The bill (H. R. 343) to amend section 128, subdivision (b), paragraph 1, of the Judicial Code as amended February 13, 1925, relating to appeals from district courts, was considered as in Committee of the Whole.

Mr. BRATTON. Mr. President, may I inquire of the Senator from Idaho what change this bill makes in existing law?

Mr. BORAH. The bill is designed to clarify section 128 of the Judicial Code. At the present time there is an element of doubt as to whether certain orders of the district courts in Alaska, Hawaii, and other places are subject to appeal. This clarifies the code so as to leave no doubt of the right of appeal from a certain class of orders made by the district courts in those Territories.

Mr. BRATTON. I assume it is simply to make certain the right to appeal from interlocutory orders rendered by those courts?

Mr. BORAH. Yes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOLGER M. TRANDUM

The bill (H. R. 4125) for the relief of Holger M. Trandum was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HATTIE M. M'MAHON

The bill (S. 2697) for the relief of Hattie M. McMahon was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of Hattie M. McMahon, United States Treasury note, series B–1925, issued June 15, 1922, matured December 15, 1925, serial No. 57896, for $1,000, with interest at the rate of 4¾ per cent per annum from December 15, 1924, to December 15, 1925, without presentation of the said note or the coupons representing interest thereon from December 15, 1924, to December 15, 1925, the note having been lost, stolen, or destroyed: *Provided*, That the said note shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *Provided further*, That the said Hattie M. McMahon shall first file in the Treasury Department a bond in the penal sum of double the amount of the note and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed Treasury note herein described or the coupons belonging thereto.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. F. NICHOLS

The bill (S. 764) for the relief of J. F. Nichols was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with amendments, on page 1, line 3, strike out the words "that the sum of $200 be, and is hereby, authorized to be appropriated" and to insert in lieu thereof the words "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. F. Nichols"; and in line 7, after the word "appropriated," to insert the words "the sum of $200," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. F. Nichols, out of any money in the Treasury not otherwise appropriated, the sum of $200 for the purpose of refunding to J. F. Nichols, the said sum paid in excess as a fine to the clerk of the United States district court at Tulsa, Okla., in the case of the United States against John Nichols, No. 463.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, the Senator from Virginia [Mr. GLASS] and the two Senators from Maryland are not in the Chamber. The chairman of the Committee on the District of Columbia suggested that the bill should go over if reached in their absence.

The PRESIDING OFFICER. On objection, the bill will be passed over.

FLORIDA EAST COAST CAR FERRY CO.

The bill (S. 445) for the relief of the Florida East Coast Car Ferry Co. was considered as in the Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to the Florida East Coast Car Ferry Co., a corporation, out of any money in the Treasury not otherwise appropriated, the sum of $6,971.45 covering entrance and clearance fees and tonnage tax erroneously collected by the customs authorities at Key West, Fla., during the period from September 24, 1922, to May 28, 1924, and in violation of section 2792, Revised Statutes, as amended by the act approved May 28, 1908 (35 Stat. 424), and section 441 of the tariff act of 1922.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS AGAINST THE UNITED STATES

The bill (H. R. 9583) authorizing the reporting to the Congress of certain claims and demands asserted against the United States was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That when there is filed in the General Accounting Office a claim or demand against the United States that may not lawfully be adjusted by the use of an appropriation theretofore made, but which claim or demand in the judgment of the Comptroller General of the United States contains such elements of legal liability or equity as to be deserving of the consideration of the Congress, he shall submit the same to the Congress by special report containing the material facts and his recommendation thereon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 11020) validating certain applications for and entries of public lands was announced as next in order.

Mr. JONES. Mr. President, this seems to be a very long bill, containing a large number of items. I think probably it would be better to have it go over.

The PRESIDING OFFICER. On objection, the bill goes over.

LANDS IN HOT SPRINGS, ARK.

The bill (S. 3361) authorizing the Secretary of the Interior to convey to the city of Hot Springs, Ark., all of lot No. 3, in block No. 115, in the city of Hot Springs, Ark., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to convey by quitclaim deed to the city of Hot Springs, Ark., subject to the provisions of section 2 of this act, all of lot No. 3, in block No. 115, in the city of Hot Springs, Ark., the use and occupation of which by such city was authorized by the act entitled "An act authorizing the city of Hot Springs, Ark., to occupy and construct buildings for the use of the fire department of said city on lot No. 3, block No. 115, in the city of Hot Springs, Ark.," approved August 21, 1912.

SEC. 2. The lot shall be used by the city for fire department purposes only, except that the city may sell or otherwise dispose of so much of the lot as may be necessary to provide funds for the construction of a new building for its fire department. The deed executed by the Secretary of the Interior shall contain the express condition that if the proceeds of any such sale or other disposition are not used for the construction of such building or if the city uses or permits to be used for any other purpose than that herein authorized that part of the lot upon which such building is erected or attempts to alienate it, the title to that part of such lot shall revert to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TIMBERLANDS UNDER THE TIMBER AND STONE ACT

The bill (S. 3677) to withhold timberlands from sale under the timber and stone act was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That from the date of the enactment of this act no lands which are valuable chiefly for timber shall be sold under the act entitled "An act for the sale of timber in the States of California, Oregon, Nevada, and in Washington Territory," approved June 3, 1878, as amended: *Provided*, That all claims heretofore lawfully initiated under said act may be perfected and passed to patent upon compliance with the terms and conditions thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLIFFORD J. TURNER

The bill (H. R. 1997) for the relief of Clifford J. Turner was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the homestead entry, Crookston No. 018072, now Cass Lake No. 013632, made by Clifford J. Turner on August 31, 1923, for the south half of the northeast quarter, northeast quarter of the southeast quarter of section 32, township 144 north, range 37 west, fifth principal meridian, on which patent erroneously issued December 1, 1925, be, and the same is hereby, validated, upon payment by said entryman of the appraised price of the timber thereon as provided by the act of January 14, 1889 (25 Stat. L. 642), as amended by the act of June 27, 1902 (32 Stat. L. 400).

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF LANDS IN WISCONSIN

The bill (H. R. 9144) to provide for the conveyance of certain lands in the State of Wisconsin for State-park purposes was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed, upon payment of $1.25 per acre, to transfer

and convey to the State of Wisconsin the following-described tracts of land, to wit: Fractional section 25, township 28 north, range 25 east of the fourth principal meridian, 55.4 acres; fractional section 26 in said township and range, 578.3 acres; fractional section 36 in said township and range, 412.4 acres, all in the State of Wisconsin, the same to be held and made available permanently by said State as a State park under such rules and regulations as may be necessary and proper for use thereof by the public: *Provided*, That the Secretary of War may enter upon and utilize for the purpose of obtaining stone for river and harbor work, and other uses of the department, any area within said park which he may determine to be necessary for such purposes: *Provided further*, That should the State of Wisconsin fail to keep and hold the said land for park purposes or devote it to any use inconsistent with said purposes, then title to said land shall revert to and be reinstated in the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 5687) authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, may I inquire whether there are any lands privately owned that are included within the area to be sold; and if so, whether there is a proper provision for the protection of the private owners? I have no objection to the bill if those questions have been properly considered. I know in some of these areas which have been set apart for forest reserves the rights of private persons have been jeopardized if not altogether destroyed. Perhaps the bill had better go over.

The PRESIDING OFFICER. On objection, the bill goes over.

CRATER NATIONAL FOREST, OREG.

The bill (S. 3224) authorizing the adjustment of the boundaries of the Crater National Forest, in the State of Oregon, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment to strike out all after the enacting clause and insert the following:

That the provisions of the act of Congress approved March 20, 1922 (42 Stat. 465), section 485, title 16, Code of Laws of the United States, be, and the same are hereby, extended, and made applicable, to any lands within 6 miles of the boundaries of the Crater National Forest within the State of Oregon. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the Crater National Forest and subjeect to all laws relating thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the provisions of the forest exchange act, approved March 20, 1922 (42 Stat. 465), to the Crater National Forest, in the State of Oregon."

CRATER NATIONAL FOREST

The bill (S. 3225) to enlarge the boundaries of the Crater National Forest was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment on page 2, after line 8, to strike out the following:

SEC. 2. That the Secretary of the Interior be, and hereby is, authorized and empowered in his discretion, upon the recommendation of the Secretary of Agriculture, to accept on behalf of the United States title to any lands in private ownership within the above-described tract, and in exchange therefor may issue patent for an equal value of national forest land in the State of Oregon; or the Secretary of Agriculture may permit the grantor to cut and remove an equal value of timber from any national forest in the State of Oregon, the values in each instance to be determined by the Secretary of Agriculture, and be acceptable to the owner as fair compensation. Timber given in such exchange shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the Crater National Forest.

So as to make the bill read:

Be it enacted, etc., That for the purpose of forest management and municipal watershed protection the boundary of the Crater National Forest, in the State of Oregon, is hereby changed to include the following lands, subject to all the laws and regulations governing the national forests: Township 35 south, range 3 east, south half of sections 15, 16, and 17; all of sections 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36; township 36 south, range 3 east, all of sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36: *Provided*, That this section shall, as to all lands which are at this date legally appropriated under the public land laws or reserved for any public purpose, be subject to and shall not interfere with or defeat rights under such appropriation, nor prevent the use for such public purposes of lands so reserved so long as such appropriation is legaly maintained or such reservation remains in force.

SEC. 2. That all revested Oregon and California land-grant lands within the exterior limits of the above-described tract of townships 35 and 36 south, range 3 east, shall hereby become part of the Crater National Forest, subject to all the laws and regulations governing the national forests: *Provided*, That this action shall, as to all lands which are now at this date legally appropriated under the public land laws or reserved for any public purpose, be subject to and shall not interfere with or defeat legal rights under such appropriation, nor prevent the use for such public purpose of land so reserved so long as such appropriation is legally maintained or such reservation remains in force: *And provided further*, That the Secretaries of the Interior and Agriculture shall jointly appraise and agree on the value of the Oregon and California grant lands and shall certify the same to the Secretary of the Treasury.

SEC. 3. That the Secretary of the Treasury be, and hereby is, authorized upon notice of the amount by the Secretaries of the Interior and Agriculture, to transfer an equal amount of money from the national-forest receipts and credit the same to the Oregon and California land-grant fund, subject to all the laws and regulations governing the disposal of moneys received from the Oregon and California land-grant lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENT OF GENERAL LEASING ACT

The bill (H. R. 10885) to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437), was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437), are hereby amended to read as follows:

"SEC. 23. That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium in lands belonging to the United States for a period of not exceeding two years: *Provided*, That the area to be included in such a permit shall not exceed 2,560 acres of land in reasonably compact form.

"SEC. 24. That upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one of the substances enumerated in section 23 hereof have been discovered by the permittee within the area covered by his permit and that such land is chiefly valuable therefor, the permittee shall be entitled to a lease for any or all of the land embraced in the prospecting permit at a royalty of not less than 2 per cent of the quantity or gross value of the output of sodium compounds and other related products at the point of shipment to market; the lands in such lease to be taken in compact form by legal subdivisions of the public-land surveys or, if the land be not surveyed, by survey executed at the cost of the permittee in accordance with regulations prescribed by the Secretary of the Interior. Lands known to contain valuable deposits of one of the substances enumerated in section 23 hereof and not covered by permits or leases shall be subject to lease by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt and in such areas as he shall fix, not exceeding 2,560 acres. All leases under this section shall be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, not less than 2 per cent of the quantity or gross value of the output of sodium compounds and other related products at the point of shipment to market, and the payment in advance of a rental of 25 cents per acre for the first calendar year or fraction thereof, 50 cents per acre for the second, third, fourth, and fifth calendar years, respectively; and $1 per acre per annum thereafter during the continuance of the lease, such rental for any one year to be credited against royalties accruing for that year. Leases under this section shall be for a period of 20 years, with preferential right in the lessee to renew for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior unless otherwise provided by law at the expiration of such period: *Pro-*

vided, That nothing in this act shall prohibit the mining and sale of sodium compounds under potassium leases issued pursuant to the acts of October 2, 1917 (40 Stat. L. 297), and February 7, 1927 (44 Stat. L. 1057), nor the mining and sale of potassium compounds as a by-product from sodium leases taken under this section: *Provided further*, That on application by any lessee the Secretary of the Interior is authorized to modify the rental and royalty provisions stipulated in any existing sodium lease to conform to the provisions of this section."

Mr. BRATTON. Mr. President, I would like to inquire whether this bill was referred to a committee. The calendar says that it was read twice and placed on the calendar.

The PRESIDING OFFICER. An identical Senate bill (S. 3375) had been reported from the Committee on Public Lands and Surveys and placed on the calendar. The House bill went directly to the calendar.

Mr. BRATTON. Very well.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ODDIE. Mr. President, there is on the calendar the bill (S. 3375) to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437), being a bill identical with that just passed. I ask that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, Senate bill 3375 will be indefinitely postponed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and the Senate (at 4 o'clock and 10 minutes p. m.) took a recess until to-morrow, Thursday, April 5, 1928, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate April 4, 1928

UNITED STATES COAST GUARD

John W. Malen to be a temporary ensign in the Coast Guard of the United States, to take effect from date of oath.

The above-named person has passed the examinations prescribed for appointment.

CONFIRMATION

Executive nomination confirmed by the Senate April 4, 1928

CIRCUIT COURT JUDGE FOR HAWAII

William C. Achi, jr., to be circuit judge, fifth circuit, Territory of Hawaii.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *April 4, 1928*

The House met at 12 o'clock noon.

The Clerk read the following letter:

APRIL 4, 1928.

I hereby designate Hon. JOHN Q. TILSON to act as Speaker pro tempore to-day.

NICHOLAS LONGWORTH.

The House was called to order by the Speaker pro tempore [Mr. TILSON].

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

PRAYER

Our Father in heaven, we thank Thee for the new morning hours. In the joy of renewed strength and with glad hearts enable us to go forward unafraid and undisturbed. Through tasks faithfully performed, set free other of our highest and best impulses; may they be brought into splendid service. The blessing of a life lived wisely is not gold nor jewels, but more life—broader use of our powers, a healthier capacity, and a larger usefulness. Now, our Father, we pray that we are all here to dedicate our gifts to Thee; let us come and go just as Thy children, to speak the truth and to do Thy will. Oh, true success is to labor; to travel hopefully and blessedly day by day is far better than to arrive. Oh, fill our hearts with love, and then there shall be no place for hate; fill our minds with heaven, and then there shall be no place for hell; thus God shall be all in all. Bring us to the shades of evening weary though satisfied and not dishonored. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed the following resolution:

Senate Resolution 187

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. JAMES A. GALLIVAN, late a Representative from the State of Massachusetts.

Resolved, That a committee of six Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The message also announced that pursuant to the foregoing resolutions the Vice President had appointed Mr. WALSH of Massachusetts, Mr. GILLETT, Mr. DALE, Mr. HARRISON, Mr. TYDINGS, and Mr. BARKLEY members of the committee on the part of the Senate to attend the funeral of the deceased Representative.

The message further announced that the Senate had passed without amendment bills of the following titles:

H. R. 6993. An act authorizing the Secretary of the Interior to sell and patent certain lands in Louisiana and Mississippi; and

H. R. 12245. An act to amend the War Finance Corporation act, approved April 5, 1918, as amended.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 89. Joint resolution designating May 1 as child health day.

The message further announced that the Senate disagrees to the amendment of the House of Representatives to the bill (S. 1822) entitled "An act to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED of Pennsylvania, Mr. BINGHAM, and Mr. FLETCHER to be the conferees on the part of the Senate.

FLOOD CONTROL BILL

Mr. FREAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of flood control.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD on the subject of flood control. Is there objection?

There was no objection.

Mr. FREAR. Mr. Speaker, I am submitting flood-control data for the RECORD that to my mind is of vital importance in the determination of the Mississippi River flood control bill that will soon come before the House for consideration.

It is universally conceded that the problem is of national importance and that it must be constructed by the Government without delay. Arguments before the House committee by witnesses were devoted to the effects of the flood and necessity for Federal aid.

All these were unquestioned. Practically no data was offered before the House or Senate committees disclosing the large financial interests that are concerned in the passage of a bill costing the Federal Government $1,000,000,000. The amount of increase in land values and other property by complete flood control is incalculable. I am in favor of flood control, but am opposed to this bill that prohibits contribution.

A brief word as to the checkered course of the flood control bill may be proper at the outset. Hearings were begun by the House committee on November 7, 1927, and over 300 witnesses were heard during the ensuing three months. Their testimony was strangely cumulative, for, as shown by the record, nearly all declared with unanimity that this is a national problem and should be built at national expense. Senators and Members living on the Mississippi or its tributaries or on other possible future flood projects were also of this same opinion prohibiting local contributions, and from the published list it will be dis-

covered that these distinguished legislators made up about one-third of the total number of witnesses who furnished expert evidence for the use of the committee and who have an active interest in this or some other flood-control project.

After the hearings a bill was reported by a majority of the committee that provided no local contribution should be had and further provided for an appropriation of $325,000,000 with which to construct all the control works. Six minority members filed a report showing the estimated cost fixed by experts would reach $1,400,000,000 or about four times the amount fixed in the bill, and criticized other features of that bill.

Nothing further occurred until the tobogganing of a bill in record time through another deliberative body that can not be mentioned here as fully as it deserves.

That bill was reported and passed by the Senate about a week ago, or nearly five months after the hearings were begun by the House committee without any action on the House bill. In an effort to get something definite before the House and avoid needless differences in conference, particularly where both committees had majorities opposed to local contribution, and there was no choice the House committee reported the Senate bill last week with several inconsequential amendments, and that bill is now on the calendar for action after over 20 weeks of hearings and long consideration of the problem.

The one outstanding objection I wish here to discuss is a refusal to permit any local contributions from beneficiaries of a flood-control project that will cost the Federal Government $1,000,000,000.

THIS BILL PREVENTS ANY CONTRIBUTION FROM BENEFICIARIES

In all other Government-aid legislation the Government is protected from inordinate demands and gross favoritism by requiring local contribution where private interests are primarily benefited. Benefits in this flood-control measure often not "special" in character reach presumably into billions of dollars in the aggregate.

From section 1 of the bill—S. 3740—I quote:

> That it is hereby declared to be the sense of Congress that the principle of local contribution toward cost of flood-control work which has been incorporated in all previous national legislation on the subject (and is now the law) is sound as recognizing the special interest of the local population in its own protection and as a means of preventing inordinate requests for unjustified items of work having no material national interest * * * and in view of the gigantic scale of the project involving flood waters of a volume and flowing from a drainage area largely outside the States most affected and far exceeding those of any other river in the United States no local contribution to the project herein adopted is required.

On that statement the Senate bill 3740 as passed by the Senate and as reported with amendments by the House requires the Federal Government to acquire for flood ways 3,713,696 acres, or probably an additional 10 per cent for levees, spillways, and other purposes, making a total of about 4,000,000 acres of land belonging to 7,500 separate owners. This land must be acquired by separate suits for condemnation unless purchased by Government agencies for prices the agency deems "reasonable," and the land acquired by the original owners in many cases for a few cents an acre is required to be procured by the Government at a minimum estimate of $100,000,000, and a possible or probable expense of $300,000,000 after costs and all expenses are considered.

OVER 7,500 SUITS INVITED BY THE BILL

All are familiar with lands not worth $10 an acre that have brought nearer ten times that amount when needed by a railroad that submitted values to a jury of good men and true. Over 7,500 such cases are invited by the terms of the bill unless bought at private sale.

This is only one element in the lower Mississippi flood-control project that is reasonably certain to cost the Federal Government in the neighborhood of $1,000,000,000. Counting $100,000,000 estimated for bank, flood-control protection, $71,000,000 to $100,000,000 for changing railway tracks and relocations, together with—

> just compensation to be paid by the United States for all property taken, damaged, or destroyed * * * including all expenditures by persons, corporations and public-service corporations, made necessary to adjust or conform their property because of the spillways, flood ways, or diversion channels herein provided.

All these may make a draft on the Federal Treasury of far more than $1,000,000,000. Engineers can not submit any close guess. Laymen, including Congress, must go it blind.

From those who are best acquainted with the probable cost and have expert knowledge of the subject, I submit an estimate for the Mississippi River project asked for from the Army engineers that reaches practically $1,000,000,000. The estimate of land cost to the Government of 4,000,000 acres, figured at $75 an acre at my suggestion, is one item that may not be reached, for the actual value of the land ought not to average near that amount, but other costs not considered by the board I believe will bring the amount up to or in excess of that figure, and that evidence was submitted to the committee for cut-over land value.

The estimate is as follows:

ENGINEERS' ESTIMATE OF COST TO GOVERNMENT

Costs that may develop from the Jones flood control bill

Original Army engineers' project	$296,400,000
All rights of way and drainage, plus flowage and damages, Bonnet Carre and Bayou Des Glaizes Loop	11,500,000
Land, damages, etc., Birds Point-New Madrid flood way, as estimated by local people (Mr. Reid)	18,500,000
Boeuf and Atchafalaya flood ways—3,713,696 acres, at $75 per acre	278,600,000
Railroad claims estimated by railroad chief engineers' committee—see page 146 report of Chairman Frank R. Reid—flood control in the Mississippi Valley, March, 1928	71,800,000
Highway claims if allowed	11,500,000
Masonry spillways if substituted by board	54,000,000
Additional freeboard of 4 feet if substituted by board	167,000,000
Atchafalaya revetments (M. R. C.)	4,500,000
Total	913,800,000
From the surveys of tributaries authorized there may develop tributary and upper river work far exceeding $86,000,000 (estimate for parts affected by backwater). The total will be dependent upon local contributions and rights-of-way payments adopted	86,000,000
Grand total	999,800,000

From the survey authorized from Baton Rouge to Cape Girardeau there may develop a reservoir project which would substitute $1,500,000,000 for the above.

All this Federal expense, reaching from $7 to $10 or more for every man, woman, and child in the country, is to be made without any local contribution to protect 30,000 square miles of land or 19,000,000 acres of land, of which 15,000,000 acres outside the flood ways will be increased in value from small amounts upward of $100 an acre in the highly valuable alluvial valley of the Mississippi, without any local contribution.

The corporation or large individual owners hereinafter named may now be as rich as Crœsus, the holders of millions of drainage bonds, valued on the market as low as 40 cents, will now reach par all at the expense of the Federal Government, without contribution.

BURYING THE FORMER MINORITY REPORT

On page 143 of the report on H. R. 8219, No. 1072, is buried, out of sight, the protest of six members of the Flood Control Committee against this wholesale gift to private and corporate interests required to be made by the Government in this humanitarian effort to protect life and property in the valley. Local contribution was there urged, from pages 145 to 154, for reasons therein specifically set forth.

That report was buried, of course, by accident, but it is set forth herein because of its importance.

In report on this bill, No. 1100, page 98, appears a statement regarding the California-Sacramento River project. The people in that valley, the report discloses, have expended over $100,000,000 for flood control and land reclamation under circumstances largely similar to those existing in the Mississippi Valley. The State and Federal Governments are now asked to join in a $51,000,000 project to protect the lives and property of that great valley. Of this amount the Federal Government is asked to pay only $17,600,000, or one-third of the total.

The State of California contributes the same amount and property owners the remainder. Statements to the committee showed cases of physical and financial distress approaching destitution, but two-thirds of the total expense is borne by local interests, whereas 1,757,560 acres of land held by Mississippi Valley corporations and 1,101,154 acres held by large owners, all in the proposed Mississippi flood way, are to be paid the highest price fixed by local juries—without contribution from these same owners, who own by far the largest portion of the 15,000,000 acres of other land hereafter to be given complete protection.

By what argument can the lumber owners of Chicago and the Mississippi River Valley be given all this vast increase in property values—without local contribution—when the people in California pay two-thirds of the cost for like protection.

LARGE FINANCIAL INTERESTS TO BENEFIT

In other words, those benefited include the Descha Land & Timber Co., the Price Ledbetter Land Co., the Madison Land

Co., the Jerome Hardwood Co. (with 22,726 acres alone in the flood ways), the Harris Drew Land Co., the Chicot Farms Co., the Bonita Lumber Co., the Louisville Cooperage Co., the Inter-State Cooperage Co. (with 48,120 acres in the flood way), the Pioneer Cooperage Co. (32,000 acres), Singer Sewing Machine Co., Tall Timber & Good Pine Lumber Co. (53,010 acres in the flood way), Tensas Delta Land Co. (121,856 acres), and hundreds of other corporations that appear in the list I offer herewith furnished by Army engineers under the direction of the Secretary of War.

Herewith I am printing the names of 1,000 owners of land the Government is required to deal with. Seventeen per cent of the 7,500 owners of the 4,000,000 acres own 77 per cent of all lands in the proposed flood ways.

It will be noted from the lists herewith submitted that many of the large owners hold over 5,000 acres of land in the flood ways alone, and that proportion indicates three times the amount on the average of lands so owned outside the flood ways which are to be increased in values from 100 per cent to many times that amount by complete flood control, at Government expense—without local contribution. Take two large owners in the Concordia Parish whose names are together with an aggregate of 30,000 acres in the flood way, and if the average holds good over 100,000 acres owned by them outside the flood way are to be vastly increased in value. On what theory of right or justice will the Government grant this vast wealth to people who fortunately live or have property in the Mississippi Valley instead of in California, possibly bought for a few cents an acre according to some of the data presented.

The statement herewith submitted of property owners of nearly 4,000,000 acres to be acquired by the Government under the bill discloses the acreage held by corporations and large owners reaching over 75 per cent of lands to be used in the various flood ways. The lists cover States, parishes, and other data and are offered at the outset to indicate the character of a vast project that has enlisted the sympathies of both Congress and the country, but has had no consideration by either House in so far as applying the ordinary rules of either public or private business is concerned:

Summary of property ownership in flood ways—Final corrections made

	Acreage held by corporations	Acreage held by large owners	Acreage held by small owners [1]			Total acreage
			Number of owners	Average acres	Total	
Boeuf flood way above Sicily Island	427,411	327,829	3,172	139	[2] 440,181	1,195,421
Backwater below Sicily Island	646,869	380,557	1,430	148	[3] 212,040	1,239,458
Total	1,074,280	708,386	4,602	142	[4] 652,221	2,434,879
Atchafalaya flood way	683,280	392,768	1,899	107	[5] 202,769	1,278,817
Grand total	1,757,560	1,101,154	6,501	131	[6] 854,990	3,713,696

[1] "Small owner" owns less than 1 section (640 acres).
[2] 37 per cent.
[3] 17 per cent.
[4] 27 per cent.
[5] 16 per cent.
[6] 23 per cent.

THIRD MISSISSIPPI RIVER COMMISSION DISTRICT

Summary of tabulated ownership of lands in Boeuf River flood way, above Sicily Island, La.

Counties or parishes	Acreage held by corporations	Acreage held by large owners	Acreage held by small owners			Total acreage in Boeuf River flood way
			Number of owners	Average acres	Total	
Desha	10,285	20,372	176	154	27,025	57,682
Chicot	48,595	63,201	756	142	107,244	219,040
Ashley	1,280	24,600	107	61	6,609	32,489
Total for Arkansas	60,160	108,173	1,039	135	140,878	309,211
Morehouse	108,160	71,300	272	200	54,400	233,860
West Carroll	70,524	24,705	361	95	34,323	129,552
No. 1, Ouachita	29,925	15,903	58	140	8,100	53,928
No. 2, Ouachita (backwater)	4,894	14,032	200	122	24,353	43,279
Richland	68,540	52,040	450	184	82,820	203,400
Caldwell	57,486	18,444	247	145	35,888	111,818
Franklin	27,722	23,232	526	108	56,828	107,782
Catahoula			19	136	2,591	2,591
Total for Louisiana	367,251	219,656	2,133	140	299,303	886,210
Total	427,411	327,829	3,172		440,181	1,195,421

Tabulation of ownership of lands in Boeuf River flood way

DESHA COUNTY, ARK.

(a)	Total acreage in flood way		57,682
(b)	Acreage owned by corporations:		
	Desha Land & Timber Co	2,125	
	Price Ledbetter Land Co	4,657	
	Tillar Mercantile Co	320	
	Security Bank & Trust Co	500	
	Madison Land Co	1,403	
	Capron Wood Co	320	
	R. W. G. Stock Farm	800	
	Fee Crayton Hardwood Co	160	
			10,285
(c)	Acreage held by large landowners:		
	B. O. Zellner	900	
	E. E. Hopson	5,190	
	F. B. Douglas	960	
	E. G. Munsel	700	
	Joe De Marke	480	
	E. E. Courtney	680	
	J. L. Flowers	640	
	W. H. Halley	640	
	C. R. Johnson	640	
	S. S. Ford	1,182	
	W. I. Thompson	774	
	Charles L. Brown	2,080	
	J. W. Tillman	3,106	
	B. J. Terry	680	
	Edward Alexander	920	
	A. O. Nichols	800	
			20,372
(d)	Acreage held by small landowners: 176 small landowners, averaging 154 acres each		27,025
	Total acreage in Desha County		57,682

SUMMARY

Acreage held by corporations	10,285
Acreage held by large landowners	20,372
Acreage held by small landowners	27,025
Total	57,682

CHICOT COUNTY, ARK.

(a)	Total acreage in flood way		219,040
(b)	Acreage owned by corporations:		
	Bismel-Ashcraft Manufacturing Co	2,000	
	Exchange Bank & Trust Co	1,360	
	Chicago Mill & Lumber Co	120	
	Jerome Hardwood Co	22,726	
	Simms, Metcalf & Kretchmer	2,040	
	Chicot Bank & Trust Co	400	
	Alliance Trust Co	80	
	International Life Insurance Co	739	
	Missouri State Life Insurance Co	100	
	Union Trust Co	80	
	Fee Crayton Lumber Co	80	
	Bank of Commerce	120	
	Cincinnati Cooperage Co	1,960	
	M. R. H. & W. Ry	285	
	Bank of Dermott	400	
	Ozark Timber Co	40	
	M. H. & L. Ry. Co	3	
	The Harris-Drew Land Co	4,220	
	Nashville Plantation Co	320	
	Sherrard, Parks & Parks	3,808	
	George A. Brown & Co	320	
	First National Bank	200	
	Stewart Land Co	209	
	Dale Cooperage Co	400	
	Bank of Eudora	398	
	Chicot Alfalfa Farms Co	4,721	
	Dermott Grocery Co	520	
	Haynes Hardy Co	426	
	Hibernia Bank & Trust Co	520	
			48,595
(c)	Acreage held by large landowners:		
	L. F. Wallace	685	
	H. A. Bomer	1,362	
	W. P. Halliday estate	8,277	
	William T. Hardie	6,950	
	J. W. Swygart	640	
	G. A. Granbie	640	
	Franklin & Walker	640	
	A. D. Downing	1,431	
	Robinson & Nelson	3,378	
	A. R. Keifer	2,715	
	W. W. McGehee	1,768	
	J. H. Sillar	1,146	
	Barton & Barton	1,411	
	Hunter & Mott	437	
	Humphrey & Baird	803	
	Echol & Moore	1,316	
	J. W. Hargrave	4,798	
	H. W. Graves	2,099	
	W. H. Wells	1,745	
	George E. Herren	1,260	
	Paul Brown	9,595	
	H. M. Merriweather	3,030	
	G. E. Snell	838	
	N. Todhunter	640	
	J. A. Spies	4,029	
	W. W. Grubbs	1,568	
			63,201
(d)	Acreage held by small landowners: 756 small landowners, averaging 142 acres each		107,244
	Total acreage in Chicot County		219,040

SUMMARY

Acreage held by corporations	48,595
Acreage held by large landowners	63,201
Acreage held by small landowners	107,244
Total	219,040

ASHLEY COUNTY, ARK.

(a) Total acreage in flood way		32,489
(b) Acreage owned by corporations:		
State Life Insurance Co	80	
National Cooperage Co	880	
Missouri State Life Insurance Co	320	
		1,280
(c) Acreage held by large land owners:		
Alexander & Young	1,120	
W. B. DeYampert	7,475	
J. W. McGarey estate	1,715	
B. O. Jackson	560	
Phin Kimball	3,205	
B. A. Blankenship	640	
R. L. McKinney	3,997	
W. B. Bynum	1,600	
J. H. Caldwell	667	
E. C. Morsheimer	2,000	
J. S. O'Neal	651	
Mary Bain Sherrill	970	
		24,600
(d) Acreage held by small land owners:		
107 small land owners, averaging 61 acres each		6,609
Total acreage in Ashley County		32,489

SUMMARY

Acreage held by corporations	1,280
Acreage held by large land owners	24,600
Acreage held by small land owners	6,609
Total	32,489

MOREHOUSE PARISH, LA.

(a) Total acreage in flood way		233,860
(b) Acreage owned by corporations:		
P. Kimball	10,960	
Walker & Bridges	2,400	
Bonita Lumber Co	10,520	
Louisville Cooperage Co	15,640	
Interstate Cooperage Co	48,120	
Morehouse Planting Co	3,800	
Chess-Wymond	640	
Southern Carbon Co	2,800	
Holly Ridge Lumber Co	5,840	
Tensas Delta Land Co	3,000	
Public-school land	4,440	
		108,160
(c) Acreage held by large landowners:		
G. W. Naff	2,800	
A. W. Jones	2,080	
Polk Hunter	1,060	
J. W. Shulk	960	
J. L. Daniel	1,560	
W. E. Hopkins	1,120	
George K. Bradford	640	
C. H. Henkel	2,640	
M. A. Davenport	2,000	
E. L. Gladney	800	
Pinkston estate	700	
W. C. Andrews	3,640	
C. C. Felton	900	
G. B. Shirkney	1,120	
L. Higginbotham	7,780	
W. Rutheredge	640	
W. L. Davis	1,920	
D. E. Ivey	1,400	
R. E. Barham	5,250	
B. C. Singleton	640	
J. T. Eubanks	1,080	
W. T. Dufur	840	
J. S. Rolfe	2,320	
N. N. Malone	640	
W. S. White	1,600	
F. E. Jordan	850	
Pipes & Wimberly	960	
J. B. West	8,080	
I. A. Starwood	700	
J. W. Brodnax	3,840	
D. W. Pipes	1,560	
W. L. Moore	1,440	
W. T. Smith	2,000	
Naff & Lewis	2,760	
Dunn & Pugh	700	
G. E. Mott	640	
Griffith & Murphey	1,640	
		71,300
(d) Acreage held by small landowners:		
272 small landowners, averaging 200 acres each		54,400
Total acreage in Morehouse Parish		233,860

SUMMARY

Acreage held by corporations	108,160
Acreage held by large landowners	71,300
Acreage held by small landowners	54,400
Total	233,860

WEST CARROLL PARISH, LA.

(a) Total acreage in flood way		129,552
(b) Acreage owned by corporations:		
Pioneer Cooperage Co	32,000	
Frank James Co. (Ltd.)	7,084	
Koerner & Co	588	
R. J. Darnell (Inc.)	18,103	
Palmer Clothing Co	56	
Tensas Delta Land Co	116	
Bain Wagon Co	5,090	
Federal Land Bank	120	
Graves Bros. (Inc.)	150	
Hoosier Veneer Co	1,088	
Bank of Kilbourne	20	
Bank of Oak Grove	29	
Bank of West Carroll	80	
Singer Sewing Machine Co	6,000	
		70,524
(c) Acreage held by large landowners:		
John R. McIntosh	1,979	
S. W. Balding estate	2,060	
D. B. Fiske	2,425	
Mrs. Ruby G. Hunt	1,689	
H. V. Richardson	1,267	
L. M. Nicholson	2,450	
H. W. Graves	1,188	
W. C. Buchanan	1,377	
H. M. Spain	1,229	
Evander Wilber	600	
Clyde Turner	785	
George Croak	719	
W. A. Heddrick	704	
John and Joe Jones	645	
D. M. McIntosh	947	
Lillie J. Bowers	698	
D. W. Kelly	721	
Nickey Bros	842	
Brigg & Sullerds	800	
Mrs. H. L. Chatham	833	
Andrew Jackson	747	
		24,705
(d) Acreage held by small landowners:		
361 small landowners, averaging 95 acres each		34,323
Total acreage in West Carroll Parish		129,552

SUMMARY

Acreage held by corporations	70,524
Acreage held by large landowners	24,705
Acreage held by small landowners	34,323
Total	129,552

OUACHITA PARISH, LA. (NO. 1)

(a) Total acreage in flood way		53,928
(Does not include back-water territory around Bosco.)		
(b) Acreage owned by corporations:		
Manning & Faust	732	
Tremont Lumber Co	6,140	
T. G. Easterling & Co. (Inc.)	642	
Trout Creek Lumber Co	638	
Major Stave Co	1,576	
West Virginia Timber Co	18,088	
Ouachita National Bank	40	
McGuire Cattle Co	242	
Anderson Land & Timber Co	742	
Biedenharn Realty Co	40	
Arant Investment Co	404	
Canal Commercial Trust & Savings Bank	641	
		29,925
(c) Acreage held by large landowners:		
E. N. & M. L. Filiol	1,259	
E. R. Ratcliff	5,672	
J. H. Rhymes	1,360	
E. Fudicker	1,414	
G. B. Stubbs	1,843	
C. F. Huenfield	1,918	
A. C. Call	1,040	
Genie & M. Miller	733	
Ella Gross	664	
		15,903
(d) Acreage held by small landowners:		
58 small landowners, averaging 140 acres each		8,100
Total acreage in Ouachita Parish		53,928

SUMMARY

Acreage held by corporations	29,925
Acreage held by large landowners	15,903
Acreage held by small landowners	8,100
	53,928

OUACHITA PARISH, LA. (NO. 2)

(a) Total acreage in flood way		43,279
(Territory affected by backwater around end of levee at Bosco.)		
(b) Acreage owned by corporations:		
Consolidated Ice Co	160	
Dixie Lumber Co	1,265	
C. D. Brooks (Inc.)	698	
Brown Paper Mill	100	
Linwill Saw Mill Co	176	
Bon Air Planting Co	160	
West Virginia Timber Co	480	
Major Stave Co	140	
Arant Investment Co	156	
T. G. Easterling & Co. (Inc.)	320	
Groves Planting Co	380	
Tensas Lumber Co	40	
Manning & Faust	819	
		4,894

(c) Acreage held by large landowners:		
G. B. Haynes	2,500	
Hoffman & Ruffin	1,200	
Joe Gratz	1,966	
J. H. Rhymes	1,520	
Frank Stubbs	1,280	
Mrs. W. H. McHenry	1,985	
J. H. and R. V. M. Cordell	1,400	
R. G. Harmon	660	
R. W. Davis	760	
Mrs. D. L. Cowan	761	
		14,032
(d) Acreage held by small landowners:		
200 small landowners, averaging 122 acres each		24,353
Total acreage in Ouachita Parish (backwater)		43,279

SUMMARY

Acreage held by corporations	4,894
Acreage held by large landowners	14,032
Acreage held by small landowners	24,353
	43,279

RICHLAND PARISH, LA.

(a) Total acreage in flood way		203,400
(b) Acreage owned by corporations:		
Chess-Wymond Co	16,000	
E. Sondheimer Co	1,520	
Holly Ridge Lumber Co	720	
Mengel Co	640	
Foust Bros. Lumber Co	2,160	
Wayne Land & Timber Co	20,080	
Rosengrant & Ducomb Co	1,120	
Marshfield Stave Co	1,600	
Tensas Delta Land Co	15,340	
School lands	640	
Ouachita National Bank	1,280	
England Planting Co	1,840	
Stone-Jones Land & Timber Co	1,480	
Kinsell-Summers estate	4,120	
		69,540
(c) Acreage held by large landowners:		
F. E. Jordan	1,640	
E. F. Justice	1,040	
J. A. Hemler	2,820	
P. P. Norman	1,880	
Stubbs estate	1,880	
W. T. Jones	1,680	
M. E. Carr	840	
G. G. Griffith	2,240	
McCoy estate	2,760	
Mary L. Millsap	3,000	
R. R. Rhymes	4,920	
C. R. Singletree	960	
C. E. Slocum	680	
Robinson estate	640	
Sartor & Sons	5,900	
M. W. Wooten	780	
C. M. Noble	4,520	
R. L. Bell	1,160	
G. M. Humble	820	
W. D. Humble	3,160	
J. L. Hewitt	1,080	
R. S. & L. O. Boughton	800	
M. L. Bell	920	
J. R. Herndon	960	
Hatch Bros	2,480	
M. E. McIntosh	900	
C. D. Williams	1,600	
		52,040
(d) Acreage held by small landowners:		
450 small landowners, averaging 184 acres each		82,820
Total acreage in Richland Parish		203,400

SUMMARY

Acreage held by corporations	68,540
Acreage held by large landowners	52,040
Acreage held by small landowners	82,820
	203,400

CALDWELL PARISH, LA.

(a) Total acreage in flood way		111,818
(b) Acreage owned by corporations:		
Southern States Realty Co	1,349	
Trout Creek, Tall Timber & Good Pine Lumber Co	53,010	
Investors Manufacturing Co	2,543	
Caldwell Bank	40	
Standard Lumber Co	80	
Riverton Lake Lumber Co	64	
Citizens Progressive Bank	360	
Federal land bank	40	
		57,486
(c) Acreage held by large landowners:		
Mrs. Mary Day	1,312	
W. H. Filhiol	1,688	
Dr. J. Q. Grover	1,002	
Joe Hogue	1,308	
C. H. Miller	2,912	
Mrs. M. P. Powell	1,083	
F. G. Nelson	1,250	
J. W. James	3,443	
H. Ferrand	660	
A. R. Taylor	650	
Mrs. L. E. Groves	773	
David Dunn	851	
A. L. Winn	954	
Mrs. J. F. Girod	758	
		18,444
(d) Acreage held by small landowners:		
247 small landowners, averaging 145 acres each		35,888
Total acreage in Caldwell Parish		111,818

SUMMARY

Acreage held by corporations	57,486
Acreage held by large landowners	18,444
Acreage held by small landowners	35,888
	111,818

FRANKLIN PARISH, LA.

(a) Total acreage in flood way		107,782
(b) Acreage owned by corporations:		
Tensas Delta Land Co	10,346	
Tensas Basin levee board	350	
Metropolis Bending Co	5,060	
Winnsboro State Bank	540	
Wyatt Lumber Co	9,380	
E. J. Kiper & Co	80	
West Virginia Timber Co	820	
Pardue Bros	965	
A. A. Bush	140	
Brooks & Son	41	
		27,722
(c) Acreage held by large landowners:		
Gilbert & Hobgood	1,100	
W. S. Desha	802	
Mrs. M. V. Moore	840	
M. P. Daily estate	680	
T. J. Mathews, sr	640	
W. B. Grayson, sr	800	
T. B. Gilbert	3,380	
C. J. Ellis, sr	700	
L. L. Lieber	800	
Gilbert, Hurdle & Walden	1,200	
Mrs. M. B. Wigger	640	
H. H. Buie estate	2,270	
H. A. Buie	1,280	
J. R. Woolridge	660	
J. R. Howington	710	
Price, Moore & Strahan	960	
Curry, McConnell & Sartor	640	
I. Q. Robinson	680	
S. Senseman	1,160	
Benson & Anderson	880	
Mrs. M. D. Mason estate	1,600	
Mrs. H. Ensminger	810	
		23,232
(d) Acreage held by small landowners:		
528 small landowners, averaging 108 acres each		56,828
Total acreage in Franklin Parish		107,782

SUMMARY

Acreage held by corporations	27,722
Acreage held by large landowners	23,232
Acreage held by small landowners	56,828
	107,782

CATAHOULA PARISH, LA.

(a) Total acreage in flood way	2,591
(b) Acreage owned by corporations	None.
(c) Acreage held by large landowners	None.
(d) Acreage held by small landowners:	
19 small landowners, averaging 136 acres each	2,591
Total acreage in Catahoula Parish	2,591

SUMMARY

Acreage held by corporations	None.
Acreage held by large landowners	None.
Acreage held by small landowners	2,591
Total	2,591

Tabulation of ownership of lands in Bocuf River flood way below Sicily Island—Backwater area

LA SALLE PARISH

	Acres	Acres
Corporations:		
Highland Farm Co	520	
Tensas Delta Land Co	64,113	
		64,633
Small owners (46)		2,885
Total		67,518

GRANT PARISH

Large owners:		
Bannon, E. M. O.	640	
McAdams, J. E.	940	
		1,580
Corporations:		
Central Development Co	120	
Chic Lumber & Coal Co	120	
Lee Lumber Co	880	
		1,120
Small owners (52)		8,180
Total		10,880

RAPIDES PARISH

	Acres	Acres
Large owners:		
O'Neal, J. A	818	
Ryland, A. W	683	
S. A. Robt. Rider	790	
Wise, J	1,567	
		3,858
Corporations:		
Alexandria Lumber Co	620	
Eota Realty Co	9,800	
Lanier Oil & Gas Co	150	
Lee Lumber Co	2,000	
		12,570
Small owners (102)		13,641
Total		30,069

CATAHOULA PARISH

Large owners:		
Adams, John J	740	
Alexander, J. S	995	
Alexander, T., estate	1,120	
Beitzhoover, Heiss	1,882	
Bryan, Mrs. A. J	721	
Burroughs, Nelson T	2,183	
Calhoun, W. T	980	
Davis, Samuel P	1,058	
Friel, F. M	633	
Gilbert, T. B	760	
Gilbert, Mrs. A. C	1,120	
Gillis, Mrs. Lucille B	2,627	
Gregg, E. E	3,100	
Gumerson, S. M	761	
Hegedore, Mrs. C. L	1,491	
Hyman, Alexander	816	
Hoen, E. H	964	
Jones, Mrs. R. L	3,234	
Leigh, A. C	6,289	
Link, M. T	667	
Lonneau, K. P	1,237	
McCarty, E. S	759	
McComb, A. C	1,154	
May, Mrs. J. B	1,880	
Michel, R. L	2,134	
Morris, J. W., estate	760	
Mount, W. H	1,137	
Newell, Mrs. Leo W	1,460	
Niagruder, W. A	1,720	
Norton, Oliver B	1,185	
Ormsby, J. E	1,390	
Peck, W. S	2,377	
Prichard, C. E., estate	1,430	
Richardson, W. P	2,212	
Robert, Robert, jr	1,093	
Smith & Norton	983	
Spencer, Miss A	1,282	
Stearns, D. M	2,815	
Taliaferro, R. M	2,739	
Ulrichs, Joseph S	644	
Webb, Dr. A. A	730	
Wilkinson, C. A	691	
Winston, H. L	1,152	
Wilson, R. J	648	
Wooden, D. E	688	
Wurster, John A	2,204	
Young, E	1,384	
		70,059
Corporations:		
Bank of Commerce	1,007	
Bayou Land & Lumber Co., Hattiesburg	1,835	
Catahoula Realty Co	80	
Cypress Shingle Co	6	
Crusader Pipe Line Co	9	
Delta Hardwood Co	6,289	
Dunbarton Planting Co	31	
Ferguson Lumber Co	1,440	
First National Bank, S. J. Harper	586	
Fisher Lumber Corporation	881	
Graham Stove & Hardware Co	4,936	
Grant Timber & Manufacturing Co. (Inc.)	9,870	
Harrisonburg State Bank	240	
Hyman, Harris & Co	270	
Josephine Land Co	1,298	
Lasalle State Bank	50	
Lorimer, William, Lumber Co	16	
McWilliam Marsh (by Zenoria Lumber Co.)	8,927	
Naples Lumber Co	507	
Dixie Pecan Co	1,119	
Smith Hall Lumber Co	1,505	
Stewart Bros. & Co	100	
Tall Timber Lumber Co	466	
Tensas Delta Land Co	121,856	
Tensas Delta Land and Monohand Land Co	11,516	
Thompson, W. B., & Co	642	
Three Rivers Hardwood Lumber Co	19	
Utley Holloway Sawmill Co	1,489	
Zenoria Lumber Co. (Inc.)	4,246	
		181,236
Small owners (136)		72,899
Total		324,186

AVOYELLES PARISH

Large owners:		
Garlington, B. F	3,000	
Gardiner, S. W	777	
Snowden, George G	19,986	
Coco, J. M	744	
Cole, Howard	3,830	
Peters, E	770	
		29,107
Corporations:		
American Investing Co	490	
Avoyelles Bank & Trust Co	240	
J. H. Hines Co	10,202	
Godchaux Realty Co	120	
Harris Hyman Co	80	
National Lumber Co. & Ice Co	15,277	
Naples Lumber Co	344	
Commercial Estate Co	13,370	
Gulf Land Co	2,880	
Howard Cole Co	3,300	
Harris Hyman Co	340	
Pardy Hess Co	8,572	
Leach & Edwards	22,374	
Lannier Land & Oil Co	1,038	
The Parker Co	1,400	
Commercial Estate & Investing Co	2,272	
Gulf Land Co	5,849	
Southwestern Lumber Co	22,659	
Lampton Realty Co	3,726	
		114,533
Small owners (528)		31,936
Total		175,576

FRANKLIN PARISH

Large owners:		
Collins, J. T	4,428	
Conn, F. K	950	
Feltus, Mrs. E. C	2,311	
York, Zeb., sr	1,304	
		8,993
Corporations:		
Josephine Land Co	2,680	
Fisher Lumber Co	1,399	
Chicago Mill & Lumber Co	1,160	
		5,239
Small owners (5)		510
Total		14,742

CONCORDIA PARISH

Large owners:		
Davis, J. M	1,982	
Maxwell, M. B	2,936	
Butler, S. H	3,900	
Byrnes, C. F	1,580	
Freeman, T. O	746	
Learned, A. B	3,056	
Metcalfe, Mrs. Louise	3,056	
Mitchell, J. F	5,254	
Prince, Dr. J. L	2,644	
Jones, J. M	700	
Farmer, Lafe	2,054	
Hockins, W. H	1,205	
Learned, A. B	1,530	
Metcalfe, Mrs. Louise	1,529	
Porter, Samuel	1,700	
Wilkins, C. M	1,594	
Mosley, C. A. et al	5,326	
Campbell, A. H	2,480	
Hogue Bros	2,300	
Surget, estate of James	1,250	
Crawford, Mrs. Annie	1,040	
Winston, S. L	2,966	
Buck & Jones	1,250	
Merrell, Miss Jennie	2,950	
Sherman, E. C	1,442	
Corbett, P. H., & D. B. Fleming	2,900	
Gillespie, A. H	3,769	
Carter, estate of Mrs. Pauline	635	
Hinderleider, J. M	644	
Hall, Edwin S	2,561	
Merrerve, A. G	1,000	
Schiele, estate of R. P	1,300	
Alexander Bros	3,478	
Bank of Commerce and heirs of J. L. Clayton, Natchez	800	
R. W. Clayton	877	
Carr, T. Leavitt	705	
Neal & Son	1,119	
J. W. Oden	775	
J. H. Boschert	2,177	
I. J. Duffy	1,725	
Louis Fry	1,304	
Metcalfe, Mrs. Louise	4,432	
Miller & Smith	779	
Mulvihill, Mrs. L. H	1,082	
Cowan, J	1,142	
Guill, J. H	4,854	
Hawkins, C. M	1,646	
Wade, estate of Mrs. C. J	1,425	
Barchus, Miss Iona	4,184	
Brown, F. D	2,240	
Berymer, F. O	1,806	
Engle, C. F	1,600	
Leonard, A. R	1,803	
Saunders, R. P	1,193	
Splane, Mrs. E. E	1,280	
Stacey, estate of Anna Lee	2,770	
Ball, W. B	1,406	
Brown, George M., estate	808	
Thomas, J. B	640	
Brooks, Mont	6,373	
Zurhellen, J. C	960	
Bairnsfather, H. M	962	
Black, R. L	17,533	
Hardin, A. L., trustee	13,098	
Hartke, J. S	2,131	
Kelly, G. M	3,074	
Kennedy, J. R	958	
Parker, J. G	1,555	

	Acres	Acres
Large owners—Continued		
Reynolds, J. J	1,066	
Balch, Geo. R	6,657	
Campton, D. S	881	
Brown, L. D	1,401	
Burgin, J. P	2,303	
Learned, A. B	2,738	
Wilds, R. S	719	
Grey, W. W	810	
Griffin, Mrs. Julia	1,370	
Learned, A. B	1,587	
		183,405
Corporations:		
Arcadia Land Co	19,447	
Bank of Commerce (Natchez)	500	
Concordia Realty, Milling & Planting Co	15,337	
Bank of New Roads	930	
First National Bank (Hattiesburg)	798	
National Box Co	800	
Parks, W. B., & Co	3,663	
Percifull, Patto O'Brien, Townsend & Brown	2,743	
Bank of Commerce (Natchez)	4,000	
Warnicut Planting Co	4,095	
Willetts Wood Products Co	41,336	
Forest & Moro Plantations	4,334	
Cupples, J. E., & Son	927	
Fisher Lumber Corporation	21,823	
Posternack, W., & Son	552	
Vidalia Bank & Trust Co	120	
Welle Bros	1,531	
Crusader Pipe Line Co. (Arkansas)	75	
Interstate Natural Gas Co	14	
Louisiana & Arkansas R. R	57	
Southern States Realty Co	30	
Burnside, W. W., & Co	1,110	
Pan American Life Insurance Co	1,761	
Bullis, Pritchard & Wheeler, and Bayou Land & Lumber Co	3,246	
Ferriday Cooperage Co	30	
Ferriday Hoop Co	13	
Ferriday Realty Co	350	
Rowe & Mahon	952	
Utley-Holloway Sawmill Co	926	
Vidalia Bank & Trust Co	840	
Britton & Koontz Bank	274	
Grant Timber & Manufacturing Co	5,040	
Natchez Fish Co	7	
Natchez Investment Co	4,446	
Pecan Products Co	2,125	
Bullis & Conn	797	
Clayton Planting Co	3,275	
Milton & Calvert	1,718	
Graham Stave & Heading Co	107	
McGraw & Perkins	1,530	
Mittendorf, Bradley Co	586	
Southern States Realty Co	1,644	
Baxter, Forest Hardwood Co	8,653	
Bullis & Thomas	1,007	
Concordia Abstract Realty Co	977	
Thomas & Bullis	1,740	
Willson Planting Co	1,004	
Missouri Pacific R. R	209	
Gumble, S. & Co	96	
Lorimer Lumber Co	669	
Livermore & Ellis	13,944	
Mengales Co	2,370	
University of the South	80	
Bayou Land & Lumber Co	6,521	
Woodmen of World	1	
		191,153
Small owners (377)		43,105
Total		417,663

TENSAS PARISH

Large owners:		
Curry, Joseph T	2,650	
Estate Joe Curry	1,300	
Davidson, Mrs. C. M	1,820	
Daniels, S. C	660	
Daniels, I. F. and Mary	1,970	
Goodwine, Freement	1,385	
Stanton, J. M	1,500	
Whitney, Mrs. L. M	2,440	
Worrel, Mrs. E	1,219	
Yourtree, S. T	2,030	
Anderson, V. S	3,209	
Bailey, Mrs. K. A., estate of	712	
Burton, Dr. W. M	1,040	
Epstein, J. I	1,015	
Hops, Frank W	1,886	
Hart, J. H	1,680	
Street, J. Clark	1,024	
Weatherly, Mrs. L. B. and W. W	3,209	
West, A. M., jr	1,040	
Wiley, E. P	2,473	
Cook, W. L. and L. H	1,285	
Lynch, R. B., estate	846	
Nye, W. F	820	
Smith, Mrs. P. C	640	
Anderson, Mary G	759	
Anderson, Margaret	759	
Chilton, J. W	1,160	
Adams, F. O	877	
Bennie, Mrs. M. E. A	719	
Deason, O. B	640	
Fowler, A	2,400	
Hopkins, Mrs. M. L	1,659	
Harris, J. W. and Roscoe	690	
Shelly, Mrs. M., estate of	1,114	
Watson, S. D	1,596	
Burton, Dr. W. M	738	
Carpenter, N. L	2,219	
Hughes, Charles R	940	
Johnson, H. A. & Grace	729	
Leonard, A. B	1,000	
Rhodes, Mrs. Grace	1,157	
Bowman, F. E., estate of	1,311	
Duffy, F. J	1,020	
Ingell, C. E	1,319	
Eure, Mrs. Joseph	1,310	
Freeman, E. E	702	
Fee, Mamie K	800	
Hay, William J	1,200	
Kelly, G. M. D	2,514	
Shelly, Mrs. M., estate of	1,060	
Stone, Dwight	3,121	
Hawkins, R. C	884	
Jacobs, P. C	676	
Miller, D. F	2,764	
Pierce, M. C	720	
Post, George E	703	
Smith, Bolton	2,787	
Sayles, Mrs. Annie P	856	
Wright, Mrs. Annie M	699	
Wright, Dr. W. R	2,100	
		83,555
Corporations:		
Crimea Planting Co	1,612	
Marks Realty Co	4,238	
Hines, J. H., & Co	1,295	
Claranook Plant Co. (Inc.)	1,216	
Desha Lumber Co	13,386	
Mutual Realty Co	2,888	
Mississippi Valley Timber Co	17,330	
Pritchard Wheeler Lumber Co	12,445	
Burn Plant. Co	2,813	
Pan American Life Insurance Co	2,169	
Penrod Jurdan Lumber Co	6,307	
Smith Hall Lumber Co	2,576	
Wilbert Sons Lumber & Shingle Co	450	
Bank of Baton Rouge	15	
Cytron Mortgage Co. (Inc.)	1,564	
First National Bank of Texas	413	
First National Bank of Hattiesburg	675	
Etley Holloway & Co	4,993	
		76,385
Small owners (184)		38,884
Total		198,824

Tabulation of ownership of lands in Atchafalaya flood way

ST. MARTIN PARISH

Large owners:		
Adam, Joseph	1,220	
Ashley, F. W	686	
Bourdin, J. J	11,270	
Case, Cy., & V. J. Kenzweg	1,806	
Case, John	4,100	
Martin, J. S	1,212	
Martin, Robert	1,243	
Martin, R	1,318	
Martin, R. & J. J	1,985	
Stockstill, Gilbert	645	
Unknown owners	10,489	
Durand, Edgar	880	
Durand, Ed	800	
Alvin, R. Albritton	718	
Boudreaux, L. L	750	
Brownell, C. R	680	
Crussel, J. E	3,979	
Grange, Florien	808	
Johnson, Ben	1,344	
Nolbert, Prene	1,078	
Schewing, E. B., etc	2,890	
Shelburne, H. N	7,080	
Shelburne, N. H., et al	5,856	
Stewart, E. C	1,141	
Unknown owners	6,100	
Voorhies, Lucien	989	
		71,067
Corporations:		
Martin Fish Co	354	
Rycade Oil Corporation	2,511	
Levert Mercantile Co. (Ltd.)	35	
Atchafalaya Land Co	2,431	
Adler, A., Realty Co	80	
Arkansas Fuile Oil Co	77	
Bank of St. Martinville	118	
Bourgeois & Beaucheux	1,430	
Broussard & Schwing	738	
Broussard, Ed, S. E., John E. Schwing	1,029	
Brownell Drews Lumber Co. (Ltd.)	200	
Brownell Drews Lumber Co. (Ltd.)	400	
Brownell Drews Lumber Co. (Ltd.)	4,262	
Chapman, Storm Lumber Co. (Inc.)	1,800	
Cotton Bros. Cypress Co	340	
Coyle, H. E., and J. R. Rarble	1,293	
Lental, Sam., and John D. Bell	1,088	
Grace Thomas Co	300	
Gulf Refining Co. of Louisiana	1,243	
Hiller-Hyman Co. (Ltd.)	58	
William P. Hodges & Norman Breaux Lumber Co	5,177	
Humble Oil & Refining Co	486	
Heyman Harris & Co. (Inc.)	160	
Ideal Land & Improvement Co	3,058	
Jeanerette Lumber Co. (Ltd.)	8,218	
Jeanerette Lumber & Shingle Co. (Ltd.)	26,297	
Breaux Lumber Co	955	
King, Dr. H. A	2,154	
Kyle Lumber Co. (Ltd.)	1,823	
Louisiana Land & Planting Co	338	
Louisiana Land & Planting Co., R. C. Milling		
Irving, R. Saal	2,253	

Corporations—Continued	Acres	Acres
Levert, St. John (Inc.)	182	
Do	2,500	
McReynolds, Miss Edith	730	
Morse, J. F. Clifford, and W. H. Whatley	8,482	
Norman-Breaux Lumber Co. (Inc.)	5,044	
Do	1,410	
Norman-Breaux Lumber Co. (Inc.) and Fernert Segura	268	
Schwing Lumber & Shingle Co. (Ltd.) and W. J. Burks	3,047	
Schwing Lumber & Shingle Co. (Ltd.)	14,266	
St. Martin Land Co	34,000	
Sun Oil Co	240	
Limber Land Co. (Inc.)	8,339	
Thompson, A. H., and G. P. Johnson	6,033	
Luckens, Ben Franklin, and John W. Lewis	972	
Wilbert, A., Son Lumber & Shingle Co	4,912	
Williams, S. B., Cypress Co. (Ltd.), plant No. 1	25,535	
Williams, S. B., Cypress Co. (Ltd.), plant No. 2	2,328	
Bernard Fish Co	15	
		189,007
Small owners (259)		24,314
Total		284,388

IBERVILLE PARISH

Large owners:		
Angelloz, A. H	2,349	
Donaldson, G	777	
Grace, Joseph A	772	
Levy, H. J	1,167	
Do	980	
Row, C. W	4,145	
Do	1,206	
Schwing, S. P	500	
Do	779	
Ely, S	724	
Feret, P. R	1,367	
Picard, A. J	657	
Gulotta, C	682	
Kurzweg, V. S., and Cyrus Case	6,143	
Lotz, J	1,000	
Schwing, E. B	2,244	
Do	427	
Sherburne, H. W	524	
Do	164	
Do	9,478	
Geblin	2,647	
McCardle, S. T	128	
Do	753	
Pollock, W. M	3,045	
Schwing, E. B	2,381	
Do	633	
Do	200	
Do	1,148	
Do	3,485	
Do	3,950	
Do	637	
Do	513	
Do	974	
Do	141	
Do	868	
Do	468	
Do	1,789	
Morse, J. F	666	
Prohaska, F. L	2,288	
		62,799
Corporations:		
Gumble, S., Co	5	
Sherburne Industries (Inc.)	145	
Barst Cooperage Co	2,765	
Do	3,251	
Do	7,009	
Barst Shingle Co	160	
Dupont Co	330	
Gay Lord Co	1,993	
Holliday, P. W. Sons (Ltd.)	3,818	
Louisiana Cooperage Co	1,704	
Do	476	
Lauve Co	200	
Reulet, J. M., & Bros	384	
Schwing, L. & S., & Co., and Walter Burke	2,329	
Schwing, L. & S., Co	4,918	
Wilbert, A., Sons, L. & G. Co	28,837	
Clover Ridge Co., P. & M	1,230	
Pelican Realty Co	168	
Ruth Oil & Realty Co	165	
Baist, L. & G., Co	81	
Hurdle Bros	134	
Wilbert & Sons L. & S. Co	15,260	
Do	4,402	
Crottan Bros	126	
Iberia Cypress Co	8,224	
Bayou Hooper Land Co	81	
Schwing, R. & J., Co	6,013	
Do	13,048	
Do	80	
Blevin, J. V., & Co	283	
Brawnell, Drew L., Co	667	
Cotton Bros	1,872	
Atchafalaya Land Co	2,831	
Kyle Lumber Co	2,065	
Louisiana Land & Planting Co	714	
Rycade Oil Corporation	200	
Waddell Williams Lumber Co	499	
F. B. Williams Cypress Co	2,847	
		119,314
Small owners (275)		31,705
Total		213,818

ST. MARY PARISH

Large owners:	Acres	Acres
Parro, Dolph	1,138	
Pharr, J. N	10,045	
Foster, J. W	1,750	
John C. Bussy estate	675	
Moberly, E. E	718	
		14,326
Corporations:		
Adeline Sugar Co	3,492	
Rio Bravo Oil Co	100	
Southern States Realty Co	326	
A. Veeder Co	198	
Laws Realty Co	440	
Kyle Lumber Co	1,331	
South Coast Co	3,010	
Sterling Sugar Co	3,227	
Shady Side Co	3,490	
Victoria Sugar Co	945	
Cotton Bros. Cypress Co	95	
Bass Uye & Lacuzzo	1,292	
Louisiana Syrup & Canning Co	5	
Lyons Co	1,752	
Morgan City Co	660	
Morgan City Co. (Inc.)	2,867	
The Polourde Development Co	76	
Thibodeaux C. M. Co	112	
The Texas Co	25	
Walsh, D. C., & Co	64	
Whitney Building	5,094	
Wax Bayou Co	6,794	
		35,395
Small owners (138)		13,424
Total		63,145

POINTE COUPEE PARISH

Large owners:		
Baxton, J. L	988	
Crews, C. C	956	
Glynn, A. L	675	
Hearin, D. B	657	
Major, P. C	1,415	
Provosty, O. & A	711	
Robinson, D	1,408	
Wall, J. D	640	
Coats, W. T	2,400	
Cole, J. C	950	
Patton, M. B	4,271	
Simpson, J	3,162	
Claiborne, N	960	
Cranor, A. J	1,811	
Crowe, R. W	997	
Dooley, Hugh	961	
Gumbel, F	960	
Haas, J	890	
Hedric, Grace	756	
McNeil, H. R	2,921	
Tharue, V	800	
Carloon, C. J	1,534	
Chamberlain, Hugh	890	
Delatte, Rewee	880	
Derring, J. A	867	
Hillis, J. E	720	
Long, O. J	1,105	
Needham, B. E	2,750	
Gayden, L. P	800	
Harris, R. E	1,566	
Hotson, F. H	1,855	
Keller, G	3,194	
Lacour, O	1,680	
Larkin, J. O	1,026	
Levee, L. P	1,339	
Mounger, H. P	1,859	
Phillips, N. P	2,120	
Provosty, O. O	1,463	
Robert O. G	754	
Smith, A	1,095	
Smith, A. K	1,340	
Anderson, A. R	1,225	
Carruth, R. B	1,440	
Cotton, M. B	1,100	
Cotton, J	750	
Hill, W. A	1,000	
Jones, H. W	2,445	
Lacour, O	4,508	
Reuter, Chris	678	
Smith, A. A	7,193	
Borah, C. F	1,402	
		79,367
Corporations:		
Baist, L. & S. Co	413	
Bank of New Roads	697	
Roltz Cooperage Co	493	
Brownwell Dieu Lumber Co	325	
Canal Bank & Trust Co	893	
Godchaux Realty Co	140	
Hackney Lumber Co	3,159	
Louisiana Land & Plantation Co	1,186	
Ortego & Langlois	700	
Pelican Realty Co	374	
Penick & Ford	990	
Schwing Lumber & Shingle Co	191	
Sherbourne Industries (Inc.)	6,840	
Celtic Land & Improvement Co	480	
Franklin Realty Co	365	
Lacour Plantation Co	3,430	
Dodge & Sumbery	2,880	
Louisiana National Bank	489	
Standard Box Co	243	
Bank of Baton Rouge	130	
Gumbel & Co	612	
Hackney Lumber Co	4,800	

Corporations—Continued.	Acres	Acres
Point Coupee Land Co	4,604	
Bank of Lottie	300	
Edwards Bradford Lumber Co	8,458	
Louisiana Cert. Land Co	4,300	
Point Coupee Trust Co	50	
Standard Oil Co	10	
Phillips & Thompson	1,876	
Gumbel, S., & Co	398	
Northern Lumber Co	5	
Poydras Funds	260	
Wilbert, A., Sons, T. & S. Co	1,886	
Wilson & Cochran	1,886	
		54,907
Small owners (319)		46,413
Total		180,687

AVOYELLES PARISH

Large owners:		
Blakenwood, E. G	859	
Bennette, P. J	716	
Cappel, J. C	865	
Gauthier, W	4,470	
Godchaux, W	4,470	
Hickman, W. P	770	
Morgan, Y	1,400	
Means, D. B	640	
Nolin, F. P	1,090	
Norwood, E. J	1,000	
Perkins & Holden	967	
		17,247
Corporations:		
Avoyelles Bank & Trust Co	160	
Avoyelles Wholesale Grocery Co	22	
Bexmere Co	1,990	
Desha Lumber Co	620	
El Paso Discount Co	300	
Kohlman Moss Co	2,021	
Lampton Realty Co	4,441	
Woodside Co	1,651	
Yellow Bayou Gin & Planting Co	930	
Sondheimer Co	14,450	
		26,585
Small owners (252)		19,778
Total		63,610

ST. LANDRY PARISH

Large owners:		
Aschauer, Dr. Henry	640	
Brock, John B	640	
Banning, Heland G	660	
Clopton, Bellison W	1,620	
Converse, W. O	1,664	
Day, Thomas C	3,028	
Deal, D. W	1,635	
Hass, Mrs. Janet R., and Nathalie Hass Kirsch	3,601	
Haas, W. D	1,000	
Hawkins, Mrs. Sallie	660	
Haas, Dr. W. D	637	
Lacroix, John L	653	
Lawler, J. G	2,800	
Lewis, Warren	6,447	
Melmus, Fred	927	
Mertz, Mrs. Henrietta	640	
Murphy, Wm. M	5,435	
Merts, Mrs. Albert A	640	
Meyer, Dr. J. G	1,605	
Morrison, Mrs. Mary J	826	
Worman, W. H	18,410	
Penick, Dr. N. A	1,624	
Perkins, J. A	582	
Perkins, J. A	93	
Penick, Dr. N. A	1,582	
Qurhn. E. C	640	
Richard, Eugene Gordy	786	
Veazie, widow and heirs of E. P	1,515	
Whiteman, C. T., lumber	19,680	
Wattern, Charles G	640	
Wilson & Cochman	667	
		81,977
Corporations:		
Anchor Sawmill Co	160	
Brooklyn Cooperage Co	22,515	
Bank of Lafayette & Trust Co	780	
Bank of Planters & Trust	360	
Board of Missions, M. E. Church South	680	
Brewer Neinstelt Lumber Co	6,956	
Botany Bay Lumber Co	3,042	
Caldwell, W. E. Co	6,120	
Canal Comm. T. & S. Bank	1,399	
De Blieux Lumber Co	4	
Day, Thomas C	3,028	
Eicher Woodland Lumber Co	640	
Felger Lumber Co	1,116	
Fred Brenner Lumber Co	1,003	
Godchaux Realty Co	3,020	
Globe Tailoring Co	160	
Flyman, Harris & Co	1,650	
Martin, Roy Lumber Co	320	
Nesson, J. O., Lumber Co	5,107	
Pelonson St. Landry Security	240	
Planters Bank & Trust Co	280	
Penick Molasses Co	62	
Palmetto Mercantile Co	19	
Parish Bank & Trust Co	440	
Sandelheimer, E., & Co	1,482	
Southern States Realty	225	
Southwest Louisiana Farm Mortgage (Inc.)	80	
Sterling Sugar Refining Co	120	
Swain Roach Lumber Co	80	

Corporations—Continued.	Acres	Acres
St. Landry Land & Lumber Co	15,316	
Thistlewaite Lumber Co	5,340	
Williams, F. B., Cypress Co	241	
Williams, F. B., Cypress Co	844	
		82,829
Small owners (438)		48,916
Total		213,722

ASSUMPTION PARISH

Large owners:		
Michel, Myrtle	846	
		846
Corporations:		
Brownell-Drews	2,298	
Wilbert, A., & Sons	296	
Waties & Guion	123	
Gumble, A., & Co	7,177	
		9,894
Small owners (6)		1,037
Total		11,777

TERREBONNE PARISH

Large owners:		
Foucher, F. E	1,213	
Henican, Joseph P	5,000	
Nelson, Frank G	38,961	
		45,174
Corporations:		
Atchafalaya Bay Ship Channel Co	1,480	
Border Research Corporation	39,518	
Brownell-Drews Lumber Co	440	
Louisiana Terre Co. (Inc.)	22,347	
The Castell Co. (Inc.)	64,499	
		128,284
Small owners (10)		960
Total		174,418

IBERIA PARISH

Large owners:		
Beckman, H. H	684	
Bourgeois & Beaullieu	1,242	
Elmore, J. K., jr	695	
Herald, Sidney, et al	1,170	
Johnson & Thompson	691	
Kling & Walet	1,649	
Schwing & Burke	752	
Weeks & McHugh	827	
Weeks, McHugh & Kepper	812	
Cypress, William F. B	10,697	
Voorhies, Lusien	746	
		19,965
Corporations:		
American Banking & Trust Co	38	
Bank of Loreauville	30	
Bayou Pigeon Oil Mineral Co	400	
Bernard Wagon Work Co	128	
Brownell-Drews Lumber Co	2,990	
Cotton Bros. Cypress Co	2,593	
Federal Land Bank of New Orleans	30	
Gulf Refining Co. of Louisiana	869	
Humble Oil Refining Co	214	
Iberia Cypress Co	6,998	
Jeanerette Lumber & Shingle Co	26	
Kyle Lumber Co. (Ltd.)	11,758	
Little Bayou Oil Co	175	
Loissel Sugar Co	87	
Maximillian Planting Co	282	
New Iberia Co	13	
Planters Lumber Co	3,870	
Schwing Lumber & Shingle Co	3,305	
The Texas Oil Co	590	
Timber Land Co. (Inc.)	249	
Waddell Lumber Co	680	
Wilbert Lumber Co	1,740	
		37,035
Small owners (202)		16,222
Total		73,222

ABOVE BENEFITS AFFECT LANDS, BONDS, AND OTHER PROPERTY

The foregoing data affects only one phase of the problem because every debt in the alluvial valley, whether represented by bonds, mortgage, or other evidence, will be increased in value. Those who have taken over millions of acres of farm lands on mortgages and have vacant houses and deserted farms subject to heavy taxes will gladly exchange places with the above-named owners of property whose holdings in the flood ways to be sold to the Federal Government at high prices will be less than 25 per cent of their holdings on the average, and in many cases will become a gold mine without local contribution.

Examine section 4 of the bill. It will stand close inspection because it was written by railway attorneys and inserted in both Senate and House bills without the change of a comma so far as I could determine, for I examined an original copy furnished members of the committees by a high railway official, and it protects the railway even if it does not protect the Government. That section, as heretofore stated, provides that when public service corporations—railways—change or relocate their tracks so as to take advantage of the complete flood control insured by the Government, the Government must pay all their

costs of relocation and damages (?) unless "special" benefits can be shown.

RAILWAYS ESPECIALLY PROFIT

The railways are likely to be immune from any contribution under that proposal. Such prospective "damages" to the 11 railways in the valley from past floods were estimated by their engineers at $71,000,000, but will probably reach, in loss of business and actual injuries, to over $100,000,000. In the 1927 flood these roads stated to the committee their direct damages reached $6,318,000, which did not include losses in business and other like injuries.

Before the House committee the Illinois Central Railway engineer, Mr. Blaess, presented their case, as did ex-Senator Lorimer in the case of property owners, of whom he is one of many interested in the flood districts. These railways, Mr. Blaess, alleges, would present claims of $71,835,000 against the Government for relocation of their tracks, bridges, and so forth, to fit the plans for flood control. Protection to the railways from floods, protection to landowners, and increased business and profits because of flood control at Government expense does not enter into the equation. The roads want the money, and although the Illinois Central Railway has had the most profitable year, during 1927, of its existence, I am informed, no "special benefits," it is predicted, will be found to offset any part of Federal Government expenditures.

This railway charge of damages of possibly $100,000,000 against the Government is also considered in the minority report attached to these remarks.

OWNERSHIP OF 4,000,000 ACRES

In connection with the ownership of lands in the flood ways I have been furnished, at my request, a tabulation showing 265 corporations and 553 large owners of lands, each of whom have over a square mile—640 acres—in the flood ways, indicating three times that acreage on the average that will be protected outside the flood ways.

Other data that may be of interest on the same matter is herewith set forth.

Summary of property ownership in flood ways—Final corrections made

	Acreage held by—		Acreage held by small owners[1]			Total acreage
	Corporations	Large owners	Number	Average acres	Total	
Boeuf flood way above Sicily Island	427,411	327,829	3,172	139	440,181	1,195,421
Per cent					37	
Backwater below Sicily Island	646,869	380,557	1,430	148	212,040	1,239,458
Per cent					17	
Total	1,074,280	708,386	4,602	142	652,221	2,434,879
Per cent					27	
Atchafalaya flood way	683,280	392,768	1,899	107	202,769	1,278,817
Per cent					16	
Grand total	1,757,560	1,101,154	6,501	131	854,990	3,713,696
Per cent					23	

[1] "Small owner" owns less than 1 section—640 acres.

Summary of property ownership in flood ways—Corporations and large owners

	Acreage held by corporations (varying amounts)			Acreage held by large owners (over 640 acres)		
	Number	Average acres	Total acres	Number	Average acres	Total acres
Boeuf flood way (above Sicily Island)	122	3,503	427,411	194	1,690	327,829
Backwater area (below Sicily Island)	133	4,864	646,869	201	1,893	380,557
Total	255	4,213	1,074,280	395	1,793	708,386
Atchafalaya flood way	205	3,333	683,280	158	2,486	392,768
Grand total	460	3,821	1,757,560	553	1,991	1,101,154

NOTE.—Corporations holding less than 640 acres, 195; corporations holding more than 640 acres, 265; total, 460. Large owners holding over 640 acres, 553.

NO STATES WITHOUT DEBTS

It has been urged that Southern States have suffered severely from floods and that they are entitled to special consideration from that fact. I am in sympathy with that argument to the extent of urging early prosecution of the flood-control plan and that provision of law requiring one-third contribution on the lower Mississippi River approved March 1, 1917, quoted in the former minority report attached hereto, should be waived or modified in all and every case where the locality can not assume any part of the burden even by a governmental loan, placing authority for such determination in the hands of responsible agencies of the Government. That can be provided in an amendment to the bill later to be offered.

The following debt comparison of six Northern States, however, and six Southern States speaks for itself. The per capita debt in the Northern States averages almost double that of the Southern States. To be absolutely fair this may be in part met by increased wealth per capita in the first six States, but without other data the facts presented indicate that if these States now to be exempt from contribution gave, like California, for a primarily local improvement that they would do only what other States are compelled to do. The comparison follows:

California, after its people have spent $100,000,000 on its Sacramento Valley, now offers to contribute two-thirds of the cost of the $51,000,000 additional improvement, of which the State government is to contribute $17,000,000, the valley residents an equal amount, and the Federal Government the remaining $17,000,000. California now has a State and local debt (Statistical Abstract, 1926, p. 220) reaching $16,582,000, based on last reports available, and the per capita indebtedness of $142.81 is more than double that of any of the States affected by floods in the lower Mississippi Valley. I am not offering any argument as to the injustice exercised toward California and its people beyond a brief statement of the facts existing in a country when every State must contribute its part of the tax for all public improvements and for any work that increases the holdings of the Mississippi Valley corporations and landowners hereinbefore named:

Debt burdens of certain States year 1922

[Statistical Abstract of the United States, 1926, p. 220]

	Amount in thousands of dollars, 1922	Per capita
6 Northern States:		
New York	$1,683,820	$158.15
New Jersey	382,172	116.40
Pennsylvania	550,439	61.28
Ohio	669,443	112.25
Illinois	364,019	54.66
Wisconsin	104,523	38.81
Total	3,754,416	541.55
Average	625,736	90.26
6 Southern States:		
Missouri	118,276	34.46
Kentucky	50,519	20.68
Tennessee	133,337	56.27
Mississippi	111,499	62.27
Arkansas	91,280	51.03
Louisiana	126,946	69.18
Total	631,857	293.89
Average	105,309	48.98

For the student a brief comparison of conditions as shown by income and profits taxes and other revenues is also offered which has a bearing on the same general subject:

Internal revenue—Receipts by States

[Statistical Abstract of the United States, 1926, p. 174. All figures in thousands of dollars]

	Income and profits taxes, year 1926	Miscellaneous internal revenue, year 1926	Total
New York	$569,505	$164,224	
New Jersey	72,252	40,119	
Pennsylvania	195,396	56,922	
Ohio	109,071	46,685	
Illinois	176,861	39,859	
Wisconsin	28,650	10,945	
Total	1,151,735	358,754	$1,510,489
Average	191,956	59,792	251,748
Missouri	49,603	18,325	
Kentucky	14,639	12,206	
Tennessee	11,398	5,860	
Mississippi	3,527	440	
Arkansas	4,392	542	
Louisiana	12,583	3,765	
Total	96,142	41,138	137,280
Average	16,023	6,856	22,879

With this statement I attach the minority report to H. R. 8219, which, under the head of local contribution, discusses the

situation presented by this bill and shows beyond cavil how unjust and unprecedented it is to undertake such a monstrous proposal for the Federal Government without requiring contribution from those well able to contribute. The minority report of 12 pages was buried between the 393 pages of the report submitted by Chairman REID with 142 pages preceding 239 pages following as an appendix. That part of the minority report signed by six Republican members of the committee which relates to "contributions" applies with equal force to the Senate bill as reported.

[House Report No. 1072, Seventieth Congress, first session]

MINORITY REPORT

From the Committee on Flood Control, House of Representatives, March 29, 1928. To accompany H. R. 8219

In presenting this minority report we desire to express entire agreement with our committee colleagues as to the importance of enacting into law a complete flood-control system for the lower Mississippi River from Cairo to the Gulf of Mexico.

We submit, however, that the bill reported by the committee, in our judgment, is defective in the following particulars:

It offers no basis for a definite flood-control plan for the lower Mississippi River.

It delays the adoption of any definite flood-control plan until a complete study of the Mississippi watershed shall have been made by a newly created commission of seven members, a majority of whom may be unfamiliar with the Mississippi River problem.

It provides maximum flood-crest heights at Cairo, Arkansas City, and New Orleans, which heights have been arbitrarily and unwisely fixed without supporting evidence therefor.

It exempts from local contribution all cost of construction and maintenance of such control works without reference to local benefits, ability to contribute, eventual cost to the Federal Government, or existing law.

Detailed reasons for objections to these obvious defects in the bill are not here set forth, but we submit that—

After a period of practically three months of hearings at which 300 witnesses were heard, including civil and Army engineers, no semblance of a plan for flood control is provided by the bill. On the contrary, it provides for the appointment of a commission of seven members, who may be civil and Army engineers, which commission first is to begin and entirely complete a study of the entire Mississippi Valley watershed. A delay of a year or more is thereby threatened before any plan can be adopted for the lower Mississippi Valley.

ARMY OR CIVILIAN ENGINEERS

Nothing was presented or discussed in favor of a commission of seven members either by witnesses or in committee.

Over $1,000,000,000 have been expended by Army engineers on rivers and harbors without question raised as to their efficiency or honesty. For many years they and the Mississippi River Commission have studied the varying moods of the Mississippi and have a knowledge and experience that is invaluable at this present time. After hearing all witnesses, including many civilian engineers, the committee did not by its action adopt or consider any flood-control plan for the Mississippi River recommended by any civilian engineer. The civilian experts did not always agree with the Army engineers nor with each other, particularly when the interests of clients or localities conflicted.

The only plans before the committee during three months of hearings were those of the Mississippi River Commission, of which Colonel Potter, an Army engineer, is chairman, and the Jadwin plan, submitted by General Jadwin, Chief of Engineers. The Panama Canal was constructed under the direction of an Army engineer, so it would seem that this agency, at all times loyal to the General Government, should receive careful consideration from Congress.

IMPRACTICABLE GAUGE HEIGHTS

Flood-crest heights at Cairo, Arkansas City, and New Orleans have been fixed in the bill without any dependable information or competent testimony or any proper consideration by the committee. The following brief correspondence authoritatively expresses unanswerable objections to these gauge heights based on probable costs:

HOUSE OF REPRESENTATIVES,
Washington, February 16, 1928.

Maj. Gen. EDGAR JADWIN,
Chief of Engineers, United States Army,
Washington, D. C.

DEAR GENERAL JADWIN: The engineering testimony taken by our committee is not yet available, but it is my recollection that in addition to discussing the highest state of maximum floods to be prevented on the Mississippi River by your plan you gave estimates of increased costs if the flood crest was reduced at various points along the river.

I know different members of the committe believe your evidence to be very clear and definite on this point, and for that reason I am asking you to furnish me with a general estimate of the cost to the Federal Government, without contribution, if the maximum flood crest is reduced at Cairo to 54 feet, at Arkansas City to 58 feet, and at New Orleans to 19 feet.

These suggested flood heights, as I understand it, are reduced far below those recommended by the Mississippi River Commission and by your Board of Engineers as a safe maximum, and it is my impression that if the maximum flood crest is reduced to these figures the expense will be far in excess of the $296,000,000 estimate made by you for the complete flood-control works on the lower Mississippi.

An early answer, with estimated cost of the reduction to such maximum flood heights at the points designated, will be greatly appreciated.

Very respectfully,

W. F. KOPP.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., February 18, 1928.

Hon. W. F. KOPP,
House of Representatives, Washington, D. C.

DEAR MR. KOPP: In reply to your letter of February 16, 1928, I will say that studies of the Mississippi problem soon made it clear to us that any attempt to restrain the flow line below the heights we used would be very expensive, if practicable at all.

In estimating the cost of holding the maximum flood crest down to 54 feet at Cairo, to 58 feet at Arkansas City, and to 19 feet at New Orleans we have used a combination of reservoirs and flood ways. The general estimate to accomplish this is about $1,400,000,000.

The above estimate is based on preliminary examinations which assume average conditions and average unit costs. When such an estimate gives a figure obviously beyond all reason as to expense the investigation is carried no further. If such a project should be seriously considered, it would be necessary to pursue the examination and make detailed surveys, borings, etc. With a mandate to hold the Mississippi River down to the stages referred to above, no responsible person could begin work without first spending considerable time—probably a year or more—making plans.

Sincerely yours,

EDGAR JADWIN,
Major General, Chief of Engineers.

From the foregoing opinion of the Government's Chief Engineer it appears that the enormous sum of $1,400,000,000 will be required to provide gauge heights fixed by the bill or an average of $1,500,000 per mile of the lower river for occasional flood protection, "if practicable at all," in addition to all cost of revetment, which alone is estimated at over $100,000,000, and other costs for maintenance and river improvement for navigation.

It further appears from the Chief Engineer's letter that probably a year or more will be required by experts who are familiar with the Mississippi flood-control problem in making plans before construction work can begin.

LOCAL CONTRIBUTION

The bill provides that all flood-control improvements shall be paid by the Federal Government "without local contribution." Levees, flood ways, spillways, and all other control works constructed to protect cities in the flood-control area and millions of acres of alluvial lands are thus to be protected and benefited entirely at Federal expense.

This proposal against contribution goes beyond any plan yet offered for consideration. The Mississippi River Commission plan, Army engineers' plan, and other plans now before Congress, at least require donation of rights of way for river levees and one-third contribution according to existing law for levee building to present grade heights.

Complete protection will make flooded lands 100 per cent productive in the richest valley in the country. If any sector is unable to meet its contribution and is essential to the complete plan, the Federal Government, through proper agencies, can be authorized to advance money on such terms as would be warranted.

The Jadwin plan provided that flood ways or diversions like the Boeuf flood way of more than 1,000,000 acres shall be furnished to the Federal Government by the State. The committee bill requires that the Federal Government shall purchase or secure by condemnation this flood way and the Atchafalaya flood way and other lands in addition to construction of works.

Testimony before the committee is that in the proposed flood ways upward of 50 per cent of the land, or more, has had the valuable timber removed and is what is termed "cut-over land." This cut-over land in some places was valued at $75 an acre by witnesses. On these tracts it was stated an average indebtedness exists of about $30 per acre represented by drainage and levee bonds—bonds generally to be enhanced in value.

This land is located in ancient flood ways used by the river when overflowed prior to settlement. Other improved lands required for flood-protection purposes were estimated at far greater value.

Many large land and timber owners have interests that may properly be subject to contribution where benefited by complete flood protection as evidenced by the testimony of ex-Senator Lorimer, as follows:

"Mr. SEARS. Do I understand that you have some lands down there that will probably be overflowed lands?

"Mr. LORIMER. Yes, sir.

"Mr. SEARS. * * * What is the future of these lands in case it is dedicated to overflow purposes?

"Mr. LORIMER. If there was no break in the levees, no backwater * * * they would have the same value as the same sort of lands in the Delta."

This bill will give complete flood protection so as to stabilize the levee and drainage bond market and furnish through the Government a cash customer for several times present values of land. Flood-way rights subject to overflow at intervals of from 2 to 14 years, depending on location, may thus cost the Federal Government upward of $150,000,000, according to the liberality of local condemnation tribunals.

Other questions of equal or greater importance require definite authoritative information of which Congress should have knowledge before determining matters of contribution hereinafter referred to.

For example, a claim for damages against the Federal Government that may properly have equal equities with the timber company cut-over lands was offered by the testimony of several railway engineers.

RAILWAY DAMAGE CLAIMS

Mr. A. F. Blaess, chief engineer of the Illinois Central Railway Co., furnished the committee with an itemized estimate of damages that he contended will affect 11 railways in the valley due to a proposed readjustment of the several roads to new grades and other expenditures occasioned by the Jadwin flood-control plan.

The engineers all contended with surprising unanimity that the Mississippi flood-control problem is not only national in its scope but that all future damages occasioned by the flood-control plans to railways or other private property should be paid for by the Federal Government. (Pp. 3777 to 3778, and many other pages of the hearings.)

The future railway damages that the Government is expected to pay were estimated at $71,835,000. The testimony further disclosed that the Illinois Central Co.'s damage during the 1927 flood reached $6,318,000 (p. 3779). To secure complete flood protection for this railway, in addition to all other flood-control expenditures, the Government will thus pay to the Illinois Central Co. for railway changes $16,400,000, although the road's gross earnings for 1927 were stated to be $190,000,000.

GOVERNMENT EXPENSE WITHOUT LOCAL CONTRIBUTION

No effort is here made to estimate the exact cost of lower Mississippi River flood protection either by the committee plan or the Jadwin plan or the Mississippi River Commission plan, if without contribution. With limited contribution the commission offered a partial-relief plan for $407,000,000 and for complete control an estimate of $775,000,000. The Jadwin plan of $296,400,000 if constructed entirely at Government expense may reach over a half billion dollars, while the House committee plan at gauge heights fixed in the bill will cost around $1,500,000,000 as shown by the engineer's estimate.

To overestimate the cost is to be subjected to merited criticism, but to underestimate the proposed expense or seek to deceive ourselves by omitting or ignoring necessary items that must be paid is folly without parallel.

If with this lower Mississippi financial problem to be faced Congress is prepared to have the Federal Government assume full payment, together with an estimated annual maintenance charge of $6,000,000, then the next step will be to determine on what basis contribution will be required for flood-control works on possibly a thousand other streams, large and small, when carried in an omnibus bill. The public building waste and omnibus method of legislation became a public scandal that has been recently abandoned, due in part to the public condemnation of such unbusinesslike methods.

Brief consideration of the flood-control field will disclose possibilities for unlimited expenditures through the omnibus system of legislation. The immediate importance of this fact relates to the plan of local contribution if any to be here adopted, in view of existing law.

FLOOD CONTROL BILLS

River and harbor projects, some of which now require local contribution are first recommended to Congress by Army engineers. These engineers under existing committee rules must approve all projects for purposes of navigation before they are reported by the committee. Over 80 per cent of the proposed navigation projects introduced and supported by Representatives in Congress have been rejected in the past by these engineers because unworthy of improvement. That rule protects the Government against improper expenditures however strongly urged by localities.

A difference exists with flood control where no report by the Army engineers binds the committee or Congress. Based upon bills now before the Flood Control Committee, streams of insignificant size not capable of improvement for navigation or with any Federal interest involved may be embodied if so determined by the committee in an omnibus bill.

The field is all-comprehensive. Army engineers are not required to pass upon the commercial values of any flood-control improvement, although the statute requires an examination before adoption. Ordinarily witnesses for flood control before congressional committees are directly or indirectly interested in securing Federal construction of their project.

Among the 300 witnesses heard on the lower Mississippi River flood-control project, apart from the Army engineers representing the Government, practically all advocated that the entire flood-control work constructed on that river and other rivers should be at Federal expense—a natural frame of mind with interested parties.

Eventually the cost of flood-control work, power, irrigation, and associated water uses, if once initiated at Federal expense, may reach beyond the wildest estimates, for if included in regular omnibus bills with a possible project in every State, the force will then be irresistible. If no Treasury surplus is available, such expenditures will be covered by bond issues as proposed by bills now pending before the committee.

FLOOD-WAY SERVITUDE

For untold centuries the lower Mississippi has carried off the waters of many States. During a full century the people living in the great Mississippi River Valley settled on these alluvial lands subject to overflow and floods. They drained the swamps and built levees entirely at their own expense, without Government help. Under the swamp land act they were enabled to buy these lands at nominal cost. In 1917 Congress by law agreed to contribute two-thirds of all moneys expended for levee construction.

The flood servitude has ever existed and the flood ways recommended by Army engineers are through these ancient natural diversion channels. The Federal Government has thus far expended about $190,000,000 for navigation and flood control on the lower Mississippi River and a further sum of $100,000,000 for river-bank revetment is to be expended under the direction of Army engineers irrespective of any separate bill for flood control, although it will be part of the flood-control system.

AN UNPRECEDENTED PARADOX

It must be remembered that a large part of the land in the Mississippi Valley, by local interests now asked to be protected by the Federal Government entirely at Federal Government expense, once belonged to the Federal Government. Thereafter a strange cycle of exploitation followed. In order to drain swamp areas in the valley, the Federal Government gave swamp lands to the several States to be sold at $1.25 an acre. Such lands were frequently highly valuable because of heavy natural timber growth, and curiously some of that land lies in districts where diversion channels are now planned through old natural flood ways to aid in the control of present-day occasional floods. Under the provisions of the committee bill the lands so given away by the Federal Government and so sold by the States at $1.25 an acre, now that the valuable timber has been removed, are to be sold back to the Federal Government at a cost of $75 an acre for cut-over lands—without contribution. So says the committee bill.

1. In recommending Mississippi flood-control work, President Coolidge in his message to Congress said:

"Under the present law the land adjacent to the dikes has paid one-third of the cost of their construction. This has been a most extraordinary concession from the plan adopted in relation to irrigation, where the general rule has been that the land benefited should bear the entire expense. It is true, of course, that the troublesome waters do not originate on the land to be reclaimed, but it is also true that such waters have a right of way through that section of the country and the land there is charged with that easement. It is the land of this region that is to be benefited. To say that it is unable to bear any expense of reclamation is the same thing as saying that it is not worth reclaiming."

2. Later the President, transmitting to Congress letter from Secretary of War Davis and report of Chief Engineer Jadwin, said:

"It is axiomatic that States and other local authorities should supply all lands and assume all pecuniary responsibility for damages that may result from the execution of the project. It would be revolutionary for the Federal Government to establish the precedent of buying part of the land upon which to build protective works to increase the value of the remainder. Similarly it would be very unwise for the United States in generously helping a section of the country to render itself liable for consequential damages.

"The Government may even bear 80 per cent of such cost, but substantial local cooperation is essential to avoid waste.

"It would seem that the States should share with the Federal Government the burden of assisting the levee districts and individual property owners, especially in view of the fact that the States benefit directly by the increased taxes from land made more valuable by reason of its protection."

General Jadwin, Chief of Engineers, has recommended modification of local contribution of from one-third to one-fifth or 20 per cent of the cost of the Mississippi River flood control in addition to a donation of needed rights of way and flood ways before the Government proceed with the general construction of flood control.

The Secretary of War also proposed that where localities for any reason may be unable to contribute because of existing debt burdens, that the Government might loan to such districts or communities for a

period of 20 years at low rates of interest the amount of their local contribution so required, and that such loan be used in advancing to completion the flood-control area.

An additional safeguard against serious delay or failure in construction of any essential part of the project was provided by authorizing the commission or constructing agency, when failure might otherwise result, to exempt from such contribution any interests, particularly where no substantial benefits would accrue to them.

It is submitted that before any such action can be taken, definite facts should be placed before Congress, and the officials authorized to act in relation to the matter of contribution.

Witnesses heard by the committee, in some cases representing large landowners and other interests alleged not to be unselfish, repeatedly portrayed flood conditions and the distress of small property owners. It has also been alleged that lobbyists representing large business interests owning property in the valley, aided by influential press agencies and other propaganda, have sought to impress upon Congress cases of distress that properly excite sympathy.

Congress should relieve such cases with or without contribution, as may seem necessary, and without hesitation or delay, but Congress should act intelligently and not permit private interests alleged to be cloaked behind this distress to raid the Federal Treasury.

The existing law, approved March 1, 1917, provides for controlling the floods of the Mississippi River from the Head of Passes to the mouth of the Ohio River, and contains a carefully considered provision by Congress enacted at the time, as follows:

"(b) That no money appropriated under authority of this section shall be expended in the construction or repair of any levee unless and until assurances have been given, satisfactory to the commission, that local interests protected thereby will contribute for such construction and repair a sum which the commission shall determine to be just and equitable, but which shall not be less than one-half of such sum as may have been allotted by the commission for such work: *Provided*, That such contributions shall be expended under the direction of the commission, or in such manner as it may require or approve, but no contribution made by any State or levee district shall be expended in any other State or levee district except with the approval of the authorities of the State or district so contributing."

In order to insure cooperation by the State to be benefited by such flood protection undertaken by the Federal Government, paragraph (d) further provides:

"(d) No money appropriated under authority of this act shall be expended in payment for any right of way for any levee which may be constructed in cooperation with any State or levee district under authority of this act, but all such rights of way shall be provided free of cost to the United States: *Provided*, That no money paid or expense incurred by any State or levee district in securing such rights of way, or in any temporary works of emergency during an impending flood, or for the maintenance of any levee line, shall be computed as a part of the contribution of such State or levee district toward the construction or repair of any levee within the meaning of paragraph (b) of this section."

To provide unbiased and authentic information on which Congress could base legislation, the flood control act further provided a prerequisite to any particular flood-control legislation, as follows:

"SEC. 3. * * * In consideration of all works and projects relating to flood control which may be submitted to the Board of Engineers for Rivers and Harbors for consideration and recommendation, said board shall, in addition to any other matters upon which it may be required to report, state its opinions as to (a) what Federal interest, if any, is involved in the proposed improvement; (b) what share of the expense, if any, should be borne by the United States; and (c) the advisability of adopting the project."

Inversely stated, Congress has determined upon the advisability of adopting some project for the control of the Mississippi River. The 1927 flood and past congressional action has saved any necessity for examination as to the "advisability" other than the particular project which is yet to be adopted. The law requiring contribution is proposed to be changed by the bill without any effort to have a financial survey of the lands or of landowners and other interests to be protected or to determine "what share of the expense, if any, should be borne by the United States."

Practically all witnesses called before the committee were interested in having complete flood-control works furnished by the Federal Government, and with equal unanimity all agreed that all expenses for any and every flood-control purpose should be paid by the Federal Government without contribution from local interests to be benefited.

We submit that any proposed expenditure involving hundreds of millions of dollars of Federal funds, primarily for private protection, necessarily will enormously increase property values of lands and bonds held as security against said property, and that Congress should have reliable data, as provided by law, in order to determine "what share of the expense, if any, should be borne by the United States" and those benefited.

FACTS BEFORE CONGRESS

Responsibility for such determination in all cases is an obligation placed on Congress before any decision can be reached intelligently to determine what share of the expense should be borne by the Federal Government and what share by the States and private interests to be benefited.

To determine such question for property on both sides of 1,000 miles of the Mississippi River without any definite information on which to act and prior to the adoption of any specific plan is to place public interests secondary to a sentiment in part created by a systematic powerful propaganda. The possibilities of propaganda apart from personal contact, news editorials, and other forms familiar to members is evidenced by the testimony of Mr. Brylawski, pages 4107 and 4108 of hearings. After submitting resolutions adopted at Columbus, he said: "I represent the Picture Owners of America; I am chairman of its board of directors."

"Gentlemen, that is the form of the language of the resolution. What it really means is this, that the Theater Owners of America, controlling some 17,000 screens for the purpose of disseminating any propaganda that you might deem desirable to the people of the United States at such times as you may think it desirable, our idea being that when this measure comes up on the floor of Congress, should this committee think it would be a proper thing to do, we are prepared to run in the theaters special films showing the work of control, possibly conveying some idea of what you propose to do, and to carry that message to the American public so that it may, if possible, swing the sentiment and votes to you in your efforts * * *.

"Mr. MAJOR. What do you mean by propaganda?

"Mr. BRYLAWSKI. Bringing it out before the public. We think the public is prone to forget, and our idea in using the word 'propaganda'—the word is my own—would be possibly carrying a message if necessary to write their Congressmen and express their sentiment on this work."

Necessity for flood relief, and relief without delay, is certain, but it should not be made a vehicle for huge profits by financial interests to be benefited in land sales, improved land values, and otherwise by such control works without any contribution by localities benefited.

A proposed amendment for a financial survey of the Mississippi Valley flood district was heretofore rejected by the committee. Again it is urged for reason briefly stated as follows:

THE NEED OF A PRELIMINARY ECONOMIC SURVEY

H. R. 8219 fails to provide for an economic survey of the lower Mississippi area, to determine in advance what local contributions, if any, should be required. Local contributions have hitherto been the rule. In view of the vastness of the 1927 flood, and the great disaster which resulted therefrom, the feeling of Congress and of the country has been generous in the extreme with respect to the suffering and loss of the inhabitants of the alluvial Delta from Cairo to the Gulf. There is no disposition anywhere to drive a hard bargain or to insist upon a burdensome local contribution. There is a disposition, however, on the part of many, which will grow as the American people come to understand the soundness of it, to maintain in a reasonable manner the principle of local self-help, to prevent countless flood and tributary and reservoir enterprises which will hereafter arise from taking an unfair advantage of this present mighty burst of national feeling about the Mississippi catastrophe. It may reasonably be argued that there is a special benefit which will accrue to the lower Mississippi area from the perfected project under the proposed act. It would seem likely that the income from the cotton fields, for example, would be more continuous and the acreage more widely extended if there is adequate protection from even a superflood. It would appear that the realty values in the towns and villages and cities in that fertile Delta will rise in the next quarter of a century, as the result of perfect security, to heights which would not have been reached otherwise. There appears to be a special benefit as well as a general benefit. If this is true, then the principles of the special assessment should be applied to the financing of this project.

But under all the circumstances of this particular problem this theory is questioned by many. It is held that the project has reached the stage of becoming entirely national, and that the construction and administration, the maintenance and the obligation are, and of a right ought to be, wholly with the Federal Government. It is maintained that the alluvial Delta has paid to the limit until it can pay no more. It is held that the equities of burden as between the States are so uncertain, and under the project become so unreasonable, that the only solution is the Federal payment of the whole bill.

FACTS, NOT EMOTION, NEEDED FOR INTELLIGENT ACTION

The truth about these opposed contentions can not be determined by emotion or sympathy or desire but by facts determined on the spot. Nobody now has the facts. The Federal Government has a right to know about these things. Congress has no right to appropriate these vast sums until it knows about these things. On the economic side the report of the Army engineers is only an approximation. It does not

pretend to be anything more. For example, the Army engineers estimate the flowage damages on the Birds Point and New Madrid flood way at three and one-half millions. The estimate of Mr. Berthe, the engineer of the levee district near Cairo, is eighteen millions. They are miles apart. Who is right? The country, the Delta, the Congress have a right to know. There is some testimony before the committee that land in the Yazoo Valley is worth only $40 an acre. Other witnesses testified it is worth at least $100 an acre. Who is right? It makes a difference in the amount of contribution or burden which the land might conceivably and reasonably still carry.

And the proposed great flood ways down the Boeuf and the Atchafalaya.

Why should the territory of Arkansas and Louisiana be utilized to provide vast flood ways of safety and pay the entire local share of the burden, when the State of Mississippi gets a large share of the benefit? What, if anything, should Mississippi pay, provided Arkansas and Louisiana pay?

INCREASED VALUES THROUGH PROTECTION

It ought to be known, too, what the real value of the property is that is to be protected if you are going to tax against it; railways, cities, towns, agriculture land, cleared, cut over, swamp, timber land. The land should be classified to determine how far the values are sufficient to warrant the cost of full protection; and in the case of lands that are not, how far they will be injured or benefited by partial protection. What compensation is just to any areas which will be given less protection than at the present time? The assessed values of different classes of land and their relation to actual values; what is it going to cost to protect these values? Should not the land be classified, and the worthless which can bear nothing, separated from the productive which can bear something? Will not the railways in the protected areas be better off? In the course of the years will not the real property values in the towns and villages and cities rise higher than the normal increment would carry them, because of the security afforded them by a perfected flood-control project? If the real as well as the personal, the tangible as well as the intangible values are sure ultimately to rise hopefully upon the completion of the project, what should be the method of distribution of local contribution?

Should there be a moratorium period? If those who are to be benefited can not pay anything now, can they pay something later, when the increment of value accrues to them? In what proportion should expenditures of each kind—damage, flowage, rights of way, construction costs—be borne? Should the United States defer the local payments, guarantee local bonds, itself take the bonds? Who owns the land? Who owns the bonds of the levee districts? What is the financial status of the levee districts? What do intensive studies at typical points reveal as to the real income, the real profit, the real productiveness, the real taxable capacity of the land? What is the relation between the amount of money the people in the Mississippi Delta have already spent upon levees to the benefits which they have all the time received in return? Is it more or less? And approximately how much? In the long range of the years, when the levee line could be relatively low, was there really a very great burden upon the land and production? In the more recent years, when the height of the levee line and the necessary breadth and strength of the levee have for a variety of reasons become much greater, greater than the localities could reasonably construct or maintain or pay largely toward constructing and maintaining, should not some credit be given for this onerous increment of burden? And how much? Are the tentative financial recommendations of the various bills to be regarded as a precedent for flood-control works in the Mississippi Valley or in the United States generally?

And finally, is it nature or the Nation which is responsible for the great Mississippi floods? And if both, how much of each? How much is due to original topography and how much to modern drainage?

How can questions like these, which are vital to the fair and just solution of the Mississippi flood-control problem on its financial side, be answered except by an economic survey by competent persons? How can Congress settle questions of equitable burden like these by guessed-at percentages or slapstick financial sections inserted in a bill? Congress and the Government of the United States have a right to know these things. The people of the Delta are as loyal citizens as can be found in the country. They are not afraid of the facts. They have no wish to embarrass the Government for the future.

PROPOSALS FOR ECONOMIC SURVEY

Any Mississippi flood control bill should authorize an immediate economic survey and should have in it provisions similar to the following:

"The commission shall report to the President on or before November 15, 1928, its recommendations as to the share which should in equity be borne by the United States, by the several States affected, and by other agencies, of the costs of the engineering work entering into the adopted project, and of any costs or damages necessary to or arising out of the execution of the project; and as to the manner and mode by which such States or other agencies should meet the costs or contributions, if any, which would thus devolve on them. In making its recommendation the commission shall give consideration to the actual and relative benefits accruing from the project to the Nation and to the several States and localities affected; to the value of the territory in said alluvial valley; to the probable effect of the adoption of its recommendations, as a precedent in the future consideration of flood-control problems elsewhere in the country; and to other pertinent aspects of the economic problems involved. The aforesaid report shall be transmitted by the President to the Congress at its next session."

And nothing above contained should be construed as delaying the vigorous prosecution, under direction of the flood commission or of the Secretary of War and Chief of Engineers, of essential works of flood control. The survey need not delay the prosecution of the project a single day.

CONCLUSION

We believe full authority should be given the agency selected to provide plans and execute them. For that reason no maximum gauge heights as contained in the bill should be fixed by Congress.

An economic survey by Government agencies should be made at once to determine local benefits contribution where warranted and a provision for loans by the Government when advisable or exemptions from payment where necessary to the execution of a comprehensive plan of flood control.

Repairs to levees and raising to the established grade with protected river revetment, all part of every proposed flood-control plan, should be continued without delay.

W. F. KOPP.
JAMES A. FREAR,
GALE H. STALKER.
F. M. DAVENPORT.
C. G. SELVIG.
T. C. COCHRAN.

A Trojan warrior who has stood firm in his protection of the Government Treasury is the distinguished chairman of the great Appropriations Committee, MARTIN MADDEN. He is not in physical condition to take active part in this discussion that is about to involve the Federal Government in a billion-dollar expenditure for one project, but with a clear vision of what it means and what is to follow Mr. MADDEN made a statement for publication that can not be overlooked, coming from such a distinguished authority.

I quote his opinion of the former bill which is practically the same in many particulars as the Jones bill passed by the Senate and now before the House:

[From the Chicago Sunday Tribune, February 19, 1928]

MADDEN VISIONS FIVE-BILLION COST IN FLOOD CONTROL—SAYS STATES SHOULD PAY SHARE

WASHINGTON, D. C., February 18 (Special).—Five billion dollars may be the ultimate cost to the United States of flood-control projects throughout the country if Congress approves the Reid bill, Representative MARTIN B. MADDEN (Representative, Illinois), chairman of the House Committee on Appropriations said to-day.

Representative MADDEN indicated his intention to fight to the finish for the administration flood-control plan under which local communities would share the cost and against the establishment of the principle of the Reid bill placing complete responsibility upon the Federal Government.

WOULD COST BILLIONS

While the Reid bill as approved by the House Flood Control Committee authorizes the appropriation of $473,000,000 and applies specifically only to the lower Mississippi, Mr. MADDEN asserted that the declaration for full Federal responsibility would pave the way for other projects costing the Government billions.

Mr. MADDEN estimated that the land required for rights of way, which under the administration plan would be furnished by local communities but which under the Reid bill would be paid for by the Federal Government, would cost in excess of $100,000,000, and that the payment of flood damages which the Reid bill similarly shifts from local governments to the national would mean hundreds of millions in addition.

"There are six States—New York, Pennsylvania, Massachusetts, Ohio, New Jersey, and Illinois—which ordinarily pay about 80 per cent of all the cost of the Federal Government," Mr. MADDEN said. "None of these States is asking for any money for flood control within their own borders. Yet under the proposal in the Reid bill these States would be required to pay 80 per cent of the cost of flood control on the lower Mississippi.

WHAT ILLINOIS WOULD PAY

"Illinois ordinarily pays about one-tenth of the cost of running the Government, which means that if flood-control projects ultimately cost $5,000,000,000, Illinois's share will be half a million. New York State would have to pay 25 per cent, or a billion and a quarter.

"Is there any reason why a few States which may never want Federal assistance to guard against floods, each of which has sufficient resources to meet their own needs, should assume a perpetual obliga-

tion to meet the obligations of other States while the other States are not even asked to contribute to their own welfare? The question answers itself.

"It is true that the people of the South have suffered and are entitled to assistance to the extent that assistance can properly be given. I am in favor of the Federal Government's making a contribution of part of the cost of flood control on the lower Mississippi as proposed in the Jadwin plan. But I want it to be understood as a voluntary contribution by the Government and not as establishing the principle that the Federal Government assumes complete responsibility."

An official of the Government whose oath of office to support the Constitution is interpreted to include a guardianship of the Nation's strong box has also expressed his opinion of the Jones bill. That obligation rests equally on every Member of Congress, but sometimes when personal or political interests conflict with plain duty we follow the crowd. Lest we forget:

[From the Evening Star, Washington, D. C., April 3, 1928]

PRESIDENT SCORES JONES FLOOD BILL—FEELS MEASURE DOES NOT SPECIFICALLY SET FORTH EXPENDITURES

President Coolidge feels that the Jones flood control bill, approved by the Senate and now before the House, is open to criticism because the expenditures it would authorize for protecting the Mississippi River from further disasters are not specifically set forth.

The bill makes it impossible, in the President's judgment, to say how much flood control will cost.

Senator JONES himself, Mr. Coolidge remembers, in reporting his bill to the Senate, admitted that the final expense in completing the flood-control work would be far above $700,000,000. This shows a great discrepancy with the $325,000,000 estimate which Maj. Gen. Edgar Jadwin thought adequate for completing satisfactory flood-relief plans.

In addition to Senator JONES, Senator SIMMONS, of North Carolina, also estimated that the final task of flood-relief measures as outlined in the Jones measure would vastly exceed the $325,000,000 which the bill carries now. One other Senator estimated that it would cost at least $1,000,000,000.

Nothing has occurred in the flood-control situation to change the views of President Coolidge which he expressed in his annual message to Congress and subsequently in the press. Pending final action of the House on the Jones bill, President Coolidge is having this measure carefully investigated to determine its good and bad points with a view to securing to it such amendments as may appear necessary in his estimation.

This opinion by the Nation's Chief Executive was not expressed alone several months ago, but apparently within 24 hours was repeated in last night's Star.

Objections to the bill could be pointed out to the President that merit its defeat, but I have directed all criticisms in these remarks to the one outstanding injustice and unholy league between prospective tributaries that permit a $1,000,000,000 drain on the Federal Treasury without any contribution from those enormously benefited by flood protection.

With the foregoing facts hurriedly prepared, but valuable for reference purposes, I add that Mr. MADDEN's prediction of eventual cost is based on solid ground. Any action excusing local contribution will be urged in all future projects as a precedent.

It was repeatedly urged before the committee by witnesses who hold no responsible relations to the Government. It was urged as a general policy by Members of Congress and others who under an omnibus bill collecting in projects from all over the country will make the fattest pork barrel in past history look sylphlike in proportions when confronted with possibilities invited by the real article.

Two paragraphs from Senate bill S. 819 show the attitude of distinguished Senators who would go the limit, according to the provisions of their bills. The Senator gave his testimony before the House committee. I quote from his bill that appropriates $1,000,000,000:

SPECIAL POWERS OF COMMISSION

(1) To take over and assume control of all levees and other flood-control works, and works of improvement upon and along the Mississippi River, its tributaries, inlets, and outlets now being maintained by any agency of the Federal Government.

(2) To take over and assume control of all levees and other flood-control works and works of improvement under the jurisdiction of any State, county, levee district, or other local agency, if such State, county, levee district, or other local agency so requests the commission, and the commission deems it advisable so to do; and to reimburse any such State, county, levee district, or other local agency for any moneys advanced or funds expended in the construction of any such works, to assume the outstanding indebtedness incurred in the construction thereof, or to make such other arrangement with respect thereto as may be agreed upon by the commission with such State, county, levee district, or other local agency.

I am only stating the proposal without argument to indicate the tendency of flood-control legislation to "reimburse" all local payments in addition to striking down anything that bars the way to an unprecedented onslaught on the Federal Treasury.

THE JONES BILL PASSED BY THE SENATE

The bill just quoted is not followed to the same extreme by the Jones bill, now reported for House action. When before the Senate the RECORD of Senate proceedings indicates the character of the discussion. Generous bouquets were handed out in that old historic legislative Chamber, in which delicate "forget-me-nots" were profusely scattered. Only by reading the RECORD can a full understanding of the situation be had in the hour given to a discussion of the bill appropriating a thousand million dollars.

These proceedings are found in the House report on the Jones bill and are illuminating. Any deliberative or thorough analysis of different provisions of the bill there lacking evidence the exact amount of time and care given by this great legislative body to an unprecedented measure reaching upward of a billion dollars as stated, which, under all rules of procedure, past practice, and the Constitution, should properly originate in the House.

Thoughtful consideration is shown when a distinguished speaker, in response to an inquiry, answered that the project might cost anywhere from $700,000,000 to far more than that amount, which was the reason we may infer why only $325,000,000 was inserted in the bill. This painstaking effort not to get within gunshot of the actual cost reminds one of the historical incident when Tell placed an apple on his boy's head with the memorable remark, "All for one and one for all." Only this difference exists that apple sauce besprinkled with granulated tributary sugar stood for the last mark to be shot at. Read the report.

When the Senate bill came before our committee I modestly offered to double the Senate appropriation either to seven or eight hundred million dollars, so that it might in some slight degree approximate a correct understanding of the Government expenditure involved.

This was opposed on the theory that stigmatism, cataract, or complete blindness is more fully covered by colored glasses than by exposing such sad misfortunes to the vulgar gaze. In like manner the vision of no Congressman need be disturbed by the amount involved in the Senate bill as it passed the Senate or was reported by the House committee. Righteous indignation might cause some taxpayer to demand to know why in both Senate and House a misleading amount has been inserted without expert advice unusual with those charged with legislative duties. I make no comment beyond a statement of facts that invite close scrutiny of a bill in many other particulars than are here indicated.

CONGRESSIONAL RESPONSIBILITY FOR RESULTS

White House visitors have repeatedly reflected their personal views when alleging that President Coolidge has changed his position on contributions as first announced in his message to Congress.

In contradiction appear occasional reports that the Government's Chief Executive has not changed. Nothing has since been presented to warrant his support of a bill that gives away large slices of wealth to private interests at Treasury expense.

I have not heard directly nor indirectly, nor do I believe it is any concern of Congress what action President Coolidge may take on this bill if it reaches him in its present form. No man can disguise the effect on the country's finances, invited by no contribution. Every project hereafter will have behind its supporters enough cupidity to demand and often secure the same consideration. Few measures in time of peace have ever been before Congress that involved the approval of such an unwarranted and suicidal financial policy.

Congress has evaded responsibility in another legislative body and it is possible we may do the same here, thus permitting grasping interests to make enormous profits on land of little value and vastly enhancing the value of other property that will be raised to fabulous figures if the Government buys in order to protect the lives of local people. Adjoining land similarly situated will be a mine of wealth to the owners after the bill's passage with the Treasury vaults for that gold mine.

Whatever the attitude of the Executive may be—and he is no more responsible for Treasury protection than every individual Senator and Representative—I believe when the facts are known, as they could be made known by a vigorous Execu-

tive message demanding contribution from those able to pay, that the country would support such action and it might help to stiffen the backbone of those who are moved by different considerations to go with the crowd and thus scuttle the Treasury.

I hope a Mississippi River flood control measure will pass and give early relief to those in real distress or possible future danger; but if this bill passes the House without any effort to compel local contribution by those able to contribute, I hope the bill will get what it invites and richly deserves—a veto.

Predictions are not dangerous as to what would follow, for if a flood control bill was likely to fail unless an honest attempt was made to protect the Government from influences now hiding behind the skirts of national sympathy, then the interests most concerned would hold responsible for failure those who for selfish interests are holding out against reasonable contribution.

All have their individual responsibilities, and I have endeavored to present for your consideration manifold reasons why the Jones bill as at present written should be defeated.

An estimate received from the engineers' office at my request has computed the Federal Government's expenditure under the bill at costs of acquiring land at $25, $50, and $75 an acre. The latter figure was declared to be a fair figure for cut-over land by one witness, so was submitted as a probable cost fixed by partial juries.

THE VARIOUS ESTIMATES ARE PRESENTED

Costs that may develop from the Jones bill

	Land in large flood ways at $75 per acre	Land in large flood ways at $50 per acre	Land in large flood ways at $25 per acre
Army engineer project	$296,400,000	$296,400,000	$296,400,000
All rights of way and drainage, plus flowage and damages, Bonnet Carre and Bayou Des Glaizes loop	11,500,000	11,500,000	11,500,000
Land, damages, etc., Birds Point-New Madrid flood way as estimated by local people (Mr. Reid)	18,500,000	18,500,000	18,500,000
Boeuf and Atchafalaya flood ways (3,713,696 acres at $75, $50, and $25 per acre)	278,600,000	185,700,000	92,900,000
Railroad claims estimated by railroad chief engineers' committee (see p. 146, report of Chairman Frank R. Reid, flood control in the Mississippi Valley, March, 1928)	71,800,000	71,800,000	71,800,000
Highway claims if allowed	11,500,000	11,500,000	11,500,000
Masonry spillways if substituted by board	54,000,000	54,000,000	54,000,000
Additional freeboard of 4 feet if substituted by board	167,000,000	167,000,000	167,000,000
Atchafalaya revetments (Mississippi River Commission)	4,500,000	4,500,000	4,500,000
Total	913,800,000	820,900,000	728,100,000
From the surveys of tributaries authorized there may develop tributary and upper river work far exceeding $86,000,000 (estimate for parts affected by backwater). The total will be dependent upon local contributions and rights-of-way payments adopted	86,000,000	86,000,000	86,000,000
Grand total	999,800,000	906,900,000	814,100,000

From the survey authorized from Baton Rouge to Cape Girardeau there may develop a reservoir project which would substitute $1,500,000,000 for the above. The estimated assessed value of the lands in the large flood ways is $25 per acre, or about $92,900,000.

COVE CREEK

Mr. FISHER. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD a statement about the value of Cove Creek in the development of the Tennessee River.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by inserting a statement as indicated by him. Is there objection?

There was no objection.

Mr. FISHER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement about the value of Cove Creek in the development of the Tennessee River:

THE WHY OF COVE CREEK

Downstream, near where the Tennessee River rushes from the last bench land and there turns itself from a stream of fast fall and rapid flow into a slow-moving lowland river, is Muscle Shoals.

Once they take the final leap from the bench land, the waters of the Tennessee River have no power potentialities. The water is just water, and in flood time is more of curse than blessing.

Near Paducah, Ky., the Tennessee River empties into the Ohio River. It would be better to say that the Ohio empties into the Tennessee. For the annual flow of the Tennessee is greater than that of the Ohio.

The flow of the Tennessee is irregular, erratic. At times it is a raging torrent, emptying into the Ohio a flood that later comes down the Mississippi to threaten the peace of those who live behind the levees. At times the Tennessee is so reluctant in flow that the stream bed mostly is sand bar.

For effective operation, a hydroelectric plant is no bigger than the smallest flow of water through the generating turbines. At Muscle Shoals the range in this flow is tremendous.

In flood season the flow is such that Muscle Shoals could generate a million horsepower of electric current, had it the equipment. In low season there is speculation if Muscle Shoals can generate 100,000 horsepower. Some estimate it as low as 75,000 horsepower.

What is true of Muscle Shoals is true of all other actual and potential power sites along the Tennessee River. There is at all plants a staggering difference between high and low flow.

This is where Cove Creek comes in.

Up toward the head source of the watershed is Cove Creek. At a cost of perhaps $38,000,000, it is proposed to build there a dam. The primary purpose of this dam would not be the development of power at Cove Creek. The primary purpose would be to regulate the flow of water down the river.

Experts representing the National Power & Light Co. have stated that, if Cove Creek Dam is built, Muscle Shoals will be assured an even flow of water to guarantee continuous generation of 600,000 horsepower instead of the present minimum of 100,000 or less.

These figures seem wide but all agree that the building of a dam at Cove Creek would at least double the constant power generated at Muscle Shoals.

It would do more. It would increase by two-fold or more the power possibilities of all the privately owned hydroelectric projects between Cove Creek and Muscle Shoals.

Cove Creek Dam would stabilize water flow in the Tennessee River. This would serve to lessen flood damage along the Tennessee, Ohio, and Mississippi Rivers. It would, too, generate its own power during the seasons of the year when water would be let out of Cove Creek to feed the downstream power units.

Uncle Sam proposes to develop Muscle Shoals and at the same time to take from the Power Trust the development of Cove Creek. And he proposes that since the building of Cove Creek Dam will so greatly increase the production possibilities of power companies below Cove Creek that the companies benefited shall pay a small fee for the benefit. At which the private company to-day rises to howl.

Do you think they have a just howl?

STONE MOUNTAIN

Mr. SNELL. Mr. Speaker, I send to the Clerk's desk Senate Concurrent Resolution 13 and ask for its immediate consideration.

The SPEAKER pro tempore. The gentleman from New York offers Senate Concurrent Resolution 13 and asks for its immediate consideration. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Concurrent Resolution 13

Resolved by the Senate (the House of Representatives concurring), That all necessary expenses incurred by the committee of Congress consisting of 5 Senators and 10 Members of the House appointed by the Vice President and the Speaker to represent the Congress of the United States at the exercises at Atlanta, Ga., on April 9, 1928, incident to the unveiling of a portion of Stone Mountain by the Stone Mountain Confederate Monumental Association, be, and they are hereby, authorized to be paid one half out of the contingent fund of the House of Representatives and the remaining half out of the contingent fund of the Senate.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

CONFERENCE REPORT—THE JUDICIAL CODE

Mr. DYER. Mr. Speaker, I ask unanimous consent to take up the conference report on H. R. 8725, an act to amend section 224 of the Judicial Code, and agree to the same. This will not take any great length of time.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to call up the conference report on the bill H. R. 8725, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Missouri whether he has spoken to the gentleman from Texas [Mr. SUMNERS] with reference to this conference report?

Mr. DYER. The gentleman from Texas [Mr. SUMNERS] is one of the conferees and signed the report.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8725) entitled "An act to amend section 224 of the Judicial Code" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted by the said amendment, insert "$5,500"; and the Senate agree to the same.

JOHN J. BLAINE,
CHARLES W. WATERMAN,
H. D. STEPHENS
Managers on the part of the Senate.

GEO. S. GRAHAM,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the part of the House.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 8725, submit the following written statement explaining the effect of the action agreed on by the conference committee and submit it in the accompanying conference report.

The only material changes made by the Senate are:

1. To change the salary of the marshal from $6,000, as provided in the House bill, to $5,000 per annum. The conferees recommend herein $5,500; and

2. To strike out the provision that limits the salaries fixed for the marshal's assistants and messengers to the Supreme Court to "the compensation allowed to officers of the House of Representatives of similar grade."

GEO. S. GRAHAM,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the part of the House.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

CONFERENCE REPORT—BRIDGE ACROSS THE CHESAPEAKE BAY

Mr. DENISON. Mr. Speaker, I ask unanimous consent to call up the conference report on Senate bill 1498, an act to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge. This conference report has been pending for some time, and I have been trying to get it up, but various things have interfered.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to call up conference report on S. 1498. Is there objection?

Mr. SNELL. Will this take any great length of time?

Mr. DENISON. It will take no time at all. It is a short matter and will not take much time. If it would, I would not call it up.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the conference report?

There was no objection.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1498) entitled "An act to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1 and 2, and to the amendment to the title.

JAMES S. PARKER,
E. E. DENISON,
TILMAN PARKS,
Managers on the Part of the House.

W. L. JONES,
CHAS. L. MCNARY,
DUNCAN U. FLETCHER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1498) to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report, namely:

The Senate bill is an act extending the time for the construction of a bridge across the Chesapeake Bay, as authorized by an act of Congress passed during the Sixty-ninth Congress. The original act, by general language, fixed the location of the bridge. The Senate bill, in addition to extending the time for commencing and completing the construction of the bridge, also fixed a definite location for the bridge. Ordinarily bridge bills do not definitely fix the location of bridges. They ordinarily provide that the bridge may be constructed "at or near" a certain location, leaving it to the Chief of Engineers, who approves the plans, to fix the exact location of the bridge in the interests of navigation.

For that reason the House amended the Senate bill by striking out the section of the Senate bill providing for a definite location of the bridge.

At the conference it was ascertained that the location authorized in the original act was not quite broad enough to permit the bridge to be built at the particular place where the Chief of Engineers was willing to grant approval for its construction. Therefore it was thought advisable, in extending the time for beginning and completing the construction of the bridge, to also fix definitely the location of the bridge as agreed upon with the Chief of Engineers.

In view of that condition the managers on the part of the House receded from its amendments to the Senate bill and agreed to the same.

JAMES S. PARKER,
E. E. DENISON,
TILMAN PARKS,
Managers on the part of the House.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

CONFERENCE REPORT—BRIDGE BILLS

Mr. DENISON. Mr. Speaker, I ask unanimous consent to call up the conference reports on the following bills:

H. R. 9137, a bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn.; H. R. 9147, a bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a toll bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn.; H. R. 9197, a bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River

on the Knoxville-Maryville road in Knox County, Tenn.; H. R. 9198, a bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; and H. R. 9199, a bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.

Mr. Speaker, if I may add just a word here, I think it will save reading the statements. These are bridge bills giving the consent of Congress to build bridges in the State of Tennessee. They all involve the same question. The bills had to go to conference on account of a peculiar law which was passed by the Legislature of Tennessee. It was thought wise to amend our form of bill to conform to the State law and permit them to build these bridges. This matter was settled in conference in a manner that was satisfactory to the authors of the bill and to the committees of the House and the Senate.

Mr. GARNER of Texas. It is a unanimous report?

Mr. DENISON. It is a unanimous report of the conferees, and I ask unanimous consent that the statements may be considered as having been read and the conference reports agreed to.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the reading of the reports or the statements in lieu thereof be dispensed with and that the conference reports be agreed to. The Clerk will report the bills by title.

The Clerk read the titles of the bills.

CONFERENCE REPORT—LEBANON BRIDGE ROAD

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9137) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2 and agree to the following amendment in lieu thereof: Page 2, line 9, strike out the last two words, "sufficient to", and strike out all of line 10 and line 11 down to and including the word "cost" and insert in lieu thereof the following: "which, together with the sinking fund created from the tolls from other bridges authorized by the law of the State of Tennessee which provides for the construction of the bridge to be built under this act, shall be sufficient to amortize the bonds issued under such act"; and the House agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 1, and agree to the same.

JAMES S. PARKER,
E. E. DENISON,
TILMAN PARKS,
Managers on the part of the House.

W. L. JONES,
PORTER H. DALE,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9137) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn., submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report as to said amendment, namely:

As the bill passed the House it was in the usual form for granting authority to States to construct a bridge and authorized the State of Tennessee to collect tolls and apply the proceeds of the tolls to the maintenance, operation, and repair of the bridge and to create a sinking fund sufficient to amortize the cost of the bridge, and that thereafter the bridge should be made free.

The Senate amended the bill so as to make the toll provisions conform to an act of the Tennessee Legislature which authorized the State highway commission to construct the bridge. The act of the Tennessee Legislature authorizing the construction of the bridge in question grouped certain bridges and authorized the State highway commission to issue bonds and construct two or more bridges and collect tolls thereon until all of the bonds issued for the construction of all the bridges were paid for and thereafter make them free. This provision was not in harmony with the policy heretofore followed by the House and the Senate in granting franchises for the construction of toll bridges. It has been the policy of Congress heretofore to provide that when sufficient tolls have been collected from a bridge to pay for its cost of construction it should thereafter be made free. The act of the Tennessee Legislature provides that tolls may be collected on each of the bridges until all of them are paid for.

The managers on the part of the House agreed to recede from its disagreement to the amendment of the Senate and agree to the same with an amendment. The amendment agreed upon by the managers on the part of the House and the Senate provides that the State of Tennessee may charge tolls for the use of the bridges authorized by the acts of the Tennessee State Legislature and that the tolls may be applied to the payment of the cost of maintaining, operating, and repairing the bridges, and create a sinking fund sufficient to amortize the bonds issued for the construction of all the bridges, and they shall thereafter be made free. The effect of the amendment agreed to is that these bridges may be constructed and amortized in accordance with the acts of the Legislature of the State of Tennessee which provide for their construction. While this is a departure from the policy heretofore followed by Congress in granting franchises for the construction of such bridges, it was thought advisable to consent to this departure in these cases in order not to prevent the construction of the bridges. The agreement was reached, however, upon the understanding that the action in these cases is not to be taken as a precedent and that similar action will not be agreed to in other cases.

JAMES S. PARKER,
E. E. DENISON,
TILMAN PARKS,
Managers on the part of the House.

CONFERENCE REPORT—JASPER ROAD BRIDGE

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9147) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a toll bridge across the Tennessee River, on the Jasper-Chattanooga road in Marion County, Tenn., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendment No. 1 and agree to the following amendment in lieu thereof: Page 2, line 9, strike out the last word and strike out all of line 10 and line 11 down to and including the word "cost" and insert in lieu thereof the following: "which, together with the sinking fund created from the tolls from other bridges authorized by the law of the State of Tennessee which provides for the construction of the bridge to be built under this act, shall be sufficient to amortize the bonds issued under such act"; and the House agree to the same.

JAMES S. PARKER,
E. E. DENISON,
TILMAN PARKS,
Managers on the part of the House.

W. L. JONES,
PORTER H. DALE,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9147) "An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a toll bridge across the Tennessee River, on the Jasper-Chattanooga road in Marion County, Tenn.," submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report as to said amendment, namely:

As the bill passed the House it was in the usual form for granting authority to States to construct a bridge, and authorized the State of Tennessee to collect tolls and apply the proceeds of the tolls to the maintenance, operation, and repair of the bridge, and to create a sinking fund sufficient to amortize the cost of the bridge, and that thereafter the bridge should be made free.

The Senate amended the bill so as to make the toll provisions conform to an act of the Tennessee Legislature which authorized the State highway commission to construct the

bridge. The act of the Tennessee Legislature authorizing the construction of the bridge in question grouped certain bridges and authorized the State highway commission to issue bonds and construct two or more bridges and collect tolls thereon until all of the bonds issued for the construction of all the bridges were paid for and thereafter make them free. This provision was not in harmony with the policy heretofore followed by the House and the Senate in granting franchises for the construction of toll bridges. It has been the policy of Congress heretofore to provide that when sufficient tolls have been collected from a bridge to pay for its cost of construction it should thereafter be made free. The act of the Tennessee Legislature provides that tolls may be collected on each of the bridges until all of them are paid for.

The managers on the part of the House agreed to recede from its disagreement to the amendment of the Senate and agree to the same with an amendment. The amendment agreed upon by the managers on the part of the House and the Senate provides that the State of Tennessee may charge tolls for the use of the bridges authorized by the acts of the Tennessee State Legislature and that the tolls may be applied to the payment of the cost of maintaining, operating, and repairing the bridges, and create a sinking fund sufficient to amortize the bonds issued for the construction of all the bridges, and they shall thereafter be made free. The effect of the amendment agreed to is that these bridges may be constructed and amortized in accordance with the acts of the Legislature of the State of Tennessee which provide for their construction. While this is a departure from the policy heretofore followed by Congress in granting franchises for the construction of such bridges, it was thought advisable to consent to this departure in these cases in order not to prevent the construction of the bridges. The agreement was reached, however, upon the understanding that the action in these cases is not to be taken as a precedent and that similar action will not be agreed to in other cases.

JAMES S. PARKER,
E. E. DENISON,
TILMAN PARKS,
Managers on the part of the House.

CONFERENCE REPORT—KNOXVILLE ROAD BRIDGE

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9197) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1, and agree to the following amendment in lieu thereof: Page 2, line 9, strike out the last two words "sufficient to" and strike out all of line 10 and line 11 down to and including the word "cost" and insert in lieu thereof the following: "which, together with the sinking fund created from the tolls from other bridges authorized by the law of the State of Tennessee which provides for the construction of the bridge to be built under this act, shall be sufficient to amortize the bonds issued under such act,"; and the House agree to the same.

JAMES S. PARKER,
E. E. DENISON,
TILMAN PARKS,
Managers on the part of the House.
W. L. JONES,
PORTER H. DALE,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9197) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn., submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report as to said amendment, namely:

As the bill passed the House it was in the usual form for granting authority to States to construct a bridge and authorized the State of Tennessee to collect tolls and apply the proceeds of the tolls to the maintenance, operation, and repair of the bridge and to create a sinking fund sufficient to amortize the cost of the bridge, and that thereafter the bridge should be made free.

The Senate amended the bill so as to make the toll provisions conform to an act of the Tennessee Legislature which authorized the State highway commission to construct the bridge. The act of the Tennessee Legislature authorizing the construction of the bridge in question grouped certain bridges and authorized the State highway commission to issue bonds and construct two or more bridges and collect tolls thereon until all of the bonds issued for the construction of all the bridges were paid for and thereafter make them free. This provision was not in harmony with the policy heretofore followed by the House and the Senate in granting franchises for the construction of toll bridges. It has been the policy of Congress heretofore to provide that when sufficient tolls have been collected from a bridge to pay for its cost of construction it should thereafter be made free. The act of the Tennessee Legislature provides that tolls may be collected on each of the bridges until all of them are paid for.

The managers on the part of the House agreed to recede from its disagreement to the amendment of the Senate and agree to the same with an amendment. The amendment agreed upon by the managers on the part of the House and the Senate provides that the State of Tennessee may charge tolls for the use of the bridges authorized by the acts of the Tennessee State Legislature and that the tolls may be applied to the payment of the cost of maintaining, operating, and repairing the bridges, and create a sinking fund sufficient to amortize the bonds issued for the construction of all the bridges, and they shall thereafter be made free. The effect of the amendment agreed to is that these bridges may be constructed and amortized in accordance with the acts of the Legislature of the State of Tennessee which provide for their construction. While this is a departure from the policy heretofore followed by Congress in granting franchises for the construction of such bridges, it was thought advisable to consent to this departure in these cases in order not to prevent the construction of the bridges. The agreement was reached, however, upon the understanding that the action in these cases is not to be taken as a precedent and that similar action will not be agreed to in other cases.

JAMES S. PARKER,
E. E. DENISON,
TILMAN PARKS,
Managers on the part of the House.

CONFERENCE REPORT—PARIS-DOVER ROAD BRIDGE

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9198) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1 and agree to the following amendment in lieu thereof: Page 2, line 9, strike out the last two words "sufficient to" and strike out all of line 10 and line 11 down to and including the word "cost" and insert in lieu thereof the following: "which, together with the sinking fund created from the tolls from other bridges authorized by the law of the State of Tennessee which provides for the construction of the bridge to be built under this act, shall be sufficient to amortize the bonds issued under such act"; and the House agrees to the same.

JAMES S. PARKER,
E. E. DENISON,
TILMAN PARKS,
Managers on the part of the House.
W. L. JONES,
PORTER H. DALE,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9198) "An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.," submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report as to said amendment, namely:

As the bill passed the House it was in the usual form for granting authority to States to construct a bridge, and authorized the State of Tennessee to collect tolls and apply the proceeds of the tolls to the maintenance, operation, and repair of the bridge and to create a sinking fund sufficient to amortize the cost of the bridge, and that thereafter the bridge should be made free.

The Senate amended the bill so as to make the toll provisions conform to an act of the Tennessee Legislature, which authorized the State highway commission to construct the bridge. The act of the Tennessee Legislature authorizing the construction of the bridge in question, grouped certain bridges, and authorized the State highway commission to issue bonds and construct two or more bridges and collect tolls thereon until all of the bonds issued for the construction of all the bridges were paid for and thereafter make them free. This provision was not in harmony with the policy heretofore followed by the House and the Senate in granting franchises for the construction of toll bridges. It has been the policy of Congress heretofore to provide that when sufficient tolls have been collected from a bridge to pay for its cost of construction it should thereafter be made free. The act of the Tennessee Legislature provides that tolls may be collected on each of the bridges until all of them are paid for.

The managers on the part of the House agreed to recede from its disagreement to the amendment of the Senate and agree to the same with an amendment. The amendment agreed upon by the managers on the part of the House and the Senate provides that the State of Tennessee may charge tolls for the use of the bridges authorized by the acts of the Tennessee State Legislature and that the tolls may be applied to the payment of the cost of maintaining, operating, and repairing the bridges, and create a sinking fund sufficient to amortize the bonds issued for the construction of all the bridges, and they shall thereafter be made free. The effect of the amendment agreed to is that these bridges may be constructed and amortized in accordance with the acts of the Legislature of the State of Tennessee, which provide for their construction. While this is a departure from the policy heretofore followed by Congress in granting franchises for the construction of such bridges, it was thought advisable to consent to this departure in these cases in order not to prevent the construction of the bridges. The agreement was reached, however, upon the understanding that the action in these cases is not to be taken as a precedent and that similar action will not be agreed to in other cases.

JAMES S. PARKER,
E. E. DENISON,
TILMAN PARKS,
Managers on the part of the House.

CONFERENCE REPORT—DOVER-CLARKSVILLE ROAD BRIDGE

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9199) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1 and agree to the following amendment in lieu thereof: Page 2, line 9, strike out the last two words "sufficient to" and strike out all of line 10 and line 11 down to and including the word "cost" and insert in lieu thereof the following: "which, together with the sinking fund created from the tolls from other bridges authorized by the law of the State of Tennessee, which provides for the construction of the bridge to be built under this act, shall be sufficient to amortize the bonds issued under such act"; and the House agree to the same.

JAMES S. PARKER,
E. E. DENISON,
TILMAN PARKS,
Managers on the part of the House.

W. L. JONES,
PORTER H. DALE,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9199) "An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.," submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report as to said amendment, namely:

As the bill passed the House it was in the usual form for granting authority to States to construct a bridge, and authorized the State of Tennessee to collect tolls and apply the proceeds of the tolls to the maintenance, operation, and repair of the bridge and to create a sinking fund sufficient to amortize the cost of the bridge, and that thereafter the bridge should be made free.

The Senate amended the bill so as to make the toll provisions conform to an act of the Tennessee Legislature which authorized the State highway commission to construct the bridge. The act of the Tennessee Legislature authorizing the construction of the bridge in question, grouped certain bridges and authorized the State highway commission to issue bonds and construct two or more bridges and collect tolls thereon until all of the bonds issued for the construction of all the bridges were paid for and thereafter make them free. This provision was not in harmony with the policy heretofore followed by the House and the Senate in granting franchises for the construction of toll bridges. It has been the policy of Congress heretofore to provide that when sufficient tolls have been collected from a bridge to pay for its cost of construction it should thereafter be made free. The act of the Tennessee Legislature provides that tolls may be collected on each of the bridges until all of them are paid for.

The managers on the part of the House agreed to recede from its disagreement to the amendment of the Senate and agree to the same with an amendment. The amendment agreed upon by the managers on the part of the House and the Senate provides that the State of Tennessee may charge tolls for the use of the bridges authorized by the acts of the Tennessee State Legislature and that the tolls may be applied to the payment of the cost of maintaining, operating, and repairing the bridges, and create a sinking fund sufficient to amortize the bonds issued for the construction of all the bridges, and they shall thereafter be made free. The effect of the amendment agreed to is that these bridges may be constructed and amortized in accordance with the acts of the Legislature of the State of Tennessee which provide for their construction. While this is a departure from the policy heretofore followed by Congress in granting franchises for the construction of such bridges, it was thought advisable to consent to this departure in these cases in order not to prevent the construction of the bridges. The agreement was reached, however, upon the understanding that the action in these cases is not to be taken as a precedent and that similar action will not be agreed to in other cases.

JAMES S. PARKER,
E. E. DENISON,
TILMAN PARKS,
Managers on the part of the House.

The SPEAKER pro tempore. Without objection, the conference reports will be agreed to.

There was no objection.

COMMITTEE ON PATENTS

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the Committee on Patents be permitted to sit this afternoon during the session of the House.

The SPEAKER pro tempore. The gentleman from Indiana, chairman of the Committee on Patents, asks unanimous consent that his committee may sit during the session of the House this afternoon. Is there objection?

There was no objection.

COMMITTEE TO ATTEND THE FUNERAL OF THE LATE REPRESENTATIVE JAMES A. GALLIVAN

The SPEAKER pro tempore. Without objection, the Chair will designate the Members of the House to attend the funeral of the late JAMES A. GALLIVAN.

There was no objection.

The Chair appointed the following committee: Mr. TREADWAY, Mr. TINKHAM, Mr. DALLINGER, Mr. LUCE, Mr. ANDREW, Mr. FROTHINGHAM, Mr. GIFFORD, Mr. UNDERHILL, Mr. BOWLES, Mr. FOSS, Mr. MARTIN, Mrs. ROGERS, Mr. STOBBS, Mr. CONNERY, Mr. DOUGLASS of Massachusetts, Mr. CRAMTON, Mr. WASON, Mr. BYRNS, Mr. CARSS, Mr. EDWARDS, Mr. BOYLAN, and Mr. REED of Arkansas.

CALENDAR WEDNESDAY

The SPEAKER pro tempore. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the Committe on Foreign Affairs.

Mr. CRAMTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CRAMTON. I am wondering how we are to know just what committee is on call. The Committees on Rivers and Harbors, the Merchant Marine and Fisheries, and Agriculture precede the Committee on Foreign Affairs. By unanimous consent last week the Foreign Affairs Committee was given a day. Was consent given that they should have two days?

The SPEAKER pro tempore. It was the understanding that the Foreign Affairs Committee would simply be moved forward to go ahead of the Committee on Rivers and Harbors. The other committees were not disturbed at all by the agreement.

Mr. CRAMTON. So that after to-day when the Committee on Foreign Affairs has occupied the day, the call will then revert back to the Committee on Rivers and Harbors and then proceed in order?

The SPEAKER pro tempore. That is correct and that was the order made by unanimous consent some days ago.

Mr. CRAMTON. I want to make a suggestion now, if I may, Mr. Speaker. I believe the Members of the House are entitled to know when these committees are going to be reached. I was unfortunately affected a week ago when I was absent on official business and a bill was called up by this committee to which I was known to be opposed. The committe was taken up out of order. I believe hereafter I shall object to any transfer of position on this calendar. If committees have not any business when they are called, let them be passed over and give other committees an opportunity.

PAYMENT TO THE GERMAN GOVERNMENT

Mr. PORTER. Mr. Speaker, I call up the bill (S. 2549) providing for payment to the German Government of $461.59 in behalf of the heirs or representatives of German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter, and I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that this bill S. 2549 may be considered in the House as in Committee of the Whole. Is there objection?

Mr. CRAMTON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The House automatically resolves into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2549) providing for payment to the German Government of $461.59 in behalf of the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter, with Mr. CRAMTON in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be paid to the German Government, out of any money in the Treasury not otherwise appropriated, the sum of $461.59 for the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter, who lost their lives while in the status of seamen in the American merchant marine; the above sum of $461.59 having been covered into the general fund of the Treasury Department as required by the statutes relating to the disposition of effects and unpaid wages of deceased seamen on the American vessels.

Mr. PORTER. Mr. Chairman, this bill authorizes the payment of $461.59 to the personal representatives of citizens of Germany. These men were in our service prior to the war as seamen on American ships. The sum of $461.59 represents their wages which were due them at the time of death. The money has been passed into the United States Treasury and this bill authorizes the payment of it to their respective heirs.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. PORTER. I will.

Mr. CHINDBLOM. I presume the real opposition to the bill will not be apparent under the present organization of the committee. Does the gentleman know of any opposition to the bill?

Mr. PORTER. I do not. I move that the committee do now rise.

The CHAIRMAN. The motion that the committee rise is not in order. If general debate has been concluded the Clerk will report the bill for amendment.

The Clerk read the bill for amendment.

Mr. PORTER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having resumed the chair as Speaker pro tempore, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2549 and had directed him to report the same back with a recommendation that the bill do pass.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion by Mr. PORTER to reconsider the vote whereby the bill was passed was laid on the table.

Mr. PORTER was granted leave to extend his remarks in the RECORD by printing the message of the President and letter of the Secretary of State, which read as follows:

To the Congress of the United States:

I transmit herewith a report concerning the claims against the United States presented by the German Government on behalf of the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter, for various amounts aggregating $461.59, which have been covered into the general fund of the Treasury Department as required by the statutes relating to the disposition of effects and unpaid wages of deceased seamen on American vessels, it appearing that each of the German nationals referred to lost his life while in the status of seaman in the American merchant marine. The report requests that the Congress be asked to authorize the appropriation of the sum necessary to pay these claims.

I recommend that, in order to effect a settlement of these claims in accordance with the recommendation of the Secretary of State, the Congress authorize an appropriation of the sum of $461.59.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

The PRESIDENT:

I have the honor to submit, with a view to its transmission to the Congress, the following report and recommendation respecting the claims presented by the German Government on behalf of the heirs or representatives of the German nationals hereinafter named for the various amounts, aggregating $461.59, which have been covered into the general fund of the Treasury Department as required by the statutes relating to the disposition of effects and unpaid wages of deceased seamen on American vessels.

The essential facts concerning these claims are substantially as follows:

During the years from 1914 to 1917 the German nationals referred to died intestate within the jurisdiction of the United States, leaving their estates to German nationals abroad. The following is a list of such estates which were claimed by the heirs after the reestablishment of peace between the United States and Germany:

"1. John Adolf, a seaman on the American ship *Henry Wilson*, was drowned on July 3, 1914, in the Kirchak River, Alaska, leaving an estate in the amount of $218.22. This sum was turned over to the Treasury Department of the United States by the United States district court in San Francisco on February 6, 1922.

"2. Harmann Pegel, a ship's steward, died in the Ancon Hospital, Ancon, Canal Zone, on December 25, 1915, leaving an estate in the amount of $68.36.

"3. Franz Lipfert, a seaman, died on the Amercian steamer *Northern Pacific* on June 30, 1916, leaving an estate in the amount of $25.94.

"4. Albert Wittenburg, a sailor, died at Naknek, Alaska, on June 26, 1916, leaving an estate in the amount of $106.82.

"The sums referred to under Nos. 2, 3, and 4, were likewise turned over to the United States Treasury Department on March 13, 1922.

"5. Karl Behr, a seaman on the schooner *Hugh de Payens*, was drowned in San Juan Harbor in February, 1917, leaving an estate in the amount of $25.75, which was turned over to the United States Treasury Department by the United States district court in San Juan.

"6. Hans Dechantsreiter, a sailor on the steamship *Illinois*, was killed by an accident on board that boat, May 29, 1916, leaving a net estate in the amount of $16.50, which was turned over to the United States Treasury Department by the United States District Court for the Southern District of New York."

The essential requirements of the statutes with respect to the disposition of the effects and unpaid wages of a deceased seaman on an American vessel are that they be delivered by the master or owner of the vessel to a United States shipping commissioner to be turned over to the United States court for the judicial district in which the home port or terminal port of the vessel is located and that the court shall hold such funds for a period of six years, subject to legal claims that may be presented and established against the same, and that the balance of such funds not required to pay claims substantiated before the court shall be deposited by the court and covered into the general fund of the Treasury of the United States. (Secs. 4538, 4539, 4541, 4542, 4543, 4544, and 4545, Revised Statutes, the act of Mar. 3, 1897, 29 Stat. 689, and secs. 289 to 291 of the Judicial Code, 36 Stat. 1167. Also 1 Comp. Gen. 557.)

The authorized procedure appears to have been followed with respect to the wages and proceeds of effects of the seaman above named and the claims under consideration were not presented to the court within the period of six years after the moneys had been received by the said court. Accordingly, the said moneys became Government moneys and were deposited and covered into the general fund as above stated as miscellaneous receipts and can be withdrawn therefrom only in consequence of an appropriation made by the Congress.

As a summary of the essential facts regarding these claims is embodied in this communication, it is deemed unnecessary to accompany it with copies of the correspondence in the case. All or any part of the correspondence will, of course, be furnished should the Congress so desire.

In view of the difficulties of communicating with Germany prior to the entrance of the United States into the war and immediately after the cessation of hostilities, and in view of the intervening period of hostilities, it would appear equitable to allow the claimants in these cases to recover the funds turned over to the Treasury Department.

It will be noted from the inclosed copy of a communication from the Director of the Bureau of the Budget, to whom the matter was referred, that the proposed action is not inconsistent with the financial program of the Government.

I have the honor to recommend that the Congress be requested to authorize the appropriation of the sum of $461.59 in payment of these claims.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, October 8, 1926.

REGINALD ETHELBERT MYRIE

Mr. PORTER. Mr. Speaker, I call up the bill (H. R. 9569) authorizing the payment of an indemnity to the British Government on account of the death of Reginald Ethelbert Myrie, alleged to have been killed in the Panama Canal Zone on February 5, 1921, by a United States Army motor truck. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the British Government, as an act of grace and without reference to the question of liability therefor, the sum of $1,000 as full indemnity for the death of Reginald Ethelbert Myrie, a British subject, alleged to have been killed in the Panama Canal Zone on February 5, 1921, by a United States Army truck driven by a private in the Motor Transport Corps, as set forth in the message of the President of January 4, 1928, printed as Senate Document No. 32, Seventieth Congress, first session; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion by Mr. PORTER to reconsider the vote whereby the bill was passed was laid on the table.

Mr. PORTER was granted leave to extend his remarks in the RECORD by printing the message of the President and letter of the Secretary of State, which read as follows:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State regarding the claim presented by the Government of Great Britain on behalf of Mr. David S. Myrie for compensation on account of the death of his son, Reginald Ethelbert Myrie, in the Panama Canal Zone on February 5, 1921. I recommend that the Congress as an act of grace, and without reference to the legal liability of the United States in the premises, authorize the appropriation of a sufficient amount to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 4, 1928.*

The PRESIDENT:

I have the honor to submit, with a view to its transmission to the Congress, the following report and recommendation respecting the claim presented by the Government of Great Britain on behalf of Mr. David S. Myrie for compensation on account of the death of his son, Reginald Ethelbert Myrie, in the Panama Canal Zone.

The essential facts concerning this claim are admitted and are substantially as follows:

On February 5, 1921, at about 7.20 o'clock p. m., Simeon Bayliss and Reginald Ethelbert Myrie were riding in a coach on the Mount Hope Road, Panama Canal Zone. The coach was proceeding gradually on the right side of the road. Suddenly the occupants of the coach heard the sound of a horn which seemed to be at a distance from them of not more than 8 or 9 feet. Simeon Bayliss threw himself on the bank, which was to the right side of the road. Reginald Myrie, however, being on the left side of the coach, did not have an opportunity to leave it. Almost immediately the coach was struck by an automobile truck belonging to the United States Army. The truck was driven by Pvt. Roscoe Gower, motor transport company. Witnesses testified that the truck was driven at a high speed. As a result of the collision the coach was pushed along the road for a distance of approximately 75 feet and Mr. Myrie was thrown therefrom and under the truck, which severed his left leg and mashed other parts of his body. Mr. Myrie was assisted immediately by the people who gathered around the scene of the accident and as soon as possible he was taken to the Colon Hospital, where he received medical attention. Mr. Myrie died, however, at about 10 o'clock p. m. the same day as a result of the injuries received by him in the collision.

A board of officers appointed to determine the responsibility for the accident reached the following finding of facts and made the following recommendations:

"That the accident was avoidable; that the chauffer, Pvt. Roscoe Gower, motor transport company, was under the influence of liquor; that the careless driving and intoxicated condition of Private Gower were entirely responsible for the accident.

"In connection with claim for compensation for the death of Reginald Ethelbert Myrie this board is not empowered either under the one hundred and fifth article of war or General Orders, No. 37, War Department, 1920, to recommend any compensation for death of personal injuries. The board, however, finds that the death of Reginald Ethelbert Myrie was caused directly by the careless driving of Pvt. Roscoe Gower, Quartermaster Corps. It is believed the only redress is a civil suit against Private Gower, who is now serving a sentence of 18 months in the Gamboa Penitentiary for the killing of Reginald Ethelbert Myrie. At the present time Private Gower has no accrued pay due him.

"It is believed if any compensation were to be granted for the death of Reginald Ethelbert Myrie, that $1,000 United States currency would be just and sufficient amount.

"At the time of the accident Private Gower was an agent of the United States Government, as the truck he drove was owned by the United States Government and operated for the military service of the United States."

By a note dated November 2, 1921, the ambassador of Great Britain at this Capital brought the claim to the attention of the Department of State. The ambassador stated that the claim was referred by the minister of Great Britain at Panama to the Governor of the Canal Zone and that in due course it was referred to the War Department, which replied that they had no appropriation from which the claim could be paid and that the only procedure to obtain payment therefor would be through a special act of Congress. The matter has since been the subject of several exchanges of communications between this department, the War Department, and the British Embassy, as a result of which the following conclusions have been reached:

(1) That the death of Mr. Reginald Ethelbert Myrie was caused by the careless driving and intoxicated condition of Private Gower, operating the truck for the military service of the United States.

(2) That under the circumstances which have been related, it would be proper, as an act of grace and without reference to the question of the legal liability of the United States, to pay to the father of the deceased an indemnity in the sum of $1,000. It appears from evidence furnished by the British Embassy that the deceased, who was unmarried, had been contributing to his father's support for a number of years at the rate of approximately $10 per month.

Accordingly, I have the honor to recommend, with the concurrence of the Secretary of War, that the Congress be requested to authorize the necessary appropriation.

As a summary of the essential facts regarding the accident and claim is embodied in this communication, it is deemed unnecessary to accompany it with copies of the correspondence in the case. All or any part of the correspondence will, of course, be furnished should the Congress so desire.

This claim was submitted to the Sixty-ninth Congress, first session, in your message dated April 5, 1926. A copy of Senate Document No. 91, containing this message, is inclosed.

It will be noted from the inclosed copy of a communication from the Director of the Bureau of the Budget, to whom the matter was referred, that the proposed action is not inconsistent with the financial program of the President.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 17, 1927.

REIMBURSEMENT TO GREAT BRITAIN FOR CERTAIN SUMS EXPENDED BY THE REV. F. NORTH

Mr. PORTER. Mr. Speaker, I call up the bill (H. R. 12179) to provide for the reimbursement of the Government of Great

Britain on account of certain sums expended by the British chaplain in Moscow, the Rev. F. North, for the relief of American nationals in Russia in 1920, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. DYER. Reserving the right to object, I wish to ask the gentleman from Pennsylvania whether or not any of the bills he has here to reimburse citizens of other countries have to do with the citizens of the Republic of China?

Mr. PORTER. There are two or three bills of that character. I may say in reply that all of these claim bills approve the settlements which the proper officers of the Government have made with the citizens of foreign countries.

Mr. O'CONNELL. And it has the approval of the Budget?

Mr. PORTER. Yes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the Government of Great Britain, as a matter of grace and without reference to the question of legal liability therefor, the sum of $19,407.60, being the equivalent of the sum of £3,988, at par exchange, as reimbursement on account of certain sums expended by the British chaplain in Moscow, the Rev. F. North, for the relief of American nationals in Russia in 1920, as set forth in the message of the President of February 27, 1928, printed as Senate Document No. 66, Seventieth Congress, first session; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to carry out the purpose of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion by Mr. PORTER to reconsider the vote whereby the bill was passed was laid on the table.

Mr. PORTER was granted leave to extend his remarks in the RECORD by printing the message of the President and letter of the Secretary of State, which read as follows:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to a claim presented by His Britannic Majesty's Government for the payment of a sum of money turned over to American citizens in Russia by the British subject, the Rev. Mr. North, upon his departure from Moscow, and I recommend that an appropriation be authorized to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE.

FEBRUARY 25, 1928.

The PRESIDENT:

I have the honor to bring to your attention the request made by His Britannic Majesty's Government for reimbursement on account of certain sums expended by the British chaplain in Moscow, the Rev. F. North, for the relief of American nationals in Russia in 1920.

The facts of the case may be briefly stated as follows: In March or April, 1920, the Rev. F. North borrowed from such sources as he found it possible to obtain them sums of money for the purpose of providing relief to destitute members of the British colony in Moscow. It is stated by the British foreign office that the receipts given by the Rev. F. North stipulated that the sums were to be repaid in pounds sterling at the British foreign office, London, "at the best possible rate of exchange to guarantee them against loss." It further appears that the Rev. F. North assisted not only British nationals, but also French, Swedish, Dutch, and Danish nationals, as well as expending about a million rubles for the relief of Americans in Russia. After having expended these rubles for American relief, and at the time of his departure from Russia, he turned over a sum of 5,000,000 rubles to the American association in Moscow for the use of Americans then in Russia.

It appears that the money furnished to destitute British subjects in Russia, as well as the sums expended for French, Swedish, Dutch, and Danish nationals, and the sums used for the relief of Americans, have been repaid by His Britannic Majesty's Government and that the French, Swedish, Dutch, and Danish Governments have repaid their proportionate share to His Britannic Majesty's Government. The sum expended for the relief of American nationals has not as yet been paid, and therefore His Britannic Majesty's Government is requesting this Government to pay to it the proportionate share of money which was used for the benefit of Americans in Russia.

It has been impossible to ascertain the exact exchange value of the rubles expended or turned over to Americans by Mr. North for American relief in Russia. The estimates of the exchange value have varied within a very extensive margin. In repaying these funds His Britannic Majesty's Government found themselves confronted with the same difficulty and had to fix upon an arbitrary rate of exchange which in their opinion was equitable and just.

His Britannic Majesty's Government has recently suggested to this Government that an equitable and just value of the sum expended for the relief of American nationals would be £3,988. This amount is obtained by applying the average rate of exchange from May, 1919, to May, 1920, for the first million rubles expended by the Reverend North himself; that is, at the rate of 760 rubles to the pound sterling and for the 5,000,000 rubles turned over by Reverend North upon his departure from Russia, at the rate of exchange for rubles in March, 1920; that is, 1,870 rubles to the pound sterling, giving a total value of £3,988. It is the view of this department that the Government, recognizing the assistance rendered by the subject of a friendly foreign government in a time of emergency, should promptly pay the amount requested, and I have the honor to recommend that the Congress be requested to authorize the appropriation of $19,407.60, being the equivalent of the sum £3,988, at par of exchange, in payment of the claim of His Britannic Majesty's Government as an act of grace and without reference to the question of the legal liability of the United States.

The summary of the essential facts in the case being embodied in this communication, it is deemed unnecessary to accompany it with copies of the correspondence in the case. All or any part of that correspondence will be furnished should you or the Congress so desire.

It will be observed from the inclosed communication from the Director of the Bureau of the Budget, to whom the matter was referred, that the proposed action is not in conflict with the financial program of the President.

Respecfully submitted.

FRANK B. KELLOGG.

CLAIMS OF THE GOVERNMENT OF CHINA

Mr. PORTER. Mr. Speaker, I call up House Joint Resolution 145 to provide for the payment of an indemnity to the Chinese Government for the death of Chang Lin and Tong Huan Yah, alleged to have been killed by members of the armed forces of the United States, and I ask unanimous consent to consider the joint resolution in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the Chinese Government, as a matter of grace and without reference to the question of liability therefor, the sum of $1,000 as full indemnity for the death of Chang Lin, alleged to have been killed by a member of the United States Infantry at Leichuan, China, on May 4, 1923, the sum to be for the benefit of the family of said Chang Lin, and the sum of $100 as full indemnity for the death of Tong Huan Yah, alleged to have been killed by members of the crew of the U. S. S. *Elcano* while engaged in target practice at Hankow, China, on March 26, 1923, the sum to be for the benefit of the father of said Tong Huan Yah, as set forth in the message of the President of January 4, 1928, printed as Senate Document No. 34, Seventieth Congress, first session; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The House joint resolution was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion by Mr. PORTER to reconsider was laid on the table.

Mr. PORTER was granted leave to extend his remarks in the RECORD by printing the message of the President and letter of the Secretary of State, which read as follows:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State requesting the submission anew to the present Congress of two claims presented by the Government of China against the Government of the United States arising out of the negligent or unlawful acts in China of persons connected with the military and naval forces of the United States, and I recommend that as an act of grace and without reference to the question of the legal liability of the United States an appropriation in the amount of $1,100 be made to effect settlement of these two claims, in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 4, 1928.*

The PRESIDENT:

On April 22, 1924, the Secretary of State reported at length to you concerning two claims presented by the Government of China against the United States arising out of the negligent and unlawful acts in China of persons connected with the military and naval forces of the United States, and recommended to the Congress that an appropriation in the amount of $1,100 be made to effect settlement of these claims

(being $1,000 for the benefit of the family of Chang Lin, who was killed by a member of the Fifteenth United States Infantry at Leichuan, China, on May 4, 1923, and $100 to the father of Tong Huan Yah, alleged to have been killed by members of the crew of the U. S. S. *Elcano* while engaged in target practice at Hankow, China, on March 26, 1923). This report was transmitted by you to the Congress on April 23, 1924, with the recommendation that in order to effect a settlement of these claims in accordance with the recommendation of the Secretary of State the Congress, as an act of grace, and without reference to the legal liability of the United States in the premises, authorize an appropriation in the sum of $1,100. Your recommendation and the report of the Secretary of State mentioned comprise Senate Document No. 96, Sixty-eighth Congress, first session.

The claim was submitted anew to the Sixty-ninth Congress and is set out in Senate Document No. 204, second session of that Congress, copies of which are inclosed for your full information.

It appearing that final action was not taken on this matter by the Sixty-ninth Congress, I beg to suggest the submission of the matter anew to the consideration of the present Congress.

It will be observed from the inclosed communication from the Director of the Bureau of the Budget, to whom the matter was referred, that the proposed action is not inconsistent with the financial program of the Government.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 22, 1927.

JUAN SORIANO

Mr. PORTER. Mr. Speaker, I call up House Joint Resolution 146, to provide for the payment of an indemnity to the Dominican Republic for the death of Juan Soriano, who was killed by the landing of an airplane belonging to the United States Marine Corps, and I ask unanimous consent to consider it in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the Dominican Republic, as a matter of grace and without reference to the question of liability therefor, the sum of $2,000, as full indemnity for the death of Juan Soriano, a Dominican subject, who was killed by the landing of an airplane belonging to the United States Marine Corps on October 2, 1923, at Guerra, Dominican Republic, as set forth in the message of the President of December 12, 1927, printed as Senate Document No. 13, Seventieth Congress, first session; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion by Mr. PORTER to reconsider was laid on the table.

Mr. PORTER was granted leave to extend his remarks in the RECORD by printing the message of the President and letter of the Secretary of State, which read as follows:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State requesting the submission anew to the present Congress of the matter of a claim against the United States for the death on October 2, 1923, at Guerra, Dominican Republic, of Juan Soriano, a Dominican subject, who was killed by the landing of an airplane belonging to the United States Marine Corps, which formed the subject of a report made by the Secretary of State to me in March, 1926, and my message to the Congress dated March 22, 1926, which comprise Senate Document No. 84, Sixty-ninth Congress, first session, copies of which are furnished for the convenient information of the Congress.

I renew my recommendation originally made, that in order to effect a settlement of this claim, the Congress, as an act of grace, and without reference to the legal liability of the United States in the premises, authorize an appropriation in the sum of $2,000, and I bring the matter anew to the attention of the present Congress in the hope that the action recommended may receive favorable consideration.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 12, 1927.*

The PRESIDENT:

On April 30, 1924, the Secretary of State reported at length to you concerning a claim against the United States for the death on October 2, 1923, at Guerra, Dominican Republic, of Juan Soriano, a Dominican subject, who was killed by the landing of an airplane belonging to the United States Marine Corps, and requested that the recommendation of the Acting Secretary of the Navy, as indicated in the report, be adopted, and that the Congress authorize the appropriation of the sum necessary to pay the indemnity as suggested by the Acting Secretary of the Navy.

This report was transmitted by you to the Congress on May 1, 1924, with the recommendation that in order to effect a settlement of the claim in accordance with the recommendation of the Secretary of State, the Congress, as an act of grace, and without reference to the legal liability of the United States in the premises, authorize an appropriation in the sum of $2,000. Your recommendation and the report of the Secretary of State mentioned, with its accompanying papers, comprise Senate Document No. 102, Sixty-eighth Congress, first session.

The claim was submitted anew to the Sixty-ninth Congress and is set out in Senate Document No. 84, first session of that Congress, copies of which are inclosed for your full information.

It appearing that final action was not taken on this matter by the Sixty-ninth Congress, I beg to suggest the submission of the matter anew to the consideration of the present Congress.

It will be observed from the inclosed communication from the Director of the Bureau of the Budget, to whom the matter was referred, that the proposed action is not inconsistent with the financial program of the Government.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 9, 1927.

EDWIN TUCKER

Mr. PORTER. Mr. Speaker, I call up House Joint Resolution 148, to provide for the payment of an indemnity to the British Government to compensate the dependents of Edwin Tucker, a British subject, alleged to have been killed by a United States Army ambulance in Colon, Panama, and ask unanimous consent that the resolution be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Pennsylvania calls up House Joint Resolution 148, which is on the Union Calendar, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the British Government, as a matter of grace and without reference to the question of liability therefor, the sum of $2,500 as full indemnity for the death of Edwin Tucker, a British subject alleged to have been killed by a United States Army ambulance in Colon, Panama, on or about December 6, 1924, as set forth in the message of the President of December 17, 1927, and printed as Senate Document No. 20, Seventieth Congress, first session; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. PORTER was granted leave to extend his remarks in the RECORD by printing the message of the President and letter of the Secretary of State, which read as follows:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State, concerning a claim against the United States, presented by the Government of Great Britain for compensation to the relatives of Edwin Tucker, a British subject who was killed by a United States Army ambulance in Colon, Panama, on or about December 6, 1924. The report requests that the recommendation as indicated therein be adopted and that the Congress authorize the appropriation of the sum necessary to compensate the claimants in this case.

I recommend that in order to effect a settlement of the claim in accordance with the recommendation of the Secretary of State, the Congress, as an act of grace and without reference to the legal liability of the United States in the premises, authorize an appropriation of $2,500.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 17, 1927.*

The PRESIDENT:

I have the honor to submit, with a view to its transmission to the Congress, the following report and recommendation respecting the claim presented by the Government of Great Britain for compensation to the relatives of Edwin Tucker, a British subject who was killed by a United States Army ambulance in Colon, Panama, on or about December 6, 1924.

The essential facts concerning the death of Edwin Tucker are admitted and are substantially as follows:

The chargé d'affaires ad interim of Great Britain at this capital, in a note No. 1108, dated December 31, 1925, informed this department that on December 6, 1924, an Army ambulance from France Field, Canal Zone, operated by Pvt. Wilbert L. Schwartzfiger, was engaged in conveying an injured man from the military barracks at France Field to the Canal Zone Hospital in Colon city, ran into the Lee Chong Building at Bolivar and Ninth Streets, Colon, striking and killing Edwin Tucker, who, at the time the accident occurred, was standing outside the drug store which is in that building. A copy of a medical certificate issued by the physicians of Colon Hospital testifying to the cause of Edwin Tucker's death was inclosed. This report indicates that the death resulted from the injury received when Mr. Tucker was struck by the ambulance.

It was added that at the time of his death Edwin Tucker assisted in maintaining and supporting his mother, Mrs. Eliza Tucker, and his son, George Tucker, 11 years old, both of whom resided in St. James Parish, in the island of Jamaica. A brother of the deceased, acting on behalf of himself and the dependent relatives above mentioned, endeavored without success to obtain compensation from the military authorities of the Canal Zone. Accordingly the chargé d'affaires expressed the hope that the competent authorities of this Government would see their way in the interests of justice to accord suitable compensation to the mother and son of the deceased, who have been deprived, through no fault of their own, of their principal means of support.

The matter was brought to the attention of the Secretary of War, and after some correspondence the Acting Secretary of War informed me on July 17, 1926, that the facts in the case as set forth in the note dated December 31, 1925, from the chargé d'affaires ad interim of Great Britain, were substantially correct. He added, however, that G. C. M. ambulance No. 73192, which was property of the United States, was carrying an emergency patient injured at France Field, Canal Zone, from the post hospital at that station to the hospital at Colon. The ambulance was proceeding along Bolivar Street at a speed of about 25 miles an hour; it was on the left side of the street, and that when at a point near Ninth Street, in maneuvering to avoid a collision, it skidded to the curb on the right side of the street, overturned and killed Edwin Tucker, a colored civilian, who was at that time on the sidewalk.

A board of officers, convened at France Field for the purpose of investigating the accident, reported in part as follows:

"That Edwin Tucker (colored), a resident of Colon, Republic of Panama, was accidentally killed by United States ambulance No. 73192.

"That the death of Mr. Edwin Tucker was due to no fault or negligence of his own.

"That the driver of the United States ambulance No. 73192 (Private Schwartzfiger) was exceeding the speed limit when this accident occurred.

"That an extenuating circumstance did exist when Private Schwartzfiger was speeding, namely, he was carrying a seriously injured patient to the Colon Hospital. That this accident was due to a vehicle turning in front of the ambulance without warning being given.

"That United States ambulance was damaged to the extent of approximately $600."

The Acting Secretary of War further stated that it is a well-established principle that the Government can not be held liable for its agents' torts, and that any compensation to persons for injury, except in Air Service accidents, must be provided for by a special act of the Congress. He added that the War Department had heretofore refrained from expressing an opinion as to the merits of proposed legislation in similar cases, and in keeping with that policy withheld a recommendation for or against this claim.

The matter was given further consideration by this department, and on August 25, 1926, I informed the Secretary of War that, while this department is aware that the Government of the United States can not be sued on account of death resulting from the wrongful acts of its agents, it believes that the Government is morally liable in such cases, and that an effort should be made to provide suitable relief therein. I further stated that I was considering recommending that the sum of $2,500 be appropriated as an act of grace and without reference to the legal liability of this Government to compensate the dependents of Mr. Tucker on account of his death, and requested to be informed whether the Secretary of War considered this amount to be a reasonable award, and also whether he would interpose an objection to the passage of legislation providing for compensation in this case.

The Secretary of War replied on October 1, 1926, and stated that this sum is considered a reasonable award, and that his department would interpose no objection to the passage of legislation providing for such compensation.

As the report which was made by the board of officers convened at France Field for the purpose of investigating the accident indicates that the death of Edwin Tucker resulted from no fault or negligence of his own, I have the honor to recommend that the Congress be requested to appropriate, as an act of grace and without reference to the legal liability of the United States, the sum $2,500 to compensate the dependent relatives of Edwin Tucker.

As a summary of the essential facts regarding the accident and the claim is embodied in this communication, it is deemed unnecessary to accompany it with copies of the correspondence in this case. All or any part of the correspondence will of course be furnished should the Congress so desire.

It will be noted from the inclosed copy of a communication from the Director of the Bureau of the Budget, to whom the matter was referred, that the proposed action is not inconsistent with the financial program of the Government.

House Joint Resolution No. 355, Sixty-ninth Congress, authorizing an appropriation of $2,500 in payment of this claim, was passed by the House of Representatives on February 28, 1927, and was pending in the Senate when it adjourned on March 4, 1927.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 13, 1927.

WILLIAM WISEMAN

Mr. PORTER. Mr. Speaker, I call up House Joint Resolution 149, to authorize an appropriation for the compensation of William Wiseman, and I ask unanimous consent that the joint resolution be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Pennsylvania calls up House Joint Resolution 149, which is on the Union Calendar, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, it seems that it is quite easy for foreigners or their estates to be paid compensation for injuries done them by the United States Government, but when it comes to our own citizens, who are killed by airplanes and other things, it is practically impossible to secure any compensation for them or their dependents. While this is not a matter upon which I would want to base an objection to bills that are called up in this way, I take this opportunity of calling the attention of the House and the Congress to the injustice done to our own citizens in giving preference to nationals of other countries in claims of this nature.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes.

Mr. MOORE of Virginia. A Member of the House a few weeks ago had passed what was called the Underhill bill, in order to facilitate the payment of claims of our own citizens against the Government. Has the gentleman any information as to what prospect there is of the passage of that bill in the other body?

Mr. DYER. I am sure that the gentleman knows that I have no knowledge, and I do not think anyone here has any knowledge in respect to that. It is legislation, certainly, that ought to be enacted into law, in order to give to our own citizens an opportunity to recover or for their estates to recover because of injuries done by Government agencies. At the present time there is practically no way of obtaining compensation, although we are continually paying foreigners similar claims.

Mr. O'CONNELL. Some of these are of long standing, and they are all being paid upon the advice of the Secretary of State and the Director of the Budget. Does the gentleman not think that we ought to pay them and get rid of them?

Mr. DYER. I am not objecting to them, but I am making this statement merely for the purpose of calling attention to conditions that exist in respect to our own citizens. I know of a case of a boy in my own State who was killed by an airplane more than 10 years ago. The widowed mother of this boy has never been able to recover one penny.

Mr. O'CONNELL. Why not?

Mr. KING. What is the reason for that?

Mr. DYER. There is no law authorizing the Government to pay, and the State Department, of course, does not take cognizance of it. The only way that we can get it through is by a claim through the Committee on Claims of the House, and that committee has thousands of claims and it is very difficult to get consideration. Then, again, it is almost impossible to get a favorable report in such a case from the War Department or from whatever department the agency doing the damage was connected with. They are slow, and they practically refuse to admit liability in any of those cases. When it comes to foreigners, especially if they are the nationals of some great foreign power, the State Department, quickly and without making, in my opinion, any very careful investigation, reports the cases to the House for the purpose of getting them through, in order

that we may continue to have amicable relations and no trouble with these countries over such matters.

Mr. O'CONNELL. Mr. Speaker, if the gentleman will yield, the Committee on Foreign Affairs thoroughly investigates these claims, and they are not recommended for payment until that committee passes on them.

Mr. DYER. I am very glad to know that, and I have very great confidence in the Committee on Foreign Affairs.

Mr. KING. How would it be to change these things around and let the Foreign Affairs Committee consider some of these other claims now before the Committee on Claims?

Mr. DYER. I have no criticism to make of the Committee on Claims.

Mr. KING. They have not functioned for a couple of years.

Mr. DYER. They are endeavoring to function through the legislation that was referred to by the gentleman from Virginia [Mr. MOORE].

Mr. EATON. Is the gentleman not familiar with the fact that American citizens are always wrong in the Washington point of view?

Mr. DYER. I do not want to say that. I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania that the resolution be considered in the House as in Committee of the Whole?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Great Britain, as an act of grace and without reference to the question of legal liability, the sum of $9,200 in recognition of the services of William Wiseman as British vice consul at Salina Cruz, Mexico, in behalf of American interests from April 12, 1914, to December 13, 1917, as set forth in the message of the President of December 17, 1927, printed as Senate Document No. 22, Seventieth Congress, first session; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. PORTER was granted leave to extend his remarks in the RECORD by printing the message of the President and letter of the Secretary of State, which read as follows:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in regard to the services in behalf of the United States of William Wiseman, British vice consul at Salina Cruz, Mexico, during the period from April 12, 1914, to December 13, 1917, when, with the permission of the British Government and at the request of this Government, he had charge of the American consulate at Salina Cruz and of American interests in the district surrounding that place. The conclusion reached by the Secretary of State has my approval, and I recommend that the Congress authorize an appropriation of $9,200 to be paid to Mr. Wiseman in recognition of the services which he so generously rendered.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 17, 1927.*

DEPARTMENT OF STATE,
Washington, December 16, 1927.

The PRESIDENT,
The White House:

On April 12, 1914, the American vice consul at Salina Cruz left his post on leave of absence for a visit to the United States, leaving the consulate and American interests in that district in charge of William Wiseman, British vice consul. A few days after the vice consul's departure political relations between the United States and Mexico and conditions in Mexico became so acute that he did not return, and an American consular officer was not sent to Salina Cruz until December 13, 1917. From April 12, 1914, to December 13, 1917, Mr. Wiseman, with the permission of the British Government, continued in charge of American interests for the district surrounding Salina Cruz. The disturbed political condition of Mexico made the care of American interests an exceedingly delicate and exacting task. In a report of the work done by Mr. Wiseman an American consul, who was assigned to Salina Cruz subsequent to the relinquishment of the care of American interests by Mr. Wiseman, said of him:

"During a considerable portion of this period the work was undoubtedly very heavy and exacting, requiring his entire time and energy for perhaps 18 hours a day for weeks at a time. There were many American refugees to be cared for and gotten out of the country and afforded suitable protection. * * * Many American vessels called at this port, either in distress or in ignorance of the acute political conditions, and it was Mr. Wiseman's duty, which he accomplished very successfully, to get them out of port again. * * * I have often heard the officers of American merchant vessels and other American citizens speak very highly of the manner in which Mr. Wiseman cared for American interests, and I have never heard any adverse criticism."

The only allowance which this Government made to Mr. Wiseman appears to have been for the expenses incurred by him in connection with his care of American interests. The fees collected by him for consular services on behalf of the United States were transmitted to this Government and duly deposited in the Treasury of the United States. It appears that he was informed that the question of compensation of his services would be reserved for future consideration.

It has been customary for the Government of the United States, upon the request of a friendly Government to authorize its diplomatic and consular officers to take charge temporarily of the interests of that Government, and in such cases to decline to permit those officers to accept remuneration for their services. Foreign governments frequently lend the aid of their diplomatic and consular officers to the United States under like conditions. The case of Mr. Wiseman, however, appears to be exceptional. He was British vice consul at Salina Cruz, but the department is informed that he received no salary from the British Government. He was in business and was local manager for the Central & South American Telegraph Co., an American company, and his principal income was derived from his salary as manager. It is understood that the care of American interests over a period of some 44 months interfered materially with his private affairs, and doubtless resulted in personal loss. The circumstances appear to be so unusual and the period of his service for the United States so extended that it would seem that this Government could not properly do less in recognition of the value of his services than to present him, as an act of grace, with an amount which would appropriately compensate him. It is understood that the British Government would not object to this course.

Assuming, as I feel safe in doing, that the Congress will view with favor a proposal appropriately to compensate Mr. Wiseman, the amount which, in all probability, would have been paid to an American consul at Salina Cruz during the period herein mentioned would appear to be a fair measure of the pecuniary recognition of the services of Mr. Wiseman. The American consul who relieved Mr. Wiseman received $2,500 a year, and at that rate the total amount which should be paid to Mr. Wiseman in recognition of his services for the entire 44 months would be approximately $9,200.

It is the view of this department that in matters of this kind this Government should pursue a generous course in recognizing the assistance rendered it in the interest of this country by representatives of other governments, and I therefore recommend that Congress be asked to appropriate for payment to Mr. William Wiseman, formerly British vice consul at Salina Cruz, the sum of $9,200 in recognition of his services in behalf of American interests in that place.

It will be noted from the inclosed communication from the Director of the Bureau of the Budget, to whom the matter was referred, that the proposed action is not in conflict with your financial program.

A report on this subject was transmitted to Congress by you on April 23, 1926. A copy of this report is inclosed.

Respectfully submitted.

FRANK B. KELLOGG.

AREND KAMP AND FRANCIS GORT

Mr. PORTER. Mr. Speaker, I call up House Joint Resolution 150, to provide for the payment of an indemnity to the Government of the Netherlands for compensation for personal injuries sustained by two Netherlands subjects, Arend Kamp and Francis Gort, while the U. S. S. *Canibas* was loading on May 1, 1919, at Rotterdam, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Pennsylvania calls up House Joint Resolution 150, which is on the Union Calendar, and asks unanimous consent that it be considered in the House as in Committee of the Whole.

Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the Government of the Netherlands, as a matter of grace and without reference to the question of liability therefor, the sum of $500 as full compensation for personal injuries sustained by Arend Kamp, a Netherlands subject, and the sum of $500 as full compensation for personal injuries sustained by Francis Gort, a Netherlands subject, while the U. S. S. *Canibas* was loading on May 1, 1919, at Rotterdam, as set forth in the message of the President of December 19, 1927, printed as Senate Document No. 30, Seventieth Congress, first session; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. PORTER was granted leave to extend his remarks in the RECORD by printing the message of the President and the letter of the Secretary of State, which read as follows:

To the Congress of the United States:

I transmit herewith a report regarding two claims presented by the Government of the Netherlands against the Government of the United States for compensation for personal injuries sustained by two Netherlands subjects, Arend Kamp and Francis Gort, while the U. S. S. *Canibas* was loading on May 1, 1919, at Rotterdam.

I recommend that, in order to effect a settlement of these claims in accordance with the recommendation of the Secretary of State, the Congress, as an act of grace and without reference to the question of the legal liability of the United States in the premises, authorize an appropriation in the sum of $1,000, $500 of which is to be paid to Mr. Arend Kamp and $500 to be paid to Mr. Francis Gort.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 19, 1927.*

DECEMBER 17, 1927.

The PRESIDENT:

I have the honor to submit, with a view to its transmission to Congress, the following report and recommendation regarding two claims presented by the Government of the Netherlands against the Government of the United States for compensation for personal injuries sustained by two Netherlands subjects, Arend Kamp and Francis Gort, while the U. S. S. *Canibas* was loading on May 1, 1919, at Rotterdam.

The U. S. S. *Canibas* on May 1, 1919, was owned by the Government of the United States, controlled by the United States Shipping Board, manned by a Navy crew, and prior to the accident in question was operated for the account of the War Department. At the time of the accident, however, naval stores were being transferred to the U. S. S. *Canibas* by means of a cargo net from the barge *Johanna*, which was a Dutch vessel chartered by the United States Naval Port Office at Rotterdam. As one of the loads was being hoisted out of the hold of the *Johanna* by a windlass on the *Canibas*, the Netherlands subjects, Kamp and Gort, who were on board the *Johanna*, endeavored to prevent the load from interfering with a stovepipe on the *Johanna*. The load was cleared from the stovepipe, when the rope parted and the load fell on the two men, injuring both severely.

The board of naval officers which convened on May 1, 1919, for the purpose of investigating the accident, rendered the following findings:

"(1) Accident due to fall of loaded cargo net on Arend Kamp and Francis Gort through parting of fall.

"(2) Parting of fall due to weakness in the fall, which might have been inherent or could have developed during morning's operation.

"(3) Responsibility can not be placed on any particular person, inasmuch as the fall was apparently in good condition, from outside inspection, before this work started."

Under date of May 6, 1920, the Solicitor of the Navy Department, in a communication to the Secretary of the Navy, made the following statement:

"While it is doubtful that either of the two men have a legal claim against the United States, nevertheless it is believed that the doubts should be resolved in favor of the claimants, and it is recommended that the record be referred to the War Department with the request that the claimants each be paid the sum of $500 in full of all claims on account of the injuries sustained, including hospital charges and medical attendance, under the provisions of an act to give indemnity for damages caused by American forces abroad (Public, No. 133), approved April 18, 1918."

In a letter dated May 21, 1920, addressed to Mr. Kamp, by the United States naval staff representatives' office at London, Mr. Kamp was informed that advice had been received from the Navy Department at Washington that he would be paid the sum of $500 on account of the injuries sustained by him on May 1, 1919, which sum was to include hospital expenses and medical attention.

Pursuant to the recommendation of the Solicitor for the Navy Department, the Acting Secretary of the Navy addressed a memorandum to the Secretary of War requesting that Kamp and Gort each be paid the sum of $500 in full of all claims arising out of their injuries under the provisions of the act approved April 18, 1918.

However, the War Department, following a ruling of the Comptroller of the Treasury Department, rendered December 14, 1920, declined to pay the claims in question on the grounds that the injuries suffered by the claimants were the consequence of their own negligence and were not caused by the negligence of persons composing the military and naval forces of the United States, and that the injuries could not, therefore, be deemed to give rise to "damages caused by the American military forces" within any possible meaning of section 1 of the act approved April 18, 1918.

The Netherlands Government brought the claims to the attention of the department in a note dated May 27, 1920, and has persistently pressed the matter since that date. The department referred the matter to both the War and Navy Departments and inquired whether those departments were still of the opinion that without reference to the question of legal liability a compassionate allowance should be made to the injured persons and whether they would be willing to support any recommendation which might be made by this department to Congress regarding the matter.

The War Department replied in a letter dated July 30, 1923, with the suggestion that in the event the State Department desired that a recommendation be made to the Congress, the Navy Department take the action to support such recommendation, provided the Navy Department believes that a payment should be made in the case.

The Navy Department replied in a letter dated May 15, 1923, that should the Department of State recommend to the Congress that an appropriation be made to pay to each of the claimants the sum of $500 as a compassionate allowance and the bill should be referred to the Navy Department for a report, favorable action thereon would be recommended.

I have the honor to suggest, therefor, that you recommend to the Congress that as an act of grace and without reference to the question of the legal liability of the United States, an appropriation in the sum of $1,000 be authorized to effect a settlement of these claims, $500 of which is to be paid to Mr. Arend Kamp and $500 to be paid to Mr. Francis Gort.

It may be stated that the claim was brought to the attention of the Sixty-ninth Congress in a message from the President dated December 21, 1925, which is printed in Senate Document No. 26, Sixty-ninth Congress, first session.

It will be noted from the inclosed communication from the Director of the Budget, to whom the matter was referred, that the proposed action is not in conflict with the financial program of this Government.

Respectfully submitted.

FRANK B. KELLOGG.

SUN JUI-CHIN

Mr. PORTER. Mr. Speaker, I call up House Joint Resolution 151, which provides for payment of the claim of the Government of China for compensation of Sun Jui-chin for injuries resulting from an assault on him by a private in the United States Marine Corps. I ask unanimous consent for its consideration in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that the resolution be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the joint resolution for amendment.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the Government of China, as a matter of grace and without reference to the question of liability therefor, a sum equivalent to $500 Mexican as full indemnity for injuries to Sun Jui-chin resulting from an assault upon him in China by a private in the United States Marine Corps on June 11, 1923, as recommended in the message of the President of December 17, 1927, printed as Senate Document No. 23, Seventieth Congress, first session; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to carry out the purpose of this act.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. PORTER was granted leave to extend his remarks in the RECORD by printing the message of the President and letter of the Secretary of State, which read as follows:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State, respecting a claim against the United States, presented by the Chinese Government for compensation arising out of an assault in China on Mr. Sun Jui-chin on June 11, 1923, by a private in the Marine Corps, a member of the legation guard, with a request that the recommendations of the Secretary of State, as indicated therein, be adopted, and that the Congress authorize the appropriation of the sum necessary to pay the indemnity.

I recommend that, in order to effect a settlement of this claim in accordance with the recommendation of the Secretary of State, the Congress, as an act of grace, and without reference to the legal liability of the United States in the premises, authorize an appropriation in a sum equivalent to $500 Mexican.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 17, 1927.*

The PRESIDENT.

On February 7, 1927, I reported at length to you concerning a claim presented by the Government of China against the United States arising out of an assault in China on Mr. Sun Jui-chin on June 11, 1923, by a private in the Marine Corps, a member of the legation guard, and requested that you recommend to the Congress that an appropriation in the amount of $500 Mexican be made to effect settlement of this claim. This report was transmitted by you to the Congress on February 8,

1927, with the recommendation that in order to effect a settlement of the claim in accordance with my recommendation, the Congress, as an act of grace and without reference to the legal liability of the United States in the premises, authorize an appropriation in the sum of $500 Mexican. Your recommendation and my report mentioned comprise House Report No. 2052, Sixty-ninth Congress, second session, a copy of which is inclosed for your full information.

It appearing that final action was not taken on this recommendation by the Sixty-ninth Congress, I beg to suggest the submission of the matter anew to the consideration of the present Congress.

It will be observed from the inclosed communication from the Director of the Bureau of the Budget, to whom the matter was referred, that the proposed action is not inconsistent with the financial program of the Government.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 15, 1927.

INTERNATIONAL SOCIETY FOR THE EXPLORATION OF THE ARCTIC REGIONS BY MEANS OF THE AIRSHIP

Mr. PORTER. Mr. Speaker, I call up House Joint Resolution 153, providing for the contribution of the United States to the plans for the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship. I ask unanimous consent for its consideration in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent for the consideration of this resolution in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield?

Mr. PORTER. Yes.

Mr. GARNER of Texas. Is this a unanimous report from the gentleman's committee?

Mr. PORTER. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the joint resolution for amendment.

The Clerk read as follows:

Resolved, etc., That, in compliance with the recommendation of the President contained in his message of January 4, 1928, printed as House Document No. 133, Seventieth Congress, first session, an annual appropriation for five years of $300 is hereby authorized as the contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship for the establishment of geophysical observations in the inner Arctic regions.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. PORTER was granted leave to extend his remarks in the RECORD by printing the message of the President and letter of the Secretary of State, which read as follows:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State concerning the plans of the International Society for the Exploration of the Arctic Regions by Means of the Airship, for the establishment of geophysical observations of the inner Arctic regions, toward the accomplishment of which the 19 governments whose countries are represented in the society have been requested to make an annual contribution for five years, for required preparatory work, in accordance with a schedule furnished by the society and accompanying the report of the Secretary of State. The annual contribution requested of the United States is $300.

The attention of Congress is especially invited to the strong indorsements of this project given by the Secretary of the Navy, the Acting Secretary of Agriculture, the Acting Secretary of the Smithsonian Institution, the National Research Council, and the Carnegie Institution of Washington, as recited in the report of the Secretary of State.

In view of these favorable comments, and in conformity with the recommendation of the Secretary of State, I lay the matter before Congress for its determination whether it will authorize an annual appropriation of $300 for five years, as the contribution of the United States, on the condition that the other governments approached will also contribute the quotas assigned to them.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 4, 1928.*

The PRESIDENT:

In May last the Norwegian Legation at Washington, by order of the Norwegian Government, transmitted to the Department of State a letter addressed to the Government of the United States and dated April 21, 1927, of which a copy is herewith inclosed, from the International Society for the Exploration of the Arctic Regions by Means of the Airship, signed by its president, Mr. Fridtjof Nansen, concerning the plans of that organization for the establishment of geophysical observations in the inner Arctic regions, toward the accomplishment of which the 19 governments whose countries are represented in the society have been requested to make an annual contribution for five years for required preparatory work, in accordance with a schedule which the society furnishes, and a copy of which is also inclosed. It will be observed that the annual contribution requested of the United States is $300.

The Secretary of State, being of the opinion that this project deserves serious consideration as a scientific enterprise of great potential practical value in several important fields, communicated copies of Mr. Nansen's letter to the Secretary of Agriculture, the Secretary of the Navy, the Smithsonian Institution, the National Research Council, and the Carnegie Institution, for an expression of their views. Favorable responses have been received from all.

The Acting Secretary of Agriculture has replied that—

"The securing of more or less permanent and continuous meteorological and other observations from stations in the inner Arctic regions is regarded by this department as very desirable."

The Secretary of the Navy has replied as follows:

"It appears that the object of the project is to bring about an improved knowledge of the natural processes of the earth as an aid to weather forecasting in the future and also in the world's commerce and traffic. This department is glad to express its approval of an undertaking which, at the comparatively small cost set forth in the letter from the president of the society, may lead to an improved knowledge of the natural processes of the earth."

The Acting Secretary of the Smithsonian Institution has replied as follows:

"The institution enthusiastically indorses the value of the proposition. Hardly any conceivable research seems likely to add more of value to the world's knowledge of the controlling elements of meteorology than this."

The National Research Council has replied as follows:

"The executive board of the National Research Council, at its meeting this morning, adopted a resolution recommending, in response to your inquiry, that the United States Government accede to the request of Doctor Nansen, president of the International Society for the Exploration of the Arctic Regions by Means of the Airship, entailing an annual contribution from this Government during five years to help meet the expense of the preparatory work for the establishment by Doctor Nansen's society of observatories in the inner Arctic regions. This action of the National Research Council is based upon the careful consideration and recommendation of the project by the American Geophysical Union, which is a technical committee of the council and is especially competent to express an opinion in the matter."

By way of reply the Carnegie Institution of Washington has furnished a report by the director of the institution's department of research in terrestrial magnetism, as follows:

"1. The proposed scientific exploration, according to modern requirements, of the Arctic regions is to be undertaken under the auspices of the International Society for the Exploration of the Arctic Regions by Means of the Airship and under the guidance of those competent to give the best advice in the various lines of investigation.

"2. Only by international cooperation and thorough preparation may the desired objects be attained effectively. The society is therefore soliciting aid from the countries which in any manner may be interested in the advancement and application of scientific knowledge to be gained from studies of conditions in the Arctic.

"3. The contribution which the United States Government has been asked to make, namely, $300 a year for five years, is intended to assist in defraying the expenses for the necessary preparatory studies as to methods and equipment and for publication of results before the actual project may be undertaken with reasonable promise of success.

"4. Even if future events should make impossible the realization of the society's own project, the funds now solicited, on an international basis, would assure the initiation of investigations of definite value to any other Arctic expedition. There would, therefore, seem sufficient warrant for making the desired small contribution."

In view of the foregoing strong indorsements of the project, the undersigned, the Secretary of State, has the honor to recommend that the matter be submitted to Congress with a view to that body's determination whether it will authorize an annual appropriation for five years of $300 as the contribution of the United States, provided that the other Governments approached will also appropriate the quota assigned to each.

The undersigned is advised by the Director of the Bureau of the Budget that this would not be in conflict with the President's financial program.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 23, 1927.

CLAIM OF THE NORWEGIAN GOVERNMENT

Mr. PORTER. Mr. Speaker, I call up House Joint Resolution 154, authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia. I ask unanimous consent for consideration in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that this resolution be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the joint resolution for amendment.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the Government of Norway, as an act of grace and without reference to the question of legal liability, an amount equal to 6 per cent interest upon the sum advanced by the Government of Norway in connection with the care by its representatives of American interests in Moscow, Russia, during the years 1918 and 1919, but not to exceed a total of $4,000, as set forth in the message of the President of January 5, 1928, printed as Senate Document No. 37, Seventieth Congress, first session; and the appropriation for relief, protection, and transportation of American citizens in Europe made by the act approved April 17, 1917, is hereby made available for the payment of the claim aforesaid.

With committee amendments as follows:

Page 1, line 7, after the word "Norway," insert "together with 6 per cent interest on the unpaid interest to date of payment" and on page 2, line 2, strike out the sign and figures "$4,000" and insert in lieu thereof the sign and figures "$5,000."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. PORTER was granted leave to extend his remarks in the RECORD by printing the message of the President and letter of the Secretary of State, which read as follows:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to a claim presented by the Government of Norway for the payment of interest on certain sums advanced by it for this Government in connection with its representation of American interests in Moscow, and I recommend that an appropriation be authorized to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 5, 1928.*

The PRESIDENT:

I have the honor to bring to your attention the request made by the Norwegian Government for the payment of interests on certain sums advanced by it for this Government in connection with its representation of American interests in Moscow.

The facts of the case may be briefly stated as follows:

In September, 1918, the Government of the United States requested the Norwegian Government to take charge of the protection of American interests in Moscow, stating that it would reimburse the Norwegian Government for the expenses incurred in carrying out this request.

The Norwegian Government accordingly authorized its vice consul at Moscow to assume protection of American interests at that place. Various expenses were incurred by the vice consul in connection with his protection of American interests, and the Norwegian Government, by December 8, 1920, had paid him the sum of Kr. 65,162.97, representing the amount of the expenses incurred by him with interest to the date of payment. The Norwegian Government thereupon requested reimbursement by this Government of the sum of Kr. 65,162.97 with interest to the date of such reimbursement.

Due, in part, to the difficulty experienced by this Government in obtaining proper documentary evidence of the expenditures incurred by the vice consul, reimbursement was not made until July 13, 1925, when the Comptroller General of the United States allowed the Norwegian Government the sum of Kr. 65,162.97, the amount paid by it to the vice consul, but disallowed the claim for interest.

The Norwegian Government, in acknowledging the receipt of the sum allowed by the Comptroller General, requested that interest also be paid.

Because of the fact that reimbursement was not made until nearly five years after the funds had been advanced by the Norwegian Government it is the view of this department that this Government should pursue a generous course in recognizing the assistance rendered it by a friendly foreign government in a time of emergency.

The interest claimed amounts to approximately $4,000, and I have the honor to recommend that the Congress be requested to authorize the appropriation of this sum in payment of the Norwegian Government's claim, as an act of grace, and without reference to the question of the legal liability of the United States.

A summary of the essential facts regarding the case being embodied in this communication it is deemed unnecessary to accompany it with copies of the correspondence in the case. All, or any part, of that correspondence will, of course, be furnished should you or the Congress so desire.

It should be added that this claim was brought to the attention of the Sixty-ninth Congress in a message from the President dated April 23, 1926, printed in House Document No. 343, Sixty-ninth Congress, first session, and that House Joint Resolution No. 246, Sixty-ninth Congress, for the payment of this claim, was introduced on May 25, 1926, and was referred to the Committee on Foreign Affairs. No action was taken by the committee on this resolution.

It will be observed from the inclosed communication from the Director of the Bureau of the Budget, to whom the matter was referred, that the proposed action is not inconsistent with the financial program of this Government.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, January 4, 1928.

MINISTER RESIDENT AND CONSUL GENERAL TO LIBERIA

Mr. PORTER. Mr. Speaker, I call up the bill H. R. 12173 to repeal Revised Statute 1683 and part of Title XXII, section 32, of the United States Code. I ask unanimous consent for its consideration in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent for the consideration of the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That section 1683 of the Revised Statutes and such portion of title 22, section 32, of the United States Code as fixes the compensation of the minister resident and consul general to Liberia, are hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. PORTER was granted leave to extend his remarks in the RECORD by printing the message of the President and letter of the Secretary of State, which reads as follows:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State recommending legislation authorizing an increase in the salary of the minister resident and consul general to Liberia from $5,000 to $10,000 per annum.

I am in full accord with the reasons advanced by the Secretary of State why the increase should be allowed, and I strongly urge upon the Congress the enactment of legislation authorizing it.

CALVIN COOLIDGE.

THE WHITE HOUSE, *March 7, 1928.*

DEPARTMENT OF STATE,
Washington, March 7, 1928.

The PRESIDENT: The undersigned, the Secretary of State, has the honor to bring to the President's attention the matter of the salary of the minister resident and consul general to Liberia and to recommend that Congress be requested to enact legislation which will authorize an increase thereof to $10,000 per annum. In support of this recommendation, the following facts are submitted:

The salary of $5,000 now appropriated for this office is inadequate and is disproportionate to the salaries paid to the classified Foreign Service officers of the United States. The incumbent of this office is required to perform both diplomatic and consular functions, and for this dual service he receives a salary of only $5,000 per annum, which is $5,000 less than is paid to any other minister of the United States, $4,000 less than is paid to Foreign Service officers of class 1, $3,000 less than is paid to Foreign Service officers of class 2, $2,000 less than is paid to Foreign Service officers of class 3, $1,000 less than is paid to Foreign Service officers of class 4, and is equal only to the salaries paid to Foreign Service officers of class 5, which comprises no consul general and no diplomatic officer of higher grade than that of second secretary. That a minister accredited to a foreign government should receive a salary no larger than that received by a second secretary of legation is an anomaly in the Foreign Service of the United States, which, in the view of the undersigned, should, in fairness to the minister and for the sake of uniformity in the Foreign Service be corrected.

Moreover, the compensation of the minister resident and consul general to Liberia is less than that received by any other foreign representative in Monrovia, none of whom has a higher grade than

chargé d'affaires, as those who do not have salaries equal to that of the American representative have the benefit of allotments and perquisites. Thus, in 1925–26, the British consul general and the German consul at Monrovia each received a salary of $7,500 per annum and, in addition, entertainment and household allowances; in 1926–27 the British consul general received $9,272 salary, $2,196 local allowance, amounting to $11,468; more than double the entire compensation of the American minister and consul general, and, in addition thereto, a house is provided for him. The British vice consul, a subordinate official, receives, if married, only about $400 per annum less than the American consul general.

The British Legation, owned and furnished by the British Government, is an elaborate two-story concrete building with 14 rooms and appurtenances. Germany, France, and Spain also provide quarters for their representatives.

The United States has a number of definite interests in Liberia, all of which the American minister must maintain and advance. Liberia began under American auspices, having been colonized by slaves freed in this country. Liberia has always regarded the United States as her next friend and on numerous occasions the United States has employed her good offices to assist Liberia politically, financially, and economically. There are also extensive American missionary interests involving about 100 American missionaries, both white and colored, with an estimated investment of $500,000 and a yearly budget of $300,000. American capital is also entering Liberia on a large scale in the development of rubber plantations. An American concession permits the planting of 1,000,000 acres which is now being developed at the rate of about 20,000 acres per year and at an approximate cost of $1,000,000 annually. There is a $5,000,000 loan to Liberia placed in America and secured by American receivership of customs under the direction of an American bank and assisted by an American financial adviser.

The duties of the American minister resident and consul general are in all respects similar to those performed by other American ministers and may be fairly compared to those performed by such ministers at posts in the smaller Latin-American countries. These ministers all receive $10,000 annually.

Furthermore, with the cost of living at Monrovia for a foreigner being even higher than it is in the United States, it is impossible for the American minister, unless he be a man of large means, to meet the requirements of diplomatic life and his family necessities on the small salary now granted to the post.

A copy of a letter from the Director of the Bureau of the Budget, stating that the proposed request is not in conflict with the financial program of the President, is inclosed.

Respectfully submitted.

FRANK B. KELLOGG.

CONFERENCE OF CONCILIATION AND ARBITRATION

Mr. PORTER. Mr. Speaker, I call up House Joint Resolution 262, requesting the President to extend to the Republics of America an invitation to attend a conference of conciliation and arbitration to be held at Washington during 1928 or 1929. I ask unanimous consent for its consideration in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent for the consideration of the resolution in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the President be, and he is hereby, requested to extend to the Republics of America an invitation to attend a conference of conciliation and arbitration to be held at Washington during 1928 or 1929, for the purpose of drawing up a convention for the realization of the principle of arbitration for the pacific solution of their international differences of a juridical nature which was adopted in the resolution passed at the Sixth International Conference of American States.

SEC. 2. That the sum of $60,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of such conference, including salaries in the District of Columbia or elsewhere, rent, printing and binding, printing of official visiting cards, travel and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract if deemed necessary, and such other expenses as may be deemed necessary by the Secretary of State by reason of such invitation.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PORTER, a motion to reconsider the last vote was laid on the table.

Mr. PORTER was granted leave to extend his remarks in the RECORD by printing the message of the President and letter of the Secretary of State, which read as follows:

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Secretary of State, to the end that legislation may be enacted requesting (1) the President to extend to the Republics of America an invitation to attend a conference of conciliation and arbitration, to be held at Washington during 1928 or 1929, for the purpose of drawing up a convention for the realization of the principle of arbitration for the pacific solution of their international differences of a juridical nature which was adopted in the resolution passed at the Sixth International Conference of American States; (2) the authorization of an appropriation of $60,000 for the expenses of such a conference.

CALVIN COOLIDGE.

THE WHITE HOUSE, *April 3, 1928.*

STATE DEPARTMENT,
Washington, April 2, 1928.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President a copy of a resolution passed at the Sixth International Conference of American States recently held at Habana, Cuba. This resolution, which was passed by acclamation in plenary session, condemned war as an instrument of national policy and provided that the Republics of America adopt obligatory arbitration as the means which they will employ for the pacific solution of their international differences of a juridical nature.

The resolution further provided that the Republics of America will meet in Washington within a period of one year for a conference of conciliation and arbitration to draw up a convention for the realization of this principle, with the minimum exceptions which they consider indispensable to safeguard the independence and the sovereignty of the States as well as domestic questions, and also excluding matters relating to the interest or referring to the action of a State not a party to the convention. By this resolution the interested Governments agree to send to the conference mentioned representatives with instructions regarding the maximum and minimum which they will accept with regard to obligatory arbitral jurisdiction. It is further provided that the conventions of conciliation and arbitration which it is hoped will be concluded at the conference will leave open a protocol of progressive arbitration which will permit the development of this beneficial institution to the greatest possible extent.

For the reasons stated in the inclosed resolution it is desired that the Congress of the United States be asked to request the President to extend to the Republics of America an invitation to attend a conference of conciliation and arbitration, to be held at Washington during 1928, for the purpose of drawing up a convention for the realization of the principle of arbitration for the pacific solution of their international differences of a juridical nature, and to authorize an appropriation of $60,000 for the expenses of such a conference.

Respectfully submitted.

FRANK B. KELLOGG.

INTERNATIONAL CONGRESS OF ENTOMOLOGY

Mr. PORTER. Mr. Speaker, I call up House Joint Resolution 152, authorizing and requesting the President to extend invitations to foreign governments to be represented by delegates at the International Congress of Entomology to be held in the United States in 1928.

The SPEAKER pro tempore. This resolution is on the House Calendar. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the President be, and he is hereby, authorized and requested to extend invitations to foreign governments to be represented by delegates at the International Congress of Entomology to be held in the United States in 1928.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. PORTER was granted leave to extend his remarks in the RECORD by printing the message of the President and the letter of the Secretary of State, which read as follows:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State, inclosing a recommendation from the Secretary of Agriculture that the Congress be requested to adopt a resolution authorizing and requesting the President to invite foreign governments to be represented by delegates at the International Congress of Entomology, to be held in the United States in 1928.

It will be noticed that because of the close relationship between entomology and agriculture, the Department of Agriculture is especially interested in the international aspects of this science, which it considers of very great importance to this country. As it would seem, therefore,

that the participation of foreign governments in the congress mentioned would be in the public interest, I recommend to Congress the passage of the joint resolution. No appropriation is requested.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 19, 1927.*

The PRESIDENT:

With a view to the submission of the request to Congress, if the President approve thereof, the undersigned, the Secretary of State, has the honor to lay before the President a copy of a letter from the Secretary of Agriculture recommending the adoption by the Congress of a joint resolution, a draft of which he incloses, authorizing and requesting the President to extend invitations to foreign governments to be represented by delegates at the International Congress of Entomology to be held in the United States in 1928. No appropriation is requested.

In explanation of Secretary Jardine's letter, it may be stated that at his request the American diplomatic officers were authorized in June last to deliver on behalf of the American organization committee of the International Congress of Entomology, which will be held at Cornell University, Ithaca, N. Y., in 1928, an invitation addressed by that committee to foreign governments, but to make it clear to those governments that the Government of the United States had no connection with the congress.

This action was taken on the strength of the following statement by Secretary Jardine:

"Because of the close relationship between entomology and agriculture, this department [the Department of Agriculture] is especially interested in the international aspects of this science. It considers them of very great importance to this country."

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 19, 1927.

INTER-AMERICAN HIGHWAY ON THE WESTERN HEMISPHERE

Mr. PORTER. Mr. Speaker, I call up House Joint Resolution 259, authorizing assistance in the construction of an inter-American highway on the Western Hemisphere.

The SPEAKER pro tempore. This resolution is on the House Calendar, and the Clerk will report the resolution.

The Clerk read the resolution, as follows:

Whereas the Sixth International Conference of American States, at Habana, Cuba, resolved as follows:

"To recommend to the Pan American Congress of Highways, which will meet at Rio de Janeiro in July of the present year, the consideration and adoption of agreements that will be conducive to the construction of a longitudinal communication highway to traverse the continent, taking into consideration and deciding all questions relative to studies, route, branch connections, technical and economical cooperation of the different countries, and other matters included in the determination of this problem.

"The Pan American Union is intrusted with the compilation of information and the preparation of projects which will serve to give effect to this resolution, submitting this material in due time to the Pan American Congress of Highways."

Resolved, etc., That the Government of the United States should manifest the utmost interest in the purposes of the aforesaid resolution, and that in order to promote the speedy realization of these purposes and objects the President is requested to direct the several agencies of the Government, and they are hereby authorized to lend such cooperation and assistant as may be feasible and appropriate, with a view to having the matter thoroughly considered by the approaching conference; and he is further requested to advise Congress of any conclusions reached and any action which may be suggested by the conference.

Mr. PORTER. Mr. Speaker, I offer an amendment. On page 2, in line 8, strike out the word "assistant" and insert the word "assistance."

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PORTER: On page 2, in line 8, strike out the word "assistant" and insert in lieu thereof the word "assistance."

The amendment was agreed to.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. COLE of Iowa. Mr. Speaker, I ask unanimous consent to extend my remarks on House Joint Resolution 259 just passed.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD on the resolution just passed. Is there objection?

There was no objection.

Mr. COLE of Iowa. Mr. Speaker, this short joint resolution, if enacted, will be the beginning, on the part of our Government, of the fulfillment of an international dream of 50 years; that is, the construction of an inter-American highway connecting the nations of North America, Central and South America.

James G. Blaine dreamed of it when he was Secretary of State in 1881. The Pan American Congress which he then planned was realized in 1889 by an act of Congress passed in 1888. Speaking before that Congress, which met in Washington, among other things he said:

We believe that we should be drawn together more closely by the highways of the seas, and that at no distant date the railway systems of the North and South will meet upon an isthmus and connect by land routes the political and commercial capitals of all America.

In transmitting the report of the first Pan American conference on such railway communication, President Harrison said:

It should not be forgotten that it is possible to travel by land from Washington to the southernmost capital of South America, and that the opening of railroad communication with these friendly States will give to them and to us facilities for intercourse and the exchange of trade that are of special value. The work contemplated is vast, but entirely practicable. * * * I do not hesitate to recommend that Congress make the very moderate appropriation for surveys suggested by the conference and authorize the appointment of commissioners and the detail of engineer officers to direct and conduct the necessary preliminary surveys.

The dreams of those days were never realized. But more recently they have been revived and they are now presented in the form of a highway for automobiles, an inter-American highway stretching from the snows of Canada to the snowfields of southernmost South America, broadly speaking, from the Arctic regions of the North to the Antarctic regions of the south. What was not possible to realize in the form of a railroad we believe is now possible of realization in the form of highways for automobiles and motor trucks.

This short and simple joint resolution, as I have already said, if passed will be the beginning of what may be a great fulfillment. In this resolution we create no new boards or commissions, of which we have already too many, nor do we authorize any new expenditures of which also we have already too many. It is provided in this joint resolution that the President of the United States shall employ the existing agencies of the Government, such as the State Department and the National Highway Commission under the Department of Agriculture, to gather such data as may be useful in our participation in the pending international conferences.

The resolution was drawn up in response to resolutions passed at the recent Sixth International Conference of American States held at Habana, Cuba. The resolutions there passed are as follows:

To recommend to the Pan American Congress of Highways, which will meet at Rio de Janeiro in July of the present year, the consideration and adoption of agreements that will be conducive to the construction of a longitudinal communication highway to traverse the continent, taking into consideration and deciding all questions relative to studies, routes, branch connections, technical and economic cooperation of the different countries, and other matters included in the determination of this problem.

The Pan American Union is intrusted with the compilation of information and the preparation of projects which will serve to give effect to this resolution, submitting this material in due time to the Pan American Congress of Highways.

The congress of highways which is referred to as to meet in Rio de Janeiro in July of this year has been postponed until July of next year, which will, in view of this new matter, be a more convenient date for all concerned. It will afford time for the Pan American Union, which is "intrusted with the compilation of information and the preparation of projects which will give effect to this resolution," to assemble material pertinent to the ensuing discussions. In accordance with these resolutions the agenda of the congress at Rio de Janeiro will be extended, and it is hoped that this particular subject will be one of the most important considered in that meeting.

The joint resolution which we are asking Congress to pass will make it possible for our Government to supply our delegates to that congress with data and information which will enable them to participate in the proceedings more effectively.

It is also an expression of what is called our "utmost interest" in the whole international project, and also an assurance not only of our willingness but of our eagerness to help in so worthy an undertaking. It seems to me there is nothing wiser

or finer that we can do at this time to further a project that is of increasing interest among the people of all the States of the two American continents.

Much might be said bearing upon the influence of such an inter-American highway upon the commerce among the American States, north and south, and much more on the effect of such a highway in the promotion of amity and good will among the nations affected. Nations that are now separated will be brought closer together. People that now sometimes misunderstand each other will be brought into better mutual understandings.

Along this highway there will be a constant and increasing interchange of ideas as well as an interchange of commerce. As an evidence of good will and a promoter of amity among the nations that this highway will touch, the project under consideration will be worth all it costs and much more. The possibilities, in whatever way we may look at the matter, are so vast and so significant that we are warranted in taking the preliminary action which is outlined in the resolution which we are submitting for the action of the House.

In closing, I want to call attention to the influence that this proposed highway may have, and no doubt will have, upon aviation. The highway will be of such ample construction, if the tentative plans are carried out, that it will afford safe landing places for airplanes that may be forced to land. It will make aviation comparatively safe, for it will afford not only such landing places, but it will serve as a marker for those who use the air.

Recently Col. Charles A. Lindbergh traversed portions of the proposed route over tractless wastes. What he did was an evidence of his genius in the air. It will not be possible for all who will fly to bring to their task the skill of a Lindbergh. This highway will go far to supply such deficiencies.

In the years to come we may visualize whole argosies of airplanes passing from the North to the South, and coming up from the South to the North. Aviation is still in its infancy. I believe it will be a realization beyond all our dreams in the years to come. In constructing the proposed highway we will be making a substantial contribution to that future.

The joint resolution which we are submitting is fraught with such vast possibilities that its passage may mark the beginning not only of a new era but of a new dispensation. However much some may still be thinking that this is only a dream, it will be a realization.

Mr. O'CONNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNELL. Mr. Speaker, the House Joint Resolution 239, which has just passed, is one of the most important and constructive enactments that has come before the Congress at the present session. It constitutes, as my distinguished colleague, the gentleman from Iowa [Mr. COLE], declared during consideration of the bill, the fulfillment of an international dream of 50 years. This measure contemplates the construction of an inter-American highway connecting the nations of North America and Central and South America.

As far back as 1881 James G. Blaine, then Secretary of State, urged the building of such a highway between the United States and the countries to which I have referred, and as a member of the Cabinet he vigorously advocated the project before the Pan American Congress, when he said:

> We believe that we should be drawn together more closely by the highways of the seas, and that at no distant day the railway systems of the North and South will meet upon an isthmus and connect by land routes the political and commercial capitals of all America.

The statesmen of those days realized and recognized the commercial and the material advantage that must necessarily accrue to all the contiguous territory, but nothing came of their then pioneer efforts. But the seed was sown in fertile soil, although it has taken many years to reach fruition. The evidence indicated to-day by the unanimous passage of this bill shows that there is a very substantial appreciation of what the highway will mean to present and future generations. This great inter-American highway will reach from Canada in the north of us to the extreme and southern section of South America. It will furnish for the south countries what the railroads have done for us and will throw open a magnificent avenue of trade that will inure to the commercial advantages of all concerned.

It was my honor to be appointed by our distinguished chairman of the Foreign Affairs Committee, the gentleman from Pennsylvania [Mr. PORTER], a member of the subcommittee to hold hearings on the bill. Together with my colleagues the gentleman from Iowa [Mr. COLE] and the gentleman from Pennsylvania [Mr. TEMPLE]. This subcommittee held a number of conferences with representatives of the State Department, since the matter referred to affects our relations with other countries, and representatives of the National Highway Commission, as also with many others who are naturally interested and affected. After these repeated meetings our subcommittee made a report to the full Committee on Foreign Affairs in favor of the bill herewith presented. It will be observed that in our resolution no new or expensive bureau machinery is created. Instead it authorizes the President to use the existing departments of the Government for the purpose of collecting data bearing upon the suggested enterprise. This important work can be expeditiously and capably handled by the State Department, and the good roads division operating very effectively in the Department of Agriculture. I quote the following from our report:

> The project under consideration involves so many foreign governments that in the opinion of the committee reporting out this resolution, the procedure should be by the cooperation of all the governments concerned, rather than by the action of any one of them. Fortunately, the action of the Sixth International Conference of American States, already referred to, forms a basis for such cooperation as well as for the action contemplated in this resolution. The resolutions passed at Habana on this subject are as follows:
>
> "To recommend to the Pan American Congress of Highways, which will meet at Rio de Janeiro in July of the present year, the consideration and adoption of agreements that will be conducive to the construction of a longitudinal communication highway to traverse the continent, taking into consideration and deciding all questions relative to studies, route, branch connections, technical and economic cooperation of the different countries, and other matters included in the determination of this problem.
>
> "The Pan American Union is entrusted with the compilation of information and the preparation of projects which will serve to give effect to this resolution, submitting this material in due time to the Pan American Congress of Highways."

My distinguished colleague on the subcommittee, the gentleman from Iowa [Mr. COLE], very wisely summed up the exact situation in his speech the other day when he offered the following observations:

> Along this highway there will be a constant and increasing interchange of ideas as well as an interchange of commerce. As an evidence of good will and a promoter of amity among the nations that this highway will touch, the project under consideration will be worth all it costs and much more. The possibilities, in whatever way we may look at the matter, are so vast and so significant that we are warranted in taking the preliminary action which is outlined in the resolution which we are submitting for the action of the House.

I shall always look back with pride and gratification to the small but important part it was my privilege to play in helping to initiate this great highway movement among our neighbors to the south and the United States.

Mr. PORTER. Mr. Speaker, I move to reconsider the vote by which the several bills and resolutions were passed to-day and lay that motion on the table.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. ENGLAND. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent to address the House for 30 minutes. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, I doubt the wisdom of granting such a request on Calendar Wednesday. If Calendar Wednesday business has been finished, I wish to call the attention of the House to the fact that there is a bill to come up under a special rule.

Mr. ENGLAND. Mr. Speaker, I will say that if there is any objection I will change my request and make it for to-morrow.

The SPEAKER pro tempore. The gentleman's request can be granted only by unanimous consent. Is there objection?

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, perhaps it would be well to dispense with Calendar Wednesday business for the rest of to-day and find out what we are going to do for the balance of the day. I ask unanimous consent that further business under the Calendar Wednesday rule be dispensed with for to-day.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that further Calendar Wednesday business be dispensed with for to-day. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, we were informed a few moments ago that in all likelihood the Newton bill amending the Webb-Pomerene export law might be called up.

Mr. SNELL. I am doing this for the purpose of getting your bill before the House.

Mr. LAGUARDIA. We do not want it brought up to-day.

Mr. SNELL. That is all right, but some determination should be made as to business for the rest of to-day.

Mr. LAGUARDIA. I have conferred with the gentleman from Alabama.

Mr. SNELL. It can only come up by unanimous consent?

Mr. LAGUARDIA. Exactly, and that is why I do not want to interfere with Calendar Wednesday business. If Calendar Wednesday business has been finished we would have an opportunity to-day to permit speeches to be made and then take up our bill to-morrow.

Mr. SNELL. I am not going to object to the gentleman from West Virginia having 30 minutes, but I thought we should dispense with further Calendar Wednesday business before that permission was granted.

Mr. LAGUARDIA. I understand the gentleman from Alabama would object to the consideration of the Newton bill to-day, and I would join in the objection.

Mr. DYER. The gentleman from New York is speaking for himself and evidently for the gentleman from Alabama. But so far as I am concerned personally, and so far as the author of this bill is personally concerned, we are ready to go ahead this afternoon; but, of course, I do not want to inconvenience any of the members of the committee who are not ready to go ahead.

Mr. SNELL. Of course, the gentleman knows that if he objects to my request we would either have to go ahead with the call of the committees or adjourn.

Mr. LAGUARDIA. We have several speeches scheduled for to-morrow; why not have them now.

Mr. SNELL. We could not take those matters up unless we dispensed with business under Calendar Wednesday. We would either have to adjourn or call the committees.

Mr. LAGUARDIA. I shall not object to dispensing with Calendar Wednesday, and then we can take the next step as we come to it.

Mr. BOWLING. Mr. Speaker, I understood the gentleman from New York [Mr. SNELL] on yesterday to ask unanimous consent that the special orders for yesterday, consideration of the Newton rubber bill being one of them, should go over until to-morrow. This was granted by unanimous consent and those of us who desire to present some views in opposition to this bill were preparing to go ahead to-morrow, and we are not ready to-day. That would be the reason for any objection.

Mr. SNELL. I do not want to be unfair about the proposition. That was the request granted yesterday. We expected at that time that the Committee on Foreign Affairs would take up all the afternoon. Of course, we do not want to "spring" anything on the House, but we thought we had better not waste the balance of the day, if possible.

Mr. BLACK of New York. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. BLACK of New York. I would like to point out to the gentleman—I came in the Chamber in the middle of this discussion—the British Government is to-day trying to decide whether or not they shall continue the restriction scheme. We will know to-morrow the attitude of the British Government on the Stevenson restriction plan, and it would be far wiser in view of that fact that we proceed to-morrow, because the whole situation may be changed at that time.

Mr. DYER. Mr. Speaker, I do not think the American Congress is going to defer consideration of legislation simply at the behest of some unauthorized association or committee representing some function in connection with the British Government. We are legislating here for the American people.

Mr. BLACK of New York. The gentleman misunderstands me. The whole basis of this bill is the Stevenson restriction plan, and the British Government is trying to pass on whether or not that scheme shall be continued. The entire argument back of this bill is based on what another government is doing or has done.

Mr. DYER. The gentleman is entirely in error. This legislation would be perfectly proper and perfectly feasible and perfectly in order and would be needed if there were no such plan as the Stevenson plan in existence. We are taking in other things besides rubber. We are taking in sisal from which twine is made and which is very important in connection with this bill. There are several other things, Mr. Speaker, and I submit that the request ought to be acted upon.

Mr. COLE of Iowa. I would like to ask the gentleman from New York whether he represents the British Government.

Mr. BLACK of New York. I do not, and I do not represent a lot of "rubber patriots."

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that further Calendar Wednesday business be dispensed with. Is there objection?

Mr. MOORE of Virginia. Reserving the right to object, Mr. Speaker, I would like to propound a question to my friend, the gentleman from New York [Mr. SNELL]. The bulletin board does not indicate what business will be up for consideration to-morrow, Friday, and Saturday. Can the gentleman give us any idea of the matters to be taken up on those days?

Mr. SNELL. It was explained yesterday in the House that we expected to-morrow to take up the Newton rubber bill.

Mr. MOORE of Virginia. And now the gentleman expects to take that up at this time.

Mr. SNELL. We thought we could take that bill up now if we could get unanimous consent and consider it this afternoon and finish its consideration to-morrow.

Mr. MOORE of Virginia. Can the gentleman give us any information as to the business coming up during the remainder of the week?

Mr. SNELL. Friday we would expect to take up the Private Calendar, and there has been nothing definitely arranged for Saturday.

Mr. POU. Would the gentleman from New York consent to resuming consideration of the Private Calendar to-day?

Mr. SNELL. I do not think the gentlemen who are looking after the Private Calendar are ready to go ahead to-day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BLACK of New York. I object, Mr. Speaker.

Mr. LAGUARDIA. Mr. Speaker, I am constrained to object.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent to address the House for 30 minutes. Is there objection to the request of the gentleman from West Virginia?

Mr. DYER. Mr. Speaker, reserving the right to object, I ask for the regular order, which is the calling of the committees.

Mr. SNELL. Mr. Speaker, there is nothing in order at this time except to call the committee or move to adjourn.

Mr. GARNER of Texas. Yes; there is. One Member of Congress can ask unanimous consent of the House as well as another, and the gentleman from West Virginia has submitted a unanimous-consent request, and unless some one objects, the gentleman is entitled to have his request put.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia? After a pause. The Chair hears none and recognizes the gentleman from West Virginia for 30 minutes.

Mr. ENGLAND was recognized.

Mr. LAGUARDIA. Will the gentleman yield for me to make an inquiry?

Mr. ENGLAND. I will.

Mr. LAGUARDIA. Mr. Speaker, may it be understood so that we may not wait for developments that the Newton bill will not be called up to-day, but will follow the order of the House.

The SPEAKER pro tempore. It can only be called up by unanimous consent or by dispensing with Calendar Wednesday business under the rules.

Mr. SNELL. And we can not bring in a rule at the present time.

Mr. DYER. We can adjourn.

Mr. SNELL. Either adjourn or call the committees.

Mr. DYER. The Judiciary Committee is ready to proceed on the call of the Calendar of Committees.

The SPEAKER pro tempore. Unless Calendar Wednesday business be dispensed with there are only two things to do; one is to call the roll of committees under the Calendar Wednesday rule and the other to adjourn.

RIVER IMPROVEMENTS

Mr. ENGLAND. Mr. Speaker and Members of the House, recently our Government launched upon an extensive program of river and harbor improvements, but this governmental activity should be increased many fold.

No money is being spent that means so much to our commercial life, our national prosperity, and better and higher civilization. The railroads should aid rather than oppose the improvements of our inland waterway system for better transportation facilities. My information is that where rivers have been improved paralleling railroads that, without exception,

there has been no reduction in the freight returns of such railroads.

The development of river transportation increases new business—creates large volumes of new traffic and while the railroads may and will lose freight transportation, yet they will gain more than they lose by this large increase in business activities actuated by this internal improvement.

Enlarged transportation facilities universally produce increased business activities and by reason thereof adds largely to the product to be shipped to market.

Permit me to refer to the Monongahela River. The headwater navigation of this river is at Fairmont, W. Va., 126 miles from Pittsburgh. The improvement of this river was completed in 1898. There are 15 locks and dams constructed on that river, at a cost, I am told, of approximately $8,000,000. Nearly all the freight carried on this river is coal. The freight transportation on said river is 24,000,000 tons annually.

The savings on water shipment would not be less than 50 cents a ton. The annual savings on the freight shipments on this river would be $12,000,000, or approximately $4,000,000 more than the total cost of the improvement.

In the light of these statistics it could not be successfully contended that from the viewpoint of the public river improvements do not pay.

River improvements cause a revival of business in all endeavors and furnishes a cheaper commodity to the consuming public. In my humble judgment river improvement will do more to solve the perplexing problem of the high cost of living and farm relief than anything that could be done.

This country is suffering sorely from high transportation costs, and the proper utilization of our waterways as freight carriers will largely decrease this enormous cost.

The coal industry is almost prostrate. The agricultural sections are demanding farm relief and from the information received there is much merit in this demand.

The coal producers and their thousands of miners are crying out for relief and anyone familiar with the coal industry will agree that coal relief is needed as well as farm relief.

This inland waterway system as it progresses will afford a great measure of relief to every section which has coal deposits in merchantable qualities.

One of the greatest difficulties of the coal industry is overproduction. The improvement of our inland-waterway system will broaden the coal markets and cheapen its transportation cost, thereby affording this industry a very distinct relief.

The President, several years ago, appointed a commission to ascertain the benefits of the improvement of our inland waterways. This commission after taking volumes of testimony and otherwise gathering information, reported that the water routes properly located not only afforded the advantages and best methods of transportation, but that they are likewise the natural competitors and effective regulators of railway transportation.

Another commission was later appointed and reported that the network of canals through the countries of Holland, Germany, and France play a great part in the economic life of the people unlike any other form of transportation. The limit of the appropriation made by Congress for this purpose should be the largest amount which could be economically expended.

Time is required for the completion of the improvement of this great inland waterway system, and for that reason activities along this line should be aggressive.

I understand the policy of the engineers and Congress is to improve first the rivers which afford the greatest opportunities for tonnage to be transported over same. This undoubtedly is a sound policy. I wish to call your attention to the much-needed improvement of the Great Kanawha River in West Virginia.

On the 10th day of February, 1928, I introduced a bill providing for the authorization of the improvement of the Great Kanawha River, which bill is now pending before the Rivers and Harbors Committee. The committee has taken favorable action on the authorization of this project. On February 25, 1928, the Secretary of War, by virtue of the rivers and harbors act, approved September 22, 1922, transmitted to the Speaker of the House, the report and recommendation of the Chief of Engineers of the War Department, relating to a survey and improvement of the Great Kanawha River. This report recommends that the present obsolete Dams Nos. 2, 3, 4, and 5 be replaced with two locks and dams suitable for adequate transportation purposes. This report among other things said:

> After due consideration of the above-mentioned report, I concur in the views of the Board of Engineers for rivers and harbors. Some of the coal tributary to the Kanawha River is of the highest grade obtainable for steam production. At Charleston there is already a considerable industrial development and a number of new plants are being built. In addition to the through movement of coal to Ohio River points, the total of which now amounts to some 35 per cent of the coal moved on the Ohio River, it is probable that the industries at Charleston will call for a large tonnage with a material saving over the cost of transportation by rail. Further diversions of traffic from the river to the railroads may result if the present unsatisfactory navigation facilities in the upper river are not corrected. Since the most valuable coal mines are adjacent to the upper river, it appears that the continued economic success of the improvement below Charleston must be considered dependent in a considerable measure on the navigation facilities of the upper river.
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> The possibilities of power development at the proposed new dams are sufficient to interest certain power companies who have shown a desire to enter into an agreement with the United States for the use of the water for that purpose. The development of power is not feasible at the existing dams. Many tons of coal would be saved for other purposes by using for power the water now being wasted. The saving in transportation costs on a movement of a million and a half tons, added to the estimated savings in cost of operation and maintenance and the income from water rental, shows a direct saving in excess of the annual carrying charges.
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> The increased water shipments of coal to Cincinnati or other Ohio River points would result in a still further saving to the lower Kanawha and to the Ohio Rivers. * * * It is not impossible that eventually the Kanawha River may show an increase in tonnage somewhat on the basis attained on the Monongahela River. I therefore report that modification of the existing project for the Kanawha River, W. Va., is deemed advisable so as to provide for the replacement of locks and dams Nos. 2, 3, 4, and 5 with two locks and dams at an estimated cost of $3,500,000, with $18,000 annually for operation and maintenance, which is $30,000 less than under the existing project. The location and design of the locks and dams should be left to the discretion of the Chief of Engineers.

Mr. MANSFIELD. Will the gentleman yield?

Mr. ENGLAND. Yes.

Mr. MANSFIELD. Is it not a fact that the proposed improvements to the Kanawha River enter the coal fields far greater than that of the Monongahela?

Mr. ENGLAND. Much greater, and I will come to that later. The report further says:

> Recent economic studies of the Kanawha River improvement show that it has been a profitable investment of public funds. An increase in future commerce seems assured.

During 1925, 35 per cent of the coal moved on the Ohio River had its origin on the Kanawha River. It seems probable that in addition to the through movement of coal to the Ohio River points, the existing industries at Charleston, together with new chemical plants attracted to coal areas of this nature, will call for the movement of a large tonnage, with a material saving over the cost of transportation by rail.

West Virginia produces annually from 125,000,000 to 145,000,000 tons of coal. We are told by competent geologists that at the present rate of production it would take more than 1,200 years to mine all the coal in West Virginia.

West Virginia prospers as the coal industry prospers. Depression in the coal business produces depression in all other businesses. The Great Kanawha River runs through the counties of Fayette, Kanawha, Putnam, and Mason and empties into the Ohio River at Point Pleasant, about halfway between Cincinnati and Pittsburgh. Of the 92 miles of the river which is navigable, 52 is underlaid with coal of merchantable thickness. This valley furnishes barely sufficient room for the New York Central Railroad on the north bank and the Chesapeake & Ohio Railway on the south bank, while below Charleston the valley broadens into a beautiful, rolling agricultural country.

The river is now equipped with 10 locks and dams, 4 of which are above Charleston and 6 below. The dams above Charleston were built between 1880 and 1887, and the ones below between 1887 and 1898. The lock chambers of these dams above Charleston will only accommodate two barges and those below four. The channel depth is hardly 6 feet at pool stage. The dams above Charleston have become obsolete and should be replaced with two large stationary dams equipped with the largest lock chambers feasible and practicable to the Great Kanawha River, with a 9-foot channel depth, thus enabling the coal and other industrial concerns to equip themselves with modern facilities and begin river shipments on a large scale, which can not now be done under the present existing conditions.

A resolution adopted by the Kanawha Coal Operators Association October 21, 1926, among other things, said:

> Many years ago, and at the time when only a 6-foot stage was contemplated on the Ohio River, a series of 10 movable dams, equipped with small lock chambers and only providing a 6-foot stage of water, was installed on our own Great Kanawha River, and which facilities form our only present access to the Ohio River. The cost of operating under the present system and with the present facilities is about six

times as great as the cost of operating on the Ohio River. In other words, the Great Kanawha River as equipped is a narrow-gauge connection in a standard-gauge main line.

A resolution adopted by the Winding Gulf Coal Operators Association recently, among other things, said:

The Ohio Valley Improvement Association, which has been the inspiration and promoting force in the canalization of the Ohio River from Pittsburgh to Cairo for the last 32 years, in its 1926 annual convention at Paducah, Ky., being advised of these facts as to the Great Kanawha River, unqualifiedly recommended and indorsed the immediate standardization of the Great Kanawha River with the Ohio River.

The Charleston Chamber of Commerce of the city of Charleston in a resolution recently adopted by it, among other things, said:

That the board of directors of the Charleston Chamber of Commerce strongly and vigorously indorse the improvement of the Great Kanawha River from the head of navigation to its mouth so as to provide a 9-foot stage of water and the largest capacity lock chambers permitted by flow of water and width of river; that this chamber pledges its continued indorsement of and support to the United States engineer in charge of Great Kanawha River district and instructs its committee to cooperate fully with him.

Practically all the chambers of commerce and the different civic organizations in this valley have adopted strong resolutions setting forth cogent reasons why this river should be improved for better navigation.

This river is now being utilized in a small way in the shipment of coal and other products to market, but to great disadvantage. The Ohio River is now equipped with a 9-foot stage and lock chambers 110 feet by 630, which will accommodate 16 Kanawha River barges and the steamboat. The Mississippi and Ohio Rivers need the tonnage for shipment in order to justify the improvement of these rivers.

The Kanawha River can furnish this tonnage in greater quantities, perhaps, in proportion to its length, than any other river in the Mississippi Basin. According to the West Virginia geological survey there is approximately 18,000,000,000 tons of workable coal within the watershed of the Kanawha River, which is sufficient, it is claimed by geologists and engineers, to lay down a layer of coal as thick as Washington Monument is high over the entire District of Columbia. It is said by the same eminent authority that the coal in this valley is sufficient to maintain the output of the entire State of West Virginia for 125 years.

Perhaps we may be able to grasp in our minds better as to the quantity of coal produced in this valley, when I inform you that according to the preliminary figures of the Federal Bureau of Mines, West Virginia exceeded Pennsylvania in the production of bituminous coal for 1927 more than 21,000,000 tons.

More than 35,000,000 tons of coal was shipped out of this valley by rail in 1926. The tonnage of coal shipped over the Chesapeake & Ohio Railway in 1920 was 28,000,000 tons, and in 1926, 50,000,000 tons. A substantial part of this increase came from this valley. The quality of this coal as shown by chemical analysis is the finest in the world. We find there the smokeless, by-product, gas, splint, and black coals which are now being marketed around the world and are the only known coals which successfully compete with the Cardiff coal of Wales, upon which England has built her great export trade.

Neither England nor Germany have such coals as the domestic and splint coals found in this valley to offer their very substantial overseas trade.

The coal in this valley has proven to be indispensable to a diversified industry, being of a unique character and quality not found elsewhere in this country, and especially is this true of the smokeless or New River coal. The New River Coal Operators' Association, in a resolution adopted by it, among other things, said:

With cheap river transportation available, not only will the Panama Canal be more economically served by the way of the rivers, New Orleans, and the Gulf of Mexico, but New Orleans can be made the base for a great coal port for American coal in the world market.

Because of cheap water transportation in England and Germany, American coal now reaches the seaboard handicapped by a heavy land freight not incurred by foreign coals, and the American producer has been unable to develop a large export business in coal, although England alone exports some 75,000,000 tons per annum, and such an export business would tend to stabilize and adjust many of the problems confronting the American coal industry.

Water transportation is peculiarly adapted to the economical transportation of coal, and with this great system of inland waterways completed it is fair to assume that the rivers and their cheaper transportation rates will transport a very large portion of the new coal business developed in this valley.

During the year 1926, out of 142,775 carloads of freight shipped into this valley, 79,774 came from the West and the residue from the East. A very large portion of these products were susceptible to river transportation. As soon as our inland-waterways system is completed and its system of transportation completely organized and developed, these incoming shipments will increase in volume, perhaps to 750,000 tons annually. When adequate water transportation is afforded, within a few years thereafter the shipments of coal out of the Great Kanawha Valley will exceed 10,000,000 tons annually. The freight on river shipments will be at least 50 cents per ton cheaper than railway, thus saving the consumer $5,000,000 annually upon coal transported. The two stationary dams, Nos. 2 and 3, do not furnish a sufficient amount of water in the vicinity of Mount Carbon, a logical outlet from the great smokeless-coal fields; also the present height of the lock walls at these two dams do not permit the operation of the locks when the stage at Kanawha Falls above said dams is 12 or more feet. The stage at Kanawha Falls is frequently more than 12 feet.

This valley has also developed a very large area of oil and gas territory, the average daily production of oil being 8,815 barrels.

Large areas of mixed hardwood forest are still available in this valley, and vast areas cut over 25 to 50 years ago are growing and producing new timber, thus insuring a continuing supply for the future.

Among the many other raw materials of the valley are found salt, glass sand, fire clay, and kaolin. The development of the great chemical industry in the valley is rapidly bringing Charleston forward as the recognized chemical center of the United States.

Charleston has the largest ax factory and glass plant in the world. The manufacturing establishments in this valley, of different kind and character, are numerous.

The Great Kanawha River, with equal river transportation facilities, will in a short time equal, if not excel, the annual tonnage of shipments of the Monongahela River. The Kanawha River contains an abundance of water. According to General Deakyne, in low water the natural flow in this river is more than seven times greater than that in the Monongahela River. The natural resources of this valley are almost inexhaustible. This valley is coming to be a veritable hive of industry. Charleston is destined to be the center of the greatest industrial section in the world. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. SNELL. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. HASTINGS] may now have 10 minutes to address the House, the gentleman from Michigan [Mr. CRAMTON] 10 minutes, and the gentleman from New York [Mr. LAGUARDIA] 5 minutes, and the gentleman from Kansas [Mr. GUYER] 10 minutes.

The SPEAKER pro tempore (Mr. MAPES). The gentleman from New York asks unanimous consent that the gentleman from Oklahoma [Mr. HASTINGS] may now have 10 minutes to address the House, the gentleman from Michigan [Mr. CRAMTON] 10 minutes, the gentleman from New York [Mr. LAGUARDIA] 5 minutes, and the gentleman from Kansas [Mr. GUYER] 10 minutes. Is there objection?

There was no objection.

TO AUTHORIZE THE PRESIDENT TO VETO SEPARATE ITEMS IN APPROPRIATION BILLS

Mr. HASTINGS. Mr. Speaker, I am going to confine my remarks to a proposed amendment to the Constitution authorizing the President of the United States to veto separate items of an appropriation bill. There are similar provisions in the various State constitutions, and I have written the governors of the various States and have their replies discussing the subject very briefly, which I want permission to include in my remarks.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to extend his remarks by printing communications from governors of different States. Is there objection?

Mr. SNELL. Reserving the right to object, for the purpose of making an announcement, I want to say that the special orders for to-morrow for the gentleman from Oklahoma [Mr. HASTINGS], and the gentleman from New York [Mr. LAGUARDIA], and the gentleman from Michigan [Mr. CRAMTON] will be vacated.

The SPEAKER pro tempore. Without objection, that will be the understanding.

Mr. HASTINGS. Mr. Speaker and gentlemen of the House, I wanted to bring to your attention a resolution which I have introduced (H. J. Res. 70) proposing an amendment to section

7, Article I, of the Constitution of the United States, permitting the President of the United States to disapprove any item or appropriation of any bill passed by Congress. The resolution is as follows:

Amend section 7, Article I, of the Constitution of the United States, by adding the following paragraph at the end of said section:

"Every bill which shall have passed the House of Representatives and the Senate making appropriations of money embracing distinct items shall, before it becomes a law, be presented to the President of the United States; if he approves, he shall sign it, but if he disapproves the bill or any item or appropriation therein contained, he shall communicate such disapproval, with his reasons therefor, to the House in which the bill shall have originated. All items not disapproved shall have the force and effect of law according to the original provision of the bill. Any item or items so disapproved shall be void, unless repassed by a two-thirds vote, according to the rules and limitations prescribed in section 7, Article I, in reference to other bills."

I have been greatly interested in this reform since the beginning of my service in Congress.

I am in favor of the Budget system and I voted for it. I made a speech in favor of it when the first bill was up for consideration.

The Budget system holds the administration responsible for the balance of receipts and disbursements of public moneys. Annual estimates are made and presented through the Bureau of the Budget of the revenues received from all sources and the estimated expenditures. Frequently amendments are added by one branch or the other of Congress to appropriation bills and the President, under the Constitution, is compelled to approve or veto the entire bill. If this amendment were adopted, he could veto any separate item of any appropriation bill. If an objectionable amendment were added or if any item estimated for by the Bureau of the Budget were too greatly increased, if this amendment were adopted, it would not necessitate vetoing the entire bill or the reconvening of Congress in session to make another appropriation for that particular branch or department of Government.

I think every Member who has experienced any length of service in the House will call to mind many items added or increased, particularly in the closing days of the short session of Congress, that have been the subject of severe criticism. My judgment is that every item of an appropriation bill should stand upon its own merit. It is unfair to sandwich items of doubtful merit which can not be justified in an appropriation bill.

The proposed amendment is similar to the constitutional provisions of many of the States, and I might add, copied from the provision of the Oklahoma constitution. I have addressed letters to the governors of all of the States, inclosing a copy of the proposed amendment making inquiry as to whether each State has a similar provision and asking for any constructive criticism or suggestion with reference to it. From the replies received and from investigations made, I find that nearly all of the most recently adopted or revised State constitutions have a similar provision, and almost without exception the provision is commended by each governor as a step in the interest of economy.

Mr. AYRES. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. AYRES. I regret that I was not here at the beginning of the gentleman's remarks; will the gentleman, in a few words, state his proposed amendment?

Mr. HASTINGS. I have introduced a proposed amendment to the Constitution modeled after the constitutions of most of the States of the Union which, if adopted, would authorize the President of the United States to veto separate items of an appropriation bill. I explained that I had written to the governors of all the States and had received replies from 37 of the 48 governors and I have included here excerpts of letters of most of the governors from whom I have received replies, all of them without exception commending it as a good amendment and favoring its adoption as an amendment to the Federal Constitution.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. MOORE of Virginia. Does not the gentleman find that all of the more modern State constitutions, adopted, say, within the last 20 or 25 years, authorize the governor to veto items in appropriation bills?

Mr. HASTINGS. That is true; and it is true of the gentleman's own State, Virginia.

Mr. MOORE of Virginia. I served in the last constitutional convention held in Virginia in 1901 and 1902, and we departed from the old constitutional provision which did not give that power, and conferred that power upon the governor.

Mr. HASTINGS. I have a letter from Governor Byrd, of Virginia, and he very strongly recommends such a provision.

Mr. AYRES. Does not the gentleman feel that under the Budget system as we now have it the President has sufficient power over appropriations without the Constitution granting to him the power to veto any item in an appropriation bill after it has passed Congress?

Mr. HASTINGS. I discussed the budget system in four of the States—New York, Maryland, West Virginia, and Utah. There is a similar provision in each of those States that where the budget is submitted the legislature can not increase it, nor can it add any new or separate items. In New York, for example, the governor is permitted to veto separate items.

With the permission of the House, I am herewith inserting the replies received, for the reason that some of them contain suggestions which should be considered by the Committee on the Judiciary and by the Congress.

Gov. George W. P. Hunt, of Arizona, heartily indorses the proposed amendment and adds:

That provision is in our constitution, which is acknowledged to be the most modern in the United States, with all apologies to the State of Oklahoma.

Gov. C. C. Young, of California, advises that the governor of that State is permitted to either veto or reduce an amount of separate items in any appropriation bill. He states:

In my judgment this has worked very well and everyone is satisfied with it.

He suggests, however, that there has been some criticism against the provision for reducing the amount of an appropriation.

B. T. Poxson, secretary to the Governor of Colorado, states that the recent Supreme Court decision had made it impossible for the governor to veto separate items of an appropriation bill where they were linked up with the other items. He states, however:

If it had been possible for the governor to veto separate items he could have eliminated several unnecessary amounts from nearly every department of the State, and in this way could have brought the appropriation within the estimated revenues of the State.

Gov. John H. Trumbull, of Connecticut, states that an amendment was adopted to the Connecticut State constitution in November, 1924, authorizing the governor to disapprove separate items of an appropriation bill and comments as follows:

Prior to my first session as governor the same situation existed in Connecticut that now exists nationally—namely, the governor was compelled to accept the budget bill as a whole or veto it in toto.

And after advising of the amendment adopted in 1924 adds:

I am heartily in accord with your bill allowing the President to veto certain items in the Budget bill.

Gov. H. C. Baldridge, of Idaho, advises that that State does not have such a provision in its State constitution, but commends it as meritorious.

The legislative reference bureau, Congressional Library, in connection with the matter refers to section 11, article 4, of the constitution of the State of Idaho as follows:

The governor shall have power to disapprove of any item or items of any bill making appropriations for money, embracing distinct items, and the part or parts approved shall become a law.

Gov. John Hammill, of Iowa, after expressing regret that that State does not have such a provision in its constitution, states:

To my mind it is a movement in the right direction, and an executive certainly should have a right to veto any portion of an appropriation bill as distinguished from vetoing the entire bill.

Gov. Len Small, of Illinois, advises that a similar provision was adopted as a part of the Illinois State constitution in 1884, and states:

The purpose of this amendment was to enlarge the veto power by authorizing the governor to veto items in appropriation bills. This power has been exercised on numerous occasions and apparently has met with general approval.

P. H. Wolfard, secretary to the Governor of Indiana, advises that the constitution of that State does not contain such a provision.

Gov. L. G. Hardman, of Georgia, invites attention to the fact that Georgia has such an item in its constitution, and comments as follows:

The power to veto any one or more items seems to me a wise provision, and so far as I am informed it has met with the approval of the people of Georgia.

Gov. John W. Martin, of Florida, advises that the constitution of that State, section 18, article 4, has a provision authorizing the governor to disapprove separate items of the appropriation bills.

Gov. Ben S. Paulen, of Kansas, states that the Kansas constitution, amended in 1904, authorizes the governor to veto separate items of appropriation bills, and adds:

It occurs to me that the resolution suggested by you should be adopted by Congress.

W. A. Ponder, secretary to the Governor of Louisiana, writes that the constitution of that State does not contain a provision allowing the governor to veto any separate item in an appropriation bill. However, the legislative reference service of the Library of Congress reports that section 16, Article V, of the constitution of Louisiana has the following provision:

The governor shall have the power to disapprove of any item or items of any bill making appropriations for money embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items of appropriation disapproved shall be void unless repassed according to the rules and limitations prescribed for the passage of other bills over veto.

C. F. Morrison, secretary to the Governor of Maine, while advising that the constitution of that State contains no such provision, states as follows:

However, the governor firmly believes in such a proposition for both State and Nation.

Gov. Albert C. Ritchie, of Maryland, writes:

Prior to the adoption in this State of the budget amendment, the constitution authorized the governor to veto separate items of the appropriation bill. This was always regarded as a most desirable and important provision. It is no longer necessary, however, because under our system the governor now submits his budget to the legislature and the legislature can reduce or eliminate items, but can not add new items. Consequently there is no more occasion in this State for the governor to veto separate items of the budget bill.

You will observe the difference between the law in Maryland and the Federal law. Congress can add to or increase the items estimated by the Bureau of the Budget, whereas in Maryland the legislature can only reduce.

Gov. Fred W. Green, of Michigan, comments as follows:

We have this provision in the constitution of this State and it seems that it is no more subject to abuse than the other system. In other words, without it the legislature may tie the hands of the executive on the question of appropriations, whereas if this amendment were adopted the executive may exercise his proper functions in the vetoing of specific items without imperiling the measure in which they are included.

Gov. Theodore Christianson, of Minnesota, strongly commends the proposition in a letter reviewing the merits of such a provision. He says, in part:

Answering your letter of the 17th instant, I will say that the constitution of Minnesota contains a provision which makes it possible for the governor to veto separate items of appropriation bills without vetoing the entire bill. I have found this provision not only helpful but essential to the success of my efforts to hold down appropriations in the State of Minnesota.

Gov. Sam A. Baker, of Missouri, after advising that the constitution of that State has such a provision, adds:

I do not know what I would do in this State if this provision were not in the constitution, because legislatures of States (and I presume the same is true of the Nation) are very apt to overappropriate.

F. M. Johnson, secretary to the Governor of Nebraska, writes that section 15, article 4, of the Nebraska constitution authorizes the governor to disapprove of any item or items of an appropriation bill and they can not be repassed except by a three-fifths vote of the Members of both Houses.

Gov. A. Harry Moore, of New Jersey, advises that the constitution of that State has such a provision and comments as follows:

This provision has worked out satisfactorily in this State, and I think your idea in proposing such an amendment to the Constitution is a good one.

J. H. White, secretary to the Governor of Nevada, on behalf of the governor, expresses regret that the Nevada constitution does not contain such a provision, but adds:

The governor directs me to say that he is very much in accord with your idea and will be glad to see your subject adopted and made a part of the National Constitution.

Gov. Huntley N. Spaulding, of New Hampshire, while advising that the constitution of his State does not contain such a provision, comments as follows:

I believe the National Constitution and the constitution of every State should contain such a provision, and I hope for your success in the worthy endeavor which you have initiated by the introduction of House Joint Resolution No. 70.

Gov. Richard C. Dillon, of New Mexico, advises that the constitution of that State contains such a provision, and adds:

I consider this a very safe and wise provision.

J. H. Wilson, director of the budget of the State of New York, by direction of Governor Smith, writes as follows:

Under our system in the State at the present time the governor has the right to veto items from the appropriation bill, but beginning with the constitutional budget next fall, after hearings by the governor, he shall transmit to the legislature a recommended bill and the legislature then shall have the power to decrease or omit any item therein, but if they should desire to increase an item, or add an item, it must be on a separate and distinct line. The bill, when passed by both houses, shall then become a law without the governor's signature, but the added or increased items must be presented to the governor for his approval or veto.

This, in effect, accomplishes the same result as the proposed amendment which I have introduced. In other words, if the budget is added to, the Governor of New York is permitted to veto the new or increased item. This is similar to the Maryland law.

Gov. Angus W. McLean, of North Carolina, replies as follows:

First. That North Carolina is the only State in the Union in which the governor has no veto power whatever.

Second. I heartily favor the purposes of your resolutions proposing to amend the Constitution of the United States so as to permit the President to disapprove any item of appropriation in any bill passed by Congress, without the necessity of vetoing the entire bill.

I want to emphasize and invite attention to the first paragraph of Governor McLean's letter, because I do not believe it is generally known that there is a State in the Union in which the governor does not have the veto power.

Gov. A. V. Donahey, of Ohio, advises:

Under the constitution of Ohio the governor has the power to veto separate, specific items in appropriation bills. We find it very satisfactory. The power is used frequently. I would recommend the further executive power to reduce by veto any particular items. In Ohio the governor can only veto in toto or permit an item to stand in toto.

Gov. Henry S. Johnston, of Oklahoma, writes:

I am greatly pleased with your resolution to amend the Constitution of the United States authorizing the President of the United States to veto separate items of an appropriation bill.

While Governor Johnston does not so state, Oklahoma has such a provision in its constitution similar to the amendment I have introduced.

Gov. I. L. Patterson, of Oregon, states that the constitution of Oregon gives the governor authority to veto single items in an appropriation bill.

The secretary to Gov. W. J. Bulow, of South Dakota, writes me that the constitution of his State has such a provision.

Gov. Henry H. Horton, of Tennessee, writes that his State has no such provision in its constitution, but adds:

It occurs to me that the amendment proposed would be wise.

Gov. Dan Moody, of Texas, writes:

The constitution of this State permits the governor to veto separate items of the appropriation bill. This has been the law in Texas for many years, and so far as I know there has never been any doubt of its wisdom.

Gov. George H. Dern, of Utah, writes that the constitution of his State has such a provision, and in his comment states:

The power given to the governor has seldom, if ever, been exercised in this State. I think, however, it is a proper provision, and it seems to me it would be just as appropriate in the National Government as in a State government.

He calls attention to the budget law in Utah, but in that State, as in the Federal Government, there is no way of confining appropriations to the amount recommended except by veto of specific items, as is proposed in this amendment.

Gov. Henry Flood Byrd, of Virginia, advises that his State has such an item in its constitution, and states further:

I beg to state that in Virginia the Governor has the right to veto separate items in the appropriation bill. I regard this as important and essential, and it has worked splendidly in Virginia.

Gov. John E. Weeks, of Vermont, writes that the constitution of that State does not contain such a provision.

Gov. Roland P. Hartley, of the State of Washington, calls attention to section 12 of Article III of the constitution of that State, empowering the governor to veto one or more sections or items while approving other portions of the bill, and with reference to it states:

It is my opinion that every bill should be drawn so that separate items can be vetoed. I feel it works out best that way, and agree with you that every item should justify itself.

Gov. Howard M. Gore, of West Virginia, calls attention to the fact that that State has a budget commission and that the legislature can not increase an item, but may reduce. After commenting on the matter he states:

After all, the executive is usually held responsible for the expenditures during his tour of duty, and certainly, either in the first instance—that is, in making up the budget—or in vetoing special items, is an authority that he should have.

Gov. Fred R. Zimmerman, of Wisconsin, strongly favors such an amendment and invites attention to the fact that the veto of separate items could have been used with advantage in his State if the governor had the authority to exercise that veto.

Replies were received, either from the governors or their secretaries of 37 of the 48 States. Practically all of them are in agreement that such an amendment should be adopted and that it would be in the interest of economy. In a few of the older States the constitutions do not have such a provision. Some three or four of the States have budget laws where the estimates can not be increased by the legislatures.

In addition to the above States from which replies were received from the governors or their secretaries, permit me to call attention to the fact that the constitutions of the following States have such a provision.

Section 126, Article V, of the Alabama constitution contains such a provision authorizing the governor to veto separate items of an appropriation bill.

Section 17, Article VI, of the Arkansas State constitution empowers the governor to disapprove any item or items of any bill making appropriations of money embracing distinct items.

Section 18, Article III, of the constitution of Delaware empowers the governor to disapprove of any item or items of any bill making appropriations of money embracing distinct items.

Section 20, Article III, of the North Dakota constitution gives the governor the power to disapprove of any item or items, or part or parts of any bill, making appropriations of money.

Section 23, Article IV, of the constitution of South Carolina empowers the governor to veto separate items of an appropriation bill.

The constitution of Wyoming has such a provision in section 9, Article IV.

For ready reference I am including as a part of my remarks the report of Mr. Raymond E. Manning, of the legislative reference service, Library of Congress, referring to and listing the sections and articles of the various State constitutions authorizing the governors of the States to veto separate items of appropriation bills. The report is as follows:

LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE.

ITEM VETOES—PROVISIONS IN STATE CONSTITUTIONS

Alabama: Article V, section 126.
Arizona: Article V, section 7.
Arkansas: Article VI, section 17.
California: Article IV, section 16; Article IV, section 34, as adopted November 7, 1922. Session Laws, pages 87–88.
Colorado: Article IV, section 12.
Connecticut: Amendments to constitution, Article XXXVII.
Delaware: Article III, section 18.
Florida: Article IV, section 18.
Georgia: Article V, section 1 (16).
Idaho: Article IV, section 11.
Illinois: Article V, section 16.
Kansas: Article II, section 14.
Kentucky: Section 88.
Louisiana: Article V, section 16.
Maryland: Article II, section 17.
Michigan: Article V, section 37.
Minnesota: Article IV, section 11.
Mississippi: Article IV, section 73.
Missouri: Article V, section 13.
Montana: Article VII, section 13.
Nebraska: Article IV, section 15.
New Jersey: Article V (7).
New Mexico: Article IV, section 22.
New York: Article IV, section 9.
North Dakota: Article III, section 80.
Ohio: Article II, section 16.
Oklahoma: Article VI, section 12.
Oregon: Article V, section 15a.
Pennsylvania: Article IV, section 16.
South Carolina: Article IV, section 23.
South Dakota: Article IV, section 10.
Texas: Article IV, section 14.
Utah: Article VII, section 8.
Virginia: Article V, section 76.
Washington: Article III, section 12.
West Virginia: Article VII, section 15.
Wyoming: Article IV, section 9.

No provision in the following States: Indiana, Iowa, Maine, Massachusetts, Nevada, New Hampshire, North Carolina, Rhode Island, Tennessee, Vermont, Wisconsin.

RAYMOND E. MANNING.

DECEMBER 5, 1927.

It may be asked, What are the objections urged against this proposed amendment? I have heard of none, either in the discussion before the Judiciary Committee, on the floor of the House, or from the governors of the several States. The only objection I have ever heard is the reluctance to amend the Constitution of the United States. Of course, I do not believe that to be a valid objection. The original Constitution would not have been adopted if it had not contained a provision for its amendment. I think that is generally conceded. It was understood that the first 10 amendments would be proposed to the Constitution by the first Congress and they were proposed on the 25th day of September, 1789. As above stated, without the promise of ratification of these amendments the original Constitution would not have been adopted.

There may be some differences of opinion as to the advisability of the adoption of some of the amendments, but I want to invite your attention to the sixteenth amendment providing for the collection of income taxes. I think no considerable number of people have raised any objection to that amendment or suggested that it should not have been adopted. Washington, in his farewell address, invites attention to the provision for the amendment of the Constitution in the orderly way. The truth is that every amendment proposed to the Constitution should be most carefully considered and should be considered on its own merits.

I am not one of those who believe that the Constitution should be lightly amended, but I voted a few days ago to amend the Constitution by changing the beginning of the terms of the President and Vice President and Members of Congress, because I thought it was a wholesome amendment.

I believe that this proposed amendment is a meritorious one and one that is in the interest of economy and it should be considered on its own merits.

I submit it, therefore, to the thoughtful consideration of the Congress.

I am appending hereto the replies of the governors of the several States in addition to the excerpts which I have above noted. Some of these replies contain additional argument in support of the adoption of the proposed amendment:

EXECUTIVE OFFICE, STATEHOUSE,
Phoenix, Ariz., December 22, 1927.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN HASTINGS: I have your letter with inclosed joint resolution amending the Constitution of the United States so that the President may veto any single item of the appropriation bill.

I certainly would approve of that, and it should have the vote of our Arizona delegation. That provision is in our constitution, which is acknowledged to be the most modern in the United States—with all apologies to the State of Oklahoma, of which State you are a distinguished Representative.

Trusting you will be successful in your efforts, believe me,
Yours very truly,

GEO. W. P. HUNT, *Governor.*

GOVERNOR'S OFFICE, STATE OF CALIFORNIA,
Sacramento, December 22, 1927.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

DEAR MR. HASTINGS: In answer to your letter of December 17 I would say that our California constitution does permit a governor to

either veto or reduce an amount of separate items in any appropriation bill.

In my judgment this has worked very well, and everyone is satisfied with it. The only objection which I have heard regarding it is the provision for reducing the amount of an appropriation. As regards this provision, some claim that a governor might be able to practically kill a governmental function which he did not care openly to oppose by reducing the legislative appropriation to such an extent that it would practically throttle its activities.

As to whether this would work similarly in Congress, I should not care to express an opinion. Those of you who are intimately connected with the work of the National Legislature are able to judge this more accurately than a State official could do.

Yours very sincerely,

C. C. YOUNG, *Governor.*

EXECUTIVE CHAMBER, THE STATE OF COLORADO,
Denver, December 20, 1927.

Hon. W. W. HASTINGS,
United States Congressman, Washington, D. C.

MY DEAR MR. HASTINGS: Replying to your communication of December 17, to Governor Adams, in reference to House Joint Resolution 70, will say that the constitution of Colorado under the supreme court decisions has made it impossible for the governor to veto separate items of an appropriation where they are linked up with other items. This, on several occasions, has placed the State in a very embarrassing position, and the actions of the last legislature caused a very acute condition to arise at the present time.

The legislature overappropriated about $1,300,000 on straight maintenance appropriations, which compelled the governor to sign all of these bills rather than to leave State institutions without any funds.

If it had been possible for the governor to veto separate items he could have eliminated several unnecessary amounts from nearly every department of the State, and in this way could have brought the appropriation within the estimated revenues of the State. As it is, the State appears to be in a seemingly financial-embarrassed condition, and some of the State institutions falling in the lower classes are without funds, due to their classification, while other institutions in the State, due also to their classification and overappropriation, are receiving more funds than necessary for their operation. All of these embarrassments could have been avoided had the governor been able to veto certain items which were linked up in the regular maintenance bills.

Due to our personal experience, we believe that Federal legislation of this nature is absolutely necessary for the proper administration of the National Government.

Respectfully,

B. T. POXSON,
Secretary to the Governor.

STATE OF CONNECTICUT, EXECUTIVE CHAMBERS,
Hartford, December 27, 1927.

Hon. W. W. HASTINGS,
Room 361, House Office Building, Washington, D. C.

DEAR SIR: I have the honor to acknowledge your letter of December 21 inclosing copy of House Joint Resolution 70, which proposes an amendment to the Constitution.

Prior to my first session as governor the same situation existed in Connecticut that now exists nationally, namely, the governor was compelled to accept the budget bill as a whole or veto it in toto. This situation was remedied by an amendment to the State constitution, adopted November, 1924, copy of which is inclosed for your information.

I am heartily in accord with your bill allowing the President to veto certain items in the Budget bill.

Very truly yours,

JOHN H. TRUMBULL.

[Inclosure]

Article XXXVI. Amendment to the constitution of Connecticut (adopted November, 1924)

The governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items while at the same time approving the remainder of the bill, and the part or parts of the bill so approved shall become effective and the item or items of appropriation so disapproved shall not take effect unless the same are separately reconsidered and repassed in accordance with the rules and limitations prescribed for the passage of bills over the executive veto. In all cases in which the governor shall exercise the right of disapproval hereby conferred, he shall append to the bill at the time of signing it a statement of the item or items disapproved, together with his reasons for such disapproval, and transmit the bill and such appended statement to the secretary. If the general assembly be then in session, he shall forthwith cause a copy of such statement to be delivered to the house in which the bill originated for reconsideration of the disapproved items in conformity with the rules prescribed for legislative action in respect to bills which have received executive disapproval.

STATE OF IDAHO, OFFICE OF THE GOVERNOR,
Boise, December 28, 1927.

Hon. W. W. HASTINGS, *M. C.*,
Room 361, House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN HASTINGS: Although the Idaho law does not permit its governor to veto individual items of an appropriation, nevertheless I believe there is a great deal of merit in House Joint Resolution 70, which you introduced in the House of Representatives on December 6.

Yours very truly,

H. C. BALDRIDGE, *Governor.*

EXECUTIVE DEPARTMENT, STATE OF IOWA,
Des Moines, December 23, 1927.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR REPRESENTATIVE HASTINGS: I am in receipt of your letter, and I agree heartily with you that the law should be so amended that any objectionable feature of an appropriation bill might be vetoed and the remaining portion of the bill allowed to stand.

I regret exceedingly to advise you that our constitution does not contain this provision. To my mind, it is a movement in the right direction, and an executive certainly should have a right to veto any portion of an appropriation as distinguished from vetoing the entire bill. To my mind, it is in the interest of good government.

With the compliments of the season and kind personal regards, I am,

Yours very truly,

JOHN HAMMILL, *Governor.*

STATE OF ILLINOIS, OFFICE OF THE GOVERNOR,
Springfield, December 29, 1927.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your inquiry of December 21 relative to the power of the Governor of Illinois to veto items in appropriation bills, will say that no such power existed in our constitution until 1884. Prior to that date, bills could only be vetoed as a whole. This created a situation whereby acceptable items in appropriation bills often failed to become a law by the use of the veto, and objectionable items became law by failure to use the veto in order to save the residue.

In 1884, Article V, section 16, of the constitution of 1870 was amended. Section 16, in part, reads as follows:

"Bills making appropriations of money out of the treasury shall specify the objects and purposes for which the same are made, and appropriate to them, respectively, their several amounts in distinct items and sections, and if the governor shall not approve any one or more of the items or sections contained in any bill, but shall approve the residue thereof, it shall become a law as to the residue in like manner as if he had signed it. The governor shall then return the bill, with his objections to the items or sections of the same not approved by him, to the house in which the bill shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider so much of said bill as is not approved by the governor. The same proceedings shall be had in both houses in reconsidering the same as is hereinbefore provided in case of an entire bill returned by the governor with his objections; and if any item or section of said bill not approved by the governor shall be passed by two-thirds of the members elected to each of the two houses of the general assembly, it shall become part of said law, notwithstanding the objections of the governor."

The purpose of this amendment was to enlarge the veto power by authorizing the governor to veto items in appropriation bills. This power has been exercised on numerous occasions and apparently has met with general approval.

Very truly yours,

LEN SMALL.

STATE OF INDIANA, EXECUTIVE DEPARTMENT,
Indianapolis, January 11, 1928.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

DEAR SIR: On behalf of Governor Jackson I wish to acknowledge receipt of your recent communication in which you inclose copy of proposed House Joint Resolution 70. He directs me to advise you that Indiana's constitution contains no provision authorizing the governor to veto separate items of the appropriation or budget bills.

Trusting this information will meet your requirements, I am,

Very truly yours,

P. H. WOLFARD,
Secretary to the Governor.

STATE OF GEORGIA, EXECUTIVE DEPARTMENT,
Atlanta, December 27, 1927.

Congressman W. W. HASTINGS,
Room 361, House Office Building, Washington, D. C.

MY DEAR MR. HASTINGS: I have your letter of December 21, inclosing copy of House Joint Resolution 70, which is a proposed amendment to the Constitution in regard to the question of permitting the vetoing of any single item of the appropriation bill.

In the State of Georgia the governor can veto any single item in the appropriation bill without affecting the other appropriations in the measure; the governor can not change any item in the appropriation bill, but can veto any one item without affecting any other.

The power to veto any one or more items seems to me a wise provision, and so far as I am informed it has met with the approval of the people of Georgia.

If I can serve you further, I shall be glad to do so.

Very sincerely yours,

L. G. HARDMAN, *Governor.*

EXECUTIVE DEPARTMENT, STATE OF FLORIDA,
Tallahassee, January 7, 1928.

Hon. W. W. HASTINGS,
United States House of Representatives, Washington, D. C.

SIR: Replying to your valued favor of December 21, I beg to advise that section 18 of Article IV of the constitution of Florida contains the following provision:

"The governor shall have power to disapprove of any item or items of any bills making appropriations of money embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriations disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto."

The governors of this State have frequently applied the above provision to appropriation bills passed during the closing days of the session in order to avoid calling a special session.

Inasmuch as you ask for comment upon the wisdom of an amendment to the Federal Constitution such as you have proposed, I might suggest that one outstanding objection to the operation of such a provision for the National Government, which is controlled by two parties, is that it would enable a great deal of log rolling to be pulled off by making trades for appropriations, after which the prevailing party could procure presidential veto of considerable items of the minority party while obtaining approval of the items of the majority party.

Trusting this answers your inquiry of recent date, I am,

Very respectfully,

JOHN W. MARTIN, *Governor.*

OFFICE OF THE GOVERNOR, STATE OF KANSAS,
Topeka, December 27, 1927.

Hon. W. W. HASTINGS,
Room 361, House Office Building, Washington, D. C.

DEAR CONGRESSMAN: I have your letter of the 21st relative to House Joint Resolution 70.

An amendment to the Kansas constitution adopted by the people in November, 1904, granted the governor the right in any bill containing several items of appropriation of money to object to one or more items while approving the other portions of the bill.

It occurs to me that the resolution suggested by you should be adopted by Congress.

With kindest regards, I am, yours very truly,

BEN S. PAULEN, *Governor.*

EXECUTIVE DEPARTMENT, STATE OF LOUISIANA,
Baton Rouge, December 29, 1927.

Hon. W. W. HASTINGS,
Member of Congress, Room 361, House Office Building,
Washington, D. C.

DEAR SIR: In the absence of Governor Simpson I am taking the liberty of furnishing you with the information you desire in your letter of the 21st instant relative to the governor of this State having power to veto separate items in an appropriation bill.

The constitution of our State does not allow the governor to veto any separate items.

Very respectfully,

W. A. PONDER,
Secretary to the Governor.

OFFICE OF THE GOVERNOR, STATE OF MAINE,
Augusta, December 29, 1927.

Hon. W. W. HASTINGS,
361 House Office Building, Washington D. C.

DEAR CONGRESSMAN HASTINGS: Governor Brewster asks me to advise you that there is no law in Maine such as outlined in your letter to him of December 21. However, the governor firmly believes in such a proposition for both State and Nation.

Cordially yours,

CARL F. MORRISON,
Executive Secretary.

EXECUTIVE DEPARTMENT,
Annapolis, Md., December 22, 1927.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

DEAR MR. HASTINGS: I have your favor of December 21. Prior to the adoption in this State of the budget amendment, the constitution authorized the governor to veto separate items of the appropriation bill. This was always regarded as a most desirable and important provision. It is no longer necessary, however, because under our system the governor now submits his budget to the legislature and the legislature can reduce or eliminate items but can not add new items. Consequently, there is no more occasion in this State for the governor to veto separate items of the budget bill.

Sincerely yours,

ALBERT C. RITCHIE, *Governor.*

STATE OF MICHIGAN, EXECUTIVE OFFICE,
Lansing, December 28, 1927.

Hon. W. W. HASTINGS,
361 House Office Building, Washington, D. C.

DEAR CONGRESSMAN HASTINGS: With reference to your letter of December 21 inclosing copy of House Joint Resolution 70, it seems to me that this provision of the Constitution permitting the Executive to veto particular items in appropriation bills without vetoing the rest of the bill is a good provision. We have this provision in the constitution of this State, and it seems that it is no more subject to abuse than the other system. In other words, without it the legislature may tie the hands of the executive on the question of appropriations, whereas, if this amendment were adopted, the executive may exercise his proper functions in the vetoing of specific items without imperiling the measure in which they are included.

Sincerely yours,

FRED W. GREEN.

STATE OF MINNESOTA, EXECUTIVE DEPARTMENT,
St. Paul, December 30, 1927.

Hon. W. W. HASTINGS,
Member of Congress, 361 House Office Building,
Washington, D. C.

DEAR MR. HASTINGS: Answering your letter of the 17th instant, I will say that the constitution of Minnesota contains a provision which makes it possible for the governor to veto separate items of appropriation bills without vetoing the entire bill. I have found this provision not only helpful but essential to the success of my efforts to hold down appropriations in the State of Minnesota.

Using this power, I reduced the appropriations of the State legislature approximately 5 per cent in 1925 and almost 4 per cent in 1927. If I had not had this power I should have faced the alternative either of repudiating my promise to the people of the State that there should be no increase in the State tax levy or calling an extra session of the legislature, as the governors of some of the neighboring States had to do at a considerable cost to the taxpayers and much inconvenience to the members.

I believe that an executive should have the power to not only veto separate items of appropriation bills but to reduce any item. The governor does not have that power in Minnesota, but I understand that he has in some of the States of the Union.

There is no legal or constitutional requirement that a department head spend all the money that the legislature appropriates for his use. There is discretion vested in the department head as to how much of the money appropriated he will spend. The question is, whether the elective head of the government, who is responsible to the people who provide the taxes, should not, rather than his appointees, have that determination.

It may not be as essential to center in the President the power of financial control in the Federal administration as it is to center that power in the States in the governor; for the Federal Government being organized in its executive department under a Cabinet appointed by and immediately answerable to the President, is subject to instant and direct control by the Chief Executive who can curb extravagance at any time he chooses to do so.

In the States the governor can not usually do this because many of the functions of the executive department are vested in appointed boards with long overlapping terms over which the chief executive has but little control. I am not ready to state that the reform which you suggest is of sufficient importance to justify the submission of a constitutional amendment, however. I am aware of the fact that it is a big undertaking to secure the ratification of an amendment to the

Federal Constitution. That question is one that the Congress should determine. All I want to say is that I consider the amendment desirable.

Yours very truly,

THEODORE CHRISTIANSON.

GOVERNOR'S OFFICE, STATE OF MISSOURI,
Jefferson City, December 23, 1927.

Hon. W. W. HASTINGS,
House of Representatives,
Room 361, House Office Building, Washington, D. C.

DEAR MR. HASTINGS, Replying to your communication of December 21, will say that the constitution of the State of Missouri does contain a provision that the governor may veto any separate item of a bill. I do not know what I would do in the matter of holding down appropriations in this State if this provision were not in the constitution, because legislatures of States—and I presume the same is true of the Nation—are very apt to overappropriate.

Sincerely yours,

SAM A. BAKER.

STATE OF NEBRASKA, EXECUTIVE OFFICE,
Lincoln, January 10, 1928.

Hon. W. W. HASTINGS,
Member of Congress, Washington, D. C.

MY DEAR MR. HASTINGS: Answering your letter of December 17, addressed to Governor McMullen, in which you ask if Nebraska has a law which would empower the governor to veto separate items of an appropriation bill, I beg to advise as follows:

Section 15, article 4, of our State constitution, provides that the governor may disapprove any item or items of an appropriation contained in bills passed by the legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner herein prescribed in cases of disapproval of bills, i. e., a three-fifths vote of the members of both houses.

Trusting that this gives you the information that you desire, I am,

Yours very truly,

FRANK M. JOHNSON,
Secretary to the Governor.

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT,
January 3, 1927.

Hon. W. W. HASTINGS,
House Office Building, Washington, D. C.

MY DEAR MR. HASTINGS: The constitution of the State of New Jersey authorizes the governor to veto a separate item of an appropriation bill. The provision is found in paragraph 7, article 5, of the State constitution, and reads as follows:

"If any bill presented to the governor contain several items of appropriations of money, he may object to one or more of such items while approving of the other provisions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If the legislature be in session he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by a majority of the members elected to each house, the same shall be a part of the law, notwithstanding the objections of the governor."

This provision has worked out satisfactorily in this State, and I think your idea in proposing such an amendment to the Constitution is a good one.

Very truly yours,

A. HARRY MOORE, *Governor.*

EXECUTIVE CHAMBER, STATE OF NEVADA,
Carson City, December 22, 1927.

Hon. W. W. HASTINGS, M. C.,
Room 361, House Office Building, Washington, D. C.

MY DEAR MR. HASTINGS: Your letter of the 17th instant, addressed to Hon. F. B. Balzar, Governor of Nevada, has been received and read.

The governor directs me to say that he is very much in accord with your idea and will be glad to see your subject adopted and made a part of the National Constitution.

He regrets that there is no provision in the Nevada constitution which would enable the governor to veto any single item of the appropriation bill, although he has heretofore urged that such idea be incorporated in our own constitution. I am

Cordially yours,

J. H. WHITE,
Secretary to the Governor.

EXECUTIVE CHAMBER, STATE OF NEW HAMPSHIRE,
Concord, December 28, 1927.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Replying to your letter of December 21, I regret to say that the constitution of the State of New Hampshire does not allow the governor to veto any separate item of an appropriation bill permitting the remainder of the bill to become a law. I believe the National Constitution and the constitution of every State should contain such a provision, and I hope for your success in the worthy endeavor which you have initiated by the introduction of House Joint Resolution 70.

Yours very truly,

H. N. SPAULDING, *Governor.*

EXECUTIVE OFFICE,
Santa Fe, N. Mex., January 3, 1928.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Replying to your letter of December 17, I beg to say that the constitution of the State of New Mexico provides that the governor may veto separate items in the appropriation bill. I consider this a very safe and wise provision.

For further information on this subject I beg to refer you to Senator BRONSON CUTTING, of New Mexico, in the United States Senate.

Yours very truly,

R. C. DILLON, *Governor.*

EXECUTIVE DEPARTMENT, STATE OF NEW YORK,
DIVISION OF THE BUDGET,
Albany, January 16, 1928.

Hon. W. W. HASTINGS,
Room 361, House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: By direction of the governor I beg to acknowledge receipt of your communication of December 21. It would have been answered sooner but for the reason that we were at that time making the State budget, which has been completed and now goes to our legislature.

I am directing that a copy of this budget be sent to you as well as a copy of our new constitutional budget law.

Under our system in the State at the present time the governor has the right to veto items from the appropriation bill, but beginning with the constitutional budget next fall, after hearings by the governor, he shall transmit to the legislature a recommended bill, and the legislature then shall have the power to decrease or omit any item therein; but if they should desire to increase an item or add an item it must be on a separate and distinct line. The bill when passed by both houses shall then become a law without the governor's signature, but the added or increased items must be presented to the governor for his approval or veto.

I think you could get more information by reading our budget law, and after reading same I think you might even improve upon the proposed joint resolution.

Respectfully yours,

JOSEPH H. WILSON,
Director of the Budget.

GOVERNOR'S OFFICE, STATE OF NORTH CAROLINA,
Raleigh, December 30, 1927.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

DEAR MR. HASTINGS: Answer to your letter of December 21 has been delayed on account of the usual accumulation of work during the Christmas holidays.

Replying to the questions propounded let me say:

First. That North Carolina is the only State in the Union in which the governor has no veto power whatever.

Second. I heartily favor the purposes of your resolution proposing to amend the Constitution of the United States so as to permit the President to disapprove any item of appropriation in any bill passed by Congress without the necessity of vetoing the entire bill.

Wishing you many happy returns of the holiday seasons, believe me,

Faithfully yours,

A. W. MCLEAN,
Governor of North Carolina.

EXECUTIVE DEPARTMENT, STATE OF OHIO,
OFFICE OF THE GOVERNOR,
Columbus, January 7, 1928.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

DEAR MR. HASTINGS: Replying to your recent inquiry:

Under the constitution of Ohio the governor has the power to veto separate, specific items in appropriation bills. We find it very satis-

factory. The power is used frequently. I would recommend the further executive power to reduce by veto any particular items. In Ohio the Governor can only veto in toto or permit an item to stand in toto.

Very truly yours,

VIC DONAHEY, *Governor.*

EXECUTIVE OFFICE, STATE OF OKLAHOMA,
Oklahoma City, January 19, 1928.

Hon. W. W. HASTINGS,
Member of Congress, Washington, D. C.

DEAR FRIEND: I am greatly pleased with your resolution to amend the Constitution of the United States authorizing the President of the United States to veto separate items of an appropriation bill.

That is a splendid thing to have, but I doubt if you can awaken public interest enough to establish that kind of thing.

With best wishes, I am truly yours,

HENRY S. JOHNSTON, *Governor.*

EXECUTIVE DEPARTMENT, STATE OF OREGON,
Salem, December 24, 1927.

Hon. W. W. HASTINGS,
Room 361, House Office Building, Washington, D. C.

MY DEAR SIR: Your letter of December 17 is at hand, together with the inclosed copy of House Joint Resolution 70 proposing an amendment to the Constitution.

I am referring your letter to Mr. Sam A. Kozer, secretary of state, who will be able to supply you with a copy of the Oregon Blue Book, containing the Oregon constitution, which, in Article V, section 15A, gives the governor authority to veto single items in appropriation bills.

Very truly yours,

I. L. PATTERSON, *Governor.*

EXECUTIVE DEPARTMENT, STATE OF SOUTH DAKOTA,
Pierre, December 30, 1927.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR MR. HASTINGS: Your letter dated December 21, requesting information with reference to the governor's power to veto separate items of the appropriation bill, has been received.

Article 4, section 10, of the South Dakota constitution provides that "the governor shall have power to disapprove of any item or items of any bills making appropriations of money embracing distinct items, and the part or parts of the bill approved shall be law and the item or items disapproved shall be void, unless enacted in the following manner: If the legislature be in session he shall transmit to the house in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto."

I trust the above-quoted section will give you the information you desire.

Very truly yours,

WM. J. BULOW, JR.,
Secretary to the Governor.

EXECUTIVE CHAMBER, TENNESSEE,
Nashville, December 29, 1927.

Mr. W. W. HASTINGS,
Second District of Oklahoma,
Room 361, House Office Building, Washington, D. C.

MY DEAR MR. HASTINGS: Your letter of recent date, inclosing me copy of bill, House Joint Resolution 70, which is an amendment to the Constitution of the United States, was duly received.

In reply to your first question, "Whether the constitution of your State contains a similar provision, and if so, how it has worked in your State?"

Our constitution does not have such a provision.

In answer to your second question, it occurs to me that the amendment proposed would be wise.

I am, yours very truly,

HENRY H. HORTON, *Governor.*

EXECUTIVE DEPARTMENT,
Austin, Tex., December 31, 1927.

Hon. W. W. HASTINGS,
Member of Congress, Washington, D. C.

DEAR MR. HASTINGS: Your letter of December 21 has been received.

Replying to your inquiry, the constitution of this State permits the governor to veto separate items of the appropriation bill. This has been the law in Texas for many years, and so far as I know there has never been any doubt of its wisdom.

Very truly yours,

DAN MOODY.

STATE OF UTAH, OFFICE OF THE GOVERNOR,
Salt Lake City, December 28, 1927.

Hon. W. W. HASTINGS, M. C.,
House Office Building, Washington, D. C.

MY DEAR MR. HASTINGS: With your letter of December 17 you sent me a copy of House Joint Resolution 70, by yourself, proposing an amendment to the Constitution of the United States permitting the President to disapprove any item or appropriation of any bill passed by Congress, and you desire to know whether the constitution of Utah contains a similar provision; and if so, how it has worked in this State.

Article VII, section 8, of the constitution of Utah is as follows:

"Every bill passed by the legislature, before it becomes a law, shall be presented to the governor; if he approve he shall sign it, and thereupon it shall become a law; but if he do not approve he shall return it with his objections to the house in which it originated, which house shall enter the objections at large upon its journal and proceed to reconsider the bill. If, after such reconsideration, it again passes both houses by a yea-and-nay vote of two-thirds of the members elected to each house it shall become a law, notwithstanding the governor's objections. If any bill be not returned within five days after it shall have been presented to him (Sunday and the day on which he received it excepted), the same shall be a law in like manner as if he had signed it, unless the legislature by its final adjournment prevent such return, in which case it shall be filed with his objections in the office of the secretary of state within 10 days after such adjournment (Sundays excepted) or become a law. If any bill presented to the governor contain several items of appropriations of money, he may object to one or more such items while approving other portions of the bill; in such case he shall append to the bill at the time of signing it a statement of the item or items which he declines to approve, together with his reasons therefor, and such item or items shall not take effect unless passed over the governor's objections as in this section provided."

You will perceive from the foregoing that the governor has the right to veto any item in the appropriation bill, and the veto of such item acts in precisely the same way as the veto of an entire bill.

The power given to the governor has seldom, if ever, been exercised in this State. I think, however, it is a proper provision, and it seems to me it would be just as appropriate in the National Government as in a State government.

In Utah the budget is prepared by the governor's office and submitted to the legislature. The legislative committees, of course, hold hearings and make some changes as a result of their own investigations, but in a large measure the governor is held responsible for the State expenditures, and he therefore should have such a measure of control as enables him to veto any specific item.

Very respectfully,

GEO. H. DERN, *Governor.*

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
Richmond, December 22, 1927.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

DEAR MR. HASTINGS: Acknowledging your letter of the 21st, in which you advise me that you have introduced an amendment to the Constitution to empower the President to veto separate items in the appropriation bill, and to make inquiry as to whether Virginia has such a constitutional provision. I beg to state that in Virginia the governor has the right to veto separate items in the appropriation bill. I regard this as important and essential, and it has worked splendidly in Virginia.

Sincerely yours,

H. F. BYRD.

STATE OF VERMONT, EXECUTIVE DEPARTMENT,
Montpelier, December 31, 1927.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR SIR: Your letter of the 21st was duly received, and in reply I will say that our State constitution does not contain a provision similar to that proposed in House Joint Resolution 70.

Yours very truly,

JOHN E. WEEKS,
Governor of Vermont.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
Olympia, Friday, December 23, 1927.

Congressman W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Replying to your letter of December 17, in connection with House Joint Resolution 70, proposing an amendment to the Constitution which would empower the President to veto separate

items of an appropriation bill, and inquiring as to whether the executive of the State of Washington is empowered to veto separate items:

Section 12 of article 3 of the State constitution of the State of Washington provides:

* * * "If any bill presented to the governor contains several sections of items he may object to one or more sections or items while approving other portions of the bill. In such case he shall append to the bill at the time of signing it a statement of the section or sections, item or items, to which he objects, and the reasons therefor, and the section or sections, item or items so objected to shall not take effect unless passed over the governor's objection, as hereinbefore provided."

It is my opinion that every bill should be drawn so that separate items can be vetoed. I feel it works out best that way, and agree with you that every item should justify itself.

With best holiday greetings,

Yours very truly, ROLAND H. HARTLEY,
Governor of Washington.

EXECUTIVE DEPARTMENT, STATE OF WEST VIRGINIA,
Charleston, December 28, 1927.

Hon. W. W. HASTINGS,
Member of Congress, Washington, D. C.

MY DEAR MR. CONGRESSMAN: I have your letter of December 21. In West Virginia the budget commission, which consists of the elective State officers—that is, the governor, secretary of state, auditor, attorney general, treasurer, superintendent of schools, and commissioner of agriculture—make up the budget for State expenditures within the estimated revenue. The legislature can not increase an item, but may reduce any recommendation of the board of public works. It is my judgment that for State purposes the governor should make up the budget rather than the board of public works. I believe that is the judgment of persons best informed. After all, the executive is usually held responsible for the expenditures during his tour of duty, and certainly, either in the first instance—that is, in making up the budget, or in voting special items—is an authority that he should have. However, we must keep in mind that after a bill has been passed an executive could exercise rather an unusual arbitrary power.

I am wondering if the plan followed in this State would not be better than the one that you propose—that is, the executive making up the Budget on the general current expense of the Government and permitting Congress to exercise its judgment as to whether they will grant the expenditure recommended or modify, as in keeping with their judgment.

I shall be very glad to have you stop in and see me at any time you are in the State.

With kindest personal regards and best wishes, I am,

Sincerely,

HOWARD M. GORE, *Governor.*

EXECUTIVE CHAMBER,
Madison, Wis., December 24, 1927.

Hon. W. W. HASTINGS,
Member of Congress, Washington, D. C.

MY DEAR MR. HASTINGS: Your letter of December 21, with a copy of the House Joint Resolution 70, is before me.

I believe that the President and governors should have the power to veto separate items in an appropriation measure. May I give you a personal experience with the last session of the Wisconsin Legislature:

The legislature had passed a regular university appropriation bill to which a rider was added making an appropriation for the civil service commission. Of course, there was no association between the civil service commission and the university, but it was necessary for me to either sign the bill as it was, or veto it. If it had been possible for me to veto separate items I should certainly have vetoed the civil service rider.

Our Wisconsin Progressives have always condemned the National Congress for similar actions, but what I relate was accomplished by Wisconsin Progressives in the last legislature.

I am, indeed, in favor of granting the President and governors the power to veto separate items in appropriation bills.

With kind personal regards, I am yours sincerely,

FRED R. ZIMMERMAN, *Governor.*

THE WET BLOC IN CONGRESS

The SPEAKER pro tempore (Mr. MAPES). The gentleman from Michigan [Mr. CRAMTON] is recognized for 10 minutes.

Mr. CRAMTON. Mr. Speaker and gentlemen of the House, in common with the membership generally, I followed with a great deal of interest the fine presentation of the feature of the President's veto power in connection with appropriations, which the gentleman from Oklahoma [Mr. HASTINGS] has given us.

I now beg your indulgence while I take up a subject much removed from that question. It is perhaps a strange anomaly, but it seems to be true, that no family is small enough to be immune from controversies and discord, and no Republic insignificant enough to be immune from revolution and political discord. That seems to hold true through the field of organizations of all sorts. We have in Congress various blocs—the farm bloc, the wet bloc, the dry bloc, and others—and of them all there is but one of these blocs, so far as I know, that has a definite, positive organization, regularly elected officials, official stationery, and so forth. Calling itself an unofficial committee of the House, the wet bloc of the House is a definite entity which for the last three or four years has been struggling desperately to organize itself and get enough Members to agree upon one definite line of action to make some impression upon the House. As far as my recollection goes, 62—one-seventh of the House—is about the limit they have ever been able to corral in harmony on one question, as evidenced by their cooperative scheme of introducing beer bills. I think 62 is the most that ever joined in one measure. Recently that bloc, that definite organization that for three or four years has been attempting to unite upon a policy, succeeded in getting a roll call of the Members of the House on an issue that they selected and presented to the House. The result of that roll call was so disastrous, as evidence of sentiment in Congress, that not only the wets in Congress but the wets throughout the country are tremendously despondent over the situation as thus demonstrated on the eve of a national election. The leadership of the bloc for the moment felt that in merely getting a roll call they had accomplished a great result, although we all know that 40 or 50 Members can usually get a roll call at any time, and that many times one Member can accomplish that result by making the point of order of no quorum. Immediately after the late disastrous vote upon the Treasury appropriation bill, with reference to the use of certain denaturants in denatured alcohol, the Baltimore Sun published a feature article on the first column of the front page, I think in their issue of February 22—at any rate it is dated February 22—in which their correspondent said:

Mutiny is afoot among the wet crew in Congress, and some are suggesting that the new captain be made to "walk the plank."

This situation has developed as a result of the defeat a few days ago when the wets followed their newly chosen leader, Representative LINTHICUM, Democrat, Maryland, into a fight with the drys over the continued use of poisons in the manufacture of industrial alcohol. Mr. LINTHICUM tried to prohibit such use.

The wets were forced to face the guns on this issue on a roll-call vote, the first record vote to be had on any wet and dry question since the passage of the Volstead Act. On the face of things there were only 61 wet votes to 283 dry, or nearly 5 to 1 against the modification of the prohibition laws by the indirect method proposed by the Marylander.

Labor, in its special correspondence at that time, said:

Evidently the wets have made little impression on Congress despite the vigorous fight they have been waging.

I think the article in the Baltimore Sun was a little more harsh with the new leader of the wet bloc than was entirely fair. The situation was one that he was not entirely responsible for in the small minority of votes that followed his leadership. He is the leader of a forlorn hope. I have here a copy of the Minute Man of March 22, 1928. It is my impression that the Minute Man has at times carried in some of its editions the statement that it is the organ of the association against the prohibition amendment in this State or that. My recollection may be at fault in that, but that is my recollection. This issue, however, carries no statement that it is the official organ of anyone. It does carry the comforting assurance which they evidently feel may be deemed necessary that "this magazine has no connection whatsoever with any liquor or other trade interests." In that issue, on page 18, is this statement.

The Minute Man, as I have been noting it for several years, has seemed to be about the most active and influential of the wet publications, and so an expression from this organ is entitled to weight as demonstrating the great lack of harmony that exists in this very small organization in the House and in the wet ranks generally. I read:

The Minute Man is and has always been of the opinion that in the law-enforcement provisions of the eighteenth amendment everything demanded in Congress should be provided without any regard to anyone's private opinions. We have never been in sympathy with the very stupid "wet" bloc in the House.

I am not vouching for this article. I am quoting it; and I want my wet friends to understand that this is the language of the article and not my language.

Mr. LAGUARDIA. What statement is it?

Mr. CRAMTON. The statement of the Minute Man. I take it that it is an editorial article. It is not signed. To resume:

We have never been in sympathy with the very stupid "wet" bloc in the House. The strategy and the tactics employed from the very beginning have done more harm to the liberal cause than all the dry speeches in the CONGRESSIONAL RECORD. Under foolish leadership it has allowed itself to be maneuvered into record votes, each one progressively more one-sided than the one preceding, resulting, of course, in the entirely just claim (based upon record votes, of course) that Congress is getting drier with each test.

This wet bloc has never been countenanced by many really prominent Members who, while equally detesting prohibition, have consistently voted with the drys. It is another case of heaven preserve us from our friends.

I think that not too much of this responsibility should be heaped upon the shoulders of my friend, the distinguished gentleman from Maryland [Mr. LINTHICUM]. I remember the roll call in question. If I am not mistaken, it was demanded by the gentleman from New York [Mr. CAREW], whose relations are at least cordial with Tammany, and no doubt at least cordial with Gov. Al Smith, the probable Democratic nominee for the Presidency. [Applause.] I think it will be significant of what will follow in the Democratic campaign, that the little applause at the mention of the name of the prospective Democratic nominee was confined to two gentlemen on the front seats. [Laughter.]

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Speaker, may I have two minutes more?

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to proceed for two minutes more. Is there objection?

Mr. O'CONNOR of New York. Reserving the right to object, Mr. Speaker, will the gentleman inform us what subject he is discussing?

Mr. CRAMTON. The lack of harmony between the gentleman and his friends of the wet bloc. [Laughter.] Mr. Speaker, I will yield the floor. I will withdraw my request.

THE HIGH PRICE OF MEAT

The SPEAKER pro tempore. The gentleman from New York [Mr. LAGUARDIA] is recognized for five minutes.

Mr. LAGUARDIA. Mr. Speaker, when the agricultural appropriation bill was before the House I took occasion then, as I have done at other times, to complain about the high and exorbitant price of meat, the retail price, in cities. Every time I make a statement on the high cost of meat I receive a lengthy letter from the Institute of American Meat Packers. This is the Washington office of the meat packers. They always close their communication with the request that I insert their letter in the RECORD. I shall put their latest letter in the RECORD. They feel that my figures are incorrect. I feel that their figures are incorrect. I will leave it to the millions of housewives in the country to decide who is right. Taking their own figures, I fail to see how they can justify the exorbitant high retail prices of meats in the city. I mean the actual prices people are paying for meat.

What they do is this: They assume an ideal state of facts for themselves, and on that assumed state of facts they argue their case. They talk about cheap grades of meat that are not at all available.

Now, after receiving this letter from the representatives of the meat packers in Washington I had a survey made in the city of New York, in the four of the five counties of the greater city, New York County—that is, Manhattan—the Bronx, Kings County—that is, Brooklyn—and Queens County, and I find that the average cost of porterhouse steak was 65 cents a pound. The average cost of sirloin steak was 55 cents a pound; and I found that this meat that they talk about—plate beef, at 23 cents—is theoretical, and you can not eat theoretical meat. What few scraps some butcher will put on the block at the lowest price I could find was offered at about 25 cents a pound, and it was of such an inferior quality that it was of absolutely no use to the average consumer.

Now, last week there was a shortage of lambs in the city of Washington. There was a shortage of lambs in New York City. I believe lamb was purposely held back in order to shoot up prices. After receiving the letter from the American Institute of Meat Packers, I communicated with Mr. Draper and asked him about the price of lamb. He told me then that the wholesale price of lamb to the retailer was about 27 cents a pound. I have here in my hand a slip from the Cudahy Packing Co. showing that on April 2 the wholesale price of lamb was 32 cents a pound and that was not choice lamb. The lamb covered by this invoice was a year old. The spring lamb, the choice lamb, is wholesaling at 33 and 34 cents a pound in New York and Washington. That is the whole carcass, the whole animal. So that you can not get lamb chops at anything under 60 cents, and roasting leg of lamb averaged about 45 cents a pound in New York City on last Saturday. Calf's liver is up to 90 cents a pound in New York City. Calf's liver in Washington was about 80 cents a pound. Now, no one can assert there is any justification for such prices.

Mr. COLTON. Mr. Speaker, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. COLTON. Lamb producers are contracting this next year's crop at 10 and 10½ cents a pound live weight, so that there must be a great spread between the producer and the consumer.

Mr. LAGUARDIA. Yes. The gentleman is absolutely right. To make sure, after I received these letters I had these surveys made in the four counties of New York City by friends who are cooperating with me in an effort to bring about a readjustment of prices of meat in our city.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for two additional minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. LAGUARDIA. Then I took the wholesale prices of lamb right in the city, because I was discussing those prices with Mr. Draper, of the Institute of American Meat Packers, and the retailers in Washington told me that what is known as the choice lamb, the lamb we are supposed to eat around Easter time, will average and does average to-day about 33 to 34 cents a pound wholesale, that the price of the roast lamb will be from 40 cents to 45 cents a pound and chops from 60 cents to 65 cents a pound.

I believe it is a wholesome thing that these retail prices should be made known and that we should discuss them, because, as the gentleman from Utah suggests, this stretch between what the livestock men are getting and what we in the cities are paying is too big, out of all proportion, and there is something wrong somewhere.

Mr. SEGER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SEGER. Does not the gentleman believe that the shortage of lamb in the District is due to the great demand for lambs in Wall Street at this time?

Mr. LAGUARDIA. Yes. They have been shorn, have they not?

Mr. Speaker, I ask unanimous consent to insert this letter from the Institute of American Meat Packers.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The letter referred to follows:

INSTITUTE OF AMERICAN MEAT PACKERS,
WASHINGTON OFFICE, MUNSEY BUILDING,
Washington, D. C., March 29, 1928.

Hon. F. H. LAGUARDIA,
United States House of Representatives, Washington, D. C.

DEAR SIR: Our attention has been directed to remarks which you made March 3 in the House of Representatives on beef prices. In view of your interest in the subject, may we comment on several of the topics which you discussed on that occasion?

In the first place, you mention 75 cents a pound as being the price of beefsteak. The steer, of course, is not all steak, and a price of 75 cents a pound for steak by no means represents the average retail price of beef.

It may be possible that some retail dealers have been charging that much for some cuts—porterhouse and sirloin steaks—but we feel certain that you will find that there are many cuts of beef selling at far lower figures and that many retailers are selling steak at prices well below 75 cents a pound.

Although packers sell at wholesale, we believe it only fair to the retailer to state the facts.

The most recent retail meat price quotations for New York City, those issued by the United States Bureau of Labor Statistics for December 6, 1927, show the following retail beef prices:

	Cents per pound.
Sirloin steak	56.6
Round steak	47.1
Rib roast	43.0
Chuck roast	29.5
Plate beef	23.6

These prices, as you note, are well below 75 cents a pound. Moreover, the five beef items listed here do not include a number of cuts which sell at even lower levels. The retail meat dealer is obliged to sell several of the cuts at or below the actual wholesale cost of the steer in order to move them at all, and as a result it is necessary for

him to charge higher prices for several of the cuts which are more in demand.

Although you referred in your talk to current retail meat prices in New York City, we believe that these prices are quite representative of the prices prevailing at the time your talk was made, inasmuch as beef-cattle prices and wholesale beef prices on December 15 were slightly higher than they were around the 1st of March.

In comparing these retail prices with wholesale prices, or with the cost of live cattle, it must be borne in mind that beef cattle are not all meat. The dressing percentage in the packing plant averages about 54 per cent. The remaining 46 per cent includes the by-products, which are sold, in most cases, at low prices, and also includes the shrinkage and portions from which no revenue is obtained. Moreover, when the retailer buys a side of beef weighing 367 pounds, which is an average weight, he receives 75 to 80 pounds of bones, suet, etc., part of which he must trim from the meat he sells and for which he can get less than cost.

These official figures which we have quoted indicate clearly, in our opinion, that 75 cents a pound is far above the average retail price of good beef.

Beef prices are somewhat higher now than they have been in the past, but as Secretary Jardine has pointed out in an official statement issued recently: "The present beef prices * * * seem unduly high only because they are compared with prices of the last few years, which were ruinously low to the cattle grower."

At another point in your talk you urge cattle raisers to establish a more direct contact with consumers, and then say, "The producer is not going to get a fair price, and the consumer will have to pay an exorbitant price."

We should like to call your attention to reliable figures which indicate clearly that the cost of distributing meat and the profits of the packing industry are relatively small, and that the producer receives a relatively large share of the consumer's meat dollar. At the National Distribution Conference, held in Washington in December, 1926, under the auspices of the United States Chamber of Commerce, it was shown that the slaughtering and meat-packing industry had a lower cost of distribution than any of the other essential industries studied. You undoubtedly are familiar with this information which appears in the report of Committee IV of the National Distribution Conference, a volume entitled "Expenses of Doing Business."

Furthermore, the most recent figures issued by the United States Bureau of the Census, those for 1925, showed that the meat-packing industry pays out for raw materials, principally livestock, 85 per cent of the plant value of its product; the other 15 per cent goes to pay all operating expenses, including such items as interest, depreciation, overhead, rent, taxes, and a small manufacturing profit.

It should be borne in mind, however, that out of the money which he receives from the packer for the sale of his livestock the producer must pay the expenses of raising, feeding, and transporting the animals.

Furthermore, figures compiled and issued by the United States Department of Agriculture, following an extensive survey, show that retail meat dealers make an average profit of less than 3 per cent on sales.

In our opinion, these figures indicate clearly that the packing industry is serving the livestock producer economically and efficiently, and that the prices which the consumer pays for meat are entirely fair.

You also state in this talk that meat in New York City is a luxury. We should like to point out that, while the prices of some beef cuts may be relatively high, other beef cuts are selling at considerably lower prices, as the figures just quoted indicate. Furthermore, practically all cuts of pork are wholesaling and retailing at levels which are from 15 to 40 per cent lower than a year ago. Measured by its food value and healthful properties, meat is one of our most essential and valuable foods and is in no sense a luxury.

We venture the hope that you will bring these facts to the attention of your colleagues in the House of Representatives.

Very truly yours,

INSTITUTE OF AMERICAN MEAT PACKERS,
NORMAN DRAPER, *Washington Representative.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. SUMMERS of Washington (at the request of Mr. HADLEY), for four days, on account of necessary absence from the city.

To Mr. TILLMAN, indefinitely, on account of serious illness in family.

Mr. Mr. MCKEOWN, for five days, on account of illness in family.

THE AIRPLANE, THE RADIO, AND THE POSSIBILITIES OF THE FUTURE

The SPEAKER. The gentleman from Kansas [Mr. GUYER] is recognized for 10 minutes.

Mr. GUYER. Mr. Speaker, a week ago many Members of Congress, through the courtesy and generosity of Colonel Lindbergh, had the pleasure of seeing Washington from the perspective of the sky. To one who was so fortunate as to enjoy that pleasure and honor, the romance of the conquest of the air holds a great appeal.

If you will forgive a personal reference, I recall a most dramatic story told to me by my father, Rev. Joseph Guyer, when I returned for the holiday vacation in the fall of 1895 from the University of Kansas, where I was pursuing my legal studies. In October an old friend had visited him in central Kansas. They were boyhood and manhood friends, preached in the same church for over a quarter of a century, and were born in the same year—1828—just a century ago. I remember how my father laughed at Bishop Milton Wright because he said that his boys were going to perfect a flying machine that would fly; how the venerable bishop had described that old biplane; how the boys had built a slide on the side of a sand dune; how one of them would lie down on the lower part of the plane while the other pushed him off; and that when he reached the bottom of the slide he had gained sufficient momentum to keep the air, twenty-five, fifty, and sometimes a hundred feet. And then, with all the audacity and finality of one who has demonstrated a proposition in geometry, Milton Wright exclaimed:

When Wilbur and Orville find an agent to drive that machine, they'll fly like birds!

That was where my father laughed. The whole world laughed. Flying had been the jest of the ages ever since Icarus blossomed out in Greek mythology. The highest expression of impossibility was: "You might just as well try to fly," an expression so deeply rooted that it still persists in our language.

You might just as well have told my father that they would invent a delicate little instrument that would reach out its invisible arm across the continents and from the voiceless silence of the air steal the music of a thousand orchestras and fling it back across the hemispheres to ravish the ear of the earth in palace and cottage and hovel as to tell him that men would fly. You might as well have told him that this marvelous little instrument would stretch out its magic wand and gather up the words of a hundred orators a thousand miles away to charm the people with their eloquence as to tell him that men would fly. You might as well have told him that there was at that moment a boy over at Amherst College 23 years of age who, on the 4th of March, in 1925, would stand out yonder on that historic old portico and whisper his message to every nook and corner of this mighty land of ours as to tell him that men would fly.

I wonder what my father would have thought if, in a moment of prophetic vision, Milton Wright would have told him that, before a third of a century had fallen into the abyss of the past, a boy five and twenty years of age would in 33 hours wrap about his youthful brow the chaplet of immortal fame by conquering the old Atlantic and cheating its hungry billows, and land safely in the field of Le Bourget in Paris.

Mr. Speaker, what are we going to do next? They tell me, sir, that they are going to dig down into the dusty archives of dead and forgotten centuries and reproduce the voices of those whose tongues have been sealed by the silence of death for thousands of years. They tell me that they will reproduce the golden voice of him who hurled his thunderbolts at Phillip of Macedon. That they will reproduce the voice of Him who walked by the side of the tideless sea of Galilee, of Him who whispered to all the world:

Suffer little children to come unto me.

That they will tune in on the 18th of June in 1815 and, amid the thunder of Waterloo, they will hear the conqueror of Napoleon pray, as he looked at his watch: "Oh! for night or Blücher." And maybe we will find out if he said it, for no Englishman ever admitted that he said anything of the kind. That they will pick up the 19th of November in 1863, and over yonder, on the soil of old Gettysburg, made sacred by the blood of our fathers, will hear a heart-broken voice begin:

Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

Impossible! you say. Of course it is impossible. That was precisely what my father told Milton Wright in October, 1895, about the airplane. There is nothing impossible if the intellect of man centers upon it and thinks and dreams about it long enough.

For a thousand years before our fathers founded this blessed country of ours the great minds of the earth were centered upon one colossal question—"What are the rights of man?" How far can arbitrary power trample upon the rights of the individual? How far can the individual disregard the rights of

society? Then, one day, a tall, tawny-haired son of old Virginia sat down at a colonial table and in four hours wrote all the conclusions of a thousand years of thinking into the Declaration of Independence, and that question was forever settled.

I repeat it, there is nothing impossible. If you have any respect for your reputation as a prophet, erase that word "impossible" from your vocabulary. There is nothing impossible for America as long as she is filled with youth that looks straight into the sun, that gazes across the far and radiant stretches of the sky, clear-eyed, clean-lived, lion-hearted, like that unconquerable Viking of the air, like that incomparable eaglet, unafraid.

MESSAGE FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were presented to the House of Representatives by Mr. Latta, one of his secretaries, who also announced that on the following dates the President approved and signed bills of the House of the following titles:

On March 21, 1928:

H. R. 4964. An act to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the Municipal Hospital Building recently conveyed by the city to the United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla.

On March 23, 1928:

H. R. 10286. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes.

On March 24, 1928:

H. R. 10954. An act to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.;

H. J. Res. 175. Joint resolution to change the name of the Ancon Hospital, in the Panama Canal Zone, to the Gorgas Hospital; and

H. R. 5255. An act for the relief of Jacob F. Webb.

On March 26, 1928:

H. R. 232. An act to amend the act of June 7, 1924, prescribing the persons entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and the method of their admission thereto;

H. R. 5500. An act to establish a national military park at the battle field of Fort Donelson, Tenn.; and

H. R. 10027. An act to authorize the transfer of a portion of the Hospital Reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States.

On March 27, 1928:

H. R. 356. An act to amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect";

H. R. 8311. An act to provide for the naming of a mountain or peak within the boundaries of the Lassen Volcanic National Park, Calif., in honor of Hon. John E. Raker, deceased;

H. R. 9031. An act to provide further for the disposal of abandoned military reservations in the Territory of Alaska, including Signal Corps stations and rights of way;

H. J. Res. 211. Joint resolution to amend Public Resolution No. 65, approved March 3, 1925, authorizing the participation of the United States Government in the international exposition to be held in Seville, Spain;

H. R. 926. An act for the relief of Jennie Roll;

H. R. 3145. An act for the relief of Willis B. Cross;

H. R. 3673. An act for the relief of Maj. F. Ellis Reed;

H. R. 4203. An act for the relief of A. S. Guffey;

H. R. 7110. An act for the relief of Frances L. Dickinson;

H. R. 7932. An act to authorize appropriations for construction at military posts, and for other purposes; and

H. R. 8824. An act to provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos Pueblo, N. Mex.

On March 28, 1928:

H. R. 7944. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 173. An act to provide funds for the upkeep of the Puyallup Indian Cemetery at Tacoma, Wash.;

H. R. 308. An act authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands in the Fort Hall Indian Reservation;

H. R. 340. An act to authorize the incorporated town of Anchorage, Alaska, to issue bonds for the construction and equipment of an additional school building, and for other purposes;

H. R. 7367. An act to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Seward, Alaska;

H. R. 8542. An act to provide for the construction of a hospital at the Fort Bidwell Indian Cchool, Calif.;

H. R. 8543. An act to provide for the construction of a school building at the Fort Bidwell Indian School, Calif.;

H. R. 8887. An act for the relief of Victorina Mesa, of Cavite, P. I.; and

H. R. 10083. An act to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs.

On March 29:

H. J. Res. 126. Joint resolution to provide for the entry under bond of exhibits for display at the Pacific Southwest Exposition to be held in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port, and for other purposes;

H. R. 445. An act authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of lands within the State of Montana for grazing and range development, and for other purposes;

H. R. 7927. An act granting the consent of Congress to the Louisiana Highway Commission of the State of Louisiana to construct, maintain, and operate a bridge across the Atchafalaya River at Melville, La.;

H. R. 7198. An act authorizing Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 8093. An act for the relief of John Rooks;

H. R. 8897. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois," approved March 21, 1924;

H. R. 9350. An act granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River;

H. R. 9361. An act granting the consent of Congress to the city of St. Charles, State of Illinois, to widen, maintain, and operate a bridge across the Fox River within the city of St. Charles, State of Illinois;

H. R. 9761. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh, Pa.;

H. R. 9773. An act granting the consent of Congress to the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near the mouth of the Big Blue River, in Jackson County, Mo.;

H. R. 9946. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Mount Carmel, Ill.;

H. R. 9964. An act authorizing E. L. Higdon, of Baldwin County, Ala., his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala.;

H. R. 10025. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Cliff Street, McKeesport, Pa.;

H. R. 10143. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton highway;

H. R. 10144. An act authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex.;

H. R. 10373. An act authorizing the Plattsmouth Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Plattsmouth, Nebr.;

H. R. 10424. An act authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 10566. An act granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and operate a free highway bridge across the Illinois River at or near Peoria, Ill.;

H. R. 10658. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 10707. An act authorizing the Point Marion Community Club, of Point Marion, Pa., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 10756. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio; and

H. R. 10806. An act authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans.

On March 30, 1928:

H. R. 6094. An act to amend section 7 of public act No. 45, Sixty-ninth Congress, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes";

H. R. 7224. An act to extend the time for the refunding of certain legacy taxes erroneously collected; and

H. R. 367. An act to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes.

On March 31, 1928:

H. R. 9860. An act to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak."

On April 2, 1928:

H. J. Res. 217. Joint resolution providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries and for other purposes;

H. J. Res. 245. Joint resolution to make immediately available the appropriation for a road across the Kaibab Indian Reservation;

H. J. Res. 253. Joint resolution authorizing certain customs officials to administer oaths; and

H. R. 8326. An act to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla.

THE DRY BLOC

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York.

There was no objection.

Mr. BLACK of New York. Mr. Speaker and gentlemen of the House, I was very much impressed with the address of the last speaker, especially toward its conclusion when he referred to governments trampling on the rights of men, and his friendly reference to the great Democrat, Jefferson. I would that we had another Jefferson so that we could have another declaration of independence which is sadly needed in this country, as emphasized by the speech of a preceding speaker, the gentleman from Michigan, [Mr. CRAMTON].

The gentleman from Michigan [Mr. CRAMTON], makes the point that the wet bloc is divided in itself. Well, of course, it is divided. It is an independent, liberal, intelligent, thinking bloc, and necessarily has divisions. The dry bloc, on the other hand, represents just a dry chain gang under the whip of an outside organization called the Anti-Saloon League. But there are divisions among the drys too—not making any reference to the drys in this House. They are divided in this way. First of all, and the main division, are those who get it and those who do not get it. Then there is another division, the drys with a Bible and a flask in the back pocket and the drys with two flasks in the back pocket.

Speaking of roll calls, give us a roll call on the main question. You have packed committees in this House against the people of this country having a roll call on the question. Give us a roll call on straight modification and you will see the drys blow up and scatter to the four winds on such a roll call.

The gentleman spoke of the farm bloc. The farm bloc itself has surrendered to the dry bloc and the Anti-Saloon League in this House. I defy the farm bloc of the Congress to go back to the farmers and tell them what they have lost in barley and hops since prohibition. Show them the figures that come from official sources and see how long they will last.

I do not blame the gentleman from Michigan from glorifying in the result of the roll call. He is an extremist. The gentleman from Michigan is the presiding elder of the Borgia bloc in the House. Naturally, they glorify in the fact they can continue poisoning the American people. Let the men who voted on that question go back to their constituents and say they voted to spend the public money on poisoning the American people in the interest of enforcement of prohibition.

I think the gentleman from New York [Mr. CAREW] when he demanded a roll call did a very noteworthy thing in the progress of this proposition. He got a record of this House on the extremists among the drys. Some men will have to go back to their constituents and say to their constituents, "At a roll call on whether or not the Government should be allowed to poison the great, free American people, I, an American Congressman, cringing to the Anti-Saloon League, losing my self-respect, forgetting that I owed it to the people to be with them, voted to permit the Prohibition Bureau to send out poison through the friends of prohibition, the bootleggers, to the American people."

We never had bootleggers before we had prohibition. Bear that in mind, gentlemen of the Borgia bloc.

CONFERENCE OF CONCILIATION AND ARBITRATION (S. DOC. NO. 79)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and with accompanying papers referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Secretary of State to the end that legislation may be enacted requesting (1) the President to extend to the Republics of America an invitation to attend a Conference of Conciliation and Arbitration to be held at Washington during 1928, for the purpose of drawing up a convention for the realization of the principle of arbitration for the pacific solution of their international differences of a juridical nature which was adopted in the resolution passed at the Sixth International Conference of American States; (2) the authorization of an appropriation of $60,000 for the expenses of such a conference.

CALVIN COOLIDGE.

THE WHITE HOUSE, *April 3, 1928.*

Mr. MOORE of Virginia. Mr. Speaker, I call attention to the fact that this morning a resolution reported by the Committee on Foreign Affairs making provision for what the President recommends in the message just read was passed by the House.

INTERNATIONAL CONFERENCE FOR REVISION OF THE CONVENTION OF 1914 FOR THE SAFETY OF LIFE AT SEA (S. DOC. NO. 80)

The SPEAKER also laid before the House the following message from the President of the United States, which was read and with accompanying papers referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Secretary of State, to the end that legislation may be enacted to authorize an appropriation of $100,000 for the expenses of participation by the United States in the International Conference for the Revision of the Convention of 1914 for the Safety of Life at Sea, to be held in London, England, in 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, *April 3, 1928.*

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 4115. An act for the relief of Winfield Scott;

H. R. 4116. An act for the relief of W. Laurence Hazard;

H. R. 4117. An act for the relief of Harriet K. Carey;

H. R. 11140. An act to provide for the inspection of the battle field of Kings Mountain, S. C.; and

H. R. 12245. An act to amend the War Finance Corporation act approved April 5, 1918, as amended.

The SPEAKER also announced his signature to enrolled bills of the Senate of the following titles:

S. 380. An act for the relief of Charles H. Niehaus;

S. 2537. An act to amend section 110, national defense act, so as to provide better administrative procedure in the disbursements for pay of National Guard officers and enlisted men;

S. 2827. An act granting the consent of Congress to the States of South Dakota and Nebraska to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.;

S. 2950. An act to amend the second paragraph of section 67, national defense act, as amended;

S. 3131. An act to provide additional pay for personnel of the United States Navy assigned to duty on submarines and to diving duty; and

S. 3558. An act authorizing Point Pleasant & Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Thursday, April 5, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, April 5, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide for the eradication of pink bollworm and authorizing an appropriation therefor (H. J. Res. 237).

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To provide for the transfer to the Department of the Interior of the public-works functions of the Federal Government (H. R. 8127).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act," approved June 3, 1924 (H. R. 10710).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the Secretary of the Navy to lease the United States naval destroyer and submarine base, Squantum, Mass. (H. R. 11922).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON THE JUDICIARY

(10.30 a. m.)

To amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions (H. R. 7951).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the immigration act of 1924 by making the quota provisions thereof applicable to Mexico, Cuba, Canada, and the countries of continental America and adjacent islands (H. R. 6465).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

For the relief of the State of North Carolina (S. 3097).

EXECUTIVE COMMUNICATIONS, ETC.

426. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Waymouth Fore River, Mass., from Hingham Bay to Quincy, was taken from the Speaker's table and referred to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII:

Mr. GAMBRILL: Committee on Naval Affairs. H. R. 5548. A bill to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct; with amendment (Rept. No. 1125). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 5718. A bill to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service"; without amendment (Rept. No. 1126). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSEYER: Committee on the Post Office and Post Roads. H. R. 7354. A bill to allow the Postmaster General to promote mechanics' helpers to the first grade of special mechanics; with amendment (Rept. No. 1127). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSEYER: Committee on the Post Office and Post Roads. H. R. 8728. A bill to authorize the Postmaster General to give motor-vehicle service employees credit for actual time served on a basis of 1 year for each 306 days of 8 hours served as substitute; with amendment (Rept. No. 1128). Referred to the Committee of the Whole House on the state of the Union.

Mr. PERKINS: Committee on Coinage, Weights, and Measures. H. R. 8907. A bill to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes; with amendment (Rept. No. 1129). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENDALL: Committee on the Post Office and Post Roads. H. R. 12605. A bill to enable the Postmaster General to purchase and erect community mail boxes on rural routes and to rent compartments of such boxes to patrons of rural delivery; with amendment (Rept. No. 1130). Referred to the Committee of the Whole House on the state of the Union.

Mr. PERKINS: Committee on Coinage, Weights, and Measures. H. J. Res. 243. A joint resolution to provide for the coinage of a medal commemorative of the achievements of Thomas A. Edison in illumining the path of progress through the development and application of inventions that have revolutionized civilization in the last century; with amendment (Rept. No. 1131). Referred to the Committee of the Whole House on the state of the Union.

Mr. PERKINS: Committee on Coinage, Weights, and Measures. H. R. 43. A bill to amend the act entitled "An act to standardize lime barrels," approved August 23, 1916; without amendment (Rept. No. 1132). Referred to the House Calendar.

Mr. WOLVERTON: Committee on Naval Affairs. H. R. 5644. A bill to enable an enlisted man in the naval service to make good time lost in excess of one day under certain conditions; with amendment (Rept. No. 1135). Referred to the House Calendar.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 11621. A bill to authorize the Secretary of the Navy to advance public funds to naval personnel under certain conditions; without amendment (Rept. No. 1136). Referred to the House Calendar.

Mr. FENN: Committee on the Census. H. R. 11725. A bill for the apportionment of Representatives in Congress; without amendment (Rept. No. 1137). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BURDICK: Committee on Naval Affairs. S. 2442. An act for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy; with amendment (Rept. No. 1133). Referred to the Committee of the Whole House.

Mr. STEELE: Committee on Claims. H. R. 8440. A bill for the relief of F. C. Wallace; with amendment (Rept. No. 1134). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Claims was discharged from the consideration of the bill (H. R. 12666) for the relief of William S. Shacklette, and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLANCY: A bill (H. R. 12674) authorizing the President of the United States to present in the name of Congress a congressional medal of honor to Capt. Edward V. Rickenbacker; to the Committee on Military Affairs.

By Mr. McLEOD: A bill (H. R. 12675) authorizing the President of the United States to present in the name of Congress a congressional medal of honor to Capt. Edward V. Rickenbacker; to the Committee on Military Affairs.

By Mr. PARKS: A bill (H. R. 12676) to amend section 2 of an act approved February 14, 1926, granting consent of Con-

gress for the construction of a bridge across Red River at or near Fulton, Ark.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12677) to amend section 2 of an act approved March 12, 1928, granting consent of Congress for the construction of a bridge across the Ouachita River at or near Calion, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. RAINEY: A bill (H. R. 12678) authorizing the Calhoun Bridge Co., an Illinois corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Illinois River at or near Grafton, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. COCHRAN of Missouri: A bill (H. R. 12679) to prohibit the recovery of any indebtedness to the United States from either the principal or the interest due and payable to any depositor from the military or naval service whose savings were intrusted to the Government under provisions of existing law; to the Committee on Expenditures in the Executive Departments.

By Mr. BUSHONG: A bill (H. R. 12680) authorizing an appropriation of $2,500 for the erection of a tablet or marker at Weiser Park, Pa., to commemorate the services of Conrad Weiser; to the Committee on the Library.

By Mr. BRIGGS: A bill (H. R. 12681) to authorize a survey of West Galveston Bay, Tex., and adjacent waters, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. CELLER: A bill (H. R. 12682) to amend section 283 of the Judicial Code, same being section 420, title 28, of the Code of Laws of the United States of America, in force December 6, 1926; to the Committee on the Judiciary.

By Mr. CRAIL: A bill (H. R. 12683) to regulate the shipment in interstate commerce of pistols, revolvers, rifles, and machine guns, and ammunition which may be used therein; to the Committee on Interstate and Foreign Commerce.

By Mr. FULMER: A bill (H. R. 12684) authorizing an appropriation of $2,000 for the erection of a tablet or marker, near Leesville, S. C., to commemorate the burial place of Capt. James Butler, sr., James Butler, jr., and the 20 American soldiers killed and massacred in the Battle of Clouds Creek in 1781; to the Committee on the Library.

Also, a bill (H. R. 12685) to amend an act entitled "An act to divide the eastern district of South Carolina into four divisions and the western district into five divisions" by adding a new division to the eastern district and providing for terms of said court to be held at Orangeburg, S. C.; to the Committee on the Judiciary.

By Mr. HAWLEY: A bill (H. R. 12686) authorizing the Secretary of War to accept from Sedgwick Post, No. 10, Grand Army of the Republic, a tract of land designated as soldiers' lot in the City View Cemetery, Salem, Oreg.; to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 12687) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce; to the Committee on Agriculture.

By Mr. JAMES: A bill (H. R. 12688) to authorize appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 12689) authorizing the sale of surplus War Department real property at Jeffersonville, Ind.; to the Committee on Military Affairs.

By Mr. MILLER: A bill (H. R. 12690) to amend the narcotic drugs import and export act of May 26, 1922, and for other purposes; to the Committee on Ways and Means.

By Mr. OLDFIELD: A bill (H. R. 12691) to provide for the further development of agriculture, home economics, and industry; to the Committee on Education.

By Mr. PEERY: A bill (H. R. 12692) to amend the interstate commerce act, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. REED of New York: A bill (H. R. 12693) to define fruit jams, preserves, jellies, and other products, to provide standards therefor, and to require the labeling thereof, and to regulate traffic therein, and for other purposes; to the Committee on Agriculture.

By Mrs. ROGERS: A bill (H. R. 12694) authorizing the Secretary of the Navy to provide an escort for the bodies of deceased officers, enlisted men, and nurses; to the Committee on Naval Affairs.

By Mr. VESTAL: A bill (H. R. 12695) to authorize the licensing of patents owned by the United States; to the Committee on Patents.

By Mr. WOODRUM: A bill (H. R. 12696) to increase the compensation for certain civilian employees of the Government of the United States and the District of Columbia, and to amend the salary rates contained in the classification act of 1923 as amended; to the Committee on the Civil Service.

By Mr. ZIHLMAN: A bill (H. R. 12697) to amend the Code of Laws of the District of Columbia relating to interest and usury"; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLGOOD: A bill (H. R. 12698) granting an increase of pension to Nancy Ellis; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 12699) granting an increase of pension to Fannie Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12700) granting an increase of pension to Mary A. Booth; to the Committee on Invalid Pensions.

By Mr. BUCHANAN: A bill (H. R. 12701) for the relief of the Taylor Country Club, Taylor, Tex.; to the Committee on Claims.

Also, a bill (H. R. 12702) for the relief of the Brenham Club, Brenham, Tex.; to the Committee on Claims.

By Mr. BUSHONG: A bill (H. R. 12703) granting an increase of pension to Isabella Reedy; to the Committee on Invalid Pensions.

By Mr. CARTWRIGHT: A bill (H. R. 12704) for the relief of Franklin Bourland; to the Committee on Indian Affairs.

By Mr. COHEN: A bill (H. R. 12705) for the relief of Lustbader Construction Co. (Inc.); to the Committee on Claims.

By Mr. COLTON: A bill (H. R. 12706) for the relief of the town of Springdale, Utah; to the Committee on the Public Lands.

By Mr. EDWARDS: A bill (H. R. 12707) for the relief of Julius Victor Keller; to the Committee on Military Affairs.

By Mr. ROY G. FITZGERALD: A bill (H. R. 12708) for the relief of John H. Lawler; to the Committee on Military Affairs.

By Mr. W. T. FITZGERALD: A bill (H. R. 12709) granting an increase of pension to Mary W. Plank; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 12710) granting a pension to John Bivens; to the Committee on Pensions.

Also, a bill (H. R. 12711) for the relief of certain members of a trail crew employed by the Forest Service; to the Committee on Claims.

By Mr. FULMER: A bill (H. R. 12712) granting a pension to Lula Gardner Crouch; to the Committee on Pensions.

Also, a bill (H. R. 12713) granting a pension to Ida C. Watson; to the Committee on Pensions.

By Mr. HARDY: A bill (H. R. 12714) for the relief of the Rocky Ford National Bank, Rocky Ford, Colo.; to the Committee on Claims.

Also, a bill (H. R. 12715) for the relief of the Rocky Ford National Bank, Rocky Ford, Colo.; to the Committee on Claims.

By Mr. JENKINS: A bill (H. R. 12716) granting an increase of pension to Rebecca M. Spires; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 12717) granting a pension to Elizabeth McCuen; to the Committee on Invalid Pensions.

By Mr. KORELL: A bill (H. R. 12718) granting an increase of pension to Helen M. Barnes; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 12719) granting a pension to Louis Annamiller; to the Committee on Invaild Pensions.

By Mr. McLAUGHLIN: A bill (H. R. 12720) granting a pension to Nora Porter; to the Committee on Invalid Pensions.

By Mr. MAJOR of Illinois: A bill (H. R. 12721) granting an increase of pension to Susan Jane Kessinger; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 12722) granting a pension to Joseph M. Cameron; to the Committee on Invalid Pensions.

By Mr. STEVENSON: A bill (H. R. 12723) granting a pension to Otho W. Thomas; to the Committee on Pensions.

Also, a bill (H. R. 12724) granting a pension to Martha Henkle Beckham; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 12725) granting an increase of pension to John O. Lind; to the Committee on Pensions.

Also, a bill (H. R. 12726) granting an increase of pension to Mary J. Jenness; to the Committee on Invalid Pensions.

By Mr. SWANK: A bill (H. R. 12727) for the relief of Caesar F. Simmons; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12728) granting a pension to Frank Sutton; to the Committee on Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 12729) granting a pension to Susan Lewis; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6365. Petition of Federation of Citizens' Associations of the District of Columbia, David Babp, secretary, relating to the farmers' market in the District of Columbia; to the Committee on the District of Columbia.

6366. Petition signed by Isabella Miller and 71 other citizens of Trinidad, Colo., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6367. By Mr. BACON: Petition of sundry citizens of Long Island, favoring the passage of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

6368. By Mr. BARBOUR: Resolution adopted by Grant Post, No. 9, Grand Army of the Republic, Department of California and Nevada, and affiliated organizations of Modesto, Calif., protesting against change of name of Arlington Memorial Bridge to Lincoln-Lee Bridge; to the Committee on the Library.

6369. Also, letter of affiliated organizations of the Grand Army of the Republic in the city of Fresno, Calif., urging increased pensions for Civil War veterans and widows; to the Committee on Invalid Pensions.

6370. Also, petition signed by residents of Fresno, Calif., urging enactment of the Tyson-Fitzgerald bill, for the retirement of emergency Army officers; to the Committee on World War Veterans' Legislation.

6371. By Mr. BRIGGS: Petition of a number of citizens of Galveston County, Tex., relating to pensions; to the Committee on Invalid Pensions.

6372. Also, petition of a number of citizens of Galveston County, Tex., relating to pensions; to the Committee on Invalid Pensions.

6373. By Mr. BURTNESS: Letter of E. A. Erickson, secretary-treasurer Farmers' Mutual Fire & Lightning Insurance Co., of Steele County, N. Dak., protesting against passage of the Oddie bill (S. 1752); to the Committee on the Post Office and Post Roads.

6374. Also, petition of 60 residents of Gilby, N. Dak., for increases in pensions to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6375. Also, petition of 29 residents of Buxton, N. Dak., for increases in pensions to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6376. By Mr. BURTON: Resolution of Cleveland Council No. 733, Knights of Columbus, Cleveland, Ohio, at a meeting held March 20, 1928, indorsing the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6377. Also, resolution of Hesperian Lodge No. 281, Knights of Pythias, Cleveland, Ohio, at its session March 22, 1928, indorsing the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6378. Also, resolution of Bedford Local, No. 1991, Bedford, Ohio, favoring the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6379. Also, resolution of Firemen and Oilers Union No. 52, Cleveland, Ohio, favoring the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6380. Also, resolution of Americus Lodge, Knights of Pythias, Cleveland, Ohio, at a meeting held March 27, 1928, favoring the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6381. Also, resolution of Paving and Sewer Inspection Local No. 109, Cleveland, Ohio, at a meeting held March 28, 1928, favoring the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6382. Also, resolution of Painters and Decorators' Local No. 765, Cleveland, Ohio, at a meeting held March 20, 1928, favoring the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6383. Also, resolution of Clark Lodge, No. 764, Knights of Pythias, Cleveland, Ohio, adopted at a meeting held March 16, 1928, favoring the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6384. Also, resolution of Minton Camp, No. 124, Woodmen of the World, Cleveland, Ohio, at a meeting held March 28, 1928, favoring the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6385. Also, resolution of Division 268, Amalgamated Association of Street and Electric Railway Workers of America, at a meeting held March 28, 1928, favoring the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6386. Also, resolution of Criterion Lodge, No. 68, Knights of Pythias, Cleveland, Ohio, at a meeting held March 26, 1928, favoring the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6387. Also, resolution of Subcourt Banner, No. 360, Independent Order of Foresters, Cleveland, Ohio, at a meeting held March 27, 1928, indorsing the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6388. Also, resolution of Carpenters Local No. 1365, Cleveland, Ohio, at a meeting held March 14, 1928, indorsing the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6389. Also, resolution of Goddess of Liberty Council 62, Daughters of America, Cleveland, Ohio, at a meeting of March 26, 1928, favoring the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6390. Also, resolution of Owatonna Lodge No. 62, Knights of Pythias, Cleveland, Ohio, at a meeting held March 26, 1928, indorsing the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6391. By Mr. CARSS: Petition of 49 residents of Two Harbors, Minn., favoring the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

6392. By Mr. CURRY: Petition of citizens of the third California district, for the abolishing of the national origins law; to the Committee on Immigration and Naturalization.

6393. By Mr. GARBER: Petition of Federal Steam Specialties Co., by J. C. Fullerton, secretary, of Oklahoma City, Okla., in opposition to House bill 9949, repeal of the present bankruptcy act; to the Committee on the Judiciary.

6394. Also, petition of Herman Olson, of Henryetta, Okla., in support of House bills 97 and 8143; to the Committee on World War Veterans' Legislation.

6395. Also, petition of residents of Medford, Okla., urging the enactment of legislation for the relief of the Civil War veterans and widows; to the Committee on Invalid Pensions.

6396. By Mr. HARDY: Petition signed by Sara J. Ashley and 53 other citizens of Pueblo, Colo., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6397. Also, petition signed by Barbara J. Millikan and 38 other residents of Rocky Ford, Colo., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6398. Also, petition signed by 142 citizens of Trinidad, Colo., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6399. Also, petition signed by Sarah J. Smiley and 117 other citizens of Olney Springs, Colo., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6400. Also, petition of 130 citizens of Aguilar, Colo., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6401. By Mr. HAWLEY: Petition of residents of Eugene, Oreg., opposing the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

6402. By Mr. HOGG: Petition of T. A. Meyer, Ray E. Hasbrook, and 128 other citizens of Fort Wayne, Ind., petitioning Congress to take immediate action on House bill 433, to provide $100 pension for all Civil War veterans and $50 per month for all their widows; to the Committee on Invalid Pensions.

6403. By Mr. HUDDLESTON: Petition of Robert McLeod Smith, in re income tax and regulations; to the Committee on Ways and Means.

6404. By Mrs. KAHN: Petition of numerous citizens of California, urging action on House bill 9494, a bill to amend section 9 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service"; to the Committee on Military Affairs.

6405. By Mr. KENDALL: Petition of certain citizens of Uniontown, Pa., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

6406. Also, petition of certain citizens of Hopwood, Pa., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

6407. By Mr. KINDRED: Petition of Forest Hills Post, No. 630, American Legion, urging the Congress of the United States to pass an amendment to the World War veterans' act of 1924 which will permit a veteran to name a bank or trust company to act as his trustee in order to distribute the proceeds of his war risk insurance in accordance with his wishes; to the Committee on World War Veterans' Legislation.

6408. By Mr. KVALE: Petition of members of the American Legion Auxiliary of Walter Tripp Post, No. 29, Morris, Minn., urging passage of the Butler bill (H. R. 7359); to the Committee on Naval Affairs.

6409: By Mr. LINDSAY: Petition of chamber of commerce, Los Angeles, Calif., praying that a brief submitted by said body to the chairman of the Senate Committee on Commerce and the chairman of the House Committee on the Merchant Marine and Fisheries, outlining the attitude of the Los Angeles Chamber of Commerce on the subject of American merchant marine, embracing close acquaintance and expert knowledge of the many ramifications of the subject, be given thoughtful consideration; to the Committee on the Merchant Marine and Fisheries.

6410. Also, petition of American Federation of Labor, Washington, D. C., submitting resolutions urging abolishment of the sea service bureau and shipowners' association shipping offices; to the Committee on the Merchant Marine and Fisheries.

6411. Also, petition of New York State Federation of Women's Clubs, Mount Vernon, N. Y., urging Congress to take favorable action on the Cooper-Hawes bill; to the Committee on Interstate and Foreign Commerce.

6412. Also, petition of John L. Brown, Brooklyn, N. Y., praying that House bill 11488 receive favorable action, it being a bill to provide for a pensionable status to members of the crew of the U. S. S. *St. Louis*, which served in the Spanish-American War; to the Committee on Pensions.

6413. By Mr. LUCE: Petition of residents of Ashland, Mass., urging increase in Civil War pensions; to the Committee on Invalid Pensions.

6414. By Mr. McLAUGHLIN: Petition of Mercy Ann Plotts and 120 other residents of Newaygo County, Mich., urging passage of bill providing increase of pension to Civil War veterans and their widows; to the Committee on Invalid Pensions.

6415. By Mr. MADDEN: Petition of the board of directors of the Hamilton Club, of Chicago, representing 4,000 members, urging flood relief legislation; to the Committee on Flood Control.

6416. Also, petition of the board of directors of the Hamilton Club, of Chicago, urging support of the Navy program now before Congress; to the Committee on Naval Affairs.

6417. By Mr. MILLER: Petition of citizens of Seattle, Wash., indorsing House bills 89 and 5681; to the Committee on the Post Office and Post Roads.

6418. By Mr. MORROW: Petition of Pantaleon Madrid Post, the American Legion, Santa Rosa, N. Mex., indorsing the Tyson-Fitzgerald bill for retirement of disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

6419. By Mr. O'CONNELL: Petition of the National Society, Daughters of the American Revolution, favoring the passage of the Capper-Gibson bill (S. 1907, H. R. 6664) for a woman's bureau in police department; to the Committee on the District of Columbia.

6420. Also, petition of the American Federation of Labor, Washington, D. C., favoring the amendment to the independent offices appropriation bill, which provides that none of the appropriation for the Shipping Board or the Merchant Fleet Corporation shall be used to maintain the sea service bureau; to the Committee on Appropriations.

6421. Also, petition of the Manhattan Broom Co., New York City, N. Y., favoring the passage of the Hawes-Cooper bill; to the Committee on Labor.

6422. Also, petition of the Walter L. Brown Co., of New York City, opposing the McNary-Haugen farm relief bill; to the Committee on Agriculture.

6423. By Mr. PEAVEY: Petition of numerous citizens of Superior, Wis., urging that the national-origins clause of the immigration law be annulled; to the Committee on Immigration and Naturalization.

6424. Also, petition of numerous citizens of Ashland, Wis., protesting against the passage of compulsory Sunday observance legislation, and particularly House bill 78; to the Committee on the District of Columbia.

6425. By Mr. RAINEY: Petition of C. D. McMurry and 136 other citizens of the twentieth congressional district of Illinois, for increased pensions for Civil War soldiers and widows; to the Committee on Invalid Pensions.

6426. Also, petition of Mrs. Sodema Shelley and 121 other citizens of Barry, Ill., for increased pensions for Civil War soldiers and widows; to the Committee on Invalid Pensions.

6427. By Mr. SCHNEIDER: Petition by numerous citizens of Luxemburg, Wis., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying rates proposed by the National Tribune in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6428. Also, petition by numerous citizens of Lena and Suring, Wis., indorsing and urging the passage of House bill 11410, to amend the prohibition act; to the Committee on the Judiciary.

6429. By Mr. SINNOTT: Petition of a large number of citizens of Scandinavian descent, residing in the States of Oregon and Washington, protesting against the new quota in our Federal immigration law and asking that the law be amended and the new quota provision repealed and the present quota continued; to the Committee on Immigration and Naturalization.

6430. By Mr. STRONG of Kansas: Petition of 35 citizens of Washington County, Kans., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6431. By Mr. SWING: Petition of citizens of San Diego, Calif., in behalf of Civil War veterans and widows; to the Committee on Invalid Pensions.

6432. By Mr. THURSTON: Petition of the Afton Business Club, unanimously indorsing the agricultural bill now pending before the Congress (McNary-Haugen bill); to the Committee on Agriculture.

6433. By Mr. WASON: Petition of J. W. Peirce and 38 other residents of Claremont, N. H., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

SENATE

THURSDAY, *April 5, 1928*

(Legislative day of Wednesday, April 4, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bill and concurrent resolution of the Senate:

S. 2549. An act providing for payment to the German Government of $461.59 in behalf of the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter; and

S. Con. Res. 13. Concurrent resolution to pay the necessary expenses of the joint committee appointed to represent Congress at the unveiling of the Stone Mountain monument at Atlanta, Ga., on April 9, 1928.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 9569. An act authorizing the payment of an indemnity to the British Government on account of the death of Reginald Ethelbert Myrie, alleged to have been killed in the Panama Canal Zone on February 5, 1921, by a United States Army motor truck;

H. R. 12178. An act to repeal Revised Statutes 1683 and part of title 22, section 32, of the United States Code;

H. R. 12179. An act to provide for the reimbursement of the Government of Great Britain on account of certain sums expended by the British chaplain in Moscow, the Rev. F. North, for the relief of American nationals in Russia in 1920;

H. J. Res. 145. Joint resolution to provide for the payment of an indemnity to the Chinese Government for the death of Chang Lin and Tong Huan Yah, alleged to have been killed by members of the armed forces of the United States;

H. J. Res. 146. Joint resolution to provide for the payment of an indemnity to the Dominican Republic for the death of Juan Soriano, who was killed by the landing of an airplane belonging to the United States Marine Corps;

H. J. Res. 148. Joint resolution to provide for the payment of an indemnity to the British Government to compensate the dependents of Edwin Tucker, a British subject, alleged to have been killed by a United States Army ambulance in Colon, Panama;

H. J. Res. 149. Joint resolution to authorize an appropriation for the compensation of William Wiseman;

H. J. Res. 150. Joint resolution to provide for the payment of an indemnity to the Government of the Netherlands for compensation for personal injuries sustained by two Netherlands subjects, Arend Kamp and Francis Gort, while the U. S. S. *Canibas* was loading on May 1, 1919, at Rotterdam;

H. J. Res. 151. Joint resolution to provide for payment of the claim of the Government of China for compensation of Sun Jui-chin for injuries resulting from an assault on him by a private in the United States Marine Corps;

H. J. Res. 152. Joint resolution authorizing and requesting the President to extend invitations to foreign governments to be represented by delegates at the International Congress of Entomology to be held in the United States in 1928;

H. J. Res. 153. Joint resolution for the contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship;

H. J. Res. 154. Joint resolution authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia;

H. J. Res. 259. Joint resolution authorizing assistance in the construction of an inter-American highway on the Western Hemisphere; and

H. J. Res. 262. Joint resolution requesting the President to extend to the Republics of America an invitation to attend a Conference of Conciliation and Arbitration to be held at Washington during 1928 or 1929.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	McKellar	Shipstead
Barkley	Fess	McLean	Shortridge
Bayard	Fletcher	McMaster	Simmons
Bingham	Frazier	McNary	Smith
Black	George	Mayfield	Smoot
Blaine	Gerry	Metcalf	Steck
Blease	Glass	Moses	Steiwer
Borah	Goff	Neely	Stephens
Bratton	Gooding	Norbeck	Swanson
Brookhart	Gould	Nye	Thomas
Broussard	Greene	Oddie	Tydings
Bruce	Hale	Overman	Tyson
Capper	Harris	Phipps	Wagner
Caraway	Harrison	Pine	Walsh, Mass.
Copeland	Hayden	Pittman	Walsh, Mont.
Couzens	Heflin	Ransdell	Warren
Curtis	Jones	Reed, Pa.	Waterman
Cutting	Kendrick	Robinson, Ark.	Watson
Dale	Keyes	Robinson, Ind.	Wheeler
Dill	King	Sheppard	

Mr. GERRY. I wish to announce that the junior Senator from New Jersey [Mr. EDWARDS] is necessarily detained from the Senate by reason of illness in his family. I ask that this announcement may stand for the day.

Mr. McNARY. I desire to announce that the Senator from California [Mr. JOHNSON] is necessarily absent on account of illness.

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, a quorum is present.

SENATOR FROM MICHIGAN

Mr. COUZENS. Mr. President, I present the credentials of ARTHUR H. VANDENBERG, Senator designate from the State of Michigan, and ask that they may be read.

The VICE PRESIDENT. The credentials will be read.

The Chief Clerk read the credentials, as follows:

STATE OF MICHIGAN,
EXECUTIVE DEPARTMENT.

Fred W. Green, Governor in and over the State of Michigan

To all to whom these presents shall come, greeting:

Know ye that, reposing special trust and confidence in the integrity and ability of ARTHUR H. VANDENBERG, in the name and by the authority of the people of the State of Michigan, I do appoint him Member of the United States Senate from Michigan.

And I do hereby authorize and empower him to execute and fulfill the duties of that office according to law; to have and to hold the said office, with all the rights, privileges, and emoluments thereto belonging.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed at Lansing this 31st day of March, A. D. 1928, and of the independence of the United States of America the one hundred and fifty-second.

[SEAL.] FRED W. GREEN.

By the governor:

JOHN S. HAGGERTY,
Secretary of State.

The VICE PRESIDENT. The credentials will be placed on file.

Mr. COUZENS. The Senator designate is present and ready to take the oath of office.

Mr. ROBINSON of Arkansas. Mr. President, I inquire of the Senator from Michigan if the Governor of Michigan has the power, under the statutes of that State, to make a temporary appointment of this nature?

Mr. COUZENS. He has the power, I will say to the Senator.

The VICE PRESIDENT. The Senator designate will present himself at the desk to take the oath of office.

Mr. VANDENBERG, escorted by Mr. COUZENS, advanced to the Vice President's desk, and, the oath prescribed by law having been administered to him, he took his seat in the Senate.

AMENDMENT OF GENERAL LEASING ACT

Mr. BRATTON. Mr. President, on yesterday the bill (H. R. 10885) to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437), passed the Senate. I ask unanimous consent that the vote by which the bill was passed may be reconsidered and that the measure be restored to its place on the calendar.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of Mississippi, which was ordered to lie on the table:

Senate Concurrent Resolution 15

A concurrent resolution to memorialize Congress and urge the Mississippi Members of Congress to pass the McNary-Haugen farm bill

SECTION 1. *Be it resolved by the senate (the house of representatives concurring therein)*, That the legislature memorialize Congress and urge the Mississippi Members of Congress to pass the McNary-Haugen farm bill, now up for consideration.

SEC. 2. That a copy of this resolution be mailed to each Member of Congress from Mississippi.

Passed the senate March 12, 1928.

Passed the house of representatives March 22, 1928.

I, Walker Wood, secretary of state of the State of Mississippi, do hereby certify that the above and foregoing is a true and correct copy of Senate Concurrent Resolution 15, Legislature of the State of Mississippi of 1928, as shown by the enrolled act thereof on file in my said office.

Given under my hand and the great seal of the State of Mississippi this the 3d day of April, 1928.

[SEAL.] WALKER WOOD,
Secretary of State.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the Federation of Citizens Associations of the District of Columbia, which was referred to the Committee on the District of Columbia and ordered to be printed in the RECORD, as follows:

Whereas numerous hearings and public discussions of the proposal to relocate the farmers' produce market clearly indicate that from 80 per cent to 90 per cent of the produce sold thereon will probably pass through wholesalers or jobbers and perhaps cold-storage warehouses; and

Whereas such an indirect method of distribution will result in increased commodity prices and thus tend to deny consumers of any financial benefit of enough consequence to warrant the cost of such a market being borne by the funds of the District of Columbia: Be it

Resolved by the Federation of Citizens Associations this 31st day of March, 1928, as follows:

1. That public funds raised by the taxpayers of the District of Columbia ought not be used to provide any kind of market that is to be largely of a wholesale character.

2. That provision might be made for a new and suitable retail market in a central location, with ample facilities for the sale by farmers of their produce, this new center market to be either a municipal activity or a private activity under proper public supervision.

3. And, further, the federation recommends that the present Center Market be retained as long as possible without interference with the Federal building program.

4. That copies of these resolutions be forwarded to the Speaker House of Representatives and the President United States Senate with the request that they be formally presented to the Congress and inserted in the CONGRESSIONAL RECORD.

5. That copies also be forwarded to the Commissioners of the District of Columbia, the citizens' advisory council, the Bureau of the Budget, and the chairmen of the Senate and House Committees on the District of Columbia.

Mr. WAGNER presented resolutions adopted by the International Unemployed Conference, at Washington, D. C., which were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

Resolutions adopted by the International Unemployed Conference, Washington, D. C., April 3, 1928

Whereas we have so much alleged prosperity on the one hand; and

Whereas we have so much destitution and unemployment on the other; and

Whereas we have both the ability and inclination to work if but given the opportunity; and

Whereas millions of people have no permanent address because they have not permanent jobs and, being necessarily migrants, have lost their ballot: Be it therefore

Resolved, That the Government extend its unemployment activities and further establish free Federal employment bureaus in all cities, thus to displace private, fee-charging employment agencies; and be it further

Resolved, That we call upon Congress further to make provisions for public works at the regular union scale of wages; and be it further

Resolved, That the Government establish a standard six-hour working day for all workers in order to keep pace with overproduction that is the result of application of modern machinery and business methods in industry; and be it further

Resolved, That Congress pass a national old-age pension and unemployment insurance bill; and be it further

Resolved, That the income tax law be allowed to remain as at present in force, and that the surplus created therefrom be used to establish a national old-age pension and unemployment insurance fund; and be it further

Resolved, That the present immigration law and quota restriction acts remain the same as now, rather than be made more drastic; and be it finally

Resolved, That we petition Congress to the end that all American citizens who may be migrants through lack of employment be accorded full balloting rights.

Mr. CURTIS presented six petitions numerously signed by citizens of Topeka, Parsons, Augusta, Mound Valley, and Linn County, and sundry other citizens, all in the State of Kansas, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Hesston, Kans., remonstrating against the passage of the so-called Oddie bill, being the bill (S. 1752) to regulate the manufacture and sale of stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 2804) to amend section 812 of an act entitled "An act to establish a Code of Law for the District of Columbia," as amended, reported it without amendment and submitted a report (No. 702) thereon.

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (S. 2019) to amend an act entitled "An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes," approved May 22, 1926, reported it with an amendment and submitted a report (No. 703) thereon.

Mr. JONES, from the Committee on Commerce, to which was referred the bill (S. 1964) to establish a fish-cultural station in the State of Montana as an auxiliary to the Bozeman, Mont., fisheries station, reported it without amendment and submitted a report (No. 704) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 745. An act to authorize the establishment of a fisheries experiment station on the coast of Washington (Rept. No. 705);

S. 1261. An act to establish a fish-hatching and fish-cultural station in the State of Idaho (Rept. No. 706); and

S. 3437. An act to provide for the conservation of fish, and for other purposes (Rept. No. 707).

Mr. JONES also, from the Committee on Commerce, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 721. An act to establish a fish-hatching and fish-cultural station in the State of New Mexico (Rept. No. 708); and

H. R. 11022. An act to extend medical and hospital relief to retired officers and enlisted men of the United States Coast Guard (Rept. No. 709).

Mr. JONES also, from the Committee on Indian Affairs, to which was referred the bill (H. R. 431) to authorize the payment of certain taxes to Okanogan County, in the State of Washington, and for other purposes, reported it without amendment and submitted a report (No. 710) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CAPPER:

A bill (S. 3901) to suppress fraudulent practices in the promotion or sale of stocks, bonds, and other securities sold or offered for sale within the District of Columbia; to register persons selling stocks, bonds, or other securities, and to provide punishment for the fraudulent or unauthorized sale of the same;

A bill (S. 3902) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia; and

A bill (S. 3903) to provide for the reinterment of bodies now interred in the grounds of St. Francis de Sales Church in the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 3904) granting an increase of pension to Clara E. Walker (with accompanying papers); to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 3905) granting a pension to Thurman Constable (with accompanying papers); and

A bill (S. 3906) granting a pension to Anna Constable (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3907) granting a pension to Mary Michael (with accompanying papers);

A bill (S. 3908) granting an increase of pension to Elizabeth H. Meredith (with accompanying papers);

A bill (S. 3909) granting an increase of pension to Nancy J. Hogan (with accompanying papers);

A bill (S. 3910) granting an increase of pension to Harriet Williams (with accompanying papers); and

A bill (S. 3911) granting an increase of pension to Henry S. Corp (with accompanying papers); to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 3912) for the relief of Gustave Hoffman (with accompanying papers); to the Committee on Post Offices and Post Roads.

A bill (S. 3913) to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota, for the production of forest products, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 3914) to prevent the use of Federal official patronage in elections and prohibit Federal officeholders from misuse of positions of public trust for private and partisan ends; to the Committee on Privileges and Elections.

By Mr. DALE:

A bill (S. 3915) granting an increase of pension to Lilian A. Fisk (with accompanying papers); to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 3916) granting an increase of pension to Alice C. Risley (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 3917) for the relief of the State of Florida; and

A bill (S. 3918) for the relief of the State of Florida; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 3919) awarding a gold medal to Lincoln Ellsworth; to the Committee on Commerce.

By Mr. FESS:

A joint resolution (S. J. Res. 123) concerning lands and property devised to the Government of the United States of America by Wesley Jordan, deceased, late of the township of Richland, county of Fairfield, and State of Ohio; to the Committee on the Judiciary.

DELETERIOUS FOODS, DRUGS, ETC

Mr. BRUCE submitted an amendment intended to be proposed by him to the bill (H. R. 487) to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

INLAND WATERWAYS CORPORATION

Mr. SHIPSTEAD submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 1760) to increase the capital stock of the Inland Waterways Corporation, which was referred to the Committee on Commerce and ordered to be printed.

FARM-LOAN AND BANKING SYSTEMS

Mr. BLEASE. I ask to have printed in the RECORD articles on the farm-loan system and the banking system.

The VICE PRESIDENT. Without objection, leave is granted.

The matter referred to is as follows:

[Extract from Farmers' National Magazine]

HOW POLITICIANS HAVE RUINED FEDERAL FARM-LOAN SYSTEM'S POSSIBLE ASSISTANCE TO THE AMERICAN FARMER

One of the modern crimes is the ruination of the Federal farm-loan system, due to the withering hand of politics being permitted to touch it, under the guise of an amendment to the fundamental farm loan act of 1916, whereby the great system was placed under the direct control of outside politicians, who have not 1 cent involved in its capitalization, but who so completely dominate its operation as to preclude assistance to the farmers who depend upon it for financial assistance in carrying on their business, as intended when this act was first passed by Congress.

While many politicians have raised the hue and cry that dangerous Russian propagandists were intruding into the affairs of the United States, particularly as related to our relations with Mexico, an even worse lot of free thinkers have captured the great Federal farm-loan system and are to-day engaged in a pillage which would make ancient Rome's downfall look like a Sunday afternoon picnic.

We have long-haired Ikeovitch and his family of little Ikes in complete control of the Federal farm-loan system. But do not forget that Ike is a very wonderful fellow. He has a remarkable record back of him. He faces an even more thrilling experience, but the fact that the United States Government and the thousands of farmers who now "hold the bag," assuming the 10 per cent liability which makes the farm-loan system substantial, does not worry Ike a little. Like his former political appointees, he will vanish into the vapor of the "lame-duck" class the moment things become too hot and will have the most complete alibi, just as similar types have in the past.

Ikeovitch has endeavored to cure many human ills—using public and private funds contrary to the Constitution and in direct violation of property rights. But his latest scheme is one of the finest, widest, and wildest that he has evolved and put into effect. It provides him and his appointees with a gigantic superpolitical machine to dominate the alleged cooperative presently farm-owned Federal land-bank system. The farmers who secured loans through the 12 land banks have now completely paid off their stock subscriptions, advanced by the United States Treasury, and they, the farmers, assume all the liabilities necessary to make this a strong, going American-banking system. But it is Ike and his tribe that completely dominate the system! Isn't this a cute way of "doing the farmer" a favor?

Ike, as you may recall, does not limit his activities to mere geographical dimensions. Oh, no. America is now witnessing one of his great achievements in the steal of the farmer's loan system, but Ike is quite cosmopolitan as a character, a citizen of the world, we might add, and has recently spent a large part of his vacation over in Russia, seeking out ideals to implant in the Federal farm-loan system. He is charmed with the farmer's banking system as carried on by the Russians, and he has, thanks to the shortsighted action of Congress, been able to adopt this same system on a nation-wide scale in the United States. He has taken over the farmer's banks! No; not in Russia—right here in the United States, "the land of the free and the home of the brave." Thus we have seen a modern miracle, Republican appointees turned into real, honest-to-gosh bolshevist politicians, right before your eyes.

We ought not to mention the fact, but it is interesting to note. The folks over in Russia harkened unto Ikeovitch and placed their successful cooperative rural banks, which had been privately owned and operated under the control of the terrible czar, and later under red Lenine and redder Trotsky, in the hands of Ike's crowd. Ike made almost as great a success as a banker in Russia as he is about to become in the United States. After he and his followers had had a few months' time to work out their blessings, money in Russia became about one thousand times less valuable than before Ike started out, and even the farmers, the political-dominated banks Ike operated, had no faith in them. Later nobody had faith in the financial system, so this is the reason Ike's crowd moved over to the United States and took over the Federal farm-loan system. And they are now having one heck of a time trying to make it go.

But Ike can not be discouraged. He is really jubilant with the progress he has made in this country. He packed the Banking and Currency Committee rooms of the House and the Senate with his appointees—the "job snatchers" who received their pittance from his political system, and they all testified that it would be most unsafe and surely unsound to let the farmers who owned the 12 Federal land banks operate them; it would not even be considered quite right that the farmers who owned these banks to have even a majority of the directors on the board. And, would you believe it, contrary as this system is to every principle of American rights, the Congress had the audacity to adopt the amendment as Ike's crowd wrote it, and they actually took the 12 Federal land banks away from the farmers who owned them, putting in the stead of the farmers men possessed of more political "pull" than sound judgment or experience in either agriculture or banking!

This national robbery stands alone in annals of the history of congressional action, but the worst of it all was that Washington propagandists had the audacity to then proclaim to a waiting world that they had enacted farm legislation which would be helpful to farming interests. This, after they had actually robbed the farmers of millions of bank stocks, turned this vast sum over to politicians to manipulate but left the farmer still holding the bag of liability. In justice, when Congress turned these banks over to the politicians, they should have made provision for the same politicians, not the robbed farmers, to have assumed the liability. But no, they were "helping" the farmers.

The fact is, as every sane man well knows, politically controlled banks have nowhere on the face of this earth resulted otherwise than in deplorable failure. Yet, in the face of this demonstrated fact, we witness an American Congress going into just that sort of business on a gigantic, nation-wide scale, leaving the rightful, legal owners—the farmer stockholders—with the privilege of paying the poor debts instituted by politicians.

THE BEGINNING OF THE END

Under political control banks first lose the faith of patrons and borrowers, and later the bond buyers. The latter has now taken place, though farmers lost faith in the system long ago, when Congress made those first mismoves of turning the system over to political domination.

Sound banking means that he who owns the bank's stock and assumes the bank's liability enjoys managing power over the institution. This theory is not confined to any special spot on the earth; it is recognized as essential to sound economy everywhere. We must realize, therefore, that those, in and out of Congress, who adopt the directly opposite view, are as thoroughly unfamiliar with sane banking and sound finance as they are in justice to property owners.

This superpolitical system of land banks has set up a supreme board in Washington to run the farmer's business for him. It is given power of selection, appointment, and domination of all officials, naming more politicians to help other politicians to operate a banking system owned by farmers. In each of the land banks—12 in all—throughout the United States, this same political board had placed a majority of the directors (at fancy prices); but they were very kind and considerate, for they permitted a minority of men elected (?) by the farmer owners to come down to the land bank now and then and watch the politicians operate the bank.

But they let the farmer owners pay all the bills! Isn't that kind? It is without parallel in American business. The farmer owner of the Federal land bank, who owns all the stock and assumes all the liability, is thus made a helpless outsider—a goat and a monkey!

POLITICS AND OIL DON'T MIX

The recent startling revelations of the Republican administration's operations in the now infamous Teapot Dome Oil Co., demonstrated only too well that "politics and oil don't mix." And we can not mix politics and politicians with private business enterprise, whether we hope to operate a peanut stand or a farmers' land-banking system. Political control of private enterprises has ever resulted in sad and expensive disasters. The reasons are plain, as every sane-minded American well knows.

Political control squeezes out individual initiative and opportunity, individual rewards and punishments; nobody has a free hand, no one is directly responsible. Political control decides economic questions politically, which can only be done at enormous cost.

North Dakota demonstrated the results accruing from political control and manipulation of private enterprises. No one to this day doubts the entire integrity of the North Dakota farmer to make good any promise that he may make; no one fails to recognize the great and varied natural resources of that State, but for a time North Dakota, under politically controlled banking systems, could not sell North Dakota bonds to investors in sufficient quantities to carry on North Dakota business. It was because North Dakota for a time persisted in doing business entirely contrary to sane banking rules. People in and out of the State lost confidence in those charged with the operation of the political banks. That moment the usefulness of those banks terminated.

SUPERPOLITICAL BANKING SYSTEM

And, strange to relate, with the lesson, sad as it was, that North Dakota fully demonstrated for the loose thinkers of this country, in face of this record, the American Congress set about putting into effect a similar, only more gigantic political banking system, a great superorganization in charge of farmer-owned banks operating in 48 States

and Territories beyond the sea, and took out of the hands of the more than 4,000 cooperative national farm loan associations, whose members owned the stock in those banks, all vestage of American property rights, or the simple operation of that which the farmers had digged into their pockets and paid for!

It is not strange that investment capital in recent days is turning away from the purchase of Federal land-bank bonds and is seeking premiums elsewhere. Investment always turns its back on political affairs. Experience goes to show that successful banking therefore lies in the opposite direction, depending for security upon the active management of the institution by the owners—not by outside "changing" politicians.

What scant latitude political control leaves for efficient administration is patent to even the average citizen. We know from bitter experience the many ill effects of such control on business in general, and upon every business in particular that has ever come under its domination. The same adverse causes that have affected other business enterprises that have come in contact with political domination is now also working havoc, disappointment, and disaster to the Federal farm-loan system.

SHOULD SERVE GREATEST INDUSTRY

The Federal farm-loan system was intended to serve America's greatest industry—agriculture. Compared with all other industries, the farm industry is still larger, with its $80,000,000,000 invested capital and enormous turnover. It also employs more men than any other enterprise. Yet this is the only industry in the United States upon which Congress has forced political domination. If political control is not efficient for lesser industries, why did Congress make the farmer the only goat in the country by placing politicians in control of the banking system which the farmers own?

This is a critical question which some of the politicians who forced the system down the throat of farmers will have an opportunity to answer—sad for the politicians—at the election box this fall.

This superpolitical banking system has been instituted at the expense of the farmer and has been attended by the usual reduction of service. The story might have been far different had agriculture enjoyed a sound, sane, and safe banking system, owner-controlled, such as has so long served commerce and industry and which has stood the test of time.

In face of this deplorable situation now Congress is setting about establishing another more gigantic superpolitical system, with a similar political farm-loan board at the head. Congress seems never to learn. They are again going "to do the farmer" at the farmer's expense, and again we shall have a new staff of political wet nurses going around the country to take care of the poor farmers.

The radical suggestors usually are frank enough to acknowledge that they have no faith in the farmer as a business man—beyond the ability of the farmer to feed and clothe them!

A COMPARISON THAT IS STRIKING

Stockholders of our national banks elect every one of the officers of their banks and this procedure has been directly responsible for the creation of a banking system in which all persons have the fullest confidence and good faith. These same banks, if controlled by politicians, would soon prove as unsatisfactory as do the Federal land banks under the present political control.

The National, State, and trust banks of the United States would not for one moment tolerate Congress enacting an amendment to the banking laws which would result in a majority of their directors being political appointees and throwing out the actual owners from management. Why should Congress expect the farmers to stand for any such steal of their property rights, and what sane man can expect these land banks to function as they should while politicians dominate that which is the property of outsiders (farmers) who now have no property rights that they are able to control in the management of the banks?

[Extract from the Forum Magazine, New York City]

LET THE FARMER RUN HIS OWN BANKS

Long since the American farmer has repaid to the United States Treasury the money advanced to capitalize the 12 Federal land banks. This same farmer should now be permitted to occupy a seat in the banking house he has created, and the politicians who have dominated these banks for the past decade should be cast out. The future security and usefulness of this system depends upon this.

The tiller of the soil should be permitted to add banking to his business, as the original farm loan act provided, and the amendment of Congress which deprived the farmer of his property rights should be repealed at once.

The farmer should have under his control a banking system capable of meeting the urgent needs of agriculture. This would place this greatest industry on a par with our smaller enterprises, which have enjoyed private financial support for years, and upon which the soundness of modern business rests and depends for its security and soundness.

Although cooperation has made immense strides in agricultural America in recent years, the establishment of the more than 4,000 cooperative national farm loan associations, serving practically every farm community and section of the country, outstretches any previous achievement in this direction.

Cooperation is in no sense a new idea, but it remained for the permanent establishment of the cooperative Federal farm-loan system to give to the American farmer a cooperative agency national in extent and service. Prior to the advent of these associations and land banks, cooperation thrived only in limited areas and served farmers producing only specialized products, such as apples, cotton, oranges, and tobacco. Thus, the present cooperative banking system of the American farmer stands as the first successful milestone of his united effort on a nation-wide basis.

Many have advised that the American farmer is incapable of teamwork, yet he has builded this, the greatest of all cooperative institutions. He owns the stock and assumes all the liability on a cooperative basis, and has successfully answered the ancient financial problem of the tiller of the soil. Working together as one body, thousands of farmers have solved problems impossible of achievement on individual lines.

For many years prior to the establishment of the Federal farm-loan system, it was apparent that, unless more means was provided to supply money for agricultural purposes, on a long-term amortization plan, and at low interest, agricultural development in the United States would not only cease, but the whole industry would degenerate.

The farmer had hitherto been the ultimate goat, to whom the money lenders successfully passed the buck of high commissions and fat interest rates. Practically alone of all industrial leaders, the farmer was the only one who did not control the money he produced and was forced, under the prevailing system of finance, which was in the hands of outside interests, to pay what was asked.

With this millstone about his neck, the farmer struggled on for the generation after the Civil War, farming becoming less and less profitable and more and more discouraging until in 1916, after every conceivable plan had been considered, Congress borrowed from Europe a plan which had proven successful there and attempted to so modify it as to meet the need of the American farmer. This plan, so modified, is known as the Federal farm loan act, approved July 17, 1916.

Those who would aid the farmer to salvation in money matters well appreciated that in this, as in all other agricultural problems, it was a matter for the farmer to himself execute. To establish the system a temporary board was appointed to officer each of the 12 Federal land banks, whose term of office should terminate upon the final payment into the Treasury of the money advanced to the farmer to capitalize these banks.

When we consider that the American farmer owns an $80,000,000,000 enterprise, with a yearly business of more than $20,000,000,000, we soon appreciate that this tiller of the soil is a business man of no small means. And, like all other business men, the farmer requires available finance, plenty of it, when he needs it, to carry on this great business of producing food and clothing.

When we look on the debit side of the farm ledger we discover that the 12,000,000 farmers have mortgages aggregating $8,000,000,000 and that the annual interest on these calls for a tribute of more than $600,000,000 a year or $50,000,000 per month. Statistics recently collected show us that whereas the city merchant, the broker, and other business men, whose security is not as stable as that of the farmer, enjoy interest rates of from 4 to 6 per cent, the farmers of the country, on the average, pay from 8 to 10 per cent interest, and large commissions for their loans.

Many have wondered that the American farmer, our greatest prime producer, has not long since become our capitalistic class. America is the only continent in the world with large agricultural holdings where the land-owning folk are not the capitalists. In Germany, in Great Britain, in Denmark, in France, and even in Japan, to own land is tantamount to having wealth; to be a farmer is to belong to the most powerful class in the country. Why is it that the American farmer, with this same agricultural leadership, does not likewise enjoy the same position as farmers of these foreign lands?

When we set about answering this question, we at once discover that we are in the center of one of the most perplexing problems of the hour; possibly the most vexing and complex of the many reconstruction problems facing the United States to-day; problems that have seriously menaced our agricultural industry ever since the close of the Civil War. We face the manifold problems of farm credits and farm markets. No class of business men in the United States pays a higher interest rate for the money he borrows than does the farmer, and he receives barely 40 per cent of the market price of his produce when he disposes of it.

As America, as a continent, is no longer surrounded by the atmosphere of sweet and contented remoteness from the rest of the world, but must face a world audience in competition in all lines, so also, our greatest business man—the farmer—must compete with farmers of all other countries, not only in foreign markets but also in our markets.

Farmers of Europe, because of their superior loan organizations, have for a generation been able to borrow money upon the same basis as commerce, business, and industry; during the same period our American farmers have paid nearly twice as much, and then have been only inadequately financed.

At present agriculture is on the decadence. I say decadence in the term that agriculture is not now a growingly popular industry. Right now there are two persons in the city and town to the one upon the soil. Our urban population has increased 34 per cent in the past decade. Our rural population has increased by 11 per cent. Ten per cent of our national population now reside in three of our large cities; 60 per cent live in small towns; and but 30 per cent reside out in the open country, upon our farms, and are producers of food and clothing. Yet we meet men every now and then who say that they can not see for the world why farming should not be the most profitable and enjoyable of industries. There must be some reason for the decadence of farming—and there is.

The unsatisfactory, haphazard marketing system now in vogue is one of the most discouraging items, while the $8,000,000,000-mortgage load the farmer carries seems to be the last straw.

The banker is educated in banking; the farmer is trained in farming. We can not expect that the banker will appreciate the vital needs of agriculture when he depends upon city trade for his greater business. Of the 7,613 national banks, book records of 1,247 showed extortionate rates charged farmers for loans. These same banks, while charging the city merchant, manufacturer, storekeeper, railroad operator, and promoter anywhere from 4 to 6 per cent interest, were at the same time charging the farmers they served anywhere from 18 to 60 per cent interest.

The highest rates charged farmers were found in Texas, Oklahoma, North Dakota, Georgia, and Alabama, although 12 per cent was considered very moderate in the Rocky Mountain section.

In other words, if a farm boy wished to become a city merchant, he could go to the average bank and secure a loan at from 4 to 6 per cent. If, however, the same farm boy wished to become a farm operator, the banker looked with disfavor upon him, and charged him several times as much for the use of the same money. These statements are not manufactured to paint a pretty picture but are taken from sworn statements filed by officials of these banks with Members of Congress who investigated the matter.

We need no longer, it would seem, wonder why it is that the modern farm boy goes to the city instead of remaining on the farm. For every dollar loaned on farms, $6 are loaned on city real estate. For every $2.50 loaned on farm lands, $97.50 is loaned on factories.

The railroads of the country seem to believe they face a most grave future. All our railroads put together employ only 2,500,000 men—our farms employ 12,500,000. The railroads support 10,000,000 people; the farms 40,000,000, and feed not alone their own population but the whole country, as well as millions abroad. Nevertheless, through the regular finance channels, our farmers can borrow only one dollar to the ten the railroads borrow.

It was lack of farm financial support at the close of the Civil War, and the resultant evils attached, that were responsible for the mad rush to the cities. Our agricultural industry has never overcome that handicap. At the close of every war in history, it has been noteworthy that money, ready liquid fluid, rushed to the aid of industry and commerce, leaving the farmer to trail his own flocks, pursue his plow, seed his field, harvest his crops, as he might. The farmer has been forced to shift for himself, and without an organization through which to meet his needs or with which to equip himself to cope with existing conditions, agriculture suffered.

SELFISH POLITICIANS DOMINATE SYSTEM

Just as there were certain selfish political interests that would have deprived the American farmer of much-needed farm financial assistance back in 1916, when the farm loan act was passed, so also the same type of selfish politicians have been at hand to deprive the farmer from coming into his own in the establishment of a cooperative farm-loan system, and under the guise of Government supervision have put across a system of political plundering which has resulted in politicians completely dominating the system. This has not only defeated the farmer in enjoyment of his property rights but has resulted in the practical termination of the usefulness of the system to agriculture, so also now, as the farmer-owners of the cooperative Federal farm-loan system are about to come into ownership and control of the system they have created, under Government supervision, there is a minority who would defeat the farmer of the enjoyment of his business.

The war seems to have given a few in this and other countries a conception that a supergovernmental state should be created for all things individual. First, some would have had the Government own and run the railroads. It was well that the radical element did not prevail in that. Then, not content to permit the natural laws of supply and demand to dominate the price of farm produce, a set of radical leaders would have the Government guarantee a fixed price on all farm produce. The sane and sound business farmer prevailed in that test, and the supergovernmental plan passed into vapor.

Because the Federal Government, through its politically appointed directors of the farmers' land banks, first engineered these banks, there is a minority who would continue this plan, despite the fact that the capital of the banks is owned by the farmer borrowers, and the liabilities are all assumed by these farmers. Every farmer who has secured loan service through the Federal farm-land system has been legally forced to subscribe to capital stock in these banks and assume the liability, with the promise that when he had paid back to the Federal Government the advanced capital of the banks, he would come into control and management of them. Of all the radical recommendations made in either America or Russia, the most unique is the one which would have the farmer capitalize a banking system, assume the liabilities, guarantee the bonds which make it possible, and then permit outsiders, especially political appointees, manage and dominate the system, rather than the farmer owners.

Since to deprive the owners of any banking system of the fullest property rights and expressions would be unconstitutional, not to say un-American, and since farmers and sane business men do not wish the United States Government to become banker, baker, and candlestick maker, the present Government operation of the farmer-owned Federal land banks strikes at the basic fundamental principles of our form of government, and is a direct violation of justice and honor on the part of the Congress which withdrew from these property owners the capital-stock control which they possess. How can any political party go to the farmers and ask for votes when they have thus deprived that class of citizens of their just rights?

[Extracts from article in Good Business]

SUBSIDIES THREATEN SHIP OF STATE

By Henry Swift Ives

Government ownership and control of business may be defined as the substitution of Government deficits for private profits. It is taxation for confiscation. It is the first and last step in the socialist seduction of Democracy. It pretends to take away from those who have for the benefit of those who have not, but in reality it takes away from all to the injury of all.

It is an attempt to subsidize mediocrity by penalizing genius, but actually the only effect of such a subsidy is to make mediocrity even more mediocre. It represses the reproductive processes of capital and then tries to revive them by a tax-gland operation. It is destructive of wealth growth and productive of debt growth. It makes politics instead of business the national dividend producer.

It promotes waste and demotes savings. And its whole tendency leads directly to the ultimate absorption by the State of all private property rights.

Despite this record, which reads like a list of bank suspensions in a bank guaranty State, there has developed in this country a very healthy agitation for the adoption of a system which hasn't worked anywhere else.

We are violently opposed in this country to permitting industry to run the Government, but unfortunately there are many who actually favor Government operation of industry. Both of these ideas of sovereignty are as old as the hills and as sterile as the desert. Each contemplates an autocracy.

The only effect of State interference is to supplant order with confusion. Industry to-day for the most part is two jumps ahead of the requirements of the people; most governmental organizations are two jumps behind.

The one great danger of Democracy is that it may fail to be true to itself; that it may forget its own ideals.

[Reprint from Usury and Usury Laws, by Ryan. Copyright by Houghton Mifflin Co.]

THE COST OF SUBSIDIZED BANKS

The farmers in the agricultural sections of the United States for many years have been striving to get lower interest rates upon farm loans. They think they should be able to borrow capital upon as favorable terms as are ordinarily granted to large manufacturers and commercial concerns. This has been a large factor in keeping the usury laws upon the statute books of the different States.

Usury laws simply do not operate. A statute can not control the market rate for productive loans. All the data submitted shows that these general blanket statutory maximums for all kinds of charges for all kinds of loans are not only powerless but mischievous. But the problem still remains. The farmer wants lower interest rates.

But the securing of lower interest rates for farmers must come in a different way from that of artificially controlling interest rates by statute. Progress is already being made. When steps are taken that will effectually reduce the losses on bad loans by rural bankers, their loan charges will automatically come down.

The Federal land-bank system is an ingenious device to promote the movement of capital into agricultural loans. Each Federal land-bank bond is the obligation of the entire system, and each loan made as a

basis of the bonds is subjected to a set of strict standards before it is approved. This operates to even up the differences in agricultural interest rates.

The exempting of Federal land-bank bonds and joint-stock land-bank bonds from income taxes is an additional method by which interest rates are being cut down for the farmer. This, in reality, is subsidizing the farmer. By this system he is enabled to borrow at lower rates because of the low rates at which the bonds sell. But the taxes which the bondholders escape paying by this method must be paid by other taxpayers, who thus pay extra taxes in order that the farmer may borrow at lower rates. I do not think that this method of getting lower rates of interest for farmers is socially justifiable.

The best measures that are being taken are along the lines of pooling the credit standing of the community and holding up the economic solidarity of the farm neighborhood. If the results obtained by this method in European countries can be gotten here it will not be many years until interest rates will be much lower in the agricultural sections of the South and West.

THE SYSTEM LACKS CONFIDENCE OF FARMERS

The story is told of a certain monastic brother who, with others of his order, built a mission in what is now the Republic of Panama. Because this story seems to carry a business moral we are using it as the basis for the January editorial.

The mission brothers who carried civilization into the dark places in the early days were of sturdy pioneer stock, inured to hardships, and of self-sacrificing temperament. The little company that decided to build the mission in Panama were of necessity both architects and artisans.

The materials were wrested from nature, toilsomely transported by semiprimitive methods, and converted into the buildings that even to-day stand as monuments to their painstaking craftmanship.

One of the problems confronting these builders was the erection of an arch. Many times this arch was erected, but when the last stone was set it refused to stand. Undaunted by failure, however, one after another tried to so design and build the arch that it would stand, and finally, after many had failed, one of the brothers stepped forward and accepted the responsibility.

The arch was built according to his plans and under his supervision. When the last stone was about to be set this man stood under it. "If it falls, let it fall on me," he said. But the arch did not fall. It stands to-day and is called the flat arch. It is visited by tourists, and is known the world over, and so is the designer whose confidence in his work was so great that he was willing to accept full responsibility, even to risking his life.

In this story there is a moral that is applicable to our business. On every hand we hear of guaranties of performance. Some of them mean a great deal and are conscientiously backed up by every ounce of energy and intelligence that the organizations making them are capable to muster; but too often these guaranties are empty promises, just plain words, nothing more.

To the farm-mortgage banker who builds and yet steps aside, as did the brothers who failed in their efforts to build the arch, there is a lesson in the act of the brother who stood squarely under the arch. He accepted responsibility—he backed his guaranty with every resource at his command. He did not make wonderful promises and fall short on delivery.

In business we must stand under the arch squarely—we must meet every condition fairly. The farm financier or business man who fails to do this will inevitably forfeit the confidence of his patrons, and leadership will just as surely accrue to his competitor who says: "If it falls, let it fall on me." This is graphically illustrated in a nation-wide banking system, enjoying all the special privileges which a kind Congress could surround it with, but which continues to want for the confidence of the special class it was to serve, because that class knows that the men back of the system are not willing to stand under the arch which they have builded.

[Extracts from address by C. C. Ferguson, Great Western Life Assurance Co., Winnipeg, Manitoba]

FAILURE OF GOVERNMENT-CONTROLLED BANKS

Financial credit can only be expected in directions to which sound methods of finance can be applied, and the chief essential is the question of adequate security. We can not have a healthy financial system while credit is granted on inadequate security, though we may have a seeming prosperity, which is as dangerous as it is unreal, leading people into ill-considered courses of an extravagant and speculative character.

Such have been the results of the unwise and artificial aids to agriculture which have been granted by governments in the United States, and which have aggravated rather than mitigated the agricultural depression in that country.

Legitimate and rational credit is good for a community and must be available if progress is to be achieved. The benefit is twofold, because the premises presuppose, on the one hand, the use of borrowed funds in remunerative enterprise and on the other the employment of surplus funds which otherwise would be idle and the encouragement of the thrifty to lay aside further savings.

Capital for the most part represents the savings made by the sacrifice of thrifty and thoughtful persons for definite purposes, and it is derived from a great variety of sources. Every wage-earner who deposits a dollar or so a week; every merchant who sets aside a portion of the profits of a good year; every policyholder who pays a life-insurance premium, makes a contribution to the working capital of the world, and all capital originally was created from such sources. The motives involved can be roughly thrown into two classes—provision for old age and provision for dependents.

GOVERNMENT AND BUSINESS

Public ownership or Government operation appears to have been successful and perhaps necessary in activities which can be most effectively conducted as monopolies. The post-office system is an obvious instance. But in fields where numerous private corporations are competing for business, the entry of governments is a very dubious venture. If the Government departments propose to work along exactly the same lines as the private corporations, past history seems to teach that such enterprises will be unsuccessful because of the greater efficiency, initiative, and resourcefulness of the private competition.

Governments have usually embarked in such undertakings on the theory that the private corporations were not adequately covering the field. It may be assumed that, wherever fields have not been adequately exploited by private enterprises, it has been because those fields did not appear attractive or profitable. Accordingly the chance for governmental success is reduced to a minimum.

Governmental activities with respect to farm credits have been undertaken in the face of the strong competition of many private corporations and to the extent that they have gone beyond the limits which the private corporations considered prudent; they should be considered as in the nature of special concessions to agriculture at the expense, or at least at the risk, of the whole community. Too often they deceive themselves into believing that the enterprise will be self-sustaining or even profitable, and they close their eyes to the growing deficits until they become almost a scandal.

On other occasions they drive private capital out of the field by unwise legislation and when they realize their mistake they then engage in the business themselves, taking care that their debtors will not have the same privileges against them that they insist they must have against the private corporations!

In Alberta the new provincial farm loans act authorizes the forfeiture of a mortgagee's farm immediately after he has failed for two months to pay interest and the unfortunate borrower has no right to any stay or court redress. What great opportunities for political control are involved in such wide powers! What disregard is suggested for all the principles of fair play which have been recommended with such emphasis to private mortgagees!

On the whole, it is safe to say that the entry of governments into the field of agricultural credits has been and will be costly to the public and not particularly valuable even to those intended to benefit.

It is customary to make farm loans for a period of five years and frequently provision is made for the payment of a small amount of the principal yearly. It is not always expected that the borrowers will be able, out of income, to pay off the loan in five years, but the five-year period affords an opportunity to make any readjustments which either the borrower or the lender may desire.

Theoretically, the plan of making mortgage loans for longer periods and providing for their repayment by amortization is sound and attractive. Few people know what the word amortization means, and some appear to think very doubtful whether the amortization methods is of any real practical value in connection with farm loans. It presupposes very regular payments, and if these are not made the account is thrown into confusion. In all probability any company which starts to apply the amortization plan will soon find itself in practice operating under the old-fashioned method by collecting substantial amounts in good years and allowing what leniency it can under other conditions. In brief, the amortization plan is too inelastic for practical purposes, at least with relation to farm loans.

BUREAUCRACY

"In the past 18 months there has arisen a particular secretarial psychology, the main feature of which is the conviction that a secretary is in a position to decide upon any and every question without knowing anything about the matter. At every step and point we see how comrades, who showed no organizing or administrative capacities * * * decide in a dictatorial manner economic and other questions the moment they are appointed to a post. By the application of these secretarial methods the bureaucratization of the party apparatus has developed to an enormous extent. A bureaucracy is unsound and unhealthy."

Guess who wrote these words. No; you are wrong; although the above aptly describes the too often modern American method of doing things, the paragraph describes conditions in red Russia. No less an observer than Leo Davidovich Trotzky, "Lion of Bolshevism," points to the future of failure awaiting Russia unless she puts greater faith

in individual effort and less in political bureaucrats. Nevertheless, Trotzky describes a prevalent American custom, fraught with the same unhealthy future.

To those who find themselves under the necessity of awaiting the decision of the All Highest ere they are able to effect changes to meet conditions as they may exist, Trotzky's further indictment of bureaucracy reads almost like homemade common sense, to wit:

"The Communist Party lives on two floors. On the upper one decisions are made. Those who live on the lower merely hear about them."

Government subsidization, whether termed as soviet or bolshevik in Russian, or republican taking-over in America, results the same way. Stagnation soon spells what at first was warmly greeted as supervision or subsidization by a procrastinating, paternalistic government bureau. It was a wise man who wrote, "The touch of government in business is the touch of death."

[Extract from Efficiency Magazine]

WHY FEDERAL OPERATION OF LAND-BANK SYSTEM IS INEFFICIENT AND DESTRUCTIVE

(By Herbert N. Casson)

Speaking quietly, without rage and prejudice, can anyone tell why all government departments in all countries are slow, wasteful, and incompetent?

There must be some basic reason for this, as the individuals in these departments can not all be inferior to the individuals in private firms.

Almost invariably an able man becomes disabled when he is placed in a government department.

He becomes timid, procrastinating, noncommittal, evasive, and unprofitable. He becomes a mere chattel of routine.

Why is this?

The fact seems to be that man simply can not be competent in a Government job, for the following reasons:

1. There is no payment for results. There is no piecework. There is no profit sharing. A man gets as much for doing badly as he does for doing well.

2. There is no fear of discharge. A man may be transferred, but as long as his conduct is satisfactory he can not be discharged for incompetence. Any sort of a fool can hold a job forever in a civil service.

3. There are no profits to be made. There is no possibility of bankruptcy. If the department doesn't pay, very well; the Treasury has plenty.

4. There is no danger of losing customers. A Government department does not depend upon its customs, so that it has no incentive to be quick and courteous and obliging.

5. The main thing is accuracy, not success. A Government employee has simply nothing to do with success. His aim is to avoid mistakes. The less he does, the fewer mistakes.

6. Time is of no consequence. As all Government employees are made into clerks they come to have a clerk's disregard for time. To clerks, as to lawyers, a delay is a relief and a comfort—the more the better.

7. The work is impersonal. There is very little personal responsibility in a Government office. The clerks have arranged a system whereby nobody is to blame, no matter what happens.

8. There is no competition. A Government department is always a monopoly. If it were not, it would soon be thrown aside. It has no competition to battle with, and it can take its ease and do as it pleases.

9. Routine is put ahead of service. In Government departments all the workers—if I may use the word—are tied with red tape. They are all the slaves of a system of procedure.

10. There is no enthusiasm. If a man stays in a Government job long enough, he becomes mummified. He loses all the energy and joy of living that are so necessary to efficiency and success.

These are only a few reasons why the presently constituted politically dominated Federal farm-loan system is a failure—why any nationalization plan has always been a failure and always will be.

Just put yourself in the place of the poor automats who run these superpolitical systems. No matter how able you are, how could you be efficient if you had:

No hope of profits, no fear of failure;

No competitors, no customers;

No reason of hurry; and

No danger of being found out.

Nationalization is the destroyer of efficiency, commerce, and industry. It is not only a coral reef built across the harbor of prosperity. It is worse. It is far worse. It is a destroyer of men. It takes an able man and grinds him down until he is a clerical drudge. This is the thing that, in a very short time, ruined the great Federal farm-loan system, which, under private initiative, might have become a mighty useful instrument in assisting our greatest industry—agriculture. Instead, the system now is a deplorable example of the failure of Government to function in behalf of those it was created to assist, and only prepares profitable jobs for political appointees whose chief interest in their jobs is the pay they receive.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred to the Committee on Foreign Relations:

H. R. 9569. An act authorizing the payment of an indemnity to the British Government on account of the death of Reginald Ethelbert Myrie, alleged to have been killed in the Panama Canal Zone on February 5, 1921, by a United States Army motor truck;

H. R. 12178. An act to repeal Revised Statutes 1683 and part of title 22, section 32, of the United States Code;

H. R. 12179. An act to provide for the reimbursement of the Government of Great Britain on account of certain sums expended by the British chaplain in Moscow, the Rev. F. North, for the relief of American nationals in Russia in 1920;

H. J. Res. 145. Joint resolution to provide for the payment of an indemnity to the Chinese Government for the death of Chang Lin and Tong Huan Yah, alleged to have been killed by members of the armed forces of the United States;

H. J. Res. 146. Joint resolution to provide for the payment of an indemnity to the Dominican Republic for the death of Juan Soriano, who was killed by the landing of an airplane belonging to the United States Marine Corps;

H. J. Res. 148. Joint resolution to provide for the payment of an indemnity to the British Government to compensate the dependents of Edwin Tucker, a British subject, alleged to have been killed by a United States Army ambulance in Colon, Panama;

H. J. Res. 149. Joint resolution to authorize an appropriation for the compensation of William Wiseman;

H. J. Res. 150. Joint resolution to provide for the payment of an indemnity to the Government of the Netherlands for compensation for personal injuries sustained by two Netherlands subjects, Arend Kamp and Francis Gort, while the U. S. S. *Canibas* was loading on May 1, 1919, at Rotterdam;

H. J. Res. 151. Joint resolution to provide for payment of the claim of the Government of China for compensation of Sun Jui-chin for injuries resulting from an assault on him by a private in the United States Marine Corps;

H. J. Res. 152. Joint resolution authorizing and requesting the President to extend invitations to foreign governments to be represented by delegates at the International Congress of Entomology to be held in the United States in 1928;

H. J. Res. 153. Joint resolution for the contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship;

H. J. Res. 154. Joint resolution authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia;

H. J. Res. 259. Joint resolution authorizing assistance in the construction of an inter-American highway on the Western Hemisphere; and

H. J. Res. 262. Joint resolution requesting the President to extend to the Republics of America an invitation to attend a Conference of Conciliation and Arbitration to be held at Washington during 1928 or 1929.

FARM RELIEF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce.

Mr. NORBECK. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by Mr. George N. Peek, chairman of the executive Committee of Twenty-two, North Central States Agricultural Conference. This conference was organized at the meeting of governors or their delegates from the 12 North Central States, called by Gov. John Hamill, of Iowa, in January, 1926. The purpose of the committee is to back organized agriculture in its effort to secure economic equality with industry.

Mr. Peek is also president of the American Council of Agriculture, organized in St. Paul in July, 1924. This was the first big meeting of farm leaders held after the defeat of the McNary-Haugen bill in 1924.

Prior to 1924 Mr. Peek was the president of the Moline Plow Co. and vice president of Deere & Co. and had been in the implement business since 1893. During the war he was commissioner of finished products of the War Industries Board. He is co-author of the original brief Equality for Agriculture.

This brief formed the basis of all the McNary-Haugen bills which have been before Congress. More than any other one man in the Nation, he knows the history of the legislation, the opposition it has encountered, and the underlying forces behind the tragic deflation of the farmer. He tells it in this memorandum.

The VICE PRESIDENT. Without objection, the statement will be printed in the RECORD.

The statement is as follows:

HERBERT HOOVER AND THE FARMER

By George N. Peek

Two campaign booklets have appeared and are being widely distributed in the political interest of Herbert Hoover. One is entitled "Herbert Hoover's Record as a Friend of the American Farmer," the other is "A Condensation of Statements by Herbert Hoover" on "some long-view policies for improvement of the farmers' profit."

The purpose of the documents obviously is to gain Hoover support from farmers in the pending presidential campaign. They contain material clearly calculated to serve that purpose. It is utterly impossible, however, for any propaganda to conceal or disguise the all-important fact that—

Herbert Hoover is, and has been since 1917, the arch enemy of a square deal for agriculture.

First, as food administrator, and later as the agricultural advisor of the last two administrations, he is more directly and personally responsible for the present plight of the American farmer than any other man in the Nation, although his machinations have been well concealed under a flood of propaganda.

This is well and generally understood by responsible leaders of farm organizations, particularly those serving farmers in the grain and livestock States, regardless of the statements of Mr. Hoover or of any of his friends, whether or not they be present or past farm leaders, Members of the Congress, Government officials, or private citizens.

No comment is made in this memorandum on his work in administering relief in foreign countries; that is not the record in which the farmers now, or for seven years, have been particularly interested. They are interested in knowing the facts in connection with Mr. Hoover's actions as food administrator and as Secretary of Commerce, as these actions affected the prices of their raw products, as distinguished from the prices of finished or semifinished food products; also, as to his actions as they have delayed sound relief measures in the interest of farmers, as distinguished from any representations or misrepresentations made on his behalf by anyone, including himself.

I

MR. HOOVER, FOOD ADMINISTRATOR

Before the food-control act creating the food administration was passed in the summer of 1917 Herbert Hoover was brought back from Europe with the understanding that he was to be the food administrator for the United States.

I am unable to state just what forces, working on his behalf, brought about his appointment. It has been suggested that it was secured through the influence of the allied nations, led by England, who wanted wheat and meat from the United States and wanted them cheap.

The effects upon the American farmer of his acts as food administrator are well known. They constitute a record that condemns him, and he will never be able to escape from the indictment of that record, no matter how many paid economists or others write books in its extenuation and defense.

THE DEFENSE OF HOOVER VERSUS THE TRUTH

The entire defense of Hoover's agricultural record as food administrator in the booklets to which I refer is based upon studies prepared by a man who was in the employ of Hoover or of a Hoover agency when he wrote them. The pamphlet entitled "Herbert Hoover's Record as a Friend of the American Farmer," is drawn almost wholly from that source. Its most important statements as to the effect of Mr. Hoover's operations as food administrator do not accord with the facts as the farmers know them. The pamphlet seeks to excuse Mr. Hoover in connection with the war price of wheat in the United States by attempting to place the responsibility on the wheat price committee which recommended the "fair price" for the 1917 crop, after Congress had passed the law guaranteeing that the wheat price in this country commencing with the 1918 crop should not fall below $2.

The truth is that after Congress had passed legislation in 1917 guaranteeing the farmers a minimum price of wheat to stimulate production Mr. Hoover, as food administrator, without a shadow of authority from Congress, so manipulated the wheat market that he held down the price of wheat at all times to the minimum figure fixed by the President's proclamation.

HOOVER AND WHEAT PRICES

Farmers do not so much protest against the minimum price that was named as against the fact that under Mr. Hoover's manipulations through the United States Grain Corporation, headed by his friend, Julius Barnes, America's largest grain exporter, this guaranteed minimum price was made—in effect, fixed a maximum price.

Congressman CHARLES BRAND, of Ohio, expressed what is common knowledge among farm leaders when he said in his speech of March 13, 1928:

"Agreements were made with millers and country dealers not to pay above a fixed price; and during the latter part of the period the law was enforced, prices were kept from rising by controlling miller's margin on the basis of cost of production and the 'fair price of wheat.'"

The Hoover pamphlet referred to says, for example:

"Unless some action were taken it was clear that the American farmer would receive only $1.50 a bushel for his wheat, and the price was rapidly declining toward that point."

The truth is that as the 1917 season advanced wheat prices in this country kept rising until wheat was selling at $3.40 a bushel in May, and the decline set in only when news of the action of the wheat committee and the contemplated activities of the food administration spread throughout the country.

The truth is it was Mr. Hoover's wish and intention to force down wheat prices. Congressman BRAND, in the speech above referred to, said:

"In the spring of 1917, testifying before the Committee on Agriculture, Mr. Hoover said: 'The reaction of Europe has left our prices for farm products above an endurable level and will, if we do nothing, raise them still higher, for their need grows yearly. By our entry into the war we arrived at two issues (1) the issue must have plainly fronted us in any event, the control of our food so as to ameliorate prices, (2) that we may also meet the increased demand of our allies.' * * *

"Before the committee in the Senate Mr. Hoover advocated a price of $1.50 per bushel."

On May 1, 1918, Mr. Hoover said in an address at a conference of grain dealers with the grain corporation:

"I agree with the contention of some farmers that they would be getting $5 and, perhaps, $10 a bushel for their wheat had it not been for the restraints imposed by the Government."

The truth is the aim and purpose of the United States Grain Corporation was to hold down the price of wheat.

Julius Barnes (then president of the United States Grain Corporation), shortly after he became wheat director in 1919, said:

"For two years it has not been a question of holding the price of wheat at the guaranteed level so much as preventing it from soaring above that fair price level."

How the grain corporation helped to accomplish this is explained by incidents such as the following:

Early in May the grain corporation negotiated the purchase of 4,000,000 bushels of Canadian wheat for American mills. The aim and effect was to hold American wheat prices down—and it worked.

The pamphlet referred to says:

"The allied governments had fixed the price of wheat in their own countries at about $1.80 a bushel."

The truth is the foreign governments paid more than $2.20 to their own producers. France paid the equivalent of $3.94 a bushel; Italy, $4.33; the Netherlands, $3.23; Portugal, $3.83; Spain, $3.96; Sweden, $2.95; Switzerland, $3.25; United Kingdom, $2.28; Austria-Hungary, $2.21; Algeria, $2.36.

The Hoover pamphlet also claims:

"The price was relatively higher than that of any agricultural commodity in which there was a free market * * *."

The falsity of this claim can easily be demonstrated. It is interesting to note, for example, the movement in the price of rye, which was not controlled, which suggests what might have happened in the price of wheat had the price not been held down. The average price of No. 2 rye at Chicago in March, 1918, was $2.84, while No. 2 red winter wheat was $2.17 a bushel. With rye at that price, assuming that the relationship of the price of wheat to the price of rye would have remained the same as the pre-war average relationship, wheat would have been selling for about $3.40 a bushel. This high price for rye was realized notwithstanding that the United States had the largest crop it had ever produced and regardless of the fact that European purchases were made through a single agency.

The Hoover pamphlet says:

"Had it not been for this support by the Grain Corporation under plans suggested by Mr. Hoover, the price [of wheat] would have collapsed in 1919, because of the inrush of wheat accumulations from South America."

Contrast such a claim with the statement which Mr. Hoover himself gave out in the spring of 1919 to the effect—

"That the foreign demand was so great that if purchases could be financed and if shipping could be secured wheat would go to $5 a bushel."

At the time this statement stimulated speculation in wheat and food products, although this was not in the interest of farmers who then had largely sold their wheat.

HOOVER AND LIVESTOCK PRICES

Notwithstanding claims made on his behalf, Mr. Hoover's record of pursuing a course that damaged agriculture, and then relying upon propaganda to save him from retaliation of the farmers, is just as bad as far as the livestock and corn growers are concerned as it was with wheat.

It has been stated, and it has not been denied by Mr. Hoover, that he said that his way of aiding the livestock grower was to depress the price of corn.

He said in the fall of 1917 (according to William Hirth, of the Missouri Farmers' Association and now chairman of the Corn Belt Federation of Farm Organizations):

"I know the livestock men are not receiving a price in keeping with their feeding costs, but I think the thing to do is to depress the price of corn until it is in line with the livestock markets."

Further, Mr. Hoover threatened in the fall of 1917 to take over the packing houses of the Nation if the packers permitted livestock prices to rise. On this point Mr. Hirth says:

"Prof. E. Dana Durand, who was one of his [Hoover's] chief emissaries, went to the packers and told them that if they permitted any material advance in the price of livestock that Mr. Hoover would demand that Congress give him charge of the packing plants for the period of the war."

GIFFORD PINCHOT ON HOOVER

Writing to Henry C. Wallace, who was Secretary of Agriculture under Presidents Harding and Coolidge until his death in October, 1924, Hon. Gifford Pinchot, formerly Governor of Pennsylvania, under date of February 17, 1918, said, in reference to Hoover:

"It is curious to find a man born on a farm in Iowa, as Hoover was, showing such blindness toward everything that affects and controls the farmer, but we both have met cases before where later education had wiped out an earlier training. In Hoover's case the mining engineer has won against the earlier farm boy, and has eliminated him.

"The Food Administration has been run upon the theory that the great special interests, such as the packers, the canners, the millers, should first be invited to suggest their own conditions and prices—and often their own men as well—and must then be persuaded voluntarily to accept such modifications of these proposals as the Food Administration found it to be indispensable to make, although the law had given them completely into Hoover's hand. But the farmer, the most independent of men, the last man to starve, who can be affected by persuasion alone, whose will to produce is beyond the reach of authority, was to be given his orders and told to go and carry them out. With all the blunders of all the ages to pick from, in the language of the cartoonist, 'Can you beat it?'

"Under these circumstances, with the food problem divided along unworkable lines, handled on the theory that price, distribution, and conservation have nothing to do with production, * * * with the power of the Food Administration largely in the hands of men nominated by and representing the packers and other great special interests, * * * it seems to me as if the full measure of possible mistakes had been pretty well filled to the brim. * * * Add to all this that Hoover began his services as food administrator with a contempt for public opinion, which has since been converted into supersensitiveness to temporary clamor, and you have a situation which could hardly result in anything less than disaster."

HIRTH GIVES FARMER'S VIEW

Mr. Hirth sums up the viewpoint of the corn, wheat, and livestock farmers on Mr. Hoover's record as food administrator in the following language:

"The manner in which farmers were treated during the war and since is a chapter of infamy without precedent in the history of the Nation. While the war was in progress the shout that 'Food will win the war' filled the land morning, noon, and night, and in order to serve the Nation in its hour of peril, the wives and daughters of the farmers worked in the fields from sunup till sunset—they had to do this because the sons were either at the training camps or in France. But when it became evident that our food supplies would be ample, Hoover turned a deaf ear to their pleas for a square deal. * * * And if, in the face of these facts, the Republican leaders dare to nominate Hoover for President, let them take the consequences—I repeat that the avenging wrath of the Corn Belt will be such that they will not forget it for the next 50 years."

HOOVER'S POSTWAR ATTITUDE

Another chapter, of course, is added by Mr. Hoover's attitude toward the farm-surplus problem since the war. More than any other man he was responsible for such expansion of agricultural production as occurred during the war. Therefore he bears a greater responsibility than any other man for the postwar condition of agriculture. Yet his attitude for seven years may be summed up as this—

"That if the farmers were fools enough to believe what he told them in war times, so that their total production can be sold only at ruinous prices, let them take the consequences. The only remedy is to let prices get so low that part of the farmers will be starved out in sufficient number to let the rest of them produce at a living wage."

This epitomizes the Hoover viewpoint as Food Administrator, and since, and the farmers know it.

II

MR. HOOVER, SECRETARY OF COMMERCE

Shortly after Mr. Hoover went into the Cabinet in 1921 he undertook to get control of the Bureau of Markets in the Department of Agriculture.

It was then, and it now is, believed by farm leaders in the Middle West who were familiar with his activities that he sought the transfer in the interest of private dealers, speculators, and manufacturers of farm products, the interests of the first two groups particularly being directly opposed to the interests of cooperative associations of producers.

Conspicuous in these groups was Julius Barnes, who became president of the United States Chamber of Commerce and who used this high office to prejudice business throughout the country against adequate legislation for the farmers.

It is worthy of note that the officers of the United States Chamber of Commerce have persistently opposed adequate farm legislation, particularly the McNary-Haugen bill, although they failed to submit the question to a referendum of the membership, as is the usual custom of the chamber.

It is believed now that any plan for agricultural relief to be satisfactory to Mr. Hoover must further shelter and entrench the private dealers in the marketing system, and that his actions do not confirm his statements of his interest in the welfare of cooperative marketing under the control of the farmer. On the other hand, they do indicate that his sympathies are with and his activities have been in the interest of the existing system of exchanges, boards of trade, packers, millers, and the multiplicity of middlemen, and that he would put the power of government behind them instead of behind associations of producers.

HOOVER SEEKS TO CONTROL MARKETING OF FARM PRODUCTS

In seeking control of the Bureau of Markets Mr. Hoover indicated clearly that in his opinion it was the duty of the Department of Agriculture to look after production only and that his department (Commerce) should look after distribution. His views were expressed in the following language in 1921:

"* * * the functions of the Department of Agriculture should end when production on the farm is complete and movement therefrom starts, and at that point the activities of the Department of Commerce should begin.

"Broadly speaking, the functions of the Department of Agriculture relating to soil production should end when the grain, fruit, or animal moves from the farm and the tree from the forest, and the Department of Commerce should take up its activities when manufacture, transportation, and distribution begin.

"The Department of Agriculture should tell the farmer what he can best produce, based on soil, climatic, and other cultural conditions, and the Department of Commerce should tell him how best to dispose of it."

Mr. Hoover has attempted to deny that he ever undertook to secure this transfer, but the evidence is overwhelmingly against him.

HOOVER OPPOSES WALLACE

It was no secret among the friends of Secretary Wallace and particularly among the farm leaders of the Middle West that he was constantly opposed and harassed by Mr. Hoover during both the Harding and Coolidge administrations, in almost every effort to rehabilitate agriculture. Not only did Hoover attempt to get hold of the Bureau of Markets and the Foreign Service of the Department of Agriculture, but later he opposed the department's proposals for relief.

FARM ORGANIZATIONS INTERVENE

In the summer of 1924, following the defeat in the Sixty-eighth Congress of the McNary-Haugen bill, which was prepared under the direction of Secretary Wallace, a great meeting of farm organization leaders was held in St. Paul to consider future procedure. It was recognized by this conference that the subject was economic and not political in a partisan sense, and it was agreed that these leaders would support and would urge their membership to support those candidates for Congress who had supported the McNary-Haugen bill, regardless of partisanship. The conference took no position on presidential candidates, as the platforms of both parties were satisfactory in respect to agriculture and it was not anticipated that these pledges would be repudiated.

Under date of July 31, 1924, as president of the American Council of Agriculture, formed at the St. Paul meeting, in conjunction with F. W. Murphy, chairman of the executive committee, and R. A. Cowles, secretary, I addressed a letter to President Coolidge seeking to divorce the farm question from partisan politics because both parties in their conventions had adopted platforms acceptable to agriculture. I quote from this letter:

"As a means of clarifying all included questions of economics, practicability, and urgency in an atmosphere purged of the elements of partisan and other selfish controversy, and to do so in ample season

before the next convention of Congress, the council, speaking in its proper right for the farm population of the United States, respectfully and earnestly hereby petitions you to direct the Secretary of Agriculture to immediately appoint and convene an extraordinary commission to study the situation and needs of agriculture and to recommend definite remedial legislation to Congress with a view to its enactment during the short session. To be consistent with the spirit of these purposes, such a commission should obviously be nonpartisan, should fairly represent agriculture, and should not comprise spokesmen for interests whose circumstances or conduct shows them to be inherently obtuse or selfishly inimical to the project of securing equality for agriculture under our protective system."

Several letters passed between C. Bascom Slemp, then private secretary to Mr. Coolidge and now a Hoover supporter, and the council (pp. 449 to 454, House agricultural relief hearings, serial CC, pt. 13, 1925). These indicate that Mr. Slemp did not place the letter of July 31 before President Coolidge until September 11, 1924, and that some one did not favor the Secretary of Agriculture [Mr. Wallace] calling the conference because he was recognized as a true friend of agriculture. On the other hand, Mr. Slemp was evasive and refrained from making a reply to the direct question asking if the letter of the council had been placed before the President.

On October 6, 1924, the request was withdrawn by the council in the following telegram to Mr. Coolidge:

"The executive committee of the American Council of Agriculture in session to-day decided that owing to the time which has elapsed since it made its request under date of July 31 for the appointment of an agricultural commission and the proximity of the coming election and the opening of the December session of Congress, it respectfully hereby withdraws said request for the appointment of an agricultural commission."

Meanwhile the council was informed by Mr. Slemp on August 29—"that the President * * * in his speech of acceptance * * * very definitely stated that he intended to establish such a commission for precisely the purpose your council has in mind."

Immediately after election Mr. Coolidge announced the personnel of the conference, all of the Hoover persuasion. Shortly before his death Mr. Wallace told me and others that every single name suggested to the President by him had been crossed off the list of proposals which he had seen in Mr. Slemp's office.

THE PRESIDENT'S CONFERENCE

The conference convened late in 1924, and its first report was made public on January 28, 1925. It aroused general surprise and indignation among the farm leaders who were in Washington. Later Senator NORRIS, then chairman of the Agricultural Committee in the Senate, put in the record quotations from a letter received by him from one of the members of the conference indicating that the conference was not expected to bring in constructive proposals dealing with the surplus problem.

On February 16, 1925, I went before the Committee on Agriculture in the House, and a day or two later before the Senate committee, presented certain evidence and urged an investigation of the activities of Mr. Hoover, and protested against some of the recommendations of the President's agricultural conference.

I quote from my testimony at that time pages 457–458, hearings, H. R. serial CC, part 13, February 16, 1925:

"I most respectfully and earnestly urge—

"The appointment of a congressional committee of either the House of Representatives or of the Senate, or both, to investigate—

"(a) Mr. Hoover's activities in encroaching either personally or through his department upon the functions of the Department of Agriculture. These are, I think, in conflict with the fundamental law creating the department.

"(b) Mr. Hoover's connection, directly or indirectly, with the recommendations of the President's agricultural conference; his connection with the reports and publicity of that conference and his part in defining an agricultural policy contrary to the traditions of American agriculture.

"(c) His well-known friendship and connection, if any, with exporters of farm products.

"(d) Mr. Hoover's connection with the report and publicity that the resignation of certain bureau chiefs in the Department of Agriculture would soon be requested. It is only just that the rights of great and good men, who have loyally supported the policies of the head of their department, should be protected before their life work is relegated to the scrap heap."

In connection with the recommendations of the President's agricultural conference, I said, pages 455–456 (same hearings):

"I must, therefore, protest against that recommendation of the conference 'there must, therefore, be established a balanced American agriculture by which production is kept in step with the demand of domestic markets and only such foreign markets as may be profitable.'

"I, respectfully, but with all the earnestness I possess, protest against the adoption of a national policy such as is suggested by this recommendation. I can only conclude that it means that agriculture must stop exporting, that cotton, tobacco, wheat, corn, rice, and livestock production must be restricted to domestic requirements, while industry, I assume, is to be permitted to continue in the exporting business, selling its surpluses in the world market at world prices independent of the portion used in America * * *. This would mean that millions more of our farmers must be starved out until domestic production is reduced to domestic requirements. * * *

"In whose interest is such a policy? Certainly not in the interest of the American farmer, certainly not in the interest of American industry and labor, since approximately 90 per cent of our commerce is domestic and further impairment of domestic buying power means impairment of industry and wages. Certainly not in the interest of American finance, which depends for its earnings upon a prosperous America. Certainly not in the interest of American railroads, which are dependent upon a prosperous America.

"I conceive it to be only in the interest of exporters of farm products, who profit by buying them at low prices in America and selling them at high prices in foreign markets."

I think now, as I did then, that the exporters know that if nothing is done they will be free to continue their exploitation of the farmer because production can not be controlled.

Mr. Hoover's activities in seeking to dominate the Department of Agriculture have continued, the policy of starving out acreage has been continued, his association with Mr. Barnes has continued, and the bureau chiefs, Dr. H. C. Taylor and Charles J. Brand, were forced out of the department in the spring of 1925 shortly after Congress adjourned.

EFFECT OF HOOVER POLICIES

I challenged then, and I challenge now, the economic soundness and the wisdom of the conference recommendations which were Hoover policies. The effect upon American agriculture and business in agricultural districts may be epitomized as follows:

Decrease in farm property values between 1920 and 1925, $20,000,000,000.

Increase in farm debt between 1910 and 1925, $12,000,000,000, and further increase between 1920 and 1925, $2,000,000,000.

Migration from the farm since 1920, 2,000,000 a year.

Increase in farm bankruptcies, over 1,000 per cent.

Bank failures 1910–1914, inclusive, 319, and from 1921 to 1927, inclusive, 3,917.

Commercial failures have increased from an average of 15,172 yearly in the five years from 1910–1914 to a yearly average of 21,250 from 1921–1927.

The largest increase in number of both bank and commercial failures has been in the territory west and south of the New England and Middle Atlantic States, that territory which had the least industrial expansion on account of war contracts.

III

MR. HOOVER'S "LONG VIEW POLICIES FOR IMPROVEMENT OF THE FARMER'S PROFIT"

There is nothing new in the statements in Mr. Hoover's pamphlet, Some Long View Policies for Improvement of the Farmer's Profit, concerning the problem; it "listens" well. But it is to his actions, and to some of the remedies he proposes for the farmer's troubles, rather than to his words, that the farm leaders object.

Mr. Hoover says:

"I am the firm exponent of cooperative marketing or other form of marketing facilities under the control of the farmer. * * *

"There is this limit, however, to the efficacy of cooperative marketing; it will not save the farmer from continuous overproduction. Continuous overproduction means 'unmanageable' surplus, and that can only be corrected by prices low enough to make production unprofitable for some part of the acreage in use.

"We should not mislead ourselves into thinking that cooperation is the complete solution to the problem of marketing all agricultural produce. * * *

"I am convinced that the recommendations of the President's conference (1924–25) are practical and far-sighted in the encouragement they give to thorough marketing organizations within the industry. The main issue in these recommendations is the creation of a Federal cooperative marketing board which shall * * * develop every avenue of progress for the cooperative movement. * * *"

While Mr. Hoover says he is—

"* * * the exponent of cooperative marketing associations under the control of the farmer"—

he advocated the recommendations of the President's conference in 1925 for a Federal cooperative marketing board, which were incorporated into a bill (H. R. 12348) in February, 1925, and which, if this bill had passed, would have placed cooperatives under Government regulation, supervision, and control.

FARM ORGANIZATIONS OPPOSE HOOVER PROGRAM

The provisions of this bill were so objectionable to the cooperative associations of producers and to the general farm organizations that almost without exception they vigorously opposed its passage.

The CONGRESSIONAL RECORD of February 21, 1925, contains statements of protest against the measure from many farm organizations. I quote from the statement of the National Cooperative Milk Producers Association (p. 4344), which epitomizes the objectionable features of the bill.

"Its provisions are in line with the idea of Government regulation, supervision, and promotion * * * which is diametrically opposed to the principle of self-help cooperative marketing coming from and being operated wholly by and at the will of the producers." * * * It "opens the door of the antitrust laws to combinations of distributors with cooperative associations and to the possibility of 'dummy' cooperatives being operated for the purposes of and to the advantage of combinations of distributors."

Bear in mind that this was a Hoover bill to which the farm organizations objected. It was defeated by the substitution of the Dickinson amendment, really aimed to encourage genuine associations of producers, after a bitter fight on the floor of the House of Representatives. The Senate did not vote on the bill.

FARM ORGANIZATIONS NOT MISLED

As to our misleading ourselves—

"into thinking that cooperation is the complete solution to the problem of marketing all agricultural produce"—

there is no danger of farm leaders and particularly the heads of large-scale cooperative associations misleading themselves. They are concerned, however, for fear the statements of Mr. Hoover and others high in administration circles will continue to mislead the American public and Congress.

As far back as March, 1924, when the first McNary-Haugen bill was under consideration by Congress, such leading farm organizations as the American Farm Bureau Federation, American National Live Stock Association, American Wheat Growers Associated, Corn Belt Meat Producers Association, Indiana Wheat Growers' Association, National Board of Farm Organizations, National Grange, and the National Live Stock Producers Association published a pamphlet giving their views on the McNary-Haugen bill then before Congress. Among other subjects they refer to the limitations of cooperative marketing. This statement is attached hereto. (Exhibit 1.) It shows conclusively that farmers then recognized the limitations of cooperative marketing.

While advocating cooperative marketing, Mr. Hoover says:

"The burden of participating in this partial loss—on a portion of a crop—can only be distributed if all the producers will enter into cooperation. If they will not, a fair price for their main products is destroyed with every excessive season."

He has always opposed and still continues his opposition to the equalization fee, however, although the large-scale cooperatives insist that it is essential to their successful operation, and he has had nothing to offer in its place.

HOOVER AND THE SURPLUS

Mr. Hoover says:

"Continuous overproduction, unmanageable surplus, can only be corrected by prices low enough to make production unprofitable for some part of the acreage in use."

This view is expressed in another way in the report of the President's conference, which was generally known by farm leaders to have been picked and dominated by Mr. Hoover. (S. Doc. No. 190, January 28, 1925.)

"There must, therefore, be established a balanced American agriculture by which production is kept in step with the demand of domestic markets and with only such foreign markets as may be profitable."

In the Pacific Ruralist of February 7, 1925, Mr. Hoover says:

"Generally the fundamental need is a balancing of agricultural production to our home demand."

He does not say how the farmer is to control his production, which obviously is impossible.

The Bureau of Agricultural Economics of the Department of Agriculture points out (Senate committee report on S. 3555, p. 8):

"Crop production varies both because of changes in acreage, which farmers can control, and because of changes in yields, most of which farmers can not control. The relative importance of yield and acreage differs with different crops. During the last 20 years 95 per cent of the changes in spring-wheat production were due to differences in yields; 83 per cent of winter-wheat production changes and 85 per cent of corn-production differences were likewise caused by yield changes. Corn and wheat, occupying together about half of all the crop land on American farms, thus offer only slight opportunity for the prevention of occasional years of very large crops.

"The remaining major crops—oats, hay, and cotton—are less dependent upon weather conditions, the proportions of variation due to yields being 60 per cent for cotton, 62 per cent for oats, and 47 per cent for hay. As a whole, perhaps three-quarters of the annual variation in crop production is due to yield variations and lies beyond human control through acreage adjustments."

Mr. Hoover says:

"This does not mean that we should ask our farmers to cease production in such commodities (surplus export commodities) and allow their fields to lie idle, but rather that we should explore the possibility of long-view policies making it possible to replace them with commodities which are less dependent upon export competition."

He cites as examples "wool, sugar, vegetable oils, and flax."

In an agricultural surplus-producing nation shifting production from one crop to another can never really stabilize agriculture because of the inability to control production by controlling acreage. Attempts in this direction are usually followed by disaster due to the collapse of markets theretofore profitable. About the only thing accomplished is to shift the distress from one commodity or area, temporarily unprofitable, to other commodities or areas temporarily profitable, which then in turn collapse under the weight of increased production.

HOOVER RECOMMENDATIONS NOT ACCEPTED

Sheep population does not show an increase over pre-war, but, on the contrary, shows a sharp decrease. The average for 1909–1913 was about 53,000,000 head, while the average from 1920–1927, inclusive, has been less than 40,000,000 head, and the 1927 estimate of 42,000,000 head is 20,000,000 head fewer than we had in 1900.

Sugar-beet acreage in 1926 was lower than the average from 1914 to 1920 or from 1921 to 1925.

I think, perhaps, Mr. Hoover can explain, if he will, why the production of sugar beets has not increased more rapidly. Can it be on account of the interests of certain New York financial institutions in the Cuban sugar industry? I am informed that it is. The possibility of beet-sugar development was called to Mr. Hoover's attention some years ago.

Vegetable oils are imported in very large quantities. They are substitutes for cottonseed oil and animal fats. A bitter fight was made against substantial tariffs upon them by certain large industrial interests, and they continue to be imported in enormous quantities.

Has Mr. Hoover ever publicly advocated, before the Tariff Commission or to the President, any increase in tariffs upon these commodities? I can not find that he has.

Flax acreage has shown an increase since the war, but has been decreasing since 1924.

HOOVER'S REAL REMEDY

Now we come to his real remedy. He says:

"Our domestic consumption is increasing faster than our production, and if the American farmer can have this domestic market to himself the law of supply and demand will run entirely in his favor. I feel that we are in a few years within reach of the point when agricultural profits must be relatively so much higher than in recent years that they will warrant cultivation of land more expensive to operate, provided we maintain the policies I have outlined."

This is the policy of "laissez faire," which means, "Let the situation alone; it will cure itself." "Acreage will be starved out." The pamphlet prepared and published by the farm organizations March 28, 1924, to which I have referred, gives their view on this point in no uncertain language. (Exhibit 2.)

The situation will cure itself if the political, economic, and social structure will stand the shock; but it will not.

AGRICULTURAL AND INDUSTRIAL STABILITY

Mr. Hoover says:

"We must have greater stability in this industry (agriculture) if we are to have the stability in other industries and if the Nation as a whole is to make real progress. Moreover, we can not have stability in agriculture unless we have stability in the other branches of commerce and industry."

The farmers have been seeking greater stability of their industry and have been prevented by Mr. Hoover from securing it for more than seven years. As the agricultural advisor of the last two administrations he is more responsible for the continuing depression in agriculture than any other one man in the Nation and, therefore, for the unprecedented bank and commercial failures.

Farmers recognize the necessity of stability in other industries and by refraining so long from attack upon the protective devices erected from within and without Congress for the benefit of other groups, have given substantial evidence of their appreciation of the interdependence of agriculture and other industries and of their obligation to the Nation as citizens.

Industry will do well to follow their example in this respect.

Farmers doubt the wisdom of Mr. Hoover's "long-view" policy which insists on a "laissez faire" attitude toward agriculture. They constitute a market five or six times as great for the products of industry as does the export market. They know that more than 95 per cent of the market for the products of industry is domestic, and they insist that as a matter of self-interest for industry as well as in common justice to them, industry should recognize this fact. They feel that industry should now support them by withdrawing its opposition to a constructive solution of their problem and by so doing, stimulate its own home market.

Mr. Hoover has much to say of the value to the farmer of the home market for his products, but this argument may be overworked when considering our staple crops where the world's price is almost a deter-

mining factor in our domestic price. What difference does it make to the wheat grower in Montana or Kansas, for example, if his customer lives in New England or Old England, if his price is the same from both?

The wheat grower sometimes wonders whether, if his eastern customer were not so prosperous, he would not eat more bread and pork and wear cotton clothes instead of eating more expensive foods, such as fruits and vegetables, and wearing silks.

It is a poor rule that does not work both ways.

HOOVER AND PROGRAM FOR ELIMINATION OF WASTE

Mr. Hoover suggests "the elimination of waste in production and distribution not only of what the farmer sells but also what he buys," and refers to the activities of the Department of Commerce in eliminating waste in industry.

He says:

"During the last four years we have held over 200 conferences with those representing various trades and industries. * * * Something over 100 industries and trades are developing actual programs of attainment."

One would think from reading Mr. Hoover's statement that he originated this program of elimination of waste. The truth is it was a continuation in the Department of Commerce of work commenced by manufacturers before we went into war and continued during the war in the Council of National Defense, and later in the War Industries Board.

Much of the saving effected through this program is never passed on to the consumer but is withheld by the industries as long as possible, and that is a long time when "over 100 industries and trades are developing actual programs of attainment" in cooperation with a gigantic Government department.

What has Mr. Hoover done toward eliminating waste by shortening the route of distribution from the manufacturers to the farmer?

This route is obstructed by rules and regulations within the industries.

Many cooperative associations would welcome an opportunity to serve their members by supplying them at a lower price with staple productive materials. Reference is made to such items as fertilizer, coal, lumber, cement, salt, agricultural machinery, etc.

I believe that he has done nothing in this direction but that he has concerned himself more in maintaining the present cumbersome and expensive machinery of distribution in a position of status quo.

There was a virgin field here for his attention which properly belonged to his department and which would have furnished a profitable outlet for his great energy and ability.

I wonder if it would be asking too much if we asked him to take a "long view" in this direction instead of trying to dominate the Department of Agriculture either directly or indirectly through "his man" Jardine.

HOOVER AND INLAND WATERWAYS

Mr. Hoover says:

"Construction of the St. Lawrence, Mississippi, and other waterway systems, the improvement of the Columbia and Colorado Rivers, will contribute in various directions to decreased cost of transportation."

Mr. Hoover has made public addresses in the Middle West advocating inland waterways, attempting to show, among other things, the savings to farmers on shipments of their surplus crops.

The development of the St. Lawrence waterway will take many years, and if, as he says, through increased population domestic demand will catch up with domestic production, or if we are to reduce our production to the demand of the domestic markets, why should the farmer be interested in spending the Government's money to build this waterway for the purpose of saving money on the shipment of a surplus he will not have by the time the waterway is completed, if Mr. Hoover's views on agriculture prevail?

IV

CONCLUSION

Most of the statements made by Mr. Hoover and by his friends on his behalf are so at variance with the facts as disclosed by the record of his actions and are so irrelevant to the condition of agriculture to-day that one wonders if he has been and is now seeking to serve the interests of the farm producers, the interests of dealers in and the exporters and manufacturers of the farmers' products, or his own present political interests.

The belief of the farm leaders with whom I have been associated is that he is now seeking to insinuate himself into favor with the rank and file of the farmers in order to serve his own political interests first and that if successful he will then serve the interests of the exporters, dealers, and manufacturers of the farmers' products; then, as well as his limited vision will permit, the business interests of the Nation, and that finally the farmer may have the crumbs which fall from the rich man's table.

Mr. Hoover may and probably will charge that my motives in making this statement are political and that I favor the candidacy of others for President.

In one way he is right; my motives are now political; but they are nonpartisan. I will go to any legitimate length to save agriculture and the country from such a fraud.

In my opinion any candidate yet mentioned by either party would be supported by the farm population in preference to Hoover, with such a record of duplicity and deliberate exploitation of agriculture.

If Mr. Hoover takes exception to my statements or attempts to refute them, I invite him to join with me now in a request to Congress to make such an investigation as I suggested in 1925, broadening it to include an investigation of statements herein contained. From the report of such an investigation the public can form an accurate opinion as to "his record as a friend of the American farmer" and the wisdom of his "long-view" policies.

EXHIBIT NO. 1

COOPERATIVE MARKETING WILL CURE THE ILLS

Cooperative marketing will help but can not cure the condition. A cooperative handling a commodity consumed in the domestic market can affect the price, but not with full effect with a surplus product. Even if it were possible to herd all the skeptical, the recalcitrant, and the obtuse among 6,000,000 farmers into one great wheat, corn, cotton, swine, or cattle cooperative, and it is utterly impossible to do this in time to do any good, still that great cooperative could produce but little effect on the terminal price of an export crop unless it had precisely the facilities and powers conferred on the proposed corporation by the McNary-Haugen bill. It could not do so because it would not be able to address the cause.

The cause is the surplus, the distressed world, and the tariff. It is an extraneous thing. It can not be reached by efforts here less than the segregation of the surplus from the domestic market.

The bill does not oppose cooperation; it fosters, encourages, and makes cooperation possible. It interferes not at all with the benefits derived from cooperation. By just so much as the cooperatives can secure more equitable grading, reduce the cost of domestic distribution, shorten the road from farm to market can they save for the producer portions of the difference between farm price and terminal price. But without this bill, such is the limit of their power. They can do the things above-mentioned, bill or no bill. But they can do them far better with the bill than without it, and if, during the five years of the bill's emergency existence as a law, they attain to a sufficient unity of purpose and quality of efficiency, they can take over the corporation and live happily ever afterwards.

EXHIBIT NO. 2

LAISSEZ FAIRE—LET THE SITUATION ALONE—IT IS VERY BAD, BUT IT WILL CURE ITSELF

This is the Manchester doctrine of "laissez faire." It is sound in its economics. The situation will cure itself by the immutable law of compensation. "Laissez faire" does not, however, follow as a conclusion. Smallpox becomes innocuous to a race if left alone. That is no argument against vaccination. Let us see how the situation could be cured or cure itself. It is due to a combination of two causes—the tariff, raising the American price level above the world price level on all the farmer buys, the surplus, importing the world price level into America for the farmer alone on every crop producing a surplus. Therefore the cures are these:

I. Free trade; give the farmer world prices for what he buys as well as for what he sells.

II. Curing the demoralization of the world and thus raising world prices to the American plane.

III. Elimination of surplus by—

(a) Its destruction as such.

(b) Its consumption at home by a 20 per cent increase in population.

(c) Its segregation as proposed in the bill.

(d) Its avoidance by abandonment of acreage.

There are no other ways save these or the combination of two or more of them. Free trade may be dismissed. No matter how ardent a theoretical free trader might be, he would not, being an equally ardent American, favor a sudden throwing down of the dikes and letting in on our guarded domestic structure the existing depression of a world in chaos—an influx of goods representing a hollow-eyed labor of gaunt Europe, entailing the sudden destruction of American living standard. He would not—at this perilous juncture—toss away for a beautiful theory the relatively happy state of our whole people. Even the bankrupt farmer—his home threatened and the savings of his life already absorbed—does not ask this.

The most bloodless Manchesterian would not counsel the farmer to wait till the world is restored to something approaching normal prosperity. The causes of its depression are too deep, too menacing of further depression. We can omit to consider as a counsel of value the voice that tells the farmer "Wait till the world is restored to pre-war prosperity."

Nor would anyone dare suggest that we burn our surplus or sink it in the seas—not in the presence of the hungry mouths that wail across the world. We are hardly ready to espouse such sabotage on a scale so vast.

It is quite true that the time is well within sight when we shall consume our entire farm surplus at home. At the present rate of increase of population, decreased fertility, soil erosions, and considering the fact that we are already near the limit of practicable productive acreage, that time is perhaps not more than 15 years in the future. But they would be Job's comforters who would sit down at the farmer's barren board and attempt to console him with the thought that all will be well in 15 years.

Now, the "laissez faireians" mean that the situation will cure itself much quicker than in any way yet discussed, by the abandonment of, for example, some 20 per cent of our wheat acreage. It is a pretty theory. It will take, say, five years of continued depression to beat down the sturdy resistance and the grim struggle of owners and tenants of the wheat and corn lands to preserve their homes and the remnants of their fortunes. In five years perhaps only 80 per cent of the fittest will have survived and the surplus will have been starved out. The "fittest" does not refer to the most efficient workers. It refers to the most efficient areas—those nearest to markets and most facile. The wrecked homesteads and deserted villages, the ruined fortunes, and the scattered families proposed by opponents of the bill will not result at once. Five years, at least, will be required. This breed does not quit in the face of adversity. It sticks. Then we shall have to give further years while the indicator needle of domestic demand shivers nervously and begins the upward swing which will restore tenants to those abandoned lands, and so on for five further years, up to the limit of our productive power, when we shall either begin to import these products or widen our own borders.

Is this a counsel of sanity? Build up—destroy—build up—in alternating periods of half decades? Is it not better to use an emergency measure to preserve? For what will happen in these five years of destruction? Are our people a race of yellow-faced economists who will respect this scientific reasoning with stoical indifference behind their horn-rimmed glasses? They are not. They are freckle-necked, hairy-chested fighters. Such powerful forces can crush them but not as one could press the life out of a sick kitten. They will press back. There is a social and political bearing in this economic problem.

We know what repercussion precisely this situation once did bring to the Nation. It brought the bloodiest civil war in the history of the world. Beginning with the South Carolina eruption of nullification, exactly this same subsidy of northern industry by the tariff, and at the expense of the export-producing agricultural South—exactly this was the economic cause of the Civil War, and economic causes are the only real causes of modern war. Would it now result in red revolt? Perhaps not, simply because we have learned the greater effect of more peaceful means. But it will result in something far more objectionable than the McNary-Haugen bill. It is resulting so. We have here an intrinsic inequity, an immoral policy, a great subversive cause bearing bitterly down on one of the sturdiest and most independent segments of our population. That segment is becoming highly articulate. If its grievances receive no mercy at the hands of the sacred two-party system of our political structure, it knows the power of another way and it can, should, and will use that power ruthlessly against oppression. It has tasted the savor of "bloc" control. Washington is being invaded by strange, new faces and voices that compel attention if not delight. A general election is upon us, and, dependent solely on immediate relief of this oppression, hangs the quality of the next Congress and the policy of the next administration. (A political upheaval was averted in 1924 by promises of all political parties to place agriculture upon a basis of equality with industry, promises which still remain unredeemed.) Our business structure would do well to give ear to a measure economically and politically sound, or it may give sections of its smoking flesh to measures which are not so.

There is no argument against the McNary-Haugen bill which can be said to go to its merits. There are only grievances. These grievances are not for wrongs done or threatened. They are for inequitable privileges, accustomed franchises of subsidy and exploitation, now felt to be threatened. They are protests against the cleansing of an unjust condition. They can not prevail because they have no right to prevail, and no man can advocate them without miring himself in a morass of deceits, inconsistencies, and evasions.

"Laissez faire" may be the answer to a proposal to interfere with the working of a natural law in a normal status. But when natural law has already been interfered with by the interposition of artificial controls, such as the tariff, and these artifices create subsidies, oppression, and rank injustice, "laissez faire" of the resulting condition is a counsel of dissolution. We can either abolish the old interference entirely, or we can amend its evil. But we can not leave it alone. We are dealing with an American public of the twentieth century, and not with a French proletariat of the early eighteenth.

If we are to retain the doctrine of protection—and we are—there is only one practicable way to restore justice, and that is to segregate the surplus, sell it abroad, and regulate supply to demand on the domestic market. Such is the McNary-Haugen bill.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. BORAH. Mr. President, I have no desire to delay a vote on the bill, but I had understood that the senior Senator from Montana [Mr. WALSH] intended to address the Senate at this time.

Mr. McNARY. Mr. President, yesterday I expressed the hope that to-day might be wholly devoted to the discussion of the unfinished business, the so-called farm relief bill. I am advised, however, by the distinguished Senator from Montana [Mr. WALSH] that he desires to speak on quite another subject this morning. I hope that at the conclusion of his observations we may go forward with the farm bill, as there are three or four Members of the Senate who have expressed a desire to speak to-day. I assume the Senator from Idaho is among that number.

Mr. BORAH. Not necessarily, Mr. President. I simply did not want to be taken by surprise in having the bill come to a vote; that is all. I understood that the Senator from Montana was going to speak or I should not have interrupted.

Mr. SIMMONS. Mr. President, I did not clearly understand the Senator from Oregon. Did he say that he hoped for a vote to-day on the McNary-Haugen bill?

Mr. McNARY. Not at all. I stated that there are several Senators who expressed to me their desire to speak on the bill to-day, but that the Senator from Montana [Mr. WALSH] had given notice that he was to speak on another subject, and those Senators would probably follow him. I made no reference to a vote on the bill to-day.

Mr. SIMMONS. I simply desired to express the hope that the Senator from Oregon would not call for too early action upon the farm relief bill, because I think probably it will be to the advantage of his contention if he will take a little more time and allow us to consider the bill a little more carefully than we have had an opportunity to do up to this time.

Mr. McNARY. It is not my intention to press the bill in such a way that Senators may not be heard. I shall give all Senators an opportunity to prepare their remarks and amendments. The Senator from North Carolina may be assured that he will have full opportunity to study the bill and to speak upon it.

Mr. SIMMONS. I wanted to have an opportunity further to study the bill, and I know of a number of Senators on this side of the Chamber who also desire an opportunity to do so, and to prepare some amendments that might make the bill satisfactory to some of us, to whom in its present shape it is not satisfactory.

Mr. McNARY. I shall follow that advice.

MEMORIAL SERVICES ON THE LATE SENATOR JONES OF NEW MEXICO

Mr. BRATTON. Mr. President, heretofore an order was entered by the Senate designating Sunday, April 8, as the time for the delivery of memorial addresses on the life and character of the late Senator JONES of New Mexico. That day being Easter Sunday, I now ask that the hour for the memorial services shall be fixed at 3 o'clock in the afternoon of next Sunday, the 8th.

The PRESIDING OFFICER (Mr. STEIWER in the chair). In the absence of objection, it will be so ordered.

NAVAL OIL RESERVE LEASES

Mr. WALSH of Montana. Mr. President, I rise to submit some further observations touching the address the Senator from Indiana [Mr. ROBINSON] made some time ago in the Senate in relation to the leasing of the naval oil reserves, and other matters more or less intimately associated therewith. It was quite impossible for me upon the conclusion of the last speech of the Senator from Indiana to follow all of the charges that were made in his carefully prepared address, which was read. Neither shall I now, having had an opportunity to read the speech in the RECORD, attempt to meet or discuss the multitude of misrepresentations of fact found therein, but shall content myself by referring to enough of them to characterize the entire address.

In his opening speech the Senator from Indiana assailed the distinguished Governor of New York for alleged misconduct in office. The Governor of New York needs no defense from me nor, with respect to charges made against him by the Senator from Indiana, as I think, any defense from any man.

The Governor of New York is an extraordinary man in many particulars. Even calumny has not dared to assert that he is not an honest man. The heinous offense with which he is accused is the appointment of Harry Sinclair as a member of

the Racing Commission of New York or of continuing him in that office. The charge that Harry Sinclair contributed to the campaign fund of Governor Smith in the year 1920 stands, so far as my information goes, upon the statement of the Senator from Indiana alone. However that may be, I presume no one would find any particular culpability upon the part of a manager of a campaign in the State of New York in the year 1920 in taking a contribution from Mr. Sinclair if one was offered. However that may be, Mr. President, no one has ventured to charge that there was any venality in that particular matter nor in any other official act of the Governor of the State of New York.

Just exactly what virtue or what lack of virtue is required in a racing commissioner I am not advised; just exactly what his duties and responsibilities are I am unable to say; but the whole thing seems to me, Mr. President, of that character as that it might be described, in the language of the street, as "piffle."

Then, Mr. President, the once Secretary of the Treasury, Mr. McAdoo, is the object of the envenomed shafts of the Senator from Indiana. Mr. McAdoo at the present time is a private citizen. He has exercised the inalienable right of an American citizen to have a choice for President of the United States and he has the hardihood to express that choice. The matter of his accepting employment by Mr. Doheny is very well known to the country.

I have no desire at this time to enter upon any eulogy whatever of Mr. McAdoo, but I merely desire to say that we have heard a great deal recently about the "greatest Secretary of the Treasury since Alexander Hamilton." I would not detract one iota from the merit, such as it may be, to which the present Secretary of the Treasury is entitled, but he has had an easy task. It was his duty to recommend legislation for the reduction of taxes to get rid of a plethoric condition in the Treasury.

It was the duty of Mr. McAdoo to raise money, to devise means, and recommend plans for the raising of sums by the Federal Government such as theretofore had never been even dreamed of. Moreover, when the Great War broke out and the world's systems of exchange went to smash a burden was thrown upon the Secretary of the Treasury, the like of which no predecessor has had to assume in our time. He was intrusted by act of Congress with the power to swell or reduce the circulating medium to the extent of a billion dollars; and no man has ever even suggested that that grave duty was not discharged with perfect fidelity. Later on he was empowered by the Congress of the United States to loan $10,000,000,000 to our allies, and again the duty was discharged with such faithfulness as that criticism never was voiced in any quarter. His conduct of the Liberty loan campaigns, by which huge sums were poured into the Treasury by the patriotic people of the United States, will be remembered in history to his credit.

But in the last address of the Senator from Indiana I myself was the chief object of his shafts. Mr. President, the lands recovered by the actions brought to cancel the leases of the naval oil reserves executed by Secretary Fall and Secretary Denby are stated by the present Secretary of the Navy to contain approximately a billion barrels of oil. It was in evidence before the Committee on Public Lands that a profit of $1 a barrel might reasonably be expected by anyone equipped to extract and refine and sell petroleum products. Accordingly, the Government of the United States recovered by these proceedings lands of approximately the value of a billion dollars. The press of the country has been kind enough to give me credit to some extent and to some degree for that result.

If the stockholders of a corporation should employ an attorney to recover property corruptly or fraudulently conveyed away by the directors of the company and a recovery should be had, the court would allow the complainant suing on behalf of himself as well as other stockholders an attorney's fee commensurate with the labors involved and the value of the property recovered. If I should be thus employed and should succeed as well as was the case here, the court would probably make allowance for attorney's fees that would make me richer than I ever expected to be or hoped to be or desired to be. But I have been very much more amply repaid and better repaid by, as I think, the gratitude of the American people, which the Senator from Indiana would like now to snatch away from me.

Mr. President, I think the general character of the address by the Senator from Indiana made the other day can be gathered from the comment found toward the close of his address on page 5542 of the RECORD, as follows:

> The Federal court for the district of Wyoming, in the course of the litigation over the Sinclair leases in Teapot Dome, appointed receivers for the property leased pending the final action of the litigation. These receivers have made their report, which is to the effect that the drainage of the private wells immediately outside Teapot Dome, 150 of which were drilled by virtue of leases given them by the Democratic Secretary of the Interior, have drained the naval reserves of 50,000,000 barrels of petroleum. These gentlemen, who pose as being in possession of righteous leases, are getting the cream of the naval resources. Why, the report of the receivers shows the properties illegally and fraudulently leased to Sinclair are of infinitely less value than they were when Sinclair obtained them. The report shows that the daily crude-oil production of the Sinclair properties has dwindled from 3,700 barrels to 600 barrels, due to the drainage in the private wells just outside the naval reserve. My authority for this is a report of the receivers made to the Federal court for the district of Wyoming, January 11, this year, and contained in a special dispatch from Cheyenne, Wyo., to the New York Times, appearing in that paper the morning of January 12. Fifty million barrels of petroleum is a pretty liberal honorarium for the Democratic Secretary of the Interior to hand out to a Democratic committeeman and others at the head of private oil interests.

The last sentence, Mr. President, I shall return to presently; but I call attention particularly to the information given to the Senate in the extract from which I have just read that under the report of the receivers it appears that the Teapot Dome has been drained of 50,000,000 barrels of oil by the wells in the Salt Creek field.

That is not true; and, what is more, the untruth of it is disclosed by the New York Times, which the Senator from Indiana gives as his authority. I have here the article from the New York Times of Thursday, January 12, 1928. The headlines are as follows:

ASSERTS OUTSIDERS DRAIN TEAPOT DOME—RECEIVER FOR SINCLAIR FILES REPORT THAT GOVERNMENT HAS LOST $60,000,000 TO DATE—ASSAILS EXPERT ESTIMATES—CALLS 50,000,000 BARRELS IN RESERVE A MYTH—NAVAL CORECEIVER DOES NOT CONCUR

(Special to the New York Times)

The article:

CHEYENNE, WYO., January 11.—The Teapot Dome naval oil reserve is pictured as a "political orphan" that has been drained by wells in the adjoining Salt Creek field and is virtually valueless as a source of oil for the Navy in a special report filed in the Federal court for Wyoming by Albert E. Watts, who represented the Harry F. Sinclair interests as a receiver during the litigation which resulted in the return of the reserve to the Government on the ground that the lease was tainted with fraud.

Watts served as receiver with Commander H. A. Stuart, of the Navy. If his conclusions are correct, drainage has cost the Government more than $60,000,000, and is continuing.

Fifty millions of barrels of petroleum estimated by the Government experts to have been contained by the first Wall Creek sand under the reserve are missing, Watts's report relates, and infers that it is obvious that this petroleum was drained away by privately owned wells in the Salt Creek field.

I read further:

Watts's special report is supplemental to the main report. In the latter he and the coreceiver, Captain Stuart, were in agreement.

I ask that the entire article be incorporated in the RECORD as an appendix to my remarks.

The PRESIDING OFFICER (Mr. STEIWER in the chair). Without objection, it is so ordered.

(See Exhibit A.)

Mr. WALSH of Montana. The facts about the matter are set forth in a letter addressed to me by Captain Stuart, which I send to the desk and ask to have read by the Secretary.

The PRESIDING OFFICER. Without objection, the letter will be read.

The legislative clerk read as follows:

NAVY DEPARTMENT,
Washington, April 2, 1928.

MY DEAR SENATOR WALSH: I am in receipt of your letter of March 31, 1928, in which you ask me to comment on the following extract from a speech delivered in the Senate on March 29 by Senator ROBINSON of Indiana:

"The Federal Court for the District of Wyoming, in the course of the litigation over the Sinclair leases in Teapot Dome, appointed receivers for the property leased pending the final action of the litigation. These receivers have made their report, which is to the effect that the drainage of the private wells immediately outside Teapot Dome, 150 of which were drilled by virtue of leases given them by the Democratic Secretary of the Interior, have drained the naval reserves of 50,000,000 barrels of petroleum. These gentlemen, who pose as being in possession of righteous leases, are getting the cream of the naval resources. Why, the report of the receivers shows the properties, illegally and fraudulently leased to Sinclair, are of infinitely less value

than they were when Sinclair obtained them. The report shows that the daily crude-oil production of the Sinclair properties has dwindled from 3,700 barrels to 600 barrels, due to the drainage in the private wells just outside the naval reserve. My authority for this is a report of the receivers made to the Federal Court for the District of Wyoming, January 11, this year, and contained in a special dispatch from Cheyenne, Wyo., to the New York Times, appearing in that paper the morning of January 12. Fifty million barrels of petroleum is a pretty liberal honorarium for the Democratic Secretary of the Interior to hand out to a Democratic committeeman and others at the head of private oil interests."

Permit me to say that neither on January 7, 1928, the date that the receivership on the Teapot Dome naval reserve terminated, nor at any other time during the receivership, covering a period of about four years, did the receivers make any such report as above quoted. I know whereof I speak, because I was one of the two receivers on January 7, 1928, and for a period of about 38 months prior thereto, and assistant to the Government receiver for practically all of the remaining period of the receivership.

While his speech does not say so, Senator ROBINSON undoubtedly refers to the special report of my coreceiver, Mr. Albert E. Watts, a vice president of the Sinclair Consolidated Oil Corporation. On the date that the receivership closed Mr. Watts requested and was granted permission by the court to file a separate report. This he proceeded to do in a very heartfelt and facetious swan song. I did not, and do not now, indorse any of this report, particularly the intimation that there has been a drainage of 50,000,000 barrels of oil from the Teapot Dome by wells in the Salt Creek field. The inference to be drawn from Mr. Watts's report is that all of the 50,000,000 barrels of oil which were supposed to be in what is known as the first Wall Creek sand of the Teapot Dome had been drained out by wells in the Salt Creek field. Suffice it to say that there is no first Wall Creek sand well in the Salt Creek field within about 3½ miles of the Teapot Dome reserve, and even the nearest of these wells is decidedly north of what is known as the "tight-sand" area, in which comparatively few wells of any character have been sunk, owing to its unproductivity.

No report of the receivers shows that "the daily crude-oil production of the Sinclair properties has dwindled from 3,700 barrels to 600 barrels, due to the drainage in the private wells outside the naval reserve." Mr. Watts, in his special report, did make the statement that "under the program followed by the receivers this daily production (3,700 barrels) has decreased to about 600 barrels per day at the closing of the receivership." This decrease, however, was due primarily to the fact that only two new wells were drilled during receivership and can be considered a normal decrease. However, Mr. Watts was incorrect in his statement with reference to 600 barrels; he should have said, in order to be accurate, 700 barrels. Even this quantity would be too low if the reserve had been operating normally. As it was, preparations were being made to close down the reserve, and this caused a falling off in production.

For the month of November, 1927, the average daily production was 800 barrels; and for the last six months of the year 1927, 820 barrels daily.

There are numerous other statements by Mr. Watts in his special report in which I do not concur; and, while the court gave me permission to reply thereto, I could see no point in prolonging a controversy which had been conclusively and justly settled by the United States Supreme Court decision of October 10, 1927. I considered Mr. Watts's report mainly as the wail of an unsuccessful and disappointed litigant, put out primarily for the purpose of propaganda. As evidence of this the report was printed in full—some six columns of it—in one of the Casper papers which is notoriously sympathetic to the Sinclair interests, and extracts from the report were printed rather generously throughout the country.

Mr. Watts's report was dated January 7, 1928, and not January 11, 1928, the receivership having terminated on January 7, 1928.

The above quotation from Senator ROBINSON's speech further states that his authority for making the statement concerning the receivers' report is "a special dispatch from Cheyenne, Wyo., to the New York Times, appearing in that paper the morning of January 12." Presumably, he refers to the article in columns 2 and 3, page 5, of that paper. This article reads as follows:

"Asserts outsiders drain Teapot Dome. Receiver for Sinclair files report that Government has lost $60,000,000 to date. Assails expert estimates. Calls 50,000,000 barrels in reserve a myth—naval coreceiver does not concur."

The article then goes on to expound the views of Mr. "Albert E. Watts, who represented the Harry F. Sinclair interests as a receiver," etc. Both the headlines and the article proper state that the report is a special report by Mr. Watts, a Sinclair repesentative, and not a report by "the receivers."

Yours very truly,

H. A. STUART,
Captain, United States Navy, late coreceiver, operating oil and gas lease on Naval Reserve No. 3.

Hon. THOMAS J. WALSH,
United States Senate.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

Mr. WALSH of Montana. I yield.

Mr. ROBINSON of Arkansas. Who is the author of the letter just read and what is his relationship to the litigation?

Mr. WALSH of Montana. The letter is written by Capt. H. A. Stuart, of the Navy. Captain Stuart was one of the officers of the Navy who from the beginning raised his voice with Commander Shafroth and Captain Halligan against the leasing of the naval oil reserves. By reason of his fidelity in that regard he was designated by the Navy Department to act as one of the receivers of the Teapot Dome property pending the litigation over the cancellation of the oil leases.

Mr. President, the offenses charged against me by the Senator from Indiana are two in number, apparently—first, that I was a member of a conspiracy to turn over the naval oil reserves, or at least the oil public lands, to corrupt interests; and second, that I urged the Senate to pay some attention to testimony given by Mr. Doheny that reserves, or some of them, were likely to be drained by wells on private lands either adjacent to reserves or within the reserves.

As to the conspiracy which the Senator asserts took form and shape immediately upon the Democrats coming into charge of the Government in 1913, it was a conspiracy, as I understand the position of the Senator, for anybody to endeavor to provide for the appropriation or disposition of those lands, running into the tens of millions of acres out in the West, believed to contain coal, oil, sodium, potash, and phosphates, for the bill which was introduced dealing with lands of that character covered all of these mineral substances; and the mere fact that Democratic officials undertook to frame a law for the disposition of lands of that character, which the previous Republican administration had been endeavoring to deal with, is sufficient justification for denouncing that effort as a conspiracy.

A conspiracy is defined in the law as a combination of persons either for the purpose of accomplishing an unlawful object, or a lawful object by unlawful means.

I want to offer for the RECORD here the original bill for the leasing of lands of this character, introduced by myself on March 16, 1914, and I ask that it be made an appendix to my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WALSH of Montana. Mr. President, I challenge any Senator to point out what there is in this bill which gives rise to any suggestion that there was any conspiracy, or purpose, even, to get these lands into the hands of corrupt interests.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. ROBINSON of Indiana. I think my charge was, in the statement made the other day, that there was a conspiracy of private oil interests to bring about this very condition which has come about, aided and abetted, perhaps, by high Democratic officials in the last administration, and by the leaders in both Houses of Congress.

Mr. President, in answer to the Senator's challenge just now to find anything in the bill introduced in 1914 to which exception could be taken, I would only use the Senator's own words on September 3, 1919, on this floor, when the Senator from Montana said, in answer to the charge of the late Senator La Follette, of Wisconsin, that this was in the interest of the interests, naming the Standard Oil Co. and others, that he had introduced a bill as early as 1913 or 1914 similar in most respects to this bill. That bill went into the question evidently of oil, because the bill passed February 25, 1920, is the leasing bill we are discussing at this time, which provides, among other things, for the leasing of wells even in the naval reserves 1, 2, and 3.

Mr. WALSH of Montana. The Senator is repeating a part of his speech, but I answer his remark made upon interrupting me as follows. I quote from the speech:

> Thus the record shows that the conspiracy of private interests to grab the oil within the naval reserves of the Nation was entered into and consummated long before the Republican National Convention of 1920—entered into and consummated with the active aid and assistance of Democratic Cabinet officers and Democratic leaders in both branches of Congress.

It will be observed, Mr. President, from this bill that it has not a thing on earth to do with the naval oil reserves. Indeed, the first paragraph of the bill expressly provides:

> That deposits of coal, phosphate, oil, gas, potassium, or sodium in land owned by the United States and not otherwise reserved shall be subject to disposition in the form and manner provided by this act to citizens of the United States.

Mr. ROBINSON of Indiana. May I ask the Senator when the naval reserves were set aside?

Mr. WALSH of Montana. They were withdrawn from entry in 1909 and 1910, so that they were not subject to disposition under this act.

Mr. ROBINSON of Indiana. But when were they set aside as reserves? That is the question I am asking.

Mr. WALSH of Montana. The naval reserves Nos. 1 and 2, my recollection is, were set aside by order of President Taft in 1912.

Mr. ROBINSON of Indiana. Was there not an order of President Wilson and of the Secretary of the Navy, or at the suggestion of the Secretary of the Navy, setting aside these same reserves, 1, 2, and 3, for purposes of the Navy?

Mr. WALSH of Montana. There was not. My recollection is President Wilson in 1919 set aside the oil-shale reserves.

Mr. ROBINSON of Indiana. In the Senator's bill, which he introduced in 1914, was there any mention made of the naval reserves that had been set aside?

Mr. WALSH of Montana. There was not.

Mr. ROBINSON of Indiana. I am going only by the Senator's own statement that he introduced a bill in 1913 or 1914, as he recalled it on that day, which was very similar to the bill then under discussion, in 1919, which was finally passed on February 25, 1920, and at that time, the Senator will not deny, there was some provision with reference to the naval reserves.

Mr. WALSH of Montana. The Senator will call attention to what there is about the naval reserves there. I am talking now about the charge of the Senator that as soon as the Democratic administration got in, it entered into a conspiracy with private interests to grab the naval oil reserves.

Mr. ROBINSON of Indiana. Mr. President, the charge was made by the late Senator La Follette that the oil interests were all around here and were in a conspiracy. If I remember rightly, he used that language, although he might not have used that word. That was certainly the substance and the meaning conveyed.

Mr. WALSH of Montana. The Senator having referred to my remarks, I quote as he quoted them:

> The genesis of this bill goes back to a bill which was introduced in 1913 or 1914, it being in all essential particulars like this, although, of course, differing some in details. That bill was introduced by myself.

Mr. ROBINSON of Indiana. That was the language of the Senator himself.

Mr. WALSH of Montana. Yes; of course, it was the language of the Senator from Montana.

Mr. ROBINSON of Indiana. And I assumed the Senator meant just what he said, that it was in all respects similar to the bill which was just then being discussed.

Mr. WALSH of Montana. Differing in detail.

Mr. ROBINSON of Indiana. And in discussing that bill, which was before the Senate on September 3, 1919, the Senator did argue in favor of leasing the oil in the reserves themselves.

Mr. WALSH of Montana. The Senator argued in favor of making provision so that wells outside should not drain the oil from inside the reserves.

Mr. ROBINSON of Indiana. But to do that the wells that were in the reserves would be leased to private interests.

Mr. WALSH of Montana. Wells should be leased so far as was necessary to protect the reserves.

Mr. ROBINSON of Indiana. And the Senator used as one of his authorities on that occasion Mr. Phelan.

Mr. WALSH of Montana. Yes; the Senator has told us so.

Mr. ROBINSON of Indiana. The Senator used Mr. Phelan.

Mr. WALSH of Montana. The Senator used as his authority Mr. Phelan, who was the oil expert for the Shipping Board, and he used Mr. Doheny, a man experienced in the oil business; and the Senator from Montana believed that the statements of those two gentlemen with respect to the matter were entitled to the consideration of the Senate.

Mr. ROBINSON of Indiana. And the Senator so stated.

Mr. WALSH of Montana. And the Senator so stated.

Mr. ROBINSON of Indiana. And that the committee had made no mistake in incorporating that provision in the measure which provided for the leasing of the oil reserves.

Mr. WALSH of Montana. Oh, no; they did not incorporate any such provision in the bill. I shall call attention to the provision in the bill. The bill made no provision for the leasing of the reserves. I will tell the Senator presently just what it did provide with respect to that.

Mr. President, not only did this bill which I introduced on March 16, 1914, expressly exclude the naval oil reserves and all other reserves and deal only with the general public lands, but it contained no provision whatever like section 17, section 18, and section 18-a of the act that was finally passed, which has provoked the animadversions of the Senator from Indiana. It did provide as follows:

> SEC. 20. That no person, association, or corporation, except as herein provided, shall be permitted to take or hold any interest, as a stockholder or otherwise, in more than one lease of each of the deposits herein named and described, during the life of such lease, and any interest held in violation of this provision shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction, except that any such ownership or interest hereby forbidden, which may be acquired by descent, will, judgment, or decree, may be held for two years and not longer after its acquisition.

Mr. ROBINSON of Indiana. Mr. President, did not the Senator on that occasion use these words, after referring to Mr. Doheny, and having referred immediately before that to Mr. Phelan:

> In this situation of affairs, Mr. President, it occurs to me that the committee have acted wisely in providing that the wells already upon the reserves should be leased and that the President should have the authority to direct the drilling of other wells whenever, in his judgment, it becomes necessary to subserve the public interest. I do not believe, therefore, that those provisions of this bill are open to any serious objection.

This in response to the late Senator La Follette's objection that the bill was written in the interest of the interests.

Mr. WALSH of Montana. Quite so; but does the Senator find anything there to show that I advocated the leasing of the reserves?

Mr. ROBINSON of Indiana. Only what the Senator said himself.

Mr. WALSH of Montana. Oh, of course; what the Senator said himself was that the wells there should be leased.

Mr. ROBINSON of Indiana. And new ones opened up if necessary.

Mr. WALSH of Montana. I do not care to follow that further.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Montana yield?

Mr. WALSH of Montana. I yield.

Mr. ROBINSON of Arkansas. Of course, it is perfectly clear to everybody except the Senator from Indiana that the object of the suggestion of the Senator from Montana was to conserve the Government interests by preventing the draining of oils in the reserves by wells outside the reserves.

Mr. WALSH of Montana. Exactly.

Mr. ROBINSON of Arkansas. It would not occur to the mind of any other living person who has read that statement, and the statements with it, than the mind of the Senator from Indiana, that there was any suspicious purpose connected with the suggestion which he quoted as having been made by the Senator from Montana.

Mr. WALSH of Montana. The remarks made by me and quoted by the Senator from Indiana bear honestly no such interpretation as that I ever advocated the leasing of the naval oil reserves.

Mr. ROBINSON of Indiana. Mr. President, if the Senator from Montana will yield for just an observation in answer to the Senator from Arkansas, it is perfectly proper to say that evidently the Senator had in mind conserving oil in the reserves from being drained by wells just outside, but this leasing act provided for turning over the wells outside the reserves to people who were called trespassers by the late Senator from Wisconsin, and some of them had even signed papers to get the titles believing they were election warrants, or something of that kind, and that is openly charged here; and then they were ultimately turned over to the large interests.

Mr. WALSH of Montana. Mr. President, not only was the provision to which I have just called attention found in the original bill, but reference has been made to the fact that Senator La Follette expressed some apprehension that the lands would pass into the control of great monopolies and trusts. However, the act as passed undertook to provide for that situation of affairs in section 27, which reads as follows:

> SEC. 27. That no person, association, or corporation, except as herein provided, shall take or hold more than one coal, phosphate, or sodium lease during the life of such lease in any one State; no person, association, or corporation shall take or hold, at one time, more than three oil or gas leases granted hereunder in any one State, and not more than one lease within the geologic structure of the same producing oil or gas field; no corporation shall hold any interest as a stockholder of another corporation in more than such number of leases; and no person or corporation shall take or hold any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, which, together with the area embraced in any direct holding of a

lease under this act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, for any kind of mineral leased hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee under this act. Any interests held in violation of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition.

It will be seen that thus far the act follows pretty much the original law. It continues:

Provided, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this act, or the transportation of coal: *Provided further,* That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further,* That if any of the lands or deposits leased under the provisions of this act shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings.

While Senator La Follette had some misgivings about the bill in its earlier stages, when it was perfected and ready for passage he expressed quite a different view about it.

I called attention heretofore to some similar expressions from former Senator Kenyon, of Iowa, as the bill was about to be put on its final passage, when I rose and asked that final action upon the bill be deferred until Senator Kenyon had an opportunity to point out any particulars in the bill which in his judgment might permit such a result as that and to offer any amendment that might occur to him to obviate such result.

Mr. ROBINSON of Indiana. Mr. President——

Mr. WALSH of Montana. If the Senator will pardon me just a moment. He did not make any suggestion and he did not offer anything in support of any doubt that he might have concerning the measure, and apparently whatever doubt Senator La Follette had was very largely dissipated as well. I read from page 4251, as follows:

Let me add, Mr. President, while I am on my feet, that my only purpose in making that suggestion now is in order that time may be given to the consideration of the bill that might otherwise be taken up by the call of the roll and in other ways. I think great progress has been made in the consideration of this subject, and that we have before us a bill here that gives promise of legislation at this session. This bill is a wide departure from the position taken by the advocates of the legislation at the conclusion of the Sixty-fifth Congress, and I am encouraged by the improvement which has been made during the time since March in the direction of a better protection of the public interests over the measure that was presented at that time by the committee, the personnel of which is almost entirely the same as it was then—I think there are only four new members upon the committee—to hope that a day or two more given to the consideration of this measure may work out some further improvements.

I wish to commend the committee for the excellent provisions the bill contains.

Mr. ASHURST. Mr. President, will the Senator from Montana yield to me at this point?

Mr. WALSH of Montana. I yield.

Mr. ASHURST. The Senator from Indiana insisted that some of the services rendered by the Senator from Montana might not have been approved. Let me read from a speech delivered in the Senate of the United States on February 11, 1924, by the late Senator from Wisconsin, Mr. La Follette, sr., adverting to the services in this very matter rendered by the senior Senator from Montana. The Senator from Wisconsin was speaking upon the resolution requesting the President to ask for the resignation of Secretary of the Navy Denby. The Senator from Wisconsin said:

In order that I might keep within compass upon a subject which tempts me to extended discussion, I have reduced to manuscript all that I have to say, and shall follow my prepared remarks, unless in a way compelled to make digression.

Mr. President, before I discuss the pending resolution I wish to say a word in commendation of the senior Senator from Montana [Mr. WALSH] for the great public service he has performed in conducting the investigation into the entire subject of the leasing of our naval oil reserves.

This investigation has taken a full year of time and of his energy. He has conducted it under conditions of great difficulty and against obstacles which must at times have seemed almost insuperable. It has made heavy inroads upon his strength and health and has demanded the sacrifice of all other interests.

It may well be that the widespread ramifications of the scandal which has been recently unearthed largely through the efforts of the senior Senator from Montana may impose upon him too heavy a burden. He must not be hampered by lack of capable and trustworthy assistants.

Mr. WALSH of Montana. I thank the Senator.

Mr. President, with reference to the charge made that the policy of leasing the naval oil reserves did not originate with Mr. Fall and his associates, but had its origin before they came into control and was initiated by Democratic officials of the Government, let me say this.

But before I pass to that I want to refer to the press report of a statement made recently by ex-Secretary Fall or given in the deposition that was taken at his home in El Paso recently, to the effect that there was not even anything new about the order of the President by which the administration of the naval oil reserve was turned over to the Department of the Interior and taken out of the custody of the Secretary of the Navy, where it was placed by the act of Congress.

That seemed to me so startling a statement—quite in line, however, with the argument of the Senator from Indiana—that I called up Mr. Finney and asked him what the facts about the matter are. I have the following letter from him, which I ask the clerk to read.

The PRESIDING OFFICER. The clerk will read, as requested.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 3, 1928.

Hon. THOMAS J. WALSH,
United States Senate.

MY DEAR SENATOR WALSH: Referring to your inquiry over the phone of this afternoon, I have to advise you that I do not know of any order signed by former President Wilson transferring jurisdiction of any or all naval reserves from the Secretary of the Navy to the Secretary of the Interior. There was submitted to President Wilson by Hon. John Barton Payne, then Secretary of the Interior, on February 16, 1921, a recommendation that 120 acres in section 28, in naval reserve No. 2, be leased under section 18 or section 18a of the leasing act of February 25, 1920, to the Consolidated Mutual Oil Co. et al., claiming under mining locations. It was stated in the letter that the Secretary of the Interior thought the entire section should be leased because of conditions set forth, but that the Secretary of the Navy would only agree to leasing 120 acres. This recommendation was approved by President Wilson. See page 222, volume 1, hearings before the Public Land and Surveys Committee, United States Senate (1924); see also pages 3185–3186, volume 3 of the same publication.

Very truly yours,

E. C. FINNEY,
First Assistant Secretary.

Mr. WALSH of Montana. In order to understand the baselessness of the charge to which I am now directing the attention of the Senate, attention must be given to the provisions of the leasing law. I refer now to the act of February 25, 1920, and not the act of June 4, 1920, under which the so-called naval oil leases were executed. That law, dealing, as I have indicated, with the general public lands and not specifically with the lands within the naval oil reserve, contemplated that prospectors might go out on the general public domain in regions where they thought oil might be found, but where the existence of oil had not been demonstrated at all, and there prospect for oil. Under the act a prospecting permit could be given for an area not to exceed 2,560 acres. If oil were found by a prospector he could then have a lease of one-fourth of the area within his prospecting permit, paying therefor a royalty of 12½ per cent, and the remainder of the land within his prospecting

permit and within the same geological structure where it had been demonstrated that oil would be found could be leased in limited areas by public auction to the highest bidder. I read the provisions in relation to leases within areas known to be valuable for the oil contained within them:

"SEC. 17. That all unappropriated deposits of oil or gas situated within the known geologic structure of a producing oil or gas field and the unentered lands containing the same, not subject to preferential lease, may be leased by the Secretary of the Interior to the highest responsible bidder by competitive bidding under general regulations to qualified applicants in areas not exceeding 640 acres and in tracts which shall not exceed in length two and one-half times their width, such leases to be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall not be less than 12½ per cent in amount or value of the production, and the payment in advance of a rental of not less than $1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited against the royalties as they accrue for that year.

That is to say, Mr. President, whenever oil was discovered in a certain field the lands within that geological structure, naturally supposed to contain oil just the same as the area within which it was found, should be offered for leasing to the highest bidder after public advertisement at public auction.

There was another provision in the law which needs attention. Under the provisions of then existing law prospectors had gone out upon the public domain and had been conducting operations upon what is called wildcat territory with a view to the discovery of oil.

I might say that prior to the enactment of this legislation and prior to the withdrawal of these great areas oil land could be appropriated under what is known as the placer mining law. That law, when it was enacted, contemplated the appropriation of lands valuable for the placer mineral contents. The gold prospector would go out in the hills, follow the bed of a stream, encounter auriferous sands there, and, panning the sand, would find gold. That would be his first act—that is, he made his discovery—he found gold. Whereupon he marked out a certain area allowed to him by the law and he eventually became entitled to a patent to that particular ground. That act was equally applicable to the appropriation of oil lands, but it was regarded upon all hands as entirely inappropriate to the purpose, and therefore this new legislation was demanded by a powerful public sentiment and a perfectly justifiable public sentiment.

Mr. ROBINSON of Indiana. Mr. President, right there, if the Senator from Montana will yield, I desire to ask, Was there not a tremendous public sentiment against it in the various States, as evidenced by the many telegrams and communications put into the RECORD?

Mr. WALSH of Montana. There was a powerful public sentiment in the West against any leasing law, the people there insisting that the old law which gave a title in fee should be continued in some form. That was the position in the West.

Mr. ROBINSON of Indiana. As a matter of fact, it was charged on this floor, was it not, I will ask the Senator from Montana, and so far as I know not successfully denied, that there were any number of trespassers on those public lands outside of the oil reserves who would be given prior rights under this legislation?

Mr. WALSH of Montana. I am just going to tell about those trespasses. There were no trespassers at all. The law granted to every citizen of the United States the right to go upon the public lands and to appropriate those lands as the law provided. Accordingly, a large number of persons went upon those lands and tried to discover oil on them, just as they had tried to discover gold on them; just the same as they had tried to discover silver upon them or copper or cinnabar and lead and other metals and mineral substances. It takes a long time to get down to where the oil is, and so they reversed the process ordinarily followed and marked out an area of ground, in the first place 20 acres allowed under the placer mining law, and then proceeded to drill, but the prospector had no right to that particular land at all until he struck oil, although he was entitled to occupy the ground for the purpose of doing prospecting. When this act was passed, many of those people had gone to great expense. They had been obliged to bring machinery in to do the work; they had been obliged to build roads; they had been obliged to bring in water for the purpose of conducting their operations; they had to bring in supplies of various kinds; and these expenditures had to be met, although they had not yet discovered oil. So it was provided in section 18 of the law that in such cases persons who had thus occupied tracts of land under the existing laws, with a view to finding oil upon them, and had made expenditures, would be entitled to a preference in the lease of those particular lands. That was provided in section 18.

Now, I desire to say that the bill that I introduced had nothing to do with that question. There is no provision in the bill I introduced that has any relation to section 18 incorporated here; and yet I am not prepared to say that some provision ought not to have been made for those people. Section 18 reads as follows:

That upon relinquishment to the United States, filed in the General Land Office within six months after the approval of this act, of all right, title, and interest claimed and possessed prior to July 3, 1910, and continuously since by the claimant or his predecessor in interest under the preexisting placer mining law to any oil or gas bearing land upon which there has been drilled one or more oil or gas wells to discovery embraced in the Executive order of withdrawal issued September 27, 1909, and not within any naval petroleum reserve—

Observe, Mr. President, not within any naval petroleum reserve—

and upon payment as royalty to the United States of an amount equal to the value at the time of production of one-eighth of all the oil or gas already produced except oil or gas used for production purposes on the claim, or unavoidably lost, from such land, the claimant, or his successor, if in possession of such land, undisputed by any other claimant prior to July 1, 1919, shall be entitled to a lease thereon from the United States for a period of 20 years, at a royalty of not less than 12½ per cent of all the oil or gas produced except oil or gas used for production purposes on the claim, or unavoidably lost: *Provided*, That not more than one-half of the area, but in no case to exceed 3,200 acres, within the geologic oil or gas structure of a producing oil or gas field shall be leased to any one claimant under the provision of this section when the area of such geologic oil structure exceeds 640 acres. Any claimant or his successor, subject to this limitation, shall, however, have the right to select and receive the lease as in this section provided for that portion of his claim or claims equal to, but not in excess of, said one-half of the area of such geologic oil structure, but not more than 3,200 acres.

All such leases shall be made and the amount of royalty to be paid for oil and gas produced, except oil or gas used for production purposes on the claim, or unavoidably lost, after the execution of such lease shall be fixed by the Secretary of the Interior under appropriate rules and regulations: *Provided, however*, That as to all like claims situate within any naval petroleum reserve the producing wells thereon only shall be leased, together with an area of land sufficient for the operation thereof, upon the terms and payment of royalties for past and future production as herein provided for in the leasing of claims. No wells shall be drilled in the land subject to this provision within 660 feet of any such leased well without the consent of the lessee: *Provided, however*, That the President may, in his discretion, lease the remainder or any part of any such claim upon which such wells have been drilled, and in the event of such leasing such claimant or his successor shall have a preference right to such lease.

That is as far as is necessary to read in order to make clear what I have to say about it.

Mr. ROBINSON of Indiana. Mr. President, I should like to ask the Senator a question right there, if I may.

The PRESIDING OFFICER (Mr. STEPHENS in the chair). Does the Senator from Montana yield to the Senator from Indiana?

Mr. WALSH of Montana. I yield.

Mr. ROBINSON of Indiana. The late Senator La Follette offered an amendment to strike out section 18 of the bill. Is not that true?

Mr. WALSH of Montana. I have been looking over the RECORD, but I have been unable to find any such amendment. I dare say, however, that that is true.

Mr. ROBINSON of Indiana. And the Senator from Montana did vote against the amendment?

Mr. WALSH of Montana. I do not know anything about that; but it is a little late now to talk about a bill that was passed here in 1920. However, Mr. President, I wish to say this much, that the RECORD discloses that the bill as it was finally framed was so unobjectionable to every Member of the Senate that it passed without even a roll call. Not only upon the final passage of the bill, but upon the conference report as well, there was no roll call.

Mr. ROBINSON of Indiana. So was the amendment on June 4 agreed to without a roll call.

Mr. WALSH of Montana. Exactly; so was the amendment on June 4; and I desire to say, Mr. President, that there were then in the Senate men as regardful of the public interests as the Senator from Indiana ever will be.

The vote on the conference report is reported at page 2742 of the RECORD of February 11, 1920. The conference report was signed by—

REED SMOOT, I. L. Lenroot, H. L. Myers, and KEY PITTMAN, managers on the part of the Senate.

N. J. SINNOTT, ADDISON T. SMITH, J. A. Elston, and EDWARD T. TAYLOR, managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to. .

In exactly the same way, Mr. President, the bill passed originally without a voice being raised in opposition; but now, after eight years, the Senator from Indiana comes here and assails the bill as a conspiracy between Democratic officials and predatory oil interests.

Mr. President, having this matter in mind——

Mr. WHEELER. Mr. President, does the Senator know how the Senators from Indiana voted on that bill?

Mr. WALSH of Montana. There was no vote, and so, of course, they voted for it; that is, they must be regarded as having voted for it.

Mr. President, the charge that Democratic officials conspired to turn over the naval oil reserves to corrupt interests is not at all new with the Senator from Indiana. In the midst of the hearings conducted four years ago the Republican National Committee sought to convey that idea to the public, as will appear from the RECORD of February 25, 1924, at page 3046. I read as follows:

NAVAL OIL LAND LEASES—PERSONAL EXPLANATION

Mr. WALSH of Montana. Mr. President, I rise to a question of personal privilege. I call attention to an article appearing in the Washington Post this morning, being an Associated Press dispatch with appropriate headings, as follows:

LAW COVERING NAVAL OIL RESERVE LEASES CREDITED TO WALSH—SENATOR'S "BOAST" CITED BY THE REPUBLICAN COMMITTEE—DRIVE ON DAUGHERTY TO BE RENEWED TO-DAY—WHEELER TO MODIFY RESOLUTION IN REGARD TO NAMING OF INVESTIGATORS

(By the Associated Press)

The news bureau of the Republican National Committee issued a statement yesterday declaring the act which gives the Secretaries of the Navy and Interior the power to lease public oil reserves was fathered by Senator WALSH (Democrat) of Montana. That section under which Secretary Denby acted in signing the Doheny and Sinclair leases, the statement said, was written by former Secretary Josephus Daniels.

Speaking of the policies with respect to leasing, the statement said if there was anything wrong with them the blame should fall on Senator WALSH and Mr. Daniels.

"The leasing act received its first application"—

The statement continued—

"under the administration of Josephus Daniels and John Barton Payne, of the Navy and Interior Departments, respectively. Under their administration Government oil lands, both within and without the naval oil reserves, were leased to private interests, to be developed by them on a royalty basis."

POLICIES CREDITED TO WALSH

Senator WALSH, the statement said, in a debate on the leasing act, "boasted of the fact that he was the originator of the policy of leasing public oil lands to private interests." Secretary Daniels, it said, told Chairman BUTLER, of the House Naval Committee, that private interests were draining oil from under Government lands and obtained enactment of the section under which Secretary Denby acted, on the grounds that the Navy must protect its supply.

Under provisions of the law, the statement continued, Secretaries Daniels and Payne leased oil wells in naval reserves. Mr. Payne, it said, approved approximately 150 leases for private interests to develop and operate over 14,000 acres of oil land immediately adjacent to Teapot Dome.

That is the end of the article appearing in the Washington Post. Then I remarked:

I have before me a copy of the article issued by the news bureau of the Republican National Committee to which the Associated Press dispatch referred. This story did not originate with the Republican National Committee. It originated with a Republican paper printed in my home town, and they repeat the misrepresentation made by that paper, which asserted that the leases that had been the subject of inquiry were made under the provisions of the general leasing law approved February 25, 1920, and that I was instrumental in procuring the enactment of that law. They cited at length the debate upon one feature of that law as showing my responsibility for the enactment of the law under which the leases were made.

My attention having been called to the article, I wired to that particular paper the information that the leases were not made under the provisions of the act of February 25, 1920, at all, but were made under the provisions of the act of June 4, 1920; that they were not made under the provisions of the general leasing law at all, but were made under the provision of the naval appropriation act of that year. I said in the telegram that the paper had doubtless been inadvertently led into a mistake with respect to the matter.

I can not, however, give to the Republican National Committee or its news bureau the excuse of having been led into any inadvertent mistake. The misrepresentation on their part is perfectly deliberate and malicious, as everyone in the Senate knows who knows the facts. No one here who has had any part in the debate or who has listened to it has any kind of an idea that the leases under consideration were made under the provisions of the general leasing law but knows that they were made under the provisions of the act of June 4, 1920, which provoked no discussion whatever upon the floor of the Senate and had consideration only in connection with certain amendments that were offered by the Senator from Utah [Mr. SMOOT] and that were accepted without any debate whatever.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield to the Senator from Utah.

Mr. SMOOT. I want to say in this connection that those amendments were sent to me, as chairman of the Committee on Public Lands and Surveys, by the department itself. They were department amendments. So far as the leasing act of February 25, 1920, is concerned, I was chairman of the Committee on Public Lands and Surveys that had the leasing bill in charge. I was a member of the conference. There was no question about the passage of that act. I believe it was unanimously agreed to by both sides of the Chamber.

Mr. WALSH of Montana. The Senator is referring to the act of June 4, 1920?

Mr. SMOOT. I mean the leasing act.

Then, Mr. President, I challenged any Member of the Senate on either side of the Chamber to rise in his place and correct any misstatement of fact that I made in respect to the matter, and both the Senator from Wisconsin, Mr. Lenroot, and the Senator from Utah [Mr. SMOOT] rose in their places and said that the statement I made was substantially correct.

But, Mr. President, as I say, this is old stuff. The effort of the Republican National Committee, made in 1924, to broadcast through this country and impress the public mind with the soundness of the charges now made by the Senator from Indiana fell flat. Of course the public was not imposed upon by any such representations; but another effort was made in that direction and matter put in the RECORD which I dare say is the source of most of the information or misinformation given to the Senate by the Senator from Indiana.

It will be remembered that when the hearings before the Public Lands Committee upon this subject first began, the Senator from Utah [Mr. SMOOT] was the chairman of the committee. He was promoted to the position of chairman of the Finance Committee upon the incoming of Congress in the month of December, 1924; and his place as chairman of the Committee on Public Lands was taken by Senator Lenroot, of Wisconsin, then the ranking member of the committee. Senator Lenroot's health failed him, however, at a later stage of the proceedings and he was succeeded by Senator Ladd, of North Dakota. Senator Lenroot resigned not only as chairman of the committee but also as a member of the committee, and his place was taken by Senator Spencer, of Missouri.

Senator Spencer, in an effort to relieve the Republican Party and its managers from some share of the odium which had been cast upon them by these transactions, caused to be introduced in the record a list of some 20 questions and answers which he asserted had been sent by Secretary Denby to the Chairman of the House Naval Affairs Committee, the purpose of which was again to establish that the policy of leasing the naval oil reserves originated with the Democratic administration.

Mr. ROBINSON of Indiana. Mr. President, the Senator does not deny that charge, does he—that the policy began in the Democratic administration?

Mr. WALSH of Montana. Of leasing the naval oil reserves?

Mr. ROBINSON of Indiana. Yes. The Senator does not deny the fact that Secretary Daniels did ask for the broadest authority and did himself lease 55 wells? Does the Senator deny that?

Mr. WALSH of Montana. Secretary Daniels's acts will be referred to by me directly. I will tell just exactly what Secretary Daniels did. Secretary Daniels did lease wells in naval reserve No. 2.

Mr. ROBINSON of Indiana. And that was in the Democratic administration?

Mr. WALSH of Montana. Yes; that was in the Democratic administration.

Among these twenty-odd questions was one relating to the leasing of a portion of naval reserve No. 2 to the Boston-Pacific

Oil Co., made the subject of comment by the Senator from Indiana.

Fortunately, Mr. President, Mr. Finney, who has a perfectly intimate acquaintance with all the facts in this case, was at hand. Indeed, he was upon the stand at the time this matter was introduced, as follows:

Senator SPENCER. Mr. Finney, I want to get your judgment on a few statements which I read with a good deal of interest as coming from Secretary Denby, and some questions that were asked and answers that were given by him in response to an inquiry from the Committee on Naval Affairs of the House of Representatives. I should like to see what you think of them. The questions were asked and the answers given in March of this year. Here is question No. 1:

"Is it a fact that the then Secretary of the Navy, the Hon. Josephus Daniels, sent similar letters to the chairman of the Committee on Naval Affairs of the Senate and the House of Representatives, dated, respectively, March 29, 1920, and March 5, 1920, stating: '(a) It therefore becomes imperative "when viewed from an economic standpoint only that machinery be provided whereby wells may be drilled for protection against drainage from adjacent lands, or to supply oil for the Government's needs"; (b) and that excess oil from protective wells may be sold or storage provided for excess oil if considered advisable'?"

That will indicate the general character of the questions. But I want to invite especial attention to question No. 5, appearing at page 3559 of the hearings, referring to the lease made to the Boston-Pacific Oil Co., challenged by the Senator from Indiana:

Senator WALSH of Montana. The next is question 5:

"Question No. 5. Is it a fact that Secretary Daniels approved the leasihg without public advertisement by the Hon. J. Barton Payne, then Secretary of the Interior, and drilling of new wells on naval oil reserves?"

And the answer is:

"Answer. Yes. Under date of August 21, 1920, the then Secretary of the Navy informed the then Secretary of the Interior that the lease to the Boston-Pacific Oil Co. covering the drilling of five new wells on section 32 of naval petroleum reserve No. 2 was satisfactory to the Navy Department."

What have you to say as to the imputation there made that the policy of leasing the naval oil reserves without competitive bidding was inaugurated and initiated by Secretary John Barton Payne?

Mr. FINNEY. I do not think there is anything to that. I think the action in making these leases of these five wells and the 120 acres of section 28 was entirely correct and appropriate.

Senator WALSH of Montana. What do you think of putting out a statement the purpose of which is to inform the public that the policy of leasing naval reserve No. 3, as it was by Secretary Fall to the Mammoth Oil Co. without competitive bidding, out in New Mexico, and subsequently giving Doheny all leases on No. 3, was a policy inaugurated by Secretary Payne?

Mr. FINNEY. I do not think there was any action by Secretary Payne or the President under the other law at all.

Senator WALSH of Montana. Tell us about the matters referred to in the answer about drilling five new wells and leasing all the tract in naval reserve No. 2. It first refers to drilling five wells, and then to leasing 120 acres.

Mr. FINNEY. The leasing law, section 18, is already in the record several times, and it authorized the Secretary of the Interior to lease any wells that were then producing in the naval reserves.

Senator WALSH of Montana. He must lease them to whom?

Mr. FINNEY. To the owner of the mining location.

Senator WALSH of Montana. So there could be no possibility of a competitive bid there?

Mr. FINNEY. No, sir.

Senator WALSH of Montana. The law would not permit of it?

Mr. FINNEY. No room for any. Secondly, the President was, by the same section, given authority to lease additional wells within the area of any mining location which had upon it one or more producing wells. Thirdly, the President was given authority by the same section to lease the remainder of the area of any mining claim which had upon it one or more producing wells.

Now, that was the law. The first step under the leasing law was, naturally, an application for leasing of producing wells. Then the Boston-Pacific, getting down to this case, which had been given a lease for certain producing wells within the limits of a mining claim in reserve No. 2, held by that company, applied for the privilege or the right to drill five new wells to presumably offset the production on other lands. That matter was taken up with the Navy Department and with the Interior Department, and Secretaries Payne and Daniels agreed to leasing the wells.

Senator WALSH of Montana. Was there any room under the law for competitive bidding in these cases?

Mr. FINNEY. No; the preference, I should have stated, was granted by statute to the owner of the mining claim. These five wells were authorized to be leased and were leased to the Boston-Pacific Oil Co., the owner or claimant under the mining title.

Mr. President, the situation with respect to naval reserve No. 2 is indicated upon the map here before us. The Boston-Pacific Co. had been granted the right to drill five offset wells on a tract of land there, there being wells upon the adjacent sections that were draining that area. They were afterwards authorized to drill more wells, and eventually they were given a lease of the entire tract. As you will see, wells were drilled all around upon the adjacent property.

Mr. President, under the law there was no room for competitive bidding. There was only one man who could get the lease, and that was the man who owned the mining claim.

I have referred to this statement by Secretary Denby that was put in the RECORD over in the House, and brought into our hearings by Senator Spencer. I shall not take the time of the Senate to deal generally with it. In a general way, it merely makes the same charges that the Senator from Indiana [Mr. ROBINSON] made here on the floor the other day. It is simply a tissue of misrepresentations from beginning to end.

Secretary Denby never prepared that statement. He never prepared these questions, nor the answers to the questions.

He would not dare to come before any committee of either House of Congress and submit himself to cross-examination; he did not know anything about the matter. He did not even know that naval reserve No. 2 had been leased, and so he could not know anything about this. That statement was prepared by some one in the office of the Secretary of the Interior, by some one who had studied the facts, and turned the statement over to Mr. Denby, and he offered it here.

Mr. President, Senator Spencer was an able lawyer. He was ready at all times, and under all circumstances, to rise and defend his party against any kind of imputations, and do what he could to free it from any charges that might be made against it. It will be remembered that he valiantly came to the aid of Mr. Newberry. He even made a minority report on the hearings in which he commended Secretary Fall for his patriotic action in leasing these naval oil reserves. Yet the mendacity of the charges made in this statement was so perfectly obvious to Senator Spencer, who had, I might say, some culture, as well as legal learning—the mendacity of the thing was so perfectly apparent to him that he did not even make these assertions or attempt upon this floor to back up the charges made in the pamphlet which was fathered by Secretary Denby, but which was prepared, as I have said, by somebody in the Department of the Interior; but the Senator from Indiana is perfectly willing to become responsible for the statements made.

Mr. ROBINSON of Indiana. I was just going to say, if the Senator will permit, that as long as he has commented on the statement made by former Secretary Denby, it might be well at this juncture to put that statement into the RECORD, if the Senator has it.

Mr. WALSH of Montana. The Senator will find it in House Document No. so-and-so. However, to relieve the Senator, I can tell him that it is all quoted here, and every statement in it is subjected to cross-examination by Senator Spencer and myself.

Mr. ROBINSON of Indiana. I just thought that in the absence of Mr. Denby to speak for himself, it might be inserted in the RECORD.

Mr. WALSH of Montana. So much for the charge that leases were made within the naval oil reserves by the Democratic administration without any competitive bidding. Of course, that is true; but the law forbade any competitive bidding. The law provided that only one man or corporation, and that the corporation which had the lease upon the property beforehand, could drill these wells.

There is another charge in this connection to which I desire to call attention. It is embraced in the concluding sentence of the first extract from the speech of the Senator which I read at the opening of my address:

Fifty million barrels of petroleum is a pretty liberal honorarium for the Democratic Secretary of the Interior to hand out to a Democratic committeeman and others at the head of private oil interests.

That statement is made in connection with the charge that Secretary Payne leased a large portion of the Salt Creek oil field, as a result of which the oil within the Teapot Dome was drained out. There is on the wall here a map showing the Teapot Dome and the adjacent Salt Creek field. This lower ellipse is the Teapot Dome. Above the narrow portion here is the Salt Creek field. Salt Creek field was discovered and developed before the law of 1920 was enacted, and even long before there was any general withdrawal of public oil lands to await legislation.

Mr. ROBINSON of Indiana. Let me ask the Senator if it is not true that many of the claims were alleged to be fraudulent, and that the Democratic Attorney General was asked to prosecute in the name of the Government many of those claimants who were alleged to be trespassers?

Mr. WALSH of Montana. That is a little aside from this question. The question as to whether there were or were not fraudulent claims in the Salt Creek field has been discussed in the papers here recently. That is entirely aside from the question we are talking about, the leasing of the naval oil reserves.

An investigation of that subject was made by the Department of Justice a great many years ago. There is a report on file in the department. I asked for it some time ago, hoping that I might find time to go into the very question about which the Senator is now talking. I was advised by the Department of Justice that there was no such report there. I persisted, however, that there was such a report there, and I am glad to inform the Senate that just a few days ago they advised me that they had found the report.

There may or may not be ground for the charge that some of those claims were fraudulent. I do not know. They may or may not have been. I do not care whether they were or not; it had not a thing in the world to do with this matter. I trust the Senator from Indiana will take up that subject and demonstrate, if he can, by a proper investigation that those claims were fraudulent and that the leases should never have been issued to anyone. I should like to do it myself, but there is some evidence that the people feel that I am too active in investigations.

However, Mr. President, long before this time these lands were taken up under the old placer mining law, bear in mind, and wells were sunk all over this area. But the lands around the edge of the property seem never to have been taken up, though, of course, whenever a well is sunk, then prospectors rush in and appropriate the lands immediately adjacent to the area that has been demonstrated to be oil bearing. So the lands around the center of the Salt Creek field were all taken up, but those along the margin remained in the Government, when the withdrawal orders were made, and no one was thereafter permitted to take these lands; but when the act of 1920 was passed, those lands, not being in any reserve of any character whatever, became open to leasing just the same as lands in my State, just the same as lands in Utah, just the same as lands in California, all over the West; those lands became subject to leasing under the provisions of section 17 of the act of 1920.

What did that provide? It provided that whenever there were any of these lands within the area of a known geological field, a producing field, no prospecting permit could be granted, but leases should be granted by competitive bidding, and it became the duty of Mr. Payne, when he became Secretary of the Interior, to offer to lease those lands to the highest bidder which he proceeded to do. Those who are interested in the matter will find a list of all the leases on page 1080 of the hearings, volume 1.

Mr. President, those lands were thus put up for competitive bidding, advertised, the whole world was at liberty to come in and bid, and many did come in and bid, the royalty being fixed at 30 per cent of the production. The Interior Department recommended that the royalty be fixed at 25 per cent, the lease to be given to the one who would offer the greatest bonus.

Secretary Payne took his pencil and drew it across "25 per cent" and inserted "30 per cent," and those areas were leased at a 30 per cent royalty, together with a bonus, the man who bid the highest bonus getting the land.

Mr. ROBINSON of Indiana. The Senator does not deny the fact that those leases given at that time have drained the Navy's oil?

Mr. WALSH of Montana. I deny it. The excuse offered by Fall and by Sinclair for leasing this entire area of the Teapot Dome, some 9,000 acres, the lower part of it 4 miles away from the nearest well in the Salt Creek field—4 miles away—was that the wells in the Salt Creek field were draining the oil out of Teapot Dome. That proposition has been resolutely denied by the representatives of the Government of the United States, and is to-day denied, as shown by the letter of Captain Stuart, which has been read in evidence here this morning.

There was some evidence introduced before the committee that wells within the Salt Creek field; that is, immediately adjacent to the line, were draining to some extent, some possibly appreciable extent, the oil in the naval oil reserves, but that the effect of wells away up in the body of Salt Creek field could be felt at all in the Teapot Dome was just simply absurd. So that these lands were thus leased by Secretary Payne.

Mr. ROBINSON of Indiana. The leases that were given by Mr. Payne were just outside of Teapot Dome.

Mr. WALSH of Montana. They were just outside the Teapot Dome and they were clear beside of the Salt Creek field, reaching down in this neighborhood [indicating] and coming into contact at this narrow place here.

Mr. ROBINSON of Indiana. The Senator denies that those wells drained the Teapot Dome?

Mr. WALSH of Montana. I deny that those wells drained the Teapot Dome, and state that that was a poor excuse offered as a justification for the leasing.

Mr. ROBINSON of Indiana. Was not the Senator's main justification for relying on the testimony of Doheny, with reference to draining naval reserve No. 2, the fact that the wells adjoining No. 2, owned by private interests, were draining the naval reserve?

Mr. WALSH of Montana. The Senator is not appreciative of the fact that geological structure has a great deal to do with this matter.

Mr. ROBINSON of Indiana. That may be true, but I am asking the Senator——

Mr. WALSH of Montana. The Senator is asking me. Now, we will talk about this right here. Here are the leases right here [indicating]. The lands adjacent here were being drilled up and were producing enormously, and were undoubtedly draining the oil from this naval reserve No. 1, as indicated upon the map. It was with reference to that condition of affairs that Mr. Doheny was talking, and not with reference to the Teapot Dome at all. He likewise was talking in relation to the wells on naval reserve No. 2, scattered all through naval reserve No. 2, where the Government owned each alternate section, and every other section was held in private ownership.

Mr. ROBINSON of Indiana. Was not No. 3 referred to by Secretary Payne himself in his letter, stating that the Navy's oil was being drained?

Mr. WALSH of Montana. It was not. He had no reference to that at all. He had reference to naval reserve No. 2.

Mr. ROBINSON of Indiana. I am not certain about that in my own mind. I was asking for information.

Mr. WALSH of Montana. I am giving the Senator the information. The situation is as I have indicated. However, that is the way these were leased and that is the justification.

One of the bidders for these lands, as I am advised, was the Producers & Refiners Co., of which Mr. Barnett, of Denver, who was for quite a long while Democratic national committeeman from the State of Colorado, was the president. His company was the bidder for a considerable area of the land, and it was awarded to him because he was the highest bidder for that land. What could Secretary Payne do under the circumstances? I address that question to the Senator from Indiana. Will the Senator from Indiana give me his attention?

Mr. ROBINSON of Indiana. I was busy at the moment and did not hear the Senator.

Mr. WALSH of Montana. I was speaking about the lease to Mr. Barnett's company, the Producers & Refiners Co., to which the Senator referred. His company was the highest bidder for that tract.

Mr. ROBINSON of Indiana. I will just say in this connection that I am assembling some material on that proposition which I hope to be able to incorporate in an address at a later time.

Mr. WALSH of Montana. Assuming for the purpose that he was the highest bidder, what could Secretary Payne do?

Mr. ROBINSON of Indiana. I say I would rather not answer at this time. I have a lot of information on that subject.

Mr. TYDINGS. Mr. President, will the Senator from Montana yield just a moment for a brief statement?

Mr. WALSH of Montana. I yield.

Mr. TYDINGS. I want to tell the Senator the story of an old colored man out in Kansas City who, in spite of the fact that it was right after the Civil War, still stuck to the Democratic Party. He used to make speeches. Each time he would address the colored voters with these words: "I knows that the Democratic Party is the party what freed the slaves, but I doesn't want to be drawn into that part of the argument." Then he would say no more about it. It seems to me, after the Supreme Court has passed on this question and Cabinet officers have been thrown out of the Cabinet, that the position of some Republicans, not many, but some of them here, is, "I knows the Republican Party had nothing to do with this leasing of Teapot Dome, but I does not want to be drawn into that side of the argument."

Mr. WALSH of Montana. I have explained to the Senate just what justification there is for the statement made by the Senator from Indiana that the Democratic administration gave an honorarium to the Democratic committeemen from the State of Colorado of 50,000,000 barrels of oil—said by the receiver for

Mr. Sinclair to have been drained by Mr. Barnett's company out of Teapot Dome.

Mr. ROBINSON of Indiana. He was one of the coreceivers and it was incorporated in his report.

Mr. WALSH of Montana. Yes; but the Senator did not say he was the receiver for Mr. Sinclair.

Mr. ROBINSON of Indiana. I said he was one of the receivers.

Mr. WALSH of Montana. Yes; he was one of the receivers.

Mr. ROBINSON of Indiana. I will have a good many more facts to give the Senate before I get through with this matter, and with reference to the Salt Creek field, definitely and specifically.

Mr. TYDINGS. I hope we get facts in the RECORD.

Mr. WALSH of Montana. I want to read from the hearings about these leases made by Secretary Payne, as appears in volume 1, page 693, November 1, 1923:

Senator WALSH. In connection with the testimony given by Mr. Reavis on yesterday to the effect that a bonus of $10,000,000 might reasonably have been anticipated if competitive bids had been asked for in connection with the leasing of the Teapot Dome, I offer a plat exhibiting the edge leases on the Salt Creek field, with the names of parties to whom leases were issued, and the royalty received in each case, as well as the aggregate royalty paid.

I regret very much that we have not that plat here. It would show every lease made by Secretary Payne and the party to whom it was leased and the bonus that was paid.

Senator LENROOT. That is, the rate of royalty?

Senator WALSH. Not the rate of royalty, as that is uniform except in the case of one lease, where the royalty was one quarter, or 25 per cent.

During the administration of Secretary Payne notification was given that these leases would be offered at auction, or proposals—I do not recall which—the commissioner proposing 25 per cent. Secretary Payne approved the proposition to offer them for public sale, but in his own handwriting, across the order, directed that the royalty be 30 per cent, and the bonus for each lease is scheduled here—they all appear 30 per cent—and the aggregate bonuses amount to $1,687,000.

Senator JONES. On how many acres?

Senator WALSH. Well, I have not computed the acreage, Senator. I will have that done.

Senator JONES. The plat will show the acreage, will it?

Senator WALSH. Yes, sir.

Senator JONES. And it can be computed?

Senator WALSH. Yes, sir; it can be computed and I will have it done.

Senator LADD. Is it on the whole field?

Senator WALSH. No; this exhibits what it is. It is only on the edge water leases, the edge of the field to a very large extent, with that part that did not pass by patent or pass by adjustment under the provisions of section 18, and the royalties were as there specified, 12½ per cent.

Senator JONES. Does that show the offset wells on the naval reserves?

Senator WALSH. No; this does not show those wells.

Senator JONES. But it shows the wells just outside the reserve line?

Senator WALSH. Yes, sir.

Senator LENROOT. Does it show production?

Senator WALSH. No.

I referred to the matter of the drainage of Teapot Dome from wells within the Salt Creek field. The testimony by the experts of the Government is that whatever drainage there was would be amply taken care of by the drilling of just a few offset wells in this narrow region of the field, just exactly as was done over here [indicating on map].

Prior to the time that Mr. Daniels quit office he became impressed with the idea, advanced by Mr. Doheny and by Mr. Phelan, to which I had temerity to call the attention of the Senate when the bill was under consideration, that there was very serious drainage taking place in the eastern portion of naval reserve No. 1 in the State of California.

Secretary Daniels undertook to meet the situation and called for bids for the sinking of 22 offset wells within the reserve in order to protect it against this drainage. But, as I said the other day, he went out of office before that was completed. His successor immediately renewed the advertisement, and Mr. Doheny was the successful bidder and secured leases entitling him to drill the 22 wells as offset wells. The committee found no reason to believe that that transaction thus carried out by Secretary Fall and Secretary Denby had any sort of doubt about it. So far as the committee was able to discern, it was a perfectly legitimate transaction for the purpose of protecting the reserve.

I understand that later on a question was raised as to the validity of those leases under the law, but the committee found no cause for criticism of them in any shape or manner and never has criticized them. What they did criticize was the leasing of the entire reserve upon the pretext that it was necessary to protect the reserve against drainage.

Now, Mr. President, I want to call attention to some of the more glaring parts of the address of the Senator from Indiana. On page 5538 of his address made on March 29 last I find the following:

The record shows, contrary to the views of the Senator from Idaho [Mr. BORAH], that the "conspiracy" to get control of the oil reserves of the country was not formed in Chicago during the Republican convention of 1920, but was formed in the city of Washington during the Democratic administration of President Wilson; and it was participated in by high officials of that administration and aided and abetted by still other Democrats of high standing.

Reference has been made to the act of June 4, 1920, and it is assailed as evidence of the conspiracy thus adverted to by the Senator from Indiana. I do not know how we could reach a situation such as that suggested here unless we gave to the Secretary of the Navy or some one else the power to issue leases for offset wells, unless, of course, the Government of the United States went in and drilled wells.

Mr. ROBINSON of Indiana. And the Senator was opposed to that plan, was he not?

Mr. WALSH of Montana. It never was proposed by anybody that the United States should engage in the business of taking oil out of the ground.

Mr. ROBINSON of Indiana. And because of that fact the Senator was in favor of offset wells in the reserve where needed.

Mr. WALSH of Montana. He was in favor, as a matter of course, of legislation which would enable the Secretary to drill the wells in the adjacent territory, and that the leasing of the wells was the way that everybody thought was wise.

Mr. ROBINSON of Indiana. And the act of February 25, 1920, permitted the leasing also of wells just outside of the reserve to drain the reserve.

Mr. WALSH of Montana. The act of 1920, as a matter of course, permitted the leasing of wells anywhere upon the public domain.

Mr. ROBINSON of Indiana. The act of June 4, 1920, permitted the Secretary of the Navy to lease the reserves themselves, and the other act——

Mr. WALSH of Montana. I suppose probably if the Senator from Indiana had been here he would have made some objection that they should not lease within a certain distance of the naval oil reserves, and perhaps a provision of that kind would have been a wise one. I suppose probably he would have thought of it, but no one else did. The Senator from Wisconsin, Mr. La Follette, and the Senator from Iowa, Mr. Kenyon, did not think of it. The Senator from Indiana can not really think he is the only safeguard of the public interest in this body?

Mr. ROBINSON of Indiana. No; but the Senator will admit a safeguard ought to have been there?

Mr. WALSH of Montana. Of course. Now, in the light of what has transpired, it would have been a wise thing to keep a margin between the lessee on the public lands and the naval oil reserve. I am not sure about that. I have not given thought to it. It just occurred to me now. No one has heretofore suggested anything of the kind.

So that, Mr. President, everybody at the time having confidence in Secretary Daniels that he would not lease any more of those lands than was absolutely necessary to protect the oil within the reserves, and it being the general belief that the Navy Department would be careful to conserve the great oil deposits within the reserves, the power had to be placed somewhere, and was given to the Secretary of the Navy by the act of June 4, 1920.

Let me go on with the speech of the Senator from Indiana. On the same page, referring to Secretary Daniels, he said:

He needed no legislative enactment to empower him to leave the oil in the ground, where it had been for centuries. What Secretary Daniels wanted was power to enable him, in his discretion, to take the oil out of the ground.

I want to ask the Senator from Indiana just what he would do under those circumstances? Just what provision would he have made?

Mr. ROBINSON of Indiana. Just what I said there. If I understand it, the former Secretary of the Navy had time and again said, or at least on one notable occasion he said, that he tried to keep the oil in the ground until 1921.

Mr. WALSH of Montana. Yes; but he found that he could not do it.

Mr. ROBINSON of Indiana. But he said until 1921—from 1914 to 1921.

Mr. WALSH of Montana. Yes.

Mr. ROBINSON of Indiana. I think that was his language.

Mr. WALSH of Montana. Yes.

Mr. ROBINSON of Indiana. That meant until March 4, 1921, when the Democratic administration went out.

Mr. WALSH of Montana. Yes.

Mr. ROBINSON of Indiana. As a matter of fact, prior to that, on June 4, a rider to an appropriation bill amending the leasing act proposed by him was adopted, and passed by the Senate, giving him permission to take oil out of the ground.

Mr. WALSH of Montana. Yes; but the Senator has not answered my question; that is, Secretary Daniels, representing this situation to Congress, asked for permission to make provision so that the situation could be met, and it was met by either authorizing him to drill the offset wells or to get some one else to drill such wells.

Mr. ROBINSON of Indiana. Or do anything else.

Mr. WALSH of Montana. What would the Senator from Indiana have done under the circumstances?

Mr. ROBINSON of Indiana. I am not talking about that; I am speaking of the former Secretary of the Navy.

Mr. WALSH of Montana. Oh, no; the Senator is assailing the act of June 4, 1920——

Mr. ROBINSON of Indiana. I do assail it.

Mr. WALSH of Montana. And practically charging Secretary Daniels with corruption in office.

Mr. ROBINSON of Indiana. No; I am not charging anybody with corruption in office. I have been very careful not to do that. What I have done, Mr. President, is to say that Secretary Daniels himself was the sponsor back of the amendment of June 4, 1920.

Mr. WALSH of Montana. Exactly.

Mr. ROBINSON of Indiana. Giving to one man all power over the naval reserves.

Mr. WALSH of Montana. And I am asking the Senator just exactly what kind of legislation he would have proposed to take care of that situation?

Mr. ROBINSON of Indiana. I think I will propose some legislation along that line if the committee that is charged with the responsibility does not do so pretty soon. That is too much authority to rest in one man's hands, in my opinion.

Mr. WALSH of Montana. I do not think it will be abused after this, as it has been.

Mr. ROBINSON of Indiana. I am not so sure about that. I hope it never will be; it should not have been abused at all.

Mr. GLASS. Mr. President, does not the Senator from Montana think he should make it perfectly clear, if he has not already done so, that the fraudulent and corrupt leasing of Teapot Dome was not done by sanction of the statute of June 4, 1920?

Mr. ROBINSON of Arkansas. That it was done in violation of that statute.

Mr. GLASS. It was done, as the Supreme Court has determined, in violation of the statute, and the statute was seized upon by the men who did it as a pretense for perpetrating that very fraud.

Mr. WALSH of Montana. Exactly; and the suggestion now, Mr. President, that there is something wrong with the statute is merely for the purpose of putting up a smoke screen to obscure the fact of the violation of that law and the corrupt leasing of this land in defiance of that law.

Mr. ROBINSON of Indiana. The Senator from Montana himself has admitted it is wrong.

Mr. WALSH of Montana. Admitted that what is wrong?

Mr. ROBINSON of Indiana. That the amendment of June 4, 1920, is wrong.

Mr. WALSH of Montana. What would the Senator say was wrong about it?

Mr. ROBINSON of Indiana. I understood the Senator to say the other day that he was not satisfied with the way in which it had worked out.

Mr. WALSH of Montana. No; I did not. The Senator asked me about section 18 of the leasing act.

Mr. ROBINSON of Indiana. What I asked the Senator about, or what I meant to ask him about, was the amendment of June 4. I will ask the Senator now if he is satisfied with the amendment of June 4, 1920.

Mr. WALSH of Montana. The Senator is again endeavoring to divert attention from the matter before us, if I may say so. I was in no wise responsible for section 18 of the act; the Senator will find no such section in the bill that I introduced; I had no part in it whatever. I agreed that something ought to be done to take care of that situation. Now, I am advised—and I have no doubt that it is true—that there was fraud committed under the provisions of section 18 of that act. That is neither here nor there. Fraud has been committed under other acts of Congress. But just now we are trying to find out who is responsible for leasing the naval oil reserves contrary to law, not in obedience to law or in conformity with law. The Senator continues:

> In other words, he expressly asked for an amendment to the leasing act—

Well, that is a matter of language—

> which would enable him in his discretion and at his pleasure to take the naval reserve oil out of the ground and do with it what he pleased. He asked for power not only to take it out of the ground but power to sell it, to store it, to exchange it.

I should like to ask the Senator again if the Secretary of the Navy was to be authorized to take the oil out of the ground through offset wells, what he was to do with it except to sell it, to store it, or to exchange it?

Mr. ROBINSON of Indiana. The Secretary of the Navy said, continued to say, and, so far as I know, yet says, that from 1914 to 1921 he continued to do everything he could to keep the oil in the ground, while I am saying that is just what he did not do.

Mr. WALSH of Montana. The Senator is not answering my question; he is criticizing this law——

Mr. ROBINSON of Indiana. I still criticize it.

Mr. WALSH of Montana. And he is calling attention to power invested in the Secretary of the Navy which ought not, he says, to be confided in him.

Mr. ROBINSON of Indiana. That is true.

Mr. WALSH of Montana. I ask him what change he would make.

Mr. ROBINSON of Indiana. I have already told the Senator what change I would make. I would take a lot of power away from the Secretary of the Navy.

Mr. WALSH of Montana. Yes; but the Senator would not take the power away from him to sell oil, would he?

Mr. ROBINSON of Indiana. I would certainly take the power away to give one man the complete control over the oil reserves of this Nation that we might have to depend upon ultimately for our national preservation.

Mr. WALSH of Montana. The Senator does not live in a public-land State. If he did he would know that for years similar powers have been invested in the Secretary of the Interior, and the public lands can not be disposed of in any other way.

Mr. ROBINSON of Indiana. That would not make any difference, so far as my opinion of this law is concerned.

Mr. WALSH of Montana. The Senator from Indiana continues:

> Why, he even asked for power in this amendment to go into the refining business, and, as if this were not sufficient, he then asked for a blanket authorization to "otherwise dispose of the oil and gas products" in the naval reserves in whatever way it suited him. It was a proposal to place in the hands of one man, the Secretary of the Navy, all of the naval oil reserves of the United States, to be used by him in his discretion without let or hindrance, without any check by any governmental authority.

And up to the present time there has never been a criticism of the execution of the law except in the case of the two reserves which were leased to Sinclair and Doheny.

The Senator from Indiana continues:

> No one can claim that this proposition was in the interest of conserving the oil that was in the ground.
>
> The Senator from Virginia supported this amendment. The Senator from Montana supported it. The amendment became a law through the process of being attached as a rider to the naval appropriation bill, June 4, 1920.

What does that mean? That, of course, carries the intimation that there was a powerful dispute here upon the floor in relation to the act of June 4, 1920; that presumably all of the Republicans on the other side of the Chamber were aligned against it and that it had powerful supporters upon this side, including the Senator from Virginia and the Senator from Montana. If that is not what this means, can anybody explain what it does mean? Neither the Senator from Virginia nor the Senator from Montana supported the amendment in any other sense than that they were here when it was passed by unanimous vote in the Senate and without a dissenting voice from any quarter, as the Senator from Indiana well knows.

Mr. ROBINSON of Indiana. The Senator has no objection to being mentioned as one who did support it, has he?

Mr. WALSH of Montana. No; but I do not care to be misrepresented.

Mr. ROBINSON of Indiana. That does not misrepresent the Senator.

Mr. WALSH of Montana. Yes; it does misrepresent me.

Mr. ROBINSON of Indiana. The Senator did vote for it, did he not?

Mr. WALSH of Montana. As I have indicated, the purpose of that statement was to convey the idea that there was a fight on the floor here and that the Senator from Virginia and the Senator from Montana were here standing up fighting for the amendment.

Mr. ROBINSON of Indiana. It does not say so, Mr. President.

Mr. WALSH of Montana. It does not say so, no; and the Senator has not said that Franklin K. Lane was a corrupt official either.

Mr. ROBINSON of Indiana. Of course, he has not said that.

Mr. WALSH of Montana. The Senator has not said anything that would lead anyone to think so.

Mr. ROBINSON of Indiana. I have just stated the facts and drawn the conclusions very definitely, and the conclusions are what the Senator objects to.

Mr. WALSH of Montana. So far as stating the facts is concerned, when the statement is made that the Senator from Montana supported it and the Senator from Virginia supported it, what is meant?

Mr. ROBINSON of Indiana. Either the Senator did support it or he did not. Did he or not?

Mr. WALSH of Montana. That is not the truth at all. Supporting it means arguing in favor of it, talking in favor of it, voting in favor of it, and so on, and so on, as the Senator very well knows.

Mr. ROBINSON of Indiana. What does not supporting it mean, then, may I ask the Senator?

Mr. WALSH of Montana. I do not care to discuss the matter further.

The Senator from Indiana in his speech continues:

No sooner was the amendment which he wrote, and which the Democratic Senators in this body supported, operative, than he began to permit the Navy's oil to be taken out of the reserves by private oil corporations. He did this without advertising for or permitting competitive bids. He did it merely by holding private conferences with representatives of private corporations, just as the thoroughly discredited Secretary Fall did later, and giving them leases in the oil reserves. The records of the Navy Department indisputably back up this assertion in case after case.

What does that mean, Mr. President? It means that Secretary Daniels granted leases in naval reserve No. 2 and in no other reserve to the parties who were entitled to leases under the provisions of the law which authorized him to lease wells within the reserve where other wells were there draining the ground, but he could not possibly grant a lease to anyone else or offer it by competitive bidding of any character.

Again, the Senator from Indiana says:

So far as the official record shows, Franklin K. Lane, Secretary of the Interior in the Democratic administration, was the originator of the proposal to lease naval reserve oil lands to private oil interests, to be exploited by them. The record shows that on August 1, 1917, Secretary Lane communicated with other members of the Cabinet, namely, Secretary of the Navy Daniels, Secretary of War Baker, Secretary of Labor Wilson, Secretary of Commerce Redfield, and Secretary of Agriculture Houston, to the effect that naval reserve No. 2 was being drained by private oil wells located just outside its borders, and that as an offset territory within the reserve ought to be leased at once to private corporations. This communication was in the form of a formal letter which exists in the files of all these departments.

That, Mr. President, is offered as excusing or justifying the leasing of this entire naval oil reserve here [indicating on map] and the Teapot Dome shown on the other map over there [indicating].

Mr. ROBINSON of Indiana. If the Senator refers now to what Fall did, of course it does not justify it; of course he was corrupt, and, of course, was thoroughly discredited; and I say that he should have a prison sentence. I have said that before. All of those who have betrayed the country should be brought to justice and in a hurry whether they are Democrats or Republicans. That is my position.

Mr. WALSH of Montana. The Senator up to this time has not given us very much aid in that direction.

Mr. ROBINSON of Indiana. I am doing everything I can to help the Senator or anybody else who is interested in bringing the criminals to justice.

Mr. WALSH of Montana. Some of us got there a little earlier.

Mr. ROBINSON of Indiana. That may be true, but now that I am here I want to help.

Mr. WALSH of Montana. But up to the present time the Senator has not endeavored to aid in any appreciable way.

Mr. ROBINSON of Indiana. At present I am trying to show that not all the crooks were in any one party, and I think I have done so conclusively.

Mr. WALSH of Montana. There may be some information in the possession of some citizens of the Senator's State that may be valuable to him.

Mr. ROBINSON of Indiana. That has been brought up time and again, and the Senator may refer to it as often as he desires.

Mr. WALSH of Montana. The Senator from Indiana in his speech continued:

The Senator from Montana, however, is authority for the statement that the campaign to permit private oil interests to invade and exploit public oil reserves began earlier. He is authority for the statement that it began as soon as the Democratic Party came into power in 1913, and that the campaign was headed by Secretary of the Interior Lane and Democratic leaders in both branches of Congress, including the Senator himself.

I now desire to ask the Senator from Indiana if he can propose any law for the disposition of these public lands out West that are supposed to be valuable for oil other or different from the law that we now have, other or different from the law that was passed by me by the bill which was introduced in 1914. There was a big fight, Mr. President. I led in that fight in favor of the leasing system as against the system of permanent alienation of these lands; and that was the one controversy that was roused by this legislation.

Mr. ROBINSON of Indiana. Mr. President, this admission the Senator made on the floor of the Senate September 3, 1919, when the leasing act, now a law, was being debated.

This "admission"—this "admission the Senator made on the floor," and so forth.

It was in an attempted answer to this direct and serious charge of the late Senator La Follette that the Senator from Montana divulged the fact—

Actually wrung out of the Senator from Montana by some process of examination—

divulged the fact, offered in defense of his attitude at that time.

There was no "defense" about it, as the excerpt which the Senator read clearly discloses. There was nothing "divulged." There was nothing "admitted." The statement was a perfectly free statement upon my part on the floor of the Senate that I had in 1914 introduced the prototype of the bill under consideration.

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The Senator from Montana will not deny the charge that he himself at the time the leasing act was up, was the chief advocate of the proposition to permit private oil interests to operate in naval reserves, upon the ground that other private oil interests, by locating wells immediately outside the naval reserves, were draining those reserves.

Which, of course, implies that the Senator was fighting for that proposition.

Mr. ROBINSON of Indiana. The Senator was fighting for the whole bill, was he not?

Mr. WALSH of Montana. I was fighting, of course, for the bill.

Mr. ROBINSON of Indiana. And that was part of the bill?

Mr. WALSH of Montana. That was part of the bill.

Mr. ROBINSON of Indiana. And the Senator defended that part of the bill on the floor?

Mr. WALSH of Montana. Yes.

Mr. ROBINSON of Indiana. And quoted Mr. Doheny as authority.

Mr. WALSH of Montana. But where does the Senator get the information that I was the principal advocate of that?

Mr. ROBINSON of Indiana. Because the Senator was the principal advocate of the bill, was he not? And did not the Senator say so?

Mr. WALSH of Montana. Yes; but there are a lot of other things in the bill besides that.

Mr. ROBINSON of Indiana. Why, of course, there are.

Mr. WALSH of Montana. And it was the other things that I was particularly interested in, as I have indicated, where there were not any oil reserves.

Mr. ROBINSON of Indiana. And the Senator was particularly interested in that feature, was he not?

Mr. WALSH of Montana. Yes.

Mr. ROBINSON of Indiana. The Senator spoke for it.

Mr. WALSH of Montana. Of course, the Senator did that for the purpose of misleading those who heard him or who would read his speech.

Mr. ROBINSON of Indiana. The Senator does not deny, does he, that he made the speech in favor——

Mr. WALSH of Montana. I do not deny that I made the speech read there. I do deny that there was any "admission." I do deny that there was any "divulging." I do deny that I was the principal advocate of that provision of the bill.

Mr. ROBINSON of Indiana. After making that statement, did not the Senator wind up with this final sentence:

That is all I care to say about this being a Standard Oil bill.

Mr. WALSH of Montana. Yes.

Mr. ROBINSON of Indiana. All right.

Mr. WALSH of Montana. Does the Senator assert that it was?

Mr. ROBINSON of Indiana. The late Senator from Wisconsin, Mr. La Follette, had just asserted that it was.

Mr. WALSH of Montana. Oh, the late Senator from Wisconsin has been quoted here. What he said is in the RECORD. The Senator from Indiana has put it in ad infinitum; and I have called attention to the fact that, whatever he had to say about it, he eventually voted for the bill.

Mr. ROBINSON of Indiana. No; I have not put in one-tenth of what the Seantor had to say about this being a Standard Oil bill.

Mr. WALSH of Montana. No; but the Senator has not put in that Senator La Follette voted for it, just as I did.

The Senator continues:

The Senator from Montana will not deny the charge that he himself at the time the leasing act was up, was the chief advocate of the proposition to permit private oil interests to operate in naval reserves, upon the ground that other private oil interests, by locating wells immediately outside the naval reserves, were draining those reserves, and the only way for the Government and the Navy to obtain the oil from reserves was to permit their exploitation by private corporations. The entire debate on the leasing act, which became a law in February, 1920, is filled with arguments advanced by the Senator in support of this proposition and to support him in his arguments he quoted Mr. Edward L. Doheny.

Can the Senator call attention to any other?

Mr. ROBINSON of Indiana. Yes; I think on the 25th of August—I am not certain of that date—the Senator justified his position on the proposition of leasing the naval reserves along the same line. I may be mistaken about this date, however.

Mr. WALSH of Montana. Will the Senator give us a reference to that part of the RECORD?

Mr. ROBINSON of Indiana. I think I have it here. The Senator might go on with his speech for a minute or two, and I will try to find it.

Mr. WALSH of Montana. The Senator continues:

We will leave Mr. Doheny for a moment, but come back to him presently. Now, let us balance up the situation. The record shows that almost as soon as the Democratic Party came into power in 1913 an extensive and intensive campaign began, headed by Secretary Lane, participated in by the Democratic leaders in both branches of Congress, with the Senator from Montana as its spokesman in this body, to open up naval oil reserves for exploitation by private oil corporations, upon the ground that private wells just outside those reservations were draining the oil from the Navy's reserves, and it was a matter of self-defense to sink offset wells.

Mr. President, I shall take no more time in discussing this address of the Senator. I fear I have tired the Senate long ago. I know of no protection that anyone has against aspersions, so freely indulged in by the Senator from Indiana in his various addresses upon this subject, except in the self-respect and gentlemanly instincts of Members who speak on this floor under the privilege of the Constitution to be exempt from being called to answer in any other place for what they say here.

I am not at all alarmed that this effort by the Senator from Indiana to cast aspersions upon my part in this legislation, or upon the part of the Democratic administration, will have any more effect upon the public mind than the attempt of a similar character that was made by the Republican National Committee in 1924, or by Mr. Denby when he submitted his questions and answers to the chairman of the Naval Affairs Committee of the House, or by Senator Spencer when he gave consequence to these questions and answers by introducing them in the hearings before the committee. I have no doubt that the public, except a very limited few, will form their judgment about this matter, as they have in the past, by the indisputable facts disclosed in the investigation.

Mr. President, some time ago former Secretary Payne prepared a brief compendium of the laws applicable to the disposition of the public oil lands and the naval reserves, so far as the law applied to the disposition of the same. I ask that the same be incorporated in the RECORD as Exhibit B to my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXHIBIT A

[From the New York Times, Thursday, January 12, 1928]

ASSERTS OUTSIDERS DRAIN TEAPOT DOME—RECEIVER FOR SINCLAIR FILES REPORT THAT GOVERNMENT HAS LOST $60,000,000 TO DATE—ASSAILS EXPERT ESTIMATES—CALLS 50,000,000 BARRELS IN RESERVE A MYTH—NAVAL CORECEIVER DOES NOT CONCUR

(Special to the New York Times)

CHEYENNE, WYO., January 11.—The Teapot Dome naval oil reserve is pictured as a "political orphan" that has been drained by wells in the adjoining Salt Creek field and is virtually valueless as a source of oil for the Navy in a special report filed in the Federal court for Wyoming by Albert E. Watts, who represented the Harry F. Sinclair interests as a receiver during the litigation which resulted in the return of the reserve to the Government on the ground that the lease was tainted with fraud.

Watts served as receiver with Commander H. A. Stuart, of the Navy. If his conclusions are correct, drainage has cost the Government more than $60,000,000, and is continuing.

Fifty millions of barrels of petroleum estimated by the Government experts to have been contained by the first Wall Creek sand under the reserve are missing, Watts's report relates, and infers that it is obvious that this petroleum was drained away by privately owned wells in the Salt Creek field.

Watts ridicules as a "legal fiction" the contention of experts for the Government that there is not drainage from the reserve into the Salt Creek wells.

Predicating his opinion upon the records of 84 wells drilled on the reserve and upon his experience of 25 years in the oil business, Watts warns the Government that there has been drainage and now is drainage, and advises that the actual performance of the wells is more reliable than the estimates of geologists upon whose testimony in the annulment trial the "legal fiction" of nondrainage was based.

SAYS DRAINAGE BEGAN LONG AGO

Watts's special report is supplemental to the main report. In the latter he and the coreceiver, Commander Stuart, were in agreement.

"The subject provoking the chief and, I may say, the only real difficulty arising between the coreceivers," says Watts in his report, "developed over the methods to be employed by the receivers to preserve the receiver's estate from drainage from wells drilled outside of naval reserve No. 3, such wells having been drilled on lands under Government supervision.

"Over such lands there existed no jurisdiction by your court in so far as the litigation involving the receivership was concerned. It is my opinion, based on many months of contact with naval reserve No. 3 and from some 25 years of observation and experience in the oil industry, that naval reserve No. 3 is now being drained by wells located off the reserve, and had been drained prior to the establishment of the lands as a reserve, and, furthermore, it was seriously being drained at the time of the leasing of the reserve.

"The high sounding and rosy representations of Government experts as to the petroleum content of naval reserve No. 3, made at the time of its being leased, have all failed to materialize, although some 84 holes have been drilled to test out the promising formations and prove the representations of the Government bureaus made for the purpose of compelling an unusually burdensome task for the lessee.

CALLS OIL IN SAND BEDS A MYTH

"It is a notorious fact that, although Government bureaus represented to the lessee that there was some 50,000,000 barrels of oil contained in the first Wall Creek sand within the reserve, not one barrel of oil from this sand has ever been produced, although dozens of wells have been drilled in and through this sand.

"Evidence showing that oil was once present has been secured, but to this date the only oil being produced, or ever was produced, from the first Wall Creek sand was and is in the Salt Creek field, lying directly north and contiguous to naval reserve No. 3.

"When the receivers took charge of the property there was being produced daily crude oil in approximately the amount of 3,700 barrels from all sands then developed. Under the program followed by the receivers this daily production was decreased to about 600 barrels per day at the closing of the receivership.

"According to naval experts this amount of production is barely enough, even though it was suitable for the purpose, to fuel a battleship during one afternoon when such battleship was engaged in active maneuvers.

"Since the receivers have taken charge they have already plugged five wells in the second Wall Creek sand, which have exhausted them-

selves and ceased to produce oil in sufficient amount to pay their operating expenses. Of the four wells drilled into the second Wall Creek sand on what was presumed to be proved territory, three of these wells have been abandoned because they have not produced enough oil to pay their operating expenses.

"Protests were made by me as to the damage to the reserve, but to no avail. Drainage will continue, it is no respecter of academic desire or hopeful ambition."

Watts's report incorporates correspondence between representatives of the Government and the owners of wells in the Salt Creek field adjacent to the Teapot reserve, relative to payment by the owners of these wells of a royalty to the Government for the increased production from these wells, which the Government represented would result from the shutting down of the Teapot wells. The Government requested such royalty and the owners of the Salt Creek wells politely declined to pay it.

EXHIBIT B

THE OIL SITUATION—POLICY OF WILSON ADMINISTRATION AS TO LEASING OIL LANDS

The attempt to justify the secret leasing of all the naval reserves, the entire Teapot Dome and Elk Hills to Sinclair and Doheny, by the specious and confusing statement that 150 leases were made by Secretary Payne outside the naval reserves and that certain lands or wells were leased in a naval reserve during the Wilson administration is like comparing the making of a back fire to prevent the spread of a prairie fire with the deliberate starting of an incendiary fire such as caused the destruction of Smyrna. What the Wilson administration did was to follow the national policy established by Presidents Taft and Wilson and by the Congress when it passed the leasing law to protect and conserve the naval reserves—to keep the oil for the use of the Navy for some great emergency; while Secretaries Fall and Denby deliberately defies this national policy and secretly leased the reserves, thus destroying the reserves.

A simple statement of fact will make this plain.

Before the passage by Congress February 25, 1920, of the leasing act authorizing the leasing of Government-owned oil lands on a royalty basis, the only law by which the public could take out oil was the old placer mining law, which allowed a person to make a mining location on 20 acres, or eight persons to club together and located 160 acres—the same law which applied to gold or silver. If the claimant followed up his claim with diligence and brought in a producing well, he became the owner and entitled to a patent, and the Government received nothing.

The leasing act changed this policy, authorized the Secretary of the Interior to issue rules and regulations, to fix the royalty to be paid at not less than 12½ per cent of the oil taken out, and pursuant to such regulations to lease the public lands. Thus the Government received substantial royalty and retained ownership of the lands.

Before the passage of the leasing law two things had happened—

First. Many locations had been filed under the placer mining law by people who thus claimed title to the lands; to the extent that these claims were valid, the claimants had to be recognized; this was true even inside the naval reserves where locations were made in good faith before the reserves were created.

Second. The Government established the national policy of setting aside oil lands for the use of the Navy for a future emergency, it being well known that our supply of commercial oil would in a few years be exhausted, thus—

Naval reserve No. 1, in California: The Elk Hills, containing some 32,000 acres, was created by President Taft September 2, 1912.

Naval reserve No. 2, also in California, was created by President Taft December 13, 1912, containing roughly 30,000 acres, but more than 20,000 acres of this was at the time privately owned, and much of the remainder covered by mining locations.

Naval reserve No. 3, Teapot Dome in Wyoming, was created by President Wilson April 30, 1915; this contained 9,481 acres; was all Government land.

Some claims under the old placer law had been filed on lands in these naval reserves before the reserves were created.

WHEN PAYNE BECAME SECRETARY

This was the situation when John Barton Payne was appointed Secretary of the Interior February 28, 1920 (qualified March 15, 1920). The leasing law (in force February 25, 1920) made it the duty of the Secretary of the Interior to administer the law, i. e., to issue rules and regulations for prospecting the leasing, and to fix the royalty to be paid on lands outside the naval reserves, and to decide not only as to the validity of claims pending under the old law but where two or more persons had conflicting claims, to decide between them. It was the policy of the Congress that lands outside the naval reserves should be leased—but that the naval reserves should not be leased, unless a claimant under the old law came strictly under the terms of the leasing law.

REPUBLICAN SMOKE SCREEN

The Republicans try to defend Secretaries Fall and Denby and attempt to make a smoke screen of the fact that Secretary Payne leased certain oil lands. They do not state what every one should know, now fully brought out by the Senate committee, that Secretary Payne made no secret leases, that his door was wide open, everything was public, and the leasing law strictly followed and the policy of the Government upheld and maintained; that with the approval and support of President Wilson and Secretary of the Navy Daniels the naval reserves were fully protected, and but for Secretaries Fall and Denby would now be safe and intact.

A brief reference to the leasing law and the undisputed facts make this clear.

1. The law as to lands not known to contain oil outside naval reserves

Following the policy of Congress to develop and lease oil lands, the leasing act provided (sec. 13) that persons who desired to prospect for oil on lands not known to contain oil might obtain permits as follows:

"That the Secretary of the Interior is hereby authorized, under such necessary and proper rules and regulations as he may prescribe, to grant to any applicant qualified under this act a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas upon not to exceed 2,560 acres of land wherein such deposits belong to the United States and are not within any known geological structure of a producing oil or gas field upon condition that the permittee shall begin drilling operations within six months."

If the prospector found oil or gas, section 14 provided in terms that he should be entitled to a lease as follows:

"That upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit * * * for a term of 20 years upon a royalty of 5 per cent * * * and shall be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than 12½ per cent * * * the amount of the royalty to be determined by competitive bidding or fixed by regulations prescribed by the Secretary."

And in section 16 it is provided:

That no wells shall be drilled within 200 feet of any of the outer boundaries of the lands within the permit unless adjoining lands belonging to private persons.

2. As to public lands known to contain oil

Section 17 of the leasing act provides:

"That all unappropriated deposits of oil or gas situated within the known geological structure of a producing oil or gas field and the unentered lands (lands not entered under the old law) containing the same, not subject to preferential lease, may be leased by the Secretary of the Interior to the highest responsible bidder by competitive bidding under general regulations to qualified applicants in areas not exceeding 640 acres * * * such leases to be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall not be less than 12½ per cent in amount or value of the production, and the payment of $1 per acre per annum."

As to lands where locations had been made under the old placer law and the claimant was willing to compromise by accepting a lease under the leasing act, section 18 provided:

"That upon relinquishment to the United States * * * of all right, title, and interest claimed and possessed prior to July 3, 1910, and continuously since * * * under the preexisting placer mining law to any oil or gas bearing land upon which there has been drilled one or more oil or gas wells to discover embraced in the Executive order of withdrawal issued (by President Taft) September 27, 1909, and not within any naval petroleum reserve, and upon payment as royalty * * * if in possession of such land, undisputed by any other claimant prior to July 1, 1919, shall be entitled to a lease thereon from the United States for a period of 20 years at a royalty of not less than 12½ per cent.

[NOTE.—From the foregoing sections it is clear that as to lands not known to contain oil Congress desired to encourage prospecting and gave the successful prospector the absolute right to a lease; and, as to lands known to contain oil but outside the naval reserves, provided in terms for their leasing by the Secretary of the Interior by competitive bidding; and required that the rights of persons who in good faith had made locations under the old law should be protected, and gave them the right to come in and surrender their claims acquired under the old law and accept leases under the leasing act. For the Secretary of the Interior to have refused to carry out these provisions would have been an arbitrary violation of the law and would have made him subject to action by mandamus.]

3. As to lands within the naval reserves

Section 18 provides also—

"That as to all like claims (under old placer law) situate within a naval petroleum reserve the producing wells thereon only shall be

leased, together with an area of land sufficient for the operation thereof, upon the terms and payment of royalties for past and future production as herein provided for in the leasing of claims. No wells shall be drilled in the land subject to this provision within 660 feet of any such leased well without the consent of the lessee."

Then this provision as to the President:

"The authority of the President—must use his discretion."

The act continues:

"*Provided, however,* That the President may, in his discretion, lease the remainder of any part of any such claim upon which such wells have been drilled, and in the event of such leasing said claimant or his successor shall have a preference right to such lease: *And provided further,* That he may permit the drilling of additional wells by the claimant or his successor within the limited area of 660 feet theretofore provided for upon such terms and conditions as he may prescribe."

No claimant guilty of fraud shall have a lease.

[NOTE.—From the above it is clear that where a claimant under the old placer law had located on lands within the naval reserve before the reserve was created and had brought in a producing well, he was entitled as of right to a lease on his producing well. The Secretary of the Interior had no authority to refuse such a lease and had no authority to grant a lease for anything beyond the producing well with land adjacent only sufficient for its operation. The President, however, in his discretion, had the right to lease to the claimant the remainder of his claim or to permit the drilling of additional wells by the claimant within the 660 feet; this authority was vested in the President and denied to the Secretary.]

Under section 18a the President was also authorized to direct the compromise and settlement of any controversy as to lands withdrawn under the order of September 27, 1909, upon such terms and conditions as may be agreed upon, to be carried out by an exchange or division of land or division of the proceeds.

Section 19 of the leasing act provides for the protection of persons who had made a bona fide claim and expended money, but not brought in a well. This, however, did not apply to lands within the naval reserves.

This sufficiently shows the provisions of the law and policy of the Government as embodied in the leasing act.

WHAT WAS DONE UNDER THE WILSON ADMINISTRATION

The leasing act became effective on February 25, 1920. Prior to this time there had been filed and were pending an enormous volume of claims for locations under the old placer law on lands both within and without the naval reserves, and many suits were pending. Rules and regulations, with a fixed scale of royalties providing for the carrying out of the law, were promptly issued under section 13, and leases were issued under sections 14, 17, and 18. The legal rights of claimants were recognized, and such was the care under which the law was executed that not a single public criticism resulted, notwithstanding the tremendous volume of work imposed upon the Secretary.

NOW AS TO THE NAVAL RESERVES

As to naval reserve No. 1: Not a single claim was allowed, nor a single lease made. It was left intact.

The contrast between the two administrations, aside from the general policy, is shown by the record as to section 36 in this reserve. The title to this 640 acres passed to the State of California with the distinct provision that it contained no minerals. When it was found to contain mineral—oil is mineral—and became part of the naval reserve, the question was whether the title still belonged to the United States. Meantime the Standard Oil Co. had acquired the right of the State of California to the major portion of the section, and the Doheny interests the remainder, and were in possession. In February, 1921, Secretary Payne gave all parties in interest a public hearing, and decided that the title had not passed to the State of California, but remained in the United States; that the Standard Oil Co. and the Doheny interests acquired no title and were wrongly in possession; and Secretary Payne directed the Land Office to make entry accordingly, and made formal written request to the Department of Justice that proceedings be instituted in the courts, and to recover for the United States the land and oil taken out.

After Secretary Fall came in, he reversed this action, withdrew the request made by Secretary Payne to the Department of Justice to proceed against the oil companies, and permitted them to remain in possession.

Due to the Senate investigation, counsel has recently been appointed to sue the oil companies to recover this land, and to do, now, what Secretary Payne directed be done in February, 1921.

This naval reserve No. 1 was therefore left intact.

As to naval reserve No. 2: In this reserve it was found that claimants had brought in about 50 producing wells. These, under the mandatory provision of the leasing act, were leased to the claimants. With the concurrence of the Secretary of the Navy and the President, five offset wells were leased; that is, where it was manifest that private wells had been drilled so near the line of the reserve as to drain the Government oil from the reserve, a well was drilled just within the reserve on a 25 per cent royalty basis, so that the Government would receive the royalty and not permit the private interest to take the oil out without payment of royalty. Another claimant for 540 acres in section 28 was compromised with and given lease on 120 acres.

With these exceptions, naval reserve No. 2 was left intact.

In this reserve the Honolulu Oil Co. claimed title to 17 quarter sections (some 2,000 acres), and applied for a patent. Secretary Payne, after a public hearing, decided the claim invalid and the company not entitled to a patent and denied the same. The only criticism directed against the Wilson administration in the oil matter grew out of this Honolulu decision, and that, of course, came from the oil company and its friends.

As to naval reserve No. 3—the Teapot Dome, Wyo.: All of the claims on this reserve were rejected and no leases made: Among other claimants filed against this reserve was John C. Shaffer, who testified before the Senate committee; he said his claim was later recognized by Secretary Fall, and he was paid some $92,000 by Sinclair.

The Wilson administration left reserve No. 3 intact.

ACTION OF REPUBLICAN ADMINISTRATION—STRIKING CONTRAST

Within less than three months after the close of the Wilson administration, upon the recommendation of Secretaries Fall and Denby, President Harding issued an Executive order purporting to transfer all of the powers and discretion the law imposed upon the President under the leasing act, and the powers and discretion conferred upon the Secretary of the Navy by the act passed June 4, 1920, to Secretary Fall. How Secretary Fall used this power in disposing of the naval reserves is well known. Whether this Executive order has any validity will be decided by the courts.

As to naval reserve No. 1: Secretary Fall reversed the decision of Secretary Payne as to section 36, and secretly gave that to the Standard Oil Co. and to Doheny, and secretly leased all of the remainder of reserve No. 1 to Mr. Doheny's companies.

In naval reserve No. 2: Where Secretary Payne had leased only the producing wells, Secretary Fall leased claimants their entire claims, and then leased the remainder of the reserve; and as to the 17 quarter sections claimed by the Honolulu Oil Co., which Secretary Payne had held invalid, Secretary Fall reversed to the extent of making the company a lease for the entire 2,000 acres.

As to naval reserve No. 3, which the Wilson administration had left intact, Secretary Fall secretly leased the entire reserve to the Sinclair interests.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Edge	McMaster	Steiwer
Bayard	Fess	McNary	Stephens
Bingham	Fletcher	Mayfield	Swanson
Black	Frazier	Moses	Thomas
Blaine	George	Neely	Tydings
Blease	Gerry	Norbeck	Tyson
Borah	Glass	Nye	Vandenberg
Bratton	Gooding	Oddie	Wagner
Brookhart	Harris	Overman	Walsh, Mass.
Broussard	Harrison	Pine	Walsh, Mont.
Bruce	Hayden	Pittman	Warren
Capper	Heflin	Reed, Pa.	Waterman
Caraway	Jones	Robinson, Ark.	Watson
Copeland	Kendrick	Robinson, Ind.	Wheeler
Couzens	Keyes	Sheppard	
Curtis	McKellar	Simmons	
Cutting	McLean	Smith	

Mr. BINGHAM. I desire to announce that the Senator from Maine [Mr. HALE], the Senator from Colorado [Mr. PHIPPS], and the Senator from Rhode Island [Mr. METCALF] are detained on business of the Senate in the Committee on Appropriations.

The PRESIDING OFFICER. The Chair desires to announce that the Senator from California [Mr. JOHNSON] is necessarily absent on account of illness. This announcement may stand for the day.

Sixty-five Senators having answered to their names, there is a quorum present.

Mr. ROBINSON of Indiana. Mr. President, I shall not attempt at this time to make any extended statement with reference to what has just been said by the distinguished Senator from Montana [Mr. WALSH]. At another time, perhaps, I may go into detail with reference to certain phases of the whole matter now under discussion. I shall reserve anything I might say now until that later date.

FARM RELIEF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce.

The PRESIDENT pro tempore. The bill is as in Committee of the Whole and open to amendment.

Mr. HEFLIN. Mr. President, was not the clerk proceeding to read the bill for committee amendments?

The PRESIDENT pro tempore. There are no committee amendments. The bill is as in Committee of the Whole and open to amendment.

Mr. WALSH of Montana. Mr. President, I had intended to address the Senate briefly upon this bill; but I supposed, from a talk I had with the chairman of the committee, that it would not come to a vote until to-morrow.

Mr. HEFLIN. I note that the chairman of the committee has just come into the Chamber, and I ask what his pleasure is regarding the farm relief bill?

Mr. McNARY. My pleasure would be served if we could have a vote on it to-day; but I am conscious of the fact that there are a number of Senators who want to be heard. I am hoping that we can vote not later than Saturday. The remaining two hours the Senate will be in session this afternoon I hope we can devote to a discussion of the bill. There are three or four Members of the Senate who are prepared to go forward with a discussion of the measure.

Mr. ROBINSON of Arkansas. Where are they? The Chair announced that the bill is before the Senate as in Committee of the Whole and open to amendment, and the Senate was about to take a vote when the Senator from Alabama took the floor, evidently to give Senators who desired an opportunity to speak. If there is no one who desires to speak, we shall either have to lay the bill aside and take up something else or go ahead with a vote. I am ready to vote.

Mr. CARAWAY. Mr. President, it strikes me that everything has been said about this bill that Senators care to say. Most of the speakers said more about it than they were entirely sure was correct. I do not know why we should not vote on it now.

Mr. McNARY. Mr. President, I am advised that the Senator from North Dakota [Mr. FRAZIER] and the Senator from Wisconsin [Mr. BLAINE] are prepared to proceed this afternoon.

Mr. BLAINE obtained the floor.

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator from New York if he has not offered an amendment to the bill, or is he not prepared to offer one?

Mr. COPELAND. I have offered one, and I want to ask action on it at the proper time. My amendment provides for an exemption of either fresh or preserved fruits or vegetables from the operation of the bill. I have reason to hope that the Senator from Oregon will look kindly upon this amendment when the proper time comes to consider it.

The PRESIDENT pro tempore. The Chair understands the situation with reference to the amendment of the Senator from New York to be that the amendment was introduced and printed and is now lying on the table, so that it may be presented by the Senator from New York at any time. He may present it now; and if he presents it now, it will become the pending question.

Mr. WALSH of Massachusetts. I suggest to the Senator that he present it now.

Mr. COPELAND. Will it be agreeable to the Senator from Wisconsin if I present the amendment now, so that it may be before us? That will not interfere at all with the remarks the Senator is about to make.

Mr. BLAINE. Mr. President, I am perfectly willing to yield to have the amendment presented.

Mr. COPELAND. I ask that the clerk report the amendment.

The PRESIDENT pro tempore. The Senator from New York offers an amendment, which will be read for the information of the Senate.

The CHIEF CLERK. On page 10, line 19, the Senator from New York moves to insert the following after the word "section":

Provided, It is not a fruit or vegetable, in its natural state or processed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New York.

Mr. WALSH of Massachusetts. The Senator from New York does not intend to press the amendment at this time?

Mr. COPELAND. No; but I would be glad if the Senator from Oregon would state his attitude upon the amendment at this time.

Mr. McNARY. Mr. President, when I discussed the bill in the Senate a few days ago I said that in my opinion, and under my construction of the bill, all fruits and vegetables do not come within the fourfolds of the bill. I think perhaps we can work out an amendment covering my view of the matter and perhaps that entertained by the Senator from New York. I want to have an opportunity to read this amendment, to see if it is in the proper place, and an opportunity to confer with others interested in the measure. For that reason only I simply object to the present consideration of the amendment.

Mr. COPELAND. Mr. President, I have no objection at all to the matter going over for the time being, because I know what the attitude of the Senator is, and his desire to exempt the fruit and vegetable producers if it is possible to do so without hazarding the bill. So, before we take final action upon the bill, I shall press this amendment or a similar one.

The PRESIDENT pro tempore. The parliamentary situation is that the amendment has been proposed by the Senator from New York, and the pending question is upon agreeing to it. That does not necessarily mean, however, that the vote will be taken upon it to-day.

Mr. GLASS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Virginia?

Mr. BLAINE. I yield.

Mr. GLASS. I simply want to inquire of the Senator from New York if he has given the bill sufficient scrutiny to be able to say for a certainty that in its present form it does apply to perishable fruits?

Mr. COPELAND. Frankly, I think it does. I know that the Senator from Oregon does not intend that it should, but I am very much disturbed about it, and the fruit and vegetable producers of my State are.

Mr. GLASS. I may say, in this connection, that I have become very much disturbed about it, as the fruit growers of Virginia have been; but the expert of the committee, Doctor Kilgore, prepared for me a memorandum for transmission to the fruit growers of Virginia, which very explicitly contends that the bill in its present form does not apply the equalization fee to perishable fruits. But if there is any doubt about it, I agree with the Senator from New York that it ought to be made very explicit.

Mr. COPELAND. The Senator will agree that unquestionably the purpose of the bill is to apply only to nonperishable agricultural products, but it might be argued that if fruits and vegetables are processed or canned, they might become nonperishable. I should have to argue against that proposition. I do think that in order that our constituents may be entirely at rest in their minds we should make provision to exempt them.

I want to say to the Senator from Oregon that he knows I have been very favorable to this legislation, and have voted for the McNary-Haugen bill every time it has been up in the Senate. But it must be made clear that the fruit and vegetable producers are protected. With these products we have an entirely different condition to meet. We can not take possession of apples and tomatoes and other perishable foods and deal with them as we would do with corn or wheat or other products of a nonperishable nature. But, of course, I am confident provision will be made for the garden and orchard products so that nothing will interfere with this important measure looking to the relief of the distressed and badly treated farmer.

Mr. NEELY. I offer an amendment to the pending bill which I intend at the proper time to propose. I ask that it be printed and lie on the table.

The VICE PRESIDENT. It is so ordered.

Mr. BLAINE. Mr. President, I desire to address myself briefly at the outset to the remarks made by the distinguished senior Senator from Indiana [Mr. WATSON], as I find them in the CONGRESSIONAL RECORD of April 2.

I did not interrupt the Senator during the course of his remarks, because I think it is rather unfair to interrupt a political speech of a very prominent candidate for the Presidency. Therefore I concluded that his remarks might well be continuous, and that some attention might be directed to them at some other time.

I find in the course of the remarks of the senior Senator from Indiana [Mr. WATSON] that in discussing the equalization fee contained in the pending measure he undertook to justify that equalization fee upon what I considered to be illogical premises—unjustifiable in fact. I quote from the Senator's remarks as they appear on page 5737 of the RECORD:

For my part, at this time I want to discuss the practical, rather than the legal, principle of the equalization fee. The principle is as old as government itself.

Then he proceeded to point out what he claims to be analogous legislation. I am sure the Senator has misconstrued the legislation he was discussing. I am sure that he is not unfamiliar with legislation in the enactment of which he had a

part. I do not believe that he intended to mislead the Senate or the people of the country. But I am sure that if we accept his contention with respect to the equalization fee, then we are to be led into ways of error and the people are to understand that something is to be paid to the farmer instead of the farmer himself paying the equalization fee. In the course of his remarks the Senator from Indiana said:

It is that all beneficiaries of an undertaking shall contribute ratably toward paying the cost. It is new in name only. I can see no difference in its practical effect between the principle involved in the equalization fee and those prevailing in the usual and accepted custom of corporations in their ordinary activities, or the principle employed in local improvements under paving districts, drainage districts, or irrigation districts, or the principles accepted in the Federal reserve act and the transportation act.

He is asking us to believe that the equalization fee is analogous to the benefits which flow from local improvements, such as paving, drainage, and irrigation, but those things which accrue as benefits in the instances he has cited are additions to the principal of the undertaking. They are added capital. They have nothing to do with the question of profits and income. Improvements for street and drainage districts and irrigation districts enhance the value of the project or capital investment and have nothing to do, as I say, with the question of profits; and yet the Senator from Indiana would lead us to believe that this enhancement of the capital value of some particular property is analogous to the equalization fee which is expected to be levied under the pending bill.

Then he referred to the "principle" accepted in the Federal reserve act and at some length proceeded to discuss that. He said:

Under the provisions of the Federal reserve act every national bank is required to be a member of the Federal reserve bank in whose district it is located, and is required to subscribe to the capital stock of its Federal reserve bank in a sum equal to 6 per cent of its paid-in capital stock and surplus. Only one-half of the amount of the subscription, however, is required by law actually to be paid in, the remainder being subject to call when deemed necessary by the Federal Reserve Board.

Here is a subscription to stock which, if a profitable investment, will bear a rate of return. It has no analogy whatever to the principle of the equalization fee. The equalization-fee plan proposes that the farmers shall pay so much in the regulation of interstate commerce for the enhanced price or the inducement to enhance the price of their commodities. It is not an investment from which dividends and profits are to flow, such as are the investments made in the Federal reserve system.

The Senator from Indiana went on to say:

In addition, every member bank of the Federal reserve system is required to maintain reserve balances with its Federal reserve bank.

Those balances are profit producing under certain circumstances. They are not a payment of income and much less a depreciation of the capital of the bank. It is simply another investment and bears no relationship whatever to the character of an equalization fee. The Senator further said:

These are compulsory exactions imposed upon national banks by act of Congress.

Yes; compulsory exactions by which they can make profits by adding to their capital stock, not by paying an equalization fee for the privilege of engaging in interstate commerce.

Again the Senator said:

Under the transportation act the Interstate Commerce Commission is directed to prescribe just and reasonable rates in order that carriers may earn a fair return upon the capital invested, and provision is made for disposition of amounts received in excess of what is fixed as a fair return. This likewise is a compulsory exaction.

It is compulsory exaction, but it is a public gratuity that is given to the railroads, entirely unlike the equalization fee which is demanded of the producer of the agricultural commodity. The transportation act in effect guarantees the railroads a return of 6 per cent and the so-called recapture clause, which the Senator from Indiana was discussing, provides:

SEC. 6. If, under the provisions of this section, any carrier receives for any year a net railway-operating income in excess of 6 per cent of the value of the railroad's property held for and used by it in the service of transportation, one-half of such excess shall be placed in a reserve fund established and maintained by such carrier, and the remaining one-half thereof shall, within the first four months following the close of the period for which such computation is made, be recoverable by and paid to the commission for the purpose of adopting and maintaining a general railroad contingent fund as hereinafter described.

There is no analogy and no comparison with respect to the recapture clause of the transportation act and the provisions of the pending measure with respect to the equalization fee. The transportation act says to the railroad company, "After you have received 6 per cent earnings, then one-half of the excess over 6 per cent you shall place in a fund to be used by you for a specific purpose," but the transportation act does not say the Government is going to take that one-half of the excess for any purpose whatsoever. One-half of the balance of the excess is to be placed in a contingent fund out of which the Government may make certain loans, may perform other duties in the purchase of equipment—I shall not go into the details of that—but the result is that under the transportation recapture clause the railroad company does not part with a single dollar permanently. One-half of the excess is for the use of the company itself. The other half goes into a fund which, in my opinion, becomes a trust fund in the interest of the railroad company receiving that excess.

I am directing my remarks to the proposition that there is no analogy between the illustration which the Senator from Indiana has used and that of the equalization fee. I think that ought to be made plain in the course of the debate.

The Senator from Indiana said:

Under the transportation act the Interstate Commerce Commission is directed to prescribe just and reasonable rates in order that carriers may earn a fair return upon the capital invested, and provision is made for the disposition of amounts received in excess of what is fixed as a fair return.

He then declared that to be a compulsory exaction similar to the equalization fee. If we would write a farm relief bill giving to the agricultural interests of the country a return of 6 per cent, any excess over that to be reserved for two certain funds as set forth in the transportation act, we would then be doing something for agriculture. The Senator from Indiana has attempted to ground the equalization fee upon fallacious hypotheses and erroneous premises.

Proceeding further—I am quoting now from the remarks of the senior Senator from Indiana—he said:

I am merely seeking to establish these as practically analogous to that provision of the McNary-Haugen bill which requires a ratable contribution to be made by the beneficiaries for the regulation and control of interstate and foreign commerce which this measure seeks to establish.

I should like to ask the Senator from Indiana what rate of contribution do the member banks of the Federal reserve system or do the railroad companies make for the privilege of engaging in banking or in interstate commerce?

Mr. WATSON. I can answer the Senator's question, Mr. President.

Mr. BLAINE. They are guaranteed by law a dividend instead of being compelled to pay an equalization fee. So, Mr. President, if we are to justify the equalization fee upon the principle announced by the Senator from Indiana, I suggest that, so far as he is concerned, he may be fooling himself; but I warn him now that he can not fool the intelligent agricultural citizenship of America through that kind of an argument.

Mr. President, I want to take up in an orderly way some of the factors that make it necessary for Congress to give some heed, to pay some attention, to the question of agricultural depression. That depression arose out of World War conditions. Practically all of the factors are due to war causes. In fact, I assert that all of the important factors that have brought agriculture to its knees arose out of the late war. So I regard agriculture as a war casualty. I think the type of legislation which we should consider is the type that will take care of this casualty due to war.

Agriculture lost its health, it lost its arms, it lost its legs upon which it stood as the result of war, as a victim of war. Therefore it seems to me to be the duty of the Government to make restitution. The Government called upon our young manhood, four and one-half millions of them, in the late war; they were called upon to go, if necessary, across the seas to fight, to make a sacrifice and, if necessary, to die. They performed their obligation according to the call of their Government and they suffered casualties. Agriculture was called upon to produce food and raiment with which to feed and clothe four and a half million men in our Army. Agriculture responded to the call of our Government. Through that response agriculture suffered an injury. Now agriculture is entitled to compensation—adjusted compensation—for the sacrifices it made in behalf of the Government and in response to the call of the President and Congress.

I want briefly to review some of the sacrifices that were made by agriculture in responding to that call. As a result of war there was a tremendous increase of agricultural production. In the years immediately preceding and during the war 40,000,000 acres of pasture land were plowed up and put in crops; 5,000,000 acres of forest were cleared for crops. The call to agriculture was to produce more, and to produce more meant the cultivation of a larger acreage, until we had an increase in the acreage—a sharp and sudden increase—of 45,000,000 acres producing during the war and for war purposes. Improved machinery was demanded, and the farmer was called upon to buy more and more machinery in order to produce more food to feed our Army and the Allies. That stimulated production and called for increased fertilization. So the demand that more food products should be raised in order to supply the needs of the Army and the Allies placed upon agriculture a tremendous demand, to which agriculture responded in full measure.

Another factor contributing to farm depression was the general deflation of the general price level after the war. During the war, especially after America entered the war, in 1917, the price level between agricultural commodities on the farm and wholesale prices of all commodities was almost a dead level. In 1918 the index of prices of agricultural commodities on the farm was 200; the index of wholesale prices of all commodities was 194—very close to a level. In 1919 the index of prices of agricultural commodities on the farm was 209; wholesale prices 206—almost a dead level.

Then, in 1920, the index price of agricultural commodities on the farms dropped to 205, while the index of wholesale prices of commodities increased to 226. In 1921 the index price of agricultural commodities dropped to 116, while the index of wholesale prices of commodities was 147. There was a constant unbalancing in favor of wholesale commodities used upon the farm and by the family upon the farm a constant increase in the price of those commodities, while the price of farm products constantly dropped. That situation arose out of the war. It is true it was a postwar act, due, however, to causes arising because of a war.

Again, arising out of the same situation came increased transportation costs. I have here the joint report of the National Industrial Conference Board and the Chamber of Commerce of the United States of America. I submit that those two bodies do not represent a soviet of the radicals, or the reds. The conference was made up of business men and bankers. They reported upon the condition of agriculture in the United States, and I shall quote from that report. On page 83 of the report will be found this statement:

> Another harmful consequence of deflation to agriculture was the relative increase in the freight burden of the farmer which it caused.

On page 84 I find this table:

> Index numbers showing changes in railroad freight rates on 50 representative agricultural products, compiled by division of statistical and historical research, United States Department of Agriculture Yearbook, 1926.

In 1914 that index was 99.4. In 1921 it was 117, an increase of nearly 78 per cent in freight charges. In 1918 the index was 117.1; in 1925 it was 157.5, an increase of nearly 60; in percentages, a tremendous increase.

I desire to call attention, in this connection, to four illustrations which demonstrate what the increase in freight rates meant to agriculture. These increases were under the so-called Esch-Cummins law. For my authority I am quoting Professor Boyle, professor of rural economy, New York State College of Agriculture. He says:

> A farmer shipping hay in 1919 paid 10.4 pounds out of each 100 pounds of hay for freight; in 1921—

Note this—

> He paid 20.2 pounds.

Double freight rates under the Esch-Cummins law.

Again:

> A farmer shipping wheat in 1917 paid 3.3 pounds out of each 100 pounds of wheat for freight; in 1922, he paid 9.3 pounds.

Two and one half times as much, almost three times as much, in freight upon his wheat, making a tremendous loss in the amount he received for his wheat.

Another illustration by Doctor Boyle:

> A farmer shipping corn in 1918 paid 7.2 pounds out of each 100 pounds of corn for freight—

Mr. President, I want to call the especial attention of the Corn Belt of the United States to this matter:

> In 1922 he paid 38.6 pounds.

Almost 40 per cent of the amount received for corn in 1922 went toward the payment of freight rates, an increased freight rate of from 7.2 pounds to 38.6 pounds out of every hundred pounds; an increase of 31.4 pounds of corn out of every hundred pounds of corn in freight charges to ship his corn.

This arose out of war. The railroads of this country came to Congress, came to this Government, for relief, and they got it, and that relief was to give them justification for an increase in freight rates; so agriculture became a casualty of war in another respect.

> A farmer shipping potatoes in 1917 paid 4.9 pounds out of each 100 pounds of potatoes for freight; in 1921 he paid 18.3 pounds.

Almost double the amount in the shipment of potatoes; and so, out of the causes of war, these oppressions came upon agriculture.

Turn to another proposition:

There has been pending before Congress and the administration the proposal for a deep waterway from the Lakes to the ocean—a deep waterway capable of carrying ocean-going vessels without change of cargo. Up to this time there have been no practical accomplishments along that line. Had the Government given attention to agriculture, to these fundamental solutions for the difficulties of agriculture, it would not be necessary for agriculture to be begging for relief at this session of Congress. We might have had relief by solving some of the fundamental difficulties that underlie this whole problem of farm deflation. For one, it is my opinion that we never will solve the agricultural problem until we solve some of these fundamental and underlying causes that drove agriculture to its knees.

Mr. FRAZIER. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. BLAINE. I yield.

Mr. FRAZIER. I should like to ask the Senator if he does not think it might be well to start in a small way and do as much as we can. We can not make all these changes at once; but if we can pass this relief bill it seems to me it would be a step in the right direction, and give us a start.

Mr. BLAINE. Mr. President, I know that it may be proposed that to give the farmer a mite will lull him into a sense of security overnight, perhaps, during an election campaign; but you are not going to satisfy the farmer, and you are not going to satisfy justice, and you are not going to rectify the wrongs done to agriculture, by any temporary relief.

I will get to that very shortly, because I am going to advocate in the course of this debate perhaps the only immediate relief that we can obtain; but I am not going to let the farmers of America believe that these temporizing propositions are going to solve their problem. I do not believe that the farmers of this country should be lulled into a sense of security through acts of Congress, because when the time comes the agricultural interests of this Nation must realize that temporizing with this emergency is only postponing the evil day for agriculture in America, that day when tenantry will be the rule, and there will be in this America but two classes, the toilers and the toil takers.

Mr. BROOKHART. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. BLAINE. I do.

Mr. BROOKHART. The Republican platform of 1924 says:

> The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interest of America on a basis of economic equality with other industry to insure its prosperity and success.

Does the Senator think the Republican Party can redeem that pledge by any halfway measure or any little thing to start with, and that at the end of the administration, rather than at the beginning of it?

Mr. BLAINE. Mr. President, I never took the pledge of the Republican Party very seriously. I do not think there has been an earnest attempt made by the party, as a party, to bring relief to agriculture. I think the majority of the Republican Party, in its official organization, is opposed to farm relief or any relief for agriculture. I am speaking now of the official organization of the Republican Party, as represented by those occupying positions of power in the Republican Party. I even understand that a great majority of the so-called stand-pat or reactionary or Tory Republicans do not believe that there is any such question as a farm question or a farm problem. They brush it aside. It has been brushed aside in Congress. It has been brushed aside in their debates.

Mr. BROOKHART. They did not brush it aside when they wanted the votes of the farmers of the United States, and put this emphatic statement in their platform, pledging themselves to the enactment of legislation for this purpose.

Mr. BLAINE. Oh, no; the plank was all right to get in on, but not to stand on when they got in. That is one reason why I can not be a regular Republican.

Mr. SHIPSTEAD. The Senator could not be a keynoter.

Mr. BLAINE. No; I could not be a keynoter, and give any praise to the Republican Party for bringing about farm relief, and be telling the truth about it. Keynoting is very easily done. Finely spun phrases can be copied from the books of the orators and repeated from the platforms of national conventions, but they are as sounding brass or a tinkling cymbal.

Talk is cheap, and, putting it in a homely way, it is going to take money to make restitution for the farmers. I want to discuss just briefly this question of transportation from the standpoint of waterways.

Mr. SHIPSTEAD. Mr. President, may I ask the Senator a question?

Mr. BLAINE. I yield.

Mr. SHIPSTEAD. It is said that in days of Rome when the people got restless, to satisfy them they gave them a circus and a loaf of bread. Does the Senator think that in these modern days it will not be enough to give the people a convention and a keynote?

Mr. BLAINE. And a bone.

Mr. SHIPSTEAD. Does the Senator think the people are going to be satisfied with that?

Mr. BLAINE. Not quite. But I am not speaking politically. I do think, however, that the Republican Party owes it to the agricultural interests of America to carry out its pledges. It has too long delayed those pledges, and had there been any greater hope or trust in the Democratic Party, there might have been a different complexion politically in the administration at Washington.

A deep waterway has been promised. I am not going to discuss the deep waterway from the standpoint of its great benefit to the 42,000,000 people located in and about the Great Lakes. I want to call attention, however, to the question of transportation rates as they relate to a deep waterway. Steel moves from Pittsburgh to the Pacific coast ports by water at $15 a ton, while from Chicago mills by rail the same steel pays $25 a ton. The Great Lakes-St. Lawrence waterway will add from 7 to 9 cents a bushel to the price of wheat for the wheat growers of America. Flour moves from Seattle to New York by water for $6 per ton. By rail the Minnesota, Dakotas, and Kansas flour producers must pay $8.70 per ton in freight.

Lumber is shipped by water from the Pacific coast to the East at a saving of from $10 to $12 per thousand. First-class freight is shipped from the Pacific coast ports to New York by water, then to Milwaukee, for instance, by rail, for $3.92 per hundred, as compared with $5.10 per hundred from Wisconsin to the Pacific coast by rail. In fact, butter is shipped from far-off New Zealand to the ports of the United States by water almost as cheaply as we can ship butter and other dairy products of our region to the same ports, a distance perhaps one-tenth the distance from New Zealand.

The Mississippi-Warrior service is saving to the agricultural producers an average of $1.75 per ton in freight charges, and yet the Government of the United States pinches every penny that is appropriated to develop and improve the inland waterways.

Millions of dollars are available to build battleships that will become obsolete before the second ship is completed. Congress appropriates millions upon millions of dollars for war, and yet, when it comes to the improvement of our waterways, which will furnish reasonable transportation costs, the Government pinches every coin, unwilling to promote these great undertakings, which, if promoted and encouraged, would enure to the benefit not only of the agricultural producer but as well to all the people of the United States.

Had the inland waterways had the equipment that was denied them, 10,000,000 bushels of wheat would have moved down the Mississippi River to the south in two months in addition to the movements that did occur.

Another factor that arose out of the war was the tariff. I am not going to quote from any free traders or "tariff-for-revenue-onliers"; I want to quote from a conservative report made by conservatives. Their political complexion is not indicated, but it is the report of the National Industrial Conference Board and the Chamber of Commerce of the United States of America.

That report is dated 1927; it is not an ancient one. Speaking of the tariff, the report states:

> There is little doubt that the steady extension of tariff protection to manufacturing industries, and particularly the increase in the tariff level in postwar years, has on the whole affected agriculture unfavorably in comparison with manufacturing industry. * * *
>
> It is, however, any *increase* in duties on manufactured goods, rather than the tariff as such, which is peculiarly harmful to agriculture. If the tariff on those manufactured goods which it seemed desirable to produce in this country had been set at a certain level in the beginning and kept unchanged until it was determined whether or not those industries were able to become self-sustaining, agriculture would not have suffered very greatly. But the increase in rates, step by step, from the Civil War to the World War kept agriculture in a constant process of adjustment. Recovery from one stepping up of the rates could not be attained before another went into effect.

Again let me quote from the same report:

> Like the increase in railroad rates, this raising of the tariff came at a time very inopportune to the farmer.

There was the 1922 tariff act, and there was an emergency tariff act in addition to that.

> Like the increase in railroad rates, this raising of the tariff came at a time very inopportune to the farmer. An increase in the degree of protection, so far as it is real and not a mere raising of rates already completely protective, can not fail to have an adverse effect on some exporting industries, and in the case of the tariff act of 1922 it seems probable that agriculture bore the brunt of this readjustment.

That refers to a readjustment from war conditions. As a result of this situation, we have another factor arising out of the war. There is a decline in domestic consumption. I quote from the same report:

> DECLINE IN DOMESTIC CONSUMPTION
>
> (1) The declining per capita consumption of certain foods, (2) the substitution of mechanical for animal power, (3) changes in clothing habits and the use of artificial textiles.

That relates to our domestic consumption. Another factor arising out of the war was the decline in the foreign consumption of agricultural products. The Government had loaned money to foreign governments during the war, and made advancements of twenty-five or twenty-six billion dollars, or about that sum. In addition to that, private loans and foreign investments by private interests amount to about $14,000,000,000 at the present time.

America, therefore, has become the creditor nation. She has all the gold, due to war and its devastations and its blighting curse. With millions upon millions of young men who died upon the fields of battle and the starvation which attended the aged, Europe became unable to buy. Our profitable foreign commerce is gone. It is true we have a foreign commerce and a foreign consumption of American products, but with and by a deflated depreciated civilization without money. Our tariff walls are so high that it is impossible for foreign producers to exchange their products for agricultural and other raw materials. All these things grow out of war, so I say that the farmers' condition to-day makes that industry a war casualty.

The great advocate of high protection, the senior Senator from Utah [Mr. SMOOT], is not in his seat at this time. If he were, I presume he would rise to suggest that under the 1922 tariff act agricultural implements were placed on the free list, and therefore free trade in the interest of the farmer. Just briefly analyzing such a suggestion, the fact is that the agricultural implements imported into the United States constitute a mere fraction of the total agricultural implements used by the farmers of the United States.

Mr. FRAZIER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. BLAINE. I am glad to yield.

Mr. FRAZIER. I think the facts are that our manufacturers of farm machinery manufacture more than they can use here at home and therefore export.

Mr. BLAINE. Yes; I shall give the figures in just a moment. I thank the Senator. He is correct.

In 1923 the importations of agricultural implements were only $2,327,956. Any 10 first-class counties of the United States could absorb all of the imported manufactured farm machinery. But the year preceding—I have not the figures for the same year—the production of farm machinery in the United States by American industry amounted to $334,951,000. Clearly the importation of a little more than $2,000,000 of farm machinery would have no appreciable effect on the cost of farm machinery to the farmer. Moreover, all of the material that goes into the manufacture of agricultural machinery, especially the steel and iron, bear a high tariff rate, so that as a

matter of fact the benefits to the farmer of free agricultural implements are almost nothing.

The results growing out of the war—results entirely due to war—therefore have brought the agricultural interests almost to a state of economic slavery. Tenancy is increasing at a tremendous rate. Interest rates have been higher. Land mortgages are constantly pyramiding. Referring to Professor Boyle again as the authority for my statement, I call to the attention of the Senate the fact that from 1910 to 1920 the mortgage debt on farms operated by owners increased from $2,778,000,000 to $5,444,000,000, or a net increase of $3,166,000,000. The interest on this sum was an average rate of 6.1 per cent. Therefore the interest burden alone upon this indebetedness for one year was $193,000,000. For the years 1920 to 1925 there occurred a still further increase in the size of the farmer's mortgage debt.

Mr. President, through the stimuli of war, promoted by the Government through its constituted officials, the agricultural conditions in America can be traced to that one single cause—war.

For the purpose of the RECORD I desire to have inserted therein, without reading, some tables which I have compiled, one relating to imports into the United States of raw and manufactured animal and vegetable products by groups of commodities for the years 1925–26 and 1926–27; also other tables in relation to the United States exports in specified commodities expressed as a percentage of approximate world net exports and principal agricultural exports of the United States, rather in detail, and the relative percentage with relation to the total exports of various farm commodities.

The VICE PRESIDENT. Without objection, it is so ordered.

The tables referred to are as follows:

Imports into the United States of raw and manufactured animal and vegetable products, by groups of commodities, years 1925–26 and 1926–27

[Values in millions of dollars]

	1925–26	1926–27
Group 00. Animals and animal products, edible	107.0	125.7
Group 0. Animals and animal products, inedible	286.5	322.9
Group 1. Vegetable food products and beverages	823.1	843.0
Group 2. Vegetable products, inedible, except fibers and wood	894.7	672.9
Group 3. Textiles	1,039.5	964.3
Group 4. Wood and paper	356.6	371.5
Total	3,507.4	3,300.3

Included in the above groups are imports of certain commodities, as follows:

	1925–26	1926–27
Cocoa, coffee, and tea	386.8	376.7
Rubber and manufactures	613.5	377.9
Silk, unmanufactured	412.9	421.4
Total	1,413.2	1,176.0

United States net exports in specified commodities expressed as a percentage of approximate world net exports

	1922	1923	1924	1925
	Per ct.	*Per ct.*	*Per ct.*	*Per ct.*
Barley, including flour	22.3	9.4	24.9	19.3
Corn, including meal	41.0	10.2	2.0	8.2
Oats, including oatmeal	25.3	4.3	12.0	32.7
Rye, including flour	83.1	21.3	76.2	34.4
Wheat, including flour	28.7	16.2	32.7	13.7
Rice	3.1	2.8	1.1	(1)
Cotton	58.3	51.3	59.2	61.5
Potatoes	3.9	5.6	7.1	(1)
Tobacco	42.1	48.9	47.0	44.3
Pork and pork products	77.5	75.9	66.3	56.3
Lard		92.8	90.4	83.3
Apples	40.8	51.9	46.6	43.5
Oranges	8.7	11.3	9.0	6.7

[1] Net import.

References used for all statistics submitted: World Production Versus American Production of Agricultural Products, by O. C. Stine, agricultural economist, Department of Agriculture. Foreign Crops and Markets, September 26, 1927, Department of Agriculture. International Trade in 1925, J. J. Kral, Division of Statistical Research, Department of Commerce. Summary of Foreign Commerce of the United States, Department of Commerce.

Principal agricultural exports of the United States

Cotton:
3,482,584,000 pounds exported in 1924, valued at ... $950,581,000
4,384,160,000 pounds exported in 1925, valued at ... 1,059,751,000
3,941,760,000 pounds exported in 1926, valued at ... 917,719,000

Average production in the United States for the years 1909–10 to 1913–14 was 6,229,774,000 pounds per year, while the total average production for all other countries was 6,951,076,000 pounds per year.

Wheat:
166,302,000 bushels exported in 1924, valued at ... $237,114,000
86,526,000 bushels exported in 1925, valued at ... 148,717,000
63,189,000 bushels exported in 1926, valued at ... 97,664,000

Average production in the United States for the years 1909–10 to 1913–14 was 690,108,000 bushels per year, while the total average production for all other countries, except Russia and China, was 2,350,892,000 bushels per year.

Wheat flour:
15,990,000 barrels exported in 1924, valued at ... $91,210,000
11,119,000 barrels exported in 1925, valued at ... 85,067,000
9,542,000 barrels exported in 1926, valued at ... 69,633,000

Tobacco, leaf:
546,555,000 pounds exported in 1924, valued at ... 163,035,000
468,456,000 pounds exported in 1925, valued at ... 153,345,000
528,131,000 pounds exported in 1926, valued at ... 166,894,000

Meats:
803,391,000 pounds exported in 1924, valued at ... 113,844,000
611,630,000 pounds exported in 1925, valued at ... 118,261,000
537,683,000 pounds exported in 1926, valued at ... 110,231,000

Lard:
944,095,000 pounds exported in 1924, valued at ... 125,728,000
688,829,000 pounds exported in 1925, valued at ... 118,090,000
695,445,000 pounds exported in 1926, valued at ... 114,471,000

FRUITS

Apples:
6,719,000 boxes exported in 1924, valued at ... 15,740,000
4,922,000 boxes exported in 1925, valued at ... 12,787,000
5,464,000 boxes exported in 1926, valued at ... 13,752,000

Prunes:
220,912,000 pounds exported in 1924, valued at ... 13,218,000
146,485,000 pounds exported in 1925, valued at ... 11,266,000
151,405,000 pounds exported in 1926, valued at ... 11,625,000

Rye:
35,666,000 bushels exported in 1924, valued at ... 39,233,000
28,675,000 bushels exported in 1925, valued at ... 37,241,000
12,505,000 bushels exported in 1926, valued at ... 13,374,000

Average production in the United States for the years 1909–1913 was 36,093,000 bushels, while the estimated production for all the other countries during the same period was 988,907,000 bushels per year. The annual production in the United States for the year 1924 was 65,466,000 bushels, and the estimated production for the other countries for the same year was 742,000,000. In 1925 it was 60,144,000 bushels for the United States and 1,013,000,000 bushels for the other countries. In 1926 it was 53,124,000 bushels for the United States and 813,000,000 bushels for the other countries. ("Other countries" includes all of the countries of the world with the exception of Russia and China.)

Sugar, refined:
440,495,000 pounds exported in 1924, valued at ... $24,028,000
758,716,000 pounds exported in 1925, valued at ... 28,160,000

The total value of the sugar, molasses, and sirup exported in 1926 amounted to $22,798,000.

Barley:
20,712,000 bushels exported in 1924, valued at ... $22,302,000
29,059,000 bushels exported in 1925, valued at ... 26,930,000
27,181,000 bushels exported in 1926, valued at ... 23,687,000

The average production for the years 1909–1913 in the United States was 184,182,000 bushels, while the average for the other countries, excluding Russia and China, for the same years was 1,240,818,000 bushels. In 1924 the annual for the United States was 181,575,000 bushels, and for the other countries it was 1,124,425,000 bushels. The annual production in the United States in 1925 was 216,554,000 bushels and 188,340,000 bushels in 1926.

Milk, condensed, evaporated, etc.:
211,809,000 pounds exported in 1924, valued at ... $22,962,000
151,412,000 pounds exported in 1925, valued at ... 17,939,000
139,136,000 pounds exported in 1926, valued at ... 17,097,000

Oats:
3,953,000 bushels exported in 1924, valued at ... $2,387,000
29,443,000 bushels exported in 1925, valued at ... 15,812,000
30,975,000 bushels exported in 1926, valued at ... 16,193,000

The average yearly production in the United States for the years 1909–1913 was 1,143,407,000 bushels, while the average total production for all the other countries, except Russia and China, was only 2,437,393,000 bushels. The annual production in the United States for the year 1924 was 1,502,529,000 bushels, while the estimated annual production for all the other countries, with the exception of Russia and China, was only 2,172,471,000 bushels. In 1925 it was 1,487,550,000 bushels for the United States and an estimated total of 2,476,450,000 bushels for all the other countries, with the exception of Russia and China.

Hides and skins, raw (except fur):
105,089,000 pounds exported in 1924, valued at ... $12,799,000
73,450,000 pounds exported in 1925, valued at ... 12,031,000
68,823,000 pounds exported in 1926, valued at ... 10,629,000

Corn:
18,366,000 bushels exported in 1924, valued at ... 17,825,000
12,762,000 bushels exported in 1925, valued at ... 14,253,000
23,137,000 bushels exported in 1926, valued at ... 21,371,000

The average production of corn in the United States for the years 1909–1913 was 2,712,364,000 bushels, while the estimated average production of all the other countries combined only amounted to 1,413,636,000 bushels. The annual production in the United States for 1924

was 2,309,414,000, and the estimated total for the rest of the world, with the exception of Russia, was only 1,434,586,000 bushels. In 1926 the annual production for the United States was 2,916,961,000 bushels, while the estimated production for the rest of the world, with the exception of Russia, was 1,585,039,000 bushels.

In the years 1922–1925 the United States has exported annually the following percentage of its total production:

	Per cent
Cotton	53
Rye	48
Tobacco	33
Rice	14
Wheat	21
Barley	10
Oranges	9
Apples	6
Oats	1.5
Corn	1.3
Lard	34
Pork	8

The percentage of the United States production to total world production for the years 1922–1925 was as follows:

	Per cent
Corn	68
Cotton	61
Tobacco	46
Oats	37
Wheat	24
Flaxseed	18
Barley	15
Rye	8
Potatoes	9
Sugar	5
Rice	1

(Statistics from World Production versus American Production of Agriculture Products, by O. C. Stine, Department of Agriculture.)

AGRICULTURE EXPORTS

The significance of an export is not to be measured directly by the percentage of the total volume exported. The significance of the percentage of a product exported is to be found mainly in the indication of the change in production or domestic consumption necessary to eliminate the exportable surplus. The more significant fact is that as long as we export any part of a product that part determines the relation of our domestic markets to the foreign markets for all of the product that our producers have for sale at home and abroad. It places our producers in the position of having to take for all of the product what purchasers in foreign markets will pay for any part of the product, less cost or charges for transporting it from the producers to the foreign purchasers.

* * * * * * *

Of some commodities the quantity which we export is such a large part of the total international trade in the product that it is an important factor in determining the relation of the United States production to the world markets. (From World Production versus American Production of Agriculture Products, by O. C. Stine.)

NOTES ON AGRICULTURAL EXPORTS

Among the dried fruits, apples, prunes, and raisins gained in exports. The statistics given do not include the dried fruits, but rather the fresh fruit. However, prunes are listed under the dried fruits, but are not listed in the statistics consulted under fresh fruits.

Trade between the continental United States and Alaska, Porto Rico, and Hawaii is considered in the customs returns as domestic trade, and the statistics, therefore, are not included with the regular export statistics.

* * * * * * *

About 90 per cent of the products of the farmers of the United States market is directly affected by foreign competition, either in foreign markets to which we export some part of our products or in the domestic markets into which we import some part of what we consume. Some of our great staple commodities, such as wheat and cotton, are sold in all the principal markets of the world in competition with foreign production. Other important commodities, such as wool and hides, enter the United States from all parts of the world and compete in our markets with domestic production. The producers of many of our minor crops, such as onions, prunes, and hemp, are just as much affected by foreign competition as are those of our more important staple crops. In all such cases the prices of our products are determined in part by the volume and quality of the foreign production. (World Production versus American Production of Agricultural Products, O. C. Stine.)

Mr. BLAINE. Mr. President, I have not undertaken to set forth in any great detail and by no means in an all-inclusive way the causes of the present agricultural depression. I have undertaken to call attention to some of the main causes. I think there is justification in coming to the conclusion that the present condition of agriculture is one which constitutes an emergency. I am not convinced that the measure pending before us is going to solve the problem as an emergency. As a permanent solution of the problem I am convinced that it does not meet the situation.

I think it is temporizing with the present condition. I do not say nor do I advocate that the pending measure should not be adopted. I believe there is a general feeling throughout the agricultural regions of our country that the measure will afford some relief. It may; I do not believe that it will do any harm; but, as I view the situation, we are not going to solve this problem until we get at the very root of the causes of the inflation that exists to-day with respect to manufactured articles and at the same time reach the root of the cause of the present deflation in agricultural prices. I think the facts are fairly well known. If we can take the inflation out of railroad stocks; if we can transport our goods at a rate that will yield a return to the railroads based upon the service that the railroads should render and upon the valuation of the railroads, fixed upon the basis of the actual prudent investment of capital in the railroads; if we will undertake a revision of the tariff law, and if we only go so far in revising the tariff law as to provide for reciprocal commodity trading as between foreign production and agricultural products in America, we will then begin to find a remedy for the present situation.

Expressing the whole issue in one word, I think the cause of agriculture's plight to-day is privilege; and until remedies are provided to destroy privilege, whether it is privilege arising through a high protective tariff, arising through banking laws, arising through an inequitable system of taxation, or any other form of privilege, we shall not have solved the problem of those who produce the raw material intended to feed, clothe, and sustain human life.

Mr. President, as I view the situation we may enact legislation at this session of Congress that will be of temporary benefit to the agricultural producers. I am willing to support that character of legislation; but I am willing to support it only on the condition that it will not be the end of the fight for economic justice for agriculture. I am unwilling to support any temporizing legislation designed to mislead the men and women back upon the 6,000,000 or more farms of America. I want it understood that, so far as I am concerned, in supporting these measures I am willing to let them be tried out. However, I do not want the farmers of America to understand, so far as anything that I may say is concerned, that the measures before the Senate are a solution of the farm problem. I hope that they will afford some relief; I believe they will; but with that view I hold to the opinion I have expressed, that the farmer's present condition and the condition in which he has found himself since the close of the World War is an emergency and that the condition of agriculture is a casualty arising from war and out of war, and that the Government of the United States should make restitution so far as it is possible.

The amendment proposed by the Senator from Iowa [Mr. BROOKHART], as I understand that amendment, does propose restitution, at least to some extent. It proposes to appropriate $600,000,000, as I understand, to pay the losses, if there shall be any, of an export corporation or organization designed to buy for foreign trade the surpluses of farm commodities. I do not regard that $600,000,000 as a subsidy; I do not regard it as a dole. I would not accept it as a dole or a subsidy; I would not accept the amendment if it were designed to be final. However, there is a limitation expressed within the amendment itself. That limitation is, as I understand, that it shall remain in effect only so long as there is left any part of the $600,000,000 available for the proposed export organization, and when that period is reached, when the time comes when there is no more money available, then the measure ceases to be effective and some other plan, either an excise plan or an equalization plan, is proposed, but not written into the amendment, to be effective at the end of the period to which I have referred. However, as I understand from the Senator from Iowa, the $600,000,000 may afford the opportunity for making restitution; it may afford the opportunity for meeting the existing emergency, for paying for this war casualty.

I do not mean that the $600,000,000 is going to pay the losses of agriculture incurred since the forced deflation of agricultural products in 1920 and 1921; but it is proposed by the amendment to step in and say to the farmer, "We propose, so far as possible, to engage in the export business in order to dispose of surplus commodities, and we have set up $600,000,000 to cover the loss in the transaction of that business, if there shall be any loss."

I think the sum might well be more. As I said at the outset, Congress in the twinkling of an eye has passed through—at least the Senate has, and so has the House—appropriation measures carrying millions of dollars. Congress came to the relief of the railroads and gave them nearly half or more than half a billion dollars. Congress, through the act creating the Shipping Board, came to the aid of water transportation, to the aid of those engaged in transportation upon the oceans, and sold ships built by the Government at Government expense at hundreds of

millions of dollars less than the ships cost the Government, thus giving gratuities to the shipowners purchasing those ships.

It was only the other day that within a period of two hours the Senate passed a bill appropriating $325,000,000 for flood relief to meet an emergency—a bill carrying not only the amount I have mentioned but, as well, proposing a plan which the Senator from Washington [Mr. JONES], as I understand, admitted might cost three-quarters of a billion dollars, and perhaps a billion of dollars before it could be completely carried out. Am I correct in that?

Mr. JONES. Mr. President, I was reading a proposed bill, and did not catch what the Senator was saying until I heard him mention my name.

Mr. BLAINE. I suggested that the bill relating to flood control carried $325,000,000 for expenditure within the next few years; that the plan proposed, however, might cost three-fourths of a billion dollars, even running into a billion dollars.

Mr. JONES. No; the Senator is wrong with reference to that. The statement I made was this:

The bill authorizes $325,000,000 to carry out the project from Cairo down, which is the project adopted in the bill. I did state that possibly the project might cost $500,000,000, but I doubt if it will cost anything more than that.

I did say this, however: Surveys are provided in the bill for the purpose of ascertaining the possible projects that may hereafter be recommended to Congress; and these, of course, are subject to adoption or rejection by Congress. They are not adopted in this bill. They are not part of the project adopted in this bill. They will be new projects if adopted. If Congress should embark upon the policy of reservoirs and these additional projects, then, of course, the ultimate cost of such projects might be a billion dollars, and might even be more.

I am glad to have an opportunity to make that plain—that the bill that we passed only obligates us to take care of the floods from Cairo down, and that in my judgment, as I expressed it on the floor then, this will cost not more than $500,000,000. Any additional cost will come from the adoption of additional or new projects by the Congress.

Mr. BLAINE. Mr. President, I appreciate the Senator's explanation. It does not change the purport of my prediction. There is already authorized by the Senate at least the expenditure of $325,000,000. If certain plans are carried out, as the Senator explained, that may mount to a billion dollars. Of course, it will require future acts of Congress.

Mr. President, that was an emergency. I supported that measure. The people of the Mississippi Valley, their future, their lives, were threatened by a repetition of the calamity that overcame them. So in the present instance we are meeting or endeavoring to meet this emergency. A calamity has befallen agriculture. That calamity arose out of the demands of the Nation, and through no fault of agriculture, but through the farmer's response to the patriotic urge and the demand of his Government.

It has been proposed, as I understand, by the Secretary of the Navy that we enter upon a $4,000,000,000 Navy program; and a bill has already passed the House providing for an appropriation of $275,000,000 for the construction of cruisers and certain other warcraft—an incomplete measure, because it is proposed to follow that up with other proposals and additional appropriations.

Here is agriculture, with 30,000,000 of people depending upon the soil, baffled by the weather, threatened at planting season and at harvest with the destruction of the result of their toil, subject to the manipulation of speculators in the markets of the world, having no control of the price they receive for their commodity, and no control of the price they must pay for their necessities. It is an emergency. The farmer, I repeat, is a casualty as the result of war. Six hundred million dollars is a stingy amount for this great Government to offer in making restitution. It may be the best we can do. I doubt if those who are opposed to farm relief would yield in their opposition to this proposal to make restitution.

I say, Mr. President, that this proposal of the Senator from Iowa [Mr. BROOKHART] is not a subsidy. It is not a dole. It is only a small recognition by the Government of the United States, if Congress enacts the amendment into law, of the losses borne by agriculture; only a small fraction of the restitution that the Government should make to agriculture.

ATTITUDE OF ANTI-SALOON LEAGUE

Mr. BRUCE. Mr. President, I desire to have inserted in the RECORD an editorial from the Chicago Tribune of March 18, 1928. It dwells upon the utter indifference exhibited by the Anti-Saloon League to the infamous scandals engendered by the Harding administration so long as the public men who were responsible for those scandals were subservient to its influence.

The VICE PRESIDENT. Without objection, the editorial will be printed in the RECORD.

The matter referred to is here printed, as follows:

UNDER THE PATRONAGE OF THE ANTI-SALOON LEAGUE

Warren G. Harding, Senator from Ohio, was nominated as the Republican candidate for President June 13, 1920. His State was the home of the Anti-Saloon League. The candidates he defeated were known to be heads above him in qualifications, but a combination of fellow Senators gathered up 692 votes for him on the tenth ballot and he was nominated over Wood, Lowden, and Johnson.

This was a year after prohibition became effective. The Ohio gang was a hard-drinking, poker-playing outfit amenable to the Anti-Saloon League for political policy and in other respects out on the make. With the inauguration of Harding the gang moved to Washington and the little green house on K street was opened. The Anti-Saloon League also moved its high command to Washington and opened its congressional and administrative control office.

Harding appointed Harry Daugherty, of Ohio, as Attorney General. That brought in his brother Mel, his friend Jesse Smith, Smith's divorced wife, Roxie Stinson, Gaston B. Means, Charles Cramer, Charles Forbes, Col. Thomas W. Miller, and others who later were to furnish suicides, scandals, and jailbirds.

The Ohio prohibitionists, having moved in, proceeded to assume control of prohibition enforcement. John F. Kramer, first prohibition commissioner, resigned to become an Anti-Saloon League lecturer. One Ohio faction wanted to put Newton Fairbanks, a small town (Ohio) editor, in charge of enforcement, but the more influential Ohio section, with Wayne B. Wheeler, as its man of large consequence, wanted the job for Roy A. Haynes and through Wheeler he got it. Wheeler and Frank B. Willis, of Ohio, were friends. Willis had put Harding in nomination at Chicago. He had been governor. He later was to go to the Senate. He is now Harding's successor as Ohio's candidate for President and he is completely subservient to the Anti-Saloon League, a hundred per center for league control.

Mr. Harding's private supply of liquor also was moved to Washington and more was procured. One prominent national Republican was soon describing himself as the official bootlegger to the White House, and even beer by the keg could be recommended as very good. Cocktail hour in the White House was a part of the ceremony. Mr. Wheeler, then general counsel of the Anti-Saloon League, now dead, was recognized as dominant in Congress and the administration for all purposes in which he cared to assert himself. Some Members of Congress earned money, dignified as honorarium, for speeches for the league.

Albert Fall, of New Mexico, had been appointed Secretary of the Interior. Mr. Fall had been in the Senate with Mr. Harding. Less than three months after the new Secretary took his place an Executive order transferred the naval oil reserves, including Teapot Dome and Elk Hills, to the Department of the Interior.

Six months after the transfer the Continental Trading Co., a Canadian corporation, was organized and on that day it bought and sold 33,000,000 barrels of oil. It bought at $1.50 a barrel and sold at $1.75, a profit of $8,000,000, some part of which is lost in ambiguity. But $3,080,000 is known to have been actually realized and invested in Liberty bonds, some of which were held as a political working fund.

In April, 1922, the Teapot Dome reserve was leased by Secretary Fall to the Mammoth Oil Co., a Sinclair corporation, and Elk Hills to the Pan American Oil Co., belonging to Edward L. Doheny. This brief summary is given merely to show the rapidity with which the system of corruption was organized and put in action with a war chest full of millions procured through the astonishing Continental Trading Co.

It is not yet known where all that money went. For parallels to the corruption it is necessary to go back to the debt assumption scandals of the early Republic, to the Yazoo land deals, to the Credit Mobilier. Fall received Liberty bonds traced to the Continental Co. In all he received $230,000 worth. He also had a "loan" of $100,000 from Doheny. The Continental deal did not come to a disclosure until September, 1924, and at this moment the Senate investigating committee is trying to trace the disbursement of money used to influence political action, pay for acts of corruption, and to control the Republican Party.

Out of the still obscured picture have come flashes of Will Hays, chairman of the national committee which managed Harding's campaign, peddling Sinclair's Liberty bonds from the Continental fund to cover the oil stain on the contributions. Mr. Hays was worried by the campaign deficit and more worried in the uneasy possession of the money Sinclair gave him to meet it. He was hunting Republicans to take the bonds in $50,000 packages, give him their own checks to hide the source, and reimburse themselves by selling the bonds. The summary of events shows the quick work of the oil conspirators, but the evidence is not yet complete to reveal when the deals had their beginning or what all their conditions were.

Through all this and other scandal the Anti-Saloon League control of Government was complaisant. To the league a good government was

one which made sumptuary regulation paramount, which encouraged judicial overthrow of citizenship rights, which extended abuses of search and seizure, which sought extremes of punishment. The bargain was one of subservience on one side and condoning on the other. Rascals in politics could deliver themselves to the league and gain immunity for their outrages against public probity and governmental honor.

Under such patronage the scandals of Washington and of Government agencies waxed, fattened, and then exploded. Fall, Sinclair, and the Dohenys, senior and junior, were indicted. The oil leases were annulled for fraud. There were the scandals of the surplus Army goods, of the Standard Aircraft case, of the American Metals case, in which Daugherty, Smith, King, and Miller were indicted. Harry Daugherty and his brother Mel refused to testify before the Senate committee. Harry Daugherty was found to have burned all the books of the Midland National Bank, of Washington Courthouse, Ohio, where Jesse Smith had an account.

The little green house in K street was discovered for the public. Jesse Smith shot himself in Daugherty's apartment at the Wardman Park Hotel. Space permits only a sketching of the progress of fraud and violence across the scene, but names in themselves are sufficient to revive the recollection of the most dismaying episodes in national history: Gaston B. Means, Roxie Stinson, Charles Cramer (who committed suicide), Charles Forbes, Forbes of the Veterans' Bureau. He was an intimate of Harding, Daugherty, et al. He was given direction of the hospitalization of the country's wounded soldiers, and entered upon a career of fraud which was an outrage to the helpless victims of war as well as theft of public money. He and John W. Thompson, another conspirator, went to prison for this.

We say that these scandals which ruined the reputation of a government and nearly discredited the Republican Party were under the patronage of the Anti-Saloon League. It was more than a coincidence that prohibition enforcement as conducted by the supergovernment and this political corruption were timed as they were.

The Anti-Saloon League was in self-asserted custody of public morals. It maintained a single standard by which public men acquired merit or were hounded out of office. This single standard took no account of political morals or public conduct. It required only that the person having or seeking public office deliver himself on the point of prohibition and further no questions were asked. This easily gained virtue was a cloak for rascality and was used as such. The league would use its money to ruin a public man unless he subscribed and complied and it would use the thunder of the pulpit to destroy his character unless he did. No thunder was directed against the political crook. He was spotless if he was professedly dry. The Ohio gang proved that it was not necessary to be personally dry. Delivery in public to the purposes of the league was all that was necessary. The league thus encouraged the development of unbounded rascality, which under the dry totem could preserve the outward appearance of righteousness. There was only one law which required service to gain league approval.

The secret of this had been found in Ohio, where the mask of morality could be put on to cover anything. It not only went to Washington, but it spread out in the neighboring States. The single standard of public conduct protected Small and FRANK SMITH in Illinois. The Illinois Anti-Saloon League made a perfect example of it when, with all the facts of SMITH'S public misconduct spread before it, he was indorsed, supported, and elected to the United States Senate, only to be turned back at the door.

He had been proved unfit to have an office of trust and responsibility. His financial relations with the utilities which he controlled as chairman of the Illinois commerce commission were admitted and known and no organization of citizens with any respect for probity in public office could have supported him for the United States Senate. But the Anti-Saloon League did. It swallowed his public conduct and it refused to support another dry, a man of character and ability, because it thought SMITH had the better chance to win. That was the complete test.

This despicable opportunism was a complete revelation of the indifference of the league to decent public conduct. It was an avowal that what public men did was immaterial if they would deliver themselves and their votes to the league for its enforcement of a single law. In controlling or trying to control the Illinois Legislature the league has made this single test of fitness. Rascality was of no consequence.

This has been the case in Indiana, where Shumaker, of the league, and Stephenson, of the klan, ruled the State, the league indifferent to everything except the clamping of abusive and tyrannous law on the citizens, who, under the joint domination, were reduced to abjectness and intolerance or timidity of opinion until Shumaker worked himself into a sentence for contempt of the supreme court and Stephenson was convicted of murder and sent to the penitentiary for life.

The indifference of the league to standards of public and private conduct was shown when it accepted $500,000 from Sebastian Kresge and retained it when evidence in a divorce trial revealed that the donor's life was smirched in the very particulars in which the moralists of the organization propose to regulate citizenship. It was revealed in the support and protection given William H. Anderson, state superintendent in New York, convicted of third-degree forgery in connection with his handling of money collections. It was shown again in the attempted suppression of the evidence in Kansas showing that league funds collected under Supt. Fred L. Crabbe had been paid to Justice Richard J. Hopkins of the State supreme court and to Attorney General Charles B. Griffith. These and other offenses against public dignity and probity have been without scruple.

The outrages in national and State administration against the decencies of government and of public life, against the rights of citizens and the principles of American society, these discredits to the American reputation and stains on American honor have been under the patronage of the Anti-Saloon League. They have had the indulgence of the zealous supporters of Volstead. What asserts itself to be the dominant idea of morality in the United States passes on the other side of the road. Its patronage protects corruptionists.

SENATOR BURTON K. WHEELER, OF MONTANA

Mr. BROOKHART. Mr. President, I have here an editorial from Labor for Saturday, March 10, 1928, with reference to the junior Senator from Montana [Mr. WHEELER], which I desire to have printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is here printed, as follows:

LATEST EFFORT TO "GET" WHEELER—BUTTE MINER, ORGAN OF CLARK COPPER INTERESTS, SUPPRESSES STORY OF MONTANA PROGRESSIVE'S FIGHT FOR COAL MINERS

The American people usually come to pretty sound conclusions on the facts—when they can get the facts. But they can hardly form sound judgments on things which they are not allowed to know.

Senator BURTON K. WHEELER, of Montana, is one of the ablest men of the Senate. He has been doing superb work in the probe of conditions in the mining camps of Pennsylvania. His knowledge of mining facts, as well as his native wit, enabled him, as a member of the Senate's investigating committee, to bring out the rottenness of the situation so plainly that neither doubt nor argument was possible.

Senator WHEELER lives at Butte, Mont. Butte is a mining town. Half of the grown men in the place are or have been miners. Nothing in the world would interest them more than the story of their Senator's brave fight to end the exploitation of the coal diggers of western Pennsylvania. The Associated Press carried a pretty good account of the affair.

But the Butte Miner, newspaper organ of the Clark copper interests in Montana, on several days during which this was the most interesting item of telegraphic news, did not publish a line of the story and did not even mention Senator WHEELER'S name!

The copper crowd are trying to drive WHEELER out of public life. They do not dare print the facts concerning his work in Washnigton. Hence this "silent treatment."

Labor has too much respect for the workers of Butte to believe they can be misled by such despicable tactics. Fortunately, they are not entirely dependent on the Miner for information concerning the doings of their public servants. They will get facts, and unless Labor misses its guess, next November they will give Senator WHEELER the overwhelming vote of confidence he so richly deserves.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 6, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 5 (legislative day of April 4), 1928

POSTMASTERS

ALABAMA

Alexander H. Byrd to be postmaster at Eutaw, Ala., in place of A. H. Byrd. Incumbent's commission expired April 3, 1928.

Roy A. Lifseg to be postmaster at Montgomery, Ala., in place of R. A. Lifseg. Incumbent's commission expired February 26, 1928.

Arthur P. Thompson to be postmaster at Piedmont, Ala., in place of C. N. Thompson. Incumbent's commission expired August 8, 1926.

Harvey S. Hill to be postmaster at Cherokee, Ala., in place of C. W. Chambers, resigned.

Melvin D. Jackson to be postmaster at Phil Campbell, Ala., in place of T. L. Jackson, resigned.

ARKANSAS

John E. Bittinger to be postmaster at Grady, Ark., in place of J. E. Bittinger. Incumbent's commission expired December 19, 1927.

Wilber B. Huchel to be postmaster at Winthrop, Ark., in place of W. B. Huchel. Incumbent's commission expired April 4, 1928.

CALIFORNIA

Thomas J. Wylie to be postmaster at Cedarville, Calif., in place of T. J. Wylie. Incumbent's commission expires April 8, 1928.

James Gillies to be postmaster at Napa, Calif., in place of James Gillies. Incumbent's commission expires April 8, 1928.

Harold K. Rankin to be postmaster at Ocean Beach, Calif., in place of H. K. Rankin. Incumbent's commission expired March 19, 1928.

Anna McMichael to be postmaster at San Juan Bautista, Calif., in place of Anna McMichael. Incumbent's commission expires April 8, 1928.

COLORADO

Charles C. Hurst to be postmaster at Antonito, Colo., in place of C. C. Hurst. Incumbent's commission expired December 18, 1927.

Harry D. Steele to be postmaster at Holly, Colo., in place of H. D. Steele. Incumbent's commission expires April 7, 1928.

Martha H. Foster to be postmaster at Olathe, Colo., in place of M. H. Foster. Incumbent's commission expires April 7, 1928.

GEORGIA

Charles W. Barnes to be postmaster at Valdosta, Ga., in place of C. W. Barnes. Incumbent's commission expired September 7, 1926.

Augustus C. Kennemore to be postmaster at Cumming, Ga., in place of J. E. Puett. Incumbent's commission expired December 22, 1926.

ILLINOIS

Bernice I. Bryant to be postmaster at Browning, Ill., in place of B. I. Bryant. Incumbent's commission expired January 7, 1928.

Edward F. Ledoyt to be postmaster at Sandwich, Ill., in place of E. F. Ledoyt. Incumbent's commission expires April 10, 1928.

IOWA

Ralph J. Viner to be postmaster at Elliott, Iowa, in place of Gladdys Westrope. Incumbent's commission expired April 3, 1928.

KANSAS

Chester M. Cellar to be postmaster at Burlington, Kans., in place of O. G. Mechem. Incumbent's commission expired January 15, 1928.

Josie B. Stewart to be postmaster at Sylvan Grove, Kans., in place of J. B. Stewart. Incumbent's commission expires April 7, 1928.

KENTUCKY

Flo W. Stamper to be postmaster at Beattyville, Ky., in place of Walker Jameson, removed.

MASSACHUSETTS

Wilhelm O. Johnson to be postmaster at Woronoco, Mass., in place of W. O. Johnson. Incumbent's commission expires April 7, 1928.

MICHIGAN

C. Clyde Beach to be postmaster at Deerfield, Mich., in place of C. C. Beach. Incumbent's commission expires April 7, 1928.

Charles J. McCauley to be postmaster at Wells, Mich., in place of C. J. McCauley. Incumbent's commission expires April 8, 1928.

MINNESOTA

John A. Hilden to be postmaster at Oslo, Minn., in place of D. W. Johnson. Incumbent's commission expired December 19, 1927.

MISSISSIPPI

Raleigh T. Easley to be postmaster at Walnut, Miss., in place of C. D. Bell. Incumbent's commission expired September 22, 1926.

MISSOURI

Oley S. Cardwell to be postmaster at St. Clair, Mo., in place of O. S. Cardwell. Incumbent's commission expires April 10, 1928.

Dorothy M. Ritter to be postmaster at Wellington, Mo., in place of D. M. Ritter. Incumbent's commission expired January 14, 1928.

Edward C. DeField to be postmaster at East Prairie, Mo., in place of Sullivan Brigman, removed.

John E. Klumpp to be postmaster at Rich Hill, Mo., in place of L. W. Mathews, removed.

NEBRASKA

George W. Bennett, jr., to be postmaster at Arnold, Nebr., in place of G. W. Bennett, jr. Incumbent's commission expires April 7, 1928.

Eva R. Gilbert to be postmaster at Broadwater, Nebr., in place of E. R. Gilbert. Incumbent's commission expired December 19, 1927.

Ernest G. Miller to be postmaster at Lynch, Nebr., in place of E. G. Miller. Incumbent's commission expires April 7, 1928.

Robert G. Walsh to be postmaster at Morrill, Nebr., in place of R. G. Walsh. Incumbent's commission expires April 7, 1928.

Horton W. Bedell to be postmaster at Peru, Nebr., in place of H. W. Bedell. Incumbent's commission expires April 7, 1928.

Thomas W. Cook to be postmaster at Scotia, Nebr., in place of T. W. Cook. Incumbent's commission expires April 7, 1928.

NEVADA

Dora E. Richards to be postmaster at Sparks, Nev., in place of D. E. Richards. Incumbent's commission expires April 8, 1928.

NEW YORK

Everett W. Pope to be postmaster at Hartwick, N. Y., in place of E. W. Pope. Incumbent's commission expired February 18, 1928.

Frank C. Percival to be postmaster at Mount Upton, N. Y., in place of F. C. Percival. Incumbent's commission expired February 13, 1928.

Benjamin C. Stubbs to be postmaster at Plandome, N. Y., in place of B. C. Stubbs. Incumbent's commission expired January 8, 1928.

Clarence A. Lockwood to be postmaster at Schroon Lake, N. Y., in place of C. A. Lockwood. Incumbent's commission expired January 8, 1928.

Harry A. Jeffords to be postmaster at Whitney Point, N. Y., in place of H. A. Jeffords. Incumbent's commission expired February 29, 1928.

NORTH CAROLINA

George W. Stanton to be postmaster at Wilson, N. C., in place of G. W. Stanton. Incumbent's commission expires April 7, 1928.

Trilby Love to be postmaster at King, N. C., in place of C. B. Moore, resigned.

NORTH DAKOTA

Guy E. Abelein to be postmaster at Onamoose, N. Dak., in place of G. E. Abelein. Incumbent's commission expired December 19, 1927.

OHIO

Harry R. Hebblethwaite to be postmaster at Berlin Heights, Ohio, in place of H. R. Hebblethwaite. Incumbent's commission expires April 7, 1928.

Rollo J. Hopkins to be postmaster at Edgerton, Ohio, in place of R. J. Hopkins. Incumbent's commission expires April 7, 1928.

Clayton O. Judd to be postmaster at Garrettsville, Ohio, in place of C. O. Judd. Incumbent's commission expires April 7, 1928.

Edward C. Bunger to be postmaster at Lewisburg, Ohio, in place of E. C. Bunger. Incumbent's commission expires April 7, 1928.

John F. Adams to be postmaster at Lisbon, Ohio, in place of J. F. Adams. Incumbent's commission expires April 7, 1928.

Austin H. Bash to be postmaster at Strasburg, Ohio, in place of A. H. Bash. Incumbent's commission expires April 7, 1928.

OKLAHOMA

Frank C. McKinney to be postmaster at Yukon, Okla., in place of F. C. McKinney. Incumbent's commission expired January 14, 1928.

Leslie S. Reed to be postmaster at Hobart, Okla., in place of Denny Montgomery, resigned.

OREGON

Thomas F. Johnson to be postmaster at Hood River, Oreg., in place of T. F. Johnson. Incumbent's commission expires April 10, 1928.

Charles E. Lake to be postmaster at St. Helens, Oreg., in place of C. E. Lake. Incumbent's commission expires April 10, 1928.

PENNSYLVANIA

Jones Eavenson to be postmaster at Christiana, Pa., in place of Jones Eavenson. Incumbent's commission expires April 8, 1928.

Ambrose S. Plummer to be postmaster at Elizabethtown, Pa., in place of A. S. Plummer. Incumbent's commission expires April 7, 1928.

SOUTH CAROLINA

Thomas W. Blakely to be postmaster at Langley, S. C., in place of G. T. Buck, removed.

SOUTH DAKOTA

Hellen S. Angus to be postmaster at Humboldt, S. Dak., in place of H. S. Angus. Incumbent's commission expires April 10, 1928.

Clyde C. Asche to be postmaster at Olivet, S. Dak., in place of C. C. Asche. Incumbent's commission expires April 8, 1928.

Cyrus J. Dickson to be postmaster at Scotland, S. Dak., in place of C. J. Dickson. Incumbent's commission expires April 8, 1928.

Charles J. Moriarty to be postmaster at Marion, S. Dak., in place of S. H. Dains, removed.

TENNESSEE

John M. Whiteside to be postmaster at Bellbuckle, Tenn., in place of J. M. Whiteside. Incumbent's commission expires April 7, 1928.

Lula C. Beasley to be postmaster at Centerville, Tenn., in place of L. C. Beasley. Incumbent's commission expires April 7, 1928.

Luther D. Mills to be postmaster at Middleton, Tenn., in place of L. T. Cornelius, removed.

TEXAS

Ewald Straach to be postmaster at Miles, Tex., in place of Ewald Straach. Incumbent's commission expires April 10, 1928.

VERMONT

Dwight L. M. Phelps to be postmaster at Richmond, Vt., in place of D. L. M. Phelps. Incumbent's commission expired January 3, 1928.

VIRGINIA

Connally T. Rush to be postmaster at Abingdon, Va., in place of C. T. Rush. Incumbent's commission expires April 8, 1928.

Henry G. Norman to be postmaster at Cedar Bluff, Va., in place of H. G. Norman. Incumbent's commission expires April 8, 1928.

Lucius M. Manry to be postmaster at Courtland, Va., in place of L. M. Manry. Incumbent's commission expires April 8, 1928.

Waverly S. Barrett to be postmaster at Dendron, Va., in place of W. S. Barrett. Incumbent's commission expires April 8, 1928.

William T. Oakes to be postmaster at Gladys, Va., in place of W. T. Oakes. Incumbent's commission expires April 8, 1928.

Dorsey T. Davis to be postmaster at Nathalie, Va., in place of D. T. Davis. Incumbent's commission expires April 8, 1928.

Amos L. Cannaday to be postmaster at Pulaski, Va., in place of A. L. Cannaday. Incumbent's commission expires April 8, 1928.

Fred C. Mears to be postmaster at Keller, Va., in place of A. P. Bundick, resigned.

Lindsay T. McGuire to be postmaster at North Tazewell, Va., in place of C. C. Peery, resigned.

WASHINGTON

Rudolph R. Staub to be postmaster at Bremerton, Wash., in place of R. R. Staub. Incumbent's commission expires April 10, 1928.

Lear M. Linck to be postmaster at Longview, Wash., in place of L. M. Linck. Incumbent's commission expires April 10, 1928.

WEST VIRGINIA

Robert H. Harris to be postmaster at Nitro, W. Va., in place of W. L. Lawson. Incumbent's commission expired December 18, 1927.

WISCONSIN

Ferdinand E. Grebe to be postmaster at Waupun, Wis., in place of Dena Kastein, resigned.

WYOMING

Flora Thomas to be postmaster at Grass Creek, Wyo., in place of Flora Thomas. Incumbent's commission expires April 7, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 5 (legislative day of April 4), 1928

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Franklin Mott Gunther to be envoy extraordinary and minister plenipotentiary to Egypt.

POSTMASTERS

KENTUCKY

William C. Huddleston, Butler.

MISSISSIPPI

Sherman W. Swalm, Brookhaven.

NEW YORK

Will J. Davy, Bergen.
Edith Phelps, Brownville.
Stephen E. Terwilliger, Candor.
Henry E. Thompson, Chateaugay.
Frank A. Haugh, Clyde.
Sidney B. Cloyes, Earlville.
J. Fred Smith, Herkimer.
Lorenz D. Brown, Jamaica.
Julia J. Tyler, Kennedy.
Earle U. McCarthy, Mineola.
Erastus J. Wilkins, Norwood.
Frank Dobbin, Shushan.

OKLAHOMA

Daisy E. Skinner, Adair.
Charles F. Ham, Jennings.
Ruth J. McLane, Lookeba.

PENNSYLVANIA

Sherwood B. Balliet, Coplay.
Arthur Bensley, Dingmans Ferry.
T. Vance Miller, Downingtown.
Alameda S. Keesy, Schenley.
William D. Heilig, Stroudsburg.
John N. Snyder, Williamstown.

SOUTH DAKOTA

Frank B. Sherwood, Cottonwood.
Clyde J. Bowell, Edgemont.
Elmer R. Hill, Newell.
Robert G. Andis, Presho.
Fred J. Seals, Spearfish.
Edward J. Groat, Thunder Hawk.

SOUTH CAROLINA

Ernest E. Brown, Aiken.
Herbert A. Horton, Lancaster.
James V. Askew, jr., Lockhart.
James D. Mackintosh, McClellanville.
Ben Harper, Seneca.

HOUSE OF REPRESENTATIVES

THURSDAY, *April 5, 1928*

The House met at 12 o'clock noon.

The Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who didst not spare Thine only begotten Son, we would not implore Thee to withhold from us the valley of pain. There can not be an affliction so heavy nor an emergency so desperate but we shall have the support of the Father's hand. The world has seen every prospect blasted and consumed. In the garden, beneath a sky palled with tragedy, the Savior is at the portal to tread the wine press alone. The moment is hushed. Toil! Tears! Night! O God forgive the iniquity of us all. We thank Thee that the seed time of suffering will become the glorious harvest. In the valley of our sorrow Thou wilt help us to rise to the bright mount of prayer. Every life must have its Gethsemane. May we learn its lesson, acquire its discipline, and even kiss the chastening rod that smites us. In that hour of our weeping may the angels who comforted the Master whisper words of love and courage and minister peace. O He who knocked at the door of our hearts and gave blessing; the One who stretched His arms to us when we were burdened, saying, "Come unto me"; the One who stood by us in every dark hour, when the waves ran high and the night was dark. O this is the Christ who shall be our King and our Lord, and in the sunshine of whose face we shall abide forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 142. An act to add certain lands to the Idaho National Forest, Idaho;

H. R. 144. An act to add certain lands to the Challis and Sawtooth National Forest, Idaho;

H. R. 328. An act to relieve the Territory of Alaska from the necessity of filing bonds or security in legal proceedings in which such Territory is interested;

H. R. 333. An act authorizing the sale of certain lands near Seward, Alaska, for use in connection with the Jesse Lee Home;

H. R. 343. An act to amend section 128, subdivision (b), paragraph 1, of the Judicial Code as amended February 13, 1925, relating to appeals from district courts;

H. R. 465. An act to authorize the city of Oklahoma City, Okla., to sell certain public squares situated therein;

H. R. 1997. An act for the relief of Clifford J. Turner;

H. R. 3466. An act for the relief of George A. Winslow;

H. R. 4125. An act for the relief of Holger M. Trandum;

H. R. 5075. An act for the relief of W. J. Bryson;

H. R. 5495. An act to provide for cooperation by the Smithsonian Institution with State, educational, and scientific organizations in the United States for continuing ethnological researches on the American Indians;

H. R. 5545. An act granting certain lands to the State of California;

H. R. 5923. An act for the relief of the Sanitarium Co., of Portland, Oreg.;

H. R. 6056. An act to provide for addition of certain lands to the Challis National Forest;

H. R. 7463. An act amending an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims";

H. R. 7472. An act to grant to the town of Cicero, Cook County, Ill., an easement over certain Government property;

H. R. 9118. An act for the relief of William C. Braasch;

H. R. 9144. An act to provide for the conveyance of certain lands in the State of Wisconsin for State park purposes;

H. R. 9583. An act authorizing the reporting to the Congress of certain claims and demands asserted against the United States;

H. R. 10483. An act to revise the boundary of a portion of the Hawaii National Park on the island of Hawaii, in the Territory of Hawaii;

H. R. 10563. An act extending the provisions of the recreational act of June 14, 1926 (44 Stat. L. 741), to former Oregon & California Railroad and Coos Bay Wagon Road grant lands, in the State of Oregon;

H. R. 10884. An act to amend the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926; and

H. J. Res. 215. Joint resolution to authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, for the purposes of the upper Mississippi River wild life and fish refuge act.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 445. An act for the relief of the Florida East Coast Car Ferry Co.;

S. 471. An act for the relief of Agnes McManus and George J. McManus;

S. 726. An act to make it the duty of certain courts of the United States to render decisions within certain maximum limits of time;

S. 764. An act for the relief of J. F. Nichols;

S. 1179. An act to provide for the development of stock-watering places in the Modoc National Forest;

S. 1191. An act to amend an act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation in the State of Oregon, and granting patents therefor, and for other purposes";

S. 1275. An act to create an additional judge for the southern district of Florida;

S. 1387. An act for the relief of J. W. Anderson;

S. 1448. An act for the relief of Omer D. Lewis;

S. 1499. An act for the relief of Harry C. Saxton;

S. 1648. An act for the relief of Oliver C. Macey and Marguerite Macey;

S. 2366. An act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions;

S. 2655. An act to carry out the findings of the Court of Claims in the case of the Atlantic Works of Boston, Mass.;

S. 2673. An act for the relief of James E. Trussell;

S. 2697. An act for the relief Hattie M. McMahon;

S. 2910. An act granting to the State of South Dakota for park purposes the public lands within the Custer State Park, S. Dak.;

S. 3162. An act to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.;

S. 3178. An act to provide an additional method for collecting taxes in the District of Columbia, and for other purposes;

S. 3224. An act to extend the provisions of the forest exchange act, approved March 20, 1922 (42 Stat. 465), to the Crater National Forest, in the State of Oregon;

S. 3225. An act to enlarge the boundaries of the Crater National Forest;

S. 3361. An act authorizing the Secretary of the Interior to convey to the city of Hot Springs, Ark., all of lot No. 3, in block No. 115, in the city of Hot Springs, Ark.;

S. 3365. An act to authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo.;

S. 3395. An act to amend subchapter 3 of Chapter XVI of the Code of Law for the District of Columbia;

S. 3435. An act to authorize an appropriation from tribal funds to pay part of the cost of construction of a road on the Crow Indian Reservation, Mont.;

S. 3439. An act to authorize the Secretary of Agriculture to acquire a herd of musk oxen for introduction into Alaska for experimentation with a view to their domestication and utilization in the Territory;

S. 3512. An act to authorize the taxation of certain interests in lands within reclamation projects;

S. 3677. An act to withhold timberlands from sale under the timber and stone act;

S. J. Res. 59. Joint resolution authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President;

S. J. Res. 93. Joint resolution to provide for the payment of the claim of the Government of China for compensation of Sun Jui-chin for injuries resulting from an assault on him by a private in the United States Marine Corps; and

S. J. Res. 111. Joint resolution authorizing the acceptance of title to certain lands in the counties of Benton and Walla Walla, Wash., adjacent to the Columbia River bird refuge in said State established in accordance with the authority contained in Executive Order No. 4501, dated August 28, 1926.

The message further announced that the Senate had passed with amendments bills and a joint resolution of the following titles, in which the concurrence of the House was requested:

H. R. 1530. An act for the relief of William F. Wheeler;

H. R. 9112. An act for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds;

H. R. 9829. An act to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands";

H. R. 11133. An act making appropriations for the government of the District of Columbia and other activities chargeable, in whole or in part, against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes; and

H. J. Res. 118. Joint resolution authorizing the Secretary of War to award a duplicate Congressional Medal of Honor for the widow of Lieut. Col. William J. Sperry.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1498) entitled "An act to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that on the following dates they presented to the President of the United States, for his approval, bills of the following titles:

On April 3, 1928:

H. R. 9020. An act to amend an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto.

On April 4, 1928:

H. R. 4115. An act for the relief of Winfield Scott;

H. R. 4116. An act for the relief of W. Lawrence Hazard;

H. R. 4117. An act for the relief of Harriet K. Carey;

H. R. 11140. An act to provide for the inspection of the battle field of Kings Mountain, S. C.; and

H. R. 12245. An act to amend the War Finance Corporation act, approved April 5, 1918, as amended.

REFERENCE OF A BILL

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the bill H. R. 8359 be referred from the Committee on Ways and Means to the Committee on Claims. Both chairmen are agreed to this.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the bill H. R. 8359 be referred from the Committee on Ways and Means to the Committee on Claims. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that on Saturday next, following the reading of the Journal and the disposition of business on the Speaker's table, the gentleman from Louisiana [Mr. ASWELL] may address the House for 30 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that next Saturday, after the reading of the Journal and the disposition of matters on the Speaker's table, the gentleman from Louisiana [Mr. ASWELL] may be permitted to address the House for 30 minutes. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, have we not a number of special orders to-day?

The SPEAKER. One hour and 15 minutes.

Mr. SNELL. I doubt whether we will have time to finish the bill which we expect to take up to-day. There are four hours of debate, and I understand there is going to be quite a considerable discussion, but I do not know that it makes any special difference; and the gentleman from Louisiana may as well speak on Saturday as any other time.

The SPEAKER. Is there objection?

There was no objection.

HON. JOHN Q. TILSON

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I take advantage of this occasion to express on behalf of his colleagues congratulations to the majority leader, the gentleman from Connecticut [Mr. TILSON], upon this anniversary of his birth and to wish him many happy returns and all of the good things that can come to a good man. [Applause.]

ORDER OF BUSINESS

The SPEAKER. Under special order of the House, the Chair recognizes the gentleman from New York [Mr. CELLER] for 10 minutes.

Mr. CELLER. Mr. Speaker, under date of March 19, last, I addressed a communication to the Secretary of State, and directed his attention to the fact that the Kingdom of Rumania was about to negotiate a loan of $60,000,000 from New York bankers and bankers abroad; that at that time negotiations were afoot with the New York banking house of Blair & Co. and with the Federal reserve bank in the city of New York. I called the attention of the Secretary further to the fact that Rumania, running true to its history, had made of itself during the last few years, as a result of pogroms and massacres of and excesses against minority populations, a pariah among the nations of the earth. That we in America stood aghast at the recent atrocities at Jassy, Kishineff, Bucharest—outrages which we thought the postwar treaties had ended forever. I called his attention to the fact that Rumania, because of her actions, stood condemned in the world of public opinion. I called attention further to the fact that Rumania had been an old offender against the rights of minorities, and that the great British statesman, Disraeli, away back in 1878, as the price of Rumania's admission into the concert of nations, had demanded that Rumania safeguard the rights of minorities in the Treaty of Berlin. I directed his attention to the difficulties that Secretary of State Hay had with Rumania in 1902, when he remonstrated with that Government and indicated that the United States could not be a tacit party to such an international wrong and that it was constrained to protest against the treatment to which the religious minorities of Rumania had been subjected, not alone because it has unimpeachable ground to remonstrate against the resultant injury to itself—but in the name of humanity.

For better understanding of the situation I herewith refer to said letter appearing at the end of these remarks.

I recalled to Mr. Kellogg that in December, 1926, I invited his attention to the excesses then going on in Rumania, and I indicated that he had the right of protest. He replied that the treaty of Versailles had set up a tribunal where religious and racial minorities might bring their grievances, but that inasmuch as we had not become a signatory to the treaty, we could not remonstrate. I thought and so replied that the tribunal of the Council of the League of Nations was not an exclusive tribunal; that just as Secretary of State Hay in 1902 protested, we had a right, if only on grounds of high morality, to protest. I furthermore said that although there was no jurisdiction to protest in 1926, at least now the Secretary had jurisdiction to interdict at least the loan to Rumania. It has been the policy of the Secretary of State—and there are grave doubts as to the legality of that policy—to sanction or disapprove applications for loans to foreign governments and foreign countries. Embargoes have been placed against France, Italy, and Belgium, as well as Russia. They were lifted as against Italy and Belgium when they settled their debts, but the ban still is in force against France. The Secretary of State said that he would proscribe loans to those countries where the money was to be used to build up monopolies of raw materials which we import, where the money was to be used for armament purposes, and where the debts owing to us from those countries had not been settled.

Does not the Secretary of State—with doubtful legality, of course—indirectly censor the action of foreign governments when he says that those loans shall not be granted; when he says Russia shall have no money because we disagree with its form of government, which repudiated its debts; does he not seek to influence the internal policy of that country? The conclusion is inescapable, and the question must be answered in the affirmative; and thus the Secretary of State becomes in a way a censor of foreign countries. If he would sanction a loan to Rumania, he would indirectly be putting the imprimatur of approval of his department upon the conduct of Rumania, a country which, as I said before, had made itself a pariah among nations.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. CELLER. Yes.

Mr. KING. Is it not a question of whether or not the people who are making the loans in this country should not be warned?

Mr. CELLER. I will say that Blair & Co. and all who participate in that loan are doing a grievous wrong, and in my humble way I shall do everything in my power to prevent every fair-minded man and woman in this country from investing money in loans that will be used by that most medieval of nations, the Kingdom of Rumania. I shall point out that the money may even be used to further the very excesses we inveigh against.

Now, we are told that the American committee on religious minorities made a report, for example, that gives a most depressing picture of conditions in that benighted country, and shows that Lutherans, Baptists, Roman Catholics, and Jews are the—

victims of an excited nationalism directly stimulated or connived at by a majority of the ruling classes.

The committee said further:

That minority rights stipulated in the peace treaties by which the new Rumania came into being are inscribed in the constitution but are largely violated in practice. Patriotic "defense" organizations, animated by religious or racial hatred, are sanctioned by the Government. The old pre-war policies of Russification against many subject races of the Czars, of Germanification against the Poles, are now in force, and with a ruthlessness of procedure that the old methods did not always attain. In the universities, in the schools and courts of law, in various fields of administration, the investigators found a state of inequity which moves it to speak out with a vigor that refuses to take account of international "etiquette."

The Secretary of State replied to me under date of March 23, and said that up to that day no application had been presented to him for a loan to Rumania or for his approval. The letter follows:

DEPARTMENT OF STATE,
Washington, March 23, 1928.

The Hon. EMANUEL CELLER,
House of Representatives.

MY DEAR MR. CELLER: I have received your letter of March 19, 1928, in which you state that it is rumored in New York financial circles that the Rumanian Government is negotiating for an international loan of $60,000,000, the greater portion of which will be obtained in the United States. You refer to the department's policy with reference to foreign loans and request that the department disapprove of any financing in the Ameriman market on behalf of the Rumanian Government because of the occurrence of anti-Semitic disturbances in Rumania.

In reply I beg to inform you that the department has not been consulted in connection with the loan negotiations to which your letter refers.

In this connection I take pleasure in inclosing for your information a copy of the department's press statement of March 3, 1923, with reference to the flotation of foreign loans in the United States. It will be noted that the controlling factor in determining the department's policy with reference to specific loans is the question of whether or not the proposed financing involves national interests. As you are aware, Rumania concluded a debt-funding agreement with the Government of the United States on December 4, 1925.

There is also inclosed for your information the text of my address of December 14, 1925, made at a dinner of the Council on Foreign Relations. Pages 16 and 17 contain my remarks with reference to foreign loans.

I am, my dear Mr. CELLER,
Sincerely yours,

FRANK B. KELLOGG.

(Inclosures (2): Press statement dated March 3, 1923; copy of address of December 14, 1925.)

DEPARTMENT OF STATE,
March 3, 1922.

FLOTATION OF FOREIGN LOANS

At a conference held last summer between the President, certain members of the Cabinet, and a number of American investment bankers, the interest of the Government in the public flotation of issues of foreign bonds in the American market was informally discussed and the desire of the Government to be duly and adequately informed regarding such transactions before their consummation, so that it might express itself regarding them if that should be requested or seem desirable was fully explained. Subsequently the President was informed by the bankers that they and their associates were in harmony with the Government's wishes and would act accordingly.

The desirability of such cooperation, however, does not seem sufficiently well understood in banking and investment circles.

The flotation of foreign bond issues in the American market is assuming an increasing importance, and on account of the bearing of such operations upon the proper conduct of affairs it is hoped that American concerns that contemplate making foreign loans will inform the Department of State in due time of the essential facts and of subsequent developments of importance. Responsible American bankers will be competent to determine what information they should furnish and when it should be supplied.

American concerns that wish to ascertain the attitude of the department regarding any projected loan should request the Secretary of State, in writing, for an expression of the department's views. The department will then give the matter consideration and, in the light of the information in its possession, endeavor to say whether objection to the loan in question does or does not exist; but it should be carefully noted that the absence of a statement from the department, even though the department may have been fully informed, does not indicate either acquiescence or objection. The department will reply as promptly as possible to such inquiries.

The Department of State can not, of course, require American bankers to consult it. It will not pass upon the merits of foreign loans as business propositions, nor assume any responsibility whatever in connection with loan transactions. Offers for foreign loans should not, therefore, state or imply that they are contingent upon an expression from the Department of State regarding them, nor should any prospectus or contract refer to the attitude of this Government. The department believes that in view of the possible national interests involved it should have the opportunity of saying to the underwriters concerned, should it appear advisable to do so, that there is or is not objection to any particular issue.

Mr. O'CONNELL. Mr. Speaker, will the gentleman yield?

Mr. CELLER. Yes.

Mr. O'CONNELL. Was that in March of the present year?

Mr. CELLER. Yes; in March of the present year. But while there seems to be no application filed with the Secretary, the New York Herald and Tribune this morning publishes a dispatch from Bucharest which seems to indicate that a loan had been concluded for $80,000,000, although Blair & Co., replying to the Herald and Tribune, said that in so far as they knew the loan had not been concluded. But it was admitted that plans for the loan are being carefully studied at the offices of the firm.

I submit, therefore, gentlemen, that there is a grave probability that the loan will be concluded probably with or without the consent of the Secretary of State. But I am sure that Blair & Co. and the Federal reserve bank in New York will not risk making that loan without the consent of the Secretary of State.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. CELLER. Yes.

Mr. WAINWRIGHT. I want to ask the gentleman if it has been the course of the financial institutions to make loans to foreign countries except with the consent of their own Government? Could the gentleman cite a case where that was done?

Mr. CELLER. Pursuant to the policy enunciated by the State Department every banker, so far as I have been able to discover, has first sought the permission of the Secretary of State before making a loan; so I think the Rumanian application will soon find its way to the desk of the Secretary of State, and I fervently hope that the Secretary of State will take into consideration the conditions that have prevailed in Rumania for the last few years and proscribe this proposed loan.

Mr. BLACK of New York. Mr. Speaker, will the gentleman yield?

Mr. CELLER. Yes.

Mr. BLACK of New York. Is it not a fact that the Kingdom of Rumania has recently defaulted on a short-term note of £5,000? If they can not pay that money, how are they going to pay back the $60,000,000?

Mr. CELLER. I thank the gentleman for the information.

The recital of excesses in Rumania reads like a page of the darkest misdeeds of medieval times. Here, therefore, is an opportunity for us to give some sort of help. We can say to Rumania first rehabilitate yourself in the eyes of the world, first redeem yourself and give the strongest assurances that your offense will not recur—then, and only then, shall we lend financial help.

In Rumania there is oppression and there is misery. Must we not help?

In conclusion, permit a reference to two stanzas of James Russell Lowell's poem entitled "Freedom":

Is true freedom but to break
Fetters for our own dear sake,
And, with leathern hearts, forget
That we owe mankind a debt?
No! true freedom is to share
All the chains our brothers wear,
And, with heart and hand, to be
Earnest to make others free!

They are slaves who fear to speak
For the fallen and the weak;
They are slaves who will not choose
Hatred, scoffing, and abuse,
Rather than in silence shrink
From the truth they needs must think;
They are slaves who dare not be
In the right with two or three.

[Applause.]

Under leave to extend my remarks I insert the following letters from the Secretary of State to myself under date of January 11, 1927; my rejoinder to him of January 13, 1927; my letter of March 19, 1928; letter to John Sullivan, Esq., president of New York State Federation of Labor, March 26, 1928, and his reply of March 29, 1928:

DEPARTMENT OF STATE,
Washington, January 11, 1927.

The Hon. EMANUEL CELLER,
House of Representatives.

MY DEAR MR. CELLER: I am in receipt of your letter dated December 31, 1926, in which you refer to the recent alleged mistreatment of the Jews in the cities of Kishineff, Kalrash, Jassy, and Bucharest.

Your letter contains excerpts from Secretary of State Hay's circular instruction of August 11, 1902, to the American diplomatic representatives at Paris, Berlin, London, Rome, Petrograd, and Constantinople. This circular instruction reproduces part of an instruction of July 17, 1902, to Mr. Wilson, at the time minister to the Balkan States. The text of this latter instruction is to be found on pages 910–914 of the Foreign Relations of the United States for 1902. For your convenient reference I inclose herewith copies of both instructions.

You will note that the instruction to Mr. Wilson deals with two matters:

1. The negotiation of a naturalization convention with Rumania.
2. Certain aspects of the then existing immigration problem.

The relationship between the instruction of July 17, 1902, and the circular of August 11, 1902, is indicated in the first and second paragraphs of the latter.

In your letter you suggest that what was said in 1902 by Secretary of State Hay may readily be said by me at this time. The status of minorities in Rumania, however, appears to have undergone considerable change since 1902. A treaty between the principal allied and associated powers and Rumania, signed at Paris on December 9, 1919, guarantees the rights of these minorities in Rumania. Article 12 of that treaty is as follows:

"Rumania agrees that the stipulations in the foregoing articles, so far as they affect persons belonging to racial, religious, or linguistic minorities, constitute obligations of international concern and shall be placed under the guaranty of the League of Nations. They shall not be modified without the assent of a majority of the council of the League of Nations. The United States, the British Empire, France,

Italy, and Japan hereby agree not to withhold their assent from any modification in these articles which is in due form assented to by a majority of the council of the League of Nations.

"Rumania agrees that any member of the Council of the League of Nations shall have the right to bring to the attention of the council any infraction or any danger of infraction of any of these obligations, and that the council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

"Rumania further agrees that any difference of opinion as to questions of law or fact arising out of these articles between the Rumanian Government and any one of the principal allied and associated powers or any other power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under article 14 of the Covenant of the League of Nations. Rumania hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the permanent court shall be final and shall have the same force and effect as an award under article 13 of the covenant."

This article would seem to indicate that the Jews of Rumania have been provided with a forum before which any infractions of the treaty can be brought. So far as the department is aware, no appeal has been made in behalf of the Jews of Rumania under this article of the treaty. The treaty, although signed by the American representatives at the Paris conference, was never ratified by the United States.

A copy of your letter is being forwarded to the American minister at Bucharest. I shall be happy to communicate with you again in case the department receives any information on the matters dealt with in your letter.

I am, my dear Mr. CELLER,

Sincerely yours,

FRANK B. KELLOGG.

(Inclosures: Copies of instructions dated July 17 and August 11, 1902.)

JANUARY 12, 1927.

Hon. FRANK B. KELLOGG,

Secretary State Department, Washington, D. C.

MY DEAR MR. SECRETARY: I acknowledge receipt of your letter dated January 11, in reply to mine dated December 31, 1926, concerning alleged mistreatment of the Jews in the cities of Kishineff, Kalrash, Jassy, and Bucharest.

While I differ with you in the position which you have taken, I do, indeed, respect your attitude and the policy of the Department of State which probably prompted it. You point out that a proper form has been provided in the treaty between the principal allied and associated powers and Rumania, signed at Paris on December 9, 1919, to which the Jews, as a minority population, can present their grievances. That form is the Council of the League of Nations, and in the event of an interpretation of the guaranties affecting racial, religious, or linguistic minorities, the matter shall be referred to the Permanent Court of International Justice.

In my humble opinion, the treaty of Paris, signed December 9, 1919, would not create an exclusive remedy or set up an exclusive tribunal to which these grievances might be referred. I still think, on grounds of lofty humanity, our Government would have the moral right to protest along the lines suggested in my previous communication.

However, I am very grateful for your having given the deep consideration to this matter which your reply indicates.

Yours very respectfully,

E. CELLER.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 19, 1928.

Hon. FRANK B. KELLOGG,

Secretary State Department, Washington, D. C.

MY DEAR MR. SECRETARY: It is bruited about Wall Street that the Government of Rumania is negotiating the floating of an international loan of $60,000,000, a major portion of which is to be offered to the American public. It apparently is to stabilize the finances of Rumania. It is rumored that the Federal reserve bank at New York will be expected to join other financial institutions here and abroad in extending credit to this most bureaucratic and most medieval government in Europe.

Rumania, running true to its history, has made of itself during the last few years, as a result of pogroms and massacres of minority populations, a pariah among nations.

We, in America, stood aghast at the recent atrocities at Kishineff—outrages which we thought the post-war treaties had ended forever.

Rumania was bitterly condemned in the court of world opinion.

It was not the first time this benighted country stood condemned before the world. It has repeatedly violated the pledges given in the treaty of Berlin in 1878, wherein Disraeli demanded that it give assurance that it would treat its minority populations equitably, as a price for its becoming an independent nation. Rumania has never kept a promise or a treaty. It never will.

It renewed its pledges at Versailles in 1919 only to break them at Oradeamare this past year.

Now, its minister, Mr. George Cretziano, pledges his country to an honorable course for the future. But, however estimable Mr. Cretziano may be and however sincere personally, he can not bind the Bratiano dynasty and the Rumanian bureaucracy. He is a shadow. They the substance. Disapproval, no matter how harsh, criticism, no matter how bitter, have never made so much as a dent in the ironclad intolerance of this nation. Only the mailed fists or acts of other nations that threaten her security or self-interest have ever brought Rumania to terms. Secretary of State Hay, in 1902, forced her hand when he negotiated with the Government of Rumania for a convention of naturalization. He called attention to the treaty of Berlin, which prescribed:

"In Rumania, that difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honors, or the exercise of the various professions and industries in any locality whatsoever."

He furthermore emphasized the fact that—

"with the lapse of time, these prescriptions have been rendered nugatory in great part, as regards the native Jews, by the legislation and municipal regulations of Rumania."

And that—

"by the cumulative effect of successive restrictions, the Jews of Rumania have become reduced to a state of wretched misery."

He indicated that the United States—

"can not be a tacit party to such an international wrong. It is constrained to protest against the treatment to which the Jews of Rumania are subjected, not alone because it has unimpeachable ground to remonstrate against the resultant injury itself but in the name of humanity."

It is needless to state that Rumania came to terms under the threats hurled at her by Secretary of State Hay.

Under date of December 31, 1926, I called your attention to the mistreatment of Jews in the cities of Kishineff, Kalrash, Jassy, and Bucharest. I then suggested that what was said by Secretary Hay in 1902 might readily be said by you in 1926. You replied, under date of January 11, 1927, that the status of minorities had undergone considerable change since 1902 and that the rights of minorities in Rumania had been fixed by the treaty signed at Paris in 1919, and that any grievance suffered by minority populations might be redressed in the Council of the League of Nations. You therefore held that the League of Nations was the proper forum before which any infractions of the treaty might be brought. But since the said treaty was not ratified by the United States, we could not intervene.

Under date of January 12, 1927, I responded and stated that in my humble opinion the Paris treaty of 1919 did not create an exclusive remedy or set up an exclusive tribunal to which the recent excesses in Rumania might be referred. I felt that on grounds of lofty humanity our Government had the moral right to protest.

Now, this same Government, guilty of those excesses, is knocking at our doors and seeks financial assistance.

I respectfully petition that you in your great office as Secretary of State disapprove of any loan to Rumania.

Even at this very writing we are informed that anti-Semitic atrocities again threaten Rumanian Jews, and that the imminence of such atrocities was the gist of an alarming interpolation introduced into the Rumanian House of Parliament on March 16 by one of its deputies.

While overtures made by the Rumanian minister to this country that he would endeavor to persuade his Government to renew its pledges of protection to minorities are most praiseworthy, and while his efforts should meet with encouragement, nevertheless Rumania should be forced to purge herself of her wrongs. She must be made to realize that she can expect no financial favors from us. That shall be her punishment.

Nearly three years ago the State Department closed American money markets to France, Italy, and Belgium until those countries agreed to settlement of their war-time debts to us. The ban has since been lifted as against Italy and Belgium, but the ban remains against France, although the State Department has agreed to the flotation of a French refunding loan, which would simply be a matter of refinancing at a lower interest rate.

If you placed embargoes against countries that failed to settle their debts with us, how much weightier is the reason for the similar ban against a country like Rumania, which has so sinned against morality and decency.

If you had no jurisdiction to protest in December, 1926, surely you have jurisdiction now to show Rumania in a most effective manner how she has offended.

I am informed that the Chase National Bank was urged not to finance a loan to Soviet Russia because of our proscription against its form of

government and the actions of its officials in their attempt to subvert our Government.

Since March, 1922, virtually all of the loans made abroad have been reviewed by the State Department, the bankers, at the suggestion of the department, having voluntarily submitted their proposals to the department in advance.

I offer no opinion as to the legality of the actions of the Department of State. I presume it is the right of the Executive, through his State Department, to direct the foreign relations of the Government.

I presume that no exception will be made and that Blair & Co., the New York bankers, who are handling the loan, and the Federal Reserve Bank at New York, through Governor Strong, will present to you, in the ordinary course, the application for the loan for your approval or rejection.

I presume the application is already upon your desk. Would not your consent to that loan be construed as an approval of the acts of the government applying? You have assumed to censor the governments by disapproving loans to them because of their actions.

You stated that the policy of the State Department in this regard was as follows:

"It has objected to loans to countries which had not settled their debts to the United States, as it believed that it was not in the public interest to continue to make such loans, and it has objected to certain loans for armament and the monopolization of products consumed in the United States."

I, therefore, petition that you interdict any loan to Rumania by disapproving in the general public interest and upon grounds of high morality any application presented to you for that purpose.

Very truly yours,

E. CELLER.

FROM CONGRESSMAN EMANUEL CELLER

MARCH 26, 1928.

JOHN SULLIVAN, Esq.,
President New York State Federation of Labor,
Bible House, New York City.

MY DEAR PRESIDENT: I wish to congratulate you and the New York State Federation of Labor upon your foresight in conducting a discussion Sunday at the Washington Irving High School, in New York, on the subject of using reserve capital in public works at home, rather than in foreign loans, to the end that in some measure relief may be had from unemployment.

Under date of March 22, 1928, I addressed a communication to Mr. Kellogg, Secretary of State, asking that he proscribe against a loan of $60,000,000 to Rumania, which is about to be financed by American bankers together with the Federal Reserve Bank of New York.

Nearly three years ago the State Department closed American money markets to France, Italy, and Belgium until those countries agreed to settle their war-time debts to us. The ban has since been lifted as against Italy and Belgium, but still continues as against France. The Chase National Bank was likewise urged not to finance a loan to Soviet Russia, because of our proscription against its former government.

The Department of State has indirectly acted in the rôle of censor for the actions of governments. It has interdicted loans where foreign governments were to use same for armament, for the building up of monopolies of raw materials imported by us, and where the war debts of those countries had not been paid to us.

Although the action of the State Department is of doubtful legality, nevertheless, precedents have been established. For that reason I asked the Secretary of State to disapprove of the application of bankers that they be permitted to loan $60,000,000 to Rumania. That country has been guilty of extreme excesses and atrocities against its minority populations. Its Government has refrained from protecting said populations against pogroms and massacres. It stands condemned in the world of public opinion. It should not, therefore, receive financial aid from us.

Furthermore, there is an additional reason for our refusing aid. You and the friends of labor discussed that proposition at your recent meeting. Those funds might well be used for such public improvements as hydro-electric developments in the various States, for better housing, for roads, and for bridges, to the end that those now idle might be employed.

May I therefore ask the New York State Federation of Labor to join with me in protesting against any loans to Rumania.

Yours very truly,

E. CELLER.

THE NEW YORK STATE FEDERATION OF LABOR,
New York, N. Y., March 29, 1928.

Hon. EMANUEL CELLER,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: This is to acknowledge receipt of yours of March 26 regarding the contemplated loan of $60,000,000 to Rumania, which is about to be financed by the American bankers together with the Federal Reserve Bank of New York.

Personally, I agree with your views in this matter. It is a very true statement that the funds might well be used for public improvements at home, in order to give work to the unemployed. From what facts I have been able to gather from people who are in a position to know, the unemployment situation in this country was never worse than what it is at the present moment.

You realize that I can not speak for the New York State Federation of Labor relative to the proposed loan, because the subject matter was never brought before them. However, should it be necessary for a meeting of our council in the very near future, I shall be very glad indeed to bring the matter before them, and recommend the indorsement of your action on this proposition.

Again, let me say that I am in hearty accord with your stand in this matter.

Yours very truly,

JOHN SULLIVAN, *President.*

NO QUORUM—CALL OF THE HOUSE

Mr. CRAIL. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CRAIL. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from California makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from New York moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 63]

Abernethy	Connolly, Pa.	Igoe	Sanders, N. Y.
Aldrich	Cooper, Ohio	Irwin	Schneider
Andrew	Cramton	Kearns	Sears, Fla.
Anthony	Cullen	Kendall	Shreve
Bacon	Curry	Kent	Sirovich
Beck, Pa.	Dallinger	Kindred	Somers, N. Y.
Beedy	Darrow	Kunz	Sproul, Ill.
Beers	Davey	Lampert	Sproul, Kans.
Begg	Dempsey	Langley	Strong, Pa.
Berger	Dickstein	Larsen	Strother
Boies	Douglass, Mass.	McLaughlin	Sullivan
Bowles	Doutrich	Martin, Mass.	Sweet
Boylan	Doyle	Michaelson	Tatgenhorst
Brand, Ohio	Edwards	Montague	Temple
Britten	England	Mooney	Thatcher
Browne	Eslick	Moore, N. J.	Thompson
Buckbee	Estep	Nelson, Me.	Tillman
Burdick	Fenn	Nelson, Wis.	Tinkham
Bushong	Fish	Norton, N. J.	Treadway
Butler	Fitzgerald, W. T.	Palmer	Underhill
Byrns	Foss	Peavey	Updike
Campbell	Frear	Quayle	White, Kans.
Carew	Frothingham	Ragon	Whitehead
Carley	Gardner, Ind.	Ransley	Wingo
Carss	Golder	Rathbone	Winter
Clague	Goldsborough	Reed, Ark.	Wood
Clarke	Griffin	Reed, N. Y.	Wurzbach
Combs	Hammer	Robsion, Ky.	Yates
Connally, Tex.	Harrison	Rogers	Yon
Connery	Hogg	Sabath	

The SPEAKER. Three hundred and thirteen Members are present, a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

TO CONSCRIPT ALL MATERIAL RESOURCES IN FUTURE WARS

The SPEAKER. The Chair recognizes the gentleman from South Dakota [Mr. JOHNSON] for 30 minutes.

Mr. JOHNSON of South Dakota. Mr. Speaker, because of the fact that I have only a limited amount of time I must refuse to yield for questions until I have finished the argument I desire to make.

Mr. Speaker, 11 years ago a very few of you who are to-day Members of the House of Representatives and on the floor of this House to-day, sat in this same Chamber with me when the United States declared that a state of war existed between the United States and the Imperial Government of Germany.

The leaders of this body during those strenuous days have, almost without exception not only left this Chamber but are no longer numbered among the living. Those of you who are living and present to-day who remember that historic occasion will recall that at the time it was said we were entering the conflict to make the world safe for democracy; to lift from the shoulders of our citizens the burden of future war preparation; to make certain the perpetuity of our Government and to end all future wars.

What we did or did not accomplish by our votes on that occasion is known only to Divine Providence.

Separated by a decade from the idealism, the propaganda, and the convictions that sent us into the greatest conflict of history entirely unprepared for the battles in which we engaged, we can be certain to-day that the world is no safer for democracy, the burden of preparation for defense no lighter, the perpetuity of our Government no more certain, and the danger of future wars no less because of the action of Congress on April 6, 1917.

We are certain that, because of the action of Congress on that day more than 50,000 fine, upstanding young American citizens were killed in battle, 300,000 of them wounded or otherwise disabled in line of duty, $25,000,000,000 expended in the conflict, and our annual expense for the care of the disabled from that war will for many years continue to exceed $500,000,000 annually.

There are 30,000 graves in France containing all that remains of our young friends of 11 years ago.

Some of us will never be able to forget them.

One of the great tragedies of this and every other war in which this country has engaged is the fact that war burdens are not equitably distributed, and in the world conflict, as in every other war, everything has been taken from one individual, even his life, while another has been legally permitted to enjoy all of life's luxuries and to become immensely wealthy. Most of the great fortunes in the United States to-day are founded upon war activities or Government contracts in time of war.

A few of you here now will recall that day in May, 1917, when we enacted the conscription law, the statute that forced the registration of more than 24,000,000 men and mobilized an Army of 2,800,000 soldiers, a million of them within the space of 90 days. Believing that universal conscription offered the only equitable plan for the formation of an Army, I voted for that statute, and have not lived to regret that fact. Never, Mr. Speaker, can I forget the debate on that occasion, when that great American citizen, Champ Clark, who, in my opinion, would have been a great President of the United States had he been selected for that office, and who formerly occupied with credit to his country and himself the chair which you now hold, took the floor to express his honest convictions. I remember that debate, as I can not help remember that it was my great privilege to travel eastward with one of the first overseas regiments selected under the law.

Many in that regiment crossed the ocean; many less returned. To-day we know the defects of that statute in that it provided only for the conscription of men and provided neither against profiteering nor the creation in war time of immense fortunes—fortunes accumulated through the needs and necessities of the citizens of the country. We did not recognize the fact that in time of war we should all serve equally and place the burden equally upon all the people; that capital and industry must serve as well as men. Generations past should have taught this lesson to the United States, because in every one of our wars there has been the same conscienceless profiteering.

During the Revolutionary War Gen. George Washington wrote:

> It gives me very sincere pleasure to find that there is likely to be a coalition of the Whigs in your State (a few only excepted) and that the assembly of it are so well disposed to second your endeavors in bringing those murderers of our cause—the monopolizers, forestallers, and engrossers—to condign punishment. It is much to be lamented that each State, long ere this, has not hunted them down as the pests of society and the greatest enemies we have to the happiness of America. I would to God that one of the most atrocious in each State was hung in gibbets upon a gallows five times as high as the one prepared by Haman. No punishment, in my opinion, is too great for the man who can "build his greatness upon his country's ruin."

During the Civil War a committee of this House, appointed to investigate war contracts, reported:

> The system of public plunder which pervaded * * * was inaugurated at the very beginning and followed up with untiring zeal; the public welfare was entirely overlooked and as effectually ignored as if the war was gotten up to enable a mammoth scheme of peculation at the expense of the people to be carried out.

And a member of the congressional committee stated:

> Such robbery, fraud, extravagance, peculation as have been developed * * * can hardly be conceived of. There has been an organized system of pillage. * * * I fear things have run on so far there is no remedy. * * * The credit of the Government is ruined. * * * Everybody knows there has been such an extent of swindling that payment ought not to be made. * * * I am utterly discouraged and disheartened.

After the Spanish-American War we remember the investigation of war contracts and the discussion concerning "embalmed beef."

In 1919 this House of Representatives appointed the Select Committee on Expenditures in the War Department, and the Speaker of this body appointed me a member of that committee. Hearings and reports of that committee comprise 19 volumes and, as that data is available, I shall not here attempt to discuss it. It should be said, however, that the committee was handicapped in every possible manner. If it appeared that the committee fixed any responsibility upon any individual for wrong-doing, a bipartisan combination was immediately created to protect such individual. Through the efforts of Representative ROY WOODRUFF, of Michigan, now a Member of this House, and myself an appropriation of $500,000 per year was given to the Department of Justice to attempt to recover on fraudulent war contracts. On April 11, 1922, Mr. WOODRUFF and myself introduced House Resolutions 323 and 324, requesting an investigation and action on these fraudulent contracts while there was yet time to recover the money. On April 11, 1922, as shown in the CONGRESSIONAL RECORD on page 5288 and adjoining pages of volume 62, part 5, of the second session of the Sixty-seventh Congress, we attempted to secure an investigation of the Department of Justice and other departments and men responsible for governmental frauds. Representative WOODRUFF at that time said:

> In the auditing of these war contracts it was disclosed that in almost every instance overpayments running into the millions of dollars in individual cases had been made by the Government. In addition to the overpayments it was found in nearly every instance that the contractors had been guilty of acts which clearly called for action by the Department of Justice. Notwithstanding the fact that much of this information has been in the hands of the Department of Justice for months, no determined action looking either to the recovery of the money due the Government or to the criminal prosecution of the offenders has been taken.

Our resolutions were sent to the Committee on Rules and rejected. In spite of that fact, because of the agitation and the debates on the floor of this House, which many of you remember, the department was forced to take action that actually recovered for the Government more than $20,000,000 in cash and millions of dollars in supplies that were returned to the Government. Twenty million dollars would pay the salary of a Member of Congress for 2,000 years. All this occurred in April and May, 1922, prior to the Teapot Dome affair, and prior to many other governmental frauds. It occurred at a time when it was extremely unpopular to attack the head of the Department of Justice with his Bureau of Investigation and Secret Service. The men in charge of these departments were then living—living in this city of Washington and in charge of the Government and all of its departments. They were in control of every avenue of publicity and possessed all the powers of Government.

It is the irony of fate that some of the very men who to-day in legislative bodies speak most grandiosely and extravagantly of the corruption of 1921 and 1922 were so strangely silent when their voices would have been of value and when the Government's property was being stolen. It is much safer to attack dead men without power than living men with power. We wished to lock the door before the horse was stolen, to investigate and act while illegal transactions were being conducted. Had this Congress of the United States cooperated with Mr. WOODRUFF and myself in 1922 a national scandal would have been averted.

It is entirely possible that there are some of you here to-day that now wish that you had then rendered assistance. I rejoice to be able to say that there are still men in both the House and the Senate that were of assistance and were willing to fight when the fighting was good.

Although at that time the House of Representatives refused to take action, there were men throughout the country, many of them service men, who knew the facts and were unafraid. The American Legion had been formed, and in 1921–22 it had a fighting commander, Hanford (Jack) MacNider. The Legion knew and he knew that wars were not ended, although the United States and its people desired participation in no further conflicts; that this country desires nothing but peace and covets neither the lands nor prosperity of any other nation. The Legion knew and he knew that we wish no part in the disputes or quarrels of other countries and desire each nation to work out its salvation in its own way, under its own laws, through its own citizens, and that we ask only that our citizens be treated according to the well-defined rules of international law. Although governmental action could not be secured, the Legion knew of the profiteering and frauds and determined that

if another war was forced upon us its burdens should be equitably distributed. It determined that no new war fortunes should be created and that in war each individual should serve. With that ideal in mind, in September, 1922, Marquis James, a very distinguished newspaperman, and myself prepared the first universal conscription act ever introduced in the American Congress since the World War. On September 21, 1922, I introduced that resolution as House Joint Resolution 384. It read as follows:

That in the event of a declaration of war by the United States of America against any foreign government or other common enemy Congress shall provide for the conscription of every citizen and of all money, industries, and property of whatsoever nature necessary to the prosecution thereof, and shall limit the profits for the use of such moneys, industries, and property.

Mr. James and myself carried this resolution to the annual convention of the American Legion held in New Orleans, October 16–20, 1922, and the plan of universal conscription carried in that proposed resolution was adopted by that convention. In every succeeding Congress I have reintroduced it, changing the phraseology as we learned more of the practical operation of the law. A very distinguished committee of the American Legion appointed by Colonel MacNider labored strenuously in the development of the measure and has assisted in every way in carrying it to final passage. On January 4, 1928, in this Congress as H. R. 8313, I introduced the perfected bill which we propose to enact, and it was referred to the Committee on Military Affairs of the House of Representatives. It reads as follows:

Be it enacted, etc., That in the event of a declaration of war by Congress which in the judgment of the President demands the immediate increase of the Military Establishment, the President be, and he is hereby, authorized to draft into the service of the United States such members of the unorganized militia as he may deem necessary: *Provided,* That all persons drafted into service between the ages of 21 and 30, or such other limits as the President may fix, shall be drafted without exemption on account of industrial occupation.

SEC. 2. That in case of war, or when the President shall judge the same to be imminent, he is authorized and it shall be his duty when, in his opinion, such emergency requires it—

(a) To determine and proclaim the material resources, industrial organizations, and services over which Government control is necessary to the successful termination of such emergency, and such control shall be exercised by him through agencies then existing or which he may create for such purposes;

(b) To take such steps as may be necessary to stabilize prices of services and of all commodities declared to be essential, whether such services and commodities are required by the Government or by the civilian population.

Hearings on the measure were held by the House Committee on Military Affairs from March 11 to March 20, 1924, but no hearings have been granted by that committee on the bill I am now presenting to the House.

No hearings, in my opinion, will be granted by that committee, and the proposed law will again quietly and peacefully die unless by action of this House the committee is instructed under clause 4 of rule 27, which I shall to-day invoke, to report the bill. It would thereupon automatically, under the rules of the House, be brought before us for a vote. If this measure becomes the law of the land it will make future wars the business of every citizen and exorbitant monetary profits will accrue to no individual. Its effects could never be better expressed than in the statement of Hanford MacNider when he said:

The greatest peace measure of the men who fought the last war still lies before the Congress unpassed—waiting for the men who understand what it is all about. It goes by various names and, perhaps, its present form will be changed before it is written upon the statute books of the Nation. Its principle, however, is right and its basis is sound. It whips in advance the men who would start an unjust or unjustified conflagration. It makes war so inclusive that no jingo would ever be able to make it popular. In short, it directs that hereafter all the Nation's resources—capital, power, transportation, labor—will all go to war on the same basis with men's lives. When there is written into the law that no price nor service in America shall rise because of national emergency, that no man shall evade his duty, that no resource of the Nation, nor any individual within it shall remain aloof or in favored position, that all America will go forth as one man to the Nation's defense, then and then only will our mandate be on its way toward fulfillment. Then we shall be able to say authoritatively what now we can only say in speeches on days like this, "America not only wants peace but America intends to have it."

As was so well stated to me recently by Edward McE. Lewis, of the Legion:

This statute will do more to end war than all other legislation, for it will make men think before they act.

The present commander of the American Legion, Commander Edward E. Spafford, who has had much war experience and is a student of war legislation, has expressed the belief that in its ultimate consequences this is the most important preparedness measure pending before Congress.

Both the Republican and Democratic Parties in their platforms have promised that this measure will become the law of the land. You—and each of you who are present to-day were elected on those platforms—are pledged thereby to its support. You Republicans in your platform of 1924 said:

We believe that in time of war the Nation should draft for its defense not only its citizens, but also every resource which may contribute to success. The country demands that should the United States ever again be called upon to defend itself by arms, the President be empowered to draft such material resources and such services as may be required and to stabilize the prices of services and essential commodities, whether utilized in actual warfare or private activity.

You Democrats in your platform of 1924 said:

War is a relic of barbarism, and it is justifiable only as a measure of defense.

In the event of war, in which the man power of the Nation is drafted, all other resources should likewise be drafted. This will tend to discourage war by depriving it of its profits.

You of the Democratic Party who were elected by the suffrage of the people because you told them you would give them this law are going to have a chance to-day to say whether you desire to sign up and secure its passage.

The measure has been indorsed by Presidents Harding and Coolidge.

In his inaugural address of March 4, 1921, President Harding stated:

If war is again forced upon us, I earnestly hope a way may be found which will unify our individual and collective strength and consecrate all America, materially and spiritually, body and soul, to national defense. I can vision the ideal republic, where every man and woman is called under the flag for assignment to duty for whatever service, military or civic, the individual is best fitted; where we may call to universal service every plant, agency, or facility, all in the sublime sacrifice for country, and not one penny of war profit shall inure to the benefit of private individual, corporation, or combination, but all above the normal shall flow into the defense chest of the Nation. There is something inherently wrong, something out of accord with the ideals of representative democracy, when one portion of our citizenship turns its activities to private gain amid defensive war while another is fighting, sacrificing, or dying for national preservation.

Out of such universal service will come a new unity of spirit and purpose, a new confidence and consecration, which would make our defense impregnable, our triumph assured. Then we should have little or no disorganization of our economic, industrial, and commercial systems at home, no staggering war debts, no swollen fortunes to flout the sacrifices of our soldiers, no excuse for sedition, no pitiable slackerism, no outrage of treason.

Then again, at Helena, Mont., on June 29, 1923, President Harding advocated the universal draft in the following remarkable language:

I have said before, and I choose to repeat it very deliberately now, that if war must come again—God grant that it shall not—then we must draft all of the Nation in carrying on. It is not enough to draft the young manhood. It is not enough to accept the voluntary service of both women and men whose patriotic devotion impels their enlistment. It will be righteous and just, it will be more effective in war and marked by less regret in the aftermath, if we draft all of capital, all of industry, all of agriculture, all of commerce, all of talent and capacity and energy of every description, to make the supreme and united and unselfish fight for the national triumph. When we do that there will be less of war. When we do that the contest will be aglow with unsullied patriotism, untouched by profiteering in any service. * * *

If we are committed to universal service—that is, the universal commitment of every American resource and activity—without compensation except the consciousness of service and the exaltations in victory, we will be slower to make war and more swift in bringing it to a triumphant close. Let us never again make draft on our manhood without as exacting a draft on all we possess in the making of the industrial, financial, commercial, and spiritual life of the Republic.

On October 4, 1925, in the American Legion convention at Omaha, Nebr., President Coolidge indorsed the measure when he said:

Undoubtedly one of the most important provisions in the preparation for national defense is a proper and sound selective service act.

Such a law ought to give authority for a very broad mobilization of all the resources of the country, both persons and materials. I can see some difficulties in the application of the principle, for it is the payment of a higher price that stimulates an increased production, but whenever it can be done without economic dislocation such limits ought to be established in time of war as would prevent, so far as possible, all kinds of profiteering. There is little defense which can be made of a system which puts some men in the ranks on very small pay and leaves others undisturbed to reap very large profits. Even the income tax, which recaptured for the benefit of the National Treasury alone about 75 per cent of such profits, while local governments took part of the remainder, is not a complete answer. The laying of taxes is, of course, in itself a conscription of whatever is necessary of the wealth of the country for national defense, but taxation does not meet the full requirements of the situation. In the advent of war, power should be lodged somewhere for the stabilization of prices as far as that might be possible in justice to the country and its defenders.

Mr. Speaker, as this proposed statute has been promised by the two great political parties that control the Government of the United States, as it has been indorsed by the greatest citizens of this country, as it has been indorsed by the American Legion and other organizations, whose members actually fought the World War; as it has been pledged by an overwhelming majority of the membership of this House, as it is advocated by the patriotic, intelligent citizenship of this country and because it is everlastingly right, just, and equitable, I now invoke the most drastic rule of this body, clause 4 of rule 27, to force its consideration and file with the Clerk of the House a motion to instruct the Committee on Military Affairs of this body to report H. R. 8313.

If 218 of the nearly 300 Members of this body pledged to the support of this bill will sign this motion we will get action. The motion is now upon the Clerk's desk for signature and can be signed from this moment. Personally, I believe that when a majority of the Members of this body sign this motion the fight is won without invoking the legislative machinery provided under the rule, because I firmly believe the Speaker of this House is always responsive to its real wishes and will at the proper time recognize me to suspend the rules and pass the bill. Whatever he may do, the bill will become a law before the close of the session. The motion which I have filed is as follows:

(Seventieth Congress. No. 2)

HOUSE OF REPRESENTATIVES,
April 3, 1928.

Motion to instruct a committee from the consideration of a bill

To the CLERK OF THE HOUSE OF REPRESENTATIVES:

Pursuant to clause 4 of Rule XXVII (see rule on last page), I, ROYAL C. JOHNSON, move to instruct the Committee on Military Affairs to report the bill H. R. 8313, entitled "A bill to provide further for the national security and defense," which was referred to said committee January 4, 1928, in support of which motion the undersigned Members of the House of Representatives affix their signatures, to wit:

1.
2.
3.
4. (Space for signatures of Members—218 required)
5.
6.

This, Mr. Speaker, will, 11 years from the time we declared war on the Imperial German Government, establish the rule that, in event of another war, our country, its industries and its men will render equal service and, Members of the House, I hope that now those of you who believe in this measure will sign this motion that will enact the law. [Applause.]

Mr. MORIN. Mr. Speaker, I ask unanimous consent that a member of the Committee on Military Affairs, Mr. MCSWAIN, of South Carolina, be permitted to address the House for 10 minutes on this subject.

The SPEAKER. At this point?

Mr. MORIN. Yes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the gentleman from South Carolina [Mr. MCSWAIN] may be permitted to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. MORIN. Mr. Speaker, the gentleman from South Carolina has yielded one minute to me before he begins his remarks.

Mr. O'CONNOR of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'CONNOR of New York. Can that be done under the special permission granted?

The SPEAKER. It can be done by unanimous consent.

Mr. MORIN. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House for one minute.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that he may now address the House for one minute. Is there objection?

There was no objection.

Mr. MORIN. Mr. Speaker and gentlemen of the House, this morning my attention was called to the fact that the gentleman from South Dakota [Mr. JOHNSON] was going to address the House on this subject. I had an examination made of the jacket containing the bills referred to that were introduced in the House; I have had the files of my office searched and I have failed to find a formal request made by either Mr. JOHNSON or any other Member of the House for a hearing on this bill.

This is a very important measure, in which the members of the committee are interested, and I will submit to the Members of this House the fact that it is one upon which there should be very exhaustive hearings before it is reported to this House. There are 11 ex-service men on that committee, all interested in this legislation. I have canvassed the committee and I have failed to find one member of the committee who says that he has ever been approached on this subject or requested to have a hearing. Now, having submitted that information to the House, I yield the balance of my time to the gentleman from South Carolina [Mr. MCSWAIN]. [Applause.]

Mr. MCSWAIN. Mr. Speaker, ladies and gentlemen, I am immensely surprised that the distinguished gentleman and gallant former soldier from South Dakota should proceed in this manner to bring to the attention of this House the bills that he now has pending before this committee. You have just been assured by the chairman of this committee that the gentleman from South Dakota has never asked for a hearing before the Committee on Military Affairs. The gentleman from South Dakota has not only one bill before that committee but he has three bills. On the 5th of December, 1927, the gentleman introduced House bill 455; on the 4th day of January, 1928, he introduced House bill 8313; and evidently within about 30 minutes thereafter, and forgetting that he had already introduced two bills on the same subject, January 4, 1928, he introduced House bill 8329, so that he has introduced three bills—every one identical, line for line and comma for comma, on the same subject. Yet he has never set his foot in the committee room nor spoken to a member of the committee that I know about asking for a hearing. [Applause.]

Mr. JAMES. Will the gentleman yield?

Mr. MCSWAIN. Yes.

Mr. JAMES. And that not only applies to this session but applies to the last session?

Mr. MCSWAIN. Yes.

The gentleman's position and his procedure here shall not alienate me from my loyalty and my devotion to the general principle that he invoked. It is a difference between the gentleman and me as to the method by which we will proceed to accomplish that which in the hearts of all just men ought some time to be accomplished. [Applause.] Very soon after the gentleman introduced his first bill in 1922 I introduced a joint resolution in the Sixty-seventh Congress, in December, 1922, asking for the creation of a commission composed of Members of both the House and the Senate and of civilians, and I reintroduced the same resolution in the Sixty-eighth Congress. Upon this resolution, along with a bill that the gentleman from South Dakota [Mr. JOHNSON] was the author of, and along with a bill that the gentleman from Idaho [Mr. FRENCH] and some others had introduced to the same effect, hearings were held upon all the bills collectively, and here are the hearings, consisting of 250 pages, and the quotations that the gentleman reads as to the opinion of George Washington about profiteers, and as to the profiteering during the Civil War and during the Spanish-American War, were all culled out of these hearings that were compiled by me in the Committee on Military Affairs at that time.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. MCSWAIN. Yes.

Mr. O'CONNOR of New York. And did not the gentleman who is speaking also introduce a resolution which was referred to the Rules Committee, and did not the gentleman ask for a hearing and receive one from that committee?

Mr. MCSWAIN. I did; yes. That resolution was introduced by me in the Sixty-eighth Congress, was reported favorably by the Committee on Military Affairs, and, pressing the matter, I appeared before the Rules Committee and the Rules Committee gave us a rule, but they did not give it until the very last day of the session, and when the gentleman from New York, who was then chairman of the Rules Committee, brought the matter

up, the gentleman from Alabama [Mr. HUDDLESTON] interposed very earnest and vigorous objection, and the gentleman from New York, the chairman of the Rules Committee, withdrew the resolution from consideration by the House at that time in view of the fact that the time of the House was very limited before its adjournment on that very day, having been assured, as he said, that there would be no controversy about it.

Now, gentlemen, by what devious route does the gentleman from South Dakota propose to bring this matter before the House? There was an adequate and efficient discharge rule that was on the books of this House in the Sixty-eighth Congress, and the gentleman from South Dakota voted to repeal that rule, in effect, by voting for the present rule. He voted to establish here a rule of this body by which if 218 Members signed a petition, and then if you have tellers on two separate days, the matter then comes up for consideration in the committee, and then if the committee holds it for 15 days and does not report, it is put on the calendar for consideration. We will have adjourned before he could ever get his bill up in the House.

Gentlemen, this is too important a matter, is a matter involving too vital consequences to the life of the Nation to be passed upon in any half-considered way. There must be hearings and patient study and consideration.

It requires, I submit—and I have studied the matter with great care and patience and deliberation—the counsel and the advice of men of widest experience and deepest knowledge in order that we may not make some mistake of that which we propose to do in the interest of the national life.

I want to repeat, gentlemen, I have not only sought to show my faith by my works in the matter, but I have spoken in behalf of the general principle before the national convention of the women standing for adequate defense, including the Daughters of the American Revolution, and also advocated this principle before the Interparliamentary Union at Geneva, Switzerland, in the year 1924, and have repeatedly addressed the House and extended my remarks in the RECORD in advocacy of this general principle.

Mr. TILSON. Will the gentleman yield?

Mr. McSWAIN. Certainly.

Mr. TILSON. Does not the gentleman think that his committee ought to consider this matter and bring it before the House rather than to have it brought before the House in any other way?

Mr. McSWAIN. Certainly.

Mr. TILSON. In other words, should not the matter be brought before the House by the committee having jurisdiction to hear and consider it and not by a discharge rule?

Mr. McSWAIN. Yes; exactly.

Mr. REECE. Will the gentleman yield?

Mr. McSWAIN. In one moment. I want to say to the distinguished majority leader, who is to-day 62 years old but is as vigorous as a youth of 50 [applause], that this committee has over 1,000 bills before it, and we have been busy not only during the day but part of the night working on them; and we have been too busy to take up bills of Members who have not asked for a hearing; but if the gentleman from South Dakota will come before the committee I will guarantee—and I have already the authority of the committee to say so—that he will have a hearing and all the hearings he wants. [Applause.]

I now yield to the gentleman from Tennessee.

Mr. REECE. There has been no disposition on the part of the committee or any member of the committee to delay the consideration of this matter, has there?

Mr. McSWAIN. Absolutely none; and I will guarantee that the committee will sit up at night in order to give a hearing; and I am in favor of it, just like the gentleman from Iowa [Mr. RAMSEYER.] The gentleman from Iowa and I have worked together and have deliberated about this matter for years. He knows my heart and I know his, and I know and he knows that this is a matter of the deepest importance and requires the most careful and painstaking consideration.

Mr. JAMES. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. JAMES. Does the gentleman know of a single Member of Congress who has a private bill or a public bill that has ever been denied a hearing by our committee?

Mr. McSWAIN. Absolutely none. If any Member of this House can say that he has ever appeared before the committee or before any member of the committee and asked for a hearing before a subcommittee or before the full committee on any subject and not received it with respect to any of the 1,000 bills before the committee, then I would like for him to rise now and let it be known, because I would like for the House to know that our committee is a working committee which works all day and sometimes late in the night.

I want to assure my distinguished friend from South Dakota that if he will come before the committee we will hear him on all three of his bills, and he would be only killing his own proposition to handle it in the way he now proposes.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. McSWAIN. Certainly.

Mr. JOHNSON of South Dakota. I want to state to the gentleman the reason there happened to be more than one bill introduced was because when I was in the hospital and had not been sworn in the bill was sent over here, and therefore I had to reintroduce it, and without entering into any joint debate with the gentleman, I may say that I first introduced this bill in 1922, and the gentleman can talk about hearings all he wants to, but we do not get anywhere with hearings.

Mr. McSWAIN. Of course, the committee has had this matter before it since 1922. The committee held the hearings which I conducted, and the gentleman has never been before the committee asking for a hearing. If we have had time, the gentleman has had time. If we have had four years, he has had four years. Time for us is time for him.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent that I may address the House for five minutes. I do not want to get into this controversy, but I do not want to let go unchallenged the statement of the gentleman from South Dakota in the beginning of his speech made a while ago.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to address the House for five minutes. Is there objection?

Mr. SNELL. Reserving the right to object, we want to get started with the rubber bill assigned for to-day. If I do not object at this time, I hope there will be no further request.

The SPEAKER. Is there objection?

There was no objection.

Mr. STEVENSON. Mr. Speaker, I was one of the Members here 11 years ago, and I regret that I have to rise to note a protest against the inference which would be drawn if unchallenged by the statement of the gentleman from South Dakota that all we got out of the war was $25,000,000,000 expense, 50,000 men gone, and a great many fraudulent claims prosecuted against the Government, and so on.

It strikes me that the inference would be made that we fought for nothing. Now, I am going to read a very brief part of the message which called this Congress to action on that proposition:

> But armed neutrality, it now appears, is impracticable. Because submarines are in effect outlaws when used as the German submarines have been used against merchant shipping, it is impossible to defend ships against their attack, as the law of nations has assumed that merchantmen would defend themselves against privateers or cruisers, visible craft giving chase upon the open sea. It is common prudence in such circumstances, grim necessity, indeed, to endeavor to destroy them before they have shown their own intention. They must be dealt with upon sight, if dealt with at all. The German Government denies the right of neutrals to use arms at all within the areas of the sea which it has proscribed, even in the defense of rights which no modern publicist has ever before questioned their right to defend. The intimation is conveyed that the armed guards which we have placed on our merchant ships will be treated as beyond the pale of law and subject to be dealt with as pirates would be. Armed neutrality is ineffectual at best; in such circumstances and in the face of such pretensions it is worse than ineffectual; it is likely only to produce what it was meant to prevent; it is practically certain to draw us into the war with neither the rights nor the effectiveness of belligerents. There is one choice we can not make, we are incapable of making; we will not choose the path of submission [applause] and suffer the most sacred rights of our Nation and our people to be ignored or violated. The wrongs against which we now array ourselves are no common wrong; they cut at the very roots of human life.

I am sure gentlemen will remember that when that came from the lips of the President, after enumerating many outrages on our rights that the audience led by the Chief Justice and members of the Supreme Court rose in a mass and the applause almost shook the House because they determined that submission was something incompatible with the history and traditions of the American people, and that they would not stop at any expenditure of men or money to maintain the rights that have been established more than 140 years before, which to-day we are ready to maintain, and we do not propose to apologize for having gone into the war regardless of anything said by the gentleman from South Dakota. [Applause.]

LETTER OF RESIGNATION

The SPEAKER laid before the House the following letter.

The Clerk read as follows:

Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: I regret that I can not attend the unveiling exercises of the statue of Gen. Robert E. Lee on Stone Mountain April 9, and respectfully request that some other Member of Congress be appointed in my place to attend these exercises.

Respectfully yours,

L. J. STEELE.

The SPEAKER. The Chair will appoint the gentleman from Georgia, Mr. CRISP, in place of Mr. STEELE.

Under the special order the gentleman from Michigan [Mr. HUDSON] is recognized for 20 minutes.

Mr. HUDSON. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. LINTHICUM. Mr. Speaker, I object for the present. I think it is a wrong principle to get leave to extend remarks before the remarks are made and before we know what the speech is about. I object for the present.

POISON IN DENATURED ALCOHOL

Mr. HUDSON. Mr. Speaker, the speech of the gentleman from New York [Mr. SIROVICH], on Friday, March 2, 1928, seems to call for certain corrections, that the facts concerning the use of denaturants by the Government and their effect may be set forth. In making this address to-day I have asked the assistance of Dr. Harrison E. Howe, editor in chief of Industrial and Engineering Chemistry, published by the American Chemical Society at Washington, D. C. Doctor Howe is recognized throughout the world as one of our foremost chemist scholars, and I have taken the liberty to quote him in my address this morning in several instances.

The gentleman from New York said his object was the discussion of poison alcohol, and stated that the dictates of humanity demanded that our Government cease at once the putting of poison into denatured alcohol, which he stated was destroying the lives of thousands of our human beings.

There should be no difference of opinion concerning the fundamental principles enunciated by the gentleman from New York [Mr. SIROVICH], namely, that a beverage should not be deliberately poisoned. However, he loses sight of the fact that denatured alcohol without criminal manipulation is not potable; that we do not poison but effectively denature alcohol for industrial uses; and that while there is continued serious effort to find a satisfactory denaturant, nontoxic in character, after all what is most needed is more effective policing to the end that those who endeavor to remove all warning signs from denatured alcohol may be apprehended and their criminal practices stopped.

In discussing this subject the gentleman from New York fell into a number of errors, indicating that while he may be entirely competent as a physician he has not been careful to inform himself fully with respect to the chemistry involved, nor even the history on the subject of denaturants and of industrial alcohol.

A denaturant to be acceptable must give a warning by taste or odor of its presence, must be extremely difficult if not impossible to separate from the alcohol, and must be of such a nature that it will not interfere with the industrial processes where alcohol is essential as a raw material. Industrial alcohol was legalized long before the eighteenth amendment was passed, and is used to-day in great quantities in several foreign countries where prohibition is not an issue. As the gentleman from New York points out, industrial alcohol was legalized to enable the use of this important solvent and chemical raw material in great quantities without the payment of the excise tax. That condition still obtains in most foreign countries, and even there where potable liquors can be legally purchased, the temptation to consume the denatured alcohol, manipulated to render it potable, presents a problem closely akin to that which confronts the United States.

This problem of finding a nontoxic denaturant acceptable in all other respects has engaged the attention of some of the test chemists in France, Germany, Great Britain, and the United States for periods of from 20 to 50 years. A considerable list of materials which would cause the drinker to become deathly sick but suffer no permanent injury can be named, but the ease with which nearly all of them can be removed from denatured alcohol indicates their unsuitability as denaturants. The past few months have seen difficulties in the iodine market, because bootleggers have fastened upon the tincture of iodine as a material to be diverted. The tincture of iodine has been purchased in large quantities and the iodine precipitated out in the form of zinc iodide by chemical means. Legitimate industry has been embarrassed by the large quantity of this by-product, zinc iodide, that has been offered, and regulations have had to be perfected to protect this household germicide and disinfectant from the attacks of the bootlegging fraternity.

No one deliberately poisons alcohol. It is simply an unfortunate fact that those chemical compounds which meet the specifications for a satisfactory denaturant are toxic materials. Let us examine the facts with respect to those denaturants suggested by the gentleman from New York, remembering that the chemists employed by the bootleggers are not the half-baked variety which he describes, but in many cases men of real scientific attainments. In passing, it should also be noted that the gentleman from New York is in error when he describes 99 per cent alcohol, absolute alcohol, ethyl alcohol, and grain alcohol as being synonymous terms. Ethyl alcohol, as regularly produced from either molasses or corn—and by far the greatest amount is from molasses—is about 95 per cent, the remaining 5 per cent being largely water. This is known as grain alcohol or ethyl alcohol and does not become absolute ethyl alcohol until all the moisture has been removed. The percentage approaches very close to 100, and this product is known either as absolute ethyl alcohol or anhydrous ethyl alcohol. A few years ago this sold for $5 a gallon, tax free, to educational institutions, but new methods for removing materials other than ethyl alcohol have made it possible to produce it in larger quantities at very much lower prices. Quoting Doctor Howe, as to denaturants used by the Government:

Bichloride of mercury is mentioned in the address by Congressman SIROVICH. This has never been used as a denaturant for industrial alcohol. Prior to May, 1924, wholesale or retail druggists were permitted to medicate alcohol with bichloride of mercury, and it could then be purchased for sterilization purposes. Such medicated alcohol was sometimes used for rubbing purposes, but when regulations No. 60, now known as No. 2, were revised in May, 1924, this formula was eliminated because at times there had been serious irritation of the skin where such medicated alcohol had been used for rubbing. No reports of any deaths caused by drinking this alcohol have been made and it is now almost four years since bichloride of mercury could be used for medicated alcohol, not industrial alcohol, and it was only obtainable in a drug store.

Formaldehyde and carbolic acid or phenol, to use the chemical term, have been authorized as denaturants for a few specially denatured alcohol formulas which are used in manufacturing antiseptics and sterilizing solutions, mouth washes, dentifrices, embalming fluid, and lotions for external purposes. These two chemicals are authorized because they are found in the preparations enumerated above as part of the medicinal ingredients of the finished products. These chemicals were found in preparations made with nonbeverage tax-paid alcohol and were so used for their medicinal properties long before denatured alcohol or the eighteenth amendment became realities. It may be well to call attention to the fact that alcohol is an antidote for carbolic acid.

Very large quantities of benzene or benzol have been used for denaturing alcohol because the chemical industries requested it. Specially denatured alcohol No. 2-B containing one-half per cent of benzol has been used to dehydrate nitrocellulose and for the manufacture of ethyl acetate. Alcohol denatured with benzol has been used extensively in the imitation leather and lacquer industries, but specially denatured alcohol formulas containing benzol are gradually being withdrawn because benzol can be easily removed from the alcohol. A recent Treasury decision withdrew the benzol formulas from lacquers and another is now being prepared to withdraw the same formulas from the imitation leather industry solely because of the ease with which this denaturant can be removed. Specially denatured alcohol formulas containing benzol are now authorized only for the manufacture of ethyl acetate and other chemicals where it would be impractical to use alcohol denatured with any other substance. This is one of the cases where the fact that pure chemicals or drugs can not be made from alcohol unless the alcohol is denatured with some compound that will not take part in the chemical reactions involved, and thus become a part of the finished product, is a ruling factor.

Brucine sulphate is also indicated in Mr. SIROVICH'S speech. This is authorized in formula No. 40 for toilet preparations. The leading medical authorities now agree that brucine sulphate is practically nontoxic and its former reputation has been shown to be due to inefficient purification, sometimes leaving traces of strychnine in the preparation. The specifications for this denaturant now require that it be free of strychnine, and although it has been used as a denaturant for a number of years no reports are found showing that it has injured anyone.

Malachite green is suggested by the Congressman as a successful denaturant, but unfortunately it can not be accepted as such. Malachite

green is a well-known dyestuff, but it is nonvolatile and would remain behind on the redistillation of the alcohol. Its removal is even more simple, inasmuch as absorptive carbon would be effective in eliminating it.

Now we come to pyridine and diethyl phthalate, which Mr. SIROVICH believes he has independently discovered for the benefit of the chemical industry. Pyridine was one of the first denaturants authorized after the act of June, 1906, and several million gallons have been used since that time. It is, then, not the new denaturant Mr. SIROVICH would have you believe but one of nearly 22 years' standing, and but lately dropped from the list of denaturants because it has been shown that it can be easily removed by ordinary distillation in the presence of an acid. It is therefore no longer authorized, except for specially denatured alcohol No. 6–B, used for the manufacture of chemicals. Many believe pyridine to be more toxic than any of the denaturants mentioned above, with the exception of bichloride of mercury and carbolic acid. While pyridine is still used in England and the British possessions, a substitute is desired, for there, too, they find that alcohol denatured with it is too easily diverted.

As for diethyl phthalate, its use was authorized several years ago, and alcohol denatured with it is being extensively used in the manufacture of toilet preparations. Unfortunately, this denaturant is also easily removed from alcohol by simple distillation, and it is believed that more alcohol has been diverted to beverage purposes from the legitimate industry when denatured with pyridine and diethyl phthalate than any other denatured alcohol formulas.

Attention should be called to the constructive efforts of the chemists of the Prohibition Unit and the cooperation which they obtain from their fellow chemists in industry in an effort to improve the denatured industrial alcohol situation. Reference is made to the use of aldehol, for example, this being a product of the oxidation of kerosene used in conjunction with methyl alcohol, and proving itself an efficient reagent in that it complicates decidedly the work of removing methanol or wood alcohol from the denatured material. Notwithstanding the extensive work in all countries on denaturants, methyl or wood alcohol continues to be one of the best, if not the most satisfactory, especially when used in a proportion of 10 per cent or more by volume. Larger percentages are used by other countries than by the United States, and with the increase in percentage it becomes necessary to employ more extensive and costly and complicated equipment and to operate it on a large scale if the bootlegger would clean it out of the finished article, if indeed this could be accomplished. Detection is, therefore, made easier and loss greater in case of confiscation, so that the bootlegging industry becomes far less attractive.

Furthermore, pure ethyl alcohol is not available on a tax-free basis for the arts and industries, and even if relieved of the tax would not be acceptable in lieu of denatured alcohol for two principal reasons. First, the regulations controlling the transportation, storage, and use of such alcohol would involve great burdens and extraordinary risks to the industry; and, secondly, in certain lines of trade such as the shellac varnishes, mixtures of ethyl and methyl alcohol constitute preferable solvents.

Now in discussing "violent poisons," which are said to be added to alcohol by the Government, the gentleman from New York [Mr. SIROVICH] takes no account of the toxicity of ethyl alcohol or grain alcohol, which is that member of the large family of alcohols which those who insist on liquors wish to drink. Our leading pharmacologists—Reid Hunt, A. S. Loevenhart, and others—are of the opinion that a single large dose of a mixture containing 4 parts of wood alcohol and 96 parts of grain alcohol would cause harm principally on account of the grain alcohol. Pure grain or ethyl alcohol alone is quite poisonous and death frequently results from an overdose, especially if the individual is drinking a preparation stronger than that to which he is accustomed. Wood alcohol is undoubtedly toxic, but a careful examination of the statements by such men as Hermann C. Lythgoe, director of the division of food and drugs, department of public health, Boston, and Louis I. Harris, commissioner of health in New York City, clearly indicates that in an overwhelming number of cases of death due to alcoholism the great majority are due to an overdose of just straight ethyl alcohol rather than the presence of any of the denaturants used in industrial alcohol. Thus, Commissioner Harris states that in addition to the 750 deaths reported as due to alcoholism, there were also reported during 1926, 7 deaths in which wood alcohol was specifically mentioned as the cause of death; also that an inquiry of the chief hospitals in the city of New York as to the number of clinical cases of alcoholism which they had had under their care in the period from December 24, 1926, to January 4, 1927, disclosed that there were 337 cases of alcoholism then under care with only one attributable to wood-alcohol poisoning. These reports could be extended and many statistics quoted, but they all bear out this same fact.

I wish at this time to call your attention to two extracts from the March 22, 1928, issue of the New England Journal of Medicine, the official organ of the Massachusetts Medical Society.

Dr. Reid Hunt, professor of pharmacology, Harvard Medical School, writing on the subject of "An examination of the toxicity of 100 samples of illicit liquor," said:

The only poisonous substance of significance found in these samples was ethyl alcohol and the toxicity of the various samples was closely parallel to the ethyl alcohol content. Although much has been said and written recently on the alleged great toxicity of much of the illicit liquor now being sold, I know of no analyses or experiments indicating the presence of substances distinctly more toxic than ethyl alcohol and present in sufficient amounts to have a distinct effect. * * * Deaths are, of course, constantly occurring from the consumption of illicit liquor but very rarely has any evidence been offered that they were not due entirely to the ethyl alcohol. A fact frequently overlooked is that a person deeply intoxicated is near death and that a dose of alcohol slightly greater than that necessary to cause profound intoxication is a fatal dose. This condition may be realized when a liquor of unusually high alcohol content is consumed in the same quantities as if it contained the more usual percentage of alcohol. Three instances apparently of this character have been brought to my attention; death was attributed to "poison whisky" but the "whisky" in question contained, in two cases, over 60 per cent of ethyl alcohol and in the third case 80 per cent of ethyl alcohol, and no other poison was found. * * * The problem seems to be still primarily a question of ethyl alcohol, rather than one of "good" or "bad" alcohol. In other words, it is not the so-called "bad bootleg liquor" but the reputed "good grain alcohol" which causes acute poisoning and death; this is the case with both the illicit and the "medicinal" whisky.

Dr. George H. Bigelow, commissioner of public health of Massachusetts, addressing himself to the question "Are 'alcohol deaths' due to alcohol?", had the following to say:

The results of chemical and pharmacological examination suggests that as far as Massachusetts is concerned such factors as wood alcohol, methanol, furfural, and other extraneous substances have been very much exaggerated, and what is killing people now who die of alcoholism is what killed them back in the days of the high alcoholic death rates of 1916 and 1917 and before, namely, ethyl alcohol, "grain" alcohol, or "good pure" alcohol. * * * Ethyl alcohol, then, is, has been, and always will be a poison which can not be tolerated by the body in excess, and in the vast majority of cases "alcohol deaths" in Massachusetts are apparently due to excessive use of "good pure alcohol."

Also a letter from Doctor Doran:

USE OF POISON IN DENATURED ALCOHOL

TREASURY DEPARTMENT,
BUREAU OF PROHIBITION,
Washington, March 3, 1928.

Hon. GRANT M. HUDSON,
House of Representatives.

MY DEAR CONGRESSMAN: In looking over the CONGRESSIONAL RECORD of March 2, particularly the remarks of Congressman SIROVICH with respect to the denaturing of alcohol, I would say that, while there is practically nothing new in his statement that was not fully covered in the last session of Congress and printed in Senate Document No. 195, Sixty-ninth Congress, second session, some emphasis was placed on the use of pyridine. We eliminated pyridine in November, 1926, to take final effect April 1, 1927, for the reason that it was being readily deodorized and to a large extent removed by the simple addition of sufficient sulphuric acid to neutralize the pyridine and subsequent distillation. It is one of the weakest denaturants heretofore employed on account of this comparative ease of removal by deodorization and partial removal by distillation. Pyridine is commercially made in Germany, but was heretofore sold to the United States through a London syndicate which absolutely controlled quantity and prices. So far as this bureau is concerned, we consider oil compounds more effective as denaturants and less easy to remove. They are not considered toxic.

Very sincerely yours,

J. M. DORAN,
Commissioner of Prohibition.

In his remarks, which are set forth on pages 3202 to 3207 of the RECORD of February 17, Representative CRAMTON quoted at some length from the address delivered at New Orleans before the Federal and State Law Enforcement League by Capt. James P. McGovern, general counsel of the Industrial Alcohol Manufacturers' Association and Washington attorney for the National Paint, Oil, & Varnish Association, from which the following paragraph is taken:

As a striking illustration of the difficulties under which reputable merchants are compelled to market their products under prohibition

enforcement conditions let us take the case of the 40-year-old solidified fuel known as Sterno Canned Heat. We are all familiar with that commodity in its self-contained tins ready for burning in the home, camp, nursery, hospital, sick room, laboratory, and other places where an emergency fuel is required. It proved of inestimable value in the districts devastated by the Florida hurricane, your own Mississippi flood, and other disasters where an emergency fuel was sorely needed. It is manufactured under a formula approved pursuant to the provisions of the Volstead Act, calling for five parts of wood alcohol and a percentage of pyridine, kerosene, and solidifying chemicals which make the finished commodity—in the opinion of Commissioner Doran the most unfit substance for beverage purposes that could possibly be conceived; and yet we find intelligent people demanding that the sale of such an essential article of everyday life be stopped or subjected to prohibitive conditions because there are degenerates who unlawfully manipulate the product and extract therefrom a liquid which they take into their stomachs, with what results only hospital and morgue records can tell! Isn't that actually glorifying degeneracy, and does not the whole situation merely call for better enforcement of the adequate United States laws on the subject, which provide severe punishment for any person who sells or uses alcoholic preparations for illegal purposes? Surely law-abiding business men are entitled to your sympathetic support, instead of being harassed on all sides in their lawful pursuits.

On March 28 Commissioner Doran received an inquiry from Mr. Chalmers Potter, of Messrs. Green, Green & Potter, Jackson, Miss., as to the denaturants used in the manufacture of Sterno Canned Heat, and whether the Federal laws were adequate to punish any person who unlawfully extracted a liquid from the product and diverted it to beverage purposes. The commissioner sent to him, under date of the 29th ultimo, the following telegram:

[Treasury Department telegram]

CHALMERS POTTER, OF GREEN, GREEN & POTTER,
Merchants Bank Building, Jackson, Miss.:

Replying yours 28th, Sterno Canned Heat is a solidified fuel manufactured pursuant to formula approved and permit issued under provisions of national prohibition act. Revised formula voluntarily perfected by company recently and approved by this omice shows that it contains 5 per cent of denaturing grade wood alcohol and other ingredients including pyridine and kerosene with nitrocellulose as the solidifying substance. Any liquid which might be unlawfully obtained therefrom would still contain such wood alcohol, pyridine, kerosene, etc., and could not be called a beverage or be classified among intoxicating liquors. Federal laws now provide penalties for diversion by any method of this or any other lawful alcoholic product to beverage purposes.

J. M. DORAN,
Commissioner of Prohibition.

This is a most illuminating instance of cooperation between legitimate industry and the Government in making lawful alcoholic commodities totally unfit for beverage purposes and the fact that if the Federal laws are strictly observed and enforced, innocent people will not be harmed; and that those who deliberately manipulate and misuse such commodities are liable to severe penalties thereunder. Furthermore, section 4, Title II, of the national prohibition act provides that any person who shall knowingly sell any articles, such as denatured alcohol, medicines, toilet preparation, flavoring extracts, or other lawful alcoholic compounds "under circumstances from which the seller might reasonably deduce the intention of the purchaser to use them for," beverage purposes, shall be subject to the penalties provided in section 29 of that title.

The formula prescribed by the Bureau of Prohibition for the production of solidified fuels such as Sterno Canned Heat is identical with that required in the production of paints, varnishes, lacquers, polishes, automobile radiation solutions, inks, dyes, and innumerable other items of everyday commerce.

Special reference is made to Exhibit B on page 133 of Senate Document No. 195 of January 11, 1927. The major portion of this document is a letter from the Secretary of the Treasury, transmitting information in response to Senate Resolution 311, and the exhibit to which special reference is made is the report on the use of denaturants in industrial alcohol. This report was signed by J. M. Doran, then head of the industrial alcohol and chemical division, and a man who has had years of specialized experience in this field. His unique experience before being elevated to the office of Commissioner of Prohibition is a major factor in the success which has so far met his efforts in his present office. Anyone interested in the subject of denatured alcohol must read this report if he makes any claim to being informed.

WASHINGTON, D. C., *April 3, 1928.*

Hon. GRANT M. HUDSON,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN: In the event that Representative SIROVICH or his following should refer to an article in yesterday's New York Times (perhaps carried in other papers) of eight so-called "poison-liquor" cases, you can counter with the unequivocal statement that Dr. F. Fagan, head of the psychopathic ward, Bellevue Hospital, New York City, reports that in none of them was wood alcohol a factor and that the symptoms were those of ordinary alcoholism, and, he adds, he has not had a case of wood-alcohol poisoning for several years. But one of the patients in the group died and Dr. Alexander Gettler, toxicologist in the office of the medical examiner, New York City, states that the autopsy did not show the presence of wood alcohol but merely indicated death from alcoholism.

The above information came to me over the telephone after writing you this morning. It is being sent to you simply to prepare you should the specific publicity in question be mentioned during the course of your remarks.

Sincerely yours,

JAMES P. MCGOVERN.

WHAT CENSUS BUREAU FINDS

We know of only two compilations of figures that give a picture of the country as a whole. One is by the Census Bureau at Washington, the other by the Metropolitan Life Insurance Co. An extract from the Census Bureau report on deaths and death rates per 100,000 estimated population, in the registration area, registration States, and each State, from wood or denatured alcohol shows the following:

	1925	1924	1923	1922	1921
Number of deaths	182	180	143	201	194
Rate per 100,000	0.2	0.2	0.1	0.2	0.2

States showing 10 or more deaths in 1925 are the following:

	1925	1924	1923	1922	1921
California	17	14	14	12	6
Rate	0.4	0.4	0.4	0.3	0.2
New Jersey	10	6	10	34	11
Rate	0.3	0.2	0.3	1.0	0.3
New York	16	26	12	25	22
Rate	0.1	0.2	0.1	0.2	0.2
Ohio	12	30	11	8	15
Rate	0.2	0.5	0.2	0.1	0.3
Pennsylvania	15	7	8	16	12
Rate	0.2	0.1	0.1	0.2	0.1

In evaluating these figures we must again bear in mind that some of these deaths were due to drinking pure methanol. For example, the New York figures will show an enormous increase for 1926. In the summer of that year over 20 deaths were caused in Buffalo as a result of one batch of bootleg liquor, traced back to a shipment of German synthetic methanol. Of course this has no connection with denatured alcohol. Likewise, a few weeks ago three men died in Jersey City as the result of a drinking bout. Analysis of the liquor found showed pure methanol.

Only a few weeks ago the American Chemical Society heard the following from the chairman of its industrial alcohol committee:

"An ignorant belief that denatured alcohol without added poison would be a beverage, and that poison is added by the Government to make its use as a beverage dangerous; the vote-attracting possibilities of any measure that is aimed to protect the 'innocent' drinker of denatured alcohol or of illicit drinks made from it; and the vague hope that such agitation may result in changes that will make the bootlegger's work easier and the drinker's supply more plentiful and safer.

"No matter what the cause of this agitation may be we must not lose sight of the fact that denatured alcohol is unmistakably unfit for beverage purposes when sold, and that if criminals improve the taste and odor so that it appears to be potable without removing any possible poisonous character the guilt is theirs.

"The primary reason for denaturing alcohol is not to poison it but to render it unmistakably nonpotable, and the Government must insist on denaturants that are hard to remove in all denatured alcohols that are readily procurable and permitted to be used without stringent regulation."

We have purposely refrained from discussing the ethical aspects of "poison liquor." It is the business of health officers to consider all serious health hazards, regardless of the question as to whether the victim suffers as the result of a deliberately lawless act on the part of himself or others. Nevertheless we can not refrain from closing with the following sentence from the Journal of the American Medical Association (January 15, 1927):

"The records do not reveal a single human death from denatured alcohol when used in automobile radiators."

Opinions will differ as to what attitude should be taken in the case of a man who disregards the poison label on denatured alcohol and proceeds to indulge his appetite, unmindful of the caution placed there for his protection and of the odors and tastes provided as a further warning. Even those who are

illiterate have no difficulty in interpreting the meaning of the skull and crossbones, for this insignia on a package conveys its warning in every language.

Opinions may also differ as to whether legitimate industry requiring alcohol as a raw material for the manufacture of many things which we all use should be compelled to take the risk of great fines and terms of imprisonment in case mildly denatured alcohol is diverted by a dishonest employee, or whether we shall adhere to the principle of supplying industry with what it can use, protecting this supply with a denaturant impossible to remove, yet not objectionable to the industrial process, regardless of whether it is toxic or not. It is clear, however, that industrial alcohol can not find its way into beverage uses unless criminally manipulated and unless all the warnings put there to safeguard the public are disregarded and more or less completely removed. There can be no difference of opinion as to the conscientious efforts of chemists in and outside the Government employ to obtain a denaturant that will at the same time protect the supply of industrial alcohol and cause no injury to that exceedingly small percentage of the population which insists upon the gratification of an appetite at all costs. The problem of denaturing industrial alcohol can be solved not through the attacks of inadequately informed though well-meaning persons, but by constructive, scientific contributions.

Mr. Speaker, I now ask unanimous consent of the gentleman from Maryland to extend my remarks in the RECORD.

The SPEAKER pro tempore (Mr. ACKERMAN). The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. LINTHICUM. The gentleman from Maryland will allow the gentleman from Michigan to extend anything he pleases. [Laughter.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

COMPENSATION OF CERTAIN UNITED STATES GOVERNMENT EMPLOYEES

Mr. WOODRUM. Mr. Speaker and gentlemen of the House, on the 19th of March the Civil Service Committee of the House began hearings on what is known as the Welch bill (H. R. 6518). Probably no piece of legislation considered by the House at this session has evoked more general interest among the Members of the House as well as the public at large.

On that day our committee was visited by a delegation of employees of the Federal Government, some 2,000, asking that Congress consider the question of an increase in their pay. Lengthy hearings have been had by the Civil Service Committee on the subject. Much useful information upon the subject of salaries and wages in private industry and the Federal service has been presented to our committee. No executive session has been had on the bill as yet, therefore I do not feel that I am in any way violating the rules of the House or my duty as a member of the committee when I bring the matter on the floor for discussion. My reason for doing this is because something like 200 Members of the House appeared either personally before the Civil Service Committee or were there by proxy to signify their approval and support of the Welch bill. Without in any way meaning to reflect upon the view of any Member, I have an idea that very few of the Members who indorsed the bill had had an opportunity to study it in detail and thus really understand just what they were indorsing. They were asked and importuned to indorse the project of increasing the salaries of the so-called "poor underpaid Federal employees." Upon that theory, and thinking, of course, that the bill in question would accomplish that result, they appeared before the committee and indorsed it. The big appeal of the Welch bill has been that it sought to relieve a condition among the lower salaried Federal employees, many of whom are now working at starvation wages, and when you have read in the press, editorially or in the news columns, comment upon this legislation, it has always been spoken of as legislation designed to do justice to the "underpaid employees." As a member of this committee, and speaking entirely for myself and on my own responsibility, I could not support the Welch bill as it stands at present, because I do not believe it accomplishes that purpose, and unless radical changes were made in it which would entirely change its whole philosophy I could not support it.

I want in the few moments granted me to engage your attention and put into the RECORD for the benefit of those who are not here just a few comments and observations on the bill, and if those comments and observations shall have the effect of provoking some study and discussion of the question, that we might all understand it better, then I shall feel abundantly repaid for imposing upon your time now.

In the first place, as we know, we are within a few weeks of the adjournment of this session of Congress, probably within five or six weeks, if we adjourn on May 19, which I understand is the tentative date that has been set. To my mind, the Welch bill has obstacles standing in the way of its immediate consideration or passage. In the first place, it is a most complicated measure. It seeks to approach the question of salary raise by rearranging the salary schedules in the classification act of 1923, as amended, and if you read it and study it in all of its long, complicated provisions, it is impossible for you to tell, just as it has been impossible for any of the governmental departments to tell, just what effect it will have on the salaries of Federal employees.

The philosophy of the Welch bill is that by increasing the salary range of the classified civil service there will thereby be an increase in the salary of the employees in these departments. That does not necessarily follow at all. It would be entirely possible for the personnel classification board by rearranging his grade to deprive him of any increase whatever. I do not suggest that this would be done, but it would be possible. Not only that, but there are other objections to the Welch bill that make it impossible to consider it hastily or give it that expeditious consideration which we must give if we hope to have relief at this session of Congress. In the first place, there is wide speculation as to whether the Welch bill will even affect the field service at all. If you examine the hearings, you will find that the question was asked a great many people, and they expressed some doubt and some apprehension as to whether or not, if the Welch bill were to become a law, its provisions would effect an increase in the salaries of the employees in the field service. That is because there has never been any classification of the field service of the Federal Government. A law was passed requiring the classification board to make a classification of the field service, but that has not been done. The salaries of the employees in the District of Columbia are fixed by the classification act, and as far as practicable the departmental heads are instructed in the various appropriation bills to make the salaries in the field conform to the salaries in the classification act; but there is no assurance whatever, when you pass the Welch bill, that the salaries of your constituents at home in the field are going to be in any way affected or raised by the provisions of that bill.

In the second place, it has a most controversial provision in it, and that is the idea of establishing a minimum wage. Personally, I do not believe that the idea of establishing a minimum wage is sound. I do not believe it can be successfully defended from the economic standpoint. I do not believe it is necessary to establish a minimum wage in order to pay living wages to the employees of the Government; and if you establish a pay roll upon any other theory than that of paying a person a reasonable value for the service rendered, you are violating a fundamental rule of economics. So that with that provision in it, the Welch bill would bring an endless controversy and make it doubtful of passage at this session of Congress.

More serious than that is the objection that nobody to date has been able to furnish a reliable estimate of the approximate cost of the Welch bill. The National Association of Federal Employees estimated the cost at $35,000,000, while the Bureau of Efficiency has estimated the approximate cost at $68,000,000, and the Bureau of the Budget has estimated it at $90,000,000. Nobody to date has been able to tell what it would cost, or what obligations would be imposed on the Federal Treasury because of the passage of that bill.

A still more fundamental objection to the philosophy of this legislation is the fact that we are told it will give relief to the "poor underpaid Federal employees," "the departmental clerks working now at almost starvation wages," the young ladies and young men in the departments drawing from $1,000 to $1,200 a year, with families to support. Let us see what the Welch bill does for them. Take the first classification, the clerical, administrative, and fiscal service; go to grade 1 of that service, the lowest grade, and you will find that the present salary range in the lowest grade is from $1,140 to $1,500. Under the provisions of the Welch bill that is increased from $1,500 to $1,740, or an increase of $360 in the minimum and $240 in the maximum.

But now when we drop down to grade 7 of the clerical, administrative, and fiscal service, under existing law the salary range is from $2,400 to $3,000. Under the Welch bill it is made to range from $3,100 to $3,400. It gives that class of employees a salary range increase of $700 at the bottom and $400 at the top. Then when you drop down still further to the highest-paid employees in that grade, or grade 14 of the clerical administrative and fiscal service, under existing law you find it is $7,500, and under the Welch bill the minimum is $9,000 and from there up to $10,000 to the maximum.

So when we are told that the Welch bill is to relieve the "underpaid Federal employees," we see that it gives the em-

ployees getting $1,200 now an increase of $300, and the employee who is now getting $7,500 an increase of $1,500.

That is the philosophy of this bill right straight through from the beginning to the end when you come to analyze it. Personally I can not subscribe to that theory of legislation.

Not only that, gentlemen, but let me draw a few practical illustrations of what this bill will do, as developed in the hearings to which I have referred. I quote from the testimony of Mr. Walter P. Taylor, in the Forestry Service, from Tucson, Ariz. He gives some valuable information as to the salaries paid under the classification act and the various phases of it. I asked him this specific question, because I wanted to get, if I could, a practical illustration of how this bill would operate upon the salaries of the employees: A typist in the Veterans' Bureau, who is in grade 1 of the clerical administrative and fiscal service at the present time, with an average salary of $1,320, under the Welch bill would get an increase of $300 a year, or $25 per month. Under the Welch bill the forest supervisor at Tucson, Ariz., at present receiving a salary of $5,400, would get an increase of $600, or an increase of $50 per month.

Now, I find upon questioning this gentleman a little further that this department forester at Tucson, Ariz., in 1914 was receiving $3,000 and in 1927 was receiving $5,400, and now we propose under the Welch bill to give him a salary of $6,000, while at the same time we are giving the young lady in the Veterans' Bureau, the typist to whom I have referred, an increase of only $300 or perhaps less.

Not only that, but I find that forest rangers in 1914 received $1,122 and in 1917 received $1,761, and under the Welch bill they would receive $2,161, or a raise of $400. In addition to that their quarters are furnished.

Now, gentlemen, my time is almost up and I do not want to delay you, but in a word that is the philosophy of the Welch bill. I want to see enacted at this session of Congress legislation that will relieve the employees in the lower grades of salaries. It is entirely possible that many of the so-called higher-paid employees are not receiving what they should. I do not know as to that; but at least it can not be fairly said that one receiving a salary of, say, $3,000 plus is not receiving a living wage. The real emergency, however, calls for relief for the low-salaried employees. I want to see that relief. I believe that the Members of this House would want to do that. I believe the Committee on the Civil Service would want to do that, and I believe the administration would approve of that. Therefore I have drawn a bill and introduced it, the bill H. R. 12696, and upon it you will need to have no further hearings, and you could figure the cost of it on the back of a postage stamp, and it will relieve the underpaid employees. It provides for a flat increase in the salary of governmental employees of $300 a year.

A bill (H. R. 12696) to increase the compensation for certain civilian employees of the Government of the United States and the District of Columbia, and to amend the salary rates contained in the classification act of 1923, as amended

Be it enacted, etc., That each annual rate of compensation prescribed in section 13 of the classification act of 1923, as amended, is hereby increased by $300; and each hourly rate of compensation prescribed in such section, as amended, is hereby increased by 12½ cents.

SEC. 2. That the compensation of all civilian employees of the Government of the United States and the District of Columbia shall be increased in the amount of $300 per annum, whether paid at per diem rates, by the hour, by piecework, or per annum.

SEC. 3. That the provisions of this act shall not apply to the following:

Employees paid from the postal revenues and sums which may be advanced from the Treasury to meet deficiencies in postal revenues, except employees of the Post Office Department in the District of Columbia, who shall be included; employees in the recognized trades and crafts whose pay is adjustable from time to time through wage boards or similar authority to accord with the commercial rates paid locally for the same class of service; employees whose duties require only a portion of their time, except charwomen, who shall be included; persons employed by or through corporations, firms, or individuals, acting for or on behalf of, or as agents of the United States or any department or independent establishment of the Government of the United States in connection with construction work or the operation of plants; employees who receive a part of their pay from any outside sources under cooperative arrangements with the Government of the United States or the District of Columbia; employees who serve voluntarily or receive only a *nominal compensation*; and employees who may be provided with special allowances because of their service in foreign countries.

SEC. 4. This act shall take effect from the date of its enactment.

Now, gentlemen, what does that do? It gives to your poor underpaid employee in the custodial service, who is now getting $900 a year and can barely live on it, $25 a month extra. It goes on up the line and gives that increase in salary to all the employees, and, as I say, you can figure the cost of it on the back of a postage stamp. It is easy of administration, it will provoke no argument, and its cost is very much less than the estimated cost of the Welch bill.

Mr. SNELL. Will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. SNELL. If the gentleman has it handy, how many Government employees in the District of Columbia receive less than $900 a year?

Mr. WOODRUM. I can not give the number of employees who receive less than $900 a year, but I can say this: That there are 45,000 employees in the District of Columbia who would be affected by the provisions of the Welch bill. I do not have the figures which the gentleman asks for.

Mr. SNELL. I did not suppose there were any on full-time pay who were receiving less than that.

Mr. WOODRUM. There may not be, but there are quite a number who receive $1,000 and $1,200 and many who receive $1,160 and a great many who receive less than $1,500.

Mr. LAGUARDIA. There is a large class of employees receiving $1,160?

Mr. WOODRUM. Yes. The army of employees which you saw marching over to the Civil Service Committee were in the class of employees receiving from $1,000 to $1,500.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to proceed for five additional minutes.

The SPEAKER. The gentleman from Virginia asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. MORTON D. HULL. Were they full-time employees?

Mr. WOODRUM. In answer to the gentleman I will say I think they were full-time employees who came to the committee.

Mr. FLETCHER. Will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. FLETCHER. Would that $300 apply to the field employees?

Mr. WOODRUM. It applies to everybody. If my bill is given consideration by the committee, it will apply to everybody in the field and to those in the classified service. The first section of the bill provides for a flat increase of $300 to all the grades of pay under section 13 of the classification act, in order that by raising the salaries of employees we would not conflict with or confuse the grades now established.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. COLE of Iowa. Would it be possible for the gentleman to tell us how many employees all together his bill would affect?

Mr. WOODRUM. It has been estimated in the figures furnished by the Bureau of Efficiency that there are 45,000 employees in the District of Columbia who would be affected by the Welch bill, and that there are 90,000 in the field service who would be affected by the provisions of that bill. Therefore there would be 135,000 employees affected by the terms of this legislation at $300, which would make an increase in the annual pay roll of $40,500,000. My bill affects everyone contemplated in the Welch bill. So there would be no controversy about it. The administration could pass on it in five minutes, and, gentlemen, you would give relief where relief is needed. I am willing to subscribe to that doctrine, but I do not subscribe to the doctrine of giving most to the man who has the most.

I have brought this matter to the floor of the House because 200 Members of Congress have expressed their interest in it by appearing before our committee. I know I can speak for the distinguished and able chairman of our committee by saying that the Civil Service Committee wants to do what it can to meet this great appeal that has been made to it for relief, and we are going to do the best we can; but I offer a plan which is simple and which will accomplish just what it has been said is desired to be accomplished by the passage of the Welch bill. [Applause.]

PERMISSION TO FILE MINORITY VIEWS

Mr. FORT. Mr. Speaker, the majority report on H. R. 7940 has been filed to-day. It was understood in the committee that minority members desiring to file minority views should have five legislative days after the filing of the majority report in which to file such views. I would like to ask leave on behalf of the members of the minority to file such views within five days.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that the minority members of the Committee

on Agriculture may have five legislative days in which to file their views. Is there objection?

Mr. COLE of Iowa. Mr. Speaker, reserving the right to object, is it not possible for the gentleman, after all the study he has given to this legislation, to prepare his report in five hours?

Mr. FORT. I prefer to have the five days.

Mr. COLE of Iowa. Very well; then I will not object.

Mr. LEHLBACH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEHLBACH. Was not such consent granted the other day at the request of the gentleman from Tennessee on behalf of Mr. ASWELL and other members of the committee?

The SPEAKER. The Chair is informed that this leave was asked for and granted the other day.

Mr. SNELL. Mr. Speaker, the request of the gentleman from New York [Mr. CLARKE], as I remember it, was with respect to his own minority views and not for the filing of general minority views?

Mr. FORT. I do not know that there is a general one.

Mr. LEHLBACH. Mr. Speaker, the request of the gentleman from New York was amended by the gentleman from Tennessee [Mr. GARRETT], who spoke of the gentleman from Louisiana [Mr. ASWELL] and others who might be in the minority.

The SPEAKER. The Chair is informed by the Clerk that that is the case.

EXPORT TRADE

Mr. MICHENER. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 150) and ask that the same may be read from the Clerk's desk.

The SPEAKER. The gentleman from Michigan calls up a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 150

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 8927, to amend the act entitled "An act to promote export trade, and for other purposes," approved April 10, 1918. That after general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MICHENER. Mr. Speaker, this rule makes in order the bill H. R. 8972. I have had no calls for time to debate the rule except I think the gentleman from North Carolina [Mr. POU] desires 10 minutes.

Mr. POU. I will say to my colleague that I would like to have 10 minutes which I may yield.

Mr. MICHENER. Yes. The purpose of the bill, in a general way, I think, is generally understood by the House. Full discussion will be permitted under the rule. Four hours is provided for general debate. This bill will be considered under the general rules of the House and free opportunity will be given for amendment. With this understanding, I feel that it is hardly necessary to go into details with respect to the bill while the rule is being considered.

I may say, Mr. Speaker, this is a unanimous report from the Committee on Rules and I understand there is no opposition to the rule.

I yield 10 minutes to the gentleman from North Carolina [Mr. POU] to yield as he may see fit.

Mr. LAGUARDIA. Will the gentleman yield just a moment?

Mr. MICHENER. Yes.

Mr. LAGUARDIA. There is no opposition to the rule, but there is opposition to the bill.

Mr. MICHENER. Surely.

Mr. POU. Mr. Speaker, the Committee on Rules felt that this was a measure that the House should have an opportunity to consider. The fact there was a unanimous report from the committee does not mean that the minority on the Committee on Rules will support the measure. It was decided that in view of the importance of the measure, and in view of the sentiment of the House, as we understood it, the House should have an opportunity to vote on the measure. This is all I care to say with respect to the rule.

Mr. MICHENER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I rise to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Mr. Speaker, my inquiry is relative to the disqualification of certain Members of the House to vote upon this measure, and I ask the indulgence of the Chair so that I may state the facts upon which I base my inquiry. I shall, of course, be guided by the Speaker's ruling on the matter of raising the point of order.

Under the rule just adopted, H. R. 8927, a bill "To amend the act entitled 'An act to promote export trade, and for other purposes,'" is now before the House for consideration. I make the inquiry at this time, as I believe that a ruling from the Chair will not only clarify the situation, but will save considerable time if the question were first raised immediately prior to the taking of a vote on the passage of the bill.

The bill under consideration permits an association of individuals or corporations for the purpose of engaging in certain import trade. Import trade as described in the bill itself means solely trade or commerce in crude rubber, potash, sisal, or other raw materials certified by the Secretary of Commerce as coming within the definition of the bill, to wit, to be controlled by any foreign government, combination, or monopoly. While the formation of a pool as to sisal and potash under the bill may be in its formative stage, it is safe to say that it has not progressed to such a stage as to make its components easily identified. As to the other raw materials, which may later on be certified, an association under the bill is so remote as not to come within the purpose of my inquiry. When we come to the crude rubber, however, we know exactly just who this bill will affect. The reason we know this is that the pool or association which would be legalized under this bill is now in existence. Not only the hearings before the committee disclosed this fact, as well as the identity of the components of the pool, but their public activities, the purchases made, and the obtaining of huge credit leave no doubt as to its existence and the corporations that form part of this pool or association. It is understood that the pool or association is now composed of the United States Rubber, B. F. Goodrich Co., Goodyear Tire & Rubber, Firestone Tire & Rubber, Fisk Rubber, General Motors Corporation, Kelly-Springfield Tire Co., Ajax Rubber Co., Willys-Overland Co., Dodge Bros., Packard Motor Car Co., and the Studebaker Corporation. This bill affects actually not all the rubber companies in the United States, not all the automobile companies in the United States, but a limited number now known and now subject to identification. There are a certain selected few corporations now in a pool and now operating.

Mr. MICHENER. Will the gentleman yield?

Mr. LAGUARDIA. As soon as I conclude——

Mr. MICHENER. But the gentleman has said that these people constitute a certain selected few. As a matter of fact, is it not true, and does not the gentleman know, that when this pool was formed that all buyers or users of rubber in America were asked to join, and that these concerns belonging did become members, and by virtue of the existence of that very pool the price of rubber was brought down from $1.20 a pound until to-day we buy it for less than 42 cents a pound, and the consumer is the ultimate beneficiary of this law if it becomes effective and operates as contemplated?

Mr. LAGUARDIA. I will assume the facts stated by the gentleman, but not his conclusion that the consumer is the ultimate beneficiary of the legislation under consideration.

Mr. Speaker, assuming it to be true that others were invited to join and did not avail themselves of the privilege that is not the question; the important point is that there was a pool formed by certain corporations now known and identified. The bill, if enacted into law, will result in a direct benefit to certain now known corporations. This bill does not affect all corporations in the United States, it does not affect all automobile corporations in the United States, but its conceded purpose will bring advantages and privileges to a certain small group of corporations now in existence. Therefore this bill affecting particular corporations, I desire to inquire whether a Member directly interested in that corporation as a stockholder comes within the prohibition and intent of section 1 of rule 8 of the rules of this House. In this connection I desire to call attention to the ruling of Mr. Speaker Blaine of February 28, 1873, found in section 5955 of Hinds' Precedents.

That ruling seems to me to be directly in point, and with the indulgence of the Speaker I will read it in full:

A bill affecting a particular corporation being before the House, the Speaker held that a Member directly interested in that corporation as a shareholder had no right to vote.

Instance wherein the Committee of the Whole reported a question of order to the House for decision.

On February 28, 1873, the Senate amendments to the legislative appropriation bill were under consideration in Committee of the Whole House on the state of the Union, and a vote by tellers was taken on an amendment relating to the Central Pacific Railroad.

Before the announcement of this vote, Mr. William S. Holman, of Indiana, made the point of order that Mr. Samuel Hooper, of Massachusetts, who had voted, was personally interested in the railroad, and therefore not entitled to vote under the rule.

The Chairman [Henry L. Dawes] said:

"That is a question of fact, which the Chair is not called upon to decide. The Chair rules that no Member interested directly in the effect of this vote is entitled to vote, neither the gentleman from Massachusetts nor any other Member of the House. If any gentleman violates this rule in voting, he is subject to such discipline in this House as the House itself shall determine."

Further objection being made, Mr. James A. Garfield, of Ohio, moved that the committee rise and report the question to the House for its decision. This motion being agreed to, Speaker Blaine held:

"The Chairman of the Committee of the Whole reported that the committee have had under consideration the Senate amendments to the legislative, executive, and judicial appropriation bill; that the ninety-third amendment of the Senate being reached (relating to the payment of interest by the Union Pacific and Central Pacific Railroad companies), the gentleman from Indiana [Mr. Holman] raised the point of order upon the gentleman from Massachusetts [Mr. Hooper] that the latter gentleman, being directly interested, had no right to vote. Upon that question the Chair will state that as a matter of parliamentary law it is laid down in the rules that where the interest is direct a Member has no right to vote. In this case, if the gentleman from Massachusetts [Mr. Hooper] be a stockholder in that road the Chair would rule he had no right to vote. It differs from the case of national banks, which has been brought up in several instances, in the fact that this is a single corporation and is not of general interest held throughout the country by all classes of people in all communities. It was long ago ruled by Speaker Winthrop, in a decision in the Massachusetts Legislature, which has ever since been held to be a guide on that subject, on the point being made against a gentleman who had some corporate interest in some corporations which were general throughout the Commonwealth, and it was shown to be an interest in no sense individual and could not be narrowed down to a question of personal interest as separate and distinct from the general interest. In reference to the question of national banks, which circulate the currency of the whole Nation, whose stockholders are numbered by thousands, residing in every community, the Chair would hold no point could be made against a Member, because there is no interest there separate and distinct from the general public interest. But if a stockholder in a single railroad corporation, as in this case, has his vote challenged it would be the duty of the Chair to hold, if he is actually a stockholder of the road, that he has no right to vote. * * * The Chair so decides without any knowledge in this particular case. It is for the gentleman from Massachusetts [Mr. Hooper], whose delicacy the Chair knows and cheerfully recognizes, to relieve the House from any embarrassment on that question.

"Mr. Hooper withdrew his vote."

It strikes me, Mr. Speaker, that in the case just cited, the decision applied to one corporation, while the bill under consideration will affect six or seven corporations. I will, of course, concede that in the ruling of Mr. Speaker Blaine the particular corporation was named in the bill, while the bill under consideration does not mention by name any particular corporation. I submit, however, that the purpose of the rubber pool is so clear, its existence so certain, its activities so gigantic that there can be no doubts of its existence and component members.

Now, it will be argued that it would be impossible to disqualify a large class of the membership of the House when the bill is general in its terms. But I submit, Mr. Speaker, that this bill, while at the first glance it may give the impression that it is general, its purpose, I repeat, is so well known and established that there can be no doubt as to the corporations directly affected and benefited. That being so, clearly it brings it within the purview and ruling by the Speaker of the House in 1873.

I want to submit, Mr. Speaker, that when it is argued that the Speaker can not go beyond the bill that he is limited by the fact that the bill does mention any particular corporation—such an argument is not in keeping with modern sense of legislative propriety.

The question here is one of propriety, one of public decency. For instance, the attitude of Members of the New Jersey delegation in 1839—when the question of seating the entire New Jersey delegation was under consideration each Member voted to seat their colleagues but did not vote on his own matter—might have been technically proper in those days, but to-day it would not be so accepted. Such action would be considered poor taste and indelicate in our time. There is a new standard of requirement in the exercise of public duty, and the question is not whether by looking at the bill a Member may be involved; the question is whether the Member who votes can turn around and face his 434 colleagues and look them square in the eye.

Mr. SNELL. Mr. Speaker, the question raised by my colleague is one that has been raised on this floor several times. Fortunately there is a long line of precedents bearing directly on this proposition and which are on all fours with the proposition before the House at the present time.

In the limited time I have been able to look over the precedents, the prevailing idea in each one of the decisions is exactly the same; and that is this:

That whenever a piece of general legislation is before the House which affects a general class, no individual Member of the House, because he happens to be a member of that class, is disqualified from voting.

The gentleman from New York has referred to the decision in 1873, Hinds, 5955. Unfortunately, that decision is not on all fours with the proposition now before us; but if he had turned back to Hinds, 5952, he would have found a decision by the same Speaker, Mr. Blaine, about one year after the one cited by my friend Mr. LAGUARDIA, of New York, which deals with precisely the same situation we have before us now. Probably this decision is the most complete decision ever rendered on this subject. Mr. Speaker Blaine went into the whole proposition very carefully, completely, and elaborately, and a few years ago Speaker Clark had the same question before the House, and he quoted quite fully from Speaker Blaine's decision and fully agreed with the decision of Mr. Blaine at that time. In brief, it was that when legislation pertains to a general class there is nothing in it that disqualifies an individual Member from voting.

To bring it down to recent times and within the memory of all of us, no one would have thought of the question of qualification of 50 or 60 Members of this House who had had distinguished service in the World War—and my friend LAGUARDIA was one of them—when they voted on legislation that had to do with hospitalization, compensation, and even bonus. Each one of these Members might come under the provisions of this legislation and sometime receive benefits from that law. But no one ever questioned the right of those Members to vote on that question for the simple reason that each one was a Member of a large class of three or four million men that were affected by that legislation, and it was in no way personal legislation as far as he was concerned.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. LAGUARDIA. Does the gentleman compare the veterans' legislation and the vote on that legislation by ex-service men with the vote by stockholders of the General Motors Corporation?

Mr. SNELL. That is not a fair question, for this reason: This is a parliamentary situation and has nothing to do with the merits of the bill in hand, and we must treat the facts exactly as they are, and what you or I think about the legislation has nothing to do with it.

Mr. COLE of Iowa. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. SNELL. In a moment. The gentleman from New York [Mr. LAGUARDIA] has referred to Hinds' Precedents, section 5955. That precedent refers to a bill "affecting a particular corporation." According to the gentleman's own statement, there are at least 11 large corporations affected by this bill.

Mr. MICHENER. Mr. Speaker, will the gentleman yield right there?

Mr. SNELL. Yes.

Mr. MICHENER. This bill does not affect any particular corporation. This does not affect a particular pool or combination. This simply authorizes the formation of importing pools or combinations if and when the Secretary of Commerce finds it necessary and so certifies.

Mr. SNELL. And furthermore, any man in the United States who uses rubber in the manufacture of goods may come in under this general law.

Mr. MICHENER. And every farmer who uses sisal on his farm would be directly benefited if this law should become effective and operate as contemplated.

Mr. SNELL. That is what we hope will be the final effect of the law. For that reason the gentleman's first premise is not correct. This bill applies to general corporations in the rubber business, with thousands of stockholders, rather than to a specific or special one, and the precedent that he refers to in Hinds' Precedents—section 5955—is purely an individual railroad. If that bill had affected all the railroads of the country, it would have been an entirely different proposition.

Mr. MICHENER. And may I ask the gentleman from New York [Mr. LAGUARDIA] if he thinks this decision goes so far as to prevent a farmer Member of Congress from voting for the McNary-Haugen farm relief bill, because he was to receive a direct benefit from its passage.

Mr. LAGUARDIA. That would come squarely within the decisions that the gentleman from New York [Mr. SNELL] is urging.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. CHINDBLOM. If the argument of the gentleman from New York [Mr. LAGUARDIA] were to prevail, every single Member of this House would be disqualified from voting for a revenue bill which reduced the tax on his salary, because every salary is subject to tax.

Mr. LAGUARDIA. Oh, the rulings cover that.

Mr. SNELL. The prevailing idea in every one of these decisions is well summed up in the statement in Hinds' Precedents, section 5952:

> Where the subject matter before the House affects a class rather than individuals, the personal interest of Members who belong to that class is not such as disqualifies them from voting.

As far as I am able to find, there is not a single exception to that rule, and I can see no reason for raising a point of order such as the gentleman from New York [Mr. LAGUARDIA] has raised.

Mr. COLE of Iowa. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. COLE of Iowa. The gentleman from Michigan [Mr. MICHENER] has already raised the point that I wanted to call attention to. If what the gentleman from New York [Mr. LAGUARDIA] contends for is upheld, then one-half of the membership of the House from the Corn Belt States would be disqualified from voting on the McNary-Haugen bill.

Mr. LAGUARDIA. Not under the decisions.

Mr. COLE of Iowa. I may speak for myself personally. I am directly interested in farm lands, and when I vote for the McNary-Haugen bill I know that it will affect my own personal interest, but I claim the right to vote for it none the less.

Mr. CHINDBLOM. Does not the gentleman think there is sufficient doubt about his receiving any benefit from the legislation in question? [Laughter.]

Mr. COLE of Iowa. It is at least the purpose of the bill to benefit farmers and farm-land owners, and my vote will be cast in consciousness of that purpose.

The SPEAKER. The Chair is glad to answer the inquiry of the gentleman from New York [Mr. LAGUARDIA]. The gentleman was kind enough to notify the Chair some days ago that he would probably present a parliamentary inquiry such as he has just made. The Chair has had some opportunity to examine the precedents, and is quite familiar with the precedents, even without this particular examination.

The gentleman from New York [Mr. LAGUARDIA] raises the question whether any Member of this House who happens to be interested as a stockholder in any of the corporations which may be affected by the legislation provided for in H. R. 8927 is qualified to vote on the bill. The gentleman from New York quoted a decision of Mr. Speaker Blaine, announced in 1873, which hinged upon the question as to whether a Member who was at that time a stockholder in the Central Pacific Railroad had the right to vote on a bill which might directly affect that road. Mr. Speaker Blaine in rendering that decision laid stress upon the proposition that this was one single corporation and not a class of corporations. In section 5955, Hinds' Precedents, the summary of the decision is as follows:

> A bill affecting a particular corporation being before the House the Speaker held that a Member directly interested in that corporation as a shareholder had no right to vote.

A year later the question was raised as to whether Members interested in banks should have the right to vote on legislation which might possibly affect the financial condition of those banks. The summary of the decision on that question as announced in Hinds' Precedents, section 5952, is as follows:

> Where the subject matter before the House affects a class rather than individuals, the personal interest of Members who belong to the class, is not such as to disqualify them from voting.
>
> The power of the House to deprive one of its Members of the right to vote on any question is doubtful.

At that time the point was raised by Mr. Speer, of Pennsylvania, that certain Members holding stock in national banks were not entitled to vote "being personally interested in the pending question," and he referred to three Members of the House who had stock in national banks.

The ruling of Mr. Speaker Blaine on that question is so elaborate and so thoroughly covers the whole subject, and so thoroughly applies to this case that, while it is long, the Chair thinks the House will be interested in hearing the decision of Mr. Blaine. The Chair will ask the Clerk to read it.

The Clerk read as follows:

> The Chair will say that the question in fact lies somewhat back of the rules of the House, and while the Chair is going to give his opinion upon the rule and construe it, he begs to make a remark that goes somewhat deeper than the rule. When a very distinguished predecessor in this chair, Mr. Nathaniel Macon, of North Carolina, occupied it, as is familiar to the House, a question arose upon the amendment to the Constitution changing the mode of counting the votes for the election of President and Vice President. The rule at that time was peremptory that the Speaker should not vote except in the case of a tie. It has since been changed. The vote, if the Chair remembers correctly, as handed up to Mr. Macon was 83 in favor of the amendment and 42 opposed to it. The amendment did not have the necessary two-thirds and the rule absolutely forbade the Speaker to vote, and yet he did vote, and the amendment became engrafted in the Constitution of the United States upon that vote; and he voted upon the distinct declaration that the House had no right to adopt any rule abridging the right of a Member to vote; that he voted upon his responsibility to his conscience and to his constituents; that although that rule was positive and peremptory, it did not have any effect upon his right. He voted, and, if the Chair remembers correctly, it was attempted to contest afterwards by some judicial process whether the amendment was legally adopted. But the movement proved abortive, and the amendment is now a part of the Constitution. Now, the question comes back whether or not the House has a right to say to any Member that he shall not vote upon any question, and especially if the House has a right to say that if 147 Members come here, each owning one share of national bank stock (which there is no law to prohibit them from holding), they shall by reason of that very fact be incapacitated from legislating on this whole question.
>
> If there is a majority of one in the House that holds each a single share of stock, and it incapacitates the Members from voting, then, of course, the House can not approach that legislation; it stops right there. * * * Now, it has always been held that where legislation affected a class as distinct from individuals a Member might vote. Of course, everyone will see the impropriety of a sitting Member in the case of a contest voting on his own case. That is so palpably an individual personal interest that there can be no question about it. It comes right down to that single man. There is no class in the matter at all. But where a man does not stand in any way distinct from a class, the uniform ruling of the American House of Representatives and of the British Parliament, from which we derive our rulings, have been one way. In the year 1871—the Chair is indebted for the suggestion to the gentleman from Massachusetts, Mr. G. F. Hoar, but he remembers the case himself—when a bill was pending in the British House of Commons to abolish the right to sell commissions in the army, which officers had always heretofore enjoyed, and to give a specific sum of money to each army officer in lieu thereof, there were many officers of the army members of the British House of Commons, as there always are, and the point was made that those members could not vote on that bill because they had immediate and direct pecuniary interest in it. The House of Commons did not sustain that point, because the officers referred to only had that interest which was in common with the entire class of army officers outside of the house—many thousands in number.
>
> Since I have had the honor of being a Member of this House, on the floor and in the chair, many bills giving bounty to soldiers have been voted on here. We have the honor of the presence on this floor of many gentlemen distinguished in the military service who had the benefit of those bounties directly and indirectly. It never could be made a point that they were incapacitated from voting on those bills. They did not enjoy the benefit arising from the legislation distinct and separate from thousands of men in the country who had held similar positions. It was not an interest distinct from the public interest in any way. * * * And the same with pensions. * * * And further, as the gentleman from Massachusetts, the chairman of the Committee on Ways and Means, Mr. Henry L. Dawes, has well said, if it should be decided to-day that a Member who holds a share of national-bank stock shall not vote on a question relating to national banks, then the question might come up whether a Member interested in the manufacture of cotton shall have the right to vote upon the tariff on cotton goods; or whether a Member representing a cotton State shall vote upon the question whether cotton shall be taxed, for that interest is largely represented here by gentlemen engaged in the planting of cotton. And so you can go through the whole round of business and find upon this floor gentlemen who, in common with many citizens outside of this House, have an interest in questions before the House. But they do not have that interest separate and distinct from a class,

and, within the meaning of the rule, distinct from the public interest. The Chair, therefore, has no hesitation in saying that he does not sustain the point of order presented by the gentleman from Pennsylvania [Mr. Speer].

The SPEAKER. That decision, so far as the Chair knows, stands to-day, and has never been overruled or controverted.

On December 22, 1914, it was quoted with approval by Mr. Speaker Clark. Precisely the same question arose then.

The gentleman from Alabama [Mr. Hobson] raised the question as to whether Members of the House interested in a certain class of corporations had the right to vote, and after quoting the ruling of Mr. Speaker Blaine with approval Speaker Clark said:

> If there was a bill here affecting one institution, if you call it that, the Chair would be inclined to rule that a Member interested in it pecuniarily could not vote, but where it affects a whole class he can vote.

Unquestionably the bill before us affects a very large class. The Chair has no information as to how many stockholders there may be in these various rubber companies. The Chair would be surprised if there were not hundreds of thousands of American citizens who were stockholders in these companies specifically referred to by the gentleman from New York, and possibly there may be a very large number of others who are directly interested in the outcome of this legislation.

Following the decision of Speaker Blaine and Speaker Clark the Chair is very clear upon the question that Members, whether they may be stockholders or not in any of these corporations, have a perfect right to vote. The Chair would be in some doubt as to whether it would be within the power of the Speaker to say whether a Member interested might vote or not in any case. Certainly it would not be within the power of the Chair to deny a Member the right to vote except in the case where the legislation applied to one and only one corporation. In this case it applies to a large class. The Chair is absolutely clear in his mind, and in response to the inquiry of the gentleman from New York holds that in his opinion the Members of the House, whether interested or not, have the right to vote on this particular measure.

Mr. DYER. Mr. Speaker, I ask unanimous consent that I be permitted to control the time of those in favor of this legislation, and that the gentleman from Texas [Mr. SUMNERS] be permitted to control it for those in opposition to this legislation.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the four hours' time allowed under the rule be controlled one-half by himself and one-half by the gentleman from Texas [Mr. SUMNERS]. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 8927, to amend the act entitled "An act to promote export trade, and for other purposes," approved April 10, 1918.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8927, with Mr. LUCE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8927, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DYER. Mr. Chairman, I yield 20 minutes to the gentleman from Minnesota [Mr. NEWTON], the author of this bill.

The CHAIRMAN. The gentleman from Minnesota is recognized for 20 minutes.

Mr. NEWTON. Mr. Chairman, this is a bill to enable the American consumer to more effectively combat foreign monopolies in their control of the production and exportation of certain essential commodities and the charging of exorbitant prices for those commodities. In drafting the legislation we made use of the terms and provisions of the Webb-Pomerene Export Trade Act by extending similar provisions to associations engaged in importing crude rubber, potash, sisal, and certain other raw materials not produced in the United States in sufficient quantities to meet our own needs, and which are subject to monopolistic control abroad.

The Webb-Pomerene Export Trade Act was passed in 1918. It provides that the antitrust laws shall not be so construed as to prevent the association together of American concerns where the association is entered into for the sole purpose of engaging in export trade. Such associations are exempted from the provisions of our antitrust laws, providing they are not used to restrain trade within the United States or to artificially enhance prices or substantially lessen competition within our own country. In order to enforce the provisions of the act against any abuse in this country the Federal Trade Commission has certain regulatory power over these trade associations. If any one of these associations acts so as to artificially enhance prices or substantially lessen competition, or otherwise act in restraint of trade, then it is subject to all of the provisions of the antitrust laws. In other words, the exemption afforded by the Webb-Pomerene Act then ceases to be effective.

The demand for the enactment of the export trade act extended over a period of two or three years and sprang from a combination in Europe of European buying power. In order to more effectively purchase raw materials and manufactured products that were being raised and manufactured in this country, European countries combined their buying power and made that a problem for the American producer and the American manufacturer, and it was in order to meet this combined buying power abroad that the Webb law was passed in 1918.

Mr. LAGUARDIA. Will the gentleman yield for a question right there?

Mr. NEWTON. Yes.

Mr. LAGUARDIA. That was during the time we were at war?

Mr. NEWTON. Yes.

This act has been on the statute books for 10 years. To-day there are 55 export trade associations which have been organized under its provisions. The total annual exports made through these associations in 1926—the last year on which figures were available—amounted to $200,000,000. The products handled by these export trade associations were numerous and diversified, as will appear from the annual report of the Federal Trade Commission for the fiscal year ended June 30, 1927, page 22 thereof, from which I quote as follows:

> Commodities exported include raw materials and manufactured products shipped to every corner of the globe.
>
> Lumber and wood products exported during 1926, including pine, fir, redwood, walnut and hardwoods, turpentine and rosin, wooden tools, barrel shooks, and clothespins totaled about $35,700,000. Exports of metals, including copper, zinc, iron, and steel products, machinery, railway equipment, pipes, and valves, amounted to $56,500,000. Chemical products, including caustic soda, soda ash, liquid chlorine, soda pulp, paints, and varnish, totaled $3,100,000. Raw materials, such as phosphate rock, crude sulphur, etc., amounted to about $14,300,000. Paper, abrasives, cotton and rubber goods, buttons, and miscellaneous manufactured products totaled $55,900,000. Foodstuffs, including milk, meat, sugar, corn products, flour, canned salmon, and dried fruit, totaled about $35,000,000.

Let me repeat: These associations were made legal in order that the American producer could more effectively meet the combined buying power of his European customer.

During this entire period of 10 years the powers therein granted have not been abused. My authority for this statement is the Department of Justice and the Federal Trade Commission.

Mr. CELLER. Will the gentleman yield for a moment there?

Mr. NEWTON. Yes.

Mr. CELLER. Is the gentleman familiar with the complaints that have been filed with the Federal Trade Commission under the Webb-Pomerene Act for violations on the part of those who received permission to pool their interests?

Mr. NEWTON. No; I know of no such complaints.

Mr. CELLER. Does not the gentleman know there are a considerable number of complaints on file there?

Mr. NEWTON. I know there has been none.

Mr. CELLER. There are a number of such complaints.

Mr. NEWTON. Then the gentleman and I do not understand each other.

Mr. WELLER. If the gentleman will permit, there were a number of complaints filed with the Interstate Commerce Commission and the Federal Trade Commission, but none of those complaints has ever been taken into court, and there has been no court decision, and there has never been a conviction or a penalty imposed.

Mr. NEWTON. I know this. I took the matter up with the Department of Justice and was advised that they knew of no instance where there had been an abuse of the powers granted. I then took the matter up with the Federal Trade Commission and inquired first of the general counsel and then of the special assistant in charge of Webb Act matters and was in-

formed by both persons that there had been no complaints whatever against any of these export trade associations.

Mr. CELLER. Were there any violations under the Wilson Tariff Act, which is tied up with the Webb-Pomerene Act, so that they are the same thing?

Mr. NEWTON. All I know is what I have said, and I got it from the best authority there is in the Department of Justice and in the Federal Trade Commission.

Both before and especially since the war reports have come in from time to time of efforts by foreign monopolies including governmental monopolies to control the production or exportation of certain raw materials essential to our economic welfare. Something like five years ago Congress appropriated substantial moneys for an investigation by the Department of Commerce with the idea of ascertaining the growth and extent of these monopolistic controls. This work was effectively done and while it was nearing completion the gentleman from Connecticut [Mr. TILSON] our floor leader, introduced a resolution for a congressional investigation by the Committee on Interstate and Foreign Commerce of these controls and their effect upon our trade and industry. The Committee on Interstate and Foreign Commerce went into the matter promptly and thoroughly and reported to the House on March 13, 1926. The report is No. 555 of the Sixty-ninth Congress, first session. The committee found that there were about 70 commodities which we did not produce in sufficient quantities and which were either controlled by foreign monopolies or were susceptible of control. In presenting the report on behalf of the committee, I spoke somewhat at length on the floor of the House, and to those who may be interested, my remarks will be found on page 7105 of the CONGRESSIONAL RECORD for April 10, 1926. The committee made certain specific findings as to the commodities controlled and made certain recommendations. Most of those controls still continue. Practically all of them exact unfair prices from the American consumer. Among the commodities now under actual control by these foreign monopolies are the following: Rubber, sisal, potash, long-staple cotton, coffee, iodine, camphor, mercury, nitrates, quinine, kauri used in varnishes, citric acids, citrate of lime, and possibly others. The total value of the imports on these commodities in 1926 amounted to $932,000,000. They constituted 21 per cent of our total imports for that year. The year is typical. I am appending a table showing the various commodities under control, the imports valued in thousands, the countries from which the importations are chiefly made, the percentage of our imports on that commodity from those countries, and so forth.

TABLE I.—*United States imports capable of monopolistic control by foreign countries of origin*

GROUP I.—IMPORTS ALREADY SUBJECT TO ARBITRARY PRICE FIXING

[Values in thousands of dollars, except totals at end of table, which are shown in full figures]

	Imports calendar year 1926 (value thousands)	Country or countries from which chiefly imported					
		Countries whence chiefly imported	Value, thousands	Per cent of total United States imports from country named	Other countries whence imported	Value, thousands	Per cent of total United States imports from country named
Cotton, long staple	$18,659	Egypt	$16,928	90.7			
Coffee	322,746	Brazil	199,663	61.9	Colombia	$74,279	23.0
Iodine	2,272	Chile	2,272	100.0			
Rubber	505,818	Great Britain and possessions.	396,136	78.3	Dutch East Indies	87,157	17.2
Sisal	21,370	Mexico	14,216	66.5	do	4,013	18.8
Camphor, crude	1,158	Japan	1,092	94.3	China	66	5.7
Mercury	1,935	Italy	831	42.9	Spain	966	49.9
Nitrates:							
Sodium nitrate	42,781	Chile	41,885	97.9			
Calcium nitrate	586	Norway	301	51.4	Canada	118	20.1
Potash fertilizers:							
Chloride, crude	6,196	Germany	3,664	59.1	France	1,758	28.4
Sulphate, crude	2,823	do	2,561	90.7	do	200	7.1
Kainite	1,225	France	442	56.1	Germany	728	59.4
Manure salts	3,391	Germany	2,082	61.4	France	924	27.2
Kauri	952	New Zealand	947	99.5			
Citric acid	36	Italy	34	94.4			
Citrate of lime	339	do	339	100.0			

Total, Group I.—$932,288,000.
Per cent of total gross United States 1926 imports, 21.

These foreign monopolistic controls have certain common characteristics. They are confined to those commodities where there is a preponderating production in one country. It will likewise be found that in that country the percentage of consumption as compared with production is exceedingly small. It will also be found that the country of preponderating consumption consumes a very substantial portion of the commodity produced in the world, but produces practically none. All of this will be shown in the following table. I have not the time to read it, but, Mr. Chairman, in view of the fact that I shall offer several tables, I now ask unanimous consent to revise and extend my remarks. I do not want to take up time in the reading of tables.

The CHAIRMAN. Without objection it will be so ordered.

There was no objection.

The table referred to is printed in full as follows:

TABLE II.—*Ratio of production and consumption of countries controlling output of certain commodities to the world production of those commodities*

Commodity	Country of control	Per cent production of controlling country to world production	Per cent consumption of controlling country to world consumption
Rubber	Great Britain	[1] 65	[1] 5
Coffee	Brazil	65	5
Silk	Japan	70	13

[1] Including possessions. [2] Not including possessions.

TABLE II.—*Ratio of production and consumption of countries controlling output of certain commodities to the world production of those commodities*—Continued

Commodity	Country of control	Per cent production of controlling country to world production	Per cent consumption of controlling country to world consumption
Chilean nitrates	Chile	100	[3]
Potash	Germany and France	90	55
Quinine	Netherlands	95–100	[4]
Iodine	Chile	65	[3]
Tin	Great Britain and Netherlands.	[1] 36 [1] 23	[5] 20 [5]
Sisal and Hennequin	Mexico	80	[3]
Egyptian cotton	Egypt	99	[3]

[1] Not including possessions [3] Insignificant. [4] Less than 5. [5] Small.

Mr. NEWTON. Mr. Chairman, I believe that I mentioned during the fore part of my remarks that there were about 75 commodities produced abroad which were susceptible of control and that about 15 or 16 were now under control. I now present another table showing essential commodities which we import and which are susceptible of monopolistic control abroad but are not yet under control. They total $1,262,380,000 during the year 1926, and constituted 28½ per cent of our imports that year, that is, in value. Figuring in commodities now under control and those susceptible of control we find that the total for the year 1926 amounted to $2,194,668,000, and constituted

49½ per cent of all of our imports for that year. A glance at the commodities mentioned will show how essential they are in our industrial lines. The table is as follows:

TABLE III.—*United States imports capable of monopolistic control by foreign countries of origin*

GROUP II. OTHER IMPORTS CAPABLE OF CONTROL

[Values in thousands of dollars, except totals at end of table, which are shown in full figures]

Commodity	Calendar year 1926	Country or countries from which chiefly imported			
		Country	Per cent	Country	Per cent
Cattle hides	$22,092	Argentina	55	Canada	20
Sheepskins	18,791	Great Britain and possessions.	55	Argentina	15
Furs:					
Hare	1,976	Germany	27	do	23
Coney and rabbit	24,403	Great Britain and possessions.	57	Belgium	22
Mink	3,357	Canada	55	Japan	37
Muskrat	2,720	do	75		
Beaver	3,412	do	68	United Kingdom	30
Mother-of-pearl shells	2,041	Australia	57		
Olives	4,351	Spain	86		
Brazil nuts	3,036	Brazil	95		
Filberts	2,954	Italy	49	Turkey	17
China wood oil	9,148	China	96		
Olive oil:					
Edible	13,901	Italy	71	Spain	21
Inedible	4,609	do	40	do	51
Palm oil	10,112	Great Britain and possessions.	54	Belgian Kongo	14
Soya bean oil	2,151	Kwantung	68		
Rape oil	2,031	England	44	Japan	52
Tea	31,349	Great Britain and possessions.	55	do	22
Cloves	1,282	do	80		
Ginger root	365	do	78		
Mustard (seed and prepared)	1,988	England	67	Netherlands	18
Nutmegs	1,064	Great Britain and possessions.	54	Netherlands and Dutch East Indies.	43
Pepper, black	3,376	Java and Madura	24	British India	56
Pepper, white	748	Straits Settlements.	30	Java and Madura	35
Pimento (allspice)	377	Jamaica	72		
Vanilla beans	2,828	France	67	Mexico	25
Damar	2,280	Dutch East Indies.	69	Straits Settlements.	30
Shellac	10,515	British India	97		
Chicle	6,204	Mexico	76	Honduras	13
Gum Arabic	1,002	Great Britain and possessions.	91		
Gambier	366	Straits Settlements.	98		
Cinchona bark	1,056	Netherlands	99		
Geranium oil	526	France	72	Algeria and Tunisia.	25
Citronella	745	Ceylon	2	Java and Madura	57
Lavender	509	France	75		
Lemon oil	974	Italy	97		
Quebracho wood	510	Argentina	100		
Quebracho extract	3,745	do	88		
Myrobolan	488	British India	100		
Sumac	304	Italy	98		
Sugar-beet seed	1,181	Germany	82		
Jute	13,968	British India	96		
Jute butts	820	do	98		
Jute bags	5,972	do	98		
Jute burlaps	82,238	Great Britain and possessions.	96		
Istle	1,927	Mexico	100		
Kapok	4,863	Dutch East Indies	92		
Carpet wool	30,103	Great Britain and possessions.	47	China	20
Combing wool	65,915	do	63	Uruguay	19
Raw silk	392,760	Japan	84	China	14
Pulpwood	14,176	Canada	99		
Rattan	969	Straits Settlements	71		
Cork	2,908	Spain	29	Portugal	49
Woodpulp	91,231	Canada	47	Sweden	33
Newsprint paper	123,982	do	90		
Kaolin	3,484	England	99		
Asbestos, unmanufactured	8,143	Canada	90		
Mica, cut	2,184	Great Britain and possessions.	97		
Diamonds, rough	13,071	do	81		
Diamonds, cut	51,362	Netherlands	53	Belgium	41
Pearls	5,357	France	56	United Kingdom	40
Magnesite	1,466	Italy	67	British India	11
Tungsten	871	China	63	United Kingdom	19
Antimony, metal	3,795	do	77		
Nickel	9,160	Canada	66		
Platinum	8,683	England	50	Colombia	39
Tin ore	187	Great Britain and possessions.	33	Bolivia	54
Tin bars	104,793	do	85		
Quinine sulphate	655	Netherlands	59	Japan	24
Tartaric acid	330	Germany	52	Italy	26
Ammonium nitrate	383	do	81		
Calcium carbide	847	Canada	99		
Cobalt oxide	632	do	36	Belgium	59

TABLE III.—*United States imports capable of monopolistic control by foreign countries of origin*—Continued

GROUP II. OTHER IMPORTS CAPABLE OF CONTROL—continued

Commodity	Calendar year 1926	Country or countries from which chiefly imported			
		Country	Per cent	Country	Per cent
Potassium compounds:					
Carbonate	$534	Germany	84		
Hydroxide	771	do	94		
Bitartrate	1,791	France	55	Spain	12
Sodium cyanide	2,858	Canada	62	France	15
Calcium cyanamide	4,193	do	91		
Guano	430	Peru	22	Falkland Islands	24

Total Group II, $1,262,380,000.
Per cent of total imports, 28.5.
Total Groups I and II, $2,194,668,000.
Per cent of total imports. 49.5.

Mr. Chairman, now let us get back to those commodities that are already under foreign monopolistic control.

These controls have already cost the American consumer hundreds of millions of dollars. I shall take up certain specific commodities separately so as to demonstrate beyond any question of a doubt of the tremendous burden of these controls upon our industries. I shall use charts in order to more graphically present the situation.

CRUDE RUBBER

Crude rubber in dollars and cents is our greatest import. It supplanted silk in this respect several years ago. It is not produced in this country. The production of crude rubber is largely in the British and the Dutch East Indies. In 1927 the British possessions produced 54 per cent of the world's production of crude rubber. When the Stevenson plan was put into effect in 1922 they produced 67 per cent of the world's rubber. The United States, while producing no crude rubber, consumes 65 per cent of the total world production. The conditions were, therefore, ideal for control. The average cost of producing crude rubber is 18 cents per pound. The average price of rubber at New York during the years 1914 to 1918, inclusive, was 67.41 cents per pound. These were war-time prices. The average yearly price in 1919 was 48.7; in 1920 it was 36.3; in 1921 it had dropped to 16.3 and in 1922 it was 17.5. For two years, therefore, it was below the average cost of production. The British colonial secretary appointed a committee, of which Sir James Stevenson was made chairman. The committee made its recommendations for limiting exportations of crude rubber; the British colonial secretary adopted them and submitted them to the legislative councils of the several East Indian possessions producing crude rubber. They were then made effective.

The announced intention was to restrict the exportation and to incidentally curtail production by a plan which would maintain a fair or stabilized price ranging from 24 cents to 36 cents per pound. The 36-cent level was the maximum expected at the outset, while 30 cents was the pivotal price on which increased output was permitted. This latter figure would yield a fair profit, while 36 cents would give a handsome profit, even on the higher production-cost plantations. The plan limited exports to a percentage of a fixed or arbitrary standard production assigned to each plantation. The original standard was based on the general yield of 1919–20. Since 1922–23 the plantations have been reassessed each year on a new basis, thereby allowing for new areas reaching maturity, higher yield per acre, and so forth. It takes about seven years to plant and develop a rubber tree into production. Under this plan the permitted exports automatically rise or fall quarterly as the price fluctuates above or below the 30-cent fair price level, providing, however, that the British colonial office authorizes the change. In May, 1926, the 30-cent price level was replaced by a 42-cent level. This still remains the pivotal price. The average yearly prices of crude rubber (plantation ribbed smoked sheets) at New York since 1922 is as follows:

1923	29.45
1924	26.20
1925	72.46
1926	48.50
1927	37.72

During the years 1925, 1926, and 1927 the average monthly price and percentage of exportation allowed on standard production under the Stevenson Act was as follows:

Month	Average monthly price	Percentage of exportation
1925	*Cents*	
January	36.71	50
February	36.01	55
March	41.00	55
April	43.64	55
May	58.47	65
June	77.26	65
July	103.16	65
August	82.99	75
September	88.88	75
October	98.01	75
November	104.80	85
December	98.51	85
1926		
January	79.50	85
February	62.25	100
March	59.00	100
April	51.25	100
May	47.75	100
June	42.50	100
July	41.03	100
August	38.50	100
September	41.00	100
October	42.50	100
November	38.50	80
December	38.25	80
1927		
January	38.75	80
February	38.25	70
March	41.04	70
April	40.86	70
May	40.76	60
June	37.25	60
July	34.44	60
August	35.12	60
September	33.67	60
October	34.32	60
November	37.58	60
December	40.63	60

The standard production officially announced for Malaya and Ceylon was 330,000 tons the first restriction year (1922–23). This figure was substantially the then potential or capacity production. My recollection is that the standard quota per acre was the same in certain regions, but that there was a difference as between regions. In no case was the original assessment permitted to exceed 400 pounds per acre per annum. In accordance with the plan a certain percentage of this so-called standard production is allocated to each plantation for exportation in each quarter year, depending upon the average price of crude rubber during the preceding quarter and the action of the British Colonial Office. This percentage has run from 50 per cent up. During the entire period of control, from November 1, 1922, to January 1, 1928, it has averaged only 69 per cent of the standard production. Therefore, during the entire control period it can be said that the exportation of potential production has been restricted about one-third. If a planter exports more than the allowable percentage he must pay a heavy export tax. This tax is set not only upon the excess over and above his percentage, but upon the entire amount of crude rubber exported. The tax is prohibitory because it is sufficiently substantial as to be confiscatory. It is, therefore, effective.

How has that monopolistic control affected the price of crude rubber in this country? That question can best be answered by Chart No. 1 (see following page), which I shall explain in detail. It shows the effect of the Stevenson restriction scheme on the price of crude rubber in this country and covers the period running from January 1, 1922, until about the 1st of April, 1928. The line marked, "Production cost per pound, plantation rubber, 18 cents," is the average production cost of crude rubber. The New York market price is practically the same as the London price plus carrying charges to New York. This New York market, or spot-rubber price, is indicated on the chart and so marked. Deliberations resulting in the Stevenson plan commenced to bear fruit late in the summer of 1922. Note that the New York market price commenced to be affected. It gradually mounts until it is about 25 cents per pound on November 1, when the plan is put into effect.

It continues to mount until it reaches about 36 cents per pound in January of 1923. Then it slumps until the middle of 1924. Why? That is likewise shown on the chart. When the plan was put into effect there was a tremendous surplus of crude rubber. This surplus had to be sold. It declined from 56,816 tons to 4,740 tons in a period of one year. When this surplus was reduced crude-rubber buyers in this country became panicky. This resulted in highly competitive buying in this country, thereby forcing the New York market price in July of 1925 to the peak price of $1.21 per pound. The scared buyers, of course, produced this situation. Then it dropped, but still remained over 70 cents per pound. It then commenced to climb again and in three or four months was $1.11 per pound. The situation was truly alarming.

Mr. LAGUARDIA. Does the gentleman contend that that peak was produced entirely by the Stevenson plan?

Mr. NEWTON. No; the gentleman does not claim that it was produced entirely by reason of the operation of the Stevenson plan, because no man can claim that any one factor is the sole contributor of anything.

Mr. CELLER. And what did balloon tires have to do with it?

Mr. NEWTON. Then came several efforts on the part of our Government. In the meantime the Department of Commerce had been making the investigation to which I referred earlier in my remarks. The market price commenced to go down until in the middle of 1926 it was down to about 42 cents per pound. With varying fluctuations it remained between 36 cents and 42 cents per pound until the end of the year 1927 when it commenced to slump to below 30 cents per pound.

Mr. Chairman, now I want to call attention to another curve here showing the import value per pound. The curve commences in January, 1925, when the price on crude rubber on the New York market was about 35 cents per pound. This curve represents the price paid for rubber that was purchased on contract and not upon the New York rubber market. It represents the value of the crude rubber imports. This means the price that the American rubber importers had to pay and which was disclosed as the commodity went through the customhouse. The New York price curve shows the price that buyers in that market had to pay.

The import value curve shows what was actually paid on the crude rubber coming into this country. It does not show so much speculation as the New York market price curve. It will be observed, however, that early in the year 1926 the average monthly import value per pound on our crude-rubber imports reached 80 cents per pound. Then it commenced to go down. Of course, contracts for crude rubber are made some five or six months in advance of requirements; hence, this curve commenced to recede after the New York price had already receded. It will further be observed that from the middle of the year 1926 up to the present time that it has been above 36 cents per pound almost all of the time, and is below it but a very few months thereof.

Now, I want to call your attention to Chart No. 2. This chart takes in the period of May, 1925, to July, 1927. The base line is 36 cents, which is the maximum fair price of crude rubber and which yields a handsome profit. Looking at the chart, you will observe that every month during that period the price was above 36 cents per pound; that is, the American rubber user who imports his crude rubber for tires or other purposes paid in excess of 36 cents per pound every one of those months. In two or three months it was very slight. One month it reached 38.3 cents per pound above 36 cents. Another month it was 36½ cents per pound above. You will note that during the entire period of slightly over two years that the total import cost to the American rubber dealer of his crude rubber in excess of 36 cents per pound amounted to $297,000,000. Of course, after this crude rubber had been manufactured into tires the percentage of additional cost to the American consumer was very substantially above that. We all know how tire prices mounted during that period. Tire prices in January, 1925, were lower than ever before in the history of the industry. They finally mounted in price until at the end of 1925 they had advanced 56 per cent.

The following table shows wholesale tire prices effective in January, 1925, and the dates, amount, and average percentage increase resulting from subsequent changes. Tire prices in January, 1925, were lower than ever before in the history of the industry, but present prices are only 90 per cent of the January, 1925, prices.

In preparing the following table quotations for a standard make of tire were used, and for the four following common sizes only: 30 by 3½ clincher cord, 32 by 4 straight-side cord, 32 by 4½ straight-side cord, and 29 by 4.40 balloon tires, these sizes being taken as fairly representative:

Dates	Wholesale price, 4 sizes	Percentage increase
January, 1925	$55.30	(1)
May 4, 1925	57.00	103.1
June 2, 1925	62.95	112.0
July 1, 1925	68.55	123.9
July 20, 1925	75.40	136.3
Oct. 17, 1925	86.70	156.8
Feb. 15, 1926	74.10	136.0
July 7, 1926	61.90	111.9
Nov. 15, 1926	52.70	95.3
Nov. 1, 1927	50.00	90.4

[1] Taken as 100 per cent.

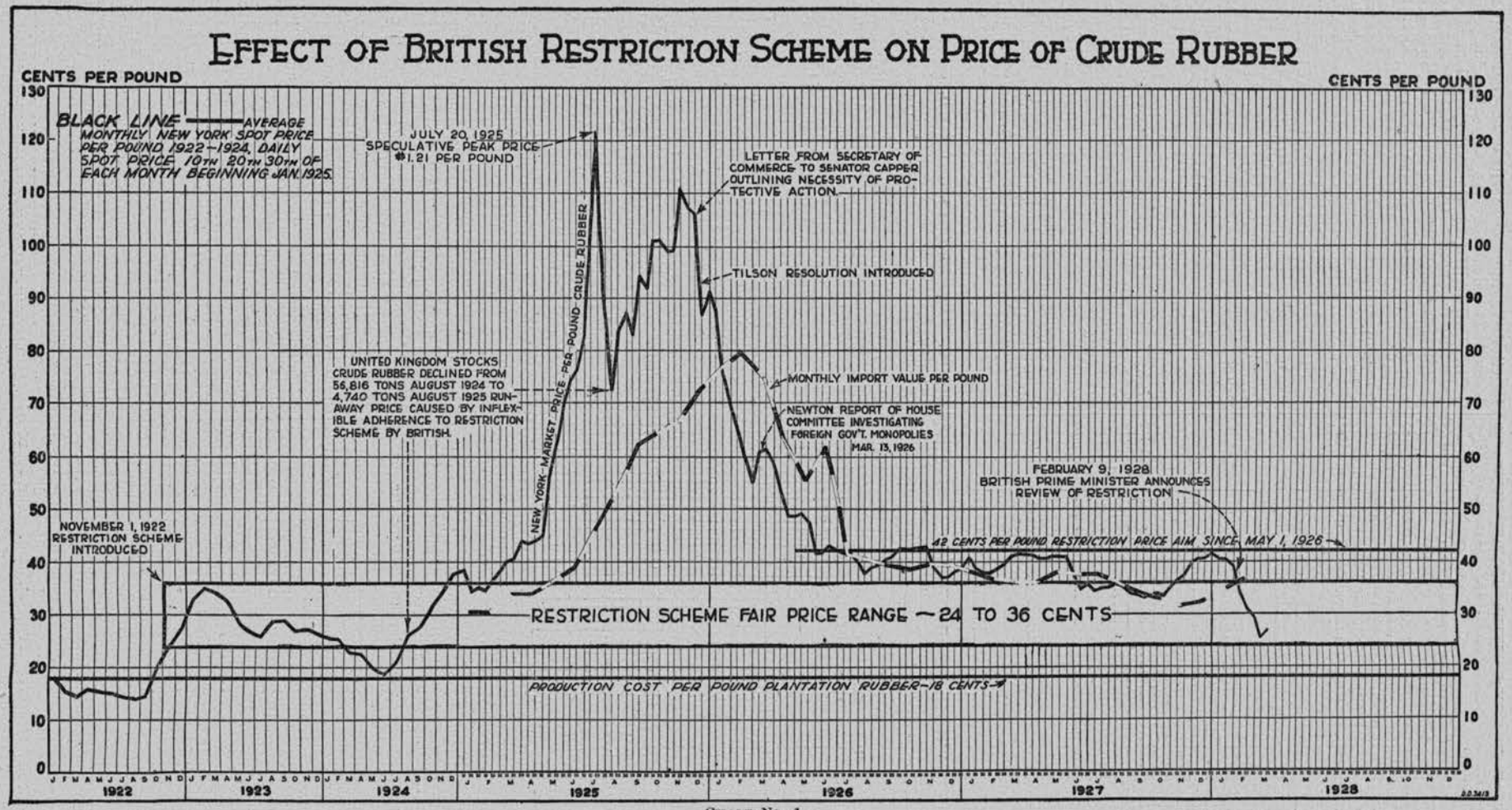

EFFECT OF BRITISH RESTRICTION SCHEME ON PRICE OF CRUDE RUBBER
CENTS PER POUND
CENTS PER POUND
BLACK LINE ——— AVERAGE MONTHLY NEW YORK SPOT PRICE PER POUND 1922–1924, DAILY SPOT PRICE 10TH 20TH 30TH OF EACH MONTH BEGINNING JAN. 1925.
JULY 20, 1925 SPECULATIVE PEAK PRICE $1.21 PER POUND
LETTER FROM SECRETARY OF COMMERCE TO SENATOR CAPPER OUTLINING NECESSITY OF PROTECTIVE ACTION
TILSON RESOLUTION INTRODUCED
UNITED KINGDOM STOCKS CRUDE RUBBER DECLINED FROM 56,816 TONS AUGUST 1924 TO 4,740 TONS AUGUST 1925 RUNAWAY PRICE CAUSED BY INFLEXIBLE ADHERENCE TO RESTRICTION SCHEME BY BRITISH.
NEW YORK MARKET PRICE PER POUND CRUDE RUBBER
MONTHLY IMPORT VALUE PER POUND
NEWTON REPORT OF HOUSE COMMITTEE INVESTIGATING FOREIGN GOV'T. MONOPOLIES MAR. 13, 1926
FEBRUARY 9, 1928 BRITISH PRIME MINISTER ANNOUNCES REVIEW OF RESTRICTION
NOVEMBER 1, 1922 RESTRICTION SCHEME INTRODUCED
42 CENTS PER POUND RESTRICTION PRICE AIM SINCE MAY 1, 1926
RESTRICTION SCHEME FAIR PRICE RANGE — 24 TO 36 CENTS
PRODUCTION COST PER POUND PLANTATION RUBBER—18 CENTS
130
120
110
100
90
80
70
60
50
40
30
20
10
0
1922
1923
1924
1925
1926
1927
1928

CHART NO. 1

I am submitting herewith a table covering the five restriction years, November 1, 1922, to November 1, 1927. It shows the average percentage of rubber produced which was exportable under the plan, the standard or basic production, the exports that were permitted, the actual exports, and the loss to the rubber consumers throughout the world. This latter is the difference between standard production and actual exports. During that five-year period it shows a loss of over 500,000 tons of crude rubber, or about one-third of the standard production. Think of the effect upon the price if this rubber had been permitted to be exported.

Crude rubber restriction—Loss of production in Malaya and Ceylon due to restriction act

[Figures in tons except where otherwise noted]

Restriction years	Average percentage exportable	Standard production	Permissible exports	Actual exports	Loss to world
Nov. 1, 1922–Oct. 31, 1923	61.25	330,034	202,146	198,459	131,575
Nov. 1, 1923–Oct. 31, 1924	58.75	322,682	189,576	202,830	119,852
Nov. 1, 1924–Oct. 31, 1925	61.25	342,600	209,843	222,585	120,015
Nov. 1, 1925–Oct. 31, 1926	96.25	365,285	351,587	335,185	30,100
Nov. 1, 1926–Oct. 31, 1927	67.50	407,679	275,183	[1] 300,596	107,083
Total, 5 years	69.00	1,768,280	1,228,335	[2] 1,259,655	508,625

[1] Partly estimated.
[2] Excess of actual exports over permissible exports was due to exports of certain licensed stocks, export allowances to small estates, and a few shipments exported through the payment of maximum rate of duty.

United States imports of crude rubber, July, 1925, to December, 1927—Con.

1926

Month	Quantity (pounds)	Value (dollars)
October	66,027,362	25,320,558
November	87,706,143	34,890,536
December	84,568,880	33,261,366
Total	925,877,712	505,817,807

1927

January	97,082,264	36,753,719
February	63,475,079	23,110,257
March	79,552,871	28,693,016
April	103,493,197	37,321,505
May	81,799,549	30,984,377
June	74,020,628	27,850,014
July	84,397,110	31,678,259
August	73,494,573	26,396,931
September	74,595,247	25,314,412
October	67,613,125	22,163,282
November	86,445,231	27,395,428
December	68,781,481	22,197,942
Total	954,750,355	339,859,142

Turning again to Chart No. 1 and calling attention to the substantial drop in the price of rubber, whether figured at the New York market price or the monthly import value, what were

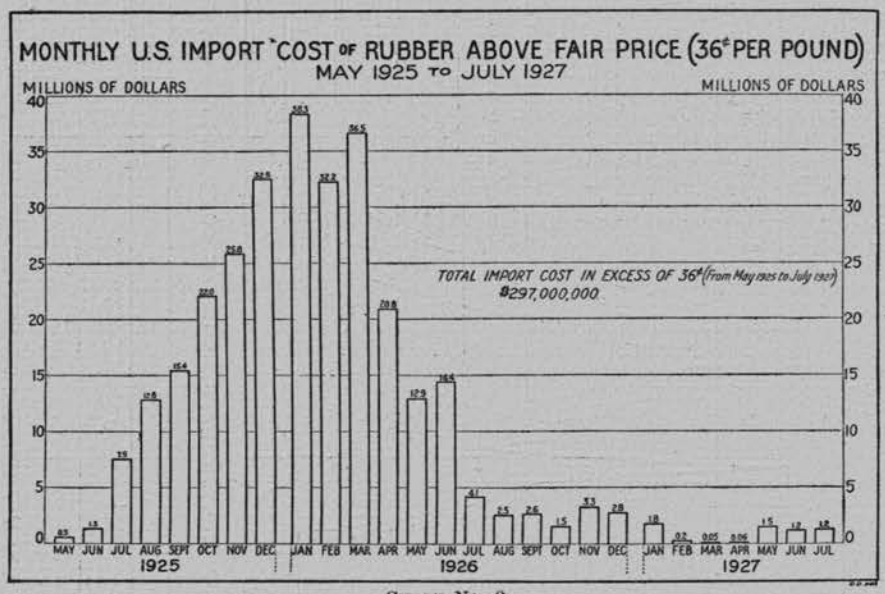


CHART No. 2

I am also submitting a statement showing the United States imports of crude rubber by months for the years 1925 to 1927, inclusive. Both quantity and value are given.

United States imports of crude rubber, July, 1925, to December, 1927

1925

Month	Quantity (pounds)	Value (dollars)
July	72,699,696	33,701,723
August	74,844,042	39,834,348
September	59,061,732	36,686,013
October	77,617,160	50,027,338
November	84,571,583	56,271,963
December	90,336,039	65,055,868
Total	459,130,252	281,577,253

1926

January	94,985,456	72,528,151
February	73,618,049	58,733,370
March	94,421,359	70,589,581
April	77,377,955	48,742,539
May	66,654,899	36,896,080
June	55,776,297	34,498,561
July	80,236,677	33,061,281
August	61,374,535	24,670,752
September	83,130,100	32,625,032

the factors causing that sharp slump in the course of a very few months? Unquestionably a number of factors entered into that. I shall mention several. There was the competition from the Dutch East Indies, who were not subject to the Stevenson Act. There was the campaign under the direction of Secretary Hoover with the cooperation of the trade for conservation of rubber, and there was the increased use of substitutes; and there was the general investigation, first by the Department of Commerce followed by the congressional investigation, and the recommendations made which, in part at least, met with cooperation upon the part of the trade. Last, but in no sense least, can be mentioned the getting together of American rubber buyers for the purpose of forming a sort of national crude rubber reserve for the purpose of more effectively meeting the selling tactics of this foreign monopoly.

Mr. KING. Will the gentleman yield for a couple of questions?

Mr. NEWTON. Certainly.

Mr. KING. I want to ask the gentleman whether or not he observed in the morning papers that Premier Baldwin had announced that they would abandon the Stevenson plan on the 1st of November?

Mr. NEWTON. Yes. I did see it. I am pleased to see that they are making progress in that country.

Mr. KING. I want to say that I was here when the Webb-Pomerene bill was passed, and I would like to ask the gentle-

man as a result of that legislation what benefit has come to the ordinary people of the country—what have they gotten out of it?

Mr. NEWTON. The workmen who have worked in the factories manufacturing the different commodities which have been exported abroad have received substantial benefits. During the year 1926 $200,000,000 worth of products were exported by these export trade associations. There must be out of a $200,000,000 business a substantial benefit flowing to the American workmen and the American business man. That likewise applies to the producers of farm products. I have figures showing that $35,000,000 of farm products were included in that year. That is not a very great amount in and of itself, but it is quite an item and is of practical benefit to the industry.

Mr. HUDSON. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. HUDSON. Does the gentleman want the House to infer because of the statement made by the gentleman from Illinois [Mr. KING] as to what he saw in the morning paper that the Stevenson plan was to be abandoned by the 1st of November, rendering unnecessary this proposed legislation?

Mr. NEWTON. Not at all. I merely observed that I was glad to know that they were making some progress in economics. Some of their own people said when it was put into effect in 1922 that it was economically wrong and opposed it. Their views were not followed. That fight has been kept up there. We have assisted somewhat in our fight here and as a result the British Premier has announced—not that the control is off now—but has announced that if he does not change his mind in the future that it will go off on the 1st of November. However, no one knows who is going to be premier next fall. So that does not avoid the necessity of legislation as to rubber. Furthermore, the action of the British Government, even if carried into effect, would not affect other commodities like sisal and potash. Now, if control is really abandoned there will be no occasion for the forming of any purchasing agency or rubber reserve. But we do not know even if it is abandoned when it will be again renewed.

We ought to have on the statute books the means which the American consumer, the American manufacturer, and the American farmer can at any time use in order to prevent being gouged by unjustly high prices through foreign control.

Mr. CELLER. Will the gentleman yield?

Mr. NEWTON. I will.

Mr. CELLER. The gentleman has made an illuminating report as to crude rubber and coffee and has said that measures not know whether the control is going to be taken off then or not. They have a right to change their mind.

Mr. KNUTSON. Has it occurred to my colleague that Premier Baldwin might have made this statement hoping to defer this legislation? He knows that Congress is going to adjourn in six weeks.

Mr. LAGUARDIA. He does not even know that Congress is in session. [Laughter.]

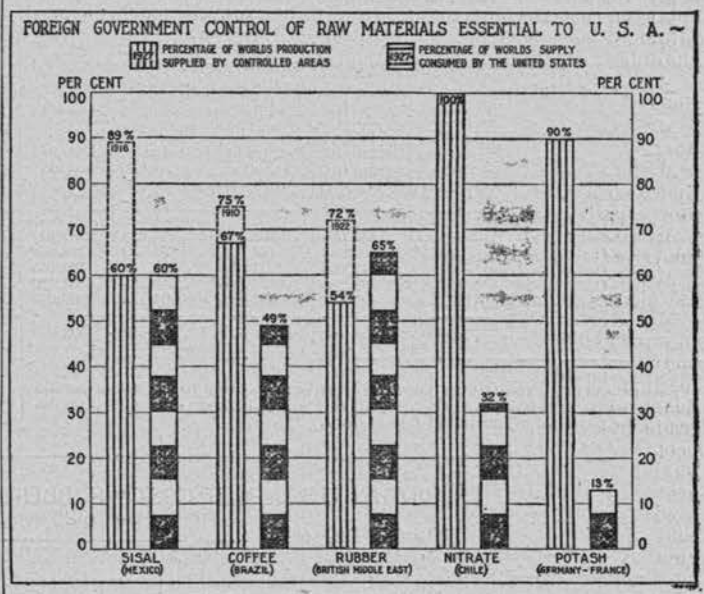


CHART No. 3

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. LOZIER. I assume the gentleman from Minnesota is aware of the fact that for 12 months and more the Stevenson plan has not been functioning and can not function efficiently because of the failure of the Netherlands Government, which now controls 33 per cent of the plantation rubber in the Middle East, to enter into the plan with the British Government. Is

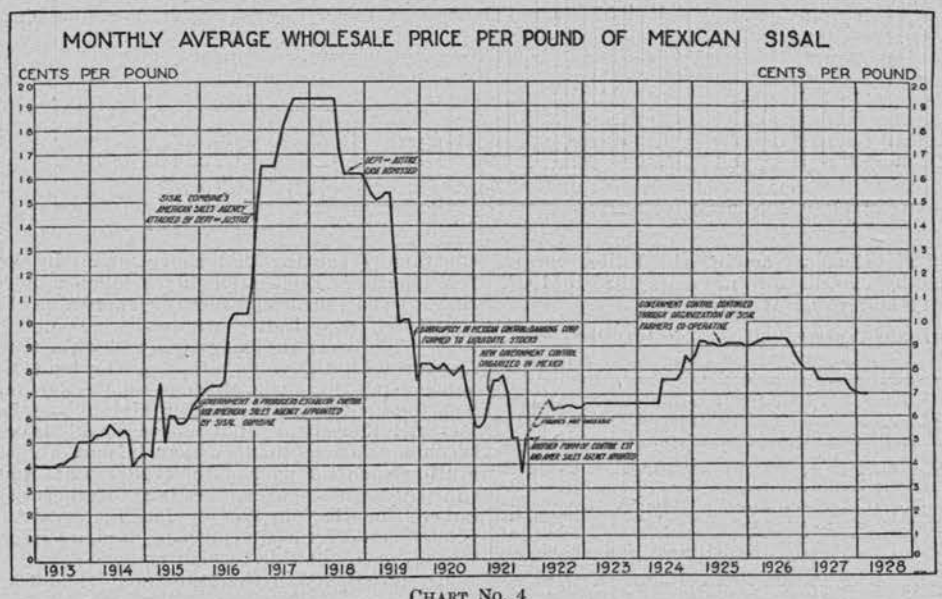


CHART No. 4

of this sort, pools, might cause international ill will. Would not the effect of this legislation, if adopted by Congress, be that England will reinstate that cartel or pool control? Will we not have that situation?

Mr. NEWTON. I hope the gentleman will not take up much of my time.

Mr. CELLER. The question involves a little time. In so far as we get this advantage, may not they put it on again?

Mr. NEWTON. If the gentleman will come to me next November we will find out if we have an "advantage." I do not that the reason why the plan failed to function, and is not that the reason why ultimately and inevitably the Stevenson plan must be abandoned? Is it not true that they can not control a sufficient amount?

Mr. NEWTON. The gentleman ought not to take up my time in making a speech.

Mr. LOZIER. Is not that true?

Mr. NEWTON. No; it is not true. The gentleman is wrong in his conclusions. The Stevenson plan has been in operation during the past year.

Mr. LOZIER. Has it functioned?

Mr. NEWTON. Their plan of control has been in effect.

Mr. LOZIER. But has it not failed to function because the Dutch growers control 33 per cent?

Mr. NEWTON. The Dutch production has been a factor, of course. I can not yield further.

Mr. DOMINICK. Will the gentleman yield before he leaves this chart and give us the price of crude rubber to-day?

Mr. NEWTON. I stated it a moment ago. Spot is 21 cents.

Mr. DOMINICK. After the drop of yesterday?

Mr. NEWTON. It was about 21 yesterday, but it has been running down just below 30 cents for some time.

Mr. JACOBSTEIN. Will the gentleman yield for a question?

Mr. NEWTON. Yes; for a brief question, because I must hurry.

Mr. JACOBSTEIN. Is there not, however, a violation of the Sherman antitrust law by virtue of the pool which is now sought to be legalized?

Mr. NEWTON. The gentleman is anticipating my remarks, and I prefer not to go into that now.

Mr. JACOBSTEIN. The gentleman will answer the question as to whether a pool is now operating and operating illegally?

Mr. NEWTON. So long as the gentleman has brought up the question at this time, I will say to the gentleman that nobody knows whether or not it is illegal to-day for manufacturers to combine to buy essential raw products abroad. The courts have not passed on the question. In an effort not to restrain trade but in an effort really to promote trade some of these people who are users of these products have combined their buying power. This has been in effect something like a year or so to a limited extent; but whenever they have gone to lawyers and asked for advice, these lawyers have told them that they do not know whether this is in violation of law. In view of the penalties of the Sherman Act, no responsible business man cares to run that sort of chance. This is a matter of policy, of course, to be determined by Congress.

Let me say right here, as long as this question has been brought up now, that since 1890 our policy has been to protect our people against the exactions of monopolies established in this country. We can reach monopolies in this country. We can not reach out across the seas in any effective legislative way and reach the monopolies over there through prohibitions or penalties. Furthermore, we must have these products. If there is an obligation upon government to protect its people from the exactions of monopolies here in this country, certainly there exists a similar obligation upon the Government to endeavor in every possible way to protect its citizens against unfair exactions from monopolies that may be abroad and beyond the jurisdiction of our own laws.

Mr. KNUTSON. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. KNUTSON. In view of the situation that exists across the seas, are not American buyers justified in forming pools?

Mr. NEWTON. We should permit something of the kind to be done.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. DYER. Mr. Chairman, I yield 10 minutes more to the gentleman from Minnesota.

Mr. NEWTON. Mr. Chairman, I must not spend all of my time upon one commodity, for, as I have indicated, we are paying tribute to these foreign controls on about 15 or 16 essential commodities. I want to again refer to chart No. 3. The commodities set forth are sisal, coffee, rubber, nitrates, and potash. Note that Mexico produces to-day 60 per cent of the world's production of sisal and that we consume 60 per cent of the world's supply. Note also by the dotted line that in 1916 Mexico then produced 89 per cent of the world's sisal. She has been losing out under her system of control. It will be observed that Brazil now produces 67 per cent of the world's production of coffee. You will note by the dotted line that in 1910 Brazil produced 75 per cent of the world's production. The Brazilian valorization scheme controlling both production and exportation of coffee went into effect in 1910. One of the effects or consequences of governmental control has been to reduce Brazil's percentage of the world's production from 75 to 67 per cent.

Note that the United States consumes 49 per cent of the entire world's supply of coffee. Brazil only consumes 5 per cent of what the world produces. Of the coffee imported to this country, about 55 per cent comes from Brazil.

Further referring to Chart 3, it will be observed that Chile produces practically all the natural nitrates that are produced in the world. The United States consumes 32 per cent of this production at the present time. Chile consumes practically none at all. About 50 per cent of the natural nitrates which we import are used for fertilizer; the rest are used for chemicals, explosives, and so forth.

SISAL

Sisal is a vegetable fiber coming from the Province of Yucatan, in Mexico. It is used almost exclusively for binder twine. Mexico now produces 60 per cent of the world's sisal. The average production for the past three years has been about 610,000 bales of 400 pounds each. The United States consumes from 80 to 90 per cent of the annual sisal production of Mexico. In 1926 our imports from Mexico were 82,699 tons. The import value was $14,264,162. This represented 70 per cent of our total sisal imports for that year. Mexico uses very little of the sisal production; it ranges around 2 per cent of the crop.

Governmental control of sisal commenced in Mexico about 1915. The control organization consists of a so-called cooperative society of eight members who represent the Federal and State Governments of Mexico and the growers of the fiber. This cooperative organization has entire control of the marketing of crops and the fixing of price of sisal. It exercises direct control over the production. The control in the past has restricted production by refusal to purchase the fiber from the planter. At other times they have done so by quoting prices to the producers which will not permit of a fair profit.

A fair price for sisal is 5 cents per pound. That price will yield a very good profit to the producer. During the year 1913 the average price of sisal in New York was less than 5 cents per pound. The control was put into effect shortly thereafter. The effect of this control is shown by Chart 4, which sets forth the monthly average wholesale price per pound of Mexican sisal. The curve commences January 1, 1913, with sisal fiber at 4 cents per pound; it thereupon fluctuates between 4 and 5½ cents until about January 1, 1915, when it jumps and immediately recedes until the latter part of 1915 when this cooperative control organization was instituted. Note that they established an American sales agency. Immediately following the establishment of this governmental control the price of sisal fiber mounted by leaps and bounds from 6 cents per pound, 1 cent per pound above a fair price, until 1917–18 it had reached 19 cents per pound. Note that in the meantime the sales agency in this country which had been established by the foreign combine had been attacked by the Department of Justice. Before that case had been disposed of the war had ended and prices slumped from 19 cents to 8 cents per pound. Apparently, there had been much speculation by this foreign combine, which resulted in bankruptcy and the forming of a new organization. During this period the price got down to 4 cents per pound. Note that thereupon a new organization of governmental control was formed and that it resulted in driving the price up to 9 cents per pound. It is now 7 cents per pound or 2 cents per pound over a fair price. As a result of the sisal combine the Mexican control of production and distribution of sisal fiber cost the American farmer in 1918 from $35,000,000 to $40,000,000 over and above the fair price. It is now costing him about $6,000,000 to $8,000,000 annually in excess of a fair price.

POTASH

Again I call your attention to Chart 3 and the last commodity therein mentioned—potash. It will be observed that Germany and France produce 90 per cent of the world's production of potash. The United States consumes 13 per cent of the world's supply. The world's production for the year 1926 for pure potash was about 1,500,000 tons. France and Germany cooperating together have formed a monopolistic control, and while we only consume 13 per cent of the world's production of potash, 95 per cent of what we do consume is imported from this Franco-German control. Our import values of potash will run somewhat in excess of $1,000,000 per month. The American farmer has been paying tribute to this monopolistic control of potash for a period of 35 or 40 years, when it was first discovered in western Germany and its value as a fertilizer was first determined. The control by these two countries is absolute. All potash operators are compelled to join the syndicate. All matters of policy and details as to control are vested in the Minister of Economy. Attempts have been made from time to time by American purchasers to break the monopoly, but without success. Contracts made by American purchasers at prices under the syndicate prices were nullified by action of the German Government. The American purchaser of potash was helpless before this monopolistic control under governmental auspices.

Then came the World War. Some of these deposits were in Alsace. This Province then became a part of France. France and Germany then vied with one another in order to sell their potash to the American consumer. The price thereupon went down. Their rivalry immediately ceased, for an agreement was drawn up between French and German potash interests. The effect of it was to again put into operation monopolistic control

of production and distribution of potash. As a result there has been a restoration of the exorbitant prices in effect preceding the war. Early in 1927 our Department of Justice brought an action for alleged conspiracy in restraint of trade against the Franco-German potash interests. My understanding is that some sort of a sales agency had been set up in this country. In any event, our Government tried to institute proceedings against this monopoly. The claim was set up that it was governmentally owned and controlled by two soverign Governments—France and Germany—therefore it was not subject to our antitrust laws. My understanding is that the evidence has been presented, the case has been concluded, but the court has not yet rendered its decision.

It will be observed that the executive branch of our Government has been active in every way that it possibly can in order to get at these foreign monopolies. They have been handicapped because they have been instituted by sovereign governments, but the executive branch of our Government has at least tried to meet this situation. The legislative branch of the Government should follow the example. The situation will be met if legislation outlined in this bill before us is enacted into law.

It may be feared by some that the rights and privileges herein granted may be abused through the enhancing of prices, the suppressing of competition, or discriminatory practices. Similar fears were entertained by some Members of Congress when the Webb-Pomerene Export Trade Act was under consideration on the floor of this House. The fears then expressed by the opponents of that legislation have been proven not to be well founded. That will likewise be the case if this bill becomes a law. The moment one of these associations enters into any agreement enhancing prices, substantially lessening competition, or resorts to discriminatory practices, that very moment that association and its members become amenable to the antitrust laws.

If it is the duty of our Government to protect its citizens from exorbitant prices and other exactions of domestic monopolies, it is likewise its duty to at least permit its own citizens to so associate themselves together as to prevent foreign monopolies from doing the same thing. That is what this bill does. That is its purpose. That is the extent to which it can be used.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. NEWTON. May I have just one more minute.

Mr. DYER. I yield to the gentleman one minute.

Mr. NEWTON. This is a fascinating subject. If I had had more time I would have been glad to yield to further interruptions. I want also to express my appreciation of the work that the Committee on the Judiciary and its distinguished acting chairman [Mr. DYER] have done upon this measure. And, Mr. Chairman, in conclusion I again say this bill is so safeguarded as to prevent its being used to enhance prices, discriminate among buyers, to store unreasonable stocks of the commodities mentioned, or to in any other way unduly lessen competition or be in restraint of trade. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, an examination of the hearing before the Judiciary Committee discloses that the purpose of this bill is to authorize the formation and operation of a monopoly for the purchase of crude rubber. At least, apparently, that is the primary and controlling purpose. Potash and sisal are mentioned, but they are present in this bill as traveling companions to help rubber over the rough places in the journey. There is also the blanket provision embraced in the language "or other raw materials or products of nature."

Rubber was quoted yesterday at 21 cents per pound. The testimony before the committee fixed a price at around 36 cents per pound as a fair price. This bill is present here, therefore, at a time when rubber is around 15 cents per pound under a fair price. You read the significant item in the paper this morning as to the abandonment of the pool. This is a rather remarkable bill under all the circumstances or any circumstances.

To the extent that corporations are permitted to organize and carry on under the provisions of this bill they are exempted from the act of July, 1900, entitled "An act to protect trade and commerce against unlawful restraint and monopoly," and also from the provisions of the revenue act of 1894, as amended by the act of February, 1913. The character of associations defined in the bill are not only permitted to organize for the purposes specified, which would not be permitted under existing law, but other corporations are permitted to own the stock of the importing corporation. There is no doubt about the purpose to create a monopoly for a specific purpose, it is admitted. The Federal Trade Commission is given jurisdiction, and it is provided if such commission believes the law is being violated, it may summon the association under suspicion for investigation. If the commission finds the law is being violated, the offender is not prosecuted but is told how to carry on its business within the law. If it does not profit by good advice, the matter is turned over to the Attorney General.

This bill proposes to authorize the organization of a monopoly for a specific purpose. Now, gentlemen of the House, you can not and we can not profess to be ignorant of the fact that when a monopoly is created, when organizations for monopolistic purposes are permitted, legislation is powerless to limit the scope of the monopolistic activities. No man on the floor of this House can pretend not to know that. We can write limitations into law; but we can not prevent them, when they get together in their conferences, from determining and exercising a broader monopolistic power. That danger ought not to be incurred certainly where necessity does not exist.

Mr. DYER. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. DYER. The gentleman knows that we enacted the export provisions. How does that differ from this and from the principle of which the gentleman now speaks?

Mr. SUMNERS of Texas. I think there is a difference, but suppose there were no difference? Suppose we have gone a long way in the wrong direction. I do not say we have, but let us assume it. Does not that suggest to wise men that they should the more quickly turn about? Suppose I voted for that bill, what difference does it make? The only consistency worthy of any man's aspirations is that each time when he comes to act he have the will to advise himself with regard to what his duty is then under then existing circumstances and have the courage to do it.

Mr. MICHENER. If the gentleman will permit, I would like to commend to the gentleman his speech made on the floor of this House when the Webb-Pomerene Act was up—his speech in favor of the general principles of the bill. It was quite convincing to me.

Mr. SUMNERS of Texas. Of course, if I spoke at all it was a good speech, but I do not want to quote it now.

Mr. BOWLING. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. BOWLING. Was not the purpose of that legislation to prevent a monopoly while the purpose of this legislation is to create a monopoly?

Mr. SUMNERS of Texas. Yes.

PRESENT LOW PRICE OF RUBBER

The alleged justification for this proposed legislation is that rubber is produced and sold under monopolistic conditions. But as stated, the bill comes before this body for approval at a time when the price of crude rubber is 15 cents per pound below what the advocates of this bill agree is a fair price, and the movement which resulted in excessive prices seems to have broken under the weight of the condition which those prices created. It must be agreed that this bill violates our general domestic policy with regard to monopolies. It establishes a dangerous precedent in international commerce. No Members of Congress coming from sections of the country which produce exportable surpluses can fail to appreciate the possible consequences of the following abroad of the precedent which this bill would establish.

Mr. NEWTON. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. NEWTON. Of course, that is the existing law with reference to the Webb Act.

Mr. SUMNERS of Texas. I do not care whether it is existing law or not. We are considering this law, and if it is not right it is not right, and a bad precedent does not justify another bad precedent.

Mr. STOBBS. Will the gentleman yield?

Mr. SUMNERS of Texas. Not just now. I will yield in a moment.

DANGER TO COTTON DISTRICTS OF SUCH A PRECEDENT

Now, gentlemen, in my judgment, if we embark upon this policy of government, we are going to have to meet it. There is no justification for it. With rubber 21 cents a pound, what are we doing it for? In the name of common sense, what are we doing it for? You men from the cotton districts; you men from the grain districts; you men from the wheat districts; you men who live in territories producing exportable surpluses—what in the name of common sense are we establishing this sort of precedent in international commerce for?

Mr. DYER. Will the gentleman yield?

Mr. SUMNERS of Texas. I will yield in a minute.

In what situation will the Government of the United States be if the nations abroad combine to buy American wheat or American meat or American cotton? Will we be in a position to go to the State Department and ask it to make representations of protest to the European countries engaging in this trust or monopoly for the purpose of purchasing? What shape

will we be in when we protest against action with regard to which we have set the first precedent? You want to think about that, gentlemen. I can not understand this insistence upon this bill in the present situation.

I can understand the reason gentlemen might have had for advocating legislation of this sort when the price was at its peak; but when we see, as a matter of fact, not of theory, that this artificial price of which gentlemen complain has broken down under the weight of the conditions which it has created, with the reason for the legislation gone, I can not see how we as intelligent people, with our constituents producing vast exportable surpluses and interested in maintaining competitive purchasing conditions in the world, will come here and establish a precedent of organization to buy. I can not get it—I do not understand it.

At first I had some inclination to support this bill, having in mind the background of this experience, but the more I looked into it the more dangerous I appreciated the precedent would be. The more I looked into it the more I discovered the lack of necessity or justification for this legislation.

I now yield to the distinguished gentleman from Missouri.

Mr. DYER. The gentleman speaks altogether of rubber and of the legislation as affecting rubber users. The gentleman, I am sure, will recall the testimony of Mr. Lewis J. Taber, national master of the National Grange——

Mr. SUMNERS of Texas. Yes; I overlooked that.

Mr. DYER (continuing). Who claimed before the committee that he represented over 800,000 people, and here is a part of his language before the committee:

> The farmers are more interested in this legislation than any other group in the Nation.

WHERE REPRESENTATIVE RESPONSIBILITY LIES

Mr. SUMNERS of Texas. I forgot that, and I want to thank the gentleman; but I want to say this: I am the Representative responsible on the floor of this House for the governmental policy affecting the farmers of my country and I am representing them now better, I think, than Mr. Taber represented them before the Judiciary Committee of the House. [Applause.] I do not question his motives, but when Mr. Taber, representing people producing grain and meat and those commodities where it is of first importance that free, open, competitive conditions exist in the markets of the world, comes here and wants to establish a precedent as an aid to rubber, a precedent that he will have to face and that his Government will have to face, if we establish it, what can we say——

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. DICKINSON of Iowa. Is it not probable that the National Grange leader was thinking more of potash and sisal than he was of rubber when he presented his testimony?

Mr. LAGUARDIA. He talked chiefly about rubber.

Mr. DICKINSON of Iowa. He knew less about them, probably. [Laughter.]

Mr. LAGUARDIA. Exactly.

Mr. SUMNERS of Texas. I think, with all respect, that at that particular moment he was just talking, not thinking. [Laughter.] He was not thinking deeper than the surface of the situation. He did not see the possibilities which must arise in the commerce of the world when his men knock at the door of the world for the opportunity of free, competitive bidding for their products.

I yield to the gentleman from New York.

Mr. LAGUARDIA. I was wondering about Mr. Taber appearing in his representative capacity for 800,000 farmers and was wondering if this is the relief he is going to give the 800,000 farmers he says he represents.

Mr. MICHENER. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. MICHENER. The gentleman also recalls that the American Farm Bureau Federation, who gave considerable study to this matter, did not appear by personal representative but filed a written argument in favor of the legislation in behalf of the farmers, which argument is included in the printed hearings.

Mr. DYER. Also the Secretary of Agriculture.

Mr. SUMNERS of Texas. Well, I will admit everybody appeared then. I do not mean to be discourteous——

Mr. MICHENER. Just one other thought in that connection. Is it not true that when the Secretary of Commerce was before the committee advocating this particular legislation, he said the enactment of this law would not of itself put into effect the pool or combination and that it was his judgment that with legislation of this kind on the statute books the conduct of the English in reference to rubber might be such it would never be necessary to put into force this very piece of legislation.

Mr. SUMNERS of Texas. Now let me submit this to the judgment of the House. Assuming that the position of the Secretary of Commerce was correct, that it would not be necessary to put it into operation, when we confront a situation where the legislation clearly is not necessary in order to bring the relief then desired, does not the same common sense which actuated the Secretary of Commerce in his suggestion then warn us against this unnecessary procedure?

Mr. STOBBS and Mr. RAMSEYER rose.

Mr. SUMNERS of Texas. I yield to the gentleman from Massachusetts, a member of the committee.

Mr. STOBBS. The gentleman says the legislation is not necessary; is it not the fact that rubber was selling at $1.21 a pound until the association was formed, illegally, we will say, and that stabilized the price of rubber so that it went from $1.21 down to forty-odd cents a pound and only varied throughout the whole year of 1927 9 cents a pound. Is not that true?

Mr. SUMNERS of Texas. No; that is not true. I think this is true; I think when they put the price of rubber so high they stimulated production to the point where the market broke under the weight of accumulated production. [Applause.]

Mr. RAMSEYER. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. RAMSEYER. Speaking of setting a precedent, will the gentleman tell us about the existence of buying pools in foreign countries?

Mr. SUMNERS of Texas. I know of no buying pools internationally.

Mr. RAMSEYER. Not international pools, but buying pools in foreign countries. This would not be an international pool. What does the gentleman know about the existence of any buying pools in other countries?

Mr. SUMNERS of Texas. I do not know anything about it; I imagine there are some, but none sufficiently comprehensive to affect the price of American commodities. [Applause.]

The Congress should stop in this matter where it is, reserving to itself, of course, its future action dependent upon future developments. This bill reaches very deeply.

MONOPOLY OFFENDS BASIC POLICIES

Aside from the international trade aspects there are certain basic policies which have come to be recognized as essential to the operation of our kind of government against which the bill offends. Among them are that the individual may do whatever is not prohibited by the regularly enacted law of the land, and whatever is prohibited he may not do. The effect of this bill would be to change that and send the individual not to the public statutes but to the Secretary of Commerce as the permissive or prohibitive power of the land. In so far as it goes, it is a substitution of personal government for institutional government. On the other hand, if there should in fact not be a selling monopoly abroad the law enforcement officers of the Government could not proceed against a monopoly organized under this bill if the person in office, the Secretary of Commerce, had issued the certificate, regardless of the facts. It is the certificate of the Secretary of Commerce or its absence which is to determine private rights and public powers.

This power and the method of its exercise is strikingly similar to that which kings formerly exercised through what was known as orders in council. History establishes that it is the nature of such a power to lead to the most extraordinary abuse. When the people through the House of Commons made an end of such government they achieved what students of government agree was a victory of first magnitude in the development of what we call democratic or free government, where the people are governed by laws publicly enacted by duly constituted legislative agencies, and which are construed and applied according to fixed forms and rules of procedure by a duly constituted judiciary. This bill advances bureaucracy one more step toward its absorption of governmental power. It has also been our policy to oppose monopolies.

It is contended that modern conditions require an abandonment of this policy. When we do, we abandon our plan of government. Let us not deceive ourselves. Our sort of government can not be adjusted to a condition of monopolistic control. It is not possible to preserve democracy in government if democracy in business opportunity is destroyed by monopoly. We take our choice. If we do become monopoly controlled in industry, business, finance, and in other respects there can be but one or two results. There will develop either a sort of business socialism through the distribution of shares of stock in those monopolies, or business feudalism, great business overlords to which others owe business allegiance and business loyalty, or a development having the characteristics of both. In either event, government will take on the characteristics of that control. It is inevitable. That is what is taking place now. Chain stores, chain theaters,

chain banks, power control, chain newspapers, monopoly developing everywhere, consolidation going on everywhere.

CROWDING OUT THE LITTLE MAN

These are crowding out the little man, the yeoman of trade and industry, the cottager of the small establishment where independence of business gives that independence of spirit without which free institutions can not exist and where final responsibility and self-guided effort make for the development of those elements of manhood and of character which alone can keep vital the constitution of a self-governing people. Those who are pressing this movement are not true friends to their own interest. They are getting the country ready for a great swing back. There is no justification for the notion that the people are going to surrender the liberty of opportunity or the present form of government. Its constitution is too deeply rooted in the governmental concepts of the people.

THE PENDULUM WILL SWING BACK

The thing which is happening now has not infrequently occurred during the almost two thousand years of the history of our system. It is the phenomenon of the swinging of the pendulum. The pendulum is going the other way now. The Bible speaks of people who have ears to hear but hear not, and eyes to see but see not. Men in great position in government, captains of industry, they have ears but hear not the warnings of history, they have eyes but they see not the danger when the swing back comes. They heed not the law of nature which every country boy can see manifesting itself through the old grapevine swing, and which students of nature know is a law universal, operating everywhere. King John went far, and when the swing back came it rested at Runnymede. From Charles and his predecessors came the Petition of Right; from James II, the Bill of Rights; from William, the Act of Settlement; and from George III and his Parliament came the Declaration of Independence. Louis XIV and his successors swung the pendulum far, and it swung back into the blood of the French Revolution. From the Czars of Russia and their advisers bolshevism came. The incompetence and excesses of the socialists of Italy are responsible for Mussolini.

Just now there is no protest against monopolistic development and no caution on the part of those engaged in such development—none whatever. It is remarkable. I have no prejudice. I have no envy of the vastly rich. There is no danger from the reds. They can originate nothing. Private fortunes can be imperiled in this country only by those who possess them. This Government can not be put in danger by the soap-box agitator. It is only from within that it can be destroyed. Queer notions are in the heads of the people. Less than six months ago the publisher of a great periodical said to me he wished we had a Mussolini for about 10 years in this country. We are moving fast toward the crisis. Nobody can forejudge it. There may come upon the scene some outstanding figure who in the midst of chaos shall seize power from incompetent hands. I do not believe it. I believe we will come through the crisis, whatever it may be, and adjust ourselves through ordinary and orderly processes. There has never been a Mussolini or even a Napoleon in Anglo-Saxon history. There was a Cromwell, however. This bill is not in itself of sufficient importance to justify what is said, but it points the way in which we are moving. Its presence here is a fit occasion for us to pause and consider our present road and its destination. The time has come when in the spirit of patriotic purpose, while we can be calm and deliberate and without prejudice, we should stop, locate our position, look again at the star of our destiny, and read the compass. In the early constitutional conventions, beginning with the Virginia convention to which men came with that yearning for liberty which only tyranny can give, and with that profound wisdom which comes only from deep meditation, they declared a great truth in these words:

Frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

NATURE'S LAWS MUST BE RESPECTED

Nations are not accidents. They have been provided for in the big economy. They are living things; the laws of their nature must be respected by statesmen just as the physician, the farmer, the builder, and all others must respect the laws of nature governing that with regard to which they have to do. Monopolies, the destruction of democracy in business opportunity, the destruction of independence of spirit which comes from independence of position, is against the nature of our sort of government. No change in conditions can change this. It is fixed in the nature of things.

These are fundamental things. This bill offends against them at too many points to warrant legislative sanction. Let us enumerate them. It provides for the creation of a monopoly. It substitutes personal for institutional government. It sends the individual to an administrative official for permission to act within the scope of a legislatively declared public policy. It makes it possible for the arbitrary—not reviewable—act of a person to cut off the law-enforcement officials from the enforcement of those basic public policies which have been legislatively fixed. It increases bureaucracy. It endangers us to similar retaliatory measures to which danger there is no justifiable excuse for our exposing ourselves.

Mr. DYER. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. WELLER].

Mr. WELLER. Mr. Chairman and members of the committee, I find myself with reference to this bill ready to support it and yet leaning very deferentially to the gentleman as a lawyer and leader of my party in the Judiciary Committee, the gentleman from Texas. I always like to follow the leadership of the gentleman from Texas on questions of law, and I usually do, but I can not follow him on this occasion.

The charge is made that this bill is made to enact a monopoly, or, in other words, to stimulate and create a monopoly. That is not the purpose of the bill. There is no monopoly at present in this country of any nature or kind or description of the three articles mentioned in this bill.

A very serious question has arisen, however, outside of this country where these three articles are produced, as to what shall actually constitute in these three countries the right of the American business man to go into those countries and receive fair play from the governmental control or governmental system. The Stevenson scheme is not approved exactly by Parliament or the legislative assembly, but is approved by the bureaucrats and those in charge of the colonial office.

When we take a particular product like rubber or sisal or any other raw material as this bill provides, which the Secretary of Commerce may on the presentation of evidence have cause to believe is a material requiring concentration of purchase as here in rubber we are met by a monstrous bureaucracy that extends all the way from London to the British East Indies.

London decreed that there should be a restriction of planting and production of rubber trees; that the acreage should be concentrated and limited, so that the British dealers in London could hold up, if you please, the American market.

The East Indies produced about 70 per cent of the entire rubber of the world, and 75 per cent of the rubber of the world, approximately, is used by American manufacturers, so that practically all the rubber produced by East Indies by the planters or farmers comes to this country. Now, the vital necessity of this legislation is indicated, as it is in the hearings, that over $900,000,000 of rubber each year is consumed in automobile tires and accessories, rubbers, and overcoats in the United States—over $900,000,000 each year within the borders of the United States. So that if there be a fluctuation of 1 cent a pound in the price of rubber it means $9,000,000 to the American public.

Mr. LAGUARDIA. If the gentleman will yield, rubber went down 12 cents a pound.

Mr. WELLER. I will come to that. Here we have what is known as the Stevenson restriction plan, which has permitted in the past three years the state of business that I have suggested, where the difference of 1 cent a pound makes a difference of $9,000,000 to the American people. Instead of calling this a restriction plan of Sir James Stevenson it should be called a robber plan, because it tends directly to affect and rob the American people.

The same system of organization of the bureaucracy of limiting rubber exists in Yucatan and Mexico in reference to sisal and exists in Germany with reference to potash.

So we have three bureaucratic commodities restricted by foreign governments brought to this country which are of vital necessity.

The question so aroused the general community in making the price that England through her Prime Minister has announced that they expect to abrogate this robber rubber plan on the 1st of next November.

What is the necessity for this legislation? The necessity is simply this, that it takes, first, seven years to grow a rubber tree, and, secondly, there is no other place in the world where we can, with practicability, produce rubber except in the East Indies. Surely, we have enough rubber now if we have 100 per cent production in the British East Indies to supply the rubber market of the world, and at a low price. If, perchance, there should be a change of prime minister, and there may be, we would probably go right back and the rubber market of the world would be controlled by England again, and the price of rubber would shoot right up, maybe to $1.20 a pound again, and the American public would be paying the freight.

What is this so-called Stevenson plan? The Stevenson plan applied only directly to two of the colonies of Great Britain, Ceylon and British Malaya. The other two, Burma and Borneo, possession of England, just follow along, as it were, played along and adopted through their legislative assemblies the same program. In the years that we have been using rubber we find that practically all of the rubber has been what is known as jungle rubber, growing out in the woods, requiring no cultivation. Until 1905 there was no necessity to cultivate rubber, because it grew right out in the jungle, but as the necessity in the automobile construction and other phases of business activities continued then it became necessary to actually cultivate rubber. We find that the cultivation of rubber ran from 174 tons in 1905 to 286,000 tons in 1924, 565,000 tons in 1927. This plantation rubber, under British restriction, grew to be a monstrous industry, but in that industry never at any time did the men of the Dutch East Indies, the far-seeing Dutch merchants, participate in any way directly or indirectly with the rubber industry of England. The result was that England was putting a law, through her Colonial Secretary, on the books of the legislative assemblies of outlying possessions, which was being followed and had to be followed by her subjects, but not by the Dutch, restricting the production of the acreage on the one hand for English possessions, while the Dutchman on an island within 100 miles and within the rubber areas, was not bound by the English restriction at all. England, if you please, was holding the bag for the Dutch East India merchants, and they waxed fat and grew rich. The Dutch East Indies did not produce rubber until 1911, and in 1922, when the British restriction act first went into effect the British produced 271,000 tons, and the Netherlands produced 102,000 tons, while in 1927 the British produced 322,908 tons and the Dutch 227,893 tons. In 1928 the ratio will run along about the same. The Dutchmen were and are planting about 100 per cent production to the acre.

The mere fact that the Stevenson plan is eliminated, possibly as of November 1 next, which may or may not be followed, does not guarantee and offers no protection whatever to the American business man and the American dealer unless he be permitted to combine with his fellows and bargain collectively in the open market at a price that is fair and agreeable.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WELLER. Yes.

Mr. CELLER. I understand, therefore, that the operation of the Stevenson plan had the effect of bringing out the Dutch East India rubber; that is, it had the effect of increasing the supply. Did not that have the effect of reducing the price of rubber?

Mr. WELLER. No; because the Dutchmen of the East Indies do not necessarily go through the markets of London, and are not controlled in their prices through the markets of London; they sell directly to the United States. The Dutchmen have produced at less expense a greater acreage, and they have produced what is equivalent of 100 per cent production, whereas the Englishmen have produced only to the extent of 50 per cent of the acreage.

Mr. CELLER. Will the gentleman put in the RECORD the various prices of rubber from 1921 down?

Mr. WELLER. Yes.

Mr. STEVENSON. Will the gentleman explain to us why the price has gone down so?

Mr. WELLER. The price has gone down simply because of the shrewd business buying of men in this country, and by virtue of "fighting fire with fire" they have been forced to use their brains and wit and ingenuity in order to buy at the proper time, and it may be that they have had to hold their stocks in warehouses or on spot deliveries or future deliveries. It has been judicious buying that has protected the American business man.

Mr. STEVENSON. And is not the best way to manage business to let these business men manage it and not have the Government interfere?

Mr. WELLER. I quite agree with the gentleman that the business men ought to be permitted to manage their own business, but when they are trying to do that and we have a law on the statute books which would possibly subject them to penalty and forfeiture when they are not intentionally violating any law, we should legalize their acts in order that they may act for and in behalf of their own business.

Mr. MICHENER. Does not the gentleman think that the fact that this rubber pool, so to speak, operated by business men, has not acted in any way in restraint of trade, in so doing has brought about the condition that we find to-day so far as the price of rubber is concerned?

Mr. WELLER. I think that is true. I think that is a fair statement. That business has been conducted by men who have been actually forced to the wall and compelled, as I said before, to fight fire with fire. If we find now that by their combination with reference to prices in foreign countries they are violating the law of this country, then we are placing a serious handicap upon the business of our country if we do not correct that situation. Now, we have provided here under the terms of this bill an elastic proposition.

Under the terms of this bill if the Secretary of Commerce finds, upon a proper showing, that the industry is affected—the Webb-Pomerene law then might possibly affect these men and subject them to a penalty or a forfeit—under the terms of this bill they would be permitted upon the proper presentation, under Government regulation, to continue business, and if they violated, as the gentleman suggested, the terms of the Webb-Pomerene Act, then they would not be subject to criminal prosecution.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. WELLER. I yield.

Mr. LOZIER. Appropos of your suggestion that the Dutch marketed their rubber not through London but through America and other ports of the world, is it not true that in the year 1922 our imports from the Dutch East Indies were 92,000,000 pounds, and in 1926, 156,000,000?

Mr. WELLER. They speak of it in tons.

Mr. LOZIER. The Dutch have practically doubled their imports into the United States since the Stevenson Act went through.

Mr. WELLER. That is true, and they have crept up on the British almost 60 per cent in one year.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. WELLER. Yes.

Mr. MICHENER. That has been since the American purchasing power has united?

Mr. WELLER. Yes.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. WELLER. Yes.

Mr. WAINWRIGHT. Is not one purpose of this bill to legalize the existing rubber pool or combination?

Mr. WELLER. That is not the purpose of it. However, you are stating it as many others would state it. These men, as I said, are fighting fire with fire, and in so doing they are coming under the criminal provisions of the Sherman Antitrust Act or the Webb-Pomerene Act.

Mr. WAINWRIGHT. They are not doing anything as to which their right might be questioned?

Mr. WELLER. That is correct, but it may be.

RUBBER

Rubber is financially the greatest and most important product we now have to deal with, but in no other case is there so clear a division between the producer and consumer along national lines. Rubber has a close rival in Brazilian coffee, but after all British rubber stands preeminently above all import products.

Prior to 1920 crude rubber sold in the United States at a price between 20 and 30 cents per pound, and practically all of the crude rubber was jungle grown, there being practically little or no cultivated rubber.

During the war great quantities of rubber were acquired by the United States and when the war ceased this great supply and overproduction was placed upon our doorstep by the British Government.

In 1905 the total amount of plantation rubber was about 174 tons, while the total wild, tropical, and jungle production was 59,320 tons. As rubber began to be cultivated it was found that Sumatra and Java and the British possessions of Malaya and British islands were the most fertile, and experimentation disclosed that rubber could best be produced within 10° of either side of the Equator. In the year 1920 the total plantation of rubber had increased from 174 tons to 304,671 tons, while tropical, wild, and jungle production fell off from 59,320 tons to 36,464 tons, and it is fair to say that this ratio for all practical purposes could be continued.

In 1922, however, the British Government saw that there was destined to be a large production of the supply of rubber, which would tend to decrease its price, and that the supply would be so great that the demand for crude rubber would necessarily cause a depression of rubber prices. The British Government decided that instead of permitting the British possessions to produce all of the rubber that a plantation could cultivate that the cultivation of trees and harvesting of crops should be defined and restricted. Hence came the so-called "Stevenson scheme."

The British Parliament passed an act wherein the local government officials of the country were directed to administer the law, and a set standard was attempted to be fixed on the productions of all states of the particular territory or part thereof. Price levels were arbitrarily fixed by the terms of this act, with

a fixed schedule based on London prices. The acreage and trees were subject to inspection and heavy penalties were set up for infractions or false disclosures, and the act provided that every estate under the British flag would be restricted by law to 60 per cent of its production.

The restriction act had the effect of reducing the output of the plantations to 60 per cent of the production, and this figure is based upon a term of eight months, so that the percentage of production will not be increased for several months to come.

This 60 per cent restriction will remain at this figure until rubber reaches the price of 42 cents a pound or more for a period of nine consecutive months from February 1, 1928. Should, however, the price of rubber reach 48 cents a pound for any three consecutive months, then the restriction provisions would be increased to 70 per cent of the output, and should the price of rubber remain at 75 per cent for three consecutive months the restriction figure would be lifted to 100 per cent. Following that, however, should the price of rubber fail to maintain the 42 cents for any consecutive period of three months, the restriction would be immediately restored.

At the period between November 1, 1919, and November 1, 1920, the basic price of rubber was fixed at 1 shilling 6 pence, or about 36 cents per pound, and it was provided that if the prices of rubber exceeded 30 cents a 5 per cent increase would be available every three months, so that 100 per cent production of the acreage was only available when the prices reached 75 cents. In other words, the production of a crude rubber plantation could only equal the harvest of the production of the year November 1, 1919, to November 1, 1920.

Year	British Empire output of plantation rubber	Selling value	Net profits	Approximate area in bearing	Approximate profit per acre
	Tons			*Acres*	*L. s. d.*
1909	4,318	$3,000,000	$2,150,000	40,000	53 15 0
1910	8,406	7,000,000	5,350,000	95,000	56 6 0
1911	14,456	7,200,000	4,350,000	150,000	29 0 0

The Stevenson committee estimated that the world's consumption of rubber for the ensuing years of 1923 would be approximately 330,000 tons, of which the British could produce 151,000 tons or 60 per cent of the total production of 262,000 tons, the Dutch could produce 64,000 tons, and all other countries 25,000. The world's output of plantation rubber was distributed among the producing countries in the following proportions:

	Per cent
Malaya	57.5
Ceylon	12.5
South India and Burma	2.0
Dutch East Indies	25.5
Other countries	2.5

At the time that the Stevenson Act took effect, rubber was selling in New York for about 20 cents per pound, London price, plus 3 cents per pound to get it here in New York tariff free. As soon as the act took effect, the price of 30 cents per pound being called the "fair price," the price in New York immediately jumped to 37 cents per pound and finally, as the act took effect, the prices shot up to 87 cents a pound and finally $1.20 a pound.

A simple illustration will disclose a tremendous cost to the American people, for more than 70 per cent of the rubber production of the world is under the control of the British Empire and the American people consume 75 per cent of this amount. In 1926 the American people spent $900,000,000 in buying rubber tires and automobile accessories of rubber so that the charge of 1 cent per pound on the price of rubber means a difference of $9,000,000 to the American people. A saving of 1 cent per pound to the American people, who are the largest dealers, operators, and users of automobiles in the world, means a tremendous saving and conservation of our wealth. The automobile not only as a pleasure car but on the farm and in business has come to stay and is a fixed method of transportation at least for several decades to come. The price of crude rubber as a result of the Stevenson plan shot up in a spectacular degree and at the expense primarily of the American public. We not only pay the freight but we pay for the upkeep, management, and harvesting of the British crops of crude rubber.

Shortly after January 1, 1928, current newspaper reports indicated that the British Parliament would abrogate and, in some way, terminate the Stevenson restriction plan. On April 4, 1928, Prime Minister Stanley Baldwin announced in public press the Stevenson scheme would be suspended on November 1, 1928.

The inequity of this plan is apparent, and the tremendous hardships that it has worked against the American people are disclosed, but if the ban is lifted at this time it will take several years at least before the American public can get any relief. Since 1922 not only the sales, but the trees, harvest, labor, machinery, everything has been based upon a 60 per cent production and in a measure the British Island has adjusted itself to this schedule.

It takes seven years to plant and cultivate a rubber tree before it begins to bear fruit. The danger has already been done and substantial relief can not be felt until the greater part of seven years has passed, and then we must assume favorable climatic and favorable soil conditions.

What the American people want now is relief as soon and as early as possible. The American people have protested against the Stevenson plan. The matter was discussed in the Congress of the United States on December 19, 1925, H. R. 59, page 1214, of the CONGRESSIONAL RECORD of the Sixty-ninth Congress, and a resolution was adopted providing:

That the well-being of the American people was seriously threatened by the control of the supply of rubber resulting in the excessive prices wholly unjustified by the normal laws of supply and demand.

The following are tables taken from the congressional hearing before the Interstate and Foreign Commerce Committee 1926:

World production, plantation and wild rubber

	Total plantation	Total wild (tropical America and Africa)	World production		
			Total	Plantation	Wild
	Tons	*Tons*	*Tons*	*Per cent*	*Per cent*
1905	174	[1] 59,320	59,494	0.3	99.7
1906	577	62,004	62,581	.9	99.1
1907	1,157	66,013	67,170	1.7	98.3
1908	1,796	64,770	66,566	2.7	97.3
1909	3,386	70,370	73,756	4.6	95.4
1910	7,269	73,477	80,746	9.0	91.0
1911	14,383	68,446	82,829	17.4	82.6
1912	30,113	73,834	103,947	29.0	71.0
1913	51,721	63,280	115,001	45.0	55.0
1914	73,153	48,052	121,205	60.4	39.6
1915	114,277	54,740	169,017	67.6	32.4
1916	158,993	51,086	210,079	75.7	24.3
1917	221,187	56,751	277,938	79.6	20.4
1918	180,800	36,711	217,511	83.1	16.9
1919	348,574	50,424	398,998	87.4	12.6
1920	304,671	36,464	341,135	89.3	10.7
1921	276,746	23,903	300,649	92.0	8.0
1922	378,232	27,878	406,110	93.1	6.9
1923	379,738	[2] 26,685	[2] 406,423	93.4	6.6
1924 [2]	386,703	28,000	414,703	93.2	6.8

	Total plantation	Total wild	Total
	Tons	*Tons*	*Tons*
1925	488,532	39,026	527,549
1926	583,730	40,315	624,045
1927	565,600	44,400	610,000

[1] Excluding Venezuela. [2] Estimated.

This table shows that whereas, in 1905, 99.7 per cent of the rubber produced was wild rubber, during the last year given less than 7 per cent came from wild rubber sources. That shows clearly that the rubber of the world is now a matter of cultivation and plantation.

This table also shows the growth or total rubber production from 50,000 tons in 1905 to 414,000 tons, even under restriction, in 1924.

Now, the planted rubber industry is located in the Middle East, chiefly in British possessions, and I submit to the committee a table showing the location and production of the planted industry.

Production (net exports) of plantation rubber, total, Middle East

Years	British possessions					Netherland India	French Cochin China	Grand total, Middle East	British share of grand total
	Ceylon	British Malaya	India and Burma	British Borneo	Total British				
	Tons	*Tons*	*Tons*	*Tons*	*Tons*	*Tons*	*Tons*	*Tons*	*P. ct.*
1905	70	104			174			174	100
1906	145	432			577			577	100
1907	250	905		2	1,157			1,157	100
1908	390	1,402		4	1,796			1,796	100
1909	681	2,698		7	3,386			3,386	100
1910	1,522	5,713		34	7,269			7,269	100
1911	3,061	10,895	332	95	14,383			14,383	100
1912	6,628	20,540	643	277	28,088	2,025		30,113	93
1913	11,325	33,213	1,040	608	46,186	5,535		51,721	89
1914	15,336	46,430	1,343	883	63,992	8,970	191	73,153	87
1915	21,787	70,516	2,161	1,631	96,095	17,811	371	114,277	84

Production (net exports) of plantation rubber, total, Middle East—Contd.

Years	British possessions					Netherland India	French Cochin China	Grand total, Middle East	British share of grand total
	Ceylon	British Malaya	India and Burma	British Borneo	Total British				
	Tons	*Tons*	*Tons*	*Tons*	*Tons*	*Tons*	*Tons*	*Tons*	*P. ct.*
1916	24,334	97,837	2,781	3,058	128,010	30,443	540	158,993	81
1917	32,290	134,788	3,992	4,312	175,382	44,889	916	221,187	79
1918	20,665	107,691	4,377	4,193	136,926	43,345	529	180,800	76
1919	45,010	199,545	6,554	6,375	257,484	88,189	2,901	348,574	74
1920	39,532	174,322	6,376	5,851	226,081	75,522	3,068	304,671	74
1921	39,342	151,001	5,305	5,311	200,959	72,227	3,560	276,746	73
1922	46,694	212,380	4,854	7,661	271,589	102,171	4,472	378,232	72
1923	37,111	183,812	6,417	10,094	237,434	137,158	5,146	379,738	63
1924	37,338	152,320	7,161	8,208	205,027	175,298	6,378	386,703	53

Years	Ceylon	British Malaya	India and Burma	British Borneo	Total British	Netherland India	French Cochin China	Grand total
	Tons	*Tons*	*Tons*	*Tons*	*Tons*	*Tons*	*Tons*	*Tons*
1925	45,109	210,915	10,082	15,131	281,237	193,589	7,881	482,707
1926	58,962	282,200	9,874	16,286	367,322	203,634	8,203	579,159
1927	55,356	239,000	11,321	17,231	322,908	227,893	8,645	559,446

Siam:	
1925	5,377
1926	4,028
1927	5,472
Grand total	14,877

That table shows that the planted industry is producing today—produced in 1924, as I stated—about 93 per cent of the rubber. Of this plantation rubber approximately 70 per cent of the plantations are located within the British East Indies. The actual production during the last two or three years does not bear out that percentage of production because of the restriction in the British area and therefore the enlarged ratio of production in other areas.

The acreage involved in the industry and its distribution is shown in the following table:

Area planted and tappable[1], *total Middle East*

Countries	Total area planted[2]	Area tappable[3]
	Acres	*Acres*
Ceylon	445,000	423,000
India and Burma	124,000	119,000
Malaya	2,275,000	2,061,000
North Borneo, Sarawak, and Brunei	117,000	87,000
Total British	2,961,000	2,690,000
French Indo-China	86,000	68,000
Netherland India	1,249,000	1,092,000
Total other	1,335,000	1,160,000
Total Middle East	4,296,000	3,850,000

[1] Includes both European and native-owned rubber.
[2] To end of 1923.
[3] In 1924; 5 years old or over.

This table shows that at the present time the total area planted is about 4,200,000 acres and the amount in production is about 3,800,000 acres.

An investigation by the department at that time showed that the capital invested in the rubber plantations in the whole of the Middle East, which involves the Dutch and other possessions as well as the British, amounted to $876,000,000. That was not the capitalization of corporations, but was an estimate of the actual capital invested. The report further shows the cost of production. I will not take time to read that section of the report, but include it in the record at this point.

The report is as follows:

CAPITAL INVESTMENT

Following is an approximation of the capital invested in rubber plantations in the Middle East and its origin, stated in American currency:

Great Britain	$505,000,000
Netherlands	130,000,000
France and Belgium	30,000,000
Japan	42,000,000
United States	32,000,000
Shanghai	14,000,000
Denmark	11,000,000
All other, including native-owned areas	112,000,000
Total	876,000,000

THE LEGAL PHASES OF IMPORT TRADE

The bill H. R. 8927 seeks to amend the export trade act known as the Webb-Pomerene Act so as to permit certain commodities of this country to make combinations for the purpose of buying certain raw materials under permit of the Secretary of Commerce. In other words the bill provides that the act shall be amended so that the provisions therein contained, relating to combinations for the purpose of export trade, may also applied in connection with import trade so that the export and import trade with respect to combinations and monopoly outside of the United States may be effectuated. In other words it is not illegal under the Webb-Pomerene Act to combine to procure prices or to fight monopoly abroad so long as the acts do not enhance prices within the United States nor discriminate in the sale of its commodities in the United States and do not effect a competition in the United States so that we may also protect American business which is compelled to buy commodities outside of the United States.

It is sought to provide in this bill that import trade which relates to crude rubber, potash, sisal, and other raw materials which are of a character not made, produced, or grown in the United States in sufficient quantities for the commercial needs of the United States.

Ample jurisdiction is given to the Secretary of Commerce in a proper case and when he has reasonable cause to believe that a monopoly exists outside the United States which requires collected and concerted action by American business and American consumers. The Secretary of Commerce is given the jurisdiction to make a finding that such monopoly exists if he has reasonable cause to believe from the evidence submitted to him that monopoly of production or prices exists to the detriment of the American business man. As an added security, the bill provides that if the Secretary of Commerce issues a permit for collective bargaining under the circumstances aforementioned, that such association shall be under his jurisdiction and control and that it will not be permitted to discriminate in certain commodities or to play with prices or accumulate unreasonable stocks of merchandise; and so, too, if the necessity for the permit ceases to exist and the monopoly abroad is dissipated and no longer exists, then the permit can be withdrawn.

In other words, the purpose of the bill is sought to give the same effect to import traders as are now had and enjoyed by export traders.

The act provides that the association for the purpose of combination can only be permitted by the Secretary of Commerce when the raw materials of products are not produced or grown in substantial quantities within the United States and are controlled by foreign-government combinations, thereby permitting a combination of American business men to act together and in concert for their protection for the purpose of importing such raw materials without the possibility of infringing upon the antitrust laws of the United States. It might be contended that without the aid of the proposed act that such a combination would violate the antitrust laws and subject the American business man to a violation of the laws of commerce, and such acts would make them liable to civil and criminal penalty.

SISAL

It is said that the plants, to form a plantation, should not be higher than 10 or 12 inches or even less.

Once a field is planted it may be practically left to itself, as there is probably no crop, except the castor-oil plant, which requires less care to bring it to perfection than sisal. At the same time a little care is needed at the outset until the plants are robust. No weeds should be allowed to grow and the suckers should be cut down. But the suckers are valuable for replanting purposes.

The length of the fiber is one important factor in its fitness for the market. The least length should be 2 feet 6 inches.

Once the plants have arrived at the cutting stage, no other labor is required in the field except the cutters and the carters. The cutting may be performed the year round.

About 80 per cent of the raw fiber used in the manufacture of binder twine in the United States is sisal and about 75 per cent of the world's production comes from Mexico.

Sisal, manila hemp, and New Zealand hemp mainly constitute what is called the hard-fiber group. They are to some extent interchangeable in use, but the superior quality of manila hemp renders it more suitable for rope making and the better qualities have always commanded a price premium for those purposes where greater tensile strength than that afforded by sisal fiber is required.

It takes seven years in Yucatan from the planting to the cropping of the plant, and the total output represents a half century

of hard work. In the northern part of Yucatan they can not raise anything but hemp. It is the chief industry. Seven-eighths of the population are devoted to the cultivation of this plant. This is the Government's only source of revenue. Yucatan has about 315,000 inhabitants and is one of the states of Mexico. It comprises an area of 26,000 square miles.

About 1902 the International Harvester Co. was organized and headed by Mr. Molina, who retired from business and went into politics, and became Governor of Yucatan and afterwards secretary of public works. He has been succeeded by his son-in-law, Mr. Montes, who is said to be the agent of the International Harvester Co.

Yucatan produces about 1,000 pounds of hemp per acre. The plants live about 25 years.

A commission was created in 1908 which provided what the price of hemp should be under the guise of extending the manufacturing of hemp throughout the State. The commission was authorized by the Legislature of Yucatan, which passed a law creating the commission. It is a government commission appointed by the governor and the members are removable by the government.

Hemp or sisal is used principally for binder twine for oats, barley, wheat, and so forth.

On January 8, 1915, the Congress of the State of Yucatan passed the first legislation contemplating a control of the sisal product. Yucatan gave its governor large powers in the creation and administration of a purchasing commission and to control the prices, and later the American banking group became active. During 1916 prices were advanced from 6⅝ cents per pound c. i. f. New York to as high as 14 cents per pound. These prices provoked much indignation in the United States, and a Senate inquiry extending from February to April, 1916, establishing the existence of a combination but resulted in no correction.

Sisal is used to harvest wheat, oats, rye, and barley in the United States. Previous attempts to grow sisal in the United States have been unsuccessful, and in 1922 it was tried in Florida.

Sisal is a tropical plant and can not live if the temperature falls to the freezing point at any time.

United States *v.* Sisal Sales Corporation of New York, October term, 1926, United States Supreme Court (274 U. S. 268)

The United States sought an injunction to prevent the Sisal Corporation from taking further action in pursuance of a combination said to be forbidden by the Sherman antitrust law and the Wilson Tariff Act.

The Sisal Corporation consists of three banking corporations, two Delaware corporations organized to deal in sisal, and a Mexican corporation which buys sisal from producers.

It is shown that the annual requirements of the United States are 250,000,000 to 300,000,000 pounds per annum and that Yucatan is the only place it can be obtained and that the price runs from 4 to 7 cents per pound.

The Mexican corporation, Commision Reguladora, was used as a buying cover and then came the collapse. The corporation disposed of competition in the trade and excessive prices were arbitrarily fixed.

The court held that the combination was illegal and sought to control both the machinery and the sale of sisal with combined monopoly of external and internal trade therein.

The United States complains not merely of the violation of their laws subject to their jurisdiction but something done by another Government at the instigation of a private party.

POTASH

Prior to 1919, Germany had little competition from American potash manufacturers. At that time American companies sprang up and Germany's monopoly became endangered. Nothing was done until 1921 when, because of increased production in Germany, 34 American manufacturers of fertilizers were forced to sign contracts with the German Kali Syndicate for the importation of potash to the United States. The potash industry in the United States was rapidly decreasing and things were made more serious on September 22, 1922, when potash was put on the free list. But potash had been discovered in western Texas and immediately potash production in the United States increased. By the end of 1922 production was slightly greater than in the preceding year.

In 1922, 12 plants produced 25,176 tons of crude material, averaging 45.6 per cent of potash. The average value in 1922 was 41 cents per unit (20 pounds). Even with the increase of 1922 production did not equal the record of 1919—four times the amount of 1922.

Value of American potash and tons produced, 1916–1924, of pure potash

Year	Short tons	Value
1916	9,720	$4,242,730
1917	32,573	13,980,577
1918	38,580	15,839,618
1919	45,728	11,271,269
1920	41,444	7,463,026
1921	4,408	447,859
1922	11,313	463,512
1923	19,281	784,671
1924	21,880	842,618
1925	25,802	1,204,024
1926	25,060	1,083,064

California in 1922 was the largest American producer of potash. Maryland was the second largest.

Imports—Mostly from Germany and Alsace and France

	Tons
1913	270,720
1914	207,089
1915	48,867
1916	7,885
1917	8,100
1918	7,957
1919	39,619
1920	224,792
1921	78,698
1922	201,415
1923	209,950
1924	200,365

Until 1915 potash came to the United States chiefly from Germany; from 1916 to 1920 from many different countries; and in 1921 to 1924 from Germany, France, and Belgium. In 1918 the United States Geological Survey was making advanced researches in Texas.

In 1924 Germany and Alsace regained their former monopoly by forming an agreement to operate on an established basis of cooperation in the sale of potash to the United States. It went into effect on May 1, 1924. At this time the Trona Corporation was the largest American manufacturer of potash. The prices at this time were $31.09½ to $35.55 per ton for 80 per cent muriate; $45.85 per ton for 90 per cent sulphate.

In 1924 activity in California died out, and Maryland took the lead, producing 10,302 short tons of crude material composed of 33.3 per cent pure potash. Potash has been discovered and successfully mined in Utah, near Salt Lake City.

Germany has always been foremost in the production of potash and its elements. Alsace and France have also been important. American producers of potash have to contend with the cheap production cost of foreign potash and the fact that it is on the free list. In 1922 potash stocks were floated on the market and went to a high level which they were unable to maintain. American farmers—the chief consumers of potash—do not believe that American potash is as good as the foreign product.

It is this fact that must be understood by those who use potash before the higher-priced American product can ever hope to attain the favor that German imports now enjoy—that American potash is purer and, if it were more in demand, could undersell the foreign product.

In 1924 foreign potash was at low price levels, while American increased its gain of 1923. There were 11 plants operating. Production in 1924 was 13 per cent greater.

Potash produced in 1924, by States

	Tons
California	19,361
Maryland	3,430
Indiana and Pennsylvania	105

In 1924 there were 222,245 tons of potash used in the United States, valued at $14,218,900; about 94 per cent of this was used as fertilizer; 90.2 per cent of this was imported.

In 1925 the increase in production of American potash was 11 per cent in the pure potash and 18 per cent in the crude salts. The Trona Co. was the chief manufacturer at this time; they operated mostly in California. This year 258,217 tons were imported into the United States. Germany and France were the chief contributors to this amount. Prices rose about 40 cents a ton in the lower grades, but remained the same in the higher grades. In 1925 the United States manufactured 23,086 metric tons.

Production in 1926 decreased 8 per cent in the pure potash and 10 per cent in the crude product. There were 23,366 tons manufactured in 1926 in the United States, while 266,280 tons were imported from Germany and France. Prices advanced from 15 to 20 per cent in the cheaper grades, while the finer grades went up 3 and 4 per cent.

Production in 1927	Metric tons pure potash
Germany	1,239,395
France	372,040
Poland (approximately)	50,000
United States (approximately)	30,000
Spain, Russia, and all others (approximately)	25,000
Total (approximately)	1,716,435

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. DOMINICK].

The CHAIRMAN. The gentleman from South Carolina is recognized for 10 minutes.

Mr. DOMINICK. Mr. Chairman and gentlemen of the House, we have had a great number of farm relief bills introduced and prepared by different people, but we have one now that bears the unique distinction of having been prepared by Mr. J. J. Raskob, chairman of the finance committee of the General Motors Corporation.

They call this bill one that will help the farmer in buying automobiles, sisal, potash, and other raw materials, but, as is demonstrated in the hearings, it is nothing in the world but a rubber bill and an attempt to control the price of rubber in this country.

You have heard, and will hear more, about the control by the British Government. You have heard about the collapse of the Stevenson Act yesterday. But what has been going on in this country? When rubber prices were $1.20 a pound, there was formed in this country this association of rubber men and automobile people. They went into the market; they formed a pool and they bought rubber; and they lowered the price to some 50 cents a pound. It has been going down and down from that time on under the operation of that pool, and I might add right here that that pool has been operating without any criticism whatever from the Department of Justice. It has been operating without any prosecution on the part of the Department of Justice; and, as is shown in Mr. Davis's letter and Mr. Hughes's letter—those two eminent law firms that write the identical letter here as to this kind of legislation—this pool has had no criticism whatever from the Department of Justice, but they want to legalize something that they have been doing that might perchance and perhaps be illegal.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. DOMINICK. Yes.

Mr. DYER. This same thing happened when we considered the Webb-Pomerene Act for export trade. That act was not considered to be necessary, in the opinion of the committee.

Mr. DOMINICK. I will say to the gentleman from Missouri that the Webb-Pomerene Act was passed in 1918, during war times. I do not know how I voted on it, but I am like my friend from Texas [Mr. SUMNERS], in that if I voted for it and voted wrong at that time, that is no reason why I should vote wrong at this time.

Mr. WELLER. Did you vote wrong at that time?

Mr. DOMINICK. I do not know. I have not looked into it. I might have voted against it. I doubt very much if we had a roll call, because in those times there were very few things on which there was a division.

Mr. DYER. The gentleman voted for it. There were only 29 Members in the House who voted against it when the vote was taken.

Mr. DOMINICK. Gentlemen, on the 19th day of March the Associated Press dispatches carried a statement as to this rubber pool and its condition. It made the statement that the day before a certain banking and trust company in the city of New York had transferred to that pool $60,000,000 more in order to help them out in the control of the price of rubber, which would make, I think, some $110,000,000 which would be in the control of that pool at this time.

But what else do we find in that dispatch? We find further along in the dispatch that the rubber pool had on hand at that time 65,000 tons of crude rubber that cost them 41 cents a pound, and the further statement that the pool up to that time had lost money on their purchases, as rubber was selling at that time at 24 cents a pound.

Now, what does that mean? They have 65,000 tons of rubber that cost them 41 cents; rubber was quoted at 24½ cents a pound on that day, and the pool had a large loss in it. There were different ideas as to why this $60,000,000 loan was made by the rubber pool, but I believe that the real reason is expressed in a portion of an editorial from the Washington Post of March 20, which I will read:

> The British rubber restrictions have not worked out wholly as anticipated. When the American pool first entered the market it purchased rubber estimated at 65,000 tons at from 35 to 41 cents a pound. The influence of this heavy holding, together with talk of synthetic rubber and the activities of Harvey Firestone, Henry Ford, and other Americans who are systematically working out plans for production of their own rubber, have combined to force prices down to the present level of about 25 cents a pound. The pool, therefore, has lost money on its holdings. Yet price stabilization undoubtedly has to a greater or less degree offset such loss, and if rubber has reached a low level, as many believe, it is probable that rubber purchased with the new loan will advance in price enough to offset the earlier losses.

In other words, they have $60,000,000 with which to go into the market now and buy low rubber at 21 cents a pound, and then raise the price of this rubber to the consumers of rubber in this country, and thereby recoup their losses in the rubber they now hold, the loss being the difference between 41 cents, which they paid for it, and 21 cents a pound, which it is worth now, on 65,000 tons. And yet they say this is not a trust.

There is one thing about it in my mind, gentlemen. If you start to make more exceptions to the antitrust laws you might as well except everything and repeal all of them.

They talk about sisal and potash, but they do not include nitrate of soda, which is largely used by a great many of our farmers. I am frank to say that at one time when we were considering this bill, and before I looked into it carefully, I made a motion to amend by inserting nitrate of soda, but I got to thinking that there were very few beneficent and benevolent trusts, and that we had better keep nitrate of soda out.

Mr. MICHENER. Will the gentleman yield?

Mr. DOMINICK. Yes.

Mr. MICHENER. Nitrates are in to-day just as much as rubber, are they not?

Mr. DOMINICK. Yes; I presume they are included in "other raw materials."

Mr. MICHENER. At the time the gentleman offered his amendment the bill was written a little differently than it came out of committee.

Mr. DOMINICK. I suppose nitrate of soda is supposed to be included in "other raw materials," but it is not specifically included.

Mr. MICHENER. Nitrates are included to-day just as much as rubber or anything else.

Mr. DOMINICK. What I am speaking about is that it is not specifically named in the bill.

Mr. DYER. We will have no objection if the gentleman wants to put that in.

Mr. DOMINICK. No; I want to strike them all out.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. DOMINICK. Yes.

Mr. JACOBSTEIN. Is there anything in the bill which would make illegal such a pool in the future if the owners or those interested in the pool were to be the same owners of the stock of these corporations, the manufacturers who buy the rubber?

Mr. DOMINICK. As I understand it, there is nothing that would prevent such a combination.

Mr. JACOBSTEIN. If there is a community of interest in ownership between the manufacturers of automobiles who buy rubber and these people who are now buying rubber, that would not illegalize the bill?

Mr. DOMINICK. No. Under this bill, as I understand it, automobile manufacturers and tire interests will join in the pool. Both are in the present pool.

Mr. JACOBSTEIN. And if this pool were to pool with the European pool would it still be legal?

Mr. LAGUARDIA. Absolutely. The bars are down and the sky is the limit.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. JACOBSTEIN. Will the gentleman answer that question?

Mr. DOMINICK. That is as nearly as I can answer it.

Mr. JACOBSTEIN. So there is no limit imposed upon them?

Mr. DOMINICK. Not as I see it. If there is, I do not know it. Now, gentlemen, they talk about sisal, potash, nitrates, and other raw materials for the farmers, and say this bill will help them as well. I would like for any man who is familiar with the antitrust laws to point out to me one word in those statutes which prohibits the farmers and their cooperative associations from combining and making these purchases without giving this kind of authority to them. On the other hand, they are exempt now, as I understand the law, and they can form their pools and make their purchases in any manner they see fit.

Mr. STEVENSON. As a matter of fact, the State of South Carolina has authorized its commissioner of agriculture to buy for the whole State.

Mr. DOMINICK. Yes. They are buying it now and have been doing it for the last few years. They have been buying nitrates from the Chilean coast without any interference whatever from the trust laws. We do not need this legislation for that purpose. The legislation is solely in favor of the rubber interests and it is solely in order to give them a legalized monopoly so that they can go to work and do as they please without any interference.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman and gentlemen of the committee, on February 18, 1926, I discussed in detail the rubber problem. In that address I called attention to the development of rubber plantations in the Middle East. I showed the cost of bringing a rubber plantation into bearing, the acreage in the Indian Archipelago planted, and the acreage tappable; also the production of plantation rubber as compared with the production of wild rubber. I shall not on this occasion repeat all the statistics and the arguments which I made upon that occasion. If you desire first hand, dependable, and official information on the rubber problem, I believe it will be worth while for you to read my remarks on the date to which I referred.

I am opposed to this bill because by its terms it expressly authorizes the creation of a monopoly and seeks in advance to exempt that monopoly from the provisions of the antitrust law.

I have never yet, knowingly, voted for any measure which I believe created a monopoly or a trust, or that would license a big business organization to exploit or plunder the people, and as long as I am a Member of this body, my vote will never be given to any bill which has for its object the creation of a monopoly or the legalizing of a trust, because in the last analysis the masses of the people must inevitably "pay the freight" in the increased price which comes from the exactions of all monopolies; and in the present commercial age, we have no such thing as a benevolent monopoly any more than benevolent despotisms. All monopolies, like all despotisms, are oppressive. They are created for the express purpose of getting a stronger strangle hold upon the common people, and any man in this body that votes to create this monopoly, and exempt it in advance from the sin of pitiless exploitation of the public, is voting to impose a heavy burden upon the masses of the American people that will bend their backs and unreasonably increase the cost of their necessary commodities.

There are several outstanding reasons why this bill should not be enacted:

First. The bill will authorize the creation of a hard and fast monopoly and a trust on raw material purchased by combinations, associations and buying pools.

Second. It will substantially advance the prices that the consumers will have to pay for these raw commodities and for the articles manufactured out of these trust-controlled supplies. The provisions in the bills designed to prevent arbitrary advance in prices to consumers are weak, grossly inadequate and will prove ineffective.

Third. The bill, if it becomes a law, will give the big manufacturers a tremendous advantage over the small fellows, who will be driven out of business.

Fourth. The plain purpose of the bill is to take us out of the hands of a foreign monopoly and put us in the power of an American monopoly that would bleed the masses as unconscionably as the alleged foreign monopoly. An American monopoly is as bad as a foreign monopoly. Either will bleed the people white if you only give them a chance, and this bill gives the Rubber Trust a sure chance to extort hundreds if millions of dollars from the consumers of rubber in the United States.

Fifth. There is no emergency or necessity for this legislation. The Stevenson plan has failed to work and do what it was expected to do. Rubber is now selling at a ridiculously low price. The Stevenson plan broke down completely, for two reasons, (a) because it was fundamentally wrong and impractical as a permanent governmental policy, and (b) because the Dutch Government, by refusing to join Great Britain in her policy of restricting exportation of crude rubber, annually dumped on the market an ever-increasing supply of crude rubber that more than made up for the quantity withheld by Great Britain. This maintained the supply in excess of the demand, and finally broke the market and reduced prices to a supply and demand basis.

Sixth. The measure is essentially a bill to create a monopoly on rubber, which in my opinion will be more exacting than the recent plan of the British Government to control the price of crude rubber. By this bill we will commit the government to the policy of creating monopolies and turning them loose to prey on the public. This bill would be in effect a license to big business to form a trust, create a monopoly, and fleece the people. The principle is fundamentally wrong. If enacted, this bill will cost the American people untold millions of dollars. If we can license a rubber monopoly, we can, with as much grace license monopolies to control the price and market of other commodities. The principle of this bill is extremely vicious. All monopolies are odious. All monopolies prey on the people. All monopolies arbitrarily and unreasonably increase the price of commodities to the consumers. Every monopoly robs the masses to enrich a favored few. Monopolies are undemocratic, unrepublican, and un-American.

Seventh. While reference is made in the bill to sisal, potash, and a few other commodities on which it is claimed there are monopolies, this bill has for its primary object, yes, its sole object, the creation of a monopoly on crude rubber, and by controlling the raw material, this trust will have a monopoly on the articles manufactured out of crude rubber. This law will give the Rubber Trust a strangle hold on the automobile business in the United States.

The bill will do nothing in the way of reducing the price of sisal, potash, and other commodities that the farmers use and are interested in. Those articles are merely mentioned in passing and put in the bill as a bait to the farmers of America to sugar-coat this bitter and poisonous bill and induce the members of this House who come from agricultural districts to vote for it. The reference to sisal, potash, and a few other commodities used by farmers is not made in good faith, and is a delusion and a snare. Do not be deceived, this is not a bill to help the farmers, but a bill to bleed the farmers and other users of rubber tires and other commodities in the manufacture of which rubber enters.

If the present administration want to help the American farmers, why not enact the McNary-Haugen bill, which is demanded by the agricultural classes of America? Why fuss and fool around with this petty, contemptuous bill that is designed to fool the farmer and build up a gigantic rubber monopoly? The big rubber companies in the United States are behind this bill and this may well be designated as a bill to license the greedy rubber companies in the United States to create a monopoly and fleece the American people.

Much has been said in this discussion about the Stevenson plan, the plan that was formulated and put into operation under the administration of Sir Robert Horne, as Chancellor of the British Exchequer. At the head of the committee that framed this plan was Sir James Stevenson. The so-called Stevenson plan is not an act of the British Parliament but an order made by the British Colonial Office to limit the exportation of rubber from the British colonies in India, Burma, and the Malayan Archipelago. After its approval by the British Ministry it was referred to and ratified by the provincial governments of all the British colonies producing plantation rubber.

Twenty years ago practically all of our crude rubber was gathered from the primeval forests. The plant or tree which produces crude rubber is indigenous to all equatorial regions. Different species of the rubber tree are found in different regions, but rubber-producing trees are found in all equatorial regions. The crude rubber produced from different trees is not always of the same grade or value.

By odds the most productive and valuable rubber tree is the hevea, which flourishes in a natural state in uplands of the Amazon watershed.

There are two principal species of the hevea tree, namely, the *Hevea benthamiana* and *Hevea brasiliensis*. The former is indigenous to the northern part of the Amazon watershed and is found along the tributaries that flow into the Amazon from the north, while the latter is indigenous to the plateaus on the southern slope of the Amazon and is found on the uplands along the Amazon's tributaries that enter that mighty river from the south.

It has been conclusively demonstrated that the *Hevea brasiliensis* is the most productive and yields the highest quality of crude rubber. It is officially estimated that there are more than 300,000,000 hevea rubber trees in the Amazon watershed untouched and untapped, varying in size from 2 to 3 or 4 feet in diameter and from 60 to 80 feet high. Before plantation growing of rubber became common, natives at stated intervals went through the pathless forests, tapping or bleeding the rubber trees and collecting the sap or milk for export. But within the last two decades the people have found a better, cheaper, and more dependable way of securing crude rubber than by having the natives gather it from the wilds of tropical forests.

I am not defending the action of the British Government in restricting exportation of rubber from its colonies, but I do say that the people of Great Britain have done more to develop the

plantation growing of rubber and to furnish the world a sure source of supply than all other nations combined. As far back as in 1869 the British Government, with far-seeing vision, began to experiment in the growing of plantation rubber. The English people, with their wonderful genius for commerce, began to plan for the production of an adequate supply of crude rubber without having to depend on wild savages to gather it from the almost impenetrable forests. They were 50 years ahead of the rest of the world on the rubber problem.

It has been said in this debate that as a result of the Stevenson plan the British secured a monopoly on the world's supply of crude rubber. Why, bless your unsophisticated souls, there never was a time since rubber became an important article of commerce that Great Britain did not have a monopoly upon rubber. English traders went into the remote regions of the earth and captured the rubber trade of the world long before the plantation growing of rubber was seriously considered, and when the automobile came here was old John Bull waiting, with a monopoly on the world's supply of crude rubber and ready to rake off the enormous profits that were inevitable because of such control. The American people have no one to blame but themselves. They went along complacently and allowed the English to capture the world's supply of rubber, and when the colonists of Great Britain began to pull down big profits from their investments the big rubber barons of the United States bellowed like petulant and spoiled children.

Before rubber was grown on plantations in commercial quantities, Great Britain had a monopoly upon the exportation of rubber from Brazil and other rubber-producing regions, and she has had a stranglehold upon rubber ever since it has had a commercial value; but in 1869 the British, looking far into the future, began to plan for a permanent supply of crude rubber grown on British soil. Without knowing it, they began at that time to plan for the automobile age and for a monopoly on the rubber supply of the world. They began experimenting with the seed of the hevea rubber tree with a view of planting these trees in India and other colonial possessions.

At that time Brazil, in order to maintain her rich rubber trade, prohibited the exportation of the seed of the hevea rubber tree. In 1876 Henry Alexander Wickham, an Englishman, owned a little 500-acre rubber plantation in the upper reaches of the Amazon River. He was requested by the representatives of the Indian Office in London to obtain 70,000 hevea rubber tree seeds. The germinating life of these seeds was only three weeks, so quick action was necessary. He chartered a tramp steamer, obtained an immediate clearance by telling the shipping authorities that he was carrying rare and perishable botanical specimens to the Queen, and raced the shipment to England. I mention this, not to approve the misrepresentation and deceit of Wickham, but to show how determined these English were to get the seed with which to conduct their experiments. With these hevea seeds experiments were conducted. So with these experiments in the British Botanic Garden at Kew, England, and from cuttings and seedlings, 10,000 plants in 1876 were sent to Burma, Ceylon, Java, and other portions of the East Indian Archipelago. They were planted in these new regions with varying success, but in time the venture was successful, and plantations were planted on a large scale.

Prior to 1905 plantation rubber was produced only in a negligible quantity.

In 1905 the exports of plantation rubber from the Middle East amounted only to 174 tons. At that time over 99 per cent of all the crude rubber of commerce was wild rubber gathered by natives from forests and jungle. At the present time 95 per cent of all the crude rubber of the world comes from the plantations in British India, Netherland East India, and the Indian Archipelago.

So, as a matter of fact, my friends, if the English people have had a monopoly upon rubber, it is because they have had vision; it is because they have had the courage to experiment with rubber, and to invest more than $500,000,000 in rubber plantations, until, at the present time more than 4,000,000 acres in British India and in the Netherland East Indies and in the East Indian Archipelago are planted to rubber, and now all the world must go to these rubber plantations for its supply of crude rubber. The people of the United States could have had this monopoly, or at least a substantial control of the world's supply of crude rubber, if they had looked ahead and invested in rubber plantations as the English did.

In 1921, after the war, the plantations in the Middle East were facing bankruptcy. The price of rubber went down until it sold below the cost of production. In order to avert disaster many of these plantation owners entered into a voluntary agreement by which they obligated themselves to restrict production 25 per cent, but being unable to enforce this agreement, they applied to the British Colonial Office for relief, and the so-called Stevenson plan was originated.

This plan did not become operative until November 1, 1922. At the time it was formulated Great Britain believed that the Netherlands Government would join in this plan of restriction, but after protracted negotiations the Netherlands Government refused to have anything to do with the proposition, so Great Britain decided to "go it alone," although many leading men in England vigorously opposed the plan as impractical and foredoomed to failure, because the Netherlands Government, by unrestricted exportations, could defeat the Stevenson plan and keep the world rubber market on a supply-and-demand basis.

The Dutch Government not only refused to follow the Stevenson plan, but they began immediately to plant hundreds of thousands of acres of new rubber groves. And by the way, gentlemen, those groves which the people of the Netherlands planted in 1920 and 1921 and 1922 are now coming into bearing. Depending, of course, on climatic conditions, a rubber tree in the Middle East will come into bearing in about six or seven years. So, as a result of unrestricted exportation by the Netherlands Government, and because of the rapidly increasing supply of rubber from Netherland East Indies, the Stevenson plan signally failed to function efficiently, except for the first year or two.

Now, what is the so-called Stevenson plan? In short, it regulated the quantity of crude rubber exported from British possessions by a sliding scale which increased or decreased the export duty according to the price that rubber had sold for during the preceding quarter in Mincing Lane, London, which is the Wall Street for rubber.

If the average price of rubber in London was under 21 pence (42 cents), but not under 15 pence (30 cents) a pound, during any quarter, the exportable percentage of standard production for the ensuing quarter at the minimum rate of duty was reduced by 10.

If the average price of any quarter was not under 21 pence (42 cents), but was less than 24 pence (48 cents), there was to be no change in the ensuing quarter.

If the average price for any quarter was 24 pence (48 cents) or more, the percentage of exportable production was to be increased by 10 for the ensuing quarter.

To illustrate: No matter how low the price might be, 60 per cent of the standard production could be exported at the minimum duty. If the average price for the quarter was between 15 pence and 21 pence (30 cents and 42 cents), the exportable percentage was reduced by 10 per cent for the ensuing quarter. And if the average price for the next quarter was between 21 pence and 24 pence (42 cents and 48 cents), no change was made in the exportable percentage. And if the average price for the quarter was 24 pence (48 cents) or more, the exportable percentage was increased 10 per cent.

It will be seen that the plan was cumbersome and economically unsound. It would have failed because of its own inherent weaknesses, but its failure was made inevitable and hastened by the refusal of the Netherlands Government to adopt any restrictive measures. So, while Great Britain restricted exports, the Netherlands increased their exports, which made up for the quantities withheld by the British. This left the market on a supply-and-demand basis, and in spite of the efforts of the British to create artificial conditions and to arbitrarily manipulate the market.

Yesterday the British Prime Minister announced that the Stevenson plan would be abandoned November 1. This is a confession that it has been a failure and has not accomplished the purpose intended. This makes it unnecessary for Congress to pass this or any other measure of a similar purport.

I hope this measure will meet the overwhelming defeat it deserves. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield to the gentleman from New York [Mr. CELLER] 10 minutes.

Mr. CELLER. Mr. Chairman and gentlemen of the committee, I heard with interest the speech of my colleague [Mr. WELLER], but I feel that he does not speak for all of the people of New York City, whence he and I come. I think he is enthusiastically misguided on this proposition. The consumers in New York who would be vitally affected by this bill fear a trust. They are suffering from the many trusts and combinations the present administration has allowed. They fear a trust like the plague. They do not trust a trust. All I can see in this bill is the creation of a very huge monopoly or trust in the interest of the rubber companies of this country.

I have examined the hearings very carefully and have tried to find something about this invisible pool that has been operat-

ing for several years, but everything seems to be shrouded in mystery and secrecy. I would like to know more about this "control" or pool that seems to have been born illegally and which this bill seeks to make legitimate. I would like to ask what right Herbert Hoover, Secretary of Commerce—what right he had to put the seal of his approval on this pool or combination? Evidently it was upon the authority of such eminent counsel as Mr. Davis and Mr. Hughes that the pool operators came to us and asked for this bill. Messrs. Davis and Hughes know that the pool is illegal.

I ask the speakers hereafter to tell us and answer what right the Secretary of Commerce had to approve, if he did not create this pool? Are we a government of laws, or are we a government of men? Shall the Attorney General in one breadth say that this proposition is illegal and in the other breath say it is legal? I ask the gentlemen of the Judiciary Committee to examine the proceedings in the office of the Attorney General, and I ask them to examine the case of the United States against the Sisal Sales Corporation (274 U. S. 268), where the Attorney General instituted proceedings against the sisal monopoly. It was illegal to pool interests to import sisal from Mexico. Why was it not just as illegal for Mr. Ford, Mr. Firestone, Mr. Raskob, and others to form a pool to import rubber? Why are they immune from the operation of the antitrust laws? Maybe they are heavy contributors to the Republican Party.

Some one said Mr. Hoover had nothing to do with the formation of the voluntary pool in rubber. That is not so. He had much to do with it.

On page 28 of the hearings I find this statement of Mr. J. J. Raskob, of the General Motors Co.:

> We immediately got in touch with the Rubber Association of America, and Mr. Firestone, as well as the Department of Justice and the Department of Commerce. This was over 18 months ago, and to make a long story short, we evolved a plan that resulted in the formation of a $50,000,000 buying pool, which dealt in rubber throughout the whole year 1927, and all connected with that effort, including Mr. Secretary Hoover, who has just addressed you, have advised me that they believe that that pool was instrumental in driving the rubber speculator out of the market, with the result that the fluctuation in the price of rubber during that year was reduced to 9 cents, which is the greatest degree of stability in rubber in the last 20 years.

If this does not tie up Mr. Hoover with this pool, I miss my guess.

They have been caught in a very embarrassing situation by the collapse of the Stevenson plan. Now, I ask the speakers that follow me to answer this question. The pool will stand a loss of $19,000,000 if we can believe the report in this morning's New York Times, which is as follows:

> The American rubber pool, which is understood to hold between 35,000 and 40,000 tons purchased at 41 cents, to which about 2 cents a pound due to warehousing, interest, and other charges may be added, is reputed to face a paper loss of about 22 cents a pound, or 50 per cent, on its holdings, the value of this loss amounting to approximately $19,000,000 since the purchase of the stocks in November and December of 1926.

They purchased rubber around 40 cents a pound, and the price is now 20½ cents a pound. Will you and I, gentlemen, profit by this reduction? Will the United States Rubber Co., the General Tire Co., the Firestone people, and other members of the pool who paid this large price give us the benefit of the reduction to 20½ cents a pound or are we, particularly in New York, going to pay for this excess price—are we going to hold the bag for the Rubber Trust? Will not our tires remain the same in price? They will pass their present rubber stocks on to us in the form of tires not at 20½ cents but at 40 cents per pound of crude rubber. That is how the pool works.

Mr. STOBBS. Will the gentleman yield?

Mr. CELLER. I will.

Mr. STOBBS. The gentleman does not mean to contend that the sole purpose of the legislation is to enable the people interested in rubber in this country to take advantage of their loss and put it on the consumers?

Mr. CELLER. Yes; the Rubber Trust took advantage of the misguided advice of the Secretary of Commerce and the Department of Justice and suffered a great loss. I am asking the gentleman if they are not going to carry that loss back to the consumers?

Mr. STOBBS. What was the price of rubber at the time the pool was initiated or at the time they went to the Department of Commerce?

Mr. CELLER. I will come to that.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CELLER. I will yield to my colleague.

Mr. LAGUARDIA. I want to point out that when the market was slumping the pool went out and stiffened the market to keep the price up.

Mr. CELLER. I thank the gentleman. Now, will some gentleman tell us when the rubber pool was formed? Will you tell us who the subscribers were; how much each man subscribed and how much rubber was purchased; what was the average cost; and tell us the lowest price paid? Who managed the pool? Did the pool buy from the United States Rubber Co.—a member of the pool—which company, through its subsidiary companies, operates nearly 83,000 acres of rubber plantations and has 60,000 acres more in reserve? Did the pool export any rubber? Did they buy rubber from the Dutch companies as well as the British?

We are not told whether the independents could come in and participate in the pool, nor are we told whether this pool was operated for profit, and if so, for whose profit. If the situation is so mysterious and nobody seems to have the hardihood even to ask these questions of anyone who appeared before the committee, then how much more mysterious will be the operation of the pool under this bill? I might ask this: Is the pool to be legalized now to be conducted for profit, and, if for profit, in whose behalf is the profit to be earned? For the members of the pool? Why do not the gentlemen of the Judiciary Committee provide for governmental supervision over this pool? No provision is made in this bill that the Government shall have control over this pool. This pool can run wild, and there is no method by which the interests of the consumer or the American public might be safeguarded. True, if it violates the Sherman or Clayton Acts, it gets into trouble. That provision is merely "beau geste." If the pool now can operate illegally, what assurance have we that after we legitimatize it it will not still be immune from punishment for any of its sins?

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I refuse to yield further. There is ample provision in the law now to get after these combinations formed in Europe or elsewhere. The underlying purpose of this bill is to legalize pools or "controls" to import rubber, sisal, and potash, or any other commodity certified by Mr. Hoover where "controls" or monopolies exist in those commodities outside the United States. As the law now stands there is ample remedy to dissolve these foreign combinations just as soon as they seek to export into the United States the said rubber, sisal, potash, and so forth.

A few weeks ago the Attorney General seized some ships in New York harbor containing quinine, and he has instituted equity proceedings against the combination that sought to monopolize the supply of quinine. In addition indictments have been found against the members of the foreign combine and they will be brought to book. If we have that remedy, and there surely is a remedy, why not apply it to rubber, and why have we not a suitable adequate remedy as the law stands to-day? The Attorney General could bring suit to dissolve the British rubber combine as soon as it touched our shores.

Mr. WELLER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. And with reference to potash, I quite agree with my distinguished colleague from Texas [Mr. SUMNERS] that potash and sisal are put in as a sort of excess baggage, a sort of window dressing or make weight. With reference to potash, action was instituted by this same Attorney General in the United States District Court of the Southern District of New York, against the Potash Trust, and Justice Bondy has reserved decision on the question of whether or not the Potash Trust is in restraint of trade and a monopoly. It is significant that the French nation has introduced a peculiar defense. It has raised the question of sovereign immunity on the score that the French Government owns eleven-fifteenths of the stock of one of the potash defendants, but upon close examination—and I put into the RECORD some of the statements in the Attorney General's brief submitted—it will clearly appear that when a government, the French Government or any other government, enters into business trade it must make itself amenable to court processes. The United States Government, when it organized the Sugar Equalization Board, and when it organized the United States Shipping Board, did not render those entities immune from the proceedings of the courts, and so the French Government can not say, that because it owns some of the stock in the potash combination, it shall be immune from prosecution.

I herewith give extracts from the brief submitted by the United States Government in case of United States of America against Deutsches Kalisyndikat Gesellschaft et al.:

> The claim of immunity in this case is put forward not on behalf of the French Republic itself, but on behalf of a trading corporation in

which the French Republic happens to be a majority (but not a controlling) stockholder.

Société Commerciale des Potasses d'Alsace maintained an office at 25 West Forty-third Street, in this city and district, at the time when service of the subpœna was effected in this suit. The société is a trading corporation organized under the ordinary corporation laws of France. It is recognized in French law as an entity distinct from its stockholders, and it may sue and be sued in the French courts like any other corporation.

A. Sovereign immunity can not be successfully claimed even by a corporation owned or controlled by the domestic sovereign.

Thus in United States Bank *v.* Planters Bank (9 Wheat. 904) it was held that the fact that the State of Georgia owned a large part of the stock of a bank did not make a suit against the bank equivalent to a suit against the State of Georgia, or render the bank immune from suit under the eleventh amendment. In that case Chief Justice Marshall pointed out (9 Wheat. 904, 907):

"It is, we think, a sound principle that when a government becomes a partner in any trading company it divests itself, so far as concerns the transactions of that company, of its sovereign character and takes that of a private citizen. Instead of communicating to the company its privileges and its prerogatives, it descends to a level with those with whom it associates itself, and takes the character which belongs to its associates and to the business which is to be transacted.

Federal Sugar Refining Co. *v.* United States Sugar Equalization Board (D. C., S. D., N. Y., 1920), 268 Fed. 575. (Sugar Equalization Board, a Delaware corporation, not immune from suit, though United States owned all of stock.)

Commercial Pacific Cable Co. *v.* Philippine National Bank (D. C., S. D., N. Y., 1920), 263 Fed. 218; affd. 2d C. C. A., 269 Fed. 1022. (Philippine National Bank not entitled to assert rights vested in United States as sovereign, though United States owned majority of stock and president of bank was appointed by Governor General.)

B. The same principle with respect to immunity applies to corporations owned or controlled by a foreign sovereign as to those owned or controlled by the domestic sovereign; and a corporation partly owned by a foreign government is entitled to no greater immunity than a corporation wholly owned by the United States or a State.

In addition the Secretary of State, in this case, refused to recognize the defense of immunity. This, in and of itself, must force Judge Bondy to render a decision in favor of the Government.

In the present case, the letter of the Secretary of State, stating that these claimants have no right to sovereign immunity, is, therefore, conclusive of their claim in this court. In his note to the Attorney General the Secretary of State, in reference to both the corporate and individual applicants, states the following as the position of the Department of State:

"I had previously been informed by your department that the proceedings, in connection with which the above-mentioned note of the French ambassador was addressed to me, were brought by your department to enjoin alleged violations of the Sherman Act and the anti-trust provisions of the Wilson tariff act, in connection with the importation and distribution of potash in this country, and that it had been urged in that suit that sovereign immunity should extend to the defendants on the ground that they are acting as representatives of the French Government in the commercial undertaking referred to.

"With respect to your inquiry concerning the view of this department regarding the matter, I have to inform you that it has long been the view of the Department of State that agencies of foreign governments engaged in ordinary commercial transactions in the United States enjoy no privileges or immunities not appertaining to other foreign corporations, agencies, and individuals doing business here, and should conform to the laws of this country governing such transactions."

The Secretary of Agriculture, Mr. Jardine, seemed worried about this case and urged the passage of this bill because of the possibilities of the defense of the French Government of sovereign immunity being recognized. I say to the Secretary of Agriculture there is nothing to worry about. The potash combine will be dissolved. In any event, why not wait until decision is rendered. That decision may be in favor of our Government. Perhaps Mr. Jardine is wishing for a different decision.

Why potash was put in the bill is beyond me. Nobody seems to have complained about potash. The National Fertilizer Association (see p. 41 and following of the hearings) presented tables of retail and wholesale costs of potash and said there seems to be no "price abuses or attempts at profiteering" as far as potash is concerned:

Such interest as we have in the matter would become active only if attempts were to be made in the future unfairly to exact excessive prices. Of this there is no present indication.

Now, what is the situation as to nitrates? This same National Fertilizer Association (at p. 46 of the hearings) indicates that the Chilean nitrate combination has not been inflating prices and that, on the contrary, there seems to be "a deep-seated desire on the part of the Chilean producers to secure volume of business at a reasonable price rather than excessive profits on a smaller volume of business."

Even Mr. Hoover emphatically stated, when he appeared before the Committee on Interstate and Foreign Commerce, January 18, 1926 (p. 297, hearings on crude rubber, coffee, and so forth, before the Committee on Interstate and Foreign Commerce, 59th Cong., 1st sess., H. R. 59), that—

The nitrate problem seems to me to be bound up with the action of Congress in respect to Muscle Shoals in two aspects. First, I have no doubt that the ultimate contention is to devote that large power to a considerable degree to the manufacture of nitrogen; and, second, the settlement of the question will take a disturbing factor out of the development of the industry at private hands. In other words, we might have had a larger development of private industry in the fixation of nitrogen except that they are waiting to see what disposition is made of Muscle Shoals. In any event a settlement of that question will expedite our whole freedom of the nitrate situation.

It seems to me that the rubber and tire people have little to complain about. I herewith submit for the years 1923 to 1927, inclusive, the net profits of six of the leading companies. These profits speak for themselves.

Net profits available for dividends or to carry surplus; i. e., after all expenses, depreciation, interest, and provision for taxes have been deducted.

	1923	1924	1925	1926	1927
Firestone Tire & Rubber Co	$6,105,000	$8,117,000	$12,800,000	$7,622,339	$13,780,966
Fisk Rubber Co	2,584,000	3,137,000	6,109,000	3,354,431	2,620,721
General Tire & Rubber Co	1,200,000	1,500,000	1,843,000	709,831	2,524,325
B. F. Goodrich Co	3,025,000	8,823,000	12,744,000	5,065,110	11,780,306
Goodyear Tire & Rubber Co	6,507,000	12,162,000	13,506,000	8,799,138	13,135,666
United States Rubber Co	7,393,000	8,368,000	17,310,000	13,761,869	6,251,481
Total	26,814,000	42,107,000	64,312,000	39,312,718	50,095,465

It was my understanding that this bill was devised to legalize the rubber importing pool in order to combat the British rubber control. Since Premier Baldwin has announced in the House of Commons that the Stevenson plan shall be at an end as of November 1 next, therefore the cause of the instant bill has been removed.

On the other hand, if we pass this bill it is bound to create ill will in England and may have the effect of reestablishing the British Stevenson plan or pool. Let us be satisfied that the British Government has acknowledged defeat of its plan. Let us not spoil our victory by forcing England to reestablish the plan as a sort of defensive measure.

It is foolhardy to argue that Premier Baldwin has discarded the Stevenson plan because of our activity in the House to pass this bill. That plan was discarded because it proved ineffectual. Great Britain can not control the entire rubber supply of the world. That plan has greatly encouraged native rubber production in the Dutch East Indies. Permit me to insert an extract from an article appearing in the Commerce Monthly, February 27, 1927, issued by the National Bank of Commerce, New York:

The influence of the native industry on the world's rubber trade seems destined to increase yearly. Undoubtedly it has been a most important factor in limiting the effect of the British restriction plan, which regulates according to price the amount of rubber exported from the British possessions. Native rubber is rubber produced on plantations or gardens owned by the local non-European population. Native rubber from the Dutch East Indies, amounting to only 3 per cent of the world production in 1920, constituted between 10 and 15 per cent in 1926. In this period the total output rose from 344,000 tons to 625,000 tons.

Native production will continue unabated as long as the price of rubber remains as high as 9 to 18 cents a pound, according to a Dutch investigator. At such prices the margin of profit is sufficient to satisfy the native workers. This explains why restriction, which set 24 cents a pound and later 42 cents in London, as the price below which reduction in the rate of export takes place, has proved such a boon to the native. It actually guaranteed him a handsome profit as long as it was operative. Advantage seems to be on the side of the native and the 1926 native output of 75,000 to 80,000 tons may easily be doubled by 1930 and the industry more firmly established.

Dutch rubber was the undoing of the British Stevenson plan. When England restricted its rubber output invisible sources of rubber were tapped and the market became glutted with rubber and as a consequence the price has been declining steadily.

The gentleman from Minnesota [Mr. NEWTON] has shown on a chart the peak price for rubber, I believe it was in 1924, and

he claims it is a result of the Stevenson plan, sometimes called the "restriction" plan. The cause of that peak price was in part the introduction of the balloon tire and the work of rubber circulators.

After the restriction act went into effect the price of rubber rose to 37 cents in January, 1923, and declined to 18¼ cents in June, 1924, rising to 40 cents in December, 1924. To the effect of curtailed shipments, on the one hand, there was added the effect of largely increased consumption on the other, so that the operation of natural forces would have eventually restored a balance. Practically no one, however, foresaw the enormous increase that was to take place in the production of automobiles and trucks during the years since then, causing a need for rubber that is now five times what it was a decade ago. This phenomenal demand was further augmented in 1924 by the introduction of the balloon tire, which requires much more material than the high-pressure casing. A flurry in prices started and was carried upward by speculation in the commodity by tire manufacturers, rubber importers, and merchants and individual traders. Some of them went "long" and bought rubber futures for a rise, thus bidding up prices; others sold "short" and were later forced to repurchase and cover their contracts at heavy losses, causing the failure of numerous concerns.

In conclusion, to my mind the only remedy for the United States is to grow its own rubber. When England found itself under the domination of American cotton planters she grew cotton in Egypt. So we must grow rubber in the Philippines, in Liberia, Panama, and so forth.

We can not expect to find a remedy by any unnatural interference with the economic law of supply and demand. We must banish from our minds that any pool or combination or "control" will solve this problem.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from South Dakota [Mr. CHRISTOPHERSON].

Mr. CHRISTOPHERSON. Mr. Chairman, I think the experience of our people in the last few years with regard to the prices they have been obliged to pay for the commodities mentioned in this bill, purchased from foreign producers, is the most forceful argument for this kind of legislation. I call attention briefly to the interest that we in the Middle West, from the agricultural section of our country, have in this measure. The farmer is a large consumer of all of the commodities mentioned in this bill, and especially so of rubber and twine. Sisal is included, and any slight increase in the price of sisal means an increase in the price of twine which the farmer must buy from year to year in harvesting his crops. When we learn from evidence produced at the hearings that an increase of 1 cent a pound in raw rubber means a total of $9,000,000 to the American people annually, and that a slight increase in the price of sisal also means a very large additional outlay, that indicates clearly the necessity for this sort of legislation.

So far as the question of monopoly is concerned, no one wishes to permit the organization of monopolies that would enhance the price to the consumer of these commodities, but that danger, to my mind, is very clearly safeguarded in the bill. The authorities have complete supervision over these organizations, and therefore the law can not be used to enhance the price to the consumer. On the contrary, a measure of this kind will be of great benefit and a saving to the consumer. The matter is clearly safeguarded, and, as has been said by the Secretary of Commerce, if this law is placed on the statute books, the probability is we will never have to resort to it. It has been argued here to-day that because these commodities are now down in price to what may be said to be reasonable, that there is no further necessity for this sort of legislation. This is just the time when we should prepare for future emergencies, and we should remember the well-known phrase so often uttered, that in time of peace we should prepare for war. This is just the time that we ought to place on our statute books a law which will prevent the undue exactions that the American people have had to meet in the past.

And so, let us give our approval to this measure. Let us place it on our statute books; and then, if the prices on these foreign commodities which we must purchase from time to time in great quantity remain at a reasonable figure, the Secretary of Commerce will never have occasion to license any of these organizations; but if in the future foreign combinations and monopolies seek to exact from us undue prices upon commodities, our Secretary of Commerce will then have this remedy in his hand and will invoke it and thus prevent unreasonable exactions from us because of combinations in foreign countries. If the situation should not arise, the statute would remain as an assurance against undue exactions in the future. Let us have this statute as a safeguard against the kind of exactions to which the American people have been subjected in the years gone by. I am in favor of this measure. [Applause.]

Mr. SPROUL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. CHRISTOPHERSON. Yes.

Mr. SPROUL of Kansas. Who is the instigator of this bill, the originator of the idea?

Mr. CHRISTOPHERSON. I do not know. It has come to us, like many other measures, to remedy conditions which confront us.

Mr. LAGUARDIA. The General Motors have had something to do with it.

Mr. DYER. This matter originated, as the gentleman knows, a few years ago, upon the investigation of the rubber situation. The matter has been presented to this House by the gentleman from Minnesota [Mr. NEWTON].

Mr. CHRISTOPHERSON. When there is an increase in the price of the raw commodities mentioned herein, such increase is passed on to the consumer, who, I feel, is more interested in this bill than the manufacturer.

Mr. NEWTON. The original resolution was offered by our floor leader, the gentleman from Connecticut [Mr. TILSON].

Mr. LAGUARDIA. Not this bill.

Mr. SUMNERS of Texas. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Texas [Mr. SUMNERS] has 1 hour and 6 minutes and the gentleman from Missouri 1 hour and 7 minutes.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. BLACK].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, I am going to read now from the hearings had before the Interstate and Foreign Commerce Committee upon the Tilson resolution, and the speaker is Mr. Hoover. I read:

> It has been suggested that our industries should themselves collectively bargain to establish fair prices.
>
> This also raises grave questions as to whether we wish these controls to become fixed in international life, and probably involves also Government supervision of their bargains. Alternatively, it has been suggested that we might set up such combinations in our own country over materials which we control, either singly or jointly, with one or two other major producers, thus getting our share of the profits in this game. Any such policy would not only involve us in a thousand frictions in international relations, but we would have done injustice to others.
>
> In my own mind I reject all these suggestions.

That is Mr. Hoover before the Committee on Interstate and Foreign Commerce a short while ago. Here is Mr. Hoover on this bill. I read:

> I am glad to lend the support of the views of the department and myself to those put forward by the agricultural associations and the manufacturers to the principles of the bill.

Before the Committee on Interstate and Foreign Commerce he was against it. Now, because the agricultural associations want it, he is for it.

Papers of the rubber traders have been against artificial regulation of rubber prices. I will insert some of these statements in the RECORD:

DIVORCING GOVERNMENT FROM BUSINESS

[From the India Rubber World]

Less government in business, forestalling meddlesome legislation, freedom from interfering commissions, decreasing dependence upon courts, and the removal of common causes of litigation are the outstanding advantages now accruing to industry through the setting up of standards of production, materials, manufacturing, and merchandising methods by over 250 national organizations. Business is learning at last how to police itself, instead of referring to others manifestly incapable of settling technical disputes or mooted questions between buyers and sellers or shop owners and employees.

No one appreciates the movement to have industry settle its own affairs without recourse to the courts more than the progressive jurist. None better than he realizes the folly of costly lawsuits hinging, for instance, on the interpretation of such loose phrases as "all material shall be of the best commercial quality" and "good workmanship shall be required throughout." But when industry establishes definite codes and precise criteria covering all conditions that may occasion debate, courts will have small patience with terms so vague; and more likely than not many a future action will be decided not so much on hypotheses and technicalities as upon proofs adduced as to whether standard

practice with the force and virtue of the law of the land was fairly upheld or willfully ignored.

The rubber industry has had more than its share of unnecessary legislation and litigation. To its credit it can be said that it has done a great deal toward improving conditions, especially in promoting standardization and simplification and effecting more efficient distribution; but much yet remains to be done before the goal can be reached where industrial agencies will supersede courts and legislatures in solving industrial problems. In the tire field alone, if standardization is to be secured and economical production furthered, it is necessary for automobile manufacturers to give the tire manufacturers much more cooperation in determining specifications, methods of test, nomenclature, and dimensions of tire equipment.

Here is the statement of Colonel Donovan, of the Department of Justice, speaking at a dinner of the Rubber Association in New York this year. I read:

Now, there are those to-day—some who advocate a modification of our antitrust law. Too often those who advocate that modification have no appreciation of what the modification should be, no understanding of the manner in which it should be brought about, and no recognition of the consequences which would flow. Men of affairs and economists tell us that we are right in the midst of an economic transition. If that be true, then it is the worst time in which to have legislation, because if you have legislation before you know where your tendency is going to take you, trouble is bound to result.

Some time ago President Coolidge pointed out that our prosperity is not due to regulation; that it has been based upon the principle that human welfare can best be preserved by insisting upon personal initiative rather than by resorting to governmental regulation and participation.

There is Colonel Donovan, of the Department of Justice, the man who has charge of just such situations as this, speaking to the Rubber Association against legislation of this kind.

Then President Francis R. Henderson, of the New York Rubber Exchange, speaking in February of this year, said:

The new year has, so far, indicated that we are approaching a freer market for the world's rubber. I mean by this that there is every indication that we will soon return to a market dominated by economic laws rather than by Government regulations.

Here are the trade papers speaking about the possibilities of the restriction being upon us, speaking of the possibilities of the rubber supply, all indicating a lower price on crude rubber:

[From the India Rubber and Tire Review]

The 1928 consumption will not exceed production—stocks in February in United States, 110,000 tons; London, 70,000 tons.

United States will only use 390,000 tons.

World's production will be 600,000 tons.

The gentleman from Minnesota [Mr. NEWTON] referred to this chart, showing a peak price of $1.20. There were not 50 tons of rubber sold on that day at that price.

Here the pool is pegging the price of 42 cents a pound, bringing it above normal. It is said that they have lost money, but they have not cut prices in 1927 on tires. They are going to make up on tire prices what apparently they lose in marketing crude rubber.

Since the end of December last crude rubber has declined from about 42 cents to around 22½ cents a pound, approximately 46 per cent. This drop in the commodity has led to belief that tire prices would inevitably be cut, and that rubber companies would suffer accordingly.

The consensus in the industry, however, seems to be that tire prices will not be cut during the first half of the year.

What happened here when the British restrictions went into effect? Our manufacturers wanted the British manufacturers to sell more cheaply, and with the workmen of the East to work for less money, and they refused to buy. The speculators with foresight bought the rubber and gouged the manufacturers. That is the cause of the increased price. In 1926 after Hoover's protest the average price was higher than in 1925. In 1925 the rubber manufacturers made more money than they ever made, but the laborers in the rubber-tire plants got no increase in their wages. The average price of rubber in 1925 was 48.36 cents a pound and in 1926, after the Tilson resolution, the average was 54.63 cents a pound and in 1926 there was about 17,000 more tons imported.

The rubber manufacturers have made enormous sums since restriction.

E. G. Holt gives the following table of dividends in rubber companies in first year of restriction and in 1925:

Dividends paid shareholders in rubber corporations

Cash:	
1922	$11,172,000
1925	33,083,000
Stock:	
1922	8,052,000
1925	1,170,000

Notice how the income of our rubber industry has grown since restriction:

(India Rubber World, E. G. Holt, chief rubber division, Department of Commerce)

Income of rubber manufacturers companies

Gross income:	
1921	$637,846,000
1925	1,469,746,000
Net income:	
1921	96,460,000
1925	109,024,000

Corporations filing returns (capital stock tax)

1921	657
1925	668

[From the Rubber Age, Mar. 25, 1928]

Sales and profits of the five largest rubber manufacturing companies

(Profits shown are after interest and other charges, but before preferred dividends or reserves)

Company	1925			1926			1927			3-year total		
	Gross sales	Profits	Per cent	Gross sales	Profits [1]	Per cent	Gross sales	Profits [1]	Per cent	Gross sales	Profits	Per cent
U. S. Rubber	$206,473,737	$17,309,870	8.4	$215,528,309	[2] $8,761,869	4.1	$193,442,945	[3] $6,232,052	3.2	$615,444,991	$32,303,791	5.2
Goodyear	205,999,820	21,005,898	10.2	230,161,536	8,799,138	3.8	222,178,540	16,635,666	7.4	658,239,845	46,440,702	7.0
Goodrich	136,239,526	16,744,447	12.3	148,391,478	5,065,110	3.5	151,684,960	12,780,306	8.4	436,315,964	34,589,863	7.9
Firestone [4]	125,597,998	12,800,412	10.1	144,397,000	7,622,339	5.3	127,696,759	13,780,966	10.8	397,691,757	34,203,717	8.9
Fisk [4]	74,900,373	6,108,906	8.1	68,051,739	3,354,431	4.8	[5] 72,404,002	2,620,721	3.6	215,356,114	12,084,508	5.6
Total	749,211,454	73,969,533	9.9	806,530,062	33,602,887	4.2	767,407,206	52,047,711	6.7	2,323,048,672	159,622,131	6.8

[1] Without deduction of reserves taken into income account.
[2] Does not include $6,000,000 profit from plantations.
[3] Does not include $4,000,000 profit from plantations.
[4] Firestone fiscal year ends Oct. 31. Fisk fiscal year ended Oct. 31 until 1927, when it was changed to correspond with calendar year.
[5] Covers 14 months, due to change in fiscal year.

Over here on this chart we have $297,000,000 given as what the British rubber planters got through profits by restriction. That is not so. That is what the British rubber planters got for their rubber in 1925. Mr. Hoover stated before the Interstate Commerce Committee that the British rubber planters in 1925 got $650,000,000. That was not so, because his own department's report for that year indicated that all the rubber brought over only came to $429,000,000. It seems to me that the great god Hoover, like the god Achilles, has a weak heel—a rubber heel.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLACK of New York. No; I have no time to yield. Unlike rubber, I am unyielding. Here is a great American tire plant which stands behind our tariff wall of 10 per cent on tires but does not like the English tariff of 33⅓ per cent on tires. So this great and patriotic rubber plant, whose flag is the long green, studded with dollar signs, went to Great Britain and put up a plant over there, and here is what they say to the British, this being an American firm in the Rubber Age for August, 1927:

It is the intention of the company to purchase, as far as possible, all the equipment and requirements of the factory from British manu-

facturers and to make the company a truly British one, employing as much British labor as possible.

Those are the fellows who are protesting against this British monopoly, yet they go over there to take advantage of it. We got rid of one monopoly by good sense by British planters, and the British gave in to natural economic laws. However, in this country we want to create another monopoly, because some people are never satisfied unless some kind of a monopoly is gouging them, particularly an American. In 1925 the value of the rubber production in this country was $1,225,000,000.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BLACK of New York. No. The rubber workers got $1,090,000. The value of the rubber production here was over a billion dollars while the workers in the rubber factories got $1,090,000. That was 31 per cent of the value of production over the year 1923. They increased the production value by 31 per cent, but did they increase what the laborers got? They did increase it $8,000,000, but that was for the purpose of taking care of 4,000 more laborers.

[From the Rubber Age—July 10, 1927]

1925 CENSUS REVEALS RUBBER-TRADE GROWTH—FINAL REPORT OF CENSUS BUREAU SHOWS JUMP OF 31 PER CENT IN RUBBER INDUSTRY OVER 1923—PRODUCTS VALUED OVER $1,000,000,000—498 PLANTS IN UNITED STATES

The final report of the Bureau of the Census covering a summary of all rubber manufacturers and their products in the United States in 1925 has just been issued.

From the present report it appears that the wholesale value of rubber products in 1925 totaled $1,255,414,112, or an increase of 31 per cent over the value of products manufactured in 1923, and an increase of 317 per cent over products manufactured in 1914. The census of 1925 covers 498 rubber factories employing 141,121 workers whose total wages amounted to $190,562,920. This compares with the census of 1923 when 529 factories were listed, employing 137,868 workmen whose total wages were $182,084,056.

I am glad to see that the distinguished Speaker of the House has just come in, because Mr. Hoover has been claiming a lot of credit for the great interest in this rubber proposition. Now, away back when it started the man who really called attention to it, if there is any credit to be given for it, was the distinguished Speaker of this House. Hoover came along a little late, when he got ideas of being President and when he became anti-British, but the Speaker of the House saw the thing away in advance of the distinguished gentleman now in the Department of Commerce. [Applause.]

We have had gouging American rubber pools before. The first was known as the New York Trading Co.:

[From the India Rubber World, October 1, 1922]

In 1880 several of the larger rubber-goods manufacturers formed the New York Trading Co. to buy and sell crude rubber. The capital was $100,000, yet, within a period of five years, $1,000,000 was paid in dividends. During that time no one outside the group controlling this close corporation scarcely knew of its existence. Each of the member firms bought and sold rubber supposedly for its own account, but actually for the account of the New York Trading Co. In this way it was able to hold a remarkable control over market prices. That combination "in restraint of trade" was perhaps the nearest approach to monopoly that has ever been experienced in the rubber trade and it certainly exercised a control over a longer period than any individual or corporation has ever been able to effect. Such a condition would scarcely be possible at the present time because of the legislation, even though such purchasers were bona fide buyers and not speculators.

There is no necessity for this thing, whether the British remove the restrictions or not. American interests control 200,000 acres in the East, and I quote this from the India Rubber World of January 1, 1928:

It is confidently predicted that within but a few years American interests will control sufficient production to preclude the chance of either rubber shortage or adverse price regulations.

Mr. SCHAFER. Will the gentleman yield there?

Mr. BLACK of New York. No; I can not yield. This is from the Indian Rubber World of February, 1928:

Countries not under British flag produced one-third rubber in 1922 but will produce over one-half in 1928.

The United States used 63.8 of the world's rubber in 1927, and we will use 63.5 in 1928. Non-British rubber in 1928 will be over 50 per cent of world's rubber. We had 110,000 tons on hand in January, which would take care of one-fourth of our requirements.

And that is what has happened to the British rubber monopoly. The Dutch have come in and have taken away their market. Another thing that has happened to them is that the planters made so much money that they were able to invest in other plantations and increase their supply of rubber. The British in 1927 got $300,000,000 less for their exports than they did in 1926, although they exported 60,000 more tons in 1927 than in 1926. The American crude rubber bill in 1927 was $166,000,000 less than in 1926, but the imports were 13,400,000 tons greater.

The Times Trade and Engineering Supplement (London, February 11), commenting on the announcement, states:

This means that the failure of the restriction scheme is now officially recognized. * * * The scheme failed solely because it ignored the fact that rubber is not a British monopoly and that any reduction in the British output might be offset by increased foreign output."

The Economist (London, February 11) welcomes the inquiry with the following statement:

"Various changes have been made [in the scheme] from time to time, but the general effect has been to stereotype British production at a level which, taken over the five years of the scheme's existence, shows little change from that of the years 1920 to 1922, an increase in world demand over the same period of about 55 per cent having been taken up by increased output on the part of producers outside the Empire. As the British Empire last year produced only 49½ per cent of the world's rubber, as compared with an average of 72 per cent in 1920–1922, the maintenance of restriction in an effective form has tended to entail growing hardship on many producers, and as recently as the last three months numerous estates in Malaya have suffered curtailments of their assessments averaging from 15 to 20 per cent."

The London Statist (February 11) says:

"There can be no doubt that those responsible for the reenactment of restriction on present lines have brought about a most difficult situation, and one from which it will not be easy to extricate the British plantation industry. This, apparently, has now been realized by the Government, and an announcement has been made this week upon which it is scarcely necessary to comment. Into it can only be read a growing uneasiness on the part of the Government regarding the working of restriction."

The Government announcement also excited the Malayan press to make strong pertinent comments.

The Straits Times, always a stalwart champion of restriction, advises calmness, declaring that if restriction goes, it will be a comfortably long time dying.

The Singapore Free Press expresses the hope that the committee will not report too hastily, and is pessimistic as to the possibility of reaching any agreement with the Dutch.

The antirestrictionist viewpoint is supported by the Penang Gazette, which argues that the producing industry retains sufficient vitality to rehabilitate itself in open competition. It suggests that it were better that a number of weak plantations failed now rather than that a continuance of the present economic policy eventually dragged down the weak and the strong together.

In Ceylon it is reported that a motion introduced in the Ceylon Legislature recommends to the government the urgent desirability of acceding to the general opinion of local rubber interests in removing the rubber restriction measures.

There is another thing about it that the distinguished statistician of the Republican Party, Mr. Newton, overlooked and that is this, that the cost of crude rubber has been less than the cost of raw materials used in practically every other line of manufacture. That has been demonstrated by the charts prepared by the rubber exchange. The rubber curve is much lower all the way through than the curve of other crude costs. The rubber industry paid 72.99 for its materials in 1925 as against 73.05 paid by other industries. The rubber companies' profits were 8.98 as against 6.74 for other industries.

Now, it is very plain to me that this pool is either legal or illegal. If it is illegal we are only the legislative branch of the Government. We do not run grand juries and we do not make indictments or anything like that. If it is illegal this question does not belong here; it belongs somewhere else. If it is illegal we should not be called upon to give these gentleman a legislative immunity bath.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from Connecticut [Mr. TILSON]. [Applause.]

Mr. TILSON. Mr. Chairman, announcement was made yesterday by the British Prime Minister in the House of Commons that the British rubber monopoly would be brought to an end on November 1 next. I consider this an event of great importance in world trade. In considering this proposition I think honor ought to be given where honor is due. It seems to me that the gentleman from New York [Mr. BLACK], who has just taken his seat, has strained a point in trying to discredit the Secretary of Commerce for what he has done in this matter. On

the contrary, I think the Secretary of Commerce is due the thanks and gratitude of the people of the entire country and of the world for what he has done. [Applause.]

You will recall that in January, 1923, Secretary Hoover in strong terms called public attention to the growing action of various foreign governments creating by legislation monopolies in raw materials upon which we in the United States were dependent by imports. You will recollect that he unceasingly brought this matter before the American and world public as not only a drive against the American consumer but as a world danger. At that time these government monopolies had been created in eight or nine important commodities and prices were being lifted against the American consumer. Several other such commodities were under consideration for similar organization.

The rubber monopoly became the most successful of these attempts to hold up artificial prices against the consumers of the world, more particularly ourselves since we consume 75 per cent of the rubber of the world, and prices advanced from 36 cents a pound, which was announced by the monopoly as a fair price, to as high as $1.21 a pound.

After conferring with Mr. Hoover as to what the situation was and what might be done, I introduced a resolution, which was referred to the Committee on Interstate and Foreign Commerce. That great committee, through a series of public hearings, gave material assistance to the organization set up by Secretary Hoover to combat this situation. It was a serious situation, because we import 900,000,000 pounds of rubber annually, and this excessive price meant a drain on our consumers of $600,000,000 a year even over and above the so-called fair price. As a matter of fact, at the so-called fair price we would have paid approximately $300,000,000 for our annual rubber supply, whereas we actually did pay $508,000,000 in 1926—a total of nearly $300,000,000 in excess of the fair price, and even the fair price was high enough to give an assured profit to the grower.

The campaign organized against rubber monopolies by which the American consumer and manufacturer joined in conservation and the use of substitutes, relieved this situation and the price soon fell to 40 cents per pound, and to-day there is an abundance of rubber at 25 cents a pound or less.

This action was of more widespread importance than even the immediate great savings to our farmers, our workmen, and our public, who are now realizing a reduction of nearly 40 per cent in the cost of their automobile tires. The example in the case of rubber has served as a solemn warning against the formation of new organizations of this kind. Bureaucratic price-fixing devices have proved a failure even under most favorable conditions. It should be a warning against all attempts to set up such activities in the future.

The world discussion which was brought out as the result of the resistance initiated by Secretary Hoover to the activities of the rubber control had material influence on the resolutions of the International Economic Conference in Geneva last May by which the members of that conference unanimously expressed their sentiments against such organizations. As I said at the outset, the consumers of the United States and of the world at large owe Secretary Hoover a debt of gratitude for the resolute leadership he took in the fight to free international trade from one of the most threatening devices.

In considering the resolution introduced by me the Committee on Interstate and Foreign Commerce of the House held extended and illuminating hearings, and finally, through the gentleman from Minnesota [Mr. NEWTON], who has discussed the question this afternoon, submitted a report, giving a great deal of very valuable information.

The effect of the hearings and of the entire attack upon the rubber combination was that the price of rubber was very materially reduced. The people in this country who use rubber were being mulcted, I might say, or at least they were being compelled to pay many hundreds of millions of dollars beyond a fair price. As a direct result of the efforts of Mr. Hoover and others in connection with the matter, the price was brought down to what may be considered and has been admitted to be a fair price. The charts exhibited here tell the story.

Mr. CELLER. Will the gentleman yield for one brief question?

Mr. TILSON. Yes.

Mr. CELLER. Will the gentleman tell the members of the committee what effect the use of balloon tires had upon the demand for rubber?

Mr. TILSON. I presume that if it took a little more rubber to manufacture balloon tires this would naturally increase the demand and would have a tendency to increase the price.

Mr. CELLER. Is not that one of the reasons for the abrupt rise in price as shown on that chart?

Mr. TILSON. I could not accept that statement entirely. Other elements entered into it.

Mr. COHEN. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. COHEN. Is it not the fact that balloon tires ran two or three times as long as the smaller tires?

Mr. TILSON. The statement of the gentleman from New York is probably correct.

Mr. SUMNERS of Texas. Will the gentleman yield for a question?

Mr. TILSON. Yes.

Mr. SUMNERS of Texas. In view of the good work that the Secretary of Commerce has done, does not the distinguished leader think the best thing to do is to just let this situation rest like it is?

Mr. TILSON. No. Whether this importing combination may or may not be doing an illegal thing, I believe, in view of what has happened, there should be a legal method by which the attack on such foreign combines can be carried further if necessary.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. CHINDBLOM. This announcement about November 1, of course, is good in prospect, but we will not be in session in November.

Mr. TILSON. And we do not know who may be Prime Minister of England at that time or whether the announcement as to November 1 will go into effect. If it is done and the combination is done away with, no harm whatever will have been done by the passage of this bill.

Mr. CHINDBLOM. And the Congress will not be in session in November.

Mr. TILSON. No; our Congress will probably not meet until December, so that in view of all these facts, it seems to me this bill ought to be passed so that we may have this weapon in hand ready for use. [Applause.]

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. DYER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LUCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 8927) to amend the act entitled "An act to promote export trade, and for other purposes," approved April 10, 1918, had come to no resolution thereon.

M'NARY-HAUGEN BILL

Mr. FORT. Mr. Speaker, an examination of the RECORD discloses that the permission granted to file minority views was personal to two members of the committee and was with respect to the bill H. R. 7940, which has been reintroduced as H. R. 12687. I now ask unanimous consent that any member of the minority on the committee may be granted five legislative days within which to file minority views on the bill H. R. 12687.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MINORITY VIEWS ON H. R. 11411

Mr. SPROUL of Kansas. Mr. Speaker, I ask unanimous consent that as a member of the Committee on Mines and Mining I may have five legislative days within which to file minority views on the bill H. R. 11411.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

FLOOD LEGISLATION

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the flood control bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker and Members of the House. Since the bill known as the Jones flood control bill passed the Senate I have received a number of letters and telegrams urging me to support the measure. I heard from the Governor of Missouri, other public officials, and business men. The letters indicate there is some doubt in the minds of some people as to the attitude of members of the Missouri delegation in the House on flood-control legislation. Why such a doubt should exist, if it does exist, is beyond me to comprehend. I made inquiry of other members of the Missouri dele-

gation and am informed they too received numerous letters along this line.

The Missouri delegation, both in the House and Senate, has been active since the flood in its demand for adequate legislation of this character. Senator HAWES, as a member of the Commerce Committee of the Senate, assumed a prominent part in framing the amended Jones bill. Senator JAMES A. REED made every effort to convince the President an extra session of Congress should be called last spring and from that time on has urged the passage of a real flood control bill.

As to the Members of the Missouri delegation, all have anxiously awaited an opportunity to vote on the subject, and it is my opinion the bill will receive the support of the 16 Members from my State on the final roll call. I do not know of a Member who is opposed to the bill.

Naturally, I want to see the best bill that can be passed sent to the President. When the Jones bill came from the Senate, I suggested it would be well if the measure was taken from the Speaker's table and passed, but others insisted the committee desired to consider proposed amendments which would make it more liberal.

The gentleman from Missouri [Mr. NELSON], who is a member of the Flood Control Committee, said there was room for improvement. He is well informed on the subject and devoted months of his time, night and day, assisting to work out a bill that would accomplish the desired results. The House committee is to be commended because it has reported the Jones bill with amendments, which makes it a much improved measure than the one that passed the Senate.

The President comes in at the eleventh hour and asks for further amendments. I sincerely hope the committee will make such changes as will satisfy the President and the Rules Committee will bring in a rule which will enable the House to consider the bill next week. We have waited nearly a year, and there should be no further delay.

While the high water did not cause any damage to my home city, St. Louis, we are to-day affected by the flood, because our merchants have lost a market of millions of people. Our factories are feeling the loss of the purchasing power of the people of the Mississippi Valley.

As I told the Flood Control Committee months ago, the people of St. Louis want to see a bill passed which will provide improvements that will prevent a recurrence of this great disaster. Further, they are demanding that the Federal Government shoulder the entire financial obligations, as they know full well the people of the valley have no funds to meet any portion of the cost.

There should be one responsibility, as the report of the House committee suggests, and I have always contended that the responsibility rests with the Government.

I heard the distinguished Speaker of the House say at the flood-control conference in Chicago that he was anxious to see two bills passed as soon as Congress convened. One was a flood control bill and the other awarding the Congressional Medal of Honor to Col. Charles Lindbergh. When Congress convened I introduced a bill now Public law No. 1, of the Seventieth Congress, awarding the Congressional Medal of Honor to Colonel Lindbergh. I hope within a few days to cast my vote for and see a bill passed that will complete the Speaker's program, as announced at Chicago last summer, and my only regret is that the flood control bill was not passed early in December so it could have been recognized as Public law No. 2, of the Seventieth Congress.

I will add as part of my remarks a copy of a letter I have written to the Governor of the State of Missouri. The letter follows:

WASHINGTON, D. C., *April 5, 1928.*

Hon. SAM A. BAKER,
Governor, Jefferson City, Mo.

MY DEAR GOVERNOR: I was mighty pleased to receive your letter of the 28th, acknowledged a few days ago. Since answering your communication I have become convinced from the tone of your letter, as well as a number of others I have since received on the same subject, that some one has sent a circular communication to the State which would tend to convey the impression that Members of Congress from Missouri, including myself, were not in favor of adequate flood legislation.

Speaking for myself, I want to say that since last spring no Member of Congress has been more active in trying to secure not only an adequate flood protection law but also a bill granting some relief to the stricken people of the Mississippi Valley.

Immediately after the flood I sent three telegrams to the President, urging an extra session of Congress so that flood legislation could be passed and the money taken from the $600,000,000 surplus which existed at the time, but which, on July 1, was used toward the reduction of the public debt.

I attended the flood conference in Chicago and made every effort to start a movement to demand that the conference include in the resolutions adopted a request for an extra session of Congress. In that I found in the end I had the support of three men, Representative BYRNS, of Tennessee; Representative RAINEY, of Illinois; and Representative ASWELL, of Louisiana.

Most everyone else who attended that conference with whom I came in contact seemed to confine their efforts to making complimentary speeches in reference to the various public officials who were taking part in the conference and who had been active in reference to flood relief. Frankly, I will say the conference reminded me of a meeting of a mutual admiration society and if it accomplished anything I have been unable up to this time to discover it.

While the Jones bill might be satisfactory to the Senate, it is not entirely satisfactory to me, but if in the end we can not secure better legislation, which would be of more benefit to the people of the Mississippi Valley, I will support the Jones bill.

However, the House committee, which has been in session since last November, and before which I appeared in behalf of this legislation, on Saturday reported the Jones bill, with certain amendments, and it is my purpose to support these amendments and not try and pass the bill as it was approved by the Senate.

The amended bill is a much better measure for the State of Missouri and other States in the valley than the one which passed the Senate. Under the terms of the Jones bill the civil engineers on the commission could be appointed from the Army, but the House bill provides that they must be selected from civilian life. The amended bill further definitely provides for tributaries. It also creates a $5,000,000 emergency fund to be used anywhere and at any time, as well as a provision for investigations and additional money for surveys.

Congressman WILLIAM L. NELSON, who represents the eighth district, which includes Jefferson City, is the Missouri member of the Flood Control Committee of the House, and is to be commended for his work in connection with the amended bill. I have cooperated with him and will continue to do so. Flood-control legislation has no more sincere friend in Congress than Mr. NELSON.

I write at length because I desire you and others to know my attitude toward flood legislation, and I might also add that every Member of the House from Missouri has, like myself, anxiously awaited an opportunity to support a bill which would provide for adequate flood protection.

With kind regards, sincerely yours,

JOHN J. COCHRAN.

THE LATE SENATOR ANDRIEUS A. JONES

Mr. MORROW. Mr. Speaker, I ask unanimous consent for the present consideration of an order, which I send to the Clerk's desk.

The SPEAKER. The gentleman from New Mexico asks unanimous consent for the present consideration of an order, which the Clerk will report.

The Clerk read as follows:

Ordered, That Sunday, the 15th of April, 1928, following the memorial services for Hon. WALTER W. MCGEE, be set apart for addresses on the life, character, and public services of the Hon. ANDRIEUS A. JONES, late a Senator from the State of New Mexico.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The order was agreed to.

PATENT RIGHTS AT MUSCLE SHOALS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on patent rights issued by the Patent Office.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, some Members of Congress, and some persons not members of Congress but interested in the general subject of development at Muscle Shoals, have expressed some concern about the constitutionality of the provisions of section 19 of the bill proposed by the Military Affairs Committee as a substitute for the Norris bill, which passed the Senate.

I now propose to show very conclusively, I submit, that the provisions of section 19, relating to patent rights, is not only in harmony with existing law but is in several respects more liberal and therefore more favorable to the holders of patent rights than the general law itself. Prior to the passage of the act of June 25, 1910, which bestowed upon the holder of a patent a right of action in the Court of Claims against the Government for the use by the Government of any patent issued by the Patent Office of the United States, a patentee was wholly

without remedy. The Court of Claims could not entertain jurisdiction of an action for compensation unless the action was based on contract. The court of equity could not restrain by injunction the use by the Government of the patent, because the sovereign can not be sued and enjoined except in cases where the sovereign has expressly consented by statute to be sued. Hence, the result was that patentees were completely at the mercy of the Government in case the Government saw fit to use any patent device, process, or formula in regard to which a patent might have been issued out of the Patent Office. The general law is correctly stated at page 818 of 30 Cyc., as follows:

* Right of Government to use invention: Although the consent of the owner of a patented device is not positively necessary in order to enable the United States Government to use the invention described in the letters patent, particularly in cases where it relates to the mode of construction of implements of warfare needed by the Government, it has no right to use a patented invention without compensation to the patentee. When it grants letters patent for a new invention or discovery in the arts, it confers upon the patentee an exclusive property in the patented invention which can not be appropriated or used by the Government itself, without just compensation, any more than it can appropriate or use without compensation land which has been patented to a private purchaser. Nevertheless, no injunction can be obtained against the Government or against an official acting for the Government unless expressly permitted by act of Congress, nor can suit be maintained against the Government for damages for the infringement. It is not liable to suits founded in tort. While compensation can be obtained by suit on an express or implied contract, this is the only method by which it may be obtained.

The Constitution of the United States does not confer any patent rights, but only gives Congress the power to encourage the useful arts and sciences by guaranteeing to authors and inventors the exclusive use of their respective writings or inventions for a limited time. In the exercise of this power Congress has seen fit to confer this right of exclusive use under certain conditions and restrictions and limitations. It can not be denied that the sovereign which confers a right to a subject or to a citizen, may confer that right subject to conditions and limitations. A patent right is not a natural right such as is the right of life, liberty, or the pursuit of happiness. In fact a patent right does not stand in the same category as the right of ownership and possession to real estate or to tangible personal property, such as the products of the farm grown upon real estate. A patent right is a right created by statute, and while it is an absolute safe and secure right as against all citizens, no power in the Nation can restrain the strong arm of the Government itself in its power and right to use for itself the benefits of any patent that may have been issued by it.

PATENT OFFICE OPEN TO PUBLIC

The Patent Office contains no secrets, except as to pending applications for patents. Patents which have been issued are subject to public inspection. If any citizen sends to the Commissioner of Patents a small fee of 10 cents, he may receive a descriptive copy of any patent that has ever been issued by the Patent Office. The benefit of the patent consists in protecting to the patentee the right of use for himself or of use for those and in those to whom the patentee may have assigned, in whole or in part, his exclusive rights. Hence, if any citizen can go to the Patent Office and see all of the records there, surely the Government, of which the Patent Office is a part, has access to all the information therein contained. Since the Government is not restrained in its use of information which it may possess, then the Government may use any patent and the Government out of a sense of justice and fairness gives to any patentee the right to bring an action in the Court of Claims for compensation on account of the use of such patent.

UNITED STATES SUPREME COURT DECISIONS

The law as it stood prior to the act of June 25, 1910, is correctly stated and in comprehensive manner in the opinion of Mr. Justice Gray in the case of Belknap *v.* Schild (161 U. S. 10; 40 Lawyers' Ed. 599).

The case of Crozier *v.* Krupp (224 U. S. 290; 56 Lawyers' Ed. 771) was decided April 8, 1912, and the unanimous opinion of the court was rendered by Chief Justice White holding that under the act of June 25, 1910, the sole and exclusive remedy of a patentee whose patent was used by the Government is an action in the Court of Claims for compensation. The following language of the court is quoted to illustrate that the Supreme Court of the United States indorsed the general views heretofore announced.

In other words, the situation prior to the passage of the act of 1910 was this: Where it was asserted that an officer of the Government had infringed a patent right belonging to another—in other words, had taken his property for the benefit of the Government—the power to sue the United States for redress did not obtain unless, from the proof, it was established that a contract to pay could be implied; that is to say, that no right of action existed against the United States for a mere act of wrongdoing by its officers. Evidently inspired by the injustice of this rule as applied to rights of the character of those embraced by patents, because of the frequent possibility of their infringement by the acts of officers under circumstances which would not justify the implication of a contract, the intention of the statute to create a remedy for this condition is illustrated by the declaration in the title that the statute was enacted "to provide additional protection for owners of patents." To secure this end, in comprehensive terms the statute provides that whenever an invention described in and covered by a patent of the United States "shall hereafter be used by the United States without license of the owner thereof or lawful right to use the same, such owner may recover reasonable compensation for such use by suit in the Court of Claims." That is to say, it adds to the right to sue the United States in the Court of Claims already conferred when contract relations exist, the right to sue even although no element of contract is present.

And to render the power thus conferred efficacious the statute endows any owner of a patent with the right to establish contradictorily with the United States the truth of his belief that his rights have been, in whole or in part, appropriated by an officer of the United States; and if he does so establish such appropriation, that the United States shall be considered as having ratified the act of the officer and be treated as responsible pecuniarily for the consequences. These results of the statute are the obvious consequences of the power which it confers upon the patentee to seek redress in the Court of Claims for any injury which he asserts may have been inflicted upon him by the unwarranted use of his patented invention and the nature and character of the defenses which the statute prescribes may be made by the United States to such an action when brought. The adoption by the United States of the wrongful act of an officer is, of course, an adoption of the act when and as committed and causes such act of the officer to be, in virtue of the statute, a rightful appropriation by the Government, for which compensation is provided. In substance, therefore, in this case, in view of the public nature of the subjects with which the patents in question are concerned and the undoubted authority of the United States as to such subjects to exert the power of eminent domain, the statute, looking at the substance of things, provides for the appropriation of a license to use the inventions, the appropriation thus made being sanctioned by the means of compensation for which the statute provides.

In the case of United States *v.* Farnham (240 U. S. 538, 60 Lawyers' Ed. 786) the court is again considering the general subject under review and reaffirmed the case of Crozier *v.* Krupp (224 U. S. 290) and a number of other cases cited and established beyond controversy the propositions herein announced.

THE WAR POWER

Making application of the doctrines of the United States Supreme Court to section 19 of the pending bill, it will be observed that the Muscle Shoals corporation is declared to be an instrumentality and agency of the Government for the purpose of executing its constitutional powers. What constitutional powers are sought to be exerted by the bill? First and foremost and manifestly, the war power is invoked. The war power is ever present and at all places.

It is not merely a power that exists in time of war but it exists in time of peace to be ready for war, if war be inevitable. In fact, it may be equally, if not more important, that the Government, through Congress, should have the power to exert the war power before the actual declaration of war than after such declaration. It might be too late to establish arsenals, munition plants, navy yards after war is declared. The act of June 3, 1916, giving to the President power to establish the project at Muscle Shoals was prior to any declaration of war. This Nation was no more involved in war on June 3, 1916, than it now is. It is indispensable as a part of the national defense program that the Government should be at all times in command of an adequate supply of nitrates with which to make explosives. These nitrates enter into gunpowder and into every other explosive charge. Without these explosives, rifles and cannons and bombs would be playthings; without these explosives armies and fleets would be useless; without these explosives airplanes and battleships and armored cruisers and submarines would be worse than idle toys. Hence Congress proclaims, as proposed by section 19, that in the operation of the Government properties at Muscle Shoals it is exercising the war power.

Furthermore, Congress proclaims that in the project at Muscle Shoals it is exercising the right to regulate interstate commerce. It has been repeatedly declared that control of navigable streams, and the construction of navigation facilities, including dams and locks, are all incidental applications of the constitutional right to regulate interstate commerce. Since the corporation contem-

plated by the bill is proclaimed to be the agent and instrumentality of the Government, being the creature of the Government, being subject to be repealed at any time by the Government, it is in legal contemplation, the Government itself. It is more truly the Government than any Army officer, or any Navy officer, or any officer of the Department of Agriculture, or of the Interior Department, or of the Department of Commerce. Such officer is primarily a natural person and has an existence independent of that of the Government of the United States. But this corporation created to operate the Government properties at Muscle Shoals, to keep the Government prepared for war in its own defense, is declared to be created for the sole and express purpose of carrying out the constitutional powers of the Government to maintain itself ready to defend in war its very existence.

EXTENSION OF REMARKS—EXPORT TRADE

Mr. DYER. Mr. Speaker, I ask unanimous consent that those who have spoken to-day on the bill and those who speak to-morrow may have leave to revise and extend their remarks in the RECORD on the bill for five days after the conclusion of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent that all Members of the House who speak on the bill and others who may desire may have five legislative days to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. FULMER. Mr. Speaker and gentlemen of the House, I know of no bill that we have considered on the floor of this House for the past seven years that contained more concealed dynamite than this bill, H. R. 8927. It is understood that we now have a rubber combination or monopoly known as the American rubber pool, controlling the importation and price of rubber. It is my belief that this monopoly has been and is operating absolutely without regard to Federal laws. In its operations for the past few years those interested in and controlling this monopoly have been able to make millions at the expense of the independent manufacturers and consumers of rubber goods. I believe further that if the Federal Trade Commission and those who are intrusted with the enforcement of the Federal laws governing combinations and monopolies would perform their duties we would now have a number of these parties on their way to the Federal prison. This bill, as I see it, proposes to accomplish two or three things, first to legalize an illegal combination or monopoly now operating without conscience or any regard for the law; second, will place the combination in a position whereby they may be able to continue to speculate and manipulate without the fear of the interference of the law; third, to save their own skins inasmuch as they have been caught at their own game.

It is generally agreed that 30 cents is a fair price for rubber; to-day rubber is selling for about 21 cents or about 9 cents per pound below the fair price when the price of rubber was soaring from 21 cents to the peak price of $1.21 and even thereafter when the price commenced to decline we did not hear these big boys crying out for a legalized monopoly to help them whip a foreign combination. They were perfectly satisfied with the way they were playing the game and with the income of their millions at the expense of the consumers of rubber, but now because of several legitimate reasons, the price of rubber has declined far below their expectations, and they having been caught with about 65,000 tons of rubber at a price of around 40 cents per pound, they are very much disturbed about a foreign monopoly and the great American consuming public. Is it a fact, my friends, that they are seriously concerned about the fellow who has to buy automobile tires or are they concerned about having the Federal Government behind this great American combination and to have this monopoly legalized to do the very thing that this Government and the American people have been trying to regulate and control since the foundation of this Government?

Because of the speculation on the part of this American combination and because of the restriction under the Stevenson Act, prices were forced so high that it caused an overproduction of rubber and now that Mr. Firestone, Henry Ford, and others having planted millions of acres in rubber-producing trees that will soon be coming on the market, naturally, the price is coming down. Now, therefore, the cry goes up by certain Members of Congress who seem to be ready at all times to represent special interest at the expense of the great masses. "Give us a legalized American monopoly for certain American citizens so that they can use, if needs be, illegal methods in bucking a foreign monopoly for the benefit of our American consumers." Why the gentleman from Minnesota [Mr. NEWTON] is bold to say that he is not concerned about or interested in this monopoly that he proposes to legalize under his bill but he is worried about the American consumer, especially the farmer. When has the gentleman from Minnesota become so interested in and sympathetic toward the farmer as to be able to stand upon the floor of this House and in his pleadings shed tears resembling the flow of the great Mississippi?

He has been an outstanding leader against all farm relief legislation which has been proposed in Congress for the last few years to put farmers in the control of their own business and on an equality with other industries. Gentlemen who are so concerned about the passage of their legislation and the consumers should be frank and fair in their statement. Some days ago the rubber pool put up about $60,000,000, getting ready to operate under the gentleman's bill. Immediately rubber advanced about 2 cents per pound, in the meantime the announcement was made that the restrictions now enforced to control the price of rubber in Great Britain would be withdrawn about November 1, and immediately the price of rubber declined. On April 5 the directors of the United States Rubber Co. failed to pay their usual quarterly dividend of $2 per share on their 8 per cent preferred stock due at this time, making a statement that the payment was deferred because of the losses on their stock of crude rubber on account of the decline in prices.

Inasmuch as rubber has declined from $1.21 to about 25 cents a pound, the proponents of this legislation should be prepared to insert in the RECORD a statement showing that this great American rubber monopoly has given the benefit of this tremendous decline to the consumers of rubber and rubber tires.

They have failed to do it and I believe that it will be impossible for them to do it. They have included in this bill potash and sisal, but, of course, this is a joke and is done for the purpose of securing the indorsement of farmers and votes for the bill. This part of the bill as stated by the gentleman from New York [Mr. LAGUARDIA] is simply a window dressing. The gentleman from Maine [Mr. HERSEY] in his speech acknowledged the fact that we have an American Fertilizer Trust controlling and fixing the price of potash and nitrates in America. Yet, he is more interested in legalizing a similar combination to fix and control the price of rubber than he is in having these American combinations investigated and placed in Federal prison because of their highway robbery in manipulating and fixing prices, thereby robbing the American farmers. If these gentlemen are interested in the farmers of America they should be advocating legislation that would develop the potash beds of America and that would turn Muscle Shoals into a fertilizer plant in competition to these trusts that he speaks about and which would be in the interest of the farmer.

The gentleman from Minnesota speaks of the monopolistic control of the Chilean Government over the great acres of the nitrate beds in Chile, yet the Congress for the past 10 years has refused to turn Muscle Shoals into a fertilizer plant thereby forcing farmers to pay to the Chilean Government from $10 to $12 tax on every ton of nitrate imported from Chile, to say nothing of the extra freights. More than that, as stated by the gentleman from Maine, inasmuch as W. R. Grace & Co., du Pont, and about two other concerns, some of them being part owners of the Chilean nitrate beds, having a monopoly on the importation of practically all of the nitrates imported from Chile, they have been able to fix the price to the American farmer regardless of the Chilean Government.

Last July, 1927, the restrictions on competition on Chilean nitrates were removed, and nitrates that had been selling from $50 to $60 per ton prior to that time declined to $40 and $42 per ton f. o. b. Southern ports. Now that the fertilizer season is on, and farmers—my cotton farmers of the South—being at the mercy of these American combinations that you propose to legalize under this bill, have advanced the price to $48 and $55 per ton to farmers.

Farmers in the South are compelled to buy Chilean nitrates through the agents representing these American monopolies, regardless of the price, because it is the only successful weapon that we have to combat the cotton-boll weevil in the South; yet when we proposed legislation last fall to place the cotton farmer in a position whereby he would be able to take off the surplus, when blessed with one that always fixes the price on the whole crop and usually at a price below the cost of production, the gentleman from Minnesota, and practically every man favoring this legislation, raised a rough-house and voted against the farmers' surplus control bill.

It is useless at this time to speak of the helpless and hopeless condition of the American farmer, his helpless and hopeless condition is an open book to every Member of this Congress.

Within the next few days we hope to bring on the floor of this House a farm relief bill, and I expect to watch with a

great deal of interest the maneuvers and the votes cast on this legislation by the proponents of this bill who are crying now in mournful tones for the American consumer and farmer.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11133) making appropriations for the District of Columbia, with Senate amendments, disagree to the amendments of the Senate, and ask for a conference.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to take from the Speaker's table the bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes.

Mr. SNELL. Reserving the right to object, I would like to ask the gentleman from Nebraska if there are any important matters in the Senate amendments except the amendment affecting the fiscal policy of the District?

Mr. SIMMONS. Yes; there are several important amendments. It carries considerably over a million dollars more than it carried when it passed the House.

Mr. SNELL. I do not want to instruct the conferees, but I feel that the House has gone on record several times on this matter of the fiscal policy, and if I understand the situation of the House now there is a large majority in favor of the existing policy of a contribution of $9,000,000. I wish the gentleman would not agree to change that policy unless he comes back to the House for a record vote.

Mr. SIMMONS. I have no present intention of recommending any change in that policy.

Mr. SNELL. I wanted to mention it because I know the House has decided views along that line.

Mr. GARNER of Texas. Reserving the right to object, let us get that statement a little bit more definite. As I understand, the gentleman agrees to bring back to the House an opportunity to vote affirmatively on the Senate amendment changing the $9,000,000 contribution to the 60-40 plan?

Mr. SIMMONS. I am not making any agreement, and I do not think I should be asked to make one.

Mr. TILSON. I do not think the gentleman should be tied down to an agreement. He has given us assurance of his own views on the subject which will probably give the House an opportunity to vote on this proposition, but the conferees ought to have a full and free conference.

Mr. GARRETT of Tennessee. Every member of the conference committee on the part of the House—that I suppose is going to be upon it—is precisely of the same mind.

Mr. GARNER of Texas. I am glad to hear that.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to take from the Speaker's table the District of Columbia appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The Chair appointed as conferees on the part of the House Mr. SIMMONS, Mr. HOLADAY, and Mr. GRIFFIN.

LEAVE OF ABSENCE

By unanimous consent, the following leave of absence was granted:

To Mr. CLARKE (at the request of Mr. HOPE), for four days, on account of urgent business.

To Mr. BACON, for a few days, on account of important business.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6993. An act authorizing the Secretary of the Interior to sell and patent certain lands in Louisiana and Mississippi;

H. R. 8725. An act to amend section 224 of the Judicial Code;

H. R. 9137. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the projected State highway between Lebanon and Hartsville and Gallatin near Hunters Point, in Wilson and Trousdale Counties, Tenn.;

H. R. 9147. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River, on the Jasper-Chattanooga road in Marion County, Tenn.;

H. R. 9197. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.;

H. R. 9198. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; and

H. R. 9199. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1498. An act to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge; and

S. 2549. An act providing for payment to the German Government of $461.59 in behalf of the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechensreiter.

ADJOURNMENT

Mr. DYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Friday, April 6, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, April 6, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE JUDICIARY

(10 a. m.)

For the relief of the State of North Carolina (S. 3097).

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

(10 a. m.)

To provide for the transfer to the Department of the Interior of the public works functions of the Federal Government (H. R. 8127).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act," approved June 3, 1924 (H. R. 10710).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. 2004. An act authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz.; without amendment (Rept. No. 1138). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 12408. A bill authorizing custodians and acting custodians of Federal buildings to administer oaths of office to employees in the custodian service; without amendment (Rept. No. 1139). Referred to the House Calendar.

Mr. KOPP: Committee on Labor. H. R. 11141. A bill to require contractors and subcontractors engaged on public works of the United States to give certain preferences in the employment of labor; without amendment (Rept. No. 1140). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. H. R. 12687. A bill to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce; without amendment (Rept. No. 1141). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on Indian Affairs. S. 1456. An act to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex.; without amendment (Rept. No. 1142). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. J. Res. 95. A joint resolution authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant-introduction purposes; without amendment (Rept. No.

1143). Referred to the Committee of the Whole House on the state of the Union.

Mr. GAMBRILL: Committee on Naval Affairs. H. R. 12348. A bill to authorize the Secretary of the Navy to proceed with the construction of a boathouse at the United States Naval Academy, Annapolis, Md.; without amendment (Rept. No. 1144). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 11484. A bill authorizing a per capita payment to the Rosebud Sioux Indians, S. Dak.; without amendment (Rept. No. 1145). Referred to the House Calendar.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9124) granting an increase of pension to Arthur F. Truitt; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12612) for the relief of E. W. Gillespie; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 12730) prescribing the procedure for forfeiture of vessels and vehicles under the customs, navigation, and internal revenue laws; to the Committee on the Judiciary.

By Mr. DENISON: A bill (H. R. 12731) to suppress fraudulent practices in the promotion or sale of stocks, bonds, and other securities sold or offered for sale within the District of Columbia; to register persons selling stocks, bonds, or other securities; and to provide punishment for the fraudulent or unauthorized sale of the same; to the Committee on the District of Columbia.

By Mr. KNUTSON: A bill (H. R. 12732) authorizing the purchase of lands for the Chippewa Indians, in the State of Minnesota; to the Committee on Indian Affairs.

By Mr. HAWLEY: A bill (H. R. 12733) to authorize the refund of certain taxes on distilled spirits; to the Committee on Ways and Means.

By Mr. SMITH: A bill (H. R. 12734) providing for an air port for Burley, Idaho; to the Committee on Irrigation and Reclamation.

By Mr. ASWELL: A bill (H. R. 12735) to authorize the establishment of the northwest Louisiana game and fish preserve, and for other purposes; to the Committee on Agriculture.

By Mr. GREGORY: A bill (H. R. 12736) for the erection of a public building at the city of Princeton, State of Kentucky, and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12737) for the erection of a public building at the city of Murray, State of Kentucky, and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. ZIHLMAN: A bill (H. R. 12738) to provide for the reinterment of bodies now interred in the grounds of St. Francis de Sales Church in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 12739) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia; to the Committee on the District of Columbia.

By Mr. STOBBS: Joint resolution (H. J. Res. 263) authorizing the president and fellows of Harvard College to erect on public grounds in the District of Columbia a monument to Maj. Gen. Artemas Ward; to the Committee on the Library.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Mississippi, urging the passage of the McNary-Haugen farm relief bill; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Ohio: A bill (H. R. 12740) granting a pension to Annie Corbitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12741) granting an increase of pension to Emma Brown; to the Committee on Invalid Pensions.

By Mr. BRIGHAM: A bill (H. R. 12742) granting an increase of pension to Lana Titus; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 12743) for the relief of Albert Armstrong; to the Committee on Military Affairs.

By Mr. CHINDBLOM: A bill (H. R. 12744) granting an increase of pension to Sebastian Rettig; to the Committee on Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 12745) granting a pension to Ellen J. Clark; to the Committee on Invalid Pensions.

By Mr. COLE of Maryland: A bill (H. R. 12746) granting a pension to Mary C. Cook; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 12747) granting a pension to Mary Julia Thomas; to the Committee on Pensions.

By Mr. GIFFORD: A bill (H. R. 12748) granting an increase of pension to Alice S. Holbrook; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 12749) for the relief of the estate of Richard W. Meade, deceased; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 12750) granting an increase of pension to Jane Elizabeth Carr; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 12751) for the relief of the Cold Spring Brewing Co., of Cold Spring, Minn., a corporation; to the Committee on Claims.

By Mr. LONGWORTH: A bill (H. R. 12752) granting an increase of pension to Martha L. McSurely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12753) granting an increase of pension to Anna Huls; to the Committee on Invalid Pensions.

By Mr. LUCE: A bill (H. R. 12754) granting a pension to Ephraim Baptiste; to the Committee on Pensions.

By Mr. McREYNOLDS: A bill (H. R. 12755) for the relief of Blanche Burkhart Strange; to the Committee on Naval Affairs.

By Mr. MAPES: A bill (H. R. 12756) granting a pension to Martha Jane Owen Lambier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12757) granting an increase of pension to Susan H. Mann; to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 12758) for the relief of Una May Arnold; to the Committee on Claims.

By Mr. PALMISANO: A bill (H. R. 12759) for the relief of the Sanford & Brooks Co. (Inc.); to the Committee on Claims.

By Mr. SPEAKS: A bill (H. R. 12760) granting an increase of pension to Elizabeth A. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12761) granting an increase of pension to Ida L. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12762) granting an increase of pension to Rosamond T. Will; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 12763) granting a pension to Timothy Shea; to the Committee on Pensions.

By Mr. VINSON of Georgia: A bill (H. R. 12764) for the relief of Commander Chester G. Mayo; to the Committee on Naval Affairs.

By Mr. WEAVER: A bill (H. R. 12765) for the relief of Laura E. Alexander; to the Committee on Claims.

Also, a bill (H. R. 12766) for the relief of Mattie D. Jacobs; to the Committee on Claims.

By Mr. WHITE of Colorado: A bill (H. R. 12767) granting a pension to Harriet E. Carter; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6434. Resolution passed by the last meeting of the Takoma, D. C., Citizens Association, in regard to District appropriations; to the Committee on Appropriations.

6435. Petition of the New York Patent Law Association, Mr. Crichton Clarke, secretary, transmitting copy of report and recommendations of the committee on copyrights of said association; to the Committee on Patents.

6436. By Mr. BACHMANN: Petition of Elizabeth Wright and other citizens of Moundsville, Marshall County, W. Va., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

6437. By Mr. BOHN: Petition of voters of Charlevoix County, Mich., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6438. By Mr. BURTON: Resolution of Court Columbia No. 104, Independent Order of Foresters, Cleveland, Ohio, at a meeting held March 26, 1928, indorsing the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6439. Also, resolution of I. L. A. Local No. 3, Cleveland, Ohio, indorsing the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6440. By Mr. CASEY: Petition of citizens of Wilkes-Barre, Dallas, Shavertown, Kingston, and other cities and towns in Luzerne County, Pa., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates as proposed by the National Tribune; to the Committee on Invalid Pensions.

6441. Also, petition of Mr. and Mrs. H. G. Lewis, of Shavertown, Pa., and 548 other citizens of the twelfth congressional district protesting against House bill 78, Lankford Sunday observance bill; to the Committee on the District of Columbia.

6442. By Mr. DENISON: Petition of various citizens of Union County, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6443. By Mr. DOUGLAS of Arizona. Petition indorsing legislation increasing pensions for Civil War veterans, their widows, and children; to the Committee on Invalid Pensions.

6444. By Mr. ESTEP: Petition of the Bar Association of Allegheny County, J. S. Stadfeld, president, in opposition to House bill 1; to the Committee on Ways and Means.

6445. By Mr. HADLEY: Petition of residents of Bellingham, Wash., protesting against House bill 78; to the Committee on the District of Columbia.

6446. Also, petition of residents of Snohomish County, Wash., protesting against the Sunday closing bill (H. R. 78); to the Committee on the District of Columbia.

6447. Also, petition of residents of Skagit County., Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

6448. By Mr. HANCOCK: Petition of Elizabeth Campbell and other residents of Onondaga County, N. Y., in favor of increase in pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6449. By Mr. HASTINGS: Petition by citizens of Muskogee County, Okla., for action on a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6450. By Mr. HOCH: Petition of Elizabeth J. Reed and two other citizens of Yates Center, Kans., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

6451. Also, petition of F. L. Stone and 70 other voters of Parkerville, Kans., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6452. Also, petition of Mrs. F. P. Frost and 60 other voters of Eskridge, Kans., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

6453. By Mr. HOWARD of Nebraska: Petition signed by Hon. Wilbur F. Bryant, of Hartington, Nebr., together with over 100 other citizens of Cedar County, praying for the passage of legislation for the relief of the suffering Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

6454. By Mr. WILLIAM E. HULL: Petition of E. E. Naylor and 56 others, of Peoria, Ill., for increase of pension for Civil War widows; to the Committee on Invalid Pensions.

6455. Also, petition of Irene Hempstead and 24 others, of Peoria, Ill., for increase of pension; to the Committee on Invalid Pensions.

6456. Also, petition of Edna S. Walker and 38 other citizens, of Peoria, Ill., for increase of pension for Civil War widows; to the Committee on Invalid Pensions.

6457. By Mr. JOHNSON of Oklahoma: Petition of F. M. Cabler, H. O. Proctor, and 24 other citizens, of Ninnekah, Grady County, Okla., urging an immediate vote on the proposal to increase pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6458. By Mr. JOHNSON of Washington: Petition of various citizens of Centralia, Wash., urging pension increases for Civil War veterans and widows; to the Committee on Invalid Pensions.

6459. Also, petition of various citizens of Olympia, Wash., urging pension increases for survivors of the Civil War and their widows; to the Committee on Invalid Pensions.

6460. Also, petition of Arthur Martin, of Littell, Wash., and 54 other citizens of Lewis County, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

6461. Also, petition of Frank Corpela and 22 other citizens, of Lewis County, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

6462. Also, petition of Andrew Semmen and 43 other citizens of Cosmopolis, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

6463. Also, petition of A. G. Rockwell and 45 other citizens of Hoquiam, Wash., favoring pension increases for Civil War veterans and widows; to the Committee on Invalid Pensions.

6464. Also, petition of Leighton V. Havens and 57 other citizens of Aberdeen, Wash., favoring pension increases for Civil War veterans and widows; to the Committee on Invalid Pensions.

6465. Also, petition of E. Murray and 33 other citizens of Aberdeen, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

6466. By Mr. KADING: Petition of citizens of Portage, Wis., favoring the passage of House bill 11410; to the Committee on the Judiciary.

6467. By Mr. KOPP: Petition signed by William Rankin and seven other residents of Keokuk, Iowa, on behalf of increased pensions for Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

6468. By Mr. KORELL: Petition of citizens of Portland, Oreg., urging increase in Civil War pensions; to the Committee on Invalid Pensions.

6469. By Mrs. LANGLEY: Petition of magisterial district No. 8, in Kentucky, petitioning Congress to bring to a vote the Civil War pension bill carrying rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6470. By Mr. LYON: Petition of certain citizens of Columbus, New Hanover, and Brunswick Counties, N. C., advocating increase in pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6471. By Mr. McREYNOLDS: Petition containing 61 names of the voters of St. Elmo, Hamilton County, Tenn., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6472. By Mr. MEAD: Petition of numerous residents of Collins, N. Y., in favor of increased pensions for Civil War widows; to the Committee on Invalid Pensions.

6473. By Mr. NELSON of Maine: Petition of some 20 citizens of Readfield, Me., urging that immediate steps be taken to bring to vote a Civil War pension bill for the relief of widows and veterans, with rates as proposed by the National Tribune; to the Committee on Invalid Pensions.

6474. Also, petition of some 126 voters of Gardiner, Me., urging that immediate steps be taken to bring to vote a Civil War pension bill for the relief of widows and veterans, with rates as proposed by the National Tribune; to the Committee on Invalid Pensions.

6475. Also, petition of some 125 residents of Skowhegan, Me., urging that immediate steps be taken to bring to vote a Civil War pension bill for the relief of widows and veterans, with rates as proposed by the National Tribune; to the Committee on Invalid Pensions.

6476. Also, petition of some 140 residents of Chelsea, Me., urging that immediate steps be taken to bring to vote a Civil War pension bill for the relief of widows and veterans, with rates as proposed by the National Tribune; to the Committee on Invalid Pensions.

6477. By Mr. NEWTON: Petition by Hon. Cornelius J. McGlogan, of St. Paul, and others, for remedy of unemployment by work upon public improvements, etc.; to the Committee on Interstate and Foreign Commerce.

6478. By Mr. O'CONNELL: Petition of the National Parks Association, Washington, D. C., favoring the passage of the Wingo bill (H. R. 5729); to the Committee on the Public Lands.

6479. By Mr. PRALL: Petition of the New York State Federation of Women's Clubs, petitioning Congress to take favorable action on the Hawes-Cooper bill, received from Mrs. William Henry Purdy, president New York State Federation of Women's Clubs, 136 Park Avenue, Mount Vernon, N. Y.; to the Committee on Labor.

6480. Also, petition of the Hamilton Club, of Chicago, Ill., petitioning Congress to enact proper flood control measures to

be followed by appropriate legislation received March 30, 1928; to the Committee on Flood Control.

6481. Also, petition of the Hamilton Club, Chicago, Ill., petitioning Congress to support the Navy program now pending; to the Committee on Naval Affairs.

6482. By Mr. QUAYLE: Petition of Port Angeles Chamber of Commerce, of Port Angeles, Wash., urging that a 25 per cent ad valorem tax on cedar shingles and lumber imported into the United States; to the Committee on Ways and Means.

6483. Also, petition of Manhattan Broom Co., of New York City, urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

6484. Also, petition of L. J. Lambert, of St. Paul, Minn., favoring the passage of the McSwain bill (H. R. 11756) to correct certain injustices in the promotion list of the Army; to the Committee on Military Affairs.

6485. Also, petition of New York State Federation of Women's Clubs, urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

6486. Also, petition of American Foundation for the Blind (Inc.), in New York State, urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

6487. Also, petition of Charles H. Damarest (Inc.), of New York, dealers in bamboo, rattan, and reeds, urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

6488. Also, petition of National Society, Daughters of the American Revolution, of Salisbury, N. C., urging the passage of the Capper-Gibson bill; to the Committee on the District of Columbia.

6489. Also, petition of W. H. Recksiek, of San Diego, Calif., urging the passage of House bill 12032; to the Committee on Naval Affairs.

6490. Also, petition of American Federation of Labor, of Washington, D. C., urging the passage of the Senate amendment to the appropriation bill for independent offices, declaring for employment of seamen through the United States Shipping Commissioner's office; to the Committee on Appropriations.

6491. Also, petition of Norfolk-Portsmouth Chamber of Commerce, of Norfolk, Va., urging the passage of Senate bill 3685 and House bill 12039; to the Committee on Naval Affairs.

6492. By Mrs. ROGERS: Petition signed by Ella K. Littlefield and Harriet A. Littlefield, of Andover, Mass., on the Civil War pension bill; to the Committee on Pensions.

6493. By Mr. ROMJUE: Petition of Philip J. Fowler, J. G. Vansickel, et al., of Adair County, Mo., for passage of a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6494. By Mr. ROWBOTTOM: Petition of Otto Weilbrenner and others, of Mount Vernon, Ind., that bill for increase of pension for Civil War widows be enacted into a law at this session of Congress; to the Committee on Invalid Pensions.

6495. By Mr. SCHNEIDER: Petition of numerous residents of Oconto County, Wis., urging the passage of House bill 11410 proposing an amendment to the Volstead law which will make that law more workable, more effective, and easier to enforce; to the Committee on the Judiciary.

6496. By Mr. SINCLAIR: Petition of 61 residents of Regent, N. Dak., urging the early enactment of a Civil War pension bill granting increased pensions to veterans and their widows; to the Committee on Invalid Pensions.

6497. By Mr. SPEAKS: Petition signed by Mary J. Enderlin and some 25 residents of Franklin County, Ohio, urging that the name of Commodore Jack Barry be added to the list of great Americans in the amphitheater of Arlington Cemetery; to the Committee on the Library.

6498. By Mr. THOMPSON: Petition of citizens of Van Wert County, Ohio, urging higher rates of pension for Civil War veterans and widows; to the Committee on Invalid Pensions.

6499. By Mr. VINSON of Kentucky: Petition to increase the pension of Civil War veterans and widows; to the Committee on Invalid Pensions.

6500. By Mr. WAINWRIGHT: Petition of 432 residents of Peekskill, Mount Kisco, Buchanan, Montrose, and Crugers, Westchester County, N. Y., protesting against passage of House bill 78, known as Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

6501. By Mr. WATSON: Petition from residents of Morrisville, Bucks County, Pa., urging increase in pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6502. By Mr. WOOD: Petition of citizens of Williamsport, Ind., asking that the Civil War pension bill become a law; to the Committee on Invalid Pensions.

6503. Also, petition of residents of the State soldiers' home at La Fayette, Ind., asking that the Civil War pension bill be enacted into law; to the Committee on Invalid Pensions.

6504. By Mr. WYANT: Petition of Clermont Commandery No. 395, Knights of Malta, of Derry, Westmoreland County, Pa., by Harry L. Heacox, recorder, protesting against Senate bill 1752, introduced by Senator Oddie, of Nevada; to the Committee on the Post Office and Post Roads.

6505. Also, petition of First Presbyterian Church, of Youngwood, Pa., favoring passage of Lankford bill (H. R. 78); to the Committee on the District of Columbia.

6506. By Mr. ZIHLMAN: Petition of residents of Lonaconing, Md., urging immediate action on the bill to provide relief for needy Civil War veterans and widows; to the Committee on Invalid Pensions.

SENATE

FRIDAY, *April 6, 1928*

Rev. Frederick Brown Harris, D. D., pastor of Foundry Methodist Episcopal Church of the city of Washington, offered the following prayer:

Our Father God, gather our wandering minds and our wayward spirits into Thy secret place as this day the world bows at an uplifted cross, sublime symbol of song through sacrifice, gain through loss, peace through struggle, might through meekness, and life through death. May we walk in Thy light, think in Thy truth, and live in Thy spirit. Help us to be done with low aims and petty prejudices and false prides. May our horizons be stretched out as we walk the ascending way of adventuring faith and of steadfast purpose to do the right as Thou dost give us to see the right.

In the ministry of government may Thy servants here seek to know Thy holy will and to do it with courage and faithfulness amid the shadows and confusions of these days. Make us all pioneers of a redeemed humanity, citizens of that radiant kingdom of Thy love, wherein shall dwell justice and peace and righteousness, and in which the might of arrogance, narrow intolerance, and grasping greed shall be no more. For this sublime goal of the race may our Nation be the obedient servant of Thy great purposes.

"With peace that comes of purity
And strength to simple justice due,
So runs our loyal dream of Thee.
God of our fathers! Make it true."

We ask it through riches of grace in Christ Jesus our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SIMMONS, Mr. HOLADAY, and Mr. GRIFFIN were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1498. An act to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge;

S. 2549. An act providing for payment to the German Government of $461.59 in behalf of the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenberg, Karl Behr, and Hans Dechantsreiter;

H. R. 6993. An act authorizing the Secretary of the Interior to sell and patent certain lands in Louisiana and Mississippi;

H. R. 8725. An act to amend section 224 of the Judicial Code;

H. R. 9137. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the projected State highway between Lebanon and Hartsville and Gallatin near Hunters Point, in Wilson and Trousdale Counties, Tenn.;

H. R. 9147. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct,

maintain, and operate a bridge across the Tennessee River, on the Jasper-Chattanooga road in Marion County, Tenn.;

H. R. 9197. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.;

H. R. 9198. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; and

H. R. 9199. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McLean	Shipstead
Barkley	Fletcher	McMaster	Shortridge
Bayard	Frazier	McNary	Simmons
Bingham	George	Mayfield	Smith
Black	Glass	Metcalf	Smoot
Blaine	Goff	Moses	Steck
Blease	Gooding	Neely	Steiwer
Borah	Gould	Norbeck	Stephens
Bratton	Greene	Nye	Swanson
Brookhart	Hale	Oddie	Thomas
Broussard	Harris	Overman	Tydings
Bruce	Harrison	Phipps	Tyson
Capper	Hawes	Pine	Vandenberg
Caraway	Hayden	Pittman	Wagner
Copeland	Heflin	Ransdell	Walsh, Mass.
Couzens	Jones	Reed, Pa.	Walsh, Mont.
Curtis	Kendrick	Robinson, Ark.	Warren
Cutting	Keyes	Robinson, Ind.	Waterman
Dale	King	Schall	Watson
Dill	McKellar	Sheppard	Wheeler

Mr. McNARY. I desire to announce the absence of the senior Senator from California [Mr. JOHNSON] on account of illness. I ask that this announcement may stand for the day.

Mr. WAGNER. I wish to state that the Senator from New Jersey [Mr. EDWARDS] is necessarily detained on account of illness in his family. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

PEARL RIVER BRIDGES, MISSISSIPPI

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3118) to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss., which was, on page 1, line 11, after the numerals "1906," to insert:

Provided, That if the bridge authorized by this act shall at any time be abandoned and no longer used for railroad purposes, the same shall be removed from the river by the Pearl River Valley Lumber Co., or its assigns, at its or their own expense.

Mr. STEPHENS. I move that the Senate agree to the amendment of the House.

The motion was agreed to.

The VICE PRESIDENT also laid before the Senate the amendment of the House of Representatives to the bill (S. 3119) to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and between Madison and Rankin Counties, Miss., which was, on page 2, line 3, after the numerals "1906," to insert:

Provided, That if the bridge authorized by this act shall at any time be abandoned and no longer used for railroad purposes, the same shall be removed from the river by the Pearl River Valley Lumber Co., or its assigns, at its or their own expense.

Mr. STEPHENS. I move that the Senate agree to the amendment of the House.

The motion was agreed to.

ENLARGEMENT OF THE CAPITOL GROUNDS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2301) to create a commission to be known as the commission for the enlarging of the Capitol Grounds, and for other purposes, which were, on page 1, line 5, after the word "chairman," to insert "and ranking minority member"; on the same page, line 6, after the word "chairman," to insert "and ranking minority member"; on the same page, to strike out all after the word "commission" in line 11 down to and including the word "and" in line 3, page 2; on page 2, line 5, to strike out the word "both" and insert in lieu thereof "including"; and on the same page, after line 14, to insert:

SEC. 2. If the commission is unable to submit a final report before the expiration of the Seventieth Congress, those Members of the House of Representatives who are members of the commission at the date of expiration of such Congress, if Members elect to the succeeding Congress, shall continue as members of such commission until their successors are determined by the organization of the House of Representatives of the Seventy-first Congress.

Mr. KEYES. I move that the Senate concur in the amendments of the House.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator to explain the amendments?

Mr. KEYES. The House has proposed five amendments. The first two add the ranking minority member of the Senate Committee on Public Buildings and Grounds and the ranking minority member of the House Committee on Public Buildings and Grounds to the personnel of the commission. The third amendment changes one word. The fourth amendment provides for limiting the powers of the commission. The bill as it passed the Senate gives the commission control of the land between the Capitol and the Union Station, and the commission would not care to control the land after it had made its report to Congress recommending the improvements. The last amendment is one providing for a continuation of the Members of the House on the commission beyond the Seventieth Congress in case the commission should be unable to make a report before the expiration of the present Congress.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire.

The amendments of the House were concurred in.

DISTRICT OF COLUMBIA APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PHIPPS. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. PHIPPS, Mr. JONES, and Mr. GLASS conferees on the part of the Senate.

FARM RELIEF—PROPOSED UNANIMOUS-CONSENT AGREEMENT

Mr. McNARY. Mr. President, if it be in order, I desire at this time to propose a unanimous-consent agreement with respect to the unfinished business.

The VICE PRESIDENT. A unanimous-consent agreement is always in order. The clerk will read the proposed agreement.

The Chief Clerk read as follows:

Ordered (by unanimous consent), That on the calendar day of Tuesday, April 10, 1928, at not later than 5 o'clock p. m., the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill S. 3555, the so-called McNary-Haugen agricultural relief bill, through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m. on said calendar day no Senator shall speak more than once nor longer than 10 minutes upon the bill or upon any amendment offered thereto.

Mr. BORAH. Mr. President, would the Senator in charge of the bill be willing to change the proposed unanimous-consent agreement so that we may have time to consider any particular amendments which may be offered. When we disposed of the bill before, it will be remembered that some very vital amendments were offered without any opportunity to debate them. If we would limit debate to speeches of 10 minutes on each amendment or something of that kind, it would be more satisfactory.

The VICE PRESIDENT. The Chair suggests that under the rule the roll will have to be called to disclose the presence of a quorum before the agreement is submitted.

Mr. CURTIS. Mr. President, I suggest to the Senator from Oregon that he amend the proposed agreement so that it will not require a roll call. I suggest that he provide that debate be limited on the bill and all amendments to 10 minutes after the hour of 3 o'clock on Tuesday, making no reference to a final vote.

Mr. DILL. That is a proposal practically to close debate, and I think, therefore, that there ought to be a quorum present.

Mr. SIMMONS. Mr. President, I do not think there is any necessity for the call of a quorum. According to my belief the bill can not be disposed of in a hurry; it is too important; it is too fundamental. I am not willing at this time to agree to limit the debate on Tuesday. I probably shall be willing to agree to it later in the day.

Mr. McNARY. Mr. President, in view of the developments, which are entirely satisfactory, I will withhold the proposal for the present.

CONDOLENCES ON DEATH OF THE LATE SENATOR WILLIS

The VICE PRESIDENT laid before the Senate cablegrams from the president of the Senate and the speaker of the House of Representatives of the Porto Rican Legislature, tendering condolences on the death of the late Senator FRANK B. WILLIS, of Ohio, which were read and ordered to lie on the table, as follows:

[Cablegram]

SAN JUAN, P. R., *April 3, 1928.*

Hon. FELIX CORDOVA DAVILA,
Resident Commissioner of Porto Rico,
House Office Building, Washington, D. C.:

On learning of the death of Senator FRANK B. WILLIS, the Senate of Porto Rico at to-day's session unanimously resolved to express through you to the distinguished family of the late good friend of Porto Rico and to the United States Senate through its President our deepest condolence over such irreparable loss.

ANTONIO R. BARCELÓ, *President.*

[Cablegram]

SAN JUAN, P. R., *April 4, 1928.*

Hon. FELIX CORDOVA DAVILA,
Resident Commissioner of Porto Rico,
House Office Building, Washington, D. C.:

Please express United States Senate and relatives of Senator WILLIS, in the name of house of representatives, how deeply Porto Rico deplores the untimely death of her kind and disinterested friend.

JOSÉ TOUS SOTO, *Speaker.*

PETITIONS AND MEMORIALS

Mr. ROBINSON of Arkansas presented a letter in the nature of a memorial from Mr. J. R. Whitthorne, general manager of the Temple Cotton Oil Co., of Texarkana, Tex., remonstrating against the passage of Senate bill 1414, known as the cottonseed oil futures bill, which was referred to the Committee on Agriculture and Forestry.

Mr. WARREN presented resolutions adopted by the Platte County Beekeepers' Association, of Wheatland, Wyo., favoring the passage of legislation to provide for aided and directed settlement on Federal reclamation projects, which were referred to the Committee on Irrigation and Reclamation.

Mr. WALSH of Massachusetts presented numerous letters and papers in the nature of petitions from the president and faculty of Wellesley College, the Monday Literary Club of Worcester, and sundry other citizens, including many clergymen and presidents and professors of colleges, all in the State of Massachusetts, praying for the adoption of the resolution (S. Res. 139) suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

Mr. BINGHAM presented a petition of sundry citizens of West Haven, Conn., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a letter in the nature of a petition from Elm Lodge, No. 420, International Association of Machinists, at West Haven, Conn., praying for the adoption of the so-called Dallinger amendment to the naval building bill, providing for the construction of eight cruisers at Government navy yards, etc., which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Meriden, Conn., praying for the passage of Senate bill 2901, to make more effective the enforcement of the eighteenth amendment to the Constitution, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Brotherhood of St. John's Lutheran Church, of New Britain, Conn., praying for the passage of legislation repealing the national-origins provision of the existing immigration law, which was referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Hartford, Torrington, Washington, and Waterbury, all in the State of Connecticut, praying for the adoption of the resolution (S. Res. 139) suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by Enfield Grange, No. 151, of Hazardville; the Hartford section of the National Council of Jewish Women and the Hartford Society of New Thought, both of Hartford, in the State of Connecticut, favoring the adoption of the resolution (S. Res. 139) suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

Mr. JONES, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 742. An act to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes (Rept. No. 713);

S. 1609. An act recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic, American Trader, President Roosevelt, President Harding*, and the British steamship *Cameronia*, and for other purposes (Rept. No. 714);

S. 1781. An act to establish load lines for American vessels, and for other purposes (Rept. No. 715);

H. R. 7191. An act to authorize the Secretary of Commerce to convey certain land in Cook County, Ill., to the Chicago & Western Indiana Railroad Co., its successors or assigns, under certain conditions (Rept. No. 716); and

H. R. 10540. An act to credit retired commissioned officers of the Coast Guard with active duty during the World War performed since retirement (Rept. No. 717).

Mr. RANSDELL, from the Committee on Commerce, to which was referred the bill (S. 1710) authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor, reported it with amendments and submitted a report (No. 718) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 8915) to provide for the detention of fugitives apprehended in the District of Columbia, reported it without amendment and submitted a report (No. 719) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (S. 3593) to authorize the leasing or sale of lands reserved for agency, schools, and other purposes on the Fort Peck Indian Reservation, Mont., reported it without amendment and submitted a report (No. 720) thereon.

Mr. BINGHAM, from the Committee on Printing, to which was referred the bill (H. R. 6669) fixing the salary of the Public Printer and the Deputy Public Printer, reported it without amendment and submitted a report (No. 721) thereon.

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which was referred the bill (H. R. 10141) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 722) thereon.

INVESTIGATION OF NEW USES OF COTTON

Mr. RANSDELL. From the Committee on Agriculture and Forestry I report back favorably without amendment the bill (H. R. 11579) relating to investigation of new uses of cotton, and I submit a report (No. 711) thereon. It is a very brief measure, and I ask unanimous consent that it may be considered immediately. If it shall cause any debate, I will, of course, withdraw the request.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. JONES. Mr. President, is the bill reported unanimously from the committee?

Mr. RANSDELL. The bill is reported unanimously from the Senate Committee on Agriculture and Forestry. The bill passed the House of Representatives unanimously. It does not call for any appropriation.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture and the Secretary of Commerce are hereby authorized to engage in technical and scientific research in American-grown cotton and its by-products and their present and potential uses, including new and additional commercial and scientific uses for cotton and its by-products, and to diffuse such information among the people of the United States; and the Secretary of Agriculture and the Secretary of Commerce or their duly authorized representatives may cooperate with any department or agency of the Government, any State, Territory, District, or pos-

session or department, agency, or political subdivision thereof, or any person in carrying out the purposes of this act in the District of Columbia and elsewhere.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE NEAR CARONDELET, MO.

Mr. DALE. From the Committee on Commerce I report back favorably without amendment the bill (S. 3598) authorizing Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Carondelet, Mo., and I submit a report (No. 712) thereon. At the request of the junior Senator from Missouri [Mr. HAWES] I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, Dupo Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Carondelet, Mo., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Dupo Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Dupo Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Missouri or the State of Illinois, or any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 10 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Dupo Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the States of Missouri and Illinois, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Dupo Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Dupo Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYSON:

A bill (S. 3920) to provide for the regulation through State agencies of the transmission and disposition of electric energy in interstate or foreign commerce; to the Committee on Interstate Commerce.

By Mr. BROOKHART:

A bill (S. 3921) to amend section 2 of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883; to the Committee on Civil Service.

By Mr. GLASS:

A bill (S. 3922) relating to the prescribing of rates, fares, and charges by the Interstate Commerce Commission; to the Committee on Interstate Commerce.

By Mr. JONES:

A bill (S. 3923) granting the consent of Congress to Howard Seabury to construct, maintain, and operate a dam to retain tidal waters in an unnamed cove, which is situated and extends from Cases Inlet into section 28, township 21 north, range 1 west, Willamette meridian, in Pierce County, State of Washington; to the Committee on Commerce.

A bill (S. 3924) granting a pension to Jacob Jacobson (with accompanying papers); and

A bill (S. 3925) granting an increase of pension to Nancy C. Helm (with accompanying papers); to the Committee on Pensions.

By Mr. DILL:

A bill (S. 3926) granting an increase of pension to Frances B. Elsberry; to the Committee on Pensions.

A bill (S. 3927) authorizing the conveyance to the city of Vancouver, State of Washington, of certain lands forming a part of the United States military reservation at Vancouver, Wash.; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 3928) granting a pension to Annie J. Davis (with accompanying papers);

A bill (S. 3929) granting a pension to Mary Etta York (with accompanying papers); and

A bill (S. 3930) granting an increase of pension to Emily J. Murdock (with accompanying papers); to the Committee on Pensions.

By Mr. GEORGE:

A bill (S. 3931) for the relief of Augusta Cornog; to the Committee on Claims.

By Mr. BAYARD:

A bill (S. 3932) granting an increase of pension to Kate Taylor (with accompanying papers); to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 3933) granting an increase of pension to Soffia Riddle (with accompanying papers); to the Committee on Pensions.

By Mr. DALE:

A bill (S. 3934) granting an increase of pension to Castaria (Cassie) L. Bemis; to the Committee on Pensions.

By Mr. MOSES:

A bill (S. 3935) granting a pension to Annie Colomy (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BROUSSARD:

A bill (S. 3937) authorizing the Secretary of War to grant a right of way for a levee through the Chalmette National Cemetery; to the Committee on Military Affairs.

By Mr. SMITH:

A bill (S. 3938) relating to the District Court of the Canal Zone; to the Committee on the Judiciary.

A bill (S. 3939) granting a pension to William E. McIntosh (with an accompanying paper); to the Committee on Pensions.

By Mr. HARRIS:

A joint resolution (S. J. Res. 124) tendering the thanks of Congress to members of Company C, Ninth United States Infantry, and for other purposes (with accompanying papers); to the Committee on Military Affairs.

CHANGE OF REFERENCE

On motion of Mr. BLAINE, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. 6844) concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto, and it was referred to the Committee on the District of Columbia.

AMENDMENT TO FARM RELIEF BILL

Mr. COPELAND submitted an amendment intended to be proposed by him to the bill (S. 3555) the farm relief bill, which was ordered to lie on the table and to be printed, as follows:

On page 26, after line 21, to insert the following:

"(4) The words "agricultural commodity" mean an agricultural commodity which is nonperishable in its nature."

FUNERAL EXPENSES OF THE LATE SENATOR WILLIS

Mr. FESS submitted the following resolution (S. Res. 189), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. Frank B. Willis, late a Senator from the State of Ohio, upon vouchers properly approved.

Mr. FESS subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably the above resolution without amendment, and it was considered by unanimous consent and agreed to.

SOIL SURVEY OF CHARLESTON COUNTY, S. C.

Mr. SMITH submitted the following resolution (S. Res. 190), which was referred to the Committee on Printing:

Resolved, That there be printed 2,000 copies of the soil survey of Charleston County, S. C., for the use of the Senate folding room, after such revision as may be deemed necessary by the Bureau of Soils of the Department of Agriculture.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 142. An act to add certain lands to the Idaho National Forest, Idaho;

H. R. 144. An act to add certain lands to the Challis and Sawtooth National Forest, Idaho;

H. R. 328. An act to relieve the Territory of Alaska from the necessity of filing bonds or security in legal proceedings in which such Territory is interested;

H. R. 333. An act authorizing the sale of certain lands near Seward, Alaska, for use in connection with the Jesse Lee Home;

H. R. 343. An act to amend section 128, subdivision (b), paragraph 1, of the Judicial Code as amended February 13, 1925, relating to appeals from district courts;

H. R. 465. An act to authorize the city of Oklahoma City, Okla., to sell certain public squares situated therein;

H. R. 1997. An act for the relief of Clifford J. Turner;

H. R. 3466. An act for the relief of George A. Winslow;

H. R. 4125. An act for the relief of Holger M. Trandum;

H. R. 5075. An act for the relief of W. J. Bryson;

H. R. 5495. An act to provide for cooperation by the Smithsonian Institution with State, educational, and scientific organizations in the United States for continuing ethnological researches on the American Indians;

H. R. 5545. An act granting certain lands to the State of California;

H. R. 5923. An act for the relief of the Sanitarium Co., of Portland, Oreg.;

H. R. 6056. An act to provide for addition of certain lands to the Challis National Forest;

H. R. 7463. An act amending an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims";

H. R. 7472. An act to grant the town of Cicero, Cook County, Ill., an easement over certain Government property;

H. R. 9118. An act for the relief of William C. Braasch;

H. R. 9144. An act to provide for the conveyance of certain lands in the State of Wisconsin for State park purposes;

H. R. 9583. An act authorizing the reporting to the Congress of certain claims and demands asserted against the United States;

H. R. 10483. An act to revise the boundary of a portion of the Hawaii National Park on the island of Hawaii, in the Territory of Hawaii; and

H. J. Res. 215. Joint resolution to authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, for the purposes of the upper Mississippi River wild life and fish refuge act.

ASSISTANTS TO GOVERNOR GENERAL OF PHILIPPINE ISLANDS

The VICE PRESIDENT. Morning business is closed.

Mr. BINGHAM. Mr. President, I move that the Senate proceed to the consideration of Order of Business 396, being the bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands, and fixing salaries of certain officials. I will say that this is a bill in which the late Senator from Ohio, Mr. Willis, was deeply interested, and the passage of which is urged aud requested by the Governor General of the Philippine Islands.

Mr. McNARY. Mr. President, as I understand the rule, the unfinished business automatically comes before the Senate at 2 o'clock.

The VICE PRESIDENT. The motion of the Senator from Connecticut, if agreed to, will not interfere with the unfinished business.

Mr. McNARY. I have no objection.

Mr. KING. Mr. President, I hope the motion which the Senator from Connecticut has just stated, if he shall insist upon it, will be——

The VICE PRESIDENT. The motion is not debatable during the morning hour.

Mr. ROBINSON of Arkansas. Mr. President, let me suggest to the Senator from Connecticut that he withhold the motion for the present. The Senator from Utah [Mr. KING] is very much interested in the bill to which the Senator from Connecticut has referred, and he had, or thought he had, an understanding about the time when the bill would be taken up. He is compelled to leave the city in a few minutes on the business of the Senate. I myself should also like to have an opportunity to look into the provisions of the bill, and I think that no wholesome end would be accomplished by proceeding now with its consideration. It had not been anticipated that an effort would be made to consider the bill at this time. There are a number of Senators who are interested in the measure, and I suggest to the Senator from Connecticut that perhaps it would be well to let the Senate proceed with the unfinished business until the Senator from Utah shall return to the city.

Mr. BINGHAM. Very well, Mr. President, although I have tried for several days to have this measure considered, and supposed that there was an understanding that we adjourned last night in order that the measure might be considered this morning before 2 o'clock. I was not aware of the understanding to which the Senator from Arkansas has referred, and, at his request, I withdraw my motion.

Mr. KING. Mr. President, I express my thanks to the Senator, and, if I may have his attention for a moment, with the indulgence of the Senate, I was about to observe that our friend.

the late Senator Willis, the last time I saw him called my attention to this bill and to two or three other measures dealing with Philippine matters. It was his intention—and in that I agreed—that after certain matters going on in Ohio were disposed of he would ask to have them all taken up and considered. I was opposed to those bills, but I told the Senator I would not object to their being taken up and considered at such time as he indicated after his return from Ohio. The Senate knows the matters in Ohio which were engaging his attention. I relied upon that understanding, and I will say now to the Senator from Connecticut that I shall be willing, so far as I am concerned, to carry out the understanding that I had with our late friend, and take up these and other measures dealing with Philippine matters at such time in the near future as may be desired.

Mr. BINGHAM. Mr. President, I desire to give notice that I shall make an effort on the next occasion when the Senator from Utah is present to move that this bill be considered. With regard to the other bills there is considerably more difference of opinion, and I do not desire to ask the Senate to devote much time to debating those bills. This bill, however, the Governor General of the Philippine Islands is particularly anxious to have passed at the earliest possible moment, and I hope the Senator will cooperate with me in securing an opportunity to debate the measure in the near future.

Mr. KING. I shall be glad to cooperate with the Senator.

The VICE PRESIDENT. The calendar, under Rule VIII, is in order.

Mr. CURTIS obtained the floor.

Mr. McNARY. Mr. President——

Mr. CURTIS. I yield to the Senator from Oregon.

Mr. McNARY. It is my understanding that the motion made by the Senator from Connecticut encountered objection.

The VICE PRESIDENT. The motion has been withdrawn.

FARM RELIEF

Mr. McNARY. I ask unanimous consent that the unfinished business may be laid before the Senate and proceeded with.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New York [Mr. COPELAND], which will be stated.

The CHIEF CLERK. On page 10, line 19, after the word "section," it is proposed to insert the words "provided it is not a fruit or vegetable in its natural state or processed."

Mr. GOODING. Mr. President, the question has often been asked by a great many people, "What is the matter with agriculture? Why has the great basic industry of the Nation been demoralized, suffered a loss of billions of dollars since the crisis came to agriculture in 1920, and at the same time industry has seen its greatest years of prosperity, and labor has received the highest wage since the dawn of civilization?"

Mr. President, the story of the demoralization of agriculture by our own Government, brought about by legislation during the war and since the war that destroyed all the economic relationships that existed between agriculture, industry, and labor since the foundation of this Government, is a simple story, and can be told in a few words.

Before the crisis came to agriculture in 1920 there existed a close relationship between agriculture, industry, and labor; and before that relationship was destroyed by legislation the prosperity of the industries meant the prosperity of agriculture and labor, and the same thing was true as far as agriculture was concerned. Before 1920 the prosperity of agriculture meant the prosperity of industry and labor.

In all the great panics that swept over this country before 1920, agriculture, industry, and labor all suffered alike; and to that rule there were no exceptions. I can remember something about the panic of 1873, and I can remember all about the panic of 1893. In those two great panics agriculture, industry, and labor all went down together in one great crash. Then we saw prosperity return, and agriculture, industry, and labor all came back together and enjoyed prosperity.

The first legislation passed by Congress, which has been a mighty factor in the destruction of the economic relationships that existed between agriculture, industry, and labor, was the Adamson law. The Adamson law changed the basis of a day's labor upon the railroads from a 10-hour day to an 8-hour day, and increased the price of labor on our railroads by an annual amount of $60,000,000. In order that that increase in the price of labor might be passed on to those who used the railroads for shipping freight, the Interstate Commerce Commission ordered an increase of freights of 15 per cent.

Then Congress passed the Federal control act, and Mr. McAdoo was made Director General of the Railroads; and almost immediately Mr. McAdoo ordered an increase in the price of labor on the railroads that was equal to an annual increase of $1,164,000,000. In order that the railroads might pass that increase in the price of labor of $1,164,000,000 on to the farmers, if you please, and all the rest of the people who used the railroads for shipping freight, Mr. McAdoo ordered a horizontal increase in freight rates of 25 per cent. In that horizontal increase no attention was paid to how high a rate was or how low the rate was or how long the haul was or what the product would bear to carry it to market. Farm products, with one or two exceptions, were increased in that horizontal increase in freight rates the same as high-class manufactured articles.

Then, Mr. President, in 1920 Congress passed the amendment to the interstate commerce act—the Esch-Cummins Act—which created the Labor Board, and in 1920 the Labor Board increased the price of wages on the railroads $522,000,000. Then, Mr. President, so that the railroads might pass this increase in the price of their labor on to those who used the railroads for shipping freight, the Interstate Commerce Commission ordered an increase of from 25 to 40 per cent and 33⅓ per cent in freight that passed the different zones that had been created by the Interstate Commerce Commission.

Again, in this horizontal increase by the Interstate Commerce Commission in freight rates, which was put into effect with very little consideration, no attention was given to how high a freight rate was or how low it was or what the product would bear to carry it to market. Farm products again were increased by a horizontal increase of from 40 to 25 per cent.

Then in 1921 the Labor Board ordered a reduction in the price of labor equal to an annual reduction of $331,000,000. Following this decrease in the price of labor the Interstate Commerce Commission ordered a horizontal decrease in freight rates of 10 per cent.

We have had some increases in the price of labor since 1921. All together the annual increase in labor on our railroads is $1,550,887,874. This is an increase of 100 per cent in the price of labor upon our railroads.

Mr. President, if the Government had not followed each increase in the price of labor upon our railroads with an increase in freight rates, every mile of railroad in America in one short year would have been in the hands of a receiver.

The farmers of America are a mighty factor in furnishing freight to the railroads. Of the total volume of freight transported over our railroads, the farmer furnishes 11 per cent. Yet, at the same time, through these horizontal increases in freight rates which have been forced upon the farmer, no part of which he can pass on to the people, the farmers pay 19 per cent of the total revenues received by the railroads from the transportation of freight. Through the increase in freight rates since 1917 the farmers have paid an increased freight bill of $4,000,000,000; but the farmer's freight bill, Mr. President, is not the only part of the increased cost of production that he has been forced to meet in the last few years. It is not strange, when Congress changed the basis of a day's labor upon the railroads from a 10-hour day to an 8-hour day and increased the price of labor on the railroads by 100 per cent, that organized labor in every part of America should demand shorter hours and increased pay; and since 1917 there have been inaugurated in this country something over 12,000 strikes. In nearly every one of those strikes labor has brought about an increase in pay and shorter hours, until to-day in practically all the great industries of America labor is working on the 8-hour basis and has received an increase in pay of 100 per cent.

Mr. SHIPSTEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. GOODING. I yield.

Mr. SHIPSTEAD. I want to call the Senator's attention to the report issued last February by the Department of Commerce in a bulletin called "Survey of Current Business," in which the Government's own statistics show that the total average monthly pay roll of the United States has decreased 30 per cent in six years, and the Department of Labor's own statistician shows that there has been a decrease of more than 32 per cent since the high peak of employment in 1920.

Mr. GOODING. I am making my comparisons back before 1917, Mr. President. I am basing them on 1917.

Mr. SHIPSTEAD. I see.

Mr. GOODING. I am showing the increase in freight rates since 1917 and the increase in the price of labor. I think it

is conceded everywhere that the price of labor to-day and the cost of production has been increased for the manufacturers and for the farmers 100 per cent, and I am basing my argument on that line.

Mr. SHIPSTEAD. If the Senator will permit me further——

Mr. GOODING. Yes.

Mr. SHIPSTEAD. I will also state that the same bulletin of February, 1927—these are the Department of Labor's own statistics—shows that the average man working in the mine, the mill, and the factory is producing now 34 per cent more of the finished product than he did seven years ago. Here you have a product per individual 34 per cent greater than seven years ago, showing that the laborer is producing and giving to the employer a third more than he was seven years ago, and in the aggregate labor is getting 30 per cent less.

Mr. GOODING. That is not true on the railroads, Mr. President. I am very sure that so far as the railroads are concerned—in fact, I have the report of the Interstate Commerce Commission to that effect—we have had a steady increase in the price of labor since 1921, when the 10 per cent reduction was made.

Mr. BROOKHART. Mr. President, not in proportion to the efficiency of the labor.

Mr. GOODING. No; I will agree to that. I did not intend to take up time on this line of thought. This is true as far as the railroads are concerned: We have employed on the railroads to-day about 120,000 more men than in 1913, and yet we are transporting 100 per cent more freight over the same rails with an increase of 120,000 men than we were transporting in 1913. This has been brought about by larger engines, more efficiency, and better loading of cars.

Mr. BROOKHART. There were about 1,750,000 men in 1913.

Mr. GOODING. Yes; and there are a little less than 2,000,000 men now.

Mr. SHIPSTEAD. It is true that the individual who is working is getting a higher daily wage than he did in 1913; but when the exchange value, the purchasing value of his present wages is taken into consideration, he may not be getting so much.

I shall not disturb the Senator further. I did not interrupt him for the purpose of any controversial colloquy. He simply made some general statements about labor that I wanted to clear up.

Mr. GOODING. The Senator did not understand the basis I gave in the beginning when I spoke of the price of labor.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from Idaho yield to the Senator from Iowa?

Mr. GOODING. I yield.

Mr. BROOKHART. One other proposition in reference to this relation of labor to capital. In manufacturing there are invested about forty billions of capital, and there are employed fewer than 9,000,000 workers, producing a gross value of $60,000,000,000. Those are Department of Commerce figures. Nine million workers, or a little fewer than that, get only about $11,000,000,000 in wages. So that it is the big earnings of capital that are discriminating against the farmer in an unjust way rather than the high wages.

Mr. GOODING. Mr. President, I hope the Senator has not the thought from anything I have said that I think the price of labor should be broken down. That is the farthest from my thought. What I am trying to do is to show what has happened to agriculture, and what this bill proposes to do is to step agriculture up with industry and labor. That is the fight we have been making.

Mr. BROOKHART. The point I was trying to make was that it is the exorbitant earnings of these combinations of capital that are depressing agriculture.

Mr. GOODING. I think I can give the Senator some information along that line before I get through.

The point I want to make is this: Not only the railroads would have been in the hands of receivers if they had not been able to pass the increase in their cost of operation onto those using the railroads, but the manufacturer is meeting to-day an increase in manufacture of 100 per cent in labor, he is meeting an increase in practically everything that goes into industry of 100 per cent. Fortunately, the manufacturer is able to pass his increase in the cost of manufactured articles on to the people.

Again, if the merchant living in a farming community, or living anywhere, for that matter, had not been able to pass on to the farmer his increase in freight rates, his increase in taxes, and his increase in everything which makes up the cost of transacting business to-day, he, too, would have been in bankruptcy. So that with an increased cost of production of a hundred per cent in the production of farm products—and I say this advisedly—it is not strange at all that agriculture is in bankruptcy.

The saddest thing I know of is to see a man who has passed the meridian of life lose the earnings of a lifetime, without any fault of his own, and be forced to commence life's work over again to provide a home for his declining years. Yet that is just what has happened to a million farmers in America, and a million more farmers in America are holding their homes to-day through the leniency of their creditors, and unless some legislation is passed that will be beneficial to agriculture they, too, sooner or later must lose their homes to the mortgage companies.

Since the crisis came to agriculture in 1920 the farmers have suffered a loss of more than $30,000,000,000. Since 1920, 2,000,000 of our farm population have left the farms each year to mill around in the great cities looking for employment. Most of them have been forced to return to the farm, but the actual net loss in our farm population since 1920 is between three and a half and four million.

In 1910 we had a farm mortgage indebtedness in this country of three and a half billion. To-day the total mortgage indebtedness of the farmer is something like twelve and a quarter billion dollars.

Since the crisis came to agriculture in 1920 more than 3,000,000 acres of land that were once fertile have been abandoned because the farmers are unable to buy fertilizer to keep up the fertility of the soil.

The President, in his annual message of December 3, 1924, in speaking on Muscle Shoals, called the attention of Congress to the great danger that confronts the country through the depletion of the fertility of the soil. The President said:

> The production of nitrogen for plant food in peace and explosives in war is more and more important. It is one of the chief sustaining elements of life. It is estimated that soil exhaustion each year is represented by about 9,000,000 tons and replenishment by 5,450,000 tons. The deficit of 3,550,000 tons is reported to represent the impairment of 118,000,000 acres of farm lands each year.

In the same message the President said that we had under cultivation in this country 370,000,000 acres of farm land. If the impairment of the fertility of the soil of 118,000,000 acres of land is going on each year, regardless of how slight that impairment may be in the fertility of the soil, there is a grave danger that sooner or later, and only too soon, no doubt, this country will not be producing enough to feed our own people.

The most important question to every nation is the fertility of its soil, because it is upon the soil that the foundations of all governments rest, and all down through the ages when the fertility of the soil of any country has been exhausted that country has gone down to decay.

In the fifth century, when the Huns and Vandals ravished the Roman Empire, the soil of Rome was producing only 4 bushels of wheat to the acre; and the production of all other farm products was in the same proportion. When the soil of Rome lost its virile force the manhood of Rome lost its virile force, and Rome went down to destruction.

In our own country show me a community where the soil has been exhausted for any length of time and it has become a struggle to keep the wolf from the door, and I will show you a community where the citizenship has gone backward with the soil.

Mr. President, I am sure every Senator will agree to this, that the farmer is the one man who never fixes the price of any farm products. He has to look in the morning paper to find out what the wheat exchange will give him for his wheat, how much the cotton exchange will give him for his cotton, and all down the line with every farm product. Somebody else always fixes the price of everything the farmer produces on the farm, and somebody else always fixes the price of everything that the farmer buys for the home or the farm. So he is shackled, if you please, with an increase of 100 per cent forced on him by his own Government, no part of which he can pass on, and it is not strange that he has lost $30,000,000,000 since 1920.

Through legislation we have created a new civilization in America, with the highest standards the world has ever known.

Through legislation we have created an impossible condition for the farmer to meet, for we have increased his cost of production so great and his freight rates so high that if he has a failure of crops, or a partial failure, or there is an overproduction, so that he is forced to sell his crops based on the world's market, which as a rule is below the cost of production in this country, there is grave danger that he may be forced into bankruptcy.

Mr. President, the present civilization, with its high standards, its shorter hours for labor, and its increase in the price of labor, has been beneficial to the whole country.

I do not believe that these standards will be or should be broken down. My hope is that we will be able to maintain the present American standard of wages that labor has enjoyed in the last few years.

I hope the time will come when we shall improve these standards and that labor will receive for its hire a fairer share of the great wealth that is produced in America.

The farmer, Mr. President, is not asking to tear down the present high standards of wages in America. His hope is that if this legislation passes he will be able to meet the present standard of wages in America and have something left at the end of the year to keep the wolf from the door.

All the farmers are asking for in this legislation, Mr. President, is the right and opportunity to transact their business along business lines the same as the great industries are transacting their business to-day.

It is a simple story, and it seems to me that anyone with an open mind who studies the legislation that has been passed in the last few years, and the increased cost of production, can understand why there is a farm problem. The farmer is not responsible for the farm problem. He is fighting for an opportunity to pass on some of his increased cost of production, and he will be able to do that if this bill shall become a law. It will give him at least a part of the protective tariff that was promised him when the Fordney-McCumber bill was passed, but which he can not get under the present conditions, when there is a surplus.

It has been a great disappointment to me that all of the New England and the other industrial States, almost without exception, are opposed to this bill. This Government has been kind to the industrial East. The Fordney-McCumber bill gave them the highest protective tariff they have ever enjoyed, and it has been through the principle of protection in America, along with other legislation, that we have developed the high cost of production of manufactured articles which the farmer has to bear. I am unable to understand how any Senator who believes in giving to any industry the honest difference between the cost of production in this country and in foreign countries can vote against this bill, because that is all the farmer could get, that is all that would be given him, with the exception of the cotton farmer.

The cotton growers, to my mind, are more fortunate than the wheat growers, because they are producing at the present time 65 per cent of all the cotton of the world. With proper organization, with proper marketing, they can fix the world's price for cotton, and when they do that they are not doing any more than every other country on earth is doing that has a monopoly of raw materials.

Mr. President, all the farmers are asking for in this bill is the right to receive American prices for their American products, on the American market, for an American cost of production, that has been forced on them by their own Government. That is all; nothing more. All the farmers are asking for in this legislation is the right—the right that has been given to industry in the Webb-Pomerene Act, which permits all the great industries to sell their manufactured articles abroad for less than what they receive on the American market without violating the Sherman antitrust law.

The farmer is not asking that we tear down the present high standard of wages. He is asking that he be put on a parity with industry and labor and that we give him back what we took away from him through legislation. That is all; nothing more.

Mr. President, those opposing the bill say we can not legislate prosperity to the farmer. We have legislated prosperity to the railroads by giving them practically a guaranty of 5¾ per cent on their investment, and the railroads to-day are enjoying the greatest prosperity in their history. We have legislated prosperity to the laboring man by giving him shorter hours and increased pay. We have legislated prosperity to the manufacturer by giving him, in the Fordney-McCumber Act, the highest protection that he has ever enjoyed.

On different occasions I have placed in the RECORD the cost of farm implements and the prices the farmer pays for the things he uses in the home and on the farm. In round numbers, it means 100 per cent of increase. The only way the farmers can be helped is to increase the price of their products upon the market. That is what the equalization fee provision in the pending bill will do. It is the most vital part of it. The bill will help, of course, in marketing. It will help cotton because we have a monopoly, so far as that is concerned, of the world supply of cotton. But it is going to give the farmer not the full 100 per cent of duty on wheat that is given in the Fordney-McCumber Act, but about 75 per cent, which is all he will be able to receive. In other words, before the wheat grower will be able to get the benefit of relief he will have to tax himself in order to bring about this result.

Mr. President, this country has never given serious thought or consideration to the great basic industry of the Nation—agriculture. We were practically the last country on earth to enact farm loan legislation and farm credit bank legislation. We were half a century behind some of the other countries in that work for the farmers. During the war this country gave less thought and consideration to its farmers than any other country on earth. We were the only country during the war that made a profit out of its wheat growers and its farmers. We made a profit of something over $62,000,000.

We were the only country on earth that fixed a maximum price on a bushel of wheat during the war. While we paid our farmers $2.20 and $2.26 a bushel for wheat, France paid her farmers $3.94 a bushel for wheat; Italy, $4.33; Spain, $4.96; Portugal, $3.25; Sweden, $2.95; Switzerland, $2.25; Rumania, $5.25. While our farmers were getting $2.20 and $2.26, the Canadian Government permitted their farmers to get the market price, the first year of the war $2.45 and the next year $2.77 a bushel. Australia permitted her farmers to receive the full market price and gave assistance in the way of freight rates, and in addition paid a bonus of something over $4,000,000. England continued her support to her grain growers until 1923, permitting her farmers to get the full market price, and in addition paid a bonus of something over $850,000,000.

Our farmers were encouraged to grow more wheat after the war was over and they increased the production of wheat, but the guaranty that had been made was withdrawn early in 1920. Then in a few short months wheat sold on the market in America for $1.50 per bushel.

Mr. President, the farmer is not asking, as I said, for any special legislation. All he wants is the same opportunity in this great country that we have given to industry. He has been a mighty factor in the pioneering and development of the country. There is no other country on earth that can be compared to our country in the language of agriculture. To-day, while we have only 7 per cent of the land of the world and 6 per cent of the population, we are producing 68 per cent of all the corn of the world, 65 per cent of all the cotton of the world, 46 per cent of all the tobacco of the world, 37 per cent of all the oats of the world, 24 per cent of all the wheat of the world, 18 per cent of all the flax of the world, 15 per cent of all the barley of the world, and 15 per cent of all the beans of the world. At the same time we are producing 76 per cent of all the apples that go into commercial use in the world, 37 per cent of all the oranges, and 36 per cent of all the lemons of the world. We have in this country 24 per cent of all the horses and mules of the world and 40 per cent of all the poultry of the world. We are producing between 33 and 35 per cent of the milk of the world, 30 per cent of the butter of the world, and from 12 to 15 per cent of the cheese of the world.

Mr. President, speaking in terms of agriculture, we are a mighty country, for we are producing to-day of the agricultural products produced in America nearly as much as the whole world combined, and yet it is a common thing to hear some one say: "If the farmer would go to work, milk a few more cows, and burn less gasoline, he would solve the farm problem himself."

Mr. President, there was no farm problem in America to solve before this Government changed the economic conditions of the country by legislation, and destroyed the parity that existed for more than 100 years between agriculture, industry, and labor.

How carefully this Government protected the railroad in its increased cost of operation that was forced upon it by legislation, but not a thought or consideration has yet been given for the increased cost of production it forced upon its farmers.

Mr. President, when we take an inventory of what has happened to agriculture, it is not strange that we have had more bank failures in the country since 1920 than all the bank failures put together from the Civil War up to 1920. I have a list of the bank failures which have taken place in the country and for the purposes of comparison I have made a division, taking the bank failures for the 11-year period from 1910, inclusive, up to July, 1920, and then taking the bank failures for the 7-year period from July 1, 1920, since the crisis came to agriculture, up to January 1, 1928, and putting them together for purposes of comparison.

Strange as it may seem, in the great industrial States of the Union there have been less bank failures in proportion to the time since 1920 than there were from 1909 up to 1920. In the

New England and Eastern States, including the District of Columbia, from 1909 to 1920 we had 128 bank failures. From the 1st of July, 1920, to the 30th of June, 1927, in the New England and Eastern States we had 76 bank failures.

In the 13 Southern States for the first period of 11 years we had 220 bank failures and for the second period from 1920 to 1927 we had 1,116 bank failures. North Carolina had 17 bank failures for the 11 years prior to 1920 and had 108 bank failures for the last 7 years. South Carolina had only two bank failures for the 11 years prior to 1920, but had 191 bank failures for the last 7 years. In Ohio, Indiana, Illinois, and Michigan there is but little difference in the matter of bank failures before 1'20 and from 1'20 up to the present time. Wisconsin is called a Middle West State and showed no bank failures for the period of 11 years referred to, but 59 for the past 7 years. Minnesota, a great agricultural State, had 23 bank failures for the period of 11 years prior to 1920 and 270 bank failures for the past 7 years. Iowa had 13 bank failures for the 11 years prior to 1920 and 453 bank failures for the last 7 years. Missouri had 18 bank failures for the period of 11 years prior to 1920, and 240 for the last 7 years.

The total number of bank failures in the Mid Western States for the period of 11 years referred to was 184, while for the last 7 years the bank failures in the Mid Western States were 1,327.

In the Western States, North Dakota had 6 bank failures for the 11-year period up to 1920 and 410 bank failures for the last 7 years. South Dakota had 16 bank failures for the 11-year period and 360 for the last 7 years. Nebraska had 8 bank failures for the period of 11 years prior to 1920 and 200 bank failures for the last 7 years. Wyoming had no bank failures for the 11-year period referred to, but has had 54 bank failures for the last 7 years. Colorado had 10 bank failures for the period of 11 years up to 1920, and 93 for the last 7 years. New Mexico had 10 bank failures for the first period to which I am referring and 62 for the last 7 years. Oklahoma had 7 bank failures for the first period of 11 years, and 227 bank failures for the last 7 years since the crisis came to agriculture. The total number of bank failures in the Western States for the first period of 11 years was only 71, while in the last 7 years, in the Western States, the agricultural States of the Union, we have had 1,795 bank failures.

Why, of course, there is an agricultural problem in America. Agriculture is not the only industry that suffers. The bankers and the business men and all the agricultural industries have met the same crisis that came to agriculture in 1920.

In the Pacific States Washington had 19 bank failures during the first period of 11 years and 49 bank failures during the last 7 years. Oregon had 7 bank failures during the first period of 11 years and 46 bank failures during the last 7 years. California had 4 bank failures during the first 11 years and 30 bank failures during the last 7 years. Idaho had 9 bank failures during the first period of 11 years and 72 bank failures during the last 7 years. Arizona had no bank failures during the first period of 11 years—there were 11 years without a bank failure in Arizona—and 35 bank failures during the last 7 years.

The total number of bank failures in the Pacific States during the first period of 11 years was 46, while during the last 7 years there have been 248 bank failures.

Mr. President, these bank failures tell a tragic story, and the conditions thus revealed can only be met by legislation. Legislation was responsible for the condition of agriculture, and it was equally responsible for the bank failures which occurred in agricultural communities where the farmers were not able to obtain the cost of production from the sale of their farm products.

During the first period of 11 years up to 1920 we had 642 bank failures. During the past seven years we have had 4,287 bank failures—more bank failures let me say again, if you please, than during all the years that intervened from the Civil War up to 1920. The average number of bank failures from 1909 to 1920 was 61 a year. In 1921 we had 396 bank failures; in 1922 we had 394 bank failures; in 1923 we had 314 bank failures; in 1924 there were 894 bank failures; in 1925 there were 550 bank failures; in 1926 there were 573 bank failures; and in 1927 we had 831 bank failures. But this only includes——

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Idaho yield to me?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. GOODING. I do.

Mr. ROBINSON of Arkansas. Do the figures that the Senator is employing comprehend both State and National banks?

Mr. GOODING. Yes; with the exception of the year 1927. The 831 bank failures in 1927 include national-bank failures and the State-bank failures that occurred from the 1st of January up to June 30, 1927. There is no report available as to State-bank failures that occurred from the 1st of July to the 1st of January of this year. So, if we had a list of all the State-bank failures for the year 1927, there would be shown a greater number of bank failures for that year than at any time in the history of this country or at least at any time since the crisis came to agriculture.

Mr. HEFLIN. Mr. President——

Mr. GOODING. I yield to the Senator from Alabama.

Mr. HEFLIN. What was the number of bank failures for 1927?

Mr. GOODING. For 1927 the number was 831, but that does not include the State-bank failures since June 30 of last year. I have just made the point that if the failures of State banks were included—and I regret that the figures are not available at this time, as I am advised by the Treasury Department—the number of bank failures for 1927 would be shown to be very much larger than for any other year in the history of the crisis that has come to agriculture and to the banks of America. The strange part about all this, as I am trying to make clear, is that the bank failures in large part, if not wholly, have only come to the agricultural States. I think it is safe to say, Mr. President, that there is less money in what may be called strictly agricultural banks to-day than there was in 1920 before the crisis came to agriculture.

Here is another evidence of the unbalanced condition so far as the wealth of America is concerned: The total deposits in all the banks of the United States on the 1st day of January, 1914, was $21,359,842,316. The total deposits in the banks of this country on the 1st day of January, 1928, had reached the enormous sum of $57,820,730,000, an increase in 14 years of $36,460,895,684. In other words, while the farmers of the United States have suffered a loss of more than $30,000,000,000, the industrial States of the Union have increased their wealth, as shown by the deposits in banks, more than one and one-half times in 13 short years. So it appears that the accumulations in banks as shown by their deposits have increased more in 13 years than in the whole preceding period from the time of the formation of this Government, and even before that, from the time the Pilgrims landed on Plymouth Rock. As I have said, in 1914 the accumulation of deposits in the banks amounted to $21,359,842,316, while in 1928 it was $57,820,738,000.

Mr. President, the whole world has been astounded at the rapid accumulation of wealth in America during the last few years. There has been nothing to compare with it; we stand alone; and yet no part of that great accumulation of wealth has come to agriculture.

That is not all the evidence which can be furnished showing the unbalanced condition so far as the great wealth of America is concerned. In 1914 the estimated wealth of the United States was $200,000,000,000. The estimated wealth of the United States to-day is $355,500,000,000. In other words, since 1914 the wealth of the United States has increased $155,500,000,000. Everybody who knows anything about agriculture knows that no part of that great increase in wealth has come to agriculture. We have accumulated more wealth in America since 1914 than England accumulated in all her thousand years of existence.

The national wealth of England is rated at $120,000,000,000; that of France at $75,000,000,000; that of Russia at $73,000,000,000; that of Germany at $75,000,000,000; that of Belgium at $10,000,000,000; that of Italy at $26,000,000,000; and that of Canada $22,000,000,000.

Mr. President, there is still another evidence of the unbalanced condition of agriculture so far as the great accumulation of wealth is concerned, no part of which seems to be flowing toward agriculture. In 1914 the total foreign investments in this country were $4,500,000,000. To-day there is less than $2,000,000,000 of foreign investments in America. Those investments have been taken up by American capital. In 1914 this country had $2,000,000,000 invested in foreign countries, while to-day our investment in foreign countries is between $12,500,000,000 and $13,000,000,000, and it is increasing at the rate of $2,000,000,000 a year.

We speak of a billion dollars nowadays as easily as we used to speak of a million dollars. It is pretty hard to comprehend exactly what a million means in relation to dollars and cents. It is almost impossible to comprehend what is meant by a billion dollars; but in order to have a better understanding of what a billion dollars means, I have here figures showing the assessed valuation of a number of groups of States. The great industrial New England States—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut—have an assessed valuation for tax purposes of $12,251,108,058—not as much, if you please, as the investments which a few great

captains of industry and a few bankers have in foreign countries.

The assessed valuation of the South Atlantic States, comprising Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida, is $11,866,325,692, which is again less than the amount a few Americans have invested in foreign countries.

The South Central States—Tennessee, Kentucky, Alabama, and Mississippi—have an assessed valuation of $6,448,351,307; the Mountain States—Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, and Nevada—$4,741,157,770; and the Pacific Coast States—Oregon, Washington, and California—have an assessed valuation of $9,322,793,821. So when we come to realize that a few individuals in America have accumulated so much wealth that they are able to invest a portion of it only abroad, and that that portion amounts to more than the total assessed valuation of the groups of States I have mentioned, it gives some kind of an idea of what a billion dollars really means.

Of the $13,000,000,000 invested in foreign countries nearly $6,000,000,000 is invested in industries. We invested $1,250,000,000 in Cuba in the sugar plantations. Not satisfied with exploiting the cheap labor in Cuba, they imported coolie labor from China to go down there and work for 30 and 40 cents a day, and feed themselves at that, Mr. President; yet we have given Cuba a preferential duty on sugar to compete with American production, where we pay $3 a day and where there is the highest cost of production in all the world, because we have the highest standards in all the world.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. GOODING. Yes.

Mr. COPELAND. How much does that added cost of sugar cost the housewives of this country?

Mr. GOODING. Mr. President, I think the Senator knows that this is the age of organization and combinations. Wipe out our tariff and give Cuba a monopoly on sugar, and the housewives of this country will pay twice what they are paying at the present time.

Mr. COPELAND. Of course, I have no desire to wipe out the tariff, because I happen to be a tariff Democrat; but I think the argument for this bill could be made very strong when it is shown that all these tariff additions to cost are really a subsidy in a sense to help certain industries; and if these industries are to be helped, why is not the farmer helped?

Mr. GOODING. Simply because he is without organization. He has not had anybody fighting his battles. He has been overlooked, like a white chip, as we say in the West, on a faro-bank table. He has been considered of no significance, apparently, in the affairs of this great Government; and yet he has produced much of the wealth of it.

In order that the Senator may understand what is coming to the sugar industry, I send to the desk an article from the Wall Street Journal and ask that it be read. It is something that we have got to pay some attention to in this country.

The PRESIDING OFFICER. Without objection, the article will be read.

The legislative clerk read as follows:

[From the Wall Street Journal of Tuesday, March 27, 1928]

THREE COUNTRIES LIMIT EXPORTS

Representatives of the sugar industries of Czechoslovakia, Germany, and Poland have agreed to limit sugar exports in 1928–29 to 1,268,000 short tons. Czechoslovakia is to export 66 per cent, Poland 17.5 per cent, and Germany 16.5 per cent of this amount. Czechoslovakia is thus authorized to export 837,000 short tons, compared with an estimated 982,000 short tons in the 1927–28 season; Germany, 209,000, compared with probably 160,000; Poland, 222,000, compared with about 278,000. Any participating country that can not export all its quota must cede the unused portion to the others. The plan is expected to cause a reduction of about 5 per cent in Czechoslovakia's sugar-beet acreage. Reports have not been received as to how the acreage of Poland and Germany will be affected.

Argentina has passed a law fixing the maximum production on all sugar mills in the Province of Tucuman at 70 per cent of the total quantity produced in 1926. The law is to be effective for three years, subject to modification in case of crop failure. In the Dominican Republic a sugar defense commission has taken steps to limit the crop to the capacity of the present mills, and a tax of 150 per cent ad valorem has been placed on importation of sugar machinery to discourage the establishment of any additional sugar centrals. This tax does not apply to replacement machinery for the mills in operation.

Preliminary estimates indicate the raw sugar supplies of the United States, excluding stocks and carry-over, will be about 4.5 per cent larger in this year than last. Domestic production shows an increase of 20.4 per cent over that of last year.

Mr. GOODING. I will say to the Senator from New York that Cuba has also passed legislation limiting the production of sugar. This year her mills are forbidden to grind over 4,500,000 tons of sugar. That is 500,000 tons less than the mills ground last year. We have given Cuba, as I was saying, a preferential duty of 26 cents per hundred on sugar. Now we find that Cuba has sent her agents all over the world, trying to form a combination and bring about a marketing organization so that at no time will Cuba receive less than the full benefit of the tariff, as far as that is concerned.

I want to call the Senator's attention to that line of organization that is going on in the world, and the investment of American capital all over the world. The time is coming when we shall have to have protection against American capital invested in foreign countries. They have forgotten how generous and how kind America has been to them in the accumulation of their great wealth; and wherever they can find an opportunity to exploit cheap labor, there is where American capital is going to-day. Why, we have gone over to China and taken over the dried-egg industry over there, and the egg industry as a whole.

Mr. COPELAND. Mr. President, will the Senator yield at that point?

Mr. GOODING. Yes; I yield.

Mr. COPELAND. Then why do not we, as a Nation, recognize the necessity of permitting in this country such combinations as to bring here the labor and to make here the investments? We have in certain directions the outrageous application of the antitrust laws, which prevent such combinations. Now, the Senator himself is dealing with the soft-coal industry. If you would take away from it the embarrassment of the antitrust laws, and permit combinations, the closing of unprofitable mines, and cooperative marketing under governmental control, you would solve your problem.

Mr. GOODING. I am advocating that. We are having hearings along that line, hoping to develop something that will make that possible.

I realize, and have said publicly a number of times, that we have reached the period in the history of this country when the Sherman Antitrust Act can no longer be enforced; and I doubt the wisdom of it any longer, if we can have proper governmental regulation. I am opposed, however, to giving the coal operators or anybody else a monopoly in America unless we can have with it proper regulation. I am sure that if we are going to move along and keep pace with the rest of the world we shall have to pass some legislation of that kind, and permit a bigger and a broader operation of combinations and of wealth in America.

Mr. COPELAND. I rejoice to hear the Senator say that, because personally I am convinced that unless we do permit these combinations we are going to drive more and more capital abroad. The cartels over there are combinations under governmental regulation which we should permit here; but the Senator is right, of course, in saying that if we are to permit these combinations, and the release of these industries from the operation of the antitrust laws, it must be with governmental regulation. Otherwise, there will be monopolistic tendencies which would ruin the public.

Mr. GOODING. Speaking of German cartels, as we call them, practically all of Europe has gone into an organization now in nearly all manufacturing lines. France, Germany, Belgium, Czechoslovakia, Luxemburg, Austria, and Hungary are all in a combination to fix prices, limit production, and divide territory in the production of raw steel. Of course, if that should be undertaken in America we would send them all to the penitentiary under the Sherman Antitrust Act.

Mr. COPELAND. Mr. President, if the Senator will yield for just a moment further, the Senator himself is in a strategic position. He is engaged in this soft-coal investigation. He has an opportunity there to work out and to apply the very theory that he is discussing; and if he can make a success of it in that particular enterprise it will be an example to our country which will make possible such combinations under governmental control as will develop the country along the very lines that the Senator has enlarged upon so eloquently this morning.

Mr. GOODING. Mr. President, God knows that after my investigation of the situation down there in Pennsylvania, after listening now for weeks to the horrible details of conditions that exist in our own country, worse than those of Russia, my heart is in the work; and with the help of the splendid men who are on the Interstate Commerce Committee I am satisfied that we are going to work out some solution of that great problem. We are trying mighty hard to interest the operators. However, they are not coming through with the spirit that we

had hoped they would come through. I wish they could realize that we can not solve the problem, we can not help labor in America, without their cooperation. I will say "organized labor," because I doubt whether this form of Government is safe to-day without organized labor. I found everywhere down in the coal fields, where this bitter strife is on, industrial war, an organization known as the Ohio and Pennsylvania Relief Society offering food and clothing to the distressed miners. At first they accepted food and clothing. When they found out that these people who offered this relief were the agents and representatives of the most dangerous organization America has ever known, the Industrial Workers of the World organization, which is only out to destroy governments, to their credit they refused to accept it.

The United Mine Workers of America and the American Federation of Labor won my heart by the splendid fight they have been making against bolshevism. Aside from the American Legion forces, they are the only forces in America that are out fighting in the open the most dangerous organization this Government or any other government has ever known. I promise the Senator that so far as my strength and my ability are concerned I am determined that this investigation shall not end and the work shall not stop until some legislation has been passed that is going to relieve a condition that has been forced on this country every few years, when there is danger of people freezing to death or suffering from a lack of coal to keep them warm.

Out in my own State, during the time I was governor, I investigated two coal famines. They were not brought about by strikes, but through reckless carelessness on the part of the railroads, as a result of which in the town of Boise, the capital of the State, there was not enough coal to keep the homes warm, and we had two deaths in some of the poorer families of that State. I know that the Senator from New York has been working on this problem. He has introduced a bill dealing with it, and we may be able to accept many of the provisions of his bill when we come down to framing legislation. I know that we shall have his good support and his help, so far as he is able to give it, to bring about a better condition in the coal industry.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. GOODING. I yield.

Mr. SMOOT. I was wondering whether the Senator was going to call attention to the fact that the sugar situation in the Philippine Islands and in Porto Rico ought to be looked into very carefully, because it seems to me that there injustice is being done more than anywhere else. All sugar from the Philippine Islands comes into this country free, and I have statements of the companies producing sugar in those islands.

In an interview with the junior Senator from Montana [Mr. WHEELER], the leading sugar producer—and most of them are Spanish—gave him a statement of what they were doing in the Philippine Islands. The largest factory there, operated by Spaniards, owned by Spaniards, made over 51 per cent profit upon the amount of money invested in the sugar plants of that company. When the Senator from Montana asked him, "What wages are you paying your men?" he answered, "Forty cents a day." All that sugar comes into this country free. They can turn it upon the market any time they want to in order to destroy the price.

Cuba is suffering from that, and what do we find as to our own Porto Rico, what are they doing in Porto Rico? Sugar comes in from Porto Rico. They import sugar cane at a dollar a ton and make that sugar cane into sugar, and it comes into this country free of duty, because it comes from Porto Rico.

Those are the items, I want to say to the Senator from New York, that ought to be corrected, and sugar is the one commodity raised by the farmer that is cheaper to-day than it was before the war.

Mr. COPELAND. Mr. President, will the Senator from Idaho yield?

Mr. GOODING. I yield.

Mr. COPELAND. I can not understand, I would like to say to the Senator from Utah, why it is that the farmers are not using their great influence to permit the more extensive use of corn sugar.

Mr. SMOOT. The Senator knows, of course, that corn sugar can not enter into a great many things used by the American people.

Mr. COPELAND. I agree with that fully.

Mr. GOODING. And I will say to the Senator that, as far as sugar is produced, we can produce beet sugar and cane sugar in every State in the Union.

Mr. COPELAND. I agree with that.

Mr. GOODING. We can grow sugar enough in America for the whole world if we were protected properly.

Mr. COPELAND. There is the possibility, however, of bringing into use for commercial canning and preserving probably twenty or thirty million dollars' worth of corn sugar. All we have to do to accomplish that is to permit the use of corn sugar without the label mentioning it, and then it is put upon the same plane of equality for those particular uses with other sugars. The bill of the Senator from Kansas [Mr. CAPPER] pending here, the Cole-Capper bill, ought to be passed. It would mean $20,000,000 worth of cash corn to the farmers of this country.

Mr. GOODING. I will say to the Senator that we have never made such a study into the development of industry as we ought to make, and that is what I am complaining about. It never has been done. If we should make such a study, it would be found that there are a thousand things we can do that we are not doing to-day, and the time is coming when we must make such a study if we are going to keep our own people employed.

Mr. COPELAND. Let me interrupt just a moment; and I want the Senator from Utah to hear this, who thinks that the corn sugar bill did pass. Last year it passed, but in the consideration of the conference report it was held up, and did not become a law.

Mr. SMOOT. The House did not even pass it.

Mr. COPELAND. The House passed it last year.

Mr. SMOOT. I am speaking of when it passed the Senate, when Senator Cummins had it passed, I think four years ago, but I will not be sure.

Mr. COPELAND. It passed in the last Congress. It came back with an amendment from the House, and died here; the conference report was not adopted. In that one item the Senator from Idaho could give to the farmers twenty or thirty million dollars that they do not receive to-day.

Mr. GOODING. We ought to have about $250,000,000 more out of sugar easy enough that we are giving to Cuba, that belongs to America by rights. If we will develop a balanced condition on the farm, and when I say balanced condition I mean grow those things upon the farm that we can grow in America as well as they can be grown in most countries on the earth, if not better, it will mean that we will not have any surplus of farm products in America, we will wipe out the surplus, we will stop exhausting the soil, and we will give the farmers of America a chance to get enough for their farm products so that they can buy fertilizer and keep up the fertility of the soil.

I want to go on, because I want to direct the attention of my friends on the other side of the aisle who are interested in cotton to what the rest of the world is doing. Here we are with a monopoly of the world's supply of cotton, 65 per cent of it, and never lifting a finger to help that great industry, while we have permitted foreign countries to ship into America every year something over $900,000,000 worth of products on which the prices have been fixed because they have a monopoly in those particular commodities.

Twenty-one per cent of all importations that come into America are of commodities in which foreign countries have a monopoly and fix prices.

Here is what they were doing with what we call the German cartels in Europe.

Rails: Great Britain, France, Germany, Belgium, Luxemburg, have an agreement under which they fix the price of rails, divide territory, and limit production.

Tools: Germany, France, Belgium, Luxemburg, Great Britain, Austria, Czechoslovakia and Poland, practically all of Europe, combine to control the production of tools.

Aluminum: France, Germany, Great Britain, Switzerland, Norway, and part of Austria combine to control the price of aluminum.

Wire: Germany, Poland, Czechoslovakia, Austria, and Hungary combine to control the production of wire.

Glue: Most of the European countries combine in fixing the price that America must pay for glue.

Artificial silk: Great Britain, Germany, and Italy, including a number of factories that those countries have in America for making artificial silk, combine under an agreement under which they fix the price, divide territory, and make us pay the price.

Copper: We find the United States, Spain, Belgium, and Great Britain in a combination to control the price of copper, fixing the world price, the American price, limiting the production, and dividing territory.

Electric bulbs: Germany, the United States, Canada, France, Italy, the Scandinavian countries, Great Britain, Austria, and Hungary are all in the electric-bulb combination. I remember when one of the attorneys from the Department of Justice came before the Committee on Interstate Commerce—I think two years ago—and in discussing some case that they had involving

the General Electric people, which was then before the courts, made the statement that while the electric bulb formed only 5 per cent of the General Electric's business, yet it accounted for 20 per cent of the total revenue of the company. There is a combination that reaches not only this country but the whole world. Yet we stand here with 65 per cent of the production of cotton and say we can do nothing with it.

Plate glass: France and Belgium have a combination to control the price of plate glass.

Glass bottles: Germany, France, Austria, Czechoslovakia, Hungary, and Poland have an agreement as to glass bottles.

Borax: Great Britain, the United States, Germany, France, and Austria have a combination in relation to borax. We have one borax bed out in Nevada, in what is called Death Valley. Yet we are in a combination to fix prices for the rest of the world, and have fixed them.

I want to offer these tables for the RECORD. First, I want to read the list of raw materials, as we call them, in which other countries fix the price. There are cotton, coffee, rubber, sisal, camphor, mercury, nitrates, sodium of nitrates, potash, Chilean potash, Chilean nitrates, German fertilizer.

Mr. COPELAND. Mr. President, will the Senator yield for just a moment?

Mr. GOODING. I yield.

Mr. COPELAND. I have been unable to find the reference, but some time since Christmas I presented to the Senate at some length a discussion of the very matter of which the Senator is speaking, and I put into the RECORD the report of our commercial attaché to Belgium, and also to France, to show exactly what those combinations are. I speak of it now in order that the RECORD may show it, because it indicates how extensively they have gone into this very matter.

I agree with the Senator that unless we can meet that competition in some way it will be a serious menace to us, not alone to the agricultural world but also to our industrial life, and there must be found a solution.

Among other papers I introduced in the RECORD in connection with my speech was an address made by Colonel Donovan, the Assistant to the Attorney General, in which he discussed the legal aspects of these combinations, pointing out that they might be formed under our law with proper governmental supervision. As the Senator from Idaho has wisely said, unless there can be found a way to meet this competition we are going to be at the mercy of these great trusts and combinations of the Old World.

Mr. GOODING. Yes, Mr. President. The list I have here showing the different commodities in which other countries have monopolies and fixed prices, and the cartels I have mentioned, is only a part of the story. These are the only industries that have made reports and made records. I am advised that there are a great many other combinations of which there is no public record. I offer these lists for the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

United States imports capable of monopolistic control by foreign countries of origin

GROUP 1.—IMPORTS ALREADY SUBJECT TO ARBITRARY PRICE FIXING

[Values in thousands of dollars except totals at end of table, which are shown in full figures]

Commodity	Calendar year 1926	Countries from which chiefly imported					
		Country	Value	Per cent	Country	Value	Per cent
Cotton, long staple	18,659	Egypt	16,928	90.7			
Coffee	322,746	Brazil	199,663	61.9	Colombia	74,279	23.0
Iodine	2,272	Chile	2,272	100.0			
Rubber	505,818	Great Britian and possessions.	396,136	78.3	Dutch East Indies.	87,157	17.2
Sisal	21,379	Mexico	14,216	66.5	do	4,013	18.8
Camphor, crude	1,158	Japan	1,092	94.3	China	66	5.7
Mercury	1,936	Italy	831	42.9	Spain	966	49.9
Nitrates:							
Sodium nitrate	42,781	Chile	41,885	97.9			
Calcium nitrate	586	Norway	301	51.4	Canada	118	20.1
Potash fertilizers:							
Chloride, crude	6,196	Germany	3,664	59.1	France	1,758	28.4
Sulphate, crude	2,823	do	2,561	90.7	do	200	7.1
Kainite	1,225	France	442	36.1	Germany	728	59.4
Manure salts	3,391	Germany	2,082	61.4	France	924	27.2
Kauri	952	New Zealand	947	99.5			
Citric acid	36	Italy	34	94.4			
Citrate of lime	339	do	339	100.0			

Total, Group I, $932,288,000.
Per cent of total imports, 21.

Ratio of production and consumption of countries controlling output of certain commodities to the world production of those commodities

Commodity	Country of control	Per cent production of controlling country to world production	Per cent consumption of controlling country to world consumption
Rubber	Great Britain	[1] 65	5.[2]
Coffee	Brazil	65	5.
Silk	Japan	70	13.
Chilean nitrates	Chile	100	Insignificant.
Potash	Germany and France.	90	54.
Quinine	Netherlands	95–100	Less than 5.
Iodine	Chile	65	Insignificant.
Tin	Great Britain and Netherlands.	[1] 36 [1] 23	20.[2] Small.
Sisal and hennequin	Mexico	80	Insignificant.
Egyptian cotton	Egypt	90	Do.

[1] Including possessions.
[2] Not including possessions.

United States imports capable of monopolistic control by foreign countries of origin

GROUP II.—OTHER IMPORTS CAPABLE OF CONTROL

[Values in thousands of dollars except totals at end of table, which are shown in full figures]

Commodity	Calendar year 1926	Countries from which chiefly imported			
		Country	Per cent	Country	Per cent
Cattle hides	22,092	Argentina	55	Canada	20
Sheepskins	18,791	Great Britain and possessions.	55	Argentina	15
Furs:					
Hare	1,976	Germany	27	do	23
Coney and rabbit	24,403	Great Britain and possessions.	57	Belgium	22
Mink	3,357	Canada	55	Japan	37
Muskrat	2,720	do	75		
Beaver	3,412	do	68	United Kingdom	30
Mother-of-pearl shells	2,041	Australia	57		
Olives	4,351	Spain	86		
Brazil nuts	3,036	Brazil	95		
Filberts	2,954	Italy	49	Turkey	17
China wood oil	9,148	China	96		
Olive oil:					
Edible	13,901	Italy	71	Spain	21
Inedible	4,609	do	40	do	54
Palm oil	10,112	Great Britain and possessions.	54	Belgian Kongo	14
Soy-bean oil	2,151	Kwantung	68		
Rape oil	2,031	England	44	Japan	52
Tea	31,349	Great Britain and possessions.	55	do	22
Cloves	1,282	do	80		
Ginger root	365	do	78		
Mustard (seed and prepared)	1,988	England	67	Netherlands	18
Nutmegs	1,064	Great Britain and possessions.	54	Netherlands and Dutch East Indies.	43
Pepper, black	3,376	Java and Madura	24	British India	56
Pepper, white	748	Straits Settlements.	30	Java and Madura	35
Pimento (allspice)	377	Jamaica	72		
Vanilla beans	2,828	France	67	Mexico	25
Damar	2,280	Dutch East Indies	69	Straits Settlements.	30
Shellac	10,515	British India	97		
Chicle	6,204	Mexico	76	Honduras	13
Gum arabic	1,002	Great Britain and possessions.	91		
Gambier	366	Straits Settlements.	98		
Cinchona bark	1,056	Netherlands	99		
Geranium oil	526	France	72	Algeria and Tunisia.	25
Citronella	745	Ceylon	29	Java and Madura	57
Lavender	509	France	75		
Lemon oil	974	Italy	97		
Quebracho wood	510	Argentina	100		
Quebracho extract	3,745	do	88		
Myrobolan	488	British India	100		
Sumac	304	Italy	98		
Sugar-beet seed	1,181	Germany	82		
Jute	13,968	British India	96		
Jute butts	820	do	98		
Jute bags	5,972	do	98		
Jute burlaps	82,238	Great Britain and possessions.	96		
Istle	1,927	Mexico	100		
Kapok	4,863	Dutch East Indies	92		
Carpet wool	30,103	Great Britain and possessions.	47	China	20
Combing wool	65,915	do	63	Uruguay	19
Raw silk	392,760	Japan	84	China	14
Pulp wood	14,176	Canada	99		
Rattan	969	Straits Settlements.	71		

United States imports capable of monopolistic control by foreign countries of origin.—Continued

Commodity	Calendar year 1926	Countries from which chiefly imported			
		Country	Per cent	Country	Per cent
Cork	2,908	Spain	29	Portugal	49
Wood pulp	91,231	Canada	47	Sweden	33
Newsprint paper	123,962	do	90		
Kaolin	3,484	England	99		
Asbestos, unmanufactured.	8,143	Canada	90		
Mica, cut	2,184	Great Britain and possessions.	97		
Diamonds, rough	13,071	do	81		
Diamonds, cut	61,362	Netherlands	53	Belgium	41
Pearls	5,357	France	56	United Kingdom	40
Magnesite	1,466	Italy	67	British India	11
Tungsten	871	China	63	United Kingdom	19
Antimony, metal	3,795	do	77		
Nickel	9,160	Canada	66		
Platinum	8,683	England	50	Colombia	39
Tin ore	187	Great Britain and possessions.	33	Bolivia	54
Tin bars	104,793	do	85		
Quinine sulphate	655	Netherlands	59	Japan	24
Tartaric acid	330	Germany	52	Italy	26
Ammonium nitrate	383	do	81		
Calcium carbide	847	Canada	99		
Cobalt oxide	632	do	36	Belgium	59
Potassium compounds:					
Carbonate	534	Germany	84		
Hydroxide	771	do	94		
Bitartrate	1,791	France	55	Spain	12
Sodium cyanide	2,558	Canada	62	France	15
Calcium cyanamide	4,193	do	91		
Guano	430	Peru	22	Falkland Islands	24

Total, Group II	$1,262,380
Per cent of total imports	28.5
Total, Groups I and II	$2,194,668
Per cent of total imports	49.5

INTERNATIONAL CARTELS

OCTOBER 10, 1927.

The following is a list of the outstanding international cartels. No complete list is available, since there are a number of international industrial understandings and combinations which have never been acknowledged by the interests involved:

Commodity	Countries involved	Date of organization
Raw steel	France, Germany, Belgium, Czechoslovakia, Luxemburg, Austria, and Hungary.	September, 1926.
Rails	Great Britain, France, Germany, Belgium, Luxemburg.	June, 1926.
Tubes	Germany France, Belgium, Luxemburg, Great Britain, Austria, Czechoslovakia, Poland.	Do.
Aluminum	France, Germany, Great Britain, Switzerland, Norway (in part), Austria (in part).	August, 1926.
Enamel ware	Germany, Poland, Czechoslovakia, Austria, Hungary.	1926.
Glue	Most European countries	July, 1926.
Artificial silk	Great Britain, Germany, Italy (including a number of plants controlled by Great Britain and Germany in the United States).	January, 1927.
Copper	United States, Spain, Belgium, Yugoslavia, Great Britain (?).	October, 1926.
Electric bulbs	Germany, United States, Canada, Netherlands, France, Italy, the Scandinavian countries, Great Britain, Austria, Hungary.	1924.
Plate glass	France, Belgium	1904.
Glass bottles	Germany, France, Austria, the Scandinavian countries, Czechoslovakia, Hungary, Holland.	1907.
Borax	Great Britain, United States, Germany, France, Austria.	1899.[1]
Wire	Germany, Belgium, Czechoslovakia, Netherlands.	February, 1927.

[1] Not certain as to its present existence.

In addition to the above cartels, there are a number of combinations which, while they can not be designated as cartels, have a great controlling influence on the production of certain commodities. Among these might be mentioned the Swedish-American Match Trust, which has a large number of factories scattered throughout the world, and in a number of countries controls the match trade and industry through a Government monopoly; the Franco-German potash combine; the explosives combination (Germany, Great Britain). There are also several combinations now under discussion, such as the zinc-selling combination, more or less similar to the copper-export combination; a cast-iron pipe cartel; a selling cartel for shapes and semifinished steel. There are also negotiations going on between the German, British, and French chemical combinations.

LOUIS DOMERATZKY,
Chief, Division of Regional Information.

Mr. GOODING. Mr. President, the story of the hardships and privations and great losses that have come to agriculture is not complete without a brief mention of the part the Federal Reserve Board took in deflating the country in 1920.

On May 18, 1920, Governor Harding called a meeting of the Federal Reserve Board and the Federal advisory council and class A directors of the Federal reserve banks. The meeting was a secret one, and very little was known outside of banking circles of what transpired at that meeting until February 22, 1923, when the Manufacturers Record, of Baltimore, published a stenographic report of the proceedings of that meeting, which I placed in the CONGRESSIONAL RECORD a few days after it appeared in that magazine. At that secret meeting of May 18, 1920, the question of restriction of credits, breaking down of prices, and increasing of freight rates was generally discussed and agreed to.

At that meeting Mr. Wardrop, of the Cleveland Reserve Bank, said:

I think a reasonable depression of business would be a good thing for the country.

He added:

I really think we would do better if we could get down to a lower basis, a different basis, and from that we could work up again.

When Mr. James A. Alexander, one of the class A directors of the Federal reserve bank in New York, was asked about transportation in his district, he said:

There is almost no such thing there now—

And added—

there is one thing I think to be feared, and that is if the transportation facilities are improved and commodities moved freely and credits are to be released, it may bring a temporary ease in the money market and may encourage people to go ahead and expand; I believe now is the time to put the rates up and keep them up.

While at this secret meeting those who control the banking interests of America were entering into a conspiracy to deflate the country by breaking down prices and restricting credits they passed a resolution calling on the Interstate Commerce Commission and the Shipping Board to increase freight rates and appointed a committee to present their resolution to the Interstate Commerce Commission and the Shipping Board. The resolution reads as follows:

Resolved, That this conference urge as the most important remedies that the Interstate Commerce Commission and the United States Shipping Board give increased rates and adequate facilities such immediate effect as may be warranted under their authority, and that a committee of five be appointed by the Chair to present these resolutions to the Interstate Commerce Commission and the United States Shipping Board, with such verbal presentation as may seem appropriate to the committee.

At first, Mr. President, it was hard for me to understand why these great bankers who had met to restrict credits and deflate prices should pass a resolution asking the Interstate Commerce Commission and the United States Shipping Board to increase freight rates; but I soon found, Mr. President, that the great bankers who met with the Federal Reserve Board on May 18, 1920, in that secret meeting held in this city, represented financial interests that owned and controlled a large majority of the stocks and bonds of the railroads in this country. So it is not strange after all that they should want to protect their railroads from the deflation that they were about to force upon the country.

The effects of the Federal Reserve Board, Mr. President, extended far beyond that secret meeting of May 18, 1920, for at that time an organization was perfected for the bankers of the whole country. I know that some of the bankers from my own State attended the meeting at Chicago—and generally, I am sorry to say, that bankers from all over the country, or too many of them at least, participated in an effort to deflate the country.

It is not strange, Mr. President, that the great crash came to agriculture in 1920, and I anticipate some of the bankers who participated in that movement paid the penalty by seeing the doors of their own banks closed and their institution in bankruptcy.

Mr. President, the conspiracy of the Federal Reserve Board in 1920 will go down in history as the greatest conspiracy of modern times.

Mr. FRAZIER. Mr. President, I am very much in favor of the McNary farm relief bill which is under discussion and want to address myself for a brief period to that measure.

Mr. President, it has long been the custom to give the farmer a great deal of attention in campaign years. The politicians sing their praises and eloquently orate upon the important part the American farmer plays in the very life of our Nation. Yet the real importance of agriculture, as compared with that of other great industries, is not generally understood.

On March 25 of this year the New York Times printed an article entitled the "Twenty giants of American industry," and agriculture ranks first. It is first in number of employees, first in the value of products produced, and first in the value of investments.

Mr. President, I ask unanimous consent to insert this table in the RECORD as a part of my remarks:

The PRESIDING OFFICER (Mr. STEIWER in the chair). Without objection, it is so ordered.

The table is as follows:

America's 20 leading industries

Industry	Employees	Rank	Value of products or service	Rank	Estimated investment	Rank
1. Agriculture	10,241,000	1	$16,963,000,000	1	$57,000,000,000	1
2. Construction	3,051,000	2	7,000,000,000	3	No data.	4(?)
3. Railroads	2,184,000	3	7,396,000,000	2	27,800,000,000	2
4. Textiles	1,110,000	4	5,342,000,000	4	4,100,000,000	8
5. Machinery	858,000	5	5,020,000,000	5	No data.	9(?)
6. Lumber	474,000	7	2,254,000,000	12	8,000,000,000	6
7. Iron and steel	438,000	9	3,711,000,000	7	5,000,000,000	7
8. Automobiles	430,000	10	4,745,000,000	6	3,000,000,000	10
9. Oil	158,000	16	2,377,000,000	11	11,000,000,000	3
10. Coal	748,000	6	1,727,000,000	14	2,500,000,000	12
11. Electricity	230,000	13	1,783,000,000	13	9,500,000,000	5
12. Clothing	466,000	8	3,239,000,000	8	1,000,000,000	16
13. Publishing	296,000	12	2,482,000,000	10	1,200,000,000	13
14. Telegraph and telephone	381,000	11	935,000,000	20	2,600,000,000	11
15. Meat	120,000	20	3,050,000,000	9	1,200,000,000	14
16. Rubber	141,000	17	1,255,000,000	16	1,000,000,000	17
17. Shoes	207,000	14	1,061,000,000	18	700,000,000	18
18. Baking	160,000	15	1,268,000,000	15	600,000,000	19
19. Paper	124,000	19	972,000,000	19	1,200,000,000	15
20. Tobacco	132,000	18	1,091,000,000	17	No data.	20(?)

Mr. FRAZIER. Mr. President, this table shows that agriculture is by far the most important industry in America. There are three times as many people employed on the farms as there are in any other one industry. The value of the Nation's crops and products from the farms is twice as great as that of any other industry. The investment in farm property is over $57,000,000,000, being more than twice as much as is invested in any other industry. During the past few years it has practically been impossible for the average farmer to pay interest and taxes on his property, yet nearly every other industry is dependent on agriculture; and, in fact, the very life of the people is entirely dependent on food and clothing products grown on farms.

One of the reports by the national industrial corporation board of New York puts the average wages of the farmer at $736 per year. That amount, however, included $630 for the estimated value of food, fuel, and housing furnished by the farm, leaving a cash yearly wage of $106 for the average farmer of the United States.

These figures were furnished by a business men's organization after a careful investigation. These figures show a condition which exists in the face of the fact that the value of agricultural investment is more than twice as much as that of any other industry in the United States. But the other industries make the profits.

A great deal is said about the prosperity of our country. This does not apply, however, to the farmers. Will Rogers, the cowboy humorist, says:

> The country, as a whole, is prosperous; but that does not mean that it is prosperous as a whole.

He may be right. It takes a humorist to talk about our great prosperity. Prosperity talk is nothing short of a joke when the whole population of our country is considered.

A few years ago a university professor said that 2 per cent of the people owned two-thirds of the wealth of the country. Of course, that meant that the balance of us—or 98 per cent—owned one-third. But now statisticians say that 1 per cent of the people own approximately 99 per cent of the wealth, and that the wealth is rapidly concentrating into fewer and fewer hands year by year. Figures like these are poor proof for the statement that the so-called prosperity is general.

Prosperity certainly has not reached the producers of food products and of other necessities that are raised upon the farms of this country; neither has it reached the average business man and banker of the great agricultural districts.

The Hon. Houston Thompson, formerly a member of the Federal Trade Commission, is authority for the statement that last year "there were 48,758 bankruptcies in the United States, with a total loss of $885,557,006"; and that loss is $200,000,000 more than the bankruptcy losses of the previous year in spite of all the boasted prosperity.

It can certainly be said that some of our people are prosperous, because the number of millionaire income taxpayers paying on an income of $1,000,000 or more was 225 in 1926, and was on the increase in 1927. In 1926, 14 persons had incomes of more than $5,000,000 each. What I am trying to point out is that while wealth concentrates in the hands of the few, there is less for the average person; and that means that the distribution of prosperity is unfair, to say the least. The number of failures, as stated by the former Federal trade commissioner, shows a very unhealthy condition, for when this decidedly lopsided prosperity is on the increase, it means that poverty is also on the increase. It means that the very rich are getting richer and that the poor are getting poorer.

Mr. President, no farmers are included in the millionaire class, but a lot of farmers are included among the number of bankruptcies. According to the Census Bureau 2,155,000 farm people left the farms of the United States in 1926. Not all were bankrupts, but the bulk of them starved out on the farms and went to the already overcrowded cities for employment.

Practically all the business failures are in the agricultural districts, showing that agriculture and those depending on it are far from being prosperous.

The number of farm tenants has made a marked increase, and the landowning farmers are on the decrease, as the mortgages of approximately 170,000 farm owners are being foreclosed annually.

The politicians who have started to shout prosperity—and will probably continue it until after the fall elections—do not tell how the farmers' purchasing power has decreased. The falling off of the purchasing power of the farmer has added more to the failure of business men of the agricultural districts than any other factor. It has been reflected in every city in the West and South and is beginning to be felt throughout the entire country. People who have felt the sting of deflation will not be led to follow the mirage of so-called prosperity unless constructive legislation is enacted to assist the farmers in getting honest marketing conditions and thus tending to make real prosperity—prosperity of the many as well as prosperity of the few.

It is conceded by the best economists that any material decrease of the purchasing power of any great class of our people is detrimental to the country in general. It is impossible to have anything like general prosperity until we have something like a general square deal for all classes of our people.

The purchasing power of the farmer has materially decreased. He has been made the "goat" by the agencies of his own Government. During the war time he was not only urged but commanded, as a patriotic duty, to increase his acreage and produce more food products. Food was needed to win the war. He was urged to borrow money for this purpose, and thousands of the farmers did borrow money. Production was immensely increased. Farm prices were regulated by Government agencies and to the disadvantage of the producer; and then, in 1920, when the autocratic, all-powerful Federal Reserve Board, who were the governmental "guardian angels" of the credit of the Nation, decided that the artificial inflation which they themselves had largely brought about had gone far enough they deliberately issued a secret edict and the so-called deflation began.

The farmer was again made the "goat." His loans were demanded. He was forced to sell his products far below cost of production. The deflation in farm prices amounted to billions of dollars, and thousands upon thousands of farmers all over this Nation went broke and out of business. Many small banks and small business interests went broke with the farmers, and the effects were soon felt even by some of the big manufacturing interests of the East.

The factories of the European war nations began to send in their manufactured products and to sell them under the American prices. That, of course, was dangerous. Something must be done and done quickly. American industry must be protected.

The Congress of the United States, which had so supinely held back and allowed the product of their own creation—the Federal Reserve Board—to deflate the farmers and small business men by the millions, rushed to the aid of the big manufacturers.

Of course, American industries should be protected by Congress; but so should the American farmer, who produces the food products to feed the Nation, have been protected by Congress and not allowed to have been deflated by some thirty billions of dollars.

When the manufacturers were in distress an emergency existed, Congress passed an emergency tariff measure and a regular high-tariff schedule for their benefit, a tariff schedule based, as we have been repeatedly told, on the difference in cost of production here and abroad; based on cost of production here at the highest war-time wages and war prices, and based on the production abroad by war-ridden nations at starvation wages and prices. That tariff schedule still stands, and to the disadvantage of the farmers and everyone else in the agricultural districts.

The friends of agriculture have long urged adequate farm legislation—the McNary-Haugen bill, which, we believe, will tend to put the farmers more nearly on a parity with the manufacturers and other business interests.

The great majority of the farmers in the agricultural districts of the country, and a great majority of the business men of the same districts, are in favor of and are demanding farm relief legislation, and they believe that this bill is a big step in that direction.

The demand is growing and will continue to grow and become more insistent until favorable action is taken for agriculture. I want to appeal to the Republican Members of the Senate. In North Dakota there is a distinction made in the Republican ranks—"real" Republicans and progressives. Here they are called "regular" Republicans and progressives. I want to appeal to the "regular" Republicans and ask them if it is not high time that the promises that have been made in party platforms be carried out, especially in behalf of the agricultural interests of this Nation, and it is a mighty poor excuse to say that this is not the time to fulfill party pledges, because it is on the eve of another election. It would seem to me that this is the appointed time to fulfill those promises if you want the votes of the great agricultural districts of our country.

I want also to appeal to the Democratic Members, and ask them if it is not time that their party pledges be fulfilled, and it is no excuse for the Democrats to say that they are not in the majority here and not responsible for legislation. The fact that a Member here does not belong to the majority group does not in any way relieve him of his obligations to the people.

If the Members of the United States Senate are really interested in the welfare of the farmers, if they are interested in the general business conditions of the great agricultural districts, if they are interested in fulfilling their party pledges, let them so express themselves on this vote for this much-needed farm-relief measure, which we believe will help to put agriculture on a paying basis.

The Federal Government has aided the bankers to form a gigantic banking organization. It has given the railroads a commission which is national in scope. It has built up protection for manufacturers which is international in its results, and the so-called "infant" industries have been guarded by economic fortifications. The question now is, What is the Government going to do for an industry which comprises one-third of the population—the farmers—and which is not only in its infancy in organization but undernourished by unfair and unjust marketing conditions which fail to give it a profit.

The great combines and trusts have been able efficiently to organize because of the close proximity of their offices in a narrow street in our largest metropolis. On the other hand, the farmers have over 6,000,000 offices spread over a vast empire which stretches from ocean to ocean with all its natural and artificial barriers.

The marketing problem can only be solved by a well-knit national organization with governmental aid and all the prestige and support that such a Federal organization would carry with it. It will only be through such assistance that a new and scientific system of marketing can be finally established. Such a system would work to the benefit of both the producers and the consumers alike and give the Nation an unquestionable and unparalleled prosperity, which will be generally enjoyed, instead of the present brand of prosperity, which is confined to a few who incidentally have the press to tell the rest of us what a fine thing this prosperity is.

Through a Federal legislative program every great industry that has been successful has been able to stabilize prices and protect its own best interests. The farmers now believe it is their turn, and their demand has found expression in this measure known as the surplus control act. Through this measure the farmers hope to obtain the cost of production plus a fair profit, and they now know that this can only be obtained through organized bargaining power. In order further to carry out this plan they believe that farmers should maintain a rigid control of surpluses. This is the purpose of the bill.

The bill provides for a Federal farm board of 12 members, 1 from each of the Federal land-bank districts and various advisory boards. The duty of these boards will be to control the surplus that goes into the export trade, which has in the past forced down the prices in the home market to the level of the world prices. This would tend to place the farmer on the American standard that other industries now enjoy. His products would not come into direct and disastrous competition with foreign products.

The bill also provides for an equalization fee to be assessed against these surplus products entering into foreign markets. This is the provision that seems to be the bone of contention between the forces who want a bill with teeth in it, and the forces, on the other hand, who want to pass a measure for political expediency. The opponents of this feature of the measure are willing to accept almost any form of a bill carrying an appropriation in almost any amount, provided that the equalization fee is eliminated. The advocates of the bill believe that only through the equalization fee can anything like genuine relief be afforded.

The opponents of this measure object to the equalization fee because, they say, it is a new principle and an experiment. All new legislation in this sense has been untried and so might be called an experiment.

The Interstate Commerce Commission was an experiment when the act passed; the Federal reserve act had never been tried; the original tariff law had no precedent. So it is with all new legislation. It is impossible to know in advance exactly how any new law will work out, but if the board, which is appointed to put into operation and administer this measure, is honestly in favor of making a success of it, is honestly in favor of working out better marketing conditions for agricultural products, there is no question in my mind but what this legislation will work out for the interests of the farmers and give them a more honest and better marketing condition and assist them to make agriculture a paying business.

Its opponents say this is special or class legislation. Such objection does not come with good grace in view of what might be called similar legislation for other industries.

This surplus control act, with a Federal farm board using the equalization fee for stabilization of prices of farm crops, will still be a long way short of what the Federal reserve act is for the big bankers, the transportation act is for the railroads, away short of what the tariff is for the great manufacturing industries, and away short of what many other Federal laws are for special interests. But we do believe that this measure is a beginning that must be made.

THE COST OF LIVING AND FARM PRICES

The opponents of the McNary-Haugen bill say that if this measure is put into operation there will be an increase in the cost of living. I doubt if the amount of increase will be noticed by the average consumer. In fact, it has been stated by the representatives of organized labor that if there were an increase in the price of farm products to the farmers the wage earners were willing to pay a little more in order that the farmers may receive a price for their products which will include the cost of production plus a fair profit. Organized labor, and everyone else for that matter, knows that the only way to make a success of any business is to get cost of production, overhead expenses, and a fair profit.

Statistics which have been compiled by authorities in the Department of Agriculture show that for a five-year period while the price of wheat varied $1.31 per bushel the average cost of a loaf of bread in New York City during the same period had only varied three-tenths of 1 cent. In other words, when wheat was 90 cents per bushel, bread sold on an average of 9.7 cents per pound loaf; and later, when the farmer received $2.21 for a bushel of wheat, bread sold for only 10 cents per pound loaf. Therefore the payment of a few more cents for a bushel of wheat would have only an inappreciable effect, if any, on the cost of bread.

An increase of 1 cent per bushel on wheat means a million dollars annually for the farmers of North Dakota. An increase of 50 cents per bushel would add $50,000,000 to the purchasing power of the farmers of my State, and this means that they could buy just that much more in manufactured products, the sale of which always adds to the general prosperity of business, working people, and all others concerned.

The average person consumes about one barrel of flour in a year. There are 4.4 bushels of wheat in a barrel of flour. Only 70 per cent of the wheat is used in the flour, however, and the balance, or 30 per cent, goes into by-products. Therefore only 3.08 bushels of the farmers' product is used in a barrel of

flour. Increasing the price of wheat 10 cents a bushel, the cost of a barrel of flour to the consumer is increased only a fraction over 30 cents, or if wheat is increased, as it should be, by 50 cents per bushel, the increase on a barrel of flour, or a year's supply for the individual, would be about $1.50. Yet 50 cents a bushel on the entire wheat crop would mean three hundred and seventy-five to four hundred millions of dollars to the wheat farmers of the United States, and thus increase their purchasing power by that amount.

When the loaf of bread is taken into consideration, the consumer again pays a price outrageously out of proportion to what the farmer receives for his wheat. Three hundred and thirty-four 1-pound loaves can be made from a barrel of flour.

AN INCREASE OF 10 CENTS PER BUSHEL WOULD MAKE LESS THAN ONE-TENTH OF A CENT INCREASE IN THE LOAF

In a recent issue of Labor, the official organ of the 16 standard railway brotherhoods, I find this statement, based on the Federal Trade Commission's findings on the cost of bread:

Three-quarters of the price of a loaf of bread goes to the baker and retailer. Less than one-seventh of the price goes to the farmer who grows the wheat.

These are outstanding facts in a report of the Federal Trade Commission on bread and flour industries just sent to the United States Senate.

For the latest three-year period available the price of bread in the United States, according to the commission, has averaged 8.55 cents per pound. This price was divided as follows:

	Cents
Farmer	1.15
Miller	.41
Baker	5.11
Grocer	1.28
Railroads, etc	.60

So that the grocer, merely for wrapping up the loaf and handing it over the counter, gets a noticeably larger share than the farmer gets for raising the wheat, and the baker gets more than four times as much as the farmer.

Mr. President, according to these figures, the work of the grocer and the baker is decidedly more profitable than that of the farmer.

No one contends that the pending McNary surplus control act is perfect, but it seems to be the best farm relief measure that can likely be agreed upon at this time. In all probability after it is put into operation amendments will be needed to make it more workable. Personally I believe it should carry a larger appropriation for the handling of the surplus products. There are also some other amendments that, to my mind, would greatly improve the bill. However, I am strongly for this measure, as I am convinced it is a step in the right direction and, if put into operation, will give the board a chance to test it out by actual experiment. If it does not accomplish what we believe and hope it will, amendments can be added from time to time which will improve it and make it a real farm relief measure and which will help to put farmers on a parity with those engaged in other lines of business.

Mr. President, the farmers of our Nation have been repeatedly promised favorable legislation. There is no doubt under the heavens but what they need it and are entitled to it. It is up to the United States Senate to do its part and pass this measure by a good majority.

Mr. COPELAND obtained the floor.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Cutting	McNary	Shortridge
Barkley	Dill	Mayfield	Simmons
Bayard	Fess	Moses	Smith
Bingham	Fletcher	Neely	Steiwer
Black	Frazier	Norbeck	Stephens
Blaine	George	Nye	Swanson
Blease	Glass	Oddie	Thomas
Borah	Gooding	Overman	Tydings
Bratton	Hale	Pine	Tyson
Brookhart	Harris	Pittman	Vandenberg
Broussard	Hayden	Ransdell	Wagner
Bruce	Heflin	Reed, Pa.	Walsh, Mass.
Capper	Jones	Robinson, Ark.	Walsh, Mont.
Caraway	Keyes	Robinson, Ind.	Warren
Copeland	McKellar	Schall	Waterman
Couzens	McLean	Sheppard	Watson
Curtis	McMaster	Shipstead	Wheeler

The VICE PRESIDENT. Sixty-eight Senators having answered to their names, a quorum is present.

Mr. COPELAND. Mr. President, I apologize to Senators who were sent for under a roll call which I protested. I know this is too fine a day for any Senator to stay in the Chamber; and, so far as I am concerned, I hope no Senator will. The fresh air will do them good. I advise the Vice President, also, to take a day off.

I should like to have the attention of the Senator from Oregon [Mr. McNARY] for a moment. He knows the anxiety of the fruit and vegetable producers to be left out of this bill. I think that was the purpose of the committee in preparing the bill, although a section was added—section 6—apparently with particular reference to perishable agricultural commodities.

This bill could be amended in one of three ways: Either by inserting before the words "agricultural commodity" wherever they appear, the word "nonperishable," or by inserting on page 10 a proviso that it shall not apply to fruits or vegetables; or on page 26, after line 21, there could be inserted this language:

Section 14 provides that—

As used in this act—

And then I would have, after line 21:

(4) The words "agricultural commodity" mean an agricultural commodity which is nonperishable in its nature.

I realize that the committee, in formulating the bill, attempted to meet all the objections raised by the Executive. One of his complaints was that the old bill did not apply to all agricultural commodities. Of course, the effect here was to make the act apply to all commodities in order that this particular objection of the President might be met.

I think, however, that the same result could be accomplished by inserting, as I said, on page 26, in the general definitions, a statement that the words "agricultural commodity" mean an agricultural commodity which is nonperishable in its nature. Such a change would not upset the desire of the committee to have all agricultural commodities of a certain type included.

I hope I am not going too far in asking the Senator from Oregon if he will not include one of these three proposals as an amendment to the bill.

Mr. McNARY. Mr. President, the very capable Senator from New York was the first one to call my attention to the effects of the possible inclusion of vegetables in subdivision (b) of section 6. As stated by me in the preliminary discussion of the bill, the framers of the measure believed that the limitations on the board with respect to entering into marketing agreements wholly exempted the products about which the Senator now speaks; namely, perishable fruits and vegetables.

If the very distinguished Senator from New York will again read the language which specifies particularly that an article must be durable, must have keeping qualities, must be preservable, and adaptable to the theory of the bill which is involved in the marketing agreement—those being my words and not those of the bill—he will see that it was clearly the intention of the framers to exclude from the operation of the bill the commodities about which the Senator speaks.

However, that as a child runs it may read, I intend to follow the very helpful suggestion of the Senator from New York, namely, that in the manner that he shall fashion, if it conforms to my view, this bill shall be amended to exclude its operation upon those particular commodities.

The Senator in his wisdom has pointed out three ways in which that could be done, any one of which, perhaps, would be acceptable, but after I have a little time for further consideration I shall have no difficulty in coming to an agreement with him.

Mr. COPELAND. I thank the Senator. I appreciate very much the courtesy of the Senator and his zealous desire to cooperate.

Mr. DILL. Mr. President——

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator from New York yield to the Senator from Washington?

Mr. COPELAND. I yield.

Mr. DILL. I want to add to what the Senator from New York has said, that the apple-growing people of the Northwest, particularly of the State of Washington, are of the opinion that this bill as written might be applied to apples. I will not enter into the reasons why I think it would be entirely a mistake to have any possibility of apples being included in the bill, but I do want to join with the Senator from New York in urging that language shall be inserted so that there can be no doubt that apples are not included in the bill.

Mr. COPELAND. Mr. President, the Senator from Washington need have no anxiety. We have the assurance of the Senator from Oregon, as we have had from the very beginning, that there was no intent on the part of the committee to include perishables. The committee is willing to have language written into the bill so that there shall be no mistake about it. Then

there will be a certainty that fruits and vegetables and other perishable products are not included.

I am very glad the Senator from Oregon has been so generous, as he always is, because it makes it possible for me to enter enthusiastically into the support of this bill, as I have each time it has been before the Senate.

Sometimes I am joked a little bit about why a Senator from the State of New York, and particularly one living in the city of New York, should have an interest in the farm. As a matter of fact, New York State stands eleventh among the States of the Union in the value of its agricultural products. It is exceeded only by Texas because of its cotton, and California by reason of its citrus fruit production, by Iowa and Illinois on account of their corn, and it runs neck and neck with Kansas, Minnesota, North Carolina, Oklahoma, Wisconsin, and Ohio, being exceeded by any one of those States by not more than $25,000,000 in the value of its products. So it can be seen that New York is a great agricultural State, while it is ordinarily thought of as an industrial State, and the city of New York particularly as the financial center of the country.

As I view it, it is only reasonable for the farmers of this country to come before Congress and ask for relief. Why do I think so? We have but to study the history of industrial development in the United States to realize how the trusts, the combinations, and the protective tariff system came into existence.

Here is an example: The hatter in Danbury found himself, in the old days, in competition with the manufacturer of hats in Hartford. The Danbury hatter found that he was forced to sell his hats at a loss, or at a very small profit, because the Hartford man, perhaps because of better power, or from some other local condition, was able to make his product cheaper than the Danbury man could. So very soon there came into existence combinations. These men united, determined that they would fix the price and prevent cutthroat competition, which interfered with the prosperity of the hatters in all parts of the country.

I have given simply an example, but it indicates what was the beginning of the formation of combinations. It was not long, however, before these American institutions found that they were competing with the manufacturers of Europe. By reason of cheaper living conditions and lower-priced labor the manufacturers of Europe could make hats, for instance, very much cheaper than could the hatters of Danbury or Hartford.

In time these combinations gained political power. They came to Washington and succeeded in passing the various tariff acts, which have protected American labor and American industry against the cheap labor and the cheap institutions of Europe.

As I said a few moments ago, I am a tariff Democrat, and I have no fault to find with that economic situation and its solution. But there is no doubt that because of the tariff system the prices paid by the consumers of manufactured articles are very much higher than they would be if there should be free world competition.

We can not deny that, and we should face it. Every time a protective tariff act is passed, and every time a schedule is raised, it means that the people of the United States, the individual citizens, the buyers of this country are paying more for the things they buy.

The farmers of America, I am sorry to say, are chronic Republicans. No matter what happens, they vote the Republican ticket. They do that even in Michigan, I may say to the Presiding Officer [Mr. VANDENBERG in the chair].

The farmers of America, who are the great consumers of manufactured goods, are contributing very liberally to the prosperity of the industrial portions of this country. Everything a farmer buys, I do not care whether it is a crowbar or a chain or a pickax; no matter what he buys he pays more for it by reason of the tariff placed upon it. That is his contribution to the manufacturer, and to those who labor in the manufactories and to the industrial portion of our country.

That is not the only way the farmer suffers. He is the victim also of the combinations of labor. As I said, I have no fault to find with the protective tariff system, and I certainly have no fault to find with the labor unions. I can remember when I was a boy in Michigan the section hands working on the Michigan Central Railroad got a dollar a day. There was an old saying, "A dollar a day is darned poor pay"; but that is all they got, a dollar a day, and they worked 12 hours, 12 long, hard hours, for a dollar a day. A man started out in life as a laborer, and at the end of his short life he was a laborer, and his children were laborers. It was not until the labor union came into being and labor dealt collectively with its problems that labor had any chance to get any of the gravy of life. So I am glad that the labor union came into existence, and I have no fault to find with it.

We have to face the fact, however, that the farmer is the victim of the increased price paid to labor. When the farm boy looks about to see what he is going to do when he gets big enough, he does not stay on the farm. He is attracted by the high wages paid the carpenters, and the plumbers, and the other artisans in the city. He goes where he can get eight or ten or twelve dollars a day. The boys leave the farm. Consequently when the farmer wants to hire a man he is in competition with the city, he is in competition with the labor unions. So the farmer is always the victim. Whether it is the protective tariff system, or whether it is the fixing of the price of labor by the labor union, the farmer pays the bill.

Who are the consumers of this country? I told a story in the Senate—I think last year—about an old farmer who came into a drug store in New York and said to the proprietor of the drug store, "Are you interested in potatoes?" I do not know whether they were Idaho potatoes or not, I will say to the Senator from Idaho, but he wanted to know whether the druggist was interested in potatoes. The druggist said, "No; not if I can get enough to eat." The farmer said, "Is not anybody interested in potatoes?" The druggist said, "You might ask this girl at the soda-water fountain." She was in there getting a nut sundae, thinking it was a meal. He asked the girl, "Are you interested in potatoes?" She said, "No; I am a stenographer for a lawyer." He said, "Where is he?" She answered, "He is in the Equitable Building." The farmer went over to the lawyer in the Equitable Building and asked, "Are you interested in potatoes?" The lawyer laughed and said, "If I can get enough to eat; that is all." The farmer said, "Is not anybody interested in potatoes?" The lawyer said, "I am not. I am retained by the United States Steel Corporation. You might ask Judge Gary." The farmer said, "I will." So he went down and said, "Judge, are you interested in potatoes?" The judge laughed and said, "No; but wait a minute. You go over here and ask this man who makes manufactured steel. I sell him a lot of stuff. You ask him." The farmer went and said to the man, "Are you interested in potatoes?" He answered, "You bet your life I am. I make potato diggers!"

So if you go far enough, you will find that everybody is interested in the farmer.

I have spoken about the Steel Corporation. Last year they did not make so much, but the year before the United States Steel Corporation made $199,000,000 in profits, and the other steel corporations made money, all together two hundred and fifty or three hundred million dollars in profits.

Where is the steel sold? You see a great building going up with a structural steel frame and you think that is where the steel goes. You see the miles and miles of steel rails on the railroads and you think that is where the steel goes. You look at the locomotives and you think that is where the steel goes.

Mr. President, over half the manufactured steel sold in the United States is sold to the farmer for fence wire, agricultural implements, and all the many things they use upon the farm. Unless the farmers can buy the manufacturers of steel can not sell, and neither can other manufacturers.

I have said that the usual thought about New York City is that it is a great financial center. How often do you think about New York City as a manufacturing center? Yet the manufactured products of New York City in bulk and volume exceed the combined products in bulk and volume of Pittsburgh, Cincinnati, St. Louis, Milwaukee, Cleveland, Detroit, Buffalo, and Boston combined. That is, the great volume of materials turned out by the factories of the city.

We do not use those things. We sell them, and there can be no sale for the products of my city or of my State unless the farmers, who are the great consumers of manufactured products, have the money to buy.

Mr. President, have they the money? They have not. They have been in great distress, and there must be found a way to put them upon the same plane of economic equality with the industrial world and with those who labor with their hands.

We have heard a great deal in this Chamber this winter about unemployment, and the distinguished Senator from Utah [Mr. SMOOT] stands up in his place and attempts to prove to this body that the reason why there is so much unemployment is because invention has developed machinery, and no longer are things made by hand, but they are made by machinery. That is not the answer. The reason why there is unemployment in the cities is because the farmers can not buy the products made in the cities, because those who normally work in the city are without work.

In my city there are thousands upon thousands out of employment. Numbers in excess of the normal unemployment exist. How do I know it? I had a letter the other day from the head of one of the great district nursing institutions. She said:

I know you will be interested in what I have to say. We have 200 nurses making visits in the homes, going into thousands of homes. Never before in the history of this nursing institution has there been such suffering in the homes of New York City because of the unemployment.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Carolina?

Mr. COPELAND. I yield.

Mr. BLEASE. Are those people American-born people?

Mr. COPELAND. Many of them are.

Mr. BLEASE. Is it not a fact that the reason why we have so much unemployment is that we have allowed foreigners to come in here and drive our people out of work?

Mr. COPELAND. Of course, Mr. President, I am not going to have any dispute with my distinguished friend, the Senator from South Carolina. In his State they have less than one-half of 1 per cent of foreign-born people. I can remember the figure for some reason or other. In my State we have a very much larger proportion of foreign born.

But I want to say to the Senator from South Carolina that we have no finer citizens, no more law-abiding citizens, no citizens who contribute more to philanthrophy and to the material progress of our city and our State. We have no citizens who are finer in their qualities of Americanism than those same citizens.

Of course, we have restricted immigration. The Senator from South Carolina need have no fear. I know the spirit of this body is such that there can be no extension of the boundaries for the admission of larger numbers. So, for myself, I am going to satisfy my conscience by trying to make those laws more humane, to bring together families, and not to continue these cruel separations which are imposed upon those who have become citizens—imposed by reason of the unjust and unfair, and, to my mind, unchristian laws which relate to immigration.

As I said, there is a tremendous amount of unemployment in in the city of New York, and it is unemployment due not to unrestricted immigration. We have not had that for years, but it is unemployment due to the fact that those who buy, the great farming groups of our country, are without means to buy, and there must be found a means of relief. I think that the Republican Party has much to answer for in its failure to listen to the farmers, but that party has not listened to them at all.

The President may perhaps veto the pending bill on the ground that it violates economic law. Of course it violates economic law. Anything that interferes with the law of supply and demand, with the free flow of things throughout the world, is uneconomic. But, Mr. President, is there anything more violative of economic law than the protective-tariff system? The very nature of the law, the very intent of the law, is to do away with the law of supply and demand. That is the purpose of it. It violates the first principles of economic law; but that is Republican doctrine.

I spoke a little while ago about the labor unions. When the labor unions fix the price of labor, that violates the economic law, but they do it to the advantage of those who labor, to the advantage of their families, to the advantage of their health and their lives, and I am glad that we have chosen to set aside the free operation of the law of economics as regards that particular thing.

So the McNary-Haugen bill violates economic law; but is it not time that we put all the people of the country upon the same plane of equality? We have permitted labor to violate the law of supply and demand; we have permitted industry, by the enactment of the tariff laws, to violate that natural law of supply and demand; and, as I see it, there can be no prosperity in the country until we have the farmer on the same plane of economic prosperity.

The bill is going to pass. I do not know just why the Senator from Oregon [Mr. McNARY] keeps it here until Tuesday. I suppose it is so that the Senator from New York and others may make speeches. But the bill should pass. We should permit the farmer to be taken care of.

We have a better bill than we had before. I congratulate the committee and I congratulate the chairman of the committee. With the amendment which the chairman of the committee has agreed to accept, I see no reason why we should not pass the bill and enact it into law. Then, if the President sees fit to veto the bill, that will make it very much easier for us to elect a Democratic President next fall, as we expect to do anyhow, and then we will have prosperity for the country anyway.

Mr. WALSH of Montana. Mr. President, I have felt impelled, very much, indeed, against my inclination, on two occasions heretofore to vote against bills in substance and general import like that now under consideration by the Senate. I say I have been driven to that course, because the indisputable facts of the case disclose that agriculture is suffering from an extraordinary combination of facts and circumstances and contending against conditions which have given rise to distress in that basic industry throughout the country.

We have heard much about the distress which has prevailed in the great western grain-growing sections. But it is not confined to that region by any means. A couple of very intelligent and interesting ladies from York, Pa., called on me the other day in relation to some business matters. They were apparently very well informed. The county in which they live they represented, and I have no doubt accurately, as having enjoyed for many years the reputation of being the richest agricultural county in the Union, and yet they told me that there are many farms for sale in that county at prices less than it cost to construct the buildings on the same.

The disparity between the prices of farm products and of other commodities, referred to so frequently in the debate upon these bills, persists. While there was some improvement in the situation in the fall of the year 1926, enough to permit partisan orators to assure the public that the difficulty was temporary and was passing away, there has been a recession since and it has gone back to the general level of about 80 per cent. That is to say, the products of the farm to-day will buy only about 80 per cent of commodities generally that they would buy in 1913. In other words, although the prices of farm products have advanced since 1913, the prices of other commodities generally have advanced so much more that a given quantity of the products of the farm which in 1913 would buy $100 worth of other commodities will now buy but 80 per cent of that quantity.

Nevertheless, I am unable to give my assent to the pending measure, and for the same reasons which impelled me heretofore to vote against its prototype. I am entirely satisfied that the bill, if it should become an act, would be unconstitutional and could never be enforced. I regret to say that the changes which have taken place in the bill have in no measure whatever removed the features which to my mind make it vulnerable to attack.

Much has been said about the unconstitutionality of the equalization feature of this and preceding bills of like character. But my objection to it never was based upon the equalization feature except as an incidental matter. I think the bill is unconstitutional because it offends against a very plain, simple proposition, namely, that the public funds can not be taken out of the Public Treasury, funds contributed by all the taxpayers, and turned over to a private individual or association of private individuals for the purpose of promoting their private business. That principle has been repeatedly determined by the Supreme Court of the United States, and I can find no reason to believe that the bill does not offend fatally against that principle. I have heretofore dilated upon that view and shall not now repeat the argument.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Oregon?

Mr. WALSH of Montana. I yield.

Mr. McNARY. Mr. President, I do not desire in any way to interrupt the Senator from Montana in his very excellent speech; he has made very clear his opposition to the bill and the reasons therefor; but if his contention were carried to its logical conclusion, would it not prevent the Congress from appropriating money to take care of many of the activities engaged in by the Agricultural Department?

Mr. WALSH of Montana. I have said so heretofore. I dare say the same charge could be alleged against many of the appropriations that are found in the agricultural appropriation bill.

Mr. McNARY. Mr. President, will the Senator permit a further question?

The PRESIDING OFFICER. Does the Senator from Montana yield further to the Senator from Oregon?

Mr. WALSH of Montana. I do.

Mr. McNARY. Is the only offending department the Department of Agriculture, or does the same suggestion not necessarily apply to a great many other of the departmental activities of the Government?

Mr. WALSH of Montana. I can not say as to that. I dare say that might be true. The trouble about it is that none of those matters can be attacked in any wise whatsoever; and

that is where the feature of the equalization fee becomes important. It opens the door for attack. For instance, the maternity law by which Congress appropriated money, to be used conjointly with appropriations by the States, for the purpose of promoting the health of women in childbirth, was assailed upon the ground that it was an appropriation of money for a purpose not authorized by the Constitution. The State of Massachusetts brought a suit in the name of the people of that State, in order to give greater force to it, but the Supreme Court of the United States held that it was without jurisdiction to entertain a suit of that character, and the proceedings were dismissed. Accordingly, there was no way of determining the constitutionality of an appropriation of that character.

However, Mr. President, here is an opening for an attack, because in the pending bill the amount of the draft upon the revolving fund is to be reimbursed by an equalization fee, to be assessed upon the particular product or branch of agriculture that is aided by the appropriations from the revolving fund. Of course, the payment of that equalization fee will be resisted, and there will be presented the question of the validity of this proposed law. There is, as I think, no escape from that.

The difference is that this proposed act is open to attack, while the acts to which the Senator from Oregon has referred are not open to attack. Probably that does not make very much difference so far as the duty of a Member of Congress in the premises is concerned, but those acts do, as a matter of fact, go into effect and are enforced, whereas, to my mind, it will be impossible to enforce this proposed act.

Mr. President, bear in mind the principle upon which my opposition is based is, as I stated, the very simple one that funds which have been contributed by the general taxpayer can not be taken out of the Public Treasury, out of the Treasury of the United States, or out of the treasury of a State, or out of the treasury of a county, or out of the treasury of a city or of any other municipality and applied, either by way of gift or loan, for the promotion of a private enterprise.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Oregon?

Mr. WALSH of Montana. I yield to the Senator.

Mr. McNARY. Mr. President, I would be edified if the distinguished Senator and lawyer from Montana would distinguish for me the difference between taking money out of the Treasury and developing lands through reclamation by irrigation in Montana and other Western States and taking money out of the Treasury and loaning it to farmers in order that they may obtain better prices for their products.

Mr. WALSH of Montana. I need not explain the difference to the Senator from Oregon, because there is no man in this body who better knows the difference between the cases than he. The taking of money out of the Public Treasury for the reclamation of arid land is justified and only justified upon the ground that the Government owns some of the land to be reclaimed, and it has a perfect right—indeed, a duty—to put that land in such a situation as that it can be disposed of and utilized. In order to do that it must likewise provide economically for the reclamation of the adjacent land held in private ownership.

Mr. McNARY. Mr. President, the distinguished Senator from Montana knows that that is not an answer at all, and so does the Senator from Oregon. I am not talking about a duty of the Government. The Senator from Montana is proceeding upon the theory that the Government has large areas of untaxed land; consequently there is a duty, moral or otherwise, resting on the Government to take its money and loan it to the settlers without interest and returnable in 40 years to the Treasury of the United States. That is still taxpayers' money taken out of the Treasury of the United Sates; so that in no sense is there a difference in principle at all. As to moral duty, I will discuss that question if I may have a minute further.

Mr. WALSH of Montana. I shall be glad to yield to the Senator at any time.

Mr. McNARY. The moral duty of the Government, through the appropriation of Federal money, is just as great in the case of the farmers, if it is necessary to put them on a plane of equality with other industries and labor which have been benefited by reason of legislation favorable to them as it is elsewhere. Hence, there is a moral duty in this connection, if we wish to occupy that position. The Senator is talking about abstract rules and the requirements of the Constitution. I myself have been curious to know, not only to-day but on earlier occasions, when the Federal Government is permitted, and has been permitted, to take from the Federal Treasury a sum in excess of $200,000,000 for loans to settlers in order to bring water from impounding dams high up in the mountains to the thirsty lands in the valley, the money to be returned to the Government in a period of 40 years, why that is not taking money from the Treasury in a similar and comparable way to the taking of money in this case. I am unable to appreciate the difference. In the case to which I refer the money was also returnable with interest and in a much shorter time. I challenge the great brain of the Senator from Montana, or, for that matter, anyone else who understands the problem of irrigation, to point out any difference between the two.

Mr. WALSH of Montana. The Senator from Oregon need only turn to the debates upon the reclamation bill of 1902 to learn the ground upon which the legislation was justified. It was justified upon the ground that the land to be reclaimed included public lands belonging to the Government of the United States. The Government of the United States was desirous of disposing of those lands and could not dispose of them in the condition which they then were; it could not dispose of them, at least it could not dispose of them to advantage at all or in pursuance of the policy which actuated the Government, unless those lands were improved by putting water upon them. In the work of putting water upon those lands it was required likewise to put water upon the adjacent lands held in private ownership. In other words, all of the lands that could be irrigated from the same source were taken into consideration. Accordingly, the Government, for the purpose of thus improving its own lands, undertook to advance out of funds in the General Treasury an amount necessary for the reclamation, the amount to be repaid. That was the basis upon which that legislation was founded. The Senator from Oregon knows that perfectly well.

Mr. McNARY. Certainly the Senator from Oregon knows that; but that is still away from the mark. That was the theory upon which the arguments proceeded, and I have no quarrel with it; but by a later and subsequent act of Congress it was provided that the Government should impound water and deliver it all to private owners of property in the vicinity; that is the law to-day, and for that purpose by act of Congress the sum of $20,000,000 has been expended.

I am merely endeavoring to make myself clear; I am only using this as an illustration to show, in my opinion, the inconsistency of the Senator's statement. I believe that both instances come within the function of Congress and do not in any way impinge upon the Constitution of our country.

Mr. WALSH of Montana. I have not as yet learned of anybody who justifies the reclamation of lands held entirely in private ownership unless there was some other element involved.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Kentucky?

Mr. WALSH of Montana. I yield.

Mr. BARKLEY. As bearing upon the same point, I am reminded of the fact that during the last few years on one or two occasions Congress has appropriated five or ten million dollars for the purpose of buying seeds when farmers in the Northwest, by reason of drought or other catastrophe, were unable to purchase seeds for themselves, the provision of law being that the money should be repaid to the Government, and therefore the expenditure operating purely as a loan. Does the Senator make a distinction between that transaction and this bill which provides for a loan?

Mr. WALSH of Montana. I have that matter in mind, Mr. President. For that legislation there were many precedents. Quite a number of years ago Congress appropriated money to enable the people of Alexandria, who had suffered very severely because of fire, to rebuild; Congress has appropriated money for floods in the Ohio Valley; Congress has appropriated a large amount of money to help starving people in Europe. That is mere charity; it is confessedly beyond the Constitution. Nobody undertakes to defend it under the Constitution. It is just merely——

Mr. BARKLEY. Nobody, likewise, has opposed it on constitutional grounds.

Mr. WALSH of Montana. No; the question never was raised, or, if it was, it was passed off sub silentio.

Mr. BARKLEY. The only difference between the transactions, so far as the Constitution is concerned, according to the Senator's contention, is the amount involved.

Mr. WALSH of Montana. In a certain way that is correct, and yet, particularly in the case when we contributed to the relief of destitution in Europe—and possibly that action might also be justified as being part of the war program—it was a pure charity.

Mr. BARKLEY. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. Does the Senator from Montana yield further to the Senator from Kentucky?

Mr. WALSH of Montana. I yield.

Mr. BARKLEY. The life of the War Finance Corporation was extended subsequent to the war and after we had entered into a peace treaty, and the Government, through the War Finance Corporation, was authorized to loan and did loan millions of dollars to private corporations for the purpose of expediting the exportation of products to foreign countries. Does the Senator draw any analogy between that situation and this?

Mr. WALSH of Montana. I was just going to refer to that as a specific case in which money was appropriated for the promotion of private business. We passed the other day an act continuing the life of the War Finance Corporation for another year.

Of course that act was passed as a war act. It was passed confessedly under the war power, the limits of which no one has ever undertaken and probably never will undertake to define. No one ever thought of doing anything of the kind except in connection with the war. The whole justification for it was because of conditions arising out of the war that it was felt might be alleviated in that way and that were alleviated in that way.

If we were in a state of war, and this were a temporary measure to continue only during the war or for a reasonable time thereafter until war conditions had disappeared, I would not undertake to say that this legislation would not be entirely justified upon that ground.

Mr. BARKLEY. Is there any specific authority in the Constitution for doing that as a war measure that could not by analogy be translated into this situation, which is not a war measure but which is presumably for the welfare of the country?

Mr. WALSH of Montana. I think so, because when we speak about legislation enacted pursuant to the war power we mean legislation that could not be enacted except for the existence of a condition of war.

Mr. BARKLEY. But, so far as the Constitution itself provides, it makes no specific authorization for any particular kind of legislation necessary even in war.

Mr. WALSH of Montana. It simply says that Congress has power to declare war; and from that is evolved the power to make any provision necessary for the purpose of bringing the war to a successful termination.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I do.

Mr. GOODING. The Senator will agree that if it had not been for the World War this legislation would not be necessary at all?

Mr. WALSH of Montana. I do not agree to that.

Mr. GOODING. The Senator does not agree to that?

Mr. WALSH of Montana. No; I do not agree to it at all. Indeed, Mr. President, the reports of all of the committees indicate that this disparity of prices which it is the purpose of this legislation to overcome, at least in part, is attributable to various legislation of Congress: First, to the tariff; second, to railroad legislation; third, to the Adamson law; fourth, to the immigration law. It is said in all of the reports that this disparity between the prices of farm products and other commodities is attributable chiefly to this legislation of the Congress, and therefore that Congress ought now to legislate in order to overcome that disparity; and I agree to that.

Mr. GOODING. But agriculture could adjust itself to a tariff. We have had a protective tariff, off and on, for a hundred years; but we had an economic relationship between the industries, disturbed only by the war itself—not intentionally, of course, as far as legislation was concerned—but the fruit of the war was the destruction of agriculture.

Mr. WALSH of Montana. I am trying to tell the Senator what the advocates of this bill claim, and I agree to that—that this disparity is due to these causes. The Senator can turn to the reports; he has concurred in them, and has told us that that is the reason for this disparity.

Mr. GOODING. I agree to that in part; but, at the same time, the great change that was brought upon this country and the world was due to the World War. It changed the map of the world; it changed conditions in every country on earth; it brought about in this country the highest standards that civilization has ever known. The farmer is not able to meet those changed conditions, because he can not pass on his increased cost; that is all.

Mr. WALSH of Montana. I merely desire to say, with respect to that, that no one heretofore has even suggested that this bill is now before us pursuant to the war power of Congress.

Mr. GOODING. I have. In my remarks I have very fully discussed it from that standpoint. There is not any doubt, if we study the legislation passed during the war, that that legislation was responsible for the condition and the great loss of agriculture. It was not passed intentionally, of course, to injure agriculture, but of necessity it was owing to the World War.

Mr. WALSH of Montana. That condition may be, and I dare say is in some measure, attributable to the war which came to an end nearly 10 years ago; but to institute new legislation 10 years after a war upon the war power seems to me scarcely appropriate.

Mr. GOODING. Ah, but it fixed a standard which has not been broken down, but maintained—a standard which the farmer has to meet, and which he can not pass on—and there lies the danger to agriculture.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. BARKLEY. I do not desire to detain the Senator; but when we took over the railroads as the result of the war we guaranteed that their income should be an average for a certain period of three years. We also guaranteed that we would return them to their owners in as good condition as when they were taken over; and the Government complied with that guarantee.

In addition to that, in the transportation act we provided that the Government might loan these railroads large sums of money, which was done. Having guaranteed their income during the war and having complied with that guaranty, having agreed to put them back in as good condition as they were when we took them over and having complied with that agreement, does the Senator contend that the loaning of money to the railroads in addition to that was in pursuance of the war power of the Government?

Mr. WALSH of Montana. Mr. President, I am very glad the Senator introduced that subject.

The legislation in relation to the railroads had no relation whatever to the war power. It is indisputable that Congress may loan money, that the State may loan money unless restrained by its constitution, that the county may loan money, for the construction of railroads or for the prosecution of the railroad business. That is clearly established by decisions of the Supreme Court of the United States, and that upon the ground that these are instrumentalities affected with a public use. It was long ago settled that a railroad is subject to the command of the public. Everybody can use it. The railroad company can not deny the use of it to anyone desiring to make use of the facilities which it affords, and therefore it is said to be affected with a public use.

Bear in mind I am not defending the legislation of 1920 in relation to the railroads, nor any feature of it. I merely say that, quite independent of the war, in my judgment, it was entirely within the power of Congress to vote any amount of money to the railroads. Why, away back in 1864 Congress made liberal grants, excessive grants, for the construction of railroads across the country. They loaned a large amount of money to the Union Pacific Railroad Co. and took a mortgage upon the property for it. There is not any doubt at all about that power of Congress. That, however, is altogether different from a purely private business.

A man owns a farm. He can do what he pleases with it. I can not occupy it. I can not insist that he sell his products to me. He can do as he pleases with it. It is his own private property, affected with no public use at all. That kind of business the public can not be taxed to sustain.

However, Mr. President, I did not rise to convince anybody. At the same time I am perfectly willing to expound my views in answer to any questions that are asked.

Mr. McNARY. Mr. President, I desire to add one observation. I quite agree with the Senator's discussion of the transportation problem. It is a very different one. I am still unconvinced, however, and perhaps must be content with not being convinced, that the irrigation of private property owned by a settler is not exactly the same, having the same right to dispose of loss and gain as the one carried by this bill; but I do not care to pursue that at all. It is profitless. I have my own conviction and my own judgment on that matter, and I will not surrender it. It is quite unimportant what that view is; but I want to see how far the Senator would go on this thing.

Recently I presented on the floor of the Senate a $10,000,000 program for the control of the corn borer in the New England States and along the Lakes, which was passed. I suppose that was unconstitutional?

Mr. WALSH of Montana. Does the Senator think so?

Mr. McNARY. I am asking the Senator from Montana.

Mr. WALSH of Montana. Oh! I do not know.

Mr. McNARY. I supposed the Senator would know.

Mr. WALSH of Montana. I do not know. I would not undertake to say whether it was or not, because I have not given any study to it.

Mr. McNARY. It was an appropriation of funds, $10,000,000 in total, passed by this body and concurred in by the House, whereby this money was to be used to control the corn borer, which was doing damage on privately owned farms to privately owned corn.

Mr. WALSH of Montana. Yes; but the Senator will bear in mind that the same corn borer, like the boll weevil, may not confine his operations to the particular locality in which he now is, but may spread over the entire country.

Mr. McNARY. Then the Senator, I assume, would say that he is placing his argument now upon the interstate-commerce clause of the Constitution?

Mr. WALSH of Montana. Exactly.

Mr. McNARY. And I assume that the same argument might apply when, at a later date, I offered here for the consideration of this body a bill carrying $40,000,000 to acquire cut-over and denuded and forested areas on the watersheds of navigable streams. I assume that that is placed upon the constitutional provision providing for navigation and commerce.

Mr. WALSH of Montana. It has been so defended upon the floor of the Senate here.

Mr. McNARY. I think I made that defense myself.

Mr. WALSH of Montana. Yes. The Senator each time finds some warrant in the Constitution for any of these appropriations——

Mr. McNARY. Not always.

Mr. WALSH of Montana. And generally it is sound. I agree with the Senator; not always.

Mr. McNARY. But in the case of this particular bill, which seeks to aid a great basic industry which all admit is in distress, the Senator challenges the power of Congress to loan money to better the condition of the industry. I do not challenge it; but, if I did, I would say that Congress could not appropriate money to the Senator in Montana to bring water down upon his privately owned property, upon which he pays taxes and has a mortgage, to which the Government has no right and over which it has no control.

Mr. WALSH of Montana. I agree with the Senator, except that at the same time the Government is bringing down water for its property.

Mr. McNARY. In 17 arid Western States; that is true. Consequently, I do not understand the position of the Senator when he decries the use of money for this purpose, and votes for it for another and similar purpose. The Senator no doubt considers that he has made himself clear, but I am left in the same amazement as when I initiated my remarks.

Mr. WALSH of Montana. I should be very glad to be convinced by the Senator that there is no difference between this bill and a reclamation bill; but I find a perfect justification for the reclamation law, and I do not for this.

Mr. BARKLEY. Mr. President, will the Senator yield for one other question along the same line?

Mr. WALSH of Montana. I yield.

Mr. BARKLEY. What is the difference between appropriating money to stop the ravages of the tobacco worm, so that he will not chew up all the tobacco before man gets a chance at it, and loaning the money to the grower of that tobacco to enable him to market it after he has been able by Government appropriation to save it from the tobacco worm?

Mr. WALSH of Montana. I think there is a very great difference in principle. I would not undertake to discuss now the question of the constitutionality of that particular appropriation.

Mr. BARKLEY. There is less hazard, as far as the expenditure of the money is concerned, from the loan than from the gift.

Mr. WALSH of Montana. Unfortunately the authorities do not make any difference in the matter of hazard. The decisions of the Supreme Court in the matter say that you can not do it, no matter how well guarded the thing is.

For instance, one of the cases concerned a statute which authorized a municipality to loan its credit for the establishment of a beet-sugar factory in the immediate vicinity of the city. The sugar factory was issuing its bonds. The bonds seemed to be perfectly good. The security offered by the company was ample in its plant, in its business, and all that kind of thing; and there did not seem to be any great likelihood that the city would ever be called upon to make good its guaranty of those bonds. Some private citizen, some taxpayer, intervened, however, and had the city enjoined from making the guaranty, upon the ground to which I referred. It is not a question as to whether the risk is great, or whether the risk is small; the power is lacking.

However, as I said, I did not rise to convince anybody. My conviction is that the payment of the equalization fee will be resisted by some one, and thereupon a test of the constitutionality of this act will arise.

I rose to say that it has been a matter of surprise to me that the farm organizations of the country have spent so much time and energy in the advocacy of this measure, in the pursuit as I think of a losing game, when there is an opportunity to render what I regard as a very great benefit to the farmer by the prosecution of a project that would go very far toward obliterating this disparity which has been spoken of between the prices of farm products and the prices of other commodities.

I refer to the proposal to improve the Great Lakes-St. Lawrence waterway, so that ocean-going vessels may load cargo at Duluth or Chicago and proceed uninterruptedly to any place touched by the seven seas; in other words, to move the seaboard inward a distance of a thousand miles to make Duluth, Chicago, Milwaukee, and Detroit ocean ports.

In the year 1919 the International Joint Commission was, by act of Congress, concurred in by the Parliament of the Dominion of Canada, directed to inquire into the feasibility and the cost of this project. It affects a vast territory, partially indicated on the map which is on the wall. It is of immediate and prime consequence to 40,000,000 people, all those whose products find an outlet through any of the lake ports, not only of States bordering upon the Lakes, but those to the westward as far as the summit of the Rocky Mountains on the west and south as far as Kansas City, and even Fort Worth, Tex. It is of immediate consequence to 22 different States, whose freight rates would be reduced by this project.

It costs now to transport a hundredweight of grain from my home, the city of Helena, to the terminal market at Minneapolis 44½ cents. In 1913 the rate was 32 cents. In 1920 it was 50½ cents. In other words, out of every hundredweight of grain shipped from Helena, Mont., to any of the eastern markets or to Europe 44½ cents must be taken out for freight.

If any man should propose a reduction of 10 cents a bushel in the transport of wheat from any of the regions west of the Lakes to the terminal markets he would be regarded as a public benefactor, he would be praised in every household in that region occupied by 40,000,000 people.

It is proposed to improve that highway so that the cost of the transport of grain from Duluth to north European ports would be reduced by 10 cents a bushel. At the present time ships drawing no more than 14 feet can make the trip through the St. Lawrence and the Welland Canal. It is proposed to so improve the St. Lawrence River between Lake Ontario and Montreal as to permit the passage of ships of at least 25 feet draft. The Welland Canal now admits the passage of ships of only 14 feet draft, and ships of such small size can not engage profitably in the overseas trade. Eighty-eight per cent of all the ships engaged in the overseas trade draw 25 feet or less. In other words, 88 per cent of all the ships engaged in the overseas trade would be able to make the passage to the remote lake points to which I have referred, and that includes practically all of the freight-carrying vessels.

In 1919 the International Joint Commission was directed to inquire into the feasibility and cost of this waterway. They were aided in their investigation by a board of engineers, appointed by the Government of Canada and by the United States, the United States branch being headed by Col. W. P. Wooten, of the Corps of Engineers of the Army, and the Canadian branch by Mr. W. A. Bowden, then chief engineer of the department of railways and canals for the Canadian Government.

That commission reported in the year 1922 to the effect that the project was entirely feasible, and demanded by the economic conditions throughout that entire region. The board of engineers, however, recommended that a further study be made, with a view to determining the particular plan which should be adopted for the improvement of that route.

It may be of interest to know that it is 625 miles shorter by the Great Lakes-St. Lawrence route to Liverpool or Hamburg than it is by way of New York.

Pursuant to the recommendation of the commission, reporting in 1922, which was concurred in by both the American and Canadian members of the commission, another commission was created, the American division being headed by the Secretary of Commerce, Mr. Herbert Hoover, and the Canadian division by the Hon. George P. Graham, the minister of railways and canals. It likewise had the aid of a corps of engineers, the American members of the corps being Gen. Edgar Jadwin, Col. William Kelly, and Col. George B. Pillsbury, the Canadians appointing Mr. Duncan McLachlan, Minister of Railways and Canals; Mr. Olivier LeFevre, chief of engineers of the Quebec

Streams Commission; and Brig. Gen. Charles Hamilton Mitchell. That commission, so far as the American branch was concerned, reported about a year ago, again reporting favorably upon the project, and recommending the initiation of the work of preparation. The Canadian commission reported in the month of January last. The report has not been made public, but press reports indicate that it likewise is favorable to the immediate undertaking of this work. It might be said, however, that again the board of engineers concurred substantially in the recommendation which was made to undertake the work.

The St. Lawrence River forms, in part, the boundary between the United States and Canada, and in part is entirely within the Dominion of Canada. It constantly becomes and is an international stream, so the work must be undertaken by the joint action of the two Governments. Some time ago the Department of State communicated with the Canadian Government, suggesting a meeting for the purpose of drafting a treaty looking to the prosecution of the work, and that matter is now held in abeyance.

It is asserted by the commission that this project, if carried out, would reduce the cost of transporting grain, as I have heretofore stated, from all of this region affected, to the north European ports, at least 10 cents per hundredweight, and it is said that the advantages accruing to the farmers of the section involved would be so great as annually to meet the entire cost of the work.

It is contemplated that not only will the interest of navigation be subserved, but there is a potential power development between Lake Ontario and the city of Montreal of something like 5,000,000 horsepower, something over two and a half million to be developed in the international section of the river, and the remainder in the section entirely within Canada. The commission, however, reports that at the present time there is not a market for any more of this power than that which can be developed in the international section of the river, amounting to something like 2,700,000.

It is estimated that the cost of the work which will be carried on chiefly in the river will be $394,000,000 in a single-stage development, or $426,000,000 in a two-stage development; that is to say, in a certain section of the river if there are two pools instead of one. But the amount of the expenditure to be allocated to the development of power will be such as to reduce the cost allocable to the purposes of navigation to something like $123,000,000 if one plan of development is pursued, or $148,000,000 if another plan of development is pursued. That is to say, the net cost of the project will be in the one case $123,000,000 and in the other case $148,000,000.

What does that mean? We export annually something like 250,000,000 bushels of wheat or its equivalent in flour. It is in testimony, by men long engaged in the export grain business, that by this route the cost of transporting grain, as I said, will be reduced by 8 to 10 cents per hundred pounds. That means a saving in actual freight rates on outgoing freight, on flour or wheat alone, of something between $20,000,000,000 and $25,000,000,000, which, capitalized at 4 per cent, means, of course, something like $500,000,000. In other words, the charges for the carriage of grain in export would be equal to the interest upon an expenditure of $500,000,000, to say nothing whatever about what will be derived from power development, which it is contemplated will be incidental to the work in the improvement of navigation.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New York?

Mr. WALSH of Montana. I yield.

Mr. COPELAND. Does the Senator think that that would help the wheat farmers of Montana?

Mr. WALSH of Montana. I stated, before the Senator returned to the Chamber a moment ago, that if I were only able to assure the people of Montana, who pay 44 cents per hundred for the transport of their wheat from Helena to Minneapolis, of a reduction in the cost of 10 cents per hundred pounds—indeed, more than that; 14 cents a hundred—they would erect a statue to me in every city in the State.

Mr. COPELAND. Before they do that let the people of Montana know that the rate from Saskatchewan and Alberta to the lake head is 26 cents, while from Montana to the lake head it is 44½ cents. In other words, there is a differential of 18 cents, and it can never be overcome. Of course, this is not the time to argue it, but I can not see, from the study I have given the subject, that the building of the St. Lawrence Canal can do anything except help Canada, and it will be of no help to the wheat growers of the State of Montana.

Mr. WALSH of Montana. The disparity will exist if the waterway is constructed, just exactly as it does now. The view of the Senator may be very sound, but it does not agree at all with the views of the American commissioners or the Canadian commissioners, who have twice studied the particular subject. The disparity of which the Senator speaks is a matter that has troubled us for many years. When the Canadian Pacific was organized over in Canada the wise statesmen of that day and that country put a provision in the charter which limited the price which could be charged for the transportation of grain from the western fields to the eastern terminals. Our statesmen did not make a similar provision in our charter. It is in the Canadian charter. We can not get rid of it.

I have given attention to that matter. Not many years ago I made application for the Railroad Commission of the State of Montana to the Interstate Commerce Commission to reduce the rate for the transport of wheat from Montana points to Duluth and Minneapolis.

I made an interesting comparison with rates on the other side of the line, and I thought I had a case, but I was immediately advised, when I went to study the matter, that the situation was altogether different. They have a charter rate there, and the other Canadian roads are obliged to meet the rates of the Canadian Pacific. So there is an advantage there in the Canadian Northwest, no matter what we do.

We can not get rid of that differential, but the differential will not make a bit of difference. They will get their wheat, then, to the head of the lake cheaper than we can get our wheat to the head of the lake, just exactly the same as they do now. The cost of transporting that wheat will be reduced by the amount we save upon the transportation from the head of the lake to the European points, and they will get exactly the same advantage, but the same disparity will exist. The situation will not be changed in any degree whatever.

Mr. COPELAND. Mr. President, will the Senator yield again?

Mr. WALSH of Montana. I yield.

Mr. COPELAND. Of course, the Senator and his constituents in Montana are at a disadvantage in the matter of freight rates because of the nationally owned roads in Canada. They are transporting wheat regardless of what it actually costs to do it, and year before last had a loss of $63,000,000 in the operation of those railroads. But the practical effect of all this has been that where the United States has increased its acreage of wheat in 20 years by only 5,000,000 acres, Canada has trebled hers. Where she had 8,000,000 acres 20 years ago, to-day she has 25,000,000 acres.

I dislike even to be this sort of a prophet, but I am here to say that the American wheat farmer is going to be more and more at a disadvantage. The Canadian wheat farmer is going to reap the advantage, not alone of conditions which are physical, but because blood is thicker than water. The fact is that the English would rather buy from the Canadians than from us. I doubt exceedingly if by the building of this canal the wheat farmers of Montana and other sections of the West in our country are going to be materially benefited.

Mr. WALSH of Montana. The relative situation is not changed in the slightest degree by this improvement, but I might say, while I am talking about this matter, that I am not surprised by the attitude taken by the Senator from New York with respect to it. He speaks the attitude of his State. Twenty-two States bordering upon the Great Lakes or marketing their products through the ports of the Great Lakes, have appealed for the institution of this work—every one except the State of New York, which appeared officially before the commission, appointed in 1921, protesting against this improvement. I do not suppose the people of New York are any more selfish than people are anywhere else, but of course they want all this great traffic to go through the port of New York. They fear the diversion of it to the other route. There is no question about that proposition at all. They were very frank about it.

Mr. COPELAND. Mr. President, will the Senator bear with me again?

Mr. WALSH of Montana. I yield.

Mr. COPELAND. How does the Senator from Montana imagine that a six months' service or seven months' service is going to be of any benefit—because that is all there will be on the St. Lawrence? How is such a route going to be capable of establishing a permanent freight service? If the Senator had ever been over the St. Lawrence River, as I have—I went twice to Europe by that route—he would find that he could not go through the Straits of Belle Isle until along about the 4th of July. He would find the fog makes the route almost impassable. In consequence, there will be about a six months' service. It is not possible to build up a service there that will be a successful service.

Furthermore, it will be a one-way service. What will they bring back in shipload lots from Europe that will go up that river? The people in the West have an idea they are going to

tie the *Leviathan* up at the dock in Chicago and that she will land at Milwaukee, which, of course, is a perfectly absurd proposition.

Mr. WALSH of Montana. Let me correct the Senator. Nobody imagines the *Leviathan* can go up there. Moreover, all of the suggestions now made by the Senator were made by the representatives of the city of New York before the commission, and the commission have answered every one of them. The answers are in the report. The matter of fog, the matter of six months' service, the matter of freight back—all of those suggestions were made by representatives of the city of New York in protest against this improvement, and are twice answered by a unanimous vote of the board of engineers, and twice answered by the unanimous vote of the commissioners of both countries.

Mr. COPELAND. The engineers also said that the New York route is a perfectly feasible route, but would cost more money.

Mr. WALSH of Montana. I want to say something about that. There are two alternative routes proposed which are of course approved by the State of New York, one to follow the Ontario-Hudson route, which would go across the State to the Hudson River, and another one, the so-called American route, going from Buffalo across. Both of those routes would cost something over $600,000,000 as against, in round figures, $400,000,000 for the other. Neither of them would offer any reduction at all on account of the development of power. The whole $600,000,000 would be just so much spent, as against $123,000,000 or $148,000,000 net for the St. Lawrence route. They would offer no power development at all. Moreover, the cost of maintaining them, according to the report of the commissioners, would be greatly in excess of the cost of maintaining the other route. In addition to that there would be something like two or three times as many bridges to cross, so that navigation would be impeded.

Moreover, now that the Senator from New York is talking about the inclement winter season when the ice would prevent the utilization of this route, let me state that exactly the same conditions would apply to either of the New York routes. They would be frozen up in winter.

Mr. COPELAND. Our way is not quite so bad, because the New York route would not have the embarrassment of the fog, and it is 1,700 miles from the end of Lake Ontario to the ocean. In consequence there could be no intercoastal service.

Mr. WALSH of Montana. Montreal is the second city on the western continent in the matter of its foreign trade.

Mr. COPELAND. And after this canal is built it will be the first.

Mr. WALSH of Montana. It is next to the city of New York, and that trade must encounter all the fogs of which the Senator tells us.

Mr. COPELAND. Yes; of course, it does, but as an American, and regardless of whether I live in New York or live somewhere else, I am not going to vote money to build up the port of Montreal and make it the great transshipment point of this continent.

Mr. WALSH of Montana. That is good. The only opposition there is in Canada of any consequence at all comes from the city of Montreal, which insists that its transshipment system will be ruined by this improvement.

Mr. COPELAND. And the reason why is because the people of Montreal want to go by the Ottawa-Lake Nipissing-French River route. They want to reach the Great Lakes by the other route, which goes off to the north across to the Georgian Bay. In that way they would corral the whole shipping business.

Mr. WALSH of Montana. And the commissioners disapproved of that. Both the American and the Canadian commissioners disapproved of it and said that it is an impracticable route.

Mr. COPELAND. Nevertheless the city of Montreal is playing its game and Canada is playing its game, and so far as I am concerned, as an American, I am still for the American canal, in spite of the eloquence of the Senator from Montana.

Mr. WALSH of Montana. It would take traffic from the city of New York, and that is the reason for the Senator's attitude. The trouble about the argument of the Senator is that the city of Montreal is the one obstacle in the way of the speedy negotiation of a treaty with Canada in relation to this matter.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Maryland?

Mr. WALSH of Montana. I yield.

Mr. BRUCE. I thought that this bill was a bill for the agricultural relief of the people of the United States generally. I had not supposed that it was simply a bill for the regional relief of only a part of the United States. It is natural enough for the Senator from Montana to take the attitude he does, because he is particularly interested in the portion of the country where he resides, but the rest of us are perhaps as much interested in the prosperity of the portions of the country where we reside. I can not see that the alternative suggested by the Senator contemplates anything in the nature of general agricultural relief throughout the country.

Mr. WALSH of Montana. The Senator is quite right about that.

Mr. BRUCE. A few days ago there was a large delegation here from the cities of Boston, New York, Baltimore, Philadelphia, and Norfolk complaining bitterly because of the ever-growing importance of the city of Montreal as a port of export as compared with those cities. It looks to me as if the Senator is simply going to aggravate that situation and to promote Canadian interests at the expense of the interests of the people of the United States. My hope was that we might have some great outlet to the sea that would be of vast benefit to our own territory, such as I imagine the Senator from New York has in mind.

Mr. WALSH of Montana. The Senator from New York likewise was afraid that this would develop extraordinarily the export trade of the city of Montreal, but I was calling attention to the fact that the city of Montreal joins the city of New York in opposing it.

Mr. BRUCE. The idea of the Senator from New York was also the idea of the delegation from our Atlantic seaboard ports that came here the other day at the instance of the Senator from Massachusetts [Mr. WALSH] and gathered together in the conference here, to which all of us who happened to represent those ports were invited. It was the view of that assemblage of merchants, exporters, representatives of chambers of commerce and boards of trade, and what not. The belief of all of them was that we should take steps to counteract the rapidity with which Montreal is becoming the greatest port of export in this hemisphere, and, of course, incidentally at the expense of New York, in the prosperity of which the Senator from New York so well says that all Americans are deeply interested.

Mr. WALSH of Montana. If the Senator is apprehensive about the future of the city of Montreal, let me remind him that the city of Montreal is equally apprehensive about its future in view of this particular project. Accordingly, I should expect that the Senator from Maryland would be very cheerfully aiding us in prosecuting this project, so that the future of the city of Montreal should not be imperiled.

Mr. BRUCE. Mr. President, this is the first time that anything in the nature of uneasiness on the part of the port of Montreal has ever been brought to my attention. Its attitude, so far as I could gather at the meeting to which I have referred, was one rather of exultant triumph at the thought that it is going forward all the time at the expense of the city of New York and our other Atlantic seaports. As the Senator from New York says—my suspicion might not stand the test of searching examination—Montreal has another interior waterway than the St. Lawrence waterway up its sleeve.

Mr. WALSH of Montana. Oh, no; they object to this particular waterway, because they fear that it will interfere with Montreal as a port of transshipment, and that is their testimony before the commission.

Mr. COPELAND. Mr. President, I am sure the Senator wants to be fair about it.

Mr. WALSH of Montana. Certainly.

Mr. COPELAND. The fact is that Montreal does not want the St. Lawrence developed for the reason, as I have said, that they want the shorter route through the Georgian Bay, which is exclusively in Canadian territory. In the next place, they do not want the water power developed on the St. Lawrence under such a scheme as is proposed, because it would mean the development of large manufactories in the State of New York, which they do not want.

They want all such development to be in their own country.

There is not any use talking about the great service that such a canal would render the United States. It would not render it. Ninety per cent of the service now through Montreal is eastbound. There is not anything to be brought back. The only end the canal could serve would be to take wheat and flour to Europe.

As the Senator from Maryland has well said, if the Senator will bear with me a moment longer, we are to-day exporting through the port of Montreal 90,000,000 bushels of American wheat, and are exporting only 39,000,000 bushels through American ports. The port of New York has no particular grievance; it is taking most of that; but the port of Baltimore,

the port of Philadelphia, the port of Boston, and the port of Portland, Me., are practically ruined as exporting points for American grain.

Mr. BRUCE. And also the port of Norfolk.

Mr. COPELAND. And the port of Norfolk, as well. That is what is happening to us.

Mr. WALSH of Montana. That is neither here nor there. The fact is that the city of Montreal is opposing the project, according to the report of the commission—there is not any guess about it, but that is their position according to the testimony before the commission—because they think it will interfere with their export trade. That trade, as a matter of course, is a transshipment trade. The cargoes come in in small vessels, and are loaded on vessels of deep draft at Montreal. If the canal should be completed, they would not stop at Montreal, but would go on from Chicago and Duluth to Hamburg and Liverpool.

Mr. COPELAND. What would they bring back from Liverpool and Hamburg?

Mr. WALSH of Montana. Just a moment. That is a vast region; it is one of the great consumptive regions of America. Where do the imports from Europe go now? They go all through this region here [indicating on the map]. This [indicating] is one of the great consuming sections of the country, and, of course, the commodities will come very much cheaper by the water route than they will by rail. The same European products that now go to the Atlantic seaboard here [indicating] and to the ports of the Atlantic seaboard, and eventually find their ultimate destination in this territory [indicating] will come by this route here [indicating] and find their destination there. That is what the ships will carry coming back.

Mr. COPELAND. Mr. President——

Mr. WALSH of Montana. Moreover, if the Senator will pardon me, I will give him the figures of both the incoming and outgoing carriage as computed by the commission. I thought I had the figures conveniently at hand.

Mr. COPELAND. Mr. President, I can tell the Senator that 90 per cent of the traffic through Montreal is eastbound; and it is absurd, if the Senator will permit me to say so, to think that we could bring shiploads of stuff from Europe through the proposed canal and through the Great Lakes.

That is not the way it is done. It is package freight; there has to be a transshipment at tidewater, and the first place is Montreal. So if the Senator cares to put it on New York, I am glad to take it, because I am for my State first. Instead of having the transshipment of this package freight at New York or at Baltimore or at Boston or Portland or Norfolk or Philadelphia, the transshipment would be at Montreal, and Canada would be benefited by it. So far as I am concerned, whether I represent the State of New York or not, I am here to say I am never going to vote any American money with which to build a canal in the St. Lawrence River to build up the British Empire and the great Dominion of Canada.

Mr. WALSH of Montana. Of course, as to the absurdity of the contention made by the Senator from Montana, the Senator from New York will have to fight that out with the commission. His judgment about it may be better than the judgment and the figures of the two commissions which have made a particular study of this subject. Some of us, however, may be pardoned for doubting the completeness of the information of the Senator or the soundness of his judgment as compared with either of those commissions. I hope that I shall be able, however, to give the Senator information about the incoming and outgoing freight from Montreal. I find, however, I have not at the moment got it at hand.

Mr. COPELAND. The soundness of the judgment of the Senator from New York may be at fault, but I have some information on the subject. So far as I am concerned, I am convinced that the St. Lawrence Canal plan is a hydroelectric water-power plan, and I notice that the most enthusiastic advocate of it is Mr. Herbert Hoover. I want a canal that will serve the United States of America, and, incidentally, if the canal should pass through my State it would not be bad for New York, and I am not going to haul down my flag on that account.

Mr. WALSH of Montana. I am very glad to have the assurance from the Senator from New York that we will not have the opposition of the water-power interests in this matter. It is really the only serious obstacle in the way of the carrying out of this project.

Mr. COPELAND. Of course; because they want to develop it privately.

Mr. WALSH of Montana. The water-power interests have been after it for a long time, but, thanks to the good people of the State of New York, they have not got it as yet.

Mr. COPELAND. And thanks to the Governor of the State of New York, Mr. Smith, they have not got it as yet.

Mr. WALSH of Montana. Of course, I do not know how the Governor of the State of New York can grant away the right to create water power in a navigable stream; but perhaps he can. He is a rather powerful man, I know.

Mr. COPELAND. Does the Senator from Montana doubt that the water power on the St. Lawrence, so far as it is an international boundary, is the property of the State of New York, and of the Province of Ontario?

Mr. WALSH of Montana. It is the property of the people of the United States, if it can be spoken of as property at all. So far as the international boundary is concerned, I do not think that there is any room for controversy that a navigable stream constituting a boundary between this country and a foreign country is, as everybody will concede, under the control of the Federal Government.

Mr. COPELAND. It is interesting to note, however, that the governor of my State, single-handed and alone, has made his fight against the private water-power interests who want that power to be put into the hands of private concerns. If I knew of nothing else in the career of Governor Smith than that one thing, I would think that he deserved the applause of the Nation, just as the Senator from Montana does for what he has done in forestalling those interests.

Mr. WALSH of Montana. Exactly. I want it developed by the Federal Government, in conjunction with the Dominion of Canada, so that it will not fall into the hands of private interests. That is enough for that. Private interests have been after it for a long time.

The Senator from Maryland is quite right, that this project will afford no particular relief to agriculture in his State or in the State of Pennsylvania, in which, as I said a while ago, some relief is needed as well as in the West. I do not offer it, Mr. President, as a complete solution of the entire situation. I offer it as a means of relieving agriculture in a great section of the country. That it does not reach to every section is undoubtedly true, but this also is true, that to whatever extent the cost of transporting grain from the West to European ports is reduced the price of grain everywhere in the United States is appreciated approximately to that extent. I think that if a moiety of the energy that has been expended by the farmers of the great western region had been devoted to the exploitation of this particular project it would probably be well on the way by this time, and it would have afforded relief upon perfectly economic grounds. However, this matter will probably be presented in a more direct way to the Congress later on.

Mr. ROBINSON of Arkansas and Mr. BRUCE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Montana yield; and if so, to whom?

Mr. WALSH of Montana. I yield to the Senator from Arkansas, who, I think, was first on his feet.

Mr. BRUCE. I thought the Senator from Montana had yielded the floor.

Mr. ROBINSON of Arkansas. I should like to ask the Senator a question, not with reference to the subject which the Senator has most recently been discussing but with particular reference to a phase of his remarks which was under discussion some time ago. I wish to ask him what he understands to be the limitation in the Constitution on the power of Congress to appropriate public money?

Mr. WALSH of Montana. Well, it is difficult to answer that question. It must be for some purpose with respect to which Congress is authorized by the Constitution either expressly or impliedly to legislate.

Mr. ROBINSON of Arkansas. The subject is, of course, associated with some difficulty, and I do not intend to attempt to discuss it now, but the Senator has raised a very important question. As I understand him, he says that the appropriation of public moneys authorized by the so-called McNary-Haugen bill is in violation of the Constitution. I merely take occasion now to say that my understanding of the matter is that the power of appropriation in Congress is practically unlimited. It has been held by the courts that once Congress authorizes an appropriation, even though it be for a private in contradistinction to a public purpose, the appropriation is valid, and neither a court nor an executive officer can question the right of appropriation.

I think Mr. Monroe first discussed in a very illuminating way that subject. He entertained in the beginning the viewpoint which is implied in the argument of the Senator from Montana, but my impression is that in a very exhaustive writing on the question he reached the conclusion that Congress may appropriate the public moneys for purposes over which

it has no control whatever; and I think the courts have held that Congress may even appropriate public moneys for private purposes. Of course that has no relation to the question of the merits of the measure. It has, however, relation to the power of Congress to make the appropriation.

Mr. WALSH of Montana. Mr. President, I suppose, of course, the Senator from Arkansas refers to the very earnest discussion in Mr. Monroe's time concerning appropriations for works of internal improvement. That arose in connection with the Chesapeake & Ohio Canal, and with the great highway proposed to be constructed to connect the tidewater region with the valley of the Ohio; but that was justified upon the ground that it was the providing of a highway for interstate commerce, just exactly the same as the provisions made for forwarding the construction of transcontinental railroads.

Mr. ROBINSON of Arkansas. I have not had an opportunity to examine the precedents recently; but I think the Senator will find that under their present state Congress can appropriate money for any purpose that it chooses, the only limitation on its power of appropriation being the consciences of the Members of the two Houses of Congress; and, of course, that is not a legal limitation. It is a moral one.

Mr. WALSH of Montana. Yes; but in this particular case the revolving fund is to be made up by contributions exacted by the equalization fee; and the question is presented, of course, as to whether Congress can exact that equalization fee.

Mr. ROBINSON of Arkansas. Yes; the question arises as to whether that constitutes a regulation of commerce.

Mr. WALSH of Montana. Exactly.

Mr. ROBINSON of Arkansas. That is an entirely different question from the one I was presenting.

Mr. WALSH of Montana. The point I am making with respect to that—perhaps the Senator did not follow it—is that the right of Congress to make the appropriation will be tested out and tried in an effort to collect the equalization fee; that is, the question of the constitutionality of the entire legislation will be raised in a proceeding of that character.

Mr. ROBINSON of Arkansas. The Senator does not raise any question, then, as to the power of Congress to provide a revolving fund?

Mr. WALSH of Montana. Yes; I do raise that question, and I say that ordinarily it can not be attacked. We have made many appropriations that could not possibly be attacked; but this bill affords an avenue by which an attack on the particular appropriation can be made.

GEORGE WASHINGTON MEMORIAL BUILDING

Mr. BRUCE. Mr. President, there is nothing in which I find such a high degree of satisfaction in connection with my brief career in this body as the fact that the amendment to the public buildings bill of a year or so ago which resulted in the splendid scheme of public improvements that is now being carried out south of Pennsylvania Avenue, in this city, was offered by me.

A very timely supplement to this scheme of improvements, which will ultimately perhaps involve the expenditure of as much as $150,000,000, is the George Washington Memorial Building that is in contemplation of erection by the George Washington Memorial Building Association. That building is to be erected on land that has been given for the purpose by the Government at B and Seventh Streets in Washington, and its foundations have already been laid. At this time the association is actively engaged in collecting funds that will be needed for the purpose of completing it; and it is computed that perhaps a total of some $6,000,000 will be required to consummate the plans of the association.

I rise simply for the purpose of having inserted in the RECORD three brief leaflets of the association explanatory of the nature of the building and of the purposes that it is intended to subserve. I trust that they will elicit a generous response from all who have the means with which to contribute to such a laudable object. The expectation of the association is to have the building completely erected in time for the celebration of the two-hundredth anniversary of the birthday of George Washton, which is to take place in the year 1932. So if there is no objection, I should like to have the three leaflets inserted in the RECORD. One is entitled "Our Patriotic Duty"; another is entitled "The George Washington Memorial Building"; and the third is entitled "Memorandum Relating to George Washington Memorial Building."

The PRESIDING OFFICER (Mr. MCNARY in the chair). Without objection, the articles will be inserted in the RECORD.

The articles referred to are as follows:

OUR PATRIOTIC DUTY

The chief object for which Washington fought and spoke was the development of the national spirit in his people, as is expressed in a letter to Madison, dated at Mount Vernon, November 30, 1785: "We are either a united people or we are not. If the former, let us in all matters of general concern act as a nation which has national objects to promote and a national character to support."

Washington often expressed in his messages and in letters to friends the importance of the development of science, literature, and art.

Therefore, the principal purpose of this association is to carry out the unfulfilled wish of George Washington in his last message as President to "promote an institution for the general diffusion of knowledge." Originally he left a bequest in Potomac Co. bonds to establish a national university, but after his death the company was reorganized, the value of the bonds was wiped out, and only his great wish has been left for us to carry out. After these many years we diffuse our knowledge by the means of meetings of all kinds and giving the results of our efforts to the world at large. It has therefore seemed that we can carry out Washington's wish in the broadest sense by building this memorial with a large auditorium and smaller rooms where all societies and associations from every State in the Union can meet together and from that building give the results of their efforts in every educational way. This auditorium has a seating capacity of from 7,000 to 11,000 and several smaller halls seating from 500 to 2,500 or more. There will be a pipe organ in this auditorium so endowed that the finest organists in the country can be engaged and there can be a concert every Sunday afternoon free to the populace.

The Government granted us a square of land on Seventh and B Streets for this purpose. We were deeply engaged in raising the necessary money when the late war obliged us to turn our attention to assisting our allies in the broadest sense.

We propose to give to the Army, Navy, Marines, and aviators a space 350 feet long for their memorial headquarters, consisting of a museum, library, and some archive quarters, and to endow the same, so that the committee of Army, Navy, Marines, and aviators can have full control of that portion of the building.

Space can be bought in this building for $35 a square foot. Already the National Society of Colonial Dames of America and the United States Daughters of 1812 have secured their national headquarters in the building.

We hope each State will have a room in this building for national headquarters, which will be a great educational feature of this building.

The foundations now have been finished and it remains for us to see that this work is carried on until this national useful building is finished.

So let us remember Washington's words, "Let us act as a nation which has national objects to promote and a national character to support."

The George Washington Memorial Building will be an expression of that affiliation and cooperation between all patriotic forces of our country, providing headquarters and facilities for all such activities, the only building of its kind in the world.

THE FIRST FLOOR

The main feature of the building is the large auditorium, a memorial to the signers of the Declaration of Independence, with floor area of 38,500 square feet and gallery of 10,000 square feet; stage, 3,600 square feet; seating on the floor a great audience of 6,000, in the gallery of 1,000, and on the stage 350. The acoustic properties of this hall are perfect, having been worked out by a member of the faculty of Harvard University. Behind the stage and in connection with it is a large reception room.

The auditorium will be used for all national and international conventions and inaugural balls and all other great public-welfare functions.

Grouped about the auditorium are six or seven convention halls, holding 600 to 2,500 people, and each hall has two committee or reception rooms connected with it.

THE SECOND FLOOR

A banquet hall, with serving rooms, seating 600 people, a large and small reception room, and two coat rooms. Permanent quarters for national associations and societies. A room 15 feet by 23 feet, which has in connection a small outside office 10 feet by 15 feet, may be secured in this building by payment of $35,000, and as much more space as each one may require with additional payment.

THE THIRD FLOOR

Suitable rooms can be had on the second or third floors for the thirteen original States and other States that contribute a sufficient amount toward the erection of the building; 100 rooms and students' research rooms, kitchen with full equipment connected with serving rooms on second floor.

THE FOURTH FLOOR

This floor will be left without partitions, to be divided to conform with future contingencies.

The George Washington Memorial Association will have their headquarters in this building, where all members will be welcome at all times, and one room will become a George Washington museum, for which we have already some gifts.

MEMORANDUM RELATING TO GEORGE WASHINGTON MEMORIAL BUILDING

It seems very strange that when we are planning to celebrate in 1932 the two hundredth anniversary of Washington's birth we do not consider the importance of finishing the George Washington Memorial Building, for which Congress has given the land for the distinct purpose of carrying out George Washington's wish as expressed in his last message to Congress, "Promote an institution for the diffusion of knowledge."

This building is a peoples' building, a place where all national and international societies can meet. All State conventions pertaining to educational matters will be welcomed. What is more fitting than to hold this 1932 celebration in this auditorium, where can be seated from seven to eleven thousand persons? Several smaller halls with a seating capacity from 500 to 2,500. A banquet hall seating 900. The people should be roused to the importance of completing this building.

Each State must have a room as an educational feature, also rooms for research work. There will also be an organ endowed so that each Sunday we may give a concert free to the populace.

NO TIME MUST BE LOST

We must begin this spring, so that it may be completed in 1932.

Let each one of us as citizens of this great country give as much as we can afford toward this great national work.

It will be one of the most important and beautiful Government buildings. When finished it will be turned over to the Government and the control and administration shall be in the Board of Regents of the Smithsonian Institution.

Mr. BRUCE. In conclusion I will simply add that the officers and managers of the George Washington Memorial Building are as follows:

President: Mrs. Henry F. Dimock, 1301 Sixteenth Street, Washington, D. C.

Vice Presidents: Mrs. Daniel Manning, Miss B. J. Kibbey, Mrs. Joseph B. Foraker, Mrs. Charles J. Bell, Mrs. H. R. Mallory, Mrs. E. H. Harriman.

Treasurer: Mrs. Frank Northrop.

Trustees: Mrs. C. S. Hamlin, Mrs. P. N. Moore, Mrs. J. Mayhew Wainwright.

Advisory council: Hon. Elihu Root, Hon. J. B. Payne, Hon. William H. Taft, Dr. C. W. Dabney, Dr. William H. Welch, Dr. Thomas E. Green, Prof. H. F. Osborn, Mr. Charles J. Bell.

JUDICIAL SALARIES (S. DOC. NO. 81)

Mr. OVERMAN presented the report of the special committee on salaries of Federal judges submitted to the meeting of the American Bar Association at Buffalo, N. Y., August 30-31, 1927, which was ordered to be printed as a Senate document.

CHANGE OF REFERENCE

Mr. BLAINE. Mr. President, on March 27 the House of Representatives passed House bill 6844, and it was referred to the Committee on the District of Columbia. There was a star print of the same bill on March 28; and according to that bill, being the same number, H. R. 6844, it was referred to the Committee on the Judiciary. A bill of the same character—in fact, exactly the same wording—was introduced in the Senate and referred to the Committee on the District of Columbia. That committee held a hearing upon the Senate bill and the House bill, and ordered the bill reported out favorably, substituting the House bill for the Senate bill. The subject involved is one relating to banking in the District of Columbia.

I, therefore, ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of House bill 6844, and that it be referred to the Committee on the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPREME COURT OF THE UNITED STATES

Mr. HEFLIN. Mr. President, just a word in regard to the public-buildings program.

As I understand, we have not yet agreed to construct a Supreme Court Building where the Supreme Court will sit to try cases. I for one am opposed to moving the Supreme Court out of the Capitol. I think we ought to keep it right where it is; I am willing to have a building constructed for the justices to occupy and have their libraries and their working rooms there; but I for one should hate to see the Supreme Court moved out of the Capitol. As I say, I think it ought to remain where it is.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

ADJOURNMENT UNTIL SUNDAY

Mr. CURTIS. I move that the Senate adjourn until Sunday next at 3 o'clock p. m., the hour fixed for memorial addresses on the late Senator JONES of New Mexico.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until Sunday, April 8, 1928, at 3 o'clock p. m.

CONFIRMATIONS

Executive nomination confirmed by the Senate April 5 (legislative day of April 4), 1928

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

Joseph C. Grew to be ambassador extraordinary and plenipotentiary to Turkey. (This confirmation was omitted from the CONGRESSIONAL RECORD of April 5, 1928.)

Executive nominations confirmed by the Senate April 6, 1928

PROMOTIONS IN THE NAVY

To be lieutenant commanders

Frederick W. Neilson.
Allen I. Price.

To be lieutenants (junior grade)

Francis M. Heddens.
Harold B. Edgar.

To be ensign

Walter C. Winn.

To be dental surgeon

Tyler W. Spear.

To be civil engineer

Lewis Thornburg.

To be chief pay clerks

Frank G. Bither.
Raymond H. Jordan.
Louis J. Barta.
George F. Wenzler.
Carl F. Stuby.
Charles M. Waidner.
Ralph E. Mapps.
Nathaniel Grauel.
Raymond J. Kilton.
Rudolph T. Sommers.
Vans R. Pope.
Horace B. Gould.
George O. R. Roberson.
Jack M. Page.
Joseph F. Batzer.
Samuel R. Michael.

POSTMASTERS

CALIFORNIA

Jane M. Powell, Angel Island.
Catherine E. Ortega, Sonora.

MICHIGAN

Albert S. Stieg, Temperance.

NEW JERSEY

Rosteen H. Jones, Bayhead.
Clarence E. Glover, Blackwood.
John W. Barnett, Hillsdale.
Elsie Brown, River Edge.

SOUTH CAROLINA

Katherine L. Buckley, Mouitrieville.
Thomas W. Blakely, Langley.

HOUSE OF REPRESENTATIVES

FRIDAY, *April 6, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, hear our prayer. He was wounded for our transgressions; He was bruised for our iniquities; the chastisement of our peace was upon Him, and with His stripes we are healed. As we stand in hushed silence before His cross we feel the nightly stillness of the world's winter; we turn pale with the sense of something fearful. Like a fountain of fire, cruelty has broken loose and every word burns with hate. Thou God, have mercy, for the earth is cursed by the hopes it has wasted and by the truth it has outraged. Hearken unto the voice of our cry and consider our meditation, for great is our fall, demoralized is our condition, and without Thee our thralldom is complete. Our souls wait in the solemnity of these moments. O hear us; whatever this life may bring us, may it never take from us the full faith that Thou art our Saviour. On Calvary's cross is the expression of our utmost need and our utmost hope. Set it up in all our breasts and reign there in the fullness of Thy grace; then life and the long forever shall be our inheritance. Thou

Christ! Mary's holy child! from beyond the limits of the worlds Thou shalt come again on eternity's high day, clothed with infinite glory. Amen.

The Journal of the proceedings of yesterday was read and approved.

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 445. An act for the relief of the Florida East Coast Car Ferry Co.; to the Committee on Claims.

S. 471. An act for the relief of Agnes McManus and George J. McManus; to the Committee on Claims.

S. 726. An act to make it the duty of certain courts of the United States to render decisions within certain maximum limits of time; to the Committee on the Judiciary.

S. 764. An act for the relief of J. F. Nichols; to the Committee on Claims.

S. 805. An act donating Revolutionary cannon to the New York State Conservation Department; to the Committee on Military Affairs.

S. 1179. An act to provide for the development of stock-watering places in the Modoc National Forest; to the Committee on Agriculture.

S. 1191. To amend an act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation in the State of Oregon, and granting patents therefor, and for other purposes"; to the Committee on Indian Affairs.

S. 1275. To create an additional judge for the southern district of Florida; to the Committee on the Judiciary.

S. 1387. For the relief of J. W. Anderson; to the Committee on the District of Columbia.

S. 1448. For the relief of Omer D. Lewis; to the Committee on Claims.

S. 1499. For the relief of Harry C. Saxton; to the Committee on Claims.

S. 2366. To amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions; to the Committee on the District of Columbia.

S. 2542. An act for the construction of a private conduit across Lincoln Road NE., in the District of Columbia; to the Committee on the District of Columbia.

S. 2655. An act to carry out the findings of the Court of Claims in the case of the Atlantic Works of Boston, Mass.; to the Committee on Claims.

S. 2673. An act for the relief of James E. Trussell; to the Committee on Military Affairs.

S. 2697. An act for the relief of Hattie M. McMahon; to the Committee on Claims.

S. 2910. An act granting to the State of South Dakota for park purposes the public lands within the Custer State Park, S. Dak.; to the Committee on the Public Lands.

S. 3162. An act to authorize the improvement of the Oregon caves in the Siskiyou National Forest, Oreg.; to the Committee on the Public Lands.

S. 3178. An act to provide an additional method for collecting taxes in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 3361. An act authorizing the Secretary of the Interior to convey to the city of Hot Springs, Ark., all of lot No. 3, in block No. 115, in the city of Hot Springs, Ark.; to the Committee on the Public Lands.

S. 3365. An act to authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo.; to the Committee on Indian Affairs.

S. 3395. An act to amend subchapter 3 of chapter 16 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

S. 3439. An act to authorize the Secretary of Agriculture to acquire a herd of musk oxen for introduction into Alaska for experimentation with a view to their domestication and utilization in the Territory; to the Committee on Agriculture.

S. 3677. An act to withhold timberlands from sale under the timber and stone act; to the Committee on the Public Lands.

S. 3791. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1928; to the Committee on Appropriations.

S. J. Res. 59. A joint resolution authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President; to the Committee on War Claims.

S. J. Res. 89. A joint resolution designating May 1 as child health day; to the Committee on the Judiciary.

S. J. Res. 97. A joint resolution authorizing the President to appoint three delegates to the Twenty-third International Congress of Americanists, and making an appropriation for the expenses of such congress; to the Committee on Foreign Affairs.

S. J. Res. 111. Senate joint resolution authorizing the acceptance of title to certain lands in the counties of Benton and Walla Walla, Wash., adjacent to the Columbia River bird refuge in said State established in accordance with the authority contained in Executive Order No. 4501, dated August 28, 1926; to the Committee on Agriculture.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 2301. An act to create a commission to be known as the commission for the enlarging of the Capitol Grounds, and for other purposes;

S. 3118. An act to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss.; and

S. 3119. An act to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and betweet Madison and Rankin Counties, Miss.

The message also announced that the Senate had passed, without amendment, a bill (H. R. 11579) entitled "An act relating to investigation of new uses of cotton."

The message further announced that the Senate insists upon its amendments to the bill (H. R. 11133) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes," disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PHIPPS, Mr. JONES, and Mr. GLASS to be the conferees on the part of the Senate.

EXPORT TRADE

Mr. DYER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8927) to amend the act entitled "An act to promote export trade, and for other purposes," approved April 10, 1918.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8927, with Mr. LUCE in the chair.

The Clerk read the title of the bill.

Mr. DYER. Mr. Chairman, if the gentleman from Texas has no one who wishes to go on, I suggest that we proceed with the reading of the bill.

Mr. SUMNERS of Texas. Mr. Chairman, the gentleman from Texas has used more time than the gentleman from Missouri. Under ordinary procedure I assume that unless the gentleman from Missouri has concluded debate in support of the bill, he ought now to yield some time to people on his side.

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. HICKEY].

Mr. HICKEY. Mr. Chairman, in considering this bill I think it is well to take into account what changes it makes in present law. The present law was passed on April 10, 1918, and is what is known as the Webb-Pomerene Act. The purpose of that law was to promote the organization of associations in this country for the purpose of export trade. The proposed legislation makes certain changes in the present law. The identical language of that law is carried in this bill, on the first page of the bill and down to line 7 on the second page of the bill. The new language on that page, extending to line 3 on page 2, is with respect to authorizing the organization of associations for the purpose of import trade, where the imports are controlled by foreign governmental combinations or foreign monopolies.

This section which is in italic, on page 2 of the bill, relates to commerce in crude rubber, potash, sisal, and other raw materials. In order to make the provisions of this section operative, the Secretary of Commerce must certify, first, that such material is not available in sufficient quantities in the United States, and that, second, such material or such products are controlled by a foreign governmental combination or monopoly.

Under the provisions of the Webb-Pomerene Act, which was passed solely, in my opinion, for the purpose of aiding the producers and exporters of this country in placing their goods upon foreign markets, substantial benefit has come to the American people.

I wish at this point to submit to the committee some figures on this question which are particularly illuminating. But be-

fore doing so I invite attention to the fact that that bill was passed during the war period. It is therefore clear that the purpose of the legislation was not to stimulate our foreign trade, because at that time the great industries of the belligerent nations were in a state of exhaustion or rapidly approaching such a state, and the allied countries with which we were associated in the war were calling upon us for all of our surplus products from factory, mill, and farm. I have therefore chosen years sufficiently remote from the war period to be regarded as normal years, and I quote figures covering those years showing our exports, imports, and the excess of exports over imports, and the total:

United States foreign trade

EXPORT AND IMPORT TOTALS

	Exports	Imports	Total	Excess of exports
1922	$3,831,777,000	$3,112,747,000	$6,944,524,000	$719,030,000
1923	4,167,493,000	3,792,066,000	7,959,559,000	375,427,000
1924	4,590,984,000	3,609,963,000	8,200,947,000	981,021,000
1925	4,909,848,000	4,226,589,000	9,136,437,000	683,258,000
1926	4,808,660,000	4,430,888,000	9,239,548,000	377,772,000
1927	4,865,508,000			

A commerce such as this helps every home in the land. Think of the amount of capital and the amount of labor necessary for such a foreign trade.

These figures are convincing proof that the provisions of the Webb-Pomerene Act which enables the mass selling of our goods abroad has been of inestimable value to American producers and American consumers as well.

The three commodities that are provided for in this bill are commodities that are produced in foreign countries, and we are dependent to a very large extent upon foreign countries for them. Rubber is one of the products included in this bill. We consume 70 per cent of the world's production of rubber. So, should this legislation become law, it will enable the consumers of rubber in this country to go into the world market and buy in large quantities. Under present-day conditions we all know that mass production and mass distribution are two of the important elements that enter into the cost of every commodity that goes into consumption in this or any other country.

To give you something on where these commodities are produced, the quantities, and the amounts consumed in this country, I invite your attention to the subject of crude rubber. The following is self-explanatory:

World production of crude rubber

1926:	
Long tons	620,000
Value	$686,000,000
1927:	
Long tons	610,000
Value	$519,000,000

IMPORTS TO UNITED STATES

1926:	
Tons	413,000
Value	$505,800,000
1927:	
Tons	426,000
Value	$339,900,000
From British Malaya:	
1926—	
Tons	256,000
Value	$314,900,000
1927—	
Tons	254,000
Value	$203,800,000

IMPORTS, BY SOURCES

From Netherland East Indies:	
1926—	
Tons	70,000
Value	$870,200,000
1927—	
Tons	76,000
Value	$62,800,000
From Celon:	
1926—	
Tons	36,000
Value	$44,900,000
1927—	
Tons	38,000
Value	$30,600,000
From United Kingdom:	
1926—	
Tons	26,000
Value	$33,500,000
1927—	
Tons	33,000
Value	$26,700,000
From Brazil:	
1926—	
Tons	13,000
Value	$11,800,000
1927—	
Tons	17,000
Value	$9,700,000

The Dutch and the English Governments for some years have controlled the prices of rubber. This price mounted recently under such control to $1.20 per pound. This price was reflected in the cost of tires to every American consumer, and in the cost of every rubber product used by the American people. In order to combat these foreign governmental monopolies, a purchasing organization was established in the United States which enables those connected with it to go into the world market and buy rubber in mass quantities. This in itself, coupled with the prospect of this remedial legislation, has influenced the market to such an extent that at this time the price of rubber has been reduced to something like normal. As a consequence, every rubber user in the United States has been benefited.

Sisal is another commodity that is a farm necessity. It is used in the manufacture of binder twine and rope. This commodity is used more largely by farmers than any other class of people, although, of course, it is consumed in considerable quantities in the manufacture of rope and related commodities. Sisal is produced very largely in Mexico and the Dutch East Indies. Certain other countries produce sisal in minor quantities. For the information of the committee I submit the following data:

World production of sisal

	Long tons
1925	185,900
1926	188,300
1927	118,829

The total imports for 1926 were 125,619 tons, valued at $21,800,000, and the total imports for 1927 were 118,829 tons, valued at $18,200,000. It will be seen from these figures that most of the world's production is consumed in the United States, and, as I have heretofore stated, consumed by the farmers. I also wish to state that we are entirely dependent upon foreign countries for this commodity. How anyone interested in the farmer can oppose this proposed legislation is difficult to understand.

Much has been said in the debate on the question of potash, and some of those who are opposing the bill have suggested that potash and sisal were included in the bill in order to win the farmers' support and that the American Farm Bureau Federation and the National Grange were led astray in this regard. The facts dispute this contention.

On the question of potash I wish to invite your attention to the fact that there was imported into the United States, in 1924, 200,365 short tons, valued at $13,368,127; in 1925, 238,703 short tons, valued at $12,730,019; in 1926, 245,231 short tons, valued at $13,635,154. I do not have the figures for the year 1927, but it must be patent to all that the demand for this product and sisal, both so essential to successful agriculture, must have been a controlling factor with the representatives of the great farm organizations in reaching the conclusion that they should support this legislation.

I now wish to invite your attention to those who appeared in support of this proposed legislation: National Grange, Department of Commerce, National Automobile Association, American Farm Bureau Federation, National Fertilizer Association, Manufacturing Chemists' Association of the United States, General Motors Corporation, United States Rubber Co., and the Firestone Tire & Rubber Co., and others.

Again, I repeat that the sole purpose of this bill is to aid the people of this country in buying those commodities that are produced almost entirely in foreign countries and under monopolies controlled and protected by their respective governments.

I feel convinced, after a careful study of the legislation, that it is not in conflict with the Sherman antitrust law. Indeed, the provisions of the bill make this clear.

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield?

Mr. HICKEY. Yes.

Mr. O'CONNELL. In the statement of Mr. John J. Raskob before the committee, he says that the United States uses 70 per cent of the rubber raised in the world, and the gentleman from Indiana said 90 per cent. Could the gentleman harmonize those figures for the benefit of the committee?

Mr. HICKEY. Seventy per cent of the world's production. I think those figures are correct.

Mr. MacGREGOR. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. BOWLING].

The CHAIRMAN. The gentleman from Alabama is recognized for 10 minutes.

Mr. BOWLING. Mr. Chairman and gentlemen of the House, the title of this bill is "A bill to amend the act entitled 'An act to promote export trade, and for other purposes.'" I can

conceive of no more misleading title for a piece of legislation that proposes to do what this does. The very purpose and intent of this monopoly that is to be created under the terms of this bill is to limit foreign trade and to limit and control prices at which the necessary product is to be sold.

If you will read these hearings you will be still further astonished at the title, unless you come to the field of operation of that phrase, "for other purposes." You would think this is a farm relief bill from the way Mr. Tabor talked about it before the Committee on the Judiciary. He held that this legislation is something for the benefit of the farmers and that it was going to give them a cheap price for those commodities they consumed of which rubber is a constituent.

I would suggest to the farm bloc that they look into this matter and see if under all the circumstances it would be wise for them, after striking out the enacting clause, to offer the McNary-Haugen bill as a substitute. The real title that this bill ought to have is this: "A bill to legitimatize something that is now illegitimate; to give it a respectable name; and to make it capable of inheritance."

It is admitted on every side that this bill proposes to legalize something that is now illegal. It has also been suggested in the hearings that action has been taken by buyers of rubber in contravention of the law as it now stands, and therefore, finding themselves in a condition where they feel that they must be indorsed in what they have done and must be given solid ground for the future in what they propose to do, for that purpose they come to Congress with this bill and hold it up before you gentlemen with the statement that a great emergency exists—a great emergency, a very much overworked word—that we are confronted with an emergency which demands immediate legislation and nothing else will do but that you must allow this gigantic monopoly to enter the field of purchase.

Mr. Hoover was before our committee. He made a very interesting statement which attracted the attention of all who heard him. He said—and I am not attempting to quote his exact words—that an emergency existed; that this legislation was necessary, because the consuming public of America is at the mercy of those who had combined in foreign countries to elevate the price of rubber unconscionably; and that being true, we must meet force with force; and that we are justified in setting up a monopoly on this side of the ocean to fight a monopoly on the other side of the ocean.

We might possibly, as a matter of right, be justified in doing it, but we ought not to pass legislation here to-day in this slipshod fashion, with this scant measure of attention that has been given to it; legislation that is striking at the very vitals of a long series of laws enacted by the Congress, dating back for many, many years.

Whatever else John Sherman was, he had great claims to be known as a statesman. He foresaw the troubles growing out of the growth of trusts, and he wrote on the statute books what is known as the Sherman antitrust law, which was proposed to curb monopoly; and he said, more than three decades ago, that the people of this country had the choice of two things: One to control these monopolies, or else to sit still and let them control us; that it was a question then—and it is more a question now—which is the greater effective power, the Government that creates or this combination of capital that springs up under the wings of the Government?

So, gentlemen, when you enact this legislation you are repealing the principle upon which the Sherman antitrust law was founded. You are repealing the principle of the Clayton Antitrust Act, and you are directly and by words repealing a substantial part of the Webb-Pomerene Act.

If you think that the emergency is such as to demand so drastic and far-reaching a piece of legislation as that, what are you doing here? First, you are creating a monopoly with capital unlimited. Second, you are creating a monopoly the time in which it may operate is unlimited. Third, you are creating a monopoly the place in which it may operate is unlimited. Its field is the world. Its period of existence is eternity, so far as this bill is concerned; and the capital that it may employ, either at home or abroad, is not even mentioned by way of limitation in any part of this bill.

Why, even Mr. Hoover himself suggested what he considered should be a thing necessary to be included in this bill, and that is that it is an emergency which would justify the enactment of the bill, and when that emergency is passed the monopoly should be terminated. Is that in the bill? Not at all. These brethren who are so interested in the farmer overlooked that, and decided to give free course to this monopoly, which they say is the only means by which they can fight the foreign monopoly.

Another thing which has already been pointed out to this Congress, and which I desire to repeat for a moment and to emphasize, is the fact that we are by this legislation inviting trade war by way of retaliation from foreign countries. Yet they say this is a bill designed in the interest of our export trade. If we set the example in America of creating a gigantic monopoly to control the price of things that are produced outside of the United States, to reduce their price in the interest of our consumers, and in defiance of the law of supply and demand, that is nothing more nor less than an invitation to the nations of Europe to combine and reduce the price of things we export.

Where will you cotton farmers, you wheat farmers, and you meat producers be if you have to meet a monopoly of that kind across the water? Is it not just as fair for them to say we are getting too much for these things that we are producing in America? I will not dwell on that longer. You are men of experience and can see that without any further suggestion.

But, gentlemen, here is the situation with which we are confronted: If there has ever existed a reason for this legislation it has passed. That is conceded on all sides. The gentleman from Texas [Mr. SUMNERS] yesterday afternoon illustrated that very aptly in his amusing anecdote about his colored friend down in Texas and the breaking bank. The thing has "busted in the face" of the proponents of this bill. That is all. You are out on a limb that is being sawed off between you and the tree; you are hanging on and trying to save your faces because you have gotten in and can not see any elegant way to get out.

Mr. MONTAGUE. Will the gentleman permit an interruption?

Mr. BOWLING. Yes.

Mr. MONTAGUE. The leading editorial of the Washington Post this morning admits that the rubber monopoly has broken down and that was asserted as the primary cause for this bill.

Mr. BOWLING. I thank you very much, Governor. I have that editorial before me and I had in mind calling attention to it just a little bit later.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. BOWLING. Yes.

Mr. GARRETT of Texas. Does the gentleman from Alabama happen to have before him the decline of rubber since Mr. Hoover testified before the committee?

Mr. BOWLING. I do not have it before me, but I have a recollection as to what the figures are, as stated here in debate yesterday. The day that Mr. Hoover was before the committee and pointed out what he considered to be an emergency situation, rubber was 42 cents a pound.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. BOWLING. At this time it is 21 or 22 cents a pound. So, gentlemen, if there ever was an emergency it has passed.

Why do you want this uncertain piece of legislation, the boundless possibilities of which for evil can not now even be measured, and especially when the necessity you have pointed out no longer exists? I can not conceive of any reason why we should pass this legislation at the present time.

One more thing of the number of things. Our good friend Representative MOORE of Virginia called my attention to this. There is nothing in this bill which will effectively prevent the combination of this monopoly with foreign monopolies if they desire to fix, or, as they say, to stabilize the price of rubber at a high level. There is, perhaps, one word in section 2 of this bill which says that they must not do that. Over toward the latter part of the bill it is provided that if the Federal Trade Commission were to come to the conclusion that the pool had done something in violation of the law they will look into it, and there is your remedy. There is no penalty provided for a violation of this. There is no fixed punishment if the provisions of the bill are violated. It is merely provided that the Federal Trade Commission may look into the matter and to give what they consider to be good advice; if the good advice is not taken then they are to write a friendly note to the Attorney General and tell him about it. That is the sole "penalty" provided in this bill. With the slow-moving processes of the law of the land any injury that might be effected would long since have been effected before the processes of the law could reach this monopoly acting in violation of the law. So as I see it, gentlemen, with the emergency, if it ever existed, admittedly gone, that called this bill into existence, with the dangers with which it is necessarily fraught and confronting

every reasonable man, with the smoke screen of farm relief and your prattle about sisal and potash, the gentleman from New York [Mr. CELLER] referring to them yesterday as just merely excess baggage and the gentleman from Texas [Mr. SUMNERS] referring to them as merely the traveling companions of the rubber monopoly that is to be created to help rubber over the rough places, it is after all merely a sop to the farmers and the farm bloc in the House of Representatives, and with all these facts laid before you are you going to go to sleep like Mr. Taber did when he appeared before the Judiciary Committee. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. DYER. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. STOBBS].

Mr. STOBBS. Mr. Chairman and gentlemen of the committee, the gentleman from Alabama who has just preceded me made the statement that this legislation is being considered in a very slipshod fashion. I simply want to say in passing that this legislation, which has been favorably reported by the Judiciary Committee, has received the commendation and the support of the Secretary of Commerce, the Secretary of Agriculture, and has also been publicly indorsed by Colonel Donovan, the Assistant to the Attorney General, who has charge of the prosecutions for the violation of the antitrust law. The gentleman who just preceded me also made the remark that this legislation constituted a repeal of the sacred principles of the Sherman antitrust law. Of course, it is an amendment of the Sherman antitrust law, but there is nothing about the Sherman antitrust law which makes it inviolate and prohibits any amendment. When the Sherman antitrust law was enacted no one for a moment thought that it meant to prevent combinations in restraint of all trade; no one thought for one minute that it meant to prevent combinations which were not unreasonable in the restraint of trade. Senator Hoar, from my own State, who was one of the conferees from the Senate at the time this Sherman antitrust law was enacted, distinctly said at the time that this Sherman antitrust law did nothing more or less than engraft upon our Federal statute books the principle of the common law, which is that combinations are lawful in so far as they are not unreasonable in the restraint of trade, and it was only the decision of the United States Supreme Court in the Trans-Missouri case in 1897 that laid down the drastic rule that under the Sherman antitrust law all combinations were in restraint of trade. It took 14 years before the United States Supreme Court, through Chief Justice White, could put into effect the rule of reason.

I maintain that the real purpose and intent of the Sherman antitrust law is to prevent combinations in unreasonable restraint of trade and not to prevent all combinations. This is borne out by the fact that so far as there being anything sacred about the Sherman antitrust law is concerned, right here in 1913 in this House legislation was passed saying you should not prosecute combinations to raise the price of wages or to better labor conditions, and that you should not prosecute combinations to increase the price of agricultural products. If this is perfectly right and true for labor organizations, if it is perfectly right and true for farming organizations, it is just as true and proper for us to come in here and ask you to put through legislation which simply means the protection of the consumer in his use of goods which are an absolute necessity, and rubber, sisal, and potash come within that classification.

And the stipulation with respect to all this legislation is that it must apply, and the legislation can only apply, where it concerns a commodity which can not be produced in this country and which is in the control of a foreign monopoly. The minute you do not have both of these factors in existence, this law can not take effect. So bear in mind that this legislation is simply to take care of a situation where these two factors are present—a product or raw material which can not be produced in this country and which is in the control of a foreign monopoly.

Now, my friend the gentleman from Alabama [Mr. BOWLING] has stated that there is no need of this legislation at the present time; that the market has broken down and the price has come down to something like twenty-odd cents a pound and, therefore, we do not need it. Well, when did this price break? It only broke within a few days. The simple pronouncement of the English Premier has not absolutely bound England to do away with this monopoly, and it was only while we were considering this bill in our committee something like three or four weeks ago that the price was 40 cents a pound, and all through last year it was 40 cents a pound, and in 1925 it was $1.21 a pound, and it is perfectly true, as the gentleman has said, we are legalizing an association which was put into existence to stabilize the price of these products that are in the control of a monopoly.

If we did not legalize this association, what would happen or what would have happened? In 1925 when there was no association providing for a consolidation of purchasing power, the price of raw material varied 85 cents a pound during the year, and this meant a loss of several hundred millions of dollars to the people of this country, and in 1926——

Mr. LOZIER. Will the gentleman yield?

Mr. STOBBS. I am sorry I can not yield, as my time is short.

And in 1926 the price varied 55 cents a pound, which meant hundreds of millions of dollars to the people of this country, and it was only when this association, which my friend says does not have any legal existence, was put into effect in 1927 that the price was stabilized, with a result of a variation in price of only 9 cents a pound throughout the year, saving to the people of this country several hundreds of millions of dollars.

It was urged on the floor here yesterday, Why put this legislation through, inasmuch as the planters of the Dutch East Indies are in competition with England? How are we to know what is going on or what will happen in the future? In fact, it is perfectly obvious at the present time, and it is so reported, that the English Government or the English planters are in combination with the Dutch planters even now to control this raw material and we are absolutely helpless. We have got to have our rubber, we have got to have our sisal, and yet these are raw materials which are produced outside of this country, and we are absolutely helpless.

If the Dutch Indies planters and the English planters get together, either under the Stevenson plan or any other plan to control the price, this legislation is the only safeguard and protection which would enable us to meet such a situation if it arose.

There was one more thought presented by my friend from Alabama, who stated that the trouble with this legislation is there are no teeth in it; there is nothing here to safeguard the interests of the people. I am afraid his study of the bill has not produced the same result that mine has. If you will read this bill carefully, you will find it says that this combination is only taken out of the operation of the Sherman antitrust law provided it conforms to certain conditions, and the minute it fails to conform to those conditions it ceases to have the protection of this act and is liable to all the prosecutions provided under the Sherman antitrust law. To be sure, it turns over to the Federal Trade Commission the investigation of these acts, but when it comes to the question of prosecutions, every single violation which can be prosecuted and punished to-day under the Sherman antitrust law is just as applicable under this law.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. STOBBS. I have only two or three minutes more, and I want to make this perfectly clear.

This act says that the investigation shall be made on the part of the Federal Trade Commission, and it also goes on to say that the Federal Trade Commission shall have all the powers that they have under the 1914 act creating it, and it also provides in section 2—and I call the attention of the gentleman from New York and the gentleman from Alabama specifically to this—that nothing contained in the act shall be construed as declaring this association to be illegal provided it lives up to the obligations and the provisions of this act, and the minute it ceases to live up to the provisions and the obligations of this act all the protection of the act is taken away.

My friend from Alabama says there is nothing in this act to prevent the control of the price that the people who go into this association may charge. I want to say to you that there is nothing in this proposed law which makes it compulsory for anybody to go into this combination, and I do not suppose for one minute that one-half of the rubber dealers in this country will go into this combination, because they will not want to invest the money and take the chance and the gamble of going into it, but whatever proportion of them do go in and thereby stabilize the price, there is nothing to prevent every other rubber dealer in this country going into the market and taking advantage of this stabilization of price and buying freely on the market. In other words, all this bill does is to provide that it is possible for such an association to be formed.

There is nothing in the bill that makes it compulsory, and only those people who want to go in have to go in, and the people who do not go in—remember this—the people who do not go in have the privilege of buying at the same price that

the people who do go in, and the people who do not go in, under the provisions of this bill, can not be discriminated against, but can buy at the same price.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. DYER. Mr. Chairman, I yield the gentleman one minute more.

Mr. STOBBS. And last, and most important of all, the world market, whether it is rubber, sisal, or anything else, is open to them all. After the price has been stabilized there is nothing to prevent any one of these men going into the market and buying the raw material, rubber, sisal, or anything else, on the market at the same price at which it has been stabilized by the association; and I say to you gentlemen that this legislation is in the interest of the people, the consumers of these raw products in this country, and it has received the approval of the authorities of our Government after careful study and consideration.

We are not here asking you to put through any legislation that is going to create a monopoly in the interest of any favored few but legislation which is going to inure to the benefit of the common people of this country, and you and I and all of us will have the benefit of the reduced prices we are going to have to pay for our raw materials and our products. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. KURTZ].

Mr. KURTZ. Mr. Chairman and members of the committee, "It is necessary to fight the devil with fire." This is an old adage that is born of the experience of mankind throughout the ages and is but another way of expressing the doctrine of self-defense as enunciated by the common law of England. Under that law a man who is assailed has the privilege of giving his assailant blow for blow. If he has his back to the wall or is assaulted by one with a deadly weapon or his life is in imminent danger, he can use a deadly weapon in defending himself, even unto death. It seems to me this principle is the one that actuates those who believe in the passage of this bill.

I am not so much afraid of a combination to-day as I was years ago. The United States Government is not so fearful of monopolies as it was years ago. I remember many years ago when the Standard Oil Co. was divided by our Government into its different parts, and each part is now greater than the original. The original was feared, but the divided parts, although tremendous in size, are no longer feared by our Government.

Combinations are largely the product of modern civilization, and when benevolent and under the regulation of the Government may be instruments of great good. A. T. Stewart realized the power of combination when he founded his great department store in New York in the last century. Marshal Field realized it when he established his great department store that still bears his name in Chicago. John Wanamaker, the merchant prince of Philadelphia and New York, realized it when he laid the foundation for his great mercantile emporiums. Since then the great chain stores have sprung up all over the land and are powerful and able to do business profitably largely because of perfect combination. The allied governments realized it during the Great War. For months the armies of the Central Powers, under absolute unity of control, were able to more than hold their own against superior numbers under divided control, and it was only after the allied armies were placed under Marshal Foch, with a monopoly of direction vested in him, that victory was attained.

Since that time the United States has invited the railroads to combine for the sake of efficiency. The Government no longer fears a combination. It no longer fears a benevolent monopoly. The word "monopoly" is not nearly so dangerous now as it was in the past. But always this monopoly must be under the absolute regulation of the Federal authorities.

When I see a monopoly in Great Britain to-day that has absolute control of the rubber industry; when I see a monopoly in France and Germany to-day that has absolute control of potash; when I see a monopoly in Mexico to-day that has absolute control of the sisal industry, I believe in giving the men of America engaged in mercantile pursuits the same weapons as the nations across the water and Mexico to the south of us have. You can not expect anyone to fight a winning battle without having the same weapons, or weapons as good, as those of his adversary. You can not expect a man to engage in a victorious business battle without the same weapons as those in the hands of the other party. When you have monopoly across the water and 50 men buying rubber in America, you have high prices. One seller and two buyers make high prices. Two sellers and one buyer make low prices.

In other words, you will find that the price of a commodity depends very largely on the number of purchasers. If you limit the purchasers to one individual, which in this case would possibly be a monopoly, although it might not rise to the dignity of a monopoly but only to that of a combination—when you do this, there will be but one purchaser, and when there is only one purchaser there is little likelihood of exorbitant prices.

I am for this bill because I have farmers in my district and they need its enactment. I have examined the bill, and I have listened to what Mr. Taber, the head of the grange, has said, and I would rather take the testimony of Mr. Taber, who is interested in farming and the farmer, who knows all about agriculture, than to take the testimony of a man who does not know anything about farming whatsoever. I, for one, am willing to take the opinion of one who knows rather than the opinion of one who only pretends to know. We have his testimony that the farmer uses more rubber than any other particular class, more sisal than any other particular class, and more potash than any other particular class in America. I stand for the farmer to-day, and with Mr. Taber.

No nation has ever destroyed its agriculture and lived, and no nation ever will. Within the confines of one small township in Pennsylvania there are at this hour 32 farms not only vacant but absolutely abandoned, and the doors of the houses and the barns swing creaking in the wind. This bill, in my opinion, will give the farmer cheaper rubber for his automobiles, cheaper potash for his fertilizer, and cheaper sisal for his binder twine and other like needs.

It is urged by the opposition that this bill might produce a monopoly. If a monopoly, it would be a benevolent one under the supervision of the Government. The Government gives it life, the Government controls it after it has come into being, and the Government takes its life for doing what it should not do. No harm can come of it if it be not needed in the future. If needed, however, it is here for use like a weapon of warfare, to be used when required and laid aside when not needed. Let us be prepared for all emergencies. Let us pass the bill.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. LAGUARDIA.]

Mr. LAGUARDIA. Mr. Chairman, the gentleman from Massachusetts [Mr. STOBBS] made quite a fervent appeal on behalf of the common people and justified his support of this bill because of the benefits that the common people will derive from this legislation.

The gentleman who just preceded me, my colleague from Pennsylvania [Mr. KURTZ], justifies his support of the bill on the ground that it is going to be of great benefit to the farmer.

Now I will tell one. [Laughter.] I am opposed to the bill because it is vicious from the first line after the enacting clause down to the very last word of the last sentence of the bill. The gentleman from Massachusetts, my colleague on the committee, pointed out that our committee had given this matter profound study, deliberate thought, that we held extensive hearings, and that we have studied the problem deeply.

Now, gentlemen, I will say that at one time the Committee on Interstate and Foreign Commerce of this House did give this matter a great deal of study.

They did hold extensive hearings, but they did not come out with a report to the House recommending any such bill as would create a monopoly and put five rubber companies and three or four automobile companies in the absolute control of the entire supply of raw rubber.

Mr. WELLER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. No.

Mr. WELLER. I yielded to the gentleman yesterday.

Mr. LAGUARDIA. I shall yield later on. I show you the hearings of the Committee on Interstate and Foreign Commerce. They consist of over 400 pages, and that committee came out with a constructive report that really did a lot of good. On the other hand I show you our hearings, a very slim pamphlet, indeed. Just a few pages. Overawed by four or five men representing General Motors and two tire companies who came in, after this meager hearing, the great Judiciary Committee came out with this bill that changes the established policy of our Government in the supervision and control of trade and prohibiting combinations in restraint of trade.

The antitrust law is still on our statute books. Recently we have not heard much about it. The fact remains nevertheless that combinations, pools, and agreements in restraint of trade are unlawful. While at the present time it may be the policy of the administration to be lenient or even to look with a broader viewpoint to combinations and perhaps establish a broader degree of restraint before moving on offending

parties, I tell you gentlemen that the law is most useful. It can be invoked, and I predict that before very long there will be the necessity of invoking it against combinations and agreements that are now perhaps going along reasonably but will soon become so powerful and greedy that their interpretation of reasonable restraint will bring them in conflict with the provisions of the existing law. But if the antitrust laws are to be repealed, let those favoring repeal assume the responsibility and bring in such a bill. The issue will then be squarely raised. We can meet it when it comes, but I do object to seeking to break down the antitrust laws and their enforcement by piecemeal legislation.

This is a bill to amend the provisions of the Webb-Pomerene Act, and would make lawful combinations, pools, and associations for the purpose of buying certain commodities in foreign countries. It would give the same rights and powers to importing concerns as are now given to combinations engaged in the export trade. The reasons and necessities urged in support of the amendment of the antitrust laws to the extent of making an exception to export trade can not be considered in justifying the bill under consideration. It serves, however, as a typical example that once exceptions to a general statute are made a persistent demand for more exceptions follow until the entire purposes of the original law is broken down.

The real purpose of the bill is to permit the creation of pools and combinations for the purchase of raw rubber. In order to make the bill more attractive legislatively and otherwise the overworked farmer was brought in by adding potash and sisal to the provisions of the bill. Later, in order to give it the color of constitutionality and to take it from the category of class legislation, it was extended to include any "other raw materials or products of nature in a crude or unfinished state which are certified by the Secretary of Commerce to be of a character not made, produced, or grown in substantial quantities within the United States, and to be controlled by any foreign government, combination, or monopoly." The bill as it is now before the House throws the doors wide open, and a trust may be formed for the purchase abroad and the importation into the United States of any raw material that may be certified by the Secretary of Commerce.

While it is conceded that the reduction of the number of buyers for a given commodity in a foreign market might tend to reduce prices, nothing, notwithstanding specific saving clauses in the bill, can guarantee to the consumers of this country the benefit of reduced prices. The history of monopolies in this country is to the contrary from the time when the trusts were in their glory through the trust-busting period and as late as the laissez faire attitude of the present day. The American people have paid an enhanced price whenever a commodity was controlled by a trust or monopoly. The bill for that reason is fraught with many dangers and evils.

Most of the sponsors of the bill save themselves by recommending the passage of the bill with the reservation that Congress will protect the consumers and prevent the monopoly of supply or enhanced prices.

Even the author of the bill suggests that the bill ought to be plain in providing against monopolistic control of the sale of the raw material once it has been imported by any of these legalized combinations. If the Members will turn to page 11 of the hearings they will find the statement.

The letter from the Secretary of Agriculture makes it plain that the legislation should prevent any association from entering into any agreement, understanding, or conspiracy to do any act which would artificially or intentionally enhance prices. The letter is on pages 14 and 15 of the hearings. Yet the mere fact that the bill contains a proviso to that effect is, as a practical matter, indeed far from guaranteeing such results.

The national master of the National Grange appeared before the committee, approved of the bill, but expressed three fears which he now claims have been overcome, to wit: (1) The ultimate consumer might be penalized by this enlarged purchasing power resulting in the combination which would raise the price instead of benefiting the consumer; (2) that the combination would provide the raw material to such firms and concerns in the combination and could easily discriminate against others and especially new enterprises; (3) the danger of discrimination against cooperative groups of agriculture. The witness then states that the language contained in the bill which prohibits the enhancing of prices and the discrimination in the sale of or refusal to sell such commodities is sufficient to allay his fear and that the farmer would be protected in every way. It is safe to say that exactly the same provision is contained in existing laws to-day, and yet the farmer is paying enhanced prices for many articles produced under monopolistic conditions required in his daily life.

Two letters are inserted in the record from two prominent law firms of New York City. They are identical. While they may be of value as to the constitutionality of the bill as drawn putting all raw materials on an equal basis, these letters throw no light on the practical or economic effect and results of the bill should it be enacted into law.

The representative of the General Motors Corporation made a strong argument for his side of the case. The purchasers of large quantities of raw rubber have, as a matter of fact, heretofore pooled for the purchase of their supply. This witness stated that "we evolved a plan that resulted in the formation of a $50,000,000 buying pool, which dealt in rubber throughout the whole year 1927, and all connected with that effort, including Mr. Secretary Hoover, who has just addressed you, have advised me that they believe that that pool was instrumental in driving the rubber speculator out of the market, with the result that the fluctuation in the price of rubber during that year was reduced to 9 cents, which is the greatest degree of stability in rubber in the last 20 years." This testimony may be found on page 23 of the hearing.

The witness did not state just how the savings resulting to the purchasing pool was reflected during the corresponding period in the retail prices of tires or automobiles.

Most of the hearings were devoted to the rubber industry. Letters and statements were filed pertaining to sisal and potash. Referring to sisal, the letter from the Secretary of Agriculture reveals this startling condition, on pages 14 to 16 of the hearings:

> In the case of sisal, for instance, it is estimated that at no time during the period of exorbitantly high war prices did the actual producer receive more than 7 cents a pound even when the control agency was getting nearly three times that amount. Much of the profits was taken by the Government in various forms of taxes. The same situation holds true in the case of other commodities.

That being so, the legalizing of a purchasing monopoly for this commodity can bring no relief to the farmers.

As a matter of fact several of the State governments are now purchasing sisal for their own farmers. A committee composed of representatives of the various States now purchasing sisal solely for the benefit of farmers and without profit could easily be formed to constitute one purchasing agency and could in no way be construed as violating existing antitrust laws.

While a great deal may properly be said of the desire of obtaining potash at the lowest possible figure, yet the ultimate cost of fertilizers does not depend upon the passage of this bill. The utilization of the natural water power throughout this country operated for the benefit of the consumers instead of being handed to power monopolies is the ultimate solution of the problem of cheap fertilizer for the farmers of the United States.

Besides rubber, sisal, and potash specifically mentioned in the bill among other raw material which could without any question be immediately certified by the Secretary of Commerce as coming within the definition of the bill are coffee, tea, mercury, camphor, and iodine which by no means "exhaust the list of controlled products."

That being so it can readily be seen that before long all of these commodities will be monopolized by purchasing pools or combines. Why the Secretary of Commerce himself now admits that nine or more different raw materials would come within the definition of the bill, and adds that the articles named by him by no means exhaust the list of controlled products. That being so the same Secretary could on the very day that this bill became a law certify to that effect and each of these important products would be controlled by a purchasing pool.

I shall make my argument assuming that no statement had been made in London yesterday or the day before respecting the abandonment of the Stevenson plan. I am willing to assume with you for the purpose of debate on this bill that the Stevenson plan will remain in existence, because the Stevenson plan was in existence at the time that I submitted the minority report, and I can justify my opposition to the bill regardless of what happens to the Stevenson plan. In the first place, the impression has been created by the sponsors of this bill that the so-called Stevenson plan creates an absolute monopoly, and that there is but one source of supply of English raw rubber. That is not the fact. All that the Stevenson plan does—and by the way it seems to be rather sound and effective for the protection of producers and I suggest a very careful study of the Stevenson plan to my farmer friends—is to maintain the price of raw rubber in the neighborhood of 36 cents a pound. It does not want rubber to jump above that, because when the rubber jumps above 36 cents, when it skyrockets up to high

prices, it is not the rubber producer who gets the prices any more than it is the wheat farmer who gets the prices when wheat suddenly goes up. It is the speculator, it is the stock-ticker man, who derives the profit from unreasonably high prices. The rubber producer like the wheat farmer in such instances is left holding the bag. The Stevenson plan seeks to keep the price of rubber at 36 cents, and when it drops below 36 cents it automatically puts an export tax on rubber in order to prevent the supply from flooding the market. That is all it does. When it goes back to 36 cents, off comes the excess export tax. If it were true that this was an absolute monopoly, then the American buyers could go to but one source to buy their raw rubber. As a matter of fact there are several sources of sale and there is no monopoly of sale or of supply as a monopoly is generally understood.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. In just a moment. When the price is pyramided up to $1.20, the gentleman from Minnesota in his usual frankness, in his typical manner of making an honest statement to the House, admitted that the Stevenson plan was not the only factor that created those enormously high prices. I will tell you what happened. The American buyers went out after the Stevenson plan, American speculators, seeking to get an advantage over one another, and they boosted these prices in speculative buying, bidding one against the other; but no portion of the proceeds of those high prices ever went into the pockets of the British rubber producers.

It is well worth while to give a little time to consideration of this Stevenson plan. I will read from a memorandum submitted by the Rubber Association of America which was submitted to the Committee on Interstate and Foreign Commerce of the House. It is dated July 16, 1925, and will be found on page 60 of the hearings of that committee on House Resolution 59, first session, sixty-ninth Congress:

The supposed object of the Stevenson scheme was to stabilize the price of crude rubber at 1s. 6d. per pound, or roughly about 36 cents. This was fixed as a price which would not only give a satisfactory profit to the producer, but would be sufficient to stimulate the investment of new capital in the planting of additional acreage. The method provided by the scheme for accomplishing this object is as follows: The actual output of each producer for the year beginning November 1, 1919, was taken as his "standard production." During the first quarter of the operation of the scheme each producer was permitted to export at the low, minimum rate of export duty, only 60 per cent of his "standard production." If he exceeded that percentage, he would have to pay what, up to the present, has proved to be a prohibitive export duty on the entire amount exported. The more the amount exported exceeds the prescribed percentage the higher the export duty.

The prescribed percentage is subject to change each quarter, depending upon the average price for the preceding quarter. That is, if the average price for a certain quarter is between 1s. 3d. and 1s. 6d., the prescribed percentage exportable during the following quarter at the minimum rate of duty is increased 5 per cent for the next quarter, and if the price is 1s. 6d. or over for a given quarter, the prescribed percentage is increased 10 per cent. So also, if the average price falls below 1s., the percentage is decreased to 55 per cent, and if that reduction does not raise the average price to 1s. 3d. in the next quarter a further reduction in the prescribed percentage to 50 per cent becomes effective, and so on.

As is apparent from this brief résumé of the scheme, it was an attempt artificially to maintain the price of rubber at 1s. 6d. by altering the amount of rubber exported or "released" each quarter.

The Stevenson scheme went into operation on November 1, 1922. At that time the world stock of crude rubber was large and it took some time before the effect of the restriction scheme was felt to any great extent. But upon the depletion of the accumulated stock (accompanied by a rapidly increasing rate of rubber consumption) the situation immediately took on a serious aspect, and now, as a result of the operation of the scheme, the price of rubber has been forced up to about three times the normal price of 36 cents, and there is threatened an actual shortage in the amount of rubber and need to meet the requirements of the consuming public.

Now, as a matter of fact 36 cents a pound is not an unreasonable price. Every witness before the committee admitted that 36 cents is a fair price and that if maintained about that level it is reasonable for the consumer of the raw rubber and will afford a fair margin of profit to the producer. The Stevenson scheme went into operation on November 1, 1922. The world stock of crude rubber was large at the time and, of course, it took a considerable length of time before the effect of the restriction scheme was felt to any great extent. Now, just let me read the average prices of raw rubber by quarters and it will be seen that the price remained well below 36 cents up to 1925. Here are the figures:

	Cents
Nov. 1, 1922, to Jan. 31, 1923	27⅝
Feb. 1, 1923, to Apr. 30, 1923	32½
May 1, 1923, to July 31, 1923	27⅛
Aug. 1, 1923, to Oct. 31, 1923	28
Nov. 1, 1923, to Jan. 31, 1924	25½
Feb. 1, 1924, to Apr. 30, 1924	23¾
May 1, 1924, to July 31, 1924	20
Aug. 1, 1924, to Oct. 31, 1924	27½
Nov. 1, 1924, to Jan. 31, 1925	36
Feb. 1, 1925, to Apr. 30, 1925	38
May 1, 1925, to July 31, 1925	115

You will note that from February 1 to April 30, 1925, rubber went to 38 cents and the next quarter commencing May 1, 1925, is when it jumped to $1.15. What happened was that the manufacturers first became panicky and then became speculative. This condition coupled with a situation for speculation which the American manufacturers themselves created naturally caused this abnormal and artificial rise in prices. The American manufacturers rushed into the market in the belief at the beginning of the May quarter of 1925 that the requirements for raw rubber would be greater than the supply. It is a well-known fact that representatives of American manufacturers were bidding against each other and the president of one large tire company stated in London in the month of August, 1925, that he expected rubber would go to $2 a pound. All buyers commenced to hedge, with the result that some companies made a great deal of money out of this wild market while others lost a great deal. I repeat that none of this excess price reached the pockets of the rubber producers. After the market broke and rubber prices fell to a normal level the manufacturers admitted at the time that the wild condition of the market was the result of speculative buying.

It did not take long for the market to go down to a normal level. Then the purchasing pool was formed and it simply dovetailed in with the Stevenson plan and kept prices slightly higher than a normal level. In other words, it is generally conceded, and rubber men have so stated, that with all of the Stevenson plan, without a purchasing pool, the price of rubber in 1927 would have been 25 cents and not higher than 30 cents a pound. It is only natural, gentlemen, that the corporations in this buying pool or combination are not in it for love or for any altruistic purpose. They will see to it, you can be sure, that they get their supply first and then will hedge and keep the market up so that they may have an advantage over their competitors not in the pool. Now, if this pool is legalized and they have no fear of coming in conflict with the existing antitrust laws by restraining trade they will go a great deal further and they will so monopolize the market as to make the price of raw rubber prohibitive to any competitor or to any consumer of raw rubber outside of their pool or combination. In other words, if this bill becomes a law we can make a list of the tire companies and automobile companies that are in the pool, draw a line, and note the fact that it will be impossible for any new undertaking, for any new concern, for the manufacture of tires or automobiles, to establish. And the companies not in the pool will either be driven under control or out of business.

Now I ask you where does the consuming public come in? And while we are on this point of the public including the farmers, if you please, whose alleged representative told the committee that the passage of this bill would be of great benefit to the farmer, let me suggest a mere casual comparison of the price of raw rubber from the list that I have just quoted and from the quotations given by the sponsors of this bill with the price of tires. I invite any sponsor of this bill to show where the public has been benefited by the low price of rubber reflecting in a lower price of tires. It is stated that it is difficult, if not impossible, for the price of rubber to be directly reflected in the price of tires. If that is so, then where will the public benefit any by the passage of this bill? When pressed for a statement showing how low prices of rubber would reflect in lower prices of tires this is the answer which is given, and let me say that it will be found on page 293 of the hearings before the Interstate and Foreign Commerce Committee of the House, held in January, 1926. The committee was told that it was extremely difficult to make any determination of that kind. Now let me read:

There are one hundred and thirty and odd different sizes and types of tires, of which every manufacturer claims a different quality; and say there are 25 principal manufacturers, you have therefore somewhere in the neighborhood of 3,000 different articles. Each manufacturer gets out his own price list, and they differ from every other manufacturer, so one can not connect it up with each other. Now, if you attempt to take the price lists of to-day and compare them with the price lists of a year ago for the whole of American manufacturers you will find yourself immediately in the difficulty of trying to compare articles of

dissimilar character from the trade point of view, and we have not been able to come to any particular conclusion in the matter. If you take the price lists of the same manufacturer and compare them you can determine the increase of that manufacturer, but then you have the difficulty of determining what he paid for rubber, for they all differ in their purchases.

That is about as intricate, involved, complicated an explanation as could be given, and gentleman, that is their answer. Now let me read this significant paragraph:

I could make this observation, I think, that would be approximately correct, that the tendency of all manufacturers, in the face of highly speculative prices, is to advance their prices of commodities to the spot quotations, and sometimes they have supplies contracted for previously at lower prices; and therefore one manufacturer who was fortunate in having supplies at a lower price might get unusual advantage out of a certain market rise. On the other hand, the manufacturer who had no supplies at all, and was compelled to buy from day to day in the market, would not secure that advantage. The tendency to follow spot prices is almost universal in speculative markets because of the fear of sudden drops in price, in which a large inventory would have to be depreciated.

That being so, the manufacturers do not lose and the public gets it coming and going. Where is the benefit to the public that the supporters of this bill have been talking about?

A great deal has been said about this so-called monopoly. I repeat what I have said several times before that there is no monopoly as we understand that word. The Stevenson plan provides for the amount of production and a flexible tax to control production. The plan does not provide nor will anyone claim that there is but one source of supply. If this were a monopoly as some of the sponsors of the bill are claiming, there would be but one source, one place where American buyers could go and buy. As a matter of fact, there are several British wholesale rubber dealers, there are dozens of large brokers, and there is a rubber exchange in London, in New York, and other centers besides daily auction sales of rubber at Antwerp, Singapore, and Colombo. Quoting from Marketing of Crude Rubber, issued by our own Department of Commerce, there are also many rubber brokers "specializing in buying and selling rubber on margin for speculators." The large rubber companies engaged in selling wholesale quantities to American consumers are located in London, Paris, Hamburg, Amsterdam, and New York. In fact, competition is very keen at times. In addition to the British supply, of course, there is the Dutch supply.

Now, anticipating what my friends in support of this bill may say that the Dutch and the British may combine—which, of course, is so remote and impossible that it need not be considered—yet let us assume that there is no Dutch supply, or let us assume that they will combine. You see I am willing to take the most unfavorable position and the extreme possibilities that may confront our importers of rubber and still insist that we are absolutely in no danger. Now why? For the very reason that has been stated on the floor over 50 times in the course of this debate. We are the largest consumers of rubber. We take over 70 per cent of the entire output of the world. That being so, we are not at the mercy of the producers, but the producers are at the mercy rather of the American consumers. If we only used 30 per cent of the output and the producers could combine against the American consumer; then, indeed, they could dispose of their 70 per cent and hold out for any price to the American consumer. But the reverse is true; if the American consumer is not in the market to buy, the producers go broke. They simply can not afford to hold out against us. Again I invite an examination of the prices after the Stevenson plant went into effect, which I have just read, and you will see that the price was maintained well under 36 cents up to the time that the American speculators themselves skyrocketed the price. Whenever the prices are too high, all American consumers have to do is to withhold purchases for a few weeks and, buying 70 per cent of the output, that in itself brings down the price. Rubber producers in the British and Dutch colonies are in business to make money and to live; they can not afford to keep back their products. They must convert into cash every season's crops, so that it is the rubber producers of the foreign countries that are at our mercy a great deal more than any danger under existing conditions of the American buyer being at their mercy.

What has been said about the antitrust law is true. If you are prepared now to change the policy of the Government and let down the bars and repeal the purpose and intent of the antitrust laws, vote for this bill. In 1918 we did amend the antitrust laws to the extent of permitting combinations and associations engaged solely in export trade, but we were told that that was a necessary war measure, that by reason of the fact of conditions in Europe, by reason of the fact of our entry into the war, it would be an economic advantage for the export trade doing business with South America—that was the point at the time, if you will remember. I was then a young Member of the House. The arguments presented are still fresh in my memory. It was argued that as a matter of economy, to meet war conditions we should permit this one exception to the antitrust laws, and on that assurance we voted for the Webb-Pomerene Act. But some Members of the House pointed out, as for instance, the gentleman from Ohio [Mr. FESS], now at the other end of the Capitol, and the ranking Republican member of the Committee on the Judiciary, Mr. Volstead, and others, that this would be the beginning of a breakdown of all our antitrust laws; and lo, and behold, they were right. I dare say that the real purpose when the Interstate and Foreign Commerce Committee held its hearings in 1926 was to get a bill of this kind, but that committee would not dare report out such a bill.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. NEWTON. It was not the purpose when this proposition was reported to report out any legislation. It was purely an investigational proposition.

Mr. LAGUARDIA. But the committee made recommendations?

Mr. NEWTON. Yes.

Mr. LAGUARDIA. Did the committee recommend an amendment to the antitrust laws to permit a pool or association in import trade?

Mr. NEWTON. No; and I wish the gentleman at this point would read just what we did say and the reasons why.

Mr. LAGUARDIA. I will.

Mr. WELLER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. No.

Mr. WELLER. Mr. Chairman, a point of order. Is the gentleman entitled to decline to yield to a member of the committee?

Mr. LAGUARDIA. Oh, my colleague from New York does not know the rules.

Mr. WELLER. I yielded to the gentleman yesterday.

Mr. BLANTON. The gentleman can strike that out.

Mr. LAGUARDIA. Oh, I never strike anything out. Mr. Chairman, the "poor" rubber companies, the "struggling" General Motors Corporation, and these other "tottering" corporations now say they need our help, because we have never done anything for them. Of course, you gentlemen all remember that we appropriated $500,000 for the rubber companies with which to make a study of the source of supply. Not a word is said about that. Four hundred thousand dollars was spent by the Department of Commerce and $100,000 by the Department of Agriculture, with the representatives of the tire companies of this country. And a survey of the entire world was made. And what resulted? That survey resulted in one rubber company going into the rubber-raising business and another rubber company buying land in the Republic of Liberia.

It was also found that the Philippines was ideal territory for growing rubber and some of the companies are ready to go there. But listen to this, because it will give you an idea of the arrogance of these companies: They are ready to go into the Philippines provided the Filipinos change their structure of government! That is all they asked. They even want the government of the Philippines changed to suit General Motors and Firestone tires.

Now, let me submit this argument to you: Here you have one rubber company, now a part of the present existing pool, and this rubber company has now under cultivation $35,000,000 worth of land, raising their own rubber, and they are now raising 25 per cent of their own requirements. The other rubber company will soon obtain rubber from their own source of supply in Liberia. The result of the investigation for which we appropriated $500,000 indicated that they could go into the Philippines; and they say they will go into the Philippines, I repeat, if the Filipinos will change their structure of government!

So we have one rubber company producing 25 per cent of its own requirements; another rubber company with vast holdings in Liberia which will very shortly produce an enormous amount of rubber; other companies soon to acquire their own rubber plantations. The companies that are already in the rubber-raising business form part of the pool which it is sought to make permanent by this legislation. Do you realize now, gentlemen, why they are so anxious to pass this bill? Why, of course, a combination buying rubber and producing rubber—soon producing rubber on a large scale—would simply mean the absolute control and monopoly of the rubber, tire, and automobile business of this country.

Now, gentlemen say: Why do you, in your discussion, limit yourself to the matter of rubber? Because that is all there is in the bill at this time. Sisal and potash were put in there for window dressing. That was a sop to your farmers. You said, "Oh, yes; we will give you farm relief," and so you put in sisal and potash.

Mr. CELLER. Mr. Chairman, will the gentleman yield at that point?

Mr. LAGUARDIA. Not now.

The Secretary of Commerce testified that in Yucatan they have a government monopoly on sisal, and they also testified that nine different States had already created their own agencies for buying sisal. If they have done that, as I said before, there is no law to prevent the nine from combining as a purchasing pool, because they are not engaged in the purchase for profit. That eliminates sisal entirely.

Now, as to potash, this is what the report says—if I may have the attention of the gentleman from Minnesota [Mr. NEWTON], who is trying to convince the gentleman from Iowa [Mr. DICKINSON]—here is your report. It is a good report. I read the sixth recommendation:

It is recommended that Congress bring to an early settlement the Muscle Shoals question. Such action will give protection to the American consumer of nitrate, both because Muscle Shoals is now an unknown and deterring factor to our growing nitrogen industry, and because undoubtedly that plant itself will be used for nitrogen production.

"Oh, wise judge! A Daniel comes to judgment!" That is what I have been saying for the last seven or eight years, but you would not go along with me.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. NEWTON. I yielded to the gentleman myself several times. Will the gentleman put in the RECORD there what I said I would do, and that is the comment of our committee on this proposition, instead of quoting something about Muscle Shoals?

Mr. LAGUARDIA. That is in the report.

Mr. NEWTON. You referred to it, but you have not read it.

Mr. LAGUARDIA. It is a good report, and a constructive report. The gentleman should not become angry with me because I am praising his report. [Laughter.] I will now read the entire recommendations made by the committee. I said before and I say it now, it is constructive, it was effective, it obtained results, but it made no such extreme recommendation as is contained in the bill now before us which would create one of the most powerful and most vicious of monopolies. Here is the entire recommendation of the committee:

The problem of remedies is indeed most difficult. These governmental controls violate economic principles. They stifle the growth of producing industries and stimulate the use of inferior substitutes among consumers. Furthermore, they violate other than economic principles. Their disturbing influence upon international good will can not be overlooked and is, in fact, one of the most important objections to them. The friendly intercourse of nations would be better and more soundly based if these controls were wholly abolished. We commend the efforts our Government has made to induce an abolishment of these controls and urge renewed watchfulness and continued endeavor to accomplish that result.

If we consider the problem wholly from the point of view of domestic correctives, we have four alternative remedies:

The first is to secure immediate relief from high prices by conservation and substitution campaigns among our consumers, such as the very successful rubber conservation campaign for which the Department of Commerce is responsible.

The second is by governmental and private action to create an independent source of supply which can not be brought under foreign control.

The third is for American citizens to refuse to furnish credit to these controls.

The fourth is direct retaliation in some form.

With these alternatives in mind, the committee reaches the following conclusions:

1. It has been proved in the case of rubber that a conservation campaign can be conducted by the American people as a protest against high artificially controlled prices and with a fair degree of success. This experience is of considerable significance in showing the ability of the consumer to take matters into his own hands, and secure some measure of protection through exercising positive control over demand.

As a result of this demonstration, the committee believes that a considerable measure of protection can be attained in this way for the American consumer. While the committee believes that it is desirable to give time for consideration by foreign governments of the undesirability of such combination before resorting to legislation in the United States, yet if the American consumer should be further subjected to unfair prices, the committee believes that further and more extended efforts as to carrying on conservation campaigns should be systematically organized and carried out. If necessary, the Government should assist.

2. The ultimate solution of the problem of foreign control of commodities essential to American industries and progress will unquestionably be for the United States to become more self-efficient in their supply through endeavoring to produce these commodities for itself, either under its own flag or in suitable foreign countries which would agree not to interrupt free trading in them at any time. In effecting such agreements, the governmental facilities of the United States should freely assist.

3. For growing rubber under the American flag, the southern Philippines appear most suitable. Physical conditions are known to be excellent. Under the existing Philippine land laws, the holdings of individuals or corporations are limited to about 2,500 acres. This condition could be altered by the Philippine Legislature or by the Congress of the United States if it chose to change the basic law under which the islands are now administered. Furthermore, certain experiments have recently been undertaken to develop the production of rubber from the guayale shrub in the Southwestern States. For several years rubber has been produced from this wild shrub in Mexico. In 1925 our imports of this rubber amounted to 8,469,123 pounds. The committee believes that these experiments contain such possibilities as to warrant serious attention and consideration.

Outside American territory, good possibilities for successful rubber culture appear to exist in the Isthmus of Darien in the Republic of Panama, the Canal Zone, Brazil, Colombia, and other parts of tropical America. Plantations in such locations would be especially valuable to the United States from the standpoint of national defense, since rubber from them would more likely be uninterruptedly available in the event of war. Substantial progress is also being made in Liberia by American interests. As a step in the direction of assuring such supplies, the committee specifically recommends that the Department of Agriculture be authorized and enabled, in cooperation with their respective governments, to establish and maintain demonstration rubber plantations in South and Central American countries. Certain suggestions were made in this connection to the committee by Dr. H. N. Whitford, formerly crude rubber expert for the Department of Commerce.

4. Efforts of the Bureau of Standards and others to develop a synthetic rubber and other synthetic products should be further encouraged.

5. The committee considers that opportunity exists for the development of the potash resources of the United States, and believes that support should be given to the Bureau of Mines or the Geological Survey for the exploration of potash deposits in Texas, Utah, and possibly other States.

6. It is recommended that Congress bring to an early settlement the Muscle Shoals question. Such action will give protection to the American consumer of nitrate, both because Muscle Shoals is now an unknown and deterring factor to our growing nitrogen industry and because undoubtedly that plant itself will be used for nitrogen production.

7. The committee recommends that the Department of Agriculture be encouraged to further investigate the possibilities of producing sisal in continental United States or its insular possessions and to make experimental plantations for this purpose.

8. Since these governmental controls are contrary to the interests of the American consumer, the committee takes the position that American citizens should refuse to aid or assist them by extending credit to them. This is obvious. Furthermore, self-interest should prompt this action on the part of American financial interests, for the granting of loans of this character would create a just resentment against them on the part of the American public. In some instances requests for loans of this character have been refused. In at least one instance the loan has been granted. Requests for loans should be discouraged and if made should be refused.

9. Retaliation by the United States against these governmental controls was not given serious attention by the committee and will not be except as a last resort.

10. The committee has received suggestions that Congress give direct aid to development by American citizens of alternate supplies of these raw materials but takes the position that aid or subsidy of this sort is inadvisable, partly because it is an intrusion of government into production, against the principle of which this investigation is directed.

11. Suggestions made to the committee that it secure passage of a law permitting combination of American purchasers to buy cooperatively are not approved at this time. Such action is not urgently demanded by the trades concerned.

12. The committee, for reasons heretofore appearing, has not at this time suggested remedial legislation since it believes that a frank discussion of these questions and the development of a better understanding of the consequences of the intrusion of governmental price controls in international trade may secure an abandonment of the practices. If, however, it develops that the American public can not be protected against a repetition of its experiences in the past by resort to methods mentioned above, the committee will have no hesitation in reopening

the question. Accordingly the committee makes this preliminary report with the purpose of making further report to the House later if the occasion should require it.

Right on the subject of Muscle Shoals, let me state to the gentleman from Minnesota [Mr. NEWTON] that his committee was absolutely right at the time. The Power Trust which is in existence has been doing everything possible to keep the Government from operating Muscle Shoals for fertilizer. Finally, the Senate passed the Norris bill and the Military Affairs Committee of the House are now reporting a bill along the same lines which would finally utilize Muscle Shoals, and the best proof that the fertilizer manufacturers know what is going to happen is the concerted and organized drive now being conducted by the fertilizer group against the Muscle Shoals plan as contained in the House bill. If we want to use Muscle Shoals for power, it is the Power Trust fighting legislation. If we attempt to use Muscle Shoals as a fertilizer plant, then it is the fertilizer crowd opposing legislation. Now real friends of the farmers will get back of the Muscle Shoals bill about to be reported to the House and not back of this sham bill pretending to help the farmer, but which will squeeze him and mulct him and exploit him even more. Just let me read this letter from one of our fertilizer friends. It will bear out exactly what I say, and it will bear out the recommendations contained in the report of the Committee of Interstate and Foreign Commerce:

ONEIDA, N. Y., *April 5, 1928.*

HON. FIORELLO H. LAGUARDIA,
House of Representatives, Washington, D. C.

DEAR SIR: We vigorously protest against the Government going into the fertilizer business and therefore in particular protest against the House Military Affairs Committee's substitute for the Norris bill.

This amendment substitute, Union Calendar No. 394, Senate Joint Resolution 46, strikes viciously, with destructive probabilities, the fertilizer industry, in which we are engaged.

As considerable taxpayers, we call to your attention this confiscatory proposed legislation and ask your support that our Government will not be empowered to manufacture for sale and free distribution fertilizers in unfair competition with the present economic industry.

If an industry distressed because of the present economic condition of the farmer is to be completely crippled by unfair Government competition, it seems unlikely that the farmers would be served properly without a real substitute in fact for our entire industry.

We believe the enactment of the proposed legislation referred to will result in the destruction of a worthy industry and will not establish in its stead the necessary service to the farmer.

Very truly yours,

THE BAUGH & SONS CO.,
DANIEL BAUGH BREWSTER,
Vice President.

You will observe that they protest against the present plan of using Muscle Shoals for the production of fertilizers because they say they can make fertilizer down there so much cheaper as to put them out of business. If it keeps the former in business, we are satisfied.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. Is the gentleman from New York the only Republican on that side who is fighting this monopoly?

Mr. LAGUARDIA. Oh, no. All the thinking Republicans on this side are fighting it. [Laughter.]

Mr. OLIVER of New York. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. OLIVER of New York. If this corporation is formed to deal with an emergency, why does not the bill say that the corporation shall be dissolved when the emergency ceased?

Mr. LAGUARDIA. Oh, that is not the purpose of the bill.

Mr. OLIVER of New York. Its purpose is to make it a permanent matter?

Mr. LAGUARDIA. Certainly. The gentleman from Massachusetts [Mr. STOBBS], who is a good lawyer, says if they should enhance the price they would be violating the antitrust law. Every lawyer in the House knows that a penal statute is strictly construed, and if you provide any penalty for any violation of the provisions contained in this bill you have got to provide it in the bill itself. You can not do anything else. But what does this bill do? If the association or pool is found to be profiteering or violating the mild admonition contained here, that they must not do anything to enhance prices, if they do that, one must go for redress to the Federal Trade Commission.

Then what does the Federal Trade Commission do according to the bill? They say, "You must not do that, but you must change your methods of operation." Then if they fail to change their methods of operation it is provided that the matter shall be referred to the Attorney General. To do what? To prosecute under a law designated in the bill? Oh, no. "For such action as he may deem proper." I leave it to any attorney here if that is the way to put teeth in a law. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DYER. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Chairman and gentlemen of the committee, it is well understood that I am one of those Members who do not take much time on the floor of the House. We all know that the real work of Congress is done in committee, and by reason of the consideration of this bill in committee, of which I am a member, I have become much interested in the object sought to be attained.

In the first place, I had serious doubts as to the advisability of further amending our antitrust laws, but after consideration and investigation I reached the conclusion that this proposed amendment is most desirable, and I am sure in my own mind that this act, if put into effect, must inure to the benefit of the consumer of the commodities affected. The bill is so framed that it seems to me that this result is assured.

The Sherman antitrust law was enacted in 1890 and has been amended on several occasions. I believe most sincerely in the original act and believe that the amendments have been timely, and I am just as sure that the advocates of this measure appreciate the efficacy of the act. Conditions, however, throughout the country and the world have changed since 1890. In 1918 this Congress amended the Sherman antitrust law by the enactment of the so-called Webb-Pomerene law, which my good friend the gentleman from New York [Mr. LAGUARDIA] has designated as a war measure. I challenge the correctness of such designation and bring as my proof the arguments on the floor of the House when the Webb-Pomerene law was being debated by the House. It is true that one or two Members who were opposed to the bill did say that the amendment was offered as a war-time measure, but this was by no means the theory on which the House passed the act. The debate at that time shows clearly that the Webb-Pomerene law was enacted for the purpose of promoting export trade after the war and to make it possible for American producers to compete in the world market and thereby profitably dispose of our surplus products and commodities. It was necessary that the antitrust law be amended in order that our exporters might be placed on an even footing with foreign competitors in world markets. The Webb-Pomerene law was passed by a vote of 29 to 247, as I remember it. It was fathered by and enacted by almost unanimous vote of the Members on the Democratic side of the House, and most of the Republicans joined with you, and I know of no one or no interest in the United States to-day regretting the enactment of the Webb-Pomerene law. The wisdom of your action has been proven by the working of the law. Conditions have arisen at this time when it seems necessary that the wise provisions of the Webb-Pomerene law be extended so as to cover import trade in certain commodities. This bill, H. R. 8927, reenacts the Webb-Pomerene law without changing its language or meaning one iota, but adds to the bill provisions granting certain exemptions from the Sherman antitrust law favorable to American importers dealing in certain commodities.

The bill provides:

That the words "import trade," wherever used in this act, mean solely trade or commerce in crude rubber, potash, sisal, and other raw materials or products of nature in a crude or unfinished state, imported, or in the course of being imported into the United States or any Territory thereof from any foreign nation, which are certified by the Secretary of Commerce to be of a character not made, produced, or grown in sufficient quantities within the United States, and to be controlled by any foreign government, combination, or monopoly.

If this bill becomes a law this act in itself will not give vitality to any combination, association, or group. It is merely permissive, and those desiring to take advantage of its terms must make application to the Secretary of Commerce, and if after that officer has investigated he is satisfied that a certificate should issue as in the provision of the law to which I have just called your attention is provided, then it will be possible for the associations to organize and begin operating. Let me impress upon you that the enactment of this law in itself will have no effect upon the rubber-buying pool which is now operating. A certificate will be as readily issued to the importer of potash, nitrates, and sisal as to the importers of rubber if the Secretary of Commerce is satisfied of the necessity.

Mr. OLIVER of New York. Why allow the corporation to exist beyond the time when the monopoly is controlled by a foreign government?

Mr. MICHENER. This is a very apt question. I raised the question in the committee. I felt that there should be some limitation on the life of the pool, if the necessity for its existence ceased. The committee was not unanimous in this matter, and I think that amendments will be offered to take care of this situation. I shall be very glad to assist the gentleman in an amendment along this line.

Now, just a word about the buying pool which is to-day operating in the purchase of rubber for the American market. My good friend from Alabama [Mr. BOWLING]—and he is one of the best lawyers in the House, and as a general proposition I agree with him on legal matters in the committee—says that this pool is operating in contravention of law. I do not understand this to be the fact. The truth is that when the price of rubber had reached an unreasonably high level, and after the Stevenson control was formed by the British, the American users of rubber began to try to figure out some way whereby rubber might be had in America at somewhere near its actual cost to the consumer, plus a legitimate profit to those engaged in the industry. The advice of the Department of Justice was sought, and the Secretary of Commerce and the foreign trades section of the Department of Commerce were interviewed, and it was finally agreed that those using raw rubber in America should combine their purchasing power, and this they did, and are operating under this arrangement at this time.

Under the Sherman Act every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal. There is no suggestion that this combination has made any money. There is no suggestion that our trade is in any way restrained, or our commerce interfered with, and this buying power has unquestionably operated in the interests of the American user of rubber and, in my judgment, these operations have saved millions to our consumers, and I am sure that the Department of Justice and the Federal Trade Commission are in contact with just what is being done by this combination, and we need have no fear of a violation of the spirit of the Sherman antitrust law by these people. The price of rubber has not only been stabilized in this country but it has been reduced from $1.20 a pound to 21 cents a pound on yesterday. Personally I shall be wonderfully surprised if rubber remains at 21 cents a pound for any length of time. The committee was told by those who had properly investigated, and who had knowledge on the subject, that 36 cents a pound is a fair and reasonable price, allowing every one connected with the industry a fair and reasonable profit, and if this is correct then it would seem that 21 cents a pound must be below the cost of production, or so dangerously near that the producer could not continue to survive.

Mr. SCHAFER. Will the gentleman yield?

Mr. MICHENER. No; not at this time.

The English control has not been abandoned. A gesture toward abandonment, plus an unprecedented low spot market, is the answer to the United States users' effort to protect against unconscionable price of rubber. Let us hope that this condition continues, but let us prepare in the meantime.

Maybe it will never be necessary to put this law into operation, but we surely should have the weapon if it is needed. This is not a political question, and let us not be controlled by promises or hope for political advantages, and in this connection I do not refer to Republicans and Democrats alone but have reference to blocs and groups within our midst. It is immaterial to me who favors the bill or who are its principal advocates. The question we should decide is: Is the legislation meritorious? Are the interests of all the people protected? And if we so believe then our duty is clear, and I hope that the center aisle in this body will not be the dividing line so far as support or opposition to the bill is concerned.

If I recall correctly, the gentleman from Alabama [Mr. BOWLING] indicated that the farmer could not combine. How about the Capper-Volstead law? I think the gentleman from Alabama helped to enact that law. There we permitted the farmer to combine for cooperative selling of his commodities. He was already doing this but in order that there be no question about the interference with the Sherman antitrust law, we passed a permissive act, just as we are attempting to pass H. R. 8927 for the purpose of removing all doubt.

This legislation is not an inovation. We are not striking at the vitals of our antitrust laws. We have taken care of the farmer, and I would say to my friend from Wisconsin that we have taken care of labor in the Clayton amendment to the antitrust laws. I have no fault to find with any of these amendments, although there were always those who insisted that the enactment of any amendment being considered meant the death of the Sherman antitrust law.

The phrases "trust," "corporation," "predatory interests," and the like, have no terror for me. We are doing things in this country to-day on a large scale and we must recognize this fact, and a corporation is just as necessary in our economic life as is an individual. Regulatory laws are not only proper but necessary.

Extensive publicity has been given to the consideration of this bill, and in the hearings before the committee no one appeared in opposition. Mr. L. J. Taber, master of the National Grange, and Mr. Chester Gray, legislative representative of the American Farm Bureau Federation, both made splendid arguments for the bill and in behalf of agriculture. The Automobile Chamber of Commerce, which represents the automobile industry from the driver of the car to the manufacturer of the car, is unitedly for the bill. The Secretary of Agriculture indorses this bill. The only way this attempts to fix prices is to prevent foreign monopoly to fix the price too high. I am wondering when the farm relief bill comes up on the floor how these people who are to-day objecting to price fixing by legislation will talk and vote.

More safeguards are thrown around the import provisions of this bill than are thrown around the export provisions of the Webb-Pomerene law. All powers granted to the Federal Trade Commission are brought into play in enforcing obedience to this law. All punishments and penalties provided for in the Sherman antitrust law and the Federal Trade Commission act are applicable and can be inflicted upon associations set up by virtue of this act, provided the terms of the act are not properly complied with.

I intend to support this measure because I believe it is in the interests of the consuming public; and while so far as rubber is concerned, to-day's prices would not indicate the necessity of any action on our part, yet, as I said before, these prices are but temporary, and no harm can come from this legislation if properly enforced. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Chairman and gentlemen, I would like to have your attention for five minutes, because I want to call your attention to the fundamentals of this bill. I am not going to rave and tear my hair, but I do want your attention to consider just what the bill means. To my mind it is a very simple matter, as a member on the committee that reported this bill and having a full knowledge of the merits of this bill, I shall not wander from what are the facts in the case, and I want to make this statement of the facts.

You all understand that the United States, the greatest nation in the world, has a large trade with other nations, both import and export. The tariff act protects us on everything but the three articles named in this bill—rubber, sisal, and potash. I should be very pleased to vote for a high tariff sufficient to keep these products out of this country and establish our own potash industry in our own country. We have potash here, and we should mine our own potash and grow our own sisal and produce our own rubber in our own possessions, but we have not yet reached that point.

This is an emergency measure. England knows what is going on here, and her Parliament knows what is going on in our Congress. They know we have something under consideration here in this bill that is going to prevent them from having a monopoly on rubber, and therefore down comes the price of rubber.

Fifty-three fertilizer companies in this country in combination with other concerns over in Germany control potash simply because we can not compete with them. Sisal is controlled by individuals in this country the same as potash and in the same way rubber is controlled by individuals, and you can not attack them under the Sherman law. But this bill has for its purpose authorizing under the Sherman antitrust law corporations of individuals that will fight them with organizations on this side to protect our market and our people.

Now, I am a great believer in monopolies, but all under the control of the United States in the United States. Monopoly uncontrolled is a bad thing, but controlled it is a good thing. Are we going to control this? Just read the bill. If you have time to read some of the sections of the bill, turn to page 3, where a monopoly, after having received a certificate from the Secretary of Commerce, you say, is going to run wild. Will it? Look at page 3, line 21:

Provided, That such association, agreement, or act is not in restraint of trade within the United States, and is not in restraint of the export trade of any domestic competitor of such association: *And provided further*, That such association does not, either in the United

States or elsewhere, enter into any agreement, understanding, or conspiracy, or do any act which artificially or intentionally enhances or depresses prices within the United States of commodities of the class exported by such association, or which substantially lessens competition within the United States or otherwise restrains trade therein.

Do you not understand that? Is not that plain? Then the bill provides, beginning at line 19 on page 4:

Provided, That such association does not, either in the United States or elsewhere, enter into any agreement, understanding, or conspiracy to do any act which enhances prices within the United States of commodities of the class imported by such association, or of products manufactured in whole or in part therefrom, or which otherwise substantially lessens competition within the United States, or otherwise restrains trade therein.

Then turn over to page 7, where you will find that any association that shall fail to obey this law or is found to be a conspiracy in restraint of trade shall not have the benefit of the provisions of sections 2 and 3 but shall forfeit to the United States $100 for each and every day of its violation.

Then, on page 7, line 17, it puts these combinations that are a monopoly, as you say, or a pool, under the Federal Trade Commission. If the commission believes that they are violating the law, they shall investigate them; and if they find a violation report it to the Attorney General of the United States for such action as he may deem proper. Why, men, how can we for a moment hesitate when we see that this is our weapon to protect ourselves from a monopoly abroad that enhances prices in America on articles necessary and which we can not at this time produce in sufficient quantities. By this bill we control the monopoly more than anything I ever saw put into a law. How can the bill do anything to hurt the United States? How can the bill harm us? Gentlemen, you will find that when this bill is passed the price of rubber will stay down—not for 24 hours, but while this remains a law. You will find that potash prices will come down; you will find that the prices of sisal will come down; and you will find that we have protected by this useful legislation the people of our country that the Members of this House are sworn to protect. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Chairman, I have no sympathy whatever with those American citizens who are always afraid that some of their fellow citizens may be able to earn a decent return upon the capital that they have invested in their business. It is similar to the spirit that finds fault with our country, with our Constitution, with our form of government, always finding that some other form of government is better than ours. We have had a lot of that kind of teaching in some of our schools and colleges.

It seems to be fashionable in some quarters to look with equanimity upon the foreign capitalists and foreign business men who are combining to control the prices of things that we do not produce in this country, so that they can have the American people at their mercy. We remember what happened in the case of sugar when the Cuban syndicate forced us to pay 25 cents a pound for sugar. We know what has recently happened in rubber when a British combination forced the American people to pay outrageous prices for this necessary commodity.

Now, this bill is designed to enable the American business man to meet that sort of thing. There is not one single provision in the bill that can result in any harm to the American consumer. There is nothing in the bill to prevent any group of American manufacturers, large or small, to get together and receive a certificate—in fact, the certificate must be given.

A good deal has been said and will be said about certain large corporations in the United States engaged in the rubber business. I probably have in my district a larger amount of capital invested in the rubber business than almost any other district outside of Akron, Ohio. Of the four leading rubber concerns, one, the American Rubber Co., is affiliated with the United States Rubber Co., a large corporation, but the other three are independent companies. One of them is the Hood Rubber Co. in Watertown, and two of them are in Cambridge—the Boston Woven Hose & Rubber Co., a local concern which has been engaged in business a good many years, and the Cambridge Rubber Co., one of our newer industries.

I have here a letter from the Hood Rubber Co., addressed to Mr. DYER, acting chairman of the Committee on the Judiciary, which I wish to read, so the members of the committee can understand that the rubber business as a whole has not been a profitable business for quite a number of years.

The letter is as follows:

MARCH 3, 1928.

Congressman LEONIDAS C. DYER,
Washington, D. C.

DEAR SIR: On February 16 we addressed a letter to you relating to House bill No. 8927, the same being an amendment to the Webb-Pomerene Act, and setting forth some reasons why we thought the bill should be enacted.

In further support of our position we call your attention to the following statistical information taken from the Rubber Age, a publication dealing with the affairs of the rubber industry.

For the seven-year period 1918–1924 the net profit of rubber companies after Federal taxes was only 1.71 per cent on gross income, whereas all manufacturing industries taken together netted 4.53 on the same basis.

In 1925 only 54.7 per cent of the rubber companies reported net income, and only 39.3 per cent reported taxable net income.

During the whole period 1918–1924 the industry earned profits only on lines other than tires, tire manufacturing being carried on at a net loss for the seven years. On the average only 31 per cent of the corporations classified as tire manufacturers (including hose and belting companies before 1924) reported net income, 69 per cent reporting deficits.

In round figures tire companies reported net income of $108,000,000 for the 1918–1924 period, against a total deficit of $110,000,000.

Unquestionably the failure of the rubber industry to make a creditable showing in the matter of earnings during the past two and one-half years has been due to the restrictions imposed by the so-called Stevenson Act, referred to in our earlier letter.

We again urge you to use your best efforts to secure the passage of this amendment, and so benefit the rubber industry and the consuming public in general.

Very truly yours,

HOOD RUBBER CO.,
By HAROLD C. HASKELL.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. CELLER. Has the gentleman examined the figures put into the RECORD yesterday by the gentleman from New York [Mr. BLACK] with reference to the huge earnings of most of the important companies, showing that they have gradually increased from 1923, until we have the staggering figures of profit of such companies as the Firestone Tire Co. of over $5,000,000 in 1927 and of over $6,000,000 for the United States Rubber Co.?

Mr. DALLINGER. Mr. Chairman, I care nothing about those figures. Although as a matter of fact the figures which the gentleman gives are certainly not excessive in relation to the capital invested. But I am pleading for the American rubber companies as a whole, particularly the smaller ones, who want a chance to obtain rubber cheap; and they are the ones who have asked me to support this bill and I am glad to do it. I have examined the bill very carefully, and I am satisfied that there is nothing in it which endangers in any way the American consumer. On the contrary, the interests of the consuming public are amply protected. I trust that this House will do something to help our citizens who are engaged in legitimate business to obtain a square deal in competition with these great combinations and monopolies abroad to the end that the automobile user and the purchaser of rubber goods of all kinds, as well as the American farmer who must have potash and binding twine, may obtain these necessary commodities at a reasonable price.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. SCHAFER. The gentleman from Michigan [Mr. MICHENER] indicated that the price of rubber was brought down through this combination that was formed. If that is the case, if that combination brought down the price of rubber under existing law, what is the reason for the enactment of this bill?

Mr. DALLINGER. I do not know anything about what the gentleman refers to, as I was not in the Chamber when the gentleman from Michigan spoke. I know this, however, that when we passed the Webb-Pomerene Act and permitted combinations of exporters, these same arguments were made against that bill; and we were told that it would result in a grievous monopoly that would oppress the American people, and none of those predictions have come true.

Mr. SCHAFER. I am not referring to that, but the gentleman from Michigan stated that the price of rubber was brought down under existing law.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. DICKINSON].

Mr. DICKINSON of Iowa. Mr. Chairman and gentlemen of the House, if any Member of this House is laboring under the impression that he is going to help the man who wears out rubber tires on his automobile by voting for this bill and allowing the big rubber processers to combine to buy their products, he is laboring under a day dream, because none of that profit will ever reach the consumer of the rubber tire. I think the gentleman who just left the floor, the gentleman from Massachusetts [Mr. DALLINGER], let the cat out of the bag. He wants the rubber concerns making rubber tires in his district to make more money. I suggest to the gentleman from Massachusetts that the trouble with the independent tire concerns in his territory is the fact that they are being squeezed out by the great rubber combinations against whose competition those small independent concerns can not live. Last year the rubber concerns made good earnings. Their stocks are selling well. They are able to carry along and increase their equipment all along the line. Do not think as a Member of this House that you are going to contribute to the men who are using tires when you vote for this bill? You are simply voting here an indorsement of the pool combination that has been formed by the big rubber companies in order that they may carry on what they call stabilizing rubber negotiations in order to purchase the product that they want. Of course, they were caught with not enough rubber on hand when the Stevenson plan was put into effect, and they found that they were responsible more than any other one element in this country for the high price of rubber, because immediately they all said, "We must have rubber," and in that way contributed more than any other factor to the skyrocketing of prices. The rubber they had on hand they purchased at a low price, and when they made it up and sold it at a price equal to what they would have been justified in charging if they had paid a dollar and twenty cents, they sold for that much more profit. The reason why this bill is here now under pressure is because these same concerns have bought large quantities of rubber. They see now that that does not tend to stabilize the price and carry on the high level. They want their combination recognized by law so that they can come in and protect themselves and try to show to the great American people that they are their archangels and friends in the matter of protecting them in the purchase of their rubber tires. If you are going to establish those people as the guardians of the interest of the American people in purchasing their rubber tires, then you are going to continue to pay a big profit on tires.

I was interested in the insinuation of the gentleman from Michigan [Mr. MICHENER] about a bloc that was going to oppose this bill. Mr. Chairman, if there is any bloc in this House which functions any more efficiently than the automobile bloc from the State of Michigan, I have never been introduced to it since I have been a Member of the House. [Applause.]

This bill is tremendously far-reaching. The necessity for this legislation has passed. We do not need to become the guardians of any of these tire firms. The Goodrich Co. last year made $12 a share earnings on their stock. The necessity for the high price of rubber is gone. We are now buying rubber at about 21 or 22 cents a pound; and why this great demand here that we be permitted to form a combination in order to increase our purchasing power abroad?

Mr. STOBBS. And how long have we been paying 20 cents a pound for rubber?

Mr. DICKINSON of Iowa. It was quoted at 21 cents yesterday, as I understand.

Mr. STOBBS. How long has that been the price?

Mr. DICKINSON of Iowa. It has been gradually coming down. That is the greatest argument against this whole procedure. Regardless of these things the price of rubber has declined, and there is no reason for anybody being afraid that it is not going to continue to decline in price.

Mr. STOBBS. The gentleman is making an assertion. But is it not a fact that the price has been twenty-odd cents only in the past few days?

Mr. DICKINSON of Iowa. No. The gentleman is mistaken about that, Mr. Chairman. I do not yield any more.

Let me suggest further that this is the recognition of a principle that we have been fighting against all these years in Congress. It is a recognition of a principle and the giving of a legal status to a species of combination that we have been opposing and trying to make illegal all these years. If we keep on trying here to help any kind of combination that claims it will help stabilize things but is really intended to make profits for the big concerns, we are going to have an accounting when we go before the voters. We should not establish a principle here that permits a monopoly from the viewpoint that you are going to help out a few rubber concerns that happen to be wanting to purchase rubber.

The fact is that 84 per cent of the rubber is bought by the United States. Do you think the foreign concerns are going to quit selling us rubber when they have got it for sale? Such a position is preposterous. They can not get along in the rubber business without the United States as a purchaser.

Mr. KING. Mr. Chairman, will the gentleman yield there?

Mr. DICKINSON of Iowa. Yes.

Mr. KING. The gentleman from Iowa has evidently made a study of the bill, and I would like to have his opinion. Will the gentleman enlighten the House as to whether there is any connection between the fact that Mr. Hoover is back of this bill and that Mr. Hoover has the delegation from Michigan?

Mr. DICKINSON of Iowa. I have not that information, and I did not yield for that kind of a question.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. MICHENER. I think the gentleman from Illinois [Mr. KING], knowing me, and knowing the delegation from Michigan, will withdraw that question. Does the gentleman from Illinois think this is a political matter?

Mr. KING. Oh, yes. It has politics in it. The whole thing is political. That is why the farmers are interested in it.

Mr. DICKINSON of Iowa. Mr. Chairman, I can not yield further. I can not see how this will benefit the farming population or any other population, those who are actual consumers, and who, it is claimed, will be the beneficiaries of this measure. There is no way by which you can carry it through for the benefit of the consumer. It is simply an organization, a permission to them to form an organization, for the purpose of combining their bargaining power in the purchase of a commodity, and when you adopt this method you immediately say to those countries producing rubber throughout the world, "All you have to do is to get together and sit down in your combination and determine how much you will mulct the American users of tires."

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. JACOBSTEIN. Is not that exactly what happened with regard to copper?

Mr. DICKINSON of Iowa. Absolutely.

Mr. JACOBSTEIN. We permitted a combination to be formed.

Mr. DICKINSON of Iowa. Precisely. And the very same thing is now being tried with reference to the production of sugar throughout the world, and if we are not careful we will reap the result of a combination of that kind among the producers of sugar.

Mr. JACOBSTEIN. Was it not the American producers of sugar that tried to prevent the Cuban sugar from coming in?

Mr. DICKINSON of Iowa. Yes. Three of the largest tire manufacturers in this country are now extensive producers of rubber in other sections of the world, and what chance has the user of tires got to receive benefits from this proposed law under those conditions?

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. SCHAFER. Will the provisions in this bill in regard to sisal and potash help the farmer? It appears to me that they will work injury to the farmer instead of benefit.

Mr. DICKINSON of Iowa. Yes. The only reason why representatives of farm organizations came in here and advocated the passage of the bill is because they have written into the bill potash and sisal.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman from Iowa is recognized for two minutes more.

Mr. DICKINSON of Iowa. I think it was clever on the part of the framers of this measure to put potash and sisal in this bill. It does not change my judgment with reference to the bill at all. As a matter of fact, I think the representatives of farm organizations that have indorsed this bill were thinking about potash and sisal, while the fellows who really wanted the bill passed were thinking solely about rubber.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. MICHENER. The farmers' organizations talked about rubber when they were before the committee, and they were the principal ones who talked about rubber.

Mr. DICKINSON of Iowa. I have only a minute or two and I would like to be allowed to make my observations. As a matter of fact, I can not see where there will be any possible benefit to the farmer from the provisions concerning sisal and potash. I do not see why these rubber concerns should be given this kind of legislation or be permitted to go into this kind of a combination. Therefore I am suspicious that the whole "negro in the woodpile" here is the rubber gentleman, who wants permission to do what he pleases and to carry on as he pleases in a way that will not be of benefit to the American consumer, but will be for the benefit of the processors of rubber, and that those processors will be gradually limited to the field of a few big rubber concerns that have already got too many privileges, who are enjoying too many privileges now under the law. I do not see what we can do to stop that sort of combination except to refuse to pass such a bill as this.

But I do say that if you keep on permitting everything that a man or woman uses to be organized into combinations and have the prices fixed by one group of fellows, who can limit the prices at the lower end and take all they want at the upper end, this country is going to have a reckoning the like of which, economically, it has not seen for a good many years. [Applause.]

I want to say that I expect to vote to strike out the enacting clause of this bill.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. SUMNERS of Texas. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Texas has 11 minutes more at his command and the gentleman from Missouri 16 minutes.

Mr. SUMNERS of Texas. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. JACOBSTEIN].

Mr. JACOBSTEIN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The Chair will state that yesterday general leave was granted to all Members to revise and extend their remarks.

Mr. JACOBSTEIN. Mr. Chairman and gentlemen of the committee, I want to say in advance that I never have been frightened by big business. This cry of monopoly or combination in and of itself has never had any terrors for me. The whole tendency in modern times is toward larger economic units. We can not stop this tide toward concentration. The thing, however, that impresses me about this rubber legislation is that the principle involved goes beyond rubber.

I think we have come to a parting of the ways in American economic history. Only this morning a letter came to my office, and probably you all received the same letter, suggesting that we throw the whole Sherman antitrust law into the ash heap. There is a general feeling in the United States to-day, I believe, that the Sherman law has failed to operate. Business consolidation has gone right on with ever-increasing strides, notwithstanding the Sherman antitrust law.

Do you know that organized labor would like to repeal the Sherman law? Organized labor claims it has been the only class against which the Sherman law, with all of its penalties, has been enforced. Some of the statements made on this floor within the last 24 hours bear testimony to the fact that this big combination, the rubber pool, is permitted to operate contrary to law, with the knowledge and connivance of the Department of Justice and the Secretary of Commerce. That being so, I am going to raise a fundamental question as to whether the Congress of the United States ought not to defer action on this bill and consider the larger problem of repealing the Sherman law in its entirety, giving all classes of the community equal privileges before the law. The minute you begin to confer special privileges on a special group, as in this rubber bill, you incite those special privileges to interest themselves in politics in order to control the Government. The minute you set up a special privilege in the Government you suggest to the economic interests of the country that they control the Presidency, that they control the Federal Trade Commission, and that they control the Department of Justice in order to escape prosecution for exercising the privilege which has been granted. Let me illustrate: We passed a law—Webb-Pomerene Act, 1918—permitting people to combine to export, notwithstanding the Serman law, and not be prosecuted. At that time nobody had any dream that the exporters would combine with foreign combinations for the purpose of holding up and gouging the American public. But that is exactly what happened. We have the very conspicuous instance in which the copper producers in the United States, as exporters, combined with the copper producers all over the world to organize an international copper pool for the purpose of keeping copper prices up all over the world. Is not the same thing going to happen with rubber? I would rather be gouged by an American monopoly than a foreign monopoly. I am for America first [applause], but I do not want to be gouged by anybody. I want to serve notice on you gentlemen that you had better be prepared for an international rubber pool if your rubber pool bill passes. The announcement in the British Houses of Parliament means not that the English people are going to give up their fight for the control of rubber, but that they are going to look to a larger scheme for the control of rubber. I will wager that within the next 12 months the Dutch and the British will be getting together to control rubber prices, and when they do you will find the American rubber pool coming to some sort of an arrangement with them to control the price of rubber all over the world. We are, therefore, embarking upon larger pools than national pools, and if we legalize a pool in this way we have got to be prepared for a world combination.

Mr. STOBBS. Will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. STOBBS. Does not the gentleman know that this bill specifically prohibits this combination from entering into any combination in this country or abroad for the purpose of enhancing prices?

Mr. JACOBSTEIN. Technically, that is so. The language of the bill seems on its surface to protect the American public, and would do so if we had people in office who really intended to enforce the law. [Applause.] The Attorney General of the United States has no more right to let this rubber pool operate to-day than he has to permit a bootlegger to bring liquor into the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield the gentleman one additional minute.

Mr. JACOBSTEIN. I will ask the gentleman from Minnesota [Mr. NEWTON], the author of the bill, whether he would be in favor of a pool like this: If you want to protect the American consumer, organize a pool in which the United States Government has an intimate control, and then operate your pool without profit. Are you in favor of that kind of a pool? Are you in favor of a pool which would battle the British and Dutch pool for the benefit of the American consumer? I will join with you in organizing or legalizing that kind of a pool for the protection of American users of rubber products, especially automobile tires. Make it impossible for the rubber companies to join hands with the manufacturers of automobiles. If this bill should become a law, I predict that within another two years you will have a combination of automobile manufacturers and rubber makers, and then what protection has the American consumer? None whatever. We would be at the mercy of a gigantic monopoly. If you want a pool to protect the consumer, let us form a pool in which the United States Government has a more direct interest and one in which you actually forbid international pools and combinations between the automobile manufacturers and the manufacturers of rubber.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield the gentleman one additional minute.

Mr. JACOBSTEIN. I thank the gentleman from Texas. I just want to say this: It is true that this bill does not set up a monopoly. But you do not need an absolute monopoly to control prices. The Steel Corporation and the International Harvester Co. set a price—that is, a minimum price—and when an independent dares to go below that his business is at stake. So when you say this does not create a monopoly, that does not answer the question. You can not deny that it sets up machinery for the control of prices, and the control of prices is what we ought to keep our eyes on.

This is a price-control machine, not for the benefit of the consumers but for the benefit of those who are operating the pool; and later on, for the benefit of the producers in foreign countries and the manufacturers of automobiles in this country. For these reasons I oppose this Newton rubber bill and shall vote against it unless it is radically changed. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman and gentlemen of the committee, let us see in what situation we find ourselves. As I stated to the committee in the beginning, when this matter was first presented

to the Committee on the Judiciary of the House I had a somewhat sympathetic attitude toward the proposition. If the price of rubber was now where it has been in the past, we would confront a different situation. There would at least be ground for argument. But we come to-day to vote upon this proposition when the reasons which actuated the proponents of the bill no longer exist. Now, that is a fact.

Oh, gentlemen may talk about what is going to happen in the future. They do not know whether it is going to happen or not. But we do know what is the situation to-day. With rubber selling at 21 cents, with the organization gone to pieces, in the face of this sort of a situation we can not afford to enact legislation which will give the consent of this Government to the doing of that which results in a monopoly.

We can not afford to increase the bureaucratic powers of the Government as proposed in this bill, where we send the citizen of the country to the Secretary of Commerce to discover the permissive or prohibitive power of the Government, instead of to the Congress of the United States. We can not afford to go further in this sort of policy as is proposed here, where the private citizen can not inquire beyond the act of the Secretary of Commerce. If the Secretary of Commerce refuses to issue the certificate there is no power of mandamus here. If the Secretary of Commerce issues the certificate when it ought not to be issued, the law enforcement officer of the Government can not go beyond the mandate of the Secretary of Commerce.

In the absence of a present necessity, we ought not to enact the legislation, ought we? That necessity does not exist, does it? This is a queer situation. Rubber went to over a dollar per pound in 1925, but there was no demand for this sort of legislation. Now, with rubber at 21 cents per pound, a dollar per pound under the peak of 1925, we are asked to authorize the formation of a monopoly to protect against high prices of rubber. They ask us to establish a dangerous precedent to ourselves when they are in no present danger. Gentlemen, as I tried to impress in my opening discussion, we can not afford to establish this precedent in international commerce of the organization of pools for the purpose of controlling the price paid for the commodities which must find a market in international commerce. If we do, gentlemen—mark my words—if we do this and we find organized abroad great purchasing pools formed to control the price of our cotton, grain, meat, and other products, we will have to face this bill coming back.

What words can there come to the lips of an American Congressman, what can he say to the Department of State when he finds these great organizations controlling the price of commodities produced by American toil? [Applause.] Can we object when we set the example?

Gentlemen, this is remarkable to me. I have been here 15 years, but I have never seen a situation like this, with the reasons for the legislation gone, with high prices gone, with the foreign pool broken and gentlemen standing here fighting as for their lives for the establishment of a bad precedent in international commerce. I have never seen anything like it since I have been here.

We ought to beat this bill. I thank you, gentlemen. [Applause.]

Mr. DYER. Mr. Chairman and gentlemen of the committee, in answer to the statement made by the gentleman from Texas that there is no need for the organization of American citizens to combat foreign selling I state that if that is true, then there will be no excuse for the issuing of a certificate to form such a pool and none would be formed.

Mr. Chairman, this bill has but one purpose, and that is to permit Americans to combine for the purpose of buying in foreign countries in competition with organized foreign monopolies. If such foreign monopolies are not in existence, there will be no need for the legislation; and, Mr. Speaker, if gentlemen will read the bill which is before us, they will see there is every possible protection.

On page 5 of the bill there is the provision:

> No association engaged in such import trade shall discriminate in the sale of or refuse to sell such commodities which it may have for sale to anyone desiring to buy such commodities for use in manufacturing goods in the United States. Nor shall any such association be allowed to accumulate unreasonable stocks of such commodities and withhold the sale thereof for the purpose of enhancing prices thereof.

This bill if enacted into law would be administered under the existing laws of our country, the Sherman antitrust law, the Clayton amendment, and under the Federal Trade Commission. In addition to this we put in the hands of the Secretary of Commerce the authority to issue or to deny a certificate, and they must establish, before a certificate will be issued, the fact that the commodity which they wish to combine to buy in foreign countries is not raised in sufficient quantities in this country to meet domestic needs; and in addition to this the Secretary must find that there is an organized monopoly existing in foreign lands in respect of the product which they wish to buy.

Mr. Chairman, 10 years ago we had up in this House a similar bill; in fact, the bill which we have before us now is existing law with the exception of including imports as well as exports. When that bill was up to the same arguments were raised against the export exemption to the Sherman antitrust law. At that time the House of Representatives was Democratic. There was a Democratic President in the White House who recommended to the Congress that the Webb-Pomerene export bill be enacted by the Congress, and we did not even require in that act that a Secretary of one of the departments should issue any certificate. All they had to do was to form their organizations for the purpose of exporting goods.

Mr. BURTNESS. Will the gentleman yield?

Mr. DYER. I yield to the gentleman.

Mr. BURTNESS. If I understand the gentleman's construction of the committee amendment it is that even as to rubber, potash, or sisal there must be a certificate from the Secretary of Commerce before the association or corporation may be formed.

Mr. DYER. Not only that but the Secretary of Commerce must find, as I have stated, that there is a scarcity in this country of the products which they wish to form the pool to import.

In other words, there is not a sufficient quantity in this country, and in addition to that that they must also find before he can issue the certificate that there is a combination or foreign monopoly for the purpose of enhancing prices to the domestic consumers of this country.

Mr. Chairman, this legislation is not for the purpose of benefiting anybody except the consumers. Nobody is to be benefited except the consumers.

Some gentlemen have said that it was only for the purpose of helping some big rubber manufacturers in this country. Mr. Chairman, in the Supreme Court there has been pending a case against the Sisal Sales Corporation. That was a corporation formed of foreign capital for the purpose of enhancing the price of sisal from which twine is made for the farmers. In that case in the Supreme Court, in which the Government of the United States endeavored to proceed against the Sisal Sales Corporation because it enhanced prices in this country, the Supreme Court in part said:

> Appellees have secured a monopoly of interstate and foreign commerce in sisal. The Comision Exportadora de Yucatan has become sole purchaser of sisal from producers and the Sisal Sales Corporation, sole importer into the United States. There is no longer any competition in the trade; excessive prices are arbitrarily fixed.

Mr. Chairman, that refers to sisal and has nothing to do with rubber. This bill is for the purpose of helping the farmers in getting their twine at a reasonable figure.

There was another important case in the Supreme Court of the United States that affected potash. There was a combination of the French and German groups to make potash excessive in price, and as the American people are the chief ones that use potash, as they are the chief users of sisal, as they are the chief users of rubber, they brought the question to the Supreme Court against these French and German companies that had the monopoly of potash.

As a result of that case it was discovered that the French Government itself owned a part of the stock of this potash combination. For that reason this Government could not proceed against that monopoly. They could not sue the French Government.

So, Mr. Chairman, we find the condition as it exists against potash and against sisal and our hands are tied when we attempt to go into the court against them.

This legislation, Mr. Chairman, is for the benefit of no one else except the American consumers. If there is any gentleman in this House who believes that a pool formed for buying rubber, potash, and sisal, or is to be formed, for the purpose of enriching themselves, the committee will welcome any amendment that will limit entirely these companies to operating purely for the expenses connected with the operation.

They did not say that they wanted to make any profit, they never claimed that they would make a dollar profit, but the bill says that they must sell to everyone in America who wishes to buy sisal, potash, or rubber at the same figures at which they themselves are able to purchase it.

Mr. SCHAFER. Will the gentleman yield?

Mr. DYER. Yes.

Mr. SCHAFER. The combination has brought down the price of rubber according to the proponents of the bill without this

legislation. Why, then, is it necessary to enact the legislation? In other words, this is legalizing an invalid combine.

Mr. DYER. The same principle is involved in this legislation, and the same reason is given as was given by the President of the United States when he asked us to amend the Sherman antitrust law to permit combinations to be formed for the purpose of export. They said there was some doubt in the minds of the Department of Justice and in the minds of different lawyers of this country as to whether or not the formation of a voluntary pool of that kind was a violation of the Sherman antitrust law. They said we want to make it clear in order that there may be no misunderstanding about it. That is why they wanted that amendment adopted, and why we wish this adopted.

In my judgment, I do not think there is any serious doubt about it. I have letters that come to the Judiciary Committee from distinguished lawyers advising that they thought it was necessary that this legislation be enacted. Two law firms, one of them headed by former Justice Hughes of the Supreme Court, and another law firm headed by John W. Davis, former Solicitor of the Department of Justice. They both said there was sufficient doubt about it to warrant Congress in making it clear as to importation as they did with reference to exportation.

Mr. Chairman, the question of whether the price of rubber has gone down or not is not a material question. We know that it has gone up under the combination that existed when foreign combines controlled raw rubber, and to-day it is controlled by the Dutch and British to all intents and purposes.

Mr. Raskob, testifying before the Judiciary Committee, said, in part:

Our committee realizing the great importance of this legislation, particularly as it deals with the so-called Sherman law, which has been on our statute books a great while, went to great trouble and great pains to notify all those we thought would be in any way interested and invite them into our conference. We have talked at great length with the National Grange people, the American Farm Bureau Association, the American Dairymen's Association; of course, with the rubber people, with the National Automobile Dealers' Association, the American Automobile Association, and also we have spent a very great deal of time with the Departments of Commerce, Agriculture, and with the Federal Trade Commission, and we employed two of the best law firms that we felt we could get, with the view of being able to have the whole group evolve some legislation that would give the American consumer the protection needed, so that the bill that is before your committee to-day, we think, is a bill that is prepared with the greatest care we could possibly have given it, and we feel that it definitely declares the right of manufacturers of rubber to combine their purchases and thus protect the American consumer against foreign monopoly, and at the same time we will be protected against importers using this power in any manner that tends to enhance prices or restrain trade, either in rubber or in manufactures therefrom. This protection we feel is amply covered in that portion of the amendment which reads as follows:

"Provided that such association does not either in the United States or elsewhere enter into any agreement, understanding, or conspiracy to do any act which artificially or intentionally enhances prices within the United States of commodities of the class imported by such association, or of products manufactured in whole or in part therefrom, or which otherwise substantially lessens competition within the United States, or otherwise restrain trade therein.

"No association engaged in such import trade shall discriminate in the sale of or refuse to sell such commodities which it may have for sale to anyone desiring to buy such commodities for use in manufacturing goods in the United States. Nor shall any such association be allowed to accumulate unreasonable stocks of such commodities and withhold the sale thereof for the purpose of artificially or intentionally enhancing the prices thereof."

We earnestly request that this legislation be expedited as much as possible, for the reason we feel the rubber situation is in a critical stage at this minute, due to the fact that under the restriction act the British plantations had their output reduced to 60 per cent for the past eight months, and this percentage will not be increased for several months to come. This 60 per cent will not be increased until the price of rubber rules at 42 cents a pound or more for a period of nine consecutive months from February 1, 1928. Should, however, the price of rubber rule at 48 cents a pound for any three consecutive months, then the restrictive provisions will be increased to 70 per cent, and should the price of rubber rule at 75 cents for any three consecutive months, the restriction figure will be lifted to 100 per cent. Following that, however, should the price of rubber fail to maintain at 42 cents for any consecutive period of three months, the restrictions would be immediately restored.

The demand for rubber is bound to continue to increase, and with the supply thus artificially curtailed through foreign monopolies the inevitable result is higher prices for rubber than would otherwise rule.

I have seen the rubber plantations where this raw rubber grows. I know the acreage that is involved and the vast amount of money that is involved in the growing of this raw rubber. I know that we are dependent in this country upon those countries that grow the raw rubber. We use over 70 per cent of all of the rubber grown in the world. If they are permitted to enhance the price even a fraction of a cent it makes a very great difference to us.

It is not a question of whether it is needed now or not. It may be needed, and if it is not needed, no pools will be formed, because no certificates would be issued. Mr. Raskob, a witness who appeared before our committee, is not a rubber grower. He has nothing to do with the manufacture of rubber. He is connected with the automobile business, and his only purpose is to bring rubber to a minimum price for the tire companies and the industries connected with it that use rubber. It is on that basis that we seek this legislation for the benefit of the American consumer of the products that I have mentioned. [Applause.]

Mr. Raskob, who is one of the best-posted and most-respected men in the automobile industry, further testifying, said:

May I take a minute to try to visualize the importance of the motor industry to the prosperity of our country? The motor industry ranks first in point of wholesale value of products among the industries of America. Slaughtering and packing comes second, steel and steel products third, and petroleum, which is, too, largely dependent upon the rubber industry, comes fourth.

This great industry is absolutely dependent upon rubber. The wholesale value of its product in 1926—the 1927 figures not yet being available—was about $4,700,000,000. The retail value was about $6,000,000,000. If we add to this the cost of building and maintaining the garages all over the United States, the cost of the good roads which are created largely by reason of the automobile development, we quickly arrive at a total of $10,000,000,000 of new wealth created annually largely by reason of the automobile. Visualize what $10,000,000,000 means. It is interesting to note this is just about the average annual value of farm crops in the United States during the past four years. Automobile users consume upward of 80 per cent of the total rubber consumed in the United States, and the United States about 70 per cent of the total rubber consumed in the world. It has been clearly shown that substantially all plantation rubber is grown under the British and Dutch flags, and the Stevenson Act is an attempt on the part of the British growers and Government to control the production of rubber with a view to controlling the price. The rubber consumption of the United States, I think, can be conservatively stated at 900,000,000 pounds, so that a cent a pound in the price of rubber means $9,000,000 to the American consumer.

During 1926 the motor industry of the United States produced 4,428,286 vehicles, having a wholesale value of $3,163,756,676.

In doing this employment was given directly or indirectly to 3,743,000 laborers and vast markets were established for all of the basic raw-material industries.

Virtually 500,000 motor vehicles were exported, having a value of around $500,000,000. Of the 27,000,000 vehicles in the world to-day, more than 90 per cent were manufactured in this country.

There are 22,000,000 motor vehicles registered in the United States, and their owners pay more than one-half billion dollars in special taxes, or more than enough to offset all of the current costs for the highways of general motor use.

Analyzing the employment of labor in the automobile industry, we find that there are so employed 3,743,000, as follows:

EMPLOYED DIRECTLY

Motor-vehicle factory workers	375,281
Parts and accessory factory workers	320,000
Tire-factory workers	100,000
Motor-vehicle dealers and salesmen	225,000
Supplies, accessories, and parts dealers and salesmen	135,000
Garage employees	125,000
Tire dealers and salesmen	95,000
Repair-shop employees	450,000
Professional chauffeurs	500,000
Professional truck drivers	900,000
Gasoline refinery and oil workers	110,000
Trailer factory workers and salesmen	10,000
Automobile financing and insurance	20,000
Total directly employed	3,365,281

EMPLOYED INDIRECTLY

Iron and steel workers	70,000
Copper, lead, tin, nickel, and aluminum workers	15,000
Railroad workers	95,000
Plate-glass workers	15,000
Tannery and leather workers	10,000
Woodworkers	15,000
Upholstering, cloth, top, and side-curtain material workers	15,000
Asbestos brake-lining workers	1,500

Lacquer and enamel workers	5,000
Coal miners	3,000
Electric power workers	2,000
Highway officials, contractors, engineers, etc	100,000
Road-material factory workers	12,000
Machine-tool workers	20,000
Total indirectly employed	378,500
Grand total	3,743,781

This legislation has been indorsed by the following:

The Secretary of Commerce.

The Secretary of Agriculture.

The National Grange (800,000 members).

The American Farm Bureau.

The American Fertilizer Association.

Manufacturing Chemists' Association.

The Automobile Chamber of Commerce and all other like organizations.

The Country Gentleman, a farm paper, in its March edition has this to say about this bill:

American farm organizations have acted wisely in supporting the plan to legalize the pooled buying of rubber and other raw materials subject to foreign control. Farmers have a distinct stake in the matter. They are heavy users of rubber in truck and automobile tires, of sisal for binder twine, and potash for fertilizers, to mention three of the commodities involved.

To make such buying legal an amendment to the Webb-Pomerene Act is required. This act, passed in 1918, permits American manufacturers to form export associations or sales pools, without fear of prosecution under the antitrust laws, for the disposal of their products abroad. It was intended to enable American exporters to meet organized foreign competition. Since then organized foreign control of a number of raw materials used in large quantities in this country has developed. The amendment would simply extend legal sanction to organized buying by Americans to offset organized foreign selling policies.

The plan has already had a real tryout. During 1927 a $50,000,000 rubber-buying pool was in operation in this country and, by reason of its great bargaining power, apparently had an important effect on prices. According to testimony before a House committee, the difference between the high and low prices of rubber in 1925 was 84 cents a pound; in 1926 it was 55 cents a pound, but in 1927 it was only 9 cents a pound. This was the greatest stability in rubber prices in 20 years.

Since the United States uses around 900,000,000 pounds of rubber a year the cost of only a few cents fluctuation in prices is a very large item.

Similar savings, it is indicated, might be effected by the consolidated buying of sisal, potash, nitrates, coffee, camphor, and other commodities, wholly or in part subject to controlled foreign selling. Any savings gained would be likely to reach about every American pocket.

Mr. Chairman, I submit the following figures showing importations in connection with this legislation:

Imports into the United States of specified commodities, by principal countries of origin

Commodity and country		1925		1926		1927	
		Quantity	1,000 dollars	Quantity	1,000 dollars	Quantity	1,000 dollars
Crude rubber, total	1,000 pounds	888,478	429,705	925,878	505,818	954,817	339,875
United Kingdom	do	84,731	47,951	57,522	33,536	73,788	26,743
Brazil	do	34,715	16,174	29,659	11,845	38,146	9,699
British Malaya	do	517,148	244,636	573,204	314,878	568,644	203,828
Ceylon	do	66,398	35,687	81,532	44,863	85,012	30,608
Netherland East Indies	do	153,241	65,639	156,555	87,157	169,551	62,817
Potash fertilizers, total	tons	820,637	13,051	815,714	14,123	623,109	13,424
France	do	222,198	3,003	250,375	3,684	39,723	785
Germany	do	537,818	8,902	500,086	9,127	407,854	8,881
Belgium	do	47,346	887	53,977	1,052	152,675	3,000
Sisal and henequen, total	do	136,591	23,329	119,009	21,762	118,829	18,219
Mexico	do	108,976	17,710	82,699	14,264	91,033	13,072
Netherland East Indies	do	13,585	2,882	17,967	4,013	17,028	3,376
Coffee, total	1,000 pounds	1,283,695	286,235	1,493,316	322,746	1,433,340	264,275
Mexico	do	27,532	7,049	26,934	7,206	22,559	6,162
Brazil	do	871,889	184,793	1,013,344	199,663	1,022,986	164,773
Colombia	do	212,237	54,915	272,458	74,279	252,173	65,585
Venezuela	do	55,600	13,364	53,036	12,829	47,765	9,621
Central America	do	62,506	13,839	89,388	20,148	45,318	9,918

The CHAIRMAN. The time of the gentleman from Missouri has expired. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to promote export trade, and for other purposes," approved April 10, 1918, is amended to read as follows:

"That the words 'export trade,' wherever used in this act, mean solely trade or commerce in goods, wares, or merchandise exported, or in the course of being exported from the United States or any Territory thereof to any foreign nation; but the words 'export trade' shall not be deemed to include the production, manufacture, or selling for consumption or for resale, within the United States or any Territory thereof, of such goods, wares, or merchandise, or any act in the course of such production, manufacture, or selling for consumption or for resale.

"That the words 'import trade,' wherever used in this act, mean solely trade or commerce in crude rubber, potash, sisal imported, or in the course of being imported into the United States or any Territory thereof from any foreign nation, or in other raw materials, or products of nature in a crude or unfinished state which are certified by the Secretary of Commerce to be of a character not made, produced, or grown in substantial quantities within the United States, to be controlled by any foreign government, combination, or monopoly.

"That the words 'trade within the United States,' wherever used in this act, mean trade or commerce among the several States or in any Territory of the United States, or in the District of Columbia, or between any such Territory and another or between any such Territory or Territories and any State or States or the District of Columbia, or between the District of Columbia and any State or States.

"That the word 'association,' wherever used in this act, means any corporation or combination, by contract or otherwise, of two or more persons, partnerships, or corporations."

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the enacting clause. We have had four hours' debate upon this bill. The debate was entirely on the bill itself. The time was equally divided. The sponsors and supporters of this bill have utterly failed to make out even a prima facie case to justify the passage of the bill. On the facts as they exist there is no need for this legislation. The bill as it is drawn will not give the protection that its sponsors assure the House it will give to the consuming public of the United States. That being so, with the facts all fresh in your mind, gentlemen, there is no need of prolonging the agony. Let us vote to strike out the enacting clause and defeat the bill right now.

Mr. NEWTON. Mr. Chairman, in the debate on this bill there has been presented a situation which can be briefly summarized as follows:

There are some 15 or 16 different commodities which we must have and which are not produced in this country, but which are produced in substantial quantities in one or more of the producing countries. The exportation of these commodities is now subject to monopolistic control by these countries.

There are some 50 or 60 others susceptible of this control. As a result of this control of rubber, which is still in effect, the American consumer has had to pay, in a period slightly over two years' duration, $297,000,000 over and above the recognized fair price of 36 cents per pound. There have been set before you figures showing that as a result of the potash monopoly in France and Germany, the American farmer for a period of some 35 or 40 years has paid an excess price running into millions of dollars. There have also been submitted to you figures showing that in the last 15 years the American farmer has paid from $35,000,000 to $40,000,000 in excess of a fair price to the governmental monopolies in sisal in Mexico.

That is the situation presented. To meet it we offer a simple plan which puts a weapon in the hands of the American consumer, so that he may more effectively combat the exactions of these monopolies. It is safeguarded by provisions taken from the terms and provisions of existing laws. These provisions have been on our statute books for years and have proven their worth and effectiveness. A further safeguard is the regulatory

and visitorial power over these associations by the Federal Trade Commission. I also call your attention to three specific provisions placed there for the very purpose of preventing any abuse of the power granted:

First. There is a prohibition against any action by this association which enhances prices of the commodity or substantially lessens competition thereon.

Second. There is a provision against discrimination in the sale of such commodities.

Third. No such association is permitted to accumulate unreasonable stocks and withhold the sale for the purpose of enhancing the price. The moment when any of these provisions are violated, all of the provisions of existing law in reference to monopolies and restraints in trade go into effect.

There has been set forth a serious evil and a simple remedy properly safeguarded. The arguments against it are the same arguments that can always be proposed against any measure that is put forward with the idea of meeting a situation in a practical, statesmanlike way. "Status quo" is frequently an easy situation in which to be, but it is not the pathway of progress.

That is the situation. There is the evil. There is the simple remedy properly safeguarded. This the gentleman from New York seeks to eliminate without giving us an opportunity to debate the bill under the five-minute rule in order to perfect it.

Mr. LAGUARDIA. Does the gentleman admit that it requires perfecting?

Mr. NEWTON. I regret I can not yield. Something has been said here about there being now no necessity for this legislation, first, because the price is now down. The charts that I showed here yesterday showed that the price jumped up from 40 or 50 cents to $1.21 a pound in the space of a very few months, less months than from April to December, when Congress again convenes. Secondly, it is claimed that the British have now withdrawn the control. The Premier has merely stated his intention to withdraw it in November. He has the right to change his mind. He may do it or he may not do it. Even if he does do so, that does not mean that we are through with the proposition.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. NEWTON. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NEWTON. It has already been announced in the papers and is carried in the public press, and it precedes this announcement of the Premier, that there is to be a meeting of the only competitors of the British, namely, the Dutch, with the British producers. What is the purpose of that? Obviously to combine, to control, so that if the British can not do it alone the combination may do it.

Now, I submit, gentlemen of the House, that under these circumstances it is the business of this Government, it is the business of Congress, to do something to protect the American consumer from being subject to the exorbitant demands and exactions of these foreign-controlled monopolies. [Applause.]

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from New York [Mr. LAGUARDIA] to strike out the enacting clause.

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. NEWTON. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 110, noes 70.

The CHAIRMAN. The motion to strike out the enacting clause prevails.

Mr. DYER. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Missouri demands tellers.

Tellers were ordered, and the Chairman appointed Mr. DYER and Mr. LAGUARDIA to act as tellers.

The committee again divided; and the tellers reported—ayes 124, noes 80.

So the motion to strike out the enacting clause was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I move that the committee do now rise and that the chairman report to the House that the committee has decided to strike out the enacting clause.

The CHAIRMAN. The gentleman from New York moves that the committee do now rise and that the chairman report back to the House that the committee has decided to strike out the enacting clause. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LUCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 8927) to amend the act entitled "An act to promote export trade, and for other purposes," approved April 10, 1918, had directed him to report the same back to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The gentleman from Massachusetts [Mr. LUCE], Chairman of the Committee of the Whole House on the state of the Union, having under consideration the bill H. R. 8927, reports that that committee has directed him to report the bill to the House with the recommendation that the enacting clause be stricken out. Those favoring the recommendation of the committee will rise and stand until they are counted.

Mr. DYER. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Missouri demands the yeas and nays. Those who favor taking the vote by the yeas and nays will rise and stand until they are counted. [After counting.] Sixty gentlemen have arisen. The yeas and nays are ordered. Those favoring the action of the committee will, when their names are called, answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 181, nays 120, answered "present" 3, not voting 128, as follows:

[Roll No. 64]

YEAS—181

Abernethy	Dominick	Kincheloe	Rayburn
Adkins	Doughton	King	Reed, Ark.
Allen	Dowell	Kopp	Robinson, Iowa
Allgood	Drane	Kvale	Romjue
Almon	Driver	Lampert	Rowbottom
Andresen	Elliott	Lanham	Rubey
Arnold	Eslick	Lankford	Rutherford
Aswell	Evans, Mont.	Letts	Sabath
Auf der Heide	Fisher	Linthicum	Sanders, Tex.
Ayres	Fitzpatrick	Lowrey	Sandlin
Bankhead	Fulbright	Lozier	Schafer
Beck, Wis.	Fulmer	Lyon	Schneider
Bell	Gambrill	McClintic	Sears, Fla.
Black, N. Y.	Garber	McDuffie	Selvig
Black, Tex.	Garner, Tex.	McMillan	Shallenberger
Bland	Garrett, Tenn.	McReynolds	Simmons
Blanton	Garrett, Tex.	McSwain	Sinclair
Bowling	Gasque	McSweeney	Spearing
Box	Gifford	Major, Ill.	Sproul, Kans.
Brand, Ga.	Gregory	Major, Mo.	Steagall
Brand, Ohio	Green	Martin, La.	Stedman
Briggs	Guyer	Menges	Steele
Browne	Hall, Ill.	Milligan	Stevenson
Browning	Hall, N. Dak.	Montague	Strong, Kans.
Buchanan	Hare	Moore, Ky.	Sumners, Tex.
Bulwinkle	Hastings	Moore, Va.	Swank
Byrns	Haugen	Moorman	Taylor, Tenn.
Canfield	Hill, Ala.	Morehead	Thurston
Cannon	Hill, Wash.	Morin	Tucker
Cartwright	Holaday	Morrow	Underwood
Celler	Hope	Nelson, Mo.	Vinson, Ga.
Chapman	Howard, Nebr.	Nelson, Wis.	Vinson, Ky.
Clague	Howard, Okla.	Norton, Nebr.	Ware
Cochran, Mo.	Huddleston	O'Brien	Warren
Cole, Md.	Hudspeth	O'Connell	Weaver
Collier	Hull, Tenn.	O'Connor, N. Y.	White, Kans.
Collins	Igoe	Oldfield	Whittington
Cooper, Wis.	Jacobstein	Oliver, Ala.	Williams, Mo.
Corning	Jeffers	Oliver, N. Y.	Williams, Tex.
Cox	Johnson, Ind.	Palmisano	Williamson
Crosser	Johnson, Okla.	Parks	Wilson, La.
Davenport	Johnson, Tex.	Pou	Wilson, Miss.
Davis	Jones	Prall	Wright
Deal	Kading	Quin	
Dickinson, Iowa	Kemp	Ragon	
Dickinson, Mo.	Kerr	Rankin	

NAYS—120

Ackerman	Eaton	Johnson, Wash.	Ramseyer
Aldrich	England	Kahn	Rogers
Arentz	Englebright	Kelly	Sanders, N. Y.
Bacharach	Evans, Calif.	Ketcham	Sears, Nebr.
Bachmann	Fish	Kiess	Seger
Beedy	Fitzgerald, W. T.	Knutson	Sinnott
Begg	Fletcher	Korell	Smith
Bloom	Fort	Kurtz	Snell
Bohn	Free	Leavitt	Speaks
Bowman	Freeman	Leech	Stobbs
Brigham	French	Lehlbach	Sweet
Burdick	Frothingham	Luce	Swick
Burtness	Gibson	McLeod	Swing
Burton	Glynn	MacGregor	Taber
Campbell	Goodwin	Maas	Tarver
Carter	Griest	Magrady	Tilson
Chalmers	Hadley	Manlove	Timberlake
Chase	Hall, Ind.	Mapes	Treadway
Chindblom	Hancock	Merritt	Vestal
Christopherson	Hardy	Michener	Vincent, Mich.
Cole, Iowa	Hawley	Miller	Wainwright
Colton	Hersey	Monast	Wason
Crail	Hickey	Moore, Ohio	Watson
Cramton	Hoch	Morgan	Weller
Crowther	Hoffman	Nelson, Me.	White, Colo.
Dallinger	Hooper	Newton	White, Me.
Davey	Hudson	Niedringhaus	Williams, Ill.
Dempsey	Hull, Morton D.	O'Connor, La.	Winter
Denison	Hull, Wm. E.	Pratt	Woodruff
Dyer	Jenkins	Purnell	Zihlman

ANSWERED "PRESENT"—3

Cohen	LaGuardia	Rainey

NOT VOTING—128

Andrew	Dickstein	Kendall	Reid, Ill.
Anthony	Douglas, Ariz.	Kent	Robsion, Ky.
Bacon	Douglass, Mass.	Kindred	Shreve
Barbour	Doutrich	Kunz	Sirovich
Beck, Pa.	Doyle	Langley	Somers, N. Y.
Beers	Drewry	Larsen	Sproul, Ill.
Berger	Edwards	Lea	Stalker
Boies	Estep	Leatherwood	Strong, Pa.
Bowles	Faust	Lindsay	Strother
Boylan	Fenn	McFadden	Sullivan
Britten	Fitzgerald, Roy G.	McKeown	Summers, Wash.
Buckbee	Foss	McLaughlin	Tatgenhorst
Busby	Frear	Madden	Taylor, Colo.
Bushong	Furlow	Mansfield	Temple
Butler	Gardner, Ind.	Martin, Mass.	Thatcher
Carew	Gilbert	Mead	Thompson
Carley	Golder	Michaelson	Tillman
Carss	Goldsborough	Mooney	Tinkham
Casey	Graham	Moore, N. J.	Underhill
Clancy	Greenwood	Murphy	Updike
Clarke	Griffin	Norton, N. J.	Watres
Cochran, Pa.	Hale	Palmer	Welch, Calif.
Combs	Hammer	Parker	Welsh, Pa.
Connally, Tex.	Harrison	Peavey	Whitehead
Connery	Hogg	Peery	Wingo
Connolly, Pa.	Houston, Del.	Perkins	Wolverton
Cooper, Ohio	Hughes	Porter	Wood
Crisp	Irwin	Quayle	Woodrum
Cullen	James	Ransley	Wurzbach
Curry	Johnson, Ill.	Rathbone	Wyant
Darrow	Johnson, S. Dak.	Reece	Yates
De Rouen	Kearns	Reed, N. Y.	Yon

So the recommendation of the committee to strike out the enacting clause was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. LaGuardia (for) with Mr. Graham (against).
Mr. Drewry (for) with Mr. Reed of New York (against).
Mr. Crisp (for) with Mr. Shreve (against).
Mr. Furlow (for) with Mr. Fenn (against).
Mr. McKeown (for) with Mr. Martin of Massachusetts (against).
Mr. Peavey (for) with Mr. Reid of Illinois (against).
Mr. Gardner (for) with Mr. Butler (against).
Mr. Tillman (for) with Mr. Wurzbach (against).
Mr. Rainey (for) with Mr. McLaughlin (against).
Mr. Greenwood (for) with Mr. Curry (against).
Mr. Lindsay (for) with Mr. Foss (against).
Mr. Gilbert (for) with Mr. Buckbee (against).
Mr. Yon (for) with Mr. Bowles (against).
Mr. Cullen (for) with Mr. Stalker (against).
Mr. Mead (for) with Mr. McFadden (against).
Mr. Goldsborough (for) with Mr. Connolly of Pennsylvania (against).
Mr. Larsen (for) with Mr. Wolverton (against).
Mr. Harrison (for) with Mr. Strong of Pennsylvania (against).
Mr. Woodrum (for) with Mr. Tatgenhorst (against).

Until further notice:

Mr. Faust with Mr. Connally of Texas.
Mr. Clancy with Mrs. Norton of New Jersey.
Mr. Beers with Mr. Dickstein.
Mr. Johnson of Illinois with Mr. Edwards.
Mr. Cooper of Ohio with Mr. Wingo.
Mr. Stalker with Mr. Hammer.
Mr. Thompson with Mr. Griffin.
Mr. Ransley with Mr. Mooney.
Mr. Frear with Mr. Kunz.
Mr. Murphy with Mr. Boylan.
Mr. Doutrich with Mr. Carss.
Mr. Michaelson with Mr. Lea.
Mr. Yates with Mr. Carew.
Mr. Wood with Mr. Peery.
Mr. Underhill with Mr. Mansfield.
Mr. Welsh of Pennsylvania with Mr. Casey.
Mr. Robsion of Kentucky with Mr. Somers of New York.
Mr. Thatcher with Mr. Douglas of Arizona.
Mr. Watres with Mr. Taylor of Colorado.
Mr. Golder with Mr. Kindred.
Mr. Rathbone with Mr. Doyle.
Mr. Perkins with Mr. Kent.
Mr. Clarke with Mr. Sullivan.
Mr. Britten with Mr. Quayle.
Mr. Beck of Pennsylvania with Mr. Douglass of Massachusetts.
Mr. Hogg with Mr. Combs.
Mr. Anthony with Mr. Moore of New Jersey.
Mr. Hughes with Mr. Connery.
Mr. Johnson of South Dakota with Mr. Busby.
Mr. Kearns with Mr. De Rouen.
Mrs. Langley with Mr. Carley.
Mr. Kendall with Mr. Sirovich.
Mr. Bacon with Mr. Berger.

Mr. LAGUARDIA. Mr. Speaker, having been paired with the chairman of my committee, I will have to withdraw my vote of "yea" and vote "present."

Mr. JOHNSON of South Dakota. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. JOHNSON of South Dakota. I do not know whether I can qualify. I do not know whether I was in the Hall or not.

The SPEAKER. The gentleman does not qualify.

Mr. RAINEY. Mr. Speaker, I voted "yea," but I am paired with the gentleman from Michigan [Mr. McLAUGHLIN], so I withdraw my vote and vote "present."

Mr. STOBBS. Mr. Speaker, I want to say that my colleagues, Messrs. BOWLES, Foss, and MARTIN, are not present. If they were present they would vote "nay."

The result of the vote was announced as above recorded.

On motion of Mr. LAGUARDIA, a motion to reconsider the vote whereby the enacting clause was stricken out was laid on the table.

ARTHUR C. LUEDER

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 8499, for the relief of Arthur C. Lueder, reported from the Senate committee on March 20, with two amendments merely correcting the form of the bill, and agree to the Senate amendments.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table H. R. 8499 and agree to the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Senate amendments were read.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Senate amendments were agreed to.

BRIDGE ACROSS THE ST. FRANCIS RIVER

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 9365, to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark., and agree to the Senate amendments. It is a bridge bill, and the amendments are not of any particular importance.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table H. R. 9365, and agree to the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Senate amendments were read.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what is the purpose of the Senate amendments?

Mr. DENISON. I am sure I do not know. They merely provide for the striking out of small words, which are not of any great importance.

Mr. SCHAFER. Very often a small word may make a great deal of difference in a bill. I object until we know what the Senate amendments do.

BRIDGE ACROSS THE OHIO RIVER AT AUGUSTA, KY.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 5721, authorizing E. M. Elliott & Associates (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky., and agree to the Senate amendments.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table H. R. 5721, and agree to the Senate amendments. The Clerk will report the bill and Senate amendments.

The Clerk read the title of the bill.

The Senate amendments were read.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. SCHAFER. Mr. Speaker, I object.

Mr. DENISON. May I ask the gentleman from New York the reason for his objection?

Mr. LAGUARDIA. Because it is E. M. Elliott.

Mr. DENISON. The Senate has stricken out the name of E. M. Elliott and granted the franchise to different parties.

Mr. LAGUARDIA. That is very easily done in a corporation, and I would like to look into the matter first.

Mr. COCHRAN of Missouri. I will say to the gentleman from New York that I have conferred with the Senator from Kentucky [Mr. BARKLEY] and also with the gentleman from Kentucky [Mr. VINSON], who introduced the bill, and I am assured by both of them that the mayor of Augusta, Ky., who is going to secure the right to construct this bridge, will in no way be associated with Mr. Elliott. At the time the bill was introduced the information concerning Mr. Elliott's activities had not been disclosed. As soon as the information reached Mr. VINSON he immediately took steps to see that Mr. Elliott did not receive the grant.

Mr. LAGUARDIA. On the assurance given by the gentleman from Missouri, and if he wants to assume the responsibility, I will withdraw my objection.

Mr. DENISON. I intended to explain to the gentleman from New York that the Senate amended this bill by granting the franchise to the mayor of Augusta, who, I understand from the gentleman from Missouri, is not at all connected with E. M. Elliott.

Mr. LAGUARDIA. The gentleman from Illinois is entirely correct. I was too hasty in making my objection. I should have reserved the objection.

Mr. SCHAFER. I will object until I have had an opportunity to look into this matter.

STONE MOUNTAIN COMMITTEE

The SPEAKER. The Chair has been advised that it will be impossible for the gentleman from Pennsylvania [Mr. McFADDEN] to serve on the Stone Mountain committee, and the Chair appoints the gentleman from Kansas [Mr. SPROUL] in his place.

BROOKSVILLE PLANT INTRODUCTION GARDEN

Mr. DRANE. Mr. Speaker, I desire to call up Senate Joint Resolution 95, and, if necessary, to make a very brief statement in connection therewith.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of Senate Joint Resolution 95, which the Clerk will report.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of Agriculture be, and he is hereby, authorized to sell, or cause to be sold at private sale, to the Hernando Tobacco Co., a corporation existing under the laws of the State of Florida, for the consideration of $2, being the amount originally paid by the Government to the said Hernando Tobacco Co. for the lands hereinafter mentioned, all that tract or parcel of land situate in Hernando County, Fla., ordinarily referred to as the Brooksville Plant Introduction Garden, and more particularly described as follows: The south half southwest quarter southwest quarter of section 30, township 22 south, range 20 east, containing 20 acres, more or less; and the entire portion of the north half southwest quarter southwest quarter of section 30, township 22 south, range 20, which lies south of and adjacent to the county road running through said section and township, consisting of 15 acres, more or less, in the county of Hernando, State of Florida; together with the buildings and improvements thereon, which said tract or parcel of land with the buildings and improvements aforesaid is no longer needed for plant-introduction purposes, and to execute and deliver in the name of the United States and in its behalf any and all the contracts, conveyances, or other instruments necessary to effectuate and complete such sale.

SEC. 2. That the net proceeds from the sale of the aforesaid property be deposited in the Treasury of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, my recollection is an identical bill has been favorably reported to the House and possibly passed by the House.

Mr. DRANE. Not an identical bill. That bill was passed through an inadvertence and by consent of the Committee on Agriculture it will die over in the Senate. This joint resolution has passed the Senate.

Mr. CRAMTON. Has the resolution been before the House committee?

Mr. DRANE. Yes.

Mr. ADKINS. It was unanimously reported out by the committee.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

IRON GATES IN WEST EXECUTIVE AVENUE

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 359) authorizing the presentation of the iron gates in West Executive Avenue between the grounds of the State, War, and Navy Building and the White House to the Ohio State Archeological and Historical Society for the memorial gateways into the Spiegel Grove State Park, with Senate amendments, and agree to the Senate amendments.

The Clerk read the Senate amendments.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill H. R. 359, with Senate amendments, and agree to the Senate amendments. Is there objection?

There was no objection.

CROW INDIAN RESERVATION, MONT.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3435) to authorize an appropriation from tribal funds to pay part of the cost of the construction of a road on the Crow Indian Reservation, Mont., which is identical with House bill 11276, which has been unanimously reported by the Committee on Indian Affairs.

The Clerk read the title of the bill.

Mr. GARNER of Texas. Mr. Speaker, what is this bill?

Mr. LEAVITT. This is a bill to take from the tribal fund of the Crow Indians $7,500 to be matched with $12,500 by the county for the construction of a road on the Indian reservation, which has been requested by the tribal council of the Indians.

Mr. GARNER of Texas. Has the gentleman's committee unanimously reported the bill?

Mr. LEAVITT. The committee has unanimously reported the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That an appropriation is hereby authorized in the sum of $7,500 from the tribal funds on deposit in the United States Treasury to the credit of the Indians of the Crow Reservation in the State of Montana to pay part of the cost of the construction of a road on said reservation between the towns of Hardin and St. Xavier, a distance of about 22 miles, under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That before any money is expended hereunder the county of Big Horn or the State of Montana shall first set aside $15,000 to pay the remainder of the cost of said road.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. DENISON, for one week, on account of important business.

Mr. McDUFFIE, for one week, on account of illness in his family.

ADJOURNMENT OVER

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet Monday. If this consent is granted, I intend to follow it with a request that on Monday the Private Calendar shall be in order as well as District of Columbia business, believing that there will not be District business to occupy the day; I also ask that the special order for to-morrow be continued over until Monday.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, the gentleman from Connecticut [Mr. TILSON] spoke to me yesterday touching the matter of adjourning over Saturday. I requested that the gentleman withhold the formal request until to-day. I understand it would inconvenience a number of Members who have built their plans about an adjournment over to-morrow if this request were objected to, so I shall not object; but I would like to throw out the hint, if I may, that it seems to me we are getting pretty near the time when we had better begin to work on Saturdays.

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, will the District Committee call up the policemen's salary increase bill on Monday?

Mr. TILSON. I understand that it will not be called up.

Mr. SCHAFER. I will not object to this unanimous-consent request, but hereafter I shall object, because we have plenty of important legislation to keep this Congress in session on Saturdays as well as other week days.

Mr. TILSON. When the important legislation is ready I think all of us will agree that we should continue in session on Saturdays.

Mr. SCHAFER. Why not bring out a rule and set aside one Saturday to discuss amendment of the Volstead Act? [Laughter and applause.] The gentleman from Michigan [Mr. CRAMTON] has indicated he wants a vote on it.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-day it adjourn to meet Monday, and also that it shall be in order to consider business on the Private Calendar on Monday, and such special orders as were in force for to-morrow will be postponed until Monday. Is there objection?

There was no objection.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 142. An act to add certain lands to the Idaho National Forest, Idaho;

H. R. 144. An act to add certain lands to the Challis and Sawtooth National Forests, Idaho;

H. R. 328. An act to relieve the Territory of Alaska from the necessity of filing bonds or security in legal proceedings in which such Territory is interested;

H. R. 333. An act authorizing the sale of certain lands near Seward, Alaska, for use in connection with the Jesse Lee Home;

H. R. 343. An act to amend section 128, subdivision (b), paragraph 1, of the Judicial Code as amended February 13, 1925, relating to appeals from district courts;

H. R. 465. An act to authorize the city of Oklahoma City to sell certain public squares situated therein;

H. R. 1997. An act for the relief of Clifford J. Turner;

H. R. 3466. An act for the relief of George A. Winslow;

H. R. 4125. An act for the relief of Holger M. Trandum;

H. R. 5075. An act for the relief of W. J. Bryson;

H. R. 5495. An act to provide for cooperation by the Smithsonian Institution with State, educational, and scientific organizations in the United States for continuing ethnological researches on the American Indians;

H. R. 5545. An act granting certain lands to the State of California;

H. R. 5923. An act for the relief of the Sanitarium Co., of Portland, Oreg.;

H. R. 6056. An act to provide for addition of certain land to the Challis National Forest;

H. R. 7463. An act amending an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims";

H. R. 7472. An act to grant to the town of Cicero, Cook County, Ill., an easement over certain Government property;

H. R. 9118. An act for the relief of William C. Braasch;

H. R. 9144. An act to provide for the conveyance of certain lands in the State of Wisconsin for State park purposes;

H. R. 9583. An act authorizing the reporting to the Congress of certain claims and demands asserted against the United States;

H. R. 10483. An act to revise the boundary of a portion of the Hawaii National Park on the Island of Hawaii, in the Territory of Hawaii; and

H. J. Res. 215. A resolution to authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, for the purposes of the upper Mississippi River wild life and fish refuge act.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills of the following titles:

H. R. 6993. An act authorizing the Secretary of the Interior to sell and patent certain lands in Louisiana and Mississippi;

H. R. 8725. An act to amend section 224 of the Judicial Code;

H. R. 9197. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.;

H. R. 9147. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn.;

H. R. 9137. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the projected State highway between Lebanon and Hartsville and Gallatin near Hunters Point, in Wilson and Trousdale Counties, Tenn.;

H. R. 9198. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; and

H. R. 9199. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.;

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 21 minutes p. m.), under the order heretofore agreed to, the House adjourned until Monday, April 9, 1928, at 12 o'clock noon.

COMMITTEE HEARING

Mr. TILSON submitted notice of the following hearing scheduled for Saturday, April 7, 1928, as reported to the floor leader by the clerk of the committee:

COMMITTEE ON MILITARY AFFAIRS

(10 a. m.)

To authorize appropriations for construction at military posts (H. R. 12688).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

427. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Treasury Department for the fiscal year 1929, pertaining to the office of the Supervising Architect, $9,750,000 (H. Doc. No. 212); to the Committee on Appropriations and ordered to be printed.

428. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year 1929, for public buildings authorized under the provisions of the act approved May 25, 1926, as amended by the act approved February 24, 1928, $15,463,500 (H. Doc. No. 213); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LUCE: Committee on the Library. H. R. 9194. A bill authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873; with amendment (Rept. No. 1146). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 9965. A bill to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where, on February 14, 1779, Elijah Clarke, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, killing him and many of his followers, thus ending British dominion in Georgia; with amendment (Rept. No. 1147). Referred to the Committee of the Whole House on the state of the Union.

Mr. PURNELL: Committee on Agriculture. H. R. 12632. A bill to provide for the eradication or control of the European corn borer; without amendment (Rept. No. 1149). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BURDICK: Committee on Naval Affairs. H. R. 3960. A bill for the relief of William Downing Prideaux; without amendment (Rept. No. 1148). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7883) granting an increase of pension to Adell C. Hamilton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11042) for the relief of Ray W. Firth; Committee on the Civil Service discharged, and referred to the Committee on Claims.

A bill (H. R. 12535) for the relief of Ellen A. Farrelly; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MACGREGOR: A bill (H. R. 12768) authorizing the Commissioner General of Immigration to issue certificates of

arrival in certain cases; to the Committee on Immigration and Naturalization.

By Mr. EVANS of California: A bill (H. R. 12769) to conserve the water resources and to encourage reforestation of the watersheds of Los Angeles County by the withdrawal of certain public lands included within the Angeles National Forest from location and entry under the mining laws; to the Committee on the Public Lands.

By Mr. LANKFORD: A bill (H. R. 12770) to make unlawful the acceptance or solicitation of campaign or political funds under certain circumstances, the acceptance of pay for political help, the acceptance of certain Federal positions secured by parties after making such payments or donations, and for other purposes; to the Committee on the Judiciary.

By Mr. HOWARD of Oklahoma: A bill (H. R. 12771) authorizing and directing the Secretary of the Treasury to enter into a contract or contracts for the erection and completion of a plant suitable for the investigations of the United States Bureau of Mines at Bartlesville, Okla., and authorizing an appropriations therefor; to the Committee on Mines and Mining.

Also, a bill (H. R. 12772) to regulate the payment of the Pawnee annuity; to the Committee on Indian Affairs.

By Mr. NEWTON: A bill (H. R. 12773) to amend paragraph (11) of section 20 of the interstate commerce act, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENSON: A bill (H. R. 12774) to amend an act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes, approved May 1, 1926; to the Committee on Pensions.

By Mr. HADLEY: A bill (H. R. 12775) providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public park purposes; to the Committee on the Public Lands.

By Mr. HUDSPETH: A bill (H. R. 12776) to adjust the compensation of certain employees in the customs service, and for other purposes; to the Committee on Ways and Means.

By Mr. RAGON: A bill (H. R. 12777) to amend section 71 of the Judicial Code by establishing a division of the eastern district of Arkansas at Russellville, Ark.; to the Committee on the Judiciary.

By Mr. SWING: A bill (H. R. 12778) amending subdivision (2) of section 1 of the interstate commerce act, as amended (U. S. C., title 49, sec. 1, subdivision (2), by perfecting the jurisdiction of the Interstate Commerce Commission to regulate transportation charges under certain conditions; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: A bill (H. R. 12779) to amend section 5 of the act of June 27, 1906, conferring authority upon the Secretary of the Interior to fix the size of farm units on desert-land entries when included within national reclamation projects; to the Committee on Irrigation and Reclamation.

By Mr. NEWTON: A bill (H. R. 12780) to promote the better protection and highest public use of the lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, the development and extension of recreational uses, the preservation of wild life, and other purposes not inconsistent therewith; and to protect more effectively the streams and lakes dedicated to public use under the terms and spirit of clause 2 of the Webster-Ashburton treaty of 1842 between Great Britain and the United States; and looking toward the joint development of indispensable international recreational and economic assets; to the Committee on the Public Lands.

By Mr. PORTER: A bill (H. R. 12781) to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. WAINWRIGHT: Joint resolution (H. J. Res. 264) to promote peace and to equalize the burdens and to minify the profits of war; to the Committee on Rules.

By Mr. CELLER: Resolution (H. Res. 158) for the appointment of five Members of the House of Representatives to investigate the subject of foreign loans by American bankers, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. AUF DER HEIDE: Memorial of the Legislature of the State of New Jersey, requesting the Postmaster General to be authorized and directed to issue special postage stamps to commemorate the one hundred and fiftieth anniversary of the Battle of Monmouth in the Revolutionary War; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 12782) for the relief of C. L. Beardsley; to the Committee on Claims.

By Mr. BRAND of Georgia: A bill (H. R. 12783) for the relief of Augusta Cornog; to the Committee on Claims.

By Mr. COCHRAN of Missouri: A bill (H. R. 12784) granting a pension to Alice Brookman; to the Committee on Invalid Pensions.

By Mr. CONNERY: A bill (H. R. 12785) for the relief of Ellen A. Farrelly; to the Committee on Naval Affairs.

By Mr. ENGLAND: A bill (H. R. 12786) granting an increase of pension to Mary E. Medley; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 12787) granting a pension to Harry Bicksler; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 12788) granting an increase of pension to Mary Ryder; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 12789) granting an increase of pension to Mary E. Byus; to the Committee on Pensions.

By Mr. GOODWIN: A bill (H. R. 12790) granting an increase of pension to Sarah T. Bradley; to the Committee on Pensions.

Also, a bill (H. R. 12791) granting a pension to Agnes W. Case; to the Committee on Pensions.

By Mr. LETTS: A bill (H. R. 12792) granting an increase of pension to Helen A. Sleigh; to the Committee on Invalid Pensions.

By Mr. LOWREY: A bill (H. R. 12793) for the relief of Alonzo Durward Allen; to the Committee on War Claims.

By Mr. McREYNOLDS: A bill (H. R. 12794) granting a pension to Beatrice Ophelia Simmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12795) granting a pension to Martha Jane Simmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12796) granting a pension to Magnolia Ann Simmons; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 12797) granting a pension to Lilly O. Weaver; to the Committee on Invalid Pensions.

By Mr. RAGON: A bill (H. R. 12798) granting an increase of pension to Libbie M. Taber; to the Committee on Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 12799) granting a pension to Frederica Philpot Stiles; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 12800) granting an increase of pension to Jennie M. Otto; to the Committee on Invalid Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 12801) granting a pension to James G. Carmack; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 12802) granting an increase of pension to Nancy Gibson; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 12803) granting a pension to Calvin J. Smith; to the Committee on Pensions.

By Mr. THURSTON: A bill (H. R. 12804) granting an increase of pension to Susan Lewis; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 12805) granting a pension to Mindy Self; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6507. Petition of International Unemployed Conference, concerning unemployment in the United States; to the Committee on Labor.

6508. By Mr. ARNOLD: Petition from citizens of Bridgeport, Ill., in behalf of pension legislation for Civil War soldiers and their dependents; to the Committee on Invalid Pensions.

6509. By Mr. BANKHEAD: Petition of citizens of Delmar, Ala., urging Congress to grant pensions and increase of pension to Civil War veterans and their widows; to the Committee on Invalid Pensions.

6510. By Mr. BOHN: Petition of citizens of State of Michigan, requesting support for House bill 11; to the Committee on Interstate and Foreign Commerce.

6511. By Mr. CARTER: Petition of Mary Moyers and 73 others of Oakland, Calif., urging the passage of legislation increasing the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6512. Also, petition of Mary L. Hughes and many others, of Alameda County, Calif., urging the passage of legislation increasing the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6513. Also, petition of Mrs. S. E. Wait and several others, of Alameda County, Calif., urging the passage of legislation increasing the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6514. By Mr. COOPER of Ohio: Petition of residents of Trumbull County, Ohio, protesting against proposed legislation for Sunday observance; to the Committee on the District of Columbia.

6515. By Mr. AUF DER HEIDE: Petition of citizens of Hudson County, N. J., urging enactment of legislation beneficial to Civil War veterans and their widows; to the Committee on Invalid Pensions.

6516. By Mr. EATON: Petition of Sara B. Durling and 19 other residents of Rocky Hill, N. J., against enactment of any measure to increase the number of immigrants now allowed to come into this country in any year; to the Committee on Immigration and Naturalization.

6517. By Mr. FULBRIGHT: Petition from Douglas County, Mo., for increase in pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6518. Also, petition from Galena, Mo., in behalf of increase in pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6519. Also, petition from Poplar Bluff, Mo., for increase in pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6520. Also, petition from Malden, Mo., for increase in pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6521. By Mr. GARBER: Petition of John A. Simpson, president of the Farmers' Educational and Cooperative Union of America, Oklahoma City, Okla., in opposition to the passage of Oddie bill (S. 1752); to the Committee on the Post Office and Post Roads.

6522. Also, petition of residents of Enid, Okla., and Garfield County, in opposition to Senate bills 871 and 3107, and in support of House bill 9347; to the Committee on the District of Columbia.

6523. Also, petition of National Society Daughters of the American Revolution, by the chairman, Mrs. Edwin C. Gregory, Salisbury, N. C., in support of House bill 6664 and Senate bill 1907; to the Committee on the District of Columbia.

6524. Also, petition of residents of Enid, Okla., urging the enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6525. By Mr. GOODWIN: Petition of Fantha Stevenson and 59 other residents of Princeton and Zimmerman, Minn., for an increase in the amount of pension for the Union veterans of the Civil War and the widows of those veterans; to the Committee on Invalid Pensions.

6526. Also, petition of Daniel W. Hunt, 4859 Sixth Street North, Minneapolis, Minn., and 23 other residents of Robbinsdale and Minneapolis, Minn., asking for the prompt enactment of an increase in the pensions to be paid to the Union veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6527. By Mr. HALL of North Dakota: Petition of 14 citizens of Grand Rapids, N. Dak., against the enactment of the so-called Oddie bill, having to do with stamped envelopes furnished by the Government; to the Committee on Printing.

6528. By Mr. HOOPER: Petition of C. J. Austin and 20 other residents of Kalamazoo County, Mich., urging to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6529. Also, petition of F. Winifred Harvey and 44 other residents of Battle Creek, Mich., urging to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6530. By Mr. HOPE: Petition signed by residents of Scott County, Kans., requesting the passage of more adequate pension legislation for the benefit of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6531. Also, petition signed by residents of Ford County, Kans., requesting the passage of more adequate pension legislation for the benefit of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6532. Also, petition signed by residents of Rush County, Kans., requesting the passage of more adequate pension legislation for the benefit of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6533. By Mr. JOHNSON of Texas: Petition of Cora Ferguson, superintendent of public instruction, Limestone County, Groesbeck, Tex., indorsing House bill 6518 (Welch bill); to the Committee on the Civil Service.

6534. Also, petition of Limestone County Farm Bureau, indorsing McNary-Haugen farm relief bill; to the Committee on Rules.

6535. By Mr. LEHLBACH: Petition of citizens of Newark and Irvington, N. J., protesting against an increase in the number of immigrants now allowed to come into this country; to the Committee on Immigration and Naturalization.

6536. By Mr. LINDSAY: Petition of National Organization of Masters, Mates, and Pilots of America, Milwaukee Local, No. 51, protesting against the passage of House bill 11137; to the Committee on the Merchant Marine and Fisheries.

6537. Also, petition of the Baugh & Sons Co., Baltimore, Md., protesting vigorously against the Government going into the fertilizer business, and in particular against the House Military Affairs Committee's substitute for the Norris bill; to the Committee on Military Affairs.

6538. Also, petition of National League of Women Voters, Washington, D. C., urging that the amendment now proposed to Senate Joint Resolution 46 may itself be amended to conform with the principles embodied in the measure as it was passed by the House with respect to Muscle Shoals; to the Committee on Military Affairs.

6539. By Mr. LINTHICUM: Petition of Baltimore Association of Credit Men, urging favorable action on House bill 10287, the purpose of which is to make it a crime to transport stolen merchandise in interstate commerce; to the Committee on the Judiciary.

6540. Also, petition of Maryland Casualty Co., Baltimore, Md., urging favorable action on postal rate revision bill (H. R. 12036); to the Committee on the Post Office and Post Roads.

6541. By Mr. McREYNOLDS: Petition from the adult citizens of Sewanee, Franklin County, Tenn., protesting against the passage of the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

6542. By Mr. MAJOR of Missouri: Petition of citizens of Sedalia, Mo., urging the immediate passage of legislation providing increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6543. By Mr. MANLOVE: Petition of 35 residents of Walker, Mo., requesting Congress to enact legislation to increase pensions now allowed to veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

6544. By Mr. MERRITT: Petition of sundry citizens of Bridgeport, in the State of Connecticut, in opposition to the passage of compulsory Sunday legislation; to the Committee on the District of Columbia.

6545. Also, petition of citizens of Danbury, Conn., urging the passage of the Cooper-Hawes bill (H. R. 7729 and S. 1940); to the Committee on Labor.

6546. By Mr. MORROW: Petition of Sisneros Martinez Post, American Legion, Taos. N. Mex., indorsing Tyson-Fitzgerald bill for retirement of disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

6547. By Mr. MURPHY: Petition of Mrs. Clyde E. Warren, Cadiz, Ohio, telling that Moravian Trail, Daughters of the American Revolution, decided in favor of the national-origin plan for immigration; to the Committee on Labor.

6548. By Mr. O'CONNELL: Petition of the Baugh & Sons Co., Baltimore, Md., protesting against the Government going into the fertilizer business, and therefore in particular protest against the House Military Affairs Committee's substitute for the Norris bill; to the Committee on Military Affairs.

6549. Also, petition of the Major John W. Mark Post No. 142, American Legion, Jamaica, Long Island, N. Y., favoring the passage of the Capper-Johnson bill (H. R. 8313 and S. 1289); to the Committee on Military Affairs.

6550. Also, petition of the National League of Women Voters, Washington, D. C., with reference to Senate Joint Resolution No. 46, Muscle Shoals; to the Committee on Military Affairs.

6551. By Mr. PERKINS: Petition of various members of the Sons and Daughters of Liberty of Hackensack, Englewood, Tenafly, Bergenfield, and Palisades Park, N. J., against increased immigration; to the Committee on Immigration and Naturalization.

6552. Also, petition of various members of the Sons and Daughters of Liberty of Ridgefield Park, Hackensack, Paterson, Little Ferry, Bogota, and Teaneck, N. J., against increased immigration; to the Committee on Immigration and Naturalization.

6553. Also, petition of various members of the Sons and Daughters of Liberty of Phillipsburg and Stewartsville, N. J., against any measure to increase immigration; to the Committee on Immigration and Naturalization.

6554. Also, petition of various members of the Sons and Daughters of Liberty living in Grantwood, Fairview, Cliffside, Ridgefield, Rochelle Park, Bergenfield, Englewood, North Bergen, and Union City, N. J., against any measure to increase immigration; to the Committee on Immigration and Naturalization.

6555. Also, petition of various members of the Sons and Daughters of Liberty living in Hope, Blairstown, and Delaware, N. J., against any measure to increase immigration; to the Committee on Immigration and Naturalization.

6556. By Mr. ROWBOTTOM: Petition of Hannah Rumble and others of Union and Pike Counties, Ind., that the bill increasing Civil War widows' pensions be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

6557. By Mr. SWICK: Petition of Mr. J. G. Keene and 43 other residents of New Castle, Lawrence County, Pa., urging the passage of a pension bill providing $72 per month for every survivor of the Civil War, $125 per month for every survivor of the Civil War requiring aid and attendance, and $50 per month for every Civil War widow; to the Committee on Pensions.

6558. Also, petition of Mrs. Pearl Holsinger and 47 other residents of Beaver County, Pa., urging the passage of a pension bill providing $72 per month for every survivor of the Civil War, $125 per month for every survivor of the Civil War requiring aid and attendance, and $50 per month for every Civil War widow; to the Committee on Pensions.

6559. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., urging the passage of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6560. By Mr. THURSTON: Petition of 67 citizens of the State of Iowa, requesting that legislation now pending in behalf of veterans of the Civil War and their dependents be passed; to the Committee on Invalid Pensions.

6561. By Mr. TILSON: Petition of John C. McLean and other residents of Milford, Conn., protesting against passage of bill H. R. 78; to the Committee on the District of Columbia.

6562. By Mr. WEAVER: Petition of citizens of Buncombe County, N. C., asking for passage of Sproul bill (H. R. 11410) to amend the prohibition act; to the Committee on the Judiciary.

6563. By Mr. WHITE of Kansas: Petition of Sophia Start and other citizens of Hays, Kans., for early consideration and passage of measure for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6564. Also, petition of Etta M. Hayes et al., of Atwood, Kans., for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

SENATE

SUNDAY, *April 8, 1928*

The Senate met at 3 o'clock p. m.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

I am the resurrection and the life, saith the Lord; he that believeth in Me, though he were dead, yet shall he live; and whosoever liveth and believeth in Me shall never die.

I know that my Redeemer liveth, and that He shall stand at the latter day upon the earth; and though after this body be destroyed, yet in my spirit shall I see God, whom I shall see for myself, and mine eyes shall behold, and not another.

I heard a voice from heaven saying unto me, write, From henceforth blessed are the dead who die in the Lord. Even so saith the Spirit; for they rest from their labors and their works do follow them.

Let us pray. O Almighty God, with whom do live the spirits of those who depart hence in the Lord, and with whom the souls of the faithful after they have been delivered from the burden of the flesh are in joy and felicity: We yield Thee hearty thanks for the good and noble example of Thy servant, who having finished his course in faith now rests from his labors.

And O Merciful God, the Father of our Lord Jesus Christ, who is the resurrection and the life, in whom whosoever believeth, shall live, though he die, and whosoever liveth, and believeth in him, shall not die, eternally, who also hast taught us, by his holy Apostle Saint Paul, not to be sorry, as men without hope, for those who sleep in Him. We humbly beseech Thee, O Father, to raise us from the death of sin unto the life of righteousness, that, when we shall depart this life, we may rest in him; and that, at the general resurrection on the last day, we may be found acceptable in Thy sight, and receive that blessing, which Thy well-beloved Son shall then pronounce to all who love and fear Thee, saying, Come, ye blessed children of my Father, receive the kingdom prepared for you from the beginning of the world. Grant this, O Father, through Jesus Christ, our mediator and redeemer. Amen.

Unto God's gracious mercy and protection we commit you. May the Lord bless you and keep you. May the Lord make his face to shine upon you and be gracious unto you. May the Lord lift up the light of his countenance upon you and give you his peace both now and forever more. Amen.

MEMORIAL ADDRESSES ON THE LATE SENATOR ANDRIEUS A. JONES

The VICE PRESIDENT. The clerk will read the order of the day.

The legislative clerk read the resolution (S. Res. 177) adopted by the Senate March 22, 1928, as follows:

Resolved, That Sunday, April 8, 1928, be set aside for memorial addresses on the life, character, and public services of the Hon. ANDRIEUS A. JONES, late a Senator from the State of New Mexico.

Mr. BRATTON. Mr. President, I send to the desk a resolution and ask that it may be read.

The VICE PRESIDENT. The clerk will read the resolution.

The legislative clerk read the resolution (S. Res. 191) as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. ANDRIEUS A. JONES, late a Senator from the State of New Mexico.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public service.

Resolved, That as a further mark of respect to his memory the Senate, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. BRATTON. Mr. President, we assemble to-day to evidence our respect for and pay tribute to one who served with distinction to himself and honor to his State. He was one of the outstanding Members of this body. He enjoyed a host of friends and admirers throughout the Commonwealth.

ANDRIEUS A. JONES was born near Union City, Tenn., on May 16, 1862. He was the son of Rev. James H. W. and Hester A. A. Jones. After completing his course in the common schools of Tennessee, he acquired his bachelor of science degree at Valparaiso University in 1884, and in 1885 he acquired his bachelor of arts degree from the same institution. Immediately after thus completing his education, and responding to his belief in the usefulness of education, he engaged in the teaching profession in the State of Tennessee. Possessed with an ambition to rise above and out of the ordinary, he traveled westward in search of larger opportunities to promote his own welfare and, more important, to serve his fellow man in a larger degree. He settled at Las Vegas, N. Mex., and immediately resumed teaching there, occupying the position of superintendent of city schools. He was thus engaged from 1885 to 1887.

Yielding to a distinct call in that direction, he undertook the study of law, and was admitted to the bar of the then Territory of New Mexico in 1888, and to the bar of the Supreme Court of the United States in 1894. Immediately upon entering the active practice he assumed a position of prominence among the profession in that entire section of the country on account of his connection with much of the important litigation in that area. In all of his active service in the legal profession he enjoyed the confidence, respect, and admiration of his fellow barristers and the members of the judiciary before whom he practiced. It was conceded by all that he was industrious, painstaking, careful, thorough, dependable, faithful, and successful. He possessed a peculiarly analytical mind, which invariably led him easily, quickly, and unerringly to the right conclusion. No man in the history of New Mexico ever enjoyed a higher standing in his profession. These qualities were contributing factors in his selection for the position of special United States attorney in the Territory of New Mexico, which position he held from 1894 to 1898. He was president of the State bar association in 1893. He was elected mayor of Las Vegas and served in that capacity during 1893 and 1894.

Throughout his life, Senator JONES was consistently a Democrat and was faithful in his devotion to the principles and tenets of his party, as declared by such outstanding leaders as Jefferson, Jackson, Cleveland, and Wilson, in their respective periods. He attended many Democratic National Conventions

as a delegate from New Mexico, and served as a member of the Democratic National Committee from 1908 to 1922. He was chairman of the Democratic State Central Committee in New Mexico from 1906 to 1908, and again was called to this important position of trust in 1911, when the first election under statehood was approaching. He guided the Democrats through that important campaign and, due largely to his foresight and judgment, most of the candidates were elected. In this connection, perhaps no citizen of New Mexico was more active or contributed more liberally and unselfishly to the efforts of the people of New Mexico to secure statehood than did Senator JONES. He made trips to Washington for the purpose of placing the cause in its true light before the Members of Congress. As a part of his magnificent service in securing the admission of the State into the Union, he had much to do with the preparation of the constitution of the State, and was foremost in the advocacy of many of its most important and beneficial provisions, responding to and serving the needs of the people in a wholesome way.

Immediately after statehood thus was obtained, he received the full vote of the Democratic members of the legislature of the State in 1912 for the office of United States Senator, but was unsuccessful because his party was in the minority. After so distinguishing himself by unselfish service to the progress and advancement of his State, because of his unusual legal acumen and intimate knowledge of the Western States, and particularly the public-land States, in all of their features, Hon. Franklin K. Lane, then Secretary of the Interior in 1913, summoned him to Washington, and without solicitation on the part of Senator JONES, tendered him the position of Assistant Secretary of the Interior.

This position was accepted by Senator JONES with full knowledge that it meant a great personal sacrifice on his part. His decision was prompted by his sense of obligation to serve the public. He assumed the arduous duties of this position at a time when they were unusually heavy. He soon distinguished himself by the unprecedentedly large volume and unparalleled high character of the service performed. He served in this position with credit and honor until 1916, when the Democratic Party of New Mexico called upon him to be its standard bearer in that important campaign as their nominee for United States Senator. He waged battle in his characteristic way, forceful and persuasive, and yet without sting or malice. He was elected by a decisive majority and qualified as a member of this body in 1917, and continued to serve here until his untimely death, which occurred on December 20, 1927, having been reelected in 1922 for another full term by an increased majority. His wife and two sons survive him and mourn his departure.

Mr. President, it was my good fortune to know Senator JONES intimately. I counted our friendship as being of the highest value during his life, and cherish it as one of my choice possessions since his departure. Association with him was to edify, elevate, purify, and enrich one. I have never known a man more industrious or who gave his time, talent, thought, and activity to public questions with greater zeal and devotion than he did. He was always fully prepared upon the problems with which he concerned himself. He never failed to sense the vital factors in an equation, and always held the welfare of the people to be of paramount importance. He was dedicated to the improvement of society, and distinguished himself while a Member of this body by the dignified, upright, fearless, sincere, honest, and faithful course he invariably pursued. No man ever entertained a higher concept of duty than he did. Neither did any one ever entertain the remotest thought of faithlessness on his part. He despised corruption in all its subtle forms and enticing overtures. He never failed to speak against these things when circumstances afforded him the opportunity to do so. He believed that—

To sin by silence when we should protest
Makes cowards out of men;
The few who dare must speak and speak again,
To right the wrongs of men.

He enjoyed the respect and confidence of his colleagues in the Senate without reference to party affiliation. He mastered some of the major problems of modern times, such as income taxes, legislation to raise revenue, and other features of economics in all their complex and complicated aspects. He was prominently affiliated with much legislation of gigantic importance during the World War and following it. He distinguished himself in his advocacy of the nineteenth amendment to the Constitution of the United States. No man in the entire Republic is due more credit for bringing about the enactment of the women suffrage amendment, thus giving to the women of the country a heritage to which they had long been entitled than is Senator JONES. His espousal of the justice of that proposal had much to do with making the amendment a reality.

Although he was indefatigable in industry, possessed of great ability, was calm, forceful, persuasive, and earnest in the presentation of his views, he never offended nor gave cause for resentment on the part of his strongest foes, because they recognized that he was an honorable and upright advocate, never doing that which was unright or unbecoming.

Mr. President, it is my belief that one of the chief needs of the masses of to-day is the services of men like Senator JONES in public office from the highest to the lowest. Able, honest, and faithful administration in the affairs, both of the State and the Nation, contribute much to the peace, welfare, and happiness of the Commonwealth. The baneful results which necessarily emanate from a lack of it are obvious. Senator JONES did his part. Let others do theirs.

As indubitable evidence of the universal way in which he enjoyed the confidence, respect, and love of the people of New Mexico, men and women from the four corners of the State traveled long distances in wintry weather to attend the funeral rites over his remains at Las Vegas in order that they might pay their last respects to an upright citizen, a faithful, trusted, and true public servant, and a noted statesman. He gave himself without stint to the betterment of his fellowmen. His wage was the satisfaction of heart that he had met every duty and performed it well. His good name thus acquired will live far beyond the grave. He will survive in the hearts of his thousands of countless friends and admirers.

Mr. President, to those of us who knew him well, it is certain that his soul was enriched with the peace and quietude that surely guided him through the shoals of life and into the harbor of eternal rest. Because of the life he lived, he was unafraid of the moment when his footfalls should cease here and begin to sound in that other realm. His chief purpose and desire in life may be summarized in these words:

Let me live in my house by the side of the road,
Where the race of men go by;
They are good, they are bad,
They are weak, they are strong,
Wise, foolish, and so am I;
Then why should I sit in the scorner's seat,
Or hurl the cynic's ban;
Let me live in my house by the side of the road,
And be a friend to man.

Mr. President, no man in the history of this body was ever a truer friend to mankind than was Senator A. A. JONES.

Mr. JONES. Mr. President, without time for reflection or preparation, I have been asked to say a word of tribute to our late colleague and friend whose merits are far greater than, under the circumstances, I can express. I am glad, however, of the opportunity to speak briefly on this occasion to honor his memory and to give evidence, even though inadequately, of the high regard that I had for his integrity, his ability, and his devotion to his country and to the people of his State.

I first became acquainted with ANDRIEUS A. JONES while he was Assistant Secretary of the Interior. I was impressed with his devotion to the duties of the position he then so ably occupied, and his intense desire to do that which was right with reference to all problems that came before him. Subsequently, when he became a Member of the Senate, my association with him became more intimate, and I quickly learned to regard him as an earnest, faithful, and conscientious public servant. No people and no State had a better representative on this floor than had the people and the State of New Mexico in Senator JONES. I think every one of his colleagues was impressed with his industry, with his conscientiousness, and with the splendid ability that he demonstrated in dealing with the many problems that claimed his attention.

I think the people possibly have an impression that their representatives are not always as conscientious as they should be; that they are not always as devoted to the interests of the people as the people have a right to expect. I sometimes think that we here on this floor, to a certain extent, are responsible for that feeling. I sometimes think that in debate we give expression to sentiments that might lead the people to entertain the opinion that this membership is not as conscientious as it should be and not as devoted to the public interest as it should be.

We ourselves know that the membership of the Congress of the United States is not only patriotic, is not only able, but that it is devoted to the best interests of the people of the Nation. We have our differences of opinion; we look at various questions which come before us from different standpoints; but

I myself do not believe that there can be found a body of men charged with great responsibility who are more earnest, more sincere, and more desirous of promoting the public good than are the Members of the Congress of the United States; and I do not think that there was a more conscientious or more patriotic Member of this body than Senator JONES of New Mexico.

He gave the best that was in him to the service of the people; he studied with great care and earnestness the complicated problems that came before him; and I believe that it was his sincere desire to do that which was right and that which was for the best interests of the people of this country. He and I differed very radically politically, yet I never had any doubt about his patriotism, about his conscientiousness, and his desire to promote the welfare of our people. This, I think, is one of the most precious memories that we can have of our late colleague and of the many other former colleagues who have passed away. We here in the Senate know that its membership is earnestly, conscientiously, and patriotically devoted to the interests of the people and the promotion of the welfare of our common country.

Mr. PITTMAN. Mr. President, the long and honorable career of Senator ANDRIEUS A. JONES, of New Mexico, is closed. From his youth until the moment of his passing he labored for his State, his country, and his people ably, fairly, and with unswerving loyalty.

He served his country with the same patriotism, fearlessness, and self-sacrifice that idealized our "Unknown Soldier." Not all battles are fought upon the field or with instruments of destruction. Not all suffering comes from the wounds of weapons.

He did his duty with charitable fortitude, under the cruel and mistaken attacks of his opponents. He did his duty with rare modesty, amidst the applause of a grateful people. Like most pioneers who faced the hardships and dangers of a lawless country, he was brave, but patient, gentle, and tolerant at all times.

He was universally loved and admired by his fellow Senators. His ability as a lawyer and a statesman was recognized. His love of humanity, his kindly and forgiving disposition, his loyalty and sincerity, won the confidence and respect of all who knew him.

When the honor and safety of our Government was threatened, he voted to send our boys to war; but when the World War was terminated, he fought to protect the life, the health, and the comfort of our ex-soldiers.

He voted for war because it was his duty to vote for war; but he was always found in the forefront with those who were fighting for world peace, and for every cause that moved toward world peace.

He has ceased to serve with us; but as certainly as everything moves, as surely as everything evolves and moves forward, so will the soul of Senator ANDRIEUS A. JONES move forward, and somehow, somewhere, continue to serve.

Mr. WALSH of Montana. Mr. President, the late Senator ANDRIEUS A. JONES was one of the finest characters it has ever been my good fortune to meet.

There was an intimacy between us of the closest nature. I made his acquaintance very shortly after his coming to Washington in 1912 to assume the responsible duties of Assistant Secretary of the Interior under Franklin K. Lane, and was at once brought into official and social contact with him. A friendship sprang up between our families. For eight years we occupied adjacent living apartments in the same building. We played golf together oftener than either of us ever did with any other player. We matched our skill from time to time at billiards and bridge. We were fellow members of the Senate Committee on Public Lands and Surveys, and labored together to subject to the public gaze the infamy of the leasing of the naval oil reserves. We made a sea voyage together to Panama. I had, accordingly, exceptional opportunity to learn of his virtues and to know his worth.

His private life, like his public career, was without blemish. He possessed a well-stored mind, and the equability of his temperament gave added strength to a judgment that had been fortified by wide reading and profound study. It was in this that his intellectual power lay, and to it is largely attributable the influence he exercised in debate.

It is trite to say that he was industrious to a high degree, when all who know recognize industry, unflagging industry, as a common virtue among Members of the Senate. Despite anything that may be said to the contrary, there are few, if any, drones in this body. But surely among those Members who in his time might be said to—

> Scorn delights, and live laborious days—

he was one of the foremost. He was not, however, by any means a recluse. On the contrary, his judgment was seasoned by contact with men of affairs in the course of an active business and professional life and by long and devoted service to the public. He was sagacious, safe, and sane, yet an ardent supporter of those policies which, for want of a better designation, have generally been referred to as progressive.

His finest work was in connection with revenue legislation, to which he made invaluable contributions, his most notable service being rendered as a member of the Committee on Finance. He had an amiable disposition, was rarely stirred to anger, and habitually thought well rather than ill of his fellows and of mankind in general. He exhibited unfailing devotion to the interests of his State and its people. While devotedly attached to the Democratic Party, to whose success he made notable contributions, he never sought in his official acts to advance its interests except by making it useful to the common cause.

From his State and the Nation he is entitled to receive, as we trust from the Divine Ruler he has received, the merited—

> Well done, good and faithful servant!

Mr. COPELAND. Mr. President, Senator JONES lived in the Fortunate Isles.

> What are the names of the Fortunate Isles?
> Duty, and love, and a broad content—
> These are the isles of the watery miles
> That God let down from the firmament.
> Duty, and love, and pleasant smiles—
> Ah, these, oh, friends, are the Fortunate Isles!

Mr. President, I doubt if any man in public life from the beginning of the Republic was endowed with a higher sense of civic duty. He had a passionate love of country.

My earliest recollection of Senator JONES dates to the holiday season of 1922. I had just been elected to the Senate, and came here to learn something of the obligations of the office. As I sat in the Members' gallery over there, studying this distinguished group and listening to the debates, I formed then for Senator JONES a feeling of respect that will endure forever. His earnestness, his zeal, his devotion to country, were apparent to me then, as they continued to impress me. As I came to know him personally, I realized more and more his love of and his devotion to country.

Senator JONES was a patient man, filled with the broad content that characterizes the man of force and character.

Senator JONES was a loving husband, a model citizen. His sweet smile was a benediction to his friends.

Indeed, my friends, Senator JONES lived in the Fortunate Isles. He lived his life, and by his devotion to duty made the world better for his living in it.

We mourn his death. His family, his friends, his State, his party, his country, have sustained an irreparable loss.

ANDRIEUS JONES was a good citizen. He adorns the Heaven to which he has gone.

Mr. CAPPER. Mr. President, it is proper and fitting that we should gather here on this day of resurrection to pay tribute to our beloved friend and coworker whose earthly presence departed from us last December.

Easter Sunday is a reminder of the fact that while the things that are mortal perish, there is a resurrection of the immortal, and that certain immortal truths are eternal. The mortal ANDRIEUS A. JONES has passed on. His memory still lives. The things for which he stood in private and public life—truth, honesty, courage, and unflagging devotion to duty, love for and appreciation for his fellowman—still live, and will continue to live while this world has men like him to carry on the high ideals and practice the precepts of the Master whose resurrection we remember to-day.

ANDRIEUS A. JONES was a fine man, a fine citizen, a good public servant. His friends, who knew him intimately, loved him for his good qualities and his nobility of spirit. Those not privileged to know him so intimately honored and respected those qualities which carried him from the moderate circumstances and comparatively humble surroundings of his boyhood and youth to positions of power and great influence in the councils of his party and Nation.

ANDRIEUS ARISTIOUS JONES was born near Union City, Albion County, Tenn., May 16, 1862, attended the common schools and Bethel College, McKenzie, Tenn., and was graduated from

Valparaiso University in 1885. He taught school, was principal of the public schools of Las Vegas, N. Mex., from 1885 to 1887, was admitted to the bar in 1888, and started the practice of law in Las Vegas.

From then until his death last December, the life of ANDRIEUS A. JONES was interwoven with the life of New Mexico. He was a leader in his community; served two years as mayor of Las Vegas; was president of the Las Vegas Chamber of Commerce; president of the New Mexico Bar Association. He served his people as district attorney; was special United States district attorney for some time. In 1896 he was a delegate to the Democratic National Convention; he was an effective worker in the ranks of the Democratic Party in his State, and 10 years later was chairman of the State central committee.

For 14 years he was Democratic national committeeman for New Mexico. He moved upward from State into national circles; was First Assistant Secretary of the Interior under Secretary Lane of President Wilson's Cabinet, resigning in 1916 when he became his party's candidate for the United States Senate, to which he was elected that year, and served until his death.

His was a long and useful life of service to his community, his State, his party, and his Nation. In my nine years' association with him in the United States Senate I was deeply impressed with his many lovable and worth-while qualities. I was proud to number him among my warmest friends. He possessed an unusual personality. He showed always a spirit of charity and tolerance that endeared him to all of us, and which in large measure was responsible for the high esteem in which he was held in his native State. To this spirit of charity and tolerance toward his fellows was coupled an unswerving fidelity to the principles in which he believed.

ANDRIEUS A. JONES believed in woman suffrage, and was a valient and stalwart fighter for suffrage in this Senate. While always an active and partisan Democrat on partisan issues, he numbered many close personal friends and admirers among the Republicans in the Senate and among the home folks.

We mourn his death, but our sorrow is alleviated by the fact that, in many respects, life was kind to Senator JONES. He was allowed to see the fruitions and realizations of the ambitions of a well-rounded and well-lived life. The hand of death touched him at the zenith of his career. Had he looked backward at that time he would have seen only continual progress forward and upward, not the inevitable slackening in efforts and accomplishment that comes as the wheel of life revolves more slowly after the zenith is past.

In closing I can not pay a more fitting tribute than to quote what was said of our late friend by the editor of the Las Vegas Daily Optic, who was privileged to know Senator JONES much more intimately than myself:

> New Mexico to-day paid proper tribute in last solemn rites at the grave of a faithful public servant, the late ANDRIEUS JONES, citizen, lawyer, statesman.
>
> In our little community the passing of Senator JONES has meant a distinct loss that is not to be met easily nor casually. He had during nearly 40 years of residence come to occupy a place in the hearts of his fellow townsmen that will be void for years to come. The respect in which he was held during his career is an achievement that can endure for his posterity and as an example for those who choose to rise above the ordinary walks of life in a small city such as ours.
>
> The accomplishment of high ideals in private life, public service, and in the pursuit of wisdom has been fortunate but not easily won for our late neighbor. He labored diligently for the honors which came to him, and held them by dint of prodigious effort which finally cost his life, years before he need have gone had he quitted his difficult post and retired to private life.
>
> We mourn the passing of a first citizen, a fine neighbor, and a most excellent public servant in the death of ANDRIEUS A. JONES.

Mr. CUTTING. Mr. President, it has been a source of great pride to listen to the tributes which have been paid by fellow Senators to the memory of my illustrious predecessor in this body. It would be presumptuous on my part to add anything to what they have said were it not for the fact that I have known A. A. JONES for nearly 20 years as a constituent, and I believe I may say as a warm personal friend.

It is difficult under those circumstances to analyze the personality and characteristics of a man whom one has known so intimately and so closely.

In the last few years, Mr. President, my contact with Senator JONES was to a large extent connected with the cause of the ex-service man. A time came after the war when the average citizen was busily engaged in forgetting both the war and its victims. The parades, the brass bands, and the blare of trumpets were a thing of the past. The facile sentiment which in 1917 had maintained that every ex-service man was necessarily a hero had given place to an equally facile sophistry which maintained that there was no special debt due from the Nation to any man who had merely done his duty, which drew subtle distinctions between officers and enlisted men, between the physically and the financially disabled, between volunteers and drafted men, until, as a result, the ex-service man wondered whether the Nation had really forgotten the permanent handicap done to a whole generation of its manhood as a consequence of the service of that generation to its country.

I do not except any Member of this body when I say that through all that period A. A. JONES was as true a friend of the ex-service man as was to be found in Washington. From first to last he took the stand—and he made it his principal campaign plank—that as a Member of the United States Senate he had voted for war, he had voted for the selective service act—as a direct result of which he had lost his own dearly beloved son—and that so long as he had strength he would do justice to those towards whom he had become responsible.

It was natural that the ex-service men of his State, regardless of political affiliations, should have flocked to A. A. JONES as to their friend. It was not only the ex-service men, Mr. President; it was the unfortunate, the downtrodden, the helpless in every walk of life who instinctively turned to A. A. JONES as to "the shadow of a great rock in a weary land."

Yet, Mr. President, it would be most misleading if I gave the impression that Senator JONES's stand on this or any other subject was even remotely influenced by its effect on his own political future. The man was entirely sincere. As I recall, the only issue that even the breath of calumny ever raised against him in his political campaigns was that he gave so much time to the general interests of the Nation that he had nothing left to devote to the special local interests of his own State. His answer was very simple. The interests of New Mexico were bound up with those of the Nation at large.

I remember once in a crowd that a voter from another State approached Senator JONES, and expressed to him his views on a matter of national legislation.

This he followed with an apology for the fact that he was not one of the Senator's constituents. "But you are one of my constituents," said Senator JONES. "I have been intrusted with the duty of drawing up legislation for all the people of the United States."

Mr. President, the people of my State have been, perhaps naturally, subjected to considerable criticism in the last few years. They have been maligned and traduced. I think that if Senator JONES were present at this time, he would join with me in saying that the fact that a man so modest, so intellectual, so well balanced, so remote from the average tricks of the campaigner, so sincere and devoted in his duty to the Nation as a whole, could be elected (as he was elected in New Mexico), by the largest majority ever given to any man in either political party, was in itself a refutation of any suspicion that there was anything wrong with the people of the State which he so splendidly represented.

Mr. President, you have heard from far abler lips than mine as to the personality and the character of Senator JONES. He was a man earnest in his convictions, yet I do not believe that in all the campaigns which he conducted in New Mexico, whether for himself or for any other man, he ever wounded the feelings of an opponent, that he ever said anything harsh or unjustifiable about men who disagreed with him, that he took advantage of any opportunities for the unfair manipulation of popular sentiment, or offended against his own dignity or the dignity of his high office.

> He was a man, take him for all in all;
> I shall not look upon his like again.

Mr. President, the United States can ill afford to lose men of this type. Such men are not to be found by means of legislation; they are not to be found by any constitutional or mechanical process. We should be thankful when we find them and join in mourning their loss.

On this Easter Day, when all of us are contemplating the time when the trumpet shall sound and the dead shall be raised incorruptible, we may fittingly remember our friend, A. A. JONES, with the assurance that he who has been faithful unto death shall receive a crown of everlasting life.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

Mr. BRATTON. Mr. President, as a further mark of respect to the deceased Senator, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and the Senate (at 3 o'clock and 50 minutes p. m.) adjourned until to-morrow, Monday, April 9, 1928, at 12 o'clock meridian.

SENATE

MONDAY, *April 9, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, who through Thine only begotten son, Jesus Christ, hast overcome death and opened unto us the gate of everlasting life, fill our souls with such a deep sense of the mystery of His resurrection that we may find new evidence of our Easter truth in these sighings and yearnings which can not be uttered, these dreams which the daylight can not melt, these shadows which never alight and never pass, these presences not felt and not to be put by, these airs from heaven so unresisting and so irresistible, these utterances of the soul which are never loud nor are ever silenced. Strengthen our valor in all conflicts of this mortal life, that we Thy immortal sons may come at last to the glory of Thy kingdom, where sorrow and sighing shall be no more and the tyranny of strife shall be overpast. Grant this for the sake of Him who is the resurrection and the life, Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of Friday last and of Sunday, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bill and joint resolution:

S. 3435. An act to authorize an appropriation from tribal funds to pay part of the cost of the construction of a road on the Crow Indian Reservation, Mont.; and

S. J. Res. 95. Joint resolution authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant-introduction purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 359) authorizing the presentation of the iron gates in West Executive Avenue, between the grounds of the State, War, and Navy Building and the White House, to the Ohio State Archeological and Historical Society for the memorial gateways into the Spiegel Grove State Park.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8499) for the relief of Arthur C. Lueder.

METROPOLITAN POLICE TRIAL BOARD, DISTRICT OF COLUMBIA (S. DOC. NO. 82)

The VICE PRESIDENT laid before the Senate a communication from the President of the Board of Commissioners of the District of Columbia, transmitting in response to Senate Resolution 182 (submitted by Mr. CARAWAY and agreed to March 26, 1928), information concerning members of the Metropolitan police force charged with offenses and brought before the police trial board within the last three years, which was referred to the Committee on the District of Columbia.

Mr. CARAWAY subsequently said: I ask unanimous consent to have the report of the District Commissioners printed as a Senate document.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Without objection, it is so ordered.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McNary	Simmons
Bingham	Frazier	Mayfield	Smith
Black	George	Moses	Smoot
Blaine	Gerry	Neely	Steck
Blease	Glass	Norbeck	Steiwer
Borah	Goff	Nye	Stephens
Bratton	Gooding	Oddie	Swanson
Brookhart	Gould	Overman	Thomas
Broussard	Greene	Phipps	Tydings
Capper	Hale	Pine	Tyson
Caraway	Harrison	Pittman	Vandenberg
Copeland	Hayden	Ransdell	Walsh, Mass.
Couzens	Heflin	Reed, Pa.	Walsh, Mont.
Curtis	Jones	Robinson, Ind.	Warren
Cutting	Kendrick	Schall	Waterman
Dale	King	Sheppard	Watson
Dill	McKellar	Shipstead	Wheeler
Fess	McLean	Shortridge	

Mr. GERRY. I wish to announce that the junior Senator from New Jersey [Mr. EDWARDS] is necessarily detained from the Senate on account of illness in his family. I will let this announcement stand for the day.

Mr. CARAWAY. I wish to announce that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is necessarily detained from the Senate on account of illness in his family.

Mr. GEORGE. I desire to announce that my colleague [Mr. HARRIS] is necessarily detained on business of the Senate as a member of the committee appointed to attend the unveiling of the Lee statue at Stone Mountain, Ga.

The VICE PRESIDENT. Seventy-one Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by East Cleveland Post, No. 163, American Legion, of East Cleveland, Ohio, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Resolution

Whereas there has been introduced in numerous sessions of Congress legislation providing for the adoption of the universal draft which has never been brought to a vote on the floor of either the Senate or the House; and

Whereas there is now pending in the House of Representatives the Johnson bill, known as H. R. 8313, and in the Senate of the United States, the Capper bill, known as S. 1289; and

Whereas numerous requests have been made for hearings before the Military Affairs Committee of both the House of Representatives and the Senate, but that these hearings have not been granted; and

Whereas the American Legion at its national conventions since 1922 have unanimously indorsed said legislation: Now, therefore, be it

Resolved, That East Cleveland Post of the American Legion of East Cleveland, Ohio, do and hereby does indorse the Johnson bill as introduced in the House of Representatives as H. R. 8313 and the Capper bill as introduced in the Senate as S. 1289, providing for the universal draft which guarantees equal service for all and special profit for none; and be it further

Resolved, That the United States Senate Committee on Military Affairs and the Military Affairs Committee of the House of Representatives be and such committees are hereby most strongly urged to permit hearings on such measures at once, if said hearings have not already been granted, and to report same favorably to their respective bodies; and be it further

Resolved, That the United States Senate and House of Representatives be and hereby are most strongly urged to pass said legislation before adjournment of this session of Congress; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, the Senators from Ohio, and the Representatives from Cuyahoga County.

It is hereby certified that the foregoing resolution was duly passed by East Cleveland Post, No. 163, of the American Legion, at its regular meeting on April 3, 1928.

JAMES V. SUHR,
Post Commander.
LELAND L. WHITNEY,
Post Adjutant.

Mr. BINGHAM presented the memorial of the prison officials committee remonstrating against the passage of the so-called Hawes-Cooper bill, which was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

(Prison officials committee: L. H. Putnam, chaiman, director of State institutions, statehouse, Providence, R. I.; Dr. L. M. Robinson, secretary, warden West Virginia Penitentiary, Moundsville, W. Va.)

A protest against the passage of Hawes-Cooper bill, House bill No. 7729, Senate bill No. 1940

To Members of Congress:

We respectfully petition you not to pass Senate bill 1940, introduced by Senator HAWES, of Missouri, nor H. R. No. 7729, introduced by Representative COOPER of Ohio.

In our deliberate judgment these acts are not only unnecessary, unwise, and unconstitutional, but if passed will destroy the penal system built up in a large majority of the States of the Union after years of experimenting with different systems and after the expenditure of millions of dollars by the various States.

In the Southern States cotton, grain, sugar cane, and livestock are produced on penal farms; in others turpentine and lumber are produced by convict labor; in others granite and marble are quarried and dressed, and agricultural limestone is quarried and crushed by convict labor; in Missouri and other Central States sheep, hogs, and cattle are raised and slaughtered on penal farms and the surplus sold; in Oregon flax raised on farms is processed by convict labor; in many States fruits and vegetables are raised and canned on penal farms and gardens; in the great wheat-growing States of Minnesota, Wisconsin, Kansas, Indiana, Oklahoma, Missouri, and the two Dakotas

for a great many years binder twine and farm implements have been manufactured by convict labor and sold to the farmers of those States; in other States scrub brushes, rat traps, rag rugs, and rag carpets are made by the criminal insane; in others work shirts, work clothing, overalls, work shoes, brooms, and mops are made by convict labor; in a few States coal is mined from State-owned coal mines by convict labor.

In some States juvenile offenders, male and female, are committed to houses of correction, schools of reform, orphanages, or convents, and are employed making knit goods, embroidery, baskets, books, and a variety of other wares.

The effect, if not the purpose, of the Hawes-Cooper bill is to utterly destroy the market for all these "goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, or in any penal or reformatory institutions."

THE HAWES-COOPER BILL UNNECESSARY

There have been practiced in the United States in the past 130 years six systems of prison labor, namely: The lease system, the contract system, the piece-price system, the public account, the State-use system, and the public works and ways system.

Each system has and has had its advocates and critics, each system has both its advantages and disadvantages. The two systems which encountered the greatest amount of criticism have been the lease system and the contract system. The former in the earlier history of the Republic widely prevailed, but to-day it does not exist in any State; the contract system, which was formerly in extensive use, has gradually been superseded by other systems, and now exists in but few States, as the following table compiled by the United States Bureau of Labor Statistics, Bulletin No. 372, January, 1925, page 17, shows:

Per cent of convicts that were employed at productive labor under different systems in different years as shown by reports of this bureau

System	Year				
	1885	1895	1905	1914	1923
Lease	26	19	9	4	
Contract	40	34	36	26	12
Piece price	8	14	8	6	7
Public account			21	31	26
State use	[1] 26	[1] 33	18	22	36
Public works and ways			8	11	19
Total	100	100	100	100	100
Per cent of all convicts that were employed at productive labor	75	72	65	(2)	61

[1] Public account, State use, and public works and ways were inseparably combined.
[2] Not reported.

The individual States can be trusted to correct any defect in their penal systems, as the above table shows, and it is unnecessary for the Federal Government to attempt to coerce the States to adopt a particular system of penal management or labor.

THE HAWES-COOPER BILL UNWISE

All but four States of the Union utilize a combination of several systems of labor to meet their prison problems, and have found the practice satisfactory and in entire harmony with the public opinion and legislative policy of the respective States. To illustrate, most States utilize the State-use system in making clothing and shoes for inmates, the public works and ways system to build roads or public buildings, and utilize the surplus inmate labor under the public account, piece-price, or contract system to manufacture binder twine, produce cotton or livestock, or clothing, which is sold.

Under this system a great many penal institutions are self-sustaining, and many more are nearly so. Inmates are given a share of their earnings, which in many instances amounts for each inmate to as much as $1.50 a day which he may use for the support of his family.

Under this combined system, which prevails in more than 40 States, idleness in prison has been reduced to a minimum, inmates have been trained to habits of industry and thrift, prisoners have been rehabilitated and restored to society to live normal lives, and the taxpayers' burden has been lessened.

If the pending bill is passed and the States are compelled to adopt exclusively the State-use system of convict labor, we believe it will produce idleness instead of employment in prisons, chaos instead of order therein, will entirely destroy our markets and prison industrial organization, and will necessitate huge annual appropriations in the respective States, which heretofore have been unnecessary.

THE OSTENSIBLE OBJECTIVE OF THE HAWES-COOPER BILL

The proponents of the bill contend that the product of convict labor should not be sold in competition with outside labor, and that this competition is overcome by having convicts work for the State, or subdivisions, thereof, or manufacture articles to be used by the State, its subdivisions, or State institutions. In other words, they seek to compel the adoption of the State-use system of convict labor in every State.

The fallacy of this position is obvious. Do not school desks, chairs, blackboards, public printing and bookbinding, road signs, and automobile tags made by convict labor compete with outside labor just as truly as binder twine, work shirts, or overalls? The question answers itself.

The Hawes-Cooper bill seeks to divest prison-made goods of their interstate character and to subject them to the law of the State into which such goods may be transported.

Many years ago there were passed in 10 or 15 States acts requiring all goods made in penal institutions or produced by convict labor to be labeled "Convict made" before being exposed for sale, and in addition to this most of these acts required that a merchant handling convict-made merchandise must first obtain a license from the secretary of state before he be permitted to sell such merchandise, and the cost of the license varied from $100 to $1,000 per year. In addition to this the merchants handling convict-made goods in some of these States were required to keep a list of the persons to whom such goods were sold, and to file such lists with the secretary of state.

These acts applied to merchandise produced by convicts, whether in factory, on farm, in the dairy, or elsewhere. These acts were intended to make the selling of convict-made goods so burdensome and so expensive that no merchant could qualify to handle them.

In several suits brought to test the constitutionality of these acts they were held unconstitutional, as in violation of the commerce clause of the Federal Constitution.

However, these old acts in these 15 or 20 States are still on the statute books and have not been repealed. The manifest purpose of the Hawes-Cooper bill is to revitalize these old acts and to make effective similar acts the passage of which is to be pressed in several of the States with the same purpose and effect as the earlier statutes—that is, to destroy as far as possible all market for produce or merchandise created by convict labor.

If the Hawes-Cooper bill or any similar legislation is passed and held constitutional, each State might pass as unreasonable and as burdensome legislation affecting the sale of convict-made goods as the whims of any particular State legislature might dictate, with the result that the laws in all 48 States might differ very materially, so that any State producing or trying to sell its merchandise would have to know and comply with the law in 47 other different States.

THE HAWES-COOPER BILL UNCONSTITUTIONAL

Under the Constitution of the United States the power to regulate commerce between the States is lodged exclusively in Congress, and Congress has no power to delegate to the several States the right to regulate commerce among themselves.

The only right the several States have to interfere with or interrupt interstate commerce is in the exercise of the police power reserved to the States when the interstate commerce is immoral or fraudulent in its nature or dangerous to the public health.

The proponents of the Hawes-Cooper bill make no claim, and can not justly do so, that goods made by convicts are injurious to the morals or the health of the States.

The proponents of the Hawes-Cooper bill contend that the pending legislation is a copy of the Wilson Act of August 8, 1890, which divested intoxicating liquors of their interstate character and subjected such shipments to the laws of the State into which they should be shipped. If you will read the Wilson Act, you will see that the pending bill is not a copy of it, but that the Wilson Act expressly provided "All fermented, distilled, or other intoxicating liquors, or liquids transported into any State or Territory * * * shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers."

We believe we express practically the unanimous opinion of prison wardens and prison boards in the United States in protesting against the passage of the pending bill, or any legislation that interferes with the respective States in handling their domestic prison problems.

There are approximately 100,000 convicts in the United States, and not more than 50,000 of them are engaged in productive labor whose products are sold on the open market. It is estimated that the amount of goods produced by convicts and sold represents not more than one-twentieth of 1 per cent of the products of outside labor; the amount of the competition is infinitesimally small.

We have the feeling that the pending bill was inspired by and its passage urged by a highly organized minority of manufacturers, who have adopted this method of stopping prison-made manufacture in only one or two lines.

We have spent years in the effort to handle the penal problem of our respective States, and we hope that our earnest opposition to this

bill will arouse you to the seriousness of the situation which would result from its passage.

Very respectfully,

John Champlin, M. D., chairman State Public Welfare Committee, Providence, R. I.; C. A. Moffett, president Board of Administration, Alabama; Hamp Draper, associate member Board of Administration, Alabama; L. M. Robinson, warden State penitentiary, Moundsville, W. Va.; D. M. Young, assistant superintendent State reformatory, Frankfort, Ky.; R. M. Youell, superintendent Virginia Penitentiary, Richmond, Va.; Henry K. W. Scott, warden State prison, Wethersfield, Conn.; Jno. B. Chilton, warden Kentucky Penitentiary, Eddyville, Ky.; J. W. Wheeler, warden State prison, Boise, Idaho; A. H. Harrison, director penal institution, Jefferson City, Mo.; Geo. Ross Pou, superintendent State prison, Raleigh, N. C.; A. F. Miles, superintendent Indiana Reformatory, Pendleton, Ind.; Joseph E. Robinson, chairman Board of Charities and Correction, Frankfort, Ky.; Thos. P. Hallowell, warden Iowa State Prison, Fort Madison, Iowa; Jno. J. Hannon, president Board of Control, Madison, Wis.; W. R. Bradford, director South Carolina Penitentiary, Columbia, S. C.; M. F. Conley, Commissioner of Prisons, Frankfort, Ky.; A. H. Macaulay, director South Carolina Prison, Columbia, S. C.; Oscar Lee, warden, Waupum, Wis.; Jno. L. Moorman, chairman Board Indiana Prison, Michigan City, Ind.; F. E. Lukens, Board of Prison Administration, Boise Idaho; Ralph Howard, superintendent Penal Farm, Greencastle, Ind.; Levin J. Chase, secretary Board of Trustees, New Hampshire; A. M. Scarborough, former president Warden's Association, Columbia, S. C.; A. L. Deniston, treasurer Board of Trustees, Michigan City, Ind.; H. M. Beard, superintendent Kentucky Reformatory, Frankfort, Ky.; Jas. N. Pearman, superintendent South Carolina Penitentiary, Columbia, S. C.; J. J. Sullivan, warden, Stillwater, Minn.; J. S. Blitch, warden, Raiford, Fla.; Walter H. Daly, warden, Michigan City, Ind.; A. F. Roach, warden, Rawlings, Wyo.; Jas. A. Lakin, chairman Prison Committee, Moundsville, W. Va.; J. N. Baumel, warden, Anamosa, Iowa; P. J. Brady, warden, Baltimore, Md.; J. I. Burnett, superintendent, Jefferson City, Mo.; E. T. Westerfelt, Board of Control, Lincoln, Nebr.; Chas. E. Linscott, warden State Prison, Howard, R. I.; W. T. Fenton, warden State Penitentiary, Lancaster, Nebr.; M. M. Barnard, General Superintendent Penal Institutions, Washington, D. C.; A. W. Miller, superintendent State Reformatory for Men, Lincoln, Nebr.; Ralph H. Walker, warden State Prison, Windsor, Vt.; Wm. H. Dyer, Commissioner of Public Welfare, Montpelier, Vt.; Harry H. Jackson, warden State Prison, Jackson, Mich.; H. S. Thorpe, Board of Control, Nebraska; W. H. Daly, warden State Prison, Michigan City, Ind.; Margaret M. Elliot, superintendent Women's Prison, Indianapolis, Ind.; J. H. Strief, Board of Control, Des Moines, Iowa; C. H. Swendsin, chairman State Board of Control, Minnesota; L. H. Putnam, Director of State Institutions, Providence, R. I.

Mr. BINGHAM also presented a petition of sundry postal employees of Willimantic, Conn., praying for the passage of Senate bill 1727, the so-called Dale retirement bill, for civil-service employees, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Waterbury and Wethersfield, in the State of Connecticut, praying for the adoption of the resolution (S. Res. 139) suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

Mr. WARREN presented resolutions adopted by the Lions Club of Cheyenne and Marion Tanner Post, No. 29, American Legion, of Basin, in the State of Wyoming, favoring the passage of legislation to provide for aided and directed settlement on Federal reclamation projects, which were referred to the Committee on Irrigation and Reclamation.

Mr. COPELAND presented a petition of sundry citizens of Erie County, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WALSH of Massachusetts presented petitions of citizens of Boston, Holyoke, Hyde Park, Roxbury, Readville, Milton, Brighton, Dorchester, and Stoneham, and sundry other citizens, all in the State of Massachusetts, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented letters and telegrams in the nature of memorials from various business firms in the State of Massachusetts, remonstrating against the passage of Senate bill 3555, the so-called McNary-Haugen farm relief bill, which were ordered to lie on the table.

He also presented telegrams in the nature of petitions from Harold Howe, general secretary Young Men's Christian Association; Mildred Nelson, president Young Women's Christian Association; W. C. Sampson, president Ministerial Union; Mrs. L. A. Olney, chairman International Institute Committee; May Case Marsh, executive secretary International Institute, all of Lowell; and from Lydia M. Chace, president Young Women's Christian Association, of New Bedford, in the State of Massachusetts, praying for the passage of Senate Joint Resolution 122, providing for the reuniting of families of alien declarants, which were referred to the Committee on Immigration.

Mr. McLEAN presented telegrams and letters in the nature of petitions from the Leagues of Women Voters of Farmington, Salisbury, Ridgefield, Wallingford, and Roxbury; the Young Men's Christian Association of Hartford; the Council of Jewish Women, of New Haven; the Woman's Civil Club, of Riverside; the Connecicut Woman's Christian Temperance Union, of Bristol; the Woman's Christian Temperance Union, of Hartford; National Association of Letter Carriers, Branch No. 32, of Bridgeport; the Civic League, of New Britain; the Forum of State Normal School, of Danbury; Enfield Grange, No. 151, of Hazardville; Theodore Ainsworth Greene, minister of the First Church of Christ, of New Britain; and of sundry citizens of Waterbury, Meriden, Torrington, Washington Depot, Newington, Cromwell, and Hartford, all in the State of Connecticut, praying for the adoption of the resolution (S. Res. 139) suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

FARM RELIEF

Mr. FLETCHER. Mr. President, I present a communication from Mr. J. C. Chase, of Orlando, Fla., with regard to pending Senate bill 1176 and House bill 7940, known as the McNary-Haugen farm relief bills.

I desire to say that Mr. Chase is one of the largest growers and shippers of citrus fruits in the State of Florida. I ask that his communication may lie on the table and be printed in the RECORD.

There being no objection, the communication was ordered to lie on the table and to be printed in the RECORD, as follows:

CHASE & CO.,
Orlando, Fla., April 7, 1928.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

Hon. PARK TRAMMELL,
United States Senate, Washington, D. C.

MY DEAR SENATORS: Referring to Senate bill 1176 and House bill 7940, known as the McNary-Haugen farm relief bills.

These bills might be good legislation and desirable for staple, unperishable goods, such as grain, corn, and cotton, but we consider they would be very unwise legislation for the perishable industry and would impose unreasonable and unjust penalties upon that industry.

The bills provide for an advisory council and a revolving fund to provide for the control of any surplus of any agricultural commodity and to purchase or construct facilities for storage, sale, or disposition of such commodities.

Fresh fruits and vegetables can not be, owing to their perishable nature, classed with staple crops, like wheat, corn, and cotton, and it seems to us an exception should be made to these commodities in treating with this legislation.

Some fruits and vegetables are suitable for temporary storage, while others must go into immediate consumption. Some are suitable for export, while others must be sold on the domestic market. We do not feel that application of the principle outlined in these bills could be applied equitably. The best varieties and grades would, it seems to us, be compelled to bear the burden, and it might lead to encourage the slacker in the development of undesirable sizes and grades.

We believe it will appear to you that any State that may produce products which can be sold largely within the State would be relieved from the taxation on its product, while Florida would have imposed a tax on such products as they produce, practically all of which move in interstate commerce.

We respectfully urge, in the interest of the fruit and vegetable growers of this State and of the South, that you endeavor to have these bills amended to exclude their application to fresh fruits and vegetables.

Yours very truly,

J. C. CHASE.

Personal regards.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 2284) for the relief of

Lucius Bell, reported adversely thereon and moved that the bill be indefinitely postponed, which was agreed to.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 1970. An act for the relief of Dennis W. Scott (Rept. No. 724); and

H. R. 10564. An act to authorize the Secretary of War to grant and convey to the county of Warren a perpetual easement for public highway purposes over and upon a portion of the Vicksburg National Military Park in the State of Mississippi (Rept. No. 725).

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 1588) for the relief of Louis H. Harmon, reported it without amendment and submitted a report (No. 726) thereon.

Mr. BLEASE, from the Committee on Military Affairs, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 2463. An act to amend an act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.," approved May 19, 1926 (Rept. No. 727);

H. R. 6152. An act for the relief of Cromwell L. Barsley (Rept. No. 728); and

H. R. 8983. An act for the relief of William G. Beaty, deceased (Rept. No. 729).

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (S. 1646) for the relief of James M. E. Brown, reported it with an amendment and submitted a report (No. 730) thereon.

Mr. WATERMAN, from the Committee on Claims, to which was referred the bill (S. 2473) for the relief of Will J. Allen, reported it without amendment and submitted a report (No. 731) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 3776. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title (Rept. No. 732);

S. 3824. An act to correct the descriptions of land comprising the Bryce Canyon National Park as contained in the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," and the act approved February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stats. 593), to the 'Bryce Canyon National Park,' and for other purposes" (Rept. No. 733);

H. R. 7223. An act to add certain lands to the Gunnison National Forest, Colo. (Rept. No. 734); and

H. R. 10038. An act for the relief of Wilford W. Caldwell (Rept. No. 735).

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 8744. An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Mesa Verde National Park, and for other purposes (Rept. No. 736);

H. R. 11685. An act to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes (Rept. No. 737); and

H. R. 11023. An act to add certain lands to the Lassen Volcanic National Park in the Sierra Nevada Mountains of the State of California (Rept. No. 738).

Mr. CUTTING, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 8724. An act granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city (Rept. No. 739);

H. R. 8733. An act granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city (Rept. No. 740); and

H. R. 8734. An act granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city (Rept. No. 741).

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3556) to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes, reported it with an amendment and submitted a report (No. 742) thereon.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 6990. An act to authorize appropriations for construction at the Pacific Branch, Soldiers' Home, Los Angeles County, Calif., and for other purposes (Rept. No. 745);

H. R. 9368. An act to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia, and State of Pennsylvania (Rept. No. 743), and

H. R. 11762. An act to authorize an appropriation to complete construction at Fort Wadsworth, N. Y. (Rept. No. 744).

Mr. BROOKHART, from the Committee on Military Affairs, to which was referred the bill (H. R. 8550) to amend the national defense act, reported it with an amendment and submitted a report (No. 746) thereon.

He also, from the Committee on Civil Service, to which was referred the bill (S. 1995) placing certain employees of the Bureau of Prohibition in the classified civil service, and for other purposes, reported it without amendment and submitted a report (No. 750) thereon.

Mr. TYSON, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon, and moved that they be indefinitely postponed, which was agreed to:

H. R. 2009. An act for the relief of James M. Pierce; and

H. R. 3192. An act for the relief of John Costigan (Rept. No. 748).

Mr. TYSON also, from the Committee on Military Affairs, to which was referred the bill (H. R. 6431) for the relief of Lewis H. Easterly, reported it without amendment and submitted a report (No. 749) thereon.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (H. R. 7228) for the relief of Frederick Leininger, reported adversely thereon and moved that the bill be indefinitely postponed, which was agreed to.

Mr. GEORGE, from the Committee on Military Affairs, to which was referred the bill (H. R. 2294) for the relief of George H. Gilbert, reported it without amendment and submitted a report (No. 751) thereon.

He also, from the same committee, to which was referred the bill (S. 3269) providing for the advancement on the retired list of the Army of Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired, reported it with amendments and submitted a report (No. 752) thereon.

Mr. GEORGE also, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon and moved that they be indefinitely postponed, which was agreed to:

S. 3270. An act for the relief of Chester A. Boswell; and

H. R. 4655. An act for the relief of David E. Goodwin.

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 475. An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act (Rept. No. 753); and

H. R. 852. An act authorizing the issuance of a certain patent (Rept. No. 754).

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia, reported it with amendments and submitted a report (No. 755) thereon.

VIEWS OF MINORITY ON BOULDER DAM BILL (REPT. NO. 592, PT. 2)

Mr. ASHURST. Mr. President, I present the views of the minority on Senate bill 728, which is known as the Boulder Dam bill. I ask that these views may be printed and that the calendar indicate that the minority views have been presented.

The VICE PRESIDENT. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on April 6, 1928, that committee presented to the President of the United States the following enrolled bills:

S. 1498. An act to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge; and

S. 2549. An act providing for payment to the German Government of $461.59 in behalf of the heirs or representatives of the German nationals, John Adolf, Herman Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter.

ROAD FROM ST. ELMO, TENN., TO ROSSVILLE, GA.

Mr. TYSON. Mr. President, from the Committee on Military Affairs, I report back favorably, without amendment, the bill (H. R. 5817) to provide for the paving of the Government road extending from St. Elmo, Tenn., to Rossville, Ga., and I submit a report (No. 723) thereon. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

Mr. JONES. Mr. President, I did not gather what the nature of the bill is.

Mr. TYSON. I will state to the Senator from Washington that the bill, which has been passed by the House of Representatives, proposes to appropriate $75,000 for the building of a military road, commencing at the foot of Lookout Mountain at St. Elmo, Tenn., to Rossville, Ga. The bill has been reported unanimously by the Committee on Military Affairs.

Mr. JONES. Is this road entirely within a Government reservation or park?

Mr. McKELLAR. The road belongs to the Government.

Mr. JONES. And is it a military road in a military reservation?

Mr. McKELLAR. Yes; it belongs to the Government absolutely. It connects the military reservation on Lookout Mountain with the military reservation at Fort Oglethorpe. The War Department and the Bureau of the Budget have both recommended it, and I believe it unanimously passed the House. The bill provides that after the road is built it is to be turned over to the county, and the Government does not have to maintain it any longer. Seventy-five thousand dollars will not be enough to build the road, but the county of Hamilton will probably furnish the money necessary to complete it. This bill has the approval of the War Department, and, indeed, is in accordance with its usual policy in such cases. I hope there will be no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the sum of $75,000, or so much of said sum as may be necessary, is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, in paving the Government road commencing at the pike at the foot of Lookout Mountain at St. Elmo, Tenn., and extending to the Rossville Boulevard, at Rossville, Ga., in the length of $3\frac{7}{10}$ miles, known as the Hooker Road: *Provided*, That no part of this appropriation shall be expended until the States of Georgia and Tennessee, or the counties or municipalities thereof concerned, have obligated themselves in writing to the satisfaction of the Secretary of War that they will accept title to and maintain said road under the provisions of the act approved March 3, 1925 (sec. 418, title 18, U. S. C.), immediately upon the completion of such improvements as may be made under this appropriation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRATTON:

A bill (S. 3940) granting certain public lands to the State of New Mexico for the use and benefit of the Eastern New Mexico Normal School, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. REED of Pennsylvania:

A bill (S. 3941) for the relief of John Holly Wilkie; to the Committee on Claims.

By Mr. VANDENBERG:

A bill (S. 3942) for the relief of Maj. Charles F. Eddy; to the Committee on Claims.

By Mr. WALSH of Massachusetts:

A bill (S. 3943) granting an increase of pension to Ella P. Rollins; to the Committee on Pensions.

By Mr. BROOKHART:

A bill (S. 3945) to amend section 5 of the interstate commerce act, as amended; to the Committee on Interstate Commerce.

A bill (S. 3946) granting an increase of pension to Elizabeth Harding (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 3947) to provide for the times and places for holding court for the eastern district of North Carolina; to the Committee on the Judiciary.

By Mr. ASHURST:

A bill (S. 3948) for the relief of Herbert R. Cornforth; to the Committee on Claims.

By Mr. ODDIE:

A bill (S. 3949) to amend section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes, approved December 29, 1916 (Public, No. 290, 64th Cong.); to the Committee on Public Lands and Surveys.

A bill (S. 3950) for the relief of William S. Shacklette; and

A bill (S. 3951) for the relief of Paymaster Charles Robert O'Leary, United States Navy; to the Committee on Naval Affairs.

By Mr. THOMAS:

A bill (S. 3952) for the relief of Elisha H. Long; to the Committee on Military Affairs.

A bill (S. 3953) to extend the benefits of the employees' compensation act of September 7, 1916, to David E. Jones; to the Committee on Claims.

By Mr. RANSDELL:

A bill (S. 3954) to quiet title in the heirs of Norbert Boudousquie to certain lands in Louisiana; to the Committee on Public Lands and Surveys.

By Mr. McNARY:

A bill (S. 3955) to amend section 6 of the first deficiency act, fiscal year 1928; to the Committee on Appropriations.

A bill (S. 3956) granting a pension to Simpson Wilson; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 3957) granting a pension to Agnes M. Carr (with accompanying papers); to the Committee on Pensions.

By Mr. JONES (by request):

A bill (S. 3958) to bring about the reclamation of logged-off, swamp, overflow, and arid unproductive lands, aid veterans, develop the Mississippi, St. Lawrence, Colorado, Columbia, and other rivers and harbors and sections of the country; improve home markets, provide airports, cold-storage plants, and fertilizers more economically, improve the agricultural resources and marketing facilities of districts, provide for the disposal of public lands, and to pledge credit of the Government, to assist public corporations organized under State laws, and create a Federal reclamation and development board; to the Committee on Irrigation and Reclamation.

By Mr. SHORTRIDGE:

A bill (S. 3959) to amend section 8 of the food and drugs act, approved June 30, 1906, as amended; to the Committee on Agriculture and Forestry.

A bill (S. 3960) to amend sections 726 and 727 of title 18, United States Code, with reference to Federal probation officers, and to add a new section thereto; to the Committee on the Judiciary.

By Mr. HALE:

A bill (S. 3961) granting an increase of pension to Della W. Lampson (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3962) granting an increase of pension to Essie M. Horton; to the Committee on Pensions.

A bill (S. 3963) for the relief of Mary Frances McConnell; to the Committee on Claims.

By Mr. GOULD:

A bill (S. 3964) granting a pension to Cassie E. Spencer (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3965) granting six months' pay to Marjory Virginia Watson; to the Committee on Military Affairs.

A bill (S. 3966) to prohibit the use of spray painting compressed-air machines in the Territories and possessions of the United States and the District of Columbia and in the performance of public contracts, and for other purposes; to the Committee on Education and Labor.

By Mr. ROBINSON of Indiana:

A bill (S. 3967) for the relief of Willie Sandlin; to the Committee on Military Affairs.

A bill (S. 3968) granting an increase of pension to Anna Heise (with accompanying papers);

A bill (S. 3969) granting an increase of pension to Sarah A. Murray (with accompanying papers); and

A bill (S. 3970) granting an increase of pension to Susan Robbins (with accompanying papers); to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 3973) granting an increase of pension to Lavenia A. Drennen; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3974) granting an increase of pension to Emma Reser; and

A bill (S. 3975) granting an increase of pension to Mary E. Spilker; to the Committee on Pensions.

By Mr. FESS:

A joint resolution (S. J. Res. 125) authorizing the President of the United States to accept a monumental urn to be presented by the Republic of Cuba and providing for its erection on an appropriate site on the public grounds in the city of Washington, D. C.; to the Committee on the Library.

MEDAL OF HONOR FOR CLARENCE D. CHAMBERLIN

Mr. BROOKHART. I introduce a bill authorizing the President, in the name of Congress, to present a medal of honor to Clarence D. Chamberlin, who conducted the first air flight with a passenger from the United States to Germany, an achievement second only to that of Lindbergh.

The bill (S. 3944) authorizing the President to present, in the name of Congress, a medal of honor to Clarence D. Chamberlin was read twice by its title and referred to the Committee on Military Affairs.

CORRUPT PRACTICES IN ELECTIONS

Mr. SHIPSTEAD introduced a bill (S. 3971) to extend the Federal corrupt practices act to primary elections of Senators and Representatives, which was read twice by its title, referred to the Committee on Privileges and Elections, and, on request of Mr. SHIPSTEAD, ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That section 302 of Title III, Federal corrupt practices act, 1925 (43 Stat. 1070), defining the meaning of term "elections" in the provisions of said act, be amended to read as follows:

"SEC. 302. When used in this title—

"(a) The term 'election' includes a primary, general, or special election, and, in the case of a Resident Commissioner from the Philippine Islands, an election by the Philippine Legislature."

SEC. 2. This act shall be in force and effect from and after its passage.

Mr. SHIPSTEAD also introduced a bill (S. 3972) to prevent corrupt practices in the nomination and election of President and Vice President of the United States, which was read twice by its title, referred to the Committee on Privileges and Elections, and, on request of Mr. SHIPSTEAD, ordered to be printed in the RECORD as follows:

Be is enacted, etc., That whoever shall promise, offer, or give, or cause to be promised, offered, or given any money, office, job, or contract, or other thing of value to any person voting in the general election or voting as delegate in a national convention to vote or withhold his vote for or against any candidate for President or Vice President of the United States, or whoever solicits, accepts, or receives any money, office, job, contract, or other thing of value for his vote or for acting as delegate or alternate for such convention candidate for President or Vice President of the United States, shall be fined $1,000 or imprisoned for one year, or both, at the discretion of the court.

SEC. 2. That all candidates for nomination for President and Vice President of the United States shall file with the Secretary of the Senate an itemized list of campaign receipts, expenses, and disbursements 30 days before the national convention from which he seeks nomination and again the day before said convention meets; such filing to be made by the candidate in person or by his designated manager or committee or State or district committees.

SEC. 3. That all committees, organizations, individuals, or corporations conducting voluntary and unsolicited, or solicited, publicity, or other political work for the political advancement of any announced or unannounced candidate for nomination for President or Vice President, shall file with the Secretary of the Senate an itemized list of receipts, expenses, and disbursements, together with names of persons participating in such political work, such filing to be 30 days before and again the day before the national convention to which the name of such announced or unannounced candidate or candidates is to be presented.

On request of Mr. SHIPSTEAD, the bill (S. 3914) to prevent the use of Federal official patronage in elections and prohibit Federal officeholders from misuse of positions of public trust for private and partisan ends, introduced by him on April 4 (calendar day of April 5), 1928, and referred to the Committee on Privileges and Elections, was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That no person holding an appointive office of trust or profit under the Government of the United States shall be officer, committeeman, delegate, or alternate of any political convention, primary, caucus, or other organization, having for its aim the nomination or election of any candidate, avowed or unavowed, for President or Vice President of the United States.

SEC. 2. Violation of section 1 hereof shall be a felony punishable by a fine of $1,000 and by loss of his official position and shall bar him from holding any office, elective or appointive, under the Government of the United States for a period of five years.

AMENDMENT TO FARM RELIEF BILL

Mr. WATERMAN submitted an amendment intended to be proposed by him to Senate bill 3555, the farm relief bill, which was ordered to lie on the table and to be printed.

ACCEPTANCE OF STATUE OF ANDREW JACKSON

Mr. TYSON. On behalf of my colleague [Mr. MCKELLAR] and myself, I submit a resolution which I ask to have read.

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 192), as follows:

Resolved, That at 3 o'clock on April 16, 1928, exercises appropriate to the reception and acceptance from the State of Tennessee of the statue of Andrew Jackson, a former President of the United States, erected in Statuary Hall in the Capitol, be made the special order of the Senate.

Mr. TYSON. I ask unanimous consent for the present consideration of the resolution.

Mr. CURTIS. What is the hour and the day named?

Mr. MCKELLAR. Three o'clock on Monday.

Mr. TYSON. At 3 o'clock on Monday, April 16.

Mr. CURTIS. A week from to-day?

Mr. MCKELLAR. Yes; on Monday, April 16, at 3 o'clock.

The VICE PRESIDENT. Is there objection?

The resolution was considered by unanimous consent and agreed to.

Mr. TYSON. Mr. President, on behalf of my colleague [Mr. MCKELLAR] and myself, I also submit a concurrent resolution, which I ask may lie on the table.

The resolution (S. Con. Res. 14) was read and ordered to lie on the table, as follows:

Resolved by the Senate (the House of Representatives concurring), That the statue of Andrew Jackson, presented by the State of Tennessee to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State of Tennessee for the contribution of the statue of one of the Nation's most eminent citizens, illustrious as a national hero and distinguished as a President of the United States.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of the State of Tennessee.

FEDERAL OFFICES IN GEORGIA

Mr. GEORGE. On behalf of the senior Senator from Georgia [Mr. HARRIS] and myself I offer a resolution providing for an investigation into the barter of Federal offices in Georgia and the collection of money or other thing of value from those holding Federal office. I ask that the resolution may be referred to the Committee on Post Offices and Post Roads. The complaints reaching me relate to post offices and the appointment of postmasters rather than officers coming under the civil service. I have had no complaint with reference to the appointment of officers not in the Postal Service.

Mr. MCKELLAR. Mr. President, will the Senator yield to a question?

Mr. GEORGE. Certainly.

Mr. MCKELLAR. Does the resolution confine the investigation to such officers in Georgia or does it cover all the States?

Mr. GEORGE. It is confined to Georgia.

Mr. MCKELLAR. Does the Senator desire immediate consideration of the resolution?

Mr. GEORGE. I am not asking for immediate consideration of the resolution, because there are some matters which I wish to present to the Senate Committee on Post Offices and Post Roads in connection with the resolution.

Mr. MCKELLAR. I hope the Senator will not ask that the resolution be acted upon to-day, for I should like to offer an amendment to it.

Mr. GEORGE. I am asking that the resolution be referred to the Committee on Post Offices and Post Roads, for the reason stated and because I wish to make some suggestions to that committee.

The resolution (S. Res. 193) was read and referred to the Committee on Post Offices and Post Roads, as follows:

Resolved, That a special committee of three Senators to be appointed by the President of the Senate is authorized and directed (1) to make a full and complete investigation of the barter of Federal offices in the State of Georgia, and particularly the facts with respect to any payment of money or anything of value, or promise to pay money or anything of value, before, upon, or after the appointment, to party officials or organizations or their agents or representatives, for the purpose of influencing appointments to such offices, and (2) to report thereon to the Senate as soon as practicable, with such recommendations for necessary legislation as it deems advisable. For the purposes of this resolution such committee is authorized to hold hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistance, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, and make such expenditures, as it deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee, which shall not exceed ——, shall be paid from the contingent fund of the Senate.

THE MERCHANT MARINE

Mr. JONES. Mr. President, I have an article from the Marine Journal relative to the work accomplished by the Shipping Board, written by John L. Bogert, which I ask may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOGERT LOOKS AT THE CREDIT SIDE OF THE LEDGER FOR THE SHIPPING BOARD—ALL OF WHICH GOES TO SHOW THAT THE SHIPPING BOARD IS NOT ALWAYS THE VILLAIN OF THE PIECE AS MANY WOULD HAVE US BELIEVE, BUT HAS CONTRIBUTED SOME SOUND AND HIGHLY PRACTICAL AID TO THE PROBLEM OF PLACING THE AMERICAN FLAG ON THE SEAS

By John L. Bogert

One hundred and sixty-three shipping lines handle the foreign trade of the United States, and of that number 26 lines belong to the United States Shipping Board and are served by 300 ships in actual commission and 500 ships laid up but available for immediate use in emergencies. These 300 ships are all that are left of the 2,500 vessels inherited from the World War. Owing to the stupidity of our maritime policy, they cost us up to and above $225 per deadweight ton and are worth to-day scarcely $10 per deadweight ton. Tangible property, that cost us $3,500,000,000 10 years ago has shrunk 95 per cent. O triumphant democracy—when it comes to matters relating to the sea and foreign commerce, thy name is jackass!

THE SCAPEGOAT

And who has been made the scapegoat—and over whose head does the shifty opportunist, acting the rôle of political high priest, confess the maritime sins of the people and aim to send away into the wilderness of discredit forgetfulness? The United States Shipping Board.

When the Shipping Board spends money building up trade routes that have never before seen a single steamship flying the American flag, they are dubbed wastrels, and when they attempt to save for the Nation all they possibly can in disposing of the junk left on their hands, they are accused of trying to perpetuate Government operation of ships. As a matter of fact—and to give the devil his dues—the Shipping Board has cost the American people nothing. For every dollar of deficit their operation in foreign service has shown, they have saved the American exporter and importer $2 and possibly $3 and in some cases $4.

How do we get that saving stuff? Right here:

SOME ENLIGHTENING FIGURES

Last year the foreign trade of the United States was as follows:

Exports	$4,864,805,773
Imports	4,184,398,182
Total	9,049,203,955

Many years ago Mulhall, the great British statistician, stated that the average of all ocean freights bore a nearly fixed ratio to the actual value of the cargoes themselves. Now while Mulhall's figures and percentages are only of historic interest to-day—since the cost of transportation on the sea as well as on land tends constantly to sink—there is no great error involved in the assumption that ocean freights will average about 8 per cent of the value of the cargoes. In other words, our foreign commerce probably paid last year a freight bill of about $720,000,000.

THE FREIGHT-RATE PRINCIPLE

It is a well-known fact that the principle upon which freight rates are fixed is all the traffic will bear. Even in the early days when our sailing ships were supreme, it was nothing unusual for a ship to clear her entire first cost in one voyage, and American exporters and importers can hark back to the early days of the World War, when we had not yet entered "to make the elections safe for Democrats"—that ocean freight rates were high enough to justify enormous prices for superannuated tonnage of all kinds. So on more than one occasion in our history foreign freight rates have gone kiting.

A STABILIZING FACTOR

Since the war the United States Shipping Board has been the great steadying factor in the matter of foreign freight rates, performing on the seas the same service rendered by the Interstate Commerce Commission on land.

Five times within a few years foreign steamship owners have been compelled to revise their freight rates on important commodities downward, and in several instances the downward revision was drastic.

In 1924 we imported Egyptian cotton to the value of $22,954,000. What happened in this case is a conspicuous example. Again, when we sent $50,000,000 worth of food and supplies to the starving Russians the foreign steamship owners were prevented from getting a generous rake-off by the United States Shipping Board. Precisely the same thing occurred when our miners were on strike and Welsh coal had to be brought from Great Britain. With the situation reversed and British customers unable to use British coal because of closed mines, the Shipping Board ships saved many a dollar for our coal exporters. Recently we have been reading in the newspapers how the Shipping Board has again compelled the foreign shipowner to moderate his demands in the case of Indian jute.

WHAT WOULD HAPPEN?

These five separate and distinct instances are pretty good proof that should the Shipping Board and its ships be eliminated from participation in ocean carrying, our ocean freight rates would be at least 10 per cent greater than they now rule. In this connection it is well to bear in mind that it has been nothing unusual in the past for shipping conferences to raise or lower rates 20 per cent. Even 10 per cent of $720,000,000—our foreign commerce freight bill for last year—is $72,000,000! And so, in preventing the foreign shipowner from raising freight rates on American goods, whether for export or import, by the small amount of 10 per cent, the Shipping Board last year saved the American people $72,000,000.

This comfortable amount—$72,000,000—on the credit side of the ledger looks pretty good to the taxpayer as an off-set to the $18,000,000 spent by the Government in maintaining essential trade routes that have not yet grown sufficiently profitable to induce private American capital to take them over.

PROTECTING FREIGHT RATES

Remember there is as yet no international commerce commission to fix ocean freight rates, and the United States Shipping Board is the only body with the power and the "guts" to see that our foreign trade is not unduly preyed upon by the foreign shipowner, who is patriotically interested in helping his nationals in competition with America for foreign markets.

Under the fostering care and ministering services of the Shipping Board our foreign trade has grown in a very few years in value from $6,000,000,000 to $9,000,000,000. Moreover, American ship operators are bound to turn into American shipowners as our trade routes become more and more stabilized.

Two-thirds of all the original Shipping Board ships already sold—and among them some of the very best ships we had—have been sold to private American owners way below the price that it would cost to replace them.

Wherein has the Shipping Board failed to offer every practical inducement for private ownership and operation?

In the last analysis, the whole question is up to Congress. Without some kind of Government assistance—and this may take multivarious forms—no sane banker will lend a nickel to a shipowner proposing to face the competition offered by the foreigner in overseas trade. American ship operators are training a body of young Americans for the white-collar jobs of the shipping business, and American engine room, fireroom, and deck crews are being kept at sea instead of on land.

Surely the United States Shipping Board deserves some words of appreciation for the way in which they have handled an exceedingly difficult situation. It is open to question whether any of us could have done any better loaded down with a lot of war-time-built ships—ships that were built in some instances with the help of puny clerks, insurance salesmen, second-story dips, pugilists, baseball players, and even rabbis.

In another article I may possibly be able to point out why a 0.78 or 0.80 block coefficient ship is not a desirable piece of floating equipment to run on routes where the skipper is shouting for 13-knot ships.

LIVING CONFEDERATE PRINCIPLES

Mr. BLEASE. Mr. President, 63 years ago to-day, two generals met at the courthouse in Appomattox, Va., and exchanged greetings. I ask to have printed in the RECORD a copy of a speech delivered by Hon. Lloyd T. Everett at the Confederate veterans' reunion in this city on February 10, 1914.

The VICE PRESIDENT. Without objection, it is so ordered.

The speech is as follows:

LIVING CONFEDERATE PRINCIPLES—A HERITAGE FOR ALL TIME

(An address delivered by Lloyd T. Everett, of Washington Camp, No. 305, Sons of Confederate Veterans, at the reception by the camp to the Confederate veterans of Washington, D. C., and vicinity, February 10, 1914. Revised. Copyright, 1915, by Lloyd T. Everett.)

"'DUTY' IS THE SUBLIMEST WORD IN THE ENGLISH LANGUAGE"

Mr. Commandant, Mr. Toastmaster, veterans, and comrades, we often hear it said that the glory of the Confederate soldier is imperishable and immortal; that his valor and devotion to duty have won for him a name and a fame that shall never die.

That is true. History shows us no equal to the splendid blend of physical and moral courage and long-sustained fortitude of the half-starved legions of Lee—certainly no superior. And while, to use a homely phrase, every tub must stand upon its own bottom, while each man must win for himself by his own worth his standing in the community, yet I prize as a priceless treasure the proud fact that I am the son of a Confederate soldier. Nor is this merely a matter of pride or of accidental honor to me. It is a very real incentive to look well to my own course and conduct in order that I may hand on untarnished the shining legacy that was bequeathed to me.

"'Duty' is the sublimest word in the English language" is a maxim that has been widely credited to our peerless Lee, although incorrectly so according to respectable authority. But in any event the sentiment is well worthy of General Lee, whose own life, public and private, was a superb illustration of the truth of the sublime epigram. And so unswerving and unfaltering devotion to duty is the glorious heritage which we Sons of Confederate Veterans, as sons of Confederate veterans, have acquired by reason of our lineage.

But it is not of the courage, valor, and endurance of the Confederate soldier that I wish particularly to speak on this occasion. Those cardinal virtues of Dixie's defenders have been extolled a thousand times over by tongues more fluent than mine. Nor is it my purpose to vindicate the course of the peoples of the Southern States in asserting and striving at all costs to maintain their independence under the exigencies of the particular crisis of 1860–61. The world is already coming to know, as we have always known, that we need no such vindication; that our open record is its own vindication.

No; it is another phase of what we may call the Confederate subject which I wish here to discuss, a phase which, it seems to me, has been too little featured and, I fear, too little recognized, even by our own chroniclers and advocates. And yet to my mind upon the general recognition of it depends the true progress of our own people, nay, of free government, and hence of civilization itself. And that phase or aspect of the general subject is this: The absolute soundness of the principles upon which the Southern Confederacy was bottomed; not merely the rightfulness of our stand for political independence under the peculiar circumstances of that time but the everlasting verity of the political and institutional ideals underlying our action; ideals vital and essential to all ages and climes as a goal toward which to press if the world is to have true liberty with progress.

For our Confederate war—our second war for independence Stonewall Jackson called it—was not a mere abortive revolution. We of the Southern States stood for great and fundamental principles of government, principles that meant and that still mean much for the advancement of free institutions and of human happiness.

And just as the valor of the Confederate soldier and the untold heroism of the Confederate woman are immortal, so with this larger view of the subject in mind I take a theme for consideration here and name it "Living Confederate principles—A heritage for all time."

AN ERA OF GOOD FEELING

The present is a time of peace and good will, of broad and tolerant sentiment, of generous breadth of view; in a word, it is an era of good feeling between the various sections of these United States.

Just now there is rolling past us the semicentenary of the war for southern independence—the Civil War—the War between the States or the sections—the War of the Rebellion (whether by the North or the South we need not here inquire)—call it what one will, everyone knows to what we here refer; that mighty clash of arms which to many of us is still most commonly referred to as, simply, the war. On every hand, to judge from the newspapers, are daily evidences of amity and cordiality between the gray and the blue; of honor accorded brave men by brave men. And in July, 1913, at Gettysburg, there was formally and finally buried—let us see, was it the twenty-seventh time, or the hundred and twenty-seventh time since the war with Spain?—"the last vestige of sectionalism." And when I see and hear all this, I am glad. For then I may claim the right to a respectful hearing on my chosen theme, even though certain views I hold regarding the war, its causes, its conduct, and its consequences may differ widely from those prevalent in the North, and even from those sometimes found in the South.

Nor is this era of good feeling confined to America. Just now a son of Virginia and of a Confederate veteran sits in the White House, and a grandson of Virginia is the premier of the Cabinet. From these two men of southern stock now at the helm of the ship of state has gone forth to all the world the message from this mighty Nation, Peace on earth, good will to men; not good will to men on earth from God in heaven, as on that Christmas morn 19 centuries ago, but peace on earth from men to men—in truth, a clarion call from a strong nation to the other nations of the earth, strong and weak alike; a call to these other nations to recognize as never before the brotherhood of man under the fatherhood of God, as it is sometimes expressed. Under the Bryan peace plan, if adopted, a long step forward will have been taken toward that happy era when "they shall beat their swords into plowshares, and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more."

This means a turning from the forum of force to the rule of reason; a substitution of calm argument or impartial arbitration for the dread arbitrament of war. Yea, veterans and descendants of the gray, it means a turning from the principles and practices of Lincoln and the North; it means the coming triumph of the underlying principles of the Confederate States of America.

THE CONFEDERACY'S PEACEABLE APPEAL

I know that it is often said that the Southern States appealed to the sword in their controversy with the Northern States. I am here to challenge that allegation, to absolutely deny its truth. And I can prove my contention from the record, and prove it to the verge of demonstration. That record shows that the South did not choose the arbitrament of the sword; it does show that she resorted to secession as the last hope of peace with honor.

Ours is preeminently a race of peace and progress through the channels of self-government. The history of our ancestors for a thousand years and more will sustain the truth of this claim. True, it is a history of internecine war, often, but largely so because it is the life story of men, and of many generations of men, who prized peace and order so highly that they were ever ready, if need be, to fight for it. Magna Charta, the Bill of Rights, the Petition of Right, the Revolution of 1688, the act of settlement—these are some of the monuments that mark the achievements of this orderly yet militant race. And these men laid the cornerstone of their structure in local self-government as the truest safeguard for an oppressed minority, and thus surest bulwark for political liberty itself. Yes; local self-government, or home rule, is of the very warp and woof of our institutions.

These salutary political principles, these racial characteristics were transplanted also to the kindly soil of the New World when a greater Britain was planted here.

It was in support of these principles that our Revolutionary sires protested against the unconstitutional stamp acts and similar taxation measures of England oppressive of the American minority, in the efforts of the mother country to recuperate for the expenses of the French and Indian War. At first they sought a peaceable remedy in the form of remonstrances, resolutions, and the like. When they found that these availed them not they then reluctantly accepted the gauge of battle flung in their faces by their haughty oppressors across the seas. Even after actual war was raging, these American patriots of British stock still indulged the fatuous dream of an unbroken British union and sought to wage their fight under the British Crown and as nearly as possible under the British flag. As he himself afterward declared, George Washington, when he took command of the rebel forces under authority from the Continental Congress, "abhorred the idea of independence."

THE CONSENT OF THE GOVERNED

But the logic of events soon brought forth the instrument officially entitled "The unanimous Declaration of the thirteen united States of America." (And, by the way, Declaration is written with a big D, united States with a little u and a capital S.) This immortal declaration laid down the fundamental doctrine that—

"Governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it and to institute a new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

This, our first war for independence, was successful. About the close of it these 13 independent republics formed a closer union among themselves, under what was known as the Articles of Confederation. This becoming unsatisfactory after a very few years, most of the constituent States seceded (which at the time was denounced by a few as unconstitutional and a breach of faith), and these seceding States, 11 in number, formed a new union under the Federal Constitution that was framed in 1787 and went into operation between these 11 States March 4, 1789. Afterwards the two remaining States of the old union—North Carolina and Rhode Island—also acceded to the new instrument.

As is well known, this new union was regarded with great jealousy and scrutinized very closely by a number of the continental fathers, the immortal Patrick Henry, the firebrand of the Revolution, and George Mason, author of the great Bill of Rights of Virginia, among the number. As just seen, political independence from the despotic central power of Britain had been gained by the assertion and maintenance of

the right to change oppressive governments. But this struggle was won by force of arms and at the cost of much bloodshed; and the principle of the right to alter oppressive governments thus asserted in the Declaration of Independence might be construed, it was feared, to mean merely the right of revolution, and so the people of some of the United States, if thereafter oppressed by the central government to be created under the new Constitution might be left the right of separation, in self-defense, only by force of arms. And thus we would have progressed no whither in our supposed upward and onward march in the path of just and orderly self-government. Wherefore several of the States—Virginia, New York, and Rhode Island—in acceding to the new Constitution expressly reserved the right to peaceably withdraw or secede should they thereafter find it necessary to their happiness to do so.

MINORITY PROTECTION

This was an important advance in self-government and a further safeguard for the minority. The protection of the minority, be it remembered, was a primary object in the framing of the Federal Constitution, as stated at the time by James Madison, who is called the Father of the Constitution.

In the Virginian convention that ratified the Constitution of the United States, Delegate James Madison declared:

"But, on a candid examination of history, we shall find that turbulence, violence, and abuse of power by the majority trampling on the rights of the minority, have produced factions and commotions which, in republics, have more frequently than any other cause produced despotism. * * * If we consider the peculiar situation of the United States, and what are the sources of that diversity of sentiment which pervades its [sic] inhabitants, we shall find great danger to fear that the same causes may terminate here in the same fatal effects which they produced in those republics. This danger ought to be wisely guarded against."

Madison advocated the adoption of the Constitution as affording the needed protection to the minority.

COERCION VOTED DOWN IN THE CONSTITUTIONAL CONVENTION

Remember that: The Constitution of the United States was framed and adopted, the union of the States thereunder was formed, for the peaceable protection of the minority against the oppressions of the majority. And mark this: It was proposed by some to embody in the Constitution a power to coerce States that might refuse to obey the laws of Congress. Madison (still the father of the Constitution) said this would mean war; and the proposal was voted down.

Well, time went on. Sectional differences and jealousies speedily developed between the Southern and the Northern States. Under Jefferson, a southern President, the great trans-Mississippi Territory of Louisiana was bought from Napoleon, in 1803; and thereby the area of the United States was approximately doubled. New England thought that this would strengthen the South at the expense of the North. Accordingly, New England threatened secession.

New England was at this time a commercial or seafaring country, and had as yet few manufactures. The embargo law of Jefferson's second administration was unpopular in this sea-trading New England, and again loud mutterings of secessionist purposes were heard up there. The State of Louisiana was admitted in 1812, despite the celebrated threat of Josiah Quincy, of Massachusetts, on the floor of Congress in 1811, that such admission of a new Southern State from a part of the Louisiana Purchase would constitute adequate cause for secession by some of the Northern States, "amicably if they can, violently if they must."

But conditions soon changed. The War of 1812 cut us off from Europe, whence we had theretofore obtained most of our manufactured goods; and New England, her sea trade interrupted by the war, with commendable energy and enterprise now began to manufacture. During this war the famous Hartford Convention, of New England, met with a large-sized list toward secession. After the war New England and the North generally began to find the Union a good thing for them; it furnished a free market—the Southern States—for buying the manufacturers' raw materials; it furnished a "protected" market—still largely the Southern States—for selling the manufactured goods.

A FIRE BELL IN THE NIGHT

But New England and the rest of the North were still painfully jealous of new Southern and Western or Southwestern States. They opposed the admission of Missouri, 1819, and now first raised seriously the question of negro slavery as a sectional issue. Thomas Jefferson was himself, like many other Southerners, in favor of the abolition of slavery; a peaceable abolition. But he could see further into the future than could most men. So now, when this Missouri-slavery issue was raised by New England and the North, for the purpose of keeping the new lands of the West for themselves as against the South, the aged Jefferson wrote that it roused him as a fire bell in the night, and portended a disastrous sectional struggle.

But to return to the tariff. The tariff question, as a serious sectional issue, first came to a head about 1830. Having once gotten hold of the nursing bottle of "protection," so called, in 1816 and 1820, New England and the North cried ever for more. The tariff of 1820 was followed by that of 1824, and that in turn by the "tariff of abominations" in 1828. These were sectional measures, and the South felt herself being oppressed and impoverished by the combined northern and northwestern majority. The tariff act of 1832 was of the same stripe as its predecessors. Out of this situation came the nullification crisis of 1830–1833.

Early in 1830 occurred the memorable debate in the Senate of the United States between Robert Y. Hayne, of South Carolina, and Daniel Webster, of Massachusetts. Just three years later, early in 1833, a similar debate took place between the same Mr. Webster on one side and, on the other side, Hayne's successor in the Senate, the immortal John C. Calhoun. Hayne and Calhoun were the champions of the South in the pending sectional controversy; Webster, of the North. In these debates Webster is said to have "shotted every gun" that was fired for the North in the great war of 30 years later. If this be so, careful attention is due to this Titans' war, this battle of the forensic giants, and to the great constitutional and institutional arguments then advanced.

The immediate issue was the tariff. The Southern States, and especially South Carolina, contended that the existing tariff laws were devised for protecting Northern manufacturers, and so imposed a sectional burden upon the agricultural South; they contended, further, that there was no warrant for anything more than a revenue tariff; that a tariff for "protection," as it is called, was utterly unconstitutional.

Whether the South was correct on these two points, viz, the injurious effects of a "protective" tariff at that time, upon the South, and the unconstitutionality of such a tariff—with these two questions we are not here concerned. But from this starting point the debates ranged out and covered other two questions which do here concern us. And these are, first, How are disputed questions of constitutionality, arising between States or groups of States in the Union, to be determined? Second, the nature of the union, whether a union of States as States, or of the American people in one aggregate mass. To take these up briefly, in inverse order to that just given:

Calhoun introduced in the Senate a series of resolutions, three in number, which are well worth the careful study of every student of republican institutions, every lover of human freedom. These resolutions recited the strictly Federal character, under the Constitution of 1787–1789, of the Union of American States; with the resultant right, to the States, "of judging, in the last resort, as to the extent of the powers delegated" to the central Government and, consequently, of those reserved to the several States, and that action by the central Government based upon the contrary assumption must inevitably tend to undue consolidation and to "the loss of liberty itself."

"WE THE PEOPLE"

Webster vehemently attacked these resolutions. His argument may be thus epitomized, largely in his own words: How can any man get over the words of the preamble to the Constitution itself, "We the people of the United States * * * do ordain and establish this Constitution"; that these words forbid the turning of the instrument into a mere compact between sovereign States; that, in framing and putting into operation the Constitution of the United States, "a change had been made from a confederacy of States to a different system, * * * a Constitution for a National Government"; that "accession, as a word applied to political associations, implies coming into a league, treaty, or confederacy, by one hitherto a stranger to it"; that, "in establishing the present Government" (i. e., the Government of the United States as it stood in Webster's time) the "people of the United States * * * do not say that they accede to a league, but they declare that they ordain and establish a Constitution, * * * some of them employing the * * * words 'assented to' and 'adopted,' but all of them 'ratifying'"; that "the Constitution of the United States is not a league, confederacy, or compact between the people of the several States in their sovereign capacities"; that "the natural converse of accession is secession."

Note the several test words here: Confederacy, constitution, national, compact, and accede.

As to every one of them Webster was wrong, as may be shown from the debates and official documents accompanying and preceding the framing and adoption of the Federal Constitution. We have not the time to examine fully into all these test words here. To one or two of these words let us devote a few sentences.

First, then, as to the phrase, "We the people of the United States." The preamble to the Federal Constitution does use this expression. But Article VII of the instrument itself provides that "The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same." Mark you these most significant words, "between the States." It is not provided that the ratification of this Constitution by a prescribed majority of the whole people of the then existing United States under the Articles of Confederation shall establish it over the whole people of all those United States (a provision that would have been an utter nullity, for stubborn historical reasons), but that its ratification by a certain number of the States shall establish it between—not over, but

between those particular States, and none others, unless and until such others shall also ratify, each for itself.

Bearing in mind this Article VII of the Federal Constitution, the preamble becomes plain. A cardinal canon of construction is, that if possible all the parts of a written instrument shall be so construed as to be harmonious with each other. The "people of the United States," then, here means the people—or peoples—of those several distinct States which may elect to establish the proposed constitution between themselves. And, indeed, this Constitution of 1787, and the Union under it, first went into effect between 11 of the States only, as we have remarked above; North Carolina and Rhode Island remaining separate and independent Republics until, after President Washington's inauguration, they chose, each for itself, to come into the new Union or Confederacy.

So we see that Mr. Webster's centralist construction of the word or phrase, "the people," as used in the Constitution, falls to the ground.

But again Webster denies that the States acceded to the Constitution; and mark well his daring and all-important admission that "the natural converse of accession is secession."

Now, it so happens that this word accede, or its derivative accession, which he thus spurns, is found in the very sense which he denies to it over and over again in the debates of those who framed and adopted the Constitution; and at least once in the course of the official documents pertaining to its adoption; over and over again I say, or some forty times by actual count, either certainly or probably in this sense and more than twenty times unquestionably so. To give but three instances here:

James Madison said, in the Virginian convention of 1788 that debated and, by a close majority, ratified the system for Virginia: "Suppose eight States only should ratify and Virginia should propose certain alterations as the previous condition of her accession." In the North Carolina State convention Governor Johnston said: "We are not to form a constitution, but to say whether we—i. e., the people of North Carolina—shall adopt a constitution to which 10 States have already acceded." And the ratifying convention of New York—of which Alexander Hamilton was a member—prepared by unanimous order a circular letter containing this language: "Our attachment to our sister States and the confidence we repose in them can not be more forcibly demonstrated than by acceding to a government which many of us think very imperfect."

Webster was right; "secession is the converse of accession." Moreover, as we have seen above, at least three States—Virginia, Rhode Island, and New York—in their formal acts of ratification of the Federal Constitution expressly and explicitly reserved this right of secession or peaceable withdrawal; a fact now well known and now generally acknowledged by South and North alike.

But another question asked in those debates of the early thirties was, as stated above, How shall disputed questions of constitutional rights and powers to be decided? By the Federal Supreme Court, said Webster, so as to bind even sovereign States, and in all cases.

"No," said South Carolina, in substance, speaking through Hayne and Calhoun, "the Constitution of the United States empowers the Federal Supreme Court to decide only 'all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made * * * under their authority.'" That is the language of the Constitution: "all cases in law and equity." And questions of sovereignty, argued South Carolina, come not within the scope of cases in law and equity, which are limited, by the well-known common-law use of the term, to an altogether different class of cases. The historical correctness of this contention of South Carolina's is supported by James Madison in his journal of the Constitutional Convention. Madison, the reporter, says of himself, the delegate:

"ALL CASES IN LAW AND EQUITY"

"James Madison doubted whether it was not going too far to extend the jurisdiction of the Federal Supreme Court generally to cases arising under the Constitution, and whether it ought not to be limited to cases of a judiciary nature." (The contention of Hayne and Calhoun exactly.) "The right of expounding the Constitution in cases not of this nature ought not to be given to that department.

"The [pending] motion of Doctor Johnson was agreed to nem. con., it being generally supposed that the jurisdiction given was constructively limited to cases of a judiciary nature." As if to clinch the matter beyond a peradventure, the words "in law and equity" were afterward inserted into the jurisdiction clause here discussed.

(Just a word here as to the man here quoted as authority, James Madison, of Virginia, "father of the Constitution." From the standpoint of a constitutional constructionist, Madison's career was somewhat that of a pendulum. Rather centralistic at the time of the general convention of 1787 that framed the Constitution and submitted it to the States for ratification or rejection—certainly moderately so, as disclosed by his own utterances from time to time in the debates of that convention, a very few years later he became Jefferson's own right-hand man in opposing the radically centralistic trend of the Adams administration; in his old age, and at the time of the nullification crisis which we are now discussing, he seems to have reverted toward his earlier position. As a centralist, then, at the time he took part in and reported the debates of the General Constitutional Convention of 1787, whatever Madison noted down of a contrary tendency is deserving of special attention and weight.)

But if not the Federal Supreme Court, then what tribunal, inquired Webster and the North, is to decide these disputed questions of sovereignty and of constitutional powers? The answer was ready to hand: Not to the Federal Supreme Court, itself but a component part of the created central government, where three men (a majority of a quorum of the court), and they political appointees, may have the deciding voice, must a sovereign creator State submit questions affecting her sovereign powers. She herself will decide it pending an appeal, in the true spirit of Magna Charta, to the judgment of her peers, her sister sovereign creator States in general convention assembled. This contention had had the support of Thomas Jefferson in 1821, as quoted by Hayne: "It is a fatal heresy to suppose that either our State governments are superior to the Federal or the Federal to the State; neither is authorized literally to decide what belongs to itself, or its copartner in government, in differences between their different sets of public servants; the appeal is to neither, but to their employers peaceably assembled by their representatives in convention." More than 20 years before this utterance Jefferson had embodied this same principle in his draft of the famous Kentucky resolutions. Again, Jefferson wrote: "This peaceable and legitimate resource, a general convention of the States, to which we are in the habit of implicit obedience, superseding all appeal to force, and being always within our reach, shows a precious principle of self-preservation in our composition. * * *"

Mark this: Jefferson says that in this plan of a general convention of the States to decide such mooted questions of constitutional construction and governmental powers is found a peaceable settlement of vexing political and sectional problems. This was precisely Carolina's plea in 1830–1833.

Right or wrong, thundered President Jackson, these Federal laws must be obeyed unless and until repealed by the same power—Congress—that enacted them, or unless and until declared unconstitutional by the Federal Supreme Court; and if not voluntarily obeyed, then obedience shall be enforced by the fratricidal sword. To like effect argued Webster. You have the right, said he, to resist laws deemed oppressive, if you so please—but it is the right of revolution, no more; justifiable only if successful, and if not successful, subject to the dread penalties of high treason.

POWER VERSUS LIBERTY

Ours is a constitutional remedy, Hayne replied, and a peaceable one. (a) The right of revolution exists independently of the Constitution. That instrument expressly declares that all powers not delegated to the central government remain to the several States, or the people; that is, to the people of those several States. This power of deciding the constitutionality or the unconstitutionality of laws of Congress, being not given in the Constitution either to Congress or to the Federal Supreme Court, remains to the several States. Ours is a peaceable remedy—unless you of the North force on us the issue of war. And only if honor with peace within the Union be found no longer possible, then will we exercise that other peaceable remedy of secession or withdrawal from the partnership of States in order that, like Abraham and Lot of old, we may dwell apart in peace, rather than remain together in dissension. And if you, like George III, still pursue us with hostile intent and the sword be drawn, then upon you of the North, not upon us, must the awful responsibility rest.

For answer to this plea of peace by South Carolina, Jackson, Webster, and the North passed the Force Bill, as it was called, of 1833; a bill providing for the enforcement of the tariff laws, if need be, by force of arms. But at the same time, in view of South Carolina's determined front, and signs of growing support for her from other Southern States, Jackson and Congress passed also the Clay compromise bill scaling down the tariff to meet Carolina's demands.

So ended the matter for the time. The sword was threatened but not drawn, and South Carolina's peaceable remedy for an oppressed sectional minority prevailed. And mark this: State nullification or State veto, as here preached by Hayne and Calhoun and practiced by their native State, was a qualified nullification only, a fact too often entirely overlooked; an interposition of the State's sovereignty pending an appeal to a three-fourths decision of the Confederated States in general convention. It was, in effect, a Federal referendum (b). It was strictly conservative of true constitutional principles. For, let us repeat, a prime object of the Federal Constitution was the protection of the rights of the minority.

This struggle of the early thirties of the nineteenth century was, as Calhoun averred at the time, a contest between power, or the North, and liberty, or the South. Calhoun drew a close parallel between that contest and that other of 1776, with Northern unjust taxation of the South in 1833 bearing a marked analogy to the British unjust taxation of the American Colonies in 1776.

THE GREAT CONFOUNDER OF THE CONSTITUTION

That both of these contentions of South Carolina—i. e., qualified nullification, with secession in reserve—were sound, historically and

constitutionally sound, we have just seen. That the contrary contention of Webster was unsound, unconstitutional, and unhistorical, must necessarily follow. Daniel Webster has been called the "Expounder of the Constitution." I respectfully submit that great "Confounder of the Constitution" would be a more fitting title. His admirer and biographer, and a successor to him in the Federal Senate from Massachusetts, Hon. Henry Cabot Lodge, says of Webster's argument here, "The weak places in his armor were historical in their nature." Of Webster on a somewhat similar occasion the same writer says, "But the speech is strongly partisan and exhibits the disposition of an advocate to fit the Constitution to his particular case." Likewise, Webster's apologist, Von Holst, discussing this very debate with Calhoun, sadly confesses that "to his and his country's harm, the advocate in him always spoke loudly in the reasoning of the statesman."

Yes; Daniel Webster was a great lawyer, an able advocate, a magnificent orator. But as a constitutional student he was superficial. The close of his speech known as "Webster's Reply to Hayne" is a burst of splendid oratory and is known and quoted far and wide. Only less eloquent, far more sound, is the little-known peroration to Hayne's rejoinder, which should be called "Hayne's Reply to Webster." Mr. Webster said:

A MEANS INSEPARABLE FROM THE END SOUGHT?

"While the Union lasts we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant that, in my day at least, that curtain may not rise. God grant that on my vision never may be opened what lies behind. When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feud, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted, not a single star obscured—bearing for its motto no such miserable interrogatory as, What is all this worth? nor those other words of delusion and folly, Liberty first and union afterwards; but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart—Liberty and union, now and forever, one and inseparable!"

Grand, glorious—rhetorically, but it is not logic—nor yet history. According to Webster, the perpetuity of the then existing American Union was essential to the continued enjoyment of liberty. But the Declaration of Independence, mindful of the rise and fall of nations and the ever-recurring changes in governments, tells us that all governments are but means to an end, and that end the securing of life, liberty, and the pursuit of happiness; that here, as in any other case, when a particular means fails to effect the end in view, it should be discarded for some other means. Forgetful, too, was Webster of Washington's language in his revered Farewell Address, wherein he denominates the Union under the Constitution of 1787–1789 an "experiment," and warns against "geographical discriminations" as "causes which may disturb our Union." To like effect to this last, as seen above, spoke Jefferson on "the Missouri question"; but these solemn admonitions of Washington and of Jefferson, Webster and, after him, Lincoln, heeded not.

Thus Mr. Webster in 1833, for union at any cost, when those whom he opposed themselves opposed the tariffs laws which, by means of "geographical discriminations," favored his own New England and the North. To far different effect had he spoken some 17 years before when, a Member of the House of Representatives from New Hampshire, he voiced New England's fierce opposition to the then raging war with old England and to the pending enlistment bill for carrying on that war: "I use not the tone of intimidation or menace," thundered young Representative Webster, "but I forewarn you of consequences. * * * I beseech you, by the best hopes of your country's prosperity—by your regard for the preservation of her Government and her Union—that you abandon your system of restrictions—that you abandon it at once and abandon it forever."

But to return to the great debate of 1830. Said General Hayne in reply to Webster's "reply":

FREEDOM BEFORE UNION

"The gentleman has made an eloquent appeal to our hearts in favor of union. Sir, I cordially respond to that appeal. I will yield to no gentleman here in sincere attachment to the Union; but it is a Union founded on the Constitution, and not such a union as that gentleman would give us that is dear to my heart. If this is to become one great 'consolidated government,' swallowing up the rights of the States, and the liberties of the citizen, 'riding over the plundered plowmen and beggared yeomanry,' the Union will not be worth preserving. Sir, it is because South Carolina loves the Union, and would preserve it forever, that she is opposing now, while there is hope, those usurpations of the Federal Government which, once established, will, sooner or later, tear this Union into fragments.

"The gentleman is for marching under a banner studded all over with stars and bearing the inscription, 'Liberty and Union.' I had thought, sir, the gentleman would have borne a standard, displaying in its ample folds a brilliant sun, extending its golden rays from the center to the extremities, in the brightness of whose beams the 'little stars hide their diminished heads.' Ours, sir, is the banner of the Constitution; the 24 stars are there in all their undiminished luster; on it is inscribed, 'Liberty—the Constitution—union.' We offer up our fervent prayers to the Father of all mercies that it may continue to wave for ages yet to come over a free, a happy, and a united people."

Hayne has been criticized as having violated a cardinal rule of oratory and having attempted to equal Webster's peroration in his own. But another view may be urged. The ablest generals—such as Lee, Jackson, and Napoleon—are often those who on occasions transgress fundamental canons of strategy, success as a result being their only justification. Hayne, at once orator, patriot, and logician, both felt the power of Webster's closing plea and its glowing imagery as it would appeal to men, and perceived its basic fallacy as applied. He proceeded, boldly and deliberately, to borrow his great antagonist's own figure of speech and turn it against him. In the brief space of the closing four sentences of the peroration just quoted, Hayne reproduces in outline the picture drawn so fully and so masterfully by Webster, dissects it, suggests a more fitting one to accord with his opponent's expressed principles, appropriates the original as properly illustrating his own position, and ends with the "fervent" and pertinent invocation that it may long be suffered to remain the true emblem of a people free and happy as well as united.

Hayne's peroration is not so elaborate or ornate as Webster's, nor was it meant to be. But it is perfect in itself. The keen, logical criticism, blended with the quiet, delicate sarcasm conveyed in the reference to the "brilliant sun" and the "little stars," is exquisite; the true application of Webster's stellar picture is simple and effective. After the "fire, the wind, and the earthquake" of Webster's mighty finish it comes as a still small voice.

And so the South triumphed with and through this remedy of peaceable protection for a sectional minority. The North, thus baffled, next resorted to a wily flank move.

A WILY FLANK MOVE

The next great sectional crisis (after the preliminary and premonitory one of 1850) came nearly a third of a century later. In the crisis just discussed, involving the nullification clash of 1830–1833, the tariff was the bone of contention. In this second crisis negro slavery in the Territories was the occasion, not the cause, as is imagined by many who should know better.

What was the actual source of this "free-soil" or "antislavery" crusade of the North? An aroused moral sense, say some. Fanaticism, say others. Partly each of these, but not exclusively or chiefly either or both, say I.

Mark well this fact: In the debates in Congress on the tariff dispute of 1833 John Quincy Adams, ex-President of the United States and then a Member of the House of Representatives, uttered this significant remark from the floor of the House: "But protection might be extended in different forms to different interests. * * * In the southern and southwestern portion of the Union there exists a certain interest [by which Adams meant negro slavery] which enjoys under the Constitution and the laws of the United States an especial protection, peculiar to itself" (i. e., return of fugitive slaves escaping from one State into another). He referred to the slaves in the Southern States as "machinery," and added, "If they [the Southern States] must withdraw protection from the free white labor of the North [the 'protection' of a high tariff, Adams meant], then it ought to be withdrawn from the machinery of the South."

Ah, here we have the milk in the coconut; or perhaps it would be appropriate to say the African in the fuel heap. In the framing of the Federal Constitution the North and the South—rather, New England and the far Southern States—arranged a quid pro quo, by which the shipping interests of New England obtained control, and permanent control, of commercial regulations by a mere majority vote, instead of a two-thirds vote, in the Congress, and the South, together with the slave-importing shippers of this same New England, defeated the possibility of prohibition of the continued importation of negroes temporarily or for some 19 years. And now, her darling of sectional customs "protection" in danger from South Carolina's firm stand, New England, through John Quincy Adams as her spokesman, gave warning in 1833 that tariff "protection," although not guaranteed by the Constitution, and slavery protection, which was expressly guaranteed by that instrument, must be held as twin special interests, to stand or fall together.

In this light, then, these remarks of Adams, of Massachusetts, should be carefully marked and constantly borne in mind in connection with the subsequent growth and course of antisouthern agitation, under the guise of an antislavery crusade, from the time—this time of South Carolina's nullification stand and the resultant tariff reduction of 1833—that a definite check was placed upon high tariff, North-favoring legislation. And this is the same Mr. Adams who shortly thereafter began to make his declining years renowned by pouring into the House

of Representatives at Washington his broadsides of "antislavery" or antisouthern petitions.

Finally a new party was formed, with its primary object, as professed, the exclusion of the South with her Constitution-guaranteed property from the common territories that had been acquired by the common blood and the common treasure of the South and the North. And, significantly, early in its history, or as soon (1860) as it had acquired material growth and substantial prestige, this new political party, already thus avowedly sectional in its principles, made a sectional "protective" tariff one of its demands. And when it had elected a President (by a sectional and a minority popular vote, be it remembered) and so caused a disruption of the Union of States, "protection" was a primary means employed to support the war that followed—a war of aggression and conquest waged by this party to secure both its own continued supremacy and the new consolidated and un-American union of force in place of the pristine confederated union of choice which itself had done so much to destroy; a war in which negro emancipation in parts of the Southern States was incidentally proclaimed as a military measure, the thirteenth amendment coming later to extend and validate this unconstitutional proceeding. "Un-American union of force," I said; we must remember that widespread opposition to the war of conquest against the South manifested itself in the North, and that the myriads of immigrants from centralist, "blood-and-iron" Germany had much to do with turning the scale in the North in support of Lincoln's and Seward's war. (c) In these aliens there had arisen "a new king which knew not Joseph," who had no inconvenient recollections of seventy-six to hold him in check. [Note: The foregoing was originally written before the outbreak of the European war of 1914, much of the responsibility for which must be laid to the charge of this same "blood-and-iron" nation.]

This so-called free-soil movement was more accurately styled a white-soil movement. For hand in hand with the efforts to keep negro slaves out of the new States and Territories of the North and the West went drastic antifree negro laws in those regions as well as in the older Northern States. (These laws are to be found discussed most illuminatingly in Ewing's Legal and Historical Status of the Dred Scott Decision, Ch. IV. See also Northern Rebellion and Southern Secession, by the same author, p. 113.) The negro, slave or free, was not wanted in the North and West. Long since had Jefferson, the honest abolitionist, pointed out that "The passage of slaves from one State to another would not make a slave of a single human being who would not be so without it. So their diffusion over a greater surface would make them individually happier and proportionally facilitate the accomplishment of their emancipation by dividing the burden on a greater number of coadjutors." This warning, like those other warnings of Jefferson and Washington above mentioned, of course, went unheeded by the negro exclusionists of the North and Northwest.

ABRAHAM AND LOT AGAIN

Nullification, or State veto subject to Federal referendum, was practicable in 1833; practicable and successful. In 1860–61 it was not practicable, because a State could not exercise her veto power out in the common territories where the sectional northern party that had just been elected to power threatened antisouthern legislation. Hence, when peace with honor was no longer possible within the union of States, the Southern States turned to the only possible peaceable alternative, secession, or complete withdrawal from that interstate compact of government already so flagrantly violated in act and in promise of further acts to come by their northern sisters.

That the voice and efforts, the counsels and measures of the Southland were still for peace the record abundantly proves.

Sturdy little South Carolina, faithful to the spirit of her departed Hayne and Calhoun, was the first State to withdraw. On her invitation delegates from five other of the cotton States that followed her in withdrawing and later those from a sixth, Texas, met her own delegates in a congress at Montgomery, Ala., February 4, 1861. By this congress was framed the provisional constitution of the Confederate States of America. Jefferson Davis, of Mississippi, was chosen Provisional President of the new union.

On February 15, 1861, before the arrival of Mr. Davis at Montgomery to take the oath of office, the congress passed a resolution providing "that a commission of three persons be appointed by the President elect as early as may be convenient after his inauguration and sent to the Government of the United States for the purpose of negotiating friendly relations between that Government and the Confederate States of America and for the settlement of all questions of disagreement between the two governments upon principles of right, justice, equity, and good faith."

Truly, as Mr. Stephens, of Georgia, one of the delegates to this Montgomery congress, says in his history of the United States these "were not such men as revolutions or civil commotions usually bring to the surface. * * * Their object was not to tear down so much as it was to build up with the greater security and permanency." And we may add that they meant to build up, if so permitted, peaceably.

In this spirit of amity and justice the first act of the Louisiana State convention, after passing the ordinance of secession, was to adopt, unanimously, a resolution recognizing the right to free navigation of the Mississippi River (which flows down from the Northern States of the great inland basin and empties into the sea within the confines of Louisiana), and further recognizing the right of egress and ingress at that river's mouth and looking to the guaranteeing of these rights.

President Davis's inaugural address, delivered February 18, 1861, breathed the same spirit of friendship toward our brothers of the North. He said, in part:

OUR PRESIDENT'S INAUGURAL

"Our present political position has been achieved in a manner unprecedented in the history of nations. It illustrates the American idea that governments rest on the consent of the governed, and that it is the right of the people to alter or abolish them at will whenever they become destructive of the ends for which they were established. The declared purpose of the compact of the union from which we have withdrawn was to 'establish justice, insure domestic tranquillity, (d) provide for the common defense, promote the general welfare, and secure the blessings of liberty to our selves and our posterity'; and when, in the judgment of the sovereign States composing this confederation, it has been perverted from the purposes for which it was ordained and ceased to answer the ends for which it was established, a peaceful appeal to the ballot box declared that, so far as they are concerned, the government created by that compact should cease to exist. In this they merely asserted the right which the Declaration of Independence of July 4, 1776, defined to be 'inalienable.' * * *

"Thus the sovereign States here represented have proceeded to form this Confederacy; and it is by abuse of language that their act has been denominated a revolution. They formed a new alliance, but within each State its government has remained; so that the rights of person and property have not been disturbed. The agent through which they communicated with foreign nations is changed, but this does not necessarily interrupt their international relations. Sustained by the consciousness that the transition from the former union to the present Confederacy has not proceeded from a disregard on our part of just obligations, or any failure to perform every constitutional duty, moved by no interest or passion to invade the rights of others, anxious to cultivate peace and commerce with all nations, if we may not hope to avoid war, we may at least expect that posterity will acquit us of having needlessly engaged in it. * * *

"An agricultural people, whose chief interest is the export of commodities required in every manufacturing country, our true policy is peace, and the freest trade which our necessities will permit. * * * If a just perception of mutual interest shall permit us peaceably to pursue our separate political career, my most earnest desire will have been fulfilled. But if this be denied to us, and the integrity of our territory and jurisdiction be assailed, it will but remain for us with firm resolve to appeal to arms and invoke the blessing of Providence on a just cause."

SOUTHERN OLIVE BRANCHES

Nor did our President content himself with mere words of peace. He promptly acted on the resolution of Congress above cited, and appointed three commissioners from our Government to the Government of the United States. "These commissioners," says Mr. Stephens, "were clothed with plenary powers to open negotiations for the settlement of all matters of joint property, forts, arsenals, arms, or property of any other kind within the limits of the Confederate States, and all joint liabilities with their former associates, upon principles of right, justice, equity, and good faith."

Let me ask, Could anything have been fairer?

These commissioners promptly proceeded on their way. A few days after the inauguration of Mr. Lincoln at Washington they formally notified his Secretary of State, Mr. Seward, that "the President, Congress, and people of the Confederate States earnestly desire a peaceful solution" of pending questions between the two Governments. The full history of these negotiations makes mighty interesting reading. But it is too long a story to be rehearsed in detail here. Suffice it to say that it was through no fault of these commissioners, or of the people and government they represented, that their mission of peace and good will to their late allies of the North came to naught.

South Carolina, shortly after her secession in December, 1860, had taken like steps looking to peace, by sending a commission to negotiate with Buchanan's administration relative to former United States property within her limits.

Yet another effort for peace was made from a southern official quarter in those portentous, ominous months following the sectional victory at the polls in November, 1860. The provisional Confederate Constitution mentioned above was framed and adopted by what were called the seven Cotton States. The border Southern States were yet within the old Union, hoping against hope for continued union, peace, and justice. Among these border States was Virginia, the oldest, the most powerful of them all. By unanimous vote of her legislature all the States of the Union were invited to send commissioners to a conference, to devise some plan for preserving harmony and constitutional union.

This conference met in Washington, February 4, 1861, the very day on which the Congress of the seceded cotton States assembled in

Montgomery. It adjourned February 27. Significantly enough, in view of our present argument, this conference at Washington was called the peace congress. The demands or suggestions of the South in this peace congress were only that constitutional obligations should be observed by all parties; nay, that certain concessions to the North would be agreed to, by means of constitutional amendment, if only the Constitution, as thus amended, might be obeyed. This did not suit the commissioners from the Northern States, as was bluntly stated by one of them then and there, Salmon P. Chase, of Ohio, who was slated for a portfolio in Lincoln's Cabinet, and, therefore, spoke at least quasi et cathedra. So the Peace Congress proved of no avail (e).

We find a similar situation in the Congress of the United States at its regular session that winter. Of the condition there Mr. Pollard says, in his book, The Lost Cause, "It is remarkable that of all the compromises proposed in this Congress for preserving the peace of the country, none came from Northern men; they came from the South and were defeated by the North."

Well might the Southern leaders have adopted for their own the language of the psalmist, "I am for peace; but when I speak they are for war."

It was by virtue of this impossible condition arising within the old union that Southern States, cotton and border, one by one found it necessary to withdraw from that union—which was effected so far as possible, in every instance, peaceably. They had not only the historical, constitutional right to do this, as every real student of constitutional history, South and North, now admits; they had, further, let us here repeat, the general assertion of the Declaration of Independence, governing all like cases, to support them. As pointed out by President Davis, in the above quotation from his inaugural, a prime object in establishing the Constitution of the United States and the federative government thereunder, was to "insure domestic tranquillity." The existing form of government under this Constitution having "become destructive of this end," so far as concerned the Southern States, the peoples of these States now moved to peaceably alter the form of government.

And, seldom remembered though it be now, there were at that time many in the North who believed that these Southern peoples had the inalienable right thus peaceably to withdraw. For instance, the New York Tribune itself, organ though it was of the aggressive anti-Southern party of that time, declared in November and December, 1860, after Lincoln's election, as follows:

"We hold with Jefferson to the inalienable right of communities to alter or abolish forms of government that have become oppressive or injurious, and if the cotton States shall become satisfied that they can do better out of the union than in it, we insist on letting them go in peace. The right to secede may be a revolutionary one, but it exists nevertheless, and we do not see how one party can have a right to do what another party has the right to prevent. Whenever a considerable section of our union shall deliberately decide to go out, we shall resist all coercive measures designed to keep it in. We hope never to live in a republic whereof one section is pinned to the residue by bayonets. * * * If ever seven or eight States send agents to Washington to say, 'We want to go out of the union,' we shall feel constrained by our devotion to human liberty to say, 'Let them go!' And we do not see how we could take the other side without coming in direct conflict with those rights of man which we hold paramount to all political arrangements, however convenient and advantageous."

SOVEREIGNTY AND TREASON

Not such men as revolutions generally bring to the front, said Stephens, of the Confederate leaders. True. For be it remembered that these men represented, officially represented, long existent and independent republics already fully organized. The formation of a league or confederacy between these republics was but an incident, an arrangement of convenience, as pointed out by Mr. Davis in his inaugural address. How, then, could States, republics, independent nations, be said to revolt or rebel? A people or a faction rebels against a superior; not against an equal or an inferior. Therefore a creator State of inherently sovereign powers could not possibly rebel against either the creature central government of strictly limited and delegated powers, or against coequal, confederate States. This being so, and Southern individuals acting only as citizens of their respective States, there could be no treason in their conduct.

Why was Jefferson Davis, although long held a prisoner after the war, never brought to trial on the charge of high treason for which he was indicted? It is said (though I am not at this time prepared to vouch for the accuracy of the report) that a solemn warning was sounded forth from the Supreme Court of the United States to the effect that to push such a charge against our fallen leader would be to fool with a combination boomerang and back-action buzz saw. Be that as it may, we know that Mr. Davis, after long imprisonment, was released on bail (Horace Greeley himself being a bondsman), and the indictment was never tried.

AHEAD OF THE TIMES

Yes; the course of the southern peoples was the only course consistent with peace and honor. Alas! they were ahead of their times; and, like all those who in any age or clime dare to be ahead of their day and generation, they have been made to suffer for their temerity. As Charles Mackay, the poet, says:

"That man is thought a knave or fool
Or bigot plotting crime,
Who, for the advancement of his race,
Is wiser than his time."

Civilization takes but one step forward at a time, then pauses and rests before the next step. The southern people of the period of 1789–1861, in the very vanguard of this slowly advancing civilization, acted on the same principle that the same rule should govern in the intercourse between nations and peoples as between individuals, and that rule the golden rule. But they were wiser than their time. Let me explain:

Some three centuries before this the civilized, Christian (?) nations of Europe saw nothing wrong in kidnaping the defenseless heathens of Africa sands and selling them into bondage far from their native haunts. They justified such practice on the grounds alike of expediency and morals. It would bring the heathen under the benign influences of Christianity, and at the same time cause wealth to flow into the ready pockets of their benignant captors. So the oversea slave trade went merrily on for the space of several hundreds of years. Then laggard civilization took a step forward and said that this was all wrong. The African trade, or the theft and forcible importation of negroes, was abolished, and the Southern States took a hand with the rest in abolishing it. Meantime civilization was preparing to take another step forward—to supplement the cessation of slave importation with the abolition of slavery itself. Owing to local causes some communities were more forward in this movement than were others. The situation in the Southern States was thus sensed by Jefferson: "The cession of that kind of property [slaves], for so it is misnamed, is a bagatelle which would not cost me a second thought if in that way a general emancipation and expatriation could be effected; and gradually, with due sacrifice, I think it might be, but as it is we have the wolf by the ears and we can neither hold him nor safely let him go. Justice is in the one scale and self-preservation in the other." Too, it should be added, slavery remained profitable in the South longer than in some other communities, and southerners were but human. But the reform was moving forward everywhere, and was bound to triumph in the end. It ought to have been allowed to triumph peaceably. Out of the differences in local conditions, in this and in other matters, arose the fierce controversies between the Southern and the Northern States of the American Union.

When the contention had waxed so hot that peaceful union was no longer possible, then the Southern States proposed a peaceable separation. The North said, "No; we will force you back." The South said, "No; that is all wrong." The Declaration of Independence, the letter and the spirit of the Constitution, advancing civilization itself, all proclaim in trumpet tones that it is just as wrong for one nation, state, or group of states to conquer another vi et armis and to force upon it a government it does not desire as it is for one man to steal another man and sell him into bondage, or for a nation now (as was formerly done) to deny to its citizens the right of voluntary expatriation.

So spoke the South, wiser than her time. The North, not so wise, essayed to enslave whole States and peoples. For this is what a forcible union of one-time sovereign States means.

It is not within the scope of this address to follow the course of that memorable struggle. From the day of Thermopylæ down, to battle for home and native land against the invader and the despoiler has ever called forth the utmost valor and exertion of patriots. The southern soldiery came of an adventurous, frontier stock. Southrons generally could ride and shoot; and this war they fought to repel the invader. The result was the Confederate warrior, since that time the synonym for all that is best and bravest in war. The fame of the Confederate soldier is deathless; his glory as eternal as the stars. Starvation, not numbers, overwhelmed him after four years of heroic endurance and brilliant feats of arms. The crucial banner of the South sank without a stain upon it, save only the lifeblood of thousands of its martyr defenders.

"THE UNION" UNSAVABLE

In this course of invasion and conquest, in which she was finally successful, did the North, let me ask, really "save the Union," as she professed to do? No; she did not—from the very nature of the thing, she could not. The Union of the fathers, of the Constitution of 1787–1789, was a Union of choice, of peace. That original Union was and is forever gone as between the South and the North. It was ipso facto destroyed by the withdrawal from it of the Southern States. And, like Humpty Dumpty when he fell from the wall, or like the late Mr. Morgan's scrambled eggs, all the king's horses and all the king's men could never (forcibly) put it together again. A Union, indeed, a new, diverse, blood-red Union of force was created and pinned together by bayonets; the Union was not and could not be saved, though it might be restored by the free consent once more of all the parties to the original Union.

And further, the success of the Southern Confederacy would not have meant the destruction of the American Union. By the victory of the

revolted Colonies in 1776–1783 the immemorial union of English-speaking peoples was severed; but only as to these Colonies; the rest of the English-speaking union, known as the British Empire, continues to live, and to live truly stronger and better from the lesson that was well learned when one part of that union was lost through the blunders of sectional aggression.

Not for one moment do I question the honesty and patriotism of the brave soldiers in blue, who, I cheerfully admit, sincerely believed that they were fighting for the Union of the fathers, although many of them allowed themselves to be swept along into this belief. But I do say this, that they, as well as we, were victims of their own juggernaut; that their plea for a forcible American Union was of the same essence with the plea in 1776, for a forcible British union; it was the plea of Old World and world-old imperialism, and a plea which will justify every war of invasion and conquest that has ever stained history's pages.

WHAT MIGHT (AND SHOULD) HAVE BEEN

But the objection is sometimes made that the South's success would have meant the Latin-Americanization of the Southern States; that the principle of peaceable secession once established, all union between the different States would have been no more than a rope of sand, and we would speedily have degenerated into a parcel of petty, mutually jealous republics—perhaps dictatorships. The history of our race refutes the suggestion.

For some two thousand years the Anglo-Saxon and the Celt have wrought out, link by link, on the anvil of hard experience and dogged experimentation the everlasting principles of self-government. The success of the Confederate States of America would have turned out another and a stronger link, would have marked another glorious step forward in the laborious progress of liberty and self-government. Ours is a patient race, no less than a progressing one, and the successful termination of our second War for Independence could never have changed that bent of mind and habit of action that stand behind the following assertion in the Declaration of Independence:

"Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."

After the triumph of our first war of secession more than three-quarters of a century passed, during which this right of secession, as now reinforced by constitutional provisions, was often asserted before it was actually resorted to. There is no reason to think that a second successful application of this drastic remedy, and under a like strong provocation, would have cut us adrift from our previous caution and long-suffering.

Again, it is argued that there would have been constant causes for friction and even bloodshed arising between the Confederate States of America and their neighbors to the north, the United States of America. Well, would that sort of bloodshed have been any bloodier than the four years of it that was suffered in imposing the Union's yoke upon the Southern States? But, after all, are we so sure that those two powers, once they had started together in the pathway of peace, would have been unable to continue side by side in amity? Despite strong provocation at times we manage, nearly all of the time, to preserve the peace even with storm-rocked Mexico. And we are about to celebrate a century of peace with those ancient enemies of ours, now our British and Canadian friends, although during the whole of that period they have formed our entire northern land boundary, and although "another Mississippi" (the Great Lakes and the St. Lawrence) flows from our territory through theirs to the sea.

Another objection, or theory: That, after all, it is better for the South that the war should have ended as it did. No, a thousand times no: First and foremost, because evil should never be done that good may come of it and because Appomattox put back a half-century or more the hand of progress on the dial plate of civilization; second and secondarily, because the history of the 50 years succeeding the war is a record of legislation hostile to the material interests of the Southern portion of what is called a reunited country. Under the first of these two heads we may add, that not only was progress thus retarded, but that a new and dangerous element has been introduced into the body politic—the spirit of evasion of the fundamental law. If you doubt it, see how certain provisions of the fourteenth amendment to the Federal Constitution have become practically a dead letter, and by well-nigh universal consent. This fourteenth amendment is one of the "war amendments," as they are called.

FATE AND THE CONFEDERACY

But fate, we hear it said, had decreed the downfall of the Southern Confederacy. The very stars in their courses, we are told, fought against the South, even as they fought against Sisera of yore. That assertion I shall not here stop to dispute, beyond remarking that the final outcome of the war was extremely doubtful until within less than eight months of General Lee's surrender—probably so, that is, until Atlanta fell a few weeks before the date of the presidential election of 1864 in the United States. But—what is meant by "the stars in their courses"?

Come with me, on a clear, moonless night, and scan that part of the heavens that encircles the pole star and in which the entire course of a given star is above the horizon. Watch with me some bright stellar sun which, having left the zenith, gradually descends the western sky, appears to stand still a while at the extreme westernmost point, then swings slowly but surely eastward again on the return sweep around the pole, yet still descending until it reaches the nadir, whence it gradually ascends again as it swings ever on toward the east. Other stars, farther south, not thus visible throughout their entire orbits, appear to the eye of the observer to set, and are blotted out of sight a long while before they rise again.

Yes, the stars indeed march resistlessly on in their courses; but those courses are in circles.

THE CONFEDERATE DAY-STAR

There are signs in the political heavens that Dixie's guiding star, her glorious constellation the Southern Cross of battle, which set blood red at Appomattox, is now appearing in the east, a pure, glistening white, the day-star of hope and happiness for the Southland and for the world.

To explain, and to drop the figure. Certain great world tendencies in the forward march of civilized mankind are found in diverse yet complementary pairs; first one, then the other, predominating in alternate pulsating cycles. Broadly speaking, the nineteenth century was an era of the predominance of the centripetal power in government, the ascendancy of the central political authority. The triumph of militant French democracy in the revolution of 1789 quickly merged into the imperial despotism of Napoleon, the erstwhile republican conqueror; this was succeeded by the return of the Bourbons to power. Just at this time our Latin neighbors to the south, not yet schooled for true liberty, broke away from enervated Spain; but we must remember that it was only the joining of hands of the United States and Britain, and the resultant raising of that shield of the western world, the Monroe doctrine, that checked the reactionist "Holy Alliance" of continental Europe in its project of forcible recovery of these revolted Spanish colonies—so, at least, it is supposed. The second French Republic, born out of due time in the abortive convulsions of 1848, was speedily swallowed up by the second Empire, which eventually gave place to the third (and semimonarchical) Republic. The great revolutionary upheavals of 1848 throughout Europe were generally suppressed. Within the next few years Kossuth and the cause of Hungarian independence went down before the imperial Hapsburgs; Poland in vain sought to regain her lost nationality; the former independent or autonomous principalities and electorates of Germany became welded into the modern German Empire with the ruthless Bismarck at the helm.

In the face of this ominous reaction in the Old World, the glorious ensign of confederated southern independence was raised aloft in our own stormy sky. The dragon teeth of overweening, un-American imperialism sown by Webster 30 years before bore their rich harvest of armed cohorts from the North, and the southern Confederacy, latest and most promising of freedom's growing family of happy nations, was swept from the face of the earth. And, significantly enough, in the midst of our struggle for independence it was the fleet of autocratic Russia, inveterate foe to liberty, that wintered in New York Harbor to lend moral support to the cause of northern aggression and conquest as against the threatened aid of more enlightened England to the cause of the South—England, always a well-wisher of a weaker people fighting for freedom, except only when she herself happens to be the oppressor—England, who at a later time crushed down the liberty-loving Boers in a war in many particulars most strikingly like the war on the Confederacy.

But now, thank God, the trend amongst progressive and, at heart, liberty-loving peoples is once more away from imperialism and forcible union. For, under imperialism and forcible union, there is no adequate protection for a sectional minority; remember that. Imperialism and forcible union are in their workings robbery of the right of local self-government, which is the alpha and omega of political liberty. From about the close of the nineteenth century on, what do we see? The waning of the centripetal force in government, the waxing of the centrifugal. In the world-old strife between liberty and power, liberty begins again to prevail in the renewed recognition of the saving principle of home rule and the rights of the minority.

We ourselves in 1898 helped Cuba in her stand for freedom. Five years later we aided and abetted Panama in her secession from the United States—of Colombia. We thereby officially and governmentally recognized (whether with due regard to our duty toward Colombia we need not here inquire), solemnly recognized, that the interests and desires of the whole are not always paramount to the rights of a part; yea, even though the territorial integrity of the United States—of Colombia—was thereby sacrificed. Shortly thereafter we see Norway resolutely sunder the bonds of union with her homogeneous sister, Sweden. And the wayward, weaker sister (with about the same proportion of area and population of the whole Scandinavian union as the South had of the whole American Union) is in this instance allowed to go in peace, just as certain in the North

were fair enough and brave enough to advocate, but vainly, be done with us in 1861. And later still we see something like secession from secession in the case of Ulster and Ireland.

Even in the matter of amending the Federal Constitution, behold Senator La Follette's "gateway amendment" by which a minority is empowered to propose amendments. A similar provision was made 50 years before in the constitution of the Confederate States of America; a most decided improvement in favor of the rights of the minority over the cumbersome and reactionary provision of the Federal Constitution requiring a two-thirds majority even to propose amendment for consideration by the amending power.

These, I submit, are no fanciful comparisons, no imaginary parallels. No matter what may be all the details, all the motives, in each case, on the whole we may confidently affirm that through it all runs a larger sense than before of the rights of the weaker; of the beauties and blessings of peace; of the folly, and worse, of war. The Hague tribunal and the Bryan peace treaties are further witnesses to this auspicious change. To come nearer home, an acquaintance of mine, a gentleman from California, remarked casually, in the course of a conversation with me, that among the people of the Pacific coast there was quite a good deal of talk to the effect that they have their own interests and are quite capable of maintaining a separate political existence; although, he added, there is among them, too, a strong attachment to the Union. Just how these two things are reconciled, or to be reconciled, he did not say. And (another coincidence) much of the differences, if such we may style them, between the Pacific States and the East, like the former controversies between South and North, arise from a race question growing out of the presence in their midst of an alien, dark-skinned race.

OUR PAST EXEMPLARS OUR FUTURE GUIDES

So we see the tardily turning tide of national and international ideals and tendencies at last following the once overwhelmed, never really lost, current of Confederate principles. And the South, the ever faithful South, of later times we find revering her leaders of the earlier and darker periods, for "there is life in the old land yet."

We find the South, near half a century after Appomattox, risen phœnix-like from the ashes of war and reconstruction and pushing forward in all fields of endeavor. Agriculture, commerce, manufactures, education, literature, good roads, adjustment of her race problem without undue outside interference (hence, as more of a sociological, less of a partisan, sectional question)—in all these the peoples of the Southern States were making splendid progress and were rapidly recovering the lost ground in political leadership. But, in the midst of all this it was that, by separate but similar acts, three Southern States, for themselves and for the South at large, linked the present with the past for the future in a way most significant.

In the first decade of the twentieth century the South placed among the officially designated immortals of the several United States in Statuary Hall at the Capitol Building in Washington city the effigies of John C. Calhoun, of South Carolina, and Robert E. Lee, of Virginia; and on the sterling plate service of the battleship *Mississippi* the likeness of Jefferson Davis, of Mississippi and Kentucky. There they remained, fitly typifying the South's own contribution to the cause of true liberty as against overweening power, her chosen champions of the two phases of constitutional home rule through State sovereignty, viz: Nullification or State veto subject to Federal referendum, and secession or resumption of full powers by the State; and only when these are scorned by her oppressors and all constitutional redress denied, then the stainless sword of defensive war (f).

Calhoun, Davis, Lee—men with private lives as spotless as their political principles are true, exemplars of the Southland's past, guides for her future.

Yes, our constellation was only obscured, it did not really set at Appomattox; the Southern Cross of minority rights, home rule, and arbitration once more flames in the morning sky, and it shall shine more and more unto the perfect day, if the South—America—the world is to have true progress with peace.

COL. CARL L. ESTES—OUACHITA NATIONAL PARK

Mr. CARAWAY. Mr. President, I have a letter from the Governor of the Commonwealth of Texas, and letters from all the ministers of Tyler, Tex., from the presidents of the banks of Tyler, Tex., and from the chamber of commerce of that city, all bearing testimony to the high character and strict integrity of Colonel Estes, whom the Secretary of the Interior so grossly insulted. After reading the letter of the governor I wish to place all of the other letters in the RECORD. The governor's letter is addressed to me and reads as follows:

EXECUTIVE DEPARTMENT,
Austin, Tex., April 3, 1928.

Hon. T. H. CARAWAY,
Member of United States Senate,
Washington, D. C.

MY DEAR SENATOR: I am grateful that you came to the defense of my personal friend Carl L. Estes, of Tyler, Tex., in connection with the incident which occurred in the office of Secretary Work.

After reading the letter which the Secretary addressed to Senator PHIPPS and the statement prepared by Mr. Estes, I can not wonder that Mr. Estes resented this treatment or that Mr. Work felt the necessity of a letter of explanation.

Those of us who know Carl Estes have every confidence in his truthfulness, integrity, and sterling character. Your prompt defense of him is typical of the loyalty and confidence which his friends receive from him and to which he is entitled.

Yours very truly,

DAN MOODY.

I have already had inserted in the RECORD the statement of Colonel Estes denying that the man from Georgia, who so miraculously showed up to be a witness for the Secretary, was not, in fact, present. I am confident from all that occurred that the Secretary knows that when that letter was written it was written by somebody who was not present, somebody who was telling a lie in his behalf, and that he was willing to avail himself of it.

I ask that the letters to which I have referred may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The letters are as follows:

CHAMBER OF COMMERCE,
Tyler, Tex., April 2, 1928.

To whom this may concern:

To: Senator CARAWAY, Arkansas; Gov. Dan Moody, Austin; the Associated Press, Dallas.

We, the undersigned ministers of the Gospel in Tyler, Tex., unhesitatingly state that Col. Carl L. Estes, newspaper man of this city, is a truthful, upright citizen of this town, and that you can depend upon what he says as the absolute truth.

Signed: C. M. Raby, Methodist; Jas. G. Ulmer, Christian; Robert Hise, Presbyterian; Jas. T. McNew, Baptist; W. N. Claybrook, Episcopalian; Jos. M. Haddad, Grand Knight, K. of C.; M. Faber, rabbi, Temple Beth-El; Floyd E. Alett, Bostick Switch Baptist.

CHAMBER OF COMMERCE,
Tyler, Tex., April 2, 1928.

To whom this may concern:

To: Senator CARAWAY, Arkansas; Gov. Dan Moody, Austin; the Associated Press, Dallas.

We, the undersigned bankers of Tyler, Tex., unhesitatingly state that Col. Carl L. Estes, newspaper man of this city, is a truthful, upright citizen of this town and that you can depend upon what he says as the absolute truth.

GUS F. TAYLOR,
President Citizens National Bank of Tyler.
SAM R. GANS,
President People's National Bank.
C. J. BROGAN,
President Tyler State Bank & Trust Co.

CHAMBER OF COMMERCE,
Tyler, Tex., April 2, 1928.

To whom it may concern:

I take great pleasure in stating that Col. Carl Estes, of Tyler, Tex., is well and favorably known to me.

There is not a shadow of a doubt as to his integrity or veracity. His moral character and deportment are above reproach.

Respectfully,

TYLER CHAMBER OF COMMERCE,
E. P. MCKENNA, *President.*

SENATOR HEFLIN'S REPLY TO MAYOR GUNTER, OF MONTGOMERY, ALA.

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from me to the mayor of Montgomery, Ala., regarding the presidential primary in our State, in which I discuss Governor Smith.

The PRESIDENT pro tempore. Without objection, leave is granted.

The letter is as follows:

WASHINGTON, D. C., *April 7, 1928.*

Mayor WILLIAM A. GUNTER,
Montgomery, Ala.

MY DEAR MR. GUNTER: You must pardon me for not answering your telegram sooner. I have been so busy with my duties in the Senate that I have not had the time to write what I felt should be said in response to your challenge, but since Alabama friends have informed me of your attacks upon me recently when you were trying to please the Roman Catholic mayor of New York City, Mr. Walker—Al Smith's gold-dust twin—I have decided to bring at this time certain things to your attention and to the attention of the people that you are asking

to send you as a delegate from the State at large to the Democratic National Convention.

So far as I can learn you have refused to tell the people of Alabama just how you stand on the candidacy of the most dangerous candidate for President to-day before the Democratic Party. No man should seek to obtain votes under false pretenses. At least four-fifths of the Democrats of Alabama are against Al Smith first, last, and all the time. Are you for him or against him?

When you joined with the Roman cohorts in denouncing me they knew that you spoke their language and that they could trust you.

As a Senator from the great State of Alabama I felt that it was my duty to do what I could to prevent war with Mexico, and I went to work doing everything in my power to prevent such a war. I found on investigation that those who were advocating war with Mexico and seeking to use the United States Army to overthrow the present Mexican Government were Roman Catholics. I exposed their un-American program and criticized their strange and inexcusable conduct. I led the fight which resulted in defeating their war program. Do you indorse or condemn the work that I did to prevent war with Mexico? Do you think that I did wrong in exposing in the Senate the efforts of the Roman Catholic Knights of Columbus and the efforts of a Mr. BOYLAN, a Roman Catholic Congressman from New York City (Al Smith's close friend), who introduced in Congress a resolution demanding that the United States immediately sever diplomatic relations with Mexico, which meant war?

I am the first man in either branch of Congress to bring that serious matter to the attention of the American people. Would you have had me refrain from doing that because those who wanted to involve us in war with Mexico were Roman Catholics? Miss Semple, a nun and Roman Catholic mother superior, a sister to your deceased brother-in-law, Darry Semple, appeared and testified in support of the Catholic program for war with Mexico.

After Miss Semple, nun and Catholic mother superior, and others had been here to urge Congress to support the Catholic program for war with Mexico, the New York World said editorially:

"If you don't want war with Mexico, write your Members of the House and Senate to oppose it. We are dangerously near to war with Mexico."

Was it not time for me and other Senators to get busy and oppose such a war?

Permit me to remind you that I have not forgotten the last war—the World War. It pained me to see our soldiers go away to fight on foreign soil. In that case we were not to blame. Then American rights, interests, and liberties were at stake and we had to fight; but in this instance it was purely and wholly a Roman Catholic question. I said that Congress had no right to involve the United States in war for the purpose of fighting the battles of the Roman Catholic Church in Mexico. Was I right or was I wrong?

When you attacked me on my work in the Senate on this question you put yourself on record as condemning my position, and as one who was in full sympathy with the Roman Catholic political program and their program for war with Mexico. I had attacked both. I never want to see another Alabama boy, or any other American boy, leave home and loved ones and go away from the United States to engage in war in foreign countries.

In the World War some of the bravest and finest boys in Alabama and other States lost their lives on the battle fields of France, and their loved ones still "long for the touch of a vanished hand and the sound of a voice that is still." War is a horrible thing. In its wake are broken hearts and ruined homes. "Its path is wet with human blood and paved with dead men's bones."

Do you think that I should have remained silent when Roman Catholics were trying to get the United States to go to war with Mexico in order to restore the Catholic Church to power there? I heard nothing from you then.

The Catholic-controlled press of the United States praises Mussolini, of Italy. The Fascist Society that he organized and used to close Protestant churches and deny religious freedom to Protestants and Jews in Italy, and to tear down Masonic lodges and murder Masons, is now organized and operating in the United States. They are undisturbed as they carry on their un-American activities in Governor Smith's home State, New York, and New York City.

Not long ago the Mussolini Roman Catholic Fascists in the United States held a convention at Philadelphia and they sent the following remarkable telegram to Mussolini in Rome:

"Central Fascisti, closing its second annual reunion, send expressions of true devotion to the Duce (Mussolini) and renews its oath of allegiance to do his will and to carry out his orders to the end."

Does not that look like another arm of Roman power reaching over into the United States? This, I repeat, is the order that destroyed free speech in Italy, denied Protestants and Jews the right to worship God in accordance with the dictates of their own conscience. The same order destroyed Masonic lodges and murdered Masons in Italy. Italian Catholic fascism is dangerous to American rights and liberties. It has been characterized as a branch of Mussolini's foreign army. The telegram sent to Mussolini supports that theory. Do you think that I am doing right in calling attention to the menacing presence of these dangerous un-American organizations?

You were not content with your reflection upon me, and your efforts to injure me in your telegram to Senator ROBINSON, who is condemned by thousands of Democrats in Arkansas, Alabama, and the other States, for his inspired attack upon me for exposing the Catholic conspiracy. You tried to lend dignity and force to your attack upon me by stating that you were speaking for a majority of the people of Alabama. What induced you to even imagine that you, in defending the Roman Catholic war program which would call for the killing of Alabama boys in Mexico, and trying to discredit and cripple me in my efforts to defeat their plan to involve the United States in war with Mexico in behalf of the Catholic church, were speaking for a majority of the people of Alabama? Did you think that I would not know of your family's Roman Catholic connecting link and your peculiarly intimate Roman Catholic environment?

You were not content, as mayor of the capital city of my State, with using your official position to attack, misrepresent, and slander me in your telegram to Senator ROBINSON, who seemed to have pleased you by his strange speech in opposition to my criticism of the un-American conduct and dangerous activities of the Roman Catholic political machine. You then sent a telegram to me—bold, arrogant, and in a Roman Catholic tone—challenging me to become a candidate for delegate against you from the State at large to the Democratic National Convention.

In your telegram you unfortunately used language the substance of which Catholic-controlled newspapers had frequently used in their attacks upon me for opposing their Mexican war program, to wit: That I was "trying to dynamite free speech and free religion out of the Constitution." And I want to remind you of another thing: Your attack upon me followed my denunciation in the Senate of your friend Al Smith. You hastened to get into the fray and have your say because of the truths that I was telling on your candidate for President.

When I was receiving letters from citizens all over Alabama and from every other State, commending me for the work that I did to prevent war with Mexico, I never had a line from you as mayor of Montgomery. You never thanked me for what I had done as a Senator from Alabama to prevent the killing of Alabama boys in a war with Mexico, but when I exposed the Hearst-Roman Catholic-Mexican conspiracy to injure me, an Alabama Senator, and destroy me if possible by dragging my name into a diabolical scandal, you joined with my enemies and with the enemies of your country and used the office of mayor of the capital of our State to injure and discredit me. When this thing happened I could not help thinking of the Roman Catholic family connection that I have referred to and also of the Jesuit priest brother of your brother-in-law.

ROMAN CATHOLIC ATTACK UPON MASONS

The Roman Catholic hierarchy has always fought the Masonic fraternity. A few years ago the New World, the official organ of the Roman Catholic bishops of the diocese of Chicago, contained an article which bitterly attacked and denounced the Masonic order. Among other mean things, it said: "As compared with Freemasonry, the 'Black Hand' Society of the Italian Mafia (cutthroats and murderers) is a praiseworthy organization." That statement is an insult to the name and fame of Washington, Father of his Country.

Here is what Washington, Master Mason, who led the Continental Army in achieving American liberty and was first President of the United States, said about the Freemasonry so bitterly attacked by the Roman Catholics of Chicago: "Freemasonry is a fraternity whose liberal principles are founded upon the immutable law of truth and justice, and whose grand obligation is to promote the happiness of the human race."

MASONRY OPPOSED BY MUSSOLINI

Doctor Fama, an able and loyal American, born in Italy, but now a Presbyterian minister in New York, in an article appearing recently in the New Age, the Masonic magazine published here in Washington, said:

"There is one body of men in Italy, strong in their bonds of freedom, whom Mussolini can not bribe and whose spirit he can not conquer or destroy. They are the Masons."

The unification of Italy was accomplished in 1870 by the forebears of these men. The petty tyrants ruling that land against the will of the people were subdued by the religion of freedom preached by the Masons. Freedom and democracy and brotherly love, and peace and equality were the result of the infusion of Masonic principles into the statesmanship practiced by Cavour, Mazzini, and Garibaldi.

Separation of church and state is recognized, even in England, as the basic principle of true liberty, and up to the time of Mussolini Masonry was the equalizing force in Italy between church and state. It was Masonry that emancipated the Roman Jew from the foul insult of the ghetto system. It was Masonry that enabled American, British, and other Protestants dwelling in Italy to absorb her art, to worship in freedom according to the dictates of their own conscience.

Italy's greatest men were Masons. Her army was commanded and kept efficient by members of the craft. The judges of her law courts, the professors of her universities, numbered among them Masons by the

scores. These men taught the Masonic principles of loyalty, love, liberty, and hatred of tyranny. In this fact Mussolini found his greatest obstacle to absolutism.

Masonry declined to allow the destruction of the second Italian renaissance. Masonry declined to be bribed. Mussolini ordered the lodges destroyed. The Masonic temple in Rome was appropriated to his own use. The furniture and records of Masonic lodges in Italy were burned in public squares. Edicts were issued ordering the discharge from the public service of those employed therein who had any connection with Masonry.

In October, 1924—the records are clear and unimpeachable—blackshirts entered the homes of recalcitrant Masons in Florence and murdered them before the horrified eyes of their families. Stores in the larger cities of Italy owned by Masons are fitting prey for blackshirt brigands. They are frequently looted and destroyed.

A vice consul of the United States was cudgeled, it was reported, for failing to raise his hat to a group of marching Mussolini blackshirts. A medical friend of mine (Italian), living in New York, when paying a professional visit to Naples was thrown into a cell and held two days until the American ambassador warned Mussolini to release him. The reason given was that he was a Mason who had acquired American citizenship. The questor, or jailer, told this citizen of this country that if he had his way the physician would rot in jail.

Mussolini is the state: Preach liberty, and you go to jail, or are murdered! "I," declaimed Mussolini in one of his public utterances to his blackshirts, "will destroy Masonry in Italy, and when I have finished here I will do my utmost to destroy the pest abroad."

Orders were issued to all consular offices to discharge any and all employees in any way affiliated with the order. The former Italian consul general in New York was recalled because he was a Mason. One of his employees for 20 years was dismissed.

Is not that a terrible indictment against Roman Catholic cruelty and tyranny and Catholic Fascist murder?

The Masonic fraternity is a whole-hearted, thoroughly loyal American institution. It has been foremost of all the old fraternal orders in its efforts to promote and preserve the public-school system of America. It has stood with drawn sword at all times on the dividing line twixt church and state, and in season and out has urged the necessity of protecting the United States against an influx of undesirable foreigners. That is why the hierarchy and Roman Catholic political machine hate the Masons of America.

The late Doctor McDaniel, of Richmond, Va., who was president of the Southern Baptist Convention in 1926, said: "The United States is the country most coveted by the Pope. If the Pope and Roman Catholics had the power in the United States that they have in Italy, would they be as intolerant here as they are there? Judged by every historical precedent, they would."

Just a few months ago, right here in Washington, Bishop Cannon quoted from a Catholic book called "State and Church," published right recently by Doctor Ryan, a Catholic professor of moral theology at the Catholic University of America. He is looking forward to and writing about the day when Catholics are strong enough to assert themselves and control this country. In his book he tells the Catholics just what can be done to enable them to be masters of the situation. Here is the proof. Read what he says:

"But constitutions can be changed, and non-Catholic sects may decline to such a point that the political proscription of them may become feasible and expedient.

"What protection would they then have against the Catholic state?

"The latter could logically tolerate only such religious activities as were confined to the members of the dissenting group. It could not permit them to carry on the general propaganda."

God forbid that they shall ever have the power in the United States to smother Protestantism and set up Catholicism in its place.

Senator Tom Watson, of Georgia, said: "Wherever Rome has ruled, she has left the people sunk in ignorance."

General La Fayette, of France, who fought with our forefathers for American liberty, said: "If America ever loses her liberty it will be through the work of priests and nuns."

Thomas Jefferson, author of the Declaration of Independence and father of the Democratic Party, declared that "without exception every priest-ridden country had lost its liberty."

He that hath eyes to see, let him see; and he that hath ears to hear, let him hear.

In 1916 the Roman Catholic hierarchy and political machine tried to get President Wilson to go to war with Mexico and when he failed and refused to do their bidding, the Roman Catholics voted against him for reelection and did everything in their power to defeat him. The Al Smith bunch bolted the National Democratic ticket and voted with the Republicans in order to punish and if possible to defeat Wilson because he refused to take the United States Army to Mexico to fight for the Pope of Rome.

What would your friend Al Smith do if he had the power, if the head of the Roman government, the Pope, should demand that the Catholic Church be restored to power in Mexico? As President, he would be Commander in Chief of the United States Army and Navy and would have control of both. Would you want to turn this power over to him at a time when Roman Catholics are demanding the overthrow of the present Mexican Government and the reestablishment of the old Catholic government? Have you no more concern for the peace, happiness, and lives of our boys than that? They used their power as voters in the United States to punish President Wilson for refusing to use the United States Army to restore the Catholic Church to power in Mexico. Which government were they serving then—the Roman government or the American Government? "By their fruits ye shall know them."

Doctor McDaniel and Bishop Cannon were right—where the Roman Catholic vote is strong and in the majority, Catholic leaders are bold, arrogant, intolerant, and vindictive. The rule or ruin spirit manifests itself. When I exposed in the Senate the Hearst-Catholic-Mexican conspiracy to punish, and, if possible, to destroy me for successfully opposing the Roman Catholic program for war with Mexico, the Roman Catholic chairman of the Democratic Club of Boston, Al Smith's friend, wired Senator ROBINSON demanding that I be read out of the Democratic Party. Why? Simply because I had dared to denounce the dangerous activities of the Roman Catholic political machine, which shows that they put that Catholic machine above the welfare of the party and the good of the country.

Talk about "intolerance," there it is in a mean and contemptible form. They would have a United States Senator read out of his party for exercising his right of free speech in telling the truth in the Senate.

But that isn't all they did. Thirteen Roman Catholic members of the Legislature of Massachusetts, friends of your friend Al Smith, wired the governor of my State, Governor Graves, to call the legislature in extra session and have it read me out of the Democratic Party. Did you ever hear of such an ignorant and asininical request? Do you want to turn this Government and all that it means to us over to such an intolerant, brutal, and bigoted group in our midst, whose leaders boast that as soon as they are strong enough they will control this country, and that when that time comes no Member of Congress, in House or Senate, will be elected unless the Pope indorses him? All true Americans must and they will fight against the coming of that day.

Do you want those who are seeking to use the Democratic Party as an instrument to carry out the program of the Roman Catholic political machine to take control of and direct the leadership of the great American party of Jefferson? I, like hundreds of thousands of others, am not willing for them to use the Democratic Party as a tail to the Roman Catholic kite; and they are not going to do it if I can prevent it.

IMMIGRATION—THE RIGHT TO RESTRICT IMMIGRATION BELONGS TO EVERY TRUE AMERICAN

True to the principles and traditions of Tammany, Governor Smith is the bitter enemy of restricted immigration. Tammany Members of Congress, in season and out, have voted solidly against every attempt to protect the people of the United States from a deluge of undesirable foreigners whose European habits of thinking and living constituted a menace and danger to American ideals and institutions.

There are two ways of taking possession of a country and changing its policies and principles. One is by subduing it with an army, and the other is by constantly pouring into it large numbers of a certain group of foreigners until those who seek to control have the number necessary to effect the change and control desired.

Some months ago the Washington Post charged editorially that the immigration law was being violated and thousand and hundreds of thousands of foreigners were being smuggled into the United States every year. It is common knowledge that New York, the home city and State of Governor Smith, is one of the most notorious offenders in this regard.

If Governor Smith should be elected President, he would have it in his power to name the Immigration Commissioner and every immigration agent and guard at the gates of our country, and the whole matter of letting foreigners into the United States would be left to the will and pleasure of those named by Governor Smith to administer our immigration laws. Governor Smith and his followers are all opposed to restricted immigration. They want the doors left open so as to be able to bring in millions of Roman Catholics from foreign countries. Are you willing to place in their hands the power to do that?

MEXICO AND WAR

Quite a number of Governor Smith's friends and followers have tried to involve the United States in war with Mexico. The friends and followers of Governor Smith are just as anxious for intervention in Mexico now as they were when I helped to defeat their war program in the Senate.

Several newspapers have called on Governor Smith to know specifically what his position was on this Mexican question, but the governor would not tell them. I called on him in a speech in the Senate to tell how he stood on this very serious question. But Governor Smith has failed and refused to say. Why did, and why does, he keep his position hid from the American people? Is this a secret between the governor and his friends?

If Governor Smith should be elected President, he would appoint the Ambassador to Mexico, he would appoint the Secretary of State, and these two officials would in the main represent our Government on the Mexican question, and the Mexican position and policy of the United States would then be in the hands of Governor Smith and his friends. Did you know that over half of the employees of the State Department here at Washington are Roman Catholics?

Tammany, as a political organization, has a very unsavory reputation. It has been connected with some of the worst political scandals ever brought to public attention in the United States. The two last Democratic Presidents—Grover Cleveland and Woodrow Wilson—both denounced and repudiated Tammany. Governor Smith is a member of the Tammany organization. He is familiar with its history and is in thorough sympathy with its conduct, ideals, and ambitions. His record as a Tammany member of the New York Legislature and as governor of the State was one of sympathy and friendship for the barrooms and whisky traffic.

In addition to being a Tammanyite, he is the arch enemy of legalized prohibition in the United States, and as Governor of the State of New York is the most colossal stumbling block to prohibition law enforcement of all the governors of the 48 States. As governor he favored and approved an act of the Legislature of New York which in effect withdrew New York State from the Union, so far as the eighteenth amendment to the Constitution is concerned. By that act he said in effect, "We have no sympathy with and no respect or support for that part of the Constitution of the United States known as the eighteenth amendment."

Why did you as mayor of Montgomery, the capital city of Alabama, remain silent during the time that my Roman Catholic enemies were seeking to besmirch my name and endeavoring, through falsehood and corruption, to slander me as a Senator from Alabama? When the Senate committee which investigated the Hearst-Catholic-Mexican "frame-up" against me unanimously reported in my favor, declaring that there was no truth whatever in the "frame-up" charges of the Hearst-Catholic-Mexican conspirators—why didn't you, as the head official of the capital city of my State, wire me that you were glad that these crooks and criminals had failed in their infamous purpose to blacken the name of an Alabama Senator?

When the hearings on the Hearst-Catholic-Mexican scandal before the Senate committee disclosed that Avilla, a Mexican Catholic, from whom Hearst admitted he got the forged papers which dragged the names of Senator BORAH, Senator NORRIS, Senator LA FOLLETTE, and myself into a miserable scandal for the purpose of injuring us politically in our States and throughout the country; and that Avilla swore he got the forged papers from Catholic clerks of the Mexican Government, and that he told them he wanted the papers for Bishop Diaz, a Roman Catholic bishop, I never heard a word of condemnation from you of these villainous character assassins who had conspired together to injure and destroy, if possible, an Alabama Senator; you didn't send any telegrams then, but when I denounced those who had fraudulently and corruptly "framed" me in order to punish me for exposing, opposing, and helping to defeat the Roman Catholic program for war with Mexico, then it was that you broke your silence and took your stand on the side of those who hated and wanted to destroy me because I had dared to oppose the Pope's Mexican war program. Then it was that you sent abusive and insulting telegrams to Washington, signing your name as mayor of Montgomery for the purpose of injuring me and aiding those who, through falsehood and slander, were seeking to destroy me because I had been most successful in my efforts to defeat their plan for war with Mexico.

From your recent attempts to serve the "Roman Catholic hierarchy," I take it that you understand and are in sympathy with the Roman Catholic plan and purpose in the United States.

I have already shown you that they tried to use the United States Army to fight their religious battles in Mexico. Were they putting this Government first then, or were they putting Rome first? Doctor Tull, a great Baptist preacher of Arkansas, tells us that Cardinal Gibbons, a notable American Catholic, declared that "It is a marvelous fact worthy of record that in the whole history of the Catholic Church no solitary example can be adduced to show that any Pope ever revoked a decree enacted by any preceding Pope." That means that the doctrines and decrees laid down by any one of the Popes are indorsed and adhered to by all the other Popes.

Well, Pope Pius IX denounced religious freedom and declared "that the state had no right to leave the citizen to have the religion of his or her choice." That doctrine antagonizes every principle of religious freedom in the United States.

But that isn't all that he said on that subject. He said "The Roman Catholic Church has the right to require that the Roman Catholic religion shall be the only religion of the state, to the exclusion of all others." And, according to the late Cardinal Gibbons, of Baltimore, that pronouncement or edict stands as the unchangeable and eternal doctrine of all the Popes.

Well, the Popes have all held that the will of the Pope is the supreme law of all lands, and also that the supreme duty of all Catholics is to do the will of the Pope. Then the will of the Pope is above the law of the land, and their first duty is to do what the Pope wants done. Are you willing to give control over the American Government to a group of people who believe in such doctrines?

The Roman Catholic Tablet tells us that the "Roman Catholic citizens of the United States owe no allegiance to any principles of the Government which are condemned by the Pope." Are they putting the Roman Catholic government above the American Government?

Pope Leo XIII said: "All Catholics should exert their power to cause the constitutions of their state to be modeled to the principles of their church." Can that be construed to mean anything else but that the doctrines of the Catholic Church are to be substituted for the principles of the American Government? Is it their purpose to capture and control this Government?

Nearly 20 years ago the Roman Catholic Missionary declared that "Many non-Catholics fear us as a political organization and are afraid that the Catholic Church will dominate and rule. We are working quietly, seriously, and I may say effectively to that end."

Doctor Brownson, a noted Catholic writer, says: "Undoubtedly it is the intention of the Pope to possess this country. In this intention he is aided by the Jesuits and all the prelates and priests."

And the Catholic World tells us that "The moment is ripe for building a Catholic America, and the strong men are now laying the foundations." Do you want to assist in such a work by putting your friend Al Smith in the White House?

Dr. John Jay Chapman, a learned and noted citizen of Massachusetts, says that the slogan of the Knights of Columbus is: "Make America Catholic."

On September 10, 1924, an Associated Press dispatch from Rome appeared in the Boston papers which stated that the Pope had said that "it was not only his right, but his duty, to advise Catholics how to vote."

Then, if, as the Popes claim, it is the supreme duty of all Catholics to do the will of the Pope, the Catholics of the United States must vote as the Pope, this foreign power and potentate, tells them to vote.

Indeed the Catholic Review has long since taken the stand in the United States that "when a Catholic candidate" is on the ticket it is the duty of Catholics to vote for him.

In spite of this Government's strong and righteous position on the "separation of church and State," the Catholic parochial schools in this country teach Catholic children that that principle is wrong and the Catholic principle of the "union of church and state" is right. Why do they do that? Is this a part of the secret program to change the form of the United States Government and "make America Catholic"?

Did you know that in certain places in the United States, where the Roman Catholics outnumbered the Protestants and Jews, they denied these two latter groups the right guaranteed to every American to worship God according to the dictates of their own conscience? Dr. Richard Henry Dana tells us that at one time in Los Angeles, Calif., the city council, under Catholic control, passed the following ordinance:

"The Roman Catholic apostolic religion shall prevail throughout this jurisdiction, and any person publicly professing another religion shall be prosecuted."

That has been done in every country where the Roman Catholics have had the power to do it. Do you want to see that history repeat itself here, as Doctor Ryan predicts it will do some day?

Did you know that while Al Smith has been elected Governor of New York State four times he has never carried but 4 counties of the 63 counties in the State, and that the 4 counties he carried are the big Catholic counties? The other 59 counties in the State, everyone of them, have gone against him every time he has been a candidate for governor. Only the four city counties controlled by the Catholic vote have gone for him, and now by assembling Catholics in large numbers in the four New York City counties and voting both Catholic men and women they have become strong enough to overcome the vote of the other 59 counties in the State.

Governor Smith, in four races for governor, could not carry a single one of the 59 counties where the American vote controls. In the States where the Catholics control the Democratic organization the Al Smith leaders, are having early presidential conventions and primaries for the purpose of influencing other States that will act later in the spring.

Did you know that Al Smith's Roman Catholic political machine betrayed the last Democratic nominee for President—John Davis—and cast the Catholic vote for the Republican candidate, Mr. Coolidge, for the purpose of having a "pull" on him to get him to go to war with Mexico? Did I do right in leading the fight to defeat their war program?

I will close by repeating what I said in the Senate: "I want all men and women to have the religion of their choice. I am not attacking the religion of the Catholic. I am fighting the insidious and dangerous activities of the Roman Catholic political machine—fighting their efforts to destroy the public-school system of America—fighting their efforts to flood this country with millions of undesirable foreigners. I am fighting their efforts to destroy free speech in and out of the Senate, free press, and the right of peaceful assembly, as they have done in Rome. No Alabama boy, and no other American boy, is going to be

killed in Mexico fighting the battles of the Pope of Rome if I can help it. I repeat, I am willing for the Catholic to have his religion, but I am not willing for him to have the United States Army to fight his religious battles in foreign countries."

God help the Democrats of Alabama to see the importance of going to the polls in the primary on May 8 and voting for delegates who will vote against and work against the nomination of Al Smith.

Very truly,

J. THOMAS HEFLIN.

THE WORLD COURT

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order.

Mr. REED of Pennsylvania. Mr. President, I dare say a large number of Members of the Senate have been receiving letters, as I have been, with regard to what is known as the Gillett resolution for adherence to the World Court. I suppose I am receiving about a hundred letters a day urging support of the resolution, and most of them from people whose letters show that they do not understand the nature of the question. It occurred to me that it would be helpful to other Members of the Senate if I were to put into the RECORD a form letter which has been sent out broadcast through my State, and no doubt through the rest of the country, urging that citizens of our States should write to us to demand our support of that resolution.

The letter to which I refer has been sent me by several people in Pennsylvania who do not agree with the suggestion of the writer, and who sent it because they want us to know the source of the propaganda which is keeping our clerks so busy in acknowledging the communications. This letter comes from the American Foundation (Inc.) Maintaining the American Peace Award. It is dated 565 Fifth Avenue, New York City, March 27, 1928.

The letter is signed by Esther Everett Lape, member in charge, and it reads as follows:

DEAR MR. ———: Will you, and perhaps others in Clearfield who share your interest in international affairs, consider the advisability of expressing your opinion now on a critical aspect of the World Court matter, a question profoundly affecting our international relations?

Senator GILLETT has introduced in the Senate a resolution taking up the court matter again. If you have been interested in the court and in the attempt it represents to substitute international law for war, you must share the vast regret felt by thousands because the United States is still outside it.

It is now more than two years since the Senate, by a bipartisan vote of 76 to 17, passed a resolution providing for our entry into the court with certain reservations. It is a year and a half since the member nations of the court replied to these reservations, accepting most of them outright, expressing doubt as to the scope of one of them, and suggesting that a "further exchange of views" might clear up any remaining misunderstandings. To this courteous suggestion the United States has not replied.

The Gillett resolution aims at just one thing—to bring about this "further exchange of views." It would probably lead to agreement, for eminent jurists do not consider that the differences are fundamentally great. In any case, a regard for international courtesy demands that the United States make some reply to the last communication of the member nations of the court.

Leaders of both parties support the resolution. Its introducer, Mr. GILLETT, is a Republican member of the Foreign Relations Committee and a friend of the administration. He is supported in the matter by Mr. SWANSON, Democratic leader in the Foreign Relations Committee.

As a member of the Foreign Relations Committee, your Senator, Mr. REED, is in a position to influence early and favorable action on the Gillett resolution. Won't you write to him, and also to Senators GILLETT and SWANSON, expressing your hope that the resolution will certainly be passed this spring. Will you ask friends to write also or to join you in a group letter? And will you ask local organizations to forward resolutions of indorsement to the Senators named above? Please let us know any action you take.

Sincerely yours, ESTHER EVERETT LAPE,
Member in Charge.

Opinions from leading men and women of both parties are inclosed. If you need further copies of the resolution, please write.

Mr. President, that letter has been sent out in vast quantities throughout Pennsylvania. The well-intentioned people who have written to all of us urging us to support the so-called Gillett resolution are not told in this letter what the facts are. They do not understand those facts. I make no complaint of the appeal that they make to us to support the resolution, but I do think that it is worthy the attention of the Senate to notice the contrast between these propaganda letters and the actual facts.

The truth is, Mr. President, that up to the present time the adherence to the protocol of the World Court as voted by the Senate has been acquiesced in by only five nations, and they are Albania, Cuba, Greece, Liberia, and Luxemburg; while all the rest of the world remains in dissent.

Twenty-three nations have replied to the letter of the State Department setting forth the terms under which we will join the court, and each of the 23 find fault with reservation No. 5 in our resolution of adherence. Reservation No. 5, the Senate will remember, was—

That the court shall not render any advisory opinion except publicly after due notice to all States adhering to the court and to all interested States and after public hearing or opportunity for hearing given to any State concerned; nor shall it, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest.

Twenty-three nations have declined to accept that reservation. Either seven or eight nations—I think seven—have merely acknowledged receipt of the message from this country, saying that we would enter according to the reservations outlined by the Senate. Although it was sent to them nearly two years ago, we have had no communication from those seven nations save the bare acknowledgment of receipt of the message. Several nations, with even less courtesy, have not even acknowledged receipt.

There is the picture that confronts the administration and the Senate with regard to the World Court to-day.

Mr. KING. Mr. President——

Mr. REED of Pennsylvania. I shall have finished in a moment, and then I shall be glad to answer questions.

The President has no power to vary to the extent of one comma the reservations as outlined by the Senate. The President could not negotiate with other countries in any way which was in conflict with the policy outlined by the Senate; and yet we know that with the exception of Albania, Cuba, Greece, Liberia, and Luxemburg the reservations of the Senate will not be acquiesced in.

It was very well said by the Assistant Secretary of State, Mr. Castle, in a speech he made last January that when the pursuit of peace becomes a fad the cause of peace is injured. It can be nothing more than a fad, and a vain and futile and pernicious fad, to urge the President to conduct or to urge the citizens of the United States to think that the President could conduct negotiations that will resolve the impasse in which the World Court stands to-day. Any such gesture as that is a futile gesture and contributes nothing to the cause of world peace.

We are making great progress at this time toward the completion of treaties of arbitration with the great nations of the world. That represents a substantial movement in the cause of peace which will bring practical results, adding to the happiness and tranquillity of the world. This, however, is an empty gesture; and I sometimes resent the patronizing assumption that because the Senate does not instantly acquiesce in every such suggestion as this it is because the Senate and the Members of the Senate are desirous of war. Some of us know more by personal experience about the horrors of war than do the propagandists who write these letters; and it is fair to say that we detest and abhor war as much as they do, and with at least as good reasons, and that we are just as anxious as they to avoid a repetition of those horrors that we saw 10 years ago. To imply, however, that our unreadiness to vote for a gesture, which can only be an empty gesture, which can have no other effect than to create ill feeling instead of allaying it, evidences any lack of devotion to the cause of peace, is unfair to the Senate and untrue in fact.

I am glad to answer the Senator's questions, if he has any.

Mr. KING. Mr. President, does not the Senator think that either the executive department, through diplomatic channels, or the Senate itself, should explore the avenue which will lead to a proper interpretation or understanding of the words of reservation 5, quoted by the Senator, in which the World Court is interdicted from giving an advisory opinion in regard to any matter in which the United States has an interest or claims to have an interest?

It seems to me that that language is susceptible of misunderstanding. My recollection of the debates in the Senate is that there was no unanimity of opinion with respect to the proper interpretation to be placed upon those words. There was no clarifying declaration, so far as I now recall, that would enable Senators or the people of the world—the nations who have adhered to the protocol—to understand just what we meant when we said that we would not adhere to the World Court if any opinions were given as to matters in which we had an interest or claimed an interest.

I repeat, there was nothing stated that would indicate clearly what interpretation we placed upon those words. If we mean a real interest in the juridical sense, as lawyers use the word, then that is a very proper reservation. If it is a fantastic claim which we might assert to having an interest in some matter entirely foreign to the interests of the United States, and we joined the World Court upon the hypothesis that we could prevent the court from giving an opinion in regard to such a matter, then I am sure that those who are members of the court might well hesitate for a long time before they accepted our position and assented to the reservation which we made.

It does seem to me that the able Senator from Pennsylvania, great lawyer as he is, knowing the misinterpretation which the laity, if not real lawyers, would place upon the word "interest," claimed or otherwise, must appreciate the fact that the other signatories to the protocol might hesitate to accept our reservation with a lack of understanding as to the exact meaning to be placed upon those words. It does seem to me that the Senate ought to initiate some steps that will lead to a clarification of the meaning of those words. Let us declare that we mean a real interest as understood in a juridical sense. I am persuaded that if we would do that—if we would interpret the reservation which we have made in the proper way—the nations who are signatories to the protocol would welcome us into the World Court promptly.

Mr. REED of Pennsylvania. Mr. President, it seems to me that the Senator's suggestion amounts to no more than that the United States should express to the other nations a statement that it will not claim a fantastic or imaginary interest, but will act only in good faith in any claims that it may set forth as to an interest in these moot questions. It seems to me that almost we would stultify ourselves if we were to couple our reservation with an assurance that we made it in good faith. I hope our sister nations are ready to grant that our reservations are made in good faith, and that we will carry through in good faith and will not claim imaginary or fantastic interests in bad faith.

I should not want to contract with a nation from whom I had to accept assurances that in the future they would exercise good faith. The very fact that we do contract with them is an expression of our belief in their good faith. Surely the United States does not need to do that.

Mr. SHIPSTEAD. Mr. President, the piece of propaganda that the Senator from Pennsylvania [Mr. REED] has just called to the attention of the Senate is only a part of the vast flood of propaganda that is going through the mails to all the people in the United States.

I want to call the attention of the Senate again to the fact that it was very plainly brought out during the debate upon the resolution asking the United States to adhere to the protocol of signature to the instrument creating what was called the World Court of International Justice that questions leading to war are political in nature; and, therefore, will never be submitted to that court. That was admitted by some of the most able advocates of the proposition at the time.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. SHIPSTEAD. I do.

Mr. FESS. In consonance with what the Senator says about the propaganda, at first it appeared to be confined to the churches. Later on it was extended to teachers, to colleges. This morning I have three letters from various chambers of commerce. This is the first definite evidence I have had that the propaganda now is extending to business organizations. Most of it is just in general form, and I doubt whether the people who adopt these expressions read them.

Mr. SHIPSTEAD. I doubt it. I thank the Senator for calling that to my attention.

Mr. President, I have nothing but the kindliest feelings for people anywhere in the world who earnestly and sincerely try to do away with war. I am one of them; but I resent very much the idea of people captalizing the desire of humanity for peace and using it to carry on a swindle upon the American people.

These propagandists would have us believe that all of Europe is anxious and ready for peace, but can not have it because the United States does not adhere to the World Court. These people tell things that are not true; as, for instance, that adherence to the court is necessary to the outlawry of war.

The propaganda that the so-called World Court of International Justice is an instrument for peace, it seems to me, is nothing but a swindle, because, as a matter of fact, it has nothing to do with the question of peace. The question of outlawing war has been brought very clearly to our attention within the last few months, when in answer to the request of the Government of the United States to join with us in asking the larger powers of the world to sign a multilateral treaty to outlaw war, France replied that she could not ask other nations to join in signing such a treaty, because of her obligations under the League of Nations and other treaties to go to war.

If these people who spend so much on propaganda will tell the American people the truth, they shall find no objection from me to their propaganda. The desire for peace is too sacred to be wasted on a lie.

In view of what has been said here this morning, Mr. President, I ask that an editorial in the Washington Post of Monday, April 2, covering this subject, may be read at the desk at this time.

The PRESIDENT pro tempore. Without objection, the editorial will be read.

The Chief Clerk read as follows:

[From the Washington Post of Monday, April 2, 1928]

THE REFUSAL TO RENOUNCE WAR

Foreign Minister Briand's latest note in regard to Secretary Kellogg's proposal looking to the renunciation of war by the leading powers is a delightful example of old-style diplomacy, in which "no" is disguised under flattering language that seems to mean "yes."

American pacifists and amateur adjusters of world problems, who invariably think evil of their own Government and eagerly absorb foreign propaganda, are already hailing M. Briand's note as substantially accepting Mr. Kellogg's proposal. They think they see a treaty already in the making, by which all the great powers mutually agree to renounce war as between and among themselves. Therefore they resent the suggestion heretofore made that European powers are tied up in military alliances that forbid them from renouncing war. They do not perceive that M. Briand is caught in a net of his own weaving and is desperately trying to squirm away from his own proposal, made last spring for political purposes, and never intended to be made the basis for a genuine effort to abolish war.

M. Briand's note needs only a little analysis to be revealed as a defense of the existing military alliance system of Europe, under which France and other nations are unable to renounce war. They have bound themselves to utilize war as an instrument of policy. Mr. Kellogg's proposal strikes at the very heart of their military alliances. They can not accept his proposal. They do not wish to be exposed as hypocrites who profess to be anxious to disarm and to renounce war while actually increasing their armaments and making combines for waging war. Hence the elaborate embroidery of M. Briand's note. Strip it of its superfluous verbiage and its true intent is exposed.

Reduced to plain language, Mr. Briand's note states that France can not enter into an unconditional renunciation of war. If Mr. Kellogg insists upon such an agreement, "the French Government would hesitate to discuss longer the question." But if Mr. Kellogg will agree that the new treaty shall not supersede or interfere with the military alliance embodied in the League of Nations, or with special military alliances, or with treaties guaranteeing the neutrality of certain states, then France is willing to discuss the wording of the new treaty. M. Briand also endeavors to draw Mr. Kellogg into an assurance that the proposed renunciation of war would not deprive the powers of their right of "legitimate defense." In other words, M. Briand reserves the right, in agreeing to renounce war, to reject all disarmament plans. Fnally, he insists that a treaty to renounce war would not be effective unless it embraced all nations. Unless Russia were included, for example, it would be impossible for France to renounce war, as France is bound to defend Poland.

Thus it is evident that the cause of universal peace is not advanced by M. Briand's reply. The great powers will not agree with the United States to renounce war. They have already entered into a combination called the covenant of the League of Nations, which binds them to boycott, isolate, and make war on any nation that forces the issue by refusing to accept their dictation. In order to renounce war they would have to scrap the covenant. They do not dare to throw away their military alliances, open and secret, renounce war, and prove their good faith by disarming themselves.

Mr. WALSH of Massachusetts. Mr. President, I would like to ask the chairman of the Committee on Foreign Relations the status of the Gillett resolution.

Mr. BORAH. Mr. President, the Senator from Massachusetts [Mr. GILLETT] introduced his resolution some time ago, and the matter has been before the committee and has had consideration at length by the committee. While the committee has not made any report, I am of the opinion that it is the judgment of the committee that the resolution is not relevant to the court discussion at this time and its passage would not aid in bringing the matter to a conclusion.

Let me say that the Senate, as is well known, attached five reservations to the court protocol. Those reservations were not unacceptable to the foreign powers, with the exception of reservation 5. After the Senate had passed upon the protocol and attached the reservations they were sent to the President,

of course, and it became the duty of the President to transmit the protocol with the reservations to the foreign powers, and he did so. The language of article 5 is clear and not easily susceptible of being misunderstood. I do not think the delay is due to failure to understand the reservation, but it is due to a distinct unwillingness to accept the reservation without it is materially changed.

The result of the correspondence thus far is as follows: Those Governments which have accepted the reservations are Albania, Cuba, Greece, Liberia, and Luxembourg. Some ten nations have simply replied acknowledging receipt of the communication from the Government of the United States, but have made no comment. Twenty-three nations have replied, stating their objections to reservation 5. Those objections are objections based upon substantial differences of view. They clearly urge a modification of reservation 5.

The President has no power to modify the reservations. He has no power even to construe the reservations. He can only transmit to those Governments the result of the Senate's deliberation. That he has done.

The Gillett resolution proposes nothing more than to encourage the President to take up further discussion and further communication, with the view, possibly, of arriving at an understanding with these powers as to the meaning of reservation 5. But the President has no power to place any construction upon the reservation. I take it the President is to be the judge of the propriety and the nature of his communication. At any rate, it is an executive matter. The Senate has acted and advised the President; the presentation of the protocol with the reservations is peculiarly a function of the Executive. It is known that he is interested in the subject, and I must assume that he will in good faith do all that he is empowered to do.

If those who desire to make progress and wish to have a finality, will bring the protocol and the reservations back to the Senate, and the Senate will make these modifications to reservation 5 we can accomplish something. But the President can make no changes and no modifications and, in my opinion, the only thing to do, if Senators are of the opinion that reservation 5 ought to be modified, is to assume the responsibility as a Senate, and consider and discuss and pass upon that question.

My own judgment is there is no one on the committee who belives in the modification of reservation 5. My further judgment is that there are, perhaps, none in the Senate who believe in the modification of reservation 5.

We have arrived at the point where the foreign governments must either accept reservation 5, or the Senate of the United States must recede from its position, an altogether improbable thing.

Mr. WALSH of Massachusetts. Mr. President, is there any such resolution pending?

Mr. BORAH. No; no such resolution is pending.

Mr. FLETCHER and Mr. REED of Pennsylvania addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I yield to the Senator from Florida first.

Mr. FLETCHER. The only question in my mind was this: The signatory states, in submitting their replies, referred to "such further exchange of views as the Government of the United States may deem useful." Of course, if there is a fundamental difference, and the replies exclude any other view than that we were to recede from reservation 5, I can see that this was a mere formal objection, but if there were calls for some explanation or some clarification of the language used in reservation 5, it might open the door. These replies may make offers of a further exchange of views.

Mr. BORAH. Of course, diplomacy always indulges in language of that kind, but the fact is that a reading of the replies of these 23 nations discloses that they understand perfectly what reservation 5 means, that they are not at all in doubt as to its meaning, and that they are unable to accept it as it is.

Mr. REED of Pennsylvania. Mr. President, it was suggested not long ago that their real objection to reservation 5 was an apprehension that the United States would claim an interest in questions on which an advisory opinion was contemplated, that the action of the United States would not be in good faith, and that the interest claimed would be a fantastic interest. Was any such thought as that indicated by any of the 23 nations?

Mr. BORAH. No; no such thought as that was indicated in the correspondence that I can now recall. Let me say, further, these 23 nations which replied in the way of objection to reservation 5 have the right to object to an advisory opinion without assigning any reason. They have the power to object for no reason or for any reason which they may assign.

The United States has not claimed that right. Reservation 5 does not place the United States upon an equality with those powers. The United States claims the right when it has an interest, or when it claims an interest. Certainly the foreign powers can not object on the ground that the United States might claim an interest when they did not have any, when those powers may object without assigning as a basis for the objection even a claim of interest.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. WALSH of Massachusetts. As I understand the Senator's position, if action is really desired, the President should ask the Senate to modify its position on reservation 5, or the Senate itself should notify the President that it has changed its position.

Mr. BORAH. Yes; that is the only way action can be had, unless the foreign governments accept reservation 5. So far as I am individually concerned, expressing my view and not the view of the committee, I would support a resolution, if anybody wanted to introduce one, to bring the protocol and reservation 5 back to the Senate to ascertain the views of the Senate as to modification. I should not hesitate a moment to have that matter reopened before the Senate, and I should not hesitate to have it reopened before the country. Some people seem to think that the United States by reservation 5 has claimed an advantage which the foreign powers have not. As a matter of fact, reservation 5 is a modest contention compared with the power which the foreign governments have with reference to this court and with reference to advisory opinions.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. KING. I think the Senator from Idaho was not in the Chamber a moment ago when I propounded a question to the Senator from Pennsylvania. I suggested to him, inferentially, if not directly, that my understanding was that a number of the signatories to the protocol were somewhat apprehensive as to the interpretation which would be placed by the United States on the words "has or claims to have an interest." I recollect seeing some newspaper comments upon this matter, and they did express the view that some of the signatories to the protocol were not sure that we would claim, as lawyers would express it, a juridical interest, that if we had a real interest, such a lawyers understand an interest to be, there was no objection whatever to the reservation.

I suggested then that I thought that the Senate could initiate such proceedings as would enable us to clarify that reservation, so that any valid misapprehension might be removed from the minds of any of the signatories to the protocol.

I agree with the Senator that, interpreting the resolution as I do, it means only that we must have a valid, a real interest; such an interest as would justify a litigant in bringing action in court, and that without such an interest, the United States would have no right to interpose to prevent the court from giving opinions.

Mr. WATSON. Mr. President, has any one of these 23 nations asked to have reservation 5 clarified?

Mr. BORAH. Mr. President, as I construe their letter, they have not, but I am perfectly aware that there is language in their communication which, taken alone and lifted out of its context, could very easily be construed in that light. In my opinion these Governments have plainly stated that reservation 5 must be substantially modified before it can be accepted.

Mr. BLAINE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. BORAH. I yield to the Senator.

Mr. BLAINE. Only for the purpose of seeking information I desire to ask the Senator his opinion with respect to this question. Within what time may the 23 nations, which have rejected the fifth reservation, change their position and accept it?

Mr. BORAH. There is no limit as to time. The Senator from South Carolina [Mr. BLEASE] has introduced a resolution, which is before my committee, that might put a limit on the time, but there was no limit on the reservation.

Mr. BLAINE. If the United States desires to withdraw entirely from consideration of the World Court question, is a joint resolution necessary to withdraw the adherence of the United States to the World Court with reservations?

Mr. BORAH. Yes. As the matter now stands, if the foreign nations are willing to accept the reservations, the matter would be closed. The only way we could avoid that would be, in my judgment, by specific action. I know of no effective way to do it except to recall the protocol from the President, and I

do not know how we would view the request. Then we could, even if it were accepted, abrogate the treaty.

Mr. President, before I recur further to my own views about the matter, I want to read a paragraph from an article by the senior Senator from Montana [Mr. WALSH]. That Senator, as we all know, was one of the most earnest and able advocates of our adherence to the protocol of the court, but in discussing reservation 5 over which the controversy arises, he lately said in an article:

> That reservation represents simply an attempt to put this Nation on a footing of substantial equality with every other having permanent representation on the council, any one of which may, at will, veto such a request, a right which arises from the requirement of unanimity on any question before it save matters of mere procedure. If Great Britain or France or Italy finds that it will be in any wise embarrassed by any decision that may be made pursuant to a request from the council, it may forestall an opinion by voting in that body against submitting the question. It would scarcely comport with the dignity of the United States to join in upholding the court except upon a basis of equality with every other leading power. It is easy to conceive of questions which the United States would not care to have submitted to the court for determination, just as it is not difficult to frame inquiries which some other great nations would not care to have answered. Any of the other great powers may say nay—assuming unanimity to be required, never questioned until after the Senate acted—why should not the United States?

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. BORAH. I yield.

Mr. SWANSON. Reservation 5 goes further than simply trying to obtain equality as members of the council of the League of Nations. The whole basis of the court is that no nation may be haled before it without its consent, either for an advisory opinion or a judgment. The court decided that in the East Carelian case. Forty-eighth nations that have joined the league in an article which they signed, I think article 14, agreed that the council and the assembly shall be their agents to give assent or dissent for them as to whether an advisory opinion should be asked or not asked. That article was included in the covenant when they joined the league, and the members selected this agency to act for them when they joined. The members of the league have done that. Consequently their assent is given by the council or the assembly.

The question was presented to us, How can we be on an equality before that court? We could not select the assembly or the council of the league to be our agents and to represent us. We have to act independently. All that reservation 5 does is to give the United States the same right to assent or dissent that the other nations have through their representatives, the council or the assembly. They have chosen either of those to act as agents for them. This is the only formula by which the United States could be put on an equality and have its consent or its dissent expressed for an advisory opinion.

The 48 nations give their assent how? By and through the agents they selected when they joined the league. They consented to that arrangement. We simply ask the right as principals to have the same right that their agent possesses in connection with advisory opinions.

Mr. BORAH. It ought to be remembered, too, that that agency can be withdrawn at any time.

Mr. SWANSON. Which agency?

Mr. BORAH. The plan of making the council their agent can be withdrawn at any time.

Mr. SWANSON. Yes; at any time, and if the members of the league desire to have each individual member give assent or dissent, to act for itself, that could be accomplished by amending the covenant of the league if they saw proper to do so. If they consent to have their agent express their assent or dissent for them and we can not select that agency unless we are members of the league, the only way we could be on an equality would be to have the same right that their agent possesses for them. The East Carelian case, decided when Russia was not a party and challenged the right of the court to act, as she had not given her consent for the expression of an advisory opinion, was decided by a majority of the court holding that no nation could have an advisory opinion or judgment rendered against it without its consent.

That is all that reservation 5 does for us. It requires the consent of the United States. When this opinion went back to the league, instead of acquiescing in the opinion they appointed a committee of the council of the league to pass upon the judgment of the court rendered in the East Carelian case. That committee reported back that the court must render its opinion whenever asked by the council or the assembly, whether any other nation consented or not. When it came up for determination in the council it was postponed, as I understand it, and never has been passed on by the council. When that occurred, those of us who felt that the United States ought to be on terms of equality in the court with every other nation, thought seriously from day to day for a long time about how to accomplish this, and reservation 5 was formulated and is intended to carry into effect and make effective, so far as the United States is concerned, the decision reached by the court in the East Carelian case.

As the Senator from Idaho has well said, we are not on an equality. We have to say and we are in honor bound to state that we have an interest in a case.

Mr. BORAH. Or claim an interest.

Mr. SWANSON. Yes; or claim an interest. We are in honor and in good conscience and fair dealing bound to say that we have an interest and claim such interest. Consequently we are in honor bound, where we have a substantial interest, to so state it and then the court has not jurisdiction without our consent. If we should leave it to the court to determine our interest, we would not be on terms of equality with nations who are members of the league.

The court does not determine whether a member of the council of other nations objects finally to an opinion. That is determined by them for themselves. They veto it in council, where it is required to be unanimous. Consequently the only way we could be on terms of equality and assert the claim effectively would be to put in that language which was included and agreed on by the various friends of the court when they met, and also by the administration, as being proper to make effective the decision in the East Carelian case.

If it is determined that the council require unanimous consent before it can ask an advisory opinion, then the other nations have no objection to reservation 5, but whether they decide that it takes a majority vote or unanimous vote, I insist that we still could only give our consent by this method to be on terms of equality with other nations, because their agent, whether it acts by majority vote or unanimous vote, can not be accepted by us as our agent, and that is a question for us to determine as principals for ourselves. It is not for the members of the league to determine for us. All we ask is to be put on an equality, to give our assent or dissent precisely with the same authority that as the agent the council possess for the members of the league under the covenant. Reservation 5 was drawn with that object in view. I have been unable to find any other way to establish an equality. The United States should not enter except under terms of equality. If the members of the league desire for each nation constituting the league to have this power, they can accomplish this by amending the covenant of the league and let each nation give assent individually and not through an agency of the council. We certainly could not offer properly amendments to the covenant of the league of which we were not a member.

The only place where I think the Gillett resolution would be effective is this: I do not think the Senate would consent to change the reservation, but it will be noted in the reply of the other nations that they invite further correspondence. It was not final.

Mr. BORAH. It was not final in the language. There is no question——

Mr. SWANSON. It seems to me that the administration should have taken some further steps in the matter. I do not believe in finally concluding the matter without sending a reply when a reply was requested. I understand the object of the Gillett resolution is not to change the reservation. The Senator from Massachusetts [Mr. GILLETT] says so himself, and says that it is merely intended to ask the administration to take the matter up, accept the invitation, and see if we can not induce the other nations to accept the reservation contained in our resolution of adherence to the protocol of the World Court.

Mr. WALSH of Massachusetts. Could that be done without a resolution?

Mr. SWANSON. It could be done without a resolution. The administration has not been as active and as energetic and as enthusiastic as it ought to have been in this matter, and the resolution indicates it is desirous of making it move faster and more earnestly. I understand this as the object sought to be accomplished by the Gillett resolution.

Mr. BORAH. The peculiar thing to me is, if it is simply desired to stir up the President, why they do not write to the President direct.

Mr. SWANSON. A resolution could be adopted by the Senate to that effect. We could do it in that way.

Mr. BORAH. Of course the Senate has nothing in the world to do with the correspondence of the President of the United States with foreign powers.

Mr. SWANSON. But the Senator has introduced a resolution suggesting to the President action about the recognition of Russia. Why is that more important than our getting into the World Court? The Senator makes a suggestion to the President. Is it treason for the Senator from Massachusetts [Mr. GILLETT] and a patriotic duty for the Senator from Idaho to pursue the same course and make similar suggestions to the President?

Mr. BORAH. If I should have succeeded in having my resolution passed providing for the recognition of Russia, I should not have followed it up by telling the President what kind of a letter to write. I should have assumed that the President of the United States would be competent to write the kind of a communication which should go from one government to another, and in proper form and style. The difference between the instance which the Senator cites and this is that the Senate in this instance has acted, the Senate has advised and the sole duty left is that of communicating with foreign governments—that is peculiarly the duty of the President.

Mr. SWANSON. The Gillett resolution does not suggest anything with reference to style, as the Senator states. It simply suggests to the President that he shall respond to the request of the other nations for further communication.

Mr. BORAH. It assumes that the President is unable to construe in the proper light the letters which he has received.

Mr. SWANSON. No; they suggest to him, not as the Senator suggested to him, to see what he can do about the matter. I do not see any difference in now making a suggestion to the President that the Senate would be pleased if he took certain action. If the President could induce these people to accept the reservations, then we could enter the World Court. The Senator would be pleased if the President, by his diplomacy, could arrange for the recognition of Russia.

Mr. BORAH. Mr. President, in my opinion this way of approaching the question is not very dignified upon the part of the Senate. If the Senator from Virginia or anyone else wants to introduce a resolution asking the sense of the Senate as to whether it will modify reservation 5, we can reach the question then as to whether the position of the United States is open to construction. Unless it is, the mere formality of passing the reservation in the protocol from the President to the other powers is something it seems to me we can leave to the discretion of the President.

Mr. SWANSON. The Senate is in no condition to negotiate any communication with foreign powers.

Mr. BORAH. I am not asking for any negotiation.

Mr. SWANSON. If the President is to change these reservations and in his conscience and good judgment thinks we ought to do it, it is his duty to send them to the Senate for approval.

Mr. BORAH. If the Senator from Virginia wants to change them, he should seek to have them returned to the only body which can change them.

Mr. SWANSON. If I wanted to change them, I would adopt such a course as that; and if they were returned and they did not agree with the President's conception, then we could not get anywhere. The question whether we will adhere to the protocol even as agreed to by the Senate is finally left to the President. He can refuse to consent even if the Senate should reach a favorable decision. The matter is left finally and absolutely to him under our Constitution.

Mr. BORAH. But he has delivered it to all of them.

Mr. SWANSON. He has delivered it to all of them, but they have not accepted it; it has been in his hands up to the present time. I do not see why it is treason to make the suggestions to the President in the one case and to waive them in the other.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. BORAH. I yield.

Mr. BLEASE. Does not the Senator think if the Republican Party does not renominate Mr. Coolidge that we shall have a chance to have another President consider this subject about as quickly as we could get the resolution relating to it adopted by the Senate?

Mr. BORAH. Mr. President, it is too early in the week to get into the question of the presidential nomination; but, in all seriousness, anyone who will read the letter of the 23 nations, in answer to the President's communication, will immediately conclude that those powers understand perfectly the meaning of reservation 5, and their suggestions imply substantial changes in reservation 5. The President has no power to make such changes; we alone have that power. I will join with the Senator from Virginia [Mr. SWANSON] or with any other Senator in bringing the question back to the Senate for the purpose of getting its views upon it. Indeed I should like to bring this matter to a conclusion. I have read these replies of the foreign governments and I have no doubt as to what they mean. They understand reservation 5, understand it perfectly, and they urge a modification. Now, are we willing to modify it? If not, I see nothing that we can do with propriety or effect.

THE CALENDAR

The PRESIDING OFFICER. The calendar, under Rule VIII, is in order. The clerk will report the first bill on the calendar.

The bill (S. 1182) to provide for the naming of certain highways through State and Federal cooperation, and for other purposes, was announced as first in order.

Mr. BLAINE. I ask that that bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 1285) to provide for the further development of agricultural extension work between the agricultural colleges of the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which many provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture, was announced as next in order.

Mr. CAPPER. Mr. President, I ask that that bill be temporarily passed over on account of the absence from the Chamber of the Senator from Delaware [Mr. BAYARD].

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. BRATTON. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PORTER BROS. & BIFFLE

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1476) for the relief of Porter Bros. & Biffle and certain other citizens, which was read, as follows:

Be it enacted, etc., That Porter Bros. & Biffle, a copartnership composed of H. L. Porter, N. A. Porter, and J. W. Biffle; Spradling & Porter Bros., a copartnership composed of Royal Spradling, H. L. Porter, and N. A. Porter; Henry Price, Royal Spradling, J. L. Keith, W. T. Brummett; Price & Florence, a copartnership composed of Henry Price and Buster Florence; and G. J. Keith, any statutes of limitations being waived, are hereby authorized to enter suit in the United States District Court for the Eastern District of Oklahoma for the amount due or claimed to be due to said claimants from the United States by reason of the alleged neglect of the Government officials in the dipping of tick-infested cattle dipped in Texas under the direction of and by the inspectors of the United States Bureau of Animal Industry, Department of Agriculture, and erroneously certified by the inspectors of said bureau as being clean of Texas-fever ticks and shipped to Oklahoma in the year 1919.

SEC. 2. Jurisdiction is hereby conferred upon said United States District Court for the Eastern District of Oklahoma to hear and determine all such claims. The action in said court may be presented by a single petition making the United States party defendant, and all of said Government officials whose alleged negligence resulted in the loss of said animals, and shall set forth all the facts upon which the claimants base their claims, and the petition may be verified by the agent or attorney of said claimants. Official letters, reports, and public records, or certified copies thereof, may be used as evidence. Nothing contained in this or the preceding paragraph shall be construed as waiving any defense against such demands, or any of them, existing prior to the approval of this act, except that the Government of the United States hereby waives its immunity from suit thereon, and the statute of limitations, if applicable to said demands or claims, are hereby waived; but every other legal or equitable defense against such demands, or any of them, shall be available to the United States and shall be considered by the court; and the United States of America shall have all rights of review by appeal or writ of error or other remedy as in similar cases between private persons or corporations.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPHINE DOXEY

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2524) for the relief of Josephine Doxey, which was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission is authorized and directed to pay to Josephine Doxey, a

former employee of the Treasury Department (Bureau of Engraving and Printing), the sum of $50 per month, this compensation to commence from and after the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND RESOLUTION PASSED OVER

The bill (S. 61) granting an increase of pension to Louise A. Wood was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1271) to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds, and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes, was announced as next in order.

Mr. BLEASE. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2720) for the relief of David McD. Shearer was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 109) creating a committee of the Senate to investigate the sinking of the submarine *S–4* was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 1939) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, was announced as next in order.

Mr. KING. Let that bill be passed over temporarily.

The PRESIDING OFFICER. The bill will be passed over temporarily on the suggestion of the Senator from Utah.

SEGREGATION OF PASSENGERS ON STREET CARS

The bill (S. 781) requiring separate accommodations for white and colored passengers on street cars in the District of Columbia was announced as next in order.

Mr. BLEASE. Mr. President, I do not think there is any Senator here especially anxious to vote on that bill until after the general election.

Mr. WALSH of Massachusetts. To which bill does the Senator from South Carolina refer?

Mr. BLEASE. To Senate bill 781, relating to the segregation of passengers on street cars in the District. I think both sides of the Chamber would like to have it go over until they find out how the delegates are going to vote. Therefore, I move that the bill be taken from the calendar and placed under the head of "Subjects on the table."

Mr. SMOOT. Mr. President, let me suggest to the Senator from South Carolina that the proper course to pursue, in my opinion, would be to let the bill go to the calendar under Rule IX.

Mr. BLEASE. Let it lie on the table and go over until the next session.

Mr. SMOOT. I suggest to the Senator from South Carolina unless he desires that the bill shall be postponed indefinitely to request that it be placed on the calendar under Rule IX.

Mr. BLEASE. I accept the suggestion of the Senator from Utah, and I make that motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina.

The motion was agreed to.

LE ROY K. PEMBERTON AND OTHERS

The bill (S. 132) to authorize the President to appoint Le Roy K. Pemberton a first lieutenant, Officers' Reserve Corps, United States Army, was announced as next in order.

Mr. SHORTRIDGE. Mr. President, there are four bills on the calendar somewhat similar in character which have been adversely reported. I ask once more that they go over. I do not desire to have them indefinitely postponed.

The PRESIDING OFFICER. The bills referred to by the Senator from California will go over.

The bill (S. 2053) to establish a military record for Daniel P. Tafe was announced as next in order.

The PRESIDING OFFICER. At the request of the Senator from California [Mr. SHORTRIDGE], the bill will be passed over.

CHARLES CAUDWELL

The bill (S. 1736) for the relief of Charles Caudwell was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. JONES. Mr. President, let us have a brief explanation of the bill.

Mr. BLACK. Mr. President, this is a bill that was introduced by the junior Senator from Nebraska [Mr. HOWELL], the chairman of the Committee on Claims, at the request of the War Department. Immediately after the World War the commanding general in England sold some material to Mr. Caudwell. The material was never delivered but Mr. Caudwell paid the Government the money. The Government has had his money now for about 10 years. The bill does not even provide for the payment of interest; it is simply a bill to repay Mr. Caudwell the money which he paid for articles which he never received. That is the whole effect of the bill. The War Department has requested that it be passed.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, in line 4, after the words "directed to," to strike out the words "settle the claim of" and to insert the words "pay to"; and in line 5, after the name "England," to strike out the word "in" and insert "from any moneys in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to pay to Charles Caudwell, Congleton, Cheshire, England, from any moneys in the Treasury not otherwise appropriated, the sum of $10,219.65, or so much thereof as may be required to purchase exchange not to exceed the amount of £2,100, in full settlement of all claims of said Charles Caudwell growing out of his purchase of ovens at London, England, in June and July, 1919.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 141) for the relief of Felix Medler was announced as next in order.

The PRESIDING OFFICER. The bill will be passed over on the request of the Senator from California [Mr. SHORTRIDGE].

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CHARLES A. BLACK

The bill (H. R. 3315) for the relief of Charles A. Black, alias Angus Black, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles A. Black, alias Angus Black, who was a member of Company B, Eleventh Massachusetts Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 17th day of August, 1861: *Provided*, That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER W. JOHNSTON

The bill (S. 2711) for the relief of Walter W. Johnston was announced as next in order.

Mr. SMOOT. Mr. President, when this bill came up previously for consideration on the call of the calendar I objected to it. Since the bill was reached on that occasion I have gone into the question involved pretty carefully, and find there is a moral obligation, at least, on the part of the Government for the amount stated. Therefore, I shall make no further objection to the bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Walter W. Johnston, out of any money in the Treasury not otherwise appropriated, the sum of $15,000, as full compensation to him, the said Walter W. Johnston, for personal services rendered and the use of appliances personally owned and operated by him in connection with the launching of the ships at the shipyards of the fourth district during the year 1918, said work being done by order of and under the direction of the district supervisor of the United States Shipping Board Emergency Fleet Corporation, and for which the claimant has not been compensated, as was provided in an agreement entered into by him with the said district supervisor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROHIBITION OF WAR

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war was announced as next in order.

The joint resolution had been reported from the Committee on the Judiciary adversely.

Mr. JONES. The Senator from North Dakota [Mr. FRAZIER] is not at present in the Chamber. I do not know whether he desires that the joint resolution should remain on the calendar or not. It has been kept there for some time, and, I think, probably at his request. In his absence, I ask that it may remain on the calendar.

The PRESIDING OFFICER. Without objection, the joint resolution will retain its place on the calendar.

KENNETH B. TURNER

The bill (S. 133) for the relief of Kenneth B. Turner was announced as next in order.

The PRESIDING OFFICER. At the request of the Senator from California [Mr. SHORTRIDGE] the bill will be passed over.

NORTHERN JUDICIAL DISTRICT OF OKLAHOMA

The bill (H. R. 7011) to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State was announced as next in order.

Mr. BLAINE. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

STANDARDIZATION OF HAMPERS, ETC.

The bill (H. R. 2148) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, was announced as next in order.

Mr. McNARY. Mr. Presdent, I think there is no opposition to the passage of the bill, since I have met by the acceptance of amendments every requirement which has been suggested, but I promised the Senator from North Carolina [Mr. SIMMONS] that I would not permit the bill to be called up in his absence, and if I may have it passed over until he returns to the floor I shall appreciate it.

The PRESIDING OFFICER. The bill will be passed over.

CROP INSURANCE

The bill (S. 2149) authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance was announced as next in order.

Mr. McNARY. For reasons that are satisfactory to myself I ask that the bill go over without prejudice.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

HORTICULTURAL EXPERIMENTS IN SOUTHERN GREAT PLAINS AREA

The bill (S. 2832) providing for horticultural experiment and demonstration work in the southern Great Plains area was announced as next in order.

Mr. PINE. Mr. President, I ask that House bill 405, being Calendar No. 716, be substituted for the bill the title of which has just been stated.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. SMOOT. I should like to ask the Senator from Oklahoma whether there has been any change in the House bill as compared with the provisions of the Senate bill which is now on the calendar?

Mr. PINE. There has been no change whatever.

Mr. SMOOT. The two bills are the same?

Mr. PINE. They are both on the calendar.

Mr. SMOOT. Yes; I am aware of that.

Mr. PINE. And are exactly the same.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma that Order of Business 716, being House bill 405, be substituted for Senate bill 2832? The Chair hears none, and it is so ordered.

The Senate, as in Committee on the Whole, proceeded to consider the bill (H. R. 405) providing for horticultural experiment and demonstration work in the southern Great Plains area, which was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized and directed to cause such shade, ornamental, fruit, and shelter belt trees, shrubs, and vines as are adapted to the conditions and needs of the southern Great Plains area, comprised of those parts of the States of Colorado, Nebraska, Kansas, Texas, Oklahoma, and New Mexico lying west of the ninety-eighth meridian and east of the 5,000-foot contour line, to be propagated at one of the existing field stations of the Department of Agriculture in such area, and seedlings and cuttings and seeds of such trees, shrubs, and vines to be distributed free of charge under such regulations as he may prescribe for experimental and demonstration purposes within such area.

SEC. 2. That for carrying out the purposes of this act, including purchase of land and erection of buildings, there is hereby authorized to be appropriated the sum of $35,000, out of any money in the Treasury not otherwise appropriated, to be expended under the supervision of the Secretary of Agriculture.

SEC. 3. That there is hereby authorized to be appropriated each fiscal year thereafter necessary appropriations to enable the Secretary of Agriculture to carry on the experiments contemplated by this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2832 will be indefinitely postponed.

DECORATIONS FOR OFFICERS OF NAVY AND MARINE CORPS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered.

The bill had been reported from the Committee on Naval Affairs with amendments.

The PRESIDING OFFICER. The amendments reported by the committee have heretofore been agreed to.

Mr. BLEASE. Mr. President, I have heretofore presented an amendment to the bill, which I should like to have considered at this time.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 4, line 21, it is proposed to insert the following:

That all recommendations for decoration by the United States of America now pending before the War Department, Navy Department, or Marine Corps for services rendered during the World War be considered by the proper boards or authorities, and awards made in such cases as the conduct of those recommended shows them to be entitled and deserving of the same.

The amendment was agreed to.

Mr. TYDINGS. On page 2, line 1, after the name "Dayton," I move to insert the name "Rear Admiral Louis M. Nulton."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FEDERAL AID TO RURAL POST ROADS

The bill (S. 2327) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was announced as next in order.

Mr PHIPPS. Mr. President, I think several Senators who are not now present are interested in the bill. I, therefore, ask that it go over without prejudice.

The PRESIDING OFFICER. The bill will go over without prejudice on the request of the Senator from Colorado.

INTERSTATE COMMERCE IN COTTONSEED OIL

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. COPELAND. Mr. President, it will be recalled that we are to have a hearing on that bill before the Agricultural Committee on Wednesday of this week. I, therefore, ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

Mr. BLEASE. I ask that that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1940) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases was announced as next in order.

Mr. BLEASE. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a Division of Safety was announced as next in order.

Mr. BINGHAM. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

LEVI R. WHITTED

The bill (S. 1956) for the relief of Levi R. Whitted was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with amendments.

The PRESIDING OFFICER. The bill was considered on March 23 and the amendments were agreed to at that time.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OFFICE OF GOVERNOR GENERAL OF THE PHILIPPINE ISLANDS

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands, and fixing salaries of certain officials, was announced as next in order.

Mr. BINGHAM. In view of the fact that the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is very much interested in this bill and desires to be heard in opposition to it, is not present in the Chamber, I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

MATERIAL FOR MILITARY AND NAVAL USE

The bill (S. 1831) to authorize the Secretary of War and the Secretary of the Navy to class as secret certain material, apparatus, or equipment for military and naval use, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 3, after the word "That," to strike out "in addition to authority heretofore granted, the Secretary of War and the Secretary of the Navy are," and insert "The President is"; in line 5, after the word "in," to strike out "their" and insert "his"; and on page 2, line 14, after the word "the," to strike out "Secretary of War or the Secretary of the Navy" and insert "President," so as to make the bill read:

Be it enacted, etc., That the President is empowered, in his discretion, to class as secret or confidential any material, apparatus, or equipment for military or naval use which is of such nature that the interests of the public service would be injured by publicly divulging information concerning them, and may authorize purchases and award contracts for the development, manufacture, or procurement thereof without public advertisement for bids or notice to the trade: *Provided*, That such purchases and contracts shall not be made or awarded except under circumstances where it shall be impracticable to develop, manufacture, or procure such material, apparatus, or equipment in Government establishments: *Provided further*, That when such material, apparatus, or equipment has been classed as secret or confidential the head of any Government department, establishment, or agency shall take proper measures to maintain the secret or confidential nature thereof and of the contracts and pertinent paper relating thereto: *And provided further*, That the decision of the President as to what material, apparatus, or equipment shall be classed as secret or confidential, and as to whether or not it is practicable to develop, manufacture, or procure such material, apparatus, or equipment in Government establishments shall be final and conclusive.

The amendments were agreed to.

Mr. BLAINE. I did not wish to object until the amendments were considered. I now ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF NATIONAL DEFENSE ACT

The bill (S. 1838) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, the House has passed House bill 239, of almost the same tenor, and exactly the same effect. I move that that bill be substituted for Senate bill 1838.

The PRESIDING OFFICER. What is the number of the bill?

Mr. REED of Pennsylvania. House bill 239. It is not now on the calendar.

The PRESIDING OFFICER. Without objection, the Committee on Military Affairs is discharged from the further consideration of the House bill.

Mr. BLAINE. Mr. President, I have no objection to the substitution of the House bill, but I ask that it go over.

Mr. REED of Pennsylvania. That is, after the substitution is made?

Mr. BLAINE. Yes.

The PRESIDING OFFICER. Without objection, the House bill will be substituted for the Senate bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 239) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 3092) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans was anounced as next in order.

Mr. KING. Mr. President, I have some amendments to propose to that bill, and I think by consultation with the distinguished Senator from Ohio we can arrive at an understanding with regard to them.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely.

Mr. REED of Pennsylvania. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1377) for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

CHARLES R. SIES

The bill (S. 151) for the relief of Charles R. Sies was announced as next in order.

Mr. KING. Let that go over.

Mr. SHORTRIDGE. Mr. President, I should like the attention of the Senator from Utah for a moment.

The PRESIDING OFFICER. Does the Senator from Utah withhold his objection?

Mr. KING. I shall be glad to hear the Senator.

Mr. SHORTRIDGE. As the date of the report indicates, this bill has been on the calendar for many weeks. The committee reported the bill favorably, as the Senator will observe; and I think I am warranted in saying that each and every member of the committee was familiar with the case.

If the Senator will be good enough to look at the report, directing attention as I do to the last paragraph on the first page, the case is stated there.

Section 25 of the act of March 4, 1925, provides that—

Any officer of the regular Navy, who has been retired since December 31, 1921, by reason of physical disability which originated in the line of duty at any time between April 6, 1917, and March 3, 1921, inclusive, while holding higher temporary rank, shall be advanced on the retired list to, or shall be placed on the retired list in, such higher grade or rank.

While Mr. Sies's physical disability was incurred within the period above prescribed, he was not eligible for the benefits and considerations of the terms of that section, as he was retired prior to December 31, 1921. That is, he was retired on December 5, 1921, 26 days prior to the period stated by law; and the bill seeks to grant him the benefits to which he is entitled, similar to other officers of the Navy who incurred disability while serving under a higher temporary commission.

The point of the case, the turning point, perhaps the very merit of the case, lies in the fact that he was retired a few days before the date fixed in the law, December 31. He retired on the 5th of the month instead of the 31st. He was a brave

officer; he suffered permanent disability; and we seek to give him the relief indicated in the bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. Mr. President, I opposed the general retirement bill. I thought it was unwise. I still think it unwise. I think it unfair to the enlisted men who served in the World War. Having passed that bill, I should like to see what its full implications are. It may be that the beneficiary under this bill will come within the terms of the general retirement act. At any rate, I ask my dear friend from California to forgive me if I ask that it go over for the moment.

The PRESIDING OFFICER. The bill will be passed over.

VOCATIONAL EDUCATION

The bill (S. 1731) to provide for the more complete development of vocational education in the several States and Territories was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with amendments.

The first amendment was, in section 1, page 1, line 3, after the words "Providing for the," to strike out "more complete" and insert "further"; in line 5, after the word "hereby," to insert "authorized to be"; in line 9, after the word "and," to strike out "for each year" and insert "annually"; in line 10, before the word "appropriated," to insert "authorized to be"; on page 2, line 7, after the word "the," to strike out "further development and improvement" and insert "salaries of teachers, supervisors, and directors"; in line 10, before the words "in such States," to strike out "agriculture" and insert "agricultural subjects"; in line 11, after the word "their," to strike out "total" and insert "rural"; in the same line, after the word "total," where it occurs the second time, to insert "rural"; in line 16, after the word "the," to insert "salaries of teachers, supervisors, and directors"; and in line 17, after the word "economics," to insert "subjects," so as to make the section read:

That for the purpose of providing for the further development of vocational education in the several States there is hereby authorized to be appropriated for the fiscal year ending June 30, 1929, the sum of $500,000, and for each year thereafter, for 11 years, a sum exceeding by $500,000 the sum appropriated for each preceding year and annually thereafter there is permanently authorized to be appropriated for each year the sum of $6,000,000. One-half of such sums shall be allotted to the States in the proportion that their farm population bears to the total farm population of the United States, exclusive of the Territories and insular possessions, according to the United States census last preceding the end of the fiscal year in which any such allotment is to be made, and shall be used for the salaries of teachers, supervisors, and directors of agricultural subjects in such States. The remaining half of such sums shall be allotted to the States in the proportion that their rural population bears to the total rural population of the United States, exclusive of the Territories and insular possessions, according to the United States census last preceding the end of the fiscal year in which any such allotment is to be made, and shall be used for the salaries of teachers, supervisors, and directors, development and improvement of home economics subjects in such States.

The amendment was agreed to.

The next amendment was, in section 2, page 2, after the words "purpose of," to strike out "enabling the Federal Board for Vocational Education to further assist the States in the development of agricultural and home economics programs for the rural districts, there is hereby annually appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000" and insert "carrying out the provisions of this act there is hereby authorized to be appropriated to the Federal Board for Vocational Education, out of any money in the Treasury not otherwise appropriated, the sum of $100,000 annually, to be expended for the same purposes and in the same manner as provided in section 7 of the act approved February 23, 1917, as amended October 6, 1917," so as to make the section read:

SEC. 2. For the purpose of carrying out the provisions of this act there is hereby authorized to be appropriated to the Federal Board for Vocational Education, out of any money in the Treasury not otherwise appropriated, the sum of $100,000 annually to be expended for the same purposes and in the same manner as provided in section 7 of the act approved February 23, 1917, as amended October 6, 1917.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 21, after the word "year," to insert "and that the appropriations available to the Federal Board for Vocational Education for salaries and expenses shall be available for expenses of attendance at meetings of educational associations and other organizations, which, in the opinion of the board, are necessary for the efficient discharge of its responsibilities," so as to make the section read:

SEC. 3. The appropriations made by this act shall be in addition to, and shall be subject to the same conditions and limitations as, the appropriations made by the act entitled "An act to provide for the promotion of vocational education; to provide cooperation with the States in the promotion of such education in agriculture and in the trades and industries; to provide cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures," approved February 23, 1917, except that the appropriation made by this act for home economics shall be subject to the conditions and limitations applicable to the appropriation for agricultural purposes under such act of February 23, 1917, with the exception of that part of section 10 thereof which requires directed or supervised practice for at least six months per year, and that the appropriations available to the Federal Board for Vocational Education for salaries and expenses shall be available for expenses of attendance at meetings of educational associations and other organizations, which, in the opinion of the board, are necessary for the efficient discharge of its responsibilities.

The amendment was agreed to.

Mr. BINGHAM. Mr. President, I should like to ask the author of the bill whether he would not be willing to permit the Territories to benefit under the act, as well as the States. The Territory of Hawaii pays into the Federal Treasury in income taxes as much as nearly the aggregate of 12 States, and it seems to me the Territories ought to benefit under this act. I have prepared a series of amendments adding the words "and Territories" wherever necessary, and I hope the author of the bill will not object to them.

Mr. GEORGE. Mr. President, I desire to say that I agreed with the late Senator from Ohio, Mr. Willis, to accept those amendments, providing he would offer them on the floor; and I have no objection to them.

Mr. BINGHAM. I thank the Senator.

On page 1, line 5, after the word "States," I move to insert the words "and Territories."

The amendment was agreed to.

Mr. BINGHAM. On page 2, line 2, after the word "States," insert the words "and Territories."

The amendment was agreed to.

Mr. BINGHAM. On page 2, line 4, strike out the words "Territories and."

The amendment was agreed to.

Mr. BINGHAM. In line 9, after the word "States," insert the words "and Territories."

The amendment was agreed to.

Mr. BINGHAM. In line 10, after the word "States," insert the words "and Territories."

The amendment was agreed to.

Mr. BINGHAM. In line 12, strike out the last word in the line, "Territories," and the first word in line 13, "and."

The amendment was agreed to.

Mr. BINGHAM. In line 18, after the word "States," insert the words "and Territories."

The amendment was agreed to.

Mr. BINGHAM. I shall also move at the proper time to amend the title by adding after the words "States" the words "and Territories."

Mr. KING. Mr. President, I want to call the attention of the Senate to the provisions of the bill, and to the adverse report from the President of the United States. The recommendation of the Budget is that this is against the financial policy of the President; and, therefore, it does not receive the approval of the Budget Bureau; and, of course, does not receive the approval of the President. I do not mean to intimate that the President, if the bill shall reach him, will veto it.

Mr. President, there is one feature of this legislation that I do not like. I want to be entirely frank with regard to the matter. This bill is not satisfied with making an appropriation for two years or four years, but makes it forever; and, of course, it rivets upon the States the 50–50 proposition and commits them, so far as the Federal Government may coerce them, to a perpetual appropriation—a permanent appropriation to match the permanent appropriation which is hereby authorized.

I confess that I do not like legislation of that character—legislation which first commits or requires the States forever to make certain appropriations. It is holding a bludgeon over their heads and saying to them, "We will not give you forever this $6,000,000 annually unless you appropriate a like amount."

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oregon?

Mr. KING. I yield.

Mr. McNARY. I dislike to differ at all with the distinguished Senator from Utah, but no force is to be used by the Federal Government. It is purely voluntary. If a State does not want to participate in these benefits, it need not.

Mr. KING. Oh, I understand that. I thought I made that clear. I said it was a bludgeon. It is in a sense coercive. It says to them, "You can not get any of the $6,000,000 unless you respond 50–50," and, of course, a State will hesitate, with the pressure which will be brought to bear, to fail to respond; so that in the long run it is a moral coercion, if it is not a physical or a legal one. The Senator knows that any State that held out for a little while would bring upon its head the anathemas of all of the bureaucrats in the Department of Agriculture as well as the opposition of surrounding States, so that, after all, it is a moral compulsion which we seek by this bill to impose upon the States for all time.

I have no objection to an appropriation for two years or for four years, as we have been making appropriations in the past; but here we are insisting that we commit the Government for all time to this appropriation. I think it is unwise legislation. Certainly it has not commended itself to the judgment of the President of the United States, who, whether we agree with him politically or not, is seeking to discharge with fidelity the high responsibilities of his great office.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the further development of vocational education in the several States and Territories."

BILLS PASSED OVER

The bill (H. R. 8926) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland City, Ark., was announced as next in order.

Mr. CARAWAY. Mr. President, there are still pending negotiations about amendments to this bill. I therefore ask that it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2859) for the relief of Francis J. Young was announced as next in order.

Mr. JONES. Mr. President, if this bill is to be considered, I think it should be amended.

Mr. KING. Let it go over.

Mr. JONES. Let me suggest before it goes over that the bill purports actually to appropriate money. It says, "There is hereby appropriated." I think that ought to be changed. At any rate, if the Senator will withhold his objection, I move to insert, in line 8, after the word "hereby," the words "authorized to be."

The PRESIDING OFFICER. Will the Senator from Utah withhold his objection for the purpose of adopting the amendment?

Mr. KING. Yes.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Francis J. Young, father of Wallace J. Young, late consul at Bradford, England, $4,500, being one year's salary of his deceased son, who died of illness incurred in the Consular Service; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. JONES. Then the bill can go over.

The PRESIDING OFFICER. The bill will be passed over

STANDARD WEIGHTS AND MEASURES

The bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, was announced as next in order.

Mr. CURTIS. Mr. President, the Senator from Tennessee [Mr. TYSON] said he had no objection to this measure if in the last line the word "one" were changed to "two," so as to give the dealers two years. The Senator from Alabama [Mr. BLACK], however, wrote a letter in reference to it, and I do not know whether he has had an answer or not.

Mr. BLACK. I have not had a reply. There was an objection raised by a constituent of mine, and I would like to have the bill go over until I can hear from him.

Mr. CURTIS. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. CURTIS subsequently said: Mr. President, the Senator from Alabama has withdrawn his objection to the consideration of Senate bill 2864, and I ask that we return to it.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes.

Mr. CURTIS. I suggest an amendment, on page 5, line 5, to strike out the words "one year" and to insert in lieu thereof the words "two years."

The amendment was agreed to.

Mr. KING. Mr. President, I would like to ask the Senator from Kansas whether this changes in any way the existing system of weights and measures.

Mr. CURTIS. I understand not. If the Senator has objection to the measure, I have no objection to it going over.

Mr. KING. I do not want to object, if the Senator has given it attention and the committee think it is wise legislation.

Mr. CURTIS. The committee reports it unanimously, and the Acting Secretary of Agriculture approved the measure. There has been no objection to it except as to the one-year limitation. Some dealers have smaller packages at this time, and they think it might take two years to get rid of them. After two years the bill would require a uniform-sized package. It standardizes the packages; it provides that they shall be 5, 10, 25, and so forth.

Mr. DILL. It does not affect anything but grain, as I understand.

Mr. CURTIS. Nothing but grain and grain products.

Mr. KING. Is it meant to interfere with shipments in interstate commerce of packages that may not conform with this measure?

Mr. CURTIS. It does not interfere with shipments but it gives the producers two years to adopt a uniform system. Some packages now weigh 102 pounds, while nearly all packages weigh 100 pounds. This bill would require that packages be put up in decimal fractions of 100 pounds.

Mr. KING. Suppose I should desire to ship the Senator 90 pounds, and under a contract I make a shipment of 90 pounds of a given commodity. Would that be an offense?

Mr. CURTIS. It would not.

Mr. KING. If it is intended to interfere with contractual relations, and to compel shippers of the commodities herein referred to to adopt——

Mr. CURTIS. As I understand the bill, it does not intend to infringe upon contractual relations at all.

Mr. KING. With that assurance, I have no objection to it, but if it does interfere with contractual relations, it would be an impediment to business, instead of a benefit.

Mr. JONES. What is the character of these packages? I have not had an opportunity to look carefully into the measure.

Mr. CURTIS. It seeks to establish a standard of weights and measures for wheat-mill, rye-mill, and corn-mill products, such as flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs.

Mr. JONES. Does the Senator understand that under this bill one could not ship packages containing these foods or products in a manner different from that prescribed in the bill?

Mr. CURTIS. No; one could ship them. This provides merely for a standard package offered for sale in the market. It is to provide that the packages shall all be regular, so that when you go into a store, after two years, and buy, you will buy a 5-pound package or a 10-pound package, instead of, perhaps, a 3-pound package or a 2-pound package; you will be sold packages of 5, 10, 25 pounds, and so forth, and 100 pounds instead of 102 pounds. In other words, it is to standardize the packages.

Mr. JONES. Why should we not pass some law under which we would require the amount contained in any package to appear on the outside of it, and punish for the shipment of a package containing less than that, rather than prescribe a certain-sized package in which the shipments shall be made?

Mr. CURTIS. The bill provides that for commercial feeding stuffs only, 60 or 80 pounds, each of which shall bear a plain, legible, and conspicuous statement of the net weight contained therein.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The bill will be passed over.

KARIM JOSEPH MERY

The bill (S. 1970) for the relief of Karim Joseph Mery was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Karim Joseph Mery, of San Antonio, Tex., out of any money not otherwise appropriated, the sum of $5,000, as compensation for the death of his son, Joseph Karim Mery, a minor, who was killed at San Antonio, Tex., on July 10, 1923, by the negligent driving of a United States Army truck.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COTTON AND GRAIN IN FUTURE MARKETS

The bill (S. 1093) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. RANSDELL. Mr. President, that bill is on the Legislative Calendar, having a preferred place. We could not finish its consideration under a limitation of five minutes for debate.

The PRESIDING OFFICER (Mr. FESS in the chair). The bill will be passed over.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

FARM RELIEF

The bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce was announced as next in order.

The PRESIDING OFFICER. That is the unfinished business, and will be passed over.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 99) to amend joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges, was announced as next in order.

The PRESIDING OFFICER. The joint resolution will be passed over.

GRANT OF LANDS IN NEW MEXICO

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2535) granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes, which was read, as follows:

Be it enacted, etc., That there is hereby granted to the State of New Mexico 400,000 acres of the surveyed nonmineral unappropriated and unreserved public lands of the United States within said State, in trust, for the reimbursement of Grant, Luna, and Hidalgo Counties for interest paid by said counties on the bonds of Grant County, and for the reimbursement of Santa Fe County for interest paid by said county on the bonds of Santa Fe County, all of which said bonds were validated, approved, and confirmed by act of Congress of January 16, 1897 (29 Stat. 487); and also for the payment of the principal of the bonds issued by the town of Silver City and likewise validated by said act of January 16, 1897, and to reimburse said town of Silver City for interest paid by said town on said bonds: *Provided*, That if there shall remain any of the 400,000 acres of land so granted, or of the proceeds of the sale or lease thereof, or rents, issues, or profits therefrom, after the payment of said items and debt, such remainder of lands and the proceeds of sales thereof shall be added to and become a part of the permanent school fund of said State.

SEC. 2. That the said lands shall be selected in the same manner as provided for the selection of lands granted to the State of New Mexico by an act of the Congress of the United States approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," and such lands shall be leased and sold in such manner and under such limitations and restrictions as are provided in the said act of June 20, 1910.

SEC. 3. Said State of New Mexico through its State board of finance shall determine the interest paid by said counties on said indebtedness, and the manner of liquidating the same, and likewise the amount of the principal due on the bonds issued by the town of Silver City, and the interest paid by said town and the manner of liquidating the same.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. REED of Pennsylvania subsequently said: Mr. President, Senate bill 2535 was considered and passed so quickly that there was no opportunity to study it. I would like to ask that it go over, unless we can have an explanation of it.

Mr. BRATTON. I shall be glad to explain it.

The PRESIDING OFFICER. Without objection, the vote by which the bill was passed will be reconsidered.

Mr. BRATTON. Mr. President, from 1880 to 1887, while New Mexico was a Territory, the counties of Grant and Santa Fe, and the town of Silver City, issued bonds in aid of railroad construction. Certain counties in Arizona did likewise.

In 1894 the Supreme Court of the United States held, in what is called the Pima County, Ariz., case, that a county or a municipality of a Territory did not have the power to issue bonds of that character and decided that the bonds there involved were absolutely void. The case fits the New Mexico situation perfectly. Its effect was to adjudicate that those bonds were absolutely void.

The bonds were in the possession of bondholders throughout the country. In 1897 the bondholders persuaded the Congress to pass an act validating those bonds and establishing liability for their payment, notwithstanding the fact that the counties and the town had no right to issue them.

When statehood in New Mexico was approaching, and the enabling act was under consideration, the Congress made a grant of land to the State to reimburse the bondholders; that is, to take up the outstanding bonds. In that, however, they overlooked the fact that these counties and this town had paid money—that is, that they had paid then and have paid since money aggregating nearly $400,000—upon a debt that was never valid except by the arbitrary act of Congress fixing liability for it.

In connection with the consideration of the enabling act Senator Beveridge said this in explaining that grant of land:

So these bonds were declared invalid. The history of both the New Mexico bonds of this kind and of the Arizona bonds of this kind is unusually interesting, but it is not necessary, of course, for me to go into that now. It is given in our report very carefully.

* * * * * * *

But whatever the reason was, Congress, after the Supreme Court had declared these bonds invalid, passed a law validating them. Upon that principle, I think, it was practically the unanimous opinion of members of the Committee on Territories of the Senate that the United States should pay these bonds, because by reason of any act of Congress a moral obligation had been created; but my committee saw no reason why we should pay the remainder of the debts of the counties.

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The people would not have had to pay them but for the act of Congress.

So that Congress went on record at that time as declaring that there was a moral obligation on the part of the Government to take care of the obligation that the people would not have had to bear except through the act of Congress, passed in 1897, as I have indicated.

Mr. REED of Pennsylvania. If I understand what the Senator has just read, it was Senator Beveridge who declared that.

Mr. BRATTON. And the Congress passed the act.

Mr. REED of Pennsylvania. Will not the Senator explain why there is any moral obligation on the part of the United States to pay bonds issued in apparent good faith by these counties, on which the counties got the money, and on which the United States Government got no money?

Mr. BRATTON. It is this: That the bonds were void, because they were in contravention of an act of Congress, and the people never were compelled to pay them under the law as it then existed, and would never have had to pay them except for an arbitrary act of Congress passed thereafter.

Mr. REED of Pennsylvania. I see that. The Senator speaks of moral obligation. It seems to me the moral obligation rests upon the community that got the money by selling the bonds.

Mr. BRATTON. The money went into railroad construction, and the bondholders came to Congress and persuaded Congress to take their view of the situation, and to arbitrarily fix a liability upon counties and a town that they were not obli-

gated to bear under existing law. The Congress, in the enabling act, declared itself in favor of the Congress relieving them from a moral obligation that Congress had arbitrarily placed upon them.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired. Is there objection to the consideration of the bill?

Mr. FLETCHER. I would like to have the Senator answer in my time as to whether the railroad was actually constructed?

Mr. BRATTON. Yes.

Mr. FLETCHER. The railroad was built?

Mr. BRATTON. The railroads were built.

Mr. FLETCHER. Of course, the Territory could not issue any bonds, and could not authorize any county to issue bonds. That would be a matter entirely in the control of Congress.

Mr. BRATTON. Certainly.

Mr. FLETCHER. Bonds were issued, and the local community got the railroad, and then Congress came along and validated the bonds.

Mr. REED of Pennsylvania. It seems to me that the Federal Government is playing insurer for everybody, and is the loser in the whole transaction. The community got the money and got the railroad, the bondholders got paid, and now we are to furnish the means whereby all that is made possible. I do not see why the United States should pay.

Mr. BRATTON. I appreciate that we are operating under the five-minute rule——

Mr. FLETCHER. I take my time to suggest that what the Senator is now proposing is not a funding of all these bonds, or reimbursement for all the bonds, but only for the amount of money which the community spent in cash outside of the bond issue. Whether I am correct about that I am not sure.

Mr. BRATTON. The amount of the debt that the counties and the town have paid is now $397,502. The bill merely grants land to reimburse them for that sum of money. The bill was reported unanimously by the Committee on Public Lands and Surveys, the committee feeling that there was a moral obligation to make reimbursement.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

MINERAL ROYALTIES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8831) to provide for the collection of fees from royalties on production of minerals from leased Indian lands.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES

Mr. DALE. Mr. President, I was hoping that we might reach Calendar No. 684, Senate bill 1727, to amend the act entitled "An act for the retirement of employees in the classified civil service." We will not reach it this morning, but so that there may be no misunderstanding about it, I want to state that it is a very conservative bill, similar to one which the Senate has twice passed before, and at the first opportunity I am going to move to take it up.

JOHN W. STOCKETT

The bill (S. 2319) for the relief of John W. Stockett was announced as next in order.

Mr. JONES. I would like to have some explanation of that bill. It carries a large amount of money.

Mr. CARAWAY. The explanation is this: An employee in the department made an invention which the Government has used, and by its use it has saved, according to its contention, very large sums of money. But under the department's contention the man has no legal claim.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce.

Mr. McNARY. Mr. President——

The PRESIDENT pro tempore. The Senator from Arkansas has the floor.

Mr. CARAWAY. I was desirous of concluding my statement with reference to the bill just before the Senate, unless the Chair holds that it now goes back to the calendar.

The PRESIDENT pro tempore. The bill may not be considered, but the Senator may conclude his speech.

Mr. CARAWAY. If the bill may not be considered, I do not care to consume the time of the Senate further.

REIMBURSEMENT TO STATE OF CONNECTICUT

Mr. BINGHAM. Mr. President, may I have the attention of the Senator from Oregon [Mr. McNARY]? Would the Senator be willing to ask unanimous consent that the unfinished business be temporarily laid aside for a moment in order that Calendar No. 562, the bill (S. 3117) for the relief of the State of Connecticut, which we were about to reach on the call of the calendar, might be considered? I will say to the Senator that the senior Senator from Utah [Mr. SMOOT] asked several times that the bill go over but has now withdrawn his objection to it, and I do not think there will be any objection. If it leads to debate I shall withdraw my request.

Mr. McNARY. Under that statement I am willing to grant the request of the Senator from Connecticut.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3117) for the relief of the State of Connecticut, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the State of Connecticut, out of any money in the Treasury not otherwise appropriated, the sum of $559,373.40, for and on account of advances and expenditures made by said State in the War of 1812 to 1815 with Great Britain.

Mr. FLETCHER. Mr. President, will the Senator state the purpose briefly?

Mr. BINGHAM. This is a claim by the State of Connecticut for expenditures made during the War of 1812, of a like character to that which has already been granted the States of Maryland, South Carolina, New York, and Delaware, and the city of Baltimore.

Mr. WALSH of Massachusetts. What is the amount?

Mr. BINGHAM. The amount is stated by the comptroller, in his report to the Senate, as about half a million dollars.

Mr. JONES. Mr. President, I understand there is some question about how we shall proceed the rest of the afternoon. I think we had better wait until that is determined before we act on this measure.

The PRESIDENT pro tempore. The Chair understood the unfinished business was laid before the Senate and then laid aside simply for the consideration of Calendar No. 562.

Mr. JONES. As I understand, there is some doubt whether we will go on with the unfinished business this afternoon. Possibly if that is not done we will have a call of the calendar, and in that way would reach the bill of the Senator from Connecticut in a very few moments.

Mr. McNARY. Mr. President, there is no doubt about the ability of those in charge of the unfinished business to go forward with it for a time at least. I simply yielded to the Senator from Connecticut momentarily with the understanding that there would be no objection to the consideration of his bill.

Mr. JONES. With that statement, I am perfectly willing that the Senator from Connecticut shall proceed.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CULVERTS AND TRESTLES AT CAMP M'CLELLAN, ALA.

Mr. BLACK. Mr. President, from the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 5590) to authorize appropriations for construction of culverts and trestles in connection with the camp railroad at Camp McClellan, Ala., and I submit a report (No. 747) thereon. I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated for the purpose of purchasing the necessary materials and hiring the necessary labor to construct or repair culverts and trestles and other parts of the camp railroad at Camp McClellan, as in the opinion of the Secretary of War may be necessary, a sum not to exceed $19,830.

Mr. JONES. Mr. President, may I ask if this is in connection with a military reservation?

Mr. BLACK. Yes; it is. I would like to state that the Secretary of War reported on it favorably. It passed the House and has the approval of the Committee on Military Affairs. The Secretary of War states that if the appropriation is not made the property will be damaged for lack of repairs.

Mr. JONES. It is Government property?

Mr. HEFLIN. Oh, yes.

Mr. BLACK. It is Government property.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 2301. An act to create a commission to be known as the Commission for the Enlarging of the Capitol Grounds, and for other purposes;

S. 3118. An act to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss.;

S. 3119. An act to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and between Madison and Rankin Counties, Miss.;

S. 3435. An act to authorize an appropriation from tribal funds to pay part of the cost of the construction of a road on the Crow Indian Reservation, Mont.;

H. R. 359. An act authorizing the presentation of the iron gates in West Executive Avenue, between the grounds of the State, War, and Navy Building and the White House, to the Ohio State Archeological and Historical Society for the memorial gateways into the Spiegel Grove State Park;

H. R. 8499. An act for the relief of Arthur C. Lueder;

H. R. 10563. An act extending the provisions of the recreational act of June 14, 1926 (44 Stat. L. 741), to former Oregon & California Railroad and Coos Bay Wagon Road grant lands in the State of Oregon;

H. R. 10884. An act to amend the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926;

H. R. 11579. An act relating to investigation of new uses of cotton; and

S. J. Res. 95. Joint resolution authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant-introduction purposes.

FARM RELIEF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce.

Mr. COPELAND. Mr. President, the pending amendment is one which I introduced the other day. I have since discussed the matter with the Senator from Oregon [Mr. McNARY]. I ask unanimous consent to withdraw the amendment which I offered and to present in its place another amendment.

The PRESIDENT pro tempore. The Senator is at liberty to perfect his amendment at any time. The proposed amendment will be stated.

The CHIEF CLERK. On page 26, after line 21, insert the following:

4. The words "agricultural commodity" mean an agricultural commodity which is nonperishable in its nature.

Mr. WALSH of Massachusetts. Mr. President, will the Senator kindly state the difference between the amendment now offered and the one which he has withdrawn?

Mr. COPELAND. The other amendment apparently did not cover the entire problem contemplated under the bill. There is one section, section 7, where provision is made for marketing associations. The amendment which I offered the other day did not cover them, but the amendment now offered takes out of the bill fruits and vegetables entirely.

Mr. WALSH of Massachusetts. All perishable products?

Mr. COPELAND. All perishable products are removed. It puts the language in a part of the bill where it does not mar the general features of the bill or interfere with its high purpose. The amendment, if adopted, will protect the apple growers and other fruit growers and take care of all perishable products.

Mr. DILL. Mr. President, what is a perishable product—a product that lasts for a year or a year and a half?

Mr. COPELAND. I do not think there is any difference of opinion as to the definition.

Mr. DILL. Why should not the bill say "fruits and vegetables," and then there could not be any doubt about it? If we are going to amend it to clarify it, it seems to me we ought to say that it is not intended to include fruits and vegetables. Apples last about as long as potatoes nowadays.

Mr. JONES. Mr. President, I would suggest, in line with what my colleague has stated, that apples are kept now for practically a year. Of course, they have to be kept in refrigeration. I agree with what my colleague has stated. I have had a great many telegrams and letters protesting against apples being included within the terms of the bill. I have conferred with the Senator from Oregon, and I understand the position of the Senator is that he does not think they are really covered by the bill, but I think it is well that we should make it perfectly clear.

Mr. BORAH. Mr. President, I would ask that the amendment be read or explained.

Mr. McNARY. May I state that it is proposed by the Senator from New York as a substitute, the previous amendment having been withdrawn?

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New York.

Mr. WALSH of Massachusetts. Did I understand the Senator from Oregon to say he had accepted the amendment?

Mr. McNARY. No; the Senator from New York is simply perfecting his proposal.

Mr. WALSH of Massachusetts. Has the Committee on Agriculture and Forestry taken any position on the amendment?

Mr. McNARY. None whatsoever. I presume action will be taken on the floor of the Senate.

Mr. COPELAND. Mr. President, I am just as anxious as the two Senators from Washington and the Senator from Massachusetts to make clear exactly what the bill means, because the apple growers of my State are very much concerned about it. Having consulted with the junior Senator from Washington [Mr. DILL], may I present the amendment in still another form, that in the general definition section 4 shall read:

The words "agricultural commodity" mean an agricultural commodity which is not a fruit or vegetable in its natural state or processed.

Mr. BORAH. I have a very earnest protest from the potato growers of my State. That would not cover potatoes, would it?

Mr. McNARY. A protest against the inclusion of potatoes in the bill?

Mr. BORAH. Yes.

Mr. McNARY. I think that language would take potatoes out of the bill. The language of section 5 takes all those products out of the bill because they are not sufficiently durable and have not the proper characteristics to enable them to be kept any length of time. I have desired, so far as I could, to remove any doubt that is in the mind of any Senator about such matters. There are several proposals and I think that we will consider them and work them out to meet the situation.

Mr. COPELAND. Am I to understand the Senator from Idaho that he objects to having potatoes taken out of the bill?

Mr. BORAH. I had a letter from a constituent of mine this morning very seriously doubting the wisdom of including potatoes. I had not thought about it. As I am not going to vote for the bill, I did not feel that I had much to say about perfecting it. I simply asked if the Senator's amendment would cover potatoes.

Mr. COPELAND. Yes; it would. It would exclude potatoes from the operation of the bill, as it would all fruits and vegetables.

Mr. WHEELER. Mr. President, I want to say to the Senator from Oregon that I also have received protests from apple growers in my State insisting that apples be left out of the bill.

Mr. McNARY. I think we will have no difficulty in complying with the request of the junior Senator from Montana.

Mr. SIMMONS. Mr. President, I simply want to say that I hope very much we may be able to agree upon a general amendment by which no product could be brought under the the terms of the bill without the consent of a board representing that industry.

Mr. BORAH. What is the Senator's idea about electing or selecting the board? I ask that for the reason that it is one of the subjects which has created some doubt in my mind?

Mr. SIMMONS. The council which I had in mind would be appointed by the President, on the recommendation of the board provided for, and confirmed by the Senate.

Mr. WALSH of Massachusetts. Mr. President, I would like to ask the Senator from Oregon if the Senator's committee intends to pass judgment upon the amendment submitted by the Senator from New York?

Mr. McNARY. Not for committee action. On the floor of the Senate I think we shall have no difficulty in taking care of it.

Mr. WALSH of Massachusetts. It is likely to come to a vote on the floor?

Mr. McNARY. Probably to-day; though I do not know.

Mr. WALSH of Massachusetts. I thought probably the Senator from Oregon would accept the amendment.

Mr. McNARY. I am going to accept an amendment that is generally agreeable. There may be some difference of opinion about it. I am satisfied with the one offered by the Senator from New York. There may be some modifications, but I do not want to consider those until we seriously take up the amendment for earnest consideration.

Mr. FLETCHER. Mr. President, I think the Senator's amendment simply provides that agricultural commodities shall not include nonperishable products. That is all he asks. That is a general definition of the term. I understand the Senator from Oregon is agreeable to that.

Mr. McNARY. Yes. I think, however, the Senator from New York has changed that language by suggesting the substitution of the words "fruits and vegetables."

Mr. COPELAND. At the suggestion of both Senators from Washington, who wished to make it very specific, I have changed the definition so as to exclude from the operation of the bill all fruits and vegetables in their natural state or processed so that there will then be no question that the interests represented by the Senator from Florida, as well as the apple people, will be entirely satisfied.

Mr. FESS. Mr. President, I have recognized from the beginning that we have an agricultural problem. There never has been any doubt in my mind about it. I have also recognized a well-defined desire to attack the problem and solve it properly. My own conception of it is that it is a matter of too great a spread between the price received by the producer and the price paid by the consumer. I do not hesitate to say that I would not knowingly vote for a bill which would increase further the cost of living. It does seem to me, however, that of the amount the consumer pays the producer does not get an equitable share. If we could reach that problem, which lies in the marketing, and could reduce the spread between the producer and the consumer, that would be wholly legitimate and ought to be done.

The bill which was passed in the last Congress had very objectionable features to me. I pointed out my objections in detail when that measure was under discussion. There has been since the action upon that bill and the veto of the President an honest effort, I think, to get together. To those who differed as to the remedy but who believed that there was a problem, it appears that progress has been made. This bill does not include the objectionable feature in reference to the appointment of the board. The change is a good one. The bill does not limit the operation of the law to a few commodities; it has been broadened so that the charge of discrimination that has sometimes been made does not now lie. However, I am of the opinion that the change in covering all commodities, while it answers the objection of discrimination, will really make the bill weaker in its actual operation. When I read the powers intrusted to the board which is to have control of agricultural products, it seems to me that nothing has been omitted from the control of the Government. That is one feature that, while it was intended to cure the defect of discrimination, does have in it a weakness, as I see it.

There was a feature in the bill as previously presented that is not so prominent in this one, but it is still contained in it, as I see it. I refer to putting of the Government in the business of buying and selling. There has been an effort made to show that that is not the case, but on examination, paragraph (d), on page 12, and also paragraph (e), on page 12, there is no doubt, in my mind, that the Government is to enter into agreements with marketing associations that will put it in the position of party of the first part, and in reality give it control of buying and selling. The previous bill, I think, was clearly a price-fixing measure, although its author questioned that it was, and other proponents of the bill also rather denied that it was of that character, I will say to my friend the Senator from Oregon [Mr. McNARY], who has been very fair in his presentation of the bill, and who, as I know, has worked assiduously in attempting to frame a bill for which we all could vote, that I think, while on page 12 a statement is made to the effect that prices shall not be fixed, yet price fixing is involved. This is the language to which I refer:

> The price at which a surplus or any part thereof is to be purchased or disposed of under any marketing agreement shall not be fixed in such agreement, but all such purchases and disposals shall be made subject to the prevailing competitive conditions of the markets in which they occur.

There is a statement which on its face seems to negative the charge that this is a price fixing bill; it states that the price will not be fixed; but when we reach the question of how losses are to be made up, we find this language:

> SEC. 8. (a) In order to carry out marketing and nonpremium insurance agreements in respect of any agricultural commodity without loss to the revolving fund, each marketed unit of such agricultural commodity shall, throughout any marketing period in respect of such commodity, contribute ratably its equitable share of the losses, costs, and charges.

Costs and charges may be easily determined; there is no doubt about that; but losses immediately become an indeterminate factor, and I can not understand how the Government agency can be responsible for making up the losses unless it knows something about the price at which a commodity is purchased and the price at which it is sold. If the agency is both the purchaser and the seller, then, certainly the price is fixed when the purchase is made. That point, I think my friend must admit, is in the bill. Otherwise the losses could not be estimated.

Mr. McNARY. Mr. President, will the Senator from Ohio yield to me?

Mr. FESS. I yield to the Senator.

Mr. McNARY. Clearly in this measure there is no price fixing in language or in purpose. However, Mr. President, it must be admitted, if the board determines to enter into the marketing of products with cooperative organizations, for the purpose of stabilization, and removes from the domestic market the surplus, that which remains for domestic consumption would naturally go to the top of the tariff wall; that would be the economic effect of supply and demand when the surplus is removed. If making the tariff effective may be called price fixing, then all our legislation with respect to the tariff is price fixing; and one of the purposes of the bill is to make the tariff effective as to agriculture.

When the board undertakes through cooperative organizations to acquire the surplus and relieve the depression in the price level thus caused, the price naturally will ascend to the point where the commodity is protected by the tariff wall. Any one who has knowledge of economic laws knows to that extent it is price influencing. If it is price fixing, it is making the tariff effective; and if the Senator has any objection to making the tariff effective as to agricultural products of which there is a surplus, then he is speaking on behalf of other industry and against the best interests of agriculture; and I do not think that is his position.

Mr. FESS. Mr. President, we have had experience with price fixing. We had such an experience during the war, and we want to forget it just as quickly as we can. Other countries have had similar experience. Brazil has had it in the case of the valorization of coffee, and the plan broke down. Great Britain had it up to last week in the price control of rubber, and that attempt broke down. In the case of various commodities of which certain countries have more or less of a monopoly, price fixing attempts have been made by the government, but in every case, so far as I know, the efforts have been abandoned.

Mr. BROOKHART. Mr. President——

Mr. FESS. I yield to my friend from Iowa.

Mr. BROOKHART. I should like to ask the Senator a question. While he says the undertakings to which he refers have broken down, have they not in each case brought prosperity to agriculture in the countries affected, or that part of agriculture which produced the particular commodities?

Mr. FESS. Temporarily that is always the case.

Mr. BROOKHART. Some temporary prosperity would feel very good to the farmer now.

Mr. FESS. I do not think that my good friend would agree that a momentary stimulus that would result in a period of nausea later on would be a good thing.

Mr. BROOKHART. The condition of agriculture could not be made worse.

Mr. FESS. In other words, medicine which will stimulate for a minute may ultimately kill the patient, and that is the thing we ought to avoid.

Mr. BROOKHART. Perhaps agriculture would get enough out of it to provide for decent burial; it is dead now.

Mr. FESS. I do not think the Senator is very sincere in that statement.

So much for the price-fixing idea. Now I want the attention of my friend the Senator from Oregon, the author of the bill, to paragraph f, page 13, which, if I understand it correctly, presents, I think, a serious problem. I read as follows:

(f) During a marketing period fixed by the board for any commodity, the board may enter into marketing agreements for the purchase, withholding, and disposal of the food products of such commodity, and all provisions of this section applicable to marketing agreements for the purchase, withholding, and disposal of a surplus of the commodity, shall apply to the agreements in respect of its food products.

This is the situation as it appears to me: The purpose of this measure, definitely stated, is to lift the domestic price to a plane that seems to be reasonable; in other words, we are hoping by this proposed legislation to prevent the price of American agricultural products descending to the level of the price in the world's market. If that be not the purpose of the measure, I do not understand it. In other words, economically it has been stated that the surplus determines the price of the home product; that if we have 800,000,000 bushels of wheat and can only consume here at home 600,000,000 bushels, the surplus of 200,000,000 bushels will have to be sold elsewhere than in the home market; and if the price at which that surplus is sold is lower than what is reasonable here at home, it will bring the home price down to what that price is. We are trying to avoid that. That, I understand, is the purpose of this legislation.

If that be true, if we want to maintain the home price above the level of the world price, and this measure is designed to do that, the purpose of the legislation is to keep up the price; and if our purpose is to keep up the price and the proposed legislation extends to food products the same as to raw materials, then the effort to maintain the price of wheat will apply to the food products of wheat; it will to flour and also to bread. If the purpose of paragraph (f) is to apply the proposed legislation to food products, then we are here legislating to maintain the price of flour in the hands of the miller, for wheat is not flour until it gets to the miller, and we are undertaking to maintain the price of bread in the hands of the baker, for flour is not bread until it reaches the baker. So I am forced to the conclusion that in most specific language this measure proposes to authorize the Government to maintain the price of flour for the miller and bread for the baker. I do not think that the miller or the baker has any claim upon the Government to maintain a price above what the competitive conditions establish. If competitive conditions will operate, then this is unnecessary. So it is a serious problem with me if I am called upon to legislate to maintain above a certain level the price of food products when it is a guaranty only to the people who do not need the guaranty, and at the expense of the ultimate consumer.

I read that again:

During a marketing period fixed by the board for any commodity—

That is wheat—

the board may enter into marketing agreements for the purchase, withholding, and disposal of the food products—

That is pork. The food product of hogs is pork; and if the Government is maintaining the price of pork, it is supporting the packers, for it is not pork until the packers get through with it; and we are called upon here to legislate to maintain the price of the food that we use on behalf of the processors, who are the millers and the packers. I will not vote for a measure that will include that.

Mr. BROOKHART. Mr. President, I think the Senator's observation is very well timed. There is merit in it.

Mr. FESS. If I am wrong, I want it pointed out.

Mr. BROOKHART. But I want to call the Senator's attention to the amendment I have offered, in which the cost of production plus 5 per cent profit price is paid to the farmer himself; and when these products are bought from the packers they are only bought on the condition that the packers will pay the cost of production with 5 per cent capital return added.

Mr. FESS. Does the Senator think he has an amendment that will cure that?

Mr. BROOKHART. I think so. I think my amendment cures it. My amendment has not any support yet. I do not know whether it is a substitute——

Mr. FESS. Certainly my interpretation of this paragraph is not wrong.

Mr. BROOKHART. I think the Senator is correct in that interpretation.

Mr. McNARY. Mr. President, this is the same argument that the Senator made last year, with which I wholly disagreed. There are two or three amendments pending that may clarify the situation, which I shall discuss at the present time.

Mr. FESS. I want the Senator to understand that I am not squeamish about the thing. I am trying to get at it, and the Senator knows that I have been very anxious that we might get a bill we could all support.

Mr. SHIPSTEAD. Mr. President, the Senator realizes that we can not buy hogs to affect the price of hogs or the price of pork. This board can not buy hogs.

Mr. FESS. The board is not doing anything. The board is making agreements with certain associations to do it; and the Government itself, speaking through the board, is the party of the first part and becomes responsible for it. That is one objection that I have to the bill. If the bill left it to voluntary marketing associations, I would vote for it; but it does not do that. The proponents of the bill say that that would not be effective; that the only way to do it is to put the Government back of it. My good friend from Idaho [Mr. GOODING] takes that view and the proponents of this bill take that view. That is not economic, and it is not necessary.

Mr. SHIPSTEAD. If the Senator will permit me, if the economics of the bill is correct at all, if it is to affect the price of hogs, it must be reflected through the price of pork. If you are going to take pork off the market in order to raise the price of hogs, you can keep pork. You can not keep hogs, because they will eat so much that you can not afford to keep them. A hog must be sold and slaughtered when he is ready to go to the slaughtering pen. You can not buy up hogs and store them away.

Mr. FESS. Does the Senator think that it is ever necessary to buy pork and withhold it from the market in order to keep up the price? Is not the price of pork high enough? Is there any reason in the world why great organizations like the packers, which sell the great majority of pounds of pork, should be protected by Government decree?

Mr. SHIPSTEAD. I am not talking about the packers. I am talking about the price of hogs.

Mr. FESS. The Senator is talking about the food product of hogs.

Mr. SHIPSTEAD. And we are exporting pork all the time.

Mr. FESS. Who is exporting pork?

Mr. SHIPSTEAD. The United States.

Mr. FESS. Yes; the packers are.

Mr. SHIPSTEAD. Yes.

Mr. FESS. That is the point. If the Senator wants to do that, all right. I do not.

Mr. SHIPSTEAD. Does the Senator claim that the price of pork has nothing to do with the price of hogs?

Mr. FESS. Oh, certainly; the price of hogs has most to do with the price of pork.

Mr. SHIPSTEAD. What I am trying to find out is how the Senator is going to apply this bill unless he finds it necessary to buy pork.

Mr. FESS. I should be perfectly willing to vote for a measure that gives the marketing associations the power to withhold from the market the stock they buy.

Mr. SHIPSTEAD. The hogs?

Mr. FESS. Yes; the livestock and wheat, and so on.

Mr. SHIPSTEAD. You can hold wheat from the market, but you can not hold cattle and hogs from the market.

Mr. FESS. Why not?

Mr. SHIPSTEAD. Because they will eat you out of your place. When they are ready to be slaughtered they must be slaughtered. You can not keep them all winter.

Mr. FESS. Certainly; but an association can maintain hogs as well as the raiser of hogs can, can it not?

Mr. SHIPSTEAD. Wheat does not eat; but hogs and cattle eat, and you can not afford to keep them.

Mr. FESS. That is a very remarkable discovery that the Senator has made.

Mr. SHIPSTEAD. The Senator from Ohio evidently finds this a new idea. It is remarkable to the Senator from Ohio, and that is why I find it necessary to tell him that he can not keep hogs and cattle beyond a certain period of time, because they will eat.

Mr. FESS. The Senator from Minnesota has never lived on a farm. He does not know anything about what he is talking about. I lived on a farm. I know that when you market hogs it does not necessarily mean that you have to have a fixed date. I admit that after you have gotten them to the marketing stage it is better to put them off, of course.

Mr. SHIPSTEAD. You have to.

Mr. FESS. You do not have to. You can sell a hog that is 9 months old, or you can sell one that is 12 months old, or you can sell one that is 15 months old, or you can sell one that is 2 years old. You can sell a calf when it is a calf, or you can sell it when it is a year old, or you can sell it when it is 2 years old, or you can sell it when it is 3 years old.

Mr. SHIPSTEAD. Yes.

Mr. BROOKHART. When they have eaten up all your money, and you can not borrow any more at the bank, you have to sell them.

Mr. FESS. My friend from Iowa knows that what I am saying is true. The Senator from Minnesota does not, but the Senator from Iowa does know.

Mr. SHIPSTEAD. Let me make just one observation to the Senator from Ohio.

Mr. FESS. All right.

Mr. SHIPSTEAD. He can keep a steer for 20 years if he has a big enough bank account to buy the food for him. Of course he does not have to sell.

Mr. FESS. When is the marketable time for cattle?

Mr. SHIPSTEAD. When they are finished.

Mr. FESS. When are they finished?

Mr. SHIPSTEAD. You can ask any boy on the farm and he will tell you.

Mr. FESS. But the Senator can not tell me.

Mr. SHIPSTEAD. Yes; I can tell the Senator.

Mr. FESS. No; the Senator can not.

Mr. SHIPSTEAD. I am sure the Senator does not take his own question seriously.

Mr. FESS. Yes; the Senator does. The Senator from Minnesota has an idea that the Senator from Ohio knows nothing about the farm. He is assuming that because the Senator from Ohio at one time left the farm to do some professional work; but I want to say to my friend that the people who refer to these Senators as "high-hatters" do not know what they are talking about.

Mr. SHIPSTEAD. I would never accuse the Senator of that. I am only accusing the Senator of assuming some things when there is no basis for the assumption.

Mr. FESS. I do not want to take the time of the Senate unduly. I decided just to make a brief statement, but I see that I am going to get into this thing, and I do not want to.

Mr. President, as I stated before, if the operations of this bill were limited to the marketing associations, I would vote for it. There would be one or two amendments that I should like to offer, but if they were not adopted it would not be serious. I should be willing to vote for the bill without them. The bill carries another feature that is compulsory, however, and that is not only objectionable on the ground that it is unworkable but it is objectionable on the ground that I do not believe it will ever pass the Supreme Court of the United States.

Mr. McNARY. What is that?

Mr. FESS. That is the equalization fee.

Mr. BROOKHART. Mr. President, will the Senator yield before he passes to the discussion of the equalization fee?

Mr. FESS. I will.

Mr. BROOKHART. The Senator mentioned the fact that he was opposed to the Government getting behind these cooperative associations. As I remember, the Senator voted for the Esch-Cummins railroad bill.

Mr. FESS. Yes.

Mr. BROOKHART. In that bill the Government not only got behind the return of the railroads——

Mr. FESS. Only for six months.

Mr. BROOKHART. Well, it did it for six months, and that cost us $529,000,000. If I could get that much, I could start a pretty big export corporation.

Mr. FESS. There ought to be some clarification here. The Government had held the roads for about 26 months under an agreement that when they were returned they would be returned in as good condition as when they were taken over; and when we passed them back under private control we did write in the bill a provision for a guaranty up to six months.

Mr. BROOKHART. But that was not returning the roads in as good condition as they were. It was over and above that. It was paying war-time profits to the roads for that six months, and it cost us $529,000,000.

Mr. FESS. It was stated, however, that the roads would be the loser in the transaction, and I assumed that they were; but when it comes to the transportation act of 1920, outside of the six months, the Government is not back of any guaranty, as the Senator knows.

Mr. BROOKHART. Not out of the Treasury; but the Government wrote into the law rules for valuation, and then it wrote into the law a command to the Interstate Commerce Commission to give them a rate of return on the people of the country of 5¾ per cent.

Mr. FESS. Oh, no; oh, no! It just expressed an opinion; and the commission has never done that.

Mr. BROOKHART. The law says that it shall do it.

Mr. FESS. The commission has never done it.

Mr. BROOKHART. It has tried to do it.

Mr. FESS. If it were a guaranty, then the Government would have to make it up, as it never has and never will.

Mr. BROOKHART. It is not a guaranty out of the Treasury, of course, but it is a guaranty out of the people's pockets.

Mr. FESS. The Senator and I do not agree at all on that item, as is very apparent. The railroads are a public utility and perform a public function and are therefore subject to Government regulation. The railroads are not regulated to increase the cost to the public. The railroads are regulated to keep down the cost to the public. Here is legislation that touches subjects not public, and the purpose is to elevate the price.

Mr. BROOKHART. Let me ask the Senator, did not the Government regard farm products as a public utility, and did not the Government take over wheat and make a profit out of wheat?

Mr. FESS. No; the Government did not regard it as a public utility at all.

Mr. BROOKHART. It took it over, the same as it did the railroads, and it fixed prices of nearly everything else, so that they were practically determined by Government regulation.

Mr. FESS. As the Senators knows, that was purely an emergency measure, in war time, not because it was the subject of legislation, but it was a protective measure on the part of the Government.

Mr. BROOKHART. After the war was over we proceeded to guaranty for six months the profits to the railroads out of the Treasury.

Mr. FESS. That was to keep our contract with the railroads.

Mr. BROOKHART. That was not provided in the act taking over the roads.

Mr. FESS. We could talk until doomsday, and the Senator from Iowa and I would never approach one another on that question.

I want to present a situation now which I think obtains in regard to this bill that is very objectionable. If we operate the equalization fee on corn, in order to maintain a price higher than that in the world market, then we will have corn raised in America, fed to American hogs, at a certain price, and sold under the direction of the board to Canada at the world price, which would be lower. Otherwise there is nothing to it. The lower-priced American corn sold to Canada would be fed in Canada to hogs, and be marketed in the same market where American hogs are marketed. I think that is wholly unfair, and it seems to me it will work havoc when we come to see its operation.

Mr. BROOKHART. In regard to that, in the first place, there is a tariff on corn of only 15 cents a bushel. If we can raise corn under the tariff there is not much relief. By an amendment I have offered to this bill we propose to try to improve the world market for corn, as the Canadians have improved the world market for wheat.

Mr. FESS. I have not examined the Senator's amendment, but I shall be glad to study it. The feature to which I have just referred is inequitable, unjust, and will prove itself rather harmful to the American hog raisers.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. WHEELER. If the tariff on corn were effective, then, at the present time, the Canadian farmer would be able to buy his corn cheaper than it could be bought in America, would he not?

Mr. FESS. Buy it from other countries?

Mr. WHEELER. Yes.

Mr. FESS. Yes.

Mr. WHEELER. So that would not alter the situation, really, as far as the Canadian hog raiser is concerned.

Mr. FESS. No; other than this: That corn raised in the United States would be sold on the same plane with the corn raised in other countries from which Canada would buy. My only point was that you are making a discrimination against the man who feeds high-priced corn in the United States, in favor of the man who feeds the lower-priced corn in Canada.

Mr. WHEELER. But if the tariff on corn is of any benefit to the farmer, it would have exactly that effect at present.

Mr. FESS. The Senator knows the tariff does not apply to exports. The tariff is applicable only to imports, and we

are talking about exports to Canada. If that is not true, then there is nothing in the bill.

Mr. GOODING. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. GOODING. Surely we are going to raise the price of American corn to Canada. There is no doubt about that. We do not export corn, to commence with, or so little that it amounts to nothing at all. It is not in the class of wheat or hogs at all. It is an entirely different proposition.

Mr. FESS. Then in the name of common sense, if we do not export corn, why apply the equalization fee to corn?

Mr. BROOKHART. Because we export corn through hogs. That is the reason. Canada will not buy any cheaper corn.

Mr. FESS. Mr. President, this is a fine illustration of the remarkable acumen of the Senator from Idaho. He wants to place the equalization fee upon corn in order to lift the American price above the world price in the markets to which we export corn, and then turns about and says we do not export any corn. Then why should we apply the equalization fee to it?

Mr. BROOKHART. We do export corn, but it is a small proportion of the yield.

Mr. FESS. In reference to the equalization fee, I hold that the equalization fee is not workable. I am perfectly frank in saying that the theory of the equalization fee is good. If it could be worked, and were constitutional, it would seem sound economically, for the theory is that if you have legislation on behalf of the producer, to save him from losses, then whatever loss the producer will suffer ought to come from the persons benefited by the law. I think that is equitable, and if it would work it would be economical; but I do not think it would work at all.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. BORAH I can not agree with the last statement of the Senator. One of my objections to this bill is that the proponents have singled out the farmer and imposed upon him an equalization fee in order that he may get what is said to be the other end of the protective tariff, while the manufacturer gets his protection without any fee at all.

Mr. FESS. That is true. What I had in mind was that the theory is that this legislation is on behalf of the producer. If any loss comes to the producer from selling at a lower price in the export market, that loss ought to be suffered by the man who is benefited by the law. That is what I meant, that if this could be done, it ought to be done; but I agree with the Senator that it is singling out one enterprise of the country and not applying to others.

Mr. BORAH. At the present time the farmer is paying about one-third of his income less other expenses to meet his taxes, a proportion which no other industry in the country approaches. And at the same time there is to be added a special burden in addition to his already disproportionate tax before he can have remedial legislation.

Mr. FESS. And he can not add it to his price.

Mr. BORAH. And it is a fact that the taxes are increasing about every 10 years sufficiently to take all the possible profits that he can make out of his crops.

Mr. FESS. That is true.

Mr. BORAH. What I can not understand—and I say this in the utmost good faith—is why it is not perfectly just and equitable to make an appropriation for the purpose of testing the value of this experiment. Who else comes to Congress asking for remedial legislation and is told that they must be especially charged for it? Would the Senator support an appropriation for the purpose of determining whether or not the theory upon which the marketing agreement rests is sound?

Mr. FESS. I think I would not.

Mr. WHEELER. The question raised with me would be as to the constitutionality of the proposition.

Mr. FESS. I doubt very much whether that would be constitutional.

Mr. BORAH. I know that question has been raised, but I would like to have somebody show me an authority where the Congress of the United States has ever been called to order by the Supreme Court of the United States for making a general appropriation for what it conceived to be in the public interest.

Mr. GOODING. Mr. President, will the Senator from Ohio let me clear up a little my remarks on not exporting corn?

Mr. FESS. Yes; I yield.

Mr. GOODING. I think it is generally conceded that we export so little that it is not considered a factor, as far as that is concerned, in the 3,000,000,000 bushels we produce.

Mr. FESS. I think the Senator is right in that.

Mr. GOODING. The corn people do not expect to get any benefit from the export of corn. It comes through the hogs. We feed all of our corn, practically, to the hog in America, and there comes the farmer's benefit. Unless he can get a benefit in that way we can not help the corn producers at all.

Mr. FESS. I oppose the equalization fee, and could not vote for any bill that has the equalization fee in it; first, because I think without doubt it is not constitutional, and there is no question about the bill getting before the Supreme Court in due time if it becomes a law. Of course, a lot of people say: "That is not for us to determine. Let it be passed, and let it go to the Supreme Court." I do not believe that is quite the level on which we ought to place legislation in the Senate.

Then I am quite confident that it is not workable, for if you are to apply the equalization fee you must make it applicable to all. You can not make fowl of one and fish of the other. In order to operate it you will have to build up a bureau, which I fear will cost more to manage than will be the profit to come to the people who are beneficiaries of the law.

I know it is stated here that it is to be collected through transportation or through the processor or through the purchaser. Then if that be true—and I assume it would be—you can not leave it to the word of the thousands of purchasers or processors or transporters as to whether it is paid or not. If you do not have this Government function administered by a Government bureau, it will be wholly unworkable, and if you handle it by a Government bureau, then the price that will be paid to the bureau to operate it will be undoubtedly large in proportion to what will be saved as a benefit to the producer.

Not only that, but the whole thing is a guess, nothing more than a guess. The board under the bill will before this is to become operative estimate for any commodity what the probable losses will be. How on earth can anybody estimate what the probable losses will be on any crop before the crop is marketed? If you are going to make it a mere guess, how are you going to finance it? The bill says that these marketing associations can be financed out of the stabilization fund without the payment of interest. That means that there is no limit to the stabilization fund. There is a limit in that the bill provides it shall not exceed the revolving fund, which is $250,000,000. But if in the operation of this bill we find that the original authorization of $250,000,000 is not sufficient to operate it and there is a demand on Congress to increase the authorization what will be the outcome of it?

There is no limit as to what we will be called upon to appropriate in order to operate this bill.

Mr. BORAH. Mr. President, my friend, the Senator from Montana, was of the opinion a moment ago that the proposition which I suggested would be unconstitutional. I want to ask, Is not that principle in the bill now? We are now asked to make an appropriation of $250,000,000.

Mr. WHEELER. That is in the nature of a loan; that is not in the nature of a direct appropriation to be turned over to pay the farmer something.

Mr. BORAH. How can you take something out of the Treasury of the United States and loan it to private individuals for the purpose of carrying on business any more than you can make a direct appropriation out of the Treasury for their benefit? I think the same principle is in this bill. I do not say that renders the bill unconstitutional. I do not contend that it does, because in my opinion the courts have gone so far in sustaining the action of Congress in regard to those things that I do not think it vulnerable to a constitutional question, but the same principle is here now that would be in the other proposition.

Mr. WHEELER. If the Senator will pardon me——

Mr. FESS. I would like to have the Senator's opinion on another matter that I will call his attention to, which suggested the question of the Senator from Montana.

Mr. WHEELER. The impression I meant to convey was that the opponents of the bill are now contending that even a loan to the farmer is unconstitutional. That is one of their objections to it. The Senator from Idaho says that instead of lending money and having them pay it back by an equalization fee, why not just appropriate the money out of the Treasury of the United States and give it to them? The purpose of the equalization fee is to get away from that very thing. As far as I am personally concerned, I am sure that I would support the Senator's suggestion if it could be carried out, but I am sure you would get no place in the Senate with a proposal for a direct appropriation of money that was never to be paid back.

Mr. BORAH. Upon what theory could the Senate discriminate with reference to the appropriation in the face of the multitude

of appropriations which it is constantly making in the same line of action?

Mr. WHEELER. I think the Senator is absolutely right on the proposition that we are constantly appropriating money, but there is no one that rises in the Senate and raises his voice to say that "the appropriation for this thing or that thing is unconstitutional." But it seems that when the question of agriculture comes up and we seek to appropriate money for that purpose every lawyer gets up and immediately says the proposition is unconstitutional. We authorized the other day, for instance, an appropriation of money running into the millions for flood relief. No one ever even looked into the constitutionality of the question, and we passed it by without even giving it a serious thought.

Mr. GOODING, Mr. SHORTRIDGE, and Mr. TYDINGS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and if so, to whom?

Mr. FESS. Mr. President, I should like to claim the floor just a moment in my own behalf, and then I shall be glad to yield.

I call attention to a statement of the Senator from Montana [Mr. WHEELER] in reply to a question of the Senator from Idaho [Mr. BORAH]. There is a provision in section 10 of the bill called the insurance provision. I ask the Senator's attention to whether this is a loan or not. The insurance is an obligation to insure the associations against a loss by being compelled to sell what they buy at a lower price than they paid for it when it was delivered. That has been one of the big questions. If marketing associations go out at harvest time and buy up at a price they decide upon and then ultimately a slump comes and the market price is below what they paid and no chance exists for them to get a higher price, there is an inevitable loss. Section 10 of the bill is to insure against that loss.

Mr. TYDINGS. Mr. President, will the Senator yield right at that point?

Mr. FESS. Not now. There is a stabilization fund created in the bill. That is made up first by advances from a revolving fund in the way of a loan; secondly, by repayment of those advances; and, third, by the fees assessed through the equalization-fee plan. The only item that makes it revolve or self-supporting would be the fee paid under the equalization-fee plan. That is paid by the producer. But the provision for insurance is applicable to both premium members and nonpremium members. Let me read it. I want the Senator's attention to this, because it is extremely important. It reads as follows:

(c) Whenever in the judgment of the board the use of such insurance agreements in respect of any commodity will stabilize the market substantially in the interest of the producers of the commodity, whether or not members of a cooperative association dealing in the commodity, then the board, during the continuance of any marketing period for the commodity as provided in section 7, may enter into nonpremium, or if the board deems it advisable, premium insurance agreements with cooperative associations dealing in the commodity. Whenever in the judgment of the board the use of such insurance agreements will not so stabilize the market, then the board may enter into premium insurance agreements only with the cooperative associations.

So that the premiums paid by the owner who insures will create a fund out of which can be paid all losses. It is an insurance. It applies not only to the member of the association who pays the premium, but there is a provision for nonpremium insurance. There is no possibility of a fund created in the insurance when the person pays no premium. Now what will be done?

Payments required under nonpremium insurance agreements in respect of any commodity shall be made out of the stabilization fund for the commodity.

Here is a provision in the bill that assesses upon every producer nonmember of the association to support the association in order that the association may be able to go on with the contract. It is identical to assessing a fee upon every laboring man in the country to support a union of which he is not a member. While I believe in labor unions and believe in the membership of a labor union supporting the union, I never could be brought to believe that it is justice to assess any fee upon those who do not belong to the union to support the union. Neither do I believe that a producer not belonging to an association can properly be assessed to maintain the association. That should be limited to members of the association. Such a provision is in the bill, and that is not a loan. That is a payment out of the stabilization fund. How do we create the stabilization fund? By loan from the revolving fund and the fees that come in from the equalization fee; and yet we take it out of that fund to pay the nonpremium insurance.

I yield now to the Senator from Maryland.

Mr. TYDINGS. The Senator from Idaho just a moment ago asked for some case showing the Supreme Court limitation on appropriations made by Congress. I would like to refer the Senator to the case of Dobbins *v.* the Commissioners of Erie County (16 Pet. pp. 448–449), where Justice Wayne, delivering the unanimous opinion of the court, said in the opinion:

The revenue of the United States is intended by the Constitution to pay the debts and provide for the common defense and general welfare of the United States; to be expended, in particular, in carrying into effect the laws made to execute all the express powers, "and all other powers vested by the Constitution in the Government of the United States."

Again Chief Justice Chase, delivering the opinion of the court in the case of Veazie Bank *v.* Fenno (8 Wall. 541, U. S. Repts.), said:

There are, indeed, certain virtual limitations arising from the principles of the Constitution itself. It would undoubtedly be an abuse of power is so exercised as to impair the separate existence and independent self-government of the States, or if exercised for ends inconsistent with the limited grants of power in the Constitution.

There are paragraphs from the opinion of the court in those two cases, and in each case the court has held that Congress must be bound by the express grant of power in the Constitution in the appropriation of money. I simply present them as something along the line suggested by the Senator.

Mr. BORAH. I am familiar with that general rule which the courts have announced from time to time, but the instances in which the Congress of the United States has appropriated money outside of what the Senator assumes to be the rule there laid down, are very numerous.

Mr. TYDINGS. Yes; I know that to be true.

Mr. BORAH. The fact is that when we come to analyze the decisions upon the facts, there is practically no limit if the Congress is acting within what the Congress deems to be the public welfare.

Mr. TYDINGS. But as limited by the express power.

Mr. BORAH. What is the express power? What is the provision of the Constitution which would prevent our appropriating $500,000,000 with a view to trying to settle the agricultural problem, which is called a farm problem, but is not a farm problem? It is a national problem involving the welfare of every man, woman, and child in the United States, whether in the city or on the farm, a matter just as important for the preservation of prosperity and the economic welfare of the United States as any other proposition that comes before us. It is a great national problem, affecting the whole people, and there are both precedents and law for an appropriation to meet the problem.

Mr. TYDINGS. That is true as an abstract proposition. I could conceive of how Congress could fix in such a way the equalization fee that the court could very well hold that it was an abuse of the express power outlined in the Constitution; that we were not to finance groups or individuals in this manner. It certainly is an innovation in American Government to have an equalization fee incorporated in a bill with the sanction of Congress.

Mr. BORAH. I am not arguing for the equalization fee. I want to eliminate it and make a direct appropriation for the benefit of the American farmer and so solve the problem. Under every test we could possibly have applied it is a national problem of national concern, and in my opinion there are numerous decisions which would sustain it. Not long since we went to the extent of appropriating $20,000,000 or $40,000,000, I have forgotten which, for the farmers of Russia.

Mr. TYDINGS. But that question was not carried to the Supreme Court of the United States. I think if it had been carried there it would have been held to be a grant without any authority in the Constitution.

Mr. BORAH. Of course, I do not regard this matter as being important, because the bill is made up and those who are supporting it believe in its principles and are advocating it; but if it were simply a question of whether we had the power to appropriate the money for this purpose, I think I could satisfy the Senator, upon decisions of the Supreme Court, that we have the power.

Mr. TYDINGS. I do not question that. I did not mean that we might not make a direct appropriation for the benefit of agriculture. I agree with the Senator thoroughly, but I do think we can make an appropriation through the equalization fee in such a manner that the constitutionality of our act

would be very much questioned. I think we could appropriate this sum of money for the benefit of agriculture. We certainly have that authority under the Constitution, because it is expressly granted therein; but I can also conceive how we might fix it in the form of a tax, and the Supreme Court has said the taxing power of the Congress must be within the limits of the express authority of the Constitution.

Mr. BORAH. I have my opinion about the constitutionality of the equalization fee, but I am not going to discuss the question of constitutionality now. I did that once before and with about the same effect that it would have now. I do not contend that the equalization fee is constitutional. I have not changed my view upon that point. But the minute that we make a general appropriation for this purpose we eliminate, in my judgment, every constitutional question which can be raised as to the bill save the one of making a general appropriation for this purpose, and in my opinion plenty of authorities can be shown to sustain that purpose.

Mr. TYDINGS. I agree with the Senator in that. I thank the Senator from Ohio for giving me an opportunity to insert in the RECORD the two paragraphs from the opinions of the Supreme Court.

Mr. FESS. I am very glad the Senator made the contribution.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Alabama?

Mr. FESS. I yield.

Mr. HEFLIN. If I understood the Senator from Ohio, he would support a measure which would supply a revolving fund to which the farmers could have access, but eliminating the equalization fee.

Mr. FESS. My position is that the problem could be solved through marketing associations. I would be very willing to support any measure providing for an authorization of sufficient money to finance the cooperative associations, enabling them to take off the market, for the time being, the product that gluts the market, because it is thrown on it all at once.

Mr. HEFLIN. When this measure was before the Senate on another occasion, I gave one of the reasons the Senator now states as my reason for opposing the bill, that the members of an association had no right to tax those not in the association to raise money to pay for its control of all the producers.

Mr. FESS. I agree with the Senator.

I did not intend to speak at any length at all, other than just to make a statement of why I could not vote for the bill. I have been led into more or less desultary remarks that I did not intend to utter.

I would support any measure that provided for the handling of the surplus through marketing associations, assisted by the Government; but I do not want the Government to do it as a government; I want the associations to do it. I should be perfectly willing that the associations should be financed through loans from the Government just as farmers are financed through the farm-land banks. Such a plan would not put the Government into the actual buying and selling business.

But this bill goes further than that. Not only does it embrace the equalization fee, which is wholly objectionable to me. but it contains the insurance feature. If limited to the members of associations, I should not oppose at all that feature of the measure, but when it is extended to nonmembers that seems to me absolutely impossible, un-American, inequitable, and unjust from every standpoint.

Mr. BROOKHART. Mr. President——

Mr. FESS. I yield to the Senator from Iowa.

Mr. BROOKHART. The Senator from Ohio is willing to support a proposal to provide Government aid to handle the exportable surplus. That amounts to about $2,000,000,000 a year in the form in which it is exported. Is the Senator willing to vote for a sufficiently large appropriation to meet such a situation so that it will surely be financed?

Mr. FESS. Certainly I can not imagine that the amount would be anything like the figure which the Senator suggests; I do not think there is any possibility of that, because all it would be necessary to do would be to take the surplus off the market, if we knew what it was.

Mr. BROOKHART. The surplus, as I have stated, amounts to about $2,000,000,000 a year.

Mr. FESS. The Senator knows that in so doing cash down would not be required, nor would it be necessary to purchase all of the surplus.

Mr. BROOKHART. Take the surplus of cotton. If the surplus cotton should be purchased and dumped at once on the world market that would ruin the world market. If, having 60 or 65 per cent of the world's exportable cotton, we should hold it, we would control the world market, and would have no loss, but it would take much more capital to hold it.

Mr. FESS. There was one thing stated by the author of the bill, which was one of the strongest points he made for it, to the effect that the operation of the equalization fee would limit production—that it would regulate production. In other words, the equalization fee, in a sense, is a penalty, for it would not be operative unless there was a surplus; and the greater the surplus the more necessary the operation, and, therefore, if the penalty should be applied to the surplus it would have a tendency to reduce the surplus. I do not believe that argument is strong. I can see the basis of it, but I think the result will be a disappointment to my friends. I feel absolutely certain that if we go into any sort of guaranty, whether it be through an equalization fee or not, the one direct, inevitable result will be to increase the surplus instead of decreasing it; and if the surplus is the problem, then the one thing we ought to avoid is increasing it; we should decrease it.

The marketing associations would have the effect, I think, of limiting production; they would temper the amount of production upon the theory that if there should be a loss the farmer himself, who would operate the marketing associations, would suffer it, and he himself would be the cause of it. Therefore farmers speaking to the producers would have much more effect than for the Government to speak to the producers, as everyone must admit.

Mr. GOODING. Mr. President, the Senator from Ohio, of course, agrees that there is a farm problem?

Mr. FESS. Yes; indeed there is.

Mr. GOODING. And that we can not help the farmer unless we shall increase his prices. I agree with the Senator so far as he goes in relation to marketing, but he does not go far enough.

Mr. FESS. There is where I differ from the Senator.

Mr. GOODING. Without an equalization fee or without something that will raise the price to the farmer and give him the American price for the American cost of production he can not be helped at all.

Mr. FESS. Mr. President, the Senator from Idaho takes the view that the marketing associations can not solve the problem. I differ from the Senator as to that. If the marketing associations shall be financed by the Government, and supplied with capital, they can handle the problem. The only reason why heretofore they have not been able to handle the problem is that the associations could not be financed; they could not get the capital. The minute that we shall make the associations furnish their own capital, then they have got to enter into a profit-making business, and farmers will not join when a profit is made out of it. However, on the other hand, if capital can be loaned to the associations, then there will not be any doubt about the associations taking care of the situation. The Senator wants to go beyond that. He says the associations will not do it; therefore that the Government must do it. There is where I differ from him. The Government must not do it. Otherwise we shall have the Government handling all products of the American farm; and I think that would be most dangerous. It would produce an acute situation.

Mr. GOODING. The farmer is not asking anything more in this proposed legislation than the Government has already given the manufacturer in the Webb-Pomerene Act—the right to sell cheaper abroad than he sells at home.

Mr. FESS. Oh, no.

Mr. GOODING. So far as the wheat grower especially is concerned, unless we shall give him the world's price plus the tariff on wheat, we can not help the wheat grower at all; and he is a big factor in agriculture.

Mr. FESS. There is no dispute but that there is a farm problem; we all agree to that; and all of us know how the farm problem came about. During the World War the price of everything went up. Since the war the organizations of industry have limited production within the demands of consumption. That has been due to management.

If we could apply that system to the farm we would solve this problem immediately. Whenever we produce, no matter what it is, beyond the needs of consumption, the price goes down. If we have an unlimited supply of potatoes, potatoes are a glut on the market; and the same thing applies to apples, and to all other commodities. The Senator who is gracing the Chair at the present moment [Mr. SHORTRIDGE in the chair] will recall, I believe, that the raisin industry furnished a very outstanding example of the number of carloads that could not be sold at all. If agriculture could follow the lead of the manufacturing industry and limit production to the demands of consumption, the price would be stabilized; but that can not be done. The Senator from Oregon has expressed the thought over and over again—and I think it has been conclusively demonstrated—that the production of the farmer can not be regulated as is done in the case of manufacturers.

Mr. GOODING. Mr. President——

Mr. FESS. Just a moment. I admit that is a difficult problem. I think we can temper it. The Senator from Idaho and those who are supporting the bill are attempting to temper it by the equalization fee.

The other element of cost is labor. Labor is organized; labor maintains itself on a high cost level. In the case of industry, when the manufacture of an article is limited according to consumption, and the price of labor is maintained at a high level the price of the article is stabilized on a high level, and that makes the farmer pay a high price for the manufactured commodities he buys. That is easily seen. The question has come to us, Should we forbid regulation of production? We all say no; that would be an unsafe procedure. The question also arises, Should we reduce the price of labor in order to lower the price of manufactured commodities? There is a universal agreement that well-paid labor is the soundest economy, for it means a great purchasing power, and purchasing power is the measure of prosperity. Therefore, steady employment at a high wage level is sound economically, and therefore there is no desire to reduce the wages of labor. That means that the commodities the farmer buys, generally speaking, due to these two factors, are on a high price level and can not be brought down. We ought, therefore, to bring up the price of the commodities produced by the farmer if we can do so. The way I think it should be done is to control the marketing and also the production in the degree that we can; hold the commodity off of the market, avoid a break in the price, and feed it only as the market can take it. Then prices will be kept up. However, I should never do that by the process proposed by this bill; first, because it is not necessary, as I see it. Agriculture does need Government aid, but only in financing the marketing. I want the marketing left in the hands of the farmer himself. I do not want the Government to take it out of the hands of the farmer.

If the Government should take production out of the control of the farmer, then we would be forced into the position that a Government agency might say to the farmer how much he shall sow.

If we should undertake such a process in the case of one industry, we would have to do it with all others. I think it is a most serious question. I will join with anybody in endeavoring to reach a solution of the problem on the basis of marketing; but I can not vote for the pending measure. It is a remedy that I think is worse than the disease. There are some elements new in it, but they are vicious The insurance provision will certainly have to come out, for I can not see any equity in it at all; and certainly the protection prices for the packer and for the miller is wholly unjustified, and that certainly will have to come out. If the equalization fee were taken out of the bill and the insurance feature were amended to apply only to members of associations, I would vote for it.

Mr. SIMMONS. Mr. President, when the Senator says that the provisions of the bill mentioned by him must come out, does he mean that they must come out or there will be a veto of the bill? Is that what the Senator means?

Mr. FESS. I do not have any right to speak for the Chief Executive.

Mr. SIMMONS. What does the Senator mean then when he says that the features of the bill mentioned by him must come out?

Mr. FESS. Because they will break down if the bill shall be put in operation. So far as I can give my opinion, Mr. President, as to whether or not this bill will be vetoed, I do not see how a man of the economic judgment of the President of the United States could sign it, and I would be the most surprised man in this Chamber if he should sign it, although I know nothing about his attitude, and have not talked with him on the subject at all.

Mr. WHEELER. Mr. President, if the Senator from Ohio is of that opinion, I am sure the President will veto it, because I know of no man on the floor of the Senate who has the confidence of the administration to a greater extent than has the Senator from Ohio.

Mr FESS. No; the Senator is not quite fair with me. I know the cordial good nature of the Senator, but he is not fair with me.

Mr. WHEELER. I think the Senator from Ohio is too modest.

Mr. FESS. The Senator from Montana is hardly fair. I am giving merely my own opinion, and it must stand for that and that only.

Mr. SIMMONS. When I asked the question of the Senator a few moments ago as to a matter of which he spoke with such certainty and emphasis I thought he must refer to a veto of the bill.

Mr. FESS. I had no such reference.

Mr. SIMMONS. I recognize the fact, of course, that he is more entitled to be considered the spokesman of the administration upon this bill, at any rate, than anybody else on the floor of the Senate.

Mr. FESS. My very good friend, for whom I have such high regard, would not do me an injustice, because I know his character.

Mr. SIMMONS. I am trying to pay the Senator the compliment of being the special and selected spokesman of the President. Does the Senator regard that as a reflection upon him?

Mr. FESS. Certainly the President has only the spokesman of the leader of this body, and that is our friend from Kansas [Mr. CURTIS].

Mr. MCKELLAR. But, Mr. President, if he did happen to veto the bill, it would spoil part of a mighty good keynote speech; would it not?

Mr. FESS. Oh, no; nobody is making up a keynote speech.

Mr. WHEELER. There will be nothing in the keynote speech with reference to farm legislation.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. FESS. I yield to my friend.

Mr. CARAWAY. If the Senator now disclaims having any authority to speak for the President, then he is not trying to impress the Senate with the danger of having the bill vetoed, is he?

Mr. FESS. No.

Mr. CARAWAY. That is just an expression of opinion?

Mr. FESS. Purely so.

Mr. CARAWAY. Does the Senator think that is any better guess than it was when the Senator was running the President for reelection?

Mr. FESS. That matter has been thrashed out here so often that I do not want to take it up again.

Mr. CARAWAY. I remember the Senator's statement about it.

Mr. FESS. I will say to the Senator from Arkansas that the attitude of the Executive on a matter of legislation has absolutely no effect upon a vote here. It has no more effect with the Senator from Ohio than with the Senator from Arkansas. I agree with the Senator from Arkansas that every bit of legislation thrashed out on this floor should be thrashed out with reference to the legislative department of the Government, with very little regard to what the Executive will do. That is my view of it.

Mr. CARAWAY. Then why should the Senator inject into this discussion his belief that the President would veto the bill if it were passed?

Mr. FESS. Not because I thought it would deter any vote, but because I was answering the Senator from North Carolina [Mr. SIMMONS]. I wanted to be perfectly respectful to my good friend.

Mr. CARAWAY. Oh, of course; but was the Senator trying to brace up the President?

Mr. FESS. Not in the least. He does not need any bracing.

Mr. CARAWAY. I thought he did for making him run again. I thought the Senator had spent all last summer trying to do that.

Mr. FESS. If he had decided to run——

Mr. CARAWAY. He would not ask the Senator from Ohio?

Mr. FESS. He would not ask the Senator from Ohio or any other Senator, and he would run so fast that the rest of us could not keep in front of him.

Mr. CARAWAY. If he would not pay any attention to the Senator, why did he go around so persistently nominating him?

Mr. WHEELER. He will nominate him before he gets through.

Mr. FESS. Has not the Senator from Ohio a right to have his own play if he desires to?

Mr. CARAWAY. Oh, if he is just playing, I have no objection.

Mr. FESS. That is what he is doing.

Mr. WHEELER. He has only been talking about nominating him heretofore, but he will actually do the job in Kansas City.

Mr. CARAWAY. He will do it by himself, then.

Mr. FESS. Mr. President, I shall have to exercise my authority as a Senator not to allow my good friends here to put too much in my speech that I do not want in it. I yield the floor.

Mr. BROOKHART. Mr. President, there are two or three propositions advanced by the distinguished Senator from Ohio

[Mr. FESS] in the conclusion of his argument that I should like to mention.

First, he says he would be in favor of loans to aid these cooperatives to settle this great surplus problem.

I want to call the Senator's attention to the fact that we authorized loans for that specific purpose in the War Finance Corporation. The managers told me that they were practically without limit; that there was no reason why they could not have loaned them a billion dollars, or perhaps $2,000,000,000, if necessary; and yet it did not solve the farm problem. It was made worse.

Then we turned around, and we established in the law another system of loans, the intermediate credit banks; and that law specifically authorized lending up to $600,000,000. That law is in force right now, and yet we all concede that we have this farm problem on hand. So, after experiences like that, I can not see any solution in merely going around and doing over again the same thing that has twice failed, and on such a great scale.

The Senator's next proposition is that we would get an overproduction of farm products, and our surplus would increase, and instead of settling the surplus problem we would make it worse. I hope the Senator will read the report of the National Industrial Conference Board on that proposition.

Mr. FESS. I have read it.

Mr. BROOKHART. That report shows distinctly that there is a progressive decline in the surplus, and that even if stimulated by a stabilization of prices and an increase of prices it will still gradually fade out, until perhaps 30 or 40 years from now we will have no surplus at all.

Mr. FESS. The Senator will agree that that report opposed this bill, will he not?

Mr. BROOKHART. Yes; I will agree that it was made by the enemies of the farmers. I will agree to that.

Mr. FESS. Would the Senator, in his opposition to a loan, cut out of the bill the loan provided for?

Mr. BROOKHART. No; there is one reason why I would have a loan in the bill, and why I have it in my substitute, and that is the same reason why it is put in the Federal land bank law. In my amendment I have required these cooperatives to subscribe for cooperative stock in this institution, exactly as the farmers were required to do the same thing as they took out loans in the Federal land banks.

Mr. FESS. I stated that I had not read the Senator's amendment.

Mr. BROOKHART. Ultimately, I hoped we would get enough of those organizations and cooperative stock subscriptions to repay the Government, and take the Government out of this business. I have only contemplated doing this temporarily, until we could organize these cooperatives strongly enough and efficiently enough to handle the proposition and take it over.

Mr. FESS. I should like to ask the Senator a question there.

Mr. BROOKHART. I shall be glad to yield.

Mr. FESS. Suppose the bill becomes a law, and is put into operation? Does the Senator think it will be temporary?

Mr. BROOKHART. Which bill?

Mr. FESS. The present bill.

Mr. BROOKHART. No. The present bill makes no provision for changing into a cooperative; but the substitute which I have offered does make such a provision, and I did not discuss that feature of it in my speech the other day.

Mr. BORAH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. BROOKHART. Yes.

Mr. BORAH. The Senator speaks about overproduction. I should like to ask the Senator if, in his judgment, the equalization fee can be so administered and utilized as to restrain overproduction?

Mr. BROOKHART. I think not. I think there is no difference between that and a direct appropriation.

Mr. BORAH. The reason why I ask that question is that I have understood that one of the serious objections to a direct appropriation as compared with an equalization fee was the belief that the administration of the equalization fee can be made effective to restrain overproduction, and I wanted to ask the Senator's opinion on that matter. I do not think so myself.

Mr. BROOKHART. That is provided in the bill by stopping operations on some article where they are producing too much. The board has to make a finding that they are overproducing, and I do not think this board would ever make any such finding.

Nobody can tell whether there would be overproduction in a year or not; and I think myself there is no regulation of this production by equalization fee. I think the growth of population is gradually regulating the surplus proposition, and I think in 25 or 30 or 40 years from now there will be no surplus problem in the United States; there will be no surplus; but, as I said the other day, I do not want to stay in bankruptcy 30 or 40 years.

Mr. FESS. The Senator means by that that the demand is going to increase more rapidly than the production?

Mr. BROOKHART. It is increasing more rapidly and has been for many years.

Mr. FESS. I agree with the Senator.

Mr. BROOKHART. The per capita production is steadily decreasing on practically everything all the time. It is a slow rate, but it is decreasing.

Mr. FESS. I believe that within a limited time we will be importing foodstuffs.

Mr. BROOKHART. We are importing an immense amount of certain foodstuffs now, a vast amount, almost as much as we are exporting; I do not remember exactly.

Mr. BORAH. We are now importing farm products to the amount of more than two billions and a half a year.

Mr. BROOKHART. That is more than we are exporting.

Mr. BORAH. Yes; it is.

Mr. BROOKHART. If the Senator is correct—and I have no doubt he is correct—part of that consists of things we can not produce, though a considerable portion of it we can produce.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Connecticut?

Mr. BROOKHART. I yield to the Senator.

Mr. McLEAN. I think we have had one short crop of wheat in the last 125 years. There has been a surplus every year for more than a century.

Mr. BROOKHART. Yes; but it was only eighty or ninety million bushels—a comparatively small amount.

Mr. McLEAN. Does the Senator think it would tend to decrease the surplus if we should enact a law that would enable all the wheat growers to produce wheat at a profit?

Mr. BROOKHART. As I said the other day, if we should enact such a law as to wheat alone, out in Iowa we would quit corn right away and go to wheat; and we can produce more wheat than anybody else. We have the best soil and the best chance to do it; but if you protect corn and livestock products, we would rather produce those than wheat. They are still more suitable to our soil and to our climate, and we will not go to wheat if you protect them all alike. That is what I have proposed to do in my amendment, and that is what the Senator from Oregon proposes to do in his bill.

Mr. McLEAN. But if you protect corn so that a profit will be insured, and protect wheat so that the growers of wheat are sure of a profit, and so on down the list, why will they not increase the acreage just as they did in war time? They increased the acreage on wheat 30,000,000 acres in war time.

Mr. FESS. Forty-five, was it not?

Mr. McLEAN. Thirty million.

Mr. FESS. Forty-five million all together.

Mr. BROOKHART. I have forgotten the figures; but they increased that acreage by reducing the pasturage, and reducing, therefore, the production of livestock——

Mr. McLEAN. Certainly.

Mr. BROOKHART. And switching from one to the other; but we propose in my amendment to this bill, to take care of all of these products alike that have an exportable surplus, so that there will be no occasion any longer to switch from one to the other.

Mr. McLEAN. The Senator knows that we could produce cotton and wheat and corn and all the other foodstuffs in this country in sufficient quantity to support twice the present population, and more, too, if there were any money in it.

Mr. BROOKHART. If there were enough farmers to do it, and if we had enough land, that could be done; but there is the National Industrial Conference Board's report, making an analysis of every product, and every item shows that the per capita production is declining every year. The population is growing considerably faster than agricultural production of the United States, and even the increased efficiency is offset, and everything else that goes to measure up the production of agricultural products is declining in proportion to the population of the United States.

Mr. McLEAN. That is very true; and so we perceive at once the difficulty of controlling the price of a product unless we can control the quantity produced and also the amount consumed. We must control both if we are to produce the desired result.

Mr. BROOKHART. Manufacturing is not doing that. It is controlling the surplus that it is exporting.

Mr. McLEAN. That may be true; but I think the Senator stated the other day that something like 40 per cent of the corporations in this country—and I take it most of them are manufacturing corporations—lost money last year.

Mr. BROOKHART. I said the condition was worse than that. I said that they lost money for the last five years, because the agricultural depression has at last reached up to the corporations, and they are now failing because there is no buying power in agriculture to keep them going.

Mr. McLEAN. They are failing because they can not sell their product, but they do not come to the Government to get aid. I do not say that because I would not like to see this problem solved.

Mr. BROOKHART. They do not come to the Government to get aid? Why, they are the first fellows to squeal for aid. They howl for a protective tariff louder than anybody howls; and they have always gotten it.

Mr. McLEAN. But the Government has never given them a tariff to raise the price of their surplus. If they have a surplus, they have to take care of it themselves. What you want to do is to put a bounty on surplus.

Mr. BROOKHART. I would have no objection to that. I can see how that might relieve the situation, and if the Democratic side gets up the nerve, as they have threatened to do, to offer a debenture bill, as the National Grange has asked, I will vote for it, because that would provide the bounty the Senator speaks of, and it would give us some relief. But I do not want to leave this question of protecting these manufacturers without another word, because the Senator from Indiana himself [Mr. WATSON] puts a statement in the RECORD from Judge Gary, of the United States Steel Corporation, saying that they sell their surplus abroad at a loss, or for whatever they can get for it.

Mr. McLEAN. That is precisely what I say.

Mr. BROOKHART. But they charge the domestic market; under tariff protection, enough to make up for that loss, and to take enormous, even extortionate, profits from the people of the United States besides.

Mr. McLEAN. I do not know about that. The farmer has the same privilege that the manufacturer has in disposing of his surplus.

Mr. BROOKHART. The farmer has no method of financing his surplus. His finances are controlled by a banking system in the hands of the people on the other side of the counter from the farmer, and he does not have control even of his own deposits, under that system. There are no finances he can reach. This intermediate credit bank does not work.

Mr. McLEAN. The Senator has just stated that the facilities for the extension of credit are ample. I have understood the Senator to say several times on the floor of this Chamber that one of the main difficulties with the agricultural situation was that Congress had been too kind to the farmer, that he had borrowed too much money, and it was time to stop that, because the only result was that he was getting further and further into debt, and he could not get out.

Mr. BROOKHART. I do not think the Senator has ever heard me say those words.

Mr. McLEAN. That in substance.

Mr. BROOKHART. It is not more loans I want; it is better prices for the farm products; and the farmer is entitled to that, so he can pay his loans. I say that the farmer is the greatest producing manufacturer in this country, produces the things that sustain life itself, and he is entitled to a profit on his capital investment, and he has not had it since 1920.

Mr. McLEAN. The farmers in Iowa are pretty prosperous now, are they not?

Mr. BROOKHART. They are not, and they have not been since 1920.

Mr. McLEAN. The Senator's statement does not agree with statements I have had called to my attention.

Mr. BROOKHART. I would like to hear the statements to which the Senator refers, and I will tell him something about them.

Mr. McLEAN. I will ask the clerk to read what I send to the desk.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

[Baltimore Sun of July 31, 1927]

WHAT'S THE MATTER WITH IOWA?

So much lamentation comes out of Iowa that anything which partakes of good cheer is read with surprise. Its politicians are so busily engaged in schemes to make the farmer prosperous by new laws that they seem to overlook what is happening behind their backs. While they cry ruin, the Iowa Daily Press Association is spending money to prove that the State is getting along swimmingly.

Iowa's income from agricultural products in 1926, as advertised by this organization, was $719,145,000, approximately $60,000,000 more than the year before and $230,000,000 higher than in 1921. Hogs, the greatest single factor in this showing, represented $305,750,000. Since 1921 income from livestock and livestock products has risen 60 per cent. Last year, we are told, but 15 per cent of agricultural income came from the sale of grain, the price of which constituted Iowa's chief complaint, while nearly 86 per cent came from livestock and its products.

The Equitable Life Insurance Co., which has loaned more than $50,000,000 in the State, reports that "the majority of farmers are making a profit." The secretary of the Federal land bank at Council Bluffs, which has out on farm mortgage more than $68,000,000, says that delinquencies on installments 60 days overdue amount to but $15,900. The Daily Iowa Press Association declares that this reflects the experience of virtually all companies with extensive loans in Iowa.

If statistics and reports of this character are difficult to reconcile with the lugubrious accounts coming from political spokesmen for the Corn Belt, we recall that an optimistic fellow broke up a particularly gloomy meeting there by citing similar data and asserting that if Iowa farmers were going to the poorhouse they were going in their own limousines.

Mr. BROOKHART. Mr. President, the statement which the Senator has just had read is even believed by the Senator himself, from the way he laughs. That idea is spread all over the eastern part of the country, and the people there take it for granted that those figures show a condition of prosperity in the State of Iowa.

Iowa is the best agricultural spot on this big, round earth. You can not lay its map down on any other spot on this earth that produces as much out of the soil as does the State of Iowa. Yet since 1920 she has received a price for those products so low that she could not pay her taxes and expenses of operation. Her land values have declined nearly $3,000,000.

Mr. McLEAN. How much did they go up during the war?

Mr. BROOKHART. The price index of Iowa land at the peak reached 213. The price index of all products in the United States at the same moment was 241. Other products have gone down but little, and Iowa land has gone back from 1920 to 1925 from $227 an acre to $149 an acre, and that decline has continued right up to this moment.

Mr. McLEAN. The price of land in Iowa is much higher to-day than it was before the war.

Mr. BROOKHART. It is not. It is at this moment much lower than it was before the war.

Mr. CARAWAY. And every other product is higher.

Mr. BROOKHART. And every other product that Iowa is buying is higher. There was a statement published about Iowa lands to prove that we had prosperity. It said that 52 per cent of the farms in Iowa have no mortgages on them. Of course, they have not. Many of them have been foreclosed and the mortgages canceled by the foreclosures, but that fact was not stated. There ought to be no foreclosures in Iowa. I practiced law 30 years in Iowa and did not know what a foreclosure of a mortgage was, and handling such business now is almost the principal business of the lawyers.

Mr. President, I want to tell the Senator something about this Iowa Daily Press Association. I had more than 90 per cent of that association fighting me out in Iowa in my campaign. I had all the chambers of commerce against me, because they hooked up with the United States Chamber of Commerce, which delights in publishing this sort of stuff about the situation. I had the Bankers' Association against me. I do not mean all the bankers, because some of them have figured out some of these things. I do not mean that all the members of the chambers of commerce were against me, but even the chamber to which I belong was against me, in its organization.

I had all that situation, and then I was running against the most distinguished citizen of the State, and I was able to carry only 85 out of 99 counties. I carried only 10 out of 11 districts. The people out there know what is going on in Iowa, and now is as good a time as any to let the people in the East know that they no longer are going to be able to put this thing over on us in this way. Something is going to happen if they persist in the discrimination that exists against agriculture.

Mr. NORBECK. Mr. President, I would like to ask the Senator if he thinks Secretary Hoover will get any more votes in Iowa than the Senator did?

Mr. BROOKHART. Secretary Hoover will not get any more than CHARLES G. DAWES will.

Mr. McLEAN. Mr. President, I will let the Senator from Iowa and the Senator from South Dakota settle that question between themselves. I simply want to call the Senator's at-

tention to the fact that the article which I had read contained information based upon reports prepared by citizens of Iowa.

Mr. BROOKHART. Who are those citizens of Iowa? Those are the ones profiteering off of the farmers of the State. Those are the men selling advertising. They go to the manufacturers of the East and say, "Advertise in our papers. See what a great amount of stuff is being produced out in Iowa. Come and get it and take it away from our farmers, so that more of the mortgages will be foreclosed." That is the crowd that publishes that kind of stuff against Iowa. I am not afraid of that crowd. I like to have them against me.

Mr. McLEAN. This statement contains a statement of the amount of money received for certain crops in Iowa. Are those figures incorrect? Are the statements contained there incorrect?

Mr. BROOKHART. I am not able to state. At one time they published a statement as to the amount of corn and then the number of hogs and the number of cattle, and added them together, but never figured out how much of the corn was fed to the hogs and cattle.

Mr. McLEAN. Then the Senator does not know whether the figures are correct or not.

Mr. BROOKHART. That is the kind of publicity that crowd has put out.

Mr. McLEAN. But if the statements are correct, there is no harm in publishing them.

Mr. BROOKHART. No; but it does not give the other side of the account; it does not give the cost of production or the other side.

Mr. NORBECK. Mr. President, I want to ask the Senator if it is not common for them, in submitting statistics, to ignore the fact that the purchasing power of money has been greatly reduced?

Mr. BROOKHART. Yes.

Mr. NORBECK. And, therefore, a comparison of prices received now with those received 10 years ago is very misleading.

Mr. BROOKHART. That is very true.

Mr. BORAH. Mr. President, I would like to ask again how we are going to change this inequality between the manufacturer and the farmer if we are going to give the manufacturer his protection free and make the farmer pay for his?

Mr. BROOKHART. On that proposition I am in accord with the Senator's suggestion. I think the Government of the United States owes it to the farmers to bring about this equality out of the Treasury of the United States. When we turned the railroads back, we did not hesitate to put a provision in the law guaranteeing the operating expenses and the war-time profits for six months; and the operators of those railroads went out then and increased the operating expenses fourteen hundred and eighty-five million dollars the first year after the roads were turned back, and we went into the Treasury and wrote our check and paid $529,000,000 to make that guaranty good; and the Senator from Connecticut never squawked once about that being socialism, or anything of the kind. That was perfectly good business when that happened, and he supported that bill and supported that subsidy to the railroads of the United States.

Mr. McLEAN. Of course, the Senator knows that that subject has been debated in this body a great many times; and certainly there is no analogy between the situation presented by the railroads and the situation now presented by agriculture.

Mr. BROOKHART. No; there was not an analogy, because the Government took over wheat, for instance, and made a profit of $59,000,000, and tucked that away in the Treasury. That is why there is no analogy.

Mr. McLEAN. The Senator knows that there is no foundation for the claim that there is an analogy between the tariff which benefits the manufacturer and the tariff which benefits the farmer, in that the farmer does not get the benefit of the tariff and the manufacturer does; because, Mr. President, when a manufacturer gets a surplus, he has to take care of it himself. A tariff is imposed for the purpose of stimulating competition in this country in the production of the necessities of life.

Mr. BROOKHART. The tariff does take care of his domestic market, though.

Mr. McLEAN. Just a minute. When the manufacturer gets a surplus he has to look out for it himself. He does not come to Congress and ask Congress to take money from the Treasury for the purpose of pegging the price of his surplus. When you propose to assess—I do not care how you phrase it—when you propose to get money out of the Treasury for the purpose of boosting the price of the surplus that scheme will be fatal, because it encourages, it can not help but encourage, and increases production, and that is just what you do not want.

Mr. WHEELER. That is one of the things which is troubling the woolen mills in Massachusetts.

Mr. McLEAN. The trouble with the woolen mills is that the tariff is not high enough.

Mr. WHEELER. They wrote it themselves.

Mr. McLEAN. But it was not high enough. Senators on the other side of the Chamber would not let them have sufficient protection. I want to say now that the highest rates in the tariff act of 1922 are the lowest in so far as the element of protection is concerned. That is the trouble in the country to-day. The tariff is not high enough on many industries to give adequate protection—that is, enough to equal the difference between the cost of production here and abroad.

Mr. BORAH. A short time ago the President was called on, under the so-called flexible tariff law, to increase the tariff upon certain products. The President increased the tariff. The Treasury of the United States lost several million dollars by that increase. The parties for whom the increase was made received an increase in the price of their product. What the President's order did was to deprive the Treasury of a large sum of money for the benefit of a particular product. What is the difference in principle between that and making an appropriation direct for the purpose of increasing the prices of a product?

Mr. McLEAN. In the first place the producers of an article that called for an increase found themselves against foreign competition which would have driven them out of business, if it had not already driven them out of business, if they did not get the increase. We will assume that this increase enables them to produce that article in this country and sell it in this country to such an extent that they find themselves with a surplus on their hands. They have to take care of that surplus themselves. The Government does not aid them there.

Mr. BORAH. I am now speaking of the fact that the Government of the United States yielded its right to an income of several million dollars a year for the purpose of aiding an industry. In other words, if the President had not made the raise in the tariff, the Treasury of the United States would have been some several million dollars better off. What he did was to deprive the Treasury of so much money for the benefit of a particular product.

Mr. McLEAN. It may be that a part of the benefit which would result to the American people was by reason of the maintenance of an industry here which, in the long run, might produce a surplus, and the effect of the surplus might reduce the price of the product down below where it was when the tariff was raised. That has happened many times. I think the price of steel rails to-day is just about what the tariff was when it was first imposed. The effect has been the same with regard to a great many other products, tin, and other essentials.

I know now that the dairymen in the country are trying to get a slight increase on milk and cream because of the competition coming in from Canada. It seems to me that that is an advisable thing to do. It is better than to so cripple an industry in this country that sometime we will be dependent upon the Canadian producers for milk and cream. But if the dairymen in this country produce a surplus, they have to take care of it themselves. They would like to come in under this bill, but it is impracticable. They can not do it.

The Senator must see that if we boost the price of the feedstuffs which the dairymen use, we are crippling the dairy industry in the country. That is the trouble with the bill or one of the main troubles with it. There is no agricultural class, in the sense that we have a common interest. On the contrary, there are as many classes of agriculturists as there are colors of the rainbow, and a good many more, and the minute we increase the prices of one agricultural industry we cripple perhaps another industry.

Mr. BORAH. That is precisely what the protective tariff does. If we raise the price of cotton goods and such things, we are increasing the price which somebody has to pay for them.

Mr. McLEAN. If we increase the price of cotton in this country; of course, cotton is not a good illustration, because we do not import cotton.

Mr. BORAH. We import cotton goods.

Mr. McLEAN. Yes. I want to impress the Senator that the producer of cotton goods, if he finds himself with a surplus on hand, must look out for himself. He can not come to Congress and get an appropriation to take care of the surplus and continue to increase that surplus, and still produce the article at a profit.

Mr. SIMMONS. Mr. President, will the Senator yield to me for just a brief statement?

Mr. BROOKHART. Mr. President, I must decline to yield further until I can answer the Senator from Connecticut.

The Senator from Connecticut asked a question that I want to answer before I forget it. He said the tariff, while it protected the home market, did not provide funds to take care of the surplus; that if a manufacturer had a surplus he had to look out for financing and taking care of it himself. I want to answer the Senator's question. I want to say that by law, sponsored and supported by the Senator from Connecticut, the Government of the United States went into the banking business for the manufacturers of the United States and not only established national banks but established a Federal reserve bank, an overhead bank, for those national banks.

The Government by law created the Federal Reserve Board as a Government board and its officers are appointed by the President of the United States and confirmed by the Senate of the United States. The operation of that board, as predicted by the Senator from Virginia [Mr. GLASS] when he presented the bill to the House, was that it would reduce the speculative loans and turn the surplus credit of the country over to more legitimate business. Now, we have seen those speculative loans, which were then $766,000,000 and described by him as a cancer, grow into $4,000,000,000. So that the commercial business of the country, the manufacturing business, the speculating business, have asked the Government, by a law, to furnish them money. They have taken the surplus credits of Iowa itself away from Iowa, and have them down in New York now in the speculative business, and backing the exports of the surplus of the manufacturers, and they get a low rate of interest and the farmers have got to pay a high rate of interest if they use their own deposits.

Mr. McLEAN. The Senator does not admit that anybody in Iowa has any money to loan, does he?

Mr. BROOKHART. Yes; we have some manufacturers out there.

Mr. McLEAN. Then somebody is prosperous in Iowa?

Mr. BROOKHART. Yes; something is prosperous. It is not the farmers. While their land went down $3,000,000,000, railroad stocks went up more than $3,000,000,000 in the United States. That is what happened all along the line.

Mr. McLEAN. The Senator knows there are some 30,000 banks in the country.

Mr. BROOKHART. Yes; and I know that about 400 of them out in Iowa have failed.

Mr. McLEAN. The Senator has just stated that some of them have made money and were loaning it outside the State of Iowa,

Mr. BROOKHART. I do not think any bank in Iowa is making money now. They are sending their money down to New York and getting 1¾ to 4¼ per cent for it. About half of it is going that way.

Mr. McLEAN. The Senator just remarked that money was going from Iowa to Wall Street to be used for speculative purposes.

Mr. BROOKHART. That booms stocks, and that means a higher cost of living to those who pay the profits on the stocks.

Mr. McLEAN. Let us see if we can follow out this idea. If that is true, I want to call the Senator's attention to the fact that we have some 30,000 banks in the country, some in Iowa, and some of them make money. I think it very likely, too, that other activities in Iowa make money. Just how are we going to prevent the banks in Iowa from loaning their money wherever they please?

Mr. BROOKHART. I have introduced a bill providing an amendment to the banking act which will prevent them from loaning it for speculation in New York or anywhere else. I do not believe the Government of the United States has any right to establish by law a credit system for gambling.

Mr. McLEAN. Does the Senator think Congress would have the power to prohibit a State bank from loaning its money anywhere it pleased?

Mr. BROOKHART. It would have the power to deny it the use of the United States mails if it did that sort of thing, and I have that sort of a provision in my bill. Come again! [Laughter.]

Mr. McLEAN. The Senator certainly has quite a bill. I have not read it all yet.

Mr. BROOKHART. Yes. I have been trying to figure this out from the standpoint of the farmers, to give them a square deal in credits, a square deal in marketing, a square deal in railroad rates, a square deal in the prices of the things they have to buy, and that is why I have seen those different phases of the situation. The trouble with the Senator from Connecticut is that he never sees it except from his particular little standpoint.

Mr. McLEAN. Connecticut went through experiences much more serious than Iowa has ever suffered, and that was in the days when agriculture was a very important industry in Connecticut. I will say to the Senator that when Iowa began to produce meat and grain, Connecticut had to stop; we could not compete.

Mr. SIMMONS. So Connecticut went into the manufacturing and insurance business?

Mr. McLEAN. We produce everything that is salable now. We did not come to Congress for help.

Mr. SIMMONS. No; but they came for a tariff, and that was all they needed.

Mr. BROOKHART. When Connecticut needed help she came to Congress for a tariff and got it. Congress helped Connecticut out and that raised the prices of her products, and Iowa paid the increased prices.

Mr. McLEAN. Oh, Mr. President, we can not all talk at once.

Mr. SIMMONS. I submit that the Senator from Connecticut has had very large latitude in his interruptions. I have been trying for some little time to just get in one word, but the Senator from Connecticut will not let me have the opportunity.

The PRESIDING OFFICER. The Senator from Iowa has the floor. To whom does he yield?

Mr. BROOKHART. I yield now to the Senator from North Carolina.

Mr. McLEAN. Yes; let the Senator from North Carolina get in his word now; but first I want to say to the Senator from North Carolina——

The PRESIDING OFFICER. To whom does the Senator from Iowa yield?

Mr. BROOKHART. I yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I think, if the Senator will pardon me, that we will find this line of cleavage, upon the question of whether prosperity exists, about the same throughout the entire country.

Mr. BROOKHART. I think the Senator is correct. The agricultural situation is the same in nearly all States.

Mr. SIMMONS. That is what I was going to say.

Mr. BROOKHART. It is a general discrimination against agriculture.

Mr. SIMMONS. It is in every State in the Union. The agricultural conditions, unless there are some special lines of agriculture which are highly protected and whose protection is absolutely effective, are languishing. The prices of their products have gone down and the prices of their land, measured in the value of the dollar to-day as compared with the dollar before the war, are very much lower than they were before the war.

Mr. BROOKHART. Very much; scarcely half the value.

Mr. SIMMONS. We find the manufacturers and the railroads and the great corporations that have the benefit of the tariff and the trust combinations crying "prosperity," and they are prosperous.

Mr. BROOKHART. They are squeezing out a lot of the little fellows.

Mr. SIMMONS. It is generally impossible to get them to take a fair, equitable view of the condition of agriculture.

Mr. McLEAN. Mr. President, will the Senator permit an interruption?

Mr. SIMMONS. I have only the permission of the Senator from Iowa to interrupt him.

Mr. BROOKHART. I will yield to the Senator from Connecticut for a question only.

Mr. McLEAN. The Senator knows very well that the textile industry in New England, especially in the cotton-goods line, is suffering a period of depression. He knows that in large measure it is due to competition from North Carolina. The Senator has some of the largest cotton mills in the world in North Carolina to-day.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. McLEAN. They pay in North Carolina less wages than we do, but we do not come to Congress and ask Congress to interfere with them. We have to take care of our surplus as best we can.

Mr. McKELLAR. Mr. President, if the Senator will permit me——

Mr. BROOKHART. I yield to the Senator from Tennessee.

Mr. McKELLAR. I want to say just a word in answer to a statement made by the Senator from Connecticut. One of the great reasons why there is a depression in the cotton industry in that State and in North Carolina as well is because the farmers, who comprise the great bulk of the population of the country, are in such a condition that they can not buy the goods.

Mr. BROOKHART. The Senator is absolutely right.

Mr. SIMMONS. I was going to say that, of course, I recognize the fact that we have conditions in the South much more favorable to textile manufacture than exist in New England. We have the raw material right at our door; instead of union labor we have nonunion labor; instead of strikes and lockouts we have harmony between our laborers and our manufacturers; and the manufacturers of New England are pretty rapidly moving toward the South for reasons that are perfectly apparent.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from yield to the Senator from Idaho?

Mr. SIMMONS. I have no control over the debate at all. I am simply interrupting the Senator from Iowa for the purpose of trying to make a statement.

Mr. BORAH. For North Carolina?

Mr. SIMMONS. No; not for North Carolina. I always speak for North Carolina when I have an opportunity or when occasion requires it, but occasion does not require it. North Carolina has attained to an eminence which does not require any boosting upon this floor any longer or any boosting in the country at large. North Carolina is taking care of herself.

Mr. McLEAN. How about the farmers of North Carolina?

Mr. SIMMONS. The farmers of North Carolina are not prosperous. The farmers of North Carolina are, like the farmers all over the United States, unprosperous. I happen to be one of them myself; and I want to say that I am probably just as good as the average farmer and I have a representative, anyway, about as good as the average, who manages my farm, and I have had no actual net income from that source since 1921.

Mr. McLEAN. I understood the Senator from North Carolina to say that North Carolina needed no boosting.

Mr. SIMMONS. I say that as compared with New England and the remainder of the States of the country, North Carolina and the South as a whole need no boosting.

Mr. McLEAN. Yes; but the farmers need boosting.

Mr. SIMMONS. The farmer does not need boosting, but he needs help; he needs to be put upon something like a parity in the price of his products with the price of commodities which he has to buy. In a section of country which is largely a one-crop section, our product being chiefly cotton, we have to buy very largely the things that we do not raise from elsewhere. We have to buy from manufacturers largely, and we have to buy their manufactures protected by a high tariff duty. Consequently, we have to pay a very high price, while we get only the low price of a nonprotected product.

However, what I meant to say was that the cleavage as to prosperity is between the farmer and the man who is engaged in railroad work or in manufacturing industry. Wherever agriculture is segregated, there is no doubt about the consensus of opinion being that agriculture is in a condition that requires some legislative consideration. I do not mean to say it needs a tariff, but it does need legislative consideration.

The Senator has talked about the manufacturer being able to take care of his surplus. Undoubtedly a protected manufacturer is able to take care of his surplus. He can sell it abroad for one-third or one-half of what he gets in this country, but that does not affect the price that he obtains for the remainder of his product in the American market 1 cent. On the contrary, if the cotton producers of this country produce 6,000,000 or 7,000,000 bales of cotton more than the world demands and throw it upon the markets of the world, the price is broken, not only abroad, but it is broken here at home.

Mr. McLEAN. Mr. President, the Senator from North Carolina knows that nearly all of the foreign nations of consequence have enacted antidumping laws, and therefore the manufacturer of this country can not any longer dispose abroad of his surplus for one-third of its domestic price.

Mr. BROOKHART. There are only 16 countries that have enacted such laws, and that does not affect the situation. I showed that very fully the other day.

Mr. SIMMONS. Mr. President, there are some countries which have, as we have, antidumping laws, but still there are a great many other countries that are open and that have not any such antidumping laws, and the manufacturers are selling in those markets. But if they were excluded from those markets they have the power to control and to regulate the amount of their surplus.

Mr. BROOKHART. Absolutely.

Mr. SIMMONS. And if by some miscalculation they produce more than the markets of America demand, and if they have no foreign market in which they can dump the excess, they have the ability to hold that small quantity, because they can keep it reduced to a small quantity. But the farmers have no control over the quantity which they produce at all; their product is determined by the season; it is determined by pests; it is determined by floods; it is determined by a great many different conditions over which the farmers have absolutely no control.

Mr. McLEAN. That is very true, and because it is true Congress can not remedy the situation. The surplus of the farmer depends so intimately upon the weather that it is impossible for any board to regulate the production of crops so that there will be an even total from year to year.

Mr. SIMMONS. Let us take wheat, for instance. Congress has put a pretty high tariff on wheat, I believe, and a higher is, perhaps, desired on it; I do not know.

Mr. BROOKHART. There is now a tariff of 42 cents on wheat. That does not raise its price to the cost of production right now; that is not enough. There is only a tariff of 15 cents on corn.

Mr. SIMMONS. It would not make any difference how much the tariff was on wheat. If there is a surplus of wheat in the world's market, the tariff would not protect wheat in the slightest degree, would it?

Mr. BROOKHART. Not at all. I have the figures here on my desk showing No. 1 northern wheat running from 15 to 20 cents a bushel higher all last season at Winnipeg, Canada, than it was at Minneapolis, Minn.

Mr. SIMMONS. Now, let us take the case of the wheat farmers. Suppose all the wheat farmers of this country were to come together and say, "We have a surplus this year of a million bushels of wheat."

Mr. BROOKHART. They have a surplus of more than a hundred million bushels.

Mr. SIMMONS. I started to say a hundred million bushels of wheat. "We will not dump that on the markets of the world; we will withhold it from the markets of the world." If there is without that a world oversupply from other sources, from other countries where wheat is grown, will that be any protection to the price of wheat to the farmer here, notwithstanding he has withdrawn his little surplus here in the United States?

Mr. BROOKHART. It would increase his local price up to the tariff level.

Mr. SIMMONS. It would increase it up to the tariff level, yes; and no further.

Mr. WATSON. But no higher.

Mr. SIMMONS. No higher.

Mr. McLEAN. Mr. President, as the Senator knows——

Mr. SIMMONS. Now, with a tariff on the wheat, if the farmers were permitted to sell their surplus in the markets of the world and the markets of the world were not glutted, there would be produced a different condition altogether.

Mr. McLEAN. The Senator knows what the result of Great Britain's attempt to valorize rubber has been.

Mr. BROOKHART. Mr. President, I think I will have to take the floor again. There is one other proposition I wish to suggest to the Senator from Connecticut, and then I will yield the floor.

Mr. McLEAN. The Senator knows what the result of the attempt to valorize coffee has been in Brazil. It might be possible to take care of the surplus of a year or two, but——

Mr. BROOKHART. I will have to decline to yield for further discussion.

Mr. McLEAN. But very soon the same result would follow your attempt to take care of the surplus of wheat. It can not be done that way.

Mr. SIMMONS. The point I want to make is that it does not make much difference how high the tariff is on wheat, if there is an overproduction in the world the price of wheat in this country is coming down to the world's price.

Mr. BROOKHART. That is the fact.

Now, Mr. President, I want to make a comparison between agriculture and manufacturing and then I am going to close. In agriculture there are about $60,000,000,000 invested, since the amount was squeezed down during the deflation, and there are about 12,000,000 workers engaged in farm work, not including the women and children who work the year around. There are about $40,000,000,000 of capital invested in manufacturing, only about two-thirds as much as in agriculture, and there are employed about 9,000,000 workers—the number was 8,778,000 the last time I checked the figures. With an investment in agriculture of $60,000,000,000 and 12,000,000 workers, there has been produced a gross value since 1920 of less than $12,000,000,000 per year on an average. On the other hand, the $40,000,000,000 of capital invested in manufacturing and the 9,000,000 workers have produced a gross value of nearly $60,000,000,000 a year.

That is not a fair comparison, and I want to make it fair. There is a bigger raw material bill for the manufacturer than there is for the farmer; but 27 per cent of the $12,000,000,000 in the case of agriculture is raw material. It represents seed, and work animals, and breeding animals, and things that must

stay on the farm in order to operate the farm and which never get into the income account.

There is still a bigger percentage in the case of manufacturing, but to reduce the two percentages to about the same point, and taking $16,000,000,000 from the $60,000,000,000, we still have a gross production of $44,000,000,000 in the case of manufacturing, with two-thirds the amount of capital and three-fourths the number of workers as compared to agriculture.

It is said that the cause of the high price of manufactured products is the high wages of labor. I went to the Labor Department and added up the wages of those laborers, and I found out how much labor receives. It is only $11,000,000,000 out of the $44,000,000,000. The other $33,000,000,000 goes somewhere else—either into raw material or capital account or for operation and profits. I wish to ask, Mr. President, what chance have the farmers of the United States to achieve prosperity when they have to exchange $12,000,000,000, representing their gross production, into $44,000,000,000, produced by three-fourths of the workers and two-thirds of the capital of agriculture?

This discrimination is permanent, and is caused by law. I say that the interstate commerce law is the cause of, perhaps, 25 per cent of it in ordinary times. I have only put it at 10 per cent in the present situation, because of the drastic deflation of the farmers under the Federal reserve banking system. The law gives to the railroads a valuation by law and then a return by law, by the command of law itself. It may be said it is not a guaranty, but it is higher than a guaranty; it is the command of the law itself to the commission. Then there is the banking system, the credit system, giving a monopoly of the deposits of the people of the country to the State and National banking systems, and then establishing a Government overhead banking system in which the local banks are federated and united together.

They earned 8.34 per cent the last time I checked the figures, while the National Industrial Conference Board only claims a return on farm property of 1.7 per cent, and in that 1.7 per cent they allowed no adequate compensation—less than $700 a year—for the farmer's work, and they allowed no depreciation for his buildings, his fences, his work animals, his breeding animals, and his soil. If they had allowed those items there would have been no income to agriculture whatever. Yet by law we have given the banking interests this special privilege over the farmers, even taking their own deposits away from them where they can not borrow them for use in their own business any longer.

Not only that, but there are the public utilities, the courts giving them 7 per cent, which is the least return I have heard under any decision. The American people, according to Mr. Hoover's own figures, are only producing 5½ per cent of wealth increase in this whole country, with all the labor, with all the capital, with the increase in property values, with the decline of the dollar, and everything else. Then we have our tariff protection that enables the protected manufacturer to fix the price of his products at his factory. He has no foreign competition. Then we have patent protection that gives the patented industries special rights created by law. All these privileges have been created by law; but when the farmers come here and say that Congress owes it to them by law to create an export corporation that will relieve them of this discrimination, that is a socialistic scheme, and the East can not stand for it.

Mr. BORAH obtained the floor.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Tennessee?

Mr. BORAH. I do.

Mr. McKELLAR. A group of Senators from our part of the country have been considering this bill for the last several days and have agreed upon a certain number of amendments. This group of Senators have asked me to offer these amendments for and on behalf of each of them and of myself. These amendments have been agreed to be accepted by the Senator from Oregon [Mr. McNARY] as far as he can do so. I ask unanimous consent that the amendments be printed in the RECORD, and also that they be printed in the usual way and lie on the table for the use of Senators.

Mr. McNARY. Mr. President——

Mr. HEFLIN. Mr. President, what objection would there be to having them read now?

Mr. McKELLAR. I should be very happy to have them read now.

Mr. McNARY. Mr. President, may I state, following the statement of the Senator from Tennessee, that I feel very kindly toward the purposes of the amendments. I have not said that I would accept them. That is subject to debate and explanation; but I want it understood that there is no obligation resting upon me to accept each and every amendment in its present form.

The PRESIDING OFFICER. What is the request of the Senator from Tennessee?

Mr. SIMMONS. Mr. President, I trust that these amendments may be printed. I have no especial objection to their being read, but they can not be understood unless they are considered in connection with the context; and I think it would be better to have them printed, so that each Senator can get the amendments to-morrow morning and read them in connection with their context in the bill.

I want to say that I sincerely trust that the Senator from Oregon will give his assent to these various amendments. I have myself discussed all of them with him. They have been drawn up after conferences with him, and I did not think he would have any hesitation in throwing the weight of his acceptance in their favor. Of course, that does not relieve the Senate of its power to pass upon the question of whether or not it will accept his suggestion, but it does add the weight of his suggestion in favor of the amendments.

Mr. McNARY. Mr. President, I think I made myself clearly understood. I feel very kindly disposed toward them all, and as far as I can, perhaps I shall accept them as one Member of the Senate; but, as I said, there will be some argument and some discussion, and I want some of them explained.

Mr. SIMMONS. The Senator right now sees no reason why he can not accept these amendments?

Mr. McNARY. Not as I feel at this moment.

Mr. McKELLAR. Mr. President, I want to say to the Senator from Alabama and to the Senate that the form in which the amendments are now presented refers to various parts of the bill; and I believe it will be better, rather than have them read, that the Senator take them in the morning and compare them with the bill itself.

I can say to the Senator that they provide for two substantial changes. The first is in reference to the advisory commodity council. Under the bill, they are appointed by the farm board. Under these various amendments referring to that particular situation, the advisory commodity council will be appointed by the President and confirmed by the Senate.

The commodity councils must be producers of the commodity which they are appointed to represent. They are to be selected by the President, and he may use for his consideration lists which are furnished by farmers' organizations. The term of office is two years, and vacancies are to be filled by the President. These commodity councils, under the proposed amendment, become a very real part of the organization created by the bill.

In a subsequent section it is provided that no marketing period shall be begun or terminated for a commodity without the approval of the majority of the council for such commodity.

It is also provided that in all matters concerning that commodity the advisory council shall have a veto or check upon the farm board. It is just the same as having two Houses of Congress instead of one, except that the advisory council does not have anything to do with the administration of the act, nor do the members have salaries, nor are they in an equal position.

I will say that, in my judgment, these provisions making the advisory council a real part of the organization greatly strengthen the bill.

The next most important part of the bill is the provision increasing the revolving fund from $250,000,000 to $400,000,000, and setting apart $200,000,000 of said fund to be used by the board as a stabilization fund for financing the purchase, withholding, or the disposal of agricultural products as provided in the bill, and that this fund be allocated ratably to the several products according to the values of their exportable surpluses.

Mr. BORAH. Mr. President, have I the floor?

The PRESIDING OFFICER. The Senator from Idaho is entitled to the floor.

Mr. McKELLAR. If the Senator objects to my going on, I will desist.

Mr. BORAH. As these amendments have to be printed, every Senator will examine them for himself; and I am very anxious to get a matter of executive business disposed of.

Mr. McKELLAR. Then I will say to the Senator that these are the principal amendments.

I will now ask unanimous consent that they be printed and lie on the table, and also that they be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, the request is granted.

Mr. McKELLAR's amendments are as follows:

Amendments intended to be proposed by Mr. McKELLAR to the bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce, viz:

On page 3, line 21, after the word "States," insert the following: "shall be the producer of some one or more agricultural products or shall be interested in and truly representative of agriculture."

On page 5, after line 15, insert the following: "No action having a general application to any one commodity shall be taken by the board unless first approved by a majority of the advisory council."

On page 5 strike out line 17 and down through the period in line 1, on page 6, and insert in lieu thereof the following:

"SEC. 4. (a) Whenever the board determines that any agricultural commodity may thereafter require stabilization by the board through marketing agreements authorized by this act, or whenever the cooperative associations or other organizations representative of the producers of the commodity shall apply to the board for the creation and appointment of the advisory council for such commodity, then the board shall notify the President of such determination or application. The President shall thereupon create an advisory council for the commodity. The advisory council shall be composed of seven members, to be appointed by the President, by and with the advice and consent of the Senate. No individual shall be eligible for appointment to a commodity advisory council unless he resides in the region in which the commodity is principally grown and is a producer of the commodity. Prior to the making of any appointment to a commodity advisory council the board shall transmit to the President for his consideration lists of individuals qualified for appointment, to be submitted to the board by cooperative associations or other organizations representative of the producers of the commodity. The term of office of a member of any commodity advisory council shall be two years. In the event of a vacancy occurring, the President shall fill such vacancy in the same manner as the originally appointed member, and, should Congress not be in session, such appointee shall hold office until 20 days after the convening of the next session of Congress."

On page 7 after line 11 insert the following: "No marketing period shall be begun or terminated for any commodity under the provisions of this act without the approval of a majority of the advisory council for such commodity."

On page 10, line 20, after the word "board," insert the following: "Shall submit its findings to the advisory council of the particular commodity concerned, and, if such findings are concurred in by a majority of said advisory council, then the board."

On page 11, line 2, strike out all after the word "as" and insert in lieu thereof the following: "The board finds that such arrangements are no longer necessary or advisable for carrying out the policy in section 1, and if such findings are concurred in by a majority of the advisory council."

On page 13, after word "or," line 19, insert "After giving 12 months' notice to the advisory council of the commodity affected."

On page 13, after the word "office," in line 24, insert "and the approval of the majority of the advisory council."

On page 15, line 2, strike out all after the period and down through the word "publish" in line 4 and insert in lieu thereof the following: "Upon the basis of such estimates there shall be from time to time determined, and if such estimates are concurred in by a majority of the advisory council for such commodity, the board shall publish."

On page 15, line 13, insert "The equalization fee herein provided for upon any commodity shall not be imposed until the same is approved by a majority of the advisory council for that commodity."

On page 15, line 15, strike out "determined upon" and insert "so published."

On page 17, line 20, after the word "transit," insert "or sale for purely local consumption."

On page 20, line 23, after the word "board," insert the following: "Upon recommendation of a majority of the advisory council of the particular commodity."

On page 24, line 1, strike out "two hundred and fifty million" and insert "four hundred million."

On page 24, after line 6, insert the following: "*Provided*, That $200,000,000 of said revolving fund is hereby made available and shall be used as a stabilization fund for financing the purchasing, withholding, or the disposal of exportable agricultural products in the event that a marketing period shall be declared for one or more of such products as hereinbefore authorized, and that said fund shall be allocated ratably to the stabilization funds of the several products according to the values of their respective exportable surpluses."

On page 26, after line 21, insert the following: "The word 'majority' means a majority of the whole board or advisory council authorized to be appointed."

ARTICLE BY HON. MILLARD E. TYDINGS ON NONEXISTENCE OF "INTOLERANT" SOUTH

Mr. COPELAND. Mr. President, in reading the New York Times yesterday I saw a very interesting article from the pen of the junior Senator from Maryland, Mr. TYDINGS, entitled "'Intolerant' South held nonexistent." I ask unanimous consent that it be printed in the Appendix.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Without objection, the request is granted.

The matter referred to is here printed, as follows:

"INTOLERANT" SOUTH HELD NONEXISTENT—RELIGIOUS BIAS BELOW MASON AND DIXON LINE IS DENIED BY MARYLAND SENATOR—CITES HISTORICAL PROOFS—PRESENT KU-KLUX KLAN, HE ASSERTS, BROUGHT UNDESERVED ODIUM ON SOUTHERN STATES

By MILLARD E. TYDINGS, United States Senator from Maryland

Are the people of the South more intolerant than their neighbors of the North?

Because the present-day Ku-Klux Klan had its origin in the South, in Georgia, and particularly since the recent attacks upon the Roman Catholic Church made in the Senate by a Southern Senator, J. THOMAS HEFLIN, of Alabama, the assertion is frequently made that the South is a section of religious prejudices. It is even contended that the South, because of these prejudices, would go to the political extreme of repudiating the Democratic Party should it place a Roman Catholic on its presidential ticket.

If the South chooses to deny that the people of that section are less tolerant than those of any other, historical facts may be cited with which to support such denial. Indeed, a study of American history inclines one to the opinion that there have been less of bigotry and religious intolerance south of the Mason and Dixon line than in any other part of the country.

If the recent attacks upon the Catholic Church by Senator HEFLIN be cited as proof of southern intolerance, and it be asserted that he speaks for a great many of the southern people, it may be replied that it was another southern Senator, JOSEPH T. ROBINSON of Arkansas, Democratic leader in the Senate, who replied and denied that the Alabama Senator voiced the sentiment of a majority of the southern people. It may be added, also, when Senator HEFLIN challenged a vote of Democratic Senators on the issue raised by the Heflin-Robinson debate, that of the Democratic Senators present when the vote was taken only one withheld a vote of confidence in the Democratic leader of the Senate. It is further true that in the widespread comment by leading southern newspapers on the Heflin-Robinson incident, almost without exception Senator ROBINSON was praised and Senator HEFLIN was condemned.

SENATOR REED'S REPLY

The South could cite the further fact that during the last Congress, when Senator HEFLIN concluded a similar attack on the Catholic Church, it was Senator JAMES A. REED of Missouri, another Southern State, who arose in his place and uttered these memorable words:

"The spirit of real religion is that of tolerance. Bigotry has no place beneath the spire of a Protestant tabernacle, under the cross of a Catholic church, or within the walls of a Jewish synagogue. If this country is to live, then these fountain springs bearing the pure waters of liberty must not be polluted with the poison of hate, covered with the slime of proscription, or polluted by the spirit of intolerance."

These are among the replies the South might make to the charge of intolerance.

But to go back through history and trace the record. It may not be truthfully denied that there are bigotry and intolerance in the South, as elsewhere in America. There have been ever since the landing of the *Mayflower*. Indeed, the seeds of intolerance in English America were first sown in New England soil, not in a southern colony. When the Puritans in England were preparing for their voyage across the Atlantic to the New World, a paper was circulated among them setting forth reasons and arguments for making the journey. The very first reason assigned in this paper was "the glory of opposing the French Jesuits in Canada and of raising a particular church in New England." The quotation is from the recent work of Perry Belmont, Religious Tolerance From Roger Williams to Jefferson, in which R. C. Winthrop's Life and Letters of John Winthrop is cited.

MARYLAND'S CONTRIBUTION

In contrast with the intolerance which prevailed in the New England colony was the establishment of the colony of Maryland, where the tree of tolerance and real religious freedom was first planted on English soil in America and where that tree has reached its fullest fruition, and Maryland is called to this day the "Free State." Maryland's most famous citizen was Charles Carroll of Carrollton, a Catholic, signer of the Declaration of Independence and subsequently United States Senator.

The contribution of the Southern State of Virginia to the spirit of tolerance and religious freedom was the famous statute of religious freedom, fathered by Thomas Jefferson and supported by Madison, Monroe, Patrick Henry, and other great Virginians and southerners of that period. It was the influence of Madison, supported by that of Jefferson, which wrote into the American Constitution the declaration that "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof." Jefferson wrote in his Notes on Religion that "It's the refusing toleration to those of a different

opinion which has produced all the bustles and wars on account of religion."

It was James Madison, the Father of the Constitution, who declared during debate in an early Congress when the alien law, passed under the Presidency of the first Adams, was pending that "there is nothing in their [Catholic] religion inconsistent with the purest republicanism."

If it was in Virginia, where a statute of religious liberty was first adopted, it was in New York that, through the influence of John Jay, the Federalist, a provision was written into the Constitution denying the privilege of citizenship to Catholics unless they abjured and renounced their allegiance to the Pope "in matters ecclesiastical"—not merely in civil or temporal matters but in everything that related to their religious faith. This provision remained in that Constitution until 1821.

New Jersey had in its constitution a provision equally obnoxious to Catholics, and it was not until 1833 that Massachusetts repealed a tax for the support of the established Protestant Church and collected it from Protestants and Catholics alike.

It was not until 1877, barely more than a half century ago, that New Hampshire repealed a provision of her constitution under which Catholics were ineligible to hold public office. Yet it was Senator GEORGE MOSES, of that State, who, following the recent Heflin-Robinson debate in the Senate, taunted the Democrats in the Senate on the "Republican" speeches which had just been made by the southern Democrats on the issue of religious tolerance.

There were other instances of constitutional and statutory proscription of Catholics in Northern States, but so far as a fairly careful study discloses no southern State has ever made a man's religious faith a test of his fitness for office or has ever denied to Catholic or Jew any of the privileges or rights enjoyed by Protestants. Certainly no southern State or colony ever went to the extreme of the New England colony which, in its "blue laws," prohibited the discharging of firearms on the Sabbath unless they were aimed at "an Indian, a wolf, or a Catholic priest."

THE KLAN STANDS ALONE

With the single exception of the present-day Ku-Klux Klan, no anti-Catholic or anti-Jewish organization of importance has ever had its origin in the South. There have been four such movements in the country that have become important. They were the Native American movement of the first quarter of the last century, the Know-Nothing Party of the fifties, the American Protective Association of the nineties, and the present-day Knights of the Ku-Klux Klan.

The Native American movement was really a movement inside the Federalist, the dominant party of the early years of the nineteenth century. It made numerous efforts to write its principles into the legislation and policies of the Government. Those principles were: Proscription of those who professed the Roman Catholic faith and exclusion of foreign-born citizens from all public offices, national, State, and local. For the most part, these efforts were unsuccessful, exceptions being the alien and sedition laws of the John Adams administration. All such efforts were strongly, and, for the most part, successfully resisted by the Democratic-Republican Party, then fast growing under the cultivation of Jefferson and Madison. Undoubtedly much of the anti-Irish and anti-Catholic feeling of the day was due to the prejudices of the Tories of the Revolutionary period and a few years thereafter. They were pro-English and most of them were members of the Established Church of England. They strongly resisted the efforts of Patrick Henry and Thomas Jefferson and others to disestablish that church in Virginia and elsewhere in the colonies. In part, too, this accounts for the Irish coming to America, joining the party of Jefferson, the Tories being almost wholly in the Federalist ranks.

With the possible exception of the Ku-Klux Klan of this day, it was the Know-Nothing Party of the fifties which attracted the largest membership to its ranks and became the most important political factor in the country of all of the movements based upon religious or racial prejudices. This party was formally organized in New York City in 1852. Its purposes were declared to be to "resist the insidious policy of the Church of Rome" and to "place in all offices of honor, trust, or profit in the gift of the people or by appointment none but native American Protestant citizens." It was a revival of the Native American Party of a half century earlier.

NOT POPULAR IN THE SOUTH

The Know-Nothing Party gained many successes in municipal elections, winning control in numerous northern and eastern cities and electing its candidates for governor in New York, Connecticut, Rhode Island, and New Hampshire. But it made very little headway in the South and sustained a notable reverse in Virginia, where Henry Wise was elected governor on his antagonism to "Know-Nothingism." In the presidential campaign of 1856 this party nominated former President Millard Fillmore, of New York, for President. As Jefferson and Madison had answered a similar challenge a half century earlier, the Democratic Party met the issue raised by "Know-Nothingism" in 1856 by writing into the platform of its convention at Cincinnati the following plank:

"A political crusade in the nineteenth century and in the United States of America against a Catholic and foreign born is neither justified by the past history nor the future prospects of the country, nor in unison with the spirit of toleration and enlarged freedom which peculiarly distinguishes the American system of popular Government."

This convention was dominated by southerners. It nominated James Buchanan, of Pennsylvania, for the Presidency. He was elected, receiving 174 electoral votes to 114 cast for Frémont and but 8 for Fillmore. Frémont was the nominee of the Republican Party, which entered the political arena in that year. Its convention, held in Philadelphia, denounced slavery and polygamy but did not meet the challenge of religious bigotry.

Feeling ran very high during the period of "Know-Nothingism," from 1851 to 1858, and there were numerous riots and considerable bloodshed. Catholic churches, schools, and convents were attacked, some were burned, some blown up. The rioting was especially vicious in Philadelphia and in certain sections in New England, but with the single exception of Louisville, Ky., a border city, there was no serious disturbances anywhere in the South.

THE "A. P. A." INFLUENCE

The next important movement of the kind was the American Protective Association of the nineties. The first "council" of the A. P. A., as it came to be commonly known, was organized in Clinton, Iowa, in March, 1887. Its national president was William S. Linton, a Republican Member of Congress from Michigan. Its members were bound to "place political positions in the hands of Protestants to the exclusion of the Roman Catholics." It first appeared as a serious factor in politics in Omaha, Nebr., in the municipal election of 1891, when the society indorsed the Republican ticket and swept the city by a heavy majority. When it spread across the border into the South and demanded of Gov. William J. Stone, of Missouri, later United States Senator, that he blacklist all Catholics in making appointments to office, he replied:

"Your association is undemocratic and un-American, and I am opposed to it. I haven't a drop of Know-Nothing blood in my veins."

Although the A. P. A. party spread through the North and East and gained political dominance in many cities from 1893 to 1896, it made little headway in the South except in the border cities of Louisville and St. Louis. Many Democratic conventions, local and State, denounced the movement, and the answer to its challenge made by President William McKinley was to appoint Joseph McKenna, of California, a Catholic, to his Cabinet and later to the Supreme Court.

Thus it will be seen that with the exception of the present-day Ku-Klux Klan, none of the antichurch or antiracial movements had its origin in the South or made any serious headway in that section. It may be inserted here that the Ku-Klux Klan was really organized in Georgia as an antiracial rather than a religious movement; also that while it gained a very large following in that section, it has died away with almost as much rapidity, and it is now generally believed that its membership is much greater in certain Northern States, notably Pennsylvania and Indiana, than in any Southern State.

NO PREJUDICE IN POLITICS

In the South's history the names of many Catholics and Jews are written in large letters, and the people of that section have honored many men of the Catholic and Jewish faiths with high public positions. The parents of Jefferson Davis, President of the Confederacy, must have felt no prejudice against the Catholic Church, for they kept him in a Catholic school for two years; and in his autobiography he wrote most cordially and appreciatively of his associations during that period of his life. In making up his cabinet President Davis named Stephen R. Mallory, of Florida, as Secretary of the Navy. He was a Catholic and had been a member of the United States Senate from Florida. Judah P. Benjamin, of Louisiana, a Jew, was appointed Attorney General by President Davis, and later was transferred to the War Department. The second Stephen R. Mallory, also a Catholic, was Senator from Florida from 1896 until his death in 1907, being succeeded by the present senior Senator from that State, DUNCAN U. FLETCHER. Before entering the Senate the younger Mallory was for two years Representative of one of the Florida districts in the House of Representatives.

The most brilliant naval officer in the Confederate service was Admiral Raphael Semmes, of Alabama, commander of the raider *Alabama*. He, too, was a Catholic. A cousin, Thomas Semmes, one of the most noted attorneys of Louisiana, was one of the Senators from that State in the Confederate Congress.

Some of the most brilliant generals in the Confederate Army were Catholics, notably P. G. T. Beauregard, of Louisiana, and Gen. James Longstreet, of Georgia, the latter a convert to the Catholic faith.

In the late World War many of the men called to important posts were members of the Catholic or Jewish faiths. Lieut. Gen. Robert L. Bullard, of the Army, and Admiral W. S. Benson, of the Navy, were Catholics. President Wilson, a Virginia Democrat, chose for his private secretary Joseph Tumulty, of New Jersey, a Catholic; Edward N. Hurley, chairman of the Shipping Board, a Catholic, and Bernard

Baruch, chairman of the War Industries Board, a Jew, were among other appointments made by President Wilson; but probably the most notable of his entire eight years in the Presidency was the appointment of Louis D. Brandeis, of Massachusetts, a Jew, to the United States Supreme Court.

SOUTHERN CHIEF JUSTICE

Two southerners have presided as Chief Justice of the Supreme Court of the United States—Roger B. Taney, of Maryland, and Edward D. White, of Louisiana, both members of the Catholic faith.

In the present Congress there are 5 Senators and 35 Representatives who are communicants of the Catholic Church. Three of the Senators are from the South, RANSDELL and BROUSSARD, of Louisiana, and ASHURST, of Arizona. In neither of these States is the Catholic population in the majority. Before he entered the Senate, Senator RANSDELL was for 14 years a member of the House of Representatives from a Louisiana district in which less than 5 per cent of the population are Catholics. In all his long public career the religious issue has not been raised. On the other hand, one of the present members of the House of Representatives from Louisiana is WHITMELL P. MARTIN, a Protestant, whose district is almost as overwhelmingly Catholic as the old Ransdell district is Protestant. Yet he has represented the district for 20 years, and his Catholic constituency has not raised the religious issue against him.

The South has not forgotten and will never forget that when Jefferson Davis, the Confederate president, was in irons, charged with treason, it was Charles O'Conor, the brilliant New York attorney, a Catholic, who prosecuted and convicted "Boss" Tweed, who came to his defense. It is the general belief that it was the appearance of O'Conor in the case that caused the Federal authorities to withdraw the charges lodged against Davis and to strike the shackles from his limbs. It was this same O'Conor who was subsequently nominated for the Presidency by a faction of the Democratic Party. This was in 1872. Although he declined to make the race, some 30,000 voters wrote out their ballots that they might cast them for him.

It may be said that the list of Catholics and Jews in the foregoing who have been honored by the people of the South is not long, that relatively the number is few as compared with all who have held high office in the South. To that it may be replied that the list is not a full one, and if it were, it may be further added that relatively there are few Catholics and Jews in the South.

The list of Catholics and Jews whom the electorate of the South have honored would indicate that in the past, at least, the South has not made religious faith a test of fitness for public office, and that when her sons were donning the gray to follow Lee and Jackson to glorious defeat, the accidents of birth and religious convictions were not made a test of fitness to serve or command.

EXECUTIVE SESSION

Mr. BORAH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, April 10, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 9, 1928

POSTMASTERS

ARIZONA

John A. Williams, Hayden.

COLORADO

Charles C. Hurst, Antonito.
Harry D. Steele, Holly.
Martha H. Foster, Olathe.

INDIANA

William H. Williams, jr., Muncie.

KANSAS

Chester M. Cellar, Burlington.
Josie B. Stewart, Sylvan Grove.

KENTUCKY

Flo W. Stamper, Beattyville.

MICHIGAN

C. Clyde Beach, Deerfield.
Charles J. McCauley, Wells.

MINNESOTA

Charles G. Carlson, Gibbon.
Ruth Anderson, Lindstrom.
Louis Vinje, Morris.
Henry Goulet, Onamia.
George Neumann, Osseo.
Nils B. Gustafson, Stacy.
Louise S. Lundberg, Taylors Falls.
Lucien M. Helm, Tower.

MISSOURI

Cleo J. Burch, Brookfield.
Robert D. Gardner, Center.
Abraham M. Smelser, Grandin.
Byron Burch, Linneus.
Ada J. Barker, Marquand.
Otis H. Storey, Senath.
Tyree C. Harris, Windsor.

NEBRASKA

George W. Bennett, jr., Arnold.
Eva R. Gilbert, Broadwater.
Ernest G. Miller, Lynch.
Robert G. Walsh, Morrill.
Horton W. Bedell, Peru.
Thomas W. Cook, Scotia.

NEVADA

Dora E. Richards, Sparks.

NORTH DAKOTA

Guy E. Abelein, Anamoose.

OHIO

Harry R. Hebblethwaite, Berlin Heights.
Rollo J. Hopkins, Edgerton.
Clayton O. Judd, Garrettsville.
Edward C. Bunger, Lewisburg.
John F. Adams, Lisbon.
Austin H. Bash, Strasburg.

OREGON

Thomas F. Johnson, Hood River.
Charles E. Lake, St. Helens.

PENNSYLVANIA

William E. Brooks, Ridley Park.

TENNESSEE

John M. Whiteside, Bellbuckle.
Lula C. Beasley, Centerville.
Luther D. Mills, Middleton.

TEXAS

Ewald Straach, Miles.

HOUSE OF REPRESENTATIVES

MONDAY, *April 9, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, Thou knowest our frame and art touched with a feeling of our infirmities; Thou dost condescend to hear our prayer. In some strange way the storm winds and the port are friends. Do Thou touch the eternal in us. Awaken in us the deepest concern to feel Thy presence, to be stirred by Thy truth, to have faith in the unseen, and to follow the aspiration to leap over the boundary of time. Devoid of these, we may yield to that which destroys character, defeats progress, and forbids happiness. Whatever the exactions of each day may be, teach us to be patient and zealous. Come with us, bless us, and help us to dignify common toil and to consecrate the hard, homely things of life, and to pass on to others sweet charity and cloudless hope. Through Christ. Amen.

The Journal of the proceedings of Friday, April 6, 1928, was read and approved.

NATIONAL FOREST—CARSON

Mr. MORROW. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9829) to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands," with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from New Mexico asks unanimous consent to take from the Speaker's table the bill (H. R. 9829) and agree to the Senate amendments. Is there objection?

There was no objection.

The Senate amendments were read.

The Senate amendments were agreed to.

FLOOD CONTROL

Mr. DICKINSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article on the Jones flood control bill from the St. Louis Globe-Democrat.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. DICKINSON of Missouri. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article from the St. Louis Globe-Democrat:

COOLIDGE GOING WRONG

The Senate by a unanimous vote passed the Jones flood control bill last week. The House Special Committee on Flood Control has laid aside the bill which it had prepared and introduced and by a vote of 20 to 1 has recommended the passage of the Senate bill. It has been the general belief in Washington that this bill would come before the House for its vote as soon as its rules of procedure would permit, and it has been anticipated that this would be within a week, and that the House would pass it quickly and by a large majority.

But now an obstacle to this consummation appears in the attitude of President Coolidge. We are told that he is dissatisfied with the bill as amended and passed by the Senate, and that unless materially altered by the House he will oppose it. It is even intimated that if passed as it is, or without alteration to suit him, he will veto it.

One objection he is said to raise is that it does not definitely specify the cost of the work. The bill authorizes the expenditure of $325,000,000, but that sum, it is generally conceded, is a preliminary estimate, and the actual cost may be double that amount. The estimate of the Army engineers for the Jadwin plan is about $290,000,000; that of the Mississippi River Commission for its smaller plan is about $400,000,000, and for its larger plan around $700,000,000. With the authority given to the board of engineers created by the bill to harmonize the two plans, it is obvious that the cost can not be specified in the bill. Nor would it mean anything if it were attempted. The work must be done, whatever the cost. The country, we think, has fully made up its mind as to that. It will be the business of Congress and of the agencies which it puts in charge of the work to see that no money is wasted, but no one can say definitely what it will cost until it is finished. The Panama Canal project was inaugurated with an authorized expenditure of about $140,000,000, but its actual cost was approximately $375,000,000, and it is worth every dollar of it and more.

If the President has actually raised this objection, it seems to us to be mere quibbling over intangibles. It is more likely that his primary objection arises from his belief that the States affected should bear a considerable share of the future cost of the work. The Jadwin plan provided for this participation and the President has insisted upon it. The Jones bill originally contained provisions for some division of future costs, but these were eliminated in the committee, and the principle of participation was considered to be sufficiently recognized in crediting to these States the $290,000,000 they have already expended for flood protection. When it is recalled that the flood of last year cost them upward of $200,000,000, it would seem to be as unjust as it is unwise to lay further burdens upon them in relation to a matter that is fundamentally a national obligation. The Jones bill respects the position taken by the President to the extent of declaring the principle of local participation sound, "as recognizing the special interest of the local population in its own protection, and as a means of preventing inordinate requests for unjustified items of work having no material national interest." While we do not regard the principle itself as sound, as applied to the project in question, because it is there impracticable, yet the language of the bill is warranted under the circumstances because the action in this case should not establish a precedent for future demands upon Congress. But with this declaration incorporated in the bill the statement of Mr. MADDEN, chairman of the Appropriations Committee, after he had discussed the subject with President Coolidge, that the bill "would commit the Government to every creek that is out of banks when it rains" becomes sheer nonsense. The bill commits the Government to nothing but this particular job, and to the consideration of future action in regard to the tributaries of the Mississippi.

The President's attitude in relation to this bill is not reasonable, nor is it marked by that comprehension of the vast national significance of this matter which a chief executive should have. We believe the unanimous action of the Senate expresses the feeling and the desire of the country to deal with this subject in the large way its importance demands, and we do not believe the people will countenance any failure of Congress to give legislative effect to their wishes. The House should proceed with the passage of the Jones bill and it should be made a law regardless of the narrow view of the President. It is to be hoped that he will not carry his opposition to the point of veto, but if he should, Congress would be fully justified in overriding the veto. Indeed, it would merit public condemnation if it did not do so.

AN EASTER IN THE NATION'S CAPITAL

Mr. HOWARD of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an article entitled "An Easter in the National Capital," written by Col. C. B. Douglass, of Oklahoma.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD by printing an article written by Col. C. B. Douglass, of Oklahoma. Is there objection?

Mr. SNELL. Reserving the right to object, how long is the article?

Mr. HOWARD of Oklahoma. Very short.

Mr. SNELL. This is going pretty far to print general newspaper articles in the RECORD.

Mr. HOWARD of Oklahoma. It is not a general newspaper article.

Mr. CRAMTON. I had supposed that editorials were under the ban.

Mr. HOWARD of Oklahoma. This is a patriotic article, one that I think anybody in the Nation would be interested in reading.

Mr. SNELL. The question is whether it is of national interest.

Mr. CRAMTON. I think it would be of as much interest as the editorial that has just been allowed to be inserted in the RECORD.

Mr. SNELL. What was that?

Mr. CRAMTON. An editorial attacking the position of the President on flood control.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HOWARD of Oklahoma. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article entitled "An Easter in the Nation's Capital," written by Col. C. B. Douglass, of Oklahoma:

What a wonderful thing it is to be alive this Easter morning, April 8, in the good year of our Lord 1928, and in addition to being alive how good it is to be in the Nation's beautiful Capital City, Washington, so rich in history, legend, and patriotic lore. The skies blue as eyes of a dream girl and a warmth of sun brilliant, stimulating and soul-satisfying as a southern welcome.

What a crowded morning is offered, appealing to all the senses in all that goes to make life more sublime and more worth the living, and how fortunate it is to be able to sense it all, to appreciate it all, and to enter into and enjoy the God-given blessings of this day and of this place.

Early it was when after the morning meal with pipe going, I started on an aimless tour, setting out from my hotel, alone, to go wherever chance directed. Up the Avenue I crossed Fifteenth Street and emerging from the hurrying Easter throngs found myself in Sherman Park.

There I made obeisance to my old hero, General Sherman, mounted on his bronzed steed atop his granite pedestal, and greeting him I asked his companionship for a stroll. I was then no longer alone but went with him to Bull Run, Donaldson, Henry, Shiloh, Kennesaw Mountain, Vicksburg, Resseca, Dalton, and on to Atlanta.

From the capital of Georgia we marched together to the sea, then came Savannah and Columbus, the surrender of Johnston, southern legions, and the return to Washington with the best army, man for man, ever assembled on this or any other continent. Together we marched up Pennsylvania Avenue in the great parade to the reviewing stand where his chieftain, Grant, greeted him as his greatest soldier. There I left him to again take his place mounted on his bronze steed atop his granite pedestal, where with a fame as enduring as his monument, he looks out over the city he did so much to save, secure from the blasts of hatred and forever safe in the love-enshrined hearts of his countrymen.

On I strolled, lured by the fragrance of the cherry blossoms, bringing with them a glimpse of old Japan, blooming in their virgin purity from their swaying boughs, and on my way paused to greet the man who made this Nation and this city possible.

Washington, the man, to me spoke from every stone in the towering shaft which bears his name, and after my homage to him, together we went to Yorktown, to Valley Forge, to the frozen fields along the Delaware and the ice-blown crossing with his hungry, footsore, and

bleeding comrades. Then, to the Capital where he put away the crown and gave to his countrymen that farewell address which told almost like written history, that which should come to the Nation he created after he and his hearers had passed on into the vale.

Then to the beautiful shaded lawn of Mount Vernon, we wended our mental way and watched the waters of the Potomac flowing to the sea, with the azure hills as a background, a fitting retreat for him who, at the close of such a life, lies down to a dreamless sleep.

There I left him with a wreath of love and affection on his tomb and I was a better man for the journey we had just completed.

On I went, and on to the placid lakes and lagoons where, in a bewildering mass of foliage with colors running riot, thousands of happy visitors gaily attired, of all ages, were absorbed in the beauty of the scene. Men and women, elderly and happy, brushed elbows with youth and maiden, bright-eyed and animated, strolling arm in arm, and children in an ecstasy of joy shouted in their joy of living.

On blooded hunters, gaily costumed in colors matching all the radiant flowers, men and women crowded the bridle paths. From the double-decked sight-seeing cars to the old-time bicycle the driveways were crowded to capacity.

Overhead droned the motors of the monoplanes and the biplane with aerial sightseers, and on the lakes and lagoons white sails gleamed in the sunlight to the ringing calls and shouting laughter of the merry-making crews aboard the gull-winged craft. Marines and soldiers in brightest uniforms added color to the scene. Artists, with easels set, painted vigorously, cameras clicked, movie men went into action, and kodak parties were making permanent, as near as may be, the fleeting riches such a day brings to the life of those who, having eyes, can see and, having souls, can understand.

On past the unfinished arches of the memorial bridge spanning the stately river I went and visualized what it will be when, leading to the Tomb of the Unknown Soldier, it will link with beauty and with art by a trail millions will travel the city beautiful with the resting place of so many of our Nation's great.

Climbing a slight elevation, I felt again another presence and again I knew I was not alone. Before the Nation's shrine I bowed my head in reverence, and when looking up greeted one who of all the rest is to me the most sublime, the most majestic, and yet the saddest figure in our history. Lincoln, who felt the full blow as Sumter was first fired upon and whose heart was almost crushed by the cannon's blast directed by the champions of the stars and bars. Lincoln, who met his disordered, disorganized troops on the rout from Bull Run, who saw his generals—McClellan, McDowell, Hooker, Buell, and Frémont—fail where success should have been certain, and who saw his armies bruised and beaten from battle field to battle field during those depressing days of sixty-one and sixty-two.

Lincoln, whose great heart bled with every wound the Nation suffered and, who in the stillness of the nights paced the floor saddened and alone and bore the burdens of his Nation's sorrow. Lincoln who broke the shackles from a million slaves and made of them human beings in law and in fact. Lincoln, the towering figure of all time in our Nation's history, who with the years grows greater and from whose life there is inspiration for all men.

Our Lincoln, my Lincoln of the log cabin, greeted me as seated in his marble chair he looks out over the mirrored lake to the monument of the man who created the Nation he had saved. Lincoln looking further to the matchless dome of the Capitol he defended. Lincoln who through the years of blood and tears moved always to the day of peace for a reunited country, "with charity toward all, with malice toward none." With Lincoln and his inspired memories I spent the most impressive hour of my life, and as I made my way back to the hotel, past the buildings dedicated to art, to the Latin American, to Peace, to the State, the Navy, and the Army, and on past the historic white mansion so hallowed by the names of Presidents living and dead, I to myself again said: What a wonderful thing it is to be alive this Easter morning, April 8, in the good year of our Lord 1928, and being alive to be in this, the Nation's beautiful Capital City, Washington.

QUESTION OF PERSONAL PRIVILEGE

Mr. BLANTON. Mr. Speaker, I rise to a question of privilege. I have stated it to the Speaker in chambers and he recognized it as a question of privilege. Shall I restate it?

The SPEAKER. It should be restated to the House.

Mr. BLANTON. Mr. Speaker, without any foundation whatever therefor, and it being wholly false, on Saturday, March 31, 1928, the Washington Times in three several editions that afternoon in headings, in box-car letters an inch high, black face, printed the following: In one edition it had "BLANTON nabbed." In the next edition it had "Police nabbed BLANTON." In the next edition it had "BLANTON pulled."

In a subsequent issue it had the following head: "BLANTON made cop sign false paper." I submit to the Speaker that constitutes a privilege, and I ask permission to be recognized for an hour under the rule.

The SPEAKER. The Chair doubts whether what the policeman did to BLANTON establishes a question of privilege, but thinks that what he did to the policeman would. [Laughter.]

Mr. SCHAFER. A parliamentary inquiry, Mr. Speaker.

Mr. BLANTON. I refuse to yield for a parliamentary inquiry; I have the floor.

The SPEAKER. The gentleman from Texas declines to yield.

Mr. BLANTON. Mr. Speaker, that paper on this afternoon of March 31 printed five different editions here in Washington, and in every one of those editions it had a new heading in box-car letters indicating that I had been arrested on New Hampshire Avenue for speeding. It was wholly false. There was not a word of truth in it. There was not even any foundation for it.

It was a deliberate attempt by high police officials in the police department who, as a member of the Gibson committee I had been helping to investigate with respect to their improper conduct and improper actions. This paper went on to say that I was arrested on New Hempshire Avenue by a traffic policeman, Dalton E. Galimore, and that in the special drive to stop speeders on New Hampshire Avenue, I was the first one to be arrested.

Mr. SNELL. Mr. Speaker, I make the point of order that, if the gentleman is going to be heard, he must confine himself to the question of what he did to the police.

Mr. BLANTON. Oh, well; that is the whole proposition.

Mr. SNELL. I do not propose to have that whole matter retried in the House of Representatives. If the gentleman wants to take the time of the House of Representatives in presenting this matter he must confine himself to the question of privilege.

Mr. BLANTON. Mr. Speaker, I ask that this interruption be not taken out of my time.

The SPEAKER. The Chair thinks there is point in what the gentleman from New York [Mr. SNELL] says. The Chair does not think the headlines in the newspapers of themselves constitute a question of personal privilege. The Chair does think that the implication that the gentleman from Texas compelled a policeman to sign false statements does raise a question of personal privilege. The Chair thinks the gentleman should confine himself to that as closely as possible.

Mr. BLANTON. I shall show exactly what the situation is. I ask that the Clerk read in my time the following affidavit, which I send to the desk.

The SPEAKER. Without objection, the Clerk will read.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, who made the affidavit?

Mr. BLANTON. Dalton E. Galimore.

Mr. SCHAFER. I shall not object.

The Clerk read as follows:

The DISTRICT OF COLUMBIA:

I, Dalton E. Galimore, being duly sworn, upon oath state:

I am a motor-cycle patrolman in the traffic division of the Metropolitan Police Department of the District of Columbia, and am the one whom the press Saturday reported to have arrested Congressman THOMAS L. BLANTON for speeding.

All of said press reports were absolutely false and were manufactured, without any basis or foundation therefor whatever.

From his residence on Irving Street NW. Congressman BLANTON would naturally turn into Sherman Avenue, then Florida Avenue, and then into New Jersey Avenue for the most direct route to his office.

On Saturday morning about 8.30 o'clock Congressman BLANTON in his car turned from Irving Street into and down Sherman Avenue, following in behind a continuous stream of cars in front of him and with the usual stream of cars behind him that come down this arterial highway each morning going to work.

There was a slow truck ahead, and I saw the stream of cars all turn around it, being just behind Congressman BLANTON'S car, and he kept his place in said line of cars and at no time turned or passed any of them ahead of him, there being at least 30 cars in sight ahead of him in this procession.

Congressman BLANTON was not speeding, and at no time violated any provision of the law, and at no time did I stop him, and at no time did I call him down.

As I was traveling in his direction, I found myself cruising along by the side of his car, and as he and I are well acquainted I saluted him as a friend, which friendly salutation he returned, and he told me to turn into the curb on Sherman Avenue, just opposite the Garfield Hospital, as he wanted to talk to me, and we both turned to the curb, and he then asked me about the facts in my case, when an attempt had been made to "frame" me with false testimony, when certain enemies had charged me with bootlegging. I answered all of his questions and gave him all the data he asked for, and then I went on to my work, and he went on down Sherman Avenue to the Capitol to his office.

Instead of my having stopped him, it was he who stopped me, and called me to the curb to get information, just as he has talked to me several times before, in his work checking up District business.

When I went to the traffic bureau I casually mentioned to Inspector Brown that I had had a conversation with Congressman BLANTON that morning as I was coming down Sherman Avenue from my home to work. He asked me how the cars were running on Sherman Avenue, and I told him all right, that I had arrested one man that morning for speeding 35 miles per hour, and his case is to be tried to-night in court. If anyone mixed this conversation up by connecting Congressman BLANTON with it, they had no foundation for it whatever, as I made no charge whatever against him in any way whatever.

Shortly thereafter a press reporter with his camera came to me and wanted to take my picture, as the one who arrested Congressman BLANTON, I told him that such assertion was a lie, and that if he didn't leave me I would "bust both him and his camera up."

Later that day another press reporter came to me and said he had heard that I had shot at Congressman BLANTON to stop him, and I told him it was a lie; that at no time was Congressman BLANTON speeding or in any way violating the law, and that he was never on New Hampshire Avenue that morning.

Later another press reporter came to me with a camera, and I told him that such report of speeding was a lie, and he had better not publish it. I thus notified them long before they published it.

On Saturday night after 11 o'clock one of the editors of the Herald rang me at my home and said he was publishing a hot editorial about BLANTON'S arrest, and I told him he had better not do it, as it was all a lie, and I wouldn't stand for it.

(Signed) DALTON E. GALIMORE.

Sworn to and subscribed by said Dalton E. Galimore before me on this the 2d day of April, 1928, at my office in Washington, D. C.

[SEAL.] ELTON J. LAYTON,
Notary Public in and for the District of Columbia.

Mr. BLANTON. Mr. Speaker, the notary public who swore Mr. Galimore to that affidavit is our highly respected clerk of the Committee on Interstate and Foreign Commerce of the House—a splendid gentleman, and many of you know him.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes; I yield to the gentleman from Wisconsin.

Mr. SCHAFER. Who wrote the draft of the affidavit?

Mr. BLANTON. It was prepared in my office, covering statements detailed by Galimore himself. I now ask that the Clerk read in my time the following affidavit from Mr. Elton J. Layton, who is the clerk of the Committee on Interstate and Foreign Commerce.

The SPEAKER. Without objection, the Clerk will read.

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, are we going to get full information as to how these affidavits were prepared and who prepared them?

Mr. BLANTON. Yes; I am going to give the House all of them. They were prepared in my office upon statements detailed by the affiants themselves.

The SPEAKER. Without objection, the Clerk will read.

There was no objection, and the Clerk read as follows:

THE DISTRICT OF COLUMBIA:

I, Elton J. Layton, being duly sworn, upon oath, state: I am the clerk of the Committee on Interstate and Foreign Commerce employed by the House of Representatives of the United States. I am a notary public, and am the same officer, who, on last Monday, April 2, 1928, administered the oath to Dalton E. Galimore when he executed an affidavit before me in my office in the House Office Building. Before I administered the oath to said Galimore, he stated to me that he himself had read over the affidavit and was familiar with its contents, whereupon he made oath before me that such statements contained in said affidavit were true and correct.

Before leaving my office, said Galimore stated to me that the press reports stating that he had stopped Congressman BLANTON for speeding were ridiculous, and that he always brought them in whenever he caught anyone for speeding.

He left my office about 9 o'clock a. m. that morning, Monday, April 2, 1928, after swearing to such affidavit. He was in a fine humor, and seemed to be gratified that he was correcting a false press report, and stopping an injustice. I have no personal interest in this matter whatever.

(Signed) ELTON J. LAYTON.

Sworn to and subscribed before me on this, the 4th day of April, 1928, by the said Elton J. Layton, in the House Office Building. Given under my hand and seal of office in Washington, D. C.

[SEAL.] NORMAN E. IVES,
Notary Public in and for the District of Columbia.

Mr. BLANTON. Mr. Speaker, I now ask the Clerk to read in my time a statement from the inspector of traffic of the Metropolitan police department, which I send to the desk.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

TRAFFIC BUREAU, METROPOLITAN POLICE DEPARTMENT,
Washington, D. C., April 2, 1928.

Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Private D. E. Galimore about 9.30 a. m., reported to me that he had had a conversation that morning with Congressman BLANTON.

There was no complaint whatever filed in this bureau against Congressman BLANTON, nor was he charged with speeding.

That date about noon, I casually mentioned the matter to Superintendent Hesse.

E. W. BROWN,
Inspector, Traffic Bureau.

Mr. BLANTON. I now ask the Clerk to read in my time the following affidavit, which I send to the desk.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

THE DISTRICT OF COLUMBIA:

I, Mrs. Louise K. Benton, being duly sworn, upon oath, state: I am Congressman BLANTON'S secretary, and have charge of his office. On Saturday, March 31, 1928, between 12 noon and 1 o'clock, a motor-cycle policeman, giving his name as Dalton E. Galimore, came to our office and asked to see Congressman BLANTON, and said he must see him at once, and he was greatly excited. I told him where I thought he could find him, and he said, "No; he is not there." He wanted to know the home address.

He started down the steps, and came back, and said that he had met Congressman BLANTON that morning and that they had stopped to have a friendly chat; and that it had been reported at headquarters and all over town that he had stopped Congressman BLANTON for speeding. He said that as he passed Congressman BLANTON'S car coming down to work he said, "Good morning," and that they had had a friendly chat; and because of this he had been accused of stopping him for speeding. He said that as soon as he heard about it he went to No. 6 precinct, where he thought Congressman BLANTON was conducting the Staples hearing, but it had adjourned; that press reporters with cameras told him that he was the cop who had arrested BLANTON for speeding and they wanted his picture; that they even accused him of having shot at Blanton; that he told said reporters such reports were not true, that he had not stopped BLANTON for speeding, as he was not speeding, and that he would break their cameras if they worried him.

He stated that he wanted to see Congressman BLANTON as soon as possible to tell him that he was not responsible for these reports. About this time the House had adjourned shortly after its convening on account of Senator WILLIS'S death. This policeman wanted to leave a written statement for Congressman BLANTON, but I told him that he would be at the office in a few minutes, for the adjournment bell had rung. And in a few minutes Congressman BLANTON stepped off the elevator. This policeman met him excitedly, and began explaining rapidly, and they walked off together. His whole intent and purpose seemed to be a desire to correct a false report indicating that he had stopped Congressman BLANTON for speeding, when he had not been speeding, and when he had not stopped him.

LOUISE K. BENTON.

Sworn to and subscribed by the said Mrs. Louise K. Benton before me, the undersigned authority, on this the 9th day of April, A. D. 1928. Given under my hand and seal of office in Washington, D. C.

[SEAL.] ELTON J. LAYTON,
Notary Public in and for the District of Columbia.

Mr. BLANTON. Mr. Speaker, I ask that the Clerk read the following affidavit in my time.

The SPEAKER. Without objection, the Clerk will read.

Mr. SNELL. Mr. Speaker, reserving the right to object, what is this affidavit that is coming now?

Mr. BLANTON. Is the distinguished gentleman from New York getting uneasy when I am trying to show the question of personal privilege?

Mr. SNELL. The gentleman from New York does not think it necessary to spend the entire afternoon reading these papers, and he is not going to permit it if he can help it.

Mr. BLANTON. The gentleman does not think it is important when the press charges a Member of Congress with having violated the law when he did not violate the law?

Mr. SNELL. I asked what the affidavit was.

Mr. BLANTON. It is an affidavit showing the falsity of this statement.

Mr. SNELL. How many more of these affidavits has the gentleman?

Mr. BLANTON. I have several. I expect to take my full hour which the rules allow me.

The SPEAKER. Is there objection?

There was no objection, and the Clerk read as follows:

THE DISTRICT OF COLUMBIA:

I, Winbern Howard Adcock, being sworn, upon oath, state: I am employed by Congressman BLANTON in his office. On last Saturday, during lunch hour, a policeman, dressed in traffic uniform, came to Congressman BLANTON'S office and seemed very anxious to find him, stating that he had been to No. 6 station looking for him, but that Congressman BLANTON already had left the Staples hearing. He had a conversation with Congressman BLANTON'S secretary, Mrs. Louise K. Benton, only part of which I overheard. I heard this traffic policeman tell Mrs. Benton that he had met Congressman BLANTON that morning in a friendly chat, and that some people were now making false statements about it, and that even some were claiming that he had shot at Congressman BLANTON. After talking to her some little time, I heard him tell Mrs. Benton that he wanted to give her a statement in writing, and she went to get paper for him, and about that time Congressman BLANTON came, but as he had to leave immediately for the Staples hearing this policeman went off with him. It was my impression that this policeman was trying to correct some false statement that had just appeared in the noon newspapers.

I reached Congressman BLANTON'S office last Monday morning at 20 minutes to 9 o'clock, and found this policeman seated in the chair and at the desk used by Mr. BLANTON, and he was leaning over toward the desk and seemed to be reading something. At this time he was in citizen's clothes, but I recognized him to be the same traffic policeman mentioned above. Congressman BLANTON was standing up at the desk by him. I hung my hat and coat up, got my work, and went out to the work office on another floor. I heard no conversation between them, as neither said anything while I was there.

WINBERN HOWARD ADCOCK.

Sworn to and subscribed by the said Winbern Howard Adcock before me on this the 3d day of April, A. D. 1928. Given under my hand and seal of office in Washington, D. C.

[SEAL.] HOWARD F. BRESEE,

Notary Public in and for the District of Columbia.

Mr. BLANTON. Mr. Speaker, this particular Saturday morning at 8.30 o'clock I was in my car on my way to my office to work. I live on Irving Street. I was going by the most direct route to my office. I turned out of Irving Street into Sherman Avenue, which is an arterial highway from north Washington and Maryland to the city, and I started down Sherman Avenue. I had to stop and wait probably half a minute to get into Sherman Avenue because of the stream of cars coming down town. At 8.30 o'clock in the morning you will find a constant stream of cars coming down Sherman Avenue to the city. I turned in behind at least 30 automobiles within sight, perhaps more, in front of me, in my place in the procession. There were at least 30 automobiles behind me in sight when I turned in there. As I was coming down Sherman Avenue a motor-cycle policeman cruised up by my side on my left, going down town, and was about to pass me, when he saw me and recognized me and said, "Good morning, Congressman." He was a man whom I have known for some time, and he is one of the best traffic policemen that I know of in the city of Washington. Anybody who knows him will tell you that he is one of the best we have. I have found him honest, truthful, and reliable. When I recognized him I happened to remember that he was the man who had had some charges preferred against him once that were a frame-up, by parties whom he has been trying to arrest.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. LINTHICUM. I do not see how the gentleman is hurt very much by this. Colonel Herbert, our superintendent of prohibition in Baltimore, the other day admitted that he was traveling at 30 miles an hour through the city, and another man was arrested. The judge told him that if he had been before him he would have fined him for speeding through the city.

Mr. BLANTON. Oh, yes; but that is not similar to my being framed with false reports in the press.

Mr. LINTHICUM. This comes from notoriety.

Mr. BLANTON. There is something behind this that I want the House to know. It is something more serious than a newspaper report. It is something of vital importance to the Members of Congress that I want to tell you.

When I recognized this man I knew that he knew some facts that I wanted to know, and I asked him if he would turn off the street there to the curb opposite Garfield Hospital, as I wanted to speak to him. He did. It took up at least half a minute or a minute to turn out of the line to the curb. We stopped for a friendly chat. I asked him at least a dozen questions. People coming by might have supposed I had been arrested by seeing a "cop" talking with me. But it was not he who stopped me. It was I who stopped him, and he has so sworn, and he has so told my secretary. And we were on Sherman Avenue. And I was never on New Hampshire Avenue that day, as falsely stated by the newspapers.

Mr. SCHAFER. How fast were you going?

Mr. BLANTON. About 18 or 20 miles an hour, with about 30 cars in front and about 30 cars behind me. At no time, I tell you, did I turn around a car. That is the truth. When I got through talking with Galimore he pulled off on his motor cycle and I came on down Sherman Avenue to Florida Avenue, thence into New Jersey Avenue to my office. That is all there was to it.

I met the newspaper reporters that morning, four of them all together, and they asked me, long before this was ever printed by the press, "Mr. BLANTON, what is this report about you being arrested?" I told them there was not a word of truth in it, and I told them that if they would see the man I had talked with he would tell them so, too. Galimore tells you in his affidavit that he merely casually mentioned the matter at the Traffic Bureau to Inspector Brown, that he had had a talk with me that morning.

He tells you that when the report got out that he had stopped me for speeding he told the press reporters that it was a lie. He knew that I was conducting the Staples hearing, and he immediately went to No. 6 precinct, where that hearing was going on, to see me and explain that he was not responsible for the report. He tells you that camera men went there and tried to take his picture, and he told them the report was false, and he told them that if they did not quit bothering him he would break their cameras.

Yet, knowing all that, this paper and every other paper in Washington, except the News, published that false statement about it, and they continued to publish it.

And there has been a strenuous effort on the part of the police department to make this good motor-cycle man swear to a lie and say he did stop me. They threatened to put him off the force if he did not swear to it. Before I had seen him that day, when he heard of this report, my secretary and one of my clerks, Mr. Adcock, have sworn that he came to my office excitedly and wanted to see me, and made the statement that this false report was being gotten up here in Washington and he wanted to correct it before I saw it. It was an impulse of an honest man to prevent an injustice being done, and he did not want that false statement to be circulated, involving him, and have me think he had done me a wrong.

Mr. SCHAFER. All these great newspapers would not print those box-car headlines without some information. Does the gentleman know who gave them the information?

Mr. BLANTON. Yes. I will go into that. It came from Major Hesse's office. I want to say this about the gentleman from Wisconsin. He and I have differences over the liquor question. He is a strong liquor man and I am a prohibitionist.

Mr. SCHAFER. No; I am a 2¾ per cent beer man.

Mr. BLANTON. He is a strong 2¾ per cent liquor man, and I am a prohibitionist, as the Constitution and the Volstead Act prescribe. There is a difference, but I want to say this: JOHN SCHAFER is honest; JOHN SCHAFER'S impulses are good. The impulses of his heart are good. There is not a man in this House—not one—who did more to help me in my Fenning investigation and to help me in bringing Fenning to justice than JOHN SCHAFER, and I am going to feel grateful to him as long as I live for the splendid help he gave me in that case; and in spite of his getting mad at me because we differ on the liquor question, I am JOHN SCHAFER'S friend, and if JOHN SCHAFER knew the facts that I know in this case he would be the first to rise up and try to see that there was a remedy provided, because JOHN SCHAFER is honest.

I say there was a deliberate attempt on the part of the headquarters office of the police force to break me down, because they knew I had been trying to check up that department and to eliminate from it lots of rottenness. It was a deliberate attempt, gentlemen, on the part of Major Hesse and his department, to break me down, if possible, and to stop my work in Washington and keep me from investigating him and his corrupt police officials.

I had charged Major Hesse, the head of that department—not only charged him but had produced witness after witness before the District Committee, the Gibson committee, of which I am a member, showing improper conduct on the part of the superintendent of police of this city, Major Hesse, and some of his police captains. It was because I had shown improper conduct on the part of high officials of the police department that they made this deliberate attempt to break me down. But they will not succeed. And they can not break me down.

Now, I want to say this: I was then conducting an important hearing, which has not been finished yet. It is now before the commissioners. I shall not go into its details on this floor at this time until it is finished, but then I expect to go into it fully if they still do injustice to this man; but I want to say to you colleagues of mine, 434 of you, that if you men could only know what is in the record of that case which I was conducting from two standpoints, first, as a Member of Congress on your District Committee, to find out what is going on in the District of Columbia, and, secondly, because a poor young policeman, who was a service man, who served your United States Navy and your flag for three years, appealed to me and said that he was not able to employ an attorney and he asked me to see that he had a fair trial.

Mr. SCHAFER. Mr. Speaker, a point of order. The gentleman from Texas is discussing a trial, which is not before this body, and I am constrained to object. This matter has been before the trial board and the man was found guilty by the trial board. He has a right to appeal to the District Commissioners, and he has a right to appeal from the District Commissioners to the courts of the land, and I do not think it is proper, under this question of personal privilege, to discuss the Staples trial. I believe the gentleman from Texas should be confined to a discussion of the question of speeding under his right of personal privilege, and I hope he will not press the discussion of the Staples trial at this time.

Mr. BLANTON. Mr. Speaker, I have the right to show the motive and intent of the persons who caused that false report to go into the press of the country. My hands are not tied. Why, under privilege a person has always been permitted to go into a full explanation and show the motives and intent of the parties who have made or circulated improper and false statements about them, and that is what I am trying to do. I know the rules and I am going to keep within them.

The SPEAKER. The Chair thinks the gentleman has strayed from the subject of privilege. The Chair thinks the gentleman has the right to show the motives that might have actuated persons in making this accusation, but he does not think the gentleman should discuss a police trial.

Mr. BLANTON. I am not. I said I would refrain from doing that now.

The SPEAKER. The Chair hopes the gentleman will confine himself to the matter of privilege.

Mr. BLANTON. I shall. I know the rules because I have been studying them for 11 years. Of course, I do not know them as well as BERT SNELL, the gentleman from New York, but I know them.

Mr. Speaker, I want to say this: That this persecution has been brought about solely because of my activity on the District Committee, in cleaning up rotten conditions in Washington. I wish I were not a member of that committee. I have served my time on it and I have done the hardest work I ever did in my life since I have been on that committee.

I wish you gentlemen would relieve me of the responsibility that is attached to it. As a member of the District Committee, my duty is to look into District affairs and see that this Nation's Capital, which is in the control of Congress, is properly conducted, in order that there shall be no rottenness in its departments, and if I found rottenness, such as existed in the Fenning case, it was my sworn duty to bring it to the attention of this Congress through the committee of which I was a member. If you will take our leader on the Ways and Means Committee, our friend, JACK GARNER, he will tell you that he put me on that committee without my asking for it. I have never asked for it, but he put me there, expecting me to do the work that came as a part of the responsibilities resting on a member of that committee. I am the acting ranking Democratic member on that committee, so that the work has been upon me. When a measure is brought here from the District Committee you gentlemen look to me as one member to tell you what is in that measure, and to advise you whether or not it ought to be passed or whether it ought to be killed. I have tried to do my duty in that respect and this is a punishment; this is an attempted reprisal on the part of the heads of the police department and of the newspapers here, whose purposes and ambitions are to get back the 50–50 plan or at least the 60–40 plan, against which I have been fighting for years, and I have helped to keep the taxes here of Washington people up at a normal rate, so that our constituents at home would not have to pay their civic expenses.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCHAFER. The newspapers in the District have been exceedingly fair to the gentleman from Texas. He has had the headlines practically every day, and generally they have been pretty fair.

Mr. BLANTON. If my friend thinks it is headlines I am after, he is mistaken. Every newspaper will tell you that they have repeatedly for three years, and Mr. GIBSON, our chairman, is here, and he will tell you that they have repeatedly tried to take picture after picture of my committee, and I have been the one who has kept them from doing it.

If you consult the press you will see that the picture of our Gibson committee each time was taken after the committee had adjourned and I had left. I have refused to let them take any pictures. I have tried to keep out of the press. I have tried to do my duty as a man should under his oath and keep out of the press, but this is a direct attempted punishment and an attempted reprisal on me for having been active against some of the leaders here in Washington who were engaged in rotten practices at the expense of the people.

For instance, let me call your attention to one matter to show the animus and the purpose and the motive of the superintendent of police. It so happened here that a short time ago before the Gibson committee we put three different citizens on the stand and they testified that the major and superintendent of police had been drinking and had been drunk.

Mr. SCHAFER. Will the gentleman yield right there?

Mr. BLANTON. Yes.

Mr. SCHAFER. Did not the chief of police testify he had been using a mouth wash with an alcoholic content?

Mr. BLANTON. That was an excuse he gave the commissioners, one of whom passed it on to me, and he claimed to me that it was medicine.

Mr. SCHAFER. Were these policemen expert witnesses—chemists and so forth—that they could testify absolutely to the facts in the case?

Mr. BLANTON. Well, I will tell my friend from Wisconsin some facts about it.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLANTON. Wait a minute. I want to answer the gentleman from Wisconsin first.

I will state to my friend I had your superintendent of police brought before the committee and I told him I wanted him to hear what I had to say to him. I told him about the number of times, at least six, during the last year when I had seen him in his office intoxicated to a certain extent, and about the talk I had had with him about a year ago to the effect that if he did not quit it and did not stay sober and did not prevent a wrong morale among his men, I was going to report him, and then when I got through I said, "Now, Mr. Chief of Police, I submit myself to you. If you want to ask me any questions, I will answer any questions you want to ask." He said, "No questions at all"; not a one, although I had charged him with this misconduct. And when I sought to question him, he claimed his privilege, and refused to answer.

Mr. CHINDBLOM. Mr. Speaker, I submit a point of order——

The SPEAKER. The gentleman will state it.

Mr. CHINDBLOM. An attack upon the superintendent of police in the District of Columbia can have nothing to do with the matter the gentleman is discussing on the question of personal privilege.

Mr. BLANTON. He is the man whose office gave out the false report.

Mr. CHINDBLOM. I submit to the Chair the gentleman is going too far.

Mr. BLANTON. I am showing his motive and intent. I have traced it to him. If the gentleman will read Inspector Brown's statement——

Mr. CHINDBLOM. I want to be heard on my point of order. The gentleman is going into another hearing and into another question, not having anything to do with the question of personal privilege.

Mr. BLANTON. O Mr. Speaker, let me call your attention to this press report emanating from this police department.

The SPEAKER. The Chair would think that if the gentleman from Texas is undertaking to supply some connecting link between the chief of police or others in giving out or circulating the report that the gentleman from Texas compelled a policeman to sign a false statement, the gentleman is entitled to do that.

Mr. CHINDBLOM. But the gentleman has furnished no connecting link.

Mr. BLANTON. I will furnish it.

The SPEAKER. The Chair is assuming the gentleman intends to furnish it.

Mr. BLANTON. Yes; I intend to do it. If the gentleman from Illinois will notice, Inspector Brown, of the traffic department, states in this statement which he gives me, that

he mentioned to the chief of police, Major Hesse, that Galimore had stopped me and had had a talk with me one morning. I have traced it to police headquarters, to the office of the superintendent himself, from which emanated this false report.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLANTON. I am sorry I can not yield. If the gentleman is going to obstruct me, I can not yield.

Mr. CHINDBLOM. It is not a question of obstruction. I submit on the point of order that what the gentleman pretends connects the chief of police of the District of Columbia with his situation with respect to the question of personal privilege does not so connect.

Mr. BANKHEAD. Mr. Speaker, in that connection——

The SPEAKER. Does the gentleman from Texas assert there is a direct connection?

Mr. BLANTON. Yes; a direct connection.

The SPEAKER. Then the gentleman should state it.

Mr. BLANTON. This report came from the superintendent's office to the press reporters. It was absolutely from his office, and they have repeated time and time again that they got it from headquarters. I want to be fair——

Mr. CHINDBLOM. So do I.

Mr. BLANTON. I can not yield now. The Chair has overruled the gentleman, and I can not yield now. I am sorry.

I am surprised at my friend the gentleman from Illinois trying to obstruct a proposition of this kind. Even my friend the gentleman from Wisconsin [Mr. SCHAFER] is so honest that he is not trying to obstruct it.

He knows this is an important matter, and my friend the gentleman from Vermont [Mr. GIBSON], the stalwart chairman of the Gibson committee, which Congress authorized to investigate conditions here and with whom I have worked shoulder to shoulder, will tell you the reason the police department here is after me, and he will tell you that I developed before his committee through the sworn testimony of three of the best police officers of the District, Mr. Helmuth and Inspector Headley and another policeman who testified under oath, that they had been obstructed in the administration of law by their captain, Bremmerman; that the foreman of the grand jury, Mr. Martin D. McQuade, had kept Helmuth and another policeman from serving warrants upon his friends who were running gambling houses, and when McQuade came out with his grand jury report and tried to throw discredit on Policeman Helmuth, you will remember reading in the press that the distinguished gentleman from Vermont [Mr. GIBSON] and the gentleman from Kentucky [Mr. GILBERT] and the gentleman from North Carolina [Mr. HAMMER] all came out and said that they believed Helmuth told the truth, in spite of the discredit that the grand jury foreman tried to throw upon him.

This is what is involved in this case. We have been trying to clean up one of your departments here in your behalf and in behalf of the 110,000,000 constituents we have at home who own this Capital.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Certainly, I yield to the gentleman.

Mr. SCHAFER. Was the grand jury report on the Helmuth case in the possession of the Gibson committee so that they had full opportunity to consider the complete report prior to the statements appearing in the press, which the gentleman has mentioned as being made by the committee?

Mr. BLANTON. The grand jury report is in Mr. GIBSON's office now, unless he has sent it away.

Mr. SCHAFER. Was that full and complete report of the grand jury in the possession of the Gibson committee in sufficient time before the statements were made to the press?

Mr. BLANTON. I will yield to Judge GIBSON and ask him if it is not a fact that members of the committee felt that the grand jury foreman told a lie?

Mr. GIBSON. Mr. Speaker, I would not like to designate it by the term used by the gentleman from Texas. But two or three members of that committee were confident that the policemen had told the truth. I think that should be said in all fairness. In answer to the gentleman from Wisconsin let me say that at the time Judge GILBERT made his statement we had just received the grand jury report but had not then considered it. We have not yet fully considered the report, because it is in the hands of an agency of the United States Government to be checked up. It is being analyzed, and we expect the report from competent authority with relation to it.

Mr. BLANTON. I thank my friend from Vermont. But they did find that Helmuth told the truth.

Now, every newspaper in Washington stated that afternoon that the grand jury foreman had made an attack on me, because I had brought the police testimony out against him, and Chief Justice McCoy told me that there was not a single word in the grand jury report that in any way reflected on me in any manner whatever.

Now, Mr. Speaker, I do not want to take up any further time. I want to say this to the Congress: I am busy about general legislation just like you are. I attend to all District investigations when Congress is not in session. All during that trial I was working 16 and 18 hours a day in trying to protect the integrity of a congressional committee, and I also did my work on the floor of the House like you did. I attended the sessions like you did when there was anything of importance. On every important matter you will find my vote. I was doing my duty. But I want to say this to you, that because they could not get the young man, the motor-cycle policeman to swear to a lie—because they could not do that the police department of this District has preferred charges against him and they are to try him on next Thursday. I have not the time to defend him, and see that he gets a square deal. I must do my duty here as a Representative of the people. For three months I have had five employees working for me every day and three of them I have paid out of my own pocket. I am that busy that I can not go to defend that poor boy, and the chances are that they will frame him up and discharge him from the police force because they can not get him to tell a lie about me. Are you going to stand for it? Are you going to let the police department do that injustice to him? Every word in his affidavit is the truth. They tried to make him swear to a lie against me, but they could not make him do it. But they will ruin him, if you permit it.

Mr. SCHAFER. Will the gentleman yield? This boy has a right to appeal to the District of Columbia Commissioners and appeal to the courts. The gentleman does not think the court of last appeal would be a party to that "frame-up," does he?

Mr. BLANTON. He can not appeal to the courts. Let me show you how the District Commissioners feel about the trial board. Here is the Washington Times which said, "High police officials and District officials are elated by the verdict." They rejoice that Staples had been convicted by their own trial board. What do you expect of the District Commissioners on an appeal to them when they are elated because a man has been convicted on manufactured false testimony, when they have not heard a scintilla of the evidence?

Now, as I say, I can not be there at this trial; but I want to say that it would be an infamous, damnable injustice for them to frame that poor boy because they can not make him tell a lie about me. Are you going to permit it? We must change that trial board. It is infamous to let them sit there and try members of the police for high crimes and misdemeanors without any law, rules, or regulations to preserve order, to let in what they want in, and keep out what they do not want to let in. The police officials leave it to their own police board, under their own orders, whether they want a man kept in or kept out, and they render any kind of a verdict they want to, and the board is not under oath.

I want to say to my friend SCHAFER, who is honest and hates every kind of rottenness, that if he knew what I know about these trials he would go down and do what I did—he would do some extra work for his country and defend that poor boy when they try to frame him up next Thursday. You would stand up and tell them that they could not discharge him because he would not swear to a lie for them.

Mr. SCHAFER. I do not agree with the gentleman, because I do not think a Member of Congress is supposed to go down before a trial board and act as a friend of the court or as counsel for the defendant and endeavor to intimidate the trial board, because that is a violation of the law.

Mr. BLANTON. That did not happen. I tell my friend this. He is an ex-service man himself, and I wish that I could have been one of his buddies. I was serving my country in Congress when the war was on. I wish I had gone across with the gentleman. Suppose one of the gentleman's buddies, with no money, with a wife and three children, were to come to you and say, "JOHN, I am framed on false testimony, on manufactured testimony, false as it can be, and I have not the money to employ counsel. Won't you look after me and defend me as my counsel?" Would the gentleman turn him down?

Mr. SCHAFER. I would. I would not go down to the trial board, because I think it is not right for a Congressman to do so. There is a statute against trying to intimidate the courts and public officers when determining questions of that kind. [Applause.]

Mr. BLANTON. About 15 Republicans on the Republican side have applauded the gentleman, but the other Republicans and all these Democrats on my side have not applauded him, and all these Republicans here except 15 have not applauded him.

Mr. SCHAFER rose.

Mr. BLANTON. I have yielded to the gentleman every time he wanted me to do it, and I yield now.

The SPEAKER. The gentleman from Texas must confine himself to the question of personal privilege.

Mr. BLANTON. Mr. Speaker, I have tried to be courteous and fair to my friend from Wisconsin, even though he has tried to hamstring me and hit me below the belt.

Mr. SNELL. Mr. Speaker, I think the gentleman from Texas is going too far. I shall ask that those words be stricken out.

Mr. BLANTON. Mr. Speaker, my time is not out.

The SPEAKER. The gentleman from Texas has strained the rule pretty far, and the Chair will insist that from now on he confine himself solely to the question of privilege.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I yield.

Mr. SCHAFER. The gentleman better withdraw that statement, or I will have a question of personal privilege myself. I never strike anyone below the belt.

Mr. BLANTON. Well, I will say to the gentleman that he hit me above the belt then, or he hit at me. In conclusion, Mr. Speaker, let me say this. These false reports of the newspapers can not hurt me down in Texas where I live, because people there know me, but they can hurt me in the other 47 States, when strangers read these headlines. That is the reason I have taken this hour's time of yours and mine and of the people to correct these false statements. I think the papers owe it to me to come out and make a retraction, and I am going to expect them to do it, if they are fair and honest. If William Randolph Hearst's papers were fair and honest when they set my name on the front page in five different editions in box-car letters, then he or his editors will make a proper retraction, because I have proven conclusively that there was nothing in their report of an alleged arrest, that there was no arrest. I was not even stopped, and there was nothing to the statement. The reports were false. If they are honest, they will correct the statement, and the press everywhere will likewise do so. I thank you. [Applause.]

FLOOD CONTROL

The SPEAKER. Under the special order of the House, the Chair recognizes the gentleman from Louisiana [Mr. ASWELL] for 30 minutes.

Mr. ASWELL. Mr. Speaker, I am glad to bear testimony to the energy, the courage, the ability, and the sincerity of Chairman FRANK REID and the other members of the House Committee on Flood Control for rendering a very high order of service to the Congress and to the country. Without the exhaustive hearings and careful investigations, and especially without the bold and convincing declaration by the House Flood Control Committee that flood prevention, under the Constitution, in the Mississippi Valley is a national responsibility, the bill before the House would never have been produced in the Senate. FRANK REID and his committee are responsible for the provisions in the Jones bill providing national flood control without local contributions and wise control over the construction of spillways and outlets. [Applause.]

When this disaster occurred, shocking the Nation as it did, Chairman FRANK REID and other members of his committee visited the scenes of the tragedy. They beheld the flood in all its horror. I met him in Chicago at the great flood conference working zealously to bring the Congress the truth of this situation.

On November 7 he called his committee and began a series of the most exhaustive hearings upon every phase of this problem. Before his committee more than 300 witnesses appeared, including able engineers and citizens connected with industry, agriculture, and commerce, 98 per cent of whom declared flood prevention not a local responsibility. The evidence showed that the Congress must deal with a problem involving the lives of millions of American citizens and the preservation of billions of the Nation's wealth.

For their heroic services to our common country in their successful fight for complete Federal control, without local contributions, and for proper recognition of the tributaries, the names of FRANK REID in the House and HARRY HAWES in the Senate will live forever in the minds of a grateful people in the lower valley. [Applause.]

A GLIMPSE OF THE TRAGEDY

In the spring of 1927 the valley was stricken down with a disaster of such magnitude that President Coolidge said:

> We propose to solve the problem of flood control so that such a situation may never again have to be met. In the solution we shall advance our system of inland waterways.

General Jadwin described this tragedy as only less serious than war itself; Secretary Hoover, as America's greatest peacetime disaster, a national problem. These three, therefore, are in honor committed to national responsibility at Federal expense. Seven hundred thousand people were driven from their homes. Two hundred and fifty million dollars' worth of property was actually destroyed. A billion dollars in business was lost to the country. Interruption of the normal lives of the citizens, paralysis of commerce and the United States mails extending over a period of three or four months was the result. Had it not been for the Red Cross, temporary Federal and local agencies, and the generosity of the American people thousands of children, men, and women would have starved or perished with disease.

Hundreds of thousands of our citizens lived upon the bounty of the Red Cross alone. A recent report of this organization makes public the fact that about 71,000 of these citizens are still the recipients of that bounty. All these agencies offered merely temporary assistance. None of them could offer permanent relief. These generous and noble forces have practically exhausted their resources, and the horror of a future tragedy still hangs over the people of the valley.

RUIN AND DEVASTATION

I had the opportunity of visiting Belgium and France after the World War. Like all American citizens interested in the humane activities of this Government, I supported every measure for the relief of the stricken regions of these countries, for which this Government, without local contributions, has expended billions, but never did cannon or Zeppelin inflict upon a people greater or more complete ruin and devastation than did the waters of the Mississippi upon the people whom I have the honor in part to represent. Can we do less for our own people? [Applause.]

AMERICAN CONSCIENCE AROUSED

I state the facts briefly, because the history of the flood, its scenes of devastation, and its pitiful tale of misery have been graphically told by the great news agencies of America. There was a unanimous demand through the United States last summer that here in the richest country on earth, with a $600,000,000 surplus in its Treasury, no such disaster should ever be permitted to occur again, as tersely stated by President Coolidge on October 4. I attended in many places great gatherings of the citizens of the valley, assembled under their constitutional rights to petition the Government for a redress of their wrongs. Practically every public official who cared to speak at all, including President Coolidge, General Jadwin, and Secretary Hoover, aligned himself on the side of those who declared this problem of the control of the flood waters of the Mississippi and its tributaries to be a national obligation. [Applause.]

FEDERAL CONTROL IS ECONOMY

The Constitution specifically authorizes the Congress to act, in emergencies, for national defense, to preserve the Nation's commerce, and to protect life and property. The Congress is now acting under that authority. Permanent flood control would be economical at any cost to the Government. The daily press, the magazines, the testimony before the committees, and the patriotic people in all sections of the country present overwhelming and conclusive evidence that national sentiment demands that the floods of the Mississippi Valley be controlled without local contributions. For more than three-quarters of a century, because of expanding farms and denuded lands, the danger of increasing floods in the valley has been recognized as imminent.

Washington, Jefferson, and Jackson warned against the danger and urged Federal control of this mighty river; but it required the national calamity of 1927 to give us a new perspective and to convince the whole country of the necessity of a permanent national flood-control program, the solemn duty of the Government promptly to establish and put into operation. This new vision of the facts and this new expressed determination of the American people have given to the Congress the light of a new day and the opportunity to act now as becomes a great Nation like this in putting our rivers to work and converting our flood waters from masters into servants. [Applause.] The river belongs to the United States; the Government asserts control of it over any State or community and is therefore responsible for the cost of controlling its waters. The Mississippi River is the common highway of the Nation, and this fact is recognized by all the people of all the States. The patriotic people in and out of the valley demand that the National Government pay the entire cost of protective works, because in so doing all the States within the flooded area and remote from the river will pay their just portion of the cost. The valley people have paid not only their part of the taxes used by the Federal Government but by local contributions $295,000,000 additional for levees. This is a common task for a

common purpose and should be paid for out of the common Treasury. [Applause.] The splendid response of the Senate to this national demand and the promised action by the House within the near future have given the people of the lower valley a new lease on life. Arising from the sufferings of the recent tragedy, they face the future with a new hope and courage.

DISASTER REPEATED IN LOUISIANA

I speak from personal experience. I live in a section of the valley which felt more keenly than any other the paralyzing effect of the flood. It happens that I represent thousands of the citizens who tremble still with the menace of impending disaster to their lives and their homes. These people represent a citizenship as old or older than the American Republic itself. This, therefore, can not be considered a reclamation project.

The flood of 1927 which so appalled the world was not the first, even in my own time, which has consigned our people and their resources to charity and public dependency.

I came to the Congress in 1913. In that very year a flood of great proportions laid waste a large section of this country. In 1922 it all but annihilated us, and in 1927 this river completed the job.

LESS THAN 1 PER CENT

It is not the waters of the immediate States which are responsible for floods; it is the waters that come from States at a distance. The greatest sufferer of all the States is Louisiana, 8,707 square miles of whose alluvial lands were inundated in 1927. Practically all the rainfall in this State is carried to the Gulf through its bayous, creeks, and smaller rivers. The waters of this State do not enter the Mississippi nor contribute to the floods which overmaster the ingenuity of the people of Louisiana. Less than 1 per cent of the water originating within the State flows into the Mississippi River. To be exact, during major flood periods the only area in the State that actually drains into the Mississippi River is the territory between the Mississippi-Louisiana State line and Baton Rouge on the east bank of the river, or approximately 110 square miles. Yet the total area drained into the Mississippi River pouring down upon Louisiana is 1,196,600 square miles.

LOUISIANA SUFFERS UNFAIRLY

Louisiana is consequently more vitally interested in national flood control than any other State, for if she had only to take care of the water from her own watershed it would not be necessary to build levees or any other protective works.

But in an endeavor to protect the alluvial valley of Louisiana from inundation there has been built 1,546.4 miles of levees, of which 827.5 miles are on the Mississippi River and 718.8 miles on the tributaries and the Atchafalaya outlet.

The total cost of the levees in Louisiana alone to date has been $143,647,243, of which $35,053,396.27 was paid for by the United States and $108,593,846.73 by the State and local interests.

We have been compelled to use local contributions from the Louisiana taxpayers in the sum of $5,765,258.31 to construct levees in the State of Arkansas to protect Louisiana life and property.

PROOF OF NATIONAL PROBLEM

These facts concerning Louisiana should be convincing that flood control, under the Constitution, is truly a national problem. Not by the forces of nature alone, but in the progress of civilization Louisiana has been rendered prostrate largely by the hands of man. Every tree cut away, every farm improved, every foot of tile drainage, every road constructed and properly drained increases the flow of water to the sea and pours the floods with ever-increasing and relentless fury upon the people of my State. This is a condition for which Louisiana is not responsible.

If I injure your land, I have no right to expect you to help me pay the damage. Under the law I am held responsible. When the 31 States above us in the basin embracing an area of more than a million square miles and containing 41 per cent of the population of the United States, send their flood waters upon Louisiana, destroying life and property, they have no right to demand local contributions from us to pay the damages done by them to us. The problem of flood control is clearly national, not local. It is the Nation's job. [Applause.]

COMPLETE FEDERAL CONTROL

Two things are certain—the floods must be stopped and the river and its tributaries must be kept navigable. The Congress must see to it that sufficient funds are provided and that engineers of proper caliber are put in charge.

Controlling the floods of the Mississippi is the greatest problem ever presented to the engineering profession of the country, the Panama Canal not excepted. American engineers successfully completed the great waterway across Panama after others had failed. They can overcome the sullen waters of the Mississippi and control them as accurately as you drain your front yard. Nothing should be permitted to delay the Government's obtaining the best engineering skill and ample funds with which to do the job.

SINGLE AUTHORITY

The success or failure of the flood program will hinge upon whether the Congress places the responsibility and the authority in a single head. Control and responsibility must not be divided.

For example: On February 18, this year, I took up with the Chief of Engineers an urgent request for the closing of the Vick and Ben Ruth Lake crevasses in Avoyelles Parish in my district. Six days later he presented the case to the president of the Mississippi River Commission. On March 12, 23 days later, I received a decision from the Chief of Engineers stating that it was so late that the work could not be completed until July, when the high-water period would have been passed. The Lord has protected these people behind these broken levees by not sending the floods this year, for divided authority has made it impossible to get action by the Government. The fault lies not in the Chief of Engineers or in the Mississippi River Commission, but in the unwisdom of the Congress in creating divided authority.

It is not important whether the Mississippi River Commission, the Army engineers, or a new commission is given control, provided that the ablest engineers are selected and supreme authority is vested in a single head. No great undertaking can be successful without a supreme directing hand as was given Gorgas in the Panama Canal.

CONGRESS AND THE ENGINEERS

The plan of working out in detail and constructing the flood-control works is the most intricate and difficult engineering task ever undertaken by man, but the problem that the Congress faces is simple and direct. It is not the function of the engineers to decide how the cost shall be paid, nor is it the function of the Congress to meddle with the details of the engineering program. The Congress has the right and duty to furnish the money and demand definite results. The task requires the best engineering ability in the United States, unhampered by red tape or preconceived notions, and with ample power under a single authority to adopt and execute a definite plan of flood-control works. It is no time for discredited and fossilized methods or for piecemeal work. The whole flood problem must be considered as a unit and engineers must be employed big enough to visualize the whole job and to execute a program that will forever stop the ravages of the floods. [Applause.]

SUFFERING PEOPLE'S COURAGE

The lower Mississippi Valley is facing its second reconstruction period. A little more than half a century ago its man power stacked arms for the last time and turned courageously to the overwhelming task of rebuilding a section devastated by a bloody war. To-day the sons and grandsons of those same veterans are heroically facing a problem which rivals that of the sixties.

More than 20,000 square miles of the rich alluvial valley of the Mississippi and its tributaries were laid waste. Homes were swept away by an invading enemy more powerful and irresistible than any army which ever set foot on alien soil. Two million livestock were drowned or killed, farm implements were lost, newly planted seed were washed away, industry and commerce were paralyzed, and more than half a million people were driven from their homes. Over the entire area the scene was one of terrific destruction and ruin.

This flood put to the test again the traditional courage of the people. Heroism, such heroism as in normal times would have won the applause of a nation, went unnoticed. Great, broad-shouldered men from the back country, other men whose untanned faces showed they had left desks in offices to help in the emergency, women, literally hundreds of them, displayed courage and heroism, the memory of which will live forever. An appeal for justice now from a people who so valiantly and courageously faced the overwhelming vicissitudes of nature must not go unanswered. The richest Nation in all the world can not and will not fail to take control now and pay the cost.

HUMAN ELEMENT

While we talk about dollars let us not forget the value of a human life. As the great seas of muddy, turgid water swept over thousands of miles of territory, transforming happy homes into vast areas of waste, newspapers gave the country the encouraging message that the "loss of life was surprisingly small." But as a preventable loss of life it looms as a great tragedy. Two hundred and forty-six persons went to their death during that disaster. Two hundred and forty-six homes were broken up by the grim reaper riding on the crest of the

flood. Two hundred and forty-six families, with little children left fatherless or motherless, will have to readjust their whole lives and face an uncertain and difficult future. A vote against adequate Federal preventive measures now is a death ballot for hundreds of others who must look to the lower valley for their living. [Applause.]

For half a century the people of the valley have lived and struggled with the ever-present threat of invasion hanging over their heads. Like a great enemy army assembled on its borders stands the mighty Mississippi. We have just witnessed one of these ruthless invasions. Picture if you can men, women, and children scurrying before the onslaught to a Red Cross refugee camp. They had to leave behind them all that was dear, the accumulations of a lifetime, and carry on their backs what little they could. They had to flee for their lives, leaving to the fury of the waters their homes and possessions. If you could have stood at Arkansas City, Vicksburg, or Alexandria, La., you would have seen these hapless people pour in by the thousands, half clad, hungry, some of them sick, and in dozens of cases mothers holding new-born babies, whose natal chambers had been the tops of muddy levees—little refugees born in the night without nurse or doctor while their mothers waited for rescue.

The ingenuity of man has not yet devised a way to control some of the furies of the elements. Earthquakes destroyed cities in California; a hurricane struck Florida and many lives were lost. Tornadoes swept through the Mid West and killed hundreds. A section of Ohio suffered a devastating windstorm. These things we can not prevent. But if we could and steadfastly refused, the blood of these unfortunate people would be on our hands. How, then, could we justify our refusal to act when we have it within our power now to put an abrupt stop to the ruthless loss of life, the staggering property damage, and the disrupting of all social, economic, and industrial activities in the Mississippi Valley.

CORRECT THE RECORD NOW

In a nation which built the Panama Canal, a nation which has to its credit some of the world's most glorious engineering accomplishments, and a nation which to-day leads the world in wealth and progress, the Mississippi deluge was a national disgrace. [Applause.] The American people are eager to see this Congress remove that stain from the record. The House has before it the Jones bill, whose provisions are fundamentally sound, the one weapon with which the Government may strike down forever this enemy of our civilization. We hope and believe that the House may rise equal to the emergency in this crisis and respond to the overwhelming expressed national sentiment as promptly and as nobly as did the Senate. [Great applause.]

JAMES EDWARD WOODLAND

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Speaker and gentlemen of the House, on Friday night last at 11 o'clock a very distinguished citizen of my State, Mr. James Edward Woodland, of Morehead City, passed into the great unknown. For some years he has been the host of this House annually in furnishing us with the delicious oysters which we have had occasion to enjoy as his guests. He was one of the best friends that I ever had. Originally from Crisfield, Md., he came down to North Carolina. Not long since, after being in Washington, he was suddenly stricken with angina pectoris, and was taken to the hospital at Baltimore. Later he went home thinking he was well, but yesterday on the beautiful Easter day he was buried in his boyhood home, the place of his birth, surrounded by loving friends. I take this opportunity to pay a tribute to a real, American, a real friend, and I thank the Speaker and the House for granting me this opportunity. [Applause.]

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill (H. R. 5817) to provide for the paving of the Government road extending from St. Elmo, Tenn., to Rossville, Ga.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3598. An act authorizing Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Carondelet, Mo.

The message also announced that the Senate had passed the following resolution:

Senate Resolution 191

Resolved, That the Senate has heard with profound sorrow of the death of Hon. ANDRIEUS A. JONES, late a Senator from the State of New Mexico.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public service.

Resolved, That as a further mark of respect to his memory the Senate, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District day.

REGULATING THE PRACTICE OF OSTEOPATHY

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 16) to regulate the practice of osteopathy in the District of Columbia, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland calls up the bill (H. R. 16) to regulate the practice of osteopathy in the District of Columbia, and asks unanimous consent to consider the bill in the House as in Committee of the Whole. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. BLANTON. Mr. Speaker, reserving the right to object, is that request made only as to this one bill, or as to all bills?

Mr. ZIHLMAN. It is to this one bill.

Mr. BLANTON. Now, when we adjourned on the last District day, we had under consideration a bill for the policewoman's bureau, and the gentleman from Maryland then stated positively—and the RECORD will show it—that that bill would be the unfinished business for the next District day, which is to-day. I am hopeful that the gentleman from Maryland will keep faith with the committee, especially with the Members who asked him about it, and will now call that bill up for the policewoman's bureau as the unfinished business and let us dispose of it.

Mr. ZIHLMAN. I will say to the gentleman that my recollection is that I was asked if I would bring up the bill and I stated I would.

Mr. BLANTON. As the unfinished business.

Mr. ZIHLMAN. I do not think I stated that in the RECORD.

Mr. BLANTON. Let us get the RECORD. It will show.

Mr. ZIHLMAN. The gentleman from Massachusetts [Mr. UNDERHILL], the ranking majority member of the committee, is out of the city. He had several amendments that he wished to propose to this bill. He asked the chairman of the committee to hold the bill over. The chairman did not feel that it was absolutely a matter of life and death to pass the bill on this day. I confess that if I stated I would bring it up as the unfinished business, I would feel constrained to do so.

Mr. BLANTON. I am glad that the gentleman wants to keep faith. The gentleman from Massachusetts [Mr. UNDERHILL] has been against this bill for 10 years, or ever since he has been in Congress. He has fought this bill consistently, both in the committee and out of it, and if he were here now he would fight it. His statement made on the last District day showed that he was unalterably opposed to it. But the committee voted the bill out by almost unanimous consent, except his vote and one other.

Mr. ZIHLMAN. I understand it was a unanimous report.

Mr. BLANTON. It was; but the gentleman from Massachusetts and the gentleman from North Carolina [Mr. HAMMER] reserved the right to fight it on the floor. And so, it being a unanimous report almost and being indorsed by every single organization in this city—by the Parent-Teachers' Association, by the Daughters of the American Revolution, by the Federated Women's Clubs, by the various citizens' associations, by the Board of Trade, and the almost unanimous report of the committee—I want the gentleman to keep faith.

I will read from the RECORD exactly what the gentleman said before we adjourned the last time. I read:

Mr. BLANTON. It would be better to have it go over as unfinished business until next District day, and then we can finish it.

Mr. TILSON. It will go over as unfinished business, and it is for the committee to say what it will call up on the next District day.

Mr. BLANTON. We either ought to finish it this evening or have it go over as unfinished business to be taken up next District day.

Mr. TILSON. Let it go over as unfinished business.

Mr. BLANTON. And the chairman will bring it up as unfinished business on next District day?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. Very well; just so long as it holds it place.

That is a distinct understanding that was had with the chairman. I ask him to keep faith with the committee.

Mr. ZIHLMAN. I will say to the gentleman that neither myself nor the author of the bill feel that it is absolutely necessary to bring this bill up. I have no request pending. I have no objection; but my understanding from the floor leader was that there was a large Private Calendar, and a number of Members wanted to speak on the policewoman's bureau bill, and that it would occupy some time.

Mr. BLANTON. The gentleman and the floor leader agreed that it would come up as unfinished business. I know the gentleman will keep faith.

Mr. SIMMONS. The understanding was that it should come up at the call of the District Committee.

Mr. BLANTON. I asked the chairman, and he agreed upon it. If it is unfinished business and was to hold its place, as agreed, it means it should be brought up now. I will help the gentleman push the other bills and pass them, but we ought first to finish this policewoman's bureau bill. It has been dragging along before the Congress for 10 years, and should be passed.

Mr. ZIHLMAN. I will say to the gentleman from Texas that there is a large Private Calendar and many Members are anxious to consider the bills. I assured the gentleman from Massachusetts [Mr. UNDERHILL] that he would have an opportunity to offer these amendments. I do not think the chairman would be fair to him and other Members of the Committee if he did otherwise. I assured the gentleman from Massachusetts, I repeat, that he would have an opportunity to offer amendments to correct certain sections of the bill which were amended in the committee. The gentleman from Massachusetts states that he was laboring either under a misapprehension or a misrepresentation.

Mr. BLANTON. Will the gentleman call up the policewoman's bureau bill next after this bill is disposed of?

Mr. ZIHLMAN. I have just stated that the gentleman from Massachusetts, the ranking member, was out of the city and he should be given an opportunity to offer amendments.

Mr. BLANTON. I saw the gentleman from Massachusetts [Mr. UNDERHILL] here this morning after 10 o'clock. I know he has sickness in his family and I sympathize with him deeply. But we can offer his amendment for him and have it voted on.

Mr. ROWBOTTOM. Regular order!

The SPEAKER. The regular order is demanded.

Mr. BLANTON. I object, Mr. Speaker; I want the gentleman from Maryland to keep faith. It was a solemn agreement.

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16, a bill to regulate osteopaths in the District of Columbia.

The SPEAKER. The gentleman from Maryland moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois [Mr. CHINDBLOM] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 16, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. CRAMTON. Mr. Chairman, reserving the right to object, I have read the report on this bill. Has this bill been approved by the District Commissioners or any other authorities in the District of Columbia?

Mr. ZIHLMAN. I will say to the gentleman that the chairman did not draw the report and is not familiar with what indorsements of the bill were on file.

Mr. CRAMTON. The House is entitled to know from the report what the attitude of the District government is toward important legislation of this kind. If those reports are on file they should have been included in the report of the committee. If there are no such recommendations then I think we ought to have the bill read. So far as I have read the bill, it is a bill that impresses me as a very peculiar proposition. I will probably vote for it if it is recommended by the authorities of the District, but if it comes here representing the ideas of somebody who is pushing some pet hobby then that is a different matter.

Mr. ZIHLMAN. I will say to the gentleman that there are a number of these bills regulating the various branches of what is known as the healing art which have been very vigorously opposed by the Medical Society of the District of Columbia, and they have endeavored to consolidate all regulations in one bill in the Senate.

Mr. CRAMTON. I am not concerned about what the medical profession's attitude is. I would like to know the attitude of the responsible heads of the District government. The gentleman's committee, I assume, submits these measures to the commissioners for report?

Mr. ZIHLMAN. Yes. I will say to the gentleman that I did not draw the report.

Mr. CRAMTON. But the gentleman is calling up the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. CRAMTON. I will object for the present. That will give the chairman a chance to look up any reports which may have been made by the District authorities.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That there shall be, and is hereby, created a board of osteopathic examiners for the District of Columbia, which shall consist of five members, to be selected by the Commissioners of the District of Columbia from a list of 10 practitioners of osteopathy in the District of Columbia, said list to be furnished by the Osteopathic Association of the District of Columbia, and shall include only such practitioners who are qualified as hereinafter provided. Such list shall be transmitted annually to the Commissioners of the District of Columbia under the seal of said association and shall be signed by the president and secretary thereof, and the commissioners shall make all future appointments to the board of osteopathic examiners from the list last submitted. In case of failure of said association to submit said list the commissioners shall appoint members in good standing of said association without restriction: *Provided, however,* That said members shall be qualified by graduation and practice as hereinafter required. Within 30 days after the commissioners shall have notified the several members of their appointment each member shall forward to said commissioners the following oath: "I do swear that I will faithfully perform the duties of a member of the board of osteopathic examiners for the District of Columbia to the best of my ability. So help me, God." After which the commissioners shall issue to each of the examiners a certificate of appointment.

SEC. 2. That the members of said board first appointed, as hereinbefore provided, shall be practitioners of osteopathy, of good moral character, and graduates of colleges or schools of osteopathy; said colleges to have requirements equal to those recognized by the American Osteopathic Association, and that thereafter no person shall be eligible for such appointment unless, in addition to the qualifications hereinbefore prescribed, he has first obtained a license to practice osteopathy in the District of Columbia under the provisions of this act: *Provided,* That no member of said board shall hold said position while in any manner financially interested in any osteopathic school or college, or connected with the faculty or management of such school or college.

SEC. 3. That the term of office of the members of said board of osteopathic examiners of the District of Columbia shall be for a term of three years: *Provided,* That of the first members of the board two shall be appointed for one year, two for two years, and one for three years. Any vacancy that may occur for any cause shall be filled for the unexpired term by the Commissioners of the District of Columbia from the list last submitted, as provided in section 1 of this act.

SEC. 4. That said board of osteopathic examiners of the District of Columbia shall, within 30 days after its appointment, organize by electing a president, a secretary, and a treasurer, who shall hold their offices until their successors are elected and qualified. The treasurer shall give bond with surety in such sum as said board may determine. Said board shall make such by-laws as may be necessary to carry into effect the provisions of this act. There shall be at least one regular meeting of said board each year, and this meeting shall be held in the city of Washington on the last Tuesday in June. Special meetings may be held upon the call of the president and two members of the board. A majority of said board shall constitute a quorum. Said board shall adopt a seal, keep a record of its proceedings, and a register of all applicants for license to practice osteopathy in the District of Columbia. Said register shall show the name, date of birth, and place of residence of each candidate, and the name and location of the institution granting the applicant the degree of doctor of osteopathy, the date of his or her diploma, and also whether the applicant was denied or granted a license, and the number of the license granted. The record and register shall be prima facie evidence of all matters recorded therein.

SEC. 5. That all fees provided for in this act shall be paid in advance to the treasurer of the board of osteopathic examiners of the District of Columbia, to be held as a fund for the use of said board. No funds shall be paid out except on warrant signed by the president and secretary of said board, and no debt shall be created in excess of the fees and fines as herein provided; but such funds shall be applied by said board to the payment of its expenses and to making a compensation to each member thereof not to exceed $5 per diem for each day of actual service in the discharge of his duties under this act.

SEC. 6. That any person who was engaged in the practice of osteopathy in the District of Columbia on or before the approval of this act may deliver to the secretary of the board of osteopathic examiners of the District of Columbia, within 90 days after the approval of this act, a written application for a license to practice osteopathy in the District of Columbia, together with satisfactory proof that the applicant is of good moral character and had previously obtained a diploma from some legally incorporated school or college of osteopathy, and had been actively engaged in the practice of osteopathy in the District of Columbia for the past 10 years, or had previously obtained a diploma from some legally incorporated college of osteopathy whose requirements are equal to those as outlined in section 8 of this act, and upon payment of a fee of $25 said board shall issue to said applicant a license to practice osteopathy in the District of Columbia, which license shall have like effect for all purposes as a license issued after examination by said board of osteopathic examiners of the District of Columbia, as herein provided. Every license issued by said board of osteopathic examiners shall have affixed to it by the person authorized to affix the same the seal of said board of osteopathic examiners.

SEC. 7. That any person other than as provided in the preceding section who desires to enter on the practice of osteopathy in the District of Columbia, from and after the approval of this act, shall make a written application to the secretary of said board of osteopathic examiners for a license to practice osteopathy in the District of Columbia. Application shall be made upon a form prescribed by the board and shall be accompanied by a fee of $25, together with satisfactory proof that the applicant is an American citizen, is at least 21 years of age, is of good moral character, has completed a standard high-school course, and two years premedical standard college work, acceptable to the board, and has obtained a diploma from recognized college of osteopathy. Upon complying with these conditions said board of osteopathic examiners shall admit said applicant to examination before them, which examination shall include the subjects of anatomy, physiology, chemistry, toxicology, histology, pathology, bacteriology, diagnosis, hygiene, obstetrics, gynecology, surgery, medical jurisprudence, principles and practice of osteopathy, and diseases of the eye, ear, nose, and throat. If the applicant shall have made an average of not less than 75 per cent upon all subjects examined upon, with not less than 65 per cent in any one subject, said board of osteopathic examiners shall issue forthwith to said applicant a license to practice osteopathy in the District of Columbia, when it shall have been recorded in the office of the clerk of the Supreme Court of the District of Columbia and the date and place of record has been certified thereon by said clerk; and the holder of the license shall pay to the clerk of said court a fee of $1 for making the record. The holder of said license shall, after the same has been recorded, exhibit the original at the health office and shall register, in a book which the health officer shall provide for that purpose, his or her name and address. Whenever a license is revoked by said board of osteopathic examiners, the secretary thereof shall report that fact in writing to the clerk of said court and to the health officer of the District of Columbia, who shall thereupon cancel such registration. In case the applicant fails to pass the examination, said applicant may, at any subsequent meeting of said board of osteopathic examiners, within two years, have the privilege of a second examination without the payment of additional fee.

SEC. 8. No college of osteopathy shall be approved by the board of osteopathic examiners as a college of recognized standing unless said college—

Requires for graduation or for the receipt of an osteopathic degree the completion of a course of study covering a period of not less than four school years of nine months each year in actual continuous attendance, of which not more than one school year is completed in any period of 12 months and during which time the following subjects are taught for at least the numbers of hours specified:

Anatomy (descriptive, regional, applied, surgical, and dissection), 600 hours; embryology, 70 hours; chemistry (advanced to include organic and physiological chemistry and toxicology), 300 hours; histology, 180 hours; physiology, 300 hours; pathology, 240 hours; bacteriology, 150 hours; hygiene, 60 hours; X-radiance, electrical diagnois, and treatment, 56 hours; hydrotherapy, 16 hours; dietetics, 32 hours. Osteopathy: a. Principles of osteopathy; b. osteopathic technique; c. practice of osteopathy, to include diseases of the nervous system, alimentary tract, heart and vascular system, genitourinary diseases, ductless glands, metabolism, respiratory tract, bone and joint diseases, corrective gymnastics, acute and infectious diseases, pediatrics, dermatology, syphilis, psychiatry, diagnosis (physical, laboratory, and differential), clinical practice and case recording, 1,466 hours; surgery, with emphasis on fractures, dislocations, principles of surgery, surgical diagnosis, orthopedics, orificial, and chemical, 400 hours; eye, ear, nose, and throat, 180 hours; gynecology, 160 hours; obstetrics, 200 hours; professional ethics and efficiency, 16 hours; jurisprudence, 16 hours; total, 4,442 hours.

The number of hours herein prescribed for the study of any subject may be reduced not more than 30 per cent, but the total number of hours prescribed shall not be reduced.

SEC. 9. That any applicant licensed by the board of osteopathic examiners or other lawful authority of any State or Territory of the United States, and having practiced in the jurisdiction thereof for a period of at least one year, on personally appearing before and upon the payment of a fee of $50 to the board of osteopathic examiners of the District of Columbia, and filing with the secretary of the said board a copy of said license, certified by the affidavit of the president and secretary of the board granting said license, and upon showing also that the standard or requirement adopted by said board of examiners that issued said license is substantially the same as is provided by section 7 of the act, shall, without further examination, receive a license conferring on the holder thereof all the rights and privileges of this act.

SEC. 10. That the word "osteopathy" as used in this act is the name of that system of the healing art which places the chief emphasis on the structural integrity of the body mechanism as being the most important single factor to maintain the well-being of the organism in health and disease.

SEC. 11. That the license provided for in this act shall authorize the holder to practice osteopathy as taught and practiced in the colleges of osteopathy as outlined in section 8, which practice shall include surgery, the use of narcotics, anesthetics, and antiseptics: *Provided, however,* That no osteopathic physician licensed under this act shall practice surgery who has not had a four-year course in an accredited osteopathic college, or the equivalent thereof.

SEC. 12. That osteopathic physicians shall observe and be subject to all the laws and all legal regulations of the District of Columbia relating to the control of contagious diseases, the reporting and certifying of births and deaths, and all matters pertaining to public health, and such reports shall be accepted and honored by the officers or department to whom same are made. Osteopathic physicians licensed hereunder shall have the same rights as physicians of other schools of medicine with respect to the treatment of cases or holding of offices in public institutions.

SEC. 13. That the board of osteopathic examiners of the District of Columbia may refuse to grant a certificate to any person convicted of felony, and may, after due notice and hearing, revoke such certificate for like cause.

SEC. 14. That any person who shall fraudulently practice, or pretend to practice, or use the science or system of osteopathy in treating diseases of the human body, who shall buy, sell, or fraudulently obtain any diploma, license record, or registration to practice osteopathy, or who shall use any of the forms or letters "osteopath," "D. O.," "osteopathic physician," or any other title or letters, either alone or with other qualifying words or phrases, under such circumstances as to induce the belief that the person who uses such term or terms is engaged in the practice of osteopathy, without having first complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine of not less than $50 nor more than $500, or by imprisonment in the District jail for a period of not less than 10 nor more than 90 days, or by both such fine and imprisonment: *Provided,* That this act shall not apply to commissioned surgeons in the United States Army, Navy, or Marine Hospital Service, nor to legally registered osteopathic physicians called from any State or Territory to attend specified cases in the District of Columbia, nor to practitioners of osteopathy during the period between the date of the approval of this act and the issue of license as provided by this act. It shall be the duty of the United States district attorney for the District of Columbia to prosecute all violations of the provisions of this act.

SEC. 15. That every person licensed to practice osteopathy under the provisions of this act shall, on or before January 1 of each year, apply for a certificate of registration, and shall pay at such time a fee of $3. The secretary of the board of osteopathic examiners, on or before December 1 of each year, shall mail or cause to be mailed to the address of each licensed osteopathic physician a blank form of application for registration, said form to contain space for the insertion by the applicant of the information required by the board. Upon complying with the provisions hereof the secretary of the board shall issue to the applicant a certificate of registration for the year ensuing and ending December 31.

Each licensed osteopathic physician shall conspicuously display his proper registration certificate in his office at all times.

SEC. 16. That nothing in this act shall be construed to prevent or in any way interfere with any person engaging in the art of healing in the manner taught by any school of medicine or science, except such as claim to be osteopathic physicians or practice osteopathy.

SEC. 17. That all acts or parts of acts, general or special, not in accordance with the provisions of this act be, and are hereby, repealed.

During the reading of the bill the following occurred:

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the further reading of the bill be dispensed with. Is there objection?

Mr. CRAMTON. Mr. Chairman, reserving the right to object, I had hoped——

Mr. BLANTON (interposing). We are going to fully explain the bill to the gentleman.

Mr. CRAMTON (continuing). That the committee would be able to show whether any District authorities have approved this bill.

Mr. BLANTON. We will fully explain the bill to the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. CRAMTON. Mr. Chairman, I object.

After the reading of the bill—

Mr. BLANTON. Mr. Chairman, I ask recognition.

The CHAIRMAN. The gentleman from Texas, a member of the committee, is recognized for one hour.

Mr. BLANTON. Mr. Chairman, this is a bill to regulate and control osteopathy. It was introduced by our friend, Mr. GIBSON, of Vermont. There is now no law in the District of Columbia to regulate osteopaths or to control them. There is such a law in all of the 48 States but not in the Nation's Capital, in the District of Columbia. Any shyster on earth can come here and practice osteopathy at will and the people of the District of Columbia are subjected to such a menace because of a want of law. This bill is designed to meet that situation.

I do not know whether you believe in osteopathy or not. You may not believe in it. You may be an allopath. You may believe in the old-line doctor of medicine, and I was brought up to believe that way.

Mr. STEVENSON. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. STEVENSON. I believe in both. I believe in the allopathic treatment for certain things and in osteopathic treatment for certain things. You have some of the best in this city that I know of anywhere. I have been treated by them. My health is about as near perfect as anybody's but I have been benefited by osteopaths in this city.

Mr. BLANTON. I had not gotten to the gentleman's class. There are some who believe in both. There are others who go still further and believe in chiropractors and other forms of healing. There may be some here who believe in Christian Science healing. Every person has the inherent right to choose for himself. We are all different in our beliefs, but whatever we believe we want all kinds of physicians and all kinds of healers who may prey upon the public to be properly regulated, licensed, and controlled.

This bill merely regulates and controls them and grants them licenses only after proper examinations. It requires a certain standard of training before they can get a license to practice here upon the helpless people. It requires a certain kind of examination to be passed before they can get a license to practice.

Now, my friend over here, who is an eminent old-line physician from Ohio, may not believe in them at all; but however he may believe about them, he wants them regulated and controlled and he does not want any shysters here who are unqualified to hold themselves out as healers of the people. That is all this bill does.

I did not feel like objecting to it in the committee, because I believe such a situation ought to be regulated and controlled. I did not feel like fighting it, so therefore I voted for it in the committee, and I expect to vote for it here. I think it is a good bill. I think the chiropractors here ought to be regulated. I have helped to report a bill in my committee to regulate and control them so they can not let shysters claiming to be chiropractors practice upon the helpless people when they are not qualified.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCHAFER. I believe the chiropractors ought to be regulated, so why not amend this bill?

Mr. BLANTON. Well, we have another bill pending to regulate chiropractors in the District. I will ask the gentleman from Michigan whether any action has been taken on that bill?

Mr. McLEOD. There have been no hearings upon it.

Mr. BLANTON. I was a member of the gentleman's committee last year, and we reported it favorably and it was on the calendar, but it died during the Senate jam.

Mr. McLEOD. Yes. I think this year it was referred to Mr. BOWMAN'S committee.

Mr. BLANTON. May I ask the gentleman from West Virginia what has become of that bill—the chiropractors' bill?

Mr. BOWMAN. The chiropractors' bill has not been reported out.

Mr. BLANTON. It was reported unanimously last year by the subcommittee and unanimously reported by the full District Committee and put on the calendar, but died there during the jam. The committee was in favor of it because they wanted to eliminate the shysters from the District and to properly control and regulate all of the practitioners.

Mr. GIBSON. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Vermont.

Mr. GIBSON. I desire to say in regard to the general situation in respect of the osteopaths' bill that this is a bill that attempts to regulate the practice of osteopathy. There is no regulation at the present time.

Mr. BLANTON. None in the world; and there is no regulation of the chiropractors here in the District.

Mr. GIBSON. The osteopaths came to the committee, and the old-line physicians came to the committee. We told them to get together and agree upon some bill. They went away with the understanding that they would attempt to agree upon a bill to be introduced by the senior Senator from New York. This bill was introduced, but something happened to it in the other legislative body and the osteopaths came back to us and said: "We have been unable to agree on a general bill for the control of all of the practitioners, including the chiropractors." So they said: "You had better go ahead with the osteopath bill and we will make a beginning on that." Since that time I have learned that progress is being made on a general bill to bring all of these practitioners under one control, and that is the situation to-day. There is no control of any class now, except the old-line physicians.

Mr. CRAMTON. Will the gentleman from Texas yield for me to ask a question of the gentleman from Vermont?

Mr. BLANTON. I yield.

Mr. CRAMTON. The gentleman states he feels now there is prospect of progress being made on a general bill?

Mr. GIBSON. I have been so informed.

Mr. CRAMTON. Does not the gentleman think that is the better legislation if it can be secured?

Mr. GIBSON. I think there should be legislation to bring all of these different cults under control.

Mr. CRAMTON. Then if the gentleman feels it is better to have the general legislation and the gentleman is advised there is now a prospect of that, why is it not better to lay this bill aside until the gentleman finds out what will happen to the general legislation?

Mr. GIBSON. That was the opinion of the members of the committee when they considered this bill, but when they came back and said, "We can not make any progress; you had better go ahead with the osteopath bill"——

Mr. CRAMTON. Then you reported this bill?

Mr. GIBSON. Yes.

Mr. CRAMTON. But now that you are advised that there is prospect of general legislation, why would it not be better to lay this aside until that situation develops. In view of what I have already said about the bill, I want it understood I am not opposed to regulation. As I have gone through this bill I have not been satisfied with its provisions and some questions have arisen about it; but I am in sympathy with the gentleman's purpose, and if there is to be general legislation, it would seem better to let this bill be laid aside until then rather than to have a multitude of separate boards functioning here.

Mr. GIBSON. I think the gentleman from Michigan is right. We ought not to have a lot of boards functioning for a common purpose, and, personally, I have no objection to its being laid aside with the distinct understanding that the bill will not be prejudiced by reason of its being laid aside.

Mr. BLANTON. I want to say to the gentleman from Michigan that the trouble about his suggestion is this: The District Committee has been trying for years to get these practitioners regulated, both osteopaths and chiropractors. Unfortunately, all the allopaths, the old-line doctors, are prejudiced against both the osteopaths and the chiropractors. They are greatly prejudiced. We can not blame them, because they were brought up in that faith, and as long as they can, the allopaths are going to keep any kind of recognition from being granted either to the osteopaths or to the chiropractors.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LAGUARDIA. It seems to me, the principal objection to this bill is that it creates a sort of "lodge" board to examine

among themselves, and there is the absence of one medical man on the board. It would seem to me these men ought to submit to an examination not created entirely as this bill would create this board.

Mr. BLANTON. The suggestion of the gentleman from New York is a good one. There ought to be a general bill and there ought to be some old-line doctors on the board, there ought to be some homeopaths on the board, there ought to be some osteopaths on the board, there ought to be some chiropractors on the board; they all ought to have a say as to the proper examination of a practitioner, but if you left it entirely to the allopaths they never would license one of them.

Mr. W. T. FITZGERALD. Will the gentleman yield?

Mr. BLANTON. I yield to my "allopath friend."

Mr. W. T. FITZGERALD. "All-path" is right, but not allo-path?

Mr. BLANTON. I call an old-line doctor an "allopath."

Mr. W. T. FITZGERALD. In Ohio we have a bill to this effect, and all of the "paths," all of the cults, are recognized, and we have a provision in the law of Ohio that every man who wants to practice medicine must pass an examination on all the fundamental branches.

Mr. BLANTON. I think that is a good law.

Mr. W. T. FITZGERALD. It is a good law. Furthermore, the osteopaths need take no work on materia medica. He does not use medicine, but he must pass on every branch of medicine just the same as every attorney must pass on all branches of law.

Mr. BLANTON. That is what this bill provides he must do.

Mr. W. T. FITZGERALD. But who are the examiners under this bill?

Mr. BLANTON. The bill provides that such a practitioner must be examined on every one of these branches.

Mr. LAGUARDIA. But who are to be the examiners?

Mr. W. T. FITZGERALD. They are osteopaths.

Mr. BLANTON. I think the suggestion made by my friend, the gentleman from New York, is good, but this is the situation: Suppose you lay this bill aside, as suggested, and do not pass it; there will be no regulation for years.

Mr. W. T. FITZGERALD. Will the gentleman yield?

Mr. BLANTON. One moment, and then I will be pleased to yield.

Do you know it may be 5 years or 10 years before this general bill is agreed upon, and during that time you will have every kind of shyster in the world claiming to be a qualified osteopath and practicing on the people here in the District. We had a death here from one of the practitioners of one of these "paths" not long ago and it was a death that looked as if it was the result of criminal negligence. We do not want this to happen here again in the District. We want to make these practitioners responsible, and at the same time this will not prevent a general bill from amending this law. If we pass this bill and control them until the general bill is passed, we will have accomplished very much in behalf of the people here who otherwise may be improperly practiced upon.

Mr. LAGUARDIA. The gentleman does not want to legalize the shyster?

Mr. BLANTON. No.

Mr. LAGUARDIA. But we are going to make that possible through an examination by a board all their own.

Mr. BLANTON. When we pass the general bill we will fix it so that they will have to pass an examination by a board upon which all of the "paths" are represented—the allopaths, the homeopaths, the osteopaths, and the chiropractors.

I want to say to my friend from South Carolina [Mr. STEVENSON] that I have never been rubbed by an osteopath like he has. I have never had my muscles or bones manipulated by a chiropractor, and neither have my family, but that is no reason why I should not want them to have a chance to practice under proper regulation upon Americans who believe in that kind of treatment. Americans have the right to choose their own treatment. I do not believe in that kind of healing. But there are many people who do, and they have a right to choose their own practitioner, but their practitioner ought to be regulated.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCHAFER. Did not the newspapers say the other day that a woman died receiving chiropractic treatment by a man who got a diploma from a school here?

Mr. BLANTON. That is what I called attention to in the first part of my remarks, when the gentleman's attention was diverted. There has been a death, and we do not want any more; we want them properly regulated.

Mr. W. T. FITZGERALD. How many new attorneys would stand for a half dozen boards to say who should practice law? This board which you are trying to establish is controlled by the osteopaths.

Mr. BLANTON. Let me ask the gentleman a question. Suppose you were the sole board to pass on the granting of licenses to osteopaths. Would you grant any at all?

Mr. W. T. FITZGERALD. Yes.

Mr. BLANTON. To a chiropractor?

Mr. W. T. FITZGERALD. Yes; if they were qualified.

Mr. BLANTON. I want to say that since I have been on this District Committee I have helped in every way to pass a law that would drive these diploma-mill schools out of Washington. There are so-called schools here which have been granting diplomas with B. A. degrees when the applicants never attended a school a day. It was all done by correspondence. We have been trying to regulate and control them. But if you knew how long it takes to get a law passed by Congress you would be in a hurry to get some kind of a regulatory bill to control osteopaths and chiropractors.

Mr. KVALE. Is it not a fact that the real osteopaths desire to have this measure passed?

Mr. BLANTON. Certainly, that is a fact. Every good practitioner in this line has been urging it—to get regulations to practice their own profession. I have received letters from prominent osteopaths all over the United States urging the passage of this bill. They want it for their own protection; they want to be relieved from improper practitioners. They do not want the faith in their cult reduced, and their cult brought into disrepute by some one practicing it who is not qualified. I think the bill should be passed, and I hope it will pass.

Now, I want to discuss one point concerning my friend from Maryland [Mr. ZIHLMAN]. I want to say that whenever on the floor of this House there is a solemn agreement entered into between those who have charge of bills that that agreement ought to be kept. There ought not to be a single attempt to break a gentleman's agreement on the floor of this House.

I want to show you exactly what took place on the last District day when the policewoman's bureau bill was before the House, which had been discussed at length, a bill which has been before Congress every year almost since I have been here. I want to show you what took place. After a long discussion the gentleman from Connecticut [Mr. TILSON], the floor leader of the House, made this statement, which I read from the RECORD, page 5408, March 26, 1928. Mr. TILSON said:

> Mr. Speaker, it is evident there is going to be considerable discussion on this bill. A number of amendments are now pending including some committee amendments. It does not seem practical to finish the bill to-night unless we run until very late. I wonder if the District Committee would not be willing to let the matter go over as unfinished business until next District day.

That is the floor leader of the House speaking, and then the following occurred:

> Mr. UNDERHILL. Mr. Speaker, it is a matter of indifference to me whether this goes over as unfinished business until next District day or whether it is voted upon to-day or whether it is killed. That is a very frank expression, but I say let us get it out of the way.
>
> Mr. BLANTON. It would be better to have it go over as unfinished business until next District day, and then we can finish it.
>
> Mr. TILSON. It will go over as unfinished business, and it is for the committee to say what it will call up on next District day.

But we did not stop there. If we had, the gentleman from Maryland could have called up anything that he wanted to; but here is what occurred after that:

> Mr. BLANTON. We either ought to finish it this evening or have it go over as unfinished business to be taken up next District day.
>
> Mr. TILSON. Let it go over as unfinished business.
>
> Mr. BLANTON. And the chairman will bring it up as unfinished business on next District day?
>
> Mr. ZIHLMAN. Yes.

There is your gentlemen's agreement. To continue:

> Mr. BLANTON. Very well, just so long as it holds its place.

There is your gentleman's agreement. It was to hold its place. It was solemnly agreed on the floor by the chairman of this committee, who has control of calling up bills, that he would call that bill up here on this District day as unfinished business. Unfinished business under such an agreement means to call it up the first thing.

If we have had a bill up here for consideration this evening and we move the previous question on the bill to final passage, it would be the unfinished business to-morrow, and the Speaker

would have to put the vote on that bill the very first thing after the House met after matters on the Speaker's table had been disposed of.

Mr. LAGUARDIA. That is the practice in this House.

Mr. BLANTON. The gentleman is right, because he is a good lawyer and a good parliamentarian. That is the practice. I think it a very unfortunate thing for the chairman of the committee to break a gentlemen's agreement. I have had high respect and regard for the gentleman from Maryland [Mr. ZIHLMAN], our chairman. I have worked shoulder to shoulder with and against him on that committee, and I have helped him expedite business and dispose of bills; but when he makes a solemn agreement he ought to keep it. Otherwise the membership of the House will not know where they are on legislation.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BANKHEAD. Has the chairman of the committee indicated that he will not carry out that agreement?

Mr. BLANTON. He not only indicated that, but he has called up another bill in violation of that agreement.

Mr. BANKHEAD. For what reason or excuse?

Mr. BLANTON. He said because he had agreed outside after we had adjourned, or some time later, with the gentleman from Massachusetts [Mr. UNDERHILL] because he can not be here to-day, to put that bill aside. That was a private agreement with one Member.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I yield for an explanation if the gentleman has one.

Mr. ZIHLMAN. I say to the gentleman from Texas, and also to the gentleman from New York [Mr. LAGUARDIA], that it is not the practice, to the best of my knowledge, after considering bills in Committee of the Whole House on the state of the Union, when the committee rises, with the business before it unfinished, for the chairman to bring that bill up the next day on which the business of that committee is in order. That is true of the House, when the House adjourns with a matter of unfinished business on the table.

Mr. BLANTON. But it was in the House that the gentleman made that solemn agreement, and the floor leader of this House [Mr. TILSON] was the one who helped the gentleman enter into it.

Mr. ZIHLMAN. The floor leader of this House stated in the RECORD last Friday that this bill would not come up.

Mr. BLANTON. He did not have any such authority to do it. I want it to go into the RECORD again just what we agreed, and I shall read it again.

Mr. ZIHLMAN. I would like to have the gentleman read what is in the RECORD of last Friday. That is what I referred to. The gentleman from Wisconsin [Mr. SCHAFER] asked the floor leader on the majority side if this bill was to come up, and the floor leader stated that he understood the bill was not to be called up.

Mr. LAGUARDIA. That is just what we are objecting to.

Mr. ZIHLMAN. Let me make this statement. My recollection is, although the RECORD does not show that, that I did say that I would bring the bill up, but I did not say in the RECORD that I would bring the bill up as the first matter of business on the next District day. The gentleman from Texas put those words in my mouth, and the only word that appears in the RECORD is the word "Yes." My recollection is that I agreed to bring the bill up, not as the first order of business.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CRAMTON. The bill that the gentleman from Wisconsin [Mr. SCHAFER] referred to on Friday last was not the policewoman's bill; it was the policemen's salary increase bill. That is the bill that is referred to, and not the bill now under discussion.

Mr. BLANTON. The gentleman from Maryland agreed on this floor as chairman of the committee, emphatically, without equivocation or evasion or mental reservation, that he would call the policewoman's bureau bill up as unfinished business to-day. I am going to read it over to you again, so there will not be any mistake about it. After the remark by Mr. TILSON, referred to, I said:

> It would be better to have it go over as unfinished business until next District day, and then we can finish it.
>
> Mr. TILSON. It will go over as unfinished business, and it is for the committee to say what it shall call up on the next District day.
>
> Mr. BLANTON. We either ought to finish it this evening or have it go over as unfinished business to be taken up next District day.
>
> Mr. TILSON. Let it go over as unfinished business.
>
> Mr. BLANTON. And the chairman will bring it up as unfinished business on next District day.
>
> Mr. ZIHLMAN. Yes.
>
> Mr. BLANTON. Very well, just so long as it holds its place.

If that is not a gentleman's agreement, I do not know what it is. And it was to hold its place.

Mr. FROTHINGHAM. What bill does that refer to?

Mr. BLANTON. The policewoman's bureau bill, which we were discussing when the House adjourned on the last District day. We were then in the House. We then had up the policewoman's bureau bill, and it was understood it was to be called up by the chairman on this day as unfinished business. That is all I have to say. I am not falling out with the gentleman from Maryland. I am not his enemy. He ought to keep faith yet, and he ought to call this bill up now. He ought to keep faith with the House.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCHAFER. Is this bill such an emergency bill that it has to be passed to-day?

Mr. BLANTON. Yes. I will tell you why it is an emergency. There is not a single law now on the statute books that requires them to maintain a woman's police bureau here in Washington. If the District Commissioners should get mad with anybody in that bureau to-day, by a mere scratch of the pen they could wipe it out of existence here in the District. They could absolutely obliterate it. They could do away with every single one of them. They ought to have a law. That woman's bureau of the police department is defending the unprotected young girls that come here, who are away from home and subject to many dangers and perils. That bureau is protecting them and is protecting the integrity of the home in 48 States of the Union.

Mr. SIMMONS. I understood the woman's bureau is on the same basis as the rest of the police department.

Mr. BLANTON. Oh, no. Any member of the District Committee could tell you that the District Commissioners could wipe them out by a mere scratch of the pen. That bureau ought to be made lawful. We ought to fix it so that the commissioners, by mere whim, can not wipe it out of existence. The press has been trying to wipe it out of existence ever since it has been here.

Mr. HOLADAY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HOLADAY. The gentleman from Texas is familiar, no doubt, with the fact that the women members of the police force occupy exactly the same status as the rest of the police force.

Mr. BLANTON. No. This woman's bureau could be wiped out with a scratch of the pen by the commissioners.

Mr. HOLADAY. Can not the other members of the police force be put out also?

Mr. BLANTON. Oh, no. The commissioners have no such authority as to the men.

Mr. HOLADAY. I think the gentleman will find that they are on the same status as all other policemen in the police department.

Mr. BLANTON. Although the gentleman from Maryland [Mr. ZIHLMAN] does not agree with me about calling up this bill, he will tell you the truth about this bureau. I ask him if it is not a fact that the woman's bureau is existing now by mere sufferance? There is no law for it, is there?

Mr. ZIHLMAN. There is no organic law for it, yet it has been carried on for years, and as long as it is appropriated for it will continue.

Mr. BLANTON. If the commissioners wanted to do so, they could stop it to-morrow.

Mr. ZIHLMAN. No. I think these policewomen have a civil-service status and could not be abolished without going through the usual procedure.

Mr. HOLADAY. They are exactly on the same footing as all other policemen, and the commissioners could wipe out precinct No. 4 to-day if they wanted to.

Mr. BLANTON. This bill has been up for 10 years before our committee. And we are now seeking to legalize the woman's bureau.

Mr. SIMMONS. I do not pretend to be an authority on the subject, but I believe that, although the woman's bureau is set up without any specific legislation, the women on the force occupy the same status as the regular policemen, and while the bureau as a bureau might be abolished, the policewomen would still remain on the force. Is that right or not?

Mr. BLANTON. No; because when you wipe out the bureau under the commissioners' regulations you wipe them out with it.

Mr HOLADAY. It is the same as the detective bureau.

Mr. BLANTON. Oh, no; it is not. Because there is no law authorizing this woman's bureau.

Mr. STEVENSON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. STEVENSON. I make the point of order that we were discussing the osteopath regulations here. Where does the woman's bureau come in? It strikes me that the discussion is getting far afield.

Mr. BLANTON. Oh, the gentleman from South Carolina does not remember that on District day you can in general debate discuss anything that you want to.

Mr STEVENSON. I know that that has been done, but I thought there was some rule that would keep Members from doing it.

Mr. BLANTON. No. It is by the rules of the House which the gentleman helped to make himself.

The CHAIRMAN. Does the gentleman from South Carolina insist on his point of order? In the understanding of the Chair any subject can be discussed.

Mr. STEVENSON. Yes. But I did not so understand it.

Mr. BLANTON. That rule has been in force ever since I have been here.

Mr. STEVENSON. I am satisfied that if I stayed here 24 years and the gentleman from Texas were here also I would learn at least one thing more before I got through. [Laughter.]

Mr. BLANTON. If the gentleman makes a point of order as facetiously as he has made the last one, he would learn.

Mr. Chairman, we ought to pass this bill controlling osteopaths, so that we will have some regulation; and I will say to my friend from Michigan [Mr. CRAMTON] that when the gentleman's general bill comes in, which he and my doctor friend from Ohio want to pass, I will vote for the bill as soon as we can get it out, and we will put on that board all the "paths" that practice on the human body.

Mr. SCHAFER. Turning again to the question of the woman's bureau in the police department, may I ask how many women police there are in the gentleman's district?

Mr. BLANTON. From what I have seen of the woman's bureau in the police department here in Washington I wish there was a similar one, equally qualified, in every town and city in Texas. I would vote for it, and I believe our people would be willing to pay the bill to protect our young girls and our young men from sundown to daylight.

Mr. SCHAFER. Have you any such bureaus in Texas?

Mr. BLANTON. Certainly; we have them in nearly every large city.

Mr. SCHAFER. How many women have you on your police force?

Mr. BLANTON. Oh, I do not know the number, but we have more than you have in Milwaukee, I am sure. [Laughter.]

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Texas reserves the remainder of his time.

Mr. CRAMTON. Mr. Chairman, I ask for recognition in opposition to the bill.

The CHAIRMAN. The gentleman from Michigan is recognized for one hour.

Mr. CRAMTON. Mr. Chairman, I am not going to use an hour. I think possibly five minutes is all that I shall want. My position is not entirely one of opposition to the bill, although by reason of the statements made here by the gentleman from Vermont [Mr. GIBSON], the introducer of this bill, and the gentleman from West Virginia [Mr. BOWMAN], who has been active in the consideration of the bill in committee, I do believe we ought to lay the bill aside to-day and leave it for consideration after it has been definitely ascertained whether there is a possibility of the general bill passing. The general bill would be so much more effective and desirable as far as the general public is concerned, but if we once pass this bill and it becomes a law you will never get the osteopaths of the District to join in any general bill because this sews it up too nicely for those who have the leadership in that profession in the District.

Hoping it may be laid aside but desiring to give those in charge of the bill the benefit of some suggestions that have come to me as I have read it here on the floor, I want to call attention to some changes that ought to be made in this bill if it is to be passed.

In the first place, it is too much of a closed corporation proposition. No one will be permitted to practice osteopathy under this bill unless they receive a license. That license comes through the favorable action of a board and that board is appointed by the commissioners, but from names submitted by the Osteopathic Association of the District. So the bill puts it all in the hands of the Osteopathic Association.

This bill is in the interest of the public and not in the interests of the osteopaths, or should be at any rate, and, if so, the Commissioners of the District ought to have the authority to appoint any qualified persons whether they are members of the Osteopathic Association, recommended by them, or not.

Now, as to the fees. It may be the way these things are run, but it has not impressed me favorably as I have gone through the bill. Any one desiring to practice who lives in the District can get a license by paying a fee of $25 and then an annual fee of $3 a year. If you are already qualified to practice in some other State and want to practice here—having complied with every thing that this bill calls for, but you happen to be a resident of Ohio, New Jersey, or Texas and want to come here to practice—then, instead of paying $25, you must pay $50. I contend there should not be that discrimination. The fee should be the same for those from other States coming here as it would be for residents of the District.

Then those fees are assembled and they are not turned into the Treasury, but they are "held as a fund for the use of said board." There is very little effective limitation on the use of the money. The money is held, as the bill provides, for the use of such board and—

> Such funds shall be applied by said board to the payment of its expenses and to making a compensation to each member thereof not to exceed $5 per diem for each day of actual service in the discharge of his duties under this act.

That does not mean each day exclusively devoted to this work, because they could not afford to do so much for $5 a day, but for each day that they can make any pretense of doing any official business they can receive $5 a day, and as long as there is anything in that fund and it is entirely under their control, not controlled by anyone else, they are going to find enough days' employment to exhaust the fund.

The bill impresses me as loosely drawn and as involving some dangers. Section 11 provides:

> That the license provided for in this act shall authorize the holder to practice osteopathy as taught and practiced in the colleges of osteopathy as outlined in section 8, which practice shall include surgery, the use of narcotics, anesthetics, and antiseptics.

In other words, it looks to me as though one who graduates from a school of osteopathy and is examined by this board of osteopaths then has the right to go out and practice medicine and to act as a surgeon, the same as any physician now admitted to practice in the District.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LAGUARDIA. Has the gentleman carefully considered the first section of this bill? It seems to me that leaves the entire matter in a sort of family circle.

Mr. CRAMTON. I have already suggested that. I will say frankly that I have not given long study to this bill. I have studied it here on the floor to-day, and what I am giving now are suggestions that I hope the committee will consider before they bring the bill up again. It certainly provides for a close corporation. What I am referring to now is section 11, which provides that anyone who is admitted to practice osteopathy has the right to act as a surgeon as well, but the training is not necessarily sufficient to warrant that being done. On the other hand, the bill is so drafted that an osteopath may act as a surgeon. In connection with what I have said as to section 11 you should also read section 12, which provides:

> Osteopathic physicians licensed hereunder shall have the same rights as physicians of other schools of medicine with respect to the treatment of cases or holding of offices in public institutions.

That is to say, an osteopath in any public institution shall have every right to treat any kind of a case through any school of medicine that any physician has.

And at the same time there is some question at least as to whether a regular physician and surgeon, already admitted to practice, can continue without interference by this bill. Of course, no one interested in the bill would admit that they intended to interfere with the rights of regularly qualified physicians or surgeons.

Now, as to section 14:

> That any person who shall fraudulently practice, or pretend to practice, or use the science or system of osteopathy in treating diseases of the human body—

And other things, is subject to a penalty if—

under such circumstances as to induce the belief that the person who uses such term or terms is engaged in the practice of osteopathy, without having first complied with the provisions of this act.

Now, there is another section, section 16, which provides:

That nothing in this act shall be construed to prevent or in any way interfere with any person engaging in the art of healing in the manner taught by any school of medicine or science, except such as claim to be osteopathic physicians or practice osteopathy.

This section (sec. 16) is put in to reassure the physician that his practice will not be interfered with. Now, if this is the case, I do not understand the purpose of the proviso in section 14. A physician may see fit to prescribe certain things that are prescribed in osteopathy, and if so, there is a chance he might be subject to the penalty of section 14. Notwithstanding section 16, which I have read, it has been thought necessary to put in a proviso—

that this act shall not apply to commissioned surgeons in the United States Army, Navy, or Marine Hospital Service.

If the act, without this proviso, was held as likely to interfere with surgeons in the United States Army, Navy, or Marine Hospital Service, then it applies likewise to surgeons and physicians who are not in the United States Army, Navy, or Marine Hospital Service, and hence there is liability of some interference with their practice. I am suggesting this for the careful consideration of the committee.

I now yield to the gentleman from Texas.

Mr. BLANTON. The license that will be granted under this bill will specifically provide that no knife whatever shall be used by any one of these practitioners.

Mr. CRAMTON. There is not a word in the bill to indicate that; but, on the contrary, there is the express language, as definite as it can be made, that he is authorized to practice osteopathy as taught and practiced in the colleges of osteopathy as outlined in section 8, which practice "shall include surgery," and then the proviso—

that no osteopathic physician licensed under this act shall practice surgery who has not had a four-year course in an accredited osteopathic college.

I do not want to turn somebody out here with a diploma or a license that authorizes them to cut folks up when he has not had the right kind of training for that particular kind of practice.

Mr. BLANTON. The allopaths themselves required those provisions to be put in the bill—that they should be well versed and trained in both surgery and medicine, and the provisions were put in at the suggestion and instance of the allopaths.

Mr. CRAMTON. All right; if the gentleman refers back to that point, the bill is not so drawn as to make it at all certain that the person authorized to practice under it will be duly qualified, because he is to be examined by a board that probably is not versed in both schools of medicine.

I simply urge the committee therefore to lay the bill aside and let the general bill have a chance; and later, if this bill is brought up, we would hope to have some of the defects in it worked out.

Mr FROTHINGHAM. Will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman.

Mr. FROTHINGHAM. Surgery as used in this bill would include the use of a knife, bone surgery, and every other kind of surgery.

Mr. CRAMTON. There is no limitation upon it so far as the bill is concerned. It explicitly, directly, and expressly gives the right to anyone who has a permit or license under this act to practice surgery.

Mr. BLANTON. Under the present situation shysters claiming to be osteopaths can do anything they want in the District of Columbia without any regulation whatever.

Mr. CRAMTON. There is a peculiar situation here in the District of Columbia in that the commissioners and the police force seem to be quite powerless to do anything to stop any kind of evil or nuisance unless Congress passes a specific act reaching it. We had an illustration of this recently. There is nothing which is a bigger nuisance than these gypsy camps on Pennsylvania Avenue. I wrote to the chief of police some time ago and called his attention to them and to their practice of accosting all the men who go by. I walk back and forth frequently from the Capitol to my home, and I have seen these women tapping and inviting passers-by to come in, and on several occasions I have seen altercations on the sidewalk when some old man would engage in a row with a gypsy The only time the man gypsy shows up, dressed in his good clothes, is when there is a row on or an argument with the police force. This is a nuisance, and what is the answer when you ask them to eliminate this scandal from Pennsylvania Avenue. They say, "We can not, because they are not licensed. If there was a law permitting us to give them a license, we could take their license away from them."

Mr. W T. FITZGERALD and Mr. LAGUARDIA rose.

Mr. CRAMTON. I yield first to the gentleman from Ohio. I believe the gentleman was on his feet first.

Mr. W. T. FITZGERALD. The medical profession in my State has recognized the so-called irregular cults or the irregular practice that they may have in use. The law of the State of Ohio permits the practice of these irregular practitioners of fads, but they must pass an examination just the same as any physician passes. They take this examination after they have taken all the branches of medicine, except materia medica, the prescribing of drugs, the administration of chloroform, ether, morphine, and so on. They take everything that the medical man takes except this. It has been stated that this bill sets out a list of the various branches upon which they must be examined, but the board of examiners is a special board, whereas in our State we have one board which passes on all the medical men and all the cults.

Mr. ZIHLMAN. You do regulate the practitioners of these so-called healing arts?

Mr. W. T. FITZGERALD. They are regulated just the same as I am regulated.

Mr. ZIHLMAN. And is it not a fact that every jurisdiction in the country has some regulation of these sciences or professions except the District of Columbia?

Mr. W. T. FITZGERALD. That is all right, and I am glad to see it, but this is an inopportune time to bring this up. The bill is not complete. I did not come here to-day expecting to say a word about this matter, but I have been in close touch with several men in the regular practice of medicine, and when I say "regular" I mean the practice of medicine and the administration of drugs and anesthetics, and so on.

Mr. ZIHLMAN. Mr. Chairman, if the gentleman from Michigan will yield, and the gentleman from Ohio will indulge me, I will state to the gentlemen that when the Committee on the District of Columbia reported this bill, it was stated in our committee that the so-called Copeland bill, which was to provide one general board to regulate all of these professions, had been pigeon-holed for the balance of the session and that the regular medical society of practicing physicians, composed of the physicians who administer drugs, anesthetics, and so on, to which the gentleman from Ohio referred, had indorsed this bill with the provisions which they asked be written in the bill.

The committee therefore reported this bill. Since that time the so-called Copeland bill has been revived and reported to the Senate. But if it is agreeable to the Committee of the Whole House on the state of the Union and the District of Columbia Committee, after consulting with the gentleman from West Virginia [Mr. BOWMAN] in charge of this legislation, chairman of the District of Columbia Committee will, under unanimous consent, withdraw the bill temporarily.

Mr. CRAMTON. All the gentleman needs to do is to move that the committee rise and let this bill join the policewomen's bill.

Mr. BLANTON. I will say that it is very evident here now in the present temper of the committee that unless the gentleman does as the gentleman from Michigan wants him to do that probably the enacting clause will be stricken out. These people ought to be regulated and the bill ought to be passed, but in order to preserve the bill and let it have a chance, I think the gentleman should let it go over.

Mr. CRAMTON. I think the gentleman from Maryland means to do that.

Mr. GIBSON. Mr. Chairman, the gentleman from Maryland asked the gentleman from Ohio if it is not true that there is some regulation of osteopaths in all the jurisdictions of the Nation except the District of Columbia. It is true as to every jurisdiction except this that some sort of regulation prevails. When this bill was drafted we attempted to have it conform to the standard in most of the States. The result is the bill we have here—it is identical with the laws of a great many States. We want such a law as will work. It is essential that the osteopaths who practice in the District of Columbia should be regulated. There is no regulation for any class now; they can do anything under heaven, get up any sort of cult they please, and practice on human beings. I have no objection to the bill being laid aside in order that we may get it perfected.

Mr. BLANTON. I want to yield five minutes to the gentleman from Kentucky.

Mr. LAGUARDIA. And I want five minutes.

Mr. CRAMTON. I yield the floor.

Mr. BLANTON. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. VINSON].

Mr. VINSON of Kentucky. Mr. Chairman, I take this opportunity to call the attention of the House to a signal honor which has recently come to Kentucky and the district which I have the honor to represent.

Last week the National High School Basket Ball Tournament was held in Chicago. Hundreds and hundreds of games had been held throughout the Nation to determine the State championships and to determine each State's representative in the national meet. The cream of the high school basket-ball players—40 teams—met in Chicago to determine who would be the survivor of the fittest. It is with just pride I mention that the national championship was won by the Ashland (Ky.) High School team. [Applause.]

In deciding the championship of Kentucky, Carr Creek and Ashland entered the finals. At the conclusion of the fourth quarter, the game was a tie and four overtime periods were required to determine the winner. The Ashland team emerged the winner with the score 13 to 11. So both teams were entered in the national tournament at Chicago.

The Carr Creek team represented a little mountain school in Knott County, Ky., in the district so splendidly represented by the gentlewoman from Kentucky [Mrs. LANGLEY]. I have been informed that the male student body in this school is some 40 in number; that the school building is some 20 by 26 feet in size; that most of their basket-ball experience was gained upon a ground court. Yet this little mountain team won from Albuquerque, N. Mex.; Austin, Tex., one of the best teams at the meet; and Bristol, Conn., the last surviving eastern representative. On Friday night, last, it was compelled to bow its head in proud defeat to the gallant Vienna, Ga., team. After the elimination of Austin, Tex., Vienna was the favored team to win the national championship.

A striking example of the good feeling which pervaded the contests, together with the fact that little Carr Creek won its way into the hearts of even their opponents, is seen in the sportsmanship and friendly feeling of the Bristol, Conn., team which was eliminated by this Kentucky team. The Bristol team presented to each Carr Creek player a watch, donated by the Bristol Chamber of Commerce, with appropriate congratulatory wishes of luck. In this connection it might be said that anyone can be a good winner, but it takes a good sport to be a good loser.

With Carr Creek eliminated, Ashland—in my district—was the sole Kentucky representative. Naugatuck, Conn.; Oregon, Mo.; Morris, Ala., who had survived the rounds preliminary to meeting Ashland, had been disposed of in hotly contested games. On Saturday afternoon the Ashland team revenged the defeat of Carr Creek and took the Vienna team into camp in one of the hardest-fought games of the tournament. The score was 20 to 19.

The championship game was played Saturday night between the Canton, Ill., team the sole survivor in the other bracket, and the Ashland team. The Kentucky team won, and honors the entire State in bringing home the trophy emblematic of the national championship.

Every true Kentuckian thrills with just pride in Ashland's victory. It was a tremendous task assigned to any team. In winning the championship Ashland exhibited skill, sportsmanship, and courage that warmed the hearts of all those who witnessed the games.

Heretofore splendid American youths have won this coveted honor, which means so much to them but even more to the other youths of the land. They have earned the highest honor in this particular athletic field—and all is not milk and honey in reaching the peak of athletic activity. Many sacrifices of personal pleasure must be made; strenuous and prolonged physical training must be had to be crowned champion in any national athletic contest.

An unprecedented thing occurred in this tournament which demonstrates beyond peradventure that the Ashland team were possessed of that skill, discipline, and spirit of gentlemanly sportsmanship that their minds, hearts, and muscles were coordinating perfectly. With the red blood of American youth coursing their veins, with the desire to win subordinating, for the time, every purpose in life these gentlemen representing Old Kaintuck played throughout the tournament without committing a personal foul. [Applause.]

So I say to the country that whereas the other nine teams who have in the past won the national trophy, proclaiming them national champions in this athletic endeavor, were representative, clean, American youths, holding the trophy in their possession without stain and with proper dignity, that the Ashland team measures up in every respect to the champions of yore and that this trophy, so significant, has been placed in worthy hands for the ensuing year. [Applause.]

Mr. BLANTON. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, a matter far more important than the bill under consideration or the withdrawal of that bill is the question of the rules, the practice and custom of this House. Some of us have taken an interest in the rules of the House and have sought from time to time to liberalize them. The incident that happened this morning, if followed, would destroy what has taken years to establish in this parliamentary body. There was a time when no Member could call up a bill unless he was recognized by the Speaker for that purpose. Every Member of the House was at the absolute mercy of the Speaker. Conditions become so intolerable that the whole country protested, and the war on so-called Cannonism was started in this House. Out of that rules were obtained which provided for Calendar Wednesday, which provided for the Consent Calendar, which set aside a day for the District of Columbia business and so on, and which provided the procedure in this House that Members would have notice of what would be before it. No one in the House to-day would now dare attempt to modify the existing rules and practice and go back to the old system.

Under the practice in this House it is never necessary to question any understanding made by any Member on the floor of the House. It is not even necessary to question a gentlemen's agreement made at any time in reference to the orderly procedure and consideration of legislation in this House. I am not concerned in the woman's police bill at all. That bill was before the House on the last District day, and upon the committee rising and going into the House, before adjournment, it was understood by definite agreement that the bill was the unfinished business and would be taken up to-day. That understanding was binding and in accordance with the custom and practice of the House was sacred. If we countenance what has happened to-day, we are going to break down what took years to establish in this House. Members must retain confidence in their colleagues. This is not a slight matter. The incident which happened to-day should not be repeated in a hundred years. I understand that the gentleman from Maryland [Mr. ZIHLMAN] was motivated by the best intentions. Perhaps he wanted to accommodate his colleague, but all those matters are of no consideration when an agreement is made in accordance to established practice and custom of the House. That agreement provided that the woman's police bill would be the unfinished business and taken up on a certain day.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. ZIHLMAN. I did not state that the bill would come up first. I call the gentleman's attention to the fact that if the chairman of the committee is compelled to take up business that is not finished in the Committee of the Whole House on the state of the Union, he will reach an impasse, because he must bring up all that legislation before he can bring up legislation to which there is no opposition.

Mr. LAGUARDIA. I thank the gentleman for calling my attention to that. The unwritten law of this House is that we do not play with words. It was the clear intent of the gentleman from Texas [Mr. BLANTON] that the bill then under discussion would be the unfinished business of to-day, and what has happened? That bill has not been called up, in violation of an agreement made in accordance with the practice and custom of this House. We have lost two hours on a bill that is now withdrawn from consideration.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Just a moment. We have lost two hours, and the chairman of the committee now asks unanimous consent to withdraw the bill. That shows how you can block legislation. It does not require great knowledge of parliamentary law. It is easy to block legislation and the consideration of bills in the House by simply disregarding the rules and practice of the House.

Mr. BLANTON. The word "unfinished" means that that legislation shall be called up first at the next meeting, especially when it was so specifically agreed.

Mr. LAGUARDIA. There is no question as to the meaning and intent of the agreement; there is no question as to what was in the mind of the gentlemen at the time. As I say, I am against this bill. It has to be corrected. I have no interest in the unfinished bill, but I am interested in the orderly pro-

cedure of the House and in the rights of Members being protected.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. Perhaps the gentleman from Maryland [Mr. ZIHLMAN] is going to call up that unfinished business. I respectfully submit that this is the first time the question of not taking up this bill has been raised. Why was not the question raised when the House went into committee?

Mr. LAGUARDIA. It was.

Mr. SCHAFER. By whom?

Mr. LAGUARDIA. By the gentleman from Texas and others. It was raised very forcibly.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MAPES rose.

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. MAPES. I move to strike out the last word, if that is in order.

The CHAIRMAN. The bill is under general debate.

Mr. BLANTON. If the gentleman from Michigan wants some time, I shall be glad to yield to him.

Mr. MAPES. I ask for recognition in my own right.

The CHAIRMAN. The gentleman from Michigan is recognized for one hour.

Mr. MAPES. That will be a little longer than I care to occupy.

Mr. BLANTON. Mr. Chairman, I make the point of order that on District day there are but two hours of general debate.

The CHAIRMAN. The Chair will state that there is no such rule.

Mr. BLANTON. That has been the rule here ever since I have been a Member.

The CHAIRMAN. That is on Calendar Wednesday.

Mr. MAPES. The gentleman from Texas is confusing District with Calendar Wednesday business.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. MAPES. Mr. Chairman, I have no desire to inject myself into this debate, but I think the gentleman from New York [Mr. LAGUARDIA] in his discussion of the proper procedure to be followed should distinguish more clearly than he has between the rules of the House and any so-called gentlemen's agreement that may have been made relating to the woman's bureau bill. Of course, unfinished business means, as the term indicates, unfinished business. But the rules of the House and the precedents provide that unfinished business can be called up at the will of the committee. There is no rule that requires the committee to call up unfinished business on any particular day, unless my recollection is wrong. I should be surprised if the gentleman from New York should find any such rule. My recollection on the subject is quite clear, although I am not able to refer to the precedent in the rules at the moment, but the rule, as I remember it, even goes so far as to apply to Calendar Wednesday business, and permits business unfinished on Calendar Wednesday to be laid aside and other business in order on Calendar Wednesday to be called up by the committee having charge of the legislation. That, of course, has no reference to any gentlemen's agreement or anything of that kind. I think the rules of the House very clearly justify this committee, if it sees fit to do it, to lay aside the so-called woman's bureau bill and bring up any other bill it pleases.

Mr. BLANTON. If the gentleman will read the RECORD, he will see that it was the distinct understanding that this bill should not be displaced, but should be called up at the next session or the next day when District business was taken up.

Mr. MAPES. I was here at the time that colloquy took place, and I know something about the desire of several members of the Committee of the Whole at the time. But the gentleman from Michigan was not discussing that feature at all. He was discussing the rules without reference to any gentlemen's agreement. The gentleman from New York [Mr. LAGUARDIA], I think, spoke rather broadly in his discussion of the procedure as applied to the rules and precedents as distinguished from any agreement.

Mr. LAGUARDIA. The gentleman will admit, I am sure, that it is the practice of this House, when there is unfinished business, and the committee rises, and the question is raised, and it is stated that unfinished business would be taken up on the next day given to that committee, to see that that is done. This would be the practice of the House.

Mr. MAPES. Yes; if it is agreed that the bill would be taken up as unfinished business on the next legislative day. Yet the gentleman is in error when he says the rules of the House require the calling up of the bill as unfinished business, regardless of any agreement.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes; I yield to my colleague.

Mr. CRAMTON. I am not going to discuss the agreement that has been made, but the suggestion of the gentleman from New York [Mr. LAGUARDIA], it seems to me, goes further than the rules warrant. I think he confuses certain classes of unfinished business with other classes of unfinished business. There is a certain stage that a bill reaches on the day given to it where it has a priority right, but there appears to be a specific precedent which I think justifies the position of the gentleman from Michigan. In the House Manual, in the notes under section 863, it is stated that on the District of Columbia day business unfinished on the preceding District day is in order for consideration, but does not come up unless called up. That is covered in Hinds' Digest, volume 4, page 3307.

Mr. LAGUARDIA. There is no question about that.

Mr. CRAMTON. It has to be called up. It is not before the House by priority right. The facts are the same here, barring this gentlemen's agreement.

Mr. LAGUARDIA. That is what I am complaining about.

Mr. CRAMTON. The gentlemen's agreement is separate and apart from the general rule, and that is not a thing I desire to argue. In other words, the gentleman from Maryland [Mr. ZIHLMAN] had the right to call up the woman's bureau bill or not. Whether he was entirely keeping faith in that connection is a question but as a parliamentary right he has the right to call it up.

Mr. LAGUARDIA. The gentleman will concede that three-quarters of the business of this House is carried on by mutual understanding, and we can not disregard that.

Mr. GIBSON. Mr. Chairman, will the gentleman yield?

Mr. MAPES. I will yield to the gentleman from Vermont. I have said all I care to say.

Mr. GIBSON. I think in all fairness it should be stated that the bill as it appears here, the woman's police bill, was reported out by the committee exactly as the committee voted it should be reported. When the committee came to the consideration of the bill at the last District day the gentleman from Massachusetts [Mr. UNDERHILL] suggested that he had some amendments that he would like to offer, and as the author of the bill I agreed to at least one of the amendments, and I agreed that he should have full opportunity to present such amendments as he wished to present when the bill came up for final action here. Now, it so happens that the gentleman from Massachusetts necessarily is out of town to-day and can not be here, so that it is only fair, Mr. Chairman, that he should have an opportunity to present his amendments.

Now, may I make this suggestion, that this bill be taken up on next District day with this understanding, that on the next District day it shall be the unfinished business. Will not that obviate any further controversy?

Mr. BLANTON. That should also be done in the House.

Mr. GIBSON. Will that be agreeable to the gentleman from Texas?

Mr. BLANTON. I think so. I think the gentleman from Massachusetts [Mr. UNDERHILL] is away because of serious sickness in his family. I saw him this morning about 10.30 o'clock and then learned of such sickness. I am perfectly willing that the bill should go over until the next District day, with the same agreement that it should be in order on the next day.

Mr. GIBSON. The gentleman from Texas and I are in accord.

Mr. BLANTON. But we should also make this agreement in the House.

Mr. GIBSON. It is apparent that we now have harmony out of all this controversy.

Mr. BLANTON. The gentleman from Maryland will also make the request in the House.

Mr. MAPES. Mr. Chairman, I will repeat that I only rose because it seemed to me that arguments and statements were being made by the gentleman from New York [Mr. LAGUARDIA] which confused the rules and precedents of the House with any understanding that might have been made, and in what I said I was clearly distinguishing between an understanding and the rules and precedents of the House.

Mr. LAGUARDIA. In all fairness, will the gentleman yield to me?

Mr. MAPES. I will yield to the gentleman.

Mr. LAGUARDIA. I do not believe it is fair for the gentleman to say that the gentleman from New York did not state the rules properly when you assume a new state of facts. I was talking on a concrete proposition before the House. If the gentleman simply takes the naked rules and disregards existing

facts, of course, he can find the gentleman from New York in error, but I was discussing a concrete proposition and I stand by every word I said.

Mr. MAPES. Of course, the gentleman from Michigan would not attempt to misstate what the gentleman from New York had in his mind. I am only stating the impression which what he said left upon my own mind, and the impression I gained from what he said was that he was carrying his argument to an extreme and, as I repeat, I understood the effect of his argument to be to confuse the rules and precedents of the House with any understanding that might have been made.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16, to regulate the practice of osteopathy in the District of Columbia, and had come to no resolution thereon.

Mr. ZIHLMAN. Mr. Speaker, I ask that the bill be laid aside as the unfinished business of the committee.

The SPEAKER. That is not necessary. That is the state of facts as they exist.

Mr. ZIHLMAN. Then, Mr. Speaker, I wish to make a statement. On the last District day, as chairman of the committee, I entered into an agreement with the majority leader as to the order in which various legislation was to be brought up in the House. I presume I owed the courtesy of consultation with the gentleman from Texas, but owing to the fact that it was late in the week and I was busy on that day I did not get an opportunity to consult with him.

On the last District day the gentleman from Texas came to the chairman of the committee and asked that this policewoman's bill be put further up in the order of business agreed to, which I could not agree to do in view of the agreement I had already entered into with the majority leader. When we reached that bill in the order agreed to I called it up and it was evident from the opposition which developed that the bill could not be considered and finished on that day, and upon the suggestion of the gentleman from Texas himself, I think, the bill was laid aside. I was in my seat on the floor when the colloquy occurred between the majority leader and the gentleman from Texas. The gentleman from Texas appealed to me and I was under the impression that I had stated I would bring the bill up. I did not know I was recorded in the RECORD merely as saying "yes." The RECORD, of course, containing only that brief statement was not submitted to me and I had no opportunity of correcting it, because it was not called to my attention.

Now, the gentleman from Massachusetts [Mr. UNDERHILL] came to me and said he was called out of town on account of sickness and that he wanted to offer certain amendments to this bill. The chief objection he had to the bill—and he did not oppose the bill in the committee—was that it referred to an intangible document known as the police manual for the interpretation of the bill. The gentleman from Massachusetts said he had read the several pages of the manual; that it was a bad form of legislation; that it was not what he had agreed to in the committee, and he wanted to strike it out. I did not know at that time whether or not we were going to take up District legislation in the House to-day, but I agreed I would not call it up. Now, the gentleman from Texas, in his usual very adroit way, oftentimes puts a word in the mouth of the chairman. I did not know that he had pinned me down to the understanding that I would call up this bill first. I believed then and I believe now I was acting entirely within my rights when I called up other legislation first.

Mr. Speaker, I ask unanimous consent that H. R. 6664, authorizing and legalizing a policewoman's bureau in the District of Columbia, be made the first order of unfinished business on the next District day.

The SPEAKER. The Chair does not think that is necessary. It is entirely within the discretion of the committee.

Mr. ZIHLMAN. Well, I will make the statement on the floor that I will call it up, provided it is agreeable to the House, upon the next District day.

Mr. BLANTON. Just so the gentleman keeps his agreement with me made on the last day, it is all right.

Mr. HOLADAY. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. HOLADAY. Was not the osteopath bill laid aside as unfinished business, and would not that bill come ahead of the policewoman's bureau bill?

Mr. ZIHLMAN. The Speaker has stated that is a matter in the discretion of the committee. According to the interpretation of the rules placed upon them by the gentleman from New York, no other legislation could be called up except the unfinished business.

Mr. HOLADAY. And the unfinished business would be the osteopath bill?

Mr. ZIHLMAN. I do not think so.

Mr. CRAMTON. Mr. Speaker, there are two items of unfinished business, and either one of them that is called up is before the House.

Mr. LAGUARDIA. In the absence of a specific agreement.

Mr. CRAMTON. None gets before the House unless it is called up.

Mr. SCHAFER. Will the gentleman from Maryland yield to me for a question?

Mr. ZIHLMAN. I yield.

Mr. SCHAFER. When may we reasonably expect the House to have an opportunity of considering the bill raising the salaries of the members of the Metropolitan police force?

Mr. CHINDBLOM. Mr. Speaker, I think we ought to have the regular order.

Mr. ZIHLMAN. I will say to the gentleman from Wisconsin that in view of my rather unpleasant experience to-day, I would rather not commit myself on that question.

Mr. SCHAFER. Will that bill come up at this session?

Mr. ROMJUE. Will the gentleman yield to me for a question?

Mr. ZIHLMAN. Yes.

Mr. ROMJUE. When are we to understand this osteopath bill is to be considered?

Mr. ZIHLMAN. I do not wish to make any agreement about that. The gentleman heard the statement made that an attempt was being made to work out a general bill. I would not like to be bound by any other agreement except the one I have already put in the RECORD.

Mr. ROMJUE. Does the gentleman have any objection to taking it up immediately following the policewoman's bureau bill?

Mr. ZIHLMAN. I have no objection, I will say to the gentleman, to taking up either one of these bills, but I would not like to enter into any agreement about it.

Mr. ROMJUE. In the absence of any agreement, when does the gentleman think it is likely to come up? It is a bill that has been before the gentleman's committee and I would like to know when the gentleman thinks it is likely to come before the House again, without the gentleman being bound by what he may say.

Mr. ZIHLMAN. I will state to the gentleman it has been suggested here by some of the Members who have made a study of District legislation that it would be much better if a general bill could be passed providing for an examining board for all of these healing arts, and that some progress has been made and the bill has been reported to the Senate. It is probable if that bill is passed and comes before our committee, the committee will report that bill and have it before the House, and in that event it would be given priority. However, that is a matter over which the chairman has no control and would not like to be bound by any promise.

Mr. ROMJUE. Does the bill the gentleman just referred to involve the regulation of the practice of osteopathy in the District of Columbia?

Mr. ZIHLMAN. Osteopathy and chiropractic.

Mr. HUDSON. Mr. Speaker, I ask for the regular order.

SALARIES OF PARK POLICE IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (S. 1628) relating to the Office of Public Building and Public Parks of the National Capital.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that this bill, which is a small measure, may be considered in the House as in Committee of the Whole House on the state of the Union.

Mr. BLANTON. I object to that. It ought to be considered in committee.

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1628), and pending that I ask unanimous consent that general debate on this bill be dispensed with.

Mr. BLANTON. No; we want 30 minutes to the side on this bill.

Mr. ZIHLMAN. Then pending the motion, Mr. Speaker, I ask unanimous consent that general debate may be limited to

one hour, one-half to be controlled by the gentleman from Texas [Mr. BLANTON] and one-half to be controlled by myself.

Mr. EDWARDS. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. It is evident there is not a quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 65]

Anthony	Douglas, Ariz.	Kindred	Rathbone
Arentz	Doutrich	Kunz	Sabath
Arnold	Doyle	Kurtz	Sears, Nebr.
Auf der Heide	Drane	Lampert	Sirovich
Ayres	Drewry	Langley	Sproul, Ill.
Beck, Pa.	Estep	Lanham	Sproul, Kans.
Beers	Faust	Larsen	Stedman
Bell	Fenn	Lea, Calif.	Stevenson
Black, N. Y.	Fish	Leatherwood	Stobbs
Bohn	Foss	Leech	Strong, Pa.
Boies	Frear	Lehlbach	Strother
Boylan	Gilbert	Lozier	Sullivan
Brand, Ohio	Glynn	McDuffie	Sweet
Britten	Golder	McFadden	Taber
Buckbee	Goldsborough	McKeown	Tatgenhorst
Bushong	Graham	McSwain	Taylor, Tenn.
Butler	Greenwood	Magrady	Temple
Carew	Griffin	Manlove	Thompson
Carley	Hammer	Mead	Tillman
Celler	Harrison	Michaelson	Tilson
Chase	Hastings	Mooney	Treadway
Clarke	Haugen	Moore, N. J.	Underhill
Combs	Hersey	Moore, Ohio	Updike
Connally, Tex.	Hogg	Morin	Watson
Connery	Houston	Newton	Welch, Calif.
Connolly, Pa.	Howard, Okla.	Norton, N. J.	Weller
Cooper, Ohio	Hull, Morton D.	O'Connor, N. Y.	Williams, Ill.
Crisp	Hull, Tenn.	Oliver, N. Y.	Wilson, Miss.
Crowther	Igoe	Palmer	Wingo
Cullen	Irwin	Palmisano	Wood
Curry	Jeffers	Parker	Woodrum
Darrow	Johnson, Ill.	Peavey	Wurzbach
Davey	Johnson, S. Dak.	Peery	Wyant
Deal	Johnson, Wash.	Prall	Yates
Denison	Kearns	Purnell	Yon
Dickinson, Iowa	Kelly	Quayle	
Dickstein	Kiess	Ramseyer	

The SPEAKER. Two hundred and eighty-eight Members are present, a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

SHEPHERD OF THE HILLS NATIONAL PARK

Mr. FULBRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill (H. R. 11477) for a national park in southwest Missouri, known as the Shepherd of the Hills National Park, including a statement by the meteorologist of Springfield, Mo., and an article by Professor Danes, of Prague.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. FULBRIGHT. Mr. Speaker, ladies and gentlemen of the House, my purpose at this time is to discuss the Ozark Mountains in southwest Missouri where it is proposed to establish the Shepherd of the Hills National Park as provided in H. R. 11477.

The immediate "Shepherd of the Hills" country, made famous by nature and Harold Bell Wright's beautiful story, "The Shepherd of the Hills," comprises approximately 10,000 acres of land in the western part of Taney County and the eastern part of Stone County, in southwest Missouri, a distance of 45 miles from Springfield, approximately 75 miles southwest of Carthage and Joplin, 260 miles from Kansas City, and 300 miles from St. Louis. It may be reached over the Missouri Pacific Railroad or by auto over Federal highways 43 and 65.

In addition to other natural advantages and attractions the climate is delightful all the year. In front of "Old Mat's post office," at Garber, Mo., one of the railroad points for the Shepherd of the Hills country, and the last home of "Old Mat," the thermometer often registers 60° and 70° F. during the winter and never registers excessive heat through the summer.

Luella Agnes Owen, in writing about this territory, says:

> It seems designated for a national park. Such a park reserve, even if very small, could not fail to be a lasting pleasure, since it would be more accessible to large centers of population than other reserves, and its most delightful seasons are spring and autumn, when the Yellowstone is under snow.

This region has a peculiar geological history not repeated in any other portion of the earth's surface, is blessed with its own distinctive style of scenery, and vies with all the world for the supremacy of its wonderful caves. This claim is not based on an unworthy spirit of rivalry or desire to minimize or deny the charm and beauty of other well-known sections of the earth, but is simply an announcement that nestling in the heart of the Ozarks in south Missouri is a section that challenges the admiration of all lovers of nature and scenic beauty, a truly charming spot with a marvelous store of unusual attractions, both extremely old and wholly new.

The country is uneven, rolling, mountainous, reaching an altitude of 1,500 feet, a panorama of scenic beauty, cut with streams, gorges, canyons, and covered with forest trees. Here wonderful lakes, sparkling springs, and magic streams are found—beautiful Lake Tanacomo, the White River, and the James. Here undulating hills uplift their fretted summits, tipped with pointed cedar, graceful pine, or rounded oak. Here yawning caverns and labyrinthian caves abound in weird formation to charm the mystery-seeking soul.

Here the tourist, the health seeker, the research worker, and the scientist will find a place that satisfies—a place where they can breathe the pure atmosphere, drink from the curative waters, explore the mysteries of underground caverns, or bask in the white light of eternal sunshine close to nature and to nature's God.

Marvel Cave, one of the wonders of America, the entrance to which is near the top of Roark Mountain, is unique in its ease of access, charm of location, and variety of its structure. Though many of its mysteries are yet unexplored the very heart of the universe is revealed as you move from room to room through the infinite variety of passages penetrating the secrets of the oldest geological formation in America. The auditorium alone should give Marvel Cave a world-wide fame even if there were nothing more beyond. It is an alluring chamber of vast dimensions with the largest unsupported dome known. The blue-gray limestone walls sweeping away from any given point in long graceful curves, form an ellyptical chamber 350 feet long, 125 feet wide, the vault above having absolute perfection of arch, measuring 195 feet from the lowest to the highest point, and being the largest unsupported perfect arch in the world. In addition to the artistic superiority of architectural form its acoustic properties are unexcelled. On every clear day at high noon this great auditorium, or grand amphitheater as it is sometimes called, is temporarily lighted by natural light, presenting a most unusual scene. Owen in describing her visit to Marvel Cave several years ago, with respect to this spectacular phenomenon, says:

> Our eyes having grown accustomed to the dim light of candles in passages where absolute darkness, unrelieved by the stars of midnight, always reigns, the great auditorium appeared before us softly flooded with daylight diffused from a broad wide beam slanting down in long straight lines from the entrance as from a rift in heavy clouds; only this rift displayed around its edges a brilliant border of vegetation that the rough rocks cherished with tender care. As we stood lost in almost speechless admiration, and without the slightest warning of treasure yet in store, the white beam was stabbed by a narrow, gleaming shaft of yellow sunlight. The glorious radiant beauty of the picture presented is utterly indescribable, but it was of short duration, and in a few seconds the golden blade was withdrawn as suddenly as it had appeared.
>
> If the genius of Elkins had been granted the privilege we enjoyed, the artist world of Europe that graciously yielded the highest honor to his "Sunbeam on Mount Shasta" would have knelt in rapturous humility. Speaking of his great work as we stood before it only a few months before his death, Mr. Elkin said quietly: "It is no great achievement; I simply painted it exactly as it looked. Anyone could do the same." But no one ever has.

The great white throne, a mammoth stalagmite, 80 feet high, the largest known, the Battery, the Belfry, and Blondey's Throne, are other forms of nature's architecture, marvelous in design and unexcelled in beauty. Mystic River, Lost River, the waterfall of 90 feet, together with many other attractions, are to be found. As you follow the trails and passages you come to a spring called the Fountain of Youth, and on down 400 feet the studio of Harold Bell Wright, the author of the Shepherd of the Hills.

Unique in magic beauty, Fairy Cave challenges the fame of all the cave family. The Grand Corridor is 225 feet long, 40 feet wide, and 125 feet high, abounding in grotesque forms, stalactites clear as crystal, and stalagmatic formation of enormous size, shades, and delicate tints. The Flag, the Owl, the Kissing Kewpies, and Cæsar's Throne are among the groups of striking beauty and interesting design. Many other caves of unusual interest are found throughout this territory.

It would be impossible for me to picture the beauty and charm of this fascinating playground of the West, but when—

you have fished its streams, floated in a canoe through the blue magic of its moonlight, cantered over its trails with the freshness of early morning, and slept, night after night, beneath its stars; when you have come to know the land in the misty tenderness of springtime, the full-blossomed beauty of summer, and the amazing gold and purple pageantry of flaming autumn, then you will find that the charm of Ozarkland has stolen into your heart.

When you see bluffs as romantic as those above the castled Rhine, as picturesque as the palisades of the Hudson; when you see mountains as untamed as the Adirondacks, as wild and craggy as the highlands of the West; when you see sunsets as glorious as those of Arizona or California, moonlight as bewitching as the Venetian or the Japanese; when you behold Dewey Bald standing in the gray gates of the dawn, aloof, stupendous, majestic, staggering in the intensity of its own beauty, and keeping eternal vigil over the Shepherd of the Hills country; when you behold all this, then you will understand the thoughts that absorbed the mind of "Preachin' Bill" when he said:

Taint no wonder 't all God rested when he made these here Ozark hills. He just naturally had to quit, for He done his beatenest an' war plum gi'n out.

Nowhere in all the world is a land blessed with a more salubrious climate, more invigorating and health-giving springs, more inspiring and impressive scenery, inhabited by a more hospitable and congenial people than this favored section of our national domain, where nature has wrought wonders with a lavish hand.

And this way runs the trail that leads to the higher sunlit hills where those who journey see afar and the light lingers even when the day is done.

Here we invite you to pitch your tent, here in the heart of the Ozarks, in nature's wonderland, the all-year playground of the Nation—"the land of a million smiles."

What country has inspired the poet to climb to higher heights or tell the truth in nobler strain than Will Feerell when he said:

Land of a million smiles. Dame Nature's kiss
Upon the brow of yonder purple peak
Clings long and soft and tender as she speaks
A bright "Good morning" after dreams of bliss.
Far down the shadowed aisles, an opal veil
Is lifted from each winding, rugged trail,
Disclosing underneath, the plunging streams—
The silver threads which bound our night of dreams.

The orange glow arising over all;
The drowsy glens, the vine-clad granite wall,
Forecasts the day as beauties manifold
Take shape and bloom in varied tints of gold.
Land of a million smiles and throbs and thrills;
Land of the kindly Shepherd of the Hills;
The poet's theme—the harpist's joy;
The human gold of earth without alloy;
Rare films of rapture yet unfurled,

In these, the Ozarks—garden of the world.
God clothed the Rockies with eternal snows;
The Alleghenies with the juniper and rose.
When all was done, some odds and ends remained—
The choicest of them all. These He retained.
He painted and adorned each precious part
And flung the whole into the Nation's heart.
There shall they lie. There shall they bless mankind,
The fairest spot of all the earth designed.

The following statement as to climatic conditions in the Ozarks, in southwest Missouri, was recently given by W. W. Talbott, meteorologist, at Springfield, Mo.:

The climate of the Ozark region clearly shows the influence of altitude. Afternoon temperatures in midsummer are lower than surrounding sections in the Middle West owing to our elevation of several hundred feet above the general level. Springfield has an average of only 20 days each year with temperature rising to 90 or higher, whereas a larger number occurs in neighboring States even as far north as Omaha and Des Moines. And Springfield has had temperature up to 100 only 14 times in its 40 years' weather history. From April to November, inclusive, the climate is ideal for outdoor activities.

WINTERS NOT SEVERE

On the other hand, the winters are not severe as a general rule. During an average winter the temperature drops to freezing or lower on 85 days and to zero or lower on only 3 days. Twelve of the last 40 winters passed, however, without any zero weather.

Springfield has an average yearly snowfall of 18 inches, varying from none at all in the months of May to September, inclusive, to less than 6 inches in February. The total number of days each year with measurable snowfall is only 14, unless the year is abnormal.

The average annual rainfall is 41.79 inches, varying from 2.07 inches in February to 5.07 in May. Destructive droughts are rare and ground moisture is usually abundant. The average year has measurable rain on 114 days, and dense fog on 8 days, cloudy weather 90 days, party cloudy 105 days, and clear weather on 170 days. It will be seen that nearly half of the days are clear.

The following interview by Dr. Jeri V. Danes, professor in Charles University, Prague, Czechoslovakia, appeared in the Springfield Leader March 22, 1928, relative to the cave family in the Ozarks:

That the Ozark cave region comprises one of the most interesting Karst areas in the world is the opinion of Dr. Jeri V. Danes, professor in Charles University, Prague, Czechoslovakia and world authority on Karst phenomena. Doctor and Mrs. Danes, with Prof. and Mrs. D. S. Libbey, of Drury College, and other members of the Drury College faculty and a group of geology students visited Fairy and Marvel Caves in Stone County.

"Fairy Cave is one of the most interesting caves I have ever seen. It is a wonderful illustration of cave phenomena because it has compassed into a small area all the beauties of cave formation," Doctor Danes said. "It is very seldom that we find so many problems of the cave phenomena in so small an area."

SHATTERED BY QUAKE

"Marvel Cave is extremely interesting because of the magnitude of the huge cathedral room and the vertical distance from the entrance to the floor." Doctor Danes expressed his sincere thanks for having been brought to see the region, and said that he felt the trip had been of great value to him.

The formation of Fairy Cave was due, Doctor Danes said, to an enlarged crevasse, worn away with the seepage of water, or with an original river. There was more chemical than mechanical action in the formation, he believes. At one place the stalactites have been shattered; this was due to a comparatively recent earthquake. There are no other signs of disturbance, although the cave is older than the valley beside it, the expert believes.

The musical rocks in Fairy Cave, upon which Waldo Powell, proprietor of the cave played a series of musical selections, including imitations of a Salvation Army drum, a Chinese pong pong, cathedral chimes, and Indian tom-tom, are very fine specimens, according to Doctor Danes.

STREAMS UPHELD THEORY

Professor Libbey's party made a cursory examination of Marvel Cave and Doctor Danes said he had not made a thorough enough investigation to advance any positive theories concerning the formation of the cave. Professor Libbey, however, has determined to take up a study of the formation of the cathedral room this spring. He does not share the popular theory that the room was formed from a seepage of water at the top, but feels that mechanical action played a greater part than chemical action in the hollowing of the place. Probably, he said, the beginning was the same as that of Fairy Cave, but he thinks that millions of years ago the water level was as high as the top of the cave and the hard fragments wore out the room. The subterranean streams bear out his theory, he feels. There have been a great number of theories advanced concerning the formation, the most popular one being that of seepage from the top.

A FREAK OF CAVE PHENOMENA

The interesting helical formation in both caves are just chance happenings, Mr. Libbey said. They may have been influenced slightly by air currents but the spiral formation of the stalactites is largely a freak of cave phenomena.

CONTESTED ELECTION CASE—TAYLOR AGAINST ENGLAND

Mr. GIFFORD, chairman of the Committee on Elections No. 3, presented a report of that committee on the contested-election case of J. Alfred Taylor against E. T. England, which was referred to the House Calendar and ordered printed.

ADDRESS OF HON. CARROLL L. BEEDY

Mr. SWING. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a speech by my colleague, Mr. CARROLL L. BEEDY, of Maine, to the Republican State convention in that State on March 29, 1928.

The SPEAKER. Is there objection to the request of the gentleman from California.

There was no objection.

Mr. SWING. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech:

THE RECORD OF THE REPUBLICAN PARTY

Republicans of Maine are again met in convention to take counsel among themselves as to those principles upon which they shall stand in the coming election. It is, indeed, an honor to preside at this meeting of notable men and women. It is well for this Nation that in presidential years it looks to the Pine Tree State for an example of clear thinking and for guidance in sound action. So long as Maine records her verdicts in the early September elections, so long shall the psychological effect upon the entire country make for the safety and perpetuity of our institutions. The whole Nation is coming more and more to recognize that in Maine we are not carried away in thoughtless abandonment by the whims of the demagogue or the isms of the agitator. Even as our rugged headlands withstand the ravages of ocean storm, so will the men and women of Maine resist the fatuous proposals of political opportunists who urge radical remedies at the sacrifice of sound principle.

Two years ago we met in convention and adopted a platform upon which was elected a Republican State administration which has so functioned that the Democratic Party in Maine finds itself without a local issue in the coming campaign.

And what of the National Democratic Party? In 1923 that party apparently abandoned all attempts either to formulate or follow constructive principles, shut itself up in a committee room, and began an investigation of oil scandals. It then made and now makes no tenable objection to the Republican administration of the Nation's business. Four years have elapsed and the Democratic leaders have not yet emerged from the subterranean channels of investigation. They are still in committee—they are still exploring rat holes.

And what have been the actual results of the investigations? They disclose the details of an iniquitous and reprehensible betrayal of public trust by certain individuals. The wrongs disclosed were committed six and eight years ago. They disclose no evil of the present administration. They are wrongs of which no one approves but which every good citizen condemns. The disclosures in no way touch the great principles of government for which the Republican Party stands. They in no way affect the standards of honesty in public life to which the Republican Party subscribes. They do not soil even the garment hem of our Republican President, Calvin Coolidge. They reveal an age-worn truth that despite the keenest vigilance, unworthy individuals will seek shelter under the wing of an organization whose rank and file are adherents of truth, decency, and honesty. They disclose the lamentable fact that in individual instances greed and self-seeking overcome honesty and dethrone decency.

No man will contend that these investigations constitute an impeachment of the Republican Party itself. Indeed, Senator ROBINSON of Indiana rose in the Senate on Saturday last (March 24) and called attention to the fact that although Mr. Doheny testified under oath before the Senate Committee on Public Lands on December 3, 1923, that he contributed $75,000 to the Democratic campaign fund in 1920, yet the records of the Clerk of the House of Representatives show that the Democratic National Committee made a return of only $9,800 as Mr. Doheny's contribution. He further called attention to the fact that five of the Cabinet members of the Wilson administration, including the President's son-in-law, Mr. McAdoo, who received $250,000 of Mr. Doheny's money, have all been employed by Mr. Sinclair. Finally, the Senator from Indiana made this significant assertion: "Oil will not be an issue next November, in my judgment." With that statement we are in full accord.

The Democratic investigations have afforded no solution for the great problems of our Government. They have evolved no cardinal principles helpful in the advancement and betterment of the American people. They have been inspired by men ambitious for leadership. These men, under the slogan of "honesty in government," have emphasized and reemphasized individual cases of dishonesty. They raised the cry of Republican corruption and sought to destroy confidence in the Republican administration. Such men are, in effect, so inflaming the public mind as to create an unreasoned dissatisfaction by the masses with existing conditions. Their activities have lent aid to those who would tear down the existing structure of government and build anew upon the tenets of the socialist and the bolshevik.

Amidst the murky fogs of these prolonged investigations the record of the Republican Party reads clear. That record is an open book in which we take just pride. Our party is not entitled to the entire credit for the growth and development of this Nation, yet its consistent stand for constructive statesmanship and sanity in legislation has rendered material aid to our national growth and prosperity.

In this hour of gross materialism, when the tide of self-centered individualism is rising, Republicans must stand together against the propaganda of the detractor and the agitator. What our country needs to-day as never before are leaders; men with clean hearts, clear heads, and steady hands. We need calm men; aye, perchance silent men. God grant that we may have abundant leadership which will approximate the high standards of humility, patience, and self-denial which characterized Abraham Lincoln. In his day, when the Union was indeed in the crucible, when corruption and disloyalty would have reached their unclean hands into the public purse and rent the very Constitution itself, the great war President did not cry aloud to the country about wrongdoers. He did not complain that disaffection had crept into his Cabinet. He asked for no investigations. He spurned the rôle of reformer. His sole concern, nevertheless, was for the welfare of the great majority. He aimed to save this Government in the interest of the whole people. To this end he labored persistently but never blatantly. Quiet, firm, uncomplaining of others, he skillfully guided the great ship of state through the dark storms of a long night and weighed her anchor in peaceful waters gilded by the dawn of a better day.

It remains for the great party of Lincoln to carry on in the fulfillment of our national destiny. We must build, not destroy. We must look forward, not backward. We must dwell not upon transient evil. Ours is the search for abiding truth. We visualize a definite future program and we measure our spoken word to-day by our accomplished act of yesterday. We stand for thrift in Government finance; for Federal taxation which, under the provisions of a Federal income and estate tax, lifts the burden from the many and imposes it upon the opulent few. We stand unequivocally for a protective tariff. We stand for a strong Navy and an American merchant marine. We stand for prohibition and prohibition enforcement, State and national. We believe in the right of women equal with that of men—to vote and to participate in the great business of government. We believe in an uncompromising policy of restrictive immigration. We pledge ourselves to a course of unyielding resistance against any attempts to pervert the structure of this Government either by loosely drawn constitutional amendments or by usurpation of unconstitutional power. Finally we hold it to be an imperative duty of every party and every public servant to spurn the affluent individual or powerful organization which would corrupt the administration of government in the interest of privilege as against common right. Let it be understood once and for all that the Republican Party sponsors none who would corrupt or be corrupted with wealth. We would have naught of them nor of their ill-gotten gains.

The recent administration of the National Government by the Republican Party discloses a record which is businesslike, conservative, constructive. It has catered to no faction; it has favored no class; it has pursued an undeviating course with an eye single to the well-being of the entire Nation.

Realizing the prime necessity of maintaining a stable currency and a sound national credit, the Republican administration has lost no opportunity to reduce Government expenditures and to guard against unwise legislation. Federal revenues have exceeded disbursements every year since the Republicans took control of the Government in 1921. The total surplus for the seven fiscal years under a Republican administration has been two and one-half billions of dollars.

Under our direction and control the national debt has been reduced from $23,976,000,000 in 1921 to $17,950,000,000 in 1928, a total aggregate reduction of $6,026,000,000. Thus there has accrued to our people an annual interest saving of $201,691,000. In other words, when our party took over the Government, the people of the United States were paying an interest charge in round numbers of $19,000,000 per week. To-day that interest charge aggregates but $14,000,000 per week. This tremendous interest saving has been made possible not only by the reduction of the principal of our national debt but by the shrewd refunding operations of the Treasury Department, all of which has resulted in a saving to our people of $5,000,000 every week in interest charges alone.

Yet another saving under the Republican administration! During the fiscal year ending June 30, 1921, it took $6,141,000,000 to meet the expenses of the Government. This last fiscal year it took but $3,493,000,000, a saving of $2,648,000,000 in the year's operating expenses. As the result of careful administration under Republican rule it cost our people $51,000,000 less each week to run the Government in the fiscal year of 1927 than it cost in the fiscal year of 1921. Add this weekly saving in operating costs to the weekly saving in interest charges and we find that under Republican rule a saving of nearly $3,000,000,000 for the year, or $56,000,000 per week, has accrued to the American people in the cost of their Government. We submit this record of economy and business prudence in gross with the unhesitating assertion that it has never been paralleled in the political history of the world.

While accomplishing these savings, however, we pursued a policy of increasing liberality toward those who hazarded their all in the World War. Since 1921 we have more than doubled annual expenditures in behalf of World War veterans. As against $235,000,000 spent in 1921 we shall expend in the fiscal year of 1928 the enormous total of $582,000,000 or more than $11,000,000 per week for our World War veterans. A few days since the House Committee on World War Veterans' Legislation voted to report favorably a bill carrying $15,000,000 for the immediate remodeling and new construction of veterans' hospitals. All this money is well expended. A nation with the resources of the United States should pursue a liberal policy in the care and protection of those men who took up arms in an hour of national need.

A great portion of reductions in the expense of government has been reflected in three tax-reduction measures, a fourth of which is now pending before the Senate and will unquestionably become a law before the adjournment of this Republican Congress. Thus will have been consummated a tax-reduction program totalling $1,825,000,000.

I beg to direct your further attention to the fact that the present income tax law has been so amended that 98 per cent of our population, or one hundred and seventeen and a half millions of our people are absolutely exempt from a direct Federal tax. The present income tax law yields an annual total of two and one-quarter billions of dollars. Of that amount nearly two-thirds is paid by corporations. Individuals alone pay an income tax of but three-quarters of a billion dollars per annum. Of this amount 90 per cent is paid by 125,000 with incomes of $20,000 or more per annum. Thus in practice do Republicans of to-day, the political heir of those immortal Republicans of the sixties, give testimony that the Union which they saved—the Union of, by, and for the people—still endures.

Through the years our party has been true to certain great principles advocated by its founder when he was a candidate for election to the Illinois Legislature. Lincoln's platform read, "I believe in a system of internal improvements. I believe in a protective tariff. I am for the freedom of every human creature." He, therefore, stood for a protective tariff in 1854. The Republican Party stands for a protective tariff to-day; it stands for a tariff wall high enough to exclude from the American market competing products of foreign nations whose whole industrial life is built upon the conception that labor is adequately compensated at from 10 cents to $1 per day. Such a conception of the dignity and worth of labor the Republican Party never did and never will accept.

It is our opinion that the question of adequate protection to American labor and industry by the imposition of proper tariff duties will be the paramount issue in the coming campaign. On the 16th day of January last the Democratic Party in the Senate, aided by a radical and copperhead vote of the Northwest, passed the so-called McMaster resolution which called for an immediate downward revision of the tariff. Under the Constitution, all tariff legislation must originate in the House, and that body, being safely Republican, ignored the McMaster resolution. Frequently of late Democratic leaders have upbraided the Republicans of the House for their failure to heed the resolution of the Senate and revise the tariff downward. Indeed, the Democratic leaders have become so desperate in their search for an issue, that they have been driven to the absurd position of recommending a downward revision of the tariff for the benefit of the farmers.

But behold the situation which confronts them! Under the present tariff, agricultural implements, including plows, harrows, harvesters, reapers, mowers, horse rakes, cultivators, and threshing machines, are all on the free list. Potash, bone ash, and fertilizer of all kinds are admitted free. Raw jute, sisal, and binding twine, so essential in harvesting, together with barbed wire, lumber, shingles, and hundreds of other commodities used by farmers are on the free list. On the other hand, the American farmer is protected against the competition of cheap labor by a duty on wool, barley, buckwheat, corn, oats, rye, wheat, hay, milk, cream, butter, eggs, potatoes, and poultry, together with numerous other dairy products and vegetables. At the coming elections, if the House and Senate are safely Republican, we shall undoubtedly revise the tariff. In such case, however, it is the contention of Republicans that a tariff revision in the interest of the farmers should be upward, not downward.

Republicans do not lose sight of the fact that between 90 and 95 per cent of American farm products are consumed in the home market. Who constitute the major part of this great body of consumers in the home market? Who but the laborers employed by the millions in tariff-maintained industries! If the Democrats were to cut down the tariff schedules on manufactured products, the great industrial fabric of the Nation would be the first to suffer. Industry after industry must then either curtail or absolutely cease operations. Thus labor is displaced—the purchasing power of the masses is diminished, and the farmers' home market is demoralized. Every 100 per cent Republican knows these to be the undisputed facts. Even occasional Democrats now concede their truth and appear before the Ways and Means Committee seeking protective duties for home industries.

Under Republican rule it has been conclusively demonstrated to the thinking majority that a protective duty sufficient to meet the difference between the cost of production at home and abroad has so stimulated our industries that American labor now enjoys a greater purchasing power and a higher standard of living than in any other nation.

If intelligent investigation reveals the necessity of more protection and an increased price for farm products, Republicans will give that protection. The American people should be willing to pay enough for farm products to yield fair returns to agriculture. But to permit Democratic tinkering with and a general lowering of tariff duties, would not alone ruin agriculture, it would strike a blow at industry in general from which it would not recover in a decade.

Preserve our home markets? Protect our labor and our industry? Always! Lower our tariff walls? Sacrifice our own industries and permit an influx of cheap foreign goods on the plea of lower prices? Never! When American labor is unemployed and without money to buy, the farmer is unable to sell his products and in such case it is of little interest to him that English worsteds and German cutlery will be placed on sale in the local market at a low price. If, with manufacturing paralyzed and agriculture prostrate, our people are unable to buy, who cares about low-priced goods? Assume, however, that we could draw upon our savings and buy cheap foreign-made goods for a time. What would result? Foreign labor would for a time be fully employed; foreign merchants and manufacturers would soon have our savings. When, however, we make our own worsteds, cutlery, and what not, we can sell in our own markets, for our labor is then employed and can buy the products of both factory and farm. Then it is that our money and our goods are both in the hands of our own people, manufacturing is revived and agriculture is stimulated.

But, say the Democrats, with a high tariff wall around our borders, we shall be forced to deal only among ourselves. Commercial intercourse with foreign lands will wane and we shall ultimately become a hermit Nation. In 1922, prominent Democrats in the House of Representatives warned us that high duties would ruin our foreign trade. What has developed? Since we passed the Fordney-McCumber Tariff in 1922, our total annual exports have steadily increased in volume until in 1927 they exceeded our exports in 1922 by more than a billion dollars, attaining in fact a gigantic total of nearly $5,000,000,000. Meanwhile in this same period, 50 per cent of our imports have been admitted duty free, while the revenues collected on dutiable imports have aggregated nearly $3,000,000,000, and by so much have obviated the necessity of direct Federal tax upon the American people.

The more closely we analyze the situation the more clearly we perceive that fundamental differences between Republicans and Democrats of to-day are essentially economic. Facts justify the Republicans. A system of protective duties on foreign goods which compete with American products never has and never will terminate our trade relations with other nations. Every tendency is in the opposite direction. The world both by necessity and invention "has become indissolubly bound together in the processes of earning its daily bread, and these processes affect the life and well-being of the masses of every nation."

To-day America is the leading financial and industrial nation of the world. Her vast loans abroad, together with her need of raw products from the uttermost corners of the globe, coupled with the dependence of other lands upon our varied resources, link her indissolubly with the economic and social life of all nations.

Picture for a moment this vast country whose foreign trade last year totaled nearly $9,000,000,000; picture her four and one-half billions of merchandise destined annually for foreign shores; visualize her constantly expanding foreign trade and the ever-increasing necessity for the disposal of her surplus abroad. Picture such a situation in such a nation, and then stand aghast when I tell you that she has no American delivery wagons with which to serve her customers abroad. To-day as never before the United States needs an American merchant marine. In the early days of April next a Republican Committee of the House on Merchant Marine, headed by an eminent Republican from Maine, will report to the National Congress a bill which carries greater aid to American shipping than has been written into law for three-quarters of a century. For an American-built and an American-manned merchant marine, the Republican Party stands unequivocally committed.

Bear in mind, too, that with the development of our own merchant marine and the expansion of trade relations incident thereto comes an added need for the extension of our banking facilities in foreign lands, perchance for the erection of storage plants and for the leasing or owning of wharfage rights, all of which bring an added intricacy of international relations.

Trade rivalries are thus intensified. Possibilities of misunderstandings are thus increased. It is inevitable that if we are to pursue our present policy in the Far East, where lie the great possibilities for future trade, we must be prepared equally with other nations in proportion to our needs to protect our commerce on the seas as well as the lives and properties of our nationals at home and abroad. To this end an adequate navy, complemented by an auxiliary fleet of merchant cruisers, becomes a crying necessity. Our choice is clear. Either we must abandon our competition for world trade and limit both industrial and agricultural development to the needs of our own population and that of a limited foreign trade or we must build our merchant marine and strengthen our Navy.

Political wisdom, however, and the Christian faith itself gives promise that men, under whatever circumstance, of whatever color or tongue, are created in the image of their Maker, and, though they dwell in national areas separated by physical boundaries, yet their fundamental interests are common and they are designed to live in peace and understanding.

There is a well-founded and constantly growing sentiment in this country that war is an unjustifiable method for the settlement of international disputes. This is the sentiment of many who are by no means pacifists. They are God-fearing, liberty-loving men and women. They believe that every effort should be made to outlaw war as an international crime. In recognition of this sentiment the Limitation of Armament Conference was convoked under the auspices of the Republican Party in 1921 and 1922. That conference was a great stride for sanity in international relations.

In the summer of 1927 a conference at Geneva inspired by this country failed through no fault of the present administration. In

1932, in accordance with the treaty signed at Washington in 1922, the nations concerned will again meet to consider a more comprehensive program of international disarmament. It is the hope of all that the high purpose of that conference will be fully realized. It is our hope also that yet other conferences similarly purposed will ensue and that ultimately nations will be moved in the light of history and their own experience to provide armaments not for international conflicts but solely for the purpose of dealing with that comparatively small portion of the human race which is hopelessly recalcitrant and unmindful of its obligations before God and man. Pending such "consummation devoutly to be wished," we must pursue the prudent course, acting in the interests not alone of international peace but of the safety and security of our own people and the national domain.

Our party will oppose any attempts to break down the present restrictive immigration law. We placed this law upon the statute books and there we propose to keep it. Changes, if they come, must buttress but not debilitate it. We hold it now to be self-evident that America must be kept American.

We pride ourselves that the Republican Party elevated women to their rightful station in a Government designed to be administered by its own people. In the light of experience we make no apology for this right thus conferred. The influence of womankind has made for good throughout all history. It is unquestionably true that the sphere of womanhood is primarily in the home, but we believe that women, like the Bible, are of use not only in the home, but in Government. Our Bible reads, "Thou hast been faithful over a few things I will make thee ruler over many things." We have applied our Bible in politics. We have vested full political rights in American womanhood. For her we have opened wide the door of added opportunity, confident that she will wield the same wholesome influence in Government which she has wielded in the home.

The Republican Party in Maine believes the unrestrained sale of intoxicants to be an evil. Prohibition was lately adopted by nations in war on the ground that intoxicants impaired the morale and efficiency of their people. If this be true in war, it is equally true in peace. No government should compromise with an evil. The United States has taken a positive stand. It has written prohibition into the Constitution and made it the supreme law. Those who would violate or condone the violation of a law thus enacted invite disaster and encourage anarchy. Believing in the fundamental justification for prohibition, we stand for an unconditional compliance with its terms in letter and in spirit. This indeed is but the standard of decency in citizenship.

Ladies and gentlemen, such in chief are the principles upon which stand the Republican men and women of Maine. We submit that these principles pass the high test of good morals and good business in government. We invite their consideration and support by all who value the blessings of free government and sense the necessity of its proper direction and control.

Mindful of the inevitable diversity of viewpoint on questions of public policy, we urge upon all the avoidance of perils incident to factional and group division on issues of secondary importance. It is our hope that the two dominant parties in our present-day America may long preserve their militant identity. Divided on fundamental political principles, may they be united ever in common purpose to build for future generations a happy, a moral, and an enduring nation.

ADDRESS OF HON. CHARLES B. TIMBERLAKE

Mr. GARBER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating an address delivered by the gentleman from Colorado [Mr. TIMBERLAKE] at Denver, Colo.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. GARBER. Mr. Speaker, I submit herewith, to be printed in the RECORD, an address delivered by Hon. CHARLES B. TIMBERLAKE, of Colorado, at the Western Tariff Congress, held in Denver, Colo., a most interesting and illuminating discussion of the intricacies and difficulties of tariff revision. Mr. TIMBERLAKE, a leading Member of the House for 14 years and a member of the Ways and Means Committee for 9 years, a period including the turbulent tariff revision days of 1921 and 1922, has rendered invaluable service to the western agricultural and mining sections of the country in his insistence upon their rights and his clear and unprejudiced understanding of the complexities and magnitude of the problem of protection. The address is of particular interest just at this time when the tariff issue is again before Congress and the people, and a readjustment of schedules to give adequate protection to agriculture is a phase of the farm problem which can no longer be overlooked nor denied.

The address is as follows:

TARIFF REVISION

Mr. TIMBERLAKE. I have the great honor to be a member of the Ways and Means Committee of the Congress of the United States which prepared the present tariff law. I have no set speech to make to this congress, but it has been suggested by the chairman and several others that I tell something of the facts surrounding the preparation of this measure, that it may be of interest to all of us to ascertain just how it was that the present rates in the tariff law were agreed to.

It is a big job to rewrite a tariff bill. The present law contained more than 17,000 individual items, and each one of those items must be given the attention of the members of the committee who are responsible for that schedule. In order that the full committee may be employed, it is the practice to divide up the membership of that committee into subcommittees of at least three, having in charge special schedules. I was a member of the subcommittee preparing the schedule on the products of the mines—metals and minerals—and coming from the State of Colorado, a State vitally interested in these matters, I deemed it a great privilege to have an opportunity to pass upon the rates that it was possible for the committee to secure in order to determine what would be a proper protective rates upon these products.

Before we began this work, however, as you all know, general hearings were held, at which all those interested were notified they would have an opportunity to appear before the committee and give them any and all information which they might be able to give regarding the necessity for protection upon their various industries. These hearings occupied more than six weeks. Every opportunity was given them to appear and be heard. Many appeared, and when it was apparent or evident that there were no longer any applicants to be heard, these hearings were closed, and we started with the consideration of the bill. I will say, however, that this was not an ironclad rule, and the fact that the hearings had been closed did not prevent people who were interested from coming before the membership of these subcommittees and presenting their applications for rates of protection upon their industries. So that while these subcommittees were engaged for more than four months in preparing the rates on these products, during all that time, except during the last 10 days, when it was absolutely necessary for the full committee to meet and go over carefully the reports of the various subcommittees and agree upon the rates submitted, the committee was open for these hearings. During the last 10 days, however, we gave notice that no further hearings would be held. Even that was not an ironclad rule, for I think there are parties here to-day who had not an opportunity prior to that time to present their claim and who were accorded the privilege even after that date.

It was a most difficult matter at that time to determine what rates would be protective on the various industries of this country. Because of the serious condition throughout the world by reason of the World War we had to secure information on and take into consideration many factors and in many countries. We had to secure information on what the cost was to produce an article in Germany, Italy, France, England. As an advocate of protection I was not willing to agree upon a rate which I did not believe would represent the difference in the cost of production of these articles here and abroad. That is as far as I am ever willing to go in the preparation of a tariff bill. It was a difficult matter to ascertain these costs, by reason of the depreciated value of currency in the various countries. In England the pound had depreciated; not, of course, to the extent the German mark had, but had depreciated, and not to the extent of the franc of France nor the lira of Italy. And so, not being permitted under the law to make one rate that was applicable to England, and another applicable to Germany and Italy, because our constitution prohibits our giving any favored nation an advantage over any other nation, you can see at once that it was a difficult problem indeed to say what would be a proper and fitting rate the world over. It required a higher rate to be a protective rate upon France than it did on England, and upon Italy, and again it depended upon conditions existing in countries where the currency had not depreciated like it had in others. Due to the fact that we could not sit there in the committee room and know what a proper rate would be without being properly advised by some authority, we appealed to and were helped materially by the Tariff Commission. I have only words of praise for the Tariff Commission of the United States. They were liberal enough in giving us information when requested, but never at any time did they suggest a rate which the committee should adopt. They regarded that as not the province of the commission, and we agreed with them in that, but it was the province of the commission, however, to give to the committee information it was necessary for us to have in order to enable us to make the proper rates. They had not been in operation long at that time and often were not prepared to furnish complete data, and in order to obtain information they had to send their experts into these different countries to ascertain the cost of labor and price paid for material in England, and the price paid for labor and material in France and Germany and the other nations, and the very hardest work was the determination from all the data obtained what a reasonable and protective rate should be. To determine the cost here the committee required all applicants for protection for their industries to furnish the committee sworn statements as to the cost of manufacture here.

Now, as a member of the Ways and Means Committee, I was very strongly in favor of basing the tariff upon the American valuation. That was true, because I knew we could arrive at a rate which would bring protection, whereas if based on foreign valuation the rate that

would be protective against England would not be protective against France, and the rate that would be protective against France would not be against Germany and Italy and the other nations, and I felt that the only way to arrive at a rate that would give just protection to the industries here was to base that rate upon the American valuation, and I want to say right here that in the preparation of that bill the only opposition that came to that committee was from the importers of this country. They opposed it because they were interested in getting goods shipped into this country at as cheap a rate as possible so that they could have a larger amount of profits in the goods which they imported to compete with our homemade goods. But this opinion was not agreed to by the Senate, and in consequence was not adopted. The provision was adopted that if a rate was found to be too small, under the flexible provision or clause of the tariff act the President was given the authority to raise that rate. As suggested by Mr. Hagenbarth here this morning—and I believe his statement was true—there was not a thought in the minds of the Members of the House and Senate that if the prerogative of the President should be used it would not be used in any case to lower the rate; but, on account of conditions existing in this country and in other countries where it had been found impossible to determine just what would be a protective rate, it was thought that we should under the terms of the flexible provision of the tariff law have authority, upon the recommendation of the Tariff Commission, to raise these rates should they be found inexpedient to meet the requirements as to full protection.

I recognize, as we all do, that to have the tariff question continually agitated and at different times coming up affects business, and unless there is a settlement of that question business will not be as stable as it would be without it. I am free to state that with all the information I have, there was no fear upon the part of the Members of the Senate or the House that the flexible provision of the tariff act would be exercised by the Tariff Commission or the President in any way to reduce the rates established upon the farm products or the cattle, mineral, or wool interest of this country, because all Members of Congress were fully advised with reference to the necessity for these rates, and it was not thought that there would be any effort to lower these rates. We had full information before our committee regarding the necessity for a protective tariff in the South, because their able representative, Mr. Kirby, president of the Southern Tariff Association, was before our committee and gave us full information with reference to the serious conditions surrounding agriculture in that great country, and the necessity for protection for them.

We were not left in the dark with reference to the necessity for a protective tariff for agriculture, livestock, cattle, or any commodity or industry. Nor were we in the dark with reference to the necessity for a protective tariff required for the woolgrowers and wool industry, because the woolgrowers of Utah, Idaho, and any number of the others were before us and submitted data to show us the cost of production here, and then we had before us the cost of production in Australia and other countries which produced wool. Of course, there was a disagreement upon the part of some of the members of the committee, interested, of course, in the manufacturing industries, and we had objection from them to the rate which was agreed upon. I can not understand the necessity for a hearing or examination to determine whether or not it was necessary to reduce these rates. I feel that it was a wise clause, simply because of the things I have related. I was not in favor of it in the beginning, but I saw where it might redound to our interest.

We are all selfish regarding the tariff. I can't explain that, perhaps, without giving some of the inside information, but I have censured them in public for the position which they took. That was the representatives of the Eastern States, interested especially in the manufacturing business. They were most insistent upon securing a proper rate of protection upon the articles which they manufactured. I went with them just as far as I thought necessary, believing and hoping that they would take a broad view when it came to granting to the West and the agricultural interests the same protection they asked for their interests. I regret to say, however, that after they had obtained favorable consideration from the committee in granting to them their protection we found them objecting when we asked for protection on the products of the farm and on the products of the cattle industry and of the wool industry and of the mines. No stronger evidence would be required than that some of them voted against the emergency bill when it came up for consideration. Some of them so far failed to take a broad view of this question that they even voted against the permanent tariff bill upon this proposition. But how much better, my friends, would it have been for them to pay a slight excess of cost for what their consumers ate and wore, rather than that they should be idle.

At the time they were operating under the Underwood bill, before the preparation of the present tariff measure, what was the condition of the consumers of these factories in the East? They were idle. More than 6,000 laborers were unemployed at that time because the factories were shutdown and there was no work for them to do. I thought surely if we gave them a tariff bill that would reopen their factories, make a market for their products, and they were put to work with a full shift of 12 to 24 hours, thus making it necessary to bring into productive employment all these idle men, surely they would be willing to allow these producers of the raw materials of the West a protective tariff and pay a few cents more, perhaps, for their raw materials in order that they might be profited in being thus employed, especially when that few cents more just made up to the producers of the West some of the benefits that these eastern manufacturers had reaped from the principle of protection during the ages and which had made them a prosperous portion of the United States. We had a hard time, gentlemen, to convince many of them of the justice of this contention.

With all that we were able to obtain for the products of the farms and the livestock and wool industries, the agricultural conditions are anything but favorable at this time. They need something to bring them out of the unfavorable condition now prevalent. The present administration, in my judgment, has done everything that sound logic will permit, yet the conditions obtain. Low prices still prevail. What can be done to lift them out of this dilemma? If any man or any group of men can conceive a sound and feasible plan by which their condition can be remedied, I know the spirit of the United States Congress and its Members, and I know that they will take up that proposition, and if it is sane and sound logic it will be enacted and relief will come.

Mr. Harding made the suggestion that we could not tell what the present condition is. It is confusion and chaos. I for one am firmly convinced that the chief cause of the troubles of the agricultural interests to-day are that just after and during the war we had and enjoyed prosperous times. We had had a great inflation in prices. everybody had and was spending money, and everybody was contracting additional obligations and making additional investments. It was easy to go to a local bank and secure a loan, and that condition was running rampant, until out of the clear sky in the summer of 1920, just when the crops had been matured and no part of them had been marketed, there came an order from the Federal reserve bank to its member banks to the effect that no further extension of time on loans would be granted; that the time for deflation had come and that they must call on their creditors to deflate and to pay their obligations to the local banks.

What was the result? The farmer had only just matured his crops. These crops had been raised on war-time rates of pay to labor and war-time prices for materials, and at the highest cost for labor ever known in American history. They were called upon to pay their local obligations, and the result was that they must hurl their crops into the open market, because they had no other means of paying their obligations. This caused the markets to break, and they were forced to sell their products for a price that was below the cost of production. What did it do to the cattle industry? The cattleman was called upon to liquidate his indebtedness to the local banker, and he had no means of paying except by marketing his cattle, and this flood of cattle upon the market—what effect, gentlemen, did this have? We all know. It could have none other than to glut the market and reduce the price to a point far below the cost of production. He had to sell because he had to pay, and when he sold at this loss it left him in a bad condition. All you cattlemen know the result. The Government has recognized this, and in its effort to aid has organized the War Finance Corporation to refinance the cattleman, which has been some relief. The Federal Farm Loan Board was given additional appropriations to further aid the farmers, and still the condition of agriculture in this country is not what it should be. I am gratified to know that under the present tariff the mining industries at last are showing great activity.

I don't want to further tire your patience, but I do want to say how pleased I am with the progress this organization has made and I am predicting that your deliberations here will be of much benefit to the great western country. I thank you.

LETTER OF JOHN T. ORR IN DEFENSE OF NATHAN ADAMS

Mr. JONES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from John T. Orr, president of the Texas Farm Bureau Cotton Association with reference to remarks that I made on the floor.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. JONES. Mr. Speaker, in December last I made a speech in the House in which I offered some criticism of Nathan Adams because of a purported interview which was published in the Dallas News.

My colleague, Hon. HATTON W. SUMNERS, who represents the Dallas district, has received a communication from John T. Orr, president of the Texas Farm Bureau Cotton Association, in which he makes certain denials and comments both in regard to the alleged interview and in reference to work done by Mr. Adams in behalf of agriculture.

Every man is entitled to his day in court. Both sides of any matter should be heard. I think it but fair, therefore, that this explanation should be placed in the CONGRESSIONAL RECORD, and I ask unanimous consent that it be printed in the RECORD of this date.

The letter is as follows:

COOPERATIVE COTTON MARKETING

TEXAS FARM BUREAU COTTON ASSOCIATION (INC.),
Dallas, Tex., March 15, 1928.

Hon. HATTON W. SUMNERS,
House of Representatives, Washington, D. C.

DEAR HATTON: There has recently been extensively circulated in Texas, under congressional frank, a speech of the Hon. MARVIN JONES, of Amarillo, delivered in the House of Representatives on Wednesday, December 7, 1927, wherein he attacks the reputation, intelligence, and sincerity of Nathan Adams, president of the American Exchange National Bank of Dallas.

I can take this occasion to remind you that Mr. Adams is a man of state-wide and national reputation for his understanding of and interest in the business and problems of the cotton farmer. As the president of the largest organization of cotton growers in the United States, and believing that I have some knowledge of the cotton farmers' problems myself, I distinctively resent, on behalf of the cotton farmers of this State, Mr. JONES's attack and denunciation of our good friend Mr. Adams. Were there any justification for such an assault there would be no occasion for this letter; but since the entire speech is based upon a statement which Mr. Adams did not make, and since a denial of it by him was given wide publicity, there was, in my judgment, no such justification.

What Mr. Adams really did say was that the danger to cotton farmers in the immediate future was that with cotton selling at more than 20 cents a pound they would consider cotton a more profitable crop than other crops, and, therefore, might increase their acreage and consequent yield to the point where they would themselves destroy their own future prosperity by reducing the total value of the crop. In consequence, he said, of increasing their cotton acreage they would reduce their acreage in food and feed crops, and therefore, with the small cash income from the sale of cotton, they would be required to purchase high-priced feed, and thereby injure themselves in both ways. Every successful farmer knows that this statement is sound and this advice is wise and constructive. The hope for good cotton prices is that the production of cotton should be kept within the limits of the world's needs, and that whatever we may grow of other products after we have supplied the world's need for cotton, simply adds to the total value of the products produced by the farmers during a given period. There is no difference of opinion among successful farmers and practical economists and constructive statesmen on this important point of agricultural practice.

An intimate business and personal acquaintance with Mr. Adams covering a period of over 30 years, during which time I have had no interest or business other than that of farming, qualifies me, I think, to know whether or not Mr. Adams is a real friend of the farmer. For your information I wish to recite a few of the outstanding achievements of Mr. Adams in aid of cotton farmers.

In the early part of October, 1914, at the time of the great slump in cotton, which began with the outbreak of the World War, Mr. Adams and Mrs. Joseph A. Kemp, of Wichita Falls, called a meeting of Texas bankers at Dallas and urged the adoption of a resolution expressing confidence in the value of cotton, which at that time was selling at 5 to 7 cents a pound, with the market totally demoralized. There was opposition to the resolution in the association of bankers but it prevailed by a majority of about 20 per cent. Mr. Adams was not content with that activity and he immediately called upon 30 conspicuous bankers in the State to join him in a signed statement in the form of a resolution expressing confidence in cotton and offering to lend money on it in generous volume and at low interest. Twenty-seven of the 30 bankers invited responded and the statement was issued. I think there is not a well-informed man in the State, or in the South, who does not recognize that action by Mr. Adams was responsible for an instant arrest of the panic in cotton and a substantial advance in the values.

In 1921 the cotton States' bankers undertook to set up the Federal International Banking Co. to extend long-time credit to foreign buyers of cotton. At that time cotton was in another slump on account of excess production following the deflation period, and Mr. Adams and T. J. Caldwell took the field in Texas and raised the quota required for the Federal International Banking Co. That service and that institution contributed materially to the recovery of prices.

In 1921 Mr. Eugene Meyer, as chairman of the War Finance Corporation, came to Texas and called upon bankers to assist in organizing finance corporations, particularly to save the cattle situation, and a great enterprise was set up in Fort Worth. Mr. Adams was conspicuous in raising the Dallas capital for that undertaking.

Late in 1925 Mr. Adams foresaw the disaster to follow from an excess production of cotton in 1926 and communicated with a considerable number of banking friends in the State in an endeavor to bring about an organized activity which would prevent or modify such a calamity. It was not until January 14, 1926, that he succeeded in assembling a sufficient number of bankers and other business men to warrant procedure, but on that date in Dallas a conference was held, as called by Mr. Adams, which was attended by about 40 or 50 bankers of the State, and the Texas Safe Farming Association was organized with the purpose of maintaining the activity for a period of five years in the hope of establishing a system of safe farming. The first step of that organization was to induce country bankers and country merchants to base credit in 1926 upon the planting of sufficient food and feed crops to maintain the farm, family, and establishment. Immediately following the organization Mr. Adams communicated by telegraph with about 25 or 30 of the leading bankers of the South and endeavored to bring about a Southwide activity to the same end, but unfortunately few other bankers were as farsighted as he, and no such action was taken as in Texas.

All well-informed men will agree that the Texas Safe Farming Association was chiefly responsible for the abundant food and feed crops produced in Texas in 1926 and 1927, and though this activity in a single State could not materially affect an acreage reduction in the entire South, it did save many farmers who otherwise would have incurred losses by planting more cotton. They lost money on the cotton they did plant, but they did not have to buy food and feed crops.

The same activity, in cooperation with the Texas Bankers' Association, waged a campaign in 1927 for reduced cotton acreage, and the office of the Texas Safe Farming Association was the central agency for the southwide movement that year, which reduced acreage about 12½ per cent.

Thus it may be fairly said that Mr. Adams was responsible for the agency which promoted recovery from the slump of 1926, and that if his advice had been taken by other southern bankers in 1926 there would have been no overproduction that year and no loss to cotton farmers.

I could state other instances, but these should be sufficient to show that Mr. Adams is the outstanding banker of the South in his comprehension of the economic factors in the production and marketing of cotton, and that his sympathies and energies have always been employed for the betterment of cotton farmers.

The time has about arrived when intelligent men on the farms, even if they have had a misconception of the solution of their problems and have been patient and long suffering, should be told the truth, however disagreeable it may be, rather than fed on empty words of loyalty and inaccurate statements, the belief in which gets them nowhere in working out their problems. The time has also come in American agriculture when our representatives should give intelligent and constructive service, in a legislative way, to a solution of economic questions involving agriculture rather than fulsome lip service, which obscures, if not prevents, an intelligent consideration of the farmers' great problems. In fact, the situation of the farmer has reached the point where he must determine who is his real friend. For years Mr. Adams, in his office and in public speeches, has appealed to the bankers and business men of Texas for a more helpful attitude toward the farmers. He has preached diversification. He has championed the cause of cooperative marketing, and has done so without any thought or possibility of advantage to himself. He has courageously fought the battles of producers, even when a more moderate course would have been much easier, and, temporarily at least, a greater benefit to the institution which he heads. His work last year as president of the Texas Safe Farming Association, if he had never done anything else in the interest of the farmers, would establish him as one of the outstanding friends of agriculture in Texas.

Sincerely yours,

JOHN T. ORR,
President Texas Farm Bureau Cotton Association.

In this connection I think it is proper to insert the original purported interview, together with Mr. Adams's denial of such interview, and which two articles are as follows:

[From the Dallas News, August 31, 1927]

BANKER WARNS AGAINST "FALSE PROSPERITY" IN WAKE OF HIGH COTTON

Thirty-cent cotton would be potentially disastrous to Texas, was the warning issued Tuesday by Nathan Adams, president of the American Exchange National Bank.

"While prosperity looms for the farmer, he must look to the future; and if he holds his cotton to get 30 cents a pound, he then will be making a big mistake," Mr. Adams declared.

"A higher price than 20 cents would cause a false wave of prosperity and end in a spending spree that would offset the profits made on the 1928 crop," he says. "The farmer would spend all his profits, if he has any after paying his 1926 debts, and would find it difficult to finance his 1928 crops," he pointed out.

"The 1927 crop of Texas will reach nearly 4,000,000 bales, it is predicted; and to sell at 20 cents would make a nice profit in which to pay off outstanding debts," Mr. Adams said. The farmer has borrowed less this year than in previous years, and his crop has cost less, which are two factors that will be in his favor.

"Texas is no place for pessimists, and they should get out as quickly as possible," Mr. Adams said.

[From the Dallas News, September 18, 1927]

SCORES COTTON MARKET ADVICE—CONFERENCE WILL RIGHT SITUATION, NATHAN ADAMS SAYS

Registering a protest against the action of the Government in "seeking to advise the agricultural interests when to sell and when not to sell," Nathan Adams, president of the American Exchange National Bank, Saturday said that the situation would right itself if confidence is held, and this is the time to show confidence while there is both money and credit to carry it through.

Mr. Adams said that he was recently misquoted in the News as opposing 30-cent cotton.

"I have refrained from denying the interview of some days ago in the Dallas News, in which one of your reporters stated that I am very much opposed to 30-cent cotton, and used other language in the interview wholly foreign to my thought," Mr. Adams said.

FAVORS FAIR RETURN

"It is a well-known fact throughout the State of Texas that my attitude has always been friendly to cotton—that I have always wanted to see the producers of this country receive a fair return for their labors. I would not at this time deny the interview except for the fact that I have had many letters from friends of mine over the State expressing amazement at my attitude. I thought the sane people of Texas would know that I could not have said the things attributed to me in this interview.

"I now want to publicly enter my protest against the action of the Government of the United States in seeking to advise the agricultural interests of this country when to sell and when not to sell. If I understand anything about the functioning of the Agricultural Department of the Government, it is for the purpose of giving plain facts and that is as far as any Government agency should go, or seek to control the business of this country.

"The estimate of the Agricultural Department as to the volume of this year's crop is in direct contradiction to the published statement of the value of cotton and its need at this time. The figures of a 7,000,000-bale carry-over include 3,000,000 to 4,000,000 bales of very low-grade cotton. It must be apparent that a 4,000,000-bale carry-over is nothing more than insurance against a very short crop, which may occur under present conditions any year.

HAVE MONEY AND CREDIT

"The farmers of this State should not be stampeded by the action of the Government. The Federal reserve bank and the credit of Texas is behind cotton, and there is no reason for them to force the sale of cotton immediately after the pronouncement of the Agricultural Department.

"It will right itself if confidence is held supreme, and this is the time to show our confidence when we have both the money and the credit to carry it through.

"The cotton of this country is a part, and a very wonderful part, of its welfare. It is the protection of the gold reserve of this country, and at the present time 45 to 47 per cent of it seeks a market in foreign countries, and certainly no Government official has the right to dictate when it should be sold."

LEAVE OF ABSENCE

By unanimous consent, the following leave of absence was granted—

To Mr. PEERY (at the request of Mr. BLAND of Virginia), indefinitely, on account of illness in family.

To Mr. LOZIER (at the request of Mr. CANNON), for three days, on account of illness.

PARK POLICE OF DISTRICT OF COLUMBIA

The SPEAKER. The gentleman from Maryland asks unanimous consent that general debate on the bill may be concluded in one hour, one-half to be controlled by himself and the other half by the gentleman from Texas [Mr. BLANTON]. Is there objection?

Mr. EDWARDS. Reserving the right to object, if this request is not granted, what will be the result?

Mr. BLANTON. The result will be that general debate will extend for two hours or more.

Mr. EDWARDS. I will not object, for I want to get at the Private Calendar.

The SPEAKER. Is there objection?

There was no objection.

The motion of Mr. ZIHLMAN was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LAGUARDIA in the chair.

Mr. ZIHLMAN. Mr. Chairman, I ask that the gentleman from Texas occupy his time, for I do not care to occupy mine.

Mr. BLANTON. Mr. Chairman, until very recently I have been under the impression that the park police force should be consolidated with the Capital police force, so that there should be but one police department in the District of Columbia; but from developments that have occurred and from investigations that have been made by our District Committee I have come to a conclusion that has made me change my position diametrically on that subject. I believe that the park police force is the only real safeguard, the only real dependable police guard that the people of the United States have here in this Capital. We should never consolidate it. For the Metropolitan police is controlled not by Congress but by the Commissioners of the District.

I asked the District Committee to lay the bill aside that I had before it, and which at one time last session it was voted out unanimously. I have asked the committee to lay it aside and kill it.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LINTHICUM. I want to say that in Baltimore we have a park police and a metropolitan police. The park police comes under the park board and the metropolitan police comes under the State.

Mr. BLANTON. There is a different reason for keeping the park police force intact. The park police is the United States force, and it is controlled absolutely by the United States Government. It is responsible alone to the United States Government. It is the people's only dependable protection here in this city in case certain emergencies should arise.

The longer I stay here in Washington and the more I study our Constitution the more I am impressed with the fact that our forefathers were men of great wisdom when they wrote that Constitution. They were farsighted men. They looked far into the future. They knew what was good for the people of this Nation. Do not you ever agree to obliterate your park police. Keep it intact.

I have come to the conclusion that it is absolutely necessary to have a White House police separate and distinct and intact. I have come to the conclusion that it is a good thing to have a Capitol police that is responsible to the Congress only for the protection of the people's Capitol Building. Never again will I make a proposal to consolidate the forces. There is something more important than economy and that is the dependable protection of the people and the people's property of this Government. Therefore I am in favor of this bill and I want to see it passed.

I want to see an adequate salary paid the park policemen, commensurate with the other policemen. If we had a force of Metropolitan police, all of whom were honest and dependable, I would be in favor of raising their salaries; but until we clean them up I ask you men not to raise their salaries one dollar.

Mr. WILLIAM E. HULL. Will the gentleman tell us how to "clean them up?"

Mr. BLANTON. I shall do that later, not in these 30 minutes. Let me tell you what happened. Last fall I went to a number of men both in the House and the Senate and asked them what would be a proper raise for the policemen. All of them agreed that it should not be over $300. I was told by a Senator who is very active on such matters that if a bill ever went to the Senate carrying over $300 he was going to do his best to kill it.

I thought then and I still believe that the great majority of our 1,348 policemen here are honest men who want to do the right thing and would do the right thing if they could, but there is an awful rottenness at the head of the department that must be cleaned up, for it demoralizes the whole force. As soon as this Congress met, believing that practically all of the force were honest and deserving men, I introduced a bill to pay them a raise of $300. I found that that met with the approval of a great many men in the House and the Senate. That bill went before the committee, and to my surprise the superintendent of the police sent his main adjutant, Inspector Pratt, and the fire department came in the person of its chief, Mr. Watson, and they asked that they should have a $1,000 raise each and that subordinate officers should have raises in proportion. We told them distinctly that if they insisted on such a bill it would mean no raise for any of them. They got the chairman of the committee [Mr. ZIHLMAN] to introduce their bill for them giving them thousand-dollar raises and on down in proportion. When that bill came up in committee we told them that if they asked for more than $300 they would never get it passed, but they insisted and the bill was reported out granting them $500 raises and from that on down. That bill was reported here to this House and is on the calendar. The gentleman from Wisconsin [Mr. SCHAFER] asked the chairman of the committee when that bill was going to be called up. I will tell him. It will not be called up at all. The chairman of the Committee on Appropriations, Mr. MARTIN B. MADDEN, of Illinois, who protects the people's Treasury, said that that bill shall not pass. The leaders here in this House said that it shall not pass, and the leaders in the Senate have said that it shall not pass. My friend from

Wisconsin will find that it will die here in a pigeonhole in this Congress and will not became a law. They have been too greedy, they have asked for too much. Does that answer my friend?

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCHAFER. I do not agree that any set of leaders in this Congress controls 435 Representatives of the people, and I have hopes that in the future——

Mr. BLANTON. Wait; I want to answer the first part of that statement, and I do not yield any further. When the gentleman has been here as long as I have been he will find out that the leaders of this Congress do run the Congress. If he has not found that out yet, he has not learned his first lesson. The leaders of the Congress do control the other 400 men. Whatever the leaders on this side and the leaders on my side say is done here in the House of Representatives, and you will never override them if you stay here a hundred years. [Laughter.]

Mr. COLE of Iowa. Provided they are right.

Mr. BLANTON. And they run things whether they are right or wrong, and they are going to continue to run things whether they are right or wrong. They are wrong most of the time, but they run things just the same. [Laughter.]

Mr. SCHAFER. Are they wrong in the policemen's salary increase bill? I see that the gentleman from Texas is with them now.

Mr. BLANTON. I am with them against these high raises, when some crooked policemen will get it.

Mr. SCHAFER. Let us bring the bill on the floor and make it a flat $300 raise all through.

Mr. BLANTON. They are not going to permit that bill now to come up. Whenever the gentleman from Connecticut [Mr. TILSON] and the distinguished Speaker, from Ohio, who was nominated recently for the Presidency by my friend from Wisconsin, tell the chairman of the District of Columbia that he can not do anything, he does not do it, because he obeys orders. He would not be the chairman if he did not. [Laughter.]

Mr. SCHAFER. I suggest, if the gentleman will yield, and the gentleman really is in favor of raising the salaries of policemen, that he should not give aid and comfort to a certain clique that he says controls legislation here and the 435 Representatives of the people.

Mr. BLANTON. There are about 150 of the rottenest policemen on God's earth in this department. Of the 1,348, there are at least 150 who are rotten to the core. I shall never agree to vote a single dollar of increased salary to one of them until they clean that department up and get the rottenness out of it. These 150 rotten policemen should be fired. Then I shall help them get their salary raises; but I am against any raise in salary going to a department that is rotten from the top down to the extent of at least 150 policemen. They have cut themselves off from their own clabber, so to speak. They have cut themselves off from their own raise by asking for too much and on having and harboring rottenness in their department.

I say this about my friend Colonel Grant. I am with Colonel Grant. He is an honest man and a splendid official. I have watched him here, and I have checked up his department, and he is as straight as a die.

I am with him in all his honest endeavors to protect this Capital for the people. I want to say to him that I am going to help him with his park police. I am going to help him maintain them intact. I am going to be with him all the way down the line. He can depend upon me as one member of the District Committee to help him to carry out every single one of his ambitions to make this the greatest Capital in existence. [Applause.]

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Texas reserves the balance of his time.

Mr. ZIHLMAN. Mr. Chairman, I yield three minutes to the gentleman from Wisconsin [Mr. SCHAFER].

The CHAIRMAN. The gentleman from Wisconsin is recognized for three minutes.

Mr. SCHAFER. Mr. Chairman and ladies and gentlemen of the House, I favor the pending bill, notwithstanding the fact that the gentleman from Texas [Mr. BLANTON] is also in favor of it. [Laughter.] I think it is a meritorious measure but not on the same grounds advanced by the gentleman from Texas. I agree with him that the park police are a fine body of men and an efficient organization. The Metropolitan police force are also a fine body of men and an efficient organization. Of course, in both organizations there may be a few exceptions. We have heard some of the good points of the park police discussed here. Now, let us reflect on some of the good points in favor of the Metropolitan police. We remember not many months ag when we had those assaults upon white women in the Capitol Grounds. Although the crimes were committed in the Capitol Grounds it was not the park police but the Metropolitan police who did the detective work that brought the criminal to the electric chair. That was the Jackson case. Lieutenant Davis, of the fifth precinct of the Metropolitan police force did some exceptional detective work in that case.

Mr. BLANTON. That man Jackson is still alive to-day, unhanged and unelectrocuted, while a murderer over here in Alexandria, Va., who committed his crime long afterwards, has been executed within three months after he killed his victim.

Mr. SCHAFER. Well, the fact that Jackson has not been sent to the electric chair up to the present time can not be laid at the door of the police department or any member of the police department. They did a wonderful piece of detective work and apprehended the criminal who confessed and was found guilty by a jury of his peers. The fact that Jackson has not been electrocuted up to this time is not an argument against the Metropolitan police.

Mr. BLANTON. An employee of the Pennsylvania Railroad was the cause of that man being arrested and caught, and he got a big reward for it.

Mr. SCHAFER. The gentleman does not give all the facts in the case. Having been around the fifth precinct at the time the Metropolitan police were trailing Jackson, I have some knowledge of exceptional police work which was required to apprehend and convict the criminal.

Mr. BLANTON. What was the gentleman doing around the fifth precinct? I protest. [Laughter.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ZIHLMAN. Mr. Chairman, I yield to the gentleman three additional minutes.

The CHAIRMAN. The gentleman from Wisconsin is recognized for three additional minutes.

Mr. SCHAFER. I will tell the gentlemen that while I was very busy in my office in the House Office Building a sneak thief came in and took my pocketbook from a coat hanging on a clothes tree. I had my suspicions as to who the gentleman was who took it, and therefore I had gone down to No. 5 precinct to make the rounds of the places where sneak thieves usually hang out, in order to identify him. I therefore had an opportunity to see what was being done in the Jackson case. I will also say to the gentleman that I have been around this District many nights, and I have been able to find many more than two policemen on the beat. It might be well if a certain Member of this House, in view of statements as to finding only two policemen on an extended night tour of the district, would introduce a bill to furnish each Metropolitan police with a hurdy-gurdy machine with a record which would announce, "Here comes a Metropolitan policeman," so that all the crooks, bootleggers, and some Members of Congress may hear and know where the police may be. Perhaps a cowbell such as is placed on Texas steers may be better than a hurdy-gurdy machine. [Laughter.]

Mr. BLANTON. We will forgive the gentleman this time, but he had better not go down there any more. [Laughter.]

Mr. SCHAFER. I sincerely hope that this House will have the opportunity to consider the bill to raise the salaries of the Metropolitan police force. I think the gentleman from Texas stretched the point when he stated that about 150 members of the Metropolitan police force are rotten. I do not agree with him for one moment on that. Generally speaking, they are a fine class of honest, efficient men. Of course, there may be a few exceptions. I believe that all working men, whether they work in the factory or on the farm or in the Government service, should receive a living wage. We know that the cost of living and the cost of rent in Washington is much higher than in any other part of the country. We should pay the members of the Metropolitan police force higher salaries than they are now receiving, so that they can properly care for their families and educate their children. I believe in the enforcement of all law without fear or favor.

The people of the congressional district which I have the honor to represent voted overwhelmingly or about 7 to 1 in favor of modification of the Volstead Act to permit 2¾ per cent beer by weight.

We who favor modification of this act do not for one moment desire a lax enforcement of the present law. We well know that strict enforcement without fear or favor will bring new recruits to the ranks of those who favor modification. The crooks and bootleggers do not favor modification because they well know that it would interfere with their outlaw business and enormous profits.

Mr. BLANTON. Mr. Chairman, I yield myself three minutes.

Mr. Chairman, a number of prominent citizens came to me as a member of the District Committee, and said that the 1,348 policemen were in three shifts and that there should be a late night shift doing duty on the streets. They asked me to go with them to see exactly how very few policemen were on the shift after midnight. They claimed that it was the physical presence of policemen on the streets where they could be seen that largely deters crime. I would not listen to them for a long time, but they insisted. They said that Congress was paying $9,000,000 of the Government's money out of the Treasury each year on expenses of the District, a part of which went to these night policemen, and that it was in the interest of the people of the United States Government for us to see whether these policemen were earning their salaries and doing night duty.

So that struck me forcibly when they said the people of the United States were paying for something they were not getting, so I agreed to go. But I made the trip by myself. I got in my car at a quarter of 1, and I did drive 40 miles. I drove from the Key Bridge on the Potomac at the foot of Pennsylvania Avenue, all the way up Pennsylvania Avenue past the White House, the Treasury, the Capitol, and the Library, to the Anacostia Bridge. There was not a single policeman in sight, not one.

I drove all the way up F Street and there was not one on F Street; I drove all the way down G Street and there was not a single one on G Street. I drove all the way out Fourteenth Street and there was not a single policeman on Fourteenth Street, not one; and I did not find any in that 40 miles between 12.45 up until after 2 o'clock a. m. except two. There were but two policemen visible to the eye in Washington, and they were near Seventh and Florida Avenue. I stopped and reported this fact to several stations. I stopped at stations No. 1, and No. 3, and No. 6. I asked them where their night force was and they told me they were on the streets. I said to the officer in charge at No. 3, "If you will send one of your officers with me now and you can show me five policemen on the streets of Washington within the next hour I will pay you $100 in cash," but they would not accept my proposition and would not send one.

I waited for about four nights and again I got in my car at a quarter of 1 and I made the same identical drive that I had made before and on the identical streets I had covered before I counted 76 policemen, 76 in making the same drive upon which I had formerly found only 2. I found out that since my first trip they had put on two extra night inspectors to force night policemen to serve. So you see I did accomplish something, by using my time at night when the gentleman from Wisconsin [Mr. SCHAFER] was asleep, in behalf of the people of Wisconsin and the rest of the United States, who pay a part of this expense.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I yield the balance of my time to the gentleman from Mississippi [Mr. COLLINS].

The CHAIRMAN. The gentleman from Mississippi is recognized for 14 minutes.

Mr. COLLINS. Mr. Chairman and gentlemen of the committee, I wish to call the attention of the House to what I consider a very peculiar police situation in the District. There are 12 police systems here with a total of 2,206 policemen. I do not know of a city in this country of comparable size that has so large a number of policemen as does the District of Columbia. We have 1,285 regular policemen; added to that number are 63 crossing policemen, who are paid by the street-car companies. In addition there are 23 guards at the jail, 9 at the District Building, and 35 guards and bailiffs with the different courts in Washington. Of the 1,285 regular policemen in Washington, 23 of them are women, and it is urged in a pending bill that we increase the number of policewomen until the total reaches 67.

Mr. BLANTON. Will the gentleman yield for a correction?

Mr. COLLINS. Yes.

Mr. BLANTON. Counting the crossing policemen, there are exactly 1,348.

Mr. COLLINS. That is exactly what I said, only I have divided them and you have lumped them. In addition to the ones already mentioned who are under District authorities there are 68 park policemen. They are under Colonel Grant, of the United States Army. Added to these are 302 guards or quasi policemen in various buildings in Washington. In fact, all of the buildings in Washington, except the Treasury, Veterans' Bureau, and Agricultural Department are in charge of these guards or police under Colonel Grant. In the Agricultural Buildings and grounds there are 79 policemen or guards. In the Veterans' Bureau there are 30, and in the Treasury there are 89. There are 29 policemen in the Library of Congress. There are 9 in the National Gallery of Arts, 64 in the Museum, 73 in the Capitol, 39 in the White House, and 10 in the Zoological Gardens. All police total 2,206, and this total does not include 40 guards at the Work House and 27 at the reformatory, because these institutions are outside the District.

The District has more policemen than the city of Baltimore, a city with almost twice its population. There are 1,887 in Baltimore. There are more policemen in Washington than the entire clerical staff of the Navy. There are almost twice as many policemen here as the entire clerical staff of the Post Office Department, and we have approximately as many policemen here as the entire clerical staff of the War Department.

Now, then, what is going to happen if this bill passes raising the salary of the park police to the salary of the Metropolitan police? Another bill will immediately follow to raise the salaries of all of the rest of the various police departments in Washington. The chairman of the Appropriations Committee told me to-day that there are only two cities in the entire country that pay their policemen as much as they are paid in Washington, and those two cities are New York and Chicago, and the amount paid here is approximately as much as the amount paid in those cities.

If it is the will of this House that these men's salaries be raised, well and good; however, I want you to know the amount that is paid them now, which seems to me adequate. The lowest ranking privates receive now $1,700; the next class, $1,800; and the next class, $2,000; a sergeant receives $2,300; a first sergeant, $2,400; lieutenants, $2,700; and captains, $3,000; and it is proposed in this bill to increase these salaries to larger amounts. All of us have an interest in this matter, for our districts pay an important part in the cost of District administration.

Mr. WILLIAMSON. Will the gentleman yield just a moment?

Mr. COLLINS. I yield.

Mr. WILLIAMSON. What is the occasion of the large number of police at the Department of Agriculture, the Veterans' Bureau Building, and the Library?

Mr. COLLINS. The gentleman will have to ask some one other than me. I can not answer. They were here when I arrived. However, all Government buildings here are equally well filled with police.

Mr. ZIHLMAN. The gentleman is a member of the committee that appropriates the money for this purpose, and there is no law compelling the Committee on Appropriations to appropriate for these men.

Mr. COLLINS. I am not responsible for it. In fact, I have protested on several occasions, and I am now protesting.

I yield back the remainder of my time, Mr. Chairman.

Mr. ZIHLMAN. Mr. Chairman, I yield myself three minutes.

This bill affects 70 men. It will cost the Government $6,400 per year. Up until last year the park police were on a parity with the members of the Metropolitan police force because the members of the Metropolitan police force, while they received approximately $100 more in salary, were compelled to buy their own uniforms.

Last year the committee passed a bill providing free uniforms so that the members of the Metropolitan police force now receive a little less than $100 more than the members of the park police and this bill simply attempts to equalize the salaries. It only affects 70 men and the total cost to put these two forces on an equal basis is $6,400.

As to the number of policemen and guards in the city and in the various departments, that is a matter entirely in the discretion and judgment and wisdom of the Committee on Appropriations of which committee the gentleman from Mississippi [Mr. COLLINS] is a member. The District of Columbia Committee has endeavored to legislate so as to authorize a sufficient number of men to safeguard the lives of the citizens and the property of the Government here. None of these laws which are permissive in their nature compels the Committee on Appropriations to appropriate for them, but this bill, which is a Senate bill, is a just measure and the committee feels it should be passed.

In reference to the statement made by the gentleman from Texas regarding the police and firemen pay bill, which is on the calendar and to which considerable opposition has developed, I would say that the increases to the members of the fire and police departments range from $500 to the chief of the fire department, and the major and superintendent of police—down to $300 for all other members of the force, and while the aggre-

gate cost of the increases amount to a very large sum—$660,000—at the same time, this is less than $10,000 over the increases provided in the bill proposed by the gentleman from Texas, and my understanding is that the opposition to this bill on the part of some of the Members of the House is not because of the increase of $500 to the chiefs, but to the very large sum involved in this legislation.

I wish to insert herewith a copy of the report on the park police bill now pending, for the information of the Members of the House.

(Report to accompany S. 1628)

The Committee on the District of Columbia, to whom was referred the bill (S. 1628) relating to the office of Public Buildings and Public Parks of the National Capital, having considered the same, report favorably thereon with the recommendation that the bill do pass.

This bill has passed the Senate, and the Committee on the District of Columbia of the United States Senate made a very full report thereon, a copy of which is hereto appended and made a part of this report.

[Senate Report No. 261, Seventieth Congress, first session]

By act of May 27, 1924 (43 Stat. L. 175), the rates of pay of members of the United States park police force were set at and still are $100 per annum less than the salaries paid members of the Metropolitan police force of the District of Columbia. The duties and obligations of members of the two forces are practically identical, the jurisdiction of the park police force, however, being limited to Government reservations within the District of Columbia.

The present distinction in rates of pay, resulting in a lower scale for the park police, was made solely because members of that force in the past have been and now are furnished with uniforms at Government expense, while previous to May 25, 1926, the members of the Metropolitan police force were obliged to purchase uniforms and other equipment from their own personal funds. Therefore, it was considered that a somewhat lower salary schedule for members of the park police equalized their pay with that of the Metropolitan police.

However, on the date last mentioned, the President signed the bill (H. R. 3807, 44 Stat. 635), making allowance from District funds for supplying uniforms to members of the Metropolitan police force. This resulted in destroying the equality of actual compensation previously existing as between members of the two forces.

The effect of the present bill, if enacted, will be to simply restore the parity of pay. Present salaries of members of the park police force range from $1,700 per annum for class 1 privates to $2,700 for lieutenant.

The bill will not increase the salaries of the Metropolitan police of the District of Columbia, but applies only to the less than 70 members of the park police force, and will involve an annual increase of appropriation of only approximately $6,400.

A similar bill was approved by the Bureau of the Budget in 1926, and passed the Senate, but lack of time before final adjournment prevented passage by the House and enactment into law.

Appended hereto and made a part of this report is letter of Col. U. S. Grant 3d, Director of Public Buildings and Public Parks of the National Capital, fully explanatory of the need and purpose of the proposed legislation.

PUBLIC BUILDINGS AND PUBLIC PARKS OF THE NATIONAL CAPITAL,
Washington, D. C., February 4, 1928.

Hon. ARTHUR CAPPER,
Chairman District of Columbia Committee,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Complying with the request of the clerk of your committee, the following statement is submitted in confirmation of my verbal statement as to the desirability of equalizing the pay of the park police with that now received by the Metropolitan police of the District of Columbia in similar or corresponding grades. Congress did so equalize the salaries of the two forces by the act approved May 27, 1924 (Public, 148, 68th Cong.), prescribing definitely in separate paragraphs of the act the salaries that were to be paid for each force in each grade.

The reason for this segregation of the two forces in the act was the fact that the park police were then receiving their uniforms at Government expense and the salaries were fixed at $100 less per annum than the salaries of the corresponding grades in the Metropolitan police force, the latter being required to furnish their uniforms at their own expense. The records of this office showed that the average per annum cost to the Government of uniforms and personal equipment was a little over $94.

Subsequently by the act approved May 25, 1926 (Public, No. 282, 69th Cong.), the remuneration of the Metropolitan police was increased to provide uniforms at Government expense. No corresponding increase was provided for the park police, so that the members of the latter force now receive $100 a year less than the same grades in the Metropolitan police

This inequality in pay naturally puts the office of public buildings and public parks at a disadvantage in securing suitable personnel for police duty, and creates an understandable dissatisfaction in the minds of the park police, particularly as the duties of the latter are somewhat more severe than those of the Metropolitan police, in so far as the small size of the force does not permit of an equal number of days off.

While the duties of the two forces are sufficiently different in character to appeal to different personal tastes, they are of equal importance to the public and comprise equivalent risks and rather more exposure to the elements on the part of the park police.

As the park police are handling holiday crowds or a public intent upon recreation and relaxation, more tact and good judgment is requisite on the part of the police charged with enforcing the park regulations than is required on the part of the average policeman handling the public on the streets of the city. In spite of this the park police are frequently called upon to handle disorderly persons and crowds, as well as very large numbers of people, larger than can be assembled in close proximity on any street, on the occasions of ceremonies and popular sports. When the emergency does arise in which a park policeman has to resort to force and violent measures it usually comes in fairly isolated places in which he can not obtain help or the moral support of any number of passing persons. Moreover, the long periods of night duty in isolated and lonely parts of the larger parks, such as Rock Creek and Potomac Parks, in winter time constitute a more monotonous duty than on a city beat where the patrolman has the advantage of a certain amount of social intercourse with friendly residents and the public, as well as an occasional opportunity to secure shelter against the elements. The following tabulated statement indicates pretty well the scope of the services rendered by the park police during the last fiscal year:

Total arrests	1,144
Number of cases dismissed	20
Total fines imposed	$7,561.50
Total forfeitures	$2,247.00
Stolen automobiles recovered	38
Sick or injured sent home or to hospital	151
Automobile accidents reported	437
Lost children returned to parents	16

It is noteworthy that dividing the total number of arrests by the number of privates of the park police, the average number of arrests by each would be about 21. This sufficiently shows the value of such police protection to Government property and to the public. That this average is not raised by any unnecessary arrests and that the park police has been unexpectedly successful in carrying out the policy of this office to secure enforcement of the regulations without recourse to arrests except when absolutely necessary, is sufficiently shown by the fact that for two years more than 98 per cent of the arrests made by them have been followed by conviction in the courts or by practical admission of guilt on the part of the accused by forfeiture of the collateral put up for appearance in court.

In conclusion it is pointed out that S. 1628 provides for equalizing the salaries of the two police forces, so as to do away with the necessity in the future for such legislation for each, should the pay of either be increased again. The aggregate increase in the annual appropriation involved by the passage of this act at the present time is only $6,400. Similar legislation introduced last year and reported favorably by your committee received the approval of the President through the Director of the Budget.

Very respectfully,

U. S. GRANT, 3d, *Director.*

I ask for the reading of the bill, Mr. Chairman.

The Clerk read the bill for amendment.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House, without amendment, with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LAGUARDIA, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 1628) relating to the Office of Public Buildings and Public Parks in the National Capital, had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, it is now expected that the legislative appropriation bill will be brought in to-morrow and that general debate will be started on that bill immediately.

Mr. GARNER of Texas. Let me ask the gentleman from New York a question, if I may. When does the gentleman expect us to consider legislation with respect to Muscle Shoals, if at all, during this session of Congress? The reason I ask the gentleman the question now is that I recall that the gentleman from New York stated during the last Congress that unless something was done with Muscle Shoals he was going to take it upon himself to at least try to have some legislation enacted. A bill has now passed the Senate and has been reported by the Committee on Military Affairs and is now pending before the Committee on Rules. I have seen this afternoon what purported to be a list of preferred rules. There are four of them, and none of them is with respect to Muscle Shoals. I would like to ask the gentleman, and I think he ought to tell the House and the country, whether he intends to have that legislation considered.

Mr. SNELL. I will say to the gentleman that at the time that preferred rule list was given out the Muscle Shoals bill had not been reported to the House. That was a tentative program, and I do not know of any reason now why we should not follow it out.

Mr. GARNER of Texas. Does the gentleman expect to report a rule for Muscle Shoals legislation at this session in sufficient time for it to be considered at this session with a view to putting it into law?

Mr. SNELL. I was hopeful we could do something with respect to Muscle Shoals at this session, I will say to the gentleman, and that is all I care to say at the present time.

Mr. GARNER of Texas. The gentleman is hopeful he can do that. The gentleman is chairman of the Rules Committee and ought to be able to say whether he is going to bring in a rule or not.

Mr. SNELL. I do not always speak for the whole Rules Committee.

Mr. GARNER of Texas. Will the gentleman as chairman of the Rules Committee make an effort to do so—I will try to bring it down to the personal equation.

Mr. SNELL. Is that all?

Mr. GARNER of Texas. I would like to get an answer if I can. [Laughter.] I want to put the gentleman in the attitude, if I can, of saying whether he intends to carry out what the gentleman promised to do in the last Congress, because it is up to the gentleman to either shoot or give up the gun.

Mr. SNELL. So far as the gentleman from New York is concerned, he has always been anxious to get something done with respect to Muscle Shoals. The gentleman from New York is not in favor of Government ownership of Muscle Shoals. [Applause.] I was hopeful some other kind of bill could be presented to this House and that we could consider it, and I have not yet given up hope; but I will not say now that we will not consider this one.

Mr. BLANTON. Mr. Speaker, may I ask the gentleman from New York whether committee prints of the legislative bill will be available in the morning, or does the gentleman know about that?

Mr. SNELL. I do not know.

Mr. LAGUARDIA. Does the gentleman from New York know whether the conference report on the independent offices bill will be called up in the morning?

Mr. SNELL. I have not heard about that.

POEM BY MR. JOHN ALVIN GARRETT

Mr. CANFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a poem written by Mr. John Alvin Garrett, of Rising Sun, Ind., on the submarine *S-4*.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The poem is as follows:

SUBMARINE "S-4"

Nigh fathom twenty sunk they lie,
Awaiting rescue or to die,
Entrapt inside a submarine
With death approaching on the scene;
The crew compose their minds with dice,
More for the pleasure than the vice.

We pass along upon our way
To seek the pleasures of the day,
Or rack the brain with one concern,
To make to-day a good return
With wealth employed to sell or buy
While valiant men thus bravely die.

Condemn a Cain by court's decree,
We sue the courts to set him free;
And here we pause with sombre grin
To scan the daily bulletin
And read the news with scarce a sigh,
When such brave men with honor die.

A heavy sea does now prevail,
A timely rescue soon must fail;
The air consumed, they gasp for breath,
And faint, and then succumb to death;
And at half mast Old Glory waves
In mourning for these valiant braves.

FARM RELIEF

Mr. COLLIER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution passed by the Legislature of the State of Mississippi in favor of the McNary-Haugen bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COLLIER. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following resolution passed by the Legislature of the State of Mississippi in favor of the McNary-Haugen bill:

Senate Concurrent Resolution 15, to memorialize Congress and urge the Mississippi Members of Congress to pass the McNary-Haugen farm bill

SECTION 1. *Be it resolved by the senate (the house concurring therein)*, That the legislature memorialize Congress and urge the Mississippi Members of Congress to pass the McNary-Haugen farm bill, now up for consideration.

SEC. 2. That a copy of this resolution be mailed to each Member of Congress from Mississippi.

Passed the senate March 12, 1928.

Passed the house of representatives March 22, 1928.

I, Walker Wood, secretary of state of the State of Mississippi, do hereby certify that the above and foregoing is a true and correct copy of Senate Concurrent Resolution 15, Legislature of the State of Mississippi of 1928, as shown by the enrolled act thereof on file in my said office.

Given under my hand and the great seal of the State of Mississippi this the 3d day of April, 1928.

WALKER WOOD,
Secretary of State.

SENATE BILL REFERRED

A bill of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 3598. An act authorizing Dupo Bridge Co., a Missouri Corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Carondelet, Mo.; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 359. An act authorizing the presentation of the iron gates in West Executive Avenue, between the grounds of the State, War, and Navy Building and the White House, to the Ohio State Archeological and Historical Society for the memorial gateways into the Spiegel Grove State Park;

H. R. 8499. An act for the relief of Arthur C. Lueder;

H. R. 10563. An act extending the provisions of the recreational act of June 14, 1926 (44 Stat. L. 741), to former Oregon & California Railroad and Coos Bay Wagon Road grant lands in the State of Oregon;

H. R. 10884. An act to amend the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926; and

H. R. 11579. An act relating to investigation of new uses of cotton.

The SPEAKER also announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 2301. An act to create a commission to be known as the Commission for the Enlarging of the Capitol Grounds, and for other purposes;

S. 3118. An act to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss.;

S. 3119. An act to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and between Madison and Rankin Counties, Miss.;

S. 3435. An act to authorize an appropriation from tribal funds to pay part of the cost of the construction of a road on the Crow Indian Reservation, Mont.; and

S. J. Res. 95. Joint resolution authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant-introduction purposes.

ADJOURNMENT

Mr. ZIHLMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 29 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 10, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, April 10, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WAYS AND MEANS

(10 a. m.)

To authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program and to conclude an agreement for the settlement of the indebtedness of Austria to the United States (H. J. Res. 247).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To regulate interstate commerce by motor vehicles operating as common carriers of persons on the public highways (H. R. 11380).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To provide legal-tender money without interest secured by community noninterest-bearing 25-year bonds for public improvements, market roads, employment of unemployed, building homes for, and financing through community banks organized under State laws, its citizens, farmers, merchants, manufacturers, partnerships, corporations, trusts, or trustees, and for community needs of the United States (H. R. 12288).

COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To provide for the transfer to the Department of the Interior of the public-works functions of the Federal Government (H. R. 8127).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Authorizing the President to negotiate with other nations for agreements and treaties for the protection of American citizens of foreign birth, or parentage, from liability to military service in other countries (H. J. Res. 195).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend and supplement the naturalization laws (H. R. 159).

COMMITTEE ON PATENTS

(10 a. m.—caucus room)

To amend sections 1 (e) and 25 (e) of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909 (H. R. 10655).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To amend the World War veterans' act, 1924 (H. R. 10160).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

429. A letter from the Secretary of War, transmitting report from the Chief of Engineers, United States Army, on preliminary examination and survey of Port Aransas, Tex. (H. Doc. No. 214); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

430. A letter from the Secretary of War, transmitting report from the Chief of Engineers on survey of Caloosahatchee River and Lake Okeechobee drainage areas, Florida, with a view to improvement for navigation and the control of the floods (H. Doc. No. 215); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GILBERT: Committee on the District of Columbia. H. R. 12350. A bill to regulate the separation of juries in felony cases in the District of Columbia; without amendment (Rept. No. 1150). Referred to the House Calendar.

Mr. REECE: Committee on Military Affairs. H. R. 11804. A bill authorizing and directing the Secretary of War to lend to the town of Appalachia, Va., 500 canvas cots, 500 blankets, 1,000 bed sheets, 500 pillows, 500 pillowcases, and 500 mattresses or bed sacks, to be used at the convention of the American Legion, Department of Virginia, to be held at Appalachia, Va., on August 13, 14, and 15, 1928; with amendment (Rept. No. 1151). Referred to the House Calendar.

Mr. REECE: Committee on Military Affairs. H. J. Res. 236. A joint resolution authorizing the Secretary of War to lend tents and camp equipment for the use of the housing committee for the convention of the American Legion for the Department of Washington, to be held at Centralia, Wash., in the month of August, 1928; without amendment (Rept. No. 1152). Referred to the House Calendar.

Mr. PEAVEY: Committee on War Claims. H. J. Res. 194. A joint resolution authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President; without amendment (Rept. No. 1153). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 9046. A bill to amend section 17 of the act of March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," as amended by the act of June 10, 1896; with amendment (Rept. No. 1154). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on the Public Lands. H. R. 9297. A bill authorizing the adjustment of the boundaries of the Olympic National Forest, Wash., and for other purposes; with amendment (Rept. No. 1155). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 11069. A bill to enlarge the boundaries of the Crater National Forest; with amendment (Rept. No. 1156). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 11070. A bill authorizing the adjustment of the boundaries of the Crater National Forest, in the State of Oregon, and for other purposes; with amendment (Rept. No. 1157). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT: Committee on the Public Lands. H. R. 11406. A bill to consolidate or acquire alienated lands in Lassen Volcanic National Park, in the State of California, by exchange; without amendment (Rept. No. 1158). Referred to the Committee of the Whole House on the state of the Union.

Mr. GLYNN: Committee on Military Affairs. H. R. 11758. A bill authorizing the Secretary of War to grant a right of way for a levee through the Chalmette National Cemetery; without amendment (Rept. No. 1159). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 11847. A bill to authorize the acquisition of the Queen Emma and Damon Estates and the Halawa site in the vicinity of Fort Kamehameha, Hawaii, and for other purposes; with amendment (Rept. No. 1160). Referred to the Committee of the Whole House on the state of the Union.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 11953. A bill to authorize the sale under the provisions of the act of March 12, 1926 (Public, No. 45, 69th Cong.), of surplus War Department real property; with amendment (Rept. No. 1161). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. S. 805. An act donating Revolutionary cannon to the New York State Conservation Department; without amendment (Rept. No. 1162). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. J. Res. 237. A joint resolution to provide for eradication of pink bollworm

and authorizing an appropriation therefor; with amendment (Rept. No. 1178). Referred to the Committee of the Whole House on the state of the Union.

Mr. CARTER: Committee on Rivers and Harbors. H. J. Res. 244. A joint resolution authorizing a modification of the adopted project for Oakland Harbor, Calif.; with amendment (Rept. No. 1179). Referred to the Committee of the Whole House on the state of the Union.

Mr. JAMES: Committee on Military Affairs. H. R. 8314. A bill to amend an act of Congress approved March 4, 1927 (Public, No. 795, 69th Cong.), to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War; with amendment (Rept. No. 1180). Referred to the House Calendar.

Mr. GIFFORD: Committee on Elections No. 3. A report in the contested election case of J. Alfred Taylor *v.* E. T. England, from the sixth district of West Virginia. (Report No. 1181.) Referred to the House Calendar.

Mr. SMITH: Committee on the Public Lands. H. R. 12192. A bill authorizing the Secretary of the Interior to accept a deed to certain land and issue patent therefor to the city of Buhl, Twin Falls County, Idaho; without amendment (Rept. No. 1186). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 967. A bill for the relief of George J. Illichevsky; with amendment (Rept. No. 1163). Referred to the Committee of the Whole House.

Mr. STEELE: Committee on Claims. H. R. 3470, a bill granting relief to Havert S. Sealy and Porteus R. Burke; with amendment (Rept. No. 1164). Referred to the Committee of the Whole House.

Mr. CELLER: Committee on the Post Office and Post Roads. H. R. 3949. A bill for the relief of Frank F. Moore; without amendment (Rept. No. 1165). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. H. R. 7061. A bill for the relief of William V. Tynes; with amendment (Rept. No. 1166). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 11741. A bill for the relief of Thomas Edwin Huffman; without amendment (Rept. No. 1167). Referred to the Committee of the Whole House.

Mr. SINCLAIR: Committee on War Claims. H. R. 11764. A bill conferring jurisdiction upon the Court of Claims of the United States or the district courts of the United States to hear, adjudicate, and enter judgment on the claim of A. Roy Knabenshue against the United States for the use or manufacture of an invention of A. Roy Knabenshue, covered by Letters Patent No. 858875, issued by the Patent Office of the United States under date of July 2, 1907; with amendment (Rept. No. 1168). Referred to the Committee of the Whole House.

Mr. MORROW: Committee on the Public Lands. H. R. 12049. A bill to authorize the Secretary of the Interior to sell to W. H. Walker, Ruth T. Walker, and Queen E. Walker, upon the payment of $1.25 per acre, the southeast quarter section 34, township 2 north, range 14 east, Choctaw meridian, Clarke County, Miss.; without amendment (Rept. No. 1169). Referred to the Committee of the Whole House.

Mr. SEARS of Nebraska: Committee on Claims. H. R. 12063. A bill for the relief of the widow of Surg. Mervin W. Glover, United States Public Health Service, deceased; with amendment (Rept. No. 1170). Referred to the Committee of the Whole House.

Mr. SUMNERS of Texas: Committee on the Judiciary. H. R. 12311. A bill to provide for the payment of compensation to William J. Tilson; without amendment (Rept. No. 1171). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 205. An act to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin; without amendment (Rept. No. 1172). Referred to the Committee of the Whole House.

Mr BULWINKLE: Committee on Claims. S. 1368. An act to extend the benefits of the employees' compensation act of September 7, 1916, to Martha A. Hauch; with amendment (Rept. No. 1173). Referred to the Committee of the Whole House.

Mr. WARE: Committee on Claims. S. 1428. An act for the relief of R. Bluestein; without amendment (Rept. No. 1174). Referred to the Committee of the Whole House.

Mr. CELLER: Committee on Claims. S. 2516. An act for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook;* without amendment (Rept. No. 1175). Referred to the Committee of the Whole House.

Mr. CELLER: Committee on Claims. S. 2586. An act for the relief of the owner of the Coast Transit Division barge *No. 4;* without amendment (Rept. No. 1176). Referred to the Committee of the Whole House.

Mr. DRANE: Committee on Naval Affairs. H. R. 10536. A bill granting six months' pay to Anita W. Dyer; without amendment (Rept. No. 1177). Referred to the Committee of the Whole House.

Mr. DREWRY: Committee on Naval Affairs. H. R. 4598. A bill for the relief of Robert Stanley Robertson, jr.; without amendment (Rept. No. 1182). Referred to the Committee of the Whole House.

Mr. DRANE: Committee on Naval Affairs. H. R. 5910. A bill for the relief of Ralph Ole Wright and Varina Belle Wright; without amendment (Rept. No. 1183). Referred to the Committee of the Whole House.

Mr. WOLVERTON: Committee on Naval Affairs. H. R. 5968. A bill for the relief of Byron Brown Ralston; without amendment (Rept. No. 1184). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 4101. A bill for the relief of U. R. Webb; without amendment (Rept. No. 1185). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6912) granting a pension to Elisha H. Long; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8421) granting a pension to Catherine A. Miller; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10679) granting a pension to Susan B. Hancock; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ENGLAND: A bill (H. R. 12806) authorizing J. H. Harvell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across New River at or near McCreery, Raleigh County, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. BLAND: A bill (H. R. 12807) to improve the birthplace of George Washington, at Wakefield, Westmoreland County, Va.; to the Committee on Military Affairs.

By Mr. WARE: A bill (H. R. 12808) for the lease of land and the erection of a post office at Falmouth, Ky., and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. DOMINICK: A bill (H. R. 12809) to permit the United States to be made a party defendant in a certain case; to the Committee on the Judiciary.

By Mr. KINCHELOE: A bill (H. R. 12810) authorizing the Henderson-Ohio River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Henderson, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. DOMINICK: A bill (H. R. 12811) to provide for the appointment of one additional judge for the eastern and western districts of South Carolina; to the Committee on the Judiciary.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 12812) to authorize the Secretary of War to assume the care, custody, and control of the monument to the memory of the soldiers who fell in the Battle of New Orleans, at Chalmette, La., and to maintain the monument and the grounds surrounding it; to the Committee on Military Affairs.

By Mr. ARENTZ: A bill (H R. 12813) providing for the exchange of lands within the limits of railroad grants and within the exterior limits of stock driveways; to the Committee on the Public Lands.

By Mr. FURLOW: A bill (H. R. 12814) to increase the efficiency of the Air Corps; to the Committee on Military Affairs.

By Mr. GOODWIN: A bill (H. R. 12815) to amend section 200 of the World War veterans' act of 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. JENKINS: A bill (H. R. 12816) relating to the immigration of certain relatives of United States citizens and aliens lawfully admitted to the United States; to the Committee on Immigration and Naturalization.

By Mr. KENT: A bill (H. R. 12817) to reimburse the school district of the city of Bethlehem, Pa., for sums advanced on project of the United States Housing Corporation; to the Committee on Claims.

By Mr. WURZBACH: A bill (H. R. 12818) for the improvement of Port Aransas, Tex.; to the Committee on Rivers and Harbors.

By Mr. KENT: A bill (H. R. 12819) to provide for compensation for certain employees of the Panama Canal; for retirement of such employees at certain ages; the method of computation of retirement allowances and payments; acceptance of provisions of the act and for certain contributions to the retirement funds by such employees; to the Committee on the Civil Service.

Also, a bill (H. R. 12820) to amend section 2 of the act relative to naturalization and citizenship of married women, approved September 22, 1922; to the Committee on Immigration and Naturalization.

By Mrs. ROGERS: A bill (H. R. 12821) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitilization under the World War veterans' act, 1924, as amended, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. SCHNEIDER: A bill (H. R. 12822) to amend the naturalization laws in respect of certificates of arrival; to the Committee on Immigration and Naturalization.

By Mr. LUCE: Joint resolution (H. J. Res. 265) authorizing the President of the United States to accept a monumental urn to be presented by the Republic of Cuba and providing for its erection on an appropriate site on the public grounds in the city of Washington, D. C.; to the Committee on the Library.

By Mr. PORTER: Joint resolution (H. J. Res. 266) authorizing an appropriation of $100,000 for the expenses of participation by the United States in the International Conference for the Revision of the Convention of 1914 for the Safety of Life at Sea, to be held in London, England, in 1929; to the Committee on Foreign Affairs.

By Mr. JOHNSON of Oklahoma: Joint resolution (H. J. Res. 267) to authorize an appropriation to pay tuition of restricted Indian children enrolled in the public schools of the State of Oklahoma; to the Committee on Indian Affairs.

By Mr. REED of New York: Resolution (H. Res. 159) providing for the consideration of H. R. 12241, a bill to provide for the further development of vocational education in the several States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 12823) granting a pension to Thomas G. Nesseth; to the Committee on Pensions.

By Mr. BEERS: A bill (H. R. 12824) granting an increase of pension to Fannie S. McMullin; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 12825) granting a pension to Sarah G. Stanfield; to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 12826) granting a pension to Asa T. Fowler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12827) granting an increase of pension to Oliver Ellis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12828) granting an increase of pension to George P. Thomas; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 12829) granting an increase of pension to John H. Helser; to the Committee on Pensions.

Also, a bill (H. R. 12830) for the relief of Arthur D. Martin, alias Dewey Arthur Martin and Arthur Martin; to the Committee on Military Affairs.

By Mr. CORNING: A bill (H. R. 12831) granting an increase of pension to Jennie H. Owen; to the Committee on Invalid Pensions.

By Mr. DOUGLAS of Arizona: A bill (H. R. 12832) granting a pension to Mary J. Smith; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 12833) granting a pension to Frances A. Dodsworth; to the Committee on Invalid Pensions.

By Mr. FISHER: A bill (H. R. 12834) to correct the military record of James W. Smith; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 12835) granting an increase of pension to Kathryn Hately; to the Committee on Pensions.

By Mr. FURLOW: A bill (H. R. 12836) granting an increase of pension to Eunice J. Brooks; to the Committee on Invalid Pensions.

By Mr. GOODWIN: A bill (H. R. 12837) to provide for the payment of compensation under the World War veterans' act, 1924, as amended, to Hugh M. Hutton; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 12838) granting a pension to Irving A. Caswell; to the Committee on Pensions.

By Mr. HILL of Washington: A bill (H. R. 12839) granting an increase of pension to Beckie E. Hyman; to the Committee on Pensions.

By Mr. HOLADAY: A bill (H. R. 12840) to correct the military record of Arthur Borders; to the Committee on Military Affairs.

By Mr. HOOPER: A bill (H. R. 12841) granting a pension to Mary Claflin Wagner; to the Committee on Invalid Pensions.

By Mr. HOWARD of Nebraska: A bill (H. R. 12842) granting a pension to Jesse Mansfield; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 12843) granting an increase of pension to Matilda J. Price; to the Committee on Invalid Pensions.

By Mr. KINDRED: A bill (H. R. 12844) to amend the naval record of John M. Reber; to the Committee on Naval Affairs.

By Mr. KNUTSON: A bill (H. R. 12845) granting a pension to Annie Luther; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 12846) granting a pension to Sarah A. Elliott; to the Committee on Invalid Pensions.

By Mr. McMILLAN: A bill (H. R. 12847) granting a pension to Mary C. Judson; to the Committee on Pensions.

By Mr. MANLOVE: A bill (H. R. 12848) granting a pension to Charles W. Gaffield; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 12849) granting a pension to Martha A. Perra; to the Committee on Pensions.

By Mr. MILLIGAN: A bill (H. R. 12850) granting a pension to Martha J. Gallop; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 12851) granting an increase of pension to Robert F. Davis; to the Committee on Pensions.

By Mr. RAGON: A bill (H. R. 12852) for the relief of H. L. Remmel; to the Committee on Claims.

By Mr. REECE: A bill (H. R. 12853) granting a pension to Sarah Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12854) granting a pension to Cordelia Stokes; to the Committee on Pensions.

Also, a bill (H. R. 12855) for the relief of William T. Testerman; to the Committee on the Civil Service.

Also, a bill (H. R. 12856) granting an increase of pension to Isaac Trent; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 12857) granting a pension to Louisa Ball; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12858) granting a pension to Sarah E. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12859) granting a pension to William T. Clark; to the Committee on Pensions.

Also, a bill (H. R. 12860) granting a pension to Ellen Ellison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12861) granting an increase of pension to Nancy Napier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12862) granting an increase of pension to Nancy B. Stockton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12863) granting an increase of pension to William M. Edwards; to the Committee on Pensions.

Also, a bill (H. R. 12864) granting an increase of pension to Darthulia E. Rice; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 12865) granting an increase of pension to Nellie L. Cluff; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 12866) granting a pension to David Marple; to the Committee on Invalid Pensions.

By Mr. SUMNERS of Texas: A bill (H. R. 12867) granting an honorable discharge to Pierce Dale Jackson; to the Committee on Military Affairs.

By Mr. SWICK: A bill (H. R. 12868) granting an increase of pension to Sarah A. Longwell; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 12869) granting a pension to Minnie E. Simmons; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 12870) granting a pension to Catharine Browning; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 12871) for the relief of Maj. Charles F. Eddy; to the Committee on Claims.

By Mr. VINCENT of Michigan: A bill (H. R. 12872) granting a pension to Sarah P. Richardson; to the Committee on Invalid Pensions.

By Mr. WINTER: A bill (H. R. 12873) granting an increase of pension to Mary J. Wood; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 12874) granting an increase of pension to Gertrude Schoeninger; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6565. By Mr. BEERS: Petition of citizens of Huntingdon, Pa., favoring enactment of legislation better to provide for the veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

6566. By Mr. BOWMAN: Petition from Albright, W. Va., urging further relief to Civil War veterans and dependents; to the Committee on Invalid Pensions.

6567. By Mr. CANFIELD: Petition of Ida Slater and 124 other citizens of Madison, Ind., urging the passage of legislation granting increases in pension to all Civil War soldiers and their widows; to the Committee on Invalid Pensions.

6568. By Mr. CARTER: Petition of J. T. Bruce, and many others, of Oakland, Calif., urging the passage of legislation increasing the pension of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6569. Also, petition of Lyon Post No. 8, Grand Army of the Republic, of Oakland, Calif., urging the passage of legislation increasing the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6570. Also, petition of Stella McKerney, and many others, of Oakland, Calif., urging the passage of legislation granting increase of pension to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6571. Also, petition of Lulu A. Anderson and many others, of Oakland, Calif., urging the passage of legislation granting increased pension to the veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6572. By Mr. CRAMTON: Memorial of the Michigan State Federation of Women's Clubs, urging favorable action on the so-called George-Reed bill, providing for the further development of vocational education in the several States; to the Committee on Education.

6573. By Mr. CURRY: Petition of citizens of third California district, for a Civil War pension bill for the relief of veterans and their widows; to the Committee on Invalid Pensions.

6574. By Mr. DAVENPORT: Petition of citizens of New York State, advocating a bill to increase the pensions of veterans and the wives of veterans of the Civil War; to the Committee on Invalid Pensions.

6575. By Mr. DRANE: Petition of citizens of Tampa and Lakeland, Fla., asking for legislation increasing pensions for Civil War veterans; to the Committee on Invalid Pensions.

6576. By Mr. ENGLEBRIGHT: Petition of M. J. Williams and other citizens, of Yreka, Calif., protesting against House bill 78; to the Committee on the District of Columbia.

6577. Also, petition of citizens of Shasta County, Calif., favoring increase of pensions for veterans and widows of the Civil War; to the Committee on Invalid Pensions.

6578. Also, petition of Loduska Williams, Westwood, Calif., and other citizens of the same place, urging increase of pensions for the veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6579. By Mr. ESLICK: Petition of Rebecca Cassidy and others, of Crestview, Tenn.; to the Committee on Pensions.

6580. By Mr. EVANS of Montana: Petition of Mrs. N. C. Miles and other residents of Superior, Mont., urging increase in pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6581. By Mr. ROY G. FITZGERALD: Petition of 125 citizens of Middletown, Butler County, Ohio, praying for the passage of a bill to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6582. By Mr. GARBER: Petition of Post No. 54, American Legion, Chickasha, Okla., in support of House bill 500, retirement bill for disabled emergency officers; to the Committee on World War Veterans' Legislation.

6583. Also, petition of Post No. 107, of the American Legion, Waurika, Okla., in support of Fitzgerald bill (H. R. 500), retirement bill for disabled emergency officers; to the Committee on World War Veterans' Legislation.

6584. Also, petition of residents of Muskogee, Okla., in support of Fitzgerald bill (H. R. 500) for retirement of disabled emergency Army officers of the World War; to the Committee on World War Veterans' Legislation.

6585. By Mr. GOODWIN: Petition of L. M. Harckom, 3808 Seventeenth Avenue South, Minneapolis, Minn., and 19 other residents of Minneapolis, protesting against the enactment of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

6586. Also, petition of Mrs. H. A. Schneckloth and 16 other residents of Maple Plain, Minn., voicing their opposition to the enactment into law of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

6587. By Mr. GRIEST: Petition of residents of Lancaster County, Pa., advocating enactment of a law increasing rates of pension for Civil War survivors and their dependents; to the Committee on Invalid Pensions.

6588. By Mr. HAWLEY: Petition of residents of Ashland, Oreg., urging an increase in pensions for Civil War veterans; also of residents of Grants Pass and Newberg, Oreg.; to the Committee on Invalid Pensions.

6589. By Mr. HUDSON: Petition of citizens of Royal Oak, Mich., urging the enactment of House bill 11, sometimes known as the fair trade act; to the Committee on Interstate and Foreign Commerce.

6590. By Mr. HUDSPETH: Petition of citizens of El Paso, Tex., protesting against passage of the Sunday observance bill; to the Committee on the District of Columbia.

6591. By Mr. HUDSON: Petition of citizens of Flint and Pontiac, Mich., protesting against the enactment of House bill 78, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

6592. Also, petition of citizens of Detroit, Mich., urging the enactment of House bill 78, known as the Lankford Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

6593. Also, petition of citizens of Flint, Pontiac, and Orion, Mich., urging the enactment of legislation looking toward more liberal laws affecting veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6594. By Mr. JOHNSON of Texas: Petition of E. B. Baltzegar, assistant cashier Powell State Bank, and Mary E. Adams, postmaster, Powell, Tex., indorsing House bill 7900; to the Committee on Rules.

6595. By Mr. KINDRED: Resolution of the New York State Federation of Women's Clubs, urging the Congress of the United States to take early and favorable action upon the Hawes-Cooper bill; to the Committee on Labor.

6596. By Mr. KNUTSON: Petition signed by P. J. Buesseler, of Hillman, Minn., and others, to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6597. By Mr. KORELL: Petition of citizens of Portland, Oreg., urging increased pensions for Civil War soldiers and widows; to the Committee on Invalid Pensions.

6598. By Mr. KVALE (by request): Petition of L. T. Andrew, Tracy, Minn., protesting against the passage of Senate bill 1752; to the Committee on the Post Office and Post Roads.

6599. By Mr. MAPES: Petition of Nancy Langstaff and 75 other residents of Kent County, Mich., recommending the enactment by Congress of additional legislation for the benefit of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6600. By Mr. MICHENER: Petition of sundry citizens of Michigan, urging the passage of a Civil War pension bill providing increased pensions to Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6601. Also, petition of sundry citizens of Michigan, protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

6602. By Mr. MILLER: Petition of citizens of Seattle, Wash., favoring passage of increased pension bills for veterans and widows of Civil War; to the Committee on Invalid Pensions.

6603. By Mr. MORROW: Petition of Cotton Growers' Conference, Memphis, Tenn., March 30, 1928, indorsing House joint resolution 237, providing for the eradication of the pink bollworm, and authorizing an appropriation therefore which contemplates full Federal compensation to growers; initial appropriation of $5,000,000 recommended; to the Committee on Agriculture.

6604. By Mr. O'CONNELL: Petition of Federated Agricultural Trades of America, Chicago, Ill., with reference to the McNary-Haugen bill; to the Committee on Education.

6605. Also, petition of the Brooklyn Division, Greater New York Branch, League of Nations Nonpartisan Association, New York City, favoring the passage of the Capper resolution, providing for the renunciation of war as an instrument of national policy, and also the Burton resolution relating to the exportation of arms, munitions, or implements of war; to the Committee on Foreign Affairs.

6606. Also, petition of the Chamber of Commerce of the State of New York, favoring the passage of House bill 11886 and Senate bill 3721, for the creation of captain of the port of New York; to the Committee on Interstate and Foreign Commerce.

6607. Also, petition of Innis, Speiden & Co., New York City, favoring the passage of the Columbia Basin project bill (H. R. 7029); to the Committee on Irrigation and Reclamation.

6608. By Mr. QUAYLE: Petition of Innis, Speiden & Co., of New York, urging the passage of House bill 7029; to the Committee on Irrigation and Reclamation.

6609. Also, petition of American Legion, Newport Post, No. 7, of Newport, R. I., urging the passage of House bill 12030; to the Committee on Naval Affairs.

6610. Also, petition of Camp Shirley, No. 4, United Spanish War Veterans, Department of New Hampshire, urging the passage of House bill 12030; to the Committee on Naval Affairs.

6611. Also, petition of Brooklyn Division of the League of Nations Nonpartisan Association, approving Senator CAPPER'S resolution providing for the renunciation of war as an instrument of national policy and also of the approval of Congressman BURTON'S resolution relating to the exportation of arms, munitions, or implements of war to any nation which is engaged in war; to the Committee on Foreign Affairs.

6612. Also, petition of National League of Women Voters, of Washington, D. C., with reference to Senate Joint Resolution 46, Muscle Shoals; to the Committee on Military Affairs.

6613. Also, petition of the Baugh & Sons Co., Baltimore, Md., protesting against the Government going into the fertilizer business and therefore in particular protest against the House Military Affairs Committee's substitute for the Norris bill; to the Committee on Military Affairs.

6614. Also, petition of Federated Agricultural Trades of America, of Chicago, Ill., opposing the McNary-Haugen bill; to the Committee on Agriculture.

6615. By Mr. RATHBONE: Petition of approximately 50 signers, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6616. By Mr. REID of Illinois: Petition of Leva A. P. Simonds and numerous citizens of Elgin, Ill., praying that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6617. By Mr. ROBINSON of Iowa: Petition signed by Sarah E. Bales and about 65 other citizens of Eldora, Iowa, advocating a pension bill carrying the following provisions: $72 per month for every Civil War survivor, $125 per month for every Civil War survivor requiring aid and attendance, and $50 per month for every Civil War widow; to the Committee on Invalid Pensions.

6618. By Mr. ROMJUE: Petition of G. W. Sharp, Jas. W. Billington, et al., of Stahl, Mo., for passage of Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6619. By Mr. RUBEY: Petition of citizens of Laclede County, Mo., in behalf of more liberal pension laws for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6620. By Mr. SELVIG: Petition of Mrs. H. B. Young, of Holt, Minn., urging the passage of the Stalker bill (H. R. 9588) for enforcing the dry laws; to the Committee on the Judiciary.

6621. Also, petition of Mary Bamford and 5 other residents of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6622. Also, petition of J. S. Brown and other residents of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6623. Also, petition of 30 members of the St. Hilaire Woman's Christian Temperance Union, Selma O. Hoff, secretary, of St. Hilaire, Minn., urging the enactment of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6624. Also, petition of Mr. and Mrs. William Karstad, residents of Thief River Falls, Minn., urging the passage of House bill 9588, the Stalker bill; to the Committee on the Judiciary.

6625. By Mr. SINNOTT: Petition of numerous citizens of Jefferson County, Oreg., in favor of an increase of pension for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6626. By Mr. SMITH: Petition signed by 86 residents of Boise, Idaho, indorsing the enactment of legislation increasing the pension of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6627. Also, petition signed by R. L. Sutcliffe and 103 other residents of Butte County, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

6628. Also, petition signed by Mrs. George Moser and 90 other residents of Burley, Idaho, urging the enactment of House bill 9588, to amend the prohibition act; to the Committee on the Judiciary.

6629. By Mr. STRONG of Pennsylvania: Petition of citizens of Templeton, Pa., and vicinity, urging prompt action on pension legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6630. By Mr. SWING: Petition of citizens of Riverside, Calif., in behalf of the Civil War pension bill for the relief of veterans and their widows; to the Committee on Invalid Pensions.

6631. By Mr. THURSTON: Petition of nine citizens of Athelstan, Page County, Iowa, requesting the Congress to enact legislation increasing the pension of veterans and their dependents; to the Committee on Invalid Pensions.

6632. By Mr. WHITE of Colorado: Petition of the public utilities commission of the State of Colorado, urging the enactment of House bill 11363, to investigate certain practices of the American Telephone & Telegraph Co. and its subsidiary; to the Committee on Interstate and Foreign Commerce.

6633. By Mr. WILLIAMS of Missouri: Petition of Mrs. Gail E. Jackson et al., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Pensions.

6634. Also, petition of Perry Pratt et al., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Pensions.

6635. Also, petition of Charles E. Stout et al., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Pensions.

6636. By Mr. WINGO: Petition of certain citizens of Ursula and Charleston, Ark., advocating increase in pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6637. By Mr. ZIHLMAN: Petition of Harriet J. Wright and other residents of Altamont, Md., urging early action on the Civil War pension bill; to the Committee on Invalid Pensions.

SENATE

TUESDAY, *April 10, 1928*

(Legislative day of Monday, April 9, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 1628) relating to the office of Public Buildings and Public Parks of the National Capital.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9829) to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands."

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Bruce	Fess	Harrison
Barkley	Capper	Fletcher	Hawes
Bayard	Caraway	Frazier	Hayden
Bingham	Copeland	Gerry	Heflin
Black	Couzens	Glass	Jones
Blaine	Curtis	Goff	Kendrick
Blease	Cutting	Gooding	Keyes
Borah	Dale	Gould	King
Bratton	Dill	Greene	La Follette
Brookhart	Edge	Hale	McKellar
Broussard	Edwards	Harris	McLean

McMaster	Phipps	Shortridge	Tyson
McNary	Pine	Simmons	Vandenberg
Mayfield	Pittman	Smith	Wagner
Metcalf	Ransdell	Smoot	Walsh, Mass.
Moses	Reed, Pa.	Steck	Walsh, Mont.
Neely	Robinson, Ind.	Steiwer	Warren
Norbeck	Sackett	Stephens	Waterman
Nye	Schall	Swanson	Watson
Oddie	Sheppard	Thomas	Wheeler
Overman	Shipstead	Tydings	

Mr. MCNARY. I wish to announce that the senior Senator from California [Mr. JOHNSON] is absent on account of illness.

Mr. CARAWAY. I desire to announce that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is necessarily detained by illness in his family. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following resolution of the Legislature of the State of New York, which was referred to the Committee on Commerce:

IN SENATE, STATE OF NEW YORK,
Albany, March 5, 1928.

Whereas the project of an all-American ship canal across the State of New York, connecting the Great Lakes with the Atlantic Ocean, continues to be a subject of public agitation and discussion and is of deep concern to the people of the State of New York and to the Nation at large; and

Whereas in the consideration of such project it has been urged that the route of the present Erie Barge Canal should generally be followed in the construction of the work; and

Whereas many populous communities exist along such route and many industrial establishments have for years been maintained thereon that would be served and benefited by such a ship canal; and

Whereas the work being done by the General Government in making a deeper channel in the Hudson River and the establishment of a port at Albany are well under way; and

Whereas the confluence of the Erie Barge Canal and of the Champlain Barge Canal is at the head of tidewater in the Hudson River at Troy: Now, therefore, be it

Resolved (if the assembly concur), That if the Federal Government shall decide to build a ship canal across the State of New York and the constitution of this State shall be amended in the prescribed manner, so as to permit of the transfer to that Government of the existing Erie Barge Canal as a part of a national waterways route, it is the earnest recommendation of the legislature of this State that the eastern portion of such ship canal shall be built to follow the historic route of the Mohawk River and the Erie Barge Canal to the head of tidewater in the Hudson River at Troy, thus securing the advantages of existing canal structures and the continued serving and further development of the municipalities and the numerous important industries now established both along such route and in and between the cities of Albany, Troy, Schenectady, Watervliet, Rensselaer, and Cohoes; and be it further

Resolved, That a copy of this resolution be transmitted by the clerk of this senate to each United States Senator and Representative in Congress from the State of New York.

By order of the senate,

ERNEST A. FAY, *Clerk.*

In assembly, March 21, 1928.
Concurred in without amendment.
By order of the assembly,

FRED W. HAMMOND, *Clerk.*

The VICE PRESIDENT also laid before the Senate a resolution of the Central Labor Union of Washington, D. C., which was referred to the Committee on the District of Columbia and ordered to be printed in the RECORD, as follows:

Whereas there is now pending in the Senate of the United States a bill (H. R. 8298) proposing to move the farmers' produce market now operated by the District of Columbia, and to limit the business on said market to wholesale transactions only; and

Whereas the said farmers' produce market as now conducted permits both retail and wholesale business, and is of vast direct benefit to the people of the District of Columbia by reason of—

1. Retail buying done there by consumers;

2. Its stabilizing effect on food prices throughout the District of Columbia and vicinity;

3. Preventing a monopoly in the storage and distribution of our food supply; and

Whereas it has been estimated that consumers buy at retail direct from the farmers on said market food amounting to approximately $600,000 per year at an average saving of over $150,000 per year; and

Whereas if retail sales are prohibited on said market all of said benefits to the public who now enjoy the privilege of buying at retail from the farmers will be lost, thereby increasing the already high cost of living; and

Whereas the people of the District of Columbia want and need a retail produce farmers' market easily accessible with adequate transportation facilities as near as practicable to the geographical center and center of population; and

Whereas the Terminal Refrigerating & Warehousing Co., the Potomac Freight Terminal Co., and the Pennsylvania Railroad Co. have successfully lobbied through the House of Representatives and the District Committee of the Senate the above bill restricting the farmers' market to wholesale operations, and designating as its future location the very extreme southwest edge of the District of Columbia on land directly opposite a public school and adjoining their own property, which they, of course, desire to sell or rent (but control) to commission men and others for their own financial gain and benefit, but to the detriment to the rights, welfare, and interests of the wage earners of the District and vicinity; and

Whereas the farmers who stand on the farmers' market are practically unanimous in their demand for retail privileges at some convenient and accessible location both for them and their customers; and

Whereas the present local situation is an exact miniature replica of the class struggle going on throughout the entire United States where small but powerful and well-organized financial interests are gradually obtaining control of the supply and distribution of the necessities of life to the detriment of and against the protests of the great masses of farmers and consumers; and

Whereas the above bill if enacted into law would be class legislation in that it not only takes rights and privileges from but imposes hardships and burdens upon our unrepresented masses and benefits only big business and the money classes, thereby again emphasizing how helpless and inarticulate we are without District suffrage and representation: Now, therefore, be it

Resolved, That the Central Labor Union of Washington, D. C., go on record as opposed to the passage of the bill now pending before the Senate, and that the secretary be authorized and directed to forward a copy of these resolutions to the President of the United States, to the Vice President of the United States (with the request that it be inserted in the CONGRESSIONAL RECORD), to each Member of the Senate, and to the Commissioners of the District of Columbia.

Mr. BRUCE presented a petition of sundry citizens of Baltimore, Md., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WARREN presented resolutions adopted by the Lions Clubs of Kemmerer and Torrington; by Washakie Post, No. 61, the American Legion, of Pavillion, and of Jacksons Hole Post, No. 43, the American Legion, of Jackson, all in the State of Wyoming, favoring the passage of legislation to provide for aided and directed settlement on Federal reclamation projects, which were referred to the Committee on Irrigation and Reclamation.

Mr. WALSH of Massachusetts presented numerous telegrams in the nature of memorials from sundry citizens and business firms of Boston, Newton Highlands, and Watertown, all in the State of Massachusetts, remonstrating against the passage of Senate bill 3555, the so-called McNary-Haugen farm relief bill, which were ordered to lie on the table.

He also presented letters and papers in the nature of petitions signed by members of the Young Women's Christian Association and the Rooming House Association, of Boston, also by sundry citizens of Boston, Allston, Chelsea, Brookline, Cambridge, Quincy, Winchester, Reading, and North Wilmington, all in the State of Massachusetts, praying for the passage of Senate Joint Resolution 122, providing for the reuniting of families of alien declarants, which were referred to the Committee on Immigration.

Mr. NORBECK presented a telegram from a committee of the Spink County Farmers Union at Redfield, S. Dak., which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

REDFIELD, S. DAK., *March 19, 1928.*

Senator PETER NORBECK,
United States Senate:

Spink County Farmers Union in session here to-day instructs committee to wire you support Capper-Hope stockyard bill. Union meeting at Mitchell March 14 representative of entire State, also requested your support of bill and instructed Spink County delegation to wire you. Same committee.

CLAUS ZOODSMA.
J. MOORE.
GLEN RICHARDS.

REPORTS OF COMMITTEES

Mr. BAYARD, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 343) for the relief of Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebrand, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison (Rept. No. 756);

A bill (S. 3030) for the relief of Southern Shipyard Corporation (Rept. No. 757); and

H. R. 7518. An act for the relief of the Farmers' National Bank, of Danville, Ky. (Rept. No. 758).

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 605) for the relief of Capt. Clarence Barnard (Rept. No. 759); and

A bill (S. 2438) for the relief of the firm of M. Levin & Sons (Rept. No. 760).

Mr. BLACK, from the Committee on Claims, to which was referred the bill (H. R. 9902) for the relief of James A. De Loach, reported it without amendment and submitted a report (No. 761) thereon.

He also, from the same committee, to which was referred the bill (S. 2291) for the relief of certain seamen who are judgment creditors of the Black Star Line (Inc.) for wages earned, reported it with amendments and submitted a report (No. 762) thereon.

Mr. BLAINE, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and summitted reports thereon:

H. R. 6844. An act concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto (Rept. No. 763); and

H. R. 6856. An act relating to the payment or delivery by banks or other persons or institutions in the District of Columbia of deposits of money and property held in the names of two or more persons, and for other purposes (Rept. No. 764).

Mr. METCALF, from the Committee on Patents, to which was referred the bill (H. R. 6103) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for fiscal year ending June 30, 1884," and for other purposes, reported it without amendment and submitted a report (No. 765) thereon.

Mr. WATERMAN, from the Committee on Claims, to which were referred the following bills, reported them adversely and submitted reports thereon:

A bill (S. 1215) for the relief of Helen F. Griffin (Rept. No. 766); and

A bill (S. 1552) for the relief of Thomas J. Roff (Rept. No. 767).

Mr. STEIWER, from the Committee on the Judiciary, to which was referred the bill (S. 2901) to amend the national prohibition act, as amended and supplemented, reported it with amendments and submitted a report (No. 768) thereon.

He also, from the Committee on Claims, to which was referred the bill (S. 3314) for the relief of John J. Fitzgerald, reported it with an amendment and submitted a report (No. 769) thereon.

Mr. CUTTING, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3744) to authorize the leasing of public lands for use as public aviation fields, reported it without amendment and submitted a report (No. 770) thereon.

Mr. EDGE, from the Committee on Interoceanic Canals, to which was referred the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal, reported it with amendments and submitted a report (No. 771) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 3814) to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J., reported it without amendment and submitted a report (No. 772) thereon.

He also, from the same committee, to which was referred the bill (H. R. 7184) authorizing J. L. Rowan, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Shawneetown, Ill., reported it with an amendment and submitted a report (No. 773) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 3808) to authorize the construction of a temporary railroad bridge across Bogue Chitto River at a point in township 5 south, range 6 east, St. Tammany Parish, La. (Rept. No. 774); and

A bill (S. 3837) authorizing the West Kentucky Bridge & Transportation Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Henderson, Ky. (Rept. No. 775).

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 2301. An act to create a commission to be known as the commission for the enlarging of the Capitol Grounds, and for other purposes;

S. 3118. An act to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss.;

S. 3119. An act to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and between Madison and Rankin Counties, Miss.;

S. 3435. An act to authorize an appropriation from tribal funds to pay part of the cost of the construction of a road on the Crow Indian Reservation, Mont.; and

S. J. Res. 95. Joint resolution authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant-introduction purposes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 3976) to renew and extend certain letters patent; to the Committee on Patents.

By Mr. WAGNER:

A bill (S. 3977) for the relief of James E. Fraser; to the Committee on Claims.

By Mr. DALE:

A bill (S. 3978) granting an increase of pension to Marie L. Couture (with accompanying papers); to the Committee on Pensions.

By Mr. FESS:

A bill (S. 3979) granting an increase of pension to Larella Severs; to the Committee on Pensions.

By Mr. EDGE:

A bill (S. 3981) for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy; and

A bill (S. 3982) to amend the naval record of John M. Reber; to the Committee on Naval Affairs.

A bill (S. 3983) granting a pension to John Brennan; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3984) to authorize T. V. O'Connor, president United States Shipping Board Merchant Fleet Corporation, to accept a decoration from the Government of the Kingdom of Rumania; to the Committee on Foreign Relations.

By Mr. WALSH of Massachusetts:

A bill (S. 3985) granting a pension to Mary E. Barnes;

A bill (S. 3986) granting a pension to Michael Collins; and

A bill (S. 3987) granting an increase of pension to Josephine L. Pierce; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 3988) granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, their successors and assigns, to construct, maintain, and operate, or to cause to be constructed, maintained, and operated under franchise granted by them, a free bridge across Santa Rosa Sound, in the State of Florida;

A bill (S. 3989) granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, their successors and assigns, to construct, maintain, and operate, or to cause to be constructed, maintained, and operated under franchises granted by them, a toll bridge across Pensacola or Escambia Bay, in the State of Florida; and

A bill (S. 3990) granting the consent of Congress to the boards of county commissioners of the counties of Escambia, Fla., and Baldwin, Ala., their successors and assigns, to construct, maintain, and operate, or to cause to be constructed, maintained, and operated under franchises granted by them, a toll bridge across Perdido Bay, in the States of Florida and Alabama; to the Committee on Commerce.

A bill (S. 3991) declaring certain designated purposes with respect to certain parts of Santa Rosa Island in Florida to be "public purposes" within the meaning of the proviso in section 7 of the act approved March 12, 1926, entitled "An act author-

izing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes"; to the Committee on Military Affairs.

By Mr. WATSON:

A bill (S. 3992) to regulate interstate commerce by motor vehicles operating as common carriers of persons on the public highways; to the Committee on Interstate Commerce.

A bill (S. 3993) granting an increase of pension to Anna Russ; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 3994) for the relief of Herman O. Kruschke; to the Committee on Military Affairs.

A bill (S. 3995) for the relief of Gustaf A. Carlson, Alfred Anderson, Claude H. Siems, Nick F. Helmers, and Rome A. Schaffner, of Spokane, Wash., copartners, doing business under the firm name of Siems & Carlson; to the Committee on Claims.

By Mr. FRAZIER:

A bill (S. 3996) granting a pension to Marcullus Red Tomahawk;

A bill (S. 3997) granting a pension to Hugh Swifthawk;

A bill (S. 3998) granting a pension to Thomas Stoneman;

A bill (S. 3999) granting a pension to Eugene Littlesoldier;

A bill (S. 4000) granting a pension to William Redbear;

A bill (S. 4001) granting a pension to Daniel Ojinca (Bobtail Bull);

A bill (S. 4002) granting a pension to Leo Bear Weasel;

A bill (S. 4003) granting a pension to Gabriel Grayeagle;

A bill (S. 4004) granting a pension to Antoine Onefeather;

A bill (S. 4005) granting a pension to Joseph Whitebird;

A bill (S. 4006) granting a pension to Oliver Looking Elk, sr.;

A bill (S. 4007) granting a pension to Walcott Shootswalking (or Wakutemani);

A bill (S. 4008) granting a pension to Jacob Crossbear;

A bill (S. 4009) granting a pension to Joseph Paints Brown;

A bill (S. 4010) granting a pension to Mary Brownman;

A bill (S. 4011) granting a pension to Mary Loneman; and

A bill (S. 4012) granting a pension to Martina Goodelk; to the Committee on Pensions.

By Mr. BARKLEY:

A bill (S. 4013) authorizing the Henderson-Ohio River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Henderson, Ky.; to the Committee on Commerce.

By Mr. ROBINSON of Indiana:

A bill (S. 4014) granting a pension to John O. White (with accompanying papers); to the Committee on Pensions.

LIMIT TO WORK OF RAILROAD EMPLOYEES

Mr. DILL. Mr. President, I desire to introduce a bill to limit the number of days that a man may be consecutively employed on a railroad. At the present time there is no provision of law that prohibits the railroad companies from employing men consecutively as long as they please. I think that is a dangerous practice, and I ask that the bill which I introduce may be printed in the RECORD.

The bill (S. 3980) to provide a six-day week for railroad employees was read twice by its title, referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That after the passage of this act no employee of any railroad engaged in interstate commerce in the United States shall be required to work more than six days per week consecutively except when the superintendent of any railway division or some higher railroad official shall declare an emergency exists, and in no case shall any employee be compelled to work more than 13 days consecutively, and every railroad employee shall be permitted at least four days of rest out of each calendar month of the year: *Provided*, That the monthly rate of pay of railroad employees shall not be decreased because of the provisions of this law.

AMENDMENT TO TAX REDUCTION BILL—PACKING OF CIGARS

Mr. McLEAN submitted an amendment intended to be proposed by him to House bill 1, the tax reduction bill, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO FARM RELIEF BILL

Mr. NEELY submitted an amendment intended to be proposed by him to Senate bill 3555, the farm relief bill, which was ordered to lie on the table and to be printed.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL

Mr. PHIPPS submitted an amendment authorizing and directing the Secretary of the Senate and Clerk of the House of Representatives to reimburse from the contingent funds of the Senate and House, respectively, until otherwise provided for, to one clerk or to one assistant clerk to each Senator and/or Representative, or to one clerk or assistant clerk to each committee of the Senate and to each committee of the House, such amounts as may be necessarily paid by said clerk or assistant clerk for railroad fare, Pullman charges, meals en route, tips, porterage, and similar minor expenses of travel, from Washington, D. C., to the place of residence in the State of the Senator or Representative by whom employed, at the time such trip is made, and return therefrom, etc., intended to be proposed by him to the legislative appropriation bill for the fiscal year 1929, which was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS OF SETTLERS IN LAKE COUNTY, FLA.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 5695) authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, and in sections 7, 8, 17, 18, 19, 30, 31, township 19 south, range 27 east, Tallahassee meridian, Lake County, in the State of Florida, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

HARRIMAN GEOGRAPHIC CODE SYSTEM

Mr. MOSES submitted the following concurrent resolution (S. Con. Res. 15), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate and the Clerk of the House of Representatives hereby are authorized and directed to pay out of the contingent funds of the Senate and House of Representatives, respectively, the sum of $2,000, or so much thereof as may be required, one half of said sum to be paid by the Secretary of the Senate, the remaining half by the said Clerk of the House upon vouchers duly approved by the chairman of the joint committee of both Houses authorized by Senate Joint Resolution 110, Public Resolution 70, Sixty-ninth Congress, to consider the purchase of the right to an unrestricted use of the Harriman Geographic Code System under patents issued, or that may be issued, and also the unrestricted use of the copyrights issued, or that may be issued, in connection with the products of the Harriman Geographic Code System, for all governmental, administrative, or publication purposes for which the same may be desirable.

DIPLOMATIC RELATIONS WITH TURKEY

Mr. KING submitted the following resolution (S. Res. 194), which was ordered to lie on the table:

Whereas by treaty of commerce and navigation concluded May 7, 1830, proclaimed February 4, 1832; by treaty of commerce and navigation concluded February 25, 1862, proclaimed July 2, 1862; by extradition treaty concluded August 11, 1874, proclaimed May 26, 1875; and by protocol on right to hold real estate in Turkey, proclaimed October 29, 1874, provision was made for the regulation of relations between the United States of America and Turkey; and

Whereas by Title XLVII of the Revised Statutes, and particularly section 4125 thereof, the Congress provided legislation for carrying into effect such treaty of 1830; and

Whereas on April 20, 1917, the Minister of Foreign Affairs of Turkey presented to the ambassador from the United States the following:

SUBLIME PORTE,
MINISTRY OF FOREIGN AFFAIRS,
OFFICE OF THE MINISTER,
April 20, 1917.

No. 95995/172.

Mr. AMBASSADOR: The Embassy of the United States of America having informed the Imperial Ministry of Foreign Affairs by its note verbale of April 8, 1917, No. 242, that its Government is in a state of war with the German Empire, I have the honor to inform your excellency that the Imperial Ottoman Government, ally of this Empire, is obliged to break its diplomatic relations with the Government of the United States of America beginning from to-day.

Please accept, Mr. Ambassador, the assurance of my highest esteem.

(Signed) AHMED NESSIMI.

His Excellency Mr. ELKUS,
Ambassador of the United States of America.

And

Whereas it has been urged that this breaking off of diplomatic relations with the Government of the United States of America operated to annul and abrogate all treaties between the United States and Turkey; and

Whereas the breaking off of diplomatic relations was based entirely on the fact that the Government of the United States was in a state of war with the German Empire, an ally of Turkey; and

Whereas it is a well-recognized principle of international law that a treaty can not be so abrogated unilaterally and that severance of

diplomatic relations does not, ipso facto, terminate treaties made between sovereign powers; and

Whereas it is believed that the severance of diplomatic relations as embodied in the above communication from the Minister of Foreign Affairs of Turkey, would not affect the status of existing treaties between the United States and Turkey; and

Whereas it is believed that such treaties continued and still continue in full force and effect; and

Whereas on January 18, 1927, the Senate refused to advise and consent to the treaty to regulate general relations between the United States and Turkey, signed at Lausanne, Switzerland, on August 6, 1923; and

Whereas, subsequently to such refusal, on February 17, 1927, Admiral M. L. Bristol, acting presumably under instructions from the President, exchanged notes with the Turkish Minister of Foreign Affairs wherein it was agreed that the United States would establish diplomatic relations with Turkey upon the principles of international law and proceed to the appointment of ambassadors as soon as possible, such notes constituting the so-called modus vivendi of February 18, 1927; and

Whereas Moukhtar Bey has been designated by the Kemalist Government as Turkish ambassador to the United States and has been received by the President as such ambassador; and

Whereas on May 20, 1927, and during a recess of the Senate, the President made a recess appointment of Joseph C. Grew as ambassador to Turkey; and

Whereas the nomination of Joseph C. Grew as ambassador to Turkey was submitted to the Senate December 9, 1927; and

Whereas such modus vivendi purports to reestablish normal diplomatic and treaty relations with Turkey when, as a matter of fact, such relations are governed by the above treaties, which have not been abrogated; and

Whereas by the preamble to the Lausanne treaty the parties agree to "regulate the conditions of intercourse and residence of their nationals on their respective territories and to reestablish their consular and commercial relations in accordance with the principles of international law and on the basis of complete reciprocity * * *," and such modus vivendi also proposes to "regulate, in accordance with the principles of international law and on a basis of complete reciprocity the commercial and consular relations * * *"; and

Whereas it is believed that the President can resume relations with Turkey, if at all, on the basis only of the treaty of 1830, and the supplemental treaties above referred to, or on the basis of a new treaty to be entered into and ratified by the Senate in accordance with the Constitution; and

Whereas such modus vivendi is relied upon by the State Department as the basis for the reception of Moukhtar Bey as ambassador from Turkey, the recess appointment of Joseph C. Grew as ambassador to Turkey, and the subsequent submission of the nomination of Joseph C. Grew as ambassador to Turkey; and

Whereas it is recognized that a modus vivendi is but a temporary arrangement entered into by Executive agreement without the advice and consent of the Senate, and merely contemplates temporary action until the completion of negotiations will give the Senate an opportunity to pass upon the subject matter in the form of a treaty; and

Whereas action by the Executive, after rejection of a treaty, undertaking to put into effect the terms of such treaty, will deprive the Senate of its power to advise and consent in the making of treaties and constitute an attempt to supersede the supreme law of the land by Executive action; and

Whereas such modus vivendi is not only futile and ineffectual as an attempted provision for diplomatic relations already covered by treaties ratified and in effect but is also illegal, null, and void, and of no effect by reason of its attempted undertaking of action already rejected by the Senate in the form of a treaty: Therefore be it

Resolved, That it is the sense of the Senate that (1) resumption of diplomatic relations with Turkey otherwise than on the basis of the treaty of 1830 and supplemental treaties of 1862 and 1874, (2) the reception of Moukhtar Bey as Turkish ambassador to the United States, (3) the recess appointment of Joseph C. Grew as ambassador to Turkey, and (4) the subsequent submission to the Senate of the nomination of Joseph C. Grew as ambassador to Turkey, were invalid acts on the part of the Executive, subversive of the harmonious relations which should exist between the Executive and legislative departments of the Government, and constitute a serious and unwarranted infringement by the Executive on the constitutional powers of the Senate and a violation of both the spirit and letter of the Constitution.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On April 4, 1928:

S. 43. An act for the relief of Frederick N. Carr;

S. 46. An act for the relief of Daniel F. Roberts; and

S. 138. An act for the relief of Thomas Johnsen.

On April 5, 1928:

S. 2020. An act for the relief of Leonidas L. Cochran and Rosalie Cochran Brink.

On April 6, 1928:

S. 1899. An act for the relief of Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua;

S. 2537. An act to amend section 110, national defense act, so as to provide better administrative procedure in the disbursements for pay of National Guard officers and enlisted men;

S. 2827. An act granting the consent of Congress to the States of South Dakota and Nebraska to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.;

S. 2950. An act to amend the second paragraph of section 67, national defense act, as amended; and

S. 3558 An act authorizing Point Pleasant & Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va.

On April 9, 1928:

S. 2657. An act for the relief of George W. Boyer; and

S. 3131. An act to provide additional pay for personnel of the United States Navy assigned to duty on submarines and to diving duty.

On April 10, 1928:

S. 380. An act for the relief of Charles H. Niehaus.

COMMITTEE SERVICE

On motion of Mr. WATSON, it was—

Ordered, That the following Senators be excused from further service as members of the following committees:

Mr. CUTTING from the Committee on the District of Columbia; Mr. BINGHAM from the Committee on Printing.

That the following Senators be assigned to membership on the following committees:

Mr. VANDENBERG to the Committee on Commerce, the Committee on Printing, the Committee on Territories and Insular Possessions, and the Committee on the District of Columbia.

Mr. WATSON to the Committee on Immigration.

That the following Senators are hereby appointed chairmen of the following committees:

Mr. SHIPSTEAD as chairman of the Committee on Printing.

Mr. BINGHAM as chairman of the Committee on Territories and Insular Possessions.

RED RIVER BRIDGE, ARKANSAS

Mr. CARAWAY. Mr. President, there is on the calendar a bill (H. R. 8926) to authorize the highway department of my State to construct a bridge across the Red River. There was some difference as to the wording of that bill, but it has finally been agreed upon, and I ask unanimous consent to have the Senate proceed to the consideration of the bill. I want to offer an amendment to it.

Mr. CURTIS. Is the amendment suggested by the committee?

Mr. CARAWAY. The amendment is in accordance with the agreement made with the House committee.

Mr. CURTIS. It is satisfactory to the Senate Committee on Commerce?

Mr. CARAWAY. I feel absolutely certain that it is.

Mr. CURTIS. I have no objection to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8926) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland City, Ark.

Mr. CARAWAY's amendment was to strike out all after the enacting clause and to insert:

That the consent of Congress is hereby granted to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge and approaches thereto across the Red River, at a point suitable to the interests of navigation, at or near Garland City, within 5 miles of the bridge of the St. Louis, Southwestern Railway Co., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. If tolls are charged for the use of the bridge constructed under authority of this act, the State Highway Commission of Arkansas may so adjust the rate of toll to be charged as to produce sufficient revenue to maintain, operate, and repair the bridge and repay the original cost of constructing the same, including any interest paid on borrowed money and discounts necessarily required in financing such original construction, and shall, after the repayment thereof, operate such a bridge as a free bridge, provided that no bonds shall be issued

for the building of said bridge that will mature more than 25 years from the date of said bonds.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland City, Ark."

DEMOCRATIC PRESIDENTIAL NOMINATION

Mr. WHEELER. Mr. President, I present an article appearing in the New York Herald-Tribune of to-day, entitled "McAdoo demands Walsh nomination to head off Smith," which I ask may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MCADOO DEMANDS WALSH NOMINATION TO HEAD OFF SMITH—SENATOR DECLARED "SOBER" AND MAN OF INCORRUPTIBLE INTEGRITY AND COURAGE NEEDED FOR PRESIDENCY—MOVE THREATENS SPLIT AT HOUSTON—EX-SECRETARY IN LETTER TO LOS ANGELES MAN DETAILS MONTANAN'S SERVICES TO LABOR AND AGRICULTURE

By Wilbur Forrest

WASHINGTON, April 9.—A serious threat to Democratic Party harmony was seen here to-night in the open championship of Senator THOMAS J. WALSH, of Montana, by William G. McAdoo in a letter to John B. Elliott, of Los Angeles.

Mr. McAdoo has a following among party drys who may welcome opposition to New York's Governor, now well in the lead for the nomination.

Mr. McAdoo had withdrawn from active politics since the Jackson Day dinner here January 12 and the general impression was that he would remain out of the picture in the interest of party harmony. At that time he announced that he would do so.

M'ADOO BACK IN FIGHT

With the strong lead attained by Governor Smith, of New York, as the candidate for the Democratic nomination, it is now indicated that Mr. McAdoo has thrown himself back into the fight which is a new element seeming to presage a party split on the wet and dry issue.

Governor Smith's "wetness" clashes with McAdoo's "dryness," and his declaration for Senator WALSH, an avowed dry. What effect this all will have at the Houston convention in June can not yet be estimated, but many observers here to-night were not ready to admit that the McAdoo intervention would prevent the nomination of Smith.

In his letter to Mr. Elliott, the former Secretary of the Treasury says he will make some speeches for Senator WALSH. Coincidentally it became known to-night that Senator WALSH intends to invade Massachusetts during the next few days in an effort to share the Bay State delegation with Governor Smith, whose capture of the entire delegation in the April 24 primaries already has been conceded by some.

DETAILS PRESIDENTIAL REQUIREMENTS

Mr. McAdoo's letter begins:

"A President of the United States who would make that great office the true servant of the people, and not the slave of privilege, must have these qualifications:

"Ability, incorruptible integrity, courage, and that all-embracing virtue—character. WALSH possesses all of them to a marked degree."

It is recalled that Mr. McAdoo's entry into the Democratic fight for Senator WALSH was forecast on the floor of the Senate a few days ago when Senator ROBINSON of Indiana twitted Senator WALSH about McAdoo support and the Montanan retorted that Mr. McAdoo had "an inalienable right to support whom he pleased."

Mr. McAdoo's letter, after extolling WALSH'S record and his loyal support of the Woodrow Wilson administration, brings the prohibition issue into play when he says:

"WALSH is dry and WALSH is sober. He practices what he preaches. He is no hypocrite. He indulges in no cant and his life is a daily vindication of his high principles and virtues. If he were elected President of the United States he would demonstrate that the eighteenth amendment can be enforced, because he would enforce it. He would neither nullify the Constitution nor submit to nullifications. The salutary influences of the vigorous administration he would give to the country would have an immeasurably beneficial effect in the suppression of crime and in the restoration of that respect for law which is vital to the perpetuity of democratic institutions."

M'ADOO APPEALS TO VOTER

McAdoo loses no point of appeal to the Democratic voter in his letter, which, as a campaign document, was evidently designed to receive widespread publicity.

An appeal to the feminine Democratic vote is seen in the following section devoted to WALSH'S record:

"WALSH has been a champion of the rights of women. Not only did he assist in framing the nineteenth, or woman's suffrage, amendment but he supported it with his great ability and influence and helped to put it in the Constitution. In like manner he had a conspicuous part in framing the eighteenth amendment. Both the eighteenth and nineteenth amendments went to the Judiciary Committee, of which WALSH was an important member; there he exercised his conspicuous talents in perfecting these important amendments to the organic law of the land."

MR. M'ADOO'S LETTER

The letter from Mr. McAdoo to Mr. Elliott follows:

"WASHINGTON, D. C., *April 6, 1928.*

"DEAR MR. ELLIOTT: Of course, I will make some speeches for Senator WALSH in the California campaign before May 1 if it is possible for me to leave the important cases here which have kept me in Washington for some time. I shall let you know, at the earliest moment, when, if at all, I can get to California. Meanwhile I must content myself with telling you briefly why I so strongly favor THOMAS J. WALSH for the Democratic presidential nomination.

"A President of the United States, who would make that great office the true servant of all the people, and not the slave of privilege, must have these qualifications: Ability, incorruptible integrity, courage, and that all-embracing virtue—character. WALSH possesses all of them in marked degree.

"When I became Secretary of the Treasury in 1913 I found WALSH in the Senate. A genuine friendship quickly sprang up between us. During the six momentous years I spent in Washington, covering the period of the World War, WALSH was one of the strongest supporters of President Wilson's administration. The valiant service he rendered to his country during that period and since has made him a national figure and one of the foremost leaders of the Democratic Party. There is, in fact, no Democrat in public life to-day whose achievements entitle him to greater honors at the hands of his party than THOMAS J. WALSH.

CITES WORK FOR FARMERS

"With almost every conspicuous and important measure of the Wilson administration WALSH is identified. He strongly supported the Federal reserve act, which has conferred incalculable benefits on all classes of the American people. He fought effectively for the Federal farm loan act, under which the farmers of the United States have been able to secure farm-mortgage loans at low interest rates. The good-roads law found in him an effective advocate. Under this law thousands of miles of magnificent highways have been built throughout the United States with the aid of Federal funds. When the United States entered the World War, WALSH aided every measure that would bring the war to a swift and successful conclusion. He supported the war risk insurance act, under which the life of every American soldier and sailor was insured, indemnities for injuries paid, and financial aid given to the dependent families of those who had gone to the front.

"As a western man, he understands the problems of the people of the West. Because of his intelligent and able efforts on the floor of the Senate laws have been put on the statute books under which the development of the resources of the West, theretofore hermetically sealed through a narrow and shortsighted policy, has gone forward with distinct benefit to the entire country.

DETAILS EFFORTS FOR LABOR

"It was WALSH who secured exemption of farm and labor organizations from the unjust provisions of the Sherman Antitrust Act. It was through WALSH'S efforts that regulation of the issuance of injunctions and the right of trial by jury in cases of contempt not committed in the presence of the court were secured for labor. This relief, very properly called labor's magna charta, had been vainly sought by laboring men for 20 years. WALSH has been as just and impartial in his fight for the rights of laboring men as he has been for the rights of legitimate business, as exemplified by his staunch support of the Federal reserve act and other economic measures."

The letter continues:

"WALSH is tolerant and WALSH is wise.

"His tolerance was never better manifested than in the fight he made for the confirmation of Louis D. Brandeis, one of the outstanding Jews of the United States, as an Associate Justice of the Supreme Court. When President Wilson named this great Jew for one of the highest positions in the land he was assailed by narrow and vindictive partisans who sought to prevent the Brandeis confirmation. WALSH'S fight for Brandeis resulted in placing upon the Supreme Bench of the United States a man whose signal ability has been a constant contribution to the work of that great court.

TELLS OF WILSON'S APPRECIATION

"His wisdom was conclusively demonstrated when, in 1916, President Wilson, then seeking reelection, selected him as manager of western headquarters at Chicago. We in California know that it was WALSH'S management of the western campaign that gave Woodrow Wilson his

second term as President. In this achievement California played a conspicuous and determining part. So warmly did President Wilson appreciate WALSH's great service that he wrote the following letter:

"THE WHITE HOUSE,
"*Washington, November 16, 1916.*

"Hon. THOMAS J. WALSH,
"*Helena, Mont.*

"MY DEAR SENATOR: At last I am back at my desk. The formidable mass of business waiting for me begins to clear a little and I am free to give leave to what my heart dictates.

"And one of the first things that it dictates is a letter of gratitude and admiration to yourself. It is not only my own judgment but the judgment of all who have been associated with you that the western headquarters were conducted in the most admirable and efficient manner and with a most delightful harmony of cooperation, and I feel that the party is your debtor for a notable service.

"May I not express my own deep personal regard and sincere admiration and appreciation?

"Cordially and sincerely,

"(Signed) WOODROW WILSON.

MORE PRAISE FROM WILSON

"In 1918, when WALSH was running for reelection as Senator from Montana, President Wilson sent the following letter in support of WALSH to Governor Stewart, of Montana:

"WASHINGTON, D. C., *October 14, 1918.*

"Hon. S. V. STEWART, *Governor,*
"*Executive Offices, Helena, Mont.*

"MY DEAR GOVERNOR STEWART: Your letter propounds a question which is very easy and very pleasant to answer. Senator WALSH has earned for himself in the Senate of the United States a place of real distinction, and has earned it not only by being consistent and diligent to promote the legitimate interests of his State and by consistent support of the constructive measures which have during his term been enacted in the public interest, but also by very unusual legal ability and political judgment. My own feeling toward him, of course, is very warm, because of his very consistent and generous support of the administration, but that ground of approbation is perhaps too personal, and I mention it only because it gives me so much pleasure to do so.

"Cordially and sincerely,

"WOODROW WILSON.

"WALSH is the implacable foe of corruption in government. Among his great achievements, none is more notable than his courageous and unswerving fight to bring to justice the crooks who attempted to despoil the people of the United States of the naval oil reserves, upon which the Nation may have to depend for its very life if it should again be forced into the horrors of war. Through WALSH'S efforts these reserves, worth, perhaps, $1,000,000,000, have been restored to the people.

CALLED FOE OF CORRUPTION

"Who has exposed corruption in public life with unerring skill and undaunted courage? WALSH! Who has made corruption one of the outstanding issues in the forthcoming presidential campaign? WALSH! Who, as no other man, can make the case against corruption with such power and conviction? WALSH! He personifies the issue and will translate it into victory if he is permitted to lead.

"And who, better than WALSH, knows the problems of the farmers of the West? Through poverty and hardships he came to maturity in the agricultural States of the West. As President he would bring his great talent to bear upon the problem of farm relief and solve it to the satisfaction of the Nation.

"If THOMAS J. WALSH is nominated at Houston, a Democrat—a western Democrat—will occupy the White House from 1929 to 1933 and give the American people an administration of like power and popularity to that of Andrew Jackson, who filled the same great office during the same period a century ago. With WALSH in the White House a just man, an able man, a courageous man, an intellectual man, a great man, and a sober man will lead the people of the United States into a new era of prosperity and law obedience. Fundamental Democratic principles will operate again for the benefit of all classes and all creeds and all races, and the best traditions of Jefferson, Jackson, Cleveland, and Wilson will find new expression and new power.

"The greatest constitutional lawyer in the Senate; a statesman of commanding ability; a public servant of exceptional integrity, industry, and capacity; a progressive Democrat of the highest type; a notable defender of the Constitution, with a mind and a vision as broad as the Nation—this is THOMAS J. WALSH. I hope that California may send a delegation to Houston to present the claims of this great citizen and statesman.

"Cordially yours,

"W. G. MCADOO.

"Hon. JOHN B. ELLIOTT,
"*Los Angeles, Calif.*"

RACIAL POLICY IN CENSUS OFFICE AND ANDERSON (S. C.) POSTMASTER

Mr. BLEASE. Mr. President, I have an article from the Washington Post of March 31, which I would like to have the clerk read. I send to the desk also a letter to myself which I ask that the clerk may read after he has read the article.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read the article and the letter, as follows:

[From the Washington Post, March 31, 1928]

HOOVER CHANGES RACIAL POLICY IN CENSUS OFFICE—COLORED CLERKS NOW IN ALL DEPARTMENTS; ADMINISTRATIVE POSITION SOUGHT—NEGRO ELKS ARE ACTIVE

Colored clerks in the Census Bureau yesterday sought to learn why they have been brought up from the basements and other segregated sections where they have worked for years and placed in all departments of the bureau on equal terms with other workers. It was learned that the order to abolish segregation and racial discrimination in the department came at the order of Herbert Hoover, Secretary of Commerce.

The Secretary was visited by Neval H. Thomas, president of the Association for Advancement of Colored People, and by Robert J. Nelson, executive director of the Civil Liberties Bureau of Colored Elks, who described conditions in the department to him. His order for removal of the alleged discrimination, following an investigation, came just in time to present to the view of E. W. B. Curry, negro editor of Springfield, Ohio, a satisfied group of negro clerks.

Curry, who made a trip here yesterday from Ohio because his candidacy as a Hoover delegate to the Republican National Convention had been injured by charges that the Department of Commerce here was honeycombed with racial segregation, returned to the Buckeye State satisfied that he could safely run as he had planned. It is understood that negro Elks, encouraged by the situation at present, have asked Secretary Hoover for an administrative position in the department of vital statistics, in connection with their national health program.

* * * * * * *

WASHINGTON, D. C., *April 6, 1928.*

Senator COLE BLEASE,
Senate Office Building, Washington, D. C.

DEAR GOVERNOR BLEASE: I know you are a southern gentleman and not unfriendly to the colored people, but do not believe in mixing them with white people, especially women.

Mr. Hoover, the head of our department, got many of the colored delegates in the South when he gave them Red Cross hams and bacon during the flood. That was probably all right; but now because he has a fight in Ohio and Indiana and wants the colored votes there he has listened to the nigger politicians and has put these colored people among the white girls in the department for the first time.

They have always been in a section to themselves on the first floor and had a toilet set aside for them. Now we have to use the same ones that they use, which is not very pleasant.

I wonder how Mr. Hoover would like to have the women of his family use the same toilet that colored people use. They, of course, would not have to, but under Mr. Hoover's orders we have to.

I was going to get a lot of copies of the notice in the Post and send them to the principal southern papers, but somebody told me that this was just the kind of publicity Herbert Hoover wants, that he would use it in all the colored papers in the country to get them to vote for him in the primary, but you will know more about this than I do, so you can use your own judgment.

None of us want Mr. Hoover to get any delegates any place, since he has acted this way just to help himself politically without considering the feelings of the girls in the department, who can not defend themselves. But if you can do anything, you do as you think best.

We call these colored people Hoover's chocolates and all wish we could make him eat them.

He went into Ohio and acted so mean toward Senator WILLIS that he died, and now he wants to get all the colored votes in Indiana so he can beat Senator WATSON there.

Think of a Secretary of Commerce having to stoop to niggers to win. He has fallen short of running his own department.

We are all in politics now. Hoover's chocolates are for him strong, but the white women are not going to vote for him.

Senator, can you help us? He never showed any love for colored people before the Indiana and Ohio primaries came along. Now, the only way he can get the colored vote is by humiliating white women.

Senator, you must really do something to help us. The white girls in every department in Washington are all wrought up about this. Of course, they won't say anything, because they are afraid of losing their jobs, and they can't afford to do that.

I don't want to lose my job, so please don't use my name. I am going to sign the letter and you can cut it off if you want to.

Mr. Hoover may think this is smart politics to bring his chocolates in with white girls and women, but if he only knew what the white

women all over Washington say about it he wouldn't be so sure of carrying Ohio and Indiana with colored votes.

Thanking you for anything you do personally, and I know I speak for thousands of white women working in Washington, I remain,

Very sincerely,

———— ————.

Mr. BLEASE. Mr. President, the letter just read was not written by a resident of my State nor by one who has ever been a resident of my State.

I ask to have inserted along with my remarks without reading an article headed "Herbert Hoover," written by the late Senator Thomas E. Watson, of Georgia, and also an article written by Mr. G. D. Eaton.

The VICE PRESIDENT. Without objection, it is so ordered. The articles referred to are as follows:

[From the Anderson Independent (the paper the people read), Thursday morning, April 5, 1928]

HERBERT HOOVER AS SEEN BY THE LATE UNITED STATES SENATOR, THOMAS E. WATSON

Little did I think that all the fishing exploits of Brother Warren Harding, in the land of flowers, big fish, and malefactors of great wealth, would reach their climax, their zenith, their culmination, and their over-the-topism in the catching of Herbert Hoover, who was born in Iowa, California, Arizona, London, and several other notorious places.

Did several Grecian cities dispute which of them gave birth to Homer?

So we are told; and we are further informed that Homer begged his bread in each of those cities.

In Hoover we see a reincarnation of Homer, but Hoover is built on a vaster scale.

Hoover begged his bread in every city of 48 States, and was born in most of them.

Hoover imagined himself to be an Englishman, and he was advertised to the heathen as a true Briton, with residence and office in London, and we benighted Americans never knew that such a queer fish was in the creek until after our patriotic son-in-law had delivered to England $150,000,000—as a first shot at our Treasury—and we were then officially informed that a new man, named Hoover, had issued orders against our eating sow belly on the Sabbath Day; biscuits on the next day; beefsteak on the next; and had sternly commandeered our hams, our wheat, our sugar, our flour, and had magnanimously permitted it to be known that we could make flour bread once in a while, provided we mixed into it equal parts of rye, oats, barley, bran, and corn cobs.

Hoover did this because nobody else had ever done so.

Above all things, Hoover sought originality; he and another brother named Baruch.

These twins were the gemini of our zodiac.

Having requisitioned our granaries, smokehouses, larders, and sugar jars, this Hoover, Baruch, son-in-law and company, persuaded our cash out of our pockets in exchange for scraps of paper called Liberty bonds.

Oh, how rejoiced we are at the opportunity to spend our last red cent in buying paper issued in carload lots by son-in-law, Hoover, Baruch, and company!

Truly, a citizen without a Liberty bond was a man without a country.

Even the President wrote to his son-in-law asking, "May I not" buy a Liberty bond, and his amiable son-in-law accorded that precious privilege to his father-in-law.

Hoover and company issued so many of these bonds that we lost what little "sense of proportion" nature had given us.

In our patriotic haste to accommodate Hoover and his band we parted gladly with our cash, our credit, our chattels, or customary food, and our inherited notions of law.

We kept wearing our old hats for fear that if we could buy new ones they would learn our opinions, give us away, and cause us to be arrested.

Hoover got more of our money than President Wilson did, and like the President he has never made a showing of his disposal of this money.

No two men that ever lived were given the personal disbursement of such vast amounts of actual cash, and no two persons have ever shown such a determination to conceal their disposition of the public funds.

Banks have to account; railroads have to account; Secretaries of the Treasury, of War, of the Navy, of the Interior Department, of the Department of Justice have to account.

Indispensable to a legal accounting, is the accompaniment of vouchers.

Every Pullman car has its system of minute accounts; so has every hotel; so has every administrator, executive, guardian, and trustee.

In the archives of every government, ancient and modern, the historian has found elaborate accounts.

We know approximately what the Pyramids cost; we know what the palace and park of Versailles cost; we know the sums of bribes paid by the British aristocracy to the continental kings who sent conscripted or mercenary armies against the democrats of the French Revolution.

We have a minute account of General Washington's expense during the seven years of the Revolutionary War.

We can tell, within a few rupees, the cost of rearing, three or more centuries ago, the Taj Mahal, the noblest monument that a bereaved husband ever built in memory of a lost wife.

But as to the thousands of dollars confided by the American people to Woodrow Wilson and to Herbert Hoover, we have had no accounting.

The most stupendous sums of money ever intrusted to two human beings remain a mystery, national and international.

What was done with all that treasure, greater than the riches of Solomon, Croesus, of any Mogul Emperor of unpillaged Hindustan?

Nobody knows; nobody will ever know. To ask an accounting is to "malign" Wilson and Hoover.

Apply the same rule to other custodians of trust funds and where would the rule lead us?

Call the executor to settle with the heirs and you "malign him!"

Call the State or national treasurer to make a legal showing and you "malign" him.

Since when did mankind ever hear of such an impudent cloak to cover the disbursement of trust funds?

Brother Warren Harding went down to Florida to rest and fish. I don't know how much rest he got, but I can conscientiously make an affidavit to the fact that his fishing was truly rural.

Wasn't he elected as an opponent of the League?

Wasn't Hoover as much of a Leaguer as Wilson himself?

Wasn't Hoover repudiated by the same voters who repudiated Wilson?

Did not those voters elect Brother Harding?

If Hoover is to control our commerce he will inevitably control our international finance; and whoever controls that will be our boss.

In other words, have we virtually reelected Wilson?

Don't be discouraged; business is going to "revive," now, in short, as the colored brother says.

Don't worry over "new lows" in cotton; these new lows and your apparent lack of money are merely "psychological," as President Wilson once said:

"Psychologically you seem to be in a h—ll of a fix, but as a matter of fact you were never more prosperous; the daily papers are my witnesses."

Psychologically our Government takes German bonds in payment of Belgium's debt to us; and psychologically you do not seem to be able to sell our Government's own bonds at par.

Thus the Huns and the sons of guns elevate their bonds above ours.

With Hoover as our financial boss the blessed Europeans will pay us in German paper, the ten thousand million dollars that Wilson, McAdoo, Hoover, Baruch & Co. loaned to those foreigners.

In like manner the European debts due to our Morgans, Rockefellers, du Ponts, Armours, etc., may be "liquidated" in German paper.

It would never do to monetize our own bonds, but it is all right to validate German bonds.

Many timid Americans were fearful that the monetization of our bonds would flood the country with money and that our gold would run away from us.

But we hear no yells of terror when President Wilson inserts the thin edge of the wedge for all the German war paper by urging Congress to accept from Belgium this German paper as so much money.

Hoover still champions the league, as Cox did.

Hoover still indorses Wilson, as Cox did.

Hoover's appointment to Brother Harding's Cabinet followed a casual visit paid to St. Augustine by trusted representatives of the Morgan banking houses, the Standard Oil companies, and sundry other Wall Street specimens of internationalism.

Hoover himself did not wend his weary way to St. Augustine. Hoover did his fishing over the long-distance telephone, which is also a very good way to fish.

Among the various places where Hoover was born, I regret his discrimination against the South; it behooved Hoover to have recalled the fact that he was born in Charlottesville, taught school in Augusta, got religion in Texas, lost it in Missouri, and endeavored to practice law in "Otionter."

Hoover forgot us; Harding forgot us; they all forgot us; it's a habit they have.

We might as well have elected Cox; and had Cox been elected, he might as well have enthroned Hoover.

With Hoover on deck and the German bonds monetized and the island of Yap going to the Jap, and the kings all returning to their respective abodes, and the Turks mauling the wine out of the French and the Greeks, and the international armaments increasing day by day, and the oil of Mesopotamia pouring trouble instead of peace upon the stormy waters, I have my doubts whether the world has been made safe for democracy, especially as we are still at war with Germany, the Huns, the sons of guns.

To accept at par the paper of a country with which we are yet legally waging a Great War, while refusing to honor our own promises to you—sold at face value—seems odd.

It looks like dealing with the enemy on terms more favorable to the enemy than to the patriotic but melancholy holders of our own bonds.

As I remember the law, Uncle Sam will be violating the espionage act if he aids the enemy by accepting his waste paper as that much money.

Brother Harding, come along "back to the Constitution!"

Enough water is enough, even for a Baptist.

Enough fishing is enough, even for a sport inordinately fond of fishing.

Hoover didn't know whether he was a Democrat or a Republican; he was understood to be too good and great to find room in any party; he ran for President as a Republican, and at that time he ran in California, because he was born there and had a natural right to consider himsedf a favorite son.

He spent some money and he got several votes and he sang low at the national convention.

But the main campaigning has been done since the election of Brother Harding.

The public eye was filled with Hoover, his picture regularly appeared in the papers and magazines; he discovered 3,500,000 more European babes who were starving and who demanded that you send $10 for each of them to Hoover.

"Send us no money," they said; "unbosom your purses upon the faithful Hoover!"

Rockefeller gave Hoover a million, so the papers reported.

The profiteers had the costliest banquets, in the costliest hotels, for Hoover; and they placed near Hoover's table an empty chair and an empty plate for the European babe who had been starving, Hooverishly, for months.

The empty chair now has its occupant, the empty plate is now full; Hoover has angled for the angler, and Hoover's hook did the work.

When Hoover labored under the impression that he had been born on the Pacific slope and cast his bread, as it were, upon those waters he did not catch anything of importance, but when he transferred his birthplace to the Atlantic coast and changed his bait he hooked and landed a whale.

"I repeat it, sir," little did I think that Brother Harding's rest and his fishing would culminate in this Hoover agreeable surprise.

EX CATHEDRA

By G. D. Eaton

THE HEART BENEATH LEGREE'S SHIRT

It is a curious thing that of all the books written on the Civil War and its causes, none—at least none of the several hundred I have read—pays any considerable heed to the effect of the unfair stories of cruelty spread broadcast by the abolitionists, starting from the time that this country established its independence and continuing until Fort Sumter was fired upon. And yet, from reading some thousand pamphlets, I am convinced that the Civil War was brought about by an organized minority of busybodies, engaged in spreading stories, often untrue or exaggerated.

Certainly level-headed and sagacious leadership could easily have avoided the Civil War. The simplest solution would have been the purchase of all slaves by the Government, even at as much as a thousand dollars a head. This would have been twice the average price of the slaves and would have won over the southern planters. It would have cost the Nation in all but three and a half billion dollars, whereas the Civil War cost at least twenty billions—we are still paying for it—and a half million lives. But the sad fact remains that the Federal Government was never allowed to offer any definite sum of money per head for the slaves. Indeed, it was written in the abolitionist code that manumission must be effected only by "immediate and unconditional" emancipation, in sad contrast to the liberation effected in the West Indies by the British emancipators. In the West Indies the slaves had their freedom bought by the English Government.

The whole crusade in America began with efforts of churchmen in the North diametrically opposing the plenipotentiaries of heaven in the South. Actual consideration for the condition of the slave was negligible, as treatment of negroes in the North to-day makes obvious. Such treatment is nothing new. If there were race riots in Detroit yesterday and in St. Louis the day before yesterday, so there were riots in Portsmouth, Ohio, in 1830; in Hartford, Conn., and Providence, R. I., in 1831; three in Philadelphia in the years 1834, 1838, and 1843; in New York in 1834; in Pittsburgh in 1839; in Cincinnati in 1827, 1836, and 1841. In almost all cases the negroes were driven out of town by the hundreds.

In New York negroes were not permitted, except nominally by the courts, to ride in the horse cars with the whites. The negroes in Northern States were put in jail upon every possible excuse. In 1850 we find (United States census) that 1 negro out of every 175 went to jail in Massachusetts, while only 1 white man out of every 2,335 was incarcerated; in New York it was 1 negro from 225 and 1 white out of every 1,713, and in New Jersey it was 1 negro from every 453 and 1 white out of every 3,554. Between 1700 and 1718 we find that there was but one crime in Pennsylvania for which whites could be executed (murder), and four for which negroes might be executed (murder, burglary, rape, and arson).

In almost no northern State was the free negro allowed the franchise, while, contrarily, he exercised civil rights in some Southern States until 1831, when abolition tracts fired off some murderous slave insurrections. Thus we see that Connecticut disfranchised free negroes in its constitution of 1818; Rhode Island in 1822; Ohio in 1803; Indiana as late as 1851; Illinois in 1819. Other States, such as New York, forbade the negro the franchise unless he could show property worth as much as $250. On the other hand, North Carolina did not disfranchise the free negro until its new constitution in 1835, after the South had been terrorized by brutal slave rebellions.

Actual compassion and sympathy for the negro in the North? Nonsense! It existed practically nowhere. As Mr. Dooley has said, "I've seen th' shackles dropped fr'm th' slave so's he cud be lynched in Ohio."

The Northern States generally barred, as I have shown, negroes from the elective franchise before the Civil War, but even after Appomattox 15 Northern States voted negatively on negro suffrage and the fifteenth amendment had to be rammed into the northern State constitutions by the acts of the legislatures. Even in such States as popularly approved negro suffrage the measure came about with a great deal of friction.

Minnesota presents an interesting and somewhat risible example. In both 1865 and 1867 the sovereign people of the State downed negro suffrage by popular vote. Then the Republican Party leaders, getting busy, took census of the negroes and caused the result to be widely broadcast. There were but 411 negroes of both sexes and all ages in the State. In 1868 a third plebiscite made the negro a voting citizen. The fifteenth amendment was virtually railroaded through, to the vast delight of the carpetbaggers and to the consternation of some bona fide Republicans in the North. Senator Wilson, of Massachusetts, rising in the Senate Chamber in Washington on January 28, 1868, lugubriously explained that espousal of negro suffrage had cost his party not less than a quarter of a million votes.

Basically not one one-hundredth of the northerners cared the least about liberating the negro, and even honestly furious reform movements encountered tremendous resistance. In the words of William Lloyd Garrison, in the initial number of the Liberator, January 1, 1831, his efforts in the North met "contempt more bitter, opposition more active, detraction more relentless, prejudice more stubborn, and apathy more frozen than among the slave owners themselves," though perhaps he forgot the time (unmentioned in history books) when he was jugged in Baltimore for a libelous attack on a slave owner.

Fewer than half the newspapers in the North were antislavery, and the moneyed people in the North were almost to a man against abolition, the New England mill owners especially laboring under the belief that slave labor kept down the price of raw cotton. When Garrison got a little overzealous in Boston they had him mobbed and dragged through the streets. But the rich were far from being the only ones against abolition.

Everyone knows what happened in New York City when conscription became active. Horace Greeley's emancipating Tribune was almost wrecked and a wild mob took charge of the city. A negro orphan asylum was burned, with the loss of many lives, and adult negroes were strung up on lamp-posts. It took a regiment of Infantry to pacify the city, and then only after a pitched battle in the streets.

All the antislavery movements of early date were launched by religious sects. The first was set going by the Quakers, but it came out of common decency, was honest, and never assumed a virulent form. Nor did the South ever regard the Quakers as enemies. The Quakers spent much actual money, not in helping negroes to escape illicitly from their masters, but to transport free negroes and in bringing suits, where necessary, to guarantee freedom to slaves already manumitted. They preached emancipation, but they lived, hundreds of them, in Virginia and North Carolina in peace and friendliness with their slave-holding neighbors.

But the South did not look upon the efforts of other sects as being sincere. When not only slavery was attacked, but also southern customs, family life, and morals, there was distinct resentment, which ripened into hate after the slave rebellions.

The first violent effort to free the slaves was launched in Baltimore at the first national conference of Methodist leaders in 1780, and was thereafter kept going hotly. This was abetted by the Presbyterian Synod in 1787. The Baptists became active and shortly thereafter the Congregationalists at their Hartford convention added slavery to the vices of "profanity, Sabbath breaking, use of intoxicating drinks, covetousness, gambling, breaches of the Seventh Commandment, attendance upon the theater, dancing, gayety and extravagance in dress, novel reading, and sleeping in church." It is interesting to note that the southern planter had been indicted for almost all of these crimes against Heaven before Congregationalist action was taken against slavery.

We have reason to believe that early abolitionists thought southern gentlemen were having too easy a time of it sipping toddies and having oriental relations with the females of the toilers while the negroes

did the work. Back of all the northern dislike of the southerner's aristocracy was rancor because the latter had the means to be aristocratic in habits, tastes, and pleasures. It was not North against South, for sectionally the North was much more wealthy, but individual bluenose against southern cavalier. In some cases this feeling was naïvely expressed, as in The New Revolution, a speech before the American Antislavery Society in 1857 by Thomas Wentworth Higginson:

"The reason why free-State and slave-State men hate each other in Kansas is because all the institutions of their respective nations [sic] have for years been training them to hate each other * * * it is only the old hostility. * * * It is not only the difference in birth, although the Puritan stock remains upon the one side and the cavalier stock upon the other. * * * You may know the one side from the other because the one side wears long hair and the other does not."

While the North's hay crop alone represented as many dollars as all the southern agricultural products, the South had three times as many exports; and the money accrued neither to the slaves nor hillbillies, but was concentrated in the hands of less than one-twentieth of the South's total population. The North produced more than twice as much from the land—with only two-thirds the laborers—and industrially and financially the North was far ahead. It used five times as much private capital, although there came a distinct rub in the fact that this capital represented much money from southern banks, for the bank capital of the North was only twice that of the South.

As seen by the excessively smaller number of men on the farms, the North had already learned the vastly more efficient system of hired workers; and though industrially it produced five times as much as the South, it employed only four times as many men in the factories. The South was waking up to the merits of wage slavery when its progress in this line was blocked by the efforts of abolition propaganda.

There were moneyed men, needless to say, in the North; but they did not appear so aristocratic and enviable to their laboring constituency because of two things: In the first place, they had no real talent for ease and luxury; and in the second place and partially in consequence, their earnings went into an expansion which knows a far larger place in industry than in agriculture. Besides the northern preacher could not attack the northern man of wealth with impunity. Nor was there the incentive. The northern man of wealth was staid and a churchgoer, while the southerner coruscated and went to the race track and theater.

Besides the South's capital there was enormous wealth represented in the slaves themselves. In 1850 the slaves numbered 3,200,000. Their average value was about $400 or $500 each, although the abolitionists rated them all at the price of a good field hand, or $1,000 each.

How may we account for the atrocity stories spread by abolitionists of the planter's physical cruelty to the slaves? In the first place, it is a mistake to assume that the southern planters treated the blacks worse than they did their horses and cattle, except in the matter of passing restrictive laws—following the slave insurrections—against certain negro activities wherein the activities might differ from those of the other livestock. But the South had other laws. Louisiana, for instance, said that slave mother and child—10 years or under—might not be separated on pain of a fine of from $1,000 to $2,000 and imprisonment of six months to one year, and forfeiture of the slave.

Alabama had a similar law. Virginia said (Fitzhugh et ux. *v.* Foot et al., 3 Vall's Va. Rept. 13) that separation of mother and child was a thing "which humanity forbids, and will not be countenanced in a court of equity." Maryland forbade the separation of legal husband and wife in slavery; and even Georgia, the worst of the slave States, had strict laws against cruelty.

These things were ignored by such writers as Harriet Beecher Stowe, and the whole range of abolitionist books and pamphlets is filled with outrage stories. Thousands of poor people in northern cities were in a plight far more desperate than that of the slaves whose masters were forced by law to feed them well, not overwork them, but give them medical attention, clothe them, and furnish them lodging.

Maryland as early as 1715 (laws of 1715, ch. 44) stipulated a fine of 1,000 pounds of tobacco for cruelty, excessive labor, insufficient food, drink, lodging, or clothing, or for insufficient rest or sleep; and later forbade slaves being worked on Sunday, which rule prevailed all over the South, as did laws against cruelty or impoverishing treatment. Indeed, many States provided (Kentucky, for instance; Morehead & Brown's Digest, Frankfort, 1834) that the master be deprived of his slaves at forced sale if he treated them cruelly or did not take care of their wants.

Louisiana said (Markham *v.* Close, Sept. T. 1831, 2 Louisiana Rept. 581, Porter, J.): "Infliction of cruel punishment on the slave by his master is a criminal offense and must be punished by a criminal prosecution and not before a civil tribunal." (The slave did not have to bring suit to obtain relief.)

Georgia (Cobb's Digest, Athens, Ga., 1851, p. 971), in an act of May 10, 1770, limited by "positive laws the extent of power of the owners of slaves * * * and owners or persons having the care and management of slaves" from exercising "excessive and unnecessary rigor or wanton cruelty." Murder of a slave (December 3, 1799, sec. 2) was to merit "the same mode of prosecution and measure of punishment" as for killing a white man—a law that held true in all Southern States. In 1832, by the act of December 24, Georgia provided and established an infirmary for the relief and protection of aged and afflicted negroes and provided that masters could no more escape the cost of slave upkeep in the institution than they could evade taxes on their land.

South Carolina (1 Nott and McCord's S. C. Rept. 182 Per. Cur. Colcock, J.) held that "a slave who is merely flying away can not be killed" except by the master or pursuer in an act of self defense.

I might go on quoting statutes and decisions endlessly to show that there was a wide range of protection for the negro—and be hauled up by some astute person inquiring how the laws and statutes were interpreted and enforced. This is a pertinent question, for in going over some thousand decisions I have found a number of cases wherein the jurists either did not know the law or purposely misconstrued it to the benefit of the slave owner rather than the slave, but the latter cases occur with greatest frequency after the slave insurrection crisis of 1831, while on the other hand there are a large number of cases which show such a startling liberality of the jurists so favoring the slaves that their decisions were equally bad law.

In Virginia, for instance (Souther *v.* the Commonwealth), an eminent and humane jurist with a real sense of values got into bad law because he ruled: "The killing of a slave by his master and owner, by willful and excessive whipping, is murder in the first degree, though it may not have been the purpose and intention of the master and owner to kill the slave." Here is plainly faulty law—though sound sense—and the jury did rightly (in the legal sense) in bringing a verdict of manslaughter, with a minimum penalty of five years. However, the intent of fairness on the part of the judge is evident.

Cruelty, when one considers the number of slaves, was extremely rare, and actual cases were so infrequent that they altogether escaped the notice of the abolitionists, who were forced to invent such cases. It was in general in the South a despicable social misbehavior to mistreat slaves, and not only to mistreat them but to sell them "down river." The slaves in the border States, eating masters out of house and home, were very often manumitted rather than sold. Maryland, in 1850, had 74,000 free negroes—more by 20,000 than any free State.

Most of the abolition stories of cruelty appear now to be foolish. As I have shown, by comparison of northern and southern products, the slave was not worked as hard as the hired laborer—chiefly because the slave and his family did not face starvation either by indigence or competition—but stories were told by abolitionists to the effect that planters hitched slaves to plows, despite the fact that it would take six healthy field hands worth $1,000 each to do the work of one horse worth $100. Almost every abolition story, in fact, must be taken with a grain of Epsom salts. The great bulk of the cruelty stories were pure fabrications, sans names, dates, and locale. I have chased hundreds of these tales to earth, and of authentic cases of cruelty I have found not a dozen. These the abolitionists used over and over again, sometimes almost 50 years after the act.

One finds, for instance, the Rev. John Rankin, in a series of letters to his brother, Thomas, published in The Liberator during the year 1832, quoting a case of cruelty, sent second hand to him by the Rev. William Dickey, of Bloomingburg, Ohio. The case was authentic. Lilburn Lewis and his brother, Isham, said to be nephews of Thomas Jefferson, planters in the county of Livingston, Ky., cut off the feet and legs of a living slave and burned the members before the slave's eyes, afterwards dispatching him and burning the rest of the body. What Rankin neglected to mention and what Dickey neglected to mention, when he used the material over again in the American Anti-Slavery Society's report of 1839, was that the business happened back in 1811; that Lilburn Lewis committed suicide to escape trial and that Isham was sentenced to hang for the crime. Thus both Rankin and Dickey gave the impression that the South tolerated such things, and by their omission of the date gave the appearance of freshness and everyday occurence to the business, whereas the Lewis brothers were plainly men of the Loeb-Leopold type and were quickly brought to dock.

Rankin used this material over and over again; from his pulpit, then in The Liberator, before the American Anti-Slavery Society, and in a volume of his "letters."

One other authentic case of cruelty, also committed by a mental degenerate, was that of Madame La Loire (sometimes reported as Madame Laurie) in New Orleans, who beat and mauled a number of slaves and chained them in a room to die. This happened in the year 1834, and the whole South was outraged by the affair. Nevertheless it was held against the South by the abolitionists. We find the Rev. Philo Tower of the Genesee Conference of the Methodist Episcopal Church in his Slavery Unmasked, a book published in 1856, reciting the affair as if it had just happened, and, moreover reporting it as practically first hand, plagiarizing word for word from the American Anti-Slavery Society's report of 1839, which, curiously, repeated verbatim the account from the New Orleans Mercantile Advertiser—except that Tower withheld Madame La Loire's name. Mrs. Lydia Maria Child used the story in her intemperate Anti-Slavery Catechism.

In the main, the authentic documents used by the abolitionists were confined to advertisements from southern newspapers listing runaway slaves and naming their various distinguishing marks and scars—such marks and scars as often adorn the free negro of to-day. Yet the United States census of 1850 shows that only one-thirtieth of 1 per cent of the slaves annually ran away with any idea of staying away permanently, and the census for 1860 shows a reduction to one-fiftieth of 1 per cent. Fully a third of these runaways were chronic offenders. In 1850, for instance, out of 3,204,313 slaves only 1,011 were fugitives, while 1,467 were voluntarily freed by their masters. The number of manumitted slaves up until 1831 was always many times that of the fugitives—a fact not mentioned by the abolitionists.

The South has never, so far as the histories are concerned (even her own), had a fair and truthful statement about the real causes of the Civil War nor of the institution of slavery; nor were the lies about cruelty ever nailed. (Reprinted by request from McNaught's Magazine. Two more articles from the same series will appear in early issues of Plain Talk.)

Mr. BLEASE. Mr. President, there has been some talk of the solid South being broken; there has been some talk to the effect that if a certain person were nominated for President of the United States the South, which has always stood for white supremacy, placing it above every other consideration almost, except possibly the Christian religion, might support the Republican ticket. In the South we believe that white supremacy is a part of the Christian religion, that the white people are superior to negroes, and we never expect under any conditions or circumstances to permit social equality in that section of the country; but, Mr. President, if such a condition as has been produced at Anderson, S. C., by one Mr. Harry S. New is continued, and if such a policy as has been started by Mr. Herbert Hoover is to be put in operation, those who have been sleeping in their beds at night and waking up in the morning with the happy thought that the South will ever have a respectable Republican Party had just as well go back to bed and stay there, because no such condition will ever arise.

Just after the Civil War there came into the State of South Carolina a set of scalawags and they were imported into the entire South. They appealed to the negro vote, as Herbert Hoover has done in this instance; they humiliated white women and white men until the red shirt of Democracy arose and drove them from their borders.

A few weeks ago the Republican administration took a citizen of Savannah, Ga., imported him into the State of South Carolina, and appointed him acting postmaster of the city of Anderson. A protest was made to the Post Office Department and to the President of the United States, but nothing was done. Finally, Mr. President, it was proven to them beyond a shadow of a doubt that this man was a citizen of Savannah, Ga., a fact which was sworn to by himself, as will be found in his affidavit on page 3249 of the CONGRESSIONAL RECORD of February 20, 1928, where this man swore as follows:

I further swear that I reside in the city of Savannah at No. 220 East Forty-fifth Street, or in the fourth district, G. M.; my age is 26; my occupation is none.

No occupation. There is his own affidavit, signed and sworn to, and, as I have stated, it will be found on page 3249 of the CONGRESSIONAL RECORD of Monday, February 20, and it is dated April 1, 1927, one year ago exactly.

After that affidavit was called to the attention of the President of the United States and the Post Office Department, it was currently rumored, and I am informed to-day that it is the purpose of the Post Office Department to keep this man in that post office as acting postmaster until he becomes a citizen of South Carolina, and then to appoint him postmaster.

That, Mr. President, along with Hoover's action with his "black chocolates," is exactly what put the Republican Party in disrepute in the South and made the very name Republican a stench in the nostrils of all decent white people. Is that to continue? It is continuing.

Mr. President, I wrote a letter to the Civil Service Commission, and the answer which came to me is based upon as false a premise as ever a letter was written upon. When I asked the Civil Service Commission about this matter—I have here the letters—they made an investigation. Here is Doctor Doyle's letter, in which he says that they have discovered that this man was not a resident of South Carolina. Notwithstanding that fact, however, and notwithstanding the rules of the department that no man shall be appointed to a post office unless he has resided for two years at the place where the post office to which he is to be appointed is located and has received his mail at that post office they put him in there and keep him there.

It is said:

We have made an examination. Now we have had notices posted that we are going to hold an examination for postmaster.

But they are holding that examination back for the purpose of letting this man become a citizen of South Carolina.

Mr. President, the constitution of South Carolina is very plain on the subject. I wish to read just a line. Here is what constitutes a citizen of South Carolina:

Residence in the State for two years, in the county one year, in the polling precinct in which the elector offers to vote four months, and the payment six months before any election of any poll tax then due and payable.

The rules of the Post Office Department themselves are being openly and flagrantly violated to-day by President Coolidge and his Postmaster General by putting this man, a citizen of Georgia, into a post office at Anderson, S. C., and keeping him there. Why? Because, as I am informed, the patronage boss of South Carolina has been told that this man will do his part in the payment of money for the Republican campaign fund.

In passing I might state that just a few days ago a rural carrier in my State was approached by a negro delegate to the approaching Kansas City Republican convention and told that if he did not help pay the expenses of that delegate to the convention he would lose his job. The rural carrier told him he would be damned if he would do it, and in five days after that he lost his job, and is out of his job to-day. I can prove that at any time the Post Office Department or Mr. Coolidge wants the proof. I myself will pay the man's way here to prove it, if that be necessary.

I wrote a number of letters in regard to this matter. What answer do I get?

We are having an examination made but it will take us several weeks—

Several weeks—

to settle the question.

They have been three months now in an effort, as they claim, to settle it. They can not settle it, because one Joseph W. Tolbert, or his agents—and Harry New knows it, and Attorney General Sargent knows it, because I told him so to his face—is receiving money from the postmasters in South Carolina, possibly not for his own use; and that is how they are holding their jobs. I hope the resolution which has been offered by the Senator from Georgia [Mr. GEORGE] will be adopted by the Senate, and I hope the scope of the investigation proposed by that resolution will be broadened so as to include South Carolina.

In my reply to a letter which I wrote to Mr. Everett Sanders, he wrote me from the President's office a beautiful dodge.

I want to read first a letter written by John H. Bartlett:

DEAR MR. SANDERS: Senator BLEASE, it would seem, must be laboring under some misapprehension of fact in this case. I get this impression from Senator MOSES, with whom I talked this morning.

The truth is that when the postmaster died on December 27, 1927, it seemed to be the proper thing to do in the emergency to appoint his son acting postmaster.

This was a boy whose father and mother separated when he was a little boy. The mother took the son and went to Savannah, Ga., and I do not think he often saw the father afterwards. The boy lived in Savannah with his mother, went to school in Savannah, made Savannah his home, and possibly went to Anderson two or three times in his entire lifetime to visit his father. Even when his father was down on his sick bed he did not go to see him, so I am informed; but after he died this boy was imported by Harry S. New and Calvin Coolidge from Savannah, Ga., to Anderson, S. C., like they did in the days of the scalawags and the thieves, and made a postmaster in my State.

and this was done on recommendation of National Committeeman Tolbert. A civil-service examination is being held—

That was absolutely not true, and the records of Doyle's office and Bartlett's office both show that no such examination was held or has been held.

Now, listen to this:

The son is ineligible for the examination under the civil-service rule, being under 30 years of age, which is the civil-service requirement in this class of office.

The rule as to nonresidence has never been held to apply to an acting postmaster. * * *

But this young man, about 27 years of age, was born and brought up in the town of Anderson—

That is as black a lie as ever was written on a typewriter, if John H. Bartlett did sign it—

and I think he claims it as his residence.

Yet, Mr. President, while he thinks he claims it as his residence, here is the man's affidavit, sworn to in April, 1927, just about six months before he was appointed postmaster at Anderson, in which he swears that he was a resident of the city of Savannah, Ga.; gives the number of the house and the street where he lives, and says his occupation is "none." Bartlett knew that when he wrote that letter, because I had so informed him; and yet he puts his name here to something which he knows was a falsehood, and I will prove it by his own records directly.

He is unmarried, as I understand it—

A man who had no occupation ought to have been unmarried, I certainly think; he deserved to be—

and has for a few years been getting his living in other parts.

If he had been getting his living in other parts, how could he be a resident of Anderson?

He may be a resident of Georgia, but, as I said before—

Listen, now—

he came home upon the death of his father—

Just as I said; he came to see his dead body put away and get the job—

and it was quite natural that he should pick up the post-office situation that his father was in and go along with it temporarily.

Quite natural! In the case of a man from another State, who has been gone from his father for years, had not lived with him since his babyhood, it was "quite natural" that he should come out of another State and go into your State or my State and be appointed postmaster! I suppose if the postmaster at Portland, Me., had a son down in Florida, who had not seen him in 20 years, 5 years past 21 years of age, and the postmaster up in Maine should die, and this boy from Florida should go to see his daddy buried, he should be appointed postmaster in Maine! Yes; you would see Calvin Coolidge making a southerner postmaster in Maine!

He says:

I think Senator BLEASE will see this situation and accept it.

I will accept it, Mr. President, just like the South suffered such actions as this in the face of Federal bayonets in a Yankee camp. I will never submit to it as long as I can help it, and my people are not going always to submit to it. They are very long-suffering; they will suffer a long time, and they will go a long way; but there is a time to stop, and that time may come; and, if it does, Calvin Coolidge and Harry S. New will be responsible for its coming.

Since his appointment as acting postmaster, we have gotten telegrams from the mayor of the city * * * asking that he be made the permanent postmaster.

The mayor of the city! The mayor of the city married a sister of the dead postmaster, who is the own uncle of this boy. A nice recommendation, from his own uncle! He happened to be mayor of the city of Anderson, and he asked this boy from Savannah to be brought over there, I suspect to keep his mother from having to keep him, as he says he was a loafer, "occupation, none," he swears; 27 years of age. That is his recommendation—his uncle, the mayor.

Mr. President, further, Mr. Bartlett says:

The civil service list should be out in a very few weeks, and it doesn't seem reasonable on the facts to put the son of the deceased postmaster out as acting postmaster and put another in.

I trust this is a satisfactory explanation, but if it is thought that we should change him as acting postmaster in view of the situation, we can readily do so.

I wrote back and asked them to do so; and the result has been that they have kept him there nearly the four months required for being a resident of the ward in which he lives, hoping to keep him there until the Senate adjourns, and hold him in there until next December, when his year will be up, and then claim that he is eligible, and make him the permanent postmaster.

Herbert Hoover, from England, with his monocle, will never break the solid South by putting "chocolate drops" in the same water-closet with young white girls, nor will Harry New do it by bringing people from other States into the Southern States to hold their offices.

You gentlemen kicked this Georgia judge out down here, or you would have kicked him out—they pulled him out to keep you from doing it—when they imported him into Georgia to make a judge out of him. Now, why should they import a man out of Georgia into my State, and give him one of the finest positions in it, when we have right in that town plenty of people who are thoroughly competent to take it, and it might be possible that they could find one of their own kind?

Mr. President, I wrote to the President of the United States in regard to this matter. I do not care to take up the time of the Senate to read all these letters, but I do want to give here the substance of my reply to my friend Mr. Bartlett:

This letter of February 14, to the Hon. Everett Sanders, Secretary to the President, was handed me upon my return from South Carolina. It is really amusing, and I might say, but I won't, shows a thorough ignorance of the facts in the Anderson postmaster situation.

John R. Cochran, who was postmaster at Anderson, and died recently, was born and reared in Anderson, S. C. He married a Georgia woman. For some reason—I do not care to go into details—he and his wife were separated and did not live together for years before his death. Neither were they living together at the time of his death.

She went back to her people in Savannah, Ga., and carried young John Cochran, the now acting postmaster, as a child with her. He was reared in Savannah, lived and schooled and worked in Savannah. I have two oaths made and signed by him that he was a citizen of Savannah and a registered voter there, having registered in 1924 and again in April, 1927.

See page 3249, CONGRESSIONAL RECORD, February 20, 1928.

He swears in these affidavits that he is a citizen of Savannah. I hope he is not a perjurer, but if he is not a citizen of Savannah he is a perjurer, according to his own two signed and sworn statements.

He had not been in Anderson for some time before the death of his father and only went there upon being informed that his father was dead; and while there was picked up and made postmaster, which I consider an outrage upon the people of Anderson and the State of South Carolina.

I suppose from this letter that if a man was postmaster in New York and had a son living in California, and the New York postmaster died and the son went over to see his daddy buried, he ought to be picked up and made postmaster. I do not see it that way, General.

Now, as a matter of fact, the Civil Service Commission has found that Cochran is not a resident of Anderson and has not received any mail there in the last three or four years, if ever, and they have reported him ineligible even to take the examination, so where is the claim that he is a citizen of Anderson?

This letter says: "It seems to be the proper thing to appoint his son as acting postmaster," notwithstanding the fact that his son was a voting citizen and resident of another State.

The letter says, "He claims he is a resident." How can he so claim this, with the two affidavits hereto attached, swearing that he is a citizen of Savannah and getting registration certificates to vote there?

The next statement is laughable: "He came home upon the death of his father, and it was quite natural that he should pick up the post office. * * *"

The letter says you have a telegram from the mayor of the city, saying he will make a good postmaster. The mayor of the city is his uncle.

Now, Mr. President, it is common talk around that town, and I believe it, that the Post Office Department is endeavoring, as I have said, to hold this man there until he becomes a citizen. I introduced in the Senate a resolution upon this very question. I introduced in the Senate a bill upon this question. The bill is in the Post Office Committee, I suppose, quietly laid away. The resolution, I suppose, is somewhere in the same condition; but I did not propose to sit here longer and allow this man to sit in that post office as acting postmaster without calling the attention of the Senate to the fact that the President of the United States and the Postmaster General of the United States are both violating the laws of the Nation, as stated by the departments themselves, in holding a man in this post office in violation of two of the principal rules of the department.

Mr. President, this is not a personal matter. I do not know this boy, and have nothing in the world against him. He may be all right. I am fighting the principle involved. This situation was not brought about by me, and therefore, whatever the result of it may be, the blame must fall where it belongs, on the party attempting to humiliate my State by importing a man from another State to hold office in it.

Mr. President, as I said, I do not care to take up the time of the Senate; but I ask permission to have published in the RECORD certain letters and telegrams which passed between myself and the Postmaster General and the President of the United States, and letters which they wrote me in reference to

this matter, in order that the entire situation may be fairly and clearly understood, together with two newspaper clippings and two documents relating to the same subject.

The PRESIDING OFFICER (Mr. COUZENS in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

WASHINGTON, D. C., *January 5, 1928.*

Hon. HARRY S. NEW,
Postmaster General, Washington, D. C.

MY DEAR GENERAL: I am inclosing you copies of some telegrams which is evidence that John R. Cochran, just named by you as acting postmaster at Anderson, S. C., is a citizen and a registered voter of the city of Savannah and the State of Georgia, and not a citizen or a resident or even a taxpayer in the city of Anderson, the county of Anderson, or the State of South Carolina, and I request that you withdraw his appointment as acting postmaster, as I most seriously protest the transporting from another State a man into my State to fill such office.

With my kindest regards,
Very respectfully,

COLE L. BLEASE.

WASHINGTON, D. C., *January 5, 1928.*

Hon. HARRY S. NEW,
Postmaster General, Washington, D. C.

DEAR GENERAL: Further in reference to appointment of John R. Cochran as postmaster at Anderson, S. C., I am reliably informed that Mr. Cochran was in the insurance business in Savannah, Ga., for several years up to a very recent date; that before he went to Savannah he had made his home in Alabama and Maryland. I would like to know if it is going to be the policy of the department to take citizens from other States and appoint them postmasters in South Carolina. I would like to have a positive and definite answer on this question, as I am frank to say that if such is the purpose, I propose, as a member of the Senate Post Offices and Post Roads Committee, to introduce a bill prohibiting such tactics. South Carolina suffered a long time from scalawag and carpetbaggers and I do not propose to see that history repeated if I can prevent it.

With my kindest regards,
Very respectfully,

COLE L. BLEASE.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., January 7, 1928.

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.

MY DEAR SENATOR BLEASE: With further reference to our telephone conversation concerning the appointment of an acting postmaster at Anderson, S. C., I would state that the circumstances are as follows:

The postmaster at Anderson, John R. Cochran, died, making it necessary to appoint an acting postmaster at once. Mr. John R. Cochran, jr., the son of the postmaster, was recommended and was named as acting postmaster until such time as an examination conducted by the Civil Service Commission and inquiry by the Postmaster General might develop a proper person to name for the regular appointment. Young Mr. Cochran was notified to this effect and his bond sent to him.

It was not until after all this had been done that the case was brought to my attention, which was by your call over the telephone. The matter had arisen and pursued the regular course as a matter of routine and exactly as such cases are always treated. Immediately following your conversation I asked the First Assistant's bureau the status of affairs and learned that Mr. Cochran's bond had already been sent to him in order that he might take charge of the office. It was, of course, obviously necessary that some one must be placed in charge.

I also wrote to Mr. Joe W. Tolbert telling him of your telephone call to me. I am this morning in receipt of a number of telegrams addressed to the Postmaster General, one of which is from the mayor of Anderson, Mr. Foster Fant, which I quote:

"The citizens of Anderson heartily approve the appointment John R. Cochran postmaster.

"FOSTER FANT, *Mayor.*"

Also one from Wilton E. Hall, editor Anderson Daily Independent, which I also quote:

"As editor of Democratic newspaper here, I respectfully indorse the nomination of John Cochran, jr., for postmaster at Anderson, S. C. Although he has been away from this city attending college and touring Europe and working in other cities, he has always regarded Anderson as home and his forebears maternally and paternally have been native Andersonians back to the sixth generation. Andersonians prefer Cochran over and above any Republican here. Local post office organization and 90 per cent of patrons of office would indorse Cochran, in my opinion. I trust you will present nomination of Cochran."

You will, of course, understand that this department not only does not want to appoint some one who is not a citizen as postmaster at any given point but, in fact, that it can not do so under the law which requires two years' residence within the delivery limits of a post office to make a man eligible for appointment. The question of an individual's residence is one that would be determined by the Civil Service Commission in examining the qualifications of applicants for appointment.

Before the matter had been brought to my attention at all it had reached the point where Mr. Cochran had, in the due and regular course of departmental procedure, been designated to have temporary charge of the office at Anderson.

It is understood that this matter is temporary and nothing more. An examination will be asked for at the hands of the Civil Service Commission, which it will be asked to expedite, and no appointment of a postmaster can be made except as the result of this examination. You will be given every opportunity to express your opinions and desires with reference to the regular appointment.

I regret that you did not bring the subject to my attention earlier, but I trust that the foregoing explanation will be satisfactory.

Sincerely yours,

HARRY S. NEW, *Postmaster General.*

WASHINGTON, D. C., *January 9, 1928.*

Hon. HARRY S. NEW,
Postmaster General, Post Office Department,
Washington, D. C.

MY DEAR GENERAL: You and I have been too good friends to fall out over a small post office or, in fact, anything else, and we are not going to fall out, and the little difference between us about the Anderson post office can, I think, be pleasantly settled; but I call your attention to some matters which possibly you have not thought of.

If an attempt is made to appoint a person, totally disqualified, either as acting postmaster or postmaster, and he takes charge of the office, is he responsible for his acts while he is disqualified and ineligible?

If a person totally disqualified gives bond, can he take the oath of office without committing perjury, and is his bond legal; and could he and his bondsmen be held liable if there should be irregularities?

Can a person, absolutely disqualified under the statutes of the United States, hold an office and exercise the duties thereof, even though he is commissioned to do so by the properly legally constituted authorities? For instance, suppose that the governor of a State, in case of a vacancy in the United States Senate, were to commission a man under 30 years of age, could he take the oath of office? Is he a United States Senator, although he held a commission of the governor? Mr. VARE, of Pennsylvania, and Mr. Smith, of Illinois, have commissions as United States Senators, but they are not.

Did Mr. Cochran, at Anderson, take an oath before he assumed his duties as postmaster? If so, did he swear that he was a citizen of Anderson?

Is it a fact that since his attempted appointment he has applied for registration in the county of Anderson and has been refused because he can not take the required oath?

It is said that intent governs in these matters. True. But acts seem to me to show intention better than words, and this young man freely, voluntarily, and without compulsion, dread, fear, or threat, registered in the city of Savannah, Ga., exercised his citizenship and suffrage in that State, and when he left there in 1927 went to the State of Alabama and took charge of a bottling plant.

Does that look like that he intended to make South Carolina his home? And doesn't it show that he intended to change only after his father's death, and then because he wanted his father's position? He went to Anderson only to the funeral, where he has not been for years past except occasionally on a visit.

I call these matters to your attention, hoping that you will not let this young man stay in that post office, and, if you do, his individuality in the matter is going to be a small item in comparison to the political situation that it is going to create not only in South Carolina but here in Washington, D. C.

I assure you again of my kindest regards and best wishes.

Very respectfully,

COLE L. BLEASE.

P. S.—It might not be amiss for me to call your attention to the fact that the mayor of Anderson is an uncle of Cochran, and could hardly be expected not to indorse him, regardless of politics, and possibly he did not know that Cochran was a registered citizen and voter of Savannah, Ga.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., January 11, 1928.

Hon. COLE L. BLEASE,
United States Senate.

MY DEAR SENATOR: I am very glad indeed to have your letter of the 9th. I again assure you that I have every disposition to ultimately adjust the matter of the Anderson postmastership in a manner that will be satisfactory to you.

There was certainly no reason for this department to do otherwise than to proceed upon the theory that the son of the man who had been a long-time postmaster at Anderson was in all respects qualified to carry on the office. The death of the postmaster made it necessary to put the office under some one's management temporarily at once and the matter had progressed beyond the stage where it could be stopped before I had your letter. An examination for the creation of a list of eligibles has already been asked for at the hands of the Civil Service Commission and the time for closing applications fixed at February 7. When we get this list we can proceed to a permanent adjustment.

Sincerely yours,

HARRY S. NEW, *Postmaster General.*

WASHINGTON, D. C., *January 13, 1928.*

Hon. WILLIAM C. DEMING, *President,* Hon. GEORGE R. WALES, and Hon. JESSIE DELL, *Commissioners,*

Civil Service Commission, Washington, D. C.

GENTLEMEN: Mr. John R. Cochran, who has just been appointed acting postmaster at Anderson, S. C., is not a resident of the city of Anderson and is only 27 years of age. I presume he will be a candidate for the office, as I notice you have called for applications to be filed on or before February 7, 1928.

I am writing this to call your particular attention to the fact:

First. That the law requires that a man shall be 30 years of age to hold a post office like that at Anderson Court House, S. C. Mr. Cochran is only 27.

Second. That the law requires that a man shall be a resident of the town in which he is to be postmaster for two years previous to the time of his taking charge and must receive his mail there.

Mr. Cochran is a registered voter in the city of Savannah, Ga., and does not, and has not at any time received any mail at the Anderson post office, except possibly when he was there on a visit to his father.

I am inclosing proof of these assertions and, upon examination, I have not any idea that the young man would deny the facts.

Now, it may be said to you that Mr. Cochran was born and reared in Anderson and while he was temporarily away he held this as his home. My information is that this is not true. John R. Cochran, this boy's father, and his wife separated. His wife moved to Savannah, Ga. The boy went with his mother and did not live with his father but did occasionally pay visits to his father's people in Anderson. His father begged him, I understand, to come and live with him and prepare himself to be his successor. The boy flatly declined to do so, but remained away from Anderson.

Therefore I take the position that the young man is in no way qualified legally for this position, and I most seriously protest against his name being certified in the eligible list.

If you wish to go further into this matter, I would be glad if you will allow me to cross-examine the young man in the presence of your commission.

Of course, I need not say that if he is appointed I shall make every effort within my power to prevent his confirmation; not that I have anything against the young man whatever, personally; I do not even know him; but I do not propose to allow the law to be flagrantly violated without a protest and a man brought out of another State and appointed to a post office in my State.

I am mailing a copy of this to each of you gentlemen and a copy to your clerk. I have absolutely no objection to your mailing a copy, if you see fit, to young Cochran.

Very respectfully,

COLE L. BLEASE.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 14, 1928.

Hon. COLE L. BLEASE,

United States Senate, Washington, D. C.

MY DEAR SENATOR BLEASE: Your letter to each of the three civil service commissioners with respect to the forthcoming examination at Anderson, S. C., has been received.

The closing date for the examination at Anderson is February 7, 1928. This is a first-class post office, paying a salary of $3,400 per annum. No applications have as yet been filed with the Civil Service Commission.

Applicants for this position are required to be 30 years of age, except that all age limits are waived for ex-service men who served in the World War or Spanish-American War and were honorably discharged. Applicants must have actually resided within the delivery of the office for two years next preceding the date of examination.

Your letter will be filed with the application division, and the question concerning Mr. Cochran will be carefully scrutinized if he files an application.

Very truly yours,

W. C. DEMING, *President.*

South Carolina: Anderson, $3,400; December 27, 1927.

No person who has passed his sixty-fifth birthday or who has not actually resided within the delivery of such office for two years next preceding the date of examination shall be given the examination herein provided for. The Postmaster General shall determine before sending a name to the President that the candidate so selected has continued to reside within the delivery of the post office since the examination and up to the time of such selection.

WASHINGTON, D. C., *January 21, 1928.*

His Excellency CALVIN COOLIDGE,

President of the United States,

The White House, Washington, D. C.

HONORED SIR: A few days ago Mr. John R. Cochran, the postmaster at Anderson, S. C., died. Shortly thereafter the Post Office Department designated Jack R. Cochran acting postmaster.

I am inclosing records to show that the said Jack R. Cochran, or J. R. Cochran, is not qualified to act in said capacity, and that he is now acting in violation of the laws of the United States and the postal rules of the United States:

First. Because he is only between 26 and 27 years of age; the law requiring that this position should be held by persons not less than 30 years of age.

Second. That he is a resident and voter in the city of Savannah, in the State of Georgia, having resided there most of his life at the home of his uncle, at 220 East Forty-fifth Street.

Third. That he has not at any time had his mail addressed to him at the Anderson, S. C., post office.

In support of this I am sending you a copy of two certificates sworn to by himself, showing that he is a registered voter of the city of Savannah, in the State of Georgia; also copy of certificates from the officials of that city as to his having registered there and being a voter there. His own affidavit shows that when he registered in 1927 that he was several years below the required age to be qualified for this postmastership.

The constitution of the State of South Carolina requires that a man must have resided in the State for two years, that he must have resided in the county one year, and he must have resided in the voting precinct four months before he is eligible to become an elector.

Mr. Cochran's own affidavits, herewith attached, show that he lived in the city of Savannah, certainly up to the 1st of April, 1927. I am informed that he then went not to South Carolina but to Florida and then to Alabama, as other certificates herewith inclosed will show.

In view of this situation, Mr. President, I am protesting against the bringing of a man from Savannah, Ga., to Anderson, S. C., and making him postmaster.

I dislike to refer to family matters, but Postmaster John R. Cochran, deceased, and his wife were separated, and this boy left Anderson and went to Savannah, Ga., to live with his mother, and remained there at his uncle's home, went to school in the Savannah schools, registered, and became a voter in Savannah, has never lived in Anderson, S. C., and did not come to Anderson, S. C., until notified of his father's death, and while there was illegally and without excuse or foundation of law appointed acting postmaster simply because he was the son of his father, and I do not believe, sir, that you will uphold such action on the part of those who made this appointment.

I have called the matter to the attention of the Postmaster General and also to the Civil Service Board, and sent them copies of the papers which I am inclosing to you. I request that this young man be relieved from this service and that a native, at least, of my State be appointed to that office.

I regret that I have to make this letter so long, but I feel that it is due, before I bring the matter before the Senate, to place it before you for such action as you may deem fit.

With my kindest regards,

Very respectfully,

COLE L. BLEASE.

WASHINGTON, D. C., *January 21, 1928.*

Hon. HARRY S. NEW,

Postmaster General, Washington, D. C.

MY DEAR GENERAL: I am inclosing you copies of registration certificate of John R. Cochran, now acting postmaster at Anderson, S. C., sworn to by him, showing that on April 1, 1927, he was a registered voter, resident, and citizen of Savannah, Ga., and was only 26 years of age at that time, which shows that he is legally disqualified of even acting postmaster at Anderson, S. C., because he is not 30 years of age and is not now and never has been a citizen of Anderson, S. C.

Very respectfully,

COLE L. BLEASE.

WASHINGTON, D. C., *January 21, 1928.*

Hon. W. C. DEMING,

President United States Civil Service Commission,

Washington, D. C.

DEAR SIR: I am inclosing you copies of registration certificate of John R. Cochran, now acting postmaster at Anderson, S. C., sworn to

by him, showing that on April 1, 1927, he was a registered voter, resident, and citizen of Savannah, Ga., and was only 26 years of age at that time, which shows that he is legally disqualified of even acting postmaster at Anderson, S. C., because he is not 30 years of age and is not now and never has been a citizen of Anderson, S. C.

Very respectfully,

COLE L. BLEASE.

THE WHITE HOUSE,
Washington, January 23, 1928.

Hon. COLE L. BLEASE,
United States Senate.

MY DEAR SENATOR BLEASE: I received your letter of January 21, with inclosures, regarding the postmastership at Anderson, S. C., and am sending it to the Postmaster General for consideration.

Very truly yours,

CALVIN COOLIDGE.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 23, 1928.

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.

MY DEAR SENATOR BLEASE: Your letter of January 21, inclosing copies of registration certificate of John R. Cochran, acting postmaster at Anderson, S. C., will be made a part of the file in this case and will be given due consideration in the event Mr. Cochran files an application for the postmastership at Anderson.

Very truly yours,

W. C. DEMING, *President.*

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., January 24, 1928.

Hon. COLE L. BLEASE,
United States Senate.

MY DEAR SENATOR BLEASE: In the Postmaster General's absence I am acknowledging receipt of your letter of January 21 relating to the post office at Anderson, S. C. The letter will be brought to the Postmaster General's attention at the first opportunity.

You referred to the age of Mr. John R. Cochran as being 26 years, whereas in order to take an examination for postmaster at a first-class office a candidate must be 30 years of age. If Mr. Cochran is not 30, and if he has had no military service, it is therefore evident that he will be unable to qualify from the standpoint of age in the examination which has been announced for February 7. The requirement as to age is not applicable in the case of an ex-service man.

Sincerely yours,

JOHN H. BARTLETT,
Acting Postmaster General.

CITY OF SAVANNAH, GA.,
TREASURY DEPARTMENT,
Savannah, Ga., January 25, 1928.

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.

MY DEAR SIR: Replying to your favor of the 20th instant, asking for information of Jack R. or J. R. Cochran, I find that the gentleman is now in Anderson, S. C., and is acting postmaster at that point.

Yours very truly,

G. B. PRITCHARD,
City Treasurer.

WASHINGTON, D. C., *February 9, 1928.*

Hon. HARRY S. NEW,
Postmaster General, Washington, D. C.

MY DEAR GENERAL: I am informed by the Civil Service Commission that Mr. John R. Cochran, now acting postmaster at Anderson, has been declared ineligible, not being a resident of the city or county of Anderson or State of South Carolina, as provided.

I am also informed that he is three years under the required age and had no war record, save that he served in a Reserve Officers' Training Corps for a few weeks.

Under these conditions I am writing to ask if it is right that he should remain longer as acting postmaster; being wholly and totally disqualified to act as postmaster, should he be allowed to serve as acting postmaster, being a native of another State than the one in which he is acting, and being three years under the required age? I will be glad if you will give this matter your attention.

It is reported also that it is probable that an attempt will be made to hold him in the post office as acting postmaster until he shall become of age and shall have lived within the county and State the required time.

I can not believe this rumor; however, it is being very generally circulated as a fact by people who seem to be within the circle handling such affairs.

Thanking you for your attention to this matter, I am

Very respectfully,

COLE L. BLEASE.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., February 11, 1928.

Hon. COLE L. BLEASE,
United States Senate.

MY DEAR SENATOR BLEASE: In the absence of the Postmaster General I desire to acknowledge receipt of your letter of the 9th instant, relative to Mr. John R. Cochran, now acting postmaster at Anderson, S. C.

The Civil Service Commission announced that applications to fill the vacancy in the postmastership at Anderson must be filed by the close of business on the 7th instant. As soon as a certification is received the question of appointing a postmaster therefrom will have prompt attention. It is not believed advisable to appoint another acting postmaster at this time in view of the fact a list of eligibles will undoubtedly be secured within a reasonable time and then an appointment can be made for a four-year term.

Sincerely yours,

JOHN H. BARTLETT,
Acting Postmaster General.

WAR DEPARTMENT,
Washington, February 13, 1928.

Hon. COLE L. BLEASE,
United States Senate.

DEAR SENATOR BLEASE: Reference is made to your letter of January 20 in regard to J. R. Cochran.

Records of the North Georgia Agricultural College show John Robert Cochran to have been a member of the R. O. T. C. and S. A. T. C. at that institution from September, 1917, to June, 1919; that he completed 490 hours' work for military credit to June 9, 1919, and completed 2 years of military training, attended the R. O. T. C. Camp at Camp Lee, Va., June 21 to August 2, 1919, and successfully completed the camp course.

In spite of this, there is no record in the War Department that he was ever inducted into the service. War Department records do show a John Robert Cochran, 2d, who registered with local board, division 1, Anderson, S. C., on September 9, 1918. He gave his age as 43 and stated he had a son in Savannah, Ga., 16 years of age. In view of the similarity in names it is believed that the man concerning whom you wrote is the son referred to. If this be true, his age would have prevented his induction, the minimum for which is 18.

I am sorry that I am unable to give you more definite information.

Sincerely yours,

C. B. ROBBINS,
Acting Secretary of War.

THE WHITE HOUSE,
Washington, February 15, 1928.

Hon. COLE L. BLEASE,
United States Senate.

MY DEAR SENATOR BLEASE: By direction of the President, I am sending herewith a communication from the First Assistant Postmaster General regarding the postmastership at Anderson, S. C. Will you not be good enough to return it to the President after you are through with it?

Sincerely yours,

EVERETT SANDERS,
Secretary to the President.

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington.

Hon. EVERETT SANDERS,
Secretary to the President,
The White House, Washington, D. C.

DEAR MR. SANDERS: Senator BLEASE, it would seem, must be laboring under some misapprehension of fact in this case. I get this impression from Senator MOSES, with whom I talked this morning.

The truth is that when the postmaster died on December 27, 1927, it seemed to be the proper thing to do in the emergency to appoint his son acting postmaster, and this was done on recommendation of National Committeeman Tolbert. A civil-service examination is being held, and it is the intention to let the son act until we get an eligible register from the Civil Service Commission. The son is ineligible for the examination under the civil-service rule, being under 30 years of age, which is the civil-service requirement in this class of office.

The rule as to nonresidence has never been held to apply to an acting postmaster. It is often necessary to get some one to act immediately, regardless of residence or age.

But this young man, about 27 years of age, was born and brought up in the town of Anderson, S. C., and I think he claims it as his residence. He is unmarried, as I understand it, and has for a few years been getting his living in other parts. He may be a resident of Georgia, but, as I said before, he came home upon the death of his father, and it was quite natural that he should pick up the post-office situation that his father was in and go along with it temporarily.

I think Senator BLEASE will see this situation and accept it.

Since his appointment as acting postmaster we have gotten telegrams from the mayor of the city, from the editor of a newspaper, and a lengthy petition from patrons approving of the selection and asking that he be made the permanent postmaster, and the petition states that they consider him a resident of Anderson.

The civil-service list should be out in a very few weeks, and it doesn't seem reasonable on the facts to put the son of the deceased postmaster out as acting postmaster and put another in.

I trust this is a satisfactory explanation, but if it is thought that we should change him as acting postmaster, in view of the situation, we can readily do so.

Sincerely yours,

JOHN H. BARTLETT,
First Assistant Postmaster General.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., March 13, 1928.

Hon. COLEMAN L. BLEASE,
United States Senate.

MY DEAR SENATOR BLEASE: The commission has noted S. 3328, introduced by you on February 21 and referred to the Committee on Post Offices and Post Roads, providing that every postmaster and acting postmaster shall reside within the delivery of the office to which he is appointed or within the town or city wherein the same is situated, and shall have so resided for a period of not less than one year and shall be a qualified voter of the State in which he is appointed. For your information the commission invites your attention to the present instructions issued by the President in an Executive order relative to the residence requirements for postmasters of the first, second, and third classes.

This order requires two years' residence within the delivery of the office immediately preceding the examination date. A postmaster may reside outside the State where his office is located if he is within the delivery thereof, as at present the delivery district of a post office is not affected by State boundaries.

The law now in effect governing postmasters does not require any length of residence prior to appointment and the regulations concerning fourth-class postmaster examinations carry out the intent of the law to the extent that applicants are required to be residents of the vacancy office at the time of examination as well as at the time of appointment. No specific length of residence is required in the case of fourth-class offices.

The CONGRESSIONAL RECORD for February 20 makes reference to the case of J. R. Cochran, of Anderson, S. C. Mr. Cochran's application was rejected by the commission as it did not appear that he could meet the residence requirements for the Anderson office.

By direction of the commission.

Very respectfully,

JOHN T. DOYLE, *Secretary.*

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., March 17, 1928.

Senator COLE L. BLEASE,
United States Senate.

MY DEAR SENATOR BLEASE: Receipt is acknowledged of your letter dated March 14, in which the statement is made that "Cochran is now postmaster at Anderson, regardless of any rules or any law on the statute books." This statement has reference to one J. R. Cochran, of Anderson, S. C., to whom reference was made in the CONGRESSIONAL RECORD for February 20, and whose application for appointment as postmaster at Anderson, S. C., was rejected by this commission because it did not appear that he could meet the residence requirements for the Anderson office.

Mr. Cochran is acting postmaster, having been appointed as such by the Postmaster General pending the appointment of a qualified eligible under the Executive order of May 10, 1921, which prescribes the manner of appointing presidential postmasters. His appointment as acting postmaster was made effective January 9, 1928, and at approximately the same time the Post Office Department requested a certification of eligibles from which to make selection for postmaster at Anderson. As soon as the register can be compiled from the examination which was held February 7, 1928, certification will be made.

It is desired to point out that under the Postal Regulations the appointment of an acting postmaster pending the selection of a regular postmaster under the Executive order of May 10, 1921, is left to the discretion of the Postmaster General.

By direction of the commission.

Very respectfully,

JOHN T. DOYLE, *Secretary.*

ANDERSON, S. C., *January 3, 1928.*

United States Senator COLE L. BLEASE:

Will you oppose or not appointment of John R. Cochran, third postmaster at Anderson? Appreciate answer soon.

THE ANDERSON DAILY MAIL.

WASHINGTON, D. C., *January 3, 1928.*

ANDERSON DAILY MAIL,
Anderson, S. C.:

Your wire my understanding is Cochran is not a citizen of Anderson and is not eligible therefor. Will oppose his confirmation.

COLE L. BLEASE.

WASHINGTON, D. C., *January 3, 1928.*

J. W. TOLBERT,
Ninety Six, S. C.:

Just received following telegram: Will you oppose or not appointment of John R. Cochran, third postmaster at Anderson. Appreciate answer soon. The Anderson Daily Mail. Replied as follows: Your wire my understanding is Cochran is not a citizen of Anderson and is not eligible therefor. Will oppose his confirmation.

COLE L. BLEASE.

ANDERSON, S. C., *January 3, 1928.*

Senator COLEMAN L. BLEASE,
Washington, D. C.:

The appointment of John R. Cochran as postmaster to succeed his father is gratifying to the people of Anderson and meets with practically unanimous approval. He will be able to establish citizenship. Trust you will withdraw opposition and push early confirmation.

FOSTER FAINT, *Mayor.*

WASHINGTON, D. C., *January 5, 1928.*

COUNTY TREASURER,
Anderson, S. C.:

Has John R. Cochran, now acting postmaster, paid poll tax for the year 1927 or at any other time in Anderson County?

COLE L. BLEASE.

ANDERSON, S. C., *January 5, 1928.*

Senator COLE L. BLEASE:

No record of John Cochran, acting postmaster, having ever paid any tax in Anderson County.

J. R. C. GRIFFIN,
County Treasurer.

WASHINGTON, D. C., *January 5, 1928.*

COUNTY AUDITOR,
Anderson, S. C.:

Has John R. Cochran, now acting postmaster, paid poll tax for the year 1927 or at any other time in Anderson County?

COLE L. BLEASE.

ANDERSON, S. C., *January 6, 1928.*

Hon. COLE L. BLEASE,
Senator:

John R. Cochran has never paid taxes in Anderson County.

GEORGE E. SANDERS,
County Auditor for Anderson County.

WASHINGTON, D. C., *January 5, 1928.*

CLERK OF COURT,
Anderson, S. C.:

Is John R. Cochran, acting postmaster, a taxpayer or qualified voter of the city of Anderson?

COLE L. BLEASE.

ANDERSON, S. C., *January 5, 1928.*

Senator COLE L. BLEASE,
Washington, D. C.:

Do not find name of John R. Cochran, acting postmaster, on registration books for the city of Anderson.

JOHN C. TAYLOR, *Clerk of Court.*

WASHINGTON, D. C., *January 5, 1928.*

CITY CLERK AND TREASURER,
Anderson, S. C.:

Is John R. Cochran, now acting postmaster, a taxpayer in the city of Anderson? Has he been for several years past?

COLE L. BLEASE.

ANDERSON, S. C., *January 5, 1928.*

Hon. COLE L. BLEASE,
United States Senate Chamber:

Your wire, Mr. Cochran's name does not appear on city tax books.

J. B. FARMER, *Clerk and Treasurer.*

[From the Anderson Independent of January 3, 1928]

JOHN COCHRAN, JR., IS CONSIDERED FOR LOCAL POSTMASTERSHIP, RUMOR—SON OF LATE POSTMASTER MAY BE HIS FATHER'S SUCCESSOR ACCORDING TO RUMORS LEAKING OUT OF GREENWOOD—WOULD MEET WITH LOCAL APPROVAL

A rumor coming out of Greenwood has it that John R. Cochran, jr., son of the late Postmaster John R. Cochran, who died suddenly on Monday, December 26, is looked upon favorably by Joe Tolbert, Republican national committeeman from this State, and that young Mr. Cochran is being seriously considered as a successor to his father. The rumor states further that Mr. Cochran's name has been submitted to President Coolidge for approval, and that Congress will be asked to consider the appointment within the next few days.

It is believed that the appointment of Mr. Cochran would meet with hearty approval here. The late John Cochran, sr., served efficiently and well for more than 20 years, and local people are in favor of the office continuing in the Cochran family so long as the Republicans are in power.

A number of Anderson citizens are pulling political wires in an effort to worm into the vacant postmastership, it is understood. But practically all of them are Democrats and are therefore virtually ineligible. Young Mr. Cochran is about 25 years old, being some three years older than his father was when he was appointed. Mr. Cochran was born and reared in Anderson, but for the past several years has been in Florida and Alabama. He attended school at the University of Georgia, where he specialized in business administration. At the present time he is manager of a large bottling plant in Montgomery, Ala.

The only other known possibility for the postmastership besides Mr. Cochran is John Robert Tolbert. Mr. Tolbert, who is a native of Greenwood, has been making his home in Anderson for the past six months. He is a United States deputy marshal, and is a member of the famous Tolbert clan. He is quoted as having said that he did not care for the appointment, and would not accept the position were it offered him.

[From the Columbia State of January 4, 1928]

JOHN R. COCHRAN SUCCEEDS FATHER—NAMED POSTMASTER AT ANDERSON—SENATOR BLEASE TO FIGHT CONFIRMATION

ANDERSON, January 3.—On the heels of the announcement to-day from Washington that John R. Cochran had been appointed postmaster at Anderson came word from United States Senator COLEMAN L. BLEASE, of South Carolina, that he would oppose confirmation. His grounds are that Mr. Cochran is not a resident of Anderson, and therefore is ineligible to succeed his father, John R. Cochran, former postmaster.

WASHINGTON, January 3.—John R. Cochran has been appointed acting postmaster at Anderson, S. C.

ANDERSON, January 3.—When he takes office as acting postmaster here, John R. Cochran probably will be the youngest postmaster in South Carolina.

He is 27 years old, and succeeds his father, who died several days ago of heart trouble.

John R. Cochran, sr., was 21 years old when he was appointed postmaster here in 1898 by President McKinley. He served as postmaster 22 years.

Appointment of the son of the late postmaster comes as no surprise here.

FORMERLY IN SAVANNAH

(Special to the State)

SAVANNAH, GA., January 3.—John R. Cochran, 27, appointed to-day acting postmaster at Anderson, S. C., vice his late father of the same name, was in the insurance business in Savannah for several years prior to leaving here last spring. He had lived before in Alabama and in Maryland. Telephoning to-night from Anderson to relatives in Savannah Mr. Cochran said he had always kept his legal residence in Anderson.

OATH OF VOTER

On file in tax collector's office.

Jack R. Cochran, born December 20, 1902.

TRUE COPY OF REGISTRATION

GEORGIA, *Chatham County:*

I do swear, or affirm, that I am a citizen of the United States; that I am 21 years of age, or will be on the —— of ——— of this calendar year; that I have resided in this State for one year and in this county for six months immediately preceding the date of this oath, or will have so resided on January 16, 1928, of this calendar year; that I have paid all taxes which, since the adoption of the constitution of 1877, have been required of me, except taxes for this year; that I possess the qualifications of an elector required by the constitutional amendment adopted in 1908; and that I am not disfranchised from voting by reason of any offense committed against the laws of the State. I further swear, or affirm, that I reside in the city of Savannah, at No. 220 East Forty-fifth Street, or in the fourth district, G. M.; my age is 21; my occupation is clerk.

Sworn to and subscribed before me this January 25, 1924.

——— ——— *Registrar.*

(Signed) J. R. COCHRAN.

[SEAL.] J. A. JOHNSON,

Deputy Tax Collector Chatham County, Ga.

(Copy)

Qualifications claimed:

1. Soldier.
2. Descendant of soldier.
3. Good character and knowledge of duties of citizenship.
4. Educational.
5. Property.

OATH OF VOTER

New registration.

On file in tax collector's office.

Jack R. Cochran, to Florida in 1924; back to Georgia in 1926.

TRUE COPY OF REGISTRATION

GEORGIA, *Chatham County:*

I do swear, or affirm, that I am a citizen of the United States; that I am 21 years of age, or will be on the —— of ——— of this calendar year; that I have resided in this State for one year and in this county for six months immediately preceding the date of this oath, or will have so resided on January 16, 1928, of this calendar year; that I have paid all taxes which, since the adoption of the constitution of 1877, have been required of me, except taxes for this year; that I possess the qualifications of an elector required by the constitutional amendment adopted in 1908; and that I am not disfranchised from voting by reason of any offense committed against the laws of the State. I further swear, or affirm, that I reside in the city of Savannah, at No. 220 East Forty-fifth Street, or in the fourth district, G. M.; my age is 26; my occupation is none.

Sworn to and subscribed before me this April 1, 1927.

——— ——— *Registrar.*

(Signed) JACK R. COCHRAN.

[SEAL.] J. A. JOHNSON,

Deputy Tax Collector Chatham County, Ga.

(Copy)

Qualifications claimed:

1. Soldier.
2. Descendant of soldier.
3. Good character and knowledge of duties of citizenship.
4. Educational.
5. Property.

FARM RELIEF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce.

Mr. McKELLAR. Mr. President, a parliamentary inquiry. Will the Chair state what amendment is now pending, if any?

The PRESIDING OFFICER (Mr. COUZENS in the chair). The Secretary will state the pending amendment.

The LEGISLATIVE CLERK. The amendment of the Senator from New York [Mr. COPELAND], as modified, to insert, on page 26, after line 21:

(4) The words "agricultural commodity" mean an agricultural commodity which is nonperishable in its nature.

Mr. McKELLAR. Mr. President, will the Senator from Oregon state what he desires to do with the amendment?

Mr. COPELAND. Mr. President, I would like to perfect this amendment of mine, which is now pending, to have it read:

The words "agricultural commodity" mean an agricultural commodity which is not a fruit or vegetable

Mr. McNARY. Mr. President, I think that exactly meets the situation; and, so far as I am personally able to do so, I accept the amendment.

Mr. COPELAND. Shall we take action upon it now?

Mr. McNARY. Yes; we might as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York, as modified.

The amendment, as modified, was agreed to.

Mr. McKELLAR. Mr. President, I offer an amendment, which I will ask the clerk to report.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 3, line 21, after the word "States," insert "shall be the producer of some one or more agricultural products or shall be interested in and truly representative of agriculture."

Mr. McKELLAR. That merely refers to the qualifications of the members of the board, and I take it that the Senator from Oregon agrees to that first amendment.

Mr. McNARY. Yes; as far as I can.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McKELLAR. I ask the clerk to read the next amendment, on page 5.

The LEGISLATIVE CLERK. On page 5, after line 15, the Senator from Tennessee proposes to insert:

No action having a general application to any one commodity shall be taken by the board unless first approved by a majority of the advisory council.

Mr. CARAWAY. What does that amendment mean? It says "having a general application."

Mr. McKELLAR. That is the language which was suggested.

Mr. SHORTRIDGE. Mr. President, we can not hear what is going on in the Chamber.

Mr. CARAWAY. I think this is a very important matter, and the Senate ought to hear it.

The PRESIDING OFFICER. The Senate will be in order.

Mr. McKELLAR. The Senator from Arkansas has asked in reference to the language of the amendment on page 5, after line 15. I will read it, if the Senator will permit me:

No action having a general application to any one commodity shall be taken by the board unless first approved by a majority of the advisory council.

I will say to the Senator from Arkansas that, as he will recall, the bill provides that an advisory council of seven shall be appointed by the board.

Mr. CARAWAY. I am familiar with that.

Mr. McKELLAR. This is one of a number of amendments appearing in the RECORD of yesterday's proceedings. The purpose is to have the President appoint the advisory council by and with the advice and consent of the Senate, and in all matters like the assessment of the equalization fee or like any question affecting generally a commodity, in a general way that does not apply to all the others——

Mr. CARAWAY. It is not the amendment we agreed upon, then?

Mr. McKELLAR. It is exactly the amendment that was agreed upon, with the suggestion of this language by representatives of the farm cooperative associations.

Mr. CARAWAY. Is it the intention of the Senator now to have the President appoint the advisory council?

Mr. McKELLAR. It is.

Mr. CARAWAY. And get them absolutely from under the control of the farm organizations?

Mr. McKELLAR. No; they are to be appointed from lists furnished by the board.

Mr. CARAWAY. I hope the Senator from Oregon, the chairman of the Committee on Agriculture, will not agree to the amendment, because it would import into the bill one of the very reasons the President gave for vetoing the bill when it was passed before.

Mr. McNARY. Mr. President, of course the chairman of the committee has no authority to accept any amendment.

Mr. CARAWAY. I understand that, but this is not the amendment we agreed upon. The amendment which was submitted and agreed to, when I had anything to do with it, was to the effect that the advisory council should be nominated by the farm groups and appointed by the board. This would incorporate into the bill one of the very reasons why the President vetoed the other bill, saying that we were invading his constitutional right to make the selections.

Mr. McNARY. I think the Senator from Arkansas forgets that confirmation is to be by the Senate. The appointments are to be made by the President upon the suggestion of the cooperative organizations—from lists they submit.

Mr. CARAWAY. Yes.

Mr. McKELLAR. The President is not bound by them.

Mr. McNARY. Then the President makes the appointments, subject to confirmation by this body.

Mr. CARAWAY. He complained about that provision with reference to the board in the former bill, because he said we were invading his constitutional right, telling him whom he was permitted to appoint.

Mr. McNARY. But in that bill, as the Senator will recall, there was provided a nominating committee, and they were to submit three names. Under this they are to supply to him a representative list, from which he can make his own selections.

Mr. CARAWAY. What is the difference between submitting 3 and 300, if there exists the right to submit a list, and he can not go outside of it? Why change the language we agreed upon, which would provide that this advisory council shall be appointed by the board, making it absolutely responsive to the farm group? Let the farm group name the list from whom the board should select, so that they could not go outside the list of those the farmers themselves want. If Senators take the view of it now, that it has not any force and effect, that it is merely the expression of a wish, they may so tie their hands that the farmers can not get a single person they want on the board.

Mr. McKELLAR. Mr. President, if the Senator will permit a reading of the amendment found on page 2 of the redrafted section 4, I think it will meet his approval.

Mr. CARAWAY. This does not meet my approval.

Mr. McKELLAR. If the Senator will permit me, and will listen to it, I will read that amendment, which is a part of the one we have just been discussing. It is to insert, in lieu of section 4 of the bill:

SEC. 4. (a) Whenever the board determines that any agricultural commodity may thereafter require stabilization by the board through marketing agreements authorized by this act, or whenever the cooperative associations, or other organizations representative of the producers of the commodity, shall apply to the board for the creation and appointment of the advisory council for such commodity, then the board shall notify the President of such determination or application. The President shall thereupon create an advisory council for the commodity. The advisory council shall be composed of seven members to be appointed by the President by and with the advice and consent of the Senate. No individual shall be eligible for appointment to a commodity advisory council unless he resides in the region in which the commodity is principally grown, and is a producer of the commodity. Prior to the making of any appointment to a commodity advisory council, the board shall transmit to the President for his consideration lists of individuals qualified for appointment, to be submitted to the board by cooperative associations or other organizations representative of the producers of the commodity. The term of office of a member of any commodity advisory council shall be two years. In the event of a vacancy occurring, the President shall fill such vacancy in the same manner as the originally appointed member, and, should Congress not be in session, such appointee shall hold office until 20 days after the convening of the next session of Congress.

Mr. CARAWAY. What is the reason for taking away from the board the right to appoint this advisory council, so that we may know that the farmers will get exactly what they want? Why does the Senator want to make it speculative, so that the farmer may or may not get his friends on the board?

Mr. McKELLAR. Mr. President, I will state the reason for that. Under the terms of the bill as now drawn, the farm board would have a right to appoint the advisory council, but the advisory council could give any advice that it might see fit to give, and the board, which creates the advisory council, of course would not have to follow the advice of the council unless it desired to do so.

Mr. CARAWAY. Yes; but we agreed upon an amendment to cure that situation.

Mr. McKELLAR. This is the amendment, as I understand it.

Mr. CARAWAY. No; this is not the amendment, and if I may be permitted to say so without being offensive, whoever may slip that into the bill has handed the farmer a gold brick. It absolutely defeats the very object and purpose of the amendments agreed upon to make the bill responsive to the farmer. If you can not trust the farmer, just say so. That is all the amendment says.

Mr. McNARY. Mr. President, I assumed that this was the amendment agreed upon.

Mr. CARAWAY. Absolutely, it is just the contrary.

Mr. McKELLAR. I thought, as the Senator from Oregon did, that the Senator from Arkansas had agreed to it. I am just mistaken about it.

Mr. CARAWAY. Absolutely, it is the converse of what we agreed upon.

Mr. McNARY. Let me suggest that for the present the Senator refrain from offering his amendment.

Mr. McKELLAR. I will, for the present, and I will submit it to the Senator from Arkansas, because I assumed that it had his approval.

Mr. CARAWAY. The amendment we agreed upon put the power in the hands of the farmer, because the bill had to be drawn to meet the President's objections.

Mr. McKELLAR. I withdraw the amendment for the present.

Mr. CARAWAY. The bill had to be drawn to meet the President's objection as to limiting his constitutional right to make appointments. We could say that the advisory council, which was nominated by the farmers and must be appointed by the board, should have full power to say when a marketing operation should commence and when it should end. Therefore the board would be merely ministerial when it came to the most important part of the bill. But this amendment absolutely takes away from the farmer any chance to have his wishes respected at all. It changes the whole purpose and intent of the amendment and destroys whatever little control the farmer would have over his marketing machinery. It seems to me unthinkable that it should be urged upon the bill.

Mr. SIMMONS. Mr. President, I can not agree with the conclusions of the Senator from Arkansas with respect to the amendment. I think the amendment does exactly the reverse of what the Senator from Arkansas contends it does.

Mr. CARAWAY. Mr. President, will the Senator let me ask him a question? We can settle that in just a minute.

Mr. SIMMONS. If the Senator will allow me to proceed a little further, then I think he will understand me better.

The bill as originally drawn provided for the selection of a board of 12 by the President, by and with the advice and consent of the Senate. Practically all power was vested in that board. It also provided that if the growers of a commodity saw fit to come in and take advantage of the provisions of the bill for a period, that a council of seven should be appointed to represent that particular product. But the bill provided that that council should be appointed by the board. There was no limitation whatever upon the power of the board with reference to the appointment of the council. The council, when appointed, had very little power. Its powers were almost wholly confined, if not absolutely confined, to recommendations and advice.

The friends of the amendments now offered insisted that that lodged practically all power in the board, because the council would have little power to begin with, and the council would be so absolutely dependent for its life and existence upon the board that its members would, of course, do the bidding of the board. Therefore, in order that a product like cotton or tobacco or wheat, when it entered to take advantage of the provisions of the bill, should have somebody there who would be especially interested in that product and represent it, and with some power of independence in the position which its representatives took, it was decided by the committee that we would urge that the council as well as the board be appointed by the President. I do not think the Senator from Arkansas was present, however, when that determination was reached; I am quite sure he was not.

Now, it is argued that we would restrict the rights of the President, in the making of the appointments, to the point where there would be an infringement upon his constitutional prerogative. Such is not the case.

Mr. CARAWAY. Mr. President, if the Senator will permit me, the Senator is aware of one of the reasons given by the President for his veto of the other bill, that we tried to limit his right to make appointments. Under the amendment to which we agreed in the committee room, when I never thought there was to be any change in it, we said that, while we could not restrict his right to appoint the board from whatever source he saw fit, we could make the board employ or appoint an advisory council that the farmers themselves might select, because the board would have no discretion, and, therefore, we could make the advisory council absolutely the agent of the producer, over which the board would have absolutely no control. Now, the amendment takes that away from the farmer and provides that the President may appoint the advisory council also, and he can go wherever he pleases to do it, because under the Constitution we can not compel him to do otherwise.

Mr. SIMMONS. I want to say very emphatically that I had infinitely rather have the President appoint the council, with the advice and consent of the Senate, than to have the board appoint the council at their will.

Mr. CARAWAY. But that was not the original amendment. The amendment was that the board should appoint, as an advisory council, those people whom the farmers' organizations recommended, and nobody else. We could require the board to name the council so we would not have to submit more than seven names, and they would have to accept them. Then the council would be the agents of the producers and not of the board, and would be responsive to the agricultural interests of the country, because the agricultural interests recommended them and forced their appointment. Under the proposed amendment the President could appoint an advisory council for tobacco from among whomsoever he saw fit, and they might not know tobacco from acorns.

Mr. SIMMONS. The Senator is entirely mistaken about that.

Mr. CARAWAY. That is what it says. I may not know lots of things, but I do know how to read, and I do know that as long as——

Mr. SIMMONS. There are others of us who know how to read also.

Mr. CARAWAY. I know that. I know that as long as the advisory board was to be made up of men selected by the agricultural group and appointed by the board, neither the President nor anyone else could interfere. We would get just exactly whoever the farmers wanted. If they have sense enough to know their friends, they would get them. But under the provisions of the amendment as now submitted they absolutely lose control of the council, because the President has the constitutional right and we can not restrict him in the making of appointments when we create the office.

Mr. SIMMONS. Oh, Mr. President, we have repeatedly restricted, not the number of persons from whom the President might select, as did the provision in the bill of 1926——

Mr. CARAWAY. He vetoed that measure on that account.

Mr. SIMMONS. Yes; he vetoed it on that ground and I am not now complaining of his veto with respect to that matter.

Mr. CARAWAY. I am.

Mr. SIMMONS. Then we provided for the selection of certain men by the farmers' organizations and provided that the President should select the appointees from that list.

Mr. CARAWAY. If the President said that he would veto it because we confined his list to 26, he would have the right to veto it if we named a million on the list. It is not a question of how many, but whether we have the right to do it at all. It does not make any difference whether the President is right or wrong, as long as he can sign his name to the veto of a material measure he can do it, and the Senator knows he will do it on that ground.

Mr. SIMMONS. Now, if the Senator is through, I will proceed with what I started to say.

Mr. CARAWAY. I shall not interrupt the Senator again.

Mr. SIMMONS. I do not mean the Senator may not interrupt me if he desires at any time, and I assure him of my desire to be entirely courteous to him.

Mr. President, what the amendment does, as I understand it, is simply to say that the council appointed to represent a particular commodity may recommend to the President certain persons as eligible, as qualified, for the position, but it does not require the President to appoint from that list. The President may absolutely ignore that list, although it may contain 100 names. But it is provided that the President shall appoint a person who is a producer of the product or substantially interested in the production of the product. The latitude of the President is not limited beyond the right of the Congress to limit it.

We have enacted legislation of that character here repeatedly. We provided in one act, I remember, that in the selection of representatives upon the Shipping Board, appointees should be taken from certain sections of the United States. We provided that the representatives of certain interests should be selected, and only the representatives of certain interests. When we get to the bottom of his matter that is all the amendment now proposes. It provides that the President may appoint, if he chooses to do so, from the list submitted to him by the council representing the particular article or product; but if he does not desire to do that he may refuse to make a selection from that list and may make another selection; but when he does make the selection, it must be somebody who is a producer of the product for which the council is to be appointed.

I submit that that limitation is not one which infringes or in any way tends to impair the power of the President under the Constitution. It is a method to which we have frequently resorted in order to secure protection of just the character we are seeking in this bill. It would not be obnoxious to the objection made by the Senator from Arkansas, and neither would the President find any ground in it upon which to base a veto.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER (Mr. COPELAND in the chair). Does the Senator from North Carolina yield to the Senator from Arkansas?

Mr. SIMMONS. I yield.

Mr. CARAWAY. What advantage can come to agriculture by having the advisory council appointed by the President when

we can let it be named by the board and we can absolutely name the individual? We can tell the board under the bill that this one man, which a particular organization names, shall be appointed, and nobody else, and it is mandatory upon the board, and it has no discretion; it has to appoint him. But under the amendment now submitted the only thing left to the agricultural interests is to put up a list of names, and the President may select from among them or he may not. What advantage do we get by taking away from the farmer the absolute control of his own business and injecting it into the uncertain field of presidential politics, subject to the whim and wish of the administration, whoever it may be? What reason can be offered for denying the farmer the right to take his agent from whatever class he wants to name, naming John Jones or Henry Smith, and nobody can say them nay? But under the amendment as now presented the President, if we name Smith, may hand us Brown. I see no advantage that would come from such a provision.

Mr. SIMMONS. Mr. President, it is the broad difference between a council appointed by the board and a council appointed by the President with the consent of the Senate. If the council is appointed by the board the Senate has nothing to do with it. The board may appoint whomsoever it pleases.

Mr. CARAWAY. Oh, no; it must appoint the very man that the agricultural interests ask for; it has no discretion; it is purely an administrative act. So the farmer may name absolutely the agent he wants. Under the amendment as it is the farmer may suggest and then have to take whoever is given him. Why should the farmer want to be denied the right to be absolutely certain that he will get the individual agent that he wants?

The Senator says that the President will have to select from a group, but he may take anybody in that group that he wants to.

Mr. SIMMONS. The President may take any producer of the product whom he wants to; there is no limitation of his power; but the Senate is not required to take anybody whose name the President may send it.

Mr. CARAWAY. Does the Senator fear to trust the farmers and therefore want a veto on their choice? Is he not willing that the farmers who create the wealth shall say how it shall be disposed of, or does he think they ought not to sell a hogshead of tobacco or a bale of cotton unless the Senate shall ratify the transaction?

Mr. SIMMONS. I do not desire——

Mr. CARAWAY. That is exactly what will be the result of the Senator's amendment.

Mr. SIMMONS. Of course, I deny that assertion. If the Senator will let me have just one word in my own time, let me say that this bill as originally drafted put the agricultural interests of the country entirely in the hands of a board selected by the President and the cooperative associations of farmers; and I do not want to have those interests put absolutely in the hands of either. I want to see the right of selection——

Mr. CARAWAY. If the Senator will pardon me, his first statement is incorrect. It did not put the interests of agriculture in either the hands of the cooperatives or of the board; it put them in the hands of the organized farmers.

Mr. SIMMONS. Well, Mr. President, after this bill shall be passed, if it shall be passed in its original form, the organized farmers of the country generally will mean cooperative associations, and nothing else. I desire that the Senate of the United States shall have as much power over the appointment of the advisory councils as it has over the appointment of the board. I think that it is as important to the cotton interests of the South that the Senate as the representative of the States shall have the power to determine at least who shall not represent upon the advisory council the interests of the different agricultural products. I think that section by section we are as much interested in the advisory councils as we are in the general board, and therefore I have been anxious to make the councils independent of the board.

Mr. CARAWAY. And of the farmer.

Mr. SIMMONS. No; not independent of the farmer.

Mr. CARAWAY. That is just what the Senator's amendment will do.

Mr. SIMMONS (continuing). Because we have provided in the amendment that nobody shall be appointed upon the council who is not a producer of the commodity, and if the President violates that instruction the Senate will have the right to reject and to repudiate the action of the President. The producers are, if anything, more interested in the council and its fitness and qualifications and its interests and sympathy even than they are in the board.

The council represents the particular agricultural industry; the council has to do with vital questions affecting the particular industry; and I think the council ought to be as independent of the board in its action as the board is of the President in its action.

Mr. CARAWAY. Mr. President, may I ask the Senator from North Carolina a question?

Mr. SIMMONS. I shall be very glad to hear the Senator's question and will answer it.

Mr. CARAWAY. I merely want to make a brief statement. Without bandying this question further backward and forward, the Senator from North Carolina says he wants to make the board responsive, as I gather from his remarks, to the Senate. Under the amendment that we agreed to, as I understood, the board became absolutely the creature, the agent of agriculture. It was to name every member of the advisory council, and nobody could veto the farmer. Now, if the Senator is correct, if he is not willing for the cotton producers to select their agents unless the Senate shall have the right to review the selections, I can not understand the amendment. Personally, I am willing to let the farmers select their agents. If they are not better farmers than I and some of the others of us have proved to be, I presume they ought to have guardians appointed, as most of us who are farmers may have to have receivers appointed for us pretty soon. Under the amendment agreed upon, the farmer was absolutely his own master; he could select his own agents and nobody, high or low, could control his selection. Necessarily, then, his agent would be his creature. Under the amendment he would have only the right to put his hat under his arm and say, "Now, Mr. President, if in your wisdom you are willing that I shall have one of the million agents that I might designate, I will be duly thankful." I am told that the Senate can reject a nomination made by the President. Of course it can. It can reject any nomination he may submit; but it can not make him send in the name of somebody else that suits us any better. We can reduce the bill to an absolutely useless number of words by authorizing the Executive to determine who shall be the agents, when we have it in our power to make the agent absolutely responsive to the farmers and to nobody else. Why does the Senator want to surrender that power?

Mr. SIMMONS. If the Senator will pardon me, I should like to proceed.

Mr. CARAWAY. I was not quite through, but of course I yield to the Senator.

Mr. SIMMONS. No; go ahead. I do not want to interrupt the Senator from Arkansas.

Mr. CARAWAY. If the Senator from North Carolina has something he wishes to say I would rather yield the floor than not have him say it.

Mr. SIMMONS. I was simply going to say that recently the Committee on Commerce reported a measure and it was passed by the Senate which, in pursuance of a custom and precedent that has been followed here ever since I have been in the Senate, provided for a certain board, a very vital board, in connection with flood control, that board to have the jurisdiction and the power to determine any differences existing between what is known as the Jadwin program of flood control and the Mississippi River Commission flood-control plan.

All questions of difference are to be settled by that particular board, as the chairman of the Committee on Commerce, the Senator from Washington [Mr. JONES], now sitting at my right, will recall. It is provided in the act that the Secretary of War shall be ex officio a member; that the Chief of Army Engineers shall be a member; that the president of the Mississippi River Commission shall be a member; and the President shall then appoint two civilian engineers to make up that board of five. What we have done in the case of the pending bill is similar to that.

Mr. President, I wish to say to the Senate that when I first read this bill there were two things that especially impressed me; first, that the arrangement with reference to the appointment of a council put the whole administration of this complex system in the hands practically of the board itself. There is a provision that the board shall, in making appointments to the advisory council, receive the recommendations of the cooperative associations and farm organizations, and there is also a provision that it shall appoint persons representing the particular commodity, but there is no power to make the board conform to those requirements. If the board should see fit to disregard those requirements in the act and appoint a man from New York to represent the cotton industry of the country, there would be no remedy against their action. That was one situation that confronted me. Again, I felt the council was so important to agriculture, especially the larger agricultural industries, so important to the wheat producers, for instance, having the entire control of the administration of the legislation as it affected wheat, and so important to the great cotton industry, and so important to tobacco, that the council ought to be inde-

pendent of the board and ought not to be a mere servant and tool and puppet of the board, and that ordinary caution would dictate that the Senate should have the right to confirm or reject the appointees to the council. Of course, if the appointments were made by the board, the Senate would have no power to reject them.

The only way the Senate could acquire this right of confirmation or rejection was to require the appointments to be made by the President. In this way the Senate retains its control over the confirmation of the nominations, so that if the President should abuse his authority and appoint some one contrary to the provisions and spirit of the law and not truly representative of the interests involved the Senate will have a check upon him. If the board as constituted in this bill as originally presented shall appoint somebody other than a farmer, there is nobody to check it up; there is nobody to restrain its usurpation in that regard.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. SIMMONS. Yes.

Mr. BORAH. The Senator has given a great deal of attention to this bill and particularly this feature of it. Is it a practical proposition to have the producers of the commodity elect the advisory board?

Mr. SIMMONS. The bill provides that a council of seven shall be appointed for each commodity.

Mr. BORAH. Yes; but the only thing the farmer has to do with it is twice removed; that is the appointments are made from a list recommended by the cooperative associations.

Mr. SIMMONS. Practically so.

Mr. BORAH. That is what the bill provides.

Mr. SIMMONS. The bill reads:

> The board is hereby authorized and directed to create an advisory council of seven members fairly representative of the producers of such commodity. Members of each commodity advisory council shall be selected annually by the board from lists submitted by cooperative associations or other organizations representative of the producers of the commodity.

Mr. BORAH. The only relationship which the actual producer has with it is whatever relationship he may have through the association. Is it not practicable to enable the producers of a commodity to select their advisory board and give that advisory board the authority to say whether or not that commodity can be taken under these marketing agreements?

Mr. SIMMONS. I would not object, Mr. President, to the representatives of the commodity concerned appointing the council, but I do object to letting the board select the council.

Mr. BORAH. I quite agree with the Senator upon that proposition.

Mr. SIMMONS. Notwithstanding the provision here restricting the authority of the board in the case of appointments to the council, I say if they disregard those limitations—and there are instances where such limitations have been disregarded in the past—that we have no power to remedy that wrong.

Mr. BORAH. In my humble judgment, the real producer will be a bystander in this whole proposition. He really has not any checking power anywhere.

Mr. SIMMONS. Not as much as I should like him to have. If the Senator can prepare a workable amendment that would give the representatives of the commodity the right to appoint the council, that would suit me better than anything else; but it is very difficult to get a fair representative action out of a vast number of citizens, scattered all over this country, who may represent a particular product, unless you are going to put it absolutely in the hands of the cooperatives.

Mr. BORAH. I know it is difficult. That is where the difficulty arises, in getting them together; but the fact remains that there ought to be some method by which the real producers could have some check upon two propositions in this bill. They ought to have a check, in the first place, upon the question of whether or not the commodity is going to be taken in charge by the general board, and secondly, a check upon the amount of the fee.

Mr. SIMMONS. We have the first.

Mr. SMITH. That is provided in a subsequent amendment.

Mr. SIMMONS. Yes; that is provided, absolutely.

Mr. SMITH. It is then, provided, that no action shall be taken in reference to any commodity except a majority of the appointed advisory council agrees.

Mr. SIMMONS. If the Senator will examine all these amendments together—I do not know whether he has had an opportunity to read them or not—he will see that these amendments tend to put vast power in the hands of this council when it is once created.

Mr. BORAH. Yes.

Mr. SIMMONS. Now, we are dealing with the manner of creating it.

Mr. BORAH. Exactly. The virtue of the whole proposition depends upon the manner of creating this advisory council.

Mr. SIMMONS. Exactly. Therefore, I think it is as important as the board, and ought to be independent of it.

Mr. BORAH. I agree with the Senator.

Mr. SIMMONS. I am not going to consent to the plan now carried in the bill, because I see no reason for a council if it is to be a mere puppet of the board and enjoy no privilege or power except that of recommendation and advice, which can be disregarded at the will of the board.

Mr. SMITH. Mr. President, I should like to state to the Senator from Idaho that every subsequent amendment to this bill has recognized that the fate of each commodity under this proposed marketing system is going to rest, under the amendments we propose, with the advisory council.

Mr. BORAH. Yes.

Mr. SMITH. Unless that is done I, for one, can not support the bill.

Mr. BORAH. I agree perfectly with the Senator upon the proposition that the advisory council, representing a particular commodity, should have a check upon the actions of the board. I think they ought to be authorized to say that the board shall not proceed with the marketing proposition with reference to any commodity without their consent. I agree with that. Then the manner of the creation of the advisory council becomes all the more vital.

Mr. SMITH. Has the Senator any suggestion to make other than the one that was so painstakingly worked out by those who were interested in one commodity, at least, when we sought to restrict, as far as we could safely do so, the appointment of these men so as to represent the actual producers of the commodity? The language may be unfortunate; but the intent was that the actual producers, representatives of those who would be vocationally and commercially interested in the production of the commodity, should be on the council.

Mr. BORAH. These amendments only came to our desks this morning, and it is difficult and perhaps not just to criticize them without further consideration; but I ask the Senator, how is this advisory board made up? I see that the President is to appoint the members.

Mr. SMITH. If the Senator will read the text of the amendment, it is provided that they shall be selected in accordance with the original text of the bill—that is, the names of prospective members are to be submitted by cooperatives and farm organizations—but it is not limited to that; and that is what we are trying to get away from, so that if, outside of those representing the farmers, there should be a more available man, a better man, he could be named.

Mr. BORAH. It may be that that is as close as you can get it back to the producer, but it is unfortunate if it is.

Mr. SIMMONS. Let me read the Senator the language of this amendment concerning the appointment of the board:

> The advisory council shall be composed of seven members, to be appointed by the President, by and with the advice and consent of the Senate. No individual shall be eligible for appointment to a commodity advisory council unless he resides in the region in which the commodity is principally grown and is a producer of the commodity. Prior to the making of any appointment to a commodity advisory council the board shall transmit to the President for his consideration lists of individuals qualified for appointment, to be submitted to the board by cooperative associations or other organizations representative of the producers of the commodity.

Mr. BORAH. The effect of your amendment is to take the appointing power out of the board, and place it in the President?

Mr. SIMMONS. Yes.

Mr. BORAH. On the theory that the Senate can reject the appointments in case they are not satisfactory?

Mr. SIMMONS. Yes; in case they are not satisfactory, and in case they are not made in conformity to the provisions of the act.

Mr. SMITH. And one other view: If the board is given this appointive power, it goes without saying that these advisory councils would be hardly persuasive, because they would be the creatures of the board, and it is natural to suppose that they would more nearly represent what the board wanted than what was absolutely vital and necessary in reference to the particular commodity which they represented; and for that reason we suggested the present form.

Mr. HEFLIN. Mr. President, if the Senator will permit me, the Federal reserve act provides that each Federal reserve bank shall have a board of directors. It goes on to tell how they shall be selected, and what business they shall be engaged in:

> Class A shall consist of three members, who shall be chosen by and be representative of the stock-holding banks.
>
> Class B shall consist of three members, who at the time of their election shall be actively engaged in their district in commerce, agriculture, or some other industrial pursuit.

And it prescribes who shall not be on it:

> No Senator or Representative in Congress shall be a member of the Federal Reserve Board or an officer or a director of a Federal reserve bank.
>
> No director of class B shall be an officer, director, or employee of any bank.
>
> No director of class C shall be an officer, director, employee, or stockholder of any bank.

So we have a precedent for the very thing that the amendment here undertakes to do. We have a right to say that this board shall be composed of farmers.

Mr. BORAH. I am not objecting to that feature of it.

Mr. HEFLIN. The Senator from Arkansas seemed to be objecting to that feature of it.

Mr. CAPPER. Mr. President, I am of the opinion that any plan for agricultural relief must take care of crop surpluses. That is one of the big problems confronting the agricultural industry of America to-day.

S. 3555, now before us, undertakes, among other things, to stabilize the prices of farm products by removing the surplus from the domestic market. If there is a loss incurred in the operation, each producer of the losing product is assessed his share of the "fee" to make up the loss. That is about all there is to the much-discussed equalization fee. It is not a charge against the Government.

In the new McNary-Haugen bill now before us, the proposed Federal farm board is directed to apply first the loan features of the bill to stabilize prices. If, with this assistance, cooperative and other farm organizations should be unable to bring about stabilization, the board may resort to the equalization fee.

I am of the opinion that surplus-control legislation without the equalization fee principle would be ineffective. The equalization fee is the most practical plan suggested for meeting the costs of the much-needed control of crop surpluses. In the light of the mass of testimony submitted to the Senate Committee on Agriculture by economists and other competent authorities, I say that we are abundantly justified in giving this plan a trial.

In any branch of legislation a perfect measure is not to be expected the first time. It is history that all constructive laws have to be strengthened and improved as experience indicates is necessary. This will, of course, be the history of farm relief legislation, and we might well be getting that experience now.

To deny the farmers the McNary-Haugen bill with the equalization fee is to deny them the benefits of the protective-tariff system. Leaders of farm organizations from all over the West have assured the Congress that their members are willing to pay this tax. They have particularly emphasized the fact that they do not want anything in the nature of a subsidy from the Government. I am sure that is the feeling of farmers generally.

The nub of the matter is that farming as an industry can not go on without a fair price for its products and a reasonable return on its investment. That means there must be some sort of a stabilized market.

What shall be the means employed to stabilize the market has been the chief question all along. So far nothing as likely to be effective as the equalization fee plan has been evolved in the six years farm relief has been debated.

Mr. President, I particularly commend that part of this bill which creates a Federal farm board to aid in the orderly marketing of agricultural commodities. It will pay this Government and its people to definitely organize agriculture as industry is organized and as labor is organized. The farmer himself will probably do this in time, but it will pay the Government to help and particularly to help the farmer organize his bargaining power. As I sense the thought of farm folks, they are eagerly looking for specific and concrete suggestions that will help them or enable them to help themselves in solving their immediate difficulties. They are more than willing to do their part in getting out of the slough onto solid ground. They are not asking for a subsidized profit or a pensioned existence from the Government. What they are looking for, I believe, is leadership from the Government—a leadership that will point out a good road to travel and help them get started on it. And that is why I feel that the Federal Government might well assume the leadership in cooperative marketing to the extent that it would become the instrument of organization as well as the sponsor. The fostering of large-scale cooperative effort, as proposed in S. 3555, would be a good investment for the Government. Farmers would have the confidence in a Government-formed cooperative enterprise that they lack in a private or group formed cooperative enterprise. Once established, the Government would be in a position to withdraw itself and turn the proposition over to the farmer members.

Mr. President, the high cost of distribution hits the farmer coming and going. It depresses the price he gets for his products and he has to pay it when he buys manufactured products. The cost of distribution is undoubtedly one of the major agricultural problems and ought to be included in any national program for the relief of agriculture.

The governmental machinery set up in this bill will be of great assistance to the farmers' cooperative movement. Cooperative marketing of farm products appeals to me as being one of the best ways in which the problem of the high cost of distribution of foodstuffs may be solved. The fact that the consumer pays often more than twice as much as the producer receives for his food stuffs, due to the costliness of distribution, seems unjust. Certainly if some of the unnecessary selling machinery between the consumer and the producer could be eliminated, the two could divide the saving to the advantage of both. If the farmers can organize into great cooperatives which could control food products and feed them into the market, they would be in position to maintain a fair domestic price, because they would have control of the surplus. And were they in position to process much of this food it certainly, by virtue of its control, could reduce the costs of distribution.

Mr. President, our cities are now feeling the pinch that was bound to come as a result of the depression in agriculture. There was decided lack of optimism in the report of the National Industrial Conference Board following its careful survey of agriculture. And the business men's commission on agriculture of the United States Chamber of Commerce recommended rather general tariff reforms in the interest of the farmer—a remarkable demonstration of unselfishness on the part of well-protected business.

When such a business group admits that agriculture's difficulties "are traceable to the undue advantages that other groups have secured for themselves" through tariff laws, and so forth, can there be any further doubt of it?

In its appeal recently broadcast to editors of newspapers and magazines to support the pending farm legislation in Congress as all-important to business, industry, and finance, the Illinois Bankers' Association said:

> The lack of real purchasing power of the farmer's dollar is not alone due to natural influences, but has been caused to a large extent by an artificial stimulation of other products brought about by prior Federal legislation. Therefore some balance in legislation is required.

Mr. President, that puts the case in few words. There is a farm problem, and that problem is to bring the agricultural industry up to the level of other industries, as the measure before us seeks to do. Until this is done we shall have a serious economic condition on our hands.

Note from these figures of the United States Department of Agriculture on the purchasing power of the farmer's dollar, what a rocky road to travel he has had all these years. One hundred cents represents the normal farm dollar:

	Cents
1914	103
1915	99
1916	72
1917	55
1918	53
1919	50
1920	41
1921	60
1922	60
1923	58
1924	62
1925	60
1926	62

These figures are sufficiently shocking as showing the low state of the industry. But the crop year ending June 30, 1927, recorded a decrease of 20 per cent in the farmer's net income compared with the preceding year. Besides that, the return for the labor of the farmer and his family declined nearly 10 per cent, while earnings of factory employees were as high in 1926–27 as in 1925–26.

Mr. President, it is nothing new for industries to be in need of legislation. Every industry from manufacturing to railroads, from labor to bankers, has been so helped and is being helped all the time to their benefit and the Nation's welfare in

most cases. The chief trouble of the farmer has been the disparity in the prices paid for farm products and the prices which the farmer pays for his necessities. This disparity, in my opinion, is caused in part by certain privileges and favors obtained from the Government by other groups which place the farmer at a disadvantage.

After a prolonged and gradually losing struggle the agricultural industry finds that if it is to go forward henceforth it must participate in the American protective system on an equality with other industries. Things can never be right in this country when the farmers' purchasing power is below par. Farmers have got to have a fair return for what they grow. Give them that and they can iron out their other difficulties without trouble.

Those who say the condition of the agricultural industry is improving permanently do not know the facts, or they disregard them. There is, of course, some temporary improvement occasionally, but the real farm problem is here to stay until we solve it.

Mr. President, I am convinced the passage of the McNary-Haugen bill will do more to relieve agricultural distress than any other measure now before Congress, but it is a mistake to assume that this measure or any other single measure can at once restore permanent prosperity to agriculture. I believe that a comprehensive national policy or program that will deal with all the factors causing agricultural distress is a necessity at this time.

The McNary-Haugen plan proposes an answer to the control of surplus production of export crops in such a way that the surplus sold abroad at the world price will not destroy the domestic price. I believe it is the best plan ever devised so far as that problem is concerned, but we must not lose sight of the fact that there are other problems that are almost as troublesome to the farmer as the problem of the surplus.

There is the problem of transportation costs, for example. Industry in the Middle West has been marooned by the present rate structure. Without necessary rail-rate readjustments the western farmer and the business man, too, see little relief for the future except the possible development of waterways. Prompt development of our internal waterway system is of the utmost concern to the agricultural prosperity of the central States.

Then we have the question of taxation which places such a huge burden on the western farmer to-day. The tax burden is proportionally greater on the farmer than on the rest of society. When it takes from one-fourth to one-third or even more of the revenue of the land to pay the taxes, where does the landowner get off? In many States farmers, individually and through their organizations, are striving to readjust and shift this tax burden, but we have no national policy on this question.

Our Government explores the world for the purpose of expanding foreign markets for our industrial products. But are we doing all that we can to extend the world markets for those products of the farm that make up approximately one-half of our total exports? Here is an idea that should be included in a national policy for the benefit of agriculture.

We have the question of adjusting the tariff to the benefit of agriculture. The tariff is undoubtedly quite a factor contributing to the present disparity between the prices received and the prices paid by the farmer, but even the farmer does not want to see the business of the Nation destroyed by a sudden tariff revolt.

I say, Mr. President, it is time for Congress to get down to the real solution of the farmer's problem by drafting the best brains of the Nation and putting them to the task of building a broad and lasting program for agriculture as a matter of public policy. The more specific a national agricultural program can be made the more likely it is to have a salutary effect not only on farmers but on everyone else.

Vital to the prosperity of the Nation, Mr. President, is the working out of this national agricultural program, a program which will give the farmer a square deal in production, in transportation, and in marketing, a program which should embody a national policy that would persist for generations, so that agriculture shall prosper and bring prosperity to all.

In my judgment, Mr. President, this bill will be a big step in the direction of solving this national problem, and should be passed at once.

I ask unanimous consent to include as a part of my remarks a statement from Mr. Ralph Snyder, president of the Kansas State Farm Bureau, in support of the pending bill.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

KANSAS STATE FARM BUREAU,
Manhattan, Kans., March 20, 1928.

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SENATOR CAPPER: I have, during the past six months, made quite a careful canvas of the sentiment in Kansas for and against the McNary-Haugen bill. I find without any question a very strong sentiment for this measure. This is especially true since the new bill has been introduced. While, of course, a great many know comparatively little about it, yet they nearly all feel that it should be given a thorough trial. They do not feel that any other measure that has been proposed is much more than a mere gesture, and the Kansas farmers are tired of gestures. The one possible exception is the export debenture plan which has been indorsed by the Grange, but I find the objection to that that it is a direct subsidy, and as such, hurts the pride of the Kansas farmer, who, as we all know, is a very independent spirit.

Late advices from Washington seem to indicate there may be some trouble in getting the measure through Congress. I have talked to a great many influential farmers. They seem to be unanimously of the opinion that we would be better off with nothing at all than with something that would be ineffective.

You will perhaps be interested in knowing that a resolution indorsing the McNary-Haugen bill with the equalization-fee principle received more enthusiastic indorsement than any other resolution passed at our recent annual meeting at Dodge City; that the Kansas Agricultural Council, composed of representatives of all the farm organizations of the State, indorsed the principle, as did also the State board of agriculture at its recent meeting. Previous to all of these the State farmers' union in their annual meeting passed a strong resolution for the measure. No opposition developed in any of these meetings. You, of course, know that the State board of agriculture has been very conservative on this matter—in fact, quite a number of them were formerly opposed to any such measure. The fact that this went through with no opposition this time is very encouraging to me.

I am writing this, thinking perhaps you would be interested in knowing what the situation is here.

Sincerely yours,

RALPH SNYDER, *President.*

Mr. BORAH. Mr. President, I am not going to enter into any extended discussion of this bill, but there is one proposition which I should like to call to the attention of the advocates of the bill. I feel that we ought seriously to consider the proposition of eliminating the equalization fee and making an appropriation direct for the purpose of testing this experiment. There is no advocate of the bill but will admit that this proposition is an experiment. Able men believe it could be made effective to aid agriculture, and great economists and other men who have studied the subject believe that it will break down. I have a view in regard to that, but I am perfectly willing, for the purpose of the presentation of this matter, to take the view that it will succeed.

The great, fundamental proposition underlying legislation with reference to the farmer is to place him upon an equality with the other enterprises and industries of the country. It is claimed, and justly claimed, that for the last few years the farmer has been operating under a legal and economic system which places him at a disadvantage in the industrial world by reason of his inequality, and there is no point at which that inequality is more distinct and marked than with reference to taxation. As that is the basis upon which I wish to found this part of my argument, I want to call attention to some facts with regard to that.

In 1913 taxes took about one-tenth of the farm receipts, less other expenses. In 1921 taxes took about one-third of the farm receipts, less other expenses. From 1913 until 1921, eight brief years, the taxes had increased the difference between one-tenth of the farm receipts less other expenses and one-third. So long as that creeping paralysis continues there is no conceivable form of legislation which will settle the farm question.

Mr. GLASS. Would the Senator call it creeping paralysis? It seems to me it has made a pretty rapid pace.

Mr. BORAH. I accept the amendment. In 1926 taxes were in excess of farm receipts. In 1913, 155 farms in Indiana, Ohio, and Wisconsin paid taxes to the extent of $112 per farm. In 1921 those farms paid taxes to the extent of $253 per farm.

In 1914 general property taxes paid by farmers were $344,000,000, roughly speaking, equal to two-fifths of the value of the wheat crop of that year. In 1922 the general property taxes paid by farmers were $797,000,000, approximately equal to the entire wheat crop of that year. In 1926 the general property taxes of farmers were $890,000,000. I repeat, Mr. President, that there is one of the problems which must be considered in connection with farm relief. Any plan which increases his tax

burden, any scheme which adds to his outlay, is not only injustice to him but it continues that inequality against which he is now struggling.

It will be seen that the increase of taxes continues to take practically the farmer's crop. Farm taxes can not be shifted like taxes on manufactured goods. The farmer's property is all in sight. Everything he has is there. Although the war ended five years ago our Federal taxes are about five times what they were in 1914; $700,254,490 in 1914, and in 1925 there were $3,529,640,000.

Again, Mr. President, the ratio of taxes to income in 1913 was, farmers 10.6 per cent, as compared with 4.1 per cent for the remainder of the community. While we are considering the question of imposing a special tax, or a special fee, upon the farmer, in order to enable him to enjoy remedial legislation, do not forget that for years he has been paying a tax which amounts to 10 per cent of his income, compared with 4.1 per cent for the remainder of the community.

In 1922 the ratio of taxes to income of farmers was 16.6 per cent, as compared with 11.9 per cent for other people.

If that is the true situation—and I have gathered these figures from sources which I think will not be questioned and from different sources, but they are all practically the same, upon what possible theory can we hope to establish the equality of the farmer with the other industries of the country when we propose to impose upon him a tax to take care of whatever remedial legislation he is to enjoy? Upon what theory can we ask the farmer to pay especially for remedial legislation, a thing which has never been imposed upon any other industry in the United States? Let us assume this tax is constitutional. Is it just, is it equitable, is it doing what you profess to do, giving the farmer an equal opportunity in the struggle for success? How many farms now ready to be sold for taxes will you save from the hammer if you continue this inequality?

I look upon the farm problem as a national problem. No one can appreciate its present condition and not recognize that it is a national problem. We are legislating to-day not for a class but for the whole country. It is just as essential that the United States have prosperity upon the farm as it is that it have prosperity in the manufacturing establishment. And yet we impose a duty for the purpose of protecting manufactured articles, which costs the manufacturers not one cent, and in order to give the farmer the other end of protection we propose to impose upon him a tax which is to take care of his remedial legislation. Under that rule of legislation the farmer will always suffer the inequality which he suffers at the present time.

If we eliminate the equalization fee we eliminate practically every legal proposition about which there is any controversy in the bill. There is one legal proposition which has been suggested and that is the lack of power of the Congress to appropriate money for the purpose of experimenting upon the proposition. I am not going to take the time of the Senate to read many authorities. I think the able Senator from Oregon [Mr. McNARY] stated the rule the other day, and stated it correctly. I believe there are ample decisions to sustain his position, and certainly there are ample precedents in legislation. It would be easy to gather a multitude of precedents so far as legislation is concerned, and in my opinion it would be easy to gather a sufficient number of authorities to show that these precedents are within the Constitution. Senators will recall the case which involved the payment of a bounty to the sugar raisers, in which it was undertaken to appropriate from the Treasury of the United States a sum to be paid directly to a certain class of agriculturalists to encourage them in the raising of a particular product. It was a direct appropriation from the Treasury to a limited number of agriculturalists, and that act was sustained. The Supreme Court said, reading from the syllabus:

> The appropriations of money by the act of March 2, 1895, to be paid to certain manufacturers and producers of sugar who had complied with the provisions of the act of October 1, 1895, were within the power of Congress to make, and were constitutional and valid.
>
> It is within the constitutional power of Congress to determine whether claims upon the public Treasury are founded upon moral and honorable obligations, and upon principles of right and justice; and having decided such questions in the affirmative, and having appropriated public money for the payment of such claims, its decision can rarely, if ever, be the subject of review by the judicial branch of the Government.

The decision seems to me fully to support the syllabus.

Mr. Cooley in his Constitutional Principles states that where the Congress appropriates money with a view to serving the public interest, it is beyond the power of the courts to review the question. I do not know whether the courts will ever go so far as to say that the judgment of Congress is conclusive, but the rules which it has established in their practical results amount to that proposition.

But here, Mr. President, is distinctly a great public interest. The whole country is involved in the success of agriculture. The breakdown or the driving of the farmer into peonage would be no less a national disaster than the breakdown of the manufacturers of the country. It would be no less a disaster in the long run than the breakdown of our transportation system. It is distinctly a matter which touches the weal or woe of every man, woman, and child in the United States. Does anyone contend that Congress may not make an appropriation to furnish the means which will rehabilitate and restore a great enterprise or a great industry which touches the welfare of the entire country? And, the authority being granted, is it anything less than an injustice to ask the farmer to experiment with his own pocketbook in determining whether or not the plan will effectually bring him desired results?

Mr. President, if we should appropriate at this time $500,000,000, it would not equal the amount of taxes which the American farmer has paid into the Treasury of this country in excess of the proportion which he should have paid as compared with other industries.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. BORAH. I yield.

Mr. EDGE. Does the Senator understand, as we have been so frequently told, that a large majority of the farmers of the country are directly back of the equalization plan?

Mr. BORAH. Well, Mr. President, there may be some farmers back of it. I do not know. I will say in all sincerity that after two years of travel among the western farmers I have yet my first farmer to find who is in favor of it, except upon the theory that he can not get anything better. I will say, however, that over and over again the farmer has said, and that is the reason why this bill is being supported by the farmer, that he does not believe they can get what they ought to have, and that is remedial legislation, without paying for it. The reason why the farmer is for the bill is that it is the only alternative which he sees of possibly taking care of his situation. Take the proposition to any farmer or any group of farmers who farm, and ask them if they, while paying the taxes which they pay, can keep apace with the other industries of the country by paying for their own remedial legislation, and they will tell you distinctly how they feel about it. If a man can not get justice he may be willing to take much less and that much less may be very unjust.

Mr. President, suppose the farmer is, so far as he understands it, in favor of the proposition, the question is how does it appeal to us as legislators? I would like to ask Senators who are supporting the bill how it appeals to them to impose upon the farmer a burden which we have never presumed to impose upon any set of citizens asking for remedial legislation? The great fight with the farmer is for equality of position in the industrial world. He will continue to pay, after we pass the bill, the same high prices for manufactured goods. He will continue to pay the same high price for every article that goes into his living, with the exception of what he raises. He will continue to pay the same high freight rates. He will be in exactly the same relationship to the world after the bill passes that he was before it passed. In addition to that, he will be paying every charge which a board, in its unlimited discretion, sees fit to impose upon him. He will be subject to a board before whom he can not be heard and from whose decision there is no appeal, and that board will fasten upon him whatever fee it sees fit, and he must pay whether he wins or loses by the experiment.

There is another reason which we ought to consider very carefully. It is almost a certainty that the bill will be vetoed with the equalization fee in it. I state that solely upon the ground of the last veto message and the accompanying statement from the Attorney General. The fair presumption is that the bill will be vetoed upon the theory that the President in all probability has not changed his mind, and in all probability he will not change his position until he does change his mind. If that is true, why not eliminate the questions which justify the veto and pass a bill with an appropriation to test the proposition? If time proves that it is successful, and the farmer still wants his equalization fee instead of an appropriation from the Treasury, perhaps we could get it in the future. It is almost a certainty that we will not get it at the present time. But if later the farmer still yearns to pay this fee, perhaps such privilege might be granted.

So, I say, how are we going to place the cotton raisers upon an equality with the manufacturers and make them pay for

their legislation? How are we going to place the wheat grower upon a level with the manufacturer when the manufacturer gets his protection free and the farmer must pay for his protection? We are embedding and incorporating and driving into the legal system of the country a recognized principle of discrimination against one class of people, and we will regret it if the Supreme Court should go the full distance which it started upon yesterday and hold that we have no Constitution at all. It is unjust to the farmer; it continues his inequality. He asks for bread and you give him a stone. I insist we ought to do for the farmer what we profess to do—give him equality.

Mr. FESS. Mr. President, when the Senator asked me yesterday whether I would vote for an appropriation, I had another matter in mind. I thought the Senator had in mind an appropriation to experiment upon legislation of this sort. I did not understand that he was offering an appropriation to make any experiment as to what the farmer might be able to do. If that is the case, we have incidents which are in favor of it.

Mr. FLETCHER. Mr. President, I would like to inquire of the Senator from Idaho if he has offered an amendment with reference to the equalization fee? If he desires a bill with that provision stricken out, will he offer an amendment to that effect?

Mr. BORAH. I would vote for the bill and I would support it, if the equalization fee were stricken out. I have not prepared an amendment. I can do so. After I looked over the amendments which have been offered to-day, it is, in my opinion, a very slight step from the amendments which have been offered to the elimination of the equalization fee. It will require very little effort, in my judgment, to eliminate it. If I find any considerable support for it, I shall offer such an amendment. I shall not if I find no considerable support.

Mr. McKELLAR. Mr. President, I want to ask the Senator from Idaho a question. What suggestion would the Senator offer or what amendment would the Senator offer to take the other step?

Mr. BORAH. All we have to do is, by appropriate language, to increase the appropriation and to eliminate section 8.

Mr. McNARY. Mr. President, I want to speak but briefly, inasmuch as others are desirous of speaking. I discussed the bill quite at length when the matter was before the Senate last week.

The Senator from Idaho [Mr. BORAH], in his very able way, has presented a problem or two which have been given very serious consideration by the Senate Committee on Agriculture and Forestry and by farm groups generally. It is very enticing to say that by removing the equalization fee the taxpayers of the country should take care of all losses that may be incident to the operations of the board. That would be a subsidy pure and simple. I do not know of a farm organization, outside of the Grange, that has asked for a subsidy. The farmers of the country, represented by the heads of their organizations and through meetings, have all decided that they would rather have a long-time permanent policy, to which they could turn and which they could invoke when needed, rather than a short-time plan of a subsidy which is nothing but a draft upon the Treasury of the United States.

Of course, indeed, it is alluring to talk about the Treasury taking up these losses; but everyone knows who has followed the attitude of the President of the United States that he has repeatedly said that he would veto a subsidy or any draft upon the Treasury of the United States. I feel as morally certain as anyone could feel that if any bill carried a provision such as suggested by the Senator from Idaho, it would meet with prompt rebuke by the President of the United States. The bill now before us may be vetoed; I do not know; but the farmers of the country realize that if they should come to Congress and ask Congress for aid, as suggested by the distinguished Senator from Idaho, and would accept out of the Treasury of the United States, paid into it by the taxpayers of the country, annual losses accruing from the sale of their surplus products in foreign markets or from withholding their products, there would be such a protest go over the country against a subsidy in that form that this legislative structure would fall upon the heads of the farmers themselves. It is in order to avoid that catastrophe that the farmers have agreed to pay, by way of an equalization fee, a small portion of the benefit they will receive.

Mr. President, the argument of the Senator from Idaho [Mr. BORAH] is captivating but not logical. He is wrong, I think, in this. He has stated that the farmer by virtue of the levy of an equalization fee will be required to pay for a benefit which the manufacturer receives without compensation. I say that is not correct.

The manufacturer when he finds himself producing a surplus sells it abroad at the world's price level as advantageously as he can, and takes his loss. His profits are made in the domestic market, enjoying the higher level of prices. There is many a manufacturer who, finding himself unable to take full advantage of the protective tariff, must sell his surplus abroad. He sells it at that time on the competitive world market and upon the competitive plane of prices. That manufacturer in many instances loses money on the products he sells in the foreign countries; in any event, it is a reduced profit which he receives, his main profit being that which he realizes from the sale of his products in the protected home market of America. His equalization fee is paid by himself through personal losses or corporation losses. The losses he suffers are in principle as much an equalization fee as is the equalization fee which the farmers as a group must pay for their losses.

Hence, Mr. President anyone who understands the principles of economics and the rules which guide business men, must know that when a manufacturer sells abroad, the world price being less than the domestic price, made so by the tariff, he always suffers a loss. Hence the protection he receives under the tariff is bought at the price of receiving a lower sum for the goods which he sells abroad. So, by protecting our domestic market against competition and making available the protective tariff, behind whose wall the manufacturer produces and sells at a profit, the manufacturer is willing, and properly so, to make up the losses because of the benefit he receives. The farmer knows if the equalization fee should be destroyed, that any structure which Congress may build must fall.

I want to say to the Senator from Idaho——

Mr. BARKLEY. Mr. President, will the Senator from Oregon yield to me?

Mr. McNARY. I will yield in just a moment. I want to say to the Senator from Idaho that, as one, I am not afraid, as an experiment, for Congress to take out of the Treasury certain sums of money that might make up the losses occasioned by selling in foreign markets or by withholding cotton for orderly marketing in order that the world price may be influenced. I even went so far, and farther than my distinguished friend, as to prepare a bill along that line.

I found that proposal of mine did not meet with approval among the farmers of the country nor did it meet with the approval among the administration heads. So I fell back upon the other proposal, namely, that the equalization fee was the only practicable way over a long period of time to take advantage of the tariff.

Mr. President, speaking as one who has had a little experience and one who has received many communications and messages from farmers and farm groups throughout the country, I desire to say I have no doubt that if this bill should be amended—and it would not hurt my feelings personally—so as to eliminate the equalization fee, it would not be acceptable to the farmers of the country, because they do not want to become objects of charity; they do not want to ask Congress annually to put up a large sum of money to take up their losses. They realize, Mr. President, that unless they carry this burden themselves this legislation would be of short duration. They are asking for machinery which they can operate and for which they can pay. All losses and charges incident to the handling of their annual crops they are anxious to pay for upon the theory and upon the substantial and sincere belief that that is the only way to bring about permanent legislation.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Connecticut?

Mr. McNARY. I yield.

Mr. McLEAN. The Senator from Oregon will bear in mind that when we put a bounty on sugar it was because in this country we produced no sugar. The object of the bounty was to stimulate domestic production. What does the Senator think would be the effect of putting a bounty or a subsidy upon products which we already overproduce? What would be the effect of a direct bounty on a surplus?

Mr. McNARY. That is one of the plans which have been suggested by the National Grange, which is known as the debenture plan.

Mr. HARRIS. Mr. President, may I interrupt the Senator at this point?

Mr. McNARY. If I may be pardoned to answer the question of the Senator from Connecticut [Mr. McLEAN], I shall be glad to yield to the Senator from Georgia, and perhaps to yield the floor.

The plan referred to by the Senator from Connecticut is the plan which has been proposed by the National Grange, with which I have no quarrel; but, Mr. President, I have not known,

through many years of actual experience, where the farmers of the country or groups of farmers have ever favored any legislation that even winked at a subsidy; and I have seen the farm leaders throughout the country oppose in all its vicious forms legislation that carried a subsidy or assistance from the Treasury of the United States.

Mr. President, if they are to be consistent, if they are to follow that precedent and tradition which they have established for themselves, can they come here and ask Congress to appropriate $50,000,000 or $100,000,000 or $500,000,000 or $600,000,000 to take up the losses which they have incurred by reason of overproduction? I think it is entirely to their credit; I think no more glorious tribute can be paid to the farmers of the country than to say that they are willing to take up all the losses themselves for the benefit they will receive, and not ask for an appropriation from the Congress.

Mr. McLEAN. Mr. President——

Mr. McNARY. I yield to the Senator from Connecticut.

Mr. McLEAN. I am not so much concerned over the constitutionality of this bill, I will say to the Senator, as I am with regard to its effect. I do not want to vote for a proposal that will remove the farmer from the frying pan and place him in the fire. I do not think the frying pan is quite so hot as it is said to be, but I do not want to make it any hotter than it is. I have been told that the purpose of the equalization fee was to encourage a restriction of production.

Mr. McNARY. Oh, Mr. President, I do not think the Senator quite entertains that idea.

Mr. McLEAN. I have been told so by gentlemen who are deeply interested in this bill.

Mr. McNARY. No; Mr. President, the Senator knows the purpose of the equalization fee is to prevent losses.

Mr. McLEAN. The way to prevent loss lies in reducing production, does it not?

Mr. McNARY. If the Senator will permit me to make a full answer, I shall be glad to do so.

Mr. McLEAN. I shall be glad to have the Senator do so.

Mr. McNARY. The only purpose of the equalization fee is, of course, to take up the losses that accrue from overproduction—I will not say overproduction, but a surplus which must move to a lower price level in foreign countries—and to make the tariff applicable to the farmers of the country.

Secondly, Mr. President, it will have, it is thought by those who have given some study to this bill, a deterrent effect upon overproduction, because as the surplus increases so does the equalization fee. If there are 200,000,000 bushels surplus to sell, the equalization fee would be twice as much as if there were only 100,000,000 bushels to sell. It is supposed, therefore, that it will be a deterrent against overproduction.

Mr. McLEAN. That is just what I thought.

Mr. McNARY. Furthermore, there is in the bill this year a provision which was not in any of its predecessors, to the effect that if there is overproduction in violation of the program prepared by the farm board the board will not operate through marketing agreements as to that particular product. That is the second deterrent against overproduction.

Mr. McLEAN. Then the Senator admits that if we are to control the price of a product it is important that we should control the quantity produced and the quantity consumed.

Mr. McNARY. That is academic, of course.

Mr. McLEAN. Yes; and I assume that was one of the reasons why the equalization fee was put in this bill.

However, the Senator has not answered my first question, which was, What effect does he think the granting of a bounty or a subsidy would have upon the quantity produced?

Mr. McNARY. I did not understand the Senator propounded that question.

Mr. McLEAN. Yes.

Mr. McNARY. I presume without the two deterrents in this bill to which I have just referred, there would be caused an increase in production. If unrestrained and unrestricted by any agency or principle at all, I suspect, in that event, there would be an increase in production.

Mr. McLEAN. As we have had a surplus of wheat in this country for more than a century, with one year's exception, how many years of surplus does the Senator think the Treasury could afford if it provided a direct bounty?

Mr. McNARY. I do not think the farmers of this country want the Treasury to stand one penny.

Mr. CARAWAY addressed the Chair.

Mr. McNARY. I yield to the Senator from Arkansas.

Mr. CARAWAY. I beg pardon; I thought the Senator had concluded.

Mr. BARKLEY. Mr. President, will the Senator permit me to ask him a question before he takes his seat?

Mr. McNARY. Certainly.

Mr. BARKLEY. In all the legislation which has been passed by Congress, some of which has been adverted to during the course of the debate, has there ever previously been an instance where the beneficiaries of the legislation came forward and proposed out of their own pockets to bear whatever loss might be sustained through the operation of the law?

Mr. McNARY. I think history may be searched in vain to find a parallel; there is no such instance.

Mr. CARAWAY obtained the floor.

Mr. BROOKHART. Mr. President, I should like to ask the Senator from Oregon a question or two, if the Senator will permit me.

Mr. CARAWAY. Certainly; I yield for that purpose.

Mr. BROOKHART. The Senator says that a direct appropriation would be a matter of charity. I want to ask him if it was not a matter of charity when $529,000,000 was appropriated directly out of the Treasury of the United States to pay the railroads their war-time profits after they were turned back?

Mr. McNARY. Mr. President, I can answer that by saying that I voted against the Esch-Cummins Act.

Mr. BROOKHART. Very well. Is it not a charity when the protected industries come along and ask Congress to enact a law putting on a protective tariff that will raise the price on the whole community, and transferring the profits of that price into the pockets of the manufacturers of the country? Is not that a charity out of the Treasury of the United States?

Mr. McNARY. No, Mr. President. I am a strong advocate of a protective tariff. I think we all recognize that if we are to have a higher standard of living in this country, we must protect ourselves from the cheaper labor found in the Orient and in Europe.

Mr. BROOKHART. The Senator, then, is in favor of that form of public charity?

Mr. McNARY. That is not public charity; that is protection against a lower standard of living; and by this bill I propose to do for agriculture that which we have heretofore done for industry.

Mr. BARKLEY. Mr. President——

Mr. BROOKHART. Is it a charity when the laws and the courts award a return to the capital invested in public utilities generally, say, of 7 per cent, when the people as a whole can only produce 5½ per cent?

Mr. McLEAN. Mr. President, will the Senator permit me to answer that question?

Mr. CARAWAY. Mr. President, we can not settle this question of railroad subsidies, nor can we agree about the tariff. My friend from Connecticut yesterday said that they had a tariff in order to stimulate competition. I have heard a great many statements of why we enacted a protective tariff, but that was a new one. In other words, they did not have enough competition, and they got a high tariff so that they would have more.

Mr. McLEAN. Mr. President, will the Senator permit an interruption there?

Mr. CARAWAY. Yes.

Mr. McLEAN. I think the Senator from North Carolina yesterday gave us an illustration which very fairly and conclusively presents the tariff question as it is involved in this discussion. It will take only a minute for me to call it to the attention of the Senate.

Mr. CARAWAY. I hope the Senator from Connecticut is not going to make the speech of the Senator from North Carolina over for him.

Mr. McLEAN. It was a very interesting speech, and I was very glad to have it in the RECORD.

Mr. SIMMONS. I did not correct it, but I suppose it is correct.

Mr. McLEAN. The Senator said that the manufacturers of cotton cloth in North Carolina, by reason of the proximity of the raw material and the somewhat lower wages, and the fact that they had nonunion employees——

Mr. SIMMONS. Open shop.

Mr. McLEAN. Open shop—were enabled to produce this article cheaper than it could be done in New England. As we all know, the cotton-cloth manufacturers in New England have been suffering a serious period of depression. The cotton-cloth manufacturers of New England have the tariff, just the same as the farmer; but it so happens that North Carolina can produce cotton cloth cheaper than it can be produced in New England.

Mr. SIMMONS. Mr. President——

Mr. CARAWAY. I do not think we should go into the cotton tariff at this time.

Mr. McLEAN. I hope the Senator will pardon me just for a minute or two.

Mr. SIMMONS. Will the Senator from Arkansas permit me to say a word in reply?

Mr. CARAWAY. I yield the floor.

Mr. McLEAN. I am very much obliged to the Senator. I will accept his offer. Now, you see, we have precisely this position——

Mr. SIMMONS. I was going to ask the Senator from Arkansas to permit me to reply briefly to the Senator from Connecticut. I did not want to take the Senator from the floor.

Mr. CARAWAY. That was entirely irrelevant to the question we were going to discuss.

Mr. SIMMONS. I am willing to agree to abandon the floor.

Mr. CARAWAY. No; I will abandon it.

Mr. McLEAN. I shall not occupy the floor more than a minute. I should like to conclude my statement; that is all.

Mr. SIMMONS. I want to ask the Senator from Connecticut if he proposes to apply the protective tariff as between the States of the Union?

Mr. McLEAN. That is precisely the point I was coming to, and I should like to call it to the attention of the Senate.

We have the cotton-cloth producers in New England in precisely the same position that the farmers are in. They have a foreign tariff, but it does not protect them. The farmer has his tariff on wheat, but it does not protect him. Now, the farmers in North Carolina are in bad shape, and the Senator from North Carolina, who was born and bred a low-tariff man, takes the floor of this Chamber and says that he wants the farmers in North Carolina protected against competition emanating from the farmers of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

Mr. SIMMONS. I have said nothing of the kind, and nothing that could be construed into anything of the kind. I have known the fact for the last 30 or 40 years that North Carolina has to grow cotton in competition with Texas and that Texas could produce a bale of cotton for much less than it costs to produce a bale of cotton in North Carolina.

Mr. McLEAN. That is very true. I do not think the Senator understood my statement, however.

The situation is precisely this: We have a tariff to protect us against ruinous foreign competition, and I hope we shall continue to have it; but now the proposal is to protect the farmers of one State against the competition emanating from the farmers of other States, and I confess this is the first time I have ever heard that proposed from the other side of the Chamber.

Mr. EDGE. In other words, that is a system of protection.

Mr. McLEAN. Certainly.

Mr. SIMMONS. Mr. President——

Mr. McLEAN. I should like to conclude.

Mr. SIMMONS. I will not interrupt the Senator.

Mr. McLEAN. As I have said, I wish we could discover some way to help the farmer; but the proposal of the Senators who advocate this legislation is to help the farmer by giving him protection against domestic competition. That means that they want to discover ways and means to take care of a domestic surplus. There is only one way that you can do that, and that is by controlling the amount produced and the amount consumed; and if you think you can do it by putting a bounty or a subsidy on a surplus, you will find yourselves drowned in your own stew.

That is all I have to say on the subject.

Mr. SIMMONS. Mr. President, when the farm relief bill was formerly before the Senate I argued that question at length. I insisted then that all that was demanded was the control of the surplus of such crops as otherwise would be put upon the basis of the world's price. That was my contention then, and that is my contention now—that this bill will be invoked for the benefit of those products which otherwise, because of their surplus, would be put upon the basis of the world's price.

I want to say to the Senator from Connecticut that in this particular instance the farmers are not attempting to protect themselves by a tariff against the products of other sections or other industries, but they are simply attempting to do a thing that is calculated and intended to enable them to obtain for their products a reasonable price upon the basis of the American market price.

Mr. McLEAN. To save themselves from the effect of domestic competition.

Mr. SIMMONS. Now the Senator says that we are combining against the balance of the community, and we are setting up what is substantially a protective tariff of one section against another section. We are doing nothing of the kind.

The effect of the tariff that has been enacted and is now upon the statute books would be to bring about competition between the manufacturers of the country, but for the fact that the manufacturers of this country protect themselves against that domestic competition by either combining themselves into a trust or covering themselves with a trust and price agreement by which they practically do not compete with each other at all.

When I first began to study the tariff, a great argument made by the Republican Party in support of the protective tariff was that it would result in forcing the manufacturers to compete in the home market and the result of that would be that the people would get the benefit of competitive prices; but then along came the trusts, and these industries entered into these trust arrangements by which they protected themselves against domestic competition, and that argument in favor of the protective tariff has not been used in recent years.

We passed trust legislation; but everybody knows that that legislation has been so attenuated by the decisions of the courts that it has practically no effect at this time, and that the great majority of the industries of this country are operated not upon a basis of domestic competition, but upon a price-fixing basis, prices fixed by themselves, with the price so fixed as not to contravene the decisions of the Supreme Court. I think that is true with reference to practically all the great industries.

I can not see any just ground for the industries opposing this legislation. I can not see any basis upon which the Senator from Connecticut can oppose this legislation, except that the industries already protected, already enjoying through the trusts and combinations a guaranty against domestic competition—protected, therefore, against foreign competition and protected against domestic competition—are insisting that agriculture shall not enjoy like benefits; for what reason? For the reason that they fear that it will impair the value to them of the special privilege they have been able to obtain for themselves by legislation and favorable administration, and it might increase their costs.

Mr. McLEAN. Mr. President——

Mr. SIMMONS. If the Senator puts his opposition upon that ground, I can understand it; and I believe that nine-tenths of the opposition to this bill coming from the industrial States, such as that represented by the Senator, comes from the apprehension of the manufacturers that the farmer having been given this aid—that is, having been allowed by this process to get some advantage of an increase in price, so that that price will be something like commensurate with the prices of the things he has to buy—that will result in an increase in the cost of labor by increasing the cost of living.

Mr. McLEAN. I do not think the Senator means to insinuate that there is anybody in this country who does not want to see agriculture prosper. I do not believe there is. I do not believe there is a Member of this body who does not want to see the farmer prosper.

Mr. SIMMONS. Why, then, does the Senator object to a proposition the purpose of which is, and the effect of which will probably be, to increase to some extent the prices of agricultural products?

Mr. McLEAN. I am trying to make it clear to the Senator. The Senator said that the manufacturers can combine, or enter into agreements, whereby they can control their surplus. The Senator knows that the New England manufacturers of cotton goods can not combine with the manufacturers of North Carolina, and as a consequence the manufacturers of cotton goods in New England are going out of business. The only way they can control their surplus is to close their mills. That is so with a great many producers in this country, corporations; we have been told many times that more than 40 per cent of the corporations of this country are doing business at a loss.

The point I wanted to call to the attention of the Senator—and I do not think he has caught it yet, and if he will pardon me I will repeat it—is this, that the cotton manufacturers in New England and the farmers have a tariff. Every bushel of wheat that comes into this country pays the tariff, and every yard of cotton cloth that comes into this country pays the tariff. Unfortunately, that tariff is not high enough to protect the New England manufacturers because of the competition in North Carolina. So that the New England manufacturers of cotton cloth are on precisely the same basis as the farmers in the Senator's State.

The cotton-cloth manufacturers of the country, and those who are making other goods, realize that they can not come to Congress and ask Congress to take care of them, and by granting them an indirect bounty enable them to continue in business at a profit. That is what the farmers want. They have a domestic surplus. They claim the tariff does not benefit them. They want help. They want to control and dispose of that surplus. I would like to see it done. The only point I make is that you can not do it by artificially raising the price.

The Senator knows that every bushel of wheat grown in the country is a part of the surplus as it affects the price, and my belief is that when you attempt this legislation you will encourage rather than discourage overproduction.

Mr. GOODING. Mr. President, will the Senator yield to me?

Mr. McLEAN. I yield the floor.

Mr. GOODING. I do not want to interrupt the Senator, but I want to say to him that if the farmer should get the world price for wheat plus tariff protection of 42 cents he yet would not be getting the cost of production as found by the Government itself in its investigation. So that he is not going to get enough of an increase in price to bring about the great overproduction the Senator fears at all. He would not get the cost of production if he had all that. The actual cost of production as found by the Government was $1.48 for the Northwestern States, as against Canada.

Mr. McLEAN. The Senator does not want Congress to appropriate just enough money to enable the farmer to continue in business at a loss, does he?

Mr. GOODING. The farmer is willing to take care of that if we will give him an opportunity, and he has made up his mind what farm legislation he wants. For four years now the Committees on Agriculture of the Senate and House have been considering this legislation.

Mr. McLEAN. I realize that.

Mr. GOODING. And during that time every farm organization in America has been before those two committees, and, without exception, they have gone on record for this bill. The Grange now would prefer a direct subsidy, and perhaps a lot of other farmers prefer that.

Mr. McLEAN. What does the Senator think would be the effect of a bounty on the surplus?

Mr. GOODING. It would be disastrous; there is no doubt about that. That is just exactly what a subsidy would be, because there would not be any responsibility on the part of the farmer; it would be all on the Government.

Mr. McLEAN. How much more disastrous would a direct subsidy be that raised the price of wheat 30 cents a bushel than an indirect equalization fee that would raise the price 30 cents a bushel.

Mr. GOODING. They are altogether different, because the farmer has to tax himself in order to get 30 cents a bushel.

Mr. McLEAN. If he is making 30 cents a bushel——

Mr. GOODING. But he is not getting the cost of production of a bushel of wheat, as found by the Government itself; and I rather think that it was a rather conservative investigation, because a part of the Tariff Commission at that time was not very friendly as far as the tariff was concerned, and the commissioners themselves divided. A part of the commission wanted a still higher cost of production and believed that the investigation found it, but the majority of the commission decided that 42 cents was the difference between the cost of production of a bushel of wheat in this country and in Canada.

Mr. McLEAN. Mr. President, if the farmer needed 50 cents or 60 cents a bushel—whatever he might need for his protection I would be glad to give to him.

Mr. GOODING. All right; if the Senator will give him the tariff, that is all he wants.

Mr. McLEAN. I would be glad to give it to him against foreign competition.

Mr. GOODING. That is all he is asking for, and he can not get it.

Mr. McLEAN. As long as he has a domestic surplus, it is going to be very difficult for him to get that benefit by legislation that will invite an increase in production.

Mr. GOODING. Let me show the Senator the effect if this bill shall pass with the equalization fee, and in my judgment it can not be passed without the fee; and do not forget that this fight is going on. The farmer has his back to the wall and he has to fight for his very existence. You have created a new civilization through legislation, you have created an increased cost of production that he could not meet, and you can not do him any good unless you give him an increased price to meet that increased cost of production. That is what he is fighting for. The farmer is fighting to do business along the same lines along which great industries are doing business, by the same methods: that is all. If this bill passes it gives him a board of directors that will transact his business for him.

Mr. WATSON. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER (Mr. STEIWER in the chair). The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. WATSON. Is there not some amendment pending?

The PRESIDING OFFICER. There is no amendment pending.

Mr. WATSON. Then let us go on and pass the bill.

Mr. WATERMAN. Mr. President, I offer two interrelated amendments to the pending bill, which I send to the desk that they may be read.

The PRESIDING OFFICER. The clerk will read the proposed amendments.

The LEGISLATIVE CLERK. On page 27, line 23, after the abbreviation and numerals, to wit, "Sec. 17," insert "(a)"; also on page 28, after line 2, insert:

(b) None of the provisions of an act of the Congress of the United States entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, or any amendments thereto, shall hereafter be held or construed by any person or any official of any department of the Government of the United States or in any court to embrace, or to be in any way applicable to any fresh or natural fruit in the condition when severed from the tree, vine, or bush upon which it was grown.

Mr. WATERMAN. Mr. President, these amendments are, first, merely for the purpose of designating the first subdivision of a certain section, and, second, an addition of a provision which takes out from under the pure food act of 1906 fruit in its natural condition when removed from the tree or shrub upon which it was grown. It will be extremely beneficial to the fruit growers of the West and relieve them from a burden under which they have been suffering now for the last five or six years.

I understand that the Senator in charge of the pending bill does not object to the amendments.

Mr. McNARY. Mr. President, I do not want to be classified quite in that way. I do not think the amendments really can find their proper place in a bill of this kind. However, I am willing, so far as I can, to consider the matter in conference and will not oppose the amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. McKELLAR. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The LEGISLATIVE CLERK. On page 5, strike out line 17 and down through the period in line 1 on page 6, and insert in lieu thereof:

SEC. 4. (a) Whenever the board determines that any agricultural commodity may thereafter require stabilization by the board through marketing agreements authorized by this act, or whenever the cooperative associations, or other organizations representative of the producers of the commodity, shall apply to the board for the creation and appointment of the advisory council for such commodity, then the board shall notify the President of such determination or application. The President shall thereupon create an advisory council for the commodity. The advisory council shall be composed of seven members to be appointed by the President by and with the advice and consent of the Senate. No individual shall be eligible for appointment to a commodity advisory council unless he resides in the region in which the commodity is principally grown, and is a producer of the commodity. Prior to the making of any appointment to a commodity advisory council, the board shall transmit to the President for his consideration lists of individuals qualified for appointment, to be submitted to the board by cooperative associations or other organizations representative of the producers of the commodity. The term of office of a member of any commodity advisory council shall be two years. In the event of a vacancy occurring, the President shall fill such vacancy in the same manner as the originally appointed member, and, should Congress not be in session, such appointee shall hold office until 20 days after the convening of the next session of Congress.

Mr. McKELLAR. Mr. President, in reference to this amendment, about which there was some discussion this morning, I desire to say that under the original bill this advisory council was to be appointed by the board. Under the theory of the bill it was to be purely an advisory council. It was to have no power. It was merely to advise the board.

Some of us thought that, inasmuch as the advisory council would represent the producers, it ought to have some real authority. For instance, take as an illustration, the case of cotton. Out of a board of 13 the cotton people could not reasonably hope to have more than 3 members of the board. So, if the bill had been allowed to remain just as it was, without amendment in this particular, this board of 13 would have had complete control of the cotton situation in the event of a marketing period, although there were but three people, or

perhaps but two people, on the board who were favorable to cotton.

The advisory council was to be just what the language indicated, and nothing more. It was to have no power to advise the board and compel the board to take its advice. The board would create it, and it is fair to believe that it would not take a position that was antagonistic to the board creating it.

Mr. EDGE. Mr. President, will the Senator yield for a question?

Mr. McKELLAR. I yield.

Mr. EDGE. I have read this amendment for the first time to-day, and have followed the explanation of the Senator. In effect, would it not really transfer all the real power from the board, as constituted under the original McNary-Haugen bill, to the separate advisory boards?

Mr. McKELLAR. Quite the contrary. It would not transfer any administrative power from the board to the commodity council. Every power of administration would still be in the hands of the board, but when it came to the particular commodity, before the board could act, it must have the approval of four out of the seven members of the advisory board, and virtually it would mean exactly this: We can not have a law enacted by the House of Representatives. It has to be approved also by the Senate. If it is a wise provision in our own Government to have two bodies approve an act, why would it not be a wise thing to have the board here in Washington receive the approval of those engaged in producing the particular agricultural commodity?

Mr. EDGE. I am not so sure that that would not be entirely justifiable, but am I to understand that when the advisory council, for instance, using cotton as an illustration, representing that commodity, decided by a majority vote that the equalization fee should be undertaken or instituted or the surplus purchased, their finding is mandatory on the board?

Mr. McKELLAR. It can be done in two ways. The board can institute the marketing period itself or the cooperative organizations can make application to have the advisory council appointed; and after it is appointed, of course, the marketing period can not be put into effect unless it receives the approval of the council.

Mr. EDGE. Yes; the Senator used the illustration, and I think it is a very good one, of the Congress, in that both Houses must, on their own account, entirely within their own judgment, act affirmatively before a bill can finally go to the President. What I am asking is whether the board has any jurisdiction to veto the advisory council if the advisory council for wheat should say "We want the terms of this bill now put into effect and administered"?

Mr. McKELLAR. Of course, it can not be put into effect without a majority vote of the board.

Mr. EDGE. As well as a majority vote of the council?

Mr. McKELLAR. Yes; that is true.

Mr. EDGE. I am very glad to get that information because, comparing the amendment with the original bill, it occurred to me that the amendment removes that authority from the board.

Mr. McKELLAR. Oh, no; it does not do it at all.

Mr. EDGE. As a matter of fact, what is the object of the advisory council if, after they had decided affirmatively to administer the act with respect to the equalization fee, the general board of 13 could veto or vote "nay"? Then the advisory council would mean practically nothing.

Mr. McKELLAR. Here is what it means: Suppose the board of 13, here in Washington, determines to put into operation a marketing period for cotton. Suppose those interested in the production of cotton did not want it to go into effect. They would have their council here, and before the board can put the marketing period into operation the board must have the approval of four out of the seven members of the commodity council or advisory council.

Mr. EDGE. The Senator is entirely sure he is correct?

Mr. McKELLAR. Absolutely.

Mr. EDGE. I know the Senator is correct in what he just stated, but would the same condition reversed apply? If the advisory council decided that the equalization of cotton should be undertaken through the purchase of cotton, or whatever form it might require, and the general board of 13 in their judgment felt that it was not wise or justifiable to do it, could the board take that position?

Mr. McKELLAR. Yes; it could not go into effect then at all.

Mr. SMITH. There is no power given the advisory council to initiate any marketing period. That is wholly with the board. The board can initiate a marketing period, but the advisory council can not. Under the terms of the amendment offered the advisory council, when the board thinks there is a marketing period advisable, can veto it as to that particular commodity.

Mr. EDGE. And the board could veto their initiation?

Mr. McKELLAR. The council can not initiate at all.

Mr. SMITH. No; the advisory council can not initiate at all.

Mr. EDGE. Under the amendment they can not?

Mr. McKELLAR. No; they can not. They have no power of initiation at all. Let me say to the Senator from New Jersey that the advisory council has no power at all except the power to veto when a marketing period is about to go into effect or when an attempt is made to take a commodity out from a marketing period. Suppose the board wanted to take it out of the marketing period for another year, the council would have the right to prevent that, and that is all it would have in this particular aspect of the matter.

Mr. HARRIS. Mr. President, I would like to know how long the advisory board could keep this up? Could it be done for several years?

Mr. McKELLAR. How does the Senator mean?

Mr. HARRIS. If the advisory board decided not to have an equalization fee plan put into effect for five years, could that be done?

Mr. McKELLAR. The advisory board is selected or appointed for only two years.

Mr. HARRIS. Yes; I understand; but could it keep up its refusal or its agreement with reference to the marketing period for an indefinite time?

Mr. McKELLAR. The advisory council would have the right of veto, representing the producer. They must be appointed from among the producers. They must be appointed from the territory where the product is principally raised, and during that time they would, of course, have the right of veto on putting the market period into effect.

Mr. HARRIS. But it is indefinite as to the length of time it might be kept up by the board?

Mr. McKELLAR. Of course, if we can not trust the farmers themselves, who are not only the producers themselves but the representatives of the producers, I can not imagine whom we could trust.

Mr. HARRIS. Then it could go on indefinitely?

Mr. McKELLAR. Yes. So far as the amendment is concerned that is about all there is to it. It seems to me it strengthens the bill and adds to it very greatly. It certainly protects the producers of the country.

Mr. SMITH. Mr. President, may I suggest to the Senator that one thing that makes the amendment necessary in the form in which it is presented is the modification of subsequent amendments which give to the advisory council an absolute, positive power which it did not have under the original form of the bill, and widens its scope in that it can be selected not only from the cooperative organizations or an organization of farmers but from any group of individuals who are engaged in the production of the article that is to be affected by the action of the marketing period. As these radical changes were made in subsequent amendments, it was necessary to clothe them with the power of real appointees, by and with the consent of the Senate, as indicated in the amendment.

Mr. McKELLAR. I think the Senator is entirely right about it. As I said, I think the amendment not only protects the farmer but strengthens the bill. It is in entire accord with our institutions. It is patterned somewhat after the formation of Congress itself, there being two boards, and two are better than one under the circumstances. I hope the amendment will be adopted.

Mr. McNARY. Mr. President, I do not rise to discuss the amendment, but I would not want to have a vote taken in the absence of the Senator from Arkansas [Mr. CARAWAY].

Mr. McKELLAR. I would not either, and I have sent for him.

Mr. McNARY and Mr. EDGE suggested the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Copeland	Harris	Neely
Barkley	Couzens	Hawes	Norbeck
Bayard	Curtis	Hayden	Oddie
Bingham	Cutting	Heflin	Overman
Black	Dale	Jones	Phipps
Blaine	Edge	Kendrick	Pittman
Blease	Fess	Keyes	Ransdell
Borah	Fletcher	King	Reed, Pa.
Bratton	Frazier	McKellar	Robinson, Ind.
Brookhart	Gerry	McLean	Sackett
Broussard	Glass	McNary	Schall
Bruce	Goff	Mayfield	Sheppard
Capper	Gooding	Metcalf	Shipstead
Caraway	Hale	Moses	Shortridge

Simmons	Steiwer	Tyson	Warren
Smith	Stephens	Vandenberg	Waterman
Smoot	Swanson	Walsh, Mass.	Watson
Steck	Tydings	Walsh, Mont.	Wheeler

The VICE PRESIDENT. Seventy-two Senators having answered to their names, a quorum is present.

Mr. McKELLAR. Mr. President, at the request of the Senator from Arkansas [Mr. CARAWAY], I desire to ask unanimous consent that this amendment may be passed over until tomorrow morning. I hope that request will meet with the approval of the chairman of the committee.

Mr. McNARY. I am quite well satisfied to let that course be pursued.

The VICE PRESIDENT. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

Mr. NEELY. Mr. President, I move to reconsider the vote cast earlier in the day by which the amendment proposed by the Senator from New York [Mr. COPELAND] was adopted. The language of the amendment is as follows:

> The words "agricultural commodity" mean an agricultural commodity which is not a fruit or a vegetable.

The adoption of this amendment excludes every fruit grower and every vegetable raiser in the United States from participating in the benefits of the pending bill. The fruit growers of West Virginia, for example, do not want to be subject to the bill's provisions relative to equalization fees and marketing agreements for the very sufficient reason that fruit is perishable, and accordingly not susceptible of being indefinitely stored like wheat or corn or cotton. But the fruit growers and vegetable raisers do want the benefits of the other provisions of the bill.

In my opinion, the Senate adopted the Copeland amendment without fully appreciating its prejudicial effects upon a very large and deserving class of farmers. Therefore I move that the vote by which the amendment was agreed to be reconsidered.

The VICE PRESIDENT. The question is on the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. NEELY. Mr. President, in lieu of the Copeland amendment, on page 18, after line 25, I propose that the following new paragraph be inserted:

> 8. The provisions of this bill relative to marketing agreements and equalization fees shall not be construed to apply to fresh fruits or vegetables.

Mr. President, the adoption of this amendment will at once give the vegetable growers and the fruit raisers all of the benefits of the bill and protect them against the exactions of the equalization fee and marketing agreement provisions of the measure. I request a vote on my amendment.

The VICE PRESIDENT. The question is on agreeing to the substitute amendment proposed by the Senator from West Virginia in lieu of the amendment of the Senator from New York.

The amendment in the nature of a substitute was agreed to.

The amendment as amended was agreed to.

Mr. CARAWAY. Mr. President, I arose a few moments ago to discuss one provision of the pending bill and to attempt to reply to a suggestion made by the Senator from Idaho [Mr. BORAH], who is not now on the floor. I wished to urge why, to the friends of the measure, an equalization fee instead of an appropriation to absorb losses would seem to be economically wise. If we should pass a bill carrying a large appropriation from the Public Treasury for the purpose of absorbing losses, it, of course, would invite overproduction; when the appropriation should be exhausted there would be no way to replenish it except to go back to the source, which is the Treasury.

The equalization fee, Mr. President, as I have understood it, is for this purpose: We are seeking to find some means by which farmers may cooperate. Voluntary cooperative associations have found themselves confronted with a situation where 8 or 10 per cent of the producers of a commodity will form themselves into an association and withhold their products from the market, that when a temporary rise in the price of the product the other producers, who are not members of the association, will avail themselves of the temporary rise, obtain all the advantages, and in the last analysis leave the surplus of the product in the hands of the cooperatives. Inevitably such cooperative associations fail, because 8 or 10 per cent of an industry can not support the 90 per cent who refuse to cooperate. The equalization fee is intended to induce every man to cooperate, because the 90 per cent who refused to cooperate in the past did so because they wanted to bear none of the burdens of cooperation. If, however, the hand of the law lays itself upon the product and says, "Whether you cooperate or do not cooperate, the cost of maintaining a market will fall equally upon you as upon those who are in the association," necessarily 100 per cent cooperation will follow. That is the dream of those who sponsor this proposed legislation. If it shall fail, the system will fail.

If cooperation be the solution of the farmer's problem—and we have been told by the enemies of the farmer and the friends of the farmer that cooperation means his success—the equalization fee is the instrumentality that will bring about that result. It will enable the industry to be levied upon as a whole to take care of the surplus; it will make the unwilling, the selfish who want to stand on the outside and take advantage of the sacrifices of those others who are engaged in the same industry contribute their proportionate part of the cost, and, therefore, they too will cooperate. If it does not do that, the scheme of this legislation fails; and if we shall strike out the equalization fee then there would be no power to compel anybody to cooperate. The bill would then simply set up another instrumentality by means of which the farmers may find themselves deeper and deeper in debt every year, and if we should permit them to take their losses from the Treasury it would be in fact allowing them to go into bankruptcy and to liquidate in that way every year. No farmer wants to do that. There may be industries that are willing that the American public shall finance their losses; there are people who are willing that the Treasury of the country shall be called upon to reimburse them for their mistakes. Agriculture is not of that class.

For the first time we find a group of men in the Senate and in the House of Representatives who are determined to deny to an industry the right to organize for its protection. That is all the farmer seeks. He asks the Congress to give him an instrumentality by means of which 100 per cent of cooperation among the producers in that industry may be brought about. Some Members of the Congress would deny that to him, although he does not ask to be given one dollar to finance this undertaking, but asks only to have given to him the legal machinery by means of which the farmers may bring about this result.

Mr. BLAINE. Mr. President, will the Senator yield for a question?

Mr. CARAWAY. Yes, sir.

Mr. BLAINE. Is the purport of the Senator's argument to the effect that this measure is to bring about compulsory cooperation?

Mr. CARAWAY. If the Senator is fond of the word "compulsory," it is to bring about cooperation, because it is designed to set up a machine that will make cooperation possible. If that is "compulsion," has the Senator any objection to it?

Mr. BLAINE. I might ask this question——

Mr. CARAWAY Very well.

Mr. BLAINE. Who is to be the judge of whether it is going to be profitable or not—the Congress or the farmers after they have been forced into this cooperation?

Mr. CARAWAY. That goes back to the question of whether one is in favor of any law. We have not a perfect democracy; the people do not meet together and enact their laws; they have representatives who have to say what, in their judgment, is a wise course. I know and the Senator knows that we never can get 100 per cent of cooperation among farmers so long as some of those engaged in an industry may stay out and wait until others shall make a market, and then scalp it, leaving this to be borne by those in whose hands the surplus will be left. That is the only question involved, namely, whether we shall so legislate that all may be compelled to bear equally the losses and share equally in the profits of an industry; in other words, whether we want to make it impossible for cooperation to be brought about in this country among those engaged in producing agricultural commodities.

Mr. BLAINE. If I understand the Senator's argument, his proposition is to impose upon the farmer an equalization fee to force him into cooperation.

Mr. CARAWAY. The Senator could not have misunderstood me. I said that the design of this proposed law was to make the man who did not want to cooperate bear his part of the cost of cooperation. That is the purpose of the bill. If there are Senators who think farmers ought not to be given that right, let them vote against it. That, however, is what the farmers are asking for. There are Senators who think they know better than does the farmer what the farmer wants. If there is no agricultural problem in this country and if the farmers have no need for legislation, if farmers do not want any legislation, let the Senators who entertain that view vote against this measure. Let them back their judgment against the judgment of 30,000,000 American farmers and say to them, "You are a lot of idiots; you do not know what you want; I am your overlord and to your request I say 'no.'" That is the

question that is before the Senate. If Senators are willing to say that the American farmers can not be trusted; that they have not sense enough to know what they want; that they have not character enough to be intrusted with the management of their own business, let them say so by voting against this measure. They must admit the farmers have sense enough to know what they want; they have character enough to be trusted with the conduct of their own business, and, therefore, as they are asking for this legislation it will be granted to them, or they must say that the farmer does not know what is the matter with him; he does not need what he seeks. The responsibility, I say, is up to the Senate. The curious thing about it, however, Mr. President, is that the opposition to this proposed legislation comes almost entirely from a group of Senators who have been the most persistent knockers at the doors of Congress for favors for industries that they represent, and so continuously clamored for them that in most cases they have received them; but the minute there is legislation proposed for the farmer they find either that the Constitution or their implacable opposition of governmental aid keeps them from supporting the measure the farmer wants.

The equalization fee is the heart of this legislation, and there is not a Senator on this floor who wants the farmer to succeed who is against the equalization fee. There is not an enemy of this bill on the floor who is not against the equalization fee. Every farmer in America knows that you are hanging your fight on the equalization fee with the hope that you can destroy the legislation.

I always have great respect for a man who has the courage to look the world in the face and say, "I am against you." I have not any great amount of respect for the man who desires to strike out but wants to veil his hand when he wields the dagger.

You are either for the legislation or you are against it; and the Constitution does not stand between a Senator on this floor and the support of this legislation. There are constitutional lawyers in the Senate, and it is interesting to read their predictions in the light of what the Supreme Court has afterwards said about the legislation. If there is anything that you can stake your life on, it is that these professional constitutional lawyers are wrong. They are the only ones that are 100 per cent wrong on every proposition.

As I said a minute ago, what is the use of dodging the issue? You are not fooling any farmer. You are not fooling anybody else. Why do you not say you are for the legislation or that you are against it? If you are against it because you think the farmers have not sense enough to know what they want and have not character enough to be intrusted with the management of their own business, say it. There is not any use to camouflage.

You know it is rather enlightening to examine what we call composite public opinion. There were a group of farmers who met at Ocala, Fla., and put out a platform. The time was if you wanted to convict one of being an idiot or crazy you had but to say he was for the Ocala platform. No court required other proof. It entered the record then that that man was either a fool or crazy. Yet everything they stood for in that platform has been enacted into law and now is looked upon as conservative!

There is a composite opinion among the farmers of America. They may individually be unable to give you an entirely satisfactory reason for some provisions of this legislation, but when you take the legislation they ask for in its entirety you will find that there is much of wisdom in their demands. Why, every one of you who has practiced law—not these constitutional lawyers, but every one of you who has had business in the courts—has been astonished at the wisdom of a jury, the individual members of which you thought would have been incapable of understanding all the intricacies of your case; and yet the composite opinion of that jury was all that the most learned judge could ask. There is a kind of a balance wheel in having a lot of people viewing a question from many different angles, and reaching a conclusion that represents a part of the belief of all of them, and possibly excludes some of the ideas of every one of them.

This legislation is the composite opinion of the American farmer. Of course, that does not include the "farmers" here on the floor of the Senate.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. CARAWAY. Yes.

Mr. BROOKHART. The composite opinion of the farmers on the price they should have under this bill, as expressed in the conference of the Corn Belt committee, was by unanimous vote that they should have cost of production plus a 5 per cent return on the capital invested.

Mr. CARAWAY. Yes.

Mr. BROOKHART. And that provision is not in this bill.

Mr. CARAWAY. That is the conclusion of the Senator.

Mr. BROOKHART. I was present when it was done.

Mr. CARAWAY. But, I say, the statement that that provision is not in the bill is the conclusion of the Senator. You do not have to write in the bill that you are to guarantee them a certain price for their products; but we are setting up here the machinery which, if it works, will give them that, and give it to them legally, and allow them to keep their self-respect.

Mr. BROOKHART. Instead of the thing the farmers asked, and were united and unanimous on it, we have this in the bill:

> The price at which a surplus or any part thereof is to be purchased or disposed of under any marketing agreement shall not be fixed in such agreement, but all such purchases and disposals shall be made subject to the prevailing competitive conditions of the markets in which they occur.

This is exactly what we have now.

Mr. CARAWAY. And what were you dealing with? Surpluses. We are trying to keep the surplus from destroying the whole product. There is not anybody that can write into any legislation that the surplus shall bring a fixed price unless you resort to the Public Treasury and subsidize that business.

Mr. BROOKHART. That rule could be put in just as well under the equalization fee as under the Public Treasury appropriation. It is immaterial which way the loss would be paid.

Mr. CARAWAY. The Senator means you could make the equalization fee large enough to cover that?

Mr. BROOKHART. In case you had a loss on disposing of the surplus bought at that price.

Mr. CARAWAY. Yes; you could take your money out of one pocket and pay yourself in the other pocket with it.

Mr. BROOKHART. Is not that exactly what the equalization fee does?

Mr. CARAWAY. Oh, no; that is not what the equalization fee does.

Mr. BROOKHART. The appropriation does not do that. The appropriation takes it out of the pockets of those that have robbed the farmers all these years, and that the Senator admits have robbed the farmers, and gives it back to the farmers; but the Senator's proposition just takes it out of one pocket and puts it into the other.

Mr. CARAWAY. Oh, well; what is curious about it is that there is not a line even in the Senator's bill which says that this tax shall be put upon certain people. He wants to take his money out of the Treasury; and that money came out of the pockets of the honest and the dishonest alike. If the Senator wants to write a bill to get the money to pay the farmers out of what he calls the people who robbed the Government, why does he not write a bill saying that we shall tax the railroads so much, and the New England tariff-protected industries so much, and out of these industries we will raise a fund to subsidize the farmer? Let us be consistent.

Mr. BROOKHART. We are quite satisfied that the system of taxation, if we do not have the estate tax repealed, does that quite substantially already.

Mr. CARAWAY. If the Senator is satisfied with the present taxation system, then he has misled me.

Mr. BROOKHART. I am very well satisfied with the taxation system the way Congress passed it in 1924, supported by the Senator and supported by the rest of the Democratic side; but when they turned around and emasculated that bill and destroyed its principles, and that fight was led by Senators on the other side, I am not satisfied with that.

Mr. CARAWAY. The Senator was not here then, and wisdom was absent from the Senate temporarily. The Senator in one breath says he is satisfied with the taxing system as it is, and in the next says the Democrats ruined it, emasculated it; I do not know now just how it is—whether it is an emasculated law or whether it is an entirely satisfactory law.

Mr. BROOKHART. I do not want to charge that altogether to the Democrats, because standpatters on either side of the Chamber look just alike to me.

Mr. CARAWAY. I know; everybody was wrong but the Senator, and he was temporarily absent, and therefore wrong prevailed. That is to be regretted.

None of those questions, Mr. President, are involved in this legislation. There is no use for us to fool ourselves, because we can not fool anybody else, you know; but when passing upon that the funniest thing is that no man makes an argument to you unless he himself would be swayed by that sort of argument, and, therefore, when somebody presents an argument to us that fails to reach us we realize that we are not on the intellectual plane of that person. He is either above us or below us—usually above us, of course. But the question that we are trying to discuss now—I am not trying to discuss all the provisions of

the bill, its machinery, which is purely the mechanics of the bill and is not vital—merely represents a compromise with the administration, who for 11 months yet can write his name at the bottom of another composite veto and defeat the will of the people; that is, unless the Senator from Ohio [Mr. FESS] should finally draft him and have him reelected.

I wanted to discuss this one issue, and then I think I shall have said all that I want to say about the matter, Mr. President.

The equalization fee is the means of saying that everybody who is engaged in an industry shall bear his proper porportion of the cost of making that industry successful. It goes just a little beyond that, Mr. President. It so frequently happens, at least in the marketing of cotton—and with that I am more familiar than I am with corn—it so frequently happens that the farmer sells his cotton; and when it is all out of his hands, or the very large proportion of it is out of his hands, the price goes up. Under the provisions of this bill, if the surplus is weighing down the remainder of that product in the hands of the farmer, the speculator, or the spinner who has bought before the decline or bought before the rise, whichever way the situation may be, can not escape contributing to the eventual marketing of the surplus, because if he bought his cotton and has it stored away in his warehouse and it becomes necessary to levy an equalization fee on the product to take care of the surplus, the minute he rolls his bale of cotton out of the warehouse and puts it in interstate or foreign commerce we say to him, "You have to come along here now and pay your part to help support the weight of the surplus of this product. You did not produce it, but you now have it; and we are going to require you to stand shoulder to shoulder with the farmer and help carry the burden of marketing the surplus."

It has another beautiful side to it, Mr. President. There will not be so much incentive to break the price of cotton by people who have cotton or who have future contracts for cotton if you can reach them thus along with the farmer. It is a hundred per cent cooperation in that product. It makes no difference whether it is in the hands of a millman, a speculator, or a producer, everyone is reached who has that product whenever it is necessary to set up the machinery to take care of the surplus.

I suspect that is where some of these shade-tree farmers find their real objection to it.

Mr. BROOKHART. Mr. President, I want to reply briefly to some of the suggestions of the Senator from Arkansas. I do not think the representatives of the farmers are doing their duty to the farmers when they say that "We have by law taken your money and turned it over to the railroads. We have by law taken your earnings and turned them over to the protective industries."

I am sorry the Vice President is leaving the chair. I want to have something to say about presidential candidates in a minute.

I do not think it is defending the farmer's rights when by law we take the earnings of the farmers and turn them over to the public utilities, when by law we take the earnings of the farmers and turn them over to the patent-protected industries; then, as a result of all these operations of the law, you have injured the farmer and driven him universally to the verge of bankruptcy, then turn around and say it would be charity to do for him by law what you have done for all the other interests.

I think that is a betrayal of the farmers' interests. I do not think it is a fair fight for the farmer. I have made my fight in all my campaigns on the pledge and promise that I would stand for those things. The Republican platform pledges equality to agriculture compared with the other industries of the country. Now, we turn around and seek to carry out that pledge by putting an equalization fee upon the farmer himself. It is not fair, it is not carrying out our pledge, and something is going to happen in connection with the votes of these farmers.

Mr. President, I want now to turn to the subject which I just now suggested. The presidential situation has come into this matter in a remarkable degree and in a very remarkable way.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER (Mr. EDGE in the chair). Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. BROOKHART. I yield.

Mr. BLAINE. I call the Senator's attention to my remarks of last week, in which I reviewed the remarks of one of the candidates for President, remarks in which he said that this equalization fee was analogous to the Esch-Cummins law, analogous to the Federal reserve act, and analogous to several other legislative acts which gave gratuities to certain interests. I wish the Senator would discuss that.

Mr. BROOKHART. I remember that cost-plus business in the transportation act; but I am not going to disturb that candidate for the Presidency to-day. It is brought up in my mind in another way.

Mr. WATSON (in his seat). I thank the Senator.

Mr. BROOKHART. He thanks me for that. Maybe I will take it up later, but not to-day.

On April 5, the presidential situation was injected into this farm problem in an article printed in the RECORD from Mr. George N. Peek. Mr. George N. Peek claims to be the leader of the farm movement in the United States at this time; he assumes to be. He is not a farmer, of course. He is a banker, appointed by the bankers and interests of that kind. Mr. Peek singles out one presidential candidate, Mr. Hoover.

I am not a supporter of Mr. Hoover; neither am I a supporter of Mr. Peek's candidate; and it is those two candidates whom I want to discuss at this time, and I think I am fairly in position to be an impartial judge, since I support neither of them.

In this statement, after reviewing Mr. Hoover's action in reference to the Wheat Corporation during the war and the control of farm prices, Mr. Peek brings out this conclusion:

> I challenged then, and I challenge now, the economic soundness and the wisdom of the conference recommendations which were Hoover policies. The effect upon American agriculture and business in agricultural districts may be eptiomized as follows:
>
> Decrease in farm property values between 1920 and 1925, $20,000,000,000.

The fact that farm property decreased $20,000,000,000 I do not dispute. It was charged up here, however, to Mr. Hoover's control of the war prices, whereby they were held down below the prices of other products.

The second item is:

> Increase in farm debt between 1910 and 1925 $12,000,000,000 and further increase between 1920 and 1925, $2,000,000,000.

I am not quite sure about the accuracy of those figures, but I will affirm the fact that there was an immense increase in the farm debt, in spite of the fact that a large part of it was foreclosed.

> Increase in farm bankruptcies, over 1,000 per cent.

I know that was true, while other bankruptcies remained the same.

> Migration from the farm since 1920, 2,000,000 a year.

That is not far from the fact.

> Bank failures.

I will not take up the banks, since that is rather immaterial.

Mr. President, who is this man speaking who is charging up to Mr. Hoover all of this calamity to the farmers of the United States? He is the campaign manager for our distinguished Vice President, Mr. CHARLES G. DAWES, and when we have that fact in view it is of some importance. That is why I hoped the Vice President would remain during this discussion.

How do I happen to know about this campaign-manager business? I will tell you. Mr. Peek interviewed me, and sounded me out on the Vice President as a presidential candidate. I told him he would not do, so far as I was concerned. I said that he was tied into the big banking and oil interests, and things of that kind, in this country; that he was connected directly and by approval with the Federal reserve deflation of the farmers of this country; that when the Federal reserve inflated in 1924, as they generally do just before election, his own brother was the Comptroller of the Currency, and on the board that helped to do it. The Democrats will remember how they ran the prices up just before the election.

I said that as Vice President, when the farm bill was under consideration at the last session, he made an arrangement with the Federal reserve banking crowd, and with the farmers, that he would get a vote on the farm bill, and he put through the McFadden bill, which made permanent the iniquities of this Federal reserve deflation. Then, when this present farm bill itself came up before the Senate, we find a provision in it protecting the packers and the millers of this country. Let us read that provision:

> (f) During a marketing period fixed by the board for any commodity, the board may enter into marketing agreements for the purchase, withholding, and disposal of the food products of such commodity, and all provisions of this section applicable to marketing agreements for the purchase, withholding, and disposal of a surplus of the commodity, shall apply to the agreements in respect of its food products.

It is plain that that provision was to take care of the packers and the millers, and not of the farmers, and all at the expense of the farmers through the equalization fee.

Since I told Mr. Peek that the Vice President was not satisfactory to me as a presidential candidate because of his connection with this Federal reserve banking crowd, and also because of the system of gag rules that he wanted to put on the Senate, and stifle even the voice of the farmer, because of those things, Mr. Peek has been exceedingly cool to me since that interview. Before that he consulted me a great many times upon these farm problems, but since then he has bombarded me with telegrams, he has had the members of the farmers' committee wire me and threaten me with political punishment and everything else unless I got in line for the Dawes bill. This is not the McNary-Haugen bill, this is the Dawes bill. I am not quite in line yet, you see.

Now, I want to go back. The Dawes plan of managing the finances of this country by the deflation of the country began on the 18th of May, 1920, officially. That was when the Federal Reserve Board met to consider the question of deflation in this country. I maintain that it is an economic crime for a reserve board ever to consider a deflation policy. Loans are made by the board and approved by it, and it is not right that the industries established because of that approval should be torn down by having their loans called. Yet this board met on May 18, 1920, for that purpose. Of course, all the members of the board who were in that meeting were Democrats. Remember that on the other side of the Chamber. Every one of them was a Democrat.

Mr. HEFLIN rose.

Mr. BROOKHART. But the class A directors and the advisory council were there, too, and, of course, I will admit to the Senator that a majority of those were Republicans. I yield to the Senator.

Mr. HEFLIN. Who were the Democrats the Senator speaks of?

Mr. BROOKHART. I remember one, W. P. G. Harding.

Mr. HEFLIN. He was not a Democrat. He quit the Democratic Party and supported Harding in that campaign.

Mr. BROOKHART. These high-class Democrats very frequently get over into the Republican Party.

Mr. HEFLIN. Whenever they reach the point where they can not carry on in the Democratic Party as they want to, they go into the Republican Party.

Mr. BROOKHART. Yes; that is very true; I will not dispute that with the Senator. We will see what happened as a result of that meeting. The meeting was held at about the same time that Mr. Hoover quit oppressing the farmers of the United States.

As I said, I am not for Hoover and I am not for DAWES, and I do not know that I shall support either one of them in the election if he is nominated. They have to offer me something better than the McNary-Haugen bill or I will not do so. I am going to see that the platform of the Republican Party is carried out. I am going to stand on that platform in the next election, so far as I am concerned, that one which said that we would give equality to agriculture compared with the other industries of the country.

Now we come to the point. I have here the account of Mr. Hoover's winding up his war activities and ending the wheat corporation. That occurred the latter part of May, 1920.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. BARKLEY. Was that before or after Mr. Hoover decided whether he was a Democrat or a Republican?

Mr. BROOKHART. He was still acting as a Democrat. I will have to give the Democrats credit for this part of his activities.

Mr. BARKLEY. It was soon after that, however, that he decided to be a Republican?

Mr. BROOKHART. Yes; I guess so.

I have the quotations of farm prices as Mr. Hoover turned them over to the country. I got them out of the Chicago Tribune, which is mighty good authority. I sent over to the legislative reference bureau and they figured it out for me.

On May 29, 1920, I find that hogs, heavy butchers, were worth $14.35 to $14.70. That is the price Mr. Hoover turned over to us when he quit managing prices in the United States. I am willing to concede that was too low compared to other prices. I know that Mr. Hoover did depress farm prices below the level of other prices to some extent. But after the Vice President's crowd, the bankers' crowd, got control of the thing and put on the deflation, here is what happened: In January, 1921, the same hogs had fallen from $14.35 to $9.40.

Then I find in reference to cattle, good to choice steers, that they were worth $12 to $13.75 when Mr. Hoover turned them over, and after the Vice President and his crowd had operated on them for about a year they were $7.25 to $9.25 per hundred for the same grades.

I find with reference to corn that when Mr. Hoover turned the prices over to the country and quit deflating them, in May, 1920, No. 2 mixed was $1.89 to $1.90, but in January, 1921, the same corn was down to 62.5 to 63 cents after the Federal reserve system and the crowd represented by the Vice President had operated those things for about a year.

I find that No. 2 hard wheat, when Mr. Hoover turned it over, was worth $2.85 to $2.87, but in January, 1921, the same wheat, after our Federal reserve system, in which the Vice President is so greatly interested, had done its work, had been reduced to $1.70¾. Cotton, when Mr. Hoover turned it over while he was still a Democrat, was worth 40 cents a pound. In February, 1921, that same cotton was down to 11.8 cents per pound.

Mr. HEFLIN. Mr. President, I take it from that that when Mr. Hoover ceased to be a Democrat and went over into the Republican Party he nearly ruined that party.

Mr. BROOKHART. It looks awfully bad for the Republicans, does it not? The trouble with the Senator's argument is that it is good if it is a Democrat, but it is bad if it is a Republican. I do not make my argument on that basis. I think the Senator will have to admit that I hit the Republicans just the same as the Democrats when they are just as guilty as the Democrats which, of course, is not very often. [Laughter.]

Mr. HEFLIN. In this instance, more so.

Mr. BROOKHART. Mr. President, why was all of this injected into the RECORD at this time? Why was presidential politics mixed up with the solution of the farm problem? It is because nothing is wanted to be done at this session of the Congress. The main sponsor of the farm bill, Mr. George N. Peek himself, does not want a bill passed that will be signed by the President of the United States. He wants a bill that will be vetoed so he can keep the issue alive. Then he will point to his candidate and say that he stood for the relief of the farmer. Of course, that bill not being in operation, nobody can prove its inefficiency except by argument.

The whole situation has been worked in that way. I called on the chairman of the committee, the senior Senator from Oregon [Mr. MCNARY], before this session of Congress began, to get ready for the consideration of the farm relief bill. I found the Senator from Oregon eager and ready to proceed, and to enact the bill into law. Why was it not enacted in December, even before the holidays? When it was finally reported it was reported without a word of amendment. The only reason why the bill was not reported was because Mr. Peek and his crowd, pretending to represent the farmers, were not here. They were waiting. What were they waiting for? For political purposes they wanted nothing done until toward the end of the session. Nothing was done at that time.

Finally, when the hearings came on, I was the only man that appeared before the committee in any way. The Senator from Oregon gave every consideration to the evidence I presented. I brought the best witness in the United States, the one who had prepared the cost-of-production theory for the farmers, and which had been approved by the farmers by unanimous vote, as I have already said, in that Corn Belt conference.

I fear that one trouble with our Democratic friends is that they are a little like Mr. Peek in that they want some political capital out of the situation. In the first discussion with the Senator from Mississippi [Mr. HARRISON] upon the proposition I called upon the other side of the Chamber to come forward with a program and said I would support it. But it is not here. Here is the farmer, entitled to relief by law, entitled to this consideration, but he is getting nothing. He is the football of the situation. The bill will be vetoed, of course, and there are not enough votes to pass it over the veto. It will be used by one set of candidates, trying to get into office, and the other, trying to stay in office, and neither of them really intending to do anything for the farmers.

Mr. KING. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. KING. I thank the Senator. I ask for information because I have not been able to be in the Chamber, owing to committee work, to listen to the discussion. May I ask the Senator what percentage of the farm organizations, if he knows, favor the so-called McNary-Haugen bill and what proportion of the membership of other agricultural organizations favor the measure which the Senator from Iowa advocates or some other measure which deals with the agricultural situation?

Mr. BROOKHART. I can give the Senator some information from personal knowledge. I have talked to twice as many farmers in the State of Iowa as all the farm leaders. I have given eight years of my life to a study of this question. I have presented the proposition in every speech I have made to the farmers of my State exactly as I have presented it in this bill, except as to some minor details. I was elected by the farmers, as I have already said, in spite of the opposition of the newspapers. I was elected by the farmers without respect to party. Democratic farmers voted for me everywhere. In spite of the opposition of the newspapers, in spite of the opposition of the chambers of commerce, in spite of the bankers' association, and in spite of what I call the whole Dawes crowd out in the State of Iowa I was elected, and I know they stand for a bill substantially as I have presented it here. Some of those newspapers are firing at me now and some leaders are sending telegrams to me that they mean to hold me responsible for this situation. I am responsible for what I have said and for what I have done, and I do not care what the situation may be or who these parties nominate, I am going to continue this fight for agriculture upon its merits.

Mr. KING. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. STEIWER in the chair). Does the Senator from Iowa yield to the Senator from Utah?

Mr. BROOKHART. I yield.

Mr. KING. I would like to ask the Senator whether, before the committee which considered the bill known as the McNary-Haugen bill and reported it to the Senate, there were any persons appeared other than the Senator from Iowa? Did Mr. Peek and his organization appear?

Mr. BROOKHART. No; Mr. Peek and his organization prepared this bill and sent it over. There was no hearing. No one appeared except myself. Am I not correct, may I ask the Senator from Oregon?

Mr. McNARY. No. I do not want anyone to conclude——

Mr. BROOKHART. I am not blaming the Senator from Oregon. He was willing all the time to do everything that could be done in the matter. I have no blame to put on him. He has been fair all the way through. I yield now to the Senator from Oregon.

Mr. McNARY. I only want to say in connection with the hearings that the Senator from Iowa came before the committee and gave a very full and able description of his bill and its main purposes. The committee considered the whole proposition and decided it did not want to have any further hearings. No one else was called before the committee. The Senator's bill was considered; indeed, all the bills were considered and they were seven in number. This bill, to which I devoted a great deal of work and much of the preparation of which was done by the drafting bureau, was voted to be reported out favorably by the committee.

I do not want any one to be charged with any delay in the consideration of the bill by the committee or its report to the Senate. I assume all responsibility. There was no time before the holidays to consider the bill. There were very few committees in session. After the holidays I was interested in the Boulder Dam project, the Columbia Basin project, and the Des Chutes project; all for the Northwest and one of which was in my own State. I took the privilege of being present before the Committee on Reclamation, which was considering those bills, because I had a perfect familiarity with them, having been a former chairman of that committee.

Following the hearings on the three measures which I have just mentioned, the matter of flood control came up and I am ranking member of the Senate Committee on Commerce having that bill in charge. I was deeply interested in flood-control legislation. I took the position from the start that the Government should assume the whole liability for the trespass of that river upon private property.

I neglected hearings on the agricultural bill until I had finished that other work. I assume all responsibility and I say here in the presence of the Members of the Senate that there was not any letter and not an individual asking me to delay its consideration one minute. If any one was to blame in that regard I accept the blame.

Mr. BROOKHART. The Senator is very generous, but I will not put the blame on him in spite of his assertions. I know who is to blame.

Mr. GOODING. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. GOODING. I am sure the Senator will agree with me, however, that so far as Mr. Peek and his friends were concerned, being here representing the Committee of Twenty-two, that they urged early consideration of the bill, even before the holidays, and as soon as they came on the ground. There is no doubt about that. I met them a great many times myself and I urged consideration of the bill as early as possible. The Senator was doing all that was humanly possible for any man to do, but was not able to report the bill sooner than it was finally reported. There has been no intentional delay on the part of the friends of the measure at all. In that respect the Senator from Iowa is entirely mistaken.

Mr. BROOKHART. I have not any doubt that Mr. Peek talked that way to the Senator, but I have not any doubt either that he is managing the bill as a campaign platform for his candidate for the Presidency, the present Vice President of the United States.

Mr. KING. Mr. President, will the Senator submit to another interruption?

Mr. BROOKHART. Yes.

Mr. KING. I recall a year ago that the Grange, which is an old organization and, so far as I have been able to discover, a very intelligent and conservative organization, exhibited opposition to the former McNary-Haugen bill, which, so far as I can see, is very much like the present bill.

Mr. McNARY. That is quite an inaccurate statement. The Grange has never objected to this bill, and Mr. Tabor, who was the head of the Grange, visited me on my farm in Oregon and again this summer in my office in the Senate Office Building, and said, "I am very well satisfied with the proposition, but I believe the debenture plan is a better one. We will not push that until you first have an opportunity again to present your bill for the consideration of Congress."

Mr. KING. I accept the statement, of course, of the Senator from Oregon.

Mr. BROOKHART. I had some consultations with the Grange. I think the Senator's statement is substantially correct, but they were not for this bill. They were for the debenture bill, and they wanted this bill to pass or fail first and then try to put their bill forward and see if it would not pass at this Congress after the now pending bill had passed at this session—another reason why Mr. Peek did not want the McNary-Haugen bill to pass early in the session.

Mr. KING. Mr. President, will the Senator submit to a further interruption?

Mr. BROOKHART. I yield.

Mr. KING. I do not know whether the Senator meant to criticize my statement. I stated that a year ago, as I understood, the Grange was not in favor of the McNary-Haugen bill as then before the Congress.

Mr. BROOKHART. I think it is fair to say that they are not in favor of it.

Mr. KING. I base that statement upon communications which I have received.

Mr. BROOKHART. On the other hand, out of courtesy to the other farm organizations, they did not want to turn around and say, "We are fighting it."

Mr. KING. I recall receiving some papers—published by the organization, as I was advised—which expressed opposition to it. Now, what their attitude with respect to the pending bill is I do not know, and that is the reason I asked the Senator. I sincerely hope the Senator from Oregon was not criticizing my statement of the attitude of the Grange a year ago as being inaccurate.

Mr. McNARY. Not at all; I have no reason ever to criticize the distinguished Senator from Utah. I was only explaining the present attitude, as I interpret it, of the National Grange.

Mr. KING. The Senator may be right. I was merely asking the Senator from Iowa what the present attitude of the Grange was; and I am very glad to be advised by the Senator.

One other question, if the Senator from Iowa will permit me. I recall during the last summer there were a number of meetings of farmers in Iowa. Some of those meetings were labeled "meetings of corn farmers" or of producers of corn; but my recollection is—and if I am in error I want to be corrected—that they were not particularly enthusiastic or anxious over the old McNary-Haugen bill but had some other measure. What was that measure which did meet their approval? Was it the one which the Senator from Iowa is now advocating?

Mr. BROOKHART. Mr. President, I think the rank and file of the farmers supported the original Norris bill quite strongly. A large part of my bill is copied from the Norris bill; in fact, the main features of it are copied from that measure. I think there is no doubt the farmers are demanding equal rights of the Congress as promised them by the platforms of both the great political parties of this country.

Mr. WATSON. Mr. President, will the Senator from Iowa yield to me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. BROOKHART. I do.

Mr. WATSON. I became acquainted with George N. Peek, Chester Davis, Doctor Kilgore, Mr. Frank Murphy, and other gentlemen interested in this farm measure, something over three years ago when they were pressing the measure at that time. It may have been four years ago; I am not sure as to the date. My attention was first directed to the economic phases of this bill by the Vice President, and with him I very frequently met with different economists to discuss the economic phases of this proposition, in which I was deeply interested.

Mr. BROOKHART. I think the Senator from Indiana is right. The measure ought to be called the "Dawes bill."

Mr. WATSON. No. The bill had been introduced; the Vice President had nothing in the world to do with its formulation or its introduction. Of course, he will tell the Senator that.

That was some three or four years ago; and, of course, the Senator would not suggest that Mr. Peek and these other gentlemen were formulating a bill to be held for three or four years in order to have it constitute a platform upon which the Vice President might run for President. The Senator is too kind-hearted and too generous to do that, I know. I will say that during all this time I have been in conference with those gentlemen, off and on, during the intervening months. Mr. Peek and his associates came here immediately after the Christmas holidays; I had some correspondence with them, in which I told them that there would be no opportunity to take the bill up before the holidays. I consulted with my friend the Senator from Oregon as soon as he came here before the holiday session. There was no opportunity to take the bill up, just as he said. They came here immediately after the holidays and began to discuss the measure. All of us together attempted to influence the chairman and various members of the committee to have the bill reported. I had conferences later with Democrats and Republicans in the effort to have the bill reported. I talked about it with my friend from Oregon over and over again, and with other members of the committee who are equally interested in it.

There was no thought of individual preference for presidential nomination involved. We were just as sincerely in favor of legislation to benefit the farmer as is the Senator from Iowa or as he could be. We may have differed as to methods or as to the measure, but as to the end to be accomplished, as to the objective to be achieved, there was no difference; and it is unfair, I want to say, to Mr. Peek and these other gentlemen to say that they were doing everything they could to delay the measure, when I personally know—and I am entirely familiar with the facts—that they were here day after day pleading with us to get this bill reported from the committee, and they were impatient of the delay, too.

Mr. BROOKHART. Mr. President, what the Senator has said does not change the situation so far as this proposed legislation is concerned. I was acquainted with Mr. Peek and was closely in touch with him; I formed a very high opinion of his ability and all that; but just as quickly as he ascertained that I was not for Dawes for President, all of his sympathy with me, which had previously been complete, vanished and disappeared, and I have been the object of bombardment by him ever since that time.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. BROOKHART. I do.

Mr. BLAINE. I listened with a great deal of interest to what the senior Senator from Indiana [Mr. WATSON] had to say with respect to certain gentlemen who I understand were presumed to represent the farmers here in the city of Washington, among them being a Mr. Peek, a Mr. Davis, and Mr. Murphy. Who are these gentlemen; what is their relationship with the farmer; where do they come from; what is their business; and who is paying their expenses?

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Montana?

Mr. BROOKHART. I yield.

Mr. WHEELER. I can speak for Mr. Davis. He was formerly with the agricultural bureau and editor of a farm paper in Montana. He is one of the progressive Republicans in that State.

Mr. BROOKHART. He has been in the employment of Mr. Peek for quite a while.

Mr. WHEELER. But he was formerly editor of a farm paper in the State of Montana, and he has been associated with farm organizations and has followed agricultural-college work in that State. He is one of the high-class citizens of Montana, and I am sure that he has been deeply interested in this proposed legislation in every way, shape, and form for many years.

Mr. BLAINE. That is one accounted for. Who is Mr. Murphy?

Mr. BROOKHART. He is a lawyer somewhere in Minnesota. I do not know much about him. He seems to be a very nice gentleman.

Mr. SHIPSTEAD. Mr. President, I can say a word for Mr. Murphy. I do not think he needs any defense from me. He comes from my State. I have known him for 25 years. He is a large landowner in Minnesota. He operates a great deal of farm land in that State. I have seen him here from time to time during the last two or three years, as I have seen Mr. Peek. I do not know that I have seen Mr. Davis.

I will say for these gentlemen that if they have some scheme to assist some one to ride into the Presidency upon the hobby horse of an agricultural relief bill, that is something they have never discussed with me. I will say further that I have found many people since I came to Washington who have come here for the purpose of lobbying for legislation. I have seen a great many lobbyists who pretended to speak for agriculture, and I want to say that during the past 25 years, if there is anyone who has sold out to the farmer, it has been those who have come here as leaders of the farmers to speak for the farmers.

When I first was introduced to Mr. Peek I was a little suspicious of him because I thought the chances were he was the usual type of representatives of the farmer who come to Washington. After I became better acquainted with him, while he may have fooled me, at least he made me believe that he was sincere; he made me believe that he talked in a language that I understood; he seemed to understand the economics of the situation. Finally I said to Mr. Peek, after I had seen him here several times, "Mr. Peek, if you are what you seem to me to be, you need not waste any time talking to me. Go and talk to others. I do not need it." I said, "I am glad I found one man here in Washington lobbying for the farmer who at least seems to be a sincere, honest, and an able man."

I have seen or learned of nothing since to change my view of Mr. Peek. In my opinion these men have all rendered valuable service. I can not believe they will now wreck their reputation for nonpartisanship by cheap partisan politics.

I do not question the point of view of the Senator from Iowa. The gentlemen to whom he has referred may have some scheme to assist some one to ride into the White House on this bill; I do not know anything about that. So far as this bill is concerned I shall reserve my remarks to a later time.

Mr. BROOKHART. Mr. Peek is generally for Governor Lowden. A good deal has been said about the farmers being for Governor Lowden, but I will have to say that they are getting the delegates for DAWES. So far as the poor old governor is concerned, he has been double-crossed, criss-crossed, cross-eyed, cross-legged, and cross-fired out of the contest before it begins.

Mr. BLAINE. I should like to ask another question, if the Senator will yield.

Mr. BROOKHART. I yield.

Mr. BLAINE. Are these three gentlemen the representatives of the farmers in the city of Washington?

Mr. BROOKHART. No; they are not. Mr. Murphy represents a bureau of farmers. I have had no experience with Mr. Murphy that would lead me to criticize him in any way, and I have had no experience with Chester Davis, except that he is closely associated with Mr. Peek and was an employee of Mr. Peek's, possibly.

Mr. GOODING. Mr. President——

Mr. BLAINE. I should like to ask another question.

Mr. GOODING. I should like to answer, if I may be permitted to do so, the question of the Senator from Wisconsin in regard to Mr. Peek.

Mr. BROOKHART. I yield.

Mr. GOODING. I will say that Mr. Peek is here representing the farm bureau——

Mr. BROOKHART. The Senator is mistaken about that.

Mr. GOODING. Out of the farm bureau grew the organization known as the Committee of Twenty-two.

Mr. BROOKHART. No; I was there when that organization was formed. The farm bureau had nothing to do with it. They were altogether on the outside.

Mr. GOODING. They have been a party to it all the time and they are behind this proposed legislation at the present time. I was present with that organization at a meeting which was held by the Committee on Agriculture. Mr. Peek has always taken a very active part in advocating farm relief legislation, and is here representing the organization of 22 States

that has gone on record for the pending bill. He is entitled to a great deal of credit for it. He has put in much time at the sacrifice of his own business, and I am sorry the Senator has seen fit to criticize him.

Mr. BROOKHART. Mr. Peek represents the bankers of 11 States, with two representatives each from 11 States making up the Committee on Twenty-two. Of course, I think the Senator from Idaho is not familiar with the situation.

Mr. BLAINE. Mr. President, will the Senator yield to another question?

Mr. BROOKHART. Yes.

Mr. BLAINE. It may not be important who is here advocating this bill or that bill, but it seems as if the three so-called farm leaders are Mr. Peek, a banker; Mr. Davis, a farmer or editor of a farm paper, and Mr. Murphy, a lawyer. Which of these three gentlemen may get an appointment on the board at $10,000 a year, if their candidate, no matter who that candidate may be, succeeds to the Presidency?

Mr. BROOKHART. I do not know anything about that.

Mr. GOODING. Let me say to the Senator from Wisconsin that Mr. Peek is not a banker. Mr. Peek was in the agricultural-implement business, and, for all I know, is still in that business.

Mr. BROOKHART. Mr. President, after eight years of fighting on this proposition and after eight years of studying the economics of it halfway around the world, I am not willing to accept a theory advanced by somebody who is advocating a candidate for President. Why did Mr. Peek have this Hoover article inserted in the RECORD? It is the most unreasonable description of a situation that was ever put in the RECORD. Mr. Hoover's prices that I have quoted to you never deflated the farmer that $20,000,000,000. If the farmers could have maintained even the Hoover prices, which I have claimed and claim now were too low, that deflation would not have occurred. These Hoover prices never increased the farmers' debt by $12,000,000,000. These Hoover prices never increased farm bankruptcies by a thousand per cent; and after my personal experience and contact with this situation, I feel that the farmers have been betrayed by this leadership. I do not say my say behind anybody's back; I say right to his face.

Mr. FESS. Mr. President, a very good analysis of the McNary-Haugen bill has been made by Hon. E. C. Lampson, of Ohio, who, I think, expresses the views of the people of Ohio on the question. I ask permission to have it printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

HOW THE M'NARY-HAUGEN BILL WOULD OPERATE IN THE COUNTY OF ASHTABULA—POLITICAL FARM-RELIEF MEASURE LIKELY TO PASS CONGRESS IN APRIL

The McNary-Haugen bill passed Congress last session. It was vetoed by our courageous President on the ground that the equalization fee is unconstitutional. The President cited other objections and stated that the bill would be a tremendous burden upon agriculture. It would not be farm relief.

I have read hundreds of pages of testimony given at Washington before the House Agricultural Committee, and have read the testimony given in favor of the National Grange debenture bill. I indorse this debenture bill as the one practical means of artificially increasing prices of all farm products subject to export that has been submitted to Congress. However, the McNary-Haugen bill probably will pass the Senate this week. It may not pass the House, but the chances are it will pass the House, and that it will be vetoed again by the President if the equalization fee is retained.

The bill opens with a declaration of policy, which in substance is to preserve domestic markets, to prevent suppression of commerce with foreign nations, to provide for orderly marketing, to control and dispose of the surplus, to minimize speculation and waste in marketing agricultural commodities. But the declaration of policy is negatived by the provisions of the bill.

The bill sets up a national agricultural board, with subboards for each agricultural product, with officers, clerks, examiners, inspectors, and a veritable host of tax gatherers. The word tax is not used. It is sugar-coated by the words "equalization fee."

The national board is authorized to enter into contracts with cooperatives and processors and loan Government funds to them to buy, store, and market the alleged surplus products, and later to dispose of such products. While a profit is possible, the consensus of opinion is that such surpluses will have to be sold at the world price and hence below the artificial domestic price. The Government is to pay this loss at first.

There is the first denial of the declaration of policy against waste. The bill provides machinery for creating an enormous waste of public funds.

It is the idea of the proponents that the establishing of such Government-aided cooperatives will place in the market an agency to force the price of commodities upward. Any other idea would defeat the primary purpose of the bill—namely, to maintain a price above the average cost of production, to raise the price. This is called stabilization.

Buying and storing commodities are instruments of speculation. Such acts are the normal methods of speculation through certificates that can be redeemed in the actual commodity. Hence the bill provides that the Government is to take a hand in speculation; the declaration of policy is thus made negative. Speculation is to be enhanced with Government funds. All of the people are to be taxed for the benefit of a few people.

But will there be benefit to even a few people?

Will this bill benefit any class of agriculture to a notable degree?

I do not think so.

Why not?

Because the evidence of the proponents of the bill demanded an equalization fee to raise a fund from all producers great enough to pay the enormous losses contemplated—to take care of the frightful waste in buying, storing, and dumping the surplus, bought at domestic figures and sold at world prices. That process absolutely demands the fee to provide the necessary funds to be wasted.

WHO WILL PAY THIS FEE?

Every farmer, whether he is a beneficiary or not of the scheme for raising the one-crop farmer at the expense of the general farmers of the Nation. Every generation, we get some panacea for making wealth from the hot air, that blows across the western prairies—the source of populism, State-ownership scandals, and broken bank guarantee laws.

Who pays this equalization fee, this excise tax, this crushing tax on all farmers?

The farmer first, and the general public last in added costs of living.

The direct tax comes upon the farmer first, whether he is benefited or not.

This is a compulsory cooperation bill with an organization over which the vast majority of individual farmers will never have a voice in management, policy, or affairs. It is a soviet form of agricultural dictatorship.

How will this tax be collected?

The proponents say by adding it to freight rates, or to sales to processors, or to the ultimate consumer.

The farmer is the ultimate consumer of 85 per cent of corn and 40 per cent of wheat.

In Ashtabula County, according to 1925 report of the National Department of Agriculture, there were 18,153 persons living on farms, a little less than one-third of the county population, which is the national average.

Of this number 15,600 lived on their own farms. There were 2,460 tenants. And there were 4,588 farms reported in this county alone, of which 3,782 are dairy farms. Of this number, 3,329 raised corn, 1,143 raised wheat, and yet our county farmers do not raise enough corn and wheat to supply their own needs. They buy wheat and they buy corn. They produce milk, as the main source of income, and they feed corn and wheat to make milk. Higher prices for feed can seldom be recovered in higher milk prices. This bill penalizes our farmer, even if it would increase the price of our grains. But that is not the greatest objection to the bill.

Let us apply it to potatoes raised on 2,828 farms in Ashtabula County for market above home needs.

Suppose the national board attempted to stabilize potatoes, which have fluctuated from 20 cents a bushel to $5 in the past 20 years.

At what price would the potatoes be stabilized? No one knows. You can bet your last dollar it would not be at a high price, since nearly 100 per cent of the consuming public need potatoes and are not interested in high prices. The pressure would be for cheap potatoes.

But suppose the price were stabilized at $1 per bushel as the average cost of production. (Who can say what that is?) Here is how the law would work in Ashtabula County for potatoes:

Every time a farmer drove to town to sell a bag of potatoes he would have to hunt up the local representative of the national board and pay him an equalization fee, which is nothing less than a tax on the farmer's right to do business. If he evaded this tax, he could be fined and imprisoned. Now apply this same tax burden to everything the farmer produces. Would it cripple rural trade transactions? Will the farmer love the tax gatherer? Can you see what the McNary-Haugen bill would do to every independent farmer in the Nation? Imagine millions, perhaps billions, of transactions to be recorded, fees collected, and the paper work reported, and then imagine the veritable swarm of tax scavengers devastating the land!

Soviet Russia is facing famine for trying to dictate to its farmers. What American farmer will produce more than he needs if he has to get a Government stamp for every purchase and sale he desires to make?

Our Revolutionary forefathers refused to pay the stamp tax of King George. Are the political dogmatists of 1928 blindly forcing the

vast army of independent American farmers into a modern stamp-tax revolt? It is time Congress gave serious consideration to this very great possibility.

E. C. LAMPSON.

Mr. NEELY. Mr. President, I send to the clerk's desk an amendment which I shall offer at the proper time to the pending farm relief bill, and ask that it be printed and lie on the table.

The VICE PRESIDENT. That order will be made.

Mr. HEFLIN. Mr. President, I always listen with a great deal of interest to the able Senator from Iowa [Mr. BROOKHART]. I listened to him with interest on yesterday when he was telling the Senator from Connecticut [Mr. MCLEAN] that this Republican "prosperity" that we see so much about in the newspapers does not really exist amongst the masses of the people.

That is true of the South. The farmers of the South have never yet recovered from the Republican deflation panic of 1920 and 1921. Farm values in the South, as in the West, were destroyed to the extent of billions of dollars. Mortgage foreclosures, farmers losing their farms, and bank failures are the fruits of the Republican administration.

I am not satisfied with the proposed farm relief bill now before the Senate. It has some good features in it; but I can not see that Congress has the right to impose an equalization fee upon the cotton farmers of the country who are not members of a cooperative association and take money from them to put into a fund controlled by those cooperatives of which they are not members. If they want to become members of a farm organization—and I think they should—all well and good. But if they do not want to join a farm organization, that is their business. They ought not to be compelled by Congress to join any organization unless they want to; and unless they do join, Mr. President, they ought not to have to pay the equalization fee on their cotton unless they consent to do so. That is good, sound American doctrine. The cotton farmer is a sovereign citizen, and we have no right to impose this equalization fee or tax upon his cotton unless he is consulted and gives his consent to have it done. Senators, those of you who vote for that proposition as it stands are going to get yourselves in trouble.

The Senator from Iowa has told us of the numerous changing attitudes of Mr. Hoover, the Secretary of Commerce. Mr. Hoover seems to have a lot of sins to account for. He has taken a step right recently forcing whites and negroes to work side by side in the Commerce Department that will be repudiated by nearly every white man and woman in the country. Many intelligent negroes will realize that he is playing politics and has made a serious mistake.

What right has he to disturb the splendid segregation arrangement established in the Commerce Department by the Democratic Party, under which the negroes were working and getting along well in one section and the whites were working in another and pleased with the situation? They tell us that the high-brow negro organization for the advancement of the colored race called on Mr. Hoover and demanded that he do just what he has done in his "social equality" move in the Commerce Department. So Mr. Hoover comes now, in his effort to get delegates to a Republican National Convention, and is putting negro men and women in the offices to work alongside white women and girls. He has broken up the segregation plan that we had, and now he is distributing negroes all through the department promiscuously by placing them alongside of whites.

Will the white Republicans of the country tamely submit to this dangerous political play and humiliating action on the part of Mr. Hoover?

Mr. President, practically the whole white force in the Commerce Department is revolting, entering protests as far as the individuals dare to enter protest against this unpleasant, irritating, and offensive action on the part of Mr. Hoover. The letter read here to-day by the Senator from South Carolina [Mr. BLEASE] tells the story of humiliated white girls in the department coming here from the various States of this Union and being obliged to sit alongside buck negroes working in the department. Such a thing is a shocking outrage upon these fine American girls and a shame on any administration.

We do not have mixed schools in Washington. We have negro schools and negro teachers, negro churches and negro preachers, which is sound and right; and that is the best way to handle this question. We of the South know from long experience how best to handle it. You can not handle it without friction, prejudice, bitterness, and hate by forcing these races together in a contact that is unpleasant and disagreeable to the white race.

Mr. Lincoln, in his great debate with Douglas in 1859 at Charleston, Ill., said that as long as the two races are together he favored the white race occupying the superior place. He was opposed to social equality and of marriage of whites with blacks. Mr. President, Lincoln was sound on that. The Southern States have put it in their constitutions that these things can not be. It ought to be so in the District of Columbia. Of course, it is very rarely that you would find this taking place; but I recall an instance when I was in the House some years ago where some poor, degenerate white fellow here in Washington married a negro woman, and Senator Hardwick, of Georgia, then a Member of the House, introduced a bill to prevent marriage between the races here, and certain Republicans in the House fought that bill. Mr. MADDEN was one of them.

Senators, Mr. Hoover can not play with this question in this fashion. I believe in treating the negro right; I believe in giving him a fair deal; and you give him a fair deal when you let him work where he can work in comfort and in ease. He is not going to be comfortable, he is not going to be at ease, when you force him into these rooms to work alongside white women and white men where that situation breeds unpleasantness and bitterness. It is not right. It is not best for either race. It is against the best interest of both races. God Almighty has made racial facts.

And you have no business, Mr. Hoover, to undertake to interfere with the handiwork of the Almighty. He had as much purpose in making four separate and distinct races as he did in making four separate and distinct money metals—copper and pewter and silver and gold. There is a climax in races as there is in everything else.

Just as the eagle is the king of all fowls, just as the lion is the king of all beasts, and just as the whale is the king of all the fishes of the seas, the white race is the superior race, the king race, the climax and crowning glory of the four races of black, yellow, red, and white. The South's doctrine of white supremacy is right and it is fast becoming the doctrine of the American Republic. Mr. Hoover will find out that the self-respecting white men and women of this Nation are not going to indorse this eleventh-hour political move of his, this miserable and shameful move to get negro votes, delegates to the Republican National Convention at Kansas City. And he is going to find out that while he is reaching out for the negro vote he is going to lose tremendously in the white Republican vote. The white people of the North—I mean the rank and file—do not believe any more in social equality than we do, and if he thinks they do he will find that he is mistaken. He is reckoning without his host. He is not going to be able to gather into his bosom the white Republican delegates, men and women of the North, and at the same time hug up with them these negroes that he is playing for, these "chocolate drops" that he is now handing out to the Negro race over the country.

Mr. President, in the name of the white men and women of my section of the country who work in that department and of the eastern section and of the northern section and of the western section of my country I voice their protest and express their indignation on this floor. If possible some steps ought to be taken to prevent this thing; and I want to say now as one United States Senator that if Mr. Hoover discharges any of these self-respecting white women of that department for making protest to Senators about this miserable condition into which he has thrust them I want them to give me their names and come and tell me their story and I will tell it to the American people in the Senate day by day.

AFFAIRS IN NICARAGUA

Mr. WHEELER. Mr. President, I have here an editorial from the Helena Daily Independent of April 5, 1928, entitled "Call in the Nicaraguan Army."

In this editorial it is suggested that as long as we have our marines down in Nicaragua, it might be well for the people of Chicago to call upon the little Republic of Nicaragua to send up her troops to supervise the election in that city. I ask to have the editorial inserted in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is here printed, as follows:

CALL IN THE NICARAGUAN ARMY

The gangsters under command of the notorious "Scar Face" Al Capone took the first skirmish in the war between the bandits and the people who are to go to the polls Tuesday in Chicago to vote in the first primary election scheduled for this year. Out in the suburban municipality of Cicero, day before yesterday, gunmen armed with blackjacks, which they used freely on Democratic workers, elected a person named Klenka as mayor, running on the Republican ticket. The Federal agents have been called in to clear the atmosphere and assure the citizens of Chicago a chance to vote without intimidation. Experience the voters in Cicero encountered Tuesday doesn't encourage the Chicagoans to believe they will have much protection next week.

The suggestion made by a bystander, who, of course, doesn't live in Chicago, that the Government might profitably call in the Nicaraguan Army to supervise the election is a good one. It would be a graceful act of reciprocity and while our marines are handling the coming election for the Nicaraguans the troops of the little Republic could protect Chicago citizens against the Capone insurrectos.

General Moncado had a large number of men under arms at the time Mr. Stimson, of Washington, D. C., went down to Nicaragua and arranged to have our marines supervise the election and doubtless Moncado would be willing to do us a good turn by sending his troops here, if it isn't too late, to do a like service for our Government. At any rate he could stay here until Chicago has developed some limited capacity for self-government. As affairs stand now, we are paying for our marines to handle the Nicaraguan election. Why should we also be forced to bear the expense of deputy marshals, special officers, or dry agents to supervise the Chicago election next Tuesday? Nicaragua should take the expense off our hands.

There should be an understanding that Nicaragua is not to keep her army of occupation in Chicago after that city has reached a point to exercise independence. It is reasonable to expect that the city will be fit for self-government, say, in about 50 or 60 years. The percentage of literacy is higher here than in Nicaragua, and great numbers of Chicagoans can read and write. Probably by the time both Nicaragua and Chicago are ripe for self-government we could give the order to withdraw our marines from the little Republic at the same time an order comes from Nicaragua for her troops to come home. Both Governments would then be on an equal footing and the exchange of international courtesies would excite the admiration of the world.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to, and (at 4 o'clock and 48 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, April 11, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 10 (legislative day of April 9), 1928

FOREIGN SERVICE OFFICER

George Wadsworth, of New York, now a Foreign Service officer of class 5 and a consul, to be also a secretary in the Diplomatic Service of the United States of America.

PROMOTIONS IN THE NAVY

Lieut. Robert B. Matthews to be a lieutenant commander in the Navy from the 1st day of November, 1927.

Lieut. Merrill Comstock to be a lieutenant commander in the Navy from the 28th day of March, 1928.

Lieut. (Junior Grade) Stuart S. Purves to be a lieutenant in the Navy from the 3d day of June, 1927.

Ensign Carson R. Miller to be a lieutenant (junior grade) in the Navy, from the 8th day of June, 1926.

Ensign Glenn R. Hartwig to be a lieutenant (junior grade) in ther Navy from the 5th day of June, 1927.

The following-named pay clerks to be chief pay clerks in the Navy, to rank with but after ensign, from the 3d day of December, 1927:

Thomas E. Wright.
Geisert A. Howard.
Edward B. Parker.
George A. Looby.
Frank R. Briggs.

POSTMASTERS

COLORADO

William L. Butler to be postmaster at Vona, Colo., in place of W. L. Butler. Incumbent's commission expires April 15, 1928.

GEORGIA

Judge T. D. Conley to be postmaster at Collegepark, Ga., in place of U. L. Cormical, removed.

INDIANA

John A. Johnson to be postmaster at Donaldson, Ind. Office became presidential July 1, 1927.

Henry J. Schroeder to be postmaster at Freelandville, Ind. Office became presidential July 1, 1927.

IOWA

Marvin K Moore to be postmaster at Pacific Junction, Iowa, in place of M. K. Moore. Incumbent's commission expires April 15, 1928.

KANSAS

Henry B. Gibbens to be postmaster at Cunningham, Kans., in place of H. B. Gibbens. Incumbent's commission expired April 7, 1928.

MICHIGAN

Burton E. Giles to be postmaster at Plymouth, Mich., in place of M. G. Hill. Incumbent's commission expired January 31, 1928.

Ralph S. Wiggins to be postmaster at Sunfield, Mich., in place of R. S. Wiggins. Incumbent's commission expires April 15, 1928.

MINNESOTA

Olaf T. Mork to be postmaster at Madison, Minn., in place of O. T. Mork. Incumbent's commission expires April 15, 1928.

MISSOURI

William H. Smith to be postmaster at Holt, Mo., in place of J. N. Hunter, deceased.

MONTANA

Carl J. Sonstelie to be postmaster at Polson, Mont., in place of C. J. Sonstelie. Incumbent's commission expires April 15, 1928.

NEW MEXICO

Henry W. Wallace to be postmaster at Embudo, N. Mex., in place of H. W. Wallace. Incumbent's commission expired April 8, 1928.

NEW YORK

Celia M. Arnold to be postmaster at Chautauqua, N. Y., in place of C. M. Arnold. Incumbent's commission expires April 15, 1928.

Clarence R. Chismore to be postmaster at Ilion, N. Y., in place of C. R. Chismore. Incumbent's commission expires April 15, 1928.

Frank E. Whittemore to be postmaster at Johnson City, N. Y., in place of F. E. Whittemore. Incumbent's commission expires April 15, 1928.

John Jack to be postmaster at Lawrence, N. Y., in place of John Jack. Incumbent's commission expired March 27, 1928.

Charles H. Griffin to be postmaster at Oakfield, N. Y., in place of C. H. Griffin. Incumbent's commission expires April 15, 1928.

J. Arthur Haight to be postmaster at Peekskill, N. Y., in place of J. A. Haight. Incumbent's commission expires April 15, 1928.

NORTH CAROLINA

Atherton B. Hill to be postmaster at Scotland Neck, N. C., in place of A. B. Hill. Incumbent's commission expired April 3, 1928.

NORTH DAKOTA

Jessie L. Kinsey to be postmaster at Beach, N. Dak., in place of J. L. Kinsey. Incumbent's commission expires April 15, 1928.

Oliver Lundquist to be postmaster at Bismarck, N. Dak., in place of Oliver Lundquist. Incumbent's commission expires April 15, 1928.

William Roche to be postmaster at Inkster, N. Dak., in place of A. I. McConnachie. Incumbent's commission expired December 19, 1927.

Ora J. Goshorn to be postmaster at Rhame, N. Dak., in place of O. J. Goshorn. Incumbent's commission expires April 15, 1928.

James G. Acheson to be postmaster at Souris, N. Dak., in place of J. G. Acheson. Incumbent's commission expires April 15, 1928.

OKLAHOMA

Ira Thatcher to be postmaster at Vian, Okla., in place of I. B. Johnson, removed.

PENNSYLVANIA

Harry A. Miller to be postmaster at Rockwood, Pa., in place of H. A. Miller. Incumbent's commission expired February 18, 1928.

PORTO RICO

Christina G. Sandoval to be postmaster at Hato Rey, P. R., in place of J. C. Silva, resigned.

SOUTH CAROLINA

Cecil S. Rice to be postmaster at Denmark, S. C., in place of C. S. Rice. Incumbent's commission expires April 15, 1928.

Bessie T. Cooper to be postmaster at Mayesville, S. C., in place of B. T. Cooper. Incumbent's commission expires April 15, 1928.

George S. Wilson to be postmaster at Williamston, S. C., in place of G. S. Wilson. Incumbent's commission expires April 15, 1928.

TENNESSEE

Velnia T. Riley to be postmaster at Algood, Tenn., in place of B. D. Phillips. Incumbent's commission expired December 19, 1927.

VIRGINIA

Robert A. Pope to be postmaster at Drewryville, Va., in place of R. A. Pope. Incumbent's commission expired April 8, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 10 (legislative day of April 9), 1928

APPOINTMENTS, BY TRANSFER, IN THE ARMY

John William Bowman to be second lieutenant, Air Corps.
James Harve Johnson to be major, Quartermaster Corps.
Michael Al Quinn to be first lieutenant, Quartermaster Corps.
Edwin Bright Spiller to be major Coast Artillery Corps.

APPOINTMENTS, BY PROMOTION, IN THE ARMY

To be colonels

George Edward Lovell.
William Preston Screws.
Frank Luther Case.
Harry Edward Comstock.

To be lieutenant colonels

Fulton Quintus Cincinnatus Gardner.
Robert Charlwood Richardson, jr.
Francis Webster Honeycutt.
Robert Madison Campbell.

To be majors

Truman Smith.
Lester Atchley Sprinkle.
Robert Walker Grow.
Joseph William George Stephens.
Richard Kerens Sutherland.

To be captains

Richard Cox Coupland.
Walter Alfred Elliott.
William Joseph Burke.
George William Brent.
Samuel Francis Cohn.
John Augustus Rodgers.
Deane Childs Howard, jr.

To be first lieutenants

Leslie Page Holcomb.
Frank Hinton Bunnell.
Charles Vinson Bromley, jr.
John William Harmony.
Philip Harrison Enslow.
Ernest Byron Thompson.
Elwyn Donald Post.
Franklin Kress Gurley.
Wilfrid Henry Hardy.

VETERINARY CORPS

John Alexander McKinnon to be colonel.

INFANTRY

George Sheppard Clarke to be major.

MEDICAL CORPS

John Allison Worrell, jr., to be captain.

APPOINTMENT IN THE ARMY

MEDICAL CORPS

Frank Bolles Wakeman to be first lieutenant.

POSTMASTERS

ALABAMA

Harvey S. Hill, Cherokee.
Alexander H. Byrd, Eutaw.
Melvin D. Jackson, Phil Campbell.
Arthur P. Thompson, Piedmont.

ILLINOIS

Bernice I. Bryant, Browning.
Edward F. Ledoyt, Sandwich.

IOWA

Alexander B. Clark, Clarinda.
Hudson K. Piatt, Macedonia.
Miller S. McFarland, Marshalltown.
Frederick W. Woodrich, jr., Mount Vernon.
Harry C. Goplerud, Osage.

NEW YORK

Everett W. Pope, Hartwick.
Frank C. Percival, Mount Upton.
Benjamin C. Stubbs, Plandome.
Clarence A. Lockwood, Schroon Lake.
Harry A. Jeffords, Whitney Point.

NORTH CAROLINA

Trilby Love, King.
George W. Stanton, Wilson.

PENNSYLVANIA

Charles Lunden, Mount Jewett.

WASHINGTON

Rudolph R. Staub, Bremerton.
Lear M. Linck, Longview.

WYOMING

Flora Thomas, Grass Creek.

WITHDRAWALS

Executive nominations withdrawn from the Senate April 10 (legislative day of April 9), 1928

PROMOTION IN THE ARMY

To be major

Capt. Robert Graham Moss, Infantry, from March 24, 1928.
[NOTE.—Captain Moss died April 6, 1928.]

POSTMASTER

WISCONSIN

Ferdinand E. Grebe to be postmaster at Waupun, in the State of Wisconsin.

HOUSE OF REPRESENTATIVES

TUESDAY, *April 10, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord God, our Heavenly Father, Thou art always stooping and writing on the ground, even when we see Thee not. Have mercy according to Thy great mercy. Thou dost forgive our pride, our false ambitions, and even our secret faults. We thank Thee that Thou dost bless us with the mercy of forgiveness. Do Thou banish our doubts, sanctify our sufferings, lighten our darkness, conquer our fears, and immortalize our hopes. Lead us to put supreme faith in all Christian institutions, and never allow the clock of progress to be turned back. Great problems are asking for solution. May our badge indicate always that we shall not permit the foundations of righteousness and justice to be vitiated. Holy Spirit, teach us our duty to God and man, and speak over the troubled world the holy words of peace and pardon. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 405. An act providing for horticultural experiment and demonstration work in the Southern Great Plains area;

H. R. 3315. An act for the relief of Charles A. Black, alias Angus Black; and

H. R. 5590. An act to authorize appropriations for construction of culverts and trestles in connection with the camp railroad at Camp McClellan, Ala.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 5898. An act to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered; and

H. R. 8831. An act to provide for the collection of fees from royalties on production of minerals from leased Indian lands.

The message further announced that the Senate had passed bills of the following titles, to which the concurrence of the House of Representatives was requested:

S. 1476. An act for the relief of Porter Bros. & Biffle and certain other citizens;

S. 1731. An act to provide for the further development of vocational education in the several States and Territories;

S. 1736. An act for the relief of Charles Caudwell;

S. 1956. An act for the relief of Levi R. Whitted;

S. 1970. An act for the relief of Karim Joseph Mery;

S. 2524. An act for the relief of Josephine Doxey;

S. 2535. An act granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City and to reimburse said town for interest paid on said bonds, and for other purposes;

S. 2711. An act for the relief of Walter W. Johnston; and

S. 3117. An act for the relief of the State of Connecticut.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that on the following dates they presented to the President of the United States for his approval bills and a joint resolution of the following titles:

On April 7, 1928:

H. R. 142. An act to add certain lands to the Idaho National Forest, Idaho;

H. R. 144. An act to add certain lands to the Challis and Sawtooth National Forest, Idaho;

H. R. 328. An act to relieve the Territory of Alaska from the necessity of filing bonds or security in legal proceedings in which such Territory is interested;

H. R. 333. An act authorizing the sale of certain lands near Seward, Alaska, for use in connection with the Jesse Lee Home;

H. R. 343. An act to amend section 128, subdivision (b), paragraph 1, of the Judicial Code, as amended February 13, 1925, relating to appeals from district courts;

H. R. 465. An act to authorize the city of Oklahoma City, Okla., to sell certain public squares situated therein;

H. R. 1997. An act for the relief of Clifford J. Turner;

H. R. 3466. An act for the relief of George A. Winslow;

H. R. 4125. An act for the relief of Holger M. Trandum;

H. R. 5075. An act for the relief of W. J. Brison;

H. R. 5495. An act to provide for cooperation by the Smithsonian Institution with State, educational, and scientific organizations in the United States for continuing ethnological researches on the American Indians;

H. R. 5545. An act granting certain lands to the State of California;

H. R. 5923. An act for the relief of the Sanitarium Co., of Portland, Oreg.;

H. R. 6056. An act to provide for addition of certain land to the Challis National Forest;

H. R. 7463. An act amending an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims";

H. R. 7472. An act to grant to the town of Cicero, Cook County, Ill., an easement over certain Government property;

H. R. 9118. An act for the relief of William C. Braasch;

H. R. 9144. An act to provide for the conveyance of certain lands in the State of Wisconsin for State park purposes;

H. R. 9583. An act authorizing the reporting to the Congress of certain claims and demands asserted against the United States;

H. R. 10483. An act to revise the boundary of a portion of the Hawaii National Park, on the island of Hawaii, in the Territory of Hawaii; and

H. J. Res. 215. Joint resolution to authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, for the purposes of the upper Mississippi wild life and fish refuge act.

On April 10, 1928:

H. R. 359. An act authorizing the presentation of the iron gates in West Executive Avenue between the grounds of the State, War, and Navy Building and the White House to the Ohio State Archeological and Historical Society for the memorial gateways into the Spiegel Grove State Park;

H. R. 8499. An act for the relief of Arthur C. Lueder;

H. R. 10563. An act extending the provisions of the recreational act of June 14, 1926 (44 Stat. L. 741), to former Oregon & California Railroad and Coos Bay Wagon Road grant lands in the State of Oregon;

H. R. 10884. An act to amend the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926; and

H. R. 11579. An act relating to investigation of new uses of cotton.

STATUE OF ANDREW JACKSON

Mr. BYRNS. Mr. Speaker, I offer the following concurrent resolution and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

House Concurrent Resolution 29

Resolved by the House of Representatives (the Senate concurring), That the statue of Andrew Jackson, by Mrs. Belle Kinney Scholz, presented by the State of Tennessee, to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious for his distinguished services to the country in war and in peace.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Tennessee.

Mr. SNELL. I would like to ask the gentleman from Tennessee if that is the usual resolution passed in such cases?

Mr. BYRNS. I will say that in some instances no resolution is passed, but in most instances resolutions are passed, and this is in the usual form.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

BOUNDARIES OF THE CRATER NATIONAL FOREST

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 3225, an act to enlarge the boundaries of the Crater National Forest.

Mr. MADDEN. Mr. Speaker, for the time being I shall have to object.

Mr. HAWLEY. It will only take a few minutes.

Mr. MADDEN. It is not the time it takes now, but what it will take afterwards. I think until we have time to study that bill I will object.

LEAVE TO ADDRESS THE HOUSE

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent that on Thursday next after the disposal of business on the Speaker's table I may be permitted to address the House for 30 minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that on Thursday next after the disposition of business on the Speaker's table he may be permitted to address the House for 30 minutes. Is there objection?

Mr. LAGUARDIA. On what subject?

Mr. TREADWAY. Tax revision.

There was no objection.

LEGISLATIVE APPROPRIATION BILL

Mr. MURPHY, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes, which was referred to the Union Calendar and ordered printed.

Mr. TAYLOR of Colorado reserved all points of order.

Mr. MURPHY. Mr. Speaker, I call up the bill (H. R. 12875), the legislative appropriation bill, to-day for the accommodation of the House. We will not start to read the bill to-day, but let general debate run along until such time as the House decides that it will close general debate, and then we will begin reading the bill. In the meantime I ask unanimous consent that the time for general debate be equally divided and controlled by the gentleman from Louisiana [Mr. SANDLIN] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MURPHY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the legislative appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HAWLEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes.

Mr. MURPHY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. BLANTON. Reserving the right to object, and I shall not object, there is going to be liberal debate, both general debate and under the five-minute rule?

Mr. MURPHY. I assure the gentleman that it is not the desire of the committee to limit debate.

Mr. BLANTON. This is the last one of the supply bills, and when we finish this we finish our work in the House as far as the supply bills are concerned. The gentleman ought to see to it that we get plenty of time for debate.

Mr. MURPHY. I can assure the gentleman that he will have no cause for complaint.

Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, this bill is the last of the regular supply bills to be reported out at this session of Congress. There is a deficiency bill to follow, but this is the last of the regular appropriation bills for the fiscal year 1929. One of the great problems of this Government since the World War has been the proper balancing of the Budget, getting outlays reduced as far as possible from war-time expenditures to the proper expenditures of peace time, and the success which has attended our efforts in that direction through the operation of the new Federal Budget system and the cooperation of the legislative and executive branches of the Government in support of the Budget system has made possible the continued reduction of Federal taxes. If the bills reported by the Committee on Appropriations and passed by the Congress had not been in harmony with the economy program of the administration, if there had not been harmony of action between the President and the Congress, the Ways and Means Committee would not have had much to do in preparing bills to reduce taxes.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. GARNER of Texas. Is not the larger credit due to the legislative branch of the Government?

Mr. CRAMTON. I would not say that.

Mr. GARNER of Texas. Why can not the gentleman say that?

Mr. CRAMTON. I would say to the contrary.

Mr. GARNER of Texas. Why, when the Congress has appropriated less money during the last five years than the Executive requested to run the Government?

Mr. CRAMTON. The executive branch has done wonderful work in paring the Budget below the demands that many make upon it, and we have supported the Executive so thoroughly that we have been able, ourselves, to pare somewhat below their figures.

Mr. GARNER of Texas. The gentleman says that the Executive did wonderful work in paring the Budget, and that the legislative branch did greater work in paring the estimates they sent to us.

Mr. CRAMTON. It is not necessary at all to lessen the credit due to the executive branch in order to have due credit for Congress. The gentleman from Texas [Mr. GARNER] will recall that in the 30 years prior to the adoption of the Federal Budget system, during the period when each bureau made up its estimates and they were assembled in each department and each department transmitted them to Congress through the Secretary of the Treasury, during the period when there was no revision of those estimates by any authority until they came to Congress, Congress found it necessary to reduce those estimates $30,000,000,000 in some 30 years below the requests of the departments. Since we have had the Budget system, since the President has an agency at hand to study those requests and to study the relationship between the total of those requests and the total of our estimated revenues, the sum total that comes to Congress is not an undigested mass, as it was before, but is a considered total which Congress then proceeds to consider, item by item, and we have been successful in reducing them.

Mr. GARNER of Texas rose.

Mr. CRAMTON. Just a moment. Let me say this to the gentleman from Texas. I did not intend to make a speech on the Budget. As a matter of fact, I have a good hour's speech on that subject, but I do not want to go into it now too heavily. Just so long as Congress continues to support the leadership of the administration in the effort for reduction of Federal expenditures, just so long will the Budget system be successful and our expenditures will stay down; but when the time comes that Congress throws aside the wish for reduction of Federal expenditures and abandons support of the Budget, then the expenditures will go up and the Ways and Means Committee might just as well take a vacation so far as the reduction of taxes is concerned.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. Our annual expenses for this Government are just what the Congress appropriates. They go up when the Congress appropriates more money and they come down when the Congress refuses to appropriate the money. So it is the Congress, after all, that controls the expenditures.

Mr. CRAMTON. The Congress holds the purse strings and is entitled to credit, of course; and I say this, further, that the creation of the Budget system should be credited to Congress.

Mr. BLANTON. Certainly.

Mr. CRAMTON. It was not inspired by Executive leadership. The President to whom the first Budget bill was presented vetoed that bill. It was passed in the next administration with the approval of the President, although not because of his insistence upon it. The Budget system resulted from the desire of Congress to have such an agency, resulted from a congressional investigation, and Congress is peculiarly entitled to credit for the creation of the Budget system.

Mr. OLDFIELD. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. OLDFIELD. The gentleman says that the President to whom the bill was first presented vetoed it, and then when it was passed by the next Congress President Harding signed it, but the objectionable feature which caused the previous veto was left out of the bill.

Mr. CRAMTON. I am not making a partisan speech. I have stated this, that the Budget was the act of Congress and was not because of Executive insistence, and to emphasize that I say that it was vetoed by President Wilson for whatever reasons he set forth. The RECORD will show that. It was then passed in the next Congress, not because of insistence on the part of the next President, but because Congress desired it.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LINTHICUM. When President Wilson vetoed the Budget bill, it was not because he did not believe in the Budget system. It was because he did not think it was proper in that it tied the hands of certain officials, and he suggested certain amendments.

Mr. CRAMTON. I will leave it to these gentlemen to protect the motives of President Wilson in vetoing the bill. The fact is that he did veto it.

Mr. LINTHICUM. He gave good reasons for doing so.

Mr. CRAMTON. We passed it because we wanted to establish the Budget system, and we have supported it loyally.

Mr. HOWARD of Oklahoma. The gentleman will remember that that bill was vetoed by the President on constitutional grounds, and in that same Congress the special Budget Committee of which I had the honor of being a member reported a bill eliminating the objectionable features to which the President referred, and the bill passed.

Mr. CRAMTON. I do not desire to get into a controversy over that. I will let stand the statement that I have already made. The point I want to make this morning is that the Budget system, through the cooperation of the legislative and executive branches, has been a great success.

But it seems to me we have about gotten to the turning point. There is a restlessness on the part of Congress; there is a disposition on the part of Members of the Congress to press for specific appropriations in which their sections are interested; and there is some tendency and some evidence of a disposition on the part of those from one section who are interested in one project to join with those in another section, and in another and another, and get together possibly more magnificent pork barrels than the country ever dreamed of before. And if that tendency becomes an actuality, then I will say it will become definite that only the veto of the Executive can protect the economy program in which the Executive and Congress have heretofore cooperated.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. I will have to ask 10 minutes additional, Mr. Chairman.

Mr. MURPHY. Mr. Chairman, I yield to the gentleman 10 minutes additional.

The CHAIRMAN. The gentleman from Michigan is recognized for 10 minutes more.

Mr. CRAMTON. I want to call that emphatically to the attention of the House. It seems to me there has been an effort on foot here, and there is definite evidence of an effort, to form a most magnificent and glorified pork barrel. A pork barrel bill is, as I understand it, a bill which may have items that are more or less desirable, or all of them may be, but it is an aggregation of items in which many Members of the House are inter-

ested, and it depends upon the unification of those interests to secure its passage; Members from one State and another, 20 or 30 States, or all of them together, to secure the passage of a bill. There has never been such a tremendous scheme of consolidation of big projects as is now proposed; not to be passed in one bill, it is true, but to be passed through the unification of effort under the same principle.

We hear a good deal in this Congress about farm relief legislation, and the apparent prospect is that no effective program for farm relief, so far as the country at large is concerned, will come into being. But there are before Congress bills that are of great interest to agriculture, such as the bill that proposes a certain form of farm relief to a certain limited and favored group. A bill has been reported and is on the House Calendar to loan 80 per cent of the value of irrigated land on reclamation projects to the settlers on those lands, and to use the reclamation fund to permit those settlers to develop those lands. I predict that when this House comes to understand what that bill means, that it means to give an extent of financial aid to those who expect to farm that irrigated area that the Congress refuses to give to those who farm other areas, that bill will not get far.

There is another bill of great interest to agriculture, and——

Mr. ARENTZ. Does the gentleman mean to say there is no limit to that bill that he speaks of?

Mr. CRAMTON. I said 80 per cent.

Mr. ARENTZ. Oh, no; not 80 per cent. There is a definite statement as to the number of hundreds of thousands of dollars. Eighty per cent is not a correct statement, I will say to the gentleman from Michigan.

Mr. CRAMTON. It is a pretty generous relief that is to be given to those engaged in that particular class of farming.

Then there is what is known as the Columbia Basin reclamation project. I have here a copy of a letterhead of a prominent hotel in Seattle, and it carries the same propaganda on the back of it as is carried by many business concerns in the State of Washington. The Columbia Basin reclamation area which it is proposed to improve and reclaim by a bill favorably reported in this House, and which it is proposed to pass at this session, comprises 2,942 square miles. Arguments for it are boiled down in this propaganda that business houses carry to the country. It is here stated that this project, which has been favorably passed upon by a committee of the House, will add 1,883,000 acres to the cultivated farming area of America. They say it will add more than $600,000,000 to the taxable wealth of the Nation. It is figured and pointed out by my correspondent, an irrigated landowner in the State of Washington, that if it will add $600,000,000 to the Nation's taxable wealth, that means a tax valuation of $300 an acre, or $23,100 per farm, that the settler in this Columbia Basin will undergo when he goes on the land. It is stated that it will annually add $180,000,000 to the consumption of manufactured goods, and my correspondent says that that means $7,347 for each family; goods that these settlers are going to buy from the East. Then they say it will yield $200,000,000 of farm products; that is, $106 an acre, or $8,162 per family, as the farmer figures it; that it will support 24,500 families on irrigated land. Promises that glitter and lure, but do not stand up under analysis.

I have two letters here from the State of Washington from those who are experienced in irrigated lands in the State of Washington. They remind me of what is now the fact that land now irrigated on Federal projects in the State of Washington are not making full payments of their construction and operation costs, notwithstanding their costs are not nearly what they will be on this proposed new Columbia Basin project.

I am not going into details, but I may ask consent to put in something from these letters in connection with my remarks. First is this one "from Old Timer":

SEATTLE, WASH., *March 29, 1928.*

Representative CRAMTON, of Michigan,
Washington, D. C.

DEAR SIR: Under date of March 19 you are quoted as being in favor of a more thorough investigation of the Columbia Basin project before being approved by Congress.

I have farmed by irrigation in the Yakima Valley for the past 12 years, and I do know a little about the actual facts pertaining thereto. I have no axe to grind, but I do not want to see a lot of people go onto the place, invest their life savings, and walk off the place broken financially in spirit and in health. That is my sole object in writing you and with you advising caution.

I have the occasion to see a new Washington hotel (Seattle) letterhead, and on the back thereof the wonderful paper profit in the proposed Columbia Basin project for the 24,500 families it will support, they say. Am inclosing the same herewith.

To use their figures, putting 24,500 families on the 1,883,000 acres will give each family 77 acres. This acreage will produce $106 crops per acre, or $8,162 per family farm, and of which amount he is going to buy annually $7,347 per farm for eastern manufactured goods. This will leave this family $815 to meet the following:

I will assume he gets the 77 acres for nothing, but it is estimated it will cost $159 per acre to put the water on the high corner of his farm, so he has a bill of $12,243 for water from Uncle Sam or Mr. Work to start with for construction alone, and if Uncle only asks him 5 per cent interest thereon he will owe Uncle $612 per year (we will forget the installments that Uncle, through Mr. Work, will ask he pay yearly, because they will not trust that settler very long. He has got to pay or move off, as his farm, without water, will go to the dogs so soon; he will not stick long). He will pay every year as long as he farms the 77 acres some $3 at least for the water he uses and keeping up the Government ditches and canals, or a total per year for the farm of $230. Now, this farmer starts to get his farm in shape, level it, build flumes, his house, barn, sheds. Now, when he gets to this point his land is taxable at $300 per acre, or $23,100, for the farm. The county treasurer will not trust this settler very long either.

Now, these Columbia Basin boosters will not guarantee him $106 per acre, and try as he will he has not been able to do it in the past 10 years on the average, by far. That I know. Now, Mr. Hervey Linley and his fellow constituents say the crops they will raise there will not compete with those raised on other irrigated lands now already developed. Confidential like, I would like to know just what they expect to raise there? That is weak and cheap talk, as they will not invent any new crops. The cold facts are, and I know that section for some thirty-odd years, there may be a lot of crops they will not be able to raise at all, and all on account of the climatic conditions. That has to be tried out first, and will be expensive to the first several crops of settlers who go on it. I will tell the gentlemen boosters—and including Senators JONES and DILL—that as sure as God makes little apples the first three lots of settlers that go onto the project with a reasonable amount of money will walk off of the 77 acres worse than broke, and take the merchants and banks thereon with them, in the first 10 years. These same 24,500 settlers can now go on already developed irrigated lands for less money, and at that they will be kept darned busy doing better than playing even. Let Congress go slow, and go easy.

Merely,

AN OLD TIMER.

Also the following:

GRANDVIEW, WASH., *March 27, 1928.*

Representative CRAMTON,
Washington, D. C.

DEAR SIR: We note in Spokane Spokesman-Review that you are opposed to passage of Columbia Basin project bill without a thorough investigation. This agrees with views of most people who are familiar with the lands of the Columbia Basin.

We are under the Yakima project with a construction charge of $52 per acre as against $158 estimated under the Columbia River Basin, and the probabilities are that the charges will amount to a great deal more; at least, that is the history of other projects. The Yakima district has always ranked first as a successful United States irrigated district; lately we have dropped to second place, yet a great deal of first-class land is being sold for taxes and water. Fifty per cent of the farmers here were unable to pay their water charges last year according to the records.

The Columbia Basin project is pork-barrel politics pure and simple. The $298,000,000 is what Spokane, Portland, Seattle, and Tacoma are after. Any settlers under the project will be so handicapped with charges that they never can pay out. You will understand that after water is put on the land in a very few years drainage must be provided to take the excess water off, otherwise the land will alkali and become worthless, and these drainage projects mean an average cost of about $25 per acre, making the land too high priced for farming.

We would suggest that if you haven't already done so, that you have a talk with Commissioner Mead, of the Reclamation Department. We understand that at one time he made a booster talk at Spokane in regard to the matter and has been sorry ever since.

Thanking you for your interest in the matter, I am,

Yours very truly,

D. W. BRACKETT.

My immediate purpose in rising now is to give you a little idea of the magnitude of this Columbia Basin project, which the boosters say "is as important as adding another State to the Union." It has been favorably reported to this House and is, I understand, also favorably reported to the Senate.

Now, how is it expected to pass that bill through Congress? Standing by itself it has no chance whatever of passing at this session of Congress, but it is alleged by its friends and by its propagandists that they have been able to work out a deal which assures its passage.

No other city is quite as much interested in this project as Spokane. The center of the organization and the activity for this great project is in Spokane. The leading newspaper of Spokane—the Spokesman-Review—might well be thought to speak for this project, and under date of March 24 I find this article in the Spokesman-Review, bearing the heading:

Cinch passage for basin bill.—Senate leaders say it is sure to win this session—in big combine.

From the article itself, marked "Special to the Spokesman-Review," under date of March 24, I read this:

That the Columbia Basin bill will pass this session before adjournment is now conceded by Senate leaders, particularly those opposed to it. The bill will not pass alone but as part of a general program, which includes the Boulder Canyon Dam bill, Mississippi flood control, farm relief, and a tariff rider on the tax reduction bill.

According to information obtainable from Senate leaders, a combination has been perfected that is in control of the Senate, and this combination has more than enough votes to put through the several bills in which its Members are interested.

This great glorified pork-barrel combination—

The leaders admit that personally they are arrayed against most, if not all, the bills included in the combination, but they are equally frank to confess their inability to block the passage of these bills.

The order in which they are to be taken up has not been decided, but Mississippi flood control probably will be given first place—

And that was an accurate prediction—

having been first reported from committee, and the Columbia Basin bill may follow immediately after the Boulder Canyon Dam, which now is expected to follow behind flood control. The Columbia Basin bill has less national support than the other bills in the program, being more confined in its scope. Thus advocates of this measure have been pressed by necessity into joining forces with Senators interested in other legislation equally important to their communities.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. MURPHY. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. CRAMTON (reading):

Indications are that the House of Representatives will hold back and wait for the Senate to pass the Columbia Basin bill, but Boulder Canyon Dam advocates in the lower branch of Congress are tired of waiting on the Senate and yesterday began a drive to bring their bill up for action. If they are successful, Representatives HILL and SUMMERS, of Washington, will ask the Rules Committee for a special rule to bring up the Columbia Basin bill in the House as soon as Boulder Canyon Dam is out of the way.

I have another statement, but the clipping does not give the date. It is a local item from the Spokesman-Review at Spokane, and it quotes a letter:

"My faith in getting the Columbia Basin authorization bill through this session of Congress is firmer every day," wrote Hervey Lindley, of Seattle, president of the Columbia Basin Irrigation League, in a letter from Washington. The letter was read at the meeting of the local Columbia Basin organization executive committee at the noon meeting at the Davenport Hotel in Spokane Thursday.

Chairman Roy R. Gill, of the executive committee, after reviewing other advices from Washington, expressed optimism that the bill will go through.

The Columbia Basin workers in Washington report that the bill will almost certainly pass the Senate and has at least a 50–50 chance in the House.

And then there is a paragraph to raise several thousand dollars in each of the cities in the State of Washington for the promotion of this bill—

At the same time that affairs at Washington look rosy, the situation in this State is clearing up as regards finances. Seattle has accepted a quota of $6,000 for 1927. This is $2,000 less than was asked, but there is a possibility that the other $2,000 may be paid. Seattle's quota for the period from June 1, 1927, to May 31, 1929, is $16,500.

Liberal financing of the campaign.

Then here is an illuminating item showing the sort of political by-products which come from movements of this kind which will be of interest, probably, to my colleague from that State:

Mr. Gill, a Republican, drew applause from the Democratic members of the Columbia Basin organization when he announced that he would support Congressman SAM B. HILL, Democrat, for reelection. Congressman HILL is the only Member of the House from this State that has fought hard and consistently for Columbia Basin legislation, Mr. Gill said. According to Mr. Lindley, Congressman HILL has done much to line up the Democratic vote in the House for the bill.

So Gill counts little on Doctor SUMMERS and the other Republicans from that section, but feels out there that they have the Democratic vote in the House corralled. Whether that includes my friend from Texas [Mr. GARNER] or not I am not advised, but they feel they have the Democratic side corralled and seem to be disappointed that the Republican side has not been corralled. Must it be left to the Republicans in the House to save the economy tax-reduction program?

But, aside from that, I have tried to emphasize to the House that here is a tremendous program, involving great expenditures. The flood control bill has come through without regard to proper financial considerations which should actuate the Government. It faces the danger of a veto at the other end of the Avenue if the House passes it in the shape the Senate did. Then comes Boulder Canyon, another tremendous expenditure. I do not know whether they are going to try to jam that through under the same combination of strength as is here suggested or whether it is the expectation to pass a bill which is in harmony with the financial program of the administration.

And then this bill: Fifty years from now will be somewhat too early to build that Columbia Basin project with $300,000,000 out of the Federal Treasury—not out of the reclamation fund, as has been heretofore the case, but out of the Treasury—and then loan it out to the settlers through the construction of that project and have again the same experience we have had on similar projects where the Government has been the absolute insurer of success. When a private irrigation district is built, the money is borrowed from banks.

A firm of engineers is employed, and that firm of engineers can not always forecast the difficulties to be encountered. They give their best judgment, and the project has to pay the bill. If, when they build the project, they find there are some difficulties encountered that were not anticipated, the project has to pay the bill. But when the Government donates its engineering services, lends the money for 40 years without interest, it has been held as an insurer in the past, and whatever difficulties the engineers encounter that were not foreseen, the Government must pay the bill and not the project.

So with this kind of history back of us we are asked to take $300,000,000 out of the Treasury and put it into this tremendous, vast expansion of our agricultural acreage, and I insist that unless there does come such a combination as is here alleged, such a combination of various great interests each of which represents some section of the country, each of which has a great popular appeal in that section of the country, without a combination of such great activities this bill can not pass, and the other bills would be held down to a common-sense basis.

Mr. COLE of Iowa. Will the gentleman yield for a question?

Mr. CRAMTON. I wanted to yield back the remainder of my time, but I yield to the gentleman.

Mr. COLE of Iowa. In connection with the gentleman's speech, would the gentleman give us an idea of how much of the money that has been advanced by the Government to these reclamation projects has been repaid.

Mr. CRAMTON. I could not give that offhand. There has been, as I recall, about $145,000,000 expended, and very recently we passed a bill to wipe off the slate $28,000,000 of that expenditure, and a good deal of it on such grounds as I have indicated.

Mr. COLE of Iowa. Could the gentleman give us any indication of how many of these projects have been a success from the farmer's standpoint?

Mr. CRAMTON. Many of the projects. I am willing to say that, in my judgment, most of the projects have been successful; that is to say, if these settlers had borrowed the money from private sources and had fully expected to pay it back, as they would expect to pay it back if borrowed from private sources, they would have paid it back and they would be making a splendid showing; but having borrowed it from the Government, there have been campaigns year after year to have payment postponed, and then wait. It has even been the case that bankers in communities where these projects are located have gone about among the settlers and have asked them to pay their other obligations and not pay the Government. It has even been the case that some settlers who desired to pay have been urged by their neighbors not to pay because it would be establishing a bad precedent. [Laughter.]

Mr. COLE of Iowa. My question related only to those projects financed by the Government.

Mr. CRAMTON. I am speaking entirely of those projects.

Mr. LINTHICUM. Will the gentleman from Michigan yield?

Mr. CRAMTON. I yield.

Mr. LINTHICUM. May I suggest to the gentleman, if he will allow us a little more irrigation here in the East, we will

show the gentleman how to raise some revenue to pay for this irrigation in the West.

Mr. CRAMTON. I may suggest to my friend from Maryland, the leader of the wet bloc of the House, that he get his bill for the destruction of the Volstead Act, join this combination and bring in Maryland and New York City, which constitute about all the votes he has, put them into the combination, and maybe the gentleman can get his bill through; but that is the only way he has any chance of getting his bill through this Congress.

Mr. LINTHICUM. I want to say to the gentleman——

Mr. CRAMTON. Mr. Chairman, I yield back the remainder of my time.

Mr. LINTHICUM (continuing). We already have plenty of water. We are not looking for water; we are looking for other irrigation.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 30 minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL of Washington. Mr. Chairman, the gentleman from Michigan has given you his idea of the proposed development of various projects, including the Columbia Basin project in the State of Washington.

I fully appreciate the fact that the gentleman from Michigan has a feeling of hostility toward the general policy of reclamation. The reclamation act of 1902, under which there has been Government development of arid lands in the West, was not placed upon the statute books at the instance of the Members of Congress from the East and the Middle West. It was placed there by the militant work and the unanswerable argument of patriotic men of the great West.

The policy of reclamation is a success. The only remaining great West and the only remaining surplus of agricultural land in this country are the arid lands of the Western States. The richest lands in America, lacking only the application of water to make them produce abundantly, have been kept there, no doubt, under some divine provision as a residuum awaiting the necessity for their development to constitute homes, rural life, and economic development for the States in which they are located as well as for the entire Nation.

I listened with some degree of interest to the newspaper article which the gentleman from Michigan [Mr. CRAMTON] read from the Spokesman-Review, published in Spokane, Wash. I have seen similar articles sent out from Washington and published in some other parts of the western country. It is a deliberate attempt on the part of some correspondent to discredit these great enterprises which the West is endeavoring to develop. One such letter was sent to a paper in Salt Lake City, Utah, the purpose of which obviously was to discredit the work of the Committee on Irrigation and Reclamation of this House and to make the country believe that the body of men on that committee were engaged in a log-rolling activity. I can say absolutely that I have been closely connected with the progress of this proposed legislation for the Columbia Basin, and there is not now and there never has been any arrangement or any effort to make an arrangement by which "you help me with this and I will help you with that"; not one single intimation of that character has even been suggested.

Of course, the Senate of the United States needs no defense from me, but I know the character of statements sent out from this city to other papers with reference to the Committee on Irrigation, and I do not hesitate to say that in my judgment that article was made up of untruths from start to finish.

I have a higher regard for the Members of the Senate of the United States than to believe that they would engage in any such enterprise. I know the two Senators from my State, the Senators most interested in the Columbia Basin, and I resent the slander that is intimated in this article that either one of these men would stoop to the scheme or device that is charged.

Why should we not have a development in the West? We are a part of the United States. If it were not for the subsidies of the Government to industries of the East, the owners who are to-day capitalists would be crawling on their bellies asking for bread. The whole country pays the bill. We are not complaining. You say you must have home markets in this country for agriculture, and in order to do that you must develop the industries of the country. I subscribe to that doctrine, but I want to say to you that the same rule works both ways. Is not the best market for industries in this country the home market? What are you going to do with the manufactured products if you do not have some one to sell them to? So, we are entitled to consideration, but when we come here and ask for legislation we see the representatives of the great body of enterprises that has grown fat on the bounty of this Government through favorable legislation coming here and saying, "This is not for you; this is not your Government; you are entitled to nothing."

Why, they stand up and talk glibly of equality of opportunity, and at the same time sit up on a pedestal of economic advantage looking over the great masses of the people. We are simply saying that we should be given an opportunuity to develop as you have developed. We are not envying you your success, but we want to share in it. We can do that through development, and this Columbia Basin project is one of the greatest enterprises this Nation has ever had presented to it for development.

Notwithstanding hostile criticism by gentlemen from the Middle West, I say that we are entitled to it, and the benefits will not accrue to us only but you will receive them also.

You know it makes me sick to see a man keep the dime so close to his eye that he can not see an accumulation of dollars in front. This is a great enterprise; it would increase the markets, and social problems are involved in it as well as material problems, but we will confine it to the material phase. Why not develop the markets in this country for the industries we have as well as say to our farming class of people, "Develop industries that you may have markets"?

I want to resent again the slanderous statement in the article read by the gentleman from Michigan and say to you that I will leave it to any Member of this House if I have ever approached him with the proposition of helping me roll this thing over as logs are rolled in the back country? Have I appealed to any one of you except upon the merits of the plan, which I have a right to do, and beyond which I have no right to go, and have not done so. Neither has any other Member from the State of Washington in this House. We stand here on the merits of the bill. We are going to ask for a rule and ask the House to vote for a rule for its consideration. The time is ripe for its development.

Now, I want to tell you something about it. The gentleman from Michigan seems to think that if this bill is passed this great area including the Columbia Basin project would spring into full production to-morrow, that it would come into competition with the agricultural markets that now exist and would have a depressing effect upon them. He says 50 years from now would be soon enough to talk about this development. Certainly the gentleman can not mean that. What will be the demand for foodstuff 50 years from now, increasing as the population is at the rate of 2,000,000 people a year, counting nothing for the accelerated increase as the population grows larger—50 years from now we will have 220,000,000 people in this country. The farming land now in cultivation can not feed that many people.

This great Columbia Basin project will require years for its development. It will not require any great outlay of money from the Treasury for from three to five years at the least, probably not over $250,000. Is the financial program of the President such as not to be able to expend that paltry sum within that length of time?

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. HILL of Washington. Yes.

Mr. CRAMTON. I notice on the business letterhead of the propaganda that there is broadcast the estimate that from the beginning of construction to the time of water it would take about eight years, and that, of course, as the gentleman knows, would mean a substantial expenditure in the very near future.

Mr. HILL of Washington. The question of construction will be postponed necessarily for a period of from three to five years, because there are certain preliminaries that must be gotten out of the way before construction work can begin. In the first place, we must make an agreement or compact with the States of Idaho, Montana, and Oregon as to the allocation of the waters of the Columbia River and its tributaries. There must be some preliminary surveys in determining the details of the construction of this work. The magnitude of the project is such that you can not possibly enter upon its construction for a period of some three to five years, and that is the estimate of those who are familiar with it from an engineering standpoint. I am not responsible for propaganda that goes out over this country. I know that the propaganda referred to by the gentleman from Michigan [Mr. CRAMTON] does not come from the Columbia Basin Irrigation League. I appreciate the fact that the people to whom the gentleman refers are deeply interested in this project, and that they are trying to put forth the most encouraging aspect possible with reference to it; but those of us who are close to the project and who have studied it, who are working for it and know it, are not harboring the idea that any such rapid construction can be had upon it.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. HILL of Washington. Yes.

Mr. MADDEN. I think I heard the gentleman say that it would take 25 years before they can begin the work. If that is

so, why could not we take 20 years in which to study it before we decide upon it?

Mr. HILL of Washington. The gentleman misunderstood me; I did not say that. I said it would take from three to five years to begin construction work, but in the meantime there is work sufficient to engage the attention of the Government and the Government officials in getting ready for that construction work. That is the statement I made.

Mr. CLARKE. Mr. Chairman, will the gentleman yield?

Mr. HILL of Washington. Yes.

Mr. CLARKE. Why does the gentleman think that now is the opportune time for going ahead with enlarging the farming area, when we already have before the House, or will have shortly, for consideration bills for taking care of the surplus of our farm commodities? What is the gentleman's answer to the general proposition of "hurry up" for the Columbia Basin project?

Mr. HILL of Washington. I shall be glad to answer that. In the first place, in order that you may get our viewpoint, I shall give you some conception of the length of time it will require to develop this project.

It will take from three to five years to begin construction, to be ready to begin construction. A canal 134 miles long must be built, 34 miles of which are tunnels and about 60 miles of which are concrete-lined canals, 47 feet wide at the bottom and 95 feet wide at the surface of the water and 27½ feet deep, and that will require from 8 to 10 years to construct. Included in that, of course, will be the building of a dam, which will be a very small part, comparatively, of the construction work. There would be, we will say, 11 years before we could get the water to the nearest edge of the land. Then bringing this project in in units of, say, 400,000 acres per unit, lateral canals would have to be constructed for the delivery of water to these units, and that would require, with the construction of the canals and the settlement of the projects, at least another five years. Then that land after it is put under water and after cultivation begins will require some additional years before it comes into full production. That will be only one unit. Then, after that, will come the development of the second unit, with a similar length of time and the expenditure of money required for its development and settlement, and then the third and then the fourth units, so that it is estimated by economists familiar with the project, with the conditions of construction and the conditions of climate, that 30 years will have elapsed from the time construction is authorized before it comes into full production. In 30 years from now we will have 60,000,000 more people in this country and in 15 years from now we will have 30,000,000 more people in this country than we have at the present time. Does the gentleman not realize that the increased demand for food supplies and for clothes and for all the necessities of life will be increased proportionately with the increase in population?

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. HILL of Washington. Yes.

Mr. CRAMTON. I wonder if the gentleman could give us some authority for those estimates as to the increase of population. Are they based upon estimates of Government authorities?

Mr. HILL of Washington. Yes.

Mr. CRAMTON. Or upon an expectation of materially liberalizing our immigration laws?

Mr. HILL of Washington. I shall be very glad to give the gentleman that information.

Mr. CRAMTON. I do not want to divert the gentleman. If he will insert it in his remarks, it will be entirely agreeable.

Mr. HILL of Washington. Let me read from a statement here. The statement I read from is contained in a report from the board of review appointed by the special commission composed of Doctor Mead and Assistant Secretary Edwards.

This board of review investigated this project and made its report, and this is a part of the report from which I am reading. They say:

> The late Henry E. Wallace, Secretary of Agriculture, basing his estimate upon statistical information, stated that the population of the United States in 1950 would be 150,000,000. Dr. Raymond Pearl, specialist in vital statistics at Johns Hopkins University, in an article on "World overcrowding," estimates a population of about 150,000,000 in continental United States in 1950. Over the 1920 census, this is an increase of nearly 45,000,000. The Census Bureau estimates a population of 120,000,000 in 1930, about 15,000,000 over the population of 1920. To provide food for the normal increase in our population, not counting immigration, the Secretary of Agriculture estimated that it would be necessary to bring under cultivation 8,000,000 acres per year, or approximately 240,000,000 acres between now and 1950 (Yearbook of 1921).

This partly answers the gentleman's question.

Mr. CRAMTON. In view of the mention of the name of Secretary Wallace, is it not a fact that Secretary Wallace, as well as Secretary Jardine, opposes the opening up of even small irrigation projects, to say nothing of 1,800,000 acres?

Mr. HILL of Washington. I am satisfied that Secretary Jardine is opposed to it. I have no recollection as to what the attitude of Secretary Wallace was; but the weight of such opposition must be determined by the reasons therefor.

Mr. SUMMERS of Washington. Is it not a fact that a small area would be under cultivation in a few years, whereas the Columbia River Basin would not be under cultivation for quite a number of years?

Mr. HILL of Washington. Yes; that is true.

Mr. CRAMTON. The estimate of Secretary Wallace would at least be based upon our old immigration law and not based upon the present restrictive law.

Mr. HILL of Washington. In the hearings on this bill Congressman JOHNSON of Washington, who is the chairman of the House Committee on Immigration and Naturalization testified, according to my recollection, to this effect, in substance—that the increase in population annually under our present immigration laws and natural increase of population ran from one and a half to two million a year. I think there can be no question about the approximate accuracy of that statement. But those are matters which can be gotten from the Census Bureau with a greater degree of accuracy than I can give them here. We all recognize that there is at least a substantial increase in the population of this country annually of 2,000,000 persons, and as the population increases the natural increase will progressively become greater each year. There is no question about that.

In further answer to the gentleman from New York [Mr. CLARKE] I want to finish the reading of the statement that I had before me a little while ago. The Census Bureau estimates the population of 120,000,000 in 1930. I think we can very accurately verify that statement, we are so close now to 1930. To provide for the normal increase of our population, not counting immigration, the Secretary of Agriculture estimated that it would be necessary to bring under cultivation 8,000,000 acres per year or approximately 240,000,000 acres between now and the year 1950. This was taken from the Yearbook of 1921. I will read a further statement in this connection:

> Improved land increased less than 5 per cent from 1910 to 1920, as compared with 15 to 50 per cent of previous decades, and this 5 per cent increase was practically confined to the precariously productive semiarid lands of the Great Plains region. The land in the United States suitable for agricultural uses without irrigation, drainage, or heavy fertilization is nearly all occupied. Consequently one of the great questions before the American people is, How to maintain the supply of foods and fibers for the increasing population at the high level to which we are accustomed.

Now, in further answer to the gentleman from New York on the agricultural situation, let me say this: That the student of farm economy recognizes the fact that the trouble with the farmer is not so much in the production of surpluses as in the lack of marketing facilities. If you will give to the farmers of this country the machinery by which they can put a bargaining power of 100 per cent behind the sales of their agricultural products, you will relieve the agricultural situation in this country. It is because they have not the marketing machinery, because they have nothing to say as to what they will receive for their products, but must pay the price at which the manufacturers sell their commodities to the farmer, a high price which enables them to make an excessive profit. The condition of agriculture, so far as the farmer is concerned, does not lie in the fact that profits are not made in agricultural products, but in the fact that the prices are fixed by the commercial dealer who controls the marketing agency and makes the profits. It is not a question of surplus so much as a question of marketing agencies. That is what the agricultural interests need, and that is what they ought to have.

Carrying out further the idea that I am now developing, and to justify the assertion that the time is now ripe for the adoption of this project, permit me to refer to some other statements that I have at hand. In the hearings on this bill you will find this statement:

> A study of the Department of Agriculture's figures as to land under cultivation shows that something like 340,000,000 acres of land is being cropped. The Columbia Basin project, with 1,883,000 acres, would increase this a little less than one-half of 1 per cent and add nine-tenths of 1 per cent to our productivity, which will have scarcely any effect in increasing competition with present-day farmers and will be urgently needed 20 years from now, when our population will be at least 40,000,000 more than it is to-day.

Now, the Committee on Irrigation and Reclamation has recommended the passage of this bill, as did a similar committee in the other body of Congress. They had the facts before them. They knew what they were doing, and certainly they are entitled to have accorded to them some decent respect for their obligations as Members of this House. With this information before them, familiar as they are with the conditions obtaining in the great West, knowing the problems, knowing the resources, knowing the consequences of such great development, they have recommended that this bill pass.

In that report is a statement in the nature of a statement of facts, although, of course, mixed with estimates, which is as follows:

One feature of the investigation which particularly concerned the committee was the possible effect the development of this project will have upon agricultural production. It was shown that the area of the Columbia Basin project is but one-half of 1 per cent of the total lands in the United States now under cultivation and its complete development will add a little under 1 per cent to the present agricultural production.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. SANDLIN. Mr. Chairman, I yield to the gentleman 10 additional minutes.

Mr. HILL of Washington (reading):

Estimates of the time that will be required to construct the project vary, but the minimum is placed at about 10 years for getting water to the land. Another 5 to 10 years will be required to settle the first unit of approximately 400,000 acres. Probably 30 years will elapse before the entire area could be settled. It is of importance, therefore, to note that population of the United States is increasing at the rate of 2,000,000 persons per annum. By the time the Columbia Basin project becomes a factor in food production many millions of acres in new lands will be required to produce necessary food for this additional population, and the Columbia Basin project will be able to furnish but a fraction of what is needed.

To construct the main canal by which water is to be brought to the land involves an estimated cost of $120,000,000 and the labor of seven or eight thousand men continuously for about 10 years, or an average of $12,000,000 a year. Other large expenditures will be required during the succeeding 20 years to bring the total acreage of the lands of the project into production. The first unit of the project can not be brought into production earlier than about 15 years after construction work on the main canal begins. The agricultural markets, particularly of the Northwestern States, will be stimulated rather than depressed during the period of the construction of the project because of the additional demands for farm products arising from the presence of the construction force of the magnitude required for this work. This increased demand for farm products and manufactured products as well will have no offset in competitive production from the project for a minimum period of about 15 years, and there will be no appreciable competitive production therefrom for about 30 years. At the present rate of increase of population in the United States there will be 30,000,000 more people in this country 15 years hence than we now have, and at least 60,000,000 more people at the end of 30 years.

I want to refer to a still higher authority. I am going to quote to you from a letter the President of the United States wrote to the American Mining Congress at Sacramento, Calif., in 1924. The letter, in part, is as follows:

Similar possibilities of storage of water and development of power (referring to flood control, irrigation, and reclamation) are presented to us in the Columbia River, and many projects of less dimensions but of great importance to the future of our country lie scattered over the entire intermountain region. Some minor criticism has been made as to the policy of our unremitting development of these projects by those who have thought we were already overproducing in agricultural products. They feel that these projects should be stayed until agricultural production has readjusted itself. These criticisms lie in the lack of understanding that these projects may take many years for development; that they furnish but a small portion of the total increased food supply required even by our increase in population; that the utilization of their supplies lies in the development of the West itself. It is my purpose to unremittingly stimulate and encourage the development of these great projects by every authority of the Federal Government.

I want to say to you in this connection, and without any purpose of criticism, that the greatest obstacle to progress in the development of this country and of its resources is the lack of understanding, is the lack of information, and a short-sighted economic viewpoint. Of course, the development of this great project in the West will add just that much more to the markets for the industrial production of the East. We will buy more of the gentleman's automobiles. We are buying as many as we can pay for now. If you will permit us to develop economically and increase our purchasing capacity one of the things we will buy more of than we are now buying will no doubt be automobiles. We will buy more of all manufactured products. The people now buy to the limit of their capacity, and I want to say to you that if you deny to people the right to develop and if you deny to them the right of economic advantage you are denying them the right of progress. [Applause.] What can a man do in this age of enlightenment and under our standards of civilization if he has no opportunity to get a reasonable return upon his activities? Why deny us, then, that opportunity? We have stood by the East and the Middle West, and we have helped you to put legislation through the Congress that will be of beneficial interest to you. We have stood the increased cost of manufactured products that the manufacturing industries of this country might flourish, on the theory that it is better to have home markets, even if we have to pay a little more for the goods we buy from them, than to have to come into world competition in the free-trade markets of the world.

Mr. CRAMTON. I do not want to divert the gentleman, but, if the gentleman will permit, let me say that the platform of the gentleman's party is not especially active in promoting that doctrine.

Mr. HILL of Washington. The gentleman is making this statement on his own responsibility. But I want to say to the gentleman from Michigan that the Democratic Party, with which I am affiliated, has never in the history of this country stood for free trade, never. [Applause.] There have been differences of opinion as to whether the tariff rates are not too high, but never has my party stood for free trade. Why, 40 years before the Republican Party was born the Democratic Party instituted a policy of protection. It is not the policy of any particular political party. I stand for the development of my country, all parts of it, and especially the part which I have the honor to represent.

Adverting further to the question of whether or not this proposed development is timely, if I had the time I would like to read from the report of the reviewing board, composed of such eminent men and economists, both engineers and economists, familiar with the economic and agricultural problems in this country, as are typified by Louis C. Hill, who had charge of the construction of the Salt River project, who had charge of the construction of the Laguna Dam on the Colorado River, a man of recognized authority, and about whom, and others associated with him, Commissioner Mead had this to say:

This board of review was selected to include men who were not only eminent as construction engineers but who were also familiar with the economic and agricultural aspects of reclamation.

The board of review consisted of the following eminent men, eminent as engineers and as irrigation economists: Louis C. Hill, of California; Charles H. Locher, of Maryland; Richard R. Lyman, of Utah; Arthur J. Turner, O. L. Waller, and Joseph Jacobs, of Washington.

This board, as a result of its investigation of this great Columbia Basin project, said in part as follows, in response to the question that they propounded to themselves—shall we develop our irrigable land?

In making a study of the advisability of putting so many acres of new land under cultivation, there must be kept in mind the fact that the last part of the great West has passed into history and that future tillable soil must come from irrigating our arid lands——

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. SANDLIN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. HILL of Washington (reading):

And the future tillable soil must come from irrigating our arid lands, draining our swamps, or clearing our logged-off areas. The world's population is constantly increasing while the limit of the tillable area has been nearly reached.

In the rural districts of the United States the yearly increase of population is about 600,000.

This report was made in 1925.

These young people know farming and farming ought to be made profitable enough to induce them to remain on the farm. It will require approximately 100,000 new farms each year to satisfy such a need. The demand for agricultural lands is to be so great and available lands that offer a reasonable chance for agricultural success so scarce that rapid settlement of the more attractive areas may be definitely predicted. If the entire twenty or thirty millions of remaining irrigable

acres in the United States were reclaimed the normal increase in farm population requiring annually 100,000 farms would settle such an area in half a dozen years if the settlement were thus concentrated. The reclamation, therefore, of a large acreage in the Columbia Basin will not overstock the market.

President Coolidge in his letter to the farmers' conference November 17, 1924, points out that we are already importers of foodstuffs which we ourselves should raise. Much is heard concerning the surplus of foods being responsible for the low prices received by the producer. The trouble is not that we as a nation are raising too much, but that producers of foodstuffs have no satisfactory selling organization.

I say the man who wrote this report has a real grasp of farm economics.

Existing conditions compel farmers to accept prices offered while the speculator secures the handsome difference between what the producer gets and what a consumer pays.

Mr. MILLER. Will the gentleman yield for a question?

Mr. HILL of Washington. I yield to the gentleman with pleasure.

Mr. MILLER. Can the gentleman give the House any general idea of the character of crops that would be produced on this great project?

Mr. HILL of Washington. The crops that this project will produce comprise practically all the crops that can be produced in the North Temperate Zone except cotton and perhaps tobacco and some other crops of that character. I am not sure but that we might produce tobacco.

Mr. MILLER. If the gentleman will permit a further question, it would not be exclusively a wheat-producing area, but would produce fruit and other products?

Mr. HILL of Washington. It would be diversified farming. There would be stock raising and the production of the various food crops both for man and livestock.

Mr. CRAMTON. If the gentleman will yield, the cost of it, $150 to $200 an acre for the water rights, would be far above what would be feasible to use for wheat production.

Mr. HILL of Washington. I doubt myself whether it would be feasible to use all of it for wheat. It would not be used exclusively for wheat, but there would be diversified farming.

However, I want to state that on the arid lands in my State, if you will supply an abundance of water, we can stand a high cost of construction. It is not so much a question of the amount in dollars and cents that it costs to construct a project as it is that when it is constructed we have sufficient water. As we all know, water is the first and the primary essential in the successful development of an irrigation project. We have an abundance of water in this case from two distinct sources. We have the Columbia River to draw from and we have the great Pend Oreille, which is known as the Clarks Fork of the Columbia River. There is no question about the supply of water. If one source is not available the other source is available. No other project in the world has such an advantage as the Columbia Basin project so far as sources of water are concerned. You can not shut us off from a water supply, and when we get a sufficient water supply we can pay any reasonable cost of construction.

There is no question about the feasibility of this project; there is no question about the timeliness of it, and there is no question but that we are putting it up to you squarely and fairly on its merits. [Applause.]

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. SANDLIN. Mr. Chairman, I yield the gentleman one minute more.

Mr. SINNOTT. Will the gentleman yield for a question?

Mr. HILL of Washington. I yield to the gentleman.

Mr. SINNOTT. Criticism has been made as to this land coming in too early. Now, that entire matter rests with the Secretary of the Interior, in the first place, with the Budget Bureau, in the second place, and then with the House Committee on Appropriations and the House itself as to how much money shall be appropriated each year. The Secretary of the Interior, the Budget Bureau, the House Committee on Appropriations hold the brakes on this matter. This land can not be brought into production or into cultivation improvidently or too hurriedly without the consent of Congress. We hold the brakes each year; is not that true?

Mr. HILL of Washington. That is absolutely true.

Mr. CRAMTON. Will the gentleman yield in that connection?

Mr. HILL of Washington. Yes.

Mr. CRAMTON. What happens, however, is this. As soon as Congress approves the project settlers rush in there and take up the land. They are not told that it is going to be 25 years before they get water. Then, if there is a delay, we get the kind of letters I have been getting recently from settlers in the State of Oregon that they have had vain hopes for many years.

Mr. SINNOTT. No; the minute the project is authorized, any public land therein is withdrawn from entry and it is not open to entry.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MURPHY. Mr. Chairman, I yield 20 minutes to the gentleman from California [Mr. EVANS].

Mr. EVANS of California. Mr. Chairman and members of the committee, the subject on which I propose to address you for a few minutes is a most depressing one and particularly so with me, because it concerns so many people well known to me, and among whom were scores of close, personal friends of many years standing. The unspeakable disaster that visited the little Santa Clara River Valley in Los Angeles and Ventura Counties on the night of the 12th of March, when the St. Francis Dam collapsed, from which more than 400 lives were snuffed out and millions of dollars of property damage resulted, is of such deep and general concern to the people of all parts of our country, I feel that it will not be out of place for me to offer the Congress a brief statement of the facts and conditions under which this appalling catastrophe occurred. Many Members of this body, out of that sort of human interest in the well-being of others, so characteristic among American people, have made inquiry as to this disaster, and my purpose is to mention only a few of the major features of this tragedy at this time.

The St. Francis Dam was located in the San Francisquito Canyon, about 45 miles northeast of the city of Los Angeles in Los Angeles County, and in the congressional district that I have the honor to represent.

Mr. W. T. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. EVANS of California. Yes.

Mr. W. T. FITZGERALD. How far from Los Angeles was this dam?

Mr. EVANS of California. Some 40 miles.

Mr. W. T. FITZGERALD. And that was a part of the water supply for the city?

Mr. EVANS of California. The water was a part of the supply of the city.

It was one of the 9 or 10 dams built by the city of Los Angeles for the storage of water along the great Los Angeles aqueduct, which leads from a point in Inyo County a distance of 234 miles to the city of Los Angeles. The building of this aqueduct was begun in 1903 and completed in 1913 at an original cost of about $24,000,000. In order to utilize the full carrying capacity of the aqueduct, which is approximately 20,000 miners' inches, it was necessary to build these storage reservoirs along its course, so that at certain seasons of the year, when all the flow was not needed, the water could be stored and held for use in drier seasons, when the draft on the supply was much larger. This dam was 650 feet long and 205 feet high from the lowest point in the canyon and had a storage capacity of 38,000 acre-feet of water. Every member of the committee doubtless knows that an acre-foot of water is simply an acre of ground covered with water 1 foot deep; or, to express it another way, the capacity of this dam was about 12,000,000,000 gallons. The dam was located far up in the canyon, at an elevation above sea level of about 1,630 feet and a distance of about 52 miles from where the Little Santa Clara River empties into the ocean at Oxnard. The first 10 or 12 miles below the dam the canyon is very narrow and precipitous. As it approaches the ocean the canyon opens out into a beautiful, sloping valley, along which there were many beautifully laid out and highly improved farms, orchards of citrous and deciduous fruits of all kinds, many splendid homes, and four or five small cities of varying sizes. The lower or west end of the valley is in Ventura County and in the congressional district represented by the Hon. A. M. FREE. From the information so far obtainable it is probable that more people lost their lives in Ventura County in this disaster than in Los Angeles County, by reason of the fact that the lower portion of the valley is more densely populated and more highly improved than the eastern or upper portion. Some confusion has resulted in the minds of a great many people who gained the impression that this dam disaster occurred in the well-known and far-famed Santa Clara Valley of central California. This confusion should be removed, and it is proper to say here that the Little Santa Clara Valley in which this dam was located is some 300 miles south of the Santa Clara Valley of central California, of which the city of San Jose is the metropolis.

The two valleys have no connection in any way except in the similarity of their names.

To draw an adequate description of this tragedy in all its aspects, with all its human sufferings, its toll of life, and other deplorable consequences, would be difficult for anyone and I must say impossible for me. At the hour of midnight, when these happy and contented people were at their homes and asleep in their beds, resting from the arduous duties of farm life and other callings, with no reason for apprehension of danger from any source and without any warning whatever of danger, this horrible and onrushing torrent of death and destruction came and swept them by the hundreds into eternity. The wholesale destruction of innocent and defenseless human beings, a great majority of whom were helpless women and little children, as in this case, is of such horrible and indescribable moment that it is impossible to contemplate.

I have said that this disaster concerns me personally, and I trust I may be forgiven if I speak for a moment in a sort of intimate fashion concerning it. I have visited this little valley dozens of times during the past few years and have been the guest in many of the homes destroyed, some of which stand out prominently in my mind as I read of their destruction. For example, I remember only a short time ago of being in the home of a well-to-do and well-known Spanish family, located just a few miles below the dam. This was a typical Spanish home of the old type, comfortable residence building surrounded by the usual large trees of umbrella, eucalyptus, and pepper species so common in that section, under the shades of which were located the barbecue pit, outdoor tables, benches, and so forth, where the members of the family spent a great deal of their time in wholesome outdoor recreation. Only a short while ago I sat under these trees with the members of this happy family, the father and the mother, sons and daughters, numbering eight in all, and upon hearing of this catastrophe I was naturally curious to know what had happened to this household. I have since read the story which recounted the destruction of every member, eight in all, together with the complete wiping out of the home and its entire surroundings. A visitor to this spot the day following the flood found no trace of this home. Later the bodies of the eight members of the family were all recovered and buried at the same time on a small elevation overlooking the ruins and desolation that only two days prior thereto marked the spot of the home and surroundings which they had enjoyed. There are others to which the same sort of particular reference could be made, and so the story goes with equal effect throughout the valley.

In disasters of this kind the first and most important thought in the minds of the people is what has been done and is being done in the way of relief of the stricken people of the section affected. First and within a few hours, as usual in all cases of great suffering of this kind, the Red Cross was on the ground and functioning. Offers of assistance came from any sections of the country, from various governmental and relief agencies, and from the President of the United States. While these offers of assistance were graciously received and deeply appreciated, the announcement was made that the local Red Cross and other relief committees on the ground were amply prepared to meet every requirement and responsibility. The Governor of the State of California, Hon. C. C. Young, was personally on the ground within some 10 or 12 hours, assisting in the direction of relief work and pledging the power and resources of the State to the full discharge of all humanitarian responsibility. The mayor of the city of Los Angeles and other representatives of the city were equally punctual in their efforts in rendering relief duty, and also representatives of the Los Angeles Chamber of Commerce were present cooperating with the other agencies in every way possible. The Los Angeles County authorities placed at command of the relief committees every available means. Temporary buildings were readily constructed for the treatment and care of the injured and stricken people. Physicians, nurses, and other attendants were detailed for such service as could be rendered by them. The city council of the city of Los Angeles met within a few days after the dam gave away and appropriated a million dollars of ready money for immediate relief. This is being expended in first aid and also for the rehabilitation of the farm lands along the river requiring immediate repair and reconstruction work. In this connection it is proper to say that the city of Los Angeles has assumed all legal and moral responsibility for the giving away of the dam. Conservative estimates place the property damage at not less than $5,000,000. It is altogether probable that it may double that amount. Regardless, however, of whatever the amount may be, the city of Los Angeles is amply able and eager to meet, in so far as possible, every obligation, both legal and moral, in this regard.

Mr. BRIGHAM. Did I understand the gentleman to say that the total damage was from $5,000,000 to $10,000,000?

Mr. EVANS of California. The total damage is being estimated now, and the last report I have is that it will not be less than $5,000,000, and possibly twice that amount.

Mr. BRIGHAM. I thought there was some report that it exceeded $100,000,000.

Mr. EVANS of California. Those were simply speculations made immediately following the catastrophe.

Mr. SUMMERS of Washington. I may be repeating, but it is the general understanding now, is it not, that the city of Los Angeles it going to make good the loss suffered?

Mr. EVANS of California. It is not only the general understanding, but the city of Los Angeles has already publicly and officially, through its government, its mayor, and city council, assumed entirely every responsibility, both morally and legally, for this disaster; and I know from information that I have received from the city of Los Angeles that this relief work is now going on, that 2,000 or more men are in the valley now cleaning up, and the city of Los Angeles has established a temporary office in the valley overseeing this work and the expenditure of this money.

Mr. SUMMERS of Washington. It is a most commendable spirit that has been manifested by the great city of Los Angeles, the like of which I am not able to recall in the history of America. I think that ought to be said, to the credit of that great city. [Applause.]

Mr. EVANS of California. Mr. Chairman, at this time I ask unanimous consent to insert in my remarks a letter which I received this morning from the president of the chamber of commerce from the city of Los Angeles, touching the very question raised by the gentleman from Washington.

The CHAIRMAN. The gentleman from California asks unanimous consent to insert at this point a letter, just referred to. Is there objection?

There was no objection.

The letter referred to is as follows:

THE LOS ANGELES CHAMBER OF COMMERCE,
OFFICE OF THE PRESIDENT,
April 4, 1928.

Hon. W. E. EVANS, M. C.,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN EVANS: The mayor has sent to us your telegram of March 27, asking for data showing the ready response by the city, county, and State to relief work in the St. Francis Dam disaster.

Please be advised that immediately following the catastrophe the National Red Cross got on the job and cooperated most efficiently in handling the emergency relief. Every agency of the State immediately responded with offers to help, and the governor particularly was very kind in sending down Mr. Heron, of the board of control, who coordinated the efforts of the State departments wherein we found we could use them.

The county of Los Angeles, through its sheriff's department, immediately took up the task of handling the situation in Los Angeles County and covered it in a splendid way, so that we had little to handle from that angle.

The difficulty was to handle the situation in Ventura County, and there again we received the most complete cooperation from their officials and from the communities in the valley, particularly from Santa Paula, where Mr. C. C. Teague took charge of the Ventura County committee and cooperated splendidly.

Immediately following the disaster the chamber of commerce and the city officials arranged a series of conferences, and within a week's time $1,000,000 was placed at the disposal of a special rehabilitation committee, organized by the city council, with our cooperation, of which committee the undersigned is chairman.

We have organized the work, in cooperation with the Ventura County committee, so that the rehabilitation of the valley is proceeding rapidly. This work is divided into several groups, such as agricultural rehabilitation, homes, personal losses, etc., and everything is moving along splendidly.

Arrangements are now being made by the water bureau to secure the necessary funds to complete the rehabilitation work, and there will be no slowing up of the effort to get the valley back to normal in the shortest possible time.

I need not say to you that Los Angeles did not hesitate to assume the responsibility for the whole difficulty without quibbling over the legalities of the situation, and this has met an instant response on the part of the people in the devastated region.

I would appreciate it very much if you would make a statement to Congress of the spirit of Los Angeles in this matter in accepting the fullest responsibility and immediately organizing relief without quibbling. I don't think there has been any case of a similar nature that has been handled with a greater degree of satisfaction to those who have suffered the damage than has this case. Los Angeles intends to pay in full, and we believe that the whole matter will be cleaned up without a single lawsuit of any description.

I would also like to pay my respects, in the highest terms, to the mayor of Los Angeles for the fine stand he took in this matter in urging that the city immediately accept its responsibility and for the fine spirit shown by the members of the city council in support of the mayor's position.

In a catastrophe such as this it brings out very quickly the stuff that men are made of and the attitude of our city officials—the city attorney, the city council, and the mayor—merits our sincere praise and appreciation.

Thanking you for your interest, I am,

Very truly yours,

GEO. L. EASTMAN,
President Los Angeles Chamber of Commerce.

Mr. EVANS of California. Now that this catastrophe has passed, with its toll of life and property, the public is interested in knowing its cause and what, if anything, can be gained from its disastrous effect. Immediately following the breaking of this dam Governor Young, of the State of California, appointed a commission to investigate the causes leading to the failure of the dam, consisting of six of the most eminent and well-known engineers and geologists obtainable, with instructions to the commission as follows:

Not only California but all the Nation has been appalled by the dreadful calamity which has befallen the beautiful Little Santa Clara River Valley, in Los Angeles and Ventura Counties. This is a matter in which there are obviously three parties at interest—the stricken area of the two counties, the city of Los Angeles, and the public at large. All of these are obviously equally anxious to learn all of the facts connected with this disaster.

I accordingly feel that it is a duty of the State to assemble a commission of eminent engineers and scientists to investigate the causes leading to the failure of the St. Francis Dam.

The prosperity of California is largely tied up with the storage of its flood waters. We must have reservoirs in which to store these waters if the State is to grow. We can not have reservoirs without dams. These dams must be made safe for the people living below them. All this is both elemental and fundamental.

Accordingly, our duty is a double one. We must learn, if it be possible, just what caused the failure of the St. Francis Dam; the lesson that it teaches must be incorporated into the construction of future dams. There must be no repetition of this catastrophe if it is humanly possible to prevent it.

On the 24th day of March, 1928, after making thorough investigation of the dam site and the specifications under which the dam was built and the geological conditions of the canyon where the dam was located, the commission of investigation made its report, which is as follows:

1. The failure of St. Francis Dam was due to defective foundations.

2. There is nothing in the failure of the St. Francis Dam to indicate that the accepted theory of gravity-dam design is in error or that there is any question about the safety of concrete dams designed in accordance with that theory when built upon even ordinarily sound bedrock. On the contrary, the action of the middle section, which remains standing even under such adverse conditions, is most convincing evidence of the stability of such structures when built upon firm and durable bedrock.

Third. The failure of this dam indicates the desirability of having all such structures erected and maintained under the supervision and control of State authorities. Water storage, with its necessary concomitant dams and embankments, is peculiarly essential to the development of California resources, and in the great majority of cases failures would result in serious loss of life and property. This disaster emphasizes the fact that while the benefits accrue to the builders of such projects, the failures bring disaster to others who have no control over the design, construction, and maintenance of the works. The police power of the State certainly ought to be extended to cover all structures impounding any considerable quantities of water.

Respectfully submitted.

A. J. WILEY,
Chairman, Boise, Idaho, Consulting Engineer.
GEO. D. LOUDERBACK,
Berkeley, Calif., Professor of Geology, University of California.
F. L. RANSOME,
Pasadena, Calif., Professor of Economic Geology, California Institute of Technology.
F. E. BONNER,
San Francisco, Calif., District Engineer, United States Forest Service, and California Representative Federal Power Commission.
H. T. COBY,
Los Angeles, Calif., Consulting Engineer.
F. H. FOWLER,
San Francisco, Calif., Consulting Engineer.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. EVANS of California. Yes.

Mr. ARENTZ. A number of questions have been asked as to the type of dam this was. As the gentleman knows, there are three types of masonry dams—the gravity type, the arch type, and the hollow type. The gravity type is the type of dam containing enough material to hold back the pressure of the water. The arch type depends upon a series of arches to hold back the pressure of the water. The hollow type is a series of buttresses with a concrete face to hold back the pressure of the water. The gentleman asked me the other day regarding such matters, and I take pleasure in informing him.

Mr. EVANS of California. Briefly, and in common language, the dam failed because it was not built upon a solid foundation. There was nothing lacking in the construction or in the material used in construction. As evidence of this the governor's commission very aptly points to the large section of the center part of the dam that was left standing unmoved from its base. This particular part of the dam, as the commission points out, was on a solid foundation, and had the entire dam been so located the breaking would not have occurred.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. EVANS of California. Yes.

Mr. ARENTZ. In conversation with the gentleman the other day we were talking about the need of geologists in the investigation of dam sites. Undoubtedly there was pervious clay on top of this superstructure. It was dry, and it was to all intents and purposes rock, but as soon as the water hit it, it dissolved. There are many types of that kind of rock throughout the desert country, and it is simply an instance where the minutest detail was not figured on in the construction of a great structure.

Mr. EVANS of California. I read from the report of the commission, as follows:

There can be no question but that such a dam properly built upon a firm and unyielding foundation would be safe and permanent under all conceivable conditions, except perhaps faulting and earthquake shocks of tremendous violence. Indeed, such a dam may properly be deemed to be among the most durable of all man-made structures. Unfortunately in this case the foundation under the entire dam left very much to be desired. * * *

A fact which should be very reassuring as to the stability of a gravity dam on reasonably sound bedrock is that although the central section still standing must have been exposed to tremendous and sudden stresses amounting to shocks, while still subject to practically full-water pressure it is undisturbed except from an apparent movement at the top of some 5.5 inches downstream and 6 inches toward the easterly abutment.

So the conclusion necessarily forces itself upon us that by this disastrous experience the efficacy and durability of a concrete dam is proven, and when built on a solid bedrock foundation, impervious to the soluble effects of water and anchored at each end to the same sort of solid structure, safety is reasonably assured. In other words, there is no more indictment coming out of this experience against dams as such, or high dams, or against concrete gravity structures of this kind, than there was against the building of more theaters after the terrible Knickerbocker Theater collapse that occurred in this city several years ago, or against using ocean transports after the horrible wreck by which the *Titanic* sank to the bottom of the ocean with its cargo of hundreds of human beings. On the contrary, the reliability of the concrete structure is adequately demonstrated when properly located. Beginning with the breaking of the Johnstown Dam in 1889, we have had 19 major dam failures in this country down to the present time, with an attendant loss of life of about 2,800 people and property loss of probably $30,000,000.

As pointed out by Governor Young in his instructions to the investigating commission appointed by him, the prosperity of the great western arid and semiarid sections of our country is largely, if not entirely, tied up with the storage of flood waters. We must have reservoirs in which to store these waters if these sections of the United States continue to grow and develop. The development of a number of our Western States has been the result of storing and conserving flood waters and it may be very properly and consistently said that development along this line has merely begun. Undoubtedly the next 50 years will bring many more large storage reservoirs of far greater capacity than any that have been built up to this time, and it is safe to predict and even to expect that the dams built following this catastrophe will be the safest dams ever built. The lesson taught by this failure will have impressed itself deeply on the minds of the people, and every workman on construction projects of this kind will feel a sense of personal responsibility to do and perform every duty that is placed

upon him in the most efficient manner possible. The engineers who locate and construct future dams will for many years carry in their minds a picture of this dam failure and it is safe to assume that greater precaution will prevail in the execution of this kind of construction as a result of the lessons learned.

Now that this terrible disaster has passed, one of the most pathetic things left in its wake is Mr. William Mulholland, the builder. He was not caught and destroyed along with the hundreds of others that fell its victims, but his heart is crushed and his life burdened with a load entirely too much for him to carry. He is now far into his seventies. I know him personally and he is my friend, and I know him to be an honest, capable, good man. When he was informed of this thing of horror, he remarked that his only regrets were that he did not go with the others. Mr. Mulholland sat in my office only a few weeks ago here in the Capitol and recounted to me and others present during our evening's visit the history of literally dozens of dams, reservoirs, and other works that he had constructed or superintended. Up to that time everyone of these dams and structures had proven successful. It has been said of him, and I think it can undoubtedly be proven, that he has built more such works than any living man in America to-day. This one has failed. He says that something must have been overlooked, and that he takes on himself all human responsibility. It is not difficult to understand how something could be overlooked by a man who has carried such tremendous responsibilities on his shoulders for 50 years.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. EVANS of California. May I have 10 minutes more?

Mr. MURPHY. I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman from California is recognized for 10 minutes more.

Mr. EVANS of California. Up until the collapse of this dam a few weeks ago all were highly successful. He conceived the project of the gigantic aqueduct that cost the city $34,000,000, and is worth several times that amount of money. Without the conception and genius over Mr. Mulholland for 50 years the city of Los Angeles, now a city of one and a quarter million people, would not have been more than half as large as it is to-day. So my deepest sympathy goes out to Mr. Mulholland. I know he is an able man and a conscientious man. In this case something was simply overlooked. The dam had been built only a few years.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. EVANS of California. Certainly.

Mr. MADDEN. Something was probably overlooked without anything having been overlooked when it was constructed. Every precaution known to science may have been taken. Nobody was to blame.

Mr. EVANS of California. That is altogether possible.

Mr. MADDEN. I am rather inclined to mitigate in large measure any possible criticism upon the construction of that dam.

Mr. EVANS of California. I thank the gentleman for that statement. I know that is the feeling throughout the country. If you were to know Mr. Mulholland as I know him you would entertain the same idea, if you knew his great work in that country.

Mr. ARENTZ. I think the gentleman from Illinois is correct, and we must recognize the fact that every dam is an entity in itself. Each one differs from the other as much as the materials that enter into the dam differ, or the size of the dam, or the surface configuration on which the dam is built. Mr. Mulholland no doubt used every precaution in the world, but some little condition intervened, even though the scientists overlooked it.

Mr. EVANS of California. So I say my heart goes out to him in deepest sympathy, and I am sure that this feeling is concurred in by the people of southern California generally.

Mr. SANDLIN. Mr. Chairman, if there are no further speakers, I suggest that the Clerk read the bill for amendment.

Mr. MADDEN. That is a good idea.

Mr. MURPHY. There are no Members who want to talk now, although some time has been promised to them. There are other things engrossing the attention of a number of Members of Congress to-day, so I move that the committee do now rise.

Mr. MADDEN. When I hear a good suggestion, one that has the wisdom in it that was expressed by the gentleman from Louisiana, I can not help but concur in it.

Mr. SANDLIN. Mr. Chairman, I spoke rather hastily, but I feel that when you grant time to Members they ought to be here to use it, and there is no use in delaying matters. But, as the gentleman from Ohio says, there are some Members who expected we would discuss this bill Thursday and Friday. I am willing to concur in the motion made by the gentleman from Ohio, but I think Members who want time should be ready to proceed Thursday.

Mr. MADDEN. Is some occult influence at work?

Mr. MURPHY. I assure the great chairman of this committee that I do not feel any inward impulse of any kind at this time, but I think, in fairness to the Members who are not here this afternoon, the committee should now rise, and I will so move.

Mr. MADDEN. I always defer to the judgment of the gentleman from Ohio when he rises, as I do to every other gentleman from Ohio when he rises.

Mr. MURPHY. I thank the chairman. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAWLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes, and had come to no resolution thereon.

Mr. GARNER of Texas. Will the gentleman from Ohio yield?

Mr. MURPHY. Yes.

Mr. GARNER of Texas. I would like to ask the gentleman from Ohio the purpose of the committee in rising at this time?

Mr. MADDEN. The gentleman from Texas must have some lurking notion about it.

Mr. GARNER of Texas. Well, no. I want to ask the gentleman from Ohio for the benefit of the RECORD, and especially for the benefit of the Members of the House, if he expects this bill to take the balance of the week outside of Calendar Wednesday?

Mr. MURPHY. That is my understanding. I will say to the gentleman from Texas it is expected to have debate on this bill the rest of the week.

Mr. MADDEN. I am not so sure about that.

Mr. GARNER of Texas. Do you hope to pass it this week?

Mr. MURPHY. We hope to pass it this week.

Mr. GARNER of Texas. But it will take the balance of the week outside of to-morrow?

Mr. MURPHY. That is the intention.

Mr. OLDFIELD. Why do you want to quit at 2 o'clock?

Mr. SANDLIN. The gentleman from Ohio is not to blame and I want to be fair about the matter. I had yielded time to gentlemen on this side but they are not here to speak.

Mr. GARNER of Texas. One of the ways to meet the situation when gentlemen get time and are not here is to read the bill and pass it and let them get time on some other bill.

Mr. MURPHY. I appreciate the judgment of the gentleman from Texas, but I also have a responsibility toward the membership of the House both on his side of the aisle and on this side, and, Mr. Speaker, I move that the House do now adjourn.

Mr. OLDFIELD. Will the gentleman withhold that a moment?

Mr. MURPHY. Yes; I withhold it.

Mr. OLDFIELD. I want to say to the gentleman I am very much disappointed at the action here to-day. I had hoped we would get through with this bill Thursday and then take up flood relief, because in my district we have almost as bad a flood now as we had a year ago, and this is urgent.

Mr. MADDEN. We could not stop that now.

Mr. OLDFIELD. I know that; but it may get worse.

Mr. MADDEN. And I will say to the gentleman from Arkansas [Mr. OLDFIELD] that if it becomes important and necessary for this bill to be set aside for a day or so in order to act on the flood relief bill we will not object to that.

Mr. OLDFIELD. All right; that is fine.

Mr. MADDEN. We are trying to accommodate our friends everywhere.

Mr. GARNER of Texas. Are you not really just using this bill as a kind of buffer so as to have it on tap in case necessity may require its consideration?

Mr. MADDEN. Oh, no; this is a serious proposition, I will say to the gentleman from Texas.

ADJOURNMENT

Mr. MURPHY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock p. m.) the House adjourned until to-morrow, Wednesday, April 11, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, April 11, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

For the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges (H. R. 11017 and other bills relating to cotton).

COMMITTEE ON MILITARY AFFAIRS

(10 a. m.)

To provide for the placing of the names of certain individuals on the rolls of the War Department, and to authorize the board of regents of the Smithsonian Institution to make certain recommendations (H. R. ——).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To regulate interstate commerce by motor vehicles operating as common carriers of persons on the public highways (H. R. 12380).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To provide legal-tender money without interest secured by community noninterest-bearing 25-year bonds for public improvements, market roads, employment of unemployed, building homes for, and financing through community banks organized under State laws, its citizens, farmers, merchants, manufacturers, partnerships, corporations, trusts, or trustees, and for community needs of the United States (H. R. 12288).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To amend the World War veterans' act, 1924 (H. R. 10160).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

431. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Elk River, Md. (H. Doc. No. 216); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

432. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Big Timber Creek, N. J. (H. Doc. No. 217); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

433. A communication from the President of the United States, transmitting draft of proposed legislation to continue available until June 30, 1929, the appropriation of $50,000 for the expense of the Federal Oil Conservation Board for the fiscal years 1925 and 1926, made in the first deficiency act, approved January 20, 1925 (H. Doc. No. 218); to the Committee on Appropriations and ordered to be printed.

434. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of State for the fiscal year ending June 30, 1928, amounting to $10,000 (H. Doc. No. 219); to the Committee on Appropriations and ordered to be printed.

435. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Justice for the fiscal year 1928, to remain available until expended, for beginning the construction of the United States Industrial Reformatory, Chillicothe, Ohio, amounting to $400,000 (H. Doc. No. 220); to the Committee on Appropriations and ordered to be printed.

436. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Treasury Department for the fiscal year 1928, for retiring outstanding bonds secured by the Cape Cod Canal, $6,230,000 (H. Doc. No. 221); to the Committee on Appropriations and ordered to be printed.

437. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Treasury Department for the fiscal year 1928, for carrying out the provisions of the settlement of war claims act of 1928, $50,000,000 (H. Doc. No. 222); to the Committee on Appropriations and ordered to be printed.

438. A communication from the President of the United States, transmitting draft of proposed legislation transferring on July 1, 1928, the care, maintenance, and protection of certain buildings now occupied by the War Department, and the disbursement of funds appropriated therefor, from the Secretary of War to the Director of Public Buildings and Public Parks of the National Capital (H. Doc. No. 223); to the Committee on Rivers and Harbors and ordered to be printed.

439. A communication from the President of the United States, transmitting supplemental estimate of appropriations under the legislative establishment, United States Senate, for the fiscal year 1928, in the sum of $15,500 (H. Doc. No. 224); to the Committee on Appropriations and ordered to be printed.

440. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the Treasury Department for the fiscal year 1928, $57,000, and for the fiscal year 1929, $242,310; in all, $299,310; also proposed legislation affecting the use of existing appropriations (H. Doc. No. 225); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MURPHY: Committee on Appropriations. H. R. 12875. A bill making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes; without amendment (Rept. No. 1187). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Colorado: Committee on the Public Lands. H. R. 11852. A bill providing for the confirmation of grant of lands formerly the United States barracks at Baton Rouge, La., to the board of supervisors of the Louisiana State University and Agricultural and Mechanical College; with amendment (Rept. No 1190). Referred to the House Calendar.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 12000. A bill to extend the period of restrictions on lands of certain members of the Five Civilized Tribes, and for other purposes; with amendment (Rept. No. 1193). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HALE: Committee on Naval Affairs. H. R. 1957. A bill for the relief of Wendell M. Saunders; without amendment (Rept. No. 1188). Referred to the Committee of the Whole House.

Mr. WOODRUFF: Committee on Naval Affairs. S. 1848. An act for the relief of Frank Dixon; without amendment (Rept. No. 1189). Referred to the Committee of the Whole House.

Mr. WHITE of Colorado: Committee on the Public Lands. H. R. 9568. A bill to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes; with amendment (Rept. No. 1191). Referred to the Committee of the Whole House.

Mr. WHITE of Colorado: Committee on the Public Lands. H. R. 12041. A bill granting certain land to the Roman Catholic congregation of St. Joseph's Roman Catholic Church of the city of Baton Rouge, La.; with amendment (Rept. No. 1192). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9792) granting a pension to Clarinda Mason Smith; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11299) to grant accrued pension to Mary L. Christman; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MURPHY: A bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mrs. ROGERS: A bill (H. R. 12876) to accord nonquota status under the immigration laws to widows of veterans of the World War killed in action; to the Committee on Immigration and Naturalization.

By Mr. GARNER of Texas: A bill (H. R. 12877) authorizing the Los Olmos International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Weslaco, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. McSWEENEY: A bill (H. R. 12878) to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes; to the Committee on Agriculture.

By Mr. WOODRUFF: A bill (H. R. 12879) to repeal section 1445 of the Revised Statutes of the United States; to the Committee on Naval Affairs.

By Mr. KELLY: Joint resolution (H. J. Res. 268) requesting the President to negotiate with the nations with which there is no such agreement treaties for the protection of American citizens of foreign birth, or parentage, from liability to military service in such nations; to the Committee on Foreign Affairs.

By Mr. MORIN: Resolution (H. Res. 160) providing for the consideration of S. J. Res. 46, to provide for the national defense by the creation of a corporation for the operation of the Government properties at or near Muscle Shoals, in the State of Alabama, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. O'CONNOR of New York: Resolution of the Legislature of the State of New York, urging, in the event of the Federal Government buying a ship canal across the State of New York and the constitution of the State of New York being amended in the prescribed manner so as to permit transfer to the Federal Government of the existing Erie Barge Canal as a part of a national waterways route, that the eastern portion of such ship canal be built to follow the historic route of the Mohawk River and the Erie Barge Canal to the head of tidewater in the Hudson River at Troy, N. Y.; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 12880) granting a pension to Susanna Hallman; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 12881) granting an increase of pension to Mary McCoy; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 12882) providing for the examination and survey of inland waterway at Thunderbolt, Ga., with the view of establishing an anchorage basin or harbor for small boats; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12883) providing for the examination and survey of the inland waterways and the Altamaha River at and near Darien, Ga., with the view of improving the harbor at Darien, Ga.; to the Committee on Rivers and Harbors.

By Mr. HADLEY: A bill (H. R. 12884) for the relief of Herman O. Kruschke; to the Committee on Military Affairs.

By Mr. HOFFMAN: A bill (H. R. 12885) granting an increase of pension to Joanna J. Reid; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 12886) to provide for payment of the amount of war-risk insurance to a beneficiary designated by Staff Sergt. Leslie I. Wright, deceased; to the Committee on War Claims.

By Mr. MORGAN: A bill (H. R. 12887) granting a pension to Catharine E. Whyde; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12888) granting an increase of pension to Adelia M. P. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12889) granting an increase of pension to Mary A. Crabbin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12890) granting an increase of pension to Sophia A. Lint; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12891) for the relief of James S. Williams; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6638. By Mr. BROWNE: Resolution adopted by a mass meeting of citizens of Superior, Wis., opposing the construction of a bridge or bridges across the Bay of Superior from some point or points in the city of Superior to Minnesota Point; to the Committee on Interstate and Foreign Commerce.

6639. By Mr. BULWINKLE: Petition of 146 citizens of Higgins, N. C., urging immediate steps be taken to bring about a vote on a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6640. By Mr. COCHRAN of Pennsylvania: Petition signed by Rev. C. H. Williamson, D. D., pastor of First Presbyterian Church, of Grove City, and adopted by 1,500 of its members, urging the enactment of the Lankford Sunday rest bill (H. R. 78); to the Committee on the District of Columbia.

6641. By Mr. CRAIL: Petition of Bartlett-Logan Post, No. 6, Grand Army of the Republic, Los Angeles County, Calif., for the passage of bill for increased pensions to Civil War veterans and widows; to the Committee on Invalid Pensions.

6642. By Mr. CULLEN: Letter from New York State Federation of Women's Clubs favoring passage of Cooper-Hawes bill; to the Committee on Labor.

6643. By Mr. DAVEY: Petition of citizens of Homerville, Medina County, Ohio, protesting against naval-expansion program; to the Committee on Naval Affairs.

6644. Also, petition of citizens of Medina County, Ohio, favoring increased pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6645. Also, petition of citizens of Akron, Summit County, Ohio, favoring increased pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6646. Also, petition of citizens of Lorain County, Ohio, favoring increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6647. Also, petition of citizens of Akron, Summit County, Ohio, protesting against the enactment into law of House bill 78 (Lankford Sunday observance bill); to the Committee on the District of Columbia.

6648. Also, petition bearing 19 signatures, protesting against the enactment into law of House bill 78 (Lankford Sunday observance bill); to the Committee on the District of Columbia.

6649. Also, petition of citizens of Wyandot and Lorain Counties, Ohio, protesting against the enactment into law of House bill 78 (Lankford Sunday observance bill); to the Committee on the District of Columbia.

6650. By Mr. ELLIOTT: Petition of Sarah M. Larimore et al., of Brookville, Ind., requesting legislation in favor of Civil War veterans and dependents; to the Committee on Invalid Pensions.

6651. By Mr. GARBER: Petition of Iowa Pharmaceutical Association, of Des Moines, Iowa, in support of the Capper-Kelly fair trade bill (H. R. 11 and S. 1418); to the Committee on Interstate and Foreign Commerce.

6652. Also, petition of Ellis Owen, of Ponca City, Okla., in opposition to the passage of Senate bill 1752, in regard to stamped envelopes; to the Committee on the Post Office and Post Roads.

6653. Also, petition of residents of Boyd, Okla., in opposition to the passage of House bill 78 for compulsory Sunday observance; to the Committee on the District of Columbia.

6654. Also, petition of W. H. Bruns, third assistant engineer U. S. S. *St. Louis*, now of New York City, in support of House bill 11488, to give the crew of the U. S. S. *St. Louis* pensionable status; to the Committee on Pensions.

6655. Also, petition of David L. Carter, of Ponca City, Okla., in opposition to the passage of Senate bill 1752; to the Committee on the Post Office and Post Roads.

6656. Also, petition of Democratic County Convention of Carter County, Okla., in support of House bill 500, Fitzgerald retirement bill; to the Committee on World War Veterans' Legislation.

6657. Also, petition of Post No. 87, American Legion, Pauls Valley, Okla., in support of Fitzgerald retirement bill for emergency Army officers; to the Committee on World War Veterans' Legislation.

6658. By Mr. HOCH: Petition of Oral Martin and 70 other voters of Eureka, Kans., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6659. By Mr. KINDRED: Petition of Maj. John W. Mark Post No. 142, American Legion, urging the United States Congress to report favorably upon the Capper-Johnson bill (H. R.

8313) before adjournment of Congress; to the Committee on Military Affairs.

6660. By Mr. McLAUGHLIN: Petition of Clarissa A. Painter and 33 other residents of Newaygo County, Mich., urging passage of bill providing increase of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6661. By Mr. MAJOR of Missouri: Petition of citizens of Cole Camp, Mo., protesting against the passage of House bill 78 or any other compulsory Sunday bills; to the Committee on the District of Columbia.

6662. By Mr. O'CONNELL: Memorial of the Legislature of the State of New York, with reference to the project of an all-American ship canal across the State of New York, connecting the Great Lakes with the Atlantic Ocean; to the Committee on Rivers and Harbors.

6663. Also, petition of the Gottfried & Marshall Co., New York City, opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6664. Also, petition of the National Fertilizer Association, Washington, D. C., opposing the amendment to the Norris Muscle Shoals resolution, placing the Government in the fertilizer business; to the Committee on Military Affairs.

6665. Also, petition of the Hollywood Chamber of Commerce, Hollywood, Calif., favoring the passage of the Colorado River project; to the Committee on Rivers and Harbors.

6666. By Mr. WILLIAMSON: Petition of numerous residents of Wasta, S. Dak., for passage of legislation providing increased pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, *April 11, 1928*

(Legislative day of Monday, April 9, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had adopted a concurrent resolution (H. Con. Res. 29) accepting the statue of Andrew Jackson, by Mrs. Belle Kinney Scholz, with the thanks of Congress, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Shipstead
Barkley	Fess	McLean	Shortridge
Bayard	Fletcher	McMaster	Simmons
Bingham	Frazier	McNary	Smith
Black	Gerry	Mayfield	Smoot
Blaine	Glass	Metcalf	Steck
Blease	Goff	Moses	Steiwer
Borah	Gooding	Neely	Stephens
Bratton	Gould	Norbeck	Swanson
Brookhart	Greene	Nye	Thomas
Broussard	Hale	Oddie	Tydings
Bruce	Harris	Overman	Tyson
Capper	Harrison	Phipps	Vandenberg
Caraway	Hawes	Pine	Wagner
Copeland	Hayden	Pittman	Walsh, Mass.
Couzens	Heflin	Ransdell	Walsh, Mont.
Curtis	Jones	Reed, Pa.	Warren
Cutting	Kendrick	Robinson, Ind.	Waterman
Dale	Keyes	Sackett	Watson
Dill	King	Schall	Wheeler
Edge	La Follette	Sheppard	

Mr. McNARY. I wish to announce that the senior Senator from California [Mr. JOHNSON] is absent on account of illness.

Mr. CARAWAY. I desire to announce that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is necessarily detained by reason of illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

REPUBLICAN PRESIDENTIAL NOMINATION

Mr. DALE. Mr. President, as I was coming into the Chamber this morning I was handed a copy of to-day's New York Times. I was a little disturbed by what is stated in the Times as a classification of the delegates about to be elected to the Republican National Convention. I have not had any time to formulate what I have to say and it may carry more or less weight because of that fact. I do want to say, however, that on the subject to which I refer I have never exchanged a word directly or indirectly with the President of the United States.

Under the classification in the New York Times it is stated that to the next national convention of the Republican Party the State of Vermont will send its delegates instructed, six for Calvin Coolidge and five for Herbert Hoover. This would mean that Vermont would send a split delegation. Mr. President, Vermont has never sent a split delegation to a national convention. That does not express the character of the people of the State of Vermont. From 1856 on Vermont has sent its delegation for or against some man. He has sometimes been nominated and sometimes he has not been nominated, but Vermont has been for him or against him. When the people of Vermont do anything, they do it that way. It is typical of the people of Vermont. They are for or against a man, or for or against a policy.

It is rather interesting in this connection to note that Vermont is the only State in the Union that has followed that course clear through to the present time. It is the only State in the Union that has cast its electoral vote without fail for a Republican candidate, and it will do the same in the coming election.

I do not undertake to say that the delegation in Congress from Vermont would assume to dictate what Vermont will do. We do not dictate to the people up there. We do not even ask to be sent as delegates from Vermont to the national convention. But the people of Vermont come in and consult with us once in a while when they are here. I have an idea what the people of Vermont will do. I know in my own mind what they ought to do, what is the reasonable thing for the people of Vermont to do, and I express it as my judgment that when Vermont sends her delegates to the national convention she will send them as one man instructed to vote for her native son for President of the United States—Calvin Coolidge.

Mr. HEFLIN. Mr. President, I was just entering the Chamber when the Senator from Vermont concluded his statement, saying that Vermont would send to the national convention a solid delegation for Mr. Coolidge. I wonder if Mr. Hoover has withdrawn.

YESTERDAY'S ELECTION IN ILLINOIS

Mr. CARAWAY. Mr. President, at the risk of a breach of the proprieties, but certainly with the kindliest intentions, I want to congratulate the great State of Illinois and the splendid Senator from that State on the election held in Illinois yesterday. It restores one's confidence in the people's rule.

PETITIONS AND MEMORIALS

Mr. REED of Pennsylvania presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of the bill (S. 3508) to increase the number of members of the Federal Reserve Board, to make the board more representative, to provide for the proper control and equitable distribution of the credit supply, to establish closer contact between the Congress and its agent, the Federal Reserve Board, and for other purposes, which was referred to the Committee on Banking and Currency.

Mr. WARREN presented a resolution adopted by the Cheyenne (Wyo.) Chamber of Commerce, favoring the passage of legislation to provide for aided and directed settlement on Federal reclamation projects, which was referred to the Committee on Irrigation and Reclamation.

Mr. BLAINE presented memorials signed by 64 citizens of the State of Wisconsin, remonstrating against the passage of legislation tending to lessen the restrictions placed upon the importation of chilled and dressed meat from Argentina, which were referred to the Committee on Finance.

Mr. BROOKHART presented a resolution adopted by the annual convention of the Iowa Pharmaceutical Association, favoring the passage of the so-called Jones-Stalker bill, relative to prohibition enforcement, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the annual convention of the Iowa Pharmaceutical Association, favoring the passage of the bill (S. 1418) to protect trade-mark owners, distributors, and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, brand, or name, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the annual convention of the Iowa Pharmaceutical Association, protesting against the passage of the bill (S. 2035) to regulate the distribution and sale in interstate commerce of certain toilet articles, which was referred to the Committee on Interstate Commerce.

Mr. PHIPPS presented telegrams and papers in the nature of petitions from Russell A. Alger Camp, No. 24, United Spanish War Veterans, of Boulder; Victor Candlin Post, American Legion, of Greeley; Robbins-McMullen Post, American Legion, of Grand Junction; Stanley Hardman Post, American Legion, and Auxiliary, of Trinidad; Ray Lines Post, American Legion, of Salida; Harold Dehaan Post, American Legion, of Fort Morgan; and the State regent and Daughters of the American Revolution of Colorado, of Colorado Springs, all in the State of Colorado, praying for the adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

He also presented telegrams and papers in the nature of memorials from the executive board of the city Young Women's Christian Association, of Fort Collins; the Labor College Discussion Club, of Colorado Springs; the Women's International League for Peace and Freedom, of Colorado Springs and Boulder; First Baptist Church, of Greeley; First Grand Valley Church of the Brethren, of Grand Junction; Denver Friends Church and the First Congregational Church, of Denver; and sundry citizens of Briggsdale, all in the State of Colorado, remonstrating against the adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

On request of Mr. PHIPPS, the resolutions adopted by Russell A. Alger Camp, No. 24, United Spanish War Veterans, of Boulder, Colo., together with copy of the reply Mr. PHIPPS has sent to all Colorado citizens interested in the subject, were ordered to be printed in the RECORD, as follows:

Resolution

Whereas various pacifist organizations are engaged in an attempt to have the citizens of this community write letters to their Senators and Congressmen urging that all efforts be used to defeat the naval appropriation bill now before Congress; and

Whereas these organizations have prevailed upon various ministers of the community to make similar request of the members of their congregations; and

Whereas the arguments used by these organizations are based upon misrepresentations, both as to the contents of the present bill and as to the effects of the passage thereof; and

Whereas in the opinion of Russell A. Alger Camp, No. 24, United Spanish War Veterans, letters obtained by the means being used do not represent the true concensus of opinion of this community and are signed by many persons without consideration: Now, therefore, be it

Resolved by Russell A. Alger Camp, No. 24, United Spanish War Veterans, That we are heartily in favor of the attempt being made by the present naval appropriation bill to place the American Navy upon terms of equality with that of any other navy in the world; and be it further

Resolved, That we are of the opinion that the cause of peace which is ardently desired by all will be advanced by strengthening our Navy; and be it further

Resolved, That the present naval appropriation bill has not been introduced for the purpose of instituting a so-called "naval race" but only to place our Navy on a par with that of Great Britain, not with the idea of competing with England for the greatest navy but with the end in view that the English-speaking peoples may continue to work in harmony for the advancement of world peace; and be it further

Resolved, That a copy of these resolutions be sent to our Senators and Representatives in Congress and a copy be given to each of the local newspapers.

RUSSELL A. ALGER CAMP, NO. 24,
UNITED SPANISH WAR VETERANS,
Boulder, Colo.
By IRA C. GROMER, *Commander.*

Attest:
[SEAL.] GEO. L. EGBERT, *Adjutant.*

UNITED STATES SENATE,
February 14, 1928.

MY DEAR SIR: Acknowledging receipt of your recent favor, allow me to say that, as in the case of former naval appropriation bills, I am considering the present one in the light of the needs of the United States for preparedness in national defense.

The entire subject is receiving my most careful attention, and I do not feel that there is any occasion for alarm over unnecessary enlargement of the naval program. As you are probably aware, I have consistently supported proper measures to advance the cause of peace among the nations.

Your interest in these important subjects is appreciated.

Yours sincerely, LAWRENCE C. PHIPPS.

REPORTS OF COMMITTEES

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 3843) authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr., reported it with amendments and submitted a report (No. 776) thereon.

Mr. CUTTING, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2097) to provide for the protection of municipal watersheds within the national forests, reported it without amendment and submitted a report (No. 777) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 4378) to authorize the Secretary of the Interior to dispose by sale of certain public land in the State of Florida, reported it with amendments and submitted a report (No. 778) thereon.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (S. 3458) to create the reserve division of the War Department, and for other purposes, reported it with an amendment and submitted a report (No. 779) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 116) to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924, reported it without amendment and submitted a report (No. 780) thereon.

Mr. COPELAND, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1625) to fix the salaries of the members of the Board of Commissioners of the District of Columbia (Rept. No. 781); and

A bill (H. R. 7722) authorizing the health officer of the District of Columbia to issue a permit for the opening of the grave containing the remains of the late Nellie Richards (Rept. No. 782).

Mr. COPELAND also, from the Committee on the District of Columbia, to which was referred the bill (S. 1624) to authorize the payment of additional compensation to the assistants to the engineer commissioner of the District of Columbia, reported it with an amendment and submitted a report (No. 783) thereon.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment and submitted a report as indicated:

A bill (S. 3640) authorizing acceptance from Peter G. Gerry of the gift of the law library of the late Elbridge T. Gerry; and

A bill (H. R. 6687) to change the title of the United States Court of Customs Appeals, and for other purposes (Rept. No. 784).

He also, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 126) to add certain lands to the Missoula National Forest, Mont., reported it with an amendment and submitted a report (No. 785) thereon.

Mr. BORAH, from the Committee on Foreign Relations, to which were referred the following bills and joint resolutions, reported them severally without amendment:

A bill (H. R. 8128) to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory;

A bill (H. R. 9569) authorizing the payment of an indemnity to the British Government on account of the death of Reginald Ethelbert Myrie, alleged to have been killed in the Panama Canal Zone on February 5, 1921, by a United States Army motor truck;

A bill (H. R. 12179) to provide for the reimbursement of the Government of Great Britain on account of certain sums expended by the British chaplain in Moscow, the Rev. F. North, for the relief of American nationals in Russia in 1920;

H. J. Res. 145. Joint resolution to provide for the payment of an indemnity to the Chinese Government for the death of Chang Lin and Tong Huan Yah, alleged to have been killed by members of the armed forces of the United States;

H. J. Res. 146. Joint resolution to provide for the payment of an indemnity to the Dominican Republic for the death of Juan Soriano, who was killed by the landing of an airplane belonging to the United States Marine Corps;

H. J. Res. 147. Joint resolution for the relief of the estate of the late Max D. Kirjassoff;

H. J. Res. 148. Joint resolution to provide for the payment of an indemnity to the British Government to compensate the dependents of Edwin Tucker, a British subject, alleged to have been killed by a United States Army ambulance in Colon, Panama;

H. J. Res. 149. Joint resolution to authorize an appropriation for the compensation of William Wiseman;

H. J. Res. 150. Joint resolution to provide for the payment of an indemnity to the Government of the Netherlands for compensation for personal injuries sustained by two Netherlands

subjects, Arend Kamp and Francis Gort, while the U. S. S. *Canibas* was loading on May 1, 1919, at Rotterdam;

H. J. Res. 151. Joint resolution to provide for payment of the claim of the Government of China for compensation of Sun Jui-chin for injuries resulting from an assault on him by a private in the United States Marine Corps;

H. J. Res. 152. Joint resolution authorizing and requesting the President to extend invitations to foreign governments to be represented by delegates at the International Congress of Entomology to be held in the United States in 1928;

H. J. Res. 230. Joint resolution to provide for the membership of the United States in the American International Institute for the Protection of Childhood; and

H. J. Res. 262. Joint resolution requesting the President to extend to the Republics of America an invitation to attend a conference of conciliation and arbitration to be held at Washington during 1928 or 1929.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 4015) granting a pension to Maud M. Whitton (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 4016) amending section 200, of the World War veterans' act, 1924; to the Committee on Finance.

A bill (S. 4017) authorizing and directing the Secretary of the Treasury to enter into a contract or contracts for the erection and completion of a plant suitable for the investigations of the United States Bureau of Mines in Bartlesville, Okla., and authorizing an appropriation therefor; to the Committee on Mines and Mining.

A bill (S. 4018) granting an increase of pension to Greta J. Lundstrom; to the Committee on Pensions.

A bill (S. 4019) authorizing an appropriation to reimburse the State of Oklahoma for moneys paid by it for the education of restricted Indian children in the public schools of the State; and

A bill (S. 4020) to regulate the payment of the Pawnee annuity; to the Committee on Indian Affairs.

By Mr. NORBECK:

A bill (S. 4021) granting a pension to Ella Oldham Nash (with accompanying papers); to the Committee on Pensions.

A bill (S. 4022) authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., to Henry A. O'Neil for a buffalo pasture; to the Committee on Public Lands and Surveys.

By Mr. WATSON:

A bill (S. 4023) granting a pension to John H. Sullivan; and

A bill (S. 4024) granting an increase of pension to Laura M. Fertich; to the Committee on Pensions.

By Mr. DALE:

A bill (S. 4025) granting an increase of pension to Catherine Folsom (with accompanying papers); to the Committee on Pensions.

By Mr. SCHALL:

A bill (S. 4026) granting an increase of pension to Reese Davis; to the Committee on Pensions.

By Mr. FESS:

A joint resolution (S. J. Res. 126) authorizing the erection in the District of Columbia of a monument in memory of Peter Muhlenberg; to the Committee on the Library.

AMENDMENT TO FARM RELIEF BILL

Mr. SHIPSTEAD submitted an amendment intended to be proposed by him to Senate bill 3555, the farm relief bill, which was ordered to lie on the table and to be printed.

AMENDMENT TO CIVIL SERVICE RETIREMENT BILL

Mr. BRUCE submitted an amendment intended to be proposed by him to the bill (S. 1727) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, approved July 3, 1926, which was ordered to lie on the table and to be printed.

MEMORIAL SERVICES FOR THE LATE SENATOR FERRIS

Mr. COUZENS. Mr. President, I send to the desk a resolution, and, after it shall have been read, I ask unanimous consent that it may be considered and agreed to.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 195), as follows:

Resolved, That Sunday, May 6, at 3 o'clock p. m., be set aside for memorial addresses on the life, character, and public services of the Hon. WOODBRIDGE N. FERRIS, late a Senator from the State of Michigan.

Mr. CURTIS. Mr. President, at what hour does the Senator from Michigan desire that the memorial services shall be held?

Mr. COUZENS. At 3 o'clock. I ask that the resolution may be so modified.

The resolution as modified was considered by unanimous consent and unanimously agreed to.

SALARIES OF OFFICERS, UNITED STATES COURT FOR CHINA (S. DOC. NO. 83)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the Judiciary and ordered to be printed.

To the Congress of the United States:

I transmit herewith a report from the Secretary of State regarding certain legislation authorizing salary increases for the judge and other officers of the United States Court for China. I concur in the view of the Secretary of State, and I therefore request of the Congress legislation amending section 6 of the act of June 30, 1906, Public No. 403, Fifty-ninth Congress, and the act of June 4, 1920, Public No. 238, Sixty-sixth Congress.

CALVIN COOLIDGE.

THE WHITE HOUSE, *April 11, 1928.*

VICKSBURG NATIONAL MILITARY PARK, MISS.

Mr. STEPHENS. Mr. President, there is some need for immediate action on a bill which is now on the calendar, being Order of Business 753, House bill 10564. The bill merely proposes to grant the right to straighten a road through the Vicksburg National Military Park in the State of Mississippi. The Secretary of War has written a letter regarding the matter, in which he states there is no objection on the part of the War Department to the passage of the bill. I ask unanimous consent for its immediate consideration.

Mr. CURTIS. Does the bill propose merely to straighten a road?

Mr. STEPHENS. Yes, sir.

Mr. CURTIS. And there will not be any expense to the Government in building the road or anything of that kind?

Mr. STEPHENS. I understand that it will not cost the Government anything at all; in fact, the bill provides that it shall not.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10564) to authorize the Secretary of War to grant and convey to the county of Warren a perpetual easement for public highway purposes over and upon a portion of the Vicksburg National Military Park in the State of Mississippi, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to grant and convey to the county of Warren, State of Mississippi, a perpetual easement for the construction and maintenance of a public highway on the Vicksburg National Military Park, Vicksburg, Miss., at such location and under such conditions as may be approved by the Secretary of War: *Provided*, That the county of Warren shall perform at its own cost and expense such work as the Secretary of War may require incident to the construction and maintenance of said highway.

SEC. 2. No part of the property granted and conveyed by the Secretary of War for the purposes aforesaid shall be used for any other than highway purposes, and when said property shall cease to be so used it shall revert to the United States of America.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ACCEPTANCE OF STATUE OF ANDREW JACKSON

The VICE PRESIDENT. The Chair lays before the Senate House Concurrent Resolution 29, to which he calls the attention of the Senator from Tennessee [Mr. TYSON]. The clerk will read the resolution.

The Chief Clerk read the resolution (H. Con. Res. 29), as follows:

Resolved by the House of Representatives (the Senate concurring), That the statue of Andrew Jackson by Mrs. Belle Kinney Scholz, presented by the State of Tennessee, to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious for his distinguished services to the country in war and in peace.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Tennessee.

Mr. TYSON. I ask unanimous consent for the immediate consideration of the resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

NATIONAL GUARD STAFF OFFICERS

Mr. REED of Pennsylvania. Mr. President, some days ago House bill 239, of similar tenor to the bill (S. 1838) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes, was substituted for that measure and passed. It was understood at the time of the passage of the House bill that the Senate bill would be indefinitely postponed, but as the bill appears on the calendar apparently that has not been done. I ask unanimous consent that it be done now.

The VICE PRESIDENT. Without objection, Senate bill 1838 will be indefinitely postponed.

ADDRESS OF WILLIAM E. DODD, LL. D.

Mr. CAPPER. Mr. President, I have here a copy of an interesting address entitled "A Farmer to Lawyers," which was delivered by Dr. William E. Dodd, professor of American history in the University of Chicago, to the graduating class of the John Marshall Law School. Doctor Dodd sets forth his practical observations based on personal experience in operating a Virginia farm. I ask unanimous consent to have the address printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A FARMER TO LAWYERS

I

Members of the graduating class, lasting changes in the social order come slowly. A hundred and fifty years ago the farmer and the free tenant were the makers of a new nation. Their representatives a little later formulated one of the greatest of Constitutions. To-day the farmer and the tenant seem clearly on the road to peasantry, and neither they nor any of their few friends seem able to stay their downward course.

If this process continues, the United States will cease to be what it was or is intended to be, and the process hastens. The efforts at cooperative marketing, of controlled production, and of effective legislation seem all to have failed. The President vetoes bills without offering better ones; the open-and-shut markets of the cities continue their unmitigated exploitation; while newer and richer lands cease to offer relief, as of old.

The farmers, who composed 98 per cent of the population in the beginning—and then were only fairly able to direct the policy of the country—now number some 40 per cent of the population and frantically hope to direct national policy. The prospect is so poor that 649,000 farmers abandoned their calling in 1926; 3,000,000 have abandoned it since 1920, while all the cities increase their numbers with little thought or care for the future. Is there any help? Possibly a hasty review of our history may offer an answer.

II

From the adoption of the Constitution till the fall of Napoleon the farmers of the young Nation, proud of their country and happy to be called free farmers, sold their abundant crops to a warring Europe at fabulous prices. Washington said there had never been anything like it; President Jefferson found the returns of the farmers twenty times as great per year as he had ever known them to be in the best days of his youth. Whether the Government was administered by doubtless aristocrats, afraid of their new system, or the boisterous Democrats boasting of the best Government ever set up by the hand of man, prosperity was the rule of the day, above all, for the farmers.

Then the wars of Napoleon ceased. After a dizzy moment of drunken prosperity the Europeans reduced their demands by half. American wheat and tobacco and pigs lost all value to their producers. Farmers were in the throes of deflation, a term then hardly known. John Adams, retired to his little farm, was barely able to hold up a respectable head. Thomas Jefferson, with a hundred slaves, was hardly able to feed his guests. Virginia farms would hardly sell for the price of a year's rent. From Massachusetts to Georgia thousands and tens of thousands of farmers abandoned their homes and lands and trekked across the Alleghenies to try their fortunes anew in the wilderness.

The savings of small farmers for a generation, the houses, the fences, and the cleared lands were sadly abandoned to mother nature. Hanover County, in Virginia, where the Revolution had started, and the Springfield country of Massachusetts, each lost half its population. Times were hard. Governments, State and national, did nothing. Who could help a farmer?

But during the long Napoleonic wars hundreds and thousands of industrial establishments were set up. They made the bonnets of farmers' wives; fashioned boots for the clumsy feet of plowmen; contrived new and better plows for the making of more wheat and tobacco. The moment Napoleon fell British industrialists offered marvelous bonnets and all manner of implements to farmer folk at prices half as high as the domestic manufacturers asked. If the farmer sold any of his crop, he might buy imports at half war-time prices. But the industrialist would be ruined. He would have to become a farmer, abandon his buildings and his improvements. Did the Government lend assistance?

In 1816 the farmer nationalists, led by farmer statesmen, Calhoun and Clay, contrived a system of industrial help, a tariff that reduced British competition by half, and thus opened the American market by half.

In a few years the industrialist was more than successful. Few trekked over the mountains. But success by Government assistance increased the number of industrialists twofold. They began to compete among themselves. In 8 years they asked for a monopoly of the American market; in 12 they got their wish in a tariff that eliminated the farmers—the tariff of abominations, 1828. But Jefferson's beautiful estate, which had cost $25,000, was sold in 1828 for $2,800, his daughter accepting gifts for her maintenance in her old age. The only farmer who could hold his own was the cotton grower, and he held his own on a market that steadily declined from 40 cents to 8 cents a pound for cotton grown by slave labor on fresh lower southern lands.

Here was an illustration: The clever men, who composed less than a tenth of the population, procured from the Government a monopoly of the great American market; the unclever farmers, who composed 90 per cent of the population, sold their output in a slow European market in competition with the whole world, and then came home to buy their clothing and farm utensils at prices twice as high as those at which they might have had them in Europe. That was called statesmanship.

There was great bitterness in all the great farming States, bitter words, and angry threats of disrupting the Government, civil war was narrowly averted, the farmers yielding at last to the desires and the fears of the minority. That was 1833; and there followed a compromise by which the industrialists were to accept, after 10 years, a reduction of their privileges and allow some measure of competition from the outside. There followed an epoch of economic peace and a marvelous prosperity from 1846, the lowest tariff, to 1861, when the moderate rates of 1816 were effective. It was the end of the first chapter.

III

Then war again. The farmers of the Northwest, rallying to the call of the Union and of Abraham Lincoln, went upon southern battle fields and fought, as men have rarely fought, southern farmers even more heroic. In the process there arose in Chicago a great inventor manufacturer. He put drills and reapers upon the grain fields whence hundreds of thousands of farmers' sons had gone to war. Old men and women made more wheat and raised more pigs than had been raised in time of peace. And war raised the price a hundred per cent. Abraham Lincoln was winning the war for the Union. Then English and Germans harvests failed—failed in 1862 and 1863. There was an unprecedented demand for American wheat, and even corn. The price rose from 50 cents a bushel in 1861 to $2.50 in 1865. War and Cyrus McCormick, a good Virginian, gave the farmers a prosperity they had not known since Washington and Jefferson had built the Nation on farmer prosperity. It was a strange time, a loyal Southerner in Chicago winning the war against the South.

But the war also made tens of thousands of industries flourish in unwonted style. Woolen mills earned fortunes, implement makers quadrupled their dividends, munitions makers had the time of their lives, and railroad builders and managers laid the foundations of fortunes that a little later dazed the world. It was war, war for democracy.

The Union was saved. There was a northern debt of $3,000,000,000, a debt evidenced by bonds, payable in gold and in paper money as well. When the war ended these bonds, or more than 90 per cent of them, hastened to Philadelphia and New York and Boston, where, under the new banking system, the control of the Nation's currency had drifted. The end also witnessed, after a feverish day of speculative prosperity, a decline of the price of farm products. The decline became a slump. The hundreds of thousands of soldiers, farmers' sons, went home to their farms. They increased the output of the farms while Europe decreased her demands for American wheat and corn and pigs. Was the farmer again to fall a victim?

The price of woolen goods fell. Munitions were no longer needed. But southern cotton came back on the market and cotton cloths were in reasonable demand. But fearing the future, as business men ever fear the future, the industrialists asked protection against every sort of competition in order that they might pay high wages—and then sent to Europe for hundreds of thousands of workers to keep wages down. The Government (all the southern planter lawmakers kept at a safe distance) granted the protection and sent agents to Europe to urge immigration, immigration that mounted to half a million a year in a little while. It was privilege, vast privilege.

The farmer, as I have said, went home to his fields in 1865. The price of wheat fell from $2.50 a bushel in 1865 to 60 cents in 1896. However, the vast fields of the West lay wide open and the land was

free. The drill, the corn planter, and the reaper enabled the farmer to produce untold quantities of grain and livestock. It was the day of free trade in England and Germany. Hence, the men who had fought the battle of common men in the Civil War now poured their wheat into European markets to ruin their brethren in Europe. They drove the English farmers into bankruptcy, if a farmer knows what that means. Industrial cities took these ruined farmers into their employ or left them to emigrate to the United States—millions of them.

But the United States, after her war for democracy, kept the tariff bars so high that the goods of European mills could not get to the toiling farmers of the West and South, while vast fleets turned hordes of poor European workers into New England and the Middle States and literally changed the face of the country—a revolution, nobody observing it.

Nor was this all. The farmers back on their farms must pay the cost of their own fighting in the Civil War, $3,000,000,000, a then unprecedented sum. They received greenbacks for their wheat at low rates. They paid for their supplies in greenbacks at high prices, because the Government compelled them to do so. They wished to pay the debt in greenbacks, debts owed to a small number of men who had done little fighting. The Government compelled them to pay in gold; gold then—and long after 1865—at a premium of 25 per cent.

It was perhaps necessary, but it looked unfair; the tariff-protected industry in its demand for high prices; it now protected the holders of the debt in a similar demand for high prices, high prices for bonds that had been bought for 60 or 70 cents on the dollar. The farmer had gone home to pay himself for fighting. In order to do so he had to ruin European farmers. With the meager returns he paid in gold the debt that had been bought in greenbacks. That was statesmanship.

The statesmanship of Sherman and Blaine and Grant; but it did not lend good humor to the countenance of western farmers. The world was a sad complex, all bound together in spite of wars and tariffs; the victims were the men who had saved the Union. What of the cotton farmers, stepchildren of the Republic? Their fight had failed—needful failure. Their debt to themselves was simply canceled, repudiated to break down all inequality, to make democracy real in the South. The price of cotton was high. It took 20 years for the South to get back to normal in the cotton markets, the price of each crop falling. The South was poorer than it was safe for any great section to be, many thousands moving away to the Southwest, where land was free. Others moved into the Northwest to make wheat cheaper than it was. Lands and ancient homes were deserted as lands and homes had been deserted in 1820–1830.

Somebody set about a scheme to unite the restless West with the broken South. If they united they might control the United States and learn the way to self help, farmers thus taking the control of things into their own hands, as they had done when young Calhoun and Clay tried their powers in 1820, tariffs and paper money and great banks to the contrary notwithstanding. But then somebody reminded them that the two sections of farmers had waged the Civil War. They must vote as they had shot; and children must vote as fathers had shot. There was an end of farmer self-help. Neither Bryan nor Roosevelt found any way to share with the farmers the vast and unprecedented prosperity of the new and unprecedented Republic. A single State in the East received twice as much of the annual income of the country as all the 13 Southern States!

Hundreds of thousands of farmers and children of farmers moved into the thriving cities. They sought places in the mills, on the railroads, in the great business houses, counting the money.

But in the cities, the glare of electric lights blinding men's eyes, the vanities of politicians deceiving their minds, the sons of farmers met the incoming hordes of Europe, poor European farmers competing with poor American farmers—all being led by the garish lights of a new and marvelous revolution which filled the world with cities and filled the cities with hosts of strange men talking strange languages, talking and drinking—then organizing and fighting.

Workingmen's unions, high prices for the better grades of labor; employers' unions setting higher prices on manufactured goods, on the products of the farm; tradesmen guilds that took from the farmers their pigs and lambs, their fruit and vegetables at prices of their own making, sometimes sending to the farmers demands for more money with which to pay the freight on what had been taken; marvelous cities and more marvelous statesmen, those of Roosevelt's and Bryan's restless day.

Only Europe making ready for another war and organized labor talking of a coming class struggle relieved a little the strain of things during the first decade of the twentieth century. The great farmer's country was ceasing to be a farmer's country, hundreds of thousands trekking again, their earthly possessions on their backs, into the cold northwestern stretches of Canada—the populations of the cities ever mounting into the millions, that of the country declining to less than half the total of the country, western farmers still hating southern farmers. By that process the politicians sustained themselves and the exploitation went on. The first of the great wars of the young Republic started the process, 1812–1815; the second and greater sectional war carried it further, 1861–1865. Would there be another war?

IV

In 1914 the leaders of the German Empire precipitated Europe into a war long prepared for, a war which, like every preceding war, upset the life and changed the destiny of farmers on the wide plains of free America. It was not long till pigs sold again at fabulous prices and cotton set poor southerners' heads crazy. Ten cents a pound for pork on the hoof, 20 cents a pound for cotton leaving the gins, beef and wheat likewise pouring at similar prices into the great caldron of war. The cities filled all the industrial chimneys with insufferable smoke; the railroads wore out their tracks and their wheels carrying their burdens of munitions at huge profit to the scene of red and devastating war. A third time the industrialists and the farmers were prosperous together, farmers driving Fords, business men Packards. Prosperity!

Would it last? But the roar of war become more and more audible. The President of the Republic came slowly to see that a German victory would work a change in the social status of the modern world, not omitting the United States. He, like Lincoln, thought to make the world safe for democracy, his opponents wondering whether they would like a democratic world, quite as Lincoln's opponents had wondered. He led the farmers into the war, millions of the sons of farmers, along with their fellows from the cities. The price of wheat rose $1 a bushel; cotton now sold for 30 cents a pound, and pigs at 15 cents on the hoof. War was the bonanza of the farmer, devastating war, the price of land mounting, the migrating westerners coming back to their abandoned homes, poor negroes hastening to northern cities to fill the vacant places the fighting Europeans could not fill. It was revolution blessed with amazing prosperity.

But the war came to an end. There was again a day of deceitful riches; and then a collapse, first of farmers, next of business in the cities. The world outside struggled between war and peace, the President, broken and hated for his scheme of peace that was failing, departed. He gave place to another, to a new régime that would save business if nothing else—a city régime made up of the fragments of all nations, bent upon a policy of oblivion and isolation. It was but another day till Europe once more ceased to buy cotton and wheat and pigs; the farmers were cast down from their high prosperity. Cotton could not be sold; wheat fell below the cost of production—dire distress. From 1921 till the present moment the experience of 1820, of 1866, repeated itself.

There was poverty wherever men produced the foodstuffs of the country; fair prosperity elsewhere. But the fears of 1921, like those of 1866 and afterwards, raised again the protecting wall against European competitors who would see European goods at low prices and buy American farm products at rising prices. The fear of cheap imports raised the tariff walls higher than ever before. That secured the prosperity of business; it doomed the farmer, for no protective tariff could help him, nor were rich, vacant lands anywhere.

Somehow society found a way to relieve the fears and distress of those who own mills, run railroads, and operate the finances of the country. The price of manufactured products scarcely fell at all; the returns on railway investments were stabilized by official guaranty of 5½ per cent; the banks lent money at fixed and stable rates. Everybody received help save those who needed it. Statesmanship!

The farmers sought legislation in their behalf. They failed. The farmers of sufficient wealth and alertness organized and undertook, like organized labor, to help themselves. Business turned upon them with anger and fear; nothing was quite so wicked as the Farmer-Labor Party of the Dakotas or the effort of La Follette and his kind to compel national assistance. Some men, like CHARLES G. DAWES and Frank O. Lowden, thought they saw the injustice of it all. They were hushed up, threatened with ruin if they spoke their protests. The year 1924 registered the biggest protest against farmer self-help that was ever registered.

And now the farmer sells in city markets controlled by the buyers; he sells his surplus of wheat and beef in Europe at a price which competition with Australia and South America fixes; all the vast funded debt of the Great War is collected in a few hands in eastern cities, and the nations of Europe owe the United States sums three times as large as the national debt of 1866, the evidence of these debts being in the safety vaults of the great cities.

If the farmer organizes to command his own prices, the prices of what he buys will be raised in proportion, for organized labor would strike when the price of bread rose. If the farmer suggests that protection to manufacturers be lowered for his benefit, he is frightened with a threat of economic panic. If he timidly suggests that European debts be lowered or canceled in the hope of better European markets, he is reminded of "repudiation," as he was in 1870. Then he goes once more to Congress, where he procures the passage of a law which was designed to benefit him. The President vetoes it.

V

Is the American farmer to become a peasant? If the sons of farmers continue to fill the vacuum of the cities due to restricted immigration,

if the wealthier farmers and prosperous men from the cities continue to buy great tracts of land and set up industrial units of the farms, there may be a new farm feudalism which may secure a reasonable return for farm products. That would mean the slow disappearance of the millions of free, "independent" farmers, such as Jefferson imagined when the Republic was created. It would surely mean great numbers of the more stupid of the country working for wages or as tenants on the lands of others, working and unable to better their condition, unambitious and broken like their forbears in Europe.

If the farmers become peasants the wide "foreign districts" of the cities will hardly escape a similar lot. Is that to be the outcome of "free lands for all," of free speech and self-government, of that fine program of democracy which for more than a century has been held out to the underdogs of Europe? If history has any lessons for men, it offers this warning and remonstrance.

It is not a day for complacent big-city politics. Is it peasantry for the farmers and feudalism in the world of industry and business? Southern men and western leaders might well take stock of their resources and seek a new deal in the politics of the time.

GOVERNOR SMITH'S CANDIDACY

Mr. EDWARDS. Mr. President, I ask unanimous consent to have inserted in the RECORD an editorial from the Statesville (N. C.) Daily relative to the candidacy of Governor Smith.

Mr. CURTIS. Mr. President, what is the request?

The VICE PRESIDENT. The Senator from New Jersey asks to have printed in the RECORD an editorial in connection with the candidacy for President of Governor Smith. Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

J. W. BAILEY FOR SMITH

Mr. Josiah William Bailey's decision to support Governor Smith means, it is believed, a considerable strengthening of the Smith forces in the State. For many years Mr. Bailey has been a Democratic leader—a real leader of consequence. He was a candidate against Governor McLean four years ago and received strong support in the primary. It is not supposed, of course, that Mr. Bailey will carry all his following into the Smith column, or that he will try to do that. What is meant is that one of his influence and standing will carry much weight for the New York Governor, and his position will not be easily assailed.

First off, Mr. Bailey's record as to prohibition is above reproach and its sincerity is unquestioned. He was canvassing the State for prohibition and its enforcement when some of our present "outstanding leaders" were not saying much. He is personally as well as politically dry. Second, he has reached the conclusion to support Smith after long deliberation. He has not acted hastily. He dismisses the religious end of the matter without discussion. Mr. Bailey stands for religious freedom in reality, in deed as well as in word. He holds that one of his religious faith (Baptist) can't raise the religious issue against anybody. On the question of prohibition he would ordinarily be against Governor Smith, and on that probably the eminent Raleigh lawyer has hesitated. But he has decided that there are other things that matter. On that point he says:

"When I consider what has been going on in our country since Mr. Harding was inaugurated, I am convinced of my duty to disregard minor matters to the end that our country may be rescued from a party that has despoiled and disgraced it. It is indispensable that the Republican Party shall be driven from power in order that it may cleanse itself and that our country may be cleansed of its corrupting influences. I believe that Governor Smith is the one man who may be relied on to restore the Democratic Party to power, and that not to nominate him will be to invite the risk of giving the Republican Party four, and possibly eight, more years of power at a time when the welfare of our land demands that it shall instantly be turned out."

Mr. Bailey finds in Governor Smith the one hope of Democratic success, of rescuing the country "from a party that has despoiled and disgraced it." Cleansing the country from corrupting influences he naturally contends is essential. He finds in Governor Smith a man of admittedly high character and one of proven executive ability. That, too, is admitted by the unbiased. On the question of prohibition Mr. Bailey says:

"I do not entertain the possibility of repeal of the eighteenth amendment. There is no danger of that. It is not involved. I have no fear that the liquor evil would become worse under the Presidency of Mr. Smith. I think sound progress would be made toward the solution of that vexed problem. I believe that he would bring to the administration of laws enforcing the eighteenth amendment a common sense, a courage, an integrity, and a sincerity of purpose that would prove an invaluable contribution to the cause of temperance and to the solution of the drink evil in so far as it may be solved by law. As matters stand, insincerity and inefficiency are doing more to defeat the purposes of the eighteenth amendment than could possibly be done by any other means. Governor Smith has said that as President he would maintain and enforce the eighteenth amendment. I believe him. Even his enemies testify to his integrity."

As a matter of fact the suggestion of the repeal of the eighteenth amendment is beyond the question. Neither the President of the United States nor Congress could repeal the amendment, nor is it believed that will be tried any time in the near future, if ever. But Governor Smith is not a prohibitionist, does not pretend to be. Those who will vote only for a prohibitionist on the ground that none except those who profess the name of prohibition will enforce the law, will, of course, oppose the governor. But come to think of it we have not since national prohibition had a President who claimed to be a prohibitionist. Harding was not and Mr. Coolidge has said nothing about it. About all the Republican presidential candidates who have declared themselves on prohibition have been content to say they favor the enforcement of the law, and some of them have said they opposed the repeal of the amendment. Not one, so far as recalled, said he opposed any change in the Volstead law. Of the leading candidates, Lowden has not answered and Hoover evaded, except in general terms. Governor Smith does favor the modification of the Volstead Act as to the alcoholic content of intoxicants, on the ground that the present law is dishonest. But in the event Congress should, as would be very doubtful, enlarge the alcoholic content to 2 or 3 per cent, the Smith idea is that the States should have power to say whether they would continue with one-half of 1 per cent, as now, or accept the definition of intoxicants in the improbable event Congress should enlarge the content. None of the Republican candidates have said anything about that. The only difference between them and Smith is that he has told the truth about his position. Democrats who do not favor the increase of the alcoholic content, who feel that would be fatal to prohibition, have ground for opposition to Smith. But they don't know what they will get from the Republicans.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House insisted upon its amendment to the bill (S. 1822) to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions, disagreed to by the Senate, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JAMES, Mr. WAINWRIGHT, and Mr. GARRETT of Texas were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1628. An act relating to the office of Public Buildings and Public Parks of the National Capital;

H. R. 405. An act providing for horticultural experiment and demonstration work in the southern Great Plains area;

H. R. 3315. An act for the relief of Charles A. Black, alias Angus Black;

H. R. 5590. An act to authorize appropriations for construction of culverts and trestles in connection with the camp railroad at Camp McClellan, Ala.;

H. R. 5817. An act to provide for the paving of the Government road extending from St. Elmo., Tenn., to Rossville, Ga.; and

H. R. 9829. An act to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands."

FARM RELIEF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce.

The VICE PRESIDENT. The question is on the amendment of the Senator from Tennessee [Mr. MCKELLAR].

Mr. CURTIS. Let the amendment be stated.

The VICE PRESIDENT. The clerk will state the amendment.

Mr. MCNARY. Mr. President, is that the amendment which was stated on yesterday and went over for the day?

The VICE PRESIDENT. It is.

Mr. CARAWAY. A number of Senators are now holding a conference on the amendment.

Mr. MCNARY. In view of the conference now being held by some of the Senators representing portions of the South, I ask that the amendment may go over for a few moments.

Mr. CURTIS. I withdraw my request that the amendment be read.

The VICE PRESIDENT. The Senator from Oregon [Mr. MCNARY] makes the request that the amendment go over for a

few moments, pending a conference. The bill is before the Senate as in Committee of the Whole and is open to amendment.

Mr. OVERMAN. Mr. President, I should like to have the amendment read. I do not know what it is.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The Senator from Tennessee proposes the following amendment:

On page 5 strike out line 17 and down through the period in line 1 on page 6 and insert in lieu thereof the following:

"SEC. 4. (a) Whenever the board determines that any agricultural commodity may thereafter require stabilization by the board through marketing agreements authorized by this act, or whenever the cooperative associations, or other organizations representative of the producers of the commodity, shall apply to the board for the creation and appointment of the advisory council for such commodity, then the board shall notify the President of such determination or application. The President shall thereupon create an advisory council for the commodity. The advisory council shall be composed of seven members to be appointed by the President by and with the advice and consent of the Senate. No individual shall be eligible for appointment to a commodity advisory council unless he resides in the region in which the commodity is principally grown, and is a producer of the commodity. Prior to the making of any appointment to a commodity advisory council, the board shall transmit to the President for his consideration lists of individuals qualified for appointment, to be submitted to the board by cooperative associations or other organizations representative of the producers of the commodity. The term of office of a member of any commodity advisory council shall be two years. In the event of a vacancy occurring, the President shall fill such vacancy in the same manner as the originally appointed member, and, should Congress not be in session, such appointee shall hold office until 20 days after the convening of the next session of Congress."

Mr. CARAWAY. Mr. President, I desire to propose an amendment to the amendment. Commencing on page 2, in line 14 of the printed amendment, I move to strike out the words "appointed by the President by and with the advice and consent of the Senate" and insert the words "appointed by the board." I also move to strike out the remainder of lines 15, 16, 17, and 18 and the word "commodity," in line 19. I should like to have the attention of Senators who are interested in this particular matter, because the amendment proposed by the Senator from Tennessee seeks to change the whole purpose of the bill. If the amendment I have suggested should be adopted it would read as follows:

The advisory council shall be composed of seven members to be appointed by the board.

Then commencing in line 19——

Mr. SIMMONS. The Senator is now referring to the amendment proposed by the Senator from Tennessee.

Mr. CARAWAY. Yes; I am referring to that amendment. I propose to strike out the words "prior to the making of any appointment to a commodity advisory council the board shall transmit to the President for his consideration," and provide—

That the board shall appoint the members of the advisory council from a list of individuals submitted to the board by cooperative associations or other organizations representing the producers of the commodity.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, I have not been able to follow his amendment.

Mr. CARAWAY. Let me explain it if I may to those who are interested in it. Whether Senators are for the bill or not, I wish those who expect to vote on it to understand what the two amendments seek to accomplish. The amendment proposed by the Senator from Tennessee seeks to set up an advisory council that shall be appointed by the President and confirmed by the Senate and shall be composed exclusively of those who are engaged in the production of the commodity for which the particular advisory council is set up. Under that provision, if a man had been a farmer but had become a marketing agent and was familiar with the marketing of the particular commodity he would be ineligible for appointment to the advisory council, although the council deals with marketing and not with production. In other words, one who is skilled in the marketing of a commodity unless he also produces that commodity would be ineligible.

It frequently happens that most of those who deal with the marketing of a commodity are only secondarily interested in its production. Cotton very largely is produced by the colored race in certain sections. The negroes frequently are very able farmers; they are good producers; but their weakness has always been their lack of knowledge of marketing.

The amendment submitted by the Senator from Tennessee proposes to take away from the farmers the right to choose the best agent they can find to carry out their purpose, which is to market their products; for this bill primarily deals not with production, but with marketing. It has been thought by some of us that the farmer ought to be permitted to select as his agent the most skilled man he could find to handle the marketing of his products. And that is what the advisory council deals with exclusively. It has nothing to do with production. It has everything to do with the marketing of the product. Therefore it seems to me and to those who concur in that view that we ought to let the farmer have the right to select whatever agent he may choose.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CARAWAY. Yes.

Mr. McKELLAR. I think that feature of the amendment proposed by me can be easily remedied if the Senator would suggest additional language so as to make it read, for instance, "from producers or from those who engage in the marketing of farm products." I would be perfectly willing to accept such an amendment.

Mr. CARAWAY. I would not object to that, but I want, while I am referring to it, to explain the matter to the Senate.

Mr. McKELLAR. I should be perfectly willing to accept the Senator's suggestion as to that feature of the amendment.

Mr. CARAWAY. Then, let me speak about it briefly and see how far we go. We are not only exercising our judgment in a matter concerning the prosperity of 30,000,000 American citizens, but, indirectly, we are affecting every man and woman and child in America by this proposed legislation. If we are going to take over to a certain extent the power that the farmer has to market his products, we ought to let him at least choose the instrumentalities from whatever source he sees fit to employ. He ought to have the same liberty of choosing his agents as has any man engaged in any other private business. If he wants to hire from the State of New York an expert in dealing with the marketing of cotton, although he never saw a stalk of cotton growing, I say let the farmer have the right to choose his agent among those who are entitled to be classed as experts and get them where he pleases. That is what the amendment I have suggested proposes to do.

The next objection is still more vital. The amendment of the Senator from Tennessee seeks to take away from the farmer the right to name his agent and gives it to the President of the United States. It introduces two things that I think are very hurtful. First, it denies the farmer the right to choose his agent, to be responsible for the choice, and to be in control of the agent. It gives him the right only to suggest to the President of the United States a list of names from which he should like to have his agent selected. There is no power to make the President respect that wish.

It requires the farmer to go with his hat under his arm and bow down to the powers that be, whoever may be the President of the United States at that time, and say, "With your permission, I should like to have my agent, who is going to be clothed with power to make me prosperous or to make me poor, named from this list. I have to say, though, that you can name anybody you please, because the Constitution gives you that right."

I do not want to tie the hands of every American farmer by transferring from him the right to select his own agent, and conferring that right upon whoever may be the President of the United States at that particular time. I do not care how friendly a President may be; I know, and every Senator on this floor knows, without impugning the motives of anybody who has been President of the United States, that interests, where they conflict, must trust largely to chance when it comes to the President naming somebody to fill some particular office. Those who do not have our viewpoint and yet are just as honest as we may have the ear of the President of the United States. He must listen to somebody; and therefore we introduce the element of chance where the bill gives us absolute certainty if we do not accept this amendment in this form.

What we who are willing to trust the farmers want is this: Let the advisory council be appointed by the board, but named by the producers of the commodity. The act of the board in that case would be purely ministerial. It would be compelled to respond to the agency that named the list. It would have no discretion. It could not say, "I will take one of 300." If the producers of a product should say, "We want you to name John Smith and Richard Roe," the board would be compelled to name those two people. The President of the United States, however, could name anybody he chose. Therefore, why do you want to take away from the farmers, who are to be most vitally affected, the right to name their own agents?

Who of you, engaged in private business, would be willing to submit to the President of the United States the decision as to who should be the cashier of your bank, or who should be your

bookkeeper, or who should be your farm foreman? There is not a Senator on this floor who would say, "I am willing to abdicate my right to have my business run by somebody that I select, and permit it to be run by a man that somebody else selects for me, although that other person may not know anything at all about my industry, and have no interest in it."

Under the amendment as we suggest, that the advisory council shall be appointed by the board from the names of those submitted by the people who produce the agricultural product, there is no uncertainty. The farmer will get whoever he wants. If he makes a mistake, he will know who made it. He can correct it.

If you take the other proposition, however, the President appoints and the Senate confirms; the man is there, and the farmer can not remove him to save his immortal soul. He becomes not the agent of the farmer, because, as we have all observed, under the right to appoint a man to office the appointing power becomes to a certain extent his master. We have seen that, and that is inevitable, and in one respect that is to be commended; but there may be harm in it. If the President names the advisory council, the advisory council no longer is responsive to the farmers, whose welfare it has in its keeping. It is responsive to the power that gave it life—that is, the President of the United States.

Senators, let me ask you to think about it for a minute. If you strike out the provision of the McKellar amendment, which gives to the President the right to appoint the advisory council, and adopt the language suggested, it says that the advisory council shall be appointed by the board from a list named by the farmers themselves, and the board must do it. It has no discretion in the matter. It is a ministerial act. So the farmer gets whoever he desires, and he can remove him when he pleases. He is the farmer's agent. He must represent the farming interest, because he gets his authority there, and he is responsive to that organization. He must account to them, and they can remove him if he proves recreant to his trust.

Are you willing to let the farmer choose his agent? Are you willing to let him say, "After I produce this agricultural product I at least ought to be permitted to name the agent who is going to determine when and how I am to sell it"? That is what there is in the amendment; and I sincerely hope that you will let the farmers name their agent, and let that agent be responsive to the farmers.

It seems to me unthinkable that we are willing here to set up a machine that has to do vitally with the prosperity of the farmer and deny him the exclusive right to control the machine that has to do with his market. It is a serious thing.

If you take the McKellar amendment, which says the advisory council shall be nominated by the President and confirmed by the Senate, then it is of equal rank with the board; but it has some powers, and the board has some, that are in conflict.

Neither one of them is superior to the other. You have responsibility and power separate, with equal rank, one with power and the other with responsibility. Inevitably, unless human nature changes, you will have conflicts, and the farmer will be the victim of a compromise which will not represent the best judgment of either agency; and necessarily you invite disaster, because another part of that amendment, to which I am now preparing to call your attention, says—and I agree with that—that no marketing period may be begun or terminated by the board without the assent of a majority of the advisory council. In other words, the board may find out that the facts are such that they ought to begin a marketing process in a certain product, but they can not do it until the advisory council says they may; or, having begun it, the board may find out that the conditions have changed, and they ought to discontinue it and let the farmer market as he pleases, and pay no equalization fee, but they can not do it unless the advisory council shall assent thereto.

They are both named by the President. They are both confirmed by the Senate. They have equal powers. One can not act without the other. They are necessarily, in my judgment, certain to come into conflict at some time; and the farmer is the helpless victim between these two powers, set up by the same agency, appointed by the same man, confirmed by the same Senate, and clothed with the same authority.

Senators, let me say that I am not unmindful of the grave responsibility that we assume when we enact this legislation. I am not unmindful that among many highly intelligent farmers there is grave apprehension that it may prove disastrous instead of helpful. I am not unmindful that it is an experiment. I have not indulged and I do not indulge the hope and the belief that the great benefits predicted by some will flow from the enactment of this legislation. I am hopeful that it will point the way to the solution of a problem that is crying out for solution; that it will make it possible for the farmers to cooperate 100 per cent, and therefore become the masters of their own destiny instead of being the creatures of an industrial system that has been destroying them. That is all the hope that the legislation can hold out. If it has sympathetic and intelligent administration, it may realize the dream of those who have given years of their life to bring it about. If it has unsympathetic or unintelligent administration, it is going to bring humiliation and shame upon the people who have advocated its passage.

Therefore let us not tie the farmer hand and foot to the whim of the President of the United States; and I am not aspersing the President.

I am satisfied that he would do the very best he knew how; but he must take somebody's viewpoint, and that viewpoint may not be the viewpoint of the producers of these products, and therefore the instrumentality chosen may not be responsive to their needs. You can, however, write into the bill a provision that makes the farmer the absolute master of that situation. Nobody can be his agent unless he selects him, and nobody can continue to be his agent unless he wills that he shall be so. He will be responsive to the farmer, and therefore the farmer will have nobody to blame but himself if he gets a bad agent, and he will have the power to remove him if he is unresponsive to his needs.

I say that now because this other amendment follows that I referred to, providing that the advisory council shall have the power to veto the very heart and purpose of this bill if it wants to.

I am willing for the advisory council to have that power provided the advisory council is actually the agent of the producer, named by the producer and responsive to the producer, and subject to be removed by the producer if it proves unfaithful to its trust.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. CARAWAY. Yes.

Mr. SWANSON. I desire to ask the Senator some questions for information. I have not read the bill very carefully up to this time.

As I understand, the bill provides that the advisory council shall be appointed by the board.

Mr. CARAWAY. That is it.

Mr. SWANSON. This amendment provides that the advisory council shall be appointed by the President.

Mr. CARAWAY. And confirmed by the Senate; that is it. That is the difference.

Mr. SWANSON. As I understand, the Senator's contention is that we can not make limitations in fixing the conditions upon which the President shall or shall not make appointments, and that under a recent decision the President has absolute, unlimited power of removal.

Mr. CARAWAY. That is it.

Mr. SWANSON. If the advisory council did not concur with the policy of the President, if this amendment is adopted he could remove every member of the advisory council?

Mr. CARAWAY. Absolutely.

Mr. SWANSON. And retain or reappoint people agreeable to him, to carry out his policies?

Mr. CARAWAY. That is it.

Mr. SWANSON. The Supreme Court decided that Congress has the power of creating an agency to appoint minor officers, whom the President would not have the power of removing. Was not that included in the decision?

Mr. CARAWAY. Of course; the President would have nothing to do with this advisory council.

Mr. SWANSON. The board would appoint the advisory council, and they would be compelled to appoint whom the farmers selected?

Mr. CARAWAY. That is it. The language is that they shall name whoever the farmers select.

Mr. SWANSON. The Senator's contention is that they can do that under the Constitution, when the Congress creates this board with the power, and they will be compelled to obey the direction to do that. The Senator's contention is that the President would not be compelled to obey it, under the Constitution, as his is a constitutional office and power.

Mr. CARAWAY. That is it.

Mr. SWANSON. The President could remove them at his will; but could this board do so?

Mr. CARAWAY. The board would have no such power. The agency that suggested them would have the exclusive power. In other words, the farmer says, "This man is my agent, you name him and clothe him with this authority, he is my agent,

though he is not your servant." If the language we seek goes into the bill, he remains the agent of the farmer.

Mr. SWANSON. Appointed by him and removed by him?

Mr. CARAWAY. And responsive to him.

Mr. SWANSON. And responsive to him.

Mr. CARAWAY. That is it.

Mr. SWANSON. And it is not in violation of the Constitution under the recent decision of the Supreme Court of the United States?

Mr. CARAWAY. Absolutely not.

Mr. SWANSON. In which they say Congress can give other agencies the power to make appointments and the President can not remove them. Is that the Senator's contention?

Mr. CARAWAY. That is it.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. HARRIS. As I understand the Senator, then, if this advisory council should delay the equalization fee, the farmers themselves being the creators of the council, it would be the agent of the farmers, and would be responsive to their wishes.

Mr. CARAWAY. They would be responsive to the farmer. They are just his hired men.

Mr. PITTMAN. Mr. President, I understood the Senator to say that this advisory council would have the power to obstruct or change the policy fixed.

Mr. CARAWAY. Yes.

Mr. PITTMAN. Where do we find the provision as to that?

Mr. CARAWAY. That is in the amendment pending.

Mr. PITTMAN. It is not in the bill now?

Mr. CARAWAY. No. The only question now is how we shall select the advisory council, and of whom it shall be. The advisory council shall say when the board shall commence marketing operations, and when it shall terminate them, but I think we have to put this language into the bill to meet the objections of the President.

We are preparing to deal, wisely or unwisely, by the vote we are to take shortly, with the hopes and aspirations of at least 30,000,000 people. I do believe that since we have determined to do this, Senators ought to find out exactly what they are passing upon when they cast their votes. It is not the ordinary bill; it is a vital matter.

This other amendment must go in, I take it, if we want to escape the President's veto. Among the things he complained of in his veto was the attempt of Congress to limit the agencies that he should select; that is, the board. He said that was an encroachment upon his constitutional right to make appointments, and that he would not permit Congress to infringe that right. This amendment proposed by the Senator from Tennessee leads right back to that controversy. It undertakes to restrict the President in his right, although its supporters say that we merely suggest. But if he wants to veto the measure—and we have been assured by the Senator from Ohio that he does—that affords him a pretext; I will not say a reason, because it is not a reason, but one who seeks a pretext can find it.

We surrendered much in the mechanism of this bill to keep away from a conflict with the Chief Executive upon certain matters that were not entirely conclusive as to the merits of the bill. We yielded in order to meet some superficial objections he made. It was suggested that this amendment go in. Where we give the veto power, there must be some reason for the exercise of that veto power, there must be something to show it was not just a whim. Therefore it is suggested that this language go into the bill:

> No marketing period under section 7 in respect of any agricultural commodity shall be commenced or terminated unless the advisory council for such commodity concurs in the respective finding or findings which the board is required to make prior to the commencement or termination of the marketing period.

It will be seen that the advisory council then becomes rather a court of review. It meets the President's objection that under the other bill the advisory council might veto the board's act out of mere caprice, out of whim, out of desire to be contrary. This says that their right is merely a right of review. They must find the facts as they are, not as the board says they are. If they find the facts different, they can veto the act of the board. It goes a little further than that, and I must say that is what every Senator will want to put in it, and this is the language we suggest to take its place:

> No equalization fee shall be collected unless the estimates upon which the determination of the amount of the equalization fee is based are concurred in by the advisory council for that commodity.

Mr. BORAH. Mr. President, is that an amendment which the Senator from Arkansas is offering?

Mr. CARAWAY. We are offering this as an amendment to the amendment of the Senator from Tennessee; yes. I presume it is not worth while to discuss it, although the very vitals of the bill are tied up in these amendments.

Mr. BORAH. Mr. President, I think it is exceedingly important that we discuss it. In my opinion, these two amendments go to the very heart of the bill.

Mr. CARAWAY. They are the bill itself. If the amendment of the Senator from Tennessee prevails without change, we might as well tear the bill in two, because it will be made impossible of successful administration. We would be denying to the farmers, whose rights are being invaded by this bill, what little right remains to them of being the masters of the instrumentalities that are to deal with the marketing of their products. If Congress can not trust the farmers, if they have neither the intelligence nor the character that would warrant Congress in letting them be the controllers of the products of their own toil, then adopt the McKellar amendment and say to them—because that is what it does—"We have not only lost faith in your power to know when and how you should sell your products, but we do not believe you have intelligence enough to name your own agents. We are going to appoint a guardian for you and deny you the right to say when you shall sell or how you shall sell, or what instrumentality shall be your agent in selling."

That is tied up in this amendment. Let us be absolutely clear about it. There is no reason why the Members of the Senate, all men who have had experience, and all, saving myself, at least, people of high intelligence, should confuse language. However you may make it read in order to soothe somebody's prejudice, the thing is not to be adopted for a day; it is to become a policy, and the truth in the matter must come out.

Mr. BORAH. Mr. President, as I understand the Senator, he is offering an amendment to the McKellar amendment?

Mr. CARAWAY. Yes.

Mr. BORAH. Which one of the McKellar amendments?

Mr. CARAWAY. It is the amendment which commences on line 10.

Mr. BORAH. Section 4?

Mr. CARAWAY. I will give it to the Senator, because I do hope that Senators will read the provision.

Mr. BORAH. "No marketing period shall be begun or terminated," and so on?

Mr. CARAWAY. Yes. It commences on line 13, page 2 of the amendment, the first part of it, "the advisory council shall be composed of seven members, to be appointed by the President." We hope to strike out "to be appointed by the President" and provide that it shall be named by the board. Then, when we come down to the marketing provision; that is, on page 3——

Mr. HARRIS. Not only named by the board, but suggested by the farmers' organizations.

Mr. CARAWAY. Named by the board, and from lists which the farmers themselves submit; so that they will get the exact agents they want.

We want to strike out the provision as to their term of office, so that they shall simply sit there as the agents of the farmers, and whenever they cease to be their agents they shall cease to hold office, just as when you hire a man in the conduct of your business. You would not hire a man to be your bookkeeper for 10 years, without any power of removing him although he might destroy your business within that time and force you into bankruptcy. You would say, "I will employ you as long as you fulfill the duties of this office satisfactorily to me."

Mr. SHEPPARD. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. SHEPPARD. If the suggestion of the Senator from Arkansas should be adopted, and if the advisory council appointed by the board at the direction of the farmers should prove to be unsatisfactory, how would the farmers proceed in order to remove the board or any of its recalcitrant members?

Mr. CARAWAY. I am perfectly willing, if the Senator thinks the language is not clear, to provide that the agents may be removed upon the advice of the farm organizations. I take it, however, to be axiomatic, that if they name them, and they have no term of office, the minute the farmers are displeased with them, they being their agents, they can replace them by others. But if there is any doubt about it, I should like to have it cleared up.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. CARAWAY. Certainly.

Mr. FLETCHER. I think this is a very important matter.

Mr. CARAWAY. It is the heart of the bill.

Mr. FLETCHER. I would like to have the Senator turn to the page and line where he wants language stricken out of the amendment offered by the Senator from Tennessee.

Mr. CARAWAY. Let me read just how we would make the amendment read. Commencing on line 13, page 2, we would make it read this way:

The advisory council shall be composed of seven members to be appointed by the board.

That would be the language.

Mr. WALSH of Montana. Is it not necessary for the Senator to take in the preceding sentence also, "The President shall thereupon create an advisory council," and so on?

Mr. CARAWAY. I am proposing to strike all that out.

Mr. WALSH of Montana. The Senator referred to line 13.

Mr. CARAWAY. I thought the Senator from Florida wanted me to state how the amendment would read as we are proposing to amend it.

Mr. FLETCHER. I want to know what the Senator proposes to strike out.

Mr. SHEPPARD. Mr. President, may I ask if the amendment of the Senator from Arkansas is not to be proposed as an amendment to the amendment of the Senator from Tennessee?

Mr. CARAWAY. It is.

Mr. SHEPPARD. Has the Senator from Florida before him the McKellar amendment?

Mr. FLETCHER. Yes.

Mr. CARAWAY. He was asking me about that.

Mr. FLETCHER. I was asking what the Senator proposes to strike out of the McKellar amendment, and then insert.

Mr. CARAWAY. I would strike out commencing on line 10, page 2 of the McKellar amendment as printed, the following:

Then the board shall notify the President of such determination or application. The President shall thereupon create an advisory council for the commodity. The advisory council shall be composed of seven members, etc.

I would strike out all that language and simply say:

There shall be an advisory council composed of seven members appointed by the board from a list submitted by cooperative associations or other organizations representative of the producers of the commodity.

That would be the amendment I would want to have adopted.

Mr. President, there is just one more feature I want to discuss briefly.

Mr. FLETCHER. I might mention, if the Senator will allow me, that some objection might be raised to that suggestion because some of the cooperative associations have not been successful. They have broken down and, in a way, gone to pieces. Whether they would be recognized as proper agencies for representing agriculture is a question.

Mr. CARAWAY. But the language is "by cooperative associations or other organizations representative of the producers of the commodities."

Mr. FLETCHER. That might cover it.

Mr. CARAWAY. That is the language of the proposed amendment.

Mr. SMITH. Would the word "or" be better or would it be better to have the word "and" than the word "or"?

Mr. CARAWAY. If we say "cooperative and other organizations," it presupposes that there are other organizations than cooperative associations, and if there were not I do not see how we could name them as cooperative associations, because it says "cooperative and other associations." If we say "or" that would mean that it is the duty to recognize every association which represents any appreciable part of the producing commodity.

Mr. SMITH. I recognize the object of the bill entirely, and it is a proper one, to be to promote cooperation, and therefore any farm organization should be given preference.

Mr. CARAWAY. That is true. May I say again, and then I shall take my seat, that we conclude the amendment by striking out the language arbitrarily providing that the board shall not commence or continue a marketing operation without the consent of a majority of the advisory council. I presume there will be no serious contention that the language last proposed ought to supplant that provision, because nobody would want to have a capricious commencing or a capricious termination of this thing. There ought to be some reason for commencing a marketing operation and some reason for quitting the same.

Mr. SMITH. The Senator approves of that amendment?

Mr. CARAWAY. I think that ought to go in. I know that it meets a part of the objection the President made to the provisions of the other bill.

Mr. SIMMONS. Mr. President, I discussed somewhat at length on yesterday with the Senator from Arkansas [Mr. CARAWAY] several of these points. I had hoped that we would take up the amendments seriatim and that the discussion with respect to each amendment would be had at the time it was pending before the Senate, instead of having a general discussion such as we have had from the Senator from Arkansas this morning. I think that would have been the more orderly way. Of course, I do not mean to say that there is not weight in some of the suggestions and some of the amendments proposed by the Senator from Arkansas. For one, I shall be very glad, when the amendments are reached, to give due consideration to any suggestions that he may make with reference to a change in the amendments proposed by the Senator from Tennessee [Mr. MCKELLAR].

It is suggested with reference to those amendments that they are framed with a view to taking out of the hands of the farmers of the country the control of their business, that they are based upon the idea that the farmers of the country are not sufficiently intelligent to attend to their business, and that they do not know what they need nor what they want. That is the suggestion made by the Senator from Arkansas with reference to the so-called McKellar amendments. Of course, such suggestions are very wide of the mark.

I wish the Senate would give me its attention when I say that the several amendments presented by the Senator from Tennessee are not amendments which he himself has drawn, but are amendments which have been worked out by quite a number of the Senators who represent the larger cotton-growing States of the Union.

I would like to add to that, Mr. President, the further statement that those amendments have been submitted to the representatives of the farmers' cooperative associations and farm organizations, who are here in Washington and who have been instrumental in securing action by the committee upon this great scheme, whose labors have been incessant, not only during this session but during the last session. They are here, charged with the performance of a duty intrusted to them by the farmers whom they claim to represent, and we have consulted them. As I am advised, every one of the representatives of those organizations has agreed to the amendments which were prepared by the Senators who thought they were representing the interests of the cotton farmers of the country.

Mr. PITTMAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Nevada?

Mr. SIMMONS. I yield.

Mr. PITTMAN. I am very much interested in the segregation of the amendments——

Mr. SIMMONS. I am going to discuss that later. I am answering now a general charge that the committee which prepared the amendments have sacrificed the interests of the farmer, betrayed the interests of the farmer, and are trying to put upon them something that they do not want, and that the committee has proceeded upon the theory that the farmers have not sufficient intelligence to know what they want.

Mr. PITTMAN. What I am trying to get at is this: Here is an amendment which I hold in my hand——

Mr. SIMMONS. Will not the Senator allow me to discuss that when we get to it?

Mr. PITTMAN. Yes. But, of course, I want to know what the Senator is discussing.

Mr. SIMMONS. I shall be very glad to enlighten the Senator.

Mr. PITTMAN. I understand the general principles which the Senator is about to discuss, but I do not know whether he is with the Senator from Arkansas [Mr. CARAWAY], or whether the Senator from Arkansas is with the Senator from North Carolina, unless I know what amendments he is discussing.

Mr. SIMMONS. I think the Senator is sufficiently versed in the methods of discussion to know that before I enter into the discussion of a thing in detail I would like to discuss some of the general propositions which are alleged against the whole scheme, especially as to the motives of those who have proposed the measure. That is all I was undertaking to do for the present. When I reach the particular amendment, I shall be pleased to discuss anything the Senator may suggest with reference to it.

Mr. PITTMAN. Both the Senator from North Carolina and the Senator from Arkansas have been talking about "amendments." There is apparently one amendment called the McKellar amendment. There is another amendment called the Caraway amendment. I do not know which one the Senator from North Carolina is discussing.

Mr. SIMMONS. I have just explained, in language as specific as I am capable of uttering with respect to any simple matter,

that the amendments presented by the Senator from Tennessee [Mr. McKELLAR] and spoken of as the McKellar amendments—not one, but a dozen or more—were not prepared altogether by the Senator from Tennessee, but that they were prepared by a voluntary committee of Senators representing the cotton States, who desire that the bill shall be so written as to promote the cotton industry as well as the agricultural industry generally, so that they can consistently support the bill. I regret that the Senator from Nevada [Mr. PITTMAN] has not succeeded in understanding me.

Mr. SMITH. Mr. President, may I suggest that the Senator from Nevada is confused because he looks upon the McKellar amendments as one amendment? They are all amendments to a particular part of the bill, and the particular part of the bill which each amendment proposes to amend is noted at the beginning of each paragraph. These are all separate amendments according to the paragraphs, and they show what part of the bill they are intended to amend.

Mr. SHEPPARD. And they were all offered by the Senator from Tennessee [Mr. McKELLAR].

Mr. SIMMONS. Exactly; but I have just stated that they were not drafted by him. They were drafted by a committee of Senators.

Mr. SHEPPARD. I said they were presented to the Senate by the Senator from Tennessee [Mr. McKELLAR], and they are known as the McKellar amendments.

Mr. SIMMONS. Yes. I think the Senator was not here when I so stated.

Mr. PITTMAN. I think that the Senator is now discussing the amendments which are printed in the form now before us known as the McKellar amendments, and that is all that he is discussing.

Mr. SIMMONS. Certainly; and in that connection I purpose to discuss some observations of the Senator from Arkansas [Mr. CARAWAY] with reference to the bill at large and also with reference to some of the amendments.

Mr. PITTMAN. Now, the Senator from Arkansas proposes to amend the McKellar amendment?

Mr. SIMMONS. Yes; the McKellar amendments.

Mr. PITTMAN. That is what I understood. He proposes an amendment to the McKellar amendment.

Mr. SIMMONS. Yes; as I have just stated.

Mr. PITTMAN. So when the Senator from North Carolina refers to "amendments" he is referring to the printed form of the McKellar amendments at the present time, and not the amendment of the Senator from Arkansas?

Mr. SIMMONS. Of course, I will try to distinguish the McKellar amendments from the Caraway amendments when I come to them. I am not at this time, however, disposed to enter into any detailed discussion of the amendments. As I stated, I think it would be very much better for us to discuss the amendments as they are offered. There are probably 15 or 20 amendments proposed by the Senator from Tennessee [Mr. McKELLAR] and probably 4 or 5 amendments proposed by the Senator from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. They have been offered now, may I say to the Senator, and we were about ready to vote on them.

Mr. SIMMONS. We are not going to vote on them en bloc?

Mr. CARAWAY. No.

Mr. SIMMONS. That is what I meant. They should be voted on separately, and therefore I think, as they deal with separate propositions, it would be better to discuss them when we reach the individual amendments.

Mr. CARAWAY. The Senator will find, when he reads them, that they are so interwoven and engrafted one upon the other that they must all stand or fall together, because while they are offered as three separate amendments they deal exactly with the same subject and are so linked together that we can not discuss one without discussing them all.

Mr. SIMMONS. I was going to discuss such of the amendments as the Senator from Arkansas discussed, or a part of the amendments which I think probably need further discussion. But I was prefacing my discussion with the general statement that if it were true that the amendments presented by the Senator from Tennessee [Mr. McKELLAR] do not correctly interpret the best interests of the farmers of the country, then not only the Senator from Tennessee, but a great many other Senators, who represent the cotton States especially, do not understand their needs either. Certainly it would not be charged that they were deliberately betraying the interests which they represent or which they should represent upon this floor.

Further answering the suggestions of the Senator that the farmers are by these amendments left hopeless and without protection by the provisions of the McKellar amendments, the fact is that these amendments have been submitted to representatives of the farmers' organizations who are here to-day and have been here since the inception of this legislation at this session, as most of them were here when it was under consideration at previous sessions, and who claim the right to represent and to speak for the farmers. They have agreed to the amendments of the Senator from Tennessee, without indicating that such amendments would in any way be a betrayal of the interests of the farmers whom they represent.

Mr. CARAWAY. Mr. President, will the Senator from North Carolina yield to me for a minute?

Mr. SIMMONS. Yes, I yield; but I did not interrupt the Senator. I do not, however, object to his interrupting me at all.

Mr. CARAWAY. Oh, no; I will not interrupt the Senator.

Mr. SIMMONS. I yield to the Senator from Arkansas.

Mr. CARAWAY. Of course, the Senator is translating into my speech the word "betrayal," whatever construction he puts on it, and I am not going to complain about that; but I rose for the purpose of saying that the farm organization leaders who are here discussed the matter with me; they thought they had to yield on that point in order to get certain votes. It did not meet their approval, but they thought it was a question of expediency. There were some of those leaders in my office this morning.

Mr. SIMMONS. I myself have not heard anything of that sort, and I know nothing about it.

Mr. McKELLAR. Mr. President, will the Senator from North Carolina yield to me?

Mr. CARAWAY. And they hope that it may be washed out in the conference. That is the history of the matter.

Mr. McKELLAR. Mr. President, I want to say to the Senator from Arkansas, who mentioned that matter to me on yesterday, that representatives of the organizations came to see me this morning, and I said, "Look here, what do you gentlemen mean? You told Senator CARAWAY that you were rather compelled to enter into the agreement to support these amendments." Well, they then asserted vigorously that the amendments met their approval. So there we are. They came to see me this morning, and they told me what I have stated.

Mr. CARAWAY. I will tell the Senator from Tennessee what we can do. We can go out and have a conference with them all together, and settle in that way the question in regard to what they want.

Mr. HEFLIN. I suggest a written statement be sent in here and read to the Senate.

Mr. CARAWAY. I do not think that is necessary.

Mr. SIMMONS. Mr. President, I have not heard any suggestion of that kind referred to by the Senator from Arkansas coming from these gentlemen. I have this to say about it, though. If they have told us that these amendments were satisfactory to them, when they were not satisfactory to them, when they thought they betrayed the interest of the farmer whom they represent, then they are not the kind of men that I have taken them to be. That is all I have to say about it.

Mr. SMITH. Mr. President, if the Senator from North Carolina will permit an observation at this point, I desire to say that if the men who represent, or claim to represent, the farm organizations are guilty of what seems to have transpired, we have not thrown sufficient safeguards around the proposed law. It is claimed that they want to represent the best interests of the farmer, but I submit that the best interests of the farmer can not be represented by that kind of action on the part of those who claim to represent him.

Mr. SIMMONS. Mr. President, one of the contentions of the Senator from Arkansas [Mr. CARAWAY] is that the farmers will have more protection under the bill as it is reported by the committee than they will have under the bill if amended as provided by the amendments submitted by the Senator from Tennessee [Mr. McKELLAR], especially with reference to the authority and power vested in the council appointed to represent any particular commodity that may come under the proposed law. There is not the slightest foundation for that contention. On the contrary, the farmers will have infinitely less protection under the bill as it came from the committee than they would have under the amendments of the Senator from Tennessee. The effect of the amendments submitted by the Senator from Arkansas would be simply to revert to the action of the committee. The Senator from Arkansas is a member of the committee which reported the bill, and he now proposes to amend the amendments of the Senator from Tennessee so as practically to restore the provisions of the bill as it came from the committee. Those provisions were unsatisfactory to certain southern Senators especially, and unsatisfactory because, and only because—and I ask Senators to bear that in mind—first, the council as provided in the Senate committee bill would have no power except advisory power. It would be appointed by the board which would be appointed by the Presi-

dent, and it would be responsible solely to that board for its action, its action being in the main simply advisory. This would inevitably make the council absolutely subservient to the board.

We did not think it would be fair to the farmer that his product, cotton, I will say, for illustration, the chief crop of 11 great States of the Union, should be brought into this bill under the supposed protection of a special advisory council to represent that interest when that advisory council would have nothing but purely recommendatory and advisory powers and when it would be absolutely subservient to the will of the board.

How is the board which the Senator from Arkansas says should appoint the advisory council and under which the advisory council would have no independent powers of its own to be appointed? Here is the provision in regard to the appointment of that board; I wish to read it to the Senate:

SEC. 2. (a) A Federal farm board is hereby created which shall consist of the Secretary of Agriculture, who shall be a member ex officio, and 12 members, 1 from each of the 12 Federal land-bank districts, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

That is the way that board is to be created.

Mr. SMITH. Are there no qualifications?

Mr. SIMMONS. None that I can see. The bill reads:

(b) The terms of office of the appointed members of the board first taking office after the approval of this act shall expire as designated by the President at the time of nomination—

And so on.

A successor to an appointed member of the board shall be appointed in the same manner as the original appointed members, and shall have a term of office expiring six years from the date of the expiration of the term for which his predecessor was appointed.

(c) Any person appointed to fill a vacancy in the board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(d) Any member of the board in office at the expiration of the term for which he was appointed may continue in office until his successor takes office.

I am trying to find the provision as to qualifications, and ask the Senator to find it if he can.

Mr. McKELLAR. To what does the Senator refer?

Mr. SMITH. To the qualifications of the members of the board.

Mr. SIMMONS. Here it is; I have found it.

(f) Each of the appointed members of the board shall be a citizen of the United States, shall not actively engage in any other business, vocation, or employment than that of serving as a member of the board—

It is said that we can not restrict the rights of the President, but here is a restriction in the bill itself—

and shall receive a salary of $10,000 a year, together with necessary traveling expenses and expenses incurred for subsistence or per diem allowance in lieu thereof, within the limitations prescribed by law while away from the principal office of the board—

I need not read further.

Then it proceeds to set forth the general powers of the board. I see no substantial and special qualifications there prescribed and required for members of the board.

Mr. SMITH. The only qualifications seem to be that a member of the board shall be a citizen of the United States, that each member of the board shall be representative of one of the land-bank districts, and that each member shall disassociate himself from any other business that he may have been engaged in and restrict his activities entirely to the functions of the board. Then the vacancies occurring in the board shall be filled according to the terms of the original appointments.

Mr. SIMMONS. Let me ask the Senator from Oregon, in order to get this matter straight, if, under the bill as reported by him, there is any limitation upon the President's power of appointment except as to citizenship and except as to the member so appointed giving his full time to the duties of the office and not being engaged in any other business?

Mr. McNARY. Mr. President, the President is given the untrammeled right to make the appointments subject to the limitations expressed by the Senator from North Carolina.

Mr. SIMMONS. Exactly. The board is thus constituted with no limitations. The farmer has nothing to do with its appointment at all. There are 12 members of the board, and the Secretary of Agriculture makes 13. The advisory council for which the bill provides, and in respect of which the Senator from Arkansas wants to so amend the amendment of the Senator from Tennessee that the provision shall practically remain as it was written, is to be appointed by this board.

It is true that a limitation is placed upon the appointment of the members of the advisory council.

Mr. BORAH. The only limitation is that they shall be appointed from a list submitted by cooperative associations and other organizations representative of the producers of the commodity.

Mr. SIMMONS. Yes; they are authorized and directed to create a body appointed in that way, the members of which shall serve without salary, and so forth. That is their limitation. They are required, authorized, and directed to do that; but if they shall fail to do that, if they shall disregard that direction, what remedy has the farmer? What can he do in case the board appoints some one contrary to that requirement?

Mr. BORAH. He can do the same thing that he can under the bill generally, and that is nothing.

Mr. SIMMONS. That is nothing. That is what I say. But even if the farmer had some way of getting rid of the board in case they did not appoint the man the farmers recommended, even if that were true, this advisory council as the bill is written has no independence of thought and of action. It has only the power to advise and it is the creature of the board. Now, we wanted to remedy those two defects especially.

Mr. HEFLIN. Mr. President, as I understand the amendment of the Senator from Tennessee, this advisory council is to be composed of farmers, and if the matter under consideration is cotton some of them have to come from the Cotton Belt, and if it is grain they have to come from the Grain Belt; and a list is furnished the President from which they would be glad to have him select the advisory council.

Mr. SIMMONS. Yes; that is true under the McKellar amendments. If the President is given the power to appoint, he will not be compelled, of course—we can not compel him—to appoint; but we can direct in the law that he shall appoint from a certain section; that he shall appoint persons engaged in a certain line of business pertinent to the measure under consideration. We did that in the Federal reserve act; we did that in the flood relief act; we have done that in 25 or 30 acts of the past several years.

Mr. HEFLIN. But if he did not appoint the people that we thought ought to be appointed, we could reject the appointments here.

Mr. SIMMONS. That is exactly what I was going to get to.

Mr. McKELLAR. Mr. President, before the Senator leaves the proposition he has just mentioned, it was said that if the board appointed these members the farmers themselves would virtually appoint them.

Mr. SIMMONS. I am going to get to that, if the Senator will allow me.

Mr. McKELLAR. I just want to call the Senator's attention to this fact: For instance, take Tennessee, as an illustration. We have several farm organizations down there, independent ones, and the board would select whichever one they wanted to select, and the farmer would really not select the members.

Mr. SIMMONS. I was going to get to that. Let me get to the matter of President's appointments.

The President is circumscribed here only by a direction of Congress such as we have put in other bills—that is, that he shall appoint from certain industries, shall appoint somebody and only somebody who is engaged in the production of commodity concerned, and that he shall consider in connection with those appointments the list that is presented to him by farmers' organizations, cooperative or otherwise—that is, that he shall get the best recommendations that he can through the cooperation of the farmers in making that selection. If the President does not see fit to obey the law in that respect, we have no way to coerce him about it, but we can reject his nominations; but, on the other hand, if the board does exactly the same thing, we are without power to coerce the board or stop its action. There is, however, this broad difference in the two propositions:

If the board appoints persons that are not interested in the industry, persons that are not satisfactory to the farmers, then the farmer has no remedy. He must submit to the board; and the board, being so interested in controlling the matter, are likely to select members for the council that they can best control in the exercise even of the council's limited advisory power.

Mr. President, all of this talk about the recommendations of the farmers applies especially to the appointments made by the board. The board is not required in the committee bill to do any more than select from the industry, and select a representative; but, once a selection is made, whether it conforms to the law or not, there is no way to remove him from power.

There is no check upon their action. The power is unlimited, uncircumscribed. If, however, we have the members of the council appointed by the President, and if the President shall disregard the limitations that we have imposed, if he shall refuse to appoint a person who is a producer or from a list recommended to him by a farm organization or a number of farm organizations, under the McKellar amendment the Senate has the right of confirmation or rejection, and in the exercise of that veto power we can restrain the action of the President. I do not think it would often be necessary, but it might occasionally be necessary, and when necessary it would be extremely important. Therefore, as a wise precaution, we have insisted upon placing this power in the hands of the Senate by prescribing that the members of the council shall be appointed by the President by and with the advice and consent of the Senate.

Mr. President, Senators talk about the board or the President, either, acting upon the recommendations of these cooperative associations and farmers' organizations. With respect to a great industry that does not mean anything, practically, or mighty little. In each State, probably, there is a cooperative association. There may be, as in the case of cotton, 10 or 11 States that are interested in the production of cotton to a large extent. They may each have several separate organizations, farmers' organizations, cooperative organizations; they may have representatives here at the Capitol claiming to speak for them; but I think the Members of the Senate know without any discussion of that question on my part that very frequently the alleged representatives of these organizations at the Capitol do not speak what represents the sentiment of the farmer or his interests.

Where there probably might be a dozen lists from which selections might be made, it would be difficult for the President and it would be difficult for the board to determine whose recommendation he should follow. There is, however, one provision in the amendment sponsored by the committee of which the Senator from Tennessee is the spokesman, and which is embraced in his amendment, that is a safeguard that can not be disregarded, and it is a safeguard that is easy of application; and that is that the appointee on this advisory council, whoever he may be, whoever may recommend him or whoever may oppose him, shall be a producer of that product. "A producer" means a bona fide farmer. That was put in there because we did not see how it would be possible to evade that. Surely the President of the United States can not say that Congress has not the right to say that in appointing an advisory board to represent the interests of cotton, for instance, its members shall be selected from the producers of cotton. Surely that is not a limitation upon his authority of which he can complain. If it is, then I assert that a similar limitation is written in at least a hundred statutes, and no question has ever been made about it; but it is a limitation so broad and sweeping and comprehensive that the President can not disregard it without invoking the immediate wrath of the Senate in the form of a rejection of his nominee.

The Senator from Arkansas [Mr. CARAWAY] insists that this whole business shall be put in the hands of the cooperatives and the farmers, and he insists that the bill as it came from the House practically does that. The bill as it came from the House does no such thing. The bill as it came from the House simply permits them to recommend to a board whose powers are unlimited in dealing with the provisions of this bill.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. SIMMONS. I will ask the Senator to pardon me a moment. Furthermore, Mr. President, there are some sections of the country that do not think these organizations always represent the sentiments or the interests of the farmer, and where, in fact, the farmers are not truly and adequately represented by any farmers' organization.

I know of one particular State—I shall not designate it—where there is but one farm organization, and I am sure there are not 5 per cent of the farmers of that State members of that organization. I know that they had a tri-State tobacco cooperative association there, and it functioned for five years and then went into bankruptcy, and the farmers of those three States have lost tens of millions of dollars. It has gone out of existence. There is a cotton organization there, but not 10 per cent of the cotton farmers of the State belong to it.

The Senator says we will coerce the farmers to join these cooperative associations, and when we have coerced them all to join, then we will give them the right to recommend to this board whom they shall appoint as their advisory council to represent them, when the Senator knows that if that board disregards that recommendation, even if that consummation of organizations should be accomplished and all the farmers in the cotton States should become members of this cooperative association, even then they could disregard it, and the farmer would have no remedy. On the other hand, under the bill we have adopted, if the President disregards the recommendations of these organizations which exist or may come into existence, and makes an independent appointment contrary to the provisions and spirit of this law, and not truly representative, we have that provision in the law that "We directed you to appoint regardless of this list. We directed you in broad, general, sweeping, comprehensive terms to appoint nobody except some one who was a producer, and you have appointed a person who is not a producer"; and we have the power in the Senate to say no to his nomination. That is a real safeguard that can be invoked and that will be effective.

It will hardly be contended, I think, that the Senate as a whole does not fairly represent the agricultural interests of this country, does not sympathize with the agricultural interests, does not understand fairly the needs of the agricultural interests of the United States, and does not genuinely desire to conform its action to their best interests. That will hardly be contended. It will certainly not be contended that the Senators who represent the cotton States are not in sympathy with the cotton grower, because in many of those States we have the one-crop system. Practically the only money crop we produce in certain southern States is cotton.

We neglect to produce those things which are necessary to sustain the life of man or the life of the animals he employs, and we buy those things from other sections of the country, because we once thought it was more profitable to raise cotton and to buy those other things. We are distinctively a one-crop section in many of the States of the South. My State has broken loose somewhat from that, as has the State of the Senator from South Carolina. Both of those States are not only agricultural but they have become great manufacturing States; but cotton and tobacco are the chief agricultural products of both. The balance of the Southern States are principally cotton-growing States.

Can it be thought that the President will disregard our wishes and the spirit of the law in this matter in the appointment of a person to represent the cotton industry of the South on this advisory council, which has in its hands the life or death of this industry, this advisory council which will, if the machinery of this bill be put into operation, have enormous power? We would like to safeguard all that, and we can do so under the bill with the McKellar amendments. The council will have a large voice in the control of the cotton situation, and under the bill as reported by the committee it would be only the voice of advice, the voice of recommendation. The members would be merely the puppets of a board, and a board that is absolutely free and independent of everybody from the time it is appointed until its term expires, unless the President, who appoints it and selects it, should see fit to remove one or more of the members of the board.

Mr. SMITH. Mr. President, as the Senator is developing——

Mr. BRUCE. Mr. President——

Mr. SMITH. I just want to ask a question.

Mr. President, as the Senator is developing the idea of how far we may go in directing the President, or attempting to limit him in the power of appointment granted him under the Constitution, we have certain bipartisan boards appointed under provisions we have written into the law providing for boards to be composed of equal representation, or practically equal representation, from the two different parties. As far as I know, in my experience in the Senate, I have not known the President to depart from the observance of such a provision of law.

Mr. SIMMONS. Mr. President, one other thing, and I am through. Everybody knows that the one stumbling block in connection with this whole bill is what is known as the equalization fee. That is a provision by which the farmer undertakes, contrary to what is required of the other industries of this country, to take care out of his own pocket of any loss that shall be sustained in an effort to raise and support the price of his product.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. SIMMONS. Will the Senator pardon me until I get through with this phase of the matter?

The power of imposing this equalization fee is an exceedingly great power. The act itself does not impose it. The act itself expressly provides that it shall be imposed under certain circumstances and conditions.

Mr. SMITH. By the board.

Mr. SIMMONS. By the board. It does not direct that it may be imposed by the advisory council, selected to represent that particular interest to be brought in and subjected to this equalization-fee burden. It vests that power in the board, and that board, appointed by the President, with no limitations upon its power, with nothing to restrain its hand, has the sole and exclusive power of bringing any industry in this country under the operation of this measure and imposing upon it not only an equalization fee, but the board practically has the power and the right to fix the amount of the equalization fee.

Mr. President, Senators representing the cotton States are probably more interested in this bill than those representing the wheat States, because this is a bill to take care of surpluses, and the cotton industry in a year exports more in value than the value of all the other agricultural exports from this country combined. It is proposed to go in under this bill and by an equalization fee provide for the losses in withdrawing from the market, if the conditions require it, six or eight million bales of cotton a year; and, naturally, we who represent the South want to know who is going to impose that equalization fee and fix the amount of that equalization fee.

The Senator from Arkansas would have the board do it all. We say "no." We have gone into this thing because you have given us an advisory council to represent our product as distinguished from every other product in the United States, and we want that advisory council to have the authority and the power to veto any equalization fee that may be proposed, the amount of it, and whether it shall be applied at all or not.

Mr. HARRIS. Mr. President, I understand that this advisory council would have to approve the recommendations of the board, or they can veto them before they can put into effect the equalization fee.

Mr. SIMMONS. Yes.

Mr. HARRIS. Under the amendment of the Senator from Arkansas would not this board be able to do the same thing?

Mr. SIMMONS. Not as I understand it. When we get to that, if the Senator from Arkansas has an amendment that would confer upon the board the same power our amendment would confer, though he may use different language to do it, we will make no objection. I do not care anything about the phraseology, but I want the advisory council, selected to represent this great interest, and not the board, to have the right of controlling the imposition of the equalization fee.

Mr. BORAH. Mr. President, the amendment which the Senator from Arkansas has shown me, which is to be on page 7, after line 11, and which is relevant to this discussion, reads as follows:

> No marketing period under section 7 in respect of any agricultural commodity shall be commenced or terminated unless the advisory council for such commodity concurs in the respective finding or findings which the board is required to make prior to the commencement or termination of the marketing period. No equalization fee shall be collected unless the estimates upon which the determination of the amount of the equalization fee is based are concurred in by the advisory council for the commodity.

Mr. SIMMONS. Mr. President, so far as that amendment is concerned, it differs to some extent from the amendment proposed by the Senator from Tennessee, but I do not think it very substantially differs from it. In one respect the amendment offered by the Senator from Arkansas is different from the bill. What I favor is an amendment that will accomplish this very purpose, either by the language used by the Senator from Arkansas, or the language used in the amendment of the Senator from Tennessee.

Mr. BORAH. I think this amendment offered by the Senator from Arkansas is an exceedingly important amendment.

Mr. SIMMONS. Does the Senator think it would strengthen the powers of the council?

Mr. BORAH. Yes.

Mr. SIMMONS. If it would strengthen the powers of the council, then I will accept it, so far as I am concerned. I want to strengthen their powers.

Mr. BORAH. I quite agree with the Senator. I think the amendment offered by the Senator from Arkansas is one of the most important amendments offered to the bill.

Mr. SIMMONS. I am not fighting the amendment offered by the Senator from Arkansas. I was controverting some of the arguments of the Senator from Arkansas especially with reference to the appointment of the council. Incidentally, I did not know that his amendment was quite as sweeping as it would seem to be. I had thought it covered not quite as broadly as the McKellar amendment does the question of the equalization fee, when it shall be imposed, what the amount shall be, and when it shall be withdrawn or discontinued. When we get to that amendment I shall be very glad to discuss it further. I was speaking of the general principles. I want a safeguard of that kind. It is needed in the bill. It is in the amendment of the Senator from Tennessee. If the Senator from Arkansas has an amendment which accomplishes the same purpose and goes a little further, I would be perfectly willing to accept it, but I would want to examine it for myself before committing myself to it.

Mr. McKELLAR. Mr. President, if I may have the attention of the Senator from Idaho, on page 3 of the amendments offered by me, lines 6 to 14, inclusive, are intended to be substantially the same as the Caraway amendment. So far as I am concerned, if the language would suit the Senator from Arkansas and the Senator from Idaho better, I see no reason to think that it is not equally as good as the language in my amendment. I think it means exactly the same thing.

Mr. SIMMONS. The Senator from Idaho thinks it is stronger.

Mr. McKELLAR. If it is stronger, let us have it.

Mr. BORAH. I have no doubt that the objective of the Senator from Tennessee is the same as that of the Senator from Arkansas.

Mr. McKELLAR. Precisely.

Mr. BORAH. But I think there is a concluding sentence in the Caraway amendment which is exceptionally important and I do not find it in the amendment of the Senator from Tennessee, although I find in all probability the intent to arrive there. That sentence reads:

> No equalization fee shall be collected unless the estimates, upon which the determination of the amount of the equalization fee is based, are concurred in by the advisory council for the commodity.

Mr. SIMMONS. The Senator from Idaho will understand that when I was discussing the equalization fee and its application under the machinery of the bill, I was proceeding upon the fact that under the committee bill the authority of the advisory council thereby conferred was negative and ineffective, and that the amendments proposed by the Senator from Tennessee were intended to correct that situation and change their authority from that of negative action to that of affirmative action in disapproval or approval. I regard that as fundamental.

Mr. BORAH. I regard it as fundamental, too. I quite agree with the Senator. The Senator is desirous of making the advisory council somewhat an independent tribunal.

Mr. SIMMONS. Exactly.

Mr. BORAH. Then he refers to the powers of the advisory council after it has been created. The Senator from Tennessee offers certain amendments giving certain powers with reference to the board, but in my opinion there is one sentence in the Caraway amendment which we ought to have.

Mr. McKELLAR. I will say that I agree with the Senator from Idaho. I think it is better in the way the Senator mentions, and so far as I can now do so, I ask unanimous consent to strike out, on page 3 of my amendment, lines 6 to 14, inclusive, and insert in lieu thereof the language proposed by the Senator from Arkansas in that regard.

The PRESIDING OFFICER. The Senator may modify his amendment without unanimous consent.

Mr. SIMMONS. I want to say that so far as I am concerned I am contending for certain fundamental things in connection with this matter. The first is that the advisory council shall be an independent board. The second is that one of the functions of the advisory council shall be the power to negative any action of the board with reference to the bringing in of agricultural product and the imposition of an equalization fee upon that product, and the amount of the equalization fee. Those principles I consider absolutely fundamental. If those fundamental principles are preserved, I do not care whose amendment is adopted. But I am opposed to any amendment that would emasculate or weaken the powers of the advisory council as they are fixed by the amendment of the Senator from Tennessee. The bill as reported by the committee would leave the council a purely negative body with nothing but advisory powers, subject to the control and removal by the board at all times, and, therefore, the caprice of a board appointed by the President without any limitation upon the power of appointment except citizenship and place of residence.

Mr. BRUCE. Mr. President, I endeavored to interrupt the Senator from North Carolina, but he saw fit not to permit me to do so.

Mr. SIMMONS. No; the Senator need not think that I refrained from answering his question. I never have done that during my service in the Senate and I hope I never will.

Mr. BRUCE. If the Senator had permitted me to interrupt him, I would have said all I intended to say, I think, within the time allowed for the interruption. I wish to say just a word

with reference to the importance which the Senator from North Carolina attaches to the equalization fee provided for in the pending bill. In my opinion there is no distinction in some respects to be taken between the provisions of the bill relating to loans and advances made out of the revolving fund provided for by it, and the fund created by the equalization fee. That fee is really not a burden upon the farmer. It is a burden upon the consumer.

Mr. BORAH. Not necessarily.

Mr. BRUCE. I do not agree with the Senator. I think it is necessarily a burden upon the consumer.

Mr. SIMMONS. Mr. President, I think the Senator——

Mr. BRUCE. Just a moment, if the Senator please.

Mr. SIMMONS. I thought the Senator asked me a question.

Mr. BRUCE. No.

Mr. SIMMONS. I beg the Senator's pardon.

Mr. BRUCE. I say that while the equalization fee is supposed to be collected from the farmer, for all practical purposes it is not collected from him at all. It is collected from the consumer. The only difference between the result when such a fee is collected and the result when a loan or an advance is made out of the revolving fund is that in the latter case the loan or advance comes out of the General Treasury of the Federal Government and not out of the pocket of the consumer. That is the whole difference.

The equalization fee, with due respect to the authors of the pending bill, is nothing but a blown-up bladder. The bill is an artificial thing from beginning to end. For the first time, almost, in the history of the human race, the general prosperity is to be promoted not by creating abundance, not by producing wealth, but by creating a dearth.

The power is given to the board to inflate prices with its bellows whenever it deems it discreet to do so under the provisions of the bill, and when it enters upon this process of inflation there is no reason why it should not push it not only to the point of providing what may be deemed by it to be a proper price to the farmer for his commodity but to a point sufficient to cover the equalization fee besides. It is not true that the farmer pays the equalization fee under the provisions of the bill. He is allowed what is supposed to be a proper price for his commodity, and if this amount is enhanced to a sufficient additional extent to cover the equalization fee, what difference does that make to him? But it makes a world of difference to the consumer, because it is he who has to pay the price deemed the proper price for the commodity sold by the farmer plus the amount of the equalization fee.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Idaho?

Mr. BRUCE. I yield.

Mr. BORAH. It has been estimated that the consumers last year paid about $29,000,000,000 for what the farmers of the country produced, and out of that the farmers got about $9,000,000,000. The rest of it went to somebody who was operating between the farmer and the man who got the food. It might be possible that this measure would have some effect upon that gentleman, and if it did it would be a good thing.

Mr. BRUCE. That is a different question altogether—the question as to how far the spread between the farmer and the consumer under existing conditions is too great.

Mr. BORAH. It is not a different question, for the reason that the basic principle of the bill is intelligent marketing to enable the farmers to intelligently market their produce so they will get what the produce is worth and not be robbed on the way from the farm to the consumer.

Mr. BRUCE. It seems to me that the basic idea of the bill is unnaturally to inflate prices by buying up the exportable surplus of an agricultural commodity and creating a domestic scarcity in it; that is to say, artificially to tumefy the domestic price for an agricultural product to such an extent as not only to give the farmer an adequate price, but, where the equalization fee will come into play, to provide for that fee also. That consideration, so far as I know, has never received attention in the course of the discussion of the pending bill, but I believe it to be an absolutely sound one. Of course, if the equalization fee is really a burden on the farmer, then it is an absolutely unconstitutional and unlawful one, because it is entirely beyond the power of the Federal Government to say to me, if I am a farmer, when I come to sell some product of my farm, that I must submit to a deduction from the price whether I am willing to do so or not.

Such an imposition is either a tax or it is an attempt to take my property from me without due process of law contrary to the guaranties of the Federal Constitution. That such an imposition for the lack of the general attributes of true taxation can in no proper sense be considered a tax has been demonstrated by the Senator from Montana [Mr. WALSH] in the course of an argument which he delivered in this body last year that was absolutely, in my humble judgment, unanswerable.

At the same time it was demonstrated by other Senators fully as convincingly that if the farmer, willy nilly, is to be deprived of a part of the price that he receives for a commodity that act would unquestionably constitute a violation of the provisions of the Federal Constitution which forbid the taking of private property without due process of law and just compensation. But, as I have intimated, so far as any contention that the equalization fee contemplated by the pending bill would constitute a burden on the farmers is concerned, it is unnecessary to ask whether it is a tax; it is unnecessary to ask whether it operates as the taking of private property without due process of law, because the equalization fund is nothing but a purely factitious thing. Provided that the farmer obtained a proper price for his commodity it would make no material difference to him; I can not repeat too often whether there were an equalization fee created under the provisions of the pending bill or not.

It would be something that he would not only never get himself, but would never expect to get. It would be paid by the consumer, and by the consumer alone.

Mr. BORAH. The Senator from Maryland surely will concede, will he not, that the present marketing system of the farmer is not a success; that the farmer can not, under present conditions, without some central organization or some central power get that cooperation which is necessary to put his products on the market intelligently?

Mr. BRUCE. That situation would be met if the farmer went ahead and, with constitutional and reasonable aid from the Government, perfected his cooperative associations of every sort. I doubt whether the present system for the distribution of the farmer's produce is quite so bad as it has been represented to be; you can not have distribution any more than you can have production without cost; but I am willing to go to any point to which Congress may constitutionally go for the purpose of facilitating and cheapening the distribution of the farmers' commodities.

Mr. BORAH. Does not the Senator think that we have the constitutional power to set up machinery to enable the farmer successfully to market his products?

Mr. BRUCE. As the Senator from Idaho well knows, in the beginning of our Government it was doubted by no less a personage than Alexander Hamilton himself whether Congress had any constitutional power to appropriate money for the promotion of agriculture. We have long passed that period without boggling over any such constitutional scruples, and the country has reached the settled conclusion that agriculture is, as has been said, one of the "twin breasts" of the state, if not the public interest of supreme importance; and in consequence of this conclusion Congress has gone on year after year building up the superb structure of agricultural supervision and aid with which we are all now so familiar.

Suffice it to say that I am given no opportunity to say what my attitude toward the pending bill would be if the equalization fee were stricken from it, as well as all the other devices by which it seeks to produce plenty by first producing scarcity. Under proper conditions I should favor the extension of Federal pecuniary aid to farmers' cooperative marketing associations.

Mr. BORAH. Speaking purely as a question of constitutional authority, would there be any difference, so far as the Constitution is concerned, between setting up the machinery which is contemplated in the pending measure, leaving out the equalization fee, which would result in the successful marketing of the farmer's products, and the authority which we exercised in creating the Department of Agriculture and appropriating for it year after year in the effort to destroy the boll weevil and do other things which affect agriculture? Is there any difference, so far as the Constitution is concerned, in the exercise of those two authorities?

Mr. BRUCE. Mr. President, I am not in the slightest degree questioning the constitutionality of the general measures that the Government has pursued for the purpose of promoting the welfare of agriculture; I have no disposition to do that, and I do not know that I would have the competency to do it successfully even if I were to attempt to do it; but the point I make is that, so far as the equalization fee is concerned—and that is the limit of my constitutional argument—it is an absolutely nugatory, unlawful, and unconstitutional thing; and, in my judgment, will be so declared whenever the question shall be submitted to the Supreme Court of the United States.

I am not impeaching the constitutionality of the provisions in the bill for loans and advances by the Federal Government for

the purpose of strengthening the farmers' cooperatives; under proper restrictions and safeguards I am in sympathy with that idea; and even if I were disposed to doubt its constitutionality I should be very loath, indeed, to give any but a regretful expression to my doubt.

Mr. President, I had no thought of entering upon any general discussion of the pending bill when I sought to obtain the permission of the Senator from North Carolina to interrupt him for a moment. However, before I take my seat I wish to say that I think that there is no need at this time for such a measure except so far as it might be made to furnish reasonable pecuniary aid by the Government to the voluntary cooperative associations of the farmers themselves. If we were dealing with anyone but the farmer; that is to say, anyone but the individual who makes a particularly strong appeal to the sympathy and respect of us all, we would deal with this bill, I venture to say, in a very different spirit from that in which we are dealing with it now. There is nothing peculiar——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Idaho?

Mr. BRUCE. I do.

Mr. BORAH. If we were not dealing with the farmer, in my judgment we would make an appropriation direct from the Treasury of the United States and set up machinery which would enable him to market his products. We have done that with reference to other industries, and, in my opinion, that is the rule that we ought to follow in this instance.

Mr. BRUCE. The Senator from Idaho insists on harking back to the question of agricultural distribution machinery. I have not taken issue with the Senator on that point; I have not objected to the pending bill on that ground; but I do think that we would never have thought of giving our approval to such an artificial bill as it is if we were not dealing with the farmer, who is, for all kinds of reasons, as we know, apart from his numerical strength as a voter, peculiarly entitled, as has always been recognized from the beginning of our Government, to our cordial respect and support. Jefferson once declared that the farmer is the most virtuous and useful member of the whole community; and so he is.

Speaking from my own intimate familiarity with rural life, I do not hesitate to say I think that he lives more in harmony with higher standards of industry, personal integrity, and clean living than does any other member of the American body politic whomsoever.

I was born and spent my boyhood on a farm. That, of course, was many years ago. Among the farmers, in the vicinity of the farm, I can not recall a divorce nor, except where drink occasionally came in with the misfortunes that follow in its train, even an unhappy marriage; certainly not one solitary scandal that deeply stains the purity of domestic life.

But, as I have said, we are not approaching the problems which the pending bill seeks to solve as we would do an ordinary industrial predicament. There is nothing extraordinary however distressing, about the present plight of the farmer when traced back to its economic causes. During the World War all constructive peace work, so far as manufacturing industries were concerned, was laid aside, and all the industrial energies of the Nation were devoted to turning out supplies for the successful prosecution of the war. The consequence was that when the end of the war came there was a tremendous industrial slack to be caught up.

All sorts of industrial projects, all kinds of industrial needs that had been shelved during the war, had then to be taken up and accomplished or gratified; and it is that fact which furnishes the explanation of the period of amazing industrial prosperity which marked the history of this country after the close of the World War until a few months ago.

Now, however, that state of things is coming to an end. It is computed that in the city of Baltimore alone there are some 15,000 people unemployed at the present time; the number of the unemployed throughout the United States is now computed to mount up into the millions.

During the World War the farmer, too, passed through a period of wholly abnormal stimulation and activity. The war created an enormous demand for agricultural commodities of every sort, and the consequence was that men who were already farmers made it a point to put in larger crops than they had ever put in before, and men who never had been farmers and who scarcely knew the difference between a horse and an ox turned to farming as a pursuit. Besides, of course, as farmland values steadily rose many farmers went into the business of buying more land, either for the purposes of larger production or as a mere matter of land speculation; and the banks, especially throughout the Northwest, followed suit by making many imprudent loans on exaggerated agricultural values.

Of course, the result was that after the World War, while there was a tremendous industrial slack to catch up, there was no agricultural slack to catch up; and inevitably there followed a period of agricultural depression, disaster, and bankruptcy, bringing ruin more or less in some parts of the country to the farmer, the banking interests, and all interests immediately affiliated with agriculture.

Mr. BORAH. They deflated the farmer a little hurriedly, too, did they not?

Mr. BRUCE. I have heard that alleged by the Senator from Alabama [Mr. HEFLIN]. I do not know; I have never heard any other Member of the Senate, so far as I can recall, lay very much stress upon that idea.

Mr. BORAH. Does the Senator lay no stress on it?

Mr. BRUCE. I do not know how far it is true in point of fact that the farmer was subjected after the World War to a ruthless period of deflation by the banking system of the country or by any banking agencies of any sort.

Mr. BORAH. I think the facts are available.

Mr. BRUCE. Well, I do not know. It is useless, it seems to me, to go into that as the real cause of the misfortunes that overtook the farmer after the World War, when the results of natural economic deflation were so inevitable under the circumstances.

All that the present agricultural situation calls for is the healing influence of time, except, as I have said before, so far as the Government, by legitimate and constitutional pecuniary aid, can assist the farmer to perfect his cooperative agencies of distributon.

For some years now, if our Secretaries of Agriculture can be believed, if the wisest economists of the country can be believed, a slow but steady process of improvement has been taking place in the condition of the farmer. Agricultural labor has been going down. Agricultural commodities everywhere have been going up—not rapidly, it is true, but measurably, substantially—and I think I can say without a moment's hesitation that if there was no justification for such a measure as this McNary-Haugen bill at the last session of Congress, there is still less justification for it now, because the condition of agriculture at the present time is in every respect better than it was at the last session of Congress.

A great deal of stress has been laid upon the fact that some 3,000,000 farmers have quit farming. If that exodus had taken place in connection with the nonagricultural industries of the country, it would, perhaps, not have received the attention that it has. Everybody would have said that those industries were simply responding to the ordinary, normal play of natural economic forces. But as soon as farmers were seen quitting the farm and going off to industrial establishments and getting employment at highly satisfactory wages such a phenomenon was accepted as one of the most ominous, the most unprecedented, the most tragic character.

It was distressing enough, but that, of course, is the way in which economic adversity in any particular branch of industry always relieves itself; that is to say, shifting a large body of the workers in it to other pursuits. It is partly because of that exodus of farmers that agricultural prices are again found today in the ascending scale, and a steady improvement in every respect in the general agricultural conditions is setting in.

The present bill but repeats the old story of disregarding the admonitions of the wisest of all physicians, nature, and resorting to the quack and his nostrum. It is enough for me to say that I feel that I would be untrue to my representative function, would be disloyal to my obligations to my constituency, including the farmer himself, if I did not, as the President of the United States has done and so many other Members of this body and of the other House have done, set my face like flint against this bill—this bill which has a lisp of alluring deceit upon its lips, but nothing but dead sea ashes in its breast.

Always the worst enemy of the farmer ever since my boyhood has been not the San Jose scale or the boll weevil or the corn borer but the demagogue and the charlatan.

Over and over again false friends of the farmer have come forward to suggest some visionary or delusive remedy for his ills, and from the agitations kindled by them many demoralizing and destructive sequels have followed. I hardly exaggerate when I say that since the American Civil War the pathway of our political history has been strewn with the bleaching and dissolving bones of economic fallacies like those that lurk in the pending bill.

How well do I recollect Peffer, with his long, straggling beard, and "Sockless" Simpson, and all the legislative quacks of that time! How well do I remember some of their successors,

bred by the Populist movement and the free-silver movement! Of all those agrarian agitations, not one single, solitary one ever came to anything so far as solid benefit to the farmer was concerned—not a solitary one of them.

Here now is another similar proposal. We are again asked to defy nature, to scorn the ordinary laws of supply and demand, to experiment with legislative price fixing, to make a whole industry prosperous by artificial legislative hypertrophy.

I do not object, under proper conditions, to the farmer receiving a special benefit. I think that he has peculiar claims to legislative consideration. But bear in mind that whatever the other consequences of this bill may be, one will be to make the cost of living in many respects dearer to every man, woman, and child in this country, including the farmer himself, than it would otherwise be.

When this bill was brought in at the last session it included only some six agricultural commodities. Now it includes all. I doubt very much whether it will work as it is intended to work; but should it do so, of course it would be in the power of the Federal farm board, created by it, at any time that it pleased to create such a dearth in the volume of an agricultural commodity as to make that commodity—whether it is corn or wheat or pork, or whatnot—just that much more expensive to all American citizens, including the farmer himself.

In the region where I live the most profitable branch of agriculture at the present time is the dairy industry. I have had more than one farmer near Baltimore say to me in recent years that but for the milk, butter, and other dairy products which he sold he could not make both ends meet. This bill, however, contemplates nothing less than that for the benefit of the wheat and the corn grower the prices of all the feedstuffs that the dairyman uses in his operations shall be greatly enhanced.

Some Members of the Senate seem to think of farmers merely as producers of the things they sell. They, too, are also consumers of the things that they buy. Farmers, as well as the rest of the community, will buy many agricultural products after this bill goes into effect, if it does go into effect, that they themselves do not raise, and they, as well as the rest of the community, will have to pay the swollen prices which this bill has been devised for the purpose of fixing.

Of course, if the bill works, we shall pass through the same old round of sickening experiences that we passed through when agricultural profits became deflated after the World War. The same spirit of land speculation will be revived; men who are utter tyros, as far as farming is concerned, will again be resorting to farming as a profession. The farm market will again be overstocked. Again there will be entirely too many farmers working the soil, entirely too many farmers growing crops, entirely too many farmers speculating in land, entirely too many farmers borrowing money from the banks. Farm acreage will increase. Farm surpluses will be still more intractable. Again we should see repeated all the disastrous consequences that flowed from the World War period of agricultural expansion. Such results always follow in the economic field from artificial stimulation in any form. They follow just as naturally as intoxication follows from the excessive use of drink.

Some years ago the British in India, alarmed by the number of human beings who were killed every year by the cobra da capello, offered a reward for the head of every cobra. What was the result? The cobras did not diminish in number and soon the fact came to light that the Hindus were actually raising cobras for the purpose of getting the recompense for their heads.

Not only would the pending bill, if it became an act, render every agricultural commodity dearer to all the citizens of our own land, including the farmer himself, but it would make the same commodities cheaper to the inhabitants of foreign lands, thereby enabling our industrial competitors abroad to prosecute their rivalry with us more effectively than ever.

Mr. President, there are innumerable other objections that I could urge to the pending bill, but many of them have become trite and threadbare by constant reiteration in the course of the discussion that has gone on over it. I really had not intended to say anything to-day at any length about it, for I expressed my opposition to it as pointedly, as clearly, and as cogently at the last session of Congress as I was capable of doing. My idea had been until to-day to remain silent with reference to it and simply to register my opposition to it when the time for voting came, trusting that the President of the United States, with the calm mental balance and the fearless spirit that he has always brought to the discharge of his duty in relation to Congress, would again veto it. Indeed, since the publication of his veto message in relation to the McNary-Haugen bill at the last session of Congress it has hardly been necessary for anyone to urge any additional objections to it. I regard that veto message as one of the clearest, one of the most convincing, and one of the ablest messages that has emanated for many a day from a President of the United States. It was only a few days ago that I took it up again and read it with renewed pleasure and instruction, from its first word to its last, and I only wish I could induce every Member of this body to do the same thing before he votes "aye" or "no" on the pending bill.

Mr. SHIPSTEAD. Mr. President, I am not going to take the time of the Senate to discuss the mechanics of this bill. Everyone knows that the bill is an effort on the part of Congress to make the tariff effective for agriculture. I never at any time have labored under the delusion or tried to make anyone believe that it carries a complete remedy for the agricultural situation in the United States at the present time.

So far as the tariff affects the manufacturing industries of the country and the manufactured articles that the farmer must buy, to that extent it is hoped that the bill will remove the handicap of his having to buy manufactured products in a protected market and sell the raw material in an unprotected market.

There is nothing in this bill that I can see that will remove the handicaps that agriculture suffers from time to time due to the manipulation, the fluctuation of the money and credit situation of the country. There is nothing in this bill to prevent another deflation by the Federal reserve bank system like the one we suffered in 1920 and 1921. There is nothing in this bill to overcome the very heavy burden of freight rates imposed upon agriculture in this country by the passage of the Esch-Cummins railroad law.

If I may, in connection with the discussion of agricultural products, bring to the attention of the Senate the additional burden placed upon the back of agriculture of not only having to buy in a protected market, but the other burden of having to pay the freight both ways on what we have to sell and what we have to buy; and, due to the transportation act, having had freight rates raised from 50 to 75 per cent due to that act, I feel that a discussion of the agricultural situation can not be complete unless that question of freight rates is analyzed with it.

I have here an editorial from the Wall Street Journal, in which the editor pays me the compliment of taking me to task for a statement I made in the city of Minneapolis last fall in discussing the agricultural situation from the economic standpoint. Because we have heard so much about the term "economic soundness" when we discuss the agricultural situation, I thought it might be interesting to the Senate to have an example of the views on economic soundness of some of the high priests of that cult who criticize us for proposing something that is economically unsound and their understanding of the economics of agriculture and the freight situation.

The editorial is headed by a caption "A mistaken Senator." It reads:

> People familiar with the United States Senate, and even with United States Senators, say that HENRIK SHIPSTEAD, senior Senator from Minnesota, improves upon acquaintance.

I might say that I do not take the time of the Senate to read that statement simply for the purpose——

Mr. McKELLAR. The Senator will admit it, will he not?

Mr. SHIPSTEAD. I will not admit anything. I will not even admit that it is a compliment. He goes on to say:

> He has made occasional speeches in the Senate which were almost entirely devoid of the populist progressive nonsense which was his stock in trade when he entered politics. He is a dentist by profession and credibly reported to be a good one. He returned to his early bad manner the other day.
>
> This is what he said to a gathering of business men in Minneapolis: "The National Government can not create wealth, but it does distribute wealth. Government price fixing has been declared unsound by many experts, yet the Government has fixed prices and the income yield for the railroads. Through a high protective tariff the Government has enabled our industries to fix prices on merchandise, all of which we pay. We pay freight two ways, first on the raw material and then on the manufactured article."
>
> Senator SHIPSTEAD is confusing fixed prices with guaranteed prices, and the Government does not guarantee railroad earnings, much less fix railroad freight rates.

Here is this apostle of economic soundness making the declaration that the Government of the United States does not fix railroad rates. He continues:

> The law merely limits those rates. If one of those farmers whose friend Senator SHIPSTEAD professes to be had the profit on what he produces limited by act of Congress to 6 per cent, with anything above that to be divided 50-50 with his improvident neighbors, he would be in the position of the railroads, except that his farm is private property while the railroad is a public utility.

Any railroad can reduce rates, and thousands of reductions have been made since the last horizontal advance was conceded by the Interstate Commerce Commission.

I know of two cases, one on coal, the Lake Cargo cases, and when the Soo Line and the Minneapolis & St. Louis Railroad attempted to lower rates to the seaboard on wheat, and both were denied the privilege by the Interstate Commerce Commission under the law.

The editorial proceeds:

For all the Government, which means Congress, cares the railroads can go into bankruptcy. But no efficiency, however wise and however valuable to the community, will enable the railroad stockholder to earn a reward such as other property holders are allowed to reap without question.

I have on my desk some statistics to show what has been the fate of property and of agriculture in answer to what he says that property has enjoyed since the passage of the transportation act.

The editorial then proceeds:

What does Senator SHIPSTEAD think he means when he says that "we," presumably himself and the farmers, "pay the freight two ways"? Of all men the farmer consumer is least concerned about the tariff. His own product is highly protected, and he is more nearly self-supporting than any of the 72 per cent of our population not engaged in agriculture. Does Mr. SHIPSTEAD think that he pays freight on the wool he ships to market, and pays freight again when that wool is manufactured into cloth? The consumer pays the freight, and if, by some magical process, the farmer's wool could be transported to the factory without cost and without the help of the railroad, the beneficiary would be the manufacturer because he, and not the farmer, pays the freight, taking it back ultimately from the wearers of the cloth he manufactures.

I take it that this is an example of the economic soundness doctrine of these people who have for all these years been fighting some kind of a measure upon which the agricultural sections of the country could agree and upon which a majority of the Congress could agree. I want to analyze his statement. He asks some economic questions in his editorial. I would not take the time of the Senate on this matter did not the economic queries raised deal with one of the principal measures of this session, namely, legislation aiming at stabilization of the agricultural industry.

The point to which the Wall Street Journal takes exception, indeed, the ground which the editorial writer bases his contention that I am a "mistaken Senator," appears to be that the farmer pays the freight two ways. The editor contends that the manufacturer pays the freight on the raw material from the farm to the factory, and thereafter passes the cost of the freight to the consumer.

Our Wall Street editor, therefore, seems to be laboring under the presumption that the farmer is in a position to, and actually does, fix the price on his product, a price presumably based on production cost, and that the manufacturer has to pay this farm-fix price plus cost of transportation.

It is not difficult to understand, Mr. President, where this Wall Street editor has been living during the past 20 years. He has been living not far from his editorial sanctum. Certainly he has never been on a farm, or in a farming community, nor given any attention to farm-marketing conditions, or to the recognized data of the farm problem during the past decade.

It will not be contended that the present Secretary of Agriculture is a radical governed by ideas of "populist progressive nonsense," such as charged in this editorial, or that any such "populist progressive" has held the Agriculture portfolio in the past 20 years. Yet the basic method followed by the Department of Agriculture for years, in its economic analysis to arrive at the farm price, is this well-known rule: Take the market price fixed by the traders and factory buyers at the distant terminal market, deduct from that price the transportation and handling costs between the terminal market and the farm, deduct insurance and commissions and overhead costs and profits of the dealers, and the net residue, or what is left, is the farm price—what the middlemen and factory and railroad permit the farmer to receive for his product.

The farmer has no more voice in naming the price of his product than he has in regulating the revolutions of the stars. So far as the price of his product is concerned, the farmer is to-day, as in feudal time, a subject vassal. He takes what the produce trade, the manufacturer, the elevator system, and the transportation agency see fit to leave him.

He pays the freight on his own product. The freight comes out of the farm price. He pays the commissions, costs, and profits of the middlemen—it all comes out of the farm price. The manufacturer pays only the price fixed by the trade of which he is a member—and not a cent more. The farmer gets the fixed-trade price less the freight, other costs, and profits. Thus the farmer pays two ways—the freight on what he sells and the freight on what he buys.

And that is the reason why the world to-day has a farm problem. That is why the American Congress, for now the fourth successive session, has wrestled with a farm problem—how to place the farmer on the same economic basis of a fair return as other industry—how to insure him a fair prospect of a farm price yielding production cost, a normal return on his investment, remuneration for his labor, and exemption from the unjust exaction that compels him to pay the freight both ways. The unjust position of the farmer, Mr. President, is that he pays not only his own costs but the costs of everyone else from the time the crop leaves the farm until it enters the mill door.

The farm problem, the condition surrounding the marketing of the Nation's staple crops, is nothing new. It is nothing new in either House of Congress. It is nothing new to the executive branch of Government, as shown by the reports and research work of the Department of Agriculture and its numerous bureaus for nearly a generation, and as shown by numerous messages of the President on the subject. It is not new to the country at large. It is not new to public economists. Indeed, the unfortunate marketing dilemma of agriculture seems to be recognized by all economists discussing our national problem. Did I say all, Mr. President? No; all but one—the editor of the Wall Street Journal.

It is strange that our Wall Street editor is not familiar with the notable economic research work of that "safe and sane" economist, Secretary Jardine, of the Department of Agriculture. These two eminent economists—one in Washington, D. C., as the chief agricultural authority of the present administration, and the other in Wall Street as chief editor of the stock-ticker industry—ought to be able to find agreement in at least the fundamentals of economic interest.

Our Wall Street editor finds that the farmer is "highly protected and he is more nearly self-supporting than any of the 72 per cent of our population not engaged in agriculture."

On the other hand, Secretary Jardine, editor of the Yearbook of Agriculture, 1926, page 1204, finds that the value of the 22 main farm crops dropped from $12,442,977,000 in the census year 1919 to $7,036,786,000 in 1926—a shrinkage of $5,406,000,000, or 43 per cent, in seven years. Secretary Jardine also finds that the shrinkage in value of all crops from $14,755,000,000 in 1919 to $8,415,000,000 in 1926 amounts to $6,340,000,000, a 43 per cent shrinkage in the gross income of American agriculture during a seven-year period, when industrials and railways, as shown by the stock-exchange records of the Wall Street Journal, have shown the greatest expansion of income.

In the daily Market Diary published by the Wall Street Journal we find that the average "high" quotation of the 20 leading industrials has risen steadily from 120.51 in 1924 to 159.39 in 1925 and from that to 166.64 in 1926 and 199.78 in 1927. Here is a three-year increase in the market value of 20 leading industrials netting 77 points, or 64 per cent. A similar rise in value of railway stocks is noted in the Wall Street Market Diary—99.30 in 1924, 112.98 in 1925, 123.32 in 1926, and 144.82 in 1927. The leading 20 railroad securities have advanced in the past three years 45 per cent in stock-ticker values.

Secretary Jardine, in his 1926 yearbook, takes the books of 15,330 typical farms of a larger size, averaging 304 acres, valued at $14,157 per farm, and works out the average farm income for 1925 on a farm of this presumed better-than-average prosperity. The average gross receipts of this $14,157 farm are $2,965 for the year. The cash outlay for labor, taxes, and other expenses is $1,477. The receipts, less cash outlay, are $1,074—less than the annual income of a common laborer on a street job. The interest paid averages $225. There is a credit of $223 for increase in personal property inventory, partially offset by $131 paid for farm improvement. The value of the family labor, including the farm owner, is placed at $994.

This last item is worth attention. The labor of both the owner of the average $14,000 farm, together with the labor of his family, is computed by the Government as worth $994 a year, or, less than $3 a day, and this in a period of so-called nation-wide prosperity.

In table 507, page 1207 of the 1926 yearbook, Secretary Jardine presents the final table of analysis showing "Returns from farming: Returns to labor and capital."

The return to capital on this 304-acre farm is $778. The return to all unpaid labor is $542. The return to the operator—family labor at hired labor rates—is $219 a year. His interest on capital investment at 6 per cent is $1,029. Therefore he

does well, in taking a gambling chance against the elements and the traders who fix the price of his product, if he comes out at the end of the year with any balance at all to stave off the mortgage holder and sheriff.

Such is the financial status of an industry which leads all others both in the amount of capital investment and in the number of people dependent upon it for a living. The census of 1920 gave the total capital investment of American farms at $77,923,000,000, which was greater than the combined capital investment of manufactures and mines, national banks, and railways.

Since 1920 the value of farm property has been reduced by $20,000,000,000; the number of farms has been reduced; the ranks of the farmers have been cut down. The value of farm implements and machinery on the farms has been reduced, as shown by the agricultural census of 1925, by $900,000,000, and the value of livestock on the farms has been reduced by over $3,000,000,000.

President Coolidge in his recent message to the Seventieth Congress reminded us, "We must, however, preserve the sanctity of a balanced Budget." He was speaking of the Federal revenue. But the greatest Budget balance sheet the sanctity of which we as representatives of the States are bound in legislative duty to respect is the balance sheet of an industry which even in its depleted state represents a capital investment of $57,000,000,000, or nearly that of the railways and stock-ticker industrials combined—an industry that supports a rural population of 40,000,000 in producing the food of the Nation and the home market for all industrials.

The grave problem which confronts us now is whether the balance to which the farm industry is presumed to be entitled has any substantial existence in fact. Not only has the halo of sanctity been blown away, but the balance itself is hard to find. It seems to exist only in theory and in red ink.

It must be borne in mind that the select list of 15,000 farms of 300-acre size which Secretary Jardine employed as a basis for arriving at a tiny credit balance at the end of the farm year were exceptional, probably much above the average in prosperity. They were twice the size of the average American farm, and were farms that were supposed to be run on a business basis, farms that kept books. Let us now picture what the balance sheet is likely to show when the agricultural industry is taken as a whole.

The agricultural census of 1925 shows 6,371,640 farms with a total capital investment of $57,000,000,000 and the annual farm crop valued at $7,472,000,000. The average farm is 145 acres, worth about $9,000, and the value of the average crop per farm is a little under $1,200.

The interest alone, at 6 per cent on the $9,000 investment, is $540. This leaves from the $1,200 crop a balance of $660 a year to meet taxes, cost of tools, fertilizer, house and barn repairs, medical and burial expenses, but would hardly leave a balance large enough to support the hired man. The cows and chickens would probably pay the grocery bill. But how to raise a balance to clothe the family—that, again, is another thing. The sanctity of the budget balance might depend upon the income from the pigs. But the editor of the Wall Street Journal says that the American farmer is doing better than the average American in other lines of business, notwithstanding the mounting earnings and stock prices of the industrials; while President Coolidge predicts a continued wave of prosperity, crowned with Budget balance sanctity.

A balanced Budget in Federal revenue and expense all approve, but the principle of a balanced Budget should not stop with Federal income in Washington, D. C. Its application should be nation-wide. It is not a healthy sign, Mr. President, when a selected list of industrials shows mounting incomes and stock values reaching 60 per cent in three brief years, while the farms that feed the Nation are being deserted or falling under the sheriff's hammer because they have no balance with which to meet their debts.

We need a balance not only in our Federal Budget but in our prosperity as a nation. The present lack of balance is well illustrated in two cases which I now present. The two authorities to whom I am indebted for the statement of facts are, on the one hand, the Secretary of Agriculture, and on the other, the Wall Street Journal—perhaps the two highest authorities in their respective crop and stock fields.

Secretary Jardine, in his 1926 yearbook, finds that the farm value of wheat per acre in the United States in 1926 (p. 1208) was $17.12, while the cost of wheat production per acre (p. 1209), based on 1925 cost data, was $22.41, a loss of $5.29 per acre, not including fixed charges such as taxes and interest on the farm investment.

In my own State—Minnesota—the value of the wheat crop averaged $15.86 per acre against $18.61 as the production cost. In North and South Dakota, where there was a partial wheat crop failure in 1926, the loss was still more heavy. Montana, Missouri, and Nebraska came out with about the same margin of loss as Minnesota. Kansas showed a slight margin of about $2 per acre over production cost, but not enough to meet taxes and interest on the farm investment. Iowa, Oklahoma, and Texas realized a small balance over production cost, but hardly enough to pay interest, taxes, the grocer, and oil and garage charges. Pacific Coast States failed to recover production cost.

The wheat growers of the great State of New York—it seems that somewhere west of Wall Street farmers are still growing wheat—realized a farm value of $23.10 per acre for their wheat crop, while the cost of raising it was $32.75 per acre. That is to say, New York wheat growers failed to get back their production cost by a margin of $9.65 per acre. To meet their taxes and interest on capital invested, pay the grocer and the cost of painting the house and shingling the barn, the wheat growers of the Genesee Valley perhaps called upon an intermediate credit agency in Wall Street. But it is doubtful if even the keen ear of a Wall Street editor was able to detect on the stock ticker any sound like a dividend for the wheat growers of New York State.

Turn now to the companion picture—the Wall Street Journal report of December 9 on the National Biscuit Co., an industrial which converts the farmer's wheat into the finished product, crackers. "National Biscuit expansion broad" is the headline and then follows this amazing tale of five-year profits:

> When National Biscuit sold at 179 recently, it was 84¼ points above the low of the year. Old shareholders who have held the stock since before 1922, when it was split on a seven to one basis, see their old stock selling to-day on a basis of $1,253 a share, and their income at the current rate of $6 a share and $1 extra is $49 a share.

Par value of National Biscuit shares is $25. So in five years of industrial prosperity this $25 share has been split seven to one, until the original share is now worth $1,253, and earns this year $49 on the original $25 par—or, about 196 per cent on the 1922 investment. The Wall Street Journal truly says that National Biscuit expansion is "broad." We are not surprised at the further information:

> PROBABILITY OF A 30 PER CENT STOCK DIVIDEND
>
> It is believed this policy will develop with a probability of a 30 per cent stock dividend or more, representing the money put into the plant in the last five years being declared.

Naturally, what can the company do when its profits are so "broad," except to issue a "stock dividend or more"? Besides, when the profits are swollen to stock-dividend size, there is economy in converting them into a stock dividend, because stock dividends are exempt from the income tax.

The report closes by calling attention to the strong balance sheet of the National Biscuit Co.—"net current assets of $32,525,294 and current liabilities of $5,465,148, a ratio of approximately six to one." Further we read:

> Cash alone at $5,540,213 exceeded current liabilities and the company had $14,000,000 in Government securities.

Here is a budget balance that would appeal to the President. The sanctity of its budget balance has been so well preserved that, to quote the closing sentence of the Wall Street Journal report:

> It is quite possible that earnings for the full year, despite the usual generous writeoffs, will show considerably better than $7 a share on the junior stock (par $25).

The friends of agriculture in the Seventieth Congress, Mr. President, make no demands for a Budget balance as "broad" or as full of "sanctity" as that so ably described by the Wall Street Journal. No farmer dreams of earning $7 net on each $25 invested, but he does hope to recover production cost and enough to pay interest and taxes. No one has yet devised a scheme by which farm shares can be split 7 to 1, so that a $25 investment will be worth $1,253 in five years and earn $49 a year on the original $25. But the Seventieth Congress does hope, I believe, that some just and workable measure of market stabilization may be established that will prevent a farm capital shrinkage of another $20,000,000,000 in the next seven years and a 43 per cent drop in the value of American crops.

We have been speaking of wheat and comparing the returns of the wheat grower with the returns of an industrial that converts wheat into a finished product. Let us now compare the price returns of the farm from hides with the price of the finished product, shoes. For our authority we have Secretary Hoover, editor of the Commerce Yearbook, 1926.

On page 527 Mr. Hoover finds that the average price of No. 1 Chicago calfskin during the years 1912–1916 was 21.3 cents

a pound. The price at the end of 1926 was 17 cents a pound—a drop of 4.3 cents a pound.

A companion finished product, men's blucher calf shoes, page 538, rose in price from $3.11 in 1913 to $6.40 in 1926—an increase of something over 100 per cent.

It is plain that the farm producer had very little to say about the price of his hides, while the producer of men's blucher calf shoes had a good deal to say about fixing the price of his product. That the farmer paid the freight both ways is plain enough when we note that the farm product, hides, dropped 20 per cent during the period when the finished product, calf shoes, rose 100 per cent. Here is a case where the farmer pays the freight not two ways merely, but several other ways not enumerated.

Mr. President, I wish now to clinch the point as to who pays the freight by bringing into harmony those two eminent authorities, the Wall Street Journal and the Secretary of Agriculture. The proof of the point lies even in the market columns of the Wall Street Journal and other commercial dailies of the metropolitan centers, and the basic evidence has been admitted in fact, though not in theory, for over a generation.

When wheat, for example, is on an export basis, which is most of the time, the market price is fixed in Liverpool. That is why the grain trade and all commercial journals cite the Liverpool price in publishing market quotations. With the Liverpool price as a base when wheat is on an export basis, the New York price, other conditions being the same, is the Liverpool price less the freight, insurance, and commissions between Liverpool and New York, and the Chicago price, allowing for the gambling raids of bulls and bears, is the Liverpool price less the freight, other expenses, and profits between Liverpool and Chicago. Finally, the farm price computed by the Department of Agriculture for the Mississippi and Missouri Valley wheat belt is the Chicago price less the freight, profits, and other costs between Chicago and the farm.

Thus all the freights by rail and ocean and all the costs and profits between Liverpool and the farm come out of the farm value of the crop. The farmer pays all the costs at the source, when he sells his crop at the terminal market price less the freight, less all the costs, less all the profits. The editor of the Wall Street Journal has only to consult his own market columns, both the market quotations and the daily market discussion, to find that he and his numerous colleagues in the stock and produce exchange markets have admitted and taken the facts for granted from the day they or their fathers and grandfathers published their first market quotations in years so far gone that they have forgotten the significance of their own findings.

Why do the market journals and the Yearbook of Agriculture publish the Liverpool price for the American product wheat? Because the Liverpool price is the clearing-house base and the yardstick for wheat price fixing the world around. Given the Liverpool price when wheat is on its normal export basis, our Department of Agriculture knows the farm price in every State in the Union by simply charging to the farmer and deducting from his price all the costs by rail and sea for 3,000 to 5,000 miles of transportation. Does the farmer pay the freight? He pays the freight and more. He pays the insurance and commissions. He pays for the handling, the overhead, and the profits of all the intermediary agencies and gambling paraphernalia between Liverpool and the western farm.

Take a case. The 1926 yearbook, issued by Secretary Jardine for the information of agriculture and the grain trade, gives the Liverpool wheat price for December, 1926, as $1.80 per bushel. The average combined price for the four principal wheat markets—Chicago, Minneapolis, Kansas City, and St. Louis—for December wheat is $1.39. The estimated December farm price received by wheat producers is $1.19.

In other words, between the Liverpool $1.80 the freight and other costs and profits being deducted bring the average price at the four mid-western terminal markets down to $1.39, a net deduction of 41 cents a bushel. Between the $1.39 of the four mid-west markets and the farm there is an average freight and profit deduction of about 20 cents a bushel, bringing the farm price down to $1.19. Did the farmer pay the freight? The price he received tells the story. He not only paid the freight but he paid all the costs and profits from the farm to Liverpool, amounting to 61 cents per bushel, which is shown by the farm price which the accountants and statisticians of the Federal Department of Agriculture have computed for him.

Mr. President, I have given an analysis of the marketing of farm products, including the freight situation, as outlined for us in the reports of the Secretary of Agriculture and the editor of the Wall Street Journal, in order that the picture, if it is possible to make it more clear, shall be made more clear.

It has been difficult to diagnose the situation in order that we may prescribe a remedy. It has been very difficult to find a remedy. It has been difficult to agree upon a remedy. It has been difficult to agree upon a remedy that is adequate and complete. I doubt very much that we have a remedy here that is adequate and complete. We can not afford to fool ourselves, nor can we afford to fool the American people. I think we are making a step in the right direction. We have agreed upon a legislative measure that it is admitted will be of considerable help. This is the first time to my knowledge that the American people have ever been able to agree upon a measure that will have such widespread effect in the solution of a great national problem.

I am not going to go into any detailed discussion of the arguments that have been based upon the unconstitutionality of appropriating money out of the Federal Treasury to help a private business. One very distinguished Senator discussed the unconstitutionality of taking money out of the Federal Treasury to aid private business. In my opinion, it makes no difference whether you take the money out of the Federal Treasury or out of the pockets of the American people; it all comes from the same source; and I contend that for the past 30 or 40 years this Government has been busy taking money out of the pockets of our citizens to help private business all over the country except the farmer.

What was the transportation act, the Esch-Cummins railroad law, but taking money out of the pockets of American citizens for the benefit of shareholders of railroad corporations? Where does the money in the Federal Treasury come from if not from the pockets of the American people? It is true that in filling the Treasury of the United States you call it taxes; in filling the treasuries of the railroads you call it freight rates; but the laws under which both treasuries are filled are passed by Congress, and the payment is inevitable. So, whether you take the money out of the Federal Treasury, or pass a law like the high protective tariff or the Esch-Cummins railroad law, you are passing legislation the effect of which is to take money out of the pockets of American citizens to help private individuals; and it is that kind of legislation that we have been protesting against for years.

Of course it is paternalistic. Of course, it is bureaucratic. We have always protested against it. We have never wanted it. We did not create this situation. It has been created for us, and in self-defense we are forced now to come to Congress for our own preservation and protection and ask for the same kind of legislation to protect the agricultural industry, involving the investment of more money than is invested in all the transportation companies and all the industrial companies of the United States, where the welfare of 40,000,000 people is involved. In their behalf we are asking for this legislation now.

I said in the beginning, and I say now, that I do not believe this bill carries an adequate and complete remedy for the situation; but it is something that we have agreed upon, and we have taken a step further in advance than we have in the past 25 years in the solution of this problem.

I have tried to protest against taking money out of the Treasury of the United States to send the marines down to Latin America for the purpose of protecting the investment, which is not large, of American interests there. If we are going to spend money for the protection of American property, if we are going to uphold the sanctity of property anywhere, we ought to do it first with American citizens here at home. Why can not some of these people who are so anxious to spend thousands and millions of dollars, they say, for the protection of American investments abroad, spend something to protect the rights of property, the sanctity of property, and investments in the United States?

The slogan for some years has been "We must put agriculture on a par with industry." If this legislation becomes a law, and if it accomplishes everything that has been claimed for it, it will still come far short of putting agriculture on a par with industry.

They say we ask too much. We have not asked enough. We are asking for the return of a little of what has been taken away from us. If the business of the Government is to protect property, it is the business of the Government to protect the property of all of its citizens, and not take property from the many for the benefit of the few. That is the business of government—to establish justice for all of the people and not merely for the few.

Mr. McKELLAR. Mr. President, I desire first to modify some of the amendments I have offered. I will ask the clerk to state the first amendment as modified.

The CHIEF CLERK. On page 5, after line 15, the Senator from Tennessee proposed to insert an amendment beginning, "No action having a general application." It is proposed to strike out the words "a general" and insert the words "an exclusive," so that it will read:

No action having an exclusive application to any one commodity shall be taken by the board unless first approved by a majority of the advisory council.

Mr. SHORTRIDGE. Mr. President, will the Senator have the goodness to explain the significance of that proposed amendment?

Mr. McKELLAR. The original amendment seems to be satisfactory to everyone, except for the words "a general" before the word "application." I will have to read the amendment in order to explain it to the Senator. As modified it would read:

No action having an exclusive application to any one commodity shall be taken by the board unless first approved by a majority of the advisory council.

It was thought by a number of Senators that the words "a general" should be stricken out and that the words "an exclusive" should be inserted. That is acceptable to me, and I ask that the amendment be adopted as modified.

Mr. DILL. Mr. President, does not that amendment make the advisory council the really powerful body under the bill?

Mr. McKELLAR. No, it does not; it merely gives the advisory council of a certain commodity the right to veto actions upon the part of the board that have exclusive application to that particular commodity, that is all. The general administration of the act, all the powers of the act, are still in the board.

Mr. DILL. I understand that; but does it not make it the authoritative body as to the particular product under consideration to which the law would apply, or on which this board would act?

Mr. McKELLAR. It would give it this authority of veto. It would have no other power. It would have no power to initiate action. I will illustrate.

Suppose an equalization fee is proposed by the general board to be placed upon wheat. I believe wheat is raised in the Senator's State in large quantities. Suppose a majority of the advisory council should be opposed to putting an equalization fee upon wheat at that time, that majority of the council would have the power to veto the action of the board.

Mr. DILL. Then it becomes, in fact, the ruling power as to whether or not a product shall come under the terms of the bill.

Mr. McKELLAR. Oh, yes.

Mr. DILL. So that it becomes really the powerful body as affecting the product under consideration.

Mr. McKELLAR. It has that power. It does not become the powerful body, because it would have no power of initiation, no power to carry out the terms of the act. It simply would have a veto power on such a question as that.

Mr. DILL. Neither would the general board have power of initiation, if the advisory council objected to it.

Mr. McKELLAR. It would have the power of initiation, but not the power of carrying out until it was approved by the advisory council.

Mr. HARRIS. The advisory board, I understand, would have the veto power, and could postpone indefinitely, if it wished.

Mr. McKELLAR. If it desired, as long as they voted that way.

The PRESIDING OFFICER (Mr. FESS in the chair). The question is on agreeing to the amendment offered by the Senator from Tennessee, as modified.

The amendment as modified was agreed to.

Mr. McKELLAR. I will ask the clerk to state the next amendment.

The CHIEF CLERK. On page 7, after line 11, insert:

No marketing period under section 7 in respect of any agricultural commodity shall be commenced or terminated unless the advisory council for such commodity concurs in the respective finding or findings which the board is required to make prior to the commencement or termination of the marketing period. No equalization fee shall be collected unless the estimates upon which the determination of the amount of the equalization fee is based are concurred in by the advisory council for the commodity.

Mr. McKELLAR. That is the amendment which was suggested by the Senator from Arkansas [Mr. CARAWAY] and very strongly approved by the Senator from Idaho [Mr. BORAH], about which we had the controversy a few moments ago. It takes the place of the two amendments on page 3 of the amendment offered by me. I ask that the amendment as read be adopted.

Mr. BLEASE. Mr. President, I suggest the absence of a quorum. I do not think these important amendments ought to be acted on in the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Tennessee yield for that purpose?

Mr. McKELLAR. I yield for that purpose. I would like to have a quorum present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Fess	McKellar	Shipstead
Bayard	Fletcher	McLean	Shortridge
Bingham	Frazier	McMaster	Simmons
Black	Gerry	McNary	Smith
Blaine	Glass	Mayfield	Smoot
Blease	Goff	Metcalf	Steiwer
Borah	Gooding	Moses	Stephens
Bratton	Gould	Neely	Swanson
Brookhart	Greene	Norbeck	Thomas
Bruce	Hale	Nye	Tydings
Capper	Harris	Oddie	Tyson
Caraway	Harrison	Overman	Vandenberg
Copeland	Hawes	Phipps	Wagner
Couzens	Hayden	Pittman	Walsh, Mass.
Curtis	Heflin	Ransdell	Walsh, Mont.
Cutting	Jones	Reed, Pa.	Warren
Dale	Kendrick	Robinson, Ind.	Waterman
Dill	Keyes	Sackett	Watson
Edge	King	Schall	Wheeler
Edwards	La Follette	Sheppard	

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, there is a quorum present. The question is on agreeing to the amendment of the Senator from Tennessee to insert on page 7, after line 11, what has been read at the desk.

The amendment was agreed to.

Mr. McKELLAR. I will ask the clerk to state the next amendment.

The VICE PRESIDENT. The next amendment proposed by the Senator from Tennessee will be read.

The CHIEF CLERK. On page 11, line 2, strike out all after the word "as" and insert in lieu thereof:

the board finds that such arrangements are no longer necessary or advisable for carrying out the policy in section 1, and if such findings are concurred in by a majority of the advisory council.

The amendment was agreed to.

Mr. McKELLAR. I ask that the clerk may state the next amendment.

The CHIEF CLERK. On page 13, after the word "or," in line 19, insert the words "after giving 12 months' notice to the advisory council of the commodity affected."

The amendment was agreed to.

Mr. McKELLAR. I now offer the next amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 13, line 24, after the word "office," insert the words "and the approval of a majority of the advisory council."

The amendment was agreed to.

Mr. McKELLAR. I offer now the next amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 15, line 2, strike out all after the period down through the word "publish," in line 4, and insert in lieu thereof:

Upon the basis of such estimates there shall be from time to time determined, and if such estimates are concurred in by a majority of the advisory council for such commodity the board shall publish.

The amendment was agreed to.

Mr. McKELLAR. I now offer the next amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 15, line 13, insert the following:

The equalization fee herein provided for upon any commodity shall not be imposed until the same is approved by a majority of the advisory council for that commodity.

Mr. McKELLAR. I may state that that becomes necessary because it is directly under that part of the bill referring to the equalization fee. It has been stated in substance already by the amendment to which the Senator from Idaho [Mr. BORAH] has referred and which he has in mind.

Mr. CARAWAY. If the Senator from Tennessee will pardon me, I think he is getting into the bill two contradictory provisions.

Mr. McKELLAR. In order to determine that question, I ask that the amendment may go over for the present.

The VICE PRESIDENT. The amendment will be passed over.

Mr. McKELLAR. I ask that the next amendment may be stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 15, line 15, strike out the words "determined upon" and insert in lieu thereof the words "so published."

The amendment was agreed to.

Mr. McKELLAR. The next two amendments, set forth in lines 14 to 18 on page 4 of my proposed printed amendments, I now withdraw and ask that the next amendment may be stated.

The VICE PRESIDENT. The next amendment will be stated.

The CHIEF CLERK. On page 24, line 1, before the word "dollars," strike out "two hundred and fifty million" and insert in lieu thereof "four hundred million," so as to read:

There is hereby authorized to be appropriated, etc., $400,000,000.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] The nays seem to have it.

Mr. McKELLAR. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FESS (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. PHIPPS (when his name was called). On this vote I have a pair with the junior Senator from Georgia [Mr. GEORGE]. I am informed that if he were present he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. CARAWAY (when the name of Mr. ROBINSON of Arkansas was called). My colleague the senior Senator from Arkansas [Mr. ROBINSON] is confined to his apartment by illness. If he were present, he would vote "yea."

The roll call was concluded.

Mr. HARRIS. My colleague the junior Senator from Georgia [Mr. GEORGE] is unavoidably absent. If present, he would vote "yea."

Mr. KING (after having voted in the negative). I have a general pair with the junior Senator from Nebraska [Mr. HOWELL]. I am unable to obtain a transfer and am compelled reluctantly to withdraw my vote. If permitted to vote, I should vote "nay."

Mr. JONES. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from Missouri [Mr. REED];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Florida [Mr. TRAMMELL]; and

The Senator from Delaware [Mr. DU PONT] with the Senator from Massachusetts [Mr. WALSH].

Mr. GERRY. I wish to announce that the Senator from Arizona [Mr. ASHURST], the Senator from Massachusetts [Mr. WALSH], and the Senator from Nevada [Mr. PITTMAN] are necessarily detained on official business.

Mr. McKELLAR. I wish to announce that the Senator from Iowa [Mr. STECK] is necessarily detained from the Senate and that if present he would vote "yea" on this amendment.

The result was announced—yeas 43, nays 30, as follows:

YEAS—43

Barkley	Dill	McKellar	Sheppard
Black	Fletcher	McMaster	Shipstead
Blaine	Frazier	McNary	Simmons
Borah	Gooding	Mayfield	Smith
Bratton	Harris	Neely	Stephens
Brookhart	Harrison	Norbeck	Thomas
Broussard	Hayden	Nye	Tyson
Capper	Heflin	Overman	Wagner
Caraway	Jones	Ransdell	Watson
Copeland	Kendrick	Robinson, Ind.	Wheeler
Cutting	La Follette	Schall	

NAYS—30

Bayard	Gerry	McLean	Steiwer
Bingham	Glass	Metcalf	Tydings
Blease	Goff	Moses	Vandenberg
Couzens	Gould	Oddie	Walsh, Mont.
Curtis	Greene	Reed, Pa.	Warren
Dale	Hale	Sackett	Waterman
Edge	Hawes	Shortridge	
Edwards	Keyes	Smoot	

NOT VOTING—20

Ashurst	George	Norris	Robinson, Ark.
Bruce	Gillett	Phipps	Steck
Deneen	Howell	Pine	Swanson
du Pont	Johnson	Pittman	Trammell
Fess	King	Reed, Mo.	Walsh, Mass.

So Mr. McKELLAR'S amendment was agreed to.

Mr. McKELLAR. Mr. President, it has been suggested that the next amendment in my printed amendments might well go over until to-morrow morning. So I ask that it may be passed over until that time and that the following amendment may be stated.

The VICE PRESIDENT. The next amendment will be stated.

The CHIEF CLERK. On page 26, after line 21, insert:

The word "majority" means a majority of the whole board or advisory council authorized to be appointed.

The amendment was agreed to.

Mr. NORBECK. Mr. President, the question has been asked by one of the new Members of this Chamber, Who is this F. W. Murphy who is here in the interest of legislation intended to establish economic equality for agriculture? For the enlightenment of those who do not know, I desire to say that his home is in western Minnesota near the South Dakota State line. He is a large farm owner and operator and has been such for 25 years.

He is one of the original incorporators and ever since a stockholder in a number of cooperative farm organizations in his own county.

He is a member of the Minnesota Farm Bureau Federation.

For 10 years he was a member of the board of managers of the Minnesota State Agricultural Society and for 2 years its president.

Ever since its organization, in July, 1924, he has been chairman of the board of the American Council of Agriculture, which organization is made up of more than 50 farm organizations of the United States.

Since its organization he has been chairman of the board of the Minnesota Council of Agriculture.

He is one of the originators of the McNary-Haugen type of legislation and leader of the agricultural forces of the Northwest during the last five years sponsoring the McNary-Haugen bill.

He has spent 15 months in Washington during sessions of Congress in the last five years urging enactment of the McNary-Haugen bill.

He participated in the organization of the Corn Belt Federation of Farm Organizations, which meeting was held in Des Moines in December, 1925.

The Corn Belt federation is composed of nearly 50 farm organizations of the States of Montana, North and South Dakota, Kansas, Nebraska, Oklahoma, Iowa, Minnesota, Illinois, Indiana, and Wisconsin. Its legislative committee is made up of 21 members. He has acted as chairman of this legislative committee since the Corn Belt federation was organized, and as such has been in active charge in behalf of the Corn Belt federation work here in Washington for the enactment of the McNary-Haugen bill.

He has not had one cent of compensation from any source for all of the services he has performed for agriculture.

He is not one of the District of Columbia farmers; in fact, I wish to say he has been our inspiration. He is one of the few persons who have spent their time and effort in Washington working for this measure. He has done it without salary and without compensation. He has done it for the good of the cause.

I submit for the RECORD a list of the farm organizations which Mr. Murphy represents.

The VICE PRESIDENT. Without objection, the list will be printed in the RECORD.

The list is as follows:

The Corn Belt Federation of Farm Organizations includes 49 farm organizations of the States of Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Montana, Idaho, Washington, Minnesota, Wisconsin, Iowa, Illinois, and Indiana.

The president of the federation is Mr. William Hirth, Columbia, Mo.

The secretary of the federation is Mr. A. W. Ricker, St. Paul, Minn.

The federation's legislative committee of 21 members, of which Mr. F. W. Murphy is the chairman, has had charge of the campaign from those States for the McNary-Haugen bill. It is comprehensively representative of organized agriculture in the above States. The legislative committee's membership is:

F. W. Murphy, Wheaton, Minn., chairman of board American Council of Agriculture.

James Manahan, St. Paul, Minn., Equity Cooperative Exchange.

Ralph Snyder, Manhattan, Kans., president Kansas Farm Bureau.

C. W. Huff, Salina, Kans., president Kansas Farmers' Union.

Thomas Cashman, Owatonna, Minn., executive board, Minnesota Farm Bureau Federation.

Charles E. Hearst, Des Moines, Iowa, president Iowa Farm Bureau Federation.

H. G. Keeny, Omaha, Nebr., president Nebraska Farmers' Union.

Milo Reno, Des Moines, Iowa, president Iowa Farm Bureau Federation.

William Hirth, Columbia, Mo., president Missouri Farmers' Association.

William Settle, Indianapolis, Ind., president Indiana Farm Bureau Federation.

C. B. Steward, Lincoln, Nebr., secretary Nebraska Farm Bureau Federation.

C. N. Croes, Aberdeen, S. Dak., president South Dakota Wheat Growers' Association.

James O'Shea, Roberts, Mont., president Montana Farmers' Union.

C. C. Talbott, Forbes, N. Dak., president North Dakota Farmers' Union.

John Simpson, Oklahoma City, Okla., president Oklahoma Farmers' Union.

Charles Weller Mitchell, S. Dak., chairman South Dakota Agricultural Equity Commission.

E. E. Kennedy, Pontiac, Ill., secretary Illinois Farmers' Union.

G. P. Mix, Moscow, Idaho, president Idaho Export Commission League.

Joe Plummer, Akron, Colo., Colorado Wheat Growers' Association.

J. C. Schumann, Watertown, Wis.

Walter J. Robinson, Spokane, Wash., president Northwest Wheat Growers' Association.

In addition to the above organizations the following are also some of the other members of the federation:

North Dakota Wheat Growers' Association.
Farmers' Union of South Dakota.
Farm Bureau of South Dakota.
South Dakota Equality Commission.
Farmers' Union Terminal Association of Minnesota.
Farmers' Union Shipping Association of Illinois.
Illinois Farmers' Union.
Minnesota Council of Agriculture.
South Dakota Council of Agriculture.
Minnesota Wheat Growers' Association.
National Corn Growers' Association.
American Council of Agriculture.

Mr. NORBECK. The question has also been asked, Who is Chester Davis that is here "lobbying" for the farmers? I think the junior Senator from Montana [Mr. WHEELER] answered that question very well. I may supplement what he said by stating that Mr. Davis was at one time a resident of the same town in South Dakota that is my home. I have known him for a good many years and have every confidence in his ability, good judgment, and high purposes. He is alert and capable. His ability is being recognized even by the opposition, who are irritated by his activities.

I wish to state further that a Senator on the floor yesterday referred to Mr. Peek as a man who claims to be a leader in this movement. That is an error. It is, in fact, a false charge. Mr. Peek has never claimed to be a leader. He just claims to be a soldier in the ranks. He works intelligently and actively for this measure that is calculated to give the Northwest a square deal. Why should a Northwest Senator attack him? His service has been unselfish and of a high quality.

The fact that he was at one time in the business of manufacturing farm machinery only adds to his better understanding of the agricultural inequality.

The charge that he has delayed the vote on this bill is ridiculous, as was shown by the reply of the Senator from Oregon [Mr. MCNARY] yesterday. I should like to have printed in the RECORD a letter from Mr. Peek to myself giving considerable information; second, a letter from Governor Hammill, of Iowa, to Mr. Peek, and a copy of the law appropriating money for the support of the organization. Next, a letter dated December 9, 1927, from the senior Senator from North Dakota [Mr. FRAZIER] to Mr. Peek and the reply by Mr. Peek to the Senator from North Dakota.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NORTH CENTRAL STATES AGRICULTURAL CONFERENCE,
EXECUTIVE COMMITTEE OF TWENTY-TWO,
Washington, D. C., April 11, 1928.

Hon. PETER NORBECK,
United States Senator, Washington, D. C.

DEAR SENATOR NORBECK: The Senator from Iowa [Mr. BROOKHART] made some misleading and erroneous statements in his remarks yesterday, April 10, in connection with farm legislation and my own activities to which I direct your attention, in the hope that you will see that the RECORD is kept clear.

(1) The Senator says I am a banker and represent the bankers of 11 States.

I am not a banker in any sense, except that I own 10 shares of stock in a city banking institution, nor do I represent any banker or any bankers' association except as they may be a part of the commonwealth of the North Central States. I am not now and I have not been engaged in any active business since the spring of 1924, except farming. I own four farms, am operating two of them and financing operations of the other two, one exclusively and the other partially. My position was made clear by your remarks on April 5, when in introducing into the CONGRESSIONAL RECORD the memorandum to which the Senator of Iowa refers, you said (CONGRESSIONAL RECORD, p. 5926), in speaking of my committee:

"This conference was organized at a meeting of governors or delegates from the 12 North Central States called by Gov. John Hammill, of Iowa, in January, 1926. The purpose of the committee is to back organized agriculture in its effort to secure economic equality with industry."

It seems strange to me that the Senator did not refer in his remarks to the action of the farm organizations' support of the McNary bill, particularly the action of the Corn Belt committee in Des Moines last week in indorsing it.

The public will readily understand the difference between backing the activities of the farm organizations in their effort to secure legislation and "claiming" to be the leader of the farm movement in the United States.

The extent to which my committee is supported by the people of the State of Iowa is indicated by the action of the General Assembly of the State of Iowa March 14, 1928, in appropriating $5,000 for the use of the committee for the purpose of securing agricultural relief and equality. (Letter from Governor Hammill of March 14, 1928, and copy of resolution adopted attached.)

The Senator said, "He claims to be the leader of the farm movement in the United States at this time." I have not claimed to be the leader of the farm movement, nor have I claimed to represent any farm organizations.

(2) In reference to the unwarranted charge that I am more interested in the political fortunes of some individuals than I am in farm relief, I inclose a letter from Senator FRAZIER, dated December 9, 1927, with copy of my reply on December 14, 1927, which explained my position at that time and now. (Correspondence attached.)

(3) I have never interviewed the Senator from Iowa, any other Senator, or any citizen of the United States on behalf of the candidacy of any individual of either party. I have discussed political possibilities with many people, including a number in both parties who have been mentioned in connection with the 1928 campaign. These discussions invariably have been initiated by some one else rather than by me.

As to his charge that I am the campaign manager for the Vice President, that is not only untrue but such a situation has never been discussed by anyone so far as I know.

(4) In connection with Mr. Hoover's activities, I repeat that on account of them he is more responsible for the continued depression in agriculture than any other man in the Nation, because he has been the agricultural advisor of the last two administrations, has refused to support the program of the farmers, and has brought forth no constructive proposals of his own, although the probable effects of a laissez faire attitude were called to his attention in January, 1922.

(5) As to how my statement of April 3 came to appear in the RECORD, I quote my memorandum to you of April 5, 1928, which explains my action and the reasons for it:

"This memorandum was prepared upon request of the late Senator Willis, who told Mr. Murphy and me some three weeks ago that these pamphlets were being widely distributed in Ohio and that he desired to know the facts in connection with Mr. Hoover's record as a friend to the farmer, as the farm organizations knew them.

"I have since learned that in addition to the two pamphlets to which this memorandum is addressed other pamphlets and propaganda material on behalf of Mr. Hoover is being widely distributed. I have concluded, therefore, to pass on the memorandum to you in the hope that you will see that it is placed in the RECORD that the country may know the truth, as distinguished from the representations being made in Mr. Hoover's behalf, in connection with his record as a friend of the farmer."

"Respectfully,
Sincerely yours,
GEORGE N. PEEK."

GEORGE N. PEEK.

EXECUTIVE DEPARTMENT, STATE OF IOWA,
Des Moines, March 14, 1928.

Mr. GEORGE N. PEEK, *Chicago, Ill.*

MY DEAR PEEK: Inclosed herein I hand you copy of bill which was passed by the Iowa Legislature to-day, which was prepared and its passage requested by me. Hope you are progressing with this committee in a manner that will secure results. If I can be of further service, call upon me.

Cordially,

JOHN HAMMILL, *Governor.*

An act to appropriate a fund for the expenses of the Committee of Twenty-two (22) organized and created under call of Hon. John Hammill, Governor of Iowa, to carry on the endeavor to procure agricultural relief and equality.

Be it enacted by General Assembly of the State of Iowa—

SECTION 1. Appropriation. There is hereby appropriated to the chairman and treasurer of the Committee of Twenty-two, organized and

created at Des Moines, Iowa, under call of the Hon. John Hammill, Governor of Iowa, for the purpose of procuring agricultural relief and equality, out of funds not otherwise appropriated, the sum of $5,000, or so much thereof as may be deemed necessary to pay the expenses of said committee in carrying on their work and endeavor to procure agricultural equality and relief. All unexpended balances shall revert to the State. An itemized report of all expenditures shall be made to the Governor of the State of Iowa by the chairman and treasurer of said committee, showing the expenses incurred by it, and said report shall be placed on file with the secretary of state.

SEC. 2. This act being deemed of immediate importance shall be in force from and after its publication in the Elkader Register, a newspaper published in Elkader, Iowa, and the Des Moines Register, a newspaper published in Des Moines, Iowa.

CLEM F. KIMBALL,
President of the Senate.
HOWARD A. MATHEWS,
Speaker pro tempore of the House.

I hereby certify that this bill originated in the senate and is known as senate file No. 11, special session.

WALTER H. BEAM,
Secretary of the Senate.

Approved March 14, 1928.

JOHN HAMMILL, *Governor.*

UNITED STATES SENATE,
COMMITTEE ON POST OFFICES AND POST ROADS,
December 9, 1927.

Hon. GEORGE N. PEEK,
Chairman Agricultural Conference,
1133 Investment Building, Washington, D. C.

MY DEAR MR. PEEK: I am very much interested, as you know, in seeing worthwhile farm relief legislation passed at this session. I am convinced, too, that the people of my section of the country are insistent upon the equalization plan remaining in the McNary-Haugen bill and also upon the passage of the bill.

Persistent rumors have come to me that you are more interested in pushing some of the presidential candidates than you are in farm relief and that you are using farm legislation as a means to that end. Now, I am frank in this statement because I feel that those rumors are likely to be a hindrance to the passage of favorable farm legislation.

I would appreciate a frank statement from you in regard to this story which is being circulated.

Assuring you of my best wishes, I am,

Yours truly,

LYNN J. FRAZIER.

WASHINGTON, D. C., *December 14, 1927.*

Hon. LYNN J. FRAZIER,
United States Senator, Washington, D. C.

DEAR SENATOR FRAZIER: In reply to your letter of December 9 I want you to know that I appreciate your frankness in asking me to comment on the rumor reported to you that I am more interested in pushing some of the presidential candidates than I am in farm relief. I do not know where such rumors originate, but I do know that whoever is responsible for them has not acquainted himself with the simple facts or else deliberately misstates them.

First, I wish to say that in my judgment effective relief for agriculture is more important to the Nation than is the political success of any individual or of any political party. I am confident that the record of my activity in trying to advance agricultural equality demonstrates that I have been guided by that principle.

Your inquiry justifies a brief review of that record. Since 1921, when it first became apparent that unless something was done the burden of postwar deflation would be thrust on the farmers, I have devoted most of my thought and effort to the problem of securing a national policy that would protect and stabilize agriculture on a basis of equality with other industries. Since 1924 I have been engaged in no other business.

Up to that time, with the exception of the war period, when I served on the War Industries Board, I was in the farm-implement business. The farmer was my only customer. When my business fell off because the farmer was "going broke" and could not buy I first set to work to study the cause; then to see if something could not be done about it.

In the fall of 1921 I presented certain conclusions and recommendations, which subsequently became the basis for the first McNary-Haugen bill, to officers of the American Farm Bureau Federation. In January, 1922, I published this material in the pamphlet Equality for Agriculture, which was widely circulated. At that time I presented the recommendation to Secretary of Agriculture Henry C. Wallace and Sidney Anderson, chairman of the Joint Commission of Agricultural Inquiry, indirectly to President Harding and Secretary Hoover and later directly to President Coolidge. In the Harding agricultural conference in 1922 I assisted in getting a resolution adopted calling on Congress and the President to take steps immediately to restore the fair exchange value of the farmers' dollar. Early in 1924, while the first McNary-Haugen bill was under consideration in the House Committee on Agriculture, I came to Washington at the request of some of the farm leaders and of Secretary Wallace to assist in getting the measure before the Committee on Agriculture in the House, and I have been in Washington during every succeeding session of Congress working to secure the necessary legislation.

From the beginning I have insisted that this is an economic, not a political, question, and opposed having farm relief become the football of partisan politics. The policy of the American Council of Agriculture, formed at the St. Paul mass meeting in July, 1924, after the defeat of the first McNary-Haugen bill in the House, was to support Members of Congress who had supported the measure and to oppose those who had voted against it, regardless of party. I was made president of this organization. It took no stand in the presidential campaign of that year, because the platform declarations on which the three candidates ran were all satisfactory.

That the campaign for farm relief has been conducted without regard to party lines is indicated by the vote which passed the McNary-Haugen bill in the Sixty-ninth Congress. In the House as well as in the Senate 57 per cent of the voting Democrats and 52 per cent of the voting Republicans supported the measure, while some of the leaders in each party opposed it.

Political significance was given to farm relief when President Coolidge, in plain disregard of his party platform, vetoed the measure to help restore agricultural equality which Congress had adopted after three years of study and debate. I am sure you will agree with me that this political aspect has not been due to any of the activities of the farm groups. Until the delivery of the veto message, in spite of the reports that were current in Washington, I clung to the hope that President Coolidge would approve the bill.

Farm legislation is one of the important tasks before the present Congress. I assure you that I would be most happy if all forces would join in passing an effective measure which addressed the problem adequately, thus removing the question from consideration in 1928. But I want to say most emphatically that I am not in favor of accepting any measure which does not embody the essential features necessary to permanent farm relief, nor do I minimize the importance of having an administration that is sympathetic with agriculture, and is courageous enough to work for its rehabilitation. But my primary effort, as I am sure the record I have briefly reviewed for you proves, has been and will be to secure legislation under which agriculture can organize and hold its own in our organized society.

On the question of presidential candidates, I do not believe my own attitude differs at all from that of the many leaders of organized agriculture with whom I come in contact. In either party the best man for agriculture who has a chance to secure the nomination should have the farm support, and when it comes to a choice between party candidates the same rule should apply, regardless of party labels. While I do not flatter myself that my personal preference is of public importance, I am glad to assure you that the principles I have stated in this paragraph are the ones that will determine my own choice in 1928.

I am inclosing an article from the Illinois edition of the Bureau Farmer of the current month, which is a reprint of a paper presented by me last August before the general conference of the Institute of Politics at Williamstown, Mass., on the subject of the "Political aspects of the farm question."

If you are interested in discussing this subject further with me, particularly with regard to my personal views and appraisal of candidates that are prominently mentioned for the Presidency, I shall be glad to meet you at any time for that purpose.

Assuring you of my high esteem and best wishes, I am

Yours sincerely,

GEORGE N. PEEK.

Mr. WHEELER. Mr. President, on yesterday it was charged on the floor of the Senate that the pending bill was in the interest of certain Republican candidates for the Presidency. I wish to say about that that I am not at all interested as to whether or not the bill is in the interest of any candidate, but frankly I do not believe that it is.

In the first place, I do not think it makes any difference who those on the other side of the Chamber nominate for President in the coming campaign, because I think he will unquestionably be defeated; but I am rather afraid that an impression may have been created from the argument that took place that the support of the McNary-Haugen bill was mainly limited to a number of individuals with no connection with farm organizations or with cooperatives in the United States. I am sure that is not correct.

Something was said about Chester Davis, whom he represented, and what his interest in agriculture had been. I explained that to some extent on yesterday, but I wish to say further that my information is that Mr. Davis since he left Montana has been representing farm organizations in the Middle West; that they have created what they call an agricultural service,

and that Mr. Davis represents that agricultural service here in the city of Washington.

An impression was left as a result of the Senate debate yesterday afternoon that the support of the McNary-Haugen bill in Washington is mainly represented by a limited number of individuals with no connection with the farm organizations and cooperatives of the United States. This is not correct.

Over a year ago a number of the farm organizations and cooperative associations established an agricultural service to work for the adoption of the principles embodied in the McNary-Haugen bill. Chester C. Davis is in charge of the Washington and Chicago offices of this agricultural service. It is directed by the committee for agricultural service, of which Dr. B. W. Kilgore, chairman of the legislative committee of the American Cotton Growers Exchange, is the treasurer. The organizations which are represented in this agricultural service and which are contributing to its support are—

Central States Soft Wheat Growers Association.
Mississippi Staple Cotton Growers Cooperative.
Missouri Farmers Association.
Burley Tobacco Growers.
Indiana Farm Bureau Federation.
Executive Committee of Twenty-two.
North Carolina Cotton Growers Cooperative.
Arizona Pima Cotton Growers Cooperative.
Arkansas Cotton Growers Association.
Texas Farm Bureau Cotton Association.
Evansville Producers Association, Indiana.
Mississippi Farm Bureau Cotton Association.
Tennessee Cotton Growers Association.
Illinois Agricultural Association.

These organizations, through their agricultural service, are cooperating with other National and State farm organizations in seeking this legislation. The American Farm Bureau Federation has indorsed and worked for this legislation for several years. Its president, S. H. Thompson, and its Washington representative, Chester H. Gray, are in Washington actively working for this legislation at the present time.

The Farmers' Educational and Cooperative Union of America, known as the National Farmers' Union, specifically indorsed this legislation at its last national convention in Des Moines, Iowa, last November. Many other organizations of the farmers not directly represented by either of national farm organizations or agricultural service have indorsed and are supporting this legislation.

The North Central States Agricultural Conference, of whose Executive Committee of Twenty-two George N. Peek is the chairman, is an organization largely representing the business interests of the North Central States whose program is to support the farm organizations in their drive for agricultural equality.

Mr. Frank Murphy, the other gentleman who was mentioned, is chairman of the legislative committee of the Corn Belt Federation of Farm Organizations, which is composed of the farm organizations, the names of which organizations I ask may be inserted in the RECORD as part of my remarks without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The list referred to is as follows:

The Missouri Farm Association, the National Producers' Alliance, the Iowa Farmers' Union, the Iowa Farm Bureau, the Iowa State Grange, the Iowa Threshermen's Association, the Ottumwa Iowa Dairy Marketing Association, the Nebraska Farmers' Union, the Kansas Farmers' Union, the Kansas Farm Bureau, the Minnesota Farmers' Union, the Minnesota Farm Bureau, the Minnesota Wheat Growers, the South Dakota Producers' Alliance, the South Dakota Wheat Growers' Association, the South Dakota Farmers' Union, the North Dakota Farmers' Union, the North Dakota Wheat Growers' Association, the Oklahoma Farmers' Union, the Indiana Farm Bureau, the Central States Soft Wheat Growers' Association, the Chicago Milk Producers' Association, the Illinois Farmers' Union, the Wisconsin Cooperative Creamery Association, the Wisconsin Farm Bureau, the Equity Cooperative Exchange, the Farmers' Union Terminal Association, the South St. Paul Farmers' Union Livestock Commission House, the Chicago Farmers' Union Livestock Commission House, the Sioux City Farmers' Union Livestock Commission House, the Kansas City Farmers' Union Livestock Commission House, the Omaha Farmers' Union Livestock Commission House, the American Council of Agriculture, the Minnesota Council of Agriculture, the Montana Farmers' Union, and the National Corn Growers' Association.

Mr. WHEELER. Mr. President, I do not intend to take up more of the time of the Senate, except to say that I am heartily in favor of the bill because of the fact that I feel that after the organized farmers of the United States have come here to Washington, and have had their economists and lawyers prepare this bill, and it has been thrashed out, we at least ought to give it a trial. Everybody in the United States, every business organization, every banker, knows that the agricultural situation in the Middle West and in the West is very bad. They know what suffering the farmers have undergone throughout the country during the last few years—in fact, since the deflation period—and nobody has offered any particular remedy excepting this one, which the farmers have presented to this Congress.

It has been suggested that certain portions of the measure are unconstitutional. I am not entirely satisfied that some parts of it may not be unconstitutional, but I am perfectly willing to let the question be submitted to the courts and to let the Supreme Court of the United States pass upon the constitutional questions involved. I sincerely hope and trust that the measure will pass.

Mr. COPELAND obtained the floor.

Mr. McKELLAR. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield.

Mr. McKELLAR. I desire to ask unanimous consent to have printed in the RECORD my revised amendment in reference to the appointment of the advisory council, and right underneath it the revised amendment of the Senator from Arkansas [Mr. CARAWAY] to the amendment, so that the Senate may have the two amendments before it.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendments referred to are as follows:

[By Mr. McKELLAR]

On page 5 strike out line 17 and down through the period in line 1 on page 6 and insert in lieu thereof the following:

"SEC. 4. (a) Whenever the board determines that any agricultural commodity may thereafter require stabilization by the board through marketing agreements authorized by this act, or whenever the cooperative associations or other organizations representative of the producers of the commodity shall apply to the board for the creation and appointment of the advisory council for such commodity, then the board shall notify the President of such determination or application. The President shall thereupon create an advisory council for the commodity. The advisory council shall be composed of seven members, to be appointed by the President, by and with the advice and consent of the Senate. No individual shall be eligible for appointment to a commodity advisory council unless he resides in the region in which the commodity is principally grown, and is a producer of the commodity or interested in the production or marketing of such commodity. Prior to the making of any appointment to a commodity advisory council the board shall transmit to the President for his consideration lists of individuals qualified for appointment, to be submitted to the board by cooperative associations or other organizations representative of the producers of the commodity. The term of office of a member of any commodity advisory council shall be two years. In the event of a vacancy occurring, the President shall fill such vacancy in the same manner as the originally appointed member, and, should Congress not be in session, such appointee shall hold office until 20 days after the convening of the next session of Congress."

[McKellar amendment for section 4 (a) as proposed to be amended by Caraway amendment]

SEC. 4. (a) Whenever the board determines that any agricultural commodity may thereafter require stabilization by the board through marketing agreements authorized by this act, or whenever the cooperative associations or other organizations representative of the producers of the commodity shall so decide, the board shall create and appoint an advisory council for such commodity. The advisory council shall be composed of seven members, to be appointed by the board from a list submitted to the board by cooperative associations or other organizations representative of the producers of the commodity. In the event of a vacancy occurring, the board shall fill such vacancy in the same manner as the original appointment.

The power to remove a member of the advisory council rests with the board, but may be exercised only with the consent of the cooperative association or other organizations representative of the producers of the commodity for which he was appointed.

Mr. COPELAND. Mr. President, yesterday we had some discussion about fresh fruits and vegetables. The day before I had offered an amendment which was adopted by the Senate, and yesterday the Senator from West Virginia had that action set aside, and the Senate adopted another amendment which excluded fruits and vegetables from the application of the equalization fee and marketing agreements. I said nothing in opposition yesterday because I wanted to know how the fresh fruit and vegetable producers and marketers might feel about that amendment. I find that there is perfect unanimity in opposition to the amendment which was adopted yesterday; and my purpose in rising at this moment is to suggest a modifica-

tion of the amendment proposed by the Senator from West Virginia. His amendment is as follows:

The provisions of this bill relative to marketing agreements and equalization fees shall not be construed to apply to fresh fruits or vegetables.

I ask that that be amended to read:

The provisions of this bill shall not be construed to apply to fresh fruits or vegetables.

I am suggesting this amendment——

Mr. BORAH. I could not hear the last statement of the Senator as to the amendment which he offers.

Mr. COPELAND. I am asking that the language which we decided upon yesterday be changed.

Mr. BORAH. To what extent?

Mr. COPELAND. So as to omit the reference to marketing agreements and equalization fees, and to read as follows:

The provisions of this bill shall not be construed to apply to fresh fruits or vegetables.

That will exclude its application to potatoes from the State of Idaho and to fresh fruits and vegetables from every other portion of the country.

The VICE PRESIDENT. The Chair will suggest that the amendment intended to be proposed by the Senator from New York will require unanimous consent. A motion to reconsider the previous amendment has been made and carried and that amendment has been amended. Under the rule only one motion to reconsider may be entertained.

Mr. COPELAND. I sought to avoid the parliamentary situation by not asking for a reconsideration, but to ask that the amendment which is now a part of the bill before the Senate as in Committee of the Whole shall be modified by omitting certain language which was adopted yesterday.

The VICE PRESIDENT. The amendment will still be open to amendment when the bill reaches the Senate.

Mr. COPELAND. I realize that.

The VICE PRESIDENT. If unanimous consent is now refused the Senator to offer the amendment, it may be offered in the Senate.

Mr. DILL. Mr. President, it seems to me that unanimous consent should be granted. Some of us are very much interested in the question of fruits and vegetables as related to this bill. Had it been known that it was to be discussed here yesterday I would have been here to discuss it, but it was adopted after a very brief discussion.

I think we should return to it by unanimous consent in order that the whole matter may be discussed.

The VICE PRESIDENT. Is there objection?

Mr. NEELY. Mr. President, unanimous consent can not now be obtained to undo what was done yesterday.

Mr. DILL. The Senator from West Virginia should not take that attitude. He ought to be fair in this matter. I am sure he does not want to do anybody an injustice. The boxed-apple industry in the Northwest is of tremendous importance, and those engaged in it are as much interested in the proposed legislation as is anybody else.

The VICE PRESIDENT. The bill will be open to amendment when it comes out of the Committee of the Whole into the Senate.

Mr. GLASS. Mr. President——

Mr. COPELAND. I yield to the Senator from Virginia.

Mr. GLASS. I simply desire to say that I did not object to the amendment offered by the Senator from West Virginia for the reason that I supposed it was the identical amendment notice of which had been given by the Senator from New York. Within the hour I have had a telegram from the Governor of Virginia, who is perhaps the greatest orchardist in the United States, protesting very vigorously against the amendment as adopted, and urging that the amendment suggested by the Senator from New York be agreed to. If it may not be done by unanimous consent, it certainly should be done when the bill gets into the Senate.

Mr. BRUCE. Mr. President, if I may interrupt the Senator for just a moment——

Mr. COPELAND. I yield to the Senator from Maryland.

Mr. BRUCE. I should like to say that I, too, have received to-day quite a number of letters protesting against that amendment.

Mr. SWANSON. Mr. President, if the Senator will yield——

Mr. COPELAND. I yield to the Senator from Virginia.

Mr. SWANSON. I understand, from the telegrams and information I have received, that the apple people of Virginia desire to be excluded entirely from the operations of this bill.

Mr. DILL. I want to say to the Senator, if I may, that the apple industry of the West wants to be excluded; and I hope the Senator from West Virginia will permit the matter to be discussed here. Of course, it can be taken up later.

Mr. SWANSON. I suppose the apple and fruit industry of West Virginia is also large. I do not know to what extent the Senator from West Virginia is desirous of having this bill operative on the fruit industry and apple industry of West Virginia. As I understand, the apple and fruit industry of Virginia desires to be exonerated and completely eliminated from the bill. I hope the Senator will consent to unanimous consent being granted for that to be done at this time.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield to the Senator from West Virginia.

Mr. NEELY. Permit me to say to both of the Senators from Virginia that the apple growers and vegetable raisers of West Virginia at first objected to being included in this bill because they did not want to bear the expense of providing storage facilities for their perishable and nonstorable products. But upon investigation I learned that many of the fruit growers and vegetable raisers desired to obtain the benefits of the bill provided they could be relieved of the burdens of the equalization fees and the exactions of the marketing agreements. By adopting my amendment yesterday the Senate accomplished just what I had been informed that my apple-growing constituency desired.

If the amendment is stricken from the bill, every fruit grower and vegetable raiser in the country will thereby be excluded from every benefit provided by the pending measure.

Mr. COPELAND. Mr. President, if I am barred by the parliamentary situation from any action at this time, I give notice that in the Senate I shall renew this motion.

Mr. NEELY. Mr. President, I withdraw my objection to the Senator's unanimous-consent request in order that this matter may be finally settled before the Senate adjourns for the day.

Mr. COPELAND. I think that is very generous on the part of the Senator from West Virginia.

I ask unanimous consent that the vote by which the amendment of the Senator from West Virginia was adopted on yesterday be reconsidered.

The VICE PRESIDENT. Without objection, the vote whereby the amendment was adopted will be reconsidered. The question is on agreeing to the amendment.

Mr. COPELAND. Now, Mr. President, I ask that the language be changed, and that at the proper place in the bill this language be inserted:

The provisions of this bill shall not be construed to apply to fresh fruits or vegetables.

Mr. SHORTRIDGE. Mr. President, will the Senator kindly read the language of the bill to us again?

Mr. COPELAND. I am proposing to amend the bill by adding in the general definitions on page 26 the following:

As used in this act, the words "agricultural commodity" mean an agricultural commodity which is not a fruit or a vegetable.

Mr. McNARY. Mr. President, that is practically the same form in which the Senator offered the amendment a few days ago; is it not?

Mr. COPELAND. Yes, sir; the same form.

Mr. McNARY. It takes fruits and vegetables entirely without the operation of any of the provisions of the bill?

Mr. COPELAND. That is correct.

Mr. FLETCHER. Mr. President, I should like to inquire of the Senator from New York why he would not be willing to enjoy some of the benefits of this bill, if his people applied for them and petitioned for them, without being compelled to put up the taxes or being bound by the marketing agreements? In other words, the amendment of the Senator from West Virginia apparently provides that the bill shall not apply to fruits and vegetables with respect to the equalization fee and with respect to the marketing provisions of the bill; and that leaves it open to them, if they want to get the benefits of the bill—for instance, loans under the bill—to apply for them. What harm can that bring to the fruit and vegetable growers?

Mr. COPELAND. In the first place, it would not be fair to the other people. In the next place, the fruit and vegetable people are in an entirely different position from the ordinary farmer. The orchards and the gardens are entirely different; and these persons who produce fruits and vegetables have had no education in this matter and are not interested in it. They have not thought about it. It means new market arrangements.

Mr. GLASS. Mr. President, if the Senator will permit me, the fruit growers of Virginia have, and for a long time have had, their own organization. They have their own cold-storage plants. They have their own marketing facilities. They are perfectly independent of anything of this sort. They do not

want their business interfered with by the Federal Government in any way, shape, or form. As the Senator from New York has so aptly said, they are not willing to occupy the humiliating position of undertaking to avail themselves of any advantages of legislation without accepting the responsibilities, and they want neither.

Mr. COPELAND. Mr. President, I venture to say that by to-morrow the Senator from Florida will have a sheaf of telegrams from his State. The reason why I had so many to-day was because yesterday, when this action was taken, in order that I might test out the sentiment of the raisers of fruits and vegetables, I wired each one of these persons who protested against the bill, and I had a reply from every single one saying, "We do not want to be associated with this bill in any way whatever. We are opposed to it lock, stock, and barrel."

That is the sentiment expressed in the telegrams which I have received. In view of their unwillingness to be included, they ought not to be included. In the next place, we have perishable products to deal with, entirely different from the products of the farm, the grains, and the cotton from the South. They are not products that can be dealt with in the same way; and I am quite satisfied that we ought not to impose upon them any responsibilities or obligations under this bill.

Mr. DILL. Mr. President, I have had not only telegrams but a great many letters from the apple growers of the State of Washington; and these letters are not representative merely of one or two individuals but they represent large numbers, hundreds and hundreds of growers, and they insist that they want the apple industry to have no connection whatever with this marketing system. They have built up their own marketing system. They have built up their own plan of storing their fruits. The boxed-apple industry is in a stable condition, and we do not want the apple business of the Northwest in any way handled by any board or under legislation of this kind.

I hope the amendment of the Senator from New York will be agreed to.

Mr. NEELY. Mr. President, were the telegrams that the Senator from New York received in protest against my amendment from fruit growers who would be benefited by it or from certain commission merchants who are believed to be hostile to the entire bill?

Mr. DILL. Mr. President, let me say to the Senator from West Virginia that about two weeks ago I received telegrams from fruit growers' organizations in my State asking me to have the McNary-Haugen bill amended so that it would not include apples. Then I received one telegram urging that they be left in the bill. I wired back to both, those who had wired me for fruit being included and those who had wired against it, and said, "I wish you would give me reasons for your demand."

I later received letters written after meetings of apple growers had been held, and they are unanimous in their demand that the apple industry shall not be included under the terms of this bill, whether the equalization fee applies or whether it does not. They have their own marketing organization. They have their own system of handling fruit. They do not want any Federal board interfering with the handling of fruit and vegetables in the Northwest.

Mr. NEELY. Mr. President, let me again warn those whose constituents grow fruit and raise vegetables that by voting for the pending amendment they will aid in depriving their people of benefits of great value.

The VICE PRESIDENT. In the opinion of the Chair, the amendment of the Senator from West Virginia is now before the Senate. If that is voted down, then the amendment of the Senator from New York will be voted upon.

Mr. COPELAND. My motion was really to reconsider the vote by which we adopted the Senator's amendment. Now I am moving to amend that amendment. Would that be proper now?

Mr. FLETCHER. The Senate has reconsidered the vote by which the amendment of the Senator from West Virginia was adopted.

The VICE PRESIDENT. The question comes up on reconsideration of the Neely amendment.

Mr. FLETCHER. Now the Senator from New York wishes to amend that amendment.

Mr. CURTIS. Mr. President, as I understood the situation, the amendment of the Senator from New York [Mr. COPELAND] had been agreed to. Then the Senator from West Virginia moved to reconsider, and that motion was agreed to; and then the Senator from West Virginia substituted his amendment for the amendment that had been adopted, offered by the Senator from New York.

Mr. NEELY. That is exactly right.

Mr. CURTIS. That is as I understand the situation.

Mr. McNARY. Mr. President, that is absolutely correct.

Mr. DILL. Mr. President, the amendment offered by the Senator from New York is an amendment to the amendment offered by the Senator from West Virginia. After the reconsideration of the vote by which the amendment offered by the Senator from West Virginia was agreed to, the Senator from New York moved to strike out certain words from the amendment, and the question now is on agreeing to the amendment to the amendment. The amendment offered by the Senator from West Virginia was as follows:

The provisions of this bill relative to marketing agreements and equalization fees shall not be construed to apply to fresh fruits and vegetables.

The vote by which that amendment was agreed to was reconsidered. Then the Senator from New York moved to strike out the words "relative to marketing agreements and equalization fees," so that it would read:

That the provisions of this bill shall not be construed to apply to fresh fruits and vegetables.

That is the situation.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York [Mr. COPELAND] to the amendment offered by the Senator from West Virginia [Mr. NEELY].

On a division, the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SHORTRIDGE. I ask unanimous consent that there may be a reprint of the bill showing the amendments already agreed to.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until noon to-morrow.

The motion was agreed to; and the Senate (at 4 o'clock and 55 minutes p. m.) took a recess until to-morrow, Thursday, April 12, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 11 (legislative day of April 9), 1928

MEMBER OF UNITED STATES TARIFF COMMISSION

Frank Clark.

POSTMASTERS

CALIFORNIA

Thomas J. Wylie, Cedarville.
James Gillies, Napa.
Horald K. Rankin, Ocean Beach.
Anna McMichael, San Juan Bautista.

GEORGIA

Augustus C. Kennemore, Cumming.
Charles W. Barnes, Valdosta.

MISSOURI

Edward C. DeField, East Prairie.
John E. Klumpp, Rich Hill.
Oley S. Cardwell, St. Clair.
Dorothy M. Ritter, Wellington.

PENNSYLVANIA

Clarence E. Roseberry, Clearfield.
Luther J. Lukehart, Du Bois.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *April 11, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

This day is for us, our Heavenly Father. What shall we give it? So often we make this life of ours vague, difficult, and mysterious. We ask Thee to quicken every pulse in us to aspire that we may justly claim the glorious right to live. Help us to guard its hours as valued treasures and give to it a good name, which is above every other gift. It is not just

what we do that constitutes the best benefactions to our fellow citizens, but what we are. Pour into our lives Thy Holy Spirit and bless us with the deepest calm and courage. If sorrow is our portion, may we keep the faith; if temptation is beckoning, may we keep the faith; if the skies are forbidding and the pathway is hard, may we keep the faith; when all truth seems dead or lost, O may we keep the faith. When the evening comes and we look back across the hours between dawn and dark, bless us with this satisfaction, because of some good word or work the world is better that I have lived to-day. In the blessed name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments a bill of the House of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 8926. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland City, Ark.

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 1476. An act for the relief of Porter Bros. & Biffle and certain other citizens; to the Committee on Claims.

S. 1731. An act to provide for the further development of vocational education in the several States and Territories; to the Committee on Education.

S. 1736. An act for the relief of Charles Caudwell; to the Committee on War Claims.

S. 1956. An act for the relief of Levi R. Whitted;

S. 1970. An act for the relief of Karim Joseph Mery; and

S. 2524. An act for the relief of Josephine Doxey; to the Committee on Claims.

S. 2535. An act granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes; to the Committee on the Public Lands.

S. 2711. An act for the relief of Walter W. Johnston; to the Committee on Claims.

S. 3117. An act for the relief of the State of Connecticut; to the Committee on the Judiciary.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

OAKLAND HARBOR, CALIF.

The Clerk called the committees; and when the Committee on Rivers and Harbors was reached—

Mr. DEMPSEY. Mr. Speaker, I call up House Joint Resolution 244, authorizing a modification of the adopted project for Oakland Harbor, Calif., and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read the House joint resolution, as follows:

House Joint Resolution 244

Resolved, etc., That the project adopted in the river and harbor act of January 21, 1927, for the improvement of Oakland Harbor, Calif., is hereby so modified as to eliminate the requirement that local interests "shall alter or replace the bridges over the tidal canal, when, in the opinion of the Secretary of War, such alteration or replacement is necessary in the interest of navigation, and thereafter operate and maintain them."

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the project adopted in the river and harbor act approved June 21, 1927, for the improvement of Oakland Harbor, Calif., is hereby so modified as to provide that the requirement 'that local interests shall alter or replace the bridges over the tidal canal when, in the opinion of the Secretary of War, such alteration or replacement is necessary in the interests of navigation, and thereafter operate and maintain them,' shall apply only to that feature of the project covering the deepening of the tidal canal to 25 feet."

The committee amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DEMPSEY, a motion to reconsider the vote whereby the joint resolution was agreed to was laid on the table.

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Mr. HAUGEN. Mr. Speaker, I call up H. J. Res. 200 to amend section 10 of the act entitled "An act to establish the Upper Mississippi River Wild Life and Fish Refuge," approved June 7, 1924.

Mr. CRAMTON. Mr. Speaker, a parliamentary inquiry. Was the Committee on Merchant Marine and Fisheries called, or does the Committee on Agriculture have another day prior to the Committee on Merchant Marine and Fisheries?

The SPEAKER. As the Chair recollects, the situation is this: The Committee on Agriculture having had one day was not prepared on the following day and the understanding was reached in the House that that committee be passed over without prejudice, and that it might occupy the next Calendar Wednesday. The agreement is not entirely clear in the RECORD, but the Chair thinks that was the understanding of the House.

Mr. CRAMTON. The understanding is, then, that they are entitled to call before the Committee on Merchant Marine and Fisheries?

The SPEAKER. The Chair thinks that that was the understanding.

Mr. CRAMTON. I have no idea of pressing to the contrary, but the situation is somewhat confused; and I think it rather stresses the desirability of hereafter taking committees in their order.

The SPEAKER. The Chair thinks that it was clearly the understanding in the House that the Committee on Agriculture did not lose its right to be called again before the entire list had been gone through.

Mr. CRAMTON. I am not objecting to that. The only question was whether they should get their day before the Committee on Merchant Marine and Fisheries was called.

The SPEAKER. The gentleman from Iowa calls up House Joint Resolution 200. This resolution is on the Union Calendar.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Iowa asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

Mr. BLANTON. Reserving the right to object, this is its second calendar day the Committee on Agriculture is consuming, its last day, for it will not have another before we adjourn. Is not the gentleman going to bring up some kind of a farm relief measure?

Mr. HAUGEN. We will bring that up later.

Mr. BLANTON. Under a rule?

Mr. HAUGEN. Yes.

Mr. BLANTON. When will it be—next week?

Mr. HAUGEN. We will have to see the Committee on Rules about that.

Mr. BLANTON. This bill that the gentleman now calls up is on the Union Calendar. Is this the bill that we have had up here before known as the Hawes bill creating a hunting monopoly for a few rich sportsmen?

Mr. HAUGEN. No.

Mr. BLANTON. Does it embrace game and fish—is it the game refuge bill? This is not the one that we have killed two or three times?

Mr. KINCHELOE. No; this is to establish a game and fish refuge upon the upper Mississippi River; it is not to regulate the taking of game and fish.

Mr. BLANTON. This does not in any way affect the farm boys who want to shoulder an old musket in Kentucky or Texas?

Mr. KINCHELOE. No. I know the bill that the gentleman has in mind. It is not that bill at all.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, there are no copies of this resolution available at this time, and I reserve the right to object so that the gentleman from Iowa may make a statement and tell us what the joint resolution is about.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the joint resolution, as follows:

Resolved, etc., That section 10 of the act entitled "An act to establish the Upper Mississippi River Wild Life and Fish Refuge," approved June 7, 1924 (43 Stat. L., 650), as amended by joint resolution of March 4, 1925 (43 Stat. L. 1354), be, and the same is hereby amended by substituting in lieu of the proviso therein contained the following: "*Provided*, That the Secretary of Agriculture shall not pay for any land or land and water a price, which, when added to the price of

land or land and water theretofore contracted to be purchased, shall exceed an average cost of $10 per acre."

With the following committee amendment:

Page 2, line 3, after the word "acre," insert a colon and the words: "*Provided further*, That this provision shall not apply to any land or land and water heretofore acquired or contracted for under the provisions of this act."

The SPEAKER. Is there objection to the request of the gentleman from Iowa that this joint resolution be considered in the House as in Committee of the Whole?

Mr. LINTHICUM. Mr. Speaker, I reserve the right to object. I should like to know more about the resolution.

Mr. ANDRESEN. Mr. Speaker, this resolution provides for acquiring certain lands in the Winnesheke bottoms in the Mississippi River. Some time ago—I think it was in the Sixty-eighth Congress—the Upper Mississippi River Wild Life Refuge was established, and Congress fixed an average price of $5 an acre which could be paid for that land. The department has acquired all of the land that it can acquire at an average price of $5 per acre, the swamp land, the pasture land, and the woodland in this refuge. It is a preserve for migratory birds, for fish, and game animals. The department can not acquire the rest of that land in that section at the price now fixed by law, and they have asked to have the average price raised to $10 an acre.

Mr. LINTHICUM. How many acres is it proposed to put in this game preserve?

Mr. BLANTON. Mr. Speaker, this seems to be an important resolution. We can not get the facts about it at this time, and in order to give us a little time in which to acquire them, I make the point of order that there is no quorum present.

Mr. ANDRESEN. This is a very minor bill.

Mr. BLANTON. Mr. Speaker, it involves about $500,000, and I make the point of order that there is no quorum present. That will give us time to look into the matter.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is not.

Mr. MAPES. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 66]

Anthony	Curry	Kearns	Reid, Ill.
Bacon	Darrow	Kendall	Robinson, Iowa
Bankhead	Davenport	Kent	Robsion, Ky.
Beck, Pa.	Denison	Kindred	Sabath
Beedy	Dickinson, Iowa	Kunz	Sears, Nebr.
Beers	Dickstein	Kurtz	Shreve
Bell	Douglas, Ariz.	Larsen	Snell
Boles	Doyle	Letts	Spearing
Britten	Drane	Lozier	Sproul, Ill.
Browne	Estep	McDuffie	Strother
Buckbee	Fenn	McFadden	Sullivan
Burdick	Fisher	Magrady	Tatgenhorst
Burton	Fitzgerald, Roy G.	Menges	Taylor, Tenn.
Butler	Gilbert	Michaelson	Thompson
Campbell	Golder	Mooney	Tillman
Carley	Goldsborough	Moore, N. J.	Updike
Celler	Graham	Morgan	Whitehead
Chase	Griffin	Nelson, Wis.	Williams, Ill.
Christopherson	Hardy	Niedringhaus	Williamson
Clancy	Harrison	Oliver, N. Y.	Wingo
Cole, Iowa	Houston	Palmer	Wurzbach
Cole, Md.	Hull, Morton D.	Peavey	Wyant
Connally, Tex.	Igoe	Peery	Yates
Connolly, Pa.	Irwin	Porter	Yon
Crisp	Johnson, Ill.	Quayle	
Crowther	Johnson, S. Dak.	Rathbone	

The SPEAKER. Three hundred and thirty Members have answered to their names, a quorum.

Mr. MAPES. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

LOAN OF AERONAUTICAL EQUIPMENT TO MUSEUMS

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1822) to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions, with a House amendment, insist on the House amendment, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill S. 1822, with a House amendment thereto, insist on the House amendment, and agree to a conference.

The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, I am informed by the gentleman from Pennsylvania [Mr. MORIN] that this is agreeable to the ranking Democrat on the committee.

Mr. MORIN. That is correct.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. JAMES, Mr. WAINWRIGHT, and Mr. GARRETT of Texas.

THE LATE REPRESENTATIVE JAMES A. GALLIVAN

Mr. CONNERY. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the desk and ask to have read.

The Clerk read as follows:

Ordered, That Sunday, the 29th day of April, at 2 o'clock p. m., be set apart for addresses on the life, character, and public services of Hon. JAMES A. GALLIVAN, late a Representative from the State of Massachusetts.

The SPEAKER. Is there objection to the present consideration of the order?

There was no objection.

The SPEAKER. The question is on agreeing to the order.

The order was agreed to.

WORLD ROAD MEET

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an article from the Washington Evening Star of April 8, 1928, entitled "Washington gets world road meet."

The SPEAKER. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article from the Evening Star, of Washington, entitled "Washington gets world road meet":

WASHINGTON GETS WORLD ROAD MEET—SIXTH CONFERENCE IN 1930 WILL MARK FIRST SUCH GATHERING IN WEST

At the invitation of the United States Government, the leading highway engineers, economists, and administrators of the world will meet in Washington in 1930 to attend the Sixth International Association of Road Congresses.

Fifty nations and five continents are expected to send hundreds of delegates to the meeting, which will be historic in that it will mark the first time the International Road Conference has assembled in the Western Hemisphere.

The resolution authorizing the invitation was signed by President Coolidge last week, having passed the Senate and the House of Representatives under the able leadership of Senator LAWRENCE C. PHIPPS, of Colorado, and Representative J. CHARLES LINTHICUM, of Maryland. Senator PHIPPS, as a member of the Senate Committee on Post Offices and Post Roads, sponsored the measure in the Upper Chamber, while Representative LINTHICUM, of the Committee on Foreign Affairs, introduced the measure before the House and followed it through committee hearings. The formal invitation will be transmitted by Secretary of State Kellogg, by direction of President Coolidge, to the Permanent International Association of Road Congresses, which is the official name of the association.

TRIBUTE FROM OLD WORLD

The association had previously voted to accept the invitation if extended.

The willingness of the association officials to bring the sixth conference to the United States is held to be significant. It is recognition on the part of the Old World, with its background of centuries of highway building and highway transport, of the new order of achievement of the New World in the mass production and methods of administration of highway construction and maintenance. While highway engineering on the continent antedates the highway programs of the United States by thousands of years, the utility, science, and economic benefits of highway transportation have reached their highest fruition in this country, and it is the desire to observe these results, it is believed, that prompted the engineers of continental Europe and Asia to accept the invitation of the United States.

ONLY OFFICIAL WORLD MEET

At the fifth international conference at Milan in 1926 the delegates from the United States tentatively advanced the project of bringing the next conference to the United States. Their overtures were met with the most cordial reception. Secretary of Agriculture Jardine, in whose department is the Bureau of Public Roads, addressed the conference by letter, expressing the hope that it would prove possible for the United

States to extend and the conference to accept an invitation for the next meeting to be held in Washington. The delegates from the United States at the Milan conference were Thomas H. MacDonald, Chief of the Bureau of Public Roads and chairman of the Highway Education Board; Pyke Johnson, executive director of the Pan American Federation for Highway Education; H. H. Rice, treasurer of the National Automobile Chamber of Commerce; J. N. Mackall, chairman of the State Roads Commission for Maryland; Paul D. Sargent, State highway engineer for Maine; and H. H. Kelly, European commercial attaché from the Department of Commerce.

The International Association of Road Congresses is the only world-wide official organization of highway authorities. It was organized in Paris in 1908, and congresses have since been held in Brussels in 1910, in London in 1913, in Seville in 1923, and in Milan in 1926. The sessions projected for the years during the World War were postponed.

The conference membership is comprised of 45 countries, including the United States of America; 458 collective bodies and nearly 1,500 private members, of whom more than one-third are life members. The last conference, at Milan, the first to which the United States sent an official delegation was attended by representatives from 52 nations, and the official and nonofficial delegates numbered in excess of 2,000.

The actual number of official delegates is limited to 15 from each nation.

MISSISSIPPI RIVER WILD-LIFE REFUGE

The SPEAKER. Is there objection to the request of the gentleman from Iowa that House Joint Resolution 200, to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild-life and fish refuge," approved June 7, 1924, be considered in the House as in Committee of the Whole?

Mr. BLANTON. Mr. Speaker, I object. That is a matter that ought to go to the committee.

The SPEAKER. This joint resolution is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution, and the gentleman from Michigan, Mr. CRAMTON, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 200, with Mr. CRAMTON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 200, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 200) to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild-life and fish refuge," approved June 7, 1924.

Mr. BLANTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. BLANTON. The distinguished gentleman from Michigan [Mr. CRAMTON], from the other side of the aisle, was to help us to get a proper amendment on this bill. I notice he has been removed from the floor and now is in the chair. Will that prevent him from having that salutary amendment placed on the bill, now that he has been removed from the fighting arena, where we need him?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the resolution.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the resolution be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDRESEN] is recognized for one hour.

Mr. ANDRESEN. Mr. Chairman and gentlemen of the committee, in the first place this resolution is not a resolution to charge any license fee for hunting migratory birds, such as was proposed in the Anthony Act. In the year 1924 legislation was approved by Congress establishing a wild life refuge in the upper Mississippi River. The law provided that the average price of not to exceed $5 an acre can be paid for the land acquired in the refuge. The Agricultural Department has now purchased over 16,000 acres at the average price of $5 an acre, and they find that on account of the increase in value of the land they can acquire no more land under the average price of $5 an acre, and consequently they come to Congress for additional authority to pay as much as $10 an acre as the average price. I ask to have read a letter from the department outlining the situation.

The CHAIRMAN. Without objection, the Clerk will read the letter referred to.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., March 10, 1928.

Hon. GILBERT N. HAUGEN,
Chairman Committee on Agriculture,
House of Representatives.

DEAR MR. HAUGEN: I have your letter of February 28, inclosing for consideration and comment a copy of the resolution (H. J. Res. 200) introduced by Mr. ANDRESEN, "To amend section 10 of the act entitled 'An act to establish the upper Mississippi River wild life and fish refuge,' approved June 7, 1924."

The resolution provides for increasing the average price from $5 to $10 per acre which may be paid by the department for lands purchased for the refuge.

A total of 70,543.31 acres is now under administration as a part of the refuge, of which 24,963.44 acres are public lands, 1,052.25 acres acquired by gift or cession, and 4,967.26 acres held under lease, leaving a balance of 39,560.36 acres which have been purchased or are held under contract of purchase. The actual purchases to date total 16,867.88 acres at a total land cost of $82,288.13. The land cost of the areas already acquired and those under contract for purchase is within the provision of the existing law as amended in 1925, which limits the average price to $5 per acre.

It has become evident that the average value of the land to be purchased was underestimated. The acquisition work has now proceeded to a point where it is extremely difficult to make additions by purchase without exceeding the average cost of $5 per acre. The lands suitable for refuge purposes that remain to be purchased have now been carefully examined and their values estimated by experts of the department engaged on the work who have had wide experience in that field. The factors considered in arriving at these estimates include the standing timber on the areas, their value for pasturage or the production on suitable areas of muskrats and other valuable fur-bearing animals, and the prevailing prices at which comparable areas in the vicinity have been sold in recent years. By these methods of appraisal it is found that these lands have a commercial value exceeding the $5 per acre average price allowed to be paid under existing law.

From present indications approximately 85,000 acres of suitable refuge lands remain to be acquired for completion of the project. If the proposed amendment is adopted, the department is of the opinion that it will not be necessary to ask for funds, in addition to those already authorized, for the acquisition of the desired areas to be included in the refuge. The balance of the authorized appropriation will, it is believed, be ample to provide for the purchase of the required lands at the higher average rate.

As the acquisition of land for the refuge will come to a standstill unless the proposed amendment is enacted, I sincerely trust that it will meet with the approval of your committee and be placed before Congress for enactment at the earliest possible date.

A request by this department to the chairman of the Senate Committee on Agriculture and Forestry for the introduction of a similar resolution in the Senate has been submitted to the Bureau of the Budget pursuant to Circular 49 of that bureau, and under date of March 2, 1928, the Department of Agriculture was advised as follows:

"In reply I have to advise you that your proposed letter and the draft of legislation which you propose to submit therewith would not be in conflict with the financial program of the President.

"I would suggest, however, that the insertion of the words 'purchased or' after the word 'theretofore' in the last sentence of the draft might clarify the language."

The amendment suggested by the Bureau of the Budget is satisfactory to the department.

Sincerely,

W. M. JARDINE, *Secretary.*

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. ANDRESEN. Yes.

Mr. GREEN. What State or States is this land in?

Mr. ANDRESEN. This land is in the Winnesheke bottom. It starts south of Wabasha, Minn., and extends down the Mississippi River and affects the States of Minnesota, Wisconsin, Illinois, and Iowa.

Mr. GREEN. Does the gentleman think the land has doubled in value in four years?

Mr. ANDRESEN. The land has not doubled in value within the last four years. The original estimate put upon the land was approximately $5 an acre, an average price; but they find that in acquiring the land that there are 41,000 acres of timberland having on it several million feet of valuable timber, and they will have to pay more for that. It is hard to get good timberland with virgin timber on it at $5 an acre. If they can pay $10 as an average price, they will be able to pay as much as $15 an acre for some of the land and $5 for the rest of it.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?
Mr. ANDRESEN. I was answering a question.
Mr. BLANTON. I thought the gentleman was through.
Mr. ANDRESEN. By raising the average price it will give the department a chance to go in and buy the more valuable land needed in this refuge. They will be able to pay $5 or $3 for some of it and $12 or $15 for other parts. The average price of $10 will be maintained.
Mr. BLANTON. When the original bill was before Congress it was stated on the floor that much of this land was waste land, swamp land, and flowed-over land, and it would not cost much, and that on the average it would cost $5 an acre. The bill was passed on that assumption and on that assurance. This is an effort to double the price from $5 to $10.
Mr. ANDRESEN. I was not here when the original bill was passed.
Mr. BLANTON. Has the gentleman in view the amendment that was to be offered by the gentleman from Michigan [Mr. CRAMTON]?
Mr. ANDRESEN. I accept that.
Mr. BLANTON. That amendment will be offered by the gentleman from Michigan [Mr. MAPES]?
Mr. ANDRESEN. Yes. I will accept it.
Mr. MAPES. I have an amendment here which will give the information desired.
The CHAIRMAN. Without objection, the Clerk will read for information the proposed amendment.
The Clerk read as follows:

Amendment proposed by Mr. MAPES: Page 2, line 1, after the word "switch," strike out the remainder of the line and line 2 to and including the word "purchased."

Mr. LAGUARDIA. I do not get that.
Mr. ANDRESEN. I will explain the purpose of the amendment. I thought I had provided for it in the last proviso to the bill. The amendment provides that the land that has already been acquired by the Government at the average price of $5 an acre shall not be taken into consideration when the new average price of $10 an acre is authorized. If they could include the land purchased before at $5 an acre, it would give them a further leeway of paying as high perhaps as $20 or more for other land. But the land to be acquired under the $10 provision is land to be acquired from now on after the passage of the act.
Mr. LAGUARDIA. Suppose the Government should condemn this land. What would be the appraised value?
Mr. ANDRESEN. I can explain the nature of the land. There are 41,220 acres of timber of varying value from perhaps $3 to $25 an acre. There are 6,000 acres of grazing land having an average value of $10.14 an acre. The timberland that I just mentioned has an average value of $14.82 an acre. The hay land has an average value of $12.66 an acre. The marshland has an average value of $2.39 an acre; the brush land has an average value of $3.11 an acre; and the lake bed or the marshland adjoining the shore has an average value of $2 an acre.
Mr. LAGUARDIA. Will it average about $10 an acre?
Mr. ANDRESEN. They feel that if they have the authority to average the land at $10 an acre, they will be able to get the entire 85,000 acres called for in the project.
Mr. LAGUARDIA. Of course, all of this land is contiguous.
Mr. ANDRESEN. It is nearly so.
Mr. LAGUARDIA. Will the gentleman tell me this, which is more important, perhaps, than a few dollars of additional cost: Is this going to be a bird sanctuary or a bird slaughterhouse?
Mr. ANDRESEN. This is to be a permanent sanctuary for migratory birds, fish, and other game animals.
Mr. LAGUARDIA. Is hunting permitted on these lands?
Mr. ANDRESEN. Hunting is not permitted?
Mr. LAGUARDIA. That is correct, is it?
Mr. ANDRESEN. Hunting is not permitted.
Mr. LAGUARDIA. In the last Congress and in the Congress before that we were presented with an alleged game refuge bill, a bill which it was alleged provided a sanctuary for birds, when, as a matter of fact, hunting was permitted. I can not imagine of anything that is more paradoxical or more inconsistent than to have a sanctuary for birds and a refuge for game and at the same time permit hunting. May we be sure that on this particular ground there will be no hunting permitted?
Mr. ANDRESEN. There is no hunting, trapping, or fishing permitted on these lands.
Mr. CLARKE. Will the gentleman yield?
Mr. ANDRESEN. Yes.
Mr. CLARKE. Is it not also a fact that through the overflow here it is the place from which we get our supplies of bass that are distributed all over the United States?
Mr. ANDRESEN. That is absolutely correct.
Mr. DICKINSON of Missouri. Will the gentleman yield?
Mr. ANDRESEN. Yes.
Mr. DICKINSON of Missouri. I would like to inquire if the gentleman has any information as to whether the lands desired to be purchased under the terms of the bill are now owned by the original owners or whether they have been acquired by speculators and the price raised by those who have acquired the lands for an increased price?
Mr. ANDRESEN. I do not have the information but I have personal knowledge of some of the land that is in my State, Minnesota, along the Mississippi River, and I will say that these are small tracts which make up parts of larger farms off from the banks of the Mississippi River, and as to most of the land along the Minnesota border the fee-simple title is in the name of the men who owned the land before the project was authorized.
Mr. DICKINSON of Missouri. Has the price gone up by reason of the purchases made under the terms of this bill?
Mr. ANDRESEN. I do not think it has. The department has adopted this policy, that if they can not buy the land at a fair price, then they wait until the man is ready to sell. A great deal of this land—all of the land, in fact—is subject to taxation.
Mr. DICKINSON of Missouri. As far as the gentleman's information goes most of the land is owned by the original owners, but a part of it may have been acquired by speculators for the purpose of getting an increased price.
Mr. ANDRESEN. That is the best information I have; but I do not see how any speculators could hope to make a great amount of money at the price of $5 or $10 an acre.
Mr. LAGUARDIA. If the gentleman will permit, in answer to the gentleman from Missouri, this is the practice, and I think it is universal: That where it is known a municipality, a State, or a government is going to acquire land, then speculators get it on an option, so that the title of record remains in the original owners and the option is all they have to sell. That is a practice which is universal.
Mr. DICKINSON of Missouri. The press is carrying an item of news to the effect that lands in the bottoms along the Mississippi River are being acquired by speculators, and I thought perhaps these lands were being acquired by those who expect to get an increased price for them.
Mr. ANDRESEN. I have no knowledge of that fact.
Mr. SHALLENBERGER. Will the gentlemen yield?
Mr. ANDRESEN. Yes.
Mr. SHALLENBERGER. I would like to suggest to the gentleman that the price of $5 or $10 an acre is a very low price for land along this river. It must be land that is absolutely worthless for any sort of agricultural purposes, because agricultural lands in that valley are about as high in price as we can find anywhere in the country, so that this price must not be a speculator's price but a very conservative price for land in that valley.
Mr. ANDRESEN. And the department itself is not trying to secure agricultural lands.
Mr. FURLOW. Will the gentleman yield?
Mr. ANDRESEN. Yes.
Mr. FURLOW. Is it not true that had an estimate been made of this land at the time the bill was originally enacted, the average price then undoubtedly would have been put at $10 an acre; but the estimates were made, so far as this particular land that it is now intended to acquire is concerned, after the passage of the act; is not that true?
Mr. ANDRESEN. That is absolutely correct. No survey was made and no effort was made to secure options on the land at a certain price before the passage of the act.
Mr. FURLOW. If the gentleman will yield further, part of this land is in my district, and I know the land and I think I can assure the gentleman from Missouri, who asked about the speculative end of it, that I know of no land that has been bought in Mississippi that was bought for speculative purposes. The idea out there is the conservation of the wild life, and the people out there, especially the sportsmen and the people of the State generally, are vitally interested in seeing this land maintained as a game refuge and as a game refuge solely.
Mr. ANDRESEN. I will say further in that connection that in the State of Minnesota interested municipalities and Izaak Walton League clubs and sportsmen's clubs have donated over 8,000 acres to be included in the refuge, without any cost to the Federal Government.

Mr. WELSH of Pennsylvania. Will the gentleman yield?

Mr. ANDRESEN. Yes.

Mr. WELSH of Pennsylvania. Is it the gentleman's opinion that unless this amendment of the original act is enacted, the purpose of the original act of 1924 will not be effective?

Mr. ANDRESEN. Absolutely.

Mr. WELSH of Pennsylvania. The gentleman is willing to make that statement for the purpose of the RECORD?

Mr. ANDRESEN. Yes. The department will not be able to go ahead with the project and it will mean they will have to stop buying land and will have little scattering patches all along the Mississippi River.

Mr. ROMJUE. Will the gentleman yield?

Mr. ANDRESEN. Yes.

Mr. ROMJUE. In what counties does this land lie in Minnesota, the gentleman's own State?

Mr. ANDRESEN. It does not touch my district. It starts at Wabasha, Minn., which is in Wabasha County, and goes down as far as Rockford, Ill.

Mr. ROMJUE. How far is the beginning of the tract below the Canadian line?

Mr. ANDRESEN. About 300 miles.

Mr. ROMJUE. I thought it was a little farther north than that.

Mr. EDWARDS. Will the gentleman yield?

Mr. ANDRESEN. I yield to the gentleman.

Mr. EDWARDS. I note in the report that there are 70,543 acres now being administered as a part of the refuge, of which 24,963 are public lands. Does the Government own these public lands?

Mr. ANDRESEN. Those lands are the property of municipalities and the Government and are included in the refuge.

Mr. EDWARDS. How much of it is Federal Government land?

Mr. ANDRESEN. I could not give the gentleman that figure.

Mr. EDWARDS. They actually have now 70,543 acres with which they are carrying on this work; is that right?

Mr. ANDRESEN. No; the total project is some 82,402 acres.

Mr. EDWARDS. Just how many more acres do you propose under this bill to buy up?

Mr. ANDRESEN. The actual purchase by the department up to date is 16,867 acres.

Mr. EDWARDS. Then the Government owns, evidently, 24,963 acres which is called public land?

Mr. ANDRESEN. That is owned by the Government and by municipalities—school lands.

Mr. EDWARDS. What is the total acreage estimated to be necessary for this reservation?

Mr. ANDRESEN. The total estimate is 82,402 acres, which is to be purchased.

Mr. EDWARDS. This bill says "land and water"; how much water is being purchased under this bill?

Mr. ANDRESEN. If the gentleman has ever been in the Mississippi River bottoms he is, of course, quite aware of the fact that there are a lot of sloughs with land around these sloughs, little pockets, probably for several miles contiguous to the main channel of the Mississippi River on each side.

Mr. KNUTSON. Will the gentleman yield right there?

Mr. ANDRESEN. Yes.

Mr. KNUTSON. That is what makes this land so valuable for the purpose for which the Government wishes to acquire it. It is the greatest small-mouth black-bass spawning ground in the world.

Mr. EDWARDS. I do not know that they would beat the Georgia bass.

Mr. KNUTSON. They are a different variety altogether.

Mr. EDWARDS. What I am trying to get through my mind is why we should buy up water in the Mississippi River to raise fish when we have more water in the Mississippi River than we know what to do with.

Mr. KNUTSON. It is not water at all—these spawning grounds.

Mr. ROMJUE. Will the gentleman yield?

Mr. ANDRESEN. Yes.

Mr. ROMJUE. It seems to me the second proviso in the bill is contradictory of the first proviso. The first proviso states, "That the Secretary of Agriculture shall not pay for any land or land and water a price, which, when added to the price of land or land and water theretofore contracted to be purchased, shall exceed an average cost of $10 per acre." That is, they may pay $10 an acre in addition to the land that has previously been contracted for.

Mr. ANDRESEN. That was the original intention of the department.

Mr. ROMJUE. The bill contains that as the first proviso, and then in the second proviso it is stated:

Provided, That this provision shall not apply to any land or land and water heretofore acquired or contracted for under the provisions of this act.

Does not this nullify the first provision of the bill? It seems to me it does.

Mr. ANDRESEN. The purpose of the committee amendment was to place the department in a position where they could not consider land already purchased and paid for. I think the amendment offered by the gentleman from Michigan [Mr. MAPES] will straighten out that situation.

Mr. ROMJUE. I had not heard that amendment.

Mr. ANDRESEN. I will say further, that the act of 1924 authorized the appropriation of $1,500,000 for the Mississippi River project. Of this amount, around $500,000 has been used. The rest of the land to be acquired under an average price of $10 an acre will not need extra authorization from Congress in order to acquire the land, because sufficient money has already been authorized to acquire all of the land necessary in the project. So this amendment to the act calls for no extra authorization of money from the United States Treasury.

Mr. ABERNETHY. Will the gentleman yield?

Mr. ANDRESEN. I will.

Mr. ABERNETHY. How is this refuge going to be operated—under what department?

Mr. ANDRESEN. It is operated under the Department of Agriculture.

Mr. ABERNETHY. Why the Department of Agriculture instead of the Department of Fisheries?

Mr. ANDRESEN. It is partly under the Bureau of Fisheries.

Mr. ABERNETHY. And the Bureau of Fisheries is under the Commerce Department?

Mr. ANDRESEN. The Bureau of Fisheries has jurisdiction over the fish and the Department of Agriculture has jurisdiction over the migratory birds.

Mr. ABERNETHY. Is this the same bill introduced by Mr. HAWES, of Missouri?

Mr. ANDRESEN. I have no knowledge about that.

Mr. ABERNETHY. All you want to do is to increase the price from $5 an acre to $10 an acre, and what is to hinder the speculators getting hold of it and running it up to $15 an acre?

Mr. ANDRESEN. If they do, I think they will have to hold the land, because I do not think the department would come back for authority to further increase the price.

Mr. ABERNETHY. Is the department sure that it can acquire the land at that price?

Mr. ANDRESEN. The department feels satisfied that they can acquire the lands at not exceeding $10 an acre.

Mr. ABERNETHY. I presume it is not necessary to ask if all the delegation of Minnesota is in favor of the bill?

Mr. ANDRESEN. I have not polled the delegation, but I presume they are.

Mr. ABERNETHY. What States are interested in this matter?

Mr. ANDRESEN. Minnesota, Wisconsin, Iowa, Illinois, and, in fact, every State in the Mississippi Valley, because of the migratory birds that will have a refuge and resting place here. This will be a feeding ground.

Mr. FULBRIGHT. Will the gentleman yield?

Mr. ANDRESEN. I will.

Mr. FULBRIGHT. What is the difference between the land that has not been acquired and the land that has already been acquired at $5 an acre?

Mr. ANDRESEN. The difference is mostly in the timberland, where there is valuable tracts of timber, virgin timber in some cases and cordwood in other places, where it was impossible to get it at an average price of $5 an acre.

Mr. FULBRIGHT. Was the average price of the land to be acquired more than the land already acquired?

Mr. ANDRESEN. Absolutely.

Mr. FULBRIGHT. It has not increased the price since the project was started?

Mr. ANDRESEN. No; I think the land has decreased or remained about the same.

Mr. FULBRIGHT. I was wondering whether gentlemen in favor of this program will be as enthusiastic in favor of flood control when that matter comes up?

Mr. ANDRESEN. No question about it; we live in the Mississippi Valley.

Mr. EDWARDS. Mr. Chairman, I ask to be recognized. I am opposed to the bill.

The CHAIRMAN. If no one on the committee claims recognition in opposition to the bill, the Chair will recognize the gentleman from Georgia.

Mr. EDWARDS. How much time do I have?

The CHAIRMAN. One hour.

Mr. EDWARDS. Mr. Chairman and gentlemen, I do not think the House understands this proposition. This is not the kind of a proposition for the Congress to approve. Look at the report and you will find that there are 16,867 acres which have already been bought under the act of June 7, 1924, for $82,288. You will find in the same connection with that there are 1,052 acres as a gift, which make 17,919 acres. The public lands are given as 24,963 acres, which make a total acreage of 42,882 acres. This bill provides for land and water.

Now, how much more land and water do they want on which to raise migratory ducks and fish than 42,882 acres? They have 42,882 acres, and now they come in and ask for 85,000 more acres of land, at $10 an acre, which will be $850,000 more out of the Treasury of the United States.

Mr. CLARKE. Will the gentleman yield?

Mr. EDWARDS. I yield.

Mr. CLARKE. It is not a question of how much more land we want, but how much more land those who have given thought to the entire project want. The Department of Agriculture, chambers of commerce of Wisconsin and Missouri, all along the line, have been in conference and they are all back of this project. And they say they need this land, set forth in the report, and the people all over the United States will get the benefit of it. The picture you have is an immature picture while their picture is a perfect one.

Mr. EDWARDS. The picture I have in mind is not immature. I have known about fish all my life and I am familiar with migratory birds and wild life as contemplated in this bill. This proposition is not right. We are told that it is not in keeping with the condition of the Treasury and the policy of the present administration to have over $75,000,000 a year for the next two years for public highways, but here it is proposed to expend practically $1,000,000, to be dumped down in those sloughs and gulches, in the purchase of those worthless lands and waters up there which are evidently no good for anything else than to raise fish and wild game on. It is proposed to spend practically a million dollars for this in one lump sum.

Mr. ANDRESEN. As I stated in my statement, this does not take any more money out of the United States Treasury than is already authorized by law.

Mr. EDWARDS. Oh, I think the gentleman is mistaken in that. I am sure he is because if it did not take more money, you would not be here asking to be permitted to expend $5 an acre more than was established as a fair price in the first act, which became a law in 1924.

Mr. ANDRESEN. The project requires the purchase of 85,000 acres of land, roughly speaking; and if the average price is $10 an acre, that will mean $850,000. The Congress has already passed appropriation bills amounting to $500,000.

Mr. EDWARDS. For this purpose?

Mr. ANDRESEN. Yes.

Mr. EDWARDS. Without any authorization?

Mr. ANDRESEN. Oh, the authorization was approved in 1924. That will make a total of $1,350,000, or $100,000 less than the authorization in the act of 1924.

Mr. McMILLAN. But if that money has been appropriated and is not expended, it will go back into the Treasury of the United States.

Mr. ANDRESEN. The money has been authorized.

Mr. McMILLAN. If it is not expended for that purpose, my understanding is that it will go back to the Treasury of the United States.

Mr. EDWARDS. The gentleman from South Carolina is correct in that, as he usually is.

Mr. KNUTSON. Has the gentleman from Georgia ever been up in that section of the country?

Mr. EDWARDS. No.

Mr. KNUTSON. We would like to have the gentleman come up there and see us some time.

Mr. EDWARDS. I would be very glad to.

Mr. McMILLAN. We have plenty of places in my section of the country for game preserves. I have a letter on my desk now submitting an offer of 30,000 acres of land for $3.50 an acre, and it is reputed to be one of the greatest game refuges in the country.

Mr. KNUTSON. We ought to work together on these propositions.

Mr. EDWARDS. We ought to work together when the proposition is right, but this proposition is not the right kind of legislation. We ought not to take the people's money out of the Treasury and put into those lands.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. Yes.

Mr. GREEN. We usually work together when the appropriations are going the other way, but when we want something for reclamation in our section of the country we work separately and we get nothing.

Mr. EDWARDS. I do not agree with the gentleman on that altogether. They have already had what I believe to be a sufficient sum of money to operate a fish or game preserve and refuge.

Mr. ABERNETHY. Does it not occur to the gentleman that a great many wild duck and geese come to our section of the country in the wintertime and that they use these places for resting places?

Mr. EDWARDS. I want to tell the gentleman something else that has occurred to me; they come down there and the Federal laws are generally in conflict with our State laws to such an extent we can not shoot and enjoy them.

Mr. ABERNETHY. The thing that appeals to me particularly is the idea of a game refuge. We need something of that kind. I believe it is a great move in the right direction. I think if we stand with these gentlemen on this, that when we need something of a similar nature in our section of the country we will get it. We have got to do something to take care of our game.

Mr. EDWARDS. I agree with the gentleman. We ought to have game refuges, but we ought to have a well worked out plan whereby they would be established throughout the country. You set up one in this section of the country, and if you have no refuge anywhere else the thing is a failure, and it has proven to be a failure so far. Very little actual good has resulted so far.

Mr. COCHRAN of Missouri. The gentleman knows very well that if you had a refuge in the South at a certain time of year the game would be in the North. This is where they go to breed and they return to the South in the winter.

Mr. GREEN. Right along that line I would like to say to the gentleman, showing where appropriations go, that last year my State sent over $46,000,000 in Federal taxes to the Federal Treasury.

Mr. KNUTSON. Is that all?

Mr. GREEN. And my district, a fourth of the State, contributed eleven and a half million. I think I have been 12 times to the Post Office Department and the Treasury Department begging them to give me $80,000 or $100,000 out of the $265,000,000 that we appropriated for public buildings and I have not yet the assurance that we are going to get that public building.

Mr. EDWARDS. The gentleman from Florida usually gets what he goes after and I am surprised that he has not gotten it.

Mr. FURLOW. The gentleman from Georgia states that he is in favor of these game refuges?

Mr. EDWARDS. If they are worked out well, through an organized system, and if they do not cost too much.

Mr. FURLOW. Here we have a scheme that was worked out in 1924, and we have been acquiring this land since the passage of this act.

Mr. EDWARDS. Only in this one place.

Mr. FURLOW. We have acquired land here and there within this area. Now, we are going to defeat the entire purpose of this program if within this area we leave unpurchased a spot here and another spot there. For example, if a man has 160 acres and there is an adjoining 160 acres that can not be acquired, that will prevent the refuge from being successful.

Mr. EDWARDS. I think we should either delay this legislation or defeat it, and then work out a program whereby we can establish game refuges all over the country where needed. If you establish this one up in that region, the Canadians will get more benefit from it than will the people of the United States.

Mr. MOREHEAD. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. Yes.

Mr. MOREHEAD. There is no evidence here that the land is owned by private corporations. There would be no way of keeping them out if there were any there, and they would have hunting privileges there. I am very much opposed to allowing hunting on any sanctuary or game preserve. I have been up in that country and I know the section thoroughly. I go up there fishing. I think the price here is exorbitant.

Mr. EDWARDS. I, too, think it is exorbitant.

Mr. MOREHEAD. I think if we take it over at all, we ought to have an option on the entire body of land, so that there will not be exorbitant prices charged to complete the purchase of the entire tract.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. Yes.

Mr. MONTAGUE. This is called a game sanctuary?

Mr. EDWARDS. That is what it is termed.

Mr. MONTAGUE. Is hunting or fishing permitted in that sanctuary?

Mr. SHALLENBERGER. No. It is not permitted under the law.

Mr. KNUTSON. At no time. This is a closed reservation for wild life.

Mr. MONTAGUE. That is what I wished to ascertain, because we have been having bills—one is now pending in the Senate, I think—where, under the guise of sanctuaries, you are going to have hunting grounds and fishing grounds, places of slaughter for fish and game.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. Yes. I yield to the gentleman from Nebraska.

Mr. SHALLENBERGER. I want to point out to the gentleman from Georgia that the real purpose of the bill is to establish sanctuaries for wild game which his people in Georgia and our people in Nebraska like to shoot. In Minnesota that wild life will be preserved, so that we shall all get the benefit of it.

Mr. ADKINS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. Yes.

Mr ADKINS. There is another bill pending, I think, coming up to-day, for another refuge and rest ground in Utah, and one in Kansas. The theory is that along the different lanes through which they pass from north to south or south to north they will have some place where they will not be shot at. It was proposed that the bills be amended so as to take from the Department of Agriculture the right of permitting hunting at any time.

Mr. EDWARDS. Does not the gentleman think we ought to have a general and well worked out program for these refuges instead of going into the subject piecemeal?

Mr. ADKINS. This refuge has already been started, and a good deal of money has been expended on it. This is to complete the program for that one at that place.

Mr. COCHRAN of Missouri. This report from the Department of Agriculture states that this amendment will not cost a dollar more, that the money they now have is sufficient, but that there is some valuable land that they can not get at $5 an acre. This is not asking for more money, but simply to enable them to complete the project Congress authorized.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. Yes.

Mr. McMILLAN. This is not a question as to the policy of establishing sanctuaries, but it is a bill, as I understand it, simply to authorize the payment of $10 an acre which four years ago was authorized for $5. This is not a question of policy as to whether we shall have a sanctuary here or elsewhere in the country. I think the gentleman from Georgia will agree that we ought to preserve wild life and game.

I am concerned about the fact that four years ago you could get this land for $5 an acre, and now they are coming in here and asking for $10. We have no assurance but that two or three years from now they will come in here again asking for $20.

Mr. EDWARDS. I will say to the gentleman from South Carolina that the reason given here a few minutes ago as to why this additional amount is required is the fact that part of this land is valuable timberland. Now, the Government has no use for that timber, and ought not to buy it.

Mr. ADKINS. In a community where somebody has gone in and bought a farm surrounded by this land, the owner will be troubled by the fact that he will be crowded, and the average price ought to be raised here so that this additional land can be acquired.

Mr. EDWARDS. If you buy this timberland, poachers will come in and steal the timber and the Government will have only the land.

Mr. SCHAFER. Does not the gentleman think an amendment should be incorporated in the resolution which will prevent the purchase of any additional land until the Government has had options for all of it? Because if we can not buy all of that land and private individuals own small or large tracts of land within the reservation, you will really have private shooting grounds on those lands.

Mr. EDWARDS. We have not very much information in the report. We have a letter from the Secretary, but it is not very clear. What I get out of it is that we need 80,000 more acres at $10 an acre.

The average price will be $10 per acre, which means it will cost $10, and it will cost the Government $850,000.

Mr. KNUTSON. Will the gentleman yield?

Mr. EDWARDS. Yes.

Mr. KNUTSON. The gentleman has stated several times that this legislation should be put over until a comprehensive plan of game preservation could be worked out for the entire country. This plan originated with Senator HAWES, of Missouri, when he was a Member of the House.

Mr. EDWARDS. I think the original migratory plan originated with Mr. Weeks several years prior to that.

Mr. KNUTSON. I mean as far as acquiring land along the Mississippi is concerned. It is said to be the greatest spawning ground for small-mouth black bass there is known anywhere. It is a great place for them to stop in their migration north and south, so we must have all of this land or it will not serve the purpose as well as is necessary. The gentleman from Florida has referred to the fact that the North is getting everything. I want to say that in taking this land the Federal Government is taking the best bass-fishing grounds in the world away from us but we are perfectly willing that it shall be taken away if it be devoted to the purpose provided in the bill.

Mr. EDWARDS. I should think so at $10 an acre.

Mr. KNUTSON. The gentleman must understand that adjacent to this land there is $150 and $200 land. The gentleman must not think that we are unloading a desert on the Government.

Mr. EDWARDS. No; because I understand it is mostly water instead of a desert.

Mr. KNUTSON. The gentleman has not been up there so it would be impossible to describe this territory to him.

Mr. BOX. Will the gentleman yield?

Mr. EDWARDS. Yes.

Mr. BOX. Has the gentleman any information as to whether lands in the Mississippi Valley or farm lands over the country generally have doubled in value during the last four or five years?

Mr. EDWARDS. My information is lands have not increased in value. To the contrary, my information is that lands have decreased in value in that time. The thing which has attracted the attention of the opposition here to-day is the fact that only four years ago we were told this land could be bought for $5 an acre, but now they want $10. I want to tell you, my friends, the country is tired of this so-called economy, which is but waste and Republican extravagance.

Mr. ROMJUE. Will the gentleman yield?

Mr. EDWARDS. Yes.

Mr. ROMJUE. The gentleman referred to the land that has already been purchased. Can he tell us the average price that was paid for that land per acre?

Mr. EDWARDS. It ran around $5, as I understand it.

Mr. ANDRESEN. Five dollars is the average price.

Mr. HAUGEN. Will the gentleman yield?

Mr. EDWARDS. Yes.

Mr. HAUGEN. At the time the bill was under consideration the committee had no estimate as to the value of this particular land and the $5 per acre was largely a guess on the part of the committee. In order to safeguard the Treasury, it was provided that land should not be bought which exceeded an average of $5 an acre. It has been stated that these are valuable timberlands.

Practically all of this land is overflowed land and has no value for agricultural purposes. However, there is some soft timber on the tract, and I believe the estimated value is said to be somewhere around $15 an acre, and that it will be necessary to pay much more than $5 an acre for a part of the tract. Therefore it is suggested that the purchase price be limited to $10. Let me also state to the gentleman that in 1923 the Bureau of Fisheries at low water rescued one hundred and forty-eight million 3 to 6 inch fish and forty million 4 to 6 inch fish from this particular region. It is of value, especially when you consider the fact that these fish were shipped to stock the waters of 32 States of the Union.

Mr. EDWARDS. It is the inconsistency of the thing. I know there are some of us who want to expedite and speed up the program of highway construction in this country. We wanted to appropriate this year, many of us, $100,000,000 a year for the next two years to expedite and speed up the highway construction in this country, but we are told in that connection that the financial policy of the administration will not permit over $75,000,000 per year in that regard. We are told we must cut down here and cut down there on many important and constructive matters, and yet with this proposition you take out of the Treasury $850,000, and we are told it is not contrary to the President's financial program.

Mr. HUDSON. Will the gentleman yield?

Mr. EDWARDS. Yes.

Mr. HUDSON. Does not the gentleman understand, and will not the gentleman agree with me, that this is one of the first steps necessary in furnishing flood control on the Mississippi?

Mr. EDWARDS. I do not know whether or not it has any connection with it at all.

Mr. HUDSON. If we had taken the waste land along the Mississippi Valley and kept it as a game refuge we would not have the flood-control proposition thrust upon us at this time. This is one of the great resources which we ought to conserve in this matter of flood control.

Mr. EDWARDS. Then we ought to put it on as an amendment to the flood control bill that will carry more than $400,000,000. I hope, my friends, we will consider this proposition carefully and thoroughly before we pass it. The price of that land has jumped since we first started the project from $5 to $10 per acre, and the reason given now is that a lot of this land is good timberland; but, as I stated a moment ago, the Government ought not to go into the timber business.

Mr. HAMMER. Will the gentleman yield?

Mr. EDWARDS. Yes.

Mr. HAMMER. In the Weeks Forestry Act it was provided that the Government could not purchase timberland because the price would be prohibitive. The rule was to pay $2.50, $3, $5, and $7.50 being the limit.

That is the reason they now have a lot of land in the southern Appalachians. For instance, they acquired the Vanderbilt land of 70,000 acres at $5 an acre, which was above the average price. The average was something like $2 an acre, and it was in this way they acquired the large acreage of land in the southern Appalachian Mountains.

Mr. EDWARDS. I thank the gentleman for his remarks and for this information.

I do not want to be misunderstood. I am for sane conservation. The Government now has over 40,000 acres for this refuge, and this is enough to proceed on until we can work out a general program. The people are groaning under the taxes they have to pay now, and it seems we are not going to get any tax reduction at this session at the hands of the Republicans, who are in power.

Oh, we are told the country is prosperous; but do bread lines mean prosperity? If I am any judge of the situation, the country is practically ruined by this Republican prosperity. We are not prosperous enough at this time, my friends, when the country is asking for tax reduction, to go into buying up additional lands for game and fish preserves and refuges.

We have carried this wild-life and migratory-bird idea to an extreme, violated the Constitution in many instances, as we are likely to do in the passage of this pending measure, and caused a lot of confusion as to the laws and regulations, to say nothing of having spent a lot of money out of the Treasury for no real good purpose. The taxes of the people ought not to be wasted. It is through taxes and taxes alone that money is gotten into the Treasury. The expenditure of that money ought to be made in a wise, economic, and judicious manner. Ours is a grave responsibility. Every dollar that does not go for a real good governmental purpose is misspent, and I am not willing that it be done. In this case we were told in 1924 that all the lands necessary in connection with this proposition could be had for $5 an acre, and a great lot of lands, amounting to forty-odd thousand acres, have actually been bought at $5 an acre. Too much land has been bought in on this proposition as it is, and, in my opinion, enough lands are now in hand to carry on the work contemplated in this measure. Now we are told 85,000 more acres must be bought at an average price of $10 per acre. This means, as I have said, an expenditure of an additional $850,000 for lands upon which to enlarge this game and fish refuge.

I received a communication to-day from a constituent of mine, and, with the permission of the House, I am going to insert it in the RECORD as part of my remarks about other bills along this wild-life and migratory-bird idea, which is as follows:

SPECIAL ATTENTION—MEMBERS OF CONGRESS—SUBJECT: SENATE BILL 1271 AND HOUSE BILL 5467—DO YOU WANT MORE TAXATION ON THE FARMERS OF THE UNITED STATES?—DO YOU WANT MORE BUREAU GOVERNMENT IN WASHINGTON, D. C., WITH ITS LAWMAKING POWERS?—DO YOU WANT TO THROTTLE YOUR STATE GAME DEPARTMENTS AND COMMISSIONS?—BLIND-POOL JOKER IN MIGRATORY BIRD LAW

The blind pool refuge bill is again before Congress. It has a good chance of being passed. The bureau officials in Washington, allied with the professional protectionists of New York City, have succeeded in tacking it onto the migratory bird law. The latter is a meritorious piece of legislation. The joker they have attached to it strikes at the heart of self-government. It throttles the splendid State game commissions that have been built up in many States and are being developed in others.

The bureau chiefs in Washington and their adroit associates in New York are intent upon getting into their own hands the game funds of the country. They have enlisted the support of Senator NORBECK, from South Dakota, chairman of the Agricultural Committee. The bill, through his influence, has been sent to the Senate.

If this bill is passed it will confer lawmaking powers upon the clerks of the Biological Survey. It clearly provides that the rules and regulations which they may make should have the force of law. It confers police powers upon the Secretary of Agriculture and his employees—something that was not even remotely contemplated when his department was organized.

If this bill is passed it will deny the citizen the right of trial in his own community. It authorizes a petty Federal official to drag a reputable citizen hundreds of miles for trial before a Federal official located in another State. The bill authorizes Federal officials to arrange settlements without trial. This provision is an incentive to dishonesty. It encourages petty officials to practice petty annoyances upon sportsmen whom they may find afield.

If this bill is passed it will enable a group of men in Washington to remove hundreds of thousands of dollars from the State in which it was collected and disburse it when and where they will.

This bill, in practically the same form, was defeated in the Sixty-seventh, Sixty-eighth, and Sixty-ninth Congresses.

Mr. Mondell, the Republican floor leader, in denouncing the game refuge bill, said: "I believe the measure is so far-reaching in its consequences it would be so tremendously harmful in the long run to my country and to its people that I can not support it or any part of it."

Mr. GARRETT, the Democratic floor leader, said he was opposed to the legislation and asked, "How long do you think we can continue to yield to the blandishments, the propaganda, and the temptations of expediency in measures such as this?"

Judge Ward, the Congressman from North Carolina, scored the bill as the crowning infamy of them all.

Ex-Senator Wadsworth, of New York, in a recent address, said: "There has been built up at Washington a bureaucracy so vast and complicated that no one can understand the operations of the Government of the United States as it exists to-day. It is a bureaucracy which is not responsive to public sentiment. We are whittling at the structure established by the forefathers, and if we whittle long enough we shall destroy it."

Mr. Keith McCanse, State game commissioner of Missouri, says: "It is all wrong for the double license to be inflicted upon the hunters of the United States in order to create a tremendous fund for use of bureaucracy. Do we want to create in Washington another powerful Federal bureau with its agents nosing into every nook of the land?

If this bill becomes a law it will be because the sportsmen of this country and their representatives in Congress do not understand its far-reaching influence.—[Editorial from the Forest and Stream Magazine of March, 1928, issue. Founders of the Audubon Society and the migratory bird law.]

NOW READ THE FEW LINES BELOW

A vote for Senate bill 1271 or H. R. 5467 is a vote for more taxes on the farmers and poor hunters of the United States; more bureaucracy in Washington, D. C.; throttling of State game departments and commissions; and more destruction to migratory birds and wild life, not less.

A vote against the pending bills (S. 1271; H. R. 5467) is a vote for less taxes on the farmers and poor hunters of the United States; less bureaucracy in Washington, D. C.; more local State government; and less destruction to migratory birds and wild life in the United States.

Members of Congress, which do you prefer?

The question is up to you.

What will be your decision?

R. M. VARNEDOE,
Hinesville, Ga., Liberty County.

I reserve the balance of my time, Mr. Chairman.

Mr. PURNELL. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman and gentlemen of the committee, I have a great deal of respect for my friend the gentleman from Georgia [Mr. EDWARDS], but I think the position he has taken is not sound, with all due respect to him.

I want to call the attention of the committee to the fact that this bill we are now seeking to perfect is the creature of a very distinguished Democrat who is now a Senator from the State of Missouri, Mr. HAWES. [Applause.] I think it is one of the most constructive pieces of legislation we have embarked upon in many a day.

I come from a section of country that abounds in game, wild game of all sorts. I have practically 2,000 square miles of water in my district, and I had the pleasure of having the Secretary of Agriculture year before last come down to my district, and while there we showed him some real game shooting. I think Mr. Jardine is a man of integrity and I think he has a very broad view of this entire question.

This bill comes into the House with a unanimous report from the great Committee on Agriculture. I find myself in this situation: I think the bill is right because the game in the summer time is not in the South. The game is in our waters in the

wintertime and in the summer time in the northern waters, and this very refuge, as I understand, is to be a place where no man can shoot them or disturb them while they are resting there, and that fish may spawn and breed there, with no fishing allowed; is not that correct?

Mr. CLAGUE. That is correct.

Mr. ABERNETHY. I think that is one of the greatest things in favor of the bill. I think we need more of these refuges, and I have enough faith in the membership of the House to believe that if we aid them in putting this over and we have a meritorious proposition in our own section of the country they will come to our aid and relief. [Applause.] This is shown here every time we pass a rivers and harbors bill. At the last Congress they aided my section of the country and helped me vote $6,000,000 for an inland waterway. Suppose you had taken the same position over there that my friend from Georgia has taken this afternoon. We would never have that aid and assistance in developing our section of the country. This is a great, big country and we have to work together.

Mr. EDWARDS. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. EDWARDS. The gentleman from Georgia has not taken the position he is against the bill because the game refuge is located where it is.

Mr. ABERNETHY. I do not understand that to be the position of the gentleman, but I do say if you defeat this measure on account of the price, you defeat the project. That is all there is to it. [Applause.] It is only a question of $5 an acre, and this will not break the Government. I am willing to vote $1,000,000 and put it into a beneficial proposition that is going to help the whole country.

Mr. SCHAFER. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. SCHAFER. If they are fearful they have not enough money, why not amend the Volstead Act and get a lot of additional revenue in that way?

Mr. ABERNETHY. Well, we are talking about water, not liquor. [Laughter and applause.]

Mr. SCHAFER. We are talking about "bottle bass."

Mr. ABERNETHY. I really think, gentleman, this is a very constructive piece of legislation, and I hope to see this movement spread over the entire country. We have to protect our game and fish. It will be so after a while that the wild game will be like the buffalo. There are none in this country at all now except a few herds in our parks. I remember, for instance, when I was a boy, there used to be clouds and clouds of wild pigeons going north and south. There is not a one in the country to-day. Where are they?

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. ANDRESEN. Mr. Chairman, I yield the gentleman two minutes more.

Mr. ABERNETHY. Gentlemen, I am in favor of economy, but this is constructive economy. This is a great conservation measure, and, as I say, it was the dream of our distinguished colleague, Senator HAWES, when he was a Member of the House, to put this through, and whether he put it through or whoever put it through, I think we ought to pass this bill. It has the unanimous report of the great Committee on Agriculture. There is no politics in it, but it is to protect and conserve our wild life and fish. With regard to the timber, we need the wooded land as well as the streams to protect the game, and we have the assurance of the Secretary of Agriculture that he can put this over if we will allow him this privilege, and surely he is not going ahead and waste the money. I think we ought to pass the bill. [Applause.]

Mr. KNUTSON. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. KNUTSON. There is nothing to the point raised by the gentleman from Texas [Mr. Box] that this land has doubled in value in the last three or four years. The chairman of the Committee on Agriculture has explained to the House fully that when the original bill was reported out the committee did not know what this land was going to cost, and they fixed the maximum at $5 an acre. We have found that is not sufficient, and that it is now necessary to raise the maximum to $10, but the land has not doubled in value.

Mr. ABERNETHY. It is not going to break the Government, anyway, and I am for the bill. [Applause.]

Mr. ANDRESEN. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Chairman, the original act creating this game refuge was enacted by the Congress, both Houses, by practically a unanimous vote. The Government did not know in advance the price of all the land and it was impossible or impracticable to secure an option on all the land in advance. So as a restrictive measure the price was fixed at an average of $5 an acre.

The Department of Agriculture now reports that it has investigated and has proceeded as far and as rapidly as possible and has secured all the lands available at $5 an acre and has now returned to the Congress for authority to raise the average.

It is a very practicable and sensible proposition. It is the only thing that can be done. The Committee on Agriculture held hearings. There were a large number of witnesses and there were explanations in detail, and it was the unanimous vote of the committee that this is the only intelligent procedure unless we are now to abandon the whole project.

Mr. ALLGOOD. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. ALLGOOD. If we vote this $10 an acre now, what assurance have we that these people will not come back here next session of Congress and ask for $20 an acre?

Mr. ASWELL. It is not within the province of any gentleman on the floor of this House to give any other gentleman any assurance on any such proposition as that. In my own opinion, I am so convinced of the value of this, that for myself rather than to have the project defeated, I would vote for $20 an acre. [Applause.]

Mr. KETCHAM. And the gentleman will recall the interesting hearings we had on the subject. Is it not a fact that the point of view which has been developed by the gentleman from Georgia [Mr. EDWARDS] was developed in the committee itself, and that we were satisfied, unanimously, that while we did not exactly approve of this increase, it is the only way in which this great project could go through.

Mr. ASWELL. All of the points brought out by the gentleman from Georgia were presented to the committee, and finally the committee agreed on the proposition.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. KNUTSON. The gentleman comes from the great Mississippi Valley.

Mr. ASWELL. And the lower part of it—the flooded area.

Mr. KNUTSON. From a very important part of it.

Mr. ASWELL. The richest part of it.

Mr. KNUTSON. Will the gentleman state to the House his observations as to the increase in wild life since these sanctuaries were established?

Mr. ASWELL. Many hundred per cent in my part of the country.

Mr. LAGUARDIA. And the gentleman's understanding of a sanctuary is the same as mine, that no hunting should be permitted in the sanctuary?

Mr. ASWELL. Absolutely.

Mr. LAGUARDIA. We agree on that.

Mr. ASWELL. Absolutely.

Mr. EDWARDS. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman, there are several elements to which I object in this situation. It is true that the Agricultural Committee in their wisdom have unanimously recommended this resolution, but sometimes we have differed with their wisdom, and I do now for several reasons. In the first place, here are a lot of people who owned land that under the statute which was formerly enacted have parted with it at $5 an acre. The fellows who did not want to part with it at that figure have stood out. We are not dealing justly with those people who have already sold when we come up now and say that we will give these other fellows $10 an acre.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. ASWELL. That question was brought up in the committee, and it was clearly developed that the land that had been purchased at $5 an acre was not to be compared at all with the other land it is now proposed to purchase, so far as value is concerned.

Mr. STEVENSON. That being true, if there is no comparison at all, how do you compare them by making one worth $5 an acre and the other $10 an acre. In other words, you paid a lot for something that was worthless, according to that position.

Mr. ASWELL. I did not say that it was worthless.

Mr. STEVENSON. It does not compare.

Mr. ASWELL. The gentleman did not quote my statement.

Mr. STEVENSON. The gentleman's statement is in the RECORD. I do not yield any further.

Mr. ASWELL. I did not make any such statement as the gentleman quoted.

Mr. STEVENSON. The gentleman's statement is in the RECORD, and I stand by it. The fact confronts us that we are now asked to pay twice as much for land, adjoining land, as we have bought at $5 an acre. Whether there is any com-

parison between the two or not, I do not know. I see this calls for buying land and water. I want to know how much an acre they are paying for water up there. This report says that they already have 70,000 acres of sanctuary there now. Is that not enough to put into one city of refuge away up at the headwaters of the Mississippi, where the birds have to fly a thousand miles in order to get there? Nobody will be able to shoot them without traveling a thousand miles, except those who are locally around there. I think you have already purchased enough land when you have 70,000 acres in one preserve. This matter of acquiring land by the Government seems to have become a matter of very frequent occurrence. We are asked to buy land here and buy land there for this purpose and that purpose, and what is the result of it? The first thing we know, here we have already 70,000 acres withdrawn from taxation in the States where this land is located. You now propose to withdraw 85,000 acres more from taxation and from all local levies, and then Uncle Sam is expected to do something for that country, and they will always be claiming that they ought to have this and that because they have a great game preserve up there. The acquisition of land by the United States Government has gone on to such an extent that I have stopped voting to buy any more land anywhere. There is a lot of talk about putting one of these preserves down in the coast country of South Carolina. I have not seen any considerable movement in that direction as yet, but I would not be in favor of it if there was, because I want the lands in South Carolina, except those absolutely necessary for strictly Government purposes to be subject to the jurisdiction of the courts and the taxing officers of the State, and that is where all the lands ought to be. Having bought 70,000 acres at $5 an acre, I am in favor of standing pat. You have practically 110 square miles of land. Is that not enough for the sparrows and the birds that roost up and down Pennsylvania Avenue here to the annoyance of the people with new hats? Have you not enought of a sanctuary for all that kind of thing, anyway?

Mr. ALLGOOD. I have heard considerable complaint from some of the Members from the northwestern part of the country about the Government owning so much public land up there.

Mr. STEVENSON. Yes; it has been a great cry, and they have been asking for unusual concessions as to public improvements because the Government has so much land that is not taxable.

I am opposed to taking any more away from these gentlemen in so far as taxation is concerned. That is the principle upon which I stand in regard to all these things. The Government has no business to take land except in case of national safety and national conservation—it has no business tying up land and taking it out from the jurisdiction of the taxing officer.

Mr. McMILLAN. What guaranty have we that they will not come here in the future and ask for authority to buy land at $20 an acre?

Mr. STEVENSON. How many people have obligated themselves to sell land at $10 an acre? If there was anything in evidence before the committee it is not stated in the report.

Mr. KETCHAM. I think the gentleman will find a statement of the Department of Agriculture in reference to that.

Mr. STEVENSON. That it has an option on land that it can buy at $10 an acre?

Mr. KETCHAM. It is the judgment of the department based upon surveys actually made that no further authorization will be requested, that this authorization is made to cover all the land that they propose to take.

Mr. STEVENSON. How much land have they under option that they can buy at $10 an acre?

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. VINSON of Kentucky. Can the gentleman inform the committee what the assessed valuation of this land is?

Mr. STEVENSON. No; I was not on the committee, and I doubt if anyone on the committee knows.

Mr. ANDRESEN. That is all in the record.

Mr. VINSON of Kentucky. The assessed valuation?

Mr. ANDRESEN. No; not the assessed valuation.

Mr. STEVENSON. I venture to say to the gentleman from Kentucky that if he will look into it he will find that the value of these lands are not over 50 cents an acre for taxation. [Applause.]

Mr. ANDRESEN. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. KINCHELOE].

Mr. KINCHELOE. Mr. Chairman and gentlemen of the committee, sometimes it is amusing how you get down to dollars and cents whenever agriculture is at stake or any great conservation for the benefit of the people. This project in the upper Mississippi is a part of the conservation scheme for wild fowl and the breeding of fish that is trying to be worked out by the Agricultural Committee.

I do not care how many wild fowl you have that fly from the North to the South in the winter; you may have millions of them, but unless you have a rest and feeding grounds for these birds in transit it is only a question of time when you will have none.

Now, what is the program of the Agricultural Committee? The gentleman from Utah [Mr. COLTON] has a bill establishing a game preserve in Utah. The evidence before the committee shows that these birds go there by hundreds, and they are being killed by pot hunters all around with no protection over it. The gentleman from Kansas [Mr. HOPE] has another bill. The evidence shows that that is a great concentration place for ducks, where they go by the thousands.

In Tennessee is another concentration place, and there are other places in the Carolinas and down the Potomac River.

I believe the Federal Government ought to appropriate Federal money out of the Treasury and own these great concentration points, if you are going to protect the wild life of this country.

The gentleman from New York asked whether they were game refuges and to be sanctuaries. I will say that at my instance we put an amendment on the bill of the gentleman from Utah providing that 60 per cent of the area should always be a sanctuary and no gun ever fired in it. [Applause.] I would not vote for a bill that would leave it even to the discretion of the Secretary of Agriculture to establish these sanctuaries. I do not want to build up and maintain a place for the big hunters.

Mr. LAGUARDIA. The gentleman will recollect that the bill we had up at the last session was backed and financed by the gun and cartridge makers?

Mr. KINCHELOE. Yes; I voted against that.

Mr. MONTAGUE. Will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. MONTAGUE. What did I understand the gentleman to say about the 60 per cent sanctuary and 40 per cent hunting—that is not in this bill.

Mr. KINCHELOE. No; I was talking about the Utah bill.

Mr. MONTAGUE. Does the gentleman think that would conserve it? How would you make the separation?

Mr. KINCHELOE. The Biological Survey under the Department of Agriculture will have supervision over all that matter, and 40 per cent hunting would be only when so ordered by the Secretary of Agriculture and only at such times as he sees fit.

Mr. MONTAGUE. Will the gentleman permit me to ask him another question? I was a little troubled about this bill, as I have been such a stickler for sanctuaries, but not sanctuaries for hunters.

Mr. KINCHELOE. The gentleman from Virginia is no more of a stickler for fish and game sanctuaries than I am.

Mr. MONTAGUE. But now we come to the question of cost, and we read in the report from the Secretary that—

> If the proposed amendment is adopted the department is of the opinion that it will not be necessary to ask for funds in addition to those already authorized for the acquisition of the desired areas to be included in the refuge.

Am I correct in my inference therefore that this requires no further sum of money than that heretofore authorized?

Mr. KINCHELOE. That is true.

Mr. STEVENSON. But it means that they can pay $10 per acre for the land now, whereas under the law that we passed we were to pay $5.

Mr. MONTAGUE. It means they shall not exceed $10 an acre?

Mr. KINCHELOE. Yes. But suppose we had to pay $10 an acre for all of it. The evidence before the Committee on Agriculture is that the area in the upper Mississippi is the greatest bass spawning ground in the world, where they get the bass with which to stock the streams of your State and my State and the State of South Carolina. The State of Minnesota has turned over 8,000 acres for this purpose, and someone in the State of Iowa, an individual, has turned over $40,000 worth of land which he gave the Government. We passed an enabling act the other day to take it in. If it is necessary, I would be in favor of paying even $100 an acre for the balance of this land in order to preserve the wild fowl and have spawning grounds for the black bass. I am not concerned about the cost so long as it is reasonable.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. ABERNETHY. Will the gentleman put into his remarks a statement as to the various areas donated for this purpose by various people?

Mr. KINCHELOE. The State of Minnesota donated 8,000 acres, and some one in the State of Iowa has donated $40,000 worth of land. I do not think the Agricultural Department is going to run wild and crazy and go around and buy a lot of land for more than it is worth. The purpose is to acquire this great spawning and feeding and breeding ground in the upper Mississippi, and the purpose is to go out to Utah and to Kansas and into Reelfoot Lake, if desired, and into the gentleman's State of North Carolina and other States, and establish these game reserves.

Mr. ABERNETHY. I think the gentleman is right on that.

Mr. KINCHELOE. There is nothing provincial or sectional about it. The purpose is to preserve the wild life of this country. You must have a place for them to feed and to rest, and if you have to take the money out of the Federal Treasury I am in favor of doing that.

Mr. MONTAGUE. I will say to the gentleman from North Carolina that the hunters are not going to North Carolina for a refuge, but they are going there in order to destroy and hunt.

Mr. KINCHELOE. I hope this bill will be passed so that this program can be started.

Mr. ABERNETHY. We want to conserve the wild life in North Carolina and in Virginia, and I presume this bill, as I understand it, is intended to conserve and not to destroy.

Mr. KINCHELOE. Yes. I think the gentleman from North Carolina will concede that he is the best Member of Congress from his district in North Carolina, and I am glad that he is in sympathy with this measure. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. ANDRESEN. Mr. Chairman, I yield two minutes to the gentleman from Maryland [Mr. LINTHICUM].

The CHAIRMAN. The gentleman from Maryland is recognized for two minutes.

Mr. LINTHICUM. I shall not be able to say anything worth while on this bill in two minutes.

Mr. EDWARDS. I yield to the gentleman five minutes.

The CHAIRMAN. The gentleman from Maryland is recognized for seven minutes.

Mr. LINTHICUM. Mr. Chairman and gentlemen of the committee, it was my pleasure some years ago—in fact, soon after I came to Congress—to vote for the first bill for the purpose of protecting migratory birds. After that bill was passed by the House we entered into a treaty with Great Britain, and it was my pleasure to vote for the bill which carried out the provisions of the treaty for the protection of the wild fowl of this country. Since that time Maryland has become noted for its thousands of wild ducks, which had narrowly escaped being exterminated before the passage of that act. Birds of all kinds are replenishing our fields and forests. I do not think we can spend too much money for the protection of wild fowl and fish.

I once introduced a bill myself for the protection of migratory fish, and if that bill had passed I am sure we would have an abundance of fish in all parts of our country. I think we should establish game refuges wherever they are necessary. The Department of Agriculture knows where they should best be located. In your boyhood days and in mine we knew where the birds went, and where they stopped overnight, and such things as that. The Department of Agriculture knows where the game birds go.

It is not a question of what we ought to pay. We should procure these lands to protect the birds and the fish and other wild life. This would be a pretty lonely country for those of us who were born in the rural districts if we did not have any bird life. I heard one gentleman speak of the wild pigeons that were once so plentiful. I remember the time when we had thousands of those birds. I believe the last one died somewhere out in the West a few years ago in an aviary out in Cincinnati. Had those pigeons have had the protection we are giving wild life to-day they would still be plentiful. The dearth of wild life destroys the equilibrium of nature's laws, and permits those destroying insects and pests to prey upon the crops and cause heavy loss of production to the farmers.

The birds are the farmer's great friend in the destruction of his enemies. They are man's great friend in their feathery beauty and sweet songs. Like the flowers and trees which adorn the landscape and beautify nature, so do the birds in their happiness and beauty glorify the country and add to the pleasures of life.

I want to see this bill passed. I trust that the gentlemen who are carrying out this proposition will endeavor to procure options on all the land contained within these boundaries, because if certain land is left within the boundaries of the land purchased it will be impossible to carry out the idea which we have in mind. I am sure the Agricultural Department will have this in mind.

I want to see the bill pass. Unless I can be convinced, however, that there is some protection against gunning it is my purpose to introduce an amendment at the end of the bill providing that no gunning or fishing shall take place on this game preserve.

Mr. ANDRESEN. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. ANDRESEN. The original act provides that this is to be a permanent sanctuary for migratory birds and wild life.

Mr. LINTHICUM. And that there shall be no gunning or fishing within its boundaries.

Mr. ANDRESEN. That is so. It is to be a permanent sanctuary.

Mr. LINTHICUM. Then I shall support the bill and wish it well. Allow me to state, that, in my opinion, the committee should also establish such sanctuaries in the great military reservations of the country such as Fort Leonard Wood, the Aberdeen proving grounds, and such like places throughout the land. [Applause.]

Mr. EDWARDS. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. ALLGOOD].

Mr. ALLGOOD. Mr. Chairman and gentlemen, I like to hunt, and especially do I like to fish. When I can get out on a creek bank or a river bank and the fish begin biting, it makes a good feeling come over me, and I enjoy it. It is worth while to recreate, and I am sure all my colleagues in this House believe in recreation; but we have a measure that has already been before this House. It has been thrashed out once, and you are to-day taking the time of this body again. You are putting the grain through the mill a second time and are using the water that has already gone over the dam. In this measure you are asking for increased appropriations. Almost an additional million dollars is asked for in this bill. The former act provided funds sufficient to buy 70,000 acres of land at $5 an acre. We were assured that the lands were swamp and overflowed lands and only worth $5 an acre; now you want $10 an acre, because the Government is paying the bill.

Congress has appropriated funds to safeguard wild life, but what has been done for the conservation of other forms of life—human life? We have seen millions of dollars worth of property and hundreds of lives destroyed in the Mississippi Valley, and this session of Congress is almost at a close. I saw it predicted this week that we will adjourn the 19th day of May. What have we done for the protection of lives and of property in the Mississippi Valley? You are bringing measures of this character on the floor of the House, yet all farm legislation and other important legislation of this country is at a standstill. You can not get these bills up here. We have idle property at Muscle Shoals, with $150,000,000 worth of the people's money tied up in those nitrate plants, absolutely idle. We can not get legislation here to place them to producing fertilizers for the relief of agriculture. We can not get any farm relief.

I understand the report on this measure states that it is not in conflict with the President's policy of economy, and yet any legislation that seeks to take care of agriculture in this country seems to be against the President's policy of economy. It seems to me Congress is frittering away its time with such measures as this, when outstanding legislation, that demands the attention of people throughout this Nation, should be given our attention. Personally, I do not approve of it, and while I am in favor of conservation of wild life, I believe that the proponents of this measure should be satisfied and should not be bringing such a measure as this before Congress when outstanding legislation should be given attention. [Applause.]

Mr. ANDRESEN. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. WELSH].

Mr. WELSH of Pennsylvania. Mr. Chairman, I would like to have an opportunity to speak on this bill, not because I fear the bill is in danger of defeat but in order that the authorities or the influences which are shaping our national policy with respect to conservation may have an idea as to how the various Members of Congress from the various localities feel on the subject as a matter of principle. Coming as I do from one of the big cities of the Nation, I am heartily in favor of the bill, not because I am a hunter nor because I am a fisherman, for I am neither. But I am interested in this bill from the economic and sentimental viewpoint and for economic reasons. From an economic point of view the birds and forests are absolutely necessary for the maintenance of our national life. From a sentimental viewpoint I feel, if we take away from this great country of ours the wild flowers and wild life that the Lord placed here, so that the future generations will not know from observation and contact the flora or fauna of America, we will

lose one of the greatest influences that go to make up our national character. I do not think that is an exaggerated statement. I for one feel the time has come when we must go even further along the line of national conservation than we have hitherto gone because of the great increase in our population and because of the increased means of locomotion and transportation. The automobile and the airplane are rapidly reducing this country to a state where no place is sacred and the life of neither flower or beast is sacred at the hands of those who would destroy without any judgment or wisdom whatever.

The gunning feature is absolutely prohibited in this bill. I want to place myself on record as being unalterably opposed to allowing gunning on any future reservations that may be created, because such a permission is simply providing private hunting grounds at public expense. There are only two ways of getting the results desired by this bill. One is the method advocated in the bill and the other is by having great private ownerships, such as have existed in England for the past 1,000 years—yes; from the days of the feudal system—and I prefer this system rather than the English system because the people themselves will have control of these reservations for all time. [Applause.]

Mr. EDWARDS. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. McMILLAN].

Mr. McMILLAN. Mr. Chairman and gentlemen of the committee, I have followed the debate to-day, and to some extent have already expressed my views on this subject. This is not a question, gentlemen, of whether or not any individual Member of the Congress shall express himself with respect to his views about the conservation of game and wild life in this country. I think, Mr. Chairman, every man here to some extent at least is in favor of the conservation of our wild life in some way, but this proposed amendment is not a question of conservation of wild life but solely a question of whether or not we are going to authorize $10 to be paid for land which just four years ago was to be bought for $5 an acre, as provided for by the law.

My understanding is that in 1924 the original bill came up, and it was said in the course of that debate that if $5 was authorized for this purpose that was all that would be necessary for the purchase of this area. Down in my country we have land, as I stated a moment ago, thousands and thousands of acres, 30,000 acres in one tract, that we can buy for $3.50 per acre for such purposes.

Mr. BLACK of Texas. Will the gentleman yield for a question and a brief observation?

Mr. McMILLAN. I will be pleased to yield.

Mr. BLACK of Texas. When this bill was before the House at some time on its original passage I made the objection that in all probability the committee would be back asking for more money, and I particularly inquired whether or not this limit of $5 per acre would be exceeded, and I was assured by the committee that this was swamp and overflowed land and that it could be purchased without any difficulty whatever within the $5 limitation. What has happened is this: When the Government went to purchasing the land some of the owners raised their price, and hence we are now asked to increase the limit of cost. I am opposed to it.

Mr. McMILLAN. There, my friends, the gentleman from Texas is calling attention to exactly what happened on that occasion, and that is why I am now criticizing them for coming back here and asking for $10 an acre when $5 an acre was definitely agreed upon at that time.

My friend from North Carolina [Mr. ABERNETHY], as well as my friend from Georgia [Mr. EDWARDS], and all of us along the South Atlantic coast, know we have great areas down there teeming with wild life, and all of us are in favor of its conservation, but to come here and within four years raise the price to $10 an acre when it was agreed that $5 was all that was necessary, and then, perchance, in four years from now come back and ask for $20 or $30 an acre, is not fair to the committee.

Mr. ABERNETHY. Will the gentleman yield?

Mr. McMILLAN. Yes; I yield.

Mr. ABERNETHY. Does the gentleman think we would ever get any conservation areas down in our country if we destroyed this bill?

Mr. McMILLAN. My friend, we have 40,000 or 50,000 acres already in operation under the original law.

Mr. ABERNETHY. Does the gentleman think that is enough? Does not the gentleman think 100,000 acres would be better? We need these great areas.

Mr. McMILLAN. Then go ahead and buy the 100,000 acres or 80,000 acres under the terms of the original bill; and as my colleague from South Carolina [Mr. STEVENSON] has already stated, it is not fair to these men who have already sold their lands for $5 an acre to come back now and raise the price to $10 an acre.

I repeat, this is not a question of the conservation of game, but is a question of raising the price from $5 to $10 an acre when they solemnly agreed four years ago that $5 an acre would be all that would be necessary. [Applause.]

Mr. EDWARDS. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. FULBRIGHT].

Mr. FULBRIGHT. Mr. Chairman, ladies and gentlemen of the committee, I have always been in favor of conservation, I have always been in favor of protection, when it comes to conserving the wild life of the country or protecting human life or property in any section of the Nation. In this bill, however, I am afraid that you are trespassing upon the policy of economy that has been urged upon this Congress since its inception, especially the policy of economy that the administration is disposed to apply to flood control. While we are attempting to legislate for the conservation and protection of the wild life of the Nation, I think it very appropriate that I read a telegram received last night from the Kiwanis Club at Dexter in Stoddard County, Mo.:

Hon. J. F. FULBRIGHT,
United States Congress:

St. Francis River right now out of banks in Butler and Stoddard Counties flooding highways and farm lands. Families moving out and livestock drowned.

Here is an opportunity for the protection of human life and property in this country if this Congress will avail itself of the opportunity. So far as I am concerned, I am more interested in protecting human life than I am in protecting the wild life of the country. It occurs to me that the Congress should quit frittering away its time on matters of minor importance and devote its time to the solution of the flood-control problem. After reading the telegram to which I have just referred, I picked up a paper—Labor—published here in Washington, and my attention was at once attracted to this editorial:

PROBLEM OF FLOOD CONTROL—NOT A TIME FOR PICAYUNE ECONOMY; BLOCK THE GRAFTERS BY ALL MEANS, BUT MAKE THE MISSISSIPPI SAFE

The flood control bill as it passed the Senate authorized the appropriation of $325,000,000 to muzzle the Mississippi. Word comes that President Coolidge thinks this too high, especially since there are likely to be further expenses, and a veto is rumored unless the total cost is ascertained beforehand.

It is impossible to know beforehand the total cost of any big work—from damming a river to raising a baby. The question is whether the work is worth the cost.

The last flood devastated 18,000 square miles, all of which would be valuable land if protected. Figure it as good farm land alone, worth $100 per acre, and it comes out at $1,152,000,000.

This is more than three times the Senate figure, with nothing reckoned for city property, nothing for navigation, nothing for power. Probably these items taken together are worth four or five times as much as the land.

Complete control of the Mississippi would be a good investment at $2,000,000,000, or even at three.

The surest way to waste money on this work is to tackle it in piecemeal, picayune fashion. It is a big job to be handled in a big way.

Senator NORRIS is right, as usual, when he says that flood control, navigation, and power development on the main stream and on its tributaries must all be taken together. The time element must be considered, too. A year has been wasted already, and a superflood like that of 1927 is just as likely now as it was two years ago.

Of course, grafters are on the job, getting options on land back of the broken levees, preparing to hold up the Government on the price of a right of way.

Perhaps this is why the additional $5 per acre is asked in the pending bill to secure additional lands as a refuge for the wild life of this country.

Such buzzards always gather to such a feast; but they need not be allowed to interfere with the work. Congress should give the Executive authority to deal with them—and the Executive should deal in hard-boiled but intelligent fashion.

The total cost of a good job on the Mississippi and its tributaries will be returned many times over. As for financing, we are appropriating $700,000,000 per year for the Army and Navy, with no chance of getting anything back.

Statesmanship which would enable us, with safety, to reduce that expenditure 25 per cent would provide a billion dollars for flood work in six years without adding a penny to the total national outlay.

I say to you, ladies and gentlemen of the committee, that if this Congress is going on record in constructive legislation for

the protection of human life and property in the way of flood-control legislation it ought to act at once. A broad-minded, statesmanlike view of the matter should be pursued. Quibbling over local contributions should be abandoned. To quibble over local contributions is to place dollars and cents above the question of protecting life and property in the Mississippi Valley. The whole country has been convinced that the problem of protecting life and property and the rehabilitation of this devastated section is national in its scope and that the National Government should assume full and complete financial responsibility. If we are to economize, let us economize in matters that are not of such commanding importance. If we are to economize, let us economize in matters where human life and the earnings of a lifetime are not at stake. If we are to economize, let us economize where economy is justifiable. The editorial which I have just read is saturated to the core with truth and presents an argument that is irrefutable. If we adjourn this Congress after merely passing legislation for the protection of the wild life of the country and without adequate flood-control legislation, we shall invite the condemnation of the people throughout this country. Such a failure would be an outrage if not a crime. Let us not subject ourselves to such an indictment. Let us stand up like men and courageously meet the issue. Let us at once get busy and adopt a flood-control program broad enough to afford protection to the Mississippi River and its tributaries. The Mississippi Valley is entitled to it and the whole country will approve our action. Let us not further delay. [Applause.]

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill, with the following committee amendment:

Provided further, That this provision shall not apply to any land or lands and water heretofore acquired or contracted for under the provisions of this act.

The committee amendment was agreed to.

Mr. MAPES. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 2, line 1, after the word "which," strike out the remainder of the line and all of line 2 up to and including the word "purchase."

Mr. KNUTSON. What does that mean?

Mr. MAPES. This is the amendment suggested by my colleague the gentleman from Michigan [Mr. CRAMTON], now in the chair. It is agreed to by the author of the bill, Mr. ANDRESEN, the gentleman from Minnesota, and, I understand, by the Committee on Agriculture.

It has been explained in the general debate. The purpose of the amendment is to limit the amount that can be paid for additional land to an average of $10 per acre. Some of the land that has been purchased already has been purchased at a sum considerably less than $10 per acre. The purpose of the amendment is to make it clear that the bill has in mind future purchases and to eliminate in figuring the average price the price that has been paid for the land heretofore purchased at a considerably less sum than $10 per acre. I think the amendment is in accord with the purpose of the committee and clarifies the meaning of the bill.

Mr. MONTAGUE. Does not the proviso on page 2 cover that?

Mr. MAPES. It is thought that the language which I propose to strike out is contradictory to the second proviso.

Mr. MONTAGUE. Will it be agreeable to have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read the amendment.

Mr. BLACK of Texas. As I understand it, as the bill is now drawn it is intended to provide that all of the land purchased under this act shall not average more than $10 an acre?

Mr. MAPES. All lands purchased in the future.

Mr. BLACK of Texas. As I understand at present it is not only intended to make the average apply to land purchased in the future, but to all lands that have been purchased at a considerably less price than $10 an acre. What will be the effect of the gentleman's amendment; will it be to raise the average cost or will it lower it?

Mr. MAPES. The effect of my amendment will be to lower the average cost—to make sure that the price of the lands purchased in the future shall not average more than $10 an acre.

Mr. BLACK of Texas. The purpose of the gentleman's amendment is to lower the price rather than to raise it?

Mr. MAPES. Yes.

Mr. BLACK of Texas. To that I have no objection. I am in favor of that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MAPES].

The question was taken, and the amendment was agreed to.

Mr. EDWARDS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 6, after the word "Act," insert: "*Provided further*, That the price of said lands shall not exceed the assessed valuation thereof for taxes in 1927.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House Joint Resolution 200 and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. HAUGEN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. MCMILLAN) there were—90 yeas and 21 nays.

Mr. MCMILLAN. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The doors will be closed, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll. All those in favor of the passage of the bill, when their names are called, will answer "aye," and those opposed will answer "no."

The question was taken; and there were—yeas 249, nays 69, answered "present" 1, not voting 113, as follows:

[Roll No. 67]

YEAS—249

Abernethy	Corning	Hastings	Major, Ill.
Ackerman	Crail	Haugen	Manlove
Adkins	Cramton	Hickey	Mansfield
Aldrich	Crosser	Hill, Wash.	Mapes
Allen	Cullen	Hoch	Martin, La.
Andresen	Davenport	Hogg	Martin, Mass.
Andrew	Davey	Holaday	Mead
Arentz	Dempsey	Hooper	Merritt
Arnold	De Rouen	Hope	Michener
Aswell	Doutrich	Howard, Okla.	Miller
Ayres	Dowell	Hudson	Milligan
Bacharach	Drewry	Hughes	Monast
Bachmann	Driver	Hull, Tenn.	Montague
Barbour	Dyer	Jacobstein	Moore, Ohio
Beck, Pa.	Eaton	Jenkins	Morehead
Beck, Wis.	Elliott	Johnson, Ind.	Morgan
Begg	England	Johnson, Okla.	Morin
Berger	Englebright	Johnson, Tex.	Morrow
Black, N. Y.	Evans, Calif.	Johnson, Wash.	Murphy
Bloom	Evans, Mont.	Jones	Nelson, Me.
Bohn	Faust	Kading	Nelson, Wis.
Bowles	Fitzgerald, Roy G.	Kahn	Newton
Bowman	Fitzgerald, W. T.	Kelly	Niedringhaus
Boylan	Fitzpatrick	Kemp	Norton, Nebr.
Brand, Ohio	Fletcher	Kerr	Norton, N. J.
Brigham	Fort	Ketcham	O'Connell
Buchanan	Foss	Kiess	O'Connor, La.
Burdick	Free	Kincheloe	Oldfield
Burtness	Frothingham	King	Oliver, Ala.
Butler	Fulmer	Knutson	Palmisano
Carew	Furlow	Korell	Parker
Carss	Gambrill	LaGuardia	Perkins
Carter	Garber	Lampert	Porter
Cartwright	Gardner, Ind.	Langley	Prall
Casey	Garner, Tex.	Lanham	Pratt
Chalmers	Gibson	Lea	Purnell
Chindblom	Gifford	Leatherwood	Rainey
Christopherson	Glynn	Leavitt	Ramseyer
Clague	Golder	Leech	Ransley
Clancy	Goodwin	Lehlbach	Rayburn
Clarke	Greenwood	Letts	Reece
Cochran, Mo.	Griest	Lindsay	Reed, N. Y.
Cochran, Pa.	Guyer	Linthicum	Robinson, Iowa
Cohen	Hadley	Luce	Robsion, Ky.
Cole, Iowa	Hale	McKeown	Rogers
Collier	Hall, Ill.	McLaughlin	Rowbottom
Colton	Hall, Ind.	McLeod	Rubey
Connery	Hall, N. Dak.	McSweeney	Sanders, N. Y.
Cooper, Ohio	Hancock	MacGregor	Sandlin
Cooper, Wis.	Hardy	Maas	Schaefer

Schneider	Strong, Kans.	Tinkham	White, Kans.
Selvig	Summers, Wash.	Treadway	White, Me.
Shallenberger	Sumners, Tex.	Underwood	Whittington
Simmons	Swank	Vestal	Williams, Ill.
Sinnott	Swick	Vincent, Mich.	Williamson
Sirovich	Swing	Vinson, Ga.	Wilson, La.
Smith	Taber	Wainwright	Wood
Somers, N. Y.	Taylor, Colo.	Wason	Woodruff
Speaks	Temple	Watres	Wurzbach
Sproul, Kans.	Thatcher	Watson	Zihlman
Stalker	Thurston	Weaver	
Stedman	Tilson	Welch, Calif.	
Stobbs	Timberlake	Welsh, Pa.	

NAYS—69

Allgood	Dickinson, Mo.	McReynolds	Steele
Almon	Dominick	McSwain	Stevenson
Black, Tex.	Doughton	Major, Mo.	Tarver
Bland	Douglass, Mass.	Moore, Ky.	Tucker
Blanton	Edwards	Moore, Va.	Vinson, Ky.
Box	Eslick	Moorman	Ware
Brand, Ga.	Fulbright	Nelson, Mo.	Warren
Briggs	Gasque	O'Brien	Weller
Browning	Gregory	O'Connor, N. Y.	White, Colo.
Busby	Green	Parks	Whitehead
Byrns	Hammer	Quin	Williams, Mo.
Canfield	Hare	Ragon	Williams, Tex.
Cannon	Hersey	Rankin	Wilson, Miss.
Chapman	Hill, Ala.	Romjue	Woodrum
Collins	Huddleston	Rutherford	Wright
Cox	Lankford	Sanders, Tex.	
Davis	Lowrey	Sears, Fla.	
Deal	McMillan	Steagall	

ANSWERED "PRESENT"—1

McClintic

NOT VOTING—113

Anthony	Dickinson, Iowa	Jeffers	Reed, Ark.
Auf der Heide	Dickstein	Johnson, Ill.	Reid, Ill.
Bacon	Douglas, Ariz.	Johnson, S. Dak.	Sabath
Bankhead	Doyle	Kearns	Sears, Nebr.
Beedy	Drane	Kendall	Seger
Beers	Estep	Kent	Shreve
Bell	Fenn	Kindred	Sinclair
Boies	Fish	Kopp	Snell
Bowling	Fisher	Kunz	Spearing
Britten	Frear	Kurtz	Sproul, Ill.
Browne	Freeman	Kvale	Strong, Pa.
Buckbee	French	Larsen	Strother
Bulwinkle	Garrett, Tenn.	Lozier	Sullivan
Burton	Garrett, Tex.	Lyon	Sweet
Bushong	Gilbert	McDuffie	Tatgenhorst
Campbell	Goldsborough	McFadden	Taylor, Tenn.
Carley	Graham	Madden	Thompson
Celler	Griffin	Magrady	Tillman
Chase	Harrison	Menges	Underhill
Cole, Md.	Hawley	Michaelson	Updike
Combs	Hoffman	Mooney	Wingo
Connally, Tex.	Houston, Del.	Moore, N. J.	Winter
Connolly, Pa.	Howard, Nebr.	Oliver	Wolverton
Crisp	Hudspeth	Palmer	Wyant
Crowther	Hull, Morton D.	Peavey	Yates
Curry	Hull, William E.	Peery	Yon
Dallinger	Igoe	Pou	
Darrow	Irwin	Quayle	
Denison	James	Rathbone	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. Madden with Mr. Garrett of Tennessee.
Mr. Graham with Mr. Crisp.
Mr. McFadden with Mr. Pou.
Mr. Buckbee with Mr. Bell.
Mr. Connolly of Pennsylvania with Mr. Connally of Texas.
Mr. Darrow with Mr. Drane.
Mr. Fenn with Mr. Kindred.
Mr. Dickinson of Iowa with Mr. Larsen.
Mr. Reid of Illinois with Mr. Quayle.
Mr. Shreve with Mr. Bankhead.
Mr. French with Mr. Kunz.
Mr. Snell with Mr. McDuffie.
Mr. Dallinger with Mr. Peery.
Mr. Sweet with Mr. Spearing.
Mr. Thompson with Mr. Wingo.
Mr. Yates with Mr. Gilbert.
Mr. Beers with Mr. Hudspeth.
Mr. Johnson of South Dakota with Mr. Yon.
Mr. Burton with Mr. Mooney.
Mr. Segar with Mr. Brand of Georgia.
Mr. Kendall with Mr. Cole of Maryland.
Mr. Tatgenhorst with Mr. Douglas of Arizona.
Mr. Sproul of Illinois with Mr. Griffin.
Mr. Fish with Mr. Harrison.
Mr. Hawley with Mr. Tillman.
Mr. Michaelson with Mr. Moore of New Jersey.
Mr. Kurtz with Mr. Carley.
Mr. Bacon with Mr. Lozier.
Mr. Wolverton with Mr. Sullivan.
Mr. Taylor of Tennessee with Mr. Fisher.
Mr. James with Mr. Garrett of Texas.
Mr. Underhill with Mr. Reed of Arkansas.
Mr. Johnson of Illinois with Mr. Bowling.
Mr. Browne with Mr. Combs.
Mr. Menges with Mr. Auf der Heide.
Mr. Crowther with Mr. Lyon.
Mr. Kearns with Mr. Bulwinkle.
Mr. Anthony with Mr. Oliver of New York.
Mr. Magrady with Mr. Sabath.
Mr. Curry with Mr. Celler.
Mr. Palmer with Mr. Dickstein.
Mr. Frear with Mr. Goldsborough.
Mr. Sinclair with Mr. Igoe.
Mr. Strong of Pennsylvania with Mr. Doyle.
Mr. Kopp with Mr. Howard of Nebraska.
Mr. Wyant with Mr. Jeffers.
Mr. Britten with Mr. Kent.
Mr. Campbell with Mr. Kvale.

Mr. NORTON of Nebraska. Mr. Speaker, if my colleague the gentleman from Nebraska, Mr. HOWARD, were present, he would vote "aye."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THE LATE REPRESENTATIVE JAMES A. GALLIVAN

Mr. CONNERY. Mr. Speaker, so many Members have desired to be present at the eulogy in honor of our late colleague Mr. GALLIVAN that I ask unanimous consent to change the date from April 29 to May 6.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to change the date of the order fixing memorial services for the late Representative JAMES A. GALLIVAN from April 29 to May 6. Is there objection?

There was no objection.

DEBATE UPON THE SUBJECT OF PROSPERITY AND PREPAREDNESS

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting therein an article of which I am the author which appeared in the Wall Street Magazine of April 7 on the subject of naval expenditures and policy.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCLINTIC. Mr. Speaker, under leave granted to me by the House of Representatives I am printing the negative argument of a written debate which was published in the Magazine of Wall Street under date of April 7, 1928, the subject being "Does our prosperity depend upon preparedness?"

The article is as follows:

DOES OUR PROSPERITY DEPEND UPON "PREPAREDNESS"?

(For the negative, Representative JAMES V. MCCLINTIC, Oklahoma, member of United States House of Representatives Committee on Naval Affairs)

I have the distinction of having opposed not only the administration's $4,200,000,000 nine-year naval program but of being the only member of the Naval Committee who opposed the modified building program decided upon by the latter.

My opposition to both programs is not based upon pacificism or blindness to the possibilities of war. There is a tremendous propaganda abroad to make the people believe that I and everybody who differ from the Navy's theory of naval extension are willing to place the prosperity and international preeminence of the United States in jeopardy for the sake of saving a few hundred millions of dollars. We are accused of being ready to sell the United States out to England and Japan and let them maintain the naval superiority we waived when we scrapped potential command of the seas after the naval limitation conference. So far as I am concerned, the accusation is most unjust. I believe in reasonable preparedness against the remote chance of war. My opposition both to the administration's grandiose program and to that of the majority of the committee is based on the following propositions:

1. They are wastefully extravagant.
2. They are militaristic.
3. They are tactically obsolete and do not insure national defense.

WHAT THE PROGRAM WOULD INVOLVE

The naval program favored by the administration would involve a total naval expenditure of more than $4,000,000,000 in the next nine years, including upkeep. Another naval armament limitation conference is to be held in 1931. If it decides upon further limitation, we shall then be in the same position as in 1922. We had a supreme Navy program under way then, and actually had to scrap approximately $300,000,000 worth of building vessels. It is the height of folly now to get ready for another scrapping orgy. Admiral Jones told us that not a single new ship can be completed inside of three years; hence in 1931 our shipyards would be full of building craft ready for the wreckers. Knowing these facts, it is certain that the other naval powers will hold back their construction and thus be in a position to vote with equanimity for more scrapping, with the United States as the only scrapper.

I am in favor of saving approximately $175,000,000 of the amount the majority would spend in the next three years, thereby making available $100,000,000 to be used in the construction of submarines and the strengthening of our aircraft. Such a program would prevent the laying down of the type of ship which will be the subject of discussion and might be caused to be scrapped by the naval limitation conference in 1931.

Already 82 per cent of Federal expenditures is in support of military policies, and it is proposed to make it 92 per cent.

It is undeniable that we have a large body of propaganda, if not of opinion, in this country that wants to have the United States the

supreme military power of the world, through enlarging the Navy. No doubt many good people earnestly believe that the way to maintain perpetual world peace and guard our prosperity in the coming period of foreign-trade growth and rivalry is for us to be so strong as to enforce peace. Others see ominous war clouds day and night and fear that if we do not build up and maintain a tremendous Navy of the kind they want our envious rivals are going to come over here and smash our primacy in the world. This sort of people really believe in the peace of the big stick, and they are at heart admirers of military glory. Here I would say that there is little or no difference between the administration program and that voted by the committee. About the only important difference is that the former would now commit us to a nine-year building program, whereas the latter contents itself with a three-year program that represents about all that could be done within three years under the nine-year program. The big and wasteful navy advocates have won, despite the camouflage that they have been tamed by public opinion.

INTERNATIONAL GOOD WILL

In my opinion, this is no time for the United States to flaunt its overshadowing power by engaging in a navy-building enterprise that will fill the world with ill will and crush reviving economic strength under a burden of taxation. Our influence should be all in favor of international good will and the elimination of war. No nation or group of nations in the world would dream of attacking us or risking our wrath in the present condition of things. They can't afford war. The approximate indebtedness of England is $37,200,000,000; the United States, $18,284,000,000; France and her colonies, $12,872,000,000; Italy, $4,942,000,000; and Japan, $2,500,000,000—making a total of nearly $76,000,000,000 for the five major nations of the world, most of which is the terrible toll caused by war. Another war in the near future would ruin our rivals. No matter how much they may dislike us, all want peace.

The foundation of the favored naval legislation calling for 15 cruisers rests upon the assumption that England has far greater cruiser strength than the United States, when, in truth, according to the figures given me, if a proper allocation is made, the United States has 99,924 more tons of cruiser strength than England.

Many students of the Geneva conference are of the opinion that an agreement could have been reached if the United States had agreed to put 6-inch guns on the new type of cruiser desired. However, when it is known that the Navy kept Admiral Jones in England off and on for a period of two years in conference with certain naval officers and that all naval officers are against the reduction of ships, it can be easily understood why the disarmament conference at Geneva was the most successfully concluded of any ever held, from the standpoint of the officers in the Navy.

The naval programs so warmly advocated are really the product of the officers of the Navy and the present administration.

Congressman BRAND, of Ohio, in a speech made in the House of Representatives a few days ago, stated that 40 per cent of the laboring people in the United States at the present time are idle. According to statistics, the combined shipbuilding companies in the United States during the year 1927 turned out only 124,000 tons, in comparison with 1,225,800 tons built by England and Ireland, thus showing that England is keeping up her merchant marine, which, after all, is the most important adjunct to a navy in time of war. This bill represents a heroic effort to stimulate a serious depression in shipbuilding activities. Congressman BLAND, of Virginia, on March 16, said: "I want to call your attention to the fact that the private yards of this country are trembling on the border of absolute dissolution and starvation."

There are nearly 600 naval officers in Washington and they want not only a powerful navy but a magnificent one. They want great battleships and majestic cruisers that are better than those types in any other navy. Being human, they are probably thinking not a little of their own comfort and prestige as the men who have to live in our fighting ships and show the flag abroad.

In the third place, I am unalterably opposed to the big-Navy program because it is navally erroneous and obsolete. The kind of a Navy it contemplates can not defend our coasts or carry war to the enemy. It is not a grim fighting Navy, but a showy peace Navy.

Submarines and aircraft are the decisive weapons of modern naval warfare. With sufficient submarines we could shut off the vital supplies of any nation that dares to engage us in war. We could block the ocean lanes of commerce and close their harbors at home. With sufficient seaplanes we could make it impossible for any surface craft to approach our shores. If our big-Navy men are sincere, they ought to give us plenty of submarines and flocks of airplanes; but submarines are not pleasant living quarters, and crouching in the cockpit of a fighting plane is not so comfortable as a stroll on the quarterdeck of a great cruiser. To carry the war to enemy submarines, let us commission the 150 destroyers that are tied up at Philadelphia and San Diego, and scrap a lot of the ships that progress has made obsolete.

The best use we can make of our huge battleships is to make them airplane bases. I favor spending $18,000,000 to make every one of these 18 ships a carrier of bombing planes. That would be equivalent to extending the range of their guns to 200 miles; it would make them effective for modern warfare. That is far better than spending $19,000,000 each or more on exclusive plane carriers, and a hundred millions to elevate the guns of the battleships.

Every competent witness appearing under oath before the various aircraft committees of Congress has said that no nation can land an army on our shores as long as we have superior aircraft facilities. Therefore it would seem that the wisest policy for this Nation to pursue at the present time is to take care of its internal problems, such as flood control and the stimulation of agricultural pursuits, rather than to waste the taxpayers' money in the construction of a type of ship that probably would not be utilized in another war.

I am against the proposed big Navy because though it may be big it will be weak, because it will promote the war spirit without making for success in war, and because we can make ourselves invulnerable and insure our prosperity so far as international conflicts may affect it, reduce the terrible burden of taxation for military purposes, and get a more formidable Navy for far less money.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DRANE, for an indefinite time, on account of important business.

MESSAGE FROM THE PRESIDENT

A message, in writing, from the President of the United States was presented to the House of Representatives by Mr. Latta, one of his secretaries, who also announced that on the following dates the President had approved and signed bills of the following titles:

On April 4, 1928:

H. R. 9831. An act authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.; and

H. R. 12245. An act to amend the War Finance Corporation act, approved April 5, 1918, as amended.

On April 5, 1928:

H. R. 9663. An act authorizing Herman Simmonds, jr., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Tampa Bay from Pinellas Point, Pinellas County, to Piney Point, Manatee County, Fla.

On April 6, 1928:

H. R. 9020. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto.

On April 9, 1928:

H. R. 4115. An act for the relief of Winfield Scott;

H. R. 4116. An act for the relief of W. Laurence Hazard;

H. R. 4117. An act for the relief of Harriet K. Carey;

H. R. 7472. An act to grant to the town of Cicero, Cook County, Ill., an easement over certain Government property; and

H. R. 11140. An act to provide for the inspection of the battle field of Kings Mountain, S. C.

On April 10, 1928:

H. R. 3466. An act for the relief of George A. Winslow;

H. R. 5495. An act to provide for cooperation by the Smithsonian Institution with State, educational, and scientific organizations in the United States for continuing ethnological researches on the American Indians;

H. R. 142. An act to add certain lands to the Idaho National Forest, Idaho;

H. R. 144. An act to add certain lands to the Challis and Sawtooth National Forests, Idaho;

H. R. 6056. An act to provide for addition of certain land to the Challis National Forest;

H. R. 9137. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the projected State highway between Lebanon and Hartsville and Gallatin near Hunters Point, in Wilson and Trousdale Counties, Tenn.;

H. R. 9144. An act to provide for the conveyance of certain lands in the State of Wisconsin for State park purposes;

H. R. 9147. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn.;

H. R. 9197. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.;

H. R. 9198. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.;

H. R. 9199. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.;

H. R. 9583. An act authorizing the reporting to the Congress of certain claims and demands asserted against the United States; and

H. J. Res. 215. Joint resolution to authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, for the purposes of the upper Mississippi River wild life and fish refuge act.

LEAVE TO FILE MINORITY VIEWS ON FARM RELIEF LEGISLATION

Mr. FORT. Mr. Speaker, I ask unanimous consent that I may have during the remainder of the week in which to file minority views on the bill H. R. 12687, the farm relief bill. There is no objection to this on the part of the committee.

The SPEAKER. Is there objection?

There was no objection.

REGIONAL ORGANIZATION OF VETERANS' BUREAU

Mr. GARBER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on regional organization in the Veterans' Bureau.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARBER. Mr. Speaker, prior to the establishment of the Veterans' Bureau in August, 1921, and for a few months thereafter, all compensation claims were handled here in Washington—a practice which proved not only expensive and unsatisfactory but inefficient as well. With the act of 1921, cases were decentralized to fourteen district offices throughout the United States with suboffices, the district offices, however, having sole power to adjudicate claims. The World War veterans' act of June 7, 1924, authorized further decentralization to regional offices and gave them power of adjudication, a system now operating through 54 offices throughout the United States.

As evidence of the practicability of the system, I wish to insert in the RECORD a letter from Maj. Harry Gilstrap, regional manager of the United States Veterans' Bureau at Oklahoma City, whose services in that capacity since its establishment have won for him national recognition. The personal experiences of Major Gilstrap eminently qualify him for the position he now holds. Before our entrance into the war he served as captain of the First Infantry of the Oklahoma National Guard, entering the Federal service in March, 1917. A year later he was promoted to the rank of major of Infantry, serving overseas from July 31, 1918, to April 5, 1919. He now holds the rank of major in the Infantry Reserve. Major Gilstrap has the confidence and respect not only of the Oklahoma claimants with whom he comes in direct contact but of veterans and their friends throughout the country, for they recognize that he is in reality one of them, eager to give them every possible assistance, a man whose sympathy and understanding can be relied upon. He has the ability to efficiently discharge the duties of his office and the wisdom and the courage to strike at the heart of the problem, the rehabilitation of the Nation's manhood.

UNITED STATES VETERANS' BUREAU,
OFFICE OF REGIONAL MANAGER,
Oklahoma City, Okla., April 6, 1928.

Hon. M. C. GARBER,
House of Representatives, Washington, D. C.

MY DEAR MR. GARBER: In a letter addressed by the Director of the Veterans' Bureau to all regional managers under date of December 23, 1927, there was contained an admirable statement of the purposes and responsibilities of the bureau and of the importance of proper attention to claimants and of the necessity of so handling the work of the bureau as to make for the bureau friends of all those dealing with the bureau through its various activities. Among the other apt statements of policy contained in the letter referred to were the following:

"We must so conduct the business of the bureau as to satisfy the Congress that its provisions are being strictly complied with, and all potential recipients of its appropriations, either of money, of insurance benefits, or of medical and surgical care, are given patient and sympathetic attention. Without this, our work will fail * * *. Manifestly, Government agencies dealing with the public and with the veteran are unable to make expenditures for the purposes of establishing good will or making friends, so it is necessary that this be accomplished by giving to those dealing with the bureau through its various activities, that type of service which, in the rendering, will bring greater confidence, make friends, and continue to hold them."

I feel sure that it will be a matter of interest to you to have definite information and evidence tending to show in what degree the regional office of the bureau in Oklahoma is succeeding in gaining confidence for the bureau and in making and holding friends for the bureau through a careful observance of the policy outlined in the foregoing quotation. It is the purpose of this communication, therefore, to submit a showing that will tend to show that the Oklahoma City regional office is in fact giving patient and sympathetic attention to all potential beneficiaries of the bureau, and also that this office is making for the bureau friends out of the claimants, the veterans' and welfare organizations, and the public generally.

To properly evaluate what has been accomplished in the way of establishing the bureau in the confidence of the veterans of this State, it may be well to note the feeling that existed toward field activities of the Veterans' Bureau prior to the establishing of the regional office at Oklahoma City. The department convention of the American Legion which was held at Bartlesville on September 14, 1922, adopted the following resolution without a dissenting vote:

"The Veterans' Bureau work in this district is characterized by delay, inefficiency, and a lack of sympathy. The policy seems to be to hinder, rather than to help, disabled men in establishing their claims. It is next to impossible to secure intelligent answers to appeals for information. Awards of compensation are reduced or discontinued without examination. Officers in positions of authority seem imbued more with the idea of saving money to the Government than extending aid to worthy disabled veterans. In selecting places for the hospitalization and vocational training of our disabled veterans there is too often an apparent consideration of building up Texas institutions rather than giving thought to the comfort, convenience, welfare, and morale of the men whose interests should be paramount. It seems to be a fixed policy that in case of doubt the decision should always be adverse to the disabled soldier. The officials of the district seem incapable of recognizing the emergency character of some cases or else unwilling to cut red tape and eliminate the delay that may endanger health and life.

"At our last department convention, S. P. Kohen was present as the representative of the Dallas office of the bureau and gave every promise of cooperation and improved service. These assurances have not been fulfilled. The decentralization of cases from the central office has been attended by delay, confusion, and endless 'passing of the buck.' We believe that S. C. Kile and S. P. Kohen are in a great degree responsible for the conditions of inefficiency and criminal neglect in this district, and we demand their removal in the interest of our disabled comrades. The conditions within the two suboffices within the State are unsatisfactory, whether as a matter of weakness, indifference, or a lack of authority, or all. If they fail in their obligations to disabled veterans through lack of courage to defy red-tape methods, if they are more concerned about holding their jobs than about ministering on behalf of the Government to the human wreckage of the World War, they are wholly unfit for the duties assigned to them. We insist upon an immediate and thorough investigation of the conditions named, and all others, with a view to fixing the responsibility and eliminating those who are responsible for the objectionable conditions and replacing them with men who will administer the law in the spirit in which the country desires it administered. We trust that such investigation will not be of the perfunctory sort that has been had when the fourteenth district officials have been permitted to investigate themselves, and we pledge the American Legion to give full cooperation in determining conditions and in finding and applying the remedy."

It will be noted that the foregoing indictment indicates a condition of affairs and a type of service on the part of bureau activities in this State which was the very opposite of that which is enjoined upon regional managers by the director's letter of December 23, 1927, as the standard to be attained.

In 1923 the department convention of the Legion was held at Lawton on September 20 and 21. At this convention a resolution was presented from the floor of the convention and adopted, the resolution criticizing the administration of the district office, and particularly the district manager and the chief of claims. I have not been able to get the exact text of this resolution, but its purport is a matter of record in central office.

The 1924 department convention was held at Ada. I have not been able to secure the record of this convention as to the resolution adopted.

The 1925 department convention, held at Pawhuska, was the first to be held after this office began to function as a regional office. At this convention on September 3, 1925, the following resolution was adopted:

"We most heartily approve the organization plan by which the Veterans' Bureau has established a department within this State, and we desire to express our satisfaction and appreciation of the thorough and efficient manner in which Maj. H. B. Gilstrap and his corps of officers have discharged their full duties in administering the affairs of the bureau in this State."

It is evident that in less than a year of existence the regional office had so won the confidence of the Legion that its official expression was practically the opposite of the estimate of two and three years before as to the work of the bureau in this State and district. That this favorable opinion continued to represent the sentiment of the American Legion in Oklahoma is shown by the adoption of the following

resolution at the 1926 convention of the Legion at Ardmore on September 7:

"Whereas the first problem and care of the American Legion is the care of our sick and disabled comrades; and

"Whereas the United States Veterans' Bureau at Oklahoma City, Hospital No. 90 at Muskogee, and the Sulphur Sanitorium at Sulphur, are the mediaries through which our sick and disabled are cared for; and

"Whereas the management of these institutions has shown such high-grade efficiency, sympathy, and kindly feeling toward the disabled veterans: Therefore be it

"*Resolved*, That the American Legion, in convention assembled, go on record as thanking Maj. Harry Gilstrap and his corps of workers of the United States Veterans' Bureau, Col. Hugh Scott and his corps of assistants of the Memorial Hospital, Doctor Wharton of the Sulphur Sanitorium and his efficient staff, for their untiring efforts, sympathy, and care given our sick and disabled comrades; be it further

"*Resolved*, That a copy of these resolutions be sent to Maj. Harry Gilstrap, Col. Hugh Scott, Doctor Wharton, and a copy to the post commander of the post at Muskogee, and a copy mailed to the press of each of the cities mentioned."

The 1927 department convention of the Legion was held at Guthrie on August 7, 8, and 9, and the attitude of the department toward the United States Veterans' Bureau was expressed in the following extract from the annual report of the department commander:

"Inasmuch as two department conventions and several district conventions of the American Legion had expressed by appropriate resolutions their confidence in the management of the Oklahoma City office of the Veterans' Bureau and their approval of the manner in which that office was serving the disabled veterans and their dependents, it was deemed best that local posts and individual claimants and their friends should handle their Veterans' Bureau problems by direct contact with the regional office. Such a plan would eliminate a duplication of work and unnecessary delay and would relieve the department headquarters of a great deal of correspondence. Accordingly, the Legion posts were requested through the Oklahoma Legionnaire, last fall to take up matters relating to compensation, hospitalization, and other bureau matters direct with the Oklahoma City office, with the assurance, however, that department headquarters would stand ready to assist if prompt and satisfactory results were not obtained. In this way department headquarters has been relieved of much work, information on bureau cases has been furnished more promptly, and complaints have been negligible. There are doubtless still many veterans with valid claims for compensation or with real need of hospitalization or medical treatment who are hesitating to contact the bureau because of past unsatisfactory experience or unfavorable reports. To all such the Oklahoma Legion would say, 'Take a chance on the Veterans' Bureau. You will receive prompt and courteous treatment and every benefit to which you are entitled under the law.' It is my observation, beginning long prior to my term of office, and my deliberate judgment, that the local regional office here, under the direction of Comrade Harry B. Gilstrap, has an administration extraordinarily able, and is, I believe, the best-managed office of its kind in the country."

Several district conventions, as stated by the department commander in the foregoing quotations, have adopted similar commendatory resolutions. All of these expressions have been entirely voluntary and without suggestion or assistance from the regional manager or any other representative of the regional office. They represent the real attitude of the American Legion in Oklahoma as to the service being rendered by the Veterans' Bureau in this State. Individual expressions from the several department commanders of the Legion will be referred to later.

The most recent action of Legion representatives as showing the attitude of the Legion in Oklahoma toward the regional office was taken at a State conference of Legion officials at Oklahoma City on December 5, 1927. This was a gathering to which every one of the two hundred and fifty-odd posts of the Legion in Oklahoma was asked to send its post commander, post adjutant, and post service officer. The conference was also attended by the department officers of the Legion and the auxiliary. Accordingly, it was a very representative gathering. National Commander Spafford, of the Legion, was present, and his making this official visit tended to bring out a large attendance. The following resolution was offered by Past Department Commander Roy Hoffman:

"Whereas we note with satisfaction the apparently universal approval of the work of the Oklahoma City regional office of the United States Veterans' Bureau on the part of the veterans and their dependents and friends, the Legion posts, the press, and the public generally; and

"Whereas this approval has been brought about, not by any sacrifice of the regular prescribed procedure, but, rather, by courtesy in contact with claimants, promptness in the handling of inquiries, thoroughness in examinations, carefulness in ratings, and clearness in the application of regulations and rating schedules; and

"Whereas the Veterans' Bureau in Oklahoma, has come to be regarded as the sympathetic friend and helper of the disabled veteran instead of an agency bent upon finding a way to deny him that which Congress sought to give him, the policy of the regional office being a correct interpretation of the spirit and purpose of our laws; and

"Whereas we believe that the zeal of the regional manager in assisting veterans is due to a genuine sympathy, born of long experience in studying their needs, and not to any apparent purpose of seeking popularity for selfish ends; and

"Whereas the exceptional morale and teamwork among the personnel of the regional office is an evidence of efficient administration and is an invaluable aid to the rendering of good service: Therefore be it

"*Resolved*, That the representatives of the American Legion posts in Oklahoma express their confidence that the regional manager of the Oklahoma City office has never sought to exercise undue or improper influence upon the rating boards in an effort to secure ratings for claimants, and that he should not be restricted in any way with reference to his privilege of presenting to such boards any facts or arguments when he is requested so to do by claimants and their friends; and be it further

"*Resolved*, That it is the belief of this conference that in every regional office there should be maintained a cooperation section in which the personnel may be independent of the adjudication activities of the office to the extent that such personnel may be in a position to act as attorneys for claimants in the preparation and presentation of claims and may be in a position to challenge the correctness of any action taken which may seem to do injustice to claimants; and be it further

"*Resolved*, That this conference recommends that the cooperation section, formerly functioning directly under the regional manager for the purpose of assisting claimants, shall be taken from the adjudication division, so that the contact workers in this cooperation service will not be hampered or embarrassed in their efforts to assist claimants."

A motion to adopt the resolution was made by A. L. Allison, of Tulsa, member of the national executive committee of the Legion; seconded by Hugh Askew, of Enid, adjutant of Argonne Post; adopted by unanimous vote.

This resolution, adopted nearly three weeks before the issuing of the director's regional manager letter of December 23, gives credit to the Oklahoma City regional office for doing exactly the type of work outlined in the director's letter.

The files of this office contain many letters from Members of the Oklahoma congressional delegation, from representatives of posts of the American Legion and other organizations, and from individual claimants, all expressing satisfaction with the service being rendered by the regional office. Most of these letters were written in connection with individual cases and are therefore in claims files and are not available for ready reference, not having been copied or indexed, but instead being filed as part of routine correspondence. There are, however, a number of letters that are available without searching, and extracts from some of these are given herewith as showing the favorable reaction to the service being rendered by this office.

Jim Hatcher, department commander of the Legion in 1924–25, in a letter to the regional manager, dated June 29, 1925, said:

"I have been over the State in different sections, following claims and rating board around. I have heard nothing but words of praise and good words for you and your bureau.

"The boys over on the eastern side sure do like your way of running the Veterans' Bureau. When I hear these good things about you I like for you to know it."

Later in the year, as Commander Hatcher was retiring from office, he again wrote under date of September 30, 1925, as follows:

"I thank you for your kind letter of September 26. Such kind words as these are the salary and reminiscences of department commander. I can truthfully say that you gave us fine cooperation, and without the cooperative spirit shown the American Legion it could never have done what it did.

"You have been a fine legionnaire and have shown that your heart and soul were for the sick and disabled."

Bob Kerr, department commander in 1925–26, said in a letter dated February 3, 1926:

"The Legion is with you, for you, and will always stand by you."

Roy Hoffman, department commander in 1926–27, in his annual report to the department convention at Guthrie August 9, 1927, paid a tribute to the regional office which has already been quoted.

Hon. R. L. Owen, then United States Senator, under date of January 17, 1925, said in a letter to the regional manager:

"I am pleased to know that the work of the Oklahoma City regional office is functioning so well."

Hon. ELMER THOMAS, formerly Congressman from the sixth district, now United States Senator, wrote under date of May 11, 1925:

"I am delighted to know that my district has been cleaned up so well and that there are less than 100 ex-service men who have not been reached and entirely satisfied through the activities of your bureau.

"I assure you that I am well pleased with the service received and the consideration given the boys whom I have been privileged to present for your consideration."

Under date of July 1, 1926, Senator W. B. PINE wrote to the regional manager as follows:

"Your plan of going into the several counties and reaching those veterans and dependents who do not know their rights under the law is good work, and I believe that it should be continued.

"My work on the Military Affairs Committee brings me in contact with Civil and Spanish-American War cases. We are far removed from the close of these wars, and exact facts in connection with service records are hard to establish. It is plain to me that now is the time to clear up the records and establish the rights of World War veterans and their dependents."

Hon. E. B. HOWARD, Representative from the first congressional district, wrote under date of January 17, 1925:

"It is a great relief to me to know that your office is now in position to act on claims of Oklahoma men. I am also delighted to know that you are in charge of the office there, and feel sure that the boys will have no complaints to make of the treatment given them by your office."

Hon. W. W. HASTINGS, Representative from the second congressional district, wrote under date of April 17, 1925:

"I am very much interested in the plans you outlined and believe that if such authority were granted that it would enable your bureau to give more correct rating for all claimants for compensation and would also result in a much better feeling on the part of ex-service men toward the Veterans' Bureau and the Government."

Hon. C. D. Carter, then Representative from the third congressional district, wrote under date of May 1, 1925:

"I wish to congratulate you upon this good work and assure you of my hearty cooperation in bringing these matters to a speedy conclusion."

Hon. TOM D. MCKEOWN, Representative from the fourth congressional district, wrote under date of October 24, 1927:

"Permit me to express my sincere appreciation to you and your department for the splendid work you are doing for my boys in the fourth district. I wish to take this opportunity before going back to Washington to express my thanks for this splendid work, and any time you are in Washington this winter I will be glad to see you."

Hon. F. B. SWANK, Representative from the fifth congressional district, wrote under date of January 19, 1925:

"I am sure the establishment of this regional office, with you as the regional manager, will be a great assistance to our soldiers in Oklahoma."

Hon. J. V. MCCLINTIC, Representative from the seventh congressional district, wrote under date of December 21, 1925:

"I am very appreciative of the pains you have always taken in looking after the cases coming from the seventh district, and I hope it will not be necessary to bother you in the very near future."

Hon. M. G. GARBER, Representative from the eighth congressional district, wrote under date of January 19, 1925:

"It should be a source of constant satisfaction to you to know in what high regard you are held by your country as well as by all these boys in whose behalf you are expending your efforts. We are under great obligations to these boys who gave so freely and so cheerfully when their country called, and it is an obligation toward the meeting of which the effective functioning of the Veterans' Bureau is a big step. Oklahoma is to be congratulated upon having at her command the services of a man of your character and proven ability."

Under date of August 13, 1927, Congressman GARBER again wrote to the regional manager as follows:

"Oklahoma veterans are very fortunate indeed in having at the head of their bureau a man who is so genuinely interested in their problems and who is capable of administering the law in a sympathetic, intelligent manner."

Mrs. M. L. Opperud, department president of the American Legion Auxiliary for 1927, wrote under date of April 29, 1927:

"Certainly want to thank you for the address you gave at the recent conference in Oklahoma City in honor of Mrs. Adalin W. Macauley, our national president.

"I feel sure that Mrs. Macauley was favorably impressed with the work of the Veterans' Bureau in this department.

"Please call on the American Legion Auxiliary if we can be of any assistance to you in your work"

David J. Wenner, liaison officer of the D. A. V. W. W. at the Soldiers' Tubercular Sanitorium at Sulphur, wrote, under date of December 24, 1927:

"It is with the greatest of pleasure that I have this opportunity to offer to you and to all of the employees of the bureau at your office a most sincere wish for a truly merry Christmas and a most happy New Year on behalf of the patients at this hospital.

"Also I wish to express our appreciation of the spirit of cooperation and helpfulness that you and your office have shown to all of us throughout the past 12 months."

M. R. Harrison, chairman of the soldiers' relief commission, wrote under date of February 14, 1928:

"I, on behalf of the commission, want to express our sincere thanks and appreciation of the wonderful service rendered the Commission and the disabled soldiers of the Soldiers' Tubercular Hospital at Sulphur in our little upheaval just past, and I want you to know that we deeply appreciate further the kind of a man you gave us in Doctor Rhodes, one of the finest men I believe I have ever met, and, as I told the doctor, a 'real pinch hitter.'"

This office has a collection of nearly 1,000 newspaper clippings, ranging from a single paragraph to a full-page illustrated story in the Sunday Oklahoman, all presenting in a commendatory way the work done by the Veterans' Bureau in Oklahoma through the Oklahoma City regional office.

The foregoing quotations are only samples of the complimentary utterances concerning our work in Oklahoma. There have been many other expressions equally favorable, but it is believed that the evidence that has been submitted herein will show that this office is rendering service in strict accordance with the high standard outlined in the director's letter of December 23, 1927.

Very truly yours,

H. B. GILSTRAP,
Regional Manager, Oklahoma City, Okla.

ERADICATION OF EUROPEAN CORN BORER

Mr. HAUGEN. Mr. Speaker, I call up the bill (H. R. 12632) to provide for the eradication or control of the European corn borer.

The SPEAKER. The gentleman from Iowa calls up the bill H. R. 12632, which is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Michigan, Mr. KETCHAM, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12632, with Mr. KETCHAM in the chair.

The Clerk reported the title of the bill.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Indiana [Mr. PURNELL].

The CHAIRMAN. The gentleman from Indiana is recognized for one hour.

Mr. SUMMERS of Washington. Mr. Chairman, I ask to be recognized in control of the time in opposition to this bill if no member of the committee opposes it.

The CHAIRMAN. Is any member of the committee opposed to the bill? If not, the gentleman from Washington will be recognized to control time in opposition to the bill.

Mr. PURNELL. Mr. Chairman and gentlemen of the House, the purpose of this bill, which authorizes, if passed, an appropriation of $7,000,000 to be expended by the Department of Agriculture under certain limitations set up in the bill, is to carry on for another year the campaign against the European corn borer. In order that the membership of the House may have some further information as to what was done with the $10,000,000 which was appropriated by Congress last year and used in connection with the corn-borer campaign, I have set out in the report which I have filed with this bill and incorporate here a brief summary of those expenditures:

Corn-borer clean-up appropriation, 1927–28—Expenditures to March 31, 1928

Salaries in Washington	$77,660.04
Salaries in the field	322,254.25
Wages (inspectors, laborers, etc.)	1,198,089.49
Total, personal services	1,598,003.78
Supplies and materials (stationery, gasoline, oil, etc.)	394,140.52
Communication service (telephone and telegraph)	8,562.46
Travel expenses (transportation and subsistence)	161,344.74
Printing and photographing	6,001.75
Transportation of things	17,496.71
Storage of motor vehicles	4,217.18
Advertising and publication of notices	56.98
Heat, light, power, water, and electricity	4,043.54
Rents, buildings, land, etc	26,337.15
Repairs and alterations to buildings and machinery	123,415.89
Miscellaneous expenses	243.24
Reimbursement to farmers	4,251,656.96
Equipment (machinery, furniture, automobiles, etc.)	2,394,940.92
	8,990,461.82
Unexpended balance	1,009,538.18
Total of appropriation	10,000,000.00
Against the unexpended balance of	1,009,538.18
There are liabilities amounting to	156,194.78
Unobligated balance (including $153,250 held in Secretary's office unallotted)	853,343.40

The bill as I introduced it this year authorized an appropriation of $10,000,000, a like sum to that carried last year, but in view of the fact that we still have intact and in good condition in the neighborhood of $2,000,000 worth of machinery which was purchased last year, and in view of the further fact that there is in round numbers a million dollars left of that

fund, the committee in its wisdom reduced the amount to $7,000,000 authorized in the bill.

Two important provisos are added to this bill which were not carried in the bill of last year. One of those provisos reads as follows:

Provided, That no part of the appropriation herein authorized shall be expended for the purchase of new machinery unless the Secretary of Agriculture deems such expenditure necessary by reason of an emergency, and in such case an amount not to exceed 1 per cent may be so expended.

The purpose of that, of course, is to meet the fear which arose in the minds of many Members of Congress and throughout the country that there would be additional and unwarranted expenditures for machinery. The second proviso, which is of importance and new in this particular bill, is as follows:

Provided further, That an amount not to exceed 9 per cent of the appropriation herein authorized may be expended for the employment of persons and means in the District of Columbia and elsewhere and all other necessary expenses other than necessary expenses for farm clean-up incidental to such eradication or control.

In other words, not more than 1 per cent is to be expended in any event for farm machinery, and not more than 9 per cent is to be expended for what may be termed overhead expenses, leaving a balance of 90 per cent which is to be used for reimbursement to farmers who do work in connection with this clean-up campaign, which is not incident to regular farm practices.

Now, let me say, gentlemen, in the beginning, that the vital question at issue in this whole matter before the committee and before the House is the expenditure of the 90 per cent of this appropriation, which, as I say, goes to the individual farmers in and along the periphery of this infested area for such work as they may do which is regarded as extra in addition to their regular farm practices and not usually done by thrifty farmers in connection with their farming operations. It is the position taken by our committee; also by the farm organizations of the country, and the interests in the Middle West, particularly in the Corn Belt, which is threatened by the corn borer, that if these farmers on the edge of the infested area are called upon to conduct unusual and unnecessary clean-up campaigns in connection with the holding back of this pest, which not only threatens the Corn Belt but the livestock industry and agriculture itself, they shall be reimbursed out of the Federal Treasury for that work which is extra and which they would not otherwise do. In other words, we feel that they should be reimbursed for doing that which is not done down in the sections not affected by the corn borer, if by so doing they hold the borer in check. In other words, we regard this as a national rather than a local problem. Recognizing the menace of the corn borer and the threat which it holds not only over the Corn Belt but the livestock industry and agriculture itself, we feel that out of the Treasury should come this extra pay for this extra labor which they otherwise would not be called upon to do and would not do.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. PURNELL. Yes.

Mr. LINTHICUM. What is the technical work against the corn borer? It is quite a lot of money you are asking for.

Mr. PURNELL. It seems quite a lot of money. Last year there was expended over $4,000,000 in reimbursement to the farmers in this infested area, who, under the direction of the Department of Agriculture and in cooperation with the States, cleaned up their barnyards, their fields, and their fence rows, so that all possible places of hibernation might be destroyed. In many instances with their wives and children they picked up these cornstalks in baskets by hand and burned them, so that no hiding place for the corn borer should be left on the farms in the areas which were to be cleaned up. It was the only way by which the spread could be retarded. Does that answer the gentleman's question?

Mr. LINTHICUM. I know very little about it. Of course, I would like to know more about it. The only way this pest is conveyed is by these old cornstalks? Is that correct?

Mr. PURNELL. Yes. I think the only possible opposition to this bill may be in sections where they use products of the corn. It does not come from the farmers themselves. The corn borer came over to this country in 1916 or perhaps a little earlier. It came over in a shipment of broom corn, presumably from Austria. From that shipment of broom corn containing a small quantity of corn borers we have seen grow and develop hundreds of millions of corn borers. They spread westward and destroyed almost in toto the corn crop in Canada north of Lake Erie. Those corn borers found their way, when in the moth stage, across Lake Erie, and infested the border line south of Lake Erie in the United States. Marked moths have been known to fly as far as 25 miles. It is assumed that they fly farther than that.

The moth lays her eggs under the leaf of the growing corn, and within a few days, perhaps five or six, they hatch into active and hungry corn borers. The female moth deposits 40 or 50 eggs at a time. The borer first feeds on the leaf of the corn and as soon as it is strong enough goes into the stalk. When they have reached the corn-borer stage they live in that form throughout the winter. I have been told on good authority that they can survive in a cake of ice. They can survive in the water. I think they have been soaked for perhaps more than 80 hours in a saturated salt solution and still came out alive. They live in these cornstalks throughout the winter. In the spring time they emerge in the form of a moth and lay their eggs and raise a new crop.

Mr. ALMON. Mr. Chairman, will the gentleman yield there?

Mr. PURNELL. Yes.

Mr. ALMON. Do they live in the stalk, and do they cause the stalk to die by boring into the stalk?

Mr. PURNELL. Yes. Of course, it requires more than one or two borers to produce commercial damage. The question is, What is commercial damage? It is a mooted question. The State entomologist from my own State, Mr. Frank N. Wallace, for whose opinion I have the very highest regard, made the statement before our committee that 1 per cent infestation produces commercial damage. Ten or twelve corn borers in a stalk will not only produce commercial damage but will destroy it.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. PURNELL. Yes.

Mr. GREEN. In what stage do they attack the stalk—before the ear is set or afterwards?

Mr. PURNELL. Before the ear is set.

Now, as I said a moment ago, we have $2,000,000 of machinery, in round figures, and we have approximately a million dollars left of the $10,000,000 appropriated last year, and the committee felt that for the purpose of carrying on this clean-up campaign for another year $7,000,000 would be sufficient.

Let me say here, lest I forget it, that this is not to be a continuing policy. This policy of paying farmers for the extra labor done on their farms is, in a sense, a new one, but until the farmers in the infested area and on the border of infestation can be taught how to combat the corn borer, how to adapt themselves to new methods of farming, new methods of diversification and new methods of clean-up, we in the Agricultural Committee of the House felt that we ought to assist them at least one more year in bringing about this change.

Mr. MILLER. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. MILLER. In this clean-up you speak of, what becomes of the rubbish? Is it burned or how is it destroyed?

Mr. PURNELL. Most of it is burned. Some new machinery has been invented which cuts the stalks down very close to the ground, but most of it is burned and, of course, a great deal of the stalks are plowed under.

Mr. MILLER. Just another question. A great deal of corn in the Central West, used in connection with cattle raising, is what they call shock corn, which is cut up and fed to livestock. Is all of that rubbish cleaned up and are all of the stalks in the fields where that corn is cut eradicated?

Mr. PURNELL. If they are within this particular area that the Department of Agriculture and the State decides to clean up, it is all taken out and burned, plowed under, or otherwise destroyed.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. McLAUGHLIN. In the section the gentleman speaks of is it not found necessary to clean up more than the corn itself? Is it not necessary to destroy the stalk, because these insects, or whatever they are, live in any kind of grain or vegetation that has a hollow stalk, so that they have to be cleaned up in other places than in the corn itself—is not that true?

Mr. PURNELL. It might be interesting to the Members of the House to know that the corn borer will actually attack in the neighborhood of 200 kinds of vegetation, but by a strange coincidence in its make-up it seems to know how to select corn and confines its operations almost exclusively to corn until the corn is gone. Therein lies the threat to other sections of the country. In addition to our great Corn Belt which we are trying to protect, we are constantly under the threat that when this corn borer passes on further, on to the Mississippi, the Ohio, and the Wabash Rivers, it may be carried down even to the sections of the South where cotton is raised. Of course, one stalk of cotton can not hope to carry very long as many corn borers as are frequently found on a stalk of corn. I might say that stalks of corn in the infested area have been found to contain as many as 200 corn borers.

Mr. FLETCHER. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. FLETCHER. Will the gentleman explain why so many farmers are opposed to this appropriation?

Mr. PURNELL. The gentleman from Ohio asks me why so many farmers are opposed to this appropriation, and I will say this: My conviction is that there are not many farmers opposed to it. A few farmers, however, who live in the thinly infested areas along the fringe, who have been called upon to do work that they regard as unnecessary, are objecting. I can see how a man who lives on a thinly infested fringe of this area might not be able to understand and see the wisdom of picking up cornstalks and subjecting himself to certain regulations which are imposed upon him by the Federal and State Governments. But certainly in my section of the country, in Indiana, in Illinois, in Iowa, and in that section where they have no corn borers, the farmers are not opposed to this. They will be very happy, indeed, to have the good folks up in Ohio, in the northeast corner of Indiana, and up in Michigan retard this pest, so that it can not come upon us.

Mr. FLETCHER. May I ask what justification the farmers have for saying that by proper farming they can eradicate the corn borer without this assistance from the State and Federal Governments?

Mr. PURNELL. Well, I will say that some very good farmers came before our committee from the gentleman's own State and stated that by new and improved and clean methods of farming they could take care of this clean-up campaign themselves; but herein lies the danger of that: A half dozen good farmers on the edge of the infested area may carry on a proper clean-up campaign, but their efforts will be wasted if 25 other farmers in the same county who do not believe in it or who are poor farmers will not make a like clean up. Certainly it would not be fair for a few farmers in this infested fringe to properly clean up their farms and have their neighbors on adjoining farms do nothing. That would not result in retarding the spread of the corn borer at all but leave the whole program in a state of chaos.

Mr. THURSTON. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. THURSTON. The map displayed by the Member indicates that there is a large area which is affected in Canada. Will the gentleman explain the extent of the Canadian Government's cooperation in this movement?

Mr. PURNELL. The whole trouble lies in the fact that the Canadian Government did not take hold of this thing in time. When the corn borer first appeared in Canada, for some unknown reason which I am not able to explain, funds were not available from the Canadian Government for a campaign against the corn borer. The result was that it got away from them and their entire corn crop in the area which lies north of Lake Erie was entirely wiped out, and with it went the hog industry. The hog business has absolutely been ruined in that area as well as the corn industry.

Mr. CARSS. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. CARSS. Has the Department of Agriculture worked out a successful method of combating this pest?

Mr. PURNELL. The Department of Agriculture did two things. First, it carried on this clean-up campaign on the edge of the infested areas.

Mr. CARSS. I merely wanted to know if this money is required to carry on further experiments; in other words, are not the efforts which they have made up to date in an experimental state?

Mr. PURNELL. Of course, the whole thing is more or less in an experimental state. Secondly, they are breeding in a number of laboratories pests which they have imported from Europe and which seek out the corn borer and destroy it.

Mr. TUCKER. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. TUCKER. Does this bill provide that officers of the Government can go on a man's farm, if they find this pest there, and require him under this law to clean up?

Mr. PURNELL. The officer gives him an opportunity to do it, and if it is not done by a certain time the Department of Agriculture will do the cleaning itself and charge it up to him.

Mr. BUCHANAN. If the gentleman will permit, that is done, of course, under State authority.

Mr. PURNELL. That is true. That is all done under the State law, but nevertheless it is done. You understand the Federal Government and the State work in cooperation. A maximum of $2 per acre was paid by the Government when the individual farmer cleaned his own land. If he did not clean it, the Government had to go in and do it under State regulations and charge it up to the land. It could not be done otherwise.

Mr. MEAD. Will the gentleman yield?

Mr. PURNELL. I yield.

Mr. MEAD. One reason I believe this legislation ought to be passed at this time is that the Federal department, I believe the gentleman will agree, is working in harmony with State departments and they have the sympathetic support of the Canadian Government. They are all working together with the local authorities taking the upper hand in the matter and working in conjunction with the Federal Government.

Mr. PURNELL. That is true.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. McLAUGHLIN. I understand the Department of Agriculture is against this appropriation. Will the gentleman tell us how he arrived at a conclusion different from that of the department?

Mr. PURNELL. Yes; I will say the Department of Agriculture is not opposed to this appropriation; in fact, the report which is filed with the bill itself is the report which was prepared by the Department of Agriculture. I did not change a line in it. I will explain to the gentleman why there is an apparent——

Mr. McLAUGHLIN. Was not that their attitude at the time the appropriation bill was brought in by the Committee on Appropriations? There was upward of $1,000,000 appropriated for work similar to this or, rather, for work which the Department of Agriculture had outlined for itself, and it did not ask for any more money.

Mr. PURNELL. The gentleman is quite right about that.

Mr. McLAUGHLIN. I am not speaking in opposition to the proposition, because I propose to vote for it, but I would like to have the reason for the difference between the gentleman and the department.

Mr. PURNELL. I will be very pleased to tell the gentleman.

Mr. McLAUGHLIN. And the course of reasoning by which the gentleman reached his conclusion.

Mr. PURNELL. The course of reasoning by which I reached my conclusion is that the Department of Agriculture takes the position that this question of paying money to farmers for extra work done in this clean-up campaign is one of policy which should be settled by the Congress itself.

Mr. FLETCHER. Rather than by the State?

Mr. PURNELL. Rather than by the department. In other words, if the Congress feels that we ought to continue for another year this matter of paying individual farmers wages not to exceed $2 per acre, as was done last year for extra work which they do, that is not incident to their regular farm practice, the result of which is to keep the corn borer out of the Corn Belt and protect those of us in other States and areas who have not got it, and thereby protect the whole Nation, it is a question of policy for the Congress to determine rather than the Department of Agriculture.

Mr. GREEN. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. GREEN. I am anxious to know whether the investigation and experiments along this line have brought out whether or not the corn borer would be stopped by the difference in climate which exists in the Southern States, and whether it could grow and survive our long summers there. The gentleman brought out very well that it would withstand cold even to the freezing point.

Mr. PURNELL. My judgment is that it will withstand heat just as well as it will cold, although I am not prepared to say, and I do not know that experiments have been carried on to that extent. But I do know that this pest will attack more than 200 kinds of vegetation, and that if it once destroys our corn crop and floats down the river, in cornstalks or otherwise, we will have a resulting damage in other areas.

Mr. GREEN. Would a field of corn that was infested in a bad way with this borer be completely ruined, or what would be the percentage of decrease in the yield?

Mr. PURNELL. The yield will decrease in proportion to the increase of the corn borer. It is my understanding that there were a number of fields in the infested area last year that had four or five corn borers to the stalk which had not yet produced commercial damage, but when you proceed above that you reach the stage that was reached in Canada, where they had sometimes as many as 200 in a stalk, until at last the entire area was decimated.

Mr. GREEN. In that case there would be an 80 or 90 per cent decrease in production.

Mr. PURNELL. Yes; I would say from 80 to 90 per cent.

Mr. CARSS. Has the gentleman any figures to show the amount the yield has been lessened by this pest?

Mr. PURNELL. I would say there has been no appreciable commercial damage done in the United States as yet. If a few years ago when this corn borer first came over here——

Mr. SPROUL of Kansas. I was just going to ask if there had been any damage done here.

Mr. PURNELL. I would say no appreciable damage has been done yet.

Mr. CARSS. That is one reason I am for the bill. We want to stop this pest before it does commercial damage.

Mr. PURNELL. And I will say that a few years ago if one-half of $10,000,000 had been appropriated and as wisely used as the last $10,000,000 was used we would not have this threat to-day.

Mr. COLE of Iowa and Mr. CHALMERS rose.

Mr. PURNELL. I yield first to the gentleman from Iowa, who, I believe, was on his feet first.

Mr. COLE of Iowa. I simply wanted to answer the inquiry of the gentleman from Florida by stating that in Europe this pest has been found in the warm countries. It grows in the far South, and I think heat would not interfere with its propagation.

Mr. CHALMERS. I want to remind the gentleman that this dangerous pest likes sweet corn particularly and I know personally that there has been commercial loss in raising sweet corn.

Mr. HUDSON. Will the gentleman yield?

Mr. PURNELL. I yield.

Mr. HUDSON. While the gentleman from Indiana stated that there had been no appreciable loss as a commercial prospect, he meant the entire Nation?

Mr. PURNELL. Yes. I am not attempting to speak of separate communities. I was speaking about the appreciable damage to the corn crop of the country as a whole. I say there has been no appreciable damage to the corn crop of the Nation.

Mr. CHALMERS. Except the sweet corn?

Mr. ALMON. The gentleman says it came into the United States from Canada. What did they do about it in Canada?

Mr. PURNELL. I made that statement at the beginning of my remarks. Perhaps the gentleman was not here. They did nothing, for the reason no money was available and no program worked out, and it got away from them.

Mr. ARENTZ. Will the gentleman yield?

Mr. PURNELL. I will.

Mr. ARENTZ. You have colored zones on the map next to Lake Erie. You have a mottled color, then orange, red, blue, and green. If what the gentleman says is true, that there has been no commercial damage, I do not understand why it has not, in view of the fact that the corn borer is already in the red area, and that that has been infested for several years. Has not the corn borer destroyed the growth of corn in that red area?

Mr. PURNELL. It would not destroy it even if it were in the red area since 1925.

Mr. ARENTZ. The gentleman said there had been no commercial damage.

Mr. PURNELL. Not to the whole corn crop of the Nation. I was not alluding to any community or State, but as a national proposition.

Mr. MEAD. Will the gentleman yield?

Mr. PURNELL. I yield.

Mr. MEAD. As one who lives in an infested area, I want to say that the damage there is great. The corn is of no value for sale in hotels or residences, because as soon as they learn that it is infested with the corn borer they do not want it. The housewives do not want it.

Mr. PURNELL. The gentleman speaks of sweet corn?

Mr. MEAD. Yes. The other corn is a loss for the farmer; if he is patriotic he destroys it, so it is a total loss to him. Coming from an infested area, I want to say that the borer occasions a great loss, and if this legislation is not passed it will be a great loss to the Nation.

Mr. GREEN. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. GREEN. The gentleman has brought out the facts in the case in a very interesting way. Now, as a member of the Agricultural Committee, I hope that his committee in the course of time, when we present a little matter for relief of the pecan industry, will carefully consider it.

Mr. PURNELL. I think the gentleman will agree that the Agricultural Committee of the House is not sectional when it comes to considering and reporting bills. We have tried to regard agriculture and every phase of it as a matter of national concern and not as a local or sectional problem.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. PURNELL. I yield.

Mr. SUMMERS of Washington. The statement has been made that this borer affects the ear of the corn. That is a mistake. That is a different worm. I want to call the attention of the gentleman from New York to the fact that this worm does not affect the ear but affects the stalk.

Mr. PURNELL. I am not so sure about that. I want to say to the gentleman from Washington, it enters the stalk of corn first, but I would not say that it does not affect the ear. I confess I have not gone into that subject very fully.

Mr. HUDSON. If we had samples here on the desk you would readily see that the corn borer deprives the ear of nutriment, and the ear does suffer because the stalk is destroyed.

Mr. PURNELL. Mr. Chairman, I reserve the balance of my time.

Mr. SUMMERS of Washington. Mr. Chairman, I yield to myself 15 minutes. Mr. Chairman and gentlemen, let me make this statement to begin with. I recognize that corn is the great agricultural crop of the United States, and if this were a question of appropriating $50,000,000 to save the corn growers of the United States from a real menace I should be for the bill.

I want to discuss the European corn borer on the authority of Doctor Marlatt, head of the Bureau of Entomology in the Department of Agriculture. He says that the European corn borer is doing little damage in Europe and only in certain circumscribed parts of that continent. It came to this country in broom corn 19 years ago. There were four points of infestation—one near Boston, two in New York, and one over in Canada. So it had 19 years the start of the scientists.

We began one year ago to try to control it, so that for 18 years it had its way. Over in Canada they grow corn year after year without any clean-up system, so that it became a real menace there; and so it will become any place where they grow corn year after year and do not cut the corn for the silo, burn the stalks, or plow them under. When they do that, the testimony before the subcommittee on agricultural appropriations is to the effect that it does not do any commercial damage. It has done some commercial damage up in Canada, because they do not farm there as we do down in the States. It was also revealed in the testimony that this corn borer belongs in ground with a high water table. That is, wet ground, so in the low, rather swampy ground in the neighborhood of Boston it did considerable damage. It has never done any damage in the State of New York to amount to anything, according to the department of agriculture of that State.

When this corn-borer problem came to my knowledge last year I was frightened. I thought that the greatest farm industry of the United States, the corn-growing industry, was menaced. I readily voted for the $10,000,000 appropriation and I would vote for $50,000,000 to-day if it were a necessity, if it were important, but I want you to know what the men who have been administering the law down in the Department of Agriculture, and the men who will administer it if we authorize this appropriation and it is finally made, have to say. The testimony is rather voluminous. I have been able only to pick out a few statements in this limited time, and I shall quote some expressions which I think will give you a good general idea of their attitude. I might say that the attitude of the scientists in the department, either in the record or out of the record, I am not sure which, but as expressed in our committee room was to the effect that they did not expect any sum of this kind for continued clean-up work over the United States, but that they were well pleased with the work that they had done last year, as a demonstration to the farmer as to how the work should be done, and in the agricultural appropriation bill we are carrying something over $1,000,000 for continuing the investigational and quarantine and scout work, and so forth.

Mr. PURNELL. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes; I yield.

Mr. PURNELL. We are not carrying anything, however, in that bill for reimbursement to the farmer.

Mr. SUMMERS of Washington. No.

Mr. PURNELL. That is the purpose of this bill.

The research work in the Department of Agriculture should be regularly done and carried on. This is a question of whether or not we will reimburse the farmer, as was done last year, for labor performed.

Mr. SUMMERS of Washington. If there was a menace to the industry, we would be justified in going to almost any length in my opinion, but I expect to prove to you by the scientific men in that department that you do not have such a menace, and it is for each and every Member of Congress to decide whether or not we should make this authorization.

I am appearing here in opposition, because so much of this came out in the hearings before the subcommittee of which I am a member, and not because I am hostile or anything of the kind. I think you gentlemen are entitled to the information which I hope to give to you.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. HUDSON. Does the gentleman infer that the department does not consider this a menace to the corn growing of the Nation?

Mr. SUMMERS of Washington. If we were to farm as they do in Canada it would be.

Mr. HUDSON. What does the department mean when it uses the following language:

> This is an effort to retard the spread of an insect pest that is generally believed to constitute a menace to the corn crop of the country.

Mr. SUMMERS of Washington. It is generally so considered, but that belief is not justified by the facts.

Mr. THURSTON. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes. I yield to the gentleman from Iowa.

Mr. THURSTON. The gentleman stated that if we were to pursue the same policy in the Corn Belt that has been pursued in Canada a great loss would occur.

Mr. SUMMERS of Washington. Yes.

Mr. THURSTON. And the gentleman also stated that they do clean up in the Mississippi Valley and burn their cornstalks?

Mr. SUMMERS of Washington. Yes; that is quite common in Indiana, the State where I was born and used to farm, and in Illinois, where I lived for many years.

Mr. THURSTON. I say it would be a rare instance to travel around over the State of Iowa and find that a corn shock or cornstalks had been burned. We plow under those cornstalks as a fertilizer, or if we do not do that we put them in the silo for silage. We utilize the cornstalks, and in no instance do we burn them.

Mr. SUMMERS of Washington. I am very glad that the gentleman brought that to my attention. There are two ways of getting rid of the corn borer. One is to in some way destroy the cornstalks, either use them for silage or burn them in order to simply get rid of them. That is a very common practice in Illinois. The other way is to plow them under. Those are the ways to get rid of the corn borer.

Mr. CARSS. Does that kill the corn borer?

Mr. SUMMERS of Washington. He dies in the course of time if plowed under.

Mr. CARSS. Would he survive the winter and come up again?

Mr. SUMMERS of Washington. You would have to keep him under for several months.

Mr. HUDSON. You have to plow him under pretty deep. Light plowing would not do it.

Mr. SUMMERS of Washington. It does not make any difference, so long as the stalks are covered, according to the testimony that has been given.

Mr. CARSS. What do the department experts say in regard to killing the borer? Do they claim that plowing under will destroy it?

Mr. SUMMERS of Washington. Yes; by plowing and by burning; either method.

Mr. CARSS. If they are plowed under, are they destroyed?

Mr. SUMMERS of Washington. Yes. When you plow them under they are destroyed.

Mr. THURSTON. I understand that when they plow them under only part of them are destroyed.

Mr. SUMMERS of Washington. Money is already provided in the appropriation bill for the prevention of the spread of the European corn borer, the enforcement of the quarantine, and the clean-up of heavily infested areas in order to prevent the further long-distance spread of this insect; $1,257,580 that is recommended for all research and regulatory work together, there being an item of $150,000 for miscellaneous work. Again, Doctor Marlatt says:

> The department does not believe that, merely as a demonstration of the value of clean-up, such expenditures are warranted.

This refers to such a sum as we are now considering.

In this clean-up campaign last year these are some of the expenditures that were made:

Personal services	$1,318,029.05
Supplies and materials	340,722.98
Communication	6,194.85
Travel expense	105,063.02
Repairs and alterations of buildings	50,474.96
Reimbursement to farmers	4,213,990.46
848 trucks	749,101.17
75 coupes and 9 sedans	52,050.00
Oil-burning apparatus	481,552.90
1,240 tractors	740,041.76

Miscellaneous field equipment are these:

Corn binders, low cutting		27
Ensilage cutters		3
Oil hose	feet	3,750
Oil hose, pressure	feet	138,000
Oil-burning carriages		200
Plows, tractor, 3-gang		450
Stubble pulverizers		800
Tractor and plow skids	pairs	195
Trailers, 2-wheel		25
Trailers, 4-wheel, 5-ton		64

Total, $302,103.36.

Total for major items, $2,324,848.29.

Mr. CARSS. I see the largest item mentioned in this report is $4,261,000 for reimbursement to the farmer. That is the largest single item of expenditure?

Mr. SUMMERS of Washington. Yes. That is for reimbursement.

Mr. CARSS. That is to induce the farmers to cooperate in stamping out this pest. You have already got the equipment, but it will be necessary to reimburse the farmers in cooperating with the Government and stamping out this pest. I think that shows the necessity of this appropriation.

Mr. SUMMERS of Washington. Some of the infested territory has been infested for 19 years. Quoting again from Doctor Marlatt, I read:

> We have, therefore, as to the centers of these infestations, a period of 19 years of opportunity for the corn borer. Taking up the various points of infestation in the United States, the records indicate that actual damage has resulted in only a very trifling percentage of the areas now covered, and such damage has apparently been limited to peculiar soil conditions described, perhaps somewhat generally and perhaps not altogether adequately, as concerned with a high-water table. In the New England area, for example, noticeable or appreciable crop damage has been limited to a very small portion of the area infested.

Again, he says:

> In other words, for the most part to low areas, much of it marshy and with high-water table within a short radius of the city of Boston. The general spread throughout a great portion of New England involving portions of Maine, New Hampshire, Connecticut, and Rhode Island has been characterized by no important or appreciable damage. In the eastern New York area spreading out from Schenectady there has been no real damage of any type, as I was recently advised by the director of agriculture of that State, and over a good deal of this area the corn borer has been present for a good many years and in the center of the area for 19 years. As to the western area, including western New York, Pennsylvania, Ohio, Indiana, and Michigan, the appreciable damage is limited to a very narrow strip along Lake Erie and Lake Michigan, all within 5 miles of the lake. This is the hopeful phase of the situation. In presenting this situation as to areas which have been infested for some time without loss to the farmer, I do not mean to give the impression that if the borer continues there will be no damage.
>
> It is possible that in southern Indiana and Illinois we may have heavy damage. The department does not believe that this insect presents a negligible problem. We believe that it is a very important pest, so important that we have asked twice as much money for combating it as we have asked in the case of any other insect, and we think that the sum we ask is reasonable and legitimate under the present circumstances.

And that amount, $1,250,000, is all included in the appropriation bill. He says that is what they think is necessary.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. ARENTZ. You answered the question asked of the gentleman from Indiana [Mr. PURNELL] as to the area of infestation. It is possible, covering the blue and red areas on the map, that thousands of square miles will be covered. Has the borer been doing particular damage in that area of a thousand square miles?

Mr. SUMMERS of Washington. No; it has not. I have been giving you the testimony of the man in whose bureau this is administered. The only place where the damage has been of any great consequence is down around the lake here [indicating] and a little here [indicating].

Mr. HUDSON. Will not the gentleman concede that that might be true at this time, but he says it is such a pest to these other areas that he has asked more than he ever asked before.

Mr. SUMMERS of Washington. Yes; and that has been appropriated. That has no reference to this bill. This bill was introduced on April 2 and reported out on April 6. I tried to get hold of a copy of the hearings, but I find that for some reason or other the committee hearings are not available. They are not in print. But I understand neither the Department of Agriculture nor the Budget recommends this bill.

Mr. W. T. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. W. T. FITZGERALD. How far south has the borer proceeded?

Mr. SUMMERS of Washington. If this map is correct—and I think it was made by the department——

Mr. W. T. FITZGERALD. How far down does that go?

Mr. SUMMERS of Washington. It extended a little more than halfway from north to south through Ohio.

Mr. HUDSON. Mr. Chairman, will the gentleman yield there?

Mr. SUMMERS of Washington. Yes.

Mr. HUDSON. In regard to the menace and this appropriation, which he says the department thinks is necessary to curb the menace, that makes provision for the farmers' help in the eradication. This is for the farmers' help? That was for the department?

Mr. SUMMERS of Washington. Again we asked:

You have had the corn borer for 18 years?

Doctor WOODS. Yes, sir.

Now, please listen to this, if you will:

How much damage was done by the corn borer last year?

This is Doctor Woods, the head scientist of the Department of Agriculture.

Practically none in the United States.

Now, gentlemen, I do not want you to get the wrong viewpoint. If this is something that is necessary, I want it just as much as my friend PURNELL, but the testimony which came before my committee does not indicate that this appropriation is justifiable, in my opinion, and I am presenting the facts in order that you may judge for yourselves.

Mr. PURNELL. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. PURNELL. There never came before your committee that great body of high-class representative farmers from Ohio, Indiana, and Michigan who appeared before the Agricultural Committee in support of the bill.

Mr. SUMMERS of Washington. There was a large delegation that came from those three States.

Mr. PURNELL. I will state that probably the gentleman's judgment has been warped by reason of the fact that a delegation came from the State of Ohio opposing this legislation.

Mr. SUMMERS of Washington. They were very much opposing it, and they were all corn growers.

Mr. PURNELL. And we had them before our committee.

Mr. SUMMERS of Washington. But at that time I was opposed to the attitude of the visiting committee, and I only took a different attitude after I had heard all that the scientific men had to say. Will the gentleman at this point tell us why we could not have the committee hearings, so that we might have the advantage of the information given to the gentleman's committee? I am intensely interested in this matter.

Mr. PURNELL. I am sorry they are not available, because I am satisfied they would give the gentleman a lot of information that he seems to be lacking relative to this appropriation.

Mr. SUMMERS of Washington. At least, the corn borer does not get up into the ear of the corn.

Mr. PURNELL. I am not so sure about that.

Mr. ADKINS. If the gentleman will come to my office I will show him one.

Mr. PURNELL. I will say to the gentleman that the reason the hearings are not available is that they have not been corrected and are not printed.

Mr. SUMMERS of Washington. I know they are not printed, though almost two weeks have elapsed.

Mr. MURPHY. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. MURPHY. I would like to ask the gentleman what the complaint of the farmers from northwestern Ohio was before his committee or the Agricultural Committee with reference to the corn-borer campaign in Ohio?

Mr. SUMMERS of Washington. I do not know what part of the State of Ohio it came from, but there was a large committee of farmers, of corn growers from the State of Ohio that came before the Agricultural Appropriations Committee. After learning their grievance we referred them on over to the Agricultural Committee. But they objected to the way the law was administered, that they could solve the problem themselves, that it was not a menace, that it was not damaging, and that the clean-up had been handled in a very high-handed and disagreeable fashion. That was their complaint.

Mr. MURPHY. Then, the objection that came from northwestern Ohio was largely one of administration? Is that the gentleman's judgment?

Mr. SUMMERS of Washington. Well, they objected, and the committee from Michigan, too, to the method of administration, and they also insisted and the department itself says it is a problem that the farmer himself must finally take care of.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. SUMMERS of Washington. Mr. Chairman, I yield myself five additional minutes.

Mr. ASWELL. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. ASWELL. Does the gentleman know that the committee from Putnam County, Ohio, which came from his committee to the Committee on Agriculture, announced with a great deal of pride that that committee was a political committee pure and simple, and nothing else?

Mr. SUMMERS of Washington. That they themselves were a political committee?

Mr. ASWELL. They announced that they were a political committee pure and simple, and nothing else.

Mr. SUMMERS of Washington. I did not know that.

Mr. MURPHY. Will the gentleman say what he means by a political committee?

Mr. ASWELL. You will have to ask the chairman about that. I mean the chairman of that committee from Putnam County.

Mr. MURPHY. He said it was a political committee?

Mr. ASWELL. That it was a political organization; that he was the head of it, and that it had controlled a million votes in the last election.

Mr. MURPHY. Was he against the corn borer?

Mr. ASWELL. Well, he attempted to make capital out of this fight, saying that he wanted economy in the country, and that he had controlled a million votes in the last election.

Mr. SUMMERS of Washington. Does that apply to the Representative from Michigan who was with that committee?

Mr. ASWELL. He might have been along. If he was with the Putnam County man, he was there I am sure. Now, does the gentleman from Washington grow corn in his country?

Mr. SUMMERS of Washington. We do not grow much corn out in the State of Washington, but I am interested in Illinois, in Indiana, and in the corn sections because my beloveds live there.

Mr. ASWELL. Then it seems to me the gentleman should be interested in checking the corn borer.

Mr. SUMMERS of Washington. It is stated in our hearings at more than one place that nobody in the United States who is familiar with the subject believes it can be checked; that it is going to spread over the country, but by clean farming it can be prevented from doing damage.

Mr. ASWELL. That is not at all in harmony with the evidence before our committee.

Mr. SUMMERS of Washington. That is why I so much regret we have not those hearings.

Mr. ASWELL. I am sorry for the gentleman's sake the hearings have not been printed.

Mr. SUMMERS of Washington. I am presenting just what was presented by the department before my committee.

Mr. ADKINS. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. ADKINS. Does not the gentleman know that down in our country where the gentleman used to live——

Mr. SUMMERS of Washington. Yes; we were neighbors.

Mr. ADKINS (continuing). Our people do not expect to participate in this appropriation. We have $200,000 available with the machinery all ready set up, so that when the corn borer comes over there we will be able to handle it. There was one little place in Kankakee County where they did handle it, and the reason there was no particular commercial damage done was because of the curtailing of this evil. We are perfectly willing, and our people are anxious, to have the Federal Government meet the situation in Ohio, Indiana, and Michigan, so that they can with a reasonable amount of good cultivation, keep the corn borer down below commercial damage. We appreciate the fact that where it has a big hold it is beyond what ought to be expected of the individual farmer to ask him to go out and put this additional work upon himself in order to keep down the pest. We are willing to pay for that extra work and that is all this appropriation is for. I know the trouble the department has in enforcing anything of this sort. We had the same difficulty in respect of the foot-and-mouth disease. The men do not like the idea of their coming in and handling the work and I can see how the department would be very glad to keep out of that feature of it; but if they will keep it down or get it in such condition that the farmers can control it under State control so that it will be handled without a big burden on the farmers, we are willing to take care of our situation unless they let it spread so that they come over in such great swarms it gets beyond our control, and if this does happen, $7,000,000 will look like a bagatelle in comparison with the damage that I know personally it does, because I inspected the fields in Massachusetts and New

York in 1919 and know that they did have commercial damage there.

Mr. SUMMERS of Washington. The borer has been here for some years and all I know is the testimony given by the men in the department.

Mr. ADKINS. Did the other group of farmers who came down here advocating this measure come before the gentleman's committee?

Mr. SUMMERS of Washington. No; and the gentleman understands I am not quoting from them. I am simply undertaking to give the viewpoint of the Department of Agriculture in regard to this matter. There was something like $4,000,000 expended in repayments to the farmers themselves last year. Does the gentleman understand there is going to be nearly twice as big a clean-up this year and that they will need nearly twice as much money for that purpose?

Mr. ADKINS. Yes; the area is larger and they will have to cover more ground.

Mr. SUMMERS of Washington. Then you are going to change the plan because the department had in mind looking after the border line when it appeared before my committee.

Mr. ADKINS. Yes; I understand very fully what the department has in mind because we had them before the committee for two days, and with the amount of machinery and set-up which they have they will have to use the same force for a short period of time in order to do the work.

The CHAIRMAN. The time of the gentleman from Washington has expired.

The Clerk read the bill for amendment.

Mr. HOGG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOGG: Page 2, line 14, after the word "control," insert "and provided, that no part of this amount shall be paid as wages to any inspector who is not a resident farmer of the county wherein he is employed and who shall have tilled and operated a farm for 10 years."

Mr. HOGG. Mr. Chairman and members of the committee, the amendment which I have just introduced is one that deserves your careful consideration. From the argument you have just heard you have little or no idea of the disturbance which the administration of this law caused in Indiana and northern Ohio last year. The district which I represent is located in northeastern Indiana.

The inspectors are not the scientific men of the organization, but they are those who go about the farms and check the clean-up work done by the farmer. It is a matter of irritation to most farmers to have real young men tell them that their work has not been done satisfactorily.

My amendment provides that these inspectors shall be men residing in the county where their work is done, who shall have tilled and operated a farm for 10 years. In this way the farmers of the community will have a fair share in the administration of the law. As it is the farmers feel they are imposed upon by the Department of Agriculture, and I am here to tell you they have a right to have the conclusion they hold.

The administration of this law requires a sound discretion and mature judgment.

Mr. ASWELL. In that case the natives would have control—that is, the neighborhood would, would it not?

Mr. HOGG. They would not, because inspectors are subject to the jurisdiction of the Department of Agriculture.

Mr. ASWELL. These inspectors go around and determine whether the work is well done or not.

Mr. HOGG. It may be that way in your State.

Mr. ASWELL. We do not have corn borers in my State.

Mr. HOGG. In a county in my district a man offered a reward of $500 in cash if anyone would bring him a corn borer, and he still has his money.

Mr. PURNELL. The gentleman does not mean to say that he offered a reward for a corn borer to be brought from anywhere?

Mr. HOGG. No; in Whitney County.

Mr. PURNELL. That is a thinly infested area.

Mr. HOGG. It is in the blue area on the gentleman's map.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. HOGG. I yield to the gentleman.

Mr. CHINDBLOM. The gentleman said a moment ago that young men compelled the farmer to go back and pick up cornstalks. Were those infested with the borer?

Mr. HOGG. Decidedly not. The department has since ruled that it will not insist on the same enforcement of the law that it did the last year, in that it does not think that such strict enforcement is at all necessary.

Mr. CHINDBLOM. But last year that was the rule when the young men were enforcing the regulations?

Mr. HOGG. Yes; but farmer inspectors would have used more deliberate judgment.

I am only pleading for moderation in enforcing the law, not that the farmers are not willing to obey instructions, but they want men of mature judgment for inspectors.

Mr. ADKINS. Will the gentleman yield there? Do you propose to go into the township where you are cleaning up and have the neighbors for inspectors?

Mr. HOGG. Certainly not. The need is that the inspectors shall be mature farmers.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. HOGG. Yes.

Mr. SUMMERS of Washington. From the testimony I heard I think this is a very important and necessary amendment. It is the best part of the law and I shall support it. I do believe that this law in the Corn Belt is about as popular as prohibition would be in John Philip Hill's district, if not more.

Mr. HOGG. Much of the money appropriated last year was wasted. Of the present amount, 90 per cent is certain to get to the farmer. I ask your support to qualify the inspectors as set out in the amendment. [Applause.]

Mr. ADKINS. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman and gentlemen of the committee, I have no doubt but that the law-enforcement officers encounter about the same sort of opposition that you encounter when you have any kind of trouble in the neighborhood of this kind.

Mr. BOX. Will the gentleman yield?

Mr. ADKINS. Certainly.

Mr. BOX. Whether or not the Department of Agriculture recommends this measure of relief?

Mr. ADKINS. I do not understand that it does. The foot-and-mouth disease encountered the same thing in the community, where we had some level-headed fellows; we took the matter up in our own county, and that was the case. They came to my farm and we talked it over. There was not a dollar in sight. They said we do not know about this. I said, Now, look here, there is no nation that has ever cleaned up the foot-and-mouth disease. This Nation will clean it up; let them drive them into the pit and shoot them down, that I was sure that the Federal or State authorities are not going to permit any citizen to have his property destroyed for the good of all without reimbursing him.

In some communities where it was not talked over they had that sort of trouble. Inspectors came and they had the same trouble that you did in your community. In a matter of this kind you do have inspectors who do not know their job and go on a man's farm and get in trouble with him unnecessarily; I had charge of some, and they gave a lot of trouble sometimes. There is no doubt that last year mistakes were made. But you take men really interested and progressive, men that want to get rid of these things, let them come down and tell their story—I am sorry the hearings have not been published. I think it would be unfortunate to pass an amendment of this sort. I think the experience we had last year in cleaning this up demonstrates where the weaknesses are.

Mr. HOGG. Will the gentleman yield?

Mr. ADKINS. Yes.

Mr. HOGG. Would the gentleman prefer to have a college inspector, a student 21 or 22 years old, or to have a native farmer?

Mr. ADKINS. That would depend upon the kind of farmer he was. The kind of farmer that I would want would be too busy to go off and fool around with a job of that kind.

Mr. HOGG. Is the gentleman speaking of farmers in Illinois?

Mr. ADKINS. Yes; and in any other locality. I have been over in the gentleman's State. I have farmed in Ohio. We have good farmers and poor farmers everywhere. I am not justifying the poor farmer any more than I am the poor business man. I know from personal experience as the head of a department in my State that where you tie a department up with a lot of details of this sort you just hinder their work. I find that the men in all of these departments are very reasonable.

Their whole thought is to try to do the work as satisfactorily as possible. I appreciate the position of my friend from Indiana [Mr. HOGG]. He has some fellows in his district who are very much wrought up about this. They do not appreciate the fact that the Government is coming in and paying for the work that they have to do, that they would not otherwise have to do, and put their crops out for the protection of the whole country. The people in Illinois are willing to do that. You have to take it for granted that the men in each administrative office of the Government have common sense. Here is a new thing. They had to go out in a hurry and clean up, and it is too much to

expect of human nature not to find some who did not perform this perfectly.

Mr. HOGG. Is it good common sense to pay inspectors $2,000,000 to deal out $4,000,000 to farmers?

Mr. ADKINS. Does the gentleman know how many inspectors were required for this short time?

Mr. HOGG. I do not. I know that there were ten times the number there that were required.

Mr. ADKINS. They had to have enough to go over the ground. You might as well not spend any money as to not do it thoroughly.

Mr. LAGUARDIA. The gentleman will remember that when we had the first corn borer bill up before the House we authorized an appropriation of $10,000,000.

Mr. ADKINS. Yes.

Mr. LAGUARDIA. There was a great deal of anxiety at the time. We were told that they needed this money to eradicate the corn borer.

Mr. ADKINS. Oh, we can not eradicate it. We can cut it down so that it can be controlled so as not to cause any commercial damage.

Mr. LAGUARDIA. Well, in any event we appropriated $10,000,000. Outside of obtaining a card index for each corn borer, did the department accomplish anything?

Mr. ADKINS. Oh, yes.

Mr. LAGUARDIA. What?

Mr. ADKINS. Of course, they accomplished something. They reduced the ravages in most of the communities by reason of eradicating it to such an extent that it did not do any commercial damage. If you let a 10 per cent infection get in, you have a very severe damage to your crop. If you gentlemen had appropriated $2,000,000 in 1919, as we recommended you to do, and had taken the matter up where it originated, around Schenectady, N. Y., and around Boston, we would never have had to appropriate the $10,000,000, because we would have gotten it in such shape there that the farmers could have controlled it.

Mr. LAGUARDIA. Did it decrease the amount of the corn crop?

Mr. ADKINS. The borer will decrease it.

Mr. LAGUARDIA. Did it?

Mr. ADKINS. Yes; where it had been neglected.

Mr. LAGUARDIA. And yet we still have a surplus?

Mr. ADKINS. Yes.

Mr. LAGUARDIA. Then it seems to me that nature wants to be kind to us in permitting us to have a surplus under the circumstances.

Mr. ADKINS. Does the gentleman not know that the surplus is the salvation of his people?

Mr. LAGUARDIA. I understand that.

Mr. ADKINS. We hope that we will always have a surplus. I hope that this amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. HOGG) there were—ayes 20, noes 38.

So the amendment was rejected.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. KETCHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12632, to provide for the eradication or control of the European corn borer, and had directed him to report the same back to the House with the recommendation that it do pass.

Mr. HAUGEN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

BEAR RIVER MIGRATORY-BIRD REFUGE

Mr. HAUGEN. Mr. Speaker, I call up the bill S. 3194, to establish the Bear River migratory-bird refuge.

The SPEAKER. The gentleman from Iowa calls up the bill S. 3194, which bill is on the Union Calendar.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 3194. The gentleman from Michigan, Mr. KETCHAM, will please take the chair.

Whereupon the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. KETCHAM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 3194, which the Clerk will report by title.

The Clerk read as follows:

A bill (S. 3194) to establish the Bear River migratory-bird refuge.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield 15 minutes to the gentleman from Utah [Mr. COLTON].

The CHAIRMAN. The gentleman from Utah is recognized for 15 minutes.

Mr. COLTON. Mr. Chairman and gentlemen of the committee, if I may have your attention for just a few moments I think I can make plain the purposes of this bill by reading a part of the letter of the Secretary of Agriculture in making his report upon the measure. He says:

> The Bear River marshes, extending about Bear River Bay, in Utah, comprise the greatest area of this character in the Rocky Mountain region and form the gathering place for millions of wild fowl, such as ducks and geese, during the north and south migrations. During each breeding season vast numbers of wild fowl rear their young in this area.
>
> Of recent years, owing to the scanty rainfall and the diversion of water for irrigation purposes from Bear River and other streams tributary to the marshes in that district, the shallow waters in many parts of these marshes during the summer and fall of each year become concentrated solutions of alkali. The myriads of ducks, geese, shore birds, and other species which frequent these waters are poisoned by the concentration of alkali and perish in enormous numbers. It is estimated that in the last few years not less than 7,000,000 ducks alone have thus perished in this area.

If there ever was a conservation measure for the preservation of wild life, I am sure that this is the one. As stated in the letter of the Secretary, this is a central location where these wild birds gather, particularly in the summer and fall. It is a great breeding place, and a great place for these birds to rest on their trips from the north to the south and from the south to the north. Whenever the rainfall is scanty or by reason of diversion of the water from the Bear River, large pools of strong alkaline water form, and these birds, having no other place to feed or nest, go into this impure water and immediately become sick and die. As stated by the Secretary of Agriculture, it is estimated that 7,000,000 of these birds have been destroyed in this way during the last few years.

This appropriation calls for $350,000, and not more than $50,000 is to be used in the purchase of land. The other $300,000 of it is to be used in diking the pure water at the mouth of the Bear River, which will furnish a secure refuge for the birds.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. COLTON. Yes.

Mr. NEWTON. Will this be a protected reserve, so that no hunting will be allowed in it?

Mr. COLTON. No; not entirely. The action of the Senate left that matter in the hands of the Secretary of Agriculture. The committee has amended so that at least 60 per cent shall be held at all times as an inviolate sanctuary. The reasons for that are twofold. The representatives of the department feel that they ought to have some little discretion, because of robber birds that might infest this section; and there might be a time when the food on the sanctuary would not be sufficient for the birds that come. But even as to the 40 per cent, the matter is left to the discretion of the Secretary. Then it would be unfair to the people not to permit hunting at any time.

Mr. NEWTON. But there is an absolute prohibition unless the Secretary makes the regulation?

Mr. COLTON. Yes; and he can not permit hunting at any time on more than 40 per cent of the sanctuary. Let me read a little further:

The Bureau of Biological Survey of this department has had numbered aluminum bands placed on more than 2,000 ducks in this area in order to determine the points to which they go when forced out of these marshes on the approach of winter. Large numbers of these banded birds have been taken in nine other surrounding Rocky Mountain and Pacific Coast States, particularly in the State of California, to which they go to winter in larger numbers than to any other State. It is thus conclusively shown by these banding operations that the Bear River marshes form a distributing center supplying migratory wild fowl to all the surrounding region.

The tremendous losses of these birds from alkaline poisoning have already alarmingly decreased the supply of migratory wild fowl in that entire region and threaten, if not remedied, to practically exterminate them, thus destroying a valuable food product and putting an end to wild-fowl hunting in all that region. The decrease of the birds has become so alarming within the past few years that there appears urgent need of the earliest possible action to end this drain on the valuable bird life of the West if it is to be saved.

In its treaty with Great Britain for the protection of migratory birds which live part of the year in the United States and part in Canada, the United States has assumed the responsibility of affording these birds reasonable protection while in this country. It appears, therefore, that to permit them to perish in untold numbers on these marshes without taking steps by the building of dikes and other methods to remedy the situation would be to neglect our plain duty and would directly affect the supply of birds in which Canada as well as the United States has a definite interest.

The building of the dikes and other improvements necessary to store waste fresh waters, now flowing into Salt Lake, for the purpose of flooding Bear River marshes would eliminate the death areas there, and afford a breeding ground for very great numbers of ducks and geese. Instead of a death trap the area would become a supply point for the surrounding region, producing vastly increased numbers of wild fowl on a great scale. The importance of diking has been shown on the Bear River Club grounds, where such dikes holding fresh water have resulted in greatly increased nesting and production of wild fowl.

The losses of ducks in this region through alkaline poisoning occur during the summer and fall. In order that the losses may be eliminated so far as possible during the coming season, work should be undertaken with the least possible delay.

During the past summer, with the cooperation of the Associated Sportsmen of California, an engineer of the Bureau of Public Roads made an engineering study of conditions at Bear River Bay, and his report shows that the project is entirely feasible. On the basis of the detailed information furnished in the report, actual construction work should be undertaken promptly.

The engineer's report indicates that $350,000 would cover the cost of the development of a great bird refuge in the Bear River Bay region. This would include the delta proper and provide for impounding fresh water over the broad marginal flats, relieving the conditions that have led to the death of millions of birds during past seasons through alkaline poisoning. The area which it is estimated can be included in this project at a cost of $350,000 is 44,400 acres.

The engineer's report directs attention to the possibility of including additional areas suitable for the development of a still greater refuge in this locality. In addition to the acreage already mentioned, he refers to an important adjacent area lying at a slightly higher elevation than the broad marginal flats of the more limited project, which, if included, would add 10,000 acres to the refuge at an approximate cost of $150,000. This cost would cover the construction of river-control works and other necessary improvements as well as the purchase of certain privately owned lands of great value as feeding and breeding grounds for waterfowl.

The detailed report of the engineer directs attention to the possibility of including still other suitable lands available for refuge purposes in the vicinity of Bear River Bay which, added to the above-mentioned projects, would embrace a total area of 82,900 acres, at a total estimated cost of $617,400.

There are some other interesting things disclosed in this report of the Secretary of Agriculture, but it is getting so late that I shall not detain the committee longer. With reference to the land, a subject which has been taken up somewhat and debated generally this afternoon while we were considering another bill, the Government owns practically all the area in the proposed refuge with the exception of about 12,000 acres. The State of Utah has already ceded to the Government its lands within the area. There are about 12,000 acres in the area that will belong, when the survey is completed, to a railroad company as part of its grant. We have their offer that they will sell this land for $1.25 an acre, and there will be no trouble in securing title to the land as we have the railroad offer to sell for $1.25 an acre. It is felt that $50,000 will be ample and perhaps more than will be necessary to procure title to all the land that will be inundated, and practically all of the money will be used for the purpose of providing fresh water and feeding places for these birds in this locality.

Now, Mr. Chairman, unless there is further question, I do not care to detain the committee longer.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield there?

Mr. COLTON. Certainly.

Mr. KINCHELOE. As to the 60–40 per cent proposition, 60 per cent is to be preserved inviolate?

Mr. COLTON. Yes; inviolate.

Mr. KINCHELOE. This 60 per cent to be inviolate will be in the same territory, will it not?

Mr. COLTON. It may or may not be, as the Secretary may determine. It is the same amendment that I brought to the gentleman's office. My understanding is that he may change the area. I can assure the gentleman that I can see no objection to having it that way, because the food on 60 per cent might become scarce and it might be necessary to transfer the sanctuary to the other area, where the seed is more plentiful.

Mr. KINCHELOE. My idea is that if you leave it to the discretion of the Secretary to change the territory whenever he sees fit, then there will be nothing inviolate about it.

Mr. COLTON. Yes; there would be 60 per cent inviolate at all times. You see, those birds do not remain there during the entire year; they remain there only during the late summer and early fall of each year. I will say to the gentleman that this area covers such a wide strip of territory that even if there were shooting on one part of the refuge the birds would not be disturbed on the other part at all, because it covers such a large area of ground.

Mr. KINCHELOE. And the ratio would remain the same at all times?

Mr. COLTON. Absolutely. I am sure we will have one of the best bird refuges in the United States when the work contemplated is completed.

The CHAIRMAN. Without objection, the Clerk will read the committee amendment instead of the bill.

There was no objection.

The Clerk read as follows:

SEC. 5. That no person shall take, injure, or disturb any bird, or nest or egg thereof, or injure or destroy any notice, signboard, fence, dike, ditch, dam, spillway, improvement, or other property of the United States on any area acquired or received under this act, or remove therefrom or cut, burn, injure, or destroy any grass or other natural growth thereon, or enter, use, or occupy the refuge for any purpose, except in accordance with regulations prescribed by the Secretary of Agriculture: *Provided*, That at no time shall less than 60 per cent of the total acreage of the said refuge be maintained as an inviolate sanctuary for such migratory birds.

Mr. WELSH of Pennsylvania. Mr. Chairman, I offer an amendment to section 5. At the end of section 5 I want to insert a proviso to the effect that no gunning or hunting shall be permitted under the provisions of this act unless, in the judgment of the Secretary of Agriculture, such permission to hunt or gun is necessary in order to protect the wild life for which this reservation is made a sanctuary.

Mr. COLTON. Will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. COLTON. That is the bill now.

Mr. WELSH of Pennsylvania. No; I do not think that is the bill.

Mr. COLTON. Yes. It is left to the discretion of the Secretary of Agriculture as to the 40 per cent and 60 per cent of this is inviolate as a sanctuary for all time.

Mr. WELSH of Pennsylvania. If the gentleman will show me where in this bill there is any such provision as the gentleman suggests, I will withdraw my amendment, but there is nothing in this bill covering the point I wish to include in the bill.

Mr. COLTON. I think I can show it to the gentleman. That was gone over thoroughly in the committee and that is the provision of the bill, that it is left to the discretion of the Secretary as to the 40 per cent.

Mr. WELSH of Pennsylvania. But under what circumstances will he use his discretion? I want to provide that that discretion shall be exercised only when it is necessary for the preservation of animal or bird life.

Mr. JONES. That is the general policy of the department as to all of these sanctuaries.

Mr. WELSH of Pennsylvania. If that is the purpose of it, will the gentleman interpose no objection to my amendment? All I want to do is to protect the bird life in this refuge and make it a real sanctuary.

Mr. COLTON. I will say to the gentleman that adjoining parts of this land are now in the control of private clubs which are doing this very thing; that is, they are providing fresh water for the ducks, and on those preserves there is shooting. You can not prevent that, and this simply gives to the Secretary

of Agriculture the right to say what part, if any, in his discretion, should ever be used for hunting purposes, and at no time shall it be more than 40 per cent.

Mr. WELSH of Pennsylvania. I believe the gentlemen and myself are in perfect accord as to the purpose sought to be accomplished. Will the gentleman permit an amendment in black and white providing that the Secretary of Agriculture shall use his discretion in permitting gunning only when that permission is necessary for the preservation of wild animal life?

Mr. COLTON. On page 9 the bill provides:

That no person shall take, injure—

And so on—

except in accordance with regulations prescribed by the Secretary of Agriculture: *Provided*, That at no time shall less than 60 per cent of the total acreage of the said refuge be maintained as an inviolate sanctuary for such migratory birds.

Now, I hope the gentleman will not insist further on his amendment, because I feel absolutely sure, after having gone into it thoroughly in the committee, that this is the very best provision that could be included in the bill for the purpose.

Mr. WELSH of Pennsylvania. But there is no limitation upon the exercise of that discretion by the Secretary of Agriculture.

Mr. COLTON. That is the policy of the department.

Mr. WELSH of Pennsylvania. But another Secretary can come in and change that policy overnight and we will have no protection. I am very much in favor of this bird preservation and I know others on this floor are, so I ask the gentleman if he will not accept that amendment.

Mr. COLTON. I would rather not change this language, because it has been carefully considered and worked out and I feel that just now, on the impulse of the moment, to accept an amendment that may tie the hands of the department would not be a good thing to do.

Mr. WELSH of Pennsylvania. I will say to the gentleman I do not want to unnecessarily tie the hands of the department, but there will be other bills of this kind in the future and I feel that if the gentleman adopts a suggestion such as this it is going to make it easier for those of us who are in favor of the conservation of animal life to get those bills passed, and I would like the gentleman to accept the amendment.

Mr. CARSS. Will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. CARSS. Would not the language of the gentleman's amendment prevent all shooting on the reservation?

Mr. WELSH of Pennsylvania. Yes; unless the Secretary of Agriculture considered it to be in the best interests of the preservation of animal life to permit in certain seasons such shooting where there is a scarcity of food, for instance.

Mr. CARSS. There are millions of ducks coming there during the year; suppose there was a shortage of food for them?

Mr. WELSH of Pennsylvania. Then the Secretary could permit gunning.

Mr. CARSS. The Secretary would have to have inspectors go out there and make an examination, and then if he finds that the ducks are suffering from lack of food——

Mr. WELSH of Pennsylvania. Then he can permit gunning. That is the purpose of the amendment.

Mr. CARSS. Then there would be no public shooting on the 40 per cent of the ground.

Mr. WELSH of Pennsylvania. No.

Mr. CARSS. But members of private clubs bordering on this land would have gunning, but the general public would not be allowed to hunt on the property.

Mr. WELSH of Pennsylvania. Not on the public land. If they want to pay for a game preserve of their own, either through club membership or otherwise, that is a different proposition.

Mr. CARSS. Then how could a poor man do any hunting out there?

Mr. WELSH of Pennsylvania. We are not preserving gunning privileges, but establishing a refuge for these birds.

Mr. Chairman, I had not completed the drafting of my amendment and I will withdraw that and now simply offer an amendment amending section 5 by striking out the figures "60" in line 5, and inserting in lieu thereof the figures "80."

This is a compromise with the point of view of the gentleman from Utah and some others.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WELSH of Pennsylvania: On page 9, line 5, strike out the figures "60" and insert in lieu thereof the figures "80."

Mr. COLTON. Mr. Chairman, I hope the amendment will not prevail. This matter has been carefully considered, and I think the amendment should not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

The Clerk read as follows:

SEC. 8. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be available until expended, the sum of $350,000, or so much thereof as may be necessary to effectuate the provisions of this act: *Provided*, That not to exceed $50,000 may be expended for the purchase of land, including improvements thereon.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 10, line 21, strike out "to be available until expended."

Mr. CRAMTON. I understand this is agreeable to the gentleman from Utah.

Mr. COLTON. My understanding is this simply requires the department to report back to Congress each year, and if it needs more money it may secure additional appropriation, so I have no objection.

The amendment to the committee amendment was agreed to.

The Clerk concluded the reading of the committee amendment.

The committee amendment as amended was agreed to.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. KETCHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 3194) to establish the Bear River migratory-bird refuge, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. HAUGEN. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

OVERSEA HIGHWAY, MONROE COUNTY, FLA.

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent to take up House Resolution 117 relating to the oversea highway from Key West to the mainland of Florida.

The SPEAKER. The gentleman from Florida asks unanimous consent to take up House Resolution 117, which the Clerk will report.

The Clerk read as follows:

House Resolution 117

Whereas Monroe County, in the State of Florida, has bonded for large sums for the purpose of constructing an oversea highway from Key West to the mainland; and

Whereas the State of Florida, out of the road fund, has spent large sums of money assisting Monroe County in the construction of said road; and

Whereas Dade County has completed her part of the road, which is the main highway from Canada to Key West, known as United States Highway No. 1; and

Whereas this road is now completed except the construction of several bridges; and

Whereas this road when completed will be the national and the ninth wonder of the world, and as it will be of material benefit to the Government in case of war, the Government should construct these bridges, or at least assist in the construction of same: Therefore be it

Resolved, That the United States Bureau of Public Roads is hereby authorized and directed to make a survey with a view of obtaining the cost of the construction of said bridges and report the findings to the House of Representatives at the earliest possible moment.

With the following committee amendment:

After the word "bridges" in the fourth paragraph, strike out all down to the colon in the next paragraph.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object.

Mr. SEARS of Florida. Mr. Speaker, the Committee on Roads has authorized me to call this up. Monroe County has spent nearly $4,000,000 on this road. Dade County has spent nearly $400,000, and it is already completed except two very difficult bridges. This does not involve the Government at all.

Mr. CRAMTON. The way the resolution is presented it does involve the Government. There are whereases that commit the Federal Government as I understood the reading, declaring it is of great benefit to the Federal Government, and so forth.

Mr. SEARS of Florida. That was cut out by the committee and I am going to ask unanimous consent to substitute House Joint Resolution 256.

Mr. CRAMTON. What is the purpose of this?

Mr. SEARS of Florida. It is to have a survey and estimate of cost.

Mr. CRAMTON. Why should there be any difference in regard to this than under the general law of Federal highways?

Mr. SEARS of Florida. There is no objection to it.

Mr. CRAMTON. What is the purpose of the resolution?

Mr. SEARS of Florida. There is no intention to bind the Government; we have spent $5,000,000 of our own money.

Mr. CRAMTON. I think for the present I will object. I know the gentleman from Florida is very alert for his district——

Mr. SEARS of Florida. The Committee on Roads went into the matter thoroughly as the gentleman from Utah [Mr. COLTON], a member of the committee, will state.

Mr. CRAMTON. Is there a report from the Bureau of Roads?

Mr. SEARS of Florida. We had hearings, and the Bureau of Roads indorsed it.

Mr. CRAMTON. There is simply a statement here that it does not object.

Mr. WELSH of Pennsylvania. Will this involve any cost to the Federal Government?

Mr. SEARS of Florida. It should not cost over several hundred dollars, and possibly not that.

Mr. CRAMTON. If the survey is made, the gentleman expects to press the Federal Government to pay a part of the cost of the bridges—more than they would under the Federal aid?

Mr. SEARS of Florida. I want to be perfectly frank with the gentleman; we would not press for more than is given to other bridges of like importance.

Mr. COLTON. Will the gentleman yield?

Mr. SEARS of Florida. Yes.

Mr. COLTON. Is it not a fact that all the information is practically available for a survey, and it would be just a matter of the Federal employees examining the data that is already available?

Mr. SEARS of Florida. That is practically correct. My information is that it is nearly all available.

Mr. CRAMTON. Then it is expressly understood by the statement of the gentleman from Florida that the action of the House in passing this resolution does not in any way bind the Government to any expenditures on these bridges?

Mr. SEARS of Florida. In no way does it bind the Government to pay expenditures in building the bridges. Of course, at the next session I may introduce a bill, but this does not bind the Government in any way.

The SPEAKER. Is there objection?

There was no objection.

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent to substitute House Joint Resolution 256, which will meet the objections of the gentleman from Michigan.

The SPEAKER. The gentleman from Florida asks unanimous consent to substitute House Joint Resolution 256. Is there objection?

There was no objection.

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent that the resolution be read without the whereases.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read as follows:

Resolved, etc., That the United States Bureau of Public Roads is hereby authorized and directed to make a survey with a view of obtaining the cost of the construction of said bridges and report the findings to the Congress at the earliest possible moment.

Mr. CHINDBLOM. Mr. Speaker, I suggest that the bridges be described in the resolution, the whereases having been stricken out.

Mr. SEARS of Florida. I think I can explain that. There are two main bridges over long stretches of the oversea highway which have not been built. The rest of the bridges have been built.

Mr. CHINDBLOM. But when you strike out the whereases and refer merely to "said bridges," you have no description of the bridges.

The SPEAKER. The Chair understood that the request of the gentleman was to read the resolution without the whereases.

Mr. CRAMTON. This comes up very suddenly. There has been no chance to see what is in those whereases. It is my understanding that they would be omitted. Of course, he will have to have such an amendment as that suggested by the gentleman from Illinois [Mr. CHINDBLOM].

Mr. COOPER of Wisconsin. Mr. Speaker, did I understand the language of the resolution to be to obtain the cost?

The SPEAKER. Without objection, the Clerk will again report the resolution.

There was no objection, and the Clerk again reported the resolution.

Mr. COOPER of Wisconsin. Then I move to strike out the word "obtaining" and insert in lieu thereof the word "ascertaining."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Mr. COOPER of Wisconsin moves to amend, on page 2, line 5, by striking out the word "obtaining" and inserting in lieu thereof the word "ascertaining."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. Did the Chair understand that the gentleman from Florida wished to offer an amendment?

Mr. SEARS of Florida. Mr. Speaker, the gentleman from Michigan [Mr. CRAMTON] says that he does not insist upon that amendment.

Mr. CRAMTON. Mr. Speaker, I have had opportunity to read the whereases. The only one I object to is the one that I understand is stricken out, at the top of page 2. To those on page 1, as follows, I have no objection:

Whereas Monroe County, in the State of Florida, has bonded for large sums for the purpose of constructing an oversea highway from Key West to the mainland; and

Whereas the State of Florida, out of the road fund, has spent large sums of money assisting Munroe County in the construction of said road; and

Whereas Dade County has completed her part of the road, which is the main highway from Canada to Key West, known as United States Highway No. 1; and

Whereas this road is now completed except the construction of several bridges: Therefore be it—

The SPEAKER. The question is on the engrossment and third reading of the resolution as amended.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the joint resolution was amended.

House Resolution 117 was ordered to lie on the table.

LEAVE OF ABSENCE

Mr. GARRETT of Tennessee. Mr. Speaker, I ask leave of absence indefinitely for my colleague Mr. FISHER, on account of illness.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE PRESIDENT—SALARY OF JUDGE OF UNITED STATES COURT FOR CHINA (S. DOC. NO. 83)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State regarding certain legislation authorizing salary increases for the judge and other officers of the United States Court for China. I concur in the view of the Secretary of State, and I therefore request of the Congress legislation amending section 6 of the act of June 30, 1906, Public, No. 403, Fifty-ninth Congress, and the act of June 4, 1920, Public, No. 238, Sixty-sixth Congress.

CALVIN COOLIDGE.

THE WHITE HOUSE, *April 11, 1928.*

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 405. An act providing for horticultural experiment and demonstration work in the southern Great Plains area;

H. R. 8315. An act for the relief of Charles A. Black, alias Angus Black;

H. R. 5590. An act to authorize appropriations for construction of culverts and trestles in connection with the camp railroad at Camp McClellan, Ala.;

H. R. 5817. An act to provide for the paving of the Government road extending from St. Elmo, Tenn., to Rossville, Ga.; and

H. R. 9829. An act to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands."

The SPEAKER also announced his signature to an enrolled bill of the Senate of the following title:

S. 1628. An act relating to the Office of Public Buildings and Public Parks of the National Capital.

ADJOURNMENT

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 11 minutes p. m.) the House adjourned until to-morrow, Thursday, April 12, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, April 12, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

For the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges (H. R. 11017 and other bills relating to cotton).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To regulate interstate commerce by motor vehicles operating as common carriers of persons on the public highways (H. R. 12380).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To provide legal-tender money without interest secured by community noninterest-bearing 25-year bonds for public improvements, market roads, employment of unemployed, building homes for, and financing through community banks organized under State laws, its citizens, farmers, merchants, manufacturers, partnerships, corporations, trusts, or trustees, and for community needs of the United States (H. R. 12288).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To amend the World War veterans' act, 1924 (H. R. 10160).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 12354. A bill to grant to the city of Leominster, Mass., an easement over certain Government property; with amendment (Rept. No. 1194). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 8130. A bill authorizing the creation of game refuges on the Ouachita National Forest, in the State of Arkansas; with amendment (Rept. No. 1199). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. S. 757. An act to extend the benefits of certain acts of Congress to the Territory of Hawaii; with amendment (Rept. No. 1200). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 5826. A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver bell in use on the battleship *New Orleans;* with amendment (Rept. No. 1201). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. H. R. 9373. A bill to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes; with amendment (Rept. No. 1202). Referred to the Committee of the Whole House on the state of the Union.

Mr. JAMES: Committee on Military Affairs. H. R. 11981. A bill to authorize officers of the Medical Corps to account certain service in computing their rights for retirement, and for other purposes; with amendment (Rept. No. 1203). Referred to the Committee of the Whole House on the state of the Union.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 5475. A bill granting the consent of Congress to the R. V. Reger Bridge Co. to construct, maintain, and operate a bridge across the Ohio River; with amendment (Rept. No. 1204). Referred to the House Calendar.

Mr. MAPES: Committee on Interstate and Foreign Commerce. H. R. 11404. A bill authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.; with amendment (Rept. No. 1205). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 11917. A bill granting the consent of Congress to the county of Cook, State of Illinois, to widen, maintain, and operate the existing bridge across the Little Calumet River in Cook County, State of Illinois; without amendment (Rept. No. 1206). Referred to the House Calendar.

Mr. NELSON of Maine: Committee on Interstate and Foreign Commerce. H. R. 11950. A bill to legalize a pier and wharf in Deer Island thoroughfare on the northerly side at the southeast end of Buckmaster Neck at the town of Stonington, Me.; with amendment (Rept. No. 1207). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 11980. A bill granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana; with amendment (Rept. No. 1208). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 12317. A bill authorizing the Wabash Bridge Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Wabash River at a point in White County, Ill., and Posey County, Ind., at or near New Harmony, Ind., and Crossville, Ill.; with amendment (Rept. No. 1209). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 12379. A bill granting the consent of Congress to Howard Seabury to construct, maintain, and operate a dam to retain tidal waters in an unnamed cove which is situated and extends from Cases Inlet into section 28, township 21 north, range 1 west, Willamette meridian, in Pierce County, State of Washington; with amendment (Rept. No. 1210). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 12386. A bill authorizing the State of Texas and the State of Louisiana to construct, maintain, and operate a free highway bridge across the Sabine River at or near Pendletons Ferry; without amendment (Rept. No. 1211). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 12677. A bill to amend section 2 of an act approved March 12, 1928, granting consent of Congress for the construction of a bridge across the Ouachita River at or near Calion, Ark.; with amendment (Rept. No. 1212). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 12676. A bill to amend section 2 of an act approved February 14, 1926, granting consent of Congress for the construction of a bridge across Red River at or near Fulton, Ark.; without amendment (Rept. No. 1213). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. S. 3173. An act authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Suwannee River at a point where State Road No. 15 crosses the Suwannee River, State of Florida; with amendment (Rept. No. 1214). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. S. 3598. An act authorizing Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Carondelet, Mo.; with amendment (Rept. No. 1215). Referred to the House Calendar.

Mr. REECE: Committee on Military Affairs. H. R. 10649. A bill providing for the transfer of a portion of the military res-

ervation known as Camp Sherman, Ohio, to the Department of Justice; without amendment (Rept. No. 1216). Referred to the House Calendar.

Mr. LANKFORD: Committee on Irrigation and Reclamation. H. R. 8221. A bill to authorize the creation of organized rural communities to demonstrate methods of reclamation and benefits of planned rural development; with amendment (Rept. No. 1217). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 11724. A bill to provide for the paving of the Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chickamauga and Chattanooga National Military Park; with amendment (Rept. No. 1218). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 12479. A bill authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund; with amendment (Rept. No. 1219). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 12624. A bill to amend section 17 of the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended; with amendment (Rept. No. 1220). Referred to the Committee of the Whole House on the state of the Union.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 12688. A bill to authorize appropriations for construction at military posts, and for other purposes; with amendment (Rept. No. 1221). Referred to the Committee of the Whole House on the state of the Union.

Mrs. ROGERS: Committee on World War Veterans' Legislation. H. R. 12821. A bill to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes; with amendment (Rept. No. 1222). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. S. 2978. An act authorizing the Secretary of War to donate certain buildings to the city of Tucson, Ariz.; with amendment (Rept. No. 1223). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 11273. A bill to amend section 127a, national defense act, as amended and approved June 4, 1920; without amendment (Rept. No. 1226). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. R. 12487. A bill to correct the descriptions of land comprising the Bryce Canyon National Park as contained in the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," and the act approved February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes"; without amendment (Rept. No. 1227). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BECK of Wisconsin: Committee on Claims. H. R. 2817. A bill for the relief of Michael J. Bauman; with amendment (Rept. No. 1195). Referred to the Committee of the Whole House.

Mr. WILLIAMS of Missouri: Committee on Naval Affairs. H. R. 3221. A bill for the relief of Ross F. Collins; with amendment (Rept. No. 1196). Referred to the Committee of the Whole House.

Mr. DRANE: Committee on Naval Affairs. H. R. 5948. A bill for the relief of George Joseph Boydell; with amendment (Rept. No. 1197). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 12764. A bill for the relief of Commander Chester G. Mayo; without amendment (Rept. No. 1198). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on Naval Affairs. H. R. 12844. A bill to amend the naval record of John M. Reber; with amendment (Rept. No. 1224). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. J. Res. 129. A joint resolution for the appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; with amendment (Rept. No. 1225). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 12869) granting a pension to Minnie E. Simmons, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KETCHAM: A bill (H. R. 12892) to foster agriculture and to stabilize the prices obtained for agricultural commodities by providing for the issuance of export debentures upon the exportation of such commodities; to the Committee on Agriculture.

By Mr. JONES: A bill (H. R. 12893) to foster agriculture and to stabilize the prices obtained for agricultural commodities by providing for the issuance of export debentures upon the exportation of such commodities; to the Committee on Agriculture.

By Mr. COOPER of Ohio: A bill (H. R. 12894) granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct a free overhead viaduct across the Mahoning River at Niles, Trumbull County, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. SWEET: A bill (H. R. 12895) granting the consent of Congress to the New York Development Association (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Alexandria Bay, N. Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERHILL: A bill (H. R. 12896) to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. DALLINGER: A bill (H. R. 12897) to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives; to the Committee on Public Buildings and Grounds.

By Mr. HARDY: A bill (H. R. 12898) to extend the collect-on-delivery service and limits of indemnity to sealed domestic mail on which the first-class rate of postage is paid; to the Committee on the Post Office and Post Roads.

By Mr. ELLIOTT: A bill (H. R. 12899) authorizing the erection for the use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. EVANS of California: A bill (H. R. 12900) to convey certain land in the county of Los Angeles, State of California; to the Committee on Military Affairs.

By Mr. MORROW: A bill (H. R. 12901) granting certain public lands to the State of New Mexico for the use and benefit of the Eastern New Mexico Normal School, and for other purposes; to the Committee on the Public Lands.

By Mr. OLIVER of Alabama: A bill (H. R. 12902) granting the consent of Congress to the Alabama State Bridge Corporation, a body corporate under the laws of Alabama, to construct bridges across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers, at or near certain points within the State of Alabama; to the Committee on Interstate and Foreign Commerce.

By Mr. WARREN: A bill (H. R. 12903) to provide for the times and places for holding court for the eastern district of North Carolina; to the Committee on the Judiciary.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 12904) amending section 200, World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. KVALE: A bill (H. R. 12905) to prevent corrupt practices in the nomination and election of President and Vice President of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 12906) to prevent the use of Federal official patronage in elections and prohibit Federal officeholders

from misuse of positions of public trust for private and partisan ends; to the Committee on the Judiciary.

Also, a bill (H. R. 12907) to extend the Federal corrupt practices act to primary elections of Senators and Representatives; to the Committee on the Judiciary.

By Mr. McKEOWN: A bill (H. R. 12908) to distribute $50,000,000 of the "cotton-tax fund" in the Treasury to the widows of soldiers and sailors of the Civil War and to Confederate soldiers, sailors, and their widows; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 12909) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Newport-Asheville (N. C.) road, in Cooke County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 12910) to amend section 3 of the act to provide for the better registration of births in the District of Columbia, approved March 1, 1907; to the Committee on the District of Columbia.

By Mr. McSWAIN: A bill (H. R. 12911) to honor the memory of the heroes of the fight against yellow fever; to the Committee on Military Affairs.

By Mr. PEAVEY: A bill (H. R. 12912) authorizing the St. Croix Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Croix River on the Grantsburg Road; to the Committee on Interstate and Foreign Commerce.

By Mr. CHASE: A bill (H. R. 12913) to extend the times for commencing and completing the construction of a bridge across the Allegheny River at or near the borough of Eldred, McKean County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. CLANCY: A bill (H. R. 12914) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. DOUGLAS of Arizona: A bill (H. R. 12915) to create a board of engineers to make recommendations relative to flood control on and development of the Colorado River, to authorize the erection of flood-control structures on the Colorado River, and for other purposes; to the Committee on Flood Control.

By Mr. HOUSTON of Hawaii: A bill (H. R. 12916) to provide for an investigation of fisheries in the Territory of Hawaii; to the Committee on the Merchant Marine and Fisheries.

By Mr. LEHLBACH: A bill (H. R. 12917) authorizing certain importers of sugar into the United States from the Argentine Republic during the year 1920 to submit claims to the Court of Claims; to the Committee on Agriculture.

By Mr. CLANCY: Joint resolution (H. J. Res. 269) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. ZIHLMAN: Concurrent resolution (H. Con. Res. 30) to provide for the printing of additional copies of the hearings held before the Committee on the District of Columbia of the House of Representatives on bills relative to capital punishment in the District of Columbia; to the Committee on Printing.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. CULLEN: Memorial of the Legislature of the State of New York, in regard to the New York-Great Lakes canal; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 12918) granting a pension to John Thresher; to the Committee on Pensions.

By Mr. CONNERY: A bill (H. R. 12919) granting a pension to Annie McCarthy; to the Committee on Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 12920) granting an increase of pension to Florence P. Sperry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12921) granting an increase of pension to Rhoda E. Sperry; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 12922) for the relief of Joseph Zittle; to the Committee on War Claims.

By Mr. W. T. FITZGERALD: A bill (H. R. 12923) granting an increase of pension to Sarah J. Draper; to the Committee on Invalid Pensions.

By Mr. FREE: A bill (H. R. 12924) granting a pension to Amy P. Arth; to the Committee on Pensions.

By Mr. GUYER: A bill (H. R. 12925) granting a pension to Josephine Pinquard; to the Committee on Pensions.

By Mr. HOFFMAN: A bill (H. R. 12926) authorizing preliminary examination and survey of east branch of Shrewsbury River, N. J.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12927) granting an increase of pension to Joanna J. Reid; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 12928) granting a pension to Homer Dye; to the Committee on Invalid Pensions.

By Mr. MAGRADY: A bill (H. R. 12929) granting an increase of pension to Mary Shotwell; to the Committee on Invalid Pensions.

By Mr. MOORMAN: A bill (H. R. 12930) for the relief of C. B. Smith; to the Committee on Claims.

By Mr. MOORE of Virginia: A bill (H. R. 12931) for the relief of Edward B. Fox, administrator of the last surviving partner of the firm of Child, Pratt & Fox; to the Committee on War Claims.

By Mr. OLDFIELD: A bill (H. R. 12932) granting a pension to Celia Chappelle; to the Committee on Pensions.

By Mr. RAGON: A bill (H. R. 12933) granting an increase of pension to Joseph Z. Bailey; to the Committee on Pensions.

By Mr. SCHNEIDER: A bill (H. R. 12934) granting an increase of pension to Rosa Helms; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 12935) granting a pension to Margaret McCarty; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 12936) granting an increase of pension to Eliza Jane Brill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12937) granting an increase of pension to Sarah E. McGill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12938) for the relief of the State of Ohio; to the Committee on Military Affairs.

By Mr. SWICK: A bill (H. R. 12939) granting an increase of pension to Isabella Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12940) granting an increase of pension to Ella J. Aber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12941) granting an increase of pension to Martha E. Moffatt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12942) granting an increase of pension to Drusilla Hanna McIntyre; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 12943) for the relief of William A. Smale; to the Committee on Foreign Affairs.

By Mr. TARVER: A bill (H. R. 12944) granting a pension to Frank Patty; to the Committee on Pensions.

By Mr. THATCHER: A bill (H. R. 12945) granting an increase of pension to Mariah Detherage; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6667. By Mr. CHINDBLOM: Petition of Anna M. Miller and 43 other citizens, urging the passage of legislation providing increased pensions for Civil War survivors and widows; to the Committee on Invalid Pensions.

6668. By Mr. CRAIL: Petition of sundry citizens of Los Angeles County, Calif., favoring pension legislation; to the Committee on Pensions.

6669. Also, petition of Fort Whipple Chapter, No. 3, Disabled American Veterans, for the passage of House bill 11350, introduced by Congressman ROYAL JOHNSON; to the Committee on World War Veterans Legislation.

6670. By Mr. EVANS of California: Petition of Fred E. Nienhuser and 35 other citizens of Van Nuys, Calif., protesting against the Curtis-Reed education bill; to the Committee on Education.

6671. Also, petition of Harry C. Clark and 21 others, for the relief of commissioned chief and warrant officers of the Navy; to the Committee on Naval Affairs.

6672. By Mr. W. T. FITZGERALD: Petition of the Woman's Christian Temperance Union of New Madison, Ohio, favoring House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

6673. By Mr. GUYER: Petition of 38 citizens of Douglas, Jefferson, and Leavenworth Counties, Kans., protesting the enactment of compulsory Sunday observance legislation, particularly House bill 78; to the Committee on the District of Columbia.

6674. Also, petition of citizens of Kansas, asking enactment of greater pension allowances for survivors of Civil War and widows of Civil War soldiers; to the Committee on Invalid Pensions.

6675. By Mr. HASTINGS: Petition of citizens of Muskogee, Okla., urging early action on a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6676. Also, petition of citizens of Adair County, Okla., urging early action on a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6677. By Mr. HERSEY: Petition of Thomas G. Crawford and five others, of Presque Isle, Me., urging Sunday observance bill be defeated; to the Committee on the District of Columbia.

6678. By Mr. HOWARD of Nebraska: Petition signed by James P. Peterson, of Fremont, Nebr., and 11 other citizens of that city, protesting against the passage of the Lankford bill (H. R. 78), providing for compulsory observance of the Sabbath, or any other proposed legislation which provides compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

6679. By Mr. WILLIAM E. HULL: Petition of H. C. Lamp and 72 others, of Peoria County, Ill., for increase of pension; to the Committee on Invalid Pensions.

6680. By Mr. JOHNSON of Texas: Petition of Palestine Chamber of Commerce, Palestine, Tex., opposing House bill 12620, Parker railroad consolidation bill; to the Committee on Rules.

6681. By Mr. KORELL: Memorial of Thirty-fourth Legislative Assembly of the State of Oregon, favoring the improvement, extension, and development of Portland's port and harbor facilities; to the Committee on Rivers and Harbors.

6682. By Mr. LANKFORD: Petition of the Wood Poster Advertising Co., of Brunswick, Ga., J. A. Wood, manager, opposing Senate bill 1752, for the abolition of Government-printed stamped envelopes with corner cards; to the Committee on the Post Office and Post Roads.

6683. By Mr. MAGRADY: Petition signed by numerous citizens of Shamokin, Pa., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6684. Also, petition of numerous citizens of Montour County, Pa., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6685. By Mr. MOORE of Kentucky: Petition signed by S. M. Davis, C. W. Ray, and 16 other residents of Edmonson County, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill for the relief of needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6686. By Mr. MOONEY: Petition of East Cleveland Post, No. 163, the American Legion, indorsing the Capper-Johnson universal draft bill (H. R. 8313); to the Committee on Military Affairs.

6687. By Mr. MOORMAN: Petition from citizens of Rockport, Ky., in favor of raising the widows' pension to $50 per month; to the Committee on Invalid Pensions.

6688. Also, petition in favor of granting pension increase to Civil War widows; to the Committee on Pensions.

6689. By Mr. O'CONNELL: Petition of the Navy League of the United States, Washington, D. C., with reference to the Geneva naval conference and the five-power naval armament limitation maintained on a basis other than that of Washington treaty; to the Committee on Naval Affairs.

6690. Also, petition of Droste & Snyder (Inc.), New York City, N. Y., opposing the passage of the McNary-Haugen farm relief bills; to the Committee on Agriculture.

6691. Also, petition of the conference committee, American Federation of Labor, General Federation of Women's Clubs, and manufacturers, favoring the passage of the Hawes-Cooper bill (S. 1940 and H. R. 7729); to the Committee on Labor.

6692. By Mr. PALMISANO: Papers to accompany House bill 12759, a bill for the relief of Sanford & Brooks Co. (Inc.); to the Committee on Claims.

6693. By Mr. PEAVEY: Petition of the town boards of the towns of Daniels, Anderson, Siren, Wood River, and Grantsburg, favoring the authorization of the construction of an interstate bridge across the St. Croix River connecting Wisconsin State Highway No. 70 with Minnesota Highway No. 9; to the Committee on Interstate and Foreign Commerce.

6694. Also, resolution by the members of the Commercial Club of Grantsburg, Wis., favoring the authorization of the construction of a bridge across the St. Croix River between Burnett County, Wis., and Pine County, Minn.; to the Committee on Interstate and Foreign Commerce.

6695. By Mr. QUAYLE: Petition of American Federation of Labor, General Federation Women's Clubs, and manufacturers of New York City, urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

6696. Also, memorial of the Legislature of the State of New York, with reference to the project of an all-American ship canal across the State of New York, connecting the Great Lakes with the Atlantic Ocean; to the Committee on Rivers and Harbors.

6697. Also, petition of Droste & Snyder (Inc.), of New York City, opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6698. Also, petition of Gottfried & Marshall, of New York City, opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6699. By Mr. SELVIG: Petition of Evaline McDonald, Ulen, Minn., and 101 other residents of Clay County, Minn., urging Congress to act on the Civil War pension bill revising rates paid to Civil War survivors and their widows; to the Committee on Invalid Pensions.

6700. By Mr. SPEAKS: Petition signed by Mae M. Vosper and 11 citizens of Franklin County, Ohio, urging enactment of legislation for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6701. By Mr. TEMPLE: Petition of a number of residents of Washington County, Pa., in support of legislation increasing the rate of pension to Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

6702. Also, petition of Federation of Greene County (Pa.) Women, Waynesburg, Pa., in support of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

6703. Also, petition of the congregation of the West Alexander Presbyterian Church, West Alexander, Washington County, Pa., in support of the Lankford Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

6704. By Mr. VINCENT of Michigan: Petition of sundry citizens of Saginaw and Portland, Mich., favoring higher pension rates for Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

6705. By Mr. WINTER: Resolution by Marion Tanner Post, No. 29, the American Legion, Basin; Lions Club, Torrington; Jacksons Hole Post, No. 43, the American Legion, Jackson; Lions Club, Cheyenne; Chamber of Commerce, Cheyenne; Lions Club, Kemmerer; Washakie Post, No. 61, the American Legion, Pavilion; and Lions Club, Riverton; all in the State of Wyoming; to the Committee on Irrigation and Reclamation.

SENATE

THURSDAY, *April 12, 1928*

(Legislative day of Monday, April 9, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 3224. An act to extend the provisions of the forest exchange act, approved March 20, 1922 (42 Stat. 465), to the Crater National Forest, in the State of Oregon; and

S. 3225. An act to enlarge the boundaries of the Crater National Forest.

The message also announced that the House had passed the bill (S. 3194) to establish the Bear River migratory-bird refuge, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 12632. An act to provide for the eradication or control of the European corn borer;

H. J. Res. 200. Joint resolution to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924;

H. J. Res. 244. Joint resolution authorizing a modification of the adopted project for Oakland Harbor, Calif.; and

H. J. Res. 256. Joint resolution authorizing the United States Bureau of Public Roads to make a survey of the uncompleted bridges of the Oversea Highway from Key West to the main-

land, in the State of Florida, with a view of obtaining the cost of the construction of said bridges, and report their findings to Congress.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	King	Schall
Barkley	Edwards	La Follette	Sheppard
Bayard	Fess	McKellar	Shipstead
Bingham	Fletcher	McLean	Shortridge
Black	Frazier	McMaster	Simmons
Blaine	Gerry	McNary	Smith
Blease	Glass	Mayfield	Smoot
Borah	Goff	Metcalf	Steck
Bratton	Gooding	Moses	Steiwer
Brookhart	Gould	Norbeck	Stephens
Broussard	Greene	Norris	Swanson
Bruce	Hale	Nye	Thomas
Capper	Harris	Oddie	Tydings
Caraway	Harrison	Overman	Tyson
Copeland	Hawes	Phipps	Vandenberg
Couzens	Hayden	Pine	Wagner
Curtis	Heflin	Pittman	Walsh, Mass.
Cutting	Johnson	Ransdell	Warren
Dale	Jones	Reed, Pa.	Waterman
Deneen	Kendrick	Robinson, Ind.	Watson
Dill	Keyes	Sackett	Wheeler

Mr. NORRIS. I desire to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is detained from the Senate on account of the illness of his wife.

Mr. CARAWAY. I wish to announce that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is absent by reason of illness.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

THE PROHIBITION QUESTION

Mr. BRUCE. Mr. President, I should like to have inserted in the RECORD an Associated Press dispatch stating that on April 11 the national affairs committee of the National Republican Club of the city of New York adopted a resolution urging the repeal of the eighteenth amendment.

I simply desire to say in this connection, with due respect to the Republican Party, that it seems to have, in relation to the subject of prohibition, just a little of the uncertain character of Gideon's fleece as described in the Old Testament. It will be remembered that this fleece was of such a nature that it was dry when all around it was wet, and was wet when all around it was dry.

The VICE PRESIDENT. Without objection, the article will be printed in the RECORD.

The article is as follows:

[From the Washington Post, April 12, 1928]

WET VOTE BY NATIONAL REPUBLICAN CLUB ASKED—COMMITTEE VOTES RESOLUTION URGING REPEAL OF THE EIGHTEENTH AMENDMENT—ADOPTION IS PREDICTED

NEW YORK, April 11.—The national affairs committee of the National Republican Club to-day adopted a resolution urging repeal of the eighteenth amendment. The action was taken in executive session and reported at the close of the meeting by former Representative Benjamin L. Fairchild, who presided as chairman of the committee.

The resolution will be presented to the full membership of the club next Tuesday. Mr. Fairchild predicted that it would be adopted by an overwhelming majority, adding that he expected it would be presented to the National Republican Convention by Nicholas Murray Butler.

Mr. Fairchild also is chairman of the subcommittee which drafted the resolution. Other members are W. M. K. Olcott, former district attorney; Martin Saxe, former United States Senator; and Charles P. Spooner, son of the late Senator Spooner, of Wisconsin. All these attended to-day's meeting.

Mr. Butler left before the vote was called, but Mr. Fairchild said he had voiced his intention to vote for the resolution had he remained. William Boardman, Elmer E. Cooley, Ralph Goddard, and Andrew R. Humphrey voiced opposition to the measure before the vote was taken, Fairchild said.

Other committee members who attended were Chauncey M. Depew, jr.; Philip Elting, collector of the port; Harte M. Juddson; Richard W. Lawrence, president elect of the club; William M. Calder, retiring president; and Col. Newbold Morris. A letter was received from T. Douglas Robinson, Assistant Secretary of the Navy, voicing his approval of the resolution.

The National Republican Club has about 2,000 members living in all parts of the country. President Coolidge is an honorary president, and among its members are three possible candidates for the Republican presidential nomination—Herbert Hoover, Vice President DAWES, and former Gov. Frank O. Lowden, of Illinois. About 1,000 members are residents of New York.

PETITIONS AND MEMORIALS

Mr. FESS presented sundry petitions numerously signed by citizens of the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. ROBINSON of Indiana presented sundry petitions numerously signed by citizens of the State of Indiana, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Finance.

Mr. COPELAND presented a petition of sundry citizens of New York City, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. CAPPER presented memorials numerously signed by members of the Kansas Yearly Meeting Christian Endeavor Union, Friends Church, at Wichita, Kans., remonstrating against the repeal of the eighteenth amendment to the Constitution or any modification of the so-called Volstead Act, which were referred to the Committee on the Judiciary.

Mr. WALSH of Massachusetts presented numerous telegrams in the nature of petitions from citizens and business firms of Boston, Mass., praying that fruits and vegetables be excluded from the operation of the so-called McNary-Haugen farm relief bill, which were ordered to lie on the table.

He also presented sundry telegrams in the nature of memorials from citizens and business firms of Boston, Mass., remonstrating against the passage of the so-called McNary-Haugen farm relief bill, which were ordered to lie on the table.

WORLD WAR VETERANS' RELIEF

Mr. ASHURST. Mr. President, I have received petitions in the form of a resolution adopted by all the various ex-service men's organizations in Arizona, which I ask may be printed in the RECORD and referred to the Committee on Finance:

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolution

Whereas the United States Circuit Court of Appeals for the Ninth Circuit in the case of United States of America *v.* Sligh (filed March 5, 1928) has determined that a suit on any claim under a contract of yearly renewable term or converted insurance brought pursuant to section 19 of the World War veterans' act of 1924, as amended, becomes outlawed in accordance with the statutes of limitation in the State wherein said suit is instituted, if the claim, antecedent to suit, was not filed with the Veterans' Bureau within the period fixed by said State statute; and

Whereas it appears that the State statutes of limitations are not uniform in that in some States suits upon written contracts of insurance are barred within three years, whilst in other States, said actions may be maintained at any time within 6, 10, or 15 years; and

Whereas such condition is manifestly unjust in that the benefits of the war risk insurance act are unequally distributed in that the award depends upon the law of the State wherein the veteran resides; and

Whereas the valuable rights of hundreds of veterans will be prejudiced by such application of the varying State statutes of limitation; and

Whereas it is further apparent that the disabilities incurred upon which such suits are brought were received while serving a common cause, and in consequence thereof the treatment accorded to those claimants should of a certainty be uniform and just; and

Whereas in the process of rehabilitation of disabled veterans many are not aware of their true condition—that is to say, of the permanency of their total disability until after years of treatment—and until most State statutes of limitations of four and six years would bar such claims it is eminently reasonable and just to allow a 10-year period for the determination of permanency of their total disability; and

Whereas dating such 10-year period from July 2, 1921, would be dating same from the day the Great War was officially ended: Now therefore be it

Resolved, That Congress of the United States of America be, and it hereby is, petitioned to amend section 19 of the World War veterans' act (June 7, 1924, ch. 320, sec. 19, 43 Stat. 612, amended March 4, 1925, ch. 553, sec. 2, 43 Stat. 1302) by adding to such section the following:

"*Provided further*, That no State or Federal statutes of limitation shall be deemed to apply to any suit filed under this section on or before July 2, 1931;

"*Provided further*, That after July 2, 1931, all suits under this act must be filed within six years from the accrual of the cause of action;

"*Provided further*, That this section, as amended, shall be deemed to be in effect as of October 6, 1917"; be it further

Resolved, That a copy of this resolution be transmitted to every Member of the Senate and House of Representatives of the United States of America.

FRANK LUKE, Jr.,
Post No. 1, American Legion, Arizona Branch,
Phoenix, Ariz.
J. H. MOEUR,
Commander.
E. P. MCDOWELL,
Adjutant.

On request of Mr. ASHURST, the following letter was referred to the Committee on Finance and ordered to be printed in the RECORD:

TUCSON, ARIZ., *April 2, 1928.*

HON. HENRY F. ASHURST,
Senator from Arizona, United States Senate,
Washington, D. C.

MY DEAR SENATOR: There is a great deal of interest shown among the veterans of this State in bill (H. R. 97) introduced by Representative LAGUARDIA, of New York, which would permit any former service man having an active tubercular disease and entitled to hospitalization under the World War veterans' act, 1924, either hospitalization or a maintenance allowance of $4.75 per day.

Concerning the merits of this bill permit me to call your attention to an experiment carried on in this State which has made it possible for a number of disabled men suffering from tuberculosis to stay out of the hospital with every indication of great benefit to themselves while working short hours, or as the spirit and their strength moved them, and showing a renewed interest in life, as well as a complete change in their mental attitude as compared to that displayed under institutional supervision.

I refer to the Arizona Hut, at Tucson, established and financed by Mrs. John C. Greenway, of Ajo and Tucson, the widow of the late Gen. John C. Greenway, Arizona's soldier, builder, and benefactor.

Inspired by her late husband to do something for the great number of disabled ex-service men pouring into Arizona seeking its sunshine and climate, and usually arriving broken in both health and pocketbook, Mrs. Greenway cast about for some means of helping these men to help themselves. On her visits to the two veterans' hospitals in the State she noticed that though some of the men were doing work at intervals, in leather, woodwork, and the like, under the direction of the occupational therapy department, the work done was not in many cases salable on its merits. Noticing how this work seemed to take the men's minds from their physical condition she began to wonder if this was not the solution of curing these men of their great affliction and mental depression. On the theory that given an opportunity to work short hours, when they felt like it, and under the direction of teachers who could direct their efforts toward salable articles, that the public would gladly purchase, Mrs. Greenway took her ideas to the annual spring conference of the American Legion held at Phoenix in January of 1927, and after a discussion of this all-important question of the welfare of the tubercular ex-service men in this State and in the veterans' hospitals located at Tucson and Prescott, the Arizona Hut idea was born.

Mrs. Greenway made a careful study of the situation following this meeting and traveled extensively, gathering ideas on how to run such an institution as she had in mind, so that it would best serve the disabled and ill ex-service men and women of Tucson and vicinity and assist them to regain their health and peace of mind at the same time that they were accumulating a little earnings, so much needed by them.

A workshop was opened in Tucson on April 14, 1927, with articles on display, most of which had been made by patients at the veterans' hospital at Pastime Park at the suggestion of Mrs. Greenway.

Cactus canes, toys, and trinkets from models furnished from eastern markets by Mrs. Greenway were the first things attempted, with the now famous cactus cane taking the lead in popularity. As machinery arrived for the hut and was installed by Mrs. Greenway, who has financed the entire project, sewing and carpenter work were started, and later leather work, copper work, and furniture manufacturing.

Gradually the hut work has turned into cabinetwork and the making of furniture, and this work now offers a splendid opportunity for the institution to get into large production, enter the local market for house furnishing, and thus afford more work for additional men and their families, who are also permitted to work at the hut.

No greater service was ever offered the disabled ex-service men and their families than this great work of Mrs. Greenway, and on the eve of its first anniversary Mrs. Greenway reports that the hut has not only found remarkable talent in these men and women, who before the advent of the hut were unable to put them to use, but that it has stimulated astounding amount of loyalty, sincerity, and determination on the part of those who have connected themselves with the work of the hut.

Sick men who before entering into this work were dissatisfied, unhappy, and sweating under the supervision and monotony of institutional life, or the prospects of it, have completely changed after a few months at the hut, and this has not only been noticed by Mrs. Greenway but by men of the medical profession who are on the advisory board of this hut.

A great deal of money has been invested in this idea, and a great deal of the time and energy of this friend of the ex-service men and women of this State as well. The end of the first year shows a financial loss to its sponsor, yet she feels, as do her close advisors, that the good that has been accomplished and the evident success of such an idea as a means of rehabilitating these sick men, and keeping those who are able out of the hospital, far exceeds in importance the amount of money lost during the first year of its existence.

The hut expended in 1927, $28,000, of which $13,893 went for material and equipment, $10,744 paid out for salaries to the disabled men working in or for the hut, and $3,338 spent for actual purchases of material made by disabled men and women. The hut had a $6,000 loss for the year 1927 and had on December 31, 1927, assets of approximately $10,000.

Amongst many others the following citizens of Tucson are serving as an advisory board in an effort to assist Mrs. Greenway in making this venture the success that it justly deserves. This committee was appointed a year ago by Col. A. J. Dougherty, now past commander of the American Legion, Department of Arizona; Dr. I. E. Huffman; Mr. Mathews; Mr. Mose Drachman; Mr. Condron; Mr. Fred Brown; Mr. John Rapp; Judge Sawtelle; Mrs. W. H. Lewellyn; Mr. Mike Noonan; Mr. Forrest Doucette; Dr. W. D. McFaul, commanding officer of the United States veterans' hospital, Tucson; Mr. O. T. Koch; Mrs. Carl Pastor; Mrs. Merton Martenson; Dr. S. H. Eckles; Mr. F. R. Griffith; State Senator Claude Smith; Mrs. C. A. Belin; and many others.

Sincerely yours,
F. E. DOUCETTE,
Associate Editor Southwest Veteran,
Director American Legion News Service, Tucson, Ariz.

EMPLOYMENT ON FEDERAL WORKS

On request of Mr. ASHURST, the following letter was referred to the Committee on Education and Labor and ordered to be printed in the RECORD:

EXECUTIVE OFFICE, STATEHOUSE,
Phoenix, Ariz., April 2, 1928.

MY DEAR SENATOR: I have been interested in reading newspaper comment on House bill 11141, introduced by Congressman ROBERT L. BACON, of New York. According to the newspaper accounts, the bill provides that contractors on Federal work shall give preference to local labor when feasible to do so.

It is reported that preference will be given to employment, "first, to citizens of the United States and of the State, Territory, or District in which the work is being performed who have been honorably discharged from the military or naval forces of the United States, and who are available or qualified to perform the work to which the employment relates; second, to citizens of the United States who are bona fide residents of the State, Territory, or District in which the work is being performed, and who are available and qualified to perform the work to which the employment relates; third, to citizens of the United States; fourth, to aliens."

The measure is a great improvement and highly desirable.

However, in order to be entirely satisfactory, I believe the fourth qualification permitting the employment of aliens on Government works should be dropped.

I believe you will agree with me that there should be a positive prohibition of the employment of aliens on any public works. I do not believe that it can be successfully contended that there are not sufficient citizens of required efficiency and training to perform our public work.

You are, of course, familiar with our statutes in Arizona which prohibit the employment of aliens on any work of the State or its subdivisions. Our State statute, however, permits the employment on public works of persons who have declared their intention to become citizens. We find that this provision is being widely abused by contractors who herd droves of Mexicans, usually, into the offices of the county recorders and have them file declarations of intention to become United States citizens. In practically all cases there is no intention or desire on the part of these declarants to become citizens of this country, and no further steps are ever taken toward becoming citizens. The procedure is merely subterfuge to conform to the letter of the law. It is resorted to by contractors in order to permit them to employ alien labor at rates of pay below those acceptable to citizen workmen. Thus the intent and purpose of the State law is to a large degree defeated.

I am for a straight-out enactment of a State law limiting employment on public works to citizens. I think the same should apply to Federal works. I believe that when Congress is enacting legislation on this subject the measure should be drafted so as to limit employment to citizens.

I find that the present situation with reference to Federal employment which allows contractors to hire alien laborers has caused great and frequent bitterness toward Federal departments on the part of citizen workmen in my State. We have had unemployment in Arizona in the last two years as has occurred over the country. In-

stances where contractors on forest highways, particularly in this State, have denied work to jobless citizens while giving employment to aliens, have caused a very unhealthy feeling among our citizens, and in one instance a near riot between races resulted.

I respectfully submit these thoughts to you for consideration in connection with the Bacon bill now pending before Congress.

With highest personal esteem, I am,

Very sincerely yours,

GEO. W. P. HUNT, *Governor.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

NAVAL APPROPRIATIONS

Mr. HALE. From the Committee on Appropriations I report back with amendments the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, and I submit a report (No. 786) thereon.

Mr. President, I give notice that I shall bring this bill before the Senate for consideration at the earliest possible moment, probably to-morrow morning.

The VICE PRESIDENT. Meanwhile the bill will be placed on the calendar.

REPORTS OF COMMITTEES

Mr. McMASTER, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3438) authorizing a per capita payment to the Rosebud Sioux Indians, South Dakota (Rept. No. 787); and

A bill (H. R. 6862) authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States (Rept. No. 788).

Mr. KENDRICK, from the Committee on Indian Affairs, to which was referred the bill (S. 3366) to authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from funds held in trust for them by the United States, reported it with amendment and submitted a report (No. 789) thereon.

He also, from the same committee, to which was referred the bill (H. R. 11478) to amend an act to allot lands to children on the Crow Reservation, Mont., reported it without amendment and submitted a report (No. 790) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 11629) to amend the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service, reported it with amendment and submitted a report (No. 791) thereon.

Mr. BRUCE, from the Committee on Interstate Commerce, to which was referred the bill (S. 3723) to amend and reenact subdivision (a) of section 209 of the transportation act, 1920, reported it without amendment and submitted a report (No. 792) thereon.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 1945) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended, and for other purposes, reported it with amendments and submitted a report (No. 793) thereon.

Mr. COUZENS, from the Committee on Education and Labor, to which was referred the bill (S. 3554) to authorize the National Academy of Sciences to investigate the means and methods for affording Federal aid in discovering a cure for cancer, and for other purposes, reported it with amendments and submitted a report (No. 794) thereon.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the enrolled bill (S. 1628) relating to the Office of Public Buildings and Public Parks of the National Capital.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LA FOLLETTE:

A bill (S.4027) granting a pension to Samuel A. Fields; and

A bill (S. 4028) granting a pension to Hubert J. Secord; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 4029) granting a pension to Catherine Dyer; to the Committee on Pensions.

By Mr. FESS:

A bill (S. 4030) granting an increase of pension to Harriett J. White; to the Committee on Pensions.

By Mr. DENEEN:

A bill (S. 4031) granting a pension to George Bauman;

A bill (S. 4032) granting an increase of pension to Frances A. Robinson; and

A bill (S. 4033) granting an increase of pension to John A. Bohman; to the Committee on Pensions.

A bill (S. 4034) authorizing the Calhoun Bridge Co., an Illinois corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Illinois River at or near Grafton, Ill.; to the Committee on Commerce.

By Mr. McLEAN:

A bill (S. 4035) authorizing conveyance to the city of Hartford, Conn., of title to site and building of the present Federal building in that city; to the Committee on Public Buildings and Grounds.

By Mr. FRAZIER (by request):

A bill (S. 4036) to authorize the Secretary of War to transfer the control of certain land in Oregon to the Secretary of the Interior; to the Committee on Indian Affairs.

By Mr. COPELAND:

A bill (S. 4037) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," approved August 24, 1912; to the Committee on Interoceanic Canals.

By Mr. FESS:

A bill (S. 4038) for the relief of Mary Horstman; to the Committee on Finance.

By Mr. NORBECK (by request):

A bill (S. 4039) to exempt joint-stock land banks from the provisions of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended; to the Committee on Banking and Currency.

By Mr. SHIPSTEAD:

A bill (S. 4040) for the relief of A. M. O'Donnell; to the Committee on Claims.

By Mr. CUTTING:

A bill (S. 4041) to amend section 200 of the World War veterans' act, 1924, as amended; to the Committee on Finance.

By Mr. WHEELER:

A bill (S. 4042) to limit construction charges against irrigable lands in the Crow irrigation project, State of Montana, to $40 an acre; and

A bill (S. 4043) to limit construction charges against irrigable lands in the Fort Belknap irrigation project, State of Montana, to $40 an acre; to the Committee on Irrigation and Reclamation.

By Mr. REED of Pennsylvania:

A bill (S. 4044) to authorize the Albert J. Lentz Post, No. 202, American Legion, of Gettysburg, Pa., to erect and maintain a post home on the grounds of the Gettysburg National Military Park; to the Committee on Military Affairs.

By Mr. TYSON:

A bill (S. 4045) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Newport-Asheville (N. C.) road in Cocke County, Tenn.; to the Committee on Commerce.

By Mr. HEFLIN:

A joint resolution (S. J. Res. 127) requesting the President to withdraw from Nicaragua the armed forces of the United States or obtain authority from Congress to keep them there; ordered to lie on the table.

CHANGES OF REFERENCE

Mr. JONES. I ask unanimous consent that the Committee on Indian Affairs may be discharged from the further consideration of the bill (S. 3211) for the relief of F. Stanley Millichamp, and that the bill and all papers connected with it be referred to the Committee on Claims.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). Without objection, it is so ordered.

On motion of Mr. FRAZIER, the Committee on Indian Affairs was discharged from the further consideration of the bill (H. R. 10327) for the relief of Charles J. Hunt, and it was referred to the Committee on Claims.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL

Mr. COPELAND submitted an amendment intended to be proposed by him to House bill 12875, the legislative appropriation bill for the fiscal year 1929, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place insert the following:

"For services of Dr. G. R. King as a sanitary engineer in the office of the Architect of the Capitol, at the rate of $3,600 per annum, and for a helper and supplies, $1,400; in all, $5,000."

OFFICERS HOLDING OVER AFTER EXPIRATION OF TERM

Mr. FRAZIER submitted an amendment intended to be proposed by him to the bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired, which was ordered to lie on the table and to be printed.

TUBERCULAR INFECTION OF ANIMALS (S. DOC. NO. 85)

Mr. CARAWAY. The Senator from Virginia [Mr. GLASS] has prepared a most interesting statement dealing with the tubercular infection of animals. Many stock growers are interested in the subject, and I ask unanimous consent that the statement may be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bill and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 12632. An act to provide for the eradication or control of the European corn borer; and

H. J. Res. 200. Joint resolution to amend section 10 of the act entitled "An act to establish the Upper Mississippi River Wild Life and Fish Refuge," approved June 7, 1924; to the Committee on Agriculture and Forestry.

H. J. Res. 244. Joint resolution authorizing a modification of the adopted project for Oakland Harbor, Calif.; and

H. J. Res. 256. Joint resolution authorizing the United States Bureau of Public Roads to make a survey of the uncompleted bridges of the Oversea Highway from Key West to the mainland, in the State of Florida, with a view of obtaining the cost of the construction of said bridges, and report their findings to Congress; to the Committee on Commerce.

ANDREW W. MELLON, SECRETARY OF THE TREASURY

Mr. COUZENS. Mr. President, on March 22, this year, in a discussion on Senate Resolution 173, the Senator from New Hampshire [Mr. MOSES] made a statement which appears on page 5151 of the RECORD, in which he made the charge that the introduction of this resolution was the result of a private feud between the Senator from Michigan and the Secretary of the Treasury. He said the statement I had just made in the Senate with reference to the resolution was vicious, malicious, and, he believed, untrue in most instances.

In view of these charges made by the Senator from New Hampshire, it seems incumbent upon me to make a reply to such allegations and in doing so to set forth all the facts in chronological order.

Mr. MOSES. Mr. President, will the Senator yield for an interruption at that point?

Mr. COUZENS. Yes; I yield.

Mr. MOSES. The recital which the Senator from Michigan has made of my words is correct. I realize that their nature, their implication, and their general character infringe Rule XIX of the Senate. There is no Senator more than I who, because of my being frequently called upon to administer the rules, should be more scrupulous in observing them. In this instance I find myself clearly in the wrong. I deeply regret it. I offer my regrets to the Senate and to the Senator whose susceptibilities I have unintentionally wounded. I ask, so far as the RECORD will permit, that the words which are the cause of my offending may be withdrawn.

Mr. President, there has never been a time in my life when I have hesitated to make instant and complete reparation for any wrong which I have committed. That time has certainly not come in this episode. I had no intention of imputing an improper or an unworthy motive to the Senator who has been, I recognize, wholly within his rights; and in order that I may be inclusive in what I have to say, I want to add that in recognizing this I recognize, as with all other Senators, the Senator's sincerity, tenacity of purpose, and courage with which he follows his convictions.

Mr. COUZENS. I desire to thank the Senator, and in continuing my recitation of the history of this matter I shall eliminate any further reference to the Senator's remarks. The only further interest I have is to demonstrate, if possible, that this is not a feud.

Before starting in on the discussion, however, I desire to say that I shall not be intimidated by any statement that the Senator from New Hampshire may make or by any condemnation or ridicule by any part of the press of the country. I am unafraid to approach my duties as a public officer because of any fear of condemnation or ridicule.

This fight may be called a feud by anyone who so desires, but I wish to assure the Senate and the public that it is not a feud. It is rather a protest against a system of government administered under the domination of men of great wealth, a system that has been in force a number of years. It involves the widespread power of wealth in the hands of persons who use it improperly. The ramifications of this power are much more far-reaching than simply the administration of the Treasury Department. It involves the freedom of Members of Congress, as I will hereinafter show. It involves the freedom of the press, as the records of the Treasury will show. It involves the whole people, not alone the people who pay taxes.

I shall, as briefly as possible, endeavor to give in chronological order the history of this controversy from the beginning.

On November 10, 1923, for consideration of the Sixty-eighth Congress, first session, the Secretary of the Treasury presented his program for tax reduction. On December 20, 1923, I wrote Mr. Mellon asking certain questions as to his reasons for his recommendations—a copy of my letter appears on page 915 of the CONGRESSIONAL RECORD of January 14, 1924.

On January 2, 1924, the Secretary replied, and in the concluding sentence of his letter he said:

> Common experience and all statistics available point to the same end. What is the remedy? Let us have diagnosis and cure—not autopsy and verdict.

The complete letter appears on page 916 of the CONGRESSIONAL RECORD of January 14, 1924.

The Secretary, evidently believing that he had made a most convincing argument in his letter of January 2, called me on the telephone and said he had another inquiry along the same lines as that of mine and wanted to know if he might use his letter to me of January 2, 1924, to which I replied he had my permission to use it as he pleased.

The letters were then given to the public by the Secretary, and, I think, all subsequent correspondence. If there was a desire for a feud then it was first indicated by his request because I had not considered our correspondence as public.

From that time on there were several exchanges of letters continuing over quite some time. The correspondence in part will be found on pages 917 and 918 of the CONGRESSIONAL RECORD of January 14, 1924, and on pages 1205, 1206, and 1207 of the CONGRESSIONAL RECORD of January 21, 1924, Sixty-eighth Congress, first session. These were all put in the RECORD by the Senator from Mississippi [Mr. HARRISON].

Three letters, one dated January 24, 1924, written to me by the Secretary, to which I replied on February 6, and the letter from the Secretary ending the correspondence on February 15, 1925, have not been placed in the RECORD, so far as I know.

The result of this correspondence being published was that many letters came to my office criticizing the conduct of the Bureau of Internal Revenue. From 8 to 10 employees and ex-employees of the bureau came to see me to state their complaints and to point out the conditions of the bureau.

Between December 21, 1923, and January 10, 1924, the New York World published a series of stories criticizing the Bureau of Internal Revenue for its manner of handling tax cases.

The National Industrial Conference Board, representing large manufacturers, criticized the bureau in a statement, which, in part, is as follows—the statement, by the way, was published before this controversy started—

> Dissatisfaction with our present administration of the income tax is heard on all sides and complaints are not without justification. Cases of arbitrary and unreasonable assessments are by no means rare, a situation often due to immature judgment or lack of adequate knowledge on the part of the Government official or agent. Business firms are sometimes confronted with assessments that are many times the tax as finally determined, but the final determination of the tax often takes years, and in the meantime the threatened tax makes impossible business extensions and improvements which are necessary or desirable.

In addition to this, Mr. Mellon had suggested that "Let us have diagnosis and cure—not autopsy and verdict"; so I accepted this suggestion, and on February 21, 1924, I introduced Senate Resolution 168, as follows:

> Whereas the Bureau of Internal Revenue of the Treasury Department has not, according to reports, completed settlement of all tax cases for the year 1917, which cases should have been settled long ago, and—

And, by the way, later reports indicate that many of them are not as yet settled.

> Whereas this delay is indication of improper organization or gross inefficiency, or the bureau's handicap by conditions of which the Senate is not aware, and

Whereas as the result of this system and this delay the Government has, it is claimed, lost millions of dollars, taxpayers have been and still are oppressed, and corruption or the opportunity for corruption exists; and

Whereas rates for income tax are governed entirely by the administration or lack of it; and

Whereas there can be no helpful, honest, sincere, and intelligent action on the rates of taxation until this system is corrected: Therefore be it

Resolved, That the President pro tempore of the Senate is authorized to appoint a special committee of five Members, three of whom shall be of the majority party and two of the minority party, which shall investigate the Bureau of Internal Revenue to ascertain the extent to which said conditions exist and report thereon not later than April 1, 1924, so that this information may be ready for the Senate in considering a tax revision and tax reduction bill now before the House of Representatives.

The committee is authorized to hold hearings, to sit during the sessions and recesses of the Sixty-eighth Congress, and to employ such stenographic and other assistants as it may deem advisable. The committee is further authorized to send for persons and papers; to require by subpœna the attendance of witnesses, the production of books, papers, and documents; to administer oaths; and to take testimony. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee shall be paid from the contingent fund of the Senate.

On March 5, 1924, the Committee to Audit and Control the Contingent Expenses of the Senate reported the resolution. On March 7, 1924, the resolution was referred to the Committee on Finance, and on March 10, 1924, the Committee on Finance reported the resolution back to the Senate. On March 12, 1924—page 4023 of the RECORD—the resolution was adopted without a record vote after all the preamble and provision for the employment of experts had been stricken out. The senior Senator from Kansas [Mr. CURTIS] was occupying the chair, and he appointed Senators WATSON, Ernst, Jones of New Mexico, KING, and COUZENS, with Senator WATSON as chairman. On March 14, 1924, the committee held its first meeting.

The resolution shows that we had no authority to employ experts, lawyers, accountants, or engineers. We attempted to get along without the employment of such experts but it seemed impossible, so finally Senator Jones of New Mexico, recognizing the situation, suggested that we should arrange for the appointment of counsel. On April 9, 1924, I offered a resolution in the committee—page 505 of the committee hearings—providing that Francis J. Heney, of California, be appointed counsel for the committee.

The committee approved the resolution by a vote of 3 to 2, with Senators WATSON and Ernst dissenting. As the committee was without funds and I had had difficulty in getting the resolution out of the Committee on Finance, I proposed to pay the expense of counsel. It afterwards developed that to have done this might have been against the law. Although four members of our committee were lawyers, none of them suggested to me that it would be illegal, the statute prohibiting it had evidently slipped their minds, and I, of course, knew nothing about it.

However, on page 511 of the committee record Senator KING said:

> I would prefer that a provision be inserted that his activities—
>
> Mr. Heney's—
>
> in connection with preparing the case, that his work should be done under the direction of the committee.

To this we all agreed as will appear by the colloquy that took place on pages 513 to 516 of the committee record. The resolution authorizing the appointment of counsel was thus approved, April 9, 1924.

Just prior to this action to authorize the employment of counsel, namely on March 24, 1924 (page 200 of the record of committee hearings), I asked Mr. Hartson, solicitor of the bureau, if he could give us any information within the rules, concerning the Standard Steel Car Co. case. Mr. Hartson replied that all of the cases in connection with which the Secretary's name had been mentioned would be submitted very gladly to the committee. He further stated that he was quite certain that this was going to be done in the case of all of the Secretary's companies.

On March 25, 1924, page 223 of the record of hearings of the committee, Deputy Commissioner Nash said to the committee that he had a statement from the Secretary of the Treasury to present to the chairman of the committee, Senator WATSON. The letter read:

In the hearing before your committee yesterday, what purported to be a copy of a memorandum delivered by an ex-employee to a member of your committee was introduced and has been made the basis of headlines in the newspapers which might lead the public to believe I had sought to influence the Bureau of Internal Revenue in its consideration of the tax liability of certain companies in which I am interested as a stockholder. As I have already stated, I have never interfered in any way with the Bureau of Internal Revenue in any tax matter, least of all would I do so in cases in which it might be charged that I was personally concerned. I feel, however, that it is due to me and to the companies involved that your committee make an immediate investigation in order that you may thoroughly satisfy yourself and the public whether or not these companies have received any favors from the Government.

Three companies which have been mentioned are the Gulf Refining Co. and its subsidiaries, the Standard Steel Car Co. and the Aluminum Co. of America. Each of these companies has advised the Commissioner of Internal Revenue that it waives its right to privacy under the statute and the Commissioner is authorized to produce to your committee without restriction of any kind all of the tax returns and accompanying papers for each tax year. Messrs. Ernst & Ernst, certified public accountants, are familiar with the tax adjustments of these companies, since they handled their presentation before the bureau. They can, undoubtedly, be of assistance to your committee in explaining the complicated questions involved, and I am informed are ready to respond to any call of your committee. Mr. A. C. Ernst will be in Washington on the 26th and will be available then or thereafter. If question is later raised with respect to any other companies in which I may be interested, I shall be glad to do what I can to obtain similar publicity to their returns.

(Signed) A. W. MELLON,
Secretary of the Treasury.

I draw this to the attention of the Senate to emphasize that the inquiry into Mr. Mellon's companies was made at his request and not at my request, as claimed by former Senator Ernst and some of the press.

On April 10, 1924, I became ill and was afterwards sent to Johns Hopkins Hospital for an operation and was unable to return to the Senate until June 6, 1924, and on June 7, 1924, the Senate adjourned.

While I was absent, on April 10, 1924, the President sent to the Senate a message and inclosed a letter addressed to him by Mr. Mellon. They are printed on page 6087 of the CONGRESSIONAL RECORD of that date.

The President's message said in part:

> It seemed that the request for a list of the companies in which the Secretary of the Treasury was alleged to be interested, for the purpose of investigating their tax returns, must have been dictated by some other motive than a desire to secure information for the purpose of legislation.

As I have just pointed out, the Secretary had requested that very thing himself. The President evidently had not been informed by Mr. Mellon that he himself had asked to have the tax returns of the companies in which he was interested investigated. I quote from a part of the Secretary's letter:

> From the line of investigation selected by Senator COUZENS and by the atmosphere which he has seen fit to inject into the inquiry it is now obvious that his sole purpose is to vent some personal grievance against me.

At that time I had no personal grievance.

> All companies in which I have been interested have been sought out. This investigation has disclosed that no company in which I may have been interested has received any different or better treatment than any other taxpayer. Any constructive purpose of the committee has now been abandoned.
>
> At a meeting of the committee yesterday Senator COUZENS carried a resolution against the objection of the two Republican members, empowering Francis J. Heney to assume charge of the investigation and to conduct the examination of witnesses, with the understanding expressly stated in the resolution that neither the committee nor the Government pay Heney's compensation. In effect, a private individual is authorized to investigate generally an executive department of the Government. This individual is paid by, not the Senate or its committee, but Senator COUZENS alone.

It will be noticed here that 17 days after Secretary Mellon had declared, as due him and his companies, that they be investigated, that he complains that all the companies in which he had been interested had been sought out for investigation. In addition to this, I desire to point out that Mr. Mellon further stated the investigation had disclosed that no company in which he may have been interested had received any different or better treatment than any other taxpayer, and yet only 17 days had elapsed from the time he asked us to make this investigation until the time he complains we were selecting his companies.

Incidentally, at that point I may state that we had nobody to examine the returns. We did hold hearings in which we heard complaints; but we had no experts to investigate the files that had been furnished the committee by the Secretary.

The facts are apparent. It will be seen that we had no one to make the investigation. It was therefore obvious that the Secretary was saying something that was untrue when he said:

> This investigation has disclosed that no company in which I may have been interested has received any different or better treatment than any other company.

Mr. Mellon was at that time protesting against our employing some one to make the investigation. I desire to emphasize here that the resolution adopted by the committee clearly stated that Mr. Heney's activities were to be under the complete control of the committee and that nothing could be done by him without first getting instructions and directions by the committee in executive session.

Mr. Mellon further advised the President—

> Government business can not continue to be conducted with frequent interference by investigations of Congress, entirely destructive in their character. Government by investigation is not government.

This will appear very strange reading, in view of what the investigations of the Senate have disclosed in the matter of oil leases, the conduct of the Department of Justice under Attorney General Daugherty, and the conduct of the Veterans' Bureau under Mr. Forbes, and the conduct of former and present Cabinet officers in the handling of the deficiency in the Republican campaign fund of 1920.

Strange that Government by investigation is not government in view of all these disclosures. The disclosures of the committee investigating the Bureau of Internal Revenue will not be dealt with here, because I am simply replying to Senator MOSES's charges that this is a feud.

On the same day that the President's message was received by the Senate, Senator WATSON, of Indiana, introduced Senate Resolution 210, which called for the discharge of the Select Committee of the Senate to Investigate the Bureau of Internal Revenue. On April 11, 1924, Senator Jones of New Mexico, introduced Senate Resolution 211, which provided for the continuation of the committee work and the appointment of experts, counsel, engineers, and so forth. From then on, intermittently, there was discussion concerning these resolutions until May 6, 1924, when the Senate, without a record vote, adopted Senator Jones's Resolution 211, and then, without a record vote, laid Senator WATSON's resolution on the table.

While I was in the hospital at this time and could not participate, the RECORD evidences an overwhelming conviction that the investigation should continue. However, Chairman WATSON held no meeting and Congress adjourned June 7, 1924.

On July 22, 1924, Senator WATSON called me by phone at Detroit and said he wanted a meeting of the committee to investigate the Bureau of Internal Revenue. We agreed over the telephone to hold a meeting on July 25, and I came to Washington for that purpose.

At this meeting Senator WATSON resigned as chairman and I was selected by the committee in his place. Senator Jones and I were named as a committee to employ experts and assistants. From then on an organization was completed, and work continued with numerous hearings until January 3, 1925, when the committee began transmitting to the Senate reports of evidence taken in executive sessions signed unanimously by the committee. These reports were filed in installments because of the volume of evidence. The reports were not printed in the RECORD, but were filed in the office of the Secretary of the Senate.

On March 7, 1925, the New York World published a first-page account of some of this testimony under the heading:

> Thompson saved huge income tax, record reveals.

This date is important. I hope Senators who are listening will remember that that was March 7, 1925. The reference was to the case of William Boyce Thompson, chairman of the ways and means committee of the Republican National Committee, and the man referred to by Mr. Mellon before the Public Lands Committee recently as being active with Will Hays in raising the Republican campaign fund of 1920.

Remember that this was on March 7, 1925, early in the morning that the New York World came out with this story, because on the same afternoon, or about eight hours thereafter, Commissioner David H. Blair and his assistant, Deputy Commissioner C. R. Nash, appeared at the door of the Senate, invited me outside, and told me they wanted to present me with some papers they had. I took the commissioner and his assistant, Mr. Nash, into the Vice President's office, which was not occupied, and then Commissioner Blair handed me the following letter:

> MY DEAR SENATOR: I inclose herewith a copy of a memorandum which has been received in the Treasury Department in connection with your 1919 income taxes. An examination of your return for that year shows that the figures mentioned in the memorandum as of March 1, 1913, market value of the stock for taxation purposes, approximate the value upon which the tax was originally assessed, but there appears nothing in the files of the bureau to sustain the correctness of this value. The memorandum, on the other hand, makes out a prima facie case of too low a March 1, 1913, value.
>
> Being put upon notice, the bureau necessarily must take action to establish the correct value. The bureau records show that your return for 1919 was filed on March 13, 1920. The statute of limitations will, therefore, run on March 13, 1925, less than a week from to-day. In order that the bureau may have time to investigate the information contained in the memorandum and that you may have an opportunity to present to the bureau evidence tending to justify the figure estimated for the March 1, 1913, value, it is suggested that you sign and return to me the inclosed waiver, upon receipt of which you will be given ample opportunity to present your case to the bureau.
>
> In the event, however, that the bureau does not receive the waiver promptly, in order to protect the United States, it will be necessary to assess against you an additional tax based upon the information now available to the bureau.
>
> Under the practice in force hearing to review such an assessment may be had in the solicitor's office, and in the event the assessment is there confirmed you will, of course, have your appeal to the Board of Tax Appeals.
>
> Yours very truly,
>
> D. H. BLAIR, *Commissioner.*

With the letter he handed me a memorandum which charged that a valuation made by the bureau in 1919 of the Ford Motor Co. stock, as of March 1, 1913, was in error and that I owed the Government additional taxes of between ten million and eleven million dollars.

Mr. Blair would not tell me who the author of the memorandum was.

This seemed a very strange procedure in view of the fact that all communications on other tax matters had been mailed to my legal residence in Michigan.

I thought that if I should sign the waiver while investigating the Bureau of Internal Revenue that my waiver might be considered as a club to halt the work that I was trying to do, so I promptly declined to sign it.

On March 13, or thereabouts, information came to me that seemed reliable that the Treasury Department had a like memorandum submitted to it early in 1922. I had no way of verifying this. However, on March 13, I drew the Senate's attention to this fact, record of which will appear on page 193 of the RECORD. I did this because the 1922 memorandum, it will be observed, was filed with the bureau at the time there was a political fight being made against the seating of Senator Truman H. Newberry.

Mr. Mellon evidently was in New York, because on March 14 former Senator Ernst, of Kentucky, received the following telegram from Mr. Mellon:

> I understand that you wish to learn from me when first there was brought to my attention the question of an additional tax being due from Senator COUZENS on his 1919 taxes. While Finance Committee was considering extension of life of Couzens committee in February, this year, the person who later furnished the memorandum which Mr. Blair sent Senator COUZENS called on me and stated that the minority stockholders, including Senator COUZENS, who sold out to Mr. Ford in 1919, owed large additional taxes. The information was entirely new to me. I was unwilling to raise the question then, because I would be charged with attempting to intimidate Senator COUZENS in his effort to have his committee extended. On March 6 of this year I received a memorandum giving detailed information with respect to the valuation of the Ford stock, a copy of which was delivered to Senator COUZENS the next day by Mr. Blair.

I draw your attention that Mr. Mellon had information concerning this alleged condition in February, but he says he would not act upon it because the life of the Couzens committee was in the balance and he might be charged with attempting to intimidate me in my effort to have the committee extended. However, he had no hesitancy in proceeding after the authority of the committee had been extended and we had real power to continue the investigation.

For reference, I desire to point out that on February 9, 1925, I introduced Senate Resolution 333, to extend the life of the Select Committee of the Senate Investigating the Bureau of Internal Revenue. The resolution was adopted February 26, 1925. This point I desire to bring out—that even then no assess-

ment was made against me until the day that some of the evidence commenced to appear in the public press.

During the speech of the former Senator from Kentucky, Mr. Ernst, and after he had read the telegram from Mr. Mellon, the Senator from Virginia took the floor and told how the valuation of 1919 was made by the best men in the bureau, and said that the Senator from Kentucky had emphasized the suggestion that this memorandum was "newly discovered evidence"—so "newly discovered evidence that the Treasury Department had but a few days to avert the disadvantage of the statute of limitations." The Senator from Virginia asked anyone to point out one statement from the Secretary of the Treasury wherein the Secretary contended this memorandum was "newly discovered evidence."

The assessment was formally made before the running of the statute of limitations, as a so-called jeopardy assessment. The amount involved some $30,000,000 additional assessment against my former associates and myself.

After the assessment was made, all but one of the taxpayers put up bonds and appealed to the Board of Tax Appeals. The first hearings before the Board of Tax Appeals took place in Detroit in January, 1927. On January 17, 1927, one of the attorneys for the taxpayers addressed the board as follows:

Mr. DAVIES. In connection with this 1922 memorandum we would like to ask the Government whether there are any memoranda or documents pertaining thereto in the files of the Treasury Department, disclosing when, if at any time, it was considered, and by whom. And if he is unable to give us that, we would then request that he give us the name of the official who could answer certain inquiries with reference to the course of this memoranda and what happened to it in the Treasury Department, under oath, subject to subpœna.

To this request the counsel for the bureau made objections. To these objections Mr. John W. Davis, counsel for the taxpayers, said:

May I say one word? Quite regardless of the question of procedure, whether this evidence is to be procured by subpœna duces tecum, or by successive subpœnas to every officer of the bureau who might by any possibility have cognizance of these facts—which, of course, would be within our rights—or whether it is to be produced as a result of a voluntary tender on the part of the Government is, in the last analysis, a matter of convenience as between counsel, the board, and the Government. But it seems to me, on the question of right, there is something very deep in connection with this particular demand.

This suit is something more than a mere contest between private litigants, each one striving for an advantage, each one desirous to give to his adversary so much information and no more, and as he may be compelled to furnish by the rules of law.

This suit is a contest between the Government and the citizens, and I maintain it to be a fundamental right of a citizen when confronted by his Government to know everything that the Government or any one of its officers has done that affects in the most remote fashion the right that he asserts.

There are no secrets between the Government of the United States and the citizens who support it, and there should be none. There is no bureau in Washington that should not be open from top to bottom to any citizen of the United States in any matter that concerns the slightest of his rights.

This is not a contest for final victory between these parties. Mr. Fred Lehman, of St. Louis, when he was Solicitor General of the United States, gave voice to an epigram that I have always believed ought to be framed and hung on the walls of every legal representative of the United States, or, indeed, of any representatives of the United States who is charged with the solution of a controversy with any citizen; and that epigram was this: "That whenever the case is decided right, the Government wins." And so it does; because the major purpose of any Government is to do justice between the citizen and the power that he supports and to whom he owes allegiance. So, I insist that, as a matter of substantive right here, whatever the machinery may be by which we reach it—and that is a matter purely of convenience—but as to substantive right, there is no demand that we can make on the Bureau of Internal Revenue that it is not its duty to comply with.

I think that statement is so clear and so important in all the affairs of our Government that I wanted to have it placed forever in the CONGRESSIONAL RECORD.

The Board of Tax Appeals did not rule on the demand for this file of 1922 which it was charged the bureau had.

In the afternoon of the same day and after the noon recess Mr. Gregg, counsel for the bureau, returned to the Board of Tax Appeals, and for the first time admitted there was a file of 1922. Remember, this was in January, 1927. He asked the attorneys for the taxpayers to designate some representative to view that file in his office, and said he "would be glad to furnish him with any part of it he might desire."

Two attorneys for the taxpayers, Mr. Prettyman and Judge Lacy, were appointed to inspect the file in Mr. Gregg's office in Detroit.

During the inspection of the file Judge Lacy, counsel for the taxpayers, asked Mr. Gregg for permission to have the file overnight so that he might copy from it what he desired to copy. When the attorneys got into the file they found that they needed it all, so they had the entire file photostated and turned the original file back to Mr. Gregg the next morning.

After conclusion of the hearings in Detroit, the board took up the case again in Washington, and on February 12, 1927, this file was introduced into the record, page 2650.

As a result of securing this file, we found a letter from the senior Senator from Indiana [Mr. WATSON] to Hon. David H. Blair, dated February 11, 1922. The letter reads as follows:

I am writing you at your home—

At your home—

because I want you to get this letter. After you read the inclosed, return the whole thing to me, as I want to use it in the future. This refers to the subject of taxation, in so far as it relates to Henry Ford, a matter I have hitherto taken up with you, but which we did not run to a finality. Look this over carefully, and if you deem it worthy of further consideration set somebody to work on it to find out just what there is to it. I shall be very glad if you will do this. With best wishes,

Sincerely yours,

JAMES E. WATSON.

This appears on page 2656 of the transcript of hearings before the Board of Tax Appeals.

To this Commissioner Blair replied under date of February 15:

I am returning the papers which I received from you yesterday. I have made a copy of the statement so as to make another investigation. I shall trace it this time through entirely different channel, and if we get any results we shall let you know. I thank you for calling my attention to it.

Another paper in this file was one dated February 27, 1922, addressed to Mr. Chatterton, assistant to the deputy commissioner, signed by one Paul F. Cain, assistant head special audit division.

At this point I ask unanimous consent to have the complete memorandum placed in the RECORD.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). Is there objection?

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

FEBRUARY 27, 1922.

In re: Ford Motor Co., Detroit, Mich.

Mr. CHATTERTON: With reference to the case mentioned above, which we have been discussing and in which the point as considered by us was the value of March 1, 1913, of the stock of this corporation, you are advised that I find a memorandum dated May 17, 1919, signed by Mr. P. S. Talbert, acting deputy commissioner, in which he arrives at a value of $9,489.34 per share as of March 1, 1913, and in this connection I have worked up three possible methods which might be used in determining the value as of March 1, 1913.

The first and usual method of determining the March 1, 1913, value would be to take the earnings of five years prior to March 1, 1913, and capitalize these earnings on the basis of 10 per cent and consider this as the March 1, 1913, valuation.

In this case it is not possible to secure earnings for the entire five years prior to March 1, 1913, but earnings for four years and five months from October 1, 1908, to February 28, 1913, were secured and show the value of $3,617 as the value of one share of stock of this corporation as of March 1, 1913. The exact means by which this value was determined may be shown as follows:

Earnings October 1, 1908, to February 28, 1913

Four years five months	$31,950,006.93
Earnings 1 month (average)	602,830.32
Earnings 1 year (average)	7,239,963.84
Earnings per share (based on 20,000 shares of capital stock)	361.70
Value based on 10 per cent capitalization	3,617.00

This method, of course, presupposes that average conditions were prevailing from the four years and five months and does not take into account any unusual changes that might have taken place in any period during this period. Since there was a marked change in the general policy in the expansion of the business during the year 1912, it seems to me that it is entirely unfair to use the years prior to 1912 and average the earnings for those years along with 1912 and 1913, when entirely different conditions were prevailing. It seems that in 1912 plans for expansion of the business were set in motion, properties were bought in many sections of the country, assembling plants were constructed, and various other similar factors became a part of the policy

of the corporation, all of which would have a decided effect upon the earning capacity and value of stock of the corporation. That such a change did have a decided effect is shown from the fact that the average earnings for the four years and five months prior to March 1, 1913 (even considering 1912 as a part of the period) showed $7,233,963.84, whereas the earnings for the year 1912 were $14,119,989.87 and for the year 1913, $26,651,754.92, and this rate of earnings was continued subsequent to 1913, increasing rather than decreasing. I therefore feel that while it is unusual, at the same time it is entirely reasonable to work on that short period from January 1, 1912, to March 1, 1913, and determine, if possible, a fair value for the stock. Two possible methods may be used. In the first place, we may proceed as follows:

Earnings, Jan. 1, 1912, to Dec. 31, 1912	$14,119,989.87
Earnings, Jan. 1, 1913, to Feb. 28, 1913	3,972,896.17
Total earnings for 14 months	18,092,886.04
Average earnings for 1 month	1,292,349.00
Average earnings for 12 months	15,508,188.00
Earnings per share (20,000 shares)	775.40
Value per share based on 10 per cent capitalization	7,754.00

A second method, and that used in values which are now under consideration, is one slightly different from the one used above, and is as follows:

Earnings Jan. 1, 1912, to Dec. 31, 1912	$14,119,989.87
Earnings, Jan. 1, 1913, to Feb. 28, 1913, $3,972,896.17. Assumed earnings for year 1913 based on earnings for the first 2 months of 1913 ($3,972,896.17 by 6)	23,837,377.02
Total	37,957,366.89
Average for 1 year	18,978,683.44
Earnings per share (20,000 shares)	948.934
Value per share based on capitalization of 10 per cent	9,489.34

Of the two methods outlined above, it would seem to me that the method that has been used in this case is the preferable one, although it does not conform exactly to A. R. M. 34, in that to a certain extent it might be said to take into consideration subsequent years, although I feel this is true only in a slight degree. It will be noted that the earnings for the full year 1912 were considered and then the earnings for 1913 were determined as an estimate based on the earnings which had accrued to March 1, 1913. It would seem reasonable to suppose that a purchaser of this stock could take into consideration that the earnings for 1912 (since the marked change in financial policy and expansion of business) were approximately $14,000,000, and that an amount had been earned during the first two months of 1913 which if continued during 1913 would show an earning of a little less than $24,000,000; that the estimate for the year 1913 based on the first two months was conservative is shown when the earnings for the entire year are finally determined, in that the total earnings for the year are found to be approximately $26,650,000. In view of the fact shown above and the general study I have made of this case, I feel that a fair estimate of the value of this property was arrived at in the figure of $9,489.34, and that this is more nearly correct than either the figure of $3,617 or $7,754, and that the value which has already been used is a fair value.

PAUL F. CAIN,
Assistant Head, Special Audit Division.

Mr. COUZENS. Mr. President, I am not going to take up the time of the Senate to have the memorandum read, but will comment on the findings in the memorandum.

Mr. Cain reviews the earnings of the Ford Motor Co. and several estimates of the value of the stock as of March 1, 1913. The value of the stock as of March 1, 1913, is the controversial issue.

After Mr. Cain had elaborately reviewed all of these estimates of the valuation, as appeared in the statement I have put in the RECORD, he concludes his memorandum with the following sentence:

In view of the facts shown above and the general study I have made of this case, I feel that a fair estimate of the value of this property was arrived at in the figure of $9,489.34 and that this is more nearly correct than either the figure of $3,617 or $7,754 and that the value which has already been used is a fair value.

That is a determination of the valuation made by Mr. Roper in the Treasury Department during 1919.

The file to which I have above referred to was marked on its cover "Henry Ford," it evidently being thought that if this valuation was improper or incorrect any additional tax could be made against Henry Ford. This was in error, because it was later disclosed that individual stockholders were the responsible parties.

This file contains another paper, dated May 22, 1922, signed by Special Agent P. L. Roche, of the special intelligence unit, which says in part:

It is further alleged that the sale was consummated and completed upon these figures; that a contract was entered into between Mr. Ford and the vendors above named, by which Mr. Ford agreed to assume all responsibilities in case of any reaudit and reappraisal in the transaction.

If an examination of the records in the bureau at Washington fails to show that an appropriate tax was paid, based on the figures shown in this report, I suggest that a case be jacketed on this matter and referred to this division for investigation.

Another letter in the file is addressed to the chief of special intelligence unit of the Internal Revenue Bureau. That unit is a special unit for the investigation of cases that might not have been handled properly in some other division, or in which there is an indication that fraud may have existed. The letter is from Special Agent Nolan at Chicago, dated May 23, 1922, and in its conclusion says:

It is suggested that an examination of the records of the bureau be made with a view of determining whether a return compatible with the figures mentioned by Special Agent Roche has been made. In the event of a discrepancy sufficient to justify a further investigation appears, it is recommended that the case be jacketed and recommended to this department for investigation.

Another communication in the file, dated June 21, 1922, signed Special Agent J. R. Cox and addressed to Mr. Irey, chief of the Unit, in part says:

At your suggestion, I had an interview on the 17th instant with Mr. Justice, head of the field division, Income Tax Unit. Mr. Justice stated that while he was internal revenue agent in charge at Detroit the returns of the Ford Motor Co. and the individuals who formerly held stock in the Ford Motor Co. were investigated by revenue agents working under his direction; that at the time he was furnished by the bureau with a statement showing the valuations of the Ford Motor Co. properties, as of 1913, which valuation was used by the agents, both in the investigation of the Ford Motor Co.'s returns and in the investigation of the returns of the individuals who had sold stock to Mr. Ford; that it is his understanding that a committee, of which Mr. Talbert was chairman, was sent by the bureau to Detroit and that this committee submitted a confidential report giving the basis for the valuation of the properties, as of 1913; that he did not have a full copy of this confidential report, but was simply furnished by the bureau with the value of the properties that was to be used by the internal revenue agents in their investigation.

Mr. Justice stated also that some time recently a newspaper reporter had been making claims similar to the claims set out in the communication of Special Agent Roche and that, at the suggestion of Mr. Blair, he had had one or more conferences with Senator WATSON, of Indiana, with reference to the matter. In this connection Mr. Justice stated that as a result of the investigation made by the agents working under his direction the Ford Motor Co. was recommended for an assessment of approximately $4,000,000 in additional taxes and that the case is still pending in the bureau. He stated also that he has made several efforts to locate the confidential report submitted by the committee of which Mr. Talbert was chairman fixing the valuation of the properties, as of 1913, with a view to ascertaining on what grounds the valuations were based, but that he has not been able to locate the report within the bureau.

Another letter in the file dated June 22, 1922, addressed to David Nolan, acting special agent of the intelligence unit at Chicago, and signed by Mr. Irey, chief, special intelligence unit, said in part:

Inquiries made in the bureau have developed that information similar to that contained in special report of Special Agent Roche has been received in the bureau on one or more occasions previously; that the returns of the Ford Motor Co. and the individuals who sold their stock have been investigated by internal revenue agents, and that the bureau is fully conversant with all of the details concerning this matter. Under the circumstances there is, of course, no necessity for any further investigation by the special agents at the present time.

Another letter in this file was a letter signed by Mr. M. T. Johnson, chairman of the committee on appeals and reviews, dated September 29, 1922, addressed to Mr. Carl A. Mapes, solicitor of the Internal Revenue Bureau, as follows:

In re: Tax liability of Henry Ford et al.

In accordance with your request I have reviewed the attached file in re tax liability of Henry Ford and others concerned, which grew out of the sale of the Ford Motor Co. stock in June, 1919. It is probable that the attached file has reference to the tax liability of the Ford Motor Co. rather than that of Henry Ford. I can not see how Mr. Ford realized any gain through the purchase of the minority interest in the Ford Motor Co. in June, 1919.

Under date of May 17, 1919, Mr. Talbert, then chief of the technical division of the Income Tax Unit, made a report upon an investigation made by himself, Mr. Burlingame, Mr. King, Mr. Masland, and Mr. Taylor in Detroit with a view to establishing the March 1 value of the Ford Motor Co. stock. This report was addressed to the Commissioner of Internal Revenue and was evidently approved by him as the

basis for computing gain upon the subsequent sale of such stock. The March 1 value fixed by Mr. Talbert in his report was $9,489.23 per share. The attached file contains the original report addressed to the commissioner and I am inclined to think that the basis used in fixing the March 1 value is sound. It is understood that this stock sold in June, 1919, for $12,000 per share, thereby showing a profit of approximately $2,500 per share upon which it is assumed the stockholders have paid tax.

I am attaching hereto a copy of the net income, average earnings per share, capital, and surplus for the period January 1, 1909, to July 31, 1918. This is a copy of the report in our file in this case.

In view of the consideration which has been given to fixing the March 1 value of this stock for the purpose of computing gain or loss upon the sale thereof in 1919, I believe that the valuation so fixed and approved by the commissioner is fair both to the taxpayer and to the Government and that the case should be considered closed.

To this letter are affixed the words—

Approved, (signed) C. A. Mapes.

He was Solicitor of Internal Revenue at that time.

In this file I note a memorandum, as follows:

Mr. COMMISSIONER: In the light of Mr. Johnson's memo, I concur in the recommendation.

(Signed.) C. A. M.

Before the Board of Tax Appeals in Washington, February 10, 1927, Commissioner Blair, being on the witness stand under oath, was asked this question by Mr. John W. Davis:

You did communicate with Senator WATSON the substance of those memoranda?

To which Mr. Blair answered:

I will assume I did. I have no independent recollection of it.

This shows conclusively that the substance of the memorandum of 1922, to which I have directed your attention, is the same as the memorandum of 1925. There may be some difference in detail, but the controversy was the valuation of the Ford stock as of March 1, 1913.

The evidence I have just referred to clearly indicates that there was much evidence to justify the March 1, 1913, valuation, as determined by the bureau in 1919.

On page 44 of the petitioners' statement of facts before the Board of Tax Appeals there appears a table showing that the original valuation of March 1, 1913, had been approved by 63 official acts confirming the Roper valuation of 1919. This list consists of at least 32 different officials approving of it, including three commissioners, four deputy commissioners, two solicitors of internal revenue, two chairmen of the committee on appeals and review, the chief of special intelligence, three heads of the personal audit division, two revenue agents in charge, four revenue agents, one assistant head of the technical division, and 10 auditors, conferees, and section chiefs, including the chief of the section having charge of stock-sale transactions.

Yet with all these reports on the case, and with 32 officials of the bureau having considered the case, and with these 63 official approvals of the valuation of 1919, I want to call your attention to Mr. Blair's letter handed to me on March 7, 1925, in which he says:

But there appears nothing in the files of the bureau to sustain the correctness of this value.

And, furthermore, that in the same letter he said:

In order to protect the United States it will be necessary to assess against you an additional tax based upon the information now available to the bureau.

The next important incident in this chronology of the case occurred on January 13, 1927, when the Board of Tax Appeals was hearing the case at the Hotel Statler in Detroit.

On January 13, 1927, a Mr. Howe P. Cochran, 831 Munsey Building, and a Mr. W. N. Wood, both of Washington, came to my office about 6 o'clock in the evening with important information concerning this case.

Mr. Cochran expressed his interest in the tax case. He said he had worked up a plan which would result in the case being thrown out of court in five hours. He said he had obtained his information legitimately; that it was a plan he had worked up. He said he would present me with the plan with the understanding that if the case was thrown out by the board on his presentation, he was to have a fee of 5 per cent of the amount saved. If it was rejected on more than one point, but his point was involved, then the fee was to be fixed, fairly. If it was not thrown out on his point, no fee was to be paid him.

Finally Mr. Cochran advised me that if he took the case he would have to first consult with Treasury officials. That appealed to me as rather strange, and I asked him who he was going to see in the Treasury Department. He said, "I am going to see Mr. Gregg." I said, "Mr. Gregg is in Detroit." He then said, "Well, I will see somebody else."

After some conversation I suggested that he come back the next day. About 10.30 the next morning a boy came to the office with a note from Mr. Cochran, which I quote:

JANUARY 14, 1927.

Senator JAMES COUZENS,

Washington, D. C.:

I thank you for the courtesy extended to me last night.

The conclusion we reached, as I understand it, was that I am to give you this new defense.

That you are to use it or not as you see fit.

That if you use it you will give me 5 per cent of the saving attributable to it, and

That in case of any question or difference the whole matter is to be left entirely with you for settlement along the lines that your sense of fair dealing would dictate, and that I am not to complain.

In this connection, I will say that the new defense is nothing that I obtained by any but honorable means, and that it was not obtained from the Treasury Department or Treasury officials. It is a complicated—yet simple and plain—plan worked out by me, but it achieves the ends you seek, which you explained to me.

Mr. Wood thought that I did not make it clear that I expected 5 per cent of the saving on the whole case (as distinguished from your case alone).

As to this, if you did not so understand it, I am sure that the other litigants will, if you suggest it, join in the plan.

With your permission I will call you at 11.30 o'clock to-day.

Yours very truly,

(Signed) HOWE P. COCHRAN.

In the meantime I had made some inquiry concerning Mr. Cochran and ascertained that he had been a clerk in a cotton-brokerage office in New York prior to the war; that he came to Washington and served for a short time as a clerk in the Bureau of Internal Revenue; that he then resigned and went into practice as a tax expert. The inquiry showed that he was not a lawyer nor an auditor.

The information I secured was to the effect that he was quite well known around Washington as being one of the men who knew the inside tax game, and that he was a close friend of Paul Cain, of the Internal Revenue Bureau. This information was sufficient for me to dispose of Mr. Cochran, and my secretary telephoned him about 5 o'clock that I was not interested further in the matter.

Mr. Cochran, however, persisted, and he came to my office on the following day about 10 o'clock, and during a conversation I asked him what interest Paul Cain had in the case.

Remember, that at that time we had not had access to the 1922 file, and I did not know that Mr. Cain was in 1922 assistant head of the special audit division and had written a long opinion affirming the original valuation made by Commissioner Roper.

Mr. Cochran, when I asked him what interest Mr. Cain had in the case, admitted that he had conferred with Mr. Cain about his—Mr. Cochran's—proposition to me. He said that he had known Mr. Cain from the days when they had worked together in the bureau and that never had Mr. Cain given him any information or helped him in any of his cases.

I then dismissed Mr. Cochran, and under date of January 17, 1927, I wrote Mr. Blair, Commissioner of Internal Revenue, and pointed out to him that Mr. Cochran had come to my office to solicit tax business, that he had admitted having talked to Mr. Cain, and I thought it was my duty to submit the matter to him, because one of the rules of the Treasury Department under which tax experts are supposed to be disbarred from practice before the departments is for the solicitation of tax business.

To this letter I received a reply from the commissioner in which he stated that the Board of Tax Appeals was not a part of the Treasury Department, and that solicitation of such a case would not come under the regulations as to practice before the Treasury Department. In this letter the commissioner also inclosed a memorandum from Mr. Paul Cain, who, by the way, is still an employee of the bureau, which memorandum, on Treasury Department stationery, dated January 24, 1927, reads as follows:

On January 13, 1927, Mr. H. P. Cochran called me on the telephone at my home and stated that he had phoned the office and was advised that I had been ill for the last week or so. He asked if I were better and whether he could see me for a few moments if he called. I told him that I would see him, and he did call at my home. Mr. Cochran stated that he was about to be employed on the Couzens case, and he asked me if he were employed whether it would hurt his standing in any way with the bureau. My reply was that I did not see that it

should, the Couzens case being no different than any other case so far as the department is concerned. He then asked whether his handling of the case would prejudice other cases he had before the bureau. My reply was that I could see no reason why it should. Mr. Cochran then stated that he was sorry that I had been ill, and hoped I would be able to be out soon. He then thanked me and left the house.

I offer for the RECORD the correspondence in this case and ask permission to have it printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The correspondence is as follows:

831 MUNSEY BUILDING,
Washington, D. C., January 14, 1927.

Senator JAMES COUZENS,
Washington, D. C.

DEAR SIR: I thank you for the courtesy extended to me last night.

The conclusion we reached, as I understand it, was:

That I am to give you this new defense;

That you are to use it or not as you see fit;

That if you use it you will give me 5 per cent of the saving attributable to it; and

That in case of any question or difference the whole matter is to be left entirely with you for settlement along the lines that your sense of fair dealing would dictate, and that I am not to complain.

In this connection I will say that the new defense is nothing that I obtained by any but honorable means, and that it was not obtained from the Treasury or any Treasury officials. It is a complicated—yet simple and plain—plan, worked out by me, but it achieves the ends you seek, which you explained to me.

Mr. Wood thought that I did not make it clear that I expected 5 per cent of the saving on the whole case (as distinguished from your case only).

As to this, if you did not so understand it, I am sure that the other litigants will, if you suggest it, join in the plan.

With your permission I will call you at 11.30 o'clock to-day.

Yours very truly,

HOWE P. COCHRAN.

JANUARY 17, 1927.

Hon. D. H. BLAIR,
Commissioner of Internal Revenue, Washington, D. C.

MY DEAR MR. COMMISSIONER: About 6.15 p. m. on the evening of January 13, Mr. Howe P. Cochran, 831 Munsey Building, called on me to solicit my interest in engaging him in the case in which former Ford Motor Co. minority stockholders are now appealing to the Board of Tax Appeals in Detroit against the assessment with which you are familiar. He had with him a Mr. Wood, who, I understand, was simply a friend and who made the appointment for me to see Mr. Cochran. Mr. Cochran drew such an alluring picture of the simplicity of his methods of securing results for us that he had my curiosity aroused. So I asked him what he expected out of it, and he said 5 per cent of the saving. Prior to this, however, he stated that before he could take the case he would have to consult with the officials of the Bureau of Internal Revenue, mentioning Mr. Gregg by name. I suggested that Mr. Gregg was in Detroit, and he said there were others in the bureau he could see in his place. The next day he admitted he called on Mr. Paul Cain, who approved of his taking the side against the Government. Early on the morning of the 14th a messenger brought a letter, copy of which I am inclosing, but as I had committee meetings in the morning the messenger was advised that we would call up Mr. Cochran at 5 p. m. However, Mr. Cochran called, so my secretary informs me, at about 11.30 on the 14th and was advised again we would call him at 5 p. m. The letter was at variance in some respects to the conversation we had, the principal difference being that before he could undertake to do anything he would have to get the consent of the officials of the Bureau of Internal Revenue. This seemed so unusual that I gave the matter considerable thought and made some inquiry concerning Mr. Cochran, and decided by 5 o'clock that I would have nothing to do with the matter, and Mr. Cochran was advised by Mr. Carson, my secretary, that I would not take any further interest in the matter. In view of the fact that practitioners before the bureau are, I understand, by rules and regulations prohibited from soliciting business, and because of the peculiar circumstances surrounding this matter, I thought it my duty to submit the whole matter to you. If you desire to take this matter up further, and the original of the letter is necessary, I will be glad to furnish it.

Sincerely yours,

JAMES COUZENS.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, January 24, 1927.

Memorandum

On January 13, 1927, Mr. H. P. Cochran called me on the telephone at my home and stated that he had phoned the office and was advised that I had been ill for the last week or so. He asked if I were better and whether he could see me for a few moments if he called. I told him that I would see him and he did call at my home.

Mr. Cochran stated that he was about to be employed on the Couzens case, and he asked me if he were employed whether it would hurt his standing in any way with the bureau. My reply was that I did not see why it should, the Couzens case being no different than any other case so far as the department is concerned. He then asked whether his handling of the case would prejudice other cases he had before the bureau. My reply was that I could see no reason why it should. Mr. Cochran then stated he was sorry that I had been ill and hoped I would be able to be out soon. He then thanked me and left the house.

PAUL F. CAIN.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, January 28, 1927.

Hon. JAMES COUZENS,
United States Senate.

MY DEAR SENATOR: I have your letter of January 17 in reference to Mr. Howe P. Cochran, Mr. W. N. Wood, and Mr. Paul F. Cain.

The matter which was discussed with you by Messrs. Cochran and Wood appears to have been a case now pending before the Board of Tax Appeals. The Board of Tax Appeals is not a part of the Treasury and any question of solicitation of a case pending outside the Treasury would not, therefore, come within the Treasury regulations with respect to practice. Mr. Cain's name is mentioned, however, and since he is an employee of the bureau, I have taken a statement from him as to his connection with the matter, copy of which I inclose.

If you believe anything further should be done on this matter I should be glad to hear from you.

Sincerely yours,

D. H. BLAIR, *Commissioner.*

JANUARY 29, 1927.

Hon. D. H. BLAIR,
Commissioner of Internal Revenue, Washington, D. C.

MY DEAR MR. COMMISSIONER: I have yours of the 28th acknowledging my letter of the 17th in reference to Messrs. Howe P. Cochran, W. N. Wood, and Paul F. Cain.

You are, of course, much more familiar with the rules and the workings of them than I am, but I did not understand that the rules were confined to such a narrow sphere, namely, that they only apply to tax practitioners in dealing with cases within the bureau. My assumption was that persons permitted to practice before the bureau were not permitted to go out and solicit tax business of any kind, or even permitted to advertise the fact.

However, if your rulings do not cover this particular case, I do not know that there is anything further I can say in the matter, although I think it reprehensible for practitioners before the bureau to go out and solicit tax business under any circumstances.

Sincerely yours,

JAMES COUZENS.

Mr. COUZENS. I desire to emphasize at this point what I consider a perfectly logical conclusion—that Cochran knew of this 1922 file which contained Mr. Cain's, Mr. Johnson's, Mr. Mapes's, and Commissioner Blair's approval of the Roper valuation. No one else, that I know of, outside of the Treasury Department knew of this file.

It is apparent that this information was to be delivered to me if I would arrange to pay 5 per cent on some thirty million of assessments made against my associates and myself. In other words, this former clerk, who had inside information of the bureau, was to obtain a fee of about $1,500,000 for his services.

For a moment I refer back to the efforts of our counsel to secure this file which had not been secured at the time of Mr. Cochran's proposition.

Paul Cain is now a member of the special advisory committee within the bureau which is passing upon cases brought before it. How long is this condition of affairs to continue? It is within the power of Congress to correct it. Taxpayers should not be offered up as victims to this practice.

This recital is directed primarily at my own experience. I have no intention of discontinuing whatever efforts I can exert to putting a stop to this practice.

A prominent attorney has suggested to me that "Jesse Smith in his palmiest days could not have beaten that."

If anyone desires to call this a feud, let him do it, but I construe it as a matter of public interest and a part of my senatorial duties to combat this practice.

At an early date I intend to call up Resolution 173, and at that time I will reply to the Senator from Pennsylvania [Mr. REED], who defended Mr. Mellon on March 22, 1928, pages 5151–5154 of the RECORD.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. COUZENS. Certainly.

Mr. CARAWAY. An official of the Treasury Department not now connected with it told me that they were splitting fees four ways on some of the income-tax cases; that if some one against whom an assessment was made might go there, the suggestion would be made that certain people had handled cases of that nature successfully, and that was all. If the man then employed that lawyer, his case was quickly disposed of. I was told by this former official that the fees were split four ways. He declined to let me use his name. He afterwards wrote me the entire facts, but would not stand for his signature; and, of course, I have never pushed the investigation, but it occurred to me again since the Senator has made his statement. He was a man brought here from the Pacific coast who held a very prominent place in the Treasury Department for a while.

Mr. COUZENS. I think I know who he is. I think he probably was removed by the late President Harding.

Mr. CARAWAY. Yes; I think everybody knows who he is.

Mr. COUZENS. I have no doubt it was Mr. Dover.

MEMORIAL SERVICES FOR THE LATE SENATOR WILLIS

Mr. FESS. Mr. President, I ask unanimous consent that at 3 o'clock on Friday, May 11, the Senate may hold exercises in commemoration of the life, character, and public services of my late colleague, Senator WILLIS. I am putting the date on Friday instead of on Sunday, so that the exercises may be held during a regular session of the Senate.

Mr. McKELLAR. The Senate will be in regular session previous to that hour, and at the time stated by the Senator from Ohio he desires that the Senate shall proceed with the memorial exercises?

Mr. FESS. That is correct. I should like to have the order made by unanimous consent.

Mr. McKELLAR. I have no objection.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). Without objection, it is so ordered.

FARM RELIEF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce.

Mr. McKELLAR. Mr. President, one of the two amendments that went over from yesterday was the amendment offered by me to section 4 of the bill providing for the appointment of an advisory council. I wish for a moment to read that amendment and then to discuss it very briefly. The amendment is as follows:

SEC. 4. (a) Whenever the board determines that any agricultural commodity may thereafter require stabilization by the board through marketing agreements authorized by this act, or whenever the cooperative associations, or other organizations representative of the producers of the commodity, shall apply to the board for the creation and appointment of the advisory council for such commodity, then the board shall notify the President of such determination or application. The President shall thereupon create an advisory council for the commodity. The advisory council shall be composed of seven members to be appointed by the President, by and with the advice and consent of the Senate. No individual shall be eligible for appointment to a commodity advisory council unless he resides in the region in which the commodity is principally grown and is a producer of the commodity or interested in the production or marketing of such commodity. Prior to the making of any appointment to a commodity advisory council the board shall transmit to the President for his consideration lists of individuals qualified for appointment, to be submitted to the board by cooperative associations or other organizations representative of the producers of the commodity. The term of office of a member of any commodity advisory council shall be two years. In the event of a vacancy occurring the President shall fill such vacancy in the same manner as the originally appointed member, and should Congress not be in session, such appointee shall hold office until 20 days after the convening of the next session of Congress.

Mr. President, this suggested provision came about in this way: Under amendments that have already been adopted by the Senate it is provided that a majority of the advisory council shall have a veto power upon the board in the matter of putting a commodity in a marketing period or taking it out of a marketing period, or putting on the equalization fee, and other matters pertaining exclusively to the commodity. When that provision as to veto power was submitted to those interested in cooperatives here they suggested that there should be a provision for the President to appoint the advisory council. That met the approval of all of those of us who were engaged, as has heretofore been pointed out, in trying to perfect the bill.

I wish to say just a word or two as to why, in my judgment, the Senate should adopt such a provision. If we are to have an advisory council it ought to have some independence; it ought not to be created by the board that it is to advise. If the board can create the council and uncreate it at will, the council would not have the temerity to interfere with whatever the board should do. There would be every reason why an advisory council thus constituted should agree to the recommendations of the board, and, so, virtually the provision for a veto power on the part of the advisory council would be useless unless the council should be independently appointed.

When we came to the question of appointing the advisory council it was deemed that surely if the President could represent the farmers in appointing the board he ought to be permitted to represent the farmers in appointing the advisory council. If it is wrong to give the President the power to appoint an advisory council, from the farmers' standpoint it would be equally wrong, and even more wrong, perhaps, to give him the right to appoint the entire board. In my judgment, the amendment provides the only feasible and proper course of action. It provides the only way by which to give the advisory council an independent status, so that the board may have the benefit of its disinterested or interested advice, as the case may be. In other words, if the advisory council is to be dependent upon the board that creates it, we need not expect anything except that the advisory council will advise the board in the way that it thinks that the board wants to be advised.

Mr. BORAH rose.

Mr. McKELLAR. Did the Senator from Idaho wish to interrupt me?

Mr. BORAH. Yes.

Mr. McKELLAR. I yield to the Senator.

Mr. BORAH. Mr. President, it may be that the view of the Senator from Tennessee is the correct view as between the two propositions which have been presented; but I want to call the Senator's attention to the fact that we have not as yet reached the individual farmer.

Mr. McKELLAR. No; we have not.

Mr. BORAH. And the farmer is the one who will have to pay the equalization fee.

Mr. McKELLAR. What the Senator says is absolutely true; but by the amendment offered we bring it nearer to the farmer than under any other provision. The Senator recalls, as the Senate will recall, that last year we provided that a majority of the farmers in convention should put on the fee. The President, however, objected to that arrangement, so this provision was framed.

Mr. President, it is suggested that if the President shall appoint the council it will not represent the farmer. Let us look at the amendment. The amendment provides:

Prior to the making of any appointment to a commodity advisory council the board shall transmit to the President for his consideration lists of individuals qualified for appointment, to be submitted to the board by cooperative associations or other organizations representative of the producers of the commodity.

Mr. FESS. Mr. President, will the Senator yield?

Mr. McKELLAR. I will yield in a moment. It is true that the President does not have to appoint from such lists, but I say that the President would appoint from them; and if there were some objection in the case of any individual appointment, and he appointed some one whose name was not upon the list, then there would be a check on him, because the Senate would have to confirm the appointment. If, on the other hand——

Mr. SIMMONS. Mr. President——

Mr. McKELLAR. I will yield in a moment. On the other hand, if the board appoints from these lists, or if it fails to appoint, there is no check on the board at all. The same list that would go to the board would go to the President in the other case.

The farmers do not select those men; the different organizations send in names to the board, and there are various organizations in every State; in my State there are three different organizations that I can recall. In the one case, if the names are presented, as they will be presented to the board, and the board does not select the ones the farmers want, the farmer has got no recourse; but in the other case where the same lists are presented to the President and the President does not appoint whom the farmers want, they have got a right to appeal to this body before the member is confirmed. So it seems to me that for every reason the safe plan and the orderly plan is to have the appointments made by the President in the first instance, to be confirmed by the Senate.

I now yield to the Senator from Ohio, and then I will yield to the Senator from North Carolina.

Mr. FESS. The Senator has really answered the question I had in mind by what he has said since I rose. I was going

to say that any attempt to limit the power of the President in the appointments would likely be regarded as unconstitutional.

Mr. McKELLAR. Yes; I understand that.

Mr. FESS. The Senator does not attempt to do that in his amendment?

Mr. McKELLAR. Not at all.

Mr. FESS. This is merely a recommendation to the President, and he is not limited to it?

Mr. McKELLAR. He is not limited to it. The lists are presented to him from which to select the members whom he wants to serve on the board.

Mr. SIMMONS. Mr. President——

Mr. McKELLAR. I yield to the Senator from North Carolina.

Mr. SIMMONS. I wish to say merely a word, and I desire the attention of the Senator from Ohio for a moment. There is no restriction upon the right of the President as to the appointment of any particular person who may be recommended. The names are recommended to him for his consideration. He is not told that he must appoint any one of them, but he is told in the bill that he must appoint a producer of the commodity. Does the Senator contend that that latter provision is a restriction which is unauthorized by the Constitution?

Mr. FESS. No; I do not. That would be in keeping with the appointment of members of the Federal Reserve Board, the law providing that persons of certain qualifications shall be appointed.

Mr. SIMMONS. And it is in keeping with the acts which we have passed, in which it has been provided in the case of certain boards that the President must appoint two of one party and three of another.

Mr. FESS. When I read the amendment I thought, at first blush, the President was limited to those who were named by the associations.

Mr. McKELLAR. The Senator will recall that the bill last year provided for such a limitation and that the Attorney General gave that as one of the reasons why he thought the bill might be unconstitutional.

Mr. FESS. That is why I raised the question.

Mr. McKELLAR. That has been eliminated from this bill. It has been eliminated as to the appointment of the main board and also eliminated as to the appointment of the advisory council. I think the Senator will agree that this is the orderly way; it is the only way that this advisory council can be really made effective. All that it is, and all that it is intended to be, is a check upon the unlimited authority of the board to put on, say, the equalization fee, or a marketing period, or stop the equalization fee or stop a marketing period. That is the purpose of the amendment.

Mr. BORAH. Does the Senator think that it would be a practical proposition simply to provide in the bill that the advisory board should be selected from and elected by the producers of a particular commodity?

Mr. McKELLAR. If that could be done I should infinitely prefer it. If the Senator can suggest a plan by which that may be done, I am perfectly willing, speaking individually, to have such a plan as that adopted. I repeat, I would infinitely prefer it.

Mr. SMITH. May I ask the Senator from Idaho to repeat the suggestion he just made? I was occupied and did not hear it.

Mr. BORAH. I asked the Senator if he thought it was a practical proposition simply to provide in the bill that the advisory board should be selected and elected by the producers of the particular commodity.

Mr. SMITH. May I make this suggestion, if the Senator will allow me: I do not know how this would affect the wheat growers or the cattle growers, but there are only seven members of this advisory counsel to represent the vast area in cotton. Even the California and Arizona people, of course, would be interested, because the marketing of the ordinary bulk of the cotton affects theirs; so that we would have about 13 States out of which to select a council of 7.

I agree with the Senator from Idaho that if there is any feasible plan by which we could get the advisory council to represent the majority of the farmers engaged in the production of this article, then we certainly would be on safe ground; but just how to do that practically is one of the difficulties that I do not see how to get around.

Mr. McKELLAR. I hope the Senator from Idaho, if he has such a proposal in his mind, will put it in writing and offer it as an amendment. I am frank to say to the Senator that it seemed to me to be the proper way to arrange this matter; but in studying the question I have found no method by which the members of the advisory council can be elected. It would be better if the farmers elected or selected their own representatives. I am in hearty sympathy with that, and, if it can be arranged practically, I should be perfectly willing to accept it; but, next to that, I think the best check that we can place upon the matter of seeing that the farmers are truly represented is to have the President appoint the members, and if the farmers are not properly represented they will appeal to this body, and the nominees will not be confirmed.

Mr. CARAWAY. Mr. President, will the Senator permit me?

Mr. McKELLAR. Yes.

Mr. CARAWAY. If the Senator wants the farmers to have their own agents, what is wrong with the modification of the amendment?

Mr. McKELLAR. I shall be happy to get to that right at this minute.

Mr. CARAWAY. I just want an answer to that question.

Mr. McKELLAR. I will answer the Senator's question, but I can not answer it in a word.

The Senator says that the farmers will have control of the matter if his amendment is adopted. Now, what does his amendment provide? It provides simply that the board itself shall appoint these men from lists furnished by the farmers.

Let us assume that there are three great farmers' organizations in my State and each one of them sends in the names of 10 men for appointment on the cotton board. There are 30 names, to begin with, for this board to select seven members from. The Senator's amendment does not provide that they shall be selected from the cotton farmers at all. The board can appoint anybody they please.

Mr. CARAWAY. No, Mr. President.

Mr. McKELLAR. I will read the Senator's amendment.

Mr. CARAWAY. The board must appoint the ones that the farmers select.

Mr. McKELLAR. Who is going to select them? There is not going to be any convention of farmers. There is not going to be any convention of organizations. There is no arrangement for the farmers to select them. The secretary of one board may send in some names. The president of another board may send in some names. Another board may have a meeting and send in some names. That will not be a selection by the farmers. It will be a selection by certain officers and agents of these various concerns; and even then it will not be a selection, because the board here, out of this vast array of names, can select anyone they want.

Mr. CARAWAY. I wish the Senator would read the amendment, instead of putting his construction on it.

Mr. McKELLAR. I shall be delighted to read it. I have it right here before me.

Mr. CARAWAY. The amendment says that the board shall name the ones the farm organizations ask to have named.

Mr. McKELLAR. The Senator's amendment provides:

> The advisory council shall be composed of seven members, to be appointed by the board—

From what? From those that the farmers say? Not at all—

> from a list submitted to the board——

Mr. CARAWAY. If the Senator will read the amendment, instead of interjecting his remarks——

Mr. McKELLAR. Just a minute—

> to be appointed by the board from a list submitted to the board by cooperative associations or other organizations representative of the producers of the commodity.

That is exactly the same position that the President is in. The farmers do not select them. The board here selects them from the various lists that come in from all over the country. That is all there is in it.

Mr. CARAWAY. That is a little bit better than the Senator's proposal. He lets the President name them from any list that he sees fit.

Mr. McKELLAR. No; that is not better, for this reason: If the farmers are dissatisfied after the President names them, they can communicate with their representatives in the Senate of the United States and the Senate of the United States can reject any man to whom they object.

Mr. CARAWAY. Oh, just a minute. The amendment which the Senator never finished, because he wanted to make his speech between the reading of one line and the next, provides that the farmers may have removed any agent that they do not like.

Mr. McKELLAR. I shall take great pleasure in reading it all. Let us see what it says. I want all Senators listening to me now to see what is provided by the amendment of the Senator from Arkansas.

Mr. CARAWAY. I wish the Senator would just read it without making a speech upon it.

Mr. McKELLAR. The substitute of the Senator from Arkansas is as follows:

SEC. 4. (a) Whenever the board determines that any agricultural commodity may thereafter require stabilization by the board through marketing agreements authorized by this act, or whenever the cooperative associations, or other organizations representative of the producers of the commodity, shall so decide, the board shall create and appoint an advisory council for such commodity. The advisory council shall be composed of seven members to be appointed by the board from a list submitted to the board by cooperative associations or other organizations representative of the producers of the commodity. In the event of a vacancy occurring, the board shall fill such vacancy in the same manner as the original appointment. The power to remove a member of the advisory council rests with the board, but may be exercised only with the consent of the cooperative association or other organizations representative of the producers of the commodity for which he was appointed.

Mr. BORAH. Mr. President, may I ask the Senator from Arkansas and the Senator from Tennessee a question? Instead of leaving it to the President to appoint from a list recommended by the associations or organizations representing the producers, or instead of leaving it to the board to appoint from a list recommended by the associations or organizations representing the producers, would it be a practical proposition to provide that the associations or organizations representing the producers shall elect this board?

Mr. McKELLAR. That was substantially the provision in the old bill to which the President took exception on the ground that it was unconstitutional.

Mr. CARAWAY. If the Senator will pardon me, the question was asked of both of us.

Mr. McKELLAR. I am sorry I took precedence over the Senator. I yield to him.

Mr. CARAWAY. Oh, no; pardon me.

Mr. McKELLAR. That is all right.

Mr. CARAWAY. I just wanted to make this suggestion while the Senator was still on the floor: If they shall be selected under the amendment offered by myself, by just changing a few words they could be elected by the organizations, and I should have no objection to the change. Inasmuch as it is not the board but the advisory council, and the President has nothing to do with the appointment, we could make it absolutely the instrument of the farmer; and I should have no objection to that change.

Mr. McKELLAR. What organizations would you have come in—all farm organizations or just cooperative associations?

Mr. BORAH. All associations or organizations dealing with that commodity.

Mr. McKELLAR. Would marketing associations come in? I am just wondering what would be included.

Mr. BORAH. All organizations of producers of the commodity.

Mr. SIMMONS. Mr. President, may I interrupt the Senator?

Mr. McKELLAR. I am glad to yield.

Mr. SIMMONS. This very question arose when we were considering this question when the first bill was presented. It was taken up and seriously considered and deliberated upon by a very large committee representing the Southern States in connection with the cotton interests; and we found this situation had to be dealt with.

If the appointment had to be made of persons who were recommended by the cooperatives and the farm organizations, how were we to bring about harmony in the recommendations between, probably, 50 or 60 of these different organizations, or maybe a hundred of them, scattered about in the Southern States? A list presented by the cooperative and farm organizations of North Carolina might be wholly unsatisfactory to the cooperative and farm organizations of South Carolina, and those of South Carolina might be unsatisfactory to those of Texas. How were we going, therefore, to get a consensus of the wishes with reference to the appointment of these seven men from these organizations scattered through the 13 States producing cotton.

That difficulty we sought to solve in a very comprehensive way, as we thought, by authorizing a State convention of the farmers engaged in producing cotton in each of these States; but then we had 13 States holding 13 conventions, and probably making 13 different recommendations with reference to men, which might not harmonize. A man selected upon the recommendation from South Carolina might be exceedingly obnoxious to the cotton farmers of my State, and vice versa. We dealt with that question as effectively as it would seem to us to be possible to deal with it.

Mr. BORAH. I realize the difficulty involved.

Mr. SIMMONS. But this proposition does not deal with it with half the effectiveness that that proposition does. This proposition provides for probably two or three hundred different recommendations that may be entirely in conflict. Therefore, we sought to solve this question by saying that all of these associations might make recommendations to the President, but the President was not bound by the recommendations of any of them, although he must, in the last analysis, select a man who was a producer of cotton.

Mr. SMITH. Mr. President, may I make a suggestion?

Mr. McKELLAR. I will yield to the Senator in just a moment. I want to get what is going on in the mind of the Senator from Idaho. Is this what the Senator suggests?

The advisory council shall be composed of seven members to be elected by members of the various agricultural associations producing such commodity under such rules and regulations as the several associations in joint assembly agree upon.

How would you get their views unless you provide something like that?

Mr. BORAH. That is arriving at the point which I have in mind. Let me state, before I answer the question specifically, that I look at it in this way:

You are proposing in this bill, in case it meets the judgment of the board, to take over the marketing of these commodities.

Mr. McKELLAR. Yes.

Mr. BORAH. And you are proposing, in case it meets the judgment of the board, to levy a fee upon the individual producer. Now, in my opinion it is not only a matter of justice, but it is absolutely necessary as a practical proposition to secure the consent of the individual producer or to give him an opportunity to register his consent, if he wants to, if you expect this plan to work; because just so surely as you impose upon him a plan in which he has not a voice, and feels that he has not been given an opportunity to have a voice, there will be a blowup when you undertake to collect this fee without his consent.

That is what I have in mind.

Mr. McKELLAR. I think the point that the Senator has in mind is one that we all have in mind; and if the Senator will formulate language that will carry out that idea I shall be delighted to accept it, so far as I can do so.

Mr. SIMMONS. If it does it any better than this bill does.

Mr. BORAH. I think the language can be formulated in a few minutes.

Mr. SMITH. Mr. President, I should like to state to the Senator from Idaho that already the different cooperative associations have periodical meetings representing all the States. It seems to me it would be perfectly feasible for other organizations representing cotton to meet in their States, elect delegates to a general convention, and there, representing all of the associations dealing with cotton, they could elect seven men fairly representative of the whole cotton district, and in that respect representing the entire cotton industry.

Mr. CARAWAY. Mr. President, may I suggest that the Federal reserve system has means by which the member banks select their directors. It is rather cumbersome, but it suggests a method. It would appear to me that, instead of trying to have all the producers of a commodity meet in a convention, each association might, by correspondence or otherwise, authorize somebody to cast their vote, and it would be a representative meeting. That is merely the mechanics of the amendment, which could be quickly framed, if the principle were agreed upon.

Mr. BORAH. I think so.

Mr. EDGE. Mr. President, I would like to ask the Senator from Idaho a question, to see if I have this correct. The last portion of an amendment already adopted, on page 7 of the reprinted bill, reads as follows:

No equalization fee shall be collected unless the estimates upon which the determination of the amount of the equalization fee is based are concurred in by the advisory council for the commodity.

In other words, the advisory council, however formed, as I interpret that amendment, would have absolute control as to when an equalization fee should be collected, whether any should be collected at all, and what the amount should be. It seems to me that that would take from the board every real major responsibility, as far as the administration of the equalization fee was concerned. Is that a correct interpretation?

Mr. BORAH. It would limit the powers of the board, but the board would have tremendous power after that was taken away.

Mr. EDGE. Not over the equalization fee. They could not even go on with the equalization fee.

Mr. BORAH. No; but the man who pays the equalization fee ought to have a voice. I am much more interested in the man who pays it than in the man who administers it.

Mr. EDGE. But under that language, he not only would have a voice, but would have absolute control of the situation, would he not?

Mr. BORAH. No. The amendment provides:

No marketing period under section 7 in respect of any agricultural commodity shall be commenced or terminated unless the advisory council for such commodity concurs in the respective finding or findings which the board is required to make prior to the commencement or termination of the marketing period. No equalization fee shall be collected unless the estimates upon which the determination of the amount of the equalization fee is based are concurred in by the advisory council for the commodity.

That is, before you collect your fee, you must have concurrence of the advisory council, and the advisory council is supposed to represent the man who is paying the fee.

Mr. EDGE. Exactly, but you are not only not permitted to collect the fee, you are not permitted to impose it. In other words, you are not permitted to put into effect the plan of equalization.

Mr. BORAH. That is right.

Mr. McKELLAR. Mr. President, I think it is likely that we can arrange an amendment that will be satisfactory all around, and for the present I yield the floor until we determine that question.

Mr. McNARY. Inasmuch as there is an effort being made, and fair prospects of coming to a common agreement——

Mr. McKELLAR. Just fair prospects.

Mr. McNARY. I would suggest again that this amendment be temporarily laid aside, and that we take up some other amendment. I ask unanimous consent that that course be followed.

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. McKELLAR. What other amendment is there?

Mr. McNARY. Has not the Senator a further amendment?

Mr. McKELLAR. Yes; there is one other amendment.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Wisconsin?

Mr. McNARY. I yield to the Senator from Wisconsin who desires to present an amendment.

Mr. BLAINE. I move to amend by striking out commencing after the word "corporation," on page 12, line 20, down to and including the word "products" on line 10, page 13.

The PRESIDING OFFICER. The clerk will report the amendment.

The LEGISLATIVE CLERK. On page 12, line 20, after the word "corporation," strike out down to and including the word "products" on line 10, page 13, in the following words:

If the board is of the opinion that there is no such cooperative association or corporation created and controlled by one or more such associations capable of carrying out any marketing agreement for purchase, withholding, and disposal, then the board may enter into the agreement with other agencies but shall not unreasonably discriminate between such other agencies.

(f) During a marketing period fixed by the board for any commodity, the board may enter into marketing agreements for the purchase, withholding, and disposal of the food products of such commodity, and all provisions of this section applicable to marketing agreements for the purchase, withholding, and disposal of a surplus of the commodity shall apply to the agreements in respect of its food products.

Mr. BLAINE. Mr. President, I would not want to press for a vote on that amendment at this time. I prefer that it go over for consideration a little later on, under the unanimous consent agreement requested by the Senator from Oregon.

Mr. McNARY. Mr. President, may I inquire of the Senator from Wisconsin if he is willing to debate this proposal now? I think there is no other amendment to be brought forward at this time.

Mr. FESS. Has the amendment relating to the allocation of the fund been acted upon?

Mr. McNARY. No, that has not been acted upon.

Mr. BLAINE. Mr. President, I will be very glad to state my reason for submitting the amendment, but I hesitate in having it acted upon until the Senator from Iowa [Mr. BROOKHART] is present.

Mr. SMOOT. I suggest the absence of a quorum at this time.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	La Follette	Sheppard
Barkley	Fess	McKellar	Shipstead
Bayard	Fletcher	McLean	Shortridge
Bingham	Frazier	McMaster	Simmons
Black	Gerry	McNary	Smith
Blaine	Glass	Mayfield	Smoot
Borah	Goff	Metcalf	Steck
Bratton	Gooding	Moses	Steiwer
Brookhart	Gould	Norbeck	Stephens
Broussard	Greene	Norris	Swanson
Bruce	Hale	Nye	Thomas
Capper	Harris	Oddie	Tydings
Caraway	Harrison	Overman	Tyson
Copeland	Hawes	Phipps	Vandenberg
Couzens	Hayden	Pine	Wagner
Curtis	Heflin	Pittman	Walsh, Mass.
Cutting	Johnson	Ransdell	Warren
Dale	Jones	Reed, Pa.	Waterman
Deneen	Kendrick	Robinson, Ind.	Watson
Dill	Keyes	Sackett	Wheeler
Edge	King	Schall	

The VICE PRESIDENT. Eighty-three Senators having answered to their names, there is a quorum present.

Mr. SHIPSTEAD. Mr. President, I send to the desk two amendments.

The VICE PRESIDENT. There is an amendment pending. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

Mr. HARRISON. Let us have the amendment reported.

The VICE PRESIDENT. The clerk will read the amendment.

The legislative clerk read the amendment.

Mr. BLAINE. Mr. President, by referring to the reprinted bill containing the amendments agreed to yesterday, it will be seen that on page 13, line 7, it is proposed by my amendment to strike out these words in subparagraph (e):

If the board is of the opinion that there is no such cooperative association or corporation created or controlled by one or more such associations capable of carrying out any marketing agreement for purchase, withholding, and disposal, then the board may enter into the agreement with other agencies but shall not unreasonably discriminate between such other agencies.

The next paragraph, which I also move to strike out, may be read in connection with what I have just read from the bill, as follows:

During a marketing period fixed by the board for any commodity, the board may enter into marketing agreements for the purchase, withholding, and disposal of the food products of such commodity, and all provisions of this section applicable to marketing agreements for the purchase, withholding, and disposal of a surplus of the commodity, shall apply to the agreements in respect of its food products.

I desire to direct attention to what may and will happen under those provisions unless stricken out. I am going to outline how the provision will operate. Following the World War the expeditionary forces abroad had large surpluses of certain commodities. There were also existing contracts during the war, and manufacturers had accumulated a surplus of the products under those contracts. There was a settlement made with respect to all those matters. In some instances the Government purchased commodities at the war price, resold them abroad at the world price or less than the world price, and, in some instances, to the very parties from whom the Government purchased the commodities originally.

That statement is made only by way of illustration of what can and no doubt may be done under this provision. Here, we will say, is a milling company that has flour or wheat, or a packing company that has meat products. The Government, through the board, may enter into agreements with such agencies and purchase those surpluses upon the theory that they will, in effect, take the surpluses, to whatever extent the accumulations may be of such commodities, off to the domestic market. Then the packing companies or the milling companies, or whatever corporations may be engaged along those lines, may have a subsidiary some place outside of America, and the board may then turn around and sell those commodities, purchased at the advanced rate, to such subsidiaries for such sum as they may choose, but we will presume at the rate afforded by the foreign market.

This process can be repeated, with the result that the losses reflected in those transactions will be made up by imposing the equalization fee upon all farmers who are producers of the respective commodities. Therefore, it is possible, under these provisions, for the board to enter into such agreements with other parties or other agencies at the enhanced price in the purchase of the products which they are holding, and then sell them in the foreign markets to subsidiaries of the people

from whom the products were purchased, and the farmer will be required to pay that loss through the equalization fee.

I submit that these provisions of the bill ought to be stricken out.

Mr. McNARY. Mr. President, I think a more careful reading of the amendment offered by the Senator from Wisconsin perhaps would not have brought forth the discussion which he has just presented. The bill proceeds upon the theory that the board shall act through cooperative organizations or farm groups. If the task is found too large and the agencies are not able, as admitted trading factors, to carry on the transactions, or if they are not in existence, the board has a right to employ such existing agencies, whether they be millers, packers, independent packers, or what not, to take charge of the produce, withhold surplus or, like a miller would, convert wheat into flour and sell it, the charges and costs being paid by the board out of the equalization fee. They are simply agencies for the purpose of sales when other cooperative agencies are not in existence.

If this administrative feature were taken out of the bill, speaking with the greatest kindness to the Senator, if the board were attempting to withhold a surplus or purchase a surplus and sell it abroad and the cooperatives were not strong enough to undertake the work and did not have time to organize and give its strength to the new organization, it would be entirely unable to function. That language was put in the bill after the most careful study by those farmers who have given the matter most serious consideration for years, so they might have strong instrumentalities to do the job when they could not do it themselves.

There is no possibility of any advantage being taken of the farmer. The estimated costs and charges are made known before the operation takes place. It simply gives them the advantage of existing agencies when they have not any of their own. It would cripple the administration of the bill and take away from the ability of the farmers and the producers of the country to get the best that is in the bill by this sort of amendment being agreed to, and it is so manifest, in my judgment, and so clear of comprehension that I express the hope that the Senator will not insist on his amendment, and if he does, that the amendment will not be agreed to.

Mr. BLAINE. Mr. President, I appreciate all that the Senator from Oregon has said. I have studied the amendment carefully, analyzed it, and I think what he has said with respect to the agents is in part correct. He did not go quite far enough. Of course, there may be cooperatives or lack of cooperative organizations to take care of the commodities, but the whole theory of the bill is to bring about cooperation. As the Senator from Arkansas [Mr. CARAWAY] said the other day, it is argued that those who favor the bill urge cooperation, and those who are opposed to the bill urge cooperation among the farmers. If the bill is going to accomplish cooperative undertakings through the compulsory process of the equalization fee, or through any other source, the board ought not to have the power to enter into agreements with packing companies, milling companies, flour manufacturers, agencies to purchase cotton, agencies that purchase processed milk, or cheese, or butter, because if they are to have that privilege, then we have destroyed the very thing designed by the bill.

Moreover, the Senator from Oregon has not answered my proposition that with the power in the board to adopt private agencies, agencies outside of the farm organizations, as a means of disposing of the surplus products, those same agencies will have subsidiaries in the world market and they will purchase the same products from the board which were previously purchased by the board from those who in this country control the subsidiaries, with only one result, and that is that the farmer will have to go down into his pocket to pay the loss upon that transaction, a transaction beneficial to those who are to-day exploiting the farmer and his produce.

Mr. McMASTER. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. McMASTER. Assuming, for the sake of argument, the correctness of the statement made by the Senator from Wisconsin, what would the Senator suggest in lieu of that portion of the bill which he is proposing to strike out? What remedy has he in case the farmers, through their cooperative associations, are not able to handle the produce? Has the Senator provided a remedy for that situation?

Mr. BLAINE. Let the board be the agency to make the purchase and sale as provided in the bill, through the farmers' agencies.

Mr. McMASTER. Does the Senator's amendment include that provision?

Mr. BLAINE. Of course, I am trying to have stricken out of the bill that which I believe is pernicious, and I am going to be perfectly frank about it. If provisions of this character are left in the bill, I can not support it and will not support it. I know there are other Senators who feel likewise.

Mr. McMASTER. That has not anything to do with the question I am asking. After the Senator has stricken this language from the bill, does he leave the bill in such a shape that the surplus commodities can be taken care of?

Mr. BLAINE. If it is not in such shape as that, I would be very glad to draft an amendment which would put it in proper shape, and I am sure the committee would be very glad to do it.

Mr. McMASTER. That is not necessary. The main object of the bill is to create a marketing agency for the surplus; and, of course, if the Senator has perfected his amendment, and it will accomplish that purpose, and accomplish it fully, then there will be no question about its acceptance.

Mr. BLAINE. But the proponents of this bill suggest that the bill itself accomplishes the purpose.

Mr. McMASTER. They suggested that it accomplishes the purpose through the language that is written into the bill. If the Senator can perfect that by adopting some other method, that, of course, will accomplish the purpose.

Mr. BLAINE. No; the proponents of this bill, as I have listened to this debate for days and days, say that this bill is going to promote cooperation, and through cooperation the farmer will enter the world markets and handle his surplus products; that he can not do it as an individual; that he must do it in combination, and this combination is a cooperative association. Now, if that is not the theory of the bill——

Mr. McMASTER. It does not make any difference——

Mr. BLAINE. Wait just a moment. If the theory of this bill is to deny that there can be and will be sufficient cooperation to do the things designed by the bill and that it becomes necessary to permit private agencies again to take care of the farmer, you are doing worse than nothing.

Mr. McMASTER. It is not a question of theory—the theory of the Senator from Wisconsin or the theory of anyone else. The question is, Have you adopted in this bill practical methods of taking care of the surplus production of the farmer? It does not make any difference about theories. If the amendment which the Senator proposes to the bill accomplishes that, let us understand it in that way.

Mr. BLAINE. Mr. President——

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. BLAINE. Just a moment. The Senator is placing a responsibility upon me. I am not responsible for this bill. I had nothing to do——

Mr. McMASTER. I do not care anything about who is responsible for the bill.

Mr. BLAINE. Wait until I get through, please.

Mr. McMASTER. That does not make a particle of difference. I simply want to know whether the Senator is perfecting this bill or not.

Mr. BLAINE. Mr. President, I ask for order. I can not discuss this matter when I have to yell in order to overcome those who interrupt me without my having yielded.

Mr. McMASTER. The Senator yielded to me or I would not have asked him the question.

Mr. BROOKHART. Mr. President, will the Senator yield to me?

Mr. BLAINE. Mr. President, if it becomes necessary to turn the debate into a competition of strength of voice, I shall have to compete with the Senator; but I am not willing to do that.

Mr. McMASTER. The Senator from Wisconsin will win without competition.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER (Mr. WATERMAN in the chair). Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. BLAINE. Just a moment.

The Senator from South Dakota has asked, Does my amendment perfect this bill? It certainly does. It takes out the very provision that makes this bill futile as a farm-relief measure; and so it is not a question of my drawing an amendment. There is no amendment necessary if the theory of this bill is correct. If this iniquitous provision is taken out of the bill, and if the bill does not contain provisions that will take care of these surplus products without a substitution of words in place of this amendment, then the bill is not worth consideration as a farm-relief measure.

Mr. BROOKHART. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. BLAINE. I do.

Mr. BROOKHART. In answer to the question of the Senator from South Dakota, in which I think myself there is a good deal of merit, in the substitute I have offered I have

taken care of that proposition affirmatively; and I shall be glad if the Senator from Wisconsin will yield to permit me to explain how it is done.

Mr. McMASTER. Mr. President, that is what I have been desiring to hear—an explanation. I did not want to have abuse when I was asking for information.

Mr. BLAINE. Mr. President, I have not yielded to the Senator from South Dakota; and when he talks about being abused I want to refute that, if he accuses the Senator from Wisconsin of abusing him. I was engaged in no abuse of anyone.

Mr. McMASTER. Yes; well——

Mr. BLAINE. Mr. President, I have not yielded to the Senator from South Dakota——

Mr. McMASTER. I thought the Senator yielded to me.

Mr. BLAINE. And I propose to keep the floor until there is a request for me to yield.

Mr. McMASTER. I thought——

Mr. BLAINE. I have yielded to the Senator from Iowa to make a statement.

Mr. BROOKHART. The question of dealing with the processors, the packers, and the millers can only be reached in case you include in this bill an affirmative plan of determining the price of products; and, of course, I have made that the basic idea of the substitute I have offered. I have instructed the Department of Agriculture, under well-defined rules, most of which are in operation now in the department, to determine the average cost of production for a five-year period, including in that the 5 per cent return on the capital invested; and that is to determine the price. Then, when it comes to dealing with packers—and I concede that that may be necessary temporarily, before we can get these cooperatives organized to handle this thing—I have provided in my substitute that they shall pay this basic price to the farmers themselves. This price is bid by the Government corporation which I have established, not to the board of trade or the cotton exchange or millers or packers, but to the farmer.

Mr. McMASTER. Mr. President, may I ask a question?

Mr. BROOKHART. If these institutions have paid the same price to the farmer, and then have added to it only enough to give them the 5 per cent capital return on their investment that the farmers would get, then——

Mr. McMASTER. As I understand the Senator from Iowa, he is explaining his amendment, not the amendment of the Senator from Wisconsin?

Mr. BROOKHART. If this amendment and the other were adopted, it would take the place of what the Senator from Wisconsin wants to strike out. The Senator from Wisconsin, of course, has the right to strike out just what he regards as an evil situation in the bill. I think he is right there.

Mr. FESS. Mr. President, will the Senator from Wisconsin yield to me?

Mr. BLAINE. I yield.

Mr. FESS. The Senator from Wisconsin having yielded, will the Senator from Iowa yield for a question?

Mr. BROOKHART. Yes.

Mr. FESS. I have sympathy with the statement of the Senator that he has not any particular objections to allowing the packers or millers to do this work until the cooperatives get upon their feet. I have sympathy with that statement; but there is this element in it: The cooperatives are identical in their interests with the farmers, in that they would be farmers' organizations, while the others provided in the bill could afford to let the losses be whatever they might be; they do not suffer them. It seems to me that there is a distinctive difference there.

Mr. BROOKHART. There is a very distinctive difference in the power given the board. There is no doubt about that. This board would have the power, for instance, to supply this stuff to the packers at a high price, and then sell it to the same packers on the other side at a low price, and then collect the difference in the loss on the surplus out of the equalization fee. That power is evidently conferred by this section—a very dangerous power.

Mr. FESS. What I had in mind was that if the agency that does it is a farmers' agency, their interest is uniform, while in the other case it is quite different.

Mr. BROOKHART. That is very true; but, of course, there would be some power. The board, by its form of contract or by the use of its discretion, could prevent much of that evil; but, on the other hand, if the board was influenced or did not understand the inside of this enough, it might be imposed on to a very great extent.

Mr. BLAINE. Mr. President, it is to be appreciated that there is an entire difference between the substitute amendment presented by the Senator from Iowa [Mr. BROOKHART] and this bill. Under the substitute presented by the Senator from Iowa there is no equalization fee whatever. He sets up an entirely different plan. If his plan were in operation, and there were losses on these contracts or agreements made by packers and millers, the board could not go down into the pockets of the farmer to pay those losses.

Mr. McNARY. Where would it go?

Mr. BLAINE. It would go into the fund provided therefor. I am sorry that provision even is in the Senator's bill; but, since he has fixed a basis whereby the farmer must be paid a price by private agencies to cover cost of production and a reasonable profit, the farmer will not lose; but under this bill, if there is a loss, the board will go down into the pockets of the farmer to pay that loss to the packers and the millers; and I do not think there is any necessity for any amendment to be inserted in lieu of the provisions which I propose to be stricken out.

I think the amendment that I have proposed perfects the bill to that extent, and that there ought not to be any provision in this bill for these marketing agreements between any other agencies than cooperative agencies and voluntary farm organizations. If this board is permitted to make agreements with millers and packers and other great organizations and combinations, they will have a firmer grip on the producer. They now have too firm a grip on the farmer through their combinations. They have their lobbies. They have their highly paid attorneys. They will procure suites at the hotels at Washington and, with lavishly furnished headquarters, maintain here a battery of lawyers and experts to deal and dicker with this board on these commodities, while the farmer is back upon his farm following the plow, tending his stock, sowing in the springtime, cultivating through the seasons, and harvesting in the autumn. He has no lawyers, no experts, no accountants to send to Washington. He has no battery of lawyers. He can not maintain these palatial headquarters in this city to look after his interests. If we are to draw from the experience of the past, it must be recognized that when you set up this scheme it will be an uneven and an unfair contest between the men upon the farms and the packers and the millers and those who control the marketing of the farmers' produce.

Why, Mr. President, this proposal is merely to write into the law a declaration of policy that these things will continue and that they are right. Yes; your combinations will still exist. The control will still exist far worse than under the present conditions. This board may sell those commodities to the subsidiaries of these organizations dealing in the foreign trade and the foreign market. Under this bill the farmer will be compelled to go down into his pocket and pay an equalization fee sufficient to make up the loss. You can not perfect this bill by any substitution of this language. If you are going to permit marketing agreements of agencies other than cooperative and voluntary farm agencies, in fairness to the worker upon the farm it can only rightfully be done as provided in the substitute of the Senator from Iowa [Mr. BROOKHART].

I hope that this amendment will be agreed to.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wisconsin [Mr. BLAINE].

Mr. BLAINE. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BLACK. Mr. President, may the amendment be stated?

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 12 of the original bill, line 20, it is proposed to strike out all after the word "corporation" down to and including the word "food products," in line 10 of page 13.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. BLAINE. Mr. President, there are so very few Senators in the Chamber I wonder if we might not have the amendment restated.

The VICE PRESIDENT. The clerk will restate the amendment.

The LEGISLATIVE CLERK. On page 12 of the original bill it is proposed to strike out after the word "corporation," in line 20, all down to and including the words "food products," in line 10, on page 13.

Mr. SWANSON. Mr. President, I suggest that there be read what it is proposed to strike out.

The VICE PRESIDENT. The clerk will read, as suggested by the Senator from Virginia.

The LEGISLATIVE CLERK. The Senator from Wisconsin [Mr. BLAINE] proposes to strike out the following language:

If the board is of the opinion that there is no such cooperative association or corporation created and controlled by one or more such associations capable of carrying out any marketing agreement

for purchase, withholding, and disposal, then the board may enter into the agreement with other agencies but shall not unreasonably discriminate between such other agencies.

(f) During a marketing period fixed by the board for any commodity, the board may enter into marketing agreements for the purchase, withholding, and disposal of the food products of such commodity, and all provisions of this section applicable to marketing agreements for the purchase, withholding, and disposal of a surplus of the commodity shall apply to the agreements in respect of its food products.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. FESS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], but I find that I can transfer the pair to the Senator from Vermont [Mr. GREENE] and vote. I vote "yea."

Mr. KING (when his name was called). I have a general pair with the junior Senator from Nebraska [Mr. HOWELL], but I find that I may transfer, and I do transfer, my pair with that Senator to the senior Senator from Missouri [Mr. REED] and vote. I vote "yea."

Mr. PHIPPS (when his name was called). I have a pair with the junior Senator from Georgia [Mr. GEORGE], but I am informed that if he were present, he would vote as I intend to vote. I am, therefore, at liberty to vote, and vote "nay."

The roll call was concluded.

Mr. MCKELLAR. I wish to announce that the senior Senator from West Virginia [Mr. NEELY] is unavoidably absent. If he were present, he would vote "nay" on the pending motion.

Mr. CARAWAY. I wish to announce the unavoidable absence of my colleague, the senior Senator from Arkansas [Mr. ROBINSON] on account of illness. If present, he would vote "nay."

Mr. JONES. I desire to announce the general pair of the Senator from Massachusetts [Mr. GILLETT] with the Senator from Florida [Mr. TRAMMELL].

I also desire to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from South Carolina [Mr. BLEASE], and that the Senator from Montana [Mr. WALSH] is paired with the Senator from West Virginia [Mr. NEELY].

The result was announced—yeas 20, nays 57, as follows:

YEAS—20

Bingham	Edge	Harris	Metcalf
Black	Fess	Heflin	Reed, Pa.
Blaine	Gerry	Keyes	Swanson
Borah	Glass	King	Tydings
Brookhart	Hale	McLean	Warren

NAYS—57

Ashurst	Fletcher	Moses	Simmons
Barkley	Frazier	Norbeck	Smith
Bayard	Goff	Norris	Steck
Bratton	Gooding	Nye	Steiwer
Broussard	Harrison	Oddie	Stephens
Capper	Hawes	Overman	Thomas
Caraway	Hayden	Phipps	Tyson
Copeland	Johnson	Pine	Vandenberg
Couzens	Jones	Pittman	Wagner
Curtis	Kendrick	Ransdell	Waterman
Cutting	La Follette	Robinson, Ind.	Watson
Dale	McKellar	Sackett	Wheeler
Deneen	McMaster	Schall	
Dill	McNary	Sheppard	
Edwards	Mayfield	Shipstead	

NOT VOTING—16

Blease	Gillett	Neely	Smoot
Bruce	Gould	Reed, Mo.	Trammell
du Pont	Greene	Robinson, Ark.	Walsh, Mass.
George	Howell	Shortridge	

So Mr. BLAINE'S amendment was rejected.

Mr. SACKETT. Mr. President, I send an amendment to the desk and ask that it may be stated.

The VICE PRESIDENT. The amendment proposed by the Senator from Kentucky will be read.

The CHIEF CLERK. It is proposed to strike out section 8, as amended, as follows:

EQUALIZATION FEE

SEC. 8. (a) In order to carry out marketing and nonpremium insurance agreements in respect of any agricultural commodity without loss to the revolving fund, each marketed unit of such agricultural commodity shall, throughout any marketing period in respect of such commodity, contribute ratably its equitable share of the losses, costs, and charges arising out of such agreements. Such contributions shall be made by means of an equalization fee apportioned and paid as a regulation of interstate and foreign commerce in the commodity. It shall be the duty of the board to apportion and collect such fee in respect of such commodity as hereinafter provided.

(b) Prior to the commencement of any marketing period in respect of any agricultural commodity, and thereafter from time to time during such marketing period, the board shall estimate the probable losses, costs, and charges to be paid under marketing agreements in respect of such commodity or under nonpremium insurance agreements in respect of such commodity as hereinafter provided. Upon the basis of such estimates there shall be from time to time determined, and if such estimates are concurred in by a majority of the advisory council for such commodity, the board shall publish the amount of the equalization fee (if any is required under such estimates) for each unit of weight, measure, or value designated by the board, to be collected upon such unit of such agricultural commodity during any part of the marketing period for the commodity. Such amount is referred to in this act as the "equalization fee." At the time of determining and publishing any equalization fee the board shall specify the time during which the particular fee shall remain in effect and the place and manner of its payment and collection.

(c) Under such regulations as the board may prescribe, any equalization fee so published by the board shall be paid, in respect of each marketed unit of such commodity, upon one of the following: The transportation, processing, or sale of such unit. The equalization fee shall not be collected more than once in respect of any unit. The board shall determine, in the case of each class of transactions in the commodity, whether the equalization fee shall be paid upon transportation, processing, or sale. The board shall make such determination upon the basis of the most effective and economical means of collecting the fee with respect to each unit of the commodity marketed during the marketing period.

(d) The board may by regulation require any person engaged in the transportation, processing, or acquisition by purchase of any agricultural commodity—

(1) To file returns under oath and to report, in respect of his transportation, processing, or acquisition of such commodity, the amount of equalization fees payable thereon, and such other facts as may be necessary for their payment or collection.

(2) To collect the equalization fee as directed by the board and to account therefor.

(e) The board, under regulations prescribed by it, is authorized to pay to any such person required to collect such fees a reasonable charge for his services.

(f) Every person who, in violation of the regulations prescribed by the board, fails to collect or account for any equalization fee shall be liable for its amount and to a penalty equal to one-half its amount. Such amount and penalty may be recovered together in a civil suit brought by the board in the name of the United States.

(g) As used in this section—

(1) In the case of grain the term "processing" means milling of grain for market or the first processing in any manner for market (other than cleaning or drying) of grain not so milled, and the term "sale" means a sale or other disposition in the United States of grain for milling or other processing for market, for resale, or for delivery by a common carrier—occurring during a marketing period in respect of grain.

(2) In the case of cotton the term "processing" means spinning, milling, or any manufacturing of cotton other than ginning; the term "sale" means a sale or other disposition in the United States of cotton for spinning, milling, or any manufacturing other than ginning, or for delivery outside the United States; and the term "transportation" means the acceptance of cotton by a common carrier for delivery to any person for spinning, milling, or any manufacturing of cotton other than ginning, or for delivery outside the United States—occurring during a marketing period in respect of cotton.

(3) In the case of livestock the term "processing" means slaughter for market by a purchaser of livestock, and the term "sale" means a sale or other disposition in the United States of livestock destined for slaughter for market without intervening holding for feeding (other than feeding in transit) or fattening—occurring during a marketing period in respect of livestock.

(4) In the case of tobacco, the term "sale" means a sale or other disposition to any dealer in leaf tobacco or to any registered manufacurer of the products of tobacco. The term "tobacco" means leaf tobacco, stemmed or unstemmed.

(5) In the case of grain, livestock, and tobacco, the term "transportation" means the acceptance of a commodity by a common carrier for delivery.

(6) In the case of any agricultural commodity other than grain, cotton, livestock, or tobacco, the board shall, in connection with its specification of the place and manner of payment and collection of the equalization fee, further specify the particular type of processing, sale, or transportation in respect of which the equalization fee is to be paid and collected.

(7) The term "sale" does not include a transfer to a cooperative association for the purpose of sale or other disposition by such association on account of the transferor; nor a transfer of title in pursuance of a contract entered into before, and at a specified price determined before, the commencement of a marketing period in respect of the agricultural commodity. In case of the transfer of title in pursuance of a contract entered into after the commencement of a marketing period in respect of the agricultural commodity, but entered into at a time when, and at a specified price determined at a time during which a particular equalization fee is in effect, then the equalization fee ap-

plicable in respect of such transfer of title shall be the equalization fee in effect at the time when such specified price was determined.

Mr. SACKETT. Mr. President, this amendment seeks to strike out the paragraph containing the equalization fee. I am very anxious to vote for the bill, but I can not bring myself at present to vote for the equalization fee, imposing what, I think, would be a tax upon the producer outside the powers of Congress.

I take that position, first, because during the debate on the bill yesterday we increased the amount of the revolving fund from $250,000,000 to $400,000,000. In the second place, the purpose of the equalization fee, as shown in the beginning of section 8, is to carry out the marketing and insurance agreements in respect to agricultural commodities without loss to the revolving fund.

If that is the purpose of putting in the equalization fee, after all the other methods of arriving at this protection of the farmer have been carried through and found unavailable, then I would prefer to draw upon the amount of the revolving fund of $400,000,000, and let the Government pay it, than to put this charge upon the producer, which I believe the Congress has no right to put there.

Mr. McMASTER. Mr. President, will the Senator yield?

Mr. SACKETT. The Senator will yield, but the Senator will yield the floor, simply asking for a vote upon his amendment.

Mr. McMASTER. Will the Senator yield for a question?

Mr. SACKETT. I will.

Mr. McMASTER. In view of the fact that the Senator's amendment strikes out the equalization fee, is not his amendment right in line with the amendment of the Senator from Iowa [Mr. BROOKHART]?

Mr. SACKETT. I think probably it is, but I told the Senator from Iowa that I would offer the amendment, and he agreed to it.

Mr. McMASTER. The two amendments are practically the same?

Mr. SACKETT. Practically the same. What I want to have is a vote upon this amendment. I appreciate that if the amendment should carry, it will necessitate certain minor amendments to make the bill conform, in the matter of paragraphs, and so forth, but it simply raises the question of whether we are to put an equalization fee, as a matter of last resort, upon the producers of any of these commodities, or whether we are going to allow the revolving fund, which we have now put at $400,000,000, take care of these losses. I ask for a record vote.

Mr. DILL. I want to ask the Senator from Kentucky a question, because I have not been able to hear all he said. I wish to know whether my understanding is correct or not, namely, that this amendment strikes out the equalization fee?

Mr. SACKETT. Yes.

Mr. DILL. That is the purpose of the amendment?

Mr. SACKETT. That is the purpose of the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kentucky.

Mr. SACKETT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAINE. Mr. President, the Senate has chosen to retain in the bill the provision that permits the board to deal and dicker with the packers, the millers, the cotton brokers, and all other dealers in farm products, in effect permitting them to suffer no loss. In case they organize their subsidiaries outside the United States to buy these surplus commodities at the world price, on the world market, exactly the same private interests, the same private parties are involved, and they are given this opportunity to engage in business with the board, to purchase the commodities of the farm. The same interests will be permitted, through their subsidiaries, to buy cheap products outside of America, and tax the farmer an equalization fee to make up the difference. Under such circumstances, I submit that the equalization fee ought to go out of this bill. Had the amendment which I proposed been adopted, there would have been an harmonious arrangement for cooperative marketing among the farmers and by the farmers. With that amendment defeated, you have the lamb and the lion lying down together, and it is the millers and the packers and the cotton brokers and other dealers in farm commodities that will be the lion, and the farmer must accept the loss; he will be devoured speaking in terms of his economic status.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. BRUCE. I want to ask the Senator from Wisconsin a question, because I have been seeking light on the subject for some time. How does this equalization fee tax the farmer, or constitute any burden on the farmer? He does not get the equalization fee; he does not expect to get it. When a price is fixed under the provisions of this bill, it is simply put up to a sufficient point to cover a proper price for the farmer and to cover the equalization fee besides. So how is it any burden on the farmer? How is it any tax on the farmer?

Mr. BLAINE. I must leave the answer to that question to those who propose to sell the farmers' commodities to the millers and the packers and the cotton brokers as to who is going to pay the equalization fee.

Mr. BRUCE. Do not leave it to anybody, because you will never find anybody who can answer it.

Mr. BLAINE. With the equalization fee and the plan of cooperation devised, this bill might have been of great benefit to the agricultural workers of this country; but when there has been engrafted into the measure these other private agencies, whose profits are in effect guaranteed by the equalization fee, no matter who pays it, whether it is the farmer or the consumer, it will be of no benefit to the farmer. The theory is that the farmer pays the equalization fee, because it has been stated that those who do not belong to the cooperative organization should not receive the benefits of that which flows from cooperation, and therefore they should be taxed in order that all farmers alike may share in this cooperative marketing of their commodities. That is the theory, and that has been the burden of the debate on this floor in the last several days. I have endeavored to follow that debate, and as I followed it I was led to an investigation of the provision that was retained in this bill but a few moments ago on a record vote. With that provision in the bill the equalization fee ought to go out, for I am opposed to any scheme or system that will protect the profits of the packers, the millers, the cotton brokers, and those who are to-day in control of the markets of farm commodities at the expense of the farmer through an equalization fee. That is why I shall vote for the elimination of the equalization fee.

Mr. GOODING. Mr. President, this is not a packer's bill, or a cotton exchange bill, or a miller's bill. This is the fruit of the hard work of the representatives of agriculture, after more than five years' labor, during which hearings have been held for months at a time. It is not any fly-by-night matter that has been arrived at hastily, or anything of the kind. No bill in Congress in many years that I know of has had the serious consideration that this measure has had. Representatives of agriculture from every part of the country have come to Washington and given evidence and suggestions in regard to this measure. Every farm organization in America has indorsed it. It is true, the National Grange would prefer a debenture plan, but they are not opposed to this, and I am sure they want it passed, unless they can have their debenture plan.

So, Mr. President, it is a late hour to kick over what it seems to me is an honest effort on the part of agriculture, and not packers, or millers, or anybody else.

Mr. BLAINE. Mr. President——

Mr. GOODING. I am not going to be interrupted in the course of my remarks.

Mr. BLAINE. Will the Senator answer a question when he is through?

Mr. GOODING. Yes; I will answer a question now, if it is just a question.

Mr. BLAINE. That is all I want to ask.

Mr. GOODING. I want to take up the story of the wheat growers, because that is about the story of agriculture.

Mr. BLAINE. Were the farmers who belonged to these farm organizations advised about the board having the right to enter into agreements with the packers and the millers and the cotton brokers?

Mr. GOODING. There is no doubt about it. I would not say all the farmers, but the organizations. This is not a new bill. This bill was submitted to the Senate on two different occasions, and to the whole country, and the same provisions were in it with regard to using the instrumentalities that we now have for marketing farm products, which should not be destroyed until something better, if possible, was put in their place. Nobody should want to do that. I expect that the President, if he signs this bill, will appoint a board of commissioners who are intelligent men, who will be able to do business even with packers and not be robbed. I am inclined to think it would be a good thing for the producers if they had some way to get up a little closer to the packers and to the millers. That will not hurt. If we can pick the best brains in agriculture and put them up against the big organizations of the country, they will work out the problems in a way that will be beneficial, and the farmers will not be robbed.

Mr. FESS. Mr. President, will the Senator yield?

Mr. GOODING. Yes; I yield.

Mr. FESS. I would not object to making a contract with the packers to handle it if it were not for this fact: That the packers would have no risk whatever to run, because the losses would be made up; but if the packers were a cooperative association of farmers, so that the product would be handled by the people who raised it, there would be a reason for lessening the losses. In this case there is no reason whatever.

Mr. GOODING. The packers are the only instrumentality through which we can market the pork products at the present time in foreign countries, and pretty much in our own country, and they must be utilized, they must be used, and the Senator well knows it. His vote generally on this bill is to destroy it, and not to be helpful. There is no doubt about that. I understand the Senator, who is to make the keynote speech at Kansas City, very thoroughly, and he will not make a keynote speech for the farmers when he arrives there. If we are going to talk plain, let us talk plain, and lay everything on the table, and get at it.

Mr. FESS. When the Senator makes any speech for the farmers, he will go to a farmer, and not to a Senator.

Mr. GOODING. Not to the Senator's kind of a Senator, not a professor of economics. I never yet knew one of them who was right when it came to farm problems. They have the corporation view, as a rule.

Mr. FESS. In this case the Senator from Idaho has the corporation view.

Mr. GOODING. I am not going to yield any longer to the Senator.

Mr. FESS. No; the Senator speaks for the packers instead of the farmers.

Mr. GOODING. I want to go on and tell the story of the wheat grower and show what he has suffered. In 1923 the Government made an investigation of the cost of growing wheat in four of the Northwestern States—North and South Dakota, Minnesota, and Montana. Not taking any depreciation of soil into consideration, as the Senator from Iowa [Mr. BROOKHART] would have us do in his bill, not taking any depreciation of buildings, livestock, farm implements, or anything else, but allowing him a bare 6 per cent, which does not cover his costs and interests, it was found that the actual cost of producing a bushel of wheat was $1.40. In Canada it was 92 cents.

I am quite sure I am safe in saying that the cost of wheat in 1921 and 1922 was about the same as it was in 1923 and years following. The average price per bushel of wheat on the farm in 1921 was $1.01. He lost that year, on the actual cost of production as found by the Government, $314,000,000. I shall give only the round numbers. In 1922 the average price on the farm was 98 cents a bushel, and that year he lost $364,000,000. In 1923 the price was 92 cents a bushel, and that year he lost $380,000,000. In 1924 the average price on the farm was $1.27, and that year he lost $101,000,000. In 1925 his wheat was worth on the farm $1.45 a bushel, and that year he had a profit of $30,000,000. In 1926 he lost $166,000,000, and in 1927 he lost $160,000,000.

In the seven years the wheat grower actually lost, according to Government statistics gathered as to the price of wheat on the farm and the selling price on the farm, $1,487,910,230. That was his actual loss. He can not continue that indefinitely. We must enact some legislation that will give him somewhere near the cost of production, and that is what the equalization fee in the pending bill proposes to do. Without the equalization fee I would consider it a most dangerous measure. I think any bill that appropriates money to loan to the farmer, unless we can give him an increased price, is a dangerous thing for the American farmer.

What the American farmer must have, if he is to be prosperous in this country, is an increased price to meet the increased cost which has been forced upon him by his own Government through legislation, and there is no question of doubt about it. We changed, through legislation, the basis of a day's labor upon the railroads from a 10-hour day to an 8-hour day. We increased the freight rates almost 100 per cent by legislation. Through legislation we increased the price of labor on the railroads 100 per cent. That was followed by an increase in practically every industry in America, and the farmer is paying these increases of 100 per cent for everything he buys for the home and the farm and yet he can pass no part of it on to his consumer. The Senator from Ohio [Mr. FESS] understands that. The farmer never made a price on anything. He must look in the papers every morning to find the prices on farm products.

The equalization fee gives the farmer an opportunity to pass on some of these increases. The bill creates a board of directors for the farmer and for each commodity there will be an advisory council of seven members to advise the board of directors as to the best interests of that particular commodity. Talk about organizing the American farmer! We might as well try to go out and organize the west wind on the prairies as to try to organize 6,500,000 farmers scattered through the 48 different States in the Union. It is an impossible task.

The farmer has been struggling with that problem for years. He has had his cooperative organizations, only to see them broken down and destroyed by the farmers themselves who were not willing to cooperate. I had the misfortune to belong to two marketing organizations, one a wheat organization and the other a wool organization. They were absolutely destroyed practically by the producers of those particular commodities because they would not come in and cooperate. Some of them did not try to cooperate. They considered it smart, apparently, to let somebody else do the work and they reap the benefit, with the result that they broke down the market every time. We will have a board of directors here which will stabilize the market and will take the surplus off the market in an orderly way.

Let me tell what happens to the farmer. The average production of wheat in America is about 800,000,000 bushels per year. We export 200,000,000 bushels a year. That is about the average export, and I am going to take the average. I will take round figures, because they will be easier for me to explain in relation to the benefit of the equalization fee as it will be put in force by the board.

In my State for the last two years the price of wheat to the farmer has averaged $1 a bushel, and I am going to take $1 a bushel, because that is a round number. What the bill proposes to do is to increase the price of wheat by the amount of the tariff, 42 cents per bushel. Wheat in my State is worth a dollar per bushel for export into foreign markets. That means, for the 200,000,000 bushels of wheat that will be exported and taken off the market to export, that the board will lose $84,000,000; but in order to make up that loss they will levy an equalization fee of 12 cents a bushel, which will raise $96,000,000, or $12,000,000 more than the loss in the sale of the 200,000,000 bushels of wheat on the foreign market. This means that the farmer will have left 30 cents a bushel, because he is able to take off from this market the surplus and sell it abroad and bring the price of wheat up to the world price plus the tariff. He can not get the 42 cents, but he can get the 30 cents, which means in round numbers that the farmer will make, off of his crop of 800,000,000 bushels, $240,000,000. In other words, instead of selling his wheat for $1 per bushel in Idaho, if this bill passes with its equalization fee he will receive $1.30 per bushel, and even that does not bring him within 10 cents of the actual cost of production as found by his Government that he is entitled to. Surely everybody ought to be willing to give any producer or any manufacturer the cost of production. There is something wrong in any man's system when he is not willing to give at least that much.

Some of the enemies of the bill are very much alarmed about the farmer having an overproduction.

Mr. NORBECK. Mr. President, will the Senator yield?

Mr. GOODING. Certainly.

Mr. NORBECK. It is an interesting question when the Senator speaks of the "enemies" of the bill. This seems to be a case where we have to contend with the real conservative and the real radicals joining against the farmer. We have not only got to fight Boston on this bill, but we have to fight BROOKHART. I have been a progressive for a good many years, but I have come to believe that the more radical a progressive becomes, the more liable he is to join the enemy.

Mr. GOODING. The Senator's remarks are appropriate. Of course there are some people who, if they can not have what they want, do not want anybody else to have anything. Of course I would not apply that to Senators, but there are such people outside of the Senate, as we all know.

I am sure that the biggest factor in the bill is that it will bring about an orderly production. To my mind that is the big feature of the bill, because I do not believe there is much prosperity for anybody who continues all the time to produce great surpluses. After all, I do not care whether it is the tariff or whether it is the equalization fee or what it is, the great law of supply and demand must control and will control. The farmer understands this, and to my mind there is no danger of an increased production of wheat.

But if the farmer should produce 1,000,000,000 bushels of wheat and export 400,000,000 bushels of wheat, in order to take care of the 42-cent loss in the export of the 400,000,000 bushels of wheat, or $168,000,000, the board would have to levy an equalization fee of 18 cents a bushel.

The 18 cents a bushel would raise $180,000,000, exactly $12,000,000 more than we say his losses are. Still that gives

him 24 cents a bushel more than the world's price. The Senator from Maryland [Mr. BRUCE] is quite right. After all it does not come out of the farmer's pocket. It never was in his pocket. But because we take out of his bushel of wheat 18 cents, even if he produces 1,000,000,000 bushels of wheat he will have 24 cents more per bushel. That will give him in round numbers on a billion bushels 24 cents a bushel or $240,000,000, and yet, if you please, he is 16 cents away from the actual cost of production shown by his own Government, and yet we find men fighting him.

That is what the equalization fee will do for the wheat grower. It will do just as much for every other farm product. To my mind it will do more for the cotton grower. It will make it possible for him to market his farm product in an orderly way, and that is what the world is doing with all its raw materials, and no place has there been a failure. There have been some changes in the system. The coffee bankers in Brazil are carrying that product along. England brought her rubber from 7 cents to a dollar a pound, which is entirely too high and we all agree to that, but to-day the rubber plantations are prosperous.

I am satisfied that the cotton growers, with an advisory council of seven members taken from among the cotton growers, can adopt a plan and a policy that will bring about a reasonable and fair price for cotton every year, instead of selling it below the cost of production as they are doing at the present time, not only in America but for the whole world.

Mr. President, Senators say they are going to vote against the bill if the equalization fee is left in it. I am going to vote against it if it is taken out and every friend of agriculture who knows anything about the needs of agriculture ought to do the same thing.

Mr. NORBECK. There is nothing else to do. If the equalization fee is taken out, it becomes a joke and we ought to be honest with the people and vote against the bill.

Mr. GOODING. Of course, that is correct. There is not a farm organization in America asking for the bill without the equalization fee; not one. Of course, the packers are against the bill and the millers are against it. The millers have the best organization there is in America. Is there any doubt in the mind of any Senator that with $1.06 of compensatory duty on 100 pounds of flour, because there is a duty of 42 cents on a bushel of wheat, that the miller is not collecting the full duty on flour and that the people are paying for it? Of course, a man would be simple if he did not know that was going on.

Yet the farmer gets no benefit of the protection of 42 cents per bushel on wheat, with the exception of what is called the hard wheat, of which we produce around 200,000,000 bushels. On an average he has had a benefit of about 12 cents per bushel out of the 42 cents per bushel on the hard wheat; but out of 600,000,000 bushels of what is called soft wheat farmers never received any benefit of the tariff of 42 cents per bushel. At times millers and speculators have forced it below the price it is actually worth for export, and yet the people pay and pay all the time the full amount of duty on wheat of 42 cents per bushel.

The bakers to-day are getting $27 out of a barrel of flour, while the farmers are getting less than $5 out of a barrel of flour.

Mr. BRUCE. Mr. President, may I ask the Senator from Idaho a question?

Mr. GOODING. Yes.

Mr. BRUCE. Is it not true that the function of distribution as well as the function of production is necessarily attended with great cost?

Mr. GOODING. That is true, of course, I will say to the Senator from Maryland. I think, however, it has been stated on this floor over and over again, and I have stated it, that we have 19,000,000 people trafficking in farm products, and for every dollar the farmer gets those 19,000,000 people take $2. There is in this country a farm population of 36,000,000 and that is the division of rewards.

To my mind the pending bill is going to bring about cheaper living when the instrumentalities are properly built up for marketing, but it is going to take a little time to do that.

Mr. BRUCE. But the point I am making is that a certain amount of cost and expense is inseparable from the distribution of agricultural products.

Mr. GOODING. Of course.

Mr. BRUCE. And that cost has got to be met by somebody.

Mr. GOODING. Certainly.

Mr. BRUCE. And if it is not met by private individuals or private concerns it has to be met by the Government. Is not that so?

Mr. GOODING. It is not met by the Government.

Mr. BRUCE. But agricultural products can not be distributed without expense.

Mr. GOODING. Of course, the freight and all other expenses have to be paid.

Mr. BRUCE. Then somebody has got to be paid for handling the products. That is one of the offices connected with the function of distribution.

Mr. GOODING. For every hundred people in America there is a storekeeper. So it goes on down through the list. We in America have the most extravagant marketing system the world has ever seen. It is getting more expensive all the time. I think much of it can be eliminated by the passage of this bill. With this board of directors—that is all they are—the cotton growers are going to be stockholders so far as their work in cotton marketing is concerned; the wheat growers are going to be stockholders, so far as their part is concerned in the production of wheat; and so it goes on through the whole system. This bill means that we are going to develop in this country an organization that will permit the farmers to market their product the same as other industries market their products to-day.

The tariff legislation, as the Senator from Maryland knows, permits the manufacturers of this country to sell cheaper abroad than they do at home. That is all the farmer is asking for. In this case he is asking for an American price for American cost of production that has been forced on him by his own Government; that is all. The farmer does not want anything else, and he can not get even that under this bill. Nobody can be hurt; there is no way that the farmer can inflate the price beyond a reasonable one, because the tariff will not permit him to do it. We had just as well understand it. I speak only for myself. This fight is going to continue. If the Supreme Court shall find the proposed legislation unconstitutional, the farmers of the country will be forced to make an effort to amend the Constitution, so that they, as well as corporations, may come under the Constitution. I have listened before the Interstate Commerce Committee to an argument on constitutionality in respect to coal. We had two sets of attorneys before us—one representing the American Mine Workers and the other the mine operators. Both of them have been on both sides of the question. First the operators, when the strike was called in the coal mines, took the position in the coal fields of Pennsylvania and West Virginia that the mining of coal was interstate commerce and asked for injunctions against the striking miners because it was claimed the strike interfered with the mining of coal. Now the operators refuse to give the Interstate Commerce Committee the cost of production saying that coal is not interstate commerce and that the committee for that reason has no right to ask the question.

The United Mine Workers took the position before the courts that the mining of coal was not interstate commerce, and for that reason the injunctions should not issue; but the courts issued their injunctions and now attorneys for the United Mine Workers insist that the mining of coal is interstate commerce and from the injunctions that have been granted in Pennsylvania, I am sure they have the right to believe that the mining of coal is interstate commerce, for in Pennsylvania they have obtained injunctions against the miners singing Nearer, My God, to Thee, and other hymns because coal is interstate commerce according to the decision of that court.

I have confidence in the Supreme Court; I believe they will find that wheat is interstate commerce; that it is a part of the great traffic that passes over our railroads; that it enters as a large factor into making up the interstate commerce of the country; and that we have a right to deal with it as interstate commerce, under the Constitution. That is what this bill proposes to do; that is all and nothing else. It merely proposes to permit the farmers of the country to transact business the same as the great corporations of the country do, and that everybody ought to be willing to give the farmer an opportunity to do.

The people of New England, on whom we have piled protection for more than a hundred years, have built up great industries, all of which have increased the cost of the production of a bushel of wheat; but, to my mind, the protective tariff is a great American principle; I think it has built up a high standard of citizenship in America; and I am not for breaking it down. Ah, but they give to the poor old farmer what? Nothing at all. They give to the West what? Nothing at all. They are against his good roads; they are against anything in the interest of agriculture or the West. We had just as well begin to call a spade a spade and have an understanding. Do not forget that "whom the gods would destrcy they first make mad."

No wonder there is discontent in the ranks of agriculture. Would Senators expect to find among the farmers anything

but discontent? We have not been fair with them; the Government has not been honest with the farmer. When a Government changes the basis of a day's labor from 10 hours to 8 hours a day, increases the price of labor 100 per cent, increases the freight rates which the railroads pass on to the consumer, and then pays no attention to the farmer whose cost of production has been increased 100 per cent, I maintain that is a crime. Perhaps it was not intentional, but that is just what has happened to the American farmer, and that is what is the matter with him.

New England is not fair to the West. They insist that we go back to normalcy. I have heard much about the word "normalcy." It means, according to my opinion, breaking down the price of labor, to what it was before the war. Mr. President, I hope that will never happen. I do not believe American labor is getting any too much for the work performed, and I hope the time will come when we shall be able to pay more, because I believe that to-day in organized labor and in other forms of labor rests the safety of the American Government and its best interests. It is strange, is it not, that the man who belongs to a labor organization and buys a loaf of bread is on record with his coworkers for this bill, while the manufacturers of the East into whose pockets the Government has poured billions are opposing it almost to a man. Come on with the fight. I want to tell you, Mr. President, the American farmer is ready for it with his back to the wall; that he has reached the point where he is about ready to let the tail go with the hide.

Mr. HARRIS. Mr. President, I think all Senators with whom I have served will agree that my record since I have been in the Senate has been favorable to agriculture whether it be of the West or North or South. No Senator has worked harder for the farmers at all times than I have. I know that the farmers need help, and I am anxious to help them, but I can not understand how putting a tax under the guise of an equalization fee will help the farmer. I do not believe we have the right to put an equalization fee on the farmer, and I will never vote for this bill unless it is amended to strike out this fee or else allow the farmers to decide whether this fee is wise. It must be left entirely in the control of the farmers. I shall never vote to put the farmers in a straight jacket—they have hard enough times as it is without adding any burdens to their already too heavy load. We know that under the protective tariff the manufacturers by the help of Congress have been benefited at the expense of the public, who are taxed to pay for it. We know that the railroads under the Esch-Cummins law have been practically guaranteed dividends on all their property; and we know that railroad labor under the Adamson law has been benefited. Furthermore, we know that the Post Office Department suffers a loss of practically $100,000,000 a year in carrying postal matter for certain interests that do not pay the cost of carrying it. Then why should not the Government pay any loss sustained in handling surplus cotton and other farm products?

The Senator from Kentucky [Mr. SACKETT] offers an amendment which provides that if there shall be any loss in handling the surplus cotton or other agricultural products it shall come out of the fund to be created by Congress, and I shall vote for his amendment. Some of my friends on the other side of the Chamber want to make the farmer pay this loss. They want to help the farmer by taxing him under the guise of an equalization fee, which is a mighty poor way to help him.

Mr. President, we have heard a great deal said on the other side this afternoon about what the farmers in America want. No Senator keeps more closely in touch with the farmers' needs than I do, and I am sure the Georgia farmers want me to vote for the amendment of the Senator from Kentucky, which would relieve them of paying this equalization fee, and provides that the losses shall be paid out of the Government fund to be created for handling cotton and other surplus crops. Congress has already delayed too long the help that is necessary for the farmers to make a living. We must do something now. When we help the farmers it benefits all classes. No matter what Senators may say, it can not be denied that Congress has failed in its duty by the farmers. Many thousand farmers, during the past few years, have worked hard and through no fault of their own have either lost their farms or have them heavily mortgaged.

Mr. HEFLIN. Mr. President, I can agree with a great many things said by the Senator from Idaho [Mr. GOODING]. I know that the farmer needs relief. The question is what manner of relief should we give him. We ought not to give him a gold brick; we ought to give him legislation that will reach the evil, legislation that will help him out of the difficulty in which he finds himself. But I can not understand why a packer should be tied into this bill at any place, in any fashion, to share the fund that is to be raised by the farmers by an equalization fee.

Mr. McNARY. Mr. President——

Mr. HEFLIN. I yield to the Senator from Oregon.

Mr. McNARY. Will the Senator turn to the place in the bill where it refers to the packer or where the packer is "tied in"?

Mr. HEFLIN. I understand the Senator from Oregon has said that in certain circumstances the services of the packer would be used, and therefore he would share in this fund.

Mr. McNARY. He would not share in the fund, but he would be paid for his services. If there are agencies in existence by which hogs can be handled or a portion of a carcass, or by which wheat can be ground into flour, the board has a right to employ such agencies to render the service, the same as we might employ an automobile to take us from here to the center of the town. The bill does not confer any kind of emolument whatsoever on the packer, but if he renders a service, just as a cooperative organization renders a service, he gets the price of the service so rendered. Would the Senator do less? If two or more cooperative associations are employed by the board—because the board has not any instrumentality of its own—the board pays the actual cost and charges of the services rendered by such cooperatives. There are no agencies created, aside from the board and advisory councils, save those that are now constituted and recognized as lawful agencies. The board will pay such agencies for the services rendered. Would the Senator decline such service and deny compensation? That is all there is in this proposition. It makes it possible for the farmers under all conditions and circumstances to take advantage of the machinery created by this bill. Would the Senator deny them that opportunity? Would he expect anyone under the sun, whether it be a packer, a cooperative association, or a Senator of the United States, to render a service without emolument and fair compensation? If the Senator does, then he represents a school of thought of which I am not at all a disciple.

Mr. HEFLIN. Mr. President, the Senator suggests that the packer is merely to act as an agent. I can not bring myself to appreciate the situation where the miller, a buyer, is going to help the seller handle his wheat in such a way as to enhance the value of wheat and cause him to have to pay a higher price for it.

Mr. McNARY. Mr. President, I do not want to interrupt the Senator.

Mr. HEFLIN. I yield to the Senator. I want to get at the facts.

Mr. McNARY. The language is so plain and the illustration I have drawn I think so accurate that it seems unnecessary to say more about it; but let me ask the Senator a question on the miller proposition.

The board sees that it is necessary in its physical, raw state to withdraw from sale a large quantity of wheat. It finds that to employ American labor it should and could be milled in American mills. It has the right to enter into contracts to have that conversion take place, in the interest of American labor. Does the Senator object to the employment of American labor?

Mr. HEFLIN. No.

Mr. McNARY. Or would he have the wheat in its natural state sent over to Europe, to be ground by the employment of foreign labor?

Mr. HEFLIN. No.

Mr. McNARY. The Senator has talked very eloquently and sincerely—I give him credit for that—about how much interested he is in America and the American citizen. All that this provision with regard to conversion is for is to give to American labor—100 per cent American labor, I assume—that works in the mills the wages that otherwise would flow with the unconverted wheat into Europe, to be there ground by foreigners.

Mr. HEFLIN. That is a very pretty picture, Mr. President.

Mr. McNARY. It is a true one. I am sorry the Senator did not paint it, because it would be more glowing.

Mr. HEFLIN. Mr. President, I paid very strict attention to the Senator, and his statement of the matter was very clear and strong; but the idea of the miller working in concert with the producer is a thing that puzzles me. The buyer has his own position, and the seller has his. They are at war with each other, in a sense. The buyer wants to buy just as cheaply as possible. The seller wants to sell for the best price possible. The thought that came to me was, how are you going to handle this situation with a miller or a packer who is on the buying side of this question, and tie him into a situation where he is going to represent the seller's side of the question and himself, too, at the same time, and make it profitable to both? That is a hard thing to do.

Mr. McNARY. Mr. President, if my distinguished friend, who is usually a student of measures that come before this body for its consideration, would read the bill comprehensively

and studiously, he would see that the instrumentality—it may be a packer—buys at the suggestion of the board and sells under marketing agreements, and simply receives a small compensation or a fair compensation for the service it renders.

Mr. HEFLIN. Mr. President, I can understand, if an occasion should arise where there is not an agency that could be employed, that it might be necessary to employ the miller; but when you employ the miller he has to be a queer miller indeed to be looking out for his side and his profits in the trade, and at the same time using his influence and his sense and his strength to look after the interests and the welfare of the producer in the trade.

Mr. GOODING. Mr. President——

Mr. HEFLIN. I yield to the Senator from Idaho.

Mr. GOODING. I want to say to the Senator that there is more than one miller; and if he does not treat the board fairly and honestly, they will not transact business with him.

Here is a board of directors of intelligent men, beyond a doubt. If the President signs this bill, of course he is going to exercise great care in the selection of the men. He will want it to be successful.

Mr. HEFLIN. Yes.

Mr. GOODING. Of course there is nothing else to do except to use the instrumentalities that are in existence until you can build up something better.

Mr. HEFLIN. Well, it is a hard situation to put the farmer in to use an agency like this, when you could create one of his own making, and let the farmer look after his own business.

If I understand this—and I want to get it clear in my mind—the miller will pay no part of any equalization fee. The packer will pay no equalization fee.

Mr. GOODING. Let me explain it to the Senator.

Mr. HEFLIN. In a moment. The farmer pays the equalization fee; and yet you will call in a miller, an outside man, or a packer, and he is going to share in this equalization fee plucked out of the purse of the farmer. It looks to me as though we are going a long distance out of the way when we go off and pull in these outside influences, who naturally are antagonistic to the farmer and to good prices for the farmer's product.

Mr. GOODING. Mr. President——

Mr. HEFLIN. I yield to the Senator.

Mr. GOODING. This is what the board will do:

The miller will not export wheat. It is not necessary to use him to export wheat, but he of necessity exports flour; and, because of the American price of wheat being increased, he must be protected in the increased price of his flour, and that is all this board will do. That is all they propose to do—to protect him, to see that he does not have a loss on his flour, because the price has been increased to the American farmer—that is all; nothing more. He does not share in any profits. He gets his profits from milling, and that ends it.

Mr. BLAINE. Mr. President——

Mr. HEFLIN. If that is true, then his agency is not worth anything to the farmer.

Mr. GOODING. Oh, yes. He grinds the wheat into flour, and we export every year a great many hundred thousand barrels of wheat in the shape of flour.

Mr. HEFLIN. Does he then, by that act, increase the price of wheat?

Mr. GOODING. Well, of course by the action of the board in taking the surplus of wheat off the market, and permitting the great law of supply and demand to operate, you can raise it up to the tariff. If it does not do that, then all the arguments that you have made on the other side of the Chamber in the past that the tariff increases the price of everything in this country have been wrong. Of course it will increase it.

Mr. HEFLIN. Then what he does, does help to raise the price of wheat?

Mr. GOODING. Yes; but he does not share in the increase.

Mr. HEFLIN. Then, if that is true, he has to turn right around and pay more for the wheat that he buys next day.

Mr. GOODING. Of course; and he ought to pay more, because he is not paying the cost of production.

Mr. HEFLIN. Does the Senator think he would do that out of his affection for the farmer?

Mr. GOODING. Oh, not at all.

Mr. HEFLIN. Does the Senator think he would go to work to raise the price to himself out of regard for the farmer?

Mr. GOODING. Not at all; no. We are not anticipating any affection at all. This is a cold-blooded business proposition. He will have to pay the American price for wheat; that is all; and unless the farmer can get that out of his farm products, he has not got much.

Mr. HEFLIN. I want to help him to get the cost of production——

Mr. GOODING. Then vote for this bill.

Mr. HEFLIN. I want to help him get the cost of production, plus a splendid profit; but I do not propose to have tied into it packers and millers, who will get this fund instead of the farmer. I have seen that done before with legislation in the name of the farmer; and, when it was over, somebody else had access to the fund who had better collateral than he had. The packer is one of them, and the miller is another. They get it, and he does not get it.

Mr. BRUCE. Mr. President——

Mr. HEFLIN. I yield to the Senator from Maryland.

Mr. BRUCE. Mr. President, I simply want to ask the Senator from Alabama whether he is not mistaken in saying that this equalization fee is plucked—I use his very language—from the pocket of the farmer. That is not the way the bill works. The way it works, if I understand it, is this:

The farm board will proceed to create enough scarcity in a particular commodity, by buying up large amounts of it for export, to send the domestic price for it up to a point sufficient not only to cover what might be conceived to be the proper price that the farmer should receive, but to cover the equalization fee besides. In other words, the equalization fee is no tax or burden on the farmer. It is a tax or burden on the ultimate consumer alone. It would never reach the pocket of the farmer. The farmer would never expect it to reach his pocket. It is just a part of the bubble blown up by the inflation of price, that the farm board is to bring about by buying up exportable surpluses.

I repeat, and nobody has been able to challenge the accuracy of the statement so far, that the equalization fee is in no true—in no real sense—any tax or burden on the farmer at all. The farm board has to incur certain expenses in its marketing operations, and the bill proposes just two means by which those expenses may be met. One is by creating this equalization fund, which is created, of course, by merely pushing the price up higher than is necessary to give the farmer a proper price for his product. The other is by making advances and loans out of the Federal Treasury to farmers' cooperatives. In other words, in one case the Government takes the sum that is necessary to meet the expenses out of the pockets of the consumers, and in the other it takes it out of the General Treasury of the Federal Government.

Mr. HEFLIN. Mr. President, I am in favor of aiding the farmer in any way I can to keep his surplus off the market. There is his trouble. If this thing would work, and I knew it would work, I would favor it; but a situation might arise where it would not work.

Suppose they assessed the farmers of my section $5 a bale on cotton. The farmer who produces 10 bales would be assessed $50. If the equalization fee did not work as they thought it would, and the market should continue to go down, he is hurt not only the $50 taken from him in the outset but in the further decline of the price. The same thing might occur with wheat or corn. But, Mr. President, what the farmer needs to have done is to be delivered from the money sharks of the country who feed on his substance, who organize and watch him when he comes to the market place with his produce. They commence to hammer the price down. They go upon the grain exchange, and they sell fictitious grain to the extent of billions of bushels, and they beat down the price.

Here is the farmer coming to the market place with his grain. When he gets there they have swamped the market with their fictitious sales on the exchange. They have controlled the price; they beat it down; they are ready to buy from the producer, and what does he find? He finds himself in a market place where the price does not justify him in selling, but he has to sell. Why? The merchant that he owes tells him he must sell; he needs his money. The banker from whom he has borrowed tells him he had better sell. If they can beat down the price to-day, they can do it to-morrow; and, demoralized, he stands in the market place helpless. He has to dump his wheat on the market, and when they buy it they turn right around on the same exchange and speculate on the bull side of the market, and put up the price rapidly until it goes sky-high, and they clean up millions of money as it goes down, and millions of money as it goes up; and then they put the price of flour to the consumer at the high price fixed by the speculators on the exchange.

They do the same thing in cotton. The farmer comes to the market place. They beat down the price of cotton $15 or $20 a bale, perhaps, and he has to sell. The merchant needs his money; the banker wants his paper settled; and the farmer has pressure brought to bear on him all around. What he needs to do, what the grain grower needs to do is to be able to keep his cotton or his grain off the market, and tell the buying world, "You can not have this grain or this cotton unless you pay me the cost of production, plus a profit. I have a right to

that as a producer. We produce that which feeds and clothes the world. We are not going to permit you to rob us, and send us out of the market places in America empty handed back home with nothing for our wives and children."

Senators, that thing has got to stop. The farmer has got to be delivered.

Now, here is another trouble that the farmer has.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. HEFLIN. In a moment.

The banker may be speculating on the bear side of cotton. The banker may be speculating on the bear side of wheat or corn. He does not want to loan money to a man to hold his grain off the market when he is making money by the price going down in his speculation, so he discourages him, and does not let him have the loan, so he has to sell, and when the farmer dumps his grain on the market it goes still lower, and the banker makes more money out of it. The banker, if he were out entirely and did not speculate in grain or cotton on the bear side he would be interested in loaning money and helping the producer. He lives in the same locality. But the farmer has that situation confronting him.

What will this revolving fund do? I want to say to the Senator from Oregon that that is the redeeming feature of this bill. If we provide $400,000,000 the grain grower can walk up, without consulting anybody who is interested in beating down the price of his stuff, and borrow out of that fund, and hold his product off the market until the price will justify him in selling.

Senators, that is sound doctrine, it is sound principle, it is right. The farmer has the right to be protected in that respect.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER (Mr. STECK in the chair). Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. HEFLIN. I yield.

Mr. BLAINE. If the Senator will bear with me just a moment, it has been suggested that this provision relating to entering into agreements with other agencies than farmers and cooperative associations would permit the millers and packers to process the farmers' product and manufacture it here at home and give American labor that employment. I want to call to the attention of the Senator, in connection with the remarks made by the Senator from Oregon, the fact that that is not a complete statement of the whole situation, and I will call the attention of the Senate at this time to the provision contained on page 13 of the reprint, which was embodied in my amendment, which I propose to strike out. It reads in this way:

> If the board is of the opinion that there are two or more cooperative associations or corporations created and controlled by one or more such associations capable of carrying out any marketing agreement, the board in entering into the agreement shall not unreasonably discriminate against any such association or corporation in favor of any other such association or corporation. If the board is of the opinion that there is no such cooperative association or corporation created and controlled by one or more such associations capable of carrying out any marketing agreement for purchase, withholding, and disposal, then the board may enter into the agreement with other agencies but shall not unreasonably discriminate between such other agencies.

That provision has nothing to do with the manufacturing or the processing of farm commodities. It is subdivision (f) that deals with food products, or manufactured or processed products. But under the provision which I have just read any miller, any packer, any cotton broker, any of these great institutions, private organizations, may purchase these farm commodities under an agreement which is controlled by this language found on page 12 of the reprint, in paragraph 2, beginning in line 11:

> Any such marketing agreement shall provide for the payment from the stabilization fund for the commodity of the amount of the losses, costs, and charges arising out of the purchase, withholding, and disposal, or out of contracts therefor.

Mr. President, the provision, which was not stricken out, permits the board to enter into these agreements which are controlled by the provisions in section 7 to which I have referred. Therefore, of the equalization fee, which is made compulsory, which is exacted either from the farmers or the consuming public, such part as will be necessary will be paid to the packer, the miller, the cotton broker, or any large corporation with which the board has made a contract for all losses, all costs, all charges, and, in addition to that, the same brokers and millers and packers may have their subsidiary organizations in the British Isles, in France, where they already have them, in Germany, in China, or any place in the world, and those subsidiary agents, made up of the same people, but under a different corporate name, may buy those products, raw or processed, and the losses in the world market upon those products must be made up by the imposition of an equalization fee. If this bill means anything, it means that.

Mr. HEFLIN. It strikes me that the Senator's contention is correct.

Mr. BLAINE. I am putting it just as clearly as I am able to put it. I thank the Senator for permitting the interruption.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. HEFLIN. In just a moment, because I want to get through.

Mr. BRUCE. I want to ask the Senator a question before he passes that phase of what he is saying; but if it is not convenient to the Senator to have me interrupt him just now, I will wait.

Mr. HEFLIN. I yield.

Mr. BRUCE. All I wanted to say to the Senator was simply this, that it seems to me he is mistaken in supposing that if this bill goes into effect anybody will do the bulling and the bearing except the Government itself, through this agency, the farm board created by this bill. Of course, it would be in the power of that board to bull or to bear at pleasure as respects a commodity of which there was an exportable surplus. In other words, if it wanted to put the price up, all it would have to do would be to go out in the market, with $400,000,000 behind it, and buy and buy and buy until there was such a scarcity at home of that particular commodity that the price of the commodity would go soaring skyward. Then, of course, the farm board could at any time refrain from creating the state of scarcity in the case of an exportable surplus, which is necessary in order to make this bill effective. So I do not think there would be that opportunity for private speculation of which the Senator speaks. That is the point I want to make. The opportunity to speculate would exist almost entirely as respects the farm board itself.

Mr. HEFLIN. If it could be changed so that the farmer could have the whip hand for a while, I believe I would be willing to have him try it.

Mr. President, I do not get excited over the suggestion that we are about to set aside a fund of $400,000,000 for this purpose, because that money will be used in the interest of the great agricultural classes of America. They have been badly used and much abused in the last few years. The foreclosure of mortgages tells the sad story. Two million farmers have lost their homes in the last six years and have drifted into the cities to start life over again. That is a sad commentary upon this Government and the policies of this administration.

The farmer has fought a losing battle on his farm. The home he once owned, where he was happy with his wife and children, has been taken from him and he has been driven away. I want to make conditions happy and prosperous on the farm again. I want to see the farmer come into his own. I want him to be made a prosperous, upstanding American citizen.

I would remind the Senator from Maryland that during this administration and the one that preceded it Mr. Mellon has refunded to the big taxpayers of America over a billion dollars, without the list and the amounts opposite the names ever having been furnished to the Senate. That money has been refunded to about 150,000 or 200,000 people, while this fund of $400,000,000 is simply to be loaned to the farmers, and it will bless and benefit thirty-odd million farmers—yes; more than that. The agricultural population of the United States is about 65,000,000.

Mr. BRUCE. Mr. President, the Senator misunderstands me, I think. I was not finding any fault with this sum of $400,000,000. I am not prepared to say for a moment that I would not support some thoroughly rational constitutional method on the part of the Government for lending pecuniary aid to the farmers that would involve a loan to the extent of $400,000,000, but what I was especially stressing was the fact that I can not see any reason for creating this equalization fee. Why any provision for an equalization fee should be brought into the bill at all I do not see. It seems to me that the bill would be ever so much more acceptable, that the bill would be ever so much more workable, and the bill would be ever so much more desirable in every respect if no provision were made for an equalization fee at all, but simply related to loans or advances from the Federal Treasury.

Mr. HEFLIN. Mr. President, the Senator and I are in agreement, in the main, on the equalization fee. I am willing to vote for any sort of a fee the western farmers want. If they are wedded to the idea of an equalization fee on corn and wheat, I

will vote for it, if they will strike cotton out of it. But our farmers have not reached the point yet where they are asking me to support an equalization fee on cotton. I will tell Senators they are going a long way when they confer the power upon any organization to reach out and take hold of a farmer who is beyond the pale of the organization and impose a fee upon him to bring in his money to be used in a fund over which the organization has control. That is going a very long way.

I am willing to vote for anything that is sound, that will help the farmer and deliver him out of this awful vortex in which he finds himself to-day, but I believe that the revolving fund that we have provided, which would give the farmers of the South access to probably $150,000,000, would, at the marketing time, enable them to market their cotton in an orderly way, and to keep it off the market when the price did not justify them in selling.

It would have this effect: When the farmer came to market to sell and he felt that the price did not justify him in selling, although he owed money to the merchant and money to the bank, he would say, "I will just put my cotton in the warehouse, I will keep it off the market, I will not permit it to be used as a club to further beat down the price. I will withdraw it from the market and I will borrow money on it out of the revolving fund, pay the merchant and pay the banker, and hold the cotton until I am justified in selling."

If we could do something to accomplish that, we would be walking on solid ground, and giving the farmer something substantial.

Mr. President, if I may have the attention of the Senator from Oregon, if the Senator would accept an amendment, on line 18, page 13, at the end of the line, just before the word "agencies," to insert the word "farm," and then in line 20, before the word "agencies," to insert the same word, so as to make it read "agreement with other farm agencies, but shall not unreasonably discriminate between such other farm agencies," I think that might meet the objection. If the Senator would accept that amendment I think it would clear up the language and make it certain that nobody but farmers and their real representatives could get any of this fund.

Mr. McNARY. Then the distinguished Senator from Alabama would take the position that there is no opportunity for the packers or the converters in any way to deprive the farmers of any just profit?

Mr. HEFLIN. I am not in favor of depriving them of any just profit.

Mr. McNARY. I inquire if the acceptance of the amendment would cause the Senator to think the thing about which he complains would be entirely removed from the bill?

Mr. HEFLIN. I think it would at least confine it to the farmers and to the farming class.

Mr. McNARY. The Senator would not expect the farming class in any way to injure the farmer?

Mr. HEFLIN. I would not expect the farming class to do it if they are real bona fide farmers.

Mr. McNARY. I explained a moment ago the purpose of the present language. I think no one would question that there is no intention, under any construction that might be placed on the language, to deprive the farmer of any of his just profits. I am inclined to yield to the Senator from Alabama, on account of his tenderness for the farmer, by accepting the amendment, so far as I may do so, provided he believes there is no possibility left in the bill to deprive the farmer of any of his just rights.

Mr. McKELLAR. Accept the amendment and let us vote.

Mr. HEFLIN. All the Senator has to do is to accept the amendment and not have me give him my opinion about it. I hope there is nothing else in the bill to criticize, but I do not want to commit myself too far.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Kentucky [Mr. SACKETT]. [After a pause.] The Chair is informed that the amendment of the Senator from Alabama is first in order.

Mr. McKELLAR. The Senator from Oregon accepted that amendment.

Mr. McNARY. I can not assume the responsibility for accepting it. I can merely indicate my approval.

Mr. BRUCE. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. Let the pending amendment be first stated.

The CHIEF CLERK. On page 12 of the original print, line 25, after the word "other," insert the word "farm"; and on page 13, line 1, after the word "other," insert the word "farm," so it will read: "The board may enter into agreement with other farm agencies, but shall not unreasonably distinguish between such other farm agencies."

Mr. SACKETT. Mr. President, how does this amendment take precedence over the amendment which I offered?

The PRESIDING OFFICER. Because, as the Chair understands, it is an amendment to the paragraph which the Senator from Kentucky proposes to strike from the bill. It is perfecting the part proposed to be stricken out.

Mr. HEFLIN. My amendment has nothing to do with the amendment of the Senator from Kentucky.

Mr. BORAH. Mr. President, I am endeavoring to find out what the amendment is.

The PRESIDING OFFICER. It has just been reported by the clerk.

Mr. BORAH. I understood his reading, but I have not got the effect of the amendment. Is the effect of the amendment to take out the clause to which the Senator from Wisconsin [Mr. BLAINE] objected?

Mr. McNARY. The Senator can speak for himself, but the burden of his complaint, as I understand it, is that there might be a possibility of doing a great wrong to the farmer by entering into contracts with the packer and the miller to take care of certain surpluses. That also was the fear expressed by the distinguished Senator from Alabama [Mr. HEFLIN]. In order to meet the situation I was willing to accept the amendment submitted by the Senator from Alabama, namely, that the word "farm" be inserted so that it would read "other farm agencies."

The PRESIDING OFFICER. The Chair was correct in his first statement that the amendment of the Senator from Kentucky is in order. On it the yeas and nays have been ordered.

Mr. BROOKHART obtained the floor.

Mr. BRUCE. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	La Follette	Sheppard
Barkley	Edwards	McKellar	Shipstead
Bayard	Fess	McLean	Shortridge
Bingham	Fletcher	McMaster	Simmons
Black	Frazier	McNary	Smith
Blaine	Gerry	Mayfield	Smoot
Blease	Glass	Metcalf	Steck
Borah	Goff	Moses	Steiwer
Bratton	Gooding	Norbeck	Stephens
Brookhart	Greene	Norris	Swanson
Broussard	Hale	Nye	Thomas
Bruce	Harris	Oddie	Tydings
Capper	Harrison	Overman	Tyson
Caraway	Hawes	Phipps	Vandenberg
Copeland	Hayden	Pine	Wagner
Couzens	Heflin	Pittman	Walsh, Mass.
Curtis	Johnson	Ransdell	Warren
Cutting	Jones	Reed, Pa.	Waterman
Dale	Kendrick	Robinson, Ind.	Watson
Deneen	Keyes	Sackett	Wheeler
Dill	King	Schall	

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present. The Senator from Iowa has the floor.

Mr. McNARY. Mr. President, will the Senator yield to me to submit a request?

Mr. BROOKHART. I yield.

Mr. McNARY. I ask unanimous consent that we may vote upon the proposal submitted by the Senator from Alabama [Mr. HEFLIN] prior to taking the vote upon the pending amendment of the Senator from Kentucky. I shall withdraw the request if it leads to any discussion whatever.

Mr. BRUCE. I am very sorry, but I have some reasons, which seem to me, at least, substantial, why I can not enter into the request.

Mr. McNARY. Very well.

Mr. SACKETT. I ask for a vote on the pending amendment.

Mr. SIMMONS. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state the point of order.

Mr. SIMMONS. The Senator from Kentucky has moved to strike out the section providing for the equalization fee.

Mr. BROOKHART. Mr. President, I have not yielded the floor.

The VICE PRESIDENT. The Senator from North Carolina raises a point of order.

Mr. BROOKHART. I beg the Senator's pardon.

Mr. SIMMONS. While that question is pending, an amendment is offered to a provision which it is proposed to strike out. The point of order I make is that the first vote should be a vote on that amendment, because it is in the nature of perfecting the very section which it is proposed by the Senator from Kentucky to strike out.

The VICE PRESIDENT. The amendment of the Senator from Alabama does not propose to perfect the section which the Senator from Kentucky moves to strike out.

Mr. SIMMONS. Is it not an amendment to amend before we strike out.

The VICE PRESIDENT. No; the second amendment refers to section 7 and the amendment of the Senator from Kentucky is to strike out section 8.

Mr. SIMMONS. Very well. I understand the point of order is overruled. I desire to be recognized in my own right.

The VICE PRESIDENT. The Senator from Iowa has the floor.

Mr. SIMMONS. I beg the pardon of the Senator from Iowa. I did not know that he had been recognized.

Mr. BROOKHART. Mr. President, I shall detain the Senate but a few moments before allowing a vote on the elimination of the equalization fee. I am not one of those who has any objection to the equalization fee, in and of itself. There is some question about its constitutionality. If I were the court I would hold it to be constitutional, but I am not the court. Neither is the Senate. I shall not discuss the constitutionality phase of it. I shall only discuss briefly the economic phases of it.

I believe that the Government of the United States owes it to the farmer to start the export corporation out of the Treasury of the United States. Therefore I favor deferring application of the equalization fee and putting it on later. The bill itself does that. It is not out of harmony with the idea I have just expressed. If the bill passes and becomes a law, no equalization fee will be put on under its terms until the other method has been tried out.

The information we have from the previous veto of the President is that he will not sign a bill with the equalization fee in it. I believe all of the other objections have been substantially removed; and since we are deferring the equalization fee by the terms of the bill, it seems to me we might just as well pass a bill which will be signed as one that will be vetoed. Therefore, why not strike out this provision for the present? Under the terms of the bill we are going to try the other method during the summer; and if it does not work, then when we assemble again we can put on the equalization fee, if it shall become necessary

So it seems to me that as a matter of merely good common horse sense we ought to take this provision out of the bill and avoid that controversy. If we are going to pass a bill of this kind, we ought to pass one that will give the farmer some immediate relief. There will be no chance of relief if the bill shall be vetoed, unless it can be passed over the veto, which nobody believes. Accordingly, I favor at this time striking out the equalization fee.

In the substitute which I have offered there is no equalization fee. I have provided that, up to $600,000,000, the Treasury of the United States shall stand the loss, and there are eloquent reasons why that should be done. The Republican platform has promised it; the Democratic platform has promised that equality; and no man who views the question from the standpoint of the farmer can deny that the farmer is entitled to ask from the Treasury a similar support to that which has been given to other industries. Why, then, put in the equalization fee and destroy the farmer's immediate chance of relief?

I receive letters every week about the foreclosures of farm loans. I am called on all the way from my State by those who are losing all of their life savings. I want some immediate relief if we can get it. I do not think $400,000,000 is adequate, but it will start operations.

The debenture scheme would be second best to a system of financing in full by the Government.

So, Mr. President, it seems to me that we should do a wise thing and would take this issue out of politics if for the present we would eliminate the equalization fee and pass a bill which would be signed. Then we shall be able to ascertain if it does any good. In the end I think we shall have to take substantially the substitute I am offering here, which is substantially what the Senator from Nebraska offered several years ago, and substantially what the Senator from Oregon offered in his first bill. Therefore, Mr. President, I shall at this time vote to eliminate the equalization fee from the bill.

Mr. STECK. Mr. President, the amendment upon which we are about to vote, to strike out the equalization fee, is, so far as the farmers of Iowa and the Middle West are concerned, the most important question that the Senate will have to decide in the consideration of the pending bill. I believe that I speak the will and wishes of the farmers of that section and of Iowa when I say to the Senate that they do not desire to have the equalization fee eliminated. The farmers of Iowa, through their spokesmen, the farm organizations of that State, the Legislature of Iowa, and all other bodies which claim in any degree to represent them and have spoken on this subject, have said that they do not care for this bill unless it shall contain the equalization fee. I therefore hope that the pending amendment will be defeated.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kentucky [Mr. SACKETT].

Mr. McNARY. Mr. President, I should hesitate further to discuss this subject if the pending amendment were not so important. The Senator from Kentucky [Mr. SACKETT] has proposed the elimination of the equalization fee, which goes to the heart of this entire proposal. I have never assumed that the Senator from Kentucky was particularly favorable to the legislation. Hence I think I may assume without any reflection on him to say that the amendment comes from an unfriendly source. I think the Senator from Kentucky was on the floor of the Senate last year and voted against the proposal. But, Mr. President, there is a great principle involved in the motion of the Senator from Kentucky to eliminate the equalization fee. We might as well meet the issue fairly, because this is the first opportunity we have had directly since this measure has been before Congress for our consideration in the past four years to do so.

I think everyone who is a student of farm problems, everybody who realizes the economic forces that have brought about the depression in agriculture, must realize that the surplus produced is what has brought the farmer to his present state, which has obtained since the summer of 1920. If we are all agreed upon that fundamental, it should not be difficult to apply a remedy. All have agreed upon that theory; at least, I have heard no Senator on this floor raise his voice in opposition to the statement that the surplus of production prevents the farmer from realizing the full benefit of the highly protected domestic market.

Mr. BROOKHART. Mr. President, will the Senator from Oregon yield for a question?

Mr. McNARY. I shall do so later. I always yield but at the proper time, if I may.

I may say, Mr. President, out of respect to the good faith of the Senator from Iowa, that his proposal proceeds upon the same theory that the farm problem is a surplus problem. Wherein do we differ? The Senator from Iowa proposes to fix a price for farm products based upon the cost of production to the farmer plus 5 per cent upon the capital invested. The pending bill proceeds upon the theory that the board will buy in the open market at a price exactly protected by the American tariff that is made available for industries. That is one departure.

The second departure is that the pending bill proposes that the farmer, through an equalization fee, shall carry his own load. The proposal of the Senator from Iowa proceeds upon the theory that the money shall come from the Treasury to absorb the losses incident to the handling of the surplus, whether it is by withholding for orderly marketing or for the purpose of purchase and sale abroad at the lower plane levels of foreign prices.

Mr. President, I do not think the proposer of this amendment or those who may support it, if they will reflect for a minute, will believe that they are acting kindly toward and to the benefit of the farmers of the country.

The farmer knows—and I think if there is any intelligent class in this country it is the farmer—if he comes to the Congress and asks for some substitute for this bill which shall provide that all the losses incident to the administration of the bill shall fall upon the taxpayers of the country that it will not be enduring and abiding legislation. The farmer knows, Mr. President, if we to-day eliminate the equalization fee, and the loss next year shall be $100,000,000 or in excess thereof, or even less than that, and he comes back the next year with a loss and asks the taxpayers generally, who are not interested in the great agricultural industry, to pay such loss that the benefit given to him by reason of the subtlety of the pending amendment will destroy his economic condition. He knows, Mr. President, that the purpose is not to be overgenerous to him. He is conscious of the fact that if the equalization fee shall be eliminated from this bill in only a year or two the rising tide of protest will be so great as to engulf him. He knows that the Congress through the years to come when he produces a surplus annually over and over again is not going to meet the losses due to such surplus out of the Treasury of the United States. He wants no present benefit without paying for it. He is not asking for or seeking a beneficence; he has never in his long career in this country asked for charity in any respect. The farmer, be it said to his credit, has always fought subsidies in every form. His voice has always been raised against those appeals that call for drafts upon the Treasury. He has fought every such effort made by any of our industries or institutions when they have been presented in the form of legislative proposals. He has fought to destroy and defeat everything that has been in the nature of a subsidy.

Now, why should those who pretend to be friends to the farmer, when there is not a farmer in the country who has asked for legislation of the kind proposed by the amendment of the Senator from Kentucky, say to him, "You must take this legislation; you must submit to having drafts made upon the Treasury of the United States." He only has one answer to that, Mr. President, and that is that the suggestion is not made in good faith.

Queer it is to me, indeed, that such a proposal should be made when, with almost a unanimity of action, sanctioned in meetings of farm organizations, of cooperative associations, of legislatures throughout the country, the farmers have asked simply for—what? Not for money, Mr. President. They do not want the taxpayers' money.

They merely want an opportunity to be placed on an equal footing with industry and labor, and that is the purpose and foundation and inspiration of this bill. They simply want the Congress in a legislative way to create for them an economic structure, and to provide the machinery whereby they may find their place of equality in the industrial life of America. They ask for that kindness and that interest upon the part of the Congress, but they do not ask for compensation; they are willing to pay the cost of it themselves.

That brings me to the equalization fee.

Mr. BRUCE. Mr. President, may I ask the Senator a question?

Mr. McNARY. I will ask the Senator please to permit me to proceed. I always try to be brief. I shall gladly yield to the Senator later.

Mr. BRUCE. The Senator's appeal to me is made in such an irresistible manner that there is nothing for me to do but to sit down.

Mr. McNARY. Some inquiring mind has suggested this afternoon what is the equalization fee.

> But knowledge to their eyes her ample page,
> Rich with the spoils of time, did ne'er unroll.

That applies to one of the distinguished literary Senators of this body. Anyone who understands the philosophy of economics, anyone who is a student of legislation understands, Mr. President, the purpose of the equalization fee; whence it comes, what it does, and where it goes. If a marketing agreement is entered into and the price of any farm commodity receives the full benefit designed to be accorded by the protective tariff to which it is entitled and which it will have, there are two agencies that can pay for it. One is the taxpayers indiscriminately and generally; the other is the beneficiaries of the legislation. That little exaction does not come out of the farmer as such. When he sells his product the equalization fee is withheld. He never receives it. He receives the larger benefit made possible by the withholding of the product, or its sale in foreign markets.

That is the equalization fee. It is paid for by the farmer himself. He is in exactly the same position as the manufacturer; and I am not here to protect the manufacturer, though I have not heard the voice of those who are here and who are charged with not paying an equalization fee; but any of us who have any knowledge of business conditions know that the manufacturer, when he sells his surplus products abroad, suffers a loss. He absorbs that loss; but if he were working in groups and in organizations together, side by side in great numbers, they perhaps would call it an equalization fee.

The farmer does not receive the full benefit. He receives more than the manufacturer, because he produces a surplus. That is the penalty of a surplus, my friends, and not a penalty inflicted upon this form of legislation.

Strange it is to me, my friends, when the farmers of the country have asked this machinery and are willing to pay for its operation, knowing that it is not a present-day remedy but a permanent one, fashioned to meet the farmer's economic needs, that anyone here should say to him, "You can not have this instrumentality. Even though you want it and are willing to pay for it, you can not have it." And yet that is the way you are dealing with the farmers to-day.

As chairman at the present time of the Committee on Agriculture and Forestry, and one who has been more or less in charge of this bill for a number of years, I say with knowledge that what I have stated can not be contradicted; that all the farm groups that have any organization whatsoever, outside of the National Grange, have espoused this cause, have clung to the equalization fee, have said it was the heart, the blood, the bone, the sinew, and the flesh of the legislation which they so much desired.

I have had experience in that line, Mr. President. Last year, in a frame of mind desirous of doing something for the farmers of the country; anxious, indeed, that this controversy might end; hoping that all differences might be composed between those who opposed the equalization fee and those who did not want any legislation and those who were satisfied with merely cooperative organizations and those who wanted a subsidy, I also conceived the idea of bringing about a compromise, and suggested a plan whereby the losses might be paid out of the Treasury of the United States. I found, to the glory of the farm organizations of the country, that unanimously all were opposed to it, and said, "We do not want any subsidy. We want to make our way through. We know what a subsidy would bring upon our heads. We are not asking for charity. We want to pay this in our own way."

Mr. President, I went further. I need not relate any experiences at the White House, as some have done. I read a few messages and published statements of the President of the United States, and if there is one thing he has said that has been emphatic it is, "I am opposed to any subsidies for the farmers of the country."

If there are those here—and there may be many—who are privileged to speak for the White House and the distinguished occupant thereof, I should like to have their observations at this point, and I pause.

Mr. NORBECK. Mr. President, the Senator from Iowa [Mr. BROOKHART] had some suggestions to offer as to what the White House might do in this matter. I suggest that he answer the Senator's inquiry.

Mr. BROOKHART. Mr. President——

Mr. McNARY. If the Senator please, I do not want any controversy. I shall yield at the proper time, and with graciousness, if I may.

The VICE PRESIDENT. The Senator from Oregon has the floor.

Mr. McNARY. So, Mr. President, we have come to this situation: You can take the measure and emasculate it, and make it look attractive to the unthinking individual or the individual who has not at heart the interest of the farmer permanently and vote this equalization fee out. If you do, my friends, I warn you, you will not be back here another year asking for an appropriation. That will be the finish of legislation for the farmer. Or you can give him what he wants, without any cost to the taxpayers of the country, and that is this bill.

Mr. President, there was some gossip some weeks ago about the attitude of the Corn Belt committee of 22, which comprises the representatives of the American Farm Bureau Federation, the Farmers' Union, and so forth, in 22 of the hog, corn, and wheat-growing States of the country.

It was said here in whispered terms last week that that organization was not whole-heartedly for this bill. Here is the last expression of the farmers in that section of the country—and it reaches into the South—who are in sore need, and responsible for this legislation. I ask unanimous consent that it may be read from the desk.

The VICE PRESIDENT. Without objection, the Secretary will read, as requested.

The Chief Clerk read as follows:

ST. PAUL, MINN., *April 4, 1928.*

HON. CHARLES L. McNARY,
United States Senate:

Corn Belt Federation meeting, held April 3, was attended by representatives from 23 of the affiliated organized groups composing the Corn Belt Federation. Two resolutions were passed unanimously by the federation, as follows:

Resolution 1: After a careful consideration of the Senate farm relief bill, the Corn Belt committee desires to state that it cordially approves of the general provisions of this measure, and trusts that it will be passed by an overwhelming vote. There are certain amendments which we hope may be made, whether in the Senate or the House, and a description of these amendments will be immediately supplied to the farm representatives in Washington.

Resolution 2: We strongly insist that article (b) of section 5, under the heading of "Loans," be stricken out. We feel that no loans should be made to any cooperative for the purpose of conducting membership campaigns, and that the provision above referred to discriminates against the voluntary type of organization as in favor of the contract type. We also earnestly recommend that equal provision be made to finance the operation of voluntary cooperatives with that made for contract organizations, and that the terms used in defining the character of acceptable security and method of repayment of loans by voluntary groups be made equally specific as in the case of contract cooperatives. The language of clause 2 and of lines 11 to 16, following article (c), on page 33, under the head "Loans," are clearly discriminatory against the voluntary type of organization.

A. W. RICKER.

Mr. McNARY. Mr. President, I only need observe that the amendments which have been suggested have been offered and will be approved by this body.

While it is perhaps not very important, a difference has arisen on the floor this afternoon as to the attitude of those who may speak for Iowa. I have the following telegram, which I send to the desk and ask unanimous consent to have read.

The VICE PRESIDENT. Without objection, the telegram will be read.

The Chief Clerk read as follows:

DES MOINES, IOWA, *March 15, 1928.*

Senator CHARLES L. MCNARY,
Chairman of Agricultural Committee, Washington, D. C.:

Senate Concurrent Resolution 9

Be it resolved by the General Assembly of the State of Iowa:

SECTION 1. That the Senate of the Forty-second General Assembly of Iowa convened in extra session, the House concurring, hereby memorialize the Congress of the United States to pass at this session effective agricultural surplus control legislation as embodied in the McNary bill in the Senate and the Haugen bill in the House, each containing the equalization fee.

SEC. 2. That a copy of this resolution shall be transmitted by wire to the President of the United States Senate and to the Speaker of the House of Representatives of the United States and to the chairman of the agricultural committees of each House of Congress.

Foregoing resolution adopted by the General Assembly of Iowa in special session March 14, 1928.

WALTER H. BEAM, *Secretary of Senate.*

Mr. MCNARY. Mr. President, just one word before I conclude.

A great effort was made by the committee and those truly representing agriculture to meet the various objections of the President. A sincere effort has been made by all the Members of this body to prepare a bill which perhaps will meet with the general accord of the farmers. I hope that the amendment offered by the Senator from Kentucky will not be adopted. If it is adopted, the work that has been done by the farm groups of the country, whether organized or unorganized, and those who have given much of their time and work in the Halls of Congress, will have been nullified.

In behalf of the farmers, as I believe I can speak at this time, I ask that they be permitted to work out or attempt to work out their own economic salvation under such a plan as has been devised and reported three times by the Senate Committee on Agriculture and Forestry of this body, passed once, and vetoed.

Mr. SIMMONS. Mr. President, I do not wish to make any speech, but I do wish to explain the vote that I propose to cast upon this question.

When I made the point of order a little while ago, I was under the impression—and I say this by way of apology to the Chair—that the amendment of the Senator from Alabama was to the section proposed to be stricken out. The fact had not been brought to my attention that it refers to another section of the bill; but I want to assure the Senator from Alabama and those who agree with him, and who therefore insist upon this amendment, that, so far as I am advised, there will be no trouble about the adoption of the amendment when it is reached in its regular order.

Mr. President, I have been convinced for some time that the farmers, except probably the cotton farmers of this country, were not in favor of this character of legislation unless there was some provision made by which they could properly and certainly to a large extent, if not altogether, control production. They have realized the fact that if they could not control production, the losses under a measure of this sort might be too great to be undertaken.

I do not believe, therefore, that it would be possible to secure the votes necessary to pass this bill in this body, at least, if the equalization fee were eliminated from it. I think the position taken by these western farmers that they did not want charity, but that they did want security against overproduction that might be ruinous to their industry, is a very commendable and reasonable position; and I do not at all complain of the persistence with which they insist upon the equalization fee.

The South is somewhat differently situated with respect to cotton. The South produces about twice as much cotton as the Nation consumes. A little more than one-half of all we produce is exported. The exportations of cotton are greater than the exportations of all other agricultural products in this country combined. Our proposition is a proposition purely of taking care of the surplus in case of a year when the crop far exceeds the world's demands upon us for this essential product.

I know that there are Senators here who object to an equalization fee being placed upon cotton. I know there are Senators here who are perfectly willing that the Government shall appropriate a revolving fund, to be advanced to the cotton farmers of the South to help them control the surplus. They know that unless they can control the surplus in a year of overproduction, the price of cotton will fall below the cost of production. They know that it must in some way or other be controlled.

We have attempted to control it to some extent through the organization of cooperative associations, but that scheme has not worked any very great practical benefit in the direction of the solution of this problem, so many farmers remaining out of the cooperative associations, and while the cotton the associations withdraw from the market helps to boost up the price, if there is a loss those few farmers who belong to the association have to pay it.

It is suggested now by the Senator who makes this motion that we strike out the equalization fee, and let the revolving fund of $400,000,000 remain. Under the bill, cotton would get probably $150,000,000 of that, because it is apportioned upon the ratable basis of the exportable surpluses of the several products, and our exportable surplus is so large in comparison to those of other products that cotton would probably get somewhere between $125,000,000 and $150,000,000 from that fund.

It is proposed to let this remain in the bill, and strike out the equalization fee. Who is going to get that $125,000,000? How are they going to get it? Is the Government going to give it to the cotton farmers? Not at all. The Senator from Iowa [Mr. BROOKHART] has said that we loaned the railroads some six or seven hundred million dollars. I think we did. It was some very large amount; I do not remember the exact sum. But we required the railroads, when we let them have that money, to give the Government good and sufficient security for its repayment.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. I yield.

Mr. BROOKHART. On that proposition, we voted in the Esch-Cummins bill a subsidy.

Mr. SIMMONS. I am not talking about a subsidy. I am talking about this bill. I am just trying to get away from the idea of subsidy. I am trying to impress upon the Senate that the South does not want a subsidy, and the South knows it is not going to get a subsidy. The railroads did not get a subsidy when we loaned them that money. They gave security to return that money, and they have returned most of it to the Treasury.

Mr. BROOKHART. Mr. President——

Mr. SIMMONS. If the Senator will pardon me, I refuse to yield until I finish this thought.

Mr. BROOKHART. I wanted to——

Mr. SIMMONS. I am not going to yield until I finish this thought, and then I will yield.

We loaned the money to them upon good and sufficient security, and only upon those conditions. We have never proposed to lend the farmers of the South any money under any other conditions, and if this equalization fee is stricken out, there is no chance of this bill passing this body unless we provide that the money advanced to the farmers out of the revolving fund shall be secured, and amply secured.

Who is to secure it? It is to be loaned, if loaned at all, to cooperative associations or farmers' organizations. The cooperative associations of farmers' organizations probably will in most of the States be composed of a minority of the farmers. If they borrow that money, and borrow it upon good and sufficient security, whether by pledging the cotton itself, or giving outside security for it, and there is a loss in this effort of theirs to prize up the price of cotton, the few members who belong to the cooperative associations will have to pay entirely any loss sustained, although the operation is for the benefit of all the cotton farmers in the South.

We will not get any money without security in that event. It will be seen, as soon as the equalization fee is stricken out, that there will be an insistence here that the money advanced to the cotton farmer out of the revolving fund shall be secured in the way I have suggested, and that the losses, if any, shall be paid by the minority of farmers who go into the cooperative associations and farm organizations.

That is what the cooperative associations have been doing. They have been borrowing money to help support and advance the price of cotton, and have been buying in the cotton. They have sustained very heavy losses in some instances. The farmers who are not members have benefited without sustaining any loss whatever.

This proposition in the bill with the equalization fee retained is that $125,000,000, we will say, of the revolving fund is to be loaned to the cooperative associations and farmers' organiza-

tions for the purpose of enabling them to withdraw a sufficient amount of cotton from the market to stabilize the price of cotton. It will have that effect. If I had two hundred or two hundred and fifty million dollars to-day—and with $125,000,000 I could borrow more money—if I had that much money in my hand and could go upon the market and announce my purpose to buy in two or three hundred million dollars worth of cotton, and store it, and withdraw it from the market until the price went up, I have no question in the world that the price of cotton to-morrow would be advanced to 25 cents.

It was for this reason that Secretary Jardine said, when we were discussing the first bill on the subject, that cotton was the one product involved in the measure which would sustain no loss by reason of the imposition of an equalization fee, and it will not sustain any loss, because the cotton farmers of the South will be enabled to withdraw from the market enough to stabilize the market, enough to put the price of cotton up. They will start out in the beginning buying at a certain price. As they buy the price will advance, and finally the price will reach a point of parity with domestic prices of other products, and instead of losing, they will gain, they will make money, as any private speculator can make money who is able to withdraw a sufficient quantity of cotton from the market. He will not lose in the transaction. All he has to do is to gauge the amount necessary to be withdrawn for the purpose of advancing the price.

We have a committee now considering the cotton question, and they have evidence that where certain speculators have dumped a great quantity of cotton, pooled for the purpose of breaking the market, the mere dumping that cotton upon the market suddenly resulted in a substantial fall in the price. I will ask the Senator from South Carolina if that has not been shown in the testimony the committee is taking?

The proposition can be reversed, and if you will buy in enough, you raise the price; and if you raise the price by this process, how is the farmer going to lose by reason of the equalization fee? But it is said, let them all go into a cooperative association, put all the cotton of the country in a cooperative association, and let the cooperatives sell it, and let them withdraw as much as they please from the market for the purpose of stabilizing the market. Suppose the equalization fee should be stricken out and all the farmers should join the cooperative associations. Even in that case, I have no doubt that the cost to the individual farmer arising from assessments to pay the cost of organization, insurance, storage, and marketing through those associations, no part of which could ever be recovered, would be fully equal, if not in excess of any equalization fee that will ever be imposed on him under the pending bill.

Mr. President, I am not unpatriotic enough to ask a bounty. I am perfectly willing that cotton should receive equal treatment with other agricultural products. I am saying that cotton is in such a situation that it does not endanger any cotton producer, however small a farmer he is, if he goes in and subjects himself to this equalization fee; because in the end, as Mr. Jardine said, he will not lose; on the contrary, he will almost certainly gain.

It is impossible to get all the farmers into a cooperative association. We never could get more than 15 or 20 per cent in our State under the most intensive drives in favor of the cooperative system. The Senator from South Carolina, one of the best-informed and most eloquent and effective stump speakers in this country, came to my State representing the cooperatives and canvassed a portion of the State in behalf of membership in such an association, but even with his efforts and the efforts of a number of other able gentlemen canvassing the State, appealing to the farmers, they never succeeded in getting more than 20 per cent of the farmers in the cooperative associations, and there are not 10 per cent of them in them now.

This bill provides that instead of the small number of farmers who go into the cooperative associations in the vain hope of withdrawing enough cotton to advance the price of it and having to bear the whole burden themselves, which is in itself a large burden, that every cotton farmer shall participate in that burden, and every farmer producing the commodity shall participate in the benefits.

Mr. President, I do not think the southern farmers will object to that.

If the commodity is brought under the bill, as now drawn, it will be with the consent of the producers, and if the producers should become dissatisfied, they can withdraw their commodity from the operation of the act. They can get out of the system if they wish to do so.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. SIMMONS. I yield.

Mr. HARRIS. The Senator from Arkansas [Mr. CARAWAY] said to-day that this would force all cotton to be sold through this plan and that the equalization fee would apply. I was interested in the Senator's statement that it was left to those only who wished to go into it. That is a very important matter, on which I am anxious to get light.

Mr. SIMMONS. But I was not discussing that question. I was discussing the matter of bringing a commodity under the operation of the act and of withdrawing it if the producers should later wish to do so, all of which would have to be done by the consent of the council selected by those producers. And I was showing that contrary to the existing situation where the minority of farmers who belong to the farmers' organizations have to carry all the burden for the benefit of all, under this bill while loans are made to the farmers' organizations, such organizations invest that money in the way provided in the bill for the benefit of all, and if there is any resulting loss, then all the farmers who raise cotton contribute to that loss, as well as share in the gains and benefits of the operation.

Mr. BROOKHART. Mr. President, the Senator from North Carolina, unintentionally of course, misquoted my statement in reference to the railroad proposition. He said that I claimed some $600,000,000 was paid to the railroads and that that was a loan which the railroads must secure and pay back. I did not refer to the loans made to the railroads at all. Loans were made in addition to the item that I mentioned. I want to make it clear now what I was talking about. I want there to be no misunderstanding.

Under section 209 of the transportation act as amended by section 212 a guaranty was given to the railroads of the war-time profits for the first six months after they were turned back, and that is the subsidy about which I was talking. On March 31 I received the following letter from the secretary of the Interstate Commerce Commission:

INTERSTATE COMMERCE COMMISSION,
OFFICE OF THE SECRETARY,
Washington, March 31, 1928.

Hon. SMITH W. BROOKHART,
United States Senate, Washington, D. C.

MY DEAR SIR: As requested by telephone this morning, the following is a statement with respect to section 209 of the transportation act, 1920, as amended by section 212—guaranty to carriers after termination of Federal control:

(1) Number of carriers accepting the guaranty	667
(2) Total amount claimed by carriers	$680,077,801.30
(3) Number of cases dismissed to date	137
(4) Number of cases settled to date	521
(5) Amount certified in cases which have been settled, including advances and partial payments	$528,876,411.51
(6) Amount certified as advances or partial payments in cases not settled	$402,500.00
(7) Total amount certified	$529,278,911.51
(8) Number of cases remaining unsettled	9
(9) Balance estimated as being payable under guaranty	$250,000.00

This statement is as of February 29, 1928. You will note that the total amount that has been certified to the Secretary of Treasury under this section, as amended, is $529,278,911.51, and the estimated balance due is $250,000.

Respectfully,

G. B. MCGINTY, *Secretary.*

Mr. President, that money was paid as a direct subsidy to guarantee the war-time profits of the railroads after they were turned back in 1920. That burden was put in part upon the farmers of the United States. The burden of a protective tariff and advanced prices is also by law put upon the farmers of the United States. A burden of high interest rates, by a banking system created by a law of the Nation, and a burden of deflation by a board appointed by the President and confirmed by the Senate of the United States, were put by law upon the farmers of the United States. A burden is put upon the farmers by law in paying the high rates of return to the public utilities, no court deciding less than 7 per cent, although the American people are only producing 5½ per cent.

After a record of subsidies like that it is not a question of subsidy but it is a question of doing equal justice to the farmers. That is the proposition for which I stand. I know that the farmers of my State are behind that proposition, for I have seen more of them than all the other leaders of every kind in the State. I know what they think about it, because I have talked to them about it. I shall go back and explain to them what has been done here. I shall tell them the inside of the situation. They are not going to be fooled by this talk that the farmers do not want a charity. It is not a charity. It is justice. It is the equality to which they are entitled. We should give them out of the Treasury of the United States, in the first instance, the money to start this institution.

I do not object to the equalization fee. I have said that I believe it is constitutional, although many of the lawyers hold the other way. I shall vote for the equalization fee if we may give the farmers the other item of justice ahead of it to which they are justly entitled. But I say we have no right to run away from the proposition and say we have done all that the farmers are entitled to have done for them. It is not fair to the farmers.

On that basis, if we start this institution at Government expense as we started the railroads, we will find out how it works, we will know something about the equalization fee then or the excise tax, which would be the same thing if the court holds the equalization fee unconstitutional.

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. BROOKHART. I yield.

Mr. McMASTER. Every word the Senator from Iowa has uttered about subsidies is true. I think there is no doubt about what the Congress should do for the farmer so far as appropriations are concerned in the way of restitution for the almost criminal wrongs that have been inflicted upon the agricultural class. However, the distinguished Senator from Iowa a short time ago stated that the President would sign a bill containing what is known as a subsidy, but would not sign a bill containing the equalization fee.

Mr. BROOKHART. The President has declared against subsidies, too, but this bill as it stands now, as I understand it, has in it what the President would not call a subsidy. It is a loan. It is a subsidy so far as that is concerned. The President would not sign my bill. I do not claim that.

Mr. McMASTER. That is the point I am trying to get at.

Mr. BROOKHART. I do not claim that.

Mr. McMASTER. Then, if we vote for the Senator's substitute this afternoon, we simply vote for it as a protest in the name of agriculture, but knowing that we accomplish nothing definite so far as the farmer is concerned.

Mr. BROOKHART. That is true. If we vote for the other bill, we do just the same thing, only we do not protest for agriculture anything like as strong as the protest that it is entitled to have.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. BARKLEY. If the President is going to veto either sort of bill we send up to him, why not send one the farmers want instead of sending one they do not want?

Mr. BROOKHART. I can not agree with the conclusion either that this is what the farmers want. I should not call it "my" bill. It is more the bill of the Senator from Nebraska [Mr. HOWELL] than it is mine. I copied most of it out of his bill. It is more the bill of the Senator from Oregon [Mr. McNARY] than it is mine. I copied almost exactly what was provided in the original McNary bill. It is not my bill. It is a bill expressing what I think to be the rights of the farmer. If both of the bills are going to be vetoed, I would like to go back and be able to say to my farmers that I made a fight for all they are entitled to have. I do not want to go back and say to them that I compromised it all the way but a little at the end, and then got that much vetoed. That is the situation which exists here now.

SEVERAL SENATORS. Vote! Vote!

Mr. SIMMONS. Mr. President, I wish to make a brief reply to the Senator's remarks which were directed to me, and I am going to say this, whether we get a vote or not.

The Senator knows that I had no reference whatever to the Esch-Cummins law and the bounty which that act bestowed upon the railroads. I am as much opposed to that as is the Senator, and I would like to see it repealed. I had no reference either to the matter of the tariff. I know some of the tariff exactions upon the people are mere bounties to the great manufacturers and producers in the country. I was referring simply to cases where the Government had provided for the loan of money or the advancement of money, and the Government has never yet, since the war, directly advanced money out of the Treasury without requiring security. It required a security when we loaned the railroads the large sums of money about which the Senator spoke the other day, to enable them to stabilize the transportation service of the Nation. I am not justifying it at all. It was done, but it was done only upon the railroads giving what might be called bankable security for it.

The Government also provided a farm-loan bank to loan to farmers, but it required the farmers to give good and sufficient security for the money. The Government also provided an intermediate system of farm loans for the purpose of taking care of the crops of the farmers. It required that that money should be loaned upon ample security, and "ample security" has been construed to be securities worth twice as much as the amount of money advanced.

I meant that I did not believe in this instance, if the equalization fee were stricken out, that it would be likely that we could get the bill either through this body or the other body, or if we should get it through both bodies, that it would be approved at the White House, if we join in agreeing to advance so much of this revolving fund to the agricultural interests of the country, or if we do not provide security to indemnify the Government against loss in that case just as in the case of the railroads. I am not opposed to any legislation which the Congress may enact to benefit the farmer. I want all of that that we can get. He needs it. But when it comes to advancing money directly to him, I do not believe the Government is going to do it without requiring him to return that money.

Mr. BROOKHART. I think the trouble is that we have made no fight for the farmers' rights on that proposition. We have surrendered them and let them go, while we have talked loans or revolving funds and then quit.

Mr. SIMMONS. The passage of this bill should not interfere with the Senator in making the fight.

Mr. BROOKHART. No; it will not. I do not intend to quit this fight until it is won.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the senator from Kentucky [Mr. SACKETT] to strike out section 8, the equalization fee provision, on which the yeas and nays have been ordered.

The Chief Clerk proceeded to call the roll.

Mr. FESS (when his name was called). I am paired with the senior Senator from Arkansas [Mr. ROBINSON], but I transfer that pair to the senior Senator from Utah [Mr. SMOOT] and will vote. I vote "yea."

Mr. NORRIS (when Mr. HOWELL's name was called). My colleague the junior Senator from Nebraska [Mr. HOWELL] is detained from the Senate on account of sickness in his family. If he were present, on this question he would vote "nay." My colleague is paired with the junior Senator from Utah [Mr. KING].

Mr. McKELLAR (when Mr. NEELY's name was called). The senior Senator from West Virginia [Mr. NEELY] is unavoidably absent. If present, he would vote "nay." He is paired with the Senator from Montana [Mr. WALSH].

Mr. McNARY (when Mr. STEIWER's name was called). My colleague the junior Senator from Oregon [Mr. STEIWER] has a pair with the Senator from New Jersey [Mr. EDGE]. If my colleague were present, he would vote "nay," and if the Senator from New Jersey were present he would vote "yea."

The roll call was concluded.

Mr. PHIPPS. On this vote I am paired with the junior Senator from Georgia [Mr. GEORGE]. I am informed, however, that if the Senator from Georgia were present he would vote for the amendment. Therefore I am at liberty to vote. I vote "yea."

Mr. STEPHENS. On this vote I am paired with the Senator from Maine [Mr. GOULD]. Not knowing how he would vote if present, I withhold my vote. If permitted to vote, I should vote "yea."

Mr. JONES. I desire to announce the following pairs on the pending question:

The senior Senator from Massachusetts [Mr. GILLETT] with the junior Senator from Florida [Mr. TRAMMELL]; and

The senior Senator from Missouri [Mr. REED] with the junior Senator from Delaware [Mr. DU PONT].

The result was announced—yeas 31, nays 46, as follows:

YEAS—31

Bayard	Dale	Harris	Sackett
Bingham	Edwards	Heflin	Shortridge
Black	Fess	Keyes	Swanson
Blaine	Gerry	McLean	Tydings
Blease	Glass	Metcalf	Walsh, Mass.
Borah	Goff	Overman	Warren
Brookhart	Greene	Phipps	Waterman
Bruce	Hale	Reed, Pa.	

NAYS—46

Ashurst	Frazier	Mayfield	Shipstead
Barkley	Gooding	Moses	Simmons
Broussard	Harrison	Norbeck	Smith
Capper	Hawes	Norris	Steck
Caraway	Hayden	Nye	Thomas
Copeland	Johnson	Oddie	Tyson
Couzens	Jones	Pine	Vandenberg
Curtis	Kendrick	Pittman	Wagner
Cutting	La Follette	Ransdell	Watson
Deneen	McKellar	Robinson, Ind.	Wheeler
Dill	McMaster	Schall	
Fletcher	McNary	Sheppard	

NOT VOTING—16

Bratton	Gillett	Neely	Steiwer
du Pont	Gould	Reed, Mo.	Stephens
Edge	Howell	Robinson, Ark.	Trammell
George	King	Smoot	Walsh, Mont.

So Mr. SACKETT's amendment was rejected.

Mr. McKELLAR. I offer an amendment which I ask the clerk to read. I should state that amendment has been agreed upon after the debate of to-day.

Mr. President, I also ask unanimous consent to withdraw the two amendments relative to the constitution of the advisory council, the one offered by myself and the one offered by the junior Senator from Arkansas [Mr. CARAWAY], and to offer the amendment which I now send to the desk in lieu thereof.

Mr. BLAINE. Mr. President, I rise to a question of order. Is not the amendment which has been proposed by the senior Senator from Alabama [Mr. HEFLIN] in order?

The VICE PRESIDENT. The clerk informs the Chair that the amendment offered by the Senator from Alabama was not in order at the time it was submitted.

Mr. BLAINE. Does the Senator from Alabama renew the amendment?

Mr. HEFLIN. I shall renew the amendment later, Mr. President.

Mr. McKELLAR. I hope the Senator from Alabama will permit the amendment which I have offered to be voted on, as it has apparently been agreed to.

The VICE PRESIDENT. Is there objection to the withdrawal of the amendment of the Senator from Tennessee and the amendment to it offered by the Senator from Arkansas [Mr. CARAWAY]? The Chair hears none, and it is so ordered. The clerk will now report the amendment submitted by the Senator from Tennessee.

The CHIEF CLERK. On page 5 it is proposed to strike out line 17 and down through the period in line 1 on page 6 and insert in lieu thereof the following:

SEC. 4. (a) Whenever the board is organized or whenever it determines that any agricultural commodity may thereafter require stabilization by the board through marketing agreements authorized by this act, or whenever the cooperative associations, or other organizations representative of the producers of the commodity, shall apply to the board for the creation and appointment of an advisory council for such commodity then the board shall at once proceed to constitute an advisory council.

An advisory council to represent each of the commodities affected under the provisions of this act shall be selected as follows: Within 30 days after the board herein provided for shall be appointed and organized the board shall cause to be sent to each cooperative association or other organization representative of the commodity a notice that, among other things, they shall nominate not more than seven persons to be members of the advisory council. Within 30 days after such notice each association or other farm organization representative of such commodity shall file with the board the name or names of its nominees. Within 10 days thereafter the board shall certify down to such cooperative associations or other organizations a list of such nominees, stating by which association and from which State they were nominated. Within 30 days thereafter such cooperative associations or other organizations representative of such commodity shall vote for not more than seven of said nominees so certified to be members of the advisory council, and forward their votes to the board at Washington. Within 20 days thereafter the board shall tabulate the votes, and the seven names receiving the highest number of votes shall constitute the advisory council for such commodity for a period of 12 months thereafter or until their successors shall be elected and shall qualify. Vacancies on the council shall be filled in like manner. No cooperative association or other organization shall have more than one vote, but may vote for seven nominees. Within 30 days after said council shall be elected it shall organize by selecting one of its members to be chairman and another secretary.

SEVERAL SENATORS. Vote!

Mr. CURTIS. Mr. President, I do not object to a vote on the amendment, but I desire to ask for a unanimous consent agreement when the vote shall have been taken.

Mr. McKELLAR. I ask that a vote may be taken on this amendment, as it appears to be satisfactory.

The VICE PRESIDENT. The question is on the amendment submitted by the Senator from Tennessee [Mr. McKELLAR].

The amendment was agreed to.

Mr. CURTIS. I ask unanimous consent that the debate be limited on the bill and all amendments proposed thereto to 10 minutes to each Senator.

Mr. SHORTRIDGE. I object.

The VICE PRESIDENT. Objection is made.

Mr. SHIPSTEAD. Mr. President——

Mr. HEFLIN. Before the Senator from Minnesota takes up his amendment, I desire to say that we were about to reach an agreement on an amendment that I offered on page 13, at the end of line 18, before the word "agencies," to insert the word "farm"; and at the end of line 20, before the word "agencies," to insert "farm." If agreed to, the amendment would confine the activities of the board to farmers, putting the handling of the fund, and all that, in the hands of the farmers. That is the purpose of the amendment.

The VICE PRESIDENT. The amendment proposed by the Senator from Alabama will be stated.

The CHIEF CLERK. On page 12 of the original print, line 25, before the word "agencies," it is proposed to insert the word "farm," so that it will read "agreement with other farm agencies"; and on page 13, line 1, following the word "other," to insert the word "farm," so that it will read "between such other farm agencies."

The VICE PRESIDENT. The question is on the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. SHIPSTEAD. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. Using the original bill, on page 7, line 25, and page 8, line 1, strike out " members' marketing contracts or by others."

On page 8, lines 7 to 10, strike out "to furnish funds to the association for necessary expenditures in federating, consolidating, merging, or extending the membership of cooperative associations, or (C)."

On page 8, lines 17 and 18, strike out "delivered to the association under its members' marketing contracts" and insert in lieu thereof "handled by the association."

The VICE PRESIDENT. The question is on the amendment of the Senator from Minnesota. [Putting the question.] The Chair is in doubt.

Mr. LA FOLLETTE. I call for a division.

Mr. SHIPSTEAD. Let us have the yeas and nays.

The VICE PRESIDENT. The yeas and nays are demanded.

Mr. McNARY. I do not think the demand has been seconded.

Mr. HEFLIN. What is the amendment?

The VICE PRESIDENT. It is the amendment of the Senator from Minnesota [Mr. SHIPSTEAD].

Mr. HEFLIN. But what is it?

Mr. SHIPSTEAD. Mr. President, this amendment merely removes a discriminatory feature in the bill as between contract cooperatives and voluntary cooperatives. It puts them on an equal basis. It is an amendment asked for by all of the cooperative organizations, in fact, all farm organizations; and it is at their request that this amendment is presented to the Senate.

Mr. McNARY. Mr. President, if I may add just one word, this amendment was contained in a telegram I had read a few moments ago, stating the action of a recent meeting in St. Paul, Minn. As far as I am concerned, I am willing to accept the amendment.

Mr. SHEPPARD. I call for a division.

SEVERAL SENATORS. Let the amendment be stated.

The VICE PRESIDENT. The Secretary will restate the amendment.

The amendment was restated.

The VICE PRESIDENT. The question is on the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. BROOKHART. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 24, after line 6, it is proposed to add the following:

That losses may occur from the export of agricultural commodities sold in the world markets at a lower price than the basic price of purchase herein provided, together with the expenses of exportation. Such losses shall be paid from the United States Treasury until they reach the total sum of $600,000,000, which is deemed to be equal to the subsidy paid the railroads the first six months after they were turned back to private ownership under the transportation act, plus the profits to the Government in the wheat corporation during the World War. Thereafter they shall be paid by an equalization fee or excise tax as Congress may determine.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Iowa.

The amendment was rejected.

Mr. BROOKHART. Mr. President, I offer another amendment, which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 12, line 2, it is proposed to strike out all after the word "therefor" down to and including line 7 and to insert in lieu thereof the following:

SEC. 9. The Department of Agriculture shall determine the average cost of production to farmers of each agricultural commodity having an exportable surplus for the five preceding years, and also the financial investment therein, using the official census data as far as possible, and report the same to this cooperative as the price basis for the current year. The items of cost shall be estimated upon the same principles as in the manufacturing industry, and considering the individual farm as a business unit, and determined on its individual production, including a fair compensation to farm owners for management and labor of themselves and families, together with proper allowances for depreciation of soil, improvements, equipment, stock-breeding animals, work animals, and buildings. The cooperative shall then offer to the farmers a price equal to this average cost of production plus enough profit to yield 5 per cent upon the capital investment. The cooperative shall also have the right to buy and sell agricultural food products in processed form when such processing is necessary for preservation, but only when the parties so processing them have paid to the farmers the basic price above indicated and have added thereto only enough for a net profit of 5 per cent upon their own investment. The board of directors shall establish an efficient agency to determine compliance with this last provision.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Iowa.

The amendment was rejected.

Mr. KENDRICK. Mr. President, I desire to offer an amendment. On page 26, line 21, after the word "vegetable," I move to strike out the period and insert the words "beef or beef product."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 26 of the original bill, line 21, after the amendment heretofore agreed to, after the word "vegetable," it is proposed to insert "beef or beef product."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wyoming.

The amendment was agreed to.

Mr. MCKELLAR. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 24 of the original bill, line 1, after the numerals "$250,000,000," it is proposed to insert the following proviso:

Provided, At least that $200,000,000 of said revolving fund is hereby made available and shall be used as a stabilization fund for financing the purchase, withholding, or the disposal of agricultural products in the event that a marketing period shall be declared for one or more of such products as hereinbefore authorized, and that said fund shall be allocated ratably to the stabilization funds of the several products according to the values of their respective exportable surpluses.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee.

The amendment was agreed to.

Mr. BLEASE. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to add, at the end of the bill, the following:

That Mr. MCNARY be chairman and Mr. BROOKHART secretary of the board.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Carolina.

The amendment was rejected.

Mr. BROOKHART. Mr. President, I desire to offer an amendment in the nature of a substitute. Since the substitute has been printed I think it need not be read. There is one correction suggested by the Comptroller General that goes with it that might be read.

The VICE PRESIDENT. Without objection, the reading of the amendment will be dispensed with, except for the modification referred to.

The CHIEF CLERK. The modification is as follows:

SEC. 25. All financial transactions of the board, cooperative and Federal farm operating boards shall be audited by the General Accounting Office, at such times and in such manner as the Comptroller General of the United States may prescribe. He shall also prescribe the accounting forms and procedures for such transactions.

It is also proposed to renumber sections 25 to 30, and make such sections 26 to 31, respectively.

Mr. BROOKHART'S amendment, in the nature of a substitute, is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this act may be cited as the "Farmers' Export Cooperative Act of 1928."

DEFINITION

SECTION 1. As used in this act—

The term "agricultural products" means agricultural, horticultural, viticultural, and dairy products, livestock, and products thereof, the products of poultry and bee raising, the edible products of forestry, and any and all products raised or produced on farms and processed or manufactured products thereof, transported or intended to be transported in interstate or foreign commerce.

SEC. 2. That three persons (who shall be the directors first appointed as hereinafter provided) are hereby created a body corporate and politic in deed and in law, by the name, style, and title of the farmers' national export cooperative, hereinafter called "the cooperative," and the directorate are designated as "the board."

SEC. 3. The capital stock of the cooperative shall be $250,000,000, all of which shall be in the first instance subscribed by the United States of America, and such subscriptions shall be called upon the vote of the majority of the directors of the cooperative at such time or times as may be deemed advisable. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000,000, also so much thereof as may be necessary for the purpose of making payment upon such subscription when and as called. Receipts for payment by the United States of America for or on account of such stock shall be issued by the cooperative to the Secretary of the Treasury and shall be evidence of stock ownership.

SEC. 4. The management of the cooperative shall be vested in a board of directors consisting of three persons to be appointed by the Secretary of Agriculture, one of whom shall be nominated by the American Farm Bureau Federation, one by the Farmers Educational and Cooperative Union of America, and one by the National Grange and Patrons of Husbandry. The first appointments shall be for two, four, and six years, respectively, and these lengths of terms shall be determined by lot, and thereafter their successors shall be appointed for a term of six years. Each of the directors appointed as herein provided shall devote his time to the business of the cooperative. Before entering upon his duties, each of the directors so appointed and each officer shall take an oath faithfully to discharge the duties of his office. Vacancies shall be filled in the same manner as original appointments except that a person appointed shall be appointed for the unexpired term of the member he succeeds. Two members of the board of directors shall constitute a quorum for the transaction of business.

SEC. 5. That the three directors of the cooperative shall each receive annual salaries, payable monthly, of $10,000. No director shall receive any other salary or compensation or be otherwise in the employ of the United States or of any State or private corporation or person.

SEC. 6. That the principal office of the cooperative shall be located in the District of Columbia. Agencies or branch offices may be established under rules and regulations prescribed by the board of directors.

SEC. 7. The cooperative shall be empowered and authorized to adopt, alter, and use a corporate seal which shall be judicially noticed; to make contracts; to purchase or lease and hold or to dispose of such real estate as may be necessary for the prosecution of its business; to sue and be sued; to complain and defend in any court of competent jurisdiction, State or Federal; may make such regulations as are necessary to execute the functions vested in it by this act; to appoint by its board of directors, and fix the compensation of such officers, employees, attorneys, and agents as are necessary for the transaction of the business of the cooperative; to define their duties and require bonds of them and fix the penalties therefor; to dismiss at pleasure such officers, employees, attorneys, and agents, subject to the provisions of the civil service laws, and make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the cooperative and as may be provided for by the Congress from time to time. All expenditures of the cooperative shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman; and to prescribe, amend, and repeal, by its board of directors, subject to the approval of the Secretary of Agriculture, by-laws regulating the manner in which its general business may be conducted, and the rights, privileges, and powers granted to it by law may be exercised and enjoyed and it may prescribe the powers and duties of its officers and agents, except as herein otherwise specifically provided.

The general purpose and business of the cooperative shall be to purchase from the farmers of the United States enough of agricultural products to include the entire exportable surplus and so much for interstate commerce as the board may determine, and to pay therefor the average cost of production plus a margin of profit sufficient to yield 5 per cent per annum upon the farmers' capital investment; also to

process and to store and to market said products and to export such as can not be marketed in the United States.

(1) To keep continuously advised upon agricultural, commercial, financial, and legal matters which, in the opinion of the cooperative, affect interstate or foreign commerce in agricultural products or derivatives or fabrications thereof.

(2) Upon its own initiative or upon petition of any cooperative marketing association, to call into conference cooperative marketing associations engaged in the handling of the same commodity or commodities with a view to assisting in the organization by such cooperative associations of a national or regional duly incorporated cooperative marketing association, to act as the common marketing agent of such cooperative associations, in the interest of the producers of such commodity or commodities.

(3) Upon petition of any cooperative marketing association handling a surplus commodity to confer and advise with such association with respect to—

(a) The disposition and marketing of such commodity, including agricultural, commercial, financial, and legal matters which, in the opinion of the cooperative, affect interstate or foreign commerce in such commodity.

(b) The holding of conferences between such association and one or more other cooperative marketing associations handling such commodity, or nonmember producers of such commodity upon the production of such commodity during the ensuing 12 months in order to secure the volume of production required in the public interest.

(c) The negotiation of agreements between such association and one or more other cooperative marketing associations handling such commodity, and between such association or associations and nonmember producers of such commodity providing for the establishment of pools, exchanges, special funds, or other cooperative undertakings in prevention or disposition of a surplus of such commodity.

(4) To make loans to any cooperative marketing association, or to any cooperative association created by two or more of such cooperative marketing associations to act as a common agent in marketing any agricultural commodity. Such loans may be either secured or unsecured and may be made to assist in the orderly marketing of the products of such associations or for the acquirement of properties and facilities, or for both, or for any purpose not in conflict with the intent and purposes of this act, and upon such terms and conditions as the cooperative may prescribe, subject to the following conditions and limitations:

(a) In the making of loans the cooperative shall exercise care and diligence to satisfy itself that there is a reasonable prospect of repayment.

(b) That in case other or additional provisions for payment are not prescribed by the cooperative, any association receiving a loan shall provide for the payment thereof, including interest thereon, in a manner approved by the cooperative, during a period not exceeding 33 years.

(c) That any association receiving a loan shall submit such reports of its transactions and audits of its accounts as the cooperative shall prescribe, but such information shall not be disclosed by the cooperative or any member or employee thereof except upon a demand of Congress or an order of a court of competent jurisdiction.

(d) Any cooperative association procuring a loan as herein provided shall subscribe for capital stock in the said cooperative to the amount of 5 per cent of such loan, as provided in section 19.

SEC. 8. That the cooperative shall be empowered and authorized to issue and have outstanding at any time its bonds in amount aggregating not more than five times its paid-in capital, such bonds to mature not less than one year and not more than five years from the respective date of issue and to bear such rate or rates of interest as may be reasonable before maturity, at the option of the cooperative, as may be determined by the board of directors. Such bonds shall have a first and paramount floating charge on all assets of the cooperative, and the cooperative shall not at any time mortgage or pledge any of its assets, and the Government of the United States shall be liable for said bonds. Such bonds may be issued at not less than par in payment of any obligation authorized by this act or may be offered for sale publicly to any person at such price or prices as the board of directors may determine, subject to the approval of the Secretary of Agriculture.

SEC. 9. The Department of Agriculture shall determine the average cost of production to farmers of each agricultural commodity having an exportable surplus, for the five preceding years, and also the financial investment therein, using the official census data as far as possible, and report the same to this cooperative as the price basis for the current year. The items of cost shall be estimated upon the same principles as in the manufacturing industry, and considering the individual farm as a business unit, and determined on its individual production, including a fair compensation to farm owners for management and labor of themselves and families, together with proper allowances for depreciation of soil, improvements, equipment, stock-breeding animals, work animals, and buildings. The cooperative shall then offer to the farmers a price equal to this average cost of production plus enough profit to yield 5 per cent upon the capital investment. The cooperative shall also have the right to buy and sell agricultural food products in processed form when such processing is necessary for preservation, but only when the parties so processing them have paid to the farmers the basic price above indicated and have added thereto only enough for a net profit of 5 per cent upon their own investment. The board of directors shall establish an efficient agency to determine compliance with this last provision.

SEC. 10. If in its operation the said cooperative acquires more than the exportable surplus of agriculture, it shall have the right to dispose of the same in the domestic market and as nearly as practicable shall dispose of same at a net profit not exceeding 5 per cent.

SEC. 11. That for the purposes herein specified in handling and export of the surplus in agricultural commodities said board of directors shall establish a commodity "advisory board" for each commodity having an exportable surplus, hereinafter referred to as the "advisory board," to consist of representatives of each of the said commodities, and not to exceed five members and to serve without salary. Said board of directors shall, as soon as practicable after the enactment of this act, after conference with the bona fide farm organizations and cooperative associations in each district which it considers to be representative of agriculture, prescribe the number of members to be elected for each commodity and provide by regulation for the election of members of the first advisory boards. The term of office of each member first elected shall expire one year from the date of this act, and vacancies during such period shall be filled in the same manner as the original election. Thereafter successors shall be elected and vacancies shall be filled as prescribed by the board of directors. Any member in office at the expiration of the term for which he was elected may continue in office until his successor takes office. The members of such advisory boards may be paid a per diem compensation not exceeding $20 for attending the meetings of the advisory board. Each member shall be paid by the board his traveling expenses to and from the meetings of the advisory board and his actual expenses while engaged upon the business of the advisory board.

SEC. 12. Duties of the advisory boards.

(a) The advisory board of each commodity shall meet as soon as practicable after the enactment of this act and nominate to the board of directors 18 individuals eligible for appointment to the operating board for said commodity.

(b) They shall meet thereafter at least twice in each year at a time and place designated by the board of directors or upon a petition duly signed by a majority of individuals at a time and place designated therein.

(c) They shall nominate upon request of the board of directors individuals to fill vacancies occurring in the operating boards.

(d) They shall consider such questions and formulate such recommendations in respect to cooperative marketing, and cooperate with the board of directors and with the operating board in such manner as the advisory boards shall deem most effective for carrying out the purposes of this act.

SEC. 13. Selecting from those recommended by the respective advisory boards, the board of directors shall establish a "Federal farm operating board" for each commodity, to be composed of three members, one of whom shall be designated as chairman, and the Secretary of Agriculture shall be ex officio a member of each of said Federal farm operating boards.

SEC. 14. Terms of office of the first two appointed members shall expire at the end of the second year, the next two at the end of the fourth year, and the next two at the end of the sixth year after the date of the enactment of this act. Their successors shall hold office for a period of six years and until their successors are appointed and qualified. Vacancies shall be filled upon recommendation of the advisory board in the same manner as the original appointments. Each of the appointed members shall be a citizen of the United States, shall not actively engage in any other business, vocation, or employment than that of serving as a member of the operating board, and shall receive a salary not exceeding $10,000 a year, to be fixed by the board, together with actual and necessary traveling and subsisting expenses while away from the principal office of the board on business required by this act.

SEC. 15. The Federal farm operating boards shall have active charge of the handling and export of all agricultural commodities and of their exchange in interstate commerce and of exercising all the powers of the cooperative as hereinafter defined and as prescribed by the rules and regulations of the board of directors.

SEC. 16. That losses may occur from the export of agricultural commodities sold in the world markets at a lower price than the basic price of purchase herein provided, together with the expenses of exportation. Such losses shall be paid from the United States Treasury until they reach the total sum of $600,000,000, which is deemed to be equal to the subsidy paid the railroads the first six months after they were turned back to private ownership under the transportation act, plus the profits to the Government in the wheat corporation during the World War. Thereafter they shall be paid by an equalization fee or excise tax as Congress may determine.

SEC. 17. That any and all bonds issued by the cooperative shall be exempt, both as to principal and interest, from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes and (b) graduated additional income taxes, commonly known as surtaxes. The cooperative, including its franchise and the capital and reserve or surplus thereof and the income derived therefrom shall be exempt from all taxation now or hereafter imposed by the United States or any local taxing authority, except that any real property of the cooperative shall be subject to State, county, or municipal taxes to the same extent, according to its value, as other real property is taxed.

SEC. 18. That wherever practicable products purchased and exported as a result of an advance under the provisions of this act shall be shipped in vessels documented under the laws of the United States.

SEC. 19. All of the cooperative organizations organized in compliance with the laws of the various States and in compliance with the laws of the United States as hereinafter defined shall have the right to subscribe for stock in said cooperative, and said subscription shall be used to redeem and pay off the bonds and Government capital outstanding against said cooperative. When all said bonds and capital have been redeemed the said cooperative shall become a cooperative organization under the laws of the United States, to be controlled and operated as defined and provided in the next section.

SEC. 20. Authority is hereby granted under the laws of the United States to 100 or more persons to organize cooperative organizations or associations upon the terms and definitions prescribed in this section, as follows:

1. Each member of any such cooperative association shall have one vote, and the capital stock of such association shall not vote in its control. Two or more cooperative associations shall have the right to subscribe for all the stock in an association for the purpose of federation, and when capital stock is so held by other cooperative associations, then the vote shall be in proportion to the membership of each association subscribing for such stock and the stock itself shall not vote, and this provision shall apply to the cooperative herein created.

2. The net earnings of all cooperative associations for the purpose of dividend upon the capital stock shall not exceed 5 per cent per annum, but deficiencies in any year may be made up in subsequent years, but the capital stock shall not upon liquidation or otherwise receive any dividend in excess of said sum of 5 per cent per annum.

3. All of the earnings of a cooperative association over and above the earnings of capital and the operating expenses shall be held either in surplus or for the purpose of trade dividends. Unless directed by a vote of the membership 25 per cent of said net earnings shall be kept in the business as a surplus for the enlargement, growth, and safety of the business. This surplus may be used to reduce the capital stock upon a vote of the membership. The other net earnings may be distributed back to the members in trade dividends in proportion to the amount of business each member shall transact with the enterprise. In the case where the membership is composed of other cooperative associations the trade dividends shall be paid in the same way to such association and by them distributed to their members as provided for other profits and earnings.

4. Cooperative associations engaged in trade and merchandising shall transact their business for cash or its equivalent.

5. Individual memberships in any cooperative association having individual members shall not exceed $100 in cost, and memberships of cooperative associations in federated associations shall not exceed $1,000 in cost.

6. Cooperative associations shall be composed of individuals who voluntarily join.

7. There shall be unlimited membership. No reason shall exclude a person from membership except that his purpose may be injurious to the society.

8. Each member shall patronize the society in any commercial enterprise in which it engages so long as it supplies his needs as advantageously as other agencies.

9. Persons who have not sufficient capital to pay for initial stock may be permitted to join the society and they may permit the savings returns accruing from their patronage to be applied to the share for their capital.

10. Cooperative associations shall have the right to set off not exceeding 5 per cent of the surplus savings for educational and organization purposes in the field of cooperation.

11. That at each inventory depreciation shall be charged off against the property of the society in conformity with sound business principles.

SEC. 21. The ultimate aim of the cooperative organization shall be to supply the needs of the members, to attain the control of the necessary production, to encourage membership, to promote other societies, to create national organizations, and to effect a union of the societies of the world in an international organization having the same common purpose.

SEC. 22. Credit unions and mutual cooperative banks established by the laws of the various States, and cooperative national banks that provide for the payment of a trade dividend to borrowers and depositors, shall have the right to subscribe for stock and become members in this export cooperative and in federated cooperative associations provided in this section.

SEC. 23. Whoever (1) falsely makes, forges, or counterfeits any bond, coupon, or paper in imitation of or purporting to be in imitation of a bond or coupon issued by the cooperative; or (2) passes, utters, or publishes any false, forged, or counterfeited, bond, coupon, or paper purporting to be issued by the corporation, knowing the same to be falsely made, forged, or counterfeited; or (3) falsely alters any such bond, coupon, or paper; or (4) passes, utters, or publishes as true any falsely altered or spurious bond, coupon, or paper issued or purporting to have been issued by the corporation, knowing the same to be falsely altered or spurious, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

The Secretary of the Treasury is authorized to direct and use the Secret Service Division of the Treasury Department to detect, arrest, and deliver into the custody of the United States marshal having jurisdiction on any person committing any of the offenses punishable under this section.

SEC. 24. That the corporation shall make a report to Congress as soon as possible after each calendar year relating to the business transacted during the preceding year, stating as of the 1st day of each month (1) the total amount of capital paid in; (2) the total amount of bonds issued; (3) the total amount of bonds outstanding; (4) a list of the classes and amounts of securities taken under this act; (5) a detailed statement of receipts and expenditures; (6) the number of cooperative associations becoming members of other cooperatives and the total amount of capital stock paid in by them; (7) the number of individual members in all cooperative associations affiliated with the cooperative; and (8) such other information as may be hereinafter required by either House of Congress.

SEC. 25. All financial transactions of the board, cooperative and Federal farm operating boards, shall be audited by the General Accounting Office, at such times and in such manner as the Comptroller General of the United States may prescribe. He shall also prescribe the accounting forms and procedures for such transactions.

SEC. 26. Cooperatives may be organized under this law by filing articles in substantial compliance herewith with the Secretary of Agriculture, signed and acknowledged before a notary public by at least 10 members. Said articles shall contain the name of the principal place of business, the names of at least the minimum membership required, the names of the first officers, whether or not the same is organized upon membership fees or capital stock, the amount of each membership fee, and the amount of capital stock, if any, together with the rate of return thereon. Upon the filing of such articles the Secretary of Agriculture shall issue a certificate of authority to transact business under this act and such cooperative shall be subject to service and jurisdiction of the courts and with rights to sue as ordinary corporations. This act is the only authority required for the parent cooperative herein created.

SEC. 27. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000,000, which may be used by the parent cooperative herein created for administration expenses and loans to assist in the organization of other cooperatives herein authorized and a rate of interest not higher than 4 per cent. The board of directors shall prescribe regulations for the repayment of such loans and all moneys repaid shall be covered into such fund.

APPLICATION OF ANTITRUST LAWS

SEC. 28. The cooperative herein created and all other cooperatives organized under the provisions of this act shall, for the purposes of this act, be deemed marketing agencies within the meaning of that term as used in the provisions of the first section of the act entitled "An act to authorize association of producers of agricultural products," approved February 18, 1922, and in the same manner and to the same extent as associations included in such act shall be subject to the provisions of section 2 thereof.

COOPERATION WITH EXECUTIVE DEPARTMENTS

SEC. 29. To foster, encourage, and promote the cooperative processing, preparing for market, handling, pooling, storing, and marketing of agricultural commodities under this act and to assist in the establishment and maintenance of all cooperatives herein authorized, any Government establishment in the executive branch of the Government shall, in accordance with its written request to the head of such Government establishment, cooperate with such cooperatives to such extent as the head of such Government establishment deems compatible with the interests of the Government.

SEPARABILITY OF PROVISIONS

SEC. 30. If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

RESERVATION OF RIGHT TO AMEND

SEC. 31. The Congress of the United States reserves the right to alter, amend, or repeal the provisions of this act.

Amend the title so as to read: "A bill to provide for buying, storing, processing, and marketing agricultural products in interstate and foreign commerce and especially for thus handling the exportable surplus of agriculture in the United States, and for other purposes."

The VICE PRESIDENT. The question is on the amendment, in the nature of a substitute, offered by the Senator from Iowa.

Mr. BROOKHART and Mr. HARRISON called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. McKELLAR (when Mr. NEELY's name was called). I desire to announce that the senior Senator from West Virginia [Mr. NEELY] is unavoidably detained from the Senate. If present, he would vote "nay."

Mr. PHIPPS (when his name was called). I desire to announce my pair as on the previous vote. I understand that if the Senator from Georgia [Mr. GEORGE] were present, he would vote as I intend to vote. I therefore am at liberty to vote, and vote "nay."

Mr. STEPHENS (when his name was called). On this vote I am paired with the junior Senator from Maine [Mr. GOULD]. In his absence I withhold my vote, not knowing how he would vote. If permitted to vote, I would vote "nay."

The roll call having been concluded, the result was announced—yeas 5, nays 64, as follows:

YEAS—5

Bayard	Blease	Borah	Brookhart
Blaine			

NAYS—64

Ashurst	Fletcher	McKellar	Sackett
Barkley	Frazier	McMaster	Schall
Bingham	Gerry	McNary	Sheppard
Black	Goff	Mayfield	Shipstead
Broussard	Gooding	Metcalf	Simmons
Bruce	Greene	Moses	Steck
Capper	Hale	Norbeck	Thomas
Caraway	Harris	Norris	Tydings
Copeland	Harrison	Nye	Tyson
Couzens	Hawes	Oddie	Vandenberg
Curtis	Hayden	Overman	Wagner
Cutting	Heflin	Phipps	Walsh, Mass.
Dale	Jones	Pine	Warren
Deneen	Kendrick	Pittman	Waterman
Dill	Keyes	Ransdell	Watson
Edwards	La Follette	Robinson, Ind.	Wheeler

NOT VOTING—24

Bratton	Glass	Neely	Smoot
du Pont	Gould	Reed, Mo.	Steiwer
Edge	Howell	Reed, Pa.	Stephens
Fess	Johnson	Robinson, Ark.	Swanson
George	King	Shortridge	Trammell
Gillett	McLean	Smith	Walsh, Mont.

So Mr. BROOKHART's amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. HEFLIN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. McNARY (when Mr. EDGE's name was called). The senior Senator from New Jersey [Mr. EDGE] is paired with the junior Senator from Oregon [Mr. STEIWER]. If the Senator from Oregon were present, he would vote "yea," and if the Senator from New Jersey were present, he would vote "nay."

Mr. FESS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Utah [Mr. SMOOT] and vote "nay."

Mr. McKELLAR (when Mr. GEORGE's name was called). The Senator from Georgia [Mr. GEORGE] is unavoidably detained from the Senate. Before he left he asked me to announce that if he could be present when the final vote on the bill was taken, he would vote for the bill if certain amendments were added. Those amendments have been made to the bill.

Mr. NORRIS (when Mr. HOWELL's name was called). My colleague [Mr. HOWELL] is detained from the Senate on account of illness in his family. If he were present on this vote, he would vote "yea." He is paired with the junior Senator from Utah [Mr. KING].

Mr. LA FOLLETTE (when Mr. JOHNSON's name was called). I desire to announce that the senior Senator from California [Mr. JOHNSON] if present would vote "yea" on this roll call.

Mr. McKELLAR (when Mr. NEELY's name was called). I desire to announce that the senior Senator from West Virginia [Mr. NEELY] is unavoidably absent. If he were present, he would vote "yea." He is paired with the senior Senator from Montana [Mr. WALSH].

Mr. PHIPPS. Mr. President, announcing my pair as on previous votes, I transfer my pair to the senior Senator from Connecticut [Mr. McLEAN] and vote "nay."

Mr. CARAWAY (when the name of Mr. ROBINSON of Arkansas was called). My colleague [Mr. ROBINSON] is unavoidably detained in his apartment on account of illness. If present, he would vote "yea."

Mr. STEPHENS (when his name was called). On this vote I am paired with the junior Senator from Maine [Mr. GOULD]. I transfer my pair to the Senator from New Mexico [Mr. BRATTON] and vote "yea."

The roll call was concluded.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Delaware [Mr. DU PONT] with the Senator from Missouri [Mr. REED]; and

The Senator from Nebraska [Mr. HOWELL] with the Senator from Utah [Mr. KING].

I desire also to announce that if the Senator from Nebraska [Mr. HOWELL] were present he would vote "yea," and if the Senator from Utah [Mr. KING] were present he would vote "nay."

I also want to announce that if the Senator from Florida [Mr. TRAMMELL] and the Senator from Delaware [Mr. DU PONT] were present they would vote "yea," and that if the Senator from Massachusetts [Mr. GILLETT] and the Senator from Missouri [Mr. REED] were present they would vote "nay."

The result was announced—yeas 53, nays 23, as follows:

YEAS—53

Ashurst	Fletcher	Mayfield	Simmons
Barkley	Frazier	Norbeck	Smith
Black	Gooding	Norris	Steck
Blaine	Harris	Nye	Stephens
Brookhart	Harrison	Oddie	Thomas
Broussard	Hawes	Overman	Tyson
Capper	Hayden	Pine	Vandenberg
Caraway	Heflin	Pittman	Wagner
Copeland	Jones	Ransdell	Waterman
Couzens	Kendrick	Robinson, Ind.	Watson
Curtis	La Follette	Sackett	Wheeler
Cutting	McKellar	Schall	
Deneen	McMaster	Sheppard	
Dill	McNary	Shipstead	

NAYS—23

Bayard	Edwards	Hale	Shortridge
Bingham	Fess	Keyes	Swanson
Blease	Gerry	Metcalf	Tydings
Borah	Glass	Moses	Walsh, Mass.
Bruce	Goff	Phipps	Warren
Dale	Greene	Reed, Pa.	

NOT VOTING—17

Bratton	Gould	Neely	Trammell
du Pont	Howell	Reed, Mo.	Walsh, Mont.
Edge	Johnson	Robinson, Ark.	
George	King	Smoot	
Gillett	McLean	Steiwer	

So the bill was passed.

BOULDER DAM

Mr. ASHURST. Mr. President, I ask leave to have printed in the RECORD my minority views on Senate bill 728, together with a letter from Mr. John L. Gust and extracts from a speech by Hon. Dwight B. Heard.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

BOULDER CANYON PROJECT

Mr. ASHURST, from the Committee on Irrigation and Reclamation, submitted the following minority views (to accompany S. 728):

The Colorado River is our most remarkable and dramatic river in its value for irrigation and hydroelectric energy. It combines concentration of fall, sites for power plants, reservoir sites for controlling the river flow, and a vast volume of water for irrigating several million acres of land.

Other rivers may be used either for irrigation or for hydroelectric power, but no other river in the Western Hemisphere presents such opportunity for the use of waters for both irrigation and generating electrical energy.

In approaching the problems of a river so pregnant with possibilities for development it is important that all the factors connected therewith—engineering and economic—should be fully evaluated and that expediency shall play no part therein.

It is the opinion of all experts that there is no surplus water in the Colorado River, therefore in any plan of developing that river extreme

care should be exercised so that no practicable potentiality shall be needlessly sacrificed.

MAGNITUDE OF THE PROPOSED PROJECT

The project authorized by this bill is majestic in its proportions. The figures involved are stupendous.

The proposed dam will be 675 feet high from bedrock to its crest; 125 feet below and 550 feet above the present water level, or nearly twice as high as any other dam in existence.

It is stated in the Twenty-fifth Annual Report of the Bureau of Reclamation, that the total capacity of all of the reservoirs at storage dams authorized by Congress to be constructed by the Bureau of Reclamation, and including reservoirs at dams on Federal reclamation projects which were financed and constructed by agencies other than the Reclamation Bureau, when completed will be only 13,863,123 acre-feet of water. The hydroelectric power now installed by the Bureau of Reclamation is 55,000 horsepower.

The Boulder Reservoir, when full, will hold 26,000,000 acre-feet of water, and store 20,000,000 acre-feet. It is proposed to install machinery to develop 1,000,000 horsepower, of which 550,000 horsepower will be firm power; in other words, this dam will create a reservoir which will store approximately twice as much water as all the Reclamation Service reservoirs combined and will represent an electrical installation of ten times as much as that now installed by the Bureau of Reclamation.

The total construction cost of all of the projects constructed by that bureau as of June 30, 1926, was $166,532,562.36. The estimated cost of a portion of this project will be $125,000,000. The members of the Federal Power Commission, and many engineers who have testified concerning the project, state that these cost estimates for the project are too low.

Secretary Work, in submitting to Congress the Weymouth report on the Boulder Dam and this project, said that this project presents "engineering difficulties attractive to ambitious engineers if not to Government or private capital."

ARIZONA

Ninety-three per cent of the entire area of the State of Arizona is within and constitutes 43 per cent of the total area of the Colorado River drainage basin.

Arizona contributes about 30 per cent of the waters of the Colorado River. The population of Arizona residing within the Colorado River Basin and dependent entirely upon its waters is equal to, and probably exceeds, the combined population furnished to the Colorado River Basin by the other Colorado River Basin States.

Of the 6,000,000 firm horsepower of potential hydroelectric energy in the lower basin, seven-eighths thereof is in Arizona, but the Boulder Canyon plan of development, as proposed in S. 728, would deprive Arizona of the benefit of this hydroelectric power.

Of the lands in Arizona susceptible of irrigation, practically all thereof to be irrigated must obtain their water from the Colorado River or its tributaries in Arizona; they have no other waters from which to draw.

The Colorado River enters Arizona from Utah near what is called the Crossing of the Fathers and flows through Arizona on a meandered line 315 miles to the Arizona-Nevada State line, in Iceberg Canyon. From this point the river on a meandered line forms the western boundary line of Arizona for a distance of 400 miles to the point where it intersects the boundary line between Arizona and Old Mexico.

CALIFORNIA

Only 2½ per cent of the Colorado River drainage basin is in California.

California contributes practically no water to the Colorado River.

The Boulder Canyon plan of development allots to California 38 per cent of the estimated constant water supply of the Colorado River.

California has 18,000,000 acres of land irrigable by waters other than by the waters of the Colorado River.

Of potential hydroelectric energy, California has 9,000,000 horsepower which may be developed within her borders on streams other than the Colorado River or its tributaries.

This bill sedulously and intentionally proposes to sever Arizona's jugular vein.

The bill is intended to be, and is, an attempt to coerce Arizona. One administration unsuccessfully attempted to coerce Arizona into joint statehood with New Mexico. Another administration unsuccessfully attempted to coerce Arizona upon certain provisions of her constitution, and those who are attempting by this legislation to coerce Arizona will ultimately discover that they have simply been standing like large locomotives on a sidetrack, without driving rods, wasting their steam in vociferous and futile sibilation.

TITLE I

STATEMENT OF SPECIFIC OBJECTIONS

I object to this bill for the following reasons:

1. Because the bill authorizes an invasion of the State of Arizona without its consent and over its protest; it is a trespass upon the soverignty of Arizona and is therefore unconstitutional.

2. Because the bill proposes (sec. 12 (c), p. 20) to deny to Arizona her right to use the public lands within that State—which comprise 63 per cent of the total area of the State—for the purpose of building canals or other works, to enable citizens of that State to use the water which falls upon the soil and which runs in the brooks, creeks, washes, and rivers of Arizona for domestic and agricultural purposes and also proposes to deny to Arizona the use of public lands for the building of transmission lines for the purpose of delivering electrical energy developed on streams which are within the State and also proposes to deny to Arizona the right to obtain a permit from the Federal Power Commission to build dams on streams wholly within Arizona, to utilize water for the development of electrical energy to which the citizens of Arizona have already acquired the right to the exclusive use thereof.

3. Because if the bill (sec. 8 (c) were passes in its present form it would plunge the State of Arizona into expensive and protracted litigation. Because it denies the authority of Arizona to amend her own constitution.

4. Because Arizona joins with the upper basin States in asking (quoting Governor Dern, of Utah, Senate hearings on S. 728, p. 132) "that no legislation proposing the construction of any project upon the Colorado River should be enacted by Congress or otherwise authorized by any Federal agencies before the negotiations now in progress have been completed, and every reasonable effort exhausted to reach such an agreement between the seven States."

5. Because the construction of any large storage project on the main Colorado River, in the absence of a specific allocation of water to Arizona, will make water available for use in Mexico, and thereby ultimately deprive the lands in Arizona of its use.

6. Because the bill proposes the invasion of the State of Arizona by the Federal Government and the usurpation of the use of the bed of the Colorado River, its banks, and the lands within the State for the construction of a dam for the storage of water and the delivery of this water to another State to the detriment of Arizona. The water in question is a natural resource over which the State of Arizona claims the exclusive right (except as it affects navigation) to control within its own boundaries, and to share the control of its use where the river forms the boundary between Arizona and another State, subject only to the limitation that the water shall not be depleted in such an amount as to deprive a prior and beneficial user in another State of the water appropriated by him. (Boquillas Cattle Co. *v.* Curtis, 213 U. S. 339, and Colorado *v.* Wyoming, 259 U. S. 419.)

7. Because under the terms of the bill Arizona will be deprived of the use of water essential for her future growth and prosperity which could be made possible by the development of power and the irrigation of her lands.

8. Because of the misleading language in the bill which, whilst declaring that a large irrigation project in California shall bear the cost of the canal and of appurtenant structures (sec. 1, p. 2, lines 13 to 17; sec. 9, p. 16) necessary to irrigate the lands in California, the provisions of the bill, in truth and in fact, will require the power resources of Arizona and Nevada to underwrite the repayment of the cost "of the main canal and appurtenant structures connecting Laguna Dam with the Imperial and Coachella Valleys in California," including operation and maintenance charges (sec. 2; also lines 13 to 17, p. 2, of the bill).

9. Because the amount of water apportioned to California (sec. 5, p. 7) is not warranted in equity, law, justice, or morals.

10. Because the bill provides that when the canals, power plants, and structures in California are paid for they be turned over and delivered to the districts which use them in that State. (Sec. 7, p. 12.) But the bill does not provide that the dam and power plants be turned over to or inure to the benefit of the States of Arizona and Nevada when the Government is repaid. (Sec. 5, p. 7, line 16.)

11. Because the bill provides that the Imperial Irrigation District and other California districts may be given rights in the Laguna Dam which they do not now possess and which are the property of the Yuma County Water Users' Association, for which the Secretary of the Interior is acting as trustee, and an arbitrary action by the Secretary as authorized under this bill (sec. 7, p. 12; sec. 10, p. 18) would force the Yuma County Water Users' Association to engage in costly litigation to protect its interests.

12. Because the bill proposes to authorize the Federal Government to become a party to a conspiracy to impose a boycott upon Arizona and to enforce against her the terms of the Colorado River compact, when approved by six States, as it affects the upper basin States (sec. 12 (a), p. 19, and particularly 12 (c), p. 20) and to impose upon Arizona the conditions of a subsidiary compact to be made by two States (sec. 8 (b), p. 14), affecting the lower basin, and to enforce these compacts against Arizona under terms of the bill (sec. 12 (c), p. 20).

13. Because the bill authorizes the expenditure of $50,000,000 of Federal funds to irrigate lands owned largely by private land speculators in California in units in excess of 160 acres. The records show that of the 785,400 acres of land in Imperial Valley, one corporation alone owns 47,000 acres of these lands and only 167,100 acres are Government lands. (S. Doc. 142, 67th Cong., 2d sess., p. 80.) This

report was made in 1922, and the Government acreage has probably decreased since that time.

14. Because the bill authorizes California, which comprises only 2½ per cent of the Colorado River Basin and contributes no water, to appropriate (sec. 5, p. 7, lines 4 to 13) over 38 per cent of the estimated constant water supply available in the main Colorado River for all seven States in the basin and for Mexico. (House hearings on H. R. 2903, p. 841, sec. 19, report of Herman Stabler; also Senate hearings on S. 320, December 19, 1925, p. 533, E. C. LaRue; also S. Doc. No. 142, 67th Cong., 2d sess., p. 37, table and text; also Water Supply Paper No. 556, U. S. Geological Survey, 1925, p. 122.)

15. Because the bill fails to provide for a review and approval of the plans of the project by engineers of large ability and experience as to the adequacy of the plans and specifications and the safety of the proposed dam.

There is no remorse so deep, so poignant, and so inveterate as that which will come when we shall some day realize that we omitted to avail ourselves of the opportunity to see to it that as far as science may do so, it has secured the safety of this dam. Fortune, success, and opportunity soar aloft on high and rapid wing and must be seized as they pass by. It is difficult, if not impossible, to overtake them once they have left us behind or found us asleep or afraid. However, if the dam is to be constructed, it is not yet too late to guarantee its safety.

TITLE II

STATES ARE ENTITLED TO EQUALITY OF RIGHT UNDER THE CONSTITUTION

The United States Supreme Court has declared that "One cardinal rule underlying all the relations of the States to each other is that of equality of right. Each State stands on the same level with all the rest. It can impose its own legislation on no one of the others and is bound to yield its own views to none." (Kansas *v.* Colorado, 206 U. S. 48, 97.)

In another case the court stated: "It [a State] finds itself in possession of what all admit to be a great public good and what it has it may keep and give no one reason for its will." (Hudson Water Co. *v.* McCarter, 209 U. S. 356.)

The latter may be the legal and constitutional right of the State of Arizona, but it is not the policy of the State or of its representatives in offering opposition to the Boulder Canyon project legislation.

Arizona's demand is merely for equality of right with the other States. But Arizona denies the right of other States to impose their will upon her.

The representatives of the State of Arizona recognize that the Colorado River is an interstate and international stream. The water in the river originates wholly in the United States, but the mouth of the river is in a foreign country. The representatives of the State of Arizona recognize that the strict application of the doctrine laid down by the United States Supreme Court in the case of Wyoming *v.* Colorado (259 U. S. 419) would probably result in the appropriation of the water of the river by the States best able to put it to immediate use and that this would be extremely detrimental to the interests of the upper-basin States, and it would also probably inspire a race for competitive development of agricultural lands which economic conditions do not warrant.

The representatives of Arizona have stated repeatedly that they are willing to accept and enter into a compact with the other States in the Colorado River Basin, provided the State of Arizona is given the protection under the new laws equal to that which is given to all the other States. Or, stated in another way, Arizona is asking that if the law of prior appropriation is to be set aside and water is to be apportioned by a compact among the States, that Arizona be given the same protection against Mexico and California that Colorado, Wyoming, Utah, and New Mexico are asking for themselves. Arizona's claims are set out in detail elsewhere in this report.

TITLE III

BOULDER DAM IS PRIMARILY FOR POWER

The dam authorized by this bill is primarily for the purpose of obtaining a water power to lease to States, subdivisions of States, or to private individuals (sec. 5, p. 6), and thereby make available certain incidental benefits. In substantiation of this statement, I call attention to the substance of the following provisions of the bill:

1. No dam shall be constructed and no work be performed unless power revenues are adequate to pay for the interest and amortization and the operation and maintenance of the entire project. (Sec. 4 (b), p. 5.)

2. No charges are to be made for the storage, use, or delivery of water for domestic purposes. (Sec. 1, p. 2, lines 15 to 17.)

3. No charges are to be made for the storage, use or delivery of water for agricultural purposes. (Sec. 1, p. 2, lines 15 to 17.)

4. Priorities to the use of water from the reservoir shall be in the following order:

(a) Water for use of lands under "a canal connecting Laguna Dam with Imperial and Coachella Valleys." (Sec. 1, p. 2, lines 10 to 13.)

(b) Domestic use.

(c) Agricultural use.

(d) Power.

(e) Navigation.

Sections 4 (a), 5, 6, 8 (b), 12, and 14 of the act and Article IV of the Colorado River compact. (See especially sec. 12 (b) of the bill.)

5. If there be any surplus revenues, Nevada and Arizona are each to receive 18¾ per cent of such excess revenues. (Sec. 4, p. 5.)

6. Leases on power are not to be for longer than 50 years. (Sec. 5 (a), p. 7.)

7. Preference to the use of power is given to States, subdivisions of States, and private agencies in the order given. (Sec. 5 (c), p. 9.)

8. Any agency making a contract for 100,000 horsepower is required to reserve one-fourth of its transmission line for the use of other power contractees. (Sec. 5 (d), p. 10.)

The legislative fiction that one of the primary purposes of the bill is to "improve navigation," is destroyed by the provisions of the bill itself (sec. 16 (b), p. 20), which approves the Colorado River compact which if applied would make this provision of the bill read:

"The rights of the United States in or to waters of the Colorado River and its tributaries * * * for navigation * * * shall be subject to and controlled by the said Colorado River compact, which declares (art. 4) 'inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its basin, the use of its waters for purposes of navigation shall be subservient to the uses of such waters for domestic, agricultural, and power purposes.'"

But, says the majority report (p. 9): "with its flow unregulated, the river can not be successfully used as a highway for commerce; in its regulated form it will provide a safe and dependable flow below the dam that can be used by power boats and other small craft. The reservoir created by the dam will be the largest artificial lake in the United States and capable of successful navigation."

To summarize: The bill provides there shall be no dam unless the power revenues are adequate to repay the Government; there shall be no charge for the use of water for domestic, or agricultural purposes; water shall be used, first for domestic use and agricultural purposes, next for power, and then if these agencies do not divert all of the water and thereby dry up the stream, it may be navigated by motor boats.

TITLE IV

"IMPROVING NAVIGATION" ON COLORADO RIVER IS LEGISLATIVE FICTION

The committee inserted on lines 3 and 4 on page 1 and on line 8 on page 11 the words "improving navigation." These words do not appear in the original bill. The purpose for inserting them was an endeavor to circumvent the Constitution of the United States.

To assert that the primary purpose of this bill is to improve navigation is ridiculous. The purpose of inserting this language is to attempt to have the Congress authorize this legislation under its authority "to regulate commerce with foreign nations and among the several States and with Indian tribes." (Art. 1, sec. 8, par. 3.)

There is testimony in the hearings of both the House and the Senate that the Colorado River, in its natural state, was a navigable stream from its mouth to a point above the proposed site for the Black Canyon, or Boulder Canyon Dam; but, there is also uncontradicted evidence in the hearings that the Colorado River from its mouth to the site of the proposed dam is not now used for navigation, and there is not on file or in the records a single petition, request, or demand that the Colorado River be improved for the purposes of navigation. On the contrary, the petitions and requests in the hearings and before Congress are for legislation to enable the States further to deplete the flow of the Colorado River and thereby render it wholly nonnavigable.

The bill authorizes the approval of the Colorado River compact, which in article 4 A provides:

"A. Inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its basin, the use of its waters for purposes of navigation shall be subservient to the uses of such water for domestic, agricultural, and power purposes."

There is no evidence in the record that if the river were made navigable, there would be a single ton of freight carried on the river as the result of such an improvement.

TITLE V

TREATY OBLIGATIONS DO NOT REQUIRE THE ENACTMENT OF THIS LEGISLATION

International questions do not give authority to Congress to pass this bill.

Unless the United States negotiates a treaty with Mexico in which the United States binds itself to assume some degree of control and management of the river, it would have no authority to pass this legislation under the assumption that it was to carry out treaty obligations. There are no treaty obligations at this time, the fulfillment of which, require the passage of this legislation. In the absence of such obligations, this legislation can not be predicated upon that authority. There is now no treaty, compact, or agreement requiring the United States to send any of the waters of the Colorado River into Mexico, and all the waters of that river which Mexico now receives are allowed to go into Mexico purely as an act of grace.

TITLE VI

THE COLORADO RIVER COMPACT

The Congress may not impose a compact upon the States

There is no precedent for a bill such as we are now considering, and as was stated by Mr. John L. Gust (hearings on S. 728, p. 105):

"If such a bill as the Swing-Johnson bill had been introduced into Congress in the early years of our constitutional history, it would have rocked the very foundation of the Union. If it were offered to-day against one of the old and powerful States, it would create considerable commotion even to-day. The fact that it is directed against a young and weak State makes it dangerous. If the principles upon which it is based should become established, Congress could force any State into any kind of compact with another State or with a foreign power—because the power of making compacts is just as broad with respect to foreign powers as it is with States with respect to each other—by providing that until such compact was approved each State should receive no Federal aid for road construction, no forest-reserve funds for roads or schools, no money for harbor improvement, no public buildings, and no water from its own streams. That is the extent to which this bill goes, if I read it aright, and I think I am not mistaken as to its provisions, and I feel confident that such broad powers as that do not exist in Congress under the Constitution under which this Nation exists."

Congress can not impose a compact or the terms thereof upon the States. In Article I, section 10, of the Constitution of the United States, among other provisions, there occurs the following language:

"No State shall enter into any treaty, alliance or confederation * * *. No State shall without the consent of Congress * * * enter into any agreement or compact with another State or with a foreign power * * *."

This provision of the Constitution makes it clear that the power in the States to make agreements or compacts not having been delegated to the United States by the Constitution nor prohibited by it to the States is reserved to the States, with the single restriction that the consent of Congress is necessary to the validation thereof.

It therefore must necessarily follow that the Congress can not impose upon a State or States the terms of a compact to which said State or States refuse to give consent. It must also necessarily follow that Congress can not authorize "two" or "six" (sec. 8 (b) and sec. 12 of the bill) States to confederate and enter into an alliance and to apportion among themselves natural resources which are the common heritage of seven States and to do it over the objections of the protesting State or States.

This bill (secs. 4 A, 5, 6, 8 A and B, 12 A, B, C, D, and 14) binds this legislation to the provisions of the Colorado River compact.

The bill is an attempt to apportion water, as it approves the Colorado River compact (secs. 4 A and 12), which is a proposed agreement which, if approved by the seven States, parties to it and with the approval of Congress, would repeal the water laws in the Colorado River Basin as they now exist and are defined by the United States Supreme Court. The compact proposes to substitute for the water laws based upon prior appropriation and beneficial use, the allotment of a definite quantity of water to the "upper basin" and "lower basin" States.

The authority to make such a compact rests in the States, and not in the Congress. The States have not ratified the compact; therefore it is not a valid agreement.

This bill attempts to rivet the provisions of the compact onto the seven States. The bill goes further and authorizes the State of California to appropriate and consume a large proportion—estimated to be 38 per cent—of the water available for use in the Colorado River above Laguna Dam. (Sec. 5, p. 7, lines 4 to 12, inclusive.) And it authorizes two States to make a compact to bind three States. (P. 14, line 18.) I deny that the right exists in Congress to apportion this water.

Any attempt on the part of "six States" so far as their actions relate to the entire basin or of "two States," so far as their actions relate to the "lower basin," even with the consent of Congress, to enter into an alliance or confederation to deprive a seventh State of the right to utilize and enjoy the benefits of its natural resources is equivalent to a conspiracy. The States only can make a compact and divide the water; Congress can not do it for them. In this connection I again quote John L. Gust (Hearings on S. 728, p. 121):

"In our opinion the Colorado River compact if executed by six but not by seven States will be wholly void for the following reasons:

"First. Considered as a contract, it is legally impossible of performance when made.

"Second. Considered as a contract, it is illegal because it is a plain attempt on the part of the States that are parties to the agreement to control the property and resources of another State for their own benefit.

"Considering the proposition first above stated, it is a principle of the law of contracts that contracts impossible of performance when made are void. The Colorado River compact purports to divide the water of the river between an upper basin and a lower basin which are both included within the boundaries of seven States. Each of those States has a right in the waters of the river. This is established by Kansas v. Colorado (206 U. S. 46) and Wyoming v. Colorado (259 U. S. 419).

"One of the States having a large interest in such waters declines to enter into the compact. Thereupon the remaining six purport to execute the compact and carry it out exactly as written for the seven.

"In other words these six purport to apportion the water just as it was proposed to be apportioned by the act of the seven.

"This means that the six undertake to divide the water among the seven without the consent of the seventh. Manifestly this can not be legally done. Arizona can not be bound without its consent, and if Arizona is not bound the agreement simply will not work. The six States are undertaking to do something wholly beyond their power.

"Considering the second proposition, it seems plain that any attempted agreement on the part of six States to parcel out the property and rights and prerogatives of seven States without the consent of the seventh State is necessarily illegal. Can the law recognize and uphold an agreement in which certain States undertake to dispose of the property and rights and prerogatives of another State to suit their own pleasure and for their own profit and against the will of the other State? It can not be said that the six-State compact does not undertake to dispose of Arizona's property rights. By its express terms it applies to the property rights of Arizona as well as to the property rights of the other States.

"Moreover, the California resolution adopting the six-State compact declares it shall not become binding on California until Arizona is subjected to the compact by the power of the United States. Said resolution is a proposition by the State of California to enter into a conspiracy with the United States for the purpose of depriving Arizona of her constitutional rights."

In connection with this proposal that Congress shall usurp authority, I direct attention to a decision of the Supreme Court of the United States:

Should Congress under the pretext of executing its powers pass laws for the accomplishments of objects not intrusted to the Government, it would become the painful duty of this tribunal, should a case requiring such decision come before it, to say that such an act was not the law of the land. (McCulloch v. Maryland, 4 Wheat. 316, 423.)

PRESENT STATUS AND WHAT THE STATES ARE CONTENDING FOR WITH REFERENCE TO THE COLORADO RIVER COMPACT

The States of Colorado, Wyoming, and New Mexico have ratified and desire ratification of the compact by all seven States. This compact will reserve for the present and future requirements of the upper basin States the water allocated for their use by the Colorado River compact.

"*Resolved*, That it is firm belief of the representatives of the four said upper basin States, as assembled at Denver, Colo., this 19th day of December, 1927, that no legislation proposing the construction of any project upon the Colorado River should be enacted by Congress or otherwise authorized by any Federal agency before the negotiations now in progress have been completed and every reasonable effort exhausted to reach such agreement between the seven States.

"W. H. Adams, Governor of Colorado; George H. Dern, Governor of Utah; Frank C. Emerson, Governor of Wyoming; Edward Sargent, Lieutenant Governor of New Mexico; Delph E. Carpenter, interstate river commissioner for Colorado; William L. Boatright, attorney general of Colorado; Francis C. Wilson, interstate river commissioner for New Mexico; L. Ward Bannister, counsel for the city of Denver; M. C. Mechem, representing New Mexico." (Senate hearings on S. 728 and S. 1274, p. 132.)

Utah: The State of Utah, speaking through its governor (hearings on S. 728, p. 143), defined the demands of that State to be as follows:

"1. Seven-State ratification of the Santa Fe compact.

"2. A treaty with Mexico preserving to the United States the right to any water of the Colorado River made available through development in the United States, including equitable rights to the natural flow.

"3. Acknowledgment that water within the State is the property of the State.

"4. Acknowledgment that the State of Utah is the owner of that portion of the bed of the Colorado River which lies within its borders.

"5. Full acknowledgment that the States have a right to and receive compensation for the use of their lands and waters."

The qualified ratification of the Santa Fe compact, as adopted by the Legislature of Utah, January 26, 1927, was as follows:

"*Be it enacted by the Legislature of the State of Utah:*

"SECTION 1. Colorado River in Utah and Green River in Utah declared to be navigable streams: That the State of Utah does hereby declare that the Colorado River in Utah and the Green River in Utah from time immemorial and at the time of the admission of Utah into the Union as one of the States of the United States of America were and ever since have been and now are navigable streams.

"SEC. 2. Title to bed of all navigable rivers vested in State of Utah, when—Exceptions: That the title to the beds of said rivers and of each of them, as well as the title to the beds of all other streams and lakes which at the time of said admission of Utah into the Union were

navigable in fact, vested in the State of Utah at the time of its said admission into the Union and said title has at all times thereafter been and now is vested in the State of Utah, except such portion or portions thereof as may have been heretofore disposed of by the State of Utah pursuant to law by express grant.

"SEC. 3. Intent with respect to paragraph (a) of Article IV, of the Colorado River compact—Colorado River navigable for intrastate commerce: That the State of Utah does hereby declare that its adherence to paragraph (a) of Article IV of the Colorado River compact as set forth in chapter 5, Laws of Utah, 1923, which paragraph reads as follows:

"(a) Inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its basin, the use of its waters for purposes of navigation shall be subservient to the uses of such waters for domestic, agricultural, and power purposes. If the Congress shall not consent to this paragraph, the other provisions of this compact shall nevertheless remain binding." (Hearings on S. 728, p. 170.)

Nevada: The State of Nevada desires ratification of the Colorado River compact by the seven States and a supplementary compact which will recognize the right of that State to the use of 300,000 acre-feet of water (Senate hearings on S. 728 and S. 1274, p. 170) and the acceptance of the principles of the Pittman resolution, which is found on page 131 of the 1928 Senate hearings on S. 728.

Resolution offered by Senator KEY PITTMAN on behalf of the Nevada Commission to the Conference of Governors and the Commissioners of the Colorado Basin States in session at Denver, Colo. Adopted at Seven States' Conference on the Colorado River at Denver, October 4, 1927, by affirmative votes of Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming—California not voting.

"Whereas it is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by navigable waters within the limits of the several States of the Union belong to the respective States within which they are found, with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interests of the public in the waters, and subject always to the paramount right of Congress to control the navigation so far as may be necessary for the regulation of commerce with foreign nations and among the States; and

"Whereas it is the settled law of this country that subject to the settlement of controversies between them by interstate compact, or decision of the Supreme Court of the United States, and subject always to the paramount right of Congress to control the navigation of navigable streams so far as may be necessary for the regulation of commerce with foreign nations and among the States, the exclusive sovereignty over all of the waters within the limits of the several States belongs to the respective States within which they are found, and the sovereignty over waters constituting the boundary between two States is equal in each of such respective States; and

"Whereas it is the sense of this conference that the exercise by the United States Government of the delegated constitutional authority to control navigation for the regulation of interstate and foreign commerce does not confer upon such Government the use of waters for any other purposes which are not plainly adapted to that end, and does not divest the States of their sovereignty over such waters for any other public purpose that will not interfere with navigation: Therefore be it

"*Resolved*, That it is the sense of this conference of governors and the duly authorized and appointed commissioners of the States of Arizona, California, Colorado, New Mexico, Nevada, Utah, and Wyoming, constituting the Colorado River Basin States, assembled at Denver, Colo., this 23d day of September, 1927, that—

"The rights of the States under such settled law shall be maintained.

"The States have a legal right to demand and receive compensation for the use of their lands and waters except from the United States for the use of such lands and waters to regulate interstate and foreign commerce.

"The State or States upon whose land a dam and reservoir is built by the United States Government, or whose waters are used in connection with a dam built by the United States Government to generate hydroelectric energy are entitled to the preferred right to acquire the hydroelectric energy so generated or to acquire the use of such dam and reservoir for the generation of hydroelectric energy upon undertaking to pay to the United States Government the charges that may be made for such hydroelectric energy or for the use of such dam and reservoir to amortize the Government investment, together with interest thereon, or in lieu thereof to agree upon any other method of compensation for the use of their waters."

All the interested States agree that, if the compact is approved, Nevada shall be granted the right to take such water as may be beneficially used in that State, which is estimated to be 300,000 acre-feet.

California: The demands of California and her policy concerning the compact are outlined in chapter 33, assembly Joint Resolution No. 15, adopted by the Legislature of California in 1925. This resolution ratifies the Colorado River compact with the following provisos:

"*Provided, however*, That the said Colorado River compact shall not be binding or obligatory upon the State of California, by this or any former approval thereof, or in any event until the President of the United States shall certify and declare—

"(a) That the Congress of the United States has duly authorized and directed the construction by the United States of a dam in the main stream of the Colorado River at or below Boulder Canyon, and to create a storage reservoir of a capacity of not less than 20,000,000 acre-feet of water; and

"(b) That the Congress of the United States has exercised the power and jurisdiction of the United States to make the terms of the said Colorado River compact binding and effective as to the water of the Colorado River.

This bill meets and conforms to the full demands of California.

With reference to an allocation of the water available under the Colorado River compact for use in the "lower basin," California demanded as an "irreducible minimum" 4,600,000 acre-feet of the allocated water and one-half of any surplus water unallocated by that compact, available for use in the main stream. (Testimony Charles L. Childers, Senate hearings on S. 728.)

Arizona: The Colorado River Commission of Arizona defined the position of Arizona with reference to the Colorado River compact to be as follows (Hearings on S. 728, pp. 19, 46):

"(1) Arizona will accept the Santa Fe compact if and when supplemented by a subsidiary compact which will make definite and certain the protection of Arizona's interests, as follows:

"(2) That before regulation of the Colorado River is undertaken, Mexico be formally notified that the United States Government reserves for use in the United States all water made available by storage in the United States.

"(3) That any compact dividing the water of the Colorado River and its tributaries shall not impair the rights of the States, under the respective water laws, to control the appropriation of water within their boundaries.

"(4) That the waters of the streams tributary to the Colorado River below Lees Ferry and which are inadequate to develop the irrigable lands of their own valleys be reserved to the States in which they are located.

"(5) That so much of the water of the Colorado River as is physically available to the lower basin States—but without prejudice to the rights of the upper basin States—shall be legally available to and divided between Arizona, California, and Nevada, as follows:

"(a) To Nevada, 300,000 acre-feet per annum.

"(b) The remainder, after such deduction as may be made to care for Mexican lands allotted by treaty, shall be equally divided between Arizona and California.[1]

"(6)[2] That the right of the States to secure revenue from and to control the development of hydroelectric power within or upon their boundaries be recognized.

"(7)[2] That encouragement will be given, subject to the above conditions, to either public or private development of the Colorado River, at any site or sites harmonizing with a comprehensive plan for the maximum development of the river's irrigational and power resources.

"(8) That Arizona is prepared to enter in a compact at this time to settle all the questions enumerated herein, or Arizona will agree to forego a settlement of items 6 and 7, and make a compact dividing the water alone, provided it is specified in such compact that no power plants shall be installed in the lower basin portion of the main Colorado River until the power question is settled by a power compact among the States.[3]"

CONTROL OF WATER BY WESTERN STATES IS RECOGNIZED BY CONGRESS

In admitting the Western States into the Union "on an equality with all the other States," Congress has conceded that no constitutional right was vested in the Federal Government to retain jurisdiction over appropriations of water for irrigation, domestic, power, or other uses excepting as they might affect navigation. In fact, the United States Supreme Court, in the case of Boquillas Cattle

[1] With reference to par. 5 (b) of the Arizona statement, Arizona agreed to accept a proposal for a division of the water which was suggested by the Governors of Utah, Wyoming, Colorado, and New Mexico, that the water available for the use of the lower basin be divided approximately as follows (Senate hearings on S. 728, p. 349), each State to have its tributary waters before they enter the main stream: To Nevada, 300,000 acre-feet; to California, 4,200,000 acre-feet; to Arizona, 3,000,000 acre-feet. All available surplus water to be divided equally between Arizona and California.

[2] With reference to pars. (6) and (7), the Arizona representatives insist upon the acceptance of the principle of the Pittman resolution in a compact. (Senate hearings on S. 728 and S. 1274, p. 131.)

[3] The contention of Arizona, with reference to power revenues, stated briefly and succinctly, as it relates to the development proposed to be made under this act, is that the State expects to derive a revenue from the hydroelectric power developed on the project, equivalent to what it would receive in taxation, if the project was developed by private enterprise.

Co. v. Curtis (213 U. S. 339), in an opinion sustaining a decision of the Territorial Supreme Court of Arizona, declared "the doctrine of appropriation" was in force in Arizona before it was annexed to the United States.

The Congress of the United States first recognized the necessity for local customs to govern the use and appropriation of water in the semiarid Western States when it adopted section 9 of the act of July 26, 1866 (14 Stat. 266; sec. 2399, Rev. Stats.). This section reads:

"That whenever, by priority of possession, right to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued and the same are recognized and acknowledged by the local customs, laws, and the decisions of the courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals, for the purposes aforesaid, is hereby acknowledged and confirmed."

Under the terms of both the United States reclamation law and of the Federal water power act, the United States is required to obtain the consent of the States to use the lands and waters of the States before it can proceed with the erection of any dam for the purposes of utilizing the water for domestic, irrigation, or power purposes.

Section 8 of the United States reclamation act, Thirty-second Statutes, page 388 (1902), reads:

"That nothing in this act shall be construed as affecting or intending to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream of the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right."

The Federal water power act, approved June 10, 1920, provides in section 17 thereof as follows:

"That nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective States relating to control, appropriation, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired therein."

POWER OF THE FEDERAL GOVERNMENT OVER DEVELOPMENT AND USE OF WATER POWER

Under this title there will be found in the 1928 Senate hearing on this bill, beginning on page 465, a report made some years ago by Senators Nelson, Root, Chilton, O'Gorman, and Culberson, as a subcommittee of the Judiciary Committee of the Senate. The report deals with the power of the Federal Government over the development and use of water power within the respective States. I quote from their report (p. 466):

"TITLE OF THE STATES IN THE BEDS AND WATERS OF NAVIGABLE STREAMS

"The several States of the Union are each primarily the proprietors of, and have the sovereignty over, the beds and waters of the navigable streams and watercourses within their respective borders, subject only to the rights of the Federal Government under the interstate commerce clause of the Constitution (par. 3, sec. 8, Art. I) and to the rights of the Federal Government as owner of the riparian lands (par. 2, sec. 3, Art. IV), which rights will hereafter be referred to and enlarged upon.

"In the case of Martin v. Waddell (16 Pet. 367), where the question of tidelands and tidewaters was involved, the Supreme Court of the United States makes this clear and comprehensive declaration:

"'For when the Revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.'

"The same doctrine was laid down by the court in the case of Pollard v. Hagan (3 How. 212), and it was held to apply to the newer States in as full a measure as to the original States of the Union. In this case the court concludes its opinion as follows:

"'By the preceding course of reasoning we have arrived at these general conclusions: First. The shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States respectively. Second. The new States have the same rights, sovereignty, and jurisdiction over this subject as the original States. Third. The right of the United States to the public land and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land (tidewater land) in controversy.'

"In the case of Barney v. Keokuk (94 U. S. 324), Justice Bradley declares that the correct principles were laid down in the foregoing cases, and then adds:

"'These cases related to tidewater, it is true; but they enunciate principles which are equally applicable to all navigable waters.'

"The rule laid down in the foregoing cases is reaffirmed and amplified with the citation of numerous authorities in the case of Shively v. Bowlby (152 U. S. 1)."

The States of Arizona and Nevada have never recognized the common-law rule of riparian rights. Their actions in this respect were concurred in and approved by Congress as they come within the scope of general legislation on the appropriation of water (acts of 1866 and 1870; now sections 2339 and 2340 of the Revised Statutes) and sustained by the Supreme Court of the United States in a long line of decisions.

WATER LAWS OF WESTERN STATES

Kinney on Irrigation and Water Rights says (p. 331):

"In the following States the common-law rule of riparian rights is rejected in toto: Arizona, Colorado, New Mexico, Nevada, Utah, and Wyoming. As the ownership of the beds of fresh-water streams navigable in fact is one of the riparian rights, it follows that this right was also rejected and the ownership of the beds of these streams is in the States under whose jurisdiction these waters flow."

No State in the Colorado River Basin, with the exception of California, either in its capacity as a Territory or as a State, has ever recognized the common-law rule of riparian rights. California has never recognized the riparian doctrine as it relates to that portion of the State bordering upon the Colorado River. The laws of the several States will be found beginning on page 476 of the Senate hearings on S. 728 and S. 1274. The provisions of the constitutions of the several States relating to the appropriation and use of water, together with court decisions sustaining them, are as follows:

"Arizona: The common-law doctrine of riparian water rights shall not obtain or be of any force or effect in the State. (Art. XVII, sec. 1.) All existing rights to the use of any of the waters in the State for all useful or beneficial purposes are hereby recognized and confirmed. (Art. XVII, sec. 2.) (Boquillas Cattle Co. v. Curtis, 213 U. S. 564; Clough v. Wing, 2 Ariz. 371.)

"New Mexico: The unappropriated water of every natural stream, perennial or torrential, within the State of New Mexico, is hereby declared to belong to the public and subject to appropriation for beneficial use. In accordance with the laws of the State, priority of appropriation shall give the better right. (Sec. 2, Art. XVI.) (Trombley v. Luterman, 6 N. Mex. 15.)

"Wyoming: Water being essential to industrial prosperity, of limited amount, and easy of diversion from its natural channel, its control must be in the State, which, in providing for its use, shall equally guard all the various interests involved. (Art. I, sec. 31.)

"The waters of all natural streams, springs, lakes, and other collections of still waters within the boundaries of the State are hereby declared to be the property of the State. (Art. VIII, sec. 1.) (S. 728 and S. 1274, p. 482.) (Farm Investment Co. v. Carpenter, 9 Wyo. 110.)

"Colorado: The waters of every natural stream not heretofore appropriated within the State of Colorado is hereby declared to be the property of the public and the same is dedicated to the use of the people of the State, subject to appropriation as hereinafter provided. (Art. XIV, sec. 5.) (S. 728 and S. 1274, p. 484.) (Yernker v. Nichols, 1 Colo. 151; Coffin v. Left Hand Ditch Co., 6 Colo. 443.)

"California: The use of all water now appropriated or that may hereafter be appropriated for sale, rental, or distribution, is hereby declared to be a public use and subject to the regulations and control of the State in the manner to be prescribed by law. (Art. XIV, sec. 1.) (S. 728 and S. 1274, p. 476.)

"Utah: All existing rights to the use of any of the waters of this State for any useful or beneficial purposes are hereby recognized and confirmed. (Art. XVII, sec. 1.) (S. 728 and S. 1274, p. 481.) (State v. Xalio (4575), Nov. 25, 1927; Stowell v. Johnson, 7 Utah, 215; 26 Pac. 290.)

"Nevada: All natural watercourses and natural lakes and the waters thereof which are not held in private ownership belong to the State and are subject to appropriation for beneficial uses. (Reno Smelting, Milling & Reduction Works v. Stevenson, 20 Nev. 269, 21 Pac. 317, 4 L. R. A. 60, 19 Com. St. Rep. 364.)"

This section is quoted from the State Water Code of Nevada. The constitution of the State is silent upon the use of public water.

A declaration contained in the bill of rights adopted by the Territory of Arizona in 1864—which was two years in advance of the law passed by Congress in July, 1866—recognized that local customs and laws, in addition to the decisions of the courts in the semiarid States of the West, should govern the appropriation and use of water. The section of the Territorial act follows:

"All streams, lakes, and ponds of water capable of being used for the purpose of navigation or irrigation are hereby declared to be public

property, and no individual or corporation shall have the right to appropriate them exclusively to their own private use, except under such equitable regulations and restrictions as the legislature shall provide for that purpose."

A GRAVE MENACE TO TAMPER WITH WATER LAWS

There is a long line of decisions by the courts sustaining this principle, and any attempt by Congress to destroy, directly or indirectly, by subterfuge or by law, the basic and fundamental principles which underlie these provisions of the constitutions and laws of the Western States is fraught with grave danger to them. These principles governing the use of water are founded upon the natural law and should not be disturbed by Congress.

The State of Idaho has provisions in its constitution practically identical with those of the States in the Colorado River Basin and does not recognize the riparian doctrine.

The States of Montana, Oregon, Washington, Nebraska, North Dakota, South Dakota, Oklahoma, Kansas, and Texas have revised their constitutions and laws so that they now accept and enforce the "Doctrine of appropriation and use" of water as distinguished from the riparian doctrine.

The laws and conditions in all of these States will be menaced by any precedents which may be established by the pending legislation.

WATER RIGHTS WERE NEVER RELINQUISHED BY STATES

These principles and rights have never been relinquished by the States to the Federal Government. Gov. George H. Dern, of Utah, in testifying before the Senate Committee on Irrigation and Reclamation (hearings on S. 728, p. 144), stated the situation very forcefully and the menace which would come to the States from tinkering with the water laws of the States by Congress:

"Governor DERN. Congress also recognized the sovereignty of the States over their waters in the Federal water power act, for that act provides that the United States Government shall not grant any permit to use the public lands for the building of a power dam until the applicant has first obtained a permit from the State wherein the dam is to be built, to use its waters and land and has otherwise complied with the laws of the State. The Representatives and Senators from the Western States have always been extremely jealous of the sovereign rights of the States in their waters, and up to this time they have impressed that principle upon every piece of Federal legislation affecting the waters of western streams. It is to be hoped that those in the present Congress will be equally vigilant.

"The pending bills propose an entirely new and revolutionary national policy, and completely reverse the former position of Congress with respect to the waters of western streams. Never before has Congress gone so far as to attempt to appropriate water without the consent of a State. The West has always heretofore seen to it that its sovereign rights were respected.

"Every State has the inherent sovereign right to control the uses of water, which is essential to its existence. To deprive a State of this right would be to destroy its autonomy. Moreover, the original States are conceded by everybody to possess full power to control their waters, save for the regulation of interstate commerce, and to deprive the newer States of this control would take from them that equality with the original States which was guaranteed them when they were admitted into the Union. The arid States in particular, whose water is their very lifeblood, should realize that if they would protect their autonomy they must resist the deliberate and constant pressure of certain enthusiasts for Federal usurpation of State powers."

THE REAL PURPOSE OF THE COLORADO RIVER COMPACT

A full and complete discussion of the history of the compact and the conditions which led up to its negotiation will be found in the 1926 House hearings on the Swing bills (H. R. 6251, 9826), beginning on page 146, in the testimony of Mr. Delph Carpenter, of Colorado.

The real purpose of the Colorado River compact, which is referred to in six sections of this bill (4 (a), 5, 6, 8 (a), 8 (b), 12 (a), 12 (b), 1 (c), 12 (d), and 14), is primarily to conserve for the upper basin States the right to use water which originates in those States. Those States want to retain the water for use in the future.

On page 710 of the Senate hearings on December 15, 1925, on S. 320, is found the following testimony:

"Mr. KENDRICK. Mr. Carpenter, I am not sure whether I understood the full inference about the delay in the development of the lands in the upper basin States. Did you intend to say to the committee in answer to Senator JOHNSON'S question that the ultimate development in these upper basin States would be delayed for 50 or 100 or possibly 200 years?

"Mr. CARPENTER. Yes, sir."

It will therefore be observed that the water is not being reserved to the upper basin States for immediate use. Arizona has not asked that she be accorded the same degree of protection as that accorded the upper basin States, although she is entitled to it. Arizona will have exhausted all the water available for her use long before the upper basin States utilize the water allocated to them. We do demand a measure of protection which will conserve our interests and such protection is not given us by either the compact or by this bill.

This bill (sections 4 (a), 8 (b), and 12) approves the Colorado River compact. That compact allocates annually 7,500,000 acre-feet of water in perpetuity to the upper basin States and retains to them an equity in the undivided surplus.

TITLE VII

THE AVAILABLE WATER SUPPLY IS INADEQUATE FOR ALL

In considering this bill and the Colorado River compact, it is important that we know approximately how much water will be available for the use of the States. The United States Geological Survey is the Government bureau authorized by Congress to study water resources. Mr. E. C. La Rue testified:

"The figures here presented therefore indicate that complete utilization and control of the stream of waters in the upper basin will create a shortage of about 3,800,000 acre-feet in the supply available for the lower basin. More complete data would probably indicate a greater shortage in the water supply available for the irrigation of lands on the lower Colorado. Evidently the flow of the Colorado River and its tributaries is not sufficient to irrigate all the irrigable lands lying within the basin.

"From these estimates it appears that when ultimate irrigation development is reached in the upper basin of the Colorado River there will be a natural shortage of 5,000,000 acre-feet in the lower basin, an amount sufficient to irrigate 1,100,000 acres of land. (Senate hearings on S. 320, December 9, 1925, p. 533.)

"Mr. LA RUE. I might add here that if we consider the 20-year period of low flow, 1886 to 1905, inclusive, we will find that should such a period of drought occur again the water available at Parker, Ariz., would be about 6,570,000 acre-feet annually, the amount required for the needs of the lower basin being 14,714,000 acre-feet. The annual shortage would be 8,145,000 acre-feet. During such a 20-year period there would be less than half enough water to supply the needs of the lower basin. (S. 320, December 9, 1925, p. 533.)

"Mr. LA RUE. If you will agree that we will irrigate 1,000,000 acres in Mexico and let 1,000,000 acres in the United States remain dry, then go ahead and build the Boulder Canyon Dam." (Senate hearings on S. 320, December 9, 1925, p. 545.)

Mr. Herman Stabler, chief of the land classification branch of the United States Geological Survey, made a report from which the following is quoted:

"19. The estimates of water supply and practicable storage for the period 1878–1922 indicate that through long periods not to exceed 12,000,000 acre-feet of water a year may be relied on for future irrigation development above Laguna Dam and for present and future development below that point." (House hearings on H. R. 2903, March 25, 1924, p. 841.)

Mr. O. C. Merrill, executive secretary of the Federal Power Commission, testified as follows:

"It is the opinion of those who have investigated the water resources of the Colorado Basin that there at least is not any surplus of waters for the necessities of irrigation, and that therefore in any general scheme of development of the river care should be exercised not unnecessarily to waste waters which though not needed in this generation are almost certain to be needed in the future." (Senate hearings on S. 320, December 8, 1925, p. 505.)

Col. William Kelly, former chief engineer of the Federal Power Commission, testified:

"Mr. LITTLE. Colonel, before we finish; do you think there is water enough in the Colorado River to irrigate it all?

"Colonel KELLY. There is reason to believe there is not.

"Mr. LITTLE. How much shy?

"Colonel KELLY. I can not say exactly how much is going to be shy, but I am satisfied that counting the lands that can be irrigated in Mexico there is not sufficient water to irrigate all the land.

"Mr. LITTLE. If we omit them there would be plenty of water, would there not?

"Colonel KELLY. There might be enough. There would be some short years." (House hearings on H. R. 2903, April 15, 1924, p. 1249.)

In the report "Problems of Imperial Valley and vicinity" (S. Doc. No. 142, 67th Cong., 2d sess.), on page 37, will be found a table which gives the average annual run-off for the years 1903 to 1920. The report makes an estimate of water available at Boulder Canyon of 16,470,000 acre-feet after allowing for past depletion. But the report admits that the table leaves out a cycle of years of low flow and drought immediately preceding it.

TITLE VIII

DEMANDS UPON THE AVAILABLE WATER SUPPLY

The States of the upper basin—Colorado, New Mexico, Wyoming, and Utah—have reserved for their perpetual use by the Colorado River Co. 7,500,000 acre-feet of water. This is a somewhat larger amount of water than any Federal official has estimated will be required for their use, but Arizona is willing to concede that much water to the upper

basin for use at any time in the future. The evidence concerning the amount of water required for use in the upper basin States is as follows:

	Acre-feet
Col. William Kelly, chief engineer, Federal Power Commission (p. 1258, H. R. 2903, 1924)	6,500,000
E. C. La Rue, hydraulic engineer, U. S. Geological Survey (p. 111, Water Supply Paper No. 556, 1925)	5,815,000
A. P. Davis, director U. S. Reclamation Service (CONGRESSIONAL RECORD, Feb. —, 1923)	6,590,000

Engineers representing the several States of the upper basin have estimated a maximum diversion from the Colorado River and its tributaries in those States of 9,550,000. However, this does not represent the net consumptive use which, with a return flow of 25 per cent, would be 7,200,000 acre-feet.

According to a report made by F. C. Weymouth, chief engineer United States Reclamation Service in February, 1924, it is estimated that there will be available for diversion below Boulder Canyon 9,341,000 acre-feet of water each year. In 1925 the United States Geological Survey reported in Water Supply Paper No. 556 that 9,593,000 acre-feet will be available for irrigation below Boulder Canyon. Both of these figures are based upon estimates of the maximum possible uses of water in the upper basin. In calculating the amount of water which may be put to beneficial use in Nevada, California, Arizona, and Old Mexico after the flow of the Colorado River is completely regulated, it may be said that approximately 9,500,000 acre-feet will be available. It is reported that Mexico is now using about 1,000,000 acre-feet of water, which if conceded to that country by treaty, would leave about 8,500,000 acre-feet available for use in Arizona, Nevada, and California.

Mr. George W. Malone, State engineer of Nevada and secretary of the Colorado River Commission of that State, testified:

"Nevada has claimed 300,000 acre-feet of water to be used within her borders * * *. She could no doubt use more water than is claimed if allowed an unlimited period for development" * * *. (Senate hearings on S. 728 and S. 1274, January 19, 1928, p. 233.)

Mr. H. A. Van Norman, representing the city of Los Angeles, demanded on behalf of that city an amount of water to be pumped annually from the Colorado River Basin to the coastal plain of "1,500 second-feet," which would be 1,095,000 acre-feet. (Senate hearings on S. 728–1274, January 21, 1928, p. 292.)

Mr. Charles L. Childers testified and put in the record the water requirements of the State of California, which, in effect, demand annually 4,600,000 acre-feet of the allotted waters and one-half of any surplus waters in the river. (Senate hearings on S. 728–1274, January 21, 1928, p. 322.)

Prior to 1922 the State of Arizona had made no exhaustive surveys of the land possible of irrigation from the Colorado River. Arizona was busily engaged in developing land in the central portion of the State, upon her own streams, which are tributary of the Colorado.

A reconnaissance survey of Arizona lands was made under Federal Government auspices in 1923, and topographical surveys were begun in 1925, the field work for which was completed in the fall of 1927. These surveys indicate that there is far more land in Arizona, economically feasible of irrigation, than there is water to irrigate it.

Mr. E. C. La Rue, an engineer who was employed by the United States Geological Survey for 23 years, and who was the chairman of the Arizona Engineering Commission appointed by the United States Geological Survey to investigate the irrigational possibilities in Arizona from the Colorado River, offered one plan of development based upon a part gravity and part pump lift, with an estimated cost for power of 7½ mills. He testified (Senate hearings on S. 320, December 9, 1925, p. 564) that water could be delivered to this land at a cost of $168 an acre to over 800,000 acres of land in Arizona. Since that report was made further surveys and studies by engineers employed by Arizona indicate that water can be delivered to at least 1,250,000 acres of land at a cost much less than $168 an acre. With a duty of 4 acre-feet, at least 5,000,000 acre-feet of water must be diverted from the Colorado River to irrigate this Arizona land. (Senate hearings on S. 728, January 17, 1928, pp. 72–74.) But assuming, for the sake of argument only, that it would cost $168 an acre—which seems excessive, for one reason, because power for pumping will not cost 7½ mills—a comparison of this project is invited with the Columbia Basin project recently considered by the Congress.

The hearings on the Columbia Basin project brought out the fact that the cost of irrigating the lands of that project is estimated to be $158 per acre and that project is declared to be practical now.

As to the question of the relative feasibility of projects, your attention is again invited to the testimony of Mr. Carpenter, of Colorado, that it may be 200 years before the water which the upper basin States are asking to have reserved to them will be used in those States. (Senate hearings on S. 320, December 18, 1925, p. 710.)

TITLE IX

THE FLOOD MENACE DOES NOT REQUIRE EMERGENCY ACTION

While it is generally admitted that there is a menace to property values and to property as a result of the floods in the Colorado River, and that flood control is needed at a comparatively early date, the testimony of numerous witnesses is to the effect that development of the river should not be undertaken until a seven-State compact is ratified. In substantiation of this assertion I direct attention to the testimony of the following witnesses:

Governor Emerson, of Wyoming, one of the members of the special advisory board appointed by Secretary Work, testified as follows:

"Few realize the real magnitude of the great project that is proposed at Black or Boulder Canyon—a dam twice as high as any dam that has been constructed in the world heretofore; a reservoir seven or eight times the capacity of any reservoir that has been constructed heretofore. The magnitude of this project is so great that we should be sure we are right before we go ahead. There is no such urgency for relief from conditions applying to the physical situation upon the lower river as to warrant any course but to allow all reasonable time and effort for the completion of the seven-State agreement by the approval of all the seven States." (Senate hearings on S. 728, p. 206.)

Gov. George H. Dern, of Utah, chairman of the Colorado River conference, which was in session for many weeks at Denver, Colo., testified as follows:

"Governor DERN. The question of flood control, of course, is only one of the purposes of this bill. As a matter of fact, one might have sat through the Denver conference without discovering that there was any problem of flood control. It was hardly mentioned at Denver, and there did not seem to be much importance attached to it there. It seems to me that California, by the reservation that she put on her ratification, practically refused to accept flood control. She specifically refused to accept it except by means of one particular project that she herself had selected. It seems to me she practically estopped Congress from giving her flood control except through that one particular project, which Congress might conceivably have found to be unwise. Therefore it seems to me that California has not——

"Senator JOHNSON. How does that explain your answers here?

"Governor DERN (continuing). That California has not exhibited very deep concern over flood control."

(Senate hearings on S. 728, p. 174.)

In this connection your attention is directed to a map which was prepared by Mr. E. C. La Rue, an engineer, who was formerly in the employ of the United States Geological Survey. Mr. La Rue resigned his Government employment last summer, after over 20 years of service, and gave as his reason: "That he was muzzled by the Department of the Interior and forbidden to oppose the legislation proposed in the Swing-Johnson bill," which he has testified he believes to be unsound. The map is one of the studies made by Mr. La Rue in connection with his work and studies on the Colorado River. It indicates that if the entire flow of the Colorado River was turned into the Imperial Valley that it would require about a year and a half for the water level of the Salton Sea to rise as far as the town of Mecca; 12 years before it reached the highest town in the valley, and 15 years to get to sea level.

If the advocates of the Swing-Johnson bill had exercised energy and good judgment, Imperial Valley would to-day have been protected from floods of the Colorado River and the all-American canal would have been nearing completion; but, most unfortunately for Imperial Valley, the advocates of the Swing-Johnson bill have preferred to spend their time and energy in planning how most effectively to exploit Arizona's resources rather than to spend their time and energy in securing the relief which Congress would quickly and amply grant. Just so long as Imperial Valley continues to be beguiled by those urban Pollyannas who seek to acquire Arizona's potential hydroelectric energy, just so long will Imperial Valley be imperiled.

California seeks not flood control but hydroelectric power. Flood control may be the excuse, but power is the substance of the demand for this bill. Arizona has never stood in the way and does not now stand in the way of ample appropriations for flood control on the Colorado River. California has never been willing to have an engineering investigation made of the Colorado River under the terms of section 3 of the flood control act of March 1, 1917.

Politically, financially, industrially, socially, and economically California is one of the most powerful States of the Union, and if her congressional delegation had labored for Imperial Valley along flood-control lines success would have long ago abundantly crowned such efforts.

If the sword of Damocles is suspended over Imperial Valley and if the waters of wrath are held in check only by a tricky guard of sand, let the California delegation but ask for appropriations and the relief prayed for will be promptly granted by Congress.

The writer of this report, in the Senate Committee on Irrigation and Reclamation, offered the following amendment to this bill:

"*Provided*, That the sum of $30,000,000 shall be allocated to flood control, and shall not be reimbursable to the United States."

This amendment was rejected by the committee upon the suggestion of the proponents of this legislation, as was another amendment which directed that the Boulder Canyon Dam be built to only such height as would provide flood control.

TITLE X

AMOUNT OF STORAGE REQUIRED FOR FLOOD CONTROL AND WHAT IT WOULD COST TO PROVIDE SAME

Col. William Kelly, former chief engineer of the Federal Power Commission, graduate of West Point, who served in the Army since 1899, and was former chief assistant to the Chief of Engineers on river and harbor work, secretary of the California Levee Commission, and in charge of the third California Engineering District, which included flood protection on the Sacramento River, also had service overseas and wide experience regarding the handling of streams and embankments, dams and revetment works, flood control and canals, and practically everything that pertains to the handling of water, testified (House hearings on H. R. 2903, pp. 1227, 1228, 1240, April 15, 1924):

"Colonel KELLY. According to the Reclamation Service figures, which check with those of the Geological Survey and those that had been made in my office, 3,200,000 acre-feet of storage, if placed at Laguna Dam, would control the floods in the worst flood season of record so that the maximum flow would not exceed 75,000 second-feet. If that dam be moved upstream certain additional storage must be provided in order to compensate for the storage that exists in the valley now during those high floods * * *. A dam at Mohave 100 feet high will give the storage required * * *. I think such a dam can be built inside of $15,000,000, and that is a very rough guess."

Mr. F. E. Weymouth testified before the Senate committee and gave several alternate plans and the cost thereof for flood control. (Senate hearings on S. 320, p. 479, November 2, 1925.)

"The Reclamation Service worked out a plan for controlling the floods of the Colorado River by building dams at the Dewey site, Bluff site, Flaming Gorge, and at the Juniper site, at an estimated cost of $40,000,000 for the four dams. A dam at the Dewey site could be built for $11,000,000."

The storage at these four sites would be about 9,000,000 acre-feet. (S. Doc. No. 142, 67th Cong., 2d sess., pp. 42, 43.)

"Mr. WEYMOUTH. There has been also a flood-control dam suggested for the Mohave site, but that would cost about $28,000,000 (includes $13,000,000 for flowage damage) for just a flood-control dam. (Hearings on S. 320, November 2, 1925, p. 485.)

"Mr. WEYMOUTH. An eight or ten million acre-feet flood-control dam at Black Canyon would cost $28,000,000. (Senate hearings on S. 320, November 2, 1925, p. 485.)

"Mr. LA RUE. A dam can be built at Glen Canyon in about six years. It will cost about twice as much, but the water will be worth six times as much as the water at Boulder Canyon." (Hearings on S. 320, December 9, 1925, p. 548.)

A dam to store 11,000,000 acre-feet of water can be constructed at Marble Gorge for an estimated cost of $19,000,000. The dam site has been diamond drilled for bedrock. (Senate hearings on S. 728, 1928, p. 463.)

The Marble Gorge Dam site would utilize the same storage facilities as the Glen Canyon site. In addition to being more accessible and with materials for the dam available, it could be constructed for very much less than either the Boulder Canyon or the Glen Canyon Dam. (See Senate hearings on S. 728, p. 463; La Rue-Jakobsen report.)

TITLE XI

IS SAFETY ASSURED?

The proposed dam at Boulder or Black Canyon, as authorized by this act, would be at least 675 feet high. It would be "550 feet above the present water level" and "125 feet below the water level to bedrocks." (A. P. Davis, Senate hearings on S. 320, p. 493.)

There is no dam now in existence comparable with it. It would be equal in height above the water level to the Washington Monument. In this connection the testimony of Col. William Kelly (House hearings on H. R. 2903, April 23, 1924, pp. 1251, 1252) is pertinent:

"Colonel KELLY. As you go up in height the mere weight of the dam itself puts a pressure on the foundations that runs into very large figures. On the Washington Monument that pressure was great enough to cause the stones to sprawl at the edges around the bottom of the monument. * * * In addition to the weight of the structure itself you have the pressure of the water behind it which greatly increases the stresses, especially on the downstream part of the foundation. In order to keep these stresses within reasonable limits the dam has got to be widened out and made very wide at the base."

In this connection I again direct your attention to the fact that the foundations of the dam will be at least 125 feet below the water surface. This is a greater depth than has ever been used as a foundation for any other dam and its total height from bedrock to crest will be 675 feet. Continuing Colonel Kelly's statement, he said:

"Up until a few years ago the usual practice on gravity dams was to keep the maximum stress below 20 tons per square foot. The Reclamation Service in designing some of their higher dams like Arrow Rock, found that in order to comply with that requirement they had to expand the dam at the base to such an extent that the cost became very great. They consequently made use of the arch principle in combination with the gravity section or weight of the dam and allowed a maximum stress of 30 tons per square foot."

The Reclamation Service, evidently in an attempt to keep the estimates of the cost of Boulder Dam within the bounds of reason, felt that it was necessary that some further modification be made, but away from the principle of safety, because, continuing to quote from the testimony of Colonel Kelly:

"In the design of this Boulder Canyon high dam they again found that going up to 600 feet, 30 tons per square foot required a dam of abnormal dimensions, and their design proposes to have an allowable maximum stress of 40 tons per square foot on that 600-foot dam.

The stresses on the St. Francis Dam, which recently collapsed, is reported by press dispatches to be but 12 tons per square foot, or but 30 per cent of the stress proposed for the Boulder Canyon Dam.

Mr. F. H. Newell, former Director of the United States Bureau of Reclamation, in a recent article (March, 1928) on "High dams," stated:

"It is true that each and every one of these structures, big and little, has a limited life. Ultimately each will require renewal or replacement. A dam, like a bridge or similar structure, is in one sense an offense against nature. All of the forces of heat and cold, of wind and water, chemical and physical, are working on it untiring, day and night, in season and out, trying to tear it down. There is no one of these natural forces which is making it stronger."

Mr. W. G. Clark, a consulting engineer of New York City, gave testimony regarding earthquakes in the Boulder Canyon region (House hearings on H. R. 11449, p. 210, February 21, 1925):

"I was in Boulder Canyon when an earthquake occurred. At that time there was a decided movement of the north wall of the canyon, but there was no movement of the south wall. Thousands of tons of rock fell along the north wall of the canyon but there was no fall along the south wall. I was camped on the south side of the canyon and if it were not for the fact that I could see and hear the rock falling on the other side of the canyon I would not have known that an earthquake was in progress.

"Some years later, in 1913, I believe, an earthquake occurred which affected the Imperial Valley. I was in southern California at the time, so went immediately to Boulder Canyon. The same condition had been repeated. I found that thousands of tons of rock had been shaken from the north wall of the canyon, but the south wall remained undisturbed.

"The river apparently runs through a faulty fissure, for in both instances the disturbance was confined to the north side of the canyon at Boulder Wash."

The proposed dam is unprecedented as to height, both above and below water, as will be illustrated by comparing it with the following dams, which are among the highest in the world:

Name of dam	State	Height of dam
		Feet
Pocoima	California	383
Arrow Rock	Idaho	349
Exchequer	California	330
O'Shaughnessy	do	320
Horse Mesa	Arizona	308
Don Pedro	California	284
Lake Cushman	Washington	275
Elephant Butte	New Mexico	275
Olive Bridge	New York	235
Roosevelt	Arizona	225
New Croton	New York	220
Kensico	do	200

These figures are taken from Modern Irrigation, June, 1927.

In the committee I offered the following amendment to the bill in an effort to try to insure, if the dam is to be constructed, a measure of safety to the citizens who live in the valleys below. The proponents of this bill rejected the amendment, which read:

"In order to be sure of the financial, economic, and engineering feasibility of the projects herein authorized or planned, the President is hereby authorized to appoint a board of five competent engineers of outstanding reputation, at least one of whom shall be an engineer officer of the Army, which board shall examine into and review the plans and estimates heretofore made by engineers of the Department of the Interior for the control and utilization of the waters of the Colorado River and report thereon within six months after the approval of this act, and no construction work shall be done or contracted for until said board shall have submitted its report to Congress."

The Boulder Reservoir would hold 700 times as much water as was held by the St. Francis Dam which recently collapsed. I again quote from an article by Mr. Newell:

"Whatever may be the case [St. Francis Dam disaster], the lesson taught is that in all such work there should be a more thorough study than has usually been given to such matters, particularly in connection with the foundation of dams."

Mr. Newell also makes this very pertinent observation concerning the colossal experimental dam now under discussion in Congress:

"How does this apply to propositions now pending before Congress; for example, the Boulder Dam? It is true that considerable time and money have been spent in surveys; various engineers have agreed on

certain fundamentals; those who dissent have held their peace. There is little doubt, however, but that if private capital were proposing to build a structure of this kind there would be continuous study and observation of all the phenomena peculiar to that locality. 'With the valor of ignorance' the Congress, however, is satisfied to discuss the legal or political steps and assume that all of the forces, such, for example, as those which have overthrown the St. Francis Dam, are well enough known. Is it true?"

On pages 821 to 845 of the House hearings on H. R. 2903, March 25, 1924, there will be found a report signed by a group of engineers who were appointed by the Secretary of the Interior to review the report then in process of preparation by the engineers of the Bureau of Reclamation. The report is not favorable to the project as outlined. On page 844 the following language appears: "The need for more facts is the rather astounding conclusion one must reach from the data at hand." The letter of Col. William Kelly, who was one member of the board, found on page 269 of the House hearings on H. R. 5773, 1928, is ample evidence that no great weight or consideration can be given to the report of this so-called "board of review."

The only other board which has made any study of the project was appointed during the summer of 1927 by the Secretary of the Interior and was composed of one governor, one ex-governor, a United States Senator, and two college professors. The gentlemen comprising this commission were all excellent and reputable men. I believe three of them were engineers, but I believe that none of them is recognized as an authority on dam designs and structures or has had any experience in actual dam construction.

A majority of the prominent engineers who have testified concerning their studies of the problems connected with the project, and who have not been employed by the Bureau of Reclamation, have testified against the proposed project because of economic and engineering reasons.

TITLE XII

ALL-AMERICAN CANAL

I have no objection to a canal being built "to connect with the Laguna Dam and to deliver water to the Imperial and Coachella Valleys in California," provided that the lands benefited by the construction of the canal will pay for the cost of the canal and its appurtenant structures, and the maintenance and operation thereof. I do object to the revenues from power resources of Arizona being used to guarantee the cost of the construction of the canal and the maintenance and operation thereof. While I understood it was the sense of the committee that the committee proposed that the bill should provide that the lands benefited by the canal shall carry the necessary costs of that project, the provisions of the bill place the burden of guaranteeing the repayment to the Government of the entire appropriation upon the power to be developed. (Sec. 2 (D) and (E).)

I am particularly impressed with the unfairness of such a proposition from a study of the table found on page 80 of the report (S. Doc. No. 142, 67th Cong., 2d sess.), where it will be found that of the 785,400 acres in the project only 167,100 acres were Government lands at the time the report was made in 1922. It is quite probable that in the last six years a large acreage of these lands have passed into private ownership. It will therefore be observed that the provisions of section 9 which give preference of filing on the land to ex-service men is mostly words. I offered an amendment before the committee that would subject the privately owned lands to the same conditions as lands in other irrigation projects privately owned, so that no water user might secure water for land in excess of 160 acres. This amendment is not included in the bill as it is reported to the Senate.

The estimate submitted to Congress by the Secretary of the Interior about a year ago that the all-American canal would cost approximately $31,000,000 was based only upon the cost of the so-called "first unit" of the canal. The canal would only deliver the water into the Imperial Valley. This act provides for the delivery of water into "the Imperial and Coachella Valleys"; this would require an additional canal 141 miles long at a cost of from $10,000,000 to $12,000,000. (S. Doc. 142, 67th Cong., 2d sess., p. 81.)

Wasting water: The use of water in the Imperial Valley in comparison with water used elsewhere in any other State in the basin will be uneconomical and wasteful.

The amount of water wasted annually into the Saltan Sea, according to the estimate of the United States Geological Survey, when the Imperial Valley is fully irrigated, will be 1,387,000 acre-feet. (Senate hearings on S. 728 and S. 1274, p. 267.) This is more than enough water than is required to irrigate all of the land feasible of irrigation, from the Colorado River in either the State of Wyoming or the State of New Mexico.

California is the only State in which water will be used from the Colorado River where it will be wasted.

It has been contended that the construction of the all-American canal will solve the Mexican problem by enabling the United Stats to divert water into the Salton Sea at certain seasons of the year and by thus denying water to Mexican agriculture prevent Mexico from acquiring water rights in addition to those she may now have.

The fallacy of this argument—if there were no better evidence to prove it to be ridiculous—is indicated by the summary of the conclusions from the report of George F. Holbrook, engineer for the United States Geological Survey. (Report D-100-9-L-15, Department of the Interior, U. S. G. S.) It will be found, page 267, the Senate hearings on this bill, and is as follows:

"REPORT ON PROBABLE FUTURE STAGES OF SALTON SEA

"By George F. Holbrook, assistant engineer, United States Geological Survey

"CONCLUSIONS

"(*a*) Lands bordering on Salton Sea below elevation −240 are worthless from an agricultural point of view. Those between elevation −240 and −230 are worth very little, except in the near vicinity of New and Alamo Rivers. Lands lying between elevations −230 and −220 are generally valuable for farming within the boundaries of the Imperial irrigation district. Outside of the district lands at this elevation are not classified as arable by the Strahorn soil survey.

"(*b*) The contract between the Southern Pacific Co. and the Imperial irrigation district, granting a flowage right of way to the district will be an impediment that will have to be removed before the irrigation district can waste any more water into the Salton Sea than at present.

"(*c*) The maximum amount of storm water that may be expected to flow into Salton Sea in a very wet year is 500,000 acre-feet.

"(*d*) Under present conditions there is being wasted 1.5 acre-feet of water annually per acre irrigated from the Imperial Valley canal system. Upon the completion of the all-American canal conditions affecting the operation of the canal systems in Imperial Valley will be changed. It is not known to what extent these changes will affect the necessity for wasting water from the system. It is believed that the present value of 1.5 acre-feet per acre irrigated is a liberal estimate of the amount likely to be wasted under future conditions. On this basis, with 925,000 acres irrigated, the amount of water wasted into Salton Sea annually would be 1,387,000 acre-feet.

"(*e*) In order to evaporate the amount of water that may be wasted into Salton Sea under conditions of ultimate development an average water-surface area of 239,000 acres will be necessary. This corresponds to elevation −228 feet.

"(*f*) With Salton Sea at an average stage of −228 feet and the possibility always present of storm water raising this level to −225 feet, it is not likely that any lands below the −220-foot contour will have any value for agricultural purposes."

It will therefore be seen that the annual wastage of water into the Salton Sea will be a problem in itself and will raise the water table to such heights that there will not be sufficient capacity to hold sufficient water to deprive Mexico of the use of it, as is alleged to be their purpose by the proponents of this bill.

RIGHTS OF YUMA PROJECT

Any analysis of this legislation would be incomplete that failed to recognize the avidity with which its authors have availed themselves of every opportunity for advantage. The bill is inconsistent and contradictory; it is vague and indefinite where it should be clear and certain; and is harsh and unyielding where it should be flexible. But no point has been overlooked where advantage might be reaped, at whatsoever cost—to others—for the interests it is designed to enrich.

A striking illustration of this may be found in section 10, supplemented, extended, and enlarged by the provisions of section 7.

Section 10 empowers the Secretary of the Interior, with the consent of Imperial irrigation district, to modify the existing contract, dated October 23, 1918, authorizing the use of Laguna Dam for the diversion of water for the irrigation of Imperial Valley. That may appear reasonable enough to the casual observer, since the Secretary of the Interior and Imperial irrigation district are the parties of record to the contract in question. It should be understood, however, that the contract, in all of its details, relates to property rights and interests vital to the welfare and existence of Yuma project.

The Secretary of the Interior is a party to the contract merely in his capacity as an officer of the United States, in which the title to the Yuma project temporarily vests. The contract was the result of long negotiations, in which the negotiating parties were representatives of Imperial irrigation district on one hand and Yuma project on the other.

The protection to Yuma project, as embodied in the completed agreement, was the result of hard labor and determined effort over the attempts on the part of the California representatives seeking, as they now seek, every advantage for themselves. To disturb the status quo of this contract and agreement without the consent of the organization conducting the affairs of the landowners and water users of Yuma project, which originally confirmed its provisions, would constitute a violent outrage of the rights of those water users.

YUMA PROJECT INTERESTS NOT RECOGNIZED

It may be asserted that the Secretary of the Interior will naturally consult the interested project members, or their representatives, before

modifying the contract, as did a previous Secretary of the Interior when the instrument was originally formulated. That does not necessarily follow. Secretaries come and Secretaries go. Secretaries have been known to be partisan. They are human, and humanity is beset with frailty. The water users of Yuma project might indeed be consulted but their protests might go unheeded. In any event, it is proposed to empower the Secretary, with the consent only of one party, viz: The Imperial irrigation district to modify this contract in which Yuma project's very existence is bound up, and the peril that lurks in the provision is clearly shown by the alacrity with which a proposal made in committee for an amendment that would have required the consent of the Yuma County Water Users' Association, was rejected by champions of this bill. The suggestion that Yuma project has any interest in the contract was treated with contempt.

If there were any doubt as to the seriousness of the purpose intended in the authority extended by section 10, it would be removed by turning back to section 7. Taking time and authorization by the forelock, this section, in vital particulars, itself modifies the contract in question.

By the agreement entered into on October 23, 1918 (appendix to House hearings on "All-American canal in Imperial County, Calif., 1922," p. 245), it is declared that Laguna Dam was constructed "in connection with the Yuma project, Arizona-California"; that Imperial irrigation district desires to secure "the right to divert water at said dam"; that the said district is authorized to contract with the United States "for a supply of water"; that the district shall proceed to secure cost data "for the diversion of water" at Laguna Dam and thence "through the existing main canal of the Yuma project" and for a main canal to "connect with said main canal of the United States at a point described as Siphon Drop"; that "for the right to use the Laguna Dam, the main canal, and appurtenant structures, and divert water," the district agrees to pay the sum of $1,600,000; that "the United States shall have and retain perpetually the title to and the complete control, operation, and management of said Laguna Dam, auxiliary works, and enlarged main canal from the dam to and including the Siphon Drop * * *, including the diversion works at Siphon Drop for the diversion and delivery of water to the Yuma project and the district"; that "the United States reserves the right to develop power * * * down to and including Siphon Drop"; that all other power possibilities * * * down to * * * Pilot Knob shall be developed by the United States * * * for the joint benefit of the Yuma project and the Imperial irrigation district, and the cost of joint canal and headworks alterations and of power plants and accessories is definitely apportioned to the United States "for the Yuma project" and to the Imperial irrigation district; that "the preference right to purchase power developed" (between Siphon Drop and Pilot Knob) "shall be given over other users of power to the requirements of the Yuma project for power to be used in pumping irrigation water." Other provisions highly important to Yuma project, relating both to power and to water, are embodied in the contract, which the Secretary of the Interior, with the consent of Imperial irrigation district, is to be given authority to modify. Imperial irrigation district, by the permission heretofore given to it to use the Laguna Dam, thereby gained no proprietary interest in the dam, "auxiliary works and enlarged main canal from the dam to and including the Siphon Drop."

The Yuma project, it should be borne in mind, is not solely an Arizona project, but an Arizona-California project. Down to and including Siphon Drop, at which point the proposed main canal of the Imperial irrigation district is to take off from the Yuma project canal, the district, for the considerations named, obtained simply the right to use, but the title to the dam, appurtenant works, and canal to the point described is not affected by any capital investment therein necessary to be made by Imperial irrigation district in order that it may use Laguna Dam and divert water therefrom for the irrigation of Imperial Valley.

CONTRAST BETWEEN PROVISIONS OF THE CONTRACT AND THE BILL

How different are the provisions of section 7, when taken in conjunction with the authorization to amend contained in section 10 of the proposed legislation.

Section 7 provides:

"That the Secretary of the Interior may, * * * transfer the title to said canal and appurtenant structures to the districts or other agencies of the United States having a beneficial interest therein in proportion to their respective capital investments."

The "canal and appurtenant structures," as defined in this legislation, are "a main canal and appurtenant structures * * * connecting the Laguna Dam with the Imperial and Coachella Valleys in California." The estimated cost thereof is about $42,000,000. It will likely be much more. Yuma project's capital investment in the canal and appurtenant structures from Laguna Dam to Siphon Drop is by comparison inconsequential. To the same extent would its title be insignificant, and this project would be at the tender mercy of Imperial irrigation district.

Keeping the provisions of the contract of October 23, 1918, in mind, this further clause of section 7 is of absorbing interest to the water users of Yuma project:

"The said districts or other agencies shall have the privilege at any time of utilizing by contract or otherwise such power possibilities as may exist upon said canal, in proportion to their respective contributions or obligations toward the capital cost of said canal and appurtenant structures from and including the diversion works to the point where each respective power plant may be located."

USE OF DAM ONLY RIGHT GRANTED

The contract gives to the district only the right to use Laguna Dam and divert water therefrom; reserves to the United States the dam, appurtenant structures, and canal to Siphon Drop, and reserves all power generated down to that point. This legislation completely overturns the protection thus afforded to Yuma project by relinquishing such power possibilities "as may exist upon said canal" to districts "in proportion to their respective contributions or obligations toward the capital cost of said canal and appurtenant structures from and including the diversion works to the point where each respective power plant may be located."

Inasmuch as Yuma project under the operation of this measure will have no capital investment beyond Siphon Drop and a relatively small one down to that point, it again becomes apparent that Yuma project, if the proponents of this legislation have their way, must shrink to the status of a very small toad in a very large pond—an all-California pond. Laguna Dam was constructed for the Yuma project. It is a part—a vital part—thereof, and its independent control is essential to the project's prosperous existence. But under the plan proposed it will pass to and under the control of Imperial irrigation district. The contract of 1918, which gave to an eager and importunate applicant—Imperial irrigation district—simply the right to use the dam and divert water therefrom, is of inestimable value to that district, for it is the key to an Imperial Valley canal, all on American soil, and opens the way to extensive revenue-producing power development, the emoluments of which will accrue to the Imperial irrigation district and contribute to its enrichment. But it would appear as if this is not sufficient. All is not too much. A limited right is, by this bill, to be converted into outright ownership, and Yuma project's power resources, slight at best but sorely needed, are to be taken away.

TITLE XIII

CONDITIONS UNDER WHICH HYDROELECTRIC POWER IS NOW BEING DEVELOPED BY THE GOVERNMENT

Advocates of the Boulder Canyon project assert that no precedent would be established by the enactment of the pending legislation. It is argued that the Government is now engaged in the production and sale of hydroelectric power at Muscle Shoals, the various dams constructed in navigable rivers, and on several projects constructed by the United States Bureau of Reclamation.

The Congress of the United States, acting under the authority of Article I, section 8, paragraph 1, of the Constitution, "to provide for the common defense and general welfare of the United States," authorized, and, at the earnest solicitation of the Senators and Representatives of the State of Alabama, constructed a dam at Muscle Shoals, Ala., for the primary purpose of developing hydroelectric power to manufacture air nitrates to be used in the manufacture of explosives for the defense of the United States. All other uses of the dam and the power generated thereat are incidental to this primary purpose. Therefore the Muscle Shoals project furnishes no precedent for this legislation.

The Congress of the United States has authorized, and the Government has constructed, dams in navigable streams in various sections of the United States. A list of these projects will be found in the Senate hearings on this measure. (Senate hearings on S. 728, pp. 486 and 487.) These dams were all constructed under the authority granted to Congress by Article I, section 8, paragraph 3, of the Constitution to regulate commerce with foreign nations and among the several States and with Indian tribes."

The primary purpose for the construction of the dams which were built under this authority was to improve navigation and the excess water which resulted from this primary work was used for the development of power and was incidental to the operation of the dams for purposes of navigation. No precedent can be found under this authority for the enactment of the pending bill.

The Government of the United States has constructed, under the authority of the reclamation law, a number of power plants on Federal reclamation projects. A list of these projects will be found in the Senate hearings held this year on S. 728, on page 262. The power installed on all of these irrigation projects covered in the report, is only 55,000 horsepower. The power, in the first instance, was installed to aid in the construction of the projects and is used as incidental to and in connection with the construction, maintenance, and operation of the projects. The power plants were installed with the consent of and in compliance with the laws of the States in which the projects are located. That legislation does not afford a precedent for the pending act. For further information see the letter of the Federal Power Commission in this report.

TITLE XIV

PRECEDENTS FOR THE RIGHT OF STATES TO DERIVE REVENUE IN LIEU OF TAXES

It has long been the settled policy of the Federal Government to recognize the right of the States to derive revenue from their natural resources when these resources are on public lands.

The importance of this principle is manifest when it is considered that the Government controls large areas of the Western States as public lands, forest reserves, oil reserves, mineral reserves, Indian reservations, national parks, and monuments, etc.

The Federal Government owns 74 per cent of the area of Utah, 67 per cent of Arizona, 87 per cent of Nevada, and 63 per cent of Idaho.

Congress has provided for payments to the States in lieu of taxes in other instances, as, for example, in the agricultural appropriation act of May 23, 1908 (35 Stat. 260), which directs the Secretary of Agriculture to turn over one-quarter of the total receipts from the national forests to the States in which the same are located:

"That hereafter 25 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1908, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein."

In addition, the act of March 4, 1913 (37 Stat. 843), directs that a tenth of these same receipts shall be devoted to the construction of roads and trails within the forest reserves of the States where collected, so that the States actually benefit to the extent of 35 per cent of the gross Federal income from the national forests.

"That hereafter an additional 10 per cent of all moneys received from the national forests during each fiscal year shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part."

The act to promote the mining for coal, phosphate, oil, oil shale, gas, and sodium on the public domain (41 Stat. 450) specifically directs that 37½ per cent of all royalties collected shall be paid to the State within which the leased lands are located. Section 35 of that act reads:

"SEC. 35. That 10 per centum of all money received from sales, bonuses, royalties, and rentals under the provisions of this act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per centum, and for future production 52½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress, known as the reclamation act, approved June 17, 1902, and for past production 20 per centum, and for future production 37½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: *Provided*, That all moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserves shall be deposited in the Treasury as miscellaneous receipts."

The same principle is recognized in the Federal water power act of June 10, 1920 (41 Stat. 1072), from which this provision is quoted:

"SEC. 17. That all proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. All other charges arising from licenses hereunder shall be paid into the Treasury of the United States, subject to the following distribution: Twelve and one-half per centum thereof is hereby appropriated to be paid into the Treasury of the United States and credited to miscellaneous receipts; 50 per centum of the charges arising from licenses hereunder for the occupancy and use of public lands, national monuments, national forests, and national parks shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the reclamation act, approved June 17, 1902; and 37½ per centum of the charges arising from licenses hereunder for the occupancy and use of national forests, national parks, public lands, and national monuments, from development within the boundaries of any State shall be paid by the Secretary of the Treasury to such State; and 50 per centum of the charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States."

TITLE XV

THE QUESTION OF THE RIGHT TO TAX

There is some question of whether a decision on the part of the Federal Government to engage in the production and distribution of hydroelectric power would come within what might be termed a proper function of government; and the question has been raised whether, if it were found that the development and sale of power for commercial purposes was not a proper governmental function, it would exempt such a Government enterprise from the taxing power of the States.

The State of South Carolina, some years ago, engaged in the liquor business and maintained dispensaries. The United States Government claimed the right to tax this enterprise and set up the claim that the operation of dispensaries was not a governmental function and therefore that the State must pay the internal-revenue tax on intoxicating liquors. The State of South Carolina claimed that as a State it was not required to pay the Federal revenue tax and appealed to the United States Supreme Court on this issue. (South Carolina *v.* United States, 199 U. S. 437.) The court held that the State must pay to the Government the revenue taxes; that otherwise the State might go into every kind of business and thereby deprive the Federal Government of all of its revenues.

The minority opinion in this case, written by Chief Justice White, is very illuminating and is here referred to because of the strength of its reasoning. The opinion suggests that the rule applied in this case against the State of South Carolina must necessarily be applied against the United States in the event that the Federal Government engages in enterprises which are not proper functions of government.

If forsooth the Federal Government engages in the manufacture of hydroelectric power within a State and it is found to be not a governmental function, the State, under this opinion, should be entitled to tax the enterprise.

This question which has been raised in connection with this bill is of more importance than it appears on the surface. There are 4,000,000 horsepower of hydroelectric energy yet to be developed in Arizona. The policy which is being advocated by powerful men in the Senate, that the undeveloped hydroelectric power in this country should be developed by the Government, and some of the advocates of this theory grow vehement in their opposition to the States deriving any revenue from such power, if developed by the Government, is fraught with danger to the States and particularly to a State situated similar to Arizona.

TITLE XVI

THE SILT QUESTION

It is 325 miles from the Boulder Canyon Dam site to the Laguna diversion dam. The river meanders through lowlands and the silt control which it is alleged that this dam will provide will not be accomplished, because the water after it leaves the dam will again pick up its burden of silt and carry it toward the Delta.

TITLE XVII

VIEWS OF THE FEDERAL POWER COMMISSION

Attention is directed to the letter signed by Secretaries Work, Weeks, and Wallace of the Federal Power Commission, dated March 24, 1924, which will be found in the 1924 House hearings on H. R. 2903, beginning on page 1000. The letter discusses a dam 605 feet above the present water surface instead of the proposed dam, 550 feet above the water surface and 125 feet below the water surface. The discussion of the project by these Cabinet members remains pertinent, however. A reference to this letter and to the Fall-Davis report will disclose that the appropriation authorized falls short by about $11,000,000 of enough money to build the canal to deliver water to Coachella Valley:

MARCH 24, 1924.

DEAR MR. SMITH: Reference is made to your letter of February 26, addressed to the executive secretary of the Federal Power Commission, suggesting that the commission might like to express an opinion concerning H. R. 2903, a bill to provide for the protection and development of the lower Colorado River Basin.

We do not desire at this time to discuss details of the proposed legislation, but believe it appropriate to call attention to certain general considerations with respect to the plan of development proposed and to the public policy expressed or implied in the bill.

The bill proposes the construction of a dam and reservoir at or near Boulder Canyon on the Colorado River, the so-called all-American canal, certain specified extensions therefrom, and certain unspecified canals and other structures, such works to provide for flood protection of the Imperial Valley and lands along the lower Colorado River for irrigation of both publicly and privately owned lands in California, Arizona, and Nevada, and for making water and head available for the

development of hydroelectric power. The bill authorizes the appropriation of $70,000,000 for these purposes. Estimates of the Bureau of Reclamation indicate that the construction of Boulder Canyon Dam to a height of 605 feet above low water and with a capacity of 34,000,000 acre-feet will involve at least $50,000,000; that the construction of the all-American canal and extensions will involve $31,000,000, and the necessary distributing system $15,000,000, or a total of $96,000,000. The obligations involved in the other authorized canals for serving lands in Nevada and Arizona are unknown. These figures do not include power houses, high-tension substations and equipment, estimated at $36,000,000, or transmission lines, estimated at $46,000,000—a total of $82,000,000 more. It is unsafe to assume that the entire project—flood control, irrigation, and power development—can be secured in its entirety for less than $200,000,000, to which must be added millions of dollars of accumulated interest charges during the period of construction.

Flood control and irrigation storage are presumed to be the primary purposes for which it is proposed to construct the dam at Boulder Canyon. While there are differences of opinion with respect to the amount of storage actually required for these purposes, it is agreed that 8,000,000 acre-feet is the maximum required, and it is probable that 4,000,000 feet would be reasonably adequate. The nearer the reservoir is installed to the lands to be protected or irrigated, the more satisfactorily will it serve the purposes of flood control and irrigation. Information recently made available indicates that a reservoir of sufficient capacity to serve all the needs of flood control and irrigation could be located on the river some 100 miles nearer the lands to be served and at a cost of not more than one-half that of the proposed high dam at Boulder Canyon. If this is correct, the location of the dam at Boulder Canyon and its construction to the height proposed must be justified, if at all, wholly from the standpoint of the development of electric power.

In the consideration which has so far been given to the Colorado River there has been too much of a tendency to overlook any other aspect than the flood protection and irrigation of the Imperial Valley. Admittedly this is the acute problem and requires early action, but there is no justification for ignoring other problems which require solution and for failing to plan accordingly. A reservoir for flood control or irrigation is more useful if located at the foot of the canyon section. With respect to power development, a reservoir at that site is useful for the one power development only, and is useless in connection with all power developments above it—some 75 per cent of the total in the section. Reservoirs at the head of the canyon section of sufficient capacity completely to regulate the river must eventually be built if the full power resources are to be utilized. When this is done, reservoirs on the lower river will be useful only for reregulation for irrigation. For this reason dams should be located and their heights determined, so as to provide for full use of the available head and so as to avoid evaporation losses as far as possible. A dam of 605 feet height at Boulder Canyon, as proposed, is not adapted to the accomplishment of these purposes.

The bill proposes that the cost of irrigation canals and appurtenant structures shall be reimbursed to the United States by the lands benefited and that the costs of flood control and irrigation storage as effected by the dam to be constructed shall be repaid by leases of rights in the dam for power purposes; that is, that such costs shall be charged not against the lands benefited but against users of power, the great majority of whom receive no benefit from either flood control or irrigation.

The United States has spent many millions of dollars in internal improvements without reimbursement, particularly on river and harbor improvements and on public highways. These expenditures have been for the primary purpose of facilitating interstate commerce, and on the theory that such a policy was a common public benefit properly chargeable against the taxpayers of the entire Nation. Whether the benefits received from such a policy are in fact nation-wide, the policy is far less questionable than that of charging the costs of an improvement admittedly benefiting a limited area not against the area benefited and not against the Nation as a whole but against individuals and industries for the most part wholly unrelated to the area benefited. We are doubtful of the propriety or equity of so charging the cost of flood control and irrigation storage, whether the construction be financed by private or public capital. If a dam be so located and built as to provide sufficient storage for flood control and irrigation and for a reasonable amount of power, the cost of flood control and irrigation storage if allocated in the ration of storage space reserved for these purposes apparently need not exceed $10 per acre for the area protected and irrigated.

In so far, at least, as the project proposed exceeds the requirements of flood control and irrigation, the bill proposes that the United States undertake a new national activity, namely, the business of constructing facilities for production of electric power for general disposition, an activity which if logically pursued has possibilities of demands upon the Federal Treasury in amounts far beyond those now involved in reclamation and highway construction combined. While the United States has heretofore constructed power developments in connection with irrigation projects, these developments have been merely incidental to the projects, have been of a few thousand horsepower only, and have been primarily for use on the projects themselves. The construction of a reservoir having a capacity of from four to eight times the needs of irrigation and flood control and of a power development twenty times in excess of the probable power needs of the irrigated lands and adjacent communities is a complete departure from former policies. The only undertaking by the United States at all comparable in magnitude with the proposals at Boulder Canyon is at Muscle Shoals, and this project was undertaken to furnish munitions in time of war. In so far as it was to serve the needs of peace, it was to furnish an essential commodity for all sections of the United States and was not for the special benefit of a limited area.

If the United States is to embark upon a general policy of public development of electric energy at Federal expense, it should do so only after full consideration of what the step means. The present investment in the United States in central electric stations—that is, in those plants engaged in developing electric power for general distribution and sale—is approximately $4,500,000,000. That investment will require to be more than doubled in the next 10 years if the demands of industry are to be met. A policy of Federal development would therefore require continuous expenditures of not less than one-half billion dollars per annum, for it could not be expected, in the face of such a policy supported by Government funds and with tax-exempt properties, that private industry could afford to put any additional investment into the central-station business. Under such circumstances we must assume that any such a policy or program of Federal activities is impracticable and undesirable.

If the proposal in H. R. 2903 with respect to power development is not the first step in a general program of like undertakings, it can be justified only on the clear proof that peculiar conditions in this particular case, conditions not prevailing elsewhere, justify the Federal Government in taking action that it does not propose to duplicate elsewhere. Such action can not rest on the ground that the Federal Treasury is the only available sources of funds, for private funds are available now, and have been for several years, to undertake immediately such development as is justified by the needs of flood control, irrigation, and energy supply; or on the ground that the territory to which the greater part of the power must be delivered is in any immediate need of added power, for that territory is already better supplied and at a cheaper rate than any similar territory in the United States. It has been argued that the United States should finance this power development because with a lower interest rate, absence of profit, and freedom from taxation power could be delivered at a less cost than if developed by private capital. This is by no means a necessary conclusion, but even if it were, electric power in only one element in industry, and if Federal financing is justified in the present case on such grounds it is similarly justified in all other cases and in all branches of industry. With the authority that exists in the States and in the United States to regulate and control private or municipal power development, distribution, and sale, we do not believe that the United States should undertake such development unless it can be clearly shown that the development can not otherwise be had.

In 1920, after many years of consideration, Congress adopted a general national policy with respect to power development on sites under Federal control. That policy has been attended with marked success. Millions of horsepower are being constructed under the terms of the Federal water power act. These sites are being held in public ownership under public control, with every essential public interest protected. There is no occasion for going outside of the terms of that act to secure the production of all the electric energy required at terms fair both to the developer and the user. Under such circumstances we do not deem it desirable to enact special legislation modifying the established policy by giving to any individual, corporation, or community special privileges not accorded to all.

Congress also, in the Federal water power act, created a single executive agency for the administration of all water powers under Federal ownership or control. The plan thus adopted is proving eminently satisfactory. We believe any change in such method of administration is undesirable, and therefore, whether the Boulder Canyon Dam or some other be built and whether at public or private expense, we believe the disposition of any power developed should be handled by the Federal Power Commission under the general terms of the Federal water power act and not as proposed in the bill. All interests of the Department of the Interior will be adequately met through the membership of the Secretary of the Interior on the commission.

There are two other considerations which should not be overlooked in dealing with the Colorado River. These are the Colorado River compact and the use of water in Mexico.

The Colorado River compact, negotiated for the purpose of determining by mutual agreement rather than by litigation the allocation of the waters of the river between the several States in the basin, has been ratified by all the States except Arizona. This compact we believe of primary importance in any comprehensive plan of development of the river. Until it is ratified, or it is known that it can not be ratified, we doubt the advisability of the establishment through con-

struction of rights in the lower States of such magnitude as would be involved in the proposed storage at Boulder Canyon.

The regulation of the Colorado River to the extent proposed by the Boulder Canyon Dam will produce in the lower river a minimum discharge far in excess of present irrigation requirements in the United States. The surplus waters will pass into Mexico and will undoubtedly be put to use for irrigation there. Once put to use, their subsequent withdrawal for use elsewhere would be difficult, if not impracticable. It would therefore seem highly desirable to reach a general agreement with Mexico on the problem of the lower river before extensive storage is provided in the United States. The construction of the all-American canal will not obviate the necessity of constant dealings with Mexico in connection with irrigation or protection of lands in the United States. Irrespective of the amount of flood-control storage in the United States, it will, for many years at least, be necessary in the protection of the Imperial Valley to maintain levees and revetments in Mexico, and arrangements must be effected whereby this work can be carried on whenever necessary without interference.

Very truly yours,

JOHN W. WEEKS,
Secretary of War, Chairman.
HUBERT WORK,
Secretary of the Interior.
HENRY C. WALLACE,
Secretary of Agriculture.

IN CONCLUSION

The great point at issue is whether or not the States are sovereign over their waters, subject only to the right of Congress to legislate for the improvement of navigation.

Arizona can not, under any circumstances, yield her right to an equitable share of the waters of the Colorado River available for use in the lower-basin States. This water is absolutely essential to Arizona's development. It represents the only possibility of the reclamation of a large tract of her arid but exceedingly fertile and otherwise highly favored land. It means, at some time in the not remote future, population, homes, taxable wealth, prosperity, and the subsisting of peoples. Aside from the question of the rights of States and of geographical boundaries, the deprivation of this land of an opportunity for development would mean a tremendous economic waste, both in the production of crops and in the duty of water.

Arizona has 1,500,000 acres of land easily susceptible of irrigation from the main stream of the Colorado River. It is land highly favored both by soil and climatic conditions and lies adjacent to the Colorado and Gila Rivers in the southwestern portion of Arizona. It requires only water to make it tremendously productive of crops of a highly valuable character, and which can be produced only to a limited extent in the United States. This land drains back into the Colorado and Gila Rivers and its irrigation will therefore result in a return flow, and in an important saving of water over the irrigation of land having no drainage, where the water actually used on the land as well as the surplus flowing in the canal is forever lost. Through engineering feats of the greatest proportions all of the water of the Colorado River might be placed by gravity upon Arizona land, but no questionable engineering feat is involved in the utilization of Arizona's fair division of the water available for use in the States of the lower division. This is Arizona's claim, which she presents for the consideration of all who are fairly disposed toward the principle of equity and justice. It may be true that with only one-half of the water in the lower basin at her disposal, some of California's desert land could not be watered. If so, no hardship would be suffered by that State which would not likewise be visited upon Arizona. If some acreage must forever be arid, there is no sound reason why Arizona should be singled out to bear the burden and the loss.

This bill is a reckless and relentless assault upon Arizona. It may indeed appeal to some as a project of superb magnitude, but the bill is ruthless and cynical. It swarms with cryptic phrases. It is not the voice of compromise or an extension of the hand of amity and friendship.

I decline to support such a bill.

Respectfully submitted.

HENRY F. ASHURST.

PHOENIX, ARIZ., *April 5, 1928.*

Mr. THOMAS MADDOCK,
Colorado River Commissioner, Washington, D. C.:

DEAR MR. MADDOCK: I desire to amplify the telegram I sent you yesterday relative to the Swing-Johnson bill.

I find nothing in the amendments inserted in the bill by the Senate committee that is of substantial benefit to Arizona. The following will express to you my ideas with reference to the interpretation of the bill:

1. I doubt if the bill requires the Imperial Valley lands to pay back to the United States the costs of constructing the all-American canal. Section 1, lines 13 to 17, page 2, provides that the expenditures for said main canal and appurtenant structures shall be reimbursable as provided in the reclamation law. I presume that this provision is represented as fastening the costs of the all-American canal definitely upon the Imperial Valley lands. It does not necessarily have any such effect. You know that on the Salt River Project, which is constructed and operated under the reclamation law, we use the power profits to apply on both construction and operation costs. The Swing-Johnson bill in its present form does not make the all-American canal a project separate and distinct from the Boulder Canyon Dam.

Section 2, lines 5 to 8, page 3, provides that revenues received in carrying out the provisions of this act shall be paid into and expenditures shall be made out of the fund under the direction of the Secretary of the Interior.

Section 4, line 20, page 5, to line 4, page 6, provides that the Secretary of the Interior shall make provision for revenues by contract adequate in his judgment to insure payment of all expenses of operation and maintenance, and the repayment within 50 years from the date of the completion of the project of all amounts advanced to the fund made reimbursable under the act.

Section 4, lines 5 to 12, page 6, provides that if the Secretary of the Interior receives revenues in excess of the amount necessary to meet payments to the United States, the State of Arizona shall receive 18¾ per cent and the State of Nevada 18¾ per cent of such revenues.

Section 5, line 18, page 6, to line 2, page 7, speaks of charges that will provide power revenues and other revenues accruing under the reclamation law without making any segregation thereof. In view of the fact that section 1, lines 2 and 3, declare that it is a purpose of the bill to make the project a self-supporting and financially solvent undertaking, and the fact that every provision in the bill upon the subject fails to definitely segregate the all-American canal from the Boulder Canyon Dam, I am convinced that it is the purpose of the bill to make the power revenues available for paying any deficiency that may occur by reason of failure to collect charges from the lands.

2. The new provision inserted in section 1, lines 15 to 17, page 2, to the effect "that no charge shall be made" for water, or for the use, storage, or delivery of water for irrigation, or water for potable purposes, taken together with the provision in section 5, lines 15 and 17, authorizing the Secretary to contract for the storage of water and for the delivery thereof at such points on the river and on said canal as may be agreed upon for irrigation and domestic uses, seems clearly to contemplate that the expense of maintaining and operating the all-American canal, as well as the expenses of maintaining and operating the Boulder Canyon dam reservoir, shall be paid out of the power profits. This seems to be a further provision to make sure that there will be no profits from power to go to Arizona and Nevada. The provision seems to be too plain to admit of doubt, for it expressly states that no charge shall be made for delivery of water for irrigation, and elsewhere in the bill it is provided that the Secretary may contract to deliver water at points on the canal.

3. The provision for power revenues to Arizona and Nevada, in section 4, lines 5 to 12, page 6, clearly gives said States of Arizona and Nevada only the surplus that may remain. There is no duty on anyone to endeavor to obtain such surplus. Furthermore, the payments are expressly limited to the amortization period. By section 5, lines 16 to 19, page 7, after the repayments to the United States are completed, all of such power revenues are subject to such distribution as Congress may make of the same.

4. The provision in section 7, line 25, page 12, to line 14, page 13, gives to California districts the absolute right to the net proceeds of power produced on the all-American canal, and said districts are probably given the privilege to reduce their annual payments by the annual application of the same. After the repayments to the United States are fully made, the receipts from such power become the property of such districts. The question arises, Why does power produced on California soil belong to the State of California and power produced on the soil of the States of Arizona and Nevada become the property of the United States to be used for the benefit of California?

Section 10, lines 1 to 7, page 18, authorizes the Secretary to deprive the Yuma project of some of the power rights it now has under the contract with the Imperial irrigation district.

5. The provisions in section 5, line 12, page 9, to line 10, page 10, which gives the three States of Arizona, California, and Nevada the preference right to one-third each of the power produced at the Boulder Canyon Dam is limited in its exercise to a period of six months, is limited for use in the State, and is for the price that any other users will have to pay. It places Arizona and Nevada in competition with California, and does not protect their needs for future development in any way. The use of the power purchased by such States is carefully limited to use in the State so that no resale thereof can be made in California, and the price to the States is not the cost of producing the power but is the price at which power will be sold to private users.

6. Section 9, lines 16 and 17, page 16, requires the public lands that will be irrigated by the waters of the project to be practicable of irrigation and reclamation by the irrigation works authorized by the act. As the all-American canal is the only canal authorized, this apparently limits the public lands to be irrigated to the public lands lying along that canal.

Section 9, line 23, page 16, to line 6, page 17, requires that the entrymen of public lands irrigated from said project to pay the equitable share of the construction costs of said canal and appurtenant structures. The words "said canal" must necessarily refer to the all-American canal. It seems plain that the bill is not intended to provide for the irrigation of any public lands in the State of Arizona.

7. Section 12, line 10, page 20, to line 11, page 21, provides that all rights to waters of the Colorado River and its tributaries shall be subject to the Colorado River compact, and section 8, line 7, page 14, to line 4, page 15, provides that the operation of the dam, reservoirs, canals, and other works, and the appropriation, delivery, and use of water for the generation of power, irrigation, and other uses, shall be controlled by the Colorado River compact and any supplementary compact that Arizona, California, and Nevada, or any two thereof, may agree upon. To this three-State compact, however, Congress must give its consent by a further act.

8. The provisions of section 5, line 6 to line 12, page 7, which purport to protect the upper basin States against overappropriation by California, are of no value to the upper basin States whatsoever, because by referring to line 15, page 6, we note that the subject of the contracts is the storage of water in the reservoir and the delivery thereof, and by referring to line 4, page 7, we note that said contracts shall not provide for an aggregate annual consumptive use in California of more than 4,600,000 acre-feet of the water allocated to the lower basin. The said contracts referred to in line 4, page 7, are the contracts authorized in lines 15 and 16, page 6, to wit, contracts for the storage of water in said reservoir and for the delivery thereof. The word "thereof" after "delivery" refers to the water to the storage of which the contract refers. The result is that the 4,600,000 acre-feet of water to which California is limited do not include existing appropriations in California. This argument may not be wholly conclusive, but since the provision is intended to be a limitation upon the right of appropriation of California, we can not help but feel that it is worded as it is for the express purpose of not binding the State.

9. With reference to the same provisions, to wit, section 5, line 14, page 6, to line 12, page 7, it seems unnecessary to point out what has so often been discussed, that the unallocated water includes the water in the Arizona tributaries and that this provision leaves it open to California to receive one-half of the water of the tributaries of Arizona, besides leaving such tributary water the first to be called upon to supply Mexico.

10. Section 12, line 10, page 20, to line 11, page 21, retains the provision in the original bill, to the effect that all rights of way or other privileges from the United States or under its authority necessary or convenient for the use of the waters of the Colorado River or its tributaries shall be subject to the Colorado River compact. This includes rights of way over public lands that are from time to time necessary on the projects on the tributaries in Arizona, including the Salt River project, the Yuma project, the San Carlos project, as well as minor projects on the Little Colorado.

11. I believe the bill to be unconstitutional because in section 1, lines 4 and 5, page 2, and section 4, lines 7 to 18, page 5, section 5, lines 7 to 9, page 7, and section 8, line 21, page 13, to line 6, page 14, and section 12, line 13, page 19, to line 11, page 21, the State of Arizona is attempted to be subjected to the Colorado River compact just as if it had become a party to the compact. I believe that a sovereign State possesses the right to enter into a compact or to refrain from entering into a compact at its pleasure.

12. Furthermore, I believe the bill to be unconstitutional because in section 8, line 7, page 14, to line 4, page 15, it is attempted to force one of the three sovereign States into a compact agreed upon by the other two.

13. Furthermore, I believe the bill to be unconstitutional because it can not be sustained as a reclamation measure against the will of the States in which the works are to be constructed, and it can not be sustained as a measure to regulate commerce for the reason that while in section 1, line 3, page 1, and in section 6, line 8, page 11, the bill purports that one of its purposes is to improve navigation, the references in the bill above mentioned to the Colorado River compact show that the purpose of the bill is to carry out the provisions of the Colorado River compact, and subdivision (a) of Article IV of said Colorado River compact contains the following declaration:

"Inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its water for navigation would seriously limit the development of its basin, the use of its waters for purposes of navigation shall be subservient to the uses of such water for domestic, agricultural, and power purposes."

Thus, it appears upon the face of the bill itself that the declaration that one of its purposes is to improve navigation is not true. Its actual purpose is to destroy the navigability of the river for the development of the basin by agriculture and the development of power.

Very truly yours,

(Signed) JOHN L. GUST,
Attorney for Salt River Valley Water Users' Association.

[Extracts from speech of Hon. Dwight B. Heard, proprietor and publisher of The Arizona Republican]

Expressing the belief that governmental development of the Colorado River along lines which fully protect the interests of Arizona in the stream is the most feasible river plan, Dwight B. Heard, yesterday summed up in a clear, concise manner the present status of the question and outlined the course he believes the people of this State should follow. Mr. Heard's address was made at a luncheon held at the Masonic Temple for delegates to the fifth annual meeting of the Arizona State Horticultural Society.

Mr. Heard declared that the people of the State should get solidly behind their congressional delegation and cooperate in a plan wherein Arizona's rights are protected, particularly with reference to revenue from power generated within the borders of the State.

By means of maps and charts Mr. Heard depicted graphically why the river is the State's greatest asset, showing that 300 miles of the river lie in Arizona and that in that distance it has a fall of 2,369 feet, draining an area of 242,000 square miles.

"We want the river harnessed," Mr. Heard said, "but on a just basis, which must include the revenue to which we are entitled on power developed within the State. During recent conferences in Washington and elsewhere, a great many constructive ideas were suggested and these have been embodied in an amendment to the Swing-Johnson bill offered by the Arizona congressional delegation.

"Arizona has constitutional rights in the river which were ably presented in Washington by John L. Gust. The Government and the State both have rights in the river and Arizona needs Federal cooperation along just, legitimate lines. Arizona, moreover, has an unqualified right to use and dispose of the water within the boundaries of the State.

"Again, the right of Arizona to receive revenue from power generated at sites wholly within borders of the State is unquestioned and this position is fast gaining favor, even in California. The Swing-Johnson bill provides that Arizona shall receive 18¾ per cent, a small revenue after all operating expenses have been paid. The amendment offered by our congressional delegation provides that the two States shall be entitled to 80 per cent after operating costs have been deducted."

Taking the Black Canyon Dam site only as an example, Mr. Heard stated that revenue from the development of power there would bring into the State treasury an annual sum of $1,100,000, if only as small an amount as six-tenths of one mill were taken as a basis of division between Arizona and Nevada.

"We are all agreed, I am sure," he said, "that tax reduction is highly important and necessary to our future development. The enormous revenues to which Arizona is entitled from river development will make tax reduction easy and certain.

"While California does not contribute one drop of water to the flow of the river, whereas Arizona contributes no less than 18 per cent, Arizona gets nothing in the Swing-Johnson bill. A subsidy for the Imperial Valley, based on an appropriation of $500,000 for maintenance of the all-American canal and annual amortization of interest amounting to $790,000, is contained in the first bill. There are many who are convinced that it is included also in the present bill.

"Records of Stone & Webster, engineers and operators of power utilities, show an increasing demand for 150,000 horsepower yearly in southern California for the past three years. Power on the Colorado River can be manufactured and delivered cheaper than it can be manufactured by steam where needed. Los Angeles tells us it needs 1,500 second-feet of water from the river annually for domestic use. Their plan is to pump this water for 1,600 feet over the mountains and take it to Los Angeles in quantities sufficient to serve an additional population of 8,770,000."

Mr. Heard declared that while in Washington he was approached by Senator JOHNSON, who asked him whether or not a compromise of some sort could be reached.

"Senator JOHNSON told me," the speaker said, "that he had been informed that a certain group in Arizona would oppose ratification and development, even though California were eminently just and fair. I assured Senator JOHNSON at that time that if a fair and impartial agreement were drawn, I was convinced the large majority of Arizona citizens would say 'yes.'

"The question is strictly an economic one and should be handled in an economic way. Impartial investigation, too, has shown that necessity and feasibility for reclamation of new lands in Arizona are as great as they are in California.

"Arizona can not afford to approve any agreement or permit development of the river until an equitable agreement has been effected at least between Arizona, California, and Nevada. Arizona must protect her own rights and then cooperate with the Federal Government in development.

"California knows what Arizona's rights are and that this State stands for good old-fashioned justice and nothing else. The State is awake and alert, knows its rights, and is piling up a solid bulwark of public opinion behind that knowledge."

PROTECTION OF MIGRATORY BIRDS

Mr. NORBECK. I move that the Senate proceed to the consideration of Senate bill 1271, to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes.

Mr. HEFLIN. Mr. President, I object.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from South Dakota.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 6 o'clock p. m.) adjourned until to-morrow, Friday, April 13, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *April 12, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy Spirit, the most helpful blessing that Thou canst bestow upon us is an understanding heart. It gives to daily life wisdom, charity, and creates the spirit of fraternity; it blesses the humblest and touches the greatest; it discovers a higher and finer application of Thy precepts. With Thy presence our faith is no longer dim, but our hearts are strong and restful. O hear, not so much our words but our unuttered feelings, for they are far, far beyond the birth of a dream. Brighten all the joys of life, soften every frown, and make us kind and brave and true. As we hear life's manifest call, may it not fall in vain on ears that never hear, but let its high meaning bend our purposes out of love in true and pure hearts. Help us to be the men we meant to be and prize our country over wealth and power. Blessed Lord, enter every aspect of our private and public life. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill and concurrent resolution of the House of the following titles:

H. R. 10564. An act to authorize the Secretary of War to grant and convey to the county of Warren a perpetual easement for public highway purposes over and upon a portion of the Vicksburg National Military Park in the State of Mississippi; and

H. Con. Res. 29. Concurrent resolution accepting the statue of Andrew Jackson by Mrs. Belle Kinney Scholz, with the thanks of Congress.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had this day presented to the President of the United States, for his approval, bills of the House of the following titles:

H. R. 405. An act providing for horticultural experiment and demonstration work in the southern Great Plains area;

H. R. 3315. An act for the relief of Charles A. Black, alias Angus Black;

H. R. 5590. An act to authorize appropriations for construction of culverts and trestles in connection with the camp railroad at Camp McClellan, Ala.;

H. R. 5817. An act to provide for the paving of the Government Road extending from St. Elmo, Tenn., to Rossville, Ga.; and

H. R. 9829. An act to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands."

TAYLOR *v.* ENGLAND

Mr. GIFFORD. Mr. Speaker, by direction of the Committee on Elections No. 3, I call up a privileged report.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 161

Resolved, That E. T. England was duly elected a Representative from the sixth district of West Virginia to the Seventieth Congress, and is entitled to his seat therein.

Mr. GIFFORD. Mr. Speaker, this being a unanimous report of the committee, I move its adoption.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

CRATER NATIONAL FOREST

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for immediate consideration Senate bill 3224, a bill of exactly the same nature being on the Union Calendar of the House.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table Senate bill 3224 and consider the same. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 3224) to extend the provisions of the forest exchange act, approved March 20, 1922 (42 Stat. 465), to the Crater National Forest, in the State of Oregon

Be it enacted, etc., That the provisions of the act of Congress approved March 20, 1922 (42 Stat. 465), section 485, title 16, Code of Laws of the United States, be, and the same are hereby, extended and made applicable to any lands within 6 miles of the boundaries of the Crater National Forest within the State of Oregon. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the Crater National Forest and subject to all laws relating thereto.

The SPEAKER. Is there objection?

Mr. GARNER of Texas. May I ask the gentleman from Oregon what committee reported the bill?

Mr. HAWLEY. The Committee on Public Lands. This is a Senate bill.

Mr. GARNER of Texas. This is a unanimous report?

Mr. HAWLEY. Yes; it is a unanimous report.

Mr. GARNER of Texas. This is agreeable all around?

Mr. HAWLEY. Yes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the similar House bill will be laid on the table.

There was no objection.

A motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for immediate consideration the Senate bill 3225.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table the bill S. 3225 and consider the same. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 3225) to enlarge the boundaries of the Crater National Forest

Be it enacted, etc., That for the purpose of forest management and municipal watershed protection the boundary of the Crater National Forest, in the State of Oregon, is hereby changed to include the following lands, subject to all the laws and regulations governing the national forests: Township 35 south, range 3 east, south half of sections 15, 16, and 17; all of sections 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36; township 36 south, range 3 east, all of sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36: *Provided*, That this section shall, as to all lands which are at this date legally appropriated under the public land laws or reserved for any public purpose, be subject to and shall not interfere with or defeat rights under such appropriation, nor prevent the use for such public purposes of lands so reserved so long as such appropriation is legally maintained or such reservation remains in force.

SEC. 2. That all revested Oregon and California land-grant lands within the exterior limits of the above-described tract of townships 35 and 36 south, range 3 east, shall hereby become part of the Crater National Forest, subject to all the laws and regulations governing the national forests: *Provided*, That this action shall, as to all lands which are now at this date legally appropriated under the public land laws or reserved for any public purpose, be subject to and shall not interfere with or defeat legal rights under such appropriation, nor prevent the use for such public purpose of land so reserved so long as such appropriation is legally maintained or such reservation remains in force: *And provided further*, That the Secretaries of the Interior and

Agriculture shall jointly appraise and agree on the value of the Oregon and California grant lands and shall certify the same to the Secretary of the Treasury.

SEC. 3. That the Secretary of the Treasury be, and hereby is, authorized upon notice of the amount by the Secretaries of the Interior and Agriculture, to transfer an equal amount of money from the national-forest receipts and credit the same to the Oregon and California land-grant fund, subject to all the laws and regulations governing the disposal of moneys received from the Oregon and California land-grant lands.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

LEAVE TO ADDRESS THE HOUSE

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent that to-morrow morning, immediately after the reading of the Journal and the disposition of business on the Speaker's table, my colleague, Mr. CELLER, be granted 10 minutes to address the House.

The SPEAKER. The gentleman from New York asks unanimous consent that to-morrow, immediately after the reading of the Journal and the disposal of business on the Speaker's table, his colleague, Mr. CELLER, may be permitted to address the House for 10 minutes. Is there objection?

Mr. SNELL. Reserving the right to object, Mr. Speaker, we hope to-day to consider the legislative appropriation bill and go on with it to-morrow. I wish the gentleman would take his time during the general debate of that bill. For the next few days we will take up a number of important bills. I wish the gentleman would defer his request at this time.

Mr. BLACK of New York. Do you propose to consider the bill all of to-day?

Mr. SNELL. Yes.

Mr. BLACK of New York. Do you expect the general debate on the bill to continue into to-morrow?

Mr. MURPHY. We hope to begin the reading of the bill for amendment to-morrow.

Mr. BLACK of New York. Would the gentleman from New York object to granting my request to-morrow at the conclusion of the consideration of the bill?

Mr. SNELL. I shall have to object.

The SPEAKER. Objection is heard.

Under the special order of the House, the Chair recognizes the gentleman from Massachusetts [Mr. TREADWAY].

TAX REDUCTION

AMOUNT OF TAX REDUCTION POSSIBLE

Mr. TREADWAY. Mr. Speaker, the House of Representatives passed a revenue reduction bill December 15, 1927. This bill was not in accordance with the advice and recommendations of the Committee on Ways and Means. The Treasury recommended a reduction in taxes of not to exceed $225,000,000. The bill as reported by the committee increased this amount to $233,000,000, and as passed by the House it provided a reduction of about $289,000,000, or $56,000,000 over what at that time the committee responsible for financial legislation in the House concluded after careful study was the safe limit of tax reduction.

It is not my purpose to refer in detail to the particular items that went to make up the increased amount of reduction as voted by the House. I need only to refer to the aggregate amount. It is well known that the Republican members of the committee thoroughly disapproved several amendments added on the floor of the House and that they also disapproved the aggregate figure of reduction. At that time it seemed highly improbable that the bill could become a law unless the amounts were reduced by the Senate. The Democratic members of the committee seemed inclined to make the reduction about $300,000,000, but, of course, this position was assumed by those not ostensibly in power in Congress and certainly not in power in the administration.

The argument made by advocates of the higher figures was largely that at some previous time Treasury estimates of receipts and expenditures had not proven accurate. I shall not discuss this phase of the question, because it should be perfectly apparent that when we are estimating on the basis of $4,000,000,000 an error of 1 per cent either way can not be fairly criticized, although this would allow for a possible difference of $40,000,000. Furthermore, the receipts for the fiscal year 1929 are for the first six months no longer a matter of guesswork but are very accurately determined by the actual payments which the March collections indicate for September and December. The only period requiring a real estimate, therefore, is the last six months of the fiscal year 1929, and the only criterion by which to fix the estimate for this period are business conditions during 1925, 1926, and 1927.

The House bill was evidently not agreeable to the other branch of Congress, as indicated by the delay, until the present time in its consideration. It has been stated that such delay was occasioned by the desire of the Senate to have March 15 income-tax reports available before determining the amount to be recommended for revenue reduction.

PRESENT ESTIMATED SURPLUS

We now come to the point where we need to give careful study to the financial conditions that have developed during the past three months. It is in order that Members of the House may have ample time in which to give such consideration that I desire briefly to call attention to a few important matters which in all likelihood will be brought up later in conference between the two branches.

In no line of governmental affairs is accuracy as much to be desired as in that having to do with the future revenues. It is not sufficient for those not having the responsibility to say the Government can reduce taxes $300,000,000 or $400,000,000. This is like trying to convince people that the moon is made of green cheese. I, therefore, am one of those willing to accept the best information obtainable. If estimates based on such advice are not accepted by Congress, the people will know who to blame when income-tax rates continue the same as those now in force. I believe in reducing taxes to the minimum, but not below a safe minimum, thereby establishing a deficit.

TAX REDUCTION PREFERABLE TO DEBT REDUCTION

Tax reduction is preferable at this time to debt reduction. Debt reduction accomplishes practically the same result, but it unnecessarily takes money out of the pockets of taxpayers, although indirectly saving them the equivalent in reduced principal of the debt as well as reduced interest thereon.

Unless we can sanely, properly, and conservatively reduce taxation, we will find ourselves compelled to retain the rates contained in the 1926 law. My appeal, therefore, to the wise judgment of Congress, is to deal with this problem not politically nor in a spirit of braggadocio and buncombe, but soberly and sanely with due consideration to the figures that have been submitted to us by those most competent to prepare them.

TREASURY RECOMMENDATIONS

In this connection particular attention should be called to the statement which the Secretary of the Treasury made to the Finance Committee of the Senate on April 3. This statement shows a probable surplus for the year 1929 of $212,000,000, and recommends that the tax reduction should be in the neighborhood of $200,000,000. This is $25,000,000 less than the recommendation submitted to the Ways and Means Committee in October last. It is on the basis of present appropriations without any allowance for flood relief or other large authorizations.

The reduced recommendation of the Secretary of the Treasury from $225,000,000 to $200,000,000 is not occasioned by a reduction in receipts as indicated in the March figures. On the contrary, the Treasury has increased estimated receipts by $45,000,000, but the estimated expenditures are greater than the October estimate by $85,000,000. This leaves an estimated deficit of about $40,000,000, which accounts for the reduction of the estimated surplus from $252,000,000, the October, 1927, estimate, to $212,000,000, the March estimate.

The increased expenditures are entirely the result of congressional appropriations which were not included in the estimate submitted to the Ways and Means Committee in October, and they include nothing except what has actually been appropriated. These are definite appropriations already approved. It is well known that we have pending several possibilities of enormous appropriations, such as flood control, Muscle Shoals, and Boulder Dam.

In view of the appropriations already made by Congress and the likelihood of additional authorizations, it is perfectly apparent that we must materially reduce the original figure of estimated surplus to be used for tax-reduction purposes.

The decrease in surplus in 1928 will be largely accounted for by the passage of the settlement of war claims act, authorizing an appropriation of $50,000,000. The increase for 1929 is caused by increased appropriations for the Veterans' Bureau, the War and Navy Departments, the postal deficiency, and the public-building program.

It is not necessary to refer to these figures in detail, but I will ask permission to insert as a part of my remarks the tables prepared by the Treasury Department in October, 1927, showing the estimates of receipts and expenditures for the fiscal years 1928 and 1929, which were submitted to the Ways

and Means Committee of the House, as well as the revised estimates prepared in March, 1928, and submitted to the Finance Committee of the Senate.

The explanation offered by the Secretary of the Treasury and the details of these figures are illuminating and should be carefully studied by the Members of the House.

Mr. Speaker, I ask unanimous consent to insert two pages of tables prepared by the Secretary of the Treasury and submitted to the Senate Finance Committee.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to insert certain tables in his remarks. Is there objection?

There was no objection.

The tables referred to follow:

TABLE A.—*Estimated receipts and expenditures for fiscal years 1928 and 1929 (submitted in December, 1927) and revised estimates prepared in March, 1928*

	1928		1929	
	October, 1927, estimate	March, 1928, estimate	October, 1927, estimate	March, 1928, estimate
Receipts:				
Customs	$602,000,000	$587,000,000	$602,000,000	$587,000,000
Internal revenue—				
Income tax—				
Current	1,883,000,000	1,890,000,000	1,885,000,000	1,890,000,000
Back taxes	280,000,000	280,000,000	180,000,000	220,000,000
Miscellaneous internal revenue	638,545,000	634,000,000	640,545,000	630,000,000
Miscellaneous receipts	670,053,091	678,267,729	501,952,314	527,721,229
Total receipts	4,075,598,091	4,069,267,729	3,809,497,314	3,854,721,229
Expenditures:				
Total	3,621,314,285	3,668,003,279	3,556,957,031	3,642,021,345
Estimated surplus	454,283,806	401,264,450	252,540,283	212,699,884

TABLE B.—*Fiscal year 1929—Changes between estimates of October, 1927, and March, 1928*

	Decrease	Increase
Receipts:		
Customs	$15,000,000	
Income tax—		
Current		$5,000,000
Back taxes		40,000,000
Miscellaneous internal revenue	10,545,000	
Miscellaneous receipts		[1] 25,769,000
	25,545,000	70,769,000
		25,545,000
Net increase		45,224,000
Expenditures		[1] 85,064,000
Net decrease in estimated surplus		39,840,000
Estimated surplus last fall		252,540,000
Revised estimate March, 1928		212,700,000

[1] Includes $13,015,000 increase in both receipts and expenditures account United States Government life insurance fund under Veterans' Bureau.

PRESENT SUGGESTED REDUCTIONS

Mr. TREADWAY. It can be assumed that the House has sufficient business judgment to want to determine the amount of revenue reduction on a proper business and financial basis and to put in the background political advantage and the hue and cry of propagandists.

The Secretary of the Treasury itemizes his recommendations which in large measure are repetitions of those submitted to the House. The Ways and Means Committee did not report to the House these recommendations in quite the form in which the Secretary made them, nor as he has since recommended to the Senate Finance Committee.

My own view is that a reduction in the corporation tax to 11½ per cent is equitable and just in view of the fact that we have done practically nothing in previous tax reductions for the corporations. We are, however, to-day dealing with a practical situation, and a reduction to 11½ per cent would use up so much of the probable surplus that there would be comparatively little left to use along other lines.

I, therefore, advocate a reduction of 1½ per cent, making the rate 12 per cent instead of 11½ per cent as provided in the bill as passed by the House. This will mean a reduction in receipts in favor of corporations to the extent of $123,000,000. In addition to this we have already agreed to an exemption for the small corporations up to $3,000, which will add $12,000,000 more, making the total reductions in the case of corporations $135,000,000.

The other miscellaneous reductions which the Treasury Department has recommended, such as the increased exemption on admissions, repeal of the tax on cereal beverages, and the reduced tax on wines, can well be added as they involve only about $9,000,000.

I believe that instead of a change in the so-called intermediate brackets covering incomes of from $14,000 to $75,000 we should not exceed the $50,000 bracket, which would cause a reduction of about $25,000,000. When a person's income reaches $50,000 it can not fairly be said that he can not pay his full burden of tax. While we wish to deal justly with all classes alike, we must also look at the practical side and make our reductions where we think they are most deserved and beneficial.

Mr. GIFFORD. Will the gentleman yield?

Mr. TREADWAY. For a brief question.

Mr. GIFFORD. I think the House amended the provision in the bill relating to small corporations radically different than an exemption of $3,000.

Mr. TREADWAY. I think the exemption as it now stands in the bill is $3,000, $3,000 upon incomes up to $25,000.

Mr. GIFFORD. I think the gentleman will remember that the amendment adopted by the House was for a sliding scale.

Mr. TREADWAY. I intend to refer to the sliding scale provision.

I believe the action of the Ways and Means Committee in relation to the automobile tax was fair to the industry, equitable to the purchaser, and practical from the Government's standpoint. I realize that no greater propaganda has ever been waged for the purpose of influencing Congressional action than has been carried on by the automobile industry. If the industry itself were paying this tax it might have some justification, but, as has been suggested time and time again, the purchaser pays the tax. In the press of this morning, however, there is the statement that the automobile manufacturers will cut off that expense to the purchaser of a car. What else could they do? If the tax is taken off how could the automobile industry charge it up to the purchaser of a car?

To the best of my knowledge and belief the number of actual purchasers of automobiles who have found fault with this tax, and particularly those who have refrained from buying automobiles on account of the tax, is infinitesimally small. The reduction from 3 to 1½ per cent will reduce the tax receipts $33,000,000. It seems to me that the argument of the Secretary of the Treasury regarding the automobile tax is so sound as to warrant my reading an extract from it at this point. He says:

> The insistent demand for the repeal of this tax does not come from the automobile purchasers but from the manufacturers and dealers, who have organized an intensive propaganda, and of necessity do not look at our tax problem as a whole but concentrate their attention on the one tax which they believe affects their own interests.
>
> Tax revision on the basis of meeting the demands of special interests inevitably leads to serious maladjustments of the burdens. As a matter of principle, it is difficult to justify the repeal of this tax. Levied at a low rate, it imposes no particular hardship, yet by reason of the broad base on which it rests it produces substantial revenue. The cost of our Federal Government is already borne to a very large extent indeed, when we consider the size of our population, by the comparatively small number that pay direct taxes. A further material reduction in indirect taxes will produce a very ill-balanced tax system, under which our National Government will be supported not by the entire body of our citizens but by a limited class. The cost of the Government of all should not be borne by the few.

The reduction to 1½ per cent, recommended by the Ways and Means Committee, retains the principle and produces a large revenue without hardship to any individual. It therefore seems to me a practical compromise to adhere to the 1½ per cent rate.

Mr. CRAMTON. Will the gentleman yield?

Mr. TREADWAY. Very briefly; yes.

Mr. CRAMTON. The gentleman would not intentionally convey the impression that the automobile industry was the only one which resorted to what he called intensive propaganda?

Mr. TREADWAY. No. Our experience in the Committee on Ways and Means would absolve the automobile industry as being the only one that did that. Every industry is looking out for its own special interests. The reduction on corporations resulted in the same thing, and as the gentleman well knows we could take practically the whole tax reduction and devote it to certain items if we accepted the testimony given us by representatives of those interested.

Mr. CRAMTON. Has the gentleman given any consideration, in connection with this matter of pressure, to the possibility of pressure upon Congress with reference to withholding appro-

priations for roads in the event the automobile tax should be removed.

Mr. TREADWAY. I will say to the gentleman that for my part I do not believe in retaliation. I think every measure should stand on its own base and on its own merits, and for one I should not favor retaliatory measures if one industry benefited more than another. We should consider the road matter on its own merits and we should consider the reduction of the automobile tax on its own merits.

Mr. CRAMTON. If the gentleman will permit one more observation, I will not interrupt him further. The problem of good roads, in peace and in war, is not necessarily a burden that should be borne by any one industry.

Mr. TREADWAY. I agree with the gentleman.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. SUMMERS of Washington. Having removed the tax from other legitimate industries how does the gentleman justify continuing it on another?

Mr. TREADWAY. There are two arguments, I will say to the gentleman, and the extract from the statement of the Secretary of the Treasury very well covers one; namely, that the spread of the base is so broad that it is not a hardship in the form of a tax on any purchaser of an automobile and, further, there can be no testimony submitted that anybody ever refused to purchase a car on account of the small tax imposed. It is now 3 per cent and the committee has shown its willingness to divide that in two. Therefore we can not, if we are going into a reduction of taxes to any extent, take off the entire $65,000,000 which we are now collecting from the sale of automobiles. It is not a question of justification but it is a question of the practical needs of the Government, and it seems to me there is no easier collected tax nor a fairer tax for all concerned.

SUMMARY OF SUGGESTED REDUCTIONS

To summarize, the reductions which I hope to see incorporated in the final draft of the bill are as follows:

Items:	Reduction
Reduction of corporation tax to 12 per cent	$123,000,000
Exemption for small corporations to $3,000	12,000,000
Increased exemption on admissions and other miscellaneous reductions	9,000,000
Reduction of surtax on incomes from $14,000 to $50,000	25,000,000
Reduction of automobile tax to 1½ per cent	33,000,000
Total tax reduction suggested	202,000,000

MISTAKES IN HOUSE BILL

I am one of those who strongly believes in the repeal of the Federal inheritance tax, not so much at the present time on account of the actual revenue involved, but on account of the principle. If repealed, the loss of revenue would be less than $10,000,000 in 1929, but Congress has so clearly demonstrated its desire to retain this item of Federal taxation that I will not at this time suggest or advocate its repeal.

The Garner amendment, which was adopted in the House, imposing a graduated tax on corporations, is theoretically unsound and introduces a dangerous principle in income-tax legislation. True, we had a graduated tax under our war revenue acts, but it was based on the principle of invested capital producing the income. During those war years we based our tax on the theory that after a reasonable return had been earned on the capital invested, it was proper for the Government to apply high graduated taxes to the balance of the income. This was known as the excess profits or war-profits tax.

The invested capital test proved to be almost unworkable and was repealed in 1921 to the satisfaction of everybody. Without it there is no justification for graduating the corporation tax. A hundred thousand dollar income of one corporation may mean a very meager return to the stockholders, while the same hundred thousand dollar income in the case of another corporation may, because of the small investment, represent a munificent return. Size of income, therefore, is no test of ability to pay, and this we have endeavored to establish as the tax principle. This Garner amendment is, therefore, a step toward a return to the excess-profits tax, but without the feature of invested capital which was the only element that made the tax justifiable, even in war times.

The other important amendment adopted by the House when the revenue bill was under discussion in December was also proposed by Mr. GARNER, wherein the House struck out the provision in section 118 applying to consolidated returns for years subsequent to 1928. For the years 1927 and 1928 returns may be made under section 141, which was not stricken from the bill. This section corresponds to section 240 of the act of 1926. What is the result of this situation? It leaves us with consolidated returns on substantially the present basis for incomes of 1927 and 1928. Obviously, therefore, if the effect of Mr. GARNER'S amendment were to increase the revenue—and it, in fact, would have no such effect but exactly the opposite—it could not be felt until the returns for 1929 income were filed in March, 1930, thus affecting the revenue for the last half of the fiscal year 1930 and the following fiscal years.

It is therefore obvious that Mr. GARNER'S amendment can not affect surplus for 1929, since consolidated returns are to be permitted for 1928 substantially as at present.

If the bill should become law with no provisions for consolidated returns after 1928, every close student of the problem is convinced that instead of increasing revenue the effect would be to decrease it by permitting various forms of evasion of taxes by intercompany transactions such as the sale of properties between affiliated companies no longer grouped for taxation as a single unit, at fictitious prices to register fictitious losses. The gentleman from Texas is therefore, in his mistaken zeal, trying to hand these big-group corporations one of the simplest and most effective means of tax evasion possible.

When we have all of these corporations of the group combined in a single return we can prevent these fictitious losses, but once we decided that we will treat them all as separate corporations we no longer have any control over their transactions with one another, and the door will be wide open. And we can rest assured that in the next 12 months they will have so rearranged their affairs, as every accountant will tell you can be easily done, so that no additional revenue would result from forbidding the consolidated return, and the only result will be reduced revenue for the reasons I have stated.

There are other features of the bill which have not been given the attention they deserve and which make it all the more desirable that tax reduction legislation should be passed at this session. The revision of the law looking to simplification of language and administration is a move in the right direction and should be put into effect at as early a date as possible. If Congress fails to write a law conforming with the revenue situation of the present day, and we thereby lose the benefit of the rearrangement of the law itself, the people who have so long called for simplification will have additional cause for criticism for our lack of attention.

SIMPLIFICATION DESIRABLE

However, as anxious as I am for tax reduction at this session, I do not hesitate to say that I should support a veto of the bill in its present form. I therefore urge my colleagues to give most careful consideration to present conditions and the present form of the bill, recognizing its structural weakness and its excessive tax reduction. I further urge that common sense and business judgment, rather than political expediency and the call of the propagandists, govern our future action on this very important legislation.

These remarks are intended to give the House an idea of what is likely to be of considerable importance when the revenue bill goes to conference. I hope that the other branch will pass a bill in such form as to bring the items I have referred to within the scope of the rules of conference.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Illinois.

Mr. CHINDBLOM. The gentleman now advocates a reduction of the surtax rates on incomes from $14,000 to $50,000. That was considered by the Committee on Ways and Means and was rejected by the Committee on Ways and Means; at least it was not included in the bill.

Mr. TREADWAY. It was not included in the bill.

Mr. CHINDBLOM. The gentleman will be one of the conferees on the part of the House. As one of those who do not favor the reduction of these surtaxes in preference to reduction in special taxes and sales taxes which were recommended by the Committee on Ways and Means, I hope the gentleman will not go to the extent of having committed himself now upon a program which will be for him to determine as a conferee.

Mr. TREADWAY. I think the gentleman's remarks are well taken. It seems to me, however, that as an individual Member he has a right to express his view, but if he is carrying out the will of this body in conference, that puts him in a very different position. He should feel that it is his duty to act in accordance with the will of the body he represents rather than his own personal views. I, as a Member, have the right to state my personal view.

Mr. CHINDBLOM. Oh, yes; I am not disputing that at all.

Mr. TREADWAY. I realize that; and I think there is a very marked distinction between a Member's personal views and the views that he perhaps should hold if he is a conferee between the two branches.

Mr. CHINDBLOM. I was certain my colleague had that viewpoint, but I thought it well to bring that out in this connection.

Mr. TREADWAY. I thank the gentleman.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. LAGUARDIA. The question of the inheritance tax is not at issue at all at this time.

Mr. TREADWAY. Not at this time. I have stated that I thoroughly believe in the repeal of the Federal inheritance tax, but it is not at issue, unless by chance it is included in the Senate bill, and then, of course, it would be in conference.

Mr. GARRETT of Tennessee. That is it precisely.

Mr. LAGUARDIA. Is it included?

Mr. GARRETT of Tennessee. It is likely to be included in the Senate bill.

Mr. LAGUARDIA. It is possible, certainly.

Mr. CAREW. The gentleman would then represent the House and would stand for the position the House has plainly taken.

Mr. TREADWAY. I know the gentleman does not intend to require me to commit myself as a possible conferee.

Mr. CAREW. Does the gentleman hesitate to commit himself?

Mr. GARRETT of Tennessee. In view of the fact the gentleman will be a conferee, under the ordinary rules of the House, he is stepping a good long way this morning.

Mr. TREADWAY. I always like to be up in the lead with such gentlemen as the gentleman from Texas and the gentleman from Tennessee and his associates.

Mr. GARRETT of Tennessee. I do not expect to be a conferee.

Mr. TREADWAY. I will say further for the benefit of the gentleman from Tennessee, I was born and raised a Yankee, you know, and if there is one thing a Yankee stands ready to do it is to trade at almost any time.

Mr. CAREW. But the gentleman will not trade with other people's principles.

Mr. TREADWAY. The gentleman knows what I have in mind.

Mr. GIFFORD. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. GIFFORD. I think it is very important for the House to understand that the House did strike out section 118 doing away with consolidated returns after 1928 and 1929. I think the gentlemen do not want to give the impression we are against consolidated returns. The committee made no attempt whatever to amend the bill carrying that matter forward. They tried to include those affiliated, under a third method, and I want the committee to occupy the proper plane in respect of the matter.

Mr. TREADWAY. If the gentleman will permit, we are not going to get into a discussion of that question in my time now. I have said very distinctly what my position is on consolidated returns. Whether that was the attitude of the House or not, I think the House made a very serious blunder and therefore I stated the matter as I did.

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent to proceed for 6 or 7 or 8 or 10 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for eight minutes. Is there objection?

There was no objection.

Mr. GARNER of Texas. Mr. Speaker and Members of the House, I do not feel physically able this morning to discuss the tax question, but I do believe the attention of the House ought to be called to the position of the gentleman from Massachusetts [Mr. TREADWAY].

At the time the House overrode the views of the Republicans on the Ways and Means Committee I called the attention of the Speaker to the fact that the conferees would not be in sympathy with the position of the House, and, to my amazement, this morning the gentleman from Massachusetts, who, under the ordinary customs of the House, would be a member of the conference committee, gets up and repudiates the entire provisions of the bill as enacted by the House, including the action of the Ways and Means Committee. I now submit that as a matter of practical, commen-sense procedure of the House of Representatives that kind of member ought not to serve on the conference committee.

The gentleman from Oregon [Mr. HAWLEY] will come in here and ask unanimous consent to send the bill to conference, disagreeing to all the Senate amendments, and will ask that the Speaker appoint the conferees. When this unanimous-consent request is granted, the Speaker ordinarily would appoint five conferees, the gentleman from Oregon [Mr. HAWLEY], the gentleman from Massachusetts [Mr. TREADWAY], the gentleman from New Jersey [Mr. BACHARACH], and probably myself and the gentleman from Mississippi [Mr. COLLIER].

Now, I submit to you that the gentleman from Massachusetts has already announced he will not abide by the provisions of the House bill, and has stated that if he is given the opportunity he will take the suggestion made by the Senate, even to the extent of increasing the tax rates on corporations from 11½ to 12 per cent. That is the gentleman's position. If the gentleman is a conferee and that amendment is in the bill, the gentleman will agree to it, although the House bill provided 11½ per cent.

I submit in all frankness and candor that some of these days the House is going to adopt some sensible method of selecting conferees and the House is going to have conferees that are responsive to the will of this House, with an opportunity for the House to express itself before such a unanimous request is granted.

Let us see the practical effect of this business. The House put on some amendments that the gentleman disagrees to now. One of them is a graduated tax on corporations. I agree with the gentleman when he says it is theoretically unsound—that is his suggestion—but it is practically very sound, and that is the difference between theory and practice.

Any time we undertake to relieve the little man or the small taxpayer, theoretically that is unsound and uneconomic. This has been the gentleman's position for the last four or five years.

When you gave an increased exemption to the individual taxpayer, married and single people, that was theoretically unsound, but practically it is working out all right. The American people seem to have agreed to it. If you go into conference, although the House adopted it, you agree with the Senate to take it out.

Mr. Speaker, I want to call attention to a statement, absolutely erroneous, by the gentleman from Massachusetts. Under the present law corporations can make their consolidated returns or separate returns. Does anybody challenge that statement? You can either make a separate return or a consolidated return. The Standard Oil Co. can do it, the Pittsburgh Coal Co. can do it, the General Motors Co. can do it.

Now, section 118 gives them the same privilege. If they can wash their receipts, as the gentleman speaks of, and escape taxation, they can do it under section 118. They can make a single return or they can make a consolidated return. The Treasury Department shows that over 95 per cent take the consolidated return. The result is, as I charged on the floor of the House and as I charge now, that you are gaining over $50,000,000 by that provision in 1929 from these 8,000 to 12,000 corporations. The corporations that Mr. Mellon is interested in will have to pay millions of dollars more in 1929 if you do away with the consolidated return than they would if given the opportunity to make them. If that is not true, do not you know that the Treasury Department would show that it is not true? It is true in my best judgment.

I first said $25,000,000, but some gentlemen came to me and said you have not got half of it. Then I went to $50,000,000, and I said to the Treasury Department, show me where I am wrong. It would be easy enough to get the companies that Mr. Mellon is interested in and show that he would not benefit by it. You can do that, but you do not do it. And he does not touch that problem in this statement to the Finance Commitee.

There is not a Senator and but few Members of this House who have not been lobbied with since the provision went in, pointing out how it would affect the railroads and telegraph companies. I finally said, gentlemen, you speak about the railroad companies; I will agree to exempt them from it—they can make consolidated returns—I want to catch the fellows like the Standard Oil Co., the General Motors Co., that have subsidiaries extending up to 200—some organized in Washington, some in New Jersey, and some in other States—I want them to make separate returns like every other corporation and pay their equal proportion of the taxes.

Of course, if the gentleman from Massachusetts is placed on the conference committee and the gentleman from Oregon [Mr. HAWLEY] is in agreement with him, the conference will be of no use as a conference. I would like to ask the gentleman from Oregon in my time whether he agrees to the suggestion?

Mr. HAWLEY. I did not hear the speech of the gentleman from Massachusetts, only the concluding remarks.

Mr. GARNER of Texas. The conference ought to be open, and I will ask the gentleman, does he believe that the corporation tax ought to be increased from 11½ per cent to 12 per cent?

Mr. HAWLEY. As a conferee, I suppose in the beginning I would stand for the position the House took in passing the

bill. We will then in conference do the best we can. It is the duty of conferees to reach an agreement if possible. Personally I would rather have the corporation tax remain as it is in the bill as it passed the House.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. GARNER of Texas. I believe, Mr. Speaker, I will ask for five minutes more.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARNER of Texas. I submit to the gentleman from Oregon that that is not a very definite statement. In the beginning you will take 11½ per cent, but finally you would take 12 per cent.

Mr. HAWLEY. I think the gentleman is drawing a conclusion not hardly warranted. My final statement was that I preferred 11½ per cent. The gentleman knows in conference we do not always get what we want, but get the best we can from the standpoint of the House and our own convictions on the matter. After the matter is discussed in conference we know the situation, but it is almost impossible to say what will be done before it is known what amendments may be made, and the information and considerations that caused them to be made.

Mr. GARNER of Texas. I agree.

Mr. TREADWAY. May I add one thought to my colleague's statement?

Mr. GARNER of Texas. Certainly.

Mr. TREADWAY. Have we not also to consider in conference the practical situation as we face it?

Mr. GARNER of Texas. Certainly you have; yes.

Mr. TREADWAY. That is the point I made, and that is the position that I take.

Mr. GARNER of Texas. And the practical situation I want to call to the attention of the House is this, that the House of Representatives passes a bill by a vote of 365 to 38, and one of the Members who is likely to be a conferee announces this morning that if the President shall veto the bill he would vote to sustain the veto.

Mr. TREADWAY. I voted for that because it was the best that I could get. I hesitated even then whether or not to vote for it; and the gentleman will also find in his list there that one of the probable conferees voted against the bill.

Mr. GARNER of Texas. That is all right. He was consistent. But I say that when a man votes for a measure in this House, and that identical measure goes to the President of the United States and is vetoed without any additional reason being given other than those he knew, he is not an independent Representative if he then votes to sustain that veto. I have as much right to my opinion as the President of the United States has to his, and if I vote for a measure here such as this was, and it goes to the White House and is vetoed, I would expect to vote against sustaining the veto; but the gentleman says that he will sustain the veto, although the RECORD shows that he approved the measure.

Mr. TREADWAY. Does the gentleman from Texas always vote for what he expected to get in a bill?

Mr. GARNER of Texas. I vote for the best that I can get.

Mr. TREADWAY. That is what I did. I voted for the best thing that I could get, but it was mighty poor.

Mr. GARNER of Texas. If it was the best that you could get, would you not vote to pass it again?

Mr. TREADWAY. Not if I could get something better. I say again, if the gentleman wants to know my position, that if the bill as passed by the House should be agreed to in conference and come back to the House with a presidential veto, I would be delighted to vote to sustain that veto. If that disqualifies me from acting as a conferee or in any other position, well and good.

Mr. GARNER of Texas. That does not disqualify the gentleman from acting as a conferee, but it merely constitutes an admission on his part that he is not an independent legislator and is going to be governed by the President's veto.

Mr. TREADWAY. Oh, I deny any such insinuation.

Mr. GARNER of Texas. That merely puts the gentleman in that attitude and that is all. Now, Mr. HAWLEY, we placed on this bill a graduated tax on incomes, but I believe I shall first go with you a little further back than that. We did not provide for a repeal of the estate tax. The gentleman from Oregon will remember what the vote was in the committee on that. I do. If the Senate should provide for a repeal of the estate tax, would the gentleman join his colleague from Massachusetts in agreeing to that amendment?

Mr. TREADWAY. I did not say that I would agree to the amendment.

Mr. HAWLEY. As one of the probable conferees, I am not able to say in advance of the conference and all of the circumstances surrounding it what it may be necessary to do to perfect a bill and settle the disagreements between the two Houses.

Mr. GARNER of Texas. Then I shall ask one other question. In the committee, if the gentleman will recall, there were only 2 votes out of 25 for an adjustment of the intermediate brackets. Suppose the Senate adjusts the intermediate brackets, as suggested by the administration, reducing the taxes $50,000,000, $30,000,000 of which goes to those having incomes in excess of $80,000, will the gentleman agree to that amendment?

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAWLEY. The gentleman will probably remember, since he is talking about the committee work, that a certain gentleman from Oregon submitted the facts on which the committee rejected the proposed diminution of rates in the intermediate brackets. Personally that is my opinion still.

Mr. GARNER of Texas. That is all right. Now, let me show you Republicans the danger in this bill. It comes over here, and you send it to conference. A majority of this House, by a 2 to 1 vote, refused to repeal the estate tax. You gentlemen possibly remember that the gentleman from New Jersey offered a motion to recommit. And that 93 of the old gang came along and voted for the motion to recommit, with 217 who voted the other way. That was done to keep you gentlemen from having a record vote on the estate tax, because the motion to recommit to repeal the estate tax was going to be made, and you would have had to go on record. In order to avoid that, in order not to have a record vote, this other motion to recommit was made, and you let it go at that. If you send this bill to conference, and the conferees come back with a united report repealing the estate tax, levying the automobile tax, and doing everything you can think of that the House of Representatives did not want you to do, you would have to vote that conference report up or down. Would that be fair to this House? Can this House afford to send the bill to conference with conferees of that nature? If you have conferees that are going to be loyal to the House, who believe in these things that the House did, then you could trust them to vote for those very things, because they would not ever agree to the other proposition without coming back for a vote of the House.

But with the character of conferees that you are going to have—and I say it fairly to the gentleman from Oregon [Mr. HAWLEY], without knowing where he stands—this House ought never to send that bill to conference until it can get some expression from him of loyalty to the House bill. That is the practical, the sensible way to do. Any other way is a foolish way to do. It is surrendering to another body the things you believe in, the things that you voted for, the things that this House believes in. They are being surrendered through a parliamentary advantage given to the Senate by virtue of disloyalty to the House position. I use that word without intending offense—disloyalty to the provisions and ideas and views of the House of Representatives.

This House ought to have conferees that believe in their souls in the provisions that the House has inserted in the bill, rather than to send it into hibernation and have it brought forth later in a new form by men who do not believe in the provisions inserted by the House of Representatives, provisions in which this House believes.

Mr. HAWLEY. Mr. Speaker, will the gentleman yield there?

Mr. GARNER of Texas. Certainly.

Mr. HAWLEY. I think a moment ago, in answer to a question, I said it was the duty of the conferees to support the provisions made by the House in any bill. But a conference is intended to bring the two Houses together on a disputed measure, and, if any agreement is to be reached, one of the Houses must yield either in whole or in part or with an amendment.

Mr. GARNER of Texas. Now, Mr. HAWLEY, I am going to tell you just what I will say to the conference committee when you come to some of the provisions that the Senate disagrees with the House on. I will say to you, "Mr. HAWLEY, do you not agree to that? Let us go back to the House for instruction." Will you come? Will you do that, and come back to the House and get a vote upon it?

Mr. HAWLEY. It will depend on the kind of matters. It would not do to come back on trivial matters.

Mr. GARNER of Texas. I am not going to ask you to come back on trivial matters; I will ask you to come back on the vital features of it.

Mr. HAWLEY. I think that all serious matters in which the House has expressed its opinion should be brought back to the House.

Mr. GARNER of Texas. That is a good doctrine. If I had an advantage in a conference on a matter which is vital, on which the House had expressed itself, and I did not agree with the House, and I was a member of the conferees, I would say to my colleagues on the conference, "Let us go back to the House and see what it will do." [Applause.]

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. TILSON. Mr. Speaker, we must have an end to this addressing the House by unanimous consent. There will be ample time in general debate. I shall object to anybody else having time now until we get into committee. In general debate gentlemen will have all the time they wish.

LEGISLATIVE APPROPRIATION BILL

Mr. MURPHY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes.

The SPEAKER. The gentleman from Ohio moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12875. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] will kindly take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12875, with Mr. HAWLEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12875, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes.

Mr. MURPHY. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. GIFFORD].

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. GIFFORD. Mr. Chairman, I ask for only two minutes. I am sure that will be all the time I shall need.

I wish to call to the attention of the House the vote passed here relating to affiliated corporations. There were about 20 Republicans on this side and nearly all on the other side of the Chamber, under the leadership of the gentleman from Texas [Mr. GARNER], who raised a question as to the effect of that section. I wish to put the blame where it belongs. We believe that the taxpayers should have the privilege of making either a consolidated return or a separate return. When the section which contained three different methods of making returns was defeated we desired some explanation of the change suggested. Because the committee failed to carry that particular section, they failed to amend the consolidated returns section so that it would be in compliance with the old law. They evidently preferred to have it go to the Senate. Some of us have been subjected to criticism because of our attitude. Such criticism should have been directed at the committee. We did not wish to vote another highway for avoiding taxes, by adding a section, the effect of which seemed to be doubtful. We asked for explanation. We are still anxious to be told what would be the results of such legislation and why it is desired. We have been told that we defeated the consolidated returns feature. Rather, we believe in that and the committee should have amended its bill so as to continue the privilege of making consolidated returns.

I make these few remarks so that some 20 Republicans may not hereafter be blamed for opposing that section in the bill.

I, for one, am still desirous of knowing the effect of the suggested method which would allow any two or any group of affiliated corporations to consolidate their returns, and I hope that the genial chairman of the Committee on Ways and Means will some day put this information in the RECORD.

Mr. MURPHY. Mr. Chairman, I yield 20 minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, there are many controversial questions which come before this House from time to time, and sometimes it is difficult for us to have a perfect understanding of the questions on which we must sooner or later vote; so it is my intention, in so far as it is within my ability, to give you a correct understanding of the proposed Columbia Basin irrigation project in the State of Washington. There are in the world opportunists and there are in Congress statesmen. I want to talk to the statesmen. I want you to understand that we are talking of a development not for to-day but for the future.

At the point on this map marked by an "X" is the location of the Columbia Basin project, which will embrace, when finally developed, 1,883,000 acres. The water supply may come from the great watershed lying to the east of this project over in Montana and in Idaho, where there are lakes and canyons, where storage can be provided. Water would be diverted from Clarks Fork at Albany Falls [indicating], Idaho, near Newport, Wash., and carried down through this way [indicating] to Hillcrest. There is another method suggested whereby a dam may be constructed in the Columbia River and the water brought down through here [indicating on map]. So there are two sources of water supply that are available.

There have been some partial failures of reclamation projects in the West. Usually these have resulted from an inadequate water supply. Sometimes it has been because of the undesirable and untillable lands that were included.

Going to the State map of Washington, the lands embraced within this outline [indicating] represent the Columbia Basin project, lying mostly as a great level plain in my district in southeastern Washington. A part of the land is gently rolling. There is one point that was visited last year by the Reclamation Committee of the House and by the Reclamation Committee of the Senate where they went upon a small mountain known as Table Mountain. From there you can look for many, many miles in every direction. The land lies almost as level as this floor; it is as fertile as any land to be found in the United States except that it lacks water. We do not have hardpan; we do not have in the lands that are proposed to be irrigated an outcropping of rock, or anything of that kind. We have real soil to begin with from 3 feet to 100 feet deep.

Mr. LAGUARDIA. What is the area of the land marked "X"?

Mr. SUMMERS of Washington. One million eight hundred and eighty-three thousand acres.

Mr. HILL of Washington. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. HILL of Washington. May I suggest that that area probably includes some land not within the irrigable classification, and it would probably be 3,000,000 acres all told.

Mr. SUMMERS of Washington. Yes; there are about 3,000,000 acres all told, but 1,883,000 acres of high-class lands are proposed to be irrigated.

Mr. CRAMTON. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. CRAMTON. Could the gentleman say what proportion, if any, of that area of 1,800,000 acres is now operating under dry farming?

Mr. SUMMERS of Washington. About 400,000 acres, to the best of my knowledge, but that varies. Much more of this land was in cultivation at one time, but the rainfall of 6 to 10 inches is not sufficient for successful farming. Some claim there was an abnormal rainfall that stored up moisture there and they were able to produce wonderful crops for a short period of time, while others claim that the moisture which had been stored up through the years before it was cleared of sage brush and put into cultivation was gradually exhausted. Anyhow they were able to till several hundred thousand acres of that land long enough to demonstrate that with moisture it is a very productive section. But for many years there has not been sufficient rainfall on which the farmers might depend for successful farming.

Mr. CRAMTON. Will the gentleman permit one more question?

Mr. SUMMERS of Washington. I yield.

Mr. CRAMTON. Of the 1,800,000 acres what proportion is publicly owned and what proportion is privately owned?

Mr. SUMMERS of Washington. This land was homesteaded very largely at the time I speak of, along about 25 years ago, but the men who built their little cabins in there, who went on the land and tried to establish homes have had to move off, and they are in all parts of the the United States. So it is in private ownership very largely.

As to the exact amount that is in Government ownership, I believe it is about 10 per cent. Some of it is State owned. There is some land within this area that is yet farmed and farmed successfully, where they have sufficient rainfall.

Mr. LAGUARDIA. What could they raise there with irrigation, and what do they raise now?

Mr. SUMMERS of Washington. By dry farming; that is, raising a crop every second year and plowing and cultivating and storing up moisture on the alternate year, they grow wheat almost exclusively. If it were irrigated, it would grow practically anything that is grown in the United States, because we have an unusually long growing season—about 27 weeks between the last frost in the spring and the first frost in the autumn. Sugar beets, for instance, are known to produce wonderfully well on nearby adjacent territory. This is a crop that we might develop almost to an unlimited extent and still not interfere with any crop now produced in the United States because, as you all know, we are importing the big part of our sugar and always have been regardless of the efforts we have made to develop a home sugar supply.

If there are any other questions in regard to the soil, I would like to have them asked now.

Mr. CRAMTON. If the gentleman will permit, what is the elevation, in general, of that area?

Mr. SUMMERS of Washington. At this point Hillcrest [indicating on map], it is 1,700 feet-plus, and at this point, Pasco, it is about 400 feet. So the general slope is from the northeast to the southwest, which not only makes it very desirable for irrigating but also facilitates drainage, and the drainage has to go along with irrigation. That is one thing that was not known in the beginning of irrigation in this country.

There are, coming down through this big section, a number of dry streams. Sometimes they are streams and at other times they are only dry channels, and there are a number of canyons, all of which would facilitate drainage.

Mr. TIMBERLAKE. It was originally prairie land, was it?

Mr. SUMMERS of Washington. It is a great sagebrush plain.

Mr. LAGUARDIA. Will the gentleman discuss later on the engineering feature and the possibility of combining the irrigation phase of it with the electric-power possibilities?

Mr. SUMMERS of Washington. I will make some reference to that later.

In establishing a successful irrigation project we must have an abundant water supply. If the water is taken from the Clarks Fork of the Columbia River over at Albany Falls across the line in Idaho, the annual run-off there is three times the amount that would be required for this project. If it is taken from the Columbia River down here [indicating] we would have a still greater water supply. So from whichever source the water might be taken, there is an enormous superfluous water supply, so there never could be any shortage or any question of an adequate water supply.

Here we have two factors necessary to a successful irrigation project.

The third one is the climate. As I have said, the growing season is 27 weeks, and I may say that three-fourths or probably four-fifths of all the Central States have a shorter growing season than that. So we may grow practically anything here. Alfalfa, of course, we can produce several crops during the year.

Therefore, the three factors soil, water, and climate are here.

Mr. LINTHICUM. Will the gentleman yield?

Mr. SUMMERS of Washington. I yield to the gentleman.

Mr. LINTHICUM. I presume the gentleman from Washington is for the McNary-Haugen bill, is he not?

Mr. SUMMERS of Washington. I am going to discuss that feature of it. I know what the gentleman has in mind.

Mr. LINTHICUM. I did not want to ask the gentleman a personal question, but I thought perhaps the gentleman had already settled on that question, and what I wanted to know and what puzzles the men from the cities——

Mr. SUMMERS of Washington. Is the surplus.

Mr. LINTHICUM. Yes; if you have got to have the McNary-Haugen bill to take care of the farmers, why should we have more land to produce crops to compete with the farmers?

Mr. SUMMERS of Washington. I am going to answer that question and I hope the gentleman will bear with me until I reach it in just a moment or two.

Mr. LINTHICUM. Certainly.

Mr. SUMMERS of Washington. I want to discuss that question.

We have passing through this area at the present time four transcontinental railroads and another railroad that connects up with all of these transcontinental lines, which makes the equivalent of five transcontinental railroads passing through the project at this time. No other project in the United States like it. There are many State and county highly improved highways that pass through the project. There are many towns, there are county seats and towns from 500 to 1,000 or 1,500 people dotted all about through here [indicating] where they are still doing some dry farming or where they have secured a little water for irrigation, or where they built up towns when farming was more prosperous several years ago. There are schools, there are churches, there is everything there to make a community. I want you to get that picture. This is not a wilderness far removed from civilization that will be difficult to develop. We have all of the factors save one thing, and that is water.

As to the plan of financing, it was said here a day or two ago it was going to require $300,000,000. This chart will indicate what those who have devoted years to a study of this question think will be required.

From 1928 to 1933, a period of five years' time, we want $250,000 to continue the surveys, the investigations, and the solution of the allocation of the waters, an interstate problem, you understand, which has to be acted upon by Idaho, Montana, Washington, and Oregon through the different State legislatures. Then their acts must be confirmed by an act of Congress, all of which is going to take considerable time. There are many other investigations and detail surveys to be made on the project and that would be the amount estimated for the first five years.

Mr. CRAMTON. Will the gentleman yield?

Mr. SUMMERS of Washington. With pleasure.

Mr. CRAMTON. Will the gentleman confirm my understanding that the bill before the House proposes a definite commitment of the Government to the project; in other words, the Government approves the project and commits itself fully?

Mr. SUMMERS of Washington. It approves the project.

Mr. CRAMTON. Has the Department of the Interior as yet recommended to Congress the adoption of the project?

Mr. SUMMERS of Washington. No; the Department of the Interior has not, because they say they must have further investigation.

Mr. CRAMTON. The gentleman knows the distressing history in certain sections of the West where Congress has given reason to believe that certain improvements would be made and then appropriations did not follow, because something intervened and the people who went on there were on the edge of starvation for years. In order that we may avoid the possibility of that recurring—the possibility that when Congress approves of the project that the bill proposes and then proceeds to investigate and the investigation brings out facts not anticipated and Congress concludes not to go ahead, and distress follows to those who will be called on to the area by the action of Congress—why isn't it much wiser for us to proceed first with investigation, entirely without the commitment of the Government, than to first commit the Government and then proceed with the investigation?

Mr. SUMMERS of Washington. I will be glad to go into that in detail. To begin with, this has been investigated for a period of about 10 years. There have been numerous surveys—engineering surveys, soil surveys, surveys made by the State of Washington, surveys made by the Federal Government, a review of the State survey, a review of the Federal survey, as my colleague, the gentleman from Washington [Mr. HILL], stated two days ago. You will find all that in the record. These surveys have been made by very high-class engineers.

At one time General Goethals was called on and spent 30 days over the project and then 6 months in checking up on the surveys and he passed favorably on the project. So it has been passed on by what we think are the most competent of engineers—certainly as competent as are to be found in the United States—a number of times without exception. All are agreed the project is feasible. There have been demonstrations as to the productiveness of the soil and in the areas where they can get water it is wonderfully productive and profitable. Feasibility is settled so far as we are concerned.

But every time we need a little more money—and, by the way, the State of Washington has put up more money than the Federal Government—all together there has been about a half million dollars spent in investigation. But every time we need a little more money a group of men must come 3,000 miles, appear before a committee and justify the project. That has been done before the Reclamation Committee time and again. We feel that the adoption of this project would obviate that.

Suppose the bill before the House was adopted. Then the amount that would be asked for now would be to continue investigations and surveys and the allocation of water, all of which would require time, probably about five years. Of course, we can not expect anything in the future except it be recommended by the Secretary of the Interior, passed upon by the Budget, passed upon by Mr. CRAMTON'S appropriations subcommittee, the whole Appropriations Committee, the House and the Senate and, finally, secure the President's signature. So you see the future is amply safeguarded.

But we would like to get rid of having to come down here to justify the project over and over again as we have been doing for the last 10 years. There is a group of devoted men out in the Northwest that has been meeting and discussing this project every week for eight years, individuals and communities have given unselfishly and without stint of their time and money.

Mr. CRAMTON. Will the gentleman yield?

Mr. SUMMERS of Washington. I will be glad to.

Mr. CRAMTON. First just let me emphasize again that just the minute Congress passes a bill adopting this project there will be a renewal of interest in that country; settlers will go upon it and try to get in early when the land is not expensive; they will go in and wait for the Government to bring water to them. That the gentleman knows will be the effect of an approval and adoption of the project by Congress. On the other hand the gentleman suggests that $250,000 worth of investigation by the Federal Government in addition to some outside contribution will be needed in the next five years. The gentleman knows that that means substantial investigation. Asking for $250,000 for further investigation demonstrates the framers of the project realize that General Goethals and the engineers have not entirely completed the necessary investigations.

Mr. SUMMERS of Washington. Will the gentleman allow me to interrupt him there?

Mr. CRAMTON. Yes.

Mr. SUMMERS of Washington. These investigators have worked out the detailed construction plan very largely and engineers have been checking and rechecking but working plans are not yet completed.

The CHAIRMAN. The time of the gentleman from Wash ington has expired.

Mr. MURPHY. I yield the gentleman 10 minutes more.

Mr. CRAMTON. The gentleman knows that in the course of this investigation some unsuspected condition may be found that may make the project, or a material section of it, not advisable. If Congress is to take any action at this time would not it entirely meet the gentleman's statement of needs without the danger of misleading the public, for Congress to authorize the appropriation to the extent of $250,000 to further study and investigate?

I am frank to say that I do not profess to be in favor of even that action, but this is to bring out the gentleman's views. Would not such action by Congress, authorizing such an appropriation for the next five years, meet all of the needs the gentleman has spoken of without formally committing Congress to the whole project?

Mr. SUMMERS of Washington. Probably it would take care of the actual financial needs as far as that is concerned, but I have pointed out that committees have to be brought down here over and over again for a distance of 3,000 miles at very great expense in order to present this matter to congressional committees from time to time.

Mr. CRAMTON. In response to that I may say that whatever kind of bill is passed, someone has to come before our subcommittee from year to year to present the case, even if there has been an authorization.

Mr. SUMMERS of Washington. That would be done by the Department of the Interior and the representatives.

Mr. HADLEY. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. HADLEY. The gentleman from Michigan [Mr. CRAMTON] is proceeding upon the theory, although not so stated, apparently, that this is more or less of a wildcat scheme, that has not been demonstrated, because you are estimating an expenditure of $250,000 for the next five years for further surveys and investigations. Is it not a fact that the feasibility of this project has been conclusively demonstrated, affirmatively reported as such by the engineers?

Mr. SUMMERS of Washington. Yes; of the Federal Government.

Mr. HADLEY. And that these are matters of record in the department, and that the question of feasibility is closed and that the investigations and surveys sought relate solely to matters of detail with reference to construction and the evolution of the project, the feasibility of which has already been conclusively determined?

Mr. SUMMERS of Washington. My colleague has correctly stated the situation.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. WAINWRIGHT. Notwithstanding the answer to the question of the gentleman from Michigan, by the gentleman from Washington who has just taken his seat, does the gentleman think on the whole that it is wise for us as a Congress to commit ourselves definitely to a project which will commit the Treasury of the United States to an expenditure of $180,000,000 without Congress being definitely advised as to not only the engineering features but the economic features, by the responsible department of the Government, namely, the Interior Department?

Mr. SUMMERS of Washington. There are voluminous reports by Government engineers covering all of this in detail.

Mr. WAINWRIGHT. The gentleman from Michigan [Mr. CRAMTON] corrects me as to the ultimate expenditure of $180,000,000. He says that we will be committing ourselves to an expenditure of what may amount to $300,000,000.

Mr. SUMMERS of Washington. I must proceed in order to get that part of it straight. After the period of investigation and the working out of the problem between the States as to the water supply, it is estimated by some of the best engineers that it will require 10 years for actual construction, and so I put the period of construction from 1933 to 1943, and allow for an expenditure of $12,000,000 annually, or a total sum of $120,000,000.

The financial plan that has been worked out would call for that expenditure on the main canal, storage, and things of that sort, and then $30,000,000 as a revolving fund. From 1943 to 1948, a period of five years will be required for the settlement of the first unit. It is proposed to develop the project in units. That would embrace something over 470,000 acres. When that unit is developed and is a going concern the unit would be bonded in order to develop the second unit, which requires from 1948 to 1953, and then the third from 1953 to 1958, and finally the fourth unit from 1958 to 1963. At the end of that time the Federal Government would have $150,000,000 in the project. That covers a period of 35 years. While this sum would not come from the reclamation found it would be repaid upon the same terms as the reclamation fund is repaid. Some mention was made of $180,000,000 by the gentleman from New York [Mr. WAINWRIGHT], and I suppose he uses those figures because he sees them here on this chart. Based on the production of the Yakima project and also the Wennatchee project, but discounting the value of production, it is estimated that the total production would be $180,000,000 a year from the entire project when it is developed. What would become of that $180,000,000? None of us shut our eyes to the effect this is going to have on our own State. Settlers would require 25,000 automobiles, 25,000 plows, 25,000 harrows, fencing, home furnishings, and everything else that comes from the East.

Mr. CRAMTON. Mr. Chairman, before the gentleman goes into that, am I not right in understanding that however it is to be financed, the construction cost will be approximately $300,000,000?

Mr. SUMMERS of Washington. Yes; the gentleman is correct about that.

Mr. CRAMTON. But you do not in your plan contemplate that it all comes from the Federal Treasury?

Mr. SUMMERS of Washington. We do not contemplate having more than $150,000,000 of it invested at one time.

Mr. CRAMTON. Under the plan, with that first unit settled, after it is completed, it is proposed to take up the construction of the next unit through a bond issue put upon the first unit? The gentleman is aware that those settlers, the most of them, will have bought the land on credit as much as they can. They will have acquired as much credit as they can for improvements and implements, and so forth. In fact, the Irrigation Committee has reported out a bill—I may not state it correctly—which I think contemplates a loan of about $3,000 to each settler on reclamation projects of a similar character. So that these settlers will have all this indebtedness and will also owe the Government $150 an acre for the water rights. What about the feasibility of bonding that situation for any appreciable amount, with the proceeds of which to go ahead with further construction?

Mr. SUMMERS of Washington. This has been worked out by some very capable financiers, and it is not thought that there will be required at any time bonding on any of the land in an amount beyond what it will safely carry. I am pleased to answer all questions, but I am afraid the gentleman from Ohio [Mr. MURPHY] might not want to yield me more time.

Mr. CRAMTON. The gentleman assures me that he will yield you more time. Is there any assurance or any negotiations to secure assurance that the cities of Spokane, Seattle, Tacoma, or counties, or railroads, or other concerns are to be expected to assist in that financing?

Mr. SUMMERS of Washington. I am glad the gentleman asked that question. For the first time I believe in the history of reclamation that thing will be done. A law was enacted by our State legislature which permits the levying of an ad valorem tax upon town property and business that are within the project and those that are adjacent that will be benefited

by the project. For instance, we do not think it is fair for a piece of property to enjoy the benefits and carry none of the burden.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. SUMMERS of Washington. Will the gentleman from Ohio yield me 10 minutes more?

Mr. CRAMTON. I will ask the gentleman from Ohio to yield 10 minutes more.

Mr. MURPHY. Mr. Chairman, I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman from Washington is recognized for 10 minutes more.

Mr. SUMMERS of Washington. In the case of a town that is struggling for existence at this time, but which would be made very prosperous by the development of this project, we believe that the town and business there should bear some part of the burden that will bring the prosperity that will come to that town. We believe that Spokane, a large city which will be tributary, should bear part of the burden, and Spokane thinks so, and they were largely instrumental in getting that legislation enacted.

Mr. CRAMTON. The gentleman knows that that follows the suggestion of the Committee on Appropriations that in this work of financing the communities and States should assist the Federal Government.

Mr. SUMMERS of Washington. Has any other State acted on that suggestion.

Mr. CRAMTON. It is not the first time it has been acted upon by projects, but perhaps it is the first time in the initiation of a new project.

Mr. SUMMERS of Washington. It is the intention to hold the land holdings down to what the Secretary shall declare should be the proper farm unit, of 40 to 80 acres. At this time the land is worth $1 to $5 an acre, but with water it is as productive as any acre of land within your knowledge. I say that without fear of contradiction on the basis of irrigated areas that are distributed all through this project.

Mr. MENGES. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Just for a question.

Mr. MENGES. Does the gentleman know what profits are made by those people who planted the land referred to with fruit, outside of this project?

Mr. SUMMERS of Washington. Fruit, as all other crops, varies greatly. I remember the figures as to a small irrigation project a few years ago, where all the land under cultivation averaged $300 per acre. The fruit crop on a selected tract sometimes will yield a thousand dollars an acre, but the next year they may have a limited crop. The expenses may be so high that there will be no profit.

Mr. MENGES. Does the gentleman know whether any profit was made by those fellows who made fruit crops in that section their chief products?

Mr. SUMMERS of Washington. In this section Wenatchee [indicating] their efforts are devoted almost exclusively to fruit. Twenty-five years ago they shipped one carload of fruit, last year they shipped about 20,000 carloads. In the Yakima region they are devoting a great deal of attention to dairying and alfalfa, and their activities are more diversified, though it is a wonderful fruit country and fruits predominate.

Mr. MENGES. Would this project be worth anything so far as dairying is concerned?

Mr. SUMMERS of Washington. It would be one of the finest dairy countries in the United States, because the winters are short and mild, the transportation facilities are good, and the climate is agreeable to the cattle.

Mr. MENGES. The land would yield itself to diversified farming?

Mr. SUMMERS of Washington. Yes; to diversified farming; to dairying, sugar-beet culture, or small fruits, or poultry, or anything of that kind. We want to develop it without speculation for home owners.

Mr. MENGES. I suppose it would be more profitable to devote it all to sugar beets.

Mr. LAGUARDIA. Of course, it is well known to all who have a knowledge of agriculture that if you have fertile soil and water you can raise almost anything. Can the gentleman tell us what plans have been studied and what projects are under consideration, not only to use the water for irrigation, but to use the weight of the water to produce power? That is the most important thing before this country to-day.

Mr. SUMMERS of Washington. I will say in answer that while these are problems to be determined finally by the Federal engineers, most of the engineers, I believe, favor the gravity plan. There are other engineers who advocate the construction of a dam 200 feet high in the Columbia River at the head of the Grand Coulee, which is the old bed of the Columbia River thousands or perhaps millions of years ago. It would also be necessary to pump 400 feet. If a dam were constructed you would have that enormous river with a 200-foot waterfall, so that the gentleman can imagine what would be possible in the development of power. Those are plans to be determined by the Government engineers.

Mr. HILL of Washington. On that point I may say that the hydraulic engineers on that question of development of power testified before the committee that there will be sufficient secondary power to provide energy for pumping and one and a quarter million primary horsepower for commercial distribution.

Mr. LAGUARDIA. That would take care of the needs of this new locality which would be developed.

Mr. HILL of Washington. It will take care of all the needs of the area which the gentleman from Washington has pointed out.

Mr. ARENTZ. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. ARENTZ. It is well to take into consideration also the average elevation of Pend Oreille Lake and the average elevation above sea level of the area to be put under cultivation, and it is what—about 750 or 1,000 feet?

Mr. SUMMERS of Washington. From Pend Oreille down to the center of the project?

Mr. ARENTZ. Yes.

Mr. SUMMERS of Washington. About 1,000 feet.

Mr. ARENTZ. So you have a 1,000-foot drop in that distance from Lake Pend Oreille to the center of the project.

Mr. SUMMERS of Washington. There would be some power developed by this plan but not as much as by the other is what I meant to say. Now, I want to answer the gentleman from Baltimore, in regard to the farm surplus. I have said many times, and I say it out in the State of Washington and to you, that if this could be developed by the waving of a wand at this time I should not be in favor of waving the wand because it is not needed at this time. It can not be developed in a short period of time, but there is coming a time when it will be needed and when it ought to be developed, and that is the time we are looking forward to. We are planning for the future. We must proceed now in order to have the development when we need it. That is why I said in the beginning there are in the United States opportunists and there are statesmen and that I wanted to talk a little while to the statesmen who are willing to look 30, 40, and 50 years in the future.

We are not asking for any big appropriation of money at this time. We are not asking that this be put where Congress, the department, and the President will not always have a check on it, but we do think, after 10 years of arduous labor out there, beyond anything that you can conceive of, gentlemen, by all of those communities, which have been contributing in time and money, and the $500,000 that has been spent, that we are justified in asking for this further step that I have described.

Mr. MILLER. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. MILLER. At all times during the period of development of this the rapidity of development will absolutely rest with Congress and with the executive departments.

Mr. SUMMERS of Washington. My colleague is correct in regard to that.

Mr. LAGUARDIA. Is it not also true that that will be comparatively new country and that we must look ahead not merely to an appropriation bill for the next fiscal year but 75 and 100 years from now, so that we will at least turn over to the next generation a country in keeping with the times?

Mr. SUMMERS of Washington. The gentleman has well stated what I had in mind, but the opportunist, as I say, is looking a year or two ahead, but we must look further.

Now, there are a few things I want to cover and then if I have the time I will answer other questions. While our people would like to have it developed in a shorter period of time, I do not think it can be developed and all of the land put under cultivation short of the years I have indicated, which would be 35 years. But let us take it on the basis of 30 years and take into consideration the increasing population of the country.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. MURPHY. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. SUMMERS of Washington. Barring unusual catastrophes this country will have 60,000,000 more population before this project is in full production. What does that mean? It takes on the average over the United States between 3 and 4 acres of land for every inhabitant of the country. Taking into consideration the fact that this is irrigated land, instead of

3½ acres for each inhabitant, let us say 1.8 acres, to make it come out even would support one person throughout the year. So this project when fully developed would take care of 1,000,000 people, or one-sixtieth of the increase in population, during the construction and development of the project. So it would not interfere with the supply and demand at the present time. It would not interfere with the eating away of the surplus by the next 10,000,000, nor 15,000,000, nor 25,000,000, nor 30,000,000, nor 40,000,000, but the only thing we would be able to do would be to take care of one-sixtieth of the increase.

But there is another phase of this. The testimony before the committee, from a gentleman who had traveled in the Orient last year, revealed many interesting things. He called attention to the fact that Japan is being very rapidly industrialized and that they can not by any means feed themselves at this time and that they are calling on us for increased food supplies all the time. The commerce reports show that. China is doing the same thing. He called attention to the fact that one firm he interviewed there was taking 4,800 boxes of our apples every two weeks and that another firm was taking 10 tons of American ice cream every two weeks to serve in China. He made the statement that all the leading restaurants in the Philippines, China, and Japan were featuring and serving American fruits and vegetables, because of the contamination in their soil, and that they were getting higher prices for them and that they were being more extensively served.

I do not recall the total population of China at this time, but he spoke of the improvement of social conditions, the better development. Regardless of all the wars they have been having he made this statement, that China looks to the western part of the United States for its additional food supplies, and that if their purchasing power increased $5 per inhabitant per year that would call for $2,500,000,000 worth of products.

So how insignificant $180,000,000 of products would be dumped over there. We have the territory beyond the sea in China, in Japan, in the islands, to say nothing of what we ship by the western coast and through the canal around to England and the European countries, in addition to what I have already told you about the increase in population of the United States.

So I can not see how this development could possibly complicate the farm problem or enter in any way into that controversial question. It is too far in the future, but we must look to the future if we are going to have development. I am farming 2,000 acres myself, and certainly have the farm viewpoint, but I see no menace here.

I want to call your attention to this map of the State of Washington. Do you realize what all these colored areas mean? These [indicating] are national forests. These lands belong to you. They do not belong to me and they do not belong to my people. They do not pay any taxes. Here is an Indian reservation that belongs to the American Indians and is untaxed land.

Here is a national forest, here is a national monument, here is an Indian reservation, another Indian reservation, another national forest, another national forest. So you see that a great part of the area of the State of Washington is comprised of national parks, national forests, Indian reservations, and national monuments, to say nothing of the public lands that are dotted about all over the State. Speaking roughly, I should say that fully one-half of the State of Washington belongs to you and not to me or to my people.

When you develop this area you are going to increase the value of all the land in the State of Washington—your lands as well as ours. You are going to, presumably, lend to the people out there money to develop this project. They agree to pay back and will repay. We think in view of the fact that half of the State belongs to you, it is not asking anything out of the way to ask you to lend the money to develop a part of that country and to be repaid by the people who go on the land, which will in turn create a greater demand for your timber and ours and will increase the value of all of the land.

Mr. CRAMTON. The gentleman has some figures there that I was hopeful he would reach.

Mr. SUMMERS of Washington. Yes; I am very glad the gentleman reminded me. These figures down below pertain to the reclamation fund. They were given me by the Reclamation Bureau this morning over the telephone.

Mr. ARENTZ. Is the gentleman going to go into the number of projects that that $225,000,000 represents and show that it is money scattered on all the projects throughout the West?

Mr. SUMMERS of Washington. A few moments ago a gentleman from the East, a good friend of mine, said, "Our people look upon reclamation as a big graft." I said, "I wish you would stay a little while. I would like to tell you something about it; I fear you have a misunderstanding." I stated further that the money is repayable, but he said, "Is it repaid?"

Now, here I am going to give you figures showing the charge-off and all the rest of it, and if you will permit me to give this in detail, I will then answer any questions.

There has been expended $225,000,000 for construction and operation and maintenance of the projects; that is the total for 26 years on 26 projects. So that represents all of the money that has been expended, and this figure of $75,000,000 represents the amount repaid by the settlers on the 25 or 26 projects scattered throughout 15 or 16 Western States. Do you say now that they do not repay? The bureau told me this morning they had repaid $75,000,000. I then asked how much of the $225,000,000 was not yet due and they replied $118,000,000 is not yet due. You do not expect a man who owes you a note to pay it before it is due nor condemn him if he does not pay it before it is due.

The next question was in regard to the charge off of $12,500,000 and the amount suspended $14,500,000. This latter may finally become a charge off—it may or it may not.

Then I said, "How much are our people on all of these 25 or 26 projects delinquent for everything, including construction and operation and maintenance," and the accountant said, "$4,500,000." There is the whole picture. Reclamationists are 2 per cent delinquent.

In regard to the charge off, there have been mistakes made sometimes. As I said in the beginning, there are 3,000,000 acres within the outlines of this project, but our engineers have been very cautious and have cut down and cut out and cut out wherever they thought it was not the best of land until they have taken out nearly 1,200,000 acres.

In the earliest projects, 25 years ago, they did not always do this. They went ahead and provided water and assessed those lands and then there came a time when nobody could make them pay. Because the Government men made the mistake and not the settler, it was thought by the Government itself the proper thing to mark that off. I will say that I was on about 2,000 acres in a splendid project, but there happened to be some outcroppings of rock, rock as big as this table, and you could almost walk from one to another over acres of the land, and still the people on that project to-day are paying something over $50 an acre as repayment charges. It was not their mistake. They are entitled to the charge-off on that land.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MURPHY. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. CRAMTON. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. CRAMTON. In connection with the statement the gentleman just made, of course that expenditure of $225,000,000 was from the reclamation fund, while the appropriation under the pending bill is to be from the Treasury; but our chances of getting the money repaid may be judged from our past experience. The gentleman shows that $31,500,000 out of $225,000,000 is either delinquent, suspended, or charged off and that $118,000,000 is not yet due.

Mr. SUMMERS of Washington. And $75,000,000 already repaid.

Mr. CRAMTON. Yes; how much of that $118,000,000 not now due is extended; that is to say, has become due and through relief acts of Congress the time of payment has been extended?

Mr. SUMMERS of Washington. I do not think any of it. I think this other figure represents that amount.

Mr. CRAMTON. No; the gentleman knows that of that $118,000,000 a material portion is money that would to-day be due if the original time of payment had not been extended.

Mr. SUMMERS of Washington. You mean under the original law of 15 or 20 years ago?

Mr. CRAMTON. Oh, under different ones.

Mr. SUMMERS of Washington. I mean under the laws that exist to-day this is what the bureau tells me is due.

Mr. CRAMTON. Yes; $4,500,000 is what is really delinquent.

Mr. SUMMERS of Washington. Yes.

Mr. CRAMTON. But there is a large amount that became due and relief acts extended the time of payment.

Mr. SUMMERS of Washington. But only to give more time. They are not relieved from payment.

Mr. SCHAFER. Even if there is a portion of that $118,000,000 delinquent, this Government has seen fit to relieve taxpayers in other sections of the country of one hundred times that amount.

Mr. SUMMERS of Washington. I thank the gentleman for that contribution. A gentleman from Massachusetts suggested to me that we have been pretty generous to the West. I said, do

you have in mind that the Government loaned to Massachusetts 92 years ago a sum which, if figured at 5 per cent, would now amount to $75,000,000? They distributed it from the Federal Treasury 92 years ago, and it has never been repaid.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. SANDLIN. Mr. Chairman, I yield the gentleman five minutes more.

Mr. SUMMERS of Washington. I thank the gentleman.

Mr. LEAVITT. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. LEAVITT. Is not it true that the mistakes that were made by the Government in handling projects 25 years ago, that were put into operation while we were learning how to conduct them, are being applied in the way of safeguards so those mistakes will not be repeated?

Mr. SUMMERS of Washington. Yes; that is true. I have read that to develop the State of Illinois a land grant was made to the Illinois Central Railroad in the early days. What did Congress do? They gave every alternative section in a strip of land 32 miles wide, 16 miles on each side of the railroad for 300 miles. Can you estimate the value of that contribution—try it?

Mr. MILLER. And it did develop the State of Illinois?

Mr. SUMMERS of Washington. It did develop the State of Illinois. I can not say in regard to other States, except that we know through Kansas and Nebraska and other Northwestern States the same thing was done by the Government to help develop those States. So far as I know there has been nothing commensurate in value done for the development of the State of Washington. There has been something in a small way, but we are striving to pay our own bills. We are asking you simply to give us the opportunity to develop.

Now, going back to the loans that were made to the States. If they were calculated at 5 per cent interest up to the present time, roughly speaking, they would amount to $1,750,000,000. Not one dollar has been repaid by any one of the 26 States that benefited by those loans in 1836.

Mr. WAINWRIGHT. What were those loans made for?

Mr. SUMMERS of Washington. It was money that came from public-land sales. It accumulated in the Treasury and they said we will divide it among all the States in the Union at that time. The State of New York received something over $4,000,000, which, figured up at 5 per cent to the present time, would amount to $256,000,000.

Mr. WAINWRIGHT. The State of New York pays almost one-fifth of all the improvements, and we are generously minded——

Mr. SUMMERS of Washington. Yes; but New York City to-day would be a little village down on the lower end of Manhattan Island if it had not been for the back country. [Applause.]

Mr. CRAMTON. Can the gentleman give us the information as to how much has heretofore been expended in the State of Washington for reclamation from the reclamation fund—money loaned without interest? How much has been spent?

Mr. SUMMERS of Washington. There has been expended on the Yakima project, which is included in this, a total of about $14,000,000.

Mr. CRAMTON. That does not include the Kittitas and other works—would not it amount to $30,000,000?

Mr. SUMMERS of Washington. Not so much as that; about $20,000,000. I thought the gentleman was going to ask how much was loaned to the State of Michigan. I have figured that up and it runs a little over $18,000,000.

Mr. CRAMTON. The gentleman is figuring interest, whereas the custom in the West has been not to pay interest.

Mr. WAINWRIGHT. I know the gentleman will yield long enough for me to say that New York makes less objection to expenditures of this kind than probably any other State in the Union.

Mr. SUMMERS of Washington. I appreciate the fact that New York is a great and generous city. Our merchants go to New York twice a year to buy practically everything they sell in their department stores. [Applause.]

Mr. SANDLIN. Mr. Chairman, I yield 20 minutes to the gentleman from Oklahoma [Mr. HOWARD].

Mr. HOWARD of Oklahoma. Mr. Chairman and gentlemen of the Congress, I understand that within the next few days the House will be considering the matter of flood control. A very important phase of flood control to this country, a phase that is just as interesting and necessary to the entire country as any other phase of flood control, is that in controlling the floods on the Mississippi we should also control the floods on its tributaries. It is for the purpose of talking to you concerning the tributaries that I have asked for a few minutes this afternoon. First, I want to devote a few words to the discussion which has been going on throughout the country and in the newspapers relative to the "pork" that is in flood control. As to that, if there is any "pork" in the flood control bill now pending before this House, it is not in that part referring to the tributaries. If you will read the bill that is now pending you will find that section 10 is the only one that refers to the tributaries, and it simply provides for an appropriation of $5,000,000, to be expended through the Secretary of War and the Chief of Engineers, with which to make a survey and report to Congress and to the Government and to the people of the country what can be done to stop the floods on the tributaries. There is not in any way another thing in that measure which binds or obligates the Government of the United States to expend another dime of any kind on the tributaries. After the report is made, if the officials of the Government find that it is in the interest of the Nation that the floods on these tributaries be controlled, then and not until then is there an intimation of expending a further sum on the tributaries than the $5,000,000 referred to in section 10. That being the case, I am wondering where the intimation or the suggestion could arise that the tributary part of the flood control bill bore even any earmarks of pork.

Mr. SANDLIN. Mr. Chairman, will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. SANDLIN. Is it not a fact that this Congress has already authorized an appropriation of $7,000,000 for that purpose and that there was carried in the Army appropriation bill an appropriation of a million and a half dollars for this very purpose? This is simply a repetition of what has already been done by the Congress.

Mr. HOWARD of Oklahoma. That is true. It is simply a repetition, and increasing the amount of the appropriation so that it may become available, and that the work may be done at the earliest possible moment, as is necessary. Not only that. You ask me why we of the States living on these tributaries do not do this work and make these surveys. The answer is that these rivers are interstate, these rivers are controlled by the Government. A very considerable part of many of them is navigable.

Mr. GARBER. And is not the answer, the common-sense solution of the control of the floods on the Mississippi, to begin at the source of the water flow instead of beginning at the mouth of the river?

Mr. HOWARD of Oklahoma. I agree with the gentleman entirely and say to him, as I said once before on the floor of this House, that to start flood control on the lower Mississippi without taking into consideration the tributaries is like starting to bore an oil well from the bottom up. But, Mr. Chairman, continuing my line of thought as to why we do not do this and why the Government should make this survey, let me call attention again to the fact that these rivers are interstate. Part of these rivers are navigable. My State of Oklahoma, located in the center, practically, of the Arkansas River, has for six years been spending its own money and seeking projects to control those floods, but it is an interstate matter. If you control the floods in Oklahoma according to our plan, we would probably control them in a manner that would do an injury to the other States that are interested the same as we are. Consequently, it is a national situation. The Government is the only agency that can legally do so and bind all the States. It is the only agency that can take the initiative by making this survey and tell us of the flood-suffering tributary States what can be done to give us the relief that we are entitled to. But there is not in this bill, and I have never heard any person interested in flood control on the tributaries, even suggest that after this survey is made and after it is found feasible, as we believe it will be found, that we of the tributary States expect the Government, or expect to ask the Government to bear the full share of the burden. But that is a matter that will be solved after the report is made.

Mr. STRONG of Kansas. I did not understand the gentleman to say that the tributaries would not make any contribution, did I?

Mr. HOWARD of Oklahoma. I said I had never heard any intimation from anybody interested in the tributary States that we would ask the Government to bear the full burden.

Mr. RAGON. Mr. Chairman, will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. RAGON. Before the gentleman gets away from that section of the bill that provides for surveys, I call his attention to this. The survey that is provided in this bill is the same work that is provided for in the rivers and harbors bill of last year, with two or three rivers added.

I have information from the Chief of Engineers that it will take, probably, in some instances, as high as 5 and perhaps 10 years to complete these surveys. On the Arkansas River

alone last year in Kansas, in Oklahoma, and in Arkansas we suffered from those floods a loss of $58,000,000. On the Arkansas River during the past week, on the White River, and on the Ouachita River, and on the St. Francis River they have suffered damages to the extent of untold thousands upon thousands. If you wait for the completion of these surveys for the control of those large tributaries you might just as well cast the fortunes of those people to the wolves. Everything they have by that time will be destroyed. The fact is, the provision for these surveys in the pending bill that passed the Senate and the one that has passed out of the committee are mere guesses.

Mr. HOWARD of Oklahoma. It may be true that they are mere guesses. But this fact remains, that under the present conditions out of the river and harbor appropriation we have $60,000 allotted to surveying the St. Francis River and the Arkansas River, which is 1,465 miles long, and what we are endeavoring to do, or rather what we are having to accept, is to try to raise this appropriation so that sufficient funds can be provided at least to make this survey and make it at once.

Mr. RAGON. What you want is a flood-control-project survey, not associated with this river and harbor bill, which provides for power and irrigation and various other things.

Mr. HOWARD of Oklahoma. Yes; I thank the gentleman for bringing that point out. I thought of it a moment ago. The river and harbor act, it is true, makes appropriations for navigation and power. What this amendment means, in addition to that, is that we will have a survey that will bring to Congress flood-control projects in the immediate emergency and necessity.

Reverting to the necessity of flood control on the tributaries, let me call your attention to the fact that in 1927 the losses were just as great proportionately on those tributaries as on the lower Mississippi, because these tributaries furnish the flood waters that make the floods in the lower Mississippi.

What were some of those losses, Mr. Chairman? As to these losses on tributaries I am speaking only of the Arkansas, but what I say of the Arkansas is unquestionably true of the rest of the tributaries. Let us see something of the losses on one of the many tributaries. The flood losses in 1927 on the Arkansas, which starts down in Arkansas, in Arkansas City [indicating on the map], where it empties into the Mississippi, and runs up through the State of Arkansas 370 miles, and 340 miles in Oklahoma, and 400 miles in Kansas, and 350 miles in Colorado—in the State of Kansas for 1927 the flood losses were $12,000,000; in the State of Oklahoma the losses were $20,000,000; in the State of Arkansas, only figuring down to Pine Bluff, which is 100 miles above the mouth of this river, the loss was $26,000,000, making a total loss on this one tributary last year in the three States, to say nothing of the losses in Colorado, of $58,000,000. Not only that, but on this Arkansas River, starting in Colorado, are the cities of Pueblo, La Junta, and Canon City. Then in the State of Kansas are Garden City, Dodge, Wichita, Hutchinson, and Arkansas City; in the State of Oklahoma, Tulsa, Sand Springs, and Muskogee. In the State of Arkansas, down to Pine Bluff, are Fort Smith, Dardanell, Little Rock, and Pine Bluff. These cities run in population from a few thousand to 150,000 people; and the losses to the cities in many other ways besides actual physical damages are in no way included in the figures I have given you.

Mr. Chairman and Members of the House, flood control on the tributaries is just as much a national problem as it is on the lower Mississippi. [Applause.] And there can be no justification of a measure that will take the taxes of the people of the United States for flood control on the lower Mississippi and leave a large part of the flood sufferers on these tributaries to drown. The people of the 31 States through which these tributaries run and in which they do their damage should protest an act of this kind, and any Member of Congress living in a State through which these tributaries flow who would vote to bring about a condition of that kind is doing an injury to the people of his own district and to his own State.

Now, on this problem of flood control on the tributaries I want to talk to my good friends from New England and from the East. You may think, if you have not analyzed the question, that you are not much interested in our flood problem. But you are, and you are deeply interested. I will tell you what I mean.

Statistics disclose that in that part of the United States west of the Mississippi and in that part south of the Ohio, which is the country through which these tributaries flow, we have an annual production of raw materials of $17,000,000,000 and we have a manufacturers' pay roll of only $2,000,000,000. In the other part of the country, in which live my eastern and northern and New England friends to whom I am appealing now, you have a raw production of $7,000,000,000 and a manufacturers' pay roll of $17,000,000,000. A large percentage of the products of this tributary country is the produce of the farm. So what is the situation? You of the East and of the North manufacture what we out in the Mississippi Valley use.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. SANDLIN. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. GARBER. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. GARBER. The section of the country to which the gentleman has referred produces 70 per cent of the manufactured products of the United States.

Mr. HOWARD of Oklahoma. The gentleman means the North and East?

Mr. GARBER. Yes.

Mr. HOWARD of Oklahoma. That is true. Your factories make our clothing, our hardware, our farm machinery, our boots and shoes, and the hundreds of other articles that we of the tributary country must purchase.

Let us look at this in another way. In the State of Oklahoma last year 762,000 acres of land were under flood on tributaries. That means, Mr. Chairman and gentlemen of the committee, that at least 10,000 farms in that State suffered by reason of these floods. Now, what did that mean to the people to whom I am appealing right now? It meant this, that the purchasing power of at least 50,000 people in the State of Oklahoma alone was destroyed for about 18 months. Now, you are our manufacturers. In the cities of New York, Chicago, St. Louis, Detroit, Cincinnati, Philadelphia, Pittsburgh, and other big eastern markets are the jobbers who supply us with the materials of which I am speaking. So what is the effect as to tributary floods on the people of this part of the country? It is this: When the buying power of the people on these tributaries is destroyed—and when it is destroyed it is for about 18 months—you people feel the effects of it the same as we do. I dare say that as we talk of the unemployed in this country to-day, that if you will check up on your mills and on your wholesale houses you will find that quite a bit of this unemployment is reflected in the fact that the purchasing power of the people on the tributary rivers of the United States was destroyed for over 18 months in 1927.

Not only that, but, my friends, you folks own our railroads. If you do not own them physically, you own their bonds, and what happens when millions of tons of freight is destroyed by the ravaging floods on the tributaries? You do not clip the coupons on the railroad bonds which you own.

Not only that, but the people in this eastern and northern country to whom I am appealing for the tributaries have been there a long time. Your pioneering days are past; you have been thrifty; you have got money, and in your country you own the mortgages on the farms of these pioneer farmers that are being flooded out on these tributaries. So when the floods ravage those farms, when they wash away the soil, and when they decrease the value of those farm lands your people suffer as well as we.

Not only that, but in this country through which these tributaries flow and do their damage is the bread basket of the United States, and whenever thousands of acres of wheat, corn, and cotton are drowned out the people of your country suffer as we do by reason of the diminution of these foodstuffs. Not only in that line, but when through these floods the foodstuff is destroyed and there is kept off of the market millions of pounds of pork and beef it is your people who feel it as well as we in the tributary country.

When you of the Northeast and the East come to us of this stricken valley and ask for measures to protect your coast in the way of coast guards, fortifications, battleships, lighthouses, and anything else that you feel necessary, we have never and will never hesitate to, without questioning you, acquiesce in giving to you everything necessary.

Not only that, but out in that vast country, running from northern Arkansas up to the Canadian border, is a great empire within itself, if only there was water to enrich it and make it come forth with crops as it would. And along that line I want to repeat what the gentleman from New York said a few minutes ago, and that is that in considering these matters we should also look to the future. If these tributaries are properly controlled, water will be stored at their headwaters through reservoirs, and as a result of it there will be created thousands of homes for people who would be much better off to-day if they had an outlet out of the crowded cities and the crowded communities of other parts of this country, and that would have no effect upon the present condition of the farm situation for the reason, as in the case of the basin just spoken of, that it

will be years before this can be accomplished, and with the increase in population which is natural this country must look for an outlet for these people sooner or later.

Now, Mr. Chairman, there has been a great deal said about the cost of flood control. I am not going to discuss that with the exception of saying this, that when we entered into the construction of the Panama Canal project we did not know what it was going to cost; it was a national necessity; we did it and we have never had cause to regret that we did it. Whatever adequate flood control shall cost the safety, peace, and prosperity of the Nation demands it. It is a national necessity, and like the Panama Canal we must meet the emergency and do it. But here again I call your attention to the fact that so far as the tributaries are concerned, we are only asking for $5,000,000, and that the Nation is not placed under any further obligations. I call your attention to the fact that when $25,000,000 was asked to purchase the Mall property and beautify Washington we of the tributaries voted for it, and our people will contribute their part of the taxes. When the people of Washington suggested four and one-half million dollars to build a roadway to Washington's Tomb, we of the tributaries supported it and our people pay their part of the taxes. When the Government asked for millions upon millions of dollars with which to build buildings in Washington, we of the tributaries supported it and our people are contributing their part of the taxes; and then when we ask for a paltry appropriation of $5,000,000 with which to provide plans for preserving the peace, prosperity, and happiness of the people on these tributaries in the matter of flood control, it is somewhat disgusting to us that the newspapers and others who have not analyzed and considered this matter so far as the tributaries are concerned cry out "Pork barrel!"

Now, Mr. Chairman, it is true that another section of this bill provides for a study of their reservoir system of controlling floods; but it carries with it a mighty little expenditure of money unless the Government shall decide that this plan is feasible. Let us see for a minute about reservoirs, both from a national and tributary standpoint.

The Army engineers tell us they would have little, if any, effect upon the Mississippi.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. SANDLIN. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. HOWARD of Oklahoma. It would be presumptuous for me to enter into an argument with these engineers; but other engineers, probably just as capable, say that reservoirs will have a decided effect upon the floods of the Mississippi.

I pointed out to you a while ago that the losses on the Arkansas in Oklahoma and Arkansas last year were $36,000,000. Where did the floods come from that caused this loss? Records show that they came down the tributaries to the Arkansas from the States of Kansas, Mississippi, Oklahoma, and then into the Mississippi.

Estimates which have been furnished to the Committee on Flood Control show that the building of three reservoirs in the country where this flood arose—mind you, statistics show that 25 per cent of the flood waters at Arkansas City, Ark., where the Arkansas empties into the Mississippi, came out of that river, and we have offered evidence before the Committee on Flood Control that three reservoirs in the country where this flood arose on the Arkansas could be built at a cost of $21,000,000, and would have prohibited this $36,000,000 loss in the States of Arkansas and Oklahoma.

Had these reservoirs been there they would have been of permanent and lasting benefit as well as have prohibited the loss referred to.

But what of the effect on the lower Mississippi? Engineers tell me that they will have a great effect. For your benefit I submit a statement from one who has given study to flood control:

> The 1927 flood in the Arkansas River constituted about twelve-twentieths of the measured flood flow of the Mississippi below the confluence. In any event, it was half of it. The western edge of the storm area was just west of Wichita. In the storm area, on the upper Arkansas, there was projected by the Oklahoma commission and the interstate commission, reservoir capacity of about three and one-third million acre-feet of water, at a cost of slightly over $21,000,000.
>
> The peak flow at Fort Smith for a few hours was 714,000 cubic feet of water per second. The bank capacity of the Arkansas is given as 370,000 cubic feet of water per second. The difference of 344,000 cubic feet of water per second is the overflow at peak. The reservoir capacity above given would have skimmed off the top 400,000 cubic feet of water per second for about four and one-half days, or the top 300,000 cubic feet of water per second, bringing it down to harmlessness for about six days. Of course, the peak only lasted a few hours, so it may be reasonably figured that it would have kept the flood flow of the river down to bank limits at all times, and there would have been no destruction in the Arkansas Valley, and the injury below would have been greatly diminished.

Not only this, but if you will read the report of the Army engineers you will discover that General Jadwin said in his report:

> Many reservoirs on the tributaries, which would be of little help to the Mississippi, will be of great value in the control of floods on the tributaries as well as for other uses.

This being true, I ask you why not build them and give the tributaries the protection General Jadwin suggests these reservoirs will offer? And, not only that, if we find they will be of benefit to the tributaries, then we know they will be of benefit on the lower Mississippi. Why should we, when there is little, if any, expense attached, refuse to give this plan consideration? In this consideration it is not altogether improbable that we might find a better and a cheaper way to control the Mississippi.

In conclusion let me say, Mr. Chairman, that everyone admits that flood control on the Mississippi is a national problem. If on the Mississippi, why not on the tributaries?

How can any Member justify a vote protecting the people of the lower Mississippi and neglecting the same kind of sufferers on the tributaries? Is this to be a divided and sectional nation on this great question?

Is there a Member of Congress living on a tributary or in a State through which these tributaries flow who is going to cast his vote on this measure to give relief to other people and neglect his own people?

If you live in a State where one of these tributaries flows, whether it touches your district or not, it does injury to every citizen of that State, for as these floods rage, as land values decrease, business in your State, whether the tributaries touch you or not, is injured, land values reduced, and taxation on every citizen of the State raised to just that extent. Consequently, every man and women in the Congress from a State that one of these tributaries touches is just as much under obligation to see to it that the Government treats the tributaries fairly as though he lived directly on that river.

Mr. EVANS of California. Will the gentleman yield?

Mr. HOWARD of Oklahoma. I yield.

Mr. EVANS of California. Where would the gentleman draw the line of demarcation between Government control and local control? The gentleman says the tributaries are entitled to the same consideration as the Mississippi, but there must be a line of demarcation somewhere, otherwise we would put all the control in the hands of the Government.

Mr. HOWARD of Oklahoma. The control of all these rivers is under the Government. That is what this survey will bring out, if you will only give it to us.

Mr. EVANS of California. Where is the line of demarcation?

Mr. HOWARD of Oklahoma. That is what this survey will bring out. That is one reason we are asking that you make this study and help us to formulate plans.

We are only asking for the small sum of $5,000,000, or so much thereof as is necessary, with which to do this work, which, as a matter of fact, affects every one of you. I can not believe that we of the 31 States of the Mississippi Valley are going to be sent home from this Congress and told by this Congress and by this administration that you have no interest whatever in our problems. Adverse action as to the tributaries would mean just that and that alone.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. HOWARD of Oklahoma. I yield to the gentleman.

Mr. WILLIAM E. HULL. I believe the gentleman ought to change his statement, because the $5,000,000 we are asking is for surveys.

Mr. HOWARD of Oklahoma. Yes.

Mr. WILLIAM E. HULL. And the gentleman stated that is all we ask.

Mr. HOWARD of Oklahoma. I say that is all we are asking in this bill.

Mr. WILLIAM E. HULL. I do not want the gentleman to leave the impression that is all we are going to ask, because the tributaries are as important as the main line, and we have got to have them taken care of at some future time.

Mr. HOWARD of Oklahoma. I stated at the beginning of my talk, I will say to the gentleman from Illinois, that all we are asking now is this survey, and then the part that the State and the Government are to play will be a matter for later consideration.

Mr. RAGON. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. RAGON. There is another item in the bill that pertains to the tributaries which I do not think the gentleman would want taken out, and that is an appropriation of $5,000,000 for emergency work on the tributaries. This item is in a separate section of the bill and it is one I do not think the gentleman would want taken out of the bill.

Mr. HOWARD of Oklahoma. Of course, I have been discussing flood control on the tributaries. [Applause.]

[Mr. HOWARD of Oklahoma asked and was given permission to revise and extend his remarks in the RECORD.]

Mr. SANDLIN. Mr. Chairman, I yield 20 minutes to the gentleman from Kentucky [Mr. KINCHELOE].

Mr. KINCHELOE. Mr. Chairman and gentlemen, a few days ago my good friend from Michigan [Mr. KETCHAM] undertook by some index numbers and some hypothesis and a great deal of optimism to show that the agricultural interests of this country are greatly improved under the tariff on agricultural products.

A little later the gentleman from Texas [Mr. WURZBACH] made an extended speech on the floor of the House, advocating not only a tariff upon agricultural products of this Nation, but what a wonderful benefit it had been to the American farmer.

Of course, the gentleman from Texas did not make that speech for the purpose of giving information to the House or the country or home consumption. He made it solely for the purpose of its being circulated in the district of the gentleman from Texas [Mr. GARNER] in order to embarrass him in his fight at the coming election.

I do not hold any brief for Mr. GARNER; he does not need any. He is able to take care of himself. But I want to say, in passing, that there has not been a man on the floor of this House since I have been a Member of it that has rendered more able service and patriotic service to his country than JOHN GARNER, of Texas. [Applause.]

I saw him take the lead a year or so ago, when the Mellon tax plan was up, the sole purpose of which was to relieve the immensely rich of the country, giving no relief to the little fellow, the poor fellow—I saw Mr. GARNER wage such a brilliant fight that he not only whipped the Secretary of the Treasury, but by his superior ability and leadership in that fight he made it so effective that the majority of the Ways and Means Committee did not vote out the Mellon tax plan. [Applause.]

I imagine that when JOHN GARNER'S constituents read the speech made for the purpose of embarrassing him the constituency that knows him, that believes in him, and that delights to honor him, will make his majority in that election a good deal bigger than the majority the gentleman from Texas [Mr. WURZBACH] will receive in his district when it comes. [Applause.]

Why did he try to beat John GARNER? Because Mr. GARNER had the temerity to stand here and make a fight to prevent the repeal of the inheritance tax, thereby compelling the immensely rich in this country to bear their proportion of the taxes, so that the children of these rich people whom the Government has protected while they were making their fortunes pay a small per cent of it to this Government. And yet, because JOHN GARNER proposed to keep on the statute books of our Government a law where they shall contribute a proportion of that to defray the expenses of the Federal Government, when they are allowed $100,000 exemption before they pay a cent—because JOHN GARNER has waged successfully the fight, this lobby in Washington, through the instrumentality of the gentleman from Texas [Mr. WURZBACH] had him make that speech for the purpose of going into JOHN GARNER'S district.

I want to show you something about the tariff on agricultural products. Of course, anybody that knows any economics at all knows that you can not make a tariff effective on any product where a surplus is raised. We produce a surplus of agricultural products in this country to such an extent that the surplus controls and makes the world price.

You gentlemen on the Republican side of the House admit that it is not effective because you are trying to pass the McNary-Haugen bill, or a debenture plan, in order to make the tariff law effective.

I maintain that the tariff on wheat is a miller's tariff. I maintain it is put in the McNary-Haugen bill for the protection of the miller and not the farmer. I will show you in a minute.

Why, for the last year, notwithstanding the tariff of 42 cents a bushel, wheat sold higher in Winnipeg than in Minnesota over half the time.

Under section 313 of the Fordney-McCumber bill there is the drawback provision. Under that it provides that the big millers, who mill what is called in bond, who import their wheat from Canada, the hard wheat for the purpose of blending, in order to get the benefit of the drawback they have to mix at least 30 per cent or more of American wheat with the Canadian wheat and grind it into flour and its by-products and export the flour and its by-products. I want to give you some statistics, because I got these from the Tariff Commission. The tariff on wheat for 1922 and 1923, under the original Fordney-McCumber Act, was 30 cents a bushel. In 1924, under the flexible provisions of that tariff act, the President increased the tariff on wheat to 42 cents a bushel. That has been in effect since 1924 to 1927, inclusive. I want to show you how much benefit the millers get under this drawback provision.

If they import a hundred thousand bushels of Canadian wheat to-day, when it comes to the port of entry, they pay the 42 cents a bushel tariff; but when they turn around and mix with that hundred thousand bushels of Canadian wheat as much as 30,000 bushels of American wheat and grind it into flour, and its by-products, and export it, then as soon as that operation is over, under this provision of the bill, they go right back to the customhouse and draw down 99 cents on every dollar they paid in tariff in order to get Canadian wheat in here. The littler millers who import the Canadian wheat and use it domestically do not get that benefit. They pay their straight 42 cents a bushel. I am inserting here statistics prepared by the Tariff Commission showing the number of bushels of wheat from 1922 to 1927, inclusive, imported by the small millers upon which duty was paid and the amount of duty paid each year. In the next column it is shown the amount of wheat imported each year by the big millers for milling in bond, and also shows the amount of tariff each year that the big millers drew out of the Treasury as a drawback, which I am sure will be not only interesting but somewhat a revelation to the wheat growers of the United States, and I hope will be impressive on some of the would-be farm leaders of the House who supported the Fordney-McCumber tariff bill with this drawback provision in it. This statement is as follows:

Imports of wheat into the United States
(Act of 1922)

Calendar year	Duty-paid wheat		Imported free in bond for milling and export as flour	
	Quantity	Duties paid	Quantity	99 per cent of estimated duties
	Bushels		*Bushels*	
1922 [1]	3,165,025	$949,508	3,998,888	$1,187,669
1923	8,929,749	2,678,925	9,988,592	2,966,612
1924 [2]	6,894,625	2,149,887	9,479,819	3,578,335
1925	1,308,399	549,528	10,439,714	4,340,833
1926	451,029	189,432	15,429,102	6,415,421
1927	21,299	8,946	11,152,699	4,637,293

[1] Act of 1922, Sept. 22–Dec. 31, 1922, dutiable at 30 cents per bushel.
[2] By presidential proclamation, dutiable at 42 cents per bushel, effective Apr. 6, 1924.
Source: Foreign Commerce and Navigation of the United States.

Let us see how it has been working during the last seven years. The little miller and the other fellows who imported Canadian wheat for domestic purposes imported in those seven years 20,770,127 bushels of wheat, upon which they paid 30 cents a bushel for two years—1922 and 1923—and 42 cents a bushel for 1924, 1925, 1926, and 1927, and by reason of that law these little fellows paid tariff into the Federal Treasury a total of $6,526,226, and they did not get any drawback.

Mr. SUMMERS of Washington. But if they had shipped it out, they could have gotten the money.

Mr. KINCHELOE. Oh, yes; but they did not ship it out. They are not so fortunate.

Mr. SUMMERS of Washington. But they are in exactly the same situation in that respect as the big miller.

Mr. KINCHELOE. The gentleman voted for that, and, as I understand, he is for that provision?

Mr. SUMMERS of Washington. I want to get this clearly in the RECORD, that the little man and the big man are treated exactly the same.

Mr. KINCHELOE. The gentleman indorses that provision, does he?

Mr. SUMMERS of Washington. I have given my answer that they are treated the same.

Mr. KINCHELOE. Well, I would not flinch; I would say yes or no. The gentleman did vote for it, did he not?

Mr. SUMMERS of Washington. The record will reveal.

Mr. KINCHELOE. Then I now reveal the RECORD, and I say that the gentleman did. Let us see how the big miller was treated under the drawback provision. Understand it was

claimed that this tariff on wheat was put there for the benefit and protection of the American wheat farmer, and not the big miller. On those 20,000,000 bushels of wheat the little fellow paid a tariff of over $6,000,000. Yet in those same seven years the big millers who imported Canadian wheat for purposes of later export, imported 60,488,814 bushels of wheat. If they had paid the 42 cents tariff like the little fellows paid, they would have paid into the Treasury of the United States $23,706,794.28; but did they? No; they took advantage of this drawback provision, and instead of paying $23,000,000 and odd into the Treasury, they drew back 99 cents on every dollar that they paid in the first place, and actually put into the Treasury only $237,267.94.

Mr. CHINDBLOM. What would the gentleman do? Move the mills to Canada? Is that what he wants to do?

Mr. KINCHELOE. No. I will tell the gentleman what I would do. If these big millers did not have this blessed privilege of the drawback which your party put in there for the benefit of the big miller, they would not have gone to Canada to get these 60,000,000 and odd bushels of hard wheat and paid the 42-cent duty on it. They would have gotten it from the farmers of the Northwest in the United States who raise that kind of wheat. North Dakota produced an annual average during the last five years, 105,000,000 bushels of hard wheat a year. That is just as good wheat as the Canadian wheat.

Montana produces about 70,000,000 bushels a year of hard wheat, which is just as good as the Canadian wheat. Western Minnesota produces 25,000,000 bushels of hard wheat every year. So we have a tariff bill to "protect" the American wheat farmer, but it has this drawback provision in it for the benefit of the large miller. If that drawback provision had never been in the law, there would have been over 60,000,000 bushels of wheat in the last seven years taken out of the bins of the American farmer who grows hard wheat, instead of out of the bins of the Canadian farmer, and you would have had that much less surplus of wheat to dump on the world's market.

Mr. SUMMERS of Washington. What becomes of all of those millions of bushels of hard wheat produced in this country? Are they not all consumed in this country?

Mr. KINCHELOE. Certainly not. We produce in this country over 800,000,000 bushels of wheat a year.

Mr. SUMMERS of Washington. What becomes of the hard wheat?

Mr. KINCHELOE. We export a large part of it. We produce 800,000,000 bushels of wheat a year, and we consume about 600,000,000 bushels of wheat. We sow about 50,000,000 bushels of wheat. Therefore, you have an average surplus that goes into the world market of 150,000,000 bushels of wheat every year.

Mr. SUMMERS of Washington. But it is not hard wheat.

Mr. KINCHELOE. Absolutely; hard wheat in the same proportion as soft wheat. Here is your millers' tariff, here is the tariff that you put on the statute books and that you are now acknowledging is not effective, because you want the McNary-Haugen bill or the debenture plan in order to make the tariff effective on this proposition. Therefore, it is a millers' proposition. Talk about protecting the surplus and the American farmer! Those big fellows imported 60,000,000 bushels of wheat into this country upon which they paid only 1 cent a bushel, while the little fellow paid over $6,000,000 duty on 20,000,000 bushels of wheat.

When you say it is for the benefit of the American farmer I want to refer you to these figures, and I hope the gentleman from Texas [Mr. WURZBACH] will send it to the wheat growers of Texas and let them say what a wonderful benefit this tariff is to the American wheat grower; and if he did that he would have a harder time in explaining the speech he made the other day than he had a year ago when he undertook to explain and defend himself against the onslaught of JOHN GARNER. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SANDLIN. Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman from Louisiana has used one hour and five minutes.

Mr. SANDLIN. Mr. Chairman, I yield 30 minutes to the gentleman from South Carolina [Mr. HARE].

The CHAIRMAN. The gentleman from South Carolina is recognized for 30 minutes.

Mr. HARE. Mr. Chairman, it is not my purpose to enter into a lengthy or detailed discussion as to the necessity for legislation looking to the relief of agriculture, but will ask you to agree with me in the statement that the industry as a whole is in rather a deplorable condition and that there is almost a universal demand for legislation that will assist in restoring and maintaining a successful agriculture.

However, in order to first determine whether the legislation I am proposing (H. R. 10562) will meet the requirements and satisfy the demand I think it proper to make a hurried review of the situation, give my interpretation of facts, and submit a legislative program as a solution of the problem. That is, we will endeavor to locate the trouble with agriculture, determine the cause or causes thereof, and then suggest a remedy.

Such a procedure is in harmony with the practice of the physician who listens to the complaint of his patient, locates the trouble, determines the cause, and recommends treatment for the removal thereof.

The outstanding complaint coming to Congress from the agricultural interests is that the margin between the costs of production and prices obtained for farm products is too narrow and the net income is so small that farmers are unable to develop or maintain a standard of living in keeping with that enjoyed by persons engaged in other occupations or industries. As a matter of fact, it is alleged and proven that the margin in most cases is entirely wiped out and the returns on capital invested and labor expended have been so small that hundreds and thousands of farmers have been compelled to surrender their homes and go into bankruptcy.

Another complaint is to the effect that the spread between the price received by the producer and that paid by the consumer is too wide and that the present methods of distribution operate as an unwarranted burden upon both the producer and the consumer. Coupled with these complaints is the demand that the margin should be increased in the first place and decreased in the second. Some contend that the only way to widen the margin in the first instance is to increase the price, while others say that it can be done only by decreasing the cost of production. My position is that we can do both, and the plan I propose to submit for your consideration contemplates both a decrease in the cost of production as well as an increase in the price to the producer. It further contemplates a reduction in the cost of distribution which will lessen the spread between the price received by the producer and that paid by the consumer which, in effect, should increase the price received by the former and decrease the price paid by the latter.

I call attention to this feature of the proposed plan at the outset, because some of the plans submitted to Congress so far are calling for legislation designed primarily to increase prices only; and in this connection I wish to make it clear that I am not referring to this difference in a spirit of criticism, because I firmly believe that prices for farm crops generally are too low. However, it should be remembered that prices are high or low, according as they appear above or below the cost of production. For instance, 15 or 20 years ago the wheat farmer of the West could have grown rich with wheat selling for $1.25 per bushel, and the cotton farmer of the South could have done the same thing with cotton selling at 15 cents per pound, but with such prices to-day, with increased cost of production, these farmers can hardly make a living. At that time such prices would have been considered high, but now they are said to be low, even below the cost of production.

While this is a most important phase of the problem, we should not lose sight of that feature charged with the responsibility of decreasing the margin or spread between the price received by the producer and that paid by the consumer, for it has been estimated that the cost of farm products to the consumer, over and above that received by the producer, exceeds the amount received by the farmer in the first place. For instance, it was stated at the hearings before the Committee on Agriculture that for the 17 standard food products consumers pay $22,500,000,000, of which the farmers received only $7,500,000,000. In other words only about one-third of the price paid by the consumer is received by the producer. It appears therefore from the complaints made and the evidence submitted that the real trouble with agriculture is that the margin between the cost of production and the price received by the farmer for his crop is too narrow, and that the margin between the price he receives and the price paid by the consumer is too wide.

If it is agreed that this is the trouble, we proceed next to look for the cause. It is held by many that the price received by the farmer in the first place is too low because the quantity he has for sale at any one time is out of proportion to the demand, or that there is a surplus over and above that actually needed by the consuming public, and this surplus depresses the price unnecessarily low. Then it is said that the spread between the price the farmer receives and that which the consumer pays is too wide because the selling agencies, the system of marketing, the transportation costs, and other costs of distribution are excessive and too expensive.

Now, if the narrow margin between the cost of production and the price received by the farmer for his crop is caused by a

surplus, some plan should be devised for removing that cause, and if the wide margin between the price received by the farmer and that paid by the producer is caused by a vicious system of marketing and distribution, some plan should be devised to remove this cause and substitute therefor a system that will be most economic in its operations. But whatever is done should be in keeping with the constitutional requirements and well-established principles of our Government. If I were so inclined, I might take up the bill that has been reported by the Agricultural Committee and think I could show where it will not meet the acid test of these requirements, but it is not my purpose to criticize any other plan for farm relief, but to suggest what I consider a superior one both from the standpoint of economy and successful operation.

However, before going into the details of the plan I have to offer let me suggest that the solution of the agricultural problem from a legislative standpoint will be arrived at very much in the same manner and upon the same principles that the individual farmer successfully solves the problems of his individual farm; that is, a successful legislative program will be reached, or the problem from a governmental standpoint will be solved, very much in the same manner and upon the same principles followed by successful enterprises in the solution of their problems. To illustrate, there are a number of farmers as well as other business men who are Members of Congress. Suppose you are a successful farmer and you are thinking about enlarging your farming operations, or if you are thinking about adding a new type of farming to your existing operations, the first thing you will do is to make careful observations and records of your various existing farming operations to see how these operations and the proposed new one will dovetail into each other; to see whether the proposed operation will be a liability or an asset to the others; to see whether or not the cost of one operation will assist in defraying the expense of the other; to see whether the capital invested in one can in any way be used to supplement the investment required in the other; to see whether the labor or machinery used in your existing operations would be suitable for the proposed one, so that you would be able to secure maximum production at the minimum cost.

I am sure you will agree with me in the statement that enlarged activities of any successful business enterprise are generally arranged so that their operations will be coordinated and dovetail into each other, so that maximum net production of the whole with the minimum cost may be obtained. I pause here long enough to inquire, Why should not the same principles apply in a legislative program? Therefore, in proposing legislation for the relief of agriculture I submit that we should first cast about or look around and see whether there are any existing governmental agencies that may be utilized for accomplishing the purposes contemplated before we attempt to create new, independent, and untried agencies to accomplish the same end. Common sense, business sense, horse sense, sound political sense, yea, dollars and cents, all demand such an inquiry.

I think we are generally agreed on two things in connection with the farm-relief problem; one is the handling of surplus crops, or that of surplus control, and the other is economic marketing, generally recognized as cooperative marketing. However, I take the position that stabilized production is just as important as either or both of the other factors combined, for when we stabilize production, surplus control follows as a natural consequence, and without some regulation or control of production the surplus-control idea will become nothing more than sounding brass or a tinkling cymbal. But I will speak of this in more detail later on and direct my remarks now to the practical operations of the bill, although it will be impossible within the time allowed to go into all the details.

In the first place we have the board quite similar to that provided for in most of the other farm-relief plans. It determines when there is a surplus of a crop and whether under the provisions of the bill the commodity cooperative association is entitled to advances, as provided therein, the conditions being that the producers have conformed to the spirit of the law with reference to acreage, that there is a surplus which has depressed or threatens to depress the price below the cost of production, and that there is a duly organized commodity cooperative association of producers to handle such surplus.

The board then arranges with the existing financial agencies of the Government, coupled with the use of the revolving fund provided for in the bill, to advance the producers, through their association, the market value of the crop to be removed from the market and stored. The crop is held until the emergency has passed and the price has reached such a point that the crop can be sold without loss to anyone; and in case there is a profit after insurance, storage, and other costs have been paid, it shall be distributed among the members of the association or according to the regulations of the association. Farmers will clamor to join the cooperatives after one successful season.

Of course, in these operations the board will have not only the assistance of the financing agencies of the Government, but will have the cooperation of the Federal warehouse system, the cooperative marketing system, the Bureau of Foreign and Domestic Commerce, the Interstate Commerce Commission, the Bureau of Agricultural Economics, the Extension Service, and other governmental agencies. In other words, there will be a coordination of the efforts of these various agencies, and in addition to the authority they now have they will be clothed and charged with a more definite responsibility in the discharge of the work assigned to them.

You all understand that surplus crops can not be handled efficiently and effectively without proper and sufficient finance, adequate storage facilities, and scientific marketing; and that the maximum success can not be obtained without the coordination of these agencies, coupled with the least possible administrative cost. In this connection I wish to illustrate the operations of the bill I am submitting by the chart and the classifications on the next page.

SURPLUS CONTROL

It will be observed from the illustration that the intermediate credit bank, the Federal reserve banks, and the revolving fund provided for in this bill furnish ample financial arrangements for handling the surplus of any crop with a minimum cost.

The storage of such crop or crops is provided for under the Federal warehouse act, or any approved State warehouse systems, and can be done with the least possible cost.

Proper and most efficient marketing should be obtained under the directions or suggestions of the cooperative marketing division of the United States Department of Agriculture.

It appears to me that the Government has already provided ample basic facilities for handling or financing the surplus of any and all nonperishable farm crops; the only thing remaining to be done is to coordinate the work of these agencies, clothe them with a responsibility, and use the proposed farm surplus board as a connecting link between them and the organized producers. This will eliminate hundreds, thousands, and millions of dollars in the way of administrative expenses, and will have the effect of economizing on the Coolidge policy of economy.

ECONOMIC MARKETING—WHERE, WHEN, AND HOW

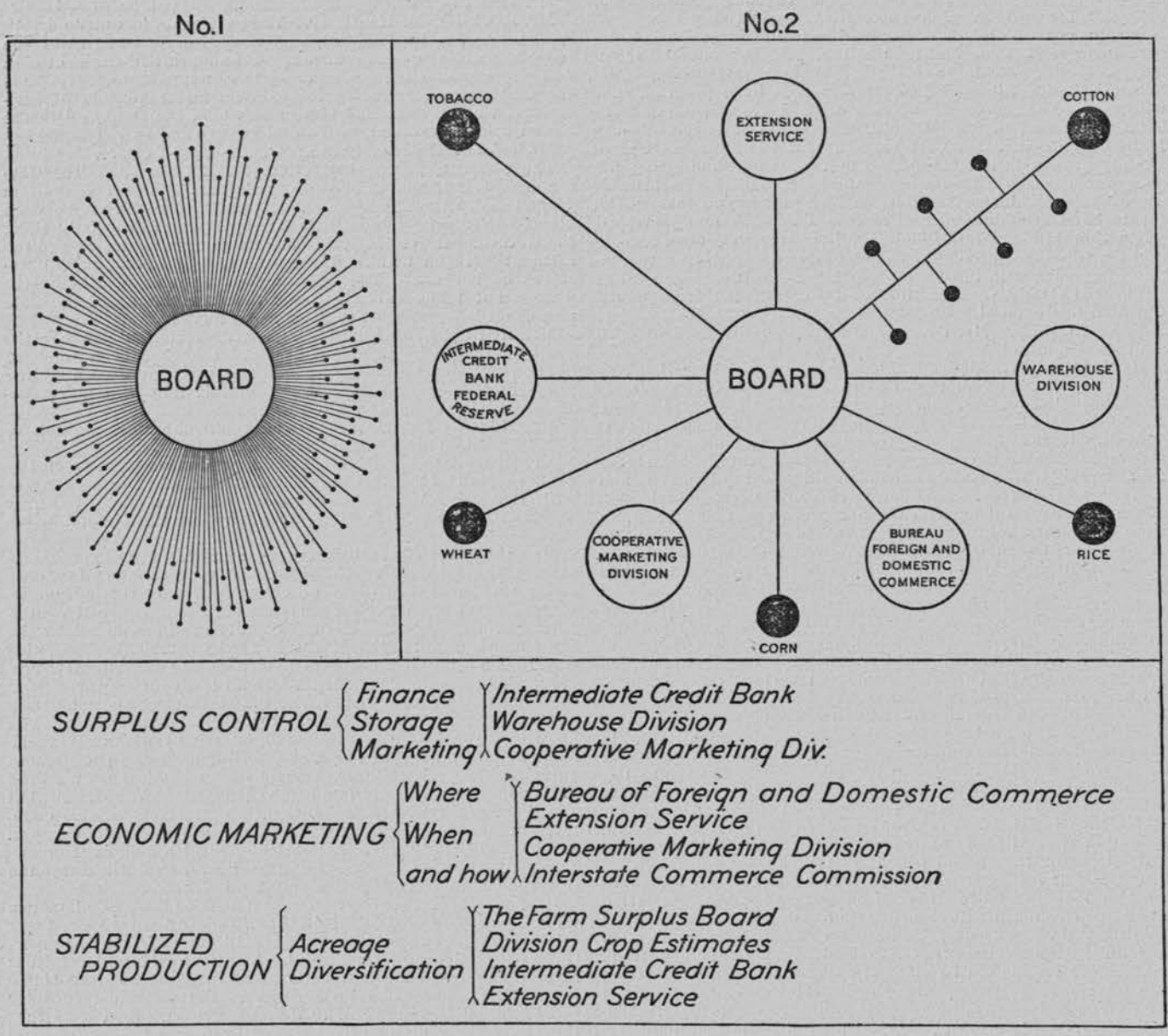
In order to market crops to best advantage from every standpoint it is important to know where the demand is greatest and market facilities are best. It is important also to know the time as well as the place crops can be sold to the best advantage, and then no little attention should be given as to the manner in which crops are placed on the market, because it is often the appearance and stability of the pack that brings the maximum returns to the producers. The cost of getting the product to market is another factor deserving most careful consideration, for after all it is not always the price the farmer receives, nor the market at which the crops are sold, the time they are sold, or the manner in which they are placed on the market that determines his net returns, but quite often it is the cost of transporting his products to market that accounts for his increased and ever-growing losses. The illustration shows how the operations of this bill enable the producer to know where, when, and how to market his crops to the best advantage.

The Bureau of Foreign and Domestic Commerce was created a few years ago by an act of Congress and given authority to promote and develop foreign and domestic markets and promote American trade therein. If this governmental agency is properly functioning, it will stand as an economic barometer, registering at all times the demand and location of markets for American crops and products. In other words this bureau should be able to say at any time where, if any, a market may be found for any farm product.

The cooperative marketing division of the Department of Agriculture was created by an act of Congress two years ago and directed to—

> render service to associations of producers of agricultural products, and federations and subsidiaries thereof, engaged in the cooperative marketing of agricultural products, including processing, warehousing, manufacturing, storage, the cooperative purchasing of farm supplies, credit, financing, insurance, and other cooperative activities.

This same act provides that this division shall study the operation, financial and merchandising problems of cooperative associations; make surveys of the accounts and business practices of representative cooperative associations; confer and advise with committees or groups of producers as to the best and most useful methods and practices in marketing farm crops or the products thereof. It appears to me that the only additional legislation needed along this line is that which will put this



division to work in a practical and definite way and coordinate its activities with other governmental agencies and with the board provided for in this bill. In other words the Government has already provided an agency for working out a system of efficient and economic marketing, and to enact further legislation for this purpose would simply be a useless, extravagant, and unwarranted expenditure of the people's money. This branch of the Government is well equipped and should be in a position to render most efficient service as to the manner, time, and method of marketing farm crops. It already has the authority to do so and should now be charged or clothed with the responsibility. The idea is to promote voluntary cooperation of producers and not enforced subordination to the will of any board or set of men.

In addition to the services to be rendered by the cooperative marketing division as to when and how farm crops should be economically marketed, the board would be in a position to cooperate with the Interstate Commerce Commission in determining and arriving at fair, reasonable, and just freight rates on agricultural products, and there is no doubt but what this is one of the very vital factors entering into economic marketing. This phase of the farm-relief problem is not even contemplated in any of the other bills introduced looking to the relief of agriculture, and I am satisfied that every Member here who knows anything about agriculture realizes that the relief from excessive and unfair freight rates on farm crops is as vital and essential as any other phase of the problem before us, and no legislation for farm relief will be complete that does not take this phase of the problem into consideration.

The board will have the right, the authority, and will be charged with the duty to see whether freight rates are excessive or discriminatory. For instance, if the board should find that a freight charge of $160 on a carload of watermelons from Allendale, S. C., to New York is excessive and should not be more than $100, it would file a formal complaint and submit evidence with the Interstate Commerce Commission requesting that a fair, just, and reasonable rate be fixed. The same consideration would be shown to other crops and other sections.

STABILIZED PRODUCTION—ACREAGE DIVERSIFICATION

I have outlined in a general way the operations of the proposed bill as it relates to surplus control and economic marketing of farm crops. I have endeavored to show how these two factors in agricultural relief should be coordinated in their activities. But there is an additional factor to be considered in solving the agricultural problem, and I am not certain but what it is the most important factor yet suggested; that is the stabilization of production. It seems from the hearings before the Committe on Agriculture that a good many people have an idea that the farm-relief problem consists only in providing some arrangement whereby the surplus of any crop may be removed from the market on "fat" years and fed back into the market on "lean" years, or "dumped" on the world

market for whatever price it may bring. On the contrary, I take the position this is only a part of the problem; the other, and possibly the major part, being to devise some plan, scheme, or policy for stabilizing or controlling production.

Surplus control alone will not, within itself, bring definite and permanent relief to agriculture; neither will economic and scientific marketing within itself bring the desired relief, but the two must be coordinated and supplemented by a program that will regulate or control the acreage of those crops wherein there is an occasional surplus. Of course, whenever a surplus occurs I am heartily in favor of taking care of that, just as I have already proposed; but one of the best ways to handle the surplus over a period of years is to stabilize production as near as possible. It is almost axiomatic to say that if you remove the surplus and stimulate prices, increased acreage and increased production will certainly follow, and any surplus-control legislation that does not provide in some way for the control or regulation of acreage will, in the end, prove to be of little or no value.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. SANDLIN. Mr. Chairman, I yield to the gentleman 10 additional minutes.

Mr. HARE. Mr. Chairman, some have argued here that production is not always determined by acreage. That is absolutely true; but I know, you know, God knows, and everybody else knows, especially if they know anything about farming, that while production in any one year is not determined solely by acreage, increased acreage over a period of years, other things being equal, will certainly mean an increased production and an increased surplus. In other words, in order to obtain permanently successful agriculture, and we are not looking for a mere temporary solution, there must be such a diversification of crops, or a regulation of acreage, that total production will in a measure coincide with actual and legitimate demand. And when we speak of agriculture in this connection we refer to the industry as a whole and not to any particular type of farming, for no type of agriculture can be permanently successful while other types suffer or fail. Sooner or later there will be a leveling. The real problem, therefore, is to arrange a policy or program that will enable the various types of agriculture to adjust production or supply to meet natural requirements. This bill attempts to regulate acreage by withholding the benefits provided for therein for any particular crop in case the acreage shows an increase in acreage of that crop over the average for the five years previous. Some have said this is unlawful, or it can not be done, and yet the only argument submitted by these same people to justify the legislation for agriculture is that Congress has enacted laws for the special benefit of the railroads or transportation; that it has enacted legislation for the special benefit of industry or the manufacturer; and it has enacted special legislation for the benefit of labor and others, and for this reason they say special legislation should be enacted for the benefit of agriculture.

I think their reasoning is quite logical, and the suggestion is both pertinent, reasonable, and highly germane. I think that legislation should be enacted for the relief of agriculture and gave my reasons at the outset. However, the proposed legislation is intended to have the same effect as the legislation referred to in connection with transportation, industry, and labor, especially that part of the legislation looking to the regulation of acreage and stabilization of production, for it is almost wholly upon this principle that the Government has aided transportation. It limits the facilities for transportation, which is nothing more nor less than limiting supply or regulating production. You would not think of building a railroad from here to Chicago or New Orleans without first securing permission from the Interstate Commerce Commission. Transportation facilities are therefore limited; the supply is determined and fixed by the Government. It has done the same thing for industry. It simply built what we sometimes call a tariff wall around the United States which, in effect, prohibits the importation of manufactured goods. It regulates and controls production by placing a limit on the supply. The Government does the same thing in very much the same way with reference to labor. It builds another wall around the United States and limits the supply and curtails production. It then limits production or further supply by fixing the hours which constitute a day's work. Nothing wrong in this, and I am not criticizing or finding fault, but I am only trying to show why the same principle should be followed in an effort to aid agriculture, for if Congress is going to enact a law for the benefit of agriculture I want to enact one that will do some good. Let us put into that law a provision that will have a tendency, at least, to regulate acreages and control production, and when we have done that successfully the problem is well on toward solution.

Mr. ROBSION of Kentucky. Would it divert the gentleman if he yielded at this point?

Mr. HARE. I will be glad to yield.

Mr. ROBSION of Kentucky. The gentleman has made a very splendid statement and I am very much interested in it. I can see where the Congress can regulate immigration, the railroads, and those engaged in railroad service, but where do we have the constitutional right to reach down and take hold of agriculture, which is not interstate and which is not named in the Constitution, like immigration and import and export duties.

Mr. HARE. I probably did not make myself clear.

The Government does not attempt to fix acreage. The Government does not attempt to say to a man, "So far shalt thou go and no further." It does not attempt to say what he shall plant, how much or how little he shall plant. The only thing the Government does is that it sets up an agency and says to the farmer: "If you will comply with the conditions you will receive the benefits." The banker does not compel me to sign a note, but I have always found that the signing of the note is a condition precedent to getting the money.

Mr. ROBSION of Kentucky. I am wondering whether the gentleman has the principle in mind that has been followed by Congress in the maternity act and other acts wherein the proposition is made to the States that if they will accept so-and-so the Government will do so-and-so?

Mr. HARE. Let me say to the gentleman that I did have that in mind, and we can go back to 1861——

Mr. ROBSION of Kentucky (interposing). So it finally resolves itself into this proposition: Will the farmers agree with the Government on a certain policy and agree to carry out certain things, not based upon any compulsion of law—is that it?

Mr. HARE. The gentleman is correct. I wish to state further that this idea with reference to economic marketing is for the purpose of developing cooperative marketing, voluntary cooperative marketing and not enforced cooperative marketing in any way. I might say further, in replying to the gentleman's inquiry, that I think it was in 1862 or 1861, this Government passed what was known as the Morrill Act, providing for the establishment of agricultural colleges throughout the country and calling upon the States to meet them halfway on this proposition. A little later Congress passed what is known as the Hatch Act establishing the agricultural experiment stations, wherein the States would meet the Government halfway. Later on Congress established what is known as the extension service, to my mind one of the greatest services that has ever been rendered the agricultural interests of this country, and purely on the basis that the States would come in and meet the Government halfway and furnish dollar for dollar. There are a number of other precedents established by the Government for this principle or for this policy.

It should be remembered that a law simply entitled "farm relief" will not within itself stabilize agriculture or bring certain and permanent success. It will succeed just in proportion as it is able to harmonize and coordinate the major factors in production and marketing farm crops in the most economic way. Every successful farmer knows that he must consider the adaptability of the soil to the crop grown. He knows that the character and quantity of fertilizers used must be considered in his farm organization. He knows, further, that the extent to which any of the factors entering into his farm organization will contribute to the success or failure of his farm will be determined by the economic wisdom exercised in their use and application. The same principle is going to apply in the success or failure of farm-relief legislation. It should be remembered that every dollar of profit saved in putting this machinery into operation will find its way into the pocket of the producer, and every dollar of added expense necessary to put it into operation must be taken from the pocket of the producer, and unless we are very careful the machinery may be too expensive for the benefits to be derived. To illustrate: There is much improved farm machinery that could be used on many farms, but we all know that the cost of such machinery can not be justified by the operations on every farm. Now, a number of bills have been introduced for the relief of agriculture and most of them contain much merit, but the expense incident to installation and operation is too much to expect profit. Therefore in the enactment of any law we must be careful lest we install a machine that will be a burden and a liability to the farmer instead of being an asset and a relief. The coordination of the various agencies already referred to and provided for in this bill attempts to reduce the cost of operation to the minimum.

I think it proper to say in this connection that under existing arrangements for warehousing cotton, for example, a separate and distinct agreement or contract is necessary for every ware-

house, there is a different insurance rate, and a different storage charge in practically every instance. Under the proposed plan there would be central warehouses with maximum capacities located where insurance and storage would be the minimum. None of the other bills looking to taking care of the surplus seems to take this or other questions of cost into consideration. I gather from information furnished by the warehouse division that the cost of storing cotton per bale last year ranged from about $3.25 to $7.25, or a difference of about $4 per bale, depending, of course, on the location of the warehouse and facilities for fighting or obviating fire. It appears that by centralizing the storage you could easily reduce the cost of insurance and storage to $2 or $3 per bale, and save as much as $4 per bale in these two items alone. I understand further that approximately 7,000,000 bales of cotton will be stored in Federal warehouses alone this year. This would mean $25,000,000 or $30,000,000 saved to the producers on these two items alone on this particular crop.

You may talk about taking the surplus off the market on "fat" years and placing it back on "lean" years and charging the cost of insurance, storage, grading, sampling, and so forth, to the farmer in the way of an equalization fee or tax, or whatever you may choose to call it, but if you do this without taking into special consideration these costs and charges the expenses will run away with you, and your plan or scheme is doomed to failure to begin with. Placing the cotton in central warehouse will save at least $2,000,000 annually in the item of sampling and grading alone, for under existing arrangements the cost incident to sampling, classing, and grading is an enormous expense which heretofore is borne by the producer.

I said at the outset that it was not my purpose to be particularly critical of any of the other bills, but I want to say just here that one of the bills provides for making loans to any cooperative association engaged in handling, purchasing, marketing, or controlling the surplus of any agricultural commodity in excess of requirements for orderly marketing, or it permits the board in its discretion to make loans to individuals, corporations, or agencies for the purposes named. The point I want to make is this: There are over 10,000 such associations in the United States, and would be entitled to loans under the provisions of that bill, and the board would have the right to make loans to 10,000 or more other agents or agencies and then charge the producer a fee, or levy a tax upon his product, sufficient to pay the additional costs and charges incident to making these loans. In other words, under that bill you may be compelling the farmers to foot the bill for employing 1,000, 5,000, or 10,000 unnecessary employees incident to making thousands of loans, whereas the bill I am submitting for your consideration, the number of loans should not exceed two dozen, for under my bill you would make a loan, for example, to only one cotton cooperative association for holding the surplus, or to one cooperative wheat association, because one association can take care of the surplus as easily as a hundred associations can, and you would be relieved of the cost and expenses incident to making loans to the other 99, or possibly 999, associations, and a penny saved is a penny made. One of the real purposes of legislation is to reduce the expenses or costs incident to agriculture. Furthermore, when you are making these hundreds or thousands of loans you are not only increasing the costs to farmers, but you increase the competition between cooperative associations and, in effect, discourage cooperation, just the opposite of what the bill says is its purpose, and just the opposite of what is contemplated in practically all of the proposed farm relief legislation.

As I have just stated, the board under the proposed law may elect to deal with only one association for each commodity, and the dealings will be only with an approved cooperative association, which means that the Government of the United States is placing its seal of approval upon the cooperative effort of producers. It is not only suggesting to them the economy involved in their joint and united effort but says that it is ready and willing to lend a helping hand to aid and assist in the effort, and this is what I call farm relief that is worth something. It means the control of the surplus crops at the least possible cost and not at the expense of hundreds and thousands of employees, to be paid from a tax or equalization fee to be collected from the producer or, if not paid, to become a lien on the crop produced by the sweat of his brow. The virtue of this provision is easily understood when I tell you that the entire surplus of the cotton crop can be handled through only one association instead of trying to handle it through a dozen or more, because the last report of the cooperative marketing division says that there are 121 cooperative cotton associations in the cotton-producing States.

Another feature of the bill already referred to in the cost or expense bearing heavily upon the income of the farmer is the unreasonable, unfair, and, in many cases, excessive freight rates.

The other feature of stabilized production should be discussed at greater length, but time will not permit.

Mr. SIROVICH. Will the gentleman explain what he means by stabilized production?

Mr. HARE. Stabilized production comes as a natural result of the provision in the bill which says to agriculture that if the acreage is increased over and above the average for the five years prior thereto, then the benefits provided for in this bill will not be available.

This will mean, if I were planting 500 acres of cotton, which I do not do, I would say to myself, The Government has established an agency, the Government has established an institution that will assist me in taking care of my surplus at a price, I imagine, not below the cost of production, provided I maintain my usual acreage, but if I increase my acreage and plant more than 500 acres, I can not expect it. On the other hand, if I plant 500 acres or less, I can expect it.

What will be my reasoning? I will say to myself, I will plant only 500 acres or less, and I will proceed then to devise plans and means for increasing my yield per acre, diversifying my operations, and minimizing my costs.

When you have done this, friends, you have made a long step toward a solution of the agricultural problems, and until we do get to the point where we can maintain a certain production by decreasing the cost and by diversification I do not see much hope for agriculture.

When it is generally understood that the provisions of this bill, if it should become a law, can not be applied in taking care of the surplus of any crop when it is shown that the acreage planted exceeds the average acreage for the five years previous thereto, there will be no disposition on the part of farmers to increase acreage, but they will naturally and logically devote more attention to increasing yields per acre by more intensive methods, by improving their soils, and by greater diversification. The effect will be that in the course of years we will have a stabilized production of all crops and, therefore, a stabilized agriculture. You will see from the above classification that the easiest and most logical way for promoting stabilized production is by a more or less uniform acreage and diversification, not only of crops but of agriculture. That is, farmers will know not to put all their eggs in one basket when it is learned that the benefit of this governmental agency we are proposing will not be available if there is a persistent effort to increase acreage and thereby increase production and add to the surplus. The cooperative marketing division will emphasize this feature of the bill to those who are members of the commodity cooperative association of producers, the Extension Service, through its county agents, will carry the message into every nook and corner of this country, and then the farm surplus board and intermediate-credit banks will verify it when opportunity affords. In other words, we are proposing to utilize existing governmental agencies to assist and to aid in bringing about a permanently successful agriculture.

Mr. W. T. FITZGERALD. Will the gentleman yield for a question?

Mr. HARE. Yes.

Mr. W. T. FITZGERALD. How would the gentleman carry on diversified farming over what we might call a rotation of three or four years? In some localities in my State, for instance, we have clover this year, we follow that with corn and then with wheat and then clover. Then they have so much ground laid apart for pasture, but in this rotation they put out so many acres each year regardless of prices and they feed up the corn they raise on the one-third regardless of the price of livestock or hogs, and I should think it would be very difficult to carry on this rotation under that method.

Mr. HARE. That would be a farm-management problem and not contemplated in the operations of this bill further than that the extension service cooperating and coordinating its efforts with the board would enable your farmers to regulate their acreage and diversify their crops in such a way that your production would be more or less uniform, and then in case of a surplus of any one of these particular crops by an unusually good year by reason of abnormally good conditions, such surplus would be taken care of by the surplus control board.

Mr. W. T. FITZGERALD. Will the gentleman yield again?

Mr. HARE. Yes.

Mr. W. T. FITZGERALD. I am very much interested in this, because I have put it into practice. I farm by proxy, but nevertheless I am very much interested in it now. The difficulty comes with respect to our rotation of crops, which we are almost compelled to do because our ground is not the newest or the richest.

Mr. HARE. I might say to the gentleman it is not the purpose of this bill to enter into the field of agronomy, horticulture, or farm management, but to take charge of the surplus on the occasional years when there is a surplus, develop a system of economic marketing by encouraging and assisting cooperative marketing, and then stabilize production.

Mr. MORGAN. Will the gentleman yield?

Mr. HARE. I yield.

Mr. MORGAN. It is claimed by the advocates of the McNary-Haugen bill that the prices will be automatically raised to the extent of the tariff rates on the product. Under your system, I assume from your statement that in the five-year period there will be no surplus, and in what manner will you maintain prices equivalent to the tariff?

Mr. HARE. I regret to say that I am not able to answer the gentleman in detail, because we know nothing about tariff benefits down in my country. [Laughter.]

However, if production is regulated so as to meet normal and natural demands, the system of marketing and surplus control I am advocating will take care of prices, and over a period of five years the surplus of one or more years should be consumed by the shortage of other years. If not, then any and every plan yet suggested for surplus control will be an absolute failure, including the one I am proposing.

Mr. MENGES. Will the gentleman yield?

Mr. HARE. I will.

Mr. MENGES. The gentleman is talking about cooperatives. I would like to know how he is going to organize and maintain this enormous cooperative that he is talking about?

Mr. HARE. Just as easily as any other cooperative. I take the position that every crop ought to have its cooperative association for handling the surplus, and then you can have as many others as you may want for handling the remainder of the crop. For instance, there is no reason why we should have 121 cotton cooperative associations in the South to take care of the crop when it can be done by 1.

Mr. MENGES. That does not answer the question. I asked the gentleman how he is going to get 121 cooperatives together on cotton?

Mr. HARE. If we establish this plan it is not contemplated that an effort will be made to get these 121 associations together, but I know that there is enough ingenuity, enough ability, and enough skill among the cotton farmers of the country to organize a cooperative association to take care of the surplus if the Government will do its part, and I am one who believes that this cooperative effort should come from the producers themselves, and the effort should be free and voluntary and without any coercion or compulsion whatever, because I am opposed to creating any kind of an agency that will compel farmers to join a cooperative marketing association or make them pay their share of the operating expenses in case they do not join.

I have already stated that when it comes to handling the surplus of any crop it should be handled by one association, because if the Government is to aid or assist in advancing the money one can handle as easily as a hundred and do it at much less expense. Furthermore, suppose you would be trying to handle the surplus of the cotton crop with 50 or more cooperative associations, all under different management and control, neither would know when or where the others were planning to sell, and as a consequence you would probably find a half dozen or more trying to sell on the same market at the same time, and would therefore be competing with each other just as individual farmers are doing now, but if one organization is handling the entire surplus it can be done with less than half the cost, and then it can be placed on the market and sold to much better advantage.

The chart on page 2 illustrates the point I am trying to make. You will observe the number of black-headed pen lines running into the circle designated as the "board." These represent agricultural cooperative associations, and under some of the farm relief bills submitted for consideration practically every one will be entitled to loans through the board, and the cooperative marketing division of the Department of Agriculture says in its last report that there are 10,803 such associations. Think of the enormous number of employees it will take to make loans to 10,000 associations, or 5,000, or even 1,000, because a loan should not be made until a representative of the board could visit the section where the association is located and see if conditions and circumstances would justify the loan. The expenses would be charged either to the local association and collected as an equalization fee, or the Government would be called upon to employ this army of men and the people would be called upon to increase their taxes and pay these salaries. Under this bill you would have only one association to deal with for each crop when it came to handling the surplus, and probably only one insurance company to deal with in warehousing the crop. In this way I am sure you could decrease the cost or overhead charges a thousandfold or more.

The larger part of this chart illustrates how the work of the various existing governmental agencies would be coordinated and how the board deals with the commodity cooperative association of any one particular crop.

The small circles on the line connecting "cotton" with the "board" represent central warehouses, illustrating how a dozen or so of large central warehouses could be used in storing cotton instead of the hundreds and thousands used under existing arrangements, thereby effecting a saving of $25,000,000 or $30,000,000 a year on this one crop alone.

Now, in conclusion, gentlemen, let me say that a great deal has been said about the importance of this great industry in the political and economic life of our Government. I do not know that I can add anything to what has heretofore been said along this line, or pay a greater tribute to the life and character of the farmer as reflected in the history of our Government and in the life and existence of our commercial and industrial activities than as has been pictured here from time to time, but I want to say this great industry we call agriculture is no doubt the greatest and most honorable occupation on earth and has had placed upon it from the beginning of time the great seal of God's approval, which could be assigned as another reason why its demands should not be overlooked by Congress. For we find that our first parents, Adam and Eve, were no doubt horticulturists, because, by divine direction, they were placed in the Garden of Eden and commanded to dress and keep it. Abraham, who walked and talked with God, by divine selection was rich in cattle and probably the greatest ranger that ever lived. Then Jacob of old was well versed in the practical science of stock raising, and his efforts in animal husbandry not only met the approval but received the benedictions of an All-Wise Providence. Pharaoh, the wicked king of Egypt, dreamed of seven good ears of corn on one stalk. The government at the suggestion and under the direction of Joseph, through the guiding hand of his Creator, took care of the surplus of the farmer during the fat years and gave it back to the markets of the world in the lean years that followed. Moses, the meekest of the meek and saved from a watery grave, led God's chosen people from bondage and then sang of the increase of the field, the butter of kine, the fat of lambs, the kernels of wheat, and the pure blood of grapes. Joshua, under Omnipotent direction caused the sun in its fleeting course to halt and stand still long enough for the armies of Israel to avenge the enemies of Gideon; and with the same guiding hand he was permitted to cross over the river with his never-ending army, settle in the plains of Canaan, and enjoy the fruits of a land that flowed with milk and honey. Then there was Ruth, the most lovable character of sacred history, who dignified the labor of the man who eats bread by the sweat of his brow, with queenly beauty, dignity, and honor followed the reapers and gleaned in the fields of Boaz. [Applause.]

Mr. SANDLIN. Mr. Chairman, I yield two minutes to the gentleman from Georgia [Mr. BRAND].

Mr. BRAND of Georgia. Mr. Chairman and gentlemen of the committee, in January of this year I received a letter from the Boston University School of Education, in Boston, Mass., in which its writer states:

> We are making a survey to determine the 10 most pressing national problems in politics, economics, history, and civics.

I answered that letter, and in my letter took the position that the agricultural problem was the first and most pressing national problem among the 10 which were called for.

On April 7 of this year I received a letter, nonpolitical in its character, addressed to me from the Hon. E. H. Callaway, of the firm of Callaway & Howard, attorneys at law, of Augusta, Ga., which deals with the question of freight rates, since the passage of the Esch-Cummins law. Mr. Callaway is not only one of the outstanding men and one of the ablest lawyers in the State of Georgia, and an ex-judge of the superior courts of the Augusta circuit, but he is a dirt farmer, being one of the largest planters in the southeastern section of the State. I ask unanimous consent, because of the fact that we are soon to adjourn and others have time ahead of me, to insert this letter as a part of my remarks.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The letter referred to is as follows:

CALLAWAY & HOWARD,
Augusta, Ga., April 9, 1928.

Hon. CHAS H. BRAND,
House of Representatives, Washington, D. C.

DEAR CHARLIE: I noticed in one of the local papers a list of issues which you had given out confronting the country, and in one of them you suggested that the freight rates on the necessaries of life should be reduced.

I do not think this issue as you describe it meets the situation at all. As a matter of fact, from my observation the overwhelming increases in freight rates since the passage of the Esch-Cummins bill have had more to do with the destruction of values in the agricultural sections of the country than any other single fact, even more than the large increase in the tariff by the Republican Party. But it is the result of my observations that the masses of the people do not comprehend that fact, and will not comprehend it unless some accurate detailed statement of facts is furnished to them.

I have been told by parties who claim to know that the total decrease in farm values throughout the country will amount in the aggregate to some forty or fifty billion dollars, and that the actual increased railroad values since the passage of the Esch-Cummins law will amount to approximately the same huge amount.

I note from information furnished me by local manufacturers and merchants here and other interests that the increase of freight rates in this section will run from two to five times as much as they did prior to the passage of the Esch-Cummins bill. For instance, a large merchant here, retired from active mercantile business about six years ago, tells me that the freight rates on merchandise from New York to Augusta are from three to five times what they were back in 1920. I asked how this could be, when the increase in rates was only about 50 or 60 per cent. He explained by saying that this had been accomplished by changing commodity rates in classification. He says that the rates six or seven years ago, before the percentage increase, embraced a large number of articles, most of which ran from 59 cents per hundred to 75 or 80 cents, and that the highest commodity rate at that time was about $1.90, but that there were only two or three commodities that paid the high rate, and now nearly all the commodity rates had been raised to the higher classes and paid from $1.50 to $1.90 per hundred, whereas there were very few commodities that paid less than $1 per hundred.

The brick manufacturers in and around Augusta had a change in their rates that absolutely curtailed and stopped their shipping beyond a 150-mile radius of Augusta because of the tremendous increase in the rate beyond that distance. Of course, that shut out the brick shipments by curtailing the territory, and while the railroads have howled about losing that business, they have done nothing, nor has the Interstate Commerce Commission done anything to change it, and the brick manufacturers have had to hunt for other outlets for their products in a nearer and narrower territory.

Last week an Augusta farmer came to see me about selling his hay, and told me he could not sell his hay in competition with the timothy hay shipped here from Indiana, Ohio, and the Northwest; and I asked why, and he said because they were shipping hay here at a very low freight rate, whereas up to this year the freight rate on hay from Indiana and Ohio had been $18 a ton, and those people were then shipping their hay here in carload lots and selling at $25 a ton, and by reason of the recent great reduction in freight rates they were now able to ship here from the northwestern territory and sell it at $18 a ton and drove his hay out of the market. I then asked him why he could not ship his hay from here up to the Northwest, and he stated that while they had reduced freight rates in a tremendous way from the Northwest here, that the rate from Augusta up into that territory would amount to the same old $18 per ton in carload lots.

The rate experts we have here confirm all of these things, and there are so many thousands of instances that there seems to be neither rhyme, reason, nor rule in freight rates.

In fact, my son-in-law, who is in the mercantile business here, tells me that freight can be shipped by boat from Portland, Oreg., or Seattle, Wash., through the canal to Charleston, and from Charleston to Savannah by rail, and from Savannah by rail to Swainsboro, 30 miles below Augusta, at considerably less, on canned goods, than the freight rate from Augusta to Swainsboro.

Last summer while my son-in-law was operating the boat on the Savannah River the American Sugar Refining Co. made an arrangement with the Merchants & Miners Transportation Co. to ship their sugar from Baltimore to Savannah by boat and from Savannah to Augusta by boat at 39 cents per hundred, in order to enable the American Sugar Refining Co. to compete with the Savannah Sugar Refinery. This arrangement had not been in operation more than 30 days before overnight, and without notice, the Atlantic Coast Line reduced its rate from 79 cents per hundred from Baltimore to Augusta to 38 cents, 1 cent less than the combined water rate. As stated above, you can get thousands of instances of this.

As you probably know, the through carload freight rate, including refrigeration on a carload of fruit, grapes, peaches, or any other commodity, from California to Augusta or New York, a distance of 3,000 miles, is less than on a carload of peaches with refrigeration from Augusta to New York, a distance of 800 miles. I was also told several days ago that there is some commodity shipped from the North to Athens and from Athens over the Central Railroad to Macon and from Macon to Millen and then to Augusta, and that the Central Railroad shipped it this way in order to get one-half of the entire freight charge on the shipment.

The Central Railroad president, Mr. Pelley, publishes about once a month in the Augusta Chronicle, and also in the Augusta Herald, about half a page advertisement, bragging on the flourishing conditions of the country and how the railroads are improving their service all the time, and how they are reducing freight rates all the time, none of which has a single atom or iota of truth in it, and yet, from my knowledge of the charges for publishing such letters in the local papers here, they must pay $400 or $500 for each insertion.

Senator HARRIS told me while in Washington the other day that all of those publications by the railroads were charged up to expense account, and they are adding onto the freight rates wherever they please to pay for it. And, of course, this shuts the mouths of the newspapers; they will not criticize or publish any information about the railroads or what they are doing to the people. I noticed the Chronicle this morning criticized your suggestion that freight rates ought to be reduced. Of course, the Chronicle does not propose to offend the railroads or do anything that will stop that $400 or $500 a month in big advertisements, and yet the people have to pay for these advertisements. I have not seen where any politicians, or leaders of any kind, who are supposed to keep the public informed, have discussed these matters at all.

Some five or six months ago Mr. W. J. Craig, the general freight and passenger agent of the Atlantic Coast Line, of Wilmington, N. C., was in my office several times, and I had a considerable discussion with him with reference to freight rates on fruits and vegetables from Georgia to the North. I asked him the question if the railroads were going to absolutely destroy the peach crop in Georgia, and his reply was that it would be destroyed unless the Georgia peach growers would cut down at least 12,000,000 of their trees. I then told him that I had recently been in Boston and also in New York during the peach season, and I saw very few peaches on the fruit stands, and in every instance they were asking 50 cents a dozen for the peaches—and they were very moderate-sized peaches—and I told him that unless the freight rates and refrigeration rates were reduced so the peach growers could make a living out of it, it would result in the destruction of the peach crop in Georgia, and the railroads would lose the freight business on the Georgia peach crops. It is true that the Georgia peach growers have never organized sufficiently to distribute their peaches, but they tell me that the railroad charges for shipping are so high that they can not extensively distribute them as the banana growers have succeeded in distributing theirs.

Mr. Craig explained to me how much the railroads had invested in refrigeration for loaded peach and vegetable cars in New York, but that means nothing to killing the Georgia peach crop. The same thing applies to the shipment of watermelons or cantaloupes, and though our people are doing their best to diversify and raise fruits and vegetables and supply them to the East, the railroads crush them out; and the only hope that I can see to save the South is for them to organize and build a large refrigeration plant at Savannah, ship their peaches there, and then put refrigeration in two or three ships and haul their peaches to New York, Boston, Philadelphia, and Baltimore and distribute them from those points. I imagine that the railroads will then fall over themselves giving the Georgia peach growers and truck growers a reasonable rate.

I am also informed that fruits and vegetables can be shipped by rail—and are shipped by rail—from Florida to New York and the East at considerably less than they can be shipped from Florida to Georgia. Of course, that is the result of water competition. So that I repeat again, distance in freight rates in carload lots has nothing to do with it; bulk as to freight rates has nothing to do with it; weight in freight rates has nothing to do with it. The long-and-short-haul proposition is a farce. The railroads are permitted to charge all they want to charge on any kind of shipment, for any distance, and my information from local people is to the effect that complaints to the Interstate Commerce Commission have no effect, and even where they are investigated it takes three or four years to get a ruling, and then the ruling is made in such a way as to put heavier burdens on the people. The result of all this is that they are not merely destroying the business but are starving to death every conceivable kind of enterprise here, whether of manufacture or agriculture, and are asking for change of rates and higher commodity rates, and, judging by the experiences of the past, the Interstate Commerce Commission will give it to them.

Of course, you are familiar with the surcharge on Pullman fares. Every time I pay a Pullman charge for Pullman service, I feel like I am tipping the railroad, because I pay my railroad fare at .036 a mile. I then pay my full Pullman charge for its service and have to tip the rail-

road company, or the millionaire owners of the railroad companies, half the amount of the Pullman fare for no service. But I suppose the big millionaires who own the railroads need this tipping just as the porters or the waiters on the dining cars need it, but I sometimes can not see how they can take the money.

The next point is the enormous increase in the value of the railroad stocks. Prior to the passage of the Esch-Cummins bill the Southern Railroad common stock stayed around $20 and $23 a share for years and years. In fact it had never represented anything much. Shortly after the passage of the Esch-Cummins bill the rich gamblers of New York bought up a majority of the Southern Railroad stock, beginning at around $20 a share. Since then they have raised the value until it is now $147, and it is now paying 7 per cent dividends.

During the same period the Atlantic Coast Line stock went from $90 a share up to practically $200 a share. The Seaboard Air Line ran from less than $1 a share up to at one time between $50 and $60 a share, and I think is now selling around $25 or $30 a share. The Louisville & Nashville, that had declared a large stock dividend, reducing its stock below $90, has gone up to approximately $150 a share. This is what has happened to all of the railroads in the country, and from thirty to forty or fifty billion dollars have been taken off the agricultural and associate interests of the country and given to the gamblers of Wall Street and to the rich millionaires of the East largely through the railroads.

Of course, these matters can not be presented, except through accurate figures. I have not the access to those figures. I should imagine the Interstate Commerce Commission could furnish the figures as to how much increased values have been added to the owners of railroad stocks, and I suppose the Agriculture Department could furnish information as to how much values have been taken off of the agricultural interests in the country, and I suppose if you take the large protected industrial plants, that have been made richer by the tariffs, they would indicate also where they had accumulated their immense fortunes. The same thing is, in a measure, true with reference to what the power trusts are doing in the country and are now doing in the South, and particularly in Georgia. I also have information that the communists and socialists of the East, North, and Northwest are growing in numbers and sympathizers, and that if something is not done to check this destruction of enterprises and property values of the great masses of the people other than the rich protected capitalist that that sentiment will spread and we will have an upheaval in this country that may largely wipe it out.

I think that the Democrats ought to have some kind of an investigation made by accurate statisticians about all these matters, so that it can be presented in concrete form to the country, and I think one of the leading planks in that platform ought to be on this railroad question and presented in a way that the people can understand it.

I think the West is sympathetic with the same view that I am taking, but whether they know literally what is going on I do not know.

It seems to me that the present Interstate Commerce Commission ought to be wiped out, and probably the Esch-Cummins law ought to be wiped out, and that the commission should be divided in power, and that there should be a branch of the commission located in the Southeast, another branch in the Northeast, another branch in the central part of the country, and other branches in the various divisions of the West beyond the Mississippi River; and that these commissions ought to be put in close touch with the people, and handle railroad and freight questions promptly, fully, and intelligently, and that the ruling spirit ought to be to relieve the people from the oppression of those gambling, speculating millionaires or malefactors of great wealth who are using the Government and the Government agencies to plunder the country and gradually destroy it. You can see from this letter that I feel very strongly on this subject. I am sending a copy of this letter to Senator HARRIS. I don't know whether the Democrats in Congress really appreciate all this, or whether they really have the definite information about this mixed-up matter of freight rates, or whether there is something that they are afraid of in touching the railroad question. Everybody down here, even the railroad employees, know about it; but when you mention it they say, "Well, what are you going to do about it?" Of course, Mr. Coolidge names the members of the Interstate Commerce Commission, and of course the Interstate Commerce Commission is serving its masters; but if the Democrats hope to do anything to correct this they must get up the statistics and facts and the numerous inconsistent rates, and they must put it accurately before the public in a manner in which the public can understand it. The propaganda that the railroads are putting out is nothing but bribery to quiet the newspapers.

It may be that you can get in touch with somebody up there who can get up this information and get it before the public in a manner in which they can understand it. If so, your constituents in Georgia will bless you.

Very truly yours,

E. H. CALLAWAY.

Mr. SANDLIN. Mr. Chairman, I yield 20 minutes to the gentleman from Georgia [Mr. LANKFORD].

Mr. LANKFORD. Mr. Chairman and gentlemen of the committee, I have prepared a speech upon the spoils system, but before taking up that subject I wish to compliment the gentleman from South Carolina [Mr. HARE] upon the splendid discourse that he has just delivered upon the subject of farm relief. My good friend from South Carolina has introduced and has now pending in this House one of the best farm relief bills that has been introduced at this session. To my mind, however, that bill fails to cover one point, and I turn aside from the speech which I have prepared on another subject to take a few minutes of the time allotted to me, not for the purpose of criticizing the gentleman's bill but for the purpose of suggesting that if he will just modify the bill a little and make it stronger along the line of controlling production he will have a most splendid bill. I have introduced a bill which does that. To my mind the bill which I introduced sets up the best plan for the control of production of any bill that has been presented to this Congress. I hope I am not egotistic in that respect. To my mind no farm relief bill can work effectively 100 per cent unless it has within it a proper control of production.

Just as surely as we elevate prices without some sort of control of production, just so surely will the farmers themselves plant more corn and more cotton and more wheat and produce more and bring about the greater production. In other words, any bill which fails to have within it a proper control of production has failure written on its pages.

Mr. W. T. FITZGERALD Mr. Chairman, will the gentleman yield?

Mr. LANKFORD. Yes.

Mr. W. T. FITZGERALD. Suppose we control our home production, and we will say that we have it within the limit that it should be, what are you going to do to keep Australia and South America and Argentina and these other countries from flooding this country with their export wheat and meat produced with cheap labor?

Mr. LANKFORD. I do not wish to get into a tariff speech at this time, and I agree with what the gentleman has in mind. I would be in favor of putting a tariff on those products and keeping them out in favor of the farmer, and I say to the gentleman that my position on the tariff is simply this, and I have stated it before. I object to the tariff because ordinarily you can not put enough tariff on farm products to help the farmer as much as you hurt them when you put the tariff on the manufactured article that he has to buy, but I shall vote for a tariff on any farm product [applause] which is about to be shipped into this country to interfere with the prices of farm products produced in this country. But let me get to the other proposition. I said just a few moments ago that I thought that the gentleman's bill did not go quite far enough in its effort to control production. Some one asked the gentleman this question, whether or not the production could be controlled under the Constitution. In other words, could we pass a bill and say to the farmer, "Thou shalt not plant so much corn or so much cotton."

Would it be constitutional? It probably would not be. Someone suggested that we might control the proposition by getting the States to pass a law to control production, provided the Government rendered to the farmers in those States the necessary assistance.

To my mind the proposition of control of production of farm products can best be accomplished as a matter of contract by simply saying to the American farmer through a statute passed by Congress, "Here we will render you people certain assistance; we will help you solve your problem in so far as we can; but there is one part of it that we can not solve, and that is the question of overproduction. We will do our part, provided you sign contracts with each other and with the governmental agency set up by Congress, to the end that you will in a certain manner and by a certain method control your own production."

Mr. W. T. FITZGERALD. How will you enforce that?

Mr. LANKFORD. I will enforce that by providing, in a bill creating a farmers' finance corporation, that this finance corporation shall make certain advances to the producers of the country on certain basic agricultural commodities and grant certain loan privileges, provided the producers planting 75 per cent of the acreage of wheat, for example, sign a contract with each other and with the governmental agency and with the bank with which they are to do business that they will allow their production to be controlled by an advisory council selected by them.

Mr. SIROVICH. Is it constitutional to limit production?

Mr. LANKFORD. Oh, I provide that they shall enter into a contract to control production before they get assistance.

Mr. SIROVICH. But how does the farmer know when he plants his crop whether he will get 5 bushels or 50 bushels an acre?

Mr. LANKFORD. If you cut down the acreage each year and have a plan to limit overproduction, you will come very near, next year, to controlling that production.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LANKFORD. Certainly.

Mr. COLE of Iowa. The gentleman may be interested to know that the late H. C. Wallace, Secretary of Agriculture, who had perhaps more to do with the formation of the McNary-Haugen bill than any other one man, always made the stipulation as one of the conditions that all these arrangements and devices for increased prices would be absolutely worthless unless there was coupled with them some control of production. He always made that condition or provision.

Mr. LANKFORD. The only efficient way of controlling production is to have the farmers themselves enter into a contract to limit production.

Mr. STRONG of Kansas. Mr. Chairman, will the gentleman yield?

Mr. LANKFORD. Yes.

Mr. STRONG of Kansas. Suppose you would have overproduction and then limited your acreage, and the next year you had a crop failure. The people of this country would not have enough to eat.

Mr. LANKFORD. Then they would pay the farmer better for what he did raise.

Mr. STRONG of Kansas. Would it not be better to enable the farmer to have a fair price?

Mr. LANKFORD. By my method the farmer could fix his own price. He could say to the world, "We have produced too much this year, but all of it is not for sale. We will sell cotton at 25 cents a pound. How much do you want at that price? We will not sell at less."

Mr. STRONG of Kansas. Unless he raises a fair crop he can not say that.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. LANKFORD. Yes.

Mr. MORGAN. As I understand the gentleman, he accepts all the policies proposed by Mr. McNARY as to the regulation of farm products and marketing, except that you would go to the extent of contract relations limiting production?

Mr. LANKFORD. Yes; by the farmers themselves.

Mr. MORGAN. Suppose a crop was raised and during the five-year period the domestic price rose above the import price. What would happen?

Mr. LANKFORD. That would lead me into a discussion of the tariff, and I do not have time for that discussion now.

Now, I want to say a few words in connection with the spoils proposition. The appointments to postmasterships in Georgia, as you know, are not controlled by Democratic Congressmen, but by the Republican State executive committee.

Mr. STRONG of Kansas. Do you propose to limit production? [Laughter.]

Mr. LANKFORD. I would be very glad to limit the production of recommendations and other activities of Republicans who do not deal fairly with my section of the country. [Laughter.]

Mr. Chairman, the very life of our Nation is imperiled by the vicious spoils system now in operation, rampant throughout our country. Its poisonous fangs are penetrating every branch of our Government and endangering the liberties of the whole people. Two good men—a registry clerk and an excellent postmaster—in my home city of Douglas, Ga., a few days ago went to their death as a result of the spoils system. On every hand every day one has but to stop, look, and listen to see the awful effects of centralized government run mad with spoils hydrophobia.

The usurpation of State rights by the Federal Congress and the abject abdication of those rights by Congress to bureaus, operated under a spoils system smelling "to high heaven," constitute the greatest crime of the age.

On last Friday I reintroduced a bill introduced by me over two years ago to stop the solicitation of so-called campaign funds from postmasters, rural carriers, postal employees, or other appointive officials. This bill provides as follows:

That no person shall solicit or receive in any manner any contribution of money or other thing of value from any postmaster, rural carrier, or postal employee, or any other Federal employee, for any political purpose whatsoever; neither shall any person solicit or receive in any manner any contribution of money or other thing of value from any candidate or applicant for postmastership, rural carrier, or postal employee, or other Federal employee for any political purpose whatsoever, or for or in connection in any way with any recommendation or help that may be rendered or promised such applicant or candidate.

SEC. 2. Any person who has made such contribution of money or other thing of value for political purpose to any person, organization, or political party shall not accept the position of postmaster, rural carrier, or postal employee, or other Federal employee whatsoever within six months after such donation or contribution.

SEC. 3. No person shall receive, directly or indirectly, for himself or for any other person, group of persons, or organization any money or other thing of value, for any recommendation of appointment of or help to any applicant or candidate for any postmastership, position of rural carrier, postal employee, or other Federal employee. Neither shall any person, having made such donation of money or other thing of value, accept and hold any postmastership, position of rural carrier, postal employee, or other Federal employee.

SEC. 4. Any person violating the provisions of this act shall be punished by a fine not in excess of $500, or imprisonment not exceeding three years, or both.

Mr. Chairman, the House Committee on the Judiciary two years ago refused to favorably report an identical bill of mine and reported favorably and helped to pass the Wurzbach bill, requiring postmasters and certain other appointive Federal officers to file an affidavit that they had not purchased their offices as a prerequisite to receiving their salaries. This law is easily circumvented by some friend of the applicant without the knowledge of the applicant being required to put up money as "campaign funds." The applicant is appointed, makes the required affidavit within the law, and is then beseiged from time to time for campaign funds. The postmaster or other official is informed that in order to be in good standing with the appointive powers he must make the required contributions. He knows he must put up or later lose out. If he does not put up "campaign funds," some one else does. He loses out; the other fellow goes in.

Along with the Wurzbach bill was passed the Stevenson bill, making unlawful the sale of postmastership appointments, and so forth, but, as just pointed out, this law is very little, if any, more effective than the Wurzbach measure. I was sorely disappointed when these bills were passed in lieu of my bill, and then urged that these bills would prove futile. My predictions were absolutely correct, as is now established.

Prior to the passage of the Stevenson and Wurzbach bills, there were of force two statutes touching remotely the spoils system as applied to postmasters, rural carriers, and other postal employees. Neither interfered to any considerable extent with the present baneful situation. One statute prevented the sale by a public official of an appointment of a postmaster, rural carrier, or other Federal position. Of course, some one other than an official handled the matter. Another statute prevented the solicitation of campaign funds within a post office or other Federal building, but did not protect the Government official after he left the building.

Thus it will be seen, no law has been enacted to stop the fleecing of postmasters and other postal employees. My bill, if enacted, will go very much further than has ever been gone before, but I very much fear that nothing will permanently stop the evil effects of the spoils system other than the destruction of the system itself.

Congress and the executive branch of the Government here in Washington is to blame for the whole system. What interest does a man living in north Georgia have in the appointment of a postmaster in my district in south Georgia other than dollars and cents when that man was never in the town where the postmaster is to be appointed, will never be in that town, knows none of the people there, never expects to know them, never expects them to vote for him, knows that his party can never carry that town, or county, or State in any election, and expects nothing of value, either directly or indirectly, from the people of that community other than "campaign contributions"? The spoils system is wrong and invites corruption.

I understand that the Postmaster General now threatens to fire any postmaster or rural carrier that happened not to be shrewd enough to stay within the law and, perchance, technically violated the law while putting up "campaign contributions." He proposes, though, to keep the system steeped in spoils in full force and allow the vacancies created by his firing process, again bartered and sold.

Mr. Postmaster General, your abominable system is rotten to the core. The real blame is here. It can not be dodged. Why purposely keep a system in force and blame any one who is forced to contribute "campaign funds" under that system? You know what your system invites. Why purposely help ensnare good people, help fleece them, then bring ridicule and contempt upon them by depriving them of the position which your system made them pay for, and then reset the same trap to catch and ensnare others?

Mr. Chairman, even before I came to Congress I was alarmed over the spoliation of State rights and the eventual utter

destruction of the liberties and rights of the individual. On May 21, 1919, the third day after I took oath of office as a new Member of Congress, in my first speech here in behalf of my people, I said:

The time will come, if the Federal Government continues to encroach on the rights of the States to settle their own affairs, when our States will need no legislatures, for all of our laws will be made here and administered in the Federal courts. Our State and county lines are being blotted out. The people of each county are slowly but surely losing their rights. The States are gradually becoming States in name only.

Mr. Chairman, after more than nine years of service I am more and more convinced that the counties of the States are losing their rights and the States are losing their rights, but, worse than all, Congress is passing all its rights and powers, both present and past, as well as prospective, on to individuals who are not the choice of the people and who ofttimes are not really responsible to any one.

We have only to "stop, look, and listen" in Congress and out among the people to see and hear the awful effects of the menace about which I am speaking.

There are so many invasions of the rights of the States and so many surrenders of the rights of the people to the bureaus that I will not attempt to list them at present. I do want to direct my attack, however, at lump-sum appropriations. I hope to speak of some of the other surrenders later.

More and more Congress is making lump-sum appropriations and leaving the distribution of the funds to the bureau or to underlings of the bureaus. Why? Is it because Congress can not determine how the appropriation should be dished out? Is it because Congress, or the Members of Congress, wish to shirk their duty? Is it because the appointees of the bureau chief are more efficient or more conscientious than Members of Congress? What is the real cause of this desire to pass the power to legislate in this respect to bureaus?

Are these privileges and rights passed on to the bureaus in order that they may become spoils? I shudder to ask the question. I do wish that I could think that this does not enter into the proposition.

It is a dangerous thing to put too much power in the hands of too few men. It is impossible for our President, or any or all of the cabinet members, to keep up with these details. It sounds like a joke to be delegating powers to the President to handle the details of dishing out money or patronage, or the details of making rules and regulations for the carrying into effect of any law passed by Congress when Congress admits that nearly 500 Members of the Congress can not do it properly. Why shove the responsibility on any one man of doing what 500 shirk and admit their inability to do properly?

It matters not whether Congress passes its powers on to the bureaus for the purpose of these powers being used as a part and parcel of a spoils system; the fact remains that Congress is inviting corruption. Not only is Congress inviting corruption, but the corruption is evident. We see only a small part of it. Occasionally the curtain is lifted, and we get only a glimpse of the rottenness of paying political debts with patronage or with other people's rights or money. We should get as far away from the spoils system as possible. Our President condemned the spoils system in his message, and I would not fear the spoils system very much if all these matters could be handled by the President, by the average Cabinet member, or by Congressmen, but this is impossible.

It is bad enough to steal the other man's property, but it is much worse when it is stolen not because it is needed but for the purpose of destruction. It is bad enough when we take from the States that which belongs to the States and the people of the several States. But the crime becomes much more abominable when we take for the purpose of destroying what we take or turn the loot so recently taken over to those whom we know will use the property taken for the destruction of the very people from whom it was taken.

If the Congress has reached the place in its existence where it is too timorous to exercise the rights given Congress by the Constitution, then Congress should not be seeking to deprive the States of any additional rights, but should be passing back to the States whatever rights Congress feels unable to exercise. In no event should Congress be taking from the States rights which it does not expect to exercise and which it expects to immediately pass on to bureaus and bureau chiefs. The flow of rights and privileges and powers should be from Congress back to the States and to the people of the several States rather than from the people and the States through Congress to bureaucrats.

This is the people's Government and not the Government's people. Let the people run the Government and this Government will endure—let the Government run the people and our Nation will perish.

The Government should never govern the people. It should only be the means by which and through which the people govern themselves.

Congress obtained its powers from the people, and if there be any powers which Congress feels too anemic to exercise, then those powers should be returned to the people from whom they were derived. If any Congressman gets tired of his commission, let him return it to the people who gave it to him, and not deliver it to some bureau chief who was not elected by anybody. If any Member here does not know what his district wants, then how does he expect some bureau chief or some underling under that chief who never saw his district to know what his people desire. I am willing to assume the responsibility of representing my people, and when I so far forget my duty as to want to pass that blessed privilege on to some stranger who happens to be a bureau chief, or an appointee of a chief or some political henchman of the party under whom the bureau chief was appointed, then I will resign my commission and hand it back to the people who so kindly gave it to me.

I am speaking very plainly about this matter, not for the purpose of hurting anyone's feeling but for the purpose, if possible, of preventing Congress from hurting the people of our Nation.

Mr. Chairman, on January 20, 1926, there was pending a bill authorizing the Postmaster General and the Secretary of the Treasury to determine in the future where and when post offices and other Federal buildings should be constructed. During the course of that debate (p. 2467 CONGRESSIONAL RECORD, January 20, 1926) I said:

Now, what about the proposed bill to appropriate a large sum of money to be delivered to the Treasury and Post Office Departments to be used by these departments in erecting buildings whenever and wherever these departments may determine? There was never a more vicious bill. What is the necessity for this kind of a bill? Is Congress incompetent to determine where buildings should be built? Is the Committee on Public Buildings and Grounds incapacitated to report out a bill specifying where buildings should be built and the amount to be expended for each building? Are the various Members of Congress unable to determine what should be done in each respective district? By what legerdemain can some mysterious person, reported to be acting for the Post Office Department or the Treasury Department, go to any Member's district and determine these questions? The Secretary of the Treasury will not do it. The Postmaster General will not do it. Neither of these gentlemen could do this if they did nothing else and tried to do all these things.

If Congress can not do this, who is there that can? Are these Federal buildings and grounds to be dished out to the faithful, as the post offices are dished out? Is there to be made a charge for the recommendation for a Federal building, the same as charges are now made in many places and practically all over the South for recommendations for rural carriers and for appointment as postmaster? If not, why not? Oh, what a fine chance this unelected individual will have to get fees for recommendations. If the system of making postmaster appointments is followed in selecting locations for these Federal buildings, then the Republican referees will make the recommendations for public buildings, and the referees, of course, will not have time to go to the different counties, and some one not even appointed by the department will make the collections and report which places should be recommended. Some may say I am overdrawing the things which will happen. This is what is happening with the appointments of the men to occupy buildings. Then why not the same rule apply as to the building? Then just think what 10 per cent of the amount to be spent on a building would run to.

During the course of my remarks the following colloquy occurred between the gentleman from Ohio [Mr. BEGG] and myself:

Mr. BEGG. Will the gentleman yield further?

Mr. LANKFORD. I will.

Mr. BEGG. I think the gentleman is making a serious charge.

Mr. LANKFORD. I am.

Mr. BEGG. And I want to ask the gentleman, Does the gentleman know that to be the fact?

Mr. LANKFORD. I do, or I certainly would not make the statement.

Mr. BEGG. Has the gentleman turned over the information he had to the Department of Justice, the prosecuting department of the Government? That is a Federal offense, and the gentleman has his recourse, if he knows that to be the fact.

Mr. LANKFORD. I understand it is not a Federal offense.

Mr. BEGG. Oh, yes; it is. If the gentleman has looked up the statutes passed by this Congress the gentleman knows it is a Federal offense, and I think the gentleman is making a very serious charge.

Mr. LANKFORD. I am making a serious charge.

Mr. BEGG. And if the gentleman would make that charge any place other than on the floor, the gentleman could be held to an accounting.

Mr. LANKFORD. No; I could not, for I am stating the truth.

Mr. Chairman, after the colloquy I continued as follows:

I have called the attention of the Post Office Department to this thing, and it has been called to the attention of the Department of Justice, but upon investigation it is found that there is no law to cover this kind of thing when it is done outside of a Federal building by some one who is not an official. They are careful to stay within the law.

Oh, gentlemen, why do we invite this sort of a spoils situation? Why can not we decide for our people just what we want them to have?

It may be insisted by some that the day of the pork-barrel system no longer exists. Well, if I am to choose between pork and spoils, I will say, "Give me a little more pork." I much prefer a barrel of decent pork rather than a train load of flyblown beef.

I much prefer a few Federal buildings to be located by Congress in each district rather than millions of the people's money to be used in a spoils system as pleaseth a few sent to rule over the people without the people's permission or vote.

The time is at hand when men who never saw my State, men whom my pepole did not vote for and had no chance to vote for, men not in sympathy with the traditions and American impulses of my people, yea, men who do not like my people, hold in the hollow of their hands the power to control almost every activity of my people. They can and are destroying the rights, liberties, and lives of my people. Talk about free, representative government! Every centralization of power is a blow at liberty and is the undermining of our form of government. Every enlargement of the power of men who hold office by appointment is a weakening of representative government. The spoils system inevitably leads to corruption and anarchy.

Centralize enough power here, carry the spoils system to its fullest extent, and give the Executive sufficient power to enforce his decrees and you have the worst Government since the beginning of the human race. If we are to save this wonderful Government which our forefathers gave us let us return to the old teachings of the fathers before we shall have lost all.

Is Congress to eventually take from the States and the people in the States every vestige of authority to control local affairs? Is Congress then to abdicate its right to legislate and give to department heads, bureau chiefs, and other appointive officials all the right to legislate, and then let these officials appointed under a spoils system dish out rules, regulations, and laws under a spoils system, thus controlling all rights of all the people under a system of spoils, rottenness, and corruption?

Mr. Chairman, discussing the same bill just referred to on February 15, 1926 (CONGRESSIONAL RECORD, February 15, 1926, pp. 4030–4031) I said:

Mr. Speaker and Members of the House, I had hoped that a bill would be passed at this session giving each congressional district some very muchly needed post-office buildings. I have not altogether lost that hope.

We may yet get a good bill.

"While the lamp holds out to burn the vilest sinner may return."

The supporters of this nefarious bill to pass the power to select sites and build buildings onto already overworked Cabinet officers and their immediate subordinates, to be in turn by them, as they of sheer necessity must do, passed on to some mysterious, unknown individual, say those of us who oppose this sort of thing favor pork-barrel legislation.

Well, if we have "pork," let it be decent pork on the table in the daytime, with all invited to participate and to be shared by the common folks and the smaller cities as well as by the larger cities. Appropriations for the big cities is termed "in behalf of efficiency and economy," while appropriations for the smaller cities is derisively termed "pork."

This is worse than the most vicious form of a "pork barrel" bill.

Its advocates expect to secure enough help to pass it under suspension of the rules without giving its devotees even a smell of decent pork. They expect you to line up and do their bidding for only a passing sickening whiff of the "flesh pots" of corruption.

They are not willing for you to "stop, look, and listen" in order that you may determine how great is the sacrifice you are making and how great is the penalty you are inflicting on others in order for you to get less, much less, than a "mess of pottage."

Without giving you a chance to protect those you represent and yourselves, the champions of this bill expect you to help them drive the legislative car in front of the mighty onrushing juggernaut of centralized, all-powerful bureaucratic government.

Oh, if Lincoln was alive he would pray more earnestly than ever "that this Government of the people, for the people, and by the people might not perish from the earth."

Oh, they expect to stampede the Members of Congress like so many "dumb driven cattle" into selling for a stench of corruption the birthright of a great and glorious people.

Pass the bill without the chance for reasonable debate and with no chance for amendment, is the battle cry.

They are not willing for us to have a chance to examine their proposed "mammon of unrighteousness." They do not want it known just how tainted and flyblown is the concoction which their witches stir.

Fillet of a fenny snake,
In the cauldron boil and bake;
Eye of newt and toe of frog,
Wool of bat and tongue of dog,
Adder's fork and blindworm's sting,
Lizard's leg and howlet's wing.

Cool it with a baboon's blood,
Then the charm is firm and good.

Mr. Chairman, on March 14, 1924, in speaking of the Teapot Dome scandal, I said:

An awful experience is ofttimes turned to a blessing in disguise when a lesson is learned which starts an improvement of the awful conditions which brought about the experience.

Again, on the same date, I said:

The multimillionaire Secretary of the Treasury, Mellon, said that he would like to be chairman of the select small committee to manipulate and shuffle the enormous foreign debt of billions of dollars so as to take care of the big banker, big rich, and men who have profiteered so as to be in the millionaire class. The Secretary gets what he wants, for now it is that "to the victor belongs the spoils." Of all funds ever raised the great common people are more interested in the money raised during the Great War than in any other. It came from people of every station of life. The widow, the orphan, and the poorest of the poor, all did their very best. A large part of the fund thus raised is now due us by foreign powers. That money is the common property of every American citizen. Yet it is being shuffled and manipulated as pleaseth a favored few who believe that "to the victor belongs the spoils."

In the same address I also remarked:

Mr. Chairman, this country is in a deplorable condition, with a party in power using the spoils system to the limit when the whole Nation is suffering the agonies of hell because of the lack of proper legislation and because those in power play politics while the Nation burns. Ah, Mr. Chairman, the party in power is worried more about the "good of the service" of the Republican Party than they are about "the good of the service" of the American people. They are worried infinitely more about efficiency of a man as a campaign or boodle contributor, or political manipulator, than they are worried about the efficiency of a man as a public servant. The Bureau of Printing and Engraving was turned upside down in violation of law and contrary to established rights of honorable men and women "for the good of the service" of the Republican Party. The civil-service system established by wise men of the past has been strangled and mangled and its very death threatened "for the good of the service" to the Republican Party. It has been proposed to make spoils of hundreds, yea, thousands, even millions, of positions in this Nation in order to dish out those rights to Republicans "for the good of the service" of the party.

To the victor belongs the spoils. My God, to what extent is the spoils system going? The Veterans' Bureau is a hotbed of the spoils system for the good of the service, not of ex-service men, but of the Republican Party. Is our entire Postal Service a seething cauldron of spoils to be stirred with the paddle of political hatred "for the good of the service" of the Republican Party and not for the people? It is understood generally that Attorney General Daugherty is the chief of spoilsmen. He wants no civil-service system. He wants no merit system; he wants everything controlled by the spoils system. He wants the Department of Justice to become the department of spoils and wants to become the chief keeper, preserver, and protector of the spoils of the victors for the good of the service of the Republican Party. It is easily understood why Daugherty does not want the merit system used in the selection of public officials.

He prefers the spoils system. He likes a system under which he and others like him can qualify. He has made the Department of Justice the department of spoils. It is no longer the Department of Justice; it is now the department of "just is." It is now operated for the glory of Daugherty, the ignominy of the Republican Party, and to the shame of the Nation. A statement was carried in the newspapers the other day that Daugherty wanted the prohibition-enforcement service put under the Daugherty spoils "just is" department. He would like to dish out the large amount of money allowed for prohibition enforcement. The enforcement service would soon be a pretty kettle of fish with Daugherty trying to play politics with the service. The whole enforcement service is about to break down now, because many men are being put in the service for political reasons only.

It is now said that President Harding was misled into dismissing the employees of the Bureau of Printing and Engraving. I do not

doubt this suggestion. That good man was misled every time he followed men like Daugherty. The Attorney General ought to be satisfied with spoils, but yet he wants more. He has spoiled and flyblown his position as a Cabinet member; he has spoiled and flyblown the Republican administration; and, if permitted, would make spoils of every right of the American people.

Ah, Mr. Chairman, why say so much about the Teapot Dome scandal; know ye not that "to the victors belong the spoils?" The Teapot Dome transaction is larger, but no more corrupt than the sale of public offices for cash or to pay political debts. It is no worse than a profiteers' tariff for the big Republican rich, to the undoing, destruction, and even death of millions of the great consuming public. I repeat, it is no more corrupt to be influenced by money to sacrifice the interests of the American people in these oil properties than it is either under the guise of law or without lawful authority to take the hard-earned money of the consuming public by a profiteers' tariff and give it to the big corporations either for cash or to pay political debts. There is no longer in this country a protective tariff. It is now the profiteers' tariff. The Republican Party is still the G. O. P.; it is now the Grand Old Profiteer.

If the Republican Party follows much longer the leadership of such spoilsmen as Daugherty and continues to sell her party virtue for money and for political purpose, she will soon be without a single virtue. The Teapot Dome controversy can not be any more corrupt than the dishing out of offices solely and only for political reasons.

Mr. Chairman, during my address of March 14, 1924, just referred to, in speaking of the so-called flexible provisions of the tariff law, I remarked:

A general tax bill was so drawn and passed by the last Republican Congress as to relieve the big rich of much of the burdens of taxation. The big rich either have contributed much campaign funds to the Republican Party or can do so when it will be much needed in future campaigns. The big rich are protected on the theory that "to the victors belong the spoils." A tariff bill was enacted by the last Republican Congress to protect the profiteers and the concerns with big sacks of money who either did contribute heavily to past campaign funds of the Republican Party or are in position to contribute in the future when funds will be sorely needed to be used in convincing the consuming public that it was taxed for its own good. So it goes that "to the victors belong the spoils." It is even provided in this tariff bill that the President have the power to increase or diminish duties as he sees proper. If men and women are deprived of offices because they do not subscribe to the Republican faith and do not contribute to Republican campaign funds, then why should not people who are not Republicans and do not help put up a slush fund be deprived of the protection of a desired duty on goods in competition with goods they sell? If the President by Executive order and otherwise dishes out offices to Republicans because they are Republicans and leaves off others simply because they are not Republicans, then why not dish the protective-tariff soup to the Republicans who show their efficiency by a nice campaign contribution? "To the victors belong the spoils" is being worked overtime.

Oh, it is said that men are being put out of office and Republicans are being put in "for the good of the service," it being known to all that he who serves the Republican Party is one who is "for the good of the service," and efficiency from a Republican standpoint is fully attained by the profiteer who puts up money for campaign purposes. The good of the service of the Republican Party must be maintained, regardless of the cost to the public. "To the victors belong the spoils."

Mr. Chairman, when I criticized Attorney General Daugherty four years ago and said the Veterans' Bureau was a hotbed of the spoils system, I was criticized as being too harsh and unjustly condemning public officials. My remarks now read like a prophecy, for Director Forbes has since been sent to the penitentiary and Daugherty was finally forced out of the President's Cabinet.

Mr. Chairman, I have always hated the vicious spoils system. I regard it as the most dangerous influence in our national life to-day. It is so insidious, so deceptive, and yet it poisons everything it touches.

Congress is taking from the States and from the people in the respective States all the rights and liberties of those people, and then, oh! awful truth, Congress is abjectly passing all the rights of the people on to bureaus and Federal appointees, to be by them in turn checked out to a favored few under a system of corruption and spoils.

Mr. Chairman, now I want to quote from the RECORD, of April 19, 1924, pages 6733 and 6734, as follows:

Mr. BUCHANAN. Mr. Chairman, I yield seven minutes to the gentleman from Georgia [Mr. LANKFORD].

Mr. LANKFORD. Mr. Chairman, it was stated by a leading Republican in a speech a few days ago that investigations in Washington were being conducted by "insolent groups." The gentleman should have said the investigations were being made by "indignant groups." In fact, the entire country is filled with righteous indignation, not at the investigations but at the disclosures.

Those being investigated and upon whom most shocking disclosures are being made are most anxious to stop all investigations and to discredit those being had. Some evidence goes in which is not true. This will not injure the innocent. Much evidence is being adduced which points definitely at the guilty. This does hurt the guilty and is helping to some extent to clear the official atmosphere. There is much propaganda in favor of stopping all investigations and turning all attention to legislation. I realize that there is much legislation which is very necessary. There are vital appropriations which should be made. There are many good measures which this Congress will ignore, regardless of what else is done.

Just here let me say that the country is not very favorable to legislation which only gives more money and more power to spoilsmen, many of whom are still in harness. We need legislation, but we also surely need purification of government. It is infinitely better for us to not pass a single additional bill and not make a single new appropriation and clean out by investigation, exposure, and removal all corruption rather than feed that corruption by more power and more of the people's money. Corruption is gradually getting a death hold on the very vitals of our form of government. We must free ourselves while we have power left or the time will come when our vitality will be too low and the corrupt influences will be too powerful and will have too strong a hold on our throat. Even in matters of legislation here the people's money is offered for the purpose of getting votes for individuals or for parties.

The so-called German relief bill is simply a bid for pro-German votes. Why vote cash for German women and children and tax to the limit the clothing, the pins, the buttons, and everything which the poor women and children of America must buy in order to live, to raise the money we are giving away.

Mr. Chairman, why rob our poor widows and orphans of men who died fighting Germany in order to give to the very people who killed our boys and who would have destroyed us except for the bravery of the men now so soon forgotten?

Why vote our boys insurance and German people cash? Why vote German people cash on which to live and vote our brave boys and their people a form of funeral expense? Oh! the shame of it. In the few additional minutes allowed me at this time I wish to read to the House a most excellent editorial which appeared in the Valdosta Times of my district in the issue of the 15th of April of the present year:

CONGRESSMEN DEFICIENT

There is need of carrying the congressional investigations much further, even to the examination of the mental caliber of men who will vote against a bonus for the veterans of the World War and for a bonus for German children, and especially at a time when Germans are sending their own money out of the country and the rich are squandering their wealth in Italy and southern Europe, and also when the German Government is planning to refuse the admission of American flour to Germany because of the abundance of flour and other foodstuffs in Germany.

There is something lacking in Congressmen who will thus neglect their own and force their philanthropy upon others, especially when such acts cost them nothing, and which may, on the other hand, set them right with the agriculturists, who expect to sell their products to the Government at fancy prices. The Congressmen expect by this stroke of statesmanship (?) to get in right with their constituencies and insure for themselves a return to Washington. Enough is enough, and the people generally know when they have had enough of such business as is at the present time directing the eyes of the world to Washington in wonderment at what the next American governmental development will be.

We have been pointing across the water to the European governments and pointing out their shortcomings, with pride in the belief that the officials of the Government of the United States were less corrupt. In the light of the present-day political activities we have been laboring under an hallucination that humbles that pride and fills the soul with shame, for we can see in the dim distance the finger of scorn pointed toward America and the great institution we have prided ourselves in believing was the model of excellence in government; not perfect, to be sure, but much nearer perfection than any other government in the world.

The fact is that the American people have been too busy with their personal affairs to pay much attention to what kind of a government we really had. The principles we know to be sound, the laws are models of excellence, and yet the very lawmakers themselves are the worst violators.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. LANKFORD. Can the gentleman yield me two more minutes?

Mr. BUCHANAN. I yield the gentleman two more minutes.

Mr. LANKFORD. Mr. Chairman, on at least two former occasions during the present Congress I have made remarks on this floor along the line of this most excellent editorial and along the line of my present observations. I hope the investigations now taking place

may be the beginning of a "house cleaning" which will make our Government clean in every respect.

We must stop the spoilsman and eradicate all corruption, or we will lose all. Mr. Chairman, I firmly believe that the combined armies and navies of the rest of the world can not defeat us from the outside if our Nation is pure, perfect, and strong on the inside. If our Government and our Nation, though, rots at the center, it will collapse of its own weakness at the slightest pressure.

Let us investigate our weakness as a nation, and let us trim out every cancerous growth. Let us not have a government of the people by the spoilsmen and corruptionists for the favored and unpatriotic few who put money and political preferment ahead of country and people. Let us have a government "of the people, for the people, and by the people," not only in name but in truth for with such government unspotted and unblemished we will never know defeat, and the Government which our fathers gave us will not perish from the earth. [Applause.]

Mr. Chairman, the spoilsmen of the past killed men, women, and children in order to rob, plunder, and carry away the spoils. If they were caught, they were shot or hanged. To-day the spoilsmen without any excuse rob men, women, and children of their reputation, which they built up during a lifetime and which is their all. They kill innocent men, women, and children and drive them to suicide by depriving them of their rights and giving the spoils to the so-called victors, and yet the spoilsmen of to-day sit in high places and boast of their authority in this grand and glorious Government of ours. Many of the common people of our Nation are filling premature graves because of legislation which makes the rich richer and the poor poorer and gives to bureaus and individuals the right to dish out favors and patronage.

It seems that many people are so wedded to the spoils system as to not even be willing to learn in the school of experience. The Teapot Dome scandal ought to cause an awakening of the public and a condemnation of everything that smells like "spoils."

Is every official of the public soon to be appointed under the spoils system, and are those spoilsmen to control every activity of this once free people? Are freemen to be cast down and spoilsmen to be enthroned? Is liberty a thing of the past, and political corruption the present dominating force?

Is this Nation, which can never know defeat by the armies and navies of the world from the outside, to rot unto death of political corruption and of the awful poison of the spoilsmen on the inside? This Nation can not long endure unless it purges itself of every vestige of the corrupt spoils system. The American people to-day enjoy probably not over one-tenth of the liberty for which our forefathers fought. To what extent will Congress go? Will we turn back before it is too late?

We are working the destruction of our Nation when we concentrate too much power here to be exercised by people not elected by the people, but by people holding office, the very commission to which is tainted with the odor of spoils. We ought to mind our own business and let the people manage their affairs. We should fight for more freedom and greater human rights, not for less. We should legislate for people to control their own legitimate activities and not for spoilsmen to dominate their every move. There is no one thing that Congress or the President can do which will so vitally serve the people and so fully guarantee the future safety of this Nation as to end for all time the present deplorable and baneful spoils system. Will we act for the right? Will we save our Nation by reestablishing not only in name but in fact every principle for which our forefathers fought, and which are embodied in our Declaration of Independence and in our Constitution, and which are placed by the Almighty in the heart of every free man?

May an all-wise God grant unto us here in Congress the foresight to see the certain destruction toward which we are drifting and the power to turn aside and save all before the final hour of doom shall have come. [Applause.]

Mr. SANDLIN. Mr. Chairman, I yield 24 minutes to the gentleman from Porto Rico.

The CHAIRMAN. The gentleman from Porto Rico is recognized for 24 minutes.

Mr. DAVILA. Mr. Chairman, it is not my wont to make frequent use of the privilege of the floor of the House. I do so only when my position as representative of the people of Porto Rico imposes upon me the duty of availing myself of this forum as a means of addressing the Congress and the people of the United States. Speeches for home consumption are very far from my mind. My main interest consists in being heard rather by the American people than by the people of Porto Rico.

On this particular occasion I rise to discharge an obligation which is certainly far from agreeable. I do not invite troubles, but when they are placed in my path I face them unhesitatingly in the performance of my duties.

The President of the United States has addressed a letter to Governor Towner which has produced a very unfavorable reaction on the people of Porto Rico. It is in order to expose my views anent this letter that I have requested the privilege of addressing the House to-day.

The Legislature of Porto Rico, through the president of the senate, Hon. Antonio R. Barceló, and the speaker of the house, Hon. José Tous Soto, have already replied to the President in a letter addressed to me. It is a very important document, which contains an elaborate review of our conditions and aspirations and will no doubt be very valuable to the members of the committees of both Houses in charge of our problems. I believe I am not asking much in suggesting to you a careful perusal of their reply. It is unnecessary for me to say that I indorse every word of it.

I wish to make clear, first of all, that since President Coolidge's advent to power I have endeavored to work in harmony with his administration, placing no obstacles in his way. I have followed this policy in spite of the fact that my recommendations have not been accepted by the administration. I remember that shortly after Mr. Coolidge entered the White House I recommended to the Bureau of Insular Affairs and to the Secretary of War a Porto Rican candidate for the post of commissioner of immigration.

The President appointed a continental American. In spite of this rebuff I accepted the appointment and advised its approval by the Senate. When the office of attorney general became vacant I submitted to the President the names of two distinguished Porto Ricans to fill the post. The President appointed a continental American from the State of Texas, and I accepted his appointment without opposition. When the term of the commissioner of education expired I recommended to the administration the names of two Porto Rican educators, trained in universities of the United States. The President reappointed the present commissioner of education, who is also a Porto Rican. Very recently I recommended a candidate to fill a vacant post in the supreme court. The President chose another candidate, and I not only accepted his appointment but gave it my decided approval when consulted on the matter by the Senate committee. In all my dealings as the representative from Porto Rico I have tried to give to the President of the United States my whole-hearted support. I hold the Chief Magistrate in the highest esteem. Personally he has always been very kind and courteous toward me. I am making these observations so that nothing which I should say in my remarks might be construed as springing from a feeling of hostility toward the national administration.

Porto Rico and the United States must necessarily live a life of harmony and friendship. It profits us Porto Ricans nothing to express our views in forms offensive to the American people. It profits the American people nothing to offend gratuitously the feelings of the people of Porto Rico. For this reason it is regrettable that controversies should arise which might bring forth as their consequence the use of words more or less vexing to both peoples.

President Coolidge's letter is, to my mind, humiliating to the people of Porto Rico. According to this letter we have done nothing but receive favors from the American people, and are highly ungrateful when we express our complaints and come to Washington in quest of greater liberties for the island. The United States owes Porto Rico nothing. It is we who are poor, we who are humble, we who are harborless, we who receive the benefits and the blessings of the American administration in Porto Rico. There is not so much as a word in the President's letter to suggest the proposition that, in holding Porto Rico, the United States derives benefits of a political and economic character. Any impartial observer, after having read the President's letter, might well ask himself why the United States insists in holding onto Porto Rico, in spite of the onerous obligations which such a policy is contended to impose on this Nation. We might say, in view of this official pronouncement, that we of Porto Rico are being the victims of the excessive love professed us by the national administration in trying to maintain all the power it has there and in denying the inhabitants of the island that participation in the government of their own affairs, which is their due. We would prefer less love for Porto Rico and more love for the liberty and happiness of its inhabitants. It is folly to attempt to make the inhabitants of our island happy in the American way. We want to be happy treading the path of our destiny in our own way. I know of no country in the world which has secured the happiness of another by handling its internal affairs.

We are not pretending to deny the benefits which Porto Rico has received during the American administration. But an attempt has been made to deal with our conditions from a point of view of American charity and not of Porto Rican rights. It

is our duty to express our views and to declare emphatically that we are not asking for charity, but for rights.

The President begins by examining the conditions and tendencies of the people of Porto Rico at the time of the American occupation. An article written in 1892 by Doctor Coll y Toste has been unburied from the files of the War Department. This article describes the progress of Porto Rico for the previous 100 years. A relation of the conditions of our peasants at that time is contained in one of the paragraphs of this article. Nothing is quoted by President Coolidge from those portions of the article which praise the progress of Porto Rico. That this paragraph is the only one which criticizes existing conditions in 1892, is shown by the following words of Doctor Coll y Toste taken from the same paragraph but which were not quoted by the President:

> But, ah, if it be true that we have progressed much, comparing the final pictures of these two last centuries, and if it be true that our population has increased so much that from a census of 138,758 people it has mounted, according to the last enumeration, to 802,439 inhabitants, yet, unfortunately, at the heart of such a state of enlightenment a black stain is projected like a blot of ink on a picturesque drawing.

In this article Doctor Coll y Toste paints in vivid colors the condition of our peasants, making their weaknesses stand out and exaggerating throughout with the purpose of emphasizing the necessity of applying a remedy to the existing conditions. It was also his purpose to criticize the Spanish Government for inexcusable negligence in the performance of its duties. But what purpose is accomplished by the publication of his article in 1928? The unnecessary exhibition of these unfortunate conditions of the past, even if not intended to humiliate the people of Porto Rico, it really has that effect. Let me say in passing that the prize given to Doctor Coll y Toste by the Economic Society of Friends of the country was not particularly for his description of the peasant, as pointed out in the President's letter, but for the whole article, describing the progress of Porto Rico in the previous century. The author possibly was rewarded not for his description of the peasants but in spite of it. Although Doctor Coll y Toste analyzes in his study the conditions of our peasants only, the President states in his letter that this describes the great body of the population of Porto Rico.

The conditions obtaining in Porto Rico at the time of the American occupation were not very favorable. We acknowledge and admit that there was ignorance and poverty then, just as there is ignorance and poverty to-day in some sections of the country; but it can not be denied that there existed a powerful nucleus of our population which lived a comfortable life and developed its activities with relative ease and relative well being. There existed the basis of a civilization just as wise and just as vigorous as the Anglo-Saxon civilization. There was a nucleus of men trained in European universities, versed in different fields of endeavor, whose learning rivaled in depth and breadth that of educated men in Europe and the United States. Our representatives at the Spanish Cortes offer an irrefutable example of Porto Rican culture. Our men were the first to plead for the abolition of slavery. The great orator Emilio Castelar, in a speech to the Spanish Congress, praised the work of our men in the most glowing terms. At the Spanish Cortes the Porto Rican representatives enjoyed the same privileges as the Spanish representatives, and exercised the right to vote in national affairs. The same society of "Friends of the Country" which rewarded Doctor Coll y Toste's work was made up of Porto Ricans.

The culture of Porto Rico when the American forces reached our shores was exactly the same as the culture of Cuba: the conditions of the peasants were identical in the two islands and the sanitary and economic conditions were very similar. Cubans had no more experience than the Porto Ricans in the exercise of free government. They were practically governed by the same laws and the same autonomous government was granted by Spain in 1897 to both countries. In this connection it is very interesting to compare President Coolidge's statements when speaking of the two countries.

The President says in his letter that the "pitiable economic condition" which existed in the island "was one of long standing" and that "the tendency was to get worse rather than to improve." "One would look in vain," avers Mr. Coolidge, "for a single ray of hope if Porto Rico were to continue its normal course as we found it." Again he points out that "only 30 years ago one was, indeed, an optimist to see anything promising in Porto Rico," while "to-day one is, indeed, a pessimist who can see any reasonable human ambition beyond the horizon of its people."

When speaking of Cuba at his address before the Pan American Conference at Habana, Cuba, January 16, 1928, the President states:

> The very place where we are meeting is a complete demonstration of the progress we are making. Thirty years ago Cuba ranked as a foreign possession, torn by revolution and devastated by hostile forces. Such government as existed rested on military force. To-day Cuba is her sovereign. Her people are independent, free, prosperous, peaceable, and enjoying the advantage of self-government. The last important area has taken her place among the Republics of the New World. Our fair hostess has raised herself to a high and honorable position among the nations of the earth. The intellectual qualities of the Cuban people have won for them a permanent place in science, art, and literature; and their production of staple commodities has made them an important factor in the economic structure of the world. They have reached a position in the stability of their Government in the genuine expression of their public opinion at the ballot box, and in the recognized soundness of their public credit that has commanded universal respect and admiration. What Cuba has done others have done and are doing.

While the President of the United States is most enthusiastic in praising the intellectual qualities and the prosperity of the Cuban people in dealing with Porto Rico he says that we were poor, ignorant, distressed, and diseased, and that 30 years ago one was, indeed, an optimist to see anything promising in Porto Rico.

Cuba, however, since obtaining its liberty has been able to develop itself and organize a government worthy of Mr. Coolidge's highest praise. For us there were no promises of redemption. Porto Rico, it is made to appear to the people of the United States, would certainly have disappeared from the map had it not been for the timely aid of the United States. All that the President can say of us is that the United States has given "Porto Rico greater liberty than it has ever enjoyed and powers of government for the exercise of which its people are barely prepared," and that the Americans "have attempted, with some success, to inculcate in the inhabitants the basic ideas of a free, democratic government." It is somewhat difficult to reconcile Mr. Coolidge's views on Cuba, which is a foreign government, and on Porto Rico, which has remained under the American flag. The comparison does not seem favorable to the American administration of Porto Rico. Cuba, under her own sovereignty, has been able to establish a free government, and her citizens, according to the President, are capable of ruling their own destiny. Porto Rico, after 30 years of American rule, has not been able to develop these qualities or to demonstrate aptitude in the control of its own affairs. If the statements of the President are true, if his words in regard to Cuba are inspired by sincerity and not by diplomatic expediency, we could not offer a more convincing example of the advantages of self-government in developing the faculties of a people. If the words of the President with respect to our inexperience and unpreparedness for greater liberties are true, we could not offer a clearer example of the failure of the American people in developing the faculties of a people beneath its flag.

Returning to Mr. Coolidge's conclusions, based on Doctor Coll y Toste's article, it is proper to state that this ill-treated, pale, distressed, and ignorant peasant was strong enough in spirit and in heart to come down from the mountains of Porto Rico during the World War, covering long distances on foot, in order to offer his services to the American people. Many were rejected, being physically unfit, but many were admitted and trained under the leadership of General Townshend, the commander of our troops in Porto Rico.

Commander Townshend, now Assistant Chief of the Bureau of Insular Affairs, is the best authority on the matter of the conduct of these peasants in the training camp. Approximately 17,000 men were trained under his able leadership, and the bulk of them belonged to the group described by Doctor Coll y Toste, which has served as the basis for the conclusions of the President. In an article published in the January, 1922, issue of the periodical Current History, H. P. Krippene says of these men:

> Most of the recruits came in from the country, and the majority of them were extremely illiterate, undernourished, and poorly clothed. Eighty per cent of them, perhaps, had never worn shoes, and had eaten only rice and plantains since childhood. Three weeks after these men had been organized into companies they were taken on a short march, carrying no equipment, and they came back a straggling, disordered, exhausted mass. Three months later, under a hot tropical sun, they were taken on a 20-mile hike with full packs, and not one of them dropped by the wayside. Expert medical and dental care, the daily Army ration, and scientific physical exercise daily had changed weak men to workers, failures to fighters. The work did not stop here. The healthful camp life, constant medical inspections, good food, the daily bath, athletics, and amusements, all contributed not only to a vigorous physical reaction, but to a quickening of the mental

processes which also became noticeable. Peons who had entered camp with dazed, uncomprehending eyes, ignorant even of their own language, began to appear on the field with polished boots and well-pressed uniforms, carrying their heads erect, saluting with alacrity, and snapping to orders in a foreign tongue. They seemed to awaken to the fact that they, too, were men, and the American uniform gave them the courage of their convictions. Eventually they began to express a desire to learn to read and write, and classes were formed and taught by noncommissioned officers.

Later on the same article points that—

The enlisted man, however, was representative of the lower class living out in the hills; people who, up to the time of war, had scarcely felt the influence of American schools and their ideals. It may appear singular that the bulk of the Army was made up of this type, but it can be explained, perhaps, by the fact that Porto Rico was passing through a period of exceptional business activity and the educated and skilled workers were able to avoid the draft to a great extent because they were extremely necessary in their various occupations, whereas the peon had little or no responsibility.

These peasants of which we are speaking must have felt very deep in their hearts the humiliating remarks in Mr. Coolidge's letter.

We can not say that the conditions of these peasants has been improved during the American occupation. The man living in the mountains is to-day in as deplorable a state as he was 30 years ago. Porto Rico has undergone extraordinary progress, but it has not extended to the Porto Rican peasant to any noticeable degree. Doctor Coll y Toste's article describing the condition of our peasants, written in 1892, is no more severe than the report made by the Rev. Dr. George Luther Cady in 1928. Doctor Cady, corresponding secretary of the American Congressional Missionary Association, visited Porto Rico accompanied by nine leaders in the home missionary work of the organization. On his return to New York he made a report describing conditions which are more distressing than those described by Doctor Coll y Toste.

It would be unjust to judge the people of Porto Rico as a whole as ignorant, sickly, poor, and vicious merely from the fact that there exist conditions of poverty, which we all regret, in a part of our population. These conditions are not peculiar to Porto Rico. There are sections in lower New York, such as the Bowery, and in Hoboken, Newark, Albany, and Chicago where living conditions are as bad among the laborers, if not worse, than in Porto Rico. Certainly we are not going to judge the great city of New York, or the great State of New York, or the entire United States by conditions that obtain only in portions of the population of these communities.

I believe that both Doctor Coll y Toste and Doctor Cady exaggerate in their descriptions, but we can not deny that our peasant, undermined by the hookworm and enjoying very limited wages, is lacking in vitality and in the foods necessary for good nutrition. It is true that under the rule of Spain the wage of the peasant was very low, but it is also true that the cost of living was likewise very low. To-day cost of living has increased to an extraordinary degree, and higher wages are needed to face even the primary needs of existence. Doctor Cady tells us in his report that the average laborer earns from 55 cents to a dollar a day. This is the salary under the American flag in spite of the high cost of living. It is not very difficult to conclude from this that, no matter how serious the condition of the peasant may have been 30 years ago, present-day conditions can hardly be any better.

One of the most important problems that we have to face in connection with labor conditions is the excess of population. It is estimated that the population to-day is 1,450,000, or 422 persons per square mile. Due to the lack of industries unemployment is a particularly grave problem. The great excess of labor available over that required is the primary cause for the existing low wages.

To close our apology for the Porto Rican peasant we must say that this man, who is painted in such dramatic and tragic colors, possesses natural intelligence, harbors fine feelings, and has a frank and affable temperament. A hint of the possibilities of these men as first-class citizens of the future is afforded by a study of their progress as American soldiers during the World War. To quote again from the article by H. P. Krippene, referred to above:

The country people, as a rule, constitute the lower class. They are simple, trusting, naturally courteous, charming to strangers, and usually honest, though not industrious. The upper class is composed of refined, cultured, and progressive men and women. Many of them have been educated in American colleges and universities, have traveled extensively, and are cosmopolitan in ideas and customs.

Reviewing the finances of Porto Rico, the President says:

The treasury of Porto Rico receives the customs duties collected in Porto Rico, less the cost of collection. It receives the internal-revenue taxes which are laid by its own legislature and collected in Porto Rico, it receives the income taxes which are laid by its own legislature. It receives the internal-revenue taxes collected in the United States on Porto Rican products consumed in the United States.

The above statement is entirely correct, but the conclusions drawn from it are not entirely accurate. The President says that out of a budget of $11,191,893.11 the amount of $9,514,466.93 would not accrue to the local treasury were Porto Rico an incorporated territory. Mr. Chairman, this conclusion of the President is in my opinion most amazing. It does not speak very favorably of the system of government of the United States. According to the President's conclusions, it is possible under the Federal system of government to absorb almost 90 per cent of the revenues of a State or Territory, leaving only a 10 per cent to meet the expenses of the local government. I do not believe that any State or Territory would tolerate such an oppressive system of government. It is almost confiscatory. That is not the case in Alaska, that is not the situation in Hawaii or in any State of the Union. It seems to me that it is not difficult to prove the inaccuracy of the conclusions of the President.

Let us quote the paragraph of the President's letter dealing with the figures laid down by him:

In the fiscal year 1927 the total operating revenue of Porto Rico was $11,191,893.11. Of this total the following, in our States and Territories, would not accrue to the local treasury:

Customs	$1,806,567.91
Income taxes	1,565,745.98
United States internal revenue	440,650.71
	3,812,964.60
Excise taxes (which would in great part not accrue to local treasury)	5,701,502.33
Total	9,514,466.93

Were Mr. Coolidge's conclusions correct, we should have less than $2,000,000 on hand to defray the expenses of our Government under the territorial system. I admit that the customs duties and the internal revenue collected in the United States on Porto Rican products would accrue to the National Treasury were Porto Rico incorporated into the Union, but I take exception to the conclusions of the President regarding the other items.

The Federal income tax law extends to the Territories of the United States and would extend to Porto Rico if we were a part of the Union. But in this case we should have the right to enact our own income tax, as is done in the States and Territories. The State and Territorial income tax has nothing to do with the Federal income tax. We have in Porto Rico our insular income tax, which will not accrue to the Federal Government even if the Federal income tax is extended to Porto Rico. Under the Federal income tax now in force the Federal Government will not derive from Porto Rico the $1,565,745.98, which is the income received at the insular treasury under the Porto Rican law. Therefore we have to deduct this amount from the figures quoted by the President.

The President claims that the excise taxes would in great part not accrue to the local treasury. I would like to know what part of these taxes would not accrue to the local treasury. These are insular excise taxes which will always accrue to our Treasury, even if we were incorporated into the Union. What the President means, in my opinion, is that we will have to pay Federal taxes, but not that insular excise taxes would accrue to the Federal Government. So we have to deduct from the figures quoted by the President, the excise taxes, which amount to $5,701,502.33. If my conclusions are correct, only $2,247,218.62, out of our present revenues would accrue to the National Treasury. Of course, the Federal Government would have the right to collect the income tax under the Federal law, and any other source of revenue allowed by the Federal law as well, but that does not mean that the National Treasury would absorb the local revenues raised under the laws of Porto Rico.

It is true that the National Government, taking into consideration the economic conditions in Porto Rico, has not imposed on the taxpayer the burden of taxation under the Federal laws, as it has done in the Territories. But this does not justify the conclusion that the local revenues of Porto Rico would accrue to the Federal Government were we treated as an incorporated territory. It only means that the taxpayer under the Territorial system would have to pay more taxes than he is paying now, and that the Government of the United States has not deemed it wise to impose an additional burden

on a country where economic conditions do not justify such a course.

In this connection, it is proper to state that while Hawaii and Alaska pay taxes to the Federal Government, they receive in compensation the benefit of the laws extended by Congress to those Territories. Regarding Porto Rico, every time that we ask for the extension to Porto Rico of a Federal law which carries with it the expenditure of a certain amount of money, the answer is that we do not pay a cent to the Federal Government.

I remember that in 1924 we asked for the extension of several laws to Porto Rico. Secretary of War Weeks appeared before the Committee on Territories and Insular Possessions and made these remarks:

> I think the committee should keep distinct the legislation for Hawaii and for Porto Rico; they are under altogether different conditions. The Hawaiians pay nearly $6,000,000 into the National Treasury; the Porto Ricans pay nothing.

Senator Willis stated:

> In that respect it is quite different from any appropriation that may be made for Hawaii, because Hawaii is paying taxes.

Secretary Weeks replied:

> Quite different. The Hawaiians are presumably getting back their own money or some part of it, just as the States are.

On account of the remarks of the Secretary of War, no report was made by the committee in favor of the extension to Porto Rico of laws which have been extended to Hawaii and Alaska. Thus, if it is true that we do not pay taxes to the Federal Government, it is also a fact that many laws in force in the incorporated Territories are not extended to Porto Rico for the sole reason that we do not pay Federal taxes. Hawaii and Alaska receive the benefits of these laws as a compensation for the taxes they pay. The advantages, therefore, that Porto Rico derives over Hawaii and Alaska by not paying Federal taxes are not so great as we are deprived on this account of the benefit of many important Federal laws.

The President mentions in his letter the services which directly and financially benefit the people of Porto Rico, such as the Lighthouse Service, the Agricultural Experiment Station, the maintenance of the Porto Rico Regiment of the Army, the activities of the Veterans' Bureau and Federal participation in harbor improvements. It is of interest to note the care taken in the President's letter to emphasize trivialities and to waste no detail in his earnest determination to make known the benefits derived by Porto Rico from the United States. He mentions the Lighthouse Service.

Is it not natural to expect that since the Federal Government controls this service it would also pay the expenses of the same? He also mentions the activities of the Veterans' Bureau. If our boys were good enough to serve the Nation during the World War, is it anything but fair for the Federal Government to extend to the Porto Rican soldiers the same protection and care extended to the continental Americans? He also mentions the Federal participation in harbor improvement. Is it charity for the Federal Government to pay its share in this work when the people of the United States are almost exclusively receiving the benefit of our commerce? We admit that the maintenance of the Porto Rico Regiment is a great help to Porto Rico, but let us be reasonable and likewise admit that our boys are rendering a loyal and faithful service to the people of the United States.

The President says that "the United States tariff extends to Porto Rico," and adds that "no part, certainly no agricultural part, of our territory is so favored by its tariff." Our four principal industries are sugar, tobacco, coffee, and fruits. Of these four, the only one in a truly flourishing state is the sugar industry. It is true that this industry has developed extensively largely as a result of tariff protection and of the high prices during and immediately following the World War. But not all the benefits of this development are reaped in Porto Rico. The tariff has fostered the growth of large corporations in our island which control enormous quantites of land and are gradually concentrating ownership in a few hands. The small farmer is disappearing in Porto Rico, and this is largely due to the control of our land by powerful interests. Many of the stockholders of these corporations live in the United States, and obviously the benefits derived in their case are not enjoyed by Porto Rico but by the United States. It has been said that two-thirds of the benefits accruing from the sugar industry are received by absentee owners.

The heads of these corporations have no interest whatever in the development and progress of the people of Porto Rico. Their goal is to amass wealth, and they apply themselves to this end with whole-hearted interest. They are constantly disputing our tax laws and complaining of the share in the expenses of our Government which we assign to them. The wages of labor, in spite of the tariff, are very low, while cost of living, because of the tariff, is very high. In Porto Rico rice, for instance, is a staple food. Our peasants consume it daily. While the rich are deriving extraordinary benefits from the tariff on sugar, the poor are suffering the grievous effects of the tariff on rice. Cost of living in Porto Rico is as high as in the United States. Nearly all necessities are imported from this country. Clothes, shoes, drugs, food, machinery, farm implements, and so forth, all this comes from the United States, and while it is true that the sugar industry receives great benefit from tariff protection it is just as true and just as evident that these benefits enrich a few and that the poor consumer has to bear the heavy burden of tariff rates on other commodities which are necessary to life itself. True, land values have increased and the price of sugar has been the principal factor in this increase of value. True, too, the treasury revenues increase with an increase in the value of property. But the disadvantages of centralization of landownership and of absentee ownership are of such a nature as to be well worth careful study and attention.

In spite of tariff protection the tobacco industry is languishing. The fruit industry at present is barely able to show anything above its costs of production, while coffee has never been in a flourishing state since the Americans arrived at the island. It is true that Porto Rican coffee is given a 20 per cent reduction of the Cuban tariff as an American product. But it is also true that we lost our market in Spain on account of the American occupation, that coffee was in those days our principal industry, and that in spite of the crisis that this industry has suffered protection has never been given to our coffee. The 20 per cent reduction of the Cuban tariff means nothing compared to the benefit we received in the past.

In matters of the tariff, Porto Rico must accept and be governed by the laws of the United States. We have not the right to make our own tariff rates. If we did, perhaps we might find some way to lower the cost of living and to find a market for our products in the world. We can not consider as final the conclusions arrived at in the President's letter. These matters which deal with a country's finances must be studied very carefully before a definite conclusion is reached.

The President's assertion that the United States has given Porto Rico greater liberties than it has ever enjoyed is undoubtedly based on the fact that the autonomous government granted by Spain in 1897 had scarcely commenced when the Spanish-American War brought it to an end. In this connection I desire to quote the following excerpt from an article written by Mr. Regis H. Post, former Governor of Porto Rico, and published in the World's Work Magazine of January, 1922:

> They had obtained a representation in the Spanish Cortes, and with this participation in the home government, and with consummate political strategy, they succeeded in November, 1897, in obtaining for the island an autonomous form of government, the goal of their desires. On July 17, 1898, the legislature elected by the people met for the first time in its history, amid the rejoicing of all elements in the island. On July 25, the day of Santiago, patron saint of Spain, the clerk read to the assembly telegrams and letters of felicitation from insular and municipal officials and prominent citizens of the island; but in the midst of the chorus of joy came a telegram which read: "The American fleet is off the port of Guanica, preparing to bombard." The legislature adjourned, never to meet again under the Spanish flag, and the work of 400 years was blown away in the breeze that raised our flag over the island.

It is a historical fact that when the Americans arrived in Porto Rico an autonomous government had already been granted to the island by the Crown of Spain. Under this law the insular parliament was composed of two chambers empowered to legislate on public education, public works and services, public health, mail, telegraph, police, public credit, banks, monetary system, agriculture, qualification of voters and electoral procedure, administrative organization, judicial, municipal and territorial division, insular budget, with the obligations of including in it the expenses inherent to the sovereignty fixed by the Spanish Parliament, commercial treaties, tariffs, land and water transportation, taxes, and duties, and in general on those questions affecting Porto Rico principally and which were not specifically and specially reserved to the Spanish Parliament by law.

The governor was appointed by the King, and the members of the cabinet appointed by the governor, these officials to be chosen from among the members of the political party having the majority in parliament. Porto Rico was represented in the Spanish Parliament, as in the past, by deputies and senators elected in the island, with the same rights and privileges as those enjoyed by the Spanish representatives. These are the principal features

of the powers granted to the Porto Ricans 31 years ago by the old mother country.

The President says, in connection with the powers enjoyed by the people of Porto Rico, the following:

> The Porto Rican government at present exercises a greater degree of sovereignty over its own internal affairs than does the government of any State or Territory of the United States.
>
> The principal difference between the government of Porto Rico and that of the organized and incorporated Territories of the United States is the greater power of the legislature and the fiscal provisions governing Porto Rico, which are far more liberal than those of any of our States or Territories.

In the States of the Union sovereignty emanates from the people. The constitutions of the States and the Constitution of the United States are based on this principle. National sovereignty has its origin and strength in the powers delegated by the sovereign States of the Nation. The united power of the States constitutes the national sovereignty. The powers not delegated constitute the State sovereignty. Thus, the power of the States is only limited by the restrictions imposed by themselves in the exercise of their sovereignty. The States made the Constitution and are empowered to change it. Quoting the language of Sir George C. Lewis—

> It may be said generally that a sovereign government can do all that can be done by the united power of the community which it governs; or, more strictly, that it can do all that can be done by so much of the power of the community as it can practically command.

Because the customs duties in Porto Rico accrue to the local treasury and not to the National Treasury, because the income tax laws and other fiscal laws of the United States are not extended to Porto Rico, the President arrives at the surprising conclusion that the Porto Rican Government exercises a greater degree of sovereignty over its own internal affairs than does the government of any State or Territory. It is not a difficult task to prove beyond a reasonable doubt that the President's conclusions are not justified by the facts. The participation given to the people of Porto Rico under the present organic law in the management of the finances of the island is very restricted. This law contains limitations that are not found in the laws of any State or Territory.

In the first place, under the organic law of Porto Rico, the power of veto is vested in the governor and the President of the United States. They both have the absolute power of vetoing any law passed by the Porto Rican Legislature. The decision of the President is always final. In Hawaii and Alaska the governor has the usual veto power; but the legislature has also the power to override a veto by a two-thirds vote of all the members of each house. Under these circumstances it can not properly be stated that our Government exercises a greater degree of sovereignty over its own affairs than Hawaii and Alaska or any State of the Union.

According to section 34 of our organic act, when a bill that has been passed is presented to the governor for his signature, if he approves the same, he shall sign it; or if not, he shall return it, with his objections, to the house in which it originated, which house shall enter his objections at large on its journal and proceed to reconsider it. If after such reconsideration, two-thirds of all the members of each house shall agree to pass the same, it shall be sent to the governor, who, in case he shall then not approve, shall transmit the same to the President of the United States. If the President of the United States approves the same, he shall sign it and it shall become a law. If he shall not approve same, he shall return it to the governor, so stating, and it shall not become a law.

It is evident that under these provisions the Executive has an extraordinary power. As has been stated, the veto power is exercised by the governor or the President, as the case may be. Without their approval, no bill of the legislature shall become a law, no appropriation may be passed. It may be said by the administration that very seldom an appeal is taken. It may be said by the Porto Ricans that an appeal to the President is equivalent to an affirmance of the governor's decision, as it is but natural to expect that the President will not revoke his own appointee. But that is not the point. The fact is that the Legislature of Porto Rico, elected by the people, has no power to pass a law over the veto of the executive branch of the government, in the selection of which our people have no voice.

Under section 34 of our organic law the governor has entire control in the preparation of the budget and can eliminate any item approved by the legislature, his decision being final. The organic law practically gives the governor the power to make the budget of Porto Rico. The legislature is in this case nothing more than a debating society. Once the budget is returned to the governor by the legislative assembly he may approve some items and disapprove others, and we have no recourse under the law against his decision. No governor of any territory under the flag has such powers. A government which grants such arbitrary faculties to a single person can scarcely be considered free and democratic.

Under the organic law the auditor of Porto Rico, also appointed by the President of the United States, is vested with extraordinary powers. He examines, adjusts, decides, audits, and settles all accounts and claims pertaining to the revenues and receipts from whatever source of the government of Porto Rico and of the municipal funds derived from bond issues. It is his duty to bring to the attention of the proper administrative officers expenditures of funds or property which in his opinion are extravagant, excessive, unnecessary, or irregular. He has supervision of all the departments of the government, and his decisions are final unless an appeal is taken to the governor. The decision of the governor in such a case shall be final, subject to such right of action as may be otherwise provided by law. No Federal law has yet been passed providing a right of action against the decision of the governor. In the States of the Union, as in the Federal Government, the decisions of the Comptroller General are binding only upon the executive branches of the Government. The organic law of Porto Rico simply says that the decision of the auditor is final in the absence of an appeal, and that the decision of the governor is final when an appeal is taken to him.

In the States the executive is elected by the people; in Porto Rico, appointed by the President of the United States. The people of Porto Rico have not any voice in the election of the President. The power to appoint our executive is therefore not derived from the sovereign power of the people of Porto Rico. A republican form of government has been defined by American authorities as one which derives all its powers directly or indirectly from the people, and which is administered by persons holding their offices for a limited period or during good behavior. The people of Porto Rico have no voice directly or indirectly in the election of the President of the United States or in the appointment of the Governor of Porto Rico. This power, which is one of the most sacred under American institutions, is not enjoyed by the people of the island. Notwithstanding the absence of this right, which is fundamental under a democratic government, the President asserts that we enjoy a greater degree of sovereignty than a State.

Had the people of Porto Rico possessed the power of electing their governor, the selection of a man speaking a language not understood by our people should have never taken place. It is hardly possible to define as democratic a system of government which allows the appointment of an executive who does not even understand the language of the people he is going to rule. It is interesting to contemplate what the State of Massachusetts would do in case of the appointment by another power of a governor speaking only the Spanish language and ignorant of the customs of the country. It is interesting to imagine what would be the reaction of the people in approaching the governor through an interpreter, as it is done in Porto Rico. The majority of our people can only communicate with the executive through the agency of a third person. Under the circumstances the governor is unable to grasp the real psychology of the people and to obtain direct information from them. The executive, by his inability to communicate directly with the people he is sent to govern, surrounds himself with a group of individuals on whom he depends for information regarding insular affairs. This group of individuals who are always ready to use this high privilege for their own personal benefit are responsible for the disagreeable misunderstandings that often take place between the governor and the people.

Under our organic law the President appoints the attorney general and the commissioner of education, two members of the governor's cabinet. In the States these officials are either appointed or elected by the people. The attorney general, appointed by the President, is in charge of the administration of justice. The commissioner of education supervises public education throughout the island. He prepares all courses of study subject to the approval of the governor. Under this provision the Legislature of Porto Rico has no authority to change, alter, or modify the courses of study prepared by the commissioner of education and approved by the governor. They are both presidential appointees, in whose selection the people of Porto Rico have no voice.

The President appoints the justices of the Supreme Court of Porto Rico. The President has no power to appoint the justices of any State supreme court.

The organic law prohibits the Porto Rican Legislature from interfering with the organization of the Executive Council. It can neither create nor consolidate nor abolish any of the departments of the government. In the States of the Union, all

of these powers are within the sovereignty of the State and can not be interfered with by the Federal Government.

The borrowing capacity of the insular government and of the municipalities is limited by the organic law. No change can be made by the local government of Porto Rico. Yet the President claims that we exercise a greater degree of sovereignty than the States.

The States are authorized to change, modify, alter, or amend their own constitutions. This is a fundamental power of the State sovereignties. Porto Rico has no power to adopt its own constitution. We had no participation in its enactment. We have no power to change or modify it. It was approved by the representation of the different States in Congress without a vote being cast by the people of Porto Rico. It so happens that the people of Porto Rico, who, according to President Coolidge, exercise a greater degree of sovereignty than the States, had to depend on the elected Representatives in Congress from these States for the enactment of the fundamental law of their country, and still depend on them for any change or modification contemplated on said law. The States of the Union have an equal representation in the Senate; Porto Rico has none. Representations in the House is apportioned among the several States; Porto Rico has no Representatives, but a Resident Commissioner entitled to a seat by the courtesy of the House and not by law. The Delegates of Alaska and Hawaii are entitled to a seat by law. The Resident Commissioner of Porto Rico lacks the power to vote in the Congress of the United States. While the representatives of the several States exercise the power of enacting legislation for Porto Rico, its accredited representative is not allowed to vote on legislation affecting his own country.

The injustice involved in the denial of this right acquires extraordinary importance when laws are passed (or bills are voted on) which are related to liberty or life, especially to life. One of the greatest grievances alleged by the American colonies to justify the revolution which culminated in independence was the imposition of taxes without the representation of the taxpayers. It was the contention of the colonists that the king had no just power to demand his people's money except by consent of the men whom they should elect to represent them in Parliament. "Taxation without representation is tyranny" was the slogan of the American patriots. The English legislation which provoked the protest of the American people dealt exclusively with property and had nothing to do with life.

The American Congress can dispose, and has disposed, of Porto Rican lives without our vote or representation. We are not complaining of Congress' action at the time. We are merely stressing a principle. During the World War Porto Rico did not have a representative in Congress with the authority to vote on the draft law. Congress passed the law disposing of the lives of the people of Porto Rico without our vote. The phrase, "taxation without representation," dwindles into insignificance when compared to the phrase, "compulsory service without representation." The first deals with the rights of property, the second with the sacred rights of life. Porto Rico was only too glad to offer its services to the Nation during the crisis of the World War. As a matter of fact, the draft was unnecessary in Porto Rico. The Porto Rican army could have been raised by volunteers. But the fact that we were ready to fight for the Nation does not change the principle. The American Congress disposed of our lives without giving us an opportunity to cast a vote in such a tremendous and important matter. And yet the President of the United States says that the government of Porto Rico exercises a greater degree of sovereignty than the government of any State.

The Congress of the United States has power to repeal our laws and to legislate for Porto Rico without any limitation whatever. This power vested in Congress is a cause of constant alarm to the people of Porto Rico. When Congress is in session bills are frequently introduced restricting the rights already enjoyed by the Porto Rican people. These bills, of course, are introduced without our knowledge. On the other hand, bills increasing our liberties are very seldom introduced, and when there is a Representative who sponsors legislation in favor of Porto Rico it is necessary to undertake a very active work in order to obtain a decision in our behalf. But there are always powerful interests in behalf of the bills restricting our liberties. During the present session of Congress a bill was introduced in the Senate restricting the limited powers of the Porto Rican Legislature. Another bill was introduced in the Senate and House for the relief of certain Porto Rican taxpayers, who happen to be corporations whose stockholders reside in continental United States. Another bill was introduced to prohibit experiments upon living dogs in our country. Another bill was introduced for woman suffrage, and so forth. Why should the Congress of the United States attempt to legislate for Porto Rico on purely local matters? Why should Senators and Representatives introduce bills restricting the limited liberties we enjoy? Why, for instance, should Congress attempt to tell Porto Ricans what we should do with our dogs? We in Porto Rico are so uneasy when Congress is in session that the adjournment of Congress is, for Porto Rico, a great relief.

The States of the Union are ruled by the Constitution. All powers not delegated to the Federal Government are kept by the States, and Congress has no power to legislate on local matters. They control their internal affairs and are not in any way menaced, as we are, by legislation restricting our rights. And if a bill is introduced which may encroach on the powers of the States, the Representatives of those States are in Congress to defend State rights and prevent any usurpation of power. The State rights are also protected by the courts of justice, which have the power to declare unconstitutional any law that may invade the rights of the States. As under the Constitution Congress can legislate for the Territories without limitation, we have no power to protect ourselves against any legislation applied to our country.

It has been clearly shown that Porto Rico has not yet a complete representative government. Of the three branches of the government, the legislative alone is elected by the people; while the executive and the judicial, including the attorney general and the justices of the supreme court, are appointed by the President. It is, therefore, clear that the government of the island is not an expression of the popular will. Only the legislative assembly represents the views of the people. The heads of the two other coordinate departments being presidential appointees, are not strictly accountable to the people. And yet it is said that we enjoy a greater degree of sovereignty than any State.

The treaty of Paris, says the President, contains no promise to the people of Porto Rico.

> No phase of that treaty contemplated the extension to Porto Rico of a more liberal régime than existed. The United States has made no promise to the people of Porto Rico that has not been more than fulfilled; nor has any representative or spokesman for the United States made such a promise.

It is true that the treaty of peace contains no promise. Our people were transferred from one sovereignty to another, as a piece of property, without consultation and with utter disregard for their wishes. The voice of 1,000,000 people means nothing in human justice compared with the sacred rights of conquest. It is true that 30 years ago the American representatives at the peace negotiations leading to the treaty of Paris, in replying to the representatives of the Spanish Kingdom, said:

> The Congress of a country which never has enacted laws to oppress or abridge the rights of residents within its domain, and whose laws permit the largest liberty consistent with the preservation of order and the protection of property, may safely be trusted not to depart from its well-settled practice in dealing with the inhabitants of this island.

But this, of course, can not be considered a promise! We have come, said General Miles in his proclamation after landing in Porto Rico, to bring protection to you and to your property, exalting and imposing on you the guaranties and blessings of the liberal institutions of our Government. But, obviously, this can not be taken as a promise either!

We have, notwithstanding, the implied promise of your principles, your sense of justice, and your institutions. That is what General Miles meant when he spoke of the guaranties and blessings of the liberal institutions of this country. The President says that no phase of the treaty of Paris contemplated the extension to Porto Rico of a more liberal régime than existed. At the time of the American occupation, a very liberal régime of government had already been granted by the Crown of Spain. There are many able lawyers and statesmen who opine that the organic law in force in Porto Rico and approved by Congress in 1917, 19 years after the American occupation, can not be favorably compared with the autonomy granted us by the Crown of Spain in 1897. When the President says that no phase of the treaty of Paris contemplated the extension to Porto Rico of a more liberal régime than existed, it clearly conveys the implication that the purpose was not to implant in Porto Rico a régime of government with less power than the one already granted by Spain. But the Congress of the United States "which never has enacted laws to oppress or abridge the rights of residents within its domain" imposed upon the Porto Rican people the organic law of 1900, which curtailed the liberal powers granted by Spain, denied American citizenship to the Porto Ricans, left them without a fatherland

and without citizenship, a personality ignored by the law of nations.

The President ends his letter stating that—

there is no disposition in America, and certainly not on my part, to discourage any reasonable aspiration of the people of Porto Rico.

The President further says that—

the island has so improved and its people has so progressed in the last generation as to justify high hopes for the future, but it certainly is not unreasonable to ask that those who speak for Porto Rico limit their petitions to those things which may be granted without a denial of such hope.

What does the President mean by "reasonable aspiration"? Is it unreasonable for the people of Porto Rico to insist on a clear definition of their political status? Thirty years have elapsed since the Americans took possession of the island, and to this day Congress has not seen fit to clearly determine what the status of Porto Rico is or what this status will be in the future. We are wholly ignorant of what our fate is to be, and when those who speak for Porto Rico petition the President and Congress of the United States for a definition of their status in accordance with the aspirations of the people of Porto Rico, they are told to limit their petitions to those things which may be granted without a denial of their hopes.

The highest authority that may be cited with reference to the status of Porto Rico is the Supreme Court of the United States. I confess my perplexity after reading the conclusions reached by the Supreme Court when referring to our status. Let us briefly state what the Supreme Court says about our status in construing the organic law of Porto Rico of 1900, and the present organic law enacted in 1917.

The military occupation of the island ceased when, in the year 1900, Congress approved a law to provide revenues and a civil government for Porto Rico. At this time Congress did not grant American citizenship to the Porto Ricans and created a body politic under the name of the people of Porto Rico, to be composed of Porto Rican citizens and American citizens residing therein. The approval of this law brought about many important questions with regard to our political status. These questions were passed upon by the courts of justice. A new theory was announced by the Supreme Court of the United States, classifying the Territories into incorporated and unincorporated; incorporated Territories are those which had become part of the United States proper and not merely a part of its domain, and which are entitled to the benefit of the Constitution, and which are held to be as much a part of the United States as are the States of the Union; and unincorporated Territories are those which have not been made part of the United States and to which Federal legislation does not uniformly extend. Porto Rico has been classified as an unincorporated Territory.

In the case of Downes *v.* Bidwell (182 U. S. 287) the Supreme Court of the United States says:

We are therefore of the opinion that the island of Porto Rico is a Territory appurtenant and belonging to the United States, but not a part of the United States within the revenue clauses of the Constitution.

Mr. Justice White, with whom concurred Mr. Justice Shiras and Mr. Justice McKenna uniting in the judgment of affirmance, says:

* * * And in addition to the provisions of the act by which the duty here in question was imposed, taken as a whole, seem to me plainly to manifest the intention of Congress that for the present, at least, Porto Rico is not to be incorporated into the United States.

The result of what has been said is that whilst in an international sense Porto Rico was not a foreign country, since it was subject to the sovereignty of and was owned by the United States, it was foreign to the United States in a domestic sense, because the island had not been incorporated into the United States but merely appurtenant thereto as a possession.

It is hard for me to understand how Porto Rico can be foreign to the United States in a domestic sense and not foreign in an international sense. This opinion by the United States Supreme Court is an excellent example of the peculiarity of our position.

In Kopel *v.* Bingham (211 U. S. 468) it was held that Porto Rico is a completely organized Territory, but not a Territory incorporated into the United States. This doctrine was reaffirmed in the cases of American Railroad Co. of Porto Rico *v.* Didricksen (227 U. S. 145) and Porto Rico *v.* Rosali (227 U. S. 207, 274).

These are the most important decisions of the United States Supreme Court construing the act of April 12, 1900, "temporarily to provide revenues and a civil government for Porto Rico," known as the Foraker Act.

The Boston court of appeals in a decision rendered several years ago says:

Porto Rico is at least a possession, and through its organized government and under the organic act of April 12, 1900, has many of the essentials of these political entities known as Territories; but, notwithstanding that, the substantial fact remains that it is an insular piece of ground, with a considerable population, many miles at sea, and widely separated from the States and Territories of the Government which is charged with the responsibility of seeing that there is a civil government in the island. Therefore, without much regard to the refinement of the question as to which it is, it is the fact that it is an insular possession or an insular Territory, whichever it is, far removed from physical relations with other Territories and possessions, and with no physical relation to any of the States. * * *

The Foraker Act was substituted by the act of Congress approved on March 2, 1917, "to provide a civil government for Porto Rico, and for other purposes." By this act American citizenship was granted to the citizens of Porto Rico. On the approval of this law the question of the political status of Porto Rico came again under discussion. The Federal Court of Porto Rico, in an elaborate decision, held that Porto Rico was incorporated into the United States by the new law. The Supreme Court of Porto Rico arrived at the same conclusion in a similar case. Both cases were brought to the consideration of the Supreme Court of the United States, and on January 17 and 21, of 1918, the Supreme Court reversed the judgment of the Federal and Supreme Courts of Porto Rico upon the authority of the cases decided in construction of the Foraker Act. According to the Supreme Court of the United States our status remained unchanged, in spite of the grant of American citizenship to the Porto Ricans.

In Balzac against Porto Rico, decided by the United States Supreme Court in October, 1921, Chief Justice Taft, who rendered the decision of the court, says:

The insular cases reveal much diversity of opinion in this court as to the constitutional status of the territory acquired by the treaty of Paris (December 10, 1898, 30 Stat. L. 1754), ending the Spanish war; but the Dorr case shows that the opinion of Mr. Justice White of the majority in Downes *v.* Bidwell has become the settled law of the court.

* * * * * * *

The section of the Jones Act which counsel press on us is paragraph 5. This in effect declares that all persons who, under the Foraker Act, were made citizens of Porto Rico and certain other residents shall become citizens of the United States unless they prefer not to become such, in which case they are to declare such preference within six months and thereafter they lose certain political rights under the new government. In the same section the United States district court is given power separately to naturalize individuals of some other classes of residents. * * * Unaffected by the considerations already suggested, perhaps the declaration of paragraph 5 would furnish ground for an inference such as counsel for plaintiff in error contend; but, under the circumstances, we find it entirely consistent with nonincorporation. When Porto Ricans passed from under the Government of Spain they lost the protection of that Government as subjects of the the King of Spain, a title by which they had been known for centuries. They had a right to expect, in passing under the dominion of the United States, a status entitling them to the protection of their new sovereign. In theory and in law they had it as citizens of Porto Rico, but it was an anomalous status, or seemed to be so, in view of the fact that those who owed and rendered allegiance to the other great world powers were given the same designation and status as those living in their respective home countries, so far as protection against foreign injustice went. It became a yearning of the Porto Ricans to be American citizens, therefore, and this act gave them the boon. What additional rights did it give them? It enabled them to move into the continental United States and become residents of any State there, to enjoy every right of any other citizen of the United States—civil, social, and political.

* * * * * * *

It is true that in the absence of other and countervailing evidence a law of Congress or a provision in a treaty acquiring territory declaring an intention to confer political and civil rights on the inhabitants of the new lands as American citizens may be properly interpreted to mean an incorporation of it into the Union, as in the case of Louisiana and Alaska. This was one of the chief grounds upon which this court placed its conclusions that Alaska had been incorporated in the Union in Rasmussen *v.* United States (197 U. S. 516; 49 L. ed. 862; 25 Sup. Ct. Rept. 514). But Alaska was a very different case from that of Porto Rico. It was an enormous Territory, very sparsely settled and offering opportunity for immigration and settlement by American citizens. It was on the American Continent and within easy reach of the then United States. It involved none of the difficulties which incorporation of Porto Rico presents.

The opinion of Chief Justice Taft shows that we remain to-day in the same position as we were in the past. The status of Porto Rico is still undecided. As it was said in an editorial of the Washington Post of June 23, 1924, "what the ultimate status of Porto Rico will be is a matter still lying in the capacious lap of the gods." There is no feature of the relationship between the United States and Porto Rico that is so disturbing to the Porto Rican people as this continuing uncertainty as to what our status is not only now, but what it is to be in the future. There never will be perfect tranquillity in our hearts until this all-important question is settled once and for all.

This uncertainty brings as a result a divided public opinion; some of the people advocating independence, others statehood, and others full self-government. We are not to be blamed for the different views that are striking our minds. It is not our fault. If there is any fault at all it belongs exclusively to the doubtful position we are left in through the failure of the American Congress to define our status. According to the Supreme Court we are an organized Territory, but not incorporated into the United States. The high tribunal has established a distinction between organization and incorporation. Our status, therefore, is extremely peculiar. Are we foreigners? No; because we are American citizens, and no citizen of the United States can be a foreigner within the boundaries of the Nation. Are we a part of the Union? No; because we are an unincorporated Territory under the rulings of the Supreme Court. Can you find a proper definition for this organized and yet unincorporated Territory, for this piece of ground belonging to but not forming part of the United States? Under the rulings of the courts of justice we are neither flesh, fish, nor fowl. We are neither a part nor a whole. We are nothing; and it seems to me that if we are not allowed to be a part of the Union we should be allowed to be a whole entity with full and complete control of our internal affairs. And we see no reason why the President or the Congress of the United States should feel offended or embarrassed when we make a plea for a definite status and complete control of our internal affairs.

According to the Supreme Court of the United States we are merely a possession. We are designated by this odious name in the official records of the Nation. The President in his address before the Pan American conference at Habana said that 30 years ago Cuba ranked as a foreign possession and that to-day she is her own sovereign. Reference is made to the past by the President to contrast the humiliating and inferior position of Cuba as a foreign possession under the Spanish Crown with her present status. "Thirty years ago Cuba ranked as a foreign possession," says the President. How does Porto Rico rank to-day? The Supreme Court of the United States seems to have answered this question: We are a possession foreign to the United States in a domestic sense.

This word "possession" is most repugnant to the people of Porto Rico, as it conveys the idea that we are mere chattels subject to the pleasure of the owner. We are human beings and not property to be possessed by anybody or any nation in the world. The fathers of this country never dreamed of an empire with possessions foreign to the United States in a domestic sense, belonging to but not forming part of the Union. For the sake of democracy and justice, for the good name and prestige of this great Republic, and for the happiness and welfare of our people, the United States should not postpone any further the granting of a decent status to the people of Porto Rico. You have to face this problem with courage, intelligence, and statesmanship. You can not escape the responsibilities assumed by this country when the American flag was raised in Porto Rico. You can not be democratic at home and autocratic abroad. You can not have a democracy within the continental limits of the United States and an empire in the so-called insular possessions. You have to be consistent with your principles. If not, you should discontinue the teachings of American ideals in Porto Rico, as it is unfair and cruel to instill in the minds of the Porto Ricans the principles of democracy and the liberal institutions of this country and deny them at the same time a decent status in the establishment of a government based under these principles.

There are three solutions to be considered by the American Government in dealing with Porto Rico: Statehood, independence, complete autonomy.

The issue of statehood has been and is constantly discussed in the island. While it is true that there are prominent Porto Ricans in favor of this solution, others feel that it is not feasible and oppose it, claiming that if granted it will not bring about the happiness of Porto Rico. The granting of statehood is a serious problem and should be carefully considered here both from the American and the Porto Rican point of view.

It is my belief that the continental Americans and the Porto Ricans who favor statehood have not studied the problem carefully. Before committing ourselves to an opinion on such a transcendental question we should consider its consequences. We constitute a country of 1,500,000 inhabitants, with our own history, our own personality, our own customs, and speaking our own language. There is no similarity between continentals and Porto Ricans from a racial point of view. The habits, customs, characteristics, idiosyncrasies, ideology, and ethnology of the two peoples are fundamentally different. The mental processes of the two races differ widely. Under the circumstances, one should hardly expect unity in thought, feeling, or action were the two races brought together.

Language is a factor of unquestioned importance. The masses of the people of Porto Rico speak no other language but Spanish. The English language is known by some prominent men and by a number of young people educated in our secondary schools and higher institutions of learning. These young people can not handle the language of Shakespeare with the same ease as the language of Cervantes, and they naturally prefer their own language to any other. In the heart of the country, in the mountains, Spanish alone is spoken. English has not yet reached the heart of the people, nor is it reasonable to expect this ever to come about. The language of a people constitutes the voice of its soul, the means of expressing its feelings, and its personality. Love for the vernacular is ingrained in the individual. To deprive him of his native tongue would be heartless and cruel.

I have heard some continentals say that Porto Rico will be admitted to the Union as a State only when all the Porto Ricans are speaking English. This is absolutely impossible. Spanish will never be driven out of use in Porto Rico. It is our language and we will speak it as long as Porto Rico exists. The American people should realize this fact. If the disappearance of the Spanish be considered a requisite to the attainment of statehood, we wish to tell the American people frankly that we can not accept it at such a price. We realize that statehood is a great honor, but we want for our country a solution of its political problem which without breaking the bonds uniting us to the American people, will secure the happiness of the people of Porto Rico.

Our island can not be governed by the same laws which are in force in the States of the Union. Laws must be adapted to the customs and conditions of the country where they are to be enforced. Legislation which might be very beneficial in continental United States might turn out to be ruinous in the island of Porto Rico. We need our own special laws for our development, and these laws we can only frame under a completely autonomous government. Statehood would only plunge us into great difficulties.

Governor Post, in his article on Porto Rico, already mentioned, says the following in opposition to the granting of statehood to the island:

> I am opposed to this more as a citizen of New York than as a friend of Porto Rico. It would be unwise to admit 8 or 10 Congressmen and 2 Members of the United States Senate into participation in the control of our Nation until such time as the Porto Ricans have demonstrated a real affection for our country, and a real knowledge and appreciation of our institutions. It is absurd to say that a people are unfit to govern themselves and yet invite them to come in and govern us. To-day the Porto Ricans' interest is centered in his own island, rather than in the United States. We have seen in recent years situations in the United States Senate where the welfare, almost the very existence, of this country depended upon the vote of one or two Members, and we are not in a position to admit into that body two Senators whose primary allegiance would be to their island and whose sympathies and prejudices are not our own. When individual foreigners enter into American communities and mingle in everyday life with the American population and yet fail to become American in the atmosphere of America, we can not expect an alien people, speaking a foreign tongue, separated by geographical, traditional, and racial barriers from the American continent, to succeed where the foreign colonies of New York, Boston, and Chicago have failed.

The views expressed by Chief Justice Taft in the case of Balzac against Porto Rico are of no less importance. With reference to the incorporation of Alaska into the United States, the Chief Justice says that Alaska was a very different case from that of Porto Rico; that it was an enormous territory, very sparsely settled, and offering opportunity for immigration and settlement by American citizens; it was on the American continent and within easy reach of the then United States; it involved none of the difficulties which incorporation of Porto Rico presents.

Let us further quote from his opinion another paragraph which seems to me very important:

We need not dwell on another consideration which requires us not lightly to infer from acts thus easily explained on other grounds an intention to incorporate in the Union these distant ocean communities of a different origin and language from those of our continental people. Incorporation has always been a step, and an important one, leading to statehood. Without, in the slightest degree, intimating an opinion as to the wisdom of such a policy—for that is not our province—it is reasonable to assume that when such a step is taken, it will be begun and taken by Congress deliberately and with clear declaration of purpose, and not left a matter of mere inference or construction.

Chief Justice Taft refers to the difficulties which the incorporation of Porto Rico presents and says that incorporation has always been a step, and an important one, leading to statehood.

Thus spoke Hon. William H. Taft, as a member of the United States Supreme Court. While refraining from intimating an opinion as a member of this body he, however, as President of the United States, expressed his views very clearly on the matter of our status. In his message to the Sixty-second Congress, December, 1912, President Taft said:

The failure to grant American citizenship continues to be the only ground of dissatisfaction. I believe that the demand for citizenship is just. But it should be remembered that the demand must be, and in the minds of most Porto Ricans is, entirely disassociated from, any thought of statehood. I believe that no substantial approved public opinion in the United States or in Porto Rico contemplates statehood for the island as the ultimate form of relation between us. I believe that the aim to be striven for is the fullest possible allowance of legal and fiscal self-government, with American citizenship as the bond between us; in other words, a relation analogous to the present relation between Great Britain and such self-governing colonies as Canada and Australia.

Other prominent Americans, among them the late Chauncey M. Depew, former Secretary of State Root, H. G. Wells, and others have expressed the same views.

I, for myself, believe that statehood is not a good solution, either for the people of the United States or for the people of Porto Rico.

Another solution is independence. There is also an important element in Porto Rico favoring this ideal. In fact, this was the ideal of Porto Ricans during the Spanish régime. We never receded in our struggle for freedom. My predecessor, Luis Muñoz Rivera, was indicted forty-two times for defending the liberty of his country.

The ideal of independence has always been very dear to the Porto Rican people. In fact, it is the feeling predominating in the island. But there are many Porto Ricans who believe that they can secure this independence under the American flag without breaking the ties that bind us to this country. These Porto Ricans accepted American citizenship without mental reservations, and their loyalty is unquestioned. However, they can not conceal their resentment when an attempt is made to describe our island as an orphan institution wholly dependent on the charitableness of the United States for its salvation. They are and expect to remain American, but not at the expense of their honor and dignity—not at the cost of such a great price. But if we are treated by the American people as equals, and a decent status is granted to the Porto Ricans which will allow them the complete control of their local affairs, I feel sure that the people of the island would be satisfied and content under the jurisdiction of the United States. Our objective is full self-government, not separation from this country.

In my opinion the best solution is complete autonomy. Porto Rico has a right to work out its own destiny. The constitution of Porto Rico should be drafted in San Juan and not in Washington, as the constitution of Canada was drafted in Ottawa and not in London. I have introduced a bill in the House authorizing the island of Porto Rico to form for itself a constitution and government under the jurisdiction of the United States. This constitution will take effect as the organic law of the island when approved by Congress. As it will be adopted by the people of Porto Rico only with the full approval of Congress, it would be possible to inaugurate a system of government in harmony with the interests of the United States and the aspirations of the people of Porto Rico.

Speaking of complete autonomy, Governor Post has this to say:

This solution appeals to me as being feasible and less dangerous to the United States and to Porto Rico; that is, to carry out bravely the experiment which we have muddled soft-heartedly and soft-headedly, and give to the island, under the flag of the United States, complete autonomy. Let us adopt some form of government similar to that of Canada, or other self-governing dominion of the British Empire. We did not hesitate to benefit by English experience in first establishing our civil government, but we chose to adopt the plan of a crown colony. Let it be clearly understood that the people of Porto Rico are governing their own island in their own way, through their own duly elected or appointed representatives; that the supreme American authority in the island is merely there to represent the United States and to protect American and foreign interests, and will not be responsible for mistakes or have credit for success in local affairs. Let it be clearly understood both at home and abroad that the Porto Rican alone is responsible for the political stability and economic welfare of his island, just as the citizen of New York, Illinois, Georgia, or Texas is responsible for the welfare of his own State. If he does well, the whole island will benefit, and he is entitled to have the credit therefor. But if he fails, he can not hide behind the coat tails of the titular American governor, who is forced into being either a figurehead or a "wrench thrown in the machinery."

* * * * * * *

If this system were adopted and honestly and fearlessly carried out for a term of years, I believe that it would eliminate practically all the sentimental objections and irritations now existing, and leave the Porto Rican free to judge and to appreciate the real fundamental benefits which he receives from his connection with the United States. This appreciation will lead him also to realize how suicidal an attempt at an independent national existence would be in the end; and slowly, but I believe surely, he would become a true American citizen in fact as well as in name

But it is said by the President that a greater grant of autonomy will not permit us to improve the economic position of our Government or our people. I have heard this argument on many occasions in official circles, and especially in the Bureau of Insular Affairs.

I have also heard that because Porto Rico does not pay Federal taxes it should feel satisfied and not insist in asking for a greater grant of autonomy. Nothing hurts the feelings of the Porto Rican people more than this disgusting reference to dollars and cents in the discussion of matters directly affecting the liberties of their country. Those who so speak have not been able yet to understand the psychology of our people where human rights and liberties have more weight than the almighty dollar.

On the other hand, there are others who, after giving this matter careful consideration, have arrived at a different conclusion. As an illustration, I wish to further quote the following from Governor Post's article on Porto Rico:

The love of self-government is not dependent upon material prosperity; it seems to be inborn and ingrained in all people, especially, we like to think, in the American people. I do not suppose that anyone would question for an instant that if Germany had been successful in the late war and New York City had been placed under the rule of an imperial administrator, trained in the school of municipal government of Germany and responsible only for results to the Imperial Government in Berlin, that the city of New York would be infinitely more honestly and efficiently administered than it has been for the past four years; yet I doubt that the people of New York would be satisfied to be governed from Berlin. In any city the surest political slogan that can be raised is "home rule" against outside domination, and even the more intelligent resent reforms imposed by superior state or national authority.

As an argument against granting to Porto Rico a more autonomous government, it is said that at the time of the American occupation the island was without experience or training in self-government, and that it has been given greater liberty than it has ever enjoyed and powers of government for the exercise of which its people are barely prepared.

The President is rather severe in his description of conditions in Porto Rico at the time of the American occupation, when he says:

We found the people of Porto Rico poor and distressed, without hope for the future, ignorant, poverty-stricken, and diseased, not knowing what constituted a free and democratic government, and without the experience of having participated in any government. We have progressed in the relief of poverty and distress, in the eradication of disease, and have attempted with some success to inculcate in the inhabitants basic ideas of a free democratic government.

Paraphrasing the words of Mr. Coolidge, we might well counter with this:

We found the people of the United States rich and powerful, with great hope for the future, educated and healthful but not knowing what constituted a free and democratic government in dependent countries and without the experience of having participated in any colonial system of government.

The English historian, Froude, states that all history has demonstrated that self-governing democracies are incapable of properly administering the government of colonial possessions. What is everybody's business is nobody's business. The United States does not suffer from the inexperience of Porto Rico in

self-government, but Porto Rico suffers from the inexperience of the United States in governing others. To govern Porto Rico or any other country properly would require more time and attention than busy legislators thousands of miles away are willing to give to the subject.

Our inexperience, however, can not be compared with the inexperience of the people of this country to administer our local affairs. And this lack of experience on your part is not a reflection on the people of the United States. The creation of an empire was something beyond the expectations of the founders of this great Republic. It was unnecessary, therefore, to specialize in the study of problems which were never expected to be faced.

The acquisition of Alaska in 1867 did not involve a serious problem of government, as it was a vast territory inhabited by only 30,000 people, about 60 per cent of whom were uncivilized. It was not until the acquisition of Hawaii, Philippine Islands, and Porto Rico, that the United States was practically initiated in the government of outlying territories. America, untrained in the government of foreign countries, and unfamiliar with conditions prevailing in the newly acquired Territories, was suddenly faced with the new responsibility of administering foreign dependencies traditionally the cause of turmoil for the old and experienced monarchies of Europe.

With the acquisition of these Territories, a new policy of expansion was inaugurated by America. With regard to my own country you are charged now with the duty of studying our conditions and of establishing a republican form of government satisfactory to the people and conducive to our happiness.

It seems to me that the American people have not yet realized the importance of this problem. The lack of knowledge of our problems, which was but natural at the time of the American occupation of our country, can not be further justified after the expiration of 30 years of American control. And it is only fair to state that no special effort has been made by those intrusted with the destinies of Porto Rico to study the intricate problems which surround us or even to obtain in a general way a comprehensive knowledge of conditions in the island. This is one of the greatest handicaps we have to overcome.

In expressing these views I have not in mind any executive branch of the Government. The responsibility is placed by the Constitution in Congress, which is the highest tribunal with jurisdiction over our country. And what has been your experience in the local affairs of Porto Rico? Are any of you specially acquainted with the habits, customs, and psychology of our people; with the economic, social, and political problems of the island and the complexion and structure of our Government?

If there is any Member of the House with such qualifications, I invite him to arise. None of you, I dare say, are so qualified. Certainly you have not deemed it necessery to dedicate even part of your time to the study of our needs and problems. I can easily understand your indifference to these matters. You have no time to spare for Porto Rico. You are Members of the greatest legislative body in the world, where matters of national and international interest are constantly occupying your attention. Besides, it is but natural, and I might add even your solemn duty, to devote the preponderance of your time to the interest of your respective districts. That is not in any manner intended as a criticism, but as a statement of fact which I believe all gentlemen here fully recognize. But it explains why none of you can claim special knowledge on insular affairs.

I do not blame you as much for your indifference as for your delay in recognizing the rights of the people of Porto Rico to the control, without your intervention, of our internal affairs. You should not attempt to rule a far-distant territory without previously and conscientiously exhausting all sources of information and without a thorough personal knowledge of the people and conditions prevailing in such territory. Under these circumstances, justice and wisdom advise that you should refrain from interfering in our local affairs and fully recognize that the right to the management of our problems is inherently and necessarily ours.

No Member of this House or the Senate can claim more qualifications to legislate for Porto Rico than the members of the Porto Rican Legislature. No Member of either House can allege that a man from Oklahoma, Illinois, Indiana, or any other State, appointed by the President, will be more qualified than a Porto Rican selected by the people to exercise the executive functions of the government of our island.

Yet you have not conceded to the people of Porto Rico the right to elect the governor, in spite of the fact that we have been for years knocking at the doors of Congress for the recognition of this right.

There is in the island of Porto Rico an abundance of excellent material from which to select a good executive. There are men who not only are familiar with the Spanish and English languages, but who also have the advantage of knowing American institutions and, of course, the people of their country. A man sent from the States lacks these requirements. In the first place, the Spanish language is unknown to him, he is not acquainted with the people, does not know their customs and psychology, and naturally can not be an efficient executive, especially in the first period of his administration. Besides, it is only natural that we should have the aspiration of electing our own executive, because we consider that our inherent right. As the Porto Ricans are American citizens, they naturally resent and protest against the exclusion of one of their number, if the objection to the granting of the right of electing an insular man to the governorship is that he will be a native of the country.

It may be said that the Governor of Canada, Australia, and other British Dominions, is appointed by the home government. This is true, but there is no similarity in the policy followed by England and the United States in the outlying territories, and besides there is a great difference between the two systems of government. In these British dominions the governor is appointed by England, but only after the people to be governed have indicated their approval of the appointment. Porto Rico never had the opportunity to express approval or disapproval, because our country is not consulted in the appointment of the executive. In Canada and Australia the governor is to a great extent an ornamental figure. The real executive is the Premier, who is always a leader of the party having a majority in Parliament. The executive, therefore, is elected by the people. Under the American system the governor is the executive; that is to say, he is himself the most powerful factor of the government, and the people to be governed have no voice in his selection.

President Coolidge says that the progress made by the people of Porto Rico justifies high hopes for the future. It is my opinion that this progress justifies at the present time the granting of full governing powers to the people of Porto Rico. The argument of inexperience can not be successfully advanced. This argument, which is as old as the world, was frequently used by the old monarchies of Europe as an excuse for their intervention in the internal affairs of small countries. Will the young Republic of America resort to the same old argument? Not for long, I hope. We believe in the United States of America. We believe that this country will always keep faith with the principles enunciated by Jefferson, Madison, and Lincoln.

The President rather underestimates our ability for learning when he says that the United States has attempted with some success to inculcate in the inhabitants of the island the basic idea of a free, democratic government. It is not with some success merely, but with really remarkable success, that we have been taught to believe in the principles of a free, democratic government. If we have taken your lessons too seriously, certainly it is not our fault, and no blame should be placed on us on that account.

I do not want you, however, to entertain the idea that we learned to fight for freedom under the American flag. Love for liberty is inherent in our race. We energetically protested against oppression under the Spanish régime. We constantly demanded the recognition of our rights. We never yielded to force. Our patriots were persecuted; our press was muzzled; our lives menaced. We, notwithstanding, persisted in our efforts to build up for ourselves a country where we could live in decency and honor, but when, after a long and continuous struggle, autonomy was granted to Porto Rico by Spain, the soldiers of America landed on our soil, and, as Governor Post says, "the work of 400 years was blown away in the breeze that raised the American flag over the island."

In the course of his address before the Pan American Conference at Habana, President Coolidge gave utterance to high and lofty motives worthy of the best traditions of American history. Typical of the sentiments expressed in the immortal Declaration of Independence were these words:

> Our most sacred trust has been, and is, the establishment and expansion of the spirit of democracy. * * * We have put our confidence in the ultimate wisdom of the people. We believe we can rely on their intelligence, their honesty, and their character. We are thoroughly committed to the principle that they are better fitted to govern themselves than anyone else is to govern them. * * * It is better for the people to make their own mistakes than to have someone else make their mistakes for them.

Such was the noble utterance of the President in the presence of the representatives of the Pan American nations. Certainly no one will contend that he had any other motive than to convince his hearers that such indeed were his convictions. What I can not understand, in view of the President's pronouncements, is his apparent determined insistence to follow a

diametrically opposed policy in his dealings with the people of Porto Rico, where he has the best opportunity that he will ever have during his term in office to show the sincerity of his expressed belief that the people are the best and safest guardians of their own destiny.

Mr. Chairman and gentlemen of the House, I shall now conclude. In doing so, I must say frankly that I have been deeply hurt by the President's letter. In my country I have always defended the good intentions of the United States toward Porto Rico. For my policy in this regard I offer no apology, and do not desire now to be understood as offering any.

If a man affronts me individually, Mr. Chairman, I can possibly ignore it. But if it is my country that is affronted, I can not ignore it. I am hurt, and if the affront is unjustified, I must answer it to the best of my ability. I must do this whatever the consequences may be, politically or otherwise.

I have not meant to be harsh, gentlemen of the House. I have only meant to be frank. If I were not frank, I would neither be fair to you, to my country, nor to myself.

I ask you, gentlemen, individually and collectively, to put yourselves in my place, and to give my views that sympathetic and fair consideration that you would ask for yourselves in similar circumstances. I ask at your hands only that fair play for which the American Congress is justly distinguished above all similar parliamentary bodies on this earth. [Applause.]

Mr. DYER. Will the gentleman yield?

Mr. DAVILA. With pleasure.

Mr. DYER. Will the gentleman state, if he has not already done so, how many of the officials in Porto Rico are from the United States?

Mr. DAVILA. Well, we have the governor, the auditor of Porto Rico, the attorney general, and, of course, all the Federal officers are appointed by the President. The commissioner of education is appointed by the President and the justices of the supreme court are appointed by the President.

Mr. DYER. Are they Porto Ricans?

Mr. DAVILA. Two of the justices of the supreme court are continental Americans and the other three are Porto Ricans.

Mr. DYER. Then you have been making progress in that respect; that is, your own native Porto Ricans have been assuming the responsibilities of the government and of the courts, have they not?

Mr. DAVILA. Yes; and we have done that with great success.

Mr. DYER. The gentleman feels satisfied you could go even further than that and take over other offices, including the governor?

Mr. DAVILA. Yes; beyond any question.

Mr. McCLINTIC. Will the gentleman yield?

Mr. DAVILA. Yes.

Mr. McCLINTIC. What is the population of Porto Rico?

Mr. DAVILA. I suppose to-day we have 1,500,000 people, or nearly that.

Mr. SIROVICH. Will the gentleman yield?

Mr. DAVILA. Yes.

Mr. SIROVICH. Do I understand it is the gentleman's idea that the island of Porto Rico should have the same form of independence and the same form of government that the island of Cuba has to-day?

Mr. DAVILA. No, sir. We do not want to separate from the United States. If independence is granted to Porto Rico we will accept independence, but we are not asking for a separation. What we want is an autonomous government under American jurisdiction and under the American flag. If the American people believe we are good enough to be their fellow citizens we would be glad to be considered as such on the basis of strict equality, but if you do not feel that way, the only honest and fair course for you to pursue is to grant Porto Rico its independence. We will never accept anything that will mean inferiority under the American flag.

Mr. SIROVICH. Are you willing to accept complete statehood for Porto Rico, the same as any other State in the Union?

Mr. DAVILA. If you grant us statehood I am sure Porto Rico will accept statehood. That is my opinion, but according to the views of prominent Americans statehood is perhaps not the best solution for the United States or for Porto Rico, but an autonomous government. However, if you grant us statehood it is my honest belief that Porto Rico will be glad to accept such great honor in spite of the financial difficulties that we will be bound to meet.

Mr. DYER. Will the gentleman yield?

Mr. DAVILA. Yes.

Mr. DYER. How many of the people in Porto Rico vote at the elections?

Mr. DAVILA. Well, I believe it is about 80 per cent, or more than that; at any rate, more than in the United States, on the average. I am sure that the average in Porto Rico is more than the average in the United States.

Mr. Chairman, I ask unanimous consent to print in the RECORD the letter addressed by President Coolidge to Governor Towner, the reply of the Porto Rican leaders, and to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Porto Rico asks unanimous consent to revise and extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The letter and reply referred to are as follows:

HON. HORACE M. TOWNER,
Governor of Porto Rico, San Juan, P. R.

DEAR GOVERNOR: I desire to acknowledge the concurrent resolution of the Legislature of Porto Rico committed to Colonel Lindbergh on his visit to San Juan and also a cablegram dated January 19, signed by Messrs. Barcelo and Tous Soto, the president of the Senate and speaker of the House of Representatives of Porto Rico, respectively.

The cablegram and resolution seem to be based largely on a complete misunderstanding of concrete facts. It would not be difficult to show that the present status of Porto Rico is far more liberal than any status of its entire history; that its people have greater control of their own affairs with less interference from without; that its people enjoy liberty and the protection of law; and that its people and its government are receiving material assistance through its association with the continental United States. The treaty of Paris, of course, contains no promise to the people of Porto Rico. No phase of that treaty contemplated the extension to Porto Rico of a more liberal régime than existed. The United States has made no promise to the people of Porto Rico that has not been more than fulfilled, nor has any representative or spokesman for the United States made such a promise.

The Porto Rican government at present exercise a greater degree of sovereignty over its own internal affairs than does the government of any State or Territory of the United States. Without admitting the existence of "a grave economical situation" in the finances of the government of Porto Rico, the present difficulty, which it is hoped is but temporary, is exclusively the result of the exercise by the elected representatives of the people of Porto Rico of an authority granted by the present very liberal organic law. The responsibility of the United States, as distinguished from that of Porto Rico, is, at most, that officers appointed by the President in Porto Rico may not have exercised power legally placed in their hands to veto or make ineffective acts of the Porto Rican Legislature.

The cablegram complains that—

"Ours is the only Spanish-American country whose voice has not been heard at Habana during the Pan American Conference, for it was not represented there."

This is a most serious error and is based on a fundamental misunderstanding of the relation of Porto Rico to the United States. No State or Territory of the Union was represented as such at Habana, but the representation of the United States in Habana represents Porto Rico as truly as it represents any part of the territory of the United States.

The request is made that Porto Rico be constituted as a "free State" and not "a mere subjected colony." Certainly giving Porto Rico greater liberty than it has ever enjoyed and powers of government for the exercise of which its people are barely prepared can not, with propriety, be said to be establishing therein "a mere subjected colony." The people of Porto Rico are citizens of the United States with all the rights and privileges of other citizens of the United States, and these privileges are those which we invoked "when declaring for independence at the memorable convention at Philadelphia."

In answering the cablegram, it might be well to consider briefly the conditions and tendencies we found in Porto Rico and what the situation in Porto Rico is to-day, as well as the steps we are responsible for in Porto Rico to better conditions as we found them and as they exist to-day.

There is no conflict of opinion as to the condition in which we found Porto Rico. Perhaps the best authority on local conditions was Dr. Cayetano Coll y Toste, who, in an article published in Porto Rico in 1897, after describing the progress in Porto Rico for 100 years ending with that year, thus describes the great body of the population of Porto Rico:

"Only the laborer, the son of our fields, one of the most unfortunate beings in the world, with a pale face, bare feet, lean body, ragged clothing, and feeverish look, walks indifferently, with the shadows of ignorance in his eyes, dreaming of the cock fights, the shuffle of the cards, or the prize in the provincial lottery. No; it is not possible that the tropical zone produces such organic anemia, this lethargy of body and soul is the offspring of moral and physical vices that drag down the spirit and lead our peasants to such a state of social degradation. In the miserable cabin, hung on a peak like a swallow's nest, this unhappy little creature comes into the world; when it opens its eyes to the light of reason it does not hear the village bell reminding him to lift his soul to the Divine One and render homage to the Creator of worlds; he hears only the hoarse cry of the cock crowing

in the early morning, and then he longs for the coming of Sunday to witness the strife and knavery of the cock fights. When a man, he takes up with the first woman to be found in the neighborhood and makes her his mistress to gratify his amorous lusts. In the wretched tavern the food he finds is only the putrid salt meat, codfish filled with rotten red spots, and Indian rice; and the man who harvests the best coffee in the world, who helps to gather into the troughs the sweetest grains of nature, and takes to pasture in the fields and meadows the beautiful calves, can not raise to his lips the bit of meat, because the municipal tax places it out of his reach, and almost duplicates the price of the tainted codfish; coffee becomes to him an article of luxury through its high price, and of sugar he can only taste that filled with molasses and impurities. * * * This eternal groan of the Porto Rican laborer is an infirmity of our present-day society, and consequently it is necessary to study it and remedy it."

That the accuracy of this description was appreciated in Porto Rico was evidenced by the fact that it was awarded a prize from the Economic Society of Friends of the country.

Other contemporary testimony of prominent Porto Ricans to the same general effect is not lacking, but space forbids its inclusion.

Were this pitiable economic condition the result of a passing depression the situation would have been less hopeless, but the evidence is clear that the condition was one of long standing and that the tendency was to get worse rather than to improve. One would look in vain for a single ray of hope if Porto Rico were to continue its normal course as we found it. Health and sanitation, education, and public works were such as naturally accompanied the situation of the people pictured.

Prior to the American occupation the Porto Rican people had received practically no training in self-government or the free exercise of the franchise. While there existed a body of educated, intelligent men, the great mass of the people were without experience or training in self-government and only a small percentage could qualify as voters under very broad electoral qualifications.

The military government in its brief existence of 18 months accomplished the following:

1. Order was reestablished and an insular police force organized.

2. The more obvious burdens of taxation as they fell on the very poor people were abolished and a careful study made by an expert preparatory to the adoption of a proper revenue system for the island.

3. Such changes in the judicial system were made as were necessary to bring that system more in accordance with American procedure and with the American view of individual rights and liberty.

4. A department of education was established, boards of health were organized. The public works were reorganized, and progress in road building was greater than in all the previous history of Porto Rico.

And, finally, the government was reorganized in accordance with the act passed by Congress to establish a civil government in order that there might be a minimum of friction in changing from the military to the civil government.

Experience has shown that this organic act, though intended to be temporary, was quite up to the standard of such acts and that it gave to the people of Porto Rico a liberal form of government under which they could acquire experience in democratic government honestly administered and could enjoy all of the rights and privileges to which we are accustomed. Under it the possibility of development was great, and this possibility was realized.

THE PRESENT STATUS OF PORTO RICO

Congress, recognizing the progress in Porto Rico, enacted in 1917 the present organic law. Under this law the Porto Rican people were made citizens of the United States. All of the guaranties of the Constitution are extended to Porto Rico or the Legislature of Porto Rico is granted authority to make effective those guaranties not specifically extended.

The great satisfaction in Porto Rico at the passage of this act is the best evidence of its liberality.

The principal difference between the government of Porto Rico and that of the organized and incorporated Territories of the United States is the greater power of the legislature and the fiscal provisions governing Porto Rico, which are far more liberal than those of any of our States or Territories.

GOVERNMENT FINANCES

Through the urging of the War Department, the United States income tax of 1913 was extended to Porto Rico, with a provision authorizing the modification of the law by the local legislature and directing that the income from this source go into the insular treasury.

In the revision of the organic act of Porto Rico in 1917 the War Department, with the assistance of the governor, was enabled to secure a provision similar to the one in effect in the Philippine Islands; that is, that the internal revenue collected in the United States on Porto Rican products should be turned in to the treasury of Porto Rico. These two taxes are now carried in the returns of the revenues of Porto Rico as "United States internal revenues" and "income taxes," and together they constitute a good part of the revenues of the government.

The treasury of Porto Rico receives the customs duties collected in Porto Rico, less the cost of collection. It receives the internal-revenue taxes which are laid by its own legislature and collected in Porto Rico. It receives the income taxes which are laid by its own legislature. It receives the internal-revenue taxes collected in the United States on Porto Rican products consumed in the United States.

I have set down a few scattered facts which, however, sufficiently show the consequence of Porto Rico's union with the United States. We found the people of Porto Rico poor and distressed, without hope for the future, ignorant, poverty stricken, and diseased, not knowing what constituted a free and democratic government, and without the experience of having participated in any government. We have progressed in the relief of poverty and distress, in the eradication of disease, and have attempted, with some success, to inculcate in the inhabitants the basic ideas of a free, democratic government. We have now in Porto Rico a government in which the participation by Americans from the United States is indeed small. We have given to the Porto Rican practically every right and privilege which we permitted ourselves to exercise. We have now progressed to the point where discouragement is replaced by hope, and while only 30 years ago one was indeed an optimist to see anything promising in Porto Rico, to-day one is indeed a pessimist who can see any reasonable human ambition beyond the horizon of its people.

It is not desired to leave the impression that all progress in Porto Rico was due to continental Americans. Without the cooperation and assistance of Porto Ricans progress would indeed have been negligible, but the cooperation is largely due to the encouragement of American assistance, American methods, and an increase in the reward of efforts made.

There has been a natural hesitation to recall and dwell upon the unfortunate condition of Porto Rico in the past. There is a feeling, however, that the United States is entitled to a good name in its dealing with Porto Rico and to protect itself from any reflection on its good name. Perhaps no territory in the world has received such considerate treatment in the past 30 years as has Porto Rico, and perhaps nowhere else has progress been so marked and so apparent as in Porto Rico. We are certainly entitled to a large part of the credit for this situation.

There exists to-day in Porto Rico a department of health in all respects modern and including in its activities all branches of modern public-health work. Not of least importance as showing the marked progress in health matters in Porto Rico in recent years is the fact that it is completely manned by Porto Ricans. The improvement in the health conditions of Porto Rico is not fully indicated by the reduction in death rate alone, though this rate has been almost divided by two since the early days of American sovereignty of the island. The practical eradication of smallpox, which had existed continuously in the island for over 40 years and which had resulted in over 600 deaths annually for the last 10 years prior to American sovereignty, the diagnosis of the so-called tropical "anemia" which affected the great bulk of the population of Porto Rico, the discoveries in Cuba in the method of propagating yellow fever were concrete benefits to the health situation in Porto Rico and have been of continuous benefit.

The history of education in Porto Rico prior to its occupation by the United States is very largely the history of individual effort. Individuals of character and determination would establish and conduct a school and it would generally disappear with the persons establishing it. Governmental efforts likewise lacked continuity. About the year 1860 a more determined governmental effort was made, and in 1898 the maximum of enrollment in the public schools and private schools was 29,182, which has increased to 213,321. The per capita expenditure for public education in Porto Rico has increased during the period of American sovereignty from 30 cents per annum to approximately $4 per annum. The number of government-owned public-school buildings has increased from none to 991. The department of health and the department of education of Porto Rico are combining to make of the Porto Ricans of the future a different type physically and mentally from those that we found in Porto Rico.

Not because they are entitled to first consideration, but because they are so readily measured and would be of fundamental importance in any change of status, it may be well briefly to recall some of the direct financial advantages to Porto Rico accruing from the relation to the United States.

Porto Rico pays no tax to the United States Treasury. The Federal services in Porto Rico are supported from the United States Treasury.

The services which benefit directly and financially the people of Porto Rico are the Lighthouse Service, the agricultural experiment station, and financial assistance to the college of agriculture, the maintenance of the Porto Rico regiment of the Army, the activities of the Veterans' Bureau, and Federal participation in harbor improvements. In a more general way, Porto Rico receives the protection of the Army and Navy and the service of the Department of State and its Diplomatic and Consular Service.

The expenditures from the United States accruing directly to the people of Porto Rico are not less than $5,000,000 per annum.

In the fiscal year 1927 the total operating revenue of Porto Rico was $11,191,893.11. Of this total the following, in our States and Territories, would not accrue to the local treasury:

Customs	$1,806,567.91
Income taxes	1,565,745.98
United States internal revenue	440,650.71
	3,812,964.60
Excise taxes (which would in great part not accrue to local treasury)	5,701,502.33
Total	9,514,466.93

It will be observed, therefore, that had we not given special and very considerate attention to its needs but had treated Porto Rico as we have treated the incorporated territory of the United States, of the more than $11,000,000 subject to appropriation by the elected Legislature of Porto Rico there would have been not to exceed $2,000,000 available.

The United States tariff extends to Porto Rico, and no part—certainly no agricultural part—of our territory is so favored by its tariff. And the striking development of Porto Rico under American sovereignty as shown by the growth of imports and exports is, in a material part, due to this favorable tariff treatment of its products.

The total exports from Porto Rico in the last complete year of Spanish sovereignty were $11,555,962. In the fiscal year 1927 this total was $108,067,434. The total imports in the last Spanish year were $10,725,563; and in 1927 were $98,810,750.

Comparing this with one of the most prosperous wholly independent neighbors of Porto Rico, we find that in the period in which the exterior trade of Porto Rico has been multiplied by nine that of its neighbor has been multiplied by less than seven.

The total value of Porto Rican products shipped to the United States in the fiscal year was $97,832,523, and of this total $97,000,000 was highly protected in the American market. The total purchases of Porto Rico in the markets of the United States in the same calendar year were $87,046,319. For a number of years Cuba has been the largest purchaser of Porto Rican coffee, which is given a 20 per cent reduction of the Cuban tariff as an American product, not because Cuba sells to Porto Rico but because Cuba sells to the United States.

The advantage of the United States market to Porto Rico can the better be appreciated when it is noted that of the $97,000,000 of Porto Rican products sold in the last calendar year into the United States there would have been imposed, had these products come from countries not enjoying free admission into the United States, a duty of approximately $57,000,000.

On the products from the continental United States entering Porto Rico during the same period the duty imposed, had they come from a foreign country, would have been less than one-third of this amount. Certainly Porto Rico would not desire reciprocity to be more favorable to it.

The bonded indebtedness of Porto Rico is $25,555,000 and that of the municipalities of Porto Rico $18,772,000. These bonds are practically all held in the United States. Due to the fact that these bonds are made tax exempt by a United States statute, Porto Rico pays in annual interest at least 2 per cent less than would otherwise be paid—a saving of approximately $886,540 annually.

In what way, by a greater grant of autonomy, could Porto Rico so look after the market for its products or the market for its bonds, or in what way could it improve the economic position of its government or its people?

In studying the effect of granting to Porto Rico what was requested in the cablegram sent to me, one must naturally begin with the assumption that the products of Porto Rico would be for some time approximately what they now are. The change would be in disposing of them. In the year 1926 Porto Rico sold in the United States market 1,157,000,000 pounds of sugar and received therefor $48,200,000. A near neighbor sold an equal quantity of sugar for $22,800,000. Porto Rico sold in the United States in the same year 20,500,000 pounds of leaf tobacco for $13,000,000. Its neighbor sold an equal quantity of leaf tobacco for $1,192,000. In the sale of tobacco the element of quality enters, but these numbers sufficiently show the effect of the free entry to the United States market on the two principal products of the island and show the extent to which the funds now used to make its purchases abroad and to meet its indebtedness abroad would shrink if the privilege were withdrawn. This shrinkage must be followed by a corresponding shrinkage in the revenues that go to support the activities in Porto Rico which mean progress for the future.

There is no disposition in America, and certainly not on my part, to discourage any reasonable aspiration of the people of Porto Rico. The island has so improved and its people have so progressed in the last generation as to justify high hopes for the future, but it certainly is not unreasonable to ask that those who speak for Porto Rico limit their petitions to those things which may be granted without a denial of such hope. Nor is it unreasonable to suggest that the people of Porto Rico, who are a part of the people of the United States, will progress with the people of the United States rather than be isolated from the source from which they have received practically their only hope of progress.

Sincerely yours,

(Original signed by the President.)

FEBRUARY 28, 1928.

Letter addressed by Messrs. Antonio R. Barceló, President of the Senate, and José Tous Soto, Speaker of the House of Representatives of Porto Rico, to the Resident Commissioner for Porto Rico in Washington, Hon. FÉLIX CÓRDOVA DÁVILA, replying to the letter of the President of the United States to the Hon. Horace M. Towner, Governor of Porto Rico

LEGISLATURE OF PORTO RICO IN DEFENSE OF PORTO RICO

SAN JUAN, P. R., *April 2, 1928.*

Hon. FÉLIX CÓRDOVA DÁVILA,

Resident Commissioner for Porto Rico, Washington, D. C.

OUR DEAR COMMISSIONER: In duty to our native country we feel bound to refer through you to the letter addressed by the President of the United States to the Governor of Porto Rico in connection with the message intrusted by our legislature to Colonel Lindbergh and with our cablegram to the President himself on occasion of the recent Pan American Conference at Habana. This reference is made through you, so that you may duly bring it to the knowledge of the President and of Congress, thus giving it the same publicity that was given the President's letter in the press of the United States and of the other countries of America.

In replying to the President's letter, with the respect due to the Chief Magistrate of the Nation, though with such frankness and sincerity as our duty demands—both to the land of our birth and to the Nation whose flag shelters us and whose citizenship we enjoy—we shall quote such paragraphs of the letter in question as require an answer on our part.

As regards "the enjoyment of individual liberty and the protection of law," we accept the statement of the President. We have never complained of lack of individual liberty. The bill of rights of the National Constitution—the latter not in force in Porto Rico—is substantially written into the organic act of March 2, 1917, granted to us by Congress. We admit, too, that "our people and our government are receiving material assistance through our association with the continental United States." This, as a matter of fact, has always been acknowledged by the island, and we have shown our recognition on different occasions.

THE PRESENT STATUS AND THE SPANISH AUTONOMIC GOVERNMENT

We can not accept, however, the statement that "the present status of Porto Rico is far more liberal than any status in its entire history." The autonomous system of government granted to Cuba and Porto Rico by Spain was more ample, more liberal in many respects, than our present political status. In support of this statement let us transcribe parts of the royal decree of November 25, 1897, "establishing self-government in the islands of Cuba and Porto Rico." (H. Doc. No. 1484, 60th Cong., 2d sess., vol. 3, p. 1843. See Exhibit I.)

COMMENT ON THE AUTONOMOUS SYSTEM OF GOVERNMENT

In our judgment this status was superior to the present one, because the colonial parliament had power to legislate on matters that under the Federal system pertain to the Union. Besides, the parliamentary system was the one established, and the governor general could not act, except in extraordinary instances, unless his orders were countersigned by the corresponding member of his cabinet. This cabinet, of course, was selected from among the members of the party in control of parliament.

The initiative as regards legislative measures resided in parliament as well as in the cabinet; but the cabinet was responsible to parliament and impeachable thereby. In other words, the government was placed entirely in the hands of Porto Ricans, while the governor was merely the representative of national sovereignty and exercised but such functions as were necessary to maintain the rights of the home government. As in the English self-governing commonwealths, the governor "ruled but did not govern." It is true that the upper house was not entirely elected by the people; but the same rule prevails in the powerful Dominion of Canada, which is now a member of the League of Nations and has a minister in Washington. However, the majority of the upper house was elective, and its entire membership had to be natives or residents of the island. The lower house was entirely elective.

It is also true that the governor had power to convene parliament, suspend its sessions, and dissolve it, though in this last case he was obliged to call an election to elect a new parliament; but these are characteristics of the parliamentary system which exist in most of the constitutions of continental Europe, and, of course, in the Dominion of Canada. We acknowledge, however, that our present organic act, with an elective governor, a cabinet entirely appointed by him with the consent of the senate, and containing such other amendments as are hereinafter suggested, would make an essentially republican and representative form of government superior to the Spanish autonomic character.

In his message to Congress, dated December 6, 1897, President McKinley said in connection with this autonomous charter:

"To this end Spain has decided to put into effect the political reforms heretofore advocated by the present premier, without halting for any consideration in the path which in its judgment leads to peace." This autonomy, "while guarding Spanish sovereignty, will result in investing Cuba with a distinct personality, the island to be governed by an executive and a local council or chamber, reserving to Spain the control of the foreign relations, the army and the navy, and the judicial administration." (Messages and Papers of the Presidents, Vol. XIII, p. 6257.)

CONTRAST WITH THE FIRST ORGANIC ACT

Had this been the rule during the present civil government from 1900 to 1917, much conflict between the continent and the island would have been averted. But the rule was always the opposite; the upper house was always composed of a majority of continental Americans who landed in Porto Rico in the morning and were at their desks in the Executive Council in the afternoon of the same day, to enact laws for a country they were visiting for the very first time. That is changed now. The upper house is wholly elective; but we mention the fact as a matter of history, and because of the influence it has exerted in the shaping of the insular frame of mind toward the problem of the political relations existing between continental United States and this island.

PORTO RICO AND THE STATES

The President states that "the Porto Rican government at present exercises a greater degree of sovereignty over its own internal affairs than does the government of any State or Territory of the United States."

We are forced to disagree with this statement. In the first place, the governors of the States are elected by the people of each Commonwealth. The Governor of Porto Rico is appointed by the President at will. Not even is the condition of birth or residence in Porto Rico required of the appointee; and up to the present time neither a native nor a resident of Porto Rico has ever been appointed to the high office of chief executive of the island.

In the second place, the veto power of the governor of a State may be overridden by vote of two-thirds of the membership of the legislature. The veto power of the Governor of Porto Rico is absolute. If both houses pass a law over his veto, the matter is submitted to the President for final decision.

In the third place, the States have constitutions enacted by the people themselves, while Porto Rico is ruled by an act of Congress. State constitutions can not be changed by Congress. The organic act of Porto Rico is subject to amendment at the will of Congress. The people of the States participate in the election of the President and the Vice President of the Republic. The American citizens of Porto Rico have no such right. The States elect two Senators and a number of Representatives, according to their population. Porto Rico elects a Commissioner who sits in the House of Representatives without the right to vote, while his right to the floor depends on the consent of the House.

It is true that Porto Rico disposes of its customhouse and internal revenue receipts, while the States do not. But, surely, no State is willing to change places with Porto Rico and to surrender its internal sovereignty for the sake of receiving all the taxes derived from incomes and excises.

The power to legislate on local matters, aside from taxation, is not superior to that of the States.

In this connection it should be remembered that Congress has the right to nullify all legislation enacted by our local legislature. Let us acknowledge, in honor of Congress and of Porto Pico, too, that not a single law has ever been nullified by congressional action in all our history of association with the United States.

PORTO RICAN FINANCES

"Without admitting the existence of 'a grave economical situation' in the finances of the government of Porto Rico, the present difficulty, which it is hoped is but temporary, is exclusively the result of the exercise by the elected representatives of the people of Porto Rico of an authority granted by the present very liberal organic law. The responsibility of the United States, as distinguished from that of Porto Rico, is, at most, that officers appointed by the President in Porto Rico may not have exercised power legally placed in their hands to veto or make ineffective acts of the Porto Rican Legislature." (The President.)

"The present difficulty in the finances of the government of Porto Rico," we agree, "is but temporary," though it is not "the result of the exercise by the elected representatives of the people of Porto Rico of an authority granted by the present very liberal organic act."

The representatives elected by the people have always provided ample sources of revenue to meet the appropriations made by them. In the year 1925 the legislature enacted a new income tax law drafted by an expert of national standing, Doctor Haig, upon the general lines of the Federal statute. The normal rate of the tax on property was left at 1 per cent, as in 1902, and all the proceeds from this source were devoted, as prior to the former date, to the needs of the several municipalities, the insular government retaining but 10 or 20 per cent, according to the means of the several local governments. This retention was made to compensate the insular government for the expense of imposing and collecting the tax. The increase in the rate of the property tax was entirely due to certain mill taxes levied by the insular government and the several municipalities to provide sinking funds with which to meet the principal of, and interest on, bond issues sold for the purpose of improving sanitary conditions, building schools, constructing roads, and carrying out other improvements necessary to satisfy public needs, thus providing work for the laborers, especially during those seasons of the year when they are unable to obtain work on the sugar, tobacco, and coffee plantations.

A new tax of 4 cents a hundredweight was levied on the manufacture of sugar, and a sales tax of 2 per cent was levied on all commodities except food staples and articles subject to excise taxes. Business licenses and excise taxes practically remained the same, though the rate was reduced on many articles of American manufacture. All these measures were necessary in order to meet the floating debt contracted during the recess of the legislature from August 23, 1923, to February 9, 1925. In accordance with the provisions of the organic act in force at the time, which provided for biennial sessions, the legislature approved the general budget for the fiscal years 1923–24 and 1924–25, before it adjourned in August, 1923. Pursuant to the estimates of the financial officers of the government, that legislature provided ample sources of revenue to meet appropriations, but a coordinate effort on the part of many taxpayers to resist the payment of taxes, and the inconsiderate granting of writs of injunction by the then judge of the Federal court, preventing the treasurer from levying and collecting taxes—particularly excise taxes, which form the principal source of government revenue—brought about a condition that was met by our governor in the only possible way—by not allowing the machinery of the government to come to a standstill. To this end he borrowed from the National City Bank and from the proceeds of the public-improvement bond issue such sums of money as had been diverted from the treasury by the above-mentioned writs of injunction. The same concerted efforts of a number of taxpayers were repeated after the legislature adjourned in 1925, a fruitless attack having been made on the sales tax act, since the same was upheld by both the Federal court under its new judge and the United States Circuit Court of Appeals for the First Circuit.

The amount involved in the injunction proceedings against the treasurer was $5,610,747.91. The amount of the floating debt was $5,025,000, of which $2,822,574.56 have been repaid out of the surpluses of the ordinary revenues of the island. Between now and June 30 of this year we will pay an additional $702,425.42, thus leaving a debt of $1,500,000 to be paid from the same source in another year and one-half at the rate of $1,000,000 a year. The Government has been successful as a rule in sustaining the legality of the several taxes; but thousands, perhaps millions, of dollars of taxes neither levied nor collected on account of the injunctions, have been lost beyond any possibility of recovery by the insular treasury.

After the enactment of the present organic act (Mar. 2, 1917), the native-born treasurers of Porto Rico have encountered difficulties with which their continental predecessors were not confronted. In the first place, by the said organic act the congress established in Porto Rico the prohibition of the manufacture and sale of intoxicating liquors, and although, acting in a democratic manner, it provided that such prohibition could be repealed by a referendum of the Porto Rican voters, the latter, by a great majority, decided to uphold it, as they thought it was their duty to maintain the intent of Congress and to harmonize their opinion with national opinion, which at that time was so much in favor of prohibition that shortly thereafter the eighteenth amendment in force in Porto Rico was ratified.

From a financial standpoint prohibition meant to the treasury the loss of about $1,192,909.04, which was the amount of revenue under the corresponding item during the fiscal year 1916–17.

In the second place, since the approval of the Hollander bill in 1902, excise taxes were imposed upon merchandise manufactured and imported into Porto Rico and were collected without difficulty at the time of importation and before the merchandise was delivered to the consignees; but after 1917 the question of the legality of the imposition of said taxes on merchandise in its original packages was raised, it being alleged that such imposition was contrary to the provisions governing interstate commerce and that it constituted a duty on imports. This naturally brought about instances of avoidance of payment of the tax, and after protracted and costly controversies in the courts and the loss of considerable revenue by the Treasury, Congress recognized the necessity of granting to Porto Rico the right to collect the internal revenue taxes provided by our local laws at the time of importation, and approved the act of March 4, 1927.

This enactment put an end to the controversy, but we are of the opinion that the cooperation of the customs and postal authorities ought to be more effective than at present. This would be accomplished by providing that the excises be collected by the said officials and that postal packages, or those coming by express or through any other chan-

nel, shall not be delivered to the consignees until after payment of the tax.

In the third place, the reduction by the internal revenue laws of the United States of the rate of the excise tax on tobacco brought about a remarkable decrease in the revenue derived from the importation of Porto Rican tobacco into the United States, which revenue, by virtue of the organic act, is paid back to Porto Rico.

And, finally, the income derived from customs receipts diminishes in proportion to the reduction of importations from foreign countries and to the increase of importations from the continental United States, which at present represent 90 per cent of our entire commerce, as may be seen from the following statement:

Imports

1900:	
From United States	$6,952,124
From foreign countries	3,201,922
Total	10,214,036
1927:	
From United States	87,046,319
From foreign countries	11,764,431
Total	98,810,750

The customs duties in 1927 amounted to $1,806,567.91, or only about 16.14 per cent of our public revenues.

It is fair to say that no responsibility can be placed on the governor for not exercising the veto power, because in dealing with the budget he has always freely used the extraordinary power granted to the executive under the present very liberal organic act, by simply striking out any appropriation which in his judgment should be eliminated. Furthermore, he has exercised the very questionable power of amending appropriations by reducing them, in order to readjust the total amount of the budget to a too conservative estimate of probable receipts, the idea being to obtain surpluses applicable to the repayment of the floating debt. He has used this power without restriction and more freely than any former chief executive of the island. Neither is the legislature at fault, for the budget for said fiscal years was reasonable and was justified by the estimates of receipts. The deficit was the direct and immediate result of hampering the treasury by means of injunctions against the levying and collection of taxes. That fact was recognized in the annual report of the governor to the President and the Congress, as can be readily ascertained by reading from such report for the year 1925. (See Exhibit II.)

And if further proof were needed to support the contention that our past financial difficulties were due entirely to the concerted movement on the part of certain capitalistic interests to embarrass our government, and not to careless or unwise legislation on the part of our people, we wish to recall the action recently taken by Congress and the President in approving a law on March 4, 1927, amending our organic act, whereby—

"No suit for the purpose of restraining the assessment or collection of any tax imposed by the laws of Porto Rico shall be maintained in the District Court of the United States for Porto Rico."

This generous and timely action on the part of both Congress and the President was prompted by their desire to rescue us from the greedy hands of a group of taxpayers, after becoming convinced that our improvidence was not the cause of our past difficulties.

THE PAN AMERICAN CONFERENCE

"The cablegram complains," continues the President, "that 'ours is the only Spanish-American country whose voice has not been heard at Habana during the Pan American conference, for it was not represented there.'

"This is a most serious error and is based on a fundamental misunderstanding of the relation of Porto Rico to the United States. No State or Territory of the Union was represented as such at Habana, but the representation of the United States in Habana represents Porto Rico as truly as it represents any part of the territory of the United States."

We do not misunderstand the relation of Porto Rico to the United States. We know that we are not foreign to the United States, but neither are we an integral part thereof in a constitutional sense. In a word, we know that we are "appurtenant to," a possession of, the Republic. (See Insular Cases and Balzac *v.* Porto Rico, 258 U. S. 298; 66 L. ed. 627.)

We know that in any international gathering the United States delegates represent the Union, including all the local subdivisions of the federation, without excluding the Territories and possessions. But we had in mind the words of the late President, elected on the same ballot on which President Coolidge was elected Vice President, when he said, on the solemn occasion of the unveiling of the statue of the liberator, Simon Bolivar, at Central Park:

"Porto Rico is a part of our own territory under a permanent policy aimed at its prosperity and progress, and we see in our Latin American State the best agency to aid the Americas to understand each other."

We assume that said words, pronounced on that occasion before the representatives of all the Latin American Republics, have some meaning; and we had the notion, possibly an erroneous one, that we might have been of some use to the country of our adoption and to those of our own race and blood, provided we had had a voice, if not a vote, at the gathering in Habana, where the peoples bound to us by history sat with the United States to discuss the problems of this hemisphere—a gathering that sat at the capital city of Cuba, our closest sister, whose historical vicissitudes, civilization, and ideology are identical with ours, except that the Cubans shed their blood in Cuba, while Porto Ricans, unable to fight in their country, also shed their blood in Cuba for the freedom of our sister island and for our own. We had in mind that the English colonies—Canada, Newfoundland, the South African Confederation, Australia, New Zealand, and the Irish Free State—are represented and have a voice and a vote with Great Britain and Scotland in the League of Nations and that certainly there is nothing obnoxious to English sovereignty in that plan. On the contrary, the extraordinary result of England's manner of dealing with her so-called colonies which are veritable commonwealths and integral units of the British Empire (or, as the Prime Minister of Australia calls it, the commonwealth of British nations) is the welding together in one community, as in Canada, of peoples of Saxon and of Latin origin, of different races, religions, and traditions, and the union of vast territories and different nationalities situated at the four corners of the earth, all devoted to one common purpose.

But we must say that in our cablegram we did not claim participation in the Pan American conference. We point out the fact that Cuba, emancipated from Spain by force of arms, acknowledged as an independent nation by the United States after a period of intervention in her internal affairs, and with a standard of civilization certainly not superior to that of Porto Rico, was the hostess of all the peoples of the Western Hemisphere, except Porto Rico, all of said peoples being of our own origin and language. And when the President so nobly and so wisely said at the conference—

"We are thoroughly committed to the principle that they are better fitted to govern themselves than anyone else is to govern them. We do not claim immediate perfection. But we do expect continual progress. Our history reveals that in such expectation we have not been disappointed. It is better for people to make their own mistakes than to have some one else make their mistakes for them"—

we felt that for the very reason that we had no voice at the conference, since the United States spoke for us at the Pan American gathering, we were justified in indorsing the words of the President to our sister countries of Latin America and in asking their indorsement in our behalf.

Perhaps we did not observe established precedents of diplomacy; but we might say in atonement of our attitude that ours is also a case without precedent and that diplomacy is made for peoples enjoying their own sovereignty to the fullest degree. We were trying by all means to submit our plea for absolute self-government to the American people and to Congress by presenting to them the contrast between Cuban independence, acknowledged and protected by the United States, and the case of Porto Rico, which is on the same level, at least, as Cuba, but under a political régime according to which not all the powers of the government are derived from the will of the people. And it is not that we are opposed to American sovereignty, to the jurisdiction of the United States. It is not that we want to ignore the benefits of our association with the United States or that we are disloyal to our American citizenship. On the contrary, we are exercising the rights pertaining to that citizenship by asking redress for a condition of political inferiority and by asking for all the rights of citizenship enjoyed by the States and not by us, except the privilege of electing senators and representatives, for we apprehend that our continental brothers might object to the interference in purely national affairs of representatives from a country outside the continent, the race, history, language, and traditions of which country are different from those of the continental States—a country like ours, whose density of population and lack of inducement to extensive colonization render it impervious to penetration by the people from the mainland.

PROMISES OF SELF-GOVERNMENT

"The treaty of Paris, of course, contains no promise to the people of Porto Rico. No phase of that treaty contemplated the extension to Porto Rico of a more liberal régime than existed. The United States has made no promise to the people of Porto Rico that has not been more than fulfilled, nor has any representative or spokesman for the United States made such a promise." (The President's letter.)

The treaty of Paris, dated April 11, 1899, contains but the following provision:

"The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress." (Article IX.)

As an explanation of this article, the American commissioners, in their memorandum of December 9, 1898, held that as regards the political status and civil rights of the native inhabitants, these were reserved to Congress which would enact laws for the government of the territories ceded to the United States, this being but a confirmation of the right of the sovereign power to leave to the new government the establishment of these important relations. The Congress of a nation which never enacted a law oppressive or detrimental to the rights of residents within its dominions and whose laws guarantee the greatest liberty compatible with the conservation of property, surely can be

trusted not to depart from its well-established practice in dealing with the inhabitants of these islands.

The commander in chief of the United States army of occupation, Gen. Nelson A. Miles, in his proclamation to the inhabitants of Porto Rico, dated July 28, 1898, said:

"In the prosecution of the war against the Kingdom of Spain by the people of the United States in the cause of liberty, justice, and humanity its military forces have come to occupy the Island of Porto Rico They come bearing the banner of freedom, inspired by a noble purpose to seek the enemies of our country and yours, and to destroy or capture all who are in armed resistence. They bring you the fostering arm of a nation of free people, whose greatest power is in justice and humanity to all those living within its fold. * * * We have not come to make war upon the people of a country that for centuries has been oppressed, but, on the contrary, to bring you protection, not only to yourselves but to your property, to promote your prosperity, and to bestow upon you the immunities and blessings of the liberal institutions of our Government."

Secretary of War John W. Weeks, in charge of the affairs of Porto Rico and thoroughly acquainted with the conditions of the island, wrote to Governor Towner in the year 1924, as follows:

"This bill, S. 2448, as it passed the Senate, embodied the views of the department, except that the department favored the election of a governor not earlier than 1932, feeling that the intervening period might be used to good advantage by the people of Porto Rico in preparation for this advance in autonomy.

"The views here have not changed, and I can not but feel that the preparatory work which you have undertaken in preparing the legislative mind for this amendment has been accomplished and that in due course the act will pass, certainly sooner than it could pass if its main feature became effective now."

President Coolidge himself indorsed the views of the Secretary of War in another letter to our Resident Commissioner, Mr. CÓRDOVA DÁVILA, that reads as follows:

THE WHITE HOUSE,
Washington, June 5, 1924.

MY DEAR JUDGE CÓRDOVA: Secretary Weeks has shown me his letter to the acting chairman of the Senate Committee on Territories and Insular Possessions, expressing his approval, with certain slight modifications, of the bill authorizing the election by the people of Porto Rico of their governor in 1932 and thereafter.

The position of Secretary Weeks on this question has my cordial approval.

Very truly yours,

(Signed) CALVIN COOLIDGE.

In 1925 the United States Senate unanimously passed a bill, favorably reported by its Committee on Territories, granting to Porto Rico, beginning with the election of 1932, the right to elect its governor by popular vote. Said official's term of office was to be four years, and he was subject to removal by the President before the expiration of such term. The bill also gave the governor power to designate his cabinet, including the attorney general and the commissioner of education who are at present appointed by the President. The Committee on Insular Affairs of the House of Representatives reported the bill favorably, but it was impossible to consider it on the floor of the House on account of the great accumulation of work in the last days of the session.

Four years have elapsed and the bill has not become law nor been discussed, although it has been again introduced by Senator KING, of Utah, and by Congressman LAGUARDIA, of New York, and the Resident Commissioner from Porto Rico, Hon. FÉLIX CÓRDOVA DÁVILA.

Now, then, if these are not promises of full and complete self-government we declare that we know not what constitutes a promise. Moreover, the promise of self-government to a strange people offered shelter in the home of American democracy is implied in the Constitution, in the institutions of said democracy, and in the history of its territorial expansion, which shows 35 incipient communities converted into sovereign and free Commonwealths absolutely ruling their own destinies.

RIGHTS INHERENT IN CITIZENSHIP

"The people of Porto Rico are citizens of the United States, with all the rights and privileges of other citizens of the United States, and these privileges are those which we invoked when declaring for independence at the memorable convention at Philadelphia." (The President.)

Certainly we "are citizens of the United States." We have "all the rights and privileges of other citizens of the United States." As regards individual or inalienable rights of citizens, we fully enjoy the same; but what of the political rights? The Constitution guarantees to each State a republican form of government. Our form of government is only partly republican. The executive is not elected. He is appointed by the President; and, besides, he is vested with extraordinary veto powers unknown in State constitutions. We do not participate in the election of the President or the Vice President or of the Senators and Representatives in Congress. Our constitution is subject to change by Congress. Unquestionably these are the very privileges that were invoked by Continental Americans "when declaring for independence at the memorable convention at Philadelphia."

PORTO RICO PAST AND PRESENT

The President says:

"In answering the cablegram, it might be well to consider briefly the conditions and tendencies we found in Porto Rico and what the situation in Porto Rico is to-day, as well as the steps we are responsible for in Porto Rico to better conditions as we found them and as they exist to-day.

"There is no conflict of opinion as to the condition in which we found Porto Rico. Perhaps the best authority on local conditions was Dr. Cayetano Coll y Toste, who in an article published in Porto Rico in 1897, after describing the progress in Porto Rico for 100 years ending with that year, has described the great body of the population of Porto Rico."

Let us say at the beginning that there is a mistake in connection with the date of Doctor Coll y Toste's article. It was written not in 1897 but in 1892. We must add that the dark picture drawn by Doctor Coll was greatly exaggerated, since the document was intended as an arraignment of the Spanish Government in Porto Rico. Doctor Coll, unable to find the root of the evil, exclaimed:

"No; it is not possible that the Tropical Zone produces such organic anemia. This lethargy of body and soul is the offspring of moral and physical vices that drag down the spirit of our peasants and lead them to such state of social degradation."

But time is an unbiased and unchallenged judge, and after many years two scientific men of international renown—one of them an American Army surgeon—Doctors Ashford and Gutiérrez, answered the question raised by Doctor Coll y Toste, not by guessing, not in a theoretical way, but on the basis of scientific tests and methods which vindicated the Porto Rican peasant, the jibaro, from the stigma of vice and moral degradation.

We quote from Social Problems in Porto Rico, by Fred K. Fleagle, dean University of Porto Rico, D. C. Heath & Co., publishers, pages 79 and 80. (See Exhibit III.)

The Legislature of Porto Rico has been giving the utmost consideration to this vital problem, and large sums have been devoted to the eradication of uncinariasis. In the year 1925, $200,000 was transferred from a bond issue appropriation to the aforesaid undertaking, in addition to the sum of $50,000 appropriated in the budget for each of the fiscal years 1925–26 and 1926–27. We are glad to acknowledge the cooperation of the Rockefeller Institute with the insular department of sanitation in this important field. The efforts for the control of this tropical disease have been centuplicated since the year 1917, when the people of Porto Rico took full control of the legislature. The same applies to all branches of governmental activities—education, road construction, waterworks, sewers, tarring of roads to prevent dust and rapid deterioration under tropical conditions, erection of public schools and other buildings, development of agriculture, improvement of labor conditions, etc.

Permit us to say that the conditions prevailing in the mountain regions of Porto Rico exist also in some sections of the United States. We quote further from the same work of Doctor Fleagle, who in turn quotes Doctors Gutiérrez and Ashford (p. 29):

"We strongly feel that these writers have unconsciously described uncinariasis. Are the Spanish people considered lazy by those who know them? Were those Spaniards who conquered Mexico, Peru, and all South America, who formed so formidable a power in the Middle Ages, a lazy people?

"Is it laziness or disease that is this very day attracting the attention of the United States to the descendant of the pure-blooded English stock in the southern Appalachian Range, in the mountains of Carolina and Tennessee, the section of our country where the greatest predominance of pure American blood occurs, despised by the negro who calls him 'poor white trash.'"

Doctor Coll's mentioned article describing the progress of Porto Rico in 100 years shows that such progress was steady and continuous. Porto Rico was a country chiefly composed of small farmers; the balance of our external commerce was in favor of the island; the cost of living was much lower than at present; the laborers had the opportunity to cultivate small parcels of land for their own benefit, and absentee owners were unknown. And the fact is of great significance that in 1897, the year before American occupation, the island had entered a new era of freedom by reason of the grant of a complete self-government which placed the destinies of the country wholly in the hands of Porto Ricans. Who can venture to prophesy that under said régime of political and economic freedom the progress of Porto Rico in all phases of human endeavor would not have been as great as that which we have attained under American rule? We venture to say that perhaps we would have gone more slowly; but in every probability we would have reached all social classes and not have benefited a chosen few, as now happens, with the result that the difference between millionaires and laborers, the latter almost destitute of the very essentials of life, is more striking.

On the question of absentee landlords Doctor Fleagle, quoting Weyl, says (p. 17):

"Many of the absentee owners of Porto Rican properties and many of their agents in Porto Rico consider the island and its population as

equally fit for the crassest exploitation, and are as contemptuous of the people as they are enthusiastic about the island. The current use by many Americans of an opprobrious epithet for Porto Ricans bespeaks an attitude which takes no account of the human phase of the problem, but considers the population as composed merely of so many laborers willing to work for such-and-such a price."

And on pages 71, 72, and 73 Doctor Fleagle says on the economic condition of the island: (See Exhibit IV.)

As shown by Dr. Cayetano Coll y Toste in his Reseña Histórica de Puerto Rico, published in 1899, the population of this country in 1897 was 894,302. The agricultural wealth consisted of 2,090,221 acres of cultivated land, valued at $48,694,584, and distributed among 60,953 estates. At the time the land was planted as follows: 61,556 acres to sugar cane; 4,267 to tobacco; 122,358 to coffee; 1,127,086 to pasture; 93,508 to minor products; 17,176 to other diverse products, and 664,270 were in woodland and underbrush.

The cattle wealth consisted of 395,792 head, of which 303,612 were bovine, and in all they were worth $8,366,515. Our urban wealth amounted to $28,867,928.79.

In the year 1927 there were over 240,000 acres of the best land devoted to the cultivation of sugar cane, and 85,000 to the cultivation of tobacco. These two examples are sufficient to show in figures the tangible actuality that Porto Rico devotes its efforts to supply the demands of the American market, to the detriment of its local demands.

Now, what has become of the 60,953 rural estates which in 1897 furnished a means of livelihood to 894,302 inhabitants? The census of 1920 gives us an idea of the situation. At that time the number of estates had been reduced to 41,078, while the population, which must necessarily make a living from agriculture as the principal source of wealth, had increased to 1,299,809. At present the number of estates is about 30,000.

To give a specific proof of the concentration of wealth, we will take six municipalities of the sugar-producing regions and compare the number of estates existing in them in 1897 and in 1920:

	Estates	
	1897	1920
Arroyo	319	113
Santa Isabel	141	36
Guayama	642	388
Fajardo	507	250
Salinas	227	116
Yauco (including Guánica)	2,001	987

With respect to the morals of our people, Doctor Fleagle says (pp. 29, 34) (see Exhibit V):

SUFFRAGE BEFORE AND AFTER AMERICAN OCCUPATION

"Prior to the American occupation, the Porto Rican people had received practically no training in self-government or the free exercise of the franchise. While there existed a body of educated, intelligent men, the great mass of the people were without experience or training in self-government and only a small percentage could qualify as voters under very broad electoral qualifications." (The President's letter.)

We will answer this by saying that at the time of the American occupation we enjoyed universal suffrage granted to us in the year 1897; that under the law the total membership of the lower house of parliament and a majority of the upper house were elected by the voters; that as far back as 1812 we elected representatives to the Spanish constitutional assembly at Cadiz, a Porto Rican, Don Ramon Power, having been elected as one of the vice presidents of that historical gathering; that we participated in all the events of Spanish constitutional history; that in the year 1867 we sent our representatives to inform the Spanish Government on the momentous question of the abolition of slavery, our men, slave owners themselves, having urged the government of the metropolis to abolish slavery immediately, with or without indemnity, and with or without regulation of labor; that by the suffrage of our people we elected 17 representatives to the Cortes of 1872 and 12 to the national assembly of 1873, all of whom asked for the abolition of slavery, said petition, thanks to the powerful and illustrious orator and statesman, Emilio Castelar, having been granted March 22, 1873, without bloodshed or disturbance of any kind.

In short, at the time of the American occupation our senators and representatives, elected by our people, were sitting in the two houses of the Spanish parliament; we had elected the municipal assemblies of our 72 cities and towns, the provincial assembly (diputacion provincial), and the two houses of our own parliament, the entire membership of the lower one and the majority of the upper house being elective.

We shall not deny the achievements of the military government. On the whole it was a credit to the nation, except that the third military governor gave the coup de grace to the autonomic government by abolishing the cabinet system by means of a general order that provoked the resignation of the Prime Minister, Luis Muñoz Rivera, the leader of the Federal Party and of Porto Rico, together with his entire cabinet.

THE PRESENT STATUS OF PORTO RICO

It is true that the fiscal provisions now governing Porto Rico are far more liberal than those of any State or Territory. No State or Territory has ever been allowed to retain customs duties or to have its own system of internal revenue laws for its own purposes. But it is also true that conditions in no Territory were ever the same as in Porto Rico.

What was the population of the several Territories, and what was the value of property therein when they were admitted to statehood?

"Of the 25 States admitted to the Union, beginning with Vermont in 1791 and closing with Colorado in 1876, Maine and Kansas alone had as much as 100,000 population. Vermont, Kentucky, Missouri, and California are the only others which had as many as 50,000 population. In 1836–37 Arkansas * * * was admitted with 25,000 and Michigan with 31,000. From 1845 to 1848 * * * Florida, Iowa, and Wisconsin were admitted to the Union—Florida with a population of 28,700, Iowa with 43,000, and Wisconsin with 30,900.

"Again, in 1858 * * * Minnesota was admitted on the previous census * * * showing a population only of 7,000 inhabitants, and the next year Oregon became a State with only 13,200 population.

"In 1867 * * * Nebraska was taken in on a population of 28,800, and in 1876 * * * Colorado came in with only 39,000."

(Statement of Marcus A. Smith, Delegate from the Territory of Arizona, at the hearing held by the Senate Committee on Territories, June 28 and 30, 1902, on House bill No. 12543, "providing for the admission of the Territories of Arizona, New Mexico, and Oklahoma to statehood," p. 322.)

"When Arkansas was admitted they had $19,000,000 of taxable property; Alabama had $24,000,000; Missouri, $22,000,000; Florida, $21,000,000; Iowa, $24,000,000; California, $22,000,000, Oregon, $29,000,000; Kansas, $35,000,000; Nevada, $30,000,000; Idaho, $26,000,000; and Wyoming, $23,000,000." (Statement of Mr. Flynn, Delegate to Congress for Oklahoma, same document, p. 384.)

Let us compare Porto Rico with the three last Territories admitted to statehood and with the Hawaiian Territory. (See Exhibit VI.)

The statistics contained in Exhibit VI explain why Congress granted to Porto Rico, with a population of 1,398,796 and a density of 407.22 inhabitants per square mile, such generous treatment as it has never afforded a Territory. The public domain in the Territories was very large; agricultural lands were extensive and rich; natural resources plenty and undeveloped; population scarce and scattered over large areas; there was no foreign commerce; little business from which to derive license and excise taxes; no income tax; and a small school population.

The value of the lands granted to said Territories as an endowment from the Federal Government upon their admission to statehood greatly exceeded the value of the resources granted to us by Congress wherewith to meet the needs and solve the problems of Porto Rico, one of the most densely populated countries on earth. No doubt Congress is and has been generous to Porto Rico from the financial standpoint. The United States took Porto Rico as a ward. They adopted us and assumed before the world the duty of promoting our welfare. That could be done in one of two ways: Either by appropriating money to carry on the governmental activities of the island, or by granting us all revenues derived from sources in Porto Rico. Congress followed the latter course, and very wisely, too. Porto Rico claims that she has used such resources in the best possible way to benefit our island; and the progress of our people, as acknowledged by the Chief Executive of the Nation and by all the governors appointed by him and his predecessors, is the best evidence of our capacity for self-government that we can offer to our fellow citizens of the States and to the world.

Coming to other differences between Porto Rico and the organized and incorporated Territories, these differences are:

First. In all the Territories except Hawaii and Alaska there has always been an express promise of statehood. That promise was contained in the ordinance for the government of the Northwest Territory.

The same provision was contained in the treaties with France for the purchase of the vast expanse of French Louisiana, in the treaty with Spain for the acquisition of Florida, and in the Guadalupe-Hidalgo treaty with Mexico.

Second. The governors of the Territories, according to long-honored tradition, have always been bona fide residents of such Territories.

Third. The veto power of the governors of the Territories can be overrode by a two-thirds vote of both houses.

TARIFF

"The United States tariff extends to Porto Rico, and no part—certainly no agricultural part—of our territory is so favored by its tariff. And the striking development of Porto Rico under American sovereignty as shown by the growth of imports and exports is, in a material part, due to this favorable tariff treatment of its products." (The President.)

In dealing with the benefits derived from the national tariff it is well to remember the basis of the diet of our laboring classes.

Doctor Fleagle quotes Doctors Gutiérrez and Ashford on pages 8 and 9 of Social Problems of Porto Rico, as may be seen in Exhibit VII.

Now, let us consider how the tariff affects our people. On rice, for example, the duty is 2 cents a pound. We imported in the fiscal year ending June 30, 1927, from the United States 174,479,054 pounds, worth $8,149,443.

The 2-cent duty represents a burden on the poor man's breakfast of $3,489,581.08. The same applies to wheat flour, codfish, beans, pork, lard, corn, and other articles of extensive and general consumption, and to wearing apparel.

Of course, we accept that in just reciprocity we are bound to buy American goods at the domestic price; and we do not complain of our inability to buy similar goods manufactured in foreign countries except at prohibitive prices, because, when the United States protects the beet sugar of the Western States, Louisiana sugar, and the Kentucky, Virginia, and the Carolina tobaccos, they also protect our sugar and tobacco, by allowing importation free of duty into continental United States. But it is not fair, in our judgment, to make the Porto Rican "poor man's breakfast" pay tribute to growers in the States, especially when the cheap coffee from Brazil is allowed to compete, free of duty, with our superior bean in order not to burden the American "poor man's breakfast." The result has been an enormous decrease in the production of coffee, which was once our main crop. If we are now selling our coffee at a profitable price it is because of the so-called Brazilian valorization of coffee. But now that we receive high prices for our product we have almost none to sell; and what is worse, foreign coffee is invading our island, free of duty, to compete with the native berry in the local market as Porto Rican coffee. So it is clear that the tariff operates both ways. It increases the production of sugar and tobacco—two-thirds of which are in the hands of continental Americans who have monopolized almost all our best lands—and decreases the production of coffee owned chiefly by Porto Ricans.

In 1897 our simple life depended upon the agricultural production of goods which were mostly of home consumption, and this agriculture offered the people opportunity for work throughout the year and the satisfaction of their needs at a price consistent with the wages then paid. Our agricultural revolution, as a result of the concentration of wealth, has developed a market inaccessible to the laborer, and a great reduction in the opportunity for work, for the reason that most of the agricultural activities are such that they do not offer the farm laborer steady work. Therefore, not only is our present-day laborer in a worse plight than the laborer of 1897 because the purchasing power of his wages is less than it was then, but also because he can not obtain work for more than five or six months each year, if at all.

In our opinion, the hardest financial problem with which the people of Porto Rico are confronted is that of unemployment. Indeed, unemployment affects the Porto Rican home directly, and commerce, the small industries, and even our most insignificant social activities, indirectly.

A specific instance of this situation, under which the domestic market is inaccessible to the laborer, may be given by taking milk as an example, and we may say in passing that in accordance with the records of the department of agriculture and labor the production of milk in Porto Rico does not amount to one tablespoonful per capita, while we are forced to import nearly $1,500,000 worth of condensed milk a year from the United States. With the 37-cent wages of 1897 the laborer could buy 20 quarts of milk; with the 80-cent wages of 1927, he could buy but 5 quarts in the country districts and only 4 in San Juan. Thus, for this purpose, the 37 cents of 1897 were worth four times as much as the 80 cents of 1927.

Tests might be made regarding different articles of prime necessity and it would not be difficult to reach the conclusion that on the average, taking into account the respective markets, the wages of 1897 were much higher than those of 1927. If we add to this the fact that there were more opportunities, less population, and greater stability it is necessary to admit, from the viewpoint of social welfare, that our financial situation, as to those matters that most closely bear on the life of the people, was much better at the time to which the President refers than at this time of progress for a few and of want for the many.

ALLEGED LACK OF PREPARATION OF OUR PEOPLE

"Certainly, giving Porto Rico greater liberty than it has ever enjoyed and power of government for the exercise of which its people are barely prepared can not be said with propriety to be establishing therein a mere subjected colony." (The President.)

It is our impression that the words are hardly consistent with these others from the same pen:

"Congress, recognizing the progress in Porto Rico, enacted in 1917 the present organic act."

* * * * * * *

"We have now in Porto Rico a government in which the participation by Americans from the United States is indeed small."

* * * * * * *

"It is not our desire to leave the impression that all progress in Porto Rico is due to continental Americans. Without the cooperation and assistance of Porto Ricans progress would have been indeed negligible."

* * * * * * *

"There exists to-day in Porto Rico a department of health in all respects modern and including in its activities all branches of modern public-health work. Not of least importance as showing the marked progress in health matters in Porto Rico in recent years is the fact that it is completely manned by Porto Ricans."

* * * * * * *

"The island has so improved and its people have so progressed in the last generation as to justify high hopes for the future."

The achievements of our people in all branches of the public administration and the lofty spirit of the whole body of laws enacted by the legislative assembly during the 28 years of its existence have been acknowledged by all our governors representing the President here, and by every impartial visitor who observes our institutions and systems of learning, sanitation, agriculture, and public works without bias and selfish prejudices. Our laws can stand comparison with the statutes enacted by the most progressive States; and Porto Rican leadership in all governmental activities is acknowledged by witnesses of such high standing that we may well be allowed to take pride in our success notwithstanding bitter criticisms from many quarters.

From the report of Dr. William Crocker, chairman committee of biology and agriculture, National Research Council, Washington, D. C., year 1927, we copy:

"Already Porto Rico is furnishing a number of trained agriculturists to other Latin American countries. She is also looked to for advice in this field. A graduate school of agriculture would strengthen and render very effective this leadership. What is true of Porto Rico in regard to agricultural advance is true in other fields, such as elementary, secondary, and higher education; development of medicine and sanitation; the operation of reform and penal institutions and asylums for the insane. The building, organization, and operation of the last three sorts of institutions is as good as the best in the States. In short, Porto Rico is in position to assume leadership in most lines of advancement in tropical America.

"Perhaps the most important single point to be considered in the formation of such a school is the quality of young men to be educated. On this one can feel the greatest assurance. In the present vigorous campaign of development of public institutions and public works in Porto Rico—a development that has characterized Governor Towner's excellent administration—young well-trained Porto Ricans are largely heading the several phases of activity and they are handling the work is a through-going up-to-date way and with an enthusiasm and patriotism that is assuring. If other countries of tropical America can furnish as good young men and as large a percentage of them as Porto Rico can, there will be an abundance of able and earnest young men to be trained.

"I believe it is generally agreed that the people of Latin America and the people of the United States fail in large measure to understand each other and therefore to cooperate in their efforts for advancement. This is easily understood when one realizes that they are of very different temperament and have different languages, cultures, and religions. Porto Rico, on the other hand, is bilingual and has gone far toward blending both types of culture."

From the address delivered by Dr. Frederick S. Woodbridge, dean of the graduate faculty of political science, Columbia University, at the celebration of the twenty-fifth anniversary of the University of Porto Rico, March 15, 1928, we cite the following:

"Here in this little island the changes and chances of this mortal life have brought two great civilizations together. I found here expressed in what I saw and heard, not simply the hope but the eager effort that the meeting of these two civilizations should not end in discord but in harmony, that the rich heritage of neither should be lost but should be utilized to make this island an illustration of the conquest of nature adorned by the fruits of the spirit. That is a very great ambition. But it is like islands to be ambitious. They like to point out to continents the latter's proper business. They can make themselves reminders of things too easily forgotten when sheer magnitude lies heavy on the mind. They see the prospect from their own door.

"What does this island see? Itself, of course; its own troubles and worries; but it sees also continental America, North and South, and knows that their troubles and worries, especially as they face each other, are like its own. But here these troubles and worries are a matter of daily concern. Here they are not left for occasional conference and adjustment. They make up the ever-present problem of the people of Porto Rico. Who can doubt that this island and this university are right in thinking that their handling of this problem is of unique significance? Who can fail to rejoice that they see it clearly? These 25 years have been rich in achievement. They are richer still in promise. Size has nothing to do with the matter. A model, however small, is a model of what can be done in the large. The universities in whose behalf I have the honor to respond greet this university with affection and esteem. They pray for its increased prosperity. It is an island lighthouse, the light of which makes clear to those who sail the often stormy seas of human affairs a safe course which leads to the heaven of good will."

Dr. R. B. Hill, of the International Health Board, says in an article entitled "Public health progress in Porto Rico," published in the American Journal of Tropical Medicine for May, 1925:

"Public-health work may be said to have begun in 1918, when the department of health determined to initiate a systematic campaign against uncinariasis, then as now the most important and pressing problem confronting it. Upon invitation, the International Health Board of the Rockefeller Foundation made a hookworm survey, which disclosed the fact that 90 per cent of the rural population of the island, or almost 1,000,000 people, were suffering from the disease. A plan for cooperative work was outlined in which sanitation was to precede curative measures."

And Doctor Sellards, in an article entitled "Bonds of union between tropical medicine and general medicine," published in Science, July 29, 1927, writes thus:

"Recently I have had the pleasure of visiting the department of health and the privilege of seeing something of the work of your director of public health. The achievements in hygiene in Porto Rico are progressing to such an extent that the workers in this institute will be driven not merely to the neighboring islands but farther and farther from these shores on expeditions for research in its many and varied phases."

The School of Tropical Medicine was due to Porto Rican initiative. It is evidence of the fact that we Porto Ricans progress and take advantage of our association with the United States.

Illiteracy has been claimed to be a barrier to the admission of our people to complete self-government. We have decreased our illiteracy from 80 per cent to 40 per cent.

Let us hear the words of the Hon. Horace M. Towner, our upright and worthy governor, as contained in his last report to the President, covering the fiscal year ending June 30, 1927:

"Illiteracy: As a result of the special campaign against illiteracy 2,484 adults were taught to read and write during the last school year. The people and the teaching force of the department worked together with a spirit of cooperation and self-sacrifice which deserves recognition and praise. Each town where the work was begun adopted its own plan and selected a board or boards to put it into execution. Forty-two municipalities have so far organized to carry on the work. Night schools were opened in both the urban and rural zones, enrolling altogether 4,269 pupils. Money was secured and the teachers taught in the night schools, sometimes without charge and sometimes for wages ranging from $10 to $25 per month. The number of those who worked gratuitously exceeded the number of those who were paid. In some districts the teachers were requested to teach one, two, or as many as five illiterates. In one district 264 illiterates learned to read and write from the personal instruction of 32 teachers. In one instance a municipality paid the entire expense of one school; in another, two; in another, the mayor paid one teacher. Donations from private persons were numerous. The parents' association, the Red Cross, and other associations rendered valuable aid.

"In two municipalities the high-school students opened, taught, and supported night schools for illiterates.

"Illiteracy has been reduced in Porto Rico during about a quarter of a century from a percentage of 83 to below 40 at the present time. With this work continued among adult illiterates, and the continued increase in number of those who have regular school privileges, the percentage of illiteracy in Porto Rico will soon be as low as it is in some of the States of the Union."

What territory when admitted to statehood had a percentage of illiteracy lower than Porto Rico? Louisiana had in the year 1913, after a century of statehood, a percentage of 29. Were the 13 Colonies more literate than Porto Rico when the Declaration of Independence was signed? And what about the Latin Republics? We are ready to submit to any test that Congress sees fit to put us to. We are entitled, even if we are small and poor and weak, to know what the future has in store for our children. We must have a political goal to reach, so that discouragement may be replaced by hope. We are not pessimists. We can see no reasonable human ambition beyond the horizon of our people. But what is meant by reasonable? Is statehood reasonable?

To judge from the utterances of American statesmen of high standing, statehood is an utter impossibility. Some persons have deduced the same conclusion from the President's letter. We find now and then in the American press and in the words of good-natured Americans in official position or otherwise loose expressions in favor of statehood for Porto Rico, but aside from these sporadic expressions we must say with the utmost frankness that the problem of our definite status after 30 years of American rule has not been given due consideration by the national administration, the political parties, the American statesmen, the press, and the American people as a whole. A community of one million and a half of American citizens, by adoption, who have as a precious heirloom the old and noble culture which sowed the seed of democracy throughout this entire American continent, not excluding the northern section, is certainly entitled to know its future political status, to ask the American people what its place will be in the Union of free Commonwealths forming the glorious American constellation.

Some of the opinions contrary to the incorporation of Porto Rico—many of them favoring a special status such as we propose—have been compiled by the eminent Porto Rican jurist, Mr. Luis Muñoz Morales, in his work "El Status Político de Puerto Rico," 1921. From said text we transcribe:

"H. Teichmueller, of Texas, in an article entitled 'Expansion and the Constitution,' published in No. 2 of the American Law Review for 1899, page 208, says, in referring to the treaty of Paris:

"'Where do we find authority for holding territory which is never to become part of our Union of States, as dependent colonies, and for governing millions of barbarians, as subjects, by methods unknown and foreign to all the principles of our political organization. * * * To act in good faith and in harmony with our poltical principles and the genius of our institutions, we should invite the inhabitants of these several islands to organize their own governments under our protection, and when they have accomplished this to recognize them as independent states.'"

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"Mr. John Bradley Thayer, professor of law at Harvard University, in an article entitled 'Our New Possessions,' published in the Harvard Law Review in February, 1899 (12 Harv. Law Rev. 404), summarizes his conclusions in the following energetic terms:

"'Never should we admit any extracontinental State into the Union; it is an intolerable suggestion. I am glad to observe that it is proposed in Congress to insert in the statute for the settlement of the Hawaiian government the express declaration that it is not to be admitted into the Union. The same thing should be done with all the other islands.'"

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"Mr. Alpheus H. Snow, in his work entitled 'The Administration of Dependencies,' published in 1902, page 593, expresses his opinion thus:

"'All the insular dependencies of the Union and Alaska are probably destined never to be incorporated into the Union as States, because it is best for them and for the Union that they should permanently remain in a relationship of dependence on the Union.'"

"To close these quotations we shall give one from the writings of another President of the United States, His Excellency Woodrow Wilson, who wrote:

"'The dependencies: With the acquisition of Porto Rico and the Philippines as a result of the war with Spain the United States acquired noncontiguous lands already inhabited by people differing from ourselves in language, customs, and institutions. Unlike the territory previously acquired, with the exception of Alaska and Hawaii, the insular possessions are not adapted for the progressive development from Territories to States. They are dependencies, and will remain as such until they reach the stage when they may become independent or self-governing.'" (The State, p. 357.)

And now we shall add the following:

H. G. Wells, in his Outline of History, Volume IV, page 1203, writes:

"It is improbable that either Porto Rico or the Philippines will ever become States in the Union. They are much more likely to become free states in some comprehensive alliance with both English-speaking and Latin America."

On the same page he reproduces the following remarks of President Roosevelt in connection with the Philippine Islands, which are applicable to Porto Rico:

"We are governing, and have been governing, the islands in the interest of the Filipinos themselves. If after due time the Filipinos themselves decide that they do not wish to be thus governed, then I trust that we will leave; * * *

"This is an entirely different outlook from that of a British or French foreign office or colonial office. But it is not very widely different from the spirit that created the Dominions of Canada, South Africa, and Australia, and brought forward the three home rule bills for Ireland. It is in the older and more characteristic English tradition from which the Declaration of Independence derives. It sets aside, without discussion, the detestable idea of 'subject peoples.'"

Professor Snow makes a more concrete statement of his opinion on the status of noncontiguous territory in these words:

"The metropolitan nation is to extend its own representative and republican institutions under its own constitution by incorporating into its body politic such contiguous lands and communities as it deems best, after preparing them for participation in its inner life. The colonies, which are so distant that they can never be incorporated in this body politic, it protects and develops into self-governing states as rapidly as possible, having for its ultimate object the evolution of a federalistic empire composed of itself and a body of self-governing states, connected and united by bonds of interest and amity, of which empire it shall be the representative and head. This new federalistic empire is, as has been said, based on different principles from those which govern a strict federal union like the United States." (See "Neutralization v. Imperialism," American Journal of International Law, July, 1908.)

The program of the twenty-seventh annual convention of the Lake Mohonk conference contained the following conclusion:

"It does not necessarily mean either eventual statehood or eventual independence for our island possessions. It may mean self-government under American protection and subject to American sovereignty."

The noted publicist, Dr. Lyman Abbott, in the Outlook of November 6, 1909, made the following comment on said program:

"The Outlook agrees entirely with all the declarations of this program. But this review is ready to say even more than the Lake Mohonk conference unanimously said. We do not believe that our insular possessions will ever become States of the Union. Neither do we believe that when said countries are prepared to receive independence they will apply for it. Neither do we believe they should be obliged to accept independence. It is our opinion that their present form of government should be remodeled so as to lead to final self-government under an American protectorate and under American sovereignty. We believe that this is what the majority of the brainier citizens of Porto Rico and of the Philippines desire * * *." (Translated from Spanish version.)

In his message to Congress, dated December 18, 1912, the President of the United States, William H. Taft, expressed himself as follows:

"The failure to grant American citizenship continues to be the only ground of dissatisfaction. I believe that the demand for citizenship is just. But it should be remembered that the demand must be, and in the minds of most Porto Ricans is, entirely disassociated from, any thought of statehood. I believe that no substantial approved public opinion in the United States or in Porto Rico contemplates statehood for the island as the ultimate form of relation between us. I believe that the aim to be striven for is the fullest possible allowance of legal and fiscal self-government, with American citizenship as the bond between us; in other words, a relation analogous to the present relation between Great Britain and such self-governing colonies as Canada and Australia."

In Harvey's Weekly (1923) the American ambassador to Great Britain, Mr. George Harvey, said the following:

"The unwritten law promulgated by Marcy in 1855 and repeatedly reaffirmed since then, is that overseas, noncontiguous territories shall not be admitted to the Federal Union. Certainly, it would require a very powerful reason to annul this law and thus bring to Washington Senators and Representatives from Hawaii, Porto Rico, the Virgin Islands the islands of Luzón and Mindanao, and the Zulu Islands. Are we going to replace the Constitution by a 'Constitution of the United States of America, the East and West Indies, and the Pacific Islands'?" (Translated from the Spanish version.)

From an interview of the Secretary of State, Hon. Elihu Root, with the Porto Rican national Republican committeeman, we quote:

"You have a civilization older than, and different from, ours. Your idea of citizenship and other fundamental principles of life are looked at by your people—Roman after all—from a viewpoint different from the one we Anglo-Saxons take; and even certain moral principles are considered differently by both. In common we have but a great deal of good will on both sides, but that is not sufficient. That can not fill the broad, deep gap existing between both races without taking into account the one already caused by nature itself. This country of ours is becoming larger every day; our internal problems are constantly multiplying, and we can hardly give attention to matters of our own. And if this is so, what right have we to try to govern a country from a distance of over 1,000 miles? Without asking you, I am certain that we are misgoverning you, since we have to place a government at such a distance in the hands of men who will surely not understand you; and by the same logic we know that however badly you may do it yourselves, you will surely do it better than the men we are sending you. You must never expect to become a State of the Union. We have put an end to the last two continental territories by making them States. Alaska is of such small population that when she is sufficiently grown, the solution of the problem will be met by our descendants. Hawaii will some day become a Republic. Porto Rico can not expect to escape from the natural influence of surroundings and should also become a Republic under an American protectorate, so that you may not have to worry about foreign nations and the expense that an Army and Navy entails." (Translated from the Spanish version.)

The Hon. William A. Jones, chairman of the House Committee on Insular Affairs, whose name our organic act bears, expressed himself in the following terms:

"No political party or important newspaper has favored statehood, according to my information. If Porto Rico were admitted to statehood there would be two senators and at least half a dozen Porto Rican representatives; and the fear exists that they might exercise a decisive influence in the United States Congress and practically enact laws for the Government of the United States. For this reason I believe there is no opinion favorable in the United States." (Translated from the Spanish version.)

We are conscious of our duty to aid the nation to solve the problem of our status by suggesting a scheme of government by which the insular and national interests, the attributes of American sovereignty, and the rights and dignity of the Porto Rican people may be reconciled and harmonized.

We are not urging upon the American people either independence or statehood. If statehood is offered to our people now, it is our honest belief that Porto Rico would not, could not, refuse the honor that statehood implies in spite of such financial difficulties as we would have to solve with the aid of Congress. If independence is tendered to us we will accept independence on the same basis as our sister, Cuba. But we suggest as a compromise between these extreme solutions a form of government that is neither statehood nor independence, but which, however, participates of both forms, with the advantages of both and without the disadvantages of either.

We limit our ambitions for the present to an elective governor, leaving to the President the power of removal for cause. We apprehend the objections that can be raised against our interference in purely national affairs, but in compensation for this limitation and on account of our peculiar conditions we do not seek power to frame our own tariff, as was the case under the autonomic charter, but we do seek authority to reduce the national schedules on raw food staples so as to place the same within the reach of our laboring population, and also the power to increase tariff rates on products similar to those of our soil not produced in continental United States when such products of ours are unprotected by the national tariff. We want the jurisdiction of the Federal court restricted in civil matters to suits in which the construction of the Federal Consitution or of the constitution of Porto Rico is in question, and also that Federal jurisdiction be vested, as in the case of the Territories, in the Supreme Court of Porto Rico, which is wholly appointed by the President with the consent of the United States Senate. This would absolutely guarantee the sovereign powers of the Nation.

We ask that as in the case of the Philippine Islands, and since we have no participation in their enactment, laws enacted by Congress shall not apply to Porto Rico unless adopted by the Porto Rican Legislature. We suggest that internal revenue on imported articles be collected by the proper customhouse and postal officials under the direction of the Porto Rican treasurer. As the interstate commerce laws are not in force in Porto Rico, we ask the right to legislate on commerce and to deal freely and justly with the problems of absenteeism and land holdings. We wish also to enact our own bankruptcy law, now superseded by the Federal act, and to have jurisdiction granted to our courts in this matter, in order to protect our commerce against the prohibitive expenses of proceedings of this kind in the Federal court.

We adopted prohibition by a referendum of our people and regulated this matter by act of our legislature. We are entitled, therefore, to have local enforcement of the constitutional prohibition clause intrusted to us. We object to the absolute veto power of the governor, even if he were elective. We believe in the American principle of vesting power to override the veto in two-thirds of the membership of both houses. We further object to the extraordinary power vested in the governor to eliminate items from the general appropriation bill and to reduce items of expenditure without submitting his objections to the legislature, and we want power vested in the legislature to neutralize the governor's veto by a two-thirds vote of the assembly. We also object to the present system of placing purely legislative matters in the hands of the commissioner of education and the auditor. We object to the 5 per cent limitation on the borrowing capacity of municipalities, because that limit had already been reached by a large number of the local governments when the restriction was enacted by Congress. We want a cabinet wholly appointed by the governor with the consent of the Senate. It is our desire that all the justices of the supreme court be natives of Porto Rico, and also that writs of error to review decisions of the Supreme Court of Porto Rico issue out of the Supreme Court of the United States and not out of the United States Circuit Court of Appeals for the First Circuit, as at present, and only in such cases as where writs are issued to review decisions of the supreme courts of the States. We claim the power to regulate the manner of selecting the members of the judiciary, and also to organize the public service commission. We ask that the House of Representatives be empowered to impeach all officers of Porto Rico subject to impeachment in accordance with the spirit of the Federal Constitution, without excluding the governor, such officers to be tried by the senate, presided over by the chief justice of the supreme court. And last, but not of least importance, we ask that after our constitution shall have been approved by Congress no amendment shall be made thereto except with the consent of the people of Porto Rico. We are well aware that our constitution, since it would not be a State constitution in a strict constitutional sense, because it would not be a compact between the Union and Porto Rico, could be amended by Congress, whose authority could not be restricted in any way by such constitution; but we trust in the uprightness and justice of Congress, and we know that a provision inserted in our constitution providing that it shall not be amended without the assent of the people of Porto Rico would be considered by Congress as if the same were inserted in the Federal Constitution itself. This is a moral guaranty of such high character that our people would not hesitate to accept it. For this very reason we would submit to the supervisory power of Congress over the laws enacted by our legislature.

Porto Rico would have almost all the rights and privileges enjoyed by the States—except national representation—besides certain addi-

tional local powers justified by our peculiar situation. We would be associated with, though not incorporated into the Union. In this way both peoples would be joined by a common flag, a common sovereignty, and a common citizenship. We would be bound to each other by ties of mutual interests, aspirations, and affection, and Porto Rico would be in a position to constitute the spiritual isthmus between the Americas—the foundation for a bridge of ideals between the two continents, the two races, and the two civilizations of the Western Hemisphere. This is our answer to the question raised by the Chief Magistrate of the Nation.

THE GRANT OF GREATER AUTONOMY AND THE MARKET

"In what way, by a greater grant of autonomy, could Porto Rico so look after the market for its products or the market for its bonds, or in what way could it improve the economic position of its government or its people?" (The President.)

Political autonomy is not incompatible with economic independence. We would look to the United States for markets and protection, because we would be an associated free unit of the American Commonwealth under a constitution based on mutuality of interests, reciprocity of service, perfect understanding, bonds of gratitude, political ties, common citizenship and institutions, solidarity of purpose, and unity of ideals.

THE GOOD NAME OF THE UNITED STATES

We respect the feeling expressed that "the United States is entitled to a good name in its dealings with Porto Rico and to protect itself from every reflection on its good name."

We say with all candor that the good name and the honor of the Nation is as dear to our Porto Rican hearts as it may possibly be to any citizen born on the continent. We proved the foregoing assertion by deeds when we offered to the Nation, without compulsion, the flower of our youth to be sent to Europe to fight and die for the good name and the honor of the United States; when we oversubscribed our share in the several Liberty and Victory bond issues and covered all our quotas in the several war activities; when our finances suffered the effects of the armed conflict and we endured the privations imposed on our people by the detriment caused to our commerce and the sinking of vessels sailing from our ports, with the resulting loss of life and property.

Witness of our contribution during the war is found in the following tribute by Dr. Albert Shaw:

"About a month after this measure of 1917, known as the Jones Act, had given the people of Porto Rico their present full rights of American citizenship, our Government declared war against Germany. Through their representatives these new citizens did not hesitate to express their loyalty and to accept the responsibilities of the war period. The draft act was cheerfully supported, and in a short time more than 15,000 young Porto Ricans were in Army camps. When the war was over, about 25,000 Porto Ricans had been in uniform, largely under Porto Rican officers; and their training had excellent results in physical and mental development. Just now—April, 1921—we are told that the National Guard of Porto Rico stands at the head of the entire list of States and Territories in filling quotas assigned by the War Department." (The American Review of Reviews, May, 1921, pp. 483-84.)

There has been a natural hesitation to recall and dwell upon our share in the war; but Porto Rico is also entitled to a good name in its dealings with the United States.

By granting the island a republican form of government under the jurisdiction of the United States, Congress and the President would show to the world as well as to Porto Rico that "There is no disposition in America and certainly not on my part," as the President says, "to discourage any reasonable aspiration of the people of Porto Rico."

In the following statement, we agree with the President:

"The island has so improved and its people have so progressed in the last generation as to justify high hopes for the future, but it certainly is not unreasonable to ask that those who speak for Porto Rico limit their petitions to those things which may be granted without a denial of such hope."

In view of this advice, we restrict our political ambitions to limits that are both reasonable and just. Under the scheme of government suggested, the following closing paragraph of the President's letter would be fully justified:

"Nor is it unreasonable to suggest that the people of Porto Rico, who are a part of the people of the United States, will progress with the people of the United States rather than isolated from the source from which they have received practically their only hope of progress."

And said paragraph would be justified because it is not our desire to be isolated from the United States. On the contrary, we look for association with them. But association implies equality, coordination—not subordination. Equality and a perfect association would be feasible by means of the form of government suggested, leaving it to future progress to determine the shaping of the final form of association between the United States and Porto Rico.

Our hope and aspiration is that closer and closer relations will be established between the two countries, based on good will, mutual interest, and perfect understanding.

In closing, and as an inspiration for both the American and the Porto Rican people, allow us to repeat the imperishable words of Abraham Lincoln that so precisely and appropriately summarize the spirit of American institutions and ideals:

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in."

Fraternally yours,

(Signed) ANTONIO R. BARCELÓ,
President of the Senate.
(Signed) JOSÉ TOUS SOTO,
Speaker of the House of Representatives.

EXHIBIT I

ART. 2. Each island shall be governed by an insular parliament, consisting of two chambers, and by the governor general, representing the mother country, who shall exercise supreme authority.

ART. 3. The legislative power as to colonial matters in the shape and manner prescribed by law shall be vested in the insular chambers conjointly with the governor general.

ART. 5. The council shall be composed of 35 members, of whom 18 shall be elected in the manner directed by the electoral law and 17 shall be appointed by the governor general acting for the Crown from among such persons as have the qualifications specified in the following articles:

ART. 6. To be entitled to sit in the council of administration it is necessary to be a Spanish subject, to have attained the age of 35 years, to have been born in the island, or to have had four years' constant residence therein.

ART. 13. Representatives shall be elected every five years, and any representative may be reelected any number of times.

ART. 15. The chambers will meet every year. The King, the governor general acting in his name, shall convene, suspend, and adjourn the sessions and dissolve the chamber of representatives and the council of administration, either separately or simultaneously, under the obligation to call them together again or renew them within three months.

ART. 17. Each chamber shall choose its president, vice president, and secretaries.

ART. 18. Neither chamber shall sit unless the other be sitting also, except when the council exercises judicial functions.

ART. 21. All colonial statutes in regard to taxes and the public credit shall originate in the chamber of representatives.

ART. 26. No councilor of administration shall be indicted or arrested without a previous resolution of the council, unless he shall be found in fraganti or the council shall not be in session, but in every case notice shall be given to that body as soon as possible that it may determine what should be done.

ART. 29. Besides the power of enacting laws for the colony the insular chambers shall have power—

1. To receive the oath of the governor general to preserve the constitution and the laws which guarantee the autonomy of the colony.

2. To enforce the responsibility of the secretaries of the executive, who shall be tried by the council whenever impeached by the chamber of representatives.

ART. 32. The insular chambers shall have power to pass upon all matters not specially and expressly reserved to the Cortes of the Kingdom or to the central government as herein provided or as may be provided hereafter, in accordance with the prescription set forth in additional article 2.

In this manner, and without implying that the following enumeration presupposes any limitation of the power to legislate on other subjects, they shall have power to legislate on all matters and subjects concerning the departments of justice, interior, treasury, public works, education, and agriculture.

They shall likewise have exclusive cognizance of all matters of a purely local nature which may principally affect the colonial territory; and to this end they shall have power to legislate on civil administration, on provincial, municipal, or judicial apportionment, on public health, by land or sea, and on public credit, banks, and the monetary system.

ART. 33. It shall be incumbent upon the colonial parliament to make regulations under such national laws as may be passed by the Cortes and expressly intrusted to it. Especially among such measures parliament shall legislate, and may do so at the first sitting, for the purpose of regulating the elections, the taking of the electoral census, qualifying electors, and exercising the right of suffrage; but in no event shall these dispositions affect the rights of the citizens as established by the electoral laws.

ART. 34. The governor general in council shall have, as far as the island of Cuba is concerned, the same power that has been vested heretofore in the minister for the colonies for the appointment of the functionaries and subordinate and auxiliary officers of the judicial order and as to the other matters connected with the administration of justice.

(The foregoing article also applied to Porto Rico, according to the provision of additional article 3, which reads: "The provisions of the present decree shall obtain in their entirety in the island of Porto Rico.")

ART. 35. The insular parliament shall have exclusive power to frame the local budget of expenditures and revenues, including the revenue corresponding to the island as her quota of the national budget.

ART. 37. All treaties of commerce affecting the islands of Cuba and Porto Rico, be they suggested by the insular or by the home governmene, shall be made by the latter, with the cooperation of special delegates duly authorized by the colonial government, whose concurrence shall be acknowledged upon submitting the treaties to the Cortes.

Said treaties, when approved by the Cortes, shall be proclaimed as laws of the kingdom and as such shall obtain in the colony.

ART. 38. Notice shall be given to the insular government of any commercial treaties made without its participation as soon as said treaties shall become laws, to the end that, within a period of three months, it may declare its acceptance of nonacceptance of their stipulations. In case of acceptance the governor general shall cause the treaty to be published in the Gazette as a colonial statute.

ART. 39. The insular parliament shall also have power to frame the tariff and fix the duties to be paid on merchandise as well for its importation into the territory of the island as for the exportation thereof.

ART. 40. As a transition from the old régime to the new constitution, and until the home and insular governments may otherwise conjointly determine hereafter, the commercial relations between the island and the metropolis shall be governed by the following rules:

No. 1. No differential duty, whether fiscal or otherwise, either on imports or exports, shall be imposed to the detriment of either insular or peninsular production.

No. 2. The two governments shall make a schedule of articles of direct national origin to which shall be allowed by common consent preferential duty over similar foreign products.

In another schedule made in like manner shall be determined such articles of direct insular production as shall be entitled to privileged treatment on their importation into the peninsula and the amount of preferential duties thereon.

ART. 44. No executive order of the governor general, acting as representative and chief of the colony, shall take effect unless countersigned by a secretary of the cabinet, who by this act alone shall make himself responsible for the same.

ART. 46. The secretaries of the cabinet may be members of either the chamber of representatives or the council of administration and take part in the debates of either chamber, but a secretary shall only vote in the chamber of which he is a member.

ART. 47. The secretaries of the cabinet shall be responsible to the insular parliament.

ART. 67. Should any question of jurisdiction be raised between the insular parliament and the governor general in his capacity as representative of the home government, which shall not have been submitted to the council of ministers of the kingdom by petition of the insular parliament, either party shall have power to bring the matter before the supreme court of the kingdom, which shall render its decision by a full bench and in the first instance.

ADDITIONAL ARTICLES

ART. 2. When the present constitution shall be once approved by the cortes of the kingdom for the islands of Cuba and Porto Rico it shall not be amended, except by virtue of a special law and upon the petition of the council of administration.

TRANSITORY PROVISIONS

ARTICLE 1. With the view of carrying out the transition from the present régime to the system hereby established with the greatest possible dispatch and the least interruption of the public business, the governor general shall, whenever he deems it timely and after consulting the home government, appoint the secretaries of the executive office as per article 45 of this decree, and with their aid he shall conduct the local government of the island until the insular chambers shall have been constituted. The secretaries thus appointed shall vacate their offices as soon as the governor general shall take his oath of office before the insular chambers, and the governor general shall immediately appoint as their successors the members of parliament who, in his judgment, most fully represent the majorities in the chamber of representatives and the council of administration."

EXHIBIT II

Attention was called in my last report to the opposition being made to the collection of the taxes in Porto Rico, principally by the large taxpayers. Changes were made in the laws removing objectional features, and it was hoped that the revenues collected would be sufficient to meet the requirements of the government. But that hope was not realized, and the same condition existed down to the beginning of the present fiscal year. The estimate of the amount of income tax for the year ending June 30, 1925, was $3,000,000. The amount collected was $1,450,000. The estimate of internal revenue was $4,000,000. The amount collected was $3,281,000. The deficiency on those two items alone amounted to $2,270,000. The revenue collected on other items exceeded the estimate, but not enough to overcome this loss.

The opposition took the form of litigation contesting the validity of the taxes levied and a great many injunctions were issued by the courts, especially by the United States district court. As a result, a large part of the revenue was tied up in the courts, although every effort was made to collect the delinquent taxes and to bring the cases to trial.

Because of this condition it became necessary for the legislature to arrange for the levying and collection of additional taxes to make up the deficiency until the cases pending could be decided, and to provide means to satisfy the debt created by the default in payment of the taxes levied. This was done by the legislature at its last session, which convened in February. The new laws were not recommended by Professor Haig, and are not to be considered as part of the permanent tax and revenue system of the island.

The passage of these laws materially increasing the revenue, together with the reduction of the budget, it is confidently expected will enable the treasury to meet all current demands and acquire a surplus to assist in liquidating the floating debt. The new laws are not to be regarded as finalities. They are in a sense experimental and were enacted primarily to meet an emergency.

The amount of these taxes due and delinquent, and which are not at present collected because of litigation, injunctions, and protests is, without interest and penalties, $5,610,747. If these taxes had been paid when due, there would have been no floating debt, and when collected they alone will be sufficient to wipe it out.

EXHIBIT III

What if these people were merely innocent victims of a disease, modern only in name? What if the brand placed by the Spaniard, the Englishman, and the Frenchman in olden times upon the jibaro of Porto Rico were a bitter injustice? The early reports savor strongly of those touristic impressions of the island which from time to time crop out in the press of modern America, in which "laziness and worthlessness" of the "natives" are to be inferred, if, indeed, these very words are not employed to describe a sick workingman, with only half of the blood he should have in his body.

We can not believe that vicious idleness comes natural to the Spanish colonist, even in the Tropics, for the very reason that we have seen these descendants at their very worst, after the neglect of four centuries by their mother country, and after the laborious increase of an anemic population in the face of a deadly disease, whose nature was neither known nor studied, work from sunrise to sunset and seek medical attention, not because they felt sick but "because they could no longer work."

Thus the poor laborer, his earning capacity cut down by his disease, with employment which is at best very irregular, with his sick wife and children for whom he has to buy "iron tonics" that cost all that he can rake and scrape together, without money for clothes, much less for shoes, with a palm-bark hut not too well protected against the damp, cold of the grove in which he lives, with not a scrap of furniture save, perhaps, a hammock, and, worst of all, with a miserable diet lacking in proteids and fats, lives from day to day, saving nothing, knowing nothing of the world beyond his plantation, working mechanically simply because he is not the drone he has been too frequently painted outside of Porto Rico, but without any object save to keep on living as generations have done before him. It has been our experience that when he is asked, "Why have you sought our dispensary?" the answer has almost invariably been, "Because I can no longer work." The jibaro, nevertheless, has ever been the lever which has raised the bank account of Porto Rico, and with an average of 40 per cent of hemoglobin and two and a half millions of red corpuscles per cubic millimeter he has labored from sun to sun in the coffee plantations of the mountains, in the sugar estates of the coast land, and in the tobacco fields of the foothills, in addition to his personal cooperation in other industries and commercial enterprises. He is a sick man and deserves our highest respect, and merits our most careful attention as a vital element in the economic life of the island. The American people should take seriously into account his future, which is at present anything but promising. (Pages 17–18.)

EXHIBIT IV

It has been estimated that the wealth of the island is in the hands of about 15 per cent of the population, and that the remaining 85 per cent are practically dependent upon uncertain labor and wage conditions for their maintenance.

The economic situation in Porto Rico is giving rise to the formation of classes based on wealth. With the introduction of available markets and modern methods of commerce and industry which followed the American occupation, the land values rapidly increased. The small landholder, seeing the increase in price which came about and believing that it was to his best advantage to sell his land, disposed of it to the representatives of large landholding concerns for what, to him, was a fabulous price. As soon as the money from this sale was expended, the original landholder found himself absolutely dependent upon the mercy of a wage-paying employer. In this way a great part of small landholdings passed into the hands of representatives of large landholdings and caused the formation of two groups, the capitalistic group, which is limited to a comparatively small number of people, and the wage-earning group, which comprises probably 90 per cent of the population of Porto Rico. As a result we lack in Porto Rico the great middle class of financially independent farmers which constitutes the strength of the United States and the more prosperous European countries. A serious and systematic effort to build up a prosperous and independent middle class, either by encouraging small-farm or other industries, is necessary if the majority of the people are to attain the advantages which they should enjoy, and if the social and economic status of the island is to be made equitable and stable.

EXHIBIT V

There is no doubt but that many of the consensual marriages are considered by the parties concerned just as permanent as those performed by civil or ecclesiastical authorities, and the question of immorality does not enter into their view of the situation. It is a question of mutual consent, and especially in the country districts, the knowledge of the law in regard to these matters is very vague.

The average family lives very happily and contentedly, the parents displaying great affection for the children and for relatives even of a remote degree of relationship. In the case of the death of parents, relatives usually adopt or take charge of the children which may be left and bring them up as carefully as they would children of their own. The family group is naturally closer among Latin peoples than among Anglo-Saxon races, and this has tended to do away with some of the vices of family life which are found among Anglo-Saxon peoples, while the same circumstances have tended to increase other unsatisfactory conditions of family life peculiar to Latin races.

EXHIBIT VI

NEW MEXICO WHEN ADMITTED TO STATEHOOD

Area—square miles	122,510
Population according to census—people	193,310
Population claimed by the people of the Territory—do	300,000
Population of school age—do	70,000
Illiteracy according to 1900 census (per cent of the population)	40
Assessed valuation of the property in the Territory (1900)	$38,227,878
Estimate by the New Mexico Delegate of the property to be subjected to taxation when admitted to statehood	$283,000,000

OKLAHOMA WHEN ADMITTED TO STATEHOOD

Area—square miles	38,000
Acres of land open to settlement (Apr. 22, 1889)—acres	3,000,000
Indian reservations—do	2,000,000
Land purchased from Indian tribes—do	4,000,000
Population according to census	398,331
Population of school age	147,656
Assessed valuation of property (1901)	$60,414,696
Annual expenditures for schools	$1,000,000
School receipts derived from rent of lands granted by Congress	$1,000,000

ARIZONA WHEN ADMITTED TO STATEHOOD

Area—square miles	113,956
Population claimed by the Delegate of the Territory	160,000
Population according to census	130,000
Population of school age (1902)	25,000
School expenditures (1902)	$401,235
School receipts (1902)	$530,648
Assessed valuation of property as estimated by New Mexico Delegate	$250,000,000

HAWAII

Area—square miles	6,449
Population	328,444
Acres of land devoted to farms	2,702,245
Public lands—acres	1,548,149
Children in public schools	48,730
Taxes collected (1925–26)	$12,915,873
Assessed value of property (1926)	$392,782,143

PORTO RICO

Area—square miles	3,435
Population (1925)	1,398,796
Density of population—to square mile	407.22
Assessment of property	$338,089,889
Total enrollment in public schools (1926–27)	213,321
Expended in schools (1926–27)	$5,928,000
Per capita expenditure	$21.86

EXHIBIT VII

The food of the jibaro is poor in fats and the proteids are of difficult assimilation, being of vegetable origin, as a rule.

He arises at dawn and takes a coconut dipperful of café puya (coffee without sugar). Naturally, he never uses milk. With this black coffee he works till about 12 o'clock, when his wife brings him his breakfast, corresponding to our lunch. This is composed of boiled salt codfish, with oil, and has one of the following vegetables of the island to furnish the carbohydrate element: Banana, plantain, yam, sweet potato, or yautia.

At 3 in the afternoon he takes another dipperful of coffee, as he began the day. At dusk he returns to his house and has one single dish, a sort of stew, made of the current vegetables of the island, with rice and codfish. At rare intervals he treats himself to pork, of which he is inordinately fond, and on still rarer occasions he visits the town and eats quantities of bread, without butter, of course.

Of all this list of country food there are only three elements that are bought—rice, codfish, and condiments. Rice is imported from the United States and codfish from Nova Scotia. The bread he eats on his visits to town is made of American flour.

On page 44 of the same book we find:

"That the Porto Rican laborer is of cheerful disposition is especially true of the so-called jibaro. He greets you with a smile, he welcomes you to his house and cheerfully divides his cup of coffee with you, he dances with a show of gayety on a Sunday afternoon. He is ever cheerful, but not happy. There may be some customs and prejudices of minor importance that he is loath to change, but in the main he prefers to live as he does because he is obliged so to live. Those who adhere to the laissez faire policy and believe that conditions are good enough as they are, do not know the real heart of these people. They need and deserve and must ultimately receive the opportunity to improve their living and working conditions."

APPENDIX

FULL TEXT OF THE CABLEGRAMS ADDRESSED BY MESSRS. BARCELÓ AND TOUS SOTO TO PRESIDENT COOLIDGE AND TO THE SIXTH PAN AMERICAN CONFERENCE

To His Excellency ORESTES FERRARA,
President of the Sixth Pan American Conference,
Habana, Cuba:

Devoid of representation to raise our voice at that Pan American Congress, and with legitimate right to do so, being, as we are, equal to the Spanish Republics represented there, a people also Spanish of equal ethnical origin, of the same traditions, the same language, and the same ideals, we beg you to give your indorsement to the following cablegram that we have just addressed to the President of the United States of America, Hon. Calvin Coolidge:

To His Excellency the President, Hon. CALVIN COOLIDGE,
Washington, D. C.:

We congratulate your excellency for speech before Sixth Pan American Conference at Habana, transcending a great spirit of fraternity and friendship toward all the countries of America which are now sharing with your great Nation, before history, the mighty responsibilities of a wise, democratic, and humane policy, whereby all selfishness, so dangerous to the peace and happiness of the world, is cast aside and whereby justice and self-determination for all is bravely proclaimed; and we beseech that you make effective in your recommendations to Congress, now assembled, the wonderful language of that brave speech, so worthy of a great American.

Porto Rico feels humiliated because of the inferior condition she is subjected to in spite of the hopes the treaty of Paris awoke in us; in spite of the unfulfilled promises made to our people, and in spite of the repeated legitimate demands in favor of a régime that may enable our island to exercise her own sovereignty over her own internal affairs and to freely solve the grave economical situation she is undergoing.

Ours is the only Spanish-American country whose voice has not been heard at Habana during the Pan American conference, for it was not represented there, and we are now cabling to Habana asking our sister nations of America, now meeting there, to join us in making this petition to your excellency.

If the United States, because precedent forbids it, or because of different ethnological conditions, or because of our geographical separation from the North American Continent, or because of the incompatibility of interests between both peoples, can not make of our island but a mere subjected colony, then we ask to be allowed to be constituted as a free State, concerting thus with your great Republic such good and fraternal relations as may be necessary for the mutual welfare of the United States and Porto Rico and to the dignity of our citizens.

Justice and nothing but justice is what we ask as citizens of America, as faithful Christians, and as children of the Almighty God that gave us the same inalienable rights your great Republic knew how to invoke when declaring for independence at the memorable convention at Philadelphia.

ANTONIO R. BARCELÓ,
President of the Senate of Porto Rico.
JOSÉ TOUS SOTO,
Speaker of the House of Representatives of Porto Rico.

SAN JUAN, P. R., *January 22, 1928.*

ORESTES FERRARA, ANTONIO SÁNCHEZ BUSTAMANTE,
AND CHARLES E. HUGHES,
Sixth Pan American Conference, Habana, Cuba:

In our cablegram to President Coolidge we did not speak of international independence as mistakenly said by Associated Press and United Press, but of internal sovereignty. We do not ask the conference to intervene in domestic affairs of the American Union, but to express its solidarity and sympathy with aspirations of Porto Rico to full political and financial self-government in harmony with President Coolidge's opening speech. We appeal to your acknowledged spirit of justice and intrust you with the defense of our just cause, and suggest that Porto Rico be chosen for the meeting of the next conference, since it is the spiritual bond uniting the two Americas because of its geographic position and the political, juridic, and financial ties binding it to the United States and our historical, ethnical, linguistic, and cultural nexus with Spanish America.

ANTONIO R. BARCELÓ.
JOSÉ TOUS SOTO.

THE WORDS OF THE PRESIDENT OF THE SENATE TO COL. CHARLES A. LINDBERGH ON DELIVERING TO HIM THE CONCURRENT RESOLUTION ADOPTED BY THE LEGISLATURE OF PORTO RICO

Colonel Lindbergh, yesterday you were present at the spectacle of a people who received with signal and expressive demonstrations of affection the intrepid and valiant explorer of the air who carries his message of love and peace to all the people of America.

The attitude of this people, in receiving you with cheers and applause, signifies something more than the rendering to you of merited homage; it signifies its eagerness to seize upon everything which may signify a hope, a means by which it may make itself felt by those in whose hands destiny placed our fate.

And it is for that that the Legislature of Porto Rico, a true representative of this people, meets to-day to adopt the resolution which I am about to read to you:

"Concurrent resolution to render homage to Col. Charles A. Lindbergh

"Be it resolved by the Senate of Porto Rico (the House of Representatives concurring):

"1. To take to its heart as a guest of honor and to give its most cordial welcome to Col. Charles A. Lindbergh, triumphant and glorious, after his having visited various peoples of Central and South America as the ambassador and messenger of peace and fraternity of the United States of America.

"2. That Col. Charles A. Lindbergh be, and hereby is, declared an illustrious citizen of Porto Rico.

"3. That a gold medal be, and hereby is, awarded to Col. Charles A. Lindbergh, with which the presiding officer will decorate him at this session. This medal is in commemoration of his visit to this island, and is engraved as follows:

"Obverse. The historical and official coat of arms of Porto Rico.

"Reverse. The following words:

"'The Legislative Assembly of Porto Rico to the glorious aviator, C. A. Lindbergh, in memory of his visit to this island.'

"4. To make him the bearer of a message, which will be delivered to him at a joint session of the legislature, from the people of Porto Rico to the people of the United States.

"5. To direct that a certified caligraphic copy of this resolution be delivered to Col. Charles A. Lindbergh."

In compliance with this resolution, a copy of which I hand you, I shall pin on your dress the commemorative medal to which the same refers, and I hand you also copy of the message mentioned therein, which the speaker of our house of representatives will read to you.

Receive all this, then, in the name of the people of Porto Rico, and tell the United States that here are a people jealous of their origin and history, inflexibly defending their personality, and indeclinably defending their liberty and their rights, and maintaining the high principles and the free and democratic institutions which made your glorious Nation great.

May God keep you, Colonel Lindbergh! May the gentle breezes of my country, when you leave it, carry to you the sentiments of our Porto Rican soul and of its noble and legitimate aspirations.

Concurrent resolution to confer upon Col. Charles A. Lindbergh the representation of the people of Porto Rico as bearer of a message to the people of the United States.

Be it resolved by the House of Representatives (the Senate of Porto Rico concurring):

To confer upon Charles A. Lindbergh the representation of the people of Porto Rico as bearer of the following:

"MESSAGE FROM THE PEOPLE OF PORTO RICO TO THE PEOPLE OF THE UNITED STATES, INTRUSTED TO COL. CHARLES A. LINDBERGH

"Colonel Lindbergh, Porto Rico welcomes you. Our first governor, Juan Ponce de Leon, one of the glorious adventurers that accompanied Christopher Columbus on his second voyage, sailed from our shores in quest of the fountain of youth and discovered Florida. Ponce de Leon was the conqueror of our fair island by the force of arms. You will return to your native country from Borinquen along the same route as our counqueror, and, like him, you have conquered Porto Rico by the force of the prestige of your name, by the glory irradiating from the mighty adventure that you, as the knight-errant, conqueror of space, have accomplished.

"Columbus brought to this hemisphere the message of the Old World; a message of civilization and progress. He came to us with the cross and the sword. You have now answered that message in the name of the Americas, both the Saxon and the Latin, because you have truly been the messenger of progress and good will of this whole continent, where you are acclaimed as the son of the great Columbia that expands her brotherhood of free Commonwealths from the frozen sea to the strait discovered by Magellan. You flew to the ancient world with the cross of your faith and the sword of your courage.

"We believe with the great poet Rostand, the younger, that you were led along your aerial path from America to France by the souls of the American youth to the shores of the land where they fought and died for the honor of their country and for the freedom of France and of the world.

"They drew the *Spirit of St. Louis* by a sort of magnetic force, because you were one of them, because your adventure was sanctified by the same spirit of self-sacrifice, of self-denial, of self-reliance that inspired the sacrifice of their lives for a great and worthy cause. They steered your course; they steadied your hands and nerves; they kept up your alertness and courage; they were your magnetic needle and your polar star; they dispelled the ghost of fear that hovered around your ship; and they fought your way through the four apocalyptic horsemen that surrounded the *Spirit of St. Louis,* banishing from it the terrors of hunger, sleep, darkness, and death; and they drove your plane, as a dove of peace and love sent from a biblical ark, to the landing place of Le Bourget; but your path was marked by the luminous trail formed by the sighs and tears and sorrow and despair of the mothers, sisters, daughters, and wives of the gallant American soldiers who fell in the Great War.

"The very spirit of St. Louis that prompted the Christian King of France to sail with his army of crusaders to the burning and inhospitable African soil to conquer the Holy City, where the Saviour had his resting place, to meet discomforts and sufferings that he shared with the humblest of his soldiers, to finally face pestilence and death in a deadly, strange land for the sake of his faith and his kingdom was the inspiration that led you to attempt the daring venture.

"Welcome to this country, the last foothold of the glorious nation whose spirit, personified in the noble generosity of Isabella and in the faith and wisdom of Columbus, discovered this continent, where blood that is ours was shed for the cause of Christianity and civilization in America, in our Latin America, and in your Saxon America, where the names of De Soto, Ponce de Leon, and Coronado are linked forever to her history.

"Welcome to our island, Colonel Lindbergh; welcome to the only place under the shadow of Old Glory where the discoverer ever set foot. Welcome, worthy son of the American eagle. Welcome, Lone Eaglet. The good wishes of Porto Rico will go with you to the land of the brave and the free; and to your country and to your people you will convey the message of Porto Rico, not far different from the cry of Patrick Henry, 'Liberty or death.' It is the same in substance, but with the difference imposed by the change of times and conditions. The message of Porto Rico to your people is: 'Grant us the freedom that you enjoy, for which you struggled, which you worship, which we deserve, and you have promised us.' We ask the right to a place in the sun—this land of ours, brightened by the stars of your glorious flag."

Concurrent resolution to consider the letter of President Calvin Coolidge; to request the Congress of the United States of America to appoint a congressional committee to investigate the political, economic, and social conditions of Porto Rico; and to ask for an extension of the term of the present session of the legislature

Be it resolved by the House of Representatives of Porto Rico (the Senate of Porto Rico concurring), To address the following cablegram to the President and to the Congress of the United States, through the Hon. FÉLIX CÓRDOVA DÁVILA, Resident Commissioner of Porto Rico in Washington:

"In view of the letter addressed by President Calvin Coolidge, through the Governor of Porto Rico, Hon. Horace M. Towner, to the presiding officers of the two houses of the legislature, Antonio R. Barceló and José Tous Soto, the Senate and the House of Representatives of Porto Rico resolve to intrust the two latter, exclusively, with such reply to said letter as it is proper and necessary to make, and to request the Congress of the United States to appoint a congressional committee to investigate the political, economic, and social conditions of Porto Rico, said committee to hold public hearings where it shall hear such citizens as request to be heard and who offer to present such data and documents as may be necessary to clarify the facts and to do the justice which is due to Porto Rico; be it further

"Resolved, To request Congress to extend the term established by law for the adjournment of the present legislative session for such time as

may be necessary to receive the committee and to aid it in the fulfillment of its mission."

Mr. MURPHY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAWLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes, and had come to no resolution thereon.

REFLECTIONS ON PENDING LEGISLATION

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on pending legislation and include therein a letter I have received from the chairman of the Louisiana Public Service Commission.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, gentlemen of the House, there are many theories of government and of life that apparently have to be discussed, considered, and sometimes fought over and then considered again before they become settled policies, which are not disputed by any large number of people in any generation after these policies have been adopted and settled. It is on the anvil of discussion that the spark of truth will fly, but frequently it happens that the spark takes a long time to fly. "Truth crushed to earth will rise again." There are many principles of life expressed by words, slogans, and aphorisms that seem to be possessed of a near immortality.

Political liberty and freedom have been sought after, sacrificed, and fought for during all of the ages, and yet Byron was almost correct I think when he said, "So let them ease their hearts with prate or equal rights which man never knows; I have a love for freedom too."

Some doctrines or principles of government, when bludgeoned or conquered by overwhelming force and apparently stamped out, suddenly spring into a renewed existence and, phœnixlike, rise from the ashes of the past and, according to the fabulous story, into greater strength. Local self-government, State rights, the right to live one's life in accordance with one's own standards provided those standards are not mala in se, rights that are hoary with age, venerable with antiquity, consecrated by the sacrifices made for their maintenance, and hallowed by the immemorable reverence given to them generation after generation and age after age, like Banquo's ghost, will not down at the bidding of even a majority who may count their numbers in millions. State rights apparently immolated at Appomatox are reasserting themselves with a persistency which is evidence of their powerful appeal to the intellect of humanity and their indestructible virtue, which no force can resist or permanently impair, and no tyranny or oppression destroy.

Sometimes it is necessary, I suppose, for a republic to move so expeditiously that its haste makes for waste. It is regrettable that we can not or do not always follow the Latin maxim "Festina lente," "make haste slowly." If we did not run too fast, if we did not operate the Government too rapidly, there would be many things done in a more orderly and sagacious manner, which would build up step after step more efficiently and economically than is secured in measures which have to be amended in a way that undoes them and makes for backtracking. It is lost motion. But I suppose it is a part of the way that we of America have the habit of doing things. That thought, while consoling, in a way is not so reassuring for the future welfare of our country.

There is, of course, a school of politicians in every country who are convinced that the proper policy to pursue in furthering the interest of a State and in promoting the happiness of its people is laissez faire, which may be literally translated into an attitude expressed so well years ago by the "stand-pat" slogan of the Republican Party, and which is in course of reaffirmation to-day by and through the political maxims "Go slow," "Don't disturb business," "Let well enough alone." That policy is probably a good one to follow when it is pursued consistently, continuously, without break or interruption, but its efficacy and virtue may be questioned when it is followed intermittently and thoughtlessly. By way of illustration, if that policy had appealed when the Department of Agriculture was brought into existence, that expensive institution would never have been created. For it is an immense institution, not from the standpoint of a large and varied force that it has to employ here and in the field throughout the country, but from the angle of the tremendous power it exerts upon the farms of the country and their products, even to a certain extent after they have passed out of the hands of the producer. There are many people who believe that the Department of Agriculture has not come as "good tidings of a great joy," but rather as a message of grief to the agriculturists of the country, for it has undoubtedly stimulated production to such an extent as to make for a glut on the market of farm products, and thereby has led to that depression in price which has made the life of the average farmer a burden rather than a grand, sweet song. Then there is the Interstate Commerce Commission, which was created in the face of a most violent opposition from the railroads of the country. Feared and hated at its birth by the magnates, it has grown up into such a magnificent state that it is questionable whether or not the railroads would not use their undoubted influence throughout the country to preserve the Interstate Commerce Commission were it assailed as an asset to the public. But the law of compensation is always in operation, and the fact that there is good and evil in all things, even to the extent that there is good in evil and evil in good, is obvious to even the most callous and unobservant of our citizens who have stood on the side lines and witnessed the development of bureaus and commissions in the expanding life of the United States of America.

While the Interstate Commerce Commission of the United States has been growing daily and gathering tremendous strength and power the State commissions, the purpose of whose existence from the viewpoint of the several Commonwealths is the same as that of the Federal functionary to the entire country, have been dwindling in power and are rapidly reaching the vanishing point in influence as rate-making bodies. If the growth continues much longer in the direction of power and authority on the part of the Interstate Commerce Commission and the gradual diminution of authority on the part of the State commissions persists, the latter will soon become useless and will go out of existence as a result of a process of deterioration similar to that of atrophy. An effort is being made by some of the State commissions to revive the waning influence of these organizations and to combat the growing strength of the Interstate Commerce Commission. In other words local self-government and State rights and sectional freedom are beginning to reassert themselves in unmistakable terms. They are demanding a more specific definition of Federal and State rights in the matter of the making of rates by the States, which is, of course, one of the most important questions concerning the power of a State to live, endure, and function as a Commonwealth. Bills have been introduced in both the House and Senate looking to a clearer definition of jurisdiction, hearings are being held, and the subject matter being considered, perhaps not in as expeditious a manner, however, as many ardent champions of State commissions would like to see. But the irrepressible conflict is on. A revolt is slowly growing up against the rule of America from Washington. Bureaucracy is beginning to find its haughty order questioned and challenged. While not any great advance has been made in the way of overturning the established hierarchy there is a determination on the part of Congress not to create any additional agencies that may gradually grow from the infant state until they are prodigious giants, exercising the power which they have secured in a great growth, arbitrarily, oppressively, and tyrannically. And the people should beware.

The story of the monster created by Frankenstein which finally destroyed its creator should ever be uppermost in the minds of American citizens who wish to preserve whatever freedom and liberty may be enjoyed under a Government exercising political authority over a country as large as ours, as immense in its industrial and commercial power, and with the enormous population that has to live under and according to its rules. I sometimes think that the Interstate Commerce Commission should gradually lose its power and to the extent of the loss its strength should go to the State commissions, because I am quite convinced that if the Interstate Commerce Commission continues to absorb and claim power and to have it conferred upon itself that it will divide this country into as many sections as there are commissions. The fact that the commissioners are selected from different sections of the country is an admission that section demands for representation can not be resisted, and that in turn suggests that looming up on the horizon in the distance are regional differences that may make for schisms that may become a menace to the Union. Perhaps the commission should be a supervisory body, exercising jurisdiction over and determining the legal differences that might spring up between and among the State commissions. One thing is certain, we can not remain stationary; we will either go forward or backward; we will either return their original power to the State commissions or we will take that step which will obliterate them. And then what? Shall the obliteration of the State agencies only be another fierce assault upon the theory of State

rights and a long step in the way of that nationalization which inseparably associated with regional representation will breathe rivalries that will sow the seed of dissolution in the life of the great Republic? Or leaving off as I began, will local self-government, a doctrine dear to men in the twilight of history, spring into a stronger existence than ever before? Many watchmen are on the towers. One of them has written me a letter which so clearly and forcefully expresses the determination of the State rights and State commission men that I ask unanimous consent to extend and revise my remarks by making it a part of this address:

STATE OF LOUISIANA,
LOUISIANA PUBLIC SERVICE COMMISSION,
New Orleans, La., April 9, 1928.

Hon. JAMES O'CONNOR, M. C.,
House of Representatives, Washington, D. C.

DEAR JIM: If section 13 of the interstate commerce act, particularly paragraphs 3 and 4 of that section, is not repealed or modified substantially, State regulation of rates on traffic within the States will slowly but surely be annihilated.

The steady erosion of State rights in the regulation by the States of the business of railroads inside the States has proceeded much more swiftly than anyone expected, considering the well-known and time-honored tendency of "the law's delay."

Even persons and business interests directly concerned in the multiplied and multiplying cases which have served to rob the States of these rights have been most of them too busy to stop and to look and to see, with a thorough understanding, where and to what section 13 is leading the States of this Union.

Starting with cases in which only one or two or several commodities were involved, the initial success obtained has stimulated and inspired subsequent cases which take in almost the entire list of Louisiana products and on the most trifling showing of hardly more than fictitious discrimination, scales of rates have been ordered in from one end of the State to the other, even to cities and towns so distant that interstate shippers could not compete with the nearer Louisiana shippers no matter what the scale or rates might be. The net result of this blanketing of Louisiana with rates which have in practically every important instance been increases has been to increase transportation costs for everybody, including the interstate shipper whose discrimination complaint served as the possibly innocent yet efficient vehicle for such wholesale increases.

We do not believe that section 13 of the interstate commerce act can constitutionally be invoked for such blanketing rate increases as have happened in the past beyond the point where actual discrimination has been suffered by an interstate shipper. Maybe the States are willing to allow their rights to be invaded to this limited extent, but certainly they are not willing to have all of their purely intrastate rates fixed in Washington in proceedings which begin usually as complaints to remove discrimination to some few points in a State and wind up as general rate-raising engines for the entire Commonwealth.

There are several bills now pending in the United States Senate and House of Representatives having for their purpose the more specific definition of Federal and State rights in this very difficult and most important question of State rate making by the States, and we are anxious that Louisiana's representatives shall be on guard for the protection and preservation of this State's right to regulate its own intrastate affairs.

The list of bills pending is too great to include in this letter but it can be obtained by your secretary from Hon. John E. Benton, general solicitor of the National Association of State Railroad Commissioners, Otis Building, Washington, D. C.

As these Federal encroachments on State freight rates have cost Louisiana and New Orleans millions of dollars in reduced business in the past, I therefore feel it to be my duty to call your attention to the remedial legislation now pending in Congress and to ask for it your deepest study and consideration and active support.

Sincerely,

FRANCIS WILLIAMS, *Chairman.*

MINORITY VIEWS

Mr. LUCE. Mr. Speaker, I ask unanimous consent to have five legislative days in which to file minority views on H. R. 12821.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to have five legislative days in which to file minority views on H. R. 12821. Is there objection?

There was no objection.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 10564. An act to authorize the Secretary of War to grant and convey to the county of Warren a perpetual easement for public highway purposes over and upon a portion of the Vicksburg National Military Park in the State of Mississippi.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. SWEET, for one week, on account of important business.

To Mr. WAINWRIGHT, for two days, on account of urgent business.

To Mr. BANKHEAD, for to-day, on account of illness.

ADJOURNMENT

Mr. MURPHY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Friday, April 13, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, April 13, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

For the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges (H. R. 11017 and other bills relating to cotton).

COMMITTEE ON EDUCATION

(10.30 a. m.)

Designating May 1 as child-health day (H. J. Res. 184).

COMMITTEE ON PATENTS

(10 a. m.—caucus room)

Providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War (H. R. 10435).

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

A meeting to hear General Deakyne discuss the various engineering reports before the committee.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend sections 726 and 727 of title 18, United States Code, with reference to Federal probation officers, and to add a new section thereto (H. R. 11801).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To regulate interstate commerce by motor vehicles operating as common carriers of persons on the public highways (H. R. 12380).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

441. A communication from the President of the United States, transmitting supplemental estimates of appropriations under the legislative establishment, House of Representatives, for the fiscal year 1928, in the sum of $28,850 (H. Doc. No. 227); to the Committee on Appropriations and ordered to be printed.

442. A letter from the Secretary of the Navy, transmitting draft of a proposed bill to amend section 12 of the act approved May 1, 1920; to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. REECE: Committee on Military Affairs. H. R. 7464. A bill to authorize the Secretary of War to accept conveyance of the cemetery at the New York State Camp for Veterans to the United States, and for other purposes; without amendment (Rept. No. 1228). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOWELL: Committee on Roads. H. R. 383. A bill to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; without amendment (Rept. No. 1232). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 10951. A bill authorizing the construction of a toll road or causeway across Lake Sabine at or near Port Arthur, Tex.; with amendment (Rept. No. 1236). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 12664. A bill granting the consent of Congress to the county court of Roane County, Tenn., to construct a bridge across the Emery River, at Suddaths Ferry, in Roane County, Tenn.; with amendment (Rept. No. 1237). Referred to the House Calendar.

Mr. ARENTZ: Committee on Indian Affairs. H. R. 11365. A bill to authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from funds held in trust for them by the United States; with amendment (Rept. No. 1238). Referred to the House Calendar.

Mr. KNUTSON: Committee on Indian Affairs. H. R. 12067. A bill to set aside certain lands for the Chippewa Indians in the State of Minnesota; with amendment (Rept. No. 1239). Referred to the House Calendar.

Mr. ARENTZ: Committee on Indian Affairs. S. 2084. An act for the purchase of land in the vicinity of Winnemucca, Nev., for an Indian colony, and for other purposes; without amendment (Rept. No. 1240). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT: Committee on the Public Lands. H. R. 12038. A bill to authorize the acquisition of certain patented land adjoining the Yosemite National Park boundary by exchange, and for other purposes; with amendment (Rept. No. 1241). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. H. R. 10809. A bill to provide qualifications for the superintendents of national cemeteries and national military parks; without amendment (Rept. No. 1243). Referred to the House Calendar.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 10304. A bill authorizing the Secretary of War to erect headstones over the graves of soldiers who served in the Confederate Army and to direct him to preserve in the records of the War Department the names and places of burial of all soldiers for whom such headstones shall have been erected, and for other purposes; without amendment (Rept. No. 1244). Referred to the Committee of the Whole House on the state of the Union.

Mr. VESTAL: Committee on Patents. H. R. 12695. A bill to authorize the licensing of patents owned by the United States; without amendment (Rept. No. 1245). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOWARD of Nebraska: Committee on Indian Affairs. H. R. 11983. A bill to provide for issuance of perpetual easement to the department of fish and game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho; with amendment (Rept. No. 1246). Refefred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. S. 1145. An act to authorize an appropriation for roads on Indian reservations; without amendment (Rept. No. 1247). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGELBRIGHT: Committee on Indian Affairs. S. 3026. An act authorizing the construction of a fence along the east boundary of the Papago Indian Reservation, Ariz.; without amendment (Rept. No. 1248). Referred to the Committee of the Whole House on the state of the Union.

Mr. CARTWRIGHT: Committee on Indian Affairs. S. 3365. An act to authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo.; with amendment (Rept. No. 1249). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 11580. A bill to authorize the leasing or sale of land reserved for administrative purposes on the Fort Peck Indian Reservation, Mont.; without amendment (Rept. No. 1250). Referred to the House Calendar.

Mr. STALKER: Committee on Indian Affairs. H. R. 12446. A bill to approve a deed of conveyance of certain land in the Seneca Oil Spring Reservation, N. Y.; without amendment (Rept. No. 1251). Referred to the House Calendar.

Mr. ENGLEBRIGHT: Committee on Indian Affairs. S. 1662. An act to change the boundaries of the Tule River Indian Reservation, Calif.; without amendment (Rept. No. 1252). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WRIGHT: Committee on Military Affairs. H. R. 8986. A bill for the relief of John W. Bates; without amendment (Rept. No. 1229). Referred to the Committee of the Whole House.

Mr. CHAPMAN: Committee on Military Affairs. H. R. 9071. A bill for the relief of Ed Burleson; without amendment (Rept. No. 1230). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 9751. A bill for the relief of Robert Y. Garrison; without amendment (Rept. No. 1231). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 9453. A bill for the relief of Tracy Lee Phillips; without amendment (Rept. No. 1233). Referred to the Committee of the Whole House.

Mr. UPDIKE: Committee on Naval Affairs. (H. R. 10751. A bill authorizing the Secretary of the Navy to make a readjustment of pay to Gunner W. H. Anthony, jr., United States Navy (retired); without amendment (Rept. No. 1234). Referred to the Committee of the Whole House.

Mr. DRANE: Committee on Naval Affairs. S. 1434. An act for the relief of Mattie Holcomb; with amendment (Rept. No. 1235). Referred to the Committee of the Whole House.

Mr. RATHBONE: Committee on Claims. H. R. 4489. A bill for the relief of J. A. Perry; without amendment (Rept. No. 1242). Referred to the Committee of the Whole House.

Mr. MORROW: Committee on Indian Affairs. S. 2306. An act for the relief of William E. Thackrey; without amendment (Rept. No. 1253). Referred to the Committee of the Whole House.

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. H. J. Res. 76. A joint resolution for the relief of Leah Frank, Creek Indian, new born, roll No. 294; with amendment (Rept. No. 1254). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9465) granting a pension to Martha Hutson, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUDSPETH: A bill (H. R. 12946) authorizing W. J. Stahmann, Edgar D. Brown, L. N. Shafer, and associates, their successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near a point 2 miles south of the town of Tornillo, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWMAN: A bill (H. R. 12947) to regulate the practice of the healing art to protect the public health in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BLACK of New York: A bill (H. R. 12948) to create the Gowanus Stone House Battle Memorial Park; to the Committee on Military Affairs.

By Mr. HILL of Alabama: A bill (H. R. 12949) to establish a fish-hatching and fish-cultural station in the State of Alabama; to the Committee on the Merchant Marine and Fisheries.

By Mr. HULL of Tennessee: A bill (H. R. 12950) to repeal certain paragraphs and provisions and clauses of the tariff act of 1922; to the Committee on Ways and Means.

By Mr. MANLOVE: A bill (H. R. 12951) providing for the purchase of 640 acres of land, more or less, immediately adjoining Camp Clark, at Nevada, Mo., and authorizing an appropriation therefor; to the Committee on Military Affairs.

By Mr. RATHBONE: A bill (H. R. 12952) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920; to the Committee on Public Buildings and Grounds.

By Mr. STALKER: A bill (H. R. 12953) to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept the title to the State Camp for Veterans, at Bath, N. Y.; to the Committee on Military Affairs.

By Mr. BERGER: A bill (H. R. 12954) to punish State and municipal officers who fail to take proper precautions to protect individuals from mob attacks, and to punish those who participate in such mob attacks, and for other purposes; to the Committee on the Judiciary.

By Mr. DYER: A bill (H. R. 12955) to amend an act entitled "An act creating the United States Court for China and prescribing the jurisdiction thereof" (Public, No. 403, 59th Cong.), and an act entitled "An act making appropriations for the Diplomatic and Consular Services for the fiscal year ending

June 30, 1921" (Public, No. 238, 66th Cong.); to the Committee on Foreign Affairs.

By Mr. ZIHLMAN: A bill (H. R. 12956) to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes; to the Committee on the District of Columbia.

By Mr. GAMBRILL: Joint resolution (H. J. Res. 270) authorizing and directing the Postmaster General to investigate the facts regarding the use in the Postal Service of a certain invention, device, or instrument for the postmarking of mail packages and for the cancellation of postage stamps and to report on what would be an equitable compensation for such use during the life of the letters patent thereon; to the Committee on the Post Office and Post Roads.

By Mr. DOWELL: Resolution (H. Res. 162) for the consideration of the bill (H. R. 383) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Rules.

By Mr. GRAHAM: Resolution (H. Res. 163) providing additional compensation for the clerks and messenger to the Judiciary Committee; to the Committee on Accounts.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. LINDSAY: Memorial of the Legislature of the State of New York, with reference to the project of an all-American ship canal across the State of New York, connecting the Great Lakes with the Atlantic Ocean, to follow a historic route; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 12957) granting a pension to Minnie L. Sanders; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 12958) granting an increase of pension to Rachel Croston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12959) granting an increase of pension to Mary J. Hovey; to the Committee on Invalid Pensions.

By Mr. BOYLAN: A bill (H. R. 12960) for the relief of Thomas Barrett; to the Committee on Military Affairs.

By Mr. CHINDBLOM: A bill (H. R. 12961) for the relief of Haskins & Sells; to the Committee on Claims.

By Mr. DYER: A bill (H. R. 12962) for the relief of Arthur E. Rump; to the Committee on Claims.

By Mr. EVANS of California: A bill (H. R. 12963) to provide for the advancement on the retired list of the Navy of Lloyd Lafot; to the Committee on Naval Affairs.

By Mr. HICKEY: A bill (H. R. 12964) granting an increase of pension to Sarah A. Carlin; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 12965) granting a pension to Orville Callaway; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 12966) for the relief of Jeannette S. Jewell; to the Committee on Foreign Affairs.

Also, a bill (H. R. 12967) granting an increase of pension to Christiana Taylor; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 12968) granting a pension to James Healy, alias John Kilbride; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 12969) granting an increase of pension to J. F. Prater; to the Committee on Pensions.

Also, a bill (H. R. 12970) granting an increase of pension to Joseph Burton; to the Committee on Pensions.

By Mr. MENGES: A bill (H. R. 12971) granting an increase of pension to Carrie E. Klepper; to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 12972) for the relief of Samuel Charles Hampton; to the Committee on Naval Affairs.

By Mr. SIROVICH: A bill (H. R. 12973) for the relief of the heirs of Augustus P. Green, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12974) granting an increase of pension to George W. Page; to the Committee on Pensions.

By Mr. TARVER: A bill (H. R. 12975) granting an increase of pension to Margaret E. Patton; to the Committee on Pensions.

By Mr. UNDERWOOD: A bill (H. R. 12976) granting a pension to Ella L. Shell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12977) granting a pension to Matilda T. Plotts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12978) granting a pension to Caroline Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12979) granting a pension to Sallie J. Mast; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12980) granting a pension to Martha Baggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12981) granting a pension to Julia Wittich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12982) granting a pension to Alice Keck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12983) granting a pension to Susan Devore; to the Committee on Invalid Pensions.

By Mr. WOODRUM: A bill (H. R. 12984) for the relief of Gilbert Grocery Co., Lynchburg, Va.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6706. By Mr. BARBOUR: Petition of residents of Kern County, Calif., that the Federal Government cooperate with the California State government relative to certain projects of interest to the Government and State; to the Committee on Irrigation and Reclamation.

6707. By Mr. BRIGHAM: Petition of Frank Moon and 11 other citizens of Pownal, Vt., urging the passage of legislation for the relief of soldiers and widows of soldiers of the Civil War; to the Committee on Invalid Pensions.

6708. Also, petition of J. L. DeWitt and 18 other citizens of Shoreham, Vt., protesting against the passage of Senate bill 1752, or other similar legislation which would abolish the governmental printing of stamped envelopes; to the Committee on the Post Office and Post Roads.

6709. By Mr. BURTON: Resolution of the East Cleveland Post, Ohio, of the American Legion, adopted April 3, 1928, indorsing the Johnson bill as introduced in the House of Representatives (H. R. 8313), and the Capper bill as introduced in the Senate (S. 1289), providing for the universal draft which guarantees equal service for all and special profit for none; to the Committee on Military Affairs.

6710. Also, resolution of Harmony Temple No. 7, Pythian Sisters, Cleveland, Ohio, adopted at a meeting April 3, 1928, indorsing the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6711. Also, resolution of Pearl Lodge No. 163, Knights of Pythias, Cleveland, Ohio, adopted at a meeting of April 3, 1928, approving the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6712. Also, resolution of Bohemian Camp No. 186, Woodmen of the World, Cleveland, Ohio, adopted at a meeting held March 21, 1928, approving the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6713. Also, resolution of Sherman Temple, Pythian Sisters, Cleveland, Ohio, adopted at a meeting of April 4, indorsing the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6714. Also, resolution of Centennial Temple, No. 99, Pythian Sisters, Cleveland, Ohio, adopted at a meeting April 3, 1928, approving the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6715. By Mr. DE ROUEN (by request): Petition of the voters of Elton, La., to the Congress of the United States urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune in order that relief may be accorded to the needy and suffering veterans and their widows, and thus partly repay the living for the sacrifices they have made for our country; to the Committee on Invalid Pensions.

6716. By Mr. DICKINSON of Missouri: Petition by certain citizens of Windsor, Mo., advocating the passage of a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6717. By Mr. ENGLEBRIGHT: Petition of Ida May Lloyd, of West Point, Calif., and other citizens of the same community, urging the passage of legislation for the relief of the veterans and their widows of the Civil War; to the Committee on Invalid Pensions.

6718. By Mr. EVANS of Montana: Petition of A. L. Wilbur and other residents of Helena, Mont., urging the passage of bill to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6719. By Mr. FENN: Resolution adopted by the New England Tobacco Growers Association, March 31, 1928, opposing that

portion of House bill 9195 which would allow the importation of Cuban cigars into the United States in lots of less than 3,000; to the Committee on Ways and Means.

6720. Also, petition of residents of Hartford County, Conn., favoring the passage of legislation to increase the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6721. By Mr. ROY G. FITZGERALD: Petition of 19 citizens of Dayton, Ohio, protesting against the passage of House bill 78, making Sunday observance compulsory in the District of Columbia; to the Committee on the District of Columbia.

6722. By Mr. FOSS: Petition of citizens of Athol, Mass., for an increase in amount of pension for veterans of the Civil War and the widows of those veterans; to the Committee on Invalid Pensions.

6723. By Mr. GARBER: Petition of Republican district convention of the third congressional district of Oklahoma, in support of House bill 500, Fitzgerald retirement bill; to the Committee on World War Veterans' Legislation.

6724. Also, petition of the Brown, Eager & Hull Co., by F. E. Palmer, of Toledo, Ohio, in support of the Capper-Kelly fair trade bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

6725. Also, petition of Noble County Medical Society, by Dr. B. A. Owen, of Perry, Okla., in support of Robinson amendment to the revenue bill (H. R. 1); to the Committee on Ways and Means.

6726. Also, petition of Edward F. Goltra, St. Louis, Mo., relative to the use of public funds in the interest of the inland-waterways movement rather than expend it on additional floating equipment; to the Committee on Interstate and Foreign Commerce.

6727. By Mr. GARDNER of Indiana: Petition of Elijah Ramsey and four other citizens of Cannelton, Perry County, Ind., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

6728. Also, petition of Mrs. O. C. Scarlet, West Baden, Orange County, Ind., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

6729. By Mr. HANCOCK: Petition of Mrs. C. M. Ryder and other residents of Syracuse, N. Y., in favor of increase in pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6730. By Mr. HASTINGS: Petition of citizens of Muskogee, Okla., urging early action on a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6731. Also, petition of citizens of Checotah, Okla., urging early action on a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6732. By Mr. HICKEY: Petition of Alderetta E. Richards and other residents of Elkhart, Ind., urging passage of a bill increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6733. Also, petition of Sarah A. Parkhurst and other residents of Elkhart, Ind., urging the passage of a bill increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6734. By Mr. HOCH: Petition of Kate Wickersham and four other voters of Fall River, Kans., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6735. Also, petition of E. S. Bond and 140 voters of Saffordville, Kans., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6736. By Mr. JOHNSON of South Dakota: Petition of citizens of Elrod, S. Dak., urging immediate action on legislation increasing Civil War pensions; to the Committee on Invalid Pensions.

6737. By Mr. JOHNSON of Texas: Petition of 108 citizens of Navarro County, Tex., favoring increase of pensions for Civil War survivors and their widows; to the Committee on Invalid Pensions.

6738. By Mr. KVALE: Petition of members of the Farmer's Educational and Cooperative Union of America, Freeland Local, No. 108, Lac Qui Parle County, Minn., urging passage of the Capper-Hope bill; to the Committee on Agriculture.

6739. Also, petition of American Legion post, of Madison, Minn., urging passage of the Capper-Johnson universal draft bill; to the Committee on Military Affairs.

6740. Also (by request), petition of J. A. Vickerman, manager of Farmers Cooperative Shipping Association, of Tracy, Minn., in opposition to the passage of Senate bill 1752; to the Committee on the Post Office and Post Roads.

6741. Also (by request), petition of Oscar Heiser, manager of Farmers Cooperative Elevator Co., Tracy, Minn., in opposition to the passage of Senate bill 1752; to the Committee on the Post Office and Post Roads.

6742. By Mr. LANKFORD: Petition of the Harley Barrel Co., Brunswick, Ga., opposing Senate bill 1752, for the abolition of Government-printed stamped envelopes with corner cards; to the Committee on the Post Office and Post Roads.

6743. By Mr. LINDSAY: Petition of the Brooklyn division, Greater New York Branch, League of Nations Nonpartisan Association, New York City, favoring the passage of the Capper resolution, providing for the renunciation of war as an instrument of national policy, and also the Burton resolution relating to the exportation of arms, munitions, or implements of war; to the Committee on Foreign Affairs.

6744. Also, petition of American Legion, presenting resolution adopted at meeting of national rehabilitation committee, urging early consideration and passage of Rogers hospital construction bill; to the Committee on World War Veterans' Legislation.

6745. Also, petition of Baum & Moncharsh, New York City, protesting vigorously against the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6746. Also, petition of C. Leith Speiden, New York City, favoring the Columbia River Basin project and urging support of House bill 7029 on the ground that it is constructive reclamation work and will aid in solving unemployment problem; to the Committee on Irrigation and Reclamation.

6747. By Mr. McREYNOLDS: Petition signed by 117 voters of Bradley County, Tenn., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6748. By Mr. MANLOVE: Petition of W. R. Russell, Florence Russell, Corinda C. Russell, Sadie Mulkey, George D. Mulkey, Sophia Saunders, and F. M. Costley, all of Monett, Mo., in support of legislation increasing the rate of pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6749. By Mr. MAPES: Petition of Katie T. Wyckoff, Grand Rapids, Mich., recommending the enactment of additional legislation for the benefit of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6750. Also, petition of 95 retail merchants of Grand Rapids, Mich., and vicinity, recommending the enactment of House bill 11; to the Committee on Interstate and Foreign Commerce.

6751. Also, petition of 62 retail merchants of Grand Rapids, Mich., recommending the enactment by Congress of House bill 11; to the Committee on Interstate and Foreign Commerce

6752. Also, petition of eight retail merchants of Grand Rapids, Mich., recommending the enactment of House bill 11; to the Committee on Interstate and Foreign Commerce.

6753. By Mr. MOORE of Kentucky: Petitions signed by C. E. McCoy, G. T. Pemberton, and 46 other citizens of Barren County, Ky., urging that immediate steps be taken to bring to a vote Civil War pension bill for the relief of needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6754. Also, petition signed by Nancy Ray, Francis Payne, Hester Williams, and Sarah C. Lewis, residents of Bowling Green, Warren County, Ky., urging immediate steps to bring to a vote a Civil War pension bill for the relief of veterans and widows; to the Committee on Invalid Pensions

6755. By Mr. MURPHY: Petition of Jennie Taylor, 3353 Washington Street, Bellaire, Ohio, and 104 other persons, asking that the National Tribune's Civil War pension bill be passed; to the Committee on Invalid Pensions.

6756. By Mr. O'CONNELL: Petition of Baum & Moncharsh, New York City, opposing the passage of the McNary-Haugen agricultural relief bill; to the Committee on Agriculture.

6757. Also, petition of the American Legion national legislative committee, Washington, D. C., favoring the Rogers hospital construction bill; to the Committee on World War Veterans' Legislation.

6758. Also, petition of W. H. S. Lloyd Co., New York City, favoring the passage of the Colorado River-Boulder Canyon Dam bill; to the Committee on Irrigation and Reclamation.

6759. Also, petition of the George Washington American Citizens' Bicentennial Commemoration Committee, New York City, favoring the passage of the Moore of Virginia bill (H. R. 4625) "to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington"; to the Committee on Roads.

6760. By Mr. RAINEY: Petition of Vernon Briggs and 25 other citizens of Mount Sterling, Ill., for pension increases for Civil War veterans and widows; to the Committee on Invalid Pensions.

6761. By Mr. WHITE of Colorado: Petition of sundry citizens of Denver, Colo., urging the enactment of pending legislation granting an increase of pension to veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

SENATE

FRIDAY, *April 13, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O most loving Father, in whose embrace all creatures live, unto whom all souls belong, Thou knowest our every need and lovest us better than we know how to love ourselves. In the gentle hush of Thy presence remove from our hearts all unworthiness, that they may be as pure and stainless as the image of the morning star reflected in a drop of perfumed dew. Make our words and works to throb in unison with the great ebb and flow of things that bespeak contact with the universal mind of God. And grant unto these Thy servants that they may be faithful to every trust, giving utterance to their highest, noblest thought, and so stand forth as leaders who walk the highway of the right, upon whose shoulders rests the great fabric of this Republic. Hear us and bless us, O Father, for the sake of Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, April 9, 1928, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE SENATE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 10564) to authorize the Secretary of War to grant and convey to the county of Warren a perpetual easement for public highway purposes over and upon a portion of the Vicksburg National Military Park in the State of Mississippi, and its was signed by the Vice President.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	La Follette	Shortridge
Barkley	Fess	McKellar	Simmons
Bayard	Fletcher	McLean	Smith
Bingham	Frazier	McMaster	Smoot
Black	Glass	McNary	Steck
Blaine	Goff	Metcalf	Steiwer
Blease	Gooding	Moses	Stephens
Borah	Gould	Norbeck	Swanson
Bratton	Greene	Norris	Thomas
Brookhart	Hale	Nye	Tydings
Broussard	Harris	Oddie	Tyson
Capper	Harrison	Overman	Vandenberg
Caraway	Hawes	Pine	Wagner
Copeland	Hayden	Pittman	Warren
Couzens	Heflin	Ransdell	Waterman
Curtis	Johnson	Robinson, Ind.	Watson
Cutting	Jones	Sackett	Wheeler
Dale	Kendrick	Schall	
Deneen	Keyes	Sheppard	
Dill	King	Shipstead	

Mr. WAGNER. I wish to announce that the Senator from New Jersey [Mr. EDWARDS] is detained from the Senate by illness in his family.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

ORDER OF PROCEEDING

Mr. HEFLIN sent to the desk and had read extracts from the Washington Post and New York Times, and proceeded to address the Senate, when—

Mr. CURTIS. Mr. President, I shall have to ask for the regular order. Speeches are not in order during the presentation of petitions and memorials.

The VICE PRESIDENT. The regular order is demanded. Petitions and memorials are in order.

Mr. HEFLIN. I expect to speak for not over 15 or 20 minutes. The naval appropriation bill will be up in a few minutes. If I am postponed till then, I shall occupy a good deal of time to-day. I could finish my speech now in 15 or 20 minutes.

Mr. CURTIS. I request the regular order, Mr. President.

The VICE PRESIDENT. The regular order is requested, which is the presentation of petitions and memorials.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the petition of Isabell C. Allen, of Kansas City, Mo., praying for the passage of legislation providing that the sum of $200,000 be set aside for her use and conveyed to her at once from funds remaining in the Treasury of the United States, alleging that it appeared that her son, named in the petition, "Wellington John Clayton Allen, having been her support, was, on or about the 20th day of October, 1927, killed by partaking of industrial alcohol as a beverage, which said alcohol had been poisoned by order of the Secretary of the Treasury," which was referred to the Committee on Claims.

Mr. WARREN presented resolutions adopted by the Lions Club of Cody and the Kiwanis Club of Cheyenne, in the State of Wyoming, praying for the passage of legislation to provide for aided and directed settlement on Federal reclamation projects, which were referred to the Committee on Irrigation and Reclamation.

Mr. JONES presented a memorial of sundry citizens of Wilbur, Wash., remonstrating against the passage of the bill (S. 1752) to regulate the manufacture and sale of stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSON presented 32 petitions numerously signed by sundry citizens of the State of California, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. COPELAND presented a memorial of sundry citizens of Brooklyn, N. Y., and vicinity, remonstrating against the repeal or suspension of the national origins quota provision of the existing immigration law, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Brooklyn, N. Y., and vicinity, praying for the passage of legislation for the registration of all aliens in the United States and also for alien deportation, which was referred to the Committee on Immigration.

He also presented petitions numerously signed by sundry citizens of the State of New York, praying for the passage of legislation repealing the 3 per cent Federal excise tax on passenger automobiles, which were referred to the Committee on Finance.

Mr. TYSON. I present a letter embodying a resolution from the American Legion Auxiliary, unit of Bob Brown Post, No. 16, of Murfreesboro, Tenn., which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the letter was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

AMERICAN LEGION AUXILIARY,
UNIT OF BOB BROWN POST NO. 16,
Murfreesboro, Tenn., April 11, 1928.

To the Hon. L. D. TYSON,
United States Senate, Washington, D. C.

DEAR SIR: At the regular meeting of the American Legion Auxiliary, unit of Bob Brown Post 16, Department of Tennessee, held on April 5, 1928, the following resolution was unanimously indorsed by its members:

"Whereas there is now before the Seventieth Congress relating to legislation for ex-service men a bill known as the Tyson bill, S. 1986, or the Wurzbach bill, H. R. 6523, also another measure known as the Capper-Johnson universal draft bill, H. R. 8513, S. 1289, for the drafting of industry and money as well as men in times of national need, and we as an organization interested in these matters and the welfare of the Nation feel that the needs for these bills to be enacted are immediate and great, and action upon them should not be postponed to await the next Congress: Therefore be it

"*Resolved*, That unit of Bob Brown Post 16, American Legion Auxiliary, Department of Tennessee, go on record as unanimously favoring the passage of these bills; and be it further

Resolved, That the secretary be instructed to forward a copy of this resolution to each United States Senator from Tennessee and to our Congressman from this district."

Mrs. M. B. MURFREE, *President.*
Mrs. J. E. COLEMAN, *Treasurer.*

FARM RELIEF

Mr. McNARY. Mr. President, I send to the desk a telegram from the Governor of Nebraska and ask unanimous consent that it may be printed in the RECORD and lie on the table.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

LINCOLN, NEBR., *April 12, 1928.*

Hon. CHARLES L. MCNARY,
Senate Office Building, Washington, D. C.:

Congratulations on your determination to make no further concessions to the opponents of the McNary-Haugen bill. You already have conceded more than any fair-minded critic of the bill should ask. The equalization-fee provision must remain in the bill even though Executive disapproval should be a foregone conclusion. It is the equalization fee that reserves to the farmer economic respectability in the marketing of his products. Without that provision he would be placed in a position of accepting subsidies and favors; he would resent so-called relief of that kind. In the primary election held Tuesday in Nebraska the McNary-Haugen bill was the one and only issue between opposing delegates to the national convention. The proponents of the McNary-Haugen bill have won a decisive majority. If a similar contest had taken place in the Democratic ranks in this State I feel sure the outcome would have been the same. The farmers of Nebraska are overwhelmingly for the legislation outlined in your measure. You have been making a splendid fight for agricultural equality.

ADAM MCMULLEN, *Governor.*

REPORTS OF COMMITTEES

Mr. MCNARY, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (H. J. Res. 200) to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924, reported it without amendment and submitted a report (No. 795) thereon.

Mr. JONES, from the Committee on Indian Affairs, to which was referred the bill (S. 1480) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims, reported it without amendment and submitted a report (No. 796) thereon.

Mr. ODDIE, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1718) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin American Republics in highway matters (Rept. No. 797); and

A bill (S. 3674) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes (Rept. No. 978).

ACQUISITION OF A SITE FOR FARMERS' PRODUCE MARKET

Mr. TYDINGS (for Mr. BRUCE), from the Committee on the District of Columbia submitted the views of the minority on the bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes, which was ordered to be printed as part 2, Report No. 682.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SACKETT:

A bill (S. 4046) authorizing the Henderson-Ohio River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Henderson, Ky.; to the Committee on Commerce.

By Mr. ROBINSON of Indiana:

A bill (S. 4047) granting an increase of pension to Mary E. Gambold (with accompanying papers); to the Committee on Pensions.

By Mr. STECK:

A bill (S. 4048) granting a pension to Ella Sinclair; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 4049) granting a pension to Rowena M. Tillberry (with accompanying papers);

A bill (S. 4050) granting a pension to Laura E. Charlton Wolcott (with accompanying papers);

A bill (S. 4051) granting an increase of pension to Sarah S. Fenton (with accompanying papers);

A bill (S. 4052) granting an increase of pension to Rachel A. Winchel (with accompanying papers); and

A bill (S. 4053) granting an increase of pension to Mrs. Richard Bell Buchanan; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4054) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes; to the Committee on Finance.

A bill (S. 4055) granting a pension to Leonard Brier; to the Committee on Pensions.

By Mr. STEPHENS:

A bill (S. 4056) for the relief of Charles B. Cameron, Frank K. Ethridge, and Hardy R. Stone; to the Committee on Claims.

By Mr. HAWES:

A bill (S. 4057) granting an increase of pension to Nancy A. Harris (with accompanying papers); to the Committee on Pensions.

A bill (S. 4058) for the relief of Toberman Grain Co., successors to Toberman, Mackey & Co. of St. Louis, Mo. (with accompanying papers); to the Committee on Claims.

By Mr. BARKLEY:

A bill (S. 4059) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River;

A bill (S. 4060) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.;

A bill (S. 4061) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.; and

A bill (S. 4062) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near Eggners Ferry, Ky.; to the Committee on Commerce.

By Mr. CAPPER:

A bill (S. 4063) to amend certain sections of the teachers' salary act approved June 4, 1924, and for other purposes; to the Committee on the District of Columbia.

By Mr. JOHNSON:

A bill (S. 4065) to authorize the Secretary of the Navy to proceed with the construction of a marine flying field and water-front development at San Diego, Calif.; and

A bill (S. 4066) to place Robert M. Eaches on the retired list of the United States Navy as a lieutenant; to the Committee on Naval Affairs.

A bill (S. 4067) providing for the appointment of certain clerks, Medical Department, United States Army, as warrant officers of the Regular Army; to the Committee on Military Affairs.

A bill (S. 4068) granting a pension to Sarah H. Geissell;

A bill (S. 4069) granting a pension to Charles C. Terry;

A bill (S. 4070) granting an increase of pension to Martha McFadden;

A bill (S. 4071) granting a pension to Juanita B. Petty;

A bill (S. 4072) granting a pension to Archibald A. Cameron; and

A bill (S. 4073) granting a pension to Maryiettie Blackwood; to the Committee on Pensions.

A bill (S. 4074) for the relief of Fred C. Adams; to the Committee on Claims.

A joint resolution (S. J. Res. 128) authorizing a modification of the adopted project for Oakland Harbor, Calif.; to the Committee on Commerce.

By Mr. RANSDELL:

A joint resolution (S. J. Res. 129) to provide for eradication of pink bollworm and authorizing an appropriation therefor; to the Committee on Agriculture and Forestry.

PROPOSED MODIFICATION OF THE VOLSTEAD ACT

Mr. BLAINE. I introduce a bill, which I ask may be read at length.

The bill (S. 4064) to amend the national prohibition act as amended and as published in title 27 of the Code of Laws of the United States of America (44 Stat. L. pt. 1) was read the first time by its title and the second time at length, as follows:

A bill (S. 4064) to amend the national prohibition act as amended and as published in title 27 of the Code of Laws of the United States of America (44 Stat. L. pt. 1)

Be it enacted, etc., That the national prohibition act as amended and as published in title 27 of the Code of Laws of the United States of America (44 Stat. L., pt. 1) be amended, as follows:

"SECTION 1. Subsection (1) of section 4 and sections 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 29, 31, 32, 35, 50, and 60 are repealed.

"SEC. 2. Subsection (3) of section 4 is amended by substituting for the words 'Commissioner of Internal Revenue' the words 'Commissioner of Prohibition.'

"SEC. 3. A new section is added to chapter 1 to be known as section 6 and to read as follows:

"'SEC. 6. In the enforcement of this title the word "liquor" or the phrase "intoxicating liquor" shall be construed to include alcohol, brandy, whisky, rum, gin, beer, ale, porter, and wine, and in addition thereto any spirituous, vinous, malt, or fermented liquor, liquids, and compounds, whether medicated, proprietary, patented or not, and by whatever name called which are fit for beverage purposes and which, when moderately used, are in fact intoxicating and which contain 2¾ per cent or more of alcohol by weight: *Provided,* That the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter, or wine is produced if it contains 2¾ per cent of alcohol by weight or less and is made as prescribed in section 58 of this title, and is otherwise denominated than as beer, ale, or porter, and is contained and sold in or from sealed and labeled bottles, casks, or containers, as the commissioner may by regulation prescribe.'

"SEC. 4. Eight new sections are added to chapter 2, to be known as sections 11, 12, 16, 17, 18, 19, 20, and 21, respectively, and to read as follows:

"'SEC. 11. No State or Territory subject to the jurisdiction of the United States shall pass any law, rule, or regulation to restrict, limit, or enlarge the provisions of this title relating to the manufacture for transportation, sale for transportation, or transportation of liquor for beverage purposes in interstate or foreign commerce, or relating to the articles or liquor exempt under its provisions, or in relation to the manufacture, use, possession, sale, purchase, transportation, distribution, or prescribing of medicinal liquor or wines for sacramental or religious purposes, and any law, rule, or regulation passed by any State or Territory which enlarges, restricts, or limits the provisions of this title shall be null and void.

"'SEC. 12. The manufacture for transportation, sale for transportation, or transportation of liquors in fact intoxicating for beverage purposes, in interstate or foreign commerce, are hereby prohibited, except as otherwise provided in this title.

"'SEC. 16. Nothing in this title shall be held to apply to the manufacture, sale, use, transportation, importation, possession, or distribution of wine for sacramental purposes or like religious rites, except that a permit for the manufacture, sale, transportation, importation, and distribution of such wine for such sacramental or religious purposes must be obtained from the commissioner.

"'SEC. 17. The manufacture for transportation, sale for transportation, or transportation in interstate or foreign commerce of any liquors containing alcohol in any degree and which contain poison are hereby prohibited unless the presence of such poison is distinctly shown by a label upon the bottle, container, or package, and upon the outer wrapper thereof, printed in English, in plain and distinct type, with the word "Poison" printed in red, in plain and distinct type, in English. Any person who violates this section shall be fined not less than $200 nor more than $1,000, or imprisoned not less than six months nor more than three years, and if deaths should occur in the use of any such liquor, the person who sells or delivers such liquor to such person, without being labeled as above provided, shall be guilty of a homicide, and shall be punished by imprisonment not less than one year nor more than three years.

"'SEC. 18. No person shall manufacture, sell, purchase, or transport any liquors intended for interstate or foreign commerce or for medicinal use without first having obtained a permit from the commissioner so to do, except that a person without a permit may purchase, possess, use, and transport in interstate or foreign commerce liquor for medicinal purposes when prescribed by a physician holding a permit as prescribed in section 20 of this title, and except that any person who, in the opinion of the commissioner, is conducting a bona fide hospital or sanitarium engaged in the treatment of persons suffering from alcoholism or any affliction in the treatment of which the physician in charge thereof directs the use of liquor may, under such rules, regulations, and conditions as the commissioner shall prescribe, purchase, transport, and use liquor to be administered to the patients of such institution under the direction of a duly qualified physician at said institution. All permits under this section shall be valid until revoked by the commissioner for the violation of any law or regulation relating to intoxicating liquors.

"'SEC. 19. No permit shall be issued to anyone to sell liquor at retail in interstate or foreign commerce under the provisions of section 18 of this chapter unless the sale is to be made through a pharmacist licensed under the laws of his State to compound and dispense medicine prescribed by a duly licensed physician.

"'SEC. 20. No person shall issue any prescription for the use of liquor for medicinal purposes other than a physician duly licensed to practice medicine and actively engaged in the practice thereof who has obtained a permit to prescribe liquor from the commissioner. No physician holding a permit shall issue any prescription for liquor until after careful physical examination of the person for whose use such prescription is sought, or, if such examination is found impracticable, then upon the best information obtainable. Not more than a pint of spirituous liquor or a quart of vinous liquor or 4 quarts of malt liquor, to be taken internally, shall be prescribed for use by the same person within any period of 10 days, unless two physicians duly licensed to practice medicine shall certify that a greater quantity is necessary for use by the same person.

"'SEC. 21. The commissioner shall prescribe the form of all permits, certificates, and applications therefor, and the facts to be set forth therein, and the form of records to be kept under the provisions of this act.'

"SEC. 5. Section 30 is amended by inserting at the end thereof the words 'intended for use in interstate or foreign commerce.'

"SEC. 6. Section 45 is amended by inserting at the end thereof the following: '*Provided,* That all of the officers and persons named herein shall be subject to prosecution in the State courts for the violation of any of the laws of such State and in such prosecution there shall be no transfer of the case from a State court to a court of the United States, and no process shall issue out of any of the courts of the United States to defeat such prosecution in a State court, other than such process as may be issued with respect to a defendant on trial under a criminal charge to protect his rights as a defendant under the Constitution of the United States.'

"SEC. 7. Section 49 is amended by inserting after the word 'imposed,' in the first sentence, the following: 'except where the separate offenses growing out of the same state of facts are united in separate counts the penalty imposed shall be the same as though there were only one offense charged.'

"SEC. 8. Section 58 is amended by striking out the words 'one-half of 1 per cent of alcohol' and the words 'one-half of 1 per cent of alcohol by volume' wherever they occur, and inserting in lieu thereof the words '2¾ per cent of alcohol by weight.'

"SEC. 9. Section 61 is amended by substituting for the words 'Commissioner of Internal Revenue' the words 'Commissioner of Prohibition.'

"SEC. 10. If any provision of this act shall be held invalid it shall not be construed to invalidate other provisions of this act."

Mr. BLAINE. Mr. President, the bill for the modification of the Volstead Act which I have introduced opens the way for a sane consideration of national prohibition. This bill makes possible the adoption by the respective States of the most desirable system operating in the Provinces of Canada and elsewhere where prohibition has been repudiated. It is in substantial compliance with the will of the people as expressed in the States which have held referendums favorable to the modification of the Volstead Act.

This bill abandons the theory that the Federal Government shall supervise and enforce mere police regulations relating to local affairs. The bill therefore deals with the prohibition question in relation to interstate or foreign commerce. The eighteenth amendment prohibits only the manufacture, sale, or transportation of intoxicating liquors for beverage purposes. Therefore many sections of the Volstead Act are repealed or rewritten, with the view of limiting the power of the Federal Government to the regulation of intoxicating liquors in interstate or foreign commerce.

"Liquor," or the phrase "intoxicating liquor," is construed to mean liquors "which are fit for beverage purposes and which, when moderately used, are in fact intoxicating and which contain 2¾ per cent or more of alcohol by weight."

Since it is proposed by this bill that the Federal Government shall enter the field in the regulation of interstate commerce with respect to this question, exclusive of the States, it is provided that no State shall pass any law to restrict, limit, or enlarge the provisions of this proposed law relating to (a) "the manufacture for transportation, sale for transportation, or transportation of liquor for beverage purposes in interstate or foreign commerce"; (b) "or relating to the articles or liquor exempt under its provisions"; (c) "or in relation to the manufacture, use, possession, sale, purchase, transportation, distribution, or prescribing of medicinal liquor or wines for sacramental or religious purposes."

This provision is in harmony with many other laws enacted by Congress in regulating commerce among the several States, and when the Federal Government enters that field it usually enters it exclusive of the jurisdiction of the States. The same harmonious provision and procedure in relation to the regulation of interstate commerce with respect to many other questions is carried over into this bill providing for the regulation of intoxicating liquors for beverage purposes in interstate or foreign commerce. Since liquor is recognized as a medicine, if it is good medicine in one State it is good in all States, and if the sacrament of wine is good in one State it is good in all States. The citizens of each State should be protected against prohibitive legislation in all States respecting medicinal liquor or sacramental wines, for even a sick person may travel from one State to another, and a religious person may need his sacramental wine as much in one State as in another.

The bill fixes a single standard respecting the issuing of prescriptions for liquor for medicinal purposes, and simplifies and

standardizes permits for the use of wine for sacramental purposes or religious rites. A physician holding a permit may prescribe liquor for medicinal purposes for use anywhere, and prescriptions are limited for 1 pint of spirituous liquor, a quart of vinous liquor, or 4 quarts of malt liquor, to be taken internally, within any period of 10 days, unless two physicians, duly licensed, shall certify that a greater quantity is necessary for use by the same person. Only licensed pharmacists may dispense such medicinal liquors.

The manufacture for transportation, sale for transportation, or transportation, in interstate or foreign commerce of any liquor containing alcohol in any degree and which contains poison, are prohibited unless there is printed, in English, in plain and distinct type, in red, on the label upon the container the word "Poison." Any person violating that provision is subjected to a fine or imprisonment, and if death should occur in the use of any such liquor which is not properly labeled, then the person selling or delivering the liquor shall be guilty of a homicide and punished by imprisonment not less than one year nor more than three years.

Section 45 of the present prohibition law is amended by providing that all the Federal officers and persons named in the section shall be subject to prosecution in State courts for violation of any laws of a State, and in such prosecution there can be no transfer of a case from the State court to a Federal court, except that a process may be issued from a Federal court to protect the rights of the accused under the Constitution of the United States. This provision will make it possible for the State to prosecute and punish Federal prohibition agents when they commit an unlawful assault or murder in the enforcement of the law.

Section 49 of the prohibition act is amended providing that where separate offenses growing out of the same state of facts are united in separate counts, the penalty imposed for the violation of the law shall be the same as though there were only one offense charged. This provision is simply in harmony with what should be the policy in criminal prosecutions, whether under the prohibition law or other laws.

There are a few other minor amendments to the present Volstead Act to make it harmonize with the provisions of this bill.

It must be recognized and admitted that in the modification of the Volstead Act there can be no modification except within the terms of the eighteenth amendment. This bill is not repugnant to the eighteenth amendment. It comes within its terms. It restricts the Federal Government in the enforcement of the eighteenth amendment to the regulation of the liquor question in interstate and foreign commerce, the only field in which the Federal Government can successfully operate.

Congress has not exercised its complete power "to regulate commerce with foreign nations and among the several States."

Congress has surrendered to a large extent its power "to coin money," and in effect has surrendered to the Federal reserve system, a private undertaking, the power to issue money.

Congress has not exercised its full power in the establishment of post roads.

Congress has not exercised its full power under the fourteenth amendment.

Congress has signally failed to exercise its power under the fifteenth amendment.

If this bill becomes law, Congress will have exercised its power under the eighteenth amendment more fully than it has exercised its power with respect to the subjects I have just mentioned.

Moreover, this bill recognizes the ninth and tenth amendments. I recall that the ninth amendment provides that "the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." I emphasize the tenth amendment, which provides that "the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people."

This bill harmonizes and makes effective the three amendments to the Constitution—the ninth, the tenth, and the eighteenth.

If this bill becomes a law, what the States may do is reserved to them, subject to the limitations upon them fixed by the Constitution and the amendments thereto.

I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

INVESTIGATION OF CIVIL SERVICE RETIREMENT LAW

Mr. BLAINE submitted the following resolution (S. Res. 196), which was referred to the Committee on Civil Service:

Resolved, That the Committee on Civil Service is hereby authorized to investigate the subject of civil-service retirement and the operation and administration of the law relating thereto, and particularly the civil-service retirement and disability fund, as respects its depletion and the accrued liability of the Government in connection therewith, the manner and method of the administration of the said law and fund, and to study the problems in connection therewith, and to report its findings, together with its recommendations for such legislation as it deems advisable.

The report of the committee shall be submitted to the Senate within 10 days after the meeting of Congress December next.

Resolved further, That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper, and to require the attendance of witnesses, by subpœna or otherwise; to require the production of books, papers, and documents; and to employ counsel, experts, and other assistants, and stenographers, at a cost not exceeding $1.25 per printed page. The chairman of the committee or any member thereof may administer oaths to witnesses and sign subpœnas, and every person duly summoned before said committee or any subcommittee thereof who refuses or fails to obey the process of said committee or appears and refuses to answer questions pertinent to said investigation shall be punished as prescribed by law.

A subcommittee of the Committee on Civil Service, selected by said committee, is hereby authorized and empowered to exercise all the powers and duties conferred upon said Committee on Civil Service.

The expenses of said investigation shall be paid from the contingent fund of the Senate, on vouchers of the committee or subcommittee, signed by the chairman, and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

BEAR RIVER MIGRATORY-BIRD REFUGE

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3194) to establish the Bear River migratory-bird refuge, which was to strike out all after the enacting clause and insert:

That the Secretary of Agriculture is hereby authorized to construct, at Bear River Bay and vicinity, Utah, such dikes, ditches, spillways, buildings, and improvements as may be necessary, in his judgment, for the establishment of a suitable refuge and feeding and breeding grounds for migratory wild fowl; also to acquire, by purchase, gift, or lease, water rights and privately owned lands, including the improvements thereon, deemed necessary by him for the purpose, or, in lieu of purchase, to compensate any owner for any damage sustained by reason of the submergence of his lands.

SEC. 2. That such lands, when acquired in accordance with the provisions of this act, together with such lands of the United States as may be designated for the purpose by proclamations or Executive orders of the President, shall constitute the Bear River migratory-bird refuge and shall be maintained as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916.

SEC. 3. That no such area shall be acquired by the Secretary of Agriculture unless or until the Legislature of the State of Utah has consented to the acquisition of lands by the United States for use as a refuge for migratory wild fowl, and shall have provided for the use as a refuge for migratory wild fowl by the United States of any lands owned or controlled by the State in Bear River Bay, Utah, and vicinity, which the Secretary of Agriculture may deem necessary for such purpose, and which the Secretary of Agriculture is hereby authorized to accept on behalf of the United States; and, except in the case of a lease, no payment shall be made by the United States for any such area until title thereto is satisfactory to the Attorney General.

SEC. 4. That the existence of a right-of-way easement or other reservation or exception in respect of such area shall not be a bar to its acquisition (1) if the Secretary of Agriculture determines that any such reservation or exception will in no manner interfere with the use of the area for the purposes of this act, or (2) if in the deed or other conveyance it is stipulated that any reservation or exception in respect of such area, in favor of the person from whom the United States receives title, shall be subject to regulations prescribed under authority of this act.

SEC. 5. That no person shall take, injure, or disturb any bird, or nest or egg thereof, or injure or destroy any notice, signboard, fence, dike, ditch, dam, spillway, improvement, or other property of the United States on any area acquired or received under this act, or remove therefrom, or cut, burn, injure, or destroy any grass or other natural growth thereon, or enter, use, or occupy the refuge for any purpose, except in accordance with regulations prescribed by the Secretary of Agriculture: *Provided*, That at no time shall less than 60 per cent of the total acreage of the said refuge be maintained as an inviolate sanctuary for such migratory birds.

SEC. 6. (a) Any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of

this act (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this act or of any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this act or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States commissioner, may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(b) All birds or animals, or parts thereof, captured, injured, or killed, and all grass and other natural growths, and nests and eggs of birds removed contrary to the provisions of this act or any regulation made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him, and upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, or removed contrary to the provisions of this act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.

SEC. 7. That the Secretary of Agriculture is authorized to make such expenditures for construction, equipment, maintenance, repairs, and improvements, including necessary investigations, and expenditures for personal services and office expenses at the seat of government and elsewhere, and to employ such means as may be necessary to execute the functions imposed upon him by this act and as may be provided for by Congress from time to time.

SEC. 8. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $350,000, or so much thereof as may be necessary to effectuate the provisions of this act: *Provided*, That not to exceed $50,000 may be expended for the purchase of land, including improvements thereon.

SEC. 9. That any person who shall violate or fail to comply with any provision of or any regulation made pursuant to this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or be imprisoned not more than six months, or both.

SEC. 10. That as used in this act the term "person" includes an individual, partnership, association, or corporation.

Mr. KING. Mr. President, I move that the Senate concur in the House amendment.

Mr. DILL. What is the amendment?

Mr. KING. The amendment improves the bill materially. The bill as it passed the Senate, though it was introduced by me, had provisions in it that were not at all acceptable to me. The amendment of the House of Representatives strikes out, for instance, the provision with regard to fishing, because there will be no fishing in connection with this reserve, and relieves the Department of Commerce of the work which it would perform in that respect. The amendment also restricts the amount of land which possibly may be allocated for shooting purposes.

Mr. DILL. What is the restriction in reference to shooting grounds?

Mr. KING. There were no restrictions in the bill as originally passed.

Mr. McNARY. I understand the Senator to say that the amendment limits the area which may be used as shooting grounds?

Mr. KING. The area is limited; yes.

Mr. McNARY. Is it limited to 60 per cent of the area?

Mr. KING. It is limited to 40 per cent. That is the provision inserted by the House.

Mr. McNARY. Does the House amendment increase or diminish the amount of appropriation provided by the Senate?

Mr. KING. The appropriation is the same, but a provision is inserted that not more than $50,000 may be used for the acquisition of land.

Mr. DILL. Mr. President, I do not want to object to the amendment of the House, but I dislike to have a migratory-bird reservation purchased with any provision that permits public shooting grounds on it.

Mr. KING. So do I. If the Senator desires that the bill may go over, we can look into that feature.

Mr. DILL. I will not ask that that course shall be pursued.

The VICE PRESIDENT. The question is on agreeing to the amendment of the House.

With the question pending on agreeing to the amendment of the House, Mr. HEFLIN resumed and concluded his speech, which is here published entire.

After the conclusion of Mr. HEFLIN's speech—

The amendment of the House was agreed to.

DEMOCRATIC PRESIDENTIAL CANDIDACY

Mr. HEFLIN. Mr. President, I send to the clerk's desk an editorial and ask to have read those portions which I have marked.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

[From the Washington Post, Thursday, April 12, 1928]

GOVERNOR SMITH'S FOOL FRIENDS

* * * * * * *

Nothing is to be gained by such statements as those of Morris S. Tremaine, State comptroller, who thought a visit to Virginia the opportune moment to threaten the South with a Northern Democratic bolt in the event of Governor Smith's defeat. "If the South does not rally to Governor Smith's support," said Mr. Tremaine in Norfolk, "knowing him to be the only Democrat in America who can win the Presidency, then the North will never forgive it. If the South rejects Governor Smith we of the North will believe that it was done because of his religious belief only." Mr. Tremaine added to this statement the threat that if the South does not support Governor Smith or openly deserts him new Congressmen will not vote for southern expenditures, because they will consider such action a slap in the face worthy of retaliation.

Mr. HEFLIN. I ask the clerk to read another statement, the portions marked in ink, from the New York Times.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

[From the New York Times, April 7, 1928]

WOONSOCKET GROUP IS EXCOMMUNICATED—ROME CONDEMNS NEWSPAPER AND RHODE ISLAND FRENCH CANADIANS WHO SUED BISHOP—FRIENDS OF ISRAEL BANNED—ASSOCIATION IS DECLARED TO HAVE ACTED CONTRARY TO CHURCH'S TEACHING—D'ANNUNZIO PLAYS SCORED

(Wireless to the New York Times)

ROME, April 7.—Severe measures taken by the Sacred Congregation of the council against a group of French-Canadian Catholics in the diocese of Providence, declared guilty of acts of insubordination to the diocesan authority, are announced to-night by the Osservatore Romano, official Vatican organ.

All Catholics who sued their bishop, Mgr. William A. Hickey, before the civil court are placed under excommunication, and the newspaper La Sentinelle, printed at Woonsocket, which is declared to "have supported the scandalous movement," is ordered to cease publication and all Catholics are forbidden to read it. The list of persons excommunicated is headed by Elphege J. Daignault, editor of La Sentinelle.

* * * * * * *

Following a controversy with supreme officers of the Union of St. Jean Baptiste of America, the editor opened an attack on the administration of Catholic Church affairs in Rhode Island, bitterly assailing Bishop Hickey and his supporters among the clergy in the matter of alleged utilization of parish funds for the construction of diocesan high schools.

A year ago Daignault and 63 others, 2 of whom are now dead, signed papers bringing suit against 12 parish corporations in the Providence diocese, with the object of obtaining an accounting of parish funds and seeking the return of money said to have been used in the building of schools.

A hearing was held in the equity session of the superior court at Providence and the judge sustained some and overruled others of the demurrers. The group amended its bills of complaint, and after a hearing the judge ruled that no violation of the statutes establishing the Roman Catholic Church in Rhode Island had been shown, and ordered the suits thrown out.

Daignault served notice of appeal to the State supreme court, and a few weeks ago arguments on it were made, but the decision was reserved and has not been made known yet.

Mr. HEFLIN. Mr. President, some weeks ago the Irish World, a Roman Catholic newspaper, threatened the Democratic Party with dire disaster if it should fail to nominate Governor Smith, of New York, for the high office of President of the United States. That newspaper served notice upon the Democratic Party that if it failed to nominate Governor Smith the Catholics would bolt the ticket, that they would not support the Democratic ticket to be nominated at Houston. This is an unbecoming threat and an un-American act. It violates every principle of American tolerance. It is in keeping, however, with the record of the Roman Catholic political machine regarding the National Democratic ticket. They bolted the Democratic ticket in 1916 because President Wilson refused to go to war with Mexico on behalf of the Catholic Church; they bolted the Democratic ticket in 1920, and in 1924 they bolted the Democratic ticket again. They have bolted the last three National Democratic tickets. They are really not entitled to participate in a Democratic primary or convention or to have one of their number run as a candidate on the regular Democratic ticket.

They talk of intolerance. Mr. President, every time a red-blooded American calls attention to the importance of preserving in their integrity the free institutions of America, not only

do these Catholic periodicals assail him but they induce innocent and ignorant Protestants to do likewise.

Not long ago when I stood on this floor as an American Senator and exposed a Catholic conspiracy to destroy me politically because I had dared to oppose the Roman Catholic program for war with Mexico, the chairman of a Democratic club, so called, of Boston wired to the minority leader in this Chamber to have me read out of the Democratic Party. Talk about intolerance and bigotry! There it is in its most contemptible and asinine form.

They did not stop with that. Thirteen Roman Catholic members of the Legislature of Massachusetts wired to the governor of my State and requested him to have the Legislature of Alabama convened in extraordinary session to read me out of the Democratic Party because I had called attention to the pernicious, obnoxious, dangerous, and insidious activities of the Roman Catholic political machine. And now comes one of Governor Smith's cabinet members, one of his official family in the State of New York, and threatens to punish the Democratic South for daring to support whom she chooses for the nomination for President of the United States. I spurn these contemptible tactics of Tammany, these miserable threats from the Roman Catholic political machine.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Kansas?

Mr. CURTIS. I rise to a point of order. As I understand it, during the morning hour debate is limited to five minutes.

Mr. HEFLIN. It is not.

The VICE PRESIDENT. Not in connection with discussion on a conference report.

Mr. CURTIS. As I understand, a conference report is not before the Senate.

The VICE PRESIDENT. The Chair meant to say on a motion to concur in the House amendment to a Senate bill.

The five-minute rule only applies when bills are being considered on the calendar in the morning hour. Debate is unlimited on an amendment to a House bill.

Mr. CURTIS. In the morning hour?

Mr. HEFLIN. At any time when such a question is being considered.

The VICE PRESIDENT. The five-minute rule applies when the Senate is considering bills on the calendar under Rule VIII. The Senator from Alabama.

Mr. HEFLIN. Mr. President, the Democratic Party is confronted with a strange—in fact, with an extraordinary—situation. A new order of politics is now before us. A member of the official family of this New York wet Tammanyite, constitution nullifier, and head of the Roman Catholic political machine in America, goes down into Virginia, the mother of Commonwealths, the great old State that has furnished so many able and illustrious Presidents of the United States, and serves notice on that great people that if the South does not bow down, truckle, crawl on her knees before Alfred Smith, the politically chosen and annointed of the Pope of Rome, the South is going to be punished by the Roman Catholics of the North. The sooner the stalwart Democracy asserts itself and repudiates such hideous and hateful outcroppings in her ranks the better it will be for all concerned. I defy this mouthpiece of Governor Smith to carry out his threat. He is not speaking for anybody except his own church members, and I do not think he can deliver some of them, for I believe there is going to be an awakening amongst the rank and file of the Catholics of America, because they realize that two standards are clashing in this country—the American standard and the Roman standard—and when they clash one of them has got to submit and go down, and it shall not be the American standard.

This intolerance and bigotry ought to be crushed out. The idea of a man who thinks he is big enough to run for the high office of President having one of his emissaries go down into the Southland, the section that furnished him who wrote the Declaration of Independence, the section that furnished him who sounded the keynote of liberty in the Colonies, the section that furnished that brave warrior who led the Continental Army and achieved American liberty, and the section that produced him who wrote the Constitution of the United States—the idea of having him go down into that State, the proud old Commonwealth of Virginia, God bless her, and tell that brave and chivalrous people, "If you southern people do not submit and fall in line with Al Smith, we will punish you. Through our Members of Congress, Roman Catholics, we will vote against measures that will benefit your people in the South."

Was there ever such an exhibition of mean and bitter intolerance? I have never seen it, Senators. What are we coming to? Are the Democrats ready to turn this American Government over to such a régime? Mr. President, somebody is going to have to do a lot of explaining to the people at home after certain predicted things are pulled off at Houston. They are claiming now that the State of Arkansas has gone for Smith through a delegation picked recently by a central committee in that State. I am going to say to you that the people of Arkansas, in my judgment, are against Smith nearly 10 to 1; and if, by any hook or crook, that delegation is ever delivered to Smith at Houston, there will be a warm reception awaiting them when they return to the indignant Democrats of Arkansas.

The Smith machine claims 17 out of 20 of her delegates are for Alfred Smith; if that is true, Arkansas, in my judgment, has been badly treated, because the people of that State are not for Governor Smith. If they had had a primary in that State I was going to enter as a candidate, but I have been deprived of that privilege because they have had no primary or convention. Arkansas is against Smith, as Alabama is against him; and yet they tell us that they are going to turn over Arkansas to him at the convention.

God help the Arkansas politicians who are in that deal, if such a thing is done. And now comes the startling statement that Oklahoma has been delivered to this man Smith, who is threatening the South through his henchmen, who is proposing to lash the South into submission to a political program that she spurns, threatening to punish her, to vote against meritorious measures that would bring benefit to her people, unless she bows the knee to the Roman Catholic, wet, nullifying Baal of Tammany Hall. Mr. President, thank God there is in the South spirit and courage and ability enough to care for her interests and protect and defend her honor always. She may be betrayed now and then in certain States, but she will punish the betrayers in the end.

Oklahoma: They say they have Governor Haskell on the delegation. He has lived in New York for years. I think he is a member of Tammany Hall. He has been in Mexico, and he has gone back down there on a visit, I understand, and has succeeded in getting on the delegation from Oklahoma, selected by a committee. The people had no chance to vote, no convention was held; it was a case of committee manipulation, and now they are claiming that Al Smith has Oklahoma. The rank and file of the Democrats of Oklahoma are overwhelmingly against Governor Smith.

Scandal lurks around Iowa, we are told. Meredith threatens dire things about the crookedness and corruption employed there by the Smith crowd. Do you want me to tell you what I think?

I think the Al Smith campaign fund is the largest and most corrupt that has ever been secretly used in a presidential race. They are slipping about quietly, noiselessly, putting out their campaign poison. They are employing secretive methods—

> Whose silent courtship wins securer joys,
> Taints by degrees, and ruins without noise.

That is what is going on.

Mr. STECK. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Iowa?

Mr. HEFLIN. I do.

Mr. STECK. The Senator spoke of claimed corruption in Iowa and immediately followed it by a statement with reference to a great amount of money or slush fund having been used. I hope he does not infer that the Democrats in Iowa have been influenced in the decisions they reached at their county conventions by any great slush fund spent in behalf of any candidate for the Presidency.

Mr. HEFLIN. I do not like the signs that I have seen. I have seen a lot of wolf signs over in that direction. My own opinion is that money was quietly used in Iowa, if the Senator wants to know my opinion, very secretively and insidiously used out there. I think it was used in Oklahoma, too. I think it has been used and it is being quietly used everywhere they leave their foot tracks in a campaign for the Presidency. I believe that.

Mr. STECK. Mr. President, will the Senator yield to me for just a minute?

Mr. HEFLIN. I will yield for a minute, just for a statement. I do not want to yield for a speech.

Mr. STECK. I have no quarrel with the Senator for expressing his own convictions on any question. I do not want to raise any issue with the Senator; but I want to assure him, as a Democrat from Iowa, as one who has been in touch with the situation in Iowa but who has taken no active part on either side in Iowa, that money has not been spent in a secret way or in an open way or in any other way to any large extent on either side.

I will further say to the Senator, for the benefit of the Senator and of the Senate——

Mr. HEFLIN. The Senator has said enough right now in my time.

Mr. STECK. I have not quite finished. If the Senator refuses to yield——

Mr. HEFLIN. The Senator does not know what has occurred in Iowa. If he learns to say "Iowa" like I say it, then I will yield to him. [Laughter.]

Mr. STECK. If the Senator will permit an observation——

Mr. HEFLIN. No; the Senator draws out that "Iowa-h" too long. [Laughter.]

Mr. STECK. I was born in Iowa, if the Senator please. I learned to speak the name of Iowa when I was born. I know how it should be spoken.

Mr. HEFLIN. Well, the Senator did not learn it right.

Mr. STECK. It should be spoken "Iowah," and not "Ioway." There is no use of our quarreling about that, however, because that is something too small for us to quarrel about.

Mr. HEFLIN. What I am objecting to is that it takes up too much time the way the Senator says it.

Mr. STECK. As I understand, the Senator expects to take all the rest of the time up until 3 o'clock; so he should not object to my taking at least five minutes of it.

Mr. HEFLIN. Mr. President, I can not yield to the Senator further, because he said that he did not think this fund was used.

Mr. STECK. I will say further that as far as my information goes I know that no slush fund was used in Iowa. As a Democrat of Iowa, I deny that any slush fund was used in behalf of Governor Smith or in behalf of Mr. Meredith to gain the delegation in Iowa. I have been in Iowa. I think I know the conditions in Iowa. I am not quarreling with the Senator. I am merely saying that his information probably is not as direct or as good as the information of a Democrat from Iowa who has taken no part on either side of the fight.

Mr. HEFLIN. The Senator is at least improving on the pronunciation of "Iowa." [Laughter.]

Mr. STECK. May I say that the Senator has heard sung so much the old song which we sing, where we pronounce it "Ioway," that he thinks that is the correct way. [Laughter.] I suspect he has joined in singing the song many times, to the edification of the people generally, and to the glory of Iowa.

Mr. HEFLIN. The Senator is so far away from Iowa that he does not know what happens day by day in Iowa [laughter]; but if the Senator keeps on defending Alfred E. Smith and the Tammany tactics, it will not be long until he can stay always in Iowa. [Laughter.]

Mr. STECK. Mr. President——

Mr. HEFLIN. Mr. President, I can not yield to the Senator any more now. The Senator does not know what is going on in Iowa. They would not tell the Senator that they were handing these packs of money around. They are too smooth. They can teach the world how to distribute corrupt campaign funds. I repeat that in my judgment nobody has appeared in a political arena in the United States who can do it so secretively and effectively as the Al Smith bunch are doing it now; and I want to call on the Senator from Idaho [Mr. BORAH] to reintroduce his resolution for the investigation of presidential campaign funds, and let us call them down here, Democrats and Republicans alike.

I do not want any Democrat to buy this nomination. I do not want any Republican to use money to obtain the nomination or the election, either one of them. I want clean politics. The way to fight nasty, corrupt politics is in your party, and when you see the earmarks of corruption all around you cry out against it, and that is what I am undertaking to do.

I prefer to hear from Mr. Meredith, of Iowa. He is a man who is threatening to tell an interesting story about the Smith tactics in Iowa, and I want to hear him. The Senator from Iowa does not know what is going on out there. They would not tell him what is going on. He is here. He springs very quickly, though, to the defense of this program in Iowa. Now, he has made his little explanation; let that stand.

Mr. President, I want this Borah resolution reintroduced, and we will pass it in this body and call these people before us, and start with Mayor Walker, of New York City. He is a smooth Al Smith artist. He is the slickest eel in the pond. [Laughter.] Why, they are slipping into States whose Democrats are standing like Gibraltar against Smith, and yet they are picking up delegates for Smith in some of those States.

Senators, somebody is going to have to answer for these things. You give the people of Oklahoma a chance to vote at the polls and they will beat Al Smith for the nomination by a hundred thousand majority; and now they are saying they have got a hog-tied delegation down there that is for Smith!

They have got a delegation in Louisiana. The committee down there, I understand, appointed a delegation; and the son-in-law of Champ Clark, the old ex-Speaker who at one time obtained a majority of the votes for President in a convention, has been here and, I understand, trying to get an opportunity to have a vote by the Democrats of Louisiana. They want an opportunity to vote on the delegation that is to go to Houston. It is now being claimed that the Louisiana delegation is for Alfred Smith.

Mr. President, such un-Democratic tactics had better be abandoned at once. Of course, if they nominate Governor Smith, I know what is going to happen. He will be beaten by at least 10,000,000 votes. I do not believe that he can carry 10 States in the Union. Mr. President, the Al Smith threat to coerce and intimidate southern Democrats, and the bold and insulting threat to punish the South if she did not fall in line and support Smith for the nomination for President are resented and repudiated by every self-respecting Democrat in the South.

Mr. President, will tactics of that sort appeal to the great sober, thinking American people?

Now I come to the second phase of this subject.

In the New York Times of April 8 there appeared a most remarkable and astounding statement from the Vatican at Rome. It vitally concerns the liberty of the citizen and the freedom of the press in the United States and presents a sharp and vital conflict between two governments—the Government of the United States and the government of the Pope of Rome. It pointedly presents the question as to which one of them is in control in this country. Aye, which one of them is supreme in its authority in the United States?

The Constitution provides that no citizen can be deprived of his property without due process of law, and the legislatures of the States and the Congress of the United States have provided courts of justice where any citizen—Protestant, Jew, or Catholic—may go as an American citizen and have his cause adjudicated in the American way, in an American court of justice.

In Rhode Island some months ago it is claimed that a group of American citizens who were members of the Roman Catholic Church had contributed large sums of money to be used for a certain specific purpose. The amount, I understand, was more than a million dollars. The American citizens, French Canadians, who had been induced to contribute their money, were influenced to do so solely by the representations made to them when they made their contributions. So when they found, as I understand it, that the money had not been used for the purpose for which they had contributed it they felt that they had been misled, imposed upon, and deceived in the matter.

Then, as members of the Catholic Church, they sought an explanation from the priest and the bishop. And we are told that the explanation was refused and they were criticized and reprimanded for exercising their rights as American citizens.

Then, not being willing to have their property thus obtained from them and used as it had been used without their consent, they felt that they had not only been deceived, imposed upon, and mistreated, but that they had been unjustly and unlawfully deprived of their property.

So these citizens of Rhode Island, exercising their constitutional rights as citizens of a sovereign State and as American citizens, took the case into an American court and asked to have the case decided according to the truth, the rules of right, and the laws of justice. Instead of commending them for their willingness to have the matter fairly and lawfully determined by a court of justice in the United States, the Catholic authorities condemned and denounced them for exercising their rights as American citizens.

I understand that the ecclesiastical powers of the Catholic Church demanded that they submit their case to a Catholic "church court" and agree to be bound by it, but these American citizens decided to exercise their rights as American citizens and ask to have this big financial transaction determined by an American court of justice. And for daring to choose an American court rather than a Roman Catholic court, these American citizens have been denounced and repudiated by the highest authority in the Roman Catholic government.

But that is not all that has been done to them. We are told that the Catholic bishop, who refused to account to these Catholic members for the disposition of a million dollars or more that they had paid to him, arbitrarily took the case to the Pope of Rome and his college of cardinals. But the Rhode Island French-Canadian Catholic American citizens involved in the matter insisted on their rights as American citizens to have the matter decided in a court of justice in Rhode Island, in the United States. They were doing what they had a right to do as American citizens. They refused to put Rome first. Now, let

us see what happened to them. Why, these citizens of the United States have been tried in a Roman Catholic ecclesiastical court in Italy, a foreign country, under the jurisdiction of the Pope of Rome, and without regard to their rights as American citizens, and while their case is still pending in the Supreme Court of Rhode Island; they have been denounced, repudiated, and excommunicated by the highest authority in the Catholic Church. The effort has been made not only to humiliate them and to hurt their standing in the American community in which they live, but to injure their business; to punish them financially here in the United States by an edict sent out by a Roman Catholic potentate in a foreign country.

Not only have they done that; they have sought to destroy the livelihood, the means of support of American citizens who have called upon the courts of their country to require other supposed-to-be-American citizens—Catholic priests and bishops—to come into court and account for the disposition of a million dollars or more handled by them. Was there anything wrong about that simple request?

But that is not all. One of these French-Canadian Catholic American citizens, Elphege J. Daignault, editor of a newspaper, the Sentinel, who took the side of the Catholic contributors of the million dollars to the Catholic bishop, and who demanded that an accounting be had and the truth told to them as to how and for what purpose the money was used—this man has not only been attacked and denounced by the Roman Catholic powers that be in Rome—he has been ordered by this foreign Roman authority to immediately stop the publication of his paper.

This man has done nothing to cause the United States Government to deny his paper the use of the United States mail. American citizens have not requested that he stop the publication of his paper. Then, what is this order from the government of the Pope of Rome regarding the business occupation of an American citizen but an inexcusable and indefensible interference with and usurpation of rights and powers that belong exclusively to the Government of the United States? God moves in a mysterious way His wonders to perform, and it may be that He has caused to come forth at this particular time this important revelation of the dangerous and deadly forces that are at work right here in the United States to destroy civil liberty and religious freedom in America.

But this Roman Catholic government did more to these American citizens in Rhode Island than I have told you. It undertook to disgrace them and destroy their business here, and then by solemn edict excommunicated them and consigned their souls to hell. All this because they dared as American citizens to assert their rights under the Constitution, and asked that their rights be determined in an American court of justice.

Again I ask you, which government is in authority here—the American Government or the Roman government?

And yet Governor Smith, aspiring to the highest office in the land, has not said a word of protest against this denial of American rights and liberties to American citizens. He should be the very first, when seeking to become the ruler of this great country, to denounce interference with the rights and liberties of American citizens by the Pope of Rome, or anyone else.

Mr. President, this is all I care to say this morning on this subject.

LAND BANKS AND FARM RELIEF

Mr. BLEASE. Mr. President, I have here some articles with reference to the Columbia Land Bank and also the Haugen bill.

In 1914, in a speech in my State, I said that the western Senators and Members of the National House of Representatives were not going to permit the United States Government to loan money to hold cotton until the markets opened and trade resumed its normal condition, as was being advocated by some, but, on the contrary, that they were going at some time to make a demand for a tax on cotton. That prediction came true here yesterday.

I also stated in that speech that the national currency laws would be used for the benefit of favorites and that these banks would loan money in their respective communities to their favorites and friends, and that they would prove to be a failure. I have also at different times stated that in my opinion the Federal land-bank system was a means for robbing the farmers of this country by holding out inducements that they were aiding them, when by excessive charges and excessive interest rates they would prove to be their worst enemy if they were not very careful as to who handled them.

In proof of these predictions I desire to cite the Columbia, S. C., bank condition and have inserted in the CONGRESSIONAL RECORD articles which I hold in my hand from the Farm Journal of Philadelphia, Pa., and from extracts of the Good Business Magazine, entitled "The whisper of death," also extracts by George Martin, editor of Farm and Fireside; by Edwin S. Lott, of New York City; Senator W. F. GEORGE, of Georgia; and others, which I request be printed along with my remarks.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, it will be so ordered.

The matter referred to is as follows:

[Extract from an article in the Farm Journal, Philadelphia, Pa.]

THE FEDERAL LAND BANKS IN HOBBLES

(The Federal farm-loan system could have done and could now do wonderful things for the farmers, if its management were more vigorous, broad-minded, and enterprising. The system suffers by too close association with the Treasury Department, and by too great subservience to the Treasury officials. Certainly the operation of the land banks show up very unfavorably, as compared with the swift and effective movements of other agencies.—Editor's note.)

FLUID FINANCE ESSENTIAL TO FARMER

Next to marketing the crops at a profit, the most pressing problem of the 6,500,000 farmers of the United States is whether enough farm-loan bonds can be sold on the investment market to meet the needs of farmers through the 12 farmer-owned Federal land banks.

Whereas the average bond offered on the market, taxable or otherwise, represents only 100 per cent security to the investor, farm-loan bonds represent 110 per cent. An additional 10 per cent liability is assumed on all mortgages issued through farmer-owned Federal land banks. In other words, the farmer borrower, through the national farm-loan association, agrees not only to repay 100 per cent on every dollar borrowed, but by assuming this 10 per cent liability agrees, in event of his neighbor borrower failing to pay up, that he will pay 10 cents on the dollar additional to repay the borrower's loan. Thus, without considering even the 10 per cent liability feature, the investor is given a gilt-edged security, but with it the investor has one of the best bonds available. Therefore no reasonable excuse could be given for failure to issue and dispose of sufficient bonds to meet normal annual loan needs of the farmers of this country.

WHY THE DISSATISFACTION WITH SYSTEM?

With this security to offer, and the 12 Federal farmer-owned land banks to offer it, why then does the system as a whole work so slowly, and in many cases so unsatisfactorily? It is no injustice to charge that it is exclusively the fault of the Federal Farm Loan Board itself.

Annual loan needs of American agriculture aggregate $300,000,000 to even meet normal replacement needs. About one-third this sum, and not to exceed $150,000,000, one-half annual need, has been the average offering of these bonds from institution of system to this date. But to meet the business needs, even more bonds than the $300,000,000 should be issued and sold. If this were done, and it has been demonstrated that it could be done, the farmer will be set free from the slavery of mortgage indebtedness, and it can not be accomplished in any other way.

Many of the Federal land banks are now refusing to accept applications for farm loans, because their allotment of funds from the sale of bonds has been more than consumed in paying long-pending applications for loans. The percentage of rejections is also very high. The majority of the banks are doing business on a restricted plan of loaning money only to a few farmers here and there.

THE TREASURY IS THE BOSS

On the whole, the close association of the farm-loan system with the Treasury Department at Washington has not been altogether a healthy one. There has been more than one occasion when the policy of the land banks has plainly been made inferior to and dependent on the general policies of the Secretary of the Treasury, where the banks would have acted very differently if independent. The farmer-owned land banks should not be made the unimportant tail of the Treasury kite.

The Treasury still holds about $1,000,000 of capital stock in land banks, assumed back in 1916 when the act was passed and the money advanced by the Government to start the system off. There is no longer necessity of Uncle Sam advancing this money to these banks, if they are of such progressive and live financial condition as their officers testify, and the Treasury should be repaid this advance at once, thus removing further reason for officials in the Treasury Department bossing the banking system. This million-and-odd-dollar advance might very well be put to better purposes than dominating the land banks.

Another curious and unhealthy situation arises because the Treasury not only controls the farm-loan bonds but is also collector of income taxes. It does not, therefore, advertise or permit others to advertise overly strong the great advantages of the bonds because of their tax-exempt feature. It is also well known that the present Secretary of the Treasury is not a friend of tax exemption, which may partially account for this lack of publicity.

Every line of advertising placed in behalf of these bonds must needs pass some political overlord in Washington, which is not good business. In other words, the Treasury does not dare to let investors know how

much they can actually save by buying the farmer's bond, for fear some one will criticize it for urging people to put their money where it will help the farmer and save the investor some tax.

WHO SHOULD RUN THE LAND BANKS?

The final criticism of the present management of the farm-loan system is too important and far-reaching to be discussed in the limits of one article. It lies in the fact that whereas the original intention was to have the board of directors of each land bank consist of six men elected by the farmer owners and three named by the Farm Loan Board. Up to this time, the farmer stockholders have, practically speaking, had no representation.

This might not be bad if there was any prospect of putting the system into effect soon, as contemplated by the original act of 1916. The evidence shows, however, that the present farm loan board and the Treasury Department bureaucracy have no intention of ever letting go of their present absolute control, if they can help it. They are convinced that their management is the best possible, and are inclined to shudder at the terrible (?) disasters that would follow if the farmer-owned land banks were turned over to their rightful owners.

STOCKHOLDER MANAGEMENT IS SAFE

Now, as a matter of fact, all successful financial institutions are managed by the stockholding members and not by outside interests. Every successful cooperative institution in the United States is likewise managed by the stockholders, through a board of directors whom they elect. The cooperative, farmer-owned Federal land banks, being our first nation-wide cooperative enterprise of farmers and our greatest venture in farm finance, could and should be managed and controlled directly by those who own the capital stock and assume the 10 per cent liabilities to insure its safety and soundness—not by outside politicians.

This does not mean that the farmer himself must go down to the land bank and become a banker. In most cases he lacks the training; but he could and should designate efficient directors to perform this task for him, as do all other successful cooperative enterprises.

[Extract from article in Pennsylvania Farmer]

WHO SHALL RUN THE FEDERAL LAND BANKS

The American farmer borrowers of the Federal farm loan system have repaid to the Treasury all save less than a million dollars capital stock advanced to institute this system of credit. This should be repaid at once, as the financial schedule of the banks shows they have available funds with which to turn this money back into the Treasury and make it available for other causes, such as tax reduction. Thus, the farmer stockholders will not only own every dollar of capital stock of these 12 Federal land banks, but like stockholders of national banks, these farmer stockholders should shoulder all the liabilities in event of losses. They should enjoy full management of the land banks which they own.

TOO MUCH OUTSIDE DOMINATION

It is safe to say that the American farmer has had more than a plenty of outside domination in his business. His present ills may be traced to just such sources. The National Grange has time and again gone on record as opposed to State or Federal domination of strictly farm matters, and in favor of turning the farm loan system over to the rightful owners; the National Board of Farm Organizations, and the newer and larger organization of the American Farm Bureau Federation does not seem joyous over Government domination of the farmer's business in banking.

James R. Howard, first president of the American Farm Bureau Federation hit the nail on the head, from the farmer's standpoint, when he said:

"It is well to remember that in matters of business the State is less efficient than the individual. Men may create government, but governments can not make men.

"Personally, I approve that constructive radicalism which provokes serious thought. It spells success. I will go the limit regarding cooperative marketing and Government supervision of all public utilities. But I draw the line on an 'ism' that is destructive and not constructive, particularly if destructive of that greatest of all human agencies—personal initiative.

"I deplore the growing tendency on the part, not only of some farmers, but other men in high places to stress the functioning of Government too much, and of the individual too little."

Thus, Mr. Howard has given the radical element, who would have the Government run everything for the farmer, an answer that they will need to give considerable thought to in order to make a sensible answer. Every farmer who is sane (and most farmers are) remembers his experience in the past with political appointees, and will agree with Jim Howard in his straightforward answer to a modern idea prevailing in too many selfish camps.

LET THE TREASURY LET GO!

One of the main things certain radicals advance as a reason why the Government should continue to dominate the whole Federal farm loan system is that the Treasury still holds less than $1,000,000 worth of stock in the banks. If the reports of the Farm Loan Board are to be credited, this stock should really be held by the farm-loan associations, since the volume of business now on the books of each of the 12 banks surely does not merit the Federal Government longer holding any of the capital stock of any bank. Yet this reason is still given for the Treasury bossing the farmers' banks. However, if the Government is as hard up as Secretary Mellon would have us believe each time tax reduction is discussed, why does not this financier let go of that stock rather than tie this money up in the Government vaults? The Government under Mr. Mellon's administration has held as high as eleven billion dollars' worth of foreign government bonds, but Mr. Mellon did not recommend our Government taking over those governments until those larger loans were repaid. There is not a solitary reason why the same Treasury should longer hold a whip over the farmer-owned land bank system.

Therefore, why subsidize the farmers' banking system? His bonds are above par, his bank stock is a "good buy." Can any sound-minded man offer one solitary reason why he should be made the goat of political control simply because he has made good?

For 40 years previous to the passage of the farm loan act, in 1916, the American farmer had insisted that he be given a finance system his own, performing for his, the essential industry, precisely what other banking systems had failed to, namely, provide him with needed capital to develop and promote his industry. No one suggested that the farmer become a stockholder of a banking system, assume a liability, and then permit some outsider, with not 1 cent involved, and assuming no liability, operate the system. Even in Soviet Russia, so bold and radical a dream as that has not risen to the horizon to date. Yet in Washington we hear statesmen and politicians condemn Russia for doing less than they have done to our own farmers.

LEGALLY FORCED TO LIABILITY

Every farmer who has secured the benefits of the Federal farm loan system through any of the 12 land banks has been legally forced to subscribe to 5 per cent the amount of his loan as capital stock, which is invested as capital in the land bank by the national farm loan association of which he is a borrower. In order to give the bond upon his mortgage the best security in sight of the investor, and to safeguard the system, like national bank owners, this same farmer assumes a double liability of 10 per cent of the amount of his loan, or $100 per $1,000 borrowed.

Under these circumstances, the 12 Federal land banks, like the national banks, should immediately be turned over to the farmer owners. Would business stand for one moment for having the Government appoint the directors and officers of the national banks, subsidizing this great banking system of more than 7,000 banks as a political logrolling system as has been done with the 12 Federal land banks and more than 4,000 national farm loan associations? Neither should the American farmer have his dozen regional banks and associations, taken over by a super and vicious political organization, as is now the case.

[Extract from article in Farm Journal]

THROUGH THE FARMER HIMSELF

Shortly before his death, Theodore Roosevelt said: "The farm industry can not stop; the world is never more than a year from starvation; this Great War has immensely increased the cost of living without commensurately improving the condition of the men who produce the things on which we live. Our object must be to make capital available for farmers, and thereby put them more on an equality with other men engaged in business—to do this primarily through the farmer himself; for the welfare of the farmer is the concern of all of us."

This brings us to the biggest question now before the people: Shall the farmers themselves operate their own farm-loan system, or shall it be operated by politicians? The politicians now completely manage and dominate the system, though some luke-warm appointees are there to represent (?) farmers. Since these are in the minority, their advice and desires play a most inconspicuous part in the actual management of the system.

[Extract from article in American Thresherman, Madison, Wis.]

SHALL FARMERS OPERATE THE LAND BANKS?

The farmer owners of the more than 4,000 national farm-loan associations of the country are getting pretty weary of imitation cooperative land banks; they want something besides a dream with a night horse as the "morning-after" effect.

These same farmers have pretty good reason to be tired, too. They have not only advanced the unquestioned collateral security to permit the making of the loans through these banks to date, but they have subscribed to the capital stock of the 12 Federal land banks to the extent of 5 per cent of their loans, and have assumed also a 10 per cent liability to protect the system against the collection of payments on their neighbor's loan, as well. To do this, these farmers have been legally forced to assume liabilities in excess of $160,000,000, yet these banks are managed by politicians, while the farmers who subscribed the capitalization and assumed the liabilities can warm their shins at

some other stove. The politicians completely dominate the 12 land banks.

These farmers, after having done this, discover that they have not one word to say about the administration or operation of their land banks. Let us contrast this situation against the man who owns but one share of local, national, or State bank stock. He receives one vote in the annual meeting at which directors are elected; he has one vote in determining the policy of the bank, as authorized at the stockholders' meetings. But a farmer stockholder in the Federal farm loan system might hold 100 shares in the bank, yet he could not peep. Congress simply hog-tied these farmers when they amended the original farm loan act and put the banks into the control of politicians.

Since organization of the system, in 1916, the farmers (for whom the banking system was intended) have had not one word to say about the way it should be operated, and they will not have until the system is turned over to them.

Would it be fair and just, sprinkled with ordinary horse sense, for the more than 7,000 national banks of the country to take orders only from one room down in Washington? How would business prosper under such a plan? About the same as it does in the farm loan field! And this has not been such a success that any sane business man will wish the Congress now in session to effect subsidized banking for business.

Then, why should the farmer owners of the Federal farm loan system be dominated by a small committee of commissioners at Washington, working through their political appointees in the banks throughout the country? Have our American farmers reached a stage where it becomes necessary to appoint guardians to transact their business for them? Is it a fact that these farmers are incompetent and unintelligent? Is "taxation without representation" still considered tyranny? If so, let the politicians out and put the farmer owners in.

[Extract from Good Business Magazine]

THE WHISPER OF DEATH

There are times when silence is treason. Occasions come when the thing that every man of intelligence knows and whispers behind his hand to some one he can trust—but which he is afraid to speak aloud—must be shouted boldly from the housetops if the people are to be awakened to the danger that overshadows them.

Such a grim crisis did the Adams boys face at the Boston Tea Party, Patrick Henry in the Virginia Legislature, Nathan Hale at the hangman's noose. To-day wherever men foregather whose business it is to know about the current events of our Nation, they speak of a thing that threatens the very life of this Nation, if permitted—and yet the busy work-a-day people of America, intent on making a living, remain in fatal ignorance of impending peril. Such conduct might be defensible in a despotism but never in a democracy. It is the people—the intelligent people—who can and should save the cause and themselves. They can not be saved from above. Every battle for safety or right that is won in a democracy is a soldier's battle. But to win it the soldiers must know that it is to be fought.

This unspeakable thing which threatens the life of the Nation is a grand endeavor to put over one of the most socialistic and supersubsidized structures that has been presented to the Congress. Specifically, we refer to the McNary-Haugen bill, and all the little children of the same family, of which there are half a dozen hoping to get upon the statute books. Every radical is laboring night and day to put these across.

These men, and many who should be more intelligent than to join forces with them, frankly tell us that the 6,000,000 farmers in the United States can never be brought together through voluntary cooperation. Therefore to cure the farm ills they would pass a compulsory cooperative bill. This would put our Government into the marketing business. It would create the greatest bureaucratic machine that has to date been erected in Washington. It would destroy private initiative, hamstring private endeavor, and begin the end of private enterprise. The bill would injure legitimate cooperative marketing associations, and ruin foreign markets through systematic dumping of surpluses.

It would use the taxpayers' money to advance the cause of state socialism. It impudently flaunts the Constitution of the United States and lays the foundation for the socialization of all industry. There is nothing in communistic Russia that is more subversive of personal liberty or more destructive of the inherent right of a citizen to pursue a legitimate calling in a legitimate way.

This bill, we are told, is likely to pass the Congress. Why? Because of the cowardice of the politicians. Many Representatives have not awakened to the real situation; they have been wasting their time. Others believe it is unsound and can not pass; others rest on their oars. Congress is now run by blocs and cliques. They intend to get this piece of socialism across. They don't give a rap about the Constitution. They are going to "pass the buck" to the President, and as this is a presidential year with an election just ahead, they will dare him to veto the thing. And the chances are that he will not dare veto it. It is far easier to "pass the buck" to the Supreme Court than to lose a few votes.

Knowing that the country is opposed to price fixing, the bill was written with the intention of camouflaging its price-fixing feature. The price to be fixed, under the bill, is a "ratio" price, and this ratio will be maintained by taking the surplus on the market and disposing of it in foreign countries on a world level. The scheme is then to increase the tariff on wheat, for example, 40 or 50 cents a bushel, so as to raise the price on all wheat consumed in the United States. Another try at lifting ourselves by the bootstraps, and to see prosperity pass out the door. If the supersocialistic program could increase the level of farm prices, it would increase production, defeating its own object.

The very first thing that would be done would be to abolish future trading, because future trading can not exist under a fixed price, whether that price be a "ratio" price or any other arbitrary price. In order to maintain a "ratio" price the Government would need to have a place to store the grain. This means getting the Government into the elevator business.

The authors of this bill did not have the courage to prepare a regular price-fixing bill, but since they get the same result by merely walking around the barn, what is the difference to them? They will gladly put the Government into private business by the back-door route. They would try to make the dose palatable to the consumer by telling him that the farmer "must stand the loss on the grain that is sold for export."

The bill gives the Government control over grains, cotton, cattle, sheep, swine, wool, etc. A "ratio" price on all such farm products may be fixed by the President when it is shown that an "emergency exists."

The bill puts the Government into business. It gets behind the scheme and finances it with a gigantic revolving fund, and it compels every farmer to join! It is in reality a great Government pool financed with the taxpayers' money.

The whisper of death! If the Government can appropriate money to finance farmers, why not labor unions, automobile manufacturers, coal dealers, barbers, one-legged men—anyone? What is the difference? Where will it stop? Present-day communism in Russia goes no further than this! Lenine in his heyday had only his red army; this bill would give the bureaucrats the law!

How long can private initiative survive under a Government that appropriates millions of dollars of tax-exempt money to go into business in competition with its own citizens? How long can individual Americans compete with their Government? Remember the age-old story of the camel that put its head into the tent! It didn't take long until the body followed and the tent fell! In Russia the cry raised by the communists was: "All power to the Soviets." In the United States the slogan now is, "All power to Congress and the bureaus." It means the same thing. We are headed the way of Russia unless liberty-loving men awaken and act.

Here is your opportunity to do something for the Government that has—as a Republic, not as a Soviet—stood the test of time and trial. How? Let Washington know that you are opposed to the cure-alls proposed which continue to keep the Government in business, and to put it into new and larger enterprises, to compete with American business houses "back home." This is done by erecting hamstringing bureaus to dominate individual freedom and personal liberty. Americans! This is a call to arms. You alone must decide and decide now. Stay the hand of death!

FARM LOAN BOARD GIVES ILLUSTRATION

Business men may take a look at the functions of the Federal farm-loan system if they doubt what the proposed administrating farm-loan board which this latest law would erect if they wish to have a pretty fair idea of how the Government functions in business. And by that illustration, no law should be permitted to pass which calls for a similar political administration of strictly private business.

[Extract from article in Farm and Fireside, New York City]

IT CAN'T BE DONE THAT WAY

By George Martin, editor Farm and Fireside

It is not the function of government to transact the business of the people. It would be inadvisable to have it do so even if it could. They have been trying that in Russia and you see with what results.

The function of government is to clear the channels of commerce, trade, industry, and agriculture so that the people can properly transact their own business; and it is the further function of government to protect the people in the right and privilege of transacting their own business. This leaves a man's success or failure up to himself, which is as it should be.

And no matter how poorly we do it ourselves, the business of the country would be transacted even more poorly by the Government.

[Extract from pamphlet written by Edson S. Lott, New York City]

STOP THE HOLE IN THE DIKE—"THE TOUCH OF GOVERNMENT IN BUSINESS IS THE TOUCH OF DEATH"

While all are familiar with the story of how Hans, the little Dutch boy, saved the people of his country from being drowned, please permit me to repeat it.

Hans and his little brother were playing on that great dike which keeps the sea from overflowing Holland. He saw a tiny hole in the dike, only a little thing, yet large enough to let through a wee bit of water.

The leak appeared to Hans to grow larger as he watched it. All his young life he had heard of the dike; how it had been built by the painstaking and long-continued industry of many workers; how useful it was to keep the sea from rushing in and drowning everybody; why it was necessary constantly to watch and repair it; and that a little hole in it, if not immediately stopped, might soon grow so large that it could not be stopped at all.

Hans immediately thrust a finger in the hole and commanded his brother to run and tell their father there was a hole in the dike and to hurry to fix it.

The father quickly grasped a shovel and ran to Hans, calling to others as he ran: "There's a hole in the dike; come along with shovels!"

When they came to Hans he was faint with fright and fatigue, but the dike was repaired, the people were saved, and Hans was a hero.

KEEP THE GOVERNMENT OUT OF BUSINESS

The present greatness and power of the United States of America are due to the refusal of the Government in the past to hold in check the initiative, the enterprise, the ambition, and the thrift of its individual citizens.

Our Government has prospered because its individual citizens have prospered. They have prospered because the Government has protected them in their rights to the fruits of their industry and enterprise.

"In all its history our Government has trodden down no man's liberty," said Daniel Webster in the Senate of the United States on March 7, 1850.

Recently the New York Times said: "Property and profits are the mainspring of human activities."

This is an individualistic country, thank God. It is a country where superior intelligence along any line of human endeavor, the knowledge properly to apply it, the ambition to make use of it, and sufficient health and grit to keep everlastingly at it always win individual fame or fortune—frequently both. This very fact is hateful to those socialists and communists who would jackplane all our citizens down to a common level.

There are many brands and breeds of socialists and communists. No one, not even one of themselves, seems to understand the superfine distinctions which mark the difference between them. But there is a common ground for all of them. They all hate, loathe, and spit upon the "capitalistic system." Even the capitalists among them—and there are some—seem to share these feelings and appear to long for the day when they shall divide their all with their provident, thriftless, and worthless neighbors, so that all may be in the same boat.

The opportunity for personal gain through individual effort has developed in this country a citizenship which has, in turn, made ours the most free and the most powerful among the nations—a country which our communistic friends are loathe to leave, even when imperatively invited to do so by our Government. Yet of late there has been a tendency on the part of our lawmakers to curtail individual opportunity by placing our Government in competition with its citizens, or by actually taking away altogether such opportunity in certain enterprises. This is clearly socialistic to the extent of removing the reward which belongs to individual effort.

SUPERPOLITICAL BANKING SYSTEMS

From some quarters there now come demands that the Government engage in the banking business, in the grain-elevator business, in the farm-loan business, in the building business, in insurance, and other businesses—even in the newspaper business (but always in some other fellow's business).

You all know what North Dakota has done—or tried and failed to do.

Such laws get on our statute books because the plea is made that the State can carry on the business at less cost and can give better service than private companies. That assumes what we all know to be untrue—that there is a halo surrounding an individual working for the Government which causes him to do better work for less money than if he were working for a private corporation.

States force all citizens to wear enough clothing to be decent. Is this a good reason why the State should furnish clothing at cost?

States force parents to provide their children with necessary medical attention. Is this a good reason why the State should furnish doctors and medicines at cost?

States force families to bury their dead. Is this a good reason why the States should furnish undertakers and burial places at cost?

States force parents to feed their helpless children. Is this a good reason why the State should run provision stores of the country, or the farmers, or the flour mills?

States force all property owners so to maintain their properties that the public will not be injured by them; and property owners are legally obliged to pay damages to all those who are injured through the improper maintenance of their properties. Should the State, therefore, be asked to furnish at cost the material necessary to make all properties safe?

A FAIR FIELD AND NO FAVOR

Perhaps you agree that the State should operate provision stores, drug stores, undertaking establishments, cemeteries, farms, flour mills, building-material establishments, grain elevators, insurance companies, farm-loan banking systems, etc.

You object to individualistic monopoly; then please do not vote for Government monopoly. What is the matter with "A fair field and no favor; an equal opportunity for all"?

This is what Arthur I. Vorys, of Ohio, says:

"Jealousy, envy, and spite against profitable enterprises, so easily aroused in human nature, are largely involved in such propaganda. When Mr. Duffy says 'It is to prevent individuals or corporations from making profits out of the misfortunes of the people,' when he advises employers that if they 'have five or ten million dollars to spare, let them put it into the pay envelopes of their employees instead of into the coffers of the insurance companies'—then is when he invokes the spirit that puts State operation across.

"Suppose some one, professing to represent the 'plain people,' assembled the figures showing what a sewing machine costs for labor and material, and then the figures showing what the purchaser pays for the machine. If the campaign were well organized and aimed only against sewing machines, and the figures well advertised, you know it would be easy to get the State to engage in the business of making sewing machines 'at cost.' It would not be well for anyone engaged in such propaganda to start against more than one enterprise. Such things succeed because none of us takes any particular interest in legislation not aimed at our own affairs. The sewing-machine manufacturers and their agents would find little sympathy and no help from other people; they would be denounced by the propagandists.

"Can sensible people in America be made to realize that the function of the Government is to regulate and never to engage in business, and that whenever it attempts to engage in business it violates a vital, fundamental principle of this Republic?"

FREE HANDS OF HONEST BUSINESS

The late former Senator Beveridge, of Indiana, in an article in the New York Times, indorses this movement. He wrote:

"Free the hands of honest business. Open the doors of honest trade. Lift from the heart of commerce the timidity that makes it weak and spasmodic."

He also spoke of "the legislative hand on the industrial and business activities of the American people."

The New York Sun says:

"The touch of the Government in business is the touch of death."

It is a common danger.

The spirit of communism is in the air.

We hear it boldly proclaimed from pulpit and platform.

We feel its subtle influence working in the factory and in the college—"the Government out to do this or do that."

We are coming to a realization that it is a menace to our form of government.

State operation of railroads has been avoided. But State operation of the great farm-loan banking system has not—and see the results.

Yes; State operation of banks is still going on—or going under.

COMMUNISTIC COMMON ENEMY

Is it not time that Americans, who believe that the only business of Government is to govern, wake up, get together, and present a united front against this common enemy?

I have said that all their rational arguments have been refuted by reason and disproved by experience. Are their arguments, then, abandoned? Certainly not.

In Russia communism has failed disastrously in practice.

And why has it failed?

Listen to what was said by Capt. Hugh S. Martin, of the American Army Intelligence Secret Service, speaking before the Merchants' Association of New York, concerning his four years' experience in Russia. "You will be told that all Russia is dying because of the blockade. I tell you that Russia is dying to-day and industry is going because Communism and Bolshevism have destroyed individual initiative and human ambition. If the leaders want to give in, as some would have us believe, they have but one step to take—the reestablishment of private property to legal owners. That will bring Russia back. Nothing else will."

Yet the communists here in America still keep up their confident assertions that communism will certainly produce the "perfect state."

In Germany the Government is seeking to bring about private operation of its Government-owned railroads, to secure economy and efficiency; but in this country the State socialists still cry for more inefficiency and indifference which characterizes the management by politicians of private property.

THE GREED FOR THE SPOILS

Manifestly, these examples show that adverse experience does not check the movement for State exploitation, and that its inspiration in envy of the success of private business—the compelling urge of the State socialists—and greed for spoils that so frequently accompany governmental operations.

The reasons are supplemented by the ignorance of some and the indifference of many.

The state socialist has started; he intends to end with state ownership of all business, all commerce, and all industry.

So much for the tactics employed in the campaigns. They have been insidious and effective. Familiarize yourself with them; for, whatsoever your particular business may be, in time it will be subjected to similar attacks, unless we unite and prevent the spread of the evil.

REMEMBER THE HOLE IN THE DIKE

Do not forget the hole in the dike. Socialistic is the hole in the great dike which protects individual freedom, individual initiative, and individual responsibility from the mad waters of socialism.

Finally, who are the enemies? Who are the people who have been fermenting, guiding, and aiding this attack upon private enterprise?

All communists and socialists, of course.

All spoilsmen, job hunters, and social parasites, naturally.

All professional reformers and political demagogues looking for a campaign battle cry unreservedly.

Political pie makers, pie cutters, and pie eaters—all of them.

A lot of honest folks also.

And bureaucrats generally.

When the evil day comes upon them the supporters of state interference with business will as foolishly cry for mercy as did the young man of whom we have heard, who killed his father and mother with an ax, and who pleaded with the judge, after he had been convicted of murder, to be merciful because he was an orphan.

When the state begins to take over our property, our business, we may all become in time slaves of a political power whose evolution may lead to the destruction of civilized society.

America has been made great through individualism, has more to offer the American people in point of wealth production and fair distribution than has socialism.

The incentive has been the opportunity for personal gain.

State monopoly would kill private initiative and make us all equal pawns in a socialistic mass.

If we, free-born American citizens, are not alert to our common danger, what right have we to expect that a kind Providence will keep us safe from the blighting peril of state monopoly?

I ask those who believe that the only business of the Government is to govern not to forget the little Dutch boy and the little hole in the dike which protected an industrious and deserving people from swift and certain death—that great dike which for long years has protected American individualism. If we permit that hole to grow larger it will, in time, perhaps within a short time, grow large enough to let through sufficient water to inundate all private enterprise; for if a flood tide breaks through, our Government will conduct all business—none can escape.

I ask you to help keep in good repair the dike; that dike builded and preserved by the hands and lives of staunch Americans since the writing of the Declaration of Independence; that dike which protects individual freedom, individual initiative, and individual responsibility from the mad waters of socialism.

[Extract from Efficiency Magazine]

LET PAPA DO IT FOR YOU

The little acorn of the old proverb, that into a mighty oak grew, is a piker at sprouting compared to a Government bureau or department. There's a chance the acorn may fall on fertile ground. But a Government bureau, once established, no matter how small the start, never. They always live and, gosh! How they grow!

Let Congress just vote the creation of an innocent little bureau to do something for the folks, and the one office, one chief, and one stenographer, in very few years will have expanded into a full-fledged department, clamoring for more office space and doing things for the folks, or to them, that weren't dreamed of when first the law was passed.

Our legislators first frame laws to meet the desires of one organized minority, and then they frame more laws to meet the desires of another organized minority, after which they devote themselves busily to framing still more laws to appease the ear-splitting howls of every other organized minority that has a howl in its system.

Such a state of affairs is, in a way, an embryonic form of the Bolshevik uprising in Russia. The Bolsheviks were, and are, a very small but very well-organized minority. They knew exactly what they wanted, and they knew exactly where they proposed to apply the ax in order to get it. Their opponents lacked leadership, vision, and backbone. They knew they were going to be struck, but they never made up their minds which way to dodge or how to return the initial blow with a violent and effective wallop. As a result, 150,000,000 people have been overwhelmed and wrecked by an aggressive minority of little more than half a million Bolsheviks.

The student of political science learns at an early date that bureaucracy is "the only form of government for which the philosopher can find no defense," and that "republicanism and bureaucracy are incompatible existencies."

In order that there may be no mistake as to the exact nature of bureaucracy, its definition in a standard work of reference is: "Government by bureaus; specifically, excessive multiplication of, and concentration of power in, administrative bureaus. The principle of bureaucracy tends to official interference in many of the properly private affairs of life, and to the inefficient and obstructive performance of duty through minute subdivision of functions, inflexible formality, and pride of place."

The founders of this country had certain definite ideas, prominent among which was the idea that God helps him who helps himself. The United States did not reach its present commanding position because its early settlers and lawmakers were led tenderly over to this country and catered to by a lot of paid agents, pushed into soft jobs, and wrapped up in cotton wool when they pounded their fingers or were dissatisfied with their wages. They fought their way over here, and they fought to hold their homes when they got here. Life in America was a life of fierce competition—of competition with nature and of competition with other men.

The State was able to meet its difficulties without bursting into tears and taking its bruises to the Great White Father at Washington to be kissed. Only the Indian was so incompetent in the gentle art of self-rule that he had to be closely supervised by the Federal Government; and the Indian isn't lasting well.

Things are different nowadays. Of late years the United States, lacking the vision and the common sense to see the inevitable results of such folly, has admitted the cheapest of Europe's immigrants by the million. Because of their training, their environment, and their heredity the bulk of these people have been incapable of grasping our principles of government.

Having absorbed a sufficient amount of cheap foreign thought, these enthusiastic people imbue other people with their enthusiasms and form organized minorities, which make concerted and often successful drives on Congress to have their fads and visions made into laws.

The goal toward which these people are working is a paternalistic, socialistic, communistic United States of America, in which there shall be no more government by the people through wise leaders selected by them, as provided by the Constitution, but a government by laws through an enormous number of bureaus centralized in the Capital, as practiced in Soviet Russia.

There are more than 250 different commissions and bureaus of the Federal Government already in existence. "They comprehend every sort of human activity in art, science, and administrative power, including forestry, agriculture, horticulture, mechanics, chemistry, biology, the whole field of medicine, including investigations both in human and animal diseases. In fact, there is nothing in the heavens above, the earth beneath, or the water under the earth that is not comprehended in the activities of some Government agency. If some midnight dyspeptic idealist as he lies awake thinks he has discovered some new idealistic good which he deems to be for the betterment of mankind, he immediately proceeds to draft a bill creating a new bureau under the Federal Government for the purpose of carrying his newly discovered idea into effect."

It is inevitable that the extension of bureaucratic government will destroy the energies and therefore the liberties of the people. It is inevitable that the more bureaucratic government is extended the less community and State government will be left.

It is inevitable that the extension of national power will call for more and more taxation to support the increased number of departments and bureaus with their inevitable increase of men and women upon the pay rolls. It is inevitable that the more the Government taxes the people the less the people can tax themselves for State and community purposes. It is inevitable that the more money the Government gets from taxation the less the States can get. The fuller the National Treasury the more empty the State treasury, until all energies of government will be nationalized and the States will be too poor to pay for any of their own. When that time comes, then will come revolution as the only escape from the tyranny of Congress, just as it was the only remedy in 1776 against the tyranny of a king. Either this or national death through a slavish and decadent citizenship.

That is one reason why taxes are high and why to-day, despite all the drive for economy and retrenchment, there are 65,730 persons holding down Government jobs in Washington and 475,193 outside of Washington. These figures, large as they are, do not even include the Army, Navy, or Marine Corps. Nor do they include the thousand-odd employ-

ees that work for Congress itself, as distinct from the regular Government civil list.

The huge governmental establishment of to-day, which costs so much to maintain that taxpayers wonder whether Government was created to serve them or they to work for it, is the result of many such small acorn starts. And even now, despite the clamor for retrenchment, economy, and less government, if possible, more such bureau acorns are being sown than in any other period in national history. The epidemic of having the Government do everything is running wild.

There is always some demand for the bureau or department to get it started. But once started they never stop.

The entire Government at Washington is just a repetition of such small starts, grown and swollen into expensive governmental functions, once started and never given up. It is natural government must grow as the country grows. That goes without saying.

But that isn't the chief source of expansion of the governmental machine. It's the continuous, never ending, expansion of what the bureau or department is doing that makes Government grow at a constantly accelerating pace.

The examples can be multiplied simply by narrating the growth of any Government bureau. The Bureau of Efficiency might be mentioned. Getting more efficiency in the Government is a continuous source of discussion by the lawmakers. It was a hobby of President Taft. Finally there was established by law, in 1916, a regular Bureau of Efficiency to investigate Government business methods, the personnel problem, and the duplication of work in Government departments. It started off with a modest $40,000 a year. Without any suggestion of criticism of the work being done by the Efficiency Bureau, it might be pointed out that it has been efficient also in another respect.

THE FARM LOAN BOARD

Then, we have the Federal Farm Loan Board, of the Treasury Department, which made a small start the same year—1916—and which now has a nice large staff, and which is unique in one fact. Not only does this bureau draw a handsome sum out of the Federal Treasury each year but it also has been given the privilege by Congress of dipping into the treasuries of the 12 Federal land banks and many joint-stock land banks, to make up any certain shortages that Uncle Sam may fail to provide. This money is used to cover such items as "examinations," so that the farmer really helps pay the bill of having his banks examined, for they are his banks, since he owns the capitalization of the banks (12 Federals), yet the board in Washington does the managing for him. This board may well be considered Exhibit A in the new era of bureaucracy, the day of the future when we shall have our business operated by bureaus and shall pay them for doing it. However, it should be noted in closing, that the farmer is thus far the only individual that has "stood hitched" while Congress "put the bureaucratic screw onto him." All other industries have side-stepped such domination. But how long they can stay "the hand of death" no one can say.

[Extract from Farm Economics, by Frank App. Copyright by J. B. Lippincott Co.]

FARMER RISKS ENTIRE HOLDINGS WHEN HE SECURES FEDERAL FARM LOAN

Farm capital may be defined as the materials which the farmer uses in conducting his business. Both capital and credit are of vital importance in all business. Properly directed, they are of great value, but if improperly handled they may be the means of injury to the individual and the industry alike.

The amount of capital invested in farming is larger than in any other single industry in the United States. That so much capital is needed to carry on this business makes it a peculiarly important factor in the prosperity of the farming population. The average amount of capital per farm for 1900 was $3,374; for 1910, $6,444; and for 1920, $12,085.

Associations are formed for the purpose of obtaining credit. Probably the best known are the Federal farm-loan associations, established through the Federal land bank. This, however, furnishes loans only to the best security and for amounts not exceeding $25,000. It does not meet in full the farmers' needs for credit. The farmer most in need of capital is unable to get assistance from the Federal land bank through the association.

In Europe farm-loan associations have been formed which have bonded themselves to an unlimited extent for obtaining credit. Where such associations have been formed they have furnished the cheapest and most desirable form of credit available. In Germany where these associations have been most extensively developed 12 per cent of the land is not owned by the operator. It may not be that we would desire the same form of association as is used in the European countries, since most of our farm operators have considerable capital and might not care to risk their entire holdings for the debts of the association.

ELECTION OF DIRECTORS COMPLICATED

Amendments to the Federal farm loan act pertain largely to the personnel of the board and the directors of the land banks. The board, which previously consisted of five members, has been enlarged to seven. The Secretary of the Treasury is a member and chairman ex-officio of the board. The board of directors of each Federal land bank under the new act consists of seven members whose term of office is three years. Three known as district members are appointed by the Farm Loan Board and are to represent public interest; three known as local directors are elected by a rather complicated method by the national farm-loan associations. On nomination by the association and borrowers the Farm Loan Board is to select the seventh member who is to be known as the director at large, and who may be removed by the board. This allows the association to select three directors, the board an equal number, and the seventh member is selected by a compromise arrangement.

[Extract from report of Federal Farm Loan Bureau]

GOVERNMENT GOES INTO LAND OWNERSHIP THROUGH FORECLOSURE

Attached is report issued by the Federal Farm Loan Bureau, which shows that the superpolitical banking system, under its present administration, is going into the land business, with millions of acres of land in various States now taken over by the various banks, the total reported being valued at $16,314,880.97, carried under an item in "Memorandum," as "Less real estate acquired, charged off." In more than 1,000 counties from one to five foreclosure proceedings are now in process by attorneys representing the land banks, so an aggregate of several millions of dollars in present loans will soon be converted into an even larger item, and the system thus become the owner of millions of acres of abandoned farm lands. In some parts of the country the officials are making a vain attempt to dispose of this land, with no buyers seeking the properties. Some of the land upon which the banks have loaned large sums per acre are now discovered to be so poor, only a short time after their appraisal was made and the loan closed, that the land is adapted only to tree-planting operations, and is considered of no real farm productive value. In other words, this land can not be used for cropping. This represents a larger percentage of the land upon which loans have been made than the political appointees are willing to acknowledge.

It is notable that only 1 of the 12 Federal land banks placed its actual land holdings, acquired through foreclosure, in an item capable of being investigated. "Other assets" is a very ambiguous title, indeed. And are we sure that these are "assets" at all? Is it not possible that they might better be listed under the heading "Other liabilities"? For what possible asset is an abandoned farm, not even repaying income ample to meet taxes, not to mention semiannual interest charges and the 1 per cent principal payment?

Consolidated statement of condition of the 12 Federal land banks at the close of business February 29, 1928, as shown by reports submitted to the Farm Loan Board

Assets:		
Net mortgage loans		$1,168,353,504.99
Interest accrued but not yet due on mortgage loans		17,969,232.41
United States Government bonds and securities		23,259,753.97
Interest accrued but not yet due on bonds and securities		312,477.75
Other interest accrued but not yet due		56,629.86
Cash on hand and in banks		8,974,855.40
Notes receivable, acceptances, etc		8,621,612.74
Accounts receivable		2,628,098.87
Installments matured (in process of collection)		1,803,833.55
Banking house		2,551,392.43
Furniture and fixtures		238,640.50
Sheriffs' certificates, judgments, etc. (subject to redemption)		4,365,450.38
Other assets [1]		1,765,277.60
Total assets		1,240,900,760.45
Liabilities:		
Farm-loan bonds outstanding		1,140,086,760.00
Interest accrued but not yet due on farm-loan bonds		12,581,781.67
Notes payable		702,433.55
Accounts payable		2,773,509.24
Bonds called		633,400.00
Other interest accrued but not yet due		1,011.10
Due borrowers on uncompleted loans		608,688.32
Amortization installments paid in advance		2,379,693.08
Farm-loan bond coupons outstanding (not presented)		1,047,168.83
Dividends declared but unpaid		1,342,534.54
Other liabilities		632,470.32
Total liabilities		1,162,789,450.65
NET WORTH		
Capital stock:		
United States Government	$710,651.00	
National farm loan associations	61,482,997.50	
Borrowers through agents	717,440.00	
Individual subscribers	115.00	
Total capital stock		62,911,203.50
Reserve (legal)	11,055,289.90	
Surplus, reserves, etc	651,556.01	
Undivided profits	3,493,260.39	
		15,200,106.30
Total liabilities and net worth		1,240,900,760.45

[1] All real estate acquired through foreclosure or by deed has been charged off immediately upon acquisition by all the banks with the exception of the Federal Land Bank of Spokane. This bank has real estate owned in the amount of $1,008,881.23, which is included in "Other assets" above.

Consolidated statement, etc.—Continued

MEMORANDUM

Total net earnings to Nov. 30, 1927		$54,803,440.17
Less real estate acquired, charged off		[1] 16,314,880.97
Net earnings available for distribution		38,488,559.20
Distribution of net earnings:		
Dividends paid	$21,892,838.81	
Carried to suspense account	1,622,894.65	
Banking house charged off	189,643.72	
		23,705,377.18
Carried to other reserves, etc	234,631.73	
Carried to reserve (legal)	11,055,289.90	
Carried to undivided profits	3,493,260.39	
Balance now carried		14,783,182.02
Capital stock originally subscribed by United States Government		8,892,130.00
Amount of Government stock retired to date		8,181,479.00
Capital stock held by United States Government		710,651.00

[1] All real estate acquired through foreclosure or by deed has been charged off immediately upon acquisition by all the banks with the exception of the Federal Land Bank of Spokane. This bank has real estate owned in the amount of $1,008,881.23, which is included in "Other assets" above.

WHAT THE FARMER OWNS THE POLITICIANS MANIPULATE

In the above statement it should be noted that of the capital stock originally subscribed by the Government—$8,892,130—to establish the 12 district Federal land banks, only $710,651 now remains unpaid. The farmer stockholders, through their loan associations, are now owners of $61,482,997 of the stock of these banks, the Government now owning about one-ninth of the capitalization of the banks; yet the Government, through present political domination, not only completely manages their own one-ninth interest but as well the eight-ninths which the farmer owns! This is without parallel in financial institutions in the world. Every other banking institution is managed by actual owners; that is, outside of Russia.

WHAT THE LAND BANKS OWN IN FARM LAND

It is interesting to further note the large amount of land that many of the land banks are now carrying as "other assets," and when we remember that these are increasing like a speeding snowball, collecting more and more abandoned farm lands as the months pass, it will be appreciated that these banks will soon become the largest owner of abandoned farms in the United States.

The following schedule furnishes the figures as released by the Farm Loan Board relative to the 12 district land banks:

Reports submitted to the Farm Loan Board, February 29, 1928

	Springfield	Baltimore	Columbia	Louisville	New Orleans	St. Louis
Real estate acquired, charged off	$592,462.25	$528,576.84	$1,708,807.21	$988,103.20	$1,600,111.45	$781,928.01
Carried to suspense account (over 90 day delinquent installments)	28,307.21	41,836.00	249,824.41	15,863.50	350,668.20	38,771.88
Banking house charged off		98,394.43		50,000.00		

	St. Paul	Omaha	Wichita	Houston	Berkeley	Spokane
Real estate acquired, charged off	$1,828,917.45	$1,085,228.30	$1,236,281.57	$551,971.96	$1,021,677.73	$4,390,815.00
Carried to suspense account (over 90 day delinquent installments)	361,175.90	62,898.65	135,378.21	11,274.23	9,313.41	317,583.05
Banking house charged off				41,249.29		

[Extract from address by Edward W. Decker, president of the Northwestern National Bank, Minneapolis, Minn., before the convention of the Association of Life Insurance Presidents, New York City, December 8, 9, 1927.]

KEEP POLITICS OUT OF BANKING

One of the greatest present dangers is the repeated attempts to make the banking system subject to political influence. Banking and politics are like oil and water—they do not mix; they should not mix, but we have to make them mix; and it is of paramount importance that Washington officials be strong and courageous to prevent any inroads of political influence, which will always be a menace.

Farming is a science. It takes just as smart a man to make a successful farmer as it does a banker or a life-insurance president. Many times I think it requires more brains. Agriculture to-day, if left alone by politicians, would get out of trouble sooner and stay out longer than by any attempt to pull it out of the hole by legislation.

[Extract by James Lee Loomis, president of the Mutual Life Insurance Co., Hartford, Conn.]

LIFE INSURANCE FINANCES FARMERS

The total farm-mortgage indebtedness may be approximately $9,000,000,000. The farm-mortgage investment of all the life-insurance companies is roughly 24 per cent of the total farm-mortgage indebtedness. At the close of 1921, the 52 companies had loaned to the agricultural interests of the country $1,322,000,000, or 17.7 per cent of our assets at that time. This investment has steadily increased in volume to the estimated amount, at the close of 1927, of $1,999,000,000, which represents 15.2 per cent of the assets.

This item of December 31, 1926, stood at $1,942,000,000, exceeding by $232,000,000 the outstanding mortgages of the Federal and joint-stock land banks as of the same date. December 31, 1921, these institutions held farm-mortgage holdings to the amount of $518,000,000. At the end of 1926 their farm-mortgage holdings aggregated $1,710,000,000. In the past few years, an undetermined but nevertheless large amount of mortgages has been taken over from banks, chiefly in the Central West, and is now being carried by life-insurance companies.

[Extract from address by Matthew S. Sloan, of New York]

GOVERNMENT A FAILURE IN BUSINESS

There are those who would have the pioneer spirit abandoned—that American spirit of individual initiative and enterprise which has been responsible for the inception of industry, its development, its accomplishment. They would have the Government in business, piecemeal at first, completely in the end. They maintain that government—State or Federal, or both in combination—could do a better job than has been done by those responsible for what we have to-day.

We do not believe in that. We don't want the Government to go into business; we don't believe it could do as good a job as could be done by private initiative and private capital. We don't believe that Government competition with private initiative in busness can be productive of good either for the Government or the public.

GOVERNMENT NOT BUILT FOR BUSINESS

Our Government was not built to enter into business. And if the Government were eventually to take over business, I can imagine nothing more detrimental to the welfare of business and its people than this substitution of political control and bureaucratic inertia for the spirit which has made industry great. On that spirit I maintain our Government must rely for future progress and development in industry.

It has been said that industry is afraid of losing business where Government would compete, and still more afraid of having its "octopus grip" on the public broken. Industry could survive any such loss of business and still grow and prosper. If it couldn't meet any rates the Government could maintain on accurate computation of costs it ought to go out of business.

OBJECTS TO SOCIALIZATION OF BUSINESS

Industry is not apprehensive on that count. What it objects to is any beginning of socialization of business publicly owned, officially regulated by the public's own representatives, which under American pioneer spirit has constructed a record of measurable public service and is able to keep on going and better that record.

No other problem of the future bothers us of industry. This problem of Government invasion, to be sure, is not ours alone. It is yours. It is the public's, since it is public money which must be taken to put the Government into business. It is still more the public's, since the question whether Government shall enter business—any business, anywhere—involves a fundamental departure from American principles.

[Extracts from address by United States Senator WALTER F. GEORGE, of Georgia, before the Association of Life Insurance Presidents, New York City]

ADJUSTING GOVERNMENT TO NEW DEMANDS

A long while ago it was said that a State's soul is nothing else than its political principles. A State may of course change its character, either by revolution or by the more gradual process of evolution. Where the Government is one of delegated powers, expressly defined and precisely limited, its principles can not be abandoned without losing its soul. Our Constitution is not a mere declaration of public policy. It is not on a level with statutory enactment. It is the supreme law of the land. The outposts of legitimate governmental activities are fixed in our organic laws, both local and general. Our political machinery was adapted and designed to safeguard political liberty. The basic philosophy of our system is the concept of liberty as the indefeasible right of the

individual as a responsible moral being. This liberty, in no sense derivative but inherent in the individual, we sought to safeguard in our organic laws.

MONARCHY VERSUS DEMOCRACY

Unlike monarchy, which proceeds on the theory that ordinary men are incapable of self-government and must therefore be regulated in their lives and business by those in authority, democracy, as we know it, asserts the right and capacity of common men to govern themselves. Applied to business its aim and ideal is the maximum of freedom, the minimum of restriction. Affording the largest opportunity to men to live their lives, regulate their conduct, and carry on their business without restraint save in the interest of the general welfare, our form of government has broken the chains of superstition, fear, and despair, liberated the minds of men and permitted them to develop in the atmosphere of freedom. Historians generally have agreed that our marvelous material progress is due to the influence of the pioneer spirit. It is no exaggeration to say that the material achievements of America are not due primarily to our great natural resources but to the imagination, initiative, genius, and energy fostered and developed by our free institutions. The first condition of continued business prosperity is, of course, stability in government, and stability in government must depend upon the intelligence of the individual and the fidelity with which we adhere to the principles of constitutional government.

MUST BE IN HARMONY WITH BASIC PRINCIPLES

It follows that we can not change our political machinery to meet the exigencies of changing conditions, but, within the limitations fixed by our Constitution, we must from time to time readjust our policies. Our system is not the night-watchman theory of government. "The equal rights of man and the happiness of every individual" are yet "the only legitimate objects of government." The adjustment of government to meet new demands must be in harmony with our basic principles. Our supreme danger is not from the lawbreaker, but from the lawmaker, as President Hadley has pointed out. The supreme need of the present is to turn government back toward the bill of rights and the Constitution, abandon the stupid policy of projecting government more and more into private business, as wholly inconsistent with the principles which we have declared.

It merely means the application of sane principles to existing conditions. Our conception of national sovereignty may relieve us of obligations and responsibilities, but it can not relieve us of consequences.

WE MUST PROTECT PROPERTY RIGHTS

We must continue to recognize the obligation to protect the life and property of our citizens, but the property right asserted by the American citizen in any part of the globe must square with the highest code of morality.

NAVAL APPROPRIATIONS

Mr. HALE. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). The morning business is closed, and the Senator from Maine is recognized.

Mr. HALE. I ask unanimous consent to take up House bill 12286, making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes.

Mr. LA FOLLETTE. Before that request is granted, may I ask the Senator from Maine whether it is his purpose to have the bill disposed of finally before 3 o'clock, or does he merely desire to have it taken up for the consideration of committee amendments and get a final vote on the bill later?

Mr. HALE. I will say to the Senator that I had hoped to get through with the bill before 3 o'clock; but one Senator has told me that he could not be here, and that he would not want a final vote taken on the bill to-day.

Mr. LA FOLLETTE. Very well; then I have no objection to proceeding with the bill.

Mr. NORRIS. Will the Senator yield?

Mr. HALE. I yield.

Mr. NORRIS. It ought to be understood that the bill will not go over simply for a final vote.

Mr. HALE. Oh, no, Mr. President, that is not my purpose. I am simply going to have the bill taken up, with the understanding that a final vote can not be had to-day.

Mr. NORRIS. Will the understanding be also that after to-day it will be subject to any amendment that any Senator may want to offer?

Mr. HALE. That, of course, is understood.

Mr. NORRIS. I do not want any misunderstanding about it. There will be several amendments offered, or suggested, and perhaps it would be impossible to dispose of them to-day, even if there were no understanding about not taking a final vote to-day.

Mr. BORAH. Mr. President, I desire to ask the Senator from Maine what, if any, cognizance the bill takes of the building program? Does the committee make any appropriation in the bill to cover that?

Mr. HALE. There are no appropriations in the bill for the so-called new building program. There are large appropriations for increases of the Navy, but they are simply appropriations for ships that have already been started, that are under way. The so-called House building program has not yet been taken up by the Naval Affairs Committee of the Senate, and until that is done appropriations can not be made under that program. That will follow. After this bill shall have been disposed of we will probably take that up in the Committee on Naval Affairs.

Mr. BORAH. There is nothing in this bill, then, that in any way commits us to any proposition which might be involved in the building program?

Mr. HALE. I think not.

Mr. BORAH. The Senator says he thinks not; does he not know?

Mr. HALE. There is no appropriation for anything in the nature of construction of ships.

Mr. BORAH. Are there any appropriations which are in this bill by reason of what the Senator expects will be done under the building program?

Mr. HALE. I think not; no. There are none there with the knowledge of the committee.

Mr. BARKLEY. Would it be possible in an appropriation bill brought up now to make appropriations for construction that has not already been authorized by law?

Mr. BORAH. Of course, we could do it if we wanted to, but what I wish to know is whether there is any effort to do it.

Mr. HALE. No; nothing along that line has been done with the knowledge of the committee, and I do not think anything of the sort has been done.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. HALE. I yield to the Senator.

Mr. NORRIS. There is no construction appropriation in this bill?

Mr. HALE. There is an appropriation to carry out construction that has already been commenced. There are appropriations to carry out construction of the *V–5* and *V–6*, and the eight cruisers that were authorized in 1926.

Mr. NORRIS. I notice in the report it is stated that the amount appropriated exceeds the appropriations for the fiscal year 1928 by nearly $25,000,000. Is that additional appropriation for the building of ships which are already in the course of construction?

Mr. HALE. It is partly that and partly for increase in aviation.

Mr. NORRIS. Why is such a large amount necessary?

Mr. HALE. I was about to explain it.

Mr. NORRIS. All right. I will withhold any comment and give the Senator an opportunity to explain the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. Mr. President, I have some remarks to make about the bill, but first I will ask that the formal reading of the bill be dispensed with, that the bill be read for the consideration of amendments, and that the committee amendments be first considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HALE. Mr. President, the amount carried in the bill as it passed the House was $359,418,237. The Senate Committee on Appropriations has added to this $4,318,780.69. The bill as reported to the Senate carries $363,737,017.69. This is $24,930,539.79 in excess of the appropriations for the current fiscal year 1928.

The Senator from Nebraska [Mr. NORRIS] has spoken about the increase. I will say that there is an increase in the bill of something over $11,000,000 for aviation and $13,000,000 over and above what was made available during the current year for increase of the Navy. That takes care of the increase over last year.

Mr. NORRIS. My attention was diverted for a moment. I hope the Senator will pardon me, but will he state again just how that increase is divided?

Mr. HALE. There is an increase of about $11,000,000 for aviation over the current year and about $13,000,000 for increase of the Navy. That is, we appropriate about $13,000,000 more for increase of the Navy than will be spent during the present fiscal year.

Mr. NORRIS. Is that partly for enlisted men and partly for additional ships?

Mr. HALE. That is for construction of the new cruisers and two submarines that are not yet finished.

Mr. DILL. Mr. President, will the Senator yield?

Mr. HALE. I yield.

Mr. DILL. What is the additional amount for operations and carrying on of the activities of the Navy Establishment as provided in the bill?

Mr. HALE. The additional amount is between $7,000,000 and $8,000,000 more than it was last year, taking out new construction of airplanes and ships, and so forth.

Mr. DILL. Is there any additional amount provided for the marines who are being used in outlying parts of the world?

Mr. HALE. There is about $1,000,000 more in this bill than in last year's bill, part of which is to take care of the marines who are in China and Nicaragua, on account of the added expenses which they have now which they did not have before.

Mr. DILL. How much of that amount is being spent because of the election program upon which we have embarked in Nicaragua?

Mr. HALE. I can not give the Senator the exact amount. This will probably be taken care of in the expenses for the Marine Corps in deficiency bills.

Mr. DILL. Is there any legislative provision in the bill that authorizes a part of the money to be spent to supervise elections in a foreign country?

Mr. HALE. No; it does not so appear in the bill. All we have done is to increase the general appropriations for the Marine Corps by $1,000,000, and the items are scattered all through the bill. Nothing is said with reference to any specific work.

Mr. DILL. With a view to it being used for that purpose?

Mr. HALE. Yes.

Mr. DILL. I shall have more to say about that at a later time.

Mr. NORRIS. Mr. President, since the matter is brought up, may I ask the Senator a question? He said there is no money appropriated in the bill for the purpose of supervising elections in foreign countries.

Mr. HALE. I say there is nothing in the bill indicating that it is for any such purpose.

Mr. NORRIS. That is the point I want to bring out. There is evidently a way to use that money for that purpose, is there not?

Mr. HALE. The appropriation is made for taking care of the marines while they are in foreign countries.

Mr. NORRIS. Out of what appropriation or from what particular items do they use the money to supervise an election in a foreign country?

Mr. HALE. The general care and subsistence of the marines.

Mr. NORRIS. The Senator does not mean to tell us that the appropriation for subsistence of the marines would necessarily mean that they would have to supervise an election?

Mr. HALE. Oh, no; but while they are supervising elections they have to live.

Mr. NORRIS. Exactly; but what is the particular language that authorizes the President or anybody else to go to the expense of supervising an election? The marines have to do something besides live, do they not? I would like to find out the law or the language in the appropriation bill that gives authority to the President to supervise an election in a foreign country.

Mr. HALE. There is nothing of the sort in this bill.

Mr. NORRIS. Is there anything in any existing law which does that?

Mr. HALE. As to that I can not answer the Senator.

Mr. NORRIS. If there is nothing of that kind in the bill, then would it not follow, if the bill is enacted into law, that the President would have no authority to use for supervising elections in foreign countries the money appropriated in the bill, if the Senator is right in his statement?

Mr. HALE. The money is appropriated to take care of the Marine Corps wherever the Marine Corps may be. The Senator can not say that the marines should not be taken care of if they were in a foreign country.

Mr. NORRIS. But the Senator said there is no money appropriated in this bill for the purpose of supervising an election in a foreign country. I want to find out what the language is in existing law which gives that authority. If there is no such authority in the bill, then at the end of this fiscal year the President could not supervise elections in foreign countries any more, could he?

Mr. HALE. I do not think that has anything to do with this particular bill. If the Senator objects to the marines going there, I suggest that he take the matter up with the chairman of the Committee on Foreign Relations.

Mr. NORRIS. The chairman of the Foreign Relations Committee is not the commander of the marines. Somebody has to pay the expenses of the marines, and I assume that in this bill provision is being made for payment of the expenses of the marines. What I am trying to have the Senator explain—and it is a fair question, I think—is how the President will be enabled to carry on the supervision of elections in foreign countries if the bill makes no provision for that purpose, and the Senator has said it does not.

Mr. HALE. It does not have to. The bill provides for the maintenance of the Marine Corps in a number of different respects, and that is all it provides.

Mr. NORRIS. That is begging the question. I am trying to find out how the President would get along in supervising elections in foreign countries if the bill now before us, which makes appropriations for the Marine Corps, does not make any such provision.

Mr. HALE. It does not make any specific provision and does not have to.

Mr. NORRIS. Oh, it does not have to?

Mr. HALE. I do not think so.

Mr. NORRIS. Is the expense of supervising elections in foreign countries carried in some other appropriation bill than this?

Mr. HALE. That I could not say.

Mr. NORRIS. The Senator, it seems to me, ought to know whether the money can be used for paying the expenses of carrying on or supervising elections.

Mr. HALE. I do not think it is used for the expense of carrying on elections. It is used for the expense of the marines while they are engaged in that work.

Mr. NORRIS. While they are carrying on an election?

Mr. HALE. Yes.

Mr. NORRIS. If the Senator can get any difference out of that, he is shrewder than I am. I can not see any difference. I would like to know, and I have a right to know, it seems to me, and the Senator is the person who ought to be able to give the information, just how the expense of carrying on elections or supervising elections in foreign countries is met and how the money is obtained to carry on those elections. The Senator has said that there is no appropriation in the pending bill for that purpose.

Mr. HALE. There is no specific wording referring to it.

Mr. NORRIS. The Senator says "specific wording."

Mr. HALE. There is no wording of that nature or anything referring to it.

Mr. NORRIS. If the bill becomes law, will the President be compelled to cease carrying on and paying the expenses of elections in foreign countries, or can he go on as he has in the past?

Mr. HALE. The increases which have been made are on certain items. For instance, the item for provisions has been increased $242,543 above last year. The item for clothing has been increased, as have also the items for military stores, transportation, and recruiting, and repairs of barracks.

Mr. NORRIS. Let me ask the Senator a further question. If the bill has no provision in it for the carrying on or supervising of elections in foreign countries, I suppose the Senator would have no objection to an amendment which would make that specific and provide that none of the money here appropriated should be used for the carrying on of elections or paying the expenses of the marines for carrying on or supervising elections in foreign countries?

Mr. HALE. I do not think that would be advisable at all. The marines are not supervising elections in Nicaragua because they want to do it.

Mr. NORRIS. If there is nothing in the bill which provides that now, why would the Senator object to making it specific and removing any doubt?

Mr. HALE. I do not think Congress would want to do it.

Mr. NORRIS. It does not make any difference what Congress wants. We are supervising elections in foreign countries, but Congress has not anything to do with it.

Mr. HALE. This is a question of what Congress wants.

Mr. DILL. The fact is that the money which is paid for the supervising of these elections is in the appropriation for the marines. That is the fact, is it not?

Mr. HALE. It is to take care of the subsistence of the marines in China or Nicaragua or anywhere else they may be.

Mr. DILL. That is where they expect to get the money which will be used for the marines in the supervision of these elections?

Mr. HALE. For their subsistence.

Mr. DILL. Why not answer the question?

Mr. WARREN. Oh, Mr. President, we understand all this.

Mr. DILL. I want to get it clear.

Mr. WARREN. This is an annual appropriation bill. The President has certain rights because he is Commander in Chief of the Army and Navy. I suggest that the Senator go to him if he wants to know these details.

Mr. DILL. Oh, no; I am going to the right place now. I am inquiring of those in charge of the bill, who should know.

Mr. WARREN. This is the annual supply bill for food, clothing, and incidental expenses for the Navy and Marine Corps.

Mr. DILL. And this is the place to stop the money from being spent, and not by going to the President.

Mr. WARREN. This is the place to fill the RECORD, so the Senator may go ahead.

Mr. DILL. This is the place to put our hand on the place the money comes from. The Senator's language does not answer that proposition.

Mr. WHEELER. Mr. President, the appropriation includes money which has been spent for ammunition that is used in carrying on this war down in Nicaragua, does it not?

Mr. HALE. I do not think there have been any increases for that purpose. I do not know of any increases for that purpose.

Mr. WHEELER. The Senator does not know whether there has been an increase for that purpose?

Mr. HALE. No.

Mr. WHEELER. What have been the actual increases in the appropriation for maintaining and shipping the marines to Nicaragua?

Mr. HALE. There has been a general increase for the Marine Corps of $1,104,636 over last year. That includes $671,916 for pay of the Marine Corps. That means that the pay has gone up largely because men have gone into different grades. That would not be accounted for by the Nicaragua expedition in any way. Then the pay of the civilian force is $1,720 increase over last year. However, under the Quartermaster Department there are provisions, $242,543; clothing, $39,800; military stores, $45,657; transportation and recruiting, $23,000. Repairs of barracks has been reduced.

Mr. NORRIS. They do not need barracks in Nicaragua. It is warm down there.

Mr. HALE. Contingent expenses, $85,000; Marine Corps Reserve, $40,000.

Mr. WHEELER. Can the Senator tell us just how much money has been expended by the Marine Corps or by the Government by reason of the fact that the marines have been kept and are being kept in Nicaragua?

Mr. HALE. Those figures will have to be worked out for the deficiency bill when it comes to us.

Mr. WHEELER. Those figures will have to be worked out in a deficiency appropriation bill?

Mr. HALE. Yes. These are appropriations for the next fiscal year. These are the appropriations which will be expended in the next fiscal year.

Mr. WHEELER. Has the Navy Department any figures at the present time?

Mr. HALE. They will have to be submitted for the next deficiency bill which comes before the Senate.

Mr. WHEELER. I am asking if they have not any figures now? Have they no figures as to how much it has cost up to the present time?

Mr. HALE. I do not know whether the department has, but we have not the figures here. They are not of any particular value, because until the deficiency bill comes to Congress and they find out how they stand at that time, it would not be of any particular value to know.

Mr. NORRIS. I should like to ask the Senator from Maine a question. Will there probably be any increase on account of supporting the marines in Nicaragua rather than in this country? I suppose there will, perhaps, be some saving. Can the Senator give us any idea as to that?

Mr. HALE. I presume it costs more to take care of marines in Nicaragua and in China than to take care of them in this country.

Mr. NORRIS. What I want to get at is, can the Government keep them there cheaper or save money by keeping them there?

Mr. HALE. I think it will cost more to keep them there than to keep them in this country.

Mr. NORRIS. Then there would be an increase in the appropriation.

Mr. HALE. I have said that there is an increase in the appropriation for the Marine Corps for next year.

Mr. WHEELER. Mr. President, what I am trying to find out is how much that increase will be. I think we ought to be able to have those figures now.

Mr. HALE. Does the Senator mean the absolute amount of increase which will be necessary?

Mr. WHEELER. Yes.

Mr. HALE. I have given the items.

Mr. WHEELER. Can the Senator tell me how much of an increase is carried in this bill for the marines on account of their activities in Haiti when they kept the Senator from Utah [Mr. KING] out of that country?

Mr. HALE. No; I can not tell that at all.

Mr. WHEELER. The Senator has not the figures as to that?

Mr. HALE. I can get the figures.

Mr. CARAWAY. Was there any extra charge for that?

Mr. WHEELER. I am assuming that there was an extra expense. I am trying to find out from the Senator from Maine whether or not there was. Can the Senator tell us what the extra expense has been in keeping the marines in China?

Mr. HALE. No; I have not the figures. I think that item will go in the deficiency bill for this year. That bill has not as yet been prepared.

Mr. WHEELER. I understand an amendment is to be offered to the pending bill providing that the funds shall not be used for the purpose of keeping marines in Nicaragua, or at least that no more money shall be used to send marines into the various countries until the President of the United States shall at least get the approval of the Congress of the United States.

Mr. HALE. That may be so. I do not know whether such an amendment is to be offered or not. The Senator may know.

Mr. WHEELER. Let me ask this question: Is it the purpose of the Senator to have this bill passed this afternoon?

Mr. HALE. I have already told the Senate, Mr. President, that the bill would not be finally acted on this afternoon.

Mr. WHEELER. I was not in the Chamber when the statement was made, and, therefore, I did not hear it.

Mr. HALE. I beg the Senator's pardon.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. BLEASE. I thought the Senator from Maine had finished.

Mr. HALE. No.

Mr. President, the increases that have been recommended by the Senate committee cover a very small number of subjects. In 1925, after a protracted fight in Congress, it was decided to appropriate for 86,000 men in the Navy. Since that time that number has been gradually reduced until now we have only 83,250 men. In 1925, with 2,750 more men in the Navy than we have during the current year, we were barely able to get along and keep the ships up to their proper complements. Since then aviation has developed to a very great extent, and the calls for men for that service are now between 4,000 and 5,000 more than in 1925. So, with 2,750 fewer men, and 5,000 men being used for other purposes, it follows that the Navy has 7,250 fewer men for running the fleet and conducting the shore activities than it had in 1925. To take care of that situation the complements of the fighting ships of the Navy have had to be cut down, so that now our battleships are running along with about 92 per cent of their regular complements; and that is not enough efficiently to run those ships. The complements of other ships of the Navy have had to be cut down to even a larger extent, some of them running at least 15 per cent below the normal peace-time complements.

Your committee has had hearings on this matter and the House committee also had full hearings. We feel that by going back to the 86,000 men we had in 1925 we shall be able partially to bring up the complements of the fighting ships of the Navy to what they should be, and also to add a certain amount to the shore establishment, which is just as necessary as is the fleet establishment if we are going to maintain a United States fleet. We have accordingly increased the appropriation for pay of the men so as to take care of 86,000 men this year. That increase amounts to $2,735,025.

Another item that we have increased, Mr. President, is the pay of the field employees. There are about 6,000 field employees in the Navy who are not getting the wages or promotions that they feel they ought to get and to which your committee feels they are entitled. In 1862 the mechanics and laborers under the Navy Department were taken care of as to their pay by the appointment of wage boards in the various naval districts. Those wage boards made an examination in such districts of the wages of civilians doing similar work, and reported back to the wage board of review at Washington what rates of pay civilians doing similar work in the naval districts were receiving. On those figures, as civilian compensation, the board of review established rates of pay for the mechanics and laborers under the Naval Establishment.

The men who are now in the field service, the clerical, drafting, inspection, and messenger force, were not at that time under the law of 1862. They were paid regular salaries as determined by the Secretary of the Navy. In 1920 the depart-

ment ordered the wage boards in the various districts to report figures as to the clerical, messenger, inspection, and drafting forces as well; so that they were thereby taken under the law of 1862. In 1923 the classification law was enacted. It was the intention to take care of these men under that law, but for some reason it was not found possible to do so. The understanding was that a further report was to be made, and that thereafter they would be taken under the classification law. That report has never yet been made.

These men find themselves now in a curious position. The Comptroller General has ruled that, while they are not actually in the classified service under the classification act their pay may not exceed the pay that is provided for the classified service, which classified service in the case of the Navy applies only to men who are in the department. These men can not get the advantages of the law of 1862, and they can not come under the law as provided in the classification act until a report is made. So they are more or less at sea, and there is considerable dissatisfaction on account of the situation.

The House committee and the House itself saw fit to raise the pay of the classified employees in the department—those who are here in the District of Columbia—a sufficient sum to give a promotion to deserving employees, and we have done the same thing for the field employees. It is estimated that it will take care of about 2,275 of these 6,000 employees, and that in no case will it give them enough to raise the pay of the employees in a grade above the average pay of that grade. We have appropriated for this purpose $408,000, of which $141,000 is for increases in the forces in the service, and the balance for increased appropriations for those already in.

There are about 26 or 28 amendments to the bill which refer to this specific purpose.

Another item of considerable size which we have added is the item for reserve aviation. Naval Reserve aviation uses about 45 planes during the course of the year. They now have on hand 23 planes that are in good condition and can be used this year and 25 planes that have become practically obsolete or obsolescent.

They need new planes each year, and in the past they have had new planes. This year the Budget estimated for 22 additional planes for the reserves. The House, however, left out this matter, and no provision was made for it. The Senate has put it back. That is a matter of $635,000. I may state that that was estimated for by the Budget.

We have also added $222,000 in the Bureau of Yards and Docks; $157,000 of that is for replacement of a boiler at Annapolis. Two years ago one of the boilers used in the experimental station there blew up, and it never has been replaced. A large portion of the building is exposed to the weather on account of it, and the men who are doing the work there now have to work under unsatisfactory conditions. Your committee felt that it was necessary to take care of this matter. Also at Melville, R. I., we have provided $65,000 for the replacement of a boiler plant. The present boiler plant in use there is in very bad condition, and it is not safe to use it at the present time. Both of these items have been estimated for by the Bureau of the Budget.

That takes care of the larger items, I think, that we have.

We have also put back for the Marine Corps Reserve certain items that were cut out by the House, but in no case in these items have we gone above the Budget estimate.

For the Naval Reserve we have added the sum of $65,820, as estimated by the Budget, to take care of 30 reserve aviators for advanced training with the fleet. Last year, 50 of the reserve aviators took this training. This year, the House cut down the number to 20. We have brought it back to 50. It is through these reserve aviators that it is hoped partially to make up for the shortage that now exists in naval aviators and pilots, and your committee felt justified in putting back this amount.

Mr. EDGE. Mr. President, if I may at this time, I should like to offer two amendments to the pending bill for consideration when the amendments are in order, and to say just a word as to the amendments. They are for the purpose of permitting other bids to be received for the construction of the two dirigibles contemplated, as I understand, under the bill. The chairman of the committee has just informed me that one of these amendments has already been accepted, so I will offer the second amendment.

Mr. HALE. It has not been accepted, Mr. President. It was recommended by the committee, and I shall offer it on the floor.

Mr. EDGE. I prefer, of course, to have the chairman offer it. Then I will offer the second amendment, on page 34, line 20: After the word "airships," insert "if entered into with one contractor."

The purpose of that amendment is simply that if two airships are authorized, and two different firms have contracts awarded to them, each firm would be assured that the building of the airship would not be terminated or canceled after they had gone to great expense for building hangars and purchasing the necessary paraphernalia; in other words, they would be assured that the Government would go through with the contract. I think the amendment is a perfectly proper one.

The PRESIDING OFFICER. The amendments will be printed and lie on the table.

The Secretary will read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Naval Establishment, office of the Secretary, pay, miscellaneous," on page 2, line 6, after the words "attendance of," to strike out "one representative" and insert "two representatives"; in line 8, before the word "from," to strike out "a delegate" and insert "delegates"; in line 10, after the words "attendance of," to strike out "two representatives" and insert "one representative"; and in line 12, after the words "designated as," to strike out "delegates" and insert "a delegate," so as to read:

For commissions and interest; transportation of funds; exchange; for traveling expenses of civilian employees; for the expenses of the attendance of two representatives of the Navy Department who may be designated as delegates from the United States to attend the meetings of the International Research Council or of its branches; for the expenses for the attendance of one representative of the Navy Department who may be designated as a delegate of the United States to attend the International Hydrographic Conference.

The amendment was agreed to.

The next amendment was, on page 3, at the end of line 19, to increase the appropriation for pay, miscellaneous, office of the Secretary, from $1,510,000 to $1,531,523.20.

The amendment was agreed to.

The next amendment was, on page 4, at the end of line 2, to strike out "$495,000" and insert "$516,523.20," so as to read:

Provided further, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, inspection, and messenger service in navy yards and naval stations, for the fiscal year ending June 30, 1929, shall not exceed $516,523.20.

The amendment was agreed to.

The next amendment was, under the subhead "Temporary government for West Indian islands," on page 4, line 19, after the word "President," to strike out "$240,000" and insert "$280,000"; in line 21, after the word "of," to strike out "$35,500" and insert "$20,000"; on page 5, line 2, after the words "the sum of," to strike out "$240,000" and insert "$280,000"; and in line 3, after the word "the," to strike out "$240,000" and insert "$280,000," so as to make the paragraph read:

For expenses incident to the occupation of the Virgin Islands and to the execution of the provisions of the act providing a temporary government for the West Indian islands acquired by the United States from Denmark, and for other purposes, approved March 3, 1917, to be applied under the direction of the President, $280,000, and in addition thereto such an amount (not in excess of $20,000) as may be equivalent to (a) the total of the unobligated balances of the revenues collected and paid into the treasuries of such islands during the fiscal year 1928, and of the appropriation, "Temporary government for West Indian islands, 1928," plus (b) the sum by which the revenues collected and paid into the treasuries of such islands during the fiscal year 1929 exceed the sum of $280,000: *Provided*, That no part of the $280,000 shall be paid to anyone holding office in the Colonial Councils of the Virgin Islands or other public office under the government of said islands who owes allegiance to any country other than the United States of America.

The amendment was agreed to.

The next amendment was, under the subhead "Naval reserve laboratory," on page 6, at the end of line 5, to strike out "$200,000" and insert "$201,893.49," so as to read:

For laboratory and research work and other necessary work of the naval research laboratory for the benefit of the naval service, including operation and maintenance of a laboratory, additions to equipment necessary properly to carry on work in hand, maintenance of buildings and grounds, the temporary employment of such scientific civilian assistants as may become necessary, and subscriptions to technical periodicals, to be expended under the direction of the Secretary of the Navy, $201,893.49.

The amendment was agreed to.

The next amendment was, on page 6, line 11, after the word "exceed," to strike out "$85,000" and insert "$86,893.49," so as to read:

Provided, That $15,000 of this appropriation shall be available for the temporary employment of civilian scientists and technicists required on special problems: *Provided further*, That the sum to be paid out of this appropriation for technical, drafting, clerical, and messenger service shall not exceed $86,893.49 in addition to the amount authorized by the preceding proviso.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Navigation, recreation for enlisted men, Navy," on page 6, line 18, after the word "prescribe," to strike out "$400,000" and insert "$401,500"; and in line 21, to strike out "$35,000" and insert "$36,500," so as to make the paragraph read:

For the recreation, amusement, comfort, contentment, and health of the Navy, to be expended in the discretion of the Secretary of the Navy, under such regulations as he may prescribe, $401,500: *Provided*, That the amount paid from this appropriation for personal services of field employees, exclusive of temporary services, shall not exceed $36,500.

The amendment was agreed to.

The next amendment was, under the subhead "Instruments and supplies, Bureau of Navigation," on page 8, at the end of line 14, to strike out "$580,000" and insert "$580,300"; so as to make the paragraph read:

For supplies for seamen's quarters; and for the purchase of all other articles of equipage at home and abroad; and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; all pilotage and towage of ships of war; canal tolls, wharfage, dock and port charges, and other necessary incidental expenses of a similar nature; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments and repairs to same, and pay of chronometer caretakers; libraries for ships of war, professional books, schoolbooks, and papers; maintenance of gunnery and other training classes; compasses, compass fittings, including binnacles, tripods, and other appendages of ship's compasses; logs and other appliances for measuring the ship's way and leads and other appliances for sounding; photographs, photographic instruments and materials, printing outfit and materials; and for the necessary civilian electricians for gyrocompass testing and inspection; in all, $580,300.

The amendment was agreed to.

The next amendment was, under the subhead "Ocean and lake surveys, Bureau of Navigation," on page 8, at the end of line 19, to strike out "$80,000" and insert "$80,860," so as to read:

For hydrographic surveys, including the pay of the necessary hydrographic surveyors cartographic draftsmen, and recorders, and for the purchase of nautical books, charts, and sailing directions, $80,860.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Reserve," on page 10, line 5, after the word "duties," to strike out "$4,020,000" and insert "$4,085,820"; and in line 8, after the word "than," to strike out "$73,531" and insert "$76,431," so as to make the paragraph read:

For expenses of organizing, administering, and recruiting the Naval Reserve and Naval Militia; pay and allowances of officers and enrolled and enlisted men of the Naval Reserve when employed on authorized training duty; mileage for officers while traveling under orders to and from training duty; transportation of enrolled and enlisted men to and from training duty, and subsistence and transfers en route, or cash in lieu thereof; subsistence of enrolled and enlisted men during the actual period of training duty; subsistence of officers and enrolled and enlisted men of the Fleet Naval Reserve while performing authorized training or other duty without pay; pay, mileage, and allowances of officers of the Naval Reserve and pay, allowances, and subsistence of enrolled and enlisted men of the Naval Reserve when ordered to active duty in connection with the instruction, training, and drilling of the Naval Reserve; pay of officers and enrolled and enlisted men of the Fleet Naval Reserve for the performance of drills or other equivalent instruction or duty, or appropriate duties, and administrative duties, $4,085,820, of which amount not more than $180,000 shall be available for maintenance and rental of armories, including pay of necessary janitors, and for wharfage, not more than $76,431 shall be available for clerical and messenger services for Naval Reserve administration in naval stations and districts for the fiscal year ending June 30, 1929, not more than $609,555 shall be available, in addition to other appropriations, for aviation material, equipment, fuel, and rental of hangars, and not more than $790,000 shall be available in addition to other appropriations, for fuel and the transportation thereof, and for all other expenses in connection with the maintenance, operation, repair, and upkeep of vessels assigned for training the Naval Reserve.

The amendment was agreed to.

The next amendment was, under the subhead "Naval War College, Bureau of Navigation," on page 12, line 24, after the word "grounds," to strike out "$101,000" and insert "$103,775"; on page 13, line 4, after the words "in all," to strike out "$110,000" and insert "$112,775"; and at the end of line 8, to strike out "$68,118" and insert "$70,893," so as to make the paragraph read:

For maintenance of the Naval War College on Coasters Harbor Island, including care of grounds, $103,775; services of a professor of international law, $2,000; services of civilian lecturers, rendered at the War College, $2,000; care and preservation of the library, including the purchase, binding, and repair of books of reference and periodicals, $5,000; in all, $112,775: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, drafting, and messenger service for the fiscal year ending June 30, 1929, shall not exceed $70,893.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Home, Philadelphia, Pa.," on page 13, at the end of line 12, to increase the appropriation for pay of employees at rates of pay to be fixed by the Secretary of the Navy, from "$73,425" to "$75,165."

The amendment was agreed to.

The next amendment was, on page 14, line 4, to increase the total appropriation for the Naval Home, Philadelphia, Pa., from "$175,000" to "$176,740."

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Engineering, engineering," on page 15, at the end of line 11, to strike out "$19,400,000" and insert "$19,448,450"; and at the end of line 17, to strike out "$1,575,000" and insert "$1,623,450," so as to make the paragraph read:

For repairs, preservation, and renewal of machinery, auxiliary machinery, and boilers of naval vessels, yard craft, and ships' boats, distilling and refrigerating apparatus; repairs, preservation, and renewals of electric interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus; searchlights and fire-control equipments for antiaircraft defense at shore stations; maintenance and operation of coast signal service; equipage, supplies, and materials under the cognizance of the bureau required for the maintenance and operation of naval vessels, yard craft, and ships' boats; care, custody, and operation of the naval petroleum reserves; purchase, installation, repair, and preservation of machinery, tools, and appliances in navy yards and stations, pay of classified field force under the bureau; incidental expenses for naval vessels, navy yards, and stations, inspectors' offices, the engineering experiment station, such as photographing, technical books and periodicals, stationery, and instruments; services, instruments and apparatus, supplies, and technical books and periodicals necessary to carry on experimental and research work; payment of part time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed; in all, $19,448,450: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service in navy yards, naval stations, and offices of United States inspectors of machinery and naval material for the fiscal year ending June 30, 1929, shall not exceed $1,623,450.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Construction and Repair—Construction and repair, Bureau of Construction and Repair," on page 16, line 17, after the word "bureau," to insert "services, instruments and apparatus, supplies, and technical books and periodicals necessary to carry on experimental and research work;"; on page 17, line 17, after the word "vessels," to strike out "$17,200,000" and insert "$17,302,000"; and in line 24 to strike out "$1,800,000" and insert "$1,902,000," so as to read:

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy yards and on foreign station; purchase of machinery and tools for use in shops; carrying on work of experimental model tank and wind tunnel; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy yards, inspectors' offices, such as photographing, books, pro-

fessional magazines, plans, stationery, and instruments for drafting room, and for pay of classified field force under the bureau; services, instruments and apparatus, supplies, and technical books and periodicals necessary to carry on experimental and research work; for payment of part time or intermittent employment in the District of Columbia, or elsewhere, of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed; for hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; specifications for purchase thereof shall be so prepared as shall give fair and free competition; canvas for the manufacture of sails, awnings, hammocks, and other work; interior appliances and tools for manufacturing purposes in navy yards and naval stations; and for the purchase of all other articles of equipage at home and abroad; and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; naval signals and apparatus, other than electric, namely, signals, lights, lanterns, running lights, and lamps and their appendages for general use on board ship for illuminating purposes; and oil and candles used in connection therewith; bunting and other materials for making and repairing flags of all kinds; for all permanent galley fittings and equipage; rugs, carpets, curtains, and hangings on board naval vessels, $17,302,000, of which sum $200,000 shall be available immediately: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, watchmen (ship keepers), and messenger service in navy yards, naval stations, and offices of superintending naval constructors for the fiscal year ending June 30, 1929, shall not exceed $1,902,000.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Ordnance—Ordnance and ordnance stores, Bureau of Ordnance," on page 19, line 7, after the name "West Virginia," to strike out "$11,941,250" and insert "$11,965,250"; and in line 13, to strike out "$950,000" and insert "$974,000," so as to make the paragraph read:

For procuring, producing, preserving, and handling ordnance material, for the armament of ships; for fuel, material, and labor to be used in the general work under the cognizance of the Bureau of Ordnance; for furniture at naval ammunition depots, torpedo stations, naval ordnance plants, and proving grounds; for technical books; plant appliances as now defined by the "Navy classification of accounts"; for machinery and machine tools; for experimental work in connection with the development of ordnance material for the Navy; for maintenance of proving grounds, powder factory, torpedo stations, gun factory, ammunition depots, and naval ordnance plants, and for target practice; not to exceed $15,000 for minor improvements to buildings, grounds, and appurtenances of a character which can be performed by regular station labor; for payment of part time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicists as may be contracted for by the Secretary of the Navy in his discretion at a rate of pay not exceeding $20 per diem for any person so employed; for the maintenance, repair, and operation of horse-drawn and motor-propelled freight and passenger-carrying vehicles, to be used only for official purposes at naval ammunition depots, naval proving grounds, naval ordnance plants, and naval torpedo stations; for the pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots, and for care and operation of schools during the fiscal year 1929 at ordnance stations at Indianhead, Md., Dahlgren, Va., and South Charleston, W. Va., $11,965,250: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for chemists, clerical, drafting, inspection, watchmen, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots for the fiscal year ending June 30, 1929, shall not exceed $974,000.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Supplies and Accounts—Pay, subsistence, and transportation of naval personnel," on page 20, line 18, after the word "competitions," to strike out "$65,101,915" and insert "$66,871,072"; on page 21, line 1, after the name "Nurse Corps," to strike out "$1,889,160" and insert "$2,164,160"; and at the end of line 16 to strike out "$126,156,780" and insert "$128,200,937," so as to make the paragraph read:

Pay of naval personnel: For pay and allowances prescribed by law of officers on sea duty and other duty, and officers on waiting orders—pay, $28,748,197; rental allowance, $6,073,789; subsistence allowance, $3,631,327; in all, $38,453,313; officers on the retired list, $5,239,000; for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, and hire of quarters for officers and enlisted men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable, $3,000; pay of enlisted men on the retired list, $2,011,017; extra pay to men reenlisting after being honorably discharged, $1,596,175; interest on deposits by men, $1,800; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineers' force and men detailed for duty with the Fish Commission, enlisted men, men in trade schools, pay of enlisted men of the Hospital Corps, extra pay to men for diving and cash prizes for men for excellence in gunnery, target practice, and engineering competitions, $66,871,072; outfits for all enlisted men and apprentice seamen of the Navy on first enlistment at not to exceed $100 each, civilian clothing not to exceed $15 per man to men given discharges for bad conduct or undesirability or inaptitude, reimbursement in kind of clothing to persons in the Navy for losses in cases of marine or aircraft disasters or in the operation of water or air-borne craft, and the authorized issue of clothing and equipment to the members of the Nurse Corps, $2,164,160; pay of enlisted men undergoing sentence of court-martial, $213,000, and as many machinists as the President may from time to time deem necessary to appoint; and apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law, $1,530,000; pay and allowances of the Nurse Corps, including assistant superintendents, directors, and assistant directors—pay $675,220, rental allowance $24,000, subsistence allowance $20,805, pay retired list $10,803; in all, $730,828; rent of quarters for members of the Nurse Corps; pay and allowances of Fleet Naval Reservists of the classes defined in sections 22, 23, 24, and 26 of the act of February 28, 1925, $9,232,572; reimbursement for losses of property under act of October 6, 1917, $5,000; payment of six months' death gratuity, $150,000; in all, $128,200,937.

The amendment was agreed to.

The next amendment was, on page 22, line 11, after the words "in all," to strike out "$18,699,937" and insert "$19,232,680," so as to make the paragraph read:

Subsistence of naval personnel: For provisions and commuted rations for enlisted men of the Navy, which commuted rations may be paid to caterers of messes in case of death or desertion, upon orders of the commanding officers, at 50 cents per diem, and midshipmen at 80 cents per diem, and commuted rations stopped on account of sick in hospital and credited at the rate of 75 cents per ration to the naval hospital fund; subsistence of men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); quarters and subsistence of men on detached duty; subsistence of members of the Naval Reserve during period of active service; subsistence in kind at hospitals and on board ship in lieu of subsistence allowance of female nurses and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement; in all, $19,232,680.

The amendment was agreed to.

The next amendment was, on page 23, line 16, after the words "in all," to strike out "$4,357,035" and insert "$4,515,160," so as to make the paragraph read:

Transportation and recruiting of naval personnel: For mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers of the Navy while traveling under orders; for mileage, at 5 cents per mile, to midshipmen entering the Naval Academy while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen, and not more than $2,500 shall be available for transportation of midshipmen, including reimbursement of traveling expenses while traveling under orders after appointment as midshipmen; for actual traveling expenses of female nurses; for travel allowance or for transportation and subsistence as authorized by law of enlisted men upon discharge; transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen and insane supernumerary patients to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation; expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties; transportation of dependents of officers and enlisted men; in all, $4,515,160.

The amendment was agreed to.

The next amendment was, on page 23, line 18, after the word "personnel," to change the total appropriation for pay, subsistence, and transportation of naval personnel from "$149,213,752" to "$151,948,777."

The amendment was agreed to.

The next amendment was, under the subhead "Maintenance, Bureau of Supplies and Accounts," on page 25, line 1, after the name "Naval Establishment," to strike out "$9,647,000" and insert "$9,777,000"; and in line 7, after the word "exceed," to strike out "$2,975,000" and insert "$3,067,000," so as to read:

For equipage, supplies, and services under the cognizance of the Bureau of Supplies and Accounts, including stationery for commanding, executive, and navigating officers of ships, boards and courts on ships, and chaplains; services of civilian employees under the cognizance of the Bureau of Supplies and Accounts; freight, express, and parcel-post charges pertaining to the Navy Department and Naval Establishment, $9,777,000: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for chemists and for clerical, inspection, and messenger service in the supply and accounting departments of the navy yards, naval stations, and disbursing offices for the fiscal year ending June 30, 1929, shall not exceed $3,067,000: *Provided further*, That hereafter the cost of transporting material purchased free on board cars or on wharf or free alongside vessels at points specified in contracts to the activities to which initial delivery is to be made shall be charged to the naval supply account fund, and after June 30, 1929, the cost of such transportation shall be added to the cost of material.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Medicine and Surgery, medical department," on page 28, line 2, after the words "in all," to strike out "$2,030,000" and insert "$2,054,250," so as to read:

For surgeon's necessaries for vessels in commission, navy yards, naval stations, and Marine Corps; and for the civil establishment at the several naval hospitals, navy yards, naval medical supply depots, Naval Medical School and dispensary, Washington, and Naval Academy; for tolls and ferriages; purchase of books and stationery; hygienic and sanitary investigation and illustration; sanitary, hygienic, administrative, and special instruction, including the issuing of naval medical bulletins and supplements; purchase and repairs of nonpassenger-carrying wagons, automobile ambulances, and harness; purchase of and feed for horses and cows; maintenance, repair, and operation of three passenger-carrying motor vehicles for naval dispensary, Washington, D. C., and of one motor-propelled vehicle for official use only for the medical officer on out-patient medical service at the Naval Academy; trees, plants, care of grounds, garden tools, and seeds; incidental articles for the Naval Medical School and naval dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks; washing for medical department at Naval Medical School and naval dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks, dispensaries at navy yards and naval stations, and ships; and for minor repairs on buildings and grounds of the United States Naval Medical School and naval medical supply depots; rent of rooms for naval dispensary, Washington, D. C., not to exceed $1,200; for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast, including supernumeraries held for transfer to the Government Hospital for the Insane; for dental outfits and dental material; and all other necessary contingent expenses; in all, $2,054,250.

The amendment was agreed to.

The next amendment was, under the subhead "Care of the dead," on page 28, at the end of line 25, to increase the appropriation for the care of the dead, etc., from "$60,000" to "$75,000."

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Yards and Docks—Maintenance, Bureau of Yards and Docks," on page 29, line 14, after the word "exceed," to strike out "$1,000,000" and insert "$1,035,000," so as to read:

For the labor, materials, and supplies necessary, as determined by the Secretary of the Navy, for the general maintenance of the activities and properties now or hereafter under the cognizance of the Bureau of Yards and Docks, including the purchase, exchange (including parts), maintenance, repair, and operation of passenger-carrying vehicles for the Navy Department (not to exceed nine in number) and the Naval Establishment not otherwise provided for, and including not to exceed $1,035,000 for clerical, inspection, drafting, messenger, and other classified work in the field, $7,500,000.

The amendment was agreed to.

The next amendment was, on page 29, line 22, after the name "Secretary of the Navy," to insert "shall sell, or exchange"; and in line 23, after the word "more," to strike out "shall sell or exchange," so as to read:

Provided, That during the fiscal year 1929 the motor-propelled passenger-carrying vehicles to be purchased hereunder shall not exceed the following respective numbers and costs: Six at $2,000 each, 6 at $1,500 each, 17 at $650 each, and 12 at $450 each: *Provided further*, That the Secretary of the Navy shall sell, or exchange in part payment for such new vehicles to cost $1,200 or more, the following respective numbers of motor-propelled passenger-carrying vehicles in use and of makes which now cost in excess of the following respective prices per vehicle to replace: Ten at $2,000 each and 2 at $1,200 each.

The amendment was agreed to.

The next amendment was, under the heading "Public works, Bureau of Yards and Docks," on page 31, after line 6, to insert:

Engineering experiment station, Annapolis, Md.: Replacement of boiler house, boiler, and auxiliaries, $157,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 6, to insert:

Naval fuel depot, Melville, R. I.: Replacement of boiler plant, $65,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 14, to insert:

Naval air station, Pensacola, Fla.: Of the appropriation of $800,000 for repairs due to hurricane damage, naval air station, Pensacola, Fla., contained in the first deficiency act, fiscal year 1927, an amount not exceeding $165,000 shall be available immediately and remain available until June 30, 1929, for the erection of a concrete bridge at such naval air station.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Aeronautics, Aviation, Navy," on page 34, line 14, after the word "equipment," to strike out "$9,675,000" and insert "$9,740,000," so as to read:

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1928, $1,250,000; for maintenance, repair, and operation of aircraft factory, air stations, fleet, and all other aviation activities, testing laboratories, for overhauling of planes, and for the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, $9,740,000, including $400,000 for the equipment of vessels with catapults and including not to exceed $300,000 for the procurement of helium of which such amounts as may be required may be transferred in advance to the Bureau of Mines; for continuing experiments and development work on all types of aircraft, including the payment of part time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed, $2,000,000.

The amendment was agreed to.

The next amendment was, on page 34, line 25, after the word "service," to strike out "$725,000" and insert "$782,200," so as to read:

for drafting, clerical, inspection, and messenger service, $782,200.

The amendment was agreed to.

The next amendment was, on page 35, line 2, after the word "equipment," to strike out "$15,865,000" and insert "$16,500,000, including not to exceed $635,000 for the naval reserve," so as to read:

for new construction and procurement of aircraft and equipment, $16,500,000, including not to exceed $635,000 for the Naval Reserve, of which amount not to exceed $9,480,000 shall be available for the payment of obligations incurred under the contract authorization for these purposes carried in the Navy appropriation act for the fiscal year 1928, approved March 2, 1927; toward the construction of the rigid airships authorized in public act No. 422, Sixty-ninth Congress, approved June 24, 1926 (total limit of cost $8,000,000), $1,800,000, and the sum of $200,000 of the appropriation, "Aviation, Navy, 1928," toward the construction of one of such airships is hereby made available until June 30, 1929, toward the construction of two such rigid airships.

The amendment was agreed to.

The next amendment was, on page 36, line 1, after the words "in all," to change the total appropriation for "Aviation, Navy," from $31,315,000 to $32,072,200.

The amendment was agreed to.

The next amendment was, under the heading "Marine Corps, pay, Marine Corps," on page 40, line 8, after the word "men," to strike out "$150,000" and insert "$243,684"; and in line 10, after the word "men," to strike out "$65,000; in all, $458,532" and insert "$87,500; in all, $574,716," so as to make the paragraph read:

For pay and allowances of the Marine Corps Reserve, (a) excluding transferred and assigned men, $243,684; (b) transferred men, $243,532; (c) assigned men, $87,500; in all, $574,716.

The amendment was agreed to.

The next amendment was, on page 40, line 14, after the words "In all," to change the total appropriation for pay of the Marine Corps from $15,633,816 to $15,750,000.

The amendment was agreed to.

The next amendment was, under the heading "Printing and binding," on page 50, line 24, before the word "including," to strike out "$510,000" and insert "$520,000," so as to read:

For printing and binding for the Navy Department and the Naval Establishment executed at the Government Printing Office, $520,000, including not exceeding $85,000 for the Hydrographic Office and $2,800 for the Naval Reserve Officers' Training Corps.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. Mr. President, I offer the following amendment, to be inserted on page 35, line 10: "Irrespective of the date fixed in said act for the beginning of the construction of one of such airships."

The PRESIDING OFFICER. The Secretary will state the amendment.

The CHIEF CLERK. On page 35, line 10, after the numerals "$8,000,000," it is proposed to insert:

irrespective of the date fixed in said act for the beginning of the construction of one of such airships.

The amendment was agreed to.

Mr. EDGE. Mr. President, can I not induce the chairman of the committee to accept the second amendment I have offered, simply to go to conference? I ask to have the amendment stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 35, line 15, after the word "airships," it is proposed to insert:

if entered into with one contractor.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Jersey.

Mr. HALE. Mr. President, I shall be very glad to hear the Senator upon this amendment. It was considered by the committee, I will say, but the committee did not favor it. Personally, I can see no particular objection to it.

Mr. EDGE. Mr. President, as I understand the situation—I am not a member of the Naval Affairs Committee—the bill authorizes the construction of two dirigibles, and it is assumed that two will be constructed. As has always been the custom, bids will be asked from concerns that are so equipped that they can build dirigibles. The New York Shipbuilding Co., located in New Jersey, now known as the American Brown-Boveri Co., are very anxious to put in a bid to build one or both of these dirigibles.

Under the terms of the bill, should the Navy Department award contracts for the two dirigibles to two different concerns, reserving the right, as they do, after awarding the contract, to cancel it as to one of the dirigibles, it is perfectly obvious that if any concern should get a contract, and it became necessary at once to build a hangar—which, I understand, costs approximately a million dollars—and then the Government should suddenly decide that they would wait and see what happened to the first dirigible, whether it was practical or whatever the reasons might be, and thus suspend operations on the construction of the second dirigible, the concern that had made the contract would simply be in the position of having expended a million dollars or thereabouts, and perhaps not have any completed order at all.

So that if we are going to follow the custom of getting bids from all those concerns equipped to construct these airships, it does seem to me that we should not make it absolutely essential that they give a contract for two airships to one concern. If this amendment is not adopted, as I understand, if the contract is given out, the two must be given to one concern, as another concern, I repeat, would not go to this expense unless they were sure the contract would be carried to its conclusion. We build battleships. We certainly have never followed the plan of giving the order for all battleships to one concern simply because we can get a number of battleships constructed more cheaply that way. No doubt we could. No doubt if one concern built all the battleships, the Government could save a very large sum just the same as if one concern built these two dirigibles. But that is not the policy of the Government. The policy of the Government is to encourage various plants to construct all these various innovations, and naturally a plant must have some assurance. In my judgment, this is a perfectly proper amendment, unless we want to say in advance that we propose to give this contract to one concern, and might save a few thousand dollars by so doing, and do not want to have any competition.

Mr. COPELAND. Mr. President, I am much impressed by the argument put forth by the Senator from New Jersey. I felt in the committee that this should be done, and I hope that the amendment will be adopted, and that we will enter upon the course suggested by the Senator from New Jersey.

Mr. JONES. I would like to know what the amendment is.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 35, line 15, after the word "airships," insert "if entered into with one contractor."

Mr. EDGE. The amendment in effect means that the Government reserves the right to cancel the order for the construction of one dirigible, providing the contract for both dirigibles is given to one concern. Should they be given to different concerns, which I have already discussed, and the opportunity to do which, it seems to me, should at least be offered, then we do not want the concern, whatever concern it may be, to be placed in a position where the Government could cancel the order after they have gone to a million-dollar expense preparing for the construction. That is the entire intent and effect of the amendment.

Mr. BINGHAM. Mr. President, Senators will realize that I am very much interested in the construction of dirigibles. I believe fully in the use of rigid dirigibles, especially for the Navy, though I do not believe in them for the Army. I believe over water they have a great advantage over any other form of aerial transportation that we have, though not so fast as airplanes. Over land they are not so advantageous.

Senators will remember that a few weeks ago I addressed the Senate on this subject and pointed out that in the last appropriation bill we had limited the number of airships that could be built to only one, that therefore we had not been able to make a contract at all, because no one was willing to contract to build an airship of the type desired by the Navy, and of the design accepted by the Navy, for the $4,000,000 limitation which had been placed upon it; but that it would be possible to get two built under the limit of $8,000,000, due to the fact that the hangar, which, as the Senator from New Jersey has said, will probably cost a million or a million a half, could be used for the construction of both ships.

Mr. Wilder, representing the Brown-Boveri Co., appeared before the committee at a hearing and asked for the insertion of the amendment which the Senator from New Jersey has offered. Upon being questioned, he stated that the reason for the amendment was in order that two ships might be constructed at the same time.

The House, in preparing this bill, has written into it some new legislation, which changes the five-year program as previously adopted by the Congress. That new legislation is found on page 35, line 14, beginning with the proviso, the word "*Provided*," and running to the end of the page. It provides that the Government has—

the right of cancellation of the construction of the second airship if changed circumstances, in the judgment of the Secretary of the Navy, shall suggest that course as being to the best interests of the Government, such right of cancellation to continue until the first airship shall have been tested in flight and accepted.

I appreciate the force of what the Senator from New Jersey has said with regard to the battleship building, the fact that it is always cheaper to get several built than one; but battleships and other ships on the ocean come under an entirely different heading, because they have been built for so many years that there is a certain standard accepted and known to be the best, which does not apply particularly in this country to the building of airships, because our experience in building airships has been extremely limited.

We have built a few airships, a very few. Most of them are merely "blimps," carrying two or three passengers. We have built one or two semirigids which will carry half a dozen passengers. We have built only one rigid dirigible, the *Shenandoah*, which was built for the Navy, and which met disaster in a tornado on a trip to the West some years ago.

There are a great many people who have felt that the disaster to the *Shenandoah* showed that we should not build rigid dirigibles at all; but we have finally persuaded the President to approve the suggestion, and the Budget has approved the idea, of making possible the securing of a contract for the building of two dirigibles, the total limit of cost to be $8,000,000, as provided for in the bill.

The committee felt that we did not want to proceed with the construction of two until we were certain about one. The Brown-Boveri Co. desires to have the bill amended in such form that there may be contracts for two, to proceed simultaneously, they maintaining that it would be to our advantage to have two

different types constructed at the same time, one or both of which might be successful.

The company that knows most about the building of airships in this country has come to the conclusion, having had their design accepted by the Navy, that it would be impossible to construct a dirigible of the type desired by the Navy for $4,000,000; that the more likely estimate of cost of one would be $5,500,000.

It is quite obvious, if their judgment in the matter is correct, that if this amendment is carried and Congress gives its approval to the construction of the two dirigibles at the same time, the limit of cost of each dirigible will be $4,000,000. Those who have had the most experience in building dirigibles say that it can not be done for that sum, although Mr. Wilder, of the Brown-Boveri Co., thinks that one can be built for $4,000,000, and says that his company is willing to contract to build it for that sum. But those who know the most about it believe it can not be done for that amount.

At any rate, under the bill as it comes over from the House, the Government is protected to this extent, that if a dirigible is constructed and is not successful, we do not have to have another. Under the amendment suggested by the Senator from New Jersey, if the contract is divided between two parties, we must have two built. The proviso put in by the House would not apply.

The committee went into the matter very fully, and it is my recollection that almost with unanimity, there being only one or two votes opposed, the committee felt that the proviso was best as it stood, and that the amendment suggested by Mr. Wilder, and now offered by the Senator from New Jersey, was not advisable.

I hope the amendment will not prevail.

Mr. FRAZIER. Mr. President, I want to ask the Senator if he knows what was the cost of the building of the *Shenandoah?*

Mr. BINGHAM. The Senator will have to ask the chairman of the Committee on Naval Affairs.

Mr. HALE. I think it was about $2,500,000.

Mr. BINGHAM. That was a very much smaller ship, and cost about $2,500,000. It was built at the naval aircraft factory.

Mr. FRAZIER. The proposed ships are to be very much larger?

Mr. BINGHAM. Very much larger.

Mr. ODDIE. Mr. President, I can understand the arguments presented by the Senator from New Jersey, but I feel that the arguments presented by the Senator from Connecticut are more to the point, and should prevail in this matter. The committee went over the matter in great detail, and decided that the amendment was not a wise procedure.

The Navy Department advertised for bids some little time ago for these two airships, and several concerns answered the invitation for bids and submitted estimates and designs. From all of those that were submitted three were considered worthy of notice, and one design was selected from the three as being far superior in many particulars.

The Navy Department selected that design, and the concern that was the successful bidder has been working for some time on this design; and I feel that they would not be getting a fair deal if this amendment should prevail.

The PRESIDING OFFICER (Mr. FESS in the chair). The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. EDGE].

The amendment was rejected.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole and open to amendment. If there be no further amendments to be proposed as in Committee of the Whole, the bill will be reported to the Senate.

Mr. HALE. Mr. President, I have agreed not to have a vote on the bill this afternoon. So I ask that the bill be laid aside, and I give notice that I shall bring it up to-morrow morning.

Mr. McKELLAR. Did the Senator say he had agreed to have it go over until to-morrow before a vote is taken?

Mr. HALE. A final vote. There are several Senators who desire to propose amendments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

Mr. JOHNSON. I submit an amendment to the pending naval appropriation bill, which I ask may be printed and lie upon the table. I shall bring it up early to-morrow morning when the appropriation bill is before the Senate.

Mr. JOHNSON'S amendment to House bill 12286, the naval appropriation bill, was ordered to lie on the table and to be printed, as follows:

On page 33, after line 6, to insert: "marine flying field and waterfront development, San Diego, Calif., $940,000."

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On April 10, 1928:

S. 1498. An act to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge; and

S. 2549. An act providing for payment to the German Government of $461.59 in behalf of the heirs or representatives of the German nationals John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Nehr, and Hans Dechantsreiter.

On April 11, 1928:

S. 2301. An act to create a commission to be known as the Commission for the Enlarging of the Capitol Grounds, and for other purposes;

S. 3118. An act to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss.; and

S. 3119. An act to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and between Madison and Rankin Counties, Miss.

On April 12, 1928:

S. J. Res. 95. Joint resolution authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant-introduction purposes.

THE CALENDAR

The PRESIDING OFFICER. The calendar, under Rule VIII, is in order.

Mr. CURTIS. I ask unanimous consent that we proceed to the consideration of unobjected bills on the calendar until 3 o'clock. I think perhaps it would be better to begin where we left off the other day, if there is no objection.

Mr. McKELLAR. Where did we leave off?

The PRESIDING OFFICER. With Order of Business 548.

Mr. CURTIS. If we start with that order of business and conclude the call of the calendar, we can go back to the beginning and go on with unobjected bills.

Mr. McKELLAR. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas? The Chair hears none, and the clerk will call the first bill on the calendar.

Mr. DILL. Mr. President, I think none of the absent Senators knew that the calendar was to be taken up, and I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	La Follette	Simmons
Barkley	Fess	McKellar	Smith
Bayard	Fletcher	McLean	Smoot
Bingham	Frazier	McMaster	Steck
Black	Glass	McNary	Stelwer
Blaine	Goff	Metcalf	Stephens
Blease	Gooding	Moses	Swanson
Borah	Gould	Norbeck	Thomas
Bratton	Hale	Norris	Tydings
Brookhart	Harris	Oddie	Tyson
Broussard	Harrison	Overman	Vandenberg
Capper	Hawes	Pine	Wagner
Caraway	Hayden	Pittman	Warren
Copeland	Heflin	Ransdell	Waterman
Couzens	Johnson	Sackett	Watson
Curtis	Jones	Schall	Wheeler
Cutting	Kendrick	Sheppard	
Deneen	Keyes	Shipstead	
Dill	King	Shortridge	

The PRESIDING OFFICER. Seventy-three Senators having answered to their names, there is a quorum present. The clerk will state the first bill on the calendar.

JOHN W. STOCKETT

The bill (S. 2319) for the relief of John W. Stockett was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to John W. Stockett, draftsman in the War Department, the sum of $142,500 in full compensation for royalty on the use by the United States Army of the Stockett breech mechanism upon guns, which device was duly covered by letters patent issued to the said John W. Stockett by the United States, to wit, Nos. 601176, 601177, 620259, 699256, and 705157.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LLOYD LAFOT

The bill (S. 362) to provide for the advancement on the retired list of the Navy of Lloyd Lafot was considered as in Committee of the Whole. The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 7, to strike out the words "and such pay and allowances shall be paid from and after such date" and insert in lieu thereof the words "but no back pay or allowances shall accrue to said officer by reason of the passage of this act," so as to make the bill read:

Be it enacted, etc., That Ensign Lloyd Lafot, United States Navy, retired, shall have the rank and receive the pay and allowances of a lieutenant (junior grade) on the retired list of the United States Navy. Such rank shall take effect on March 5, 1924, but no back pay or allowances shall accrue to said officer by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2532) to provide for the designation of clerks or employees of the Department of the Interior to serve as registers and receivers in the land offices in Alaska was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDING OFFICER. The bill will be passed over.

NINA MACDONALD AND OTHERS

The bill (S. 2336) for the relief of Nina MacDonald, Zenas V. Johnston, Margaret E. Thompson, Arthur L. Beaman, May Fee, Willis E. Young, Daniel E. Turbeville, Clarence C. Spears, and Ina Mae Elkins was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with amendments, on page 1, line 5, to strike out "$166.46" and insert in lieu thereof "$40.46"; on page 2, line 1, to strike out "$468.46" and insert in lieu thereof "$351.35"; in line 12, to strike out "$332.70" and insert in lieu thereof "$299.43"; to strike out lines 14 to 25, and on page 3, lines 1 to 3, in the following words: "Willis E. Young, late postmaster at Linnton, Oreg., in the sum of $541.51, due the United States by reason of expenditure of funds for extra clerical help not authorized by law; Daniel E. Turbeville, late postmaster at Turbeville, S. C., in the sum of $541.22, due the United States on account of loss of postal funds resulting from the failure of the Bank of Turbeville, S. C.; Clarence C. Spears, late postmaster at Giatto, W. Va., in the sum of $150,03, due the United States on account of loss of postal funds resulting from the failure of the First National Bank of Matoaka, W. Va.; Ina Mae Elkins, late postmaster at Polar, Tex., in the sum of $105.69, due the United States on account of the loss by burglary on the night of February 26, 1927, of postal funds in the above-stated sum," so as to make the bill read:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Nina MacDonald, late postmaster at Sunland, Calif., in the sum of $40.46, due the United States on account of loss of postal funds resulting from loss of registered parcel containing $166.46, which loss occurred February 14, 1925; Zenas V. Johnston, late postmaster at Atwater, Minn., in the sum of $351.35, due the United States on account of loss of postal funds resulting from the failure of First National Bank of Atwater, Minn.; Margaret E. Thompson, late postmaster at Grey Eagle, Minn., in the sum of $47.52, due the United States on account of the loss of postal funds resulting from the failure of the First National Bank of Grey Eagle, Minn.; Arthur L. Beaman, late postmaster at Snow Hill, N. C., in the sum of $268.50, due the United States on account of loss of postal funds resulting from the failure of the Snow Hill Banking & Trust Co.; May Fee, late postmaster at Charbonneau, N. Dak., in the sum of $299.43, due the United States on account of the loss of postal funds resulting from the failure of the First National Bank at Fairview, Mont.: *Provided*, That the said late postmasters who have suffered loss through said bank failures shall assign to the United States any and all claims they may have to dividends arising from the liquidation of said banks.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Nina MacDonald, Zenas V. Johnston, Margaret E. Thompson, Arthur L. Beaman, and May Fee."

HALF HOLIDAYS FOR CERTAIN GOVERNMENT EMPLOYEES

The bill (S. 3116) providing for half holidays for certain Government employees was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That on and after the effective date of this act four hours, exclusive of time for luncheon, shall constitute a day's work on Saturdays through the year, with pay or earnings for the day the same as on other days when full time is worked, for all laborers, helpers, skilled and semiskilled workmen, and mechanics, exclusive of employees of the Postal Service and the Government Printing Office, employed by the Federal Government, whether on the hourly, per diem, per annum, piecework, or other basis: *Provided*, That in all cases where for special public reasons, to be determined by the head of the department or establishment having supervision or control of such employees, the services of such employees can not be spared, such employees shall be entitled to an equal shortening of the workday on some other day: *Provided further*, That the provisions of this act shall not deprive employees of any leave or holidays with pay to which they may now be entitled under existing laws.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired was announced as next in order.

Mr. METCALF. Over.

The PRESIDING OFFICER. The bill will be passed over.

BILL INDEFINITELY POSTPONED

The bill (S. 140) for the relief of Alpha Newell was announced as next in order. The bill had been reported from the Committee on Military Affairs adversely.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

BILLS PASSED OVER

The bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, was announced as next in order.

Mr. COPELAND. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1263) to amend section 4 of the interstate commerce act was announced as next in order.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 173) expressing it as the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury, was announced as next in order.

Mr. BINGHAM. Over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 1748) relating to the qualifications of jurors in the Federal courts was announced as next in order.

Mr. JONES. I think some Senator who is not now here objected to the bill the other day. I shall ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

ACQUISITION OF CANADIAN PROPERTIES BY WAR DEPARTMENT

The bill (S. 1738) for the validation of the acquisition of Canadian properties by the War Department and for relief of certain disbursing officers for payments made thereon was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the action by the War Department for the acquisition, through trustees, of an interest in and title to certain tracts of land on which to erect additional manufacturing buildings and facilities to increase the production of shells under contracts entered into with certain Canadian contractors for the manufacture of shells and other munitions during the World War is hereby ratified and validated, and that the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of the following officers in the amounts stated which now stand as disallowances on the books of the General Accounting Office: Capt. J. Q. A. Brett, United States Army (now deceased), $207,223.66; Donald Findley, formerly captain, Ordnance Department, $14,510.39; Capt. Carl Halla, Finance Department (now major), $65,068.12; Maj. E. O. Hopkins, Quartermaster Corps (now major, Finance Department), $14,728.05; Weston Patterson, formerly first lieutenant, Finance Department, $13,960.16; in all, $315,490.38.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY ELLEN TIEFENTHALER

The bill (S. 2612) for the relief of Mary Ellen Tiefenthaler was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of Mary Ellen Tiefenthaler (formerly Eagin), administrator cum testamento annexo of Patrick Eagin, deceased, surviving partner of Connelly & Co., for the net proceeds of the cotton purchased or owned by them, taken by the United States officers, sold, and the net proceeds thereof placed in the United States Treasury, be, and the same is hereby, referred to the Court of Claims for determination of the law and the facts, under the act of Congress approved March 12, 1863 (12 Stat. L. 820), any statutes of limitations and section 179, Judicial Code, to the contrary notwithstanding, and report to Congress.

Mr. JONES. Mr. President, may we have a brief explanation of the bill?

Mr. BAYARD. Mr. President, the bill grows out of the taking and selling of certain cotton by northern troops in North Carolina during the Civil War and the turning of the funds received therefrom into the Treasury of the United States. The bill refers the claimants to the Court of Claims to adjudicate their rights.

Mr. JONES. Was the committee report unanimous?

Mr. BAYARD. It was.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3151) to limit the jurisdiction of district courts of the United States was announced as next in order.

Mr. NORRIS and Mr. BRATTON. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. COPELAND. Mr. President, I desire to ask a question about the bill which was just passed over.

The PRESIDING OFFICER. Is there objection to returning to Order of Business 634?

Mr. COPELAND. No, Mr. President; I do not want to return to it, but I want to ask the Senator from Nebraska what is his intention with regard to the bill and if it will be brought up for consideration at some time?

Mr. NORRIS. I beg the Senator's pardon; my attention was diverted for the moment and I did not hear his question.

Mr. COPELAND. Practically every member of the bar of New York City, judging from letters I have received, is opposed to the bill. I observe that there is a great deal of unanimity in objection to it. I want to know what is the intention of the Senator. Is he going to press the bill for passage at this time?

Mr. NORRIS. Yes. It is a very important bill. I would hardly expect to pass it under unanimous consent, but I expect to try at least to get it up by motion before the session ends and hope to have the Senate act on it.

Mr. COPELAND. Was there a hearing on the bill and were those heard who are in opposition to it?

Mr. NORRIS. No; it is a bill on which I think no particular hearings are necessary. It is entirely a legal proposition. If the Senator will read the report I think he will find it fairly discussed there.

Originally, when the first judicial act was passed it was provided that cases having in controversy an amount of $500 or more should come within the jurisdiction of the district court or what was the same as the district court, then called the circuit court, provided there should be diverse citizenship. That amount was afterwards changed to $2,000 and I think 10 or 12 years ago was changed to $3,000. There are other cases involved besides diversity of citizenship in the bill. The bill goes still further and removes the limitation as far as amount is concerned so that the Federal district court would not have jurisdiction in diversity of citizenship cases.

Mr. COPELAND. In view of the fact that there were no hearings and no one appeared before the committee in opposition to the bill, and in view of the fact that it develops that there are many members of the bar who are in opposition, may I ask the Senator why it would not be a good idea to have the bill recommitted to the committee in order that those objections might be raised?

Mr. NORRIS. Mr. President, I should not have had any objection to anybody being heard, but it is purely a question of practice that the lawyers on the Judiciary Committee understand as well as do other attorneys. In a general way the class of attorneys who will object to this proposed legislation will be attorneys for railroad companies, insurance companies, and other big corporations whose business takes them into several different States. At the present time I might in my town, together with a few of my neighbors, organize a corporation; we could incorporate in the State of Delaware; but in the State of Nebraska we would have our business, our property; all of the stockholders and everything else would be there. If we wanted to sue a man across the street we could go into a United States court or we could go into the State court, but anybody else doing business there, not incorporated in a foreign State, would have to go into the State court.

Mr. FLETCHER. And if such a corporation were sued in a State court it could move the case to the Federal court.

Mr. NORRIS. The suit could be removed to the Federal court on account of diversity of citizenship.

The only excuse and the only reason of which I know that has ever been given for the present practice is prejudice in one State against the citizens of another State, and the litigants go into a Federal court in order to avoid that prejudice. If such a condition existed 150 years ago, it has certainly disappeared now; there is not anything to it; it is entirely a fiction, as I look at it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BORAH. Mr. President, in view of the fact that this bill can not be disposed of to-day, and that it will take some time, as the Senator from Nebraska [Mr. NORRIS] has said, being a matter of considerable importance, why not let the bill go over to-day?

The PRESIDING OFFICER. The Chair will state to the Senator from Idaho that the bill has been passed over, and all of the debate which has been since proceeding is out of order.

Mr. BORAH. Very well.

RECOVERY OF ILLEGALLY COLLECTED DIRECT TAXES

The PRESIDING OFFICER. The Chair is informed that the clerk inadvertently omitted to announce Order of Business 616, being Senate Joint Resolution 28, the title of which will be stated.

The CHIEF CLERK. A joint resolution (S. J. Res. 28) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the years 1866, 1867, and 1868, and vesting the right in each State to sue in its own name.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. COPELAND. Mr. President, I should like to make a further observation in relation to the bill we have just been discussing.

The PRESIDING OFFICER. Does the Senator from New York object to the present consideration of the joint resolution the title of which has just been stated?

Mr. COPELAND. I reserve the right to object. I wish to make a suggestion to the Senator from Nebraska, but I will reserve my remarks for a few moments.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Whereas the United States, under various acts of Congress, levied a tax against all kinds of manufactured goods and raw material, and collected it from many citizens, partnerships, and corporations in various States during the fiscal years ending June 30, 1866, 1867, and 1868; and

Whereas it was then and has ever since been contended by many citizens that said taxes were levied in violation of the Federal Constitution because, as they alleged, they were direct taxes and were not apportioned among the States according to population as required by Article I, section 2, of the said Constitution; and

Whereas legislatures of many States have passed acts authorizing and directing their governors to propound to the United States their claims to all moneys heretofore illegally collected and covered into the Federal Treasury as a direct tax upon property situated in said States: Therefore be it

Resolved, etc., That the United States consents that suits to recover taxes hereafter mentioned may be brought against it and heard and determined in the Supreme Court of the United States by any and every State which has passed, or which within four years hereafter passes, an act authorizing and directing its governor or other representative to propound to the United States its claims for moneys alleged to have been heretofore illegally collected and covered into the Treasury of the United States as a direct tax during the fiscal years ending June 30, 1866, 1867, and 1868, upon property situated in each of said States, and providing for the repaying to the original taxpayers or their legal representatives, where payment and ownership has been properly established, and also providing for escheat to the State after a period of not less than two years from the time the moneys herein referred to shall have been received by the State;

That the right of action to recover in the Supreme Court of the United States moneys alleged to have been illegally collected and cov-

ered into the Federal Treasury as direct taxes during the years before mentioned is hereby vested in each State in which such direct taxes were paid, and which has passed or shall pass an act authorizing such suit to be brought as above provided;

That the United States shall contest such claims solely upon the ground of the legality of said tax, other defenses being hereby waived; and if the court shall decide that said taxes were illegally collected, the United States shall defend such suit or suits no further than for the purpose of determining the amounts of taxes collected in the respective States which may institute suit hereunder, provided no interest shall be allowed.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. NORRIS. Mr. President, may I inquire what disposition was made of Order of Business 621, being the bill (S. 1748) relating to the qualifications of jurors in the Federal courts? Was objection made to the consideration of the bill?

The PRESIDING OFFICER. The bill went over.

The clerk will report the next bill on the calendar.

MARGARET DIEDERICH

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3280) for the relief of Margaret Diederich, which was read. It proposes to pay to Margaret Diederich, widow of the late Henry W. Diederich, late Foreign Service officer of the United States, retired, and formerly American consul at Leipzig, Germany; Magdeburg, Germany; Bremen, Germany; consul general at Antwerp, Belgium; and consul at Sarnia, Ontario, Canada, $3,000, being one year's salary of her deceased husband.

Mr. COPELAND. Mr. President, reserving the right to object to the consideration of the bill, I desire to say that I am advised by the attorneys who have spoken to me that the Chief Justice of the Supreme Court feels that the bill is not a good bill in some respects. I am not competent, as the Senator from Nebraska [Mr. NORRIS] knows, to discuss this matter from the legal standpoint; but, since there is a difference of opinion among lawyers regarding it, I do believe that the bill should be recommitted in order that those interested may present at first hand what objections they have to it. I would not be competent, of course, to reflect their criticisms and to express their views here, but I do think the bill should go back to the committee, in order that persons who are competent to discuss it may be heard.

Mr. NORRIS. Mr. President, while there were no hearings held on the bill, there was no unseemly haste about its consideration. The bill was introduced, referred to the Committee on the Judiciary, and was there quite a while, as the Senator can ascertain by looking at the bill itself. It was quite a long while after it was introduced before the bill was taken up in the Committee on the Judiciary, and referred to a subcommittee. That subcommittee considered the bill, went over it, and unanimously recommended to the full committee that the bill be passed. The bill was taken up in the full committee; it was discussed; and there was only one vote against it in the full committee. If there was some question of fact or some doubt as to the object of the bill, or something of that kind, the situation would be different; but if the Judiciary Committee appointed a subcommittee and had hearings on all of the legal questions submitted to it, it never would be able to "get to first base" with any of its business.

Mr. SWANSON. Mr. President, I call for the regular order. The bill to which the Senator from Nebraska has been addressing his remarks has been passed over.

Mr. NORRIS. I am discussing another bill, and, until my five minutes are up, I am in order in doing so.

The PRESIDING OFFICER. The Senator from Nebraska is in order.

Mr. NORRIS. The Senator from Virginia does not seem to be able to discern that I am discussing another bill. I myself will not try to tell the Senator just what the bill I am discussing is, but it is another bill.

Mr. LA FOLLETTE. Mr. President, I will inform the Senator from Nebraska that it is my bill he is discussing.

Mr. NORRIS. That makes me feel all the better about it, Mr. President.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FLETCHER. Mr. President, may I inquire as a matter of information whether Calendar No. 634, being Senate bill 3151, was passed over or passed?

The PRESIDING OFFICER. The bill referred to by the Senator from Florida was passed over.

Mr. FLETCHER. Then, it has not been considered?

The PRESIDING OFFICER. It has not.

Mr. FLETCHER. Very well.

POTOMAC RIVER BRIDGE AT GREAT FALLS

The bill (H. R. 9830) authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls was announced as next in order.

Mr. COPELAND. Mr. President, reserving the right to object, let me say that I have not as yet had a promise from the Senator from Nebraska that he would permit the gentlemen who are in opposition to the bill which has been under discussion to be heard. Why not leave the bill on the calendar, as in a similar case the other day, and invite those in opposition before the committee in order that they may present their objections?

Mr. NORRIS. Mr. President, if the Senator will take a list of the committee—I do not have one here before me—and consider that each member serves on a number of subcommittees, he will find that each member of that committee, with the exception of some who have been sick and some who have asked to be relieved from service on account of other work, has as high as 15 or 16 bills submitted to him on account of his service on various subcommittees. If anyone who objects to the bill will write a brief or a letter or a statement either to the Senator from New York or to me or to the clerk of the committee, I will submit it to the committee, or the Senator can have it published in the RECORD. I do not want to shut anybody off from any proper discussion of the bill.

Mr. COPELAND. I thank the Senator, and I will undertake to get a brief which will be presented to the committee.

Mr. NORRIS. I will be very glad to have the Senator do so.

Mr. COPELAND. I am obliged to the Senator.

The PRESIDING OFFICER. Is there objection to the consideration of House bill 9830?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9830) authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls.

The PRESIDING OFFICER. The Chair is informed that on March 30, 1928, the Senator from Nebraska offered an amendment to the bill to strike out all after the enacting clause and insert a substitute.

Mr. SWANSON. Mr. President, I hope the Senator from Nebraska will not press the amendment. The bill now before the Senate provides for building a bridge across the Potomac River at Great Falls. It will not interfere with any development of Great Falls for any purpose whatever. The bill is in the usual form; everyone, so far as I know, favors it, and it affords the only chance which has been given for years to secure communication between Maryland and Virginia at that point.

The Senator is the author of an amendment which has in view the development of Great Falls as a water-power proposition. I have always voted with him in the Senate on that measure; I agree with him as to its desirability, and I have helped him on former occasions to get his bill through the Senate, but the House will not vote for it. He wishes to attach the amendment on this bill so that he may endeavor to secure support in the House for his proposal and to secure a vote on it. The bill now before the Senate is a minor bill. There is nobody interested except a portion of Maryland and a portion of Virginia; only four Senators are interested in it, and only about two Members of the House of Representatives.

I am satisfied that if the amendment of the Senator from Nebraska were adopted it would not advance his proposal at all, which, as I have said, I earnestly favor, but would immediately result in killing this bill. I hope the Senator from Nebraska will be kind enough to recognize that fact, and I appeal to him to withdraw his amendment and let this bill pass, for, as I understand, the Senator from Nebraska does not object to the bill.

Mr. NORRIS. Mr. President, I should like to inquire of the Senator from Kansas [Mr. CAPPER], the chairman of the Committee on the District of Columbia, whether there is any prospect of the bill for the development of Great Falls being reported either favorably or adversely? That bill is now pending before the District Committee. It is in the same terms practically as the amendment which I have offered to the pending bridge bill.

Mr. CAPPER. I think the prospect is rather doubtful, I will say to the Senator from Nebraska.

Mr. GLASS. Mr. President, as a member of the District Committee, I may say to the Senator from Nebraska that I will insist upon a report from the committee on the bill to which he has referred.

Mr. NORRIS. That is an assurance that I want to rely on, and I am going to rely on it, and because both Senators from Virginia are very anxious that this bridge bill shall be passed, and because they have convinced me that the effect of the amendment will be, perhaps, to kill the bill in the other House, I am going to heed the appeal.

Both Senators from Virginia are favorable to the development of Great Falls, and have always assisted in legislation having that object in view. We have passed such bills through the Senate three, and I am not sure but four, different times, and I want to accomplish its passage again and, if possible, its enactment. I do not wish, however, to interfere with the pending bridge bill, and with the assurance of the Senator from Virginia I am going to withdraw the amendment which I have offered.

Mr. SWANSON. In addition to what has already been said, I will say that I will move to discharge the committee from the consideration of the Great Falls bill to which the Senator from Nebraska has referred if the committee shall not report it.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEVELOPMENT OF AGRICULTURAL EXTENSION WORK

The bill (H. R. 9495) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture, was announced as next in order.

Mr. BAYARD. Mr. President, with regard to the bill the title of which has just been stated, I will say that several Senators, in addition to myself, would like to have an amendment placed on it which will require quite a little consideration. Inasmuch as it can not properly be considered under the five-minute rule, I will have to ask that the bill go over until such time as the Senator from Kansas, if he will do so, may have it brought before the Senate in such a way that we will have an opportunity for general discussion of the proposed amendment.

Mr. CAPPER. Mr. President, this bill corresponds with Senate bill 1285, which has been at the head of the calendar for nearly two months. Many Senators are inquiring of me why there has been no action on this bill for the completion of the agricultural extension program. I think the Senator from Delaware will agree with me that I have not been disposed to prevent full consideration of the issues raised by him.

I wish to say now that I will make an effort at the first possible opportunity to have the bill brought before the Senate in a way that will give the Senator from Delaware and others an opportunity to present their objections to certain features of the bill with a view to securing final action on this important measure at an early date.

Mr. BAYARD. I suggest to the Senator that he apply to the steering committee and see if an arrangement can not be made for the consideration of the bill. It ought not to take very long, but the time afforded under the five-minute rule will be wholly insufficient to discuss the merits of my proposed amendment.

Mr. SACKETT. Mr President, the matter has been taken up with the steering committee, but the situation with regard to the business of the Senate is so pressing that it is hoped, the opposition being limited to the Senator from Delaware and one or two others, by making the motion to consider the bill and giving the Senator a half an hour or so to express his opposition, it can be considered and passed, or at least some action be taken upon it without the necessity of putting it away down on the steering committee's list. It seems that it will be almost impossible to reach all the bills that are now on that list.

Mr. BAYARD. I am just as sorry as the Senator from Kentucky is about that; but I think this amendment is a very vital one.

Mr. SACKETT. It is.

Mr. BAYARD. And I think it should receive full discussion on the floor of the Senate.

Mr. SACKETT. To be sure; but does not the Senator think we could get it up on the floor and get through with it in a couple of hours?

Mr. BAYARD. I could get through in an hour.

Mr. SACKETT. That would be very satisfactory. I suggest that the Senator set an hour for its coming up. Under Rule VIII, the Senator can make a motion to take it up.

Mr. BAYARD. Upon notice, so that I can have my papers here, that will be very agreeable.

Mr. CURTIS. Mr. President, I desire to state to the Senator that it is my intention to ask for several adjournments next week, so that we may take up bills by motion during the morning hour.

Mr. CAPPER. In the light of that statement, I give notice that I shall take advantage of the first opportunity to move for consideration of the agricultural extension bill under Rule VIII.

The PRESIDING OFFICER. The bill will be passed over.

ADDITIONAL LAND OFFICES

The bill (S. 1794) establishing additional land offices in the States of Montana, Oregon, Idaho, and South Dakota was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments.

The amendments were, on page 3, after line 10, to insert:

That all that portion of the State of Nevada included within the former boundaries of the land district created by the act entitled "An act to create an additional land district in the State of Nevada," approved October 3, 1913, is hereby constituted a new land district, and that the land office for said district shall be located at Elko, in the county of Elko."

On the same page, line 18, to change the number of the section from 8 to 9; and, after line 24, to insert:

SEC. 10. That the Secretary of the Interior shall cause all plats, maps, records, and papers which relate to or form a necessary part of the records of the lands embraced in the land districts hereby constituted in the States of Montana, Oregon, South Dakota, Idaho, and Nevada to be transferred to the land offices in such land districts from the land offices in such States having jurisdiction over such plats, maps, records, and papers on the date of the approval of this act.

So as to make the bill read:

Be it enacted, etc., That all that portion of the State of Montana included within the present boundaries of Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lake, Lewis and Clark, Madison, Mineral, Missoula, Park, Powell, Ravalli, Sanders, and Silver Bow Counties is hereby constituted a new land district and that the land office for said district shall be located at Helena, in the county of Lewis and Clark.

SEC. 2. That all that portion of the State of Montana included within the present boundaries of Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, and Wibaux Counties is hereby constituted a new land district and that the land office for said district shall be located at Miles City in the county of Custer.

SEC. 3. That all that portion of the State of Montana included within the present boundaries of Fergus, Garfield, Judith Basin, Musselshell, Petroleum, and Wheatland Counties is hereby constituted a new land district and that the land office for said district shall be located at Lewistown, in the county of Fergus.

SEC. 4. That all that portion of the State of Montana included within the present boundaries of Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, and Valley Counties is hereby constituted a new land district and that the land office for said district shall be located at Glasgow, in the county of Valley.

SEC. 5. That all that portion of the State of Oregon included within the present boundaries of Union, Baker, Grant, Morrow, Umatilla, and Wallowa Counties is hereby constituted a new land district and that the land office for said district shall be located at La Grande, in the county of Union.

SEC. 6. That all that portion of the State of South Dakota included within the present boundaries of Harding, Butte, Lawrence, Meade, Pennington, Jackson, Custer, Washington, Washabaugh, Fall River, Shannon, and Bennett Counties is hereby constituted a new land district and that the land office for said district shall be located at Rapid City, in the county of Pennington.

SEC. 7. That all that portion of the State of Idaho included within the present boundaries of Blaine, Camas, Gooding, Jerome, Twin Falls, Cassia, Minidoka, and Lincoln Counties is hereby constituted a new land district and that the land office for said district shall be located at Hailey, in the county of Blaine.

SEC. 8. That all that portion of the State of Nevada included within the former boundaries of the land district created by the act entitled "An act to create an additional land district in the State of Nevada," approved October 3, 1913, is hereby constituted a new land district and that the land office for said district shall be located at Elko, in the county of Elko.

SEC. 9. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register for each of the additional land offices established under the provisions of this act, who

shall discharge the duties of said office and receive the same amount of compensation as other officers discharging like duties in the other land offices of the respective States.

SEC. 10. That the Secretary of the Interior shall cause all plats, maps, records, and papers which relate to or form a necessary part of the records of the lands embraced in the land districts hereby constituted in the States of Montana, Oregon, South Dakota, Idaho, and Nevada to be transferred to the land offices in such land districts from the land offices in such States having jurisdiction over such plats, maps, records, and papers on the date of the approval of this act.

The amendments were agreed to.

Mr. WATERMAN. Mr. President, I object to the consideration of this bill.

The PRESIDING OFFICER. The bill goes over, under objection.

BILLS PASSED OVER

The bill (S. 1486) for the relief of the owners of the schooner *Addison E. Bullard* was announced as next in order.

Mr. CURTIS. At the request of the Senator from Utah [Mr. SMOOT], I ask that that bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, was announced as next in order.

Mr. BLACK. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1727) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, approved July 3, 1926, was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes, was announced as next in order.

Mr. CURTIS. At the request of the Senator from Washington [Mr. JONES], I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

VALIDATION OF APPLICATIONS FOR AND ENTRIES OF PUBLIC LANDS

The bill (H. R. 11020) validating certain applications for and entries of public lands was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments.

The first amendment was, on page 4, after line 19, to insert:

Homestead entry, Santa Fe, N. Mex., No. 051006, made by Adie G. McAllister on April 14, 1922, under section 1 of the stock raising homestead act for all of section 12, township 2 north, range 17 east, New Mexico principal meridian.

The amendment was agreed to.

The next amendment was, on page 8, after line 11, to insert:

SEC. 11. That desert-land entry, Sacramento, Calif., No. 020160, made by Daniel M. Nicoll on July 21, 1919, and assigned to Thomas D. Devine, of Long Pine, Calif., on September 20, 1922, embracing lots 11 and 12, southwest quarter of northeast quarter and southeast quarter of northwest quarter, section 4, township 16 south, range 35 east, Mount Diablo meridian, containing an area of 136.09 acres, be, and the same is hereby, validated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CABAZON WATER CO.

The bill (H. R. 5687) authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 10885) to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437), was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3308) to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of John L. Alcock was announced as next in order.

Mr. KING. Unless we can have some explanation of that bill, I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 126) for the relief of May Gordon Rodes and Sara Louise Rodes, heirs at law of Tyree Rodes, deceased, was announced as next in order.

Mr. KING. Let us have some explanation of that bill, Mr. President, or else let it go over.

The PRESIDING OFFICER. The bill will be passed over.

FARMERS' MARKET IN THE DISTRICT

The bill (S. 3774) to provide a temporary location for a farmers' market in the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 1, line 9, after the word "authorized," to strike out "an appropriation of" and insert "to be appropriated"; and in line 11, after the word "space," to insert "construction of temporary roadway, provision of necessary facilities, and other expenses necessary in the judgment of the commissioners," so as to make the bill read:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to use the sidewalk and parking south of the south curb line of B Street NW., between Sixth and Ninth Streets, for use as a temporary market to replace the farmers' market now located in the territory bounded by Tenth, Twelfth, B, and Little B Streets NW., and there is hereby authorized to be appropriated not to exceed $35,000 for the erection of temporary shelters over said space, construction of temporary roadway, provision of necessary facilities, and other expenses necessary in the judgment of the commissioners, payable as other expenses of the government of the District of Columbia.

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized to establish a scale of rentals to be paid for said space by farmers using said space under such regulations as said commissioners may deem advisable.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN ARKANSAS

The bill (S. 3338) authorizing the sale of certain lands on Petit Jean Mountain near Morrilton, Ark., for use by the Young Men's Christian Association of Arkansas was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 1, line 6, after the word "the," to insert "State executive committee of the"; in line 8, after the word "camp," to strike out "Approximately the south half of the north half of" and insert "The south half of the northeast quarter, southeast quarter of the northwest quarter and lot 4"; and on page 2, line 1, after the word "Arkansas," to insert "containing 168.97 acres," so as to make the bill read:

Be it enacted, etc., That upon payment therefor at the rate of $1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent for the following-described lands to the State executive committee of the Young Men's Christian Association of Arkansas for use by the said association for a camp. The south half of the northeast quarter, southeast quarter of the northwest quarter and lot 4, section 31, in township 6 north, range 17 west, county of Conway, State of Arkansas, containing 168.97 acres: *Provided*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior shall prescribe.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 3602) to quiet title and possession with respect to certain lands in Faulkner County, Ark., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 6, after the word "west," to strike out "as surveyed by J. H. Hall, county surveyor, Faulkner County, Ark., on November 7, 1927," and insert "fifth principal meridian, Arkansas, according to the official plat thereof dated April, 1819," so as to make the bill read:

Be it enacted, etc., That all right, title, and interest of the United States in and to the lands situated in Faulkner County, Ark., described

as follows: The south half southwest quarter section 36, township 7 north, range 13 west, fifth principal meridian, Arkansas, according to the official plat thereof dated April, 1819, be, and the same are hereby, granted, released, and relinquished by the United States in fee simple to the respective owner or owners of the equitable title and to their heirs and assigns forever, as freely and completely, in every respect whatever, as could be done by patents issued therefor according to law.

SEC. 2. Nothing in this act shall in any manner abridge, divest, impair, injure, or prejudice any valid right, title, or interest of any person or persons in or to any portion or part of the lands mentioned in the said first section, the true intent of this act being to relinquish and abandon, grant, give, and concede any and all right, interest, and estate, in law or equity, which the United States is or is supposed to be entitled to in said lands, in favor of all persons, estates, firms, or corporations who would be the true and lawful owners of the same under the laws of the State of Arkansas, including the laws of prescription, in the absence of the said interest and estate of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

C. S. WINANS

The bill (H. R. 8650) for the relief of C. S. Winans was considered as in Committee of the Whole.

Mr. McKELLAR. Mr. President, I desire to call the especial attention of the Senator from Delaware [Mr. BAYARD] and the Senator from Colorado [Mr. WATERMAN] to the wording of this bill. I have no objection to it. It reads:

That the General Accounting Office be, and is hereby, authorized and directed to credit the account of C. S. Winans, United States consul at Prague, Czechoslovakia, in the sum of $10,000, due to the United States on account of consular fees, which represented funds in said amount regularly mailed to the State Department by said Winans in November, 1920, and stolen while in the course of transmission through official pouch.

I merely desire to call the attention of the two Senators named to this bill because it is another case where money sent through the mails—through the official pouch now—is being restored; and I think it ought to be restored, I will say to the Senators.

Mr. BAYARD. This was really the Government's money, was it not—the money of an official of the Government? He was chargeable with it?

Mr. McKELLAR. Yes; but the man was liable for it.

Mr. BAYARD. It is a totally different case from the case the Senator had down in his own State.

Mr. McKELLAR. No; it is an entirely similar case.

Mr. BAYARD. I am sorry that I can not see eye to eye with the Senator.

Mr. McKELLAR. It is an entirely similar case, in that the officer was responsible for the money, his bondsmen were responsible for it and should have paid it to the Government and no doubt did pay it to the Government, and now it is being restored because it was stolen from the mails. That is the principle that I asked to have applied in the other case.

Mr. BAYARD. Of course, the Senator recognizes the fact that this report was not made by the Claims Committee but by the Foreign Relations Committee.

Mr. McKELLAR. That is true; but I hoped that it might be persuasive with the Senators who have taken such an active hand in opposing another claim involving an exactly similar principle.

Mr. FLETCHER. This bill does not propose to pay this man the money, as I understand. It simply relieves him of the liability.

Mr. McKELLAR. It relieves him of the liability, which is exactly the same thing.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD S. LATHROP

The bill (H. R. 6360) for the relief of Edward S. Lathrop was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WIDOWS OF CERTAIN FOREIGN SERVICE OFFICERS

The bill (H. R. 10932) for the relief of the widows of certain Foreign Service officers was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAURICE P. DUNLAP

The bill (H. R. 9411) for the relief of Maurice P. Dunlap was considered as in Committee of the Whole.

The bill had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $300 to Maurice P. Dunlap, American consul, for reimbursement in full for losses sustained in aiding relatives of an American citizen residing in Russia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LAND-GRANT RAILROAD IN OREGON AND CALIFORNIA

The bill (S. 3699) for the relief of the land-grant railroad operated between the station formerly known as East Portland, in the State of Oregon, and Roseville, in the State of California, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the land-grant railroad heretofore operated, and now being operated, between the station formerly known as East Portland, in the State of Oregon, and Roseville, in the State of California, shall hereafter receive the same compensation for transportation of property and troops of the United States as is paid to land-grant railroads organized under the land grant act of March 3, 1863, and the act of July 27, 1866 (ch. 278).

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (H. R. 8651) for the relief of Lynn W. Franklin was announced as next in order.

Mr. McKELLAR. Mr. President, I call the attention of the same two Senators to this second bill in to-day's proceedings, where money lost in the mails is being refunded by the Government.

Mr. WATERMAN. I object to the bill.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2505) granting increase of pension under the general law to soldiers and sailors of the Regular Army and Navy, and their dependents, for disability incurred in line of duty, and authorizing that the records of the War and Navy Departments be accepted as to incurrence of a disability in service in line of duty was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 25) to declare the 11th day of November, celebrated and known as Armistice Day, a legal holiday was announced as next in order.

Mr. BORAH. I ask that that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

BRIDGE ACROSS EMORY RIVER AT SUDDATHS FERRY, TENN.

The bill (S. 3571) granting the consent of Congress to the county court of Roane County, Tenn., to construct a bridge across the Emory River, at Suddaths Ferry, in Roane County, Tenn., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county court of Roane County, Tenn., to construct, maintain, and operate a bridge and approaches thereto across the Emory River, at a point suitable to the interests of navigation, at or near Suddaths Ferry, in Roane County, Tenn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1729) extending the classified civil service to include postmasters of the third class, and for other purposes, was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

CONVENTION OF UNITED SPANISH WAR VETERANS

The bill (H. R. 7908) to authorize the granting of leave to veterans of the Spanish-American War to attend the annual convention of the United Spanish War Veterans and auxiliary in Habana, Cuba, in 1928 was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF DISTRICT OF COLUMBIA CODE

The bill (S. 2804) to amend section 812 of an act entitled "An act to establish a Code of Law for the District of Columbia," as amended, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 812 of the Code of Law for the District of Columbia is hereby amended by striking out the entire section and substituting in lieu thereof the following:

"Whoever unlawfully and forcibly or fraudulently decoys or seizes or carries off any person against his or her will or against the will of the parent, guardian, or legal custodian of such person, with intent to hold, confine, or imprison such person within the District, or with the intention of carrying or having such person carried out of the District, shall be imprisoned for not less than 1 year or more than 20 years, or fined not to exceed $5,000, or both: *Provided*, That whoever shall unlawfully and forcibly or fraudulently seize and hold, confine, or imprison within the District or take, carry, or send, or cause to be taken, carried, or sent out of the District, any person against his or her will or against the will of the parent, guardian, or legal custodian of such person for the purpose of extorting ransom or money or other valuable thing or concession from such person, his or her parent, guardian, or legal custodian, or any other person, firm, or corporation, shall be punished by imprisonment for life or for a term not less than five years."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHTHOUSE SERVICE RESERVATIONS

The bill (S. 2019) to amend an act entitled "An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes," approved May 22, 1926, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, line 1, after the word "lease," to insert "for such period or periods as may be authorized by the Secretary of Commerce," so as to make the bill read:

Be it enacted, etc., That paragraph 6 of section 1 of the act entitled "An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes," approved May 22, 1926, is amended by adding at the end thereof a new sentence to read as follows:

"The city may lease, for such period or periods as may be authorized by the Secretary of Commerce, for cottage purposes only, a strip of land extending back 150 feet from the high-water mark along the entire frontage on the Atlantic Ocean of the lands herein authorized to be conveyed, on the condition that all revenues derived from any lease herein authorized shall be expended solely for the purpose of developing the remainder of such lands for public-park purposes."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION, MONTANA

The bill (S. 1964) to establish a fish-cultural station in the State of Montana as an auxiliary to the Bozeman (Mont.) fisheries station was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there shall be established at a point to be selected by the Secretary of Commerce an auxiliary fish-cultural station in the State of Montana for the propagation of the fishes indigenous to that region as a subsidiary to the Bozeman, Mont., fisheries station, to be under the direction of the Bureau of Fisheries, Department of Commerce, and there is authorized to be appropriated the sum of $35,000 for this purpose, including the construction of buildings and ponds, water supply, and for equipment.

SEC. 2. That in connection with the establishment of such fish-cultural station there is authorized the following personnel, namely: One foreman, at $1,500 per annum; two apprentice fish-culturists, at $900 per annum.

Mr. KING. Mr. President, I notice a number of measures of this character, some carrying much larger appropriations than others. May I ask the chairman of the committee what is the basis of the establishment of these fish hatcheries? Is there any limitation upon the number, and is there any limitation upon the amount to be appropriated?

Mr. JONES. The usual amount authorized for these fish-hatchery stations is $50,000. In some of them the original bill had $100,000, but the committee has amended it to $50,000. That has been the usual amount authorized to start a fish hatchery. There are some here that are substations or auxiliary stations, and not original stations, where the amount is less. I think we have provided $35,000 in such a case.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISHERIES EXPERIMENT STATON, WASHINGTON

The bill (S. 745) to authorize the establishment of a fisheries experiment station on the west coast of Washington was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, line 5, after the numerals "$100,000," to insert the words "which sum is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That to aid in acquiring and diffusing among fishermen and those engaged in the fishery industries useful and practical information connected with the fisheries, the method of capture of fishes, the handling, curing, and preparing of fishery products, and the methods of utilizing fishery products heretofore unutilized or wasted, and to conduct scientific investigations and experiments respecting the principles and application of science in relation to the fisheries, the Secretary of Commerce be, and he is hereby, authorized, empowered, and directed to establish a fisheries experiment station on a site to be selected by him on the coast of Washington: *Provided*, That the cost of said station, including the site, buildings, wharves, and other structures appertaining thereto, shall not exceed $100,000, which sum is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-HATCHING STATION, IDAHO

The bill (S. 1261) to establish a fish-hatching and fish-cultural station in the State of Idaho was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 4, after the word "hereby," to insert the words "authorized to be," so as to make the bill read:

Be it enacted, etc., That the sum of $50,000, or as much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment of a fish-hatching and fish-cultural station, including purchase of site, construction of buildings and ponds, and equipment, in the State of Idaho, at a suitable point to be designated by the Secretary of Commerce: *Provided*, That before any final steps shall have been taken for the construction of a fish-hatching and fish-cultural station in accordance with this act the State of Idaho through appropriate legislative action shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: *Provided further*, That the operations of said hatchery shall be discontinued whenever the State ceases to accord the right referred to in the preceding proviso, and may be suspended by the Secretary of Commerce whenever, in his judgment, the laws and regulations affecting the fish cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSERVATION OF FISH

The bill (S. 3437) to provide for the conservation of fish, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 9, to strike out "$50,000" and insert in lieu thereof "$25,000," so as to make the bill read:

Be it enacted, etc., That the Department of Commerce be, and it is hereby, authorized and directed to study, investigate, and determine the best means and methods of preventing the destruction of fish by ditches,

canals, and other works constructed by the United States, under the Interior Department; and for this purpose such sums of money as may be necessary, not exceeding in the aggregate $25,000 are hereby authorized to be expended out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-HATCHING STATION, NEW MEXICO

The bill (S. 721) to establish a fish-hatching and fish-cultural station in the State of New Mexico was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 3, to strike out "$75,000" and insert in lieu thereof "$50,000"; and on line 4, after the word "hereby," to insert the words "authorized to be," so as to make the bill read:

Be it enacted, etc., That the sum of $50,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment of a fish-hatching and fish-cultural station, including purchase of site, construction of buildings and ponds, and equipment, in the State of New Mexico, at a suitable point to be designated by the Secretary of Commerce: *Provided*, That before any final steps shall be taken for the construction of a fish-hatching and fish-cultural station in accordance with this act, the State of New Mexico, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time they may consider necessary and proper, any fishery laws of the State to the contrary notwithstanding: *Provided further*, That the operations of said hatchery shall be discontinued whenever the State ceases to accord the right referred to in the preceding proviso.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COAST GUARD OFFICERS AND ENLISTED MEN

The bill (H. R. 11022) to extend medical and hospital relief to retired officers and enlisted men of the United States Coast Guard was announced as next in order.

Mr. KING. Let that go over. I would like to examine it.

Mr. JONES. Mr. President, did the Senator notice the report? I think a reading of that will make it clear. It states that—

The officers and enlisted men of the Coast Guard while on active duty receive medical attention and hospitalization from the Public Health Service. However, as soon as an officer or enlisted man is retired from active duty, either because of physical disability in line of duty or incident to service, or after having served the Government faithfully and honorably for the greater portion of his life, the Public Health Service is at present without the necessary legislative authority to extend him, in his retired status, the facilities of the marine hospitals or out-patient offices under the jurisdiction of that service. This bill, if enacted into law, will permit the extension to these retired officers and enlisted men of a privilege to which they are justly entitled, a right analagous to that accorded to retired officers and enlisted men of the Navy at naval hospitals and dispensaries. There is a pressing need for this proposed legislation, and the department urges its passage as a meritorious measure.

I hope the Senator will withdraw his objection.

Mr. KING. I want to look into it a little further. It seems to me that pretty soon we shall be asked to provide retirement privileges or hospital services for every employee of the Government. I do not know where we are going to draw the line. First it is the Coast Guard, then would come the Lighthouse Service, then persons in the customs service, and all down the line. I see no place where we are to stop.

Mr. JONES. The Coast Guard is substantially a part of the Navy, and in the event of war it has become a part of the Navy, and it has always been treated in the same way.

Mr. KING. I am not sure that we will be able to draw the line.

Mr. JONES. I hope the Senator will look into it very carefully.

Mr. KING. I shall do so.

Mr. FLETCHER. I believe that if the Senator will examine the report, he will be satisfied that this is a very meritorious measure and ought to pass.

Mr. KING. I shall be glad to examine it.

The PRESIDING OFFICER. The bill will be passed over.

OKANOGAN COUNTY, WASH.

The bill (H. R. 431) to authorize the payment of certain taxes to Okanogan County, in the State of Washington, and for other purposes, was announced as next in order.

Mr. KING. I would like to have an explanation of the bill. We have had a number of such cases where counties have come to the Federal Government for the payment of taxes that have been levied and have not been paid.

Mr. JONES. I want to say to the Senator that the bill deals with this county just as Congress has already dealt with the two adjoining counties in the State. It grows out of the situation with reference to the north half of the Colville Indian Reservation in our State. Back in the year 1892 we passed legislation under which a certain sum of money was put into a special fund in the Treasury, and it was provided that, so long as certain lands had been allotted to the Indians, and taxes had been accruing, the Secretary was authorized to take care of the proportionate sum in taxes. But after a few years this money, without action by Congress, was diverted into the Treasury, and, as I said, Congress passed legislation of this kind, after a very careful consideration, and after a survey and investigation pursuant to a resolution passed by Congress.

Upon a report of the committee Congress passed legislation similar to this dealing with Stevens and Ferry Counties, just adjoining this county. That legislation was passed, approved by the President, we have appropriated the money and paid it to these two counties, and this is simply to accord the same treatment to this county that was accorded to those two counties under the same conditions and circumstances.

Mr. KING. I am not sure now that I understand all the reasons justifying the appropriation by the Federal Government to meet taxes which are imposed.

Mr. JONES. I have not given all the reasons in detail.

Mr. KING. I received several letters quite recently from Indians who had obtained patents from the Government for their lands, or at least had received final receipts. They claim that they understood, in their dealings with the Government, that their property was to be immune from taxation. The State government, however, has proceeded to tax their property and some of it has been sold, and, as I understood one of the letters, tax deeds had been given to the purchasers of some of the land sold, and the Indians are now without property.

Mr. JONES. The bill does not affect the rights of the Indians. That is covered substantially by this paragraph in the report:

The moneys set apart in the Treasury of the United States under the provisions of section 2 of the act of July 1, 1892, belonged to the United States, and not to the Colville Indians. It was public funds arising from the sale of lands in the north half of the Colville Indian Reservation which had been restored to the public domain by the said act of July 1, 1892. Under the provisions of section 2 of said act the moneys so set apart constituted a fund out of which the Secretary of the Interior was authorized to pay "such part of the local taxation as may be properly applied to the lands allotted to such Indians, as he shall think fit, so long as such alloted lands shall be held in trust and exempt from taxation."

The allotments of lands were made to the Indians in 1900 and trust patents for the period of 25 years were issued therefor. The allotted lands were exempt from taxation during the period of the trust patents, except in occasional instances where the allotted Indians asked for and received patents in fee.

Then, as I have said, in the adjustment with reference to these lands under the same conditions it was found some four or five years ago that there was due to the counties of Ferry and Stevens a certain amount, and Congress authorized that to be paid. This deals with Okanogan County in exactly the same way. It does not affect the Indians at all.

Mr. KING. I am not sure that I understand the Senator yet. I do not say it by way of criticism, but I do not see how he can make the statement that it does not affect the Indians. As I understand him, their property has been taxed.

Mr. JONES. No; the Senator is mistaken. The Indians' property has not been taxed, but we provided in the law passed in 1892 that where certain of these lands were allotted to the Indians proportionately, then the county should be reimbursed for the tax that otherwise would accrue for these lands, but the Indians did not have to pay it. The county was deprived of it by the action taken in 1892.

Mr. KING. It simply means, then, that the Indians' lands are taxed.

Mr. JONES. No; it does not tax the Indians' lands at all.

Mr. KING. Somebody has to pay taxes upon lands which are allotted to the Indians.

Mr. JONES. This is an executive reservation, and under the act of 1892 it was recognized that these lands, or a part of them allotted to the Indians that might otherwise have been

subject to taxation, were thereby taken away from the tax list, and that the counties were entitled to the proportionate part of the taxes.

Mr. KING. Why should a county or a State be entitled to taxes upon lands which are acquired by the Government for military purposes, acquired for the Indians, or for any other purpose coming within the cognizance of the Federal Government?

Mr. JONES. I am not prepared to say just what the reasons were that led to the enactment of the law of 1892, but that was a provision of that law, and it was in pursuance of that and in accordance with that that we passed an act four or five years ago dealing with these other two counties. They have gotten their part, and it seems but fair and right that this other county should be included under exactly the same conditions, under the act of 1892. Whatever may have been the reason for that, whatever may have been the justice or merits of it, it was passed, and this is simply to carry that out.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

Mr. KING. I shall not object to this bill, but I confess that to me the principle does not seem fair or just. I think the Committee on Indian Affairs should look into this matter.

Mr. JONES. It has been gone into very carefully.

Mr. KING. If the Government is to be required to pay taxes upon all lands which may be withdrawn legitimately and properly for governmental purposes, I do not know where the end will be. We might just as well say that the lands that the Government acquires here for public purposes, or acquires in Boise or in Seattle for public buildings, shall be taxed.

Mr. JONES. I do not think there is another case similar to this in all the country. At least, I have never heard of one.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FOREIGN TRADE ZONES

The bill (S. 742) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES. This bill can not be acted upon in the time we have before 3 o'clock.

The PRESIDING OFFICER. The bill will be passed over.

RECOGNITION OF HEROIC CONDUCT

The bill (S. 1609) recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic*, *American Trader*, *President Roosevelt*, *President Harding*, and the British steamship *Cameronia*, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the term "crew" as used in this act shall mean and include any person carried on the ship's register or serving on the ship in any capacity, regardless of rank or rating, at the time of the rescue referred to in this act.

SEC. 2. That the thanks and appreciation of the Congress of the United States be, and they are hereby, tendered to the families of Uno Wirteman and Fritz Steger who lost their lives, and to the officers and crew of the U. S. S. *President Roosevelt* as constituted on January 24 to 28, 1926, inclusive, for the heroic conduct shown and noble service rendered in the rescue of the officers and crew of the British steamship *Antinoe;* and to the officers and crew of the U. S. S. *President Harding* as constituted on October 25, 1925, for the heroic conduct shown and noble service rendered in the rescue of the officers and crew of the Italian steamship *Ignacio Florio;* to the officers and crew of the steamship *American Trader*, of the American Merchant Line, as constituted on October 26, 1925, for the heroic conduct shown and noble service rendered in the rescue of the officers and crew of the Norwegian steamship *Elven;* to the officers and crew of the U. S. S. *Republic* as constituted on October 10, 1925, for the heroic conduct and noble service rendered in the rescue of the officers and crew of the United States patrol boat *No. 134;* and to the officers and crew of the British steamship *Cameronia* as constituted on October 11, 1925, for the heroic conduct and noble service rendered in the rescue of the crew of the U. S. Coast Guard patrol boat *No. 128*.

SEC. 3. That the Secretary of Commerce and the Director of the United States Mint be, and they are hereby, authorized and directed to prepare a suitable die and to strike suitable gold medals commemorating the heroic conduct and noble services rendered in the rescues described in section 2 of this act, and present, in evidence of the esteem of the Nation for valorous conduct on the high seas in the face of great danger as demonstrated in such rescues, one of such medals to the captain of each of said rescuing ships, and to each person certified by the captain of the respective rescuing ships to have shown special courage and to have faced special danger in such rescues.

SEC. 4. That there is hereby authorized to be appropriated, from moneys in the Treasury not otherwise appropriated, the sum of $5,000, or so much thereof as may be necessary to cover the cost of designing, producing, and distributing said medals in the manner described in this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOAD LINES FOR AMERICAN VESSELS

The bill (S. 1781) to establish load lines for American vessels, and for other purposes, was announced as next in order.

Mr. JONES. I rather think this bill probably would take a little more time than we have.

The PRESIDING OFFICER. The bill will be passed over.

CONVEYANCE OF LAND TO COOK COUNTY, ILL.

The bill (H. R. 7191) to authorize the Secretary of Commerce to convey certain land in Cook County, Ill., to the Chicago & Western Indiana Railroad Co., it successors or assigns, under certain conditions, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COAST GUARD COMMISSIONED OFFICERS' RETIREMENT

The bill (H. R. 10540) to credit retired commissioned officers of the Coast Guard with active duty during the World War performed since retirement was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. JONES subsequently said: I think that if the Senator from Utah will let me read just the terms of House bill 10540 he will withdraw his objection to its consideration. It provides:

That all retired commissioned officers of the Coast Guard who served on active duty in the United States Navy or in the Coast Guard during the World War shall be credited with all actiye duty performed since retirement during the period from April 6, 1917, to March 3, 1921, in the computation of their longevity pay and pay periods; but no person shall be entitled to receive any back pay or allowances by reason of the enactment of this act.

The bill simply gives these men credit for their active duty during the war, and I hope the Senator will withdraw his objection to it.

Mr. KING. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HYDRAULIC LABORATORY, BUREAU OF STANDARDS

The bill (S. 1710) authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 2, line 3, after the word "accessories," to strike out the words "and including such cooperation with other Government departments, the States, technical and scientific institutions, and societies as may be deemed necessary"; and on page 2, to strike out the whole of section 2 and to substitute therefor the following:

SEC. 2. A board to be known as the national hydraulic laboratory board is hereby created, the three members of which shall be the Secretary of Commerce, the Secretary of War, and the Secretary of the Interior, or in lieu thereof such other officer of each department as the Secretary thereof may designate. It shall be the duty of the board to determine from time to time a program of the projects to be undertaken and the manner in which the work is to be performed.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed $350,000, to be expended by the Secretary of Commerce for the construction and installation upon the present site of the Bureau of Standards in the District of Columbia of a suitable hydraulic laboratory building and such equipment, utilities, and appurtenances thereto as may be necessary.

So as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be established in the Bureau of Standards of the Department of Commerce a national hydraulic laboratory for the determination of fundamental data useful in hydraulic research and engineering, including laboratory research relating to the behavior and control of river and harbor waters, the

study of hydraulic structures and water flow, the development and testing of hydraulic instruments and accessories.

SEC. 2. A board to be known as the national hydraulic laboratory board is hereby created, the three members of which shall be the Secretary of Commerce, the Secretary of War, and the Secretary of the Interior, or in lieu thereof such other officer of each department as the Secretary thereof may designate. It shall be the duty of the board to determine from time to time a program of the projects to be undertaken and the manner in which the work is to be performed.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed $350,000, to be expended by the Secretary of Commerce for the construction and installation upon the present site of the Bureau of Standards in the District of Columbia of a suitable hydraulic laboratory building and such equipment, utilities, and appurtenances thereto as may be necessary.

The amendments were agreed to.

Mr. KING. I would like to have an explanation of the bill.

Mr. RANSDELL. Mr. President, this is a very important measure in connection with flood control, and a great many other subjects. It has been pending, I would say, for several years, and has been very thoroughly examined. I have the testimony before me here, covering nearly 200 printed pages. There is a report from the Secretary of Commerce in favor of it, and a unanimous report from the Committee on Commerce. I would like to read just one paragraph from the letter of the Secretary of Commerce to the chairman of the Committee on Commerce. He said:

> There is an urgent need for a national hydraulic laboratory equipped to carry out hydraulic experiments on an adequate scale. I am satisfied that such a laboratory at the Bureau of Standards would be of great service to the Nation and that it would soon repay the investment many times over through the savings effected in the cost of hydraulic structures resulting from the information gained through laboratory tests. Such savings have already been demonstrated by the work of several hydraulic laboratories in Europe, where great emphasis is being placed upon the value of the results obtained from experiments with models.

I hope the Senator will not object.

Mr. KING. I do not object.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION

The PRESIDING OFFICER. The hour of 3 o'clock having arrived, in accordance with the agreement heretofore entered into, the Senate will proceed to the consideration of executive business. The Sergeant at Arms will clear the galleries and close the doors.

Thereupon the Senate proceeded to the consideration of executive business. After 1 hour and 55 minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock and 55 minutes p. m.) adjourned, the adjournment being until Monday, April 16, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 13, 1928

FOREIGN SERVICE

SECRETARIES IN THE DIPLOMATIC SERVICE

S. Pinkney Tuck, of New York, now a Foreign Service officer of class 4 and a consul, to be also a secretary in the Diplomatic Service of the United States of America.

Ellis O. Briggs, of New York, now a Foreign Service officer, unclassified, and a vice consult of career, to be also a secretary in the Diplomatic Service of the United States of America.

CONSUL

Elbridge D. Rand, of California, now a Foreign Service officer of class 4 and a secretary in the Diplomatic Service, to be also a consul of the United States of America.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

JUDGE ADVOCATE GENERAL'S DEPARTMENT

Capt. John Merle Weir, Infantry, with rank from July 1, 1920.

FIELD ARTILLERY

Second Lieut. Samuel Adrian Dickson, Infantry, effective August 14, 1928, with rank from June 12, 1925.

COAST ARTILLERY CORPS

First Lieut. William Ignatius Brady, Field Artillery, with rank from June 11, 1925.

AIR CORPS

Second Lieut. Richard Howell Dean, Signal Corps (detailed in Air Corps), with rank from July 3, 1923.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. William Russell Standiford, Infantry, from April 8, 1928.

To be lieutenant colonel

Maj. Jay Leland Benedict, Infantry, from April 8, 1928.

To be majors

Capt. Emil Watson Leard, Infantry, from March 24, 1928.
Capt. Terrill Eyre Price, Cavalry, from March 31, 1928.
Capt. Walter Frank Adams, Infantry, from April 8, 1928.
Capt. William Henry Kasten, Cavalry, from April 9, 1928.

To be captains

First Lieut. James Emerson Troupe, Coast Artillery Corps, from March 31, 1928.

First Lieut. Ward Edwin Becker, Ordnance Department, from April 7, 1928.

First Lieut. William Wayne Murphey, Ordnance Department, from April 8, 1928.

First Lieut. Earl Hendry, Ordnance Department, from April 9, 1928.

To be first lieutenants

Second Lieut. Leslie Martin Grener, Cavalry, from March 31, 1928.

Second Lieut. Joseph Smith, Cavalry, from March 31, 1928.

Second Lieut. Kenneth Shearer Sweany, Field Artillery, from April 7, 1928.

Second Lieut. Joseph Harold Hicks, Air Corps, from April 8, 1928.

Second Lieut. Guy Haines Stubbs, Coast Artillery Corps, from April 9, 1928.

DENTAL CORPS

To be colonel

Lieut. Col. Julien Rex Bernheim, Dental Corps, from April 9, 1928.

To be chaplain

Chaplain Walter Kenyon Lloyd to be chaplain, with the rank of lieutenant colonel, from August 31, 1927.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 13, 1928

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

Joseph C. Grew to be ambassador extraordinary and plenipotentiary to Turkey.

POSTMASTERS

IOWA

Ralph J. Viner, Elliott.

KANSAS

Henry B. Gibbens, Cunningham.

NEW MEXICO

Henry B. Gibbens, Cunningham.

NORTH DAKOTA

Jessie L. Kinsey, Beach.
Oliver Lundquist, Bismarck.
William Roche, Inkster.
Ora J. Goshorn, Rhame.
James G. Acheson, Souris.

OKLAHOMA

Leslie S. Reed, Hobart.
Frank C. McKinney, Yukon.

PENNSYLVANIA

Jones Eavenson, Christiana.
Ambrose S. Plummer, Elizabethtown.

PORTO RICO

Cristina G. Sandoval, Hato Rey.

VIRGINIA

Connally T. Rush, Abigdon.
Henry G. Norman, Cedar Bluff.
Lucius M. Manry, Courtland.
Waverly S. Barrett, Dendron.
William T. Oakes, Gladys.
Fred C. Mears, Keller.
Dorsey T. Davis, Nathalie.
Lindsay T. McGuire, North Tazewell.
Amos L. Cannaday, Pulaski.

WEST VIRGINIA

Robert H. Harris, Nitro.

HOUSE OF REPRESENTATIVES

FRIDAY, *April 13, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who didst teach that all men are sons of God and brothers in Him, and that there should not be cruel divisions and inequalities among them, Thy holy will be done throughout the earth. Praise comes to our lips because of the memory of the past—the past with its vicissitudes, its triumphs, its defeats, and its haunting risk of accident. Yet in Thy providence we have been kept by the strange mystery of Thy mercy. Our hearts turn to Thee in the deepest gratitude. The light of Thy love which lights up the book of life will continue to shine upon its future pages; Thou wilt go with us all the way. He who counts the sands and sets the prisoners free says to all hearts that are hungering through life, "Fear not, for I am with thee." Remember Thou these Representatives of the people, who are associated in service for the Republic. Let Heaven's choicest benedictions rest upon them and their homes. May all their decisions spring from balanced judgments, wisdom, and from a genuine sympathy for all men. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3555. An act to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce.

THE LATE REPRESENTATIVE LADISLAS LAZARO

Mr. ASWELL. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the desk.

The SPEAKER. The gentleman from Louisiana asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

Ordered, That Sunday, the 13th day of May, at 12 o'clock noon, be set apart for addresses on the life, character, and public service of Hon. LADISLAS LAZARO, late a Representative from the State of Louisiana.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The resolution was agreed to.

PENSIONS

Mr. W. T. FITZGERALD. Mr. Speaker, I call up the bill (S. 2900) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

Mr. GARNER of Texas. What is the bill?

Mr. W. T. FITZGERALD. The omnibus pension bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent that the amendments alone be reported and that the bill be considered as read.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the original bill be considered as read and that the amendments be reported. Is there objection?

There was no objection.

The Clerk read the committee amendments, as follows:

Resolved, That the bill from the Senate (S. 2900) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors," do pass with the following amendments:

Page 1, line 8, strike out "Infantry" and insert "Cavalry."

Page 2, line 21, strike out "$50" and insert "$40."

Page 4, line 1, strike out "Company" and insert "Battery."

Page 5, line 21, strike out "B" and insert "D."

Page 6, line 23, strike out "Cyril A." and insert "Cyrel G."

Page 6, line 24, strike out "of Company" and insert "commissary sergeant."

Page 7, strike out lines 16 to 19, inclusive.

Page 7, line 23, after the word "month," insert "in lieu of that she is now receiving."

Page 8, line 2, after the word "month," insert "in lieu of that she is now receiving."

Page 8, line 17, strike out "Infantry" and insert "Cavalry."

Page 9, line 18, strike out "B" and insert "A."

Page 10, line 2, strike out "Companies E and K" and insert "Company E."

Page 10, line 3, after the word "Infantry," insert "and Company K, One hundred and second New York Infantry."

Page 10, line 4, strike out "$50" and insert "$40."

Page 10, strike out lines 14 to 19, inclusive.

Page 11, strike out lines 14 to 24, inclusive.

Page 12, line 1, strike out "W." and insert "William."

Page 12, strike out lines 12 to 15, inclusive.

Page 12, line 17, after the word "Sixth," insert "Regiment."

Page 13, line 20, strike out "Pitcher" and insert "Pilcher."

Page 13, strike out lines 23 and 24 and also lines 1 to 10, inclusive, on page 14.

Page 14, line 15, strike out "E.," where it appears the second time, and insert "Elijah."

Page 14, line 17, after the word "Volunteer," insert "Ohio."

Page 15, strike out lines 8 to 11, inclusive.

Page 16, line 12, strike out "Edy" and insert "Eddy."

Page 17, line 12, strike out "Regiment" and insert "Battalion."

Page 17, line 15, strike out "Kenney" and insert "Kinney."

Page 17, line 18, strike out "Cavalry" and insert "Infantry."

Page 17, line 20, strike out "Gustave" and insert "Gustav."

Page 17, line 21, strike out "Company" and insert "Battery."

Page 18, line 13, strike out "Theodor" and insert "Theodore."

Page 18, line 14, strike out "Third Company" and insert "Company A, Third."

Page 19, line 14, strike out "Regiment" and insert "Battery."

Page 20, lines 3 and 4, strike out "Micheal A." and insert "Michael."

Page 20, line 10, strike out "$20" and insert "$30."

Page 20, strike out lines 12 to 15, inclusive.

Page 20, lines 19 and 20, strike out "in lieu of that she is now receiving."

Page 20, line 21, after the word "Rice" insert "former."

Page 21, line 14, strike out "E." and insert "H."

Page 21, line 17, strike out "$50" and insert "$40."

Page 21, strike out lines 21 to 25, inclusive.

Page 22, lines 6 and 7, strike out "Infantry" and insert "Heavy Artillery."

Page 22, line 15, strike out "Daniel" and insert "David."

Page 23, strike out lines 10 to 13, inclusive.

Page 24, line 21, strike out "T" and insert "G."

Page 25, strike out all after "Artillery," in line 16, down to and including "Corps," in line 17.

Page 26, strike out lines 1 to 4, inclusive.

Page 26, line 8, strike out "Colored."

Page 26, line 24, strike out "National Guard" and insert "Infantry."

Page 27, line 2, strike out "Emery" and insert "Emry."

Page 28, line 3, strike out "$50" and insert "$40."

Page 28, line 6, strike out "Civil War veteran" and insert "late of Company I, Third Michigan Cavalry."

Page 28, strike out lines 12 to 15, inclusive.

Page 28, line 22, after the word "month," insert "in lieu of that she is now receiving."

Page 29, line 20, strike out "Volunteers" and insert "Infantry."

Page 30, line 10, strike out "Elbridge" and insert "Eldridge."

Page 30, line 17, after the word "month," insert "in lieu of that she is now receiving."

Page 30, strike out lines 22 to 25, inclusive.

Page 31, line 5, strike out "Rezen" and insert "Rezin."

Page 31, line 6, strike out all after the word "Company" down to and including the word "Volunteers" in line 8 and insert "E, First Regiment Maine Heavy Artillery."

Page 31, line 13, strike out "$50" and insert "$40."

Page 31, line 21, strike out "$12" and insert "$20."

Page 32, line 6, strike out "Sixty-second" and insert "Sixty-seventh."

Page 32, strike out lines 9 to 12, inclusive.

Page 33, strike out lines 1 to 7, inclusive.

Page 33, strike out lines 16 to 18, inclusive.

Page 34, strike out lines 7 to 10, inclusive.

Page 34, strike out lines 15 to 17, inclusive.

Page 36, line 8, strike out "fiftieth" and insert "fifth."

Page 36, line 10, strike out "$50" and insert "$40."

Page 36, strike out lines 22 to 25, inclusive.

Page 37, line 23, strike out "Company D" and insert "Companies D and B."

Page 37, line 23, strike out "New York" and insert "New Hampshire."

Page 38, strike out lines 4 to 6, inclusive.

Page 38, line 7, after the word "Smart," insert "former."

Page 38, line 20, strike out "H." and insert "W."

Page 39, line 1, strike out "$50" and insert "$40."

Page 39, strike out lines 11 to 19, inclusive.
Page 40, line 15, after the word "Muncey," insert "former."
Page 40, strike out lines 23 and 24, and lines 1 to 6, inclusive, on page 41.
Page 42, strike out lines 11 to 14, inclusive.
Page 42, strike out lines 23 and 24, and on page 43 strike out lines 1 and 2.
Page 43, line 10, strike out "$50" and insert "$40."
Page 43, line 15, strike out "$40" and insert "$50."
Page 43, line 24, after the word "John," insert "W."
Page 44, line 7, strike out "W."
Page 44, line 21, strike out "One hundred and seventy-eighth" and insert "Seventy-eighth."
Page 44, line 23, strike out "$50" and insert "$40."
Page 45, line 8, after the word "Harris," insert "alias William Ulrich."
Page 45, line 8, strike out "H" and insert "G."
Page 45, strike out all after "and," in line 9, down to and including "Cavalry," in line 10, and insert "Company B, One hundred and ninety-fifth Pennsylvania Infantry."
Page 45, line 13, strike out "Ruben" and insert "Reuben."
Page 45, strike out lines 17 to 20, inclusive.
Page 47, strike out lines 9 to 12, inclusive.
Page 47, line 21, strike out "D" and insert "B."
Page 47, line 22, strike out "Company B" and insert "Companies I and B."
Page 48, line 3, strike out "$50" and insert "$40."
Page 48, line 14, after the word "Regiment," insert "United States."
Page 48, strike out lines 21 to 24, inclusive.
Page 49, line 24, strike out "Company" and insert "County."
Page 50, line 24, strike out "$50" and insert "$40."
Page 51, line 3, strike out "$50" and insert "$40."
Page 51, line 17, strike out "$50" and insert "$40."
Page 51, line 23, after the word "Regiment," insert "Iowa Infantry."
Page 51, line 24, strike out "Infantry" and insert "Cavalry."
Page 52, strike out lines 7 to 10, inclusive.
Page 52, line 16, strike out "D" and insert "G."
Page 52, line 19, after the word "Trude," insert "former."
Page 52, line 21, strike out "$50" and insert "$40."
Page 54, line 12, strike out "Marine Corps" and insert "Navy."
Page 54, line 18, strike out "$50" and insert "$40."
Page 55, line 5, strike out "United States" and insert "Ohio."
Page 55, line 17, strike out "D" and insert "B."
Page 55, line 19, strike out "$50" and insert "$40."
Page 56, line 2, strike out "F" and insert "A."
Page 56, line 7, strike out "Infantry" and insert "Cavalry."
Page 56, strike out lines 9 to 12, inclusive.
Page 56, line 19, strike out all after the word "of" down to and including the word "and," in line 20.
Page 56, line 23, strike out the word "Epharim" and insert "Ephraim."
Page 57, line 17, strike out "Companies M and B" and insert "Company M, Fifth Regiment Kansas Volunteer Cavalry, and Company B."
Page 57, line 21, strike out "eighty-second" and insert "second."
Page 58, line 8, strike out "Daily" and insert "Dailey."
Page 58, line 14, after the word "month," insert "in lieu of that she is now receiving."
Page 58, line 18, after the word "month," insert "in lieu of that she is now receiving."
Page 58, strike out lines 23 to 25, inclusive.
Page 59, strike out lines 1 to 4, inclusive.
Page 59, line 7, strike out "$50" and insert "$40."
Page 59, after line 11, insert:

"The name of Ida Smith, helpless and dependent daughter of John Smith, late of Company G, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Emma C. Atkinson, helpless and dependent daughter of Stafford Atkinson, late of Company G, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Mary E. Baughman, widow of John W. Baughman, late of Company A, Sixty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Alcinda Manning, widow of Franklin Manning, late of Company L, Fourth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Noah Greenawalt, alias Greenwalt, late of Capt. Isaac Alt's and Lieut. Jonathan Hiser's Company B, Forty-sixth Regiment West Virginia Volunteer Militia, and Capt. Michael Mallow's company of Independent Scouts, of Pendleton, W. Va., and pay him a pension at the rate of $50 per month.

"The name of George Hovatter, late of Capt. Michael T. Haller's and Capt. Moore McNeel's company, Barbour County Scouts, West Virginia State Troops, and pay him a pension at the rate of $50 per month.

"The name of James W. Harris, late of Capt. M. T. Haller's company, Barbour County Scouts, West Virginia State Troops, and Capt. Moore McNeel's company, Barbour County Scouts, West Virginia State Troops, and pay him a pension at the rate of $50 per month.

"The name of Emma G. Young, widow of John C. Young, late of Company B, Fourth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Alice Block, widow of Richard Block, late of Company A, Seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Joe Scrogum, helpless and dependent son of James Scrogum, late of Company C, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Nettie Edington, widow of Charles J. Edington, late of Company C, One hundred and sixteenth Regiment New York Volunteer Infantry, and Company B, Sixth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Sarah J. Rea, widow of James Rea, late of Company E, Sixty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary J. McNew, widow of Hugh K. McNew, late of Company E, Eighty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Minnie Cox, widow of William J. Cox, late of Company I, Eleventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Rosa S. Weston, widow of Oliver P. Weston, late of Company C, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary A. Weston, widow of Lester J. Weston, late of Company G, Eighth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Mary S. Woolman, widow of Warren J. Woolman, late of Company D, Second Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Addie Ream, helpless and dependent daughter of Benjamin B. Ream, late of Company C, Ninety-eighth Regiment New York National Guard Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Mary A. Kennedy, alleged widow of James Y. Kennedy, late of Company I, Seventy-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mattie Steiner, widow of George W. Steiner, late of Company C, Seventh Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Mary A. Van Vechten, widow of James Van Vechten, late of Company F, Ninety-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Nettie Yorke, widow of Andrew Yorke, late of Company C, Twenty-fifth Regiment New York National Guard Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Leanna L. Dillon, widow of Achiles Dillon, late of Company I, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Alice F. Crawford, former widow of William J. Crawford, late of Company K, One hundred and forty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of James T. Stone, helpless and dependent son of Truman Stone, late of Company G, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Sadie Snell, widow of Christopher Snell, late of Company K, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Margaret Donaldson, widow of John Donaldson, late of Company C, Fifth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Catherine Burke, helpless and dependent daughter of Thomas Burke, late of Company C, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Jennie E. Keown, helpless and dependent daughter of John Keown, late of Company B, Twenty-second Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Emma S. Moon, helpless and dependent daughter of Simon P. Moon, late of Company F, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Luella E. Heath, widow of Ira L. Heath, late of Company E, Twenty-fourth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

"The name of Martha A. McCartney, widow of Alexander R. McCartney, late of Company F, Seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Fredlena Knight, widow of George R. Knight, late of Company C, Twenty-ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Hugh Glen, alias Glenn, late of Company H, Eighty-first Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Cordelia E. Havlin, widow of John P. Havlin, late of Company C, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Horace L. Havlin, helpless and dependent son of said Cordelia E. and John P. Havlin, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Cordelia E. Havlin the name of said Horace L. Havlin shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Cordelia E. Havlin.

"The name of Annie G. Boner, widow of John Boner, late of Capt. James Stockton's Company G, Thirty-first Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Cleopatra Kerns, widow of James M. Kerns, late of Lieut. W. A. Cornelius's detachment, Company H, Eighty-first Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of William Fisher, late of Company D, Eighty-seventh Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Edith King, widow of William J. King, late of Company B, Twelfth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

"The name of William M. Young, helpless and dependent son of David Young, late of Company D, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

"The name of Mina P. Guckes, widow of Henry Guckes, late of Company A, One hundred and twelfth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Annie S. Haller, widow of Martin L. Haller, late of Company G, One hundred and thirty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary J. Thompson, widow of Thomas Thompson, late of Company D, Thirteenth Regiment Pennsylvania Volunteer Infantry, and landsman, United States Navy, Civil War, and pay her a pension at the rate of $30 per month.

"The name of Grace I. Scovill, widow of Alfred B. Scovill, late of Company A, Forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Emma J. Tirrell, widow of George W. Tirrell, late of Company D, Forty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Catharine Peak, widow of John F. Peak, late of Company E, Tenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of John P. Peak, helpless and dependent son of said Catharine and John F. Peak, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Catharine Peak, the name of said John P. Peak shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Catharine Peak.

"The name of James Atha, helpless and dependent son of Levi Atha, late of Company C, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Elmyra E. Porter, former widow of John Stuffle, late of Company C, Ninety-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Ada Whitson, widow of Ephraim Whitson, late of Company E, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Earle Whitson, helpless and dependent son of said Ada and Ephraim Whitson, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Ada Whitson, the name of said Earle Whitson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Ada Whitson.

"The name of Kiziah E. Brookshire, widow of James H. Brookshire, late of Company A, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth C. Bunch, widow of Benjamin Bunch, late of Company I, Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Florence C. Woods, widow of Henry Woods, late of Company H, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Mary J. Frazier, widow of Watson B. Frazier, late of Company H, Twenty-ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Susan A. Winslow, widow of Albert R. Winslow, late of Company C, Twenty-second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Wilmore A. Quimby, helpless and dependent son of Warren F. Quimby, late of Company B, First Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Georgia E. Bean, widow of Granville B. Bean, late of Company D, Eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Amanda A. Brown, widow of Thomas C. Brown, late of Company C, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Margaret Piatt, widow of Benjamin Piatt, late of Company I, Thirteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Delila Perry, widow of Nathaniel Perry, late of Company I, Twelfth Regiment, and Company I, Fifty-ninth Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Dora Krill, widow of Serphrine Krill, late of Company H, Twelfth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Ida M. Webb, widow of Henry C. Webb, late of Company H, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of John Nighswander, helpless and dependent son of Martin Nighswander, late of Company B, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

"The name of Emma C. Alton, widow of Albert M. Alton, late of Company D, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary A. Eberly, widow of Samuel Eberly, late of Company E, Seventh Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Esther Smallwood, widow of Isaac C. Smallwood, late of Company B, Tenth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Catherine M. Atkins, widow of William M. Atkins, late of Company K, Second Regiment District of Columbia Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Clara B. Greek, widow of William Greek, jr., late of Company F, One hundred and seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Grace M. Oliver, widow of Lewis Oliver, late of Company K, One hundred and eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Mary Parmele, widow of Oliver G. Parmele, late of Twenty-fourth Battery, New York Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Josephine Warner, widow of Samuel A. Warner, late of Company A, Tenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Julia Baker, widow of Moses Baker, late of Capt. B. L. Stephenson's Company, Clay County (W. Va.) Independent Scouts, and pay her a pension at the rate of $30 per month.

"The name of Samuel L. Bostick, helpless and dependent son of Thomas Bostick, late of Company F, One hundred and forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Dora Butcher, widow of William H. Butcher, late of Company H, Fifty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Allie Carpenter, widow of George W. Carpenter, late of Company F, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Nancy S. Clark, helpless and dependent daughter of Asa Clark, late of Company F, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Jane Cox, widow of James Cox, late of Company C, Thirteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per

month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Liddia Fuller, former widow of Stephen F. Fuller, late of Company D, Fifth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Isaac Moore, helpless and dependent son of William Moore, late of Company K, Fifth Regiment West Virginia Volunteer Infantry, and Company K, First Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Elizabeth A. Palmer, widow of Cyrus Palmer, late of Company G, Twenty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Arrieanna Sites, widow of Robert Sites, late of Company D, Ninth Regiment West Virginia Volunteer Infantry, and Company D, First Regiment West Virginia Veteran Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Malissa Steed, helpless and dependent daughter of Elisha B. Steed, late of Company I, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Lincoln Z. Story, helpless and dependent son of Adoniram Story, late of Company C, One hundred and fortieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Anna Topping, widow of John R. Topping, late of Company H, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Stella M. Watkins, widow of William W. Watkins, late of Company C, Fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Phoebe Ann Allbright, helpless and dependent daughter of Marshall Allbright, late of Company K, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Sallie Wood, helpless and dependent daughter of Robert Wood, late of Company B, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Charles M. Guthridge, helpless and dependent son of Samuel Guthridge, late of Company H, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Edward Thomas, helpless and dependent son of Samuel Thomas, late of Company I, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of John P. Chain, helpless and dependent son of James N. Chain, late of Company H, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Carrie B. Gaddis, widow of Thomas B. Gaddis, late of Company H, Thirty-ninth Regiment Ohio Volunteer Infantry, and Company D, Sixty-third Regiment United States Colored Troops (Ninth Louisiana Regiment A. D.), and pay her a pension at the rate of $30 per month.

"The name of William G. Ely, helpless and dependent son of Robert Ely, late of Company E, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Mollie Richardson, widow of William Richardson, late of Company F, Fifth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Cora A. Games, widow of David W. Games, late of Company I, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth Lutters, widow of Ernest Lutters, also known as John H. Gray, late of Company F, One hundred and thirty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth Streit, widow of John Streit, late of Company A, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and an additional pension of $20 per month for the helpless and dependent daughter, Gertrude C. Streit, in lieu of that she is now receiving for her: *Provided*, That in the event of the death of Gertrude C. Streit, helpless and dependent daughter of said Elizabeth and John Streit, the additional pension of $20 for her, $8 of which is herein granted, shall cease and determine: *And provided further*, That in the event of the death of Elizabeth Streit, the name of Gertrude C. Streit shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Elizabeth Streit.

"The name of Bentley A. Worden, helpless and dependent son of George B. Worden, late of Company I, Sixty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Martha J. Shaffer, widow of David D. Shaffer, late of Company C, Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah Hilton, widow of Emerson Hilton, late of Nineteenth Independent Battery, New York Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Mary Ricker, helpless and dependent daughter of William Ricker, late of Company A, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of John Street, late of Capt. William W. Harris's Howard County company, Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of William Roberts, late of Capt. James Forman's Company D, Seventieth Regiment Enrolled Missouri Militia, and Capt. William E. Fonk's detail, Seventieth Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Samuel Mason, late of Capt. Warren T. Harris's Howard County Volunteer Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Martha J. Lewis, helpless and dependent daughter of Henry C. Lewis, late of Company C, Third Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Amanda Henderson, widow of William M. Henderson, late of Company A, Sixty-fifth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Anna Godfrey, widow of Ira J. Godfrey, late of company C, Ninth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Agnes L. Davis, widow of Richard M. J. Davis, late of Company I, One hundred and nineteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of George W. Dooley, late of Capt. Daniel Hoover's company, Carroll County Regiment Provisional Militia of Missouri, and pay him a pension at the rate of $50 per month.

"The name of Mary Carter, widow of John E. Carter, late of Capt. Martin B. Garvin's Company A, Grundy County Battalion Missouri State Militia, and pay her a pension at the rate of $30 per month.

"The name of Rosaline Coots, helpless and dependent daughter of Moses Coots, late of Company I, Fifty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Lottie Cox, widow of James M. Cox, late of Company F, Twenty-first Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Emma G. Casebier, widow of John D. Casebier, late of Company H, Eleventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Caroline Cooper, widow of Joseph P. Cooper, late of Company I, Ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Margaret A. Young, widow of Joseph W. Young, late of Company I, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Nannie Austin, widow of Joseph G. Austin, late of Company C, Eleventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Joe Meridith, helpless and dependent son of James Meridith, late of Company H, Fifty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Mary A. Gallup, widow of Anson H. Gallup, late of Company C, Ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Fay Milligan, helpless and dependent daughter of Beverly W. Milligan, late of Company B, Fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of William Maze, late of Lieutenant Dietrich's company, Cooper County Provisional Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Hattie Gideon, widow of John W. Gideon, late of Company K, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of George M. Vaughan, alias Vaughn, late captain and aid-de-camp, staff of Brig. Gen. R. C. Vaughn, Fifth Military District, Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Absalom B. Dempsey, alias Absalon B. Dempsey, late of Capt. H. C. Donnohue's company, Pettis County (Missouri) Volunteer Militia, and pay him a pension at the rate of $50 per month.

"The name of Carrie Bohon, widow of John J. Bohon, late of Capt. H. C. Donnohue's company, Pettis County (Missouri) Volunteer Militia, and pay her a pension at the rate of $30 per month.

"The name of Thomas H. Bradley, late of Capt. George A. Dillard's Company E, Seventy-second Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Richard P. Gwinn, late of Capt. George Bingham's Company H, Seventy-first Regiment Enrolled Missouri Militia, and Capt. John S. Crain's company, Saline County Volunteer Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Mahala Clark, widow of Elisha Clark, late of Company E, Twelfth Regiment, and Company H, Seventy-ninth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of William T. Lesley, late of Capt. Warren W. Harris's company, Howard County Volunteer Militia of Missouri, and pay him a pension at the rate of $50 per month.

"The name of Elizabeth C. Berry, widow of James A. Berry, late of Company G, Seventy-second Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Carrie E. Howell, helpless and dependent daughter of Anthony W. Howell, late of Company F, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Sinia E. Hathaway, now Miller, former widow of Nelson S. Hathaway, late of Company I, Fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Nancy M. Cowan, widow of Christopher C. Cowan, late of Company C, Seventy-second Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Edith T. Bass, widow of Martin V. Bass, late of Capt. George A. Dillard's Company E, Seventy-second Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Charles W. Earnest, late of Company I, Seventy-second Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Emma Hathaway, widow of James H. Hathaway, late of Company C, Twentieth Regiment, and Company I, Second Regiment, Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Matilda Jane Stewart, widow of James A. Stewart, late of Independent Battery F, Pennsylvania Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Ella A. Tripp, widow of Edmond Tripp, late of Company B, Third Regiment Ohio Volunteer Cavalry, and Company F, Sixth Regiment Michigan Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Mary Vick, widow of Hiram Vick, late of Companies B and G, One hundred and second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary A. Wing, widow of Henrie E. Wing, late of Company C, Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Ettie E. Barnes, widow of Pliny H. Barnes, alias Charles Baker, late of Company B, One hundredth Regiment New York Volunteer Infantry, Company B, Second Regiment Michigan Infantry, and Battery F, Third Regiment United States Artillery, and pay her a pension at the rate of $30 per month.

"The name of Stephen L. Crandall, helpless and dependent son of John A. Crandall, late of Company A, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of George W. Burnett, late of Capt. George W. Murphy's Company C, Fifth Battalion Missouri State Militia, and pay him a pension at the rate of $50 per month.

"The name of Nancy Sparks, helpless and dependent daughter of Truelove Sparks, late of Company E, Seventh Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

"The name of Mary Jane Judd, widow of James W. Judd, late of Capt. Dennis Adams's Company C, Sixty-sixth Regiment Enrolled Missouri Militia and Second Provisional Regiment, and pay her a pension at the rate of $30 per month.

"The name of Mary E. Piburn, widow of Edward Piburn, late of Company E, Fifty-first Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Sela Ann Brooks, helpless and dependent daughter of Boone Brooks, late of Company B, Sixty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Rena M. Weddle, widow of Harvey Weddle, late of Company G, Forty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Emulus G. Wallace, late of Company G, Fifty-first Regiment Enrolled Missouri Militia, and Capt. Martin T. Real's Company A, Fifty-first Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Lucinda Perkins, widow of Josiah S. Perkins, late of Captain Bane's Company E, Mercer County Battalion, Seventh Regiment Missouri State Militia, and Company E, Forty-fourth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of James M. Gibson, late of Capt. John N. Smith's Company H, Eighty-first Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $50 per month.

"The name of Martha Kerns, widow of Everhart Kerns, alias Kearns, late of Capt. John N. Smith's Company H, Eighty-first Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Mary M. Harris, former widow of William M. Pugh, late of Company B, Fourth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Virgil E. Halcomb, late of Company K, Seventy-seventh Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Frances E. McDonald, widow of Millard McDonald, alias Miller McDaniel, late of Capt. Wakefield Standley's Company B, Sixty-fifth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Emma Bays, widow of Miles Bays, late of Company H, Fourth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Matilda Clark, widow of James Clark, late of Capt. John N. Smith's Company H, Eighty-first Regiment Enrolled Missouri Militia, and Lieut. W. A. Cornelius's detachment of Company H, Eighty-first Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth C. Duncan, widow of Robert Duncan, late of Capt. Patten Colley's Company E, Fifty-first Regiment Enrolled Missouri Militia, and Capt. Martin T. Real's Company A, Ray County, attached to Fifty-first Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of William B. Hampshire, helpless and dependent son of William W. Hampshire, late of Company C, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

"The name of Isabell Childers, widow of Reuben D. Childers, late of Company D, Fifteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Ellen F. I. B. Juneau, widow of Joseph Juneau, late of Seventh Independent Battery Wisconsin Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Lillian Bigelow, widow of Emerson W. Bigelow, late of Company B, Seventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Etta Hortvet, former widow of Harrison M. Burgess, late of Company E, Ninth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Annie C. Winter, widow of Wallace S. Winter, late of Company B, Ninth Regiment Vermont Volunteer Infantry, and Company H, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Maria Bensinger, widow of Franklin E. Bensinger, late of Company C, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Ida M. Cole, helpless and dependent daughter of Charles Cole, late of Company F, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month.

"The name of Margret Mallery, widow of Henry W. Mallery, late of Company F, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

"The name of Mary E. Reynolds, helpless and dependent daughter of Reuben Reynolds, late of Company H, Ninetieth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Anna M. Lybolt, widow of Henry C. Lybolt, late of Company B, One hundred and forty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary E. Jones, widow of William H. Jones, late of Company G, One hundred and seventy-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Irene Hill, widow of Hugh W. Hill, late of Company D, Seventy-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Permelia J. Livingston, widow of James Livingston, late of Company C, Seventy-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and an additional pension of $20 per month for the helpless and dependent daughter Rebecca Livingston: *Provided*, That in the event of the death of Rebecca Livingston, helpless and dependent daughter of said Permelia J. and James Livingston, the additional pension of $20 for her herein granted shall cease and determine: *And provided further*, That in the event of the death of Permelia J. Livingston, the name of Rebecca Livingston shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Permelia J. Livingston.

"The name of Susanna Bell, widow of Reuben S. Bell, late of Company I, Thirty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Louisa McArdle, widow of Philip McArdle, late of Company A, Seventy-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Jennie Dye Burton, widow of Leonard Burton, late of Company C, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah I. Osburn, widow of Napoleon B. Osburn, late of Company I, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving and an additional pension of $20 per month for the helpless and dependent son, David C. Osburn: *Provided*, That in the event of the death of David C. Osburn, helpless and dependent son of said Sarah I. and Napoleon B. Osburn, the additional pension of $20 for him herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah I. Osburn the name of said David C. Osburn shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Sarah I. Osburn.

"The name of Rosalia M. Barrow, helpless and dependent daughter of Samuel Barrow, late of Company D, Sixth Regiment, and Company I, Fifty-first Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Elizabeth A. Jordan, widow of Edward Jordan, late of Company E, Twelfth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Laura Ochletree, widow of George Ochletree, late of Company D, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Harriet T. Elliott, widow of John P. Elliott, late of Company E, One hundred and fifty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Eliza J. Smith, helpless and dependent daughter of John W. Smith, late of Company E, Seventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

"The name of Marian Peck West, former widow of Deloss Peck, late of Company E, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary A. Stevens, widow of William H. Stevens, late unassigned, Twenty-fourth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Mary A. Story, widow of Herbert H. Story, late of Company L, First Regiment Vermont Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Alice M. Taylor, widow of Joseph Taylor, late of Company E, Seventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Gertrude I. Morrill, widow of Eugene N. Morrill, late of Company D, Twenty-fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah A. Hallett, widow of Hebron Hallett, late of Company L, Tenth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Peter Breen, helpless and dependent son of Terrence Breen, late of Company I, Eleventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

"The name of James W. Wilson, late of Murphy's Pulaski and Texas Counties Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Mary M. Binkley, widow of John Binkley, late of Company G, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Sarah Dallas, widow of Eleazer Dallas, late of Company K, Forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Theodore F. Dugan, late of First Lieut. B. G. Bradshaw's Company D, Seventy-third Regiment Enrolled Missouri Militia, and Capt. Robert L. Butt's Company E, Seventy-fourth Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of George N. Chasteen, late of Capt. D. A. Moorehouse's company (Provisional), Laclede County, Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Thomas McCormick, late of Capt. Henry N. Cook's Boone County company, Volunteer Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Marshall H. Messimer, late of Capt. Martin T. Real's Ray County Company A, Enrolled Missouri Militia, and Captain Real's Company B, Fifty-first Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Andrea T. Bracken, widow of James S. Bracken, late of Company C, Nineteenth Regiment United States Volunteer Infantry, and Company F, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Emma E. Williams, widow of Lemuel Williams, late of Company B, Thirty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Anna M. Tidyman, widow of Richard Tidyman, late of Company E, Third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Esmerelda Vreeland, widow of John O. Vreeland, late of Company C, Twenty-first Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Rebecca A. Wilkins, widow of James H. Wilkins, late of Twenty-fifth unattached company, Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Emma T. Fidler, widow of Rudolph Fidler, late of Company I, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Clara E. Wood, widow of Israel C. Wood, late of Company K, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Nettie J. Morse, former widow of Benjamin G. Morse, late of Company D, Second Regiment Pennsylvania Volunteer Heavy Artillery, and Company E, Second Regiment Pennsylvania Provisional Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Fannie C. Burdick, widow of Orlando P. Burdick, late of Companies K and B, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Perry L. Burdick, helpless and dependent son of said Fannie C. and Orlando P. Burdick, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Fannie C. Burdick, the name of said Perry L. Burdick shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Fannie C. Burdick.

"The name of Rose M. Muhleck, helpless and dependent daughter of Vincenz Muhleck, late of Company C, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and Company B, Twenty-third Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month.

"The name of Frances E. Austin, widow of Oel Austin, late of Company C, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Rose E. Broderick, widow of William Broderick, late of Company H, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Margaret Cook, widow of Henry Cook, late of the United States Navy, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and an additional pension of $20 per month for the helpless and dependent son, Henry Cook, and another additional pension of $20 per month for the helpless and dependent daughter Margaret Cook: *Provided*, That in the event of the death of Henry Cook, helpless and dependent son of said Margaret and Henry Cook, the additional pension of $20 per month for him herein granted shall cease and determine: *Provided further*, That in the event of the death of Margaret Cook, helpless and dependent daughter of said Margaret and Henry Cook, the additional pension of $20 per month for her herein granted shall cease and determine: *And provided further*, That in the event of the death of Margaret Cook, the mother, the names of Henry Cook and Margaret Cook, the helpless son and daughter, shall each be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month each on indi-

vidual certificates from and after the date of death of said Margaret Cook, the mother.

"The name of Mary Cravate, widow of Charles Cravate, late of Company I, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Mary E. Floyd, helpless and dependent daughter of William R. Floyd, late of Company E, Second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

"The name of Major Fuller, late of Company G, Ninety-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Dellie Perry, widow of Alpheus P. Perry, late of Company B, First Regiment Vermont Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Cordelia E. Remington, widow of Henry Remington, late of Company H, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth Vaughn, widow of Elnathan J. Vaughn, late of Company E, Sixteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Helen Lyman, widow of Smith P. Lyman, late of Company G, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Bessie Lyman, helpless and dependent daughter of said Helen and Smith P. Lyman, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Helen Lyman, the name of said Bessie Lyman shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Helen Lyman.

"The name of Fannie H. Branian, widow of Henry Branian, late of Company E, Twenty-fifth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary C. Quivey, widow of James M. Quivey, late of Company C, Ringgold's battalion, and commissary sergeant Twenty-second Regiment, Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Emma Pope, widow of Morton Pope, late of Company H, One hundred and twenty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Nannie L. Ludy, widow of James W. Ludy, late of Company H, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Angeline Quillman, widow of John Quillman, late of Company B, One hundred and fiftieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Maybelle Long, helpless and dependent daughter of Miller F. Long, late of Company G, One hundred and sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Clara F. Woffenden, widow of Samuel Woffenden, late of Company C, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Ida Blake, widow of Alfred Blake, late of Company A, Thirteenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Louisa English, widow of John English, late of Company A, One hundred and eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month, and that payment be withheld until the Government shall have been reimbursed for the amount fraudulently obtained under certificate No. 342852.

"The name of Ada M. Wrighthouse, widow of Benjamin F. Wrighthouse, late of Company I, Fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Melissa A. Truelock Lindsey, helpless and dependent daughter of William H. Trulock, late of Company H, Eighty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Jessie S. Erle, widow of Frederick H. Erle, late of Company B, Third Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Flora A. Haymaker, helpless and dependent daughter of Philip Haymaker, late of Company E, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Elizabeth Redding, former widow of Valentine Redding, late of Company B, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Henretta Stegall, widow of Henry Stegall, late of Company E, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Perry L. Barkhurst, helpless and dependent son of Calvin W. Barkhurst, late of Company D, Fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Ida E. Hawthorne, widow of Luther Hawthorne, late of Company G, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Webner M. Harter, helpless and dependent son of George Harter, late of Company A, Thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Cora D. Barger, helpless and dependent daughter of John S. Barger, late of Company H, Ninth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

"The name of Burton H. Barger, helpless and dependent son of John S. Barger, late of Company H, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

"The name of Melissa Babcock, widow of Eri D. Babcock, late of Company E, and sergeant major, Fifty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary L. Bell, widow of David V. Bell, late of Company B, Second Regiment Ohio Volunteer Cavalry, and Twenty-fifth Independent Battery, Ohio Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Alice Corl, widow of James K. Corl, late of Company F, One hundred and eighty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Augusta Graham, widow of William J. Graham, late of Company B, Ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mark B. Graham, helpless and dependent son of said Augusta and William J. Graham, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Augusta Graham, the name of said Mark B. Graham shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Augusta Graham.

"The name of Diadema Reed, widow of Alvin Reed, late of Company E, One hundred and second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Helen M. Stevens, widow of Benevolent H. Stevens, late of Company D, Ninth Regiment, and Company I, Ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Leona Scott, widow of Andrew Scott, late of Company F, Third Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Ada M. Hanks, widow of George A. Hanks, late of Company B, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Julia A. Boisvert, widow of Maxime Boisvert, late of Company G, Second Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of William A. Boisvert, helpless and dependent son of said Julia A. and Maxime Boisvert, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Julia A. Boisvert, the name of said William A. Boisvert shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Julia A. Boisvert.

"The name of Bert E. Corbett, helpless and dependent son of Wallace W. Corbett, late of Twenty-third Independent Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $20 per month.

"The name of May Bell Crowell, former widow of Ira Randall, late of Company H. Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Jennette Leroy, widow of Francis Leroy, late of Company C, Second Battalion, Sixteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Mary Belle Robertson, widow of Timothy Robertson, late of Company C, Sixty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth L. Miller, widow of George W. Miller, late of Company H, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Stephen R. Branstetter, late of Captain William Kerr's company, Pike County Volunteer Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Anderson B. Corbin, late of Captain Napoleon Altop's company, Independent Scouts, West Virginia State Troops, and Capt. Napoleon Altop's company of Marion County Scouts, West Virginia State Troops, and pay him a pension at the rate of $50 per month.

"The name of Mary J. Blake, widow of Solomon Blake, late of Company H, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Margaret A. Hurrell, helpless and dependent daughter of Joseph S. Hurrell, late of Company E, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

"The name of Annie Mansbergar, widow of Thomas Mansbergar, late of Company H, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lodemma Right, widow of John Right, late of Company H, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Ellen Wurl, widow of John Wurl, late of Company E, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Ada A. French, widow of Abednego E. French, late of Company E, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Alva Runk, helpless and dependent son of Samuel Runk, late of Company B, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Minta Kelly, helpless and dependent daughter of Thomas M. Kelly, late of Company I, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Jacob Morrison, helpless and dependent son of Emanuel Morrison, late of Company H, One hundred and thirty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Anna P. Beyer, helpless and dependent daughter of James S. Beyer, late of Company I, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Nevin Wagner, helpless and dependent son of Jesse W. Wagner, late of Company C, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Samuel Fissel, helpless and dependent son of Samuel Fissel, late of Company A, Two hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Mary E. Hurd, widow of Seneca Hurd, late of Company C, Twentieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Frances Jane Schrader, widow of Jacob Schrader, late of Company C, Tenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Esther Higgins, widow of Matthew J. Higgins, late of Company F, Fifth Regiment, and Company C, Seventh Regiment, Delaware Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Gertrude Brown Sigsbey, helpless and dependent daughter of Benjamin F. Brown, late of Company B, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Cora B. Cook, helpless and dependent daughter of Charles F. Cook, late of Company D, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Thirza E. Green, widow of Henry C. Green, late of Company A, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Clela C. Green, helpless and dependent daughter of said Thirza E. and Henry C. Green, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Thirza E. Green, the name of said Clela C. Green shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Thirza E. Green.

"The name of Rena C. Otto, widow of John Otto, late of Company E, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Rose Tunnell, widow of Luther B. Tunnell, late of Company F, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Iona Radabaugh, widow of Peter Radabaugh, late of Company B, One hundred and eighty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Ruth Heston Burke, former widow of Gideon F. Heston, late of Company A, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Mina Barden, widow of Augustus B. Barden, late of Company G, First Regiment Maine Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Howard E. Craven, helpless and dependent son of Ira R. Craven, late of Company D, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Maggie Carpenter, widow of Leonard Carpenter, late of Company H, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Adell B. Lowery, widow of Thomas J. Lowery, late of Company A, Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Henrietta W. Russell, widow of Daniel J. Russell, late of Company H, Tenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Emma J. Rutty, widow of Henry M. Rutty, late of First Company, Sharpshooters, attached to Twenty-seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Evvah A. Dickson, former widow of George T. Dickson, late of First Independent Company, Michigan Sharpshooters, and pay her a pension at the rate of $30 per month.

"The name of Amanda A. Taylor, widow of George Taylor, late of Company C, One hundred and fifty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah E. Powell, widow of Robert Powell, late of Company G, Twenty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah A. Moss, former widow of James W. Moss, late of Company A, Forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month, to commence from March 4, 1927.

"The name of Mattie J. Hoover, former widow of John H. Freeman, late of Company G, Thirtieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Anzonetta Hooker, widow of John Hooker, late of Company F, Twenty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Basha Edwards, widow of George M. Edwards, late of Company L, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of John Campbell, late of Company F, Ninth Regiment Missouri State Militia Cavalry, and Capt. Henry N. Cook's company, Boone County, Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Luella Blakely, widow of Henry H. Blakely, late of Company F, Eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Caroline Bartz, widow of August Bartz, late of Company D, Eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of John L. Fitts, helpless and dependent son of John W. Fitts, late of Company F, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Elizabeth Lawler, widow of Everett M. Lawler, late of Company E, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Annie H. Lanagan, widow of William F. Lanagan, late of Capt. William Ahl's Company A, Green River Battalion, Kentucky State Troops, and pay her a pension at the rate of $30 per month.

"The name of Nancy A. Jones, widow of Phillip Jones, late of Company A, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah J. Smallwood, former widow of Charles S. Newton, late of Company M, First Regiment Michigan Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Mary L. Williams, widow of Benjamin Williams, late of Company A, Seventy-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Nancy C. Whitesel, widow of James M. Whitesel, late of Company D, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lillie M. Ashton, widow of Walter J. Ashton, late of Company A, Seventy-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Eliza E. McNeill, widow of Francis McNeill, late of Company I, Twentieth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mary J. Blanche McNeill, helpless and dependent daughter of said Eliza E. and Francis McNeill, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Eliza E. McNeill, the name of said Mary J. Blanche McNeill shall be placed on

the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Eliza E. McNeill.

"The name of Anna Z. Stewart, widow of Henry C. Stewart, late of Company F, Sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Bettie Brackett, widow of George H. Brackett, late of Company G, Coast Guards Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Laura B. Bartlett, former widow of Nehemiah G. Bartlett, late of Company E, Fourth Regiment California Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of William R. Hoge, helpless and dependent son of Romeo G. Hoge, late of Signal Corps, United States Volunteers, and pay him a pension at the rate of $20 per month.

"The name of Susan A. Whittemore, widow of James M. Whittemore, late of Second Independent Battery, Ohio Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Margaret G. Atchison, widow of Robert R. Atchison, alias Charles T. Foster, late of Company B, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Estella Cowell, widow of Bradley Cowell, late of Company C, Eighteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Eva Paul, widow of Elias Paul, late of Company D, Fifth Regiment Pennsylvanian Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Charles J. Lichty, helpless and dependent son of Benjamin C. Lichty, late of Company D, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Irene G. Plummer, helpless and dependent daughter of William R. Plummer, late of Company H, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Jennie Larimer, helpless and dependent daughter of Charles Larimer, late of Company E, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Elda M. Lewis, helpless and dependent daughter of Reuben M. Lewis, late of Company E, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month.

"The name of Anna Maud Hogmire, helpless and dependent daughter of John Hogmire, late of Company D, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and Companies M and F, Nineteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

"The name of Cathran Hearst, helpless and dependent daughter of Christian Hearst, late of Company F, Nineteenth Regiment, and Company E, Twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Dollie S. Terry, helpless and dependent daughter of Jacob C. Patrick, late of Company K, Thirty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Mary A. Langmeyer, widow of Gregory Langmeyer, late of Company C, One hundred and sixty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary A. Lawhead, widow of Benjamin Lawhead, late of Company E, Eighteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Carrie E. Block, widow of John Block, late of Company E, Sixteenth Regiment New York Volunteer Cavalry, and Company D, Third Regiment New York Provisional Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Mary L. Smith, widow of Parker T. Smith, alias Thomas P. Smith, late of Company B, Eighth Regiment Missouri State Militia Cavalry, and Company A, Hickory County Battalion Missouri Home Guards, and pay her a pension at the rate of $30 per month.

"The name of Isabelle E. Embry, former widow of David Coats, late of Company B, Seventeenth Regiment Kentucky Volunteer Infantry, and Company C, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary E. Packer, widow of Storer Packer, late of Company E, Fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of William H. Holland, helpless and dependent son of Henry W. Holland, late of Company K, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Jesse C. Cambridge, helpless and dependent son of Samuel Cambridge, late of Company D, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

"The name of Sarah J. Clark, widow of John F. Clark, late of Company G, Eleventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary E. Edes, widow of William L. Edes, late of Company B, First Battalion, Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of George H. Fortier, helpless and dependent son of Levi Fortier, late of Company H, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Hattie E. Johnson, widow of John W. Johnson, alias John W. Pickels, late of Company E, Fifteenth Regiment Maine Volunteer Infantry and Company D, Eighth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Sidney Potter, helpless and dependent son of Simeon Potter, late of Company E, Twenty-fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of George E. Spear, helpless and dependent son of Edward F. Spear, late of Company B, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at rate of $20 per month.

"The name of Eliza King, widow of John H. King, late of Company G, Fourteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah C. Mathews, widow of Isaac Mathews, late of Company E, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Mary E. Drew, widow of William Drew, late of Company E, Thirteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Eliza Tye, widow of John S. Tye, late of Company A, Eighth Regiment, and second lieutenant, A Battalion, Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth Lively, widow of John Lively, late of Company K, Fifth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of James Couch, helpless and dependent son of Elijah Couch, late of Company I, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

"The name of Cappa King, helpless and dependent daughter of John W. King, late of Company D, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Martha A. Dicken, widow of William M. Dicken, late of Captain Abijah Guthrie's company, Kentucky Home Guards, and pay her a pension at the rate of $30 per month.

"The name of William Hampton, helpless and dependent son of Thomas Hampton, late of Company G, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Dan Hibbard, helpless and dependent son of John M. Hibbard, late of Company E, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Nanie Peace, widow of William H. Peace, late of Company A, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary J. Haggard, widow of Clay Haggard, alias Henry Clay, late of Company G, Forty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Remma Beason, widow of John Beason, late of Company K, Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Emma C. Richards, widow of Andrew K. Richards, late of Company C, Sixteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Anna M. Williams, widow of Thomas Williams, late surgeon, Sixth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

"The name of Catherine E. Kimball, widow of Jerome Kimball, late of Company K, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Etta McOwen, widow of Harrison McOwen, late of Company B, Eighteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of John Wright, helpless and dependent son of William Wright, late of Company H, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Sara E. Stewart, helpless and dependent daughter of William M. Stewart, late of Company D, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Margaret C. Richardson, widow of John O. Richardson, late of Company A, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Dolly O'Neil, helpless and dependent daughter of Andrew O'Neil, late of Companies C and D, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Kizzia McNabb, helpless and dependent daughter of Samuel McNabb, late of Company D, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Nancy A. Keating, widow of John Keating, late of Company A, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Charlotte Gamble, widow of John M. Gamble, late of Company F, Second Battalion Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Harry S. Beyer, helpless and dependent son of Thomas S. Beyer, late of Captain Dougherty's company, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Veretta Irish, widow of Silas W. Irish, late of Company A, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Commodore Perry Fry, helpless and dependent son of Jacob Fry, late of Company I, Ninety-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Lillian I. Roberts, widow of Charles Roberts, late of Company F, First Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Laura E. Warner, widow of Irwin E. Warner, alias John Shay, late of Company I, Second Regiment Connecticut Volunteer Heavy Artillery, and coal heaver, United States Navy, Civil War, and pay her a pension at the rate of $30 per month.

"The name of Matilda Higgins, former widow of John A. Tracy, late of Company F, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Caroline Hankison, widow of Peter M. Hankison, late of Company H, Sixty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Ann Spurback, widow of Orlando Spurback, late of Company I, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Nancy J. Lemon, widow of George D. Lemon, late of Company G, Fourth Regiment United States Volunteer Cavalry and Company A, Thirty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Mary Groff, widow of Daniel Groves, known as Daniel Groff, late of Company D, First Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Catharine Lenz, widow of Soloman Lenz, late of Company F, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and an additional pension of $20 per month for the helpless and dependent son, Charles H. Lenz: *Provided,* That in the event of the death of Charles H. Lenz, helpless and dependent son of said Catharine and Solomon Lenz, the additional pension of $20 for him herein granted shall cease and determine: *And provided further,* That in the event of the death of Catharine Lenz, the name of said Charles H. Lenz shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Catharine Lenz.

"The name of Parthena Shepperd, widow of Thomas J. Shepperd, late of Company D, Thirtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Matilda Larimer, widow of Robert M. Larimer, late of Company D, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Sarah Ann Lehman, former widow of Gilbert A. Donelson, late of Company K, One hundred and fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Martha E. Falles, widow of Henry Falles, late of Company E, Forty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Mary E. Edington, widow of Perry A. Edington, late of Company H, Ninetieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Carrie E. Pickering, helpless and dependent daughter of Willard W. Pickering, late of Battery B, Fifth Regiment United States Volunteer Artillery, and pay her a pension at the rate of $20 per month.

"The name of Joseph P. Boon, jr., helpless and dependent son of Joseph P. Boon, late of Company C, Seventeenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Minerva D. Monroe, widow of John H. Monroe, late of Company C, Eleventh Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Mattie Davidson, widow of Ninane G. Davidson, late of Company G, Third Regiment Tennessee Mounted Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sallie Emery, widow of Josiah S. Emery, late of Company K, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Henry R. Browne, late telegraph operator, Military Telegraph Corps, Civil War, and pay him a pension at the rate of $50 per month.

"The name of Claude W. Swartwood, helpless and dependent son of Anson O. Swartwood, late of Company K, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

"The name of Hattie Geske, helpless and dependent daughter of Charles Geske, late of Company K, Ninety-third Regiment Illinois Volunteer Infantry, and Company A, Second Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month.

"The name of Lillie Geske, helpless and dependent daughter of Charles Geske, late of Company K, Ninety-third Regiment Illinois Volunteer Infantry, and Company A, Second Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month.

"The name of Mary A. Cunningham, widow of William Cunningham, late of Company K, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Alta V. Cohn, former widow of Richard H. Brooks, late of Company M, Seventeenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Alla Meek, widow of Isaac H. Meek, late of Company G, Fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lillian A. Springer, widow of John Springer, late of Company A, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Rose M. Ham, widow of John H. Ham, late of Company C, Fourth Regiment Maine Volunteer Infantry, and Company C, First Regiment Maine Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Delia Taylor, widow of James O. Taylor, late of Company D, One hundred and fourteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Nannie S. Parks, widow of Yantis P. Parks, late of Capt. William Weaver's Company K, Sixtieth Regiment Enrolled Missouri Militia, and Capt. John P. Turner's Company A, attached to the Sixtieth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Mary S. Bayless, widow of Thomas Bayless, late of Seventh Battery, Indiana Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Sarah M. Dickinson, widow of James K. Dickinson, late of Company K, Second Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Ella Starke, widow of John Henry Starke, late of Company D, Ninth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of James S. Nichols, late of Capt. W. E. Chester's company, Johnson County Volunteer Militia of Missouri, and pay him a pension at the rate of $50 per month.

"The name of Amanda B. Holcomb, widow of Joseph S. Holcomb, late of Capt. Alexander Robinson's unattached Company A, Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Mary F. McComber, widow of George A. McComber, late of Company G, Fifty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Katherine Fisher, widow of Andrew H. Fisher, late of Company G, Thirteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Mary E. White, widow of James A. White, late of Company D, Second Regiment Tennessee Mounted Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lucy E. O'Neal, widow of Charles O'Neal, late of Company G, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Charles B. Harrison, alias Charles H. Brewer, late of Company G, Fifth Regiment Maine Volunteer Infantry, and seaman, United States Navy, Civil War, and pay him a pension at the rate of $50 per month.

"The name of Elizabeth L. Traver, widow of Jefferson F. Traver, late of Company C, One hundred and fiftieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Minerva A. Pence, widow of Andrew J. Pence, late of Company H, One hundred and first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary C. Benton, widow of David C. Benton, late of Company C, One hundred and ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth J. Hughes, widow of John Hughes, late of Company I, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Frances M. Snyder, widow of Cornelius Snyder, late of Company I, Second Regiment New York Mounted Rifles, and pay her a pension at the rate of $30 per month.

"The name of Maggie Smithson, widow of Isaac Smithson, late of Company C, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Mary Shanks, widow of Daniel Shanks, late of Company E, Sixty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lucinda A. Pitzer, widow of Laban Pitzer, late of Company B, Forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Christiana Minnich, widow of John Minnich, late of Company I, One hundred and thirty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Allie Truesdell, helpless and dependent daughter of Samuel Truesdell, late of Company E, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Elisha Frazier, late of Capt. W. M. Searcey's Company F, Capitol Guards, Kentucky State troops, also known as Company F, First Regiment Capitol Guards, Kentucky Volunteers, and pay him a pension at the rate of $50 per month.

"The name of Madora F. Mason, widow of Omer W. Mason, late of Company E, Seventy-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Martha A. Elliott, helpless and dependent daughter of Peter W. Elliott, late of Company B, Ninety-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Alice V. Schmidt, former widow of John R. Cook, late of Company E, Twelfth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary A. Anderson, widow of John B., alias John Anderson, late private, Third Regiment New York Volunteer Light Artillery, and blacksmith Batteries D and E, Third Regiment New York Light Artillery, and veteran volunteer, Third Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Hooker A. Le Land, late of Company D, First Regiment Michigan Volunteer Infantry, and Company F, First Regiment Michigan Sharpshooters, and pay him a pension at the rate of $50 per month.

"The name of Catherine Schuey, widow of John Schuey, late of Company E, One hundred and fortieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Edith J. May, helpless and dependent daughter of Manning C. May, late of Company I, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Eveleen Lonnen, widow of Russell Lonnen, late Unassigned, Fifteenth Regiment New York Volunteer Engineers, and pay her a pension at the rate of $30 per month.

"The name of Eliza D. Welsh, widow of Thomas Welsh, late of Battery B, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Alma M. Monroe, helpless and dependent daughter of John I. Monroe, late of Company D, Seventy-seventh Regiment New York Volunteer Infantry, and Company K, Fifth Regiment United States Volunteer Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Barbara E. Null, widow of George Null, late of Company F, Third Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Alice R. Walter, helpless and dependent daughter of Benjamin F. Walter, late of Company C, Fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Emma Jones, former widow of Charles W. Drummond, late of Company D, Twenty-fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Adelaide A. Ryerson, widow of George W. Ryerson, late of Company A, Third Regiment Maine Volunteer Infantry; Company G, First Regiment Maine Volunteer Heavy Artillery; and Company G, Seventeenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and an additional pension of $20 per month for the helpless and dependent son, Leonard C. Ryerson: *Provided*, That in the event of the death of Leonard C. Ryerson, helpless and dependent son of said Adelaide A. and George W. Ryerson, the additional pension of $20 for him herein granted shall cease and determine: *And provided further*, That in the event of the death of Adelaide A. Ryerson, the name of Leonard C. Ryerson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Adelaide A. Ryerson.

"The name of Elizabeth E. Doan, widow of Robert S. Doan, late of Company G, One hundred and sixty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Clara A. Griffin, former widow of Lemuel Griffin, late of Company I, One hundred and sixteenth Regiment Ohio Volunteer Infantry and Unassigned Veteran Reserve Corps, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Cora L. Kraft, helpless and dependent daughter of Albert W. D. Kraft, late hospital steward, First Regiment Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of William A. Pfaff, helpless and dependent son of Conrad Pfaff, late of Battery C, West Virginia Volunteer Light Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

"The name of Frank Carey, helpless and dependent son of James F. Carey, late of Company D, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Lawrence E. Burch, helpless and dependent son of George P. Burch, late of Company E, One hundred and forty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Andrew S. Deeds, helpless and dependent son of Joshua Deeds, late of Company G, Fifty-third Regiment, and Company B, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Maud I. Lowrance, helpless and dependent daughter of Smith Lowrance, late of Company I, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Dora A. Lee, helpless and dependent daughter of Andrew J. Lee, late of Company C, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Elmer G. McAllister, helpless and dependent son of Gabriel McAllister, late of Company B, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

"The name of Levi C. Posey, helpless and dependent son of Christopher C. Posey, late of Company B, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Alonzo L. Sutton, helpless and dependent son of Aaron W. Sutton, late of Company D, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Millie Harris, widow of Charles Harris, late of Company I, Eighth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Annetta E. Calkins, widow of Belus Calkins, jr., late of Company F, Ninety-fourth Regiment New York Volunteer Infantry, and Company E, One hundred and fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and an additional pension of $20 per month for the helpless and dependent daughter, Hattie A. Calkins: *Provided*, That in the event of the death of Hattie A. Calkins, helpless and dependent daughter of said Annetta E. and Belus Calkins, jr., the additional pension of $20 for her herein granted shall cease and determine: *And provided further*, That in the event of the death of Annetta E. Calkins, the name of Hattie A. Calkins shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Annetta E. Calkins.

"The name of Kathrina Reed, widow of Stephen Reed, late of Company I, Ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Cora S. Brightman, widow of Samuel B. Brightman, late of Company B, Fourteenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Alsada A. Cone, widow of William A. Cone, late of Company B, Fifty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Edgar C. Greene, late telegraph operator, Military Telegraph Corps, United States Army, Civil War, and pay him a pension at the rate of $50 per month.

"The name of Henrietta W. Jones, widow of John B. Jones, late of Company D, One hundred and seventeenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary J. Palmer, widow of Charles H. Palmer, late of Company I, One hundred and thirty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary E. H. Remick, widow of Augustus Remick, late of Company I, Fifteenth Regiment Massachusetts Volunteer Infantry, and Company D, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Levi P. Stone, late of Capt. Henry H. Field's Company B, Seventieth Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Emma D. Tenney, widow of Silas B. Tenney, late of Company C, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Julia A. Anderson, widow of Uriah J. Anderson, late of Company A, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Pearl Anderson, helpless and dependent daughter of said Julia A. and Uriah J. Anderson, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Julia A. Anderson, the name of said Pearl Anderson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Julia A. Anderson.

"The name of Harriet L. Garret, widow of Peter Garret, late of Compay K, Eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lucy Ann Tinsley, widow of Henry Tinsley, late of Company K, Eighth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Casey Mandrell, helpless and dependent son of Nathaniel Mandrell, late of Company C, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Mary Emmons, widow of Levi Emmons, late of Company M, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Robert L. Meadows, helpless and dependent son of Moses Meadows, late of Company D, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

"The name of Ada J. Hopson, helpless and dependent daughter of Thomas Hopson, late of Company K, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Sylvester Lane, helpless and dependent son of Reuben Lane, late of Company B, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

"The name of Washington Badgely, helpless and dependent son of Lewis Badgely, late of Company C, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Martha Roderick, former widow of Andrew J. Stewart, late of Company C, Sixty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Theodore F. Austin, helpless and dependent son of William A. Austin, late of Company D, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

"The name of John T. Young, helpless and dependent son of Aaron H. Young, late of Company E, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Fannie Boswell, helpless and dependent daughter of Frederick D. Boswell, late of Company D, Thirteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Annie W. Adams, widow of William J. Adams, late of Company F, Forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Adortha S. Carey, widow of Benjamin V. Carey, late of Company E, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Della Barton, widow of Joshua Barton, late of Company E, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Margaret B. Mondon, widow of Edmond Mondon, late of Company D, Twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Caroline Marlow, widow of George R. Marlow, late of Company B, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Katie Smith, widow of Andrew J. Smith, late of Company K, Forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Polly Stonecipher, widow of Curtis Stonecipher, late of Company B, Second Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Jennie Rosebraugh, widow of David Rosebraugh, late of Company C, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Martha E. Snyder, widow of Charles Snyder, late of Companies K and E, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Effy J. Pressley, helpless and dependent daughter of James M. Pressley, late of Company G, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Virginia McCombs, helpless and dependent daughter of John McCombs, late of Company K, First Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Elizabeth Wirth, widow of Joseph Wirth, late of Company M, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Anna L. Myers, widow of George L. Myers, late of Companies G and H, Thirty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Myron Hoff, helpless and dependent son of Josiah Hoff, late of Company K, Sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Sarah Miller, helpless and dependent daughter of Israel Miller, late of Company D, One hundred and twentieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Martha Roepke, helpless and dependent daughter of Albert Roepke, late of Company I, Sixth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

"The name of Emma L. Kehr, helpless and dependent daughter of John Kehr, late of Company C, First Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Carrie Ohler, helpless and dependent daughter of Reuben Ohler, late of Company F, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Jeffie B. L. Fisher, former widow of James S. Ledman, late of Company E, Thirty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Dora L. Fuller, helpless and dependent daughter of Andrew J. Fuller, late of Company B, Eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Hannah Burnett, widow of Enos Burnett, late of Company I, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Mary S. Early, widow of Francis M. Early, late of Company G, Ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Naomi Fiedler, widow of John A. Fiedler, late of Company C, Ninety-second Regiment, and Company C, Sixty-fifth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Lavina Kerr, widow of William O. Kerr, late of Company K, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Alice M. Wheelden, widow of Chester E. Wheelden, late landsman, United States Navy, Civil War, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Charlotte W. Sibley, widow of John F. Sibley, late of Company A, Sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Isabel C. Copp, widow of Charles D. Copp, late of Company C, Ninth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lillian Bromley, widow of Dwight Bromley, late of Company F, Tenth Regiment Connecticut Volunteer Infantry, and Company D, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Emma E. Mudge, widow of Alden O. Mudge, late of Company K, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lou Murphy, widow of Dennis Murphy, late of Company B, Sixteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Vicenia R. Wolf, widow of Michael Wolf, late of Company H, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Annie Gouldy, widow of Thomas Gouldy, late of Company F, First Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Mary E. Besancon, widow of Henry Besancon, late of Company C, One hundred and fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Rose A. Sargent, widow of Charles C. Sargent, late of Battery G, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of John N. Chesnutt, late of Company H, First Regiment Capitol Guards, Kentucky State Troops, and pay him a pension at the rate of $50 per month.

"The name of Nannie Colley, widow of Robert W. Colley, alias Coley, late of Capt. Alexander Denney's Roanoke Company (Howard County) of the Randolph, Howard, and Chariton Regiment of Volunteer Militia of Missouri, and pay her a pension at the rate of $30 per month.

"The name of Mary J. Walters, widow of Lewis Walters, late of Company B, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Emma J. Hanner, widow of John Hanner, late of Capt. Daniel Hoover's Company, Carroll County Provisional Militia of Missouri, and Capt. Daniel Hoover's Company, Carroll and Livingston County Militia of Missouri, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth Pickens, widow of John Pickens, late of Company B, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth F. Sutliff, widow of Andrew J. Sutliff, late of Company A, Thirty-third Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Pearl L. Keeler, widow of Ezra P. Keeler, late of Company M, Fifteenth Regiment New York Volunteer Engineers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

"The name of Mary A. Williams, widow of Benjamin Williams, late of Company A, Eleventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mollie F. Stinson, widow of William C. Stinson, late of Company C, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Lyda A. Whitehead, widow of James L. Whitehead, late of Capt. Henry Fisher's Company G, Seventy-sixth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Katie Simpson, widow of Francis M. Simpson, late of Capt. C. L. Holsapple's Company B, South Cumberland Battalion, Kentucky State Volunteers, and pay her a pension at the rate of $30 per month.

"The name of Thomas Scott, late of Capt. Patrick C. Berry's company, Stone County Missouri Volunteer Militia, and pay him a pension at the rate of $50 per month.

"The name of John T. Ruffin, late of Company B, Seventy-fourth Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Roy Paschal, helpless and dependent son of Edward A. Paschal, late of Company I, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Sarah A. Neece, widow of William B. Neece, late of Company B, Fifteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Ella Coffman, widow of John Coffman, late of Company F, Fifteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Ellen Baget, helpless and dependent daughter of George Baget, late of Company H, Fourteenth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $20 per month.

"The name of Mary A. Boyd, widow of Henry W. Boyd, late of Lieut. Lyman J. Burch's Jasper County Volunteer Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Sarah Early, widow of Samuel Early, late of Company D, Fifty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary B. Lett, helpless and dependent daughter of Walter G. Lett, late of Company B, Twelfth Regiment, and Company H, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Catherine Garrott, widow of Charles M. Garrott, late of Company I, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Nathaniel Ellison, late of Captain William Ellison's company, Independent Scouts, West Virginia State Troops, and pay him a pension at the rate of $50 per month.

"The name of Perry Talbott, alias Tolbert, late of Capt. Daniel Gould's Company C, One hundred and thirty-third Regiment West Virginia Militia, and pay him a pension at the rate of $50 per month.

"The name of William Kyle, late of Capt. B. L. Stephenson's company, West Virginia State Guards, and pay him a pension at the rate of $50 per month.

"The name of Annie Page, widow of Samuel H. Page, late of Company K, Fifth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

"The name of Agnes Miller, widow of Putnam M. Miller, late of Company F, Sixty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and an additional pension of $20 per month for the helpless and dependent son, William J. Miller: *Provided*, That in the event of the death of William J. Miller, helpless and dependent son of said Agnes and Putnam M. Miller, the additional pension of $20 for him herein granted shall cease and determine: *And provided further*, That in the event of the death of Agnes Miller, the name of William J. Miller shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of the death of said Agnes Miller.

"The name of Ella M. Spooner, widow of George R. Spooner, late of Company I, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Mary Phillips, widow of James Phillips, late Unassigned, Tenth Regiment Kansas Volunteer Infantry, and Company H, Twenty-second Regiment Kansas State Militia, and pay her a pension at the rate of $30 per month.

"The name of John J. Swigert, helpless and dependent son of Daniel Swigart, late of Company D, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Caroline Hurley, helpless and dependent daughter of Lewis Hurley, late of Company F, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Ruth Pettit, widow of William H. Pettit, late of Com pany E, Eighty-sixth Regiment Illinois Infantry Volunteers, and pay her a pension at the rate of $30 per month.

"The name of Hattie Clayton, widow of Henry H. Clayton, late of Company I, Forty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Sarah C. Stephens, widow of John T. Stephens, late of Company E, Fifty-third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving and an additional pension of $20 per month for the helpless and dependent daughter, Hazel Stephens: *Provided*, That in the event of the death of Hazel Stephens, helpless and dependent daughter of said Sarah C. and John T. Stephens, the additional pension of $20 for her herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah C. Stephens, the name of said Hazel Stephens shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Sarah C. Stephens.

"The name of Anna Bryant, widow of William Bryant, late of Compay G, Thirty-sixth Regiment Indiana Volunteer Infantry, and Company C, Fifteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

"The name of Josie Parker, widow of Charles Parker, late of Company G, Thirteenth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Cassie Austin, widow of Henry C. Austin, late of Company C, Fifth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lucy A. Sutherland, widow of Samuel A. Sutherland, late of Company H, Fifth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Cannabesta C. Prine, widow of John B. Prine, late of Company F, First Regiment Arkansas Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Julia L. Steele, widow of Calvin F. Steele, late of Company I, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Eliza Bruce, widow of William R., alias William A. Bruce, late of Capt. John G. Musick's Company B, Thirty-first Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Ellie Jacobs, helpless and dependent daughter of James H. Jacobs, late of Company C, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Elizabeth W. Clark, helpless and dependent daughter of George W. Clark, late of Company B, Fifty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Julia R. Brown, helpless and dependent daughter of Robert G. Brown, late of Company E, Seventh Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month.

"The name of Mary M. Goodwin, widow of John Goodwin, late of Company B, Twenty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Mary O. Rousseau, widow of Louis Van Dyke Rousseau, late first assistant engineer, United States Navy, and United States Revenue Cutter Service, Civil War, and pay her a pension at the rate of $30 per month.

"The name of Sarah E. Allen, widow of Jasper Allen, late of Company E, Twenty-first Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary A. Herbert, widow of David Herbert, late of Company E, Sixth Regiment, and Company F, Eighth Regiment, New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Washington P. Sprague, helpless and dependent son of Charles D. Sprague, late of Company C, Thirty-seventh Regiment, and Company E, Twenty-first Regiment, New Jersey Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

"The name of Ellen E. Greenfield, widow of William A. Greenfield, late of Company C, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Lillie B. Braxton, widow of Thomas Braxton, late of Company H, Fifty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lizzie Koffman, widow of William H. Koffman, late of Company E, Seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Jennie B. Clark, widow of Frank W. Clark, late of Company I, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary L. Fitzgerald, widow of Henry Fitzgerald, late private, United States Marine Corps, Civil War, and pay her a pension at the rate of $30 per month.

"The name of Clara E. Campbell, widow of John Campbell, late of Company C, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Margaret Pensyl, widow of Franklin J. Pensyl, late of Company K, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lillie M. Pensyl, helpless and dependent daughter of said Margaret and Franklin J. Pensyl, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Margaret Pensyl, the name of said Lillie M. Pensyl shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Margaret Pensyl.

"The name of Belle Frink, widow of Lorin Frink, late of Company D, Eighth Regiment Michigan Volunteer Cavalry, and Seventy-fourth Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

"The name of Monica J. Boultrie, widow of Maxwell Boultrie, late of Company K, Fifteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month: *Provided*, That if at any time it is shown that soldier is living, this pension shall cease and determine.

"The name of John Fletcher, late of Company G, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Minnie Davis, helpless and dependent daughter of Henry Davis, late of Company L, Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

"The name of Elizabeth Guy, widow of John Guy, late of Company A, Second Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Rebecca Brown, widow of Jacob Brown, late of Company B, Third Regiment North Carolina Mounted Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Callie Manley, widow of Alexander L. Manley, late of Company H, First Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Mary Kruse, widow of Christian Kruse, late of Company E, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Catharine Frampton, former widow of William Frampton, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Floyd Phillips, helpless and dependent son of William H. Phillips, late of Company F, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month.

"The name of Ella McWayne, helpless and dependent daughter of Jay D. McWayne, late of Company K, Thirty-fifth Regiment, and Company B, One hundred and eighty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Josephine Stewart, helpless and dependent daughter of Alfred Stewart, late of Company L, Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Louise F. Carter, widow of William H. Carter, late of Company B, Seventh Regiment Massachusetts Militia Infantry; Thirteenth Unattached Company, Massachusetts Militia Infantry; and unassigned, Fourth Regiment Massachusetts Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Eliza A. Hallock, widow of John Hallock, late of Company C, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary E. Loose, widow of John S. Loose, late of Company B, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mollie B. Gore, widow of William I. Gore, late of Company B, Independent Battalion, London Rangers, West Virginia Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Mary J. Coulson, widow of Alpheus D. Coulson, late of Company B, Second Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Everett Coulson, helpless and dependent son of said Mary J. and Alpheus D. Coulson, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary J. Coulson, the name of said Everett Coulson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary J. Coulson.

"The name of Mary E. Wilson, widow of John A. Wilson, late of Company D, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Emma L. Williams, widow of Edward T. Williams, late of Company G, One hundred and forty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Flossie M. Blauvelt, helpless and dependent daughter of Alonzo Blauvelt, late of Company I, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Mary A. Yauch, widow of Jacob Yauch, late of Company K, Forty-fifth Regiment Pennsylvania Voluteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lydia A. Chandler, widow of Aaron B. Chandler, late of Company H, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Juliette Davis, widow of William H. Davis, late of Company F, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Emma C. Rounds, widow of George R. Rounds, late of Company B, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Adelia C. Dwinell, helpless and dependent daughter of Chester H. Dwinell, late of Company F, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Austa Venable, widow of James L. Venable, late of Capt. Edwin Smart's Company F, Fifth Regiment Missouri State Militia (Colonel Fagg), and pay her a pension at the rate of $30 per month.

"The name of Laura A. Hartman, widow of David Hartman, late of Capt. Charles P. Gould's Company D, Sixty-third Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Sallie A. Knox, widow of Richard F. Knox, late of Capt. John M. Reed's company, Lincoln County, Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Martha A. Luttrell, widow of George W. Luttrell, late of Capt. John Long's Company B, First Provisional Battalion Miller County, Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Jesse S. Trower, late of Capt. Robert McElroy's Company H, Fifth Regiment Missouri Militia, and Capt. Henry Trower's Company E, First or Pike County Battalion, Forty-ninth Regiment Enrolled Missouri Militia, and Capt. Israel W. Stewart's Company E, Sixty-seventh Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Albert Bryant, late of Capt. Luman W. Storey's company, Volunteer Missouri Militia for North Missouri Railroad Bridge Guards, and pay him a pension at the rate of $50 per month.

"The name of David Harper, late of Capt. Luman W. Storey's company, Volunteer Missouri Militia for North Missouri Railroad Bridge Guards, and pay him a pension at the rate of $50 per month.

"The name of Sarah C. Gourley, widow of Montgomery Gourley, late of Capt. John J. Mitchell's Company K, Fifth Regiment Missouri State Militia (Colonel Flagg), and pay her a pension at the rate of $30 per month.

"The name of Harriett A. Lawrence, widow of Aaron C. Lawrence, late of Company B, Fourteenth Regiment, and Company A, Eighty-fourth Regiment Ohio Volunteer Infantry and Twenty-first Independent Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Omar Boggs, helpless and dependent son of Robert J. Boggs, late of Company G, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

"The name of Robert E. Boggs, helpless and dependent son of Robert J. Boggs, late of Company G, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

"The name of Sarah E. Stigers, former widow of Richard H. Roberts, late of Capt. Sanford Goin's Company H, First Regiment Capital Guards, Kentucky State Troops, and pay her a pension at the rate of $30 per month.

"The name of Sarah G. Graveline, helpless and dependent daughter of William B. Graveline, late of Company A, Eighteenth Regiment New York Volunteer Infantry, and Company A, Twenty-fifth Regiment New York National Guard Infantry, and pay her a pension at the rate of $20 per month.

"The name of Elizabeth A. Kittredge, widow of George W. Kittredge, late of Company K, First Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Eliza J. Hill, helpless and dependent daughter of Jonathan Hill, late of Company B, One hundred and fifty-sixth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $20 per month.

"The name of Sarah Barnett, widow of Lewis J. Barnett, late of Company F, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary L. Miller, widow of Newton D. Miller, late of Company F, Eleventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Jane Sexton, widow of Lawrence Sexton, late of Company F, Sixth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Anderson Shoemaker, helpless and dependent son of John Shoemaker, late of Company K, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Freddie A. Spaulding, helpless and dependent son of Cornelius Spaulding, late of Company G, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Henry Gray, helpless and dependent son of Augustus G. Gray, late of Company F, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Ada Wood, widow of Samuel N. Wood, late unassigned, drafted, Second Congressional District Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Nancy Ellen Bloomfelter, widow of John Bloomfelter, late of Company F, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth A. Nelson, widow of Samuel E. Nelson, late of Company B, Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lavinnia J. Wilson, widow of Anderson D. Wilson, late of Company E, Ninth Regiment Indiana Legion, and pay her a pension at the rate of $30 per month.

"The name of Josephine Nolot, helpless and dependent daughter of Claude F. Nolot, late of Company E, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Mary A. Walker, widow of John Walker, late of Battery F, Fifth Regiment United States Volunteer Artillery, and pay her a pension at the rate of $30 per month.

"The name of Phebe H. Snow, widow of Daniel B. Snow, late of Company K, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Rebecca Collins, widow of George H. Collins, late of Company B, Third Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Cadis Berry, widow of Mathias Berry, late of Company E, Fifty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Jane B. Orndorff, widow of Nathan Orndorff, late of Company B, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah A. Pride, widow of Albert Pride, late of Company G, Forty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Ottis Pride, helpless and dependent son of said Sarah A. and Albert Pride, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Sarah A. Pride the name of said Ottis Pride shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Sarah A. Pride.

"The name of Judith Porter, widow of James Porter, jr., late of Company K, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Charlotte A. Greene, widow of Ambers P. Greene, late of Company H, Fiftieth Regiment New York Volunteer Engineers, and pay her a pension at the rate of $30 per month.

"The name of Peggy Shade, widow of Joseph Shade, late of Company C, Third Regiment Indian Home Guards, Kansas Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Annie C. Smith, widow of Edward O. W. Smith, late of Company G, Forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Thomas K. Anderson, helpless and dependent son of Otis B. Anderson, late of Company D, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Grant Smith, helpless and dependent son of Barnes B. Smith, late of Company I, Seventy-first Regiment, and Company D, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Martha Wilson, widow of Henry Wilson, late of Company D, Eleventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Harvey M. Wilson, helpless and dependent son of said Martha and Henry Wilson, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Martha Wilson the name of said Harvey M. Wilson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Martha Wilson.

"The name of Mary S. Burns, widow of John A. Burns, late of Company C, Second Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and an additional pension of $20 per month for the helpless and dependent daughter, Laura B. Burns: *Provided,* That in the event of the death of Laura B. Burns, helpless and dependent daughter of said Mary S. and John A. Burns, the additional pension of $20 for her herein granted shall cease and determine: *And provided further,* That in the event of the death of Mary S. Burns the name of Laura B. Burns shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary S. Burns.

"The name of Mattie Wood, helpless and dependent daughter of Pleasant E. Wood, late of Company B, Eighth Regiment Tennessee Mounted Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Elizabeth N. Laland, widow of George W. Laland, late of Squadron A, Illinois Volunteer Cavalry, McClellan Dragoons, and Company A, Twelfth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Jennie Buck, helpless and dependent daughter of Samuel J. Buck, late of Company D, Ninety-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of James H. Evans, late of (new) Company C, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Charlotta Jackson, widow of Berry G. Jackson, alias Berry Clyatt, late third-class boy, United States Navy, Civil War, and pay her a pension at the rate of $30 per month.

"The name of Alice F. Leach, widow of Edwin T. Leach, late of Company C, Eighteenth Regiment Connecticut Volunteer Infantry, and Company C, Thirtieth Regiment Connecticut Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah D. Munro, widow of Henry C. Munro, late of Company A, Twenty-eighth Regiment Pennsylvania Enrolled Militia Infantry, and pay her a pension at the rate of $30 per month.

"The name of Charles G. W. Everett, late of Company I, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Grace I. Playter, helpless and dependent daughter of George Playter, late of Company A, Twenty-first Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Jessie L. Kugler, widow of Joseph A. Kugler, late of Company C, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Catherine Ledoux, helpless and dependent daughter of Joseph Ledoux, late landsman, United States Navy, Civil War, and pay her a pension at the rate of $20 per month.

"The name of Alice E. Howsley, widow of William E. Howsley, late of Company F, One hundred and thirty-sixth Regiment, and Company G, One hundred and forty-third Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah J. Fath, widow of Jacob Fath, late of Company G, First Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Sarah Sharp, widow of James Sharp, late of Company L, Fourth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Emma J. Cole, widow of John F. Cole, late of Company D, Fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Luella Goings, helpless and dependent daughter of John L. Goings, late of Company K, Second Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

"The name of Georgia Mutchler, widow of John Mutchler, late of Company K, Tenth Regiment, and Company H, Fifty-seventh Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Hattie Burns, helpless and dependent daughter of Ignatius W. Burns, late of Company F, Eleventh Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $20 per month.

"The name of Ora E. Cook, helpless and dependent daughter of James O. Cook, late of Company G, Thirteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Alice A. Wilson, widow of James Wilson, late of Company K, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Margaret C. Hitchcock, widow of Joseph T. Hitchcock, late of Company G, Thirty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of William McKee, late of Capt. John P. Logan's Company A, First Regiment Kentucky State Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

"The name of Sophia A. Remondino, widow of Peter C. Remondino, late acting assistant surgeon, United States Army, Civil War, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth Fry, widow of Aaron B. Fry, late of Company F, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Thomas S. Boggs, helpless and dependent son of Robert J. Boggs, late of Company G, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

"The name of Amanda Losher, widow of John H. Losher, late of Company D, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Emmer Gilson, widow of Edward Gilson, late of Companies H and A, Seventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Everett Sears, helpless and dependent son of Emanuel Sears, late of Company H, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Alice A. McKenzie, widow of Samuel S. McKenzie, late of Company D, Veteran Battalion, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of George B. McIntyre, helpless and dependent son of Peter McIntyre, late of Company D, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Irwin R. R. Alexander, helpless and dependent son of Thomas Alexander, late of Company B, One hundred and nineteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of William A. Willburn, alias Wilburn, late of Company D, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Emily E. Weiss, widow of Charles N. Weiss, late private and acting orderly of Colonel Ballock, of Gen. O. O. Howard's staff, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

"The name of Mary E. English, widow of Samuel English, late second-class fireman, United States Navy, Civil War, and pay her a pension at the rate of $30 per month.

"The name of Mary A. Handel, widow of John C. Handel, late of Company G, Eighth Regiment Illinois Volunteer Infantry, Company A, First Regiment Missouri State Militia Cavalry, and Companies K and B, Second Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Clara Daniel, widow of Asa Daniel, late of Company A, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah Banks, widow of Eaton Banks, late of Company A, Twenty-seventh Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth Oswalt, widow of Reuben Oswalt, late of Company D, Two hundred and thirteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Clarence E. Phifer, helpless and dependent son of Benjamin A. Phifer, late of Company D, Eighth Regiment, and Company D, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

"The name of Emma Hammond, widow of Charles E. Hammond, late of Company K, Second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Anna E. Smith, widow of Richard Smith, late of Company G, Forty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Christopher S. Kerns, alias Christopher Kearns, late of Capt. John N. Smith's Company H, Eighty-first Regiment Enrolled Militia, and Lieut. W. A. Cornelius's Detachment Company H, Eighty-first Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of William O. LaMotte, late of Company H, Forty-sixth Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Alice Day, widow of Asa Day, late of Company G, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Ann Peavy, widow of Mahlon D. Peavy, late of Company F, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Clara F. Randolph, widow of Henry H. Randolph, late of Company E, Fourth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Eleanor S. Bugbee, widow of John G. Bugbee, late of Company A, Second Regiment United States Volunteer Sharpshooters, and pay her a pension at the rate of $30 per month.

"The name of Laura Harrison, widow of John C. Harrison, late of Company K, Tenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Nannie A. Bell, widow of James W. Bell, late of Company L, Ninth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Phoeba L. Diggs, widow of William J. Diggs, late of Company L, Eleventh Regiment, and Company M, Ninth Regiment, Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Mary E. Cogdill, widow of Johnathan Cogdill, late of Company B, Second Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Lucy Jones, widow of Miles Jones, late of Company K, Third Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lucinda C. Dyer, widow of James A. Dyer, late of Company A, First Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of John E. Wyatt, helpless and dependent son of Henry H. Wyatt, late of Company H, Second Regiment California Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of John Shelton, late of Capt. Alfred Montgomery's Company A, Six Months' Volunteers, Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of James H. Stanfill, late of Capt. Alfred Montgomery's Company A, Six Months' Regiment Volunteer Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Christopher Stottler, late of Capt. John C. Wheeling's Company F, Sixty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Ella J. Duygan, widow of James W. Duygan, late of Company B, One hundred and ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Nettie D. Morgan, widow of Lorenzo D. Morgan, late of Company I, Twenty-sixth Regiment, and Company D, One hundred and eighty-ninth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Emma J. Cotie, helpless and dependent daughter of John E. Cotie, jr., late of Company H, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Frances G. Douglas, widow of Thomas W. Douglas, late of Company G, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Marion G. Eudy, widow of William H. Eudy, late pay steward U. S. S. *Cherokee*, United States Navy, Civil War, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Angie N. Weatherspoon, widow of Augustus Weatherspoon, alias Reuben Augusta, late of Company F, Fifth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Katherine Kerr, widow of William Kerr, late of Company I, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Harry B. Gorman, helpless and dependent son of John Gorman, late of Company G, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

"The name of Mary E. Paynter, widow of Richard G. Paynter, late of Company G, Ninth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Abbie A. Pike, widow of Joseph B. Pike, late of Company A, First Regiment United States Veteran Volunteer Engineers, and pay her a pension at the rate of $30 per month.

"The name of Mary A. Hulbert, widow of Edwin Hulbert, late of Company K, One hundred and fortieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Ellen M. Dyke, widow of William H. Dyke, late of Company K, Second Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Bertha F. Young, widow of Xenophon Young, late of Company B, One hundred and fifty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary Belle Denny, former widow of Clifton E. Denny, late of Capt. Alexander Denny's Roanoke Company, Randolph, Howard, and Chariton Counties Volunteer Militia of Missouri, and pay her a pension at the rate of $30 per month.

"The name of Napoleon Lewis Stemmons, late of Company G, Seventy-sixth Regiment Missouri Enrolled Militia, and pay him a pension at the rate of $50 per month.

"The name of Lydia E. Whitney, widow of Samuel Whitney, late of Company D, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Rosa Ulman, widow of Frank Ulman, late of Company G, One hundred and forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Jennie Smith, helpless and dependent daughter of Andrew Smith, late of Company H, Ninth Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Martha S. Spry, widow of Jonathan Spry, late of Company D, Thirty-sixth Regiment, and Company H, Fifth Regiment, Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sara R. Brewster, widow of Clark Brewster, late of Company G, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Matilda P. Sutter, widow of William Sutter, late of Company C, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah L. Williams, widow of Isaac S. Williams, late of Company A, Tenth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Alexander Elliott, helpless and dependent son of Nathan Elliott, sr., late of Company F, Ninth Regiment, and Company K, Second Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

"The name of Joann Thornton, widow of George W. Thornton, late of Company D, One hundred and seventh Regiment, and Company B, Sixty-fourth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Frances E. Bishopp, widow of Charles J. Bishopp, late of Company C, Eleventh Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Flora P. Moss, widow of Jerome Hull Moss, late of Company K, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sara W. Bowlby, widow of William T. Bowlby, late of Company A, One hundred and forty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary E. Kennedy, widow of Lewis C. Kennedy, late of Company C, Seventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Robert L. Boaz, helpless and dependent son of Aurelius Boaz, late of Company B, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Amanda Albright, widow of William Albright, late of Company E, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Cora Albright, helpless and dependent daughter of said Amanda and William Albright, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Amanda Albright, the name of said Cora Albright shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Amanda Albright.

"The name of Harvey Campbell, dwarf and disabled son of Henry Campbell, late of Company I, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Carrie M. Cramer, helpless and dependent daughter of Paul A. Cramer, late of Company I, One hundred and sixty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 a month.

"The name of Matilda Klopping, widow of Charles Klopping, late of Company G, Fifteenth Regiment New York Volunteer Heavy Artillery, and Company C, Fifth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Marion E. Black, widow of David F. Black, late of Company I, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and an additional pension of $20 per month for the helpless and dependent son, Harry E. Black: *Provided*, That in the event of the death of Harry E. Black, helpless and dependent son of said Marion E. and David F. Black, the additional pension of $20 for him herein granted shall cease and determine: *And provided further*, That in the event of the death of Marion E. Black, the name of said Harry E. Black shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Marion E. Black.

"The name of Isadora Maurer, widow of George Maurer, alias Albert Fulton, late of Company A, One hundred and fifty-ninth Regiment New York Volunteer Infantry, and Company G, Fourth Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Eliza J. Rank, widow of William L. Rank, late of Company B, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Edwin G. Farrar, helpless and dependent son of Stephen Farrar, late of Company E, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Ada S. Ostronder, former widow of Harrison Welch, late of Company D, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah Hager, widow of John Hager, late of Company C, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Isadora P. Ebert, widow of John W. Ebert, late of Company D, Sixteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Edward Dzengolewski, late of Company K, Fourth Regiment Missouri Infantry Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

"The name of Otto Kuehn, late acting assistant and contract surgeon, United States Army, Civil War, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

"The name of Clark Wyman, late of Company L, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

"The name of Mary A. Schwyhart, widow of Marion S. Schwyhart, late of Company H, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Martha E. Sellers, widow of Samuel S. Sellers, late of Captain Gilbreath's company, Independent Scouts and Guides of Alabama, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

"The name of Julia A. Thomas, widow of Joseph C. Thomas, late of Capt. John K. Snyder's Company E, Eighty-seventh Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Sarah E. Fuqua, widow of Cyrus G. Fuqua, late of Company I, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of George S. Fuqua, helpless and dependent son of said Sarah E. and Cyrus G. Fuqua, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah E. Fuqua the name of said George S. Fuqua shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Sarah E. Fuqua.

"The name of Annie E. Doss, widow of Sylvester Doss, alias Harry S. Doss, late pilot on the ram *Lancaster* of the Mississippi Marine Brigade, Civil War, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

"The name of Lura E. Lathrop, helpless and dependent daughter of Edward J. Lathrop, late of Companies F and K, One hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Samantha Elliott, widow of James H. Elliott, late of Company B, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Meta Sorensen, helpless and dependent daughter of Hans J. Sorensen, late drafted, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Mattie M. Atkins, helpless and dependent daughter of Samuel Atkins, late of Company D, Third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Charles H. Prescott, blind son of George H. Prescott, late of Ninth Independent Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $20 per month.

"The name of Susanna Provance, widow of George N. Provance, late of Company K, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Hattie Provance, helpless and dependent daughter of said Susanna and George N. Provance, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Susanna Provance, the name of said Hattie Provance shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of the death of said Susanna Provance.

"The name of Alice Bullock, widow of Robert H. Bullock, late of Company I, Ninth Regiment Rhode Island Volunteer Infantry, and Eighteenth Unattached Company Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Lizzie Fenton, widow of John R., alias John A. Fenton, late of Companies A and K, Eighty-second Regiment New York Volunteer Infantry, and Company B, Battalion Eighty-second New York Volunteer Infantry, and Company G, Fifty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Charles E. Brown, late telegraph operator and operator and railroad agent, Military Telegraph Corps, United States Army, Civil War, and pay him a pension at the rate of $50 per month.

"The name of Elizabeth Coarding, widow of James E. Coarding, alias James W. McCarthy, late of Company H, Thirty-fourth Regiment Ohio Volunteer Infantry, and Company K, Tenth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Emma S. Jones, widow of James Jones, late of Company H, Twenty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary H. Maulsby, widow of Luny C. Maulsby, late of Company H, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Ellen Jane Dick, widow of Franklin Dick, late of Capt. John P. Logan's Company A, First Regiment Cavalry, Kentucky State Volunteers, and pay her a pension at the rate of $30 per month.

"The name of Susana Thomas, widow of John H. Thomas, late of Company G, Ninth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Frances N. Williams, widow of James M. Williams, late of Company K, Seventh Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Eliza Reed, widow of John D. Reed, late of Company D, Seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Bertha Hansmann, helpless and dependent daughter of Joseph Hansmann, late of Company B, Third Regiment United States Reserve Corps, Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Mattie Hawley, widow of Myron F. Hawley, late of Company F, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Anna F. Baugh, widow of Jacob L. Baugh, late of Company A, One hundred and fourteenth Regiment, and Company E, One hundred and ninetieth Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

"The name of Mary S. Merrill, widow of Abijah Merrill, late of Company I, First Regiment Indiana Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Rose B. Stine, widow of Benjamin L. Stine, alias John J. Quay, late of Company F, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Harry E. Patterson, helpless and dependent son of William H. Patterson, late of Company I, Thirty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Sallie Kightlinger, widow of Edward Kightlinger, late of Company D, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lewis L. Francis, alias Louis L. Francis, late of Capt. Francis M. Vaughn's Company B, Three Forks Battalion, Capital Guards, Kentucky Volunteers, and pay him a pension at the rate of $50 per month.

"The name of Elbert S. Francis, alias Elbert C. Francis, late of Capt. William D. Caldwell's company, Three Forks Battalion Kentucky State Troops, and pay him a pension at the rate of $50 per month.

"The name of Rose Ehrenfelt, widow of John Ehrenfelt, late of Company A, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Catherine Ehrenfelt, helpless and dependent daughter of said Rose and John Ehrenfelt, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Rose Ehrenfelt, the name of said Catherine Ehrenfelt shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Rose Ehrenfelt.

"The name of Pearl Trevaskis, helpless and dependent daughter of John Trevaskis, late landsman, United States Navy, Civil War, and pay her a pension at the rate of $20 per month.

"The name of Elenora Thompson, widow of James T. Thompson, late of Company K, Twenty-first Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Margaret Sexton, widow of Michael Sexton, late of Company K, Ninety-ninth Regiment New York National Guard Infantry, and pay her a pension at the rate of $30 per month.

"The name of Fannie Chambers, widow of William R. Chambers, late of Company A, Thirty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

"The name of Elizabeth A. Tullis, widow of James W. Tullis, late of Company G, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Maud E. Sparks, widow of Benjamin C. Sparks, late of Company D, Fortieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Florence G. Melton, widow of Leonard L. Melton, late of Company D, Forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Hannah Gatliff, widow of Cornelius Gatliff, late of Capt. Eli Bruner's Company G, Mercer County Battalion, Seventh Regiment Missouri State Militia, and pay her a pension at the rate of $30 per month.

"The name of Rosa I. Potter, widow of George F. Potter, late of Company H, Eighth Regiment Michigan Infantry Volunteers, and

Veteran Volunteer, and pay her a pension at the rate of $30 per month.

"The name of Laura E. Jennings, widow of John D. Jennings, late of Company E, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Amy E. Spare, widow of Arthur Spare, late of Company I, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Minnie S. Cadiz, widow of Charles H. Cadiz, late of Company B, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Mary E. Ayres, widow of Isaac Ayres, late of Companies B and D, Sixty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Ella Z. Sweany, widow of Oliver Sweany, late of Company D, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Roxie Boster, helpless and dependent daughter of John R. Boster, late of Company E, One hundred and forty-first Regiment Ohio Infantry, and pay her a pension at the rate of $20 per month.

"The name of Sarah J. Sharp, widow of John Sharp, late of Capt. H. C. Donnohue's Pettis County Volunteer Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Altha Denham, helpless and dependent daughter of Henry Denham, late of Company E, Eleventh Regiment, and Company H, Ninth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

"The name of Lucy A. Bailey, widow of Andrew Mc Bailey, late of Company F, Twenty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Jane L. Kirkman, widow of Robert Kirkman, late of Company I, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and an additional pension of $20 per month for the helpless and dependent daughter, Nettie Kirkman: *Provided,* That in the event of the death of Nettie Kirkman, helpless and dependent daughter of said Jane L. and Robert Kirkman the additional pension of $20 for her herein granted shall cease and determine: *And provided further,* That in the event of the death of Jane L. Kirkman, the name of said Nettie Kirkman shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Jane L. Kirkman.

"The name of Ida B. Lawrence, widow of Edward F. Lawrence, late of Company B, Seventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of George S. Boutwell, late seaman, United States Navy (U. S. S. *Colorado*), Civil War, and pay him a pension at the rate of $50 per month, without recourse to reimbursement.

"The name of Martha F. Fry, widow of John A. Fry, late of Company F, Forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Susan E. Dean, widow of Gardner M. Dean, late of Company B, Second Regiment Massachusetts Volunteer Heavy Artillery, and Company D, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Hester M. Conklin, helpless and dependent daughter of Isaac E. Conklin, late of Company I, Ninety-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Charlie Green, helpless and dependent son of Jacob Green, late of Company B, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Grace P. Carter, widow of George T. Carter, late of Company B, Second Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Rebecca Bristol, widow of William T. Bristol, late of Company E, Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Elizabeth Martin, widow of Arthur Martin, late of Company G, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Dora E. Davis, helpless and dependent daughter of William T. Davis, late of Company B, Sixth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Mattie E. Davenport, widow of Joseph M. Davenport, late of Company G, Twenty-eighth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Benjamin Lynch, alias Peter Trambley, late of Company D, Third Regiment Maryland Volunteer Cavalry, and Company D, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

"The name of Esther M. Wright, widow of John W. Wright, late of Company I, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and an additional pension of $20 per month for the helpless and dependent son, Charles E. Wright: *Provided,* That in the event of the death of Charles E. Wright, helpless and dependent son of said Esther M. and John W. Wright, the additional pension of $20 for him herein granted shall cease and determine: *And provided further,* That in the event of the death of Esther M. Wright, the name of said Charles E. Wright shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Esther M. Wright.

"The name of Effie A. Smith, helpless and dependent daughter of Joseph Smith, late of Company A, Eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of George F. Dale, alias George N. Dale, late of Capt. J. B. Calhoun's company, Moniteau and Cooper Counties, Militia of Missouri, and pay him a pension at the rate of $50 per month.

"The name of Jennie Broderick, helpless and dependent daughter of Morris Broderick, late of Company D, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Cordie Nave, widow of Henry T. Nave, late of Company A, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Etta A. Mayers, widow of Joseph Mayers, late of Company I, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Bessie Mayers, helpless and dependent daughter of said Etta A. and Joseph Mayers, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Etta A. Mayers, the name of said Bessie Mayers shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Etta A. Mayers.

"The name of Josephine Henderson, widow of Marvin L. Henderson, late of Company K, Twenty-fourth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Nellie B. Hoagland, widow of John M. Hoagland, late of Company D, Fiftieth Regiment New York Volunteer Engineers, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth J. Smith, widow of Ira M. Smith, late of Company G, One hundred and eighty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Mary Miller, former widow of Emanuel Miller, late of Company G, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lydia Hendershot, widow of William A. Hendershot, late of Company D, Third Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Eva Sanborn, widow of William W. Sanborn, late of Company E, Ninety-third Regiment New York Volunteer Infantry, and Company F, Nineteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Phebe Evland, helpless and dependent daughter of Joseph Evland, late of Company B, One hundred and forty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of M. Lee Wolcott, helpless and dependent son of George W. Wolcott, late of Company F, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month

"The name of Charlotte Westcott, widow of Martin R. Westcott, late of Company C, Forty-fourth Regiment New York Volunteer Infantry, and Company H, Fifth Regiment New York Veteran Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah F. Perrigo, widow of John E. Perrigo, late of Company I, Fifteenth Regiment New York Volunteer Engineers, and pay her a pension at the rate of $30 per month.

"The name of Rose May Rice, widow of Lorenzo H. Rice, late of Company A, One hundred and ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Rissa V. Goodell, widow of Richard H. Goodell, late assistant surgeon, Fifth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Hiram H. Brown, helpless and dependent son of Jonathan D. Brown, late of Company A, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Harriet E. Charles, widow of Andrew J. Charles, late of Company E, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Aggie Holcombe, widow of Henry C. Holcombe, late of Company C, Thirtieth Regiment Pennsylvania Enrolled Militia Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

"The name of Eliza J. Vandegriff, widow of James Vandegriff, late of Company C, First Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Chloe Cate, former widow of Davidson Sprouse, late of Company K, Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Amanda Baker Taylor, former widow of Alfred Baker, late of Company K, Third Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Mary E. Bradshaw, widow of Joseph F. Bradshaw, late of Company A, Ninth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of George M. Arnold, helpless and dependent son of Henry F. Arnold, late of Company G, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Vinnie Bertch, helpless and dependent daughter of John Bertch, late of Company G, Twenty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Nancy E. Clifton, widow of Caswell D. Clifton, late of Company K, Forty-sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Rebecca E. Burton, former widow of John Teague, late of Company D, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Tony C. Jones, helpless and dependent son of Zachariah Jones, late of Company C, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Drucilla E. Petts, former widow of Horace E. Petts, late of Company K, First Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Eliza Towell, former widow of James H. Orr, late of Company G, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Rachel F. Burdg, widow of John Burdg, late of Company C, Eighth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Mary A. Cox, widow of George W. Cox, late of Company I, Forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary Demaree, widow of John M. Demaree, late of Company H, Tenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of May Yoder, helpless and dependent daughter of Eli L. Yoder, late of Captain Musser's company, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month on an individual certificate.

"The name of Roy Scott, helpless and dependent son of Samuel Scott, late of Company E, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Mollie E. Metzler, widow of Benjamin F. Metzler, late of Company K, Twenty-first Regiment Iowa Volunteer Infantry, and Company I, Eighty-first Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Virginia E. Esty, widow of Charles J. Esty, late of Company H, Tenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Ida B. Pittenger, widow of Wilson M. Pittenger, late of Company I, One hundred and forty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Please Waits, helpless and dependent son of Thompson Waits, late of Companies A and C, Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

"The name of Howell E. Waits, helpless and dependent son of Thompson Waits, late of Companies A and C, Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

"The name of George W. Waits, helpless and dependent son of Thompson Waits, late of Companies A and C, Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

"The name of John D. Waits, helpless and dependent son of Thompson Waits, late of Companies A and C, Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

"The name of Hattie Dickinson, crippled and deformed daughter of Horace L. Dickinson, late of Company I, Second Regiment New York Mounted Rifles, and pay her a pension at the rate of $20 per month.

"The name of Emma S. Stokes, widow of Wilson M. Stokes, late of Company I, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of James Miller, late of Capt. William Turner's West Virginia State Troops, and pay him a pension at the rate of $50 per month.

"The name of Emily J. Hendricks, widow of James K. Hendricks, alias Hendrex, late of Capt. William Turner's company, Independent Scouts, West Virginia State Troops, and Capt. William Turner's company, West Virginia State Guards, and pay her a pension at the rate of $30 per month.

"The name of Morhis F. Loyd, late of Company C, Twenty-eighth Regiment Enrolled Missouri Militia, and Company A, Ninth Regiment Provisional Enrolled Missouri Militia, and Company B, Twenty-eighth Regiment Enrolled Missouri Militia, and pay him a penson at the rate of $50 per month.

"The name of James M. Nelson, late second-class pilot, United States Navy, Civil War, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

"The name of Elvira Vandyke, widow of Marshall Vandyke, late of Company A, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Josephine Canfield, widow of John Canfield, late landsman, United States Navy, Civil War, and pay her a pension at the rate of $30 per month.

"The name of Fannie Jenkins, helpless and dependent daughter of George W. Jenkins, late of Company G, Thirteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Thomas G. Dawson, late of Company A, Sixth Regiment, and Company F, Seventh Regiment, Delaware Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

"The name of Elsie Ann Tyre, widow of Richard Tyre, late of Company E, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Emma Fahnle, helpless and dependent daughter of William Fahnle, late of Company M, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

"The name of David Atkinson, late of Ezekiel L. Winter's Cavalry, Company E, Grundy County Battalion, Missouri State Militia, and pay him a pension at the rate of $50 per month.

"The name of Margaret Wohlgemuth, former widow of Peter F. Calvert, late of Company E, Fourth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Jacob Baker, late of Lieut. Lyman J. Burch's company, Jasper County, Volunteer Militia of Missouri, and pay him a pension at the rate of $50 per month.

"The name of Elizabeth Reynolds, widow of John L. Reynolds, late of Capt. W. J. William's Company A, Ninth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Margaret Drummond, former widow of Adolphus B. Lowry, late of Company K, One hundred and fifty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Maud Grinstead, helpless and dependent daughter of George T. Grinstead, late of Company F, Eighth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Elma Thompson, helpless and dependent daughter of William Thompson, late of Company E, Fifteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Minnie M. Quick, widow of John T. Quick, late of Company A, Fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary F. Van Ormer, helpless and dependent daughter of John N. Van Ormer, late of Captain Musser's company, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Evelyn G. Burrell, widow of Samuel Burrell, late of Company K, Third Regiment New York Volunteer Cavalry, and Com-

pany B, First Regiment New York Mounted Rifles, and pay her a pension at the rate of $30 per month.

"The name of John J. White, late of Company D, Sixty-first Regiment, and Company D, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving, without recourse to reductions therefrom.

"The name of Fannie Edwards, widow of William Edwards, late of Company E, Thirty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Ada W. Simpson, widow of Richard Simpson, alias Richard F. Simpson, late of Company D, Sixty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Etta Horine, helpless and dependent daughter of Michael Horine, late of Company F, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Andrew Heflin, late of Capt. George R. Barber's company, Fleming County Kentucky State Troops, and pay him a pension at the rate of $50 per month.

"The name of Charity J. Martin, former widow of David Martin, late of Company F, Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Angeline Relation, widow of Edward O. Relation, late of Company H, Twentieth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary K. Moon, widow of Robert G. Moon, late of Captain Chadwick's company, Michigan Volunteer Engineers, and pay her a pension at the rate of $30 per month.

"The name of Addie Martin, helpless and dependent daughter of Oliver P. Martin, late of Company A, Seventieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Viva White, widow of Henry P. White, late of Company H, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate of $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Nellie Snapp, widow of Ezekiel M. Snapp, late of Company E, Sixty-first Regiment, and Company A, Eighty-third Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Blanche L. Waterman, widow of George C. Waterman, late of Companies I and H, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Frances Roe, widow of Charles K. Roe, late of Company I, Fourth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Rebecca J. Gouge, widow of Henry Gouge, late of Company G, Cole County Missouri Home Guards, and pay her a pension at the rate of $30 per month.

"The name of Jane Louise Tymeson, widow of John H. Tymeson, late of Company B, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary J. Owen, widow of Elijah Owen, late of Company H, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Laura A. Goulden, widow of James Goulden, late of Company C, Third Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Eugene Rhodes, helpless and dependent son of Edwin Rhodes, late of Company A, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

"The name of Elvira Paulman, helpless and dependent daughter of Charles Paulman, late of Company G, Sixty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Margaret A. Miller, widow of George B. Miller, late of Company K, One hundred and forty-eighth Regiment, and Company G, One hundredth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Minerva J. Spencer, widow of Monroe Spencer, late of Company B, Eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Roseann Minges, former widow of Charles H. Marquand, late of Company G, Eighth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Margaret Robinson, widow of David G. Robinson, late of Company F, Forty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ralph E. Robinson, helpless and dependent son of said Margaret and David G. Robinson, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Margaret Robinson, the name of said Ralph E. Robinson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Margaret Robinson.

"The name of Armintia C. Miner, widow of Elbert A. Miner, late of Company E, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Kathryn Farrar, widow of Alexis Farrar, late of Company K, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Robert M. McCormick, helpless and dependent son of Robert M. McCormick, late of Company G, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

"The name of Sarah A. Armstrong, widow of Lewis Armstrong, late of Company A, Fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Carrie L. Wallace, widow of William H. H. Wallace, late of Companies B and A, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Kate McManama, widow of Reason K. McManama, late of Company B, Thirtieth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary Belford, widow of David Belford, late of Company E, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and an additional pension of $20 per month for the helpless and dependent daughter, Clara Belford: *Provided*, That in the event of the death of Clara Belford, helpless and dependent daughter of said Mary and David Belford, the additional pension of $20 for her herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary Belford, the name of said Clara Belford shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary Belford.

"The name of Martha Cole, widow of Clark M. Cole, late of Company F, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lydia E. Enochs, helpless and dependent daughter of Charles L. Enochs, late of Company H, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Cornelius N. Kinder, late of Company B, Six Months Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Theresa Creiss, helpless and dependent daughter of Christian Creiss, late of Company G, Sixth Regiment New York Volunteer Infantry, and Company B, Thirty-ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of John H. Sutliff, helpless and dependent son of John B. Sutliff, late of Company K, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Elmer H. Clingan, helpless and dependent son of Samuel McC. Clingan, late of Company I, First Regiment East Shore Maryland Volunteer Infantry; unassigned, Second Regiment Maryland Veteran Volunteer Infantry; and Company E, Eleventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Pearl J. Pool, helpless and dependent daughter of Sander Pool, late of Company I, Fifth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $20 per month.

"The name of Sarah E. Ashley, also known as Sallie E. Ashley, widow of Arthur D. Ashley, late third-class boy United States Navy, Civil War, and pay her a pension at the rate of $30 per month.

"The name of Jane C. Poulson, widow of James T. Poulson, late of Company G, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Howard G. Poulson, helpless and dependent son of said Jane C. and James T. Poulson, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Jane C. Poulson, the name of said Howard G. Poulson shall be placed on the pension roll, subject to the provisions and limitations of the pension

laws, at the rate of $20 per month from and after the date of death of said Jane C. Poulson.

"The name of John Sexton, late of Capt. William B. Eversole's Company C, Three Forks Battalion, Kentucky State Troops, and pay him a pension at the rate of $50 per month.

"The name of Maria Rutter, widow of James W. Rutter, late of Company G, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Gus Pike, helpless and dependent son of Davis Pike, late of Company G, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Mary J. Moore, widow of Isaac J. Moore, late of Company G, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Adaline Sowders, widow of Harrison Sowders, late of Company K, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of James Sowders, helpless and dependent son of said Adaline and Harrison Sowders, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Adaline Sowders, the name of said James Sowders shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Adaline Sowders.

"The name of Rachel Newell, widow of William Newell, late of Company E, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension of $50 per month in lieu of that she is now receiving, and an additional pension of $20 per month for the helpless and dependent daughter, Elizabeth Newell: *Provided*, That in the event of the death of Elizabeth Newell, helpless and dependent daughter of said Rachel and William Newell, the additional pension of $20 for her herein granted shall cease and determine: *And provided further*, That in the event of the death of Rachel Newell the name of said Elizabeth Newell shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Rachel Newell.

"The name of James Booth, late of Company K, First Regiment Capitol Guards, Kentucky State Troops, and pay him a pension at the rate of $50 per month.

"The name of Alfred G. Gosting, jr., helpless and dependent son of Alfred G. Gosting, late of Company H, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Elizabeth Rosenbauer, helpless and dependent daughter of Henry Rosenbauer, late of Company C, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Ella Dibble, widow of James Dibble, late of Company F, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Catharine Derstine, helpless and dependent daughter of John F. Derstine, late of Company G, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Bertha C. Williams, widow of William S. Williams, late of Company D, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Anna G. Williams, helpless and dependent daughter of said Bertha C. and William S. Williams, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Bertha C. Williams, the name of said Anna G. Williams shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Bertha C. Williams.

"The name of Celia Enright, widow of George Enright, late of Company I, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Eliza Ward, widow of William R. Ward, alias Robert Warren, late of Company M, Tenth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Eliza E. Adkins, widow of Pleasant A. Adkins, late of Company K, Fifth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Hannah L. Hollen, former widow of Thomas W. Hollen, late of Company H, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Josiah A. Hollen, helpless and dependent son of said Hannah L. and Thomas W. Hollen, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Hannah L. Hollen, the name of said Josiah A. Hollen shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Hannah L. Hollen.

"The name of Julia H. Nichols, widow of Luzerne J. Nichols, late of Company E, Twelfth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Florence Lewis, helpless and dependent daughter of William C. Lewis, late of Company C, Sixth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

"The name of Amanda Reffitt, widow of James A. Reffitt, late of Company E, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Marion E. Welch, widow of Pliney Welch, late of Company G, Ninety-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary J. Corder, widow of William B. Corder, late of Company B, Forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and an additional pension of $20 per month for the helpless and dependent daughter, Sarah J. Corder: *Provided*, That in the event of the death of Sarah J. Corder, helpless and dependent daughter of said Mary J. and William B. Corder, the additional pension of $20 for her herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary J. Corder the name of Sarah J. Corder shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary J. Corder.

"The name of Mary M. Mehaffey, widow of George W. Mehaffey, late of Company A, Tenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Allie Crabb, widow of Mark M. Crabb, late of Company H, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Annie C. Owens, widow of Edward Owens, late of Company E, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of William Clark, helpless and dependent son of Matthew Clark, late of Company G, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Sarah E. Duffield, helpless and dependent daughter of Landon Duffield, late of Companies L and F, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Ruth H. Wight, widow of Sheldon Wight, late of Company F, Sixth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Rebecca Ettinger, widow of Joseph Ettinger, late of Company I, Seventieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Venia Hines, widow of John B. F. Hines, late of Company C, Forty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Mary Middaugh, widow of Aaron Middaugh, late of Company I, Tenth Regiment Michigan Volunteer Infantry, and Company C, Sixth Regiment United States Colored Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Salome Cerrenner, widow of William Cerrenner, late of Company I, Eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Theresa Coleman, widow of John M. Coleman, late of Battery H, First Regiment West Virginia Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Ernestina Tappen, former widow of Sylvester Tappen, late of Company G, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Emily S. Johnson, widow of John M. Johnson, late of Company A, First Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Drucilla Van Nest, widow of William L. Van Nest, late of Company I, Seventh Regiment New York State Militia Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary G. Hickey, helpless and dependent daughter of Simon P. Hickey, late of Company D, Ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Helen K. Andrews, widow of Bishop E. Andrews, late of Company H, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary E. Michael, widow of Jacob Michael, late of Company K, Seventieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Harriet Lester, widow of Moses H. Lester, late second-class fireman, United States Navy, Civil War, and pay her a pension at the rate of $30 per month.

"The name of Effie Charney, helpless and dependent daughter of Michael Charney, late of Company H, One hundred and thirty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Minnie E. Peck, widow of William C. Peck, late landsman, United States Navy, Civil War, and pay her a pension at the rate of $30 per month.

"The name of James Steele, late of Capt. Horace Shoemaker's Provisional Company, Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Frank Lawler, helpless and dependent son of Patrick Lawler, late of Company M, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month.

"The name of Louisa Siples, widow of Rufus Siples, late of Company G, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth Hawkins, helpless and dependent daughter of Alfred Hawkins, late of Company B, Forty-fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Samuel Pack, late of Company H, Sixty-eighth Regiment Kentucky Enrolled Militia, and Company L, First Regiment, Capital Guards, Kentucky State Troops, and pay him a pension at the rate of $50 per month.

"The name of Kate Farmer, widow of Joseph Farmer, late of Company H, Tenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Albert D. Day, late of Capt. Philip R. Van Frank's Hopewell Rifle Company D, Washington County Battalion, Missouri State Militia, and pay him a pension at the rate of $50 per month.

"The name of Sarah E. Burns, widow of Timothy Burns, late of Company M, Sixth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Laura Viney, widow of Charles Viney, late of Company F, Forty-third Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Catherine A. Hennon, widow of William C. Hennon, late of Company I, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Pearl E. Hennon, helpless and dependent daughter of said Catherine A. and William C. Hennon, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Catherine A. Hennon, the name of said Pearl E. Hennon shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Catherine A. Hennon.

"The name of Margaret Johnson, widow of William N. Johnson, late of Company C, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lucy M. Sperry, widow of William J. Sperry, late of Company E, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Annie H. Kenny, widow of John Kenny, late of Company D, Fortieth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Ellen M. Davenport, widow of John L. M. Davenport, late of Company K, Twenty-third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Bertha Moore, widow of George W. Moore, late of Company I, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Blanche Fetterhoff, widow of Hiram Fetterhoff, late of Company I, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth Cornelius, widow of B. F. Cornelius, late of Company H, Eighty-first Regiment Enrolled Missouri Militia, and Lieut. W. A. Cornelius's Detachment Company H, Eighty-first Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Sirena Short, helpless and dependent daughter of James Short, late of Company B, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Angeline Shirley, widow of John T. Shirley, late of Capt. Wakefield Stanley's Company B, Sixty-fifth Regiment Enrolled Missouri Militia, and Capt. William M. Ead's Company D, Sixty-fifth Regiment Enrolled Missouri Militia, and Captain Beaty's company, Carroll County Guards, Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Mary Cullison, widow of Moses Cullison, late of Company G, One hundred and forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Welthy E. Bracy, widow of Hiram Bracy, late of Company K, Ninth Regiment, and Company K, Second Regiment, New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Kate Walsh, widow of Edward Walsh, late of Company G, Sixty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 in lieu of that she is now receiving: *Provided*, That in the event of the death of Nellie Walsh, helpless and dependent daughter of said Kate and Edward Walsh, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Kate Walsh, the name of said Nellie Walsh shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Kate Walsh.

"The name of Joseph B. Walker, helpless and dependent son of Jeremiah Walker, late of Company D, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Annie L. McIntyre, helpless and dependent daughter of Andrew McIntyre, late of Company E, One hundred and sixtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Mildred V. Tune, former widow of Cornelius Van Deusen, late of Company E, Fourth Regiment New York Provisional Volunteer Cavalry, and Company E, First Regiment New York Mounted Rifles, and pay her a pension at the rate of $30 per month.

"The name of Amanda Moseby, former widow of Peter Hallam, late landsman, United States Navy, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and an additional pension of $20 per month for the helpless and dependent daughter, Laura Hallam: *Provided*, That in the event of the death of Laura Hallam, helpless and dependent daughter of said Amanda and Peter Hallam, the additional pension of $20 for her herein granted shall cease and determine: *And provided further*, That in the event of the death of Amanda Moseby the name of said Laura Hallam shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Amanda Moseby.

"The name of Mary Dyer, widow of Joseph Dyer, late of Company D, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Isabelle Hurst, widow of William L. Hurst, late an unenlisted man authorized to do recruiting service by United States Commissioner Richard Apperson, sr., authorized recruiting officer by authority of War Department, Civil War, and pay her a pension at the rate of $30 per month.

"The name of Nancy J. Ferrier, widow of Jordan Ferrier, late of Company F, Forty-eighth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Benjamin Ferrier, helpless and dependent son of said Nancy J. and Jordan Ferrier, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Nancy J. Ferrier the name of said Benjamin Ferrier shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Nancy J. Ferrier.

"The name of Ida A. Carroll, widow of James H. Carroll, late of Company B, Tenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Jessie Sparrow, helpless and dependent daughter of David De L. Sparrow, alias David De Lancy, late of Company K, Sixth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Mary E. Streit, former widow of Josiah Howard, late of Capt. Thomas J. Babcock's company, Ninth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of George C. Barnes, late of Capt. George Bingham's Company H, Seventy-first Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Lillie Corwin, widow of J. Addison Corwin, late of Company H, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and Company K, One hundred and third Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Anna G. Mitchell, helpless and dependent daughter of Patrick J. Mitchell, late of Companies G and F, Sixty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Thomas J. Tigue, helpless and dependent son of Thomas Tigue, alias Thomas Tobin, late of Company C, Twenty-second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

"The name of Martha E. McAllister, widow of Robert McAllister, late bandmaster, United States Navy, Civil War, and pay her a pension at the rate of $30 per month.

"The name of Kathryn McCarthy, widow of Daniel McCarthy, late first-class boy, United States Navy, Civil War, and pay her a pension at the rate of $30 per month.

"The name of Catherine C. Hanna, widow of Delos M. Hanna, late of Company H, Eleventh Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Laura E. Haynes, former widow of Edward W. Haynes, late of Company D, Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sophronia E. Miles, widow of Greenberry V. Miles, late of Company B, Eightieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary F. Robinson, widow of Preston Robinson, late of Company M, First Regiment Maine Volunteer Cavalry, and Company I, Fourteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

"The name of Mattie N. Bean, widow of Dana L. Bean, late of Company E, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Mahala Sturgeon, widow of Henry C. Sturgeon, late of Company B, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Angeline Roberts, widow of George W. Roberts, late of Capt. George L. Herring's Company A, Fifth Regiment Missouri State Militia, and pay her a pension at the rate of $30 per month.

"The name of Lodema Lawrence, widow of Chauncey Lawrence, late of Company B, One hundred and thirty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Clarinda McKelly, widow of James McKelly, late of Company H, Thirteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Isaac Workman, late of Capt. William L. Finnix's Company M, Seventy-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Janette Andrist, widow of John Andrist, late of Company I, Twentieth Regiment Ohio Volunteer Infantry, and Company E, Fourth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

"The name of William D. Hohenshilt, helpless and dependent son of Andrew T. Hohenshilt, late of Company F, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and Company A, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

"The name of Jacob Kesner, late of Capt. Isaac Alt's Company B, Forty-sixth Regiment Volunteer Militia of West Virginia (Pendleton County), and Capt. Michael Mallow's company of Independent Scouts, Pendleton County, West Virginia State troops, and pay him a pension at the rate of $50 per month.

"The name of Meta B. Harrison, widow of James F. Harrison, late unassigned, Ringold Cavalry, Pennsylvania Volunteers, and pay her a pension at the rate of $30 per month.

"The name of Leo L. Litherland, helpless and dependent son of Mathew D. Litherland, late of Company I, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Olive E. Morton, widow of Ellison M. Morton, late of Company B, Sixth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of George W. Studabaker, late of Company K, Eleventh Regiment Ohio Infantry Volunteers, and pay him a pension at the rate of $50 per month.

"The name of Leota D. Sharp, widow of Benjamin M. Sharp, late of Company H, Ninety-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary B. Peebles, widow of Allen P. Peebles, late of Company D, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah C. Atkinson, widow of William J. Atkinson, late of Company C, Forty-third Regiment Enrolled Missouri Militia, and Lieut. John A. Yancey's Cooper County platoon, Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Emma M. Oberlin, widow of Samuel Oberlin, late of Seventh Independent Company, Ohio Volunteer Sharpshooters, and pay her a pension at the rate of $30 per month.

"The name of Maud E. West, widow of Samuel West, late of Company C, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Ellen Froman, widow of Isaac M. Froman, late of Company D, Tenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

"The name of Sarah Rooks, widow of William H. Rooks, late of Company G, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and an additional pension of $20 per month for the helpless and dependent daughter, Elizabeth J. Rooks: *Provided,* That in the event of the death of Elizabeth J. Rooks, helpless and dependent daughter of said Sarah and William H. Rooks, the additional pension of $20 for her herein granted shall cease and determine: *And provided further,* That in the event of the death of Sarah Rooks, the name of said Elizabeth J. Rooks shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Sarah Rooks.

"The name of Mary J. Howes, former widow of Daniel W. Loring, late of Company K, First Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Louisa Wiegand, helpless and dependent daughter of Herman Wiegand, late of Company D, Forty-third Regiment Illinois Volunteer Infantry, and Company G, Third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of William L. Cowan, late of Capt. C. L. Holsapple's Company B, South Cumberland Battalion Kentucky State Volunteers, and pay him a pension at the rate of $50 per month.

"The name of John H. Terry, helpless and dependent son of Seth Terry, late of Company H, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Susan A. Ellis, widow of Charles W. Ellis, late of Capt. Hiram Minor's Perry County company, Volunteer Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Gertrude Gould, widow of Samuel J. Gould, late of Company I, Ninth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Malinda B. Caldwell, widow of Isaac D. Caldwell, late laborer, Quartermaster Corps, United States Army, Civil War, and pay her a pension at the rate of $30 per month.

"The name of Amelia Morse LeBaron, former widow of Rodman Morse, late of Company G, Twelfth Regiment New York Volunteer Infantry, and Company G, Seventy-sixth Regiment New York Volunteer Infantry, and private, United States Marines, Civil War, and pay her a pension at the rate of $30 per month.

"The name of Joshua C. Hiscock, helpless and dependent son of Joseph H. Hiscock, late of Company B, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Olive E. Smith, helpless and dependent daughter of John A. Smith, late of Company A, Twenty-fourth Regiment New York Volunteer Cavalry, and Company A, First Regiment New York Provisional Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

"The name of Lucy F. Sanders, widow of James A. Sanders, late of Company B, Fortieth Regiment Kentucky Mounted Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Thomas Dowler, late of Company A, Ninth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Viola Devore, widow of John N. Devore, late of Company A, Twelfth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of William Wells, late of Capt. Comb's Company D, Three Forks Battalion, Kentucky State Troops, and pay him a pension at the rate of $50 per month.

"The name of Nancy C. Kennamer, widow of George T. Kennamer, late of Independent Alabama Scouts and Guides, and pay her a pension at the rate of $30 per month.

"The name of Georgia A. Godwin, widow of Cornelius Godwin, late of Capt. William H. Smith's Company E, Third Battalion, First Regiment Kentucky Capitol Guards, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Leonard Godwin, helpless and dependent son of said George A. and Cornelius Godwin, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Georgia A. Godwin, the name of said Leonard Godwin shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Georgia A. Godwin.

"The name of Martha S. Mitchell, widow of David C. Mitchell, late of Company A, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month, retroactive to date from March 4, 1927, and that the rate be increased to $30 per month when

she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Anna E. Blessing, widow of John A. Blessing, late of Company B, One Hundred and fifty-fourth Regiment, and Company D, One hundred and eighty-sixth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of John W. Cline, late of Company E, Forty-seventh Regiment Enrolled Missouri Militia, and Company B, Ninth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Annie Hopper, widow of Andrew J. Hopper, late of Company H, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Mary E. Lee, widow of John Lee, late of Company E, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry and pay her a pension at the rate of $20 per month and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Jennie Boulden, widow of Horace Boulden, late of Company I, Thirteenth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of John Roy, late of Captain Snider's company of Independent Scouts from Randolph County, West Virginia State Troops, and pay him a pension at the rate of $50 per month.

"The name of Clara E. Andress, widow of Charles Andress, late of Company K, Eighteenth Regiment Iowa Volunteer Infantry, and Fourth Independent Battery, Iowa Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Mary Smith, helpless and dependent daughter of John J. Smith, late of Company G, One hundred and fiftieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of James Nelson, helpless and dependent son of Thomas Nelson, late of Company G, Second Regiment United States Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Mary A. Hoon, widow of Francis Hoon, late of Company A, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

"The name of Ada C. Clark, widow of Levi C. Clark, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month, and increase the rate to $30 per month when she shall have shown by competent evidence she has attained the age of 60 years.

"The name of Ellen C. Basil, widow of Jeremiah Basil, late of Company B, Thirty-third and Thirty-fourth Regiments Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and an additional pension of $20 per month for the helpless and dependent daughter, Della Basil: *Provided*, That in the event of the death of Della Basil, helpless and dependent daughter of said Ellen C. and Jeremiah Basil, the additional pension of $20 for her herein granted shall cease and determine: *And provided further*, That in the event of the death of Ellen C. Basil the name of Della Basil shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Ellen C. Basil.

"The name of Nora K. Endy, helpless and dependent daughter of John L. Endy, late of Company K, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Anna Baker, widow of Henry Baker, late of Company I, Forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Philena Bagley, widow of James W. Bagley, late of Companies H and I, One hundred and fourteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and an additional pension of $20 per month for the helpless and dependent son, Frank Bagley: *Provided*, That in the event of the death of Frank Bagley, helpless and dependent son of said Philena and James W. Bagley, the additional pension of $20 for him herein granted shall cease and determine: *And provided further*, That in the event of the death of Philena Bagley, the name of Frank Bagley shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Philena Bagley.

"The name of Sarah E. Little, widow of Rolly Little, late of Companies A, F, and B, First Regiment Missouri Mounted Rifles, and pay her a pension at the rate of $30 per month.

"The name of Eliza Buist, widow of Robert Buist, late of Capt. Darius Session's Company K, Forty-eighth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of George W. Holbrook, helpless and dependent son of John G. Holbrook, late of Company K, Sixteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Sallie A. Giboney, helpless and dependent daughter of John T. Giboney, late of Company F, Fourteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

"The name of Kinion Thornton, late of Captain W. L. Fennix's company, Taney County Volunteers, Militia of Missouri, and pay him a pension at the rate of $50 per month.

"The name of Anna Myers, widow of George Myers, late of Troop F, Sixth Regiment United States Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Mary E. Nix, widow of Franklin Nix, late of Company D, Sixteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Phenie Redman, widow of David K. Redman, late of Company E, Twenty-fourth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Rosie Renchen, widow of James Renchen, late of Company A, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary Hague, widow of Joseph Hague, late of Company F, Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of David E. Daniels, helpless and dependent son of John H. Daniels, late of Company I, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

"The name of George Anson Carr, late of Capt. N. I. Lambert's company, Tucker County Scouts, West Virginia State Troops, and pay him a pension at the rate of $50 per month.

"The name of Henderson M. Pettit helpless and dependent son of James Pettit, late of Company K, Thirty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Catherine M. Howard, widow of Henry Howard, alias Henrich Helmes, late seaman, United States Navy, Civil War, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth Shelp, widow of Francis M. Shelp, late of Company G, One hundred and eighty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Josephine Sheridan, helpless and dependent daughter of Michael Sheridan, late of Company E, Twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Rachel J. Paullus, widow of James C. Paullus, late of Company G, Forty-seventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary E. Landis, widow of William Landis, late of Twenty-fourth Battery Indiana Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Clara L. Woford, former widow of William H. Lee, late of Companies B and F, Forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Barbara Ann Cordell, widow of Edward M. Cordell, late of Company F, Thirty-fourth Regiment, and Company F, Thirty-sixth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Emma L. Coon, widow of Job F. Coon, late of Company C, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

This bill is a substitute for the following bills referred to this committee:

S. 6. Maria Brim.
S. 7. Lizzie A. Himes.
S. 8. Samantha J. Stewart.
S. 9. Rosella A. Lawton.
S. 10. Mary A. Query.
S. 11. Sarah J. Saylor.
S. 12. Isabel Smith.
S. 13. Emma Elderkin Billings.
S. 15. Augusta Ziesenis.
S. 16. Isabel Herne.
S. 17. Sarah M. Powell.
S. 22. Catherine Roby.
S. 24. Rufus Cooper.
S. 28. Martha E. Crites.
S. 31. John R. Moore.
S. 35. John B. Turner.
S. 38. Olive J. Chidester.
S. 39. Mary C. Conley.
S. 40. Mary E. Crane.
S. 42. Rosetta V. Miller.
S. 64. Laura D. Johnson.
S. 65. Elmer G. Goodell.
S. 66. Edna M. Dudley.
S. 67. Lisy Flynn.
S. 68. Catherine Rickey.
S. 70. Catherine O'Brien.
S. 72. Sophia D. Smith.
S. 73. Anna Sheridan.
S. 74. Serena A. Martell.
S. 75. Annie Griffiths.
S. 76. Zoa L. Waid Hughes.
S. 77. Sarepta A. Guyette.
S. 78. Dora J. Felt.
S. 79. Elizabeth S. Curreen.
S. 81. Estelle C. Kent.
S. 95. Virginia Tysoe.
S. 100. Maria J. Reynolds.
S. 107. Mary E. Griffeth.
S. 108. Katie J. Hill.
S. 156. Elizabeth E. Martin.
S. 164. Hester Ann Heck.
S. 165. Nettie Morgan.
S. 166. Emeline Harriet Howe.
S. 167. Amy E. Clark.
S. 168. Martha E. Haskins.
S. 169. Mary Risser.
S. 170. Cora L. Brown.
S. 171. Christiann O'Banion.
S. 172. Margaret J. Lofton.
S. 175. Mary C. Adams.
S. 176. Eliza B. Neal.
S. 177. Martha C. Taylor.
S. 179. Hampton H. Stratin.
S. 180. George H. Stevens.
S. 182. Phebe M. Bird.
S. 183. Anna L. Churns.
S. 184. Selena E. Smith.
S. 185. Mary A. Carver.
S. 210. John Woldridge.
S. 216. Mary E. Spann.
S. 221. Sarah L. Raymond.
S. 229. Julia Lamb.

S. 233. Emily P. Harty.
S. 252. Alice G. Hamilton.
S. 253. Vandalia Young.
S. 254. Marietta T. Kelley.
S. 255. Martha J. Annas.
S. 257. Lizzie A. Wayland.
S. 259. Emma A. Giles.
S. 262. Emily E. Patterson.
S. 265. Ada Nay.
S. 266. Maria A. Sexton.
S. 267. Hattie A. Moore.
S. 268. Monica Buckley.
S. 269. Sarah M. Shaw.
S. 270. Margaret Devoe.
S. 271. Myra O. A. Potter.
S. 272. Rosalie Dodge.
S. 273. Ann E. Bean.
S. 274. Anna B. Welker.
S. 275. Margaret Skeffington.
S. 276. Betsey E. Ash.
S. 277. Emma Armstrong.
S. 313. Maria L. Bethel.
S. 314. Mary A. Bliven.
S. 315. Eliza B. Brown.
S. 316. Ellen Chapman.
S. 317. Annie R. Cox.
S. 318. Catharine Dunham.
S. 319. Mary F. Eddy.
S. 320. Harriet Ford.
S. 321. Clara E. Foye.
S. 322. Annie Gage.
S. 323. Sarah M. Haskins.
S. 324. Lena Hook.
S. 325. Mary E. Johnson.
S. 326. Ella E. Kenney.
S. 327. Anna Lenau.
S. 328. Caroline M. Lindsey.
S. 329. Margaret McKenzie.
S. 330. Mary B. Matteson.
S. 331. Henry Matteson.
S. 332. Caroline A. Molten.
S. 334. Mary A. Quebec.
S. 335. Hattie Sheldon.
S. 336. Mary I. Staples.
S. 337. Josephine Taylor.
S. 338. Annie H. Thayer.
S. 339. Mary Ellen Van Amringe.
S. 340. Mary E. Kinney.
S. 344. Ida Clement.
S. 345. Jennie H. Cunningham.
S. 352. Susan B. Hancock.
S. 353. Flora A. Hubbard.
S. 355. Mary L. Petigrew.
S. 357. Frances E. Rice.
S. 358. Susan C. Crary.
S. 370. Julia H. Hart.
S. 376. Anna Kline.
S. 383. Laura A. Hinkle.
S. 384. Margret Hines.
S. 385. Phebe M. Jones.
S. 386. Emma B. Menear.
S. 387. Maggie Lowman.
S. 388. Mary A. Park.
S. 389. Margaret Nicodemus.
S. 390. Minerva Mills.
S. 393. Henrietta Lime.
S. 395. Jennie S. Weaver.
S. 396. Joanna Belt.
S. 397. Emily Frances Capen.
S. 398. Mary B. Brownlee.
S. 399. Carmelia T. Brandon.
S. 400. Susan A. Brady.
S. 401. Emma J. Kinsey.
S. 402. Martha Ferguson.
S. 403. Catharine H. Gaunt.
S. 404. Sarah E. Harroun.
S. 405. Mary E. Heckendorn.
S. 406. Jerusha Hemphill.
S. 408. Mary E. Mikesell.
S. 409. Mary E. Kelly.
S. 411. Elizabeth C. Wilhelm.
S. 412. Victoria Fields.
S. 414. Sarah C. Allgower.
S. 416. Mahala J. Stoner.
S. 418. Mary Costello.
S. 420. Sarah Frances Bagley.
S. 422. Virginia Strohm.
S. 423. Anna L. Barnard.
S. 424. Selina Blyth.
S. 425. Sarah M. Beekman.
S. 426. Susan Barnum.
S. 427. Minerva Rigby.
S. 428. Eva Ross.
S. 431. Sarah E. Boler.
S. 436. Margaret Green.
S. 439. Maria C. Brown.
S. 442. Georgia Ann Fussell
S. 447. Emeline A. Buck.
S. 452. Adeline Thompson.
S. 473. Emily C. Bufter.
S. 474. Annie E. Porter.
S. 475. Amelia Walter.
S. 476. Caroline G. Yockel.
S. 477. Margaret E. Caples.
S. 481. Ella B. Lockwood.
S. 483. Rosine Bigger.
S. 534. Susan M. Benton.
S. 571. Laura E. Bolton.
S. 581. Mary J. Davis.
S. 582. Stella Clark.
S. 583. Anna C. Gooder.
S. 608. Sarah T. Bradley.
S. 612. Rhoda A. Nelson.
S. 625. Sarah J. Draper.
S. 626. Clara Lewis.
S. 627. Roy Baird.
S. 630. Eliza Mick.
S. 631. Virginia Hughes.
S. 787. Josephine E. Hastings.
S. 788. Alice A. Kanmacher.
S. 796. Mary A. Barnes.
S. 931. Mattie B. Wintrode.
S. 993. Rhoda V. Moore.
S. 996. Louisa Leppla.
S. 1006. James Hixson.
S. 1039. Laura B. Clifton.
S. 1040. Sarah M. Cutbirth.
S. 1063. Lemuel Abbott.
S. 1068. Rhoda E. Baker.
S. 1070. Lydia M. Butler.
S. 1071. Elner J. Blake.
S. 1072. Ida Ellen Demo.
S. 1074. Sarah Higgins.
S. 1076. Jane Holding.
S. 1078. Mary J. McIlvain.
S. 1080. Amelia Milligan.
S. 1082. Margaret Noble.
S. 1083. Ernestine Raub.
S. 1085. Mary C. Stebbins.
S. 1086. Mary E. Taylor.
S. 1087. Lorena M. Trump.
S. 1088. Mary A. Webb.
S. 1224. Belle Bush.
S. 1225. Harriet A. Pelton.
S. 1227. Ina Sturdevant.
S. 1230. Hannah M. Fisher.
S. 1234. Sarah J. Tibbitts.
S. 1238. Margaret Lamoureux.
S. 1239. Priscilla R. Wyman.
S. 1240. Grace A. Elliott.
S. 1242. Florence Johnson.
S. 1243. Julia A. Edgerly.
S. 1244. Sarah N. Bachelder.
S. 1245. Ruth B. Ryder.
S. 1246. Leila A. Steele.
S. 1247. Victoria Smart
S. 1248. Annie M. Emmott.
S. 1249. Ellen Gott.
S. 1250. Hannah M. Underhill.
S. 1400. Jane Richards.
S. 1401. Mary L. Higby.
S. 1431. Caroline M. Bolton.
S. 1463. Katherine H. Califf.
S. 1465. Nola B. Hinton.
S. 1466. Amanda F. Akin.
S. 1467. Amanda F. Thompson.
S. 1468. Sarah T. Wright.
S. 1469. Esther J. Ramey.
S. 1470. Lorina Hamons.
S. 1471. Lucinda C. Muncey.
S. 1472. Catherine Fist.
S. 1473. Sarah E. Wells.
S. 1523. Laura D. Wilson.
S. 1524. Elizabeth J. Moorehouse.
S. 1525. Diantha E. Nihart.
S. 1566. Annie Bell Bass.
S. 1579. Clara J. Wait.
S. 1581. Sarah J. Gray.
S. 1582. Susannah Read.
S. 1589. Ella G. Williams.
S. 1590. Laura M. Bosley.
S. 1592. Mary J. Gille.
S. 1593. Nancy J. Orndorff.
S. 1598. Marie A. Stoner.
S. 1630. Anna F. Whitney.
S. 1631. Hattie Lambert.
S. 1668. Paulina Beckman.
S. 1670. Adelaide H. Hadley.
S. 1696. Sarah Gillespey.
S. 1698. Sarah E. Morgan.
S. 1699. Laura A. Douglass.
S. 1701. Emily Tillison.
S. 1712. Frances Lydia Hanna.
S. 1713. Adella Wilcox.
S. 1714. Josephine Travis.
S. 1715. Sophia Cline.
S. 1716. Christina Oney.
S. 1726. Augusta C. Harris.
S. 1741. Anna Rock.
S. 1751. Alice M. Weeks.
S. 1782. Edward Bowden.
S. 1813. Mary E. Thompson.
S. 1814. Maggie Underwood.
S. 1815. Elizabeth R. Melrose.
S. 1841. Margaret Healy.
S. 1844. Mary P. Spofford.
S. 1845. Ettie Mae Fletcher.
S. 1846. Clara A. Wellman.
S. 1847. Ellen S. Scribner.
S. 1859. Sadie C. Peters.
S. 1860. Sallie T. Freeman.
S. 1872. Diantha M. Jarvis.
S. 1874. Amanda B. Holcomb.
S. 1875. Oral E. Osbon.
S. 1881. Amelia Brownfield.
S. 1883. Martha R. Pack.
S. 1885. Ellen Snow.
S. 1886. Lavina Craig.
S. 1887. Zorada Finch.
S. 1895. Ellen Cunningham.
S. 1962. David E. Moody.
S. 1967. Rebecca Latta.
S. 1972. Emma E. Shorey.
S. 1983. Emma E. Lingo.
S. 1984. Lydia A. Poinsett.
S. 1992. Mary Welch.
S. 1998. Maggie Lowe.
S. 2012. Sarah E. Frillman.
S. 2013. Anna A. Wells.
S. 2022. Merritt F. Robinson.
S. 2027. Hattie L. Parks.
S. 2028. Emily J. Clapp.
S. 2044. Nancy J. Hurt.
S. 2045. Mariam Norris.
S. 2049. Minnie F. Farrell.
S. 2077. Caledonia E. Abernathe.
S. 2090. Margaret Johnson.
S. 2095. Mattie J. Mains.
S. 2100. Susie Fast-Walker.
S. 2101. Catherine L. Ferree.
S. 2102. Margaret C. Kelley.
S. 2103. Delphene Trude.
S. 2111. Mary M. Brown.
S. 2112. Johannah Stone.
S. 2113. Lona S. Burnett.
S. 2114. Mary A. Gates.
S. 2118. Eleanor Morrow.
S. 2119. Virginia Serig.
S. 2152. Sarah M. Thomas.
S. 2165. Ervilla J. Payne.
S. 2166. Martha R. Shepard.
S. 2167. Harriet A. Folger.
S. 2175. Cora J. Valentine.
S. 2176. Eleanor P. Matthias.
S. 2177. Sarah E. Conner.
S. 2178. Nancy E. Waltermire.
S. 2179. Susan Vining.
S. 2180. Phoebe J. Moore.
S. 2181. Elizabeth R. Richwine.
S. 2182. Elizabeth E. Sample.
S. 2183. Abigail J. Walbert.
S. 2187. Elizabeth Stone.
S. 2199. Hattie Carver.
S. 2201. Maggie Fitzmaurice.
S. 2230. Jennie M. Hyde.
S. 2231. Narcissa E. Harrold.
S. 2233. Mary Lloyd.
S. 2234. Mary A. McBride.
S. 2238. Lilly Ann Newberry.
S. 2241. Harriet D. Rake.
S. 2243. Hester Small.
S. 2244. Carrie B. Straight.
S. 2245. Barbara E. Sharp.
S. 2252. Catherine Dailey.
S. 2281. Imogene Ellsworth.
S. 2282. Mary E. Truesdale.
S. 2284. Mary E. Thurston.
S. 2285. August Rieke.
S. 2432. Mary Longstreth.
S. 2520. Mary Jane Corsen.
S. 2583. Charles W. Pearson.
H. R. 504. Ida Smith.
H. R. 507. Emma C. Atkinson.
H. R. 508. Mary E. Baughman.
H. R. 561. Alcinda Manning.
H. R. 575. Noah Greenawalt, alias Greenwalt.
H. R. 576. George Hovatter.
H. R. 577. James W. Harris.
H. R. 744. Emma G. Young.
H. R. 746. Alice Block.
H. R. 750. Joe Scrogum.
H. R. 751. Nettie Edington.
H. R. 752. Sarah J. Rea.
H. R. 753. Mary J. McNew.
H. R. 754. Minne Cox.
H. R. 769. Rosa S. Weston.
H. R. 771. Mary A. Weston.
H. R. 773. Mary S. Woolman.
H. R. 774. Addie Ream.
H. R. 786. Mary A. Kennedy.
H. R. 795. Mattie Steiner.
H. R. 796. Mary A. Van Vechten.
H. R. 798. Nettie Yorke.
H. R. 799. Leanna L. Dillon.
H. R. 800. Alice F. Crawford.
H. R. 813. James T. Stone.
H. R. 814. Sadie Snell.
H. R. 816. Margaret Donaldson.
H. R. 819. Catherine Burke.
H. R. 821. Jennie E. Keown.
H. R. 822. Emma S. Moon.
H. R. 847. Luella E. Heath.
H. R. 853. Martha A. McCartney.
H. R. 856. Fredlena Knight.
H. R. 868. Hugh Glen, alias Glenn.
H. R. 870. Cordelia E. Havlin.
H. R. 872. Annie G. Boner.
H. R. 886. Cleopatra Kerns.
H. R. 887. William Fisher.
H. R. 889. Edith King.
H. R. 905. William M. Young.
H. R. 951. Mina P. Guckes.
H. R. 952. Annie S. Haller.
H. R. 962. Mary J. Thompson.
H. R. 966. Grace I. Scovill.
H. R. 982. Emma J. Tirrell.
H. R. 994. Catharine Peak.
H. R. 995. James Atha.
H. R. 996. Elmyra E. Porter.
H. R. 997. Ada Whitson.
H. R. 999. Kiziah E. Brookshire.
H. R. 1000. Elizabeth C. Bunch.
H. R. 1002. Florence C. Woods.
H. R. 1007. Mary J. Frazier.
H. R. 1008. Susan A. Winslow.
H. R. 1009. Wilmore A. Quimby.
H. R. 1010. Georgia E. Bean.
H. R. 1022. Amanda A. Brown.
H. R. 1025. Margaret Piatt.
H. R. 1026. Delila Perry.
H. R. 1028. Dora Krill.
H. R. 1049. Ida M. Webb.
H. R. 1082. John Nighswander.
H. R. 1086. Emma C. Alton.
H. R. 1089. Mary A. Eberly.
H. R. 1092. Esther Smallwood.
H. R. 1097. Catherine M. Atkins.
H. R. 1127. Clara B. Greek.
H. R. 1152. Grace M. Oliver.
H. R. 1153. Mary Parmele.
H. R. 1174. Josephine Warner.
H. R. 1185. Julia Baker.
H. R. 1187. Samuel L. Bostick.
H. R. 1188. Dora Butcher.
H. R. 1190. Allie Carpenter.
H. R. 1191. Nancy S. Clark.
H. R. 1192. Jane Cox.
H. R. 1195. Liddia Fuller.
H. R. 1200. Isaac Moore.
H. R. 1201. Elizabeth A. Palmer.
H. R. 1203. Arrieanna Sites.
H. R. 1204. Malissa Steed.
H. R. 1205. Lincoln Z. Story.
H. R. 1206. Anna Topping.
H. R. 1207. Stella M. Watkins.
H. R. 1249. Phoebe Ann Allbright.
H. R. 1258. Sallie Wood.
H. R. 1289. Charles M. Guthridge.
H. R. 1290. Edward Thomas.
H. R. 1291. John P. Chain.
H. R. 1292. Carrie B. Gaddis.
H. R. 1293. William G. Ely.
H. R. 1294. Mollie Richardson.
H. R. 1295. Cora A. Games.
H. R. 1359. Elizabeth Lutters.
H. R. 1366. Elizabeth Streit.
H. R. 1368. Bentley A. Worden.
H. R. 1372. Martha J. Shaffer.
H. R. 1380. Sarah Hilton.
H. R. 1381. Mary Ricker.
H. R. 1418. John Street.
H. R. 1421. William Roberts.
H. R. 1428. Samuel Mason.
H. R. 1429. Martha J. Lewis.
H. R. 1433. Amanda Henderson.
H. R. 1436. Anna Godfrey.
H. R. 1444. Agnes L. Davis.
H. R. 1457. George W. Dooley.
H. R. 1460. Mary Carter.
H. R. 1505. Rosaline Coots.
H. R. 1506. Lottie Cox.
H. R. 1507. Emma G. Casebier.
H. R. 1508. Caroline Cooper.
H. R. 1509. Margaret A. Young.
H. R. 1510. Nannie Austin.
H. R. 1511. Joe Meridith.
H. R. 1523. Mary A. Gallup.
H. R. 1546. Fay Milligan.
H. R. 1549. William Maze.
H. R. 1550. Hattie Gideon.
H. R. 1551. George M. Vaughan, alias Vaughn.
H. R. 1552. Absalom B. Dempsey, alias Absalon B. Dempsey.
H. R. 1553. Carrie Bohon.
H. R. 1554. Thomas H. Bradley.
H. R. 1555. Richard P. Gwinn.
H. R. 1556. Mahala Clark.
H. R. 1557. William T. Lessley.
H. R. 1558. Elizabeth C. Berry.
H. R. 1559. Carrie E. Howell.
H. R. 1560. Sinia E. Hathaway, now Miller.
H. R. 1561. Nancy M. Cowan.
H. R. 1562. Edith T. Bass.
H. R. 1563. Charles W. Earnest.
H. R. 1578. Emma Hathaway.
H. R. 1582. Matilda Jane Stewart.
H. R. 1584. Ella A. Tripp.
H. R. 1585. Mary Vick.
H. R. 1600. Mary A. Wing.
H. R. 1617. Ettie E. Barnes.
H. R. 1619. Stephen L. Crandall.
H. R. 1632. George W. Burnett.
H. R. 1633. Nancy Sparks.
H. R. 1634. Mary Jane Judd.
H. R. 1636. Mary E. Piburn.
H. R. 1637. Sela Ann Brooks.
H. R. 1638. Rena M. Weddle.
H. R. 1639. Emulus G. Wallace.
H. R. 1640. Lucinda Perkins.
H. R. 1641. James M. Gibson.
H. R. 1642. Martha Kerns.
H. R. 1643. Mary M. Harris.
H. R. 1644. Virgil E. Halcomb.
H. R. 1645. Frances E. McDonald.
H. R. 1646. Emma Bays.
H. R. 1647. Matilda Clark.
H. R. 1648. Elizabeth C. Duncan.
H. R. 1651. William B. Hampshire.
H. R. 1668. Isabell Childers.
H. R. 1670. Ellen F. I. B. Juneau.
H. R. 1673. Lillian Bigelow.
H. R. 1675. Etta Hortvet.
H. R. 1678. Annie C. Winter.
H. R. 1695. Maria Bensinger.
H. R. 1697. Ida M. Cole.
H. R. 1786. Margret Mallery.
H. R. 1814. Mary E. Reynolds.
H. R. 1819. Anna M. Lybolt.
H. R. 1825. Mary E. Jones.
H. R. 1830. Irene Hill.
H. R. 1837. Permelia J. Livingston.
H. R. 1838. Susanna Bell.
H. R. 1842. Louisa McArdle.
H. R. 1843. Jennie Dye Burton.
H. R. 1865. Sarah I. Osburn.
H. R. 1867. Rosalia M. Barrow.
H. R. 1868. Elizabeth A. Jordan.
H. R. 1869. Laura Ochletree.

H. R. 1872. Harriet T. Elliott.
H. R. 1876. Eliza J. Smith.
H. R. 1909. Marian Peck West.
H. R. 1928. Mary A. Stevens.
H. R. 1937. Mary A. Story.
H. R. 1938. Alice M. Taylor.
H. R. 1945. Gertrude I. Morrill.
H. R. 1948. Sarah A. Hallett.
H. R. 1953. Peter Breen.
H. R. 1959. James W. Wilson.
H. R. 1962. Mary M. Binkley.
H. R. 1963. Sarah Dallas.
H. R. 1964. Theodore F. Dugan.
H. R. 1966. George. N. Chasteen.
H. R. 1968. Thomas McCormick.
H. R. 1969. Marshall H. Messimer.
H. R. 1982. Andrea T. Bracken.
H. R. 1987. Emma E. Williams.
H. R. 1988. Anna M. Tidyman.
H. R. 1989. Esmerelda Vreeland.
H. R. 1992. Rebecca A. Wilkins.
H. R. 2001. Emma T. Fidler.
H. R. 2002. Clara E. Wood.
H. R. 2003. Nettie J. Morse.
H. R. 2004. Fannie C. Burdick.
H. R. 2006. Rose M. Muhleck.
H. R. 2015. Frances E. Austin.
H. R. 2021. Rose E. Broderick.
H. R. 2024. Margaret Cook.
H. R. 2025. Mary Cravate.
H. R. 2030. Mary E. Floyd.
H. R. 2033. Major Fuller.
H. R. 2051. Dellie Perry.
H. R. 2055. Cordelia E. Remington.
H. R. 2064. Elizabeth Vaughn.
H. R. 2110. Helen Lyman.
H. R. 2131. Fannie H. Branian.
H. R. 2146. Mary C. Quivey.
H. R. 2156. Emma Pope.
H. R. 2157. Nannie L. Ludy.
H. R. 2169. Angeline Quillman.
H. R. 2173. Maybelle Long.
H. R. 2175. Clara F. Woffenden.
H. R. 2176. Ida Blake.
H. R. 2184. Louisa English.
H. R. 2185. Ada M. Wrighthouse.
H. R. 2186. Melissa A. Trulock Lindsey.
H. R. 2187. Jessie S. Erle.
H. R. 2188. Flora A. Haymaker.
H. R. 2189. Elizabeth Redding.
H. R. 2209. Henretta Stegall.
H. R. 2212. Perry L. Barkhurst.
H. R. 2213. Ida E. Hawthorne.
H. R. 2217. Webner M. Harter.
H. R. 2220. Cora D. Barger.
H. R. 2221. Burton H. Barger.
H. R. 2222. Melissa Babcock.
H. R. 2223. Mary L. Bell.
H. R. 2226. Alice Corl.
H. R. 2227. Augusta Graham.
H. R. 2228. Diadema Reed.
H. R. 2229. Helen M. Stevens.
H. R. 2230. Leona Scott.
H. R. 2232. Ada M. Hanks.
H. R. 2285. Julia A. Boisvert.
H. R. 2287. Bert E. Corbett.
H. R. 2288. May Bell Crowell.
H. R. 2295. Jennette Leroy.
H. R. 2304. Mary Belle Robertson.
H. R. 2323. Elizabeth L. Miller.
H. R. 2324. Stephen R. Branstetter.
H. R. 2325. Anderson B. Corbin.
H. R. 2327. Mary J. Blake.
H. R. 2329. Margaret A. Hurrell.
H. R. 2330. Annie Mansbergar.
H. R. 2331. Lodemma Right.
H. R. 2332. Ellen Wurl.
H. R. 2333. Ada A. French.
H. R. 2334. Alva Runk.
H. R. 2335. Minta Kelly.
H. R. 2336. Jacob Morrison.
H. R. 2337. Anna P. Beyer.
H. R. 2338. Nevin Wagner.
H. R. 2339. Samuel Fissel.
H. R. 2495. Mary E. Hurd.
H. R. 2496. Frances Jane Schrader.
H. R. 2497. Esther Higgins.
H. R. 2498. Gertrude Brown Sigsbey.
H. R. 2499. Cora B. Cook.
H. R. 2514. Thirza E. Green.
H. R. 2520. Rena C. Otto.
H. R. 2521. Rose Tunnell.
H. R. 2534. Iona Radabaugh.
H. R. 2535. Ruth Heston Burke.
H. R. 2536. Mina Barden.
H. R. 2539. Howard E. Craven.
H. R. 2557. Maggie Carpenter.
H. R. 2570. Adell B. Lowery.
H. R. 2571. Henrietta W. Russell.
H. R. 2576. Emma J. Rutty.
H. R. 2577. Evvah A. Dickson.
H. R. 2579. Amanda A. Taylor.
H. R. 2580. Sarah E. Powell.
H. R. 2581. Sarah A. Moss.
H. R. 2582. Mattie J. Hoover.
H. R. 2583. Anzonetta Hooker.
H. R. 2584. Basha Edwards.
H. R. 2585. John Campbell.
H. R. 2586. Luella Blakely.
H. R. 2587. Caroline Bartz.
H. R. 2610. John L. Fitts.
H. R. 2613. Elizabeth Lawler.
H. R. 2614. Annie H. Lanagan.
H. R. 2615. Nancy A. Jones.
H. R. 2616. Sarah J. Smallwood.
H. R. 2619. Mary L. Williams.
H. R. 2620. Nancy C. Whitesel.
H. R. 2624. Lillie M. Ashton.
H. R. 2638. Eliza E. McNeill.
H. R. 2662. Anna Z. Stewart.
H. R. 2669. Bettie Brackett.
H. R. 2670. Laura B. Bartlett.
H. R. 2671. William R. Hoge.
H. R. 2676. Susan A. Whittemore.
H. R. 2677. Margaret G. Atchison.
H. R. 2679. Estella Cowell.
H. R. 2795. Eva Paul.
H. R. 2796. Charles J. Lichty.
H. R. 2797. Irene G. Plummer.
H. R. 2799. Jennie Larimer.
H. R. 2800. Elda M. Lewis.
H. R. 2801. Anna Maud Hogmire.
H. R. 2810. Cathran Hearst.
H. R. 2812. Dollie S. Terry.
H. R. 2816. Mary A. Langmeyer.
H. R. 2836. Mary A. Lawhead.
H. R. 2837. Carrie E. Block.
H. R. 2839. Mary L. Smith.
H. R. 2842. Isabelle E. Embry.
H. R. 2846. Mary E. Packer.
H. R. 2847. William H. Holland.
H. R. 2932. Jesse C. Cambridge.
H. R. 2933. Sarah J. Clark.
H. R. 2934. Mary E. Edes.
H. R. 2935. George H. Fortier.
H. R. 2936. Hattie E. Johnson.
H. R. 2938. Sidney Potter.
H. R. 2939. George E. Spear.
H. R. 2951. Eliza King.
H. R. 2966. Sarah C. Mathews.
H. R. 2967. Mary E. Drew.
H. R. 2986. Eliza Tye.
H. R. 2994. Elizabeth Lively.
H. R. 2996. James Couch.
H. R. 2997. Cappa King.
H. R. 2999. Martha A. Dicken.
H. R. 3001. William Hampton.
H. R. 3002. Dan Hibbard.
H. R. 3007. Nanie Peace.
H. R. 3008. Mary J. Haggard.
H. R. 3009. Remma Beason.
H. R. 3011. Emma C. Richards.
H. R. 3013. Anna M. Williams.
H. R. 3026. Catherine E. Kimball.
H. R. 3027. Etta McOwen.
H. R. 3063. John Wright.
H. R. 3064. Sara E. Stewart.
H. R. 3066. Margaret C. Richardson.
H. R. 3068. Dolly O'Neil.
H. R. 3069. Kizzia McNabb.
H. R. 3070. Nancy A. Keating.
H. R. 3071. Charlotte Gamble.
H. R. 3073. Harry S. Beyer.
H. R. 3074. Veretta Irish.
H. R. 2075. Commodore Perry Fry.
H. R. 3082. Lillian I. Roberts.
H. R. 3083. Laura E. Warner.
H. R. 3086. Matilda Higgins.
H. R. 3087. Caroline Hankison.
H. R. 3090. Ann Spurback.
H. R. 3094. Nancy J. Lemon.
H. R. 3099. Mary Groff.
H. R. 3104. Catharine Lenz.
H. R. 3109. Parthena Shepperd.
H. R. 3110. Matilda Larimer.
H. R. 3114. Sarah Ann Lehman.
H. R. 3116. Martha E. Falles.
H. R. 3118. Mary E. Edington.
H. R. 3125. Carrie E. Pickering.
H. R. 3129. Joseph P. Boon, jr.
H. R. 3135. Minerva D. Monroe.
H. R. 3143. Mattie Davidson.
H. R. 3154. Sallie Emery.
H. R. 3169. Henry R. Browne.
H. R. 3178. Claude W. Swartwood.
H. R. 3197. Hattie Geske.
H. R. 3198. Lillie Geske.
H. R. 3203. Mary A. Cunningham.
H. R. 3204. Alta V. Cohn.
H. R. 3205. Alia Meek.
H. R. 3206. Lillian A. Springer.
H. R. 3218. Rose M. Ham.
H. R. 3219. Delia Taylor.
H. R. 3225. Nannie S. Parks.
H. R. 3227. Mary S. Bayless.
H. R. 3228. Sarah M. Dickinson.
H. R. 3230. Ella Starke.
H. R. 3231. James S. Nichols.
H. R. 3233. Amanda B. Holcomb.
H. R. 3284. Mary F. McComber.
H. R. 3286. Katherine Fisher.
H. R. 3287. Mary E. White.
H. R. 3338. Lucy E. O'Neal.
H. R. 3339. Charles B. Harrison, alias Charles H. Brewer.
H. R. 3340. Elizabeth L. Traver.
H. R. 3355. Minerva A. Pence.
H. R. 3356. Mary C. Benton.
H. R. 3361. Elizabeth J. Hughes.
H. R. 3363. Frances M. Snyder.
H. R. 3364. Maggie Smithson.
H. R. 3365. Mary Shanks.
H. R. 3367. Lucinda A. Pitzer.
H. R. 3368. Christiana Minnich.
H. R. 3378. Allie Truesdell.
H. R. 3379. Elisha Frazier.
H. R. 3381. Madora F. Mason.
H. R. 3387. Martha A. Elliott.
H. R. 3389. Alice V. Schmidt.
H. R. 3402. Mary A. Anderson.
H. R. 3403. Hooker A. De Land.
H. R. 3404. Catherine Schuey.
H. R. 3418. Edith J. May.
H. R. 3439. Eveleen Lonnen.
H. R. 3444. Eliza D. Welsh.
H. R. 3445. Alma M. Monroe.
H. R. 3476. Barbara E. Null.
H. R. 3480. Alice R. Walter.
H. R. 3481. Emma Jones.
H. R. 3482. Adelaide A. Ryerson.
H. R. 3501. Elizabeth E. Doan.
H. R. 3502. Clara A. Griffin.
H. R. 3503. Cora L. Kraft.
H. R. 3509. William A. Pfaff.
H. R. 3559. Frank Carey.
H. R. 3560. Lawrence E. Burch.
H. R. 3561. Andrew S. Deeds.
H. R. 3562. Maud I. Lowrance.
H. R. 3563. Dora A. Lee.
H. R. 3564. Elmer G. McAllister.
H. R. 3565. Levi C. Posey.
H. R. 3566. Alonzo L. Sutton.
H. R. 3570. Millie Harris.
H. R. 3668. Annetta E. Calkins.
H. R. 3687. Kathrina Reed.
H. R. 3688. Cora S. Brightman.
H. R. 3689. Alsada A. Cone.
H. R. 3692. Edgar C. Greene.
H. R. 3693. Henrietta W. Jones.
H. R. 3695. Mary J. Palmer.
H. R. 3696. Mary E. H. Remick.
H. R. 3697. Levi P. Stone.
H. R. 3698. Emma D. Tenney.
H. R. 3753. Julia A. Anderson.
H. R. 3758. Harriet L. Garret.
H. R. 3759. Lucy Ann Tinsley.
H. R. 3760. Casey Mandrell.
H. R. 3761. Mary Emmons.
H. R. 3762. Robert L. Meadows.
H. R. 3764. Ada J. Hopson.
H. R. 3829. Sylvester Lane.
H. R. 3854. Washington Badgely.
H. R. 3865. Martha Roderick.
H. R. 3866. Theodore F. Austin.
H. R. 3867. John T. Young.
H. R. 3868. Fannie Boswell.
H. R. 3869. Annie W. Adams.
H. R. 3870. Adortha S. Carey.
H. R. 3872. Della Barton.
H. R. 3873. Margaret B. Mondon.
H. R. 3874. Caroline Marlow.
H. R. 3876. Katie Smith.
H. R. 3877. Polly Stonecipher.
H. R. 3878. Jennie Rosebraugh.
H. R. 3879. Martha E. Snyder.
H. R. 3883. Effy J. Pressley.
H. R. 3890. Virginia McCombs.
H. R. 3896. Elizabeth Wirth.
H. R. 3933. Anna L. Myers.
H. R. 3983. Myron Hoff.
H. R. 3984. Sarah Miller.
H. R. 3985. Martha Roepke.
H. R. 3987. Emma L. Kehr.
H. R. 4003. Carrie Ohler.
H. R. 4004. Jeffie B. L. Fisher.
H. R. 4005. Dora L. Fuller.
H. R. 4006. Hannah Burnett.
H. R. 4007. Mary S. Early.
H. R. 4008. Naomi Fiedler.
H. R. 4009. Lavina Kerr.
H. R. 4016. Alice M. Wheelden.
H. R. 4024. Charlotte W. Sibley.
H. R. 4025. Isabel C. Copp.
H. R. 4036. Lillian Bromley.
H. R. 4049. Emma E. Mudge.
H. R. 4051. Lou Murphy.
H. R. 4053. Vicenia R. Wolf.
H. R. 4069. Annie Gouldy.
H. R. 4085. Mary E. Besancon.
H. R. 4120. Rose A. Sargent.
H. R. 4122. John N. Chesnutt.
H. R. 4135. Nannie Colley.
H. R. 4136. Mary J. Walters.
H. R. 4137. Emma J. Hanner.
H. R. 4138. Elizabeth Pickens.
H. R. 4139. Elizabeth F. Sutliff.
H. R. 4146. Pearl L. Keeler.
H. R. 4173. Mary A. Williams.
H. R. 4174. Mollie F. Stinson.
H. R. 4176. Lydia A. Whitehead.
H. R. 4177. Katie Simpson.
H. R. 4178. Thomas Scott.
H. R. 4179. John T. Ruffin.
H. R. 4181. Roy Paschal.
H. R. 4182. Sarah A. Neece.
H. R. 4183. Ella Coffman.
H. R. 4184. Ellen Baget.
H. R. 4186. Mary A. Boyd.
H. R. 4187. Sarah Early.
H. R. 4188. Mary B. Lett.
H. R. 4193. Catherine Garrott.
H. R. 4224. Nathaniel Ellison.
H. R. 4225. Perry Talbott, alias Tolbert.
H. R. 4226. William Kyle.
H. R. 4233. Annie Page.
H. R. 4241. Agnes Miller.
H. R. 4256. Ella M. Spooner.
H. R. 4261. Mary Phillips.
H. R. 4281. John J. Swigart.
H. R. 4294. Caroline Hurley.
H. R. 4300. Ruth Pettit.
H. R. 4317. Hattie Clayton.
H. R. 4327. Sarah C. Stephens.
H. R. 4349. Anna Bryant.
H. R. 4352. Josie Parker.
H. R. 4353. Cassie Austin.
H. R. 4359. Lucy A. Sutherland.
H. R. 4362. Cannabesta C. Prine.
H. R. 4374. Julia L. Steele.
H. R. 4381. Eliza Bruce.
H. R. 4399. Ellie Jacobs.
H. R. 4414. Elizabeth W. Clark.
H. R. 4422. Julia R. Brown.
H. R. 4448. Mary M. Goodwin.
H. R. 4450. Mary O. Rousseau.
H. R. 4451. Sarah E. Allen.
H. R. 4453. Mary A. Herbert.
H. R. 4458. Washington P. Sprague.
H. R. 4485. Ellen E. Greenfield.
H. R. 4498. Lillie B. Braxton.
H. R. 4537. Lizzie Koffman.
H. R. 4546. Jennie B. Clark.
H. R. 4554. Mary L. Fitzgerald.
H. R. 4555. Clara E. Campbell.
H. R. 4584. Margaret Pensyl.
H. R. 4590. Belle Frink.
H. R. 4612. Monica J. Boultrie.
H. R. 4649. John Fletcher.
H. R. 4669. Minnie Davis.
H. R. 4670. Elizabeth Guy.
H. R. 4671. Rebecca Brown.
H. R. 4672. Callie Manley.
H. R. 4682. Mary Kruse.
H. R. 4684. Catharine Frampton.
H. R. 4685. Floyd Phillips.
H. R. 4689. Ella McWayne.
H. R. 4691. Josephine Stewart.
H. R. 4700. Louise F. Carter.
H. R. 4703. Eliza A. Hallock.
H. R. 4712. Mary E. Loose.
H. R. 4714. Mollie B. Gore.
H. R. 4715. Mary J. Coulson.
H. R. 4745. Mary E. Wilson.
H. R. 4746. Emma L. Williams.
H. R. 4747. Flossie M. Blauvelt.
H. R. 4748. Mary A. Yauch.
H. R. 4749. Lydia A. Chandler.
H. R. 4762. Juliette Davis.
H. R. 4763. Emma C. Rounds.
H. R. 4764. Adelia C. Dwinell.
H. R. 4783. Austa Venable.
H. R. 4784. Laura A. Hartman.
H. R. 4785. Sallie A. Knox.
H. R. 4787. Martha A. Luttrell.
H. R. 4788. Jesse S. Trower.
H. R. 4789. Albert Bryant.
H. R. 4790. David Harper.
H. R. 4791. Sarah C. Gourley.
H. R. 4798. Harriett A. Lawrence.
H. R. 4799. Omar Boggs.
H. R. 4800. Robert E. Boggs.
H. R. 4802. Sarah E. Stigers.
H. R. 4821. Sarah G. Graveline.
H. R. 4852. Elizabeth A. Kittredge.
H. R. 4866. Eliza J. Hill.
H. R. 4867. Sarah Barnett.
H. R. 4879. Mary L. Miller.
H. R. 4880. Jane Sexton.
H. R. 4890. Anderson Shoemaker.
H. R. 4891. Freddie A. Spaulding.
H. R. 4892. Henry Gray.
H. R. 4897. Ada Wood.
H. R. 4899. Nancy Ellen Bloomfelter.
H. R. 4900. Elizabeth A. Nelson.
H. R. 4901. Lavinnia J. Wilson.
H. R. 4916. Josephine Nolot.
H. R. 4918. Mary A. Walker.
H. R. 4941. Phebe H. Snow.
H. R. 4945. Rebecca Collins.
H. R. 4946. Cadis Berry.
H. R. 4948. Jane B. Orndorff.
H. R. 4949. Sarah A. Pride.
H. R. 4951. Judith Porter.
H. R. 4956. Charlotte A. Greene.
H. R. 4966. Peggy Shade.
H. R. 4991. Annie C. Smith.
H. R. 5000. Thomas K. Anderson.
H. R. 5001. Grant Smith.
H. R. 5005. Martha Wilson.
H. R. 5008. Mary S. Burns.
H. R. 5016. Mattie Wood.
H. R. 5021. Elizabeth N. Laland.
H. R. 5022. Jennie Buck.
H. R. 5040. James H. Evans.
H. R. 5054. Charlotta Jackson.
H. R. 5074. Alice F. Leach.
H. R. 5079. Sarah D. Munro.
H. R. 5080. Charles G. W. Everett.
H. R. 5088. Grace I. Playter.
H. R. 5126. Jessie L. Kugler.
H. R. 5196. Catherine Ledoux.
H. R. 5227. Alice E. Howsley.
H. R. 5235. Sarah J. Fath.
H. R. 5236. Sarah Sharp.
H. R. 5237. Emma J. Cole.
H. R. 5238. Luella Goings.
H. R. 5252. Georgia Mutchler.
H. R. 5253. Hattie Burns.
H. R. 5263. Ora E. Cook.

H. R. 5265. Alice A. Wilson.
H. R. 5275. Margaret C. Hitchcock.
H. R. 5280. William McKee.
H. R. 5284. Sophia A. Remondino.
H. R. 5307. Elizabeth Fry.
H. R. 5345. Thomas S. Boggs.
H. R. 5354. Amanda Losher.
H. R. 5355. Emmer Gilson.
H. R. 5365. Everett Sears.
H. R. 5425. Alice A. McKenzie.
H. R. 5427. George B. McIntyre.
H. R. 5428. Irwin R. R. Alexander.
H. R. 5430. William A. Willburn, alias Wilburn.
H. R. 5431. Emily E. Weiss.
H. R. 5432. Mary E. English.
H. R. 5848. Mary A. Handel.
H. R. 5851. Clara Daniel.
H. R. 5852. Sarah Banks.
H. R. 5866. Elizabeth Oswalt.
H. R. 5869. Clarence E. Phifer.
H. R. 5895. Emma Hammond.
H. R. 5903. Anna E. Smith.
H. R. 5927. Christopher S. Kerns, alias Christopher Kearns.
H. R. 5928. William O. LaMotte.
H. R. 5939. Alice Day.
H. R. 5941. Ann Peavy.
H. R. 5943. Clara F. Randolph.
H. R. 5947. Eleanor S. Bugbee.
H. R. 5983. Laura Harrison.
H. R. 5984. Nannie A. Bell.
H. R. 5985. Phoeba L. Diggs.
H. R. 5986. Mary E. Cogdill.
H. R. 5987. Lucy Jones.
H. R. 5988. Lucinda C. Dyer.
H. R. 6001. John E. Wyatt.
H. R. 6010. John Shelton.
H. R. 6011. James H. Stanfill.
H. R. 6012. Christopher Stottler.
H. R. 6136. Ella J. Duygan.
H. R. 6137. Nettie D. Morgan.
H. R. 6138. Emma J. Cotie.
H. R. 6142. Frances G. Douglas.
H. R. 6147. Marion G. Eudy.
H. R. 6153. Angie N. Weatherspoon.
H. R. 6206. Katherine Kerr.
H. R. 6217. Harry B. Gorman.
H. R. 6234. Mary E. Paynter.
H. R. 6249. Abbie A. Pike.
H. R. 6250. Mary A. Hulbert.
H. R. 6266. Ellen M. Dyke.
H. R. 6279. Bertha F. Young.
H. R. 6283. Mary Belle Denny.
H. R. 6284. Napoleon Lewis Stemmons.
H. R. 6286. Lydia E. Whitney.
H. R. 6287. Rosa Ulman.
H. R. 6345. Jennie Smith.
H. R. 6347. Martha S. Spry.
H. R. 6358. Sara R. Brewster.
H. R. 6378. Matilda P. Sutter.
H. R. 6380. Sarah L. Williams.
H. R. 6391. Alexander Elliott.
H. R. 6394. Joann Thornton.
H. R. 6395. Frances E. Bishopp.
H. R. 6397. Flora P. Moss.
H. R. 6402. Sara W. Bowlby.
H. R. 6430. Mary E. Kennedy.
H. R. 6445. Robert L. Boaz.
H. R. 6447. Amanda Albright.
H. R. 6451. Harvey Campbell.
H. R. 6453. Carrie M. Cramer.
H. R. 6530. Matilda Klopping.
H. R. 6534. Marion E. Black.
H. R. 6543. Isadora Maurer.
H. R. 6554. Eliza J. Rank.
H. R. 6560. Edwin G. Farrar.
H. R. 6567. Ada S. Ostronder.
H. R. 6568. Sarah Hager.
H. R. 6576. Isadora P. Ebert.
H. R. 6580. Edward Dzengolewski.
H. R. 6583. Otto Kuehn.
H. R. 6601. Clark Wyman.
H. R. 6606. Mary A. Schwyhart.
H. R. 6748. Martha E. Sellers.
H. R. 6767. Julia A. Thomas.
H. R. 6775. Sarah E. Fuqua.
H. R. 6788. Annie E. Doss.
H. R. 6790. Lura E. Lathrop.
H. R. 6806. Samantha Elliott.
H. R. 6820. Meta Sorensen.
H. R. 6823. Mattie M. Atkins.
H. R. 6836. Charles H. Prescott.
H. R. 6870. Susanna Provance.
H. R. 6871. Alice Bullock.
H. R. 6902. Lizzie Fenton.
H. R. 6903. Charles E. Brown.
H. R. 6904. Elizabeth Coarding.
H. R. 6933. Emma S. Jones.
H. R. 6934. Mary H. Maulsby.
H. R. 6935. Ellen Jane Dick.
H. R. 6936. Susana Thomas.
H. R. 6937. Frances N. Williams.
H. R. 6938. Eliza Reed.
H. R. 7050. Bertha Hansmann.
H. R. 7072. Mattie Hawley.
H. R. 7075. Anna F. Baugh.
H. R. 7112. Mary S. Merrill.
H. R. 7113. Rose B. Stine.
H. R. 7118. Harry E. Patterson.
H. R. 7122. Sallie Kightlinger.
H. R. 7124. Lewis L. Francis, alias Louis L. Francis.
H. R. 7125. Elbert S. Francis, alias Elbert C. Francis.
H. R. 7130. Rose Ehrenfelt.
H. R. 7134. Pearl Trevaskis.
H. R. 7137. Elenora Thompson.
H. R. 7143. Margaret Sexton.
H. R. 7151. Fannie Chambers.
H. R. 7167. Elizabeth A. Tullis.
H. R. 7168. Maud E. Sparks.
H. R. 7169. Florence G. Melton.
H. R. 7171. Hannah Gatliff.
H. R. 7178. Rosa I. Potter.
H. R. 7226. Laura E. Jennings.
H. R. 7245. Amy E. Spare.
H. R. 7246. Minnie S. Cadiz.
H. R. 7254. Mary E. Ayres.
H. R. 7258. Ella Z. Sweany.
H. R. 7277. Roxie Boster.
H. R. 7286. Sarah J. Sharp.
H. R. 7318. Altha Denham.
H. R. 7319. Lucy A. Bailey.
H. R. 7322. Jane L. Kirkman.
H. R. 7325. Ida B. Lawrence.
H. R. 7380. George S. Boutwell.
H. R. 7381. Martha F. Fry.
H. R. 7400. Susan E. Dean.
H. R. 7412. Hester M. Conklin.
H. R. 7415. Charlie Green.
H. R. 7433. Grace P. Carter.
H. R. 7490. Rebecca Bristol.
H. R. 7491. Elizabeth Martin.
H. R. 7520. Dora E. Davis.
H. R. 7521. Mattie E. Davenport.
H. R. 7541. Benjamin Lynch, alias Peter Trambley.
H. R. 7548. Esther M. Wright.
H. R. 7549. Effie A. Smith.
H. R. 7550. George F. Dale, alias George N. Dale.
H. R. 7554. Jennie Broderick.
H. R. 7558. Cordie Nave.
H. R. 7577. Etta A. Mayers.
H. R. 7611. Josephine Henderson.
H. R. 7612. Nellie B. Hoagland.
H. R. 7613. Elizabeth J. Smith.
H. R. 7614. Mary Miller.
H. R. 7616. Lydia Hendershot.
H. R. 7617. Eva Sanborn.
H. R. 7618. Phebe Evland.
H. R. 7619. M. Lee Wolcott.
H. R. 7620. Charlotte Westcott.
H. R. 7621. Sarah F. Perrigo.
H. R. 7622. Rose May Rice.
H. R. 7623. Rissa V. Goodell.
H. R. 7625. Hiram H. Brown.
H. R. 7626. Harriet E. Charles.
H. R. 7629. Aggie Holcombe.
H. R. 7701. Eliza J. Vandegriff.
H. R. 7702. Chloe Cate.
H. R. 7703. Amanda Baker Taylor.
H. R. 7709. Mary E. Bradshaw.
H. R. 7711. George M. Arnold.
H. R. 7782. Vinnie Bertch.
H. R. 7798. Nancy E. Clifton.
H. R. 7802. Rebecca E. Burton.
H. R. 7809. Tony C. Jones.
H. R. 7819. Drucilla E. Petts.
H. R. 7820. Eliza Towell.
H. R. 7821. Rachel F. Burdg.
H. R. 7836. Mary A. Cox.
H. R. 7838. Mary Demaree.
H. R. 7839. May Yoder.
H. R. 7841. Roy Scott.
H. R. 7851. Mollie E. Metzler.
H. R. 7852. Virginia E. Esty.
H. R. 7856. Ida B. Pittenger.
H. R. 7996. Please Waits.
H. R. 7997. Howell E. Waits.
H. R. 7998. George W. Waits.
H. R. 7999. John D. Waits.
H. R. 8000. Hattie Dickinson.
H. R. 8002. Emma S. Stokes.
H. R. 8009. James Miller.
H. R. 8010. Emily J. Hendricks.
H. R. 8013. Morris F. Loyd.
H. R. 8072. James M. Nelson.
H. R. 8088. Elvira Vandyke.
H. R. 8094. Josephine Canfield.
H. R. 8171. Fannie Jenkins.
H. R. 8183. Thomas G. Dawson.
H. R. 8192. Elsie Ann Tyre.
H. R. 8193. Emma Fahnle.
H. R. 8198. David Atkinson.
H. R. 8199. Margaret Wohlgemuth.
H. R. 8202. Jacob Baker.
H. R. 8207. Elizabeth Reynolds.
H. R. 8211. Margaret Drummond.
H. R. 8249. Maud Grinstead.
H. R. 8256. Elma Thompson.
H. R. 8342. Minnie M. Quick.
H. R. 8344. Mary F. Van Ormer.
H. R. 8377. Evelyn G. Burrell.
H. R. 8379. John J. White.
H. R. 8433. Fannie Edwards.
H. R. 8439. Ada W. Simpson.
H. R. 8449. Etta Horine.
H. R. 8470. Andrew Heflin.
H. R. 8475. Charity J. Martin.
H. R. 8498. Angeline Relation.
H. R. 8505. May K. Moon.
H. R. 8506. Addie Martin.
H. R. 8577. Viva White.
H. R. 8607. Nellie Snapp.
H. R. 8644. Blanche L. Waterman.
H. R. 8646. Frances Roe.
H. R. 8647. Rebecca J. Gouge.
H. R. 8652. Jane Louise Tymeson.
H. R. 8657. Mary J. Owen.
H. R. 8658. Laura A. Goulden.
H. R. 8665. Eugene Rhodes.
H. R. 8683. Elvira Paulman.
H. R. 8688. Margaret A. Miller.
H. R. 8697. Minerva J. Spencer.
H. R. 8710. Roseann Minges.
H. R. 8711. Margaret Robinson.
H. R. 8757. Armintia C. Miner.
H. R. 8761. Kathryn Farrar.
H. R. 8787. Robert M. McCormick.
H. R. 8799. Sarah A. Armstrong.
H. R. 8803. Carrie L. Wallace.
H. R. 8813. Kate McManama.
H. R. 8860. Mary Belford.
H. R. 8875. Martha Cole.
H. R. 8938. Lydia E. Enochs.
H. R. 8958. Cornelius N. Kinder.
H. R. 8982. Theresa Creiss.
H. R. 9015. John H. Sutliff.
H. R. 9070. Elmer H. Clingan.
H. R. 9075. Pearl J. Pool.
H. R. 9087. Sarah E. Ashley, also known as Sallie E. Ashley.
H. R. 9090. Jane C. Poulson.
H. R. 9096. John Sexton.
H. R. 9102. Maria Rutter.
H. R. 9104. Gus Pike.
H. R. 9110. Mary J. Moore.
H. R. 9115. Adaline Sowders.
H. R. 9165. Rachel Newell.
H. R. 9167. James Booth.
H. R. 9170. Alfred G. Gosting, jr.
H. R. 9180. Elizabeth Rosenbauer.
H. R. 9209. Ella Dibble.
H. R. 9215. Catharine Derstine.
H. R. 9217. Bertha C. Williams.
H. R. 9224. Celia Enright.
H. R. 9230. Eliza Ward.
H. R. 9236. Eliza E. Adkins.
H. R. 9242. Hannah L. Hollen.
H. R. 9247. Julia H. Nichols.
H. R. 9250. Florence Lewis.
H. R. 9276. Amanda Refflitt.
H. R. 9325. Marion E. Welch.
H. R. 9337. Mary J. Corder.
H. R. 9399. Mary M. Mehaffey.
H. R. 9408. Allie Crabb.
H. R. 9413. Annie C. Owens.
H. R. 9419. William Clark.
H. R. 9429. Sarah E. Duffield.
H. R. 9431. Ruth H. Wight.
H. R. 9444. Rebecca Ettinger.
H. R. 9473. Venia Hines.
H. R. 9476. Mary Middaugh.
H. R. 9505. Salome Cerrenner.
H. R. 9510. Theresa Coleman.
H. R. 9511. Ernestina Tappen.
H. R. 9512. Emily S. Johnson.
H. R. 9523. Drucilla Van Nest.
H. R. 9524. Mary G. Hickey.
H. R. 9539. Helen K. Andrews.
H. R. 9590. Mary E. Michael.
H. R. 9605. Harriet Lester.
H. R. 9623. Effie Charney.
H. R. 9626. Minnie E. Peck.
H. R. 9628. James Steele.
H. R. 9656. Frank Lawler.
H. R. 9703. Louisa Siples.
H. R. 9725. Elizabeth Hawkins.
H. R. 9730. Samuel Pack.
H. R. 9736. Kate Farmer.
H. R. 9743. Albert D. Day.
H. R. 9747. Sarah E. Burns.
H. R. 9748. Laura Viney.
H. R. 9754. Catherine A. Hennon.
H. R. 9756. Margaret Johnson.
H. R. 9802. Lucy M. Sperry.
H. R. 9809. Annie H. Kenny.
H. R. 9815. Ellen M. Davenport.
H. R. 9872. Bertha Moore.
H. R. 9874. Blanche Fetterhoff.
H. R. 9884. Elizabeth Cornelius.
H. R. 9889. Sirena Short.
H. R. 9901. Angeline Shirley.
H. R. 9909. Mary Cullison.
H. R. 9912. Welthy E. Bracy.
H. R. 9913. Kate Walsh.
H. R. 9939. Joseph B. Walker.
H. R. 9940. Annie L. McIntyre.
H. R. 9971. Mildred V. Tune.
H. R. 9982. Amanda Moseby.
H. R. 9992. Mary Dyer.
H. R. 9993. Isabelle Hurst.
H. R. 10009. Nancy J. Ferrier.
H. R. 10013. Ida A. Carroll.
H. R. 10052. Jessie Sparrow.
H. R. 10058. Mary E. Streit.
H. R. 10059. George C. Barnes.
H. R. 10097. Lillie Corwin.
H. R. 10098. Anna G. Mitchell.
H. R. 10119. Thomas J. Tigue.
H. R. 10121. Martha E. McAllister.
H. R. 10133. Kathryn McCarthy.
H. R. 10202. Catherine C. Hanna.
H. R. 10207. Laura E. Haynes.
H. R. 10220. Sophronia E. Miles.
H. R. 10231. Mary F. Robinson.
H. R. 10232. Mattie N. Benn.
H. R. 10241. Mahala Sturgeon.
H. R. 10253. Angeline Roberts.
H. R. 10257. Lodema Lawrence.
H. R. 10279. Clarinda McKelly.
H. R. 10337. Isaac Workman.
H. R. 10343. Janette Andrist.
H. R. 10380. William D. Hohenshilt.
H. R. 10382. Jacob Kesner.
H. R. 10383. Meta B. Harrison.
H. R. 10401. Leo L. Litherland.
H. R. 10408. Olive E. Morton.
H. R. 10452. George W. Studabaker.
H. R. 10453. Leota D. Sharp.
H. R. 10463. Mary B. Peebles.
H. R. 10466. Sarah C. Atkinson.
H. R. 10509. Emma M. Oberlin.
H. R. 10535. Maud E. West.
H. R. 10575. Ellen Froman.
H. R. 10584. Sarah Rooks.
H. R. 10593. Mary J. Howes.
H. R. 10599. Louisa Wiegand.
H. R. 10604. William L. Cowan.
H. R. 10628. John H. Terry.
H. R. 10631. Susan A. Ellis.
H. R. 10705. Gertrude Gould.
H. R. 10716. Malinda B. Caldwell.
H. R. 10722. Amelia Morse LeBaron.
H. R. 10724. Joshua C. Hiscock.
H. R. 10750. Olive E. Smith.
H. R. 10752. Lucy F. Sanders.
H. R. 10781. Thomas Dowler.
H. R. 10828. Viola Devore.
H. R. 10835. William Wells.
H. R. 10888. Nancy C. Kennamer.
H. R. 10895. Georgia A. Godwin.
H. R. 10901. Martha S. Mitchell.
H. R. 10905. Anna E. Blessing.
H. R. 10929. John W. Cline.
H. R. 10938. Annie Hopper.
H. R. 10949. Mary E. Lee.
H. R. 10970. Jennie Boulden.
H. R. 11030. John Roy.
H. R. 11038. Clara E. Andress.
H. R. 11040. Mary Smith.
H. R. 11047. James Nelson.
H. R. 11049. Mary A. Hoon.
H. R. 11054. Ada C. Clark.
H. R. 11056. Ellen C. Basil.
H. R. 11084. Nora K. Endy.
H. R. 11102. Anna Baker.
H. R. 11125. Philena Bagley.
H. R. 11127. Sarah E. Little.
H. R. 11169. Eliza Buist.
H. R. 11229. George W. Holbrook.
H. R. 11247. Sallie A. Giboney.
H. R. 11248. Kinion Thornton.
H. R. 11398. Anna Myers.
H. R. 11452. Mary E. Nix.
H. R. 11458. Phenie Redman.
H. R. 11459. Rosie Renchen.
H. R. 11492. Mary Hague.
H. R. 11499. David E. Daniels.
H. R. 11539. George Anson Carr.
H. R. 11549. Henderson M. Pettit.
H. R. 11714. Catherine M. Howard.
H. R. 11763. Elizabeth Shelp.
H. R. 11788. Josephine Sheridan.
H. R. 11795. Rachel J. Paullus.
H. R. 11861. Mary E. Landis.
H. R. 11915. Clara L. Woford.
H. R. 12076. Barbara Ann Cordell.
H. R. 12147. Emma L. Coon.

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ELLIOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE SECRET LEASING OF OUR OIL RESERVES

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the oil controversy.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCLINTIC. Mr. Speaker, during the fall of 1926, when Mr. Doheny and Mr. Fall were being tried in connection

with the illegal obtaining of certain oil contracts, Secretary Wilbur appeared at this trial and gave testimony for the defendants, which in substance was that because of the belligerent attitude of Japan, as reported by Admiral Gleaves, it was necessary for the Navy to secretly make contracts for the building of a lot of oil tanks for the storage of a sufficient amount of oil to take care of any emergency in case Japan declared war against the United States, and bring about the development of certain oil reserves.

Because of this testimony the jury was influenced by Secretary Wilbur's defense of these oil conspirators to the extent that it brought in a verdict of not guilty. A little later the Supreme Court of the United States handed down a verdict to the effect that all of these contracts were tainted with fraud. According to the information given the public, the attorney for Mr. Doheny, Mr. Frank Hogan, was the recipient of a gift of $1,000,000 for having handled this case in such a way as to bring high public officials to the defense of his clients.

On the 29th of December, 1926, I gave out a statement to the press, which in part read as follows:

On the 17th day of December, 1926, at my suggestion before an executive session of the Naval Affairs Committee, Chairman BUTLER, of this committee, requested the clerk to ask the Navy Department to submit in confidence to the members of the Naval Affairs Committee the reports made by Admiral Gleaves relative to the belligerent attitude of Japan a few years ago. Admiral Campbell has just advised the clerk and myself that Secretary Wilbur is not willing for any member of the committee to see these reports, but on the other hand he has offered to appear before the committee and allow himself to be subjected to questions.

It will be remembered that this report has been made the excuse for the secrecy in disposing of our naval reserve oil lands and the construction of oil tanks in Hawaii. It will also be remembered that after the recent trial of Mr. Fall and Mr. Doheny one of the jurors gave out a statement in which the Japanese scare and this report were given as a justifiable reason for the verdict which exonerated them from any wrongdoing.

Members of Congress assigned to the Naval Affairs Committee are charged with the responsibility of supplying the needs of the Navy, and unless all of the facts are accessible to them they can not intelligently know how to proceed. If the legislative branch of the Government, which is the one closest to the people, is not entitled to have access to the records of a Government bureau then it is very likely that the time is near when the rank and file of the people will have no way of knowing the real situation that exists with respect to the safety and protection of the Nation. Therefore if members of the Naval Affairs Committee are to be refused the right to see reports relative to the attitude of other nations, then the officers in charge of the Navy will soon be able to adopt any policy, whether right or wrong.

I was advised some time ago by a high-ranking officer in the Navy that these so-called Japanese reports contain no information which would show a belligerent attitude on the part of Japan, and that the department could not afford to allow any Member of Congress to see these reports for the reason they would show that the secret policy of the Navy with respect to the oil leases and the building of tanks was not justified. In fact these reports, according to the information given me, mostly concern the killing of an American sailor and the finding of some oil on the water after the Japanese earthquake. It is known by every person that Japan diplomatically and respectfully disposed of the case where the sailor was killed, according to the custom usually followed by other nations. In fact we have been unfortunate enough to have sailors killed in several other countries without any thought of trouble between the nations. In my opinion this Japanese scare is now put forth for the purpose of exciting the citizenship of the United States so that pressure will be brought in favor of a new shipbuilding policy costing four or five hundred million dollars. Notwithstanding there is an apathy in agricultural sections of the United States, I will gladly vote for such a policy, provided it can be shown that Japan assumed a belligerent attitude when these reports were made by Admiral Gleaves.

According to the Washington Daily News of Monday, April 9, 1928, it is again proposed to use this same Japanese scare in the trial of the case which is now being conducted in Washington. The article states that the attorney for Mr. Sinclair will argue "that the Navy Department had received a report of danger of war in the Pacific and needed its oil above ground for war storage in Hawaii." Everyone now knows that Japan has assumed the most friendly disposition toward the United States and that this so-called Japanese war scare was used by the Navy for a period of 20 years for the purpose of influencing Congress to obtain additional appropriations.

If the Secretary of the Navy is going to allow himself to become a rubber stamp for these oil conspirators, the President of the United States should order these reports of Admiral Gleaves to be made public in fairness to Japan and the jury, which was misled by the statements made by Secretary Wilbur in this connection.

EXTENSION OF REMARKS

Mr. DAVEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from and to the president of the Izaak Walton League of Ohio on the subject of conservation.

Mr. UNDERHILL. On what subject?

Mr. DAVEY. Conservation.

Mr. UNDERHILL. A letter from whom?

Mr. DAVEY. The president of the Izaak Walton League of Ohio.

Mr. UNDERHILL. Mr. Speaker, I would like to ask the gentleman if this comes within the general group to which I object ordinarily.

Mr. DAVEY. I could not tell the gentleman.

Mr. UNDERHILL. If it is correspondence between the two gentlemen, I think I shall have to object until I know more about it.

LEGISLATIVE APPROPRIATION BILL

Mr. MURPHY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12875, with Mr. HAWLEY in the chair.

The Clerk read the title of the bill.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield myself such time as I may desire to use. [Laughter and applause.]

Mr. Chairman, ladies and gentlemen of the House, on behalf of the legislative subcommittee of the Committee on Appropriations that prepared this bill I am going to ask your indulgence a few minutes to talk to you about a matter that has been a perpetual subject of discussion in this body for 75 years, namely: The ventilation and reconstruction of this House Chamber. [Applause.]

I think a very brief preliminary reference to a few historical events will be interesting as a background to what I am going to say.

As you are all aware, George Washington laid the corner stone of this Capitol Building September 18, 1793. The main building is built of sandstone from Aquia Creek, Va. Congress first occupied the building on November 17, 1800. Before the building was completed the British Army set fire to it and burned it on August 24, 1814. It was promptly rebuilt and finished within a few years thereafter.

The Senate occupied the room now used by the United States Supreme Court, and the House used the room now dedicated to the National Statuary Hall.

On September 6, 1850, Congress passed an act authorizing the extension and construction of the present Senate and House wings of the Capitol, and on July 4, 1851, President Millard Fillmore laid the corner stone of this House wing. Daniel Webster, the then Secretary of State, was the orator of the day and delivered a wonderfully eloquent and historic oration. The corner stone they laid is in the northeast corner of this south wing, while the corner stone of the main building is in the southeast corner. Both ceremonies were conducted by the Masonic bodies of Maryland and Virginia.

On December 16, 1857, this Hall was first occupied by the House of Representatives—70 years ago last December.

The north wing was not occupied by the Senate until January 4, 1859. Both of these wings are built of marble from Lee, Mass., and they were completed in 1860. The columns are built of marble from Cockeysville, Md. The entire building is 751 by 350 feet and cost $14,455,000.

From 1851 to 1865 the Architect of the Capitol was Thomas U. Walter, a high-class and capable man.

For many years the construction of the Capitol was under the jurisdiction of the Department of the Interior. On March 23, 1853, President Franklin Pierce ordered the Capitol construction transferred from the Interior Department to the War Department, and on April 4, 1853, Jefferson Davis, who was then Secretary of War, under President Pierce, appointed Capt. Montgomery C. Meigs as superintendent of construction of the Senate and House wings. There was some lack of harmony between the two departments and also between Architect Walter and Superintendent Meigs, and from time to time much criticism, especially in Congress.

The old Senate and House Chambers were built in the early part of the nineteenth century as evolved from the highest development of classical types and are semicircular and well adapted to the purpose for which they were built, especially in the very important matter of acoustics, and Architect Walter wanted to follow that style of architecture in the construction of the new Senate and House Chambers, and also extend the Senate Chamber out to the north outside wall and the House Chamber out to the south outside wall, while Captain Meigs (afterwards Major General Meigs) was determined to make both Chambers entirely inside rooms, as he said, to avoid outside noises, and he seems to have had the support of the President and Secretary of War and a majority of Congress at that time, and his judgment prevailed, and that one man has caused the Senate and House to sit in these two inside, square or rectangular, uncomfortable rooms, with artificial light, poor ventilation, and abominable acoustics for all these 70 years. This exact condition was foreseen, however, long before the Chambers were completed.

On January 24, 1854, there was a bitter debate in Congress over these inside rooms. That was three years before the House moved into this room. The Members complained that there were no windows in this room and that the doors led only to smoking rooms and corridors, and they led only to more corridors and halls or to no place, and many Senators and Representatives denounced this condition vehemently. However, Meigs prevailed. He was relieved of his position in 1860, but that was after the Chambers were completed. On April 16, 1862, President Lincoln retransferred the Capitol back to the Interior Department.

But the dissatisfaction over these inside rooms has continued ever since 1853.

The floor of this Chamber is 113 by 67 feet and the outside walls of the room around the gallery are 139 by 93 feet. The ceiling is 36 feet high, making the cubical contents of this Chamber in round numbers 400,000 cubic feet. All that air should properly be changed about eight times every hour that the Chamber is occupied, which would require 3,200,000 cubic feet per hour, or 63,333 cubic feet per minute, of fresh air. The temperature should be from 68 degrees to 72 degrees in cold weather and about 15 degrees less than the outside temperature in warm weather, and the humidity should be at from 30 to 50 per cent for a proper comfort zone, with proper air motion and no drafts. There should be fanned in and fanned out of this room not less than from 20 to 50 cubic feet per minute per person of fresh and properly conditioned air. With 500 people in the House and gallery we would have about 125 cubic feet per person, and with 2,000 in the room and gallery we would have about 30 cubic feet of air per person.

THE PRESENT VENTILATION SYSTEM

This system was built some 30 years ago, and it is now obsolete. It consists of a 30-foot high tower down in the park and a tunnel 500 feet long from under that tower to the basement of this wing of the Capitol.

The air is drawn through the tunnel by large fans and passes over primary heaters—coils of hot pipes—in the basement and is then forced through a vacant chamber 4 or 5 feet high, right underneath this floor, and which is called a plenum, and thence through this floor under all of our seats, and also all around the wall and through the floor in the gallery. Large fans above ceiling lift the air and force it out under the roof. There is a strong upward pull of air all the time that we are in this room. The air is some 6 to 8 degrees lower in temperature where it enters at our feet than at our breathing line some 5 feet above. To have ordinarily a breathing temperature of about 70° the air must come in at about 62°, which is sometimes too cool on our feet.

We have no provision at all for regulating the amount of humidity in the air we breathe. No modern or proper system for air distribution, or motion to prevent drafts. No system for the proper control of temperature. No system at all for cooling the air in warm weather. No system at all for conditioning air at any time for proper comfort. The air is not treated at all. The dust and dirt, and smoke, if any, comes up in our faces. Our ceiling and attic are almost red hot in the summer, and there is no way of cooling them. This room is always uncomfortable in hot weather because it is too hot, and in extreme cold weather it is uncomfortable because of lack of sufficient humidity in the air. In other words, the present system simply fans in and fans out so many cubic feet of air per minute. In the wintertime it heats it. That warm air heats this room. That is all the heat we get.

The Capitol heating plant does not heat this room. That sends hot steam up to the Capitol and into a large number of coils of pipe, and the air passes over these coils and is warmed that way, and we are warmed by and breathe that heated and dried air. It is hot, dry air, like comes out of an oven. It is too dry and lifeless, not moist enough. The humidity is dried out too much and sometimes contains less than 20 per cent of humidity, which is not enough for either health or comfort. It should properly be from 40 per cent to 50 per cent. That lack of humidity causes discomfiture and tires us out. Its continuance is bound to be harmful.

The present system is not as comfortable or healthful or sanitary as the modern systems. This lack of humidity regulation, and temperature, and air-motion control is a drain on our physical systems that should not be tolerated any longer. We suffer from colds, sinus infections, and various respiratory troubles, caused principally by lower vitality acquired in this Chamber.

After three or four hours in this Chamber everyone knows that we are all fagged out. Nobody needs to tell us that. In the wintertime the outside air is pumped in at, say, 15 or 20 or 30 degrees temperature, and is heated up to 70 degrees, and the moisture is nearly all dried out of it, so that it is not invigorating enough. That kind of air detracts from our physical and mental activity and abilities.

Physical and mental efficiency drop off wherever temperature and humidity are not maintained at the right point. We are more susceptible to breakdowns in health.

Many of us have reached the age where we should not be subjected to constant, extra, and unnecessary strains. We are certainly entitled to as good a hygienic system in this Chamber as is now being furnished in practically all modern theaters, auditoriums, hotels, and other large public gathering places.

THE NEW SYSTEM OF VENTILATION PROVIDED FOR IN THIS BILL

The modern system pumps the air into the room from the ceiling instead of from the floor. The air is first washed—all of it must go through a spray of clean water, removing all particles of dust or dirt or smoke and all solid matters of any kind.

The air is then heated or cooled, or both, if necessary, and brought to the proper degree of temperature and humidity. The air is heated by passing through preheaters, a system of heating coils.

The air is brought to the proper humidity and temperature in summer by refrigeration, and in winter by heating the spray of water to the proper temperature. Then this washed and properly conditioned air is passed through eliminators to remove excess water and then heated or cooled as necessary, and pumped into this Chamber through the roof or ceiling, 30 feet above our heads, and is pumped out down through the floor.

So there will always be a continuous and proper supply and flow of properly conditioned air going through this Chamber, and a similar and separate supply for the galleries and cloakrooms.

The temperature of the spray is so regulated as to control the necessary amount of moisture in the air. That is, the washing regulates the humidity. There will be no drafts at all, as there are now none in the large modern theaters.

This Chamber will be more comfortable, healthier, and sanitary. For 70 years Congress has been living and working in this human thermos bottle. All modern schools and hospitals get all of their ventilation and most of their light through windows.

Mr. EDWARDS. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes; I will yield to the gentleman from Georgia.

Mr. EDWARDS. Does the reconstruction of this Hall contemplate changing the Chamber so that it will be an outside chamber?

Mr. TAYLOR of Colorado. I am coming to that in a few minutes.

There are two things now under consideration by this committee. The first is the ventilation, and the other is the possible reconstruction and remodeling of this Chamber; and I want to first conclude what I have to say about the ventilation and hygienic and health conditions in this room.

Mr. EDWARDS. I have no faith in the ventilation unless you make it an outside chamber.

Mr. TAYLOR of Colorado. Health and comfort depend on three things; namely:

First, temperature.

Second, ventilation (air motion).

Third, humidity.

The problem is to furnish an abundance of fresh, pure air, containing the normal amount of humidity, and safe air motion, and at a proper and comfortable temperature every day in the year, regardless of the temperature outside. We must have

a cooling system for the summer time. The rate and direction of the air motion in the room is very important. To be comfortable, we must always have a fairly good breeze passing through the Chamber without the slightest particle of draft. To accomplish that we must reverse our present system. Instead of having the air come in right at and on our feet, we want it to come in 30 feet above our heads.

Without ever having any draft we must have the ventilation such that our bodies will always be properly cooled, so that we may be perfectly comfortable.

At present the air in this Chamber becomes overheated and our bodies are overheated, and there is no safe way of cooling them. That condition is uncomfortable and unhealthy. We need a system of ventilation that will dispose of the excess heat without any drafts. In other words, we want a system as near as possible like outdoor air in fair weather and at a comfortable temperature. To have that, the air must come from above, instead of forcing the dust and dirt and insanitary air from the carpet at our feet up into our faces.

We do not now have a sanitary or scientific air distribution; and our temperature is too high and the humidity too low. I feel safe in saying that there is not a large modern theater, or a church, or modern schoolhouse, or hospital, or auditorium, or large public-meeting place anywhere in the entire United States as poorly ventilated as this House Chamber. It is the judgment of this committee that we must have a new system of ventilation and air conditioning in this Chamber.

Fifty-three Senators and 120 Members of this House have passed to the Great Beyond since I entered this body. One hundred and seventy-three great Americans, whom I well knew, and whose lives were a great loss to our country, and whose public careers were abruptly terminated during their service in these two inside Chambers, that are so poorly ventilated, so poorly lighted, and so poorly heated.

And from quite a little inquiry and investigation I can further say that an appallingly large per cent of all of the many hundreds of former Members of the Senate and House have died within a very few years after their retirement.

Whether entirely right or not, I know that the friends of many of those deceased Members will always feel that the atmospheric and hygienic conditions in these two Chambers had something to do with their untimely death.

I sometimes think there is also a kind of a psychology in this matter of both light and ventilation in this Chamber. The American people just naturally do not like to live in inside rooms. They like the sunlight and the fresh air. They do not like artificial light in the daytime, if they can avoid it, and they do not like to breathe artificial air at any time, if they can avoid it. In my judgment that has something to do with the actual fact that for all these 70 years the House and Senate have occupied these two inside Chambers; the Members never have been and never will feel quite satisfied or comfortable in these so-called thermos-bottle Chambers, and just as sure as the sun shines outdoors, and never shines in here, Congress sooner or later will reverse the will of General Meigs and follow the judgment of Architect Walter and extend both of these Chambers to the outside walls, for better light and air, and also remodel the rooms from a present rectangular to a semicircular and amphitheater form, for better acoustics; and I think we ought to do it now. [Applause.]

The new system proposed in this bill, I believe, will greatly improve our comfort and general well-being and health, and reduce colds and respiratory diseases. We would all feel better, have less fatigue, and be in better physical condition and feel more active and alert mentally and physically. Our better health will more than pay the Government for this investment of $323,000, and the operation of the new system will not cost any more than the present one. This modern system is, I am informed, in practical and satisfactory operation in many large cities, especially New York, in the following buildings:

Roxy Theater, capacity	6,000
Paramount Theater, capacity	3,540
Rivoli Theater, capacity	2,130
Ziegfield Theater, capacity	2,000
Rialto Theater, capacity	1,918

and probably a hundred other theaters and modern auditoriums of various kinds.

By permission of the House I will attach to my remarks and insert in the RECORD a tabulation showing the necrology record of Congress for the past 35 years, giving the names and dates of deaths of 87 Senators and 203 Representatives, a total of 290 deaths, and separating them for each Congress.

Many eminent health specialists and physicians assert that this mortality statement shows that the death rate in Congress is much higher than it is among men of the same age in the ordinary walks of life.

The tabulation shows that, with few exceptions, there have nearly always been more deaths proportionately where Congess has held long sessions than short ones. For instance, the Fifty-third Congress was in session a total number of 447 days, and had 15 deaths, while the Fifty-fourth Congress was in session 280 days and had only 4 deaths. The Fifty-seventh Congress was in session 304 days and had 7 deaths. The Fifty-eighth Congress was in session 262 days and had only 10 deaths. The Sixty-third Congress was in session 654 days and had 15 deaths, and ordinarily would have had a greater loss but for the fact that during all the first session only the Ways and Means Committee was appointed and was working. The rest of Congress was not working. While the Sixty-fourth Congress was in session 368 days and had only 10 deaths, the Sixty-fifth Congress was in session 634 days and had 25 deaths, while the Sixty-sixth Congress was in session 462 days and had only 16 deaths.

A preliminary estimate for this new system was submitted a year ago of $430,000, of which $245,000 was for the House and $185,000 for the Senate, and the Senate included that amount in the deficiency appropriation bill that failed.

Mr. CLARKE. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. CLARKE. Do I understand in the contemplated study that there is also the question of improving the acoustic properties of the Hall?

Mr. TAYLOR of Colorado. Oh, yes. The British House of Commons is a rectangular room, 45 by 60 feet square, about one-third the size of this Hall, and they have 673 members. There is no other legislative body in the world of any important nation that has a hall of this shape or this size. France, Germany, and I think nearly all nations except England have semicircular halls, amphitheater shape, or oval halls, where it is claimed the acoustics is very much better than it is or ever can be in this room.

The old Senate Chamber and the old House Chamber were splendid Chambers. They were, and are, not only artistic, but ideally fitted for a legislative body. I think nearly every Member of this House for the last 75 years has felt that was a great mistake when that style of architecture was changed to the square form of this Chamber.

The House should know that the House Appropriations Committee and this subcommittee that prepared and is in charge of this bill are more or less in consultation with the like committee of the Senate, and we have definitely decided to go on with the work of reconstructing our ventilation system, and we provide for that in this bill. For the House and Senate together we are appropriating in this bill $323,000 for this purpose. This House committee has not recommended or appropriated anything in this bill for the reconstruction of either the House or Senate Chamber. For the two Halls it would cost over a million dollars, and we have not yet felt warranted in going that far. If, however, the Senate, when they come to consider this bill, decide to go ahead with the reconstruction of their Chamber, and if they add to this bill an item for that purpose, then when the bill comes back to the House it will be for us to then decide whether or not we will join the Senate and have both Chambers reconstructed at the same time.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. BANKHEAD. Assuming that the ventilation plan is to be carried into effect, then what would be the argument as to moving this south wall and putting it back?

Mr. TAYLOR of Colorado. The principal arguments would be for better acoustics, more convenient arrangement of the Hall, and a much more beautiful and artistic Chamber. More like the legislative halls of nearly all other great nations. I personally have only seen the House of Commons and the French Chamber of Deputies and a few others, but I understand that nearly every important nation in the world has a much more beautiful and finer legislative hall than this is.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. KING. Would it not be of material assistance to the acoustic properties if there was a platform about 8 inches high where the gentleman is now standing? That would raise him up to the level of his peers.

Mr. TAYLOR of Colorado. Yes; of course, that would help a little. But this is the largest legislative hall in the world, and we never can get rid of the confusion in this Chamber unless and until we entirely remodel the shape of this room. The hearings that we have held are printed, and they are very instructive and interesting. They include some 75 or 80 pages that ought to be read by every Member.

From 1890 to 1913 this matter was considered exhaustively and elaborate reports were made on it. I will add just a few

extracts from a very lengthy and learned report made by a very able committee in the Sixtieth Congress, which answers the very question the gentleman from Illinois asks me, as follows:

[H. Rept. No. 1688, 60th Cong., 1st sess.]

The Committee on the Library, having had under consideration the resolution to rearrange, in a temporary way, before the reassembling of the Congress in December, 1908, the Hall of the House of Representatives and the seating arrangements therein (H. Res. 419), recommend that the same do pass.

The purpose of the resolution is to make the Hall of the House suitable for the transaction of public business and to do away with a condition which makes the House of Representatives the most disorderly and the noisest legislative body in the world. In extreme dimensions the Hall, including the galleries, is now 139 feet long, 93 feet wide, and 36 feet high, and the floor of the Hall is 113 feet long by 70 feet in width. The enormous size of the Hall makes it very difficult for a Member with a voice of ordinary strength to be heard even under the best conditions, while if any degree of confusion exists it becomes in most cases impossible to hear one who is speaking halfway across the Hall. In order to agitate this enormous volume of air many of the Members are compelled to make a very special effort, and the energy that should be employed in the brain is diverted to the lungs, and a style is demanded which is destructive of the argumentative manner and leads to declamation and the mere ad captandum.

The conversational tone, which is the tone consistent with thought, it is useless to attempt to employ. The inability to hear begets disorder, for many men will not sit idly in the attitude of listening when they are able to hear nothing that is going on. They will devote themselves to their correspondence or to conversation with those who are sitting near them. As a result the normal condition of the House is one of extreme confusion. To the casual visitor in the galleries it is often impossible to know who is addressing the House. Pertinent interruptions and questions are often unnoticed because they are unheard. Parliamentary government in its literal sense is government by speaking and the correlative of speaking is hearing. If it is impossible to hear, speaking becomes of no account, and in proportion as the difficulty of hearing is increased the value of speaking is diminished.

The House of Representatives occupies the largest legislative hall in the world, and it is chiefly due to that fact that it is not the greatest legislative body in the world. Visitors of distinction often come to its galleries prepared to witness sympathetically the proceedings of the great representative body of the American people, and, seeing nothing but chaos and confusion, they are compelled to record impressions which are not complimentary to the House. Thousands of American citizens who come to Washington carry with them to their homes a similar impression.

The object of this resolution is to make the House of Representatives a parliamentary body in the real sense of the word. It is to make it truly worthy of the people it represents by improving the quality of its legislation and securing more firmly the sway of reason by destroying the premium which the present system gives to mere sound and fury to enable Members to make themselves heard. The present Hall should be shortened to a length of not exceeding 95 feet, including the galleries, and not exceeding 75 feet upon the floor. The width of the present Hall north and south would remain as it is now. A seating capacity could be provided upon benches, either arranged in monastery style or semicircular, for at least 500 Members.

Mr. BYRNS. Mr. Chairman, will the gentleman yield there?

Mr. TAYLOR of Colorado. Yes.

Mr. BYRNS. I understand the gentleman to say that if the House and Senate Chambers are remodeled it will cost about a million dollars?

Mr. TAYLOR of Colorado. Yes.

Mr. BYRNS. And if they are remodeled about 75 per cent of this $323,000 which is proposed to be expended for ventilation will be wasted?

Mr. TAYLOR of Colorado. There would be a large waste, estimated all the way from 50 to 75 per cent. But both the Senate and House are determined to go ahead with the remodeling of the ventilation system now. If we do that, and then in a few years or some time in the future decide to reconstruct these Chambers, the architects tell us that it would tear out nearly all of this new ventilation system and that we would have to rebuild it in the new remodeled Chambers. The Senate and House ought to, and I think they will, act together in the matter, and in this bill we are passing up to the Senate the question of the present or future reconstruction of these two Chambers.

Mr. BYRNS. I notice that in the Senate there has been some agitation, particularly from one Senator from New York——

Mr. TAYLOR of Colorado. Yes; Senator COPELAND, who is one of the greatest health authorities in the world, is very actively interested in this matter. I have conferred with him.

Mr. BYRNS. Has the gentleman any information as to what will be the attitude of the Senate if they accept this proposition?

Mr. TAYLOR of Colorado. Yes; the Senate in the last Congress put in the emergency deficiency bill an item of $185,000 for this change in the ventilation system of the Senate, but as you know, that was lost in the filibuster, and they are going ahead again in this bill with that same provision. Both the Senate and the House are going to have a better ventilation system. Now, whether or not the Senate is going ahead independently with the remodeling of their Chamber, I can not say. We have talked with several of the leaders of the Senate, and they have not yet decided. But they have decided to go ahead, as I have stated, with the ventilation system.

The House needs these changes about five times as much as the Senate does, because we are about five times as numerous. Whatever is done should be done to both Chambers, and done at the same time. We would save $15,000 or $20,000 by putting in the two ventilation systems together, and we would save from $25,000 to $50,000 by doing the reconstruction of the Chambers together. And if the Senate decides to go on now with the reconstruction of both the ventilation systems and the Chamber, I think we should go right along with them.

Mr. BYRNS. I understand the gentleman and his committee, from the thorough investigation that they have made, are satisfied that if this money is expended it will bring an improvement, as the gentleman suggests?

Mr. TAYLOR of Colorado. Yes. I will say we have had the benefit of the advice of some of the best experts in the United States, and we are satisfied that the ventilation system now in operation in all these new modern theaters is working practically, and that it will be a very great benefit to the comfort, general welfare, and health of the Members, and is a wise expenditure. Moreover, there is no doubt but what nearly all the membership of this House is in favor of better ventilation, better air, and a better system of temperature and air circulation than we now have. We do not know and have not yet tried to learn definitely the sentiment of the House on the question of, at this time, authorizing the reconstruction of the House Chamber.

Mr. BYRNS. It seems to me that a sufficient amount of time should be allowed to elapse to see the effect of the expenditure.

Mr. TAYLOR of Colorado. Well, I am speaking for and by direct authority of this committee that has jurisdiction of this matter, and am doing my best to advise the House as fully as I can about every phase of the subject. We are convinced that the House is safe in approving this appropriation for our own health and strength. But the whole subject is one for the House to determine, and, of course, the committee will cheerfully abide by its decision.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. KNUTSON. Does the gentleman's plan involve an enlargement of this Chamber?

Mr. TAYLOR of Colorado. As I have said in substance before, there are several reasons for reconstructing and remodeling this Chamber. The first is to obtain better acoustics, which the experts say we could and which we certainly very much need. Secondly, nearly all the Members would like to see the Hall moved to the south wall and get some daylight and better air. People like to see out. Third, there is nothing artistic about this room. As I just said, I think everyone who has ever visited the national legislative bodies of other countries feel that this, the richest Nation in the world, is entitled to a very much more convenient, artistic, better-arranged, and better-looking and more comfortable room than this is. I was in hopes we might make the gallery larger and be able to accommodate more people on state occasions. But the architects tell us if we are going to have much better acoustics we can not enlarge the Hall, and that it is now larger than necessary, and might very well be reduced some, which would tend to produce much better hearing and more orderly legislative proceedings.

Mr. KNUTSON. Would it not be a good idea to provide the Members with desks?

Mr. TAYLOR of Colorado. We are considering that as well as the comfort and convenience of the Members in every way.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. ABERNETHY. I am gratified that the gentleman has taken up this matter. I understand we are going right ahead with this proposition?

Mr. TAYLOR of Colorado. Yes. We are going right ahead with the ventilation proposition. I will ask, Mr. Chairman, to

extend my remarks in the RECORD by inserting a table of the necrology of this House for the last 35 years, and possibly some other data that appears in the record.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. LOZIER. If it be true that the rectangular form of assembly hall is not scientific and not to be desired, and that the circular form would be better, would it not be the part of wisdom and prudence to first determine the form of this Hall and then make the necessary changes to conform with that? Why not determine that matter, determine once for all the proper form, which is believed to be the circular form?

Mr. TAYLOR of Colorado. From the hearings there is no question in my mind that the experience of all legislative bodies and the scientific knowledge of the present time indicates that for convenient hearing and speaking, for public gatherings, a hall should be of semicircular form, an amphitheater shape, or cylindrical or oval hall. This Hall is the worst legislative hall in the world for orderly legislative purposes.

Mr. LOZIER. That being true, does not the gentleman think that the American people and the American Congress will ultimately come to that conclusion and prefer that form of hall? And if that is true, why not bring about that result?

Mr. TAYLOR of Colorado. I will frankly say to the House that from our thorough investigation—and I have been on this committee for many years and we have had this matter up time and again—some time before many years this Chamber is going to be remodeled. And, of course, the businesslike thing to do would be to reconstruct the Chamber and remodel the ventilation at the same time, instead of putting the new ventilation plant in now and then throw away a large part of that $323,000 and reconstruct the Hall and build another ventilation plant. But it will cost at least $600,000 to do it, and neither the main Appropriations Committee of 35 members, nor our legislative subcommittee, feel like recommending this expenditure without some more specific approval and direction from the House.

Mr. EDWARDS. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. EDWARDS. The cost of the ventilating plan and the heating plan which you have in mind will be approximately $300,000?

Mr. TAYLOR of Colorado. Yes; the estimate is $323,000.

Mr. EDWARDS. The gentleman says that a very large per cent of that will be wasted if we later decide to change the plan and move the Hall back.

Mr. TAYLOR of Colorado. Yes; somewhere between 50 and 75 per cent of it will probably be destroyed by the change. It will not fit in with the remodeled Chamber. At least, that is what the architects say. You understand that the estimate of $323,000 covers the entire cost of remodeling the ventilation plant of both the Senate and House.

Mr. EDWARDS. So you will spend practically one-third of the amount it would cost to remodel the Chamber on this plan of ventilating and heating, which the gentleman says will eventually be quite largely wasted.

Mr. TAYLOR of Colorado. One hundred and eighty-five thousand dollars of that total estimate of $323,000 for a new ventilation plant is for the House and the rest is for the Senate. We feel that we have got to go ahead with that new ventilation whether we remodel this Chamber or not. We may never reconstruct this Chamber, and, in the meantime, we are not going to continue to sit in this insanitary and unhealthy Chamber. I think both of these improvements should be made, and made at this time.

Mr. EDWARDS. It seems to me it would be in the interest of economy and good judgment to make this change in the Hall now and make it an outside Chamber, instead of spending about one-third of the cost on this ventilating system, which will be largely wasted if that change is ever made.

Mr. TAYLOR of Colorado. I think the gentleman from Georgia is absolutely right, and I was in hopes we might have a full House here to present this very important matter to. But the attendance here this afternoon is not over a third of the House, and I feel that we ought to in some way get as near as possible all the Members to learn about it and think it over. And in the meantime, my judgment is we ought to agree upon this ventilation system. I think we ought to put it in this bill, as I am sure we will, and send it over to the Senate; then if the Senate decides to go ahead now with the program of remodeling the Senate Chamber, I think we ought to join with them. [Applause.]

Mr. COOPER of Wisconsin. I presume the gentleman from Colorado is familiar with the fact that some years ago Representative McCall, of Massachusetts, afterwards the governor of that State, introduced a bill along this line?

Mr. TAYLOR of Colorado. Oh, yes; I know he did, and he did a very large amount of most intelligent investigating and work. And he made a wonderfully comprehensive, learned, and excellent report, and we have inserted most of it in our hearings, beginning at page 365. He was one of the highest class of gentlemen and most capable legislators that I have ever known in this body.

Mr. COOPER of Wisconsin. Has the gentleman referred to that?

Mr. TAYLOR of Colorado. Yes, indeed, we have most carefully considered Governor McCall's statements and recommendations. There have been a large number of the brightest men this country has ever produced that have at various times considered this matter.

On January 10, 1913, a committee composed of Champ Clark, Joseph G. Cannon, James R. Mann, John J. Fitzgerald, and Swagar Shirley reported on this matter. No Congress ever had an abler committee of five men than that committee was.

Mr. COOPER of Wisconsin. That bill passed this House.

Mr. TAYLOR of Colorado. Yes; it created a building commission "to supervise the reconstruction of the Hall of the House of Representatives," and authorized and directed them to proceed and reconstruct this House Chamber. I fully believe if we could in some way fully explain all the facts and the history of this matter to all the Members of the House that they would practically unanimously direct this reconstruction to be made.

Mr. COOPER of Wisconsin. My recollection is that after that bill passed the House, with a certainty of its enactment into law, a technical defect was discovered by Representative Fitzgerald, of Brooklyn, which resulted in the nullification of the whole thing.

Mr. TAYLOR of Colorado. This matter of reconstructing this Chamber has been under consideration ever since January 24, 1854—four years before the House ever met here. But the House has always acted like Mark Twain said the people do about the weather:

> Everybody complains about it, but nobody does anything about it.

On December 10, 1890, Congress passed a resolution—

> to at once inquire into the practicability of removing the partitions and galleries on the south side of the Hall, to obtain additional floor room and additional light and ventilation.

Again, in 1909, Congress appropriated $25,000 to start the work, and in 1911 appropriated an additional $350,000 to carry on the work of reconstructing this Hall. And several thousand dollars were spent on investigations and plans and specifications, but they never actually commenced work, and after several years those appropriations were covered back into the Treasury. From 1913 to the present time, I do not recall that anything of importance has been done. We have all those plats, and so forth, and this committee has examined them.

Mr. ABERNETHY. May I ask the gentleman if this is not the practical situation, that we can all get together on this ventilation proposition at the present time, but if we undertake to change the building there is no telling when we will get together on it? Is not that the practical situation?

Mr. TAYLOR of Colorado. Yes. The practical situation, gentlemen, is that we can and we are going ahead right now with this change of this ventilation system and have it made this coming summer and fall, and we believe that it will reduce the number of deaths, increase efficiency and health and comfort, and prevent a great deal of illness in this Chamber, and that we are not only warranted in making this expenditure, but that it will pay the Government to do so.

Mr. ABERNETHY. This has the unanimous approval of the Appropriations Committee?

Mr. TAYLOR of Colorado. Yes. That is practically settled, so far as the ventilation is concerned, but we have not made any determination at all as to the reconstruction of this Chamber.

Mr. ABERNETHY. But if we get into this other question of reconstructing this Chamber, it may be years before we could have any changes made.

Mr. TAYLOR of Colorado. Yes; we have determined upon our ventilation matter, but I think the change of these two wings of the Capitol should come from the Senate, and if the Senate decides to go ahead with their end of this Capitol and remodel it, then it is for us to decide whether or not we will join them or whether we will wait to see how successful their efforts are.

Mr. COLLINS. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. COLLINS. As I understand, as soon as the House adjourns in the afternoon all the doors are closed, all of the windows are pulled down, and that all of the foul air which is left stays here until we reconvene the next day.

Mr. TAYLOR of Colorado. The gentleman's information is partially correct and part erroneous. When we adjourn in the afternoon it is true that these doors are closed, and it is also true that the fans then stop running. But it is incorrect to say that everything is closed up air-tight until the next day at noon. The fans are started at 6 o'clock every morning and the fresh air is fanned into this Chamber for practically six hours before we reconvene. The pipes are heated from the heating plant. We do not get any heat in here from the heating plant. The only heat we get is from the air that has been drawn in from the outside by fans and forced through and over the coils of hot pipes. This Chamber is cleaned out and renovated every morning, so that when we come here at 12 o'clock this Chamber is always properly conditioned as far as it is possible for them to condition it with our present system, but with this kind of a plant all they can do is to pump in fresh air and pump it out. That is all they do, and that is not the modern system. Our plant has not been materially changed for 30 years, and it is obsolete.

Mr. COLLINS. Has the gentleman made any inquiry as to whether anyone is required to sleep in this Chamber at night?

Mr. TAYLOR of Colorado. No; I have not.

Mr. COLLINS. Or in these cloakrooms?

Mr. TAYLOR of Colorado. No; I do not know. But if a watchman or anyone should be here, there is always some air gets in here from the outside, at least enough for a man to breathe.

Mr. LINTHICUM. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. LINTHICUM. The gentleman came here at about the same time I did, and I think then there was a model in the room out there and diagrams showing what was proposed.

Mr. TAYLOR of Colorado. Yes. I came in here at the convening of the extra session of Congress in March, 1909, and about the first thing I saw was the picture of the proposed new House Chamber, and I thought it looked very beautiful.

Mr. LINTHICUM. Was that based upon any legislation that had been passed?

Mr. TAYLOR of Colorado. Oh, yes; we appropriated the money for it. We appropriated $375,000 to make the change for this room alone. But President Taft kept us in session practically all of his administration of four years, and President Wilson and the war kept us in session for eight years more, practically speaking.

Mr. LINTHICUM. We did not have time to have the work done owing to the frequency of our sessions.

Mr. TAYLOR of Colorado. You understand that the reconstruction of this Chamber could not possibly be made this coming summer because the vacation will not be long enough, but it will be long enough to remodel our ventilation system. When we come back here next December we can, and I believe we will, have a new ventilation system including a new manner of controlling the air motion and the humidity and the temperature of this building. But if we undertook to rebuild the entire House Chamber we would have to put that off until next year when after the adjournment on March 4, 1929, there will be a nine months' vacation, if no extra session is called by the new administration.

Mr. EDWARDS. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. EDWARDS. How long will it take to change the Chamber?

Mr. TAYLOR of Colorado. It will take seven months on both the Senate and the House Chamber. But the work on both of them can go on at the same time.

Mr. EDWARDS. Then could we not in the meantime, by a special act, meet somewhere else until we can get the Chamber completed?

Mr. TAYLOR of Colorado. Yes; I guess we could, but they could not get ready now to do the work this summer, and if there is no extra session in 1929 they could easily get ready in advance and do the work that spring, summer, and fall.

Mr. EDWARDS. The question in my mind is whether we should not let the Senate know we really prefer a change in the Chamber now, because to my mind it is foolishness to think of spending three hundred and twenty-odd thousand dollars for a heating and ventilating system when what we really want and ought to have is an outside Chamber. It seems to me we ought to go directly to the thing we want done.

Mr. TAYLOR of Colorado. You understand the $323,000 is for a ventilation system for both Chambers and, of course, if the Senate went ahead with the remodeling of its room they would not waste their part of it. But as I have said before, I think it is the businesslike thing to do, to do both jobs at once.

Mr. LINTHICUM. Would we scrap the ventilation system if we determined to change the Chamber?

Mr. TAYLOR of Colorado. The reconstruction of this Chamber in the manner and to the extent contemplated would necessarily involve the tearing out practically of whatever ventilating system we are using at that time whether it is the present or the proposed new system. The machinery which is very expensive would not be destroyed. But there would be quite an expense for rebuilding the ventilation in the reconstructed Chamber.

Mr. MONTAGUE. That is the question I wished to ask. Could we reutilize at all in the extension of the Chamber the ventilation system that we might put in now?

Mr. TAYLOR of Colorado. The architects and engineers and others advise this committee that both wings of the Capitol will be so completely changed that the ventilation apparatus will have to all be torn out and rebuilt or at least practically so, and that the loss would be probably 50 to 75 per cent.

Mr. MONTAGUE. Then why take two bites at the cherry?

Mr. TAYLOR of Colorado. That is about the way I look at it.

Mr. CARSS. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. CARSS. Do the architects or ventilation engineers say that giving us access to open windows would give us sufficient ventilation or would we have to have an auxiliary system?

Mr. TAYLOR of Colorado. We would still use an auxiliary plant because three sides of the Chamber would still be inside and besides the windows do not furnish cool air in the summer, and we must use this warmed air to warm this Chamber in the winter time. I think we would continue to use the plant at least most of the time.

Mr. CARSS. In that event the $320,000 would not be 50 or 75 per cent wasted.

Mr. TAYLOR of Colorado. Personally, I can not understand why so much of the ventilation plant should be scrapped by remodeling this Chamber. But the engineers seem to have that impression.

Mr. EATON. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. EATON. As I understand, there is no guarantee we will change the room, but there is an opportunity to improve the present ventilating system.

Mr. TAYLOR of Colorado. Yes. We have definitely decided to change our ventilation system and put in the modern system of conditioning the air we breathe.

Mr. EATON. Then, for humanity's sake, let us go ahead and do it.

Mr. TAYLOR of Colorado. We expect to go ahead with that work this summer and have an up-to-date plant in here when we return next December. But if the Senate should decide to not only put in a new ventilating plant, but also to entirely reconstruct their wing of the Capitol, and do both at the same time, that would put their part of it off until the summer of 1929, and we would have to decide whether or not we would do the same thing with this wing.

Mr. BLANTON. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. BLANTON. I say we need not become unduly alarmed as to the immediate necessity of this.

Mr. TAYLOR of Colorado. I am not unduly alarmed, or alarmed at all. I am telling the House what our committee has decided to do, and giving the reasons for our action. We are going to go ahead and put in a new ventilation system and if the House wants to go further and reconstruct this building, that is for the Members to decide. This committee has not yet decided to do that.

Senator COPELAND, of New York, and other eminent health authorities, say that compared with men of similar ages and conditions the death rate in Congress is higher than it is in the ordinary walks of life. And while I have no definite data excepting my own observations and thought on the matter, and the results of a great deal of inquiry and investigation, I firmly believe that if a detailed investigation could be made of the Members who have served here more than two terms and did not die in office, that it would be shown that they went out with impaired health and that their lives were shortened by this service. If this is true, it does seem to me it would be worth many times the cost of the change to the Government of the United States in the better health and the increased efficiency and comfort and general well-being of the membership of this House.

Mr. LINTHICUM. If the gentleman will permit, I would like to make an observation.

Mr. TAYLOR of Colorado. Yes; if it is brief.

Mr. LINTHICUM. When I was in the house of delegates of the State of Maryland we had at the beginning there an old house chamber that was on the outside and everybody seemed to be complaining about the windows being open, and we were all the time trying to settle the question of how to get ventilation through the windows without keeping them open. Then we built a new senate and house chamber and we placed them just about like this Chamber, and for that reason I would like to know what is to be accomplished by having the Chamber on the outside.

Mr. TAYLOR of Colorado. Well, I do not pretend to speak as a physician or health expert or hygienic specialist or sanitary engineer or heating and ventilating engineer or any other kind of scientific information, but this matter has been under consideration by Congress for 75 years, and many able committees have had before them the most distinguished and reliable men in the country. And my committee has called before us many public-health authorities and we have the benefit of the reports of all former committees, and we have inserted many of them in our hearings, which the Members ought to read, and they all say, and common sense tells us, that sunlight and natural daylight are not only beneficial but that they are absolutely necessary to perfect normal health. They are very much better for health and efficiency and comfort than artificial light.

They all also agree that natural, normal outdoor air containing humidity is better than living in this artificial air. But, of course, it must be properly heated in cold weather and should have in it a relative humidity of 30 to 50 per cent; and in summer it should be cooled to 15° below the outside air whenever the thermometer gets above 85°. The air must also be washed and be properly conditioned.

And for comfort we must, besides having the proper temperature all the time, also have a good breeze going through the Chamber all the time without any draft. These necessary conditions can not possibly be obtained by or with our present primative system, and they can and will be obtained only by the system we are proposing to install by this item in this bill. I have not said that the air in this Chamber is bad—although thousands of visitors to our galleries and a great many Members do say that—but I do say most positively that the air could be and should be made much better.

Mr. LINTHICUM. We have a new building with a system of ventilation by which the air is rapidly changed—can not that be done here?

Mr. TAYLOR of Colorado. That is only one of a half dozen conditions that are necessary to comfort or to health either. Probably each of the 435 Members of this House will and should have his own idea about this matter. My deliberate judgment is that the mortality rate in both the Senate and House is much greater than it is in any other group of men of the same average age.

Mr. BLANTON. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. BLANTON. And yet with all the danger that surrounds seats in this House there are always numerous candidates for these 435 seats.

Mr. TAYLOR of Colorado. Yes; and the fact that there are from 500 to 1,000 men and a large number of good women in every one of the 435 congressional districts in the United States who are most anxious to and would most eagerly take the chances of undermining their health or even losing their lives to come to Congress is a very salutary and fortunate condition for our country. The ease and celerity with which the people can obtain some one else to take our respective places in this Chamber is a marvelous incentive to efficieney and good conduct. [Applause.]

Mr. Chairman, I thank the House for their very kind attention, and yield back the balance of the time, and insert the mortality statement that I referred to as follows [applause]:

Necrology record of Congress, 1893–1928

FIFTY-THIRD CONGRESS, 1893–1895 (THREE SESSIONS)

Total number of days, 447.
Membership: Senate, 86; House, 357; total, 443. Deaths: Senate, 4; House, 11; total, 15. Per cent of deaths: Senate, 4; House, 3; both Houses, 3.30.

Name	State	Date
SENATE (4)		
Leland Stanford	California	June 21, 1893
Alfred H. Colquitt	Georgia	Mar. 26, 1894
Francis B. Stockbridge	Michigan	Apr. 30, 1894
Zebulon B. Vance	North Carolina	Apr. 14, 1894

Necrology Record of Congress, 1893–1928—Continued

FIFTY-THIRD CONGRESS, 1893–1895 (THREE SESSIONS)—Continued

Name	State	Date
HOUSE (11)		
Wm. Mutchler	Pennsylvania	June 23, 1893
Wm. H. Enochs	Ohio	July 13, 1893
Philip S. Post	Illinois	Jan. 6, 1895
Marcus C. Lisle	Kentucky	July 7, 1894
Robert F. Bratton	Maryland	May 10, 1894
J. Logan Chipman	Michigan	Aug. 17, 1893
George W. Houk	Ohio	Feb. 9, 1894
Charles O'Neill	Pennsylvania	Nov. 25, 1893
Myron B. Wright	do	Nov. 13, 1894
Wm. Lilly	do	Dec. 1, 1893
Geo. B. Shaw	Wisconsin	Aug. 27, 1894

FIFTY-FOURTH CONGRESS, 1895–1897 (TWO SESSIONS)

Total number of days, 280.
Membership: Senate, 86; House, 357; total, 443. Deaths: Senate, 0; House, 4; total, 4. Per cent of deaths: Senate, 0; House, 1; both Houses, 0.8.

Name	State	Date
HOUSE (4)		
Charles F. Crisp	Georgia	Oct. 23, 1896
Frederick Remann	Wisconsin	July 14, 1895
Wm. Cogswell	Massachusetts	May 22, 1895
Wm. H. Crain	Texas	Feb. 6, 1896

FIFTY-FIFTH CONGRESS, 1897–1899 (THREE SESSIONS)

Total number of days, 435.
Membership: Senate, 90; House, 357; total, 447. Deaths, Senate, 4; House, 12; total, 16. Per cent of deaths: Senate, 4; House, 3; both Houses, 3.57.

Name	State	Date
SENATE (4)		
James Z. George	Mississippi	Aug. 14, 1897
Edward C. Walthall	do	Apr. 21, 1898
Isham G. Harris	Tennessee	July 8, 1897
Justin S. Morrill	Vermont	Dec. 28, 1898
HOUSE (12)		
Edward D. Cooke	Illinois	June 23, 1897
William S. Holman	Indiana	Apr. 22, 1897
Nelson Dingley	Maine	Jan. 13, 1899
Seth L. Milliken	do	Apr. 18, 1897
Ashley B. Wright	Massachusetts	Aug. 14, 1897
John Simpkins	do	Mar. 27, 1898
Wm. F. Love	Mississippi	Oct. 16, 1898
Denis M. Hurley	New York	Feb. 26, 1899
Stephen A. Northway	Ohio	Sept. 18, 1898
James J. Davidson	Pennsylvania	Dec. 2, 1897
Joseph H. Earle	South Carolina	May 20, 1897
John W. Cranford	Texas	Mar. 2, 1899

FIFTY-SIXTH CONGRESS, 1899–1901 (TWO SESSIONS)

Total number of days, 277.
Membership: Senate, 90; House, 357; total, 447. Deaths: Senate, 3; House, 13; total, 16. Per cent of deaths: Senate, 3; House, 3.6; both Houses, 3.5.

Name	State	Date
SENATE (3)		
Garret A. Hobart (Vice President)	New Jersey	Nov. 21, 1899
John H. Gear	Iowa	July 14, 1900
Cushman K. Davis	Minnesota	Nov. 27, 1900
HOUSE (13)		
John H. Hoffecker	Delaware	June 16, 1900
Evan E. Settle	Kentucky	Nov. 16, 1899
Samuel T. Baird	Louisiana	Apr. 22, 1899
Richard P. Bland	Missouri	June 15, 1899
Monroe L. Hayward	Nebraska	Dec. 5, 1899
William L. Greene	do	Mar. 11, 1899
Frank G. Clarke	New Hampshire	Jan. 9, 1901
William D. Daly	New Jersey	July 31, 1900
Charles A. Chickering	New York	Feb. 13, 1900
Lorenzo Danford	Ohio	June 19, 1899
Alfred C. Harmer	Pennsylvania	Mar. 6, 1900
Daniel Ermentrout	do	Sept. 17, 1899
Sydney P. Epes	Virginia	Mar. 3, 1900

FIFTY-SEVENTH CONGRESS, 1901–1903 (TWO SESSIONS)

Total number of days, 305.
Membership: Senate, 90; House, 357; total, 447. Deaths: Senate, 3; House, 14; total, 17. Per cent of deaths: Senate, 3; House, 3.9; both Houses 3.7.

Name	State	Date
SENATE (3)		
James McMillin	Michigan	Aug. 10, 1902
Wm. J. Sewell	New Jersey	Dec. 27, 1902
James H. Kyle	South Dakota	July 1, 1901

Necrology record of Congress, 1893–1928—Continued

FIFTY-SEVENTH CONGRESS, 1901–1903 (TWO SESSIONS)—Continued

Name	State	Date
HOUSE (14)		
Charles A. Russell	Connecticut	Oct. 3, 1902
John N. W. Rumple	Iowa	Jan. 31, 1903
Rosseau O. Crump	Michigan	May 1, 1901
Joshua S. Salmon	New Jersey	May 6, 1902
Amos J. Cummings	New York	May 2, 1902
James M. Moody	North Carolina	Feb. 5, 1903
Thomas H. Tongue	Oregon	Jan. 11, 1903
Marriott Brosious	Pennsylvania	Mar. 10, 1901
Rufus K. Polk	do	Mar. 5, 1902
J. William Stokes	South Carolina	July 6, 1901
R. C. DeGraffenreid	Texas	Oct. 11, 1902
John L. Sheppard	do	Aug. 30, 1902
Robert E. Burke	do	June 5, 1901
Peter J. Otey	Virginia	May 4, 1902

FIFTY-EIGHTH CONGRESS, 1903–1905 (THREE SESSIONS)

Total number of days, 262.
Membership: Senate, 90; House, 386; total, 476. Deaths: Senate, 3; House, 7; total, 10. Per cent of deaths: Senate, 3; House, 1.8; both Houses, 2.

Name	State	Date
SENATE (3)		
George F. Hoar	Massachusetts	Sept. 30, 1904
Marcus A. Hanna	Ohio	Feb. 15, 1904
Matthew S. Quay	Pennsylvania	May 28, 1904
HOUSE (7)		
Charles W. Thompson	Alabama	Mar. 20, 1904
Wm. F. Mahoney	Illinois	Dec. 27, 1904
Vincent Boreing	Kentucky	Sept 16, 1903
Wm. W. Skiles	Ohio	Jan. 9, 1904
Henry Burk	Pennsylvania	Dec. 5, 1903
Robert W. Foerderer	do	July 26, 1903
George W. Croft	South Carolina	Mar. 9, 1904

FIFTY-NINTH CONGRESS, 1905–1907 (TWO SESSIONS)

Total number of days, 299.
Membership: Senate, 90; House, 386; total, 476. Deaths: Senate, 5; House, 12; total, 17. Per cent of deaths: Senate, 5; House, 3; both Houses, 3.42.

Name	State	Date
SENATE (5)		
Orville H. Platt	Connecticut	Apr. 21, 1905
Arthur Pue Gorman	Maryland	June 4, 1906
Russell A. Alger	Michigan	Jan. 24, 1907
John H. Mitchell	Oregon	Dec. 8, 1905
William B. Bate	Tennessee	Mar. 9, 1905
HOUSE (12)		
Rufus E. Lester	Georgia	June 16, 1906
Robert R. Hitt	Illinois	Sept. 19, 1906
Benjamin F. Marsh	do	June 2, 1905
Rockwood Hoar	Massachusetts	Nov. 1, 1906
John H. Ketcham	New York	Nov. 5, 1906
William H. Flack	do	Feb. 2, 1907
Robert Adams	Pennsylvania	June 1, 1906
George A. Castor	do	Feb. 19, 1906
George R. Patterson	do	Mar. 21, 1906
John M. Pinckney	Texas	Apr. 24, 1905
John F. Rixey	Virginia	Feb. 8, 1907
Henry C. Adams	Wisconsin	July 9, 1906

SIXTIETH CONGRESS, 1907–1909 (TWO SESSIONS)

Total number of days, 268.
Membership: Senate, 92; House, 386; total, 478. Deaths: Senate, 7; House, 10; total, 17. Per cent of deaths: Senate, 7; House, 3; both Houses, 3.76.

Name	State	Date
SENATE (7)		
John T. Morgan	Alabama	June 11, 1907
Edmund W. Pettus	do	July 27, 1907
Stephen R. Mallory	Florida	Dec. 23, 1907
Wm. B. Allison	Iowa	Aug. 4, 1908
Asbury C. Latimer	South Carolina	Feb. 20, 1908
Redfield Proctor	Vermont	Mar. 4, 1908
Wm. Pinkney Whyte	Maryland	Mar. 17, 1908
HOUSE (10)		
Aristo A. Wiley	Alabama	June 17, 1908
George W. Smith	Illinois	Nov. 30, 1907
Abraham L. Brick	Indiana	Apr. 7, 1908
Adolph Meyer	Louisiana	Mar. 8, 1908
Robert C. Davey	do	Dec. 26, 1908
Llewellyn Powers	Maine	July 28, 1908
Charles T. Dunwell	New York	June 12, 1908
Daniel D. L. Granger	Rhode Island	Feb. 14, 1909
Wm. H. Parker	South Dakota	June 26, 1908
Campbell B. Slemp	Virginia	Oct. 13, 1907

Necrology record of Congress, 1893–1928—Continued

SIXTY-FIRST CONGRESS, 1909–1911 (THREE SESSIONS)

Total number of days, 435.
Membership: Senate, 92; House, 391; total, 483. Deaths: Senate, 8; House, 11; total, 19. Per cent of deaths: Senate, 8; House, 2.81; both Houses, 3.93.

Name	State	Date
SENATE (8)		
Charles J. Hughes	Colorado	Jan. 11, 1911
Alexander S. Clay	Georgia	Nov. 13, 1910
Jonathan P. Dolliver	Iowa	Oct. 15, 1910
Samuel D. McEnery	Louisiana	June 8, 1910
A. J. McLaurin	Mississippi	Dec. 22, 1909
Martin N. Johnson	North Dakota	Oct. 21, 1909
John W. Daniel	Virginia	June 29, 1910
Stephen B. Elkins	West Virginia	Jan. 4, 1911
HOUSE (11)		
James M. Griggs	Georgia	Jan. 5, 1910
Amos L. Allen	Maine	Feb. 21, 1911
Charles Q. Tirrell	Massachusetts	July 31, 1910
Wm. C. Loveing	do	Feb. 4, 1910
David A. DeArmond	Missouri	Nov. 23, 1909
James B. Perkins	do	Mar. 11, 1910
Joel Cook	Pennsylvania	Dec. 15, 1910
Wm. A. Foulkrod	do	Nov. 13, 1910
Walter P. Brownlow	Tennessee	July 8, 1910
Francis R. Lassiter	Virginia	Oct. 31, 1910
Francis W. Cushman	Washington	July 6, 1909

SIXTY-SECOND CONGRESS, 1911–1913 (THREE SESSIONS)

Total number of days, 500.
Membership: Senate, 92; House, 391; total, 483. Deaths: Senate, 7; House, 11; total, 18. Per cent of deaths: Senate, 6; House, 2.81; both Houses, 3.5.

Name	State	Date
SENATE (7)		
James S. Sherman (Vice President)	New York	Oct. 30, 1912
William P. Frye	Maine	Aug. 8, 1911
Robert L. Taylor	Tennessee	Apr. 8, 1912
George S. Nixon	Nevada	June 6, 1912
Weldon B. Heyburn	Idaho	Oct. 17, 1912
Isidor Rayner	Maryland	Nov. 25, 1912
Jeff Davis	Arkansas	Jan. 3, 1913
HOUSE (11)		
Edmond H. Madison	Kansas	Sept. 18, 1911
David J. Foster	Vermont	Mar. 21, 1912
Henry H. Bingham	Pennsylvania	Mar. 23, 1912
Robert C. Wickliffe	Louisiana	June 11, 1912
Elbert H. Hubbard	Iowa	June 4, 1912
George R. Malby	New York	July 5, 1912
Carl C. Anderson	Ohio	Oct. 1, 1912
Richard E. Connell	New York	Oct. 30, 1912
George H. Utter	Rhode Island	Nov. 3, 1912
John G. McHenry	Pennsylvania	Dec. 27, 1912
William W. Wedmeyer	Michigan	Jan. 2, 1913

SIXTY-THIRD CONGRESS, 1913–1915 (THREE SESSIONS)

Total number of days, 654.
Membership: Senate, 96; House, 435; total, 531. Deaths: Senate, 3; House, 12; total, 15. Per cent of deaths: Senate, 3, House, 2.5; both Houses, 2.82.

Name	State	Date
SENATE (3)		
Joseph F. Johnston	Alabama	Aug. 8, 1913
Augustus O. Bacon	Georgia	Feb. 14, 1914
Wm. O. Bradley	Kentucky	May 23, 1914
HOUSE (12)		
George S. Legare	South Carolina	Jan. 31, 1913
Lewis J. Martin	New Jersey	May 5, 1913
Forrest Goodwin	Maine	May 28, 1913
George Konig	Maryland	May 31, 1913
Timothy D. Sullivan	New York	Aug. 31, 1913
Wm. H. Wilder	Massachusetts	Sept. 11, 1913
Seaborn A. Roddenberg	Georgia	Sept. 25, 1913
Irvin S. Pepper	Iowa	Dec. 22, 1913
Robert G. Bremner	New Jersey	Feb. 5, 1914
Wm. Richardson	Alabama	Mar. 31, 1914
Edwin A. Merritt, jr.	New York	Dec. 14, 1914
Sereno E. Payne	do	Dec. 10, 1914

SIXTY-FOURTH CONGRESS, 1915–1917 (TWO SESSIONS)

Total number of days, 368.
Membership: Senate, 96; House, 435; total 531. Deaths: Senate, 3; House, 7; total, 10. Per cent of deaths: Senate, 3; House, 1.6; both Houses, 1.88.

Name	State	Date
SENATE (3)		
Benjamin F. Shively	Indiana	Mar. 4, 1916
Edwin C. Burleigh	Maine	June 16, 1916
James P. Clarke	Arkansas	Oct. 1, 1916

Necrology record of Congress, 1893–1928—Continued

SIXTY-FOURTH CONGRESS, 1915–1917 (TWO SESSIONS)—Continued

Name	State	Date
HOUSE (7)		
Wm. G. Brown, jr	West Virginia	Mar. 9, 1916
Hunter H. Moss, jr	do	July 15, 1916
Luis M. Rivera	Porto Rico	Nov. 15, 1916
Samuel J. Tribble	Georgia	Dec. 8, 1916
David E. Finley	South Carolina	Jan. 26, 1917
Michael F. Conry	New York	Mar. 2, 1917

SIXTY-FIFTH CONGRESS—1917–1919 (THREE SESSIONS)

Total number of days, 634.
Membership: Senate, 96; House, 435; total 531. Deaths: Senate, 10; House, 15; total, 25. Per cent of deaths: Senate, 10; House, 3; both Houses, 4.7.

Name	State	Date
SENATE (10)		
Francis G. Newlands	Nevada	Dec. 24, 1917
James H. Brady	Idaho	Jan. 13, 1918
Harry Lane	Oregon	May 23, 1917
Paul Husting	Wisconsin	Oct. 21, 1917
Benj. R. Tillman	South Carolina	July 3, 1918
Jacob H. Gallinger	New Hampshire	Aug. 17, 1918
Ollie M. James	Kentucky	Aug. 28, 1918
William Hughes	New Jersey	Jan. 30, 1918
Robert F. Broussard	Louisiana	Apr. 12, 1918
Wm. J. Stone	Missouri	Apr. 14, 1918
HOUSE (15)		
Cyrus A. Sulloway	New Hampshire	Mar. 11, 1917
H. T. Helgesen	North Dakota	Apr. 10, 1917
Daniel W. Comstock	Indiana	May 19, 1917
Ebenezer J. Hill	Connecticut	Sept. 27, 1917
Charles Martin	Illinois	Oct. 29, 1917
E. R. Bathrick	Ohio	Dec. 23, 1917
John H. Capstick	New Jersey	Mar. 17, 1918
Wm. A. Jones	Virginia	Apr. 17, 1918
James H. Davidson	Wisconsin	Aug. 6, 1918
J. F. C. Talbott	Maryland	Oct. 5, 1918
Jacob E. Meeker	Missouri	Oct. 16, 1918
John A. Sterling	Illinois	Oct. 17, 1918
E. E. Robbins	Pennsylvania	Jan. 25, 1919
W. P. Borland	Missouri	Feb. 20, 1919
Harvey Helm	Kentucky	Mar 3, 1919

SIXTY-SIXTH CONGRESS, 1919–1921 (THREE SESSIONS)

Total number of days, 462.
Membership: Senate, 96; House, 435; total, 531. Deaths, Senate, 2; House, 14; total, 16. Per cent of deaths: Senate, 2; House, 3; both Houses, 3.

Name	State	Date
SENATE (2)		
Thomas S. Martin	Virginia	Nov. 12, 1919
John H. Bankhead	Alabama	Mar. 1, 1920
HOUSE (14)		
Albert Estiponal	Louisiana	Apr. 28, 1919
Charles Sulzer	Alaska	Apr. 15, 1919
J. L. Burnett	Alabama	May 13, 1919
Carl Van Dyke	Minnesota	May 20, 1919
J. Willard Ragsdale	South Carolina	July 23, 1919
J. B. Thompson	Oklahoma	Sept. 18, 1919
C. A. Nichols	Michigan	Apr. 25, 1920
Dick T. Morgan	Oklahoma	July 4, 1920
Mahlon M. Garland	Pennsylvania	Nov. 19, 1921
Walter A. Watson	Virginia	Dec. 23, 1919
Wm. J. Browning	New Jersey	Mar. 24, 1920
Fred L. Blackmon	Alabama	Feb. 7, 1921
Champ Clark	Missouri	Mar. 2, 1921
Charles F. Booher	do	Jan. 21, 1921

SIXTY-SEVENTH CONGRESS, 1921–1923 (FOUR SESSIONS)

Total number of days, 624.
Membership: Senate, 96; House, 435; total, 531. Deaths: Senate, 4; House, 19; total, 23. Per cent of deaths: Senate, 4; House, 4.3; both Houses, 4.1.

Name	State	Date
SENATE (4)		
Philander C. Knox	Pennsylvania	Oct. 12, 1921
Boies Penrose	do	Dec. 31, 1921
Wm. C. Crow	do	Aug. 2, 1922
Thomas E. Watson	Georgia	Sept. 26, 1922
HOUSE (19)		
Charles F. Van De Water	California	Nov. 20, 1920
Wm. H. Frankhauser	Michigan	May 9, 1921
Wm. E. Mason	Illinois	June 16, 1921
Rorer A. James	Virginia	Aug. 6, 1921
Samuel M. Taylor	Arkansas	Sept. 13, 1921
Henry D. Flood	Virginia	Dec. 8, 1921
John A. Elston	California	Dec. 15, 1921
J. K. Kalanianaole	Hawaii	Jan. 7, 1922

Necrology record of Congress, 1893–1928—Continued

SIXTY-SEVENTH CONGRESS, 1921–1923 (FOUR SESSIONS)—Continued

Name	State	Date
HOUSE (19)—Continued		
Lucian W. Parrish	Texas	Mar. 27, 1922
Samuel M. Brinson	North Carolina	Apr. 13, 1922
Moses P. Kinkaid	Nebraska	July 6, 1922
Lemuel P. Padgett	Tennessee	Aug. 2, 1922
Charles R. Connell	Pennsylvania	Sept. 27, 1922
John I. Nolan	California	Nov. 18, 1922
James R. Mann	Illinois	Nov. 30, 1922
Nestor Montoya	New Mexico	Jan. 13, 1923
Sherman E. Burroughs	New Hampshire	Jan. 27, 1923
Henry Z. Osborne	California	Feb. 8, 1923
W. Burke Cochran	New York	Mar. 1, 1923

SIXTY-EIGHTH CONGRESS, 1923–1925 (TWO SESSIONS)

Total number of days, 281.
Membership: Senate, 96; House, 435; total, 531. Deaths: Senate, 7; House, 17; total, 24. Per cent of deaths: Senate, 6; House, 3.6; both Houses, 4.1

Name	State	Date
SENATE (7)		
Samuel D. Nicholson	Colorado	Mar. 24, 1923
Knute Nelson	Minnesota	Apr. 28, 1923
William P. Dillingham	Vermont	July 12, 1923
Le Baron H. Colt	Rhode Island	Aug. 28, 1924
Frank B. Brandegee	Connecticut	Oct. 14, 1924
Henry Cabot Lodge	Massachusetts	Nov. 9, 1924
Medill McCormick	Illinois	Feb. 25, 1925
HOUSE (17)		
Samuel Marx	New York	Nov. 29, 1922
John R. Tyson	Alabama	Mar. 27, 1923
J. M. C. Smith	Michigan	Mar. 30, 1923
Daniel J. Riordan	New York	Apr. 28, 1923
John W. Rainey	Illinois	May 4, 1923
L. E. Sawyer	Arkansas	May 5, 1923
Claude Kitchin	North Carolina	May 31, 1923
Luther W. Mott	New York	July 10, 1923
James C. Cantrill	Kentucky	Sept. 2, 1923
James V. Ganly	New York	Sept. 7, 1923
Benjamin G. Humphreys	Mississippi	Oct. 16, 1923
H. Garland Dupre	Louisiana	Feb. 21, 1924
Edward C. Little	Kansas	June 27, 1924
Wm. S. Greene	Massachusetts	Sept. 22, 1924
Sydney E. Mudd	Maryland	Oct. 11, 1924
Julius Kahn	California	Dec. 18, 1924
F. Frank Appleby	New Jersey	Dec. 14, 1924

SIXTY-NINTH CONGRESS, 1925–1927 (TWO SESSIONS)

Total number of days, 297.
Membership: Senate, 96; House, 435; total, 531. Deaths: Senate, 7; House, 9; total, 16. Per cent of deaths: Senate, 7; House, 2; both Houses, 3.

Name	State	Date
SENATE (7)		
Selden P. Spencer	Missouri	May 16, 1925
Robert M. La Follette	Wisconsin	June 18, 1925
Edwin F. Ladd	North Dakota	June 22, 1925
Samuel L. Ralston	Indiana	Oct. 14, 1925
Albert B. Cummins	Iowa	July 30, 1926
Bert M. Fernald	Maine	Aug. 23, 1926
Wm. B. McKinley	Illinois	Dec. 7, 1926
HOUSE (9)		
John Jacob Rogers	Massachusetts	Mar. 28, 1925
Arthur B. Williams	Michigan	May 1, 1925
George B. Churchill	Massachusetts	July 1, 1925
Robert Y. Thomas, jr	Kentucky	Sept. 3, 1925
John E. Raker	California	Jan. 23, 1926
Harry I. Thayer	Massachusetts	Mar. 10, 1926
Lawrence J. Flaherty	California	June 13, 1926
Charles E. Fuller	Illinois	June 25, 1926
Ambrose E. B. Stephens	Ohio	Feb. 12, 1927

SEVENTIETH CONGRESS, 1927–1929

[To April 15, 1928]

Membership: Senate, 96; House, 435; total, 531. Deaths to date: Senate, 3; House, 5

Name	State	Date
SENATE (3)		
Andrieus A. Jones	New Mexico	Dec. 20, 1927
Woodbridge N. Ferris	Michigan	Mar. 23, 1928
Frank B. Willis	Ohio	Mar. 30, 1928
HOUSE (5)		
Ladislas Lazaro	Louisiana	Mar. 30, 1927
Walter W. Magee	New York	May 25, 1927
William N. Vaile	Colorado	July 2, 1927
M. E. Crumpacker	Oregon	July 24, 1927
James A. Gallivan	Massachusetts	Apr. 3, 1928

During the past 35 years there have been 290 deaths in the service here in Congress—87 Senators and 203 Representatives have died in office. The average death rate of the Senators has been 4.6 per cent for each Congress, and the average death rate of Representatives has been 2.8 per cent for each Congress. Of the total membership of Congress, the Senate is now 18 per cent and the House 82 per cent. While the Senate sustains 30 per cent and the House only 70 per cent of the deaths, owing principally to the fact that the Senators' average age is several years older than the average age of the House Members.

Table showing sessions of Congress, number of days in actual session, number of deaths in each, and total number of Members in each Congress

Congress	Total days in session	Total deaths	Total membership
Fifty-third	447	15	443
Fifty-fourth	280	4	443
Fifty-fifth	435	16	447
Fifty-sixth	277	16	447
Fifty-seventh	304	17	447
Fifty-eighth	262	10	476
Fifty-ninth	299	17	476
Sixtieth	268	18	478
Sixty-first	435	19	483
Sixty-second	500	17	483
Sixty-third	654	15	531
Sixty-fourth	368	10	531
Sixty-fifth	634	25	531
Sixty-sixth	462	16	531
Sixty-seventh	624	23	531
Sixty-eighth	281	24	531
Sixty-ninth	297	16	531
Seventieth to date	135	8	531
Total		290	

Mr. MURPHY. Mr. Chairman, I yield to myself five minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio.

Mr. MURPHY. Mr. Chairman and gentlemen of the House, I want to thank the members of the subcommittee who have served with me at this time for their splendid and whole-souled cooperation. I would like to have every Member of this House secure a copy of the hearings held before this committee. I think you will find information there with reference to the housekeeping establishment that will be very interesting to you.

This bill is the housekeeping bill of the legislative establishment. It has to do with the activities of legislation, and as you all know it has been the practice of the Committee on Appropriations to never attempt to do any legislating in the appropriation bill, but in this particular activity we find that there is no committee charged with preparing and presenting to the House legislation for the comfort and for the smooth running of the legislative establishment.

That being the case when the hearings are held before our committee we find some places where a little legislation is necessary. In this bill there are several places where we do a little legislating, but I assure the House that it is not the desire of this committee to usurp the powers of any committee. We are simply attempting to do a few things in this bill which will smooth the running of our own household. I do hope that every Member will read the hearings and I hope they will read the bill, and when they do that I am sure they will find no fault with the work of this committee or think for one minute that we are attempting to legislate when we have no right to do it.

As I said a moment ago this is the housekeeping bill of the legislative establishment. It covers activities of the Senate and the House of Representatives, the Capitol police, the Joint Committee on Printing, the Office of Legislative Counsel, the Architect of the Capitol, the Botanic Garden, the Library of Congress, and the Government Printing Office.

We do not think there is anything in this bill that is controversial. There are three big items in the bill. The first one is the item of ventilation and I am deeply indebted to the gentleman from Colorado [Mr. TAYLOR] for the splendid presentation of the matter that you have just listened to. By the way, you will be interested as you read the hearings to find that the bid for ventilating this Hall and the Senate Chamber is a trifle over $100,000 less than the bid was last year. The House is indebted to the great chairman of this committee [Mr. MADDEN] for his sagacious business judgment in not allowing the figures presented last year to carry any weight.

So to-day we come with a bill at $100,000 less than the same work would have cost if we had accepted the bid last year.

As the bill proceeds in its reading we hope to explain to you as best we can the ventilating system in detail. It will require for the two Chambers something like $325,000. Another item in the bill requires the expenditure of $387,000 for the completion of the Congressional Library. As you all know, they have built two great stacks in the courtyard of that magnificent structure, and these stacks are not completed.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MURPHY. I yield myself five minutes more. The librarian, Doctor Putnam, made his case so clear before our committee that we felt inclined to follow his suggestion, and we have included in this bill an appropriation of $387,000 for the purpose of completing that structure and thereby give room for the activities that are actually being thrust upon this wonderful institution. People who are enthusiasts are presenting to the Congressional Library unusual sums of money for various activities and books that are beyond price. They must be taken care of, and to be able to do this work of administration Doctor Putnam made such a good case as to the needs of the Library that the committee unanimously voted to appropriate $387,000.

I might say, for the benefit of the Members of the House, that this bill as reported here is a unanimous report of our committee. We have labored long upon it. We have tried to get information for you all, and we hope when the bill is taken up for reading under the five-minute rule that you will agree with the committee in the several attempts at legislation. We hope that you will see the matter the same way that the committee looked at it, and realize that we are not attempting to take from any committee of this House the right to legislate.

In the hearings as they progressed we did find some inequalities. For instance, in the Sergeant at Arms' office we found there a man styled as a messenger, at a salary of $1,720 a year, handling $5,000,000 of the Government's money. We found this man who was getting only $1,720 a year bonding himself and paying for his own bond. We have done a little legislating there, or have attempted to. That is, we recommend to the House that this position be changed from that of messenger to assistant cashier, and we recommend the raising of the salary from $1,720 a year to $2,500 a year. We have also in the bill suggested the raising of the salary of the cashier from $4,000 to $4,500 per year. Also we found that the Sergeant at Arms' office did not need a stenographer; that is, did not need to use one constantly. Therefore, we have abolished the office of stenographer and instead of appropriating $1,200 a year, which was paid to the stenographer, we have only allowed $600 a year, saving $600 on this item. We know that is legislation and that it is subject to a point of order. We are just coming to this Chamber to talk over our housekeeping affairs with the Members of the House, hoping that the House will agree with its committee that has had this matter in charge. We hope that no point of order will be made against these small items that simply go toward smoothing out the housekeeping problem of our own establishment.

Mr. Chairman, I am not going to take up any more time. I thank the Members of the House for their courtesy. The afternoon is going to be consumed in very large measure with general debate. I hope, however, toward the close of the afternoon, that we will be able to begin reading the bill. I hope for the cooperation of every Member of the House, especially when it comes to the items that are subject to points of order. We know they are subject to points of order, but I trust that you will help us put our house in order so that it will run smoothly and pleasantly. We have not attempted to raise salaries in a horizontal manner all through the Government. We could not do that. We do think that our hearings are so clear and comprehensive that they will appeal to your intelligence and suggest to you the fairness and wisdom of our efforts to do something for our own establishment. I thank you. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MURPHY. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman and gentlemen of the House, I desire to call the attention of the House this afternoon to legislation that is pending concerning the Federal courts. This legislation is made necessary by the conduct of many of our Federal judges. When there is a vacancy on the Federal bench, lawyers in that particular jurisdiction commence getting busy in order to get the appointment. They obtain all kinds of indorsements to show their qualifications, to prove that they have "judicial temperament," proof of their legal ability and of their impartial attitude. Finally, when one is selected and confirmed by the Senate and sworn in, he is not on the bench a year before he has been transformed into an entirely different human being. The arrogance that is assumed by a large number of Federal judges is simply beyond description. This conduct becomes contagious, so that it is the exception to find a Federal judge who is satisfied with being a judge

in the real, legal sense of the word and who is courteous and considerate in the discharge of his duties. Judges take it upon themselves to correct legislation, to interpret and construe laws to fit particular cases, to govern business, to manage public-utility corporations, and to run the communities generally. This condition that I am talking about exists in many jurisdictions. Only recently the Legislature of the State of Indiana passed a concurrent resolution and sent it to the Congress, seeking relief from the Federal courts that are interfering with the supervision of State public service commissions, over purely local public service or utility companies. A domestic corporation in a State carrying on a public business locally under franchise of a municipality or a State, is naturally under the supervision of a State public service or utility commission, but often it seeks to avoid supervision and regulation of the State and, without any justification in fact or in law, run to the Federal court for protection to which they are not entitled. We have now the same situation in New York City, where companies operating subways owned by the city of New York, operating entirely within the State under a contract with the city of New York, after having sought legislation to modify the contract, and after seeking before the public transit commission a modification of the terms of the contract in order to increase fares, have sneaked to the Federal court to restrain the transit commission from issuing orders—to be relieved of the terms of the contract entered into with the city of New York so that they may charge an increased fare. Whether in Indiana or in New York, or in any other State, no public-utility company doing purely an intrastate business goes to the Federal courts with honest purposes. That is a very strong statement to make, and I am going to repeat it.

No public-service company, whether it be gas, transportation, electric light or what not, doing solely an intrastate business, goes to the Federal courts with honest purposes. State courts have complete jurisdiction. These companies know that if they have a just complaint or a just grievance they can resort to their own State courts. If a constitutional question is involved, a public-service corporation may invoke the protection of the Federal court, but only after it has exhausted its remedy in the State court and the State court's decision in construing the State statute or the question involved deprives the corporation of a constitutional right. There are no constitutional questions involved in the Indiana cases. There can be no constitutional question involved in the Interborough and Brooklyn-Manhattan case now in the Federal court. As I said before, that is simply a question of a contract between the city of New York and these companies and the companies attempt, together and in conspiracy with stock manipulators, gamblers, politicians, and other riffraff, to avoid the terms of the contract and to find a way to charge millions of people using the subways every day an increased fare. It is, without doubt, the most outrageous, the most dishonest, the most brazen attempt to violate the law, to violate the terms of a contract, to rob the public of millions of dollars and to use the Federal court in aid of this dirty work. These public-service corporations go to Federal courts because they know they have no just claims. They go there if they know they can handle and control the Federal judge and get the remedy that they seek.

Gentlemen, it is an outrageous condition. Do you wonder that millions of people in this country are losing confidence in the Federal courts?

Mr. CELLER. That is a strong statement.

Mr. LAGUARDIA. You bet it is a strong statement, I will say to my colleague from New York. It is a very strong statement, and I mean it. Federal judges have become messenger boys, and to use a military phrase, or rather an Army term, they have become "dog robbers" for public-service companies. How can you explain it to the average citizen? They are not State courts. They are courts which they were taught to believe have civil jurisdiction in cases only between citizens of different States. How can you explain the action of these companies going into a Federal court in the first instance? You say a constitutional question is involved. Yes; suppose there is. But under ordinary procedure the constitutional question may be raised only after all remedies have been exhausted in the State courts.

We had the disgraceful condition of the State of New York passing a gas law and the gas company going into the Federal court and the court appointing a master and the master hearing testimony and deciding in favor of the gas company and receiving such an exorbitant fee that the Supreme Court of the United States said that it was indecent. Then the master was ordered to return a part of the fee, but refused to do it, and said the gas company did not want any money back. Of course, the gas company did not want any money back.

Only recently a drastic order was made by the Federal court to carry out its mandate. Federal judges have appointed their wives and daughters to positions as confidential secretaries. They have gone out to settle in their own way labor disputes by issuing outrageous injunctions. A study of the law of injunctions will reveal this disgraceful state of facts—that you have one set of rules and one law respecting injunctions on matters against labor, and another set of rules and laws when labor is not involved.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield there?

Mr. LAGUARDIA. We have a bill—the gentleman from Wisconsin and myself have a bill—pending before the Committee on the Judiciary on the question of injunctions. We have a bill first introduced by the gentleman from New Jersey and which I have introduced for the past six years, preventing the Federal courts from meddling with municipal matters and interfering with State commissions or officials regulating public-service corporations. We have a bill to grant a jury trial in cases of contempt. A judge loses his temper and, because a lawyer asserts his rights on behalf of his client, then and there disbars the lawyer. A judge with a nasty temper and a mean disposition acting like a tyrant on the bench, resents the conduct of any individual, is prejudiced against an individual, feels that he, the judge, has been offended, and then and there punishes a citizen for contempt and commits him to jail. A judge who has not sufficient control, who can not restrain himself, and who gets into a quarrel with a litigant or a lawyer certainly can not pass upon the question of contempt. Why, these judges require a humility on the part of litigants and lawyers that makes the situation ridiculous. Everybody must stand in awe of the judge. Yes; and lawyers are compelled to laugh at the silly, inane jokes of a stupid judge or else incur the disfavor of his honor. Jury trial has become merely, in many instances, a matter of form. The judges have a jury because the Constitution compels it. But many are the judges that usurp the functions and duties of the jury. They take it upon themselves to characterize witnesses to give their judgment of the guilt or innocence of the defendant; these judges take from the jury the question of credibility of witnesses, and they stamp each witness according to their, the judges', views. Many are the cases that if the jury does not bring in a verdict in accordance with the viewpoint of the judge the members of the jury are denounced, insulted, and abused in open court. There are many bills pending in this House which would tend to bring about much-needed reform in our Federal court. It is for that reason that I am bringing these facts to the attention of the House. The trouble is that everyone seems to be afraid of even mentioning a judge. I have respect for the court. It is because I have that respect for the court that I believe the courts should be so conducted and the men on the bench should be of such irreproachable character and of such high standing as to command and retain the continued respect of the American people for the court and confidence in the court. I am not impressed with the assumed, artificial dignity and intolerable arrogance displayed by many judges. If a man was once an ambulance chaser and a shyster, he remains that, and a certificate of appointment and confirmation will not change his character. I shall continue to refer to conditions in the Federal court from time to time. I know that the public and the bar are suffering from these conditions, and we must bring about the much-needed reform.

Now, if this intolerable condition continues the very backbone of our Government, the Federal courts, in which the people must have confidence, will be destroyed. I think these judges ought to be brought to task, because every lawyer who practices before a Federal judge is scared to death, as is evidenced by my colleague from New York [Mr. CELLER], who was shaking when I criticized the Federal courts in New York. Every lawyer who has to go before these judges is scared. If the gentleman from Brooklyn wants to defend the proposed 7-cent fare, he can do so. I do not care. I am not afraid to appear before any judge, because I know that the conditions I am describing exist not only in my own jurisdiction, in my district, but all over the country.

Mr. CELLER. While I agree with what the gentleman has said, the gentleman knows that I have seen, eye for eye, with him the evils of the Federal bench. But the gentleman has brought a general indictment against all the Federal judges, whereas the gentleman knows that a great many of them do not come within the category he describes.

Mr. LAGUARDIA. I said the majority of them were arrogant and that they assumed to themselves the duty of controlling local and municipal matters, which they have no right to do.

Mr. SCHAFER. Would it not be a good thing to provide that the judges would hold only for a certain specified term and be elected directly by the people?

Mr. LAGUARDIA. Oh, yes. The gentleman knows that the small minority of people who live on special privileges in this country who once controlled legislation now realize that they have lost their control of legislatures and go to the courts for what they want. That is the very condition I have been describing. "Let Congress or State legislatures do what they want as long as we control the bench" is the slogan of special privilege to-day.

The latest fad in judicial stunts is for the judge to create the impression that he is enforcing the law. By imposing long prison terms on few individuals who are unable to pay the services of great lawyers, records are established for great severity. "Oh, I am a stern judge," is their favorite self praise. When they are criticized for being partial to powerful corporations, for assisting in fare grabs, or boosting gas rates, they immediately claim that it is because of their severity in meting out punishment to maintain law and order that they are being criticized. Jail sentences are summed up in terms of thousands of years in order to detract attention where violations of law on a large scale and really important serious violations and big criminals are let off with slight punishment. It is a sort of a way of balancing the books, this adding of severe sentences imposed on the meek and the humble. Only recently out in Minnesota a judge took the trustees of one of the lodges of a great fraternal organization and sent all of these trustees, one of them an elderly man, to jail for one year for acts committed in the clubroom—to be specific, for drinking in the clubroom—about which, perhaps, the trustees had no knowledge. I refer to the great Order of Eagles. Now, if all the trustees of all the select clubs of my city and State, Minnesota, or any other State where drinking is going on, would be sent to jail, believe me, our foremost citizens would be wearing stripes and the social register could be used as the index for Atlanta. I will invite the same judge to be as stern, to enforce the law as vigorously, to every club and association or organization to which he or his set belongs. I will invite him to get after the trustees of the golf clubs and to inspect the nineteenth hole of his and all the select golf clubs in the country. Let us see how many men will be sent to jail for being trustees of golf clubs or social clubs where the nineteenth hole is popular. [Laughter.]

Mr. ABERNETHY. What is the nineteenth hole?

Mr. LAGUARDIA. Has the gentleman ever played golf? It is the most attractive hole. [Laughter.]

Seriously, gentlemen, it is difficult to discipline a judge. There is only one way in which it can be done, and that is by impeachment; and in order to establish an impeachment you must be able to prove the commission of a high crime or misdemeanor. There is a tendency on the part of the House, and properly so, to go slow on these questions of impeachment. These judges are not subject to any other discipline, with the result that these fellows—who break their necks to get their appointments; who literally cringe and crawl on their hands and knees to get their appointments—establish themselves as the rulers of a whole community, well knowing that there is no one to check up on them; that they are not responsible for anything; and they are just good enough and shrewd enough lawyers to know how to keep from the danger of impeachment.

The CHAIRMAN (Mr. HADLEY). The time of the gentleman from New York has expired.

Mr. DYER. Will the gentleman from Ohio yield me two minutes?

Mr. MURPHY. Mr. Chairman, I yield the gentleman from Missouri two minutes.

Mr. DYER. Mr. Chairman, I only rise to reply in a word to the statement made by my colleague on the Judiciary Committee, the gentleman from New York. I agree with him that there are some members of the Federal judiciary who have acted badly in office and whose appointments ought not to have been made, but I deny that the judiciary as a whole, or any large part of it, is of the character or temperament which the gentleman from New York has described. He states that a large majority of the judiciary are men who are unfit, by reason of their actions, or by reason of their work in the courts, to hold their high office. I deny that, Mr. Chairman. I believe that the judiciary of our country is of a very high order and of a very high character in all respects, with the exception, as I say, that there are some men who have been selected whose qualifications were not such in the first instance as to give them the right to have such an appointment, and some few of them have usurped authority which is not theirs under the law and Constitution, but that is bound to happen when there are many men to be appointed, as there have been many men appointed to the Federal judiciary, and especially when you take into consideration the fact that the President in a large number of cases depends on the advice and judgment of other men, because he can not know all of the applicants he appoints to office. Oftentimes he takes the recommendations and judgment of Members of the other branch of the Congress and perhaps of some Members of this House, and in doing that he is most likely bound to make a mistake here and there.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MURPHY. Mr. Chairman, I yield the gentleman one additional minute.

Mr. DYER. But, Mr. Chairman, there is a way for the gentleman from New York, if he knows of a judge in his city who is violating his oath of office or who is issuing injunctions that he is not permitted to issue under the law—there is a way for him and for any Member of this House to rid the country of that kind of a judge, and that is to have the courage to stand upon this floor and impeach him instead of attacking the whole judiciary of our Government. [Applause.] In this Nation we must depend upon the judiciary for the enforcement of law and order, and when a Member of this House takes upon himself the responsibility of attacking the whole judiciary, or a great majority of it, in my judgment he is doing a thing that is not for the best interests of our country. [Applause.]

Mr. MURPHY. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman and gentlemen of the committee, I am very glad the gentleman from New York has made his speech this afternoon, and I am very glad he has made some pertinent remarks about our Federal judiciary. Of course, I must take issue with him when he brings a wholesale indictment against all the members of the judiciary, and I am very glad he modified his remarks by saying that he directed those remarks against some of them but not all.

It is quite true, gentlemen, that in New York we suffer from the stealing of jurisdiction, as it were, on the part of the Federal courts of matters which are wholly within our State. When the city of New York attempted to insure for its people a 5-cent fare on the traction and subway lines it is the Federal court which insists upon jurisdiction by virtue of an enactment which we passed some years ago. That must give us pause, and we must consider whether or not that statute should be repealed, the statute which takes away from our State courts the right to determine whether a purely local matter shall be solved in local courts.

Mr. LAGUARDIA. That is not the question. It is a question of contract.

Mr. CELLER. I am glad the gentleman corrected me. The city has a contract with the traction system that it will not charge more than 5 cents, yet it seeks to avoid its just obligation under that contract, and it is very significant that the minute that case went into the Federal courts the stocks and bonds of those companies greatly appreciated in value, and those who speculated on the New York Stock Exchange in Brooklyn-Manhattan Transit securities or in Interborough Rapid Transit securities found they made great profits. When the case was taken to the Federal courts the stock went up. It was generally conceded that the Federal court would undoubtedly render, as it always has thus far, decisions favorable to public utility and service companies.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SANDLIN. Mr. Chairman, I yield 30 minutes to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Chairman and gentlemen of the committee, Congress has made a football of Muscle Shoals continuously for the past eight years, but I hope that the game is about over and provision will be made before the adjournment of Congress for the operation of the Muscle Shoals plant in the manner and for the purposes provided by the act of 1916, which authorized this development. [Applause.]

There was incorporated in the national defense act of June 20, 1916, nitrate section 124, at the urgent request of the War Department and the farm organizations of the country, and as a result the plant at Muscle Shoals was afterwards constructed for two fundamental purposes, namely: For the manufacture of explosives in times of war and fertilizer in peace times. Congress appropriated about $120,000,000 for this development with the distinct understanding that it should be used for these two purposes. The act expressly provides that—

> The plant or plants provided under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

The nitrate plant and the hydroelectric power development constitute one plant.

While the organic act, which is still in force, provides for the operation of this plant by the Government, still the senti-

ment in Congress has been divided as to whether it shall be operated by the Government or by a lessee.

Many bills have been before Congress, some providing for Government operation and some for a lease, but none up to this time have met with the approval of both Houses of Congress.

All bills providing for private operation at this and former sessions of Congress have been rejected. Most of the members of the committees of Congress having jurisdiction of Muscle Shoals may be expected to be members of these committees during the next Congress, hence we could not reasonably expect them to favor bills providing for leases which have been rejected at this session.

The Senate recently passed Senate Joint Resolution 46, introduced by Senator NORRIS, providing for Government operation through the Secretary of Agriculture. The House Committee on Military Affairs, to which it was referred, has reported to the House, by an almost unanimous vote, the Morin bill as a substitute for the Norris bill, providing for Government operation through a Government operating corporation, known as the Muscle Shoals Corporation of the United States, and authorized the construction of Cove Creek Dam. I regret that the committee did not also include Dam No. 3.

While Muscle Shoals is located in the district which I have had the honor to represent for a number of years, it is not local but nation-wide in its scope and purposes. I have heretofore supported bills providing for private operation through a lease, but it is now evident to every Member of Congress who is informed on the subject that it is to be Government operation or nothing. The fertilizer plants have remained idle since the war ended, the power is running to waste, so I am in favor of the House substitute for the Senate bill. I am in favor of certain amendments, especially so as to give municipalities priority rights to purchase surplus power, as provided in the Senate bill, and I hope that this amendment will be made before the bill is finally passed.

The country is justly criticizing Congress for not providing for the operation of Muscle Shoals. Many bills of less importance have been and are being considered. If this question is not settled at this session it can not be said that it is for want of time. Members of the Military Affairs Committee and others are urging the Committee on Rules to provide a time for the consideration of this bill. The subject has been before Congress for years. The committee which reported this bill has given months of its time at this and former sessions to this subject. The Morin bill has been reported to the House by an almost unanimous vote. It is a bill of national importance. Every section of the country is expecting it to be settled at this session. The distinguished members of the Rules Committee in a spirit of fairness are expected to give the House an opportunity to vote on the question. It would be most unusual to deny the House this privilege. So I feel justified in assuming and expecting that a rule will be provided at a very early date. [Applause.]

Nitrogen, phosphate, and potash constitute the plant food in all fertilizer, nitrogen being the principal. The most of the nitrogen used by the American farmers is imported from Chile. Since 1884 there has been imported into this country 20,101,425 long tons of Chilean nitrate, for which was paid the enormous sum of $795,573,104. On each ton of this Chilean nitrate there was paid to the Chilean Government $12.53 per long ton as an export duty. This amounted to about $250,000,000, at least 75 per cent of which was paid by the American farmers.

In 1926 there was imported into the United States 914,294 long tons of Chilean nitrate, for which was paid $42,781,386. On this there was paid to the Chilean Government $12.53 per long ton as export duty, which amounted to more than $11,000,000. A ton of Chilean nitrate contains only 15½ per cent nitrogen, which amounts to 310 pounds per ton. It now costs about $50 per ton at the port, and is selling in my district in north Alabama at $64 per ton to the individual farmer, and at about $57 per long ton through the cooperatives.

Cyanamide contains 470 pounds of nitrogen per ton, being 23½ per cent nitrogen. Fertilizer mixers are paying 7.8 cents per pound for cyanamide nitrogen and 15½ cents per pound for Chilean nitrates at the port, and are selling fertilizer to the farmers containing Chilean nitrates and cyanamide nitrogen at the same price. On the basis of 7.8 cents per pound for nitrogen a ton of cyanamide nitrogen containing 310 pounds of nitrates would cost $24.18, whereas a ton of Chilean nitrates is costing the farmers in my district $64 per ton. Shall Congress force the American farmers to continue to pay tribute to this Chilean monopoly to the amount of an average of more than $11,000,000 each year? Or shall Congress do for the American farmers what Germany has done for the German farmers and provide for a domestic supply of nitrogen by the operation by the Government of the nitrate plants at Muscle Shoals?

Freight on concentrated fertilizer such as ammo-phos containing about 50 per cent plant food would be only about one-fourth the amount paid on ordinary commercial fertilizer containing from 12 to 16 per cent of plant food. But the most remarkable saving in the use of concentrated fertilizer would be in the reduction in acreage and labor. Besides, the economic value resulting from better-living conditions of the farmers of the Nation can not be estimated.

The enactment of this bill into law does not mean the Government going into business at Muscle Shoals. It is already in business there. The Government built, paid for, and owns the entire development, and is now operating part of it—that is, the power plant, and will continue to do so if this bill fails to become a law, and neither the farmers nor anyone else would be benefited by the operation of the power plant as heretofore, except the Alabama Power Co. The Alabama Power Co. is taking just such power as it wishes at its own price, about 2 mills per kilowatt, and will continue to do so if Congress adjourns without action. The power company has made no reduction in power rates by reason of the purchase of this power. The Government is operating the power plant; why can not it also operate the fertilizer plant? Nitrate plant No. 2, using the cyanamide process, is the best and largest in the world. The cyanamide process is one of the best, and, in fact, I believe is the best for a location like Muscle Shoals where there is cheap power and all of the raw materials in great abundance in close proximity. Cyanamide process is producing ten times as much nitrogen as it did 15 years ago. That disproves all of the propaganda which has been broadcast by selfish interests that it is obsolete. I visited a plant of the American Cyanamid Co. using the cyanamide process in Canada last summer, and also the mixing plant of this company at Warner, N. J. It has been and is still doing a good and successful business and making a splendid grade of highly concentrated fertilizer known as ammo-phos, containing about 50 per cent plant food, and paying dividends to its stockholders.

It is being operated under very much less favorable conditions than exist at Muscle Shoals. Plants using the cyanamide process in Germany and other countries are being operated successfully, some by the Government and others by private capital. Germany is operating its war nitrogen plants of different processes, including the cyanamide, in the manufacture of fertilizer for the benefit of agriculture, and has met with such success that Germany is now independent of Chilean nitrates, and instead of being an importer of nitrates is a large exporter. We are now importing nitrogen from Germany. Nitrogen produced by the cyanamide process is the cheapest that can be obtained at this time. What Germany has done for the German farmers in furnishing them a cheaper and better grade of fertilizer and relieving them of the burdens of the Chilean monopoly can and should be done by Congress for the American farmers. [Applause.]

Operation by the Government at Muscle Shoals does not mean, so far as the production of air nitrogen is concerned, entering into competition with private capital, for the reason that private capital is not engaged in the fixation of atmospheric nitrogen for fertilizer purposes anywhere in the United States, and only one place on the Western Hemisphere—that is Canada. And we have no reason to expect that this will be done any time in the near future. Such plants in operation and being built in the United States produce nitrogen for other purposes than fertilizer.

The price of fertilizer is now higher than heretofore and the demand is greater than the supply, so it can not be claimed that Government operation at Muscle Shoals will put the fertilizer people out of business, but will increase the supply and reduce the price. The demand for fertilizer is and will continue to increase from year to year as plant food is being continually extracted from the soil by growing crops and must be replenished. There was 4,955,931 tons of fertilizer used in the United States in 1921 and 7,507,552 tons in 1926—an increase of 2,651,621 tons in five years.

If the present legislation is enacted into law providing for the operation by the Government, it may not be perfect, but it could be amended by Congress from time to time as may be necessary. Neither does it close the gates providing for a lease and private operation by Congress hereafter. The law of 1916, which authorized the development at Muscle Shoals, expressly provides that the plant should be operated by the Government for the benefit of national defense and agriculture. If such had not been the provision of the law, it may be that Congress would not have appropriated the necessary funds for this develop-

ment. While I prefer private operation and have supported bills providing for such operation, since that can not be done I am anxious to see Government operation tried out. It may be a success; as to this we will not know until a trial is made. If it is not a success, it can be discontinued by Congress. If the President selects a good board of directors, as we have the right to believe and expect that he will, it may accomplish all that is claimed by the advocates of Government operation. Government operation at Muscle Shoals would be nothing new. The Government is now operating the Panama Canal, Shipping Board, United States Fleet Corporation, Mississippi and Warrior River Barge Line, the Post Office Department, arsenals, the ship and navy yards, and parcel post, and is in business in many other ways.

In the Morin bill it provides that a Government operating corporation be organized with $10,000,000 capital furnished by the Government with a board of five directors, not more than three of whom shall be of the same political party, having no interest in any public-utility corporation engaged in the business of distributing or selling power to the public, nor in any corporation engaged in the manufacture, selling, or distribution of fertilizer or ingredients thereof, and who profess and believe in the feasibility and wisdom of this bill appointed by the President and confirmed by the Senate, with authority to select a general manager who has demonstrated his ability as a business executive and who shall have authority to appoint two assistant managers, one possessed of knowledge and experience to render him an expert in fertilizer, and the other trained and experienced in the field of production and distribution of hydroelectric power. The salaries provided for the directors and managers should command the services of men of ability. The bill authorizes and directs the corporation to operate the existing facilities at Muscle Shoals at their full capacity and add to the same from time to time as may be deemed advisable; to sell and distribute the fertilizer equitably among the States; and to sell the same at actual cost of production for the first five years, and afterwards at cost plus 4 per cent per annum only on money hereafter paid in as capital stock.

In the cost of production nothing will be included for the use of the nitrate plant or power plant. No electric power shall be considered surplus so long as it can be profitably used in the manufacture of fertilizer and the net proceeds from the sale of surplus power shall be used to the end of providing fertilizer at as reasonably low cost as possible. It also provides for the distribution of surplus electric power equitably among the States within transmission distance of Muscle Shoals. It is a fertilizer bill and not a power bill; no one can disprove that statement.

The Government corporation is to be very similar to the ordinary private business corporation, except the Government is the only stockholder and the directors are appointed by the President and confirmed by the Senate and to report to Congress annually, while directors of private corporations are selected by and report to the stockholders.

The Morin bill does not commit the Government to this mode of operation for any fixed length of time, but is expressly subject to repeal at any time without any embarrassment to the Government on account of existing contracts with any person, firm, or corporation. Consequently a lease with any private operating agency could be negotiated and executed, and the private lessee take over the property and assume control, and thus enter into possession without ever stopping a wheel or delaying one minute the manufacture of fertilizer or munitions, or the distribution of power. That could be done one year from now or at any time that a satisfactory contract could be obtained from a private operating agency. The President of the United States under the Morin bill turns over to the corporation the use of the entire plant. The title does not pass out of the Government into the corporation and it can be taken back at any time.

The farmers are not concerned about whether fertilizer is made at Muscle Shoals by the Government or by a lessee. They are interested in securing a cheaper and better grade of fertilizer as they have had reason to expect since Muscle Shoals was developed. The farmers can not understand this delay and why Congress can not put these plants into operation. How can any Member of Congress who is interested in providing relief for the farmers in their distressed condition fail to support this measure which provides for the manufacture and sale direct to the farmers and farm organizations of fertilizer at the actual cost of operation?

The offers which have been made to lease Muscle Shoals authorized the lessee in fixing the price of fertilizer to include not only the cost of production and 4 per cent interest on the cost of the water-power development but also 8 per cent profit additional. While the bill provides for only $10,000,000 capital, still it authorizes the appropriation of such further amounts as may be hereafter necessary to carry out the purposes of the bill, such appropriations being made as may be necessary from time to time just as appropriations are made for river and harbor improvements and many other things. We have reason to believe that if this bill passes the House—and it seems to be the general opinion that it will when a rule is provided giving the House an opportunity to vote on it—the conferees when appointed will reconcile the differences between the two Houses and will make a report which will be adopted.

Since the hydroelectric plant at Dam No. 2 was completed it has been operated by the War Department through the Chief of Engineers. The only customer for the power is the Alabama Power Co. This company has been taking a small part of the power, about 70,000 horsepower, paying about 2 mills kilowatt under a temporary contract. The balance runs to waste. The power company has not and will not reduce its power rates by reason of the purchase of this power from the Government but will continue to purchase it at about 2 mills kilowatt and to sell it for domestic purposes at 10 cents kilowatt for lighting purposes if this bill is not enacted into law at this session. Of course the company makes a cheaper industrial rate and in homes where it is used for other than lighting purposes. This condition will continue if Congress adjourns without passing this legislation. This may be one of the reasons why the power lobby is here trying to defeat this bill. The water-power monopoly in that section of the country has undertaken all along to convert this development into a commercial water-power proposition and not allow it to be used for the manufacture of fertilizer.

It will be remembered that this same interest opposed and helped to defeat the offer made by Henry Ford for Muscle Shoals. The Fertilizer Trust is opposed to the manufacture of fertilizer at Muscle Shoals either by the Government or a lessee. The fertilizer lobby is still here trying to defeat this legislation and the fertilizer companies are flooding the Members of Congress with telegrams asking them not only to oppose the passage of the bill but asking them to prevent the granting of a rule for the consideration of the bill.

Mr. LINTHICUM. Will the gentleman yield?

Mr. ALMON. I will be glad to yield to my friend from Baltimore.

Mr. LINTHICUM. I represent a city that has very large fertilizer plants, and I want to know whether the gentleman thinks the Government ought to go into the manufacture of fertilizer in competition with private companies.

Mr. ALMON. I certainly think that the Government is more than justified in the operation of Muscle Shoals plant for the manufacture of fertilizer in accordance with the act of 1916, which authorized this development. It is the only way that I know of to relieve the farmers of the burdens of the Chilean nitrate monopoly and secure a cheaper and better grade of fertilizer.

Mr. LINTHICUM. I want the gentleman to go into it because I do not know what to tell my people.

Mr. ALMON. As far as the manufacture of air nitrogen by the Government at Muscle Shoals is concerned it would not necessarily amount to competition with the fertilizer companies for they are not engaged in the manufacture of nitrogen, neither would the manufacture of a highly concentrated fertilizer at Muscle Shoals necessarily be in competition with the fertilizer companies because they are not engaged in the manufacture of this grade of fertilizer. However, I do not wish to be understood as claiming that the manufacture of fertilizer at Muscle Shoals by this Government operating corporation will not amount to competition with the fertilizer companies. They have no competition now. While they may claim there is no Fertilizer Trust, still they all sell the same grade of fertilizer at the same price. This is in effect a trust.

They all depend chiefly on the Chilean nitrate monopoly for a supply of nitrogen. So it would seem that the Government would be thoroughly justified in entering into competition with the fertilizer industry, just as it does in many other kinds of business when it is necessary to protect the interest of the people.

Mr. SNELL. Do I understand that all that is proposed to do under the present bill is to manufacture nitrates?

Mr. ALMON. No; this bill would authorize the corporation to manufacture fertilizer and to buy such ingredients for fertilizer as might be desired to make a good grade of fertilizer. It carries out the provisions of the original act of 1916 to which I have referred.

If this plant is not operated in peace times for the manufacture of fertilizer it would be out of date and of little value in the event it should be needed for war purposes. After the experience of the World War no nation of importance will depend

upon a foreign supply of nitrogen for munition purposes. Germany could not have prosecuted the war after her supply of Chilean nitrates was cut off if it had not already provided for a domestic supply of nitrates. If the Germans could have succeeded in destroying the Panama Canal our supply of Chilean nitrates would have been cut off and we would have been forced to depend, very largely, on the Muscle Shoals plant for a supply of nitrogen for explosives.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ALMON. Certainly.

Mr. OLIVER of Alabama. The same argument was made when the Government undertook to establish a powder factory. It was then said that if the Government established a powder factory it would drive the private factories out of business. The Government factory was established, however, and the powder factories did not go out of business and were not put out of business, but the price came down.

Mr. ALMON. Yes; and the same thing will no doubt happen as to fertilizer if Congress will authorize the Government to operate the Muscle Shoals plant.

Mr. ALLGOOD. Mr. Chairman, will the gentleman yield?

Mr. ALMON. Certainly.

Mr. ALLGOOD. Assuming that the Muscle Shoals project was in the district of either Member here, would he not be just like you, asking that something be done with this property?

Mr. ALMON. Yes; each of you have the same interest in this that I have. It will be nation-wide in its effect as it applies to national defense and agriculture.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. ALMON. Yes; I shall be pleased to yield to the gentleman from New York.

Mr. JACOBSTEIN. The gentleman has spoken of his visit to Canada. Can he tell us of his experience, which bears out his argument? The Government operation there supplies the power to the consumer at a much lower rate than private concerns.

Mr. ALMON. Yes; I found that Government and municipal ownership and operation of hydroelectric power plants in the Province of Ontario, Canada, is a wonderful success and has come to stay. The rates are about one-fifth as much as the average rates in the United States.

Mr. JACOBSTEIN. And is not that the reason why the power companies of America are opposing this bill providing for Government operation at Muscle Shoals?

Mr. ALMON. We know that the power interests and their lobbies are here, not only opposing the passage of this bill, but also to prevent a rule to provide for the consideration of the bill by the House. The fertilizer lobby is doing the same thing.

Mr. JACOBSTEIN. How much does the Alabama Power Co. charge?

Mr. ALMON. Ten cents per kilowatt for domestic lighting purposes.

Mr. JACOBSTEIN. And in Canada it is 2 cents per kilowatt.

Mr. ALMON. The power at Muscle Shoals was developed to operate the plant and not for industrial purposes. It is not needed for industrial purposes, but if it should be there can be developed 3,350,000 horsepower more on the Tennessee River and its tributaries, as is shown by report of the Chief of Engineers of the War Department as the result of a recent survey. So the water-power interest should keep their hands off this power and not try to defeat the Government from using it, or so much of it as may be needed for the proper operation of the plant for the purposes for which it was constructed. If more power is needed for industrial purposes let the power companies develop it. [Applause.]

Let no Member of this House be frightened by the opposition to this measure on the ground that it is competition with private capital and will put the fertilizer companies out of business. The same argument was made when Congress provided for parcel post, which was in direct competition with the express companies. That was found to be necessary to secure reasonable transportation rates and has saved the people of the United States many millions of dollars, and at the same time the express companies are still in business. Parcel post is competition with private American capital. This bill provides competition with foreign capital, the Chilean monopoly, which is foreign interest. A monopoly which controls the price of all nitrogen used for fertilizer purposes. This kind of an argument is nothing new. We have heard it for a long time. The fertilizer companies made the same argument against the offer of Henry Ford for Muscle Shoals. It is competition that they are opposed to—whether it be Government operation or private operation. [Applause.] Henry Ford would be operating Muscle Shoals to-day had it not been for the opposition of the fertilizer monopoly and the Alabama Power Co. and other water-power interests.

We hear much these days about farm relief legislation. There is no relief which they need worse than an adequate supply of a good grade of fertilizer at a reasonable price. That is the object and purpose of this legislation. The farmers and farm organizations have urged Congress for the past eight years to provide for the operation of Muscle Shoals for the manufacture of fertilizer for their benefit. I appeal to you to respond to their call and help to secure the passage of this bill. [Applause.]

All legislation which has been considered by Congress since the war ended looking to a utilization of the Muscle Shoals for the benefit of agriculture whether it be private or Government operation, has met with the strenuous opposition of the power and fertilizer interests. The power interest has tried to have it converted into a power proposition and the fertilizer interest has opposed, for selfish interest, the manufacture of fertilizer at Muscle Shoals, either by the Government or a lessee, and hence we are not surprised that the power lobby and the fertilizer lobby are doing everything in their power to defeat this bill.

We are now confronted with the question as to whether we will put this plant into operation for the benefit of the farmers, as we promised to do, and as the farmers have a right to expect we will do, or shall we let the power company continue to buy such of the power as it may desire at its own price, and the balance run to waste, and allow the fertilizer plants to continue to remain idle and allow the Chilean monopoly to continue to rob the American farmers and force them to buy a low grade of fertilizer and pay more than it is worth and more than they can afford to pay, considering the price they receive for farm products produced by them. Let each Member of this House decide this for himself, and account to his constituents for his course. Speaking for myself, I will support and vote for this bill with the hope and expectation that it will pass and preserve the Government's investment at Muscle Shoals and prove a great blessing to the American farmers. [Applause.]

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. MONTAGUE].

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. MONTAGUE. Mr. Chairman, in the interesting hearings on this bill the committee will find on page 179 a statement made by the Architect of the Capitol, Mr. Lynn, in answer to the question whether there were any suggestions he had to make with respect to the completion of the Capitol. He said:

> The extension of the east front, new sculpture for the east pediment, refacing the west front in marble, replacing the iron dome in marble, renewing the west steps in granite, repairing the Marshall monument on the west front—

And so forth. That suggestion of Mr. Lynn is not new, and I am addressing you now for the practical purpose of engaging your attention and I hope subsequently your influence in behalf of the program of Mr. Lynn.

I may say that the subject is not one which has come to me from a reading of these hearings. Some gentlemen may recall that I have briefly outlined this subject before in some five-minute debate in the House. The suggestions are in conformity to a report of a joint commission made March 3, 1905, comprised, on the part of the Senate, of George Peabody Wetmore, chairman, R. A. Alger, and A. P. Gorman, and on the House side J. G. Cannon, W. P. Hepburn, and James B. Richardson. So some 10 years ago, in 1918, to be accurate, I offered a bill, and have persistently renewed it at each subsequent session, to carry into effect the report of this joint commission. This joint commission gave very profound study to the subject of the completion of the Capitol, and their final report approved the plan submitted by Carrére & Hastings, very eminent men in their profession, and I understand approved by other eminent architects.

Briefly, the Capitol has never been completed. The dominant structure between the Senate wing and the House wing is built of sandstone, which has been painted from time to time. The two wings are marble. The bill which I offered contemplates the accomplishment of the following: A resurfacing of the old Capitol with marble to form a harmonious surface association with the two wings; veneer it, if you choose to call it that. That will not be a very expensive project.

Primarily, my attention was drawn to this by reason of the inadequate quarters of the Supreme Court. That, however, is no longer an object of consideration, as we have voted to build a structure devoted entirely to that court, which will be located across the way, as you so well know.

The dome of this Capitol is a source of offense to the eye and, perhaps, involves some insecurity to the structure itself. If you will go to the window at the end of the Hall and look out you will see that the dome of the Capitol projects itself on the east side beyond its apparent support. A portion of it, whatever it may be, its rim or whatnot, rests upon the pediment or roof that shelters the portico. Mr. Walter, whose name has been mentioned this morning, and who was the great Architect of this Capitol, had his own plans. He desired to extend the east front just as the west front had been extended, but time is wiser than man and it has developed that the present east front is preferable to anything that can now be designed, unmarred by a slight necessary extension, which I will mention in a moment. There is no one place around this Capitol where one can see the dome of the Capitol in all of its proportions except on the east front. So it is thought by many architects to be unfortunate to impair such a complete and adequate view of the dome of the Capitol by an extension that would even partially obstruct that view, but the architects all agree that you can extend the east front 12 or 14 feet, which would amply support the dome and not interfere at all with the full view of the dome itself.

Mr. LINTHICUM. Was this construction in accordance with the architect's design?

Mr. MONTAGUE. I think so.

Mr. LINTHICUM. I want to say that the marble of which these two wings are constructed came from the district of my colleague, Mr. COLE, in Baltimore County, Md.

Mr. MONTAGUE. The bill which I have offered contemplates this, that that extension shall be made.

It will require some rearrangement of the portico and of the columns; it will require two or more additional columns, and perhaps they should be larger. I think if any of you gentlemen will take the trouble to look, you will be impressed with the fact that the present central portico columns are not as dominant or as impressive as the columns of either one of the wings.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. TAYLOR of Colorado. I think it should be said, in answer to the statement made by the gentleman from Maryland, that the stone which was used in the main building came from Aquia Creek, Va.; that the stone which was used in these two wings came from Lee, Mass.; and that the stone used in the columns came from Maryland.

Mr. MONTAGUE. I do not desire to go into that. I have only 10 minutes, and if I should attempt to go into the details I could not possibly finish in the time allotted me.

Mr. LINTHICUM. I think the gentleman from Colorado is wrong, and I notice he was prompted by another gentleman from Virginia.

Mr. MONTAGUE. I know the gentleman is right in one respect, and that is that the sandstone used in the central building came from Aquia Creek, Va. With that extension you will acquire some 15 or more rooms that could be utilized to very great advantage.

The plan goes a step further. Take the steps which run down to Pennsylvania Avenue, which is the most dignified if it is the most arduous approach to the Capitol. Those steps are of black slate stone, and they reflect against a very noble background of white, which present a very inconsistent and unarchitectural design or device.

This stairway should be marbleized, and the whole main, dominant structure should also be marbleized. This treatment is entirely practicable. It could be done when I first offered my bill for less than $2,000,000. I do not know what it will cost now; at least, I have some idea, but I can not go into that phase of it now.

The dome is left for treatment. The dome, you may recall, is made of cast iron. Perhaps there is no cast-iron structure like it in the world, but with the new processes in the manufacture of steel, we have outgrown almost the knowledge of making cast iron. So it is doubtful if we could duplicate it when it may be necessary to do so.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MURPHY. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. MONTAGUE. Mr. Lynn suggests this should be marbleized, but in the interest of economy this could wait a while.

What I desire to do, gentlemen, is this. Complete the Capitol upon the lines of my bill, which is substantially that of the commission, in the interests of the American people, so that we may have a structure that typifies in beauty, in dignity, and in majesty some of the grace, the culture, and the artistic aspirations of the American people so far as they relate to architecture. [Applause.]

I think a democracy is as much entitled to a great and beautiful structure architecturally as is a monarchy. I think our people are as much entitled as any other people or nation to all the benefits, artistic, intellectual, emotional, that arise in the contemplation of a mighty Capitol, and it is a pity, to me it is humiliating, that the Representatives of this great Nation should leave the first, and the oldest, and the dominant structure of this Capitol in its present incomplete and inharmonious form.

So I have risen, gentlemen, to bring this matter to your attention, hoping that some of you will take some initiative and press this project to a completion. We should do it for the sake of the people—for those living and who are to come. We should do it to match or surpass the great public buildings of the world. America should not lag behind in its greatest historic structure. We should complete the noble plan. [Applause.]

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman and members of the committee, the very interesting statement made by the member of the subcommittee, the gentleman from Colorado [Mr. TAYLOR], about the ventilation of the House, brought forward a great many questions and a great deal of discussion.

I think it is appropriate at this time to bring to the attention of the House the exact situation with respect to this recommendation by the Committee on Appropriations. There have been a number of us here who are not on the Committee on Appropriations who have felt the need and necessity of a proper ventilation system in this Chamber. I have spoken on the matter on two separate occasions, once on January 31, 1927, and again on January 5, 1928. I have had numerous conferences with the splendid gentleman who is the Architect of the Capitol, Mr. Lynn, for whom we all have the highest respect and admiration. We have been in constant communication about it, and at the last session of the Congress there was an estimate submitted to the Committee on Appropriations showing that this work could be done for $430,000, but when we ran across the chairman of the committee [Mr. MADDEN] he very promptly vetoed this because he said it was not in proper shape; that it did not give all the details. Then I again talked to the distinguished gentleman from Tennessee [Mr. BYRNS], and between the two gentlemen, together with the gentleman from Colorado [Mr. TAYLOR] and the splendid chairman of the subcommittee [Mr. MURPHY], as well as others on the committee, there has been evolved a scheme which carries out the unanimous desire and wish of the entire committee, and as a result of waiting a year we have reduced this estimate from $430,000 to $323,000.

I admit there may be merit, and there probably is merit, in the proposal to change this Chamber by taking out this wall and extending the auditorium to the outer wall, but there is considerable controversy over how the change should be made, some saying it should be cylindrical, and others suggesting different forms and designs for the auditorium.

This controversy has been going on in the House since the year 1853 and the membership of the House and the membership of the Senate have been dying, and according to the testimony of the Clerk of the House, as put into the hearings by the gentleman from Colorado [Mr. TAYLOR], we find that from 1893 to 1928 there have been 87 Senators and 203 Representatives who have died, and within the last three or four weeks, ladies and gentlemen of the committee, two United States Senators and a Member of the House have died.

We find in the other Chamber a distinguished physician, who in speaking about the death of a very distinguished Senator called the attention of the Senate and the country to the fact that it was due in great measure to improper ventilation of these Chambers. I am speaking of Doctor COPELAND, a Senator from the great State of New York.

Gentlemen, of course I can appreciate the fact that some might want to wait to put in this system of ventilation, but how do we find this matter now presented to us? In the first place, the gentleman from Illinois [Mr. MADDEN] required of Mr. Lynn, the architect, that he take the matter up with the superintendent of public health, Doctor Cumming. Doctor Cumming went to work and selected the greatest experts of the country, as follows:

Prof. C. E. A. Winslow, professor of public health of Yale University.
D. D. Kimball, consulting engineer, New York, N. Y.
F. I. Cooper, heating and ventilating engineer, Boston, Mass.
A. M. Feldman, consulting engineer, New York, N. Y.
R. E. Hall, engaged in ventilation of theaters, New York.

F. R. Still, vice president American Blower Co., New York.
A. C. Willard, professor of heating, ventilation, and head of department of mechanical engineering, University of Illinois.
L. R. Thompson, surgeon in charge, Public Health Service, Washington, D. C.
David Lynn, Architect of the Capitol.
Dr. R. R. Sayers, chief surgeon, Bureau of Mines.
Leonard Greenburg, sanitary engineer, Public Health Service.

These gentlemen have unanimously agreed on a system together with Doctor Cumming, and this system has the unqualified approval of the Architect of the Capitol. It has the unqualified approval of the entire Committee on Appropriations.

Are we now going to haggle on the question of a little money when the health of our membership, both in the Senate and the House, is dependent upon our action here?

And think about it, gentlemen! In the last few days thousands of visitors from all over the country have come here to see this beautiful Capitol and beautiful surroundings, and this is so every year, and are not they entitled to come into healthy and well-ventilated chambers? If a man sits on the floor of this House during the sessions, when he goes out in the afternoon in most instances he is suffering from a headache or feels listless and bad as a result of the poor ventilation. That is the situation. You talk about the membership; as I look in the faces of Members I see a number of people in the House whose health is not good at the present time. There is no use in calling any names. Why, gentlemen, this is a small amount we propose for proper ventilation of this Chamber. I am delighted at the way the gentleman from Colorado [Mr. TAYLOR], the gentleman from Ohio [Mr. MURPHY], the gentleman from Illinois [Mr. MADDEN], the gentleman from Tennessee [Mr. BYRNS], Mr. SANDLIN, and others have met the situation. I want to commend them for it and thank them for it. I want to say that I hope the House will measure up to its duty and follow the splendid leadership of David Lynn, Doctor Cumming, and the Appropriations Committee in effecting this ventilation.

I want to see a change in the structure later on. I would like to have something to say about the change, but if you do not change the ventilation I shall probably not be here. [Laughter and applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 20 minutes to the gentleman from Oklahoma [Mr. MCKEOWN.]

Mr. MCKEOWN. Mr. Chairman and gentlemen of the House, the Mississippi Valley is the second largest valley in the world, only exceeded by that of the Amazon in South America. It is larger in area than the whole of Europe with the exception of Russia, Norway, and Sweden. The river discharges more than twenty-five times as much water as the River Rhine and three hundred and thirty-eight times as much as the River Thames.

If the Mississippi, the Missouri, the Arkansas, the Ohio, and the Red Rivers should reach their maximum flood crest simultaneously there would be emptied into the lower Mississippi 3,500,000 cubic feet of water every second.

On April 27 last year at Vicksburg the water reached the stage of 56 feet and up to March 4 it had reached 58.7 feet, which continued until May 9. During this 10 days' time the water flowing down the Mississippi River would cover 6,200 square miles for a depth of 10 feet.

The levee system was inherited from the French engineers 210 years ago. They were started as private projects to protect the city of New Orleans. When Louisiana was admitted into the Union the requirements of the Federal Government were that they should relinquish all claims—that the Mississippi River with all the waters entering into it should be reserved as a highway upon which the citizens of the State of Louisiana and the other several States should have equal rights.

The first record of a flood on the Mississippi was in 1543, and I can imagine the chagrin of the Spanish soldier marching away on Palm Sunday when the flood waters of the Mississippi reached them with the ferocity of a tiger and they must have thought of the days of Noah when the flood rose for 40 days and 40 nights.

Tradition tells us that in 1724 there was a great flood on the upper Mississippi, and this occurred again in 1740 and 1750. We have a record of eight floods on the upper river, seven of which occurred in the nineteenth century. There were nine great floods on the lower river during the nineteenth century. Eight great floods have occurred in less than 45 years.

It is worthy of notice that the Army engineers have had absolute control of the Mississippi River for 48 years, during which time these eight great floods have occurred and have increased, and although they spent $228,000,000 they complacently announce in their 1926 report that the flood-control work "is now in a condition to prevent the disastrous effects of the flood," and a few months later that statement proved to be bunk.

Now, although their plans proved a failure in practice we are asked to turn over this great problem, one of the most gigantic problems that has confronted the Nation, greater than the Panama Canal, to the same short-sighted crowd that ignores any suggestion from any other source or from civil engineers, and ask them to complete it. Congress dallied with the Panama Canal until that virile statesman and citizen, Theodore Roosevelt, kicked the red tape and bureaucracy into a cocked hat and got results. [Applause.]

The administration demands the Jadwin plan as the only solution. Why demand a plan already proven a failure? Why not obtain plans from the greatest engineers of the country? If they are in the Army, well and good; if from engineers in the departments, all right; if from engineers in civil life, then let us have them. When did General Jadwin become the only engineer that could deal with this problem? Congress has been offered no other plan, and Congress is not a board of engineers. I suppose the administration is acting upon the theory that Congress would not understand the different plans and other plans might not be in accord with the present financial policy of the President. Members stand on their feet here and talk about their colleagues getting together to pass pork-barrel legislation. When has Congress become so careless of the purse strings of the Treasury, or so unmindful of their duties to the American people, that they should be so characterized when they advocate a vote for the general good? Some people think that every dollar that is not spent in the city of Washington or for some pet project is pork.

The Mississippi River has a total length of 2,447 miles. It drains 31 States that comprise 41 per cent of the national domain, or 1,240,050 square miles. It carries an estimated cubic mile of rich alluvial soil down from the top surface of 13,000,000 acres of land in every flood, from the great central drainage basin of this country. Yet the Army engineers and their champions stand up and tell us that reservoir control of tributaries is not practical. As stated before, the levee system was inherited from the French engineers, who employed the system for local protection, but to-day we have the entire problem to deal with.

For 50 years the British engineers attempted to control the Rangoon River in Burma with the levee system, and failed for 50 years to control that stream. That stream has some similar characteristics to the Mississippi. It is a delta stream. Its flood waters come from tributaries rising in the adjacent mountain countries, and come down quickly, with great force and erosion. After the problem was turned over to the bureau of agriculture and forestry, the river control was so much improved that engineers from all over the world went there to make studies of the plan. Under the new régime levees were abandoned, and the river trained to make its own banks.

Outside of the question of reservoirs, who in this House can tell what magic can be worked by our own bureaus of forestry or soils or public roads? John Simpson, president of the Farmers Union of the State of Oklahoma, advances the opinion that the terracing of farmlands would reduce the floods in the Mississippi. The farmers do not expect the Government to pay for this, but to furnish plans and surveys. County agents at the present time are doing a great deal of work of this kind. The reforesting of denuded lands would not only check flood waters, but would become a great source of wealth. Reservoirs, properly located with a view to controlling the flood waters and later using these waters for the benefit of humanity either for growing food products or for power, would prove of great benefit to the country generally. The Government could not be expected to pay all of the costs. It could be determined what part would be reimbursable. When this was determined, then Congress could make the appropriations in accordance with the report. This method would greatly reduce the flood waters of the Mississippi, and turn a menace into a beneficent agency.

When engineers or anyone else tell me that reservoirs would not be effective to control the floods, they are talking in theories and not in facts. The thing Congress ought to do is to make an appropriation of sufficient funds to make immediate such repairs as are needed, and then appropriate a sufficient sum to employ civil engineers, together with all of the department engineers, to make a study of the water entering the Mississippi from the 31 States drained by this river, using all available data from the engineering departments of the several States and the colleges and universities, and then report back to Congress what plan ought to be adopted to control the waters of the Mississippi.

Here is the situation. We have had hearings for several months upon this matter. The Members of the House have not had the time or the opportunity to read these hearings. You do not know what is in them. I do not know what is in them.

We are then expected to get up and pass a flood control bill carrying three or four hundred million dollars, and nobody knows what will be the effect of it. Nobody knows what is in the hearings. The thing to do is to pass a bill with sufficient money to immediately repair the devastation down there as best we can, and make a study of this problem, which, in my judgment, is the greatest engineering problem that confronts the civilized world. [Applause.] They tell you that reservoirs will not control the water. You may just as well tell me that what goes up will not come down. You can go into these 31 States and by proper location of the reservoirs, with a survey made as to the utility of them for power and irrigation purposes in addition to flood control, you can then study the economical question.

The engineers tell us that the reason why flood control by reservoirs is not practicable is because it is not economical. On that point I want to call your attention to this fact, that the man who was assigned to draw up the report on the reservoir system in the Jadwin report was a man who had been in the employ of the Buffalo & Niagara & Eastern Power Co. He is stated to be one of the most outstanding engineers, but can he look at it from no other standpoint than as a power engineer? I can read to you the report where we are told you could not afford the reservoir system in the West because it was not ready for the use of power.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. COLE of Iowa. I want to compliment the gentleman from Oklahoma for making a very comprehensive statement on this proposition. I hope he will get Members of the House to agree with him and put it across.

Mr. W. T. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. W. T. FITZGERALD. The gentleman should know what has been done in connection with the flood control in the Miami Valley, tributary to the Ohio.

Mr. McKEOWN. Yes. It is a wonderful construction and of great benefit to that country, and if that system were to be followed you could go into Pennsylvania and West Virginia and Ohio and Indiana and Tennessee and many of the Western States and by conserving the flood waters you could hold them back a sufficient time so that you would not have the great amount of water that is going down the big streams.

They say that method will not solve the flood-control problem. Why not go into this matter carefully before we spend the money, and then we might find we had made another mistake? Why not look into it carefully, after you have made a failure of the system that has been in vogue for 50 years, the levee system, which has been tried also in China and Spain and Africa and has been found not to be the best system, for the reason that when the waters come down loaded with silt and rise out of their natural banks they come into contact with the artificial banks and stop the flow of water, and that causes them to deposit the silt in the bottom of the river. In 50 years you raise up the bottom of the river and raise up the levees, and here it goes on, and now you have the subsoil of that country where it will not stand very much more lifting by outside levees. You will imperil the lives of our citizens down there who have the right to expect protection from the National Government. We are called upon to deal with this question without adequate information. We are called upon here to deal with it now without knowing what to do. I insist that we should have engineering plans prepared by the greatest engineers that can be employed. It is true that we have some in the Army; let us employ them. Let us do this thing right. It is a tremendous problem.

Mr. HASTINGS. Mr. Chairman, will my colleague yield there?

Mr. McKEOWN. Yes.

Mr. HASTINGS. The gentleman is going to insist on an appropriation in this pending bill in order that the proper surveys will be made?

Mr. McKEOWN. Yes; but that is not all we ought to have in this bill. We should fix a plan by which we appropriate so many millions of dollars, but before we fix this plan altogether we may find that we can use the money to better advantage by holding these waters back on the tributaries, and if so, we ought to do it instead of putting it down here where it is going to be wasted.

Mr. HASTINGS. My colleague is going to insist with a great many others in having flood surveys made.

Mr. McKEOWN. We can not get anywhere unless we have a plan. I say to you that in the multitude of the business before you you have not had time and opportunity to study the details of these projects. You can not take this voluminous record and arrive at a satisfactory conclusion upon it. We ought to have an opportunity to study the problem. It is too big a proposition to be entered upon lightly. We should not enter upon a plan which later may be found out to be based on a wrong system. These engineers are not the people who are responsible. We are responsible for levying the taxes and appropriating the money.

Mr. HOWARD of Oklahoma. Mr. Chairman, will my colleague yield?

Mr. McKEOWN. Yes.

Mr. HOWARD of Oklahoma. Does not the gentleman know as a matter of fact that in the case of the Arkansas River the Army engineers have condemned the idea of reservoirs, so that so far as their knowledge respecting the effect on the Mississippi is concerned the fact is they have never been outside of their offices in Washington to get the facts and figures necessary to support their position?

Mr. McKEOWN. Yes. That is what I am complaining about. There is Colonel Kelly, an illustrious engineer; but Colonel Kelly while on leave of absence from the Government service was connected with the Niagara & Eastern Power Co., and he looked at this proposition from the standpoint of the power companies of this country and not as a question of water in the Mississippi.

Mr. SCHAFER. And since he made that report he has retired from the Government service and has gone completely into the employ of the power company in New York?

Mr. McKEOWN. Yes. I am glad he has gone where he belongs.

Mr. GARBER. Mr. Chairman, will the gentleman yield there?

Mr. McKEOWN. Yes.

Mr. GARBER. Does not that illustrate the necessity of an independent commission to take this whole project out of the hands of the War Department, with its present influences in favor of the levee system as against the reservoir system? What hope will you have for the reservoir system with the Engineering Department of the Government pledged and prejudiced against it?

Mr. McKEOWN. I am trying to persuade Congress not to go ahead and appropriate all this money until we have had an opportunity to study all the plans and to exercise our judgment as to which is the most feasible, and in arriving at a decision we are entitled to the advice and judgment of the best engineers of the country.

Mr. SHALLENBERGER. Will the gentleman yield once more?

Mr. McKEOWN. Yes.

Mr. SHALLENBERGER. I have heard the gentleman talk about this proposition entertainingly and instructively before. Is it not a fact that in estimating the cost of the storage plants they failed to take into consideration the possibility of amortization and the restoration of some of the money to the Government through the sale of water and power?

Mr. McKEOWN. That may be true, and it is possible that a great many of these reservoirs would not be economical from the standpoint of flood control alone, but when you consider the value of the power the amount of money which would be reimbursable to this Government would no doubt be quite large. We could sell these dams, in many instances, to power people and get our money back out of it.

But here is the proposition: When you raise the levees higher than the lowlands and you keep on dumping this silt into that river, thereby raising the bottom of the river and raising the crest of the flood.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. HOWARD of Oklahoma. The gentleman has spoken about what might come back from the sale of power. Will the gentleman also call attention to the fact that by holding these waters back and turning them into a lot of the streams it would result in having navigation on some of the inland rivers, which would mean very much cheaper freight rates to the farmers and producers of that part of the country.

Mr. McKEOWN. That is true. I was amused to read one plan that a civilian was trying to get before this committee. His plan was to take some high-pressure hydraulic machine and dredge out the Mississippi, and that might be worked if it did not cost too much. The engineers claimed many years ago that by building these levees up and retaining this river in a narrower channel it would scour out, but it does not do anything of the kind; it does the very opposite, and it simply

deposits the silt in the bottom of the river. Some years ago I read that when Andrew Jackson was in New Orleans the river was just then about level with the streets he walked on and I understand that now down there in New Orleans the river has gotten up so high that they are beginning to think they are out in the mountain country when they get up in the morning and look up at the river.

If the levee system is the proper one and the engineers of this country agree it is the proper one and the only plan, of course, I will be glad to go along with it. But what I am complaining about is that Congress, without any information except what we get by hurriedly scanning these reports, is going to turn over this great sum of money without knowing what we are going to do with it.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. COLE of Iowa. Does the gentleman suppose anybody could get any real information by reading the hearings? Are not those hearings simply stump speeches delivered by interested politicians and also by interested property owners?

Mr. McKEOWN. I do not know about that. I could not read them all myself, and I admit I have not read them all. But I do say this, that the thing we ought to do is to give this question serious study, because it is a great problem. I would like to see somebody go out and study the reservoir question with an open mind; some engineers who have not formed an opinion heretofore against the reservoir system. I would like to see some man go down and look over the levee system who has an open mind, who does not think that is the only kind of a system in the world, and who has no prejudice against it.

I want to say this: The records show that what is the matter with us is that we always assume to know more than anybody else, and we are not willing to look to any other country to learn anything, notwithstanding the fact that they have been here longer than we have. We could send our engineers abroad to look into these rivers which they have learned to control. They controlled this Rangoon River without any levees at all in 7 years, while the road engineers for Great Britain for 50 years used the levee system and then gave it up. My prediction is that after you have spent your untold millions of dollars on what you call the lower Mississippi, with its banks falling in, that there will come along a greater flood than you have ever had before and destroy more property and more lives than have ever been destroyed. That is what has taken place in the last 45 years. The engineers have had it to deal with for 48 years, and yet the floods have increased; they have become more disastrous and have become greater, and the longer it goes the worse it gets. [Applause.]

Mr. SANDLIN. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. JOHNSON]. [Applause.]

Mr. JOHNSON of Texas. Mr. Chairman and gentlemen of the committee, soon after becoming a Member of the House I heard in this Chamber a very graphic description of the Rules Committee by the able and eloquent gentleman from Arkansas [Mr. WINGO]. Speaking for the benefit of the new Members, among whom I was included, he said:

> I will say to my new friends here that if we sit here in this city until next summer, and the weather gets too hot for you, just go to the Rules Committee, and you will find icicles hanging from the chandeliers on the hottest day in summer.

About four weeks ago I experienced the frigidity of the atmosphere and the rigidity of the decision of this autocratic committee of the House.

A delegation composed of a majority of the Texas Members, with our colleague Mr. WILLIAMS as our chief spokesman, appeared before the Rules Committee to request that a rule be granted whereby the House would be permitted to vote upon the resolution offered by Mr. WILLIAMS to investigate the Federal reserve bank of the eleventh district, located at Dallas, Tex., a subject in which we were vitally interested, because it affects the banking, commercial business, and more especially the agricultural interests of our State.

We were accorded a hearing, but it was manifest from expressions of several members of the committee that its verdict would be unfavorable. And while, so far as I am informed, no official conclusion has ever been announced, the utter silence that has prevailed since that time indicates more eloquently than words that the resolution is destined to "sleep the sleep that knows no waking," and that this House will not be permitted to express itself thereon.

This action is to me a keen disappointment, for I believe the subject is one worthy of the consideration of this House, and I doubt not that if the facts were presented which prompted the introduction of the resolution, and the Members were permitted to vote upon it, that it would be adopted.

In a large legislative body like this, I realize that the orderly transaction of business requires a Rules Committee which shall determine the time and method for the consideration of legislation, but I deplore the assumption and abuse of power by that committee, whereby they consider, not the time or the manner in which the legislation shall be considered, but pass upon its merits, which is a substitution of their judgment for that of the House.

If this were a short session and sufficient time did not permit its consideration, the committee would be justified in declining to grant a rule; but such is not the case. This resolution could be considered and voted upon within a few hours' time. The House is well up with its work, and for that reason several Saturdays we have recessed, and on a number of days early adjournment has taken place, for the lack of business.

Two reasons were mentioned why the Rules Committee did not think the House should be permitted to consider the resolution. First, that the Senate had already appointed a committee to make such investigation, and secondly, they did not see what could be accomplished by an investigation.

I respectfully submit that these are questions affecting the substance and merit of the resolution, which the House should pass upon, and not its agent, the Rules Committee. The Rules Committee will have performed its duty when it determines the time and the manner in which the House shall consider the resolution. This committee was not created, either to chloroform or pass final judgment on the merits of any legislation, and when it does so, in my judgment, it is guilty of an abuse of power.

Unfortunately, under the existing rule there is no adequate remedy by which an appeal can be effected or a committee be punished for a dereliction of duty. I hope that some day the rules may be changed so that the membership of the House may be the master and not the slave of its committees.

Let me discuss briefly the two reasons assigned why the House is denied a vote upon this resolution. They are contradictory; one destroys the other. The fact that the Senate, by unanimous vote, ordered an investigation ought of itself to be sufficient evidence that there is enough merit in the resolution to at least justify its consideration by the House. If the Senate, composed of 96 Senators, thought that something might be accomplished by such an investigation, the Rules Committee of 12 ought not to arrogate to itself the authority of denying to the House the power of passing upon this question.

The investigation ordered by the Senate is not satisfactory to the people interested in this matter. It merely provides for an investigation by a Senate committee, while the Williams resolution would appoint a joint committee from both Houses to make such investigation. The Members of this House, who are the representatives of the people who are suffering from the wrongs committed by the governor of this Federal reserve bank, have the right to demand that if an investigation is to be had that a committee from this body shall participate therein. It would insure a more thorough and impartial investigation, and some doubts are entertained whether the committee chosen by the other body will either sympathetically or aggressively enter into the investigation.

We want the facts ascertained by a committee participated in by Members of this House, so that if any action is to be taken hereafter, or legislation is to be had as a result, that the House will have first-hand knowledge of existing conditions.

I realize that in some quarters there exists a prejudice against congressional investigations, and there are some who think that too many damaging facts have already been uncovered in other investigations. Some assert that Congress is to legislate, not investigate. Congress talks too much and investigates too frequently is the cry of some of its critics.

Against such a school of thought, let me quote the language of one who was well versed in our form of Government, who was a student of our political institutions, and a statesman whose name is interwoven with our history.

Woodrow Wilson, in his book entitled "Congressional Government," first published over 40 years ago, stresses the importance of this duty. Says Mr. Wilson in that publication:

> It is the proper duty of a representative body to look diligently into every affair of Government and to talk much about what it sees. It is meant to be the eyes and the voice and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the Government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct. The informing function of Congress should be preferred even to its legislative function.

Those sentences were written by Mr. Wilson long before he entered the realm of politics; and while there may be a difference of opinion among some as to what place in history his achievements in statecraft entitle him to fill, I think it is the universal verdict of all that as a student of history, a writer on governmental problems, and an interpreter of our national institutions, that he deservedly took and will always hold very high rank.

There are those who would deny Congress the right to investigate, claiming that its duties are purely legislative and that the power to investigate is within the sole province of the courts. No court was ever organized that possessed the inquisitorial power of Congress. The jurisdiction of courts is circumscribed; they have no supervisory control or jurisdiction over the general affairs of the Nation. Courts investigate specific charges, while Congress, through its committees, can make a far more comprehensive investigation. Courts can only ascertain whether crime has been committed, while Congress by its investigations can nip in its incipiency practices that may ultimately lead to crime, or even if such investigations disclose no crime or the contemplation thereof, yet they may reveal inefficiency or dereliction in duty, which greatly impairs the efficiency of government. Congress, when it discovers a wrong or an abuse, unlike the courts, has the power by legislation to prevent or make more difficult its repetition. Congressional investigation will arouse the public conscience and crystallize public sentiment in a manner which courts can never hope to accomplish.

Mr. SIROVICH. Will the gentleman yield?

Mr. JOHNSON of Texas. I yield.

Mr. SIROVICH. Is there a Senate investigating committee investigating this matter at the present time?

Mr. JOHNSON of Texas. Such a committee has been appointed by the Senate, but if there has been any beginning made with respect to an investigation I have yet to hear of it.

Mr. BLANTON. Will the gentleman yield?

Mr. JOHNSON of Texas. Yes.

Mr. BLANTON. It is worse than no investigation at all. It is like submitting the Power Trust investigation to the Federal Trade Commission. It is in the hands of its friends. There will be nothing done.

Mr. JOHNSON of Texas. I have not heard of anything being done by the Senate committee.

Mr. BLANTON (continuing). Because it is in the hands of its friends, who, if they do anything, will perform the usual whitewash.

Mr. JOHNSON of Texas. We do not want a whitewash. This is a matter of great importance and should be fully and fairly investigated by a joint committee of both Houses.

Mr. GARBER. Are the things the gentleman refers to crimes within the law or crimes without the law?

Mr. JOHNSON of Texas. They are discriminations and gross abuses of discretion, permitted, as I understand, under existing law.

Mr. GARBER. The gentleman thinks the policy should be under supervision and control by Congress instead of the law.

Mr. JOHNSON of Texas. I think the policy and the practices both ought to be investigated and if the law or the Treasury regulations permits such things to be done with impunity, then there should be legislation to prevent them in the future.

Mr. BLANTON. Will the gentleman yield right there?

Mr. JOHNSON of Texas. Yes.

Mr. BLANTON. When we limit the salaries of the Federal Reserve Board to $12,000 and then they pay $50,000 to some of their employees, are they not exceeding the authority that Congress gave them?

Mr. JOHNSON of Texas. I think the gentleman is right and I have heard a great deal of criticism on account of the very large salaries that have been fixed for the officers of some of these Federal reserve banks.

Congress constitutes the board of directors of the Federal Government. It makes the Nation's laws, but its duty does not end there. If it would legislate intelligently, it must have a comprehensive knowledge of conditions as they exist not only at the time of legislation but subsequent thereto. It must know the results of its legislation and how the people are affected by it, what wrongful practices are permitted thereunder, and especially of the abuses and wrongs committed by those who exercise power by virtue of the institutions and offices it creates, so that when necessary, remedial legislation may be enacted to protect the rights of the people.

The Federal reserve bank of the eleventh district at Dallas was created by act of Congress, and the governor and other officers of that bank exercise powers as the result of congressional decree.

The 820 banks in that district pay tribute to that Federal reserve bank, and deposit a certain per cent of their deposits therein, and furnish the capital stock of such reserve bank, not of their own volition but because under the laws of Congress they are compelled to do so. If these 820 banks and the millions of people which they serve are not being fairly treated, if they are being denied rights and privileges which the law confers upon them, if the agency which Congress created to serve them is not properly functioning, and instead of being a blessing is a curse, Congress ought to know it.

The preamble of the resolution introduced by the gentleman from Texas [Mr. WILLIAMS] (H. Con. Res. 24) reads as follows:

> Whereas it is alleged that the governor of the Federal Reserve Bank of Dallas, Tex., has violated the Federal reserve act by his refusal to recognize the rediscount privilege to member banks in rural communities; and
>
> Whereas it is alleged that the policies administered by the governor of the Federal Reserve Bank of Dallas, Tex., in conducting the business of such bank, have worked many hardships on farming and livestock interests of the territory included in the eleventh Federal reserve district, etc.

Is that no concern of Congress? Are you going to create an agency and clothe it with power to require obedience to its officers, and then when it is charged that such agency is inflicting wrongs upon the people whom it is intended to serve, are you going to close your ears when they cry out to you for relief?

The eleventh Federal district comprises all of the State of Texas and portions of Arizona, New Mexico, Oklahoma, and Louisiana. Approximately 7,000,000 people live within that district, and they are dependent upon their local banks to serve them, and these banks in turn must pay tribute to the Federal reserve bank, and also look to it, in a large measure, for the credit which they are to receive, and which they in turn extend to their customers.

Agriculture is the chief industry in the eleventh district. A majority of people therein are directly dependent upon agriculture for a living, and all other industries and people are indirectly dependent upon the fruits of agriculture. The Federal reserve bank therefore affects the welfare of every man, woman, and child, and when it does an injustice to agriculture it inflicts an injustice upon all.

The farming interests of that section, in common with agriculture everywhere, is having, and has had for the past seven years, a battle for existence, and the Federal reserve bank, which was created to serve this great industry, should be giving assistance instead of placing a strangle hold upon the banks to which the farmers must look for credit.

The author of this resolution [Mr. WILLIAMS] is known to the membership of this House as an able, conservative man of poise and good judgment. He never acts impulsively, and, in this instance, he spent much time in securing facts and knowing the ground whereon he stood before he offered this resolution. And no one who knows him would for a moment believe that he would have introduced such resolution until he believed that there were sufficient facts to justify it. He has permitted me to examine his file upon this question, and in addition thereto I have had conversation at various times with many bankers in my district, and I know from their statements to me, as well as the record in the possession of my colleague [Mr. WILLIAMS], that there is abundant evidence to not only warrant but demand that an investigation should be made.

What would you think of the governor of a Federal reserve bank who would make this statement to one of the bankers in his district:

> Before I would be bothered with a little country bank like yours I would close it up within the next 30 minutes. We have too many of these now, and they are not essential to carrying on business in small towns. The farmers don't need any bank, but as long as there is one left they will apply for loans they are not entitled to and can easily get along without. We only need a few banks in the larger towns of Texas to take care of all the business. You should not loan money to farmers, but invest in Government securities and other commercial paper—calling attention to the progress of some eastern power company that was offering to discount some 90-day paper.

Or to another banker he stated:

> It was not intended for banks to advance money to make crops. That banks should only furnish money to move crops in the finished products.

Mr. BLANTON. Is that signed by Mr. Talley?

Mr. JOHNSON of Texas. No; those are excerpts from two letters which the gentleman from Texas [Mr. WILLIAMS] has in his files written by two bankers who said Mr. Talley made such statements to them.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. JOHNSON of Texas. Yes.

Mr. JACOBSTEIN. Does not the gentleman recall that about a generation ago we had an accumulation of grievances which resulted in the Pujo money-trust investigation, which indicated at that time there was a concentration of banking interests that endangered many institutions in the country? Is there not something significant in the statement the gentleman has just read to the same effect?

Mr. JOHNSON of Texas. I thank the gentleman for his suggestion, and I think his statement is well founded. The concentration of wealth has grown to an alarming extent under the present Republican administration, and the policy and practices of the Dallas Federal Reserve Bank is in harmony therewith. Possibly that is the reason the Rules Committee, which is controlled by the steering committee of this Republican administration, denies the House the right to vote upon this resolution.

Mr. WILLIAMS has within his file these letters from which I have quoted, and also others of a similar character from bankers in the district, charging that such language was used by the governor of the Federal reserve bank at Dallas. I shall not quote their names because I am not authorized to do so.

Mr. J. C. Beck, president of the First National Bank of Frost, Tex., who lives in my district, and whom I have known for over 30 years as a man of very high integrity and ability, and who is a personal friend of Lynn P. Talley, the governor of the Federal reserve bank at Dallas, testified at a hearing held in Dallas that Mr. Talley told him that it was not the duty of the banks to see that the farmer was furnished money with which to make a crop.

Mr. A. B. Brown, president of the First National Bank of Lockney, Tex., at the same hearing, testified that Mr. Talley told him:

> That a country banker should not loan the farmer any money to make a crop loan, and his loans should be advanced after the crop had been gathered and put in a marketable condition. In other words, cotton after it had been picked and ginned and stored in a warehouse, then the warehouse receipts would be security, but his committee did not consider growing crops worth anything, and of course teams and tools were very poor collateral and should not be considered.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. JOHNSON of Texas. Yes.

Mr. JACOBSTEIN. Does this resolution call for an investigation of the administration of the act for the district or for the entire system?

Mr. JOHNSON of Texas. For the district alone. We are not complaining at this time of the system as a whole. I think the Federal reserve system is a very fine thing if properly administered. Its existence has been of great value and I would not want to destroy it. I have no complaint about the system, but we want an investigation of this particular district, and of the abuses there perpetrated.

Mr. BLANTON. Will the gentleman yield there?

Mr. JOHNSON of Texas. Yes.

Mr. BLANTON. But the same defects that exist in the district alluded to are likely to be found in all of them.

Mr. JOHNSON of Texas. Possibly so, though of this I am not advised.

Mr. BLANTON. And really there ought to be an enlarged resolution to take in an investigation of the defects in the whole system.

Mr. JOHNSON of Texas. It might be well to so amend the resolution. Abuses of discretion and discrimination, whenever practiced, should not be tolerated. But let me resume the discussion of the Dallas district.

Mr. Whit George, president of the Farmers' National Bank of Italy, Tex., whom I know personally as a man of unquestioned integrity, testified at this same hearing to a fact concurred in by all bankers and others familiar with conditions in our section, that if the banks did not furnish the money to the farmers with which to raise a crop, that there would be no crop raised, and that only about 10 per cent of the farmers can ordinarily finance themselves to make a crop. He furthermore stated that there was an unfriendly attitude on the part of the bankers in his section, on account of the humiliating manner in which many of the bankers were treated by Mr. Talley, and cited one or two specific instances that had come to his knowledge.

Mr. Pat E. Hooks, president of the First National Bank of Itasca, Tex., and who has been connected with that bank for 25 years and is a leader in the financial and business world in Texas, and especially Hill County, which is within my district, and whose word is entitled to be given every credence, testified on this hearing that the sentiment of the bankers of Hill County toward Mr. Talley was unfriendly on account of his attitude and treatment of them. In a letter to me he stated that it was his belief that 75 per cent of the bankers were unfriendly toward the Federal reserve bank as conducted by Mr. Talley, though many of them would be afraid to express publicly their views.

In Navarro County, in which I live, the County Bankers' Association, at a meeting held in Corsicana on November 23, 1927, adopted the following resolution:

> Whereas it is apparent to us that the Federal reserve bank of the eleventh district, at Dallas, is not functioning for the benefit of the member banks and that a spirit of antipathy has arisen against the administration of the policies of the Federal reserve bank of said district; and
>
> Whereas it is further apparent that such condition is brought about by the reason of the application of such policies by Lynn P. Talley, the governor of said bank; and
>
> Whereas it is the sense of this meeting that the said Lynn P. Talley is temperamentally unfitted to act as governor of said Federal reserve bank, and that he is not in sympathy nor familiar with the difficulties of banks located in agricultural communities and has not had training or experience in the operation of banks located in agricultural districts; and
>
> Whereas the operation of the Federal reserve bank by the said Lynn P. Talley has destroyed the confidence of the smaller member banks to procure aid in time of a crisis, and that under the management of the said Federal reserve bank by the said Lynn P. Talley said bank is losing its usefulness and is destroying the good will of the member banks: Now therefore be it
>
> *Resolved in this meeting assembled*, That this association go on record as opposing the administration of the policies of the Federal reserve bank of the eleventh district by the said Lynn P. Talley; and be it further
>
> *Resolved*, That the said Lynn P. Talley should be removed as governor of said bank, and the full cooperation of the banks represented at this meeting is pledged to J. P. Williams, president of the First National Bank of Mineral Wells, Tex., who is leading the movement in his efforts to bring about such removal; and be it further
>
> *Resolved*, That the secretary be instructed to forward copies of these resolutions to Hon. C. C. Walsh, chairman of the board of said Federal reserve bank; W. W. Woodson, chairman of the advisory committee; and to the public press.

Mr. H. E. Chiles, president of the Itasca National Bank, of Itasca, Tex., a gentleman of the highest standing and who lives within my district, and has been connected with the same bank for 27 years, testified on the hearing already referred to, that the bankers in his section did not feel that the Federal reserve bank, as it is now conducted, was of any value to them. He further stated:

> They don't feel like Mr. Talley has much consideration for a country banker. He talked pretty brutal to them when they were under a strain, and he didn't encourage them.

He furthermore stated that some of the bankers were intimidated and felt that it would not be to their interest to make their complaints public.

Mr. ABERNETHY. Will the gentleman yield?

Mr. JOHNSON of Texas. Yes.

Mr. ABERNETHY. Are the bankers who are complaining members of the Federal reserve system?

Mr. JOHNSON of Texas. They are.

Mr. ABERNETHY. Is the gentleman from Texas [Mr. WILLIAMS] himself a banker?

Mr. JOHNSON of Texas. He is a banker of long years' standing and a very successful one.

Mr. G. M. Mann, of the First National Bank of Whitney, Tex., also in my district, and whom I know and vouch for, testified on the hearing that Mr. Talley told him that the country bankers should quit loaning to farmers unless it was a good liquid loan, and told him to go back home and liquidate the loans, or close the bank. He further stated that he was so humiliated by the treatment of Mr. Talley, that he never returned to the Federal reserve bank in Dallas again for other accommodations.

There were a number of other witnesses who testified on this hearing to the same effect, and to other matters of a similar character, but I shall not quote from their testimony, contenting myself to only quote the testimony of those whom I know personally.

There is one other witness, however, to whose testimony I shall refer, and that is Mr. R. L. Harris, president of the City National Bank, of Blooming Grove, Tex., which is in my home county. I have known Mr. R. L. Harris all of his life. I knew his father, Mr. J. L. Harris, than whom no better man ever lived, and Bob Harris is a chip off of the old block, his word is his bond, and no one who knows him would doubt for a moment any statement which he might make.

In the hearing at Dallas he testified that he had been in the banking business at Blooming Grove for more than 25 years, and that in May, 1926, he went to the Federal reserve bank at Dallas to secure therefrom rediscounts, and detailed at length conversation which he had with Mr. Talley, which I shall not relate here, but at the conclusion of the interview he stated that Mr. Talley, in a very emphatic manner, told him that no further rediscount would be granted his bank, and he then said to Mr. Talley:

Do you mean to tell me that if it becomes necessary to extend us further rediscount privileges or close our bank, that we will have to close the bank?

To which question Mr. Talley replied:

Harris, that is just exactly what I mean. Go home and close your damned bank. It will be a damned good lesson for your community.

Bob Harris did not take his advice. Instead of closing his bank he went elsewhere and secured money at a higher rate of interest, and his bank is in a splendid condition, as is shown by the statement of his bank made on December 31, 1927, which is as follows:

Condensed statement of the condition of Citizens National Bank, of Blooming Grove, Tex., at the close of business December 31, 1927

RESOURCES

Loans and discounts		$171,283.82
Overdrafts		948.64
Banking house, furniture, and fixtures		12,350.00
Stock in Federal reserve bank		1,900.00
Due from United States Treasurer		1,250.00
Other resources		749.99
Cash:		
Currency and exchange	$72,296.25	
Bonds	55,000.00	
Bills of exchange	69,259.23	
		196,555.48
		385,037.93

LIABILITIES

Capital stock	50,000.00
Surplus and undivided profits	14,038.94
Dividends unpaid	2,500.00
United States circulation	24,500.00
Deposits	293,998.99
	385,037.93

This statement is correct.

J. R. GRIFFIN, *Cashier.*

It is fair to say that Mr. Talley and other employees of the bank denied having used the language attributed to him by Mr. Harris, but Bob Harris, under rigid cross-examination by counsel for the bank, did not flinch, and his testimony was corroborated by a lifelong friend of mine, Mr. A. G. Elliott, president of the Corsicana National Bank, of Corsicana, Tex., to whom Mr. Harris talked on the same day after he had the interview with Mr. Talley, and he told Mr. Elliott and also Mr. Fortson, of the Corsicana National Bank, and other parties of the very language that was used to him only a few hours before. On cross-examination, when counsel for the bank was trying to break the effect of Mr. Elliott's testimony, he said that, knowing Bob Harris as he did and his splendid integrity, he would believe implicitly what he did say, whether Mr. Talley denied it or not. Mr. Elliott has also known Mr. Talley for many years, but, knowing both men, he believed Harris.

Mr. J. C. Beck and others testifying to the reputation of Mr. Harris stated that he was a credit to any community, and I want to say that I give unqualified indorsement to all that has been said concerning the reputation of Bob Harris for truth and veracity.

Mr. BLANTON. Will the gentleman yield?

Mr. JOHNSON of Texas. Yes.

Mr. BLANTON. What is there about the farming class that they should be banned and be denied financial assistance which every other class is granted?

Mr. JOHNSON of Texas. The Federal reserve system was created for the benefit of the farming class as well as other classes and the Federal reserve district in which we live and which this bank has been established to serve; the largest part of the business in the district is composed of those engaged in farming, and if the Federal reserve system does not serve them, then there is an absolute failure upon its part to perform the duties which Congress intended it should perform.

Mr. BLANTON. Because farmers are entitled to financial assistance the same as every other class in the country.

Mr. JOHNSON of Texas. They certainly are, and if the Federal reserve bank at Dallas, as now conducted, denies the rediscount privilege to the bankers of Texas, and thereby prevents them from securing funds at a low rate of interest, so that they can serve their customers, and forces the bankers to go to the large city banks for credit and pay a much higher rate of interest, then the banks are to that extent restricted and crippled in extending credit to the farmers.

Mr. WILLIAMS of Texas. Will the gentleman yield?

Mr. JOHNSON of Texas. I yield to my colleague.

Mr. WILLIAMS of Texas. And the records will show that the Federal reserve bank at Dallas, Tex., in June of last year with over $70,000,000 capital stock, and deposits had $3,800,000 rediscounts to member banks secured by securities other than Government securities, or approximately 5 per cent of its capital and deposits. On the same day the Federal reserve bank had over 50 per cent of its capital stock and deposits invested in open-market securities and Government securities.

Mr. JOHNSON of Texas. I thank my colleague for that statement, which is corroborative evidence from the bank's own record that these bankers are telling the truth when they say that the governor of the Federal reserve bank at Dallas has been withholding from them the rediscount privilege. It shows that the policy of the bank under its present administration is to invest ten times more in Government and other securities than in the amount of rediscount privileges, or loans, extended to member banks. It should be remembered also that in June the banks in the cotton section reach the peak of the credit extended to farmers, and naturally their demand for rediscount privileges if granted by the Federal reserve bank would be reflected by a large and not a small amount in such securities.

It is interesting in this particular to compare the record of the Dallas Federal Reserve Bank with the one in the sixth district, located at Atlanta, Ga. The resources of the two banks are not greatly different and both serve agricultural districts where cotton is the chief crop.

From the Federal Reserve Bulletin of December, 1927, issued by the Federal Reserve Board, at Washington, on page 836, I have secured the following figures showing the discounts and deposits of these two banks for the first 11 months in 1927:

Discounts and deposits of two Federal reserve banks

1927	Discounts		Deposits	
	Atlanta	Dallas	Atlanta	Dallas
January	$34,435,000	$5,606,000	$72,723,000	$62,156,000
February	26,738,000	3,215,000	72,531,000	63,763,000
March	31,389,000	3,197,000	71,134,000	63,170,000
April	34,140,000	4,403,000	72,766,000	62,587,000
May	34,625,000	4,670,000	71,126,000	61,645,000
June	32,618,000	6,172,000	68,810,000	59,765,000
July	36,273,000	7,374,000	68,471,000	60,209,000
August	34,671,000	12,742,000	67,482,000	59,759,000
September	31,085,000	10,981,000	68,848,000	63,044,000
October	25,999,000	7,151,000	70,827,000	66,429,000
November	32,695,000	8,388,000	70,412,000	69,165,000
Average monthly	32,242,000	6,718,000	70,466,000	62,880,000

It will be observed that the average monthly deposits of the Atlanta bank exceed those of the Dallas bank slightly in excess of 11 per cent, while the average monthly discounts of the Atlanta bank exceed those of the Dallas bank nearly 500 per cent.

My colleague [Mr. BLACK of Texas] has secured the figures showing a comparison of these two banks from their statements of July 29, 1927, and which he used before the Rules Committee, from which I quote:

The Dallas bank, of its earning assets, had in bills bought in the open market, in round numbers, $9,000,000. That means commercial paper, such as Armour's, Swift's, or the paper of other large concerns. They had in bills discounted which were secured by Government securities, $2,200,000. Anybody can borrow money on Government bonds, either from a correspondent bank or from the Federal reserve bank. The Dallas bank had invested in Government securities $27,933,000. Of their earning assets at that time $39,216,000 were invested in the manner I have just indicated. Of ordinary bills discounted for member banks not secured by Government securities, they had $6,530,000. At that date, the Atlanta bank had of its bills bought in the open market, in round numbers, $10,000,000; of bills secured by Government securities they had $4,834,000, and they owned of United States Government securities $10,383,000, or a total of $25,266,000. Their ordinary bills rediscounted for member banks not secured by Government securities

amounted to $31,000,000, as compared with $6,530,000 of such bills discounted by the Dallas bank.

Stripped of its technical terms so that the average layman will grasp its significance the Atlanta bank on that date had loaned to member banks in its district on the notes of the customers of these banks about $31,000,000, while on the same date the Dallas bank had loaned to the banks in its district on the notes of their customers only about $6,500,000. The Atlanta bank had been five times more liberal in extending credit to the banks in its district than the Dallas bank had been to the banks in the Dallas district.

The statement of the position of those criticizing the Dallas Federal Reserve Bank is so well expressed in a letter which I received recently from a banker in my district that without mentioning his name I desire to read you his letter. The writer thereof I have known for over 20 years. He is a safe, conservative, and successful banker. He is a man of sound judgment, free from prejudice or passion, and his words always carry conviction with those who know him:

FEBRUARY 21, 1928.

Mr. LUTHER A. JOHNSON,
Member of Congress, Washington, D. C.

DEAR MR. JOHNSON: I am taking the liberty to write to you to solicit your interest and earnest consideration of the question that has so thoroughly aroused the country bankers of this Federal reserve district; that is, the removal of the present governor, Mr. Lynn Talley. You are thoroughly aware of the distressed condition of the farmers of the country for the past few years and their urgent need of all the assistance that can be safely given them by the banks of the country and all Government agencies that have been organized for their aid and relief.

The interests of the farmers are so thoroughly interwoven with that of the country banker that whatever affects them affects us and whatever affects us vitally affects them. The country bankers are very anxious to render all the assistance they can to the farmers, who have been so badly in the dumps for the past few years, but deposits in country banks the country over are very low, and their ability to aid is very limited unless they are able to rediscount during the summer months.

The arbitrary methods of the present governor and his utter lack of interest in the problems and welfare of the farmer and country banker make it almost impossible for them to get rediscounts with this bank. In fact, rather than suffer the embarrassment and humiliation of continued refusals, many of us have ceased to have any business with the Federal reserve bank except to keep up our reserve with them as required by law, and have gone back to the old method of borrowing from commercial banks at a high rate of interest and keeping with them compensating balances all through the year. Some have taken the other alternative of confining their loans to such amount as they will be able to take care of with their own resources throughout the year. I do not have any complaint at the Federal reserve system. In fact, I think we are all agreed that its organization was one of the greatest pieces of legislation of the age.

But having to tie up our limited means in its stock and keep our reserve with them without interest and then be deprived of the only privilege they have to offer us, that of rediscount, is a pretty bitter pill. The average country banks are paying their officers and employees very meager salaries and about one out of five for the past few years have been paying any dividends to their stockholders. Yet we are paying this gentleman $25,000 a year (about five times the amount he could command from any commercial bank) for this magnificent service he is rendering us.

It is no small wonder that two or three hundred country bankers have raised such a roar, and this number does not by any means represent the dissatisfied bankers of the district.

A great number of them say, "I feel just as you and the others do about it, but the power of the governor of the Federal reserve bank to withhold or extend credit is such that I can not afford to incur his displeasure." Any consideration you may give this matter will be appreciated not only by me but by hundreds of other country bankers of this district.

Yours very truly, ——— ———.

The complaint and criticism of the Dallas bank comes largely from what is termed the "country banker"—that is, banks of capital of $100,000 or less, located in the smaller cities and towns, and whose loans are largely made directly to the farmer. Naturally, the bulk of the paper which they have for rediscount is of that type to which Mr. Talley is opposed, and the credit to which they are entitled is not extended them, and they are compelled to go to the large city banks and pay a higher rate of interest. The large city banks profit by this policy, since the volume of their loans is larger, and therefore, the administration of the Federal reserve bank is not objectionable to them. The Federal reserve act was designed to serve all, and not the few, and if, in its administration, such is not the result, there is something wrong, either with the law or its administration.

As to the charge of temperamental unfitness of the present governor of the Federal reserve bank at Dallas, permit me to say that while I do not know Mr. Talley personally, I understand he is a man of ability and integrity, but from the statements of bankers made to me, it appears that he is autocratic in his dealings with many of the bankers in that district.

I abhor tyranny. As a Member of this House I voted to impeach a Federal judge who used the power of his office in tyrannical conduct toward others. The House impeached him, and before the Senate could try him, he resigned. One reason why the people cling so tenaciously to the doctrine of State rights is because too often Federal officeholders become arrogant and intolerant. Some of the field income-tax officials who are sent to deal with citizens, it has been reported to me, are not only discourteous, but at times insulting. The American people will not tolerate, oppression from their officials, whether they are elected or appointed, or whether of high or low estate. For one, I am always glad to use the power of Congress in investigating officials of this type, and in taking such steps as may be necessary to protect the people therefrom.

There are some bankers who feel that the criticism of Mr. Talley and his administration of the Federal reserve bank at Dallas is unjust and undeserved. Two bankers in my district, of high standing, have so expressed themselves to me, and there are perhaps others in my district who entertain the same view. The criticism, however, is so widespread and comes from such reliable and conservative sources that it provokes an issue which requires determination by a disinterested and impartial investigation. Indeed, Mr. Talley and the friends of the bank should desire such an investigation, so that if the charge of abuse and discrimination is unfounded his administration and policies would be vindicated.

The officers and directors of the Federal reserve bank at Dallas and the individual bankers of the district are aligned upon one side or the other of the issue, and it would be exceedingly difficult for a board created by them to render a decision that would be either satisfactory or acceptable to the parties at interest. A congressional investigation would furnish a forum where all these matters could be sifted, the truth ascertained, and a just conclusion announced.

It was suggested to me that a discussion of this subject or an investigation by Congress might cause the people to lose faith in the Federal reserve system. I do not share such views. If the Federal reserve bank at Dallas, or any other district, is not properly functioning, it is the duty of Congress to ascertain such fact and, if so, whether it is a defect in the law or the administration, and then correct it by remedial legislation or otherwise.

Mr. SANDLIN. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. KINCHELOE] one minute.

Mr. KINCHELOE. Mr. Chairman, in view of the fact that the McNary-Haugen bill has already passed the Senate and is coming up here soon and propaganda has already been started, I ask unanimous consent to extend my remarks in the RECORD by printing a very interesting letter written by the president of the New York Mercantile Exchange in regard to it; and I would lay special stress on the eighth reason.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. KINCHELOE. Mr. Chairman and gentlemen of the committee, under consent this day given me to extend my remarks in the RECORD, I insert herewith a letter written by Mr. Charles F. Droste, president of the New York Mercantile Exchange, to its members, urging them to write their Members of Congress and Senators to vote against the McNary-Haugen farm bill. I invite the careful attention of the Members of Congress from agricultural districts to the reasons he gives why this bill should not pass, and especially to the eighth reason.

The letter is as follows:

NEW YORK MERCANTILE EXCHANGE.

To members:

Referring to our bulletin of April 7, concerning the McNary-Haugen bill, it is important that individual members write letters of protest to their representatives in the Senate and House of Representatives at Washington, D. C.

The bulletin referred to contained the names of Senators and Members of the House. Some of our members seem to be puzzled as to just what sort of a letter of protest they should write. It is suggested that you can draft a letter taking some of the ideas expressed in the following short paragraphs and enlarge upon them in your own lan-

guage. It is not at all necessary to take all the ideas expressed, but pick out one or two as your subject matter.

First. Objection to the passage of the McNary-Haugen bill because it must finally result in putting the Government in business.

Second. The Government in business in competition with its citizens is manifestly unjust.

Third. Taxation of one group for the benefit of another is unjust.

Fourth. The whole plan is un-American in principle in that it subsidizes one group of citizens at the cost of another.

Fifth. Elimination of competition is unwise in any line of business.

Sixth. The administration of cooperative affairs will probably finally fall to Government instructed agents, such agents having been educated at the expense of all the people.

Seventh. Equalization plan that gives foreigners America's raw materials at less cost than to the American converter is manifestly unjust and unfair.

Eighth. Tinkering with the tariff for the benefit of one group as contrasted with another group of citizens will lead to needless controversy and is manifestly unfair.

As it is quite likely the McNary-Haugen bill will soon be voted upon, you are urged to write at once to your Washington representative.

NEW YORK MERCANTILE EXCHANGE.
CHARLES F. DROSTE, *President*.

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. MCMILLAN].

Mr. MCMILLAN. Mr. Chairman and gentlemen of the committee, I have asked for time this afternoon to bring to the attention of the House a matter which I think deserves the consideration of this body.

The Inland Waterways Corporation is a Government corporation, organized by act of Congress under date of June 3, 1924. This corporation, as you are perhaps aware, is by law under the direct control and supervision of the Secretary of War, with Maj. Gen. T. Q. Ashburn, of the United States Army, as chairman of its board and executive head.

The Inland Waterways Corporation was created for the purpose of carrying on the operations of the Government-owned inland, canal, and coastwise waterways system. I am informed that these operations have been in a large measure very successful, in which event, if true, it has my commendation. But, gentlemen, regardless of the corporation's efficiency and success, it has been recently, in my opinion, grossly derelict in its duty with regard to the award of a contract for the construction of a towboat to be used in its service and manifestly unfair in the award of a contract for the construction for such vessel, and it is to this incident that I desire to address myself at this time.

Last December the Inland Waterways Corporation invited bids from several shipbuilding concerns over the country for the construction of the towboat in question. The Charleston Dry Dock & Machine Co. of Charleston, S. C., was one of the concerns receiving an invitation to bid, and this good concern, which I have the honor to represent as a Member of this body, proceeded to prepare its bid in compliance with the specifications and plans along with six other concerns. These bids, of course, from all concerns were competitive, and it may be said at the outset of my remarks that every concern was to stand, of course, on its bid. The bids were in due course received and opened at the office of the Inland Waterways Corporation on January 23, 1928, and the result of each bid was as follows:

Marietta Manufacturing Co	$233,745.00
The Dravo Construction Co	227,800.00
Howard Ship Yard & Dock Co	214,743.00
The Spear Engineers (Inc.)	207,000.00
Dubuque Boat & Boiler Co	196,000.00
The Charles Ward Engineering Works	192,760.00
Charleston Dry Dock & Machine Co	175,877.65

It may be said here that each company making a bid had a representative present at the time the bids were opened, with the exception of the Charleston Dry Dock & Machine Co. Thus every concern had an opportunity to look over, study, and observe its competitors' figures. You will, of course, observe from the bids as submitted that my people, the Charleston Dry Dock & Machine Co., were the lowest bidders by a wide margin, being $18,000 lower than the next bidder, the Charles Ward Engineering Works.

Now, what can you imagine happened? The representative of the Charles Ward Engineering Works, the next lowest bidder, then and there in the presence of the representatives of the other bidders, with the exception, of course, of the Charleston Dry Dock & Machine Co., who, as I have stated, had no representative present, had the nerve to raise the question of certain alleged indefinite features found in the specifications, or the interpretation of certain clauses therein. Of course no objection was heard from any of the representatives of the other bidders present, because it may be assumed that all the other bidders being higher were already out of court, and their only chance therefore for the job was to be given the privilege of either revising their bids or that all bids be thrown out and new bids submitted. The representative of the Dubuque Boat & Boiler Co. also requested to revise their bids. I quote here a part of letter, under date of January 24, from the Inland Waterways Corporation to the Charleston Dry Dock & Machine Co., which reads as follows:

When the aforementioned determination was made all representatives of bidders had left our office, except the representative of the Dubuque Boat & Boiler Co., who stated, when he had seen our determination, that his company would like to revise their bid in connection with our determination, and that he thought that any other bidders who were in line for consideration for the work would desire to do likewise.

This company, you will observe, assumed therefore to speak for the Charleston Dry Dock & Machine Co., without any semblance of authority from them whatever.

The Inland Waterways Corporation, strange to say, without further ado, permitted a revision of the bids from all parties. I contend that this action on their part was unwarranted and indefensible, especially so when the lowest original bidder, the Charleston Dry Dock & Machine Co., was not even present, consulted, or considered. I maintain, to the contrary, that if the Inland Waterways Corporation officials in charge of this matter wanted to be fair and square with these bidders, they should have instantly thrown out all bids and required entirely new bids to be submitted. It may be said, of course, that the Charleston Dry Dock & Machine Co. did receive notice of the corporation's decision to permit a revision of the bids, but being the original low bidder and having construed the specifications correctly decided to let its bid stand as originally estimated, and not once did it ever believe that the other bidders would be permitted the privilege of revising entirely their bids under such circumstances.

The supplemental bids were required to be on file in the corporation's office on or before January 30. And what do we find on this occasion? The Charleston Dry Dock & Machine Co., the lowest original bidder, did not change the amount of its bid in the slightest, with the exception of an offer to deliver the boat at Mobile for the additional price of $2,000 under its own power or $4,000 if towed.

Mr. Chairman I have a number of letters relative to this matter and ask permission to incorporate them in my remarks and also permission to revise and extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request from the gentleman of South Carolina? There was no objection.

Mr. MCMILLAN. The following letter from the Inland Waterways Corporation to the Charleston Dry Dock & Machine Co., under date of January 24, and reply from the Charleston Dry Dock & Machine Co. to the Inland Waterways Corporation, under date of January 26, reads as follows:

(Governed by the Secretary of War. Maj. Gen. T. Q. Ashburn, United States Army, chairman of the board, executive)

INLAND WATERWAYS CORPORATION,
Washington, D. C., January 24, 1928.

CHARLESTON DRY DOCK & MACHINE CO.,
Charleston, S. C.

GENTLEMEN: Bids were opened in this office on yesterday for the construction of a towboat for our use on the Warrior River in accordance with plans and specifications furnished you. The bidders were as follows:

Marietta Manufacturing Co	$233,745.00
The Dravo Contracting Co	227,800.00
Howard Ship Yard & Dock Co	214,743.00
The Spear Engineers (Inc.)	207,000.00
Dubuque Boat & Boiler Co	196,000.00
The Charles Ward Engineering Works	192,760.00
Charleston Dry Dock & Machine Co	175,877.65

All of the bidders stipulated for 240 days as time for completion except the Charles Ward Engineering Works, who stipulated for 270 days.

In connection with its bid the Charles Ward Engineering Works called attention to certain indefinite features found in the specifications. When an analysis of the bids was attempted it was found to be advisable to determine as nearly as possible at this time these features which the specifications left somewhat indefinite and submit this determination to the bidders.

To this end you are now informed, with reference to the following listed items in the specifications that the following remarks in connection with them are now made with the intention on our part that the bidders consider these remarks as if they had been originally embodied in the specifications:

1. Generators: The specifications call for two 50-kilowatt alternating-current generators, either turbine or reciprocating, engine driven. The following will be accepted: Engberg 50-kilowatt direct-current generator. (This should mean reduction in cost of $400 per generating unit.)

2. Main engines: Nordberg.

3. Main boilers: Babcock & Wilcox, as per the specifications and proposition they made to bidders.

4. Boiler feed pumps: Worthington, 10 by 6 by 12.

5. Fans: Forced draft fans are not included but will be considered as a part of the fuel-burning equipment that is to be furnished by the owner.

6. Fire, bilge, and sanitary pumps: Worthington, 8 by 5 by 12.

7. Fresh-water pump: Worthington, 1½ U horizontal centrifugal pump.

8. Condensing equipment: Worthington, with their 1,542 square feet condenser and their 1,400 gallons per minute circulating pump; their steam air ejector and their hot-well pump as specified in the proposal furnished bidders, excepting the condenser is to have a plate-steel shell instead of the standard cast-iron shell as shown in their specifications.

Also note that the centrifugal pumps will be driven by direct-current motors in place of alternating-current motors.

9. Capstans: Will be of the type described in the attached specifications as applies to the side and stern capstans, the forward capstan to be of the Iowa Machine Works type or equal, which figures at $2,200, f. o. b. Clinton, Iowa.

10. Radiators: Iron radiators are acceptable.

11. Boats (paragraph 53 of specifications): In lieu of the specifications read as follows:

Two boats, one with scow bow and one with model bow, of sufficient dimensions to accommodate 24 men. Boats to be located, one on port and one on starboard side. Both boats to be equipped in accordance with the standard regulations. The sides of these boats to be of cypress and the bottom, scags, ribs, etc., of white oak. Three boat chaulks per boat made of oak and secured to deck to be installed. (NOTE.—This change in specifications eliminates outboard motor.)

12. Anchors (paragraph 71): Builder is relieved from furnishing anchor; same will be supplied by owner.

13. Galley (paragraph 73 of specifications): The owner agrees that the range to be selected by it will not exceed a cost of $300.

14. Searchlight (paragraph 28 of the machinery specifications): 1,000-watt light made by Carlisle & Winch Co. will be satisfactory unless owner is able to inform contractor of source of supply of more satisfactory light of no greater cost.

15. Transformer (paragraph 30, machinery specifications).

With direct current as provided for above, transformer need not be installed.

16. Wiring (paragraph 31 machinery specifications): All transformers are eliminated.

17. Test (par. 36, machinery specifications): Paragraph 4 of machinery specifications provides for certain equipment to be installed at owner's cost. The owner will protect the contractor against any expense directly pertaining to such testing and/or preparing of such equipment as may be found to be necessary preliminary to the test mentioned in paragraph 36 of the machinery specifications.

When the aforementioned determination was made all representatives of bidders had left our office except the representative of the Dubuque Boat & Boiler Co., who stated, when he had seen our determination, that his company would like to revise their bid in connection with our determination, and that he thought that any other bidders who were in line for consideration for the work would desire to do likewise. For this reason this letter is written to you, in order that you may, if you desire, revise your bid in line with this letter, and let us have your revision on or before Monday, January 30. Upon receipt of this revision from all of the bidders, or, at any rate, on the date last above named, we will proceed to further analyze the bids and determine whether or not the contract is to be let under any of the bids.

In connection with this revision of your bid, you are informed that you may state, as a separate item and in addition to the amount of your bid, a bid covering the cost of your guaranteed delivery of the boat contemplated to any point on the Mississippi or Warrior Rivers now reached by the tows of the Inland Waterways Corporation. This should be stated in such form as to permit incorporating in the contract of construction that may be drawn a provision that delivery is to be made by you at such point on the Mississippi or Warrior Rivers as is designated by you in such terms as will cast upon you and your bondsmen responsibility to make good any defects in the boat appearing within 12 months from the date of delivery, to have been caused, either directly or approximately, by strains or injury sustained on the trip from your plant to the point of delivery.

In connection with such a bid it is desired that you state the guaranteed number of days required by you, in addition to the days allowed for construction, to accomplish the delivery. Such a bid is not definitely required, but if received from you it would facilitate our analysis of the bids.

Please let us hear from you in these regards as quickly as possible.

Very truly yours,

T. Q. ASHBURN,
Major General, United States Army, Chairman and Executive.
By CLARK C. WREN,
Assistant to the Chairman.

JANUARY 26, 1928.

INLAND WATERWAYS CORPORATION,
1016 Munitions Building, Washington, D. C.
Attention of Maj. Gen. T. Q. Ashburn.

GENTLEMEN: Replying to your inquiry of the 24th in regard to bid submitted for towboat, we would like to answer this in form of your inquiry:

Item 1. Generators: We estimated on Westinghouse generators and did not figure on Engberg.

Item 2. Main engines: We estimated on these as specified.

Item 3. Main boilers: Babcock & Wilcox, as specified.

Item 4. Boiler feed pumps: Worthington, as specified.

Item 5. Fans: We figured as specified.

Item 6. Fire, bilge, and sanitary pumps: Worthington, as specified.

Item 7. Fresh-water pumps: Worthington, as specified.

Item 8. Condensing equipment: We figured on Worthington 1,542 square feet, condenser and their 1,400 gallons per minute circulating pump; their steam air injector, their hot-well pump as specified in the proposal furnished bidders; but we did not figure on a plate-steel shell. We figured on cast-iron shell as steel-plate shell was not mentioned in specifications.

Centrifugal pump: We will make it direct, as specified.

Item 9. Capstans: We could not get quotation on Clay, and as specifications were marked "or equal," we figured on using the American Engineering Co.'s capstans, which heretofore have always proven satisfactory.

Item 10. Radiators: Correct.

Item 11. Boats: We figured on item 11 as specified.

Item 12. Anchors: As specified.

Item 13. Galley: We figured on a Shipmate range, which covered the specifications.

Item 14. Searchlight: As specified.

Item 15. Transformer: As specified.

Item 16. Wiring: As specified.

Item 17. Test: Your specifications were understood by ourselves and we made bid in accordance with these specifications.

In regard to delivering this boat, we delivered for the United States Engineers one towboat and one snagboat; one being delivered to Apalachicola and one to Mobile. The latter now runs on the Warrior River, we understand. We will agree to deliver this boat to Mobile, which we understand is the entrance to the Warrior River. The maximum price will not exceed $2,000. We believe it can be delivered a little cheaper, but we are giving you a maximum price. We believe it will have to be delivered with a crew of at least 20 men, as she will run continuously outside from Charleston to Mobile. This also pays for the railroad expense and return of the crew to Charleston. If it is delivered this way, we would have to ask that you furnish necessary bedding and equipment so as to take care of the crew. We understand this equipment would have to be furnished anyhow.

On account of the short duration of time to get this information, the insurance generally amounts to 1½ per cent for full marine risk. You did not ask for this last item, but we are giving you this information. If we had time to secure quotations, we might get this delivered from three-fourths to 1 per cent, as at times we have gotten insurance as cheap as this.

When we made this bid on the towboat, we made it with the full understanding in our opinion that we would give you a first-class towboat, properly built under your specifications and drawings. We ask that you get in touch with the United States Engineer Department, which will tell you whether we are reliable or not. We have just completed within the last three years four boats for them, two of which were delivered in the Gulf.

In regard to the steam capstan, if you prefer these built by the W. A. Riddell Co., of Bucyrus, Ohio, we will be very much pleased to substitute these in place of the ones of the American Engineering Co.

It will take six days to make trip from Charleston to Mobile, weather permitting; or we will agree to send boat in tow of our ocean-going tug, the cost of which will be $4,000. We feel confident from the advice of our towboat captain that there will be absolutely no danger in sending this vessel under her own steam. Of course, you realize that you will have to add insurance. We will be very glad to get this insurance for you if the above information is of interest.

Very truly yours,

CHARLESTON DRY DOCK & MACHINE CO.,
C. V. BOYKIN, *General Manager.*

But the Ward Engineering Works and the Dubuque Boat & Boiler Co. submitted revised figures that were identical. Each bid $182,000 against the Charleston concern of $175,877.65, the Ward people reducing by $9,000 and the Dubuque people reducing $14,000, but both as you clearly see still $6,000 higher than the Charleston concern.

It can be successfully stated here, without fear of contradiction, that the items opened to interpretation of the specifications as raised by the representative of the Ward Engineering Works at the time the original bids were opened on January 23 could not have affected the two original bids of the Ward and Dubuque concerns to the extent of $9,000 and $14,000, respectively.

The Charleston concern, as is shown in their letter to the Inland Waterways Corporation under date of January 26, offered to deliver the boat at Mobile for a maximum price of $2,000 under its own steam or $4,000 if towed. But in spite of this offer, and still several thousand dollars less, including the cost of either method of transportation, the Charleston concern was no longer considered as eligible bidders by the Inland Waterways Corporation, it being alleged by the corporation that their engineers had advised them that it would not be safe to take the boat for the trip by sea, although invited to submit a bid at a cost to them of $400 or $500. What strange and expert advice this, at so late a date! Why was not such advice forthcoming from these experts long before the bids were asked for?

My people as a result of this very strange, ridiculous, and absurd advice on the part of the engineers were then kicked out in the cold and the race of professional bargaining permitted to continue between the Ward Engineering Works and the Dubuque Co., with identical bids of $182,000 each. These two survivors were then permitted to run another race, with the result, according to General Ashburn, that the Ward bid dropped to $170,900, who finally landed the contract. What a proceeding! The Charleston Dry Dock & Machine Co., the original lowest bidder, kicked out on the pretense regarding the safe delivery of the boat to Mobile, and the Ward concern, awarded the contract by a series of successive bargainings permitted at the expense and unfair methods accorded the Charleston Dry Dock & Machine Co.

This entire matter has created much comment and speculation throughout marine circles of this country. I desire at this time to have the clerk read an editorial appearing in the Marine News, one of our leading marine publications, in its April issue, covering this case. It is headed "Bargaining rather than competitive bidding." It covers this transaction fully, and very properly states that bids handled in this manner lose all the value which attaches to the competitive-bidding system, and the system becomes one of bargaining rather than bidding.

The Clerk read as follows:

BARGAINING RATHER THAN COMPETITIVE BIDDING

The preparation of plans and specifications for the building of an ocean liner is, as a rule, an involved undertaking, and the naval architect requesting bids from prospective builders can not be too careful in wording the specifications so that they may be easily and readily understood by all concerned, thus assuring positive and fair competition. It would appear that this same principle would apply in the drafting of specifications and plans for smaller craft, but in certain instances such has not been the case. The resulting confusion has led to misunderstandings and revisions of bids, resulting in awards which, on the face of them, have appeared unfair to the original low bidders. When the contract has been signed, the initial low bidder has been left standing, so to speak, out in the cold, while another who has had the advantage of studying the other fellow's figures walks off with the prize.

An example of such a condition is found in the recent taking of bids by the Inland Waterways Corporation, owned by the United States, for the construction of a twin-screw towboat for inland river service. The plans and specifications were prepared by War Department engineers who should be, by reason of their past experience, thoroughly capable of such an undertaking.

In response, bids were submitted by seven reputable shipyards, most of which had already figured in the building of similar craft. After the bids had been opened in the presence of a number of the bidders' representatives, the question was raised by a certain representative as to the interpretation of certain clauses in the specifications. Whether this was due to a lack of comprehension on the part of the bidder or to a possible lack of clarity in the specifications we can not say, but are inclined toward the latter belief.

At any rate, all bidders were subsequently communicated with, the letter of the Inland Waterways Corporation specifically interpreting the sections of the specifications believed to be subject to misunderstanding. The original low bidder, who had in practically every instance construed the specifications correctly, elected to let his bid stand, never believing that other bidders would be extended the privilege of revising their bids under these circumstances.

However, the opportunity to do so was afforded the other bidders, with the result that one of these shipyards reduced the figure some $9,000, while another cut the figure by $14,000, bringing their prices exactly even, but still some $6,000 higher than that of the original low bidder. It is quite safe to here point out that the alteration of figures relative to the items open to interpretation would not have affected these two original bids to the extent of $9,000 and $14,000, respectively, but having the added knowledge of the original low bidder's figures, these other yards possessed a decided advantage. In addition to the cost of construction, it was known that the award would depend to a certain extent upon the cost to the Inland Waterways Corporation of delivering the boat to Mobile, Ala., from which point it was to operate.

It must here be pointed out that the plant of the original low bidder is situated in a South Atlantic port, and when the amended bids were analyzed the War Department engineers decided that the boat was not designed for a trip in the open sea and it would be dangerous to attempt to make it, notwithstanding the fact that this same shipyard has comparatively recently built and delivered two boats for the War Department, delivering them in this manner in each case.

The original low bidder offered to deliver the boat at Mobile for a maximum price of $2,000 if operated under its own power or a maximum of $4,000 if towed, but it was decided that the prices offered by the other bidders would be less than the probable cost of construction and delivery if the contract was awarded to the South Atlantic builder.

Under these circumstances, the offer of the original low bidder was not further considered, and negotiations with the tied bidders resulted in a further revised bid from one of these which was approximately $4,000 less than the price of the original low bidder, and the contract awarded accordingly.

There are many points here which, to say the least, are open to criticism, all a result of loosely drawn specifications which resulted in misunderstandings. Specifications should be so worded as to make further explanations or interpretations unnecessary. Clauses or sections of specifications should be questioned by bidders before submitting tenders—not after bids are opened and all concerned have had the privilege of examining competitive figures. If questions arise which cast any serious doubt upon the proceedings, all bids should be rejected, new specifications should be issued, and entirely new bids asked.

And, most important, yards not considered capable of performing the work by reason of geographical location should not be encouraged to submit bids only to have them rejected by reason of some later discovery. The preparation of an estimate for vessel construction costs a shipyard considerable money, and the practice of accepting bids which, later, for some reason or another can not be considered, results in demoralization in the industry and consequent loss of faith in the good intentions of the concern or individual requesting bids.

Bids handled in this manner lose all the value which attaches to the competitive bidding system, and the system becomes one of bargaining rather than bidding.

Mr. HERSEY. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. Yes.

Mr. HERSEY. Has the gentleman a bill carrying out his intentions here to have some investigation made of this matter?

Mr. McMILLAN. I have no bill. I am simply calling this matter to the attention of the House. It is a condition that has arisen, that is not right, unwarranted, indefensible, and the door closed against the lowest original bidder.

Mr. HERSEY. Does the gentleman intend to follow this up by proposed legislation?

Mr. McMILLAN. Yes; by a formal resolution asking for an investigation.

Mr. LAGUARDIA. This is a governmental agency?

Mr. McMILLAN. Yes. And in this case competitive bids were asked for, and the Charleston Dry Dock & Machine Co. invited and were the lowest bidder by $18,000.

Mr. BLANTON. And it is still keeping up its batting average at 1,000 by still being the lowest bidder?

Mr. McMILLAN. Absolutely; until they were fired by the manager and put on the bench and two substitutes permitted to run a race in their place to see which would finally land the job.

Mr. Chairman and gentlemen, it is not my purpose to longer detain the House on this matter. I will, however, insert a few communications I have received from my people expressing to me their views, feelings, and disappointments at the consideration they have received. I am frank to say that I have gone very thoroughly into this case, and I am convinced beyond a question of doubt that the Charleston Dry Dock & Machine Co. has been given a raw deal. Such transactions as this practiced and carried on by responsible officials of this Government do not invite confidence and good will on the part of our people. It should be remembered by public officials of whatever station that their actions are always observed, and in no event should

they permit anything to be done that will reflect upon their sense of fairness and to maintain at all times that principle of "special privileges to none and equal opportunities to all."

CHARLESTON DRY DOCK & MACHINE CO.,
Charleston, S. C., February 2, 1928.

The Hon. THOMAS S. MCMILLAN,
Washington, D. C.

DEAR SIR: In December we received an invitation from the Inland Waterways Corporation, Maj. Gen. T. Q. Ashburn, chairman of the board. This bid was opened around January 21, and we were notified that we were low bidders by the bonding company. On January 24 we received letter from the Inland Waterways Corporation, a copy of which we are inclosing. You will note that we were considerably lower than the others. You will also note that the bid stipulated 240 days and the boat was to be delivered to the Government at Charleston. Consequently, we being so much lower we did not think there was any difficulty about our securing the contract. This morning, through a confidential source, I received information that our bid was to be thrown out and the next bid awarded the job.

Could you kindly call on these people and ask them what would be the prospects of our getting this work? Then we will leave to your discretion the answer in case they say that same has been awarded. It strikes me that the Government should not put contractors to the expense of making estimates and furnishing plans and then, when they are low bidders, throw them out.

Last summer we bid on a ferryboat for United States quartermaster to run at Governors Island, N. Y. This boat was under the command of General Cheteman. We were also low bidders on this boat. It ended up by our losing this also.

It looks like we people in the South have two privileges: Paying taxes and fighting. Please look into this and let us hear from you.

Of course, you readily understand the moment we start influence and they are forced to give us work, they can put such objectionable inspectors here that we could not possibly come out on the right side of the ledger.

Awaiting your reply, we remain,

Yours very truly,

CHARLESTON DRY DOCK & MACHINE CO.,
C. V. BOYKIN, *General Manager.*

CHARLESTON DRY DOCK & MACHINE CO.,
Charleston, S. C., February 7, 1928.

Hon. THOMAS S. MCMILLAN,
House of Representatives, Washington, D. C.

DEAR SIR: Many thanks for your letter in regard to the Government contract. For your information I am sending you copy of the Marine News. If the Inland Waterways Corporation had rejected all bids and called for new bids we would not have felt so badly in regard to this contract, but to deliberately throw out the low bidder and award same to the next bidder, with a difference of $18,000, we can not understand.

We understand that Ward made a statement that we could not deliver this boat. For your information we have built one for Wilmington, N. C., and delivered same, and two for the Mobile district and delivered these also. In fact, these three boats were of much weaker construction than this one.

In regard to time, the Government themselves set the time at 240 days.

There is evidently some serious leakage in this department, and we would appreciate it if you will get behind them all you can.

Very truly yours,

C. V. BOYKIN,
General Manager Charleston Dry Dock & Machine Co.

CHARLESTON DRY DOCK & MACHINE CO.,
Charleston, S. C., February 13, 1928.

Hon. THOMAS S. MCMILLAN,
Washington, D. C.

DEAR SIR: We thank you very much for the trouble you have been put to in regard to the Inland Waterways Corporation's boat.

General Ashburn's reply certainly is a poor one. If you will look at the inquiry which they sent us after the bids were opened you will see yourself that not once did they ask us in that to revise our bid. They simply stated that some of the bidders did not understand some of the questions in the Government proposal and you will see in our reply that we told them we would be willing to furnish a boat absolutely to their specifications. Not once did they ask us to revise our bid. In another part you will see that we told them that we had delivered four boats of weaker construction to the United States Government, two of which were delivered from here to Mobile, and the Government has been using them for the past two years; and in our contract for this boat is contained a clause that if it showed any structural weakness for the first year we would have to make same good. For the life of me, we can not understand why they asked us to bid, knowing at the time about transportation. It costs us about four to five hundred dollars to get up these estimates.

Thanking you once again for your interest, we remain,

Very truly yours,

CHARLESTON DRY DOCK & MACHINE CO.,
By C. V. BOYKIN, *General Manager.*

Mr. SANDLIN. Mr. Chairman, I yield 30 minutes to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, the idea of Federal aid to highway construction is by no means a new one. It was in the minds of Washington, Jefferson, and the other founders of this Republic.

Our Government embarked upon the plan of Federal aid to help the States build their highways in 1917. I am very proud of the fact that I had something to do with the adoption of the original Federal aid act. I introduced a bill several years since which was considered with others, introduced on the subject of Federal aid to highways, and resulted in the best features of all being merged into what later was known as the Shackleford Act. Congressman Shackleford was chairman of the committee, and the bill bore his name, and properly so.

How well the work has progressed since the Federal Government joined in it with the several States is a matter of common knowledge. There are now highways and roads where there were formerly none and where there perhaps never would have been any if the Federal Government had not helped. It has meant great progress in many material ways. It was constructive and worth-while legislation. Some of the States were building on their road programs, but it was an expensive undertaking on the part of the States, and it was progressing so slowly it would have taken many years to have done what has been accomplished in 10 years' time through Federal aid. No money appropriated or expended by the Government so greatly benefits the masses of the people as that spent on the highways, for it helps everybody.

The help from the National Government takes half the burden from the shoulders of the counties and States, and to that extent is an enormous saving to the counties and States. But for Federal aid the counties and States would be very heavily taxed to build their roads.

The total amount apportioned for all the country from 1917 to 1927, inclusive, for Federal-aid projects is $671,357,000. Of this Georgia has received $18,431,953. For this the people of Georgia are grateful. It is enabling that great State of almost unlimited resources to more rapidly build her roads than she could have otherwise done, which in turn will materially help in the development of our wonderful resources that are almost as yet untouched.

Just how these Federal-aid funds have been apportioned to the several States will be of interest, so I am going to read into the RECORD a list that has been compiled by the Bureau of Public Roads, which is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS.

Apportionment of Federal aid to States fiscal years 1917–1927

Alabama	$14,349,455
Arizona	9,617,249
Arkansas	11,605,804
California	22,072,815
Colorado	12,325,812
Connecticut	4,333,681
Delaware	2,474,058
Florida	8,084,954
Georgia	18,431,953
Idaho	8,559,627
Illinois	29,832,198
Indiana	18,204,355
Iowa	19,485,563
Kansas	19,464,411
Kentucky	13,212,809
Louisiana	9,272,403
Maine	6,464,828
Maryland	5,925,057
Massachusetts	10,108,726
Michigan	20,342,365
Minnesota	19,591,780
Mississippi	12,128,018
Missouri	22,786,436
Montana	13,424,885
Nebraska	14,635,235
Nevada	8,795,215
New Hampshire	3,169,492
New Jersey	8,467,420
New Mexico	10,972,386
New York	34,045,195
North Carolina	15,717,206
North Dakota	10,748,659
Ohio	25,731,796
Oklahoma	16,059,787
Oregon	10,879,347
Pennsylvania	31,338,781
Rhode Island	2,667,569
South Carolina	9,801,524

South Dakota	$11,166,790
Tennessee	15,280,591
Texas	40,606,431
Utah	7,818,779
Vermont	3,268,507
Virginia	13,501,514
Washington	10,145,776
West Virginia	7,352,511
Wisconsin	17,438,815
Wyoming	8,566,274
Hawaii	1,100,153
Total	671,375,000

It is my privilege to be a member of the great Committee on Roads in the House, which has to do with the authorizations for this Federal aid, and I have taken a deep interest in the work of this committee. It appeals to me because it is constructive, beneficial, and useful work. While great progress has been made in highway construction in the short time Congress has been making these appropriations, it is not progressing as rapidly as it could or as it would if the work were speeded up by greater help from the National Government. Ten years of Federal aid convinces us that it has been and is worth while, but it also convinces us if we are to have a national system of improved highways in our lifetime we must double our energies, fix a definite program, and carry the work to completion, not alone for future generations but for our own use in the present generation.

Several highway associations, through their respective representatives, all claiming to be the "father" of the Federal-aid idea, appeared before our committee and were heard, leaving a mass of information, most of which we already had. Nearly all of these so-called highway associations made themselves ridiculous in that they came with formal resolutions declaring in favor of Federal aid and that the amount should not be less than $75,000,000 per annum, as if anyone opposed Federal aid and as if anyone ever expected any less than $75,000,000 per annum. The result is they are going to get only the $75,000,000, and why? Because they did not ask for more. If they had come in here asking for a larger expenditure in this important work they could no doubt have convinced the President, the Department of Agriculture, the Director of Public Roads, and the committee that more Federal funds could be used each year on Federal-aid highways, and instead of a $75,000,000 bill, which we will likely pass, those associations could have strengthened the hands of those of us standing for larger appropriations for this work, that means so much to all the people, and we would no doubt have gotten out a bill carrying $100,000,000. But these associations all seemed to be content for the work to go on at the extremely slow rate it is going. They failed to show that progressive spirit that such associations ought to have. Then there is a quiet, hidden, and mysterious influence, quite strong and effective, carrying a constant threat that highway appropriations are doomed unless the tax on automobiles is restored. This is all a bluff. The administration would not dare defeat the roads bill, nor would the President dare to veto it. This road work is too close to the hearts of the American people. The tax should come off the automobiles and likely will if the few patriotic Republicans who voted with the Democrats stand by their convictions and continue to stand by the people.

The Committee on Roads—at least, a majority of the committee—has reported to the House a bill carrying only $75,000,000. Messrs. ALMON, HUDSPETH, GARDNER, CANNON, and I have filed a minority report favoring $100,000,000 per year for two years. In this way the work would be speeded up and the States, already willing and anxious to match these funds, would get their highways completed and the people would get full benefit and enjoyment now instead of waiting eternally on the slow progress being made.

In certain quarters it is argued that certain States of great wealth, like New York, Pennsylvania, and a few others, pay nearly all the income, inheritance, import, and other taxes, and that the States like Georgia, South Carolina, and other States where there is not so much wealth get their proportion of the Federal funds. These big, wealthy States ought to remember that they have grown rich out of the tributes paid to them by Georgia and the other States that are not so wealthy and that it is just and right that these funds go to the common good of building highways in all the States for the use of all the people, and these more wealthy States ought to be glad to contribute to this great and important work.

The question of the auto tax ought not be considered in connection with this or any other governmental expenditure. Certainly it is in no sense linked with the road question, as some try to argue. Rome built roads and no auto was then contemplated. There was no auto tax in this country when this Government passed its first Federal aid act in 1917. It is just propaganda to which no attention should be paid and is unworthy of those using the threat to defeat road legislation if we insist on tax reductions.

If we build for the peace and happiness of our people we will act wisely. The amount we are spending for roads each year is not a drop in the bucket to what we are spending in the aggregate on the Army, Navy, and for other governmental purposes. We should build our highways, improve the waterways, and do other things that make for the material internal development of our country. It all helps in the development of commerce and adds to the comfort and happiness of the people. Ours is now approximately a "four and one-half billion dollars Government" in its annual expenditures. It is startling to think that 82 per cent of all the money spent by our Government is for past and future wars; that is, in paying pensions, bonuses, and other war obligations that have come to us as the result of past wars and in keeping up an adequate Army and Navy, required for our national defense in the future.

I am quoting from the report of the Secretary of the Treasury recently sent to Congress, in which he says:

> When the average citizen grumbles over the size of his income-tax payment he often visualizes his hard-earned money being spent by the Government to compile reports on business or agricultural conditions, or to erect public buildings, send diplomats abroad, carry on scientific investigations, or make and enforce laws. As a matter of fact, a small part of the taxpayer's dollar goes into work of this sort, only about one-sixth being used for all the multitudinous types of ordinary civil functions added together. One-half of each tax dollar is used for the service of the public debt. * * * The remaining one-third of the taxpayer's dollar is spent on military expenditures for national defense or payments to military veterans.
>
> * * * In modern times the Federal tax burden of one generation is largely determined by the military activities of the preceding one. In the fiscal year 1927 expenditures for interest on the public debt exceeded by over $140,000,000 the aggregate amount of ordinary civil expenditures and exceeded the amount of all retirements of the public debt by nearly $70,000,000.

These figures are illuminating and speak volumes. If we spend more on internal improvements that make for the material welfare and permanent good of our country, perhaps there would be less to be "grabbed off" for big armies and navies.

Citizens of all States use the public highways. They are open to all, and the whole country should pay for the highways. I realize that it falls heavier upon the more wealthy States than on the less wealthy ones, but if we are to have a system of roads that will connect up the various States so that traffic can move uninterrupted over good highways, the States that are able to do it should pay for it and relieve the poorer States of the burden, for, after all, the highways are for the use of all.

I will not attempt to give the miles of road in all the States effected by Federal aid, but I do want to give some data as to Georgia. The Federal aid highway system in Georgia includes 5,558 miles, of which 2,369 miles have been improved with Federal aid. This has cost over $36,000,000, one-half has been paid by the National Government. What a saving to Georgia and to Georgia taxpayers!

This is the greatest and richest nation on earth. The interest on the money other nations owe us would more than pay our annual expenditures on roads and erect all the public buildings we need if we could just collect it. Instead of dallying around canceling the debts France and other nations owe us, we ought to insist upon the payment to us of these debts of honor due by other nations and quit talking "poor mouth" when it comes to spending something on our highways. We ought to see how fast instead of how slow we can do the job, and we ought to enter quickly upon a definite program of building highways out of concrete and other permanent materials with the view of giving the people of this country a completed system of highways in the next few years. Work of this kind will live as a perpetual monument to the men who make it possible. [Applause.]

Mr. SANDLIN. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, there was sent to this House to-day, and it is now on the Speaker's table, the only farm-relief measure that this session of Congress will ever see. We ought to take it off of the Speaker's table and pass it here this evening. Another body, knowing that the President of the United States in the last Congress vetoed just such a measure, has sent it back to us again for consideration. That body knows that if such a bill becomes a law it must override another presidential veto.

Mr. FLETCHER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In a moment I will yield gladly. Our Committee on Agriculture is not proposing to submit to this

House at this session any other measure, and it is a simple question of the buck having been passed to us and letting the farmer continue to hold the bag.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes; I yield to the ablest and most distinguished parliamentarian this House of Representatives has ever had.

Mr. CANNON. Does not the gentleman think it is significant that the Senate in passing this buck to the House, passed it by 4 votes more than the two-thirds necessary to override such a veto if it should come?

Mr. BLANTON. I am afraid that is not quite the case, I will state to my good friend from Missouri. The bill passed by 53 votes, and 53 votes are not two-thirds of 96.

Mr. CANNON. But the gentleman will recall that there were sufficient men paired to make it a two-thirds vote.

Mr. BLANTON. I do not remember that, if that is the case. My remembrance is there were 6 other votes paired in favor of it. I now yield to the gentleman from Ohio [Mr. FLETCHER].

Mr. FLETCHER. Mr. Chairman, is it precisely the same bill that the President vetoed before?

Mr. BLANTON. It contains the same economic principles to which he launched his objections and which caused the veto. It is the old controversy and the old conflict of interest which has forever in the past and which forever in the future will continue to exist between the millions of consumers in the great cities like New York, Philadelphia, Baltimore, Chicago, and St. Louis, and the conflicting interests of the rural population who produce what city people eat and wear. It is the interest of the consumers in the city against the producers in the country. If you could solve that problem, then you could get relief for the farmer.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LAGUARDIA. It is not exactly the consumers the gentleman means. He means those in the city who control these farm products.

Mr. BLANTON. I regret that I can not yield further. I heard a former distinguished colleague of the gentleman from New York, the late Bourke Cockran, say from this floor that he was going to speak frankly; that he was going to tell the truth. He said he represented 5,000,000 consumers in New York City who wanted everything the farmer raised, everything they ate and wore, as cheaply as they could get it.

He was not in favor of raising prices for the producers. There is the situation that we must face, and I have reached this conclusion: That however much I have opposed some of the uneconomic provisions of this so-called McNary-Haugen bill, since it is the farmer who is being kicked around here like a football in Congress, I am going to do just as I did last year on the question—I am going to vote for it when it comes up as the only chance on earth for the farmers of this country to get any relief. [Applause.] I am going to vote for every single measure that is brought up before this Congress until we adjourn that has any promise whatever of relief for the agriculturists of this land. They are the only ones who work with their hands who have not been granted a living wage. They are the only ones—6,500,000 heads of families in this country—who are not getting a living wage, and some of their families are suffering for the necessities of life. I am going to vote for every single measure that is brought here that promises them any relief whatever.

Mr. GARBER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. No. I regret I can not yield further in my limited time.

Now, I want to speak about another subject. When I first came to this Congress here in the District of Columbia there was what was termed the 50–50 system. The people of the United States back in Wisconsin, in Maine, in Texas, in California, and the rest of the 48 States, paid one-half of all the civic expenses for every person who lived in this Nation's Capital. They paid half the cost of these million-dollar bridges here; the million-dollar bridge up on Connecticut Avenue, for instance. They paid half the cost of these fine school buildings here, some of which cost several million dollars, like the Eastern High School, like the Central High School, like the Western High School, like the Business and the Tech; many of them being splendid buildings here. They paid half the cost of all the salaries of the 2,500 school-teachers here, half the cost of all the free school books, and the playgrounds. They paid half the cost of the lighting system here, and of the sewer system, of the street-cleaning system, of the ash-gathering system, of the trash-gathering system, of the tree planting, of the tennis courts, and municipal golf links, and all the amusement parks. They paid half the cost of all the municipal buildings here for the people. They paid half the cost of the hospitals and the municipal courts of this big city. They paid half of everything, and the tax rate at that time, based upon the existing 50 per cent valuation, was only 90 cents on $100.

A few of us here began to fight that iniquitous, infamous system on behalf of the people of the United States, and we made ourselves very unpopular with the press of Washington. The press of Washington did not like us to get up and fight their system which made the Nation's Capital the mecca and the haven for the tax dodgers of the United States.

I remember I gathered statistics on this question. I got the tax rate from every mayor of every city of importance in the United States, and I printed those statistics in the CONGRESSIONAL RECORD, and I spent my good money out of my pocket to have a reprint made in the Government Printing Office, and I got the addresses of prominent citizens in the 48 States of the Union and scattered those statistics from one end of the United States to the other, and other Members here began to help us to fight on it, and we finally abolished that.

Then we got what is called the 60–40 system. That was the first step toward doing justice to the taxpayers of the United States. In other words, our taxpayers at home paid all their own local taxes and all their own civic expenses, and then they paid 40 per cent of all the civic expenses of the people here in Washington. We abolished that 60–40 system. Our friend from Michigan [Mr. CRAMTON] got an amendment passed to make the contribution of this Government only $9,000,000; $9,000,000 to be paid each year out of the Federal Treasury toward the civic expenses of Washington, besides several other million we annually give the people here.

These local newspapers ever since then have organized the biggest lobby here I have ever seen in my life. They have filled their editorial columns, the Evening Star, especially, trying to get back to the 60–40 plan first and they hope for the 50–50 plan later. They have filled our desks and mail boxes with their propaganda. The other body has just voted that iniquitous 60–40 system back into the District of Columbia appropriation bill that we sent over to them. That bill is back before this House now, and it will be called up here out of conference in a few days, and I hope the membership of this House will prepare itself to meet the issue like men and do unto it what should be done in behalf of the people of the United States, namely, kill it by such a decided vote that it will never be brought up again on this floor.

Do you know what it will mean to your taxpayers back home if you vote to sustain that Senate amendment? It will mean an extra $10,000,000 that is to be taken out of your tax-payers' pockets and paid on account of the civic expenses of the favored few who have the privilege of living in the Nation's Capital. What are you going to do about it? Are you going to just let it come up here and vote it in, with hardly any consideration? Are you going to let just a few of us get up here and fight against it, and then proceed to vote it in? Are you men who are interested in the people back home going to be here on this floor prepared to meet it and kill it by your vote?

Mr. McKEOWN. We have always voted that down in the past.

Mr. BLANTON. Yes, we have; but another body continually tries to put it back again, and sometimes we get careless and sometimes we go to sleep, as it were, at the switch.

In the dying days of Congress, when our minds are filled with politics and when we are thinking about the hustings back home, when we are not engaged so much upon what is going on in this Chamber as we are concerning that which goes on in our various districts, we get a little careless. When the bell rings we do not come over always, and when a yea-and-nay vote is on we sometimes pair ourselves when even the man with whom we are marked paired does not know what the vote is on.

Mr. SANDLIN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SANDLIN. The gentleman does not think it would interfere with our duties here to think about the hustings at home, does he?

Mr. BLANTON. Well, it does with mine. [Laughter.]

Mr. SANDLIN. The gentleman seems to be very active in his duties here.

Mr. BLANTON. I am trying to do my duty here legislatively, and I have five men and two women opposing me on the hustings in Texas. But as soon as we get through with our work here I will look after them. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SANDLIN. Mr. Chairman, I yield five minutes to the gentlewoman from Kentucky [Mrs. LANGLEY].

Mrs. LANGLEY. Mr. Chairman and colleagues, Kentucky is justly proud of the thrilling victory of the Ashland Tom Cats in the recent national basketball tournament held in Chicago, and it was my privilege to ride in the fire truck with the Ashland team in the splendid celebration given them by their home city Easter Sunday morning, when an estimated crowd of 10,000 lined the streets to welcome the triumphant victors. [Applause.]

My colleague from Kentucky, Mr. VINSON, who has the honor to represent the Ashland district, graciously gave in detail on Monday last the magnificent part played by the Carr Creek boys in the victory won by Ashland and the glorious way in which they carried Kentucky's banner almost to the goal, thus aiding the Tom Cats to win. [Applause.]

I feel that I have an equal honor in representing a district which can and has produced such splendid specimens of boyhood. These boys had every difficulty to surmount and yet—game mountaineers that they were—they played their gallant part.

The Carr Creek school was organized by our own mountain men and women. The team trained in the open without even a gymnasium, with funds raised by the Woman's Club, the business and professional clubs of Hazard, and the citizens of my section, went to Chicago and matched their skill against the best trained teams in this country.

St. Louis has its Lindbergh; the Yankees their Babe Ruth; Ashland has its Tom Cats; last, but not least, the tenth district has its mountain lions, the game little fighters of Carr Creek. [Applause.]

Mr. Chairman, I desire to extend my remarks in the RECORD and to include therein a complete history, written by Earl Ruby, of the Carr Creek team and school, now famous.

The CHAIRMAN. The gentlewoman from Kentucky asks unanimous consent to extend her remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The history referred to follows:

From in and beyond the mountains of eastern Kentucky come Kentucky's champions, the teams which will carry the State's banners to the national scholastic basket-ball tournament at the University of Chicago the week of April 1. Louisville, Lexington, Georgetown, and other cities of the plains and bluegrass, which until the eliminations started were selected as the most probable bearers of the flag, sit back, vanquished, as Carr Creek, from Knott County, in the heart of the mountains of southeastern Kentucky, and Ashland from the northeast and beyond the mountain chain carry on.

The team representing Carr Creek won the class B championship in the Kentucky State tournament at Lexington last week and all but licked the Ashland Tom Cats in the finals for the title of the State. This week the squadron is preparing to invade Chicago in quest of the national scholastic crown.

When it was announced two weeks ago that a school by the name of Carr Creek had conquered Stuart Robinson, 35 to 18, for the Class B championship in the twenty-eighth district net tourney at Hazard, the majority of fans throughout the State thought it was a typographical error, that there was no such school in Kentucky. Then, when the same team went on to Richmond and annihilated Mount Vernon, the favorite, 25 to 16, for the B title and then lambasted Middlesboro, 26 to 15, for the championship of the region, folks sat up and rubbed their eyes and took a second look. The team not only had walked away with the tournament, but with the heart of the city as well. The worn and frayed uniforms of the players were replaced with brand new ones in which the boys might play in the State meet.

Then, at Lexington!

Walton, class B titlist of the sixth regional, was drawn as first opponent. Odds were about even, with no one certain of the outcome of the battle but Carr Creek. The team and its rooters never once thought of defeat. Carr Creek won, 31 to 11, without a substitution or time out.

Minerva, conqueror of Corydon in the first round, was next. Odds were against Carr Creek, and for more than a half it appeared the "wisenheimers" were right, but in the third and fourth quarters, the mountain boys came back strong to win, 21 to 11, without a substitution or time out.

This brought the squadron to the finals in class B, a position no one in the State but Carr Creek followers believed possible for the boys to attain, even after seeing them play in the first round.

Lawrenceburg City High, famed and applauded for its notable triumph over Kavanaugh High in the seventh district meet at Lawrenceburg, when Kavanaugh was touted as one of the prime favorites to win the Kentucky crown, defeated Woodburn, 38 to 21, to gain the other finals berth.

The teams met Saturday afternoon, March 17, the winner to play the class A winner for the championship. Lawrenceburg was favored by all, but when asked the night before the game how he honestly believed his team would come out in the fracas Coach Oscar Morgan said, "Oh, we'll win over Lawrenceburg all right, but I believe Ashland will give us some trouble later in the day." He was right, but no one thought so at the time. Not even Brother Constant, coach of St. Xavier, who put the question to him.

But the words of the coach were borne out, and with a vengeance. At the end of the first quarter Carr Creek was ahead, 10 to 2. The team won, 37 to 11.

Much has been told of the eventful final contest which was won by Ashland, 13 to 11, after four extra periods of battling. In passing, however, it might be said that even in the last extra session, when Carr Creek's boys were losing, they were playing just as clean, just as hard, and just as fast basketball as in the opening quarter, and the players on the bench, the coach, and other officials of the school sat with broad smiles on their faces, happy, apparently, in the fact that their boys were playing the game to the last second, and playing as they had been taught, whether winning or losing. They welcomed the warriors to their breasts after the killing conflict, with tears in their eyes, but they were tears of joy and pride.

The squadron left almost immediately for home, but almost as quickly was routed out by friends with the news that the boys had been invited to the national tournament at Chicago. With hardly enough funds on hand to run the school, the community center folks were not much taken with the idea at first, but when it was impressed on them that funds would be raised, it was agreed that the boys should be given their one chance to see some of the outside world and to have the chance to try their skill against the best teams in the United States.

The Carr Creek lads will arrive at Lexington Tuesday for a week's practice on the University of Kentucky floor in preparation for their trip to the national tournament at Chicago. They will be quartered at the Y. M. C. A. free of charge, according to Effie King, secretary of the "Y."

John Mauer, head basketball coach of the university, said he would offer his services to the mountain lads to help polish them up for their big test, although there is not much left for any coach to do with these boys, with the exception of showing them a few pointers in crib and foul shooting.

According to Mauer, Carr Creek has an excellent offense and one of the most perfect defenses he ever has been. The uncanny ability of the Carr Creek boys in guarding, in which an enemy player immediately is picked up by another member of the team after he dodges the first line of defense, is rarely seen among high-school players, according to Kentucky's coach, and is a system which would take years to instill into a college team.

Carr Creek and Lexington Senior High School will stage an exhibition game at 8 o'clock Thursday night at the University of Kentucky gymnasium here. All the proceeds will be turned over to the team from the hills. There also is a fund being raised by friends of the Creek men, which, added to the profit from the exhibition game, will be used to build a gymnasium for the boys, who do most of their practicing out of doors because of the lack of a suitable floor.

Miss Margaret P. Humes, Jersey Shore, Pa., is in charge of the school. She donates her services and in addition has contributed more than $7,000 in cash toward the improvement of the center. She is assisted in the running of the school by Martha A. Beecher, superintendent of the high school, and five trustees, citizens of the community.

Carr Creek is not a town in the ordinary sense of the word, nor is Dirk, the closest post office. Both are parts of a community. Marion Francis, a trustee of Car Creek Center, is postmaster of Dirk, and his office is in his home, "up the hollow," from the point in the road which is marked by a sign painted on a board nailed to a log by the road inscribed "Dirk."

The settlement is composed of eight buildings—the schoolhouse, teachers' cottage, office, girls' dormitory, boys' dormitory partly completed, a community house, girls' cottage, and a barn. The holdings, including the 43 acres of land, part of which was donated, and the buildings, represent an outlay of approximately $15,000, with about $3,000 in equipment.

This year children are forced to attend the school from across the mountain, 2 miles up and 2 down, or 10 around. Since last year, however, donations have been received which have enabled the people of the section to erect a small school at Flax Patch on the other side of the range. It will be open next fall.

The five trustees, chosen from and by members of the community, are S. N. Stacy, Marion Francis, Simeon Johnson, W. C. Francis, and R. L. Collins. Miss Humes and W. T. Francis are the executives.

The Center was organized seven years ago by the community of Carr Creek for the purpose of educating the mountain children. Five trustees were elected from the members of the community and two executives brought in to supervise the school. Circulars were distributed all over the United States asking for donations. This has been done every year. The Center was incorporated in 1924, and indorsed by the Daughters of the American Revolution in 1920 and the Daughters of 1812 in 1927.

The money first received was used to buy building material, and the citizens of the community built the houses required. Eight buildings have been erected.

All students except those who come only for day classes work for their board and none who are able to pay are accepted. All boys and girls, however, rich or poor, who live within the district, attend the day classes, as the county helps pay the teachers that the children in the district may attend, thus eliminating the necessity of a county school.

There are 10 on the faculty at present, and 142 children in school. Fifty are in the high-school division, and 26 are boys. The teachers get about one-half the normal salary of teachers throughout the State.

The institution is unique in that it is the only one in the State which was organized by men in a community who saw their own need and set about to remedy it. There are 200 children in the section on the school's waiting list, but there is no room for them.

The school wishes to start a drive for material enough to build a gymnasium. If the money is obtained, the people in and around the community will erect the building. W. T. Francis, one of the executives, says he could not build a gymnasium with money contributed in the regular way for the school's work, as another building would mean more for the community as a whole than a gym, but he realizes the people who now would give toward a gymnasium would not ordinarily give for the other wants of the school, and that as the students are anxious for the basketball court he will be glad to receive all donations.

It is requested that all donations for the project be sent direct to the Center, Dirk, Ky., rather than to the paper. J. H. Bowling, the First & City Bank Building, Lexington, Ky., also is receiving donations for the fund.

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman and gentlemen of the committee, last week I introduced into the House H. R. 158, in effect providing that there shall be made by five Members of this House a study of foreign investments made by American bankers. I offered the resolution because news had been circulated that a loan of some $60,000,000 was about to be negotiated by the Kingdom of Rumania; that Blair & Co., the Federal Reserve Bank of New York, and other bankers here and abroad were about to participate in that loan and that the bankers were also about to ask for approval of the loan by the State Department. That proposition then brought up the whole subject of foreign loans. I have examined the subject carefully. I find it most intricate, and I question the right of the Secretary of State to assume or usurp the authority to pass upon these loans and to accept or to reject the loans when applications are made therefor by bankers. A Member of the upper House, the distinguished Senator from Virginia, some time last October likewise made a remonstrance and pointed out that there was nothing in the Constitution, and that there was no warrant in law for the Secretary of State or any member of the President's Cabinet or the President himself to pass upon these private loans in that manner. Gentlemen, it occurs to me that if there is any authority to pass upon the policy of our Government that policy shall be deliberated upon and formulated here in Congress; that it is our function. It is not the function of any executive department to determine whether or not the internal conditions of a foreign sovereignty, or the general international conditions of a foreign sovereignty warrant the granting of private American capital for enterprises in those foreign lands.

Gentlemen, prior to the war we were more or less of a debtor nation. Great Britain seemed to be the creditor nation; but since the war "the mantle of Elijah," as it were, "has descended upon Elisha,"—upon the United States, the lusty descendant of Great Britain. I shall insert in the RECORD some very significant figures, indicating, in pursuance of a report from the Department of Commerce, that on January 1, 1928, leaving aside the loans made by our own Government to the Allies, the private investments abroad by American bankers (the securities of which are held all over this land) totaled $11,611,364,730. The figures I desire to insert are as follows:

Total foreign securities publicly offered in the United States from January 1, 1914, to January 1, 1928

Division:	Amount
Europe	$5,543,102,025
Canada and Newfoundland	2,689,457,015
Latin America	2,410,774,850
Far East	794,772,000
Territorial possessions	173,258,840
Grand total	11,611,364,730

TOTAL EUROPEAN FINANCING IN AMERICAN MARKET

For years American enterprise was financed by European capital, and it was not until the World War, as above stated, that the flow of capital into the United States was stopped. The war made it necessary for European Governments to turn to America for financial assistance and postwar reconstruction has continued this borrowing. Much of this capital borrowed by European countries was short term and has been paid off; however, the following table shows the extent of European borrowing in the American market through the sale of publicly offered securities from January 1, 1914, to January 1, 1928:

Country:	Amount
Austria	$86,620,875
Belgium	330,900,000
Bulgaria	4,500,000
Czechoslovakia	59,250,000
Denmark	157,136,500
Estonia	4,000,000
Finland	51,000,000
France	1,163,173,000
Germany	893,038,400
Greece	14,600,000
Hungary	65,145,000
Italy	376,539,900
Irish Free State	15,000,000
Luxemburg	7,500,000
Netherlands	122,222,500
Norway	197,442,500
Poland	97,325,750
Rumania	3,750,000
Russia	35,000,000
Saar Territory	11,500,000
Spain	25,000,000
Sweden	119,855,350
Switzerland	105,000,000
Yugoslavia	64,285,000
United Kingdom	1,533,317,250
Total (Europe)	5,543,102,025

CANADIAN FINANCING IN THE AMERICAN MARKET

American investors have long been more familiar with Canada as a field for investment than they have with the European countries. Before the war American foreign investments were very small when compared with those of Great Britain, France, and Germany. However, American investments at that time were centered primarily in Canada, Mexico, and Cuba. Since the war we have continued to purchase Canadian securities; to enlarge our interest in their commercial enterprises, as well as to increase the number of American branch factories there. This circumstance has been very natural because Canada and the United States are adjacent; the commercial laws of the two countries and the methods of doing business are very similar. The close proximity of the two countries and their close business relationship make it very difficult to compile records of the American-Canadian security issues. The following table shows the amount of borrowing done in the American market by Canada and Newfoundland through the sale of publicly offered securities from January 1, 1914, to January 1, 1928:

Country:	Amount
Canada	$2,689,457,015
Newfoundland	25,035,000
Total	2,689,457,015

LATIN-AMERICAN FINANCING IN THE NEW YORK MARKET

Prior to the World War, Latin-American governmental and corporate financing was generally done in England, France, and Germany. American offerings of Latin-American issues were confined primarily to Mexico and Cuba. Since the war practically every country in South and Central America has obtained funds in this market. We have financed Latin-American Governments, States, Provinces, and municipalities. Latin-American corporations have obtained funds in this market either through public offerings of securities or by means of private and direct investment. As previously pointed out, these compilations show only public offerings. The following table shows the extent of Latin-American borrowing in the American market through the sale of publicly offered securities from January 1, 1914, to January 1, 1928:

Country:	Amount
Argentina	$643,809,250
Bolivia	54,480,000
Brazil	330,133,950
Chile	353,063,300
Colombia	143,166,250
Costa Rica	10,820,000
Cuba	555,631,700
Dominican Republic	25,000,000
Guatemala	16,075,000
Republic of Haiti	25,000,000
Honduras	11,943,000
Mexico	33,465,000
Panama	15,250,000
Paraguay	2,272,000
Peru	95,210,000
Salvador	7,520,000
Uruguay	45,171,000
Venezuela	41,264,400
West Indies (British)	1,500,000
Total (Latin America)	2,410,774,850

AMERICAN FINANCING OF THE FAR EAST

America was one of the first countries to lend financial aid to the countries of the Far East; however, most of the borrowing through public offering of securities in this market has been postwar. The following table shows to what extent far eastern countries have bor-

rowed in the American market through publicly offered securities from January 1, 1914, to January 1, 1928:

Country:	Amount
Australia	$193,938,000
China	10,752,000
Netherland East Indies	180,815,000
Japan	308,917,000
Palestine	350,000
Total	794,772,000

AMERICAN FINANCING OF HER TERRITORIES

Although American territorial possessions are not in the same class as other foreign investments, they have been included as part of our foreign financing. The following table shows the amount of borrowing done in the American market by territorial possessions through the sale of publicly offered securities from January 1, 1914, to January 1, 1928:

Country:	Amount
Alaska	$1,625,000
Hawaii	33,959,000
Philippine Islands	61,777,500
Porto Rico	75,897,340
Total (Territorial possessions)	173,258,840

I am informed that the total private investments or loans will probably equal to date the staggering amount of almost $12,000,000,000, and all of those loans, apparently, were passed upon by the State Department. I ask by what right? And we can very significantly ask some pointed questions of the Secretary of State. What trained banker, for example, in the State Department supervises these loans and lends counsel and advice to the Secretary as to whether or not these loans shall be made? What foreign expert studies the situation abroad for the benefit of the State Department? Are those advisers partial? Are they impartial? Are any of the bankers in New York or elsewhere favored while their rivals are not favored? We do not know. We are left in total ignorance of the situation. I applied to the Secretary of State for information and received a letter containing what he terms to be the general policy with reference to these loans. There was nothing specific in the letter, and he gave me what had long since been published in the press.

Reading from a clipping from the United States Daily, the State Department apparently stated that—

there was no need of an investigation of its policy of disapproving foreign loans, as proposed by Representative CELLER, since all the facts are on file in the department and will be supplied Congress at any time upon request.

In pursuance of that statement I applied to the Secretary of State for information as to what loans had been disapproved, and my office was informed over the phone that it would be quite embarrassing to the Secretary of State and quite impolitic and a breach of confidence to disclose the nature of those loans which had merited the Secretary's disapproval. So apparently what the Secretary says in one breath does not square with what the Secretary says in another breath. Mind you, I have no personal quarrel with the Secretary or his department. I simply take exception to his policy.

Now, he also informed me several weeks ago, when I asked him to proscribe the loan to Rumania, for reasons which I have indicated on this floor, and particularly because of the atrocities of this benighted nation, that it was not within the province of the Secretary of State to interfere with the internal or domestic conditions of any country, let alone Rumania. Yet, let me read to you a very significant paragraph from a volume entitled "American Foreign Investments," by Robert W. Dunn, on page 17 thereof, and I ask you to listen attentively:

The importance of the war loan obligations, when it is desired to bring pressure to bear on countries whose national interests cross those of the American investors, was illustrated in 1924 in the case of Rumania.

This is the very country that was the subject of correspondence between the Secretary of State and myself and loans to which I am now asking be proscribed.

The Rumanian Government enacted legislation tending to nationalize its oil supplies. This was resented by American oil companies, which had invested in Rumania. The State Department synchronously reminded the Rumanian Government that her loan was about to be called.

And the author goes on to say:

Similar political pressure is possible at any time through these great national loans owed to the United States Government.

Mr. LAGUARDIA. Will the gentleman yield there?

Mr. CELLER. I yield.

Mr. LAGUARDIA. The gentleman knows that, while a loan may be discounted at 90 bearing 6 per cent interest, there is no sentiment in a little thing like religious persecution which would keep bankers from making such a loan.

Mr. CELLER. Quite right; I have just shown you that the oil interests of the country brought pressure to bear upon the State Department or the other departments involved and that they in turn coerced the Rumanian Government, interfering directly, without any question, in the internal policy of the Rumanian Government, only there dollars were involved and in my proposition lives are involved. The State Department seems to imply by its conduct that lives mean nothing to it and dollars mean apparently a great deal.

Mr. LAGUARDIA. Dollars mean a great deal to all bankers.

Thus the executive departments actually do interfere with domestic conditions of foreign sovereignties. We are doing it, surely, in Nicaragua and Haiti.

Mr. CELLER. It is meet, gentlemen, that we examine into this subject and find out something about it, because, when we get $12,000,000,000 of securities of foreign nations, that same amount of capital comes over into this country eventually, and we, therefore, have an important stake in every country to which we make such a loan. Having that stake, the stake must be protected, and it can only be protected by the Army and by the Navy and by the marines, and may involve us eventually in war.

Such huge investments raise questions of important American and foreign fiscal policies. These loans involve many conflicting interests in many of the countries where the loans are made. Some companies may be favored in these loans as against other companies. Furthermore, the American bankers are compelled to follow and try to guide political conditions in those countries. Pressure must inevitably be brought to bear upon the State Department to endeavor to have it in turn shape or bend political conditions in the foreign country favorably to the preservation of the loan.

These huge obligations to us give us a lever by which it may and undoubtedly will finally exercise great influence for peace or war in Europe and South and Central America and in the Far East. These loans will embroil us in all sorts of difficulties. Surely Congress has the power to lay down a policy as to these loans. It should seize the right and not allow the State Department to exercise the power. At least my resolution merits serious consideration. The subject should be studied.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I want to urge upon the attention of the House H. R. 6068, which I have introduced, to amend section 15 of the act of Congress approved July 17, 1916, known as the Federal farm loan act.

The Federal farm loan act, as I have had frequent occasion to say, is, in my opinion, one of the greatest pieces of constructive legislation ever enacted by Congress for the benefit of the farmers.

The amendment which I propose provides for the appointment of local agents by the Federal Farm Loan Board in the various localities where local farm loan associations fail, neglect, or refuse to properly serve the needs of any section of the country.

The amendment confers upon such local agent about the same authority which the secretary-treasurer of a local loan association now has. It does not in any material respect change the existing law. The loans which are applied for, through applications filed with such agents, would continue to be subject to the same conditions.

My contention is that this amendment, if adopted, would greatly popularize the Federal farm loan act and would result in many farmers availing themselves of its provisions and greatly expedite action upon loans by the farm land banks.

The Farm Loan Board, reporting upon a bill of a similar nature which I introduced at the last session of Congress, heartily commended its provisions and submitted the following report thereon:

This bill would amend the farm loan act so as to provide that Federal land banks may accept applications for loans through agents in territory where it has been determined that national farm loan associations have not been formed, or that the associations, when formed, neglect or refuse to serve the needs of their territory.

The board does not oppose this legislation, but, on the contrary, believes that it might be of material assistance to eligible farmers in a great many sections of the United States. If your committee should

favor the principle of this bill, I shall be very glad to go over the details with you with the thought of assisting in perfecting it.

At an oral hearing before the Committee on Banking and Currency of the House the members of the Farm Loan Board heartily commended the proposed amendment.

Section 15 of the rural credits bill, approved July 17, 1916, provides for the appointment of agents only when no local loan association has been formed, and the agent so appointed must be an incorporated bank, trust company, mortgage company, or savings institution chartered by the State, and this agent is required to indorse and become liable for the payment of each loan.

The amount of the loans to be made by such agent is limited to ten times the amount of the capital and surplus of such institution. Such agent is permitted to be paid not to exceed one-half of 1 per cent of the principal of the loan, and this amount must be deducted from the dividends payable to the borrower, and if no dividends are paid to the borrower, of course no commission is paid to the agent.

There is a further provision of my bill that in the event of the organization of a local loan association no further loans can be negotiated through the agent so appointed. No bank or trust company, in my judgment, can afford to accept the agency under these conditions. None have been appointed, so far as I know, in the State of Oklahoma. None have been appointed where local loan associations have been formed but have ceased to be active. The amendment to which I am directing your attention provides that whenever it appears to the board that local farm loan associations have not been formed, or where such associations have been formed but have failed, neglected, or refused to properly serve the needs of the territory in its locality, it does not require the appointment of a bank or trust company, and the agents appointed are to give bond, serve at the pleasure of the board, and receive as compensation not exceeding 1 per cent of the amount of the loan made, with a minimum fee of $5 for each loan. In the event a local association is organized and properly serves the community no further loans are to be made through such agent.

All of the farm land banks formed, including the bank at Wichita, Kans., which serves Oklahoma, and the members of the Farm Loan Board, have indorsed the provisions of this proposed amendment.

A farm loan board was created under the provisions of the farm loan act of July 17, 1916, with general supervisory control over the 12 banks which were to be located throughout the country. These banks were authorized to make loans to farmers upon the amortization plan. The farmer is charged no greater rate of interest than that which is required to be paid upon tax-exempt farm land bank bonds, which are authorized to be issued and sold, plus the expenses of management, and 1 per cent per annum, payable semiannually, is added, to be applied to the reduction of the principal. The last issue of farm land bank bonds bears a rate of 4 per cent. If financial conditions improve a 4 per cent tax-exempt farm land bank bond should sell at a premium. United States Treasury certificates offered a few days ago, bearing a rate of interest of 3⅜ per cent, were sold at par. The rate of interest charged the farmers by the farm land banks ranges from 5 per cent to 5½ per cent, in addition to the 1 per cent amortization applied to the reduction of the principal. The St. Paul and Columbia Farm Land Banks charge a rate of interest of 5¼ per cent at the present time, the Spokane Bank 5½ per cent, and all the other farm land banks, including the bank at Wichita, Kans, which serves Oklahoma, charges a rate of 5 per cent for their loans, to which, as I have explained, is added 1 per cent to be applied to the reduction of the principal, making a total interest rate of 6 per cent to be paid by the farmers for both principal and interest.

The statement of the Federal Farm Loan Bureau shows that there have been loans closed by the 12 banks amounting to $1,463,918,114. The loans made by the farm land bank at Wichita, which serves Oklahoma, amount to $117,063,750.

The success of this legislation has long been assured. There can be no doubt of it. Its great importance to the farmers of the country is recognized.

When this legislation was enacted the farmers throughout the West were paying 10 per cent interest on loans, but upon the passage of the rural credits act interest rates were reduced by mortgage companies and insurance companies making such loans so that a lower interest rate is now being charged to the farmers and more favorable terms given as to renewals. This proposed amendment is designed to popularize this law and to interest the farmers generally so that they will avail themselves of its provisions. Many of them do not understand it. A live active, intelligent local agent would be of great benefit in explaining the details and all the requirements necessary to negotiate a loan.

Many farmers do not know that they can borrow money now at 5 per cent, add 1 per cent to be applied to the reduction of principal, so that by paying a total of 6 per cent interest they take care of both the principal and interest. The secretary-treasurer of the local loan association is not as active as a local agent would be and does not render the farmers the assistance that a local agent would be able to give to them in making the preliminary preparations to forward the papers to the bank which serves the district. The more loans made to the farmers will effect a proportionate deduction of the expense of administration and a gradual reduction of the interest charged.

There are approximately 6,500,000 farmers in the United States. Including members of their families, one-third of the population of the United States, approximately 40,000,000 people, live on farms and are directly dependent upon farming for a living. Almost everyone is dependent upon the prosperity of the farmer and directly dependent upon him for food supplies. Therefore the prosperity of the farmer affects the entire citizenship of the country.

The amendment which I am urging, in my judgment, is necessary and would greatly help to expedite loans and popularize the law and induce more farmers to take advantage of its provisions. Many farmers, in the first place, are reluctant, to join local loan associations. They prefer to pay and do pay a higher rate of interest to loan companies. In the second place it has been my experience, from a study of the local loan associations formed in my district, that when a number of farmers get together and form such an association and secure their own loans, the association is thereafter inactive so far as attempting to induce additional farmers to take advantage of it is concerned.

In my own district with eight counties, four of them—Adair, McIntosh, Okmulgee, and Sequoyah—have no local loan associations and therefore receive no advantages from the law, except where an applicant for a loan may be attached to an adjoining county, and there are but few of these. The other four counties—Cherokee, Haskell, Muskogee, and Wagoner—have local associations. Up to October, 1923, there was loaned through the associations in these four counties as follows:

Cherokee County, 37 members, amount of loans $65,400; Haskell County, 22 members, amount of loans $39,400; Muskogee County, 29 members, amount of loans $89,200; and Wagoner County, 42 members, amount of loans $138,900. During the period from November 1, 1923, to October 31, 1924, only 3 new members were served in Cherokee County, 2 in Haskell County, 2 in Muskogee County, and 1 in Wagoner County; or 8 in all. Total amount loaned aggregated $30,600. During the period from November 1, 1924, to October 31, 1925, 7 new members were served in Cherokee County, 7 in Haskell County, 2 in Muskogee County, and none in Wagoner County; or a total of 16. To these 16 new members only $29,200 was loaned during the past year.

During the past 2 years only 57 new loans were made to borrowers in the eight counties, which shows that the local associations are not sufficiently active.

The reason for this is plain. Section 7 of the rural credits bill provides for the election of officers of local associations "and a loan committee of three members." All officers, except the secretary-treasurer, serve without compensation. Only the "reasonable expenses of the loan committee" are paid by the association.

Section 10 provides that when a prospective borrower makes application for a loan it shall be first referred to the "loan committee" provided for in section 7 of the act.

The loan committee is required to examine the land offered as security, make a detailed written report signed by all three members, give the appraisal of the land as found by them, and such other information as may be required by the rules and regulations, and no loan can be approved without a favorable report.

The difficulty is in securing an active "loan committee" to function without compensation after they have themselves been served. The above figures show that they have not been active, at least in my district, and therefore the importance of making loans through an agent such as I have proposed in the amendment which I have submitted.

The table which I am submitting herewith conclusively shows that the local loan associations, once formed, and after the original charter members secure their money, are not active in pressing the advantages of the law upon others and inducing them to take advantage of it.

Statement showing loans closed from organization of the Federal land bank to October 31, 1925, by counties, in second congressional district, State of Oklahoma

Counties	Organization to Oct. 31, 1923		Nov. 1, 1923, to Oct. 31, 1924		Nov. 1, 1924, to Oct. 31, 1925	
	Number of borrowers	Total amount loaned	Number of borrowers	Total amount loaned	Number of borrowers	Total amount loaned
Adair	5	$9,900				
Cherokee	37	65,400	3	$10,500	7	$11,400
Haskell	22	39,400	1	7,400	7	15,300
McIntosh						
Muskogee	29	89,200	2	8,200	2	2,500
Okmulgee	1	1,000				
Sequoyah						
Wagoner	42	138,900	1	4,500		
Total	136	343,800	8	30,600	16	29,200

The total number of loans made up to February 29, 1928, in Oklahoma, was 9,275, and the amount of the loans aggregated the sum of $25,878,800.

Loans may be made to the amount of 50 per cent of the appraised value of the land and 20 per cent of the appraised value of the insured, permanent improvements.

If a local agent, to whom would be paid a minimum fixed fee for his compensation, were appointed in each county to represent the farm land bank serving that district, he would be able to familiarize the farmers with the requirements of the law, aid them in preparing their papers, and would be able to give them such information as to procedure and as to the amount they could probably secure on their lands, thereby minimizing the number of loans rejected and expedite the consideration of all applications for loans. In my judgment, this is a matter of great importance to the farmers throughout the country. Everybody appreciates that the farmers have been depressed during the past few years, and we have been endeavoring to find a proper solution for their problems. I have taken occasion heretofore to say that in my judgment it will require the enactment of a series of bills to solve the problems of the farmers. I wish to emphasize this particular amendment which I am pressing upon the attention of the Members of the House. I believe that if this amendment were enacted it would aid many of the worthy, thrifty, honest, and economical tenant farmers to own their own farms.

The Census Bureau reports that in Oklahoma there are 197,218 farms. Of these, 81,226 are operated by their owners, 115,498 by tenant farmers, and 494 by managers.

I want to make it possible for every tenant farmer to own his own home. If I have any hobby it is to help every man to live on his own land. The enactment of this amendment would do much to accomplish that. The local agent could bring to the attention of the tenant farmer the advantages of this law and would show him how to make his application, and this would encourage him to try to buy a farm for himself and would result in untold thousands of them buying small tracts of land, giving the first mortgage to the farm land banks, and giving a second mortgage for the balance of the purchase price. He would be enabled to pay off his loan to the farm land bank through a long-time loan and through industry, thrift, and economy he would be able to gradually pay off the second mortgage and finally own his home.

Now, let us examine the benefits that would result from this. When a man owns his own land he conserves the soil, he rotates the crops, diversifies the products he plants; he uses his spare hours in repairing and building improvements, he terraces the land to prevent the soil from washing away, he fills up the ditches, he puts out a small orchard, and gives more attention to studying the crops adapted to the particular soil which he owns. In this way of caring for and cultivating the land it is made stronger and more productive and enables the farmer to raise at least 50 per cent more per acre at but little, if any, greater expense. The taxes are no greater and the cost of maintenance is about the same.

Now, if the farmers, through better methods, are enabled to raise 50 per cent more corn, wheat, cotton, alfalfa, and other products upon the same acreage, he has that much more to sell and has therefore reduced the cost of production. It necessarily adds greatly to his prosperity and correspondingly adds to the prosperity of the community and the entire Nation.

Agriculture is our basic industry, and this is particularly true of my district. Every person living in the towns and cities is largely dependent upon the farmer and is as deeply interested in the prosperity of the farmer as the farmer is himself. Every merchant, banker, laboring or professional man in interested in legislation which will be of advantage to the farmer.

If we can, by legislation, make it possible for the farmer to borrow money for long terms at low rates of interest, it will encourage more farmers to own their own homes and will surely add to their prosperity and to that of the entire country as well.

This bill will not weaken the present law but will strengthen and popularize it, and I hope to continue to press it upon the attention of Congress until this or some similar amendment receives favorable consideration. In the meantime I want to urge upon the people of my State and the country the advisability of their studying the provisions of this law, forming local associations, and taking advantage of its terms.

The provisions of the rural credits bill can only be availed of by the owners of farms or those desiring to purchase farm lands. Loans are made only to purchase farms, pay off mortgages, purchase equipment, fertilizer, and livestock, to provide buildings and other improvements of farm lands, and no loan can be made at a greater rate of interest than 6 per cent. The original act was a splendid piece of constructive legislation. It should be amended as I have indicated. [Applause.]

Mr. MURPHY. Mr. Chairman, all time for general debate has expired, and I ask for the reading of the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

OFFICE OF THE CLERK

Salaries: Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $6,500; Journal clerk and two reading clerks, at $4,200 each; disbursing clerk, $3,570; tally clerk, $3,470; file clerk, $3,420; enrolling clerk, $3,200 and $1,000 additional so long as the position is held by the present incumbent; property custodian and superintendent of furniture and repair shop, who shall be a skilled cabinetmaker or upholsterer and experienced in the construction and purchase of furniture, $3,600; two assistant custodians at $3,000 each; chief bill clerk, $3,150; assistant enrolling clerk, $2,880; assistant to disbursing clerk, $2,780; stationery clerk, $2,570; librarian, $2,460; assistant librarian, $2,240; assistant file clerk, $2,250; assistant librarian, and assistant Journal clerk, at $2,150 each; clerks—one at $2,150, three at $2,020 each; bookkeeper, and assistant in disbursing office, at $1,940 each; four assistants to chief bill clerk, at $1,830 each; stenographer to the Clerk, $1,730; locksmith and typewriter repairer, $1,620; messenger and clock repairer, $1,520; assistant in stationery room, $1,520; three messengers, at $1,410 each; stenographer to Journal clerk, $1,310; 15 telephone operators, at $1,320 each; substitute telephone operator when required, at $3.30 per day, $1,200; laborers—three at $1,200 each, nine at $1,010 each; purchase, exchange, operation, maintenance, and repair of motor vehicle, $1,200; in all, $132,220.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 10, line 23, at the beginning of the line, strike out the figures "$4,200" and insert "$5,000"; and at the end of line 23 strike out "$3,470" and insert "$5,000."

Mr. CRAMTON. Mr. Chairman, I reserve a point of order.

Mr. CANNON. Mr. Chairman, this amendment provides for the two reading clerks, the Journal clerk, and the tally clerk. There are no positions in the entire organization of the House that are more important than these four places at the desk.

The incorporation of amendments and the preparation of bills by the reading clerks for the engrossing office and the journalizing by the Journal clerk of the action of the House in the passage of bills are as important and require as much skill and care as the original preparation of a bill.

For assistance in the preparation of bills we pay our legislative counsel a salary of $10,000, and it is worth every cent of it. I am certain there is no member of the committee who will not agree that the service of these men at the desk is not worth at least half that amount.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. CRAMTON. Were these proposed changes brought by the gentleman from Missouri to the attention of the committee in the preparation of the bill?

Mr. CANNON. I do not believe that any member of the committee would take the position that these men are not entitled to the salaries proposed in this amendment.

Mr. CRAMTON. That does not answer the question. The question I asked was this: Were these proposed changes brought by the gentleman from Missouri or anyone else to the attention of the committee in the consideration of the bill?

Mr. CANNON. No; they were not brought up, but other increases were included in the bill and I hoped these were overlooked by the committee through inadvertence.

Mr. CRAMTON. The gentleman will realize this. This bill is filled with items respecting people who are immediately in contact with the membership of the House and the Senate. The committee has gone over these items with great care. If an increase is made here and there just because some one makes an appeal on the floor, it is a little difficult to know where it would end, because I dare say that most of these items could arouse some friends on the floor of the House. My own attitude in making the point of order against the amendment which is subject to the point of order, would be, simply that it would be dangerous to start a policy here of, on the impulse of the moment, raising a salary here and there, when it is a matter that ought to have very careful consideration.

Mr. CANNON. The gentleman knows that we have in the bill before us quite a number of items that are subject to points of order. Would he not be willing to leave this to the action of the Committee of the Whole?

Mr. CRAMTON. If the policy were once entered on of making these amendments everyone would have its appeal. We have many efficient employees attached to the House. If you once start in a policy of just at random offering amendments without any occasion on the part of the committee for investigation, no one could tell where the end would be.

Mr. CANNON. I realize the justice of what the gentleman says, but there is no rule which is not, on occasion, honored in the breach, and I am asking in this instance that he give the Committee of the Whole the opportunity to pass on the matter.

The gentleman is aware that while the reading clerks of the House receive but $4,200, the reading clerk in the Senate receives $5,500, although the relative burden of duties is in the proportion of 96, the membership of the Senate, to 440, the membership of the House. Let me add that our present reading clerks by their efficiency are actually saving a much larger sum than that provided in this amendment. When they took their position at the desk it required an average of 45 minutes to call the roll. Under the present régime, by virtue of reforms initiated by them, only 23 minutes is consumed in calling the roll.

It has been estimated that the cost of running the House is approximately $1,971 per hour. At this rate it is at once apparent that a very material sum has been saved and is being saved on every roll call, a saving directly due to the efficiency of these men at the desk.

The Journal clerk is also entitled to special consideration on the part of the House for large sums saved in the administration of his office. Through reforms instituted at his suggestion an amount estimated by the Government Printing Office to approximate $2,650 is being saved every session in the printing of the Journal, an amount greatly in excess of the small increase provided by the proposed amendment.

Likewise the duties of the tally clerk have been added to in the last few years, until he is now handling twice the business formerly required of that office, including some of the most important and most exacting duties in the routine of the House.

I trust the gentleman will take these facts into consideration and permit the committee to vote on the amendment.

The CHAIRMAN. Does the gentleman from Michigan insist upon his point of order?

Mr. CRAMTON. Mr. Speaker, I do, simply for the reason stated. There is an appeal in what the gentleman suggests and a good deal of justice in the demand that he makes; but the gentleman knows that if the bars are let down to unconsidered amendments without investigation, it would be hard to tell where the end would be. I understand some increases were granted that are perhaps subject to the point of order, but those were made only after most careful investigation and expressions from House authorities. For the reason I give, I shall be obliged to make the point of order. I make the point of order that there is a statutory limitation which is exceeded by the proposed amendment.

The CHAIRMAN. Does the gentleman from Missouri desire to be heard upon the point of order? If not, the Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

COMMITTEE EMPLOYEES

Clerks, messengers, and janitors to the following committees: Accounts—clerk, $3,300; assistant clerk, $2,150; janitor, $1,310. Agriculture—clerk, $2,880; assistant clerk, $2,150; janitor, $1,310. Appropriations—clerk, $5,000, and $1,000 additional so long as the position is held by the present incumbent; assistant clerk, $4,500, five assistant clerks at $3,300 each, assistant clerk, $2,700; janitor, $1,440. Banking and Currency—clerk, $2,360; assistant clerk, $1,520; janitor, $1,010. Census—clerk, $2,360; janitor, $1,010. Civil Service—clerk, $2,360; janitor, $1,010. Claims—clerk, $3,300; assistant clerk, $1,520; janitor, $1,010. Coinage, Weights, and Measures—clerk, $2,360; janitor, $1,010. Disposition of Useless Executive Papers—clerk, $2,360. District of Columbia—clerk, $2,880; assistant clerk, $2,150; janitor, $1,010. Education—clerk, $2,360. Election of President, Vice President, and Representatives in Congress—clerk, $2,360. Elections No. 1—clerk, $2,360; janitor, $1,010. Elections No. 2—clerk, $2,360; janitor, $1,010. Elections No. 3—clerk, $2,360; janitor, $1,010. Enrolled Bills—clerk, $2,360; janitor, $1,010. Expenditures in the Executive Departments—clerk, $2,880; janitor, $1,010. Flood Control—clerk, $2,360; janitor, $1,010. Foreign Affairs—clerk, $2,880; assistant clerk, $2,150; janitor, $1,010. Immigration and Naturalization—clerk, $2,880; janitor, $1,010. Indian Affairs—clerk, $2,880; assistant clerk, $2,150; janitor, $1,010. Insular Affairs—clerk, $2,360; janitor, $1,010. Interstate and Foreign Commerce—clerk, $3,300; additional clerk, $2,360; assistant clerk, $1,830; janitor, $1,310. Irrigation and Reclamation—clerk, $2,360; janitor, $1,010. Invalid Pensions—clerk, $2,880; stenographer, $2,560; expert examiner (Norman E. Ives), $2,400; assistant clerk, $2,360; janitor, $1,240. Judiciary—clerk, $3,300; assistant clerk, $1,940; janitor, $1,240. Labor—clerk, $2,360; janitor, $1,010. Library—clerk, $2,360; janitor, $1,010. Merchant Marine and Fisheries—clerk, $2,360; janitor, $1,010. Military Affairs—clerk, $2,880; assistant clerk, $1,830; janitor, $1,310. Mines and Mining—clerk, $2,360; janitor, $1,010. Naval Affairs—clerk, $2,880; assistant clerk, $1,830; janitor, $1,310. Patents—clerk, $2,360; janitor, $1,010. Pensions—clerk, $2,880; assistant clerk, $1,940; janitor, $1,010. Post Office and Post Roads—clerk, $2,880; assistant clerk, $1,730; janitor, $1,310. Printing—clerk, $2,360; janitor, $1,310. Public Buildings and Grounds—clerk, $2,880; assistant clerk, $1,520; janitor, $1,010. Public Lands—clerk, $2,360; assistant clerk, $1,520; janitor, $1,010. Revision of the Laws—clerk, $3,000; janitor, $1,010; the unexpended balance of the appropriation of $11,652, for the fiscal year 1928, "to continue the employment of competent persons to assist in compiling and codifying the laws relating to the District of Columbia," is reappropriated and made available during the fiscal year 1929. Rivers and Harbors—clerk, $2,880; assistant clerk, $2,150; janitor, $1,310. Roads—clerk, $2,360; janitor, $1,010. Rules—clerk, $2,880; assistant clerk, $1,830; janitor, $1,010. Territories—clerk, $2,360; janitor, $1,010. War Claims—clerk, $2,880; assistant clerk, $1,520; janitor, $1,010. Ways and Means—clerk, $4,200; assistant clerk and stenographer, $2,360; assistant clerk, $2,250; clerk for the minority, $2,880; janitors—one $1,310, one $1,010. World War Veterans' Legislation—clerk, $2,880; assistant clerk, $2,150. In all, $250,230.

Mr. DOWELL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DOWELL: Page 14, in line 2, after the figures "$2,360," insert "assistant clerk, $1,800."

Mr. MURPHY. Mr. Chairman, I reserve the point of order.

Mr. DOWELL. Mr. Chairman, I have only this to say to the committee. I presented the facts in this matter to the Committee on Accounts before the opening of the session.

The Committee on Roads is having very heavy work this year. The legislation has taken more time and has required more work than has ever occurred in the history of this committee. It is a committee of 21 members. The legislation is such that it pertains to every section of the United States, and every section of the United States is interested in this legislation; and the work has grown so much in the past two years that it is necessary to have this additional help. I am hoping that the point of order will not be pressed, because I know if the gentleman knew the situation he would not press it.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield for a question?

Mr. DOWELL. Certainly.

Mr. BANKHEAD. What has the Committee on Accounts to say about this? Did the gentleman bring that to the attention of the committee and show them the necessity?

Mr. DOWELL. Before the work of the session began. Persons are making inquiry constantly through Members of the House and of the Senate with reference to the status of the legislation, and the committee has been busier than ever before in the history of the committee.

Mr. BANKHEAD. I am not going to take the liberty to make objection to it, but is it not a dangerous precedent to set?

Mr. DOWELL. If it were not for the necessity I have mentioned I would not ask for it at this time. There is a necessity for it.

The CHAIRMAN. Does the gentleman from Ohio insist on his point of order?

Mr. MURPHY. I shall have to insist on the point of order. The gentleman could have come before our committee but he knew, no doubt, that the Committee on Appropriations does not attempt to legislate at any time. We do try at times to smooth out a rough place here and there, and to equalize salaries at this end of the Capitol to correspond with those at the other end. The gentleman from Iowa did not bring this to our atten-

tion. While I recognize the force of what the gentleman says and realize the situation he describes, we feel that it is not an orderly manner in which to enact legislation.

Mr. DOWELL. There is no question about the point of order. The amendment is subject to a point of order.

Mr. MURPHY. Our committee is told that there is a bill being shaped up in the Committee on Accounts to take care of just such a situation.

I shall have to insist on the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Janitors under the foregoing shall be appointed by the chairmen, respectively, of said committees, and shall perform under the direction of the Doorkeeper all of the duties heretofore required of messengers detailed to said committees by the Doorkeeper, and shall be subject to removal by the Doorkeeper at any time after the termination of the Congress during which they were appointed.

Mr. MURPHY. Mr. Chairman, at the request of the chairman of the Committee on Accounts we would ask to pass over the reading from line 1 to line 7 at the top of page 15, and lines 17 to 25 on page 17. I ask unanimous consent to pass it over until to-morrow, because there are one or two Members who are interested in these two items and want to be heard.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. CHINDBLOM. I do so for the purpose of asking the gentleman if the language in the last paragraph just read is the same as that heretofore carried by the bill for the legislative department?

Mr. MURPHY. It is the same.

Mr. CHINDBLOM. It does not cover any employees except those that were heretofore employed under the same provision?

Mr. MURPHY. No.

Mr. CHINDBLOM. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

Mr. ARENTZ. Mr. Chairman, it strikes me that some one should draw attention to the fact that we have men working here who possibly are trying to raise families on $84 a month, or $1,010 a year. It seems to me that if we are going to increase wages anywhere to employees of the Government we ought to begin here where we know men perform functions that are important. We know they are doing the same thing in the departments, and when we hire a man for $84 a month and know he can not rent a house under $25 or $30, how he lives is beyond me. It seems to me we should increase these salaries at this time. I certainly hope when this bill reaches the Senate, if it is not done here, something will be done to give a living wage to the men who work in the House of Representatives, a place where men surely ought to be paid enough to live on.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

POST OFFICE

Salaries: Postmaster, $4,200; assistant postmaster, $2,570; registry and money-order clerk, $2,000; assistant registry and money-order clerk, $1,800; five case distributors at $1,700 each; record and file clerk, $1,700; twenty-seven messengers (including one to superintend transportation of mails), at $1,520 each; for the employment of substitute messengers and extra services of regular employees at the rate of not to exceed $125 per month each, $1,000; laborer, $1,010; in all, $63,820.

Mr. ROBINSON of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROBINSON of Iowa: Page 16, line 10, after the word "and," strike out the figures "$420" and insert "$540."

Mr. MURPHY. Mr. Chairman, I reserve a point of order on the amendment. That item has been passed.

The CHAIRMAN. The gentleman from Ohio reserves a point of order.

Mr. ROBINSON of Iowa. If the point of order is pressed I would like to ask unanimous consent to return to this. I was unavoidably detained and have just arrived in the House. I hope the point of order will be overlooked.

Mr. MURPHY. The paragraph has been read, Mr. Chairman. It has been passed.

Mr. ROBINSON of Iowa. I ask unanimous consent, Mr. Chairman, to return to it for a moment. We are only a few lines beyond it.

Mr. MURPHY. For what purpose?

Mr. ROBINSON of Iowa. To offer an amendment.

Mr. BANKHEAD. Is it the purpose of the gentleman from Ohio to make a point of order against the amendment if we return to the paragraph cited?

Mr. MURPHY. It is.

Mr. BANKHEAD. Then I object.

The Clerk read as follows:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $16,000, to be immediately available.

Mr. MURPHY. Mr. Chairman, I offer an amendment. On page 20, line 2, strike out the figures "$16,000" and insert in lieu thereof the figures "$20,000."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MURPHY: Page 20, line 2, strike out the sign and figures "$16,000" and insert in lieu thereof the sign and figures "$20,000."

The amendment was agreed to.

The Clerk read as follows:

To pay William Tyler Page, Clerk of the House of Representatives, for services in compiling, arranging for the printer, reading proof, indexing testimony, stenography and typewriting, supervision of the work, and expenses incurred in the contested-election cases of the Seventieth Congress, as authorized by the act entitled "An act relating to contested elections," approved March 2, 1887, $2,483.68, and an additional sum to such persons as were actually engaged in the work, designated by him, and in such proportions as he may deem just for the assistance rendered in the work, $1,516.32; in all, $4,000.

Mr. MacGREGOR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MACGREGOR: On page 21, after line 5, insert "That the Clerk of the House is authorized to disburse out of the miscellaneous item of the contingent fund, under rules and regulations to be prescribed by the Committee on Accounts and subject to its approval, not in excess of the sum of $5,000 for the physical and medical examination of Members of the House of Representatives."

Mr. MURPHY. Mr. Chairman, I reserve a point of order against the amendment.

Mr. MacGREGOR. Mr. Chairman, I have offered this amendment, which I know is subject to a point of order, for the purpose of calling the attention of the Members of the House to the advisability, to my mind, of having some method of physical examination of our Members.

Mr. STRONG of Kansas. Mental?

Mr. MacGREGOR. Physical, I said. There was inserted in the RECORD this morning by the ranking minority member of this subcommittee, the gentleman from Colorado [Mr. TAYLOR], a statement showing the number of deaths which have occurred in this House during past Congresses. For instance, in the Sixtieth Congress we lost 10; in the Sixty-first Congress, 11; in the Sixty-second Congress, 11; in the Sixty-third Congress, 12; in the Sixty-fourth Congress, 7; in the Sixty-fifth Congress, 15; in the Sixty-sixth Congress, 14; in the Sixty-seventh Congress, 19; in the Sixty-eighth Congress, 17; in the Sixty-ninth Congress, 9; and so far this session we have lost 5.

Mr. CRAMTON. Will the gentleman yield?

Mr. MacGREGOR. Yes.

Mr. CRAMTON. Do I understand that this examination is to be an examination of candidate before election or an examination after election

Mr. MacGREGOR. Perhaps it should be an examination before election, but the amendment provides for an examination after election.

Mr. CRAMTON. To be entirely effective it should provide for an examination of candidates before election.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. MacGREGOR. Yes.

Mr. SUMMERS of Washington. I want to ask the gentleman from New York if he is serious in offering this amendment

Mr. MacGREGOR. I am quite serious about it myself.

Mr. SUMMERS of Washington. It strikes me as being a very extraordinary and unusual thing to propose. There is no more reason why the Members of the House should be physically passed upon than that the pages should receive the same benefit.

Mr. MACGREGOR. Let me tell the gentleman the reason. I have been to the Secretary of War and I have been to the Surgeon General of the Army and the Surgeon General of the Navy and have tried to see if some arrangement could not be made whereby we could have an annual physical examination of Members of the House.

Mr. SUMMERS of Washington. If it would include everybody in the United States, there would be some excuse for it, but not when applied to the membership of the House alone.

Mr. MACGREGOR. There is plenty of excuse for it, and I am trying to tell the gentleman the reason for it if the gentleman will permit.

It has cost us the sum of $169,905 since the Sixtieth Congress to pay the funeral expenses of Members. In addition to this it has cost us nearly $1,000,000 since the Fifty-ninth Congress for payment of the allowances we make to the families of Members upon death. If that is not sufficient, I do not know what would be.

Mr. SUMMERS of Washington. Does the gentleman assume that by a medical examination all of these deaths and funerals could have been prevented?

Mr. MACGREGOR. I assume that a good many of them could have been prevented, because the time to control a disease is when it starts, and this you, perhaps, do by an examination of this kind.

The Surgeon General of the Army has told me it would be a perfectly wonderful thing if he could induce Members of Congress when at their homes to go to their own physicians every six months or every year and have such an examination made, and thus set an example for the people generally.

Mr. SUMMERS of Washington. I know there is such a campaign being conducted throughout the country for the improvement of the general health of the people.

Mr. MACGREGOR. I would be very delighted if we could get this idea into the minds of the Members of the House, and I am trying to bring this before the Members through this method of providing for such a physical examination.

Mr. SUMMERS of Washington. And it is to be done at Government expense.

Mr. MACGREGOR. We would be saving money.

Mr. SUMMERS of Washington. It seems to me a very farfetched proposition and one I could never agree to.

Mr. W. T. FITZGERALD. Will the gentleman yield?

Mr. MACGREGOR. Yes.

Mr. W. T. FITZGERALD. I am one of those who believes we are responsible ourselves for the condition the gentleman refers to. We eat too much, sleep too little, and exercise less than we should. If we corrected these things, we would not need such an examination.

Mr. MACGREGOR. But we will not do it.

The CHAIRMAN. Does the gentleman from Ohio insist upon his point of order?

Mr. MURPHY. I make the point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read down to and including line 15, page 22.

Mr. MURPHY. Mr. Speaker, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAWLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 12875, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BURTON, for one day, on account of important business.

PENSIONS

Mr. CANNON. Mr. Speaker, by direction of the Committee on Pensions, I call up the bill (H. R. 12381) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I understand this is a unanimous report, and I ask unanimous consent that the bill may be considered as read.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the reading of the bill be dispensed with. Is there objection?

There was no objection.

This bill is a substitute for the following House bills referred to said committee:

H. R. 574. Lester L. Coffee.
H. R. 1461. Annie M. O'Brien.
H. R. 1540. Harvey C. Patterson.
H. R. 2588. Juanita M., Roy C., and Dot Bandhauer.
H. R. 2611. Ernest Cooper.
H. R. 2664. James F. Conner.
H. R. 2667. Cynthia E. Endicott.
H. R. 2998. Ewel King.
H. R. 3000. William Hibbard.
H. R. 3067. Frank B. O'Brien.
H. R. 3161. Norman Campbell.
H. R. 3171. Richard F. Gray.
H. R. 3199. Thomas J. Keegan.
H. R. 3275. Columbus J. Hunt.
H. R. 3390. Robert L. Zell.
H. R. 3446. Charles G. Sullivan.
H. R. 3497. Marcel H. Poirier.
H. R. 3543. David Gregory.
H. R. 3544. Green Turner.
H. R. 3545. William H. Hensley.
H. R. 3672. Leroy Palmer.
H. R. 3718. Anna S. J. Llewys.
H. R. 3743. Claudie O. Neff.
H. R. 3897. George F. Wiggins.
H. R. 3934. Carl Johan Anderson.
H. R. 3975. John F. Kilbride.
H. R. 4011. James W. Dougherty.
H. R. 4090. Emil Janston.
H. R. 4092. Patrick J. Manning.
H. R. 4185. William P. Trimble.
H. R. 4237. Lawrence Waldroup.
H. R. 4373. Mary A. Clarke.
H. R. 4484. Tolbert Smith.
H. R. 4541. Martha, Thomas, and Mary Ann Coughlan.
H. R. 4641. William Cummings.
H. R. 4667. Wallace H. Hodge.
H. R. 4870. Cecilia A. Burns.
H. R. 5010. James A. Chalfant.
H. R. 5267. John H. Doremus.
H. R. 5291. Thomas A. McEntire.
H. R. 5875. Joseph D. Keane.
H. R. 5929. Frank Horn.
H. R. 5934. Frank M. Fast.
H. R. 6141. Harold W. Kenny.
H. R. 6144. Roy L. Haas.
H. R. 6374. Eliza W. Robar.
H. R. 6379. Fletcher Adkins.
H. R. 6539. William H. Clarke.
H. R. 6588. Zella R. Redding.
H. R. 6707. James J. Scanlon.
H. R. 6786. Annie McNamara.
H. R. 6840. Jack J. McLawhorn.
H. R. 6909. Louise B. Otis.
H. R. 7038. Millie Wynn.
H. R. 7058. Lucile D. Brown.
H. R. 7094. Edward M. Carter.
H. R. 7399. Lee Jones.
H. R. 7419. John F. Kopczynski.
H. R. 7503. David Green.
H. R. 7519. Janette L. Goodrich.
H. R. 7534. Samuel E. Fox.
H. R. 8030. Robert W. Fulton.
H. R. 8080. Martha E. Moore.
H. R. 8257. John B Maddox.
H. R. 8354. Isaac Adler.
H. R. 8381. Peter R. Schug.
H. R. 8384. James B King.
H. R. 8389. James M. Deaton.
H. R. 8414. Daniel W. Tidmore.
H. R. 8442. Patrick Lyseght.
H. R. 8477. Robert J. Jones.
H. R. 8479. Alfred C. Williams.
H. R. 8485. Charles Osborn.
H. R. 8595. George Bunch.
H. R. 8614. James C. Hicks.
H. R. 8635. Morris E. Leighty.
H. R. 8638. Katherine Raney.
H. R. 8645. Alamanza Korson.
H. R. 8704. James O. Scott.
H. R. 8767. John Murphy.
H. R. 8784. Owen Williams.
H. R. 8795. William Henry Norris.
H. R. 8857. Albert Kreutzer.
H. R. 8892. Edward L. Hayes.
H. R. 8967. Edward M. Gantt.
H. R. 8976. Olive B. Powers.
H. R. 9082. George F. Tinkham.
H. R. 9166. Chauncey G. Sleeper.
H. R. 9241. Myrtle Grantham.
H. R. 9269. Grady B. Baggett.
H. R. 9321. Arnold M. Zirkle.
H. R. 9379. Jane Tilly.
H. R. 9389. June Harvie.
H. R. 9426. Edward Roediger.
H. R. 9461. Jasper O. Craig.
H. R. 9464. Arthur Gray.
H. R. 9478. Willie E. Smith.
H. R. 9547. Peter Sherlock.
H. R. 9562. Albert H. Black.
H. R. 9657. Tillie P. Turner.
H. R. 9709. James I. Piland.
H. R. 9714. Lewis Kimmel.
H. R. 9735. Eloise P. Stevens.
H. R. 9878. Elizabeth Edwards.
H. R. 10049. Henry D. Pfeil.
H. R. 10091. Rebecca Dennis.
H. R. 10117. Gallico Thompson.
H. R. 10195. John Garvey.
H. R. 10258. Joseph D. Combs.
H. R. 10280. Seward B. Pickens.
H. R. 10319. Terese B. Hall.
H. R. 10445. Russel G. Howe.
H. R. 10450. Ethel Norton.
H. R. 10496. James O. Quinn.
H. R. 10518. Camillus Arnett.
H. R. 10580. Glenn E. Hall.
H. R. 10588. Herman Green.
H. R. 10689. Harry F. Palmer.
H. R. 10840. Matt J. Gaines.
H. R. 10857. James Shaw.
H. R. 10924. Jennie B. Hanks.
H. R. 10943. William D. Warren.
H. R. 11050. Curt T. Spicer.
H. R. 11109. Mollie F. Shockley.
H. R. 11172. Charles R. Fischer.
H. R. 11287. Louisa Donnelly.
H. R. 11304. Lillie Witt.
H. R. 11322. Clark Brown.
H. R. 11389. Harry A. Thompson.
H. R. 11399. John W. Strausser.
H. R. 11681. Joseph L. Short.
H. R. 11892. William G. Shotwell.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILL REFERRED

A bill of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 3555. An act to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce; to the Committee on Agriculture.

ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 3224. An act to extend the provisions of the forest exchange act, approved March 20, 1922 (42 Stat. 465), to the Crater National Forest, in the State of Oregon; and

S. 3225. An act to enlarge the boundaries of the Crater National Forest.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval a bill of the House of the following title:

H. R. 10564. An act to authorize the Secretary of War to grant and convey to the county of Warren a perpetual easement for public highway purposes over and upon a portion of the Vicksburg National Military Park in the State of Mississippi.

ADJOURNMENT

Mr. MURPHY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Saturday, April 14, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, April 14, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To provide for the transfer to the Department of the Interior of the public-works functions of the Federal Government (H. R. 8127).

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

A meeting to hear General Deakyne discuss the various engineering reports before the committee.

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

A meeting to consider matters concerning the Osage Indians.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

443. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examinations and survey of southeast entrance to Milford Haven Harbor, Va.; to the Committee on Rivers and Harbors.

444. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of the shore at and near West Chop, Marthas Vineyard, Mass., with a view to preventing its erosion; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEHLBACH: Committee on the Civil Service. H. R. 25. A bill to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, approved July 3, 1926; with amendment (Rept. No. 1263). Referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER: Committee on Interstate and Foreign Commerce. H. R. 12620. A bill to authorize the unification of carriers engaged in interstate commerce, and for other purposes; without amendment (Rept. No. 1264). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on Roads. S. 1341. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; with amendment (Rept. No. 1267). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on Roads. H. R. 7343. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; with amendment (Rept. No. 1268). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Maine: Committee on the Merchant Marine and Fisheries. H. R. 11796. A bill to provide for the conservation of fish, and for other purposes; with amendment (Rept. No. 1269). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LOWREY: Committee on War Claims. H. R. 1390. A bill for the relief of Maj. Lester L. Lampert; with amendment (Rept. No. 1255). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. H. R. 3537. A bill for the relief of William F. Goode; with amendment (Rept. No. 1256). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. H. R. 9509. A bill for the relief of Ray Ernest Smith; with amendment (Rept. No. 1257). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. H. R. 9546. A bill for the relief of T. D. Randall & Co.; with amendment (Rept. No. 1258). Referred to the Committee of the Whole House.

Mr. SINCLAIR: Committee on War Claims. H. R. 10913. A bill to compensate Talbird & Jenkins for balance due on contracts with Navy Department dated March 20 and October 9, 1919; with amendment (Rept. No. 1259). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. H. R. 11385. A bill for the relief of Dr. Andrew J. Baker; with amendment (Rept. No. 1260). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. S. 374. An act for the relief of Lulu Chaplin; with amendment (Rept. No. 1261). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. S. 1637. An act for the relief of Martha Henson; without amendment (Rept. No. 1262). Referred to the Committee of the Whole House.

Mr. CHAPMAN: Committee on Military Affairs. H. R. 7324. A bill to clarify the military record of Orla W. Robinson; with amendment (Rept. No. 1265). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 10034. A bill for the relief of Capt. Alexander C. Doyle; without amendment (Rept. No. 1266). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GARRETT of Tennessee: A bill (H. R. 12985) authorizing J. T. Burnett, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: A bill (H. R. 12986) to amend section 12 of the act approved May 18, 1920; to the Committee on Naval Affairs.

By Mr. LAGUARDIA: A bill (H. R. 12987) to provide for the employment of additional customs guards, for the compensation of customs guards, for the construction of launches for the customs service, and for other purposes; to the Committee on Ways and Means.

By Mr. MAAS: A bill (H. R. 12988) authorizing and directing the Secretary of War to grant certain land to the city of St. Paul, State of Minnesota; to the Committee on Military Affairs.

By Mr. SUMMERS of Washington: A bill (H. R. 12989) authorizing an appropriation for Mount Adams Highway on the Yakima Indian Reservation; to the Committee on Indian Affairs.

By Mr. TINKHAM: A bill (H. R. 12990) to place curling stones and curling-stone handles on the free list; to the Committee on Ways and Means.

By Mr. WINTER: A bill (H. R. 12991) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project; to the Committee on Irrigation and Reclamation.

By Mr. HOFFMAN: A bill (H. R. 12992) authorizing and directing the Secretary of the Treasury to enter into a contract or contracts for the erection and completion of a plant suitable for the investigations of the Bureau of Mines in New Brunswick, N. J.; to the Committee on Mines and Mining.

By Mr. HULL of Tennessee: A bill (H. R. 12993) to repeal the provisos of paragraphs 369, 401, 1301, and 1302 of section 1 of the tariff act of 1922; the provisos of paragraphs 1536, 1541, 1543, 1548, 1585, and 1700 of section 201 of the tariff act of 1922; and paragraph 371 of the tariff act of 1922; to the Committee on Ways and Means.

By Mr. SCHNEIDER: Joint resolution (H. J. Res. 272) designating September 8 as National Marine Memorial Day; to the Committee on the Judiciary.

By Mr. RAMSEYER: A resolution (H. Res. 164) amending Rule XVIII of the House of Representatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALDRICH: A bill (H. R. 12994) granting an increase of pension to Ella J. Wilson; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 12995) for the relief of Etta B. Leach Johnson; to the Committee on Foreign Affairs.

By Mr. BACON: A bill (H. R. 12996) providing for the examination and survey of Huntington Harbor, N. Y.; to the Committee on Rivers and Harbors.

By Mr. BEGG: A bill (H. R. 12997) granting an increase of pension to Sarah E. Parrish; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 12998) granting a pension to Katherine Nelson; to the Committee on Pensions.

By Mr. CHALMERS: A bill (H. R. 12999) granting a pension to Anna E. Walters; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 13000) granting a pension to Kate Kingston; to the Committee on Invalid Pensions.

By Mr. COLE of Maryland: A bill (H. R. 13001) for the relief of Clarence Joseph Deutsch; to the Committee on Naval Affairs.

By Mr. DYER: A bill (H. R. 13002) for the relief of William Elder; to the Committee on Claims.

By Mr. FAUST: A bill (H. R. 13003) granting a pension to Sarah E. Peabody; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 13004) granting a pension to Kate Krisher; to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 13005) granting an increase of pension to Roscoe C. Tarter; to the Committee on Pensions.

Also, a bill (H. R. 13006) granting a pension to Harriet Morgan; to the Committee on Invalid Pensions.

By Mr. GREENWOOD: A bill (H. R. 13007) granting a pension to Eliza Jane Buckles; to the Committee on Invalid Pensions.

By Mr. HOFFMAN: A bill (H. R. 13008) to provide for a survey of New York and New Jersey channels, including channel north of Shooters Island, and Main and Gedney Channels; to the Committee on Rivers and Harbors.

By Mr. HOGG: A bill (H. R. 13009) granting a pension to Beata E. Shafer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13010) for the relief of James P. Sloan; to the Committee on Claims.

By Mr. HOLADAY: A bill (H. R. 13011) to extend the benefits of the United States Employees' Compensation Commission act of September 7, 1916, to William Horton Brown; to the Committee on Claims.

By Mr. McDUFFIE: A bill (H. R. 13012) granting a pension to Julia T. Goodhue; to the Committee on Invalid Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 13013) granting a pension to Ann Maria Metcalf; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 13014) to authorize the Albert J. Lentz Post, No. 202, American Legion, of Gettysburg, Pa., to erect and maintain a post home on the grounds of the Gettysburg National Military Park; to the Committee on Military Affairs.

By Mr. MILLIGAN: A bill (H. R. 13015) granting a pension to Martin A Hicks; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 13016) granting an increase of pension to Hattie M. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13017) granting an increase of pension to Sarah J. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13018) granting a pension to Ella N. Lamp; to the Committee on Pensions.

By Mr. PORTER: A bill (H. R. 13019) for the relief of Marion Letcher, American consul general at Copenhagen, Denmark, who suffered by burglary of the consulate general the loss of official funds; to the Committee on Foreign Affairs.

By Mr. RAINEY: A bill (H. R. 13020) granting an increase of pension to Annie L. Lacey; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 13021) granting an increase of pension to Martha J. Bennett; to the Committee on Invalid Pensions.

By Mr. SMITH: A bill (H. R. 13022) authorizing the submission to the Court of Claims of the claims of sundry citizens of Idaho for damages sustained by reason of the overflow of their lands in connection with the construction of the reservoir to irrigate lands belonging to the Indians on the Fort Hall Indian Reservation in Idaho; to the Committee on Claims.

Also, a bill (H. R. 13023) for the relief of Arthur H. Teeple; to the Committee on Claims.

By Mr. STRONG of Pennsylvania: A bill (H. R. 13024, granting a pension to Irene L. Mahan; to the Committee on Pensions.

By Mr. TATGENHORST: A bill (H. R. 13025) granting a pension to Alma McGuire; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 13026) authorizing the appointment of John F. Lee as a warrant officer of the Regular Army; to the Committee on Military Affairs.

Also, a bill (H. R. 13027) granting a pension to Mary E. Savage; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 13028) granting a pension to Olive H. McMillan; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 13029) granting an increase of pension to Martha E. Waterman; to the Committee on Invalid Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 13030) for the relief of John J. Fitzgerald; to the Committee on the Judiciary.

By Mr. HOGG: Joint resolution (H. J. Res. 271) providing for the erection of a memorial to Samuel Wilson, by whose sobriquet "Uncle Sam" the United States of America are popularly designated; to the Committee on the Library.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6762. By Mr. AYRES: Petition of citizens of Wichita, Kans., in behalf of legislation favorable to Civil War veterans and widows; to the Committee on Invalid Pensions.

6763. By Mr. CHALMERS: Petition protesting against the commercial use of the United States flag; to the Committee on the Judiciary.

6764. By Mr. GARBER: Telegram of Oklahoma State Highway Commission, Oklahoma City, Okla., urging the prompt consideration of bill for the appropriation of Federal funds under the Federal highway act; to the Committee on Roads.

6765. Also, petition of J. H. Stolper, Muskogee, Okla., general counsel and chairman national executive committee the American Veterans of All Wars, supporting House bill 500, Fitzgerald retirement bill for disabled emergency Army officers; to the Committee on World War Veterans' Legislation.

6766. Also, petition of J. L. Stockton, president eleventh division, Railway Mail Association, of Siloam Springs, Ark., in support of the night preferential bill for postal clerks; to the Committee on the Post Office and Post Roads.

6767. Also, petition of conference committee of the American Federation of Labor, General Federation of Women's Clubs, and Manufacturers, in support of Senate bill 1940 and House bill 7729, convict labor bill; to the Committee on Labor.

6768. Also, petition of Dr. B. A. Owen, Perry, Okla., in protest to the enactment of Senate bill 1752, in regard to stamped envelopes; to the Committee on the Post Office and Post Roads.

6769. Also, petition of National League of Women Voters, Washington, D. C., in regard to Senate Joint Resolution 46, concerning Muscle Shoals; to the Committee on Military Affairs.

6770. By Mr. HAUGEN: Petition of 35 citizens of New Albin, Iowa, urging immediate steps be taken to bring to a vote a Civil War pension bill carrying rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6771. By Mr. HAWLEY: Petition of residents of Hammond, Oreg., requesting increases in pension to Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6772. By Mr. HUDDLESTON: Petition of Kiwanis Club, of Fairfield, Ala., and H. G. Monatt, of Birmingham, Ala., in opposition to the Oddie bill (S. 1752) in reprinting of stamped envelopes; to the Committee on the Post Office and Post Roads.

6773. By Mr. KELLY: Petition of members of the First Presbyterian Church of East McKeesport, Pa., favoring passage of Sunday rest law; to the Committee on the District of Columbia.

6774. Also, petition of citizens of Tarrentum, Pa., favoring increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6775. By Mr. LETTS: Petition of Annie Jensen and other citizens of Scott County, Iowa, urging the passage of a Civil War pension bill; to the Committee on Invalid Pensions.

6776. By Mr. LINDSAY: Petition of Enyard & Godley (Inc.), New York City, protesting against the McNary-Haugen farm relief bill; to the Committee on Agriculture.

6777. Also, petition of Chamber of Commerce, Hastings, Nebr., urging the passage of House bill 8909, providing for flood con-

trol in the lower Mississippi Valley; to the Committee on Flood Control.

6778. Also, petition of the George Washington American Citizens Bicentennial Commemoration Committee, New York City, indorsing the project to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon with the Arlington Memorial Bridge across the Potomac River; to the Committee on Roads.

6779. Also, petition of Hunter-Walton & Co., New York City, protesting against the McNary-Haugen bill on the ground that it is an injury to the butter and cheese business as well as demoralizing to the farmer; to the Committee on Agriculture.

6780. Also, petition of Artistic Lighting Equipment Association, New York City, protesting against the passage of House bill 6679, introduced by Congressman TILMAN B. PARKS, on the ground that it is discriminatory to the small business man; to the Committee on the Judiciary.

6781. Also, petition of J. Alex Wigle, Mineola, N. Y., urging the favorable reporting of House bill 12032, intended to rectify and improve the financial status of warrant and chief warrant officers of the United States Navy; to the Committee on Naval Affairs.

6782. Also, petition of Michael J. De Martini, W. M. Caniff, Henry Lombardi, and Daniel McCauley, all of Brooklyn, N. Y., urging favorable action on House bill 10644, to adjust the compensation of certain employees in the customs service; to the Committee on Ways and Means.

6783. By Mr. LOZIER: Petition of 40 citizens of Linn County, Mo., urging enactment of more liberal pension laws; to the Committee on Invalid Pensions.

6784. By Mr. McKEOWN: Petition of Wayne M. Roberts and other citizens of Pontotoc County, Okla., urging immediate passage of a bill increasing Civil War pensions; to the Committee on Invalid Pensions.

6785. Also, letter of Ferbie Whitehead, of Ada, Okla., urging the passage of a bill increasing the pension of the Civil War veterans and their widows; to the Committee on Invalid Pensions.

6786. By Mr. MAJOR of Missouri: Petition of citizens of Springfield, Mo., urging the immediate passage of legislation providing increased pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6787. By Mr. O'CONNELL: Petition of Hunter, Walton & Co., New York City, opposing the passage of the McNary-Haugen farm relief bill; to the Committee on Agriculture.

6788. Also, petition of Enyard & Godley (Inc.), New York City, opposing the passage of the McNary-Haugen farm relief bill; to the Committee on Agriculture.

6789. Also, petition of the Chamber of Commerce, Hastings, Nebr., favoring the passage of the Sears bill (H. R. 8909) for flood control; to the Committee on Flood Control.

6790. Also, petition of the Artistic Lighting Equipment Association, New York City, favoring the passage of the Parks bill (H. R. 6679) to amend the Federal Judicial Code by limiting the jurisdiction of the Federal district courts; to the Committee on the Judiciary.

6791. Also, petition of J. Alex Wigle, Mineola, Long Island, N. Y., favoring the passage of House bill 12032, to rectify and improve the financial status of warrant and chief warrant officers of the Navy; to the Committee on Naval Affairs.

6792. Also, petition of the John Eiseman Camp, No. 79, Sons of Union Veterans of the Civil War, Woodhaven, Long Island, N. Y., favoring the passage of Senate bill 3628, granting pensions to certain disabled children of veterans of the Civil War and the war with Spain; to the Committee on Pensions.

6793. By Mr. QUAYLE: Petition of Baum & Moncharsh, of New York City, opposing the McNary-Haugen bill; to the Committee on Agriculture.

6794. Also, petition of the American Legion National Legislative Committee of Washington, D. C., urging the passage of the Rogers hospital construction bill; to the Committee on World War Veterans' Legislation.

6795. Also, petition of Chamber of Commerce of Hastings, Nebr., urging the passage of the Sears bill (H. R. 8908); to the Committee on Flood Control.

6796. Also, petition of Hunter, Walton & Co., of New York City, opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6797. Also, petition of Enyard & Godley (Inc.), of New York City, opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6798. Also, petition of the George Washington American Citizens Bicentennial Commemoration Committee, of New York City, urging the passage of the Moore bill to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington; to the Committee on Roads.

6799. By Mr. RATHBONE: Petition by citizens of Chicago, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6800. By Mr. ROMJUE: Petition of W. P. Kennedy, T. R. Sawyer, and others, of Kahoka, Mo., for passage of Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6801. By Mr. SWING: Petition of citizens of San Diego, Calif., in behalf of the Civil War pension bill for the relief of veterans and widows; to the Committee on Invalid Pensions.

6802. By Mr. TEMPLE: Petition of residents of Washington County, Pa., in support of legislation increasing the rate of pension to Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

6803. By Mr. VINSON of Kentucky: Petition of Civil War veterans and their widows for increase of pension; to the Committee on Invalid Pensions.

6804. By Mr. WHITE of Colorado: Petition of sundry citizens of Denver, Colo., urging the enactment of legislation granting an increase of pension to veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

6805. By Mr. WINTER: Resolutions from F. S. Harter, president Platte County Bee Keepers Association, Wheatland; L. A. Buchanan, president Lions Club, Cody; and William C. Kinkead, president Kiwanis Club of Cheyenne, Cheyenne, all in the State of Wyoming, indorsing and approving House bill 9956 and that it will be passed and become a law; to the Committee on Irrigation and Reclamation.

HOUSE OF REPRESENTATIVES

SATURDAY, *April 14, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, the Father of our Lord and Savior Jesus Christ, Thy purpose for this world is the development of man; all creation is engaged in this redeeming task. Let us not despise the lowest of Thy creatures, nor lose the glory and the worth of humble service and simple things. The divine at the heart of the universe keeps working away at the divine in man, and one day, like the prophet of old, he will be lifted up out of his ignorance and sin into the light of a more perfect day. Amid commotions and uncertainties, Thou art the preserver of all good; we therefore praise Thee. May our laws and institutions be molded by great Christian ideals, and always remain as the inspiration of our fellow citizens, for they are the architects and the builders of our Republic. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 431. An act to authorize the payment of certain taxes to Okanogan County, in the State of Washington, and for other purposes;

H. R. 5687. An act authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes;

H. R. 6360. An act for the relief of Edward S. Lathrop;

H. R. 7191. An act to authorize the Secretary of Commerce to convey certain land in Cook County, Ill., to the Chicago & Western Indiana Railroad Co., its successors or assigns, under certain conditions;

H. R. 7908. An act to authorize the granting of leave to veterans of the Spanish-American War to attend the annual convention of the United Spanish War Veterans and auxiliary in Habana, Cuba, in 1928;

H. R. 8650. An act for the relief of C. S. Winans;

H. R. 9830. An act authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls;

H. R. 10540. An act to credit retired commissioned officers of the Coast Guard with active duty during the World War performed since retirement; and

H. R. 10932. An act for the relief of the widows of certain Foreign Service officers.

The message also announced that the Senate had passed with amendments bills of the House of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 9411. An act for the relief of Maurice P. Dunlap; and

H. R. 11020. An act validating certain applications for and entries of public lands.

The message further announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3194) entitled "An act to establish the Bear River migratory-bird refuge."

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House was requested:

S. 362. An act to provide for the advancement on the retired list of the Navy of Lloyd Lafot;

S. 721. An act to establish a fish-hatching and fish-cultural station in the State of New Mexico;

S. 745. An act to authorize the establishment of a fisheries experiment station on the west coast of Washington;

S. 1261. An act to establish a fish-hatching and fish-cultural station in the State of Idaho;

S. 1609. An act recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic*, *American Trader*, *President Roosevelt*, *President Harding*, and the British steamship *Cameronia*, and for other purposes;

S. 1710. An act authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor;

S. 1738. An act for the validation of the acquisition of Canadian properties by the War Department and for the relief of certain disbursing officers for payments made thereon;

S. 1964. An act to establish a fish-cultural station in the State of Montana as an auxiliary to the Bozeman, Mont., fisheries station;

S. 2019. An act to amend an act entitled "An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes," approved May 22, 1926;

S. 2319. An act for the relief of John W. Stockett;

S. 2336. An act for the relief of Nina MacDonald, Zenas V. Johnston, Margaret E. Thompson, Arthur L. Beaman, and May Fee;

S. 2804. An act to amend section 812 of an act entitled "An act to establish a code of law for the District of Columbia," as amended;

S. 3116. An act providing for half holidays for certain Government employees;

S. 3280. An act for the relief of Margaret Diederich;

S. 3338. An act authorizing the sale of certain lands on Petit Jean Mountain near Morrilton, Ark., for use by the Young Men's Christian Association of Arkansas;

S. 3437. An act to provide for the conservation of fish, and for other purposes;

S. 3571. An act granting the consent of Congress to the county court of Roane County, Tenn., to construct a bridge across the Emory River at Suddaths Ferry, in Roane County, Tenn.;

S. 3602. An act to quiet title and possession with respect to certain lands in Faulkner County, Ark.;

S. 3774. To provide a temporary location for a farmers' market in the District of Columbia; and

S. J. Res. 28. Joint resolution consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the years 1866, 1867, and 1868, and vesting the right in each State to sue in its own name.

SPEAKERS PRO TEMPORE FOR TO-MORROW

The SPEAKER. The Chair designates the gentleman from New York [Mr. PARKER] to preside to-morrow for memorial exercises on the late Representative MAGEE, and the gentleman from New Mexico [Mr. MORROW] on the exercises in commemoration of the late Senator ANDRIEUS A. JONES.

FLOOD CONTROL

Mr. SNELL, chairman of the Committee on Rules, reported the following resolution for printing in the RECORD:

House Resolution 165

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 3740, an act for the control of floods on the Mississippi River and its tributaries, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 12 hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill with such amendments to the House as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion, except one motion to recommit.

The resolution was referred to the calendar and ordered printed.

THE ALL-AMERICAN CANAL

Mr. SNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an official communication from the Legislature of the State of New York relative to the all-American canal.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. SNELL. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following official communication from the Legislature of the State of New York relative to the all-American canal:

IN SENATE, STATE OF NEW YORK,
Albany, March 5, 1928.

Whereas the project of an all-American ship canal across the State of New York, connecting the Great Lakes with the Atlantic Ocean, continues to be a subject of public agitation and discussion and is of deep concern to the people of the State of New York and to the Nation at large; and

Whereas in the consideration of such project it has been urged that the route of the present Erie Barge Canal should generally be followed in the construction of the work; and

Whereas many populous communities exist along such route and many industrial establishments have for years been maintained thereon that would be served and benefited by such a ship canal; and

Whereas the work being done by the General Government in making a deeper channel in the Hudson River and the establishment of a port at Albany are well under way; and

Whereas the confluence of the Erie Barge Canal and of the Champlain Barge Canal is at the head of tidewater in the Hudson River at Troy: Now therefore be it

Resolved (*if the assembly concur*), That if the Federal Government shall decide to build a ship canal across the State of New York and the constitution of this State shall be amended in the prescribed manner so as to permit of the transfer to that Government of the existing Erie Barge Canal as a part of a national waterways route, it is the earnest recommendation of the legislature of this State that the eastern portion of such ship canal shall be built to follow the historic route of the Mohawk River and the Erie Barge Canal to the head of tidewater in the Hudson River at Troy, thus securing the advantages of existing canal structures and the continued serving and further development of the municipalities and the numerous important industries now established both along such route and in and between the cities of Albany, Troy, Schenectady, Watervliet, Rensselaer, and Cohoes; and be it further

Resolved, That a copy of this resolution be transmitted by the clerk of this senate to each United States Senator and Representative in Congress from the State of New York.

By order of the Senate.

ERNEST A. FAY, *Clerk.*

IN ASSEMBLY, *March 21, 1928.*

Concurred in without amendment.

By order of the assembly.

FRED W. HAMMOND, *Clerk.*

BENJAMIN S. M'HENRY

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4702) to remove the charge of desertion from the record of Benjamin S. McHenry, and concur in the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill (H. R. 4702) and concur in the Senate amendment. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause, and in lieu thereof insert the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Benjamin S. McHenry, alias Henry Benjamin, late of Company K, Third Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 17th day of May, 1867: *Provided*, That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the passage of this act."

Amend the title so as to read: "An act for the relief of Benjamin S. McHenry, alias Henry Benjamin."

Mr. SNELL. Is that the usual language?

Mr. MORIN. This simply puts in the Senate's own language.

Mr. LAGUARDIA. Reserving the right to object, I tried to follow the reading by the Clerk, and it struck me that the Senate bill specifically gives this soldier all the rights that may accrue from any existing law, while the House bill specifically excludes him from those benefits.

The SPEAKER. The Clerk will again report the amendment.

The Clerk again read the amendment.

The Senate amendment was agreed to.

THE WORLD WAR VETERANS' ACT OF 1924

Mr. JOHNSON of South Dakota. Mr. Speaker, the bill (H. R. 10160) amending the World War veterans' act of 1924 was referred to the World War Veterans' Committee, and by it referred to a subcommittee and unanimously reported from the committee. I ask unanimous consent that I may have until 12 o'clock to-night to introduce the bill as amended and the report of the committee in order that the bill may be placed on the calendar.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that he may have until 12 o'clock to-night to file the bill and report as stated.

Mr. JOHNSON of South Dakota. And to introduce a "clean bill"—the committee bill. By "clean bill" I mean one that can be easily read and easily understood.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. The gentleman does not need unanimous consent, does he?

Mr. JOHNSON of South Dakota. I am afraid I will not be able to get the report in before the House adjourns, and I want to call it up Monday if I can.

Mr. TILSON. As I understand, the gentleman wishes to call it up under suspension of the rules, and he wishes to have the bill in a clean form?

Mr. JOHNSON of South Dakota. That is the reason.

Mr. SCHAFER. Reserving the right to object, are we going to have the World War veterans' legislation at this session come under suspension of the rules and either have to vote it up or vote it down? The 4,000,000 World War veterans ought to have a day in the House for consideration of their legislation other than under suspension of the rules.

Mr. JOHNSON of South Dakota. I do not know what bills we will be able to get before the House, but I would like to get this one up as soon as I can.

Mr. LAGUARDIA. Can not the gentleman get the bill up under a rule?

Mr. JOHNSON of South Dakota. I would like the gentleman to have that chance.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. TILSON. Is not this a unanimous report from the committee?

Mr. JOHNSON of South Dakota. Yes.

Mr. TILSON. It seems to me that it is the kind of a bill that we should pass either under unanimous consent or under suspension of the rules.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. GARNER of Texas. Why not tell just the whole story about it? When you bring in one of these war veterans' bills, in which more than 4,000,000 people are interested, with a unanimous report from the committee, the object of the committee in having it taken up under suspension of the rules is to not give anyone an opportunity to offer an amendment.

Mr. LAGUARDIA. I know that.

Mr. GARNER of Texas. Because you might run away with it. With this tremendous pressure behind you, they want to take away from you the opportunity of doing something that you might do.

Mr. TILSON. Where the committee has on it as many friends of the veterans as the Veterans' Committee has, and they unanimously agree to a report, does not the gentleman think the interests of the veterans will be well taken care of by such a committee?

Mr. SCHAFER. Yes; but I do not for one minute believe that the committee by unanimous vote believe that all veterans' legislation should come up under suspension of the rules. I firmly believe that the great majority of the committee, in fact, practically the entire committee, desires veterans' legislation to have its day in the House.

Mr. JOHNSON of South Dakota. As a practical matter, the question before the House is whether I can put this bill on the calendar, introduce it as a clean bill, report it, and pass it.

Mr. GARRETT of Tennessee. Of course, if it is to be passed under suspension of the rules, the gentleman would not necessarily need to have a "clean" bill.

Mr. TILSON. Certainly not.

Mr. GARRETT of Tennessee. But if it is going to come up under suspension of the rules, I think it is quite proper that the gentleman should have the consent that he now requests so that we may at least have the opportunity of reading the bill and understanding it.

Mr. JOHNSON of South Dakota. That is exactly my reason. I wanted to get such a copy of the bill before the House so that every Member could see exactly what it contained. If this consent is granted, there would be that kind of a bill. If not, then the bill to be considered will come in with its several amendments, and it will be hard to determine just what it does provide.

Mr. LAGUARDIA. I am sure we ought to thank the gentleman for giving us an opportunity to read the bill. I think it is very gracious of him.

Mr. JOHNSON of South Dakota. I am very glad to do that for my distinguished colleague from New York.

Mr. SCHAFER. Mr. Speaker, under the reservation to object I wish to state that I shall not object to this consent. Since the creation of the World War Veterans' Committee there has not been a rule so that their legislation could be considered on the floor of this House under full and free debate, with opportunity of amendment. World War veterans' legislation has generally come before the House under suspension of the rules with only 20 minutes' debate on that side and no opportunity to offer amendments. I hope that the leadership on this side will give the veterans' legislation a day on the floor of this House. We have been adjourning over Saturdays for a number of weeks. Let us take one of the coming Saturdays to consider veteran legislation.

Mr. DYER. Can not they get a Calendar Wednesday day?

Mr. SCHAFER. No. Under the rules of the House they will not have Calendar Wednesday if the House keeps in session for a hundred years.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

ALLEGED ABUSE OF THE FRANKING PRIVILEGE

Mr. McCLINTIC. Mr. Speaker, a newspaper has published an article which charges my improper use of the franking privilege. Rather than rise to a question of personal privilege, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. McCLINTIC. Mr. Speaker, ladies and gentlemen of the House, I am advised that one member of the Naval Affairs Committee has given out a statement to the effect that my franking privilege has been violated in connection with mailing out a minority report on the naval shipbuilding bill. The statement says that the House Naval Affairs Committee, in cooperation with the Post Office Department, is investigating the alleged abuse of the franking privilege by the so-called head of the National Council for the Prevention of War. I am a member of the Naval Affairs Committee. This morning I called on the acting clerk and asked him if any subcommittee of the Naval Affairs Committee, or the committee itself, had ever discussed that subject officially. I am advised that no such discussion has taken place. Therefore that part of the newspaper story is not true.

As far as the Post Office Department making an investigation is concerned, I have no knowledge with respect to that statement. I have invited all of the members of the Commitee on Naval Affairs to be here this morning. I want to look them right square in the eyes. If there is a member of the Naval Affairs Committee here who has given out this report, I now invite him to make himself known. Evidently he is not here.

I have the most supreme contempt for anyone who would deliberately violate his franking privilege. If my franking privilege has been violated I want the fullest investigation to be made. I want every witness to come before some committee and be put under oath so that we Members may have some protection along this line in the future.

What about these minority reports? They were printed and distributed nearly 30 days before this charge of the improper use of my frank was given to the newspapers. This morning I am advised by the National Council for the Prevention of

War that the alleged extraneous statements which were claimed to have been found in my franked envelope were mailed out seven days after the envelope containing the minority report was put in the post office. Therefore, this being true, it would have been a physical impossibility for this organization to have included the alleged extraneous matter in the envelopes which carried my frank.

Now I want to say this: I wrote the minority report on the naval shipbuilding bill for the purpose of giving to the citizens of this Nation some information as to why such a program was being sponsored by the Navy. I wanted the taxpayers to know that without a single war cloud on the horizon an attempt was being made to saddle an expenditure on them without a single justifiable reason. In addition, I called attention to the fact in this report that when a proper allocation of ship tonnage had been made, the United States did not occupy a second position to any nation on earth. Furthermore, I called attention to the fact that the kind of ships sought to be authorized was the class that could not perform service in a war, unless properly protected by aircraft and other newer naval equipment. In addition, this report recommended that the kind of ships found most valuable in the last war be utilized in the future, and that our obsolete battleships be reconstructed in such a way as to make them their own aircraft carrier, thereby making it possible to use such a ship in case this country should be so unfortunate as to become involved in another war. This report was furnished to the individuals and organizations who desired information of this kind, and I made an earnest attempt to supply the needs of those who were interested in the subject of national defense.

In preparing this minority report for mailing purposes I did safeguard my office in every manner possible in this way: These minority reports were printed by the Government Printing Office. They were sent to the House folding room, a Government institution, and there I had them sealed before any disposition was made of them. In other words, they were sealed before anybody could have had an opportunity to place anything in them other than that which they contained when they were sealed.

And so the matter appears to me to be a very peculiar charge. I can not understand how I could be accused of violating the use of my frank or being a party to the violation of my franking privilege. Every one of these envelopes [indicating the same] contains my frank up in the corner. Therefore when they were sent out to the different States of the Union, if they were not delivered to the parties addressed, they came back to me. I have here about 20 that came back within the last few days, from probably 15 or 18 different States. My secretary has opened probably 300 of those returned, and without a single exception there was nothing found in them except this minority report.

Mr. SNELL. Mr. Speaker, will the gentleman yield there?

Mr. McCLINTIC. Yes.

Mr. SNELL. I do not understand what is the charge against the gentleman. I have not seen the newspaper article.

Mr. McCLINTIC. The charge is headed, "Abuse of the franking privilege." Mr. Libby is accused of sending his literature out in my franked envelopes.

Mr. SNELL. Do you claim it was not done?

Mr. McCLINTIC. I am asserting that I took every possible safeguard and gave instructions to the House folding room to seal all of them before they went into the hands of any other person. Therefore it is hardly possible that these extra insertions were made.

Mr. SNELL. They have not been put in, so far as you know?

Mr. McCLINTIC. No. I am advised that the organization which it is said put in extraneous matters did mail out seven days after my speeches were mailed certain literature in separate stamped envelopes, and so, Mr. Speaker, it seems that someone has deliberately collected certain pamphlets mailed by this organization and then taken one of my envelopes and its contents down to the Post Office Department and asked, "Does this violate the franking privilege?"

Mr. SNELL. Mr. Speaker, will the gentleman yield for one more question?

Mr. McCLINTIC. In a second.

Of course, the Post Office Department would say, if you brought down one of those minority reports and a lot of appeals for money and other extraneous matter that were inclosed in the same envelope, that it did violate the franking privilege. But it seems to me that, having had five or six hundred of these envelopes returned from almost every State in the Union, certainly some of the returned envelopes would have contained the extra pamphlets if they had been included by this organization.

Mr. SNELL. Could these envelopes have been opened after they were mailed?

Mr. McCLINTIC. They could not without going to a lot of extra trouble.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. BANKHEAD. Does the newspaper article state the name of anyone who makes the charge?

Mr. McCLINTIC. No. I was advised by a member of the press that one of my colleagues on the Naval Committee had given out this statement.

Mr. BANKHEAD. Did you ask that newspaper man the name of the Member?

Mr. McCLINTIC. The newspaper man is one well known to the gentleman.

Mr. BANKHEAD. Did he give you the name of the member of the committee who made that statement?

Mr. McCLINTIC. He did not.

Mr. BANKHEAD. Did the gentleman make an inquiry of the Post Office Department or at the substation as to who had violated the privilege?

Mr. McCLINTIC. No. I am asking that an investigation be made by some committee of Congress, and that every witness coming before that committee be put under oath, and thus establish a proper precedent in cases of this kind.

As I view this whole plan and the secrecy with which the statement has been given out, it seems that there is an element of rottenness in this alleged violation. I can not help from having a suspicion that there is a "nigger in the woodpile." Everyone knows that we have had a lot of controversy over the subject of the naval shipbuilding program; everyone knows that the church people and the different religious organizations have taken a leading part in opposing this bill for the reason it was a monstrosity, unwarranted by any situation that exists in the world at the present time with respect to war, and I opposed the same on the grounds that it was unscientific and would bring about a deliberate waste of a lot of money which should be expended for other purposes. In other words, there is going on in this country a terrific struggle between the militarists and capitalists, who would profit by such a program, and those who are affiliated with the different religious organizations who believe in peace and who follow the Biblical injunction—

Blessed are the peacemakers, for they shall see God.

I want to say to this House that the salvation of the world depends upon education and religion. Religion did more to soothe the savage breast of the aborigines than all the other influences together, and if a student of history will go back to the Dark Ages in Europe he will find that the Christianizing of the barbarians was the movement that did more to lift them out of a bad condition than anything else. He will also find that the missionaries did more to inspire confidence in the aborigines of this country than all of the military organizations.

Therefore I am going to lend my influence always to those who proceed upon the theory that kindness and brotherly love will do more to soothe the feelings of a discordant element than any other thing that can be brought about. What is the situation with respect to this controversy? All of the naval activities have been put forth to mold sentiment in favor of this shipbuilding bill. The Secretary of the Navy has been making speeches throughout the Nation; the Assistant Secretary of the Navy has been out damning the churches, the newspapers, and every other element that has been opposed to war. Last week the columns of the United States Daily for three days carried articles from Secretary Wilbur with respect to war and the superiority of the battleship over all other types of ships. In other words, the Secretary of the Navy is the mouthpiece for a lot of ancient antiquarians who try to stress the superiority of 24-inch guns over an airplane that will carry a projectile for a thousand miles. Thus it can be seen that everything on earth is being done to mislead the people and destroy those who have the courage and honesty to fight against such a program, and I am not surprised that a charge of this kind is being made against the use of my frank. Why did those interested in this subject wait 30 days to make this charge? How easy it is to collect some of the literature that has been sent out by the Council for the Prevention of War and then tear open one of my envelopes, slip it in, and then take it down to the Post Office Department and say, "See here what McCLINTIC is allowing to be mailed out under one of his franks!"

Let us have a full investigation of this matter. I want to be confronted with those who have made this accusation. I have nothing to cover up, and I want the truth always to prevail.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. McCLINTIC. I ask unanimous consent to proceed for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCLINTIC. I have taken the position that the naval construction bill was a monstrosity; that it would bring about the expenditure of a lot of money without providing the kind of implements of war that were needed in an emergency. Therefore this element that seems to be opposing those who would have peace, as evidenced by their attitude before the committee, is now trying to reach out a little bit further and strike below the belt in an alleged charge which I do not believe to be true.

Mr. BLACK of New York. Mr. Speaker, will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. BLACK of New York. Has the gentleman asked the National Council for Prevention of War if they have done that?

Mr. McCLINTIC. They said they had mailed out appeals for money and that they were sent out seven days after I had mailed the minority report. Therefore I say it would be a physical impossibility for these envelopes to contain that extraneous matter.

Mr. BLACK of New York. Did they say they had sent them out under your envelopes?

Mr. McCLINTIC. No; they did not.

Mr. BROWNING. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. BROWNING. Does the gentleman who is alleged to have sent out this extraneous matter emphatically deny that he sent anything of that sort in your franked envelopes?

Mr. McCLINTIC. Yes.

Mr. BROWNING. Did he mail out any of the gentleman's minority report?

Mr. McCLINTIC. Yes.

Mr. BROWNING. But the gentleman says those envelopes were sealed before he received them?

Mr. McCLINTIC. Yes; they were sealed in the folding room by Government authorities.

Mr. BLANTON. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. BLANTON. The gentleman from Oklahoma ought to feel highly gratified, because they never hit at anybody unless he is doing something for the country.

Mr. McCLINTIC. Well, I want to say that the way I view this subject is that every man is charged with a certain amount of responsibility, that he ought to be conscientious in the performance of his duties and ought to believe what he says.

Mr. BLANTON. And the fact that they are shooting at the gentleman shows he is doing splendid work for his constituents.

Mr. McCLINTIC. That is very nice of the gentleman. I just want to say that no Member of Congress ought to be charged with any kind of a frame-up like this. These envelopes which I brought here with me were never opened until this morning, and they have been opened in your presence by one of the employees. Here they are. They are from about 15 or 18 States and were taken from some 500 that have been returned to me. Not a single extraneous statement has been found in any of the envelopes, and therefore I brand this as a frame-up of the rankest kind.

Mr. SNELL. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. SNELL. The gentleman asks that an investigation be made. As I understand, the precedent is that when a charge is made that a Member's frank has been improperly used he should make a complaint to the Post Office Department, and that department has all of the machinery necessary to make a proper investigation. So is not that the proper place in which to lodge the gentleman's complaint, rather than to have an investigation made here?

Mr. McCLINTIC. I will say to the gentleman that I have no desire to impose upon this Congress any useless machinery, and I prefer to have the investigation made in the regular way. I did not even care to take the time of the House by presenting a question of personal privilege, but I believe every Member of Congress is interested in a fair and square deal, and when any such implication as is contained in these charges is made I believe it is the duty of a Member to come out in the open and not hide himself. I believe he should not be afraid to come out and look any man in the eye. I resent any attempt of this kind to charge that a Member is not performing his duty, and I resent any such unjust charges being made, and I for one desire to have the charges proved or disproved.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. HOWARD of Oklahoma. If the gentleman is satisfied that some one has done this, does he not think it is his duty to the rest of the Members of Congress to find out who the man is and let the rest of us know, so we can guard ourselves against him?

Mr. McCLINTIC. I thank the gentleman for his suggestion, and I believe that before night we shall know who it is that made this charge. I ask for the fullest investigation, having in mind that when this is brought to light no man will swear that he has opened envelopes containing this minority report and other matter that is not properly frankable.

RESOLUTION OF THE MISSISSIPPI LEGISLATURE

Mr. LOWREY. Mr. Speaker, I ask unanimous consent to address the House for one minute in order to present resolutions from my State legislature.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LOWREY. Mr. Speaker, there are in the South many miles of valuable lands which can be reclaimed and turned to effective use in agriculture. We think that can be done for less money than it has cost to reclaim the arid lands of the West. And when thus reclaimed these southern lands would be quite equal to the western lands. There has been a bill introduced to that effect in the Senate by Senator McKELLAR, of Tennessee, and a bill in the House by the gentleman from Georgia [Mr. CRISP]. I hold in my hand resolutions which have been passed by the legislature of my State favoring the passage of those bills. The resolutions are sent to me by the secretary of state of the State of Mississippi, and I ask permission to extend my remarks by printing the resolutions in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The resolution follows:

A concurrent resolution indorsing the reclamation program of the Department of the Interior (the home-making department of our Government) for the establishment of rural communities in Mississippi and other Southern States and memorializing Congress to give its support to the measure and commending the Mississippi State Board of Development for its activities in connection with the program

Whereas the Bureau of Reclamation, Department of the Interior (the home-making department of our Government), has proposed a very definite and practical plan for assisting southern agriculture by the establishment of a colony in each Southern State of 200 farms or more, to be sold to selected farmers in the South and other States on convenient terms; and

Whereas these colonies will be under the supervision of experts who will provide the plan for production and marketing of farm products; and

Whereas the successful agricultural districts of the world have been based upon such community units, which have resulted in home ownership, the most urgent requirement of the Nation; and

Whereas the public domain of the United States adapted to present-day remunerative economic use is practically exhausted; and

Whereas the vast areas resulting from timber operations in the Southern States because of their proximity to our great consuming centers and to our ports are worthy of immediate serious attention with respect to present beneficial use and ultimate settlement and development; and

Whereas practically all efforts at so-called colonization have been in large measure unsuccessful and neither lasting nor permanent, and because of their too intensely commercial aspect have largely resulted in a loss of public confidence, and have often brought their promoters into national disrepute; and

Whereas the problem of home making is one of national importance and should command the assistance, support, and best thought of all agencies: Now therefore be it

Resolved, That it is the sense of the Legislature of the State of Mississippi that the opportunity for reestablishing southern agricultural life upon a sound basis presents itself in the plans proposed by the Department of the Interior and that the reclamation policies be extended to include the South and not restricted to other parts of the country; and be it further

Resolved, That copies of this resolution be sent each Congressman and Senator from Mississippi urging their vigorous support of Senate bill No. 2015, introduced by Senator McKELLAR, of Tennessee, and of House bill 8221, introduced by Representative CRISP, of Georgia; and be it further

Resolved, That we commend the efforts of the Mississippi State Board of Development which have resulted in the selection of a site in Mississippi for the location of one of the proposed colonies, and that

the board be urged to continue its aggressive efforts to bring about the early adoption of the program now before Congress.

I, Walker Wood, secretary of state of the State of Mississippi, do hereby certify that the above and foregoing is a true and correct copy of Senate Concurrent Resolution 19, acts of the Legislature of the State of Mississippi of 1928, as shown by the enrolled act thereof on file in my said office.

Given under my hand and the great seal of the State of Mississippi this 12th day of April, 1928.

[SEAL.] WALKER WOOD,
Secretary of State.

UNIVERSAL DRAFT LAW

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, a few days ago the distinguished chairman of the Committee on World War Veterans' Legislation [Mr. JOHNSON of South Dakota] made a very able address on the floor of the House in which he appealed for the passage of the Capper-Johnson bill, known as the universal draft law.

Considerable criticism has been directed toward the gentleman from South Dakota because he sought to enforce a drastic rule by securing a sufficient number of signatures from Members of the House to force this measure out of the Military Affairs Committee, where it appears to be peacefully sleeping.

Being a new Member of Congress, it is not mine to say whether or not the chairman of the Veterans' Committee employed the correct method of procedure, but his drastic action has called the attention of this House and the country to the fact that another Congress will likely soon adjourn without passing the universal draft law, which would draft money, materials, industry, and labor, as well as men, in case of future wars.

It is not my purpose to apologize for America's part in the World War. And I drew no such inference from my distinguished colleague's able address, as some of you gentlemen seem to have done. There never has been a doubt in my mind that the war with Germany was inevitable. Entering that terrible death struggle, as America did, woefully unprepared, our country finished the job much more quickly than the most optimistic had dreamed it could be done. But that is not the issue here. That has nothing to do with the merits of this measure, which has been pending in Congress for the past six years and which, if passed, would be a great forward step in outlawing war.

Nor have I any criticism of the draft law Congress passed 11 years ago, except that it did not go far enough. It did not even attempt to outlaw unconscionable profiteering, as has been the case in every war in which America has participated. There is no escape from the fact that during that last awful conflict, while our boys were "carrying on over there," and every loyal American at home was saving and sacrificing in a heroic manner, the moneyed oligarchy was plying its evil and dastardly trade. Bold and flagrant profiteering ran rampant in our land.

We saw 4,000 new millionaires made almost overnight. We saw sugar kings buy Cuban sugar at 6½ cents per pound and force the American public to pay 25 and 30 cents for it. We saw coal barons triple the price of coal within a few weeks, while we were in that desperate death struggle. We saw the sorry spectacle of munition makers harvesting millions, while your sons, who faced the machine-gun bullets they made, received $1 a day. We witnessed much pillage and graft during those dark days, and this Government was helpless, as our people groaned under a heavy tax. Some concerns, especially those having Government contracts, boldly admitted they made 150 per cent profits. Investigations which followed disclosed not a few made profits as high as 700 per cent.

Concerns having Government contracts to make soldier's uniforms, overcoats, overshoes, and raincoats profiteered in a brazen and shameful fashion. Several Members of this House wore those so-called raincoats made by profiteers, as did the other boys on the rain-soaked battle fields of France. And well do you recall that the raincoats you were forced to wear resembled a mosquito bar more than a raincoat. Investigations disclosed that the heartless, unpatriotic plunderers who secured the contract to make 1,000,000 raincoats for the Government purchased a sufficient amount of india rubber to make that number according to specifications. Later they received orders for 7,000,000 coats, so those conscienceless profiteers stretched this rubber purchased for only 1,000,000 garments to cover the entire number of 7,000,000 raincoats. No small per cent of the 60,000 brave men who were buried on European soil died of exposure and cold attributed directly to war profiteering in worthless raincoats, overcoats, and overshoes which our soldiers were forced to wear.

Another class of profiteers the generation which bore the brunt of the war will not soon forget are some of those much-advertised, alleged heroes who offered their valuable services to the Government at $1 per year. Some of those distinguished gentlemen who are to-day numbered among the world's wealthiest men were pictured as great, self-sacrificing citizens then. But this generation still remembers and resents the acts of those self-confessed war heroes extensively advertised as having offered their valuable services to our Government for only $1 per year. It was later learned that many of them were dealing in Government contracts, whereby they robbed our Government of millions. With their right hand they accepted a pittance from the Government, but with their left hand they were reaching back and pillaging people of millions in war profits.

The farmers and small business men did not ask nor expect such enormous profits. The farmers furnished a large per cent of the finest boys for the World War who ever wore uniforms, and then paid more than their share for that war. [Applause.] Although the farmer was forced to pay $10 per day for labor, 25 to 30 cents a pound for sugar, if he got any, and ordered not to eat white bread, the price was set on his grain which reduced the market price 30 cents per bushel on the farmer's wheat.

Nor have some of us forgotten those awful, heart-breaking hours when our recruits were loaded in like cattle and rushed to training camps. The soldier laborers and soldier carpenters at camps received their $1 per day, while the civilian who was physically unfit, working side by side with the soldier, received $10 per day and more. The young man who happened to have only one eye, or who was otherwise incapacitated for military service, was recognized as being worth ten times that of the man in uniform. The law we are to-day advocating, if passed, would mean that never again can such injustices obtain in this land of the free.

We see our soldiers as they are jerked from the training camps before learning to load a rifle, and started for Hoboken, where they find the shipbuilders and other less hazardous jobs paying civilians $10 to $20 per day. We see our lads as they "go down to the sea in ships" and cross the treacherous, darkened ocean, where the enemy submarines lie in wait to drag them down to death without giving them a fighting chance. We see them landing on a foreign soil and listening to tongues unknown to them.

We see our Americans rushed to the rescue of the Allies, who were not only heartsick but terror stricken, and whose lines were cracking and breaking before the onslaught of the hitherto unconquerable enemy. We see them at Chateau-Thierry, St. Mihiel, at St. Etienne, and in the Argonne Forest. Many of you had a map on the wall at home, and as you eagerly read your morning paper you stuck a pin in the map showing exactly how far the Americans had advanced. May I remind you that not one time after our boys took over any salient was it ever necessary for you to place that pin backward. [Applause.]

Then came the glad tidings of peace. The Thirty-sixth Division, the outfit I served in, had relieved the marines on the front and had suffered a loss of nearly 3,000 men killed and wounded. After receiving reinforcements the Thirty-sixth Division had moved over to the little shell-torn village of Treacourt, near Verdun, awaiting orders to go back once again into that black wave of death and destruction. On that fateful November 11 I saw those men rise up out of the mud and filth and cry for joy that the war was over. "Finis la guerre" was on the lips of the few peasants left in that village. "The war is over," resounded around the world. Those men who rose out of the mud that day purposed in their hearts that never again should war be waged if such could possibly be averted. These same men fervently believe this pending measure the logical and practical way of maintaining peace. The question I desire to ask is, Shall we keep faith with our men who took part in that memorable struggle, including "those who sleep where poppies grow"?

The American Legion, Veterans of Foreign Wars, and many other organizations have all gone on record many times since the close of that conflict in favor of a universal draft act, proposing to conscript all of our Nation's resources in case of war. Members of the Legion who have caught the torch of their fallen comrades and who are still carrying on contend and are insisting, Mr. Speaker, that money and materials are no more sacred than the young manhood of America.

For my part, Mr. Speaker, may I say here that I am not a recent convert to the soundness of the pending measure. Many years ago, as a member of the State Senate of Oklahoma, I sponsored a resolution urging the Congress to pass the universal draft act, a resolution which was adopted by a unanimous vote of our legislature. I have advocated this measure in my campaigns, believing it to be of great, vital importance to the peace and security of mankind.

May I remind my Republican friends in this connection that your last national convention pledged your party to support this measure? The Democratic National Convention, as well as the recent State convention of the party in Oklahoma, likewise indorsed the universal draft law, and I do not hesitate to say that had the Democrats been in power these years and failed and refused to pass this much-needed legislation, I would not hesitate to condemn my party for its failure to keep its promises to the people.

This measure has been pending since 1922, and the only excuse—a pitiful one, offered on this floor the other day—for the failure of the committee to bring out this bill is that it will require additional hearings. It required no hearings to place this in the platforms of both parties, but now you quibble about committee hearings. I hold in my hand one volume of 250 pages of hearings. This measure has been discussed in Congress and on the stump for six years. Unless action is taken before the Seventieth Congress adjourns, I am of the opinion there will be "hearings" from the people aplenty. And those leaders responsible for all this delay and inaction are going to hear; the people will speak in a plain and unmistakable way.

If peace is to be maintained in this great land of ours we must take the profits out of war. We must eliminate the blighting effects of the damnable profiteers who have amassed great fortunes out of war. We must make it plain to our people and the world that property is no more sacred to America than human lives. We must conscript every available resource in this country in case of armed conflict. That will do far more, Mr. Speaker, toward perpetuating the peace of the world than all the peace conferences held in the past decade. Let us eliminate the profits of war, and then, when the other nations follow our example, peace will breathe as fragrantly in the world almost as if the day of redemption had come. [Applause.]

LEGISLATIVE APPROPRIATION BILL

Mr. MURPHY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12875, with Mr. CHINDBLOM in the chair.

The Clerk read the title of the bill.

Mr. UNDERHILL. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Ohio if he will return at this time to the two items in the bill that were passed over yesterday upon my request. I do this because it is almost imperative that I be absent from the Chamber later in the afternoon, and I would rather take the matters up now than later.

Mr. MURPHY. Mr. Chairman, replying to the gentleman, I would say that ordinarily I would absolutely refuse to do so, but under the circumstances, and especially in view of conditions in my colleague's home, I feel rather constrained to comply with his request and return to the item at this time. If the situation were otherwise, I certainly would not consent at this time, because it was a matter of courtesy to the gentleman that unanimous consent was asked that these items be passed over. I hope I may have the permission of the rest of the committee in granting this request.

Mr. TAYLOR of Colorado. I will say that it is with a great deal of regret I consent to returning to these items, because I feel we ought to go on now, if we are to finish the bill to-day, and then turn back to these items after we have concluded the reading of the bill. This would be the orderly way of doing it. If we start in on these matters now, I do not know whether we will get through with the bill to-day or not.

Mr. UNDERHILL. It will only take two minutes.

Mr. MURPHY. I have no objection.

Mr. TAYLOR of Colorado. I am not objecting.

Mr. MURPHY. Mr. Chairman, I ask unanimous consent that we now return to the two items that by unanimous consent were passed over on yesterday, the first one being the item at line 1, page 15.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to page 15, line 1. Is there objection?

There was no objection.

The Clerk read as follows:

OFFICE OF SERGEANT AT ARMS

Salaries: Sergeant at Arms, $6,500; Deputy Sergeant at Arms, $2,880; cashier, $4,500; assistant cashier, $2,500; two bookkeepers, at $3,000 each; Deputy Sergeant at Arms in charge of pairs, $2,500; pair clerk and messenger, $2,500; temporary stenographic services, $600; skilled laborer, $1,140; hire for automobiles, $660; in all, $29,720.

Mr. UNDERHILL. Mr. Chairman, I raise a point of order with reference to this paragraph that it is legislation on an appropriation bill, and therefore should be stricken out.

The CHAIRMAN. Does the gentleman deem the entire paragraph subject to a point of order?

Mr. UNDERHILL. I reserve a point of order.

Under the reservation I wish to say that this item increases certain salaries in the office of the Sergeant at Arms and also abolishes a position in that department.

These matters were taken care of in a resolution introduced earlier in the session, which has not as yet been acted upon. I feel from the study by a special committee which has been given to the question of the entire personnel of the House employees in the Capitol and House Office Building there should be no discrimination. They should all be treated alike. If we are going to raise any salaries, we should raise them all, and if we are not going to raise those who are the poorest paid, those who are getting less than $1,200 a year, I am opposed to playing any favorites, and consequently I very regretfully make this point of order and expect a little later on to introduce a comprehensive, scientific rearrangement of all of these employees and their salaries. I will then leave it to the House to decide whether they think they should be treated as a group or whether we shall make exceptions in certain cases.

Mr. MURPHY. The gentleman reserves his point of order?

Mr. UNDERHILL. I reserve the point of order to hear any statement that the gentleman from Ohio may desire to make.

Mr. BLACK of New York. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLACK of New York. Will the gentleman indicate whether or not in his opinion the other resolution, to which he has referred, is liable to be reported soon?

Mr. UNDERHILL. Yes.

Mr. MURPHY. Mr. Chairman and gentlemen of the committee, many of you were not here the other day when I attempted in 10 minutes to explain this bill to you. This is a housekeeping bill, having to do with the activities of the House.

The employees that are handled in this bill and whose fortunes are tied up in this bill do not come under the reclassification act. They have no hope of an annuity at any time in their lives or when they retire from service. They have nothing in this way to look forward to in any way, shape, or form.

There has been no committee of this House charged with the responsibility of legislating at any time for the entire personnel of the legislative establishment. The gentleman who is making the point of order was appointed, I think—or thought he was, at least—a committee to investigate and rearrange the positions in the legislative establishment of the Government.

The particular matter to which the gentleman is objecting does not have a very good and substantial background. Taking his own scientific measure as a basis, we find his bill only touches one salary that we have here attempted to raise, and that is the salary of the assistant cashier.

Mr. UNDERHILL. Will the gentleman yield right there? The gentleman is entirely mistaken. It affects the personnel of all except the cashier. The resolution to which he refers increases the salary of the assistant cashier. It creates a new office in giving him an assistant and it promotes the laborer to messenger, and increases his salary, and all of these officials have to handle large sums of money, have to be bonded and pay for their own bond. It does not increase the salary of the cashier, but other than that it affects the personnel of several employees in the Sergeant at Arms' office.

Mr. MURPHY. I will say for the benefit of the House that the general resolution did not touch the cashier. The resolution does not raise the present messenger to assistant cashier. In our bill we are attempting to give him the designation of assistant cashier and to raise his salary to $2,500 a year. As the gentleman well knows the assistant cashier, now known as the messenger takes his turn in the cage with the cashier and handles between four and five million dollars a year. This messenger must pay for his own bond out of the salary he receives which is $1,720.

The Sergeant at Arms made such a good case before the committee that it was the unanimous opinion of those who heard the testimony that something should be done in rearranging the title of those who served in this office. I say this is legislation, gentlemen of the committee, but there is no other committee that is charged with the responsibility of legislating for this House and for the Senate—for the legislative establishment. The gentleman's committee went into session and labored some weeks preparing a resolution of some kind that only touches those particular activities in one place and raises the salary of this man from $1,720 to $2,100——

Mr. DYER. This is the only chance of giving this man a raise in salary at this session, is it not?

Mr. MURPHY. The only chance.

Mr. GARNER of Texas. Will the gentleman yield? I understood the gentleman from Massachusetts announced that he has prepared a bill in reference to this matter, and I wonder what he has been holding it back for.

Mr. MURPHY. I presume the gentleman from Massachusetts can tell the gentleman why.

Mr. GARNER of Texas. I think it is pretty clear from the debate on that side of the House that we will have to wait until the Democrats come into possession of the House, when the matter will be remedied.

Mr. SCHAFER. Will the gentleman yield?

Mr. GARNER of Texas. Oh, no; I was only talking to the other side of the House. [Laughter.]

Mr. UNDERHILL. I think I can clarify the situation. The gentleman from Massachusetts has no quarrel or difference of opinion with the committee in the raising of salaries. They are justified. I will say also that the committee, which was duly authorized by unanimous vote of this House, labored four months on this situation and made a complete and exhaustive investigation. The question is whether you are going to take a few who are deserving, and who evidently are favored, raise them and ignore all the rest.

I want a chance to stand on this floor and defend the work which I performed for over four months in the vacation period, an opportunity to do an act of justice, and also an opportunity of getting rid, if you please, Mr. Chairman, of some very unnecessary incumbents who are drawing salaries and doing no work.

Mr. MURPHY. Mr. Chairman, I am deeply interested in what the gentleman says. I think the gentleman ought to be a little broader gauged to-day; I think he ought not to allow the pride of authorship to step in the way and interfere with these men receiving what is fair in the way of compensation for that which they do for the safety of the Government for the work which they perform in the Sergeant at Arms' office.

This committee has nothing to do with reallocating these positions, and we are not attempting to do that. This is a housekeeping matter. This is a matter that comes before the committee, and we seek to do justice. We look after the legislation necessary to protect and take care of these employees that we have attempted to do something for in this bill. The total increase in the Sergeant at Arms' office, if the salaries are rearranged, is only $600, a mere bagatelle. I do hope the gentleman from Massachusetts simply because of pride of authorship will not step in the way by making a point of order.

Mr. UNDERHILL. The gentleman from Massachusetts has no pride of authorship at all. It is the only way the gentleman can get a hearing, and so the gentleman from Massachusetts is taking an attitude which may not meet with the approval of the House, but it is in his own defense.

If the gentleman was going to clean house in this department, why did he not authorize the absolute elimination of the office of Assistant Sergeant at Arms? The only duty of that office consists of a man bringing the mace up from downstairs and putting it in the block, then going off into the corridor and having an easy time until the mace has to be taken down again and brought downstairs—a duty which has been performed by one of the pair clerks throughout this whole session and which was neglected to such an extent in the last session that the Assistant Sergeant at Arms at the close of the session went off and left the mace in the block and left us in session here all summer long! [Laughter.] Why did not the gentleman clean house while he was about it?

I am sure there would have been no objection from the gentleman from Massachusetts, and there would have been no increase in the amount of money expended. To make it absolutely clear, the gentleman from Massachusetts has tried to get this matter before the House. He has failed to get it before the House. By making the point of order at this time the gentleman from Massachusetts believes that he can eventually get his resolution before the House and can do it only in that way. Consequently, he is taking advantage of the situation.

Mr. MURPHY. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MURPHY. Mr. Chairman, I assure the gentleman and the Members of the House that it has not been the province or the desire in any way, shape, or form of this committee to go into general legislation of any kind. These little things that we have picked up in this bill seemed to be essential. They seemed to be necessary. I am surprised that the gentleman from Massachusetts criticizes an office held in this House from time immemorial, an office created by law. If, perchance, the person who filled that office might forget the mace and leave it standing on its pedestal, surely no injury has been done to this legislative establishment. But that has nothing whatever to do with this matter. This committee comes before the House, frankly, openly, stating to you that this is your home, this is your establishment, and that you are legislating here for those who serve you. It is up to you to take care of this matter, if you choose to do so, and I say to my friend from Massachusetts that I think, in view of the sentiment of the day, in view of the sentiment that prompted this committee to give to the gentleman an opportunity to come before the House at this time, he ought to think of these men who are worthy of what they are allowed by this bill.

Mr. UNDERHILL. They will get it under my resolution, every one of them.

Mr. MURPHY. But the gentleman's resolution is not before the House.

Mr. UNDERHILL. I hope it will be.

Mr. GARNER of Texas. Why does not the gentleman from Massachusetts submit it to the House in the form of an amendment at this time and take his chances before this Committee of the Whole?

Mr. UNDERHILL. I am willing; give me a chance. That is all I ask for.

Mr. GARNER of Texas. But the gentleman makes the point of order and wants to strike it out.

Mr. UNDERHILL. I have reserved the point of order.

Mr. GARNER of Texas. Why not withdraw your point of order and offer your amendment and let the Committee of the Whole strike it out?

Mr. UNDERHILL. I can not do that, because my resolution embraces more than this one office. It involves every committeeship, every clerk, and every assistant clerk of a committee.

Mr. COCHRAN of Missouri. Offer it as far as the Sergeant at Arms' office is concerned.

Mr. UNDERHILL. My resolution increases the salary of 153 employees of this House.

Mr. MURPHY. The gentleman will agree that this committee is not attempting any reorganization of the House.

Mr. UNDERHILL. Oh, of course it is not.

Mr. MURPHY. But the gentleman will have to agree and tell the House that he is holding up this legislation on this bill simply because he wants to force a reorganization of the legislative establishment so far as the House of Representatives is concerned, and he wants to do it in his way.

Mr. UNDERHILL. That is the interpretation of the gentleman. I plead guilty.

Mr. MURPHY. Mr. Chairman and gentlemen of the House, you can see what we have tried to do. The responsibility is yours, because we can not help ourselves under the rule if the gentleman from Massachusetts insists upon the point of order. The gentleman from Massachusetts has made up his mind to make this point of order, and your committee which has attempted to do something to help along orderly housekeeping in this establishment is absolutely helpless at this time. We have to submit to any point of order that the gentleman from Massachusetts makes. You have listened to the gentleman and have found out the motivating influence behind his action.

Mr. UNDERHILL. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Massachusetts has reserved the point of order. Under that reservation there has been two recognitions. The gentleman from Massachusetts was recognized first, and the gentleman from Ohio next.

Mr. UNDERHILL. Mr. Chairman, I ask unanimous consent to speak for five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. UNDERHILL. Mr. Chairman, in order that the House may know the motive which actuates me in reserving this point of order, I want to go back a little way, returning to the last

session of the House. At that time the House unanimously, under the recommendation of the Committee on Rules, referred to a special committee this question of readjustment and realignment of salaries and of positions. I stayed here for two months after the other Members went home, worked with the other members of that special committee, and interviewed the head of every department, took their recommendations and wrote them into a prospective bill.

I returned here on the 1st of October and I worked every day with the other members of the committee. We went into every nook and cranny of this part of the Capitol and of the House Office Building.

Mr. KING. Mr. Chairman, will the gentleman yield at this point?

Mr. UNDERHILL. No; I want to tell the story. It is the only chance I have had.

I spent over a thousand dollars for hotel accommodations here in Washington when I had a perfectly good home in Massachusetts. I spent four months of time. I had no friends to reward and no enemies to punish, and I doubt if, outside of a few men on the floor of the House with whom I come in daily contact, I knew a single employee.

We took the committees and we classified them, and we raised the salaries of assistant clerks and of janitors and such other employees as were poorly paid employees of Uncle Sam, getting $900 a year and working not only while the House was in session but 365 days in the year. We raised those poorly paid employees. We tried to equalize the pay of the expert clerks in the Ways and Means, Interstate and Foreign Commerce, and in the Judiciary Committees to somewhere near the amounts which had been raised previously in an appropriation bill to the clerks and employees of the Committee on Appropriations.

Now, when that bill was presented to the House it was so scientific that the employees could not understand it.

Mr. KING. Mr. Chairman, I want to raise a point of order. Is the gentleman talking to the point of order that he raised?

The CHAIRMAN. The gentleman asked unanimous consent to address the committee.

Mr. UNDERHILL. Now, the gentleman from New York [Mr. MACGREGOR] tried to get the bill up. It was misunderstood, because we wrote into the bill, in the first place, that such and such offices should be abandoned. For instance, we took the barbers and we wiped the barbers who were down as "cloakroom employees" off the slate; but later on, three or four pages later, we reinstated them as "attendants." In other words, we did not try to delude the public into thinking that these men were cloakroom employees, when they were barbers, but we put them on the roll as attendants. The barbers, however, thought that they had been kicked out and they, with others equally mistaken, got a lobby to oppose it.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. UNDERHILL. Mr. Chairman, may I proceed for five minutes more?

Mr. KING. I object.

The CHAIRMAN. Objection is heard.

Mr. SNELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. SCHAFER. Reserving the right to object, on what subject?

Mr. SNELL. On this subject.

Mr. SCHAFER. Will the gentleman yield for a short question?

Mr. SNELL. I will yield at any time.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SNELL. Mr. Chairman, there was an almost unanimous opinion among the Members of the House who talked with me on this subject that there was actual need of a reorganization of the employees of this House. The matter was given considerable attention at the last session of Congress, and the Committee on Rules took it up, and a resolution was offered on the floor of the House to create a special committee to take into consideration this subject and bring about a reorganization of employees and adjust the pay of the men who do this work. That resolution received a unanimous report, I believe.

I know that the members of that special committee spent a great deal of time in making the investigation. I think they prepared a good report. It may not be absolutely perfect, but generally they equalized the pay of people doing the same class of work; raised the pay in some cases, and in others abolished the positions. They did the whole thing from an absolutely impartial standpoint. They did exactly what the members asked them to do, and exactly what ought to be done to procure efficient service. Now, as far as the Committee on Appropriations is concerned, I personally went before that committee a year ago and asked them to adjust the pay of one of the clerks of my committee. They said they had no right to do it because it was not authorized by law. I accepted their statement on that ground, because I thought they were correct, and I do not think that is the way to do it, and we started it right when we created this committee to do it. And I want to say to the House that the work of the special committee of the Committee on Accounts was well done. The measure which they brought in ought to be brought up on the floor of this House and be presented and discussed and disposed of. It is entitled to full consideration; if the House approves, adopt it; if they do not, reject it. I want to see how many Members want to vote to keep a position where the occupant has nothing to do.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. SNELL. In a moment. The only reason why there was opposition to that report was that, first, the Members did not understand it; and, second, it did away with certain positions where no service was performed. I am in favor of doing away with those positions, and am willing to go on record to that effect.

Mr. KING. If such thorough work was done in this house-cleaning proposition as is stated to have been done, why did they retain 30 employees in the kitchen in the restaurant downstairs when there is not 30 square feet of space down there for them to stay in?

Mr. SNELL. I can not answer that, but I expect the committee can.

Mr. UNDERHILL. What does the gentleman say?

Mr. KING. Does the gentleman know why they have not investigated the kitchen? There are so many dishwashers down there that they can not operate.

Mr. MACGREGOR. Has the gentleman ever been down in the kitchen?

Mr. KING. No. You have a lot of men cleaning silver down there, and they are on the pay roll. Certainly, we should have the silver cleaned.

Mr. SNELL. I am in favor of the special committee's report, and if there is any need of cleaning up the kitchen I am in favor of having it cleaned up, and expect to keep the number of men necessary to do the work.

Mr. KING. You have them on the pay roll.

Mr. UNDERHILL. You and your wife come in there and demand service, and you get it.

Mr. KING. And we pay for it, too.

Mr. SCHAFER. Will we have this special resolution mentioned by the gentleman from Massachusetts [Mr. UNDERHILL] brought in under a special rule, or will it be brought in so that it will be open for amendment?

Mr. SNELL. I am in favor of bringing it in and fully discussing it, and if there is anything in it that is not right, it can be pointed out and corrected, but after the work that has been done by the committee, its work should be considered by the House and disposed of or forever afterwards not find fault on account of poor service and inequality of pay among the employees.

Mr. SCHAFER. Another short question to clear up the RECORD. The floor leader on the Democratic side indicated that they will have to wait until the Democratic Party comes into power before they can end the discrimination in salaries. I wish to state that this discrimination has existed for many years, including the time the Democratic Party was in power.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SANDLIN. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is the point of order made by the gentleman from Massachusetts.

Mr. UNDERHILL. Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MURPHY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MURPHY: Page 15, line 1, insert:

"OFFICE OF SERGEANT AT ARMS

"Salaries: Sergeant at Arms, $6,500; Deputy Sergeant at Arms, $2,880; cashier, $4,000; two bookkeepers, at $3,000 each; Deputy Sergeant at Arms in charge of pairs, $2,500; pair clerk and messenger, $2,500; messenger, $1,730; stenographer and typewriter, $1,200; skilled laborer, $1,140; hire for automobiles, $600; in all, $29,050."

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Carolina moves to strike out the last word, and is recognized for five minutes.

Mr. ABERNETHY. Mr. Chairman and members of the committee, I do this for the purpose of calling the attention of the House to what I consider to be unfair at this time to a very faithful employee of this House. He has had a stroke of paralysis and he has nobody here to say a good word in his behalf. I refer to the man who has been bringing in the mace for 10 years, Mr. Jordan. He is now in a very desperate situation. He does not belong to my party. He belongs to the opposite party; he is not a special friend of mine, but I hardly think it is fair, when a faithful employee of this House year in and year out for 10 years has been serving us faithfully, when he is old and has had a stroke of paralysis, to haggle about continuing his position. Therefore, I certainly hope that when we bring this matter up for consideration—and I am appealing now to the chairman of the Rules Committee, and also to my distinguished friend from Massachusetts [Mr. UNDERHILL]—we will remember the services of this man. I think the House ought to know about him. As you know, we have not seen him here during the session. You know there has been some talk about his going off, leaving the mace and leaving us in session all summer. I think we are doing a very grave injustice to a mighty good old man.

Mr. SANDLIN. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. SANDLIN. The gentleman says he is paralyzed?

Mr. ABERNETHY. He has been paralyzed, so I am informed by one of the gentlemen here.

Mr. BLANTON. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. BLANTON. He was one of the most loyal Republicans from the State of Kansas that the G. O. P. ever had among the employees of the House.

Mr. ABERNETHY. I do not care about his politics.

Mr. BLANTON. He rendered loyal and efficient service to this House day in and day out, and at night when we were in session, and he worked for the Republican Party faithfully on every single issue they ever had. I agree with the gentleman from North Carolina in everything he says about him.

Mr. UNDERHILL. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. UNDERHILL. May I say that the gentleman is confusing the recommendation and my remarks. I was not referring to Mr. Jordan, but I was referring to the job.

Mr. ABERNETHY. Well, I think the job has merit to it. I think it is one of the things which adds dignity to the House. Sometimes, you know, we get obstreperous in this Chamber, and it may become necessary to call the Assistant Sergeant at Arms into action, and, as I understand, when he takes that mace and puts it down in front of you, you had better behave yourself or you may leave the House. That is my understanding of the rules.

Mr. SCHAFER. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. SCHAFER. If we followed the arguments made in favor of abolishing the position to their ultimate conclusion, we could safely abolish many police forces which are maintained to enforce law and order.

Mr. ABERNETHY. The thing about it is this old man has nobody to speak for him. He always impressed me as being a fine citizen and a fine employee of this House, and I thought it well to bring this matter to the attention of the Members at this time so that when this question comes up we may reward faithful service, whether it be rendered by a Republican or a Democrat. We should remember the services of any man who serves us as faithfully as old man Jordan, and when he becomes sick I do not feel we should just kick him out. That is the way I feel about it.

Mr. UNDERHILL. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. UNDERHILL. If by any chance Al Smith should sweep in a Democratic majority, would you keep him on?

Mr. ABERNETHY. We might. There is no telling what we would do, but I know we would not kick him out if he served us faithfully for 10 years.

Mr. EDWARDS. We kept the Chaplain in office here.

Mr. ABERNETHY. There is not so much politics in this body after all, to be perfectly candid with you. We exchange views; but I will admit there are some very good men on that side of the House. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. ABERNETHY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. SCHAFER. Will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman from Wisconsin.

Mr. SCHAFER. Of course, there is not very much politics in the House because the Democratic Party has not taken up any issue. They practically follow the Republican Party on every issue that comes up. The only issue they have to go to the polls on is the tariff issue.

Mr. ABERNETHY. I will ask the gentleman, in return, who is the gentleman's leader—LA FOLLETTE or NICK LONGWORTH? [Laughter and applause.]

Mr. SCHAFER. I will say to the gentleman I do not follow any leader. I believe a Representative should represent his constituents and not follow the dictates of any leader, be he conservative, so called, or progressive.

Mr. ABERNETHY. Then why have any leaders or why talk about leaders?

Mr. BLANTON. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. BLANTON. The gentleman from Wisconsin is the distinguished leader of a party of one Member here. [Laughter.]

Mr. ABERNETHY. The gentleman is a pretty good fellow, just the same.

Mr. SCHAFER. The gentleman from Wisconsin would rather be the leader of a party of one Member and properly represent the views of the great majority of several hundred thousand constituents than to disregard their views in a legislative body and follow the crack of the whip of any political leader.

Mr. ABERNETHY. I did not get up here to bring any issue against the gentleman from Wisconsin. I only got up here to speak for a man who is sick. The gentleman is not sick, is he? [Laughter.]

Mr. EDWARDS. As I understand it, the gentleman from North Carolina was talking about the unfortunate, paralyzed condition of this particular individual and was not talking of the unfortunate, paralyzed condition of the Republican Party.

Mr. SCHAFER. The gentleman from Wisconsin agrees with the statement of the gentleman from North Carolina that we should not abolish this position. The gentleman from Wisconsin rose, in the first instance, to call attention to the fact that this man also acts as a sort of policeman in this House. Certain gentlemen argued that this man did not have to perform actual service every day in the year, using that as an argument to abolish the position, and I stated that on that same argument we should abolish the police force everywhere.

Mr. ABERNETHY. Then why should the gentleman jump on the Democrats just because I was trying to help out the gentleman's views? [Laughter.]

Mr. SCHAFER. I was not jumping on the Democrats; but the gentleman said that politics were not played in this House, and I agreed with the gentleman and told the reason.

Mr. ABERNETHY. I want to make this statement frankly, openly, and above board, and I know it to be the fact. In many matters there are no politics and there should not be any politics. [Applause.] There are good men on both sides of the House. Of course, we have different views on different issues, but when it comes to doing what is right and what is just, in most cases you will find that the membership of this House will measure up, and I want to say in passing I was talking to a very distinguished Member of the House the other day about this question. We have 435 Members of the House and I do not know of one Member of the House who is not an honest man, I do not care what side of the House he is on—not one. I think there is too much abuse of the Members of the House. I do not know of a better body in any country or in any place than the body of men in this House, and when you measure up the men of this House you find they are honest. I do not know of a dishonest man in this House. He could not stay here if he was dishonest. [Applause.]

Mr. SANDLIN. From what the gentleman has said, I take it the gentleman would be willing to come back next fall?

Mr. ABERNETHY. I am trying to come back. [Laughter.]

Mr. BLANTON. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. BLANTON. Does not the gentleman think we ought to have two aisles here instead of one, so we can take care of everybody?

Mr. ABERNETHY. No; I think this is well enough.

Mr. BUTLER. I would not have any aisles.

Mr. ABERNETHY. I think it is all right the way it is. I think parties are all right. I belong to a great party and the gentleman from Wisconsin belongs to a great party, as well as

the gentleman from Massachusetts and the gentleman from New York. I did not rise for the purpose of getting into any argument or any controversy. I only rose to say a good word for an old gentleman who does not seem to have anybody here to say a good word for him. I do not know the man except from passing him here in the House day after day.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

The pro forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

The CHAIRMAN. Paragraph 1, page 17, line 17, was passed over without prejudice. Does the gentleman from Massachusetts wish to consider that now?

Mr. UNDERHILL. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

POST OFFICE

Salaries: Postmaster, $4,200; assistant postmaster, $2,570; registry and money-order clerk, $2,000; assistant registry and money-order clerk, $1,800; five case distributors at $1,700 each; record and file clerk, $1,700; 27 messengers (including 1 to superintend transportation of mails), at $1,520 each; for the employment of substitute messengers, and extra services of regular employees at the rate of not to exceed $125 per month each, $1,000; laborer, $1,010; in all, $63,820.

Mr. UNDERHILL. Mr. Chairman, I make the same point of order with reference to this paragraph that I made to the other. I will reserve it in order to give an opportunity to such of our Members as desire to pass encomiums on the splendid service we are getting and the efficiency of the postmaster, to which I agree.

Mr. BLANTON. Mr. Chairman, this ought to be disposed of at once, and I ask for the regular order.

The CHAIRMAN. The point of order is sustained.

Mr. MURPHY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 17, line 16, insert the following:

"POST OFFICE

"Salaries: Postmaster, $4,200; assistant postmaster, $2,570; registry and money-order clerk, $1,830; 34 messengers (including 1 to superintend transportation of mails), at $1,520 each; for the employment of substitute messengers, and extra services of regular employees at the rate of not to exceed $125 per month each, $1,000; laborer, $1,010; in all, $62,290."

Mr. MURPHY. Mr. Chairman, at this point I would like to ask the gentleman from Massachusetts, who made the point of order, to state to the House how many places in the post office his resolution touches, or changes in any way?

Mr. UNDERHILL. Mr. Chairman, as I recall the resolution it only affects two employees of the post office in reference to increase in salaries; but the resolution also provides, on the recommendation of one of the best post-office inspectors that we could get who spent over a week investigating, that two of the forwarding clerks be dispensed with. I have no objection whatever—I want to emphasize again—to the recommendations made by the Appropriations Committee. They are perfectly satisfactory to me, but until we can take the whole matter up I feel constrained to raise the point of order.

Mr. BLANTON. Will the gentleman yield? The gentleman from Ohio knows, because he has investigated the matter, if our efficient Postmaster Collier were not working for the House of Representatives but in the regular service he would receive $600 more than we pay him. And yet my friend from Massachusetts sought to take two of his needed employees away from him. I have been here 12 years, and I have never seen Mr. Collier lobbying on the floor of the House or in the lobby—not once. If you want to find Mr. Collier go to the post office any time in business hours and you will find him there industriously working for the 435 Members of Congress. There is no politics about him, only a loyal, faithful employee of the Government.

Mr. SCHAFER. I heartily concur in the statement made by the gentleman from Texas.

Mr. BLANTON. Then I know I am not wrong. [Laughter.]

Mr. SCHAFER. Twenty years ago, when the mail handled by the post-office department of the House was very much less than at present, the salary of the House Postmaster was $4,000. I sincerely hope that the gentleman from Massachusetts, who I know is conscientious and diligent in matters under the jurisdiction of his committee, will not press the point of order.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. UNDERHILL. Neither the gentleman from Massachusetts nor the gentleman representing the Committee on Appropriations has increased the salary of the Postmaster.

Mr. SCHAFER. A proposal would not get very far if the gentleman raised the point of order. Perhaps some other Member of Congress is prepared to offer an amendment to increase the salary of the Postmaster of the House, who is so efficient and so conscientious. If his salary was based on postal receipts and volume of business, like the postmasters throughout the country, he would be receiving $5,600 instead of his present salary of $4,200.

Mr. SNELL. What State does the Postmaster come from?

Mr. SCHAFER. From the great State of Wisconsin.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WILLIAMSON. Mr. Chairman, I ask unanimous consent that the gentleman may have two additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WILLIAMSON. I say to the gentleman from Ohio [Mr. MURPHY] that I have gone over the report of this special committee of the Committee on Accounts with a great deal of care. I think the report is entitled to a great deal of commendation. There is a lot of merit to the reorganization that is proposed. That committee has eliminated some employees that certainly ought to be eliminated and it has increased some salaries that ought to be increased. If there are other salaries that Members think are not increased enough, the House can take care of that when the resolution comes up. I believe the gentleman from Massachusetts is right in insisting that we should consider his resolution and that the Committee on Appropriations ought not to attempt to legislate in this bill.

Mr. SANDLIN. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

The CHAIRMAN. When the committee rose last night the reading had proceeded to line 16, page 22. The Clerk will read.

The Clerk read as follows:

CAPITOL BUILDINGS AND GROUNDS

Capitol Buildings: For necessary expenditures for the Capitol Building under the jurisdiction of the Architect of the Capitol, including minor improvements, maintenance, repair, equipment, supplies, material, and appurtenances; personal and other services; cleaning and repairing works of art; purchase or exchange, maintenance, and driving of motor-propelled passenger-carrying office vehicles; and not exceeding $200 for the purchase of technical and necessary reference books and city directory; $83,535.80.

Mr. BUTLER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 23, after line 10, insert a new paragraph to read as follows:

"For the purchase from the owners, the heirs of its painter, Walter L. Dean, the oil painting known as Peace, as authorized by the act approved March 3, 1927, $5,000, to be immediately available, and to be expended under the direction of the Joint Committee on the Library."

Mr. BUTLER. Mr. Chairman, a law has been passed by this House unanimously directing this committee to purchase this particular picture.

Mr. SCHAFER. This particular picture?

Mr. BUTLER. Yes. I am going to ask the chairman whether or not he will accept that amendment.

Mr. MURPHY. Mr. Chairman, this dear old chairman wants this picture. I think, with the permission of my colaborers on this committee, that he ought to have this picture, and I certainly will not offer any objection. [Applause.]

Mr. BUTLER. I thank the gentleman.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. I will be glad to yield to my friend from Colorado; but first I want to say to my friend from Ohio [Mr. MURPHY] that this is not for me. This picture has hung in the committee room as long as I have hung there. I found it there when I came. Really it is a little older than I am. It is one of the finest pictures of America. It has a good influence in the committee.

It has removed on more than one occasion ill feeling among Members and has operated as a favorable agency in defense of the Union. It is entitled "Peace."

This House unanimously directed the committee to make the purchase of this picture, a small sum of money, owing to two women. Their parents are now dead. It is a really famous painting which has been seen by thousands throughout the

country. It took a prize at the Chicago world's fair. It has been passed upon favorably by the Arts Commission. The chairman of the Committee on the Library [Mr. LUCE] will tell you that it has been passed upon favorably by his committee, which reported in favor of its purchase, and the House unanimously authorized its purchase. I know the influence it has had over the members of that committee. It is a picture of the old White Squadron, which defended our country many years ago.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. SCHAFER. I think we ought to buy this picture, and I am willing to vote to buy it.

Mr. BUTLER. I thank you.

Mr. TAYLOR of Colorado. When the gentleman from Pennsylvania gets through I would like to get a chance.

Mr. BUTLER. I am through, but I would like to add this, if I may have a moment more, that perhaps I ought not to make a personal appeal. This picture exercises an influence in the committee that I like to see. It is one of the most beautiful things to be found in the Capitol. It has been authorized; otherwise I would not have offered this amendment. Some Members of the House opposed the purchase of it when $15,000 was asked. I was one of them. I thought perhaps it ought to be bought for less money. Now the painter is dead. Two women, his daughters, survive; and inasmuch as the authority has been given, I am going to ask my friend from Colorado to vote for the purchase of this picture. Let it be disposed of one way or the other. If I had the money, I would be glad to buy it myself and give it to the Government, but I have not the money.

Mr. TAYLOR of Colorado. Mr. Chairman, I want to call the attention of the House to the situation concerning this painting. There is only one justifiable reason on earth for the House adopting this amendment, and that is the wish of the distinguished gentleman from Pennsylvania, whom every Member of this body has honored and loved for 32 years, and I will not vote against his amendment for that reason. [Applause.]

Mr. BUTLER. I thank you.

Mr. TAYLOR of Colorado. When this $5,000 item came up before this committee I asked the Architect of the Capitol, Mr. David Lynn, and also Mr. Charles E. Fairman, the art curator of the Capitol, a man who has just written and published a splendid work on the Art and Artists of the Capitol of the United States, which you all ought to read, to bring before the committee a complete list of all the pictures and paintings and so-called works of art and every conceivable kind that does not belong to the Government and that has been loaned to or has in some way injected or gotten into the Capitol or the House or Senate Office Buildings for the purpose of advertising the people who produce them. I wanted to learn as near as I could how many more pictures there are hanging around here whose owners are hoping Congress will some time pay a fabulous price for them. A great many artists, or self-imagined artists, have at various times tried to get their work into this building or into the House or Senate Office Buildings purely for publicity purposes.

A lot of things of that kind have been hanging around or stored in the basement and elsewhere for 30 or 40 years. Practically all of them have no present real value. They are mere junk. This picture, for example, has been, I understand, stored in the basement or hanging in some committee room for 30 or 40 years, and nobody has ever heretofore taken any action concerning it. Why under the sun should this Seventieth Congress, in 1928, wake up here now and invite people from all over to bring forward all kinds of claims against the Government and ask the Congress to pay for this junk? One of these pieces of alleged art is an enormous thing, about 10 by 14 feet, purporting to show what some man thought the North Pole looked like. I am advised it was stored in the basement for 20 or 30 years, and was then dug up and hung in our Appropriations Committee room. The owner died long ago, and I wonder if his heirs will wake up some day and want $5,000 for that. I do not like this precedent. The United States Daily, published yesterday, stated that we have authorized the payment of $35,000 for this picture. That statement goes out broadcast over the country. The fact that that paper makes it seven times worse than it is will not be corrected. All these claim agents in Washington and elsewhere will immediately prick up their ears and come before the committee presided over by the splendid gentleman from Massachusetts [Mr. LUCE] and clamor for legislation to authorize the purchase of these things. Everybody, or the heirs of everybody, who have got these things hanging around here will get busy. Are you going to invite all these people to come here and put in claims for $15,000 for pictures that are not worth 15 cents?

It is the principle and the precedent that I do not like. I do not like to vote to take this Peace painting away from the committee room of our splendid and kind-hearted friend. I simply want to warn the House that possibly we are going to be besieged by claims of people or descendants of people who have been dead for a generation and who may come in here and ask to be paid for pictures that we never promised to buy, and ask it simply because those pictures have been hanging up here many years, and therefore we ought to pay for them. We would be embarrassed by our action to-day. I think all these things that the Government does not own ought to be taken out and not allowed to remain in the Capitol or in either its House or Senate Office Buildings. If the owners do not want them, or if we can not find the owners, I feel that they should be disposed of some way, so the owners can not come here some time and ask Congress to pay for them.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. BANKHEAD. Is that whole system under the control of the Architect of the Capitol or any committee as to the selection of pictures and art works?

Mr. TAYLOR of Colorado. No. I can not learn that there is any system. If the chairman or some member of a committee lets somebody bring in a picture or something and hangs it up in his room, there seems to be no one to prevent it, and years after they may want us to buy it.

Mr. BANKHEAD. In view of the facts brought out by the gentleman from Colorado concerning this indiscriminate system, does he not think some definite system should be adopted for the selection of pictures and sculptures to be placed in the Capitol?

Mr. TAYLOR of Colorado. Why, yes; of course. Nobody ought to have the right to let anybody bring in anything and leave it here indefinitely and then expect us to pay for it.

Mr. BANKHEAD. What surprises me is that there has not been some system formulated which would take care of a situation of this sort.

Mr. TAYLOR of Colorado. Certainly there should be some system, and that is the reason I am calling the attention of the House to this situation. This picture was left here long before some of these Members were born, and no one before has apparently ever thought of paying anything for it.

Mr. BUTLER. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes; certainly.

Mr. BUTLER. The Fine Arts Commission recommends the purchase of this picture, but even as good a friend as the gentleman is of mine I would not ask him to make such a sacrifice. If he thinks this is not right, then defeat the measure. But the picture has always hung there; it never was in the cellar; it has hung in that committee room where I have sat for 32 years. If it is ever to be paid for, it should be paid for now.

Mr. TAYLOR of Colorado. Why in the name of common sense was it not bought and paid for years ago?

Mr. BUTLER. I was one of those who asked to have it remain. Of course, I do not know anything at all about art, but I thought $15,000 was too much.

Mr. TAYLOR of Colorado. I would like to have an expression, if it is not inconsistent, from the chairman of the Committee on the Library [Mr. LUCE] as to whether or not that committee is going to favor a general policy of allowing the heirs of the owners of these pictures of various kinds, and statuary or models, and so forth, which have been injected into these buildings in bygone years to approve claims of this kind?

Mr. LUCE. If the future can be judged by the past the gentleman entertains apprehensions that are hardly justified. It has been my fortune to be on the Committee on the Library for nine years, and in that time, although we have had numerous requests for the purchase of paintings, I do not recall that until this particular case we have ever recommended such a purchase to the House, and I do not foresee any likelihood that we shall change our policy in this regard. If there should be presented genuine works of art of value equal to that of the one here in question, which had endeared themselves to those who have lived among them, as this picture has appealed to the chairman of the Naval Affairs Committee, then the same motives would perhaps inspire us that inspired us in reporting the bill authorizing this purchase, but I can give the gentleman the assurance that none of the paintings to which he has referred are likely to be bought. The statute and rule together put within the control of the Joint Committee on the Library the admission and the purchase of all works of art for the Capitol.

Mr. TAYLOR of Colorado. I am glad to have that expression from the gentleman. That is what I wanted to learn. I want the House to be on its guard against a repetition of claims of this kind.

Mr. LUCE. I think he will agree with me that the record of the committee during many years justifies me in assuring him that no such pressure as he fears is in prospect and that if it should come there will be no such yielding to it as he apprehends.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Has the gentleman's committee, under the law, any authority to determine what paintings, pictures, busts, or other material may be brought into and left in these three buildings; and if not, does he know of anybody else or any authority to shut them out or permit them to be left here?

Mr. LUCE. My recollection of the statute and the rule is that we do have such authority. There were brought in years and years ago various things for which, of course, the present committee is not responsible.

Mr. TAYLOR of Colorado. Are you permitting more to come in during these days?

Mr. LUCE. Occasionally; perhaps once or twice a year.

Mr. TAYLOR of Colorado. What is your present system? When they bring them in do you issue a written permit or have any record understanding as to the time and purposes and conditions under which they may be brought in and how long they may remain here, and whether or not the Government is going to be expected to pay for them? Have you any system about these pictures?

Mr. LUCE. We do have a system which seems to me to work satisfactorily. Nobody is given permission to put anything here permanently, except it be a gift formally accepted. There come in from time to time for temporary purposes such things as models of busts of the Vice Presidents for the corridor on this side of the Senate Chamber, or portraits customarily bought, as of Speakers. There were in the room of the Committee on the Library for some time a considerable number of portraits of former Justices of the Supreme Court, and I am thankful to say——

Mr. TAYLOR of Colorado (interposing). I do not care to have the gentleman go into all those details, but when any bust, any picture, model, or anything of that kind is deposited in these three Government buildings is some record made of the conditions upon which that deposit is made, and is there any check on them or attempt made to relieve the Government from any obligation to pay for them or to let them stay here any longer than the Government desires to have them? I want to have the House fully understand this condition of these matters and, if possible, prevent our being imposed upon in the future.

Mr. LUCE. We have no authority to make any agreement other than through the medium of a duly enacted bill.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. McCLINTIC. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word and is recognized for five minutes.

Mr. McCLINTIC. Mr. Chairman, I make this motion for the purpose of obtaining certain information relative to the pictures that are in the Naval Affairs Committee room. I would like to ask the chairman of the Library Committee, if I may have his attention, whether he has any information relative to the other two pictures that are in the Naval Affairs Committee room, one relating to the surrender of the German fleet and the other supposed to be a painting representing camouflage. I would like to ask the chairman of the Naval Affairs Committee whether he has any information about those pictures.

Mr. BUTLER. Yes; they were painted under general statutory authority given to the department. Those pictures belong to the Navy Department, and in order to make our walls look pretty we begged them to cover the walls up with these beautiful paintings, and my friend knows that the walls are not very beautiful. The pictures all belong to the Government, and the department can take them away at any time. During the exposition at Philadelphia they did remove the pictures, but brought them back afterwards. The picture I refer to, I know my friend will agree, is the most beautiful thing we have there. Its influence is good, is it not?

Mr. McCLINTIC. I agree with the chairman that that is a very nice picture, but I want to make this observation: If we are to be called upon to pay for the three pictures that are now hanging in the rooms of the Committee on Naval Affairs, there is one picture there, entitled "Camouflage," that looks like somebody accidentally spilled a bucket of paint on the canvas.

Mr. LAGUARDIA. That is futuristic art.

Mr. McCLINTIC. If that is art, then I have no knowledge of painting, and I hope the authorities in charge, and especially the chairman of the Library Committee, will take a peep at that picture which has paint spread all over it and is supposed to represent something that is very beautiful and artistic, before ever authorizing the payment of a large sum of money for something that I am sure the gentleman would not have in his own home.

Mr. ROMJUE. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. ROMJUE. The gentleman spoke about a bucket of paint being spread over a "camouflage" picture. Is not that itself camouflage?

Mr. McCLINTIC. It looks like somebody just kicked it over.

Mr. LAGUARDIA. The gentleman would not expect to find poetry in the CONGRESSIONAL RECORD——

Mr. McCLINTIC. I have seen it there.

Mr. LAGUARDIA. And you can not find art in a war picture. Art and war are inconsistent.

Mr. McCLINTIC. In any event, the policy of paying for these pictures ought to be thoroughly understood by the Members of the House, and we ought to have some one charged with this responsibility, so that the distinguished chairman of my committee would not have to come here and plead for an appropriation to take care of somebody's claim against the Government.

Mr. BUTLER. I want to assure my good friend that this is the last appeal I am going to make for any picture. I am not buying pictures, and I am not going to ask the Government to buy them. My friend and I agree upon many things, and I know the gentleman will agree with me that the influence of that picture is a good one.

Mr. McCLINTIC. I am not going to object to this. The Committee on Naval Affairs needs more peace pictures. We would be a whole lot better off if we could adhere to policies of that kind rather than having these war scares thrown into us all the time for the purpose of building up a gigantic navy.

Mr. BLACK of New York. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. BLACK of New York. I take it we are now up to Great Britain on the 5–5–3 ratio so far as navy art is concerned.

Mr. TAYLOR of Colorado. Let me ask the gentleman what business he thinks this picture of peace has over there anyway, when we are appropriating half a billion dollars for war vessels?

Mr. McCLINTIC. I am agreeing with the chairman of the Naval Affairs Committee about this matter, because it is the only thing in the Naval Committee that points toward peace.

Mr. LAGUARDIA. It is a picture of a battleship at that.

Mr. McCLINTIC. Yes; but it is painted white and represents peace.

Mr. BUTLER. The gentleman from New York [Mr. LAGUARDIA] has looked at the picture and has admired it. The gentleman has told me so.

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition to the pro forma amendment. I want to say to the gentleman from Pennsylvania that when the act authorizing the purchase of this particular picture was up I conferred with some of my friends in New York who are artists, and they told me that Mr. Dean, the artist, who is now dead——

Mr. BUTLER. He died about 12 years ago, my friends.

Mr. LAGUARDIA. Yes; and I was told that it was his original intention to donate this picture to the House or to the Congress. In fact, it was so announced at the time. Only after his death did a request come forward or a claim for payment for this picture; is that correct?

Mr. BUTLER. No. You understand, Mr. Dean has been dead about 12 years, and as long as 25 years ago the people who spoke for him asked $15,000 to $20,000. I may say to my friend that I was one of those who said I did not think the picture was worth that amount. I did not know anything about art, as I have already stated, but I did not think it was worth that amount of money. The time has now come when the Government should buy it, if it is ever going to do so.

Mr. LAGUARDIA. Five thousand dollars during the last years of Mr. Dean's life would have been very helpful to him.

Mr. BUTLER. I think it would have been. I think the money would have been helpful to him just as it will be helpful now to his daughters.

Mr. LAGUARDIA. That I do not know.

The pro forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. ROMJUE) there were—ayes 44, noes 6,

So the amendment was agreed to.

The Clerk read as follows:

For the purchase and installation for the Senate Chamber and the Hall of the House of Representatives of complete, improved ventilation, dehumidifying air conditioning apparatus with automatically controlled ducts and water piping for the connection of the different units of such apparatus, and for all necessary structural alterations required for such installation, including personal services, traveling and other necessary expenses incident thereto, $323,000, to be available immediately and to be expended by the Architect of the Capitol without compliance with sections 3709 and 3744 of the Revised Statutes of the United States.

Mr. MURPHY. Mr. Chairman, on page 23, line 17, after the word "services," I move to insert the word "advertising."

Mr. SUMMERS of Washington. Mr. Chairman, I want to make a point of order against the section. Must I make it now?

Mr. MURPHY. I will ask the gentleman what his point of order is?

Mr. SUMMERS of Washington. It is legislation on an appropriation bill.

The CHAIRMAN. The gentleman from Ohio has offered an amendment.

Mr. SUMMERS of Washington. I was on my feet seeking recognition from the Chair.

The CHAIRMAN. The gentleman knows that the chairman of the committee gets preference to another Member in offering an amendment. If the gentleman intended to make a point of order, he should have stated the purpose in asking recognition.

Mr. SUMMERS of Washington. I was trying to get the attention of the Chair before I could do anything. I made a point of order at the earliest possible moment. I was on my feet instantly demanding recognition.

The CHAIRMAN. Does the gentleman from Washington make a point of order or reserve it?

Mr. SUMMERS of Washington. I make the point of order, but I will reserve it if the chairman of the committee desires.

Mr. MURPHY. Will the gentleman waive his point of order to everything except the last two lines?

Mr. SUMMERS of Washington. No.

The CHAIRMAN. If the gentleman from Washington now makes his point of order, the Chair would like to know to what language in the paragraph the point of order is directed.

Mr. SUMMERS of Washington. To all the language from line 11 to line 21, inclusive, being legislation on an appropriation bill.

Mr. MURPHY. The committee will admit, Mr. Chairman, that there is some language in the paragraph that is subject to a point of order. Of course, if the gentleman from Washington insists on the technicality, we will have to admit that it is subject to a point of order.

Mr. LAGUARDIA. I want to propound this inquiry: Clearly lines 20 and 21 are subject to a point of order, because it seeks to amend existing law. If the point of order is sustained, an amendment containing the same provisions as in the paragraph, but omitting the objectionable part, would be in order, would it not?

The CHAIRMAN. The Chair will rule on that when it is offered.

Mr. SUMMERS of Washington. In order that Members present may know why I make the point of order I ask unanimous consent to speak for five minutes. It will not be on the point of order but on the merits of the paragraph.

The CHAIRMAN. The gentleman from Washington has made a point of order and stated the ground on which he made it.

Mr. SUMMERS of Washington. I have stated that I would reserve it.

The CHAIRMAN. Without objection, the gentleman from Washington will be permitted to reserve his point of order, and he asks unanimous consent to speak for five minutes.

Mr. MURPHY. If the gentleman from Washington is going to insist on his point of order, we will have it made now.

The CHAIRMAN. The gentleman from Ohio apparently insists on the regular order, and the regular order is whether the gentleman desires to make the point of order.

Mr. SUMMERS of Washington. If the gentleman prefers, I will make it instead of reserving it.

The CHAIRMAN. The point of order will have to be sustained.

Mr. MURPHY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

For the purchase and installation for the Senate Chamber and the Hall of the House of Representatives of complete, improved ventilation, dehumidifying air conditioning apparatus with automatically controlled ducts and water piping for the connection of the different units of such apparatus, and for all necessary structural alterations required for such installation, including personal services, traveling and other necessary expenses incident thereto, $323,000, to be available immediately and to be expended by the Architect of the Capitol.

Mr. SUMMERS of Washington. Mr. Chairman, I want to offer an amendment to the amendment. I make a point of order against the amendment.

Mr. MURPHY. The gentleman is too late; he has already discussed it.

Mr. SUMMERS of Washington. No; I have not discussed it.

The CHAIRMAN. The gentleman rose and said he proposed to offer an amendment. The Chair then announced that the Clerk would report the amendment. Thereupon the gentleman apparently changed his mind and proceeded to make a point of order.

Mr. SUMMERS of Washington. If the Chair rules that I am too late in making the point of order, then, of course, I can take no exception to that.

Mr. LAGUARDIA. Mr. Chairman, in order to relieve the Chair of any embarrassment, I make the point of order that the point of order made by the gentleman from Washington comes too late.

The CHAIRMAN. The Chair sustains that point of order.

Mr. SUMMERS of Washington. Mr. Chairman, my amendment is to strike out $323,000 and insert in lieu thereof $23,000, and on that I want to be recognized.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. SUMMERS of Washington. Mr. Chairman, this is in regard to the ventilation of this Chamber and the Senate Chamber. If we want to ventilate, then why do we want to ventilate? First, let me say, probably no one here is qualified to say whether this should be done or should not be done. Therefore the Architect of the Capitol called on the United States Public Health Bureau to make a thorough investigation and report upon it, and I am going to read to you their summary and conclusions. They say:

(1) As a result of the study presented in the foregoing pages of the report we are led to the conclusion that the air of the Hall of the House of Representatives does not contain carbon monoxide, all our tests for this toxic gas having been negative.

(2) Our study discloses the fact that bacteria ranging in number from a few to more than 300 per cubic meter of air were present in the Hall. The organisms which we found were, however, the usual air forms, and the number is about the same as that encountered in most habitations. We feel that the presence of these organism has little or no bearing on the present problem of ventilation.

(3) Our study also discloses the fact that the dust content of the air is approximately 25 particles per cubic centimeter, a number usually found in homes and offices. To this finding we would therefore attach no significance as having any bearing on the problem at hand.

(4) The carbon dioxide content of the Hall at no time during our investigations exceeded 5.5 parts per 10,000, and an average of our determinations (95) showed 3.8 parts. This normal carbon-dioxide content indicates that sufficient air change is always taking place in the Chamber, a fact independently arrived at by measurements of change produced by the intake and exhaust fans.

They state earlier in their report that 10 parts per 10,000 is not excessive. They show that instead of 10 parts per 10,000 on the average it runs only 3.8 parts per 10,000.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. RAMSEYER. Does the report disclose when these tests were made?

Mr. SUMMERS of Washington. They were made during the forenoon and from 1 o'clock to 2.30 o'clock p. m., and in the latter part of the afternoon.

Mr. RAMSEYER. That is when the House was in session?

Mr. SUMMERS of Washington. That is correct.

Mr. RAMSEYER. When there was a good crowd here?

Mr. SUMMERS of Washington. They state that the crowd varied from an ordinary to a large attendance.

(5) Our study of the fans in use and of the requirements of the room leads us to the belief that the fans are of sufficient size and capable of supplying the required amount of air to the Hall.

(6) The most important finding of our study is that the Hall is subject to overheating. We have made 103 determinations of temperature. Considering 68°–72° as the most comfortable temperature for an assem-

bly hall, such as the one in question, we find the degree of overheating to be at times as much as 2°–3°.

(7) Our observations of relative humidity, of which we have made 103, indicate that on most occasions this is below 30 per cent. Only when the temperature was below 70° did observations show relative humidities over 30 per cent, without recourse to any special means of adding moisture to the air after warming it.

RECOMMENDATIONS

As a result of our study we urge that strict efforts be made, by regulation of the temperature of the incoming air, to keep the temperature of the Hall no higher than 72°, and that, if necessary, the velocity of air entering the Hall be so decreased as to render the drafts of incoming air unobjectionable. In addition to this, we feel that means should be provided for keeping the relative humidity of the air of the Hall over 30 per cent at all times.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. SUMMERS of Washington. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Chairman, will the gentleman state the date of the report from which he has just read, and who signed it?

Mr. SUMMERS of Washington. This report is signed by the proper acting official of the United States Bureau of Public Health, Doctor Williams.

Mr. ABERNETHY. Mr. Chairman, I call the attention of the gentleman to page 129 of the hearings, where he will find that Surgeon General Cumming submits a report signed by C. E. A. Winslow, chairman, Frank Irving Cooper, A. M. Feldman, D. D. Kimball, F. R. Still, R. E. Hall, and A. C. Willard, recommending everything that is recommended by the architect.

Mr. SUMMERS of Washington. Yes; I can explain that. They called on these specialists all over the United States to give a general outline of how a new ventilating system could be installed. The Health Department did not make a recommendation that anything of this kind be done. They say a little less heat and a little more humidity. There are 390,400 cubic feet in this Chamber. There are 310 outlets, hidden away up yonder at the edge of the glass in the roof, besides 20 double doors around the walls of this floor and the gallery. There is 51,000 cubic feet of fresh air coming into the Chamber every minute. All of the air in this Chamber is changed seven and seven-tenths times every hour, according to their report, and the fans will change it oftener if thought advisable.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes; gladly.

Mr. MURPHY. Does the gentleman mean to tell the Members of the House that the present ventilating system of this Chamber is modern?

Mr. SUMMERS of Washington. I mean to tell the Members of this House that the Bureau of Public Health of the United States, after making a thorough examination by a hundred tests, reports just as I said, that it is heated 2° or 3° above what it should be, and that there should be more moisture added to the air. And so I am in favor of an appropriation of $23,000 in order to install a tank, or two or three, of water through which this heated air may be forced, so as to bring up the moisture content and still maintain a lower temperature.

Mr. MURPHY. Where does the gentleman get the figures "$23,000"?

Mr. SUMMERS of Washington. I think it is too much, but I want it to be ample.

Now, I want the chairman of the committee to permit me to say that of course, I have no personal interest in this matter any more than any other Member. I am a physician by profession. I spent 25 years in very active practice; I have had training in many hospitals in this country and in London, Vienna, and Berlin. I am not mentioning this except as it may have some bearing on what I am saying at this time. I do not believe that this expenditure of money as proposed in this bill is necessary. I want to lay the facts before the Committee of the Whole House so that it can determine this question.

Mr. MURPHY. Can the gentleman tell us how many years the present ventilating system here has been in existence?

Mr. SUMMERS of Washington. About as long as this Chamber.

Mr. MURPHY. About 30 years, I think. Nothing has been done in that time to modernize it.

Mr. SUMMERS of Washington. Does the Bureau of Public Health say it should be changed?

Mr. MURPHY. If the gentleman from Washington had read these hearings, I dare say he would not have read what he has been reading.

Mr. SUMMERS of Washington. This statement from which I have read is the complete statement from the United States Public Health Service.

Mr. MURPHY. We have had an entirely different story from Doctor Greenburg, who is the sanitary engineer for the Public Health Service. We have that report in our hearings.

Mr. SUMMERS of Washington. I could not find it complete there.

Mr. MURPHY. It is all there. Will the gentleman take a copy of the hearings and read what Doctor Greenburg says?

Mr. SUMMERS of Washington. I will read here from another place in this report about the carbon dioxide.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. SUMMERS of Washington. Would the gentleman be generous enough to let me have three minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SUMMERS of Washington. I read several conclusions:

The carbon dioxide determinations indicate that at all times a sufficient supply of unused air is present. * * *

Our carbon dioxide measurements clearly confirm those of February 16, indicating a wholly sufficient amount of air change at all times. * * *

Our carbon dioxide analyses, however, indicate that sufficient air change is always taking place, as our average observation was at no time over 4.5 parts per 10,000. * * *

And, lastly, our carbon dioxide analyses indicated that at all times sufficient air change took place, in spite of the fact that we had only approximately 6.2 air changes per hour, as contrasted with 7.7 and 9.7 in the earlier studies.

Mr. FLETCHER. Mr. Chairman, will the gentleman yield there?

Mr. SUMMERS of Washington. Yes.

Mr. FLETCHER. The gentleman has just stated that over 200 Members of both Houses of Congress have died within 35 years. Does the gentleman think the ventilation has had much to do with their deaths?

Mr. SUMMERS of Washington. I do not. I took the trouble to consult the records of the Sergeant at Arms' office on that subject, and I find that in every Congress, from the Sixty-third Congress down to the present, with the exception of one, most of the deaths occurred during the spring, summer, and fall months. I have the figures here from December to March, and the number of deaths that occurred during that time, and the total number.

Mr. FLETCHER. Will the gentleman put those figures in the RECORD?

Mr. SUMMERS of Washington. Yes. I will explain that it was difficult to ascertain the number of deaths in a Congress because a Member may have been reelected to the following Congress and his death noted in both places.

The following table shows the approximate number of deaths of House Members during the period indicated:

Sixty-third Congress, 11 deaths; 5 during December, January, and February.

Sixty-fourth Congress, 11 deaths; 6 during December, January, and February.

Sixty-fifth Congress, 15 deaths; 5 during December, January, and February.

Sixty-sixth Congress, 11 deaths; 1 during December, January, and February.

Sixty-seventh Congress, 19 deaths; 8 during December, January, and February.

Sixty-eighth Congress, 19 deaths; 4 during December, January, and February.

Sixty-ninth Congress, 9 deaths; 4 during December, January, and February.

Of 95 deaths, 33 occurred during the months of January, February, and March.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield there?

Mr. SUMMERS of Washington. I am glad to yield.

Mr. STEVENSON. Has the gentleman any statistics to show that there is a higher death rate among men of the same age who are in Congress and men outside of Congress?

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. STEVENSON. Mr. Chairman, I ask that the gentleman may have two minutes more. I am interested in this.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The gentleman from Washington is recognized for two minutes more.

Mr. SUMMERS of Washington. I will say to the gentleman that pneumonia is a very common and very fatal disease in men above middle life, especially beyond 60 years of age, so that it is not at all unusual or out of the ordinary that there should have been a considerable number of deaths from pneumonia. But, as I have stated, the vast majority of deaths in the past 14 years have been in the spring, summer, and fall months, and not during the winter.

Mr. STEVENSON. Consequently when Congress was not in session.

Mr. SUMMERS of Washington. That is correct.

Mr. LAGUARDIA. There is no immortality that attaches to a certificate of election.

Mr. SUMMERS of Washington. The gentleman from South Carolina may have inferred that, but I do not know that he had that in mind.

Mr. MURPHY. Will the gentleman yield?

Mr. SUMMERS of Washington. I yield to my friend.

Mr. MURPHY. The gentleman will not contend for a moment that the present system of ventilating this room is modern?

Mr. SUMMERS of Washington. I contend we are supplied with an abundance of good, pure air, which is slightly overheated and which needs a little moisture added to it, and this statement is based on the repeated statements of the United States Bureau of Public Health, and we have no better authority.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. TAYLOR of Colorado. If, as the gentleman says, the air which we breathe here is warmer than it ought to be, and if, as he says, the air contains less humidity than it ought to contain—and he must say that, because there is no way of adding humidity to the air, because it comes in here dry and we breathe it dry——

Mr. SUMMERS of Washington. Moisture could easily be added before it comes in.

Mr. TAYLOR of Colorado. But there is nothing of that kind now.

Mr. SUMMERS of Washington. No.

Mr. TAYLOR of Colorado. If that is true, that the air is too dry and too hot, is not the American Congress entitled to the comfort that is obtainable in modern theaters, modern auditoriums, and buildings that are being constructed at the present time?

Mr. SUMMERS of Washington. But I would not spend a third of a million dollars to turn the heat off in my home.

Mr. TAYLOR of Colorado. I would spend a million dollars to save the health of the American Congress.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. MURPHY. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman and gentlemen of the committee, those of you who have copies of the hearings I wish would turn to page 137, and I am going to ask you to bear with me just a little while I read some of the testimony that was given by Doctor Greenburg, who is the sanitary engineer of the Public Health Service. Doctor Greenburg appeared before our committee and Mr. SANDLIN, one of the members of our committee, said:

> This problem is mostly one of temperature?
>
> Doctor GREENBURG. It is one of temperature and has humidity and air motion associated with it.
>
> Mr. WELSH. It is a problem of evaporation, is it not?
>
> Doctor GREENBURG. It is mainly one of cooling of the body. This involves temperature, humidity, and air motion. These are the three important factors in designing a ventilation system, and in designing such a system these three factors must be taken into consideration. In the old system there is no provision for satisfactory air distribution and air motion and for proper temperature and humidity control.

The gentleman from Washington is anxious to save a few dollars for the United States, and yet he has frankly admitted that the ventilating system in this room is not modern. You can go into any moving-picture theater in the city of Washington and feel safe, because they have adopted modern methods of ventilation. They prepare the air for their patrons, but here in the Nation's Capitol, where 435 men, who are picked from among the 120,000,000 people, come to legislate, there is no modern system of ventilation, and I think the health of those 435 men should be looked after. The committee feels they should be furnished with a suitable place wherein to attend to the business of the public. Thirty years have passed since anything has been done to make comfort possible in this Chamber, and the gentleman from Washington thinks that $23,000 is a sufficient amount to cool the air, to wash the air, and to do all the things that are needed in modernizing the ventilating system of this House.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. MURPHY. Yes.

Mr. SUMMERS of Washington. The gentleman, of course, knows that by shutting off one or two coils, which would probably take a couple of minutes, the temperature can be reduced, so that part is disposed of, and all that is necessary is to add moisture.

Mr. ABERNETHY. Will the gentleman yield?

Mr. MURPHY. Yes.

Mr. ABERNETHY. As I understand it, this $323,000 applies to the Senate as well as to the House?

Mr. MURPHY. That is correct.

Mr. ABERNETHY. I want to supplement what the chairman of the subcommittee says, that the Members here are entitled to fresh air and pure air.

Mr. SUMMERS of Washington. They are getting seven changes of air every hour in this big room, and nearly eight.

Mr. MURPHY. The air which comes into this room comes in along the carpet and, unfortunately, Members of the House often forget and expectorate on the floor. When that dries it is picked up in the dust and we breathe it, and there are a few of us who believe we are entitled to have clean air, and I hope the wisdom of this House will suggest the appropriation of sufficient funds for the care of the health of the people sent here to represent this Nation in its legislative establishment.

The means we have for ventilating the Chamber are not controlled, they are not modern, and here is a doctor, a man who gathers in the shekels of the folks for keeping their health secure, advocating filthy air.

Mr. BLACK of New York. Will the gentleman yield?

Mr. MURPHY. Yes.

Mr. BLACK of New York. The gentleman does not think he is looking for a few patients? [Laughter.]

Mr. MURPHY. The gentleman is facetious.

Mr. ABERNETHY. He practices on us for nothing.

Mr. STEVENSON. Will the gentleman yield?

Mr. MURPHY. Yes; gladly.

Mr. STEVENSON. I understand the report from which the gentleman from Washington read to be official; that is, from the United States health authorities. The gentleman does not mean to intimate that that great institution is desirous of promoting ill health in order to practice on anybody?

Mr. MURPHY. The gentleman is quite correct. That is a report from the Public Health Department of this Government; but the report we are bringing to the attention of the committee is a later report and one based on a further study of the proposition.

Mr. STEVENSON. By the same board?

Mr. MURPHY. By the same bureau.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MURPHY. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MURPHY. Now, may I proceed further with the reading of this testimony?

Mr. SUMMERS of Washington. Will the gentleman yield for a question just at that point?

Mr. MURPHY. Yes.

Mr. SUMMERS of Washington. Has there ever been a later investigation than the one I read from? The gentleman may not be able to answer that question, but I will say there has not been, because the United States Bureau of Public Health told me this was their last investigation.

Mr. MURPHY. I will say to the gentleman they had this report when they recommended this system we are presenting to the committee at this time.

Mr. TAYLOR of Colorado. Will the gentleman yield for a question?

Mr. MURPHY. Yes.

Mr. TAYLOR of Colorado. Is it not true that this matter takes up 75 pages of the hearings on this bill? The gentleman from Washington read only about one page. There are about 75 pages of the hearings devoted to this one matter. We have had an exhaustive investigation by the highest authorities in the United States. Some of these people came before our committee, and we have gone into the matter thoroughly, exhaustively, and have come to the unanimous conclusion the present

obsolete system ought to be changed. When they say the air is not filthy, I will say that it is not healthy. It comes out right here at our feet, and the hot air blows the dust and dirt from the dirty carpets right up in our faces, and that is not healthful. It is not and can not be sanitary. The air should come in 30 feet over our heads instead of between our feet. Besides being dirty, the air is too hot and too dry. This system is an abomination.

Mr. MURPHY. I will say to the gentlemen of the committee that the recommendation for making this change in ventilation comes out of the report from which the gentleman has just read, and if the gentleman had gone through these hearings and had read them carefully I am sure he would not be objecting as he is to-day, because the testimony of the experts before our committee was such that it was the wisdom of the committee this improvement should be made.

Mr. MORTON D. HULL. Will the gentleman yield for a question?

Mr. MURPHY. Yes.

Mr. MORTON D. HULL. How many of the experts whose testimony you have in the hearings are engaged in the ventilating business and would like to secure such a contract?

Mr. MURPHY. Not any. I will say to the gentleman from Illinois the committee is composed of men who have business judgment, and they are just as wide awake as the average citizen of this country. We have not been subject to any influence of any kind. As my friend the gentleman from Colorado has said, 75 pages of the hearings were devoted to this one subject, because it is an important one.

Mr. MORTON D. HULL. And you say that none of them——

Mr. MURPHY. Not one. I might read for the gentleman's information at this point——

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. MURPHY. If the gentleman will permit, I would like to continue reading from Doctor Greenburg's testimony:

You will note by reference to the complete report of the 1924 study, which will be presented in the record, that the Hall suffered from overheating because the regulatory means were not sufficient and carefully controlled, and that we recommended that the velocity of the incoming air be decreased because of the existence of drafts on the Members' feet. And lastly, that some means be provided for increasing the relative humidity or moisture content of the Hall. All of these criticisms are still valid and constitute our objections to the system at this time. In addition to the above, it must be pointed out that no means are at present in existence for cooling the Hall in the summer months of the year.

The system, which has just been approved by the ventilating committee, of which Doctor Winslow is chairman, and which is composed of the ablest men in the field at this time, makes ample and liberal provision for all of these recommendations of the 1924 report.

May I take the liberty of directing the attention of the gentlemen to the last paragraph of the 1924 report, for here our recommendations are presented completely free of technical details.

Mr. TAYLOR. In the new theaters throughout the country, are they installing plants of this kind in this way to bring the air down and regulate the temperature, the humidity, and the circulation?

Doctor GREENBURG. Yes; they are. In the new, big, and better theaters they have such systems. But the cost is high and the smaller theaters can not usually afford them. In the bigger and better playhouses they are putting in these systems all the time.

Mr. TAYLOR. Do they spend as much as $323,000 to do it?

Doctor GREENBURG. I think the system at the Roxy Theater in New York must have cost practically that much. It cost probably in that neighborhood. The system in the Paramount Theater in New York probably cost about the same amount also. The Roxy Theater seats 6,000 people and the Paramount 3,540 people. Both of these theaters were ventilated by the company to whom the committee now desires to award your contract.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. MURPHY. Mr. Chairman, I ask for five additional minutes, inasmuch as this is an important matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FLETCHER. Will the gentleman yield?

Mr. MURPHY. Yes.

Mr. FLETCHER. May I ask the gentleman from Ohio if there are going to be competitive bids on this work?

Mr. MURPHY. Yes; they are going to have competitive bids. [Reading:]

Mr. HOLADAY. Doctor Greenburg, are the Members of the House suffering, is their health being injured, by the present system of ventilation?

Doctor GREENBURG. I can not say exactly how much their health is being injured, but I certainly feel that if the system of ventilation were improved the Members would feel better and would undoubtedly be in better physical condition and feel more active and more alert. When the atmosphere becomes overheated it detracts from a man's physical and mental abilities. In that way I think they are being injured to a certain extent.

Studies on the question of ventilation are now being made with a great deal of care, and so far it has been found, for example, in studies made on school children in New York that there is more respiratory disease amongst the children when the conditions are not right than when the conditions are maintained at about the right point. In study cited it was found that there was about 18 per cent more absences from colds and respiratory diseases where the poor conditions were maintained than when atmospheric conditions were maintained at about the proper level.

I am making some studies now of school children in New Haven, Conn., and the facts so far confirm those learned from the study made in New York.

Many studies have been made in reference to the efficiency of physical labor at different temperatures, and they have all indicated that when the temperature is not maintained at the right point the physical efficiency drops off. This means that when the body has to work hard to lose its excess heat it is laboring under an extra load, and if you keep on loading up the body in that way you decrease its physical efficiency.

Mr. MURPHY. Is it the judgment of the Public Health Service that the air conditions here are so bad that they really should be changed?

Doctor GREENBURG. I would like Doctor Thompson to answer that question. It was the opinion of all the men who studied the system that it should really be revamped and made so that it could maintain conditions which were more suitable for the Members.

Mr. MURPHY. May I at this point ask Doctor Thompson if the experts who went into this matter suggested that the conditions were bad and that a change should be made?

Doctor THOMPSON. I think Doctor Greenburg has explained it very well. These are intangible things that we have to deal with. You have such conditions resulting where a good system of ventilation is not available. It is also possible that we may be made more susceptible to breakdowns in health by having this extra strain put on the constitution. Most of us have reached the age where we should not be subjected to constant extra strains put upon us.

Of course, anybody can get along in any kind of ventilation, but we felt that you were entitled to a system which would be equal to what they have in theaters and places of that kind for maintaining the comfort and health of their people, and that if they can have such a system as that you gentlemen were entitled to at least that much.

Mr. MURPHY. Do you look upon the present ventilating system as being obsolete as compared with modern ventilating systems?

Doctor THOMPSON. Yes; I do.

Mr. MURPHY. When was the present system put in here? Perhaps Mr. Lynn can answer that question.

Mr. LYNN. It has been in for about 30 years. It has just been added to from time to time by putting in larger exhaust fans, and things of that kind. But the system has been in for a great many years.

Mr. TAYLOR. The thing that brought this matter up originally was the fact that Members of the House were complaining that when they sat in the Hall of the House for 3, 4, or 5 hours they would go away completely exhausted, and they seemed to think that possibly it might help them in that way.

As to whether or not we should go ahead and spend all this money at this time or wait until this system has been tried out further and they know more about it than they do now, is a question.

Mr. SANDLIN. I think most of the Members heretofore have had the feeling and the belief that there was a lot of foul air in the Hall.

Mr. TAYLOR. Yes; the Members of the House think it is insanitary, and I know people in the galleries always complain that they have that same feeling. Women complain that when they go and sit in the galleries, when the Hall of the House is filled by Members, that the air is bad.

Mr. SANDLIN. That is due to the heat and the humidity?

Doctor GREENBURG. That is probably due to the fact that down on the floor of the House the temperature conditions are approximately comfortable and then when the air is warmed it rises, and in the gallery the temperature is probably too high.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. MURPHY. Mr. Chairman, I shall have to ask the indulgence of the committee for five more minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio to proceed for five additional minutes?

There was no objection.

Mr. MURPHY. On page 157 of the hearings Doctor Greenburg, in reply to a question by the gentleman from Colorado [Mr. TAYLOR], said:

Doctor GREENBURG. I hesitated very much to say that I felt the present ventilating system was injurious to the health of the Members, because it is exceedingly difficult to prove such a thing. It is a problem which would require long study, and study of many different kinds, for example, statistical studies of the death rate of Members, as compared with that of the normal population.

It is a very difficult problem, if it could be satisfactorily done at all.

Mr. MURPHY. But it is a fact, however, that this ventilating system is not approved by present-day sanitation, along ventilating lines?

Doctor GREENBURG. Absolutely.

Mr. LYNN. This system simply puts so many cubic feet of air per minute in the Chamber and it exhausts so many cubic feet per minute. It supplies fresh air to the House Chamber; that is the extent of the system.

Mr. MURPHY. Throughout the country every great building that goes up, where great crowds assemble, is being equipped with the new ventilating system?

Doctor GREENBURG. Very many of them. I hesitated very much to say that the existing system was actually detrimental to health. On the other hand, we must not minimize the feeling of discomfort, because when you are uncomfortable it is definite evidence that conditions are wrong, that your body is being imposed upon. If this continues long enough, it seems very fair to assume that it will harm the body. There is no question about it.

Gentlemen of the House, you have listened carefully to the reading of this testimony from the hearings. The matter is up to you. Experts on ventilation scattered over the entire country were called into consultation by the Architect of the Capitol. Not one of these gentlemen has anything whatever to do with any ventilation company doing business in this country. Bids were asked tentatively of those qualified to do the work. I think five ventilating companies in this country submitted plans and bids on this work. It was the wisdom of this board of experts, serving without pay, simply giving their very best judgment to their Government, that a certain firm should be given the contract.

The Architect of the Capitol appeared before the committee with this proposition, giving the background for his judgment in recommending to the committee these people to do this work. The judgment of the committee was that, this being America and all things being equal, that everyone engaged in the ventilation business in this country should have an equal chance at the starting point and that these plans prepared by these experts should be resubmitted and that the best bid received by the Architect and on the approval of the board of five experts, none of whom have any financial interest in any ventilating company, should meet in consultation, and those bidding would be awarded the contract.

Mr. TAYLOR of Colorado. And we do not have to accept any bid at all—either the highest or the lowest.

Mr. MURPHY. No; we reserve the right to accept the highest bid if it is considered to be the best by those best qualified to judge, and we reserve the right to reject any or all bids. So we believe the committee has been exceedingly fair and just. We give every American business man engaged in the business an equal chance at the starting point, and if he has the ability to do and to achieve, his reward will be commensurate with his ability.

Mr. SUMMERS of Washington. I am unable to understand how it is you make all of these reservations when we pass this provision without any strings to it.

Mr. MURPHY. I might say that a year ago bids and estimates were asked for, and the amount was four hundred and some odd thousand dollars. Again I want to pay tribute to the wisdom and business sagacity of the chairman of the Appropriations Committee [Mr. MADDEN], who has saved the country in that item alone $107,000.

Mr. SUMMERS of Washington. If we had brought that before the House a year or two ago, you would have made the same argument then that you do now. I was on the committee at the time, and I opposed it.

Mr. LAGUARDIA. Is not the gentleman from Ohio unintentionally overstating his case when he says that the House reserves the right to reject the highest bid? As the paragraph stands it will have to be awarded in compliance with the existing law.

Mr. MURPHY. The language in the bill went out on the point of order, but it is possible to have the language reinserted at the other end of the Capitol, because the Senate is interested in this matter, and the appropriation is carried for the House and the Senate Chambers.

I might say for the benefit of the House that the Senate has had hearings on the proposition to enlarge the Senate Chamber in addition to furnishing a new ventilation system. They believe over there that it is money well spent. I think some one told me that they had figures to show that in a financial way a tremendous saving would be made, but we are not going to talk about that. We are doubly interested in trying to modernize the Chambers of this Capitol. We want to put a new ventilating system in the Senate Chamber and in the Hall of the House equal to that which can be found in any moving-picture house in a town of 25,000 inhabitants.

Mr. MENGES. Mr. Chairman, I move to strike out the last word. I am perfectly willing to have this Chamber ventilated, so that we will have pure air and there will be no disease contracted by any Member in this House from impure air. I do not oppose a ventilating system, but I do think that we ought to be a little careful about submitting specifications to the various bidders and that we do not place too much dependence on experts. I happened to come in contact with some of the things that happen here, and I am not impugning the motives of anyone, but the group of experts who recommended this system—and I understand the committee adopted it—gave the contract or suggested that the contract should be given to the highest bidder. Now, my friends, I happen to have in my district—and I am going to be frank about it—a concern which is manufacturing ventilating systems. The York Ice Machine Manufacturing Co. put in a bid for the installation of this project of $139,680, while the Carrier Engineering Corporation, to which the experts suggested the award should be given, asked $326,000.

Mr. SUMMERS of Washington. Give us the figures in dollars and cents for comparison.

Mr. MENGES. It is 139 as against 326 plus. I can give the gentleman the figures exactly. For the complete system the highest bid, which the experts suggested should be accepted, was $326,000 for the same thing the firm in my district asked $139,680—$279,000 plus.

Mr. SUMMERS of Washington. That is, as provided in the bill?

Mr. MENGES. No; that is not as provided in the bill. But that was the bid that was made and accepted, or recommended by the corps of experts to be accepted.

Mr. SUMMERS of Washington. And the other responsible bidder to whom the gentleman refers bid how much?

Mr. MENGES. One hundred and thirty-nine thousand six hundred and fifty dollars.

Mr. SUMMERS of Washington. Now, we can understand and compare $139,000 with $279,000. I do not question the high character of everyone connected with this investigation, but call attention to the great disparity of the estimates.

Mr. MENGES. Do not think that I am endeavoring to put in question the character of this committee, but I say to you that this concern that I refer to is a responsible concern. During the last year they put ventilating systems into the largest theaters in New York, Philadelphia, and Pittsburgh. I do not know that they have gone any further west. They put in 16 ventilating systems. Not only that, but they are a very responsible concern. They have built up a business of $20,000,000 and they have built it up by being absolutely and strictly honest, living up to their agreements and contracts. I am here not to say to whom you shall give this contract but to suggest that I think we should be a little careful.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MENGES. Yes.

Mr. TAYLOR of Colorado. Did the gentleman read the report on page 129 giving the reasons why they recommended the Carrier Engineering Corporation, and showing why the other bids did not fill the bill?

Mr. MENGES. I did read that, but it does not explain anything to me.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. MENGES. Yes.

Mr. BLOOM. Does the gentleman know of one particular case where any theater in the United States ever spent $200,000 for just a ventilating system?

Mr. MENGES. I do not know anything about the cost for the installation of a ventilating system.

Mr. BLOOM. Does not the gentleman know, if he knows anything about the ventilating——

Mr. MENGES. Oh, I am not a ventilating engineer.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SUMMERS of Washington. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLOOM. Does not the gentleman know or realize that there is no theater in the United States that ever spent $100,000 for a ventilating system?

Mr. MENGES. I do not know anything about it.

Mr. BLOOM. Is not the gentleman recommending that we spend $200,000 for ventilating the Chamber?

Mr. MENGES. I have not recommended any amount.

Mr. BLOOM. I thought I heard that.

Mr. MENGES. I did not recommend any amount. I said that I am in favor of ventilating this room and ventilating it in such a way that every Member of this House shall have all of the fresh air that he or she needs.

Mr. BLOOM. I will say this: I will guarantee that you will have all of the fresh air you want if you will let me ventilate this Chamber for $100,000.

Mr. MENGES. I am not able to say whether the gentleman could do it or not.

Mr. BLOOM. I will take the contract right now to ventilate this Chamber properly for $100,000.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. MENGES. Yes.

Mr. SUMMERS of Washington. Did the gentleman observe that in the reading of all of the pages of testimony by Mr. MURPHY the experts made two points, and two only? One was that the room was overheated, and they tell me that is why some Members are inclined to get drowsy during the latter part of the afternoon. That can be changed in five minutes at this end of the Capitol and at the other end of the Capitol by the two engineers. Anybody can shut off the heat. You do not need a third of a million dollars to do that. The other thing they recommend is more moisture. That is all they do recommend. Two very simple modifications of our present system, but the results will be apparent.

Mr. BLOOM. Mr. Chairman, will the gentleman yield for a question?

Mr. MENGES. Yes.

Mr. BLOOM. I just happened to come in at the tail end of this thing. If you want to ventilate this Chamber and ventilate it correctly so that you will not have this bad, foul air, you can do it easily for a hundred thousand dollars. You must have a proper exhaust, which you have not got here.

Mr. MENGES. I did not yield for a speech.

Mr. BLOOM. I do not want to make a speech. I thought that the gentleman recommended that we give a contract to some one he mentioned for a certain sum of money.

Mr. MENGES. No; I did not. I did not recommend anything of the sort.

Mr. UNDERWOOD. Mr. Chairman, will the gentleman yield?

Mr. MENGES. Yes.

Mr. UNDERWOOD. Does not the gentleman think we ought to award this contract to the gentleman from New York [Mr. BLOOM]?

Mr. MENGES. Mr. Chairman, I am not advocating the adoption of any one of the amounts that have been specified by the people who have made bids on this proposition, neither am I suggesting the acceptance of Mr. BLOOM's offer. The people that I have the honor to represent have done practically all of the ventilating for the United States Navy Department in their ships for the last 10 years.

Mr. UNDERWOOD. Mr. Chairman, will the gentleman yield?

Mr. MENGES. Yes.

Mr. UNDERWOOD. Do I understand the gentleman to convey the impression that there will not be free and unrestricted competition in the awarding of this contract?

Mr. MENGES. I did not mean to convey that idea.

Mr. UNDERWOOD. If I understood the statement of the chairman correctly, there will be competitive bidding.

Mr. MENGES. That is exactly what I want.

Mr. UNDERWOOD. And that the contract will be awarded to the bidder that complies with the plans and specifications and submits the lowest responsible bid.

Mr. MENGES. I am not asking for any preference for the concern I am representing but that they shall have equal opportunity.

Mr. MURPHY. That is just what the committee has arranged for. We have an amendment here which we will submit when this is out of the way.

Mr. MENGES. I am glad you have that, Mr. Chairman, because I was going to offer one if you had not.

Mr. HOLADAY. Mr. Chairman, as a member of the subcommittee I joined in the report on this item. But there are a few facts I would like to bring to your attention. As I recall the evidence before the subcommittee, there was no evidence to show that the atmospheric conditions in this House were essentially injurious to the health of the Members. As to the gentleman referred to as Doctor Greenburg, I see that he is so referred to in the hearings, but it is my impression that he is not a doctor, but a sanitary engineer. Here is what he says. He was asked:

Mr. HOLADAY. Doctor Greenburg, are the Members of the House suffering, is their health being injured, by the present system of ventilation?

Doctor GREENBURG. I can not say exactly how much their health is being injured, but I certainly feel that if the system of ventilation were improved the Members would feel better and would undoubtedly be in better physical condition and feel more active and more alert. When the atmosphere becomes overheated it detracts from a man's physical and mental abilities. In that way I think they are being injured, to a certain extent.

Now, as I recall the evidence, that is about as strong a statement as there is in the record going to show that the present condition is injurious to the public health.

The committee was faced with this proposition: For a good many years there has been a demand from individual Members for an improvement in the ventilating system. The Public Health Service, when this proposition was put up to them, called in a committee of experts, and they made a report. Now, I want to call your attention especially to this: This is the testimony of Doctor Thompson. The question was not up to that commission as to whether we needed a ventilating system. The question that was put up to them was on the basis that the House desired a system, and they were asked their opinion as to what the best thing was. Doctor Thompson says:

When that committee considered a system they did not take into consideration the cost.

In other words, this committee is not going into a question of whether or not we needed a change. They assumed that the House had decided that they did need a change. But from the theoretical and scientific standpoint, regardless of the demand for or the cost of, they reported what they thought was the best system. I read:

We called together this committee of experts because we felt that their opinion would give you the best system possible at the present time, in accordance with health and sanitation.

When that committee considered a system they did not take into consideration the cost. They did not feel that that was their province. Their province was to outline to you what they felt was the most satisfactory type of system to give you the most healthful and sanitary conditions. They did not enter into the cost. Their opinion was expressed only about the new system and what would be desirable for the new system.

Mr. HOLADAY. Did they go into the question as to how badly an improvement in the ventilating system was needed? Did they consider that?

Doctor THOMPSON. They really had not had that put up to them. It was put up to them that Congress desired to have a new system installed and what you wanted was an opinion as to the best type of system to be installed. They did not have any suggestion as to that point; that rested with the Members of Congress.

Now, this commission made their report regardless of the cost. They reported what in their opinion would be the best system. That report involved not specific specifications, but general specifications. Then competitive bids were asked for, and some five different companies came in. There is a big spread between their bids, and it is very natural that there should be, because they were not bidding on exact specifications but on a general plan, and each bidder submitted his own plan, so that there is no way that I know of by which we can compare the bids. Perhaps the man who wanted $100,000 more than the firm from Pennsylvania offered a better system. I presume that he did.

The CHAIRMAN. The time of the gentleman from Illinois has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. GIFFORD. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last two words.

Mr. GIFFORD. Mr. Chairman and gentlemen of the committee, I do not wish to take five minutes. I have courage enough to say here what I have said so many times, when we

have been frequently forced to leave this Chamber practically from mental exhaustion and unable further to follow the debates. I do not need the medical profession to tell me when ventilation is needed. When our offices need fresh air we know when it is time to raise the window, and when necessary to have water around to change the humidity. This room is supposed to properly accommodate 435 Members of Congress, many employees, and perhaps 500 visitors from 12 o'clock noon to 6 o'clock each day, and with an up-to-date ventilating system. Nearly every other Member of the House must feel that the ventilation is not satisfactory, and we often complain that we can not remain in the Chamber and keep keenly alert under such conditions.

We can not have been wrong all of this time. We do not need a doctor to tell us about lack of ventilation, though we do need them to tell us about those diseases the cause and effects of which we do not know. I am sure the common sense of the situation appeals to us, and I am very glad to vote in favor, after six years of experience here. Let us have the courage to rise and state openly our criticisms of this situation. The ventilation here is certainly very bad indeed. We know it is of our own experience and we are not to be convinced by the differing viewpoints of experts, as cited in the debate, on a matter of which we have such intimate knowledge.

Mr. BLOOM. Will the gentleman yield?

Mr. GIFFORD. I will be very glad to yield to the gentleman, but I do not know anything about his $100,000 estimate.

Mr. BLOOM. That is not the question I am going to ask the gentleman. The question I am going to ask the gentleman is whether he knows that any one of the plans suggested will relieve the situation?

Mr. GIFFORD. I have faith in those intrusted to carry out our instructions. I am not interested in anybody or firm who wants a contract. I am interested not only for our health, but that we may stay here and be active and alert in our duties. [Applause.]

Mr. MURPHY. Mr. Chairman, I want to say that I hope the members of the committee will vote against the amendment offered by the gentleman from Washington, because the health of the Members of this House is the most important thing to each and every one of us individually. This is your own affair. If you do not take care of yourselves you can not blame anyone else. The country will not condemn you for making things sanitary and modern here. When it comes to the judgment of those five men who have been selected for their high intelligence and for their high character no one can question it. When a gentleman gets up on this floor and says, "I will do this for $100,000 "——

Mr. SANDLIN (interposing). He will have an opportunity to bid.

Mr. MURPHY. Yes; he will have an opportunity to bid if he cares to do so. The gentleman will have an opportunity to enter into competitive bidding, and if he knows what he is talking about he may be able to do the work for $100,000. But the gentleman knows something about the theatrical business. He knows they do spend lots of money in providing proper ventilating systems. In my little town they spent $60,000 on a ventilating system in a little theater which seats only 800.

Mr. BLOOM. But did you not spend $40,000 on a cooling system?

Mr. MURPHY. It does not make any difference what the money was spent on. Here we are only appropriating sufficient money to cover the probable cost of the system, and in the event the work can be done for much less we will be that much better off. Gentlemen, remember that if you appropriate this money for this ventilating system you will have the very last word in scientific ventilation. You are entitled to receive that, because everyone who spends from 20 to 25 cents for admission to a moving-picture house knows that when he enters such a moving-picture house he is entering a building which is ventilated along modern lines. Surely we are entitled to that. We are doing something here for ourselves. Gentlemen, let us do it; let us meet the issue face up, with eyes to the front and with our tails over the dashboard. [Applause.] The people in this country believe in such a proposition and, therefore, I hope you will defeat the amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. BLOOM. Mr. Chairman, I move to strike out the last five words.

The CHAIRMAN. The gentleman from New York moves to strike out the last five words, and is recognized for five minutes.

Mr. BLOOM. Mr. Chairman and gentlemen, I want to say at the outset that I am not going to oppose any plan by which you can better or change the ventilation of this Chamber. Ever since I have been in the House I have heard about such a plan being put into operation. I have watched gentlemen sit in the galleries with all kinds of instruments, testing, smelling, perfuming, and doing everything to the air. What they were trying to do I do not know, but I will say that for 40 years I have been building public buildings and I know something about ventilating chambers.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. BLOOM. Yes.

Mr. SUMMERS of Washington. I was wondering how old the gentleman is. I thought he was a young man.

Mr. ABERNETHY. Will the gentleman yield to me?

Mr. BLOOM. Yes.

Mr. ABERNETHY. I will call the gentleman's attention to the fact that when he entered this body he was a healthy looking man, but I saw the gentleman faint on the floor of the House, and we had to carry him out.

Mr. BLOOM. I will say to my colleague that it was not the air which made me sick; it was the speeches I heard. The air was all right, but I was overcome by some of the speeches I heard at that time. I am now immune to them.

I will say this: That you can not compare this Chamber with a theater. A theater is practically sealed up. There are no doors or windows that can be opened in a theater.

Mr. TAYLOR of Colorado. There are not any here.

Mr. BLOOM. You have doors here and they are being opened and closed all the time.

No matter how hard you may try, it is impossible to create a vacuum, and the only thing you need in this Chamber, gentlemen, is to have a proper exhaust system. If you take out the foul air, good, pure air must come in. It is impossible to create the kind of vacuum that these engineers have been talking about.

Mr. BEEDY. Where is the pure air going to come from?

Mr. BLOOM. You will get it through the doors and the vents and all around here.

Mr. BEEDY. Does not the gentleman know that this Chamber is twice removed from the pure air on the outside?

Mr. BLOOM. No——

Mr. BEEDY. If the gentleman will take a trip around the Chamber and investigate he will find that is the fact.

Mr. BLOOM. I want to tell the gentleman this Chamber is not situated like a theater.

Mr. MURPHY. Does the gentleman know how the air comes into this room?

Mr. BLOOM. It comes in from all these openings and through the vents. Now, where do you take out the air?

Mr. MURPHY. May I tell the gentleman that the air that is in this room now comes in along the dirty, filthy carpet here, and is forced up into our faces?

Mr. BLOOM. The gentleman will remember I said it comes in from the doors and the vents.

My idea is that if you had a proper exhaust in this building you would have proper ventilation. You have to have a proper circulation of air, the same as they have in every theater. In the top of every theater or large building they have exhaust fans that take out the bad air.

If you want to have a proper plan of ventilation, that is all right, and we should figure on it, but you can not have men connected with ventilation systems come in here with their own system and then expect to have any kind of real or proper ventilating plant.

Mr. ABERNETHY. Will the gentleman yield?

Mr. BLOOM. Yes.

Mr. ABERNETHY. The gentleman concedes we need a different system here from the one we have now.

Mr. BLOOM. I will concede that if you will try what I have suggested——

Mr. ABERNETHY. The air is bad now, is it not?

Mr. BLOOM. Let me answer the question, please. I will say if you want to improve the air in this Chamber, if you will give me the opportunity of putting in a proper exhaust system, I will guarantee to purify the air and have it 75 per cent better than it is now.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MURPHY. Mr. Chairman, I think we have been very liberal in allowing debate on this question, and I ask unanimous consent that all debate on this amendment and all amendments thereto do now close.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington to the amendment offered by the gentleman from Ohio.

Mr. MURPHY. Mr. Chairman, may we have the amendment again reported?

The amendment to the amendment was again reported.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. MURPHY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MURPHY: On page 23, line 21, insert a new paragraph, as follows:

"The foregoing appropriation may be expended without compliance with sections 3709 and 3744 of the Revised Statutes of the United States."

Mr. BLACK of Texas. Mr. Chairman, I reserve a point of order.

Will the gentleman explain the meaning of the amendment and just what sections are referred to?

Mr. MURPHY. This gives the experts having in charge the recommending of contracts the privilege of awarding the contract to the best bidder, not necessarily the one submitting the lowest bid as to dollars and cents, but permits them to let the contract to the best bidder even though he might be the very highest as to dollars and cents. The judgment of this board of five experts, who are not interested in any way, shape, or form in any contract with respect to this sort of work will be controlling, and under the amendment I have just offered the architect, on the advice of this board, can enter into a contract with any one of the bidders who submits the best bid.

Mr. BLACK of Texas. Mr. Chairman, I make the point of order. I do not think we ought to award contracts in this way.

The CHAIRMAN. The Chair believes the point of order is well taken. The point of order is sustained.

Mr. MURPHY. There is no question, Mr. Chairman, but what the amendment is subject to a point of order. I am very sorry the gentleman from Texas——

Mr. LAGUARDIA. Will the gentleman yield?

Mr. MURPHY. Yes.

Mr. LAGUARDIA. The point of order was raised before and the point of order was sustained and the paragraph went out. Then the gentleman offered an amendment without those lines. I am very sorry the gentleman again offered the amendment, because once a point of order is raised and sustained, I do not think the amendment should be again offered. It is out now anyway.

Mr. MURPHY. Yes; it is out now.

The Clerk read as follows:

Capitol Grounds: For care and improvement of grounds surrounding the Capitol, Senate and House Office Buildings; personal and other services; care of trees; plantings; fertilizers; repairs to pavements, walks, and roadways; purchase of waterproof wearing apparel; and for snow removal by hire of men and equipment or under contract without compliance with sections 3709 and 3744 of the Revised Statutes of the United States, $72,000.

Mr. STRONG of Kansas. Mr. Chairman and Members of the House, while I was absent from the Chamber some criticism was offered in regard to the Assistant Sergeant at Arms of this House, Mr. A. C. Jordan, of Kansas. I wish now to give the membership of the House some facts.

Mr. Jordan does not come from my district or my part of the State, but for many years he was the sergeant at arms of the Kansas House of Representatives. He retained that position from year to year, session after session, because of his competency and ability to fill that position. Seven years ago when he was selected as Assistant Sergeant at Arms of this House, the members of the House of Representatives of Kansas made him a handsome present as a testimonial of their esteem and their respect.

He has served this House for many years. He has always been here every day this House has been in session when able to do so. He has always been efficient, able, and competent, and has served this House well. Last summer he met with an accident that was followed by temporary paralysis, that for months compelled him to use a cane. He has been trying to get back here all the session and worrying because he was unable to do so. A month ago he wrote me and said he had so improved that he expected to get here on the 24th day of March. He did not come, and a few days after I was advised that he was taken down with la grippe and was confined to his bed. This man has had financial reverses; he has lost his health. He ought not to be criticized because of his great misfortune in the face of the splendid service he has given this House, and I want to thank Mr. ABERNETHY for coming to the defense of Mr. Jordan this afternoon, and also the membership of the House that they did not destroy his position this afternoon by voting for the amendment offered. I thank you all in behalf of Mr. Jordan. [Applause.]

The Clerk completed the reading of the bill.

Mr. MURPHY. Mr. Chairman, I ask unanimous consent to return to page 23, line 7, and after the word "services" insert the word "advertising."

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to page 23, line 7, for the purpose of offering an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 7 of the amendment already adopted, on page 23, after the word "services," insert the word "advertising."

The amendment was agreed to.

Mr. MURPHY. Mr. Chairman, I ask unanimous consent to return to page 16 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to page 16 for the purpose of offering an amendment. Is there objection?

Mr. SCHAFER. Reserving the right to object, what is the nature of the amendment?

Mr. MURPHY. The amendment is being offered to equalize the salary of an attendant in the press gallery. It has been the unanimous request of every member of the press gallery that this young man, who has and is rendering splendid service, should have an increase in salary. The matter was brought before the committee, but it was neglected and did not appear in the bill.

Mr. SCHAFER. It will not interfere with the reorganization bill there has been so much said about?

Mr. MURPHY. I do not think so.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, line 8, strike out the figures "$1,200" and insert "$1,700." In line 14 strike out the figures "$209,641" and insert "$210,141."

The amendment was agreed to.

Mr. MURPHY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having taken the chair as Speaker pro tempore, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MURPHY. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The motion was agreed to.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. MURPHY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HOWARD of Nebraska, at the request of Mr. NORTON of Nebraska, for an indefinite period, on account of sickness.

ADJOURNMENT

Mr. MURPHY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 42 minutes p. m.) the House, in pursuance of its previous order, adjourned until to-morrow, Sunday, April 15, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, April 16, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

For the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges (H. R. 11917 and other bills relating to cotton).

COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To provide for the transfer to the Department of the Interior of the public-works functions of the Federal Government (H. R. 8127).

COMMITTEE ON THE DISTRICT OF COLUMBIA
SUBCOMMITTEE ON THE JUDICIARY

(10.30 a. m.—room 377)

To revise, amend, and reenact the provisions of the Code of Law for the District of Columbia relating to the acquisition of land in the said District for the use of the United States (H. R. 12416).

SUBCOMMITTEE ON INSURANCE AND BANKING

(10.30 a. m.—room 346)

To provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia (H. R. 12896).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

445. A letter from the Assistant Secretary of Labor, transmitting report that there is in this department an accumulation of miscellaneous material in the office of the Secretary, Immigration Service, United States Employment Service, Bureau of Labor Statistics, and Children's Bureau which will be of no further use in the transaction of official business; to the Committee on Disposition of Useless Executive Papers.

446. A communication from the President of the United States, transmitting supplemental estimate of appropriations under the legislative establishment, United States Senate, for the fiscal year 1928 in the sum of $20,000 (H. Doc. No. 228); to the Committee on Appropriations and ordered to be printed.

447. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year 1929, for public buildings authorized under the provisions of the act approved May 25, 1926, $1,200,000 (H. Doc. No. 229); to the Committee on Appropriations and ordered to be printed.

448. A message from the President of the United States, transmitting deficiency estimates of appropriations for the Post Office Department for the fiscal year 1927 and prior years, $23,495.32, and a supplemental estimate for the fiscal year 1929, $25,000; in all, $48,495.32; also a draft of proposed legislation affecting the use of an existing appropriation (H. Doc. No. 230); to the Committee on Appropriations and ordered to be printed.

449. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the Treasury Department for the fiscal year 1928, $65,000, and for the fiscal year 1929, $543,560; in all, $608,560; also drafts of proposed legislation affecting the use of existing appropriations (H. Doc. No. 231); to the Committee on Appropriations and ordered to be printed.

450. A letter from the chairman of the Public Utilities Commission of the District of Columbia, transmitting an agreement under date of April 7, 1928, by and between the Washington Railway & Electric Co., the Capital Traction Co., and Mr. Harley P. Wilson, owner of 98 per cent of the stock of the Washington Rapid Transit Co. (H. Doc. No. 232); to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 165. A resolution providing for the consideration of S. 3740, an act for the control of floods on the Mississippi River and its tributaries, and for other purposes; without amendment (Rept. No. 1270). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. S. 3555. An act to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce; with amendment (Rept. No. 1273). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. H. R. 13039. A bill to amend the World War veterans' act, 1924; without amendment (Rept. No. 1274). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FURLOW: Committee on Military Affairs. H. R. 8751. A bill for the relief of Robert W. Miller; without amendment (Rept. No. 1271). Referred to the Committee of the Whole House.

Mr. CHAPMAN: Committee on Military Affairs. H. R. 6127. A bill for the relief of Basil N. Henry; without amendment (Rept. No. 1272). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEAVITT: A bill (H. R. 13031) to amend an act entitled "An act to establish in the War Department and in the Navy Department, respectively, a roll designated as 'the Army and Navy medal of honor roll,' and for other purposes," approved April 27, 1916; to the Committee on Military Affairs.

By Mr. CROSSER: A bill (H. R. 13032) to amend the act of February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters"; to the Committee on the Merchant Marine and Fisheries.

By Mr. FREE: A bill (H. R. 13033) authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for the extension of Alvarado Street; to the Committee on Military Affairs.

By Mr. HOWARD of Oklahoma: A bill (H. R. 13034) to authorize an appropriation for Indian reservation roads in the State of Oklahoma; to the Committee on Indian Affairs.

By Mr. PALMISANO: A bill (H. R. 13035) to amend section 641 of the act approved May 19, 1924, entitled "World War veterans' relief, providing for the payment of a certificate upon certain conditions"; to the Committee on World War Veterans' Legislation.

By Mr. WAINWRIGHT: A bill (H. R. 13036) to authorize the Board of Regents of the Smithsonian Institution to make recommendations regarding conspicuous service; to the Committee on the Library.

By Mr. CROSSER: A bill (H. R. 13037) to amend section 1, rule 2, rule 3, subdivision (e), and rule 9 of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895 (chap. 64, 28 Stat. L., sec. 645); to the Committee on the Merchant Marine and Fisheries.

By Mr. LEAVITT (by request): A bill (H. R. 13038) to authorize the Secretary of War to transfer the control of certain land in Oregon to the Secretary of the Interior; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota: A bill (H. R. 13039) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. HAUGEN: Resolution (H. Res. 166) for the consideration of H. J. Res. 237, a resolution to provide for eradication of pink bollworm and authorizing an appropriation therefor; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAIL: A bill (H. R. 13040) granting an increase of pension to Lucy V. Buckingham; to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 13041) for the relief of Fireman's Fund Insurance Co.; to the Committee on Claims.

By Mr. W. T. FITZGERALD: A bill (H. R. 13042) granting an increase of pension to Nancy E. Dietz; to the Committee on Invalid Pensions.

By Mr. FREE: A bill (H. R. 13043) for the relief of the Oceanic Steamship Co.; to the Committee on Claims.

By Mr. HOGG: A bill (H. R. 13044) granting an increase of pension to Mary A. Geiger; to the Committee on Pensions.

Also, a bill (H. R. 13045) granting an increase of pension to Sarah J. Knight; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 13046) granting a pension to Emma M. Paxton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13047) granting an increase of pension to Anna J. Rourke; to the Committee on Invalid Pensions.

By Mr. LYON: A bill (H. R. 13048) for the relief of James Aloysius Manley; to the Committee on Military Affairs.

By Mr. MICHAELSON: A bill (H. R. 13049) granting a pension to Martin A. McGuire; to the Committee on Pensions.

By Mr. MOORMAN: A bill (H. R. 13050) granting a pension to Milam Sympson Mathews; to the Committee on Pensions.

Also, a bill (H. R. 13051) granting an increase of pension to Albert Long; to the Committee on Pensions.

Also, a bill (H. R. 13052) to correct the military record of Malcolm Allen; to the Committee on Military Affairs.

Also, a bill (H. R. 13053) to correct the military record of Harvey O. Willis; to the Committee on Military Affairs.

By Mr. NEWTON: A bill (H. R. 13054) granting an increase of pension to Louise Ackley; to the Committee on Invalid Pensions.

By Mr. RANKIN: A bill (H. R. 13055) granting an increase of pension to Nancy E. Mullins; to the Committee on Pensions.

By Mr. RUTHERFORD: A bill (H. R. 13056) granting an increase of pension to Pearl Massay; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 13057) granting a pension to Mary E. Warren; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13058) granting an increase of pension to Polly McIntosh; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 13059) granting an increase of pension to Cordelia Childers; to the Committee on Invalid Pensions.

By Mr. WAINWRIGHT: A bill (H. R. 13060) to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever; to the Committee on Military Affairs.

By Mr. WARE: A bill (H. R. 13061) for the relief of Belle Clopton; to the Committee on Claims.

By Mr. ABERNETHY: A bill (H. R. 13062) granting a pension to Willie I. Outlaw; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6806. By Mr. BACON: Petition of Rev. Edwin I. Winters and other residents of Sag Harbor, Long Island, N. Y., urging increase of pensions to Civil War veterans and dependents; to the Committee on Invalid Pensions.

6807. Also, petition of A. L. Haskell and other residents of Port Jefferson, Long Island, N. Y., urging passage of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

6808. Also, petition of Juliet Ratchford and other residents of Long Island, N. Y., urging increase in pensions to Civil War veterans and dependents; to the Committee on Invalid Pensions.

6809. By Mr. CHAPMAN: Petition of Kate Richardson, E. E. Underwood, M. D., Hays Brown, H. N. Franklin, James C. Brown, and 15 other citizens of Frankfort, Ky., advocating passage of a bill increasing the pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

6810. Also, petition of Priscilla Smyth, A. G. Stump, J. C. Shackelford, M. A. Gentry, Albert Little, and 20 other citizens of Lee County, Ky., advocating passage of a bill increasing the pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

6811. Also, petition of Kate Johnson, John Ecton, H. C. LeCompte, L. T. Rodgers, W. L. Reeves, and 17 other citizens of Frankfort, Ky., advocating passage of a bill increasing the pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

6812. Also, petition of Maude E. Gatrell, E. S. Graves, Dr. Charles F. Voigt, H. L. Martin, jr., James E. Lewis, and 30 other citizens of Midway, Ky., advocating passage of a bill increasing the pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

6813. Also, petition of Marian Woolfolk, Dr. U. G. Halloway, James Creth, George Gwyn, Noah Creth, and 19 other citizens of Versailles, Woodford County, Ky., advocating passage of a bill increasing the pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

6814. By Mr. CRAIL: Petition of Los Angeles Forum, of California, favoring Boulder Dam legislation; to the Committee on Irrigation and Reclamation.

6815. By Mr. DOUGLAS of Arizona: Petition signed by 36 residents of Maricopa County, Ariz., indorsing legislation for the benefit of Civil War veterans, their widows and children; to the Committee on Invalid Pensions.

6816. By Mr. EVANS of Montana: Petition of J. R. Oberg and other citizens of Twin Bridges, Mont., urging the passage of the Curtis-Reed bill; to the Committee on Education.

6817. By Mr. FREEMAN: Petition of Lois Butson Shandeor and others, of Noank, Conn., favoring the passage of the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

6818. By Mr. IRWIN: Petition of Marie Farthing and others, of Wood River, Ill., praying for the enactment of legislation in behalf of Civil War veterans and widows of Civil War veterans at the present session of Congress; to the Committee on Invalid Pensions.

6819. Also, petition of Mary McCoy and others, of Richview, Ill., praying for the enactment of legislation in behalf of Civil War veterans and widows of Civil War veterans at the present session of Congress; to the Committee on Invalid Pensions.

6820. By Mr. KVALE: Petition of the Lutheran Minnesota Conference at its seventieth annual convention, Minneapolis, Minn., urging the abolition of war; to the Committee on Foreign Affairs.

6821. Also, petition of Association of Public and Business Affairs, St. Paul, Minn., protesting against the passage of Senate bill 1263; to the Committee on Interstate and Foreign Commerce.

6822. By Mr. LEAVITT: Petition of residents of Carter County, Mont., urging enactment of legislation increasing the pension of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6823. By Mr. MARTIN of Massachusetts: Petition of M. M. Coffey and 29 other residents of Cambridge, Mass., in support of an adequate Navy and merchant marine; to the Committee on Naval Affairs.

6824. By Mrs. ROGERS: Petition of Martin H. Coughlin and others, of the vicinity of Boston, Mass., urging the building of a Navy and merchant marine "second to none"; to the Committee on Naval Affairs.

6825. By Mr. SEGER: Petition of Frieda B. Hager and other citizens of Paterson, N. J., and vicinity, against compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

6826. Also, petition of national rehabilitation committee of the American Legion, urging immediate passage of the veterans' hospital construction bill; to the Committee on World War Veterans' Legislation.

6827. By Mr. SHALLENBERGER: Petition of citizens of Bartley, Nebr., indorsing House bill 11474, creating old-age pensions; to the Committee on Pensions.

6828. By Mr. SINCLAIR: Petition of 48 residents of Makoti, N. Dak., for the passage of the Sproul bill (H. R. 11410); to the Committee on the Judiciary.

6829. By Mr. SUMMERS of Washington: Petition signed by H. A. Pope and 121 others, of Kittitas County, Wash., urging an increase in pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

6830. By Mr. WINGO: Petition of certain citizens of Montgomery County, Ark., advocating increased pensions for survivors of the Civil War and their widows; to the Committee on Invalid Pensions.

6831. By Mr. WINTER: Resolutions from A. C. Andrews, president Rotary Club of Midwest, Midwest, Wyo.; B. B. Brooks, president Casper Chamber of Commerce, Casper, Wyo.; and Louis J. O'Marr, president Sheridan Commercial Club, Sheridan, Wyo., in re House bill 9956; to the Committee on Irrigation and Reclamation.

6832. By Mr. ZIHLMAN: Petition of J. H. Marmadue and other residents of the sixth congressional district of Maryland, in behalf of the Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES

SUNDAY, *April 15, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. PARKER.

Rev. Frank W. Collier, of the American University, offered the following prayer:

Almighty God, our Heavenly Father, the source of life and love, Father of our Saviour, Jesus Christ, who abolished death and brought life and immortality to light through the gospel, in whose care are our loved ones, the living and the departed, manifest Thy presence in our sorrow-stricken hearts as we come to express our respect and esteem for those who gave themselves so fully to the service of their country. We thank Thee for their lives, as that of those who leave their permanent callings, devoting their lives to the public service with its uncertainties and risks. Such truly become our servants. And we do well to tarry for this solemn hour in this historic Hall, the scene of the faithful labors of our friends who have gone to their eternal reward, and thus honor their memory. Bless those bound to them by the ties of blood whom they loved and who loved them. May Thy tender solace assuage their grief. Bless these their colleagues in the public service, who labored with them for their country's good, and bless the country they served so well. We ask in the name of Him who is the resurrection and the life. Amen.

The SPEAKER pro tempore. Without objection, the reading of the Journal of yesterday's proceedings will be deferred.

There was no objection.

THE LATE REPRESENTATIVE WALTER W. MAGEE

The SPEAKER pro tempore. The Clerk will report the special order.

The Clerk read as follows:

Ordered, that Sunday, April 15, 1928, at 12 o'clock noon, be set apart for memorial exercises in commemoration of the life, services, and character of the late WALTER W. MAGEE, former Representative from the thirty-fifth district of New York.

Mr. SNELL. Mr. Speaker, I offer the following resolution which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 167

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. WALTER W. MAGEE, late a Member of this House from the State of New York.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House at the conclusion of the exercises of this day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. MADDEN. Mr. Speaker, it was my privilege not only to have a very intimate acquaintance with WALTER MAGEE, whose memory we meet here to-day to honor, but I classed him as one of my most beloved friends. He was a member of the Committee on Appropriations, over which I have the honor to preside, and as a member of that great committee he acted as the chairman of the Subcommittee on Agriculture, in which he had a very deep interest, and in the success of which he had an abiding faith. We will not meet WALTER MAGEE face to face again, and every day since the day of his death I have continued to mourn his passing. It is natural that we should pass away, just as natural as it is that we should be born. We come into the world without being consulted, and, generally speaking, we pass along out of the world without having anything to say about it. During our term on earth, if we live rightly, we live to build up a superstructure on a great foundation that will make for better living and more comfort for those who follow. The world is very much improved because of the fact that WALTER MAGEE lived. He was one of the men who in his everyday life was a living example of true worth. He believed that every man should do his duty, both to himself and to his friends, to those who were successful as well as to those who were unsuccessful, and above all he believed that as a citizen of a great country he owed a duty that could not well be ignored. He did not try to ignore it. He sought for opportunity to engage upon the things that his duty called him to do and he did those things cheerfully. He approached every subject upon which he was called to act with a determination to put the searchlight of publicity into the study of the problem which might be involved. He had a courage that was never failing, which knew no turning.

His integrity was unimpeachable. He maintained a moral standard that was worthy of emulation by everybody. Those of us who knew him well looked for him every morning with pleasure. He always came with a smile to find out what there was that he could do to advance the interest of the country that he loved so well. He had no desire to evade the responsibility. He never ran away from something that meant hard work. He approached every problem, as I have said, with a firm determination that the outcome of the study that he was called upon to make in connection with the problem should be in the interest and for the advancement of the race.

WALTER MAGEE was an ardent Republican, and as such he never faltered. He was a very bitter partisan, it might well be said; but in the exercise of his partisanship he recognized the rights of others to think and act as they thought best. If they differed from him, he was not angry. He tried to convince them by the logic of his own attitude that they were wrong and that he was right, but if he was unable to do that, he did not sulk, he smiled. He had a difficult task to perform in connection with his great work on the Committee on Appropriations. Democrats and Republicans alike will agree that he performed it well. The breath of suspicion was never cast upon the motives of WALTER MAGEE in connection with his action upon any public question, and I am sure that my Democratic friends on the committee who served intimately with him will agree with that. Everyone who knew him would say that. He first wanted to know what was right, and then it did not make any difference how much work there was to do to accomplish the right, WALTER MAGEE did his part in connection with its accomplishment. He was not afraid. He did not run away from criticism. He never trimmed his sails, he always met foursquare every wind that blew.

Let it blow as hard as it would, or adversely as it liked, WALTER MAGEE was there with a firm determination to do the right and to stand before the wind to the extent of his ability.

Oh, I do not know of anybody I loved any better. I got the word of his sudden death a thousand miles away from where it happened. I was shocked beyond measure. I could not go to help lay him away because I was under the doctor's care myself, but he lives in my heart. Every breath I take breathes a friendship for his memory and I thank God that by his example while he lived the world is better.

I was taught to believe, and I still believe it, that we will meet again, and what a joy it is to breathe that thought. It is an inspiration to live right, and we men who are open to the criticism of the unjust, as we are frequently, we men who give ourselves to the world, so to speak, particularly to our country, without hope of emolument or reward, do so because we are interested not in ourselves, not in our particular neighbor, but in the Nation, in the world and its advancement, in the movement forward of the human race. Most of us do not have to serve here for a living. Thank God we do not, but we choose to serve because we want a broader field in which to render the service we think our Nation needs than we could render in other fields. Some will think we serve because we want employment. Not at all. And that was not the spirit in which WALTER MAGEE served. He served at a great personal sacrifice. He served because he loved his country and because he loved his fellows, and he was willing to make any kind of a sacrifice that his life might not be lived in vain.

Oh, what a man he was and what a life he lived, how we men can afford to emulate him, and how his name, though not conspicuously emblazoned on the highways or on signboards nailed upon telegraph poles, will live in the future. His name is emblazoned deeper than that. His name is emblazoned in the hearts and in the minds of men, and the children of the coming generation will be taught to understand that it is men of the type of WALTER MAGEE who make for the richness of the patriotism, devotion and unselfishness in men that builds up the nations of the world and makes them move forward to better things, greater liberty, greater happiness, and greater prosperity for humanity.

WALTER MAGEE came from the greatest State of the American Union. I am sure the people from whence he came will revere his memory. That he deserved it no one can doubt; that he worked for the advancement of his particular community, while still thinking nationally, nobody knew better than I. He served directly with me on the great Subcommittee on the Post Office Department, in which we have 350,000 Americans employed, and the Treasury Department, through which every dollar of the Government's funds must pass. And what a service he rendered there, in addition to his services as chairman of the Subcommittee on Agriculture. What a service! Never absent; always working; always searching for new and better things to be done in the interest of the Nation and succeeding marvelously in

everything he undertook. All of this was an inspiration to his associates. He had no personal ax to grind. He was only interested in his country. It was his only client. He could not be induced by any influence of any kind to deviate from the path of rectitude.

He was proud to be an American, proud that he lived in a land where every citizen is a sovereign and where every man and every woman and every child is free to worship God according to the dictates of his own conscience. He used to say how proud he was that he lived in a land where labor was exalted to comfortable homes, where the printing press and the church followed close upon the march of empire, where caste was ignored, and where the humblest child of poverty could aspire unrebuked to the highest places in the gift of the Nation. He used to say that men from the worn-out monarchies of Europe could not help but discern that the noblest trend of human progress lay in the direction of republics. In this form, he said, the latent possibilities of the human race might best find expression; that while it guaranteed patriotism, devotion, unselfishness, integrity, truth, and industry, it would make its own reward and live to tell the story of the great achievements of men who gave themselves unselfishly, without thought of self in any form, to the great service of their country, their people, and the world.

God bless the day that gave America WALTER MAGEE and men of his type.

Mr. DEMPSEY. Mr. Speaker and colleagues, WALTER MAGEE came to the House of Representatives with a thorough training for his work here. He was a university man. He had been the corporation counsel of one of our great cities. He had acquired the habit of public work and of public thought. He came to this House with a large representation from his own State, probably the largest delegation which had ever come here, and which remained here for a long time.

WALTER MAGEE was not a man of any views except extreme ones. He never could see a matter in a halfway. He always saw it from one side or the other and whenever a question arose in this House which was strongly fought, WALTER MAGEE was always on the one side or the other. In our delegation we had clashing ambitions. We had men who aspired at the same time to the same place and MAGEE was always on the one side or the other of all questions, and it is a curious fact that although he was not a compromiser, although he was not a harmonizer, although he took strong views on every question, MAGEE never created personal antagonism. The men with whom he disagreed, those on the opposite side of questions, liked WALTER MAGEE just as well as those with whom he agreed. He went through the clashes in the delegation, he went through the fights on the floor, with not alone the sincere respect, but also with the love and affection of all those in the House who knew him well, and with those who differed from him loving him and admiring him just as much as those who agreed with his side of questions. His strong attitude toward men and his strong position on public questions was perhaps best illustrated in the fight of Mr. Mann for Speaker. Those of us who were here in those days remember well the tremendous feeling that was engendered in that fight.

Although Mr. Mann had been the undisputed leader of this House for many years, it was not an easy thing, it was not a pleasant thing to espouse his cause, and yet you will all remember that WALTER MAGEE made the best speech, the most convincing, the most eloquent, the most forceful speech that he made in his whole career for James R. Mann at the desk at which I am standing to-day. This was his supreme effort. He put his whole soul and energy and life and thought and devotion into it, and it is a tribute to his courage, it is a tribute to his devotion to his friends that he was able, in spite of the fact he was not on the popular side, that he was not on the winning side, but was on the side on which it was hard to fight, that he made that fight with all the earnestness he possessed. You will remember, later, it was not difficult for anyone to be for his chief, Mr. MADDEN, and you will remember how devoted he was to Mr. MADDEN when the time came to fight for him for Speaker.

So, throughout his career, he had the unique distinction of being an extremist in all his public views, an extremist in his devotions, in his likes and dislikes, yet he had the distinction, in spite of all this, of inspiring a universal affection and an equally universal respect.

I think all of us here to-day can say honestly, and not in a spirit of eulogy, not because it is an occasion of this kind, not because it is the thing to say on a day like this, but I believe every man here who remembers WALTER MAGEE can say that they remember him with affection, they remember him with admiration, that they have no unkind thoughts, no unpleasant memories, that all of his associations were agreeable and friendly and inspired liking and respect.

Mr. BUCHANAN. Mr. Speaker and gentlemen, it was my good fortune, soon after my election to Congress, to be placed upon the Committee on Appropriations. After serving there a while it was my greater good fortune to be placed upon the subcommittee which makes the appropriations for the Department of Agriculture.

In my service on this subcommittee with the Hon. WALTER W. MAGEE as chairman I came into intimate and close contact with him. I became intimate with him and got to know him well. He was one man whom to know well meant to love him. For many years we labored together on this committee. Never during all this period did one harsh word or a single dissension rise between the members of the subcommittee. There was perfect harmony, perfect accord, with WALTER MAGEE guiding the course of that committee.

It has been said here that he was an extreme partisan. Maybe so; I did not discover it in all these years of service. Never during the many occasions I had to deal with him in making appropriations did he permit politics to enter into our deliberations; never did he permit politics to influence his vote upon any appropriation, but with a broad mind taking within its grasp the interests of our entire country, he acted for the best interests of our country. Gentlemen, WALTER MAGEE was a real American patriot.

Friendship! I think if there was ever any man who recognized the ties of true friendship, WALTER MAGEE was that man. If there was any man who ever followed the precepts of the great poet who said, "Those friends thou hast, and their adoption tried, grapple them to thy soul with hoops of steel," that man was WALTER MAGEE.

He and I were intimate friends; I think as close as men could be. Though he came from the North and I from the South, he was a consistent Republican and I a consistent Democrat, we were intimate and close friends. There is nothing that he could do for me that he did not do. Of course, I would ask nothing dishonorable, because even if I were so inclined, I would know better than to approach him with such a thought, for, of all things, WALTER MAGEE's guiding star was to be right. When he made up his mind what was right he never compromised with wrong. I do not care to draw comparisons, but in all my association with others it has never been my pleasure to have met a man who was purer in his ideals. I do not believe he ever entertained a dishonest thought—I think that he was incapable of entertaining a dishonest thought.

This, gentlemen, is my conception of his character, and as has well been said by the chairman of our committee, Mr. MADDEN, the world is better for WALTER MAGEE having been born and having lived in it. His life is an example that might well be emulated.

We shall miss him and mourn the vacant chair of one of our most capable and patriotic public servants. No truer or more unprejudiced patriot ever bore the frank mannerism of party alignment, untainted by partisan malice and vindictive politics, than did the chivalric personality of our genuine friend and devotee to the public weal.

Farewell, if ever fondest prayer
Avail for others weal on high—
Mine will not all be lost in air,
But waft thy name beyond the sky.

And:

If that high world which lies beyond
Our own, surviving love endears;
If there the cherished heart be fond
The eye the same, except in tears,
How welcome those untrodden spheres!
How sweet this very hour to die!
To soar from earth, and find all fears
Lost in thy light—Eternity.

It must be so: 'Tis not for self
That we so tremble on the brink;
And, striving to o'er leap the gulf,
Yet cling to beings severing link.
Oh! in that future let us think,
To hold each heart, the heart that shares:
With them the immortal waters drink,
And soul in soul grow deathless theirs.

Mr. TILSON. Mr. Speaker, having had the privilege of serving for 12 years with WALTER W. MAGEE, and having become somewhat close to him in personal friendship, I feel that I should not let this occasion pass without voicing just

a few words of eulogy and commendation of the life, character, and public services of this distinguished public servant. A man of sterling character, a public-spirited citizen of high standing in the community where he lived, and a lawyer of excellent repute, he brought to his service in this House qualifications of an unusually high order.

Early in his service here he was assigned to the great Appropriations Committee which affords extraordinary opportunities for broad, varied, and effective service. He was faithful and constant in his work, giving himself unreservedly to the arduous exacting duties always devolving upon Members of the Appropriations Committee of this House. For a time he served as chairman of the Subcommittee on Appropriations for the Department of Agriculture, and in that capacity displayed a remarkable grasp of the numerous and many-sided questions requiring consideration in making appropriations for the benefit of this basic industry. He was a member of the advisory group of his party known as the steering committee of the House, and in this capacity was influential in the consideration and decision of many of the difficult problems presenting themselves for solution in connection with the work of the House.

WALTER MAGEE was a forceful and effective debater and possessed fine capacity of explaining and directing the consideration of his bills on the floor of the House. He was probably at his best in the public forum of political debate, and was recognized as one of the very effective stump speakers of his party. He was sought as a speaker before political and other clubs as well as on the stump during political campaigns, and was always ready to do his part in this direction.

The country is fortunate in being able to draw to its public service such men as WALTER MAGEE, who at the sacrifice of personal and financial fortune are ready to give themselves unreservedly to the service of the public in places of great and trying responsibility. In his death this House, his district, his State, and the entire country suffer a great loss.

Mr. ABERNETHY. Mr. Speaker, the death of a real friend so overwhelms one that time alone can alleviate the sorrow. Humbly and meekly I approach this sad occasion to do reverence and honor to one of the best, truest, and tried friends of my official life. The untimely taking of the distinguished statesman whose life, character, and services we memorialize here to-day has made a deep and profound impression upon me.

Day by day we are impressed with the uncertainties of life. We see our comrades being stricken one by one; and if we believed this life ended it all, terrible would be the picture.

It was Victor Hugo who said:

> The nearer I approach the end, the plainer I hear around me the immortal symphonies of the worlds which unite me. It is marvelous, yet simple. It is a fairy tale, and it is a history. For half a century I have been writing my thoughts in prose, verse, history, philosophy, drama, romance, tradition, satire, ode, song—I have tried all. But I feel that I have not said the thousandth part of what is in me. When I go down to the grave I can say, like so many others, "I have finished my day's work," but I can not say, "I have finished my life." My day's work will begin the next morning. The tomb is not a blind alley, it is a thoroughfare. It closes in the twilight, it opens with the dawn.

This beautiful realization of immortality and the hereafter recognized by all of us and the foundation of our belief in God and His greatness and goodness gives to us hope and comfort that the splendid life and works of our friend WALTER WARREN MAGEE are not finished but will be glorified, transformed, and continued in a better clime and in more beautiful surroundings.

Mr. SNELL. Mr. Speaker, we are met here to-day to pay respect to our departed colleague, who served in this House with distinction to himself and honor to his country.

WALTER MAGEE was my personal friend. We came here in the Sixty-fourth Congress, and from the very first, coming as we did from the same part of the State, we became very closely associated, not only politically but personally. He was a man of more than ordinary personality and very strong likes and dislikes. When he had once made up his mind on anything you might just as well consider that settled, for no matter what the argument, he never changed. Yet he was of the kindest disposition, always sympathetic and most friendly to everyone.

He was a lover of sports and outdoor life and always took a deep interest in athletic contests of every kind, and in earlier life was an athlete of no mean repute.

In his congressional duties he was one of the most conscientious Members I have ever known, and every request, every duty, received careful and scrupulous attention.

He was assigned to the Appropriations Committee early in his service, and from the very first up to the last he gave that work the best there was in him. I doubt if he ever missed a meeting of his committee, and by nature as well as by legal training he was especially well fitted for that work. He mastered every detail, and when he handled a bill on the floor he knew it from beginning to end, which was his secret of success as a subcommittee chairman.

For many years I occupied an office near to his, and there was hardly a day he did not drop in for a few minutes to discuss various matters pertaining to our work, and in all these years I do not now remember an important measure that we did not vote on the same side.

In every way WALTER MAGEE was a real man, and when he once told you what he was going to do, you did not need to ask him the next day where he stood. He was as sure and solid as they make them, and my great regret is there are not more like him in public life. For in these troublesome times we need men of his ability, character, and determination. No man ever said that WALTER MAGEE lacked the courage of his convictions, or did not have the backbone to stand up for what he believed to be right.

The larger part of his mature life was given to public service, and every act was characterized by that able, honest, and faithful administration that contributes to the welfare and happiness of our people. He loved political campaigns and debates, and it was here that he was at his best. He was a most popular political speaker in our part of the State, and everywhere he spoke they wanted him the next year. He certainly will be missed when they call the roll of faithful party men in the coming presidential election.

By his death not only his family and the State of New York, but the American Congress suffered a great loss. He was one of our most useful and valuable Members and a man we could ill afford to lose.

WALTER MAGEE, the man, has gone to his last resting place, but the influence of a useful life, strong personalty, and indomitable devotion to the public welfare will long live in the hearts of a devoted people.

Mr. GRIFFIN. Mr. Speaker, when WALTER WARREN MAGEE was called to take his place at the judgment seat of the Great Father of us all, a pang of grief cut keenly into the hearts of all who knew him. All seemed to feel a personal bereavement. Staggered and shocked by the blow, nevertheless there soon came to every lip the most generous, kindly, and tender encomiums, for no man ever occupied a seat in this body who left behind him sweeter or more fragrant memories. Fortunate are those who knew him, for his was a personality that spontaneously disseminated kindliness and human sympathy and dispelled at once the mists of mistrust which so often keep men of real sterling merit from establishing closer acquaintanceship.

With WALTER MAGEE there were no such barriers. There was the light of kindliness and trustfulness in his genial eyes, and his smile was like the generous warm flash of the morning sunshine.

In a large parliamentary body such as this it is naturally difficult to establish many close friendships. The bulk of the membership consists of men of distinction who have been the recipients of high honors from their local constituencies and they are thus accustomed not only to deference but to having the initiative toward friendship taken by others. Blest indeed is he who can take and bear high honors with humility. Only the salt of the earth can do it—for that is the sure sign of genuine greatness.

The world is gradually shifting its viewpoint in the admeasurement of men. Historians no longer accord the laurel to those who have built up their reputations on violence, ambition, and injustice. The prize of true greatness is rather given to those who have founded their careers on kindliness, generosity, and justice. Bluster and ostentation, pride and haughtiness, are no longer the fashion.

History accords the highest places to the good; and likewise in our admeasurement of the men of our own day we give our love, our admiration, and our devotion to those whom it is possible to count among our friends. Such a man was WALTER WARREN MAGEE. Without attempting to touch upon his mere earthly successes, or to praise his political achievements, or without even attempting to consider the place which he is destined to occupy among the statesmen of our country, I feel that it is only my function and my duty here to-day to express my personal estimate of him as a man and as a friend and as such to register my humble opinion that WALTER WARREN MAGEE was one of those rare personalities whom to have known was a joy and to have counted as a friend was a legacy to be cherished and forever remembered.

Mr. HANCOCK. Mr. Speaker, I should like, if I may, to pay my very humble and sincere tribute to WALTER MAGEE, whose memory we are here to honor, from the standpoint simply of a friend and constituent. When WALTER MAGEE died on May 25 last the people of the Thirty-fifth congressional district of New York were saddened, for they loved WALTER MAGEE as it is seldom given to a man in public life to be loved by those whom he served. We admired him for his ability and attainments. We respected him for his strength and courage, but he was held high in the affections of the tens of thousands who claimed him as a personal friend, because he had the personality and those human qualities which endear one to his fellow beings. He was straightforward, sincere, simple, loyal, gracious, considerate, and bore himself with the unaffected dignity which befitted his position and which marks a gentleman. We were proud of WALTER MAGEE, proud of his blameless life, his career of usefulness, his position of prestige and influence in this body. We were proud to be represented by such a man. Like his legion of friends, I hold in fond memory the kindly smile, the warm handclasp, and the hearty "How are you?" with which he greeted us.

The life of WALTER MAGEE has many prototypes among those who have made this Nation great. Born in comparatively humble circumstances on a farm in western New York he had no inheritance of material wealth, but he was richly endowed with character, with health, with ambition, and with native ability. He went to the public schools in his neighborhood and for a little while to the Geneseo Normal School. His family could afford to carry his schooling no further, but, determined to have a higher education, he worked and saved the money which took him through Exeter Academy, from which he was graduated in 1885, and through Harvard University, from which he was graduated in 1889. He studied law in Syracuse and was admitted to the bar in 1891. He entered upon his professional career as a lawyer without the backing of wealthy or influential friends but with the enthusiasm and earnestness that was characteristic of him. His ability as a lawyer and his fidelity to his clients soon brought him recognition as a leader of the bar. He was known as an aggressive, uncompromising, fighting trial lawyer, who always came into court fully prepared, feared no opponent, was confident of himself and sure of the justice of the cause he espoused.

Early in his career he was elected supervisor of Onondaga County, a position he held from 1892 to 1893. In 1904 he became corporation counsel of the city of Syracuse and definitely gave up private practice for public service. For 10 years he held that office with distinction. The zeal with which he safeguarded the city's interests, and the incorruptible integrity he exhibited in that office will be gratefully remembered by his contemporaries as long as they live. In 1916 he was elected to the Sixty-fourth Congress, and he was reelected to successive Congresses with increasing majorities until his death.

You who served with him here have borne eloquent testimony to the affection and respect in which he was held by his colleagues and to the great and enduring service which he rendered to his country. I as his successor enter upon my career in Congress with a feeling of great humility and with the knowledge that I can find no more perfect model on which to fashion my career here, be it short or long, than that of WALTER MAGEE.

I knew him best as a man and a citizen. If I were asked to name his outstanding trait I would say it was his loyalty, and in my creed there is no finer human attribute. It embraces courage, steadfastness, and unselfishness. No higher tribute can be paid to any man and no more inspiring epitaph inscribed upon his monument than the simple words "He was loyal." It means more than extravagant encomiums and fulsome praise. WALTER MAGEE was a loyal man, loyal to his country, to his church, to his family, to his principles, to his friends, and his loyalty was militant, unwavering, and outspoken. No one ever remained long in doubt as to where WALTER MAGEE stood.

He never worshiped the god of mammon. He never devoted his splendid abilities to the accumulation of dollars. He was more concerned with the welfare and prosperity of the country he loved and served than with his personal fortunes. He lived modestly and gave generously according to his means, but he was lavish in giving time and effort to a cause in which he believed or in behalf of a friend. His death at the time of his greatest usefulness, in the full vigor of his manhood, was a tragic loss to his community and to the country. In these days of radicalism, bolshevism, sentimentalism, and internationalism we need the sturdy Americanism of WALTER MAGEE.

Whatever the great adventure of death holds for us, we know all is well with our friend, but we can ill afford to lose such a man. We knew him as a generous and kindly friend, as a great and patriotic American, and as a high-minded and upright man. We loved him in life, we mourn him in death, and we will cherish and honor his memory always. The world is better because he lived; we are better men for having known him.

Mr. KERR. Mr. Speaker, over the door of every profession, every occupation, every calling, the world has a standing advertisement: "Wanted—A man." There are men yet in this world, there will ever be those who can not be seared by avarice or seduced by power, there will ever be those who are gentle and the servant of a tender conscience, who have learned to love all beauty, whether of nature or of art, those who hate vileness and respect others as they do themselves.

The recollection which I shall ever cherish of WALTER WARREN MAGEE, and which I am sure was certainly one of the outstanding attributes of his useful and noble life, was that wonderful, gentle sympathy, which so soon engaged the interest of those with whom he came into contact and won their complete confidence; his handshake was magic; his companionship was the inspiration of the fullest confidence; and when he told you he was interested in you and your project you could no longer doubt.

I deeply regret that the Congress of the United States offers so few opportunities for its membership to become intimately acquainted; I am convinced that it takes long years of congressional contact for us to learn of each other in a sense which will truly uncover our ideals and make known our real integrity, ability, and usefulness. Service upon a committee brings us together, and usually this is the touchstone of our friendship and the medium through which we form our estimate of each other. It is here we often make the friendships of a lifetime and fix the proper estimate of value upon each other's service; and if you will stop to think, this contact is very limited even in a long service.

It is a common experience in this life that we meet along its pathway some congenial spirit—some pilgrim—whose character is replete with human sympathy and surcharged with that which the world loves, though it may sometimes fail to reward, unselfishness; when we do we have a deeper appreciation of human life and a firmer conviction that there is something akin to God in that creature made in His image.

I shall leave to others to speak of the exalted and useful career of our beloved colleague; a short acquaintance does not qualify me to speak of these things as well as others. It is this tribute I wish to add to whatever may be said on this occasion. Mr. MAGEE's gentleness and his sympathy, his unselfish interest in the welfare of his fellow man, his ability to work with and aid others, those qualities made for him a majestic personality, and made him, in my opinion, one of the most useful men who ever entered the portal of this Hall.

The narrow, stingy soul is not lovable; people shrink from such a character; there must be heartiness in the expression, in the smile, in the hand shake, in the cordiality, which is unmistakable. The divine instinct in man impels him to long for the sunshine and loath the shadows. It has been well said that "if you radiate sweetness and light, people will love to get near you." Those who wanted to get near WALTER WARREN MAGEE could do so; you did not have to tear away any conventionalism; there was nothing artificial about him, and when you came near him the gentleness of his nature, the warmth of his personality, and the magic of his soul held them by an indefinable force which no eventuality of life could sever.

I wish I knew the whole history of our colleague's life. I apprehend that he has ever been the simple, unselfish servant of his fellow men, the big-hearted, generous friend—ready to help everybody and everything out of their troubles. We are not surprised that he was honored as few men can be in this life by his fellow men. It is this kind of man who puts most into life, and real success should ever be determined by what we put into life rather than by what we take out of it.

WALTER WARREN MAGEE was a man—just such a man as the world will ever need; he crossed the stage and made human history nobler, and left behind an influence which will bless the world ten thousand years. May his example of friendship and fidelity keep guard in this great Chamber as long as the Republic shall exist, and may the sweet, tender recollections of his life make happy all those who loved him.

Mr. CROWTHER. Mr. Speaker and fellow Members of the House: The grim reaper shows very little consideration when he demands his toll. The rich and the poor, the high and the low, must answer the summons, and as one of our great writers has said:

The spear of the prince and the staff of the pauper must eventually lie side by side.

So the call came to our friend and colleague, WALTER MAGEE. At the height of his career, the cup of life, all fragrant with success, was dashed from his lips.

When I came here in the Sixty-sixth Congress he had been here for four years. He was my friend from the very moment of my acquaintance with him, and he never lost an opportunity to greet me with a cheery "Hello, FRANK," and a clasp of the hand that was genuine. His favorite expression, "What's on your mind," was not a mere perfunctory question, for he was always ready and willing to listen to your troubles, real or imaginary, and from his great fund of experience give you in a few well-chosen words, his advice. His word was as good as his bond, for to him truth was an imperial virtue.

His taking-away was very sudden. The news came to us all as a tremendous shock, coming as it did without a note of warning of any kind.

It has been said that he was an ardent partisan in his political faith, and I think that statement has been made advisedly. However, he was a fair fighter and never struck a blow that was foul. He has gone from our midst, but his memory will remain with us all as the years go by; and, after all, that is the beauty of these services. We come here not to mourn or to sorrow, but to say a few words in memory of these men whose courage and integrity made an impression upon us during life and who served their country with patriotism and devotion. This hour we can devote to tender recollections, and at the same time scatter just a few flowers, a few roses and forget-me-nots, along memory lane.

The blessing of immortality and our belief in it tells us that we shall see him again some day. Until then we shall just say, with the great poet—

He is not dead, he is just away.

I admired WALTER MAGEE because he had courage, the courage to speak and to vote his convictions, and this characteristic is the more valuable in this day and generation when the tendency in political life is too often to say the expedient and the soft thing rather than to say the thing that is sometimes harsh and disagreeable. He served in this House over a period of more than 12 years. During this time he earned and merited the respect of Members on both sides of the aisle.

His forceful presentations and his charming personality will be missed in this House of Representatives. He has solved the great problem and his soul is marching on. His plan of life is well expressed in the closing lines of Bryant's masterpiece, Thanatopsis:

So live that when thy summons comes to join
The innumerable caravan which moves
To that mysterious realm where each shall take
His chamber in the silent halls of death,
Thou go not, like the quarry slave at night,
Scourged to his dungeon, but sustained and soothed
By an unfaltering trust, approach thy grave
Like one who wraps the drapery of his couch
About him and lies down to pleasant dreams.

Mr. BLACK of New York. Mr. Speaker, to commemorate the services of a departed and worthy colleague is a sorrowful but inspiring ceremony of the Congress. We whom the Almighty has left to carry toward completion the tremendous work of governing in which the late Hon. WALTER MAGEE participated modestly and effectively can look back upon his services and receive a moral impetus toward a conscientious character of public effort.

Representative MAGEE was my neighbor in the House Office Building. In no walk of life have I ever met a more courteous man. His industry in behalf of his constituents was unflagging. His attention to general legislation was given with a patriotic devotion. The special work of his own committee attracted him to an almost absorbing degree.

Such officials as he have served greatly to elevate the standing of those in political endeavors in the public mind. He gave far more than he received from the people.

Those who loved him and who mourn him may find consolation in the great respect and affection that we who worked beside him honestly entertained for this distinguished Representative from New York whose memory we would honor to-day.

Mr. FISH. Mr. Speaker, it is an honor and a privilege to come here to-day and speak in memory of my friend and colleague WALTER MAGEE, to pay tribute to him on account of his sterling qualities and because of his notable and distinguished record as a national legislator. I assume that most of you Members of the House when you first came to Congress looked for some older and experienced Member and relied upon him to solve the difficulties that arise and the various problems with which a new Member is confronted. I never knew WALTER MAGEE before I came to the House, but I was immediately attracted to him by his lovable personality. I always went to him when in difficulty and always received a sympathetic hearing and sound advice. There was no Member of Congress who had better or sounder judgment on all political matters. There was one important issue in which we were both very much interested and that was to try to have established in the House of Representatives a special committee to handle veterans' relief legislation. For almost a year, as the older Members of the House will recall, a bill was pending in the Committee on Interstate and Foreign Commerce to increase the pay of the attendants of the blinded soldiers from $20 to $40 a month, but because of the excessive number of bills that went to that committee it was impossible to secure a hearing or get action on this very small but important piece of legislation. Through the influence and efforts of WALTER MAGEE, who was a member of the important steering committee, the bill was finally reported out and passed in the House. As a result of the delay in reporting that particular bill, and because of his interest in it, the House was made aware of the fact, which to-day we all must acknowledge, that it was utterly impossible for the great Committee on Interstate and Foreign Commerce to properly handle soldier relief legislation along with their other work.

As the sponsor of that bill to afford relief to the blinded veterans, I want to give all credit to WALTER MAGEE not only for having the bill reported out and passed, but practically for initiating and calling the attention of the House to the fact that if the veterans were to secure the relief to which they are entitled through legislation, it was necessary to establish a new committee in this House. He had for the disabled soldiers not only the lip service which is common to all of us, but he had in his heart the profoundest sympathy for them and felt earnestly that we should do more for the disabled soldiers and not permit veteran relief bills to be sidetracked or delayed. He believed that we should not simply compensate and hospitalize and rehabilitate the disabled soldiers, but that they should have priority in legislation and that there should be some sympathetic legislation passed whereby the soldiers should automatically come into their rights. It was in this connection that I formed the closest association with WALTER MAGEE, and when anything came up affecting the disabled soldiers before the Committee on Veterans' Relief was established, we new Members of the House who were veterans always went to him as the one we could depend upon to help us get the legislation we were trying in those days to secure for all of the disabled soldiers, and we never went in vain. He was a fearless champion of the disabled veterans and was always willing to give of his time and energy in their cause.

He was so modest that other Members of the House probably did not know that WALTER MAGEE was practically the leader in securing justice, not charity, for our disabled veterans. WALTER MAGEE always tried to use his influence to help other Members, and I for one feel under great obligations to him because when I first came to Congress eight years ago, he was one of the closest friends I had in the New York delegation and the one upon whom I could always depend for encouragement and advice.

He was a lovable character and had a charming personality. It is not surprising that all of his colleagues from New York and his Democratic friends have come here to-day to do honor and pay tribute to his memory.

None knew him but to love him, nor named him but to praise.

Mr. MacGREGOR. Mr. Speaker, in the days that have passed since our good friend and colleague WALTER MAGEE crossed the river that marks the unknown shore it has seemed to me that he has just gone away and will be back with us once more. We have mightily missed his hearty handshake and his sincere salutation. From him emanated an atmosphere of wholesomeness, sincerity, honesty, and earnestness of purpose. He was all that the term expresses "a man." He stood among his fellow men with an upright head and a straightforward eye, unafraid and unabashed. His thoughts and his actions were open books. He had a clear conscience and was unafraid. He had nothing to conceal. He had strong convictions of right and wrong and did not hesitate to express them.

What a great asset he was to the country which he served. He brought to his labors here a well-trained mind, a fixity of purpose, unstinted diligence, and sound judgment. He sought no plaudits. He avoided the forensic arena, but in the councils of the Members of this body, where the mighty questions

affecting the destiny and welfare of the country are determined, he was a tower of strength. His passing away was a great loss to the Congress, to the country, and to the community that he so ably represented.

I can not say, I will not say,
That he is dead; he is just away.
With a cheery smile and a wave of the hand
He has wandered into an unknown land,
And left us dreaming how very fair
It needs must be, since he lingers there.
Think of him still the same, I say:
He is not dead, he is just away.

Mr. CLARKE. Mr. Speaker and gentlemen of the House, our beloved and departed friend, WALTER MAGEE, entered the House of Representatives mentally trained and morally anchored; and in the drift of things, as I see them in the country to-day, there was never a more outstanding need for men who are fixed and grounded in the fundamentals of government as was our splendid colleague.

In the offices of friendship I doff my cap to the memory of a loyal friend, of a faithful comrade, even in adversity. WALTER MAGEE came into my home as one almost unknown. He left there as one beloved. It has been said that in the warp and woof of this Government of ours, in its very fabric, are those who have put unrequited toil and unrecognized achievement. WALTER MAGEE is one of those; and if our Government goes on to its greater and greater destiny of impressing upon the world the leadership of democracy and the fundamentals, if you please, of a Government of opportunity for anyone, without regard to birth or creed, religion or tradition, it is because men of WALTER MAGEE'S type have put of themselves into this Government and held it true to the course charted in our Constitution.

Faithful in service, yes, faithful in all that goes to make life dear, it can be truthfully said of WALTER MAGEE as the poet Lowell himself has said:

The beauty of his better self lives on
In minds he touched with fire, in many an eye
He trained to Truth's exact severity;
He was a Teacher: why be grieved for him
Whose living word still stimulates the air?
In endless file shall loving legislators come
The glow of his transmitted touch to share.

Mr. SNELL. Mr. Speaker, I ask unanimous consent that all Members of the House may have 10 legislative days in which to extend their remarks in the RECORD on the life, character, and public services of the late Hon. WALTER W. MAGEE.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Speaker, WALTER MAGEE represented the district adjoining mine in Congress for over 12 years. At home he lived only 25 miles from me. In the four years that I served with him—and all that time on the same committee with him, the great Committee on Appropriations—I found him most courteous, most helpful, and always devoted to his work.

He was a close student and devoted himself to the task in hand till he had mastered it. He was a forceful and convincing speaker and was often in demand in a political campaign.

In presenting the appropriation bill, of which he annually had charge, he showed marked skill and was always able to secure its passage without any substantial amendments being adopted.

To his constituents and to his district he was most faithful and spent his entire time in serving them.

With a group of other Representatives I had dinner with him in the House restaurant the last night of the session. He was cheery, enjoyed his dinner, and seemed much better than in the early winter, and I was greatly surprised and shocked to hear of his death.

His life was devoted to the people of his district and he rightly held a firm place in their affection.

Mr. BYRNS. Mr. Speaker, I deem it a sad privilege to have the opportunity of paying a brief but heartfelt tribute to the life and character of our departed friend and colleague Hon. WALTER W. MAGEE who for years ably and faithfully represented the thirty-fifth district of New York in the House of Representatives. I served with him on the Committee on Appropriations and was brought into even more intimate contact with him while serving with him on one of its most important subcommittees. I have sat around the committee table with him for weeks at a time in the hearings preliminary to the preparation of some of the most important appropriation bills. It is in the close contact and the intimacy of the committee room that one can best form a correct opinion of the ability and the fidelity of a colleague. And it can be truly said of WALTER MAGEE that those who knew him best like him most. I have never known a man who was actuated by a higher sense of public duty, and it was this high sense of duty which controlled him throughout his career as a Member of Congress. He was a strong party man and earnestly believed in the principles of the political party to which he gave loyal support and allegiance. But he never permitted partisanship to dictate his course on public questions which did not involve matters of strict political policy.

He was a faithful and able representative of his district and a loyal servant of his State and country. When the news of his sudden passing during the recess of Congress was flashed over the country his colleagues, without regard to party, were greatly shocked and deeply grieved. They mourned the loss of a loyal friend and a faithful public servant. He passed away in the prime of his useful life. His record has been made—a record that is shot through with service and fidelity. Liszt made the theme of his "Preludes" the beautiful thought that each event of life is but a prelude leading up to the harmony of death. And this same thought is applicable to the life of WALTER MAGEE. He has left a memory which we all will cherish and a record of noble service that we should all strive to emulate.

THE LATE SENATOR ANDRIEUS A. JONES

Mr. MORROW assumed the chair as Speaker pro tempore.

The Clerk read the following order:

Ordered, that Sunday, April 15, 1928, at 12 o'clock noon, be set apart for memorial exercises in commemoration of the life, services, and character of Hon. ANDRIEUS A. JONES, late a Senator from the State of New Mexico.

Mr. OLDFIELD. Mr. Speaker, I offer a resolution which I send to the desk.

The SPEAKER pro tempore. The gentleman from Arkansas offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 168

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. ANDRIEUS A. JONES, late a Member of the Senate from the State of New Mexico.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House at the conclusion of the exercises of this day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was agreed to.

Mr. OLDFIELD. Mr. Speaker and gentlemen of the House, it is extremely fitting that we pause in our daily labor here to commemorate the life, character, and public services of our colleagues in the House and also in the Senate of the United States.

Senator JONES I knew quite well. A Tennesseean by birth, he was educated in that State, but in early manhood went to the great Southwest and began the practice of law in the State of New Mexico. He was a splendid lawyer and built up a splendid practice in that State.

In the early nineties, if I recall correctly, Senator JONES was appointed United States district attorney for the State of New Mexico. Later he became chairman of the Democratic State Central Committee of New Mexico and served in that capacity for some 10 years and developed a real genius for political organization. In 1914 he was appointed by President Wilson as Assistant Secretary of the Interior and then in 1916 was elected to the Senate of the United States.

He was a man of fine presence, one of the handsomest men I have ever known, and I have often thought of what our late and beloved Speaker, Champ Clark, used to tell us in the cloakroom. Among other things he made the statement one day that good looks had just about as much to do with success in politics at the beginning of one's career as any other one attribute. Senator JONES was a very handsome man, a man of charming personality, always kind and courteous to everyone, and always a great democrat, and I mean this in the broadest possible sense of the word.

I knew Senator JONES by virtue of being a member of the Ways and Means Committee of the House while he was a member of the Finance Committee of the Senate. In this way we were thrown together, and later on, I knew him more intimately really by virtue of the fact that he was connected with the Democratic senatorial committee of the Senate while I was connected with the Democratic congressional committee of the House. He was a tireless worker and, as I have said, a genius at organization. He was one of the greatest political speakers his generation produced. Senator JONES was a real orator. Not only this, but he was a great student. When he made up his mind on a public question there was no way to change his determination.

Invariably, you would find Senator JONES espousing the cause of the masses of the American people, the toilers, if you please, although a man himself of reasonable wealth, or well to do, as we would call it, yet his mind and heart never left the interests of the common people of America.

I say these things, and I say them gladly because I feel that I know what I have said about Senator JONES is the absolute truth. We, of course, miss him in this House. We miss him as a Senator. The country has lost a great and able public servant. In this life, my friends, he fought a good fight, he kept the faith, but, alas, to our great detriment and to the great loss of the 120,000,000 of American people, he has finished his course.

Mr. MCKEOWN. Mr. Speaker, Senator ANDRIEUS A. JONES, as I knew him, was a man of strong intellect, of a friendly disposition, and an attractive personality. It was my good fortune to travel several days on the same boat with him, and during that time I came to realize the splendid qualities of the man. Modest and unassuming, accommodating and obliging in manner, always in a cheerful mood, unselfish and generous, and always a gentleman.

The western spirit of hospitality was his in a marked degree, and foremost of all was his splendid clear-cut honesty of purpose which was depicted in his open countenance.

When you looked into his face you could see a soul of rugged honesty.

When he crossed the "great divide" I was one of those appointed to take him back to the West he loved.

We carried him back to that beautiful little city, Las Vegas, N. Mex., where a whole State, without regard to politics or rank, came in great throngs to pay a last tribute to their most distinguished and best loved citizen.

Tender hands bore his body to the church he loved and worshiped in, and I sat there and heard the services and I thought what a testimonial his life was to the faith that lies in us that Jesus of Nazareth made a supreme sacrifice for the great as well as the lowly and that some day we may meet Him face to face.

His Masonic brethren performed the last sad rites at his grave in the "city of the dead."

We left him there to sleep until the resurrection morn.

Of him let it be said:

> One whose thoughts are a little cleaner,
> One whose mind is a little keener,
> One who avoids those things that are meaner,
> That's what I call a friend.

Mr. SEARS of Nebraska. Mr. Speaker, it is a great privilege, inasmuch as Senator JONES has passed to the great beyond, as he has, to be able to take part in these proceedings, and to add a word of my own to the many splendid thoughts that will be expressed in the Senate and in the House with reference to his life and his passing.

I was not one of those who was privileged to have a close personal acquaintance with Senator JONES, although I had met him and admired him. How could I? One can not go into a small village that is new to him and get much of an acquaintance in that small environment until days and years have gone by.

Here where we have 435 Members in this House and almost one hundred in the other, gathered from a country 3,000 by 2,000 miles in extent, so few of the others any of us have seen before, and an acquaintance that ripens into knowledge and friendship only comes to those who have an immediate touch. So I could not know him as so many others have, but I have realized his qualities from those who have known him; I have come to know those essentials which go out from each and every man to the community and to the country at large, where he is a larger character.

But what is death? I have an idea it is not so bad. Our fathers and mothers have gone through it for countless generations, so why should we be afraid, especially if we are like Senator JONES and belong to the great band that stood the tests laid down by the Man of Galilee. Two great tests were laid down by that Man of Galilee. One was that you must love your God and the other was that you must love your fellow men.

I, myself, do not know whether God is a wholesome relation of natural law or a personality that has been there for all these countless years. I do not know, but whatever It or He is, that Deity or that wholesome relation of natural law, He is entitled to our greatest love and that Deity was all in all to the Man of Galilee when He said, first, "You must love your God and then love your neighbor."

Now, as you know, I saw Senator JONES as he was lying there in the little city where he had lived so long and where his remains are now, a wonderful heritage to the people of that community. He lay there about as handsome as he was in the Senate, with a smile on his face, which I think was intended, perhaps for every one of that community, and for all of his brothers, and friends from here who should go out there and attend his final laying away. He lay there as finely and as splendidly as if he were gently sleeping and as if he had put his smile on for one of greeting, as one to show the affection he had for all the world, for his country, and his neighbors.

He was prized most highly in that community. Great indeed is the office of the pioneer. Senator JONES was one who early in his manhood went to the State of New Mexico. He helped lay the foundations of that wonderful Territory and of that wonderful State at a time when it needed men of stability, of character, of vision, and of wholesomeness. He was one of those who took part in the laying of those foundations, and when that Territory ripened into statehood, into a Commonwealth on a parity with the rest of our States in this Union, the splendid foundations which had been laid there were as much to his credit as to any other single man.

Since I have been in Washington I have never heard anything but kindly references to him. Those who have had a long acquaintance with him and those who knew him well loved him and held him in high esteem, and his immediate community will cherish his memory in the future, because he was a man of the highest character and standing. He will be cherished here by those who came in daily contact with him in the Senate as one who well knew the legislative functions and duties and whose advice was sound. He was needed in our western country because he knew that great western country, and he was needed in this great country of ours. I think there was no more kindly man in the Senate that he was. He was universally loved; he was universally prized, and I am very glad I am able to be here on this occasion and add a word of tribute to the others which may be paid to him.

Mr. RANKIN. Mr. Speaker, Victor Hugo once said that what is said of a man has as much to do with his life and more to do with his destiny than what he really does. Judged by that standard, the destiny of Senator JONES is doubly blessed—a life crowned with wonderful achievements and a reputation that was above reproach. Some one has said that the richest treasure mortal man affords is spotless reputation. If that be true, Senator JONES was indeed one of the wealthiest of men.

I shall not discuss his services as a United States Senator, but I want to refer for a brief moment to that human side of his nature with which I was more familiar. Those who served with him in the Senate, those who are familiar with his achievements before he came to Washington, have already paid their tributes of respect more ably than I could do if I had the advantages of the years of association which came to them, but as a friend I merely wish to come in all humility and lay a flower upon his grave.

I had occasion to get most intimately acquainted with Senator JONES on an extensive trip of inspection of more than 10,000 miles that carried us to the Tropics, through the Panama Canal, across the Pacific Ocean, and on into Alaska. I have seen him in the Senate; I have been with him in the cloakroom; I was with him upon the high seas; I saw him amid the desolate solitude of Arctic mountain peaks, in the glow of the midnight sun, and at all times I found him to be that courteous, genial, affable gentleman, who always stamps the recollection of his personality upon all those with whom he comes in contact.

The record that he made in the Senate will stand as long as this Republic shall endure, and as the activities and the influence of American life roll westward with the sun, the foundation that he laid for the development of the great West will bring its blessings to the sons of men for generations yet to come.

But when I think of him personally, as I said, I think of that wonderful personality which came into my life at a time

when I was a young Representative in this House, and which left a most indelible impression. I have always associated with him and shall associate with his memory the majestic swells of the ocean, where I first learned to know and to love him. When I heard of his untimely death there came to my mind the grand lines of Tennyson:

Sunset and evening star,
And one clear call for me!
And may there be no moaning of the bar,
When I put out to sea.

But such a tide as moving seems asleep,
Too full for sound and foam.
When that which drew from out the boundless deep
Turns again home.

Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell
When I embark;

For though from out this bourne of time and place
The flood may bear me far,
I hope to see my Pilot face to face
When I have crossed the bar.

Mr. ABERNETHY. Mr. Speaker, it was my wonderful privilege to be closely associated with Senator JONES for a period of about 60 days, and during that time on the extended trip spoken of by my colleague from Mississippi [Mr. RANKIN] I became very much attached to him, and also to that sorrowing wife of his who now sits in the gallery. I would feel recreant to my duty as a friend if I did not take this occasion to say something about this wonderful man. It was about four years ago that I first met him. I appreciated very much my close association with him. He was a real American citizen. This country lost one of its foremost legislators when he died. There was a pall of gloom that spread over the entire membership of Congress when he passed away. I only wish I had the power of expression to say what is really in my heart. I offer my sincere consolation to the sorrowing widow and family.

Senator JONES has made the world better for having lived in it. We all cherish his memory. All who knew him loved him.

Mr. OLDFIELD. Mr. Speaker, I ask unanimous consent that all Members of the House be permitted to extend their remarks in the RECORD on the life, character, and public services of the late Senator JONES.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. OLDFIELD assumed the Chair as Speaker pro tempore.

Mr. MORROW. Mr. Speaker, the House is convened to-day to pay honor and respect to the memory and service of the late Senator ANDRIEUS A. JONES.

Born in the year 1862 in the State of Tennessee, the son of the Rev. James H. W. and Hester A. A. (May) Jones, the Senator, like many other men who have gained success in life, began his career under humble circumstances. He had the desire for knowledge, and, coupling that with honest energy and endeavor, he succeeded in securing an education, first at Bethel College, Mackenzie, Tenn., and later at Valparaiso University, where he completed his education and received the degree of bachelor of science in 1884 and the degree of bachelor of arts in 1885. He taught school in Tennessee in 1885 and that year migrated to Las Vegas, N. Mex., which remained his home until his untimely death. Las Vegas was his first and only established residence in the West.

His public activities were largely begun in his adopted State. He was principal of the public schools of Las Vegas from 1885 to 1887. Then, having taken up the study of law, which profession was to be his chosen one, he was duly admitted to the practice of law before the bar of the District Court of New Mexico in 1888.

In 1894 he was admitted to the practice of law before the supreme court of the State. In the year 1893 he was elected president of the Bar Association of New Mexico, membership in which he retained until the time of his death.

His entry into politics, and the commencing of his future political career, began by his election as mayor of Las Vegas in 1893. From this office he stepped into the office of United States district attorney and served in that capacity until 1898. In 1896 he was a delegate to the Democratic National Convention and from that time up to his death he was an active participant and advisor in all Democratic conventions in the State; he served as State Democratic chairman from 1906 to 1908, and again in the first State election in 1911.

In the election of Woodrow Wilson as President, a western man was sought as Secretary of the Interior; the appointment fell to Franklin K. Lane, of California, and ANDRIEUS A. JONES, of New Mexico, was selected as his assistant. It was in this position that the ability of the late Senator was developed in revising and facilitating the work of that department of Government.

There are many employees still in the department who speak with the highest regard of the work of Senator JONES in organizing this important department. He was also a member of the Democratic National Committee from 1908 to 1922 and in 1924 he was chairman of the Democratic senatorial campaign committee.

In 1916 Mr. JONES became the successful candidate of his party to the Senate of the United States and was renominated in 1922 without opposition and again elected to that body; he was serving the next to the closing year of his second term when he was called to death. Senator JONES left surviving him his wife, Natalia Jones, and two sons, Vincent Jones, of the New Mexico Construction Co., Denver, Colo., and A. A. Jones, jr., a student at Princeton University.

It was in the Senate of the United States that the Senator became a power for good in legislation for his State and for the Nation.

Being a close student of financial problems he at once became an authority to be consulted by his colleagues in the Senate and the House upon questions of financial and tariff problems of the country. It is not an exaggerated statement to say that the late Senator was an outstanding man of ability in whatever rôle he appeared in public life—as a lawyer, as an executive in the Department of the Interior, as a private citizen in his own business affairs, and as a Senator in the affairs of this great Government.

He was a believer in the principles of Democracy as outlined by Jefferson, yet he was always fair and never by his manner displayed to his fellow colleagues a spirit of partisanship.

The people of New Mexico, whom he so well represented, had implicit faith in all his efforts. His work was coupled with industry, intelligence, and a happy discernment of public questions. His sympathies were with the people, for whom he had a profound respect. In affairs of the Nation he stood for fair treatment of all by government. He was a sincere believer in a just and proper compensation to our soldier veterans who had fought so faithfully for the honor and protection of our country in the World War. Instead of the bonus voted by Congress he favored a cash settlement. His sympathy was sincere, as he sacrificed one son upon the altar of his country in that war. Had he lived a few years more there is no question but that he would have brought about the cash payment to our soldier boys. That was his desire, and he was seeking such legislation at the time of his death.

One great characteristic of Senator JONES was that he never felt himself above his fellowmen, and he placed himself upon the same plane with the citizenship of his State. When he made a promise to the people of his State, he fulfilled it, and believed always in fighting for the right and knew no defeat in his efforts toward that goal. He stood for equal and exact justice to his fellowmen and was an antagonist of those who sought special privileges at the expense of the masses of the people.

General Grant upon his deathbed was asked what event in looking back over his career brought the greatest satisfaction to his mind. His reply was—

I take chief pleasure in the fact that I have always had the will to do my duty.

This same thought may be expressed about the career of Senator JONES. He died from overwork due to his untiring and faithful labor in behalf of what he believed to be his duty. When his health began to fail he would not surrender his work; he felt he should remain at his post and carry out his trust. After all, there is great satisfaction in the fact that one dies in the useful service of his fellowmen. We can sincerely apply this spirit to the late Senator.

He was signally honored by the bar of Las Vegas when a tribute, prepared by five prominent lawyers, was signed by every one of the members—21 in all. A. T. Rogers, former law partner of the Senator, delivered an impressive eulogy and appreciation of his ability as a lawyer and his excellent qualities as a man. Judge E. V. Long, 92 years old, whose friendship with the Senator had been of more than 40 years' standing, recalled pleasant associations with him. The tribute of the Las Vegas bar follows:

It was with feelings of the most profound sorrow that the members of the Las Vegas bar met in session attended by every lawyer in the city to express in such terms as deemed appropriate, futile as any such

attempts must necessarily be, their sincerest regret at the passing from time into eternity of their distinguished fellow member, United States Senator ANDRIEUS A. JONES, and their deep sympathy for the bereaved family.

Because of his warm heart, his interest in the welfare of his fellows, his love for his profession and all engaged therein, Senator JONES had formed a close personal friendship with every attorney practicing at the Las Vegas bar; many such friendships bearing the test of long years and growing even deeper. But whether the relationship extended over one year or forty, there is not a lawyer in the city or district who does not feel a deep sense of personal loss in the death of Senator JONES.

Now when his abilities are being everywhere extolled, when the greatest of the land unite to do him honor, resolutions are being adopted, which we sincerely indorse, dealing with his achievements, high character, broad statesmanship, and splendid qualities, we, the associates of the profession he so highly honored, the intimates of the home town he so deeply loved, the friends of the family whose sorrow is our sorrow, feel that it is fitting that we should confine ourselves chiefly to the personal and professional relationship.

As the members of the Las Vegas bar, mourning that his presence shall no more be with us, we shall ever carry into our work and our life the inspiration of his high ideals, tireless industry and unswerving devotion to ethical principles.

As citizens of Las Vegas, who can appreciate more fully his public-spiritedness, his loyalty, his worth to the community; as residents of New Mexico, who can understand more clearly his devotion to the interests of the State through a period of nearly half a century; as loyal components of this great American commonwealth, who is there to take more pride than ourselves in the notable public actions that have made the name of ANDRIEUS A. JONES well-nigh a household word throughout the land? But, in the personal equation, as friends, who could so well know his kindness of heart, his generosity, his readiness at all times to serve his fellow man, it is all in his motto—"He profits most who serves the best"—it is all in his creed:

So many words, so many creeds,
So many ways that wind and wind,
When just the art of being kind
Is all this old world needs.

How words fail when we seek to express the sympathy we feel for the members of the bereaved family! We grieve with them, for though necessarily in lesser degree, yet in a very considerable measure, their loss is our loss.

The sincere sorrow throughout the State of New Mexico occasioned by the death of the Senator was a direct testimonial of the deep regard and esteem in which he was held by the citizens of his adopted State.

We speak not of him because he may have acquired wealth or material success in his career, but rather in connection with what he stood for and what he accomplished, which made the position of his fellow man better in the affairs of life, and which gave a better spirit of consideration for the welfare of all the people. His faithful service rendered is the most fitting eulogy, and gives him an enduring place in the history of his State and of the Nation. There is no doubt but that the people of New Mexico have lost one of their ablest citizens, and one who had been a devoted champion of their cause.

At the funeral in his home town of Las Vegas there were no lines of race, creed, or partisanship. All leaders of prominence in the State were present to pay homage and honor to the dead statesman. Among them were the escort of eight United States Senators and ten Members of Congress, the Governor of New Mexico, and seven ex-governors. It has been truthfully said that his neighbors not only took pride in his achievements, but loved him as a citizen. Among the mourners was the venerable Judge E. V. Long, 92 years old, the man who as a district judge in Indiana had admitted the late Thomas W. Marshall to the practice of law. Judge Long, for four decades was a firm friend and political adviser of the deceased Senator.

I appear to-day as one who sincerely mourns the death of ANDRIEUS A. JONES, for I loved, respected, and admired him. I looked upon him as a statesman of the first rank from out of the West, and I feel that in his death I suffered the personal loss of a firm friend.

Mr. MORROW resumed the chair as Speaker pro tempore.

ADJOURNMENT

The SPEAKER pro tempore. In accordance with the resolution previously adopted, and as a further mark of respect to the memory of the deceased, the House now stands adjourned until to-morrow, Monday, at 12 o'clock noon.

Accordingly (at 2 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Monday, April 16, 1928, at 12 o'clock noon.

SENATE

MONDAY, *April 16, 1928*

Rev. James W. Morris, D. D., assistant rector of the Church of the Epiphany of the city of Washington, offered the following prayer:

Almighty and everlasting God, high and mighty ruler of the universe, who dost from Thy throne behold all the dwellers upon earth, graciously condescend to us who come now before Thy Divine Majesty to praise Thee and to worship Thee.

Accept the adoration of our hearts and receive our grateful acknowledgment of the abounding blessings that Thou hast vouchsafed to us and to our great Nation.

Look with favor upon Thy servants, who assemble in this place charged with grave responsibilities affecting the peace, welfare, and ordered governance of our country.

Endue them with wisdom and spiritual understanding, with devotedness and undiscouraged patience in the discharge of their high tasks. Grant that they may both perceive and know what they ought to do, and also have grace and power faithfully to fulfill the same.

We ask it all in humble acknowledgment of our own undeservings, but with sincere dependence upon the perfections and compassions of Thy Son, Jesus Christ our Saviour.

The Chief Clerk proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4702) to remove the charge of desertion from the record of Benjamin S. McHenry.

The message also announced that the House had passed the bill (S. 2900) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 12381. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 12875. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3224. An act to extend the provisions of the forest exchange act, approved March 20, 1922 (42 Stat. 465), to the Crater National Forest, in the State of Oregon; and

S. 3225. An act to enlarge the boundaries of the Crater National Forest.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Sheppard
Bayard	Frazier	McLean	Shipstead
Bingham	George	McMaster	Shortridge
Black	Gerry	McNary	Simmons
Blaine	Glass	Mayfield	Smith
Blease	Goff	Metcalf	Steiwer
Borah	Gooding	Moses	Stephens
Bratton	Gould	Neely	Swanson
Brookhart	Greene	Norbeck	Thomas
Broussard	Hale	Norris	Tydings
Bruce	Harris	Nye	Tyson
Capper	Harrison	Oddie	Vandenberg
Caraway	Hawes	Overman	Wagner
Copeland	Hayden	Phipps	Walsh, Mass.
Couzens	Heflin	Pine	Walsh, Mont.
Curtis	Johnson	Pittman	Warren
Cutting	Jones	Ransdell	Waterman
Dale	Kendrick	Reed, Pa.	Wheeler
Dill	Keyes	Robinson, Ind.	
Edge	King	Sackett	
Fess	La Follette	Schall	

Mr. CARAWAY. I wish to announce that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is necessarily absent owing to illness.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

SENATOR FROM OHIO

Mr. FESS. Mr. President, I present the credentials of CYRUS LOCHER, Senator designate from Ohio, which I ask may be read.

The VICE PRESIDENT. The clerk will read the credentials.

The Chief Clerk read the credentials, as follows:

In the name and by the authority of the State of Ohio, Vic Donahey governor of said State

To all to whom these presents shall come, greeting:

Know ye that whereas CYRUS LOCHER, of Cuyahoga County, has been duly appointed to the office of Senator from the State of Ohio to represent the State of Ohio in the Senate of the United States for a term ending when a successor is elected and qualified:

Therefore, by virtue of the authority vested in the governor by the constitution, and in pursuance of a provision of the statutes, I do hereby commission him, the said CYRUS LOCHER, to be Senator from the State of Ohio to represent the State of Ohio in the Senate of the United States, authorizing and empowering him to execute and discharge, all and singular, the duties appertaining to said office, and to enjoy all the privileges and immunities thereof.

In testimony whereof I have hereunto subscribed by name and caused the great seal of the State of Ohio to be affixed at Columbus this 4th day of April, A. D. 1928.

[SEAL.] VIC DONAHEY.

By the governor:

CLARENCE J. BROWN,
Secretary of State.

The VICE PRESIDENT. The credentials will be placed on file.

Mr. FESS. Mr. President, the Senator designate is present in the Chamber and ready to take the oath of office.

Mr. BRATTON. Mr. President, may I inquire of the Senator from Ohio whether the State Legislature of Ohio has enacted a statute authorizing such an appointment pursuant to the provisions of the seventeenth amendment to the Constitution of the United States?

Mr. FESS. It has; and the credentials are in regular form.

The VICE PRESIDENT. The Senator designate will present himself and take the oath of office.

Mr. LOCHER, escorted by Mr. FESS, advanced to the Vice President's desk; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 12381. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee on Pensions.

H. R. 12875. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes; to the Committee on Appropriations.

RACIAL POLICY IN EXECUTIVE DEPARTMENTS

Mr. BLEASE. Mr. President, I ask permission to have the clerk read a newspaper article and a letter.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[From the Washington Post, April 16, 1928]

COLORED LAND OFFICE SEGREGATION TO END—PARTITIONS HAVE BEEN REMOVED, NEGRO ELKS HAVE BEEN TOLD

Officials of the Civil Liberties Bureau of the Grand Lodge of Colored Elks yesterday expected abolition of segregation of negro clerks in the Land Office of the Interior Department early this week. Partitions which have separated colored and white employees in the office have been removed with general expressions of approval, it was reported.

The fight for abolition of segregation in this department has been led by Gretchen McRae, of Colorado Springs, Colo., the home State of Secretary Hubert Work, of the Interior Department. She was elected recently to the executive board of the Association for Advancement of Colored People. As a stenographer in the Land Office, her fight for ending of segregation there has been carried on with an intrepidity which has won popularity to the cause.

The National Association for Advancement of Colored People announced last night renewal of its drive for abolition of segregation in the Treasury Department, where Assistant Secretary Ogden Mills has had the matter under advisement. The drive will be launched with a banquet to Neval H. Thomas, head of the association, and a mass meeting at the Suburban Gardens Sunday, when Clarence Darrow will be the principal speaker.

WASHINGTON, D. C., *April 13, 1928.*

Hon. COLE L. BLEASE,
United States Senate.

DEAR SIR: In view of your recent utterances, as published in the local papers of this city relative to Secretary Hoover putting the negro clerks in the Department of Commerce in the same rooms with the white clerks, I would like to call your attention to a similar order of Secretary Work, of the Department of the Interior, which went into effect to-day—April 13.

A negro girl typist in Division C of the General Land Office was sent down to the stenographic division, chief of same being a Mr. Phillips, but the girls in this division put up such a "kick" that the negro girl was switched to Division E, the survey divison.

Partitions are being taken down between rooms so as to make them larger, and white clerks are being put in the same rooms with the negro clerks. This is being done in Divisions C and F of the General Land Office.

This was done over the vigorous protest of Commissioner Spry, of the Land Office.

The Land Office at its best is a regular hell hole. (See inclosed circulars, same being a true statement of facts.)

This order was done, of course, to catch the "nigger" vote.

It is bad enough to work for starvation wages without working with a lot of negroes.

Very respectfully,

(Signed) ——— ———.

Mr. BLEASE. The two articles referred to in the letter I ask permission to have printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The articles are are follows:

ROTTENNESS AND TERRORISM IN THE LAND OFFICE—RING RULED—A HOLDOVER FROM THE MIDDLE AGES

Bully McGee, chief of the mineral division, General Land Office, an ignorant bully, spends his time ragging the clerks, drawing $3,200, and does nothing but messenger work, carrying papers from one desk to another; ignorant, uncouth, would make a good section boss for a railroad gang. Runs up and down the halls, sneaking and listening in on the clerks. Knows nothing about the work. Women clerks all "jumpy." The assistant of the division, a Mr. Keefer, an ex-barber, an ex-war worker, does the expert dirty work for the chief—has to, to hold his job down.

When word comes down from the ring above, do this, do that, Keefer swears your life away.

McGee has been in the Land Office for about 35 years and had been demoted twice for being dirty. So ignorant he can't review a three-line letter.

MR. OBENCHAIN THE HEAD OF THE RING

Obenchain, the head of the ring, the master mind (Mussolini Obenchain); Bond, former chief clerk, a superannuated old fossil, came into the office as a boy draftsman over 40 years ago, was dead from the collar button up.

The Land Office is ruled by a ring headed by C. A. Obenchain, who has built up an ironclad ring, places his favorites in fat jobs. He stands, it is said, behind McGee and keeps him in; the Land Office is apparently turned over to the duce (Obenchain), who runs same to suit himself.

RECLASSIFICATION UNDER THE NEW CLASSIFICATION LAW A BIG FARCE

Obenchain's favorite female clerks, formerly file clerks, dubbed mineral experts, and jumped to $2,700. Other file clerks who were doing the same kind of work and who had incurred the ill will of the duce had 25 cents taken from their so-called salary. Other favorite file clerks were raised last January to $2,100. He tried to keep this secret, but murder will out. All file clerks doing the same kinds of work and working on the same files.

Adjudicating clerks in the said mineral division doing the same kind of work, classified accordingly as how they stood in with the duce, ranging from grade 2 to grade 7, all doing the same kind of work in the same room, with desks side by side. Clerks who incur the displeasure of the chief are blacklisted. Last spring, when wholesale discharges of the clerks were made, clerks not standing in with the plucking ring, controlled by Mussolini Obenchain, were kicked out, no matter what their ratings were. For instance, in one division, whose chief was apparently a fair man, a clerk was given a rating of 90; when same was revised by Obenchain, said rating was cut to 70, and clerk was kicked out of the service.

APPEAL BOARD A FARCE—YOU APPEAL FROM PHILIP DRUNK TO PHILIP SOBER

Clerks who appealed to the board who did not stand in the ring were blacklisted. The steam roller was put in action, and the appealing clerk flattened out, and appeal rejected.

The board, consisting of a Judge Harvey, a Judge (so called) Patterson, and an ex-file clerk named Crowley, put up a great exhibition of running the said roller. (They certainly obeyed orders.) Mr. Root couldn't have done better.

Everyone here who has been to some night law school for one term—there are 11 in town, counting the Y. M. C. A. and the K. C.'s—is called a judge.

Clerks not standing in with the ring had their appeals framed up and denied.

The whole atmosphere seems to be "trying to get something on some one."

Bond, the former chief clerk, spent his time doing fancy-design work in different colored ink at his desk to while the time away, and also spent his time trying to get even with clerks he has a grudge against, held grudges against clerks for years waiting for a chance to get him.

CHIEF M'GEE A BIG CROOK

At one time McGee was chief of Division G (railroad or contest division), but was kicked out of the office for accepting bribes from the railroads in relation to allowing their cases before his division.

OBENCHAIN THE GREAT CLASSIFIER

Obenchain, the great classifier, classified himself from $1,800 to $5,500 with a new title thrown in (special administrative officer); this name was painted on the door. But when Judge BLANTON got after him they changed his name to supervisor and cut off $1,000; in other words, shaved his title and salary a little.

ECONOMY AS SET OUT IN THE LAND OFFICE—WONDERFUL

The economy program as set out in the land office—all members of the ring and their favorites had their salaries increased, but the little fellow who needed it most was close-shaved and reduced to make the money go round; you know the Good Book says, "To him who hath"; the man in the gutter says, "Them that has, gits."

All kinds of boards were created to take of the inner circle, including the commissioner, who was jumped from $5,000 to $7,000, a nice salary for a rubber-stamp job, and Mussolini Obenchain runs the office.

THE CLASSIFICATION BOARD OF THE LAND OFFICE

The following "worthies" constitute the classification board, to wit: Messrs. Parrott, McPhaul, and the chairman, Obenchain. They classified themselves from $1,000 to $5,500.

A GREAT SALARY GRAB

In order to spread out the money they squeezed the little fellow; some got $1 per month raise, and a number got only 25 cents.

WHAT DO YOU THINK OF THIS FOR CLASSIFICATION?

In one room an adjudicating clerk, who did not stand in with the gang, was given a low grade; other clerks in the same room and doing the same kind of work and no better and as much were classified three grades higher. When asked why, was told by McGee that he was a rotten clerk; said clerk then saw his Senator, who got busy; the clerk then went back to McGee, who gave him a fine letter of recommendation; clerk on strength of same was promoted. He was a rotten clerk on Monday and a fine clerk on Thursday, same week.

Drunken clerks out of office for weeks get sick leave O. K'd; other clerks, not standing in with the chief, but who are honest and sober and who are really sick, have the department doctor sent out to their rooms to try and get them.

McGee stays in office after hours, goes through clerks' desks, trying to get something on them; was caught red-handed.

Stool pigeons everywhere who report to the duce. It is said the keeper makes his daily report upstairs. A regular hell hole.

POSTSCRIPT

We have a new chief clerk, a Mr. Gauze (Obenchain's hand-picked man). When Mr. Gauze, our new chief clerk, was installed, a reception was held in his office, and special invitations were sent out. It was given out that only those that "stood in" were wanted; the rest of the office force were not wanted—a close corporation. When Mr. Gauze was asked why, said it was Mr. Obenchain's suggestion and command.

Old soldiers all, for they seem to know the old army game—never give a sucker an even break.

WASHINGTON, D. C., *October 12, 1927.*

Mr. JOSEPH F. GARTLAND,

Chief Inspector, Interior Department, Washington, D. C.

MY DEAR SIR: In view of recent developments in various "courts" throughout the country relative to oil and gas land suits, it may be of some interest to you, as chief inspector of the Interior Department, to know the reputation of the chief of the mineral division of the General Land Office, of which the oil and gas leasing section is a part, chief of same being a William J. McGee.

A number of years ago Mr. McGee was suspended for over a year and then kicked out of the office, when he was chief of the railroad division, for accepting money from the railroads for favoring and allowing their cases, which were before his division. However, by some mysterious influence he was reinstated and later made chief of the mineral division, of which the oil and gas leasing section is a part. This is a matter of record and can be easily verified.

Does Mr. Work know of this? I wonder.

In view of the Teapot Dome, Sinclair, Doheny, Fall, Denby, and other oily scandals connected with the Interior Department, an account of this person of unsavory record being selected and put at the head of the oil and gas leasing division of the land office would make some good Democratic campaign material if printed in the newspapers throughout the country just before the election. Think it over.

I know a number of antiadministration Congressmen who would like to get hold of this information and would broadcast same.

I have been informed that it is common talk in the land office that Mr. McGee is the inside man for some of the outside oil promoters, said promoters being represented by certain attorneys in this city who hang about his office.

Very respectfully,

_____,

Attorney at Law.

Mr. BLEASE. I understand that Mr. Hubert Work is the campaign manager for Mr. Hoover in the Interior Department, and that Mr. Ogden Mills is the campaign manager for Mr. Hoover in the Treasury Department. For eight years the clerks in the departments have been permitted to work along just as they have been working without friction and without trouble, but since Mr. Hoover has announced himself as a candidate for President and wants to secure the negro vote in the doubtful States, not only by him but through his influence with his campaign managers and assistants in other departments of the present administration there has begun, under the direction of Mr. Hoover, a systematic plan to humiliate white girls from whatever part of this Nation they may happen to come by placing some of them in the same category with negro employees not only in the offices but in closets in the various departments.

I think, Mr. President, that the time will come, if it has not yet arrived, when the white people of this country will wake up to the serious attack that is being made upon them as a race by this attempt at social equality on the part of certain politicians, who, regardless of their respect for the white race, are willing, in order to get a few delegates from certain sections of the country, to go to any extent to humiliate the white girls who are forced to work in the departments for a living. My purpose in inserting these letters in the RECORD is to call attention to that fact, in order that the people may be informed, if they are not already informed, of the condition in some of the departments of the Government at Washington.

STREET-RAILWAY MERGER IN THE DISTRICT (H. DOC. 232)

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Public Utilities Commission of the District of Columbia, transmitting, pursuant to authority contained in the act approved March 4, 1925, a street-railway merger agreement under date of April 7, 1928, by and between the Washington Railway & Electric Co., the Capital Traction Co., and Mr. Harley P. Wilson, owner of 98 per cent of the stock of the Washington Rapid Transit Co., which, with the accompanying papers, was referred to the Committee on the District of Columbia.

A. OGDEN PIERROT

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting a draft of proposed legislation for the relief of A. Ogden Pierrot, temporary special disbursing agent of the Bureau of Foreign and Domestic Commerce, which, with the accompanying draft of a bill, was referred to the Committee on Claims.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Assistant Secretary of Labor, transmitting, pursuant to law, a list of miscellaneous files in the offices of the department which are not needed in the conduct of business and have no historic value or permanent interest, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. COUZENS and Mr. COPELAND members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a letter, in the nature of a petition, from the Central Branch, Young Woman's Christian Association, of Philadelphia, Pa., praying for the passage of the so-called Walsh-MacGregor resolution relative to the uniting of separated families under the immigration law, which was referred to the Committee on Immigration.

The VICE PRESIDENT also laid before the Senate a letter, in the nature of a petition, from the executive board of the National Housewives (Inc.), praying for the establishment in the President's Cabinet of a post known as home secretary, with a department to be devoted to matters of interest to the home makers of the United States, which was referred to the Committee on Education and Labor.

Mr. WARREN presented resolutions adopted by the Chamber of Commerce of Casper, the Commercial Club of Sheridan, the Kiwanis Club of Douglas, and the Rotary Club of Midwest, all in the State of Wyoming, praying for the passage of legislation to provide for aided and directed settlement on Federal reclamation projects, which were referred to the Committee on Irrigation and Reclamation.

Mr. COPELAND presented a petition of sundry citizens of White Plains, Mount Vernon, and vicinity, all in the State of New York, praying for the passage of the so-called Copeland-Wainwright bill, providing recognition of the yellow-fever heroes of 1900, which was referred to the Committee on Education and Labor.

Mr. WALSH of Massachusetts presented petitions of sundry citizens of Boston and Springfield, Mass., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented numerous letters, in the nature of memorials, from chambers of commerce, lodges, hospitals, associations, business firms, and sundry citizens, all of the State of Massachusetts, remonstrating against the passage of the bill (S. 1752) to regulate the manufacture and sale of stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented a letter and paper in the nature of petitions from Branch No. 60, National Association of Letter Carriers, of Stamford, and sundry postal employees, of Willimantic, all in the State of Connecticut, praying for the passage of Senate bill 1727, the so-called Dale retirement bill, which were referred to the Committee on Civil Service.

He also presented a letter in the nature of a petition from Seicheprey Post, No. 2, American Legion Auxiliary, of Bristol, Conn., praying for the passage of the so-called Capper-Johnson bill, to provide further for the national security and defense, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by the convention of the Connecticut State Dental Association, at New Haven, Conn., favoring the passage of Senate bill 3356, providing for the coordination of the public-health activities of the Government, which was referred to the Committee on Commerce.

He also presented a telegram and papers in the nature of petitions from the Sunday Noon Club, Second Congregational Church, of Waterbury; the Connecticut League of Women Voters, of Stamford; the National Council of Jewish Women, of Bozrahville, and sundry citizens of Waterbury, South Norwalk, Wethersfield, and Canton, all in the State of Connecticut, praying for the adoption of the resolution (S. Res. 139), suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

He also presented a letter in the nature of a memorial from the Visiting Nurse Association, of Mystic, Conn., remonstrating against the passage of the so-called Oddie bill (S. 1752), to regulate the manufacture and sale of stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the New England Tobacco Growers' Association, at Glastonbury, Conn., protesting against the passage of House bill 9195, providing for the importation of cigars, cheroots, and cigarettes in quantities of less than 3,000 in a single package from the island of Cuba, which was referred to the Committee on Post Offices and Post Roads.

Mr. WAGNER. I present a resolution adopted by the highway committee of the board of supervisors of Orange County, N. Y., which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Whereas there is a public highway running through the military reservation at West Point; and

Whereas the right of public occupancy of the highway now existing or which may exist is reserved to the people when the land was ceded to the United States Government by the State of New York; and

Whereas this highway has been closed to the public without written authority from the War Department; and

Whereas gates have been placed in the highway which are an obstruction, narrowing the highway from 33 feet to 18 feet and causing many accidents; and

Whereas a recent decision of the court of appeals, which I offer as evidence, plainly states that the people's rights are reserved in this highway: Therefore be it

Resolved, That the highway committee of the board of supervisors of Orange County request United States Senators COPELAND and WAGNER and Congressman FISH to use their best efforts to have the permit renewed so the superintendent of public works may construct the highway across the reservation provided for by an act of the Legislature of the State of New York.

Copies of this resolution to be forwarded to Congressman FISH, United States Senators COPELAND and WAGNER, and also Colonel Greene.

Adopted.

STATE OF NEW YORK, ORANGE COUNTY,
OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS.

This is to certify that I, George F. Gregg, clerk of the board of supervisors of said county of Orange, have compared the foregoing copy of resolution with the original resolution now on file in the office and which was passed by the board of supervisors of said county of Orange on the 10th day of April, 1928, and that the same is a correct and true transcript of such original resolution and the whole thereof.

In witness whereof I have hereunto set my hand and the official seal of said board of supervisors this 10th day of April, 1928.

[SEAL.] GEORGE F. GREGG,
Clerk of the Board of Supervisors of the County of Orange.

FARM RELIEF

Mr. BROOKHART. Mr. President, I have here a telegram from the Nebraska Wheat Growers Association in reference to the McNary-Haugen bill, which I send to the desk and ask to have read.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

LINCOLN, NEBR., *April 14, 1928.*

SMITH W. BROOKHART,
United State Senate, Washington, D. C.:

Declaration of policy McNary-Haugen bill recites "It is hereby declared to be the policy of Congress to promote the orderly marketing of agriculture commodities and to further the organization of producers of such commodities into cooperative associations." Telegram from Senator MCNARY says loan features to cooperatives in section 5 eliminated by the Senate at request of Des Moines meeting. With loan features eliminated the declaration of policy is a hoax and a fraud. Who at Des Moines wishes to deny the farmers financial assistance in developing cooperative marketing? No cooperative marketing associations as defined in the bill were represented at Des Moines nor were they invited. If the House concurs with the Senate in refusing to aid cooperatives, majority of wheat pools will publicly denounce the measure and appeal to the President to veto it. We protest the Senate action and appeal to the supporters of cooperative marketing to see that the House and conference reinstate these sections as recommended by the Senate and House Agriculture Committees. National wheat pool meeting here April 21 will take definite action against this legislation if it denies to the farmer assistance in developing control of his marketing. Des Moines meeting apparently gathering of men interested in campaign issues rather than farmers' welfare.

NEBRASKA WHEAT GROWERS ASS'N NONSTOCK COOPERATIVE,
ERNEST GREEN, *President.*

FLOOD CONTROL

Mr. HAWES. Mr. President, I ask unanimous consent to have inserted in the RECORD two editorials on the matter of flood control, one from the St. Louis Globe-Democrat of April 13, 1928, and the other from the Washington Post of April 16, 1928.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[Editorial on flood control legislation, taken from the St. Louis Globe-Democrat of date April 13, 1928]

GAS ATTACK ON FLOOD CONTROL

Mr. MARTIN MADDEN, of Illinois, chairman of the Appropriations Committee of the House of Representatives, appears to be greatly exercised over the flood control bill that has passed the Senate and that has been favorably reported in the House. He hears, we are told, that speculators are buying lands in the Mississippi Valley that will be benefited by the project and thinks the bill as it stands presents great opportunities for graft and extravagance. He intimates that President Coolidge is alarmed by possibilities of expenditures running up to $1,500,000,000, and we gather the impression that, in his opinion, the dickens will be to pay if something isn't done to safeguard the revenues.

Is there any occasion for such alarm or for any alarm? We can see none. It seems to be a matter of arousing public uneasiness as a means of frightening the House and forcing it to make amendments to the bill in line with the ideas of the President and Mr. MADDEN. The bill provides that the project "shall be prosecuted by the Mississippi River Commission under the direction of the Secretary of War and supervision of the Chief of Engineers." The expenditures therefore will be controlled entirely by permanent governmental agencies which are subject to the President of the United States and which for long years have had charge of river improvements.

As to the lands to be acquired, they are to be obtained through condemnation proceedings instituted by the Secretary of War in the United States district courts having jurisdiction in the localities where the property is situated, and the court in each instance is required to appoint commissioners to appraise the property and assess the compensation. The Secretary of War, however, is authorized to purchase lands necessary to the project when they are offered by the owners at a reasonable price. It is provided, moreover, that when the construction will result in benefits to any persons or corporations, municipal or private, "such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid."

All of this is in accordance with standard procedure, and it surely provides sufficient safeguards against any speculative enterprises and against graft of any sort. It makes the Secretary of War and the Federal courts responsible for the acquirement of the lands essential to the project. Can we have any more dependable agencies? The lands to be obtained will be designated in the plans decided upon by the board of review which is authorized to consider the two plans presented by the Army engineers and the Mississippi River Commission and to adjust their differences, or, if it finds it necessary, to present an original plan to Congress. It is assumed, however, that it will take the plan of the Army engineers, the Jadwin plan, which is formally adopted by the bill as the basis of consideration, and apply to it the recommendations of the commission's plan where in any specific detail it seems to be preferable. At any rate, with its final decision upon the plan the functions of this board apparently cease, and full authority to carry out the plan is fixed in the governmental agencies above stated.

How in this arrangement there could be any extravagance of design or of execution, or how it can be regarded as opening the door to graft we are unable to see. On the contrary, it seems to make sure that the design, in the first place, will be adequate and practicable from the engineering standpoint, and, in the second place, that it will be executed under the direct and exclusive control of the Federal Government by permanent agencies of its own whose record has never been stained by graft and who as engineers are more likely to avoid wasteful expenditures than any other agencies to whom it could be intrusted.

[Editorial on flood-control legislation, taken from the Washington Post of date April 16, 1928]

FLOOD LEGISLATION

Republican leaders in the House are anxious to bring about changes in the flood control bill in accordance with the wishes of President Coolidge. If the leaders can not induce the committee in charge to accept amendments they will make a fight on the floor. It is assumed that the principal change proposed is that which would exempt the lower river States from financial contributions to the cost of flood control. Another modification desired is the elimination of the provision for surveys of the great tributaries of the Mississippi. It is feared that if States and communities are exempted from contributions to the cost of flood control and surveys authorized for storage reservoirs on the tributaries, a gigantic system of water storage will be developed, with the burden falling entirely upon the United States Treasury.

The bill as passed by the Senate and approved by the House committee does not authorize any work except the control of the Mississippi below Cairo. The cost of this work is estimated at $325,000,000, but doubtless this figure will be exceeded. The bill recognizes the validity of the principle that communities relieved from flood dangers should pay a part of the cost, but it makes an exception in the case of the lower Mississippi on account of the great expense already incurred by those communities. As to surveys of tributaries, the bill does not authorize any works to be undertaken, nor does it exempt communities from paying their share of the cost.

Public opinion has been clearly expressed on the subject of Federal responsibility for controlling the Mississippi. The people of this country do not wish to make flood control contingent upon the payment of part of the cost by the inhabitants of the endangered area. The country asks that the Mississippi be controlled by the Government, and that the work be paid for by the Government. The Senate's unanimous action in passing the bill was plainly responsive to this public sentiment.

It is also universally recognized that the Mississippi will never be made entirely safe until its big tributaries are controlled. Each of these is a flood system by itself. But when it is proposed to include in the Mississippi control scheme a project for Government construction of reservoirs away up in Tennessee, Ohio, Indiana, Pennsylvania, Montana, Colorado, North Dakota, Kansas, New Mexico, and other States remote from the lower Mississippi, the public balks. Where is flood control to end, if every stream eventually reaching the Mississippi is to be bottled at the source?

Between an inadequate flood-control plan and an unlimited raid upon the Treasury there is a middle ground of effective flood control, without extravagant distribution of "pork." It is the duty of Congress to find this middle ground. No provision should be incorporated in the pending bill which could be cited later as a pledge for constructing any auxiliary works on any tributary. The control problem has not been solved yet. Months and probably years of study must be made before the continental water system called the Mississippi can be controlled. The most that should be done at present is to authorize surveys of the tributaries that unquestionably contribute most of the flood waters, and this authorization should be accompanied by a reservation that will unmistakably relieve Congress from undertaking any works on any of these rivers, pending further study of the entire problem.

REPORTS OF COMMITTEES

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 1645) for reimbursement of W. H. Talbert, reported it without amendment and submitted a report (No. 800) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 9047) to authorize appropriations for the construction of roads at the Presidio of San Francisco, Calif., reported it without amendment and submitted a report (No. 801) thereon.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 3463) to recognize commissioned service in the Philippine Constabulary in determining rights of officers of the Regular Army, reported it without amendment and submitted a report (No. 802) thereon.

He also, from the same committee, to which was referred the bill (S. 162) to change the military record of William M. Sherman, reported it with amendments and submitted a report (No. 803) thereon.

Mr. BRATTON, from the Committee on Indian Affairs, to which was referred the bill (H. R. 11479) to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians, reported it without amendment and submitted a report (No. 804) thereon.

Mr. McMASTER, from the Committee on Claims, to which was referred the bill (S. 1433) for the relief of J. C. Peixotto, reported it without amendment and submitted a report (No. 805) thereon.

Mr. BAYARD, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1530) for the relief of Gilpin Construction Co. (Rept. No. 806); and

A bill (H. R. 8487) to adjudicate the claims of homestead settlers on the drained Mud Lake bottom, in the State of Minnesota (Rept. No. 807).

Mr. BAYARD also, from the Committee on Claims, to which was referred the bill (S. 3809) conferring jurisdiction on the Court of Claims of the United States or the district courts of the United States to hear, adjudicate, and enter judgment on the claim of A. Roy Knabenshue against the United States for the use or manufacture of an invention of A. Roy Knabenshue covered by letters patent No. 858875, issued by the Patent Office of the United States under date of July 2, 1907, reported it with amendments and submitted a report (No. 808) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 2821) for the relief of Capt. Will H. Gordon, reported it without amendment and submitted a report (No. 809) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 3862) authorizing J. T. Burnett, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River, reported it with amendments and submitted a report (No. 821) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 9485) authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill. (Rept. No. 810);

A bill (H. R. 11203) granting the consent of Congress to the counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River at or near the present Jacksonville Ferry in Telfair and Coffee Counties, Ga. (Rept. No. 811);

A bill (H. R. 11212) authorizing Paul Leupp, his heirs, legal representatives, or assigns, to construct, maintain, and operate

a bridge across the Missouri River at or near Stanton, N. Dak. (Rept. No. 812);

A bill (H. R. 11265) authorizing the Cabin Creek Kanawha Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Cabin Creek, W. Va. (Rept. No. 813);

A bill (H. R. 11266) authorizing the St. Albans Nitro Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va. (Rept. No. 814);

A bill (H. R. 11267) granting the consent of Congress to the board of county commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the road between the villages of Cohasset and Deer River, Minn. (Rept. No. 815);

A bill (H. R. 11356) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Rockport, Ind. (Rept. No. 816);

A bill (H. R. 11473) granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North at Fargo, N. Dak. (Rept. No. 817);

A bill (H. R. 11578) authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Weslaco, Tex. (Rept. No. 818);

A bill (H. R. 11583) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the White River at or near Cotter, Ark. (Rept. No. 819); and

A bill (H. R. 11625) granting the consent of Congress to the State of Montana, Valley County, Mont., and Garfield County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont. (Rept. No. 820).

Mr. NEELY, from the Committee on the District of Columbia, to which was referred the bill (S. 3581) authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia, reported it with amendments and submitted a report (No. 822) thereon.

RIGHTS OF WAY THROUGH PUEBLO INDIAN LANDS, NEW MEXICO

Mr. BRATTON. From the Committee on Indian Affairs, I report back favorably without amendment the bill (H. R. 9483) to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico, and I submit a report (No. 799) thereon. I ask unanimous consent for immediate consideration of the bill.

Mr. CURTIS. Mr. President, I inquire if the bill is recommended by the department?

Mr. BRATTON. The bill is recommended by the department; it has been passed by the House and unanimously recommended by the Senate committee.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the provisions of the Statutes of the United States governing the acquisition of rights of way through Indian lands, to wit, the Code of Laws of the United States of America, in force December 6, 1926, title 25, Indians, sections 311, 312, 313, 314, 315, 317, 318, 319, and 321 and title 43, public lands, section 935, and the basic acts of Congress cited in such sections, be, and they are hereby, extended over and made applicable to the Pueblo Indians of New Mexico and their lands, under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TERMS OF COURT, EASTERN DISTRICT OF NORTH CAROLINA

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 3947) to provide for the times and places for holding court for the eastern district of North Carolina.

It is a local bill, affecting the terms of the district court in my own State, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the term of the District Court for the Eastern District of North Carolina shall be held at Durham on the first Mondays in March and September; at Raleigh a one-week civil term on the second Monday in March and September, and a criminal term only on the second Monday after the fourth Monday in April and October; at Fayetteville on the third Monday in March and September; at Elizabeth City on the fourth Monday in March and September; at Washington on the first Monday in April and October; at New Bern on the second Monday in April and October; at Wilson on the third Monday in April and October; and at Wilmington a two-weeks term on the fourth Monday in April and October: *Provided,* That this act shall take effect on July 1, 1928: *And provided further,* That at Wilson and Durham it shall be made incumbent upon each place to provide suitable facilities for holding the courts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. EDGE:

A bill (S. 4075) to adjust the compensation of certain employees in the customs service; to the Committee on Finance.

By Mr. FLETCHER:

A bill (S. 4076) for the relief of Thomas W. Moore; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 4078) for the relief of E. H. Flagg; to the Committee on Claims.

A bill (S. 4079) granting an increase of pension to William Barrett; and

A bill (S. 4080) granting an increase of pension to Emma M. Watson; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 4081) granting an increase of pension to Susan E. Robinson (with accompanying papers); to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 4082) granting a pension to Anna L. Peck (with accompanying papers); and

A bill (S. 4083) granting an increase of pension to Annie Madden (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 4084) granting a pension to Eliza J. Saxon (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON of Indiana (for Mr. WATSON):

A bill (S. 4085) to prevent professional prize fighting and to authorize amateur boxing in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CAPPER:

A bill (S. 4086) to control the possession, sale, transfer, and use of pistols, and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes; and

A bill (S. 4087) authorizing the use of certain land owned by the United States in the District of Columbia for street purposes; to the Commitee on the District of Columbia.

A bill (S. 4088) granting an increase of pension to Lydia M. Harris (with accompanying papers); to the Committee on Pensions.

By Mr. DALE:

A bill (S. 4089) granting an increase of pension to Ella C. Hackett (with accompanying papers); and

A bill (S. 4090) granting an increase of pension to Carrie W. Nash (with accompanying papers); to the Committee on Pensions.

By Mr. GEORGE:

A bill (S. 4091) granting a pension to Selina Hollin; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 4092) for the relief of Charles Flanagan; to the Committee on Finance.

By Mr. GOFF:

A bill (S. 4093) granting an increase of pension to Harriet E. Watson; to the Committee on Pensions.

NICARAGUAN AFFAIRS

Mr. BROOKHART. Mr. President, we have a treaty with Nicaragua with reference to an interoceanic canal. Our rights under that treaty should be protected. Furthermore, when we send an army of marines into a country, I think it is our duty to take up the national debt of that country and protect it from the ravages of our philanthropic financiers in New York.

I am, therefore, introducing a bill to require the Government to refund the Nicaraguan national debt, and head off those people who are trying to capture the national bank and the

national railroad and the other resources of the Nicaraguan Republic.

The bill (S. 4077) to more effectually provide for the protection of the interests of the United States in connection with its rights to construct, operate, and maintain an interoceanic canal over Nicaraguan territory was read twice by its title and referred to the Committee on Interoceanic Canals.

Mr. BINGHAM. Mr. President, in connection with the remarks just made by the Senator from Iowa [Mr. BROOKHART] about financing Nicaragua, it seems to me that it would be interesting to have printed in the RECORD an article from the New York Times, written by one of the specialists sent down to study the case, entitled "Twelve million dollars invested by us in Nicaragua."

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From the New York Times of Monday, February 6, 1928]

TWELVE MILLION DOLLARS INVESTED BY US IN NICARAGUA—TOTAL DIRECT INTEREST OF WALL STREET FINANCIERS THERE IS PUT AT $185,000—$10,000,000 ON EAST COAST—NEW ORLEANS BROTHERS, ONCE PEDDLERS, HAVE $8,000,000 IN FRUITS AND OTHER VENTURES—NO SIGN OF EXPLOITATION—NATIONAL BANK AND RAILWAY, FORMERLY CONTROLLED BY AMERICANS, NOW OWNED BY GOVERNMENT

By Harold N. Denny

MANAGUA, February 5.—Careful inquiry into the financial and economic situation in Nicaragua fails to disclose that dominance of American business interests which one might be led to expect from recent utterances in the United States.

In fact, American interests are probably less in Nicaragua than in any other Central American country, according to independent experts, although American interests here far exceed those of any other people. Wall Street's entire direct financial interest in this country—and indirect interest is not evident—is $185,000. This is scheduled to be paid off in three months. The Nicaraguan Government is paying 6 per cent interest on it.

These facts as to American business activities have been gleaned from authoritative sources and checked by inquiry among disinterested persons, and, in some instances, among those presumably critical of American methods.

NO EXPLOITATION FOUND

This correspondent has been unable to learn of any instances of exploitation by Americans, though he specifically asked for them. There is criticism of the red tape which the National Bank of Nicaragua imposes on those desiring loans, but there is no indication of profiteering. There is also some jealousy over the Americans employed here in offices and otherwise, who earn far more than most of the natives.

The bank, which was founded by Americans with Wall Street capital, and around which so much of the criticism of America's Nicaraguan policy has centered, is now owned entirely by the Government of Nicaragua, and all its earnings go to the Government.

The National Railroad, about which also accusations have often centered, is owned entirely by the Government and it is operated by Americans for a fixed fee. All the earnings go to Nicaragua.

The fact that the Nicaraguan Government has acquired complete control of the bank, in the eyes of many here, offers the most serious threat to the financial integrity of the country, since foolish or unscrupulous management could readily create the same sort of currency inflation which bankers were called into the country to rectify.

The total American investment in this country is estimated at $12,000,000. Ten million of this is on the east coast and is represented by banana plantations, lumber groves, and small gold and silver mining interests, which last are mostly closed down.

HOLDINGS PUT AT $8,000,000

Banana groves are owned and operated by the Standard Fruit Co., owned by Vacarro Bros., of New Orleans, one time Italian fruit peddlers. Their investment here is estimated at $8,000,000, including their ownership of the Bragmans Bluff Lumber Co.

The Cuyamel Fruit Co. is also owned in New Orleans and it is credited with a $1,000,000 investment. Both of these companies operate vessels. Various lumber companies represent most of the rest of the American investment.

The United Fruit Co., a huge corporation which has been said in the United States to dominate much of Nicaragua, is declared to have not more than $200,000 invested here. Much of this is accounted for by its Tropical Radio subsidiary. The rest is in banana lands, abandoned because they were ravaged by plant disease. Its ships do not stop at any Nicaraguan ports.

American investments on the west coast are chiefly in coffee haciendas individually owned.

The West India Oil Co., a subsidiary of the Standard Oil Co. of New Jersey, is the only oil company operating in Nicaragua. It is purely a selling agency with an annual turnover of about $750,000. It sells gasoline at 45 cents a gallon, but the manager asserts that duties, taxes, and transportation costs allow a profit of a cent a gallon.

INDIANS GET $1 A DAY

Although the east coast is relatively undeveloped and semisavage, wages there where American employees dominate are found to be higher than on the west coast.

A barefoot Mosquito Indian owning only a shirt, a pair of trousers, and a machete gets $1 a day for cutting bananas for Americans, whereas the laborer on a similar sociological level picking coffee in western Nicaragua receives from 50 to 60 cents a day.

The British rank second in business interests in Nicaragua, with an investment of $2,500,000, largely represented by commercial houses and coffee farms. They also control the Anglo-South American Bank in Managua, a branch of the London house. There is also some British capital in the Anglo-Central American Bank here.

Other nations have scattering investments, largely in shops and importing and exporting houses.

The United States is also strikingly dominant in commerce with Nicaragua, buying more than half of Nicaragua's total exports and selling her 70 per cent of her imports.

WALL STREET ENTERED IN 1911

Wall Street first came into Nicaragua in 1911 at the request of the American State Department with the object of straightening out the depreciated currency and heavy obligations to Europe, which created a danger of European steps looking to collection.

Brown Bros. and J. & W. Seligman & Co., of New York, lent $1,500,000 at 6 per cent and 1 per cent commission, with which was established the national bank with $300,000 capital. They also lent $725,000 for various governmental expenses. The bank established the cordoba equivalent to the dollar as the unity of currency, and it is still on a gold basis. Fifty-one per cent of the bank stock was owned by the bankers and the remainder by the Nicaraguan Government.

Nicaragua, by agreement with the bankers, raised the custom duties and employed Clifford D. Ham, an American, as Controller General of Customs. He was approved by the United States Secretary of State. The Government also granted the bankers an option of 51 per cent of the stock of the National Railway, to be run by an American corporation and completely controlled by the bankers until the money due them was repaid.

REPAYING HEAVIEST DEBT

Nicaragua's most onerous foreign obligation, one for $6,000,000 to the Ethelburg Syndicate of England, was refunded under the bank's guidance. It has now been reduced to $3,500,000 and is being rapidly paid off.

The bank has made several 6 per cent loans with 1 per cent commission since to tide it over crises, all of which are now repaid with the exception of $185,000.

Besides the interest on its loans the New York bankers make an indefinite sum on the Nicaraguan bank's reserve fund, now $750,000. This reserve for the Nicaraguan currency, averaging $2,000,000, is on deposit with the Guaranty Trust Co. and Seligmans. The New Yorkers pay 3 per cent interest and have the use of the money as deposits.

Besides being the sole bank of issue in Nicaragua and, as such, controller of the currency, the bank conducts a general banking business here and is seeking to promote thrift by establishing savings accounts paying 6 per cent.

HOW BANK MAKES LOANS

The bank is criticized because it will not extend credits to agriculturists. Louis Rosenthal, the manager, explained this by saying that the slender, fluctuating deposits of the bank necessitated keeping the funds liquid. When a coffee grower seeks funds to move his crop the bank lends them at 12 per cent, against a mortgage on the crop and plantation. The coffee itself is accepted as currency and supplied against the loan, the bank buying it outright at the market price or accepting it on consignment.

Mr. Rosenthal asserted that the bank did not charge a commission on such sales.

There were numerous foreclosures on plantations following the depression of 1921, but there have been few, if any, since and, according to the manager, the bank now does not own any property except the realty occupied by the bank building.

The American interest in the bank was taken over in 1918 by the Mercantile Bank of the Americas, comprising the Guaranty Trust, the Mechanics & Metals Bank, Brown Bros., Seligmans, the Continental Commercial of Chicago, the National Shawmut of Boston, and the Hibernia Bank & Trust Co. of New Orleans. This group later withdrew from the Central American field.

When a $1,000,000 loan to the Diaz government was necessary last year to pay off the Liberal and Conservative armies under the Stimson peace agreement, Brown Bros. withdrew and the Guaranty Trust Co. replaced them as cooperator with Seligmans.

A prominent American here told the correspondent that one of the Seligmans had informed him that Brown Bros. withdrew because they were tired of the constant criticism and annoyance over their paltry investment, from which they did not make sufficient to repay them for their trouble. Mr. Seligman was quoted as saying that they were remaining as a matter of pride and from a desire to see a thing which they thought vital to Nicaragua through to a success.

The resources of the bank have doubled since its organization. From the first, Nicaragua received nearly half the bank's earnings. The Nicaraguan Government bought the American's majority interest in 1924 for slightly less than $300,000. From then on the bank's entire earnings, now more than 16 per cent, have gone into the Nicaraguan Treasury. With this the Nicaraguans gained the right to elect their own officials and directors. The management was retained, however, with five Nicaraguan directors and four Americans.

The American directors were R. F. Loree, president, Philip Tillinghast, vice president, Jeremiah Jenks, and Earle Baillie, a partner of Seligman's. The bank is still incorporated in Connecticut.

BANK AND RAILWAY SECURE LOAN

When the loan was made last summer the Government pledged the stock of both the bank and the railway until its repayment. By the loan agreement one American was added to the directorate in place of a Nicaraguan, giving the American a temporary majority.

When the remainder of the loan is repaid on April 3, as expected, the Government will have the right to displace the entire American personnel and to do as it pleases about the currency. But it is expected that past disasters due to bad credit and currency inflation will restrain it from any unwise action.

Complete ownership of the railway, valued at $3,500,000, was similarly bought by Nicaragua at less than the book value of the shares. The road is managed by the J. G. White Management Corporation, of New York, for $1,400 a month.

The White Co. also acts as purchasing agent on a small commission. White's manager here is a Nicaraguan trained in engineering in the United States. The assistant manager is Carman Diaz, brother of President Diaz. He is said to be both able and conscientious.

The road has been prosperous, paying 6 and 7 per cent, nearly half of which went to the Nicaraguan Government before the purchase and all of which goes to Nicaragua now.

NICARAGUAN TRADE PROSPERS

Nicaragua is prospering at the present time, with the trade balance in her favor. She exports goods yearly valued at $13,000,000 and imports $10,000,000 worth.

The country has an unusually good coffee crop. Good prices and reduction in the Sandino rebel operations have made possible the marketing of most of the crop.

The nation's debt is now $6,000,000, apart from the $15,000,000 claims for damages, many by Americans, as a result of the revolution. A joint high commission headed by an American, Roscoe Hill, is now canvassing the claims, and undoubtedly they will be radically cut, as was the case in 1911, when a claims commission dominated by Americans reduced the claims of American concessionaires from $7,000,000 to $500,000.

Mr. BINGHAM. Mr. President, in connection with the article which was asked to be inserted in the RECORD a few moments ago, I ask that immediately following it there be printed a speech delivered by the senior Senator from New Jersey [Mr. EDGE] before the chamber of commerce at Syracuse last Saturday evening, which was on this very subject.

The VICE PRESIDENT. Is there objection?

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH DELIVERED BY SENATOR WALTER E. EDGE, OF NEW JERSEY, BEFORE THE CHAMBER OF COMMERCE, SYRACUSE, N. Y., SATURDAY EVENING, APRIL 14

There is perhaps no national or international controversy so completely misunderstood by the American people as the existing relationship between the United States and Nicaragua.

A few weeks ago the country was shocked on reading press dispatches to the effect that a number of United States marines had been killed from ambush in Nicaragua. Immediately sorrow was mingled with indignation, and the question very naturally asked on every side by friend and critic of the administration, "Why are our marines in Nicaragua? Why are we apparently at war in a friendly country?"

While nothing could be more regrettable than the loss of a single American soldier on duty in Nicaragua or any other part of the world, still the fact remains that our Government is under a solemn contract with both the existing conservative government of Nicaragua and the liberals, who were a short time ago in revolution, to maintain our troops in Nicaragua at least until the forthcoming presidential election is held.

Permit me to review briefly happenings which have preceded the present situation. In doing this I do not propose to go back at all to the question so often debated in the Senate as to whether the United States was justified or otherwise in recognizing the present Diaz administration. We all realize that the assumption of power by Diaz was surrounded by conditions which, I admit, were subject to honest difference of opinion. I will confine my defense of the present situation simply from the time President Coolidge sent Colonel Stimson as his personal representative to Nicaragua and to the obvious fact that the marines are now in Nicaragua and the immediate question before us, Shall they be withdrawn or shall they remain?

In my judgment, to withdraw our marines from Nicaragua at this time would be as reprehensible and indefensible as to repudiate a Government bond. Either the word and definite assurance of the United States is good and to be depended upon or it is not.

Our understanding now is not alone with President Diaz or the conservative government of Nicaragua but with the leaders and accredited representatives of all political parties. The only known exception or faction in disagreement with this contract—Sandino—has been publicly repudiated by his former chief and associates.

The question before the country to-day is not primarily whether the traditions or policy of a century, to the effect that a country ceases to be a nation proud of its sovereignty if it fails to protect its citizens in any civilized country in the world, but rather the question of fact as to whether a signed agreement in the name of the Chief Executive of the Nation with all recognized factions is to be honored at home or otherwise.

Before discussing this situation I want to emphasize that I personally adhere to that school of thought and conviction handed down through administration after administration, proudly proclaimed and protected by every political party that has been in power, that a nation would admit its utter incapacity to govern if it failed to protect its citizens, and to a reasonable extent their property interests, under any flag in the world. However, I repeat, that is not the particular issue which we are facing at this moment.

You ask why we keep our marines in Nicaragua? For the simple reason that we have promised at the request of all factions to prepare for and supervise the next presidential election, and through past experiences we must know that if in the meantime we withdrew our marines, civil war or revolution is bound to ensue. Whether we can withdraw them after the election—and I sincerely hope we can—is, however, a matter to be decided at that time. I have full confidence that the President and the State Department will decide wisely.

Demands are now made that irrespective of contracts and agreements and understandings between our representatives and the representatives of all parties in Nicaragua, that our marines shall be immediately withdrawn and that Nicaragua be left to solve her own problems. In fact, a resolution to that effect has been introduced in the Senate, but I am happy to admit has received little support.

Should we desert Nicaragua at this stage, the liberals would surely revolt in utter despair, and the Republic would be a screaming madhouse in less than a week. Such a move would violate our faith with the liberals, who laid down their arms and rely on our solemn word. In fact, Sandino, the discredited guerrilla, would probably occupy the capital.

We hear much criticism of Colonel Stimson having been sent to Nicaragua; that he was without authority. Can any reasonable man deny the fact that, through his successful negotiations in bringing the rebel army from the field to disarm, that thousands of lives of Nicaraguans were undoubtedly saved, as well as the property of our own citizens and possibly their lives?

The question has been raised as to what authority the President of the United States possessed to agree to or countenance the agreement made by his representative, Colonel Stimson. It occurs to me the question might better be reversed as to what authority Congress or any other tribunal, for that matter, had to prevent the President from entering into such an agreement if in his judgment, considering our own interests as well, it was the wise and proper thing to do. There are many reasons why, in my judgment, there can be no serious question of the President's power and complete justification.

First, as to power. The Constitution delegates to the President alone the power and responsibility of maintaining foreign relations. Certainly no act of Congress can supersede that. The method to be employed is necessarily, under the Constitution, entirely with the Executive, so long as he does not declare war. That right rests alone with Congress.

In considering this responsibility all must admit the close relationship between what is generally known as defensive warfare as compared to offensive hostilities. An Executive sending troops to protect life and property with no intention of offensive warfare, and thus no necessity to ask Congress to declare war, may meet a situation similar to that now confronting us in Nicaragua. What was a purely defensive military movement extending over a period of months with no casualties, as demonstrated by the testimony of marine and naval officers before the Foreign Relations Committee, suddenly, because of self-defense and conditions beyond the control of the marines, necessitates an offensive movement. That is not, in my judgment, a declaration of war. It was the necessary protection of the lives of our own troops and our own citizens. To raise the technical point that we should not have pur-

sued Sandino without securing a declaration of war from Congress is not only impracticable and technical but demonstrates little confidence in the Chief Executive, no matter who he may be or what party he may represent. Of course, Sandino represents no government. Against whom would Congress declare war?

In this present situation, as the sworn testimony demonstrates, our troops were attacked in the night by Sandino and his forces. Several marines were killed. They were defending their own lives, and later they pursued the guerrilla into the mountain fastnesses. I presume, technically, this was offensive warfare, but could the commandant of the marines send word to Congress and ask Congress to give him permission to pursue Sandino because that was offensive warfare and in the meantime huddle together waiting further attacks from the guerrilla chieftain who would have under those conditions an unmolested opportunity to refresh his troops? Again, it can be easily conceived that a situation somewhat similar might occur when Congress was not in session. If we are to follow such a technical interpretation as has been presented, what would happen in that event? The entire criticism is puerile and unworthy an American.

Anyhow, there can never be any practical distinction between defensive and offensive military operations. There is only one safe and human manner to carry out such authority, and that is to give the commanding officer, the lives of the troops being in his keeping, unlimited opportunity to use his best judgment rather than wait for a political body to tell him how to conduct military maneuvers. In such warfare, 10 minutes might mean the safety or the destruction of the American force or an American family.

Then there is the Monroe doctrine, which for over 100 years has been the beacon through both Republican and Democratic administrations, and under which, as is well known, the President of the United States acts in his best judgment to protect the territorial integrity of the Western Hemisphere.

I realize this particular Stimson agreement is perhaps not called for by the strict terms of the Monroe doctrine, but this agreement was the outcome of intervention under the Monroe doctrine, and in the President's judgment and in the judgment of many countrymen, is a decision, if the contract is successfully carried to its conclusion, that will probably make intervention less necessary in the future.

Then there is the consideration of ordinary humanity. A destructive revolution in Nicaragua had been going on for months. Hundreds of lives had been lost, and there was no immediate prospect of a cessation of hostilities. Certainly the negotiation of this agreement stopped those hostilities. A pitched battle was imminent at the time. No one can tell how many lives were saved through the Stimson agreement. True, and most regrettable, the lives of some American soldiers have been given in the effort to carry it out. That the policy of the Government should be criticized because of this deplorable and regrettable fact is unfair, inconsiderate, and inconsistent if we propose maintaining the traditions of centuries and this strong country of ours continues to protect American lives and American property.

Then there is a fourth reason—precedent—as established by the sending of John Lind to Mexico by President Woodrow Wilson.

The question has been raised, Why should the marines pursue or attack Sandino if he was only a bandit? If they must remain there in order to supervise the election, they should have kept out of actual military operations. Apparently the home critics do not take into account that this bandit chief, Sandino, has ambushed and killed American soldiers, has occupied American property, has exacted payment from American citizens, has destroyed American property, and has attacked cities and villages apparently for the sole purpose of ravage and loot. Surely if the American Government has any responsibility, it is to protect our own citizens.

Deploring as we all do the loss of a single American life in Nicaragua, I wonder if the home critics ever realize that through the encouragement they give to such men as Sandino they are unquestionably strengthening him and making it more probable that more American lives will be sacrificed. As a matter of fact, the dispatching of Colonel Stimson was primarily to carry out the very suggestion made by Senator BORAH and other frank critics of the recognition of President Diaz, as the only practical method to stop hostilities and self-destruction in Nicaragua and to assure the Liberals, the party out of power, an honest election.

As to whether the policy of sending our troops to protect American interests in that section of the country where the Monroe doctrine applies is wise or otherwise one must also give consideration to the attitude of other great powers. It is a well-known fact that Great Britain, Italy, and Belgium, all of which have nationals in Nicaragua, advised our Government if we would not protect their citizens, then they would be compelled to do so. Has the time arrived that we should reverse our national policy and permit nations across the sea to take command of situations such as this in the Western Hemisphere?

Of course, it is a well-known axiom that the unselfish arbitrator in any dispute, be it domestic or otherwise, always ultimately occupies the position of being more or less criticized and maligned by both sides. Certainly, however, no responsible element either in Central America or in this country will contend that the United States Government has any imperialistic designs in Nicaragua or any other country in the world. The extent to which we are justified in protecting American property rights is a subject which warrants discussion and debate, but that our efforts to protect such rights are in any way a design to actually control the governments of any country I do not believe is seriously contended by even home critics of the administration policy.

An interesting development of the present criticism of the policy of the United States in Nicaragua is the complete reversal of form on the part of critics at home. In a few months they have turned a flip-flop or a right about face.

When the question of the recognition of President Diaz, the conservative, was before the country and the Senate, these same home critics were vigorous in their denunciation of the State Department. Their entire sympathy was with General Moncada, the leader of the Liberal Party and the commander of the revolutionists, who was waging battle with Diaz and the government we had recognized.

When Colonel Stimson, as President Coolidge's representative, arrived on the scene and succeeded in bringing the waring elements together and General Moncada agreed to lay down his arms as well as the government troops, providing the United States would guarantee a fair presidential election, then our home critics commenced to berate Moncada. He had sold out, some inferred. I wonder who would buy him off? Certainly not the bankers, because, according to the home critics of a few months ago, the Liberal Party is supposed to oppose the American bankers. Certainly not the conservatives, because they naturally desired to retain power, and there had been evidence that some of them, Charmorra at least, opposed the United States protecting the election. Certainly the United States did not buy off Moncada, as, of course, there would be no possible reason for doing so. No; Moncada demonstrated that he really was a patriot and, given an opportunity for a fair contest at a civil election, he was glad to help stop the butchery of fellow citizens on both sides. However, that type of patriotism did not serve the purpose of our home critics, and now their former martyr falls under their ban.

The Liberal Party recently held a convention in Managua, Nicaragua, to nominate a president. This convention took place only a month or so ago, and General Moncada, among other prominent liberals, participated in the convention. Remember, our Government's alleged unfairness to this same Liberal Party had been the subject of our own home critics' tirades for months previous to the Stimson agreement.

General Moncada made a speech at this liberal convention. I wish I had time to read it all. But permit me to read just one paragraph, which demonstrates the difficulty General Moncada, the home critics' idol a few months ago, is now having to understand the new attitude taken by the Heflins, Wheelers, and Dills, as well as other former allies. I quote:

"In the Liberal Party only one window was opened, a light in the far distance, the free election of 1928 guaranteed by the Government at Washington signified the establishment of our protest of 18 years. * * * In the appreciation of all this we have painfully observed how the opinion of those have changed who during the war praised our heroism, who applauded from afar when butcherings took place, but who never helped the heroes with one cent or one cartridge. Those who clamored to the world the justice which accompanied the Nicaraguan Liberals now desire that the American marines, the surety of our liberty, our lives, and property, retire to their own country. This is the humanity and generosity which blazons some representative brothers of America."

This well illustrates the inconsistency of the home critic. Losing Moncada, as the opportunity to be nasty, one of our Senators recently on the floor of the Senate likened Sandino to George Washington—that he was fighting for his country and endeavoring to rid his country of invaders. Let's see about that. Here are the facts:

When General Moncada agreed to lay down his arms, he called his generals together and they acquiesced in his judgment to enter into the agreement proposed by Colonel Stimson and to be guaranteed by the United States Government. Sandino, according to General Moncada, was one of those generals. Nevertheless he went off with his followers, taking their arms with them, and commenced the guerrilla warfare which has at least delayed the peace all had anticipated. Demonstrating that General Moncada was entirely justified in his statement that Sandino had gone back on his word instead of being the patriot he is pictured, only in the United States, permit me to read a translation of a letter written by Sandino in Spanish, a photostatic copy of which I have in my possession, which should completely establish the accuracy of General Moncada's statements and in all fairness should compel a cessation of the sympathy given to Sandino in some quarters of the United States.

MAY 9, 1927.

General JOSE M. MONCADA,

Boaco.

ESTEEMED GENERAL: I take pleasure in informing you that having arrived at this place I have found myself in a difficult position due to the fact that all of my followers have not joined me, since I have found but a few chiefs, the rest of my troops having gone to Jinotega, the place from whence they came. For this reason I feel that my remaining at this place will avail me nothing, all of my followers having disbanded.

I have decided to go to Jinotega again to assemble my men in order to collect all the arms. In this case I shall remain there awaiting your orders.

I likewise delegate my rights in order that you may arrange the matter as may suit you best, informing me of the result at Jinotega, which I shall occupy with my troops.

The disbanding of my men is due to their not finding anything to eat and for this reason they have left. However, I assure you that as soon as I arrive they must all come where I am and then I shall collect all the arms.

(Formal ending.)

(Signed) A. C. SANDINO.

Certainly this letter is undeniable evidence that Sandino over his own signature had agreed to collect the arms from his followers and had delegated his rights in the matter of an armistice to his commanding officer, General Moncada, to "arrange the matter as may suit you best."

Apparently there will always be critics of the Government's policy in its relation to foreign powers no matter who is President of the United States or which political party is in power, or what the policy may be. As is evidenced in the case of Nicaragua, the home critics will shift from one position to another in order that they may find something to criticize. In other words, the critics of the administration do not want peace. They would not have any opportunity to criticize their own country if there was peace. As long as some one, guerrilla or otherwise, will fight and kill our fellow countrymen they are patriots.

If the commanding general of the so-called rebel army can not speak for 95 per cent of his followers, certainly Senators of the United States are in no way commissioned or delegated to speak for him. When there is an opportunity for peace in the country, then some one has been bought off. How can anyone have patience with a situation such as this? It can not be in the interest of humanity, because comparative peace has only come through the policy now being followed by the United States.

There is one other criticism that is frequently heard.

Why should the United States supervise an election in a foreign country that it is none of their affairs?

Generally speaking, right off the bat, I agree the average citizen would take that view. However, the average citizen must consider this question in its relationship to the responsibility and duty of the President to protect American life and property under any flag in the world. If in the Western Hemisphere where under the terms of the Monroe doctrine we have for 100 years maintained close relationships with our neighbors in the south, it is deemed in the interest of peace and the protection of the lives and property of American citizens to supervise an election rather than through armed intervention, is it not in the interests of all concerned to adopt this course?

At least in Nicaragua this policy has stopped a bloody civil war and made friends of the Liberal Party who had heretofore considered us oppressive. In other words, it has made possible an agreement between all factions excepting one small band, repudiated by former associates. The supervising of elections in Central America and the Caribbean is not a new policy. The United States has supervised elections in Panama, in Cuba, in Haiti, Santo Domingo, and Nicaragua. These have occurred during both Republican and Democratic administrations. This policy has been determined by the Chief Executives of those days as a peaceful method through which to assist our southern neighbors and protect our own interests. So it must be understood that the supervision of this election in Nicaragua is in no way an innovation but a form of practical intervention which should bring beneficial results.

Some of the Government's critics confine their fault finding mainly to the charge that the sending of marines to Central American and Caribbean countries is for the protection of the international banker; that loans have been made, and when interest can not be collected, American troops are dispatched for this purpose. Further that loans have been made on such onerous terms that they are usurious.

As a matter of fact, the last loan made to the Nicaraguan Government carried interest at 6 per cent with the necessary lien on various assets of the Nicaraguan Government. I am informed the loan has been rapidly amortized and the amount outstanding is less than half of the original advance.

I am further informed that this loan, which was originally $1,000,000, now less than $500,000, is the only loan owed to American bankers. If this information is correct, then how exaggerated has been the charge of our Government's unholy alliance with American bankers. Why under the laws of the various States of the Union the legal rate of interest runs up as high as 10 per cent in some sections and the contract rate of interest considerably higher. It would not seem under these circumstances that the loans to Nicaragua, at least, were such as justified criticism.

The loans are always for the purpose of building railroads or for the purchase of such supplies and equipment or maintaining of police forces, which, of course, would necessarily be required. So when one really examines and investigates the various charges, they are rapidly dissipated.

I can well understand and thoroughly appreciate keen differences of opinion as to the wisdom and justification of the policies relating to domestic affairs. Men in and out of public life differ as to the tariff; differ on the prohibition issue, differ on farm problems, industrial problems, and many other issues which daily confront us. Such honest and sincere differences of opinion are expected, yes, invited, and in the long run the best solution usually prevails.

But, my friends, when we are dealing with foreign policies, when it is our country and our flag in contact with other countries, is it not possible to close the ranks and give unswerving support to the Chief Executive of the Nation, whatever party he may represent? A divided nation on foreign policies only makes more difficult the protection of American interests in various parts of the world. Surely there is no American who at heart does not want to protect American nationals and interests. It is difficult to understand when reviewing, as I have attempted to do, the situation in Nicaragua, how Americans go out of their way to add to the burdens of the Executive. As a young man, I was always impressed with the old saying, "My country, may she always be right; but right or wrong, my country." To-day it seems to be the slogan of some of our citizens, "our country always wrong."

Any errors of judgment made, and, of course, no Chief Executive in dealing with a foreign nation in a foreign atmosphere can always be right, should be recognized as such. It is impossible to even think much less charge that any man who could be elected President of the United States could have any other intention than fair dealing with our neighbors. I repeat, criticism of domestic policies is expected and can be constructive, but a failure to unite and present a solid front when the United States is in contact with other nations of the world is, in my judgment, impossible of defense.

CHANGE OF REFERENCE

On motion of Mr. KEYES, the Committee on Public Buildings and Grounds was discharged from the further consideration of the bill (S. 1660) authorizing the construction of a recreation hall at Hospital No. 88, Memphis, Tenn., and it was referred to the Committee on Finance.

AMENDMENTS TO APPROPRIATION BILLS

Mr. TYDINGS submitted an amendment proposing to change the salary of the Architect of the Capitol from $6,000 to $10,000 per annum, intended to be proposed by him to House bill 12875, the legislative appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. KING submitted an amendment intended to be proposed by him to House bill 12286, the naval appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page —, line —, insert the following: "*Provided*, That no part of this sum and no part of any amount carried in this bill shall be used to keep or maintain any marines in the Republic of Haiti."

AMENDMENTS TO TAX REDUCTION BILL

Mr. FLETCHER and Mr. SHIPSTEAD each submitted an amendment intended to be proposed by them, respectively, to House bill 1, the tax reduction bill, which were ordered to lie on the table and to be printed.

AMENDMENT TO MIGRATORY BIRD BILL

Mr. NORBECK submitted an amendment intended to be proposed by him to Senate bill 1271, the so-called migratory bird bill, which was ordered to lie on the table and to be printed.

INVESTIGATION RELATIVE TO LAUSANNE TREATY

Mr. KING submitted the following resolution (S. Res. 199), which was referred to the Committee on Foreign Relations:

Whereas for more than 2,500 years the Armenians inhabited what is known as Asia Minor, and for centuries maintained an independent government, but with other Christian nations in Asia Minor and in southeastern Europe ultimately had imposed upon them the cruel and merciless rule of the Turks; and

Whereas the oppressive and inhuman treatment of said Armenians and other Christian peoples by the Turkish Government resulted in military conflicts between Turkey and various European nations, the latter seeking to free such Christian peoples from Turkish political control, or to secure protection for them from Turkish cruelties; and

Whereas the United States and the allied nations, during and following the World War, declared that among the objectives sought were the establishment of an Armenian State within Asia Minor and within the territory which had been occupied by the Armenian race for more than 2,500 years, and the protection of Christian minorities residing in territory under the control of Turkey; and

Whereas the treaty of Sevres made provisions for the realization of such objectives, and an independent Armenian State was set up and given de jure recognition by the United States and the allied nations as well as other governments; and

Whereas the President of the United States was selected by Turkey and the allied nations to fix and determine the boundary between said Armenian States and Turkey, and pursuant to said selection the

President fixed and determined the said boundary line, the area of Turkish Armenia as so determined being 40,000 square miles; and

Whereas during the World War Armenia was an ally of the United States and the allied nations and furnished several hundred thousand troops who fought valiantly during the war (sustaining casualties in battle of more than one hundred thousand) and contributed directly to the defeat of the Central Powers in Palestine, Mesopotamia, and in the Caucasus, and indirectly to their defeat on the western front, and following the defection of Russia prevented for eight months the capture by the Central Powers of the Baku oil fields; and

Whereas the allied nations and the United States gave assurances that the rights of Aremnia would be recognized and protected, and the President of the United States on the 8th day of November, 1922, declared that "everything which may be done will be done to protect the Armenian people and preserve to them the rights which the Sevres treaty understood to bestow"; and

Whereas after said Sevres treaty had been entered into various Turkish factions united under Kemal Pasha, and set up a government in opposition to the Turkish Government, and upon gaining political control repudiated said treaty and joined with Soviet Russia in attempting to destroy the Armenian State, and in the execution of their purposes said Kemalists killed hundreds of thousands of Armenians and drove those remaining in Asia Minor and in Turkish Armenia from their homes, confiscating their property and subjecting them to cruel and barbarous treatment, and also killed tens of thousands of persons of Hellenic descent who were residing in Asia Minor and Thrace, and expelled more than a million others from their homes; and

Whereas the supporters of said Kemal Pasha after obtaining political and military control of Turkey, set up a Government under the dictatorship of said Kemal Pasha; that representatives of said Government of the United States and allied powers met at Lausanne in 1922 and 1923 and negotiated treaties commonly called the Lausanne treaties; and

Whereas prior to said conference the United States, through its Secretary of State, laid down seven conditions to be complied with before any treaty would be entered into by the United States with the Turkish Government, and Ambassador Child, who represented the United States at said conference, declared in December, 1922, a number of these essential conditions as laid down by the Secretary of State and implied in the assurance given by the President of the United States; and

Whereas, notwithstanding said declaration and the statement of conditions laid down by said Secretary of State, a treaty with said Kemalists was negotiated by the United States on the 6th day of August, 1923, which abandoned said conditions announced by the Secretary of State and indicated in the assurance of the President of the United States; and

Whereas certain concessions were obtained by citizens of the United States, including a share in the oil fields of Mosul, in the interest of the Standard Oil Co. and the Gulf Refining Co., and it is alleged that said concessions were a matter of consideration in the negotiation of said treaty and influenced the making of said treaty, which contained provisions unfavorable to the United States and its citizens, and contrary to the position taken by the officials of the United States, wherein an independent Armenian State was to be established and the Christian minorities in Turkey were to be protected and their rights secured; and

Whereas within the Province of Van Bitlis and Erzerum, constituting a part of Asia Minor, in which for more than 25 centuries Armenians had their homes, important and valuable undeveloped oil fields exist which the Kemalist Government desires to acquire and permanently incorporate within the boundaries of Turkey as now claimed by said Kemalist Government; and

Whereas said oil fields are within that part of the Armenian State, as its boundaries were defined by the President of the United States and recognized by the allied nations, and constitute one of the chief resources within the boundaries of Turkey as claimed by the Kemalist Government, and are desired by persons and corporations engaged in the oil business outside of Turkey or who are operating extensively in the production and distribution of oil in various parts of the world; and

Whereas after said treaty above referred to was negotiated, it was transmitted by the President of the United States to the Senate for its action thereon, but no hearings were held upon said treaty and no sufficient information submitted by the State Department to the Senate with reference to the treaty and the matters herein referred to sufficient to justify the Senate in ratifying said treaty; and

Whereas prior to and since the signing of said treaty the Kemalist Turkish Government has exhibited a cynical disregard of treaty obligations and has continued its cruel and oppressive course toward Christian subjects of Turkey residing within its borders, and has expelled thousands of Christians of Greek descent, and hundreds of thousands of Armenians who are now without home or country, many of whom have been and now are recipients of financial and other aid from the people of the United States and other countries; and

Whereas the American people are deeply interested in all questions affecting the Near East, and particularly the Armenians and other Christian peoples who resided within the Turkish Empire and the Christian minorities who still survive and are found within the boundaries of Turkey, and are desirous of knowing the facts concerning the negotiation of said treaty of Lausanne, the reasons for abandoning by said treaty the Armenian State and the Armenian people, and assenting to the demands of the Kemalist Government, and are also desirous of knowing whether the Kemalist Government is worthy of being recognized by the United States and is competent to discharge its international obligations and is willing to conform to the standards which guide civilized nations in their relations: Now, therefore, be it

Resolved, That the Committee on Foreign Relations be, and is hereby, directed to inquire into the matters and things hereinbefore recited, and particularly to ascertain—

(a) What reasons led to the abandonment of the conditions laid down by the Secretary of State October 30, 1922, as conditions precedent to the negotiation of a treaty with Turkey and to the disregard of the assurances contained in the statement of the President of the United States under date of November 8, 1922.

(b) What, if any, action was taken by the State Department in procuring a share in the Mosul oil fields in the interests of the Standard Oil Co. and the Gulf Refining Co.

(c) What discussions took place between the representatives of the United States at said conference and the representatives of the Kemalist Government and allied nations participating in said conference concerning the Turkish Petroleum Co. or other companies interested in oil in the Mosul district or in any part of Turkey, and what, if any, claims or demands were made by representatives of the United States with respect to it or its nationals obtaining an interest in said oil or oil fields.

(d) What notes or other communications were exchanged between the State Department and the representatives of the United States and the representatives of the Kemalist Government concerning oil concessions or interests in any oil fields in Turkey or in the Mosul district, and also between the United States and the allied nations or their representatives, and all persons who represented said nations at said Lausanne conference.

(e) What causes led to the abandonment by the representatives of the United States at the Lausanne conference of the position theretofore taken by the State Department and by the President of the United States with respect to the Armenian State and what reasons led to the signing by the American representatives of said Lausanne treaty.

PROPOSED INVESTIGATION OF LOBBYING ORGANIZATIONS

Mr. CARAWAY. Mr. President, I wish to submit a resolution providing for the appointment of a committee to inquire into the activities of the three hundred and fifty-odd associations here which undertake to run the Government at so much per each influence exerted. I desire to have inquired into the sources of their finances, what means they use to get the unsophisticated to contribute, the amount of such contributions, and what efforts they make to regulate or control Congress.

As I have said, Mr. President, there are between 300 and 400 of such associations whose names are listed in the telephone directory of Washington, ranging all the way from associations for the hard of hearing to associations for the protection of pedestrians; in fact, nearly every activity of men is capitalized under the name of some kind of an association.

There is one organization, Mr. President, that has something to do with the national parks. That association made an unfavorable report on a project in my State. Members of the association were called before the committee, where it was disclosed that not one of them had ever seen the area or knew anything about it, although they were flooding the country with literature in opposition to it. It developed as to this association, which seemed to be composed largely of three people, that the chairman gets $7,500 a year, that the secretary gets $3,000 a year, and its activities are primarily to get somebody to contribute the money to pay these salaries. It does not hesitate at all to circularize the public with untruths, and then seems to have no shame when the untruths are exposed.

I have in my hand now a circular of another association, which is called the National Reclamation Association, of which George H. Maxwell is executive director, in which it is said:

> The United States Daily for April 6, 1928, on the front page carries a two-column article headed "President wants flood control placed on businesslike basis."

Down further, in another paragraph, it says:

> It is the exact opposite of what is provided for in the half-baked deceptive political makeshift levee hierarchy higher levees death trap bill known as the Jones-Reid bill, now pending in Congress.

There follow some other statements, every one of them being a lie, for a lie may be uttered where one knows the facts and states the opposite, or where, not knowing the facts, he undertakes to assert the facts to be what he says.

I should like to know who finances that sort of propaganda here in the District of Columbia. I am not opposed to free speech, but I am opposed to exercising the privilege to tell a lie at the expense of honest effort. Therefore I am introducing

a resolution to have all these fake associations come before a committee and lay before that committee the literature that they use to have people make contributions to them. Then, if they are influencing legislation, I want them to tell in what manner they do it. I want them to say what Member of the Senate or what Member of the House they influence, and by what means they influence him.

As all of you will recall who read A Connecticut Yankee at King Arthur's Court, when the King was caught one night when he was out without his official robes and sold into slavery, he brought only $7.50. His complaint was that if his pedigree had been known, he thought he would have brought $25. I am going to make those folks who pretend that they are exerting influence here show what they get for it and what they give in return for it; that is all.

Why, when I introduced an antilobbying bill which passed the Senate, some of them objected to the report and came to see me. One young lady, who persuaded me that she had been very grossly misrepresented, said that their association had nothing to do with legislation. I have discovered her out here in the lobby nearly every day since, calling out Members of the Senate, propagandizing them for something.

A bill that I introduced had for its aim to make the man who gambles at least gamble in his own resources; that seeks to deny to people the right to gamble in the sweat and blood of the 30,000,000 farmers in this country, and likewise affect adversely the consuming public. There has been a lobby here from every State in the Union, calling out Members of the Senate into the lobby to tell them the passage of this bill would destroy the orderly marketing of farm products. I want all these people to tell us who financed them and what induces them to try to constitute themselves a third house of the Congress of the United States and write legislation in lobby rooms. It will be very helpful, and, when the resolution passes, if there is a committee named which will make them show their hand, there will be more "for rent" signs hanging on office buildings down town than have been seen here since the war.

Everybody here knows that these parasites, these leeches that are obtaining money from people away from here under the belief that they can influence legislation, are without power to do it. They are obtaining money under false pretenses. They are living by ill-gotten means just as much as if they had put their hands in people's pockets. They are no better.

I am perfectly willing to concede, and I have always conceded, that there are men and women here who represent associations or combinations that have information that, imparted to committees, is helpful; and nobody would curtail their activities. We are glad to have them. They are not ashamed to say for whom they speak. Their methods are well known. They are entirely honorable; but the activities of these folks like Maxwell and others that send out these lying letters, not because they expect to influence legislation, but because they expect to make somebody away from here think they can do it, and have them contribute to their support, have become a national disgrace.

I want to congratulate the State of Kentucky because the grand jury at Frankfort last week indicted 23 lobbyists. They were officeholders, some of them. They were representatives of nearly every conceivable kind of interest. They belonged to a bipartisan organization. They were just the common leeches that infest every legislative body everywhere, trying to sell an influence they never possessed, obtaining money under false pretenses from people who do not know the facts.

I am not going to ask for the consideration of the resolution now, Mr. President. I want to introduce it, and I shall call it up to-morrow.

I have here a letter signed by Edward Moir and Joseph W. Randall, of the Carded Woolen Manufacturers' Association, so far as I know an entirely reputable association, who are complaining that they themselves, a legitimate business interest, have been prejudiced by lobbyists who have infested Congress. I also have here a letter from the New York Mercantile Exchange, evidently in response to some lobbyist's activity, protesting against a bill and asking the Senate to vote against it, when the date of the letter shows that the bill had been passed three days before they wrote the letter; but this lobbyist, having overslept, stirred them up to expend money and file a protest against legislation that had already passed the Congress. I want to protect that kind of a business against the activities of lobbyists, Mr. President.

I ask to have the resolution read.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 197), as follows:

Whereas it is charged that the lobbyists located in and around Washington filch from the American public more money under a false claim that they can influence legislation than the legislative branch of this Government costs the taxpayers; and

Whereas the lobbyists seek by all means to capitalize for themselves every interest and every sentiment of the American public which can be made to yield an unclean dollar for their greedy pockets: Now, therefore, be it

Resolved, (1) That a special committee to be appointed by the President of the Senate consisting of three members is hereby authorized.

(2) Said committee is empowered and instructed to inquire into the activities of these lobbying associations and lobbyists.

(3) To ascertain of what their activities consist, how much, and from what source they obtain their revenues.

(4) How much of these moneys they expend and for what purpose and in what manner.

(5) What effort they put forth to affect legislation.

(6) Said committee shall have the power to subpœna witnesses, administer oaths, send for books and papers, to employ a stenographer, and do those things necessary to make the investigation thorough.

The VICE PRESIDENT. The resolution will go over, under the rule.

EMPLOYMENT OF FEDERAL PRISONERS

Mr. BINGHAM. Mr. President, I have received a letter this morning from the National Association of Cotton Manufacturers—I assume other Senators have received a similar letter—requesting support for the so-called Hawes-Cooper bill, being Senate bill 1940, now before Congress, and on our calendar.

In this connection I ask unanimous consent to have printed in the RECORD an editorial from the New Haven (Conn.) Journal-Courier, printed on Saturday last, by the most distinguished editor in Connecticut, Col. N. G. Osborn, who has devoted more of his life to the study of prisons and penology than has any other person in Connecticut, indeed, than any other person of whom I know in the United States.

Furthermore Colonel Osborn is an ardent advocate of the old-fashioned Jeffersonian doctrine of the rights of the States. His editorial is one that, I feel, sure will interest all those who are taking a deep interest in this subject, not only the manufacturers but also the officers of labor organizations and of certain women's organizations that are urging this legislation.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A LEAP IN THE DARK

We learn with amazement that certain of the manufacturers of the State have urged Members of the Connecticut delegation in Congress, Senators and Representatives, to support companion bills in the two branches of that body which brazenly seek to embarrass if not to forbid the employment of prison and reformatory inmates in useful and productive labor. Not only are these bills of doubtful constitutionality but, if made laws, could create in the prisons and reformatories of the country a social condition of a most alarming character, entailing an unknown expense on the taxpayers and rent payers of the State for the upkeep of hundreds in demoralizing idleness and moving back a full half century or more this perplexing and more or less baffling problem of prison reform.

These bills—the Hawes bill in the Senate and the Cooper bill in the House—whatever their surface objects are, supported by misinformed manufacturers and misdirected labor leaders acting in concert with a group of sentimentalists, threaten in reality the prohibition of prison labor of a useful and profitable character—the creation of a social condition behind prison walls which, owing to enforced idleness, would produce most deplorable results. It is a well-established fact that prison idleness is the short and well-paved highway to various forms of mental disease; that employment leads to rehabilitation morally and mentally and travels far in correcting antisocial tendencies in society. Prison and reformatory inmates are not thus employed for any other reason, and where employment offers competition with outside investment it is not because prison officials view that relationship with indifference but because in their efforts to make houses of detention something more spiritual than a den of animals they have not yet found an escape from that phase of administration in behalf of the public good. It is not to be overlooked that prison inmates can not be employed in any form of labor without somewhere offering competition to free capital and labor.

The competition is, in fact, negligible when the other side of the picture is studied. So long as there is crime and there are criminals—whatever the reason in an imperfect civilization—there will rest upon society a burden in defense and protection which must be borne as philosophically as possible and spread about as impartially as possible. No system of prison management has yet been devised which can achieve what the petitioners in behalf of the bills before Congress are deluding themselves can be achieved by prohibitive legislation, though the study of the complicated problem is constantly before the minds of prison officials. Should these bills either of them be made a law, the

misled petitioners would find that they had leaped from the frying pan into the fire, and that all they had estimated in the way of improved receipts and wages would be more than offset by increased costs of prison management and consequent increase in appropriations from the State treasury.

That what must be viewed as business and labor greed neglects the more serious considerations of the enterprise from the point of view of the general welfare appals one who knows something of the problem and of the efforts being constantly made to solve it. Nor is this all. That manufacturers and labor leaders, in their zeal to achieve their selfish purpose, not only disregard the perplexities of the problem in which they are directly concerned as taxpayers and rent payers but ignore the manifest unconstitutional means by which they seek to gain their ends is even more amazing. The bills in question defy the fundamental principles of the confederation of sovereign States by conferring on them the power to restrict and forbid the entrance into their separate jurisdictions of goods manufactured in sister States, though no claim is made, nor can one be made, that the product of the prisons is deleterious to either public health or morals. For the first time in the history of the country an attempt is being made by legislative process for a selfish end to destroy the free-trade relations of the States, which lie at the very basis of American prosperity. It may be said that this can later be brought to the attention of the Supreme Court, but such a step can not be taken until property rights have been destroyed—by locking the garage door after the theft of the automobile.

Amazing as this spirit of indifference is to the problem itself and the means taken to solve it, even more amazing is the fact that the petitioners—manufacturers, labor leaders, and the league of women clubs—have never taken the pains to visit the prison or the reformatory to learn for themselves just what the truth is with regard to the condition of which they complain. They have thought of but one angle of the condition and that as it affects, or seems to affect, their own exclusive contentment of mind. We repeat that this is an extraordinary state of mind. It is more than that. It is all but hopeless in its ignorance of what they will suffer in taxes and rent if the houses of detention serve the single purpose of incarceration. That the expense of maintaining the prison at Wethersfield and the reformatory at Cheshire would increase in leaps and bounds should these bills become laws is capable of demonstration. That tremendous damage to the State could be done, and would be done, before a decision could be reached from the Supreme Court is also demonstrable. It is time for the manufacturers, the wage earners, and women enthusiasts to "stop, look, and listen" before taking further steps to advance this inhuman project.

ADDRESS BY HON. THOMAS J. WALSH ON THE OIL SCANDALS

Mr. SWANSON. Mr. President, the senior Senator from Montana [Mr. WALSH] made an address before the Harvard Democratic Club April 12, 1928. I ask permission to have it printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is here printed, as follows:

On being asked some time ago to address the Boston Chamber of Commerce, the gentleman conveying its courteous invitation proposed that I speak to that dignified body on the oil scandals. It occurred to me, however, that some topic less obviously tinged with politics would better suit the occasion, and so expressing myself I was not a little surprised at the mild insistence with which the suggestion was pressed. It afforded to my mind further confirmation of the view that the revelations recently made before the Senate Committee on Public Lands and Surveys, on a more or less incidental issue, have made an even more profound impression upon the public mind than the revolting disclosures of the earlier inquiry, prosecuted some four years ago. It is somewhat curious that it should be so, for nothing has been divulged that surpasses in iniquity or touches more vitally the public interests than the shocking venality, laid bare by the Senate, in the official career of Fall, Daugherty, and Forbes.

Facts have been brought to light which subject individuals high in official or semiofficial station to merited criticism, but no actual corruption has been traced to any such. And yet journals that, moved by partisan considerations, erstwhile remained discreetly silent editorially or sought to minimize the effect of the disclosures by captious criticism of the methods pursued in eliciting the unsavory truth, or by vilification of those who were pursuing the culprits, now scathingly arraign the lesser criminals being featured and demand that the investigation in progress be thorough and relentless.

The motives of those who were more or less prominently concerned in ferreting out the facts were made the subject of much critical comment, in which they were charged with being actuated by no higher purpose than to secure a partisan advantage, as if it made the slightest difference in the guilt of the faithless officials whether the prosecutors were moved by the highest patriotism or acted under impulses of even questionable character.

That it is one of the prime duties of a political party, and particularly of an opposition party, to point out and expose the deficiencies, the delinquencies, and the transgressions of its rival, and that therein lies the chief virtue of party government, was ignored in an effort to convey the impression that the investigations were but reprehensible gestures in the game of politics.

Far from encouraging those carrying the larger share of the burden of bringing to light the misdeeds of the now thoroughly discredited officials, that section of the press allied politically with them found nothing to censure in the effort to "get something on" the Senators pursuing the quest or in the prostitution of the courts to wreak vengeance on one of them through perjured testimony.

After the corrupt character of the Teapot Dome lease had been reasonably well established, the revelations becoming the subject of conversation at a dinner table, a guest standing high in the financial circles of the metropolis remarked, with an air of finality, "It is my judgment the Government made an excellent contract." Nothing about the transaction was, apparently, of any interest to him except whether the Government had made a good bargain or a bad bargain. The probabilities are he had little information on which to base his judgment, so oracularly pronounced. The incident is cited to show the callous indifference of the business world to the shocking conditions that had been revealed.

Evidently in the hope that some of the odium of the leasing of the oil reserves might be lifted from his party, the President, in announcing his purpose to employ special counsel to recover them, after learning that the committee had in executive session directed one of its members to present to the Senate and urge the passage of a resolution directing him to do so, said, in connection with the announcement of his intention to engage a Democratic and a Republican lawyer, "I understand men are involved who belong to both political parties." The obvious effect of such a determination by the Chief Executive was to give more or less implied sanction to the contention that the affair was primarily a political quarrel, and consequently not to be taken too seriously.

Though the black satchel and its contents in crisp bills to the amount $100,000 had already passed in review, the President took occasion to allay any undue haste in arriving at the conclusion that there was any wrongdoing on the part of his trusted Secretary of the Interior by adding that "*if* there is any guilt it will be punished; *if* there is any civil liability it will be enforced; *if* there is any fraud it will be revealed; and *if* there are any contracts which are illegal they will be canceled."

The assurance to the public that "men are involved who belong to both political parties" was disingenuous. The use of "I understand" suggests such a complicated state of affairs that even the President of the United States found it difficult to make out—indeed, was unable to make out—with certainty whether the culpability, if, indeed, there was any culpability, was not shared by high officials of both parties.

A more recent attempt has been made thus to delude the public into the belief that its wrath should not be visited solely upon the Republican Party, because Mr. Doheny, who got the Elk Hill lease, is, or, rather, was prior to that time, a Democrat. The later effort fell flat; but in the then state of the public mind it did service when first advanced. With what glee, it will be remembered, the apologists for Fall told on the floor of the Senate that Doheny was in 1920, when his honor was unstained, a delegate to the Democratic National Convention and had actually been placed in nomination before the convention for Vice President; another being chosen, however. What of it? Whatever the degree of turpitude justly to be assigned to either Doheny or Sinclair, Fall's part in the revolting transactions must be deemed the graver offense. Neither of the lessees had raised his hand to high heaven and sworn faithfully to serve the public. Neither had betrayed a high and holy trust as did he. Neither of them had been honored by a great political party to sully its fair name. To mollify public opinion, outraged at Fall's perfidy, may not have been the purpose of the President, but his language was calculated to promote that result.

But why refer to the political affiliations of the man who bribed Fall? A political party ought not to be, can not be, held responsible for the moral delinquencies of every member of it, more especially of one never raised by it to a position of honor or emolument. It ought to be held responsible for the official misconduct of men it elevates to high station in the public service. Particularly ought it to be held responsible for a whole series of mercenary transactions and corrupt deals perpetrated not by one but by a group holding by its favor the highest offices in the gift of a great people.

Later on the President, in a letter penned to discountenance an inquiry into the administration of the Treasury Department, indulged in some sweeping criticism of any investigation by the Senate of the official conduct of his appointees, charging that they were thereby denied constitutional rights, a contention the Supreme Court took occasion to refute in its opinion in the case of Mally Daugherty, a brother of the disgraced Attorney General who had, in an effort to shield the latter, declined to appear in obedience to a subpœna of the Senate committee or to produce books of his bank afterwards destroyed by his erring brother. These expressions from the White House, so effective in chilling general reprehension of the prevailing venality, would not have had utterance were not the public conscience already more or less inert.

Just how it comes about that a gratifying change in that respect has ensued it is difficult to say. It may be that the story of the transactions more recently exposed has operated as the last straw that broke the camel's back. Unquestionably the decisions of the Supreme Court canceling the leases had a salutary effect in that all reasonable doubt concerning the corrupt nature of the letting was thereby dissipated. The expression in the opinion in the one case that "the whole transaction was tainted with fraud and corruption," and in the other that Fall "was a faithless public officer," silenced apologists and defenders alike. These terse characterizations found secure lodgment in the minds of readers generally.

The employment by Sinclair of a whole army of detectives to shadow the jury called in the trial of the indictment against him and Fall, to pry into their domestic affairs, to ascertain their business connections and their financial situation, so clearly suggestive of a purpose improperly to influence the verdict, operated powerfully to arraign public opinion against him and incidentally against anyone connected in a questionable way with the perpetrators of the villainy unfolded. Perhaps one versed in mass psychology might find in the lethargic conscience upon which the sordid story first fell, some relation to the upsetting of moral standards through the war. Happily, to whatever cause it may have been due a decidedly keener sensitiveness is now distinctly in evidence.

When Colonel Stewart's press bureau gave out information that he had received numerous telegrams from friends and business associates congratulating him on defying the Senate, it discreetly omitted to give the names of any of the senders, either because the messages were purely fictional or because the authors preferred not to encounter a fiercely antagonistic public sentiment, or because the colonel did not care to subject them to such. John D. Rockefeller, jr., knew or might have known over three years ago of the colonel's part in the Continental Trading Co. transactions, but it was not until recently that he offered any criticism or withheld in any measure his confidence in the chairman of the board of the Standard Oil Co. of Indiana.

Let us hope that the result of the primaries in Illinois Tuesday is quite clearly indicative of the improvement in our moral standards. Frank Smith's appeal to State pride proved less effective than his rivals' rallying cry of common decency and sterling honesty. The change in the attitude of the public is in a high degree gratifying. A political philosopher asserts that it is more important that there should be an active sentiment that criminals be brought to the bar of justice and a readiness to help toward that end, than that the guilty should actually be tried and punished. Transgressors, he maintains, there always will be. Human nature is weak and the passions leading to crime inveterate. But among the restraining influences on the criminally inclined none operate so powerfully as the fear of detection and punishment, of which the risk bears quite direct relation to the attitude of the public toward crime in general or toward particular offenses. DeTocqueville extolled the virtue of the people of America in that particular as he found them, in contrast with those of his own country.

In France, he said, one sought by the police acting under orders from a remote central authority is usually aided in escaping from or eluding arrest, while in America, where the enforcement of the criminal law is intrusted to the local authorities, chosen by the people, and pioneer communities appreciate keenly how their safety both as to life and property depend upon observance of the law, everyone aids an officer required to make an arrest that the accused may be brought to trial and his guilt determined.

In the more congenial atmosphere of the present, I venture to review the crooked career of the Continental Trading Co., said by the Supreme Court of the United States to have been obviously "created for some illegitimate purpose," to tell you of the disposition of the Government bonds into which its ill-gotten gains were converted and to submit some observations upon the circumstances under which they soiled the hands of those into whose possession they passed.

As an introduction, the story of how that unhallowed thing came into the picture may well be told. It is a tale that has about it the air of romance. Truth is stranger than fiction.

The special counsel appointed to prosecute the necessary litigation to recover the property leased and to conduct any proper criminal proceedings in connection therewith, justly suspicious of the Bureau of Investigation of the Department of Justice still headed by Daugherty, conferred with the President concerning the predicament in which they found themselves. He must have shared their misgivings, though he had up to that time stubbornly resisted all appeals to dismiss the discredited Attorney General for, to his credit, he directed that the Secret Service of the Treasury give whatever aid it could to Messrs. Pomerene and Roberts, Government counsel, in the tremendously important task before them.

A trusted operator was sent to New Mexico, whence had come most of the testimony of an incriminating nature, and to El Paso, to a bank in which city, just across the line in Texas, there was evidence that Liberty bonds had been sent by Sinclair to the amount of $25,000 to the credit of the account of Fall. The remittance was said to have been made as a loan as the two were about to depart on a trip to Russia on business looking to the grant to Sinclair of a concession to prospect for oil on the island of Saghalien.

Being accorded an opportunity to examine Fall's account with the bank, the operator found an entry signifying the receipt by it from or for Fall of Government bonds to the amount of $20,000, the numbers of which were listed on the back of two deposit slips and copied by the investigator. He pried in like manner into the records of a suspended bank at Carrizozo, N. Mex., a small town about 15 miles from the ranch of Fall, at which he did some business, and noted a credit item of $50,000. Again, as when it was disclosed that Fall had paid $94,000 for a neighboring ranch, the question at once arose, where did he get it?

The investigator called on the receiver of the bank for the deposit slips for further information concerning the nature of this credit. It appeared therefrom that the item represented Government bonds, the numbers of which appeared not on the slip, but on one of the books of the bank showing a remittance of them to another bank for sale. By a ruse he was able to make a memorandum of the numbers which fitted in so perfectly with those found to have been in the El Paso bank as, at once, to suggest that they all constituted a block of a relatively large number that must have gone out of the Treasury on a single order. The trained eye of Chief Moran, of the Treasury Secret Service, then noted that not only were the numbers consecutive, but they were large, indicating a relatively recent issue. Inquiry at the office of the register confirmed his guess that they had been issued in exchange for other bonds and the hope that a record had been kept of the source from which those came for which the substitution had been made, proved well founded.

The files of the register's office showed they had been issued with others in exchange for $400,000 of registered bonds at the request of the Federal Reserve Bank of Atlanta. It advised that it acted for the Savannah Steamship Co. That institution freely gave the information that having accumulated a surplus to the amount indicated, which it had invested in registered Liberty bonds, and being desirous of distributing such surplus among its stockholders, it caused the exchange to be effected, receiving coupon bonds in an equal amount which were turned over pro rata as dividends to the holders of its stock, one of whom resided in Atlanta. The trail leading back to that city it was learned there the gentleman receiving the bonds being equally frank and helpfully inclined that his distributive share had been turned in to a local bank which sent them to the National City Bank at New York for sale. It disclosed from its records the brokerage house through which it sold the bonds and from that source it was learned that they had been bought from the brokers by the New York branch of the Dominion Bank of Canada, which after demurring for some time finally admitted that it had acted for the Continental Trading Co. (Ltd.), of Toronto, Canada, represented by one H. S. Osler, a barrister, who after much evasion and more equivocation, not to say mendacious misrepresentations, let drop on persistent questioning by Government counsel an intimation about an oil deal with Col. A. E. Humphreys. Thus was opened up a fertile field of inquiry that yielded abundant but nauseous fruit.

Through a grand-jury inquisition the Dominion Bank was required to disclose the brokerage houses from which it bought some $3,080,000 of 3½ per cent Liberty bonds for the Continental and from such houses was secured the numbers of the bonds. Coupons from some of them reposing in the archives of the Treasury were traced to the First National Bank of Pueblo, Colo., from the officers and records of which it was elicited that such coupons had been detached from a batch of bonds in the sum of $230,500 delivered to it by M. T. Everhart, son-in-law and business associate of Fall, in the month of May, 1922, some 30 days after the Teapot Dome lease was executed, a portion of which had been turned over to the M. D. Thatcher estate to satisfy obligations due from a cattle company owned by Everhart and Fall, another portion applied to the liquidation of a debt of Fall to the bank, and the remainder passed to him or to the credit of his account.

The information concerning the oil deal led to a conference with Colonel Humphreys and his attorney, former Senator Thomas, of Colorado, who told that as a result of a conference on November 16, 1921, in New York, participated in by them, the son of Colonel Humphreys, and Beman G. Dawes—interested with Humphreys in companies controlled by the latter—and Harry F. Sinclair, H. M. Blackmer, Robert W. Stewart, and James E. O'Neil, the Humphreys companies, operating most successfully in a Texas field, agreed to sell to the Sinclair Crude Oil Purchasing Co. and the Prairie Oil & Gas Co. 33,333,333 barrels of oil, at $1.50 per barrel. The Sinclair Crude Oil Purchasing Co. was then and is now owned jointly by the Standard Oil Co. of Indiana and by the Sinclair Consolidated Oil Co., of which Sinclair was the managing head, Stewart occupying the same relation to the Standard Oil Co. of Indiana, of whose subsidiary, the Midwest Refining Co., Blackmer was the controlling spirit. O'Neil was the strong man in the Prairie Oil & Gas Co., a subsidiary of the old Standard Oil, at the time it was ordered dissolved by the Supreme Court of the United States.

Having thus agreed, Senator Thomas, who was to act as scrivener, was told by some one other than those associated with him, and probably Blackmer, that the Continental Trading Co. (Ltd.) was to be named

in the contract as vendee, and to still apprehensions as to the financial responsibility of that company naturally arising, the vendors never having heard of it, they were told that the contract of purchase would be guaranteed by the two companies that until then all had understood to be the purchasers, which assurance was carried out, the guaranty contract on the day following, November 17, 1921, contemporaneously with the execution of sale contract, being signed by Sinclair and Stewart for the Sinclair Crude Oil Purchasing Co. and by O'Neil for the Prairie Oil & Gas Co. Humphreys conveyed the information that notwithstanding the designation of the Continental Trading Co. as the vendee, the oil, as it was produced actually went to the two guaranteeing companies, a fact which almost necessarily implied a purchase by them from the vendee of the Humphreys companies.

The officers of those companies getting the oil were put under the grill when it was divulged that the very same day that the Continental bought the oil at $1.50 per barrel it sold to the two companies standing sponsors for its contract at $1.75 per barrel, and accordingly that on a single day's business, without the investment of a dollar, it stood to reap a profit of something over $8,000,000—25 cents per barrel on 33,333,333 barrels of oil. It did not, however, realize that great sum, its contract having been assigned, in the summer of 1923, to the guaranteeing companies for $400,000, which, with the profits theretofore realized, amounted to enough to enable it to buy from time to time through the Dominion Bank, Liberty bonds of the character heretofore indicated in the sum mentioned, $3,080,000, which were at intervals delivered to Osler.

It was developed that the incorporators of the Continental, as well as its officers other than Osler, were all clerks in his office; that shortly after transferring its highly profitable contract, as just recited, it was dissolved and its records all destroyed.

The Government having instituted suit at Cheyenne, Wyo., to cancel the lease of the Teapot Dome, sought to take the testimony of Osler on letters rogatory, but having responded to some questions of no great consequence he refused to testify further, on the ground that what he knew of the matter had come to his knowledge in his capacity as counsel, though he steadfastly declined to tell who was his "client." The magistrate overruled his objection, ordered him to testify and committed him for his continued refusal. He sued out a writ of habeas corpus, but it was quashed upon a hearing, the reviewing court holding he must answer. From the judgment so entered against him he appealed to the Supreme Court of the Dominion and departed for Africa to hunt lions. Again it was held he was not protected by any privilege of counsel, but meanwhile Judge Kennedy, before whom the suit of the Government was pending, declined to postpone the trial that his testimony might be procured, heard the case, and decided it against the Government, though the decree entered by him was afterwards reversed by the circuit court of appeals and its judgment affirmed by the Supreme Court.

Blackmer and O'Neil likewise disappeared about the time the Wyoming case was to come to trial, seeking sanctuary in France, where they too declined to testify, and where, strange as it may seem, the courts are without compulsory power over a witness refusing to testify. In an effort to force their attendance at the criminal trial of Fall and Sinclair Congress passed an act imposing a penalty not to exceed $100,000 for disregard of a subpœna by a witness in a foreign country, whose attendance is desired by the Government, but O'Neil has eluded every effort to make service upon him of the subpœna, while Blackmer, who was located, is assailing the act as unconstitutional, thus far without success.

Another law enacted by Congress to meet an exigency arising in this historic legislation has brought results. At the trial at Cheyenne and again at the trial in the District of Columbia, which miscarried because of the attempt to tamper with the jury, Everhart, Fall's son-in-law, who turned in to the bank at Pueblo for Fall the $230,500 in bonds, refused to testify on the ground that his evidence might incriminate him. This resource was cut from under him by an act passed at the current session by which the period of the statute of limitations in the case of conspiracies to defraud the United States was reduced to three years, it having been raised to six by an act of 1921, passed at the instance of the then Attorney General Harry M. Daugherty, who represented that otherwise the perpetrators of gigantic war frauds would escape just punishment. It might be remarked in passing that the cry of war frauds, so vociferous in the campaign of 1920, and thereafter, and so influential in enabling the Republican Party to come back into power and to divert attention from the plundering and pilfering that followed, has at last subsided, without a single conviction, and without leaving a stain upon the conduct of any Democratic officials to whom were entrusted the stupendous tasks incident to the prosecution of the war.

Everhart thus being assured of immunity from prosecution he was called before the Committee on Public Lands on its being ordered, in January last, to resume the inquiry it had so successfully prosecuted four years before, and particularly to inquire into the disposition made by the Continental Co. of the bonds purchased by it. He then told that he had obtained the bonds handled by him, with $2,500 worth left with Fall, in all $233,000, from H. F. Sinclair, after a conference participated in by all three, a shallow pretense being made that the bonds represented the purchase price of a third of the stock of the Tres Ritos Land & Cattle Co., theretofore owned in equal parts by Fall and Everhart.

O'Neil being unavailable, officers of his company were called who disclosed that in the year 1925 he had come out of his hiding, had crossed to Montreal, where he summoned one of his associates, confided to him that his physicians had advised him that his death was imminent, and told that he had $800,000 in bonds, which came to him through the Continental Trading Co. and which he thought and always had thought belonged to the Prairie Oil & Gas Co. He expressed a purpose to turn them over to the company, which he did, giving his successor an order on his son in New York for the bonds, which were taken to the main office of the company at Independence, Kans., where they now are, the whole representing the amount which he got with some accrued interest. The trail getting hot, Blackmer sent his lawyer to tell the committee that he holds his share of the swag, to the amount of $763,000, intact in New York, apparently suffering no twinges of conscience like his coconspirator, but having some misgivings as to whether they might not be claimed in a lawsuit by the Midwest Co., paying him at the time he got the bonds and participated in the deal through which they were acquired a salary of $50,000 or perhaps $100,000.

It was disclosed by the files and records of the Dominion Bank and by the testimony of its officers that as Osler took from it from time to time delivery of the bonds, they were, after crediting 2 per cent thereof to his personal account—evidently his commission—by his direction put up in four packages, each containing one-fourth the aggregate in value. One package it is known went to O'Neil, one to Blackmer, and one to Sinclair. Until now no evidence definitely pointing to the disposition of the fourth package has been unearthed, but the conclusion is irresistible that it went to the nominee of Stewart, despite his asseveration that he never made a dollar out of the transaction. He refused to tell, however, what he knew of what had become of the bonds, and no one who knows him or who saw or heard him testify can suppose for a moment that he could have been a participant in the negotiations leading up to the contracts of the Continental, as he was, or have signed them, as he did, with knowledge that he thereby had, that his company was paying $1.75 a barrel for oil which an unknown company without capital or credit had, in his very presence, just bought for $1.50, the three others associated with him getting a fortune out of the transaction, and he getting nothing. For his refusal to tell what he knows the Senate arrested him for contempt; he, too, resorted to habeas corpus, and is out on bail on appeal from the order of the court holding he was unjustified in refusing to answer the questions put to him. Sooner or later the truth will be forced out of him if meanwhile the diligence of the committee, with such aid as an outraged public may extend, shall not be rewarded by indubitable proof as, it is ventured, it will be. If there is no other way, perhaps some stockholders of one of the defrauded companies, the Sinclair Consolidated Oil Co., the Standard of Indiana, or the Prairie Oil & Gas Co., may be induced to start suit against the faithless officer of his company participating in the conspiracy to rob it, and in such suit take the deposition of Mr. Stewart, a proceeding in which he could be compelled to testify, being unable to claim exemption on constitutional grounds, the statute of limitations barring any criminal prosecution.

Mr. Rockefeller may possibly feel under some obligation to render such a public service. Either Blackmer or O'Neil would be amenable to such a suit, each conspirator being answerable for all damage suffered by any company owing to the misdeeds in which he had a part. O'Neil is still liable to the Prairie Oil & Gas Co. for approximately as much more as he has heretofore disgorged. Possibly some high-minded lawyer will volunteer to bring such a suit at the instance of a stockholder whose interest is too small to warrant his paying a liberal fee.

Let us follow Sinclair's loot. Two hundred and thirty-three thousand dollars went to Fall and $260,000 to Will H. Hays, once chairman of the Republican National Committee. Hays, indefatigable in spreading the poison about Democratic war frauds, widely advertised in the campaign of 1920 a purpose to limit donations to that committee to $1,000 from any single contributor. Evidence adduced before the committee easily leads to the conclusion that notwithstanding these professions large sums never reported were received. The returns did not suffice to meet the extravagant expenditures he authorized, and debts were incurred through loans from banks amounting to $1,800,000.

Quitting the Cabinet, he was moved, perhaps spurred by those who had been associated with him, to raise the funds to take up these obligations before the committee was to meet in December, 1923, to make provision for the campaign of the following year. He got from Sinclair the stupendous sum above mentioned in bonds, enough of them shown to have been among those bought by the Continental to warrant the conclusion that they all had come from the same source. The admission had been wrung from Hays at the earlier hearing that Sinclair had contributed $75,000 to make up the deficiency in the account of the committee, but the information that the contribution came in the form of Liberty bonds was conveyed by another witness. Hays at that time

professed not to know to what officer of the committee the payment, if so it might be termed, was made.

Having said something about $75,000 being a "maximum" he was pressed for an explanation that was not forthcoming. It was, however, disclosed that the bonds came into the possession of Senator DU PONT and were by him turned over to the Empire Trust Co. of New York, a bank with which he was associated, in partial liquidation of an indebtedness due it from the company.

At the hearing now in progress Hays, perhaps startled by revelations made, appeared and read a statement professing a purpose to "tell all." By it was revealed that in addition to the $75,000 of bonds already told of, Sinclair had delivered to Hays $185,000 more to be "used" to take care of the deficit, the transaction being something in the nature of a loan. Just how the bonds were to be "used" and how the situation was to be improved by paying one loan by another loan, the most persistent cross-examination did not make clear. It was contemplated, however, apparently, that the general campaign then in progress would or might yield enough to take care of the advances made by Sinclair, and possibly to return to him something of his "maximum" contribution of $75,000. Further evidence clearly disclosed, however, how the bonds so liberally supplied by Sinclair were to be "used." Fifty thousand of them were given by Hays to one John T. Pratt, a New York capitalist, since deceased, a member of the Standard Oil group, who thereupon made a contribution to the committee of like amount; $60,000 worth were sent to Fred W. Upham, of Chicago, likewise gone to another world, and $25,000 to John W. Weeks, then Secretary of War, who, too, has passed away. Hays professed entire ignorance of what Upham was to do with the bonds, and specifically denied that he had any knowledge that they were to be distributed to individuals in Chicago, each of whom was on receipt of the same to make a contribution equal to the amount of the bonds received by him. Testimony from Chicago witnesses showed that that was just what had been done with them by Upham.

Hays explained that Pratt afterwards returned to him bonds equal in amount to those he had received, and these, with the $50,000 remaining, never used were returned to Sinclair, leaving the committee indebted to him in the sum of $85,000, for which Hays became personally responsible, putting up with Sinclair securities of his own as a pledge. Sinclair afterwards, however, unwilling that Hays should bear so heavy a burden, having suffered losses through speculations in Sinclair stocks, returned the securities so pledged, making the aggregate of Sinclair's contribution $160,000.

Then followed a dramatic chapter. In an effort to secure further light on the Pratt transaction representatives of his estate were called who produced various documents relating to the affair, including a small sheet of paper, evidently a unit from a memorandum pad, on which were entries in the handwriting of Pratt, not clearly, referring to the transactions, in the lower right-hand corner of which were the names "Weeks," "Andy," "Butler," and "du Pont." It was a reasonable inference that "Andy" meant Andrew W. Mellon, that "Butler" was William M. Butler, succeeding Hays as chairman of the Republican National Committee, and that they were in some manner connected with the bond transaction. Being called Mellon told that Hays had in the latter part of 1923 sent him a package containing $50,000 in Liberty bonds, and had later come to Washington, as he had said over the telephone, on advising the Secretary of the forwarding of the package, he would. Calling on Mr. Secretary Mellon, according to the latter, Hays asked him to make a contribution in the amount of the bonds, which he did, though he declined to keep the bonds, sending them to New York later (Hays being on his way West) by Parker Gilbert as messenger. Butler told that Hays had offered him $25,000 of the bonds, requesting a subscription of like amount, but Butler declined. Hays, being recalled and asked why he had not mentioned in his former testimony his contact with Mellon and Butler in connection with the bonds, answered that he did not because the bonds offered to them had not been used. Hays conceived that he was entirely exculpated because he was unaware of the existence of the Continental Trading Co., or that the bonds in question had come from that company, a fact he took pains to emphasize, and Mr. Mellon likewise disclaimed any knowledge of its existence or its former ownership of the bonds. But he did know that Hays got them from Sinclair for Hays told him so, and he had some information, possibly derived from some other source, that Sinclair had put up in the neighborhood of $300,000 of bonds.

It will be well to bear in mind that the lease of the Teapot Dome to Sinclair had been assailed in the Senate immediately upon the fact of its execution being made public, that an investigation had been ordered, that it was in progress when Hays got the bonds and when part of them were offered to Mellon and Butler. Yea, more, at that very time—about December 1, 1923—the so-called New Mexico witnesses were either on the stand testifying or were under subpœna to appear. It will be recalled that it was they who told about Fall's sudden rise from near bankruptcy to a position of affluence and made a case that smacked of bribery of Fall.

In judging of the degree of culpability properly attributable to Mellon in this affair, so discreditable to American political morals, it is to be borne in mind that he is rated as the third richest man in America, surpassed in wealth, according to common repute, only by John D. Rockefeller and Henry Ford; that all he was asked to give to the fund being raised and all he felt moved to give was $50,000. Yet he knew that Sinclair, who had got a concession from the Government out of which he testified he expected to make $100,000,000 and which was then under attack, had contributed more than five times as much as he (Mellon) put up. Moreover, if he felt any resentment at Hays's proposal that he (Mellon) should lend himself to imposing upon the public by holding out that he had contributed $50,000, when in fact he had not, that he permit his name to be used as a cover to conceal a huge contribution by Sinclair—if he felt any resentment at Hays's taking any such sum from Sinclair, he expressed none. Neither, for that matter, did Butler. However, Mellon did not rebuke Hays for accepting the bonds from Sinclair, he did not admonish him to return them, nor to desist from further attempting to "use" them with more pliable pretended contributors. Neither, for that matter, did Butler. But Mellon's delinquency does not end here. In the following spring the suits were brought to cancel the leases.

The diligent counsel for the Government, aided by the Secret Service of the Treasury, had traced bonds from the Continental Trading Co. to Fall in the amount of $230,500, but had no direct and only rather inconclusive evidence that they had come from Sinclair, a weakness in the chain on the trial that afforded Judge Kennedy an excuse for deciding the case against the Government, now overcome through the loosed testimony of Everhart. It would have been an invaluable piece of evidence in the effort to show the fraudulent character of the Teapot Dome lease, that Sinclair had given to the Republican National Committee bonds in an amount not even approached by any other contributor, so far as Hays was able to recall, and five or six times as large as Mr. Mellon himself gave, which bonds, like those going to Fall, came from the same Continental Trading Co., organized, it may be repeated, in the language of the Supreme Court, "for some illegitimate purpose."

It was only by the bare accident of the production of the fragile Pratt memorandum that it came to light that Mellon knew of the remarkable liberality of Sinclair to the Republican committee. The fact was not even disclosed to the Senate committee, which, being ordered to find out what had become of the bonds, had solicited the aid of the Secretary of the Treasury in its task and was assured by him that the Secret Service would be at his command. While the subordinates of the Secretary were delving through heaps of coupons and laboriously endeavoring to trace them to any of the parties concerned in the Continental Trading Co. deal the head of the Treasury was possessed of information that would have enabled the committee promptly to account for at least one block of $160,000.

There is another circumstance not to be overlooked in this connection. Unquestionably an income tax is due the Government from the Continental Trading Co., whose transactions, carried on wholly within the United States, netted it over $3,000,000 profit, which tax is enforceable against those receiving such profits, at least to the extent to which they shared respectively.

The prosecutor for the committee early in its work called the attention of the Secretary of the Treasury to this obligation to the Government. It might be expected that the head of the department charged with the collection of the revenues of the Government would have been eager to lay before the committee every fact coming to his knowledge likely to result in disclosing who got the gains of that malodorous company and the amounts realized by each of the distributors.

There may or may not be anything in the coincidence that the Continental came into being, and the deal through which it was enriched was carried on, in the very midst of the negotiations leading up to the leasing of the naval oil reserves, and that the Republican National Committee got a good share of its peculations just about the time the infamy of Teapot Dome and the Elk Hills reserve was being shown. It may be that the student of sociology will find some ground for believing that world-wide conditions were such at that particular time as that the moral fiber of mankind was weakened and the virus of corruption had infected our business as well as our political life. There is here unfolded the sordid story of men standing high in the industrial field, intrusted by confiding stockholders with gigantic interests, robbing the people by whom they were elevated to positions of responsibility and whom they undertook to serve, and one of them, at least, using his share of the plunder to corrupt a high official of his Government and debauch a great political party. Whether such a theory be sound or unsound, all will agree that the occasion calls for an awakening, for a general demand for retribution, if our social order is to be preserved or our institutions perpetuated.

THE GREAT LAKES-ST. LAWRENCE WATERWAY PROJECT

Mr. WHEELER. Mr. President, I present an address delivered before the Boston Chamber of Commerce on April 12, 1928, by Senator T. J. WALSH on the Great Lakes-St. Lawrence waterway project, which I ask may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

I appear before you to-day in disregard of a rule it has been found necessary to adopt, that I may be able to give to my official duties the attention they require, not to deliver any public addresses while the Senate is in session. I have yielded, however, to the courteous but urgent invitation of your committee to speak to you on this occasion primarily because of my desire to canvass with you a subject in which my State and New England, in a way at least represented here have, if I have correctly appraised the situation, a common interest.

I refer to what is generally alluded to as the Great Lakes-St. Lawrence waterway, likely, in the near future, to engage the serious consideration of the Congress. I have chosen that particular subject on which to descant to-day not only because of the mutual interest to which reference has been made but because in public hearings, hereafter to be mentioned more particularly, some opposition to the project on the part of Boston business interests was voiced, an attitude reflected in conversation with congressional representatives from this section of the country. Without daring to hope that any argument of mine will bring conviction to your minds favorable to our cause, I yet venture to direct your attention to the great enterprise that further study may induce you generously to forward it.

The opposition of which notice has been taken may, for aught I know, have been entirely dissipated, as it certainly should have been, by a report by the joint New England committee, consisting of five business men of standing and repute from each of these six States, headed by Hon. Charles R. Gow, of this city, unequivocally indorsing the project. Be that as it may, I lay before you its salient features and the considerations that lead to the belief of those in whose name I speak that it ought to be undertaken without delay.

The project contemplates the improvement of the St. Lawrence River and the connecting waters between the Great Lakes so as to permit ocean-going ships to pass without breaking cargo from the sea to the remotest lake ports, to extend the ocean ways a thousand miles westward into the very heart of the continent. Due to the enterprise of the Canadian Government, through the construction of the Welland Canal and works in the St. Lawrence above Montreal, it is now possible for vessels of draft not to exceed 14 feet to proceed in and out of the gulf and to and from the interior, but in these days of *Leviathan* bottoms the use of ships of such light draft in the transoceanic trade is economically impossible.

It is proposed so to overcome the obstacles to navigation that vessels drawing up to 25 feet may safely and expeditiously make the passage, a depth that will accommodate practically all freighters and at least 88 to 90 per cent of the ships engaged in the foreign trade of the United States. Our neighbors on the north, as a unit in the improved waterway, are now engaged in the construction of an enlarged Welland Canal that will permit the passage from either of the two lower lakes to the other of such ships as those last mentioned, the work to be completed in 1930, at an estimated cost of $115,000,000.

For more than a century statesmen and men of affairs of both countries directly concerned have given thought to the problem of utilizing to the fullest extent possible this natural route of commerce to and from the great West. With the marvelous development of that region, a development that has no parallel in history, the desire to see opened to general navigation the route by which the waters draining into the Great Lakes find their way to the ocean has become intensified, and the demand for action more and more insistent. It is not alone the States whose territory lies in part within the basin of the St. Lawrence but as well all those beyond as far as the Rocky Mountains, whose products find an outlet through the lake ports, that have a direct concern in this great enterprise. It is estimated that 40,000,000 people in the United States and Canada would be the immediate beneficiaries of this contemplated development.

The Secretary of Commerce has asserted that the benefits accruing to them annually from the work will more than equal the total cost of the undertaking. Twenty-two States, all more or less vitally concerned, have associated themselves for the purpose of forwarding it and have formally indorsed the project by resolutions of their legislative assemblies.

As an initial step in the enterprise Congress, in the year 1919, the Dominion Parliament concurring, directed the International Joint Commission to inquire into the economic phases of the problem, at the same time providing for the appointment of a joint board to study the engineering features. The commission referred to consists of three Americans and three Canadians appointed pursuant to the treaty of 1909, its primary purpose being to adjust controversies that may arise involving boundary waters or streams rising in the one country and flowing into the other.

That commission conducted extensive hearings at meetings throughout the country extending from Boston to Boise, Idaho, the expressions being uniformly favorable, except for dissent coming from some citizens of Boston and from representatives of the State of New York, which officially registered its opposition, the only State to do so.

A vast mass of material was assembled by the commission, provided by experts who testified to the tonnage that might be expected, the relative rates of transportation by land and water, the length of the season during which the waterway would be open to navigation, and in relation to other facts relevant to the inquiry, including the market for electrical energy to be developed incidentally, a feature to be referred to more in detail hereafter.

The board of engineers, headed by Col. W. P. Wooten for the United States and by W. A. Bowden, chief engineer of the Department of Railways and Canals, for the Canadian Government, reported favorably on the proposal to improve the navigability of the river with incidental development of the power resources, and the commission, by unanimous action, warmly recommended the negotiation of a treaty to that end. To indicate the enthusiasm with which the commission looked forward to the inauguration of the enterprise, the following paragraphs from its "Summary of conclusions" are quoted:

"To sum up as briefly as possible its conclusions in the matter of the proposed improvement of the St. Lawrence River between Lake Ontario and Montreal, the commission finds nothing in the evidence to warrant the belief that ocean-going vessels of suitable draft could not safely navigate the waters in question as well as the entire waterway from the Gulf of St. Lawrence to the head of the Great Lakes, or that such vessels would hesitate to do so if cargoes were available.

"It finds that of the various alternative routes mentioned from the interior to the seaboard, none offers advantages comparable with those of the natural route by way of the St. Lawrence.

"As to the economic practicability of the waterway, the commission finds that, without considering the probability of new traffic created by the opening of a water route to the seaboard, there exists to-day between the region economically tributary to the Great Lakes and overseas points as well as between the same region and the Atlantic and Pacific seaboards, a volume of outbound and inbound trade that might reasonably be expected to seek this route sufficient to justify the expense involved in its improvement. * * *

"It finds that the existing means of transportation between the tributary area in the United States and the seaboard are altogether inadequate; that the railroads have not kept pace with the needs of the country, but that this does not apply to the Canadian side of the area, where railway development is still in advance of population and production. * * *

"Experience has demonstrated not only the tremendous importance of water communication to the foreign commerce of any country but also the manifest advantages of linking up rail and water routes. It is beyond question that the phenomenal industrial development of Great Britain in modern times has been due very largely to her ready access to the sea.

"Great Britain has no resources of iron, yet she has built up gigantic steel industries; she grows no cotton, yet she supplies half the world with cotton goods; she produces very little wool, yet her woolen mills have developed into an enormous industry. Her merchant marine sail the seven seas, bringing to her shores the raw materials she needs for her industries, and carrying back the finished products. The sea, that most efficient, most adaptable, most far-reaching, most economical of thoroughfares, possessing practically all the advantages of land transportation with few of its disadvantages, has made Great Britain prosperous.

"And what water transportation has done for Great Britain it has done in greater or less degree for other nations in other times. Access to the sea gave the diminutive Republic of Venice preeminence in the Mediterranean. It transformed little Holland from a comparatively obscure province into a great maritime nation. It gave to Spain her period of greatness. It brought Germany, before the war, within almost measurable distance of supremacy in the foreign trade of the world.

"The conclusion is obvious that, if countries that had for the most part to import their raw materials from abroad were able to build up a great foreign trade because of their ready access to the sea, the region economically tributary to the Great Lakes, with its limitless resources, its raw materials within easy reach, its facilities for industrial expansion, can hardly fail to become an even greater factor in the world's markets than it is to-day, if given a practicable and efficient water route to the sea. * * *

"As elsewhere noted, it was repeatedly stated by those who appeared before the commission that the water power developed on the St. Lawrence would be sufficiently valuable to carry a considerable proportion, if not the whole, of the cost of the undertaking both for navigation and power. * * *

"Finally, the commission is strongly of the opinion that the subject matter of this investigation is one of such extraordinary importance to the people of the two countries and involves engineering problems of such magnitude and diversity that no effort should be spared to secure a plan which will beyond all reasonable doubt obtain from the upper St. Lawrence its maximum efficiency in navigation and power. To this end the commission believes that before any particular scheme is finally adopted, all the available engineering data, including the report and plans of the engineering board and all comments thereon or alternative plans should be referred to a special technical board for careful consideration and report."

In harmony with its conclusions as outlined in the foregoing the commission has recommended, among other things—

"That the Governments of the United States and Canada enter into an arrangement by way of treaty for a scheme of improvement of the St. Lawrence River between Montreal and Lake Ontario."

In conformity with the recommendation made touching a supplemental inquiry, a commission was created to give further study to the subject, to act in an advisory capacity, each country naming nine members, the American branch being headed by Hon. Herbert Hoover, Secretary of Commerce, and the Canadian branch by Hon. George Perry Graham, Minister of Railways and Canals. To aid this commission the Department of Commerce was directed to make an exhaustive inquiry into the economical aspects of the project, which it did. Complying even more directly with the suggestion of the earlier commission, a new board of engineers was constituted to undertake the work such commission deemed necessary, the American corps consisting of Gen. Edgar Jadwin, Col. William Kelly, and Col. George B. Pillsbury, of the Army Engineers, the Canadian members being Mr. Duncan W. McLachlan, Minister of Railways and Canals; Mr. Olivier O. Lefebvre, chief engineer of the Quebec Streams Commission; and Brig. Gen. Charles Hamilton Mitchell. This board likewise unanimously indorsed the project, saying, "The scheme (for the improvement of the St. Lawrence waterway) presented in the report of 1921 is, in its broad lines, practicable," and in explanation of the scheme the following was said:

"196. In summary, the plans recommended by the board for the improvement of the river will provide to the best advantage for a navigation route through the 183 miles of river and lake from Lake Ontario to Montreal Harbor, with a total not exceeding 25 miles of restricted canal navigation and with not more than nine locks. It will be crossed by but eight bridges. The plans include power houses with an ultimate installed capacity of from 2,619,000 to 2,730,000 horsepower and permit the eventual development with installed capacity of approximately 5,000,000 horsepower, which is the full power potentiality of the river."

The cost of the project was estimated at $394,000,000 if with a single-stage development, or $423,600,000 if with a two-stage development, including all machinery necessary for power generation to the amount of approximately 2,700,000 horsepower. Of the total cost it was believed the returns to be anticipated from the power generated would warrant fixing the net cost assignable to navigation improvement at $123,000,000 or $148,000,000, depending upon which of two alternative plans should be adopted. The cost of the undertaking to be prosecuted by both governments will naturally be shared by both on a basis to be fixed by treaty, taking into consideration in all probability the expenditures of each heretofore, for the improvement of the waterway, including Canada's large outlay for the construction of the enlarged Welland Canal, and that of the United States for the Sault Canal. The division of the power to be generated will in like manner be provided for.

The American branch of the commission last referred to having the benefit of all previous studies and the investigations of the Board of Engineers becoming its advisers, expressed its conclusions in its report submitted December 27, 1927, in the following language:

"First. The construction of the shipway from the Great Lakes to the sea is imperative both for the relief and for the future development of a vast area in the interior of the continent.

"Second. The shipway should be constructed on the St. Lawrence route, provided suitable agreement can be made for its joint undertaking with the Dominion of Canada.

"Third. That the development of the power resources of the St. Lawrence should be undertaken by appropriate agencies.

"Fourth. That negotiations should be entered into with Canada in an endeavor to arrive at agreement upon all these subjects. In such negotiations the United States should recognize the proper relations of New York to the power development in the international section."

The Canadian division is said to have reported in January last but its conclusions have not yet been made public. In view, however, of the concurrence of the Canadian members of both commissions and of both boards of engineers in the reports submitted by them favorable to the enterprise, there can be no doubt that the belated report is commendatory of the proposal; particularly is this to be expected considering the huge expenditure made and being incurred to enlarge the Welland Canal. It is the view of the Canadian press that this expectation has been fully met in the report thus far withheld.

It is unnecessary to descant upon the illimitable benefits, reasonably to be anticipated from this improved waterway, to the millions now inhabiting and hereafter to make their homes in the vast region to which it will furnish a cheaper transportation route. It is asserted by the Secretary of Commerce that the savings that will be effected and the incidental advantages accruing to them annually will more than pay the entire cost of the project. Business men long engaged in the export-grain trade assert that it will reduce the cost of transporting grain from Chicago or Duluth to northern European ports by from 8 to 10 cents per bushel. Inasmuch as approximately 250,000,000 bushels of wheat or its equivalent in flour are exported annually, the total saving in freight on that commodity alone will be not less than $20,000,000, the equivalent of 4 per cent interest on $500,000,000, more than the total cost of the project making no deduction on account of power development.

In the light of the facts just recited there seems no reason for doubt about the substantial accuracy of the view expressed by Secretary Hoover that the project will pay for itself every year, having in mind the net cost allocable to navigation improvement.

It may help to an understanding of how such a reduction in freight charges can be attained if it is borne in mind that the distance from lake ports to northern European ports is less by the St. Lawrence route than by the usual route through New York by 625 miles. England is in the same latitude as Labrador and a ship sailing down the St. Lawrence is headed almost directly for the British Isles.

The tremendous import to the people of the West of a substantial reduction in freight rates may be difficult of appreciation by people residing in more favored sections as respects transportation. My home city of Helena is 1,100 miles from Minneapolis or Duluth, the terminal markets, so-called, for most of the grain products of Montana, but when they reach either of those cities they are still 1,000 miles or more from tidewater, the transportation charges for that stretch absorbing 18 cents to 27½ cents, depending on whether the carriage is all rail or rail and water. The situation was bad enough always, but it is acute now in consequence of raises accorded the railways during the war and still in large part enjoyed by them. The rate on wheat from Helena to Duluth was, in 1913, 32 cents per hundred, the equivalent of 19.2 cents per bushel. It is now 44½ cents or 26.7 cents per bushel. If one were to devise some plan by which that burden could be reduced to the extent of 10 cents per bushel he would be hailed as a public benefactor and be showered with evidence of the gratitude of a sorely tried people obliged to run the risk ordinarily attendant upon agricultural pursuits and to encounter the ever-constant peril of drouth that confronts that industry in a semiarid country. Even in those sections more favored as to humidity and in closer proximity to markets agriculture has so languished for the last half-dozen years as to give rise to a persistent demand for Federal relief legislation.

It has been shown by indubitable figures that, though the prices of farm products have risen since 1913, the prices of other commodities with which the farmer must provide himself have advanced so much more that a quantity of his products that would then buy $100 worth of goods will now provide him with scarcely more than 80 per cent of the same quantity; in other words, that he is operating under a 20 per cent handicap. Prominent among the causes bringing about this disparity in prices is the protective tariff, generally vigorously upheld in New England and in principle supported by the dominant sentiment in the grain-growing section. The foremost advocates of the so-called McNary-Haugen plan of farm relief are ardent protectionists who seek to secure for the products in which they are interested the same measure of protection accorded to manufactures by the tariff, ineffective in the case of the staple products of the farm of which there is normally an exportable surplus.

They proclaim that the protective system is responsible largely for the condition they seek to relieve, not by scaling down the duties but by a scheme that would artificially raise the price of what they have to sell. Their plan has had scant support from the Representatives in Congress from New England, who contend that it offends against economic law. It would be the part of wisdom in those whose interests are most directly subserved by and who are attached to the policy of protective duties heartily to indorse the project in support of which I address you. Nor can it be overlooked that New England has a very direct interest in the prosperity of the great Northwest, whose purchasing power is limited by excessive transportation charges, and would be immeasurably increased by the opening up of the cheaper St. Lawrence River waterway.

It is the settlement and development of the highly productive hinterland, as everyone must recognize, that has made New England materially great. If Massachusetts ever shared the view of Josiah Quincy, expressed in his speech in the House of Representatives on the bill for the admission of Louisiana into the Union, that New England has no interest in the region beyond the Mississippi, she long ago, as has been attested in numberless ways, and notably in connection with the legislation of Congress, abandoned it and now has a more liberal, enlightened, and national view. If the capital of New England has assisted in developing the resources of the West, as it undoubtedly has, it is equally true that the teeming population of that vast region has been among the most valued customers for the products of her mills and factories. The restriction or reduction of the purchasing power of the territory clamoring for a continuous water outlet to the sea by way of the St. Lawrence would seriously affect New England, and an increase thereof through savings in transportation charges would be reflected in increased business in this section.

Dismissing sentiment which might prompt an individual or a community to rejoice in a great good to many, even at some slight loss to himself or to them, it is reasonable to believe that the loss to the port of Boston by the divergence of some of its export trade, especially in grains, to the new route stressed in the hearings before the commission, would be more than offset. For some reason that particular trade seems to have been suffering a decline, indeed, threatens to pass out of sight. Figures furnished me, compiled from official publications, on the

export grain trade of Boston for the past six years as to wheat or its equivalent in flour are shown in the following table:

1922	11,512,399
1923	10,781,248
1924	10,245,027
1925	7,421,321
1926	7,287,300
1927	4,745,810

Portland has apparently suffered in like manner, the corresponding figures for that port, exclusive of 1927, which are not available, being as follows:

1922	17,594,826
1923	25,734,315
1924	14,937,322
1925	7,519,966
1926	7,720,259

The business men of Boston have abundant reason for knowing better than I what the effect of opening this new route to the sea will have on its export trade. It may be pardonable, however, to advert to some considerations leading to the conclusion that the net result can not be to its disadvantage. Opportunity has not been afforded me to make a sufficiently careful study to inform myself of the extent and character of the cargoes originating west of the Hudson carried in ships sailing from New England to overseas ports. It would seem, however, that the tonnage could not be great, seeing that there is by rail a differential against Boston and Portland on first-class domestic traffic from Chicago of 7 cents per 100 pounds in favor of New York, 9 cents in favor of Philadelphia, and 10 cents in favor of Baltimore. But, however that may be, New England will enjoy the advantages of this cheaper route to the great West just as it will to reach New England ports and those of Europe. The all-water route to Duluth or Chicago will, of course, be longer than the rail or rail and lake route, but that it will be the cheaper route can not be doubted when it is remembered that as a rule freight carried by water moves generally from 6 to 10 miles at the cost of the carriage one mile by rail. Vast quantities of the products of New England, bulky and heavy freight like granite in the transport of which time is not an important element, will, it is reasonable to expect, go by the route it is hoped will, in the near future, be opened to commerce. Not alone its ports, but all New England, have profited by the construction of the Panama Canal, through which the products of this section pass to the ever-increasing markets of the Pacific coast, where mid-continent competitors are met on a more nearly equal basis. There seems no reason to doubt that similar advantages will accrue through access to the markets of the Northwest on both sides of the international boundary by the improved St. Lawrence waterway. Nor would the movement by any means be one way. Copper and zinc produced in Montana and Michigan would reach, by this cheaper route, the brass factories of Connecticut and other New England consumers of those metals. Iron and steel from the lake mills would furnish further cargo.

A major consideration, however, is the incidental development of electrical energy within easy transmission distance of all New England in the enormous aggregate of 2,700,000 horsepower and eventually, as the market expands, of 5,000,000 horsepower.

As the crow flies it is less than 200 miles, as I scale the map, from Ogdensburg, in the neighborhood of which the power development will take place, to Boston. Energy for industrial use is conducted over lines in Montana a distance in excess of 250 miles and much farther in California. I am not unaware of the fact that steam power can be produced at the seaboard much more economically than formerly, regardless of the fluctuations in the price of coal, owing to improved methods of utilizing its heat units. But the availability of such an added supply of power, always in demand for use in this highly industrialized section, can not fail to have consequences of tremendous import.

I have seen the statement that the total consumption of power in industry in Massachusetts does not exceed 2,000,000 horsepower annually. The census figures show a constant increase since 1919 in the power developed and used in New England, reaching in 1925 nearly four and one-half million horsepower. It is estimated that the contemplated improvement can not be completed in less than from 8 to 10 years, by which time, according to a report to the Associated Industries of Massachusetts, the power requirements of New England will be 15 or possibly 20 per cent greater than now. It would not be strange if the development of the power possibilities of the St. Lawrence resulted in changes of the most profound character in the business and social life of these States, amounting in the aggregate approximately to the total energy now utilized in all New England.

It must have awakened the keenest concern among you to find immense textile factories spring up throughout the South Atlantic States not only adjacent to the cotton fields but where cheap water power is available to turn the spindles.

No effort has been made to agree upon a division of the power to be generated by works in the international section of the river; but, assuming an equal division to be made, there would be allocated for use in the United States approximately 1,350,000 horsepower. The total amount now being generated at Niagara on both sides of the river is 1,503,000 horsepower—565,000 on the American side and 938,000 on the Canadian. If the energy to be developed were disposed of at the meager price of $15 per horsepower, there would be an annual return of approximately $20,000,000. The part of the estimated cost of the works to be allocated to power development is the difference between $123,000,000 and $394,000,000, or between $148,000,000 and $423,600,000 as the single or the two-stage development shall be prosecuted; that is to say, $271,000,000 in the one case and $275,600,000 in the other. The initial installation will, accordingly, be at a cost of approximately $100 per horsepower, to be still further reduced when the full possibilities are developed. The Niagara installation cost approximately $90 per horsepower, while that at Conowingo, on the Susquehanna, recently completed, has mounted up to $140.

It is asserted that the net revenues accruing from power alone would take care of the interest charge on the investment and provide a sinking fund of amortization.

Every dollar needlessly spent for transportation is a dollar lost. It represents so much of human toil that might have been avoided, so much of the comforts or convenience if not the necessities of life that mankind must forego. And so with power resources undeveloped. Payment must be made in drudgery for neglect to utilize the forces of nature which a beneficent Providence has placed at our command. The project I commend to you would add glory to our Nation and "scatter blessings o'er a smiling land."

AFFAIRS IN NICARAGUA

Mr. BLAINE. Mr. President, I desire to offer a resolution and have it read at this time, and ask that consideration of it be taken up at the time the appropriation bill for the Navy is laid before the Senate.

I should like to have the resolution read at this time.

Mr. CURTIS. Mr. President, the Senator is not at this time asking unanimous consent for the consideration of the resolution?

Mr. BLAINE. I am introducing it as a resolution to be read at this time.

Mr. CURTIS. There is no objection to that.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 198), as follows:

Resolved, That the Secretary of the Navy is directed to communicate to the Senate a detailed account of the expenditures incurred in the support and navigation of the several ships, war vessels and transports, and aircraft or other implements of war, and the personnel thereof, including officers and men, and all costs in connection with the expedition to the Republic of Nicaragua, from the 4th day of May, 1927, and an account of the expenditures incidental thereto or necessary by reason of such expedition; and that the Secretary of the Navy also report in detail to the Senate how much the expenditures would have been had such ships, war vessels, transports, and aircraft or other implements of war, and the personnel thereof, including officers and men, been in service at the respective home stations or camps; also how many vessels of every description are in service in connection with the present conditions relating to the Republic of Nicaragua; and be it further

Resolved, That action on bill H. R. 12286 be deferred and postponed until a full report is made to the Senate as above directed.

Mr. NORRIS. Mr. President, I desire to ask the Senator if he will not amend his resolution by adding to it a direction to the Secretary of the Navy to inform the Senate how many American soldiers have been killed in the war in Nicaragua, and how many Nicaraguan men, women, and children have been killed.

Mr. BLAINE. I have no objection to such an amendment, if offered.

Mr. President, I ask unanimous consent for the consideration of the resolution at the time the bill making appropriations for the Navy is laid before the Senate.

Mr. BINGHAM. I object.

The VICE PRESIDENT. Objection is made.

Mr. BLAINE. Mr. President, I make a parliamentary inquiry. The resolution will, then, go over until to-morrow?

The VICE PRESIDENT. The resolution will go over one day.

Mr. BLAINE. I desire, then, to give notice that when the bill making appropriations for the Navy is laid before the Senate I shall move that action on it be deferred until there is action upon this resolution.

Mr. EDGE. Mr. President, will the Senator permit a question before he takes his seat?

Mr. BLAINE. I will.

Mr. EDGE. In answer to the suggestion made by the Senator from Nebraska [Mr. NORRIS] that the Senator perfect his resolution to include the securing of the information as to the number of casualties among those engaged, I will say that on February 11 and 18, 1928, the Committee on Foreign Relations

had before them the Secretary of the Navy, the admiral commanding the fleet, Admiral Latimer, and the Commandant of the Marine Corps, General Lejeune, and that full information as to the activities and casualties up to that time, about two months ago, appears in the document I have in my hand, the report of the proceedings before the Committee on Foreign Relations on Senate Resolution 137.

Mr. NORRIS. Mr. President, if the Senator from Wisconsin will permit me——

Mr. BLAINE. I yield to the Senator.

Mr. NORRIS. I think I have read the document to which the Senator refers. In the first place, I think a careful reading of it will disclose that there is nothing definite about the number of people who have been killed; and it is not quite up to date.

Mr. EDGE. It is not quite up to date.

Mr. NORRIS. The war is going on in Nicaragua every day, and I suppose people are being killed and property is being destroyed and houses are being burned nearly every day. I would like to have the information right up to date.

Mr. KING. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. KING. Let me suggest to the Senator—and I hope he will pardon me for so doing—that he can offer his resolution as an amendment to the naval appropriation bill, and I think that would be the better parliamentary procedure, and no objection could be interposed to the offer.

While I have the floor, with the Senator's consent, I want to give notice that I shall offer an amendment to the naval appropriation bill providing, "That no part of any amount carried in this bill shall be used to keep or maintain any marines in the Republic of Haiti."

Mr. BLAINE. Mr. President, the purpose of the resolution that I have offered is, as it plainly indicates on its face, an effort to obtain information respecting the expenditures by the Navy Department for the Marine Corps, which information is not now in the possession of the chairman of the Committee on Naval Affairs. At least it was so indicated in the debate the other day. I can not understand how the Senate can legislate intelligently and conscientiously unless the necessary facts are before this body, from which facts they will be able to determine whether or not the appropriations proposed for that part of the Navy are excessive or insufficient.

Mr. HALE. Mr. President——

Mr. BLAINE. I yield.

Mr. HALE. When we take up the bill I will discuss the matter the Senator has spoken of. I think I can give him information that will show practically the amount that has been expended up to date. The amounts that will come in the deficiency bills in the future will have to be determined when those bills come in. The department knows substantially what it is going to ask for in the next deficiency bill, and, of course, it knows what was included in the bill last November.

I will go further into the question of the additional expenditures for the marines this year, and I think I can make the matter clear to the Senator. It is more or less involved, I will admit.

Mr. BLAINE. Mr. President, I am seeking full information. I do not want information that simply implies an opinion or a thought or a suggestion. If this administration is so efficient and conducts the affairs of the Government in such a business-like way as we are led to believe, then the administration, acting through the Navy Department, ought to have this information, and have it in detail. There is not a single efficient business or corporation in this country, industrial, mercantile, or of any other character, that can not upon any day determine and lay before the stockholders of that organization the exact financial condition of that industry or that undertaking. The people of the United States are stockholders in this great social organization which we choose to call Government. They are entitled to have laid before their representatives a detailed statement of the expenditures with respect to every question submitted to this body for its action.

In the making of an appropriation——

Mr. BINGHAM. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state the point of order.

Mr. BINGHAM. Under what order is the Senate now acting?

The VICE PRESIDENT. Concurrent and other resolutions are in order.

Mr. BINGHAM. I call for the regular order.

The VICE PRESIDENT. The regular order is called for.

Mr. BLAINE. Mr. President, I desire to give notice at this time that I shall submit an amendment to the naval appropriation bill in words as follows:

Provided, That none of the appropriations made in this act shall be used to pay any expenses incurred in connection with acts of hostility against a friendly foreign nation, or any belligerent intervention in the affairs of a foreign nation, or any intervention in the domestic affairs of any foreign nation, unless war has been declared by Congress or unless a state of war actually exists under recognized principles of international law.

The interpretative part of this amendment reads as follows:

The words "acts of hostility" and the words "belligerent intervention" shall include within their meaning the employment of coercion or force in the collection of any pecuniary claim, or any claim of right to any grant or concession for or on behalf of any private citizen, copartnership, or corporation of the United States, against the government of a foreign nation, either upon the initiation of the Government of the United States or upon the invitation of any foreign government existing de jure or de facto.

FOREIGN TRADE IN POTATOES

Mr. GOULD. Mr. President, I am about to offer a resolution, which may need a little explanation, for fear it might be construed as a tariff bill. It will pertain to the staple crop of Maine—potatoes. Maine is not the only State that is interested in this matter. All the Northern States bordering on Canada, from Maine to Idaho, are interested in this resolution.

We became quite prominent in the raising of potatoes in Aroostook County some 30 or 40 years ago. We had a hard struggle. We had numerous difficulties to overcome. We finally secured good railroad facilities into our section and we thought we were all right. We went along, with now and then a year of overproduction, and we had to suffer the consequences, as any State or any section is bound to suffer when there is overproduction in their one staple crop.

On the whole, we were getting along very well until prohibition came about. Prohibition came pretty near ruining our potato business. It looked bad for us for two years after Volstead got his law in action, and that condition came about in this way:

We had a very fair market. When there are less than four bushels of potatoes per capita raised in the United States we are reasonably sure of a fair price. When there are over 400,000,000 bushels raised in the United States we are sure of a low price. In 1919 and 1920, when John Barleycorn had to go out of business, the good farmers of the Middle West looked around to see what to raise next. They could not raise any more grain for the distilleries and breweries, and a great many of them conceived the bright idea that potatoes would be a good thing to raise. Those two years we raised in the United States about 450,000,000 bushels of potatoes.

Our section, which is confined to the potato business, hauled a lot of its potatoes to the dump in the spring after housing them all winter. That is what prohibition did for our potato crop. It caused a very "dry" spell there for us. I do not mean "liquid dry"; I mean there were dry pickings for the potato dealer and the potato producer. The other dry question does not count so much, because we are right on the border of Canada, anyway.

This county of Aroostook, which I represent, it might interest Senators to know, is the most prosperous, the highest rated agricultural county in the United States. The county itself in square miles is just about the size of the State of Massachusetts. When it is realized that only one-third of that county is settled up now, the balance of it being in forest, it must appeal to anyone that for our one crop we need a little protection.

The question arises, What is the necessity of protection? After we recovered from the dry spell we had, after the Volstead Act went into force, we thought we were getting along pretty well. The western man made a failure of raising potatoes, and we had our market back again. But who should come in and take it away from us but the Maritime Provinces.

The best feature of our potato business is something that has been worked up in the last 20 years. Every winter that I have been South I have always come home with the idea that I had found out something, that if we put up pure seed potatoes we could sell immense quantities of them in the South. The result is that up to the last year or two we had worked up a trade with our southern neighbors who want our northern-grown seed to produce early potatoes in the South, until we were selling them anywhere from eleven to fifteen thousand carloads.

This is the best business we had for this reason: The farmer was taking no chances when he planted seed potatoes of certain varieties, because he had them all contracted for in 5, 10, 15, and 20 carload lots to go South. They were contracted before they were planted. They were delivered any time they were wanted, sometimes out of the field, sometimes in December or

January or February, according to the section of the South to which they were going. We provided potato houses all along the railroad tracks which were absolutely frost proof. We could ship potatoes to the South at any time they were wanted.

But what happened? Prince Edward Island, the greatest competitor we have, came along and said, "That is pretty good business. We would like to try it ourselves." I have correspondence which shows that 10 years ago they raised very few potatoes that were shipped to the United States. Five years ago the records show they were shipping a good many. To-day they are shipping a great many more. For instance, in 1926 Prince Edward Island raised for our southern market 9,000 acres of seed potatoes. Last year, 1927, they trebled that amount and raised 27,000 acres of potatoes, which came into our markets last fall and winter.

I have taken up this matter with the President, hoping to get the little one-half cent a pound duty which is on potatoes now increased to three-fourths of a cent, thinking it was a short cut to getting another 15 cents a bushel on potatoes; but after going over the matter thoroughly with the President he referred me to the Tariff Commission. I made an appointment with them. I am told by them that in order to get the tariff increased to 50 per cent by the President they must have a thorough investigation. The investigation means that they will have to find out the cost of raising potatoes here in the States and then they will have to go down to Prince Edward Island and through the Maritime Provinces to make an investigation there before they can go any further, and before they can make a recommendation. If they find that our neighbors on Prince Edward Island can raise potatoes cheaper than we can, then the duty will very likely be put on to equalize.

Here is what the Tariff Commission will find when they get around to it: In the first place, they can raise just as good potatoes on Prince Edward Island as we can raise in Maine. They can raise no more per acre, and probably not so many, but they can raise as good potatoes for seed as we can raise. We acknowledge that to start with. Their fertilizer costs them about the same as it does us, $30 a ton, but the Canadian Government returns them $10 a ton bonus, so they own their fertilizer for just two-thirds what we have to pay for ours.

Our section of the Northern States, of course, is all rail from where we produce the potatoes to the market in the South. Prince Edward Island can put potatoes into the southern markets—Savannah, Norfolk, Baltimore, or anywhere along the Atlantic coast—for just half the freight by vessel that we have to pay all rail. This is what the Tariff Commission is going to find out. They will find that potatoes can be raised in Prince Edward Island cheaper than we can produce them because their land is not so valuable, their labor is cheaper, their fertilizer is cheaper, and their freight is cheaper. The resolution which I am about to offer simply provides for a small appropriation to enable the Tariff Commission to make the investigation.

I send to the desk two short items which I ask may be read by the clerk so they may appear in the RECORD.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[From Commerce Reports, November 28, 1927]

UNITED STATES FOREIGN TRADE IN POTATOES—THE UNITED STATES SHOWS A DECREASING EXPORTATION AND INCREASING IMPORTATION OF POTATOES, EXPORTS TOTALING 2,033,000 BUSHELS IN 1926 AND IMPORTS REACHING 5,727,900 BUSHELS—HALF OF THE EXPORTS GO TO CUBA AND OVER 90 PER CENT OF THE IMPORTS COME FROM CANADA

(M. A. Wulfert, foodstuffs division)

The United States foreign trade in potatoes in 1926 was characterized by a decline in exports and a large increase in imports. Exports of potatoes gradually dropped during the past five years—from 2,896,565 bushels, valued at $3,216,600, in 1922 to 2,033,105 bushels, valued at $3,496,723, in 1926—while imports varied from 1,774,764 bushels in 1922 to 452,135 bushels in 1924 and 5,727,918 bushels in 1926. The 1926 imports were valued at $8,328,329.

SMALLER SHIPMENTS TO CUBA, OUR CHIEF MARKET

Potatoes are exported from the United States throughout the year, but the heaviest shipments occur from June to October, reaching a peak in July. The principal foreign market for potatoes from the United States is Cuba, which takes about half of the exports. There has been, however, a downward trend in exports to Cuba in the last two years, such shipments decreasing from 2,256,436 bushels in 1924 to 1,088,176 bushels in 1925 and to 985,730 bushels in 1926. This reduction was brought about largely by heavier imports from Canada. Cuba also imports potatoes from the Canary Islands, Spain, Chile, and Belgium. Total imports into Cuba in 1926 amounted to 3,569,587 bushels, 59 per cent of which came from Canada and 34 per cent from the United States. Shipments to Cuba from the United States are highest from June to September and lowest in February and March.

The new Cuban import tariff on potatoes, which became effective October 26, 1927, increased the rate of duty to $1 per 100 kilos (220.46 pounds) gross weight from June 1 to November 30 and $2 per 100 kilos, gross weight, from December 1 to May 31, for potatoes from countries other than the United States. The new rate for potatoes from the United States is 80 cents per 100 kilos, gross weight, from June 1 to November 30, inclusive, and $1.60 from December 1 to May 31, inclusive, per 100 kilos, gross weight.

Exports of potatoes from the United States to the other West Indies have also dropped. Exports in 1924 amounted to 98,415 bushels, in 1925 to 94,904 bushels, and in 1926 to 62,615 bushels.

OTHER NORTH AND SOUTH AMERICAN MARKETS

Canada is a good market for potatoes from the United States, principally in the months of June and July, and practically all the Canadian imports of potatoes come from the United States. Owing to larger domestic supplies in Canada our exports to that country dropped from 919,783 bushels in 1924 to 559,569 bushels in 1925 and to 470,730 bushels in 1926.

Mexico and Panama each take about 8 per cent of the exports of potatoes from the United States, 163,264 bushels and 155,998 bushels, respectively, in 1926. The quantity exported to these countries remained fairly constant during the last five years. The other Central American countries take about 38,000 bushels a year.

The largest markets for potatoes in South America are Colombia and Venezuela, which imported from the United States in 1926, 42,065 and 33,890 bushels, respectively. All the other South American countries together imported from the United States 25,996 bushels in 1926.

[From the Rural New Yorker, April 7, 1928]

PRINCE EDWARD ISLAND POTATO GROWERS' ASSOCIATION MEETS

The annual meeting of the Prince Edward Island Potato Growers' Association took place March 4 and March 10. There are 3,000 members. They were, without exception, very much pleased with the year's work. The association handled one-third of all the potatoes shipped out of the Province last year and expects to ship at least another million bushels of certified seed potatoes by the end of April, with probably some table stock included. Nearly all of this certified seed goes to the United States, where it appears to be in very brisk demand.

EXTENDING THE MARKET TERRITORY

The secretary, Mr. Boulter, with a map showed the members in session something very interesting and I think of interest to rural New Yorker readers. "Do you notice this little place (on the map) called Long Island, where our first seed potatoes were marketed? It is pretty small, only the size of Prince Edward Island. Yet in 1922 it looked like the world to us. Gradually we extended down to the State of New Jersey; at the same time we were opening up a market in Virginia around the little area with Norfolk as a center. Across here you will see the peninsula known as the Eastern Shore; small, it is true, and yet the greatest potato-producing section of the world. From this little neck of land were marketed last June and July 22,000 cars of potatoes, possibly more.

"We look to the seed requirements of these sections to take care of our ever-increasing productions. We sought through very valuable representatives in Virginia wider markets. We broke into North Carolina, from that to Georgia, and this year we placed steamers at Wilmington, Savannah, and Charleston. And from these points our representatives proceeded across into Alabama and Tennessee. In Tennessee they used for their certified-seed plantings 85 per cent of Prince Edward Island cobbler stock and 15 per cent Red River cobblers."

Readers can thus see what a vast territory we have opened up for our island seed. We thought one time when we were as far as New York we were a long way from home. At Norfolk we were getting pretty well south, but when you look at the map you must conclude we were only beginning. Our aim—that is, the aim of the Prince Edward Island Potato Association—can be accomplished only through our sales organization, the Southgate Produce Co., operating in Virginia, to place steamers, not only at the Atlantic Ocean ports but to come around the tip of Florida, into the Gulf of Mexico, as far west as New Orleans, and from that point distribute into the several States. The Southgate Co. distributed over a half million bushels of seed in 1927, and they maintain, without cost to our association, a representative, Mr. Thompson, in Charleston, which greatly facilitates the work.

The future possibilities of this great farmers' industry are far-reaching.

J. A. MCDONALD.

Mr. GOULD. Mr. President, I simply wanted the articles read so it may be seen that the people of Prince Edward Island are telling their own stories and almost boasting about getting our trade.

There recently appeared in Commerce Reports an item showing that Canada exported into the United States in 1924 about 333,180 bushels of potatoes, while in 1925 there were 2,307,000, and in 1926 there were 5,327,000 bushels. That is the way their trade is coming in on us. We have to have protection. We are not asking any relief in the way of subsidies, or anything of that kind. All we want is a little protection, and all I am asking at this time by my resolution is an appropriation of $25,000 for the payment of the expenses of the investigation.

Mr. SACKETT. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Maine yield to the Senator from Kentucky?

Mr. GOULD. I yield.

Mr. SACKETT. The Senator seeks to have an investigation of the difference in the cost of production in the State of Maine and in the Maritime Provinces. Does the Senator know whether, in the course of that investigation to secure a higher tariff through the Tariff Commission, the Tariff Commission will be able to consider, under the law, the bonus that is paid by the Canadian Government as a part of the difference in the cost of production?

Mr. GOULD. No, indeed.

Mr. SACKETT. Does the Senator know whether the fortunate situation of the Maritime Provinces which enables them to ship to the South by water all the way could be considered at all in connection with the cost of production?

Mr. GOULD. I think it certainly could.

Mr. SACKETT. That is a difference in freight.

Mr. GOULD. That is a difference in freight; yes.

Mr. SACKETT. Under the tariff law does the Senator think the Tariff Commission could go into that question? Can it go beyond simply the difference in the cost of production at the point of origin?

Mr. GOULD. I was showing where they will get the best of us. I was not undertaking to show just what the commission should report, whether as to freight rates or whatnot.

Mr. SACKETT. I was trying to help the Senator to meet the situation. If the commission can not consider the difference in freight, does not the Senator feel that the situation is such that he ought to introduce a bill to increase the tariff on seed potatoes? The Tariff Commission probably could not help him to any great extent, or not sufficiently to overcome the advantage, and probably it will become necessary on that account, if the industry is going to be protected adequately, to have the duty raised by act of Congress.

Mr. GOULD. If it were possible to raise the duty, we should ask for more than the President is allowed to increase it, provided the proposed investigation shows that we are justified in asking for an increase. He can not raise the duty, which is half a cent a pound now, or 30 cents a bushel, more than 50 per cent of the rate provided by the present law. That would make a duty of 45 cents a bushel, which would not protect us altogether, and that is not all the protection we seek.

Mr. SACKETT. Then, is it worth while to make this investigation and not at the same time introduce a bill providing that the tariff shall actually be increased?

Mr. GOULD. We can not cut off that competition entirely, but we can curtail it to some extent.

Mr. SACKETT. I am afraid the Senator will find, taking into consideration these very necessary items in getting at the difference in the cost of production, that he will not be able to accomplish what he wants.

Mr. GOULD. There are two items alone because of which they can undersell us. More than anything else the investigation is desired to show that the Government returns them $10 a ton on their fertilizer, and the investigation is desired to show that they can actually produce potatoes cheaper there than they can be produced in the United States. Those are two facts that we are facing, and we have got to overcome them in some way or other.

The resolution (S. Res. 200) submited by Mr. GOULD was ordered to lie over under the rule, as follows:

Whereas under the present duty on potatoes of one-half of 1 cent per pound established by the tariff act of 1922 the quantity of potatoes imported has increased from 44,000,000 pounds, valued at $1,000,000 in 1923, to over 300,000,000 pounds, valued at more than $5,000,000 in 1927; and

Whereas differences in costs of production in the United States and in the principal competing country apparently are not equalized by the present duty; and

Whereas the potato-growing industry is widely distributed throughout the United States, and in many regions is the most important source of cash income to the farmer; and

Whereas, because of the greatly increased imports of potatoes, an emergency exists in this industry, particularly among producers of seed potatoes: Therefore be it

Resolved, That the United States Tariff Commission be, and hereby is, requested to investigate for the purposes of section 315 of the tariff act of 1922 the costs of production of white or Irish potatoes in the United States and in the principal competing country, and to report its findings to the President of the United States.

THE CALENDAR

The PRESIDING OFFICER. Morning business is closed. The calendar, under Rule VIII, is in order.

Mr. JONES. Mr. President, I have been requested to suggest the absence of a quorum when the calendar should be called this morning. So I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Locher	Sheppard
Bayard	Fletcher	McKellar	Shipstead
Bingham	Frazier	McLean	Simmons
Black	George	McNary	Smith
Blaine	Gerry	Mayfield	Steiwer
Blease	Glass	Metcalf	Stephens
Borah	Goff	Moses	Swanson
Bratton	Gould	Neely	Thomas
Brookhart	Hale	Norbeck	Tydings
Broussard	Harris	Norris	Tyson
Bruce	Harrison	Nye	Vandenberg
Capper	Hawes	Oddie	Wagner
Caraway	Hayden	Overman	Walsh, Mass.
Copeland	Heflin	Phipps	Walsh, Mont.
Couzens	Johnson	Pine	Warren
Curtis	Jones	Pittman	Waterman
Cutting	Kendrick	Ransdell	Wheeler
Dale	Keyes	Reed, Pa.	
Dill	King	Robinson, Ind.	
Edge	La Follette	Sackett	

The PRESIDING OFFICER. Seventy-seven Senators having answered to their names, there is a quorum present. The calendar, under Rule VIII, is in order.

Mr. KING. Mr. President, where will the call of the calendar commence?

The PRESIDING OFFICER. The call of the calendar will begin with the first bill on the calendar, being Order of Business 42, Senate bill 1182, which will be stated by title.

The bill (S. 1182) to provide for the naming of certain highways through State and Federal cooperation, and for other purposes, was announced as first in order.

The PRESIDING OFFICER (Mr. McNARY). Let that bill go over.

DEVELOPMENT OF AGRICULTURAL EXTENSION WORK

The bill (S. 1285) to provide for the further development of agricultural extension work between the agricultural colleges of the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture was announced as next in order.

Mr. CAPPER. Mr. President, I ask that Order of Business No. 653, being the bill (H. R. 9495) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture, be substituted for the bill the title of which has just been stated. It is an identical bill in every essential feature; the title is exactly the same, and I move that the substitution be made and that the House bill be considered at this time.

The PRESIDING OFFICER. The Senator from Kansas moves that the House bill named by him be substituted for the Senate bill, and that Senate bill No. 1285 be indefinitely postponed. If there is no objection, it is so ordered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9495) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture, which was read, as follows:

Be it enacted, etc., That in order to further develop the cooperative extension system as inaugurated under the act entitled "An act to

provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act of Congress approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the expenses of the cooperative extension work in agriculture and home economics, and the necessary printing and distributing of information in connection with the same, the sum of $980,000 for each year, $20,000 of which shall be paid annually, in the manner hereinafter provided, to each State and the Territory of Hawaii, which shall by action of its legislature assent to the provisions of this act. The payment of such installments of the appropriations hereinbefore made as shall become due to any State or Territory before the adjournment of the regular session of the legislature meeting next after the passage of this act may, in the absence of prior legislative assent, be made upon the assent of the governor hereof, duly certified to the Secretary of the Treasury. There is hereby authorized to be appropriated for the fiscal year following that in which the foregoing appropriation first becomes available, and for each year thereafter, the sum of $500,000. The additional sums appropriated under the provisions of this act shall be subject to the same conditions and limitations as the additional sums appropriated under such act of May 8, 1914, except that (1) at least 80 per cent of all appropriations under this act shall be utilized for the payment of salaries of extension agents in counties of the several States to further develop the cooperative extension system in agriculture and home economics with men, women, boys, and girls; (2) funds available to the several States and the Territory of Hawaii under the terms of this act shall be so expended that the extension agents appointed under its provisions shall be men and women in fair and just proportions; (3) the restriction on the use of these funds for the promotion of agricultural trains shall not apply.

SEC. 2. The sums appropriated under the provisions of this act shall be in addition to and not in substitution for sums appropriated under such act of May 8, 1914, or sums otherwise annually appropriated for cooperative agriculture extension work.

Mr. BAYARD. Mr. President, I desire to offer two amendments to the bill now before the Senate. On page 3, line 8, between the word "in" and the world "fair," I move to insert the word "such"; and, in the same line, after the word "proportions," before the semicolon, to insert the words "as may be determined by the State agencies," so that subsection 2 of the bill will read:

(2) Funds available to the several States and the Territory of Hawaii under the terms of this act shall be so expended that the extension agents appointed under its provisions shall be men and women in such fair and just proportions as may be determined by the State agencies.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Delaware.

Mr. KING. Mr. President, the Senator from Kansas has just moved to postpone indefinitely Senate bill known as the Capper-Ketcham bill, and to substitute for it a House bill which deals with the same subject. Several weeks ago the Senate bill was reached during the morning hour and under the unanimous consent rule which, as Senators know, precludes discussion of any moment or amendments of importance. Frequently, as is well known, bills reached on the calendar under this rule are passed over at the request of Senators who favor them in order that there may be further opportunity for consideration and oftentimes for amendments which may be offered.

A number of persons who favored the Senate bill asked me, when it was reached on the calendar, to have it go over in order that its provisions might be considered more fully. It was the opinion of some that the bill did not sufficiently protect the agricultural features or interests in contradistinction to the so-called home-economics feature. There was apprehension that without some amendment to the bill, too large a part of the fund would be devoted to home economics and to the disadvantage of the work and activities of county agents. It was suggested to me that an amendment be offered that would insure an adequate proportion of the appropriation made by the Federal Government, as well as by the State, for the employment of county agents and to meet the expenses incident to their work.

Because of these suggestions I asked that the bill go over in order that this matter might be further considered. Upon investigation I reached the conclusion that the fears expressed were not well founded. Suggestions were also made that the bill might meet with Executive disapproval because it sought to make the maximum appropriation called for permanent, and the Budget Bureau had, as I understand, not given approval to such policy. There was another objection which was urged, not by myself however, to the provision which attempted to apportion those employed under the bill between the sexes. This provision, of course, was an attempt to legislate for the States and impose upon them an obligation to employ a certain proportion of women and a certain proportion of men. I regarded this provision as unwise and as an improper attempt to limit the authority of the States. Of course, women should be selected for various Federal as well as State offices and positions; but I think it unwise, by legislation, to attempt to apportion the positions according to sex, and certainly improper for Congress to attempt to require States, by legislation or administrative procedure, to apportion positions between the sexes. Legislation of this character is bound to lead to unfortunate consequences. It may lead to demands that a certain per cent of Federal employees shall be of certain races.

No attempt should be made by Congress to restrict the right of the States to select appointees under this or other measures according to the laws of such States.

The amendment offered by the Senator is an improvement upon the bill, but it still leaves the bill subject to criticism. However, I am not objecting to the bill and am glad that it will be disposed of at this time.

Mr. President, the Senator from Arkansas [Mr. CARAWAY] called attention to the lobbyists and propagandists who infest Washington and the Capitol. Unfortunately, there is too much truth in the statement made by the Senator. There are hundreds of persons in Washington, particularly when Congress is in session, who seek, by intimidation and threats and other means to secure legislation. Some represent groups or active minorities who are selfishly interested in securing legislation. Many of the lobbyists have Federal jobs or want Federal jobs. Many of them support measures which are unconstitutional or socialistic, or offensively, if not destructively, paternalistic. They would break down States and their sovereignty, and submerge them and all local government under an oppressive Federalism. Some of these lobbyists frame bills which are introduced, and if a Senator or Congressman ventures to inquire into the propriety or validity of such legislation, immediately some lobbyist seeks to coerce or intimidate or persuade the inquiring Senator or Congressman to accept the bill without dotting an "i" or crossing a "t." If the slightest opposition is manifested, then efforts are made to arouse public sentiment in the districts or States from which the Representative or Senator comes, and to accomplish this end, inaccurate and oftentimes false and lying statements are telegraphed or written to persons within such districts and States. Not infrequently, within a few hours after a Senator or Congressman has manifested some objection to a bill backed by lobbyists and selfish interests, telegrams are received by the Senator or Representative, protesting or threatening him if he opposes the bill. Oftentimes a mere inquiry by a Senator or a desire to offer reasonable and proper amendments is reported to his constituents as conclusive evidence of his hostility to the measure, and with a view to securing what is called "backfire" or "home pressure" to coerce or intimidate the Senator into accepting, without the slightest modification, the views of the lobbyists.

The bill which has just been indefinitely postponed was supported by a lobbyist who was offensive and untruthful. I do not know by whom he was sent or how much he was paid for lobbying, but I believe he has a job directly or indirectly under the Federal Government and will have a job under the bill which we are about to pass, or will be pecuniarily benefited by it. This lobbyist made inaccurate statements, and attempted to have pressure brought upon me when I asked, during the morning hour, that the bill be passed, as I desired to ascertain whether the apprehensions of persons engaged in agriculture and who are interested in the county agent side of the bill, were well founded. This lobbyist, as I have stated, began writing letters and sent telegrams to my State to accomplish his improper end.

Mr. BRUCE. Mr. President, may I ask the Senator from Utah a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I yield.

Mr. BRUCE. I should like to ask the Senator from Utah the name and residence of that lobbyist?

Mr. KING. His name, I am advised, is Noble, and his headquarters are in Chicago. If he and some other lobbyists would remain at home and mind their own business, it would be better for the people and result in wiser legislation. Sooner or later there will be legislation dealing with lobbyists. Of course, there are questions before Congress of importance, and before legislation is enacted dealing with them, information must be obtained.

There are some organizations who are represented in Washington by persons of character and ability, who furnish to committees of the House and Senate facts and data helpful to Senators and Congressmen in their efforts to enact wise and just laws.

Mr. BRUCE. Mr. President——

Mr. KING. I yield.

Mr. BRUCE. Does not the Senator think, however, that some sort of line ought to be drawn between the legitimate propagandist and the odious lobbyist?

Mr. KING. Undoubtedly, but it is somewhat difficult to draw that line. The people have a right to address Congress and to ask for legislation or to oppose legislation. I would be the last to attempt to abridge this right; but, in the language of the Senator, the "odious lobbyist," the absolutely selfish and sinister lobbyist, ought to be differentiated from those who are fairly and honestly engaged in presenting to Congress facts and data connected with matters engaging the attention of the National Legislature.

Mr. BRUCE. It is difficult to draw; but it certainly ought to be drawn, because I do not know any individual to whom I have been so much indebted all my life, as far as my limited public career has been concerned, as the legitimate propagandist. I should be completely in the dark as to how to discharge my public duties if I did not get the assistance at times that I do get from individuals and associations that have a perfect right to approach me and to enlighten me with reference to the merits and demerits of questions in which I happen to be interested officially at the time. How would the Senator draw the line?

Mr. KING. I did not rise for the purpose of discussing that question. We had a bill before us a few days ago dealing with lobbyists——

The PRESIDING OFFICER. The Chair must announce that the Senator's time has expired.

Mr. BRUCE. I did not know that we were proceeding under that rule. I would not have interrupted the Senator if I had known it.

The PRESIDING OFFICER. Does the Senator from Utah object to the consideration of the bill?

Mr. KING. No; I was not objecting to its consideration at all.

Mr. PITTMAN. Mr. President, I have only a few words to say on this matter.

The PRESIDING OFFICER. The present occupant of the chair understands that the question is upon the amendment offered by the Senator from Delaware [Mr. BAYARD].

Mr. PITTMAN. That is all I am going to speak on.

I am satisfied that the Senator from Delaware is just as deeply interested in this legislation as the Senator from Kansas or the Senator from Nevada. We all realize what it means, and we want to pass it without delay.

As a matter of fact, this Government years ago established land colleges, which were initiated and supported through the grant of public lands. They have always had a relation to that extent to the United States Government. There has been cooperative work going on between those land colleges, the departments of agriculture of the States, and the Department of Agriculture of the Federal Government looking to making a business out of agriculture, the same as we have brought business methods to other lines of industry. I have watched and studied the work. It has proven of great value. I am not going into the details, because the time does not permit. We have a few minutes only in which to act upon this bill or it must be displaced.

An amendment was offered to this bill in the House which has met great opposition and which has delayed its passage for months and threatened its defeat. The amendment is as follows:

> Funds available to the several States under the terms of this act shall be so expended that the extension agents appointed under its provisions shall be men and women in fair and just proportions.

It is perfectly evident that somebody must determine what proportions are fair and just, unless we mean "equally"; and if we mean "equally," then the impracticability of equally dividing agencies between men and women in every case is perfectly apparent. On the other hand, if they were not divided equally between men and women we would possibly have Comptroller General McCarl down here holding that the money could not be expended, because the act had not been carried out to the letter. I think it would be an exceedingly dangerous proposition to leave the amendment as it is, and I am very happy that the Senator from Delaware, who has looked upon this question seriously from the standpoint of the bill itself, and has considered that it might become inoperative if this amendment were not more definitely described, has offered an amendment providing that the State agencies must determine what is equitable and just. Of course, the appointive power is the one to determine what is equitable and just, and the appointive power is the State agency having charge.

I think the Senator from Delaware should be congratulated upon making such a serious effort to accomplish the perfection of the amendment; and as one of those who are heartily in favor of this bill and who has worked for compromises that would insure its passage, I hope that the Senator from Kansas, having the bill in charge, will accept the amendment, and thus insure the immediate passage of the legislation.

Mr. CAPPER. Mr. President, I had hoped that the House bill would go through without any amendment; but I do not see that the amendment offered by the Senator from Delaware materially alters the purpose of the original amendment, and therefore I accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LOUISE A. WOOD

The bill (S. 61) granting an increase of pension to Louise A. Wood was announced as next in order.

Mr. KING. Let that go over.

Mr. BRUCE. Mr. President, I trust that that objection will not be insisted upon by the Senator from Utah. It does seem to me that this great country of ours, when it is dealing with the widow of one of the most distinguished of its soldiers and administrators, should at least be as generous as a foreign country.

I think one of the most beautiful, one of the most inspiring things in human history, is the fact that the Legislative Assembly of Cuba, so far as I know absolutely unsolicited, has settled an annuity of some $6,000 on Mrs. Wood as a token of Cuban sensibility to what her celebrated husband did for Cuba; and it did that, as I recollect, before we ourselves had even taken the initial step toward recognizing the claims of Mrs. Wood's situation upon our own gratitude and generosity.

After all, the annuity provided by this bill is not a large one. Even when it is added to the annuity that has been bestowed upon Mrs. Wood by the Legislative Assembly of Cuba the amount will not be a large one; certainly not an inordinate one. As I understand it, though I have no personal knowledge of the subject except what has been derived from reading the newspapers, General Wood had given himself up for years so unremittingly to the service of his country that he never had the opportunity to leave his widow in a position of pecuniary comfort and ease. Therefore, as I say, I do hope that the Senator from Utah will not continue to assert his objection to this bill.

Mr. KING. Mr. President, the Senator knows that there are other Senators who object to this bill. It can not be fully considered under the five-minute rule, and I have, therefore, asked that it go over. However, I may add that I am disinclined to support this measure, not because I do not appreciate the fine character of General Wood and the service which he rendered to his country, but there have been others who have given as conspicuous service to their country as General Wood. There have been from the days of Washington down to the World War many military heroes, men who were conspicuous for their bravery, for their great military achievements, and for the important service rendered by them to their country. We have not rewarded them or their families by bounties or pensions.

It has not been the policy of this country to give to its military leaders gratuities and stipends and pensions, as has been done by monarchial countries. I think there are persons who have rendered service of the highest value to our country who were not military men, and, measured by the benefits derived by the Nation and by the American people, they would be as much entitled to pensions and gifts and gratuities as some of our military heroes. I am not disparaging the great ability and the high character of General Wood. I admired him very much and deplored his premature death. But if we pass this bill I do not see where we can draw the line. It may be that many persons believe that the policy pursued should be reversed and that large gratuities should be paid to the families of our great men; but if so, I think some rule should be laid down and some

policy adopted which will be just and prevent discrimination and ground for criticism.

For the present I ask that the bill go over.

Mr. BRUCE. Let me say in that connection that the Senator is not more opposed than I am to reckless pensions. The Senator knows that, because my vote has been invariably cast against all legislation of that kind since I have been a Member of this body. I do think, however, that every nation ought to have some pecuniary recompense where pecuniary recompense is really needed for men or women who have rendered extraordinarily illustrious and fruitful service to their country. That, of course, as we all know, has been the English practice for many generations.

I recall at this moment one most striking illustration of this fact. The Senator will recall that after the death of William Pitt Parliament made an appropriation for the payment of all his debts, recognizing the fact that he had been so constantly engaged in the performance of public duties of one sort or another that he had had no opportunity to accumulate a fortune. So it is only in the case of some conspicuously distinguished individual who has rendered services of an unmistakably exceptional value to his country that I would for a moment think of supporting a pension proposition like this; but I do believe that this case is distinctly exceptional.

Mr. FLETCHER. Mr. President, of course the bill goes over under objection; but I want to join with the Senator from Maryland in his remarks. I think General Wood rendered such conspicuous and distinguished service to his country that it ought to be recognized, and this is about the only way I see in which it can be recognized.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

BILLS, ETC., PASSED OVER

The bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. This bill, being the unfinished business, will be passed over.

The bill (S. 2720) for the relief of David McD. Shearer was announced as next in order.

Mr. KING. Let us have an explanation of that bill.

Mr. SHEPPARD. Mr. President, the senior Senator from Utah [Mr. SMOOT] has expressed a desire to be present when this bill is considered. In his absence, therefore, I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 109) creating a committee of the Senate to investigate the sinking of the Submarine *S–4* was announced as next in order.

Mr. ODDIE. Mr. President, as the chairman of the Naval Affairs Committee has appointed a subcommittee to investigate this matter, I request that the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 1939) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, was announced as next in order.

Mr. KING. There will be an amendment or two to offer to that bill, the discussion of which will take a few minutes. I suggest that it be passed over temporarily.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 132) to authorize the President to appoint LeRoy K. Pemberton a first lieutenant, Officers' Reserve Corps, United States Army, was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely.

Mr. SHEPPARD. Mr. President, the Senator from California [Mr. SHORTRIDGE] who introduced the bill is absent. I suggest that the bill go over without prejudice until he can be here.

Mr. FLETCHER. I think the Senator from California said the other day that he would ask once more, and that was the time he did ask, that these bills go over. I do not understand that he expected to ask it any further. The bills ought to be disposed of.

Mr. SHEPPARD. The Senator is not here. I suggest that this bill go over until he can be here.

The PRESIDING OFFICER. At the request of the Senator from Texas the bill will be passed over.

The bill (S. 2053) to establish a military record for Daniel P. Tafe was announced as next in order.

The PRESIDING OFFICER. This bill also is reported adversely. Without objection, the same order will be made.

The bill (S. 141) for the relief of Felix Medler was announced as next in order.

The PRESIDING OFFICER. This bill also is reported adversely. Without objection, the same order will be made.

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war was announced as next in order.

Mr. HALE. Let that go over.

Mr. JONES. The Senator from North Dakota [Mr. FRAZIER] would like to have that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 133) for the relief of Kenneth B. Turner was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely and, without objection, will be passed over.

OKFUSKEE COUNTY, OKLA.

The bill (H. R. 7011) to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2148) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Let this bill go over.

The bill (S. 2149) authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance was announced as next in order.

The PRESIDING OFFICER. This bill also will be passed over.

AMENDMENT OF GOOD ROADS ACT

The bill (S. 2327) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was announced as next in order; and the Senate, as in Committee of the Whole resumed its consideration.

The PRESIDING OFFICER. The amendment of the Senator from Tennessee [Mr. MCKELLAR] is pending.

Mr. PHIPPS. Mr. President, the Senator from Tennessee informed me just a day or two ago that he was willing to withdraw that amendment. The bill under consideration is the customary procedure, two years in advance, to authorize appropriations for public highways and for roads in the public forests. It is desired to have those authorizations made some time in advance, in order that the various States may arrange their legislative and financial programs, knowing that they may depend upon certain allotments of Government aid in the construction of highways. I trust that the matter will be considered at this time. It has gone over frequently for further consideration.

The PRESIDING OFFICER. The present occupant of the chair would like to ask the Senator from Colorado if he is authorized to withdraw the amendment proposed by the Senator from Tennessee?

Mr. PHIPPS. I feel that I am authorized to ask that the amendment offered by the Senator from Tennessee be withdrawn.

Mr. KING. Mr. President, may I ask the Senator if provision is made here such as is contemplated by the western public-land States for appropriations for roads in the forests?

Mr. PHIPPS. Yes; that is included, the customary amount, seven and a half million dollars for each year for the fiscal years 1930 and 1931.

Mr. KING. That is substantially the appropriation which has been carried?

Mr. PHIPPS. It is identical with what we have been passing for the past few years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. COPELAND. I assume we have an understanding about this bill. In any event, I will ask that it go over to-day.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1940) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, it is obvious that a bill which looks to an appropriation finally of $400,000,000 ought to receive a little consideration. I suggest that it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety was announced as next in order.

Mr. KING. I ask that that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands, and fixing salaries of certain officials, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1831) to authorize the Secretary of War and the Secretary of the Navy to class as secret certain material, apparatus, or equipment for military and naval use, and for other purposes, was announced as next in order.

Mr. BRATTON. The author of the bill is not present, and I suggest that it go over.

The PRESIDING OFFICER. The bill will be passed over.

GEORGE WASHINGTON BICENTENNIAL COMMISSION

The bill (S. 3092) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $300,000 to enable the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington, established by the joint resolution approved December 2, 1924, to carry out and give effect to plans approved and recommended by said commission for the following purposes:

For editing, indexing, publication, and distribution of George Washington's writings, a George Washington Bicentennary Series, and miscellaneous manuscripts prepared under the direction of the commission, including maps and illustrations, and all necessary expenses connected therewith; for compensation of the executive secretary, historian, and such assistants as may be needed for clerical and expert services, and for actual and necessary traveling, subsistence, and other expenses incurred by the commissioners and officers in the discharge of their duties, to be expended by the disbursing officer of the commission upon vouchers approved by the chairman of the executive committee of said commission, which approval shall be conclusive upon the General Accounting Office in such amounts and for the purposes herein authorized as the commission, in its discretion, may deem proper, notwithstanding any other provision of law.

SEC. 2. In carrying out the provisions of this or any other act relating to the celebration of the two hundredth anniversary of the birth of George Washington, the commission established by the joint resolution approved December 2, 1924, is hereby authorized to procure advice and assistance from any existing governmental agency, including the services of technical and other personnel in the executive departments and independent establishments.

SEC. 3. The unexpended balances of the appropriations for the celebration of the one hundredth and fiftieth anniversary of the Battle of Bunker Hill, and of the one hundred and fiftieth anniversary of the Battles of Lexington and Concord, are hereby authorized to be reappropriated and made available for the necessary expenses of the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington, which, together with amounts heretofore appropriated for the use of said commission and not expended, are hereby authorized to be reappropriated and made available until expended.

SEC. 4. Section 2 of the joint resolution entitled the "Joint resolution authorizing an appropriation for the participation of the United States in the preparation and completion of plans for the comprehensive observance of that greatest of all historic events, the bicentennial of the birthday of George Washington," be, and the same is hereby, repealed.

SEC. 5. That the short name for the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington shall be "The George Washington Bicentennial Commission."

Mr. FESS. I want to offer an amendment to the bill. I move, on page 1, line 11, to strike out the words "a George Washington Bicentennary Series."

Mr. JONES. May we have a brief explanation of the bill? I have not had an opportunity to read the report.

Mr. FESS. The object of the bill is to publish a definitive edition of all of the writings and available letters and general orders of General Washington. I understand there are a thousand letters to be printed. This will be a definitive edition.

Mr. KING. May I ask the Senator whether the objections which were heretofore made by the Senator from Connecticut [Mr. BINGHAM] have been met by the amendment just offered?

Mr. FESS. Yes. In addition to that objection, the Senator thought we ought to have the matter handled by the Government. I may say that it will cost considerably more to have it done by the Government, under their estimate, than if it were done outside, but there will be a better distribution of it if it is done by the Government than if it were done by a private publishing house.

Mr. KING. Would the Senator care to advise us whether it meets the approval of Doctor Putnam?

Mr. FESS. It does.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RULES IN COMMON-LAW ACTIONS

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

Mr. JONES. When reached before, the Senator from Kentucky [Mr. SACKETT] asked that this bill might go over. A minority report, I understand, is being prepared.

The PRESIDING OFFICER. The bill will be passed over.

LIEUT. ROBERT STANLEY ROBERTSON, JR.

The bill (S. 1377) for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, after line 6, to insert the words "with pay and allowances of the fourth-pay period, as now prescribed under existing laws, and with credit for all service which he is now entitled to count in the computation of his pay," so as to make the bill read:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, Lieut. Robert Stanley Robertson, jr., United States Navy, a lieutenant commander on the retired list of the Navy with pay and allowances of the fourth pay period, as now prescribed under existing laws, and with credit for all service which he is now entitled to count in the computation of his pay: *Provided*, That nothing contained herein shall entitle Lieut. Robert Stanley Robertson, jr., to any back pay or allowances.

The amendment was agreed to.

Mr. JONES. May we have a brief explanation of the bill?

Mr. SWANSON. Mr. President, this bill is for the relief of a man who served during the World War, and I think there is only one other case like it. It is simply to give him on the retired list the temporary rank he held during the World War.

Mr. JONES. Is he on the retired list?

Mr. SWANSON. He is on the retired list, but he is on active duty, and has been in active service all the time. Under the law he was put on the retired list. The department has the right, if a man is on the retired list, to call him into active service at any time. In order to prevent injustice to active officers, in 1916, when I prepared the naval bill, I provided that no man could get any salary or hold rank higher than that of lieutenant commander when he was called from the retired list to the active list. Such men were crowding out those on the active list.

Mr. JONES. What relief does the bill give this man?

Mr. SWANSON. It gives him an increase of about $1,000 or $1,500 in his pay; I do not know the exact amount.

Mr. JONES. By way of promotion?

Mr. SWANSON. He is promoted on the retired list to the rank he held during the war on the temporary list. During the war, when the Navy was expanded, as the Senator knows, there were a great many officers added, and those then in the Navy were promoted. They served during the war with temporary rank. We provided that their rank should be temporary, so that the Navy could be reduced in size at the end of the war. This man served during the war, and he has been serving ever since on the active list. He was retired on account of physical disability. The bill simply gives him the same rank that he would have had with his class, practically. There are only two men affected. I think it is right and just that this should be done.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS PASSED OVER

The bill (S. 151) for the relief of Charles R. Sies was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2859) for the relief of Francis J. Young was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals and all commercial feeding stuffs, and for other purposes, was announced as next in order.

Mr. KING. My recollection is that the Senator from Alabama and one other Senator desired some explanation of this bill, and as they are not here I suggest that it be temporarily laid aside.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1093) to prevent the sale of cotton and grain in futures markets was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The joint resolution (S. J. Res. 99) to amend joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act and the fixing of rates and charges was announced as next in order.

Mr. FESS. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

REGISTERS AND RECEIVERS IN ALASKA

The bill (S. 2532) to provide for the designation of clerks or employees of the Department of the Interior to serve as registers and receivers in the land offices in Alaska was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior may designate and require a clerk in any of the land offices in Alaska, or any other suitable employee of the Department of the Interior, subject to the filing of such bond or bonds as the Secretary of the Interior may prescribe, to perform the several duties of register and receiver of such office, with all the powers incident to such duties; and the offices of register and receiver or ex officio register and receiver of the land office or offices named in such designation shall thereupon be abolished: *Provided*, That the employee so designated in such land office may be paid a compensation not to exceed $3,000 per annum.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LA FOLLETTE subsequently said: Mr. President, while I was out of the Chamber Senate bill 2532 was passed. I ask unanimous consent that the vote by which the bill was passed be reconsidered, and that the bill be restored to its status on the calendar. When it is taken up for consideration I desire to discuss the bill.

The PRESIDING OFFICER. Without objection, the vote by which the bill was passed will be reconsidered and the bill will be reinstated on the calendar.

BILLS PASSED OVER

The bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired was announced as next in order.

Mr. JONES. I think that bill ought to go over.

The PRESIDING OFFICER. The bill will be passed over, under objection.

The bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, was announced as next in order.

Mr. ASHURST. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1263) to amend section 4 of the interstate commerce act was announced as next in order.

The PRESIDING OFFICER. This will go over, under objection.

ANDREW W. MELLON

The resolution (S. Res. 173) expressing it as the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

BILLS PASSED OVER

The bill (S. 1748) relating to the qualifications of jurors in the Federal courts was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3151) to limit the jurisdiction of district courts of the United States was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2612) for the relief of Mary Ellen Tiefenthaler was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1486) for the relief of the owners of the schooner *Addison E. Bullard* was announced as next in order.

Mr. JONES. I would like to have some explanation of this bill. I do not see the Senator who reported the bill or the author of it in the Chamber, so I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1727) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, approved July 3, 1926, was announced as next in order.

Mr. KING. It will take some time to discuss that. I know some amendments are to be offered, and I suggest that it be passed over temporarily.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8298) authorizing acquisition of a site for farmers' produce market, and for other purposes, was announced as next in order.

Mr. BRUCE. I do not think the Senator from Virginia is ready to take up the bill. We want to try to have a day fixed for its consideration. So it had better go over.

The PRESIDING OFFICER. The bill will be passed over, under objection.

The bill (H. R. 10885) to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437), was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over, under objection.

JOHN L. ALCOCK

The bill (S. 3308) to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of John L. Alcock was considered as in Committee of the Whole.

Mr. KING. I objected to this bill the other day, but upon investigation I think it is a meritorious claim, and I have no objection.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 3, to strike out down to and including line 2 on page 2, and to insert: "That the Court of Claims of the United States be, and hereby is, given jurisdiction to hear and determine the claim of John L. Alcock, of Baltimore, Md., and to award him compensation for losses or damage, if any, which he may have suffered through action by governmental agencies in commandeering, requisitioning, controlling by compulsion or otherwise, allocating or directing the contracting for, or delivery of, spruce and fir lumber, which he owned, or had sold under firm and binding contracts to others than allied governments; and to enter decree or judgment against the United States for such compensation, with interest thereon, notwithstanding the fact that there was no taking by the United States of any of said spruce or fir lumber for the direct use of the United States, and notwithstanding the contracts made by claimant with representatives of the governments allied with the United States, and notwithstanding the fact that the United States, or any officer, agent, or employee acting in its behalf, controlled, allocated, or directed the delivery of said spruce and fir lumber, or directed or required contracts to be made therefor under color of authority, or committed a tort in doing so," so as to make the bill read:

Be it enacted, etc., That the Court of Claims of the United States be, and hereby is, given jurisdiction to hear and determine the claim of John L. Alcock, of Baltimore, Md., and to award him compensation for losses or damage, if any, which he may have suffered through action by governmental agencies in commandeering, requisitioning, controlling by compulsion or otherwise, allocating or directing the contracting for or delivery of spruce and fir lumber, which he owned, or had sold under firm and binding contracts to others than allied governments; and to enter decree or judgment against the United States for such compensation, with interest thereon, notwithstanding the fact that there was no taking by the United States of any of said spruce or fir lumber for the direct use of the United States, and notwithstanding the contracts made by claimant with representatives of the governments allied with the United States, and notwithstanding the fact that the United States, or any officer, agent, or employee acting in its behalf, controlled, allocated, or directed the delivery of said spruce and fir lumber, or directed or required contracts to be made therefor under color of authority, or committed a tort in doing so.

SEC. 2. The Court of Claims in the adjudication of such claim is authorized, in its discretion, to use, in addition to any evidence which may be offered in any suit brought under this act, the pleadings and evidence in the case of John L. Alcock & Co. against United States (61 Ct. Cls. Repts. 312).

SEC. 3. Such claim may be instituted at any time within four months from the approval of this act, notwithstanding lapse of time or any statute of limitations. Proceedings in any suit brought in the Court of Claims under this act, appeals therefrom, and payment of any judgment therein shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

The amendment was agreed to.

Mr. OVERMAN. Does the bill provide for the rendering of a judgment by the Court of Claims?

Mr. SWANSON. It does not. It simply authorizes the court to find the facts and certify them to Congress.

Mr. JONES. According to the title, it is to render judgment.

Mr. SWANSON. The amendment changes that.

Mr. JONES. Then the title should be amended.

Mr. SWANSON. I have no objection to the title being amended.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to confer jurisdiction on the Court of Claims to hear and determine the facts in the claim of John L. Alcock."

BILL PASSED OVER

The bill (S. 126) for the relief of May Gordon Rodes and Sara Louise Rodes, heirs at law of Tyree Rodes, deceased, was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LYNN W. FRANKLIN

The bill (H. R. 8651) for the relief of Lynn W. Franklin was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INCREASE OF PENSIONS

The bill (S. 2505) granting increase of pension under the general law to soldiers and sailors of the Regular Army and Navy, and their dependents, for disability incurred in line of duty, and authorizing that the records of the War and Navy Departments be accepted as to incurrence of a disability in service in line of duty was announced as next in order.

Mr. KING. There is another amendment to be offered to that bill, and I suggest that it go over.

The PRESIDING OFFICER. The bill will be passed over.

ARMISTICE DAY

The joint resolution (S. J. Res. 25) to declare the 11th day of November, celebrated and known as Armistice Day, a legal holiday was announced as next in order.

Mr. BORAH. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

THIRD-CLASS POSTMASTERS

The bill (S. 1729) extending the classified civil service to include postmasters of the third class, and for other purposes, was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

UNITED STATES COAST GUARD

The bill (H. R. 11022) to extend medical and hospital relief to retired officers and enlisted men of the United States Coast Guard was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

ORDER OF BUSINESS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 1271, the migratory bird bill.

Mr. BRUCE. Mr. President, I think that some day should be set aside to enable us to take up bills that are objected to on the call of the calendar. For instance, there is a bill in which I am very much interested that has come up again and again and has been objected to and has gone over. This is the bill extending the classified civil service to include postmasters of the third class, and for other purposes. So with two or three other bills of very greatest moment in which I and other Senators happen to be interested. I think some time ought to be set aside for taking up objected bills.

Mr. JONES. Mr. President, may I suggest to the Senator——

Mr. BRUCE. It is not my nature to make threats, but the time may come when I shall have to object with a view of securing a time for the consideration of objected bills.

Mr. JONES. May I suggest to the Senator that to-day we took up the calendar not for the consideration of unobjected bills but under Rule VIII, so that if a bill was objected to any Senator had a right to make a motion to proceed to its consideration. The trouble is, however, that we did not get started until the morning hour had nearly expired.

Mr. BRUCE. I did not know that, or I should have made a motion long ago.

NATIONAL DEFENSE ACT—NATIONAL RIFLE MATCH

Mr. BROOKHART. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 767, the bill (H. R. 8550) to amend the national defense act. It is the national rifle match bill. The appropriation for these matches has already been made, and it is important that the bill to which I refer shall be passed at this time.

Mr. HALE. Mr. President, will it take any time?

Mr. BROOKHART. No; it will take no time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. BRUCE. I object, at this time.

The PRESIDING OFFICER. The Senator from Maryland objects.

Mr. BROOKHART. The Senator, I know, is very much interested in the bill. It is the national rifle match bill, in which the Senator from Maryland is interested.

Mr. BRUCE. Very well, Mr. President, because of my great consideration for the Senator from Iowa, I am very glad to withdraw my objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert in lieu thereof the following:

Be it enacted, etc., That the act entitled "An act for the promotion of rifle practice throughout the United States," approved February 14, 1927 (44 U. S. Stat. 1095), which adds an additional paragraph to section 113 of the national defense act, is hereby amended to read as follows: "That there shall be held an annual competition, known as the national matches, for the purpose of competing for a national trophy, medals, and other prizes to be provided, together with a small-arms firing school, which competition and school shall be held annually under such regulations as may be prescribed by the national board for the promotion of rifle practice, which regulations shall be subject to the approval of the Secretary of War."

SEC. 2. Hereafter the national board for the promotion of rifle practice shall consist of the Assistant Secretary of War, the Assistant Secretary of the Navy, one member of the Regular Army to be designated by the Secretary of War, one member from the Navy to be designated by the Secretary of the Navy, one member from the Marine Corps to be designated by the commandant of the United States Marine Corps, one member from the Militia Bureau to be designated by the chief of the bureau, one member from each State to be designated by the governor of the State, one member from the District of Columbia to be designated by the commanding general, District of Columbia, and one member from the National Rifle Association of America to be designated by the executive committee thereof. Members of said board shall hold office during the pleasure of the appointing power.

The Assistant Secretary of War shall be president of the board and the Assistant Secretary of the Navy shall be vice president and perform the duties of the president in his absence or upon his request.

Said board is charged with prescribing rules and regulations for the promotion of small-arms practice in the United States, for the conduct of the national matches and the Small Arms Firing School, and also for the conduct of the office of the director of civilian marksmanship, subject to the approval of the Secretary of War.

Said board and its executive committee shall serve without pay except to receive actual traveling and hotel expenses while absent from their respective homes for the performance of their duties and under such regulations as the Secretary of War may direct.

Said board shall meet once annually upon the call of the president of the board, at such time and place as he may designate, for the performance of its duties as prescribed in this act.

Seventeen members shall constitute a quorum for the transaction of business at such meeting.

At this meeting of the board an executive committee shall be elected of not less than seven nor more than nine members, which said committee shall have supervision over, and carry out the regulations of the board relating to, small-arms practice, the national matches and the Small Arms Firing School, and the director of civilian marksmanship.

SEC. 3. The national matches contemplated in this act shall consist of rifle and pistol matches for the national trophy, medals, and other prizes mentioned in section 1 above, to be open to Army, Navy, Marine Corps, National Guard, or Organized Militia of the several States, Territories, and District of Columbia, rifle clubs, and civilians, together with a small-arms firing school to be connected therewith and competitions for which trophies and medals are provided by the National Rifle Association of America; and for the cost and expenditures required for and incident to the conduct of the same, including the personal expenses of the board and executive committee the sum necessary for the above-named purposes is hereby authorized to be appropriated annually as a part of the total sum appropriated for the national defense: *Provided*, That no competitor shall be entitled to commutation of rations in excess of $1.50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress: *Provided further*, That in lieu of traveling expense and commutation of rations while traveling the sum of 5 cents per mile may be paid to civilian competitors, and such travel pay for the return trip may be paid in advance of the performance of the travel.

SEC. 4. For the incidental expenses of the national board for the promotion of rifle practice, including books, pamphlets, badges, trophies, prizes, and medals, to be expended for such purposes, the sum of not more than $7,500 is hereby authorized to be appropriated annually.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

NAVAL APPROPRIATIONS

Mr. HALE. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate resume consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for fiscal year ending June 30, 1929, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes.

Mr. HALE obtained the floor.

Mr. BLAINE. Mr. President——

Mr. HALE. I would like to make a statement before the Senator commences his speech.

Mr. BLAINE. Very well.

Mr. HALE. In the debate on Friday last, relating to the naval appropriation bill I stated that items in the bill for the Marine Corps were increased over the same items last year by a little over $1,000,000. This seems to be a large sum. It is fair to state, however, that $830,000 was added to last year's bill by reappropriating some unexpended balances which were still in the Treasury. Thus, with those unexpended balances added to last year's bill, there is a difference between last year's bill and this year's House bill of $274,636 only, as shown in the House report. The Senate committee added $93,864 to the bill for appropriations for the Marine Corps making in all $368,320 increase over last year.

Now, $171,916 of this amount, as I said on Friday, is taken up in pay of the Marine Corps and has nothing whatever to do with the foreign expeditions in China and Nicaragua. Neither has the $93,864 which was added for the Marine Corps Reserves. That leaves a balance of $102,540, which would be expended, in all probability, for matters connected with Nicaragua and with China, though part of that sum is made up of contingent expenses and might have to do with other matters. The intention was not to have anything in this bill which referred to those foreign expeditions, but to take care of them through deficiency appropriations. The small increase that is made is unavoidable. It is largely used to make up the depleted stocks on hand in the Marine Corps, to fill out stocks that were depleted on account of the foreign expeditions.

Mr. LA FOLLETTE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Maine yield to the Senator from Wisconsin?

Mr. HALE. I yield.

Mr. LA FOLLETTE. Can the Senator tell us how much of the $830,000, which he said was made available through reappropriation of unexpended balances of last year, went to defray any expenses in connection with any of the foreign expeditions of the Marine Corps?

Mr. HALE. None at all. It was simply used in the ordinary current expenses of the Marine Corps for the year. The amount by which it is increased over last year's appropriation which could have been used for those foreign expeditions is somewhere near $100,000—perhaps as much as $102,540—but no more.

Mr. LA FOLLETTE. Why does the Senator say that it is felt that it would be better to take care of the increased expenditures, due to the use of the marines for foreign expeditionary purposes, in the deficiency bill rather than in the regular naval appropriation bill?

Mr. HALE. Because it is not possible to find out what they are beforehand.

Mr. LA FOLLETTE. The Senator does not want——

Mr. HALE. I will explain to the Senator what has been done.

Mr. LA FOLLETTE. Are we to deduce from the Senator's statement that the entire cost up to date of the expeditionary use of these troops in China and Nicaragua amount only to $102,000?

Mr. HALE. Oh, no. I will explain that when I explain the deficiency items and the amounts appropriated in the two bills.

Mr. LA FOLLETTE. Can the Senator give us that information now?

Mr. HALE. I will give the Senator the information.

Mr. LA FOLLETTE. Yes; but the Senator promised to give it to us when the deficiency bill came before us.

Mr. HALE. I will give it to the Senator within a minute or two, if he will allow me.

Mr. LA FOLLETTE. I beg the Senator's pardon.

Mr. KING. Mr. President, will the Senator submit to an interruption?

Mr. HALE. I yield.

Mr. KING. Does the bill now under consideration carry appropriations for the maintenance of marines in Haiti?

Mr. HALE. For the general maintenance of the marines, and that includes the maintenance of marines in Haiti.

Mr. KING. It is intended, then, to keep marines in Haiti and provision is made by the bill to keep them there for at least another year?

Mr. HALE. That has always been done.

Mr. KING. It has always been done since we engaged in our imperialistic policy in Haiti.

Mr. HALE. There is no change from last year in that regard.

Mr. EDGE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from New Jersey?

Mr. HALE. I yield.

Mr. EDGE. In other words, as I understand the Senator, he is presenting purely and simply the naval affairs appropriations and not dealing with the policy of the Government for or against or otherwise in connection with our foreign relations. He is simply dealing with a bill that provides for maintenance and continuation of forces wherever they may be sent.

Mr. HALE. That is quite correct.

Mr. KING. But the Senator from New Jersey must know that if the administration has a policy which involves the sending of our military forces to other lands we must make appropriations, and therefore the Senate has a right, and Congress has a right, to express itself upon the validity and propriety of those appropriations.

Mr. EDGE. I quite agree with the Senator from Utah. There is absolutely no impropriety. I did not mean so to indicate in expressing a view as to foreign policies at any time. Perhaps this is a very proper time. As a matter of fact, I think it is. I think the time has come when we should thrash this matter out.

Mr. KING. And have a "show-down."

Mr. HALE. Last Friday I did not have the figures for the deficiency bill of last year nor for the next deficiency bill. I have secured the figures from the department and shall be very glad to give them to the Senate.

In the deficiency bill approved December 22, 1927, there was an item for general expenses and pay of Marine Corps of $1,943,631. Of this amount $743,631 was on account of expenditures for the mail guards. Those were the marines who were put on mail guard duty in this country. Then $1,000,260 was for pay and general expenses of the Marine Corps in China and $199,740 for pay and general expenses of the Marine Corps in Nicaragua. That was in the deficiency bill approved December 22, 1927.

Estimates have been presented by the department to the Bureau of the Budget for the deficiency bill to come before the Senate at a later time. The estimate is that the deficiency will amount to $3,217,084; that this amount will be divided as follows: One million eight hundred and fifty-two thousand and seventy-four dollars for pay and general expenses of the Marine Corps in China, $1,365,010 for pay and general expenses of the Marine Corps in Nicaragua. The items in the deficiency estimate have been grouped for Nicaragua and China. They cover the following items: Provisions, $546,224; clothing, $689,746; fuel, $194,936; military supplies and equipment, $244,675; repairs of barracks, $283,779; forage, $40,617; miscellaneous supplies and expenses, $1,140,023.

No division has been made between China and Nicaragua, but the division would be pro rated according to the size of the appropriations which I have mentioned; that is, $1,852,074 for China and $1,365,010 for Nicaragua. This would make the total amount which we have spent for the Marine Corps in Nicaragua and which we shall have expended in deficiencies up to the end of the current year, $1,564,750.

The question has been also brought up as to whether there would be any additional expense to the Navy proper on account of this expedition. I can answer that by saying that there would not be so far as Nicaragua is concerned. The special-service squadron which is stationed in the Caribbean has been going to Nicaragua off and on. In that squadron is the *Rochester*, an old cruiser of about 8,000 tons, the *Denver*, and the *Galveston*, cruisers of about 3,000 tons each, and the gunboat *Tulsa*, which is a smaller boat of, I think, about 1,500 tons. Those ships——

Mr. LA FOLLETTE. Mr. President, how were these troops transported? Were they transported in Navy transports or Army transports?

Mr. HALE. They were transported in Navy transports.

Mr. LA FOLLETTE. The item of transportation is not included in any of the figures that the Senator has given, is it?

Mr. HALE. The Navy transports are moving about all the time. It makes no particular difference on which particular service they are consigned. If additional fuel is used by one ship it is taken out of the quota of some other ship, and the fuel expenditures of that ship are reduced; so that there are no additional fuel expenses for the Navy on account of these expeditions.

Mr. LA FOLLETTE. Did not this movement involve an unusually large number of marines? It is not customary, as I understand, under ordinary conditions, to be moving so many troops about as have been moved at this time.

Mr. HALE. It is not; but as I have stated, there is a certain amount of fuel allowed for the use of the Navy during the year, and when fuel is used for one it is taken away from another, so that it does not at all increase the expenditure.

Mr. LA FOLLETTE. As I understand the Senator from Maine, there have been no additional expenditures for the Navy in connection with the transporting of the troops to Nicaragua or to China?

Mr. HALE. No; there have been no additional expenditures. The special-service squadron in Nicaragua and the ships of the Navy that are in active commission cost about as much in one place as in another.

Adding to the sum of $1,564,750 the $102,540 which is the estimated increase in this bill, we have $1,667,290, which is the total additional expense to the Government on account of the Nicaraguan expedition up to June 30, 1928. That $102,540, furthermore, covers the expense not only for Nicaragua but for China as well. So, if we prorate that amount, it would take off an additional $60,000, making in all $1,607,290.

I think that answers the question which the Senator from Wisconsin [Mr. BLAINE] brought up in his resolution to-day; and I think, if it is an answer, he will agree with me that there is no particular purpose in the resolution.

Further, I should like to say that this appropriation bill has been deferred to a very late period in the year. It is of the utmost importance that its passage should be expedited. Before the beginning of the fiscal year the Navy has to make contracts for supplies, and it has to know where it stands. The fiscal year beginning in July, there is very little time left for that purpose. So I hope that Senators will help me in expediting the passage of the bill.

Mr. BLAINE obtained the floor.

Mr. ROBINSON of Indiana. Mr. President, will the Senator from Wisconsin yield to me for just a moment?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. BLAINE. I yield.

SALT CREEK (WYO.) OIL FIELD

Mr. ROBINSON of Indiana. Mr. President, in reference to the leases granted in the Salt Creek field there has been much editorial comment. I have here a copy of an editorial published in the Rocky Mountain News, of Denver, Colo., of the issue of March 31, 1928, with reference to this matter. As is generally known, the Rocky Mountain News is one of the members of the Scripps-Howard group of newspapers. They are rather close to the ground out there, and I do not believe would take the responsibility of an editorial of this sort unless the allegations contained in it were true. I therefore send the editorial to the desk and ask that it may be read at this time.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[From the Rocky Mountain News, March 31, 1928]

SALT CREEK'S BITTER OIL

Keep Teapot Dome and Elk Hills in their class and finish with them and expose all the rottenness.

But do not stop there. Give Salt Creek, Wyo., the thrice over.

Acre for acre, the Salt Creek field has been the richest find on the continent. It has been producing actively 16 years and there are a good many years ahead of it. Actually billions in it.

The greater part of its public-land sections was traded off during the Democratic national régime of 1913–1921, but more particularly during the last year or two of the Wilson administration, when the big man was absent or physically unable to check on things.

Go back to the discovery of the rich field. It becomes an international story. Some comedy and romance; but above all, tragedy. The tragic is showing up now. The romance and the comedy are all gone; the Greek climax is nearing.

Find out all about the preemptors of Salt Creek and what became of them. Several of them victims of mercenaries, one or two with millions which they did not know what to do with, poor fellows!

Learn something of the means taken to be rid of homesteaders and prospectors—a fierce tale in itself.

Find out a whole lot about the passage of the leasing act—a novel in its plots and counterplots.

The intent was good; the result was ignoble.

Find out regarding the limited number of owners and lessees now in the field and in what way they gained possession. A three-volumed novel.

Beyond everything else let the investigators dig deep into the "high-jacking" propositions practiced over the Salt Creek field. This we

guarantee will cause the ears of the Nation to prick up. It will be a story of stories. Neither the Teapot Dome nor the California holdup will compare with it. Millions in blackmail!

Or should it be told?

As a lesson in national morality, we believe the whole scandal should be uncovered—"given the air."

Mr. ROBINSON of Indiana. Mr. President, I have here an editorial of similar tenor published by the Denver News, of Denver, Colo., on the 3d day of April, 1928, which I send to the desk and ask to have read at this time.

The PRESIDING OFFICER. Without objection, the clerk will read.

The Chief Clerk read as follows:

[From the Denver (Colo.) News of April 3, 1928]

GO THROUGH WITH IT

Whether or not at this rather late day the United States Government could reclaim much out of the several billion dollars' worth of oil that has gone out of the Salt Creek field to the refineries, or whether the proper department of Government could have a valid claim on what remains of the oil in the public-land sections of the field, is a legal proposition. It might be worth investigation, however.

But if no monetary returns were made to the United States Treasury, the Salt Creek business should be gone into by the Senate investigating committee and by a regularly constituted division of the executive branch of Government as a lesson and as a warning.

It may be that in the end—and it seems a long way off at this writing—no one connected with the Teapot Dome-Elk Hills naval-reserve transactions will be held in jail as punishment; but at that, much has been gained in a moral or ethical way. The defendants have been punished already by a higher law. They are taboo. So far they have escaped the statutory law, but there is a karmic law.

The Teapot Dome business was an incident in the Salt Creek transaction. If it had not been for treasures found in Salt Creek some of the persons mixed up with the Teapot Dome conspiracy would not have been in position to join the Teapot Dome circle—the chips were of the blue variety in the latter. Fortunes were made out of Salt Creek apart from the other transaction. Some of them, doubtless, were honestly made; others are in grave doubt.

Mr. ROBINSON of Indiana. Mr. President, I am informed that Robert C. Bell on January 18, 1921, was a special assistant to the Attorney General of the last Democratic administration. On January 18, 1921, Robert C. Bell submitted to the Department of the Interior of the last Democratic administration and to the Attorney General of the United States in that administration a memorandum with reference to the leasing of the Salt Creek oil field. I think it is generally conceded that the Salt Creek field was, and perhaps is to-day, the richest oil field in the world. Mr. Bell had been with the department, as I understand, for several years. He was thoroughly conversant with the fraudulent claims of those asking for leases in the Salt Creek field under the leasing act of February 20, 1920. Mr. Bell submitted his memorandum and made an argument against those leases, showing conclusively, I think, that they represented a tissue of fraud and that if they were granted the United States would lose through fraudulent means most of its great oil resources.

I desire to read just a little of that memorandum—the beginning and close—and then I shall ask that it may be printed entire in the RECORD at the conclusion of my observations in order that it may be made available in full to the American people, who ought to know just what took place in those latter days of the last Democratic administration. I read from a copy of the memorandum:

LEASING SALT CREEK OIL FIELD

Leases to the withdrawn oil lands of the Salt Creek field, Natrona County, Wyo., have been requested under the act of February 25, 1920, by:

Applicant:	Acreage applied for
Wyoming Associated Oil Corporation	5,963
Midwest Oil Co	1,970
Central Wyoming Oil & Development Co	920
Petroleum Maatschappij Salt Creek	160
Salt Creek Consolidated Oil Co	2,347
E. J. Sullivan, trustee	560
Mountain & Gulf Oil Co	960
New York Oil Co	120
New York Oil Co. and Northwestern Oil Co	480
National Petroleum Co	960
Federal Oil & Development Co	320
Parkman Oil Co	160
Total	14,920

These applications should be denied, because:

1. The applicants have been guilty of fraud, had knowledge or reasonable grounds to know of fraud, and have not acted honestly and in good faith.

2. The applicants are requesting a greater acreage than the maximum allowed by said act; and the leases, if granted as requested, or at least interests therein, would inure to persons, associations, or corporations for a greater aggregate area or acreage than the maximum in said act provided for.

Now I turn over to the conclusion and read as follows. These are excerpts from the conclusion of the memorandum submitted by Mr. Bell to the Secretary of the Interior at that time in the last Democratic administration:

The paramount reason urged by applicants in support of their claims is that they innocently and in good faith have expended vast sums in the development of the field, but the true facts render this contention impotent, because almost all the capital used, not only for development but also to purchase claims, was the money received for the oil taken by these trespassers from the public lands. So resourceful were these promoters and capitalists that at no time did they risk any considerable part of their own means. They let the property pay for itself and for its development. It will be remembered that the Fitzhugh claims were secured by an agreement to purchase the oil to be produced at 33 cents per barrel, only $10,000 in this case being advanced, and that the Henshaw claims were purchased for $325,000, but this consideration was not paid till it was derived from the oil. Any other capital that was used very largely came from France and Holland. The crowd asking such valuable concessions at the hands of the Government already has become immensely wealthy at its expense. They have no equities worthy of consideration. It is true that stocks have been sold to the public, but surely the Government should not sacrifice the public property, a greatly needed natural resource, to make these oil stocks good.

The Midwest Refining Co. has an absolute monopoly of the Salt Creek field, and in one way or another controls every one of the above-named applicants. It is interested in every acre sought by them, and a lease to anyone of them will inure to its benefit. Its claims are based on titles that are thoroughly saturated with fraud, and from the beginning its promoters, officers, and directors unquestionably have had full knowledge of the fraud. It not only is not acting honestly and in good faith, but it now is compounding fraud by seeking to secure leases on a greater acreage than the maximum allowed by law. For several years it maintained a large force of paid lobbyists, lawyers, and agents at the Capital to secure the passage of the act with the relief provisions included, and evidently it will continue so to do till its subsidiaries have secured leases thereunder. They are not "in the court with clean hands."

Mr. President, I read no more from this memorandum. It is signed by Robert C. Bell, special assistant to the Attorney General. It is dated January 18, 1921. I am informed that, notwithstanding this presentation of the conditions in the Salt Creek field, between that day and the outgoing of the last Democratic administration, March 4, 1921, practically all of the Salt Creek field was leased to private oil interests, and as a result the richest oil field in the world passed out of the control of the United States of America.

Mr. President, at this point I submit the memorandum and ask that it be incorporated in the RECORD as a part of my observations on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

(Memorandum)

LEASING SALT CREEK OIL FIELD

Leases to the withdrawn oil lands of the Salt Creek field, Natrona County, Wyo., have been requested under the act of February 25, 1920, by:

Applicant:	Acreage applied for
Wyoming Associated Oil Corporation	5,963
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Petroleum Maatschappij Salt Creek	160
Salt Creek Consolidated Oil Co	2,347
E. J. Sullivan, trustee	560
Mountain & Gulf Oil Co	960
New York Oil Co	120
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Parkman Oil Co	160
Total	14,920

These applications should be denied, because—

1. The applicants have been guilty of fraud, had knowledge or reasonable grounds to know of fraud, and have not acted honestly and in good faith.

2. The applicants are requesting a greater acreage than the maximum allowed by said act, and the leases if granted as requested, or at least interests therein, would inure to persons, associations, or corporations for a greater aggregate area or acreage than the maximum in said act provided for.

FRAUD

Section 18 of the act of February 25, 1920, provides:

"No claimant for a lease who has been guilty of any fraud, or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section."

All the debates in both the Senate and House of Representatives, all the records of hearings before the Committees on Public Lands and the reports of these committees, show that the question of fraud was a subject of very serious consideration when this act was before Congress. Because of the fact that rights were to be conferred that did not then exist under the law, it was feared that relief might be extended to claimants who were not justly entitled thereto. The above-mentioned provision, which was included in the bill introduced in the Senate, was modified in the House so as to be less stringent, but was adopted in conference and finally enacted. It does not require that a claimant shall be guilty of fraud or shall have actual knowledge of fraud, but only that a claimant shall have had reasonable grounds to know of any fraud, or shall not have acted honestly and in good faith. It now behooves those who administer or interpret this law to give it the effect it was intended to have. This intention of Congress is indicated in the language of Senator Lenroot, as follows:

"But the Senator forgets that this entire section is a section extending a privilege to a certain class of claimants. The Senator well knows that it is this section that has caused the greatest controversy of any portion of the oil leasing legislation. Complaint has constantly been made that legislation which has been proposed in the past has opened the door of relief to fraudulent claimants. This is the strongest provision against fraud that has ever been found in any relief section in an oil leasing bill." (CONGRESSIONAL RECORD, 66th Cong., 1st sess., vol. 58, p. 4536.)

The rights asserted by the claimants were initiated under the placer mining laws, a provision of which is as follows:

"Legal subdivisions of 40 acres may be subdivided into 10-acre tracts; and two or more persons, or associations of persons, having contiguous claims of any size, although such claims may be less than 10 acres each, may make joint entry thereof; but no location of a placer claim, made after the 9th day of July, 1870, shall exceed 160 acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any bona fide preemption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any bona fide settler to any purchaser." (Act July 9, 1870, 16 Stat. L. 217, 6 Fed. Stat. Ann. 577, sec. 2330.)

Another provision is as follows:

"When placer claims are upon surveyed lands and conform to legal subdivisions no further survey or plat shall be required, and all placer claims located after the 10th day of May, 1872, shall conform as near as practicable with the United States system of public-land surveys, and the rectangular subdivisions of such surveys, and no such location shall include more than 20 acres for each individual claimant; but where placer claims can not be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and whereby the segregation of mineral land in any legal subdivision a quantity of agricultural land less than 40 acres remains, such fractional portion of agricultural land may be entered by any party qualified by law for homestead or preemption purposes." (Act of May 10, 1872, 17 Stat. L. 94, 6 Fed. Stat. Ann. 579, sec. 2331.)

The object of these provisions is to limit the quantity of placer mineral land which may be located by one person to 20 acres, in order to make a general distribution among as large a number as possible, rather than favor a few individuals who might wish to acquire princely fortunes by securing large tracts of such lands, and to secure the prompt development of such lands as are located; therefore it is contrary to this policy for one person to cover more than 20 acres by one location by the device of using the names of his employees, friends, and relatives as locators.

Regardless of any kind of a definition that might be given for "fraud," the courts repeatedly have held that it is a fraud on the law and on the Government where locations are not made in good faith for the use and benefit of the named locators, each with an interest not to exceed 20 acres. Such a scheme is condemned in the case of Cook *v.* Klonos et al. (164 Fed. 529), wherein the court said:

"The prohibition contained in section 2331 against the location of 'more than 20 acres for each individual claimant' is direct and positive and limits the amount of ground that any one claimant may appropriate, either individually or in association claim, at the time of the location. * * * The question here is, not whether an individual can purchase mining claims after they have been located and hold them in his own name but whether an individual can, by the use of the names of his friends, relatives, or employees as dummies, locate for his own benefit a greater area of mining ground than that allowed by law. * * * The few restrictions imposed are only intended to prevent the primary location and accumulation of large tracts of land by a few persons, and to encourage the exploration of the mineral resources of the public land by actual bona fide locators. The scheme of using the names of dummy locators in making the locations of a mining claim for the purpose of securing a concealed interest in such claim appears to be contrary to the purpose of the statute; but when this scheme is used to secure an interest in a claim for a single individual, not only concealed but in excess of the limit of 20 acres, it is plainly in violation of the letter of the law, and when, as in this case, all the locators had knowledge of the concealed interest and were parties to the transaction, it rendered the location void."

In the case of Nome & Sinook *v.* Snyder (187 Fed. 385–388–389) the court said:

"It follows, therefore, with exact logic, that five persons may by means of proper association make valid location of 100 acres in one claim, so that it did not include more than 20 acres to each individual. This does not mean that while the five may, by associating themselves together, locate 100 acres in one claim, 1 or 2 of the 5 can acquire by such location substantially all of the claim, leaving the others with proportionately a very small or nominal interest therein.

"Any scheme or device entered into whereby one individual is to acquire more than that amount or proportion in area constitutes a fraud upon the law, and consequently a fraud upon the Government, from which the title is to be acquired, and any location made in pursuance of such a scheme or device is without legal support and void. The proposition seems to be well established.

"Now, in the case under review, the very articles of agreement put the claimant beyond the pale of the law, while the testimony establishes the illegality of the scheme beyond peradventure. The location, although made in the name of the association, two of the parties thereto were to have but a nominal interest in the claim, one less than one-fifth, and one more than one-half, giving the latter, of course, more than 50 acres proportionately in the claim. So that, regardless of the discovery, regardless of the marketing on the ground, or even the assessment work, the claim was void, and could not avail the locators in any stage."

In the case of the United States *v.* Brookshire Oil Co. et al (242 Fed. 718–721) the court said:

"It is manifest that Burge could acquire no right in mineral lands as against the Government by such subterfuge, and since the Brookshire Co. was in possession and claiming under him, and as his representative or agent, it necessarily follows that its interests was no greater than his. It is true there is no limitation as to the number of mining claims an individual or association of indvduals may locate, but it is provided that no claim shall exceed 20 acres for each individual (sec. 2331, R. S.; Comp. St. 1916, par. 4630) or 160 acres for any association (sec. 2330, R. S.; Comp. St. 1916, par. 4629). This is a direct and positive limitation of the amount of mining ground any one claimant may appropriate individually or as a member of an association in any one claim, and he can not evade the law by the use of the names of his friends, relatives, or employees. Any device whereby one person is to acquire more than 20 acres, or an association more than 160 acres in area, by one discovery, constitutes a fraud upon the Government and is without legal support and void."

HENSHAW-FITZHUGH LOCATIONS

Preferential rights to leases to nearly all the Salt Creek field, which was withdrawn by Executive order of September 27, 1909, are based on what are generally known as the Henshaw-Fitzhugh locations which were made in the spring of 1910. These locations were void not only because they were made subsequent to the order of withdrawal but also because none of the said locations were made in good faith and for the use and benefit of the named locators, each with an interest not to exceed 20 acres of each tract; in other words, the locators were what are commonly called "dummies." These locations, 120 in number, were made by residents of San Francisco and Oakland, Calif., as follows:

"William G. Henshaw, financier; Hetty T. Henshaw, wife of William G. Henshaw; William M. Fitzhugh, mining operator; and Mary E. Fitzhugh, wife of William M. Fitzhugh."

The name of the four parties above mentioned were used on each of the 120 locations with four of the following, without any apparent method of selection or rotation:

"W. F. Henshaw, brother of William C. Henshaw; Helen W. Henshaw, wife of F. W. Henshaw; Lillie T. Hall, sister of Hetty T. Henshaw; E. N. Hall, husband of Lillie T. Hall; Alla S. Chickering, daughter of William C. Henshaw; Harry Chickering, husband of Alla S. Chickering; Ethel K. Nichols, niece of Hetty T. Henshaw; Henry D. Nichols, husband of Ethel K. Nichols; and H. J. Knowles."

The names of the four following-mentioned parties, all employees of William G. Henshaw, were used, two of them once and two of them twice:

"Charles T. Rudolph, Emil Nusbaumer, William H. Metcalf, and P. C. Black."

William G. Henshaw, a financier, furnished all the money for the enterprise, while William M. Fitzhugh made the locations and was to do such work in the field as was deemed necessary. Evidence is abundant that these two men were the parties in interest and that they received the profits of their operations.

H. J. Knowles freely admits that his name was used as an accommodation to William G. Henshaw, and that he never had any interest in the locations. The use of the names of the majority of these locators cost Henshaw the munificent sum of $12.50 for each time each name was used. But the best evidence of the character of these locations is contained in contracts—of record—between William G. Henshaw and William M. Fitzhugh which purport to define their respective interests. One of the contracts, dated August 15, 1909, recorded May 25, 1911, in Book 2, A. C. & L., 456 Natrona County, Wyo., provided "that Henshaw should have three-fourths and Fitzhugh one-fourth of any profits or property derived from the sale, disposition, or development of any of such property. Said contract further provided that a corporation should be organized to which all properties should be conveyed, and that "in consideration of such conveyances said corporation shall issue to the parties hereto its entire capital stock in the following proportions: To the party of the first part—Fitzhugh—one-quarter thereof, and to the party of the second part—Henshaw—three-quarters thereof." Henshaw did not claim the right to a three-fourths interest because of representing himself and five associates in each location, but because he was furnishing the money for the enterprise, as recited in a paragraph of the contract of August 15, 1909, as follows:

"Said party of the second part hereby covenants and agrees to advance, from time to time during such period as he shall elect to finance said project as aforesaid, any and all sums of money required to carry the interest of said party of the first part in said lands, leases, property, and corporation, and it is expressly understood and agreed by and between the parties hereto that two-quarters of said three-quarters' interest of said party of the second part is the consideration for the promise and covenant on the part of said party of the second part in this paragraph contained."

The contract of August 15, 1909, further provided "that upon the organization of such corporation and issuance of stock thereof the stock to which said party of the first part is entitled shall be issued and delivered to said party of the second part (Henshaw) as trustee, who shall hold the same in trust for said party of the first part for the term of five years, with the power, and said party of the second part is hereby given and granted for said period of five years the full and complete power to manage, control, sell, hypothecate, and dispose of all of said stock so issued as aforesaid, and all the assets and property of said corporation, or any part of either of said stock, assets, or property for the joint benefit of the parties hereto, as their interests are herein set forth, upon such terms and in such manner as the best judgment of said party of the second part may dictate and determine." This provision, it will be perceived, gave Henshaw absolute control of the enterprise.

Because of the uncertainty of this contract applying to the lands of the Salt Creek field, which they had not yet located, a supplement thereto was executed November 16, 1909, as follows:

"This is to certify that the attached contract dated August 15, 1909, between us, the undersigned, is hereby modified to the following effect and extent, to wit: The said Fitzhugh shall have 25 per cent and the said Henshaw shall have 75 per cent of all profits made by the said Henshaw, either directly or indirectly, from all oil lands or oil or gas discovered or produced from any lands or oil or gas interests either may acquire in the State of Wyoming, or either have acquired in the said State. This is intended to cover contracts, leases, conveyances, and other and all manner of methods of acquisition."

It would seem that no further evidence is necessary to prove conclusively the fraudulent scheme of these parties; but if so, it may be found in the record of the case of Wm. M. Fitzhugh et al. *v.* The Midwest Oil Co. et al., in the District Court of the United States for the District of Arizona, in the testimony of both William G. Henshaw and William M. Fitzhugh. For brevity I will not quote this testimony, but will refer to the "Memorandum on the bona fides of the Fitzhugh-Henshaw group of locators," submitted by A. B. Bouton, Esq., special assistant to the United States attorney, dated March 1, 1920, wherein the pertinent parts may be found. In all the testimony and statements of these parties, in their correspondence and in their contracts, it nowhere appears that any locator, except William G. Henshaw and William M. Fitzhugh, had any interest whatever; and William G. Henshaw claimed the "lion's share" of the profits and the right to control, because he furnished the capital. The contracts were executed by and between William G. Henshaw and William M. Fitzhugh only; and it does not appear that the other locators were represented therein or that their rights, if any, were taken into consideration. The provisions for the distribution of the profits and for the division of the capital stock of the corporation to be organized brand the locators as dummies, the locations illegal, and the whole plan as a fraud on the law and on the Government.

The above analysis of the agreement between Henshaw and Fitzhugh makes the locations bad enough, but let us consider briefly the interpretation thereof by Henshaw and later by his grantees. Henshaw contended that as the agreement of November 16, 1909, provided "The said Fitzhugh shall have 25 per cent, and the said Henshaw shall have 75 per cent, of all profits made by the said Henshaw, either directly or indirectly, from all oil lands or oil or gas discovered or produced from any lands or oil or gas interests either may acquire in the State of Wyoming or either have acquired in the said State," he was entitled to three-fourths of Fitzhugh's one-fourth. Strange as it may seem, he did not admit that his construction would give Fitzhugh a one-fourth interest in his three-fourths. This interpretation, of course, would make Fitzhugh and wife dummies, because it would give Henshaw 30 acres of the 40 acres of each location, presumably the property of Fitzhugh and wife. If it were Henshaw's idea that the agreement entitled Fitzhugh to a one-fourth interest in his (Henshaw's) share (20 acres) of each location (which nowhere appears), still this would make Fitzhugh and wife dummies, as Henshaw would then have an interest in each location equivalent to 45 acres, and Fitzhugh and wife together only 15 acres. This is assuming, of course, that Henshaw's associates each had an interest of 20 acres, which at all times must be done to give the locations validity. If it should be contended that this agreement gave Henshaw and associates a three-fourths interest in the share of Fitzhugh and wife and mutually gave the latter a one-fourth interest in the share of Henshaw and associates, then Henshaw would have had no basis whatever for the "claim" or cause of action against Fitzhugh which he asserted, because the ultimate outcome under such a construction would have resulted in Henshaw getting three-fourths and Fitzhugh one-fourth of each location, which was not Henshaw's position at any time. It is impossible to arrive at any conclusion other than that Henshaw set out to acquire for himself practically all of each location of 160 acres.

The Reed interests, of Denver, Colo.—so called because they were financed and controlled by Verner Z. Reed and associates—purchased the claims of Henshaw and Fitzhugh. The negotiations on behalf of the Reed interests were conducted by Oliver N. Shoup, secretary and general manager of the Reed Investment Co., and Karl C. Schuyler, attorney. Fitzhugh conveyed to the Midwest Oil Co., a Reed company, on June 3, 1911, for a consideration of approximately 33 cents per barrel for the oil. In this transaction it was understood that Shoup and Schuyler should negotiate with Henshaw for a partition or segregation of Fitzhugh's interest in each location; accordingly they went to California and entered into negotiations with Henshaw July 21, 1911, which resulted in the Reed Investment Co. taking an option to purchase Henshaw's interest. Soon thereafter this transaction was completed by conveyance to the nine "little Reed companies."

Notwithstanding the fact that Shoup and Schuyler were the agents, representatives and attorneys of Fitzhugh as well as the Midwest Oil Co., they purchased Henshaw's so-called claim or cause of action above mentioned against Fitzhugh and without Fitzhugh's knowledge.

This claim was taken in the name of one F. P. Evans, who assigned all rights and interests acquired by him to O. H. Shoup, "trustee."

It is stated in an affidavit subscribed and sworn to by Karl C. Schuyler on December 6, 1920, and submitted to the Secretary of the Interior December 7, 1920, that "affiant and said O. H. Shoup also felt that as soon as Fitzhugh's anger subsided he might and probably would be willing to pay the sum of $25,000 to clear the matter up, especially if the claim should be asserted to some one other than the Henshaw interests, and for this reason the details of the transaction were not disclosed to Fitzhugh." At no time was Fitzhugh given an opportunity to settle the matter for $25,000. (Apparently his anger, like Tennyson's brook, ran on forever and forever.) Two years thereafter he was sued on this claim in Natrona County, Wyo., not in the name of Shoup or Schuyler or any of the Reed companies but by the California Oil Lands Co., a concern organized by Shoup and Schuyler in California for the sole purpose of bringing the suit. Not then did they let Fitzhugh know that they had bought the "claim" and were "after him." They still pretended to be his friends and counsellors and that Henshaw was "the villain who still pursued him." They urged him by every conceivable artifice to settle, not for $25,000 but for 19 per cent of what he was to receive for his oil.

Fitzhugh in 1917 learned that he had been deceived, swindled, and defrauded, and soon thereafter filed suit against Shoup, Schuyler, the Midwest Oil Co., et al. in the District Court of the United States for Arizona, alleging the fraud and deceit above stated. This suit was compromised and all the interest in the Salt Creek field purchased for the sum of $2,250,000.

IBA AND OTHER LOCATIONS

A large number of locations on the field were made under the placer mining law prior to the locations made by Henshaw and Fitzhugh. So-called claims of title issuing from these locations have been acquired by the applicants, and it is contended that these claims confer preferential rights to leases. Space will not permit us to detail the facts relative to these numerous locations; in fact, we must be content with stating conclusions only. Evidence is abundant in contracts and documents of record, in statements, affidavits, and sworn testimony, that these locations are fully as bad as those made by Henshaw and Fitzhugh. They were and still are void and in violation of the law, because none of said locations was made and maintained in good faith for the use and benefit of the locators, each with an interest not to exceed 20 acres of each tract, and none of said locations was made in good faith for the purpose of developing the petroleum resources of any of said tracts by the named locators, but were made in every case for the pur-

pose of excluding real prospectors from the land, by a pretense of complying with the law until the locations could be sold at a profit to the real party in interest.

As many as eight locations were made on the same tracts, some as early as February, 1883; but most of them were entirely abandoned. However, the locations made by one Cy Iba, in 1887, are alleged to have some vitality. As evidence of the "dummy" character of these locations, we quote from a power of attorney to Iba from his colocators, as follows:

* * * "and having located the same, to appropriate the same to his sole use, together with all the right, title, and interest in the same, we selling and conveying the same to him as our grantee, for a valuable consideration." * * *

(This is an example of volumes of evidence that might be included herein.)

Iba used the names of more than 100 persons from whom he obtained powers of attorney containing the above-mentioned provision, before the locations were made. None of his colocators ever claimed any interest or received any benefits or profits.

Certain of the above-named applicants before they had settled their differences and joined in their common cause against the United States, alleged and contended, in a number of "adverse" proceedings in the district court of Natrona County, Wyo., that the Iba locations were void and unlawful, because the locators were dummies and the locations were entirely abandoned long prior to the order of withdrawal. Surely these same applicants will not now be permitted to avail themselves of the claims that they once contended were so bad.

The question naturally presenting itself is why were so many locations made, and why were they invariably bad. The reason is simple. Some ambitious individual who had acquired some knowledge of the oil business would hear something about the prospects for oil at Salt Creek. Such an individual, of course, was not content with one location of 20 acres, or a number of locations in which he had an interest of only 20 acres, so he would borrow the names of his friends and relatives and proceed to locate for his own use and benefit vast areas of the public lands. Generally no pretense was made at complying with the law in any respect, except to make the "paper" locations so as to acquire a color of title which might be sold at a profit to some real oil operator or promoter.

For several years delegations appeared before Congressmen, Senators, and other officials beseeching "relief" for the poor, honest, oppressed prospectors, who were much discussed, but in truth unknown to the history of the Salt Creek field. If such ever existed, they have long since, at the behest of the Midwest interests vi et armis or otherwise passed on.

KNOWLEDGE OF FRAUD

The contracts above mentioned, between Henshaw and Fitzhugh, were on record in Natrona County, Wyo., wherein the Salt Creek field is situated; therefore, every applicant basing a claim on the Henshaw-Fitzhugh locations had notice of their contents, and consequently of their fraudulent character. The Iba powers of attorney likewise were of record. Moreover, the applicants had actual knowledge of the fraud, by and through the knowledge, acts, and conduct of their incorporators, officers, and agents.

Shoup and Schuyler from the beginning knew of the scheme of Henshaw and Fitzhugh. Because of the provisions in their contracts, which gave Henshaw control of Fitzhugh's interest, they secured a ratification by Henshaw of their transaction with Fitzhugh in which he conveyed to the Midwest Oil Co. The document signed by Henshaw expressly mentions his agreements with Fitzhugh of August 15, 1909, and November 16, 1909. These agreements are also mentioned in Henshaw's assignment of his "claim" against Fitzhugh to Evans.

Shoup, Schuyler, and Reed organized the Midwest Oil Co., the Reed Investment Co., also the Crescent Oil Co., Control Oil Co., Bluestone Oil Co., Barbados Oil Co., Pinero Oil Co., Seattle Oil Co., California Oil Co., Fitzhugh Oil Co., and Henshaw Oil Co., commonly called the "Reed companies." They became the principal stockholders, officers, and directors; and had the active management and control of all of these companies.

The Midwest Oil Co., which acquired Fitzhugh's interest, is an applicant for leases to 1,970 acres of the field. The Reed companies, which acquired the interest of Henshaw, conveyed to the Wyoming Associated Oil Corporation, an applicant for leases to 5,963 acres of the field. The latter was organized by the same group of promoters, and their knowledge of the fraud was knowledge to this applicant.

The applicants are all subsidiaries of the Midwest Refining Co., all organized by the same promoters and capitalists, all having very largely an identity of officers, stock ownership, management, and control. None of them were strangers to the true situation or innocent purchasers in any sense.

The general rule of law is that notice of a fact acquired by an agent while transacting the business of his principal operates constructively as notice to his principal; and as corporations from their nature can never act except through the instrumentality of agents, this principle applies with peculiar force to them. Notice to or knowledge of an officer or agent of a corporation obtained in the course of his employment, and with respect to a matter within the scope of his authority, or apparent authority, is notice to or knowledge of the corporation. (Simmons Creek Coal Co. *v.* Doran, 142 U. S. 417, 436; McCaskill Co. *v.* United States, 216 U. S. 504, 515; Armstrong *v.* Ashley, 204 U. S. 272, 282; United States *v.* Coal Co., 246 Fed. 485; Mutual Investment Co. *v.* Wildman, 182 Ill. A. 137; Griffith *v.* Royal Arcanum, 182 Mo. A. 644, 656; Clark and Marchall on Corporations, vol. 3, secs. 718–724; Cook on Corporations, 6th ed., vol. 3, sec. 727; 10 Cyc, 1053–1062.)

When a corporation once gets knowledge, it continues to have it even though the officer or agent through whom the knowledge was obtained is no longer in its service. (Mechanics Bank *v.* Seton, 1 Pet. (U. S.) 299, 7 L. 3d. 152; 10 Cyc. 1062, par. 2; Birmingham Trust Co. *v.* Louisiana National Bank, 99 Ala. 379, 13 S. 112, 20 L. R. A. 600; United States National Bank *v.* Forstedt, 64 Nebr. 855, 90 N. W. 919; Bird *v.* New York Central, etc., Railroad Co., 64 App. Div. 14, 71 N. Y. S. 734 (Aff. 172 N. Y. 637 mem., 65 N. E. 1113 mem.).)

EXCESS ACREAGE

Even should the question of fraud be decided in favor of the applicants, then they are entitled to leases in the Salt Creek field for 3,200 acres only.

Let us examine the so-called "relief" provision of the act, sections 18, 18a, and 19.

Section 18 provides:

"That not more than one-half of the area, but in no case to exceed 3,200 acres, within the geologic oil or gas structure of a producing oil or gas field, shall be leased to any one claimant under the provision of this section when the area of such geologic oil structure exceeds 640 acres.

"All leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear; subject, however, to the same limitations as to area and acreage as is provided for claimant in this section.

"That no lease or leases under this section shall be granted, nor shall any interest therein inure, to any person, association, or corporation for a greater aggregate area or acreage than the maximum in this section provided for."

Section 18a does not expressly provide an acreage limitation.

Section 19 provided that certain persons shall be entitled to prospecting permits upon "the same terms and conditions and limitations as to acreage as other permits provided for in this act."

The question is, How great an acreage is an applicant entitled to under the act? Was it contemplated that an applicant should be limited to a lease of 3,200 acres within the geologic oil or gas structure of a producing oil or gas field, or that an applicant should be entitled to 3,200 acres under section 18, an unlimited acreage under section 18a, and 2,560 acres under section 19? Of course, the act should be considered and construed as a whole. Undoubtedly the intention of Congress in providing an acreage limitation was to prevent monopoly, to insure competition, and to extend the privileges to the many and not to the few. To accomplish this purpose applicants are limited by the act to a maximum of 3,200 acres. Any other construction would, in effect, invalidate the acreage limitation provisions and circumvent the clear intention of Congress.

The desire to limit the acreage to each applicant is discernible throughout the act. In section 13, the first on "Oil and gas," it is provided that a permit shall be granted to prospect for oil and gas on not to exceed 2,360 acres. Section 14 provides that if the permittee discovers valuable deposits of oil or gas, he shall be entitled to a lease on one-fourth of the land embraced in the permit at a royalty of 5 per cent and shall be entitled to a preference right to a lease on the remainder of the land embraced in the prospecting permit at a royalty of not less than 12½ per cent. Section 17 provides that all unappropriated deposits of oil or gas situated within the known geologic structure of a producing oil or gas field and the unentered lands containing the same not subject to preferential lease may be leased to the highest bidder, in areas not exceeding 640 acres. When it comes to section 18, the first of the so-called relief provisions, Congress, in its liberality in extending a preferred right to honest claimants, goes further than in the preceding sections and increases the limitation to 3,200 acres. Section 18a in the original draft of the act in the House was a part of section 18; and it was by amendment at a late hour of its consideration that it was separated from section 18. All of the provisos of section 18, such as the provision relative to the naval petroleum reserve, the question of fraud, the acreage limitation, etc., were not painstakingly added to 18a; but undoubtedly all these provisions were intended to apply to 18a the same as to 18. In fact, 18a is in a sense another proviso to 18 which authorizes the President to direct the compromise of a controversy by an exchange or division of land (very desirable under certain conditions) or the proceeds of operation. Will the idea be indulged that this section authorizes the President to direct the granting of a lease to a claimant guilty of fraud, or to an unlimited acreage, or that it extends any greater measure of relief in any case than section 18? If so, many of the provisions of the act absolutely are of no avail. It merely authorizes, first, the President to make or

direct a settlement, and, second, to make it in a different manner from that authorized by section 18; but it is not intended that such a settlement shall violate the provisions of section 18.

Section 19 is for the purpose of protecting a bona fide claimant who had not made a discovery on or before the passage of the act. It authorizes the granting of prospecting permits to claimants "upon the same terms and conditions and limitations as to acreage as other permits provided for in this act." It further provides, "where any such person has heretofore made such discovery, he shall be entitled to a lease thereon under such terms as the Secretary of the Interior may prescribe, unless otherwise provided for in section 18 hereof," clearly indicating that the lease must be granted under section 18 if the facts are such as to bring it within the provisions of that section; and if the claimant already had the maximum under section 18, then of course no further lease could be granted. In this connection it is important to note the provisions of section 18: "That no claimant acquiring any interest in such lands since September 1, 1919, from a claimant on or since said date claiming or holding more than the maximum allowed claimant under this section shall secure a lease thereon or any interest therein, but the inhibition of this proviso shall not apply to an exchange of any interest in such lands made prior to the 1st day of January, 1920, which did not increase or reduce the area or acreage held or claimed in excess of said maximum by either party to the exchange." It will be seen that anyone who claimed an area in excess of 3,200 acres should not receive any benefit from the excess, either by obtaining a lease thereon or by the sale thereof, the idea being that a lease or leases on as much as 3,200 acres would be ample relief to any claimant. When the maximum is granted under section 18, surely an accitional acreage is not permissible under section 18a or 19.

Let us next consider who these applicants are and for what they are asking.

The applicants are "the allied and associated powers." They are closely related by contract, by stock ownership, and by corporate officials and directorates.

By the time oil was being produced in any considerable quantities the Salt Creek field in one way or another had passed largely into the hands of the Midwest Oil Co., the Reed companies and the "Franco" companies (commonly so called because they were organized and controlled by citizens of France, Belgium, and Holland). These companies, for the purpose of combining their claims and interests into one operating company, early in 1914 joined in organizing the Midwest Refining Co., which in the beginning was made the biggest and most powerful of all the concerns interested in the field. It was made the overlord of the domain by contracts between it and its creators, which in substance gave it the exclusive right for a period of 20 years, from January 1, 1914, to possess and mine for oil the lands claimed by these companies respectively, and to possess and operate all pipe lines, refineries, wells, tanks, machinery, and equipment already installed for the extraction, storage, transportation, and refining of oil.

The Midwest Refining Co. agreed in substance to extract the oil from said lands, transport it to the refineries, refine it, sell the refined products, and to pay said companies one-half of the net proceeds of the refined products of the oil extracted from the lands claimed by them, respectively. These contracts are in reality leases. The result, if not one of the chief purposes of the organization of the Midwest Refining Co., was to secure a complete monopoly of the entire product of the field and thereby enable it as the creature and agent of the combining claimants to purchase the crude oil produced from the few remaining tracts of the field at the cheapest possible price. The lands of the field not claimed by said combining companies were in the hands of various small operators, who, in order to dispose of the oil they produced, were forced to enter into long-term contracts to sell such oil to the Midwest Refining Co. at a price arbitrarily fixed by it. Consequently, no lease to any part of this field can be granted that will not inure to the benefit of the Midwest Refining Co. In fact, a lease to any of the applicants above mentioned is indirectly a lease to the Midwest Refining Co.

ANALYSIS STOCK OWNERSHIP

An analysis of stock ownership will throw considerable light on the respective interests of the Midwest Refining Co. and the applicants.

(a) The Mountain Producers Association owns 52 per cent of the stock of the Wyoming Associated Oil Corporation, an applicant for 5,963 acres. The Midwest Refining Co., by owning 32 per cent of the Mountain Producers Association, is interested in these applications to the extent of 992 acres.

(b) The Salt Creek Producers Association owns 60 per cent, possibly 76 per cent, of the stock of the Midwest Oil Co., applicant for 1,970 acres. The Midwest Refining Co., by owning 32 per cent of the stock of the Salt Creek Producers Association, has an interest in these lands equal to 416 acres.

(c) The Wyoming Oil Fields Co. owns all the stock of the Central Wyoming Oil & Development Co., an applicant for 920 acres. The Salt Creek Producers Association owns all of the stock of the Wyoming Oil Fields Co., and the Midwest Refining Co., by owning 32 per cent of the stock of the Salt Creek Producers Association, has an interest in these applications equal to 294 acres.

(d) The Petroleum Maatschappij Salt Creek applied for a lease to 160 acres for the reason that its name had been used in a patent application. It long ago conveyed to the Wyoming Oil Fields Co., whose stock is all owned by the Salt Creek Producers Association; but the Midwest Refining Co., by owning 32 per cent of the stock of the Salt Creek Producers Association, is interested to the extent of 31 acres.

(e) The Salt Creek Consolidated Oil Co. has applied for 2,347 acres, but 50 per cent of its stock is owned by the Wyoming Oil Fields Co., Wyoming Associated Oil Co., and the Midwest Oil Co. The Salt Creek Producers Association owns the Wyoming Oil Fields Co. and 52 per cent of the Wyoming Associated Oil Corporation. The Midwest Refining Co. owns 32 per cent of the Salt Creek Producers Association and the Mountain Producers Association, and is therefore interested in these applications to the extent of 273 acres.

(f) E. J. Sullivan, "trustee," has applied for leases for 560 acres, not disclosing for whom he is acting; by written agreement (not of record), the Salt Creek Consolidated Oil Co. and the E. T. Williams Oil Co. are each to have one-half of the lands if the leases are granted. As stated under (e), 50 per cent of the Salt Creek Consolidated Oil Co. is owned by the Wyoming Oil Fields Co., the Wyoming Associated Oil Corporation, and the Midwest Oil Co., and that the Salt Creek Producers Association owns 66 per cent of the Midwest Oil Co. The Mountain Producers Association owns 52 per cent of the Wyoming Associated Oil Corporation and the Midwest Refining Co. owns 32 per cent of both the Salt Creek Producers Association and the Mountain Producers Association, and therefore has an interest of 32 acres.

(g) The Mountain & Gulf Oil Co. has applied for 960 acres, section 6, township 39 north, range 78 west, and the north half of section 11, township 40 north, range 79 west. The New Bradford Oil Co. (predecessor of the Salt Creek Consolidated Oil Co.) and the Northwestern Oil Co. at one time had an interest in section 6, but we have not the evidence to give the present ownership of this section. The north half of section 11 was leased by the Parkman Oil Co. to B. D. Townsend, one-tenth of the oil being reserved to the Parkman Oil Co. Townsend assigned to the National Petroleum Co., who assigned to the Mountain & Gulf Oil Co., reserving 40 per cent of the net profits. The National Petroleum Co. deeded its interests to the Salt Creek Producers Association. Apparently, then, 10 per cent is owned by the Parkman Oil Co., 36 per cent by the Salt Creek Producers Association, and 54 per cent by the Mountain & Gulf Oil Co. The Midwest Oil Co. owns 95 per cent of the Parkman Oil Co. and the Salt Creek Producers Association owns 66 per cent of the Midwest Oil Co. The Midwest Refining Co. owns 32 per cent of the Salt Creek Producers Association, and therefore has an interest equal to 43 acres.

(h) The New York Oil Co. and the Midwest Oil Co. have applied for 160 acres—the southwest half of section 13, township 39 north, range 79 west. We do not know the facts relative to the interests involved, but have evidence that the New York Oil Co. is now controlled by the Midwest interests.

(i) The New York Oil Co. and the Northwestern Oil Co. are applicants for 480 acres—the southwest half of section 34 and the south half of section 1. The New York Oil Co. has a royalty interest of one-eighth in the southwest quarter of section 34, the balance going to the Northwestern Oil Co., which is owned by the Boston-Wyoming Oil Co., and 41 per cent of the latter is owned by the Midwest Oil Co., which would give it 35⅞ per cent interest in this 160 acres. The New York Oil Co. has a 23¼ per cent interest in the south half of section 1. The Midwest Oil Co. has a 10¾ per cent interest, plus the 41 per cent of the interest of the Boston-Wyoming, which makes its total interest in the south half of section 1, 28¾ per cent, or 149.3 acres. The Salt Creek Producers Association, owning 66 per cent of the Midwest Oil Co. would have an interest equal to 98 acres and the Midwest Refining Co., owning 32 per cent of the Salt Creek Producers Association, would have 31 acres.

(j) The National Petroleum Co. has applied for 960 acres formerly claimed by the Parkman Oil Co., who leased to B. D. Townsend, who assigned to the National Petroleum Co. This lease was assigned by the National Petroleum Co. to T. A. Dines, a vice president of the Midwest Refining Co., and we assume that any interest acquired by him went direct to the Midwest Refining Co. The National Petroleum Co. retained a 40 per cent interest. Therefore 10 per cent goes to the Parkman Oil Co., 36 per cent to the National Petroleum Co., and 54 per cent to T. A. Dines. The Midwest Oil Co., owning 95 per cent of the Parkman Oil Co., the Salt Creek Producers' Association, owning 66 per cent of the Midwest Oil Co., and the Midwest Refining Co., owning 32 per cent of the Salt Creek Producers' Association, plus the Dines' share, would have an interest equal to 538 acres.

(k) The Federal Oil & Development Co. has applied for 320 acres, which was leased by it to B. D. Townsend, reserving a royalty of 15 per cent. This lease was assigned by Townsend to the National Petroleum Co., who assigned the northeast one-half of section 13 to T. A. Dines, and the southeast one-fourth of section 13 to the Mountain & Gulf Oil Co., reserving in each instance a royalty of 40 per cent of the net profits. The National Petroleum Co. and Dines then conveyed to the Salt Creek Producers' Association for stock in the latter.

Then the Federal Oil & Development Co. holds an interest of 15 per cent, the Mountain & Gulf Oil Co. 25½ per cent, and the Salt Creek Producers' Association 59½ per cent, the interest of the latter being 190 acres, of which the Midwest Refining Co. is credited with 32 per cent, or 61 acres.

(1) The Parkman Oil Co. has applied for 160 acres, which it leased October 1, 1915, to B. D. Townsend, reserving a 10 per cent royalty; Townsend assigning to the National Petroleum Co., and it assigned to T. A. Dines, reserving 40 per cent of the net profits. The National Petroleum Co. and Dines then conveyed to the Salt Creek Producers' Association. The Midwest Oil Co. owns 95 per cent of the Parkman Oil Co.; the Salt Creek Producers owning 66 per cent of the Midwest Oil Co. and all the interest of the National Petroleum Co. and Dines, has an interest of 154 acres, of which 32 per cent, or 49 acres, is credited to the Midwest Refining Co.

By using the above-mentioned percentages of stock ownership, the acreage applied for by the respective claimants, and the total acreage applied for, we compile the following:

Applicants	Corporations		Salt Creek Consolidated Oil Co.		Wyoming Oil Field Co.		Wyoming Associated Oil Corporation		Midwest Oil Co.		Salt Creek Petroleum Association		Mountain Products Association		Midwest Refining Co.	
	Area (acres)	Per cent	Area (acres)	Per cent	Area (acres)	Per cent	Area (acres)	Per cent	Area (acres)	Per cent	Area (acres)	Per cent	Area (acres)	Per cent	Area (acres)	Per cent
Wyoming Associated Oil Corporation	5,963	39.95					5,963	39.95					3,101	30.78	992	6.65
Midwest Oil Co	1,970	13.2							1,970	13.2	1,300	8.17			416	2.79
Central Wyoming Oil & Development Co	920	6.16			920	6.16					920	6.16			294	1.97
Petroleum Maatschappij Salt Creek	160	1.07			160	1.07					160	1.07			51	.34
Salt Creek Consolidated Oil Co	2,347	15.7	2,347	15.7	391	2.62	391	2.62	391	2.62	649	4.35	203	1.36	273	1.83
E. J. Sullivan, trustee	560	3.75	280	1.9	46.6	.31	46.6	.31	46.6	.31	77	.52	24	.16	32	.22
Mountain & Gulf Oil Co	640	4.3														
Do	320	2.15							30	.2	135	.9			43	.29
New York Oil Co	120	.8														
New York Oil Co. and Northwestern Oil Co	480	3.2							149.3	1	98	.66			31	.21
National Petroleum Co	960	6.5							91	.61	60	.4			538	3.6
Federal Oil & Development Co	320	2.15									190	1.27			61	.41
Parkman Oil Co	160	1.07							15	1	154	1.03			49	.33
Total	14,920	100	2,627	17.6	1,517.6	10.16	6,400.6	42.88	2,693	18.04	3,743	25.07	3,328	32.30	2,780	18.64

List of 10 individual largest holdings of capital stock in Midwest Refining Co.
Total outstanding capital is $25,000,000, divided into 500,000 shares, of the par value of $50 each.

Henry Bondonneau, Paris, France	5,900
Chopy & Co., Paris, France	5,904
Equitable Trust Co., trustee for Mrs. Mary D. Reed	7,500
Equitable Trust Co., trustee for Verner Reed	7,500
Verner Z. Reed	12,144
Wyoming Securities Co	7,335
Debenture & Securities Corporation	11,487
Arthur S. Gibbs	30,180
International Securities Investment Corporation	15,461
P. E. DeCaplane, Paris, France	5,600

Were a list of the largest stockholders in a number of the corporate applicants accessible the names of those mentioned in the lists above would again be found.

Therefore, not only because of the contractual relationship but also because of the interlocking stock ownership of the respective corporations in each other and of the large stockholders, do we find the same control and the same interests subserved in each and every application.

OFFICERS AND DIRECTORS

A list of the officers and directors of the Midwest companies is interesting. The names appearing in parenthesis are officers but not directors, the other officers being members of the board of directors in each instance:

"The Midwest Refining Co. H. E. Blackmer, president; R. D. Brooks, T. A. Dines, R. S. Ellison, vice presidents; (C. E. Titus, secretary); (H. H. Brooks, treasurer); L. A. Reed, Tyson S. Dines, H. C. Naylor, E. S. Osler, John D. Clark.

"Mountain & Gulf Oil Co. R. M. Aitkin, president; L. L. Aitken, vice president; A. C. Campbell, secretary-treasurer; H. L. Ritter, T. A. Dines, Vernon F. Taylor, Ralph Hartzell.

"Salt Creek Producers Association. N. S. Wilson, president; T. A. Dines, vice president; T. A. Pedley, secretary-treasurer; H. A. DeCompiegne, B. D. Townsend.

"Midwest Oil Co. L. L. Aitken, President; W. P. Schuyler, vice president; (T. A. Pedley, secretary-treasurer); J. L. Warren, C. A. Fisher, H. L. Ritter, R. H. Forbes.

"Salt Creek Consolidated Oil Co. James Owen, president; Warwick M. Downing, vice president; (F. C. Roberts, secretary-treasurer); C. E. Abbott, L. L. Aitken, F. S. Mitchell, Norwood Johnston, N. S. Wilson.

"Mountain Producers Association. John T. Barnett, president; George T. Bardley, vice president; J. L. Warren, secretary-treasurer; Harold D. Roberts, A. C. Campbell.

"Wyoming Associated Oil Corporation. John T. Barnett, president; D. M. Barrington, vice president; J. L. Warren, secretary-treasurer; F. C. Roberts, Verner Z. Reed, jr.

"Wyoming Oil Fields Co. Otto Gramm, president; C. W. Burdick, vice president; B. O. Lummis, secretary; (H. C. Bretschneider, treasurer); W. R. Dubois, H. E. Mason, Patrick Sullivan, A. D. Johnston.

"Natrona Pipe Line & Refinery Co. C. W. Burdick, president; A. D. Johnston, vice president; A. C. Campbell, secretary; H. C. Bretschneider, treasurer; B. O. Lummis, W. E. Mullin, S. Ledeboer.

"Central Wyoming Oil & Development Co. H. C. Bretschneider, president; C. W. Burdick, vice president; (E. Percy Palmer, secretary-treasurer); A. C. Campbell, A. D. Johnston, L. A. Thompson, jr.

"Petroleum Maatschappij Salt Creek. C. W. Burdick, president; A. C. Campbell, vice president; B. O. Lummis, secretary; H. C. Bretschneider, treasurer; Wilfred O'Leary.

"New York Oil Co. Frank G. Curtis, president; Alonzo G. Setter and H. D. Curtis, vice presidents; Minal E. Young, secretary-treasurer; O. Nelson Rushworth, Robert B. Stewart, Maxwell W. Winter.

"Northwestern Oil Co. A. D. Aitken, president; L. L. Aitken, vice president; (A. W. Warren, secretary-treasurer); C. A. Fisher, H. L. Ritter, C. C. Dillard.

"National Petroleum Co. B. D. Townsend, president; F. C. Rabb, vice president; Hugh Thompson, secretary-treasurer.

"Federal Oil & Development Co. H. L. Ritter, president; H. J. Barry, secretary; A. D. Aitken, treasurer; Valentine Mix, Maurice W. Samuels.

"Parkman Oil Co. Eugene Mackey, president; H. L. Ritter, vice president; D. S. Hare, secretary-treasurer; E. G. Quinn, Janet Mackey."

CONCLUSION

The paramount reason urged by applicants in support of their claims is that they innocently and in good faith have expended vast sums in the development of the field, but the true facts render this contention impotent, because almost all the capital used, not only for development but also to purchase claims, was the money received for the oil taken by these trespassers from the public lands. So resourceful were these promoters and capitalists that at no time did they risk any considerable part of their own means. They let the property pay for itself and for its development. It will be remembered that the Fitzhugh claims were secured by an agreement to purchase the oil to be produced, at 33 cents per barrel, only $10,000 in this case being advanced; and that the Henshaw claims were purchased for $325,000, but this consideration was not paid till it was derived from the oil. Any other capital that was used very largely came from France and Holland. The crowd asking such valuable concessions at the hands of the Government already have become immensely wealthy at its expense. They have no equities worthy of consideration. It is true that stocks have been sold to the public, but surely the Government should not sacrifice the public property, a greatly needed natural resource, to make these oil stocks good.

The Midwest Refining Co. has an absolute monopoly of the Salt Creek field, and in one way or another controls every one of the above-named applicants. It is interested in every acre sought by them, and a lease to any one of them will inure to its benefit. Its claims are based on titles that are thoroughly saturated with fraud, and from the beginning its promoters, officers, and directors unquestionably have had full knowledge of the fraud. It not only is not acting honestly and in good faith, but it now is compounding fraud by seeking to secure leases on a greater acreage than the maximum allowed by law. For several years it maintained a large force of paid lobbyists, lawyers, and agents at the Capitol to secure the passage of the act with the relief provisions included, and, evidently, it will continue so to do till its subsidiaries have secured leases thereunder. They are not "in the court with clean hands."

When the leasing bill was before Congress it was emphatically asserted and maintained that the Standard Oil Co. had no interest whatever in the Midwest Refining Co. or the applicants, and that it was not concerned with the relief provisions, but now it is conceded that the Standard Oil Co. of Indiana absolutely controls the Midwest Refining Co. Only a little while ago the Government was courageously engaged in "dissolving" the Standard Oil Co., but now it is requested to dispense relief to this object of charity and to bestow upon it leases to the most valuable known oil acreage in the world—public property of the value of at least $1,000,000,000. Is this the character of claimant Congress intended to relieve?

The relief provisions extend rights and privileges to claimants which they did not have under the preexisting law and enable them to take advantage of claims they could not establish or defend in the courts; therefore, the law very justly confines the relief to honest claimants and limits them to leases on a maximum of 3,200 acres.

This matter demands the most careful consideration, and, under the circumstances, leases should not be granted on an ex parte showing, but a hearing before the register and receiver of the local land office in Wyoming should be ordered, so that all the evidence pro et con may be taken, a complete record made, presented, and fully considered before a final action is taken.

Respectfully submitted.

ROBERT C. BELL,
Special Assistant to the Attorney General.

JANUARY 18, 1921.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes.

Mr. BLAINE. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Why are we in Nicaragua?" written by the distinguished junior Senator from Montana [Mr. WHEELER], published in Volume II, No. 5, the May, 1928, issue of the periodical known as Plain Talk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

WHY ARE WE IN NICARAGUA?

By Senator BURTON K. WHEELER

(Was the Pan American conference at Habana a sincere effort to cultivate a golden rule among the countries of the Americas, or was it a smoke screen to make Wall Street exploitation look well? Why have our marines killed 600 Nicaraguan "bandits," and do bandits run in such large numbers anywhere? Is our State Department in Washington or down-town New York? Senator WHEELER asks these questions—and answers them.)

When President Coolidge recently opened the Sixth Pan American Conference at Habana he solemnly declared that in its relations with neighboring Latin-American Republics the United States was actuated only by the principles of the golden rule. At every opportunity since Charles E. Hughes and other "official spokesmen" have stressed the beneficent effects of our former "occupations" of other Caribbean Republics, reiterated that our "intervention" in Nicaragua was a step reluctantly taken only after repeated requests from both political factions of Nicaragua, and promised that we would withdraw as soon as the people of that unhappy Republic prove they can conduct their own affairs without endangering "American lives and American property."

As an American citizen, I would be proud and happy to indorse these protestations if I could accept them at their face value. Certainly, no fault can be found with the moral accents of the language employed by President Coolidge and Mr. Hughes. That is quite perfect. But many a beautiful theory is shipwrecked on the sharp shores of fact, and I must confess that I, for one, can not reconcile our recent behavior in Nicaragua with the golden rule of the gentle Nazarene, who laid down the precept, "Do unto others as ye would have others do unto you."

On the very day that President Coolidge told Latin-American delegates that our only motive was their welfare, American bombing planes were showering death and destruction over defenseless Nicaraguan villages and American marines, in overwhelming force, were hunting down the puny forces of General Sandino. For more than a year Nicaraguan ports have been blocked by United States battleships and many widely scattered sections of Nicaragua have been invaded by United States marines on battle bent. Officers of the Marine Corps recently gave out a statement that more than 600 Nicaraguans had been slain by our armed forces. Every few days the press contains brief accounts of fresh detachments of marines embarking, and giant bombing planes—following the route taken by Lindbergh in his "good-will flight"—take off for Nicaragua on their errand of destruction. President Coolidge may talk about the golden rule and Mr. Hughes may wax eloquent over "international amity," but for all practical purposes we are—and have been for more than a year—waging war on no small scale against a substantial proportion of the people of Nicaragua.

Why are armed forces of the United States carrying on an undeclared war against Nicaragua? This is a problem that is puzzling many Members of Congress—which, under the Constitution, has the sole right to declare war—and a large and growing number of citizens of the United States are asking the same question and searching in vain for a satisfactory explanation.

It was generally supposed that President Coolidge would defend, or at least deign to explain his "private war" against Nicaragua in his address at the opening of the Pan American conference. He dealt only in platitudinous generalities, and since then Mr. Hughes has exercised all his diplomatic talents to keep the conference from so much as verging upon the topic of intervention. Pressure—polite, but unmistakable pressure—has been exerted to prevent other South and Central American delegates from speaking out of turn. The whole conference has been a make-believe, a sham, revolving around certain inconsequential points, while underneath a great and growing resentment simmers among the press and people of the nations to our south over our bullying policy of "dollar diplomacy."

Certainly, "dollar diplomacy" is the only phrase which accurately describes our almost uninterrupted record of interference with the internal affairs of Nicaragua for the past 18 years, and when the whole sordid story of our relations with Nicaragua is written every American who holds true to our traditions will hang his head in shame. From the beginning—back in 1909—our interference in Nicaragua has been in behalf of certain Wall Street banking interests who sought profitable investments at unfair terms.

Brown Bros., J. & W. Seligman & Co., and more recently the Guaranty Trust Co., all of New York, are the flies in the Nicaraguan ointment. Other American concession seekers and holders—notably, the La Luz & Los Angeles Mining Co.—have played a part, but the State Department policy has been built around the concessions of Nicaragua to Brown Bros., J. & W. Seligman Co., and the Guaranty Trust Co.

For the past 14 years these bankers, or their subsidiaries, have owned and controlled the majority stock of the Nicaraguan National Bank and the Nicaraguan National Railroad—two immensely profitable public utilities—which were reorganized as American corporations under the laws of the States of Maine and Connecticut and granted blanket concessions which gave them control of nearly every basic phase of the economic life of the Nicaraguan people. These are the two most remarkable concessions that have ever been granted in the history of any country, I think—with the possible exception of the case of Haiti, where extraordinary grants were made to the National City Bank folk.

What a rank injustice that the Nicaraguan National Bank and National Railroad, both institutions which were operating long before our bankers appeared on the scene, should be reincorporated in this country and have to pay State and local taxes and an income tax to the United States Government! And why should the national revenue of Nicaragua be kept on deposit in New York banks, often not drawing interest, while the Nicaraguan Government is compelled to pay as high as 9 per cent of that amount to forced loans?

An American collects the customs of Nicaragua at a salary of $10,000 a year. Another $10,000-a-year American is "high commissioner." Another $10,000-a-year American is inspector general of internal revenue. Two Americans, one drawing $12,000 and the other $10,000 a year, control the Nicaraguan Mixed Claims Commission. A retired United States Marine officer is commander in chief of the Nicaraguan National Guard and all of its 92 officers are citizens of the United States. Americans manage the national bank and the national railroad. Americans supervise the Nicaraguan elections and high-priced "sanitary experts," "fiscal advisors," and attorneys have cost the Nicaraguan people countless thousands of dollars in the last 17 years while they have been denied the fundamental human right of conducting their own affairs.

Wholesale graft has characterized the Wall Street-State Department control of Nicaragua. The operating expenses of the Nicaraguan railroad were increased from $30,000 to $300,000 per year, and road-bed and rolling stock were allowed to deteriorate. Freight rates were raised 60 per cent and passenger rates 100 per cent. Customs duties, both import and export, were increased on an average of 100 per cent and many new taxes imposed.

Señor José Castellon, a Nicaraguan economist, estimates that the banker exploitation of Nicaragua has cost its people $33,000,000 in the last 15 years—and it must be remembered that Nicaragua is hardly half the area of many of our Western States and has a population of only 600,000. Our bankers originally intervened in Nicaragua on the plea they would fund the Nicaraguan debt and speedily discharge it if allowed to collect the customs receipts. Under the rule of the bankers the Nicaraguan debt has actually increased. Certain American banking firms and concession holders are making very fat profits in Nicaragua, but conditions among native business men are intolerable and many Nicaraguans have been compelled to leave their country to find work—and possibly to escape the tyranny of our Wall Street-State Department-Marine Corps rule.

The policy carried on by successive Secretaries of State in the past 17 years has literally gutted the sovereignty of Nicaragua. The new

Larned History says that the Knox-Castrilla treaty—which was twice rejected by the Senate of the United States, although its terms were substantially enforced and constitute the policy of Secretary Kellogg and President Coolidge at this moment, was to reduce Nicaragua to an American protectorate. Every political, every economic phase of the life of its people is under the merciless heel of the State Department and the Wall Street bankers. Every strategic post, fiscal and military, is in the hands of State Department appointees. Nicaragua is at this moment in the bitterest bondage in which any free people ever found themselves.

Briefly, of course, I will relate the history of our intervention in Nicaragua.

The beginning of Nicaragua's misfortunes dates from 1909 when the State Department, then under Philander C. Knox, not only encouraged but actually aided a revolutionary movement which overthrew President Zelaya. Zelaya was speedily suppressing the revolution until United States marines were landed to prevent him from capturing Bluefields. The State Department also withdrew its recognition. Zelaya left the country and Dr. José Madriz, a distinguished jurist who had served on the Central American Court of Justice, was chosen as his successor by the Nicaraguan Congress.

General Estrada, who had started the revolt against Zelaya, continued fighting against Madriz. United States marines remained in Nicaragua, establishing "neutral zones," which handicapped the Nicaraguan government troops, and on September 10, 1910, Estrada captured the capital, proclaimed himself provisional president and asked official recognition from the United States. Before this was granted, Thomas Dawson, minister at Panama, was sent to Nicaragua to take charge of the situation. Dawson insisted, according to sworn testimony of Thomas P. Moffat, then American consul at Managua, that Adolfa Diaz be named as vice president. Diaz was then a clerk in the La Luz & Los Angeles Mining Co. Estrada had to agree to be recognized. They then were "elected" president and vice president by a hand-picked assembly and recognized by President Taft.

Estrada raised some objection to sanctioning the loans desired by the New York bankers. Two Nicaraguan assemblies had rejected the contracts and public opinion overwhelmingly opposed the concessions. A revolution headed by Mena, an Indian general, promptly broke out against Estrada, and according to sworn testimony Elliott C. Northcott, American minister at Nicaragua, told Estrada he would have to leave the country and surrender the presidency. Estrada did leave and thus Diaz succeeded to the presidency. He was promptly recognized and when the whole country sprang to arms against him 3,000 American marines were landed and put down the uprising with a heavy loss of life.

Then, while Nicaragua was still under control of American marines, with the constitutional rights of free speech and free press suspended, with a majority of the electorate disfranchised by executive decree, while marine officers in uniform openly campaigned for Diaz, a farcical "election" was held to sanction the accomplished facts and Diaz was declared the unanimous choice for president.

During the two-year period that witnessed the rapid changes chronicled above, executive degrees were written or amended by the State Department and United States diplomatic agents in Nicaragua issued instructions to Nicaraguan army officers, selected the candidates put forward at farcical elections, and vetoed articles in the proposed Nicaraguan constitution then being drawn by a constitutional assembly.

Diaz remained in office from 1912 until 1916—protected by United States marines who constantly remained at Managua—and it was during the régime of this $1,200-a-year clerk in Secretary of State Knox's corporation that the Nicaraguan National Bank and National Railroad were surrendered to the New York bankers. Diaz and his followers also looted the public treasury on an extensive scale, paying themselves several million dollars for alleged "revolutionary claims."

Diaz was followed by Emiliano Chamorro, who also was "elected unanimously" after B. L. Jefferson, American minister, called in all opposing candidates and bluntly informed them that no one would be recognized by the United States who would not pledge himself to the rule of the bankers. Unwilling to make such dishonorable pledges, the other candidates withdrew and Chamorro had the field to himself. American marines remained in Nicaragua and marine officers testified before the Senate that at least three-quarters of the Nicaraguan people opposed Chamorro. Col. Smedley Butler went so far as to state that Chamorro could not remain in the country 24 hours without the support of American marines.

In 1920 Gen. Emiliano Chamorro was succeeded by his uncle, Diego M. Chamorro. This election, too, was vitiated by fraud. Chamorro supporters controlled the polls and supervised the counting of the ballots. Mr. Miller, a "special observer" sent by the United States State Department, frankly admitted that "fraud undoubtedly did take place in the registration and counting of votes" and added that "a fair election could not have been held under the existing election laws."

President Diego Chamorro died unexpectedly in 1923 and was succeeded by Vice President Martinez. At this time, largely because its resources were being drained by graft, extravagance, and systematic exploitation, the economic situation in Nicaragua had become acute. Many business houses failed, the small native farmers were heavily mortgaged, and unemployment was general. President Martinez called a conference of well-known men from all walks of life, and the consensus of opinion was that the Nicaraguan Government should try to regain control of the national bank and national railroad.

With the consent of the State Department, President Martinez paid $1,750,000 for 51 per cent of the stock of the Nicaraguan National Railroad and $300,000 for 51 per cent of the Nicaraguan National Bank. The price for both utilities was virtually double what the Nicaraguan Government had received in 1913. Martinez retained three Americans on the board of directors of the bank and the railroad and replaced the others by native Nicaraguans residing in the United States. The J. G. White Management Corporation was allowed to continue to operate the railroad. It was impossible at that time to dissolve the American corporations and to transact all the bank and railroad business in Nicaragua, as the Nicaraguan Congress had not yet passed the necessary legislation.

The State Department frowned upon the candidacy of Martinez for reelection, although Diaz had succeeded himself, so a coalition of Conservatives and Liberals nominated Solerzano for President and Doctor Sacasa for Vice President. They were pledged to carry out the program instituted by Martinez and completely nationalize the bank and railroad. Emiliano Chamorro, former President, represented the Wall Street group and frankly declared that if elected he would resell the bank and railroad to the bankers. Therefore the election presented clear-cut issues and, as H. A. Dodd, American supervisor, reported it, "the fairest election held in Nicaragua for 15 years," it may fairly be presumed to have reflected the desires of the Nicaraguan people.

Solerzano and Sacasa received approximately 48,000 votes and Chamorro received approximately 28,000 votes. It was the first election since 1909 in which the people of Nicaragua had been allowed to express their opinion at the polls with the slightest assurance that their votes would be counted honestly.

United States marines had been continuously in Nicaragua ever since 1909, in spite of protests by United States Congressmen and the Nicaraguan people, but it was not until Solerzano and Sacasa were elected that the State Department served notice that the marines would be withdrawn on January 1, 1925, the date the new régime was to take office. There is little doubt that the withdrawal of the marines was designed to throw a cloud of disfavor over the Solerzano-Sacasa régime and, furthermore, under the circumstances, with every American official in Nicaragua actively campaigning for the return of the bank and the railroad, it could only be construed as an invitation for a revolution. In fact, so thoroughly were the Nicaraguans themselves convinced of this that President Solerzano petitioned the State Department to keep the marines in Nicaragua. They were left seven months at his request, and then suddenly withdrawn in August, 1925.

Immediately after the inauguration of Solerzano and Sacasa the New York bankers tried to force a new loan upon the Nicaraguan Government, with the usual security of a mortgage upon the national bank and railroad. This failed. Offers were then made to buy the bank outright. Great pressure was brought to bear upon President Solerzano. Predictions were made that if he did not sell the bank the Nicaraguan currency would depreciate and economic ruin follow. Practically all of the high-salaried Americans occupying the key positions in Nicaragua helped this propaganda.

Solerzano, though wavering at first, finally decided to carry out his campaign pledges. He definitely refused to sell the bank and cabled his fiscal agent in New York to cancel the contract which the J. G. White Corporation had to manage the railroad. This was on October 3, 1925, and there is good ground for believing that when President Solerzano made this definite move to dispense with the services of the J. G. White Management Corporation the financial group in New York realized at last the Government of Nicaragua was in the hands of Nicaraguans who meant to put an end to the exploitation of their country, and this group of American financiers then and there decided to put an end to the Solerzano-Sacasa régime.

On October 23, General Chamorro, who was defeated for the Presidency less than a year before by an overwhelming vote, seized the fortress of Managua, the capital, imprisoned President Solerzano, and finally forced him to resign under duress; chased Vice President Sacasa out of the country; jailed members of the supreme court and hundreds of others; expelled members of Congress, and declared his own friends seated in their stead.

The State Department did not recognize Chamorro. He was held to have violated the five-power pact signed in Washington in 1923 by the Central American Republics, which stipulated that no President of any Central American Republic who obtained power by a revolution or coup d'état should be recognized by other Central American Republics. The United States did not sign the five-power pact, but President Coolidge admitted that this Government had a moral obligation to apply its principles in order to encourage Central American States to prevent revolution, and in his speech before Congress on January 10, 1927, the President said this was the reason why Chamorro was not recognized.

President Coolidge omitted to state that Adolfo Diaz, whom he promptly recognized when Chamorro stepped down, also had violated

the five-power pact, and we were under the same moral obligation not to recognize his wholly illegal usurpation. It is a notorious fact in Nicaragua that Diaz and Chamorro were confederates in the coup d'état which overthrew Solerzano and Sacasa. The fact has never been denied or even questioned.

In a cablegram from San Jose, Costa Rica, December 23, 1926, by the Associated Press and published in La Prensa, the Spanish daily in New York City, General Chamorro, who was passing through the city to represent the Diaz government as special emissary to Europe, frankly admitted as much. The dispatch quotes him as follows:

"Adolfo Diaz aided me in the first coup against the constituted government of President Solerzano, and it is surprising that he was recognized by the United States while they denied me such recognition."

The rump Congress which "elected" Diaz, after notice had been served on Chamorro that he would not be recognized, was surrounded by troops under Chamorro, who was commander in chief of the army. No delegate not personally acceptable to Chamorro was allowed to enter, and at least 18 were denied their seats. Chamorro continued to act as commander in chief of the army three weeks after Diaz was "elected," and then left as special emissary to Europe.

President Coolidge and our State Department trampled underfoot our national honor when they recognized Adolfo Diaz as President of Nicaragua. To do this they had to violate the letter and spirit of a treaty which our Government sponsored. They had to override the letter and spirit of the Nicaraguan constitution which we also sponsored. They had to lend themselves to all manner of legal trickery and political chicanery in the vain hope of making the worse appear the better in the eyes of the people of Nicaragua, who justly despise this pet puppet of our State Department. And when the Nicaraguan people refused to accept this tool, Diaz, who already had exploited them for six years backed by the might of the American marines, President Coolidge and Secretary Kellogg began rushing warships, marines, and bombing planes to the little country to force their brutal policy.

The State Department has been using Diaz off and on ever since it assisted in fomenting the 1909 revolution which deposed Zelaya. He is one of its two handy men. The other is Emiliano Chamorro. Diaz has finally won out because he is the more pliant tool. Neither Diaz nor Chamorro has any sense of public honor. They regard treason as a perfectly legitimate get-rich-quick game. They see no reason whatever why, if by use of force and foreign money, they get into position to sell out their country they should not do so. It would be unfair to Judas Iscariot or Benedict Arnold to compare these men with them. For neither Judas nor Benedict was a glutton for treason. They only played the rôle of traitor once and one of the two, at least, quickly repented of his act. Neither was a "hard-boiled" traitor.

There is no secret about the character of these two men. It is common knowledge throughout Central and South America. The truth as to the total lack of character of either Diaz or Chamorro has been blazoned abroad. It is impossible, without reflecting upon the intelligence of President Coolidge and Secretary Kellogg, to suppose that either of them labors under any delusion as to the moral unfitness of Diaz for the office into which he was thrust and in which the armed support alone of the United States keeps him. Yet President Coolidge told the delegates to the Pan American Conference that in its relations with Latin-American Republics the United States is actuated only by the principles of the Golden Rule. Possibly he meant the golden rule of the Wall Street bankers. In that event his words were literally true.

Three days after Diaz was chosen by the rump congress under Chamorro's control he was recognized by the United States and five days later Robert F. Loree, president of the Guaranty Trust Co. of New York—also president of the National Bank of Nicaragua—loaned Diaz $300,000, the entire capital stock of the Nicaraguan National Bank, and as security Diaz pledged 51 per cent of the stock of the Nicaraguan Railroad. The terms of the loan provided that unless repaid within 15 months the collateral was to be sold at public auction in New York City, where the stock of the railroad has no quoted value on any exchange.

United States marines, who had been suddenly withdrawn two months before Chamorro's coup d'état, did not interfere while the legally elected president of Nicaragua was imprisoned and the legally elected vice president compelled to flee the country. But soon after Diaz was illegally named president by the rump congress our marines were rushed back to Nicaragua and, by declaring "neutral zones" whenever the liberals had won or were about to win a victory, prevented the Sacasa forces from quickly driving out the usurper. An embargo was placed upon shipments of arms intended for the liberals, although Diaz actually was advanced credits by the United States Government for the purpose of buying munitions; medical supplies intended for wounded Liberal soldiers were held up, and large quantities of munitions were taken from the Liberals and destroyed. Despite these handicaps the Liberals continued to make headway.

Then, after Congress adjourned last March, President Coolidge sent Henry L. Stimson to Nicaragua as his "personal representative." Stimson called the Liberal leaders into conference and informed them that unless they laid down their arms the whole force of the marines would be employed to disarm them. On the other hand, if the arms were surrendered, the Liberals, I am informed, were promised that $10 would be paid in gold for each rifle.

The Nicaraguans realized, of course, that they could not cope with the marines and accepted the offer. But Diaz had no money to pay for the surrendered rifles, whereupon the State Department induced the Guaranty Trust Co. to lend $1,000,000 to the Diaz régime. The terms of this loan required Nicaragua to mortgage the national bank—the railroad already was back under the control of the Wall Street bankers—to pledge the entire receipts of the new export tax on coffee and the new import duties on tobacco and liquor; to give the Guaranty Trust Co. a five-year option on all new loans; and to transfer the deposits and revenues of the national bank and railroad to the keeping of the New York bankers. Also provided for was the appointment of another high-salaried American to act as "inspector general of internal revenue," and it was directed that the money loaned be distributed by an American-controlled commission.

This new loan will have expired by the time this article sees print, but it is perfectly safe to predict that the Diaz régime will default on payment of both debts, in which event the Nicaraguan National Bank and the Nicaraguan National Railroad will again be completely under the control of Wall Street bankers and the greater portion of the revenue from Nicaragua's only two profit-paying public utilities will be diverted to the enrichment of private investors in the United States. It is only necessary to add that the chief of the Latin-American division of our State Department at the time the Solerzano-Sacasa government was overthrown by Chamorro and Diaz was a former employee of the very Well Street bankers who controlled the Nicaraguan National Bank and Railroad. This gentleman has since resigned from the State Department and found reemployment with his banker friends.

At the present writing American bombing planes are terrorizing the tiny villages of the Nicaraguan natives and American marines in overwhelming force are relentlessly engaged in hunting down the gallant remnant of Nicaraguan Liberals who are still fighting under the leadership of General Sandino. Our press commonly refers to Sandino and his men as bandits, but I, for one, can not help thinking that they are actuated by exactly the same principles of liberty and free government for which our forefathers fought in 1776. Indeed, it is not too much to state that one would seek in vain in the history of our struggle for independence for a parallel to the brazen tyranny of the State Department in its dealings with the people of Nicaragua. George III never dared to perpetrate upon the American Colonies such fiscal and political iniquities—to say nothing of ruthless force—as our State Department has not hesitated to inflict upon the defenseless people of Nicaragua.

The chief responsibility for this crime against liberty and republicanism and good morals must rest upon the executive department of our Government, into whose hands in an especial sense the good repute of our country is committed. But no American citizen now living who knows the facts and remains silent while this gross injustice is being done can escape some measure of the responsibility. It seems to me that President Coolidge and Secretary Kellogg have been recreant to the fundamental principles of free government to which this Nation was dedicated at its birth.

I dare to hope that the conscience of America will be fully aroused before it is too late to repair the wrong we are doing. Once the national conscience is aroused—the same divine power that brought to the ground the slave oligarchy when it seemed most firmly entrenched—the doom of dollar diplomacy such as has disgraced us in Nicaragua will be sealed. From that moment we will again begin to cherish a decent respect for the opinion of mankind. We will by our own initiative move away from this policy of aggrandizement in Latin America and return to the true traditions of Americanism as voiced by Washington, Jefferson, Monroe, and Lincoln.

I venture to look in another direction for help against the moral aberration of dollar diplomacy. This is to the hard common sense of legitimate American business men. I say legitimate business men because there is a world of difference between the legitimate business which goes into the markets of the world with clean hands, asking no governmental favors but only a fair field, and the wholly illegitimate business that looks to our State Department for unfair concessions and then asks for battleships and marines to protect its ill-gotten gains.

I trust the common sense of legitimate American business men will realize before it is too late the utter folly of our present policy toward Latin America. Our trade with Europe is percentually on the decline and Central and South America offer by far the most inviting fields for future disposal of our surplus products of farm and factory. We can not make the most of this market if a little clique of international bankers, seeking extortionate profits, poison the peoples of South America against us by persuading the State Department to act as it has acted in Nicaragua. The Coolidge-Kellogg policy already has raised a storm of denunciation throughout Latin America, and if persisted in will do much to sweep away the friendly foundations of trade which were painstakingly laid by legitimate American business men.

Even if I should be disappointed in my hope that the American conscience will be aroused from its lethargy in time to save the day for American honor, and even if the hard common sense of American business men engaged in legitimate commerce does not assert itself to halt a policy so harmful to our trade with Latin America, I am still positive that the end of dollar diplomacy is near.

At this age, when the voice of nationalism is being lifted higher and higher throughout the world than ever before, it is foolish to suppose that we can impose upon the allied nations of South and Central America a colonial system of peon states. Logically, our present policy leads straight in that direction, but it is a path that ends at the brink of a precipice. Let us not, unless we want to forfeit our own self-respect, and the friendship of the whole world, substitute for the motto that "Righteousness exalteth a nation" any maxim of junkerism that means "The world be damned."

This world does not intend to be damned by any imperial individual of any imperial nation. That kind of junkerism, however, camouflaged by hypocritical pretenses to suit the times, will not win us either honor or permanent prosperity. It will only serve to bring us to dishonor, and, in the end, when we have been morally isolated, to certain merited destruction. History is strewn with the wreckage of great empires which sought to subjugate smaller states. Imperialism inevitably leads to ruin. After all, the universe in which we live is a moral universe. In the end, right and not might, justice and not injustice, and truth instead of lies, prevail.

Mr. BLAINE. Mr. President, I move that action upon the pending bill be deferred until we are supplied with the information called for in the resolution that I submitted some time ago. In order to bring that motion within the rules, I move that action on this bill be postponed until to-morrow after the close of the morning business; and I also give notice that if that motion prevails I shall make the same motion from day to day until we can have a proper consideration of the resolution which I submitted this morning.

Mr. HALE. Mr. President, I will ask the Senator if he is not satisfied with the information I have just given the Senate. I think it covers every point embodied in his resolution.

Mr. BLAINE. I listened attentively to the information that the Senator divulged this morning. I do not believe that it is in sufficient detail, nor do I believe that it gives the information we are seeking.

Mr. HALE. How could it be in more detail? It is in the same detail that is given to the Budget officer by the Navy Department.

Mr. BLAINE. I find no way by which we can make a comparison between the cost of maintaining this belligerent arm of the Navy and the cost of maintaining the Navy under peace conditions.

Mr. HALE. I have just shown the difference between the cost of maintaining the Marine Corps as we have been doing it without the foreign service and the cost with the foreign service.

Mr. BLAINE. I am not convinced that all the items of cost are included in the figures presented by the chairman of the Committee on Naval Affairs.

Mr. HALE. The information was very clear. I do not object to the Senator getting any information he wants, so long as it does not delay the passage of the bill, which, rather than being delayed, should be expedited.

Mr. BLAINE. Moreover, there ought to be an opportunity to study this question. I want to say to the Senator from Maine that I have no disposition to delay action upon this appropriation bill, but I think there is something more important than that involved. I think the whole destiny of our Nation depends upon whether the policy of using force in peace times against friendly nations adopted by this administration is going to be the policy of America for all time to come.

Mr. WARREN. Mr. President, will the Senator yield to me?

Mr. BLAINE. I yield to the Senator from Wyoming.

Mr. WARREN. I observe the Senator's anxiety for information, and his anxiety in some way to conclude these matters in Nicaragua; but I suggest to him that it would appear absurd, when under the law we are providing in the usual way the necessary appropriations for annual supplies, for instance, for the service of these men, their food and clothing, and the whole system of appropriation, that that shall be delayed from time to time to decide a question, as the Senator says, of policy. Surely the appropriation bills are in no wise expected to express a policy, other than to fulfill our duties under the law.

If the Senator wishes more information, I think he should get it through direct legislation, without undertaking indirectly to discommode thousands of men who are working for the Government under an agreement by which they are to be provided with certain commodities. Of course, if the Senator wants to have the bill passed over for a day, I assume he might get that permission without any difficulty; but if he desires to put it over from day to day I should enter an objection to that right now, because, in my judgment, we can not afford to resolve ourselves into a suspecting body for the purpose of doing that which we really are not called upon to do.

Mr. SWANSON. Mr. President, will the Senator yield to me a minute to make a suggestion?

Mr. BLAINE. Just a moment, and then I will yield to the Senator. I want to suggest to the Senator from Wyoming that there are not any thousands of men depending for their living or sustenance upon whether this bill goes over a day or two, or, for that matter, a month. They have been provided for in a former bill. This bill has reference to the fiscal year beginning July 1, 1928. There will be no suffering; nobody will suffer if this bill goes over for a short time.

Mr. WARREN. When the Senator speaks of the bill going over I suppose he means to have it go over for this session.

Mr. BLAINE. Oh, no.

Mr. WARREN. If the Senator has that purpose he should announce it, of course.

Mr. BLAINE. My motion was to postpone the consideration of the bill——

Mr. WARREN. From day to day, until the Senator receives some information that he asks for and perhaps is not satisfied with when it is presented.

Mr. BLAINE. The Senator is anticipating what my satisfaction may or may not be.

Mr. SWANSON. Mr. President, if the Senator will permit me——

Mr. BLAINE. My information, when I obtain it, may be very satisfactory. If there is any delay in presenting that information to the Senate, it will not be at this end of the Government. It will be at the executive end of the Government.

Mr. SWANSON. Mr. President——

Mr. WARREN. What is the matter with the information the Senator received this morning?

Mr. BLAINE. Mr. President, as I could examine it from the statement made by the Senator from Maine, I am very frank to state that I was unable to make an intelligent comparison. This question of budget making and making of statements for an appropriation is not entirely unfamiliar to me. I want to say, Mr. President, that there is no difficulty, if the desire is there, to present most any showing that those who are interested desire to present. I do not mean that the chairman of the committee had any untoward desires, but I want to say that to pass an appropriation bill involving additional increases of money in the twinkling of an eye, without the opportunity to investigate and to analyze the proposals, is not fair to the taxpayers of America.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. SWANSON. I am going to make a suggestion. The Senator desires certain information, and he is entitled to have it; I fully realize that. His resolution will give it to him. I hope the resolution will pass with the last resolve left out, which provides that this bill shall not be disposed of until the information is furnished. I suggest to the Senator that he leave that out of his resolution, and I dare say that to-morrow, or the day after to-morrow, the information can be furnished. Then we can proceed with the bill.

There is no chance to pass this bill, under the rules of the Senate, if the Senator objects, and if the information does not come promptly the Senator will have the power to speak and delay the passage of the bill. But in the manner in which he phrases the resolution Senators will have to consent that information that is satisfactory to the Senator from Wisconsin must be furnished before they will vote on the bill. I would not be willing to be put in that attitude. It seems to me that the thing that is right and proper is to pass the Senator's resolution asking for the information. But I have never known a Senator to ask for information and couple with the request a provision as to when we may consider and dispose of a bill.

This bill can not be disposed of, can not be voted on, until the Senator's consent is obtained, under the rules of the Senate. Why does he not have his resolution passed unanimously to-day and sent to the department this evening, and I have no doubt that in a day or two the information will be furnished him?

Mr. HALE. I have just given the Senator the information he has asked for.

Mr. SWANSON. He is entitled to the information, irrespective of the chairman of a committee. I am not willing to say that this is the beginning and the end of information. I am for the passage of this resolution if the Senator will leave out that part which states that the bill is to be delayed until the information is furnished. Let the Senate determine whether it will delay it or not. It seems to me the right and just thing to do is to pass the Senator's resolution asking for this informa-

tion, to which he is entitled. At 3 o'clock we are to have exercises under a special order, and this bill can not be disposed of until the Senator consents to it, under the rules of the Senate. It seems to me the right thing to do is for the Senator to leave out that part of his resolution and to get the information.

I hope the Senator will consent to that. I trust the resolution will pass with that left out.

Mr. BLAINE. I appreciate what the Senator from Virginia has said. My only purpose in placing the last provision in the resolution was to have an assurance that we would have the information before we acted upon the bill. That was the only purpose. If it is the request of the Senator that that clause be stricken out, and that the resolution pass without it, I accept his amendment.

Mr. EDGE. Mr. President, reserving the right to object, I would like to have the resolution stated with that clause eliminated.

The VICE PRESIDENT. The clerk will read the resolution with the clause referred to eliminated.

The legislative clerk read the resolution (S. Res. 198) as modified, as follows:

Resolved, That the Secretary of the Navy is directed to communicate to the Senate a detailed account of the expenditures incurred in the support and navigation of the several ships, war vessels, and transports, and aircraft or other implements of war, and the personnel thereof, including officers and men, and all costs, in connection with the expedition to the Republic of Nicaragua, from the 4th day of May, 1927, and an account of the expenditures incidental thereto or necessary by reason of such expedition; and that the Secretary of the Navy also report in detail to the Senate how much the expenditures would have been had such ships, war vessels, transports, and aircraft or other implements of war, and the personnel thereof, including officers and men, been in service at the respective home stations or camps; also how many vessels of every description are in service in connection with the present conditions relating to the Republic of Nicaragua.

Mr. BORAH. Mr. President, as I understand the design of this resolution is to secure information relative to the extra cost of what we have been doing in Nicaragua.

Mr. BLAINE. In effect; yes. The first paragraph of the resolution is intended to get a detailed statement of the entire cost of all those operations, and a detailed statement of the cost of the marines at the home stations is asked. Then it becomes a mathematical question for each one to determine as to how much this expedition is costing.

Mr. SWANSON. As I understand, the purpose of this is to ascertain the extra cost to the Government on account of the intervention, or interference, whatever you call it, in Nicaragua.

Mr. BLAINE. If the Secretary of the Navy complies with the resolution, should it be adopted, that will be the result.

Mr. SWANSON. That is all that is desired, and I urge that that pass. I think that the Senator is entitled to it.

Mr. BINGHAM. Is that all that is desired? The Senator from Wisconsin has not answered that question yet.

Mr. BORAH. He said yes.

Mr. NORRIS. Mr. President, I want to suggest an amendment to the resolution. I suggested it this morning, and I have been preparing it. I want to suggest that in addition to what the Secretary is asked to report, he be asked also to report the number of American soldiers killed and wounded, the number of Nicaraguans killed and wounded, the number of women and children in Nicaragua killed and wounded, and the number of Nicaraguan homes destroyed or burned.

Mr. HALE. Mr. President, I made a similar request to the department, and they tell me that 21 marines have been killed since the expedition first went to Nicaragua, and 44 have been wounded. It is impossible to give the number of native Nicaraguans who have killed. The department has not that information.

Mr. NORRIS. They can tell the number of towns they have destroyed, and the number of homes that have been burned. I should think they could give an idea as to the number of Nicaraguans killed.

Mr. HALE. The Senator would not want to hold up the passage of the naval appropriation bill to get that information?

Mr. NORRIS. No. They can give it to us in 15 minutes.

Mr. BORAH. As far as the information the Senator is calling for is concerned, they can furnish that in a very short time, because they have data. It has already been given to the Committee on Foreign Relations, and it will not take any length of time at all to get it.

Mr. HALE. Can they give information about the number of Nicaraguans killed?

Mr. BORAH. Yes; they can give what they believe to be a correct estimate.

Mr. NORRIS. That is as far as we can go.

Mr. EDGE. That is all they can do under any circumstances.

Mr. SWANSON. If the Senator will permit, General Lejeune, the Secretary of the Navy, and Admiral Latimer, all were fully quizzed in an investigation made in regard to this matter by the Committee on Foreign Relations, a report of which has been printed. If the Senator wants it up to date and in a compact form, it can be furnished, I think, as the chairman of the Committee on Foreign Relations has said, very quickly, and I have no objection.

Mr. NORRIS. I have read the report to which the Senator refers. Some of the information I think is very unsatisfactory, very indefinite. I have so far not heard—and they ought to be able to tell this—how many homes have been destroyed and burned. It is reported that a great many have been. I would be glad to find out that there were none. What I want to know, and what I think the Senate ought to know, is the plain, unvarnished truth, and nothing else.

Mr. BORAH. Mr. President, I think the Senator's request is a reasonable one and one which can be complied with very readily; that is to say, in so far as they have any information at all they can furnish it very readily, and I am satisfied that they will be able to do so within 48 hours.

Mr. NORRIS. I ask that the resolution be amended. I think the Senator from Wisconsin would have no objection to the amendment I have suggested being added.

Mr. BLAINE. I have no objection.

Mr. HALE. I have no objection, Mr. President, to the adoption of the resolution as amended.

The VICE PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to, as follows:

Resolved, That the Secretary of the Navy is directed to communicate to the Senate a detailed account of the expenditures incurred in the support and navigation of the several ships, war vessels, and transports, and aircraft or other implements of war, and the personnel thereof, including officers and men, and all costs, in connection with the expedition to the Republic of Nicaragua from the 4th day of May, 1927, and an account of the expenditures incidental thereto or necessary by reason of such expedition; and that the Secretary of the Navy also report in detail to the Senate how much the expenditures would have been had such ships, war vessels, transports, and aircraft, or other implements of war, and the personnel thereof, including officers and men, been in service at the respective home stations or camps; also how many vessels of every description are in service in connection with the present conditions relating to the Republic of Nicaragua, the number of American soldiers killed or wounded, the number of Nicaraguans killed or wounded, the number of women and children in Nicaragua killed or wounded, and the number of Nicaraguan homes destroyed or burned.

Mr. EDGE. Mr. President, if I may have the Senator's attention further, I think the information from the 1st of January up to date, or as nearly up to date as possible, is undoubtedly in order. In looking over the report from the Navy Department I notice that it contains a list of the casualties to noncombatants in Nicaragua and a list of casualties to combatants, and also where any planes have visited towns, or any bombs have been exploded. So I suppose we will get the information asked for.

Mr. SHIPSTEAD. Mr. President, as long as the Senator is after information, I would suggest that he ask for some more information. We went into Nicaragua, we were told, to protect the interests of the United States against the Government of Mexico and the Government of Russia. We were told that the leaders of the revolutionists were being used as tools by the Soviet Government of Russia and the Government of Mexico.

It now transpires that there has been a change of sentiment on the part of these people. They are our friends now. They have evidently left the service of the Government of Mexico and the Government of Russia and are our friends now. Now we are there to protect the men we went down to protect ourselves against. We did not go in, in the first place, to carry on an election. That became an incident after we had disposed of the Government of Russia and the Government of Mexico.

It would be interesting to know what was done to alienate these people who are our friends now, and to get whom into office we maintain armed forces. It would be interesting to know what was done to alienate them from the service of the Government of Mexico and the Government of Russia, as they were a year ago when we went in there, we were told, and as was given as the main purpose for our going in there. As the Senator is after information, he might also ask for some information on that point.

Mr. SWANSON. Mr. President, I think the information asked by the Senator from Wisconsin is right and proper, and his resolution ought to have been passed, as amended by the Senator from Nebraska. I am not going to consent to have information furnished bringing Mexico into this matter. We have peaceful relations with Mexico, and I do not think they ought to be disturbed. I see no occasion for seeking information to get the Mexican controversy renewed, or revived, and made another disturbing factor. I am satisfied that the Senator from Minnesota, who is usually of a peaceful, splendid turn of mind and a patriotic man, does not wish to have the old Mexican matter thrashed over again. Consequently, I would object.

Mr. BORAH. I understood that the Senator from Minnesota was simply humorous.

Mr. SWANSON. If he was humorous, I can not tell when he is serious and when he is humorous. He is very able both ways. He knows how to disguise his purpose so that even a shrewd man can not perceive it.

STATUE OF ANDREW JACKSON

The VICE PRESIDENT. The hour of 3 o'clock having arrived, the clerk will read Senate Resolution 192.

The Chief Clerk read the resolution (S. Res. 192), adopted by the Senate on the 9th instant, as follows:

Resolved, That at 3 o'clock on April 16, 1928, exercises appropriate to the reception and acceptance from the State of Tennessee of the statue of Andrew Jackson, a former President of the United States, erected in Statuary Hall in the Capitol, be made the special order of the Senate.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McLean	Shipstead
Bayard	Frazier	McMaster	Shortridge
Bingham	George	McNary	Simmons
Black	Gerry	Mayfield	Smith
Blaine	Glass	Metcalf	Smoot
Blease	Goff	Moses	Steiwer
Borah	Gould	Neely	Stephens
Bratton	Hale	Norbeck	Swanson
Brookhart	Harris	Norris	Thomas
Broussard	Harrison	Nye	Tydings
Bruce	Hawes	Oddie	Tyson
Capper	Hayden	Overman	Vandenberg
Caraway	Heflin	Phipps	Wagner
Copeland	Johnson	Pine	Walsh, Mass.
Couzens	Jones	Pittman	Walsh, Mont.
Curtis	Kendrick	Ransdell	Warren
Cutting	Keyes	Reed, Pa.	Waterman
Dale	King	Robinson, Ind.	Wheeler
Dill	La Follette	Sackett	
Edge	Locher	Schall	
Fess	McKellar	Sheppard	

Mr. JONES. I was requested to announce that the Senator from Idaho [Mr. GOODING] is detained in committee.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present. The senior Senator from Tennessee will take the chair.

Mr. McKELLAR thereupon took the chair as Presiding Officer.

Mr. TYSON. Mr. President, I send to the desk House Concurrent Resolution 29 and ask that it be read.

The PRESIDING OFFICER (Mr. McKELLAR in the chair). The clerk will read the concurrent resolution, as requested.

The Chief Clerk read the resolution (H. Con. Res. 29), adopted by the House of Representatives on the 10th instant, as follows:

Resolved by the House of Representatives (the Senate concurring), That the statue of Andrew Jackson by Mrs. Belle Kinney Scholz, presented by the State of Tennessee, to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious for his distinguished services to the country in war and in peace.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Tennessee.

Mr. TYSON. Mr. President, I move the adoption of the concurrent resolution.

The concurrent resolution was considered by unanimous consent and unanimously agreed to.

Mr. TYSON. Mr. President, I send to the desk a communication from the Governor of Tennessee, addressed to the Senate and House of Representatives, and ask that it be read.

The PRESIDING OFFICER. The clerk will read, as requested.

The Chief Clerk read as follows:

TENNESSEE EXECUTIVE CHAMBER,
Nashville, April 11, 1928.

To the Senate and House of Representatives, Washington, D. C.

GENTLEMEN: Pursuant to the action of the sixty-fourth session of the Legislature of Tennessee there has been erected in Statuary Hall, Capitol of the United States, a statue of Andrew Jackson, a citizen of Tennessee and seventh President of the United States of America.

In behalf of the people of the State of Tennessee it is my pleasure and great privilege to present to the Government representing the people of the United States of America this statue of Tennessee's famous son and one of America's greatest generals and Presidents.

It would be superfluous for me to enumerate to your patriotic body of learned statesmen, familiar as you are with the history-making epoch made glorious with the name and fame of Andrew Jackson and of his life and achievements involving his record as a Congressman and Senator of the United States, major general of the United States Army, and President of the United States, and the far-reaching influence of his life and of his deeds in American history.

It is sufficient only for me to say that the State of Tennessee, realizing this, and feeling that a statue should be placed among America's immortals in her hall of fame, has had this statue erected, and hereby presents it to the great Government he did so much to create and preserve, and respectfully asks your acceptance of same.

Yours very truly,

HENRY H. HORTON, *Governor.*

Mr. TYSON. Mr. President, we have had many great men in our country, and the names of many of them to-day are oftener upon the lips of our countrymen than is the name of Andrew Jackson, but, Mr. President, I believe there is no man whom our country has produced who deserves more from his country than Andrew Jackson.

There never was a greater or more unselfish patriot, nor one who gave at all times more unsparingly or more effectively for his country.

He was born in 1767 of poor parents who had come to America from Ireland in 1765 for the purpose of escaping the oppressions of the British. Shortly after settling in America the father died, and later the whole family was to suffer even a more dire calamity in this far-off America at the hands of the British than they could possibly have experienced had they remained in Ireland. Before the Revolutionary War was over two brothers of Andrew had been killed by the British, and his mother had died as a result of the war. Andrew fought for more than a year in the Revolutionary Army, having joined that Army at the tender age of 13 years. He was in several battles, and was thus one of the youngest soldiers who ever went to war.

He was left an orphan at 14 years of age and had no blood kin in America, and with practically no resources and but little education he was compelled to make his way at these tender years by his own unaided efforts.

To such distinction did he finally rise that the place of his birth has been the subject of heated controversy and long discussions, and many chapters of history have been written to show the exact spot where he was born. Having been born at or near the Waxhaws, on the North Carolina and South Carolina line, both of these States claim him.

But it matters not so much where he was born nor where he lived for the first few years of his life, but it was where he lived and made his home and where he became great that mostly interests us.

It was in that romantic country known as Tennessee, across the Allegheny Mountains, in the great valley of the Mississippi River—that marvelous land in that unparalleled bluegrass region and unsurpassed hunting ground of the Shawnees, the Cherokees, the Creeks, the Choctaws, and the Chickasaw Indians—that he made his home, and there he lived and died.

This new and undeveloped country gave him the arena and the greatest opportunity to be found anywhere on the continent of America to display his peculiar and remarkable talents. It was to the beautiful valleys of Tennessee and the Cumberland that this mighty man of destiny wended his way at the age of 20 to write his name imperishably upon the pages of history.

His talents and his courage were such that he was soon known in this new land as the great pioneer, and the settlers looked to him as their leader and their protector.

When the State of Tennessee was formed in 1796 Jackson was elected its first Representative in the Congress of the United States. One year later he was appointed a Senator from Tennessee.

The duties of a Congressman and a Senator were irksome to his adventurous and impetuous soul. He longed for the outdoor life and the great, free, romantic land of Tennessee,

which answered the call of the wild and the adventurous in his nature, and so he resigned his seat in the Senate after two years' service and returned to Tennessee.

He was one of the few men who ever resigned from the Senate of the United States of his own accord. He was one of the few men who ever resigned from the Supreme Court of Tennessee, where he had done a great service in bringing law and order to the new and turbulent State from 1799 to 1803.

During his service as a Representative in Congress he showed himself to belong to the school of Thomas Jefferson, of whom he was a devoted follower, and such was his courage and his idea of democracy and duty to the people that, notwithstanding his love and admiration for Washington, he refused to vote for the congratulatory address on the retirement of Washington from the Presidency in 1797 because he thought it smacked too much of royalty.

Jackson covered himself with imperishable renown and glory as the commander of the Tennessee volunteers and militia in the Creek war of 1813 and 1814.

This was one of the most important and bloody wars ever waged against the Indians on this continent. Jackson commanded more than 3,000 troops in this war, and his troops suffered incredible hardships, but in six months this formidable tribe of Indians, who were aided and encouraged by the British and the Spanish in Florida, were brought to submission and their power was forever broken.

To the eternal credit and glory of Tennessee be it said she agreed to stand sponsor for the payment of this large force which was used in driving the dreaded savage from the confines of the present States of Alabama and Mississippi.

In this war Jackson had gained such renown by his indomitable perseverance, courage, determination, iron will, and fortitude in enduring hardships that he was acclaimed throughout the Nation for his great achievements. He was made a major general in the Regular Army of the United States, and after having taken Pensacola, then held by the Spaniards, he was ordered to the defense of New Orleans.

New Orleans at that time was the only city of importance in the Mississippi Valley and was threatened with a great attack by the British. It was the key to the navigation of the Mississippi River, and under no circumstances could the United States afford to lose this important point.

To give you an idea of the importance which the British attached to it, it is only necessary to say that while the British in all their operations against America in the War of 1812 had never employed all together more than 20,000 men, yet in this case an expedition had been planned to sail from the island of Jamaica consisting of 50 vessels carrying 12,000 veteran troops of Wellington and 1,000 cannon under Sir Edward Pakenham, a veteran of the Peninsula War in Spain and Portugal, who had fought under Wellington and who had conquered and driven from Spain the veteran soldiers of Napoleon. In addition there were nearly 10,000 sailors who were also to be thrown into that battle.

Jackson arrived at New Orleans on December 1 and such was the vigor of his measures that in a few days the courage and confidence of the citizens were restored.

His force consisted of some 800 regulars and other troops composed of volunteers and militia from Tennessee and Kentucky and Louisiana, amounting altogether to about 6,000 men, most of them equipped only with rifles and muskets and shotguns which they were in the habit of using at home, and many of them with no arms at all. In fact, it was as heterogeneous and undisciplined a lot of soldiers as ever went to battle.

Jackson had announced that he would attack the foe at all costs as soon as they landed on American soil. He swore "By the Eternal" that the foe should not be allowed to remain on the sacred soil of his country.

The British thought the Americans would not dare attack. Little did they know the commander who was pitted against them.

About 12 o'clock in the dead of night on the 23d of December Jackson launched a terrific attack upon the British, which took them wholly by surprise. A great victory was gained and a still greater moral advantage. The British lost 46 killed, 167 wounded, and 64 prisoners. The American loss was about half that number.

Jackson had determined to make his stand behind a small canal called the Rodriguez Canal, and he put every available hand to work deepening and widening this canal and piling the dirt and cotton bales upon one side where he could use them as a breastwork.

For four nights Jackson did not sleep but worked incessantly, using every means at hand to strengthen his defenses.

Sir Edward Pakenham arrived and took command of the British on Christmas Day.

On the morning of January 1 Pakenham opened a terrific fire and cannonade upon Jackson's position, but the British were repulsed with heavy loss.

January 8, the fateful day for the British and for the glory of America and of Jackson, opened with a heavy fog. The British attacked with General Pakenham leading his troops as if on parade.

His troops stationed on the canal, Jackson walked incessantly up and down behind his lines encouraging his troops and directing them to hold their fire until the British came so close that the men could see the whites of their eyes. The battle raged for 25 minutes. The sharpshooters of Jackson from Tennessee and Kentucky did terrible execution. The slaughter was appalling. During this short period of 25 minutes 700 British soldiers fell dead, 1,500 were wounded, and 500 were taken prisoners.

Pakenham was killed, followed by General Gibbs, who was next in command; then General Keane fell, being severely, but not fatally, wounded. When the smoke cleared away the Americans found that they had lost but 7 men killed and 13 wounded.

The British retreated in disorder and left the field of battle, and shortly thereafter left the country; and thus was won eternal glory for America and the Presidency of the United States and immortality for Andrew Jackson.

The people of our country for more than a hundred years by common consent each year on the anniversary of this battle have assembled together and celebrated the most remarkable victory ever gained on a battle field in recorded history—the Battle of New Orleans—and to honor the most extraordinary man that ever appeared on the horizon of this Republic—Gen. Andrew Jackson.

Up to the time of the Battle of New Orleans the War of 1812 was a great humiliation and disappointment to the American people, as they had won no battle of importance on land during the war, and even the Capitol at Washington had been taken by British troops and burned.

The whole Nation rejoiced over this remarkable battle as being the most glorious victory that had ever been gained by American arms and was balm to their wounds and pride.

Andrew Jackson's career as President was a stormy one, as his whole life had been.

He was President during one of the most critical and exciting times in the history of the Republic.

Elected as a Democrat, he had pitted against him during his whole presidential career that great triumvirate that has gone down in the annals of our country as three of the greatest men who ever sat in the Senate of the United States—Clay, Calhoun, and Webster. Day after day and year after year the battle between these three giants in the Senate arena and President Jackson in the Executive Mansion was waged with unremitting vigor, fury, and bitterness.

Jackson asked no quarter and gave none, and although these men have never been surpassed in oratory and statesmanship and political sagacity by any men who have lived in our country and although Jackson was called the backwoods President by many, he finally triumphed over them in every political battle in which they were engaged.

We can not speak of Jackson except in superlatives. He never did things as other men did them. He was successful in every serious undertaking of his life. It is said he fought a hundred battles, personal and otherwise, but even in his fights and duels he always came off a victor. He never was subordinate to any man. He never served an apprenticeship. He seems to have been born to command. A lawyer, planter, United States district attorney, Congressman, twice United States Senator, justice of the supreme court of his State, never an officer until he was made a major general of militia; never a leader in battle until he led an army; never in the Regular Army until made a major general; the Governor of Florida; the victor and hero of New Orleans; the victor in the Seminole War; and twice the President of the United States, and dictator of two of his successors.

Absolute master of every situation and the controller of the destinies of the Republic for 20 years, so much so that the period from 1825 to 1845 is called the Jacksonian era of the Republic.

Not a great student, but the greatest letter writer of his time; and his State papers are believed to be unsurpassed by any President who has sat in the presidential chair; the greatest Democrat of his time and of all times, Thomas Jefferson excepted.

His will was nearer law in the United States of America for 20 years than that of any other man for even one year. He has been more maligned, abused, and vilified than any

man who ever sat in the presidential chair; yet, he never was finally defeated in anything in public or private life.

A man with many faults, it is true, but they were largely the result of environment and the influences and customs of his time.

The most moral and the most continent of men, the tenderest of husbands and the most loving of fathers to his adopted children. Like Washington, God did not give him children because He evidently wanted no comparisons.

He had a will that was as adamant as the rocks of his beloved Tennessee, and an honesty as great, and as scrupulous a regard for truth as any man that lived; the only man who ever rivaled Washington in the affection of all the people, and the most magnetic and popular man that ever held public office in America.

Theodore Roosevelt was the only man of the nineteenth century who ever approached him in magnetism and popularity before the American people.

He hated show and sham and centralization of power and great and overpowering wealth, privilege, and monopoly, believing them inimical to the best interests of the American people.

He believed with all his heart and soul in the rights of the States, but when the Union was threatened, and when what he called his own native State—South Carolina—threatened to go out of the Union, he showed that, while he loved the States he loved the Constitution of the United States more, and at the crucial time when the country was in a great state of excitement as to what his course would be he appeared at a banquet in this proud city of Washington and, rising in his seat and giving his toast, he spoke these memorable words:

The Federal Union—it must be preserved.

We have heard of others who have gotten great and everlasting credit for preserving the Union, and while all proper credit should be given to them, Mr. President, I feel that the speaking of these few short words at that time by Andrew Jackson and other things which he did preserved the Union then, and was the means of keeping that sentiment and that determination to preserve it in the minds of the American people until it culminated in lasting success at Appomattox more than 30 years afterwards.

Had there been another than the lion-hearted Jackson in the presidential chair, there might be another tale to tell to-day.

Mr. President, I say it without fear of successful contradiction that Andrew Jackson was the most remarkable and colorful man this country has produced.

No other President died as Jackson died.

It may be said that the power of his will was such that he even determined the day and hour of his death. When he was ready to die he drew his mantle about him, surrounded himself with his friends and loved ones, delivered them a sermon, bade them all an affectionate farewell, expressed the hope that he should meet them all in Heaven, black and white alike, and then, and not until then, did Jackson die.

Mr. President, while he belongs to the Nation, Tennessee claims Jackson. He is her patron saint. His memory is enshrined in the hearts of her people and his ashes rest in her bosom.

Near the banks of the beautiful Cumberland River, and near the capital city of Nashville, in that lovely and fertile valley, is the home he loved so well, the stately mansion which he called the Hermitage, preserved by the loving hands of the ladies of the Hermitage Association of Tennessee. Near by in the garden of his home is the shrine of Tennessee, a mecca for all patriotic Americans, and in this lovely old garden is to be found the simple monument which marks the last resting place of Andrew Jackson and his beloved wife lying by his side.

He scorned the gift of the sarcophagus of a Roman emperor and preferred a simple tomb and an unpretentious epitaph:

General Andrew Jackson—born March 15, 1767; died June 8, 1845.

The inscription on Mrs. Jackson's tomb was written by Jackson himself, and in view of some of the ungenerous things that were said of her during Jackson's lifetime and the unchivalrous and unfair criticisms that have been made I wish to quote this inscription here as an example to the men of this age of what a chivalrous and noble gentleman and great American thought of his wife in the long ago when this Republic was still young.

The inscription is as follows:

Here lie the remains of Mrs. Rachel Jackson, wife of President Jackson, who died on the 22d day of December, 1825, age 61 years. Her face was fair, her person pleasing, her temper amiable, her heart kindly. She delighted in relieving the wants of her fellow creatures and cultivated that divine pleasure by the most liberal and unpretending methods; to the poor she was a benefactor, to the rich an example, to the wretched a comforter, to the prosperous an ornament; her piety went hand in hand with her benevolence, and she thanked her Creator for permitting her to do good. A being so gentle and so virtuous that slander might wound but could not dishonor. Even death, when he bore her from the arms of her husband, could but transport her to the bosom of God.

In this day of divorces and unhappy marriages I would that all men and women could live as happily together as this great man and this pure and noble and gentle woman lived in the long ago.

Mr. President, I believe if you will study the life of Jackson from the cradle to the grave and the period in which he lived you will find it more thrilling than any novel; that you will learn to appreciate more and more what we owe to the men and women of the pioneer days.

The State of Tennessee is proud to place the statue of her distinguished son in Statuary Hall to be numbered there with the great men of our Nation and of the earth.

To the student who makes an examination of the record of his life it is apparent that few men who have figured largely in public affairs have exhibited more conspicuously the elements of true greatness. He was great in every walk of life.

As a pioneer he was foremost in building his State. As a soldier, as a citizen, and as a statesman he did inestimable service for his country.

As President of the United States, he threw down the bars and for the first time let the people have an effective share in the government of the Nation. He destroyed a sinister alliance between politics and finance that was swiftly reducing the people to economic serfdom. He shattered the nullification movement, thereby postponing for nearly 30 years the day when half a million of men had to die for the preservation of the Union.

Mr. President, let his enemies say what they will, he was a great American, who stood four square to all the world and earned his right to stand forever in America's hall of fame.

Whatever his shortcomings, he was nevertheless always the true chevalier. He was ever the hero and the idol of the people, and never did man more nobly deserve the loyalty that the common people always gave him.

If he lived to-day, he would be fighting the battles of the people as of old, and there is every reason to believe that the America of the twentieth century would hail him as rapturously and follow him as devotedly as it hailed and followed him as its leader 100 years ago.

Mr. BRUCE. Mr. President, I deem it a great privilege to have been asked to say a few words on this occasion about Andrew Jackson. No series of biographies relating to either American soldiers or statesmen would be complete that did not include him, for his name is indelibly associated with some of the most important events in both the military and civil history of the United States.

Moreover, his character is marked by such salient and vivid traits and his career by such startling and dramatic incidents, that he can justly be pronounced one of the most interesting of all the men who have won conspicuous fame in our national annals.

Some one has said that it is curious to reflect that among all the millions of human beings who have peopled the world since its creation there has, perhaps, not been another person so unique, so purely the creature of individual idiosyncrasies, as John Randolph of Roanoke; that the same thought might almost be hazarded of Andrew Jackson.

He was unquestionably subject to many shortcomings and limitations. When the poverty to which he was born, his meager stock of education, and the rude and lawless nature of his early environment are taken into account, the amazing thing is that his deficiencies should not have been greater than they were.

So far as syntax and spelling are concerned, he was notably illiterate. When Harvard College made him a doctor of laws, John Quincy Adams said that he would not be present to witness her disgrace in conferring the highest literary honors upon a barbarian who could not write a sentence of grammar and hardly could spell his own name. In reading Jackson's letters my own attention has been called to the fact that on one occasion he even misspelled the name of Calhoun, and on another the name of Nashville, though in the one case few names had oftener been on his lips than that of Calhoun; and in the other his famous home, the Hermitage, was in the immediate vicinity of Nashville. However, John Quincy Adams should not have forgotten, and we should not forget, that if battles were won and public policies consummated by grammarians only, Marlborough, Napoleon, and Washington would not be the immortal personages that they are.

Few men, too, have ever been endowed with such a high-strung nature as Jackson. From the time that a brutal British officer inflicted ineffaceable wounds on his body, because he refused to black this officer's boots, until his final retirement from public life his existence was, with a few brief intervals, one long gladiatorial combat.

One of his enemies claimed that, in the course of his life, Jackson had been engaged in some 100 duels, street fights, and brawls of one kind or another. This is, doubtless, an exaggeration, but certainly few careers in civil life have ever been marked by such unremitting pugnacity as Jackson's in the early history of Tennessee. At one time he and John Sevier went about "gunning for each other," to use a slang phrase of our own time. He fought a duel, though a bloodless one, with Waightstill Avery, a fellow practitioner of the law. In one of the most tragic duels in American history, he killed Charles Dickinson and received a wound himself, from which he never really recovered. In an irregular encounter with Thomas H. Benton and his brother Jesse, he incurred injuries which reduced his health, for a time, to the lowest point of depletion, and the original cause of these injuries was the fact that, in an unfortunate moment, he had consented to become the second of a duelist with whom Jesse Benton had taken to the field. At one time, the popularity of Jackson in Tennessee was seriously impaired by the general feeling that he was too quarrelsome and dangerous even for its lax code of law and order. Such an aggressive nature as this, of course, was bound to assert itself, unhappily at times, even after it had passed to a wider theater of action than primitive Tennessee. No matter how grave the measure of responsibility that rested upon him, down to his last days, no one could violate Jackson's acute sense of personal dignity, or excite his antagonism in any way without arousing in him a spirit of uncompromising, unrelenting resentment that made every fight with him, small or great, a duel to the death. "He went," Thomas H. Benton often observed of him, for "a clean victory or a clean defeat."

When his passions were thoroughly awakened, his imperious temperament brooked no restraint whatever. Under those circumstances, his unbending Scotch-Irish will can be compared to nothing so fitly as to concrete reinforced with iron rods. Even the respect that he owed, in the light of international laws and usages, to His Christian Majesty the King of Spain, or the fear that he might naturally have entertained of the retaliatory power of His Majesty, the King of Great Britain and Ireland, meant but little to him. When he was a major general in the Army of the United States, if the President would but give the word, he stood ready to seize the entire Spanish Territory of Florida, without a moment's hesitation. As it was, he did not scruple, later, to seize and hold for a time St. Marks, one of its most important posts. He hung, unjustly, as is now generally agreed, in Florida, a British subject, Arbuthnot, for alleged espionage and other offenses, and, with what might at least be deemed rash sternness, had another British subject, in Florida, Ambrister, shot. In 1821, when still irritated by the delay in the delivery of Florida to him as its American Governor by Spain, he even clapped the handsome and polite Colonel Callava, the Spanish Governor of Pensacola, into a calaboose.

After the Battle of New Orleans, while that city was still under the martial law, established by him, he hurried off Judge Dominick A. Hall, a Federal judge, to imprisonment, in the custody of a file of soldiers, because he had sanctioned the issuance of a writ of habeas corpus against him.

He was so blinded by partisanship when his feelings were fully enlisted in behalf of an individual that after his first suspicions of Burr's designs in the Southwest had been laid by the latter's deceitful assurances he did not stop short during Burr's trial of making harangues in the streets of Richmond in defense of that unscrupulous, if not treasonable adventurer.

When the wives of the members of his Cabinet and Vice President Calhoun and his own niece, Mrs. Donelson, refused to accord social recognition to Mrs. Eaton because of her dubious reputation, he insisted upon her being given all the rights and privileges of unquestioned innocence.

Few names are oftener blended than those of Jefferson and Jackson, but it is interesting to recall the fact that for Jackson, apparently, Jefferson never entertained anything except dislike and distrust.

In 1824 he said of Jackson:

> When I was President of the Senate he was a Senator, and he could never speak on account of the rashness of his feelings. I have seen him attempt it repeatedly and as often choke with rage.

Indeed, Jefferson has been said to have declared that Jackson was one of the most unfit men that he knew of for the Presidency.

> He has had—

He is reported to have affirmed—

> very little respect for laws or constitutions, and is, in fact, an able military chief. His passions are terrible. * * * He is a dangerous man.

We have described Jackson at his worst. Of Jackson at his best, it is hard to speak too highly. It is sometimes said of a man that he has the defects of his virtues. Of Jackson it can be truly said that he had all the virtues of his defects. It is difficult to conceive of courage or fortitude more superb than his. He met danger on the dueling field, in the wilderness, in battle, as far as we can see, with a heart to which fear was a total stranger. He conducted his campaign against the Creeks when, as the result of the wounds inflicted upon him in his collision with the Bentons, he could scarcely, from sheer weakness and pain, contrive to sit in his saddle. Always after that event his health was very frail; yet no peril could daunt him, no obstacle could arrest him, no amount of resistance could withstand him; except, perhaps, that set up by the ladies of Washington to the social acceptance of Mrs. Eaton; and here, perhaps, he met defeat only because he could not trample women under his feet as he might have done men. After he killed Dickinson he once declared that he would have hit him even if he himself had been shot through the heart. In his struggle with the Bank of the United States he exclaimed grimly, "The bank, Mr. Van Buren, is trying to kill me, but I will kill it," and so he did. Death itself was a small matter to him compared with the frustration of any serious aim on which he had set his heart. His integrity was punctilious in the highest degree. He paid a debt even if he had to cut pecuniary comfort to the bone to do it. He was chaste, temperate, and intensely domestic in his habits. His romantic devotion to his wife Rachel and to her relations is among the commonplaces of American history. He was a kind master. He was, if anything, too loyal and steadfast a friend. There was not a trace of vanity, bluster, deceit, or double-dealing in his composition. Under ordinary circumstances he was attentive to advice and prompt to acknowledge error. Like most good haters, he had a rich reserve of compassion and affection for any call upon the gentler elements of his nature. He loved children. After a battle in one of his campaigns a little Indian boy was found with the arms of his dead mother still about him. "All his relations are dead; kill him, too," said the Indian women whom Jackson besought to give the child nourishment. This piteous answer went to the heart of the general, and he took the boy under his protection and brought him up in his home as if he were his own son. Benton tells us how he came upon Jackson in the twilight of a wet, chilly evening and found him sitting alone before the fire with a lamb and a child between his knees. As is true of many individuals of his intense character, in his nature vials of wrath and wellsprings of unutterable tenderness were found side by side. In no man was the truth of Bayard Taylor's beautiful lines ever better exemplified:

> The bravest are the tenderest,
> The loving are the daring.

Nor could there be a graver mistake than to think of Jackson as a mere frontiersman or roughneck. Indisputable testimony to his impressive and winning presence has come down to us. One of the handsomest and most elegant gentleman that I have ever met was the late Gen. Joseph R. Anderson, of Richmond, Va.; and he was in the habit of declaring that of all the men that he had known Andrew Jackson had the most courtly manners. He was a natural soldier, a natural statesman, and a natural gentleman. Among his warmest friends and admirers were refined women.

The sharp contrasts apparent in the private character of Jackson are also visible in his public character. He lacked the education, the moral discipline, and the mental training essential to the highest achievements of sober statesmanship. He carried his antagonistic spirit, his arbitrary will, and his inveterate partialities and prejudices into his public as well as his private relations. Tolerance and compromise, two of the things which enter so largely into the successful administration of public affairs, were deeply repugnant to his self-willed disposition. To him political opponents and personal enemies were one. He detested Calhoun. The most that he would concede to Clay was that he was "a magnanimous rascal." For the lack of mental culture his State papers had to be reduced to form by other persons. His fierce partisan temper is at least partly responsible for the abuses of patronage which sprang up at Washington when he came to the National Capital with the hungry office-seeking Demos at his heels. Before his day the United States was a republic. Since his day it has been a democracy, with all the failings that a democracy, as distinguished from a republic, has.

But Jackson's political career, too, had its merits, and merits sufficiently noble to make him a great party leader and the idol of the American people. If his written words were not always those of the scholar, the glowing thoughts that ran off from his impetuous pen were, even after they had been dressed up in academic English by Edward Livingston, or some one else, all his own. Despite their grammatical imperfections they went to their mark as surely as Jackson's bullet sped to Dickinson's vitals. He brought to public affairs not a little of the instinctive sagacity which he brought to his military exploits and a trust in the good sense and good feeling of the mass of men as unwavering as Jefferson's or Lincoln's. Nor should we forget that one of his closest and ablest political associates—Van Buren—has told us that Jackson was one of the calmest and most self-contained of men when facing a real public crisis. His patriotism was ardent and impassioned. He loved American ideals and institutions as they could be loved only by a man who bore British scars on his head and hand, had inhaled the free air of the western wilderness, and had ascended from the lowest levels of human fortune to the highest.

The possession of power and boundless popularity had no effect upon his prejudice against the reeligibility of the President. Indeed, notwithstanding his fervid temperament and unfaltering self-confidence he seems to have been moved in his career to a singularly limited degree by political ambition. He cared quite as much for the Hermitage as he did for the White House. His real, lasting interests centered about his Tennessee home, his lands, his crops, the friends of his early manhood. His political convictions were not always maintained with entire consistency. It is a nice question whether his war upon the Bank of the United States did not do fully as much harm as good. Its value consisted mainly in the early warning that it gave to American plutocracy that American democracy includes the money king as well as all other kings in its political excommunication. Unquestionably the countenance that Jackson gave to what came to be known as the spoils system of politics helped to beget many of the administrative scandals that have attended the practical workings of our Government. But it can not be denied that he never gave his assent while President to a public policy that he did not honestly believe to be for the best interests of his country. In his transparent sincerity of character, in the unfailing courage with which he asserted his political beliefs, and in the popular faith in the entire disinterestedness of his public motives, as well as in his keen intuitive political insight, are to be found the explanation of the fact that he earned the unmeasured confidence of the American people, never failed to carry his point so long as he chose to remain on the public stage, and left that stage with the plaudits of an adoring multitude ringing in his ears. In his time he was pitted against some of the ablest men in our political history—such as Webster, Calhoun, and Clay—but there was not one of them who did not go down under his impetuous onset as tenpins go down before the rush of a ball in a bowling alley. Even when he incurred censure for one of his acts it was certain to be expunged by popular favor in process of time. The fine imposed upon him for contempt of court by Judge Hall after his release was refunded to him years afterwards with interest by Congress. When a resolution censuring him was adopted by the United States Senate his friends never rested until black lines of cancellation had been drawn around the record relating to it in the Senate Journal.

Jackson issued victoriously from all his important political contests, and his military career was attended by the same unvarying success. Though of only a few years' duration altogether it was long enough to demonstrate that he was a soldier from his birth.

All his operations were characterized, in the highest degree, by an innate genius for war that enabled him, almost unerringly, to realize the practical means by which his objects were to be accomplished; by sleepless energy; by rapidity and firmness of decision; by boldness tempered by the proper measure of prudence; by an heroic spirit, which rose superior even to famine and mutiny in his own ranks; and by that personal ascendancy, partly the fruit of sympathetic fellowship and partly the fruit of rigorous, yet judicious, discipline which is the supreme token of true generalship.

Anything better directed or deadlier than his descent on the Creeks at Horseshoe Bend, it would be hard to imagine. His victories were always so crushing that none of them can be said to have been dearly bought. When the Indian dead at Horseshoe Bend were counted, they were computed to number some 757 individuals, as against 55 of Jackson's men killed, and 146 wounded; and of these more than half were Indian allies of his.

On that ever-memorable day, the 8th of January, 1815, when Jackson found himself confronted at New Orleans, by some of the bravest and most highly disciplined soldiers of the British Army, the withering fire of his artillerymen and riflemen in 25 minutes took a bloody toll of 700 British dead, 1,400 British wounded, and 500 British prisoners, at an expense to Jackson's forces of only 8 killed and 13 wounded. Among the British dead and wounded of that day were 3 major generals, 8 colonels and lieutenant colonels, 6 majors, 18 captains, and 54 subalterns. Among the dead was Sir Edward Pakenham, the gallant commander of the British Army.

To grasp how infinitely superior in point of military resource and skill Jackson was to any of our other generals in the War of 1812, one has but to read the whole story of the British attack upon New Orleans in 1814 and 1815. The tireless activity, the keen intelligence exhibited by Jackson at every stage of the attack, his own night attack on the British, his effective use as an agency of defense of the Mississippi River, the good judgment that he showed in the selection of his ground, the skillful disposition that he made of his forces, and the celerity with which he met every turn in the vicissitudes of the British assault, all stamp him as a great commander.

Nor would any review of Jackson's military achievements be complete that did not mention the uncommon degree of efficiency evidenced by his military operations in Florida both before and after the Battle of New Orleans.

It is not given to many individuals to be a brilliant soldier, a renowned President, and a famous party leader, but, despite his infirmities of education and temper, all of these things it can be truly said Jackson was.

Every year on the 8th day of January the anniversary of the Battle of New Orleans is commemorated in the United States with due ceremony.

The enthusiasm kindled by the political leadership of Jackson in the breasts of his faithful followers was so intense that at every presidential election a certain number of Democrats are still jocularly supposed to cast their votes for him.

And even if all the other executive acts of Andrew Jackson should be forgotten, the people of the United States will never forget the Jefferson Day toast offered by him which chilled the first stirrings of disunion during his presidential career: "Our Federal Union, it must be preserved"; nor the noble and powerful proclamation against the nullification of the Federal Constitution which did more to implant a sense of inviolable nationality in the bosom of the American people than anything in our history except the closing scenes of the Civil War at Appomattox.

We can only trust that this national spirit will be forever maintained by a patriotic vow on the part of the American people as stern and immutable as the tremendous oath which Jackson sometimes uttered when announcing his inflexible resolves: "By the Eternal!"

Mr. FESS. Mr. President, Members of the Senate accustomed to listening to addresses delivered in the Chamber will appreciate an innovation where the occasion is to turn away from material matters, in which we talk about the industrial greatness of the Nation, to study for a time the real source of the real greatness of our country. I think without doubt that greatness will be generally conceded to be in the character of our leaders. That is not only true in political life but it is true in every activity of life. Here in this Chamber, where day after day we are discussing the material greatness that is detailed by the figures of the wealth of the Nation, I think it very fitting and appropriate that we turn aside to consider for a moment a character like Andrew Jackson.

When I study this character, as I must do it, rather from the standpoint of history, I can recognize certain important contributions which were made by this leadership to our national system. I recognize qualities of leadership in Andrew Jackson that were very uncommon. When I run over the list of the Presidents who preceded him and note what is regarded as mental characteristics which qualify for the Presidency and then study the life of Jackson in contrast, I find it a very interesting study. All of those, unless it would be Washington, would have been regarded classical in their education, very erudite in their acquisition of knowledge from the sources of higher learning. Quite different in the character of Jackson. He, on the other hand, was self-educated, and while people speak of him as a pioneer, he probably was the best representative of signal achievement of his time or the best that could be realized under the conditions under which he lived.

The source of his popularity is somewhat difficult to ascertain. The measure of his popularity is in a maximum degree when contrasted with others. In 1828, 100 years ago, when he was a candidate the second time for the Presidency, he fell heir to

the tremendous popular impulse that was due to the fact that it appeared he had been counted out for the Presidency in 1824, when in that year there were four contending candidates. These men were of the type of John Quincy Adams, the scholar of his day; William H. Crawford, a great statesman; and "Harry of the West," Henry Clay, regarded at that time as one of the most vivaciously eloquent and popular men in America. Jackson received more electoral votes than any one of them; indeed, 15 more than the man next to him, John Quincy Adams, but the election went to the House of Representatives, and Adams was chosen.

The resentment that welled up from the country, because of what appeared to be a defeat by a minority candidate of the most popular hero in America, made his election in 1828, four years later, an assured fact.

As all who are acquainted with the era and these leaders would recognize, men of the type of Jefferson, the scholarly Democrat, the great draftsman, probably the greatest representative of liberty in government the world ever knew, had not confidence in Jackson. He was afraid of what appeared to be Jackson's impulses. He recognized his remarkable contribution as a leader in war and the place that he had filled as a successful victor in war, and the debt we owe as a Nation to what he did in 1815 and even in Florida after that time. Yet Jefferson was somewhat fearful of an administration under the leadership of a man of the type of Jackson. While it is true that Jefferson died in 1826, on the 4th of July, the same date that John Adams, a great compatriot died, Jackson was a leading figure at that time. While Jackson was not elected President until two years later in 1828, Jefferson could very easily read the signs of the times and know the possibilities of the American Republic under our popular method of campaigns and elections.

I look upon Jackson, as President during those eight years, as one of the great figures in American history. One of the most spectacular, if not the most dramatic, incidents in our national life was when Jackson led the fight to defeat the United States bank, and succeeded by ordering all the deposits removed from the central bank to the 89 State banks. There was a trio, or what we call in history a triumvirate, in the Senate which organized in opposition to the President. That triumvirate was led by the distinguished Democrat of South Carolina, aided by the brilliant Whig of Kentucky, reinforced by the brilliant Whig of Massachusetts. Of those three, while Clay would be regarded the most popular, Webster probably the most powerful orator, I regard John C. Calhoun as one of the keenest thinkers and best representatives of a peculiar type of government, State sovereignty, that we had at that time or any time before or since. At one time it was so arranged that when the President nominated Van Buren as ambassador to Great Britain, the confirmation in this body was to result in a tie. At the time, presiding over this body as the President of the Senate, was John C. Calhoun. When the tie vote was reached on the confirmation of Martin Van Buren, an heir later on to Andrew Jackson, the tie was broken by John C. Calhoun voting to reject the appointment; and, although Martin Van Buren had gone to London to enter upon his duties, it was the vote of the great Democrat from South Carolina, who did not like the President of the United States, that recalled Van Buren.

That is only one incident to indicate the intensity of feeling which was developing here in Washington between the leadership in this body and the White House. When, on the removal of these deposits, this triumvirate moved against Jackson, they succeeded in putting a resolution of censure on the records of the Senate. As has been stated, under the leadership of Thomas H. Benton, another one of our great Senators, the fight to expunge that resolution was continued until 1837, when it was finally taken off the record. But it did not in any way lessen the feeling between the great leader of South Carolina and the great President of the Nation.

I suppose the most dramatic incident in that era was when, on the threat of South Carolina to secede Jackson made his famous proclamation. I think that that State paper, bearing the name of Livingston, which represents the opinion of Jackson, is one of the strongest arguments for the perpetuity of this Nation that is extant in American history. If I were called upon to state what we, as a Nation, owe to Jackson as a political leader the facts would be numerous, the debt would be great, and the incidents would not at all be confined to any one decade.

He was a very remarkable personality. Admirably adapted to the work of a great soldier, all of his impulses were in that direction; and yet this wonderful soldier, who would make us think of blood and thunder, was as simple and kind in his attitude in his home, and was as chivalrous in the drawing room where ladies were assembled as the most refined individual of that or any other time. That beautiful relationship that is so well understood between him and the wife makes me think of that remarkable incident in the life of John Stuart Mill, the great philosopher of Britain, who when the helpmate died had her buried in the yard at the home so that every day he could go out and commune with the beloved one who had gone. I always think of that relationship when I think of Jackson and his beloved wife.

Yet out of that relationship, because Jesse Benton had made an offensive remark, a duel took place between Jackson and Benton, showing the contrast between what appeared to be the impetuous, strenuous vigor of volition and unconquerable will, on the one hand, and, on the other, the deepest, most tender pathos of which we have any record.

Senators, I look upon Jackson, his life, and influence, as one of the sources of the great riches of American political life. I think the Senate does a very proper thing now and then to halt its proceedings to pay tribute to the real source of the real wealth of America—her great men and her great leaders.

Mr. HEFLIN. Mr. President, the strength and glory of a nation consists in the manhood of its men and the womanhood of its women. No man is truly great who does not possess the elements of heroic courage and manly honor. Jackson was blessed with both. It was my good fortune on yesterday to witness the unveiling of the Jackson statute in America's hall of fame. The program of the occasion was beautifully conducted by Tennessee's gifted and eloquent daughter, Mrs. Gillentine. The President of the United States delivered a fine and strong address on that occasion. Mr. Claude J. Bowers, the editor of the New York World, who has written a history of "Jackson and His Time," delivered a splendid address; in fact, all of the addresses were good.

Andrew Jackson was a wonderful man. He was truly a great American. He was able, conscientious, and absolutely fearless. He did not permit anything to stand between him and the discharge of his duty. He feared God and God only. I read a history of him when I was a boy. I was born within 12 miles of the spot where he fought the decisive battle with the Creek Nation, at Horseshoe Bend, on the Tallapoosa River, in Alabama. I have many times visited the Horseshoe Bend! I have seen the deep trench constructed midway between the heel and toe of the Horseshoe in which the Indians hid themselves when waiting for Jackson and his men to attack them in their last mighty stronghold. Major Montgomery, leading the Jackson forces, mounted the breastworks, built of logs across the heel of the Horseshoe by the Indians under the supervision of Colonel Rogers, a British officer. The Creek Indians were supplied with guns and ammunition by the British and they made their last stand at Horseshoe Bend.

Across it were built the breastworks with sweet-gum logs, with portholes cut through, so that the Indians could fire at Jackson and his men standing and another line of them could fire lying down.

Jackson gave orders to attack them. Major Montgomery, for whom the capital of Alabama is named, standing on the breastworks, leading and directing his men, was shot through the head and instantly killed. The brilliant and daring Sam Houston, who was later Governor of Tennessee and President of the Republic of Texas, was shot through the thigh with an arrow as he mounted the breastworks. He demanded that his men draw the arrow from the wound. They tore his flesh terribly and he bled profusely. They took him back to the tent. And when Jackson learned that he had been wounded and had been carried to the tent, he went to him, knelt down by his cot, held his hand, and begged him to stay there and not to venture out any more; that he had lost so much blood that further activity on his part might prove fatal. Houston listened and said nothing, but when Jackson went back to his men on the firing line Houston slipped out of the tent and directed his men to fire into the Indians between the clefts of the rocks along the riverside.

He was severely wounded two or three times; shot through the right shoulder with a rifle in the hands of a Creek Indian. Jackson's victory was complete. Parton in his history tells us that that was the decisive battle with the Creek Nation, and that in that battle Jackson broke the power of the red man in North America. There were those prominent in that day who dreaded and feared the red man and his dangerous wilderness warfare. Jackson was not one of them.

Mr. President, it has been said by some one that the really heroic and fearless man is not afraid to fight alone; that "wolves hunt in packs, but the lion hunts alone." That describes Jackson. He was a lion, and wherever duty called he dared, if need be, to fight alone. He trusted God implicitly;

was true to his own convictions and had faith in himself. When once he determined that the cause was just and that he should support it, no power of man or devils could turn him away from the path of duty. He did not stop to ask who would go with him into the conflict. He was ready to take his stand and do his duty at any cost. We need his noble and courageous spirit in our country to-day, when political corruption is rampant in the Republic and when the greedy money power again needs to be curbed, as Jackson curbed it in his day.

He dared to meet in open combat the powerful and arrogant forces of the United States Bank. The avaricious money power of his time had set up headquarters at the Capitol. Nicholas Biddle, who was the chosen mouthpiece of the money lords of his day, was here with satellites encamped at the Capitol. He was spending vast sums of money entertaining and influencing Members of the House and Senate; he was the lord and master of the political situation at the Capitol until Jackson appeared on the scene. When Jackson saw that the money power was not only manipulating the Nation's money supply and credit to the enrichment of the few and to the hurt of the many, he challenged them to national combat here in the Capitol. There was pending in Congress at the time a measure of great importance to the country and to Jackson's administration, and Nicholas Biddle dared to send word to Jackson that unless he permitted the bank bill, which would renew the charter of the United States Bank, to be tied in with the Jackson measure he would defeat Jackson's bill.

When they bore that message to Jackson the light of battle blazed in his eye and he said, "Have they got power enough to defeat my bill?" He was told that they claimed to have that power. "Well," he said, "that is too much power for any one set of men to have in this country, and I will take it from them"; and he did take it from them.

Such a fight as Jackson waged in that instance has got to be made every now and then to keep the Government in the hands of the people. Jackson saw the necessity had arisen, the time had arrived for that power to be smashed, for those who wielded it to be taught banking institutions were valuable agencies in serving the business needs of the people and that they were not created primarily for the benefit of the bankers, but to accommodate and serve the needs of the men and women in all the walks of life engaged in business of every kind; that the people were not to become slaves to the money power, but that the money power was to be so handled and controlled that it would benefit everybody that came in contact with it, and at the same time yield a good profit to and benefit those who operated the banks.

Jackson never had any desire to deny them that right, but when he found that the United States bank had gathered in and concentrated here powers from the various States, and had concentrated vast wealth here at the Capitol, he said, "It is now a dangerous agency; it must be smashed"; and he smashed it.

Mr. President, we have a similar condition now, and the country and its Congress have got to deal with it soon. The concentration of wealth in New York City, in Wall Street, the wildcat gambling in stocks and bonds and farm products on the exchanges have created a Monte Carlo and a dazed and drunken, staggering Babylon with which this Nation has got to deal. Whence will come a Jackson? He has got to come at this time out of the West or the South. This issue has got to be met, and God will raise up the leader, and the hour is ripe for his coming.

If all public men had the courage of their convictions and the devotion to duty that Jackson had, what a glorious country this would be. Whenever his country stood on one side of an issue and sinister interests on the other, Jackson was always on the side of his country.

He was clean, outspoken, and fearless in all the engagements of his private and public life. No cloud of scandal hangs on his horizon. No act of dishonor darkens his name.

Mr. President, his bitter enemies in the old days who hated him because he whipped them in his battle with the United States Bank tried to make him appear as an ignoramus; but those who knew the truth, including Bowers' history—one of the best I have ever read of him—said that he was not such a man. It is true that he did not have the college advantages and university advantages that some public men had; but, like Lincoln and Tom Watson of Georgia—who did not have many advantages that the college afforded, but who educated themselves at their firesides and were learning and storing their minds with useful knowledge all the time—Jackson was an educated man, a well-informed man, when he first went to Congress; and when he was judge of the Supreme Court of Tennessee his decisions show him to be a man of learning and that all of those reflections made upon him by his enemies were unwarranted.

He was a man of sound judgment; of deep convictions; of unfailing courage and unimpeachable integrity. He was truly a great leader. It made no difference to him that the problem was a difficult one and that the road to its solution was long and rough. He tackled the problem and entered upon the road the moment he was convinced that the cause was just and that duty pointed the way. He knew he was right, and he knew that in the end he would convert the country to his view. When truth and right and justice were involved he never stopped to count the cost. He pointed the way and led to victory. He served his day and generation well, as an Alabamian and as an American I delight to honor him. In 1914 I was instrumental in passing through Congress a bill that caused the erection of a monument at the Horseshoe Bend in Alabama to Jackson and his men. Fortunate indeed are we that we can claim him as countryman and feel the quickening inspiration of his heroic example to high-minded, noble endeavor; and fortunate indeed is the great State of Tennessee in being able to claim him as her illustrious son and as her contribution to the Valhalla of American fame. And I congratulate Tennessee, the State that Jackson loved and served so well, upon the fine ability, honor, and standing of the two splendid patriots who answer to the name of Tennessee in this body.

Mr. McKELLAR. Mr. President, on yesterday there was unveiled in the Capitol a bronze statue of Andrew Jackson, It was placed in our national Hall of Fame. It was fitting that this should be done by the State of Tennessee, from which he came, and which he served so well; but, Mr. President, it did not take a bronze statue to give enduring fame to Andrew Jackson. His life, his worth, his character, his deeds, had already, long before, enshrined themselves in the hearts of the people of this Nation, where they will live as long as the Nation endures.

If anyone should ask the question, "Who are the 10 first greatest men of this Republic?" Perhaps 9 out of 10 of the persons asked, if they were familiar with their country's history, would include Andrew Jackson in that 10, and many of them would put him near the forefront.

He was not a man gifted in letters. He did not have the literary versatility of a Jefferson. He did not have the literary versatility of a John Quincy Adams. He did not have the literary versatility of a modern like Woodrow Wilson. What he did have, however, was a hard common sense, an almost unequaled natural ability, a wonderful physical and moral courage, a physical and moral courage that is perhaps unsurpassed in the history of this Republic; and he had a will to do that was invincible.

These qualities were what made Andrew Jackson the great man that he was; and it was these qualities that make him live in history to-day and will always as long as the deeds of great men are revered.

I am not going to attempt to review—it has already been better done by others—the various stages of his eventful life. I will recall simply that he first came into the national picture as the hero of New Orleans, where he won one of the greatest military victories of the ages. Our country had lost the war up to that time, and peace had already been declared; but he redeemed our country by winning that victory before the news of the close of the war had come to him. He made a great fame thereby; and afterward, in the conquest of Florida, and before, in the conquest of the Indians, he had made a wonderful military fame. But these, in my judgment, were not the things that gave Andrew Jackson his enduring fame.

His spectacular race for the Presidency in 1824, in which he far outdistanced his competitors and broke up the whole method of presidential succession, his defeat only being accomplished by an unholy combination in the House of Representatives, gave him his first great political fame. It is true that he had been Senator from Tennessee, in 1797, and Senator again in 1823 and 1824, but he did not take a conspicuous place in this body. Both of his terms of office were too short for him to become a leader here. The race in 1824 paved the way for his success in 1828 and his reelection in 1832.

As President he followed Jefferson as the champion of the masses as opposed to the classes. In substantially his entire term of eight years he was engaged in a terrible political warfare. For the most part, he had an adverse majority against him in the Senate, but he never faltered, never hesitated, never quit. Afterwards he was vindicated as probably no other President was ever vindicated in our history, and his political enemies put completely to rout, and most of them were absolutely destroyed. But none of these things brought him his enduring fame.

Mr. President, in my opinion, there are two remarkable things that occurred in his career that made Jackson truly great. One of these was his fight, after he became President,

with the Bank of the United States. In that fight he settled for a long time two great questions. One of them was, "Shall any corporation or organization or combination of men be erected within this Government that is stronger than the Government itself?" The other was, in that connection, "Shall fraud and corruption and chicanery and dishonesty control this Government?" To both of these questions Jackson thundered the answer, "No!"

When he found that these were the issue, he entered into the fight with all his heart and soul and with all his might; and it took him virtually both terms of his administration to win those fights. He won them both, however, and settled for all time that though fraud and wrong and dishonesty and corruption may flourish for a season in America, an Andrew Jackson will ever arise to destroy it, and he did destroy it; and I hope his example will be looked to through the present and coming ages whenever any organization appears and for dishonest and corrupt reasons undertakes to run this Government, as that corrupt and dishonest organization, the United States Bank, undertook to run it in Jackson's day.

There was one other victory in Mr. Jackson's career that seems to me to place him in the very front rank of our truly great men. It was not a military victory. It was not even a victory of statesmanship, strictly speaking, though in a sense it was. It was a victory won at a dinner party—a dinner party given by his enemies, to which he was invited.

It will be remembered that when Mr. Jackson came on the political scene he upset many traditions in this Republic. He upset the accustomed and ordinary succession to the Presidency, and he aroused the ire of powerful men and rivals. Three of those men have been referred to here this afternoon.

One of them was Clay, and one was Calhoun, and the other was Webster. Up to that good hour they had never agreed on any subject; indeed they had been fighting one another for a generation; they all differed on both principle and policy; they were each bitterly opposed to the other; but when Mr. Jackson became President these rivals buried their differences, they joined their forces, and all against Mr. Jackson, with the result that after years of bitter warfare when the battle was over Andrew Jackson had won, and his enemies, put to rout and shame, were annihilated.

It was during this stormy period, not long after the death of Mr. Jefferson, that Mr. Jackson's enemies gave a dinner party in honor of Mr. Jefferson's birthday—a custom that is still preserved in our party. It was the first Jefferson Day anniversary, and the principal theme of Mr. Jackson's enemies was nullification of Federal laws, as argued by Mr. Calhoun. Nullification! Ah, this man of experience, this man of undaunted courage, this man of keen intellectuality, saw what was coming, and prepared for it. All of the speakers there were there for the purpose of furthering the idea of nullification of Federal law; and it is claimed by historians that Mr. Jackson was invited for the purpose, by inference at least, of committing him directly or inferentially to that doctrine. He was not even put on the program; but, being President of the United States, he was invited and expected to propose a toast. His enemies were jubilant. It was believed that they had at last gotten "the old man"; but when all had spoken the President rose, and, looking into the face of one of his greatest political enemies, said:

> I propose this toast: The Federal Union—it must and shall be preserved!

In my humble judgment, that toast has had the most wonderful effect upon the history of this Nation of any utterance that was ever made by any American citizen; and it gave to Mr. Jackson the greatest part of his enduring fame. Every one who heard him knew that he meant every word he said, and that there was going to be no nullification of Federal law; and there was not. It was one of his greatest victories. Greater than any of his military victories, greater than any of his political victories, as marvelous as they were, greater than any of his personal victories, greater than any of his victories of statesmanship, was this victory won by that great man at this dinner party.

In so far as the history of this Government is concerned, in so far as the history of the American people is concerned, in so far as the destiny of this Nation is concerned, that single utterance has had the most far-reaching effect upon our Nation of any utterance or of any act of any American ever recorded. With a man like Jackson behind it, it put an end to nullification and it established for all time the commanding position of the Federal Union.

But for that utterance the Union might have speedily disintegrated. The forces of disintegration were stronger then than they ever were before or ever were afterwards. It was the personality and courage of Jackson that deferred the inevitable conflict for 30 years to a time when the forces of union were far stronger.

Andrew Jackson was a natural-born leader of men. While he had a violent temper, he was admittedly a gentleman. He was a patriot through and through. His physical courage knew no limit, and his moral courage was coextensive with his physical courage. He was a thinker and a doer. He loved his friends and hated his enemies. Coming from humble beginning, he made himself probably the strongest man that ever occupied the Presidency.

Mr. President, I am proud to come from the State that gave Andrew Jackson to this Republic. In my judgment, he was one of the greatest of all of our Presidents. He was perhaps the most successful President in getting through his every measure. He had his enemies. He never gave any quarter and he never asked any quarter. Whenever they put up their flag he was ready to fight, and he fought, and he won every fight.

His kindly private life is a monument and an inspiration to everyone who believes in the purity and uprightness of the family life in America. His political life could well be emulated by the most ambitious of our citizens. His career as a citizen, as a statesman, as a builder in part of this great Republic, as a Congresman, a Senator, a judge, and as President was and will be an inspiration to men as long as time shall endure.

Mr. BROOKHART. Mr. President, Andrew Jackson was great in two great fields—in that of military and in that of statesmanship. The spirit of Andrew Jackson rose all unaware in the Senate to-day. Without thinking of this as a day of memorial to his name, the last act of the Senate before entering into this service was to pass a bill making permanent the national rifle matches of the United States. The report on that bill gives as one of the reasons for the passage of the bill the great victory of Jackson's riflemen at New Orleans.

Mr. President, Jackson's victory in the economic field to my mind far outranks his victories on the field of battle; and I want to mention specifically the greatest fight Jackson made. I think Jackson was the one and only President of the United States who, from his own choice, never did surrender to special privilege in that great office. Even Lincoln was compelled to surrender to some extent to the war profiteer. Washington was somewhat in sympathy with the special privilege class of the United States. Roosevelt, who stands next to Jackson for his persistence against them, did in a few instances yield to their power. But Jackson never did.

Jackson's fight against the central bank of the United States was the most determined and most successful fight against special privilege in all the history of our country and in all the history of the world. That institution was organized and conducted for the purpose of collecting together the savings of the people of the United States, to be used as the financial support of every industry and every institution that preyed upon the labor and earnings of the American people. Jackson set his hand against it, and he never yielded until it was uprooted.

Mr. President, nearly a hundred years have gone by since that memorable battle, and again we have built up in the United States a great financial institution. This time it is backed up by provisions of law, and again it is collecting the savings of the people of the United States into a great central reservoir for speculators and gamblers and profiteers and exploiters of the labor and the toil of this country. Not since the days of Jackson himself have we so much needed another Jackson as we need one at this moment in the United States.

This financial gambling institution became a menace to this country before 1913, when the Federal reserve law was passed. The author of that law, in presenting it to the House of Representatives, said that brokers' loans had become a cancer, in our economic life, and that they proposed to cut the cancer out. At the time that was said, the brokers' loans totaled about $766,000,000, a vast sum of the savings of the people to be collected into one reservoir for the purpose of conducting the greatest gambling business ever organized in this world, a business that is changing all our business into enterprises of risk and uncertainty parallel to gambling itself.

It was truly said it was a gigantic cancer. The law was passed to cut the cancer out. A few days ago a check on brokers' loans showed them to be, according to newspaper reports, $4,680,000,000. The cancer is six times as big as when it was cut out, and the United States of America, at this moment, awaits an Andrew Jackson to operate upon that cancer that is destroying the economic life of the common people of our country.

ADJOURNMENT

Mr. JONES. Mr. President, I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 4 o'clock and 50 minutes p. m.) adjourned until to-morrow, Tuesday, April 17, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, *April 16, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most merciful Father, Thou who art without the birth of dawn or the death of dark, because of grateful memories we are encouraged to approach Thee. Thou art the pledge of all our joys and the surety of all our hopes. Take our wills, renew their strength, and blend them with Thine. Reclaim us from any ways of wrong, and under the gentle pressure of Thy Holy Spirit bless us with the heart that forgives; may hate never become the fatal weakness of our characters. Deaden our fears and lighten our hearts and take us by the hand and lead us on. Should evil approach, may we overcome it with good, and know that this kind of a life can do everything else but fail. In the Master's name. Amen.

The Journals of the proceedings of Saturday, April 14, 1928, and Sunday, April 15, 1928, were read and approved.

CONSENT CALENDAR

The SPEAKER. The Clerk will report the first bill on the Consent Calendar.

BONDS OF SILVER CITY, N. MEX.

The first business on the Consent Calendar was the bill (H. R. 9207) granting to the State of New Mexico certain lands, for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe, for interest paid on railroad-aid bonds and for the payment of the principal of railroad-aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, and I feel now that I shall be obliged to do so, although I shall be extremely sorry to do so on account of the gentleman from New Mexico [Mr. MORROW]. The bill is one that is a very generous proposition on the part of the Federal Government. The bonds in question, in my judgment, never have represented any real obligation on the part of the Federal Government. In the first place, they were held invalid because of the violation of limitations of the Federal law, and, later when Congress sought to validate them, Congress expressly provided that there was to be no obligation against the Federal Government. So on down through the history of it all. Finally, 1,000,000 acres were turned over for the purpose of taking care of these obligations, the balance to be turned into the school fund. So the Federal Government gave 1,000,000 acres, enough to take care of all of the obligations, and the balance to go into the school fund, and as a matter of fact the million acres were more than enough to take care of all of the obligations included in this bill; but one town, through mistake, which, of course, was not the fault of the Federal Government, was not included in that authorization. The gentleman from New Mexico [Mr. MORROW], in my conferences with him, urges that although there is enough available from the million acres it can not now be used for this town of Silver City and its bonds because an amendment to the constitution of his State as well as an act of Congress would be needed. Therefore, Mr. Speaker, my conscience is clear in this that there is no obligation on the part of the Federal Government. If this bill should pass, it is an act of generosity on the part of the Federal Government. Due to the fact that the bill calls for an allotment of public lands instead of cash, and the further fact that the gentleman from New Mexico [Mr. MORROW] is willing to reduce the acreage I have been led to give very careful study to his proposition. So far as I am concerned, I would not object, except for one thing.

This bill calls for the exercise of very material generosity on the part of the Federal Government. There is a certain element which is active now in New Mexico and which, in my judgment, is not of the character to appreciate such generosity upon the part of the Federal Government. The Federal Government has some large obligations in New Mexico in connection with its Indians. We have passed one or two minor bills to permit the Indians to secure an enlarged acreage. We passed a bill the other day to give the Acoma Indians a large acreage of our Federal lands. My information is that protests against this from New Mexico, even from some active in politics in New Mexico, have come to Washington, and joined with that is the further fact that that bill seems to be tied up in committee in the Senate. There is other similar legislation that we ought to pass to permit the Navajo Indians to use their money to buy more land. As I understand it, there is a strong protest from New Mexico against that being done unless the land is allowed to be taxed. That is a precedent that we would approach with a good deal of diffidence. In view of the fact that there is such a sentiment in the gentleman's State that stands for the present in the way of the Federal Government performing its full duty to the Indians in New Mexico, it seems to me that the Federal Government ought to wait a little before it performs this very generous act of grace proposed in this bill. I feel obliged to object, although I shall be glad to reserve the objection if the gentleman from New Mexico, whom I see on his feet, desires to say anything.

Mr. MORROW. Will not the gentleman permit the bill to be passed over without prejudice, to be referred to later?

Mr. CRAMTON. I shall be glad to agree to that. Mr. Speaker, I ask unanimous consent, as the gentleman from New Mexico has indicated, that the bill be passed over without prejudice.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

MONTEZUMA NATIONAL FOREST, COLO.

The next business on the Consent Calendar was the bill (H. R. 6854) to add certain lands to the Montezuma National Forest, Colo., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is there any oil or gas on these lands covered by this bill?

Mr. TAYLOR of Colorado. No. There may be some prospecting permits on some of it, but there is no oil or gas wells within 200 miles of them, I understand. The Agriculture Department is very much in favor of this bill. They say there is a hundred thousand dollars' worth of timber on this land, and they want the timber and the land converted into a forest reserve to save the timber.

Mr. LAGUARDIA. Is this a conservation measure?

Mr. TAYLOR of Colorado. Oh, yes; it is purely a conservation measure. I feel that it ought to pass. The people in that country are all in favor of it.

Mr. LAGUARDIA. If it is a purely conservation measure there would not be any objection to it.

Mr. TAYLOR of Colorado. I ought to say, in fairness to the House and to the Interior Department, that the Interior Department felt there should be further investigation or showing as to its timber on the land, and for that reason the Interior Department did not approve the bill. They did not disapprove of it unconditionally, but they are not fully satisfied as to the timber and forest character of the land. They do not know which.

The Agricultural Department has made two or three cruises of the timber and they do know the nature of the land and are quite anxious to have it put into a forest reserve, and everybody in that country is anxious that it be put in a forest reserve in order to conserve that timber, because it is now being slashed by everybody and there is no control or regulation. The practice is that anybody goes out and cuts and slashes as much timber as he pleases and may be arrested and fined $5 and then go out and do it again.

Mr. LAGUARDIA. But the Interior Department asks that the bill be not passed.

Mr. TAYLOR of Colorado. If the House thinks it ought to go over in order that the people may make a further showing, or that the Interior Department may make further investigation, I have no objection. But the Agricultural Department and the people out there want it, and I feel that it ought to be passed. Nobody can be injured and the Government and those counties and the people of those counties will all be benefited by this measure.

Mr. LAGUARDIA. But you want to reconcile the Department of Agriculture and the Department of the Interior so that the House could be properly informed.

Mr. TAYLOR of Colorado. I favor that being done, of course, if I can, but the people out there are very anxious that the bill be passed and in this case I know the Agricultural

Department is right, and I don't think there is any justification for the failure of the Interior Department to approve the bill.

Mr. ARENTZ. Why does the gentleman from New York [Mr. LAGUARDIA] ask whether it has oil and gas on it? You are merely taking this from under control of the Interior Department and putting it into the forest reserve. I ask why does the gentleman inquire if it has oil and gas on it?

Mr. TAYLOR of Colorado. I will say that the idea is this, if the gentleman will yield.

Mr. ARENTZ. Certainly.

Mr. TAYLOR of Colorado. If that land remains outside of the forest reserve and on the public domain, as it is now, neither the Government or the Forest Service or the counties or road fund gets any benefit from the timber. It will just be all looted and destroyed, or left to fall down from old age.

Mr. LAGUARDIA. That is a forestation matter.

Mr. ARENTZ. But is not that forest conservation?

Mr. TAYLOR of Colorado. Putting it into the forest reserve will permit the cutting of the ripe timber, and protect the unripe timber. The timber will be cut, such of it as ought to be cut, in an orderly way by responsible people, and the Government will be paid for it, and counties will get their share of its proceeds.

Mr. CLARKE. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. CLARKE. This is to be included in the forest reserve, and the Government will properly protect it?

Mr. TAYLOR of Colorado. Yes. It goes into the hands of the forest reserves, and they handle it in a definite and systematic way and help build our roads. This land is not agricultural land at all. It can not be irrigated and is too rough and broken for any farming purposes. It has no value itself, but the timber on it is valuable.

Mr. ARENTZ. What the gentleman from Colorado means is this: If it remains in the Interior Department he believes that anybody can go upon this land and without Government officials knowing anything about it can cut and haul the timber away. That is, if it remains under the public-land administration. But if it is under the Forest Service we retain such timber under the jurisdiction of the forest reserve, and the person who cuts the timber pays for it. That is what the gentleman from Colorado meant.

Mr. TAYLOR of Colorado. The Forest Service officials and the responsible people of that vicinity say there is $100,000 worth of timber on the land, and the Forest Service can well afford to pay $1.25 an acre for it to the Ute Indians if they are required to do so, and still save $75,000 by taking and preserving this timber. That is what they say.

Mr. ARENTZ. It is also deemed advisable that it be placed under the jurisdiction of the Forest Service in order that these trees can be cut only when matured and the forest kept in such a way that new trees may spring up.

Mr. LEAVITT. Under the present condition there is no forest protection for it.

Mr. LAGUARDIA. Then, Mr. Speaker, I will ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

POST OFFICE AT PHILIPPI, W. VA.

The next business on the Consent Calendar was the bill (H. R. 10799) for the lease of land and the erection of a post office at Philippi, W. Va., and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, this matter was up on the last Consent Calendar day and I then proposed to the gentleman from West Virginia an amendment which would strike out the first provision of section 1, touching the leasing of this property to the Philippi Improvement Co., and then bring the description of the land over on page 2. I have such an amendment ready, and if the gentleman from West Virginia will accept it I shall not object to the consideration of the bill.

Mr. BOWMAN. I accept the amendment.

Mr. LAGUARDIA. With that amendment I shall not object.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to (1) lease to the Philippi Improvement Co., an unincorporated association of the city of Philippi, W. Va., the lot of land at the corner of Main and Mason Streets in such city until the date of occupancy by the Post Office Department of a post-office building to be erected upon such land by the Philippi Improvement Co., and for 10 years after such date, (2) authorize the Philippi Improvement Co. to erect upon such land a building to be used as a post office, and (3) require of the Philippi Improvement Co. the execution of such bonds to the United States as are required of contractors for the erection of public buildings.

SEC. 2. That the Postmaster General is authorized and directed to lease such building from the Philippi Improvement Co. for a term of 10 years after its occupancy at an annual rental of one-tenth of the total cost of such building, plus taxes, and plus interest at 6 per cent upon the difference between the total cost of the building and the quarterly installments of rent already paid, not including interest or taxes, but in no case shall the total payments provided for by this section exceed $52,600.

SEC. 3. That the expenses of such repairs, maintenance, and operation of the building as the Postmaster General may find necessary and proper during the period of the lease shall be borne by the Post Office Department.

SEC. 4. That upon the termination of the lease provided for in section 2, or upon payment by the Post Office Department at any time prior to the termination of such lease of the total cost of such building minus installments of rent already paid, such building shall become the property of the United States free and clear of all encumbrances.

SEC. 5. That there is authorized to be appropriated the amount necessary to pay the installments of rent provided for by section 2 and the expenses of repairs, maintenance, and operation provided for by section 3.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury is authorized and directed to (1) authorize the Philippi Improvement Co. to erect upon the lot of land at the corner of Main and Mason Streets, in the city of Philippi, W. Va., a building to be used as a post office, of a design, plan, and specifications approved by the Postmaster General; and (2) require of the Philippi Improvement Co. the execution of such bonds to the United States as are required of contractors for the erection of public buildings."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will read the remainder of the bill for amendment.

The remainder of the bill was read.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. HOWARD of Oklahoma. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Oklahoma moves to strike out the last word.

Mr. HOWARD of Oklahoma. I would like to have the attention of the gentleman from West Virginia just to get some information. What is the cost of this building to be?

Mr. BOWMAN. I think the contract was in the neighborhood of $36,000.

Mr. HOWARD of Oklahoma. What are the annual receipts of the post office in Philippi?

Mr. BOWMAN. They exceed $17,000.

Mr. HOWARD of Oklahoma. Then the agreement that you have is that this association is to build this building and the Government is to pay it out in 10 years as rent, with 6 per cent interest on the investment?

Mr. BOWMAN. Yes; to amortize the entire amount by the payment of the rent for 10 years.

Mr. HOWARD of Oklahoma. Then this gives us some hope of erecting other public buildings in the United States where the annual income is less than $20,000?

Mr. BOWMAN. That is correct.

Mr. HOWARD of Oklahoma. I think it is a good precedent. Mr. Speaker, I withdraw the pro forma amendment.

The SPEAKER. The pro forma amendment is withdrawn.

The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

SUIT IN THE COURT OF CLAIMS ON BEHALF OF THE INDIANS OF CALIFORNIA

The next business on the Consent Calendar was the bill (H. R. 491) authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection it is so ordered.

There was no objection.

BRIDGE ACROSS THE OHIO RIVER

The next business on the Consent Calendar was the bill (H. R. 11357) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. ROWBOTTOM. Will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. ROWBOTTOM. What is the reason for passing it over?

Mr. SCHAFER. I will state that at first I was constrained to object to this bill. I am conducting an investigation and there is certain information which I am trying to obtain in order to clear up some of the matters affecting this proposed bridge. I hope the gentleman will not object to having the bill go over without prejudice, otherwise I will have to object to the bill.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. LAGUARDIA. The reason I have this bill marked O. K. is because it provides that the State of Indiana shall act by and through its State highway commission.

Mr. SCHAFER. Has the gentleman looked into the law to see whether the State of Indiana can bond itself for the purpose of constructing a toll bridge over a river, which bridge will almost entirely be built in another State?

Mr. LAGUARDIA. I do not think that is our problem.

Mr. SCHAFER. Is the gentleman in favor of having States or municipalities construct toll bridges?

Mr. LAGUARDIA. Oh, yes. If it is a State or municipality, that is all right, and there can be no objection to that if it is a State of the subdivision of a State doing it.

Mr. SCHAFER. I think the bill should go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PORTO RICAN TAXPAYERS

The next business on the Consent Calendar was the bill (S. 754) for the relief of certain Porto Rican taxpayers.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

The SPEAKER. Three objections are required. The Chair notes one objection. Are there others? [After a pause.] The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That if in any suit pending March 4, 1927, but since abated or dismissed solely by reason of the provisions of the act entitled "An act to amend and reenact sections 3, 20, 31, 33, 38, and 48 of the act of March 2, 1917, entitled 'An act to provide a civil government for Porto Rico, and for other purposes,' as amended by an act approved June 7, 1924, and for the insertion of a new section in said act between sections 5 and 6 of said act, to be designated as '5a' of said act," approved March 4, 1927, the taxpayer had prior to such date obtained an injunction restraining the assessment or collection of any tax imposed by the laws of Porto Rico after trial on merits in the District Court of the United States for Porto Rico, or if in any such suit on appeal to the United States Circuit Court of Appeals for the first circuit the right of any taxpayer to an injunction restraining the assessment or collection of any tax imposed by the laws of Porto Rico had been decreed, the treasurer of Porto Rico shall enforce the collection of the tax so enjoined or decreed by a suit at law instead of by attachment, embargo, distraint, or any other form of summary administrative proceeding. Notwithstanding the provisions of any existing statute of limitations, any such suit may be instituted at any time not later than one year after the approval of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DESCHUTES PROJECT IN OREGON

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that Senate bill 1186, to provide for the construction of the Deschutes project in Oregon, and for other purposes, be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PUBLIC LANDS IN THE STATE OF FLORIDA

The next business on the Consent Calendar was the bill (H. R. 11281) to authorize the disposition of certain public lands in the State of Florida.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, in his judgment and discretion, is hereby authorized to sell or exchange, in the manner hereinafter provided, any of those public lands of the United States situated in the State of Florida which were originally erroneously meandered and shown upon the official plats as water-covered areas, and all unreserved public lands, or any part of them, on the mainland within 3 miles of the coast and the islands situated in the waters of the coast or in the coastal waters of the State of Florida, withdrawn by Executive orders No. 4109, dated December 8, 1924, and No. 4262, dated July 3, 1925, and which are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws.

SEC. 2. That any owner in good faith of lands shown by the official public-land surveys to be bounded by such erroneously meandered area, who acquired title to such land prior to this enactment, or any citizen of the United States who in good faith, under color of title, or claiming as a riparian owner, has prior to this act placed valuable improvements upon or reduced to cultivation any of the lands subject to the provisions of this section, shall have a preferred right to file in the office of the register of the United States land office of the district in which the lands are situated, and application to purchase the lands thus improved by him, at any time within 90 days from the date of the passage of this act, if the lands have been surveyed and plats filed in the United States land office; otherwise, within 90 days from the filing of such plat. Every application must be accompanied by satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant under the public land laws: *Provided*, That no preference right of purchase under this section shall be recognized for a greater area than 80 acres to any one applicant, whether an individual, an association, or a corporation.

SEC. 3. That the Secretary of the Interior may, in his discretion, if request therefor be presented within the time prescribed in section 2 hereof for filing preferred application to purchase, equitably adjust the claims of such owners among themselves and against the Government of the United States as may arise from such incomplete surveys. In such adjustment the Secretary may exchange Government lands for those in private ownership of approximately equal areas, and shall require such private owner to pay the Government the difference in values, to be fixed by the Secretary, where the Government land is found by him to be more valuable than that in private ownership.

SEC. 4. That upon the filing of an application to purchase or for exchange of any lands subject to the operation of sections 2 and 3 of this act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement of the tracts ought to be purchased or exchanged, by the applicant or his predecessor in interest, but inclusive of the stumpage value of any timber cut or removed by the applicant or his predecessor in interest.

SEC. 5. That an applicant who applies to purchase lands under the provisions of this act must within 30 days from receipt of notice of appraisal by the Secretary of the Interior, pay to the register of the United States land office the appraisal price of the lands, and an applicant for exchange must, within 30 days from notice of the amount due the Government, make payment thereof to the register of the land office.

SEC. 6. That any land subject to the provisions of this act not sold or exchanged in the manner hereinbefore provided may, in the discretion of the Secretary of the Interior, be surveyed or subdivided into town lots or other suitable tracts, appraised and sold at public auction on such terms as he may by regulation prescribe: *Provided*, That any valid claim heretofore initiated in good faith and maintained in the manner provided by law prior to the date of this act may be hereafter perfected upon full compliance with the law under which such claim was initiated.

With the following committee amendments:

Page 1, line 10, after the word "waters," strike out the word "of" and insert in lieu thereof the word "off."

Page 2, line 15, after the word "situated," strike out the word "and" and insert in lieu thereof the word "an."

On page 3, in line 23, strike out the word "ought" and insert in lieu thereof the word "sought."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COMPENSATION OF REGISTERS OF LOCAL LAND OFFICES

The next business on the Consent Calendar was the bill (S. 766) to fix the compensation of registers of local land offices, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas and Mr. BLANTON objected.

USE OF CERTAIN PUBLIC LANDS BY THE TOWN OF PARCO, WYO.

The next business on the Consent Calendar was the bill (S. 2858) to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have just conferred with the gentleman from Wyoming [Mr. WINTER], and I believe we ought to have an amendment in the bill to provide, as one of the conditions and terms of the lease, that the city of Parco should maintain this land at all times as an aviation field. The gentleman from Wyoming suggests that under the wording of the Senate bill on page 2, line 15—

or in event it shall be deemed advisable

the Government can take it over. However, I believe that refers solely, judging from its place in the bill and its sequence, to the Government taking it over in the event of an emergency. Now, if it is the clear intent of the bill that one of the conditions and one of the terms of the lease is that the city of Parco must maintain this land as a public aviation field at all times, then it fully meets my objection.

Mr. WINTER. I will say to the gentleman from New York [Mr. LAGUARDIA] that with respect to maintenance, if the gentleman will look at line 7, page 1, he will see that the general purpose is establishment and maintenance.

Mr. LAGUARDIA. That is the purpose of it; yes.

Mr. WINTER. And to that extent it fixes the obligation upon them to maintain it. The phrase in line 15, page 2, to me is clearly separable from the matter of emergency and means just what it says—that in the event the Government shall deem it advisable for any purpose—if they neglect to maintain it, for instance—the Government may take it back or may warn them they are in danger of having it forfeited.

Mr. LAGUARDIA. The gentleman reported the bill from the Committee on Public Lands. Is it the intent of the committee and is it the intent of the bill itself to provide that one of the conditions of leasing this land to the city of Parco for $1 a year is that the city of Parco shall maintain it at all times as an aviation field?

Mr. WINTER. Absolutely. I would answer that question, "yes," without any hesitation.

Mr. LAGUARDIA. And if they fail to do so, then it is a breach of the lease and the Government can retake the land.

Mr. WINTER. Yes.

Mr. LAGUARDIA. If that is the intent of the committee I have no objection and shall not offer my amendment.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to lease, subject to valid existing rights, to the incorporated town of Parco, Wyo., the south half of section 12, township 21 north, range 86 west of the sixth principal meridian, for the establishment and maintenance of a public aviation field: *Provided*, That said lease shall be for a period of 20 years, and shall be subject to renewal for a like period, on condition that the town officials pay to the United States Government a rental of $1 per annum for the use of said land: *Provided further*, That there shall be reserved to the United States all gas, oil, coal, and other mineral deposits found in the land, and the right to prospect for, mine, and remove the same: *And provided further*, That the mayor and council of Parco shall, in a manner satisfactory to the Secretary of the Interior, agree to assume the expense of clearing and maintaining the aviation field, and shall also agree that Government departments and agencies operating aircraft shall always have free and unrestricted use of said field and the right to erect and install upon said land such structures and improvements as the heads of such departments and agencies may deem advisable, including facilities for maintaining supplies of fuel, oil, and other materials for operating aircraft, and that in case of emergency, or in event it shall be deemed advisable, the Government of the United States may assume absolute control of the management and operation of said field for military purposes.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

AVIATION FIELDS

The next business on the Consent Calendar was the bill (H. R. 11990) to authorize the leasing of public lands for aviation, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to call the attention of the chairman to the fact that while it is an excellent and a necessary policy at this time to grant lands for public aviation fields I believe we should not give such broad power and authority to the Secretary to lease these lands for private operation as this bill would give.

If the gentleman will accept an amendment that would permit the Secretary to lease these lands for public aviation fields to any State or to any county, municipality, township, or other legal subdivision of a State, then I believe we could safely grant this power; but if private companies are going to go around and grab up all suitable land now under the control of the department and establish aviation fields in this way we are going to cripple the development of aviation instead of aid it.

Mr. CRAMTON. If the gentleman will yield further, in connection with what the gentleman from New York has said, I think this is an important bill, and I think we ought to keep in mind in connection with it that this is a problem that is now in its infancy and 20 years may make a lot of difference.

I have some other suggestions I would be glad to have the gentleman consider.

In the first place, while it is merely a matter of form, I think there should be an amendment in section 2. Also where it provides that the lease shall be for not more than 20 years and then shall be subject to renewal for a like period. I think that section ought to provide, "And in the discretion of the Secretary of the Interior subject to renewal." At the end of 20 years there should be no question about the right of the Government to terminate the lease.

In the next place, at any time the Secretary of the Interior should be allowed to revoke the lease on notice of six months. We do not know what contingencies may come to pass.

Then, there is the third suggestion——

Mr. SINNOTT. If the gentleman will permit, the latter part of the section states that in case of an emergency the Government may take it over.

Mr. CRAMTON. Yes; for military purposes.

Mr. SINNOTT. Yes.

Mr. CRAMTON. I would not even like to have it tied to that. I realize it is an unlikely contingency that they would care to revoke the lease, but if they did I think they should have express authority to do so.

The third suggestion is that since aviation is in its infancy, and particularly as the bill stands now, the field might be in private management, and therefore I have drawn a further proviso to put at the end of the bill:

Provided further, That the fees or other charges for use of any such aviation field or any of its facilities or service by anyone other than an agency of the United States Government shall be subject to review by the Secretary of Commerce.

Mr. LAGUARDIA. That would be consistent with my amendment.

Mr. SINNOTT. I have no objection to the gentleman's suggestion.

Mr. CRAMTON. I assume none of the amendments would be objectionable.

Mr. ARENTZ. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. ARENTZ. Surely the proposal of the gentleman to cancel the lease on six months' notice is not fair when you take into consideration the fact that the ground has to be leveled,

it has to be rolled, they have to put in a lighting system, they have to put in a hangar and erect buildings of different kinds, including gasoline stations and submerged tanks; and it seems to me it would not be fair for the Government to step in on six months' notice and cancel the lease.

Mr. CRAMTON. Well, I will do this. I will not insist upon that amendment now. I would like to offer something of that kind and then leave it to the judgment of the committee. There is something in what the gentleman has said, and I would not require the gentleman to agree to that amendment.

Mr. ARENTZ. In view of the fact the Government has turned over all these airways to private interests under contract, it seems to me these men are doing a wonderful work.

Mr. CRAMTON. Suppose we leave that amendment out for the present. I understand the gentleman from Oregon is agreeable to these changes.

Mr. SINNOTT. Yes. The gentleman from New York [Mr. LAGUARDIA] desires to confine it to municipalities.

Mr. LAGUARDIA. State, county, municipal, township, or other legal subdivision of a State.

Mr. SINNOTT. Is the gentleman aware how the air mail is conducted?

Mr. LAGUARDIA. The State owns the most of these fields.

Mr. SINNOTT. In Oregon I took it up with the people and I was informed by the department that those who have the contracts select their own fields.

Mr. LAGUARDIA. Cleveland and Chicago own their own fields.

Mr. SINNOTT. In a great many places in the West we have no municipal fields.

Mr. LAGUARDIA. This would not preclude leasing it to private concerns—you would have to bring in a separate bill.

Mr. SINNOTT. The gentleman wants to confine it to municipalities?

Mr. LAGUARDIA. To States, county, municipality, township, or other legal subdivision.

Mr. SINNOTT. I do not know whether this is wise or not. This is a new thing, but I am not a stickler for language in the bill.

Mr. LAGUARDIA. With that understanding I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion and under such regulations as he may prescribe, to lease for aviation purposes any contiguous public lands of the United States, not to exceed 640 acres.

SEC. 2. That said lease shall be for a period not to exceed 20 years and subject to a renewal for a like period on condition that a rental of such sum as the Secretary may fix per year for the use of said land shall be paid to the United States: *Provided*, That Government departments and agencies operating aircraft shall always have free and unrestricted use of said lands and, with the approval of the Secretary of the Interior, the right to erect and install upon said lands such structures and improvements as the heads of such departments and agencies may deem advisable, including facilities for maintaining supplies of fuel, oil, and other materials for operating aircraft, and that in case of emergency or in event that it shall be deemed advisable, the Government of the United States may assume absolute control of the management and operation of said lands for military purposes.

SEC. 3. The Secretary of the Interior is hereby authorized to grant permission, under such rules as he may prescribe, for the establishment of beach lights in aid of aviation upon any public lands of the United States, on tracts of appropriate size, and may withdraw lands for such purposes.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 5, after the word "lease," insert the following: "To any State, county, municipality, township, or other legal subdivision of a State."

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer the amendment which I send to the desk.

The Clerk read as follows:

Line 6, page 1, after the word "exceed," insert "in any one case."

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Line 9, page 1, after the word "and," insert "in the discretion of the Secretary of the Interior."

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

After line 19, on page 2, insert: *"Provided further*, That the fees or other charges for use of such aviation field or any of its facilities or services by anyone other than an agent of the United States Government shall be subject to review by the Secretary of Commerce."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CARE AND TREATMENT OF MEMBERS OF THE CIVILIAN COMPONENTS OF THE ARMY WHO SUFFER PERSONAL INJURY IN LINE OF DUTY

The next business on the Private Calendar was the bill (S. 2948) to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, is there any gentleman here from the Committee on Military Affairs who can explain the meaning of the proviso on page 4, line 8, which reads:

Provided, That the pay and allowances to members of the Officers' Reserve Corps and the Enlisted Reserve Corps of the Army on active duty shall not be limited hereby.

Mr. SPEAKS. We are willing to accept an amendment striking out the matter in lines 8, 9, and 10, referred to by the gentleman from New York.

Mr. LAGUARDIA. With that understanding, I will not object.

Mr. BLACK of Texas. Reserving the right to object, we are considering a bill to amend section 6 of the act of March 4, 1923. I want to call attention of the committee to certain amendments which change the bill in very important particulars from the bill submitted by the War Department. While I am earnestly in favor of the bill as submitted by the War Department, I would like to make some further search in regard to the committee amendments, and I ask that it may go over without prejudice.

Mr. SPEAKS. The purpose of this bill is to protect young men attending encampments of the National Guard, the reserve officers', or the citizens' training camps.

For instance, a boy in attendance upon one of these military training camps breaks a leg or contracts a contagious disease. The next day the camp is ended and all the boys are returned to their home stations. What is to become of the unfortunate youngster then in the temporary camp hospital? Shall he be sent home in his disabled condition to be a burden and expense to his family, or shall the Government make provision for his reasonable care and attending responsibilities?

Mr. BLACK of Texas. The bill as submitted by the Secretary of War authorizes the admission of men who are injured while in the Officers' Reserve Corps or any training camp to the Government hospitals. That is all right. I am strictly in favor of that. But the committee has adopted an amendment which says they "shall also be entitled to such further medical treatment for such injury or disease as is reasonably necessary after their arrival at their home." What facilities has the Government to carry on home treatment? How will it be done? Who will give the treatment? How will payment for it be made?

The Secretary of War very properly recommended that all of these patients be admitted to the Government hospitals and that the injured man's pay continue while he is in the hospital. I have no objection to that. That would be very desirable. However, when you enter the field of having the Government assume financial responsibility for home treatment, you are entering upon rather a large field, if you apply it to all of the beneficiaries of the Government.

Mr. SPEAKS. Mr. Speaker, existing laws extend such benefits to Federal employees, and it seems entirely just that these training-camp casualties should become responsibilities of the Government. In this case, we are appealing to young men from all sections of the United States. The purpose is to make the training universal. It is highly important that great care be exercised to avoid occasion for just criticism of the system. I understand the point raised by the gentleman from Texas and commend his judgment in bringing it to attention. Since the President must approve the regulations governing the matter, it appears to be properly safeguarded.

Mr. BLACK of Texas. Did the Committee on Military Affairs undertake to compare this provision with other provisions of the

law as applied to men who are injured in the Regular Army service?

Mr. SPEAKS. Yes. The attitude of the Military Affairs Committee is this: On matters involving the creation of a governmental policy, the responsibility and duty devolves upon Congress, not on the Secretary of War. He is merely the administrative official. It is the duty of Congress to determine the system, and it is the duty of the Secretary of War to carry it out.

Mr. BLACK of Texas. I am not going to take the responsibility of objecting, if the Committee on Military Affairs has gone into this matter with care.

Mr. SPEAKS. We have, thoroughly.

Mr. BLACK of Texas. And weighed just exactly what it would mean?

Mr. SPEAKS. Yes.

Mr. LAGUARDIA. It is understood that my amendment shall be accepted.

Mr. SPEAKS. Yes; and if the gentleman desires I shall offer it.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of the act approved March 4, 1923, entitled "An act to extend the benefits of section 14 of the pay readjustment act of June 10, 1922, to validate certain payments made to the National Guard and reserve officers and warrant officers, and for other purposes," as amended by an act approved June 3, 1924, be, and the same is hereby, amended to read as follows:

"SEC. 6. That officers, warrant officers, and enlisted men of the National Guard who suffer personal injury in line of duty while at encampments, maneuvers, or other exercises, or at service schools, under the provisions of sections 94, 97, and 99 of the national defense act of June 3, 1916, as amended; members of the Officers' Reserve Corps and of the enlisted reserve corps of the Army who suffer personal injury in line of duty while on active duty under proper orders; and persons hereinbefore described who may now be undergoing hospital treatment at Government expense for injuries so sustained; shall, under such regulations as the President may prescribe, when hospital treatment is necessary for appropriate treatment of such injury, be entitled to hospital treatment, including medical treatment, at Government expense, until the disability resulting from such injury can not be materially improved by further hospital treatment, and during the period of hospitalization to the same pay and allowances, whether in money or in kind, that they were entitled to receive at the time such injury was suffered, and to transportation to their homes at Government expense when discharged from hospital. Officers, warrant officers, and enlisted men of the National Guard who suffer personal injury in line of duty when participating in aerial flights prescribed under the provisions of section 92 of said national defense act as amended shall, under regulations prescribed as aforesaid, be entitled to the same hospital treatment, including medical treatment, pay and allowances, and transportation to their homes, as if such injury as has been suffered in line of duty at encampments, maneuvers, or other exercises under the aforementioned section 94 of the national defense act; and members of the Officers' Reserve Corps and enlisted reserve corps of the Army injured in line of duty while voluntarily participating in aerial flights in Government-owned aircraft by proper authority as an incident to their military training, but not on active duty, shall, under regulations prescribed as aforesaid, be entitled to the same hospital treatment, including medical treatment, pay and allowances, and transportation to their homes, as if such injury had been suffered while on active duty under proper orders. No person hospitalized under the foregoing provisions of this section on account of any personal injury suffered shall be entitled to receive, in connection with such injury, pay or allowance other than hospital treatment, including medical treatment, and transportation, as herein provided, for more than six months; but for any remaining period of such hospitalization he shall be entitled to subsistence at Government expense: *Provided,* That the pay and allowances of members of the Officers' Reserve Corps and the enlisted reserve corps of the Army on active duty shall not be limited hereby. Members of the Reserve Officers' Training Corps and members of the civilian training corps who suffer personal injury in line of duty while at camps of instruction under the provisions of sections 47a and 47d of said national defense act as amended shall, under regulations prescribed as aforesaid, be entitled to hospital treatment, including medical treatment, and transportation to their homes, as in the case of persons hereinbefore described, and to subsistence during hospitalization. If the death of any person mentioned herein occurs while he is undergoing the training or hospital treatment contemplated by this section, the United States shall, under regulations prescribed as aforesaid, pay for burial expenses and the return of the body to his home a sum not to exceed $100.

"The validation, under this section as heretofore standing, of certain expenditures previously made by the Government shall not be disturbed."

With the following committee amendments:

Page 2:

Line 2, after the word "injury," insert "or contract disease."

Line 3, after the word "while," insert "enroute to or from and while."

Line 8, after the word "injury," insert "or contract disease."

Line 14, after the word "injury," insert "or disease."

Line 17, after the word "injury," insert "or disease."

Line 21, after the word "suffered," insert "or disease contracted."

Line 23, after the word "hospital," insert a semicolon and the words "they shall also be entitled to such further medical treatment for such injury or disease as is reasonably necessary after arrival at their homes under such regulations as may be prescribed by the President."

Page 3:

Line 10, after the word "homes," insert "and further medical treatment after arrival at their homes."

Line 21, after the word "homes," insert "and further medical treatment after arrival at their homes."

Page 4:

Line 2, after the word "suffered," insert "or disease contracted."

Line 3, after the word "injury," insert "or disease."

Line 13, after the word "while," insert "en route to or from and while."

Line 18, after the word "homes," insert "and further medical treatment after arrival at their homes."

The committee amendments were agreed to.

Mr. SPEAKS. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 4, line 8, strike out the colon, insert a period, and strike out the remainder of line 8 and all of lines 9 and 10.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BAILIFFS AND CRIERS IN UNITED STATES COURTS

The next business on the Consent Calendar was the bill (H. R. 11994) to abolish bailiffs and criers in the United States courts, and to provide for the performance of their duties by United States marshals and their deputies, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. NORTON of Nebraska. Mr. Speaker, I object.

Mr. DYER. Is there any statement that we could make that would remove the gentleman's objection?

Mr. NORTON of Nebraska. I want to look into the matter more.

Mr. DYER. Will the gentleman permit the bill to be passed over without prejudice?

Mr. NORTON of Nebraska. Not to-day.

The SPEAKER. The gentleman from Nebraska objects.

ELIMINATING THE RENEWAL OF OATH OF OFFICE OF GOVERNMENT EMPLOYEES

The next business on the Consent Calendar was the bill (H. R. 45) to eliminate the renewal of oath of office of Government employees under certain conditions.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That employees of the executive departments and independent establishments who upon original appointment have subscribed to the oath of office required by section 1757 of the Revised Statutes, shall not be required to renew the said oath because of any change in status so long as their services are continuous in the same executive department or independent establishment, unless, in the opinion of the head of the executive department or independent establishment, the public interests require such renewal.

With the following committee amendment:

Page 1, line 5, after the word "section," strike out "1757 of the Revised Statutes" and insert "16 of title 5 of the United States Code."

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. DYER. Mr. Speaker, I want to have that amendment voted down. I think the reference to the Revised Statutes should remain in the bill.

The question was taken, and the amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RENT, FUEL, LIGHT, AND EQUIPMENT TO FOURTH-CLASS POSTMASTERS

The next business on the Consent Calendar was the bill (H. R. 7900) granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, this bill is of a good deal of importance; I think of too much importance to be considered on the Consent Calendar, and especially in view of the opposition of the department. Therefore I am obliged to object.

Mr. RAMSEYER. Mr. Speaker, this bill passed the last Congress.

Mr. EDWARDS. Yes; it passed unanimously.

Mr. RAMSEYER. As the gentleman will recollect, it was objected to by one individual only on the first consent day, and on the next consent day it passed the House unanimously and was sent to the Senate, and would have been acted upon favorably there but for the filibuster during the closing days of the last session of Congress.

Mr. CRAMTON. I notice this, that the gentleman's committee has reported out a great number of bills adding to the cost of the Postal Service, along with the bill the other day reducing the revenues of the Postal Service. Most of the bills increasing the cost of the service are in opposition to the express reports and arguments of the department. That may all be desirable, but I think that to override the department on a new venture of this kind, paying storekeepers for light and fuel for their own stores, which would be operated anyway, would be inexpedient. I think it should be brought up with a chance for full discussion. I think it is not the right kind of a bill to be considered on the Consent Calendar, where everyone is impatient of debate.

Mr. RAMSEYER. In the report accompanying this bill and the one following we present all the facts from the department in opposition to this one and the one following.

Mr. CRAMTON. There are quite a number of others on the calendar.

Mr. RAMSEYER. The others have the approval of the department.

Mr. CRAMTON. My recollection is that some of the others are opposed by the department.

Mr. RAMSEYER. Two of the bills on this calendar were introduced at the request of the department.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I feel that it is a kind of bill that is not for the Consent Calendar and ought to be defeated.

Mr. EDWARDS. Is there not a report from the department?

Mr. CRAMTON. Yes; a very unfavorable report.

Mr. McMILLAN. That same report has been before the Congress for several sessions.

Mr. CRAMTON. I am sorry that more Members have not read it.

Mr. McMILLAN. The propositions advanced in the department's report apply to conditions 40 years ago. The present conditions do not apply. There ought to be some explanation of the reasoning in connection with it. The conditions prevailing now in the post offices are in no sense the same as those of 40 years ago.

Mr. EDWARDS. The salaries of these postmasters are so meager in these small post offices that the postmasters can hardly get along. In some of the fourth-class post offices they have rural carriers getting $150 a month or more, and the postmaster's salary is practically nothing. Still, the postmasters have the responsibility on them of the whole thing. I have not read the report, because I assumed it was a favorable report. This is a simple matter of justice to the fourth-class postmasters. I hope the gentleman from Michigan will not object to the bill.

Mr. McMILLAN. I also hope the gentleman will not object to it. The postmaster is responsible for the office, even when he has two or three rural carriers, and he has to provide the building and fuel and light. I speak from personal observation and experience, because I have been in that business myself heretofore. I hope the gentleman will withdraw his objection.

Mr. CARSS. Mr. Speaker, I hope the gentleman from Michigan will withdraw his objection. I know he would if he realized that it is difficult to maintain a proper grade of civilization in some of the rural districts of Minnesota under the conditions that prevail there in these fourth-class post offices.

Mr. CRAMTON. Well, I am not opposed to the maintenance of civilization in Minnesota and will withdraw my objection.

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent that the bill be passed over temporarily for five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill may be passed over temporarily. Is there objection?

Mr. RAMSEYER. Reserving the right to object, that request is very unusual.

Mr. LaGUARDIA. Just for a few minutes; that is all.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

COMPENSATION OF EMPLOYEES IN POST OFFICES

The next business on the Consent Calendar was the bill (H. R. 5681) to amend the act of February 28, 1925, fixing the compensation of employees in post offices.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That supervisory employees, special clerks, clerks, substitute clerks, laborers, and employees of the motor-vehicle service, in first and second class post offices, carriers and substitute carriers in the City Delivery Service, and railway postal clerks, substitute railway postal clerks, and laborers in the Railway Mail Service, who are required to perform night work, shall be paid extra for such work at the rate of 10 per cent of their hourly pay per hour: *Provided,* That night work is defined as any work done between the hours of 6 o'clock p. m. and 6 o'clock a. m.

With committee amendments as follows:

Page 1, line 3, after the word "That," insert the words "after July 1, 1928"; and on line 4, after the word "clerk," insert the words "watchmen, messengers"; and on line 6, after the word "offices," strike out the comma and insert a semicolon; and on line 7, after the word "service," strike out the comma and insert a semicolon.

Amend the title of the bill.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

RENT, FUEL, LIGHT, AND EQUIPMENT TO FOURTH-CLASS POSTMASTERS

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent to return to (H. R. 7900) granting allowances for rent, fuel, light, and equipment to postmasters of fourth class, and for other purposes, which was passed over temporarily.

The SPEAKER. The gentleman from New York asks unanimous consent to return to the bill just passed over. Is there objection?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That after July 1, 1928, postmasters of the fourth class shall be paid as allowances for rent, fuel, light, and equipment an amount equal to 15 per cent of the compensation earned in each quarter, such allowances to be paid at the end of each quarter at the same time and in the same manner as their regular compensation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TERRITORY OF ALASKA

The next business on the Consent Calendar was the bill (H. R. 339) to increase the effectiveness of expenditures for roads, bridges, and trails in the Territory of Alaska, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, here is a bill which looks as though it might be of a good deal of importance, and there is no recommendation from any authority of the Government whatever.

Mr. SUTHERLAND. Mr. Speaker, I will say to the gentleman that this bill was drafted by the War Department, and so far as it applies to roads it would be referred to that department. We considered that the recommendation was in the preparation of the bill.

Mr. CRAMTON. Well, the House has not been furnished with the information that it was prepared by the department. I have noticed a number of bills affecting Alaska, and none of them has had any report from any department.

Mr. SUTHERLAND. There are a great many bills affecting Alaska about which there is some question as to where jurisdiction would lie, particularly with regard to mining.

Mr. CRAMTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of "An act to amend the laws governing labor or improvements upon mining claims in Alaska," approved March 2, 1907, be, and it hereby is, amended by appending thereto the following provisos:

"*Provided*, That in lieu of the labor or improvements to be made during each year under existing law on or for the benefit of mining claims in Alaska, the owner thereof may, if he so elects, pay the amount of said assessment work into the 'Alaska fund,' created by section 1 of 'An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the Territory of Alaska, and for other purposes,' approved January 27, 1905, and amended May 14, 1906: *Provided further*, That all such moneys so paid shall be available for the construction and maintenance of roads, bridges, and trails within the Territory of Alaska under the same conditions as the portion of the 'Alaska fund' now authorized by law for that purpose: *Provided further*, That all such moneys collected in any mining and recording precinct shall, so far as practicable, considering natural topographic features, be expended within the limits of such mining and recording precinct: *Provided further*, That in lieu of paying the amount of said assessment work into the 'Alaska fund,' the owner may, if he so elects, perform, under the direction of the board of road commissioners, an equivalent amount of labor upon a regularly laid-out route in his mining and recording precinct: *And provided further*, That the owner of such claims shall file with the recorder of said mining and recording precinct in which said claim is situated the recept issued to him to cover said payment in cash or equivalent labor attached to a certificate of said owner or his agent that said payment in cash or equivalent labor is made in lieu of the performance of the assessment work provided by law."

With the following committee amendments:

Page 1, line 9, after the word "of," insert the word "placer."

Page 2, line 19, after the word "such," insert the words "placer mining."

The committee amendments were agreed to.

The SPEAKER. Without objection, the Clerk will correct the spelling of the word "receipt," on page 2, line 21.

There was no objection.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JUDGES OF THE TERRITORIES AND INSULAR POSSESSIONS OF THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 11463) to fix the salaries of certain judges of the Territories and insular possessions of the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I notice that the committee has reported an amendment to increase the salary of each of the justices of the Circuit Court of the Territory of Hawaii from $6,000 to $7,500. I presume the justices of the Circuit Court of Hawaii would correspond to the justices of the circuit court of most of the States, and I think a salary of $6,000 a year for those who perform those duties would be reasonable and generous, and I shall have no objection to the consideration of the bill if it will be agreed that the committee amendment granting those increases will not be pressed.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. LAGUARDIA. We do not pay those salaries, do we?

Mr. HOUSTON of Hawaii. Those salaries are paid by the Federal Government. The appointments are made by the President, with the advice and consent of the Senate.

Mr. BLACK of Texas. I shall be compelled to object to the bill if it is insisted that such a provision be carried in the bill; otherwise I shall not object.

Mr. DYER. Mr. Speaker, I will not insist upon the committee amendment, if the gentleman will not object.

Mr. BLACK of Texas. Mr. Speaker, I withdraw my reservation of objection if it is understood that the committee amendment will not be pressed. I do not feel that this additional expenditure of $12,000 per annum is justified.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following salaries shall be paid to the several judges hereinafter mentioned, namely:

To the chief justice of the Supreme Court of the Territory of Hawaii, $10,500 per year, and to each of the associate justices thereof the sum of $10,000 per year.

To the chief justice of the Supreme Court of the Territory of Porto Rico, $10,500 per year, and to each of the associate justices thereof the sum of $10,000 per year.

To the judge of the District Court of the Virgin Islands of the United States, $7,500 per year.

To the chief justice of the Supreme Court of the Philippine Islands, $10,500 per year, and to each of the associate justices thereof the sum of $10,000 per year.

To the judge of the United States Court of China, $10,000 per year.

SEC. 2. That all of said salaries shall be paid in equal monthly installments.

SEC. 3. This act shall take effect on the first day of the first month next following its approval.

With the following committee amendment:

On page 1, after line 7, insert: "To each of the justices of the Circuit Court of the Territory of Hawaii the sum of $7,500."

Mr. DYER. Mr. Speaker, on behalf of the committee I do not insist upon this amendment, in accordance with the agreement I have made with the gentleman from Texas. However, the Delegate from Hawaii [Mr. HOUSTON] would like to make a statement.

Mr. HOUSTON of Hawaii. Mr. Speaker, I move to strike out the last word. The amendment to this bill regarding circuit judges in the Territory of Hawaii was put in at my request and for reasons which should be perfectly obvious to a person studying the requirements and the business that is conducted in the Territory of Hawaii. We conduct there every year a business amounting to between $180,000,000 and $200,000,000. A good lawyer of the caliber suitable for a position as a justice earns in the Territory anywhere from $10,000 to $15,000 a year. It has been recognized by the legislature of the Territory that in accordance with the general pay of such lawyers these justices were underpaid, and accordingly at the last session of the legislature provision was made whereby until the year 1929 the Territorial government would make up the difference between the salary allowed to those judges paid from Federal sources and the salary which they considered was really suitable for such an avocation.

Now, besides this, in order to show you that the lawyers in the Territory from whom these judges come are unable to hold the positions and do justice to their own families, it is a fact that within nine years—and these judges are appointed for four-year terms—there has been a complete turnover of the supreme court three times. Of the circuit judges, of whom there are eight appointed for four years each, there have been 13 renewals inside of the nine-year period.

Therefore, and only in order not to imperil the bill, I shall ask permission to withdraw the pro forma amendment.

Mr. HILL of Alabama. Mr. Speaker, I rise in opposition to the pro forma amendment.

Mr. Speaker, the action of the gentleman from Texas, my colleague [Mr. BLACK], in objecting to the committee amendment has saved the Treasury of the United States $12,000 a year for certainly an indefinite period of time.

This action on the part of the gentleman from Texas [Mr. BLACK] is similar to many other acts of his, by which the Treasury of this Government has been saved, I think I may say literally, thousands of dollars each year. Through his alertness, his devotion to duty, his high courage, the gentleman from

Texas [Mr. BLACK] renders invaluable service as a Member of this body. [Applause.]

If it be true that capacity for hard work is genius, then the gentleman from Texas is indeed a genius. Day after day on this floor we see evidences of his constant and indefatigable work. He is a striking example of how a Member of this House may be an able, diligent, and faithful Representative of his constituency, and at the same time a vigilant and most useful Member of this body. [Applause.]

I have taken this opportunity to voice my esteem and my appreciation of the gentleman from Texas and of his important work in this body, and I am sure this esteem and this appreciation are shared by the entire membership of this House. [Applause.]

The pro forma amendment was withdrawn.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was rejected.

Mr. DYER. Mr. Speaker, I offer an amendment. On page 2 I move to strike out lines 1, 2, and 3.

The SPEAKER. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DYER: Page 2, strike out all of lines 1, 2, and 3.

Mr. DYER. I will state, Mr. Speaker, the reason I offer this amendment is because a bill has already passed the House that takes care of the judges of the Supreme Court of Porto Rico.

Mr. MICHENER. If the gentleman will permit, has the bill which was agreed to in the House passed the Senate?

Mr. DYER. No; but it has passed the House.

Mr. MICHENER. If it has not passed the Senate I will be constrained to object to the amendment, because the provision can be taken out of the bill very readily when it goes to the Senate if the other bill does become the law.

Mr. DYER. I will ask unanimous consent, Mr. Speaker, to withdraw the amendment.

The SPEAKER. Without objection the amendment is withdrawn.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

AMENDMENT OF THE JUDICIAL CODE OF THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 8270) to amend section 52 of the Judicial Code of the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOWARD of Oklahoma. Mr. Speaker, reserving the right to object, the matter of amending the Judicial Code of the United States is more or less of a serious matter. I see the author of the bill here and I would like for him to explain to the House exactly what the passage of this bill would mean.

Mr. MICHENER. If the gentleman will permit, I am not the author of the bill. The gentleman from New York [Mr. MACGREGOR] is the author of the bill. I do not care to take up any time of the House. The gentleman from New York [Mr. MACGREGOR] is not here. I understand objection is going to be made, and if that is true and the gentleman is convinced, I do not care to take the time of the House and delay other legislation.

Mr. HOWARD of Oklahoma. I did not intend to offer any objection myself. I simply wanted to be sure what the bill means.

Mr. LAGUARDIA. I believe one of our colleagues from Pennsylvania may make the objection.

Mr. KURTZ. Mr. Speaker, I object.

NEW JUDICIAL DISTRICT OF THE STATE OF INDIANA

The next business on the Consent Calendar was the bill (S. 2752) to amend section 80 of the Judicial Code to create a new judicial district in the State of Indiana, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 80 of the Judicial Code, as amended, is amended to read as follows:

"SEC. 80. The State of Indiana shall constitute two judicial districts, to be known as the northern and southern districts of Indiana.

"A. For the purpose of holding terms of court the southern district of Indiana shall be divided into four divisions, constituted as follows: The Indianapolis division, which shall include the territory embraced within the counties of Bartholomew, Boone, Brown, Clinton, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Randolph, Rush, Shelby, Tipton, Union, and Wayne; the Terre Haute division, which shall include the territory embraced within the counties of Clay, Greene, Knox, Owen, Parke, Putnam, Sullivan, Vermilion, and Vigo; the Evansville division, which shall include the territory embraced within the counties of Davies, Dubois, Gibson, Martin, Perry, Pike, Posey, Spencer, Vanderburg, and Warwick; and the New Albany division, which shall include the territory embraced within the counties of Clark, Crawford, Dearborn, Floyd, Harrison, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Ripley, Scott, Switzerland, and Washington.

"B. For the purpose of holding terms of court the northern district shall be divided into three divisions, constituted as follows: The Fort Wayne division, which shall include the territory embraced within the counties of Adams, Allen, Blackford, Dekalb, Grant, Huntington, Jay, Lagrange, Noble, Stuben, Wells, and Whitley; the South Bend division, which shall include the territory embraced within the counties of Cass, Elkhart, Fulton, Kosciusko, Laporte, Marshall, Miami, Pulaski, St. Joseph, Starke, and Wabash; the Hammond division, which shall include the territory embraced within the counties of Benton, Carroll, Jasper, Lake, Newton, Porter, Tippecanoe, Warren, and White.

"2. Except as hereinafter in this section provided, terms of the district court for the southern district shall be held for the Indianapolis division at Indianapolis on the first Mondays of May and November of each year; for the Terre Haute division at Terre Haute on the first Mondays of April and October of each year; for the Evansville division at Evansville on the second Mondays of April and October of each year; for the New Albany division at New Albany on the third Mondays of April and October of each year. The terms of the District Court for the Northern District of Indiana shall be held for the Fort Wayne division at Fort Wayne on the first Mondays of April and December of each year; for the South Bend division at South Bend on the first Mondays of October and February of each year; for the Hammond division at Hammond on the first Mondays of March and November of each year. When the time fixed as above for the sitting of a court shall fall on a legal holiday, the terms shall begin upon the next day following. Terms of the district court shall not be limited to any particular number of days nor shall it be necessary for any term to adjourn by reason of the intervention of the term of court elsewhere; but the term about to commence in another division may be postponed or adjourned over until the business of the court in session is concluded. A grand jury summoned to attend a term of court held in any division of either of the districts as above provided may investigate and find an indictment, or make a presentment, for any crime or offense committed in the district, whether or not the crime or offense was committed within the division in which the jury is in session.

"3. A. The senior district judge for the district of Indiana in office immediately prior to the passage of this act shall be the district judge for the southern district as constituted by this act; the junior district judge for the district of Indiana immediately prior to the passage of this act shall be the district judge for the northern district as constituted by this act; and the district attorney and marshal for the district of Indiana in office immediately prior to the passage of this act shall be during the remainder of their present terms of office the district attorney and marshal for the southern district as constituted by this act.

"B. The President is authorized and directed to appoint, by and with the advice and consent of the Senate, a district attorney and a marshal for the United States District Court for the Northern District of Indiana.

"4. A. The clerk of the court for the southern district shall maintain an office in charge of himself or a deputy at Indianapolis, Terre Haute, Evansville, and New Albany, and the clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Fort Wayne, South Bend, and Hammond. Such offices shall be kept open at all times for the transaction of the business of the court. Each deputy clerk shall keep in his office full records of all transactions and proceedings of the district court held at that place in which the office is located.

"5. A. The following act is repealed: 'An act to authorize the appointment of an additional district judge in Indiana for the district of Indiana and to establish judicial division lines, and for other purposes, being the act approved January 16, 1925.'"

With the following committee amendment:

Page 2, line 12, strike out the word "Warwick" and insert in lieu thereof the word "Warrick."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WATER RIGHTS ON THE BOISE RECLAMATION PROJECT

The next business on the Consent Calendar was the bill (H. R. 11360) to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, as the bill stands the money that would come back—money which when spent by the Government was charged to the construction cost—when it comes back it ought to be credited to the construction cost. I have two amendments, and if these are adopted I would have no objection to the bill.

Mr. SMITH. I will accept the proposed amendments.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to convey upon such terms and conditions as he may see fit, either at public auction to the best bidder or at private sale at such prices as he may fix, all the right, title, and interest of the United States in or to certain Ridenbaugh or Nampa and Meridian irrigation district water rights, not heretofore disposed of, obtained when land with appurtenant water rights was purchased by the United States for the Deer Flat Reservoir. The proceeds received by the United States from the sale of such rights shall be used toward or credited to part payment of that part of the cost of the operation and maintenance of the reserved works of the Arrowrock division, Boise project, chargeable to the board of control of the said Arrowrock division, and the charges next coming due therefor shall be reduced accordingly. The Secretary of the Interior is authorized to permit the water to which the United States is entitled under the said Ridenbaugh rights to be taken into and distributed through the canal system of the Arrowrock division of the Boise project by the board of control and used or disposed of by the said board of control for the benefit of the said Arrowrock division.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 4, strike out the words "operation and maintenance of the reserved works" and insert in lieu thereof the word "construction"; in line 6, after the word "division," insert a period and strike out the words "and the charges next coming due therefor shall be reduced accordingly."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TO PERMIT COWLITZ TRIBE OF INDIANS TO FILE SUIT IN COURT OF CLAIMS

The next business on the Consent Calendar was the bill (H. R. 167) to amend the act of February 12, 1925 (Public, No. 402, 68th Cong.), so as to permit the Cowlitz Tribe of Indians to file suit in the Court of Claims under said act.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BLACK of Texas. Reserving the right to object.

Mr. HADLEY. Mr. Speaker, the gentleman from Washington, author of the bill, is not able to be present, and at his request I ask unanimous consent that the bill be passed over without prejudice.

Mr. BLACK of Texas. And I ask the same consideration of the next bill. There are three of these claim bills, and I think it might be well to look into them first.

Mr. COLTON. Will the gentleman reserve his objection?

Mr. BLACK of Texas. I will until it is reached.

Without objection, the bill went over without prejudice.

TO PERMIT THE COURT OF CLAIMS TO HEAR AND ADJUDICATE CLAIMS OF THE SHOSHONE INDIANS

The next business on the Consent Calendar was the bill (H. R. 8280) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the Northwestern Bands of Shoshone Indians may have against the United States.

The Clerk read the title to the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection?

Mr. CRAMTON. Reserving the right to object, I have gone over the bill and I have in mind three amendments that I would like to call the attention of the gentleman from Texas to.

Mr. BLACK of Texas. I have no objection to the gentleman's doing that, but I hope at the conclusion of his statement the bill may go over.

Mr. CRAMTON. The gentleman can make that request later. I would like to call attention to the proposed amendments. In section 3 I want to make it clear that any payment the Government has made for the benefit of these Indians may be used as a set-off, whether specifically appropriated or otherwise. That is to say, put in a period after the words "Shoshone Indians" in line 4, so that it will read as follows:

Any payment which may have been made by the United States, including gratuities for the benefit of any of said Indians or for their support and civilization, shall not operate as an estoppel, but may be pleaded as a set-off in said suit.

Then page 4, in connection with the attorney fee, insert "in no event more than $25,000."

The third one would be in line 11, page 4, where it provides for 5 per cent interest, change it to 4 per cent, which is customary in all these funds.

After the word "decree," in line 12, page 4, insert "and shall be subject to appropriation by Congress only for the health, education, and industrial advancement of said Indians."

Mr. COLTON. In regard to the first amendment, I happen to know that there have been some advances for school purposes.

It would hardly seem that that ought to be used as a set-off against the Indians, because the Government has advanced in the past specific sums for the building of schoolhouses and the payment of their tuition in the public schools of my State.

Mr. CRAMTON. These claims are based on more or less of a shadow of right. I anticipate that the Government will go on generously spending its money for the benefit of these Indians; but if we are to have a trial, it should be on the basis of fairness. If the Government spent money for the benefit of the Indians who are exempt from taxation, the Government should have the right of set-off.

Mr. COLTON. There are many of them not exempt from taxation. I think the gentleman's position is probably well taken, although I think in this particular case he will find on investigation that this claim is really more than a shadow, that the Government has already settled with two tribes of Shoshone Indians, and these Indians, in justice and equity, are entitled to the same consideration.

Mr. CRAMTON. That fact appealed to me as justifying its going to the Court of Claims, but the statement itself shows something of a shadow. For instance, the three tribes are said to have been tenants in common. That is a very polite term to use in connection with the character of their occupation, no doubt, but we have taken care of the other two and we ought to take care of this one.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. COLTON. Yes.

Mr. BLACK of Texas. Do I understand that two of the other tribes of Shoshone Indians have been granted leave to bring their suits in the Court of Claims?

Mr. COLTON. Yes; more than that. The Government went ahead and made a direct settlement with them in complete satisfaction of their claims to the land held by the three tribes as tenants in common. The Government offered a small amount of land to the northwestern band. I am sure, however, it could not have been intended as a complete settlement. The Indians refused the offer made to them by the Government, and still insisted on their claim to a settlement, and demanded the same rights that had been accorded to the eastern and western bands. The matter has been pending since then.

Mr. BLACK of Texas. What is the probable amount involved?

Mr. COLTON. I do not know that I could answer that.

Mr. CRAMTON. If the gentleman will permit, if the gentleman from Utah [Mr. COLTON] accepts the last amendment that I have suggested, so that the money will not be frittered away in cash payments, and is made available only for health, education, and industrial advancement, I think it will very materially alter the situation.

Mr. BLACK of Texas. Do I understand that the amendments suggested by the gentleman from Michigan will be agreed to?

Mr. COLTON. Of course the amendments have been just presented, but really I can see no objection. I think the money ought to be used for the benefit of those Indians, and not given to them in such a way that they can fritter any of the money away.

Mr. BLACK of Texas. I understand this bill has been reported favorably by the Secretary of the Interior.

Mr. COLTON. Yes; and by the Director of the Budget.

Mr. BLACK of Texas. Mr. Speaker, in view of these circumstances I withdraw my objection to the bill.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. COLTON. Mr. Speaker, a parliamentary inquiry. There is an identical Senate bill to this which has been passed by the Senate. May that be considered by unanimous consent and the amendments proposed offered to that the same as to the House bill?

The SPEAKER pro tempore. That could be done by unanimous consent.

Mr. COLTON. Then I ask unanimous consent that the House consider the identical Senate bill, S. 710, which has been already passed by the Senate.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That jurisdiction be, and hereby is, conferred upon the Court of Claims, notwithstanding lapse of time or statutes of limitations, to hear, adjudicate, and render judgment in any and all claims which the Northwestern Bands of Shoshone Indians may have against the United States arising under or growing out of the treaty of July 2, 1863 (18 Stat. 685–2 Kappler, 848); treaty of July 30, 1863 (13 Stat. 863–2 Kappler, 850); act of Congress approved December 15, 1874 (18 Stat. 291); and any subsequent treaty act of Congress, or Executive order, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States.

SEC. 2. That any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of the approval of this act; and such suit shall make the Northwestern Bands of Shoshone Indians party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claims under contract with the Northwestern Bands of Shoshone Indians, approved by the Commissioner of Indian Affairs and the Secretary of the Interior as provided by law. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys for said Indians to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said Indians.

SEC. 3. That in said suit the Court of Claims shall also hear, examine, consider, and adjudicate all claims which the United States may have against the said Northwestern Bands of Shoshone Indians; but any payment which may have been made by the United States upon any claim against the United States shall not operate as an estoppel, but may be pleaded as a set-off in such suit; and any such payment, if made, shall be confined to payments made under the treaties or acts of Congress hereinbefore set forth.

SEC. 4. That from the decision of the Court of Claims in any suit prosecuted under the authority of this act an appeal may be taken by either party, as in other cases to the Supreme Court of the United States.

SEC. 5. The Court of Claims shall have full authority by proper process and orders to bring in and make parties to such suit any and all persons deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 6. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he or some attorney from the Department of Justice to be designated by him is hereby directed to appear and defend the interests of the United States in such case.

SEC. 7. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorney or attorneys employed by said Northwestern Bands of Shoshone Indians, or any of them, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said bands.

SEC. 8. The balance of the proceeds of all amounts, if any, recovered for said Northwestern Bands of Shoshone Indians shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto, and shall draw interest at the rate of 5 per cent per annum from the date of the judgment or decree.

Mr. CRAMTON (interrupting the reading). Mr. Speaker, if anyone desires to have the bill read at length, I do not desire to interfere with his wishes, but otherwise some time could be saved by eliminating the reading at this time.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to dispense with the further reading of the Senate bill. Is there objection?

Mr. LAGUARDIA. I object.

The Clerk concluded the reading of the Senate bill.

Mr. CRAMTON. Mr. Speaker, I offer the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, line 2, after the word "Indians," strike out the semicolon and the balance of the section and insert in lieu thereof a period and the words "Any payment which may have been made by the United States, including gratuities for the benefit of any of said Indians or for their support and civilization, shall not operate as an estoppel, but may be pleaded as a set-off in said suit."

Page 3, line 25, after the word "recovery," insert the words "and in no event more than $25,000."

Page 4, line 11, strike out the figure "5" and insert in lieu thereof the figure "4."

After the word "decree," in line 12, page 4, insert "and shall be subject to appropriation by Congress only for the health, education, and industrial advancement of said Indians."

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. COLTON. Mr. Speaker, will the gentleman from Michigan state whether 4 per cent is the usual amount allowed?

Mr. CRAMTON. That is what I understand is customary.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The similar House bill (H. R. 8280) was laid on the table.

FLOOD CONTROL

Mr. GARBER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of flood control.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE INITIAL COST OF THE JONES BILL

Mr. GARBER. Mr. Speaker, with the Jadwin plan for flood relief, the Jones bill provides:

FOR THE CONDEMNATION OF LAND

Total area intentionally flooded by General Jadwin plan:	
Used or cleared lands, 2,137,000 acres, at $224 per acre	$478,822,400
Uncleared lands, 3,910,000 acres, at $50 per acre	195,520,000
Total, 6,047,000 acres (Jadwin value)	674,342,400

Here is what it would cost in titles and flow rights:

If taken at 100 per cent of value	$674,342,400
If taken at 80 per cent of value as reported by General Jadwin	539,473,920

Here is what it would amount to in construction costs, railroad adjustments, and highway changes:

If taken at 80 per cent of value as reported by General Jadwin	$539,473,920	
If taken at 100 per cent of value		$674,342,400
Construction costs	296,400,000	296,400,000
Railroad adjustments	71,000,000	71,000,000
Highway changes	20,000,000	20,000,000
Total named items	926,873,920	1,061,742,400

But some construe the Jadwin report as appraisal of total damage at $224 per acre for all acreage. In that case the cost in damages—

Would be		$1,354,528,000
Of which the Government would pay 80 per cent (Jadwin report)	$1,083,622,400	
Then add construction cost	296,400,000	296,400,000
Making either	1,380,022,400 or	1,850,928,000

Think of it, a total cost of approximately a billion and a half in damages to initiate the plan, or about $1,250 or $1,500 per square mile of basin!

But the above is not a starter to what the damages would finally be.

The estimated flooded area of the Jadwin plan is 19,000,000 acres, or equal to 29,687½ square miles.

In section 4 the Jones bill assumes liabilities for damages in carrying out the Jadwin plan. What will that amount be? You may ask Jones, but only God knows!

IN ITS PRESENT FORM, PRESIDENTIAL VETO INEVITABLE

The President sees the dangers of this bill, its unlimited drafts upon the tax moneys of the people. In their protection, he has forcibly indicated to Congress time and again his opposition to such a measure with its enormous possibilities for waste and extravagance. In order that the moneys of the people may be properly protected, the country can expect nothing less than the veto of such an ill-considered measure should it be presented to him in its present form for his approval.

ITS PASSAGE IN THE SENATE MARKED THE END OF A PERFECT DAY

In one respect the Jones bill is a masterpiece of legislative art. It has no limitations to mar its symmetry and beauty. It was so pleasing to the artists that not a single voice was raised in its criticism. It was so enthralling that the rivalry of the artists was submerged in the thrilling inspiration of the moment and the usual time for discussion was devoted to eulogistic felicitations and congratulation. The artists felt they had at last succeeded in creating a piece of legislative work without limitation, that its walls were so flexible as to expand to every suggestion of financial speculation, that it was filled to overflowing with the wine and oil of plenty, that its provisions were so clear that all might read and understand, "Get a plenty while you're gettin'"! It was truly the end of a perfect day for cooperation, collaboration, and celebration.

RECORD OF THE MISSISSIPPI RIVER COMMISSION

The Mississippi River Commission was created in 1879. It was given full and complete jurisdiction over flood-protective projects of the river. Later on that jurisdiction was enlarged to include the tributaries.

This commission has at all times been controlled by the Army engineers of the War Department. For 48 years it has been charged with the responsibility of protecting the people from the devastation of floods. During this period it has expended $228,000,000 of the tax moneys of the Treasury of the United States. It has done more than that. It has expended in the way of contributions from the settlers along the lower Mississippi River a vast total of $292,000,000, making a total expenditure of $520,000,000!

In its annual report for 1926 the commission assured the country that—

> The Mississippi flood-control work is now in a condition to prevent the disastrous effects of floods.

During this period of 48 years the waters descended and the floods came, and the levees were washed away and set back and rebuilt, each time with more tax moneys and contributions. The commission made its annual reports that all was well, drew its salary, and the country was lulled to sleep with that assurance, only to be awakened by our greatest peacetime disaster in the flood of 1927, destroying hundreds of lives and millions in property values.

When relief work is again considered the Secretary of War comes forward and gravely informs the country that "We must prepare a plan." Think of it! Forty-eight years of flood-control work under the direction of the Army engineers without a plan! Not even a plan to show for its expenditures of $520,000,000 and 48 years of administration! Nothing to show for its experience but washed-out levees, filled-up channel, and a shallow, broadened river overflowing the lowlands after every freshet!

THE FOLLY OF THE LEVEE SYSTEM

In 1916 Lyman E. Cooley, a waterway engineer of the very highest international reputation, pointed out to the Senate that in other countries the idea that it is possible to confine great rivers has long since been abandoned, and added:

> The weakness in the plan for levee control lies in the fact that, while the height of the levee may be established, there is no assurance whatever that in some great flood, which may just as well come next year as a hundred years from now, the levee system will be adequate to carry the water.

George H. Maxwell, executive chairman of the National Reclamation Association, emphasized the stupidity of pursuing the fallacious illusion that the stupendous floods of a mighty river like the Mississippi, formed by flood combinations from five separate river systems, can be confined all the way from Cairo to the Gulf between two mud walls which are the equivalent of earthen dams built on the surface of the ground without any other foundation.

> As a result of this * * * life and property in many communities once safe are now jeopardized, and cities, towns, villages, and densely populated rural districts are menaced with a final catastrophic deluge in some great flood of the future that will appall the world.

In 1916, before a Senate committee, Lyman E. Cooley called attention to the folly of the levee system:

> You are going to build levees; you have been building them; and this is the proposition you are up against: You wipe out all the natural overflow regulation and constrain the entire volume to the river channel and take it as it comes. The maximum volume is greatly increased, the flood height is raised, the velocity is accelerated. You have greatly increased the dynamic energy of the stream. You have not only magnified the surplus horsepower, but you have also increased the speed of application, thus multiplying the destructive powers; in other words, you have stimulated the energy, filed the teeth, and ground the claws of your tiger.

Could any body of men, except a body controlled by the power of bureaucracy, allow such a statement as that to pass unheeded?

ENOUGH OUGHT TO BE ENOUGH

Thus the Mississippi River Commission, controlled by the Army engineers, not only have wasted 48 years, but $228,000,000 of the tax moneys of the people and $292,000,000 of contributions.

But that is not all! Because of their lack of constructive ability in failing, during all these years, to formulate a long-time program, comprehensive and commensurate with the needs of the situation, and thus afford adequate protection to the people, untold destruction of life and property, without precedent or parallel in this country, has taken place. Having eyes, they saw not; having ears, they heard not; and having hands, they now hold them up in holy horror at such a catastrophe!

After such failure, humiliating to the American people and desolating to the flood sufferers, one would ordinarily think that Army control would quietly retire. But no! It continues to thrust itself into every proposed act—insisting upon its superiority and qualifications for the job.

Enough ought to be enough—but since it is not, the truth should be told!

A COMPREHENSIVE PLAN THE FIRST ESSENTIAL

Flood relief should be taken out of the control of the Army engineers. The country has had enough of their domination. The country demands a constructive program. That can only be secured through a civilian commission. A commission composed of a civilian majority should be created. The personnel of the commission should be composed of men of outstanding executive business ability, a civil and Army engineer. Full jurisdiction should be given to this commission to employ the best engineering talent in the country to proceed at once with the necessary surveys and ascertain the best and most comprehensive plan of procedure.

Now is the time to "make haste slowly." Immediate construction work, without a comprehensive plan, may simply continue the waste of the preceding years. Any comprehensive plan will necessarily include the tributaries that furnish the water for the Mississippi's overflow. A thorough survey of those streams should be included. In view of the total failure of the levee system of the Army engineers the country is entitled to have its own common-sense solution passed upon by an impartial authority. The country believes that instead of beginning at the mouth of the Mississippi River to control its floods, the beginning should be back in the watersheds at their source; that the withholding of such waters in reservoirs at convenient points would be the surest, quickest, and most economical control of the flood waters of the Mississippi River; that such control could be coupled with the conservation of the water resources of the country for irrigation and power purposes when needed and thus a conservation of national resources be effected and a large portion of their benefits directly distributed to the millions of producers in the mid-west section of the country.

WITHHOLD THE WATERS AT THEIR SOURCE

The great basins of the Missouri, the Arkansas, and the Red River, constituting three-fifths of the Mississippi Basin, to which their waters are the lifeblood of its existence, have been totally neglected as to flood protection or commercial development, or the promotion of navigation of which they are potentially capable. At the same time governmental effort has been used to speed their needed waters to the destruction of the lower valley and to waste in the Gulf—carrying on their way the wealth of life and property swept from the valleys above.

The great Arkansas Valley in which I live, constituting one-fifth of the Mississippi Basin in area, and which in 1927 furnished over one-half of the flood and all of the destructive part of the flood, is completely ignored. In that valley occurred greater destruction of property above the area proposed to be sacrificed and protected by the Army plan than occurred below. That destruction is repeated almost annually, yet the near-sighted Army engineers propose to dedicate one-half the alluvial valley of the Mississippi to by-passing the waters of this great river and of the Missouri to the Gulf through artificial means and at a proposed cost far in excess of the demonstrated cost of holding back these rich waters where they fall and where they are needed, and applying them to the uses of man.

Before the Flood Control Committee of the House it was demonstrated by the work and public spirit of the great States of Colorado, New Mexico, Texas, Kansas, and Oklahoma that

the flood waters of the great Arkansas Valley could be held in check so that the river might run evenly, smoothly, and undestructively from the mountains to the sea at a less cost in money than the value of the property destroyed in 1927, and in many other years within our memory. Yet this evidence, unchallenged and uncontradicted, admitted to accomplish the effect that was claimed for it, was totally ignored and the reports of the Army board suggesting a plan which gave no relief to this devastated area and proposing to sacrifice half of the alluvial valley to the protection of the other half from the waters which could be more cheaply controlled above were unquestioningly accepted.

Upon half the Ohio River the Government has expended more than $100,000,000 in the past 50 years for slack-water navigation, while allowing the flood water of that valley to destroy hundreds of millions of dollars in the great floods of 1867, 1876, 1883, 1884, 1913, and others.

The greatest need of the upper Mississippi, the Missouri, the Arkansas, and the Red is the reestablishment of free navigation, for which their drainage basins would provide adequate water if they were given that regulation of flow which would make it undestructive and provide sufficient flowage for navigation at all times.

WISE CONSERVATION, UTILIZATION, AND CONTROL OF WATER RESOURCES

There can be but one sane, sound method of procedure for regulating the flow of the Mississippi River and its tributaries. A policy or plan must be adopted which will prevent flood conditions by means of lowering the river stages during flood periods and at the same time materially raise the low-water stages. In other words, sooner or later a comprehensive plan for the regulation of these streams must of necessity stabilize the water discharge. Such a plan will involve the conservation, utilization, and control of these water resources for the greatest good to the greatest number. It should provide water for irrigation in the Great Plains region—that is, the States of Colorado, Kansas, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming—which will protect the food supplies of the Nation.

The structures required for this irrigation development would involve the construction of head-water reservoirs, stream reservoirs, as well as diversions and storage reservoirs located along the bluffs bordering these streams. Such structures will not only provide for irrigation and power development but they will also make possible the use of the soil capacity of the Great Plains area.

The reservoir capacity of these soils will give many more times the water-impounding capacity than the actual reservoirs created by damming. These structures will of themselves reduce flood discharges and thus prevent flood damages. The return seepage flows from the irrigation developments will increase low-water stages, and thus stabilize the flow of these streams. The results of this irrigation development to the Great Plains area will tend to stabilize production, increase soil fertility and production, decrease soil erosion in the stream valleys and silt contributions, and at the same time make possible economical development of inland-waterway transportation. These benefits contribute to the general welfare, commerce, and defense of the Nation and certainly should be given a great deal of weight in any plan proposed for the regulation of the Mississippi River.

WIPE THE SLATE CLEAN! BEGIN ANEW!

The Army engineers are prejudiced against reservoir control. Their preconceived notions and ideas would foreclose in advance a favorable report. As a general thing, their surveys for such purposes are made in their offices. The country is entitled to have a sympathetic investigation of this system. It will be satisfied with nothing less.

Congress should not make the mistake of confiding this great work to Army engineers. The civil engineers of the United States can furnish more experienced and able talent without preconceived ideas or views in regard to any phase of the work. The flood control of the Mississippi River, with its tributaries, must be taken up as a new problem. The preconceived ideas of the Army engineers, supervising and directing the work, have proven wholly inadequate. They have not only resulted in the loss of hundreds of human lives and millions in property, but in deep humiliation to the American people.

Neither must the Jadwin plan be controlling in the solution of the new problem. At best the plan is but a temporary makeshift with no limit as to the cost. The Jadwin plan does not include the tributaries except as to their survey, which, of course, is construed as a mere gesture to satisfy the vast empire west of the Mississippi River, and any plan that does not include the tributaries is too shortsighted to be even considered. The enormous expense and the inadequacy of the plan appearing upon its very face should condemn it. No one man nor group of men in the War Department should be permitted to control. We should profit by our experience in building the Panama Canal. We should employ the ablest executive and civil engineering talent, instruct them to formulate a comprehensive plan, then appropriate the money and authorize them to execute the work.

THE PRACTICABILITY OF THE RESERVOIR SYSTEM

The following concise analysis of the costs of establishing the reservoir system in the Arkansas and Red River Basins wipes out the illusory befogging complexities of the problem and presents the issue clearly, simply, and with it the only course which will fully and practically meet the exigencies of the situation:

Area, Arkansas and Red River Basins—square miles	174,000
Number of reservoirs in the two basins	165
Estimated cost of reservoirs	$100,000,000
Cost per square mile of protected basins	$365
Effect:	
(a) To hold back storm water from one-third to one-half of drainage basins until each river can safely carry the run-off.	
(b) To hold back one-third to one-half the run-off from entire drainage basin, reducing each river to safety and protecting all the valleys.	
(c) To reduce the Mississippi flood crest 5 to 7 feet. (Would have made the 1927 flood harmless.)	
(d) To subtract from flood flow rather than undertake to impound or confine the flood.	
(e) To cut down swiftness of currents and stop bank caving, sand-bar making, dredging, revetment, and other expensive temporary expedients and reduce danger to levees and structures.	
Comparative cost:	
Area of Mississippi Basin—square miles	1,200,000
Cost of Jadwin plan	$1,500,000,000
Cost of Mississippi River Commission plan	775,000,000
Cost of Jadwin plan per square mile of basin	1,250
Cost of Mississippi River Commission plan per square mile	625
Cost of tributary-reservoir plan on about one-fourth of Mississippi Basin per square mile of basin	365
At the same rate, the entire Mississippi Basin could be reservoired to reduce the Mississippi River 15 to 25 feet for under	500,000,000

ANALYSIS OF THE JONES BILL

I append a statement, irrefutable in its analysis of the Jones bill, focusing the spotlight of publicity upon the consequences of the enactment of such legislation, which should insure its defeat. For this valuable contribution the country is indebted to E. E. Blake, chairman of the Interstate Flood Control Commission of the Southwest:

Reservoir plan of flood control

Total drainage basin area of Mississippi River in square miles, 1,200,000.

Red River Basin area, 90,000; Arkansas River Basin, 186,000; in square miles, 274,000 (a little under one-fourth of the total area).

Cost of sufficient reservoirs distributed consistently over the drainage basins of the Arkansas and Red Rivers to hold one-half of the storm water (see plat herewith), $100,000,000.

Cost per square mile of drainage basins, $365.

Minimum time of completion of reservoirs, two years.

Effect: To reduce any known Arkansas and Red River storm flow one-half (plus 40 per cent factor of safety) and reduce Mississippi floods 5 to 7 feet. Reduce average of Mississippi floods, 9 per cent.

At the same ratio of cost every stream contributing to the Mississippi over the entire basin could be so reduced as to make the river regular in flow and safe at a cost of $438,000,000.

Reservoirs actually diminish and control floods by preventing their accumulation.

The maintenance would be slight.

The damages assumed nothing.

Would insure the safety of the present levees.

Would insure the safety of all the alluvial valley.

Would stop or diminish bank caving and sand-bar making.

Would diminish dredging.

Would stabilize the flow, promoting navigation.

ADVANTAGES OF OPERATION

If storms occur on Ohio, as in 1913, other streams could be shut off, as well as part of Ohio.

If storms occur on Missouri, part of it held back and others shut off, as well as several other streams.

It provides absolute and intelligent control for every valley of consequence and the whole of the lower Mississippi.

TABULATED COSTS OF INSTALLATION OF GENERAL JADWIN'S PLAN UNDER THE JONES BILL

Total flooded area in alluvial valley, as per General Jadwin (round numbers)—acres	19,000,000
As per Hoover reports (round numbers)—do	13,000,000
Total area intentionally flooded by General Jadwin's plan:	
Used or cleared lands (2,137,000 acres at $224 per acre)	$478,822,400
Uncleared lands (3,910,000 acres at $50 per acre)	$195,520,000
Total (6,047,000 acres, Jadwin value)	$674,342,400

Titles and flow rights, if taken at 100 per cent of value, would cost $674,342,400.

Titles and flow rights at 80 per cent of value as reported by General Jadwin would cost $539,473,920.

Titles and flow rights, 100 per cent of value		$674,342,400
Titles and flow rights, 80 per cent of value, Jadwin plan	$539,473,920	
Other items given by Jadwin:		
Construction costs	296,400,000	296,400,000
Railroad adjustments (M. C. R.)	71,000,000	71,000,000
Highway changes (M. R. C.)	20,000,000	20,000,000
Total named items	926,873,920	1,061,742,400

Drainage district and levee district damages, unknown.

Liability for damages in carrying out Jadwin plan, assumed by section 4, Jones bill, unknown.

(This might be an immense sum, as loss might be easily alleged and proven to be due to carrying out this specific plan and its features.)

Others construe the Jadwin project (as reported Doc. 90, sec. 26, and others) as appraisal of total damage at $224 per acre for all acreage, then the cost would be		$1,354,528,000
Of which the Government would pay 80 per cent (Jadwin report)	$1,083,622,400	
Then add construction cost	296,400,000	296,400,000
Making either	1,380,022,400	or 1,850,928,000

(This amounts to about $1,250 or $1,500 per square mile of basin.)

Add damages for "carrying out" the plan. Unknown.

General Jadwin expected all this, except $259,000,000 to be borne by individuals. But that is impossible. The Jones bill accepts it all for the Government. Few calculators agree on the results because data is insufficient. But all get beyond the billion mark—some far, some farther.

The General Jadwin plan makes no pretense of diminishing or controlling floods. It merely decides that some (one-half) shall be protected, and some (one-half) shall be sacrificed.

Some points of difference between the General Jadwin plan, and the Jones Senate bill plan, appear:

1. The General Jadwin plan contemplates Government expense of $259,000,000; all other to be contributed.

The Jones Senate bill puts all cost of over $1,000,000,000 on the Government.

2. The Jones bill assumes by the Government liability for rights and property taken or used and turns them free to somebody unnamed.

The General Jadwin plan expected them to be free of cost.

3. The Jones bill assumes by the Government liability for consequential damages in carrying out the plan.

4. The Jones bill reverses the rule of Government nonliability as adjudicated for attempting to control the Mississippi or other river.

5. The Jones bill postpones work between Baton Rouge and Cape Girardeau (except levees and revetment) until further investigation and action of Congress, evidently hesitating at its enormous cost.

6. The Jones bill assumes by the Government the total cost of new levees on the east side of the river and west side of the river, contrary to precedent.

7. The Jones bill lays predicate for liability of the Government for damages due to increasing flood water height between or by levees, and actually for all consequences of levees and spillways wherever built.

Between Senate bill and House committee amendments:

a. The House amendments make specific allotment of $5,000,000 of the authorization to surveys provided by the Senate to find better method than levees and floodways and spillways, to reduce flood-water heights.

b. Authorizes the Secretary of the Interior to make disposition of reservoirs less than sale thereof; authorizing sale, by approval of Congress.

The Mississippi control has proven impossible locally. History so records. But the works are there, and have probably reached the maximum of construction. General Jadwin so reports.

There remains, then, but reduction of the river at flood. Two ways are presented:

First. To governmentally spill out a part over the valley, as it spilled before levees were built; and give up practically one-third of the valley to floods, and pay or expend a billion dollars more or less for the governmental interference and assume liability, almost incalculable throughout all time for adopting that plan.

Second. The other is to hold back and string out the peaks of the combining floods until the river can carry them away. This saves all the alluvial valley, and all other valleys and commerce. Probably neither method should be asserted to be exclusive, but there is, and must be, an economical and effective balance of these elements.

It would seem the duty of Congress to establish the policy of control, leave the established commission free to use the appropriate part of each.

Nothing else is fair to the lower valley, which looks with abhorrence upon the loss, or depreciation, of one-third of itself. Nothing else is fair to the upper valleys that suffer more, and provide over 90 per cent of the money. Nothing else is fair to the Nation that needs the regulation of its rivers for commerce (so says Secretary Hoover) rather than its impairment or destruction by division.

It is apparent that the General Jadwin plan is an expensive plan to somebody, as no calculation, even by its sponsors, brings its cost under a billion dollars, and many figure it at a billion and a half dollars, some even higher.

General Jadwin and the President contemplated $259,000,000 on the Government, and the remainder on the community. Considering the cost, the community is manifestly unable to assume its part.

The Jones bill assumes for the Government all the cost, since no one else can bear it. Practically every witness before the Flood Control Committee, except the Army engineers, criticized its engineering and economics, and expressed a fear of consequences.

Reflecting this fear of consequences, the Jones bill had to be amended to assume, by the Government, liability for damages done in carrying out the plan. So, if it does not work, or has consequences predicted, the Government and not the local people will be the victim.

In addition, the Government had to provide by the bill for returning to the "States" and "local interests" (both of which are indefinite and undetermined) without cost, the land acquired. It is inconceivable that any locality affecting three States will permit the Government to come in and acquire the use of 10,000 square miles, or 6,400,000 acres, of land equaling one-fourth the area of the State of Ohio, without condemnation and acquisition of title, if constitutional power of Government extends that far for that purpose, which is seriously doubted.

General Jadwin's appraisal of property to be taken is susceptible of several interpretations indicated in the tabulation herewith. In addition to property, it caused the eviction, or endangering, or embarrassing, of many towns and cities, affecting about 70,000 people.

Our Supreme Court has held that the Government was not liable for damages in the erectment of levee, or from the effect thereof, or for the failure thereof. Cubbins *v.* Mississippi River Commission (241 U. S. 351); Jackson *v.* United States (230 U. S. 1); Hughes *v.* United States and United States *v.* Hughes (230 U. S. 24). It is familiar law that the authors and operators of any specific plan or operation are liable for the consequential damages, whether contemplated or not. The exemption of governmental agencies in the exercise of governmental powers is well sustained, but may be waived by legislative assumption of liability.

The General Jadwin plan is, in part, an innovation on plans heretofore adjudged, involves many engineering and architectural features not heretofore used or adjudged, many of which have been strongly condemned by engineers outside the Army, and the congressional and community apprehension of its failure is natural, but it seems clear under the legislation that if any of these features fail, or if in their operation they cause damage, either expected or unexpected, the Government would be liable therefor. This is particularly portentous in view of the fact that it contemplates increased height of the levees, new and more confining levees and consequently greater danger from the failure thereof. This, the bill assumes.

The plan also contemplates periodic and recurrent failure of protection to the vast area, number of people, and amount of property, going so far as to specifically name the ratio or frequency of jeopardy. Naturally, those sponsoring such a plan have insisted upon Government guaranty, and the Senate has assumed it.

It is quite conceivable that such a plan may be miscalculated as to effect, but if so those subject to it have governmental assurance of protection against loss.

The assumption of liability for attempting to control a river like the Mississippi, by any plan whatever, is a portentous and prodigious thing. The recurrence of a devastation like any 1 of the 20 overflows in the last 40 or 50 years would cost the Government an enormous sum of money not calculable, but which would quickly run into the billions of dollars. It would not be difficult for any jury in that country to find that some feature of the General Jadwin plan was the proximate cause of a plaintiff's damage. True, the flood ways of nature, backwater areas and other lands affected, constitute between one-third and one-half of the flooded valley. The Government, by the General Jadwin plan, is merely assuming governmental di-

rection and guidance of the overflow; but, in so doing, it is assuming to increase the overflow on some and decrease it on others. For this the Jones bill assumed financial responsibility.

In view of the voluminous testimony that it was a hazardous and probably an indefensible experiment of uncertain effect and uncertain operation, it is only natural that the Representatives and Senators from the States and communities affected fought it until it was amended to the effect that if the Government put it in it assumed financial responsibility for carrying it out. It is further natural that the Senators having consciousness of their oath of office and their duty to the public put in the proviso that no work should be done—except levees and revetments—between Baton Rouge and Cape Girardeau until the commission created had time to make further investigations and see if a safer and better method could be devised. This seems to be the one outstanding proviso of the bill in the interest of the Government and of the taxpayers.

By the plan, backwater areas at the mouths of rivers like the Yazoo, the Red, the White, the Arkansas, and other rivers, are greatly increased and great and valuable areas never heretofore covered with backwater are threatened with inundation. This is a natural and direct loss from raising the levees and the water plane between them for which the Government would be liable under its assumed obligation. A greater danger to the levee structure by either raising the levees, or building levees on the opposite side, or reveting great mileage of the banks and increasing the current thereby to the extent that will cut out other places in the banks, cause reasonable apprehension of damage; which the Government also guarantees against.

The General Jadwin plan was unfortunate in presenting as cost merely the construction cost of $296,000,000 when the total cost to somebody will exceed a billion. "Rights of way" sounds simple, but never before did it encompass anything like 6,000,000 acres, definitely and perpetually assigned to waste; in which every right of ownership, use, or possession is "subject" to some dominant sovereign; on which every protective measure is denied. Such rights could never be excepted by surrender. They must be taken and paid for. The Nation's awakening to the details of the plan has been as by an alarm. It is a tremendously expensive plan, and a wholly unremunerative investment. It is a high price to pay for merely "guiding" a flood over one area instead of another—protecting one-half at the expense of the other half. The entire flood can be prevented, and the whole area saved at less cost, in quicker time, and at no sacrifice.

Constitutional inquiry.—The legal mind must retain this distinction: The doctrine of the Cubbins, Jackson, and Hughes cases applies only in the exercise of the strictly constitutional purpose, in that case the protection or promotion of navigation in the river. No stretch of the imagination, no length of legislative declaration, no fiat of even the Omnipotent, can truthfully say, and be accepted, that guiding a torrential flood over 10,000 square miles of flats, instead of over 20,000 square miles of flats, is in regulation of commerce. So the General Jadwin plan might incur liability for "carrying out" even did not the Congress expressly assume it.

MAINTENANCE

The maintenance element of these broad "spillways" 5 to 13 miles wide and 400 miles long, with estimated flow varying from the torrential first spill down to one-half to two-thirds of a mile per hour, with great acres of dead water and all very shallow, presents some interesting possibilities.

It is known that a Mississippi current at flood height runs from 5 to 9 feet per second and carries a heavy burden of silt; that wherever it breaks over, heavy sediment falls, which may be expected to soon practically close the outlet of the flow.

A hint is made of dredging this out, but the prospect of the mechanical removal of a great part of the Mississippi flood burden of 3,000,000,000 cubic yards of silt causes the amendment of the bill to relieve the "States" and "local interests" therefrom. However, keeping grass, weeds, vines, and bushes off of 6,000,000 acres of spillway will tax the "States" and "local interests" somewhat. It may be safely assumed that it will not be done; it can not be done.

Assured, by the history of past conduct, of one spill over the bank every three to seven years, means the intervening years for almost tropical growth of weeds, vines, brush, and timber, which the next flood would have to filter through. It is well that the Federal Treasury is unlimited.

All these dangers and anticipated damages would be entirely avoided by lowering the height of the water in the river rather than by artificial works elevating it.

For years there has been insistent demand for stream diminution and regulation by reservoirs, but it has been opposed by two schools of antagonists, one claiming it would not have appreciable effect, the other that the expense would be unbearably great. Considering the history of the past, attempted control by levees has cost a prodigious amount of money, several hundred millions for expenditures and far beyond a billion in property loss and damage, besides a constant decrease of navigable capacity which threatens its navigability.

During the time this expenditure and loss experimenting with levees was going on the valley suffered enormously more loss in the destruction of lands and property and devastation of farms in many great floods of the Ohio, Mississippi, Missouri, Arkansas, Red, and other tributaries. These are just as much a part of the costs of lower river levee control, considered from a national standpoint, as the piling up of the dirt.

At the same time, rich valleys like the Illinois have been subject to inundation by reason of the high-water level in the river backing the water up over their bottom lands. The same is true of many other rivers of low gradient such as the Wabash, Tennessee, Yazoo, Red, and lower Arkansas. It is time to consider these things on a national scale.

If the Nation must pay the bill, as now looks probable, because no one else can, then the Nation should look to the protection of all valleys and not merely the lower alluvial valley, for the very simple reason that the protection of the alluvial valley against the destruction of all upper valleys is shown by the General Jadwin plan to amount to more than the salvaged part of the valley is actually worth in dollars and cents.

Millions of dollars have been spent for revetment and dredging, made necessary by the high-water levels and the swift currents between the levees, causing caving of the banks and building up of sand bars in the river. (See report of the channel board, H. Doc. 50, 61st Cong., 1st sess., Captain Sherrill, U. S. A. E., work port of New Orleans, Vol. VI, No. 25, pp. 13–15 of "Profession Memoirs.")

An actual bona fide effort to determine just what could be done by reservoirs has never been attempted in the United States except by the engineers of the interstate commission for the control of the Arkansas and Red Rivers, composed of commissioners from the States of Colorado, Kansas, Texas, New Mexico, Oklahoma, Arkansas, Mississippi, Louisiana, and Alabama, appointed by the several governors. These engineers went about the problem in the simplest of ways. They decided that if the storm waters of a certain percentage of the drainage basin of any stream were held back, the stream would be reduced in the same percentage and its destructive effect would be reduced in increasing percentage until the holdback was sufficient to keep the stream safely and evenly within its banks.

Carrying out this theory they located and surveyed about 200 possible reservoir sites at selected economical places on the smaller streams contributing to the Arkansas and Red Rivers, holding back the run-off from more than one-half of the area of the basins, and considering the climatic conditions, calculated to catch more than half of any storm run-off, thus reducing the rivers as against maximum flood one-half and reducing its contribution to the Mississippi. Calculating the average of the last six great floods, the average effect on the Mississippi would be to reduce its flood crest from 5 to 7 feet, thus greatly relieving the levees and making it probably possible for them to carry off the other waters.

A great many engineers not in the Army have conceded that such a control of a river drainage basin, and particularly of these two basins, would materially reduce the Mississippi River and would probably have prevented the 1927 flood from being destructive. No engineer can deny that if you hold out of a river half of any storm run-off you are bound to reduce the river, and the extent of holdback is a mere matter of extent of development of land. It requires no scientific mind or engineering training to accept these two principles. The civil engineers carefully avoided locating expensive dams in big rivers where the flow would soon fill them and diminish their flood-control effect, but kept them all in streams where they would absolutely control the streams, thus insuring their safety and insuring the effect in flood reduction.

The area of the Mississippi River drainage basin is accepted to be about 1,200,000 square miles. The area of the Arkansas and Red Rivers drainage basins is accepted to be 274,000 square miles, or not quite one-fourth of the entire Mississippi Basin. The 200 or more proposed reservoirs so carefully selected were carefully surveyed to determine their capacity and cost, and the drainage area above was carefully calculated according to the weather reports of the past 31 years to determine the requirement of that location.

Keeping these things in mind and basing the work upon a 3-inch run-off in 24 hours from the area above each dam, allowing a factor of safety of 40 per cent, they provided for the storage of sufficient water to reduce those two rivers to harmlessness, both on the main streams and on all their principal tributaries. At first blush this will meet with the statement that it involved tremendous cost; but it turned out that the total cost of such control of the two basins would be somewhere under $100,000,000, or practically $365 per square mile of the basins.

This is about one-third of the cost per square mile of the lowest calculations put upon the execution of the Jadwin plan, excluding the liability for damages in carrying out the plan, which the Jones bill assumes.

The Arkansas and Red River Basins are fairly typical of the entire Mississippi Valley, being composed partly of rocky, mountain area, great plains area, hill area, and low alluvial valley area. If the same average cost obtains throughout the Mississippi Valley that obtained in the Arkansas and Red Valleys of $365 per square mile, then the total reservoir control of the Mississippi River, reducing it one-half as against any past flood, would cost $438,000,000, or about half of the lowest estimate of the Jadwin plan and about one-fourth of the average estimate of the Jadwin plan. Even if it cost twice as much as the work out of the interstate commission, it would yet be lower than the cost of the General Jadwin plan as confessed on the floor of the Senate by Senator JONES. It would appear, therefore, that the public prejudice against reservoir control is without foundation and has been brought about either through guesswork or prophecy to defeat that method and that a careful and consistent investigation of the possibility is justified by the Government. Even if it cost as much as, or more than the General Jadwin plan it has the merit of protecting a great many times more property and people, and of having a greater beneficent effect upon the commerce of the country than the General Jadwin plan. It does not subtract from the alluvial valley or the lower States a great part of their productive area, nor does it subtract from the Nation a great national asset, as the General Jadwin plan proposes.

The money now spent each year on levees and revetments and dredging would very nearly pay the interest on the capital investment of reservoir control. In view of the fact that the Mississippi River Commission reports the cost of proposed revetment if the flood plane in the river be raised as $165,000,000, shows immediately that the floods of the Red, the Arkansas, and upper Mississippi Rivers combined, or the floods of the Missouri, could at less cost than mere revetment, be held out of the Mississippi River at flood times until the river could carry them. It is very probable that that sum of money ($165,000,000) expended on the Ohio River in reservoirs placed according to the ideas of the civilian engineers would so reduce and control the Ohio River as to enable the Mississippi to carry the rest of its burden safely.

There is a marked difference in the cost of reservoir control as determined by the civilian engineers and as reported to Congress by the Board of Army Engineers. We do not criticize either of their reports; they explain themselves. The difference in the cost comes logically in the difference of the location of the controlling reservoirs. The civilian engineers planned their reservoirs to keep the storm waters out of the river until it could carry them. The Army engineers planned their reservoir system to hold the flood waters after they had accumulated in such great rivers as the Mississippi near Cairo and various places above, the Missouri near its confluence with the Mississippi and various places above, the Arkansas at Little Rock and at Fort Smith, and other rivers similarly.

Keeping in view these different methods of operation by the civilian engineers and the Army engineers and the great difference in cost, the House committee purposes putting the matter in the hands of a new commission, unhampered by precedent or superiority of rank or teaching.

The Senate committee, with the same information before it, provided that the commission be of both military and civil training. As to the wisdom of this we have naught to say, but it is clear that Congress should place it in an impartial tribunal that the engineering and economic features may be impartially considered.

The Arkansas and Red Rivers created over half of the peak flood of the Mississippi in 1927, and has provided an average of 17.6 per cent of the previous six great floods of the Mississippi. Reducing its floods by half then, would have reduced the Mississippi one-fourth in 1927, making it harmless; and would have reduced its last six great floods nearly 9 per cent average.

Such plan of area and run-off control over the whole Mississippi basin, averaged on the Arkansas and Red work out—and this ought to be a fair average, all characteristics being considered—would reduce the Mississippi to the capacity of the present river and levees at a cost of from one-half to one-third of the expected cost under the Jones bill, and relieve the Government of all liability for damages and adjustment of properties to artificial conditions.

The proper control of the Mississippi should, and ultimately must, include tributary stream reduction and regulation above, and levees in the lower valley along the low banks, protecting the whole of the river valley. The difference in the cost reported by the Army reservoir board and by the Interstate Commission is accounted for by the difference in the location of the dams: The Army board puts a few dams in the big flooded rivers; the civilian engineers put many in the small tributaries holding the run-off out of the rivers until the rivers can safely carry the water.

It stands to reason, and should not require an engineer to testify, that if you keep half the storm water of any storm on any stream system out of the river you reduce the flood flow of the river from any storm one-half. If you want to reduce it more add other reservoir restraints and hold more back. The top foot of a levee costs many times the cost of the first foot and adds to the danger of it all. Stream reduction by reservoirs costs uniformly with effect, and increases the safety of all the remainder instead of increasing the danger. The ultimate economy is by reservoirs.

It so happened that the storm run-off in the Arkansas Basin in 1927 could have been restrained to harmlessness in reservoirs that would have cost about $21,000,000. Had that been done, the 1927 flood would not have received a streamer headline in any paper. It would have saved $400,000,000.

Whatever commission is created to work out Mississippi flood control, it should be free to apply all means, anywhere, to most economically accomplish the result.

Reservoir control has another advantage in that it regulates all rivers, protects the banks, stops caving and sand-bar formation in flood times. It adds to and develops low-water flows, preserving navigability and developing it.

There are no power possibilities worth while in the Arkansas or Red River Basins. There are no irrigation possibilities worth while under 10 or 20 years, and even then conditions must needs change.

Reservoir control should be contemplated with the sole view of river regulation—not in one favored spot but in all places. If power or irrigation or other result follow, it is, or should be, incidental—not a combined or contemporaneous purpose. Engineers could develop stream control of the Mississippi Valley to reduce floods and build up low-water flows and develop and protect commerce expeditiously; but to start them in on power study gives latitude for a lifetime of study and contemplation and balancing. This is the inherent defect of the General Jadwin report on reservoirs (Doc. 90, p. 20 et seq.). On page 21, paragraph 84, it recites as unsound economics the subordination of a "potential economic value to the localities" to "distant flood control."

Reservoirs projected on the Arkansas and the Red served the local "potential economics" by making them actual economics—they saved the valleys greater in area and value and destruction than was General Jadwin's concern down in the alluvial valley.

They would also have held down the Arkansas, which destroyed the alluvial valley, and would thereby have saved the alluvial valley. This is no "potential economics." It is actual. It not only serves "distant regions," but immediate regions—both regions. His concern for the "potential future" of the localities would sacrifice the actual present of all. It suggests a power-report alibi. This is not said in criticism—it is doubtless sincere; it is mere point of view.

TIME

The Jones bill—General Jadwin's suggestion—contemplates 10 years at least before utility. It is an interdependent plan, ineffective until completed. The lowest spillways might be completed in one or two years for New Orleans' protection. The reservoir suggestion contemplates a large number of independent works, each one having its immediate effect. All reservoirs in the Arkansas and Red Basins could be completed in one year, except four, and they could be completed in two years. They would offer New Orleans and the South greater protection, in quicker time, and at less cost than spillways to take care of the Arkansas and Red River waters after they reach the alluvial valley, as contemplated by the Jones bill.

I can not see that the House committee amendments add anything to the probable or possible cost of the Senate bill.

They do allocate $5,000,000 of the fund to speedy surveys to see whether or not a more economical method may be found to

avoid the great flood ways of 6,047,000 acres, and the great damages thereby incurred, and assumed under the Senate bill.

The Jones bill did all that except to allot $5,000,000 specifically to that purpose. The whole difference, then, is in the use of the $5,000,000.

The House committee added nothing to the cost, burden, or liability; it merely insured the further investigation before the greatest of the burden was assumed and before any liability was incurred.

CERTAIN PUBLIC LANDS IN OKLAHOMA

The next business on the Consent Calendar was the bill (S. 2725) to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all the provisions of section 2455, United States Revised Statutes, as amended, be, and they are hereby, extended to surveyed, unreserved, unappropriated nonmineral public lands in that part of the State of Oklahoma formerly comprised in Oklahoma Territory: *Provided*, That this act shall not apply to any such area where under existing law such lands are now subject to public or private sale: *Provided further*, That the proceeds of all sales hereunder shall be deposited in the Treasury of the United States to the credit of such fund or funds as may be provided by existing law for the disposition of such lands.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment on page 1, line 4: After the word "Statutes," insert in parentheses "(Section 1171, title 43, United States Code.)"

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 1, line 4, after the word "Statutes," insert in parentheses "(Section 1171, title 43, United States Code.)"

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

COMMISSIONED SERVICE IN THE PHILIPPINE CONSTABULARY

The next business on the Consent Calendar was the bill (H. R. 9496) to recognize commissioned service in the Philippine Constabulary in determining rights of officers of the Regular Army.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JAMES. Mr. Speaker, the author of the bill, the gentleman from South Carolina [Mr. MCSWAIN] was called back home by important business. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

CODIFICATION OF THE LAWS OF THE CANAL ZONE

The next business on the Consent Calendar was the bill (H. R. 11475) to revise and codify the laws of the Canal Zone.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, this is simply to provide for the codification of existing law? And it grants no power except to codify the law.

Mr. DENISON. That is true, and also to recommend any changes.

Mr. LAGUARDIA. And then come back to Congress?

Mr. DENISON. Yes; then to come back to Congress.

Mr. THATCHER. Does that include Executive orders?

Mr. DENISON. It includes all the laws.

Mr. BLACK of Texas. We have a revision of all the laws of the United States, and it is now compiled, I think, in a very admirable work. Are not all the laws that apply to the Canal Zone included in that codification?

Mr. DENISON. None of them are included in that.

Mr. BLACK of Texas. Are not those laws for the Canal Zone included in the general revision?

Mr. DENISON. No. The laws of the Canal Zone consist of the old civil code of the Republic of Colombia, and the ordinances passed by the Isthmian Canal Commission during the construction days, which had the power to legislate, and the Executive orders issued from time to time during the construction period, and all acts of Congress.

Mr. BLACK of Texas. I am glad to hear it. It should be done.

Mr. THATCHER. Are not all general laws extended to them?

Mr. DENISON. The Volstead law was made applicable to the Canal Zone. There are only a few general laws like that, such as the antinarcotic law, the prohibition law, and perhaps the retirement law. But with those exceptions none of the laws of the Canal Zone have been included in the general revision.

Mr. LAGUARDIA. There is quite a conflict of opinion going on in the Canal Zone at this time between the courts there and the district attorney as to just what applies. We are not passing upon that question at all?

Mr. DENISON. Oh, no; we are not passing upon that question.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to have all of the laws now in force in the Canal Zone revised and codified, and when such revision and codification has been completed to report the same to Congress for its approval.

SEC. 2. In order to carry out the purpose of this act as early as practicable, the President is authorized to employ such persons skilled in the codification of laws as he may deem necessary and to fix their compensation; he may call upon the judge of the district court of the Canal Zone and the district attorney thereof for such assistance as they can render, and the said judge and district attorney are hereby authorized to render such assistance as they can in the performance of such duties. The President is also further authorized to employ such members of the district bar of the Canal Zone and such clerks, stenographers, and other assistants as he may deem necessary for the proper and early completion of such work and to fix their compensation.

SEC. 3. As soon as a proper code of all the laws now in force in the Canal Zone shall have been prepared, the President is authorized to report the same to Congress with his recommendation; and the President is further authorized to report with such code such changes in the laws now in force in the Canal Zone as he deems necessary or wise for the proper administration of justice therein and the proper maintenance and operation of the Panama Canal.

SEC. 4. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $25,000 to be used by the President for the payment of salaries of persons employed, for necessary travel and other expenses of such employees, going to and from the Canal Zone, and while in the Canal Zone, engaged in the performance of such duties, and for necessary printing, books, stationery, and other expenditures incidental to the performance of such work.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Michigan.

Mr. CRAMTON. On page 2, line 19, before the words "the sum of," insert "not more than."

Mr. DENISON. There is no objection to that amendment.

The Clerk read as follows:

Page 2, line 19, before the words "the sum of," insert "not more than."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DENISON. I see a mistake in printing. I suggest an amendment to insert a comma after the word "printing" on page 2, line 23.

The SPEAKER pro tempore. Without objection, the Clerk will be authorized to make the correction.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

MATERIAL IN WAR AND NAVY DEPARTMENTS

The next business on the Consent Calendar was the bill (H. R. 6049) to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, the bill is rather inartistically drawn, so I know the gentleman from Michigan [Mr. JAMES] did not draw it, but it comes from the War Department.

As the gentleman knows, everything after the enacting clause becomes law, and, therefore, it would be cumbersome to have the striking out and insertions in the law. So I have prepared an amendment which will read:

That an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective departments, approved May 22, 1896, be amended, so that the act when amended shall read.

And then you have the amended section.

Mr. JAMES. And we will have exactly the same language?

Mr. LAGUARDIA. Yes; it would not touch that. Otherwise you have all of these insertions in your permanent law and it makes it very confusing. This is just a perfecting amendment.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective departments, approved May 22, 1896, be amended by inserting the words "posts of the American Legion and other recognized war veteran associations, State museums" after the word "Republic," and by striking out the words "and cannon balls" and inserting in lieu thereof the words "projectiles and other condemned material," so that the act when so amended shall read:

"That the Secretary of War and the Secretary of the Navy are each hereby authorized, in their discretion, to loan or give to soldiers' monument associations, posts of the American Legion, and other recognized war veteran associations, State museums, and municipal corporations condemned ordnance, guns, projectiles, and other condemned material which may not be needed in the service of either of said departments.

"Such loan or gift shall be made subject to rules and regulations covering the same in each department, and the Government shall be at no expense in connection with any such loan or gift."

With the following committee amendment:

On page 2, in line 1, after the word "Republic," insert the words "or obsolete" after the word "condemned."

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the committee amendments be not read at this time, because my amendment removes all of that, and I ask unanimous consent that the Clerk, after the adoption of my amendment, read the committee amendments after line 6.

The SPEAKER pro tempore. As the Chair understands, the gentleman's request is not to adopt the committee amendments?

Mr. LAGUARDIA. Not at this time.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 1, in line 6, after the figures "1896," insert "(C. 231, 29 Stat. 133; sec. 546, title 34, United States Code; sec. 67, title 50, United States Code.)"

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I offer another amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 1, in line 6, after the word "be," insert a comma and the following "and is hereby," and after the word "amended," strike out the balance of line 6 and all of lines 7 and 8, and on page 2 strike out all of lines 1, 2, and 3, and all of line 4, up to the word "so," and in line 5 strike out the word "so."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

On page 2, in line 8, after the word "associations," insert "posts of the Grand Army of the Republic."

In line 11, after the word "condemned," insert the words "or obsolete."

In line 12, after the word "condemned," insert the words "or obsolete."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PANAMA RAILROAD CO.

The next business on the Consent Calendar was the bill (H. R. 11245) to cancel certain notes of the Panama Railroad Co. held by the Treasurer of the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, as I understand, all of the capital stock of the Panama Railroad Co. is owned by the United States?

Mr. DENISON. That is correct.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Treasurer of the United States is authorized and directed to cancel and surrender to the Panama Railroad Co. the notes given by such company to the United States prior to March 4, 1911, with respect to which payment of interest and principal was discontinued by section 2 of the act approved March 4, 1911 (U. S. Code, title 48, sec. 1333).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FEDERAL RECLAMATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 9956) to provide for aided and directed settlement on Federal reclamation projects.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

Mr. WINTER. Will the gentleman reserve his objection?

Mr. BLACK of Texas. I will reserve it.

Mr. WINTER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

Mr. BLACK of Texas. I shall not disagree to that if the gentleman would prefer that it be passed in that way.

Mr. WINTER. There is a good reason for it, as I think I can satisfy the gentleman.

Mr. BLACK of Texas. I will not object to the gentleman's request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

MEMORIAL HIGHWAY

The next business on the Consent Calendar was the bill (H. R. 4625) to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington.

The Clark read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, and I expect to object, this, in the guise of paying honor to Washington, commits the Government to an expenditure of $4,500,000 for the construction of a monumental highway of an indefinite width. Some talk of 200 feet, boulevarded, and all that sort of thing. It requires the Federal Government to buy the land on which to build this monumental highway, and it leaves the perpetual maintenance of it with the Federal Government. There is no provision for contribution by the real-estate promoters of the adjacent lands who will have fortunes made by it. There is no provision for contribution by the State of Virginia, that will benefit greatly by this highway.

I think I am as ready to pay honor to the memory of Washington as anyone. I think we can honor his memory better by using this money in building some roads connecting up important highways in the West where we own the land, Indian reservations and public lands generally, rather than expend it on this uncertain project.

Mr. LAGUARDIA. Otherwise, the bill is all right.

Mr. CRAMTON. Yes; I am in favor of it otherwise.

Mr. MOORE of Virginia. Mr. Speaker, as the gentleman has announced his purpose to object, I think it would be unprofitable to discuss the merits of the bill now.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. MOORE of Virginia. In just one moment. I hope on a future occasion we may be given that opportunity.

An identical bill has unanimously passed the Senate. This bill has been unanimously reported by the House committee, and I assume from what we know it has the approval of the President and of the Director of the Budget. But all of that aside, if my friend from Michigan——

Mr. CRAMTON. The Director of the Budget, I may say, is understood to be rather uncertain about any increase in appropriations for building roads any other place in the country.

Mr. MOORE of Virginia. I am able to tell my friend that I speak with information when I say that the Director of the Budget has indicated his approval of this bill.

Mr. CRAMTON. Was that conditioned on preservation of the automobile tax?

Mr. MOORE of Virginia. No——

Mr. CRAMTON. Or was it without regard to whether that tax is retained or not?

Mr. MOORE of Virginia. No——

Mr. CRAMTON. And was the gentleman pressed to know how the gentleman from Virginia voted on the automobile tax?

Mr. MOORE of Virginia. It is not at all relevant how I voted on that matter.

Mr. CRAMTON. It is deemed so, generally.

Mr. MOORE of Virginia. I may have voted with or not with the gentleman, but I wish to tell the gentleman so far as I am advised there can not be any misunderstanding as to the attitude of the Director of the Budget, and unless I misunderstand the statement of the President in his last annual message there is equally no ground for misapprehension as to his attitude; but I do not want to take the time of the House as we are now running on with the Consent Calendar, and if the distinguished gentleman from Michigan intends to adhere to his objection I say again I do not see that anything is to be gained by a discussion at this time of the merits of the bill.

Mr. CRAMTON. Possibly, the gentleman from Virginia, when the matter comes up again, may be able to give us some assurance as to the cooperation of his State in the construction of this road, which means so much of benefit to his State.

Mr. MOORE of Virginia. I may say to the gentleman I hope we will be able to meet his objection in a very satisfactory way when we come to a discussion of the measure.

I now yield to my friend from New York.

Mr. LAGUARDIA. We created a commission known as the Two Hundredth Anniversary of the Birth of George Washington to plan a proper celebration of that anniversary. Surely, the gentleman does not want to put that commission in the road-building business.

Mr. MOORE of Virginia. Yes.

Mr. LAGUARDIA. The gentleman would?

Mr. MOORE of Virginia (continuing). And when the time comes I will explain fully to the gentleman from New York why it was considered expedient and wise to do that in so far as the bill does it. As I have said, however, there is nothing at all to be accomplished by occupying the time of the House now in going into any detailed discussion of the bill.

Mr. CRAMTON. If the gentleman will yield, the RECORD will show when that commission was created and the legislation was adopted in this House, assurance was given that no such great expenditure was contemplated.

Mr. MOORE of Virginia. The gentleman can not point to anything in the RECORD, as I recall, that will support the observation which he has just made.

Mr. CRAMTON. I recall having made the inquiry and being assured by those in charge of the bill that no great expenditure was contemplated.

Mr. MOORE of Virginia. Well, I did not give any such assurance.

Mr. CRAMTON. Certainly not.

Mr. MOORE of Virginia. And when the gentleman looks at the RECORD he will find that there was no assurance to that effect upon which anybody was entitled to rely, in my judgment.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, the gentleman from Virginia has asked that the bill be passed over without prejudice.

Mr. MOORE of Virginia. Yes; I would like to have that done if it is agreeable.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice.

There was no objection.

GEN. ANTHONY WAYNE MEMORIAL

The next business on the Consent Calendar was the joint resolution (H. J. Res. 180) providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the industry of the Committee on the Library in building monuments all over the United States is on the increase. In this instance it seems there is being established a new policy. Possibly the gentleman from Massachusetts [Mr. LUCE] can point to precedents, but this is a case where they want a museum out in Defiance, Ohio, and want us to contribute $25,000 from the Federal Treasury toward its erection. This may be desirable, but I know of so many places where it seems to me more urgent needs exist that I am fearful of starting a policy of contributing to museums all over the United States.

Mr. LUCE. Mr. Speaker, I have no personal concern with this proposal, of course; but it chances that the gentleman who introduced the bill and who has it very much at heart has been obliged to leave the sittings of the House by reason of illness. My regard for him strengthens my wish to carry out my assurance to him that if the matter came up in his absence I would do what I could to secure consideration. This, of course, is no reason why the bill should not stand on its own merits, but merely warrants me in asking consideration for the bill.

Mr. CRAMTON. Would the gentleman like to have it passed over without prejudice?

Mr. LUCE. It is doubtful how soon our friend is going to be able to be back, and perhaps I might as well answer the gentleman's question at once.

As for precedent, I am informed that the Battle of Tippecanoe has been marked or commemorated in somewhat the same way by a joint contribution of the Nation and the State.

Like my friend the gentleman from Michigan [Mr. CRAMTON], I, too, have observed the increasing desire on the part of Members of the House to erect these various commemorative structures or markers or edifices, or whatever they may be.

Nearly four years ago we began commemorating the one hundred and fiftieth anniversaries of the Revolutionary War. We have been following that war through New England and the Middle States, and we are now down in the South. This Fort Defiance episode comes somewhat later, to be sure, but it is a part and parcel of what is apparently the growing desire—and I am not sure that it is not a commendable desire—to pay more attention to the sites of happenings that have shaped the country's history.

I think this demand is no doubt also in part due to the remarkable growth of automobile touring that is now taking large numbers of our people here and there throughout the country, leading to a desire on the part of localities to bring to the attention of tourists reasons why this or that particular spot should be noticed. My own feeling has been that within reasonable limits we might take account of these things.

But I have personally come to the conclusion—I will say this for the benefit of the whole House—that it might be a wise thing for us to establish a practice—not an ironclad rule, because occasions to deviate might arise—but we might start from now on with the theory that we will commemorate only happenings of national importance, and that the cost of the commemoration shall be shared between the Nation and the locality. With that safeguard I am inclined to think that the appropriation can be kept within reasonable bounds.

Mr. CRAMTON. I have noticed the increase as reflected by the bills on the calendar, but I am not able to attribute it to any increase in the patriotic spirit or desire to honor the heroes of the past. I think it just comes from the fact that Members of Congress sit here and see a bill go through for the distinguished gentleman from Ohio or for the gentleman from Michigan or Massachusetts, and they say, "Well, if the Federal Government will spend $7,500 for a marker or contribute $25,000 for a museum for Defiance, why should not I have one in Port Huron," and so forth. That is why I am worrying about the great number that are coming out from the gentleman's committee. The benefit the gentleman refers to as an inducement to automobile tourists is local. I would have some faith in the increase of devotion to the past if communities were paying the cost of it out of their own money, but when it requires money from the Federal Treasury I am not so sure about it.

On the calendar we have proposals to give them markers for fights between the Indians and between the Indians and the whites and for all sorts of occasions. We have markers for

small engagements of the Revolutionary War. If we put markers for all those places where we have had any clash of arms in this country the gentleman's committee will need a separate calendar.

Mr. LUCE. In my own region this has practically all been attended to by the activities of patriotic societies.

Mr. CRAMTON. That is a very fine way for it to be taken care of.

Mr. LUCE. While I agree with the gentleman, yet there are many parts of the country where the episodes to be commemorated took place at some distance from what are now the centers of population. That is not true here, but in this particular case the gentleman will note that we are asked to contribute $25,000, provided the State spends $50,000 and the county $25,000. I am inclined to think that this method of putting up, at any rate, a low bar may lessen the duties of the Library Committee, a result over which no tears would be shed.

Mr. CRAMTON. I hope so. I think the gentleman will appreciate that in our work on the Appropriations Committee it is not always because the item is undesirable that it is objected to, but because there are other things more urgent. I know of so many places where $25,000 would do such a lot of good—in providing a dormitory for an Indian school or a hospital that has been postponed—I do not believe we ought to take this up.

Mr. LAGUARDIA. Will the gentleman yield? What the gentleman says is absolutely correct. Immediately after the World War we had an epidemic of memorials. I remember I was in the city hall in New York City, and every time they wanted to open up a street that was not necessary or make an appropriation that they could not justify they would stick a memorial patriotic name to it and seek an appropriation on that ground. I believe in these appropriations we must consider the merits. A few moments ago we had a memorial road; that should be considered as a road problem and nothing else. Then if it comes within the requirements of the road policy it is time enough to give it a memorial aspect. But to consider these questions in the light of memorials I think is overdone.

Mr. CRAMTON. I have a high regard for the gentleman from Ohio, as I have for the gentleman from Massachusetts, but I feel that in this work that I am doing I can not be governed by personal considerations.

The SPEAKER pro tempore. Objection is heard, and the Clerk will report the next bill.

MEMORIAL TO PETER MUHLENBERG

The next business on the Consent Calendar was House joint resolution (H. J. Res. 239) authorizing the erection in the District of Columbia of a monument in memory of Peter Muhlenberg.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I ask the gentleman from Massachusetts [Mr. LUCE] the necessity for having the plans and specifications and the design approved both by the Commission of Fine Arts and the Committee on the Library?

Mr. LUCE. Mr. Speaker, that provision seems to result in benefit and never, I think, does any harm. It gives different viewpoints in the matter.

Mr. LAGUARDIA. Does the Library Committee meet in conference with the Fine Arts Commission?

Mr. LUCE. Whenever these requirements are in bills we look at the things together.

Mr. LAGUARDIA. They actually get together?

Mr. LUCE. Oh, yes.

Mr. LAGUARDIA. And the recommendation of the Commission of Fine Arts, I suppose, on architectural design is listened to by the committee?

Mr. LUCE. Their recommendation is exceedingly persuasive, I assure the gentleman.

Mr. LAGUARDIA. But the committee may not be so fortunate as always to have the cultured gentleman from Massachusetts as its chairman, and there might be a great deal of conflict in the end.

Mr. LUCE. That bridge may be crossed later.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Peter Muhlenberg Memorial Association is authorized to erect, without expense to the United States, a monument in memory of Peter Muhlenberg, eminent statesman, clergyman, and soldier, as a gift to the people of the United States, in the public park lying between Ellicott Street, Connecticut Avenue, and Thirty-sixth Street NW., in the District of Columbia. Such monument shall not be erected until the plans and specifications therefor have been submitted to and approved by the Joint Committee on the Library and the Commission of Fine Arts. Such monument shall be erected under the supervision of the Director of Public Buildings and Public Parks of the National Capital.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent that I may be permitted to extend my remarks in the RECORD on this bill, and in that connection, if I may be allowed a moment, let me say that I make the request because while General Muhlenberg was mainly identified in his public career, his military career, and his career as a statesman with the State of Pennsylvania, where he was born in the little village of Trappe, I think in the district of my friend Mr. WATSON, who sits across from me, he is buried in that same village next to the Lutheran Church where he was baptized, nevertheless he was identified in a very conspicuous way with the history of my own State. Therefore I wish to incorporate in the RECORD a brief statement pertaining to his life.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, in supporting this resolution I have been asked to make some, even though very brief, reference to the career of the remarkable man whom it is designed to honor by erecting a monument here in Washington in commemoration of his services to the country. Already Pennsylvania has placed his statue in the Hall of the Capitol where a State is privileged thus to honor two of its citizens.

It is now nearly 182 years since Peter Muhlenberg, who was named by his parents John Peter Gabriel Muhlenberg, was born in the village of Trappe, Montgomery County, Pa., and nearly 121 years since he passed away in his native State. The period of 61 years from October 16, 1746, to October 1, 1807, over which his life stretched, was marked by the great events of war and peace which led to the foundation of our Government, and the subsequent events which stabilized the new system and insured the future of our institutions.

Muhlenberg was the son of the pioneer and founder of the Lutheran Church in America, who, emigrating from Germany, settled in Pennsylvania. The son received part of his education in Germany and after his return was ordained a minister of the Evangelical Lutheran Church. At that time, many Germans or people of German extraction were moving from Pennsylvania into the fertile and picturesque valley of Virginia, west of the Blue Ridge Mountains. They were Lutherans, and some of them formed a congregation at Woodstock, the county seat of the beautiful county of Shenandoah, originally the county of Dunmore. At the request of this congregation, young Peter Muhlenberg was assigned as their minister. But for the purpose of meeting the requirements of the laws of the Virginia colony—the laws pertaining to the established church—it was necessary for him to receive episcopal ordination, and so he went to England, where he was ordained by the Lord Biship of London, and, coming back, took up his work at Woodstock in the fall of 1772.

When he assumed his ministerial duties the tide of resentment against the mother country was rising, and from the beginning of his residence in Virginia he was closely identified with the patriotic element and extremely influential in spreading the opinions which had been openly proclaimed with vehement eloquence by Patrick Henry in 1775 in bringing about the passage by the Virginia House of Burgesses of the resolutions denouncing the stamp tax. In 1774 he followed the example of Washington in his attitude toward the oppression to which Boston was then being subjected. In May of that year Washington had presided at the popular meeting in Fairfax County which denounced the action of the British at Boston, and in June Muhlenberg was the controlling spirit at a similar meeting at Woodstock which adopted resolutions offered by him as chairman of a committee not as lengthy but quite as emphatic as the "Fairfax resolves."

He was very intimate with Washington then, and afterwards, as an officer in the Revolution, and enjoyed his abiding friendship and confidence. There is a story that Washington, who was much Muhlenberg's senior, frequently hunted with him among the mountains bordering the valley, and though skilled in the use of the rifle, admitted that he was no match for the young minister.

Being a man of unquestioned character, ability, and energy, and of most attractive personality, the people of his county, strongly drawn to Muhlenberg, elected him a member of the

Virginia House of Burgesses in 1774 and a member of the Virginia convention, which at its meeting in Richmond in 1775 was so stirred by the memorable address of Henry, in which he declared war to be inevitable, as to abandon any hope of a peaceful settlement of the pending controversies and make preparation for armed conflict. Closely associated in the house of burgesses and the convention, Henry and Muhlenberg were bound together by ties which were not weakened in all the trying years that followed.

By the prompt activities in which he engaged following the convention Muhlenberg practically expressed the sentiment of the ringing words with which Henry closed the Richmond address: "Give me liberty or give me death."

Upon the adjournment of the convention he exerted himself to organize regiments for the new army, and when the legislature elected Henry colonel of the First Virginia Regiment it elected Muhlenberg colonel of the Eighth Regiment, although he was without military training or experience.

And then occurred, in 1775, one of the most striking incidents of his life. After being appointed colonel he caused an announcement to be made to the people of the various Lutheran churches under his charge that on the next Sunday he would preach his farewell sermon. That day the church at Woodstock, which is still standing, was crowded by those eager to hear him. At the close of the sermon he pronounced the benediction, and, divesting himself of his clerical gown, displayed the uniform of a colonel in the Virginia army. Facing the people, he said:

> There is a time for all things—a time to preach and a time to pray, but there is also a time to fight, and that time has now come.

He then read his commission and ordered the drums to beat for recruits, and about 300 of the congregation at once responded. In answer to a remonstrance from some one that he had left the church for the army, he said:

> I am a clergyman, it is true, but I am also a member of society as well as the poorest layman, and my liberty is as dear to me as to any man. Shall I, then, sit still and enjoy myself at home when the best blood of the continent is being spilled? Do you think if America were conquered I would be safe? Far from it! And would you not sooner fight like a man than die like a dog?

From that time on until the surrender at Yorktown, Muhlenberg, quickly learning the art of war, rendered service of such great value that he is now classed as one of the most effective soldiers the country has produced. He led his regiment in some of the early encounters in lower Virginia and in South Carolina, where he was present at the Battle of Sullivans Island and highly commended, along with Colonel Moultrie, by General Lee. Soon promoted to brigadier general, he marched to the north, which had become the principal scene of action and where the tide of the struggle perilously ebbed and flowed. He led his brigade, which consisted of the First, Fifth, Ninth, and Fifteenth Regiments of the Virginia line, in the Battles of Brandywine, Germantown, Monmouth, and other engagements, and won universal reputation as a courageous and skillful officer in command of a force which he had brought to a high standard of discipline and valor. With his men he endured the privations and sufferings of the dreadful winter at Valley Forge, where his fortitude was a sustaining influence. After almost continuous fighting in the north, on the recommendation of Washington he was assigned by the Continental Congress to take full command in Virginia, which was being seriously threatened by the enemy, and there he was in close contact and cooperation with Lafayette.

Muhlenberg had a most conspicuous part in the Battle of Yorktown. As to this, let me quote the comment of a soldier whose capacity and experience entitle him to be heard:

> It has been generally stated and believed—
>
> Said the late Gen. Marcus J. Wright—
>
> that the American light infantry corps which stormed and captured the redoubt on the left of the British works, was commanded by Col. Alexander Hamilton. A careful study of the question has satisfied me of the incorrectness of this view. Colonel Hamilton up to a short time before the siege of Yorktown was an aide-de-camp on the staff of General Washington, but, having received what he deemed an unmerited rebuke from the commander in chief, he resigned that position and joined General Lafayette, who assigned him to the command of a regiment in General Muhlenberg's brigade.
>
> The date of his commission made him the senior colonel. To this brigade, and that of Hazen, was assigned the duty of attacking the redoubt, the whole being under the command of General Muhlenberg. The light infantry brigade was composed of the regiments of Hamilton, Gimat, Barber, and Vose. * * * Almost at the moment of the attack, thinking the advance not sufficiently strong, General Muhlenberg dispatched Colonel Barber's regiment to its aid, which arrived at the instant the advance forces were getting over the works, and executed its order with great gallantry. It is not intended by this statement, which is fully sustained by official history, to detract in the least from the laurels of the gallant and able Hamilton, who undoubtedly advanced in immediate command of the storming party of two regiments and captured the redoubt, but simply to correct a popular error as to the part performed as commander of the brigade by General Muhlenberg.

Not long after the victory at Yorktown Muhlenberg was commissioned major general. When the Army disbanded he went to his home in Woodstock, but soon, in 1784, removed to Philadelphia, and in the succeeding year was elected vice president of the State of Pennsylvania, Benjamin Franklin being president. In the office of vice president, which he held until 1788, he frequently discharged the duties of president during the absence of Franklin.

He strongly supported the Federal Constitution, and assisted in its ratification, and that being accomplished, was elected from his district to the First, Second, Third, and Sixth Congresses, and in 1801 was elected as a Jeffersonian to the United States Senate, but resigned in less than a month to accept from President Jefferson an appointment to the office of supervisor of revenue of the district of Pennsylvania, and at his death he was filling the office of collector of the port of Philadelphia, to which he had also been appointed by Jefferson.

The Muhlenbergs were strong men and were sought for responsible public service. When Peter Muhlenberg was elected to the First Congress his brother F. A. Muhlenberg, was elected from another Pennsylvania district and became the first Speaker of the House, a position which he also filled in the Third Congress, and he is the only Member of the House, except Henry Clay, having the distinction of being elected to the speakership during his first term.

Peter Muhlenberg is buried by the side of his father near the church in the village of Trappe where he was baptized, and this is the inscription over his grave:

> Sacred to the memory of Gen. Peter Muhlenberg. Born October 16, 1746. Died October 1, 1807. He was brave in the field, faithful in the Cabinet, honorable in all his transactions, a sincere friend, and an honest man.

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BULWINKLE. Mr. Speaker, H. J. Res. 239, the resolution now under consideration before the House, provides that the Peter Muhlenberg Memorial Association, of Washington, D. C., shall erect, without cost to the United States Government, a monument to the memory of Gen. Peter Muhlenberg, of Revolutionary fame, on that public park in the city of Washington, D. C., lying between Ellicott Street, Connecticut Avenue, and Thirty-sixth Street NW., under the approval of the Joint Committee on the Library and the Fine Arts Commission.

America, in its history, has produced many great men, and among these there is none greater than the fighting parson of the Revolution, who was a Lutheran pastor, who became a major general in the American Army, a Representative in Congress, a United States Senator, and who held other offices of distinction and for over 30 years rendered to the Nation his best service.

The monument to be erected shall be a memorial to the memory of John Peter Gabriel Muhlenberg, who was born on the 1st day of October, 1746, in Trappe, Montgomery County, Pa. His father, the Rev. Henry Muhlenberg, immigrated to America in 1742 and was one of the first to establish the Lutheran Church in America. His mother was Anna Maria Weiser, a daughter of Col. Conrad Weiser, jr., the celebrated Indian agent of colonial days. In 1761 his parents moved to Philadelphia and Peter entered an academy, where he studied for some time under a Doctor Smith. In the early part of 1763 he and his two brothers were sent to school at Halle, Germany, to study for the ministry. Peter had not attended the school very long before he left on account of the fact that one of his teachers had insulted him and he had knocked him down. Peter did not wait long enough to be expelled, but ran away from the university and enlisted in a German regiment that was then quartered in the town of Halle. How long he remained as a soldier in the German Army is not known, but history states that he was discharged from the service through the efforts of a British officer who knew his father in Philadelphia. After being discharged from the German Army he engaged for a short time in the mercantile business and from that he returned to America, studied theology, and in 1768 was ordained a minister in the Lutheran Church.

He was first an assistant pastor of Zion and St. Paul Lutheran Churches in New Germantown and Bedminster in

Hunterdon and Somerset Counties, N. J. The year following he became the pastor of both of these churches. On November 6, 1770, he married Anna Barbara Meyer, of Philadelphia. Two years passed and then he received a call to the pastorate of the Lutheran Church at Woodstock, Va. Under the law at that time in churches of the Virginia colony, no one save an ordained minister in the Church of England could preach in the colony, and in order, therefore, to accept the call, he went to England and was ordained a minister in the Episcopal Church at the Royal Chapel of St. James on the 23d of April, 1772, the Bishop of London officiating at the ordination services. A month later he left London and arrived in Philadelphia during the month of July. Then he returned to the valley of Virginia and entered upon his duties as pastor of the Lutheran Church at Woodstock. He soon became very popular, not only with members of his own congregation but with others as well.

The history of the time shows that Peter Muhlenberg was a friend of Washington, Jefferson, Patrick Henry, Richard Henry Lee, and acquainted with other famous Virginians of that period. In those troublesome days Pastor Muhlenberg of the Lutheran Church at Woodstock was active always in behalf of the patriots in the trouble then brewing with the mother country. In 1774 he was made chairman of the committee of safety in Dunmore County and some time thereafter was appointed a member of the Virginia House of Burgesses. As a member of the convention in Virginia in March, 1775, he gave full support to Patrick Henry and the other patriots. And when Mr. Henry, after his famous speech of "Give me liberty or give me death," moved that the colony be immediately put in a state of defense, Muhlenberg seconded the motion.

In December, 1775, a resolution was passed by the Virginia House of Delegates providing for six new regiments to defend the State. George Washington and Patrick Henry both urged that the Lutheran pastor from Woodstock be commissioned the colonel of one of the regiments. A short time thereafter Muhlenberg was commissioned the colonel of the Eighth Virginia Regiment, which subsequently became the famous German regiment of the Revolution. He immediately returned to his home to recruit and organize the regiment. A few days later the word was broadcasted through the Shenandoah Valley that Pastor Muhlenberg would speak for the last time to his congregation on the following Sunday. The last Sunday in January, 1775, came and the little log church at Woodstock was overcrowded with people from the surrounding country who had come to hear the farewell sermon of their beloved pastor. The young minister came in, ascended the pulpit, and in very plain and simple language told how the colonists were being wronged and mistreated by the mother country. He told of their sufferings and explained to them why he considered it his duty to fight for the colonists and against the English Government. Then came an incident unparalleled in the history of America, or in the history of any other country. There was not a stir in the church; all were intent upon listening to what the pastor had to say. Then suddenly he said:

In the language of Holy Writ there is a time for all things, a time to preach and a time to pray; but there is also a time to fight, and that time has now come.

When these words were uttered by him he threw off his robe and stood before his congregation in the uniform of a Virginia colonel. Pronouncing the benediction, he descended from the pulpit and ordered the drums to beat at the church door for recruits. Three hundred men enlisted that day in his regiment.

For seven years Muhlenberg served as an officer in the American forces, rising in rank from that of colonel to brigadier general, and subsequently to major general. He and the troops under his command were in the campaigns and fought numerous battles in New Jersey, Pennsylvania, Virginia, and South Carolina. The military experience which he received in Germany caused him to be selected by Baron Von Steuben to aid in the creation of a disciplined and organized American Army. After a battle on April 25, 1781, Baron Von Steuben wrote to the Continental Congress commending the valor and the courage of General Muhlenberg. In the last fight at Yorktown the Virginia Brigade was commanded by Muhlenberg. Washington, Lafayette, Von Steuben, and other military men of the Revolutionary War recognized the ability of General Muhlenberg as a soldier and repeatedly commended him for his services to the Colonies. Thus for seven years the pastor from Woodstock gave his best service in time of war to the Colonies and helped to lay the ground plan for the American Nation.

General Muhlenberg, though he received a call from his old congregation at Woodstock to become its pastor again, did not accept. And during the winter of 1783 he removed to Philadelphia and lived with his father. He was elected to the Legislature of the State of Pennsylvania and became vice president of the common council of which Franklin was the president. He held this office for two years and then he and his brother, Frederick Muhlenberg, both being members of the Constitutional Convention in Pennsylvania, used their full influence for the adoption of the Constitution of the United States. And it was to a great extent through the influence of these two brothers that Pennsylvania ratified the Federal Constitution.

In 1798, after the adoption of the Constitution, he and his brother, Frederick, were both elected Members of the First Congress from Pennsylvania. Frederick Muhlenberg was elected in the First Congress by the House the first Speaker of the House of Representatives. In 1793 and 1795 Peter was again elected a Representative in Congress, and in 1799 was reelected to the House. In 1801 he was elected United States Senator from Pennsylvania but resigned in 1802. In 1802 President Jefferson appointed him collector of the port of Philadelphia and he served in this capacity until October 1, 1807, when he died. His death was on the sixty-first anniversary of his birth, and his remains were conveyed to Trappe and interred in the Lutheran burying ground by the side of the grave of his father.

This, in short, Mr. Speaker, is an account of the life of one of America's great men. Though his services as a soldier in time of war were great, yet his services in civil life preceding the war and as an official of the Federal Government after the war were equally as great. And in my opinion, sir, the appreciation of Congress should be given to the Peter Muhlenberg Memorial Association for the idea of erecting here, in the Capital of the Nation, a fitting monument to serve as a memorial to one of the men who helped to found this Republic.

MEMORIAL STATUE OF CARDINAL GIBBONS

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 72) to grant permission for the erection of a memorial statue of Cardinal Gibbons.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and is hereby, authorized and directed to grant permission to the Knights of Columbus, through Martin H. Carmody, the supreme knight of the Knights of Columbus, or his successors in office, for the erection, as a gift to the people of the United States, on public grounds, known as Reservation 309–G, west of square 2675, which said reservation is bounded on the north by Park Road, on the east by Pine Street, and on the west by Sixteenth Street, and immediately in front of Sacred Heart Church, in Washington, D. C., a memorial statue of the late James Cardinal Gibbons: *Provided*, That the design for the statue shall be approved by the Commission of Fine Arts: *And provided further*, That such statue shall be erected under the supervision of the Chief of Engineers, and that the United States shall be put to no expense in or by the erection of said statue.

With the following committee amendments:

Page 1, line 3, strike out "Chief of Engineers, United States Army," and insert "Director of Public Buildings and Public Parks of the National Capital."

Page 2, line 7, strike out "Chief of Engineers" and insert "Director of Public Buildings and Public Parks of the National Capital."

The committee amendments were agreed to, and the Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the Senate joint resolution was passed was laid on the table.

ASSIGNMENT OF NAVAL OFFICERS TO AIRSHIP DUTY

The next business on the Consent Calendar was the bill (H. R. 5465) to amend section 1571 of the Revised Statutes to permit officers of the Navy to count duty on airships as sea duty.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the purpose of this bill is to give to officers of the Navy assigned to airships the same credit as though they were assigned to sea duty. The report is very clear as to the intent and purpose of the bill, but the bill is not quite as clear. The bill would permit a naval officer assigned to a hangar at Lakehurst or an officer doing paper work to remain on land and get the benefit of sea-duty credit. I intend to propose an amendment to provide that they must be on duty requiring them to participate frequently and regularly in aerial flights. That language is taken from

the law assigning officers in the Navy to air duty. With that amendment I shall not object, otherwise I would have to object.

Mr. VINSON of Georgia. Mr. Speaker, would the gentleman please state how the bill would read with his amendment agreed to?

Mr. LAGUARDIA. With my amendment the bill would read:

That when officers are assigned to airships on duty requiring them to participate regularly and frequently in aerial flights, the Secretary of the Navy shall determine—

And so forth.

Mr. VINSON of Georgia. I have no objection to that.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1571, Revised Statutes, is hereby amended by changing the period at the end of said section to a colon and by adding thereto the following: "*Provided*, That when officers are assigned to airships the Secretary of the Navy shall determine and certify whether or not, in his judgment, the service to be performed is equivalent to sea duty. If such service is thus determined to be equivalent to sea duty, it shall be considered to be actual sea service on seagoing ships for all purposes."

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 1, line 6, after the word "airships," insert "on duty requiring them to participate regularly and frequently in aerial flights."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE DELAWARE RIVER

The next business on the Consent Calendar was the bill (H. R. 350) to extend the time for completing the construction of a bridge across the Delaware River.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, I notice in the committee report that this bridge was originally authorized in 1912. What are the reasons why the bridge is not completed at the present time? Are we merely granting this extension to protect their rights and prevent a competing bridge from being constructed?

Mr. WATSON. No. This is a railroad bridge belonging to the Pennsylvania Railroad Co. Construction was begun in 1912. The World War, however, and the financial condition of the country prevented the company completing the bridge and the proposed extension across New Jersey; $1,250,000 has been expended on the project. Within a few years the railroad company built an extension from Downingtown, Pa., to Trenton for freight only from the West. Traffic became so congested that the corporation was obliged to look to the future by constructing a new road from Trenton to the New Jersey terminals. A bill was passed some years ago making an appropriation to deepen the channel in the Delaware River from Philadelphia to Trenton, which necessitated a change in the piers. The War Department authorized and approved the plan as set forth in the bill.

Mr. SCHAFER. Will the railroad build this bridge within the time limit fixed by the bill under consideration?

Mr. WATSON. I am so informed.

Mr. SCHAFER. I hope it will be built within that time limit. If it is not, I shall object to another extension if I am a member of this body when legislation providing for further extension is presented.

Mr. WATSON. I doubt if the gentleman will be called upon to make further objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the time for completing the construction of the bridge authorized by act of Congress approved August 24, 1912, to be built by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. across the Delaware River near the city of Trenton, N. J., which has heretofore been extended by Congress to August 24, 1928, is hereby extended for a further period of three years from the last-named date.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendments as follows:

On page 1, line 10, after the word "date," insert the following: "*Provided*, That it shall not be lawful to complete or commence the completion of said bridge until plans thereof shall again be submitted to and approved by the Chief of Engineers and by the Secretary of War."

Amend the title so as to read: "A bill to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

NEW JUDICIAL DISTRICT IN THE STATE OF INDIANA

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the action taken by the House to-day on the bill S. 2752 may be vacated.

The SPEAKER pro tempore. What number is the bill on the calendar?

Mr. LAGUARDIA. Number 537. The reason, Mr. Speaker, is that the House approved an amendment correcting a word under the misapprehension that the word was incorrectly spelled in the Senate bill. As a matter of fact the word is correctly spelled "Warrick," not "Warwick." If the House vacates the proceedings taken, we can then pass the Senate bill as it is.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the Senate bill 2752 may be considered by the House and passed unamended.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 80 of the Judicial Code, as amended, is amended to read as follows:

SEC. 80. The State of Indiana shall constitute two judicial districts, to be known as the northern and southern districts of Indiana.

"A. For the purpose of holding terms of court the southern district of Indiana shall be divided into four divisions, constituted as follows: The Indianapolis division, which shall include the territory embraced within the counties of Bartholomew, Boone, Brown, Clinton, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Randolph, Rush, Shelby, Tipton, Union, and Wayne; the Terre Haute division, which shall include the territory embraced within the counties of Clay, Greene, Knox, Owen, Parke, Putnam, Sullivan, Vermillion, and Vigo; the Evansville division, which shall include the territory embraced within the counties of Davies, Dubois, Gibson, Martin, Perry, Pike, Posey, Spencer, Vanderburg, and Warrick, and the New Albany division, which shall include the territory embraced within the counties of Clark, Crawford, Dearborn, Floyd, Harrison, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Ripley, Scott, Switzerland, and Washington.

"B. For the purpose of holding terms of court the northern district shall be divided into three divisions, constituted as follows: The Fort Wayne division, which shall include the territory embraced within the counties of Adams, Allen, Blackford, De Kalb, Grant, Huntington, Jay, Lagrange, Noble, Steuben, Wells, and Whitley; the South Bend division, which shall include the territory embraced within the counties of Cass, Elkhart, Fulton, Kosciusko, Laporte, Marshall, Miami, Pulaski, Saint Joseph, Starke, and Wabash; the Hammond division, which shall include the territory embraced within the counties of Benton, Carroll, Jasper, Lake, Newton, Porter, Tippecanoe, Warren, and White.

"2. Except as hereinafter in this section provided, terms of the district court for the southern district shall be held for the Indianapolis division at Indianapolis on the first Mondays of May and November of each year; for the Terre Haute division at Terre Haute on the first Mondays of April and October of each year; for the Evansville division at Evansville on the second Mondays of April and October of each year; for the New Albany division at New Albany on the third Mondays of April and October of each year. The terms of the District Court for the Northern District of Indiana shall be held for the Fort Wayne division at Fort Wayne on the first Mondays of April and December of each year; for the South Bend division at South Bend on the first Mondays of October and February of each year; for the Hammond division at Hammond on the first Mondays of March and November of each year. When the time fixed as above

for the sitting of a court shall fall on a legal holiday, the terms shall begin upon the next day following. Terms of the district court shall not be limited to any particular number of days nor shall it be necessary for any term to adjourn by reason of the intervention of the term of court elsewhere; but the term about to commence in another division may be postponed or adjourned over until the business of the court in session is concluded. A grand jury summoned to attend a term of court held in any division of either of the districts as above provided may investigate and find an indictment, or make a presentment, for any crime or offense committed in the district, whether or not the crime or offense was committed within the division in which the jury is in session.

"3. A. The senior district judge for the district of Indiana in office immediately prior to the passage of this act shall be the district judge for the southern district as constituted by this act; the junior district judge for the district of Indiana immediately prior to the passage of this act shall be the district judge for the northern district as constituted by this act; and the district attorney and marshal for the district of Indiana in office immediately prior to the passage of this act shall be during the remainder of their present terms of office the district attorney and marshal for the southern district as constituted by this act.

"B. The President is authorized and directed to appoint, by and with the advice and consent of the Senate, a district attorney and a marshal for the United States District Court for the Northern District of Indiana.

"4. A. The clerk of the court for the southern district shall maintain an office in charge of himself or a deputy at Indianapolis, Terre Haute, Evansville, and New Albany, and the clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Fort Wayne, South Bend, and Hammond. Such offices shall be kept open at all times for the transaction of the business of the court. Each deputy clerk shall keep in his office full records of all transactions and proceedings of the district court held at that place in which the office is located.

"5. A. The following act is repealed: 'An act to authorize the appointment of an additional district judge in Indiana for the district of Indiana and to establish judicial division lines and for other purposes, being the act approved January 16, 1925.'"

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE MISSOURI RIVER AT RANDOLPH, MO.

The next business on the Consent Calendar was the bill (H. R. 11338), granting the consent of Congress to the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge over the Missouri River at Randolph, Mo.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. DENISON. Mr. Speaker, the bill is rather long. I do not think we ought to take up the time in reading it. There may be some committee amendments. I ask unanimous consent that the bill be considered as read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill reads as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Kansas City Southern Railway Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Randolph, Mo., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The Kansas City Southern Railway Co., its successors and assigns, is authorized to construct, maintain, and operate such bridge and the necessary approaches thereto as a railroad bridge for the passage of railway trains or street cars, or both, or as a highway bridge for the passage of pedestrians, animals, and vehicles, adapted to travel on public highways, or as a combined railroad and highway bridge for all such purposes; and there is hereby conferred upon said Kansas City Southern Railway Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. After the completion of such bridge, as determined by the Secretary of War, if the same is constructed as a highway bridge, only, either the State of Missouri, any political subdivision thereof, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 4. If such bridge shall at any time be taken over or acquired by the State of Missouri or by any municipality or other political subdivision or public agency thereof, under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. If such bridge is constructed as a combined railroad bridge for the passage of railway trains or street cars, and a highway bridge for the passage of pedestrians, animals, and vehicles, then the right of purchase and condemnation conferred by this act shall apply to a right of way thereover for the passage without cost of persons, animals, and vehicles adapted to travel on public highways; and if the right of purchase or condemnation shall be exercised as to such right of way over the bridge, then the measure of damages or compensation to be allowed or paid for such right of way shall be a sum equal to the difference between the actual fair cash value of such bridge determined in accordance with the provisions of section 3 of this act and what its actual fair cash value so determined would have been if such bridge had been constructed as a railroad bridge only. If the right of purchase or condemnation conferred by this act shall be exercised as to the right of way over such bridge, then that part of the bridge which shall be purchased or condemned and shall be thereafter actually used for the passage of pedestrians, animals, or vehicles shall be maintained, operated, and kept in repair by the purchaser thereof.

SEC. 6. The Kansas City Southern Railway Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway department of the State of Missouri a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Missouri shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said Kansas City Southern Railway Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 3 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The Kansas City Southern Railway Co., its successors and assigns, is hereby authorized and empowered to fix and charge just and reasonable tolls for the passage of such bridge of pedestrians, animals, and vehicles adapted to travel on public highways, and the rates so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906; and if said bridge is constructed as a railroad bridge, or a joint railroad and highway bridge, as provided in this act, the said Kansas City Southern Railway Co., its successors and assigns, is hereby authorized to fix by contract with any person or corporation desiring the use of the same for the passage of railway trains, or street cars, or for placing water or gas pipe lines or telephone or telegraph or electric light or power lines, or for any other such purposes, the terms, conditions, and rates of toll for such use; but in the absence of such contract, the terms, conditions, and rates of toll for such use shall be determined by the Secretary of War as provided in said act of March 23, 1906.

SEC. 8. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Kansas City Southern Railway Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendments, as follows:

Page 1, line 5, strike out the word "the" and insert "The." And on page 2, line 1, after the word "near," insert the words "a point approximately southeast of." And on page 2, line 5, after the word "said," insert "The." And on page 6, line 16, after the word "said," insert the word "The." And on page 7, line 8, after the word "said," insert "The," and on line 20, after the word "to," strike out the word "the" and insert "The." Amend the title.

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS LAKE CHAMPLAIN AT OR NEAR EAST ALBURG, VT.

The next business on the Consent Calendar was the bill (H. R. 11692) authorizing the Gulf Coast Properties (Inc.), a Florida corporation, of Jacksonville, county of Duval, State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near East Alburg, Vt.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present conideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, does the gentleman from Vermont know the grantees under this bill?

Mr. BRIGHAM. I have a list of the directors of the company.

Mr. LAGUARDIA. It is their intention to build the bridge?

Mr. BRIGHAM. Yes.

Mr. LAGUARDIA. And it is not their intention to peddle this franchise.

Mr. BRIGHAM. I think not. It is the same company that received a grant some days ago for the construction of another bridge from Rouses Point, N. Y., to Alburg, Vt. This bridge is between Alburg and Swanton. The two bridges, when constructed, will make the route continuous across Lake Champlain from northern Vermont to northern New York.

Mr. LAGUARDIA. I hope the gentleman will pardon my questions. Discussions on recent occasions have made it unpleasant to make such an inquiry. Mr. Speaker, I withdraw my reservation.

Mr. SCHAFER. Mr. Speaker, is there any possibility that the municipality or State government might construct a free bridge there?

Mr. BRIGHAM. Not for many years, I will say to the gentleman from Wisconsin.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and to provide for military and other purposes, the Gulf Coast Properties (Incorporated), a Florida Corporation, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Lake Champlain, at a point suitable to the interests of navigation, at or near East Alburg, Vt., to a point at or near West Swanton, Vt., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Vermont, any public agency or any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Vermont, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The Gulf Coast Properties (Incorporated), its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway department of the State of Vermont, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of the State of Vermont shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Gulf Coast Properties (Incorporated), its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Gulf Coast Properties (Incorporated), its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or persons.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendments, as follows: Page 1, line 5, and on page 4, lines 6 and 22, and on page 5, line 7, strike out "(Incorporated)" and insert "Inc."

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE WACCAMAW RIVER

The next business on the Consent Calendar was the bill (H. R. 11797), granting the consent of Congress to Columbus County, State of North Carolina, to construct, maintain, and operate a free highway bridge across the Waccamaw River at or near Reeves Ferry.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Columbus County, State of North Carolina, to construct, maintain, and operate a free highway bridge and approaches thereto across the Waccamaw River, at a point suitable to the interests of navigation, at or near Reeves Ferry, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

On page 1, line 7, after the word "Ferry," insert the words "Columbus County, N. C."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER

The next business on the Consent Calendar was the bill (H. R. 11887) authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask the distinguished gentleman from Nebraska if he knows the grantee mentioned in this bill?

Mr. MOREHEAD. Very well.

Mr. LAGUARDIA. It is a bona fide bridge company and it intends to build the bridge itself?

Mr. MOREHEAD. Yes.

Mr. LAGUARDIA. On terms satisfactory to the community?

Mr. MOREHEAD. Yes; that is the purpose of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the Interstate Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation at or near Nebraska City, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Interstate Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Interstate Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Nebraska, the State of Iowa, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Interstate Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Departments of the States of Nebraska and Iowa a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Interstate Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Interstate Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 9, after the word "City," insert the word "Nebraska."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE CURRENT RIVER

The next business on the Consent Calendar was the bill (H. R. 11992) granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Biggers, Ark.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge and the approaches thereto across the Current River, at a point suitable to the interests of navigation, at or near Biggers, in the county of Randolph, Ark., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER

The next business on the Consent Calendar was the bill (S. 2449) to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

TRANSFER OF CERTAIN FORFEITED VEHICLES

The next business on the Consent Calendar was the bill (H. R. 12442) to provide for the transfer to the Department of Labor of certain forfeited vehicles.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any vehicle summarily forfeited to the United States for violation of the customs laws, and not taken for use by the Secretary of the Treasury under section 1 of the act entitled "An act relating to the use or disposal of vessels or vehicles forfeited to the United States for violation of the customs laws or the national prohibition act, and for other purposes," approved March 3, 1925, may, upon request of the Secretary of Labor, be transferred by the Secretary of the Treasury to the Department of Labor, in lieu of being sold under existing provisions of law. Upon request of the Secretary of Labor, the Secretary of the Treasury may apply, under section 2 of such act approved March 3, 1925, for delivery to the Secretary of Labor of any vehicle forfeited to the United States as specified in such section and not required by the Treasury Department for use in the enforcement of the customs laws or the national prohibition act; and such vehicle may be ordered by the court to be delivered to the Secretary of Labor, in lieu of being sold under existing provisions of law. Any vehicle transferred or delivered to the Secretary of Labor pursuant to this act shall be used only for official purposes in the enforcement of the immigration laws and Chinese exclusion laws outside of the District of Columbia.

Mr. CRAMTON. Mr. Speaker, I offer an amendment, which I think is within the contemplation of the bill. On page 1, in line 4, after the word "laws," insert the words "including boats or vessels." I am not sure that the word "vehicle" would be held to include them, although in the statute referred to both are treated, both vehicles and vessels, and it is a matter that would be of very great importance to the Immigration Service on the border at any rate.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 1, in line 4, after the word "laws," insert the words "including boats or vessels."

Mr. CHINDBLOM. Mr. Speaker, will the gentleman from Michigan yield?

Mr. CRAMTON. Yes.

Mr. CHINDBLOM. I will state to the gentleman that the Committee on Ways and Means considered that very question and decided not to include those words in the bill. The committee felt the bill should be passed in its present form, and I do not think that so far-reaching an amendment should be now adopted.

Mr. CRAMTON. I will say, Mr. Speaker, that I will not press the amendment if it is deemed to take anyone by surprise and if it is not agreeable to the committee. I am so strongly in favor of the bill as reported that I do not want to do anything which will embarrass it, but I will say this, that I think the committee is absolutely wrong. In the running of aliens across the Detroit and St. Clair Rivers, if a speed boat is captured that is engaged in that illegal traffic it is put up at auction, sold for about $50, and then it goes back into the same traffic. We are spending a large amount of money for boats for special use, and a very high official of the Immigration Service, when I was in consultation with him last fall about some of the problems on the border, said that was one of their difficulties.

He stated they did not have boats with which to give chase to those engaged in violating the law. Now, I do not not know of any logic whatever that justifies making use of a seized automobile that does not justify making use of a speedboat seized while engaged in the same traffic.

I am in favor of the legislation. I am delighted to get even this much. We have delayed a long time getting this far, and I am not going to urge anything that the gentleman feels is not just in accord with what I ought to do.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. CHINDBLOM. Mr. Speaker, the bill was reported by former Chairman Green and, of course, he is no longer a Member. I looked about to see whether some other member of the Ways and Means Committee would give the matter attention. I thought it my duty to call the attention of the committee to the facts.

Mr. CRAMTON. I will simply do this: I will make an appeal to the gentleman from Illinois to accept the amendment, and if the gentleman does not feel that he can do so, under the circumstances I will withdraw it.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. LAGUARDIA. I believe that the procedure as to boats is different from what it is as to automobiles after seizure. I am speaking from memory and I have not looked up the law recently, but it is my impression that when a vessel is seized the procedure before sale comes under the admiralty procedure and that is the reason, perhaps, the committee separated vessels from automobiles. The procedure in respect of automobiles is rather summary. After seizure they are put up for sale.

Mr. CRAMTON. But, Mr. Speaker, what led me to think that what I was suggesting was clearing up a matter of ambiguity is the fact that these vehicles are summarily forfeited under section 1 of an act relating to the use or disposal of vessels or vehicles. The act referred to, under which they are proceeding, treats of both.

Mr. LAGUARDIA. Then the gentleman is right.

Mr. BRIGHAM. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BRIGHAM. This has no effect whatever upon the seizure law. It only affects vehicles that are seized by the Secretary of the Treasury and are in his possession under the law which relates to seizure in the enforcement of the customs and prohibition laws.

Mr. CHINDBLOM. Let me ask this question: Does the Labor Department operate its own boats?

Mr. CRAMTON. Oh, yes; we have the border patrol?

Mr. LAGUARDIA. And we have boats in use in New York.

Mr. CRAMTON. The Immigration Service has its border patrol and has use for boats.

Mr. LAGUARDIA. In New York we have a ferry, we have a launch, and we have a tug.

Mr. CHINDBLOM. I have not risen, Mr. Speaker, for the purpose of arguing the matter upon its merits, particularly. I felt that the attitude of the Committee on Ways and Means should be disclosed, that the committee instructed the chairman to place the bill upon the Consent Calendar in its present form, and the committee was not of the opinion that boats, without any limitation, which might include very large vessels and very large yachts, should be seized and transferred to the Labor Department.

Mr. CRAMTON. It is all hedged about.

Mr. LAGUARDIA. The Labor Department could not handle a boat of the kind the gentleman from Illinois [Mr. CHINDBLOM] refers to.

Mr. CRAMTON. My district, I will say to the gentleman, on the Canadian border has a great problem in the running of aliens as well as some other things, and the Immigration Service over at Marine City has headquarters with something like 40 men; and Commissioner Hull, when I talked with him about some matters in the fall, expressed his difficulties because he did not have boats on the river. This is all hedged about and if the gentleman could accept the amendment I would be very glad; but if the gentleman feels he can not, I would hope if it should be amended in the Senate along this line, the gentleman would have an open mind with reference to it.

Mr. CHINDBLOM. I will say to the gentleman that my mind is perfectly open, but when a bills appears upon the Consent Calendar with the report of a committee as to the action of the committee for its consideration upon that calendar, and a matter is brought up here which was considered by the committee and not adopted by the committee, I do not feel such an amendment should be put on after unanimous consent has been procured.

Mr. CRAMTON. Well, I would be willing to ask unanimous consent for the consideration of the amendment; or, if the gentleman wants, I will withdraw it.

Mr. CHINDBLOM. I think it ought to be withdrawn.

Mr. CRAMTON. Mr. Speaker, I withdraw the amendment.

The SPEAKER pro tempore. Without objection, the amendment is withdrawn.

Mr. SCHAFER. I object to the withdrawing of the amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Michigan.

Mr. SCHAFER. I ask for recognition on the amendment. I agree with the distinguished gentleman from Michigan that this amendment should be adopted. I do not see why there should be any difference between an automobile and a boat confiscated by the Prohibition Unit. I do not like to see the practice continued in the future whereby they confiscate the launches of some of these rum runners and then they are sold in many instances at auction for a mere song right back to the same people.

I believe this is an amendment which should be incorporated in the bill and should be supported by everyone who believes in the enforcement of all the laws of the land.

Just because the committee did not see fit to include boats in the bill is no reason why the membership of the House should be precluded from considering this amendment. I do not think it is the purpose of the Consent Calendar or any other calendar that the recommendations of a committee shall be considered so sacred that a good, clean-cut, clean amendment, such as that offered by the gentleman from Michigan, should not be considered, and I sincerely hope the amendment will be incorporated in the bill.

The question was taken; and on a division (demanded by Mr. SCHAFER) there were—ayes 15, noes 19.

So the amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ASSIGNMENT OF CERTAIN OFFICERS OF THE UNITED STATES NAVY AS FLEET AND SQUADRON ENGINEERS

The next business on the Consent Calendar was the bill (H. R. 5531) to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Reserving the right to object——

Mr. LAGUARDIA. Reserving the right to object, some years ago in order to obtain engineer officers Congress passed a bill——

Mr. HASTINGS. Mr. Speaker, I make the point of order that where a bill requires three objections one Member can not reserve an objection.

Mr. CHINDBLOM. Mr. Speaker, I think there is something to be said about the point of order. Of course the gentleman from Oklahoma may object to the reservation——

Mr. HASTINGS. Mr. Speaker, I call for the regular order.

The SPEAKER pro tempore. The regular order is, Is there objection?

Mr. SCHAFER. I object.

The SPEAKER pro tempore. This bill takes three objections. Are there any other objections? (After a pause.) There being no further objection, the Clerk will report the bill.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with, as I have an amendment striking out all after the enacting clause, carrying out the intent of the committee. The bill as it stands is very clumsily drawn.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. SCHAFER. I object.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act approved August 29, 1916 (39 Stat. L. 580), relating to the assignment to duty of commanders of the Navy as fleet and squadron engineers, are hereby amended by striking out the clause "except that commanders may be assigned to duty as fleet and squadron engineers," appearing in lines 8 and 9 of said Thirty-ninth Statutes at Large, page 580, and by substituting therefor the following: "except that, upon their own request, such officers of the ranks of commander and above may be assigned to sea duty as fleet or squadron engineers or as engineer officers of ships."

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

In line 5, on page 2 of the bill, strike out the period after the word "ships," and add thereto the following: "so that said provision will read as follows: 'Officers of the line of the Navy not below the grade of lieutenant may, upon application, and with the approval of the Secretary of the Navy, be assigned to engineering duty only, and that when so assigned and until they reach the grade of commander they shall perform duty as prescribed in section 4 of the personnel act approved March 3, 1899, and thereafter shore duty only as now prescribed for officers transferred to the line from the former engineer corps, except that, upon their own request, such officers of the ranks of commander and above may be assigned to sea duty as fleet or squadron engineers or as engineer officers of ships: *Provided*, That when so assigned they shall retain their place with respect to other line officers in the grades they now or may hereafter occupy, and also the right to succession to command on shore in accordance with their seniority, and shall be promoted as vacancies occur subject to physical examination and to such examination in engineering as the Secretary of the Navy may prescribe: *Provided further*, That the number of officers so assigned in any one year shall be in accordance with the requirements of the service as determined by the Secretary of the Navy.'"

Mr. SCHAFER. Mr. Speaker, I rise to obtain some information. The gentleman from New York says that the bill is loosely drawn. I want to ask the gentleman from New York just what the effect of the bill as originally drawn is? From the reading of the bill it appears that under existing law the engineer officers can be assigned by the Secretary of the Navy to the squadron and that this bill requires their consent.

Mr. LAGUARDIA. It is just the other way around. The Secretary of the Navy could not assign above a certain rank to sea duty, and the reason was this: Congress passed a law relieving the officers of the Navy who wanted to permanently go into the engineering department from sea duty. The reason was that they wanted to attract the officers so that they could specialize in that branch. Now, we need more of these officers for sea duty, and we can only get them by their consent on account of existing law. The officers coming into the engineer department under the law lose the right to obtain command of ships or a squadron. They gave that up.

Mr. SCHAFER. If House Resolution 5531 was a good bill, as reported out by the committee on the calendar, what was the necessity for the gentleman from New York offering such a long amendment?

Mr. LAGUARDIA. For the simple reason that everything after the enacting clause becomes a law. If the gentleman will read the bill, he can not tell what the effect of it is. All my amendment does is to strike out and insert and say that the law is amended to read in accordance with the changes made. So that on reading the bill one can tell how the law is amended.

Mr. SCHAFER. Yes; that was the reason why I objected to the bill's consideration in the first instance.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GRANTING SICK LEAVE TO EMPLOYEES IN THE POSTAL SERVICE

The next business on the Consent Calendar was the bill (H. R. 12383) to amend section 11 of an act approved February 28, 1925 (43 Stat. 1063, U. S. C., title 39), granting sick leave to employees in the Postal Service, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first paragraph of section 11 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925 (43 Stat. 1064, U. S. C., title 39, sec. 823), is amended to read as follows:

"Employees in the Postal Service shall be granted sick leave with pay at the rate of 10 days a year, exclusive of Sundays and holidays,

to be cumulative, but no sick leave with pay in excess of six months shall be granted during any one fiscal year. Sick leave shall be granted only upon satisfactory evidence of illness in accordance with the regulations to be prescribed by the Postmaster General."

SEC. 2. This act shall become effective July 1, 1928.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS ST. CLAIR RIVER, PORT HURON, MICH.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to take up out of order the bill H. R. 11404, authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich., being 612 on the Consent Calendar. My reason for asking that it be taken up out of order is because apparently it would not otherwise be reached to-day, and a real emergency exists. The bridge is now financed, and as soon as the necessary authority of this Congress and the authority of the Canadian Parliament is granted the work leading up to construction can begin. The situation in connection with its consideration in the Canadian Parliament is such that it is highly desirable that it be passed here to-day if possible. Therefore, I make the request.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take up out of order the bill referred to. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I regret to object to the request of the gentleman from Michigan, but a Member of the House, who is interested in this bill, stated that he was unable to be present, and if the bill was reached he asked that I have is passed over without prejudice. In view of that request and my agreement, I could not consent to the request of the gentleman from Michigan, at this time.

Mr. CRAMTON. No Member of the House has manifested to me any interest in the bill, and I am at a loss to understand the situation.

Mr. BLACK of Texas. I do not think I could consent to the bringing up of the bill at this time.

I do not feel at liberty to disclose the name of the gentleman who asked me to have the bill passed over.

Mr. CRAMTON. That would not be material. The conditions with reference to the introduction of the bill were exceptional by reason of the fact that it is an international bridge, and has to be treated somewhat differently from ordinary bridge bills. There were several applicants for the franchise, and it gave me an opportunity to arrange provisions for the protection of the public interests that are very fortunate.

Mr. BLACK of Texas. I shall get word to the Member in question at once in respect to the gentleman's request and at a later time the gentleman can call the bill up if he gets his consent.

Mr. CRAMTON. Very good. For the present, let me say this, and I hope the gentleman will call this to the attention of his friend. Because of this competition which existed and the unusual circumstances of a bridge between two countries, the recapture clause of this bridge will permit that bridge to become the property of the public without cost in some 16 or 17 years. From the day the bridge is opened to traffic four-fifths of the net profits are devoted to retiring the obligations and when they are retired the bridge becomes public property.

Mr. BLACK of Texas. I shall request the Member I have in mind to consult with the gentleman from Michigan.

Mr. CRAMTON. The gentleman will recall that three weeks will elapse before we have another consent day.

Mr. Speaker, I withdraw my request.

RELIEF IN CASES OF CONTRACTS CONNECTED WITH THE PROSECUTION OF WAR

The next business on the Consent Calendar was the bill (S. 1347) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, this bill is far-reaching. I ask to have it passed over without prejudice for the present.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONSTRUCTION AT MILITARY POSTS

Mr. JAMES. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12688) to authorize appropriations for construction at military posts, and for other purposes, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $6,499,500, to be expended for the construction and installation at military posts of such technical buildings and utilities and appurtenances thereto as may be necessary, as follows:

Albrook Field, Canal Zone: Hangars, $200,000; Air Corps shops and warehouse, $126,000; headquarters and operations building, $40,000; radio, parachute, and armament building, $25,000; gasoline and oil storage, $75,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $600,000.

France Field, Canal Zone: Hangars, $80,000; operations building, $30,000; photo, radio, parachute, and armament buildings, $61,000; air-depot shops, $160,000; air-depot warehouse, $200,000; improvement of landing field, $103,000.

Hawaiian Department, Wheeler Field: Hangars, $240,000; Air Corps field warehouse, $45,000; Air Corps field shops, $81,000; headquarters and operations building, $40,000; photo, radio, parachute, and armament buildings, $61,000; gasoline and oil storage, $15,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $110,000.

Bolling Field, D. C.: Hangars, $160,000; gasoline and oil storage, $12,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $100,000.

Chanute Field, Ill.: Hangars, $120,000; Air Corps shops and warehouse, $126,000; headquarters and operations building, $40,000; photo, radio, parachute, and armament buildings, $61,000; school building, $80,000; gasoline and oil storage, $10,000; paint, oil, and dope warehouse, $5,000.

Crissy Field, Calif.: Hangar, $40,000; photo building, $36,000; gasoline and oil storage, $5,000; paint, oil, and dope warehouse, $5,000.

Duncan Field, Tex.: Hangars, $80,000; air-depot shops, $243,000.

Fairfield Air Depot, Ohio: Air-depot shops, $243,000.

Fort Sam Houston, Tex.: Hangar, $40,000; Air Corps field shops and warehouse, $60,000; headquarters building, $20,000; photo, radio, parachute, and armament buildings, $61,000; gasoline and oil storage, $5,000; improvement of landing field, $20,000.

Marshall Field, Kans.: Hangar, $40,000; Air Corps field shops and warehouse, $60,000; headquarters building, $20,000; photo, radio, parachute, and armament buildings, $61,000; gasoline and oil storage, $5,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $15,000.

Maxwell Field, Ala.: Gasoline and oil storage, $5,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $13,000.

Mitchel Field, N. Y.: Hangars, $80,000; photo building, $36,000; gasoline and oil storage, $10,000; paint, oil, and dope warehouse, $5,000.

Post Field, Okla.: Hangar, $40,000; Air Corps field shops and warehouse, $60,000; headquarters building, $20,000; radio, parachute, and armament buildings, $25,000; gasoline and oil storage, $5,000; paint, oil, and dope warehouse, $5,000.

Rockwell Field, Calif.: Hangars, $160,000; Air Corps warehouse, $45,000; headquarters and operations building, $40,000; radio, parachute, and armament buildings, $25,000; gasoline and oil storage, $10,000; paint, oil, and dope warehouse, $5,000.

Rockwell Air Depot, Rockwell Field, Calif.: Air-depot shops, $243,000; air-depot warehouses, $500,000.

San Antonio Primary Training School, San Antonio, Tex.: Hangars, $440,000; Air Corps shops and warehouse, $126,000; headquarters and operations building, $40,000; wing headquarters building, $60,000; photo, radio, parachute, and armament buildings, $61,000; school building, $40,000; gasoline and oil storage, $9,500; paint, oil, and dope warehouse, $5,000; improvement of landing field, $150,000.

Selfridge Field, Mich.: Air Corps warehouse, $45,000; photo building, $36,000; gasoline and oil storage, $10,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $50,000.

The SPEAKER. Is a second demanded?

Mr. LaGUARDIA. Mr. Speaker, I demand a second.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Michigan is entitled to 20 minutes and the gentleman from New York to 20 minutes.

Mr. JAMES. Mr. Speaker, this is the authorization bill for technical buildings for the Air Corps, 1930. The first item in the bill is for Albrook Field, at Panama, and the amount in the bill will complete all construction at that field. The second item is for France Field, also in the Canal Zone. That will finish all of the technical work under the five-year program at that field. The bill will also finish all of the technical construction at Wheeler Field, Hawaii, and will conclude all at Chanute Field, Ill., excepting the heating plant. It will finish all of the technical work at Crissy Field, Calif., and finish all at Fort Sam Houston, Tex., and all at Marshall Field, Kans., excepting the heating plant, all at Maxwell Field, Ala., and all at Mitchel Field, N. Y., excepting the heating plant, and all at Post Field,

Okla. It will finish all at Rockwell Field, Calif., and finish all construction that had been intended for the Brooks Field unit, San Antonio, Tex., transferring our activities from there to San Antonio training school, and will complete Selfridge Field, Mich.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. JAMES. Yes.

Mr. LAGUARDIA. We have on the calendar a bill for an aviation field in Hawaii.

Mr. JAMES. Yes.

Mr. LAGUARDIA. Why does not the gentleman include that in his bill?

Mr. JAMES. I do not think that I would be able to do that.

Mr. LAGUARDIA. Is Mitchel Field sufficiently provided for?

Mr. JAMES. This will take care of everything excepting the heating plant.

Mr. LAGUARDIA. And the quarters?

Mr. JAMES. There is a bill for $400,000 pending in the Senate, and before the House adjourns I expect to introduce another bill which will provide $400,000 more.

Mr. LAGUARDIA. And that will take care of the officers' quarters?

Mr. JAMES. Not entirely, but will go a long way toward it.

Mr. LAGUARDIA. Because in the Air Service most of the activities are carried on by the junior officers, and their accommodations there are terrible.

Mr. JAMES. I intended to put in $300,000 for officers' quarters in H. R. 11134, but they found they needed that amount to complete the barracks for the enlisted men there. But I expected to introduce a bill that will make $400,000 or $500,000 more before we adjourn, and I think most of this will be for officers' quarters.

Mr. LAGUARDIA. So that the authorization will be completed at this session?

Mr. JAMES. Not exactly completed, but most of the amount necessary will be authorized.

Mr. LAGUARDIA. Has the gentleman given any consideration to the plan of steel runways in some of the fields that are subject to a great deal of rain?

Mr. JAMES. Our committee has not, but I understand the matter has been taken up with the Assistant Secretary and the chief of the bureau. But so far it has not been called to the attention of the committee.

Mr. LAGUARDIA. I am very much interested in that, and we ought to have a trial if that is done. We ought to do it in time to catch it before the leveling or filling of land that will be necessary on these fields.

Mr. JAMES. We will be glad to hear from those gentlemen.

Mr. FROTHINGHAM. Mr. Speaker, will the gentleman yield?

Mr. JAMES. Yes.

Mr. FROTHINGHAM. Does the gentleman know whether a field has been constructed?

Mr. LAGUARDIA. No. It has never been constructed. It has never been tried. It strikes me it is worth while.

Mr. FROTHINGHAM. I agree with the gentleman.

Mr. JAMES. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. FROTHINGHAM].

Mr. FROTHINGHAM. Mr. Speaker, I want the Members of this House to know that the next chairman of the Committee on Military Affairs has not only paid a great deal of attention to this subject but he has gone over the ground himself. I wish the Members of the House to know that the gentleman from Michigan has visited all these places, and no one is more cognizant of what they need than he is; and anyone who was with Colonel Lindbergh in his flights in this neighborhood will realize the condition that some of these fields are in from the condition of Bolling Field here. It seems to me that it is disgraceful that a field of such importance as that should be in the condition that that ground was in. If you should see a field as near as that in that condition, you can imagine what the other fields are. This is carrying out the five-year technical program, and if that is essential I am glad to see that the gentleman from New York and others are entirely in agreement with this program.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Michigan [Mr. JAMES] to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

ADDITIONAL HOSPITALIZATION FACILITIES FOR WORLD WAR VETERANS

Mrs. ROGERS. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 12821, as amended. It is Calendar No. 663.

The SPEAKER. The lady from Massachusetts moves to suspend the rules and pass the bill H. R. 12821, as amended. The Clerk will report the bill as amended.

The Clerk read as follows:

A bill (H. R. 12821) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes

Be it enacted, etc., That in order to provide sufficient hospital, domiciliary, and out-patient dispensary facilities to care for the increasing load of mentally afflicted World War veterans and to enable the United States Veterans' Bureau to care for its beneficiaries in Veterans' Bureau hospitals rather than in contract temporary facilities and other institutions, the Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, by purchase, replacement, and remodeling, or extension of existing plants, and by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, of such hospitals, domiciliary, and out-patient dispensary facilities, to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto; vehicles, livestock, furniture, equipment, and accessories; and also to provide accommodations for officers, nurses, and attending personnel; and also to provide proper and suitable recreational centers; and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein. Such hospital and domiciliary plants to be constructed shall be of fireproof construction, and existing plants purchased shall be remodeled to be fireproof, and the location and nature thereof, whether for domiciliary care or the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau, subject to the approval of the President.

SEC. 2. The construction of new hospitals, domiciliary facilities or dispensaries, or the replacement, extension, alteration, remodeling, or repair of all hospitals, domiciliary facilities or dispensaries heretofore or hereafter constructed shall be done in such manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work, and to employ individuals and agencies not now connected with the Government, if in his opinion desirable, at such compensation as he may consider reasonable.

SEC. 3. For carrying into effect the preceding sections relating to additional hospitals and domiciliary and out-patient dispensary facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000,000, to be immediately available and to remain available until expended. That not to exceed 3 per cent of this sum shall be available for the employment in the District of Columbia and in the field of necessary technical and clerical assistants at the customary rates of compensation, exclusively to aid in the preparation of the plans and specifications for the projects authorized herein and for the supervision of the execution thereof, and for traveling expenses, field-office equipment, and supplies in connection therewith.

SEC. 4. The President is further authorized to accept from any State or other political subdivision, or from any corporation, association, individual or individuals, any building, structure, equipment, or grounds suitable for the care of the disabled, with due regard to fire or other hazards, state of repair, and all other pertinent considerations, and to designate what department, bureau, board, commission, or other governmental agency shall have the control and management thereof.

SEC. 5. The director is hereby authorized to construct and maintain on hospital reservations of the bureau garages for the accommodation of privately owned automobiles of employees at such hospitals. Employees using such garages shall make such reimbursement therefor as the director may deem reasonable. Money received from the use of such garages shall be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 6. The Director of the United States Veterans' Bureau is hereby authorized to sell at private sale not more than 50 acres of the hospital reservation of the United States Veterans' Hospital No. 93, Legion, Tex., the size, price, and location thereof to be determined by the director.

SEC. 7. The Director of the United States Veterans' Bureau is hereby authorized to have appraised and, after advertisement, to sell to the highest bidder or bidders, as a whole or in parcels in his discretion and on such terms as he may deem proper, the United States Veterans' Bureau Hospital reservation in the county of De Kalb, city of Atlanta, State of Georgia, acquired by the United States by deed dated April 15, 1920, and to make, execute, and deliver all needful conveyances. The director shall have the right to reject any and all bids. The net proceeds of such sale or sales shall be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 8. Section 4 of the act entitled "An act to authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War

veterans' act, 1924," approved March 3, 1925 (U. S. C., title 38, sec. 438), is hereby repealed.

The SPEAKER. Is a second demanded?

Mr. LUCE. Mr. Speaker, inasmuch as it is my expectation that this bill will pass unanimously—and I use the word with all its implications—and my only desire is to secure the publishing of the views of the chairman of the Committee on World War Veterans' Legislation and of myself, chairman of its subcommittee on hospitals, which can be accomplished under extension of remarks; and further, inasmuch as another Veterans' Committee bill will be brought up for consideration under suspension immediately after the disposal of this one, and I would save the time of the House, I am not inclined to ask for a second unless there is a disposition for debate.

Mr. Speaker, under the general leave to extend remarks in the RECORD, I include the following statement of minority views:

[H. Rept. 1222, pt. 2, 70th Cong., 1st sess.]

ADDITIONAL HOSPITAL AND OUT-PATIENT DISPENSARY

Mr. LUCE and Mr. JOHNSON of South Dakota, from the Committee on World War Veterans' Legislation, submitted the following minority views (to accompany H. R. 12821):

This bill, authorizing further hospital construction for war veterans, deserves approval in all but one particular, a single figure, $15,000,000, which should be $13,000,000.

Differences of opinion about this wholly concern provision for neuropsychiatric patients.

The committee added $2,000,000 to the recommendation of the Veterans' Bureau and the Federal Board of Hospitalization—$1,000,000 for a hospital in Kentucky and $1,000,000 for a hospital in Connecticut.

As for Kentucky, the bureau program contemplated alteration of unused facilities at Outwood in that State to supply 150 beds for patients of the class in question. Adding a million dollars for a new 250-bed hospital will result in giving Kentucky 400 beds, which is 150 more than anybody ever asked or even suggested. A new hospital of 150 beds would cost $600,000. No occasion for such quite superfluous expenditure has been presented to the bureau or to your committee. Without any known basis for this the reasonable thing would be to make the changes at Outwood, which the director of the bureau says can very promptly be done, and then see if more facilities are needed.

The strong probability is that this will not prove to be the case. The allegation of need in Kentucky, as in many other parts of the country, seems to rest on a misconception of what the law contemplates as it now stands. The law provides for the care of the disabled veteran who suffers as a result of the war. As a matter of generosity it puts empty beds also at the command of the mentally ill who are not known to be in such condition because of the war. But it does not call for new construction to meet the needs of non-service-connected cases. The Federal Board of Hospitalization has three times adopted a resolution to the effect that such construction ought not at present to be undertaken, and the President has three times approved this resolution. Neither from Kentucky nor from anywhere else comes any proof that hospitalization has not invariably been furnished to service-connected sufferers. Charges to the contrary are not backed up with names, addresses, and dates. They seem to spring wholly from impressions founded on results of the fact that various States are not performing their duty to furnish hospital facilities for the treatment of mental illness not connected with war.

As to Connecticut, the director of the bureau and the Federal Board of Hospitalization have been definite in the view that no further construction is at present needed for service-connected cases, and so authority to appropriate for it will be contrary to explicit advice of the Government experts, men who have no motive whatever for anything but sincerity and who are in better position than anybody else to know the facts.

Request for this million of dollars is in general based on two things—the wish of Connecticut to have a hospital within its own borders, and prediction of lack of beds in the northeastern part of the country.

Thus far our hospital program has not taken account of State lines. Seventeen of the States have neuropsychiatric hospitals. That leaves 30 with precisely as good a claim on this basis as Connecticut presents. They average to have a population close to that of Connecticut, so that to meet their needs in the same degree would require a capital investment of about $30,000,000. This is the prospect to be faced if we are to give every State a bureau neuropsychiatric hospital because it is a State.

Turning to the question of need on the basis of patient load and facilities, we find the situation to be:

Neuropsychiatric patients of the United States Veterans' Bureau in districts 1 and 2 (New England, New York, and New Jersey) in the last week of March, 1928

Bureau hospitals	1,684
Navy and Soldiers' Home hospitals	85
Kings Park, Long Island (N. Y.) Hospital	479
Other State hospitals	1,046
Private hospitals	5
	3,299
New Jersey patients in Philadelphia hospital Jan. 31	7
Present load	3,306
Expected increase in load in next three years on basis of experience in civil life	195
Probable load in 1931	3,501
Beds to be available in 1931 under bureau program:	
Bureau hospitals—	
Northampton, Mass	517
Bedford, Mass	480
Bronx, New York City	968
Northport, Long Island, N. Y	1,000
New Jersey	400
	3,365
Other Federal hospitals	210
Kings Park, Long Island, N. Y	479
	4,054

In view of the fact that in some quarters doubt has been cast on bureau statistics, the figures of occupancy in the last week in March were secured by telegram or letter direct from the hospitals concerned.

The new hospital at Northport is to be occupied within a brief time, and likewise that at Bedford to the extent of 350 beds, with 130 more to be added under the bureau program. Provision for the New Jersey hospital (or its equivalent in Pennsylvania) was made in the bureau program, the committee report recommending that it be in New Jersey. At Kings Park, a New York State hospital, there is a memorial building especially erected for World War veterans, with construction declared by the director of the bureau to be comparable with that of the bureau itself and with facilities for treatment equal to that given in bureau hospitals. Nobody seriously advocates abandonment of its use by the bureau. The contract with it is for 350 beds, but as it reports a present occupancy of 479, that figure has been used above, the probability being that 129 are in other buildings of this large institution.

It will be seen that were the patient load to stand in 1931 where it stands to-day the bureau with the construction in its program could furnish a bed for every bureau patient now in a State hospital other than Kings Park and have 551 beds to spare. But some part of the patients now in State hospitals will not be transferred to bureau hospitals, for these reasons:

Guardians avoiding reduction of regular compensation payments to $20 a month, in case of patients in bureau hospitals.

Guardians fearing to lose legal control if wards are sent out of the State.

Relatives preferring to keep patients in hospitals near by.

Patients preferring to stay in familiar surroundings.

The very bill on which these views are expressed recognizes these reasons with a section repealing the provision that requires cessation of use of State hospitals. This further insures that there will be a surplus of beds for the region in question.

Another thing to be taken into account is the possibility presented by the recent enactment in New York of a statute offering to give the Federal Government the soldiers' home at Bath, N. Y. This home, at one time housing more than 2,000 Civil War veterans, now has less than 200 occupants. It has among its three score and more of buildings, two of such construction that they can readily be adapted for the care of the mentally ill, of whom they would accommodate 400. The possibility of assembling there in a group by themselves the mildly insane—the senile and the demented—is under consideration. This would by so much add to the total beds of the districts here in question.

Evidently, then, there is no occasion for further building in these districts than the bureau has contemplated unless it is to be found in another factor in the situation, a factor as uncertain as it is important, that of increase in the load. Here lies the chief reason for the differences of opinion that have arisen in regard to not only the Connecticut request, but also the requests of many other States.

At the outset of the hearings the director of the bureau, while showing expectancy based on military figures to be more favorable, gave those based on experience in civil life, from which it appeared that we may expect the neuropsychiatric load to increase on an average of 2.2 per cent a year for the next 10 years. This would forecast an increase of 195 patients in the two districts in question in the next three years. Toward the close of the hearings figures for part of the districts were submitted on a different basis, that of the bureau experience of the last three years in these particular districts. Those for the two districts here under consideration might lead to an expectation that the increase would be at the average rate of 7.5 per cent a year for the next 10 years, or 744 in the next three years.

There are a number of reasons why the bureau experience of the last three years in any one region may not be a trustworthy guide, because of temporary or chance circumstances. Like reasons do not vitiate the broad record of civil experience. Anyhow, in view of the

doubt, the prudent course is to proceed from year to year, building as the need is evident.

But even if a conjectural need should warrant more construction instantly, ought it to be in Connecticut? Look at its situation. Today every spot in Connnecticut is nearer a bureau neuropsychiatric hospital than any spot in 13 New York congressional districts, than any spot in 21 Pennsylvania districts. In point of accessibility Connecticut with its five districts would be given advantages superior to those of 37 districts in the Middle States and Maine. Taking the country as a whole there are at this moment 210 congressional districts without an inhabitant dwelling as near such a hospital as is every inhabitant of Connecticut. On the basis of mileage more than half of the citizens of the Nation are farther from such a hospital than any citizen of Connecticut.

If there is to be fair play in this matter, if every disabled veteran is to get the same consideration as every other veteran, why by giving a hospital to one State increase the advantage it already has over more than half the rest of the country?

This suggests a feature of the proposal that merits the thoughtful consideration of the House. Up to this year the committee has succeeded fairly well in avoiding all other considerations than those of the needs of the disabled. This year it was confronted by the competition of 20 States, each wanting new hospitals or more beds. Cursory study of the figures will show that all of these requests could not have been justified on the ground of need and that some of them were more nearly justified than the requests from Connecticut.

Under these circumstances the danger of the precedent established by singling out one or two States for special favor will be apparent to everybody acquainted with the circumstances of work in a legislative body. It means that the needs of victims of war will be met according to the power of personal pressure and not according to relative importance. It means that the exigencies of parties and candidacies and campaigns will play a part. It means the use of the veteran for the gratification of personal ambition. It means unnecessary additions to the burdens of taxpayers. It means more ammunition for those who rightly criticize what everybody knows to be the most unfortunate aspect of the work of all our lawmaking bodies. Of late years Congress has in large measure freed itself from cause for this criticism. If we are to take a fresh start along the road that leads to opprobrium, let it not be through the hospitals that house the most pitiable victims of war.

It would be better to spend this $2,000,000 even wastefully than that any man who lost his reason as a result of the war should go without care. Furthermore the sad prospect is that through many years we shall have to go on building these hospitals and that present expenditure will not in and of itself necessarily be useless. We believe every needed dollar should be spent, but object to expenditure in localities where the need does not yet appear, with other localities presenting better claims. For this reason and because we object to an unfair and dangerous method of allotment of public funds, we deem it our duty to lay the facts before the House. They may not warrant a vote against the bill, particularly in view of the deplorable delay brought about by the failure of the corresponding bill last year to become law, but they will at any rate also serve to inform those who may have to do with the later stages of enactment and then of appropriation, as well as the Federal Board of Hospitalization that will advise the President, and the President himself, upon whom the law imposes the final duty of allocation. It is our strong hope that this statement will also serve to lessen the likelihood of the use in future Congresses of the methods that in this instance have sufficed to throw the hospital-construction program out of balance.

ROBERT LUCE.
ROYAL C. JOHNSON.

Mrs. ROGERS. I ask unanimous consent that all Members of the House be granted five legislative days in order that they may file their remarks on the bill H. R. 12821.

The SPEAKER. Is there objection to the request of the lady from Massachusetts?

There was no objection.

Mr. GREEN. Mr. Speaker, I do not desire to demand a second on this bill, but I would like, taking a moment, to ask if this bill has any items that look toward the discontinuance of the hospital at Lake City, Fla.?

Mrs. ROGERS. It has not.

Mr. GREEN. I have no desire, then, to speak.

Mrs. ROGERS. Mr. Speaker, in authorizing appropriations for the hospital-building program for our disabled World War men and women veterans, the Veterans' Committee has a very grave responsibility. Lack of hospital facilities may mean loss of life or failure of complete recovery. While we have spent a great deal of money in hospitals, we have never been prepared to meet all needs. We have the gravest responsibility to the veterans. Their care is our sacred trust. We also have a responsibility to the taxpayer not to build just for the sake of building.

We must all remember that we are legislating for the entire country and not for just one section of the country. While this measure does not, in my opinion, cover every need, it is the best we could do at the present time.

We are legislating for two years, as last year a bill passed the House but failed in the Senate owing to the Senate filibuster. That bill carried an $11,000,000 program. This year the bill carries a $15,000,000 program.

The hospital load in the neuropsychiatric cases will be very materially increased in 1930, which is probably the earliest period when the new building projects can be completed.

Your committee has recommended that something over 4,000 beds be built. Of that number 1,117 beds are replacements.

At the present time there is a deplorable shortage of beds for the neuropsychiatric cases. Nearly three-fourths of the new beds recommended will be used for these cases.

It is of the greatest importance that we provide proper care for our nervously and mentally sick. In legislating for our very sick mentally cases we are giving help to those who can not help themselves. Their plight is a pitiful one. Those of us who have actually taken care of the men and women who are fighting the battle of the mind realize against what terrible odds they fight; and there is nothing that gives greater satisfaction than to watch those men and women win their mental battle and take their places in the world again on a parity with their fellow men. Seemingly hopeless cases can be saved if taken in time.

Doctor Lorenz, Doctor Barker, and other great neuropsychiatric specialists who are a part of General Hines's great medical advisory council stated only last week that it was of the utmost importance that nervous and severe mental cases be given hospitalization immediately—and without available beds that can not be done.

The task of deciding the area where we should recommend a hospital is not an easy one. General Hines, the Director of the Veterans' Bureau, has done very remarkable work in a position that is the most difficult of any of the department chiefs. But the Veterans' Bureau figures have sometimes proved inadequate and their charts difficult to interpret.

For instance, in considering unoccupied beds it should be borne in mind that all of these beds are not generally available. In other words, a neuropsychiatric hospital may have 20 unoccupied beds, all of which may be available for mild psychotic cases as distinguished from the disturbed type. Similarly, the unoccupied beds in a tubercular hospital may all be for the ambulant type as distinguished from the infirmary.

The Veterans' Bureau is now recognizing cases under the first provision of section 202 (10) as being on a parity with service-connected cases from the standpoint of admission to Government hospitals. This being so, the former embargo on nonservice-connected N. P. cases will have to be lifted, thereby resulting in an increased load of nonservice N. P. cases in Government hospitals and a consequent need for more Government beds for the increasing service-connected load—or else a greater use of contract facilities for service-connected cases.

It is interesting that district 7 which contains Ohio, Kentucky, and Indiana, shows with its 4.1 per cent nonservice psychotic load to total psychotic load, has the lowest per cent nonservice-connected psychotic cases in the country, or the greatest number of service-connected cases.

The committee in three successive years has recommended a neuropsychiatric hospital for the Kentucky area.

You will note that district 1 has 4.5 per cent nonservice psychotic load to total psychotic load.

In this connection it is very difficult to reconcile the bureau's cut of 70 beds at the Bedford (Mass.) Hospital in this year with the admitted increasing N. P. load. Two hundred were recommended last year; 130 this year.

District 2 has a 4.3 per cent nonservice-connected psychotic load to the total psychotic load in district 2—Connecticut, New York, and New Jersey. The Northport Hospital, when it is opened in the near future, will have 966 beds, instead of the 1,000 which has been given by the bureau as the bed capacity there, which means 34 beds fewer than estimated.

It is difficult to understand why the Veterans' Bureau recommended in district 3—Pennsylvania and Delaware—200 beds fewer than last year for the Pennsylvania Hospital in view of the steadily increasing load.

Districts 1, 2, and 3 have the heaviest patient load, and the committee believes that it is more than justified in recommending a replacement hospital in southern New England. Southern

New England at one time had a veterans' hospital, but it was taken away.

The bureau's own draft is as follows:

Statement showing par. 10 psychotic load and per cent of total psychotic load as of October 31, 1927

District number	Total psychotic hospital load	Nonservice psychotic hospital load	Per cent nonservice psychotic load to total psychotic load
1	773	35	4.5
2	2,039	87	4.3
3	464	82	17.7
4	1,328	124	9.3
5	575	44	7.7
6	514	152	29.6
7 (Kentucky)	936	38	4.1
8	1,643	119	7.2
9	588	52	8.8
10	353	22	6.2
11	429	62	14.5
12	630	55	8.7
13	397	117	29.5
14	673	154	22.9
Total	11,342	1,143	10.1

A $300,000,000 hospital program was suggested some years ago as the probable amount that would be needed for hospitals to take care of our World War veterans. The bureau states that the amount expended up to April 12, 1928, for hospital construction was $69,000,000.

Your committee has followed the policy that Mr. LUCE, the chairman of the hospital subcommittee, followed last year.

This year's report is as follows:

ADDITIONAL HOSPITAL, DOMICILIARY, AND OUT-PATIENT DISPENSARY FACILITIES FOR WORLD WAR VETERANS

Mrs. ROGERS, from the Committee on World War Veterans' Legislation, submitted the following report (to accompany H. R. 12821):

According to the records of the United States Veterans' Bureau on February 29, 1928, the bureau was operating 50 hospitals, using a part of the facilities of 48 other Government hospitals, and 168 civilian hospitals. The patient load in these hospitals was as follows:

TUBERCULOSIS

United States veterans' hospitals	5,437
Public Health Service hospitals	5
Army hospitals	556
Navy hospitals	77
Soldiers' homes	738
Contract hospitals	488
Total, tuberculosis patients	7,301

GENERAL MEDICAL AND SURGICAL

United States veterans' hospitals	3,273
Public Health Service hospitals	269
Army hospitals	1,269
Navy hospitals	1,682
Soldiers' homes	332
Contract hospitals	160
Total, general medical and surgical cases	6,985

NEUROPSYCHIATRIC

United States veterans' hospitals	9,454
Army hospitals	131
Navy hospitals	213
Soldiers' homes	677
St. Elizabeths	361
Contract hospitals	2,021
Total, neuropsychiatric patients	12,857

SUMMARY

The grand total for the above three classes of patients is:

United States veterans' hospitals	18,164
Public Health Service hospitals	274
Army hospitals	1,956
Navy hospitals	1,972
Soldiers' homes	1,747
St. Elizabeths	361
Contract hospitals	2,669
Making a total patient load of	27,143

These figures, as before stated, show the patient load of the United States Veterans' Bureau as of February 29, 1928. As of this same date the total capacity of the United States Veterans' hospitals was 21,142, with additional facilities in process of building of 1,876. The average number of beds occupied during the month of February, 1928, was 18,294.

The hospital construction program submitted by the United States Veterans' Bureau follows:

Final hospital construction program of United States Veterans' Bureau

(Submitted at first session of Seventieth Congress)

Location	Type	Number of beds	Estimated cost	Purpose
Bedford, Mass.	N. P.	130	$300,000	Acute building.
Oteen, N. C.	T. B.	200	670,000	Replacement of temporary facilities, including permanent quarters, utilities, and water supply.
North Chicago, Ill.	N. P.	300	895,000	To provide facilities for cases in contract hospitals and to construct permanent quarters and utilities.
St. Cloud, Minn.	N. P.	100	200,000	Acute building.
Palo Alto, Calif.			240,000	Attendants' quarters and to augment inadequate staff quarters and complete occupational therapy group.
American Lake, Wash.	N. P.	100	220,000	Acute building.
Philadelphia, Pa.	N. P.	800	3,000,000	To replace present unsuitable facilities in Philadelphia, either as 1 complete plant in Pennsylvania or New Jersey, or as 2 separate plants of 400 beds each in Pennsylvania and New Jersey.
Atlanta, Ga.	Gen.	200	550,000	New hospital to replace present inadequate 85-bed institution; $50,000 will be available from fiscal appropriations.
Chillicothe, Ohio	N. P.	130	300,000	Acute building.
Maywood, Ill.	N. P. T. B.	250 180	1,100,000	Facilities to be provided by construction of personnel quarters and evacuation of hospital space now occupied by personnel.
Walla Walla, Wash.	T. B.	100	250,000	New infirmary building.
North Little Rock, Ark.	N. P.	130	300,000	Acute building.
Tuskegee, Ala.	N. P.	100	250,000	Do.
Kansas City, Mo.	Gen.	300	1,300,000	To replace leased facilities at Kansas City and to supplement Government hospital at Excelsior Springs, Mo.
Excelsior Springs, Mo.	N. P.	300	900,000	To convert and enlarge the present hospital to accommodate 300 N. P. cases.
Tucson, Ariz.			260,000	Recreation building; attendants' quarters; garage and storehouse.
Northport, Long Island, N. Y.			70,000	Occupational therapy building.
Fort Snelling, Minn.			50,000	Do.
Sheridan, Wyo.			100,000	Recreation building and changes in mess building.
Alexandria, La.			660,000	To supplement the $740,000 available under the fourth construction act for the replacement of the temporary facilities at this hospital.
Special fund			500,000	To revamp existing facilities to meet changes in load such as at Outwood, Ky., and at Fort Lyons, Colo. if needed.
Walter Reed Hospital.	N. P.	100	250,000	
Total		3,420	12,365,000	
Emergency fund agreed to by General Hines for revamping existing facilities.			600,000	

While your committee has not deviated from the uniform practice of designating a lump sum, it has recommended the following additions to the Veterans' Bureau program to meet certain great needs: One million dollars for the construction of a new hospital in the Kentucky area, $1,000,000 for the construction of a new hospital in the southern New England area, $635,000 under the item of special fund.

A careful analysis and comparison of the official Veterans' Bureau figures as to patient load, existing facilities, and recommended construction show clearly, generally speaking, that there is no need for additional construction in so far as tuberculosis and general medical and surgical facilities are concerned, except for additional buildings in connection with hospitals already operating or the replacement of unsuitable or temporary facilities. Your committee has therefore followed the recommendations of the Veterans' Bureau in so far as this class of cases is concerned, except that it was felt that there was need for an additional building at or near Mount Alto Hospital to cover cases of women veterans, and the recommended figure of the Veterans' Bureau for this type of construction was increased $200,000 to provide for this facility. This increase is included under the heading "Special fund."

It is equally clear from a study of the figures that there is an immediate need of additional neuropsychiatric hospital facilities. The Director of the Veterans' Bureau stated before the committee that in so far as neuropsychiatric cases were concerned the bureau has been unable to grant up to this time the same consideration to nonservice-connected cases of this type as has been given tuberculosis and general medical and surgical cases, because the bureau has been required to take care of the service-connected cases, which at some

points have exceeded even the present facilities. In this connection attention is invited to the fact that on February 29, 1928, there were 2,021 Veterans' Bureau patients of this type in contract hospitals as compared with 488 tuberculosis cases and 160 general medical and surgical cases. A portion at least of the tuberculosis load may be attributed to the fact that Congress has mandated that the bureau retain at Saranac Lake and Liberty, N. Y., irrespective of the existence of other facilities, Veterans' Bureau patients who were at those places on March 4, 1927.

The program of the Director of the Veterans' Bureau for neuropsychiatric cases is based largely on the service-connected load, there being included in the estimate an allowance of only 10.31 per cent for nonservice-connected cases of this type. This percentage is the present percentage of nonservice neuropsychiatric patients hospitalized by the bureau in relation to the total hospital load for this type. Attention is invited to the fact that whereas the percentage in this class of cases is only 10.31 per cent, in tubercular cases it is 32.89 per cent and 59.07 in general medical and surgical cases.

The Director of the Veterans' Bureau has stated that the peak of the neuropsychiatric load will not be reached until 1947. In determining the expected service-connected psychotic load for the next few years the bureau did not increase the present load in the same ratio as that of record for the civil population of the same age group as veterans, but adopted instead the more liberal basis of applying to the existing service-connected hospital load the same percentage of increase that occurred during the period from June 30, 1924, to June 30, 1927. Application of this percentage of the increase, which is 23.37, to the service-connected psychotic load of 9,940 cases on October 31, 1927, results in an estimated service-connected psychotic hospital load of 12,263 on October 31, 1930. If there is added to the latter figure the present percentage (10.31) of nonservice-connected psychotic cases to the total psychotic hospital load, the estimated psychotic load for both service-connected and nonservice-connected cases on October 31, 1930, would be approximately 13,673. With the present beds numbering 9,986, plus those under construction or authorized, 1,396, and those included in the director's program, 1,645, there would be a deficit in the number of beds required of not less than approximately 646.

Section 202 (10) of the World War veterans' act, 1924, reads as follows:

"(10) That all hospital facilities under the control and jurisdiction of the bureau shall be available for every honorably discharged veteran of the Spanish-American War, the Philippine insurrection, the Boxer rebellion, or the World War suffering from neuropsychiatric or tubercular ailments and diseases, paralysis agitans, encephalitis lethargica, or amebic dysentery, or the loss of sight of both eyes, regardless whether such ailments or diseases are due to military service or otherwise, including traveling expenses as granted to those receiving compensation and hospitalization under this act. The director is further authorized, so far as he shall find that existing Government facilities permit, to furnish hospitalization and necessary traveling expenses incident to hospitalization to veterans of any war, military occupation, or military expedition, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, not dishonorably discharged, without regard to the nature or origin of their disabilities: *Provided*, That any and all laws applicable to women who belonged to the Nurse Corps of the Army after February 2, 1902, shall apply equally to members of the Army Nurse Corps who served under contract between April 21, 1898, and February 2, 1901, including all women who served honorably as nurses, chief nurses, or superintendent of said corps in said period: *Provided*, That preference to admission to any Government hospital for hospitalization under the provisions of this subdivision shall be given to those veterans who are financially unable to pay for hospitalization and their necessary traveling expenses: *Provided further*, That where a veteran hospitalized under the authority of this subdivision is financially unable to supply himself with clothing, he shall also be furnished with such clothing as the director may deem necessary: *Provided further*, That where a veteran entitled to hospitalization under this subdivision is suffering with a disease or injury necessitating the wearing of a prosthetic appliance and is financially unable to supply himself with same, upon an affidavit to that effect the director is hereby authorized to furnish such appliance and to effect necessary repairs to the same without cost to the veteran: *And provided further*, That the pension of a veteran entitled to hospitalization under this subdivision shall not be subject to deduction while such veteran is hospitalized in any Government hospital, for board, maintenance, or any other purpose incident to hospitalization: *Provided further*, That the act of May 4, 1898, entitled 'An act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes,' the act of February 28, 1861, as amended by the act of February 2, 1909, relative to the Government Hospital for the Insane in the District of Columbia, or any other act, in so far as they are inconsistent with the provisions of this section be, and they are hereby, modified accordingly.

In the insular possessions or Territories of the United States the director is further authorized to furnish hospitalization in other than Government hospitals.

DIRECTOR'S DECISION, NO. 375, UNITED STATES VETERANS' BUREAU

"Subject: Hospitalization under the first provision of section 202 (10) of the World War veterans' act, as amended.

"Question presented: The question was raised as to whether hospitalization is mandatory under the first provision of section 202 (10) of the act, as amended, or whether hospitalization under said provision is discretionary with the bureau.

"Held: That hospitalization under the first provision of section 202 (10) of the act, as amended, is mandatory. Held further, that hospital facilities 'under the control and jurisdiction of the bureau' are equivalent to 'Government facilities.' (Opinions of the general council, January 17, 1928, and February 11, 1928, approved by the director on February 20, 1928.)

"The foregoing decision is hereby promulgated for observance by all officials and employees of the United States Veterans' Bureau."

These facts show the vital importance of building adequate facilities for neuropsychiatric cases.

In this connection, without desiring to reflect on State institutions in any way, your committee felt that more individual medical care is given in Veterans' Bureau hospitals, and that to a large extent the patients and their families are better satisfied if they are in veterans' hospitals. It must be remembered that whereas the bureau is operating neuropsychiatric hospitals, the States, with few exceptions, are operating insane asylums.

Particular attention is also invited to the addition of $1,000,000 for a neuropsychiatric hospital in the Kentucky area. A similar provision was included in the bill reported last year. It was stated then by the chairman of the hospital committee who reported the bill that—

"representations as to the need of a new neuropsychiatric hospital in the area of which the center would be found to be in Kentucky led the committee last year to recommend appropriation for it in a bill that is now on the calendar, contemplating the erection of a 250-bed hospital. Adding this estimate of $1,000,000 for Kentucky to the bureau's program, together with the 150 additional beds at Oteen, as well as provision for the construction of a nurses' convalescent home in Washington which the committee recommends, and subtracting the savings probable at Atlanta, gives a total estimated cost of very close to $11,000,000, and accordingly your committee recommends the passage of H. R. 17157, authorizing appropriation of that amount."

Evidence was presented at the committee hearings showing an even greater need at this time in the Kentucky area, and your committee therefore included this item in the bill.

Relative to the additional $1,000,000 for the construction of a hospital in the southern area of New England it was demonstrated that there is imperative need for such a hospital at this time. The evidence adduced at the hearings conclusively shows that in order to carry out the provisions of the World War veterans' act to hospitalize the neuropsychiatric cases these additional facilities will be required. It is understood that this hospital may cover tubercular and general medical and surgical cases, but in the main will be built for neuropsychiatric patients.

The authorization of $250,000 for a 100-bed neuropsychiatric unit at Walter Reed Hospital is in accordance with the recommendations of the Federal Board for Hospitalization, the Director of the United States Veterans' Bureau, and the Surgeon General of the Army.

With reference to the special fund and the increase allotted under this heading it is felt by your committee that these additions are necessary in order that the bureau might utilize to the fullest extent existing facilities, such as Fort Lyon, Colo., and Outwood, Ky., by reconstructing these facilities to take care of tubercular and neuropsychiatric cases, if needed. Also, in the event the President should transfer any of the hospitals now under the control and jurisdiction of the National Home for Disabled Volunteer Soldiers, or from any other governmental agency to the bureau, there would be available money to make such necessary changes as might be required to make these plants suitable for Veterans' Bureau purposes.

Your committee also desires to point out that the Director of the Veterans' Bureau recommended to replace present unsuitable facilities in Philadelphia, either a complete plant of 800 beds in Pennsylvania or in New Jersey, or two separate plants of 400 beds each in Pennsylvania and New Jersey. Your committee, after a full hearing, believes that it would be to the best interest of all those concerned to provide a hospital in Pennsylvania and a hospital in New Jersey, and so recommends. Your committee made practically the same recommendation in the hospital bill which passed the House in the Sixty-ninth Congress.

While your committee does not feel that the present program will be adequate to hospitalize all veterans in Veterans' Bureau hospitals it is felt that with these additional facilities and the continued use of the beds now allocated to the bureau by other governmental agencies, plus the transfer of such plants as the President might deem wise, the Veterans' Bureau would be in a position to take care during the next

several years of practically all service-connected cases and the more aggravated nonservice-connected cases. Also, as a result of these transfers the bureau would be in a position to report definitely to the next Congress the exact needs of the Government for hospitals to care for veterans of all wars.

As the chairman of the subcommittee on hospitalization stated last year:

"In previous bills authorizing hospital construction it has been the uniform practice to designate a lump sum, putting its distribution in the control of the director of the bureau, subject to the approval of the President. In order that the President might be properly advised in passing judgment upon the recommendations of the bureau, there was created by Circular 44 of the Bureau of the Budget, at his request, the Federal Board of Hospitalization, made up of the Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the Public Health Service, the Director of the Veterans' Bureau, the president of the Board of Managers of the Soldiers' Homes, the superintendent of St. Elizabeths Hospital, and the Commissioner of the Indian Bureau. In practice the medical division of the bureau has consulted with this board in the making up of a construction program. Your committee, therefore, had at its command what may be assumed to be a well-considered conclusion reached with due regard to the needs of all classes of patients and all parts of the country.

"In the building of hospitals it has not been the custom to pay attention to State lines but to allocate the appropriations with regard to regional conditions and needs."

Therefore, the committee desires to explain with reference to the item listed as Kansas City, Mo., on the Veterans' Bureau program that it has not been definitely decided where this project will be located and the designation of Kansas City, Mo., merely relates to the area in which such hospital will be located.

In approving the program submitted by the director, there is no intention on the part of the committee to designate the particular location of hospitals. It is intended, as the director testified, only to place the structures in the areas set out herein at the location he may choose. The committee has followed the policy adhered to in previous bills.

Public, No. 587, Sixty-eighth Congress, second session, authorized expenditure of $10,000,000 for hospital construction. The last section of that act provides that upon the completion of the hospital program authorized thereby the Veterans' Bureau would not hospitalize any patients in other than Government hospitals, except in emergency cases. The present bill repeals this section, for the reason that it is perfectly obvious that the Veterans' Bureau will be unable to hospitalize even service-connected cases in their own hospitals upon the completion of that program. It was not deemed wise to reincorporate it in the bill herewith reported, as there is no assurance that upon the completion of this program the Government will be in a position to hospitalize all veterans in Government hospitals and not use private facilities.

This bill has been indorsed by the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, and the Spanish War Veterans. The increases granted in this bill beyond the recommendations made by the Director of the Veterans' Bureau were most urgently advocated by these organizations. Your committee has found the suggestions of these veterans' organizations very helpful, as they constantly make surveys of the hospitalization problem. While your committee did not see fit to recommend all that these organizations requested, it did attempt to fill the greatest need.

Some 20 Members of Congress appeared before this committee supporting building programs in their sections of the country. While the committee would have liked to accede to their wishes, it was deemed wiser to wait until next year before granting their requests. It may be possible that some of the $635,000 emergency fund may be used for this purpose.

Your committee most urgently recommends the passage of H. R. 12821, which authorizes the appropriation of the lump sum of $15,000,000. It believes that this is a conservative estimate of the veterans' hospital need at this time. It must be remembered that this bill covers the hospital building program for last year as well as this year, as the hospital bill which passed the House last year failed in the Senate as a result of the Senate filibuster.

The SPEAKER. The question is on the motion of the lady from Massachusetts to suspend the rules and pass the bill H. R. 12821 as amended.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

EXTENSION OF REMARKS—ADDITIONAL HOSPITAL AND OUT-PATIENT DISPENSARY

Mrs. NORTON of New Jersey. Mr. Speaker and Members of the House, I arise in support of the bill, H. R. 12821, with a feeling of sincere appreciation of the lady from Massachusetts for the conscientious care she has taken in her report to meet the expressed wishes of the majority of the Subcommittee on Hospitals, as well as the wishes of the majority of the full Committee on World War Veterans' Legislation.

This, with few changes, is the same bill that was passed by the House in the Sixty-ninth Congress; and would, no doubt, have become a law had it not been for the unfortunate filibuster in the Senate during the closing day of the Sixty-ninth Congress. I say unfortunate, believing that anything which interferes with the building of hospitals to ameliorate the suffering of those brave boys on whom we pinned our hopes of the security of America, only a few short years ago, is to be deplored.

We have added an additional hospital in the report submitted for your consideration this year having had before the committee sufficient evidence to believe that one was required in southern New England.

The report of last year also specified a recommendation for Kentucky and this is included in the report accompanying this bill.

While I am intensely interested in all the hospitals throughout the country it is but natural that I should have a very personal interest in the hospital recommended for my own State of New Jersey, and if you will permit me to do so, I shall place before you a few facts regarding our situation.

To bring the picture clearly before you I want you to know that New Jersey is one of the few States that has not a veterans' hospital, although we were rated fourth in the number of boys in the World War service.

We have at the present time 700 veterans of the World War under hospitalization of the Veterans' Bureau, divided as follows: Four hundred neuropsychiatric cases, 200 tubercular cases, and 100 general medical cases. Of this number only about 100 are in Government hospitals. New Jersey, in its State and county hospitals—and there are none better in any part of the country—has taken care of the problem presented, but we do feel that it is fair and just to ask the Federal Government to do its share and build a hospital in our State. Our county and State hospitals are overcrowded and should not be called upon to supply that care which particularly belongs to the Government. It is, therefore, my earnest hope that the Members of the House will see fit to sustain the vote of the committee and that the dream of the disabled men of New Jersey may be realized in the erection of a hospital exclusively their own. They did not quibble when orders were issued to leave everyone and everything dear to them, and we should not quibble now at this act of justice. I might also add that the climate of New Jersey is particularly desirable for curative purposes.

Two years ago I personally received the assurance of the Director of the Veterans' Bureau that a hospital for New Jersey would be recommended, and now this recommendation from the committee comes to you—and may I, at this time, with all my heart, thank the committee for its unfailing courtesy and sincerity during the two years that I have pleaded for this belated act of justice to my beloved New Jersey?

While we may have differed in some respects as individuals, there has never at any time been any question of disloyalty or lack of appreciation with regard to the earnest efforts made by the chairman of the subcommittee and general committee, whose interest in the World War veterans is unquestioned. I fully realize that it is not always possible to bring about legislation that would agree with one's own wishes and the wishes of an economy administration.

Your committee has done everything possible to present a fair bill, which it hopes will be accepted by the House to-day, in order that the Senate may have the necessary time to consider and pass the bill, thereby insuring to the veterans of the World War a greater degree of comfort in their afflictions, which it is safe to assume is the desire of every grateful citizen.

Mr. COCHRAN of Missouri. Mr. Speaker, ladies and gentlemen of the House, the pending bill, which provides for additional hospital facilities, applies not only to World War veterans but veterans of all wars, and it should be passed without debate. There is not a Member on the floor who will not agree that it is an emergency measure.

Just a few days ago a decision was rendered by the Director of the Veterans' Bureau, and as a result of this decision the demand for hospitalization will increase.

I have contended for several years that it was mandatory under the law to provide hospitalization for any veteran suffering from neuropsychiatric or tubercular ailments, and I am pleased to see General Hines even at this late day take the same view.

As this decision will be of interest to the Members, I will include it as part of my remarks. The decision follows:

DIRECTOR'S DECISION, UNITED STATES VETERANS' BUREAU, NO. 375

Subject: Hospitalization under the first provision of section 202 (10) of the World War veterans' act as amended.

Question presented: The question was raised as to whether hospitalization is mandatory under the first provision of section 202 (10) of the act as amended or whether hospitalization under said provision is discretionary with the bureau.

Comment: The provision in question reads as follows: "That all hospital facilities under the control and jurisdiction of the bureau shall be available for every honorably discharged veteran of the Spanish-American War, the Philippine insurrection, the Boxer rebellion, or the World War, suffering from neuropsychiatric or tubercular ailments and diseases, paralysis agitans, encephalitis lethargica, or amœbic dysentery, or the loss of sight of both eyes, regardless of whether such ailments or diseases are due to military service or otherwise, including traveling expenses as granted to those receiving compensation and hospitalization under this act."

It will be noted from the language of the statute above quoted that it is mandatory on the bureau to utilize all hospital facilities under the control and jurisdiction thereof for the hospitalization of this class of beneficiaries. This class of beneficiaries, in so far as hospital facilities under the control and jurisdiction of the bureau are concerned, are on a parity with persons suffering from service-connected disabilities. Therefore, in so far as persons coming within the first provision of section 202 (10) are concerned, all hospital facilities under the control and jurisdiction of the bureau must be utilized and hospitalization can not be refused on the ground that there may be a potential demand for such facilities which may arise by reason of future requirements for service-connected cases.

The Comptroller General considers the term "hospital facilities under the control and jurisdiction of the bureau" as equivalent to or synonymous with "Government facilities" (Decision of the Comptroller General, January 5, 1925, A-5773). The decision of the Comptroller General is predicated on the theory that these facilities which are made available to the bureau by virtue of section 10 of the act of June 7, 1924 (sec. 9 of the act of August 9, 1921), are to all intents and purposes under the control and jurisdiction of the bureau.

Held: That hospitalization under the first provision of section 202 (10) of the act, as amended, is mandatory. Held further that hospital facilities "under the control and jurisdiction of the bureau" are equivalent to "Government facilities." (Opinions of the general counsel, January 17, 1928, and February 11, 1928, approved by the director on February 20, 1928.)

The foregoing decision is hereby promulgated for observance by all officials and employees of the United States Veterans' Bureau.

FRANK T. HINES, *Director.*

Mr. Speaker, when this bill was pending before the committee I appeared and recited my experience during the vacation period and showed a condition existing in the St. Louis district that I am sure convinced the committee an emergency existed. I contended, throughout the summer, beds were not available for mental patients and I am pleased to see the committee has acted favorably on my suggestion by converting the hospital at Excelsior Springs into a neuropsychiatric hospital and authorizing an appropriation of $900,000 to increase the capacity to 300 beds. Veterans afflicted with nervous disabilities can then be sent from St. Louis to Excelsior Springs.

My remarks before the Committee on World War Veterans' Legislation are as follows:

Mr. COCHRAN. Mr. Chairman, ladies and gentlemen, my chief concern is to urge the committee to consider the advisability of allocating proper funds for the erection of an N. P. hospital in or near the city of St. Louis. My district is situated entirely within the limits of St. Louis. I was in the city from the 15th of last March to the first week in November. My office is down town, within 30 minutes ride of 1,500,000 people. During that period there was no day that I saw less than 20 veterans of the World War. I am told by the Veterans' Bureau regional office in St. Louis that I have placed before them more cases than all the Representatives in Missouri together.

My reason for urging the construction of this hospital is that I found throughout the summer the Veterans' Bureau did not have the facilities to take care of what they call the nervous and mental cases. I was not going to speak about this subject, but Mr. Miller said he had some figures taken from the census list of the Veterans' Bureau as of December 31, 1927. We have a general hospital at Jefferson Barracks, Mo., which is outside the city limits on a Government reservation, where the Sixth United States Infantry is stationed. They have a large area there that is not in use, and part of this area was allocated to the Veterans' Bureau. This report states that on December 31 the N. P. beds occupied were 32, the unoccupied beds were 19, a total of 51 beds. I will not challenge the figures of December 31, 1927, but I will say that at no time between the 15th of March and the first week in December did any such condition exist, but on the contrary, there was not a bed available, nor were beds available at Knoxville, Iowa, Marion, Ind., or Little Rock, Ark., where our nervous patients are sent.

In support of that statement I am in a position to furnish this committee with telegrams signed by the Director of the Veterans' Bureau and with letters signed by the regional manager in St. Louis, Mo., that they were not in a position to care for the veterans in cases that I placed before them.

Now, just before I left St. Louis, I received a telephone message from a widow who had mortgaged her home and spent all her money and who was working washing floors in an office building who had paid as long as possible $35 a week for the upkeep of her son in a private hospital in St. Louis, saying they wanted her boy taken home. I had that boy placed in Hospital No. 92, and it took me one month to do it. There was another boy there whose case is still pending before the bureau, whose service connection has not yet been entirely established, that I had placed in that hospital because he had become dangerous. The official at the hospital secured the cooperation of the chief of police of St. Louis and sent a policeman to the boys' homes, after he had sent them letters and they had not responded, telling them to come down there and take their relatives out of the hospital, that they needed the beds. When I heard of that, I drove some 6 miles to the hospital. I confronted the gentleman (the administrative officer at that time, due to an investigation, had just been changed; his name was Doctor Casselli, and the officer in charge, whose assignment was temporary, was Doctor Doyle) and they told me they had no room in that hospital for any patients and that they needed the bed. I defied them to turn the man out, and told them I accepted the responsibility of telling the relatives not to take them out.

The wife of one of the men who had been pronounced dangerous, even by the doctors at the hospital, was called to the hospital on Sunday and they put her husband's arm under hers and told her to take him out of that hospital, and that man was out of that hospital until just a few weeks ago, when I had General Hines send him to the diagnostic center in Cincinnati to find who was right—the private doctor or the Veterans' Bureau—in making the diagnosis. General Hines has always treated me with the greatest consideration. When I placed the situation before him by telegram he wired back that the man should remain in that hospital. This one man was removed and the telegraphic order from General Hines was necessary to put him back. They said, "We can not put him back; the bed he occupied has already been filled and we have no place for him, and we can not put him in the other wards; it would be dangerous." Still they turned that man over to his wife. I would not have mentioned that at all but for this list which was just handed me, and I propose to find out whether the census figures of December 31 are correct. I would like to know where they send their patients; because I am still trying to get men in at Marion, Knoxville, and Little Rock.

We have, as I say, a Government reservation there; all the ground that is necessary for a hospital of the character I describe is available. I have talked to the officer in charge of the Veterans' Bureau hospital and he says it will in no way interfere with the morale of the patients in the hospital and I have talked to the commander of the Army post and he says it will in no way injure the morale of his men to have an N. P. hospital placed there. I know that throughout the summer men who should have been placed in the hospital have been placed in soldiers' homes, because I have had them sent there, as I had no other place to send them. They need hospitalization, but they are domiciled at a soldiers' home because you can not get a boy in No. 92, which is a general hospital. I have read the telegrams time and again in the office of the regional manager at St. Louis, from Marion, from Knoxville, and from Little Rock, saying, "We can not give you a bed." Now, there is the situation. I hope these census figures are correct, but I want to find out if they are correct; and if they are correct, I want to see what policy resulted in providing so many unoccupied beds in that hospital.

I have no complaint to make of the treatment by the Veterans' Bureau of the veterans; they are doing the best they can with the facilities they have. But take a big city like St. Louis, where we have hundreds of such patients, if we had a place there where we could house them, where their relatives could see them, there would be more contentment among the men and the opportunity for them to recover would be better.

Mr. LUCE. Possibly the explanation of the situation to which you call attention is not in the N. P. hospital. The beds are divided into two parts—one psychotic and the other psychoneurotic. The second class is often spoken of as the nervous beds, and the apparent existence of empty beds may be those for nervous cases which would not be available for the psychotic cases—the mental cases. You have to take those classes into consideration in considering the figures that are presented to you.

Mr. COCHRAN. Now I have only visited this hospital twice. The requests come to my office during the summer, but the superintendent of the hospital had always been very friendly toward me and he is a man in whom I had great confidence and he has told me time and again that "we have not one bed in our hospital to take care of a nervous case." There is something wrong with the figures.

Mr. LUCE. Simply to complete the statement, I will say the record shows that at this barracks there are available 9 psychotic beds and 38

psychoneurotic. The nine psychotic beds were, on the 1st of December, full, but there were vacant on that day 15 of the beds for nervous patients.

Mr. COCHRAN. I can only tell you then, Mr. Chairman, that the information given me throughout the summer and fall does not correspond in any way with the figures before you.

Mr. BROWNING. Did you have any beds available for those that simply had nervous trouble?

Mr. COCHRAN. No.

Mr. BROWNING. Or was the trouble altogether with those who were dangerous?

Mr. COCHRAN. It was with any kind of a case when the man was suffering from a nervous disability. I will say the city hospitals and the city sanitariums are full to-day with veterans who are suffering from nervous disabilities, as I explained to the chairman the other day. This is due to the law that was enacted whereby $80 is placed in the Treasury and $20 goes to the hospital if he is in a Government institution and has no dependents, and we have there 23 cases in our city hospital where the guardian has refused to remove that man. That is not the fault of the bureau. It is willing to find a place for such cases. We did have one case there where the man is receiving $257.50 a month. He has a double total disability, and his insurance is in force; he has no dependents and his guardian has refused to take him out of the city hospital in St. Louis and put him either on a private hospital or in a Government hospital. The commissioner is continuously complaining about it, but the bureau can do nothing. It has to control over the guardian.

Mr. LUCE. If the bureau should recommend and the Congress appropriate an increase at Excelsior Springs Hospital of 175 beds and make it an N. P. hospital, would that give you any relief?

Mr. COCHRAN. If you would make it an N. P. hospital; but so far in all the cases I have handled I have never been able to get one man sent to Excelsior Springs. What they are using that hospital for I do not know; but, so far as I am concerned, there has never been one man from my district sent to Excelsior Springs. They go to Marion, Ind., and Knoxville, Iowa, and the drug addicts go to Little Rock, Ark., and some other mental cases go to Little Rock, Ark. I have never been able to have one of my patients sent to Excelsior Springs. If Excelsior Springs is turned into an N. P. hospital it will meet the situation. I certainly am not appealing to you to have a hospital erected in St. Louis; I simply mentioned the fact that the Government has ground there which would lower the expense. I care not where it is, just so the men of St. Louis are taken care of.

I desire to submit for the information of the committee a letter I have just received from Dr. J. W. Shankland, hospital commissioner of St. Louis, which explains the situation fully as far as the conditions at the city institution is concerned. The letter follows:

ST. LOUIS, MO., *January 19, 1928.*

Hon. JOHN J. COCHRAN,
House of Representatives, Washington, D. C.

DEAR SIR: I have observed that General Hines, Chief of the United States Veterans' Bureau, has recommended an appropriation of a number of millions of dollars for additional buildings for housing World War veterans, and I ask your indulgence in this matter with the object in view of establishing a psychopathic hospital at Jefferson Barracks for the treatment of nervous and mental diseases.

This class of cases is crowded into our city sanitarium, which now houses 30 per cent more than the building is made to accommodate, and they are not receiving the care and attention at a cost of $20 per month that they should get in a Government institution where the per capita cost is $150 a month. We have 23 such cases in that institution drawing compensation from the Government of $100 or more per month, who are placed there under guardianship at $20 per month. Besides these we have 29 not drawing compensation.

This piece of legislation for the benefit of disabled veterans in the vicinity of the city of St. Louis is very sorely needed. The closest veterans' hospital for the care of nervous and mental diseases is about 300 miles—there being one to the north at Knoxville, Iowa, one to the south in Little Rock, Ark.; the one to the east is a soldiers' home in Marion, Ind.; and I do not believe there is one nearer than Denver, Colo., to the west.

Requesting you to apply enough of your valuable time for an investigation of this matter, that it may be placed before your honorable legislative bodies upon its merits, I am,

Yours very truly,

J. W. SHANKLAND, *Commissioner.*

As I told the committee, I proposed to investigate the figures supplied by the Veterans' Bureau, and I at once telegraphed friends in St. Louis to secure reliable statistics concerning the vacant beds in the Jefferson Barracks Hospital on December 31, 1927, used for patients with mental disabilities.

The replies convince me that on the above date men who could be safely granted a furlough were allowed to go home for New Year's and their vacant beds were listed. The bureau figures as of December 31, 1927, are probably correct, but if you will take the record as of January 4, when the men had all returned, you will see this situation did not exist.

AMENDMENT OF THE WORLD WAR VETERANS' ACT, 1924

Mr. JOHNSON of South Dakota. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 13039 as amended. It is No. 402 on the Union Calendar.

The SPEAKER. The gentleman from South Dakota moves to suspend the rules and pass the bill H. R. 13039 as amended. The Clerk will report the bill as amended.

The Clerk read as follows:

A bill (H. R. 13039) to amend the World War veterans' act, 1924

Be it enacted, etc., That section 19 of the World War veterans' act, 1924, as amended (sec. 445, title 38, of the United States Code), be amended by adding the following:

"No suit shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made, or within one year from the date of the approval of this amendatory act, whichever is the later date: *Provided,* That for the purposes of this section it shall be deemed that the right accrued on the happening of the contingency on which the claim is founded: *Provided further,* That this limitation is suspended for the period elapsing between the filing in the bureau of the claim sued upon and the denial of said claim by the director. Infants, insane persons, or persons under other legal disability, or persons rated as incompetent or insane by the bureau shall have three years in which to bring suit after the removal of their disabilities. If suit is seasonably begun and fails for defect in process, or for other reasons not affecting the merits, a new action, if one lies, may be brought within a year though the period of limitations has elapsed. Judgments heretofore rendered against the person or persons claiming under the contract of war-risk insurance on the ground that the claim was barred by the statute of limitations shall not be a bar to the institution of another suit on the same claim. No State or other statute of limitations shall be applicable to suits filed under this section. This section shall apply to all suits now pending against the United States under the provisions of this section."

SEC. 2. That sections 21, subdivision (2), of the World War veterans' act, 1924, as amended (sec. 450, title 38, of the United States Code), be hereby amended to read as follows:

"(2) Whenever it appears that any guardian, curator, conservator, or other person is not, in the opinion of the director, properly executing the duties of his trust or has collected or is attempting to collect fees, commissions, or allowances that are inequitable or are in excess of those allowed by law for the duties performed or expenses incurred, or has failed to make such payments as may be necessary for the benefit of the ward or the dependents of the ward, then and in that event the director is hereby empowered by his duly authorized attorney to appear in the court which has appointed such fiduciary and make proper presentation of such matters to the court: *Provided,* That the director, in his discretion, may suspend payments to any such guardian, curator, conservator, or other person who shall neglect or refuse, after reasonable notice, to render an account to the director from time to time showing the application of such payments for the benefit of such minor or incompetent beneficiary.

"Authority is hereby granted for the payment of any court or other expenses incident to any investigation or court proceeding for the appointment of any guardian, curator, conservator, or other person legally vested with the care of the claimant or his estate or the removal of such fiduciary and appointment of another, and of expenses in connection with the administration of such estates by such fiduciaries, when such payment is authorized by the director."

SEC. 3. That section 28 of the World War veterans' act, as amended (sec. 453, title 38, of the United States Code), is hereby amended to read as follows:

"SEC. 28. There shall be no recovery of payments from any person, who, in the judgment of the director, is without fault on his part, and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience. No disbursing officer shall be held liable for any amount paid by him to any person where the recovery of such amount is waived under this section.

"When under the provisions of this section the recovery of a payment made from the United States Government life-insurance fund is waived, the United States Government life-insurance fund shall be reimbursed for the amount involved from the current appropriation for military and naval insurance."

SEC. 4. That a new section be added to Title I of the World War veterans' act, 1924, as amended (title 38, United States Code), to be known as section 34 and to read as follows:

"SEC. 34. The director is hereby authorized to contract for the services of translators without regard to the provisions of the act of August 5, 1882 (secs. 39, 45, 46, 50, title 5, United States Code), and the classification act of 1923 (secs. 43, 45, 46, title 5, United States Code). This section shall be deemed to be in effect as of June 7, 1924."

SEC. 5. That a new section be added to Title I of the World War veterans' act, 1924, as amended (title 38, U. S. Code), to be known as section 35 and to read as follows:

"SEC. 35. The director is hereby authorized to purchase transcripts of the record, including all evidence, of trial of litigated cases. This section shall be deemed to be in effect as of June 7, 1924."

SEC. 6. That section 201, subdivisions (1) and (3), of the World War veterans' act, 1924, as amended (sec. 472, title 38, U. S. Code), be hereby amended as follows:

"(1) If death occur or shall have occurred subsequent to April 6, 1917, and before discharge or resignation from the service, the United States Veterans' Bureau shall pay for burial and funeral expenses and the return of body to his home a sum not to exceed $100, as may be fixed by regulation. Where a veteran of any war, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, who was not dishonorably discharged, dies after discharge or resignation from the service, the director, in his discretion and with due regard to the circumstances of each case, shall pay for burial and funeral expenses and the transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding $107 to cover such items and to be paid to such person or persons as may be fixed by regulations: *Provided*, That when such person dies while receiving from the bureau compensation or vocational training the above benefits shall be payable in all cases: *Provided further*, That where such person, while receiving from the bureau medical, surgical, or hospital treatment, or vocational training, dies away from home and at the place to which he was ordered by the bureau, or while traveling under orders of the bureau, the above benefits shall be payable in all cases and in addition thereto the actual and necessary cost of the transportation of the body of the person (including preparation of the body) to the place of burial, within the continental limits of the United States, its Territories, or possessions, and including also, in the discretion of the director, the actual and necessary cost of transportation of an attendant: *Provided further*, That no accrued pension, compensation, or insurance due at the time of death shall be deducted from the sum allowed: *Provided further*, That the director may, in his discretion, make contracts for burial and funeral services within the limits of the amounts allowed herein without regard to the laws prescribing advertisement for proposals for supplies and services for the United States Veterans' Bureau: *And provided further*, That section 5, title 41, of the United States Code, shall not be applied to contracts for burial and funeral expenses heretofore entered into by the director so as to deny payment for services rendered thereunder, and all suspensions of payment heretofore made in connection with such contracts are hereby removed, and any and all payments which are now or may hereafter become due on such contracts are hereby expressly authorized.

"(3) The payment of compensation to or for a child shall continue until such child reaches the age of 18 years or married, or if such child should be permanently incapable of self-support by reason of mental or physical defect, then during such incapacity: *Provided*, That the payment of compensation shall be further continued after the age of 18 years and until completion of education or training, to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university, particularly designated by him and approved by the director, which shall have agreed to report to the director the termination of attendance of such child, and if any such institution of learning fails to make such report promptly the approval shall be withdrawn: *And provided further*, That no compensation shall be paid to or for any child who reaches the age of 21 years."

SEC. 7. That the first paragraph of section 202, subdivision (7), of the World War veterans' act, 1924, as amended (sec. 480, title 38, United States Code), be hereby amended to read as follows:

"(7) Where any disabled person having neither wife, child, nor dependent parent shall, after July 1, 1924, have been maintained by the Government of the United States for a period or periods amounting to six months in an institution or institutions, and shall be deemed by the director to be insane, the compensation for such person shall thereafter be $30 per month so long as he shall thereafter be maintained by the bureau in an institution; and such compensation may, in the discretion of the director, be paid to the chief officer of said institution to be used for the benefit of such person: *Provided, however*, That if such person shall recover his reason and shall be discharged from such institution as competent, such additional sum shall be paid him as would equal the total sum by which his compensation has been reduced through the provisions of this subdivision."

SEC. 8. That section 202, subdivision 12, of the World War veterans' act, 1924, as amended (sec. 486, title 38, United States Code), be hereby amended to read as follows:

"(12) Where the disabled person is a patient in a hospital, or where for any other reason the disabled person and his wife are not living together, or where the children are not in the custody of the disabled person, the amount of the compensation may be apportioned as may be prescribed by regulations."

SEC. 9. That section 206 of the World War veterans' act, 1924, as amended (sec. 495, title 38, United States Code), is hereby repealed.

SEC. 10. That section 209 of the World War veterans' act, as amended (sec. 498, title 38, United States Code), is hereby repealed.

SEC. 11. That section 212 of the World War veterans' act, 1924, as amended (sec. 422, title 38, United States Code), be amended by adding thereto the following proviso:

"*Provided further*, That where the widow, child, or children of a deceased veteran are entitled to compensation by virtue of an accrued right under the war risk insurance act, as amended, the rates of compensation shall be the same as those provided by section 201 of this act."

SEC. 12. That section 300 of the World War veterans' act, 1924, as amended (sec. 511, title 38, of the United States Code), be hereby amended to read as follows:

"SEC. 300. In order to give to every commissioned officer and enlisted man and to every member of the Army Nurse Corps (female) and of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department protection for themselves and their dependents, the United States, upon application to the bureau and without medical examination, shall grant United States Government life insurance (converted insurance) against the death or total permanent disability of any such person in any multiple of $500, and not less than $1,000 or more than $10,000 upon the payment of the premiums as hereinafter provided. Such insurance must be applied for within one hundred and twenty days after enlistment or after entrance into or employment in the active service and before discharge or resignation: *Provided*, That any member of the reserve forces whose application was accepted at a time when he was in attendance at a military or naval training camp or station, and from whom premiums were collected, and who becomes or has become totally and permanently disabled, or dies or has died, shall be deemed to have made valid application therefor. This proviso shall not authorize the granting of more than $10,000 insurance to any one person: *Provided further*, That each officer and enlisted man of the Coast Guard who is serving on active duty at the time of the passage of this amendatory act, or who subsequent thereto enters the Coast Guard service, shall be granted insurance in accordance with the terms of this section upon application within one hundred and twenty days of the passage of this amendatory act, or date of enlistment or entry into the Coast Guard, whichever is the later date, and before retirement, discharge, or resignation.

"Yearly renewable term insurance shall be payable only to a spouse, child, grandchild, parent, brother, sister, uncle, aunt, nephew, niece, brother-in-law, or sister-in-law, or to any or all of them, and also during total and permanent disability to the injured person.

"Where the beneficiary for yearly renewable term insurance at the time of designation by the insured is within the permitted class of beneficiaries and is the designated beneficiary at the time of the maturity of the insurance because of the death of the insured, such beneficiary shall be deemed to be within the permitted class even though the status of such beneficiary shall have been changed.

"The United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war. The premium rates shall be the net rates based upon the American Experience Table of Mortality and interest at 3½ per cent per annum. This section, as amended, shall be deemed to be in effect as of June 7, 1924."

SEC. 13. That section 301 of the World War Veterans' Act, 1924, as amended (section 512, title 38, United States Code), be hereby amended to read as follows:

"SEC. 301. Except as provided in the second paragraph of this section, not later than July 2, 1927, all term yearly renewable insurance held by persons who were in the military service after April 6, 1917, shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, 20-payment life, endowment maturing at age 62, five-year level premium term, and into other usual forms of insurance, and for reconversion of any such policies to a higher premium rate in accordance with regulations to be issued by the director, and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more than one month each, and may be deducted from the pay or deposit of the insured or be otherwise made at his election.

"All yearly renewable term insurance shall cease on July 2, 1927, except when death or total permanent diability shall have occurred before July 2, 1927: *Provided, however*, That the director may by regulation extend the time for the continuing of yearly renewable term insurance and the conversion thereof in any case where on July 2, 1927, conversion of such yearly renewable term insurance is impracticable or impossible due to the mental condition or disappearance of the insured.

"In case where an insured whose yearly renewable term insurance has matured by reason of total permanent disability is found

and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to convert said term insurance as hereinbefore provided: *Provided*, That where the time for conversion has been extended under the second paragraph of this section because of the mental condition or disappearance of the insured, there shall be allowed to the insured an additional period of two years from the date on which he recovers from his mental disability or reappears in which to convert.

"The insurance except as provided herein shall be payable in 240 equal monthly installments: *Provided*, That when the amount of an individual monthly payment is less than $5, such amount may in the discretion of the director be allowed to accumulate without interest and be disbursed annually. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for cash, loan, paid up and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance, or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at 3½ per centum per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than 240 months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries without the consent of such beneficiary or beneficiaries, but only within the classes herein provided.

"If no beneficiary be designated by the insured as beneficiary for converted insurance granted under the provisions of Article IV of the war risk insurance act, or Title III of this act, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, then there shall be paid to the estate of the insured the present value of the remaining unpaid monthly installments; or if the designated beneficiary survives the insured and dies before receiving all of the installments of converted insurance payable and applicable, then there shall be paid to the estate of such beneficiary the present value of the remaining unpaid monthly installments: *Provided*, That no payments shall be made to any estate which under the laws of the residence of the insured or the beneficiary, as the case may be, would escheat, but same shall escheat to the United States and be credited to the United States Government life insurance fund.

"The bureau may make provision in the contract for converted insurance for optional settlements, to be selected by the insured, whereby such insurance may be made payable either in one sum or in installments for 36 months or more. The bureau may also include in said contract a provision authorizing the beneficiary to elect to receive payment of the insurance in installments for 36 months or more, but only if the insured has not exercised the right of election as hereinbefore provided; and even though the insured may have exercised his right of election the said contract may authorize the beneficiary to elect to receive such insurance in installments spread over a greater period of time than that selected by the insured. This section shall be deemed to be in effect as of June 7, 1924."

SEC. 14. That a new section be added to the World War veterans' act, 1924, as amended (title 38, U. S. Code), to be known as section 310 and to read as follows:

"SEC. 310. Notwithstanding the provisions of sections 300 and 301 of the World War veterans' act, 1924, as amended (secs. 511 and 512, title 38, United States Code), the United States, upon application to the bureau, shall grant United States Government life (converted) insurance against death or permanent total disability in any multiple of $500 and not less than $1,000 or more than $10,000 to any person who has heretofore applied or been eligible to apply for yearly renewable term insurance or United States Government life (converted) insurance: *Provided*, That such person is in good health and furnishes evidence satisfactory to the director to this effect: *Provided further*, That no person may carry more than $10,000 of United States Government life insurance at one time."

SEC. 15. That a new section be added to the World War veterans' act, 1924, as amended (title 38, U. S. Code), to be known as section 311 and to read as follows:

"SEC. 311. Wherever an insured under a yearly renewable term insurance contract or a United States Government life (converted) insurance policy is totally disabled for a period of 12 consecutive months he shall be entitled to receive total permanent disability benefits under his contract as though he were totally and permanently disabled, such payments to be effective as of the date such total disability began and to be made monthly in accordance with the terms of the contract during the continuance of such total disability. During the period of payments under this section premiums on such insurance shall be waived: *Provided, however*, That no retroactive payments shall be made under this section except where there is a period of total disability followed by permanent total disability, in which event payments shall be made effective not more than one year prior to the passage of this amendatory act: *Provided further*, That no application, conversion, or reinstatement shall be invalidated by reason of the provisions of this section. Provision shall be made by regulation for the reexamination of an insured under this section from time to time as the director may deem necessary, and in the event it is found that an insured is no longer totally disabled, payment of benefits shall cease and the provisions of the yearly renewable term insurance contract or the United States Government life-insurance policy, with reference to recovery from permanent total disability, shall apply: *Provided*, That the benefits of this section shall not prejudice any other cause of permanent total disability."

The SPEAKER. Is a second demanded?

Mr. BULWINKLE. Mr. Speaker, I demand a second.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from South Dakota is recognized for 20 minutes and the gentleman from North Carolina for 20 minutes.

Mr. JOHNSON of South Dakota. Mr. Speaker, this act was originally H. R. 10160, which I introduced early in the session. The insurance features contained in the present bill, H. R. 13039, were referred to a subcommittee, of which Representative Perkins, of New Jersey, was chairman. They were unanimously reported by that subcommittee and unanimously reported by the entire committee. The other features were contained in H. R. 10160. There is a very complete statement of what the bill contains in the report, Report No. 1274, and in order to save time I ask unanimous consent that I may include that report in my present remarks.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. JOHNSON of South Dakota. Therefore, I shall only discuss the three major provisions of the bill, found in sections 1, 9, and 13.

Section 1 of the bill amends section 19 of the act by establishing a uniform Federal statute of limitations for suits on contracts of insurance relating to permanent disability. In the different States of the United States the statute of limitations differs. In some States it is 3 years, in other States 4 years, in some States 6 years, and in New York and perhaps one other State 20 years. As suits are brought under these insurance policies in one State a disabled man would have 20 years in which to bring his action, whereas in another State he would have but 3 years. In the United States as a whole the statute of limitations is 6 years, and the committee, therefore, adopted 6 years for the purposes of this bill.

If this is not adopted, it would be very clear that able lawyers in States where the statute of limitations is but 3 years would, 10 years after the expiration of the statute of limitations in that State, move their clients to the State of New York, where the statute of limitations is 20 years. If there were many of these cases, and there might be a great number of them, it would dislocate the system of Federal jurisprudence over the country. So that is an important provision of the bill.

Mr. LAGUARDIA. Will the gentleman yield right there?

Mr. JOHNSON of South Dakota. I yield.

Mr. LAGUARDIA. Would this give residents of the State of New York six years from the time that this bill, if enacted into law, went into effect?

Mr. JOHNSON of South Dakota. Six years from the time the right to sue accrues, and one year from the passage of this act.

Section 9 of the proposed law repeals sections 206 and 209 of the present statutes. This is the provision of the proposed law which will be most expensive to the Government, and to my mind it is one of the most important provisions of the proposed law.

On June 7 last the time expired wherein disabled men could file their claims for disability compensation and present evidence in substantiation of those claims. There were two classes of the disabled who did not file their claims and present evidence before the expiration of the time provided in the statute. One class is made up of men who were very badly disabled, but who would not ask the Government for anything. They came back from the war and said they were able to work without the Government helping them. They were not too proud to engage in the conflict, but they were too proud to file their claims. A time may come when the fortunes of life are not good to those men, and they should not be prohibited from presenting their claims and filing their evidence if they desire to do

so. Then there is another class of men all over the United States who, no matter what law is passed by Congress, will never know that such a law has been passed, and there are men in this country, who were seriously disabled, that to-day do not realize that this Congress and this Government have been liberal with respect to the disabled men, and they have not filed their claims. There are in the Veterans' Bureau to-day claims which will next year require an expenditure of about $3,000,000. Those claims are already allowed by the bureau; they are absolutely legitimate and they are entirely legal, but these men are prohibited from presenting claims by reason of the statute of limitations.

The third most important of these provisions, as I see them, is section 13.

Mr. NEWTON. Will the gentleman yield before he leaves that point?

Mr. JOHNSON of South Dakota. Yes.

Mr. NEWTON. I do not just get the intent and purpose of the amendment in section 11. I was not aware that there was a distinction under the provisions of the existing law. I am referring to section 11 of the bill which amends section 212.

Mr. JOHNSON of South Dakota. At the present time, if a man has a converted insurance policy, which is ordinary life, he can convert it to the more expensive policy.

Mr. NEWTON. I am referring to section 11 of the bill.

Mr. JOHNSON of South Dakota. The gentleman is referring to the widows?

Mr. NEWTON. Yes; widows and children.

Mr. JOHNSON of South Dakota. At present there is a discrimination. The widows in the class described in the bill secure $25 a month, while the widows immediately before the date given in the report and immediately after the date given in the report receive $30 a month, and all we have desired to do is to equalize those classes of widows.

Mr. NEWTON. I was not aware that there is a distinction.

Mr. JOHNSON of South Dakota. Yes; it removes a discrimination against that class of widows of $5 a month and puts them on a parity with all other widows.

Section 13 of the bill, which I was about to discuss before yielding to the gentleman from Minnesota, opens up Government insurance to service men who have lapsed their policies. This costs the Government nothing, it is the best insurance in the world, and the men ought to be allowed to take it. It is self-sustaining.

There were many men who came back from the war who had obligations and did not feel they could carry this insurance. They were mostly young men. Their average age to-day is only about 33 years. Many of them dropped their insurance. All the committee has desired to do is to give them the opportunity to take this converted insurance if they are physically able to pass the examination.

This is the best and the cheapest insurance in the world, liberalized as we have liberalized it in this bill. On the average it is 28 per cent cheaper than equivalent insurance written by any private insurance company, and this is because there is no overhead and there are no agents' premiums.

The Congress has not desired to open the insurance privileges to the public and engage the Government in competition with insurance companies, but we have felt that this right of renewal should be given to every service man who was given a policy during the years of the war.

I want to call the attention of the Congress especially to the fact that this is converted insurance and not term insurance. The term insurance which the men were given during the war was paid for partly by themselves and partly by the Government. This term insurance to date has cost the American Government $1,400,000,000.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman.

Mr. LAGUARDIA. The gentleman states that if a veteran has permitted his insurance to lapse or if he has failed to convert his insurance under the provisions of the bill now before us he can convert his insurance provided he is physically perfect. Is there any provision made for the veterans who, on account of illness, did not avail themselves of the opportunity to convert and are now rejected by reason of their physical condition?

Mr. JOHNSON of South Dakota. No; and I will tell the gentleman why that provision could not be included in the law. The payments made out of the insurance fund do not come from the Government. They come from you and from myself and from everyone of us that carry Government insurance. The Government is purely the trustee of the money paid as premiums by the service men of the United States who have this insurance. It is a sacred trust fund. If we would adopt an amendment such as the gentleman suggests it would be paid, not by the Government, but it would be paid from the pockets of the provident men who did keep their insurance and who have paid the premium throughout all these years.

Mr. LAGUARDIA. So, if a veteran, such as I have described, should die, then his dependents would have whatever allowance the law provides for dependent relatives.

Mr. JOHNSON of South Dakota. That is quite correct.

Mr. SCHAFER. Will the gentleman yield.

Mr. JOHNSON of South Dakota. I yield to the gentleman from Wisconsin, certainly.

Mr. SCHAFER. Sometimes in respect of this war-risk insurance it is hard to tell whether the insurance payments are going to be made and to whom they are going to be made. There have been many hundreds of cases held up in the Veterans' Bureau of automatic reinstatement of insurance owing to a conflict in the decisions of the Attorney General, the Comptroller General, the Veterans' Bureau, and the Federal courts. I think the time is at hand when legislation should be enacted to make certain what will become of the insurance that these veterans are carrying. Some of these cases on automatic reinstatements have been held up in adjudication for a year pending a solution of these various decisions.

Mr. JOHNSON of South Dakota. I would say to the gentleman we can only let time work that out, but I want to make it clear that we should not take any liberties or trifle with this fund, because it is purely a trust fund coming from the men who have paid their premiums.

Mr. NEWTON and Mr. HILL of Alabama rose.

Mr. JOHNSON of South Dakota. I yield first to the gentleman from Minnesota.

Mr. NEWTON. I want to inquire about a case of this sort. Here is a soldier who dropped his insurance or did not take out any insurance at all and he is in good health, and just as long as he remains in good health, as I understand it, he can make application at any time in the future, paying whatever is the then premium.

Mr. JOHNSON of South Dakota. Based on his age.

Mr. NEWTON. Based on his age, and have the benefits of this insurance?

Mr. JOHNSON of South Dakota. That is correct.

Mr. HILL of Alabama. The gentleman has really answered my question. In other words, this removes all limitation so far as converted insurance is concerned if the veteran is in good health.

Mr. JOHNSON of South Dakota. The gentleman is correct.

Mr. CAMPBELL. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield.

Mr. CAMPBELL. On page 15, line 2, there is the language, "or if the designated beneficiary survives the insured and dies before receiving all of the installments of converted insurance payable and applicable, then there shall be paid to the estate of such beneficiary the present value of the remaining unpaid monthly installments." This is a change in the present law, is it not?

Mr. JOHNSON of South Dakota. I do not think so.

Mr. CAMPBELL. It goes to the estate of the deceased soldier.

Mr. JOHNSON of South Dakota. There comes in the difference between converted insurance and term insurance. The soldier himself is paying for this insurance, and we felt there should be no limitation and that he should be allowed to have the money go where he desired; but on term insurance, where the Government, as I have said, has spent $1,400,000,000, it was thought that the Government might have something to say about who the beneficiary should be. On converted insurance, that the soldier pays for himself, we thought the Government ought to have nothing to say about who the beneficiary should be. That is done by this proposed law now under discussion.

Mr. CAMPBELL. Why not allow the law of the State to determine that? Suppose the beneficiary has remarried and the deceased soldier leaves parents in needy circumstances?

Mr. JOHNSON of South Dakota. Then it would be paid to the beneficiaries of the deceased soldier.

I still think that was in the original war risk law or veterans' act of 1924, as amended, and we are not attempting to change it.

Mr. CAMPBELL. It goes to the estate of the deceased soldier, and that is where it should go.

Mr. JOHNSON of South Dakota. It is peculiar that a moment ago another Member of the House was objecting because it did not go that way.

Mr. LAGUARDIA. If the gentleman will yield, under the war-risk insurance we can only designate certain degrees of relatives. I made certain persons my beneficiaries, because to name others would not be within the relationship. Therefore there was some reason for a provision of that kind. As the

gentleman suggests, it is quite possible that if a beneficiary named commences to derive the benefits of the insurance and thereafter dies an entire new set of relatives get the benefit.

Mr. JOHNSON of South Dakota. Mr. Speaker, I reserve the balance of my time. I append the report:

(Report to accompany H. R. 13039)

The Committee on World War Veterans' Legislation, to whom was referred the bill (H. R. 13039) to amend the World War veterans' act, 1924, as amended, having considered the same, report thereon with recommendation that it be passed as amended. The bill, as now presented, proposes several substantial changes to which the attention of the House of Representatives should be specifically directed. They are as follows:

1. Section 1 of the bill amends section 19 of the act by establishing a uniform statute of limitations for suits on contracts of insurance. At the present time, under the conformity act, the statutes of limitations of the various States apply. The periods of limitations in these statutes vary from 3 to 20 years, the average being 6 years. The committee believes that the average statute of limitation, namely six years, should be applied to these suits, with an additional year from the date of passage of this amendatory act for all suits. In computing the limitation period it is provided that the time from the date of filing claim for insurance benefits to the date of disallowance of the claim by the director shall not be included. Further, it is provided that the period of limitation shall not run during the time a person is under legal disability or is rated as incompetent by the bureau, and that such person shall have three years from date of removal of disability in which to sue. The amended section is made applicable to suits which have been heretofore rejected under the State statutes of limitations, pending suits, as well as future suits.

2. Section 2 of the bill, as amended, amends section 21, subdivision 2, of the World War veterans' act to provide authority in the Director of the United States Veterans' Bureau for the payment of the expenses of original appointments of guardians, curators, and conservators of incompetent beneficiaries. At the present time the law provides for the payment of such expenses incident to any investigation or court proceeding for the removal of a guardian, curator, or conservator, who has not properly executed the duties of his trust, and the appointment of a new guardian, curator, or conservator, but it is not within the power of the director to secure the appointment of such a fiduciary in the first instance and pay the expenses of the proceeding. The cost of this item is estimated at $164,000 per annum.

3. Section 3 of the bill, as amended, amends section 28 of the World War veterans' act, as amended, under which authority now exists for waiver of recovery of payments from any beneficiary who, in the judgment of the director, is without fault on his part and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience, by the substitution of the word "person" for the word "beneficiary." Under the language of this section at present, as construed by the bureau and the Comptroller General, the word "beneficiary" does not comprehend persons who are not legal beneficiaries under the statute; for instance, in a case where, upon the evidence submitted, the bureau has paid insurance or compensation to a person who was alleged to be the widow of an ex-service man, but who, it subsequently appears, was not his widow for the reason that prior to her marriage to the veteran he was married to another woman from whom he was not legally divorced, recovery can not be waived, because the woman, not being the veteran's widow, could legally not be a beneficiary within the meaning of that term as used in the World War veterans' act, as amended. It is obviously unjust, however, to attempt to recover in such a case, both the payee and the bureau being without fault. The substitution of the word "person" for the word "beneficiary" will cure the situation. There is also included language to the effect that no disbursing officer shall be held liable for any amount paid by him to any person where the recovery of such amount is waived under this section. The purpose of this amendment is to relieve disbursing officers from liability on their bonds through payments made through error, the recovery of which has been waived under authority of section 28. At the present time the Comptroller General holds that, although recovery may be waived in so far as the payee is concerned, the disbursing officer is nevertheless liable under his bond for the erroneous disbursement. It is estimated that this would result in an immediate cost of $218,500 and an annual cost of $84,850 thereafter.

4. Section 4 of the bill, as amended, adds a new section to Title I of the World War veterans' act, as amended, to be known as section 34, and to provide authority for the director to enter into private contracts for the services of translators without regard to the civil service laws and the classification act of 1923. This amendment is included to enable the director to procure the translation of correspondence from foreign languages into English, and English into foreign languages, by the piece, where the foreign language is unusual and so seldom encountered in the administration of the bureau as not to justify the hiring of a translator on a salary basis. The director has found it economical to enter into private contracts in such cases rather than to employ a regular translator at an annual salary, but the Comptroller General has held that such procedure is unauthorized. It is estimated that the cost of this provision would be approximately $300. The amendment is made retroactive to June 7, 1924, in order that translators who have heretofore performed services under this arrangement may be reimbursed.

5. Section 5 of the bill, as amended, adds a new section to Title I of the World War veterans' act, 1924, as amended, to be known as section 35, and to provide authority for the purchase of transcripts of the record, including the evidence of trial of litigated cases. This section is recommended by the bureau in order that in the future review of such cases the bureau would have the full benefit of evidence adduced at trial. It is estimated that this amendment will cost approximately $10,000 per year.

6. Section 6 of the bill amends section 201, subdivision (1), of the statute, which now provides an allowance of $100 plus $7 for a flag to drape the casket in cases where a veteran dies after discharge or resignation from the service and does not leave assets which, in the judgment of the director, should be applied to meet the expenses of burial and funeral and the transportation of the body, so as to provide for the payment of $107 in all cases in which the director, in his discretion and with due regard to the circumstances of each case, may decide that the sum should be allowed. Provision is also made that the director may make contracts for burial and funeral services without regard to the laws providing for advertisement and acceptance of the lowest bid, in order that the director shall be no longer bound by the law requiring him to accept the lowest bid offered, but, on the other hand, may accept the bid which will provide the best funeral within the amount allowed for burial and funeral expenses. Further provision is made so as to permit payments under contracts heretofore made on this basis by the director in an effort to provide respectable burials, but which have been disallowed by the Comptroller General.

This section of the bill also proposes to amend subdivision (3) of section 201 by the addition of a new proviso authorizing the payment of compensation to children after the age of 18 years, and until completion of education or training, where such children are or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university particularly designated by them and approved by the director. This allowance is to be continued until such children reach the age of 21 years, or terminate their attendance at school. It is estimated that this provision would result in a total increased cost to the Government of $1,007,900.

7. Section 7 proposes to amend section 202, subdivision (7), first paragraph, by increasing the amount of compensation now paid to disabled veterans who have no dependents and who are being maintained by the Government in hospitals from $20 to $30 per month. This amendment would result in an increased cost to the Government of $699,000 annually.

8. Section 8 of the bill proposes to amend subdivision (12) of section 202 by substituting the word "may" for the word "shall," so as to give the director discretion in making apportionments of compensation where the disabled person and his wife are not living together, or where the children are not in the custody of the disabled person. At the present time the language of this subdivision is mandatory and leaves no discretion in the director as to whether an apportionment shall be made regardless of the circumstances in the case. The object of the amendment is to permit the director to inquire into the reasons for the separation and to make apportionments only in those cases where the facts warrant, and although it places on the bureau the functions of a court of domestic relations it nevertheless is important, from the standpoint of justice to those veterans who are separated from their wives through the misconduct of the latter, that the law no longer contain a mandate requiring apportionment in favor of a wife without regard to the circumstances of the separation. There would be no increased cost due to this amendment.

9. Sections 9 and 10 of the bill provide for the repeal of sections 206 and 209 of the statute, which now contain limitations on filing claim and proof thereof. It is estimated that the repeal of these two sections will result in an increased cost to the Government of $3,342,516 the first year.

10. Section 11 of the bill adds a proviso to section 212 of the World War veterans' act, to provide that where the widow, child, or children of a deceased veteran are entitled to compensation by virtue of an accrued right under the war risk insurance act, as amended, the rates of compensation shall be the same as now paid to widows and children who are receiving compensation under the World War veterans' act, as amended. This amendment is proper in view of the fact that the dependents of veterans who died of injuries received during the period of time covered by the war risk insurance act, but not between April 6, 1917, and July 2, 1921, the period of the World War as defined by the World War veterans' act, are now paid at the rate provided by the old statute. It is fair to put all these dependents on the same basis. This amendment will result in an increased cost to the Government of $12,000 annually.

11. Section 12 amends section 300 of the act by removing the restriction on the designation of a beneficiary for converted insurance to a permitted class. The permitted class of beneficiaries will still remain in the statute in so far as yearly renewable term insurance is concerned. The committee is of the opinion that in view of the fact that the insured under converted insurance is paying an ample premium for the protection afforded, he should be given the same right with regard to designating a beneficiary, or changing a beneficiary, as he would have under a commercial insurance policy. This amendment will make unnecessary the amendment providing that trustees be included among the permitted class of beneficiaries for converted insurance. There will be no additional cost attached to this amendment.

12. Section 13 of the bill amends section 301 of the act merely to make the provisions of that section conform to the amendatory section removing the permitted class of beneficiaries for converted insurance and to permit reconversion of converted insurance to policies of a lower premium rate, other than the five-year term, where the insured is in good health. Evidence was produced to show that immediately following the war many men bought endowment policies which carry a high premium rate; they are now finding it impossible to continue the premiums on these policies, and it was believed that by permitting them, if they are in good health, to transfer to a lower premium rate policy they would be able to continue the insurance. No additional cost will result under this amendment.

13. Section 14 of the bill adds a new section to the act to be known as section 310. This section authorizes the granting of converted insurance to any man who has heretofore applied, or has been eligible to apply, for either yearly renewable term or converted insurance if he is now in good health and submits evidence to this effect satisfactory to the director. The committee believes that this amendment will not only be beneficial to the veterans but also to the United States Government life converted insurance fund, as it will permit men in good health to take out converted insurance and thereby increase the number of good risks carrying this form of insurance.

14. Section 15 of the bill adds a new section to the act to be known as section 311. Evidence was presented to the committee showing that under the present law many veterans had been rated temporarily totally disabled for long periods of time and then rated permanently and totally disabled. As a result of this, in many instances the policy lapsed before the permanent total disability was effective, and no insurance was payable. The committee believes that it was the intention of Congress that cases of this kind should be payable, and in order to insure that the benefits might be paid this amendment is recommended. The effect of the amendment is this: It leaves the two previous maturing factors for insurance, namely, death or total disability, as they are. It adds an additional maturing factor, namely, whenever an insured has been totally disabled for 12 months the benefits shall be payable from the beginning of total disability during the continuance of such total disability. The amendment is only made retroactive in those cases where there has been a period of total disability followed by a rating of permanent total disability. It does not cover retroactively cases of men who previously have been rated temporarily totally disabled but who have since recovered. A special proviso is included protecting applications, reinstatements, and conversions heretofore made. The cost of this section is figured at $9,200,000 for term insurance and $450,000 for converted insurance.

The total increased cost of this entire bill for the first year is estimated at $5,632,346.

The figures given in this report are the official figures furnished by the Veterans' Bureau.

Mr. BULWINKLE. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. BROWNING].

Mr. BROWNING. Mr. Speaker, there are very few benefits as far as compensation is concerned extended by the bill brought in at this time. The principal benefit is that contained in the provision that there shall be no time limit for filing the applications for compensation, provided the man can show service connection of his disability. I think that is a proper provision. There should be no time limit of you can trace the disability to service.

There are a few administrative changes made to help the bureau in the administration of the law. There is a provision to raise the pay of the mentally incompetent person who is in a hospital and who has been there for six months, and who has no dependents, from the present allowance of $20 a month to $30 a month. There is a provision for the small allowance to children of deceased veterans now entitled to compensation to be continued to them until they become 21 years of age, provided they are in school. This was insisted on by the service organization and I think it is proper legislation.

Beyond that there has been no change in the compensation benefits that I recall. The principal reforms brought about by the bill are those in regard to insurance which have been explained to you. It provides that if the policy has been converted to an endowment policy it can be reduced to the ordinary life policy costing less money providing the man desires to do that in order to carry it at a less cost.

It provides that a man may designate any beneficiary he desires instead of being confined to a class set out in the original insurance, that of a dependent.

It sets a limit as to when the monthly payment from the Government on account of insurance may accrue to him because of total disability. Most of the old-line insurance companies provide in the total-disability clause that when they reach a totally disabled condition for three months, or 90 days, it is conclusive against the company and disability benefits must begin. In other words, if a man is totally disabled for three months he must be paid his disability insurance until he becomes able again to carry on his work. This bill does not go that far, but provides that if a man has been rated by the bureau as having a total disability, whether temporary or permanent, for one year he becomes eligible for monthly payments, and they are paid as long as he is totally disabled.

There are many reforms that I think should have been made in the law which we were not able to get into the bill at this time. Many of these corrections, if made at the present, would postpone the time when service pensions will be demanded. All of us are aware that there is quite an insistence from some parts that we disregard service connection and pay the man for disabilities regardless of the origin of them. If the number of cases who are entitled to compensation but are defeated because of technicalities of the law are permitted to persist and multiply, that demand will grow greater as time passes, and we could easier answer it by doing justice to all who can reasonably show their service-connected injury. I regret that time will not permit me to enumerate them. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BULWINKLE. Mr. Speaker, before speaking on the bill under consideration I wish to call the attention of the House to the fact that sooner or later it will be necessary to consider legislation which will aid the Veterans' Bureau in retaining the services of the physicians and surgeons now serving in the bureau. In the last few minutes the House has passed the hospital bill (H. R. 12821), which authorizes an appropriation of $15,000,000 for the purpose of constructing new hospitals, as well as expanding the facilities at other hospitals. On the 1st of March the United States Veterans' Bureau was operating 50 hospitals and using a part of 48 other Government hospitals, and 168 civilian hospitals. On this date there were 7,301 tubercular patients, 6,985 general medical and surgical patients, and 12,857 neuropsychiatric patients in these hospitals. There were on this date, then, a total of 27,143 patients in these various hospitals.

The House is to be commended for passing this hospital bill. The additional facilities are badly needed, but while we are providing the hospitals for these patients we are not properly caring for the medical personnel and the nurses in all of these institutions. From 15 to 20 per cent of the doctors leave the service each year, and each year it becomes more difficult to procure the necessary personnel. Young doctors are not willing to enter into a service that has no future, and I venture to say that there is no doctor on the floor of the House who would go to work in one of the present Veterans' Bureau hospitals, or engage in medical work connected in the central or regional offices. The peak of the load in neuropsychiatric cases will not be reached until the year 1944, while possibly the peak of the load in tuberculosis, general medical, and surgical cases will not depreciably diminish for some years yet. If the Government is to properly care for the disabled men, then it can be done only by first providing an adequate number of competent doctors and nurses; and, second, by providing the necessary hospital facilities. There is before the Committee on World War Veterans' Legislation a bill for the creation of a medical corps in the Veterans' Bureau where a future is guaranteed to the physician or nurse who enters the service.

Mr. KINDRED. Do not the remarks of the gentleman apply particularly to those disabled veterans who have mental and nervous diseases?

Mr. BULWINKLE. In answer to the gentleman from New York, who is a distinguished member of the medical profession, they do; and furthermore, as I have stated before, that load is increasing each year. The establishment of a medical corps in the Veterans' Bureau will cost an additional sum of money, but it is absolutely necessary to establish this corps in order to properly care for the disabled and supply the new hospitals, as well as the old hospitals, with the medical personnel and nurses.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE. Yes; with pleasure.

Mr. SUMMERS of Washington. It is very probable, then, that better service could be rendered the disabled men if there were a thoroughly organized and permanent medical personnel in the hospital. And from a humanitarian standpoint a great advantage would be gained, and undoubtedly the expense would be less in the end, making it an advantage from an economic standpoint.

Mr. BULWINKLE. In my opinion; yes.

The bill now under consideration before the House is a general legislative bill from the Committee on World War Veterans' Legislation and it consists of 15 amendments to the existing law. Five of these amendments are largely administrative, six of them relate to compensation, and four amend the present law in regard to Government insurance. The first amendment, and the first class of cases that I speak of is the administrative, provides for a six-year statute of limitations, which will be, when the law goes into effect, a uniform statute of limitations on suits on contracts of insurance. The periods of limitation in the statutes of the various States are different. They vary from 3 to 20 years.

The second section of the bill as amended amends section 21, subdivision 2, of the World War veterans' act and gives the authority to the director to pay for the expenses necessary for the appointment of guardians of incompetent beneficiaries.

The third amendment waives the recovery of payments heretofore made to any beneficiary who in the judgment of the director is without fault and where in the judgment of the director a recovery would be against equity and good conscience.

The fourth amendment as provided in the bill gives authority to the director to employ translators, and the fifth provides for the purchasing of transcripts in litigated cases.

Now, as to the amendments which affect the disabled men and the beneficiaries of the bureau, the first is amendment 6, which amends section 201 of the World War veterans' act of 1924. This section relates to the payment of the sum of $100 plus the sum of $7 for a flag when a veteran dies.

Mr. HILL of Alabama. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. HILL of Alabama. In regard to the amendment which authorizes the director to pay $100 funeral expenses and $7 for a flag, if a veteran dies to-day you have to show that he is a pauper to get the $100.

Mr. BULWINKLE. Yes; that is practically correct under the present law, but under the proposed amendment, though, the $100, or the $107, as the case may be, can be paid by the director in his discretion and with due regard to the circumstances of each case to such person or persons as are entitled to this sum. The main thought of the committee on this amendment was to authorize the director to pay in the case of each funeral the sum of $100, but only in those cases where a necessity existed for the payment. And the House will take notice that this amendment removes the Comptroller General from passing upon the decision of the Director of the Veterans' Bureau. Too often in the past the Comptroller General ruled that whatever assets, no matter how small an amount, left by the deceased veteran should be applied to the cost of the funeral. From now on, as I have just stated, the Comptroller General will have nothing to do with this section. The amendment allows $7, so that if the family of the deceased veteran wishes to purchase a flag, they can do so, providing, of course, that the item in regard to the flag, as well as to the expenditure of the $100, shall be under the regulations promulgated by the bureau.

Mr. COCHRAN of Missouri. It is my understanding that the matter of funeral expenses is entirely in the hands of the director and not subject to a decision of the Comptroller General.

Mr. BULWINKLE. Yes; that is true if the present amendment before the House becomes a law, but under the law as it now stands the Comptroller General reviews the decision of the director.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. LAGUARDIA. Go back to the conditions in the hospitals; what the gentleman says about making a career for the Medical Corps is quite correct, but in the very nature of things it is difficult to keep a good medical man in the Government or in any institutional service.

Mr. BULWINKLE. There does not seem to be much trouble in keeping a good medical man in the Army, Navy, or Public Health Service.

Mr. KINDRED. Will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. KINDRED. Will the gentleman also add on my authority that there is no such difficulty in obtaining and keeping the services of competent physicians in the gentleman's own State of New York in the State hospital system for the insane, where good salaries are paid and proper facilities given.

Mr. BULWINKLE. Reverting again to the bill under discussion, section 7 proposes to amend section 202, subdivision 7, by increasing the amount of compensation now paid to disabled veterans who have no dependents and who are being maintained by the Government in hospitals. The amount of the increase is from $20 to $30 per month. This provision does not in reality cost the Government anything.

Section 8 of the bill merely amends the present law by substituting the word "may" for "shall," thus giving the director the discretion in making apportionments of compensation where the disabled person and his wife are not living together. I imagine that practically every Representative in Congress has had some of these cases within the last few years, cases where a wife has left her husband but continues to receive part of his compensation.

Sections 9 and 10 of the bill, which repeal sections 206 and 209 of the present law, mean more to the disabled men than any of the other provisions of this bill, especially to those veterans who were disabled and who have not filed any claim for compensation. The repeal of these two sections removes the limitation on filing a claim. The bureau estimates that this repeal will cost something over $3,000,000 a year. I do not see how they can arrive at that conclusion. The repeal of these two sections means absolute justice for all veterans.

Section 11 of the bill amends the present law, section 212 of the World War veterans' act, by adding a proviso, and I am very much interested in this section. It provides for continuing to give compensation until the minor arrives at the age of 21, and provided that the minor attends a school, college, or other educational institution. General Harris, United States Army, retired, national director of education and vocational training of war orphans of the American Legion, was very much interested in this proviso, and in a statement that he made to me it is the intention of the Legion to request the various States to give scholarships in the educational institutions to these same children provided for in this section. This section adds a slight cost to the Government each year until probably 1943.

Sections 12, 13, 14, and 15 relate to the insurance provisions of the law, and, in brief, these sections relate to a change in beneficiaries, a change in the policy, the granting of converted insurance to any man who has heretofore applied who is not in good health, and in the event of temporary disability for 12 months that the policy matures. The amendment offered by the chairman of the committee provides that the last-named amendment shall not be retroactive prior to one year before the passage of this act.

This bill will help the veterans of the World War. While it is not all that is to be desired, yet the changes that have been made as provided in these amendments are for the best and will be satisfactory and for the good of all concerned. [Applause.]

Mr. BLACK of Texas. Mr. Chairman, I take this one minute to express my especial approval of that provision in this pending bill which allows a veteran to file his claim if he can connect his disability with the service, notwithstanding the time limit may have expired. I think that if a veteran can show by competent evidence that he is disabled, and that this disability is the result of his service in the Army, he should be entitled to compensation, and no statute of limitation should bar him. I am glad the committee has amended the law in that respect.

Under leave to extend my remarks I desire to express my approval briefly of other provisions of the bill. Section 13 of the bill permits reconversion of connected insurance to policies of a lower premium rate. It is quite evident that immediately following the war many men bought endowment policies which carry a high premium rate; they are now finding it impossible to continue the high premiums on these policies. This bill will permit them to transfer to a lower premium-rate policy, and should enable many men to keep their insurance who would otherwise have to drop it. It is very desirable that these men should keep their insurance in force, and this amendment is a good one.

This same section also provides that the bureau may make provision in the contract for converted insurance for optional settlements, to be selected by the insured, whereby such insurance may be made payable, either in one sum or in installments for 36 months or more. Installment payments are often much better than lump-sum payments and afford a much greater protection to the beneficiary.

Too frequently when the beneficiary receives a lump-sum payment bad investments are made and the money is soon gone.

Monthly payments are, therefore, often much preferable to lump-sum payments, and where the amount of the insurance

payments are sufficiently large to justify it 240 monthly payments is an excellent plan. There are many other provisions of the bill which I heartily approve and feel will result in a decided improvement over present law. I, therefore, gladly give the bill my support.

Mr. BULWINKLE. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. JEFFERS].

The SPEAKER. The gentleman from Alabama is recognized for three minutes.

Mr. JEFFERS. Mr. Speaker, I desire to state to the Members of the House that I am sure the members of the Committee on World War Veterans' Legislation realize that there are a good many meritorious amendments incorporated in individual bills that have been introduced by Members of Congress and referred to the Veterans' Committee. I may say that I have in mind certain things that I think should be added to the existing law. Some of these things are covered by individual bills already introduced. Of course, other members of the committee may feel differently about these things which I think ought to be enacted into law, and they no doubt have other remedial amendments in their minds that they think are good and that they would like to see in the law. But all those things will eventually be ironed out. I am sure the House understands that the fundamentals concerning hospitalization and compensation have already been laid down in the law, and these amendments, such as we bring before you in this bill to-day, are in most cases highly technical and very complicated, and a great deal of close study is really necessary if we expect to arrive at intelligent decisions.

So, in bringing this bill before the House to-day, embracing, as it does, many remedial amendments, the committee is suggesting to the House certain needed changes in the law, most of which are noncontroversial, the need for most of these amendments being so clearly evident that there was very little difference of opinion about them in committee, and it seems that no real objection can be raised against any of the provisions of this bill.

For myself, I will say that I wish the committee could have reported out, in this bill, some other propositions that I think ought to be taken care of properly by law at the earliest possible time. For example, I believe we should give consideration immediately to the matter of making provision for a medical corps for the Veterans' Bureau, in order that we may keep intact a splendid corps of doctors and thereby guarantee the best possible attention and treatment for our comrades, those victims of the great conflict who are disabled, or sick, and who should have the best of medical care and attention. So, in order that we may figure on an efficient medical corps in the Veterans' Bureau all along down the years to come, as well as in the present, I feel we should pass the necessary legislation here providing for a real medical corps for the Veterans' Bureau. Then there are some classes of ex-soldiers not now included in the general hospitalization provisions of the law, according to the present language in the law, that I think should be taken in. I believe the law should be amended in that respect. Members of Congress have introduced bills on such subjects as these which I have mentioned, as well as on other subjects concerning the welfare of sick and disabled veterans, and I am sure that I can say to the House that your committee promises that it will continue to study all these problems and we hope to be able to submit further amendments to the House covering other meritorious proposals at the earliest possible time. Let me again say, however, that most of these amendments now being offered raise some very fine points, and considerable study is necessary in order that these matters may be adjusted in a manner which will be wise and which will be fair and just to all parties concerned.

I am glad that there seems to be no indication of any objection here in the House to these remedial amendments which are incorporated in this bill, and which have received the unanimous approval of the members of your committee, and upon which we are now asking your indorsement.

Mr. BULWINKLE. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. CONNERY].

The SPEAKER. The gentleman from Massachusetts is recognized for three minutes.

Mr. CONNERY. Mr. Speaker, ladies, and gentlemen of the House, the gentleman from Oklahoma [Mr. HOWARD] no doubt means to refer to the proof of 10 per cent necessary to get compensation after showing the connection of the disability with the service?

Mr. HOWARD of Oklahoma. Yes. Many of them have not kept their records and have been examined since they came home and have developed diseases which, under the rules, the bureau can not treat for them.

Mr. CONNERY. I will say that we are trying to liberalize the laws every year so as to cover those cases.

Mr. HASTINGS. May I ask the gentleman whether there is anything in this bill that tends to liberalize that proof?

Mr. CONNERY. For six years, I will say to the gentleman, we have been asking the bureau officials, when they came before our committee, what can be done to remedy that defect, and I have not received a satisfactory answer to that question as yet.

Mr. HASTINGS. Does not the gentleman think there is more complaint against that evil than against anything else?

Mr. CONNERY. Yes. I think it is the worst evil in the Veterans' Bureau.

Mr. COCHRAN of Missouri. Many of the men have recently called upon the Veterans' Bureau to pay compensation for tuberculosis where the bureau previously paid them for tuberculosis, and now that the Congress has awarded a rating for that by statute they turn around and say he has never had tuberculosis, but has had bronchitis.

Mr. CONNERY. That can be remedied by having a real medical bureau established in the bureau instead of horse doctors, as some of the doctors of the bureau should be termed.

Mr. BLACK of New York. I want to say that the words "horse doctors" are too flattering to be applied to some of them.

Mr. KINDRED. The gentleman has referred to the fact that after receiving $50 compensation for tuberculosis such patients had recovered sufficiently to have bronchitis. I will say that in these cases of arrested tuberculosis very few cases of eventual recovery are noticed. That is one of the defective conditions in the administration of the law at the present time.

Mr. CONNERY. The gentleman, I believe, was speaking sarcastically of the way in which some of the bureau officials try to side-step the real case of the veteran.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. SCHAFER. I do not think the gentleman from Massachusetts has spoken fairly of the physicians in the bureau when he speaks of their being "horse doctors." Of course, there are in many cases instances like that suggested by the gentleman from Missouri [Mr. COCHRAN], where men have received compensation for tuberculosis which they never had; cases where doctors who made the prior examination and rating were exceedingly liberal in giving the veteran the benefit of the doubt. I do not think they should be condemned as "horse doctors" for their extreme liberality when subsequent examinations, hospitalization, and review indicate that tuberculosis never existed.

Mr. CONNERY. I did not say that all the doctors in the bureau were "horse doctors." There are many A1 doctors in the bureau who are giving wonderful service to the veterans, but I mean exactly what I say when I called some of them "horse doctors," because from my long experience in disabled men's cases time after time I have run up against the most absurd ratings by these doctors who have rated men at less than 10 per cent disabled who were almost dead at the time of the rating and who did die shortly after such rating. No one realizes better than General Hines that we must have a medical corps if we desire to keep the good doctors and weed out the incompetent. There is much to be done yet for the disabled men of this country before they will be adequately cared for. Let us hope that it will be done as speedily as possible if we intend to even attempt to pay the great debt we owe them for the sacrifices they have made.

In conclusion, Mr. Speaker, I want to congratulate the insurance heads of the big insurance companies of the United States who came before the committee, at the request of the distinguished gentleman from New Jersey [Mr. PERKINS] who did such wonderful work on the hearings in reference to the insurance provisions of this bill. Everyone of them made it plain to us that they not only favored Government insurance but that they were sending their agents throughout the country and having them tell service men to take out Government insurance. I think that is a fine, patriotic position for those insurance companies to take, and it is in very distinct contrast with certain other companies in the United States which are telling the soldiers to take their insurance. [Applause.]

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield one minute to the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Speaker, the measure under consideration at this time appears to be rather technical and not easily understood without considerable study. Not being a member of the committee which brought out the pending bill, I confess I have not given it the study that I should have liked. I was not aware of the fact that the World War

Veterans' Committee chairman [Mr. JOHNSON of South Dakota] would call up the measure to-day, but inasmuch as I have introduced a number of measures proposing to amend the present law to eliminate a lot of red tape, I desire to say a few words in favor of the passage of this measure, which, I am assured by the committee, has been prepared primarily for that purpose.

I thank my distinguished colleague from South Dakota [Mr. JOHNSON] for his unusual kindness in extending to me a small part of his valuable time, and I want to say to Members of this House that I know the former service men of the World War are deeply grateful to him for the valuable services he has rendered in behalf of our disabled soldiers. The name of ROYAL JOHNSON is loved and revered and often mentioned among legionnaires of Oklahoma. I am sure this might also be said in every section of the country.

The pending measure does not contain all the provisions I had hoped and had really expected in this committee bill. There are many provisions of needed legislation which are conspicuously absent from this bill. I wish I had time to name some of them; but merely because the measure does not give the relief I had hoped it would contain, I certainly shall not raise my voice against it, and I hope none of my colleagues will do so.

I am especially interested in section 6, which amends section 201 of the present law, which would provide $107 burial fee to veterans who die without assets, the $7 extra for a United States flag to drape the casket. This belated recognition of World War veterans is a just one and will meet with their unanimous approval.

Another proviso in the same section, as I understand this bill, authorizes the payment of compensation to minors under 18 years of age who are attending school, instead of forcing them to wait until they are of age, as is the case with the present law. Certainly no one can object to this important provision of the bill.

Another section, proposing to amend the present law to pay disabled war veterans who have no dependants and who are in Government hospitals the sum of $30 a month instead of the paltry amount of $20 a month, as is now being paid, is a commendable feature, and I am sure will be given ungrudgingly by this Congress. This extra $10 increase will lighten the hearts of those buddies of ours for whom the war did not end when the armistice was signed.

Other provisions of the pending measure relate to Government insurances, and amends the present insurance laws. That the present law is cumbersome, highly technical, and altogether unsatisfactory no one who is really informed will pretend to deny. But I shall not go into a discussion of that at this time. There is no doubt in my mind but what this law will necessarily have to be amended in several other ways before it can be satisfactorily administered. But the American Legion will never rest, nor will it let the Congress rest until our disabled men and their dependents, including their widows, parents, and children have just and adequate consideration.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield three minutes to the Delegate from Hawaii [Mr. HOUSTON].

Mr. HOUSTON of Hawaii. Mr. Speaker and gentlemen of the House, I desire at this time to direct attention to one phase of the service-men compensation that is particularly applicable to the Territory of Hawaii. We have there at the present time 21 men who gave of their services during the World War and who are afflicted with leprosy. According to the World War veterans' act they are only allowed one year in which to prove service connection in which it is presumed that the disease is of service origin. We know nothing at all regarding leprosy. In connection with tuberculosis, about which we know a great deal, they are allowed six years. Not only are these men suffering with what is called a loathsome and terrible disease, but they are segregated. They can not go out into the world and choose an occupation in which they can earn a living of any kind. They are isolated on an island in our Territory, and those in this country who are afflicted in the same way are isolated in Louisiana.

Mr. CONNERY. Will the gentleman yield?

Mr. HOUSTON of Hawaii. Yes.

Mr. CONNERY. I asked the gentleman about this when he came before the committee, but will the gentleman tell us who is taking care of those who are thus afflicted?

Mr. HOUSTON of Hawaii. The Territory of Hawaii.

Mr. CONNERY. Did not the gentleman say that Sisters of Charity were taking care of them?

Mr. HOUSTON of Hawaii. The Territory is taking care of them through employees and helpers and amongst those there are some Sisters of Charity who are doing wonderful work indeed.

Mr. EDWARDS. Will the gentleman yield?

Mr. HOUSTON of Hawaii. Yes.

Mr. EDWARDS. Does the gentleman contend that this leprosy has any service connection?

Mr. HOUSTON of Hawaii. We feel it must have been of service origin, otherwise I would not come and ask for any relief in this connection. Leprosy is a disease about which little is known, but it is probably due to contact with others in the service who had been previously afflicted. Eight of these men have been able to prove service connection, but the others have not yet been able to prove such connection. Otherwise than by drawing attention to this particular fact I can not now have the bill amended. Except for the above omission I feel the bill is a very worthy bill and that its other features are admirable. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from South Dakota to suspend the rules and pass the bill.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

UNITED STATES PATENT OFFICE

Mr. VESTAL. Mr. Speaker, I move to suspend the rules and pass H. R. 5527, a bill to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, with certain amendments.

The SPEAKER. The gentleman from Indiana moves to suspend the rules and pass House bill 5527, with amendments, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any person who has not complied with the rules and regulations of the Commissioner of Patents governing the recognition of agents, attorneys, or other persons representing applicants or other parties, in the United States Patent Office, which have been prescribed in accordance with the provisions of section 487 of the Revised Statutes, and who has not been so recognized or who is disbarred from practice before the United States Patent Office, to hold himself out to be or assume to be a patent agent, patent attorney, or counselor with respect to patent applications, or in any manner convey the impression that he either alone or together with any other person or persons, has, owns, conducts, or maintains an office of any kind for preparing, prosecuting, or advising with respect to applications for patents, or for compensation to act or practice as a patent agent, patent attorney, or counselor with respect to matters relating to patents before the United States Patent Office, or to habitually aid or assist, directly or indirectly, in the preparation, presentation, or prosecution of any patent applications pending or patent matters contemplated to be brought before the United States Patent Office: *Provided*, That nothing in this act shall prevent any attorney who is legally admitted to practice law in any State or Territory of the United States, unless he has been disbarred from practice before the Patent Office, from advising any client as to patent matters, or cooperating with any duly registered patent attorney in obtaining a patent, or acting as counsel in any patent litigation. Any person violating the provisions of this section shall be liable to a fine of not more than $5,000 or imprisonment of not more than two years, or both. This section shall not apply to clerks or others supervised by persons duly admitted to practice before the United States Patent Office.

SEC. 2. It shall be unlawful for a corporation or an association to be admitted to practice before the United States Patent Office, and it shall be unlawful for a corporation or association to hold itself out to the public, advertise, or otherwise represent itself to be or assume to be a patent agent, patent attorney, or counselor with respect to patent applications, or in any manner convey the impression that it has, owns, conducts, or maintains an office of any kind for preparing, prosecuting, or advising with respect to applications for patents for any person other than itself, or for compensation to act or practice as a patent agent, patent attorney, or counselor with respect to matters relating to patents before the United States Patent Office, or to make it a business to so act for any person other than itself, or to advertise that, either alone or together with or by or through any person, whether such person be duly and regularly admitted to practice before the United States Patent Office or not, it can or does perform such duties. It shall further be unlawful for any corporation or association to solicit, itself or by or through its officers, agents, or employees, an opportunity to prepare, prosecute, or advise with respect to applications for patents. Any corporation or association violating the provisions of this section shall be liable to a fine of not more than $5,000, and any officer, trustee, director, agent, member, or employee of such corporation or association who directly or indirectly engages in any of the herein prohibited acts in behalf of the corporation or association, or assists such corporation or association to do such prohibited acts, shall be liable to a fine of not more than $5,000, or imprisonment for not more than two

years, or both. The fact that any such officer, trustee, or director, or member, or employees shall be duly and regularly admitted to practice before the United States Patent Office shall not be held to permit or allow any such corporation or association to do the acts prohibited herein, nor shall such fact be a defense in a trial of any such person mentioned herein for the violation of this section. This section shall not prohibit a corporation or association from employing an attorney or attorneys in and about its own immediate affairs or the affairs of organizations owned or controlled by it before the United States Patent Office.

SEC. 3. That nothing herein contained shall be construed to prevent a corporation or association from furnishing to any person admitted to practice before the United States Patent Office such information or such clerical services in and about his professional work as, except for the provisions of this section, may be allowable: *Provided,* That at all times the attorney receiving such information or such services shall maintain full professional and direct responsibility to his clients for the information and services so received. But no corporation shall be permitted to render any services which can not lawfully be rendered by a person not admitted to practice before the United States Patent Office nor to solicit directly or indirectly professional employment for any persons so admitted.

SEC. 4. That after the passage of this act it shall be unlawful for any person who may hereafter be duly registered to practice in the Patent Office, thereafter to hold himself out as a patent attorney, patent lawyer, patent solicitor, or patent counselor unless he is legally admitted to practice law in a State or Territory of the United States or its dependencies, or in the District of Columbia, or in the Panama Canal Zone; and any person so violating this act shall, upon conviction, be deemed guilty of a misdemeanor and fined not more than $1,000 or imprisoned not to exceed six months: *Provided,* That this section shall not apply to persons registered to practice before the Patent Office at the time of the approval of this act.

The SPEAKER. Is a second demanded?

Mr. BUSBY. Mr. Speaker, I demand a second.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. VESTAL. Mr. Speaker, I only desire to take a minute of the time myself now. I will simply read the paragraph of the committee report that tells what this bill seeks to do—

The purpose of this bill is to protect inventors from unfair practices of unscrupulous individuals and to reach those who fail to comply with the regulations in force in the Patent Office and who can not be reached by the commissioner.

I may say this bill works no hardship upon the reputable and honest practitioner and is generally indorsed by them as tending to safeguard them in their practice as well as those who intrust their business to them.

Mr. NEWTON and Mr. ABERNETHY rose.

Mr. VESTAL. I yield to the gentleman from Minnesota.

Mr. NEWTON. The amendment which was submitted at the time the gentleman made his motion and which is a part of the motion is not before the committee in the print of the bill.

Mr. VESTAL. No.

Mr. NEWTON. As I understand it, the bill as originally drawn would have prevented a regularly licensed attorney at law from advising a client in his office on patent matters.

Mr. VESTAL. That is correct.

Mr. NEWTON. As the bill has been offered to the House here, with the amendments, that objection is eliminated.

Mr. VESTAL. Yes. Let me read the amendment, as it is short.

Mr. NEWTON. I wish the gentleman would.

Mr. VESTAL (reading):

Provided, That nothing in this act shall prevent any attorney who is legally admitted to practice law in any State or Territory of the United States, unless he has been disbarred from practice before the Patent Office, from advising any client as to patent matters, or cooperating with any duly registered patent attorney in obtaining a patent or acting as counsel in any patent litigation.

Mr. ABERNETHY. Will the gentleman yield?

Mr. VESTAL. I yield to the gentleman.

Mr. ABERNETHY. Does the bill undertake to deal with the practice of advertising all over the country by these patent attorneys? In our country it is considered unethical to advertise for legal business, but it seems to be the general practice here in Washington. They send out circulars and various things of that sort.

Mr. VESTAL. While this bill does not prevent or prohibit advertising by an attorney or an agent who is registered in the Patent Office, yet he must submit his advertisement to the Commissioner of Patents so that it can bring about no fraud upon the individual who is desiring to obtain a patent. He will not be deceived by any literature of this kind.

Mr. LANHAM. Will the gentleman yield?

Mr. VESTAL. I yield to the gentleman from Texas.

Mr. LANHAM. It will prevent anyone from advertising that he can do things which, as a matter of fact, under the law and under the practices of the bureau he can not do.

Mr. VESTAL. That is absolutely true.

I reserve the balance of my time, Mr. Speaker.

Mr. BUSBY. Mr. Speaker and gentlemen of the House, this bill contains some very splendid provisions. They are corrective of conditions that exist at the present time with regard to patent practice in this country.

As has just been mentioned by the gentleman from North Carolina [Mr. ABERNETHY], there is a great deal of advertising that is put out by persons who ought not to advertise for patent business. Some of these parties have been disbarred from practicing before the Patent Office, we are informed in the hearings, but they continue a subterfuge, and through this method of advertising solicit clients, and from these clients collect considerable money without returning proportionate service to the persons who think they have, or who really have, meritorious propositions to go before the Patent Office.

The first provision of the bill seeks to cure this situation by making it unlawful and by providing a heavy penalty for any person to carry on this type of soliciting business, simply because they are not in position to handle the business.

The second section prevents corporations, as corporations, from holding themselves out as patent attorneys. In other words, an incorporated body of men can not go before the public as a patent attorney would go individually, and the bill prohibits the incorporated bodies from proceeding under a corporate title, but compels them to practice just as individuals practice with respect to any other legal work.

I am not going to try to cover the entire bill but will only refer to the high points.

The main objection I had to this bill is contained in the last provision in section 4. We require by this bill all persons who are not lawyers, not having passed the requirements of the boards of the several jurisdictions to practice law in those jurisdictions, to register themselves as patent agents. Some objection was made to the proposition of making this apply to all persons who have heretofore been admitted to practice before the Patent Office who are not really lawyers. It is said that a great many efficient practitioners before the Patent Office would be injured if we would compel them to let the world know that they are not lawyers as well as patent attorneys.

Mr. ABERNETHY. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. ABERNETHY. Is there anything in the bill that prevents a lawyer from coming up here from one of the States and going before the Patent Office if he wants to without having to hire one of these patent attorneys?

Mr. BUSBY. I think the amendment which has been offered takes care of that in a large sense.

Mr. ABERNETHY. Why should it not take care of it in every sense? Why should there be any opposition to a regular practitioner from any of the States coming before the Patent Office is he desires to do so?

Mr. BUSBY. Frequently, a regular practicing lawyer does not have that peculiar knowledge that is necessary to practice before the Patent Office.

Mr. ABERNETHY. Suppose he does not have it, but he wants to appear there and the client wants to employ him to appear there, why should he be shut out?

Mr. BUSBY. Perhaps the reason is because he does not understand the business and is not qualified to practice in the Patent Office the same as any other lawyer.

Mr. ABERNETHY. I do not know a thing in the world about this, but I want to ask if the bill is framed to take care of this crowd in Washington that advertises all over the country as experts and then if a man brings his lawyer here he can not get before the Patent Office to present his case.

Mr. LANHAM. He can not do it now unless he is registered in the Patent Office.

Mr. ABERNETHY. Can not he go and talk with the Commissioner of Patents?

Mr. LANHAM. No lawyer is permitted to practice before the Patent Office unless he is qualified as a patent attorney under the rules and regulations prescribed by the Patent Office.

Mr. BUSBY. In other words, he must show some knowledge of the work pertaining to the Patent Office. There is a system of examination and if he passes that then he is certified.

Mr. ABERNETHY. Does that same thing apply to the Land Office? Does it apply to the Shipping Board? Does it apply

to the Interstate Commerce Commission? Does it apply to the Supreme Court of the United States? Of course, you have to be admitted to practice before the Supreme Court, but should there be a distinction which in effect builds up a business here that requires a man to come here and hire one of these patent attorneys that advertises all over the country, and if they were in my State they would be disbarred as unethical?

Mr. BUSBY. The gentleman assumes premises which do not exist. The law is already here and this bill does not change it.

Mr. ABERNETHY. Why do you not change it?

Mr. BUSBY. Why does not the gentleman change it? This bill does not provide for it. The thing I am pointing out is that a great many people over the country are practicing because they qualify before the Patent Office and are not lawyers. We seek to require the persons of that class to register so that they may be known as patent agents instead of patent lawyers. It is not known now when they register as patent attorneys whether they are lawyers or not.

Mr. BRIGGS. What is the distinction between a patent attorney and a patent agent?

Mr. BUSBY. A patent lawyer is one who can follow the case into court. There are no patent agents now; they are all patent attorneys. A patent attorney may not be a lawyer and can not go into court.

Mr. BRIGGS. And you make the distinction?

Mr. BUSBY. I would make a distinction, but this bill does not do it, and that is why I was against the bill. It does from now on. This bill provides that after the passage of this act it shall be unlawful for any person who may hereafter be duly registered to practice in the Patent Office thereafter to hold himself out as a patent attorney, patent lawyer, patent solicitor, or patent counsel or unless he is legally permitted to practice law in the State or Territory, and so forth.

Mr. BRIGGS. Why do you not apply it to all?

Mr. BUSBY. I would strike out the proviso at the end of the bill excepting the persons who have not been licensed to practice law, but who have been admitted to practice as "patent attorneys" and compel all such persons to register as "patent agents."

Mr. ABERNETHY. Is there anything here that prevents a Member of Congress taking his constituent before the Commissioner of Patents and talking with him?

Mr. BUSBY. I do not think there is.

Mr. ABERNETHY. I am not seeking the business, but we have some of our constituents come here who want us to go down and see the Commissioner of Patents some time.

Mr. BUSBY. I think the gentleman can continue the same service that he has been rendering. [Laughter.]

Mr. BRIGGS. For a long time the Commissioner of Patents used to indicate a willingness to give a list of a number of patent attorneys who were regarded as reputable from which an inventor might select one to represent him. Now that practice has been discontinued, and the inventor has to select a man without having the advantage of knowing whether he is of reputable standing or not.

Mr. BUSBY. That is what the commissioner says. He makes no recommendation of any party or firm of lawyers to persons or inventors.

Mr. BRIGGS. Does he not have a list, and ought he not to have a list, from whom the inventor can make his selection so that it will be some protection to him?

Mr. BUSBY. He does have a list of all patent attorneys in good standing in the Patent Office.

Mr. BRIGGS. Ought he not to have a list of those in good standing—say a printed list, so that an inventor may make a selection without having to guess who is reputable or who is not? I assume that every inventor thinks that his invention is worth millions. Some inventions are and some are not. At the same time he has a right to arrange for a reputable patent attorney to represent him—ought to be able to get reliable information regarding a list of such attorneys from a trustworthy source without having to make the selection blindly.

Mr. BUSBY. The only thing that he—the Commissioner of Patents—could reasonably say is that all of the attorneys whose names are contained on the list are in good standing to appear before the Patent Office.

Mr. BRIGGS. I know that it is getting very hard to get any list from the Commissioner of Patents if some one writes to obtain a good lawyer, because the Commissioner of Patents, of course, does not want to be unethical and recommend any special attorney; but at the same time I think it is particularly advisable that there should be a list prepared of the reputable attorneys who are accredited to practice before that department, and if the Patent Office is not prepared to recognize them as such, then that fact ought to be known, so that the man who was on the outside, who knows nothing, will not be helpless and at the mercy of anybody, whether that anybody be in good standing or not.

Mr. VESTAL. The Commissioner of Patents would be in the same position as a district judge in recommending two or three attorneys. That would not do at all. What we are proposing to do is to clear this thing up so that he can give to the man who asks it a list of all the reputable attorneys.

Mr. BRIGGS. That is what I am talking about—a list of all the reputable attorneys in good standing. If they are not in good standing, they ought not to be there. As I understand it, a man has to be tested in some way as to his qualifications. He must have certain recognized requirements, and if he gets by with those, he is in good standing.

Mr. ABERNETHY. Is there anything in this bill that prevents a man from representing himself before the Patent Office?

Mr. BUSBY. No; nothing at all.

Mr. DENISON. I called up the Commissioner of Patents the other day to get information of that kind, and he advised me that under the regulations the commissioner is not permitted to mention any attorneys' names, and I think that is a very proper regulation.

Mr. BUSBY. I think there is no subject, Mr. Speaker, that is closer to us and that is of more importance to our people who have business with the Patent Office that needs looking into by our Congress than the general jumbled condition that exists in the practice before the Patent Office. This bill does not go far enough. It seeks to prevent one or two evils, but it does not undertake to deal with the other evils, and that is largely my objection to the bill. What answer do they give us as to why we do not go into this thing and do a complete job of the work as it ought to be done? It is said that the pressure is so great that we will never get that legislation through Congress.

Mr. COOPER of Wisconsin. Pressure from whom?

Mr. BUSBY. From those patent agents, not from the men of reputable standing in the profession. The patent agents have no bar association of any kind to which they are responsible. They are not responsible any further than to the Patent Commissioner when qualified to practice before the Patent Office. Then what happens to their clients? These men, or some of them, advertise and get the clients to correspond with them, then they get their money, and perhaps the patent agent will disappear or change his firm name, or his firm will go out of business. I have letters to that effect from people who thought they had employed a lawyer but he was an "attorney" instead.

Mr. LAGUARDIA. The greatest danger to the public is that these men hold themselves out as attorneys, and a client sends in what he thinks is a good idea, and it may not be patentable, or if it is patentable perhaps there are hundreds ahead of him, but nevertheless these men will take his fee and prepare his specifications.

Mr. BUSBY. Absolutely. They are not the class of people who ought to be turned loose and trusted with the business of our people. That is my objection to the situation. I believe Congress ought to look carefully into that condition, not especially with a view of turning up any crookedness, but with a view of disclosing the weakness of our laws dealing with the situation, and we ought to discover the right course, then undertake a general rewriting of patent practice statutes and remedy the situation. I hope we may do that in the near future for the protection of the public against the depredations of the unqualified and untrustworthy clerks and agents who have been permitted to style themselves "patent attorneys" by the rules of the Patent Office. They are not lawyers and should not be permitted to style themselves "attorneys" and thereby deceive the business public.

The SPEAKER. The question is on the motion of the gentleman from Indiana to suspend the rules and pass the bill as amended.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

WILLIAM F. WHEELER

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1530) to amend the military record of William F. Wheeler, with a Senate amendment thereto, and move to concur in the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

The Clerk reported the Senate amendment.

The Senate amendment was agreed to.

LIEUT. COL. WILLIAM J. SPERRY

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. J. Res. 118, authorizing the Secre-

tary of War to award a duplicate Congressional Medal of Honor for the widow of Lieut. Col. William J. Sperry, with a Senate amendment thereto, and move to concur in the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

CIVILIAN CARETAKERS FOR NATIONAL GUARD ORGANIZATIONS

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 242, to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized, with a Senate amendment thereto, and move to agree to the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk reported the Senate amendment.

The Senate amendment was agreed to.

CAPT. GEORGE E. KRAUL

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 3510, with a Senate amendment, and move that the Senate amendment be agreed to.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 3510 with a Senate amendment, and moves to concur in the Senate amendment. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 3510) to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of infantry, with rank from July 1, 1920.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

UNAUTHORIZED WEARING OF MEDALS AWARDED BY THE WAR DEPARTMENT

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8309, with a Senate amendment, and move to concur in the Senate amendment. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 8309) to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

BRIDGE ACROSS THE ST. CLAIR RIVER, MICH.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 11404, No. 612 on the Consent Calendar, as amended by the committee, a bridge bill, on account of the emergency that exists.

The SPEAKER. The Clerk will report the bill with the committee amendments.

The Clerk read as follows:

A bill (H. R. 11404) authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.

Be it enacted, etc., That in order to facilitate international commerce and improve the Postal Service the Port Huron, Sarnia, Point Edward International Bridge Co., a Michigan corporation, hereinafter referred to as the company, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the St. Clair River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, between a point at or near the city of Port Huron, St. Clair County, State of Michigan, and a point at or near the city of Sarnia, Province of Ontario, Dominion of Canada, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and in so far as the company, its successors or assigns, may act in the Dominion of Canada, subject also to the approval of the proper authorities thereof.

SEC. 2. There is hereby conferred upon the said company, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Michigan needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Michigan, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said company, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. Such bridge shall be constructed in accordance with the standard specifications adopted by the American Association of State Highway Officials. During the construction of such bridge all work thereon shall be subject to inspection and approval by the State Highway Department of Michigan.

SEC. 5. The said company, its successors and assigns, shall not encumber said bridge by the issue of stocks, bonds, notes, mortgages, debentures, or other evidences of indebtedness in an amount which, including all previous encumbrances, whether retired or still outstanding, shall at any time exceed in the aggregate the cost as reported to and determined by the Secretary of War in accordance with section 8 hereof. Not less than two-thirds of all encumbrances or securities other than preferred stock issued against said bridge shall be first-mortgage bonds, and not more than one-third may be debentures. None of said bonds issued against said bridge shall be sold for less than 92 per cent of their par value, nor bear interest at a fixed rate in excess of 6½ per cent per annum. None of said debentures issued against said bridge shall be sold for less than 90 per cent of their par value, nor bear interest at a fixed rate in excess of 7 per cent per annum. Any preferred stock issued shall be at par, plus accrued dividend, shall represent value, and shall be entitled to cumulative dividends at not to exceed 7 per cent per annum.

SEC. 6. The proceeds from tolls charged for the use of such bridge shall be used; first, to pay the maintenance, repair, and operation costs; second, to pay dividends or interest on outstanding preferred stocks, bonds, notes, mortgages, debentures, or other obligations issued by the company, its successors and assigns; and, third, 20 per cent of any funds then remaining shall be retained for corporate uses by the said company, its successors and assigns, and the other 80 per cent thereof shall be applied by said company, its successors and assigns, in the purchase and retirement in accordance with section 5 hereof of said bonds, debentures, preferred stock or other outstanding obligations legally incurred against said bridge. At the close of the fiscal year when all bonds, debentures, preferred stock or other obligations legally incurred against said bridge shall have been retired in accordance herewith such bridge and the approaches thereto and all structures, property, property rights, and franchises, so far as the same are located within the United States, shall be conveyed by the said company, its successors and assigns, without cost or expense, to the State of Michigan or to such municipality or agency of the State of Michigan as the legislature of said State may designate, and so far as the same is situated within the Dominion of Canada shall be conveyed, without cost or expense, to the Dominion of Canada or to such Province, municipality or agency thereof as the Dominion of Canada may designate, and all right, title, and interest of said company, its successors and assigns, therein shall then cease and determine. After said outstanding obligations of the company have been retired, said 80 per cent of the net earnings shall be held by the company and half thereof shall be turned over to the State of Michigan, or its designated municipality or agency, and half to the Dominion of Canada, or its designated municipality or agency, at the same time as the bridge is turned over. The rates of toll, if any, shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. If said bridge shall not have become the property of the State of Michigan and the Dominion of Canada, or such agencies as may be authorized by them, in accordance with the provisions of this section, within 20 years after the date that it is completed and formally opened to traffic, the said State of Michigan and the Dominion of Canada, or such agencies as may be authorized by them, shall have the additional right at any time thereafter to acquire said bridge by purchase and retirement, at par plus accrued interest or dividends, of the legally authorized obligations then outstanding against same.

SEC. 7. The said company, its successors and assigns, shall keep an accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the bridge, the daily traffic, and the tolls collected, and shall annually submit to the State Highway Department of Michigan and to the department of public highways of the Province of Ontario a sworn itemized statement showing the traffic, the tolls collected, the maintenance, repair, and operation costs, the net earnings, interest, and dividend payments, and the stock, bonds, notes, mortgages, debentures, or other obligations retired during the preceding fiscal year. The State Highway Department of Michigan and the department of public highways of Ontario shall have access at any time to all records, files, and books of the said company, its successors and assigns. The mayor of the city of Port Huron, State of Michigan, and the mayor of the city of Sarnia, Province of Ontario, Dominion of Canada, ex officio, shall be entitled to receive notice of and attend meetings of the board of directors of any company or corporation now existing or hereafter organized and having control and operation of said bridge.

SEC. 8. The said company, its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Department of the State of Michigan a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches; the actual cost of acquiring any interest in real or other property; interest during construction; and the actual financing costs, not to exceed 10 per cent of the total of said items. The Secretary of War may, and upon request of the Highway Department of the State of Michigan shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy of the costs alleged in the statement of costs so filed, and shall make a finding of the actual costs of constructing and financing such bridge; for the purpose of such investigation the said company, its successors and assigns, shall make available all of its records in connection with the construction and financing thereof. The findings of the Secretary of War as to the costs of the construction and financing of the bridge shall be conclusive for all purposes mentioned in this act, subject only to review in a court of equity for fraud or gross mistake. A report of the maintenance, repair, and operation costs of said bridge shall be submitted by the said company, its successors and assigns, at the end of each six-month period to the State Highway Department of Michigan and to the department of public highways of the Province of Ontario, Dominion of Canada. If any class of expenditures therein is disapproved by said highway departments, or either of them, such class of expenditures shall not thereafter, without approval, be an obligation payable out of the proceeds of tolls collected for the use of such bridge. Reconstruction or betterment costs in excess of $10,000 in any fiscal year must be submitted to and be approved as necessary and reasonable by the State Highway Department of Michigan and the department of public highways of the Province of Ontario prior to incurring the expenditures therefor, and all betterment and reconstruction costs, duly approved if such approval is required, and actually made may be added to the cost of the bridge, as determined by the Secretary of War in accordance with the provisions of this section, and in order to meet the cost thereof additional obligations or encumbrances not in excess of the amount approved for such reconstruction and betterments actually made plus necessary financing costs, not exceeding 10 per cent, may be issued against said bridge.

SEC. 9. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said company, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same, subject to the terms and conditions of this act, as fully as though conferred herein directly upon such corporation or person.

SEC. 10. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what is the hurry in having this bill called up at this late hour in the afternoon?

Mr. CRAMTON. The gentleman knows that earlier in the afternoon there was an objection made, which has now been withdrawn. There is an emergency. The bridge is financed. They are ready to begin construction as soon as they get authority. A similar bill must pass the Canadian Parliament, and they are in session to-night and the matter will be expedited by the passage of this bill here to-day.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LAGUARDIA. Is it not a fact that the traffic from Canada is such that it requires more bridges to come back? [Laughter.]

Mr. CRAMTON. As to that, I think there are enough bridges now to take care of the New York traffic.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE OHIO RIVER AT AUGUSTA, KY.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5721, with a Senate amendment, and concur in the Senate amendment. It is a bridge bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 5721) authorizing J. C. Norris, as mayor of the city of Augusta, Ky., his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. DENISON. Mr. Speaker, there are a number of amendments, all changing the name of the grantees.

Mr. SCHAFER. What did the gentleman say were the amendments?

Mr. DENISON. They consist in changing the names of the permittees.

Mr. SCHAFER. Is that an Elliott bridge?

Mr. DENISON. This is the same matter that came up a few days ago, which we had not time to look into.

Mr. SCHAFER. This is the same bill, with other grantees?

Mr. LAGUARDIA. Yes. Elliott is out, and this is a new set of permittees.

Mr. DENISON. Yes.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to

BRIDGE ACROSS THE ST. FRANCIS RIVER, ARK.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9365), with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9365) to legalize a bridge across the St. Francis River, at or near Marked Tree, in the county of Poinsett, Ark.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. Without objection, the title will be amended.

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were read.

PERMANENT COURT OF INTERNATIONAL JUSTICE OF THE LEAGUE OF NATIONS

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD a statement I made in regard to the Permanent Court of Justice.

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, on what question?

Mr. TINKHAM. The Permanent Court of International Justice of the League of Nations.

Mr. SCHAFER. Are the gentleman's remarks in favor of this court or against it?

Mr. TINKHAM. Against.

The SPEAKER. Is there objection?

There was no objection.

Mr. TINKHAM. Mr. Speaker, honesty and dignity require that the United States should withdraw its offer of membership in the Permanent Court of International Justice of the League of Nations.

The internationalists, disloyal to American nationalism and American independence, in an endeavor to commit the United States to membership in an alien military and political alliance, namely, the League of Nations, frankly presented their unpatriotic proposal to the American people. The American people, faithful to their priceless inheritance of national independence

and freedom from entangling foreign political alliances, decisively defeated the proposal in two elections.

Undaunted in their disloyalty and unwilling to accept defeat, the internationalists proceeded by indirection and strategem, by dupery and fraud, to accomplish their purpose. Adherence to the Permanent Court of International Justice of the League of Nations was their vehicle and the intermediate step into the league itself. Capitalizing the fact that from its earliest history the founders of the American Government were favorable to the substitution of judicial procedure for war in settling the disputes of nations, they represented to the American people that entry into the Permanent Court of International Justice of the League of Nations was the realization of this American idea, whereas the court was in direct contravention of the American idea, and in it American traditions virtually frustrated.

The consent of the United States to enter the court was obtained in large measure through misrepresentations and impostures upon American public opinion on the part of the international propagandists. The most reprehensible misrepresentations and impostures were as follows:

The internationalists asserted that a successive line of Presidents and of party platforms had recommended American membership in such a court. This was false. No American President and no party platform prior to 1924, the very year of the false propaganda of the internationalists, had recommended American membership in any international court except one that represented the nations directly, was independent, and wholly nonpolitical in character. The Permanent Court of International Justice of the League of Nations does not represent the nations directly but represents the League of Nations. It has been called in the official journal of the league "the judicial organ of the League of Nations" and "a most essential part of the organization of the League of Nations." It must be elected, and every nine years reelected by the council and assembly of the league, and is under their political domination. It must execute certain political provisions of the Versailles treaty and is bound to construe international law in accordance with the stipulations and the fundamental changes in interational law set up in the covenant of the League of Nations, which treaty and covenant the United States has repudiated. It must render opinions to the council and assembly of the League of Nations upon facts as well as law, political in nature, in order to give to political decisions of the league the sanction of law.

The internationalists asserted that the court was a world court and not a league court. This was false. It is the league's court and nothing more. Its origin is found in article 14 of the covenant of the League of Nations, a part of the Versailles treaty, where its establishment is authorized and some of its functions indicated. The other steps taken for the completion of its establishment were clearly only supplemental steps in the execution of the treaty of Versailles, which treaty the United States declined to ratify. Were the United States to adhere to the Permanent Court of International Justice of the League of Nations, it would ratify article 14 of the covenant, Part I of the treaty of Versailles, which would mean the acceptance and approval by the United States of every step taken by the League of Nations in executing this article of the treaty.

When the consent of the United States Senate of January 16, 1926, to the signing of the protocol of signatures, with certain reservations, was sent to the various nations for their acceptance or rejection, on instructions from the Council of the League of Nations, the secretary general of the league communicated with the Government of the United States, proposing negotiations on the terms for the adherence of the United States to the Permanent Court of International Justice. The council of the league controlled the situation. The court was a league court and not a world court. And, finally, the reservation made by the United States Senate which has prevented acceptance of the signature of the United States as a member of the court is that in relation to advisory opinions, which involves the political obligations of the court to the league.

The court is not an independent court but a political court.

The court is entirely without compulsory jurisdiction and, therefore, in no way can prevent war. It is not necessary for the United States to join the court in order to make use of it for the settlement of any international dispute, provided it can obtain the assent of the other nation to the dispute to go before the court, because nonmembers of the court have free access to it.

Adherence to the court was advocated with the sole purpose of committing the United States in part to the covenant of the League of Nations and as a preliminary step to joining the league.

Behind the internationalists are the international bankers and alien interests. If the Republican Party in the coming election persists in lending its influence to this intrigue of the internationalists, the international bankers and alien interests, and nominates a candidate for President who is in sympathy with these interests, and is not a nationalist and pledged solely to American interests, it will suffer a humiliating defeat.

Honesty and dignity require that the Republican Party advocate the withdrawal of the conditional assent of the United States to the protocol fraudulently obtained.

The following joint resolution to effect this withdrawal on the part of the United States has been filed today:

Joint resolution

Whereas on December 8, 1925, the President of the United States in an annual message to Congress stated in relation to the Permanent Court of International Justice that "The court appears to be independent of the league"; and

Whereas on January 16, 1926, the Senate of the United States consented to adherence to the protocol of December 16, 1920, of signature of the statute for the Permanent Court of International Justice, with certain reservations; and

Whereas the secretary general of the League of Nations, a political and military alliance, on March 29, 1926, on instructions of the Council of the League of Nations, notified the Government of the United States that a committee of representatives of nations belonging to the League of Nations would like to consider with representatives of the United States the resolution of consent of January 16, 1926, and by so doing and by subsequent acts disclosed that the Permanent Court of International Justice was the court of the League of Nations, "an essential organ," and even a political instrument of the league, and not independent of the league as had constantly been alleged in the United States; and

Whereas the statement by the President of the United States that "The court appears to be independent of the league" was induced by false and fraudulent representation by those who were interested to have the United States adhere to the protocol of signatures as a first step toward entry into the League of Nations; and

Whereas the President of the United States has declined to appoint representatives of the United States and has refused to act upon further suggestions of the League of Nations: Therefore, be it

Resolved, That the consent of January 16, 1926, to the protocol of December 16, 1920, of signature of statute for the Permanent Court of International Justice be considered as withdrawn from the date of the adoption of this joint resolution.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendments bills of the House of the following titles:

H. R. 7011. An act to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State;

H. R. 8651. An act for the relief of Lynn W. Franklin; and

H. R. 9483. An act to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2612. An act for the relief of Mary Ellen Tiefenthaler.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 431. An act to authorize the payment of certain taxes to Okanogan County, in the State of Washington, and for other purposes;

H. R. 4702. An act for the relief of Benjamin S. McHenry, alias Henry Benjamin;

H. R. 5687. An act authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes;

H. R. 6360. An act for the relief of Edward S. Lathrop;

H. R. 7191. An act to authorize the Secretary of Commerce to convey certain land in Cook County, Ill., to the Chicago & Western Indiana Railroad Co., its successors or assigns, under certain conditions;

H. R. 7908. An act to authorize the granting of leave to veterans of the Spanish-American War to attend the annual convention of the United Spanish War Veterans and auxiliary in Habana, Cuba, in 1928.

H. R. 8650. An act for the relief of C. S. Winans;

H. R. 9830. An act authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls;

H. R. 10540. An act to credit retired commissioned officers of the Coast Guard with active duty during the World War performed since retirement; and

H. R. 10932. An act for the relief of the widows of certain foreign-service officers.

The SPEAKER also announced his signature to an enrolled bill of the Senate of the following title:

S. 3194. An act to establish the Bear River migratory-bird refuge.

LEAVE OF ABSENCE

By unanimous consent, Mr. DREWRY was granted leave of absence, for one week, on account of illness in his family.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 17, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, April 17, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS

(10 a. m.)

To provide for the transfer to the Department of the Interior of the public-works functions of the Federal Government (H. R. 8127).

COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fifteenth and subsequent decennial censuses (H. R. 393).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended (H. R. 10958).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To regulate interstate commerce by motor vehicles operating as common carriers of persons on the public highways (H. R. 12380).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes (H. R. 7759).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State for the fiscal year 1929, to be immediately available, amounting to $40,000 (H. Doc. No. 234), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HANCOCK: Committee on Naval Affairs. H. R. 8327. A bill for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age; with amendment (Rept. No. 1276). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 12814. A bill to increase the efficiency of the Air Corps; without amendment (Rept. No. 1277). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. S. 750. An act to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes; with amendment (Rept. No. 1278). Referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. ROWBOTTOM: Committee on Claims. H. R. 1977. A bill for the relief of Walter W. Johnston (Rept. No. 1275). Laid on the table.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13018) granting a pension to Ella N. Lamp, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ESLICK: A bill (H. R. 13063) granting the consent of Congress to T. S. Hassell to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at or near Clifton, Wayne County, Tenn., and a point opposite in Decatur County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. McKEOWN: A bill (H. R. 13064) amending section 200, World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. McLEOD: A bill (H. R. 13065) authorizing the Detroit River Canadian Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Detroit River at or near the township limits of Grosse Isle, Wayne County, State of Michigan; to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON: A bill (H. R. 13066) relating to the immigration of wives of native-born American citizens who are World War veterans; to the Committee on Immigration and Naturalization.

By Mr. HALL of North Dakota: A bill (H. R. 13067) to provide for the construction of a boarding school for Indian children at Belcourt, in the Turtle Mountain Indian Reservation, State of North Dakota; to the Committee on Indian Affairs.

By Mr. ZIHLMAN: A bill (H. R. 13068) authorizing the use of certain land owned by the United States in the District of Columbia for street purposes; to the Committee on the District of Columbia.

By Mr. KNUTSON: A bill (H. R. 13069) granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Aitkin, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: A bill (H. R. 13070) to amend section 3583 of the Revised Statutes, as amended; to the Committee on the Judiciary.

By Mr. SWING: A bill (H. R. 13071) to amend section 8 of the food and drugs act, approved June 30, 1906, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: Joint resolution (H. J. Res. 273) tendering the thanks of Congress to members of Company C, Ninth United States Infantry, for courage and devotion displayed in the Philippine Islands September 28, 1901; to the Committee on Military Affairs.

By Mr. TINKHAM: Joint resolution (H. J. Res. 274) proposing the withdrawal of the consent of the United States to the protocol of signature of statute for the Permanent Court of International Justice; to the Committee on Foreign Affairs.

By Mr. RATHBONE: Joint resolution (H. J. Res. 275) giving power to Congress to regulate party nominations; to the Committee on the Judiciary.

By Mr. CRISP: Resolution (H. Res. 169) for the consideration of H. R. 8221, a bill to authorize the creation of organized rural communities to demonstrate methods of reclamation and benefits of planned rural developments; to the Committee on Rules.

By Mr. HAUGEN: Resolution (H. Res. 170) for the consideration of S. 3555, an act to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. KINDRED: Memorial of the Legislature of the State of New York, that if the Federal Government shall decide to

build a ship canal across the State of New York and the constitution of this State shall be amended in the prescribed manner so as to permit of the transfer to that Government of the existing Erie Barge Canal as a part of a national waterways route, it is the earnest recommendation of the legislature of this State that the eastern portion of such ship canal shall be built to follow the historic route of the Mohawk River and the Erie Barge Canal to the head of tidewater in the Hudson River at Troy, thus securing the advantages of existing canal structures and the continued serving and further development of the municipalities and the numerous important industries now established both along such route and in and between the cities of Albany, Troy, Schenectady, Watervliet, Rensselaer, and Cohoes; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOHN: A bill (H. R. 13072) granting a pension to Pearl S. Brown; to the Committee on Invalid Pensions.

By Mr. BRIGGS: A bill (H. R. 13073) granting a pension to William A. Peterson; to the Committee on Pensions.

Also, a bill (H. R. 13074) to authorize a preliminary examination and survey at Galveston Harbor and Galveston Channel, Tex., and for other purposes; to the Committee on Rivers and Harbors.

By Mr. BUCKBEE: A bill (H. R. 13075) granting a pension to Sarah E. Biggs; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 13076) granting a pension to Lydia L. Reid; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 13077) granting an increase of pension to Eliza A. Praul; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13078) granting an increase of pension to Louisa McIntyre; to the Committee on Invalid Pensions.

By Mr. COLE of Maryland: A bill (H. R. 13079) granting an increase of pension to Friederich W. Rohrs; to the Committee on Pensions.

By Mr. COMBS: A bill (H. R. 13080) for the relief of Harry E. Stevens; to the Committee on Military Affairs.

Also, a bill (H. R. 13081) granting an increase of pension to Sarah F. Tighe; to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 13082) granting a pension to Aminta F. Whitney; to the Committee on Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 13083) granting an increase of pension to Rebecca J. Sawyer; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 13084) for the relief of Eugene A. Jenkins; to the Committee on Claims.

Also, a bill (H. R. 13085) for the relief of Millar Welch; to the Committee on Claims.

By Mr. GIFFORD: A bill (H. R. 13086) to provide for a survey of the Cape Cod Canal, Mass., with a view to providing improvements; to the Committee on Rivers and Harbors.

By Mr. HALL of North Dakota: A bill (H. R. 13087) for the relief of Rolette County, N. Dak.; to the Committee on Indian Affairs.

By Mr. HOGG: A bill (H. R. 13088) granting an increase of pensions to Rachel L. Deems; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 13089) granting an increase of pension to Margaret M. Haithcox; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 13090) granting an increase of pension to Clara A. Thompson; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 13091) granting an increase of pension to Belle F. Smith; to the Committee on Invalid Pensions.

By Mr. LEA: A bill (H. R. 13092) for the relief of Mary L. Courtright; to the Committee on Claims.

By Mr. McKEOWN: A bill (H. R. 13093) granting a pension to Norah M. Oberlender; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H. R. 13094) for the relief of Edward J. O'Neil; to the Committee on Claims.

Also, a bill (H. R. 13095) for the relief of George Beier; to the Committee on Claims.

By Mr. MILLIGAN: A bill (H. R. 13096) granting a pension to Isibell Clevenger; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 13097) for the relief of Thomas W. Moore; to the Committee on Military Affairs.

By Mr. O'BRIEN: A bill (H. R. 13098) granting a pension to Annie E. Springer; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 13099) for the relief of Booth & Co. (Inc.), a Delaware corporation; to the Committee on Claims.

By Mr. RATHBONE: A bill (H. R. 13100) for the relief of Darlington & Co.; to the Committee on Claims.

By Mr. REECE: A bill (H. R. 13101) granting an increase of pension to Roy Elrod; to the Committee on Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 13102) granting a pension to Thelda Hightower; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 13103) granting an increase of pension to Nellie Barrows; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 13104) granting an increase of pension to Countess B. Duffin; to the Committee on Invalid Pensions.

By Mr. WARE: A bill (H. R. 13105) granting a pension to Florence Sanders; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 13106) granting an increase of pension to Alejandro Mauro Contreras; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6833. By Mr. ANDREW: Petition of A. M. McCarthy and other employees of the Boston Navy Yard, urging the passage of the Welch bill (H. R. 6518) increasing salaries of Government employees; to the Committee on the Civil Service.

6834. Also, petition signed by Maurice M. Coffey, of Cambridge, Mass., and 25 other residents of Charlestown, Somerville, Revere, Dorchester, Allston, and Jamaica Plain, Mass., favoring a Navy and merchant marine second to none; to the Committee on Naval Affairs.

6835. By Mr. BLAND: Petition of citizens of Newport News and Norfolk, Va., opposing compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

6836. By Mr. CARTER: Petition of Lyon Post, No. 8, Grand Army of the Republic, of Oakland, Calif., urging the passage of legislation increasing the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6837. By Mr. COMBS: Petition of Mary Powell et al., urging that immediate action be taken upon the Civil War pension bill; to the Committee on Invalid Pensions.

6838. Also, petition of Paul Lynn et al., urging the passage of Civil War pension bill; to the Committee on Invalid Pensions.

6839. By Mr. DALLINGER: Petition of certain citizens of Middlesex County, Mass., urging the development of the United States Navy and merchant marine; to the Committee on Naval Affairs.

6840. By Mr. HUDSPETH: Petition of Fabens Local, of El Paso County Farm Bureau, asking investigation into prices of cotton; to the Committee on Agriculture.

6841. By Mr. JOHNSON of Texas: Petition of D. B. Pitts, of Corsicana, Tex., indorsing House bill 12241, for further development of vocational education; to the Committee on Rules.

6842. Also, petition of Dr. I. R. McCullough, of Hillsboro, Tex., and Dr. V. L. Smith, of Dallas, Tex., indorsing the Tyson-Fitzgerald bill (S. 777; H. R. 500) for the retirement of disabled emergency officers; to the Committee on Rules.

6843. By Mr. KINDRED: Resolution of the General Assembly of the State of New York, that if the Federal Government shall decide to build a ship canal across the State of New York, and the constitution of this State shall be amended in the prescribed manner so as to permit of the transfer to that Government of the existing Erie Barge Canal as a part of a national waterways route, it is the earnest recommendation of the legislature of this State that the eastern portion of such ship canal shall be built to follow the historic route of the Mohawk River and the Erie Barge Canal to the head of tidewater in the Hudson River at Troy, thus securing the advantages of existing canal structures and the continued serving and further development of the municipalities and the numerous important industries now established both along such route and in and between the cities of Albany, Troy, Schenectady, Watervliet, Rensselaer, and Cohoes; to the Committee on Rivers and Harbors.

6844. By Mr. KVALE: Petition of several residents of Minneapolis, Minn., urging passage of House bill 11998, dog experiment bill; to the Committee on the Judiciary.

6845. By Mr. LEA: Petition of 54 residents of Mendocino County, Calif., and Mrs. E. J. Franquelin, of Sonoma, and 39 other residents of California, protesting against the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

6846. Also, petition of 45 residents of Sonoma County, Calif., and 121 residents of Oroville, Calif., urging passage of a Civil War pension bill; to the Committee on Invalid Pensions.

6847. By Mr. LINDSAY: Petition of Pathe Exchange (Inc.), New York City, submitting certain recommendations for clauses to be incorporated in the pending copyright bill, calculated to overcome one of the greatest evils with which motion-picture producers have to contend; to the Committee on the Library.

6848. Also, petition of the National Association of Cotton Manufacturers, Boston, Mass., favoring the Hawes-Cooper bill; to the Committee on Interstate and Foreign Commerce.

6849. Also, petition of Mansfield-Dakin Post, No. 35, Grand Army of the Republic, Brooklyn, N. Y., presenting resolutions favoring measures granting aged veterans of the Civil War $72, those needing attendance $125, and the widows $50; to the Committee on Pensions.

6850. Also, petition of N. C. Kern (Inc.), Brooklyn, N. Y., protesting against the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6851. Also, petition of New York Mercantile Exchange, presenting resolutions representing the dairy trade from every State of the Union, going on record as opposing the passage of the McNary-Haugen bill for reasons set forth therein; to the Committee on Agriculture.

6852. By Mr. LUCE: Petition of residents of Massachusetts, for an adequate Navy and merchant marine; to the Committee on the Merchant Marine and Fisheries.

6853. By Mr. McFADDEN: Petition of residents of Nicholson, Athens, Laceyville, Honesdale, and Bradford County, Pa., to bring to a vote the Civil War pension bill granting relief to veterans and widows of veterans; to the Committee on Invalid Pensions.

6854. By Mr. NEWTON: Resolution by Lutheran Minnesota Conference, commending efforts of Government to secure abolition of war and pledging support to peace efforts; to the Committee on Military Affairs.

6855. Also, petition by C. E. Powers, signed by Minneapolis citizens, protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

6856. By Mr. O'CONNELL: Petition of the Pathé Exchange (Inc.), New York City, making certain recommendations for clauses to be incorporated in the pending copyright bill, with reference to motion pictures; to the Committee on Patents.

6857. Also, petition of the National Association of Cotton Manufacturers, Boston, Mass., favoring the passage of the Hawes-Cooper bill (S. 1940 and H. R. 7729); to the Committee on Labor.

6858. Also, petition of the New York Mercantile Exchange, New York City, opposing the passage of the McNary-Haugen farm relief bill in its present form; to the Committee on Agriculture.

6859. Also, petition of the Mansfield-Dakin Post, No. 35, Grand Army of the Republic, Brooklyn, N. Y., favoring legislation that will grant the aged veterans $72, those needing attendance $125, and the widows $50 per month; to the Committee on Invalid Pensions.

6860. Also, petition of the American Legion Auxiliary, Richmond Hill Post, No. 212, Richmond Hill, Long Island, N. Y., in support of the Butler bill (H. R. 7359) opposing any reduction in the naval building program; to the Committee on Naval Affairs.

6861. By Mr. O'CONNOR of New York: Resolution of the First District Dental Society of the State of New York, favoring support of Senator Robinson's (Indiana) amendment to section 23 of House bill 1, permitting members of the dental and medical professions to deduct traveling expenses incurred by attending meetings of their professional organizations; to the Committee on Weights and Measures.

6862. By Mr. TEMPLE: Petition of Federation of Greene County Women, Waynesburg, Pa., in support of any bill introduced in the House or Senate for the production of motion pictures according to a high standard of morals, and which also prohibits bloc booking and blind booking by the producers and distributors; to the Committee on Interstate and Foreign Commerce.

6863. Also, petition of Woman's Christian Temperance Union of Waynesburg, Greene County, Pa., in support of House bills 9588 and 11410; to the Committee on the Judiciary.

SENATE

TUESDAY, *April 17, 1928*

Rev. James W. Morris, D. D., of the city of Washington, offered the following prayer:

Gracious and merciful art Thou, O Lord God Almighty, long-suffering and full of compassion toward the children of men. In Thy wrath Thou thinkest on mercy. In Thy judgments Thou rememberest pity.

We praise and magnify Thy holy name for the revelation both of Thy righteousness and of Thy love that Thou hast vouchsafed to us in Thy dear Son and for the guidance of the spirit of life that Thou hast promised us in Him.

Grant that Thy compassionate dealings with us in this life and Thy sure promises of blessings in the life to come shall fit and hearten us to meet every trial that Thou callest us to bear and to fulfill every duty that Thou givest us to do. We ask it through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PENSIONS AND INCREASE OF PENSIONS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2900) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. NORBECK. I move that the Senate disagree to the amendments of the House, ask for a conference on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. NORBECK, Mr. FRAZIER, and Mr. STECK conferees on the part of the Senate.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McLean	Shortridge
Bayard	George	McMaster	Simmons
Black	Gerry	McNary	Smith
Blaine	Glass	Mayfield	Smoot
Blease	Goff	Metcalf	Steck
Borah	Gould	Moses	Steiwer
Bratton	Greene	Neely	Stephens
Brookhart	Hale	Norbeck	Swanson
Broussard	Harris	Norris	Thomas
Bruce	Harrison	Nye	Tydings
Capper	Hawes	Oddie	Tyson
Caraway	Hayden	Overman	Vandenberg
Copeland	Heflin	Phipps	Wagner
Couzens	Johnson	Pine	Walsh, Mass.
Curtis	Jones	Pittman	Walsh, Mont.
Cutting	Kendrick	Ransdell	Warren
Dale	Keyes	Reed, Pa.	Waterman
Dill	King	Sackett	Wheeler
Edge	La Follette	Schall	
Fess	Locher	Sheppard	
Fletcher	McKellar	Shipstead	

Mr. CARAWAY. I desire to announce that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is necessarily detained from the Senate on account of illness.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, communicated to the Senate the resolutions of the House (H. Res. 167) adopted as a tribute to the memory of Hon. WALTER W. MAGEE, late a Representative from the State of New York.

The message also communicated to the Senate the resolutions of the House (H. Res. 168) adopted as a tribute to the memory of Hon. ANDRIEUS A. JONES, late a Senator from the State of New Mexico.

The message announced that the House had passed without amendment the following bills of the Senate:

S. 754. An act for the relief of certain Porto Rican taxpayers;

S. 2752. An act to amend section 80 of the Judicial Code to create a new judicial district in the State of Indiana, and for other purposes; and

S. 2858. An act to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field.

The message also announced that the House had passed the bill (S. 2725) to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution of the Senate severally with amendments, in which it requested the concurrence of the Senate:

S. 710. An act conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the Northwestern Bands of Shoshone Indians may have against the United States;

S. 2948. An act to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes; and

S. J. Res. 72. Joint resolution to grant permission for the erection of a memorial statue of Cardinal Gibbons.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 45. An act to eliminate the renewal of oath of office of Government employees under certain conditions;

H. R. 339. An act to increase the effectiveness of expenditures for roads, bridges, and trails in the Territory of Alaska, and for other purposes;

H. R. 350. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.;

H. R. 5465. An act to amend section 1571 of the Revised Statutes to permit officers of the Navy to count duty on airships as sea duty;

H. R. 5527. An act to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes;

H. R. 5531. An act to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers;

H. R. 5681. An act to provide a differential in pay for night work in the Postal Service;

H. R. 6049. An act to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments;

H. R. 7900. An act granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes;

H. R. 10799. An act for the lease of land and the erection of a post office at Philippi, W. Va., and for other purposes;

H. R. 11245. An act to cancel certain notes of the Panama Railroad Co. held by the Treasurer of the United States;

H. R. 11281. An act to authorize the disposition of certain public lands in the State of Florida;

H. R. 11338. An act granting the consent of Congress to the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Randolph, Mo.;

H. R. 11360. An act to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project;

H. R. 12383. An act to amend section 11 of an act approved February 28, 1925 (43 Stat. 1064, U. S. C., title 39), granting sick leave to employees in the Postal Service, and for other purposes;

H. R. 11404. An act authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.;

H. R. 11463. An act to fix the salaries of certain judges of the Territories and insular possessions of the United States;

H. R. 11475. An act to revise and codify the laws of the Canal Zone;

H. R. 11692. An act authorizing the Gulf Coast Properties (Inc.), a Florida corporation, of Jacksonville, Duval County, Fla., its successors and assigns, to construct, maintain, and operate a bridge across the Lake Champlain at or near East Alburg, Vt.;

H. R. 11797. An act granting the consent of Congress to Columbus County, State of North Carolina, to construct, maintain, and operate a free highway bridge across the Waccamaw River at or near Reeves Ferry, Columbus County, N. C.;

H. R. 11887. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr.;

H. R. 11990 An act to authorize the leasing of public lands for aviation, and for other purposes;

H. R. 11992. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Biggers, Ark.;

H. R. 12442. An act to provide for the transfer to the Department of Labor of certain forfeited vehicles;

H. R. 12688. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 12821. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes;

H. R. 13039. An act to amend the World War veterans' act, 1924; and

H. J. Res. 239. Joint resolution authorizing the erection in the District of Columbia of a monument in memory of Peter Muhlenberg.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3194. An act to establish the Bear River migratory-bird refuge;

H. R. 431. An act to authorize the payment of certain taxes to Okanogan County, in the State of Washington, and for other purposes;

H. R. 4702. An act for the relief of Benjamin S. McHenry, alias Henry Benjamin;

H. R. 5687. An act authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes;

H. R. 6360. An act for the relief of Edward S. Lathrop;

H. R. 7191. An act to authorize the Secretary of Commerce to convey certain land in Cook County, Ill., to the Chicago & Western Indiana Railroad Co., its successors or assigns, under certain conditions;

H. R. 7908. An act to authorize the granting of leave to veterans of the Spanish-American War to attend the annual convention of the United Spanish War Veterans and auxiliary in Habana, Cuba, in 1928;

H. R. 8650. An act for the relief of C. S. Winans;

H. R. 9830. An act authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls;

H. R. 10540. An act to credit retired commissioned officers of the Coast Guard with active duty during the World War performed since retirement; and

H. R. 10932. An act for the relief of the widows of certain Foreign Service officers.

PETITIONS AND MEMORIALS

Mr. VANDENBERG. Mr. President, I present a letter in the nature of a petition, including resolutions adopted by the board of supervisors of Wayne County, Mich., which I ask may be printed in the RECORD and lie on the table.

There being no objection, the letter and the accompanying resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

BOARD OF SUPERVISORS, COUNTY OF WAYNE,
Detroit, Mich., April 13, 1928.

Hon. ARTHUR H. VANDENBERG,
United States Senate, Washington, D. C.

SIR: I am directed by the chairman of the ways and means committee of the board of supervisors to transmit to you for your information the inclosed copy of a resolution which was unanimously adopted by the board of supervisors of this county at a session held on Tuesday, April 10, 1928.

It was the unanimous request of the ways and means committee that this resolution be brought to the attention of the Michigan delegation in Congress with the express wish of the committee that every effort be made by the delegation, both as individuals and as a delegation, to pass at this session of Congress some measure which will provide definitely for reapportionment of the membership in Congress, as provided for by the Constitution.

As a member of the Michigan delegation, representing the State of Michigan, you are no doubt strongly in favor of a new reapportionment measure because of the increased representation which will be Michigan's, but it was the expression of the committee that outside of the

direct benefit which would fall to Michigan in a suitable reapportionment measure, the provisions of the Constitution should at least be observed by those who constitute the lawmaking body of this country.

Trusting that this action of the supervisors may have your hearty sympathy and your hearty support in bringing the matter to the attention of Congress, I beg to remain,

Respectfully,

BENJ. B. PELHAM,
Clerk to the Committees, Board of Supervisors.

Resolution adopted by the Board of Supervisors for the County of Wayne at a session held April 10, 1928

Whereas the past several Congresses of the United States since 1920 have deliberately ignored the constitutional mandate regarding the reapportionment of the representative districts in the several States; and

Whereas Michigan is one of the principal sufferers from this nullification on the part of the several Congresses; and

Whereas over 13,000,000 people in the United States, including Michigan, are being denied their rights as guaranteed to them by the Constitution; and

Whereas the present Congress that is now in session has made a political gesture in the form of a message that proports to give relief on this question to the several States in the year 1931, providing the Congress so desires; and

Whereas this proposed bill continues to ignore the 1920 census and refuses to redistribute not only representatives but the electoral votes in the coming presidential election which, in fact and in substance, is a direct nullification of the constitutional mandate and in violation of all fundamental principles of our constitutional structure: Therefore be it

Resolved, That the Board of Supervisors of the County of Wayne, now in session, do by memorial vigorously protest this subterfuge on the part of the present Congress, and that we further urge Congress to make a truthful reapportionment based upon the 1920 census; and be it further

Resolved, That a copy of this resolution be forwarded to each United States Senator and each of the 13 Representatives, urging them to use their influence to amend the proposed reapportionment measure so that Michigan, as well as many of the other States, will be benefited by this immediate and honest relief.

Adopted as follows:

Yeas: Supervisors Adams, Ames, Andrews, Bischoff, Bogan, Bowen, Bradley, Brown, Bryan, Bunte, Callahan, Castator, Cassidy, Chalmers, Christian, Cooley, Cramer, Dingeman, Ely, Anthony Esper, Bernard Esper, Ford, Frost, Goodell, Greenwood, Guiney, Gulnan, Hackett, Harris, Hart, Ireland, Janes, Jeffries, Jeup, Karman, Keppen, Kreger, Kronberg, Kronk, Kunz, Lennane, Littlefield, Lodge, Long, Lowe, Mahoney, Maples, Markland, Marr, Megges, Mills, Miotke, Montieth, McLeod, Nagel, Neckel, Nowc, Nugent, O'Brien, O'Connor, Osowski, Pardee, Peters, Pulford, Rathburn, Reading, Reid, Rood, Rutledge, Salliotte, Shear, Sherwood, Shields, Steele, Stevenson, Stockwell, Stricker, Sumeracki, Szymanski, Taylor, Valois, Van Vlear, Vernier, Von Moll, Voorhis, Vorce, Walters, Wardell, Wilcox, Wilson, Wiseley, Ziegler, Mr. Chairman—93.

Nays: None.

Mr. WARREN presented resolutions adopted by the Kiwanis Club of Casper, the Commercial Club of Shoshoni, the Cody Club of Cody, and the Council of Industry of Laramie, all in the State of Wyoming, praying for the passage of legislation to provide for aided and directed settlement on Federal reclamation projects, which were referred to the Committee on Irrigation and Reclamation.

Mr. WALSH of Massachusetts presented a telegram signed by Edward Spiegel, chairman joint meeting of the Fellowship of Youth for Peace and the Young People's Society of the Community Church, Boston, Mass., containing resolutions favoring a Senate investigation of the American position in Nicaragua, and also the extension of an invitation to the other Central American Republics to join with the United States in supervising the Nicaraguan elections, and further calling for the immediate withdrawal of United States marine forces from Nicaragua, which was referred to the Committee on Foreign Relations.

He also presented numerous petitions signed by members of the Young Women's Christian Associations, of Boston, Mass., Philadelphia, Pa., Lewiston, Me., Niagara Falls, N. Y., and Newark, N. J.; the International Institute, Providence, R. I., Paterson, N. J., and Bridgeport, Conn.; the Visiting Nurses' Association, of New Haven, Conn.; Buffalo Civic Club, Buffalo, N. Y.; Cosmopolitan Club of Erie County, Kenmore, N. Y.; and sundry citizens of Massachusetts, Pennsylvania, New York, and New Jersey, all praying for the passage of Senate Joint Resolution 122, providing for the reunion of families of alien declarants, which were referred to the Committee on Immigration.

Mr. NORBECK. Mr. President, I present a communication from H. Agor, president of the Aberdeen (S. Dak.) Chapter of the Izaak Walton League of America, containing a resolution in support of conservation bills now before Congress, which I ask may be printed in the RECORD and lie on the table.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

IZAAK WALTON LEAGUE OF AMERICA,
ABERDEEN CHAPTER, NO. 12,
Aberdeen, S. Dak., March 31, 1928.

Hon. PETER NORBECK,
United States Senator, Washington, D. C.

DEAR SIR: At a meeting of the Aberdeen chapter of the Izaak Walton League held at the Commercial Club March 27 the following resolution was unanimously adopted:

"*Be it resolved*, That the Aberdeen chapter of the Izaak Walton League heartily indorses the following bills now pending before Congress:

"Bear River marsh bills (H. R. 10473; S. 3194).

"Hope Cheyenne bottoms bill (H. R. 7361).

"Norbeck-Anthony bird refuge bill (S. 1271; H. R. 3467).

"McNary-Woodruff forest purchase bill (S. 1181; H. R. 357).

"McSweeney-McNary forest research bill (H. R. 6091; S. 1183).

"*Be it resolved further*, That we urge our Representatives in Congress to not only vote for these measures but to actively support them, and particularly the Norbeck-Anthony bill, which we believe to be one of the best of its kind ever introduced in Congress and of the greatest importance in the conservation of wild animal life.

"*Be it resolved further*, That the officers of the association be directed to send to each of our Representatives in Congress a copy of this resolution."

Very truly yours,

H. AGOR,
President Aberdeen Chapter.

Mr. NORBECK. Mr. President, I also present communications in the nature of petitions from two South Dakota people; one is from the American Legion post at Webster, S. Dak., in support of a liberal policy for pensioning Civil War veterans; the other is a petition sent me by Mrs. Anna C. A. Peterson, of Vermilion, S. Dak., bearing the signature of P. W. Peterson and 18 other citizens, in support of the so-called National Tribune Civil War pension bill, which I ask may be printed in the RECORD without the names and referred to the Committee on Pensions.

There being no objection, the petitions were referred to the Committee on Pensions and ordered to be printed in the RECORD without the names, as follows:

Resolution by the Herbert McKennet Post, No. 40, of the American Legion, Webster, S. Dak.

At the regular meeting of the Herbert McKennet Post, No. 40, of the American Legion, Webster, S. Dak., held on the 14th day of March, 1928, the following resolution was unanimously adopted by the members present:

"Whereas the proposed increase of pensions to Civil War veterans and the granting of pensions to widows of Civil War veterans who were married after June 27, 1905, is of vital importance to all members of the Grand Army of the Republic, and the needs of the veterans of the Civil War are immediate and great and action for their relief should not be postponed:

"*Resolved*, That the Herbert McKennet Post, No. 40, of the American Legion, Department of South Dakota, hereby earnestly urges the Congress of the United States without delay to raise the rate of pensions for Civil War veterans to $72 per month, with a maximum of $125 per month for those who require an attendant, and allow the sum of $50 per month to widows of Civil War veterans regardless of the date of marriage; it is further

"*Resolved*, That copies of this resolution be sent to the Senators from North Dakota and to the Congressman from the second district, with the request that they use every honorable means to secure favorable consideration of this matter at the present session of Congress; and the publication of this resolution by any member of the Grand Army of the Republic is hereby authorized."

HENRY HOLZMAN, *Commander.*

Attest:

M. A. HOYT, *Adjutant.*

TAPS SOUNDED; LIGHTS ARE OUT; THE SOLDIER SLEEPS

The report of the operations of the Bureau of Pensions shows that 13,989 Civil War veterans answered last roll call during the first 10 months of 1927. The names of 18,047 Civil War widows were removed from the pension roll during that period by reason of death. Very few of these widows received any benefit from the meager increases granted by the act of July 3, 1926.

THERE IS YET TIME TO AID THE LIVING

That the need of relief is immediate and very great is recognized in the report of Mr. Elliott, from the Committee on Invalid Pensions. This report was made on April 9, 1926, when the committee had under consideration a bill providing higher rates for Civil War survivors than those carried by the act of July 3, 1926, and also a $50 rate for Civil War widows. Nearly two years have been added to the age figures quoted by the committee. The committee reported as follows:

"The committee regards this bill as an emergency measure that should be promptly passed, in fulfillment of the obligation the Nation owes to the old veterans whose heroic service and sacrifices in the Nation's defense made forever secure the Union of the States and the perpetuity of the Republic.

"Whatever more is to be done for these old veterans and widows must be done soon. They are fast passing to their reward, where a grateful Nation can do no more to pay the debt it owes to them. These veterans were mere boys when they volunteered at their country's call. To-day their average age is more than 80 years, and the average age of the widows is nearly 75 years."

THE NATIONAL TRIBUNE CIVIL WAR PENSION BILL

The National Tribune has earnestly advocated a bill carrying the following provisions:

Seventy-two dollars per month for every Civil War survivor.

One hundred and twenty-five dollars per month for every Civil War survivor requiring aid and attendance.

Fifty dollars per month for every Civil War widow.

In the light of these facts we, the undersigned, voters of Clay County, State of South Dakota, petition the Congress of the United States and urge that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune in order that relief may be accorded to needy and suffering veterans and the widows, and thus partly repay the living for the sacrifices they have made for our country. And we further urge that the most hearty support on the part of our Senators and Representatives in Congress be accorded this legislation.

REPORTS OF COMMITTEES

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1294) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce, reported it with amendments and submitted a report (No. 825) thereon.

Mr. JOHNSON, from the Committee on Commerce, to which was referred the bill (S. 1762) granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the south mole of San Antonio Estuary, in the county of Alameda, in said State, reported it with amendments and submitted a report (No. 826) thereon.

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

A bill (H. R. 391) to regulate the use of the Capitol Building and Grounds (Rept. No. 827); and

A joint resolution (S. J. Res. 50) providing that the Secretary of Agriculture be directed to give notice that on and after January 1, 1929, the Government will cease to maintain a public market on Pennsylvania Avenue between Seventh and Ninth Streets NW. (Rept. No. 828).

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (S. 1458) providing for a survey of the natural oyster beds in the waters within the State of Florida, reported it with an amendment and submitted a report (No. 829) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (H. R. 10643) authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y., reported it without amendment and submitted a report (No. 830) thereon.

Mr. COPELAND, from the Committee on Commerce, to which was referred the bill (S. 3919) awarding a gold medal to Lincoln Ellsworth, reported it without amendment and submitted a report (No. 831) thereon.

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (H. R. 10159) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, reported it with amendments and submitted a report (No. 832) thereon.

Mr. LA FOLLETTE, from the Committee on Commerce, to which was referred the bill (S. 2945) relating to the payment of advance wages and allotments in respect of seamen on foreign vessels, and making further provision for carrying out the purposes of the seamen's act, approved March 4, 1915, reported it without amendment and submitted a report (No. 833) thereon.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the enrolled bill (S. 3194) to establish the Bear River migratory-bird refuge.

OAKLAND HARBOR, CALIF.

Mr. JOHNSON. Mr. President, from the Committee on Commerce I report back favorably without amendment the joint resolution (H. J. Res. 244) authorizing a modification of the adopted project for Oakland Harbor, Calif. Inasmuch as this is a mere formal measure which has been passed by the House and to which the United States engineers agree and which they approve, I ask immediate consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the project adopted in the river and harbor act approved June 21, 1927, for the improvement of Oakland Harbor, Calif., is hereby so modified as to provide that the requirement "that local interests shall alter or replace the bridges over the tidal canal when, in the opinion of the Secretary of War, such alteration or replacement is necessary in the interests of navigation, and thereafter operate and maintain them," shall apply only to that feature of the project covering the deepening of the tidal canal to 25 feet.

Mr. KING. Mr. President, may I ask the purpose of the joint resolution?

Mr. JOHNSON. It is a House joint resolution which alters in a formal manner the report of the engineers, to which they assent. I have here the report of General Jadwin and the engineers assenting to the modification.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DOUBLE PENSIONS IN SUBMARINE CASUALTIES

Mr. STECK. Mr. President, from the Committee on Pensions I report back favorably, with amendments, the bill (H. R. 10437) granting double pension in all cases to widows and orphans when an officer or an enlisted man of the Navy dies from an injury in line of duty as a result of a submarine accident, and I submit a report (No. 823) thereon. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendments were, on page 1, line 4, after the word "Navy," insert the words "is disabled"; in line 8, after the word "paid," to strike out the words "the widow or dependents"; in line 9, after the word "man," insert the words "his widow or dependents"; on page 2, line 4, strike out "$30" and insert "$24"; and in the same line strike out "$6" and insert "$4"; in line 5, strike out "18" and insert "16"; in line 10, strike out "18" and insert "16," so as to make the bill read:

Be it enacted, etc., That hereafter in all cases when an officer or enlisted man of the United States Navy is disabled, has died, or shall die as the result of an accident to a submarine vessel, said officer or enlisted man having been employed in duty on or in handling the submarine at the time of such accident the amount of pension to be paid such officer or enlisted man, his widow or dependents, shall be double the amount of that authorized to be paid under existing pension laws should death have occurred by reason of an injury received in service in line of duty, not the result of a submarine accident: *Provided, however*, That in any event the widow shall be paid a pension of not less than $24 per month and $4 per month additional for each child under 16 years of age of the officer or enlisted man, and in the event of death or remarriage of the widow or forfeiture of title by her, or if no widow survives the officer or enlisted man, the rate of pension herein provided for a widow shall be paid to the minor child or children under 16 years of age of such officer or enlisted man from the date of such death or remarriage of the widow or forfeiture of her title and in other cases from the date of the death of the officer or enlisted man.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FORT M'KINLEY, ME., WATER SYSTEM

Mr. REED of Pennsylvania. Mr. President, from the Committee on Military Affairs I report back favorably without

amendment the bill (S. 3057) authorizing the Secretary of War to transfer and convey to the Portland Water District, a municipal corporation, the water pipe line, including the submarine water main, connecting Fort McKinley, Me., with the water system of the Portland Water District, and for other purposes, and I submit a report (No. 824) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to transfer or cause to be conveyed to the Portland Water District, a municipal corporation of Portland, Me., organized and existing under the laws of the State of Maine, the Government-owned water pipe line, including the submarine main connecting the Fort McKinley Military Reservation located on Great Diamond Island, Me., with the water system of the said Portland Water District on the mainland and to enter into a contract with the said Portland Water District for the furnishing of potable water to Fort McKinley, upon such terms as the Secretary of War may deem expedient, including payment to the said Portland Water District of an annual charge, payable quarterly, for the putting of the water line in good condition and the relocation of the submarine main so as to furnish at all seasons of the year ample supply of potable water to the Fort McKinley Military Reservation, and that said annual charge to be agreed upon and the rates to be paid for the water furnished shall be paid from appropriations heretofore made and to be made for "Water and sewers at military posts."

Mr. REED of Pennsylvania. Mr. President, I will make a very brief statement of what the bill does. At the present time the United States owns a water main running from the Portland City waterworks to the island on which Fort McKinley is located. The line was laid during war times hastily and somewhat imperfectly. It has repeatedly broken. Every time pressure is put on it the pipes fail and salt water or brine is run into the water service pipes of the Fort McKinley Reservation. There is not enough water to supply the garrison there in the summer when there are training camps on the island. A very favorable bargain has been offered by the waterworks which are owned by the city of Portland. They agreed to take this line, maintain it, and supply water to the Government on the island at the same meter rate which would be charged if Fort McKinley were located in the city.

Mr. McKELLAR. It is a municipally owned company?

Mr. REED of Pennsylvania. Yes. There is no private corporation having anything to do with it. The War Department recommended in favor of the bill, and the report of the Committee on Military Affairs is unanimous. My reason for asking consideration now is that it is a Senate bill, and we are very anxious to have the pipe line in operation for the summer's camp. It will be a great saving in money and a great improvement of service for the Government.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 4094) to correct the military record of James W. Smith; to the Committee on Military Affairs.

A bill (S. 4095) declaring the Obey River, in the State of Tennessee, a nonnavigable stream; to the Committee on Commerce.

By Mr. GLASS:

A bill (S. 4096) to correct the naval record of Bennett H. Wayland, deceased; to the Committee on Naval Affairs.

By Mr. PINE:

A bill (S. 4097) granting a pension to Harry A. Nichols (with accompanying papers); and

A bill (S. 4098) granting an increase of pension to Mary Goetsinger (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 4099) for the relief of Smith Richards; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 4100) for the relief of Martin L. Chandler; to the Committee on Military Affairs.

By Mr. CARAWAY:

A bill (S. 4101) granting a pension to Patrick Maher; to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 4102) granting a pension to Anne Shaves Head; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 4103) granting a pension to George W. Cleveland; to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 4104) granting an increase of pension to Eliza J. Dickerson; and

A bill (S. 4105) granting an increase of pension to Jennie E. Drake; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 4106) for the relief of Alvin Hovey King; to the Committee on Claims.

A bill (S. 4107) for the relief of James Aloysius Manley; to the Committee on Military Affairs.

By Mr. SCHALL:

A bill (S. 4109) granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Aitkin, Minn.; to the Committee on Commerce.

By Mr. KENDRICK:

A bill (S. 4110) granting a pension to Ada J. Lewis (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 4111) providing for a survey of the natural oyster beds in the waters within the State of Georgia; to the Committee on Commerce.

By Mr. WHEELER:

A bill (S. 4112) to limit construction charges against irrigable lands in the Lower Yellowstone irrigation project in the State of Montana and North Dakota to $40 an acre;

A bill (S. 4113) to limit construction charges against irrigable lands in the Huntley irrigation project, State of Montana, to $40 an acre;

A bill (S. 4114) to limit construction charges against irrigable lands in the Fort Peck irrigation project, State of Montana, to $40 an acre; and

A bill (S. 4115) to limit construction charges against irrigable lands in the Sun River irrigation project, State of Montana, to $40 an acre; to the Committee on Irrigation and Reclamation.

By Mr. ROBINSON of Indiana:

A bill (S. 4116) granting an increase of pension to Emeline Sawyer (with accompanying papers); to the Committee on Pensions.

By Mr. BLACK:

A joint resolution (S. J. Res. 130) suspending certain provisions of law in connection with the acquisition of lands within the Alabama National Forest; to the Committee on Agriculture and Forestry.

By Mr. BORAH:

A joint resolution (S. J. Res. 131) providing for the participation by the United States in the International Conference for the Revision of the Convention of 1914 for the Safety of Life at Sea; to the Committee on Foreign Relations.

JOSEPH ABEL

Mr. BLAINE. Mr. President, I desire to introduce a bill, but before doing so I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the bill (S. 3792) for the relief of Joseph Abel and that that bill be indefinitely postponed. I introduce the bill which I now send to the desk in place of the Senate bill 3792.

The VICE PRESIDENT. Without objection, Senate bill 3792 is indefinitely postponed, and the Senator from Wisconsin introduces a bill the title of which will be stated.

The bill (S. 4108) for the relief of Joseph Abel was read twice by its title and referred to the Committee on Claims.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL

Mr. ODDIE. Mr. President, I submit an amendment intended to be proposed by me to the deficiency appropriation bill. It is the same amendment which I submitted on January 4 last to the Interior Department appropriation bill, but because of the failure of the Secretary of the Interior to render a report on the amendment the Appropriations Committee did not give the amendment consideration. Hence the necessity for resubmitting the amendment now.

The amendment was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill, insert:

"DEPARTMENT OF THE INTERIOR—BUREAU OF INDIAN AFFAIRS

"For paying for the Truckee-Carson Irrigation District, Fallon, Nev., the proportionate share of the benefits assessed by said district against 4,877.3 irrigable acres of Paiute Indian lands within the Newlands irrigation project for necessary repairs to the Truckee Canal to restore said canal to its original capacity, $10,096.01."

AMENDMENT TO TAX REDUCTION BILL—SALES OF REAL PROPERTY

Mr. FLETCHER submitted an amendment intended to be proposed by him to House bill 1, the tax reduction bill, which was referred to the Committee on Finance and ordered to be printed.

COLUMBIA BASIN RECLAMATION PROJECT

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, which was ordered to lie on the table and to be printed.

PRACTICE OF THE HEALING ART IN THE DISTRICT

Mr. BRUCE submitted an amendment intended to be proposed by him to the bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia, which was ordered to lie on the table and to be printed.

AMENDMENTS TO MIGRATORY BIRD BILL

Mr. CARAWAY submitted an amendment and Mr. BLAINE submitted two amendments intended to be proposed by them, respectively, to Senate bill 1271, the so-called migratory bird bill, which were ordered to lie on the table and to be printed.

INVESTIGATION RELATIVE TO PROPERTY RIGHTS OF AMERICANS IN CUBA

Mr. SHIPSTEAD submitted the following resolution (S. Res. 201), which was referred to the Committee on Foreign Relations:

Senate Resolution 201

Whereas the Congress of the United States by an amendment (known as the Platt amendment) to the Army appropriation act, approved March 2, 1901, defined the conditions under which the President could turn over to the people of Cuba the government of that island; and

Whereas one of such conditions was that certain parts of the said amendment should be included in the constitution of the Cuban Government and also included in a permanent treaty with these United States; and

Whereas the specified provisions of such amendment were enacted as a part of the constitution of the Republic of Cuba and were embodied in a treaty signed May 23, 1903, and duly ratified; and

Whereas certain of the provisions of the said amendment so enacted in the constitution of Cuba and so embodied in the permanent treaty with Cuba were designed and intended to afford protection to the liberties of the Cuban people and to the property and persons of citizens of the United States resident in such island; and

Whereas American citizens residing in Cuba represent that they have been and are being deprived of their properties contrary to law and in defiance of decisions of the Cuban courts: Now, therefore, be it

Resolved, That the Senate Committee on Foreign Relations, acting through a subcommittee or otherwise, is hereby directed to investigate and report to the Senate whether the property and rights of American citizens resident in Cuba and the liberties of the Cuban people have been and are being fully protected under said Platt amendment and in the treaty made pursuant to said amendment, and if in the opinion of the committee such protection is not being afforded to Cubans and American citizens resident in Cuba that the committee report to the Senate the reasons for such failure to protect such property and rights; and be it further

Resolved, That in consideration of the foregoing preamble and in further consideration of the following specific charges recently brought to public attention by publicists, educators, and other reliable sources, namely, that—

The present political régime is a virtual dictatorship under which freedom of speech, freedom of assembly, freedom of petition, and electoral freedom have been destroyed.

Numerous assassinations, imprisonments, deportations, and exiles have taken place.

Political opposition to the ruling group has been destroyed.

The National University has been closed, denying to the youth of Cuba the right to higher education and free speech.

Private property of Cubans and of Americans has been seized without due process of law and without the right to recovery.

The Cuban court system has been so gerrymandered that justice has become a farce and the judiciary has been brought under the absolutism of the political powers.

The Cuban criminal code, administered under political pressure, is still the code of the days of Weyler, making it possible to use the law and the judiciary for the unreasonable and unjustified punishment of Cubans for what should be lawful political activity.

Under a parceling out of agencies for the sale of lottery tickets the National Congress of Cuba is made absolutely subservient to the domination and dictation of the executive department, a condition amazing in its defiance of all decency and political honesty and honor.

That in the course of such investigation the Committee on Foreign Relations is given full power to subpœna witnesses and compel their attendance before the committee or any subcommittee thereof and to require their testimony and to compel the production of books and papers to the end that the Senate may be fully advised as to the result of such investigation and report as to what further action or legislation is necessary to fully protect Cubans and American citizens resident in Cuba in their persons, property, and rights and to insure the fulfillment of the obligations assumed by the United States under the Platt amendment and the permanent treaty of May 23, 1903.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 339. An act to increase the effectiveness of expenditures for roads, bridges, and trails in the Territory of Alaska, and for other purposes; to the Committee on Mines and Mining.

H. R. 5527. An act to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes; to the Committee on Patents.

H. R. 10799. An act for the lease of land and the erection of a post office at Philippi, W. Va., and for other purposes; to the Committee on Public Buildings and Grounds.

H. R. 11360. An act to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project; to the Committee on Irrigation and Reclamation.

H. R. 45. An act to eliminate the renewal of oath of office of Government employees under certain conditions; and

H. R. 11463. An act to fix the salaries of certain judges of the Territories and insular possessions of the United States; to the Committee on the Judiciary.

H. R. 5465. An act to amend section 1571 of the Revised Statutes to permit officers of the Navy to count duty on airships as sea duty; and

H. R. 5531. An act to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers; to the Committee on Naval Affairs.

H. R. 12821. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes;

H. R. 13039. An act to amend the World War veterans' act, 1924; and

H. R. 12442. An act to provide for the transfer to the Department of Labor of certain forfeited vehicles; to the Committee on Finance.

H. R. 5681. An act to provide a differential in pay for night work in the Postal Service;

H. R. 7900. An act granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes; and

H. R. 12383. An act to amend section 11 of an act approved February 28, 1925 (43 Stat. 1064, U. S. C., title 39), granting sick leave to employees in the Postal Service, and for other purposes; to the Committee on Post Offices and Post Roads.

H. R. 6049. An act to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments; and

H. R. 12688. An act to authorize appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

H. R. 11245. An act to cancel certain notes of the Panama Railroad Co. held by the Treasurer of the United States; and

H. R. 11475. An act to revise and codify the laws of the Canal Zone; to the Committee on Interoceanic Canals.

H. R. 11281. An act to authorize the disposition of certain public lands in the State of Florida; and

H. R. 11990. An act to authorize the leasing of public lands for aviation, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 11338. An act granting the consent of Congress to the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Randolph, Mo.;

H. R. 11404. An act authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.;

H. R. 11692. An act authorizing the Gulf Coast Properties (Inc.), a Florida corporation, of Jacksonville, Duval County, Fla., its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near East Alburg, Vt.;

H. R. 11797. An act granting the consent of Congress to Columbus County, State of North Carolina, to construct, maintain, and operate a free highway bridge across the Waccamaw River at or near Reeves Ferry, Columbus County, N. C.; and

H. R. 11992. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Biggers, Ark.; to the Committee on Commerce.

H. J. Res. 239. Joint resolution authorizing the erection in the District of Columbia of a monument in memory of Peter Muhlenberg; to the Committee on the Library.

PRISON LABOR FOR STATE USE

Mr. HAWES. Mr. President, the Senator from Connecticut [Mr. BINGHAM] on yesterday introduced in the Senate an editorial written by M. G. Osborn, editor of the Journal-Courier, of New Haven, Conn., entitled, "A leap in the dark," in which it is sought to point out that the passage of what is known as the Hawes-Cooper bill (S. 1940) might result in idleness in the penitentiaries of the various States.

It is unfortunate that a man of Osborn's long relationship with prison problems should be willing, unwittingly perhaps, to lend aid and comfort to the movement of the prison contractors to defeat this legislation.

His editorial "A leap in the dark" is based entirely upon theory, and it is the same theory which certain prison officials advanced before the committees of the House and Senate during hearings on this bill.

Incidentally the bill has been reported with but two dissenting votes out of the entire membership of both the House and Senate committees who heard these men first-hand.

The facts are that in the States now devoting the activities of their prisoners to the manufacture of products for State use, idleness is no longer a serious problem.

I would like to insert at this point in the RECORD the facts. They are not theories, they are not hearsay, they are not opinions. They are the cold facts prepared by responsible executives in four populous States in which prisoners are now employed in the manufacture of products for State use. I insert first the facts with respect to Pennsylvania, as prepared for me by Hon. James C. Tucker, general superintendent of industries, department of welfare, Harrisburg, Pa.:

In further reply to your letter of recent date, I am sending you herewith copy of the distribution of population in our four penal institutions for men and boys as of dates indicated:

Western State Penitentiary, Pittsburgh, Pa., Feb. 28, 1928:	
Number employed in productive industries, construction, and maintenance labor activities	917
Number reported as unemployed	208
Total population	1,125
Eastern State Penitentiary, Philadelphia, Pa., Feb. 28, 1928:	
Number employed in productive industries, construction, and maintenance labor activities	1,334
Number reported as unemployed	327
Total population	1,661
New Western State Penitentiary, Rockview, Pa., Feb. 28, 1928:	
Number employed in productive industries, construction, and maintenance labor activities	749
Number reported unemployed	None.
Total population	749
Pennsylvania Industrial Reformatory, Huntington, Pa., Feb. 22, 1928:	
Number employed in productive industries, construction, and maintenance labor activities	993
Number reported as unemployed	None.
Total population	993
Grand total	4,528

In other words, in the State of Pennsylvania prison officials are satisfied with what Mr. Osborn fears may be "a leap in the dark," because they have tried it out and it works satisfactorily. There is no idleness in two prisons, and only 11 per cent for all causes in all State prisons.

I insert at this point the figures for the State of Ohio prepared for me under the direction of Governor Donahey and submitted to me by the Governor of the great State of Ohio, with this statement:

Ohio people would not think of going back to the old penal contract system.

Following are the Ohio figures:

Ohio Penitentiary:	
Manufacturing and sales (State use, Ohio Penitentiary)	1,246
Manufacturing and sales (State use, brick plants)	349
Manufacturing and sales (State use, stone quarry)	125
	1,720
Construction work	153
Honor camps	153
Ohio Penitentiary—Continued.	
General work around institution	651
In school	848
Disabled, infirm, and subnormal	624
Total	4,149
Ohio State Reformatory:	
Manufacturing and sales (State use)	1,023
On institution farms and general institution	849
Honor camps	337
In school	728
Total	2,937
London Prison Farm:	
Construction work	275
Tailor department	16
General farm work	160
General institution work	56
Total	507
Reformatory for Women:	
Sewing department (manufacturing and sales), State use	56
Art class (industrial)	187
General farm work	34
General institution work	192
Total	469
Recapitulation:	
Manufacturing and sales (State use)	2,799
Work around institution	2,573
Work, honor camps	490
In school	1,576
Disabled, infirm, and subnormal	624
Total in penal institutions	8,062

No complaint is received from Ohio that idleness is an insuperable problem or that they are working in the dark. In fact, the senior Senator from Ohio, fully conversant with Ohio's problems, is heartily in favor of this bill, which the opposition calls "a leap in the dark," and the last words of our late lamented associate from Ohio in this body, Senator Willis, were an appeal for the passage of this legislation.

I wrote to the Governor of New York, who directed the prison officials of that State to prepare for me the facts with respect to the State-use system of New York.

Answering my letter, the commissioner of the Department of Correction of New York State made this statement:

I feel that the figures shown above will discredit the statement that institutions where State use is in force are troubled by the problem of idleness.

Following are the facts as submitted by the New York commissioner with respect to New York State:

1. The total number of prisoners in the four State prisons on Mar. 17, 1928, was	5,999
2. The number employed on that date, as shown by the labor reports, was	5,057
3. Of these employed, the assignments were as follows:	
Industries	2,699
Maintenance	2,023
Construction	294
Road work	41
4. The 942 assigned to the nonproductive group were distributed as follows:	
In hospital or idle on doctor's orders	670
Musicians	82
Schools	110
Discipline	47
Under observation	14
In cells for the condemned	11
At court or on escape	8

Mr. President, New York's officials are not worried over the passage of the Hawes-Cooper bill, because they have already complied with its principles, and they did not take "a leap in the dark."

Mr. President, I should like to introduce at this time an excerpt from a letter of Commissioner William J. Ellis, of the Department of Institutions and Agencies of the State of New Jersey, where prisoners are employed in the manufacture of products for State use. Mr. Ellis's opinion is more eloquent than anything I could say on the subject:

Under the State-use system, as you know, we have developed manufacturing enterprises of a diversified character, making goods for the various State agencies and departments as well as the counties and municipalities. We have diversified industries, including printing, auto-license tags, sheet-metal work, repairing of shoes, manufacture of shoes, woodworking and furniture, concrete products, and all sorts of agricultural enterprises, including a large farm, dairy, and cannery, the products of which are interchanged among our various State institutions; a large foundry, which makes marking signs for the highway department and for the municipalities; machine shops, book bindery, tailoring, garment making, dressmaking, knitting, etc.

None of these industries is so large as to furnish undue competition with outside industry, while at the same time it is able to supply the requirements of the State-use market.

We have eliminated the old contract labor, which was a vicious form of exploitation of prisoners under bad working conditions involving no training for work after the man left the prison. In fact, men were used largely at sewing-machine jobs under sweat-shop conditions, which involved the prison and prison-labor situation in a succession of scandals. Under former Gov. WALTER E. EDGE this contract labor was eliminated and the State-use system was installed. It has grown, developed, and expanded so that it now employs far more men than were employed under contract labor, under more constructive and beneficial conditions.

It is our contention that New Jersey, which has been able to develop a State-use system, should not have dumped upon its market the products of contract labor from States which are exploiting their prisoners to the advantage of private contractors.

The private contracts, in the main, go in for shirt making, overall making, and broom making. The broom making and shirt making competes so unfairly with outside private manufacture and the free worker outside of prisons that it has a vicious influence upon these industries in the communities in this State. Under the Hawes-Cooper bill it would be possible to protect the New Jersey industries and the New Jersey laboring man and woman from this unfair competition from convict labor under contract systems in other States, just as we have protected it under the State-use system from unfair competition of convict labor in our own State.

I may state at this point that the State of Connecticut, in which Mr. Osborn resides, is one of those States where the prisoners are employed in manufacturing products which are sent out unlabeled, in ruinous competition with the products of free capital and free labor.

I do not know what the actual number of prisoners in the Connecticut institutions is at this time, but in 1923—the date of the last compilation by a Government agency—the total number of prisoners in the three penitentiaries of Connecticut was 900.

It is interesting in connection with Mr. Osborn's fears to compare a total of 900 prisoners with the vast army of more than 8,000 prisoners in Ohio, of nearly 5,000 in Pennsylvania, and 6,000 in New York.

I have merely placed these facts in the RECORD in an attempt to end this campaign of hearsay and theory.

Men, of course, may juggle figures to suit themselves; and I suppose that the prison contractor will find in the figures that I have given him great cause for complaint by showing that too many are employed in maintenance in one place and too many in school in another.

But the fact is that in these great populous States prison officials find they have not leaped in the dark and would not return to the system advocated by the prison contractors under any circumstances.

The passage of Senate 1940 will merely make it possible for all of the States to conduct their prison affairs without lending sympathy and comfort to the prison contractor, who is growing richer each day through the exploitation of prisoners to the detriment of working men and women who have legitimate capital invested in industry.

I desire at this point to insert a letter from the Senator from New Jersey [Mr. EDGE]. New Jersey is a State-use State. Senator EDGE, as governor, helped to put the prison contractor out of business there.

UNITED STATES SENATE,
COMMITTEE ON INTEROCEANIC CANALS,
February 4, 1928.

Hon. HARRY B. HAWES,
United States Senate, Washington, D. C.

DEAR SENATOR: You have asked me to advise you the experience I had as Governor of New Jersey, during which time contract prison labor was abolished in the penal institutions of the State upon executive order.

Briefly, the results were more than gratifying and eminently satisfactory. With the abolishment of the prison contracts, so that the prisoners would not be idle we immediately installed machinery for the manufacture of various commodities to be used exclusively by the State or public institutions in the State. We installed in the States prison machines for manufacturing license tags for automobiles; for the manufacturing of shoes, clothing, etc., for the inmates of correction and penal institutions. In one of the reformatories we installed a complete printing plant through which all the State printing is supplied. The prisoners were in no way permitted to live in idleness, although we did arrange a more considerate program of hours and of recreation and opportunity for daylight.

I repeat, the net result of the experiment started in 1917 has been in every way successful and I am sure no element in the State would for a moment return to the contract system.

Very truly yours,

(Signed) WALTER E. EDGE.

I also introduce a letter from Senator EDWARDS, formerly governor of the same State:

UNITED STATES SENATE,
COMMITTEE ON BANKING AND CURRENCY,
February 8, 1928.

Senator JAMES E. WATSON,
Chairman Interstate Commerce Committee,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR WATSON: As a representative, in part, of the State of New Jersey in the United States Senate, I wish to advise you of my views in regard to the Hawes measure, S. 1940, which seeks to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

I strongly recommend that the Interstate Commerce Committee report this measure favorable to the Senate with the recommendation that it be passed at this session of Congress. I feel safe in saying that the universal sentiment of the State of New Jersey favors the enactment of this bill into law for the reason that it not only offers additional protection to free American labor but also will be a distinct encouragement to private manufacturers who are now forced to compete with convict-made goods.

Every one must realize that no fair and just competition can be entered into by private enterprises with merchandise manufactured by penal institutions at an abnormally low cost.

At the present time New Jersey does not permit convict goods made within her borders to enter into competition with private manufacturers. But, of course, New Jersey is impotent to prevent the importation of prison-made goods within the State for sale and distribution. This condition of affairs seems to me entirely inequitable inasmuch as a State should be allowed to regulate her own affairs without interference from outside sources.

Free American labor is entitled to as high a wage as is consistent with economic conditions, untrammeled by outside influence of a character which can be safely regulated by Federal statute.

Surely no one will seriously contend that if the State of New Jersey wishes to prevent unfair competition between her private manufacturers and contractors of prison labor, she should be thwarted by an unnatural condition which permits the delivery within the State of prison-made goods and the sale thereof without being subjected to the laws of the State.

I do not believe that any Senator or Representative who believes in State rights and the right of the Commonwealth to regulate its own business in its own way can conscientiously oppose the passage of the Hawes bill.

I sincerely trust that your committee as well as the Senate will take early and favorable action on S. 1940, so that the laboring man of this country as well as those who invest their capital in legitimate manufacturing enterprises will feel free to work and transact their business knowing that their interests will not be jeopardized by State penal institutions and the manufactured products thereof.

May I request that this letter be made a part of the record of the hearings of the Interstate Commerce Committee on S. 1940, and that the suggestions therein contained be given the earnest consideration of the committee before final action is taken.

Most cordially,

E. I. EDWARDS.

HONORABLE DISCHARGE FOR WILLIAM G. BEATY

Mr. STEPHENS. Mr. President, I ask unanimous consent for the immediate consideration of calendar No. 751, the bill (H. R. 8983) for the relief of William G. Beaty, deceased. The bill was reported from the Committee on Military Affairs unanimously. I had a conversation with the Senator from Pennsylvania [Mr. REED], chairman of the committee, on yesterday, and it is entirely agreeable to him that the amendment reported by the committee shall be disagreed to.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 12, after the word "shall," to strike out the words "be held to have accrued prior to the passage of this act" and to insert the words "accrue or be allowed on account of the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers and dependents William G. Beaty, who was a member of Company C, First Battalion, Mississippi Mounted Rifles (subsequently Company I, Second Mississippi Volunteer Cavalry), shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 20th day of May, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall accrue or be allowed on account of the passage of this act.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED INVESTIGATION OF LOBBYING ORGANIZATIONS

The VICE PRESIDENT. The Chair lays before the Senate Senate Resolution 197, coming over from a previous day, which will be read.

The Chief Clerk read the resolution (S. Res. 197) submitted by Mr. CARAWAY April 16, 1928, as follows:

Whereas it is charged that the lobbyists located in and around Washington filch from the American public more money under a false claim that they can influence legislation than the legislative branch of this Government costs the taxpayers; and

Whereas the lobbyists seek by all means to capitalize for themselves every interest and every sentiment of the American public which can be made to yield an unclean dollar for their greedy pockets: Now, therefore be it

Resolved, (1) That a special committee to be appointed by the President of the Senate consisting of three members is hereby authorized.

(2) Said committee is empowered and instructed to inquire into the activities of these lobbying associations and lobbyists.

(3) To ascertain of what their activities consist, how much, and from what source they obtain their revenues.

(4) How much of these moneys they expend and for what purpose and in what manner.

(5) What effort they put forth to affect legislation.

(6) Said committee shall have the power to subpœna witnesses, administer oaths, send for books and papers, to employ a stenographer, and do those things necessary to make the investigation thorough.

Mr. CARAWAY. Mr. President, I ask that the resolution may go over for the day without prejudice.

The VICE PRESIDENT. The resolution will go over without prejudice.

FOREIGN TRADE IN POTATOES

The VICE PRESIDENT. The Chair lays before the Senate Senate Resolution 200, coming over from the preceding day, which will be read.

The Chief Clerk read the resolution (S. Res. 200) submitted by Mr. GOULD April 16, 1928, as follows:

Whereas under the present duty on potatoes of one-half of 1 cent per pound established by the tariff act of 1922 the quantity of potatoes imported has increased from 44,000,000 pounds, valued at $1,000,000 in 1923, to over 300,000,000 pounds, valued at more than $5,000,000 in 1927; and

Whereas differences in costs of production in the United States and in the principal competing country apparently are not equalized by the present duty; and

Whereas the potato-growing industry is widely distributed throughout the United States, and in many regions is the most important source of cash income to the farmer; and

Whereas, because of the greatly increased imports of potatoes, an emergency exists in this industry, particularly among producers of seed potatoes: Therefore be it

Resolved, That the United States Tariff Commission be, and hereby is, requested to investigate for the purposes of section 315 of the tariff act of 1922 the costs of production of white or Irish potatoes in the United States and in the principal competing country, and to report its findings to the President of the United States.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. KING. Mr. President, I ask the Senator from Maine [Mr. GOULD], in view of the passage of the McNary-Haugen bill, what is the necessity of the adoption of the resolution, because that bill, as I understand, is designed to take care of all agricultural products that come within its terms?

Mr. MCNARY. Mr. President, perhaps I can answer that question. The question would not need answering if the Senator from Utah had been present during the debate on the bill to which he has referred. An amendment was adopted to that measure taking fresh fruits and vegetables out of the operation of the bill. I suspect that potatoes come under that classification.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

COLUMBIA BASIN RECLAMATION PROJECT

Mr. JONES. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 1462.

Mr. KING. Let the title of the bill be stated.

The VICE PRESIDENT. The clerk will read the title of the bill.

The CHIEF CLERK. A bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes.

The VICE PRESIDENT. The bill was considered on March 2, and an amendment proposed to it by the Senator from Idaho [Mr. BORAH] was agreed to.

Mr. ASHURST. Mr. President, let the amendment which was adopted on the motion of the Senator from Idaho be read.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. The amendment agreed to on motion of the Senator from Idaho [Mr. BORAH] is, at the end of the bill, to insert the following proviso:

Provided, That no appropriation for construction under the gravity plan shall be made until a compact shall have been entered into between the States, either to determine the allocation of waters and definite storage elevation and areas or to determine the basic principles that for all times shall govern these matters. *And provided further*, That the passage of this act shall not in any respect whatever prejudice, affect, or militate against the rights of the State of Idaho, or the residents or the people thereof, touching any matter or thing or property or property interests relative to the construction of the Columbia Basin project.

Mr. ASHURST. Has that amendment been adopted?

The VICE PRESIDENT. It has been adopted.

Mr. ASHURST. Mr. President, I am much pleased to observe that this amendment has been adopted. It is a brief amendment, but within its scope are assured safety and progress for the States involved. The Senate is to be congratulated and the Senator from Idaho [Mr. BORAH] is to be congratulated and the Senators from Washington, who are the proponents of this bill, are also to be congratulated in that before any work is done or any Federal money expended a compact under the Constitution of the United States must be entered into embodying the assent and express approval of all the States involved. This is a shining example of how to perform a task in a proper way, whereas the Boulder Dam bill introduced by the able Senator from California [Mr. JOHNSON] is a shining example of how to perform a task in the wrong way.

The Boulder Canyon Dam bill does not proceed upon the correct hypothesis upon which this bill proceeds; indeed, the Boulder Canyon Dam bill proposes that, over the objections of the State of Arizona, which State has not yet consented to or ratified the Colorado River compact, the bill shall be driven through and a draft indirectly upon the Federal Treasury shall be made of $125,000,000 and work shall be started, although the State of Arizona has not ratified the necessary compact and although the State of Utah, having observed the injustice involved in the present Boulder Dam bill, has withdrawn her ratification of the said compact.

It is seldom in the course of events that a Senator is afforded the opportunity so heartily to congratulate his associates and, indeed, to congratulate those proposing a bill, as I am privileged to do this morning. The Columbia Basin reclamation project, with its amendments, can be justified, and the expenditure will be justified; but where is the man of justice and conscience who could justify voting for the present Boulder Canyon Dam bill over the objections of Arizona, which is one of the States furnishing the water of the Colorado River, over the objection of the Senators representing Arizona, and, indeed, against the Constitution of the United States?

There is pending an amendment proposed by the junior Senator from Montana [Mr. WHEELER], and if I am correctly advised the State of Montana furnishes considerable water to the Columbia River. The amendment is as follows:

At the proper place insert the following:

"*Provided*, That no appropriation for construction under the gravity plan shall be made until a compact shall have been entered into between the States, either to determine the allocation of waters and definite storage elevation and areas or to determine the basic principles that for all times shall govern these matters: *And provided further*, That the passage of this act shall not in any respect whatever prejudice, affect, or militate against the rights of the State of Montana, or the residents or the people thereof, touching any matter, or thing, or property, or property interests relative to the construction of the Columbia Basin project."

Mr. WHEELER. I will say to the Senator that Montana furnishes a large part of the water of the Columbia River.

Mr. ASHURST. My esteemed friend the junior Senator from Montana replies that Montana furnishes a large part of the waters of the Columbia River. I knew the junior Senator from Montana in our college days. I then predicted for him a great career. Since he has come to the Senate he has abundantly verified the predictions I made of him. It is a tribute to his statesmanship and to his courage that inasmuch as the State of Montana furnishes a part of the waters for this project he

has offered an amendment which, if adopted, will prevent protracted and expensive litigation in the future over these very waters.

This one act of Senator WHEELER demonstrates that he is a real statesman, worthy to hold a place here, and when the question of the Boulder Dam on the Colorado River comes before us, I ask him and I ask the Senator from Idaho [Mr. BORAH] precisely and courageously to apply for and in behalf of Arizona the same just rule, the same fair principle, and the same high degree of statesmanship that they have here applied in behalf of their own States. If and when the Boulder Canyon Dam bill is considered, they should refuse and fail to extend to Arizona that meed of protection and justice they are to-day asking for themselves, then I shall ask that the remarks I am making this morning commendatory of them be stricken from the CONGRESSIONAL RECORD. [Laughter.]

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KING. Mr. President, I think I will have to offer an objection.

Mr. JONES. I move that the Senate proceed to the consideration of the bill notwithstanding the objection.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington that the Senate proceed to the consideration of the bill notwithstanding the objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes.

The VICE PRESIDENT. The bill has heretofore been considered as in Committee of the Whole and amended.

Mr. KING. Let the bill be read.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill as heretofore amended, as follows:

A bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes

Be it enacted, etc., That the lands in the eastern part of the State of Washington embraced in what is commonly known as the Columbia Basin project, or all the lands that may be embraced within the boundaries of such project, as may be finally determined by the Secretary of the Interior, be, and the same are hereby, adopted as a reclamation project to be known as the Columbia Basin reclamation project, and the appropriation of the necessary funds to determine and carry on such project is hereby authorized from funds in the Treasury of the United States not otherwise appropriated. This project shall be carried on, developed, and dealt with in every respect and pursuant to the terms and conditions of the United States reclamation act and amendments thereto, except for the appropriation provision herein made: *Provided*, That no appropriation for construction under the gravity plan shall be made until a compact shall have been entered into between the States, either to determine the allocation of waters and definite storage elevation and areas or to determine the basic principles that for all times shall govern these matters: *And provided further*, That the passage of this act shall not in any respect whatever prejudice, affect, or militate against the rights of the State of Idaho, or the residents, or the people thereof, touching any matter, or thing, or property, or property interests relative to the construction of the Columbia Basin project.

Mr. WHEELER. Mr. President, I desire to offer an amendment to the bill. I send the amendment to the desk and ask to have it read.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to add the following:

That no appropriation for construction under the gravity plan shall be made until a compact shall have been entered into between the States, either to determine the allocation of waters and definite storage elevation and areas or to determine the basic principles that for all times shall govern these matters: *And provided further*, That the passage of this act shall not in any respect whatever prejudice, affect, or militate against the rights of the State of Montana, or the residents or the people thereof, touching any matter, or thing, or property, or property interests relative to the construction of the Columbia Basin project.

Mr. JONES. I have no objection to that amendment.

Mr. BORAH. I ask pardon of the Senate, but I was interrupted during the reading of the amendment. May I ask to have it reread?

Mr. WHEELER. I will say to the Senator from Idaho that it is identical with the amendment offered by him, except that "Montana" is substituted for "Idaho."

Mr. BORAH. Very well.

Mr. FLETCHER. It does not provide for a compact, does it?

Mr. JONES. Yes; it does for the State of Montana.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

Mr. JONES. Mr. President, I thought I would make a brief statement with reference to the bill.

The bill provides for the adoption of a reclamation project in the central part of the State of Washington. It embraces an area of about 1,800,000 acres of land. This land is desert in character and will produce practically nothing without reclamation.

The matter of reclamation in the State of Washington and in this territory is not an experiment. Just across the river from the lands embraced within this project is the Yakima reclamation project, under which there have been developed something like 175,000 or 200,000 acres of land. That land is as productive land as there is anywhere in the United States. The average value of the crops produced on the lands in the Yakima project is from $75 to $100 an acre; and the lands embraced in the Columbia Basin project are substantially the same kind of lands as those in the Yakima project. If there is any difference, it is in favor of the lands embraced within the Columbia Basin project.

Climatic conditions, fertility of soil, transportation facilities, and nearness to markets are exceptional in connection with the proposed project. There are four or five transcontinental railroad lines running through this territory, so that, when developed, transportation facilities will be abundant to markets anywhere in the country.

As I said, the reclamation of the lands in the Yakima project demonstrates the character of these lands, their fertility, and their productive character, so that no question can be raised with reference to these features of this project.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. JONES. I yield to the Senator from Florida.

Mr. FLETCHER. How was the Yakima project developed? Were advances made out of the Treasury to establish that project originally?

Mr. JONES. No. The Yakima project is a Government reclamation project now. Originally there was considerable private development, but that was under what we might call low-line canals. Finally, after the passage of the reclamation act, the Government decided to enter upon the project in the Yakima Valley. There was a reclamation project that had been undertaken by the Northern Pacific Railroad, or, possibly more accurately, by a subsidiary company of the Northern Pacific Railroad. It was essential for the highest possible development under the Government plan that this canal should be taken over by the Government, and this was done; so that the reclamation of the lands throughout practically the whole Yakima Valley is included under the one Government project, and the reclamation of this project has been proceeding under the reclamation act, and the moneys for its development have come from the reclamation fund.

Mr. FLETCHER. How have the purchasers operating in the Yakima project been keeping up their payments? Have they been able to keep up the payments under their contracts?

Mr. JONES. Until the acute agricultural depression came on, the settlers under this project were paying up practically in full on their lands. With the acute agricultural depression they were affected like everybody else, but possibly not to such a great extent, and so there were some delinquencies there; and, of course, after we passed the general acts for the relief of people on these reclamation projects, these people took advantage of them, too. I think, however, that the settlers under the Yakima project have paid up better than those under any other project in the United States; and there is no question whatever as to their ability and capacity to pay under ordinary agricultural conditions. My understanding is that for the last year the payments are practically up to date.

Mr. FLETCHER. Have those lands been fairly well taken over and occupied, or are there still vacant lands in the Yakima project?

Mr. JONES. In the case of the units that have water furnished practically all the land is taken.

Mr. FLETCHER. The Senator feels, does he, that this project is a successful undertaking?

Mr. JONES. Oh, I think there is no question about it.

Mr. FLETCHER. Under this bill the funds are to be advanced out of the Treasury of the United States for the development of this project?

Mr. JONES. Unless we provide some other method hereafter.

Mr. FLETCHER. Of course, if we provide now for these moneys to come out of the Treasury, that probably will not be changed.

I should like to ask the Senator what is the estimated cost. I see that the gravity plan will involve something like $300,000,000. Does the Senator think that is the limit of the draft on the Treasury?

Mr. JONES. I think $300,000,000 will cover the draft on the Treasury for the reclamation of these 1,800,000 acres of land.

Mr. DILL. Mr. President, will my colleague yield there?

Mr. JONES. I will.

Mr. DILL. I may say to the Senator from Florida that the plans do not contemplate taking that much money from the Treasury, but an initial draft on the Treasury, and after that the payments from the lands developed will finance the development of other units of the project. So that probably $100,000,000, or at most $125,000,000, would be all that would ever need to be advanced originally out of the Treasury, because this land would not be put under cultivation or under water all at one time, but by units and by parts.

Mr. JONES. That is a feature that, of course, will have to be worked out in the future; and, as my colleague has said, under the plan for this project the first unit will contain about 400,000 acres of land. That will be the part that will be reclaimed first. That will be reclaimed possibly out of appropriations made directly from the Treasury, unless we should hereafter develop some other plan, by way of the issuance of bonds or something of that sort.

Mr. FLETCHER. May I ask the Senator how that is to come back to the Treasury, if at all?

Mr. JONES. It is to come back to the Treasury just as the funds come back under the reclamation projects as they are to-day.

Mr. FLETCHER. I see that the language is very broad. It says:

and the appropriation of the necessary funds to determine and carry on such project is hereby authorized from funds in the Treasury of the United States.

Mr. JONES. Yes.

Mr. FLETCHER. There is no limit at all provided there; but all that may be necessary to accomplish this result and develop this project is to be paid out of the Treasury as it may be required.

Mr. JONES. Of course, that is subject to amendment or change by legislation hereafter.

Mr. FLETCHER. Yes.

Mr. JONES. And, of course, if it is found advisable to follow some other plan, that will be adopted; but, as my colleague [Mr. DILL] has said, the development is gradual. It will come about by units.

What our people really have in mind is what my colleague says—that when we reclaim the first unit—400,000 acres—we can then work out a method by which moneys will be received on that unit, and possibly not have to make drafts upon the Treasury thereafter; but whatever expenditures are required from the Treasury are to be repaid in accordance with the terms and provisions of the reclamation act. In other words, the settlers will have to repay this money.

Mr. COUZENS. Mr. President——

Mr. FLETCHER. I see that the estimated cost per acre is about $159, and then the cost of maintenance is $2.12 per acre per annum. In other words, the cost of this reclaimed land will be about $161 per acre.

Mr. JONES. It is stated that about $150 an acre is the cost of the reclamation. The other item is maintenance each year.

Mr. FLETCHER. Is not $159 per acre a pretty high cost for agricultural lands on which to grow wheat and alfalfa, to say nothing of the cost of the land?

Mr. JONES. It is a pretty high cost when you look at the figures; but the Senator will note the productive character of these lands, and the fact that they are not going to produce the ordinary agricultural production. They will be put to special production, just as in the Yakima Valley. It has cost over $100 an acre to reclaim the lands of the Yakima Valley, and yet they get at least three fine crops of alfalfa a year from that land. This land will produce not less than that, and possibly even more.

Mr. FLETCHER. I observe that the growing season is about six months, and that the main crops will be wheat and alfalfa and potatoes and livestock and grasses and that sort of thing.

Mr. JONES. And fruit and every sort of Temperate Zone product.

Mr. FLETCHER. With a growing season of six months it will necessarily be limited. I do not know; perhaps that is a wise thing to do; but I can sell the Senator a million acres of land at $25 an acre where the growing season is 12 months of the year.

Mr. JONES. Yes; but the Senator will not do it.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator from Michigan.

Mr. COUZENS. The Senator made an estimate a while ago of the average income per acre, as I understand, as being somewhere about $100.

Mr. JONES. From $60 or $75 to $100.

Mr. COUZENS. How is that arrived at? I mean, on what kind of a crop can you get that return per acre?

Mr. JONES. That has been actually demonstrated out there, as I said a while ago. Under the Yakima project there is what is known as the Sunnyside unit. That unit produces general agricultural crops, and the Reclamation Service keeps a record of the production. Of course, they get the returns from the farmers; and my recollection is that the average production under the Sunnyside unit over a period of years has been nearly $70 an acre.

Mr. COUZENS. Is there plenty of market for the product in that territory?

Mr. JONES. Possibly not in that immediate territory; but they ship their surplus production to the different markets.

Mr. COUZENS. Will that product have to come under the McNary-Haugen bill to equalize the cost?

Mr. JONES. I am not prepared to say just how far the McNary-Haugen bill would apply. Our fruits and vegetables, I understand, are excepted; and while, of course, we would not expect this 1,800,000 acres to go to fruit, and so forth, there will be a great amount of fruit produced in that territory, because it is good fruit land.

Mr. COUZENS. What is the estimated time that it will take to complete the project?

Mr. JONES. As I figure it, Mr. President, in my judgment there will be no substantial production brought about on the first unit of this project short of 20 or 25 years. There are those who estimate it at 15 years; but I have lived in that country for 40 years, I have seen reclamation developments, and in my judgment there will be no substantial production under that project short of 20 or 25 years. The great work connected with this project will have to be completed before the first unit can be brought under cultivation.

That is the reason why I say that in my judgment there will be no substantial production short of 20 or 25 years, and in my judgment it will take 50 years to reclaim the entire 1,800,000 acres.

Mr. COUZENS. Has the Senator an estimate of what the Government will have spent in 20 years, when we will first commence to get production?

Mr. JONES. My recollection is that the estimate of the cost of building the canal and the tunnels to get to the first unit of 400,000 is about $130,000,000.

Mr. COUZENS. About $130,000,000?

Mr. JONES. I think it is about $130,000,000.

Mr. COUZENS. If we become committed to the project, can we stop at that time, or will we have to continue on and on? Can we stop at the first unit?

Mr. JONES. I think if we could get to the first unit we should go on, because in getting to the first unit we will construct the main canal, and it must be constructed, of course, of sufficient size to carry water for the whole 1,880,000 acres. So that while we could stop, I do not think we should, and I do not think we would, I will say frankly to the Senator.

Mr. COUZENS. Is the Government to get a return on this investment of $130,000,000 over this period of 20 years in any way; or is to be loaned without interest?

Mr. JONES. No; there would be no return on that during that period of time. That would all have to be repaid ultimately, however, by the settlers on the project. We would have to spend about $130,000,000 before we would begin actually to reclaim and provide means for cultivation of the land. Then we will have a unit of about 400,000 acres.

Mr. COUZENS. And when that is done the Senator believes that the Government would be reimbursed?

Mr. JONES. I have no doubt about it.

Mr. SACKETT. Suppose we should stop at the end of the first unit; then what does the Senator figure the land would cost?

Mr. JONES. If we should stop at the end of the first unit, of course, we would have about 400,000 acres reclaimed, at a cost of about $134,000,000.

Mr. EDGE. How much is that an acre?

Mr. JONES. That would not be a paying proposition at all. I could not advocate a proposition of that sort, with the idea that we were going to stop with the reclamation of the 400,000 acres.

Mr. SACKETT. Then it means that if we start, we will have to go on through with the whole thing?

Mr. JONES. We certainly should go through with it if we start. As I have said, it is 1,800,000 acres of as productive territory as can be found anywhere in the United States.

Mr. SACKETT. Three hundred million dollars is not quite as large an amount as we would spend reclaiming the Mississippi Valley, is it?

Mr. JONES. How is that?

Mr. SACKETT. We would get more land saved from flood in the Mississippi Valley for about the same amount that we would spend on this, would we not?

Mr. JONES. I doubt that. I do not think it is so much.

Mr. SACKETT. Pretty close to it.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. EDGE. I want to get a little clearer idea of this proposition from a business standpoint. Following the question of the Senator from Kentucky, if the project should be stopped at the end of the first unit, with $130,000,000 involved, the land would cost approximately $350 an acre.

Mr. JONES. I have not figured that out.

Mr. EDGE. Something over $300 an acre. As I understand it—and the Senator will correct me if I am mistaken—if it went on to completion, the Government would be involved to the extent of about $300,000,000.

Mr. JONES. That is the estimate, I think, about $300,000,000.

Mr. EDGE. In other words, that would reduce the value to something in the neighborhood of $150 an acre.

Mr. JONES. It would cost per acre about $150.

Mr. EDGE. Just one more question or two. The Senator has referred several times to reclamation projects repaying the Government for funds advanced. I frankly must admit my lack of intimate knowledge of the provisions of the reclamation act. How is that money repaid? What are the requirements or regulations surrounding the repayments to the Government, briefly?

Mr. JONES. Briefly, now, the payments are made over a period of about 40 years. We have been amending the reclamation act, and just two or three years ago we made an amendment along those lines, giving about 40 years for these repayments.

Mr. EDGE. Without interest?

Mr. JONES. Without interest.

Mr. EDGE. Can the Senator say offhand, from his intimate knowledge of the reclamation projects, whether those who have become interested in the average projects have met their obligations to the Government along reasonable lines, or have they met them at all, generally speaking?

Mr. JONES. As I said a moment ago, under our project out there—and I speak of that because I know more about it than about any other—until this acute agricultural depression came on our people had kept their payments substantially up to date, both for maintenance and for construction charges. Of course, when Congress passed legislation suspending payments, relieving our people from payment, they, like everybody else, did not pay up. But now they are paying, and I was advised by the Reclamation Bureau just a short time ago that the payments for last year are substantially up to date. There is no question in my mind but that the people under this project will pay up in full. There are some of the other projects, possibly, throughout the country where they have not paid up as the people on our project have. I have often said, and I think I can say it now without fear of any successful contradiction, that the best reclamation projects in the country are in our State.

Mr. EDGE. Then the Senator's State does offer what might be termed the most flattering result of the reclamation policy, and the other sections of the country are not on that plane.

Mr. JONES. I think that is true. Our climatic conditions, our soil conditions, our market conditions, and our transportation facilities give us a special standing.

Mr. EDGE. One other thought comes to my mind, and I can not reconcile it with the debates to which we have listened in recent days. That is as to the constant leaving of the farm for the city, and the tremendous handicap which I have been inclined to agree exists in regard to farming. Does the Senator really feel that it is a good business proposition for the Government to obligate itself to an investment of $300,000,000 to develop an acreage at a very high price per acre in comparison with fertile land all over the country? Does the Senator really believe that such acreage will ever be applied for and occupied and cultivated by the farmers to-day; and if so, what is the answer?

Mr. JONES. The Senator must appreciate this. As I said a moment ago, there will be no substantial production, no land brought under actual reclamation under this project short of 15 or 25 years.

Mr. KING. Let us wait 25 years, then.

Mr. JONES. It will take probably 15 or 25 years to get the first main canal constructed and the land actually cultivated and brought under protection.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. JONES. I yield.

Mr. CURTIS. As I understand it, this money is not to come out of the reclamation fund, but is to be paid direct from the Treasury.

Mr. JONES. This project, of course, is too large to be carried on out of the reclamation fund; it would be absolutely impossible. Hence we provide that it shall be carried on by appropriations made out of the Treasury. Of course, we may adopt some other plan hereafter in order to get the money to pay for the project; but that is the way we provide in this bill.

Mr. DILL. Mr. President, will the Senator yield?

Mr. JONES. I yield to my colleague.

Mr. DILL. I want to make a suggestion in answer to the Senator from Utah about waiting 15 or 20 years. The fact of the matter is that this project is so big that it must be begun within a few years in order to be able to bring it under production within 15 or 20 years. It is not an ordinary project. If we wait 15 or 20 years, when land must be had, other projects that more quickly can be developed would be considered.

Mr. KING. Mr. President——

Mr. JONES. I yield.

Mr. KING. May I have the attention of the Senator from New Jersey? I have the report as to Federal reclamation by irrigation transmitted to Congress by the President of the United States. It is a report made by a commission selected by the Secretary of the Interior, and deals in a comprehensive manner with all reclamation projects. If I understood the Senator from Washington, this report is not in harmony with his statements. It shows that losses have been sustained by the Government in the reclamation projects. There has been charged off more than $25,000,000 in losses out of appropriations approximating $143,000,000, and a number of the projects have proven to be failures.

The Secretary of the Interior, who is favorable to reclamation, and under whose direction reclamation projects are carried on, does not report in favor of the Columbia Basin project. In my opinion the Government should not embark upon reclamation projects without the approval of the Bureau of Reclamation, or at least until a survey has been made and a complete investigation of all questions involved conducted by competent engineers. This has not been done in the scheme before us, and the Secretary of the Interior has given what amounts to an adverse report. Nevertheless, we are asked to authorize a great project which admittedly will cost $300,000,000. I inquire whether it would be wise to commit the Government to this project and this enormous expenditure without further information and an investigation by skillful and competent engineers?

Mr. ODDIE. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. ODDIE. I have been a strong supporter of reclamation projects for a long time, and have been following the workings of the western reclamation projects. I know the desires of the western people for reclamation projects quite well, and I beg to differ with the Senator from Utah in his statement just made, which intimates that it is necessary to have the approval of the Secretary of the Interior for all these projects. Some of us differ very materially from the Secretary of the Interior. We do not consider that he has been altogether friendly to reclamation projects. In fact, we consider, and from our experience we can say, that he has been distinctly unfriendly to some of our reclamation projects.

Mr. JONES. Mr. President, I concede that this is a big project. Of course it is. It involves a million, eight hundred thousand acres of land. I suppose this is the biggest reclamation project not only in the United States but in the world. We contend that the experience of reclamation in the State of Washington has actually demonstrated the capacity of our land, and the feasibility and the success of reclamation in our State. When I say that, as far as I am concerned, I am not talking about reclamation anywhere else.

As I said a moment ago, I think the actual results have demonstrated that the reclamation projects in the State of Washington are better than those anywhere else in the United States, and possibly anywhere else in the world.

Mr. BORAH. Hear! Hear!

Mr. JONES. The State of my friend from Idaho is substantially the same territory, and they have the same climatic conditions in Idaho that we have in the State of Washington. Their reclamation projects have been successful, too; but I am willing to put up the Yakima Valley and the Yakima project

with any project anywhere in the United States, or in the world, for that matter.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. PHIPPS. Can the Senator give us the approximate figures covering the expenditures already made in the investigation of the possibilities of this project?

Mr. JONES. Practically $500,000 has already been expended in investigating this project.

Mr. SMOOT. By whom?

Mr. JONES. Largely by State appropriations and contributions by local people. Congress has appropriated, my recollection is, about $125,000, which has been used in cooperation with State and local funds; but our people estimate that in round numbers, with the investigations, surveys, and all that sort of thing, there has been spent practically $500,000 already in determining the character of these lands.

Mr. PHIPPS. Can the Senator tell us what the contemplated expenditure for the coming year will be in the matter of carrying on investigations along engineering lines to determine the feasibility of the canal, or other plans for irrigation?

Mr. JONES. The bill adopts the project. If it is passed, the reclamation people and the Interior Department indicate that they would want further money to investigate soil conditions, and I would expect that we would expend for that purpose, and also for investigating the matter of reservoirs and things like that, possibly $250,000, spread over a period of four or five years—probably $40,000 or $50,000 a year—in order to get such information as they deem necessary to work out the details of the proposition, and that we would not call for appropriations for the actual construction of the project for possibly four or five years yet. I think we would expend in the next year about $50,000 for the investigation.

Mr. NORRIS. Mr. President, I would like to ask the Senator a question.

Mr. JONES. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator was speaking of the cost. Is the land similar to the lands contained in the Yakima project?

Mr. JONES. It is. It just adjoins that project.

Mr. NORRIS. Will the Senator tell us, in that project, which seems to have been a success, what was the cost per acre which the farmers had to return to the reclamation fund?

Mr. JONES. There were different units where the cost was different. On the Sunnyside, my recollection is they had to pay a little more than $50 an acre. On the Tieton unit it is something over $90 an acre. On the Kittitat unit, which is now under construction, it is estimated the cost will be about $140 or $150 an acre.

Mr. NORRIS. With land of that price, has there been a demand for it, and have the farmers taken it?

Mr. JONES. Oh, yes; the Tieton unit contains only about 30,000 acres, and every foot of it is taken. That cost was nearly $100 an acre. On the Kittitat unit, where the estimated cost is about $140 per acre, the construction is not yet completed. They are now constructing the canal. The lands are not taken yet.

Mr. NORRIS. The cost per acre of this contemplated project is how much?

Mr. JONES. About $150 per acre, with a possibility that, under State legislation passed a year or two ago, it may be reduced to about $100 an acre, with a system of taxation so that the communities, the cities and towns, and city and town property, will bear a part of the burden, as they get a tremendous benefit.

Mr. KING. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. KING. I find in an advertisement put out by the Columbia Basin Irrigation League, headquarters Spokane, Wash., which the organization kindly sent to me, that the cost of water delivered to farmers will be about $119 per acre on the Columbia Basin project, but the engineers estimated the acre cost, based on construction, at $157 per acre.

May I digress to remark that in nearly every irrigation project the cost has been 40 per cent or more higher than the estimates of the Government engineers? I know of projects where the engineers estimated $40 or $50 per acre and the cost was nearly double the estimates.

Mr. JONES. Let me suggest to the Senator that I think the reduction in the figures to which he calls attention was brought about under State legislation.

Mr. KING. By taxing other property?

Mr. JONES. Yes.

Mr. KING. Secretary Work, of the Interior Department, wrote a letter to the Senator's committee in which he stated:

> I have your request for report on S. 1462, a bill for the adoption of the Columbia Basin reclamation project, and for other purposes, for which the bill proposes to authorize the necessary funds from the General Treasury. The importance of the project to the Nation will make advisable a complete investigation of the feasibility and the cost, extending over several years. This should include the extent of irrigable area, with the classification of soils in the area, measurement of water supply, determination of the cost of the work for storage and distribution, and working out plans for settlement and farm development. All of this information would be necessary in order to make a final and safe determination of the feasibility as a prerequisite to recommending authorization of the project. I am, therefore, unable to recommend favorable consideration of the bill in its present form, but would recommend a reasonable appropriation to further and complete our investigations to determine feasibility.
>
> The bill was referred to the Director of the Budget, who states the proposed legislation is in conflict at this time with the financial program of the President.

This report indicates that the Secretary of the Interior and the Reclamation Service have not the data to enable them to report upon this project, and consequently the Secretary submits what is equivalent to an adverse report.

Mr. JONES. Of course, the Senator knows that I have not made any statement to the effect that the Secretary of the Interior had recommended the adoption of the project.

Mr. KING. No; I know the Senator has not.

Mr. JONES. It is true the Secretary of the Interior sent that letter to the committee. The committee, however, looked into the matter very carefully. Many of the members of the Senate committee and many members of the House committee visited the section last fall and summer, and they felt justified in recommending the passage of the bill. I think it was done largely on the theory that the bill simply adopts the project, because of the general information that we have had with reference to it, and contemplates that further investigation, to which the Secretary refers in his letter, will be made before actual construction is undertaken.

Mr. DILL. Mr. President, I call attention to the fact, in connection with the complaint raised by the Senator from Utah [Mr. KING], that the charge offs which have been made on reclamation projects are a result largely of beginning construction before such a complete and thorough investigation had been made which should have been made and which is now required by law to be made of all projects.

Mr. KING. And several projects, even after full investigation had been made, resulted in failure because the project would have to be abandoned.

Mr. DILL. The purpose of having the project adopted now is to have the investigations and surveys made with a view to construction. The project is so large and will require so much careful investigation that we believe it should be adopted now, although we say frankly there is no possibility of bringing it into production under 15 or 20 years. It is estimated by those who are friends of the project that it will be four or five years before we can begin construction. We all know it will be more nearly double that time. We all know that the project, immense as it is, will require a great deal of investigation and planning before construction can be begun.

There are many things I might say regarding this bill, but I do not want to take time further than to say that this is the biggest project of its kind in America and in the world. We are trying to take the steps now which will make it possible some day for the country to have this land available for development and use when land will be needed, because when the time comes that new land must come under cultivation, as it will necessarily come, it should be land that is worth developing and can produce as this irrigated land can produce. I hope this authorization may be made now, that the project may be recognized as an established project, and that we may systematically and carefully go about making the investigations and surveys which are needed before actual construction begins. There is an abundance of water, the project is feasible, the time has come to adopt the project and proceed with the surveys looking to construction.

Mr. PHIPPS. Mr. President, it was my privilege to go over this project last fall in company with several members of our Committee on Irrigation and Reclamation. I was most favorably impressed with the character of the country. There is no reason to believe that soil conditions are unfavorable. On the contrary, the proximity of other successful irrigation districts indicated that the country could be made very attractive and that, with the application of water, farming could be very successfully carried on. In fact, there were many evidences that large sections of the territory have been farmed from time to time under the dry-farming method, but one dry season succeeding another led to failure so that there are to-day many ruins of farm improvement scattered throughout this immense dis-

trict. Where water is available the yields appear to be very much above the average. In more than one instance we saw orchards of various kinds of fruit indicating that at least some portion of the territory is fruit country.

Mr. President, I regret to say that I did not find myself in accord with other members of the Committee on Irrigation and Reclamation in favoring the bill in the form in which it has been presented to the Senate. My feeling was that we could more safely adopt and follow the suggestion of the Department of the Interior, that appropriations should be made for further investigation so that the development might be begun, or at least demonstration made that would indicate that development could be carried on successfully.

There is a vast engineering problem in connection with the enterprise, and that is readily realized when we consider the extent of the acreage, amounting to practically 1,900,000 acres, which it is proposed to bring under cultivation. Of course, as the Senator from Washington said, it is not reasonable to expect that much of that territory or any great portion of it can be brought into bearing, even to yield crops, within the next few years. But the enterprise should be projected and carried on as a whole, as it seems to me, because of the great distance that the water must be carried before it can be applied to any of the land that is to be reclaimed.

Before proceeding with such a vast undertaking it seems to me that the engineering feature should be most carefully and adequately worked out. It will take perhaps three years, or possibly a little longer, to determine the best method of conserving and conducting the water to the point where it will be put into beneficial use.

While Senators say they are merely asking for the adoption of the project as a Government reclamation project, it seems to me that a moral obligation would be implied at least that people would go ahead in confidence that the Government, having adopted the project, would carry it to conclusion in any event. To my mind the time has not yet come when the Congress could properly adopt this as a Government project. I am strongly in favor of advancing the money that may be necessary to complete the surveys that should be made to carry out the plan to a point where it can be definitely stated that a certain amount of money will be required for construction, and that that will mean so many dollars per acre for the land to be reclaimed. The figures to-day are high, the estimates being about $159 per acre, but with the prospect that they may be materially reduced. I am hopeful that they can be reduced. I think the investigation should be carried on to determine that fact.

I feel that the bill should be modified before being passed. I do not see how it can be well amended merely to give authority, which I think should be the limit at the present time. I feel impelled to vote against the passage of the measure, but I would be heartily in favor of an amended bill that would enable us to go ahead with the investigation that appears to be desirable and necessary.

Mr. FESS. Mr. President, I have not had time to examine the bill in detail. I have had, however, an enormous amount of correspondence that has emanated evidently from some source of propaganda, all of it on behalf of the bill. I have only had opportunity to give it a cursory examination. I have read the bill pretty carefully and have read the report; in fact, I have studied the report, but I have not had any opportunity to go over the hearings. I know that there is very great interest in the measure, especially locally in the West; that is inevitable. I have friends who live in the vicinity of the project who are quite interested in the bill, and quite naturally that would be one source of the correspondence that has come to me.

I am always sympathetic with any project that looks to constructive and creative action; in fact, I think the Senate as a body is apt to yield too much to that sort of solicitation. I recall that I voted with considerable reluctance for the construction of the Alaskan Railroad, but I had come to the conclusion that there was a possibility of great good from that undertaking, and I was definitely convinced that the railroad never would be constructed by private enterprise. Alaska being a Territory under the legislative authority of Congress, and listening to the possibilities that had been pictured to us, I voted for that tremendous governmental enterprise. I must confess that I have been considerably concerned about the additional appropriations that we are constantly called upon to make for it. I was told that $35,000,000 would be the limit; that that amount would be the maximum. I voted for the bill in the belief that those who knew were giving us in good faith the facts, but everybody conversant with the Alaskan Railroad construction realizes how far afield those estimates were; we are not as yet anywhere near the end of our expenditures for that purpose; and every time we vote we are wondering whether the additional appropriation we make is not thrown away.

As to irrigation, I have consistently supported the various enterprises that have been presented by the West. In relation to Boulder Dam, as to which there is considerable controversy, I have rather been convinced, in my own mind, that that is a project which should receive my approval, not so much on the basis that it is going to increase the tillable acreage as because of the flood-control element involved in it, which is more or less emergent, and also water-power development, which a great many people find to be the chief objection to it. However, that has not had the effect upon my mind that it has had upon the minds of some others. I mention these things merely to indicate my general attitude.

I think, Senators, in view of the problem of the agricultural surplus, the proper handling of which every Senator must agree is a subject that is giving us our greatest concern, it is a pertinent question to ask how far the Government should go in the expenditure of public money further to magnify that problem.

I know the answer will come that this work on the Columbia Basin project is not going to be done immediately, that by the time we are realizing upon it the surplus problem will be solved, in that the growth of population may be sufficient to absorb the surplus of agricultural products. However, that does not appeal to me at all. The fact is, Mr. President, that for the last 25 years we have placed emphasis upon production in agriculture. We have employed scientific methods in the production of crops. We have been impressed with the fact that the acreage is more or less fixed, while the population is an unfixed element and will increase constantly without limit, and that the demand, therefore, for agricultural products will be on the upward scale, while the supply of agricultural products, in a sense, will be limited. I believe we shall see the time when the United States will be importing some of the food that we now produce as a surplus; I have no doubt that time will come; but we have, as I have stated, put the emphasis for the last 25 years upon making the acre produce more, employing the best scientific methods possible to that end.

I recall when the Agricultural Department of the Government was established; it was not long ago. I recall when the first appropriation was made, and although it was only a few million dollars, it was regarded as more or less exorbitant and excessive. To-day, however, we are appropriating $140,000,000 for the work of the Agricultural Department. A considerable portion of it, of course, goes to the building of public roads, but we have in the Agricultural Department to-day the largest aggregation of experts and scientists engaged in research that can be found in any unit not only of this Government but anywhere in the world. It is only a very short time, comparatively speaking, since that service was inaugurated. With that body of experts we are making a limited acreage produce vastly beyond what originally it did produce. I admit that we will get to the limit of that production, but we are not to the limit of it as yet.

When the World War came and the order went forth to produce more, millions of acres of grazing lands were plowed up which ought not to have been plowed up; millions of acres of forests were cut off. Since that time we have abandoned 31,000,000 acres of land that had been brought under cultivation under the emergency demand of the war, and there are great areas in various States that are no longer under cultivation that could be cultivated if it were at all profitable to cultivate them. However, there can not be profit in agriculture so long as we have a surplus on our hands, and I am asking the question as one sympathetic to proposed legislation of this character, in the face of an already overaugmented surplus, and with acres upon acres, running up into the millions, which have been abandoned because they can not produce to a degree of profit, how far should we go in the expenditure of public money further to increase the tillable acreage until we have handled the surplus problem? It does not seem to me that it is at all in accordance with sound legislative procedure.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. FESS. I yield to my friend from Montana.

Mr. WHEELER. As the Senator has pointed out, we are becoming more and more an industrial nation, and it will not be so very many years, in my judgment—and I gather from what he has said that that is the Senator's opinion also—before it will be necessary to import commodities of which we have a surplus to-day. Furthermore, a great deal of our land is wearing out in this country because of the fact that certain elements are being taken from the soil which it is very hard to replace.

Under the Columbia Basin project it is not proposed to take money from the Government which is never to be paid back, but the farmers who may settle on that project will be paying

it back; and it is going to take some years to put the project in operation and secure its development.

Mr. FESS. I recognize the force of what the Senator is stating both as to the time which will be reached when we probably will be importing and also as to the time it will take to place this project in operation.

I do not agree with the Senator, however, in the statement that the land is wearing out, meaning by that that we are going to abandon it permanently. There is no doubt that the land which is being worn out will be replenished by a better type of agriculture. I think it is more or less criminal that we are allowing our land to be worn out by bad methods of cultivation.

Mr. WHEELER. But the fact is that it is happening at the present time. Of course, it is a waste——

Mr. FESS. That is true.

Mr. WHEELER. In this case, however, while the project is not in my State at all, it is in the adjoining State, and I am only interested in it——

Mr. FESS. The Senator knows that locality does not mean anything so far as I am concerned. If it is a national project, I would not oppose it.

Mr. WHEELER. The thought that occurred to me was that we ought to be looking forward to the time when great projects of this character are going to induce people to settle on the soil and to take up the land and cultivate it, because we are going to need the production as our industries in this country grow, so that we will not have to depend upon imports from other countries.

Mr. FESS. I appreciate what the Senator says. There is one thing in the item that ought to have our attention, and that is the estimate of the cost which is fixed here at $159 an acre. I have never known a case where the ultimate cost was held within the bounds of the first estimate; as a rule, it goes away beyond that; and I think we ought to think of the possibility of that in this case.

Mr. JONES. Mr. President——

Mr. FESS. I yield to the Senator from Washington.

Mr. JONES. I agree with the Senator that the estimates for reclamation projects have heretofore been generally much less than the ultimate cost, but I think that very fact has led those who have investigated this project to be extremely careful and conservative. I feel very confident that the estimates made in relation to the Columbia Basin project are well within what the cost will be. Of course, I am not an engineer, but I am only judging by the existing state of affairs.

It is true, as the Senator says, that the cost years ago was generally greater than the estimate. I have talked with some of the engineers who investigated this project and studied it, and they have assured me that they have been extremely liberal in making estimates so as to be sure to cover all possible contingencies.

Mr. FESS. I hope the Senator is correct in his belief that this estimate is within the limit. I have been afraid that the original practice would be followed. I think, though, the Senator from Washington will agree with me that it is the height of inconsistency that only a few days ago this body voted $400,000,000 to take care of a troublesome agricultural surplus, and now we are proceeding immediately to authorize the expenditure of $300,000,000 more to add to the tillable acreage at least 400,000 acres, and later on the possibility of nearly 2,000,000 acres. I think that is the height of inconsistency.

Mr. JONES. If this area were to come under cultivation within the next year or two, I concede that; but I do not think it is possible to bring any considerable amount of this land into production inside of 20 or 25 years. The population of this country is estimated to be increasing at the rate of 2,000,000 a year; and if that is true—and I think it is—in 20 or 25 years we will have 50,000,000 more people to be fed and taken care of.

Mr. BROOKHART. Mr. President, will the Senator yield to me in that connection?

Mr. FESS. I yield.

Mr. BROOKHART. We are importing now in agricultural products considerably more than we are exporting. It was shown by the Senator from Idaho in the debates that we are importing nearly two and a half billion dollars' worth of agricultural products at this time. The development of this agricultural territory out there would produce some of those things that are being imported into this country at this time; and with a constantly diminishing surplus it does not occur to me that it is an argument against the agricultural situation at all to develop some local spot in the United States.

Mr. FESS. I recognize the fact that we do import a very great quantity as measured by its value; but if the Senator will go into the details of those products he will find that they are not the agricultural products that are the chief basis of food to us.

Mr. BROOKHART. Many of them are. I think the Senator from Idaho could give a list of them.

Mr. FESS. It is stated here that what we will produce on this land will be wheat—that is one item——

Mr. BROOKHART. We have a surplus of that.

Mr. FESS. Alfalfa——

Mr. BROOKHART. We have no surplus there.

Mr. FESS. But we can have a surplus. The productivity of the area is such that we can have a surplus.

Mr. BROOKHART. I think not.

Mr. FESS. I rather think we can. Another item is corn——

Mr. BROOKHART. Our surplus of corn is practically gone.

Mr. FESS. Potatoes——

Mr. BROOKHART. We import potatoes.

Mr. FESS. It is not necessary. Whenever we import them, it is to the disadvantage of the producer here. We have the ability to produce vastly more potatoes than we can consume.

The next items that are mentioned here are hay, seeds, and livestock. Those are the items that are going to be produced in that country; and the Senator knows that the great importations we are compelled to make are not of those items.

Mr. BROOKHART. Mainly not; that is true.

Mr. FESS. In reference to the statement of the Senator, the growth of the population from now on, of course, will not be as much as it was in the decade before the war, because then we were allowing by immigration about a million people to come here every year. That is reduced almost to a minimum now—2 per cent of the nationals that are already here. So that the growth of the population from now on will be very largely through natural increase, and not, as has always been the case heretofore, through tremendous immigration from other countries; for it goes without saying that we are never going to resume that practice as we used to observe it.

Mr. JONES. I agree with the Senator with reference to immigration; but I take it that the natural increase in our population is over a million a year. In 25 years that will be 25,000,000. That is a fair estimate.

Mr. FESS. There are a great many people living now who will not be living at the end of 25 years. The Senator must keep that in mind.

Mr. JONES. Yes; but they will be replaced.

Mr. DILL. Mr. President, the estimates of those who have been studying the subject of the growth of population from year to year are that the increase will be about 2,000,000 a year, because, although immigration may be shut off, the fact that there is a bigger basic population will keep the increase about 2,000,000 per year. That is the estimate.

Mr. FESS. I doubt the increase of 2,000,000 a year, but that is neither here nor there. I do not think that goes definitely to the core of the problem. The big feature that the proponents of this bill have in the argument is the time it will take to get the project in operation. I think that is a feature that must be considered; but I will say to my friends who are back of this project that I can not avoid thinking of this fact:

We have a large amount of land that heretofore was tillable that has been largely abandoned. According to the records of the Agricultural Department, 31,000,000 acres that had been under cultivation have been abandoned because of the stress of the war. We brought under cultivation about 45,000,000 acres then, and now 31,000,000 acres of it has been abandoned; and that does not take into consideration a large amount of New England land that was cultivable that now is not very productive.

Mr. DILL. Mr. President, will the Senator yield again?

Mr. FESS. I yield.

Mr. DILL. The Senator recognizes, of course, that that land was only brought under production because of the unusual demand for foodstuffs.

Mr. FESS. Precisely.

Mr. DILL. The Senator also recognizes that much of it has been abandoned because it is of such poor productive quality that it probably will not be again taken up, even though there were a need for food production, unless that need was very acute. This land, however, is very rich. Its soil is very fertile, and it affords unusually fine opportunities for the production of food, and, may I say also, the production of people, because there are no finer communities in America to-day than the irrigated areas of the West.

Mr. FESS. I admit that.

Mr. DILL. We have more nearly a combination of the good things of city and country life there than can be found in any

other place in the world, and without the objections against life in the city alone or life in the country alone.

Mr. FESS. My friend from Washington was an advocate of an effort to handle the agricultural surplus which developed a very sharp difference of opinion on this floor as to the proper method.

As a sincere advocate of that method of solution of that problem will he not agree that it is rather out of the ordinary that with that condition facing us we are proceeding now to increase to rather an unlimited degree the acreage of tillable country that the Senator says will produce tremendously because of its richness of soil, and thus further increase the problem of surplus?

Mr. DILL. This increase of land, with all its rich production, would not supply one-tenth of the increase in population that will occur between now and the time when it will be available for production. May I remind the Senator further that this area lies in the western part of the country and is in touch with the great oriental trade? The trade across the Pacific is fast becoming the growing commerce of the world, and the opportunity to sell products—aye, the demand for products by the commerce on the Pacific—will be greater and greater each year; and this area will afford a production with that outlet without long-distance transportation.

Mr. FESS. Will not the Senator agree that since in the future ahead, some years removed, we may need this source of agricultural product it would be wise to enter upon a further investigation of the plan, so that we may have a little more assurance as to the wisdom of our entering upon it?

Mr. DILL. Let me say to the Senator that it would be impossible to construct this project without several years of surveying and investigation and study to know how to construct it economically and scientifically. In order that these investigations and surveys may go forward on a big scale, with a view to actually constructing the project some day, we believe it is wise to adopt it as a project, and then secure the appropriations as they are needed to make these investigations year by year, instead of being compelled to come here every year and prove that the project some day will be built in order to get an appropriation for that purpose.

Mr. FESS. That would be a matter of safety on the part of the people there who are interested; but what about the Government? Suppose we enter upon this completed project of $300,000,000 authorization and later on we find that it is not tenable?

Mr. DILL. We have done that before. Nothing would be lost by adoption and much might be gained by it. In other words, we are not bound by this authorization to appropriate the money to build this project. We are only saying that the project is authorized, and we will go ahead with the investigations and work necessary on the theory that it is to be constructed. No money can be spent under the law until the feasibility of it from an economic standpoint is demonstrated. May I say that it has been proved feasible and declared feasible from an engineering standpoint already; but until its feasibility has been established through the office of the Secretary of the Interior—namely, through the Bureau of Reclamation—no money can be appropriated for construction anyhow.

Mr. FESS. I think the Senator will readily see my point of view. Under the stress of a great emergency this body voted almost unlimited authority here the other day, and did it unanimously, in regard to flood control. I suggested that we vote immediately on that bill when I learned that those in the stricken district were satisfied with the proposed legislation. I have since gone into that project further, and I think the authorization there is quite unlimited. I can not imagine what might be the call upon the Treasury under the authority of that bill. I doubt very much whether I would have voted for it, as I did, if I had known the possibilities involved. There is no limit to it that I can see now. We can even go up to the sources of the Mississippi and include rivers the inclusion of which probably would not be warranted at all; and yet the authority seems to have been given.

Mr. JONES. Mr. President——

Mr. FESS. I have been somewhat distressed over that measure, although I voted for it.

Mr. JONES. I do not want to bring that into this discussion; but the Senator is entirely wrong in that. I am not going to take his time now to show him that he is wrong, but I shall be glad to talk with him further about it. The Senator is entirely wrong in that idea.

Mr. FLETCHER. The bill says specifically "beginning at Cairo and extending to New Orleans." It is specifically limited.

Mr. JONES. That is all we have adopted.

Mr. FESS. There is a pertinent illustration here in reference to the Alaskan Railroad.

Mr. DILL. May I suggest to the Senator, since he brought up the Mississippi flood situation, that the purpose of that measure is to protect land in order that it may produce.

Mr. FESS. Yes.

Mr. DILL. I voted for that bill and I have no regrets over my vote. Its purpose is to keep water off land; and the money is to come out of the Treasury and never be repaid. This is for the purpose of reclaiming land that was settled and developed and found to be impossible of producing enough to support a family without more water, and we will pay back the money. This plan looks to a long future and is fully justified.

Mr. FESS. Yes; the two are different. The one is on the irrigation basis.

Mr. DILL. And certainly the irrigation proposal has the advantage over the flood proposal from the standpoint of the Treasury.

Mr. FESS. Yes, it has; and I will say to the Senator that it appeals to me. If you can take a desert country and make it blossom as the rose, as is the case with many places out in the West, I am for it; and I do not regret voting for any emergency legislation if we have not lifted the lid and gone to the skies on it.

I have an inclination to vote for a matter which comes up that appeals to me, without giving it sufficient attention to know whether we are placing any limit on it. That is why I have hesitancy about this Columbia Basin proposition. I am not opposed to irrigation at all; I have sympathy for it, but with this problem of surpluses on our hands and with the possibility that the problem will be continued because of bringing into use land that has been abandoned, it does strike me that it is rather inconsistent that we proceed on such an elaborate, ambitious program as this right at the time when we are most concerned about the problem of surplus.

If the Senators interested in this would be willing to put it in shape so that we can have further investigation and report within a reasonable time, I think I could give it my sympathetic support, but under the present circumstances I do not believe that I can vote for it.

Mr. FLETCHER. Mr. President, very much in line with what the Senator from Ohio has suggested, it seems to me that now we have not sufficient information and data before us to justify us in voting for this draft on the Treasury to an almost unlimited extent. We do not know where we may go in that direction.

The Senator has spoken about the number of acres of abandoned farm land in this country. There is undoubtedly splendid farm land in the country where a greater variety of crops can be produced and where there is a longer growing season, which could be had for very much less than the cost of these lands. There has been enormous waste with regard to our agricultural lands because our people cultivating them have failed to take proper care of them. That is a matter they must learn about, because we know that in Europe there are lands devoted to agriculture and which have been cultivated for a thousand years, that are yielding to-day more than they ever did before. We could have the same condition if we would go about taking care of our land.

I am going to offer a suggestion by way of laying the foundation for the adoption, eventually, of this project, if it is found to be feasible. We ought to keep in mind something of our experience with regard to reclamation. I have generally voted for reclamation bills.

Under the act of May 26, 1926, we authorized a charge off on various products of $14,668,065. There is suspended $12,593,329. The projects abandoned or sold are Buford-Winton, Garden City, Hindo, and Williston, aggregating a loss of $1,870,014. That is not a very encouraging experience.

The total expended for construction on all Federal reclamation projects to June 30, 1927, amounted to $183,887,241. There are in cultivation to-day 1,313,830 acres—that is, lands furnished with primary water supply. The construction debt repaid to June 30, 1927, was only $28,482,289, as against a total cost of $183,887,241. The amount of operation and maintenance charges repaid to June 30, 1927, was $26,093,767.

It seems to me these figures demonstrate that we ought to move with some caution before we undertake to create new lands—millions of acres—at this enormous cost, and especially when we are without sufficient information, it seems to me, to warrant us in authorizing that tremendous draft upon the Treasury.

So I am going to propose for consideration this amendment, to strike out all after the word "be," in line 7, page 1, and to insert "investigated as to feasibility and cost, including the extent of the irrigable land, the classification of soils and their areas, measurements and sources of water supply, and determination of the cost of works for storage and distribution,

working out plans for settlement and farm development; and there is hereby authorized to be appropriated the sum of $100,000 to further and complete the investigations herein authorized."

I will make that a larger amount if the Senators think it ought to be larger, but it seems to me we ought to have that sort of report before we can be justified in adopting a project calling for such an enormous expenditure.

That would not mean the adoption of the project, but it would authorize the investigation. I have followed in this proposed amendment the language of the Secretary of the Interior, where he specifies things that are needed before he could recommend the project. I have tried to follow these things he specifies that he ought to have information about before he could recommend the project.

I offer that amendment.

The PRESIDING OFFICER (Mr. CUTTING in the chair). The question is on agreeing to the amendment offered by the Senator from Florida.

Mr. McNARY. Mr. President, I am not in charge of this bill, but I am familiar with the project, and without further information from the committee or some one who has knowledge of the subject, I certainly would not permit an amendment of that kind to be affixed to the measure. That is the only reason why I shall occupy the remainder of the time until 2 o'clock.

I have found from experience that we can not frame legislation on the floor of the Senate. The proposal made by the Senator from Florida is quite unique and different from that which was considered by the committee. Ultimately it may be the solution of the problem, but one would be recreant who would permit an amendment of that kind to be written into a bill without further thoughtful consideration.

Mr. DILL. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. DILL. I wanted to ask, if I might, whether the Senator from Florida would permit his amendment to begin in line 9 after the word "project," instead of beginning in line 7?

Mr. FLETCHER. That would change the character of my amendment. I would not like to adopt such a project before we had this information.

Mr. DILL. We have already spent $500,000 investigating, and there is certain feasibility that is required before construction can begin; but the other feasibility has been determined. If the Senator would agree to that amendment, I should be inclined to accept it.

Mr. FLETCHER. I understand; the investigations, though, are not complete, and it is necessary to get further information before we can adopt the project. I would hesitate to provide for the adoption of the project until we have this information, and the fact that some of it has already been obtained, of course, makes it unnecessary to provide a large sum to get what is further required. I did not expect this amendment to be adopted without some consideration. It is open for debate, I will say to the Senator from Oregon.

Mr. McNARY. Mr. President, I regret the absence of the distinguished Senator and keynoter from Ohio, who attempted to discuss certain phases of this bill as applied to the farm problem. I concede that there is no economic demand for the cultivation of this area to-day. There is nothing in the bill which suggests such a thing.

Some one has said—and it was a reputable Secretary of Agriculture, Mr. Meredith, in the Cabinet of Mr. Wilson—that there are 550,000,000 acres in cultivation through the country. This project involves an acreage of 2,000,000, which is a little less than one-half of 1 per cent of the cultivable area. That is so small as not to make any indelible impression upon the acreage if it were placed upon the market to-day as cultivable land.

Furthermore, anyone familiar with this project must realize that this is merely a preliminary step. All the things necessary to go through, like the estimates of the Interior Department and of the Director of the Budget, and favorable action by the Congress, and reports by committees, are prerequisites to legislation in this field.

Consequently, it may be 20 years, or it may be 25; but I do not measure the time in years at all. It may be 50 years. I can say for those who will succeed me and others present here in the Halls of Congress that this land will never come under cultivation through Government aid until there is an economic demand for its use. The population, perhaps, will bring that about. The worn-out conditions of other areas, perhaps, may contribute to that end. But in this body and in the House we will have to find expression of desire for the appropriation of money to bring this land under cultivation, and the House and this body will never act until there is need for this land.

Mr. President, the distinguished Senator from Ohio spoke about surpluses. The bill which passed a few days ago contemplated surpluses mainly among the staple basic crops of the country, and knowing the character of the land, and being familiar with the soil conditions and the climate, I am sure those settlers in that great basin would limit that area to the intensified agriculture which is found and embraced under terms of fruit and vegetables, of which there is not a surplus in this country.

In my opinion, there would be very little wheat raised there, if any. Some one suggested that wheat would be raised. It is impossible to pay a high water charge in the cultivation of wheat in competition with the area devoted to that crop throughout the country.

Hence, hastening along, if one would consider the agricultural possibilities of the great Columbia Basin area, having any knowledge of the problem, he would know that the products that would be raised in that area would in no wise contribute to the surpluses of the country; and neither this Congress nor any future Congress in its wisdom would permit appropriations of money to bring it into completion and development until there was a real economic demand well known by the legislators and economists of the country.

I rose only to prevent hasty action upon the amendment offered by the Senator from Florida, and I hope that at some future time we may consider that particular amendment further.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 1271, the migratory bird bill.

NAVAL APPROPRIATIONS—NICARAGUAN AFFAIRS

Mr. HALE. Mr. President, I understand that the report from the Secretary of the Navy, asked for by the resolution of the junior Senator from Wisconsin [Mr. BLAINE], has come to the Senate?

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Navy transmitting, in response to Senate Resolution 198, agreed to yesterday, information relative to the operations of the naval service in Nicaragua, together with a statement giving data as to cost of maintenance of Marine Corps personnel in Nicaragua from May 4, 1927, to April 16, 1928.

Mr. HALE. Mr. President, in view of the fact that the report has not yet been printed and Senators have not had time to examine it, I shall not call up the naval appropriation bill this afternoon, but will do so to-morrow at the first available opportunity.

Mr. CURTIS. Mr. President, I suggest that the report be printed, so that Senators who want to examine it may have an opportunity to do so.

Mr. HALE. I ask that the report be printed.

The PRESIDING OFFICER. The report will be printed and lie on the table.

Mr. HALE. I wish to make a statement about a matter appearing in yesterday's RECORD. On page 6761 of the RECORD the senior Senator from Wisconsin [Mr. LA FOLLETTE] asked me the following question:

> As I understand the Senator from Maine, there have been no additional expenditures for the Navy in connection with the transporting of troops to Nicaragua or to China?

I understood the Senator was referring to Nicaragua alone, and not to China, and I replied:

> No; there have been no additional expenditures.

I will say in this connection that while there were no additional expenditures in Nicaragua, in China there was an additional expenditure of about $210,000. The transports at that time were not available for China, and the Navy had to hire a private transport. The *President Grant*, of the Dollar Line, was used for that purpose.

LAW LIBRARY OF THE LATE ELBRIDGE T. GERRY

Mr. BAYARD. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 3640) authorizing the acceptance from Peter G. Gerry of the gift of the law library of the late Elbridge T. Gerry.

Mr. NORBECK. I have no objection if there will be no prolonged discussion.

Mr. BAYARD. There will be no discussion, I am quite sure. The bill authorizes acceptance by the Supreme Court of the gift by the senior Senator from Rhode Island [Mr. GERRY] of a library which formerly belonged to his father. It is a very fine collection of law books and the bill merely authorizes acceptance by the Supreme Court.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Chief Justice of the United States is authorized to accept on behalf of the United States, for the use of the Supreme Court, the gift of PETER G. GERRY, a Senator of the United States from the State of Rhode Island, of the law library bequeathed to him by his father, the late Elbridge T. Gerry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DELAWARE RIVER BRIDGE, NEW JERSEY

Mr. EDGE. Mr. President, on the desk there is a message from the House of Representatives which came over this morning, which I ask may be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the bill (H. R. 350) to extend the time for completing the construction of a bridge across the Delaware River to Trenton, N. J.

The bill was read twice by its title.

Mr. EDGE. Mr. President, I ask unanimous consent for the immediate consideration of the bill. It is identical with Senate bill 3814, now on the calendar, providing for extension of the time for the construction of a bridge over the Delaware River. As the bill has passed the House, I ask unanimous consent for its immediate consideration and that it may supersede and take the place of Senate bill 3814.

Mr. CURTIS. It is in the usual form of a bridge bill?

Mr. EDGE. It is the usual form for a bridge bill providing for the extension of time to complete the construction of a bridge.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the time for completing the construction of the bridge authorized by act of Congress approved August 24, 1912, to be built by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. across the Delaware River near the city of Trenton, N. J., which has heretofore been extended by Congress to August 24, 1928, is hereby extended for a further period of three years from the last-named date: *Provided*, That it shall not be lawful to complete or commence the completion of said bridge until plans thereof shall again be submitted to and approved by the Chief of Engineers and by the Secretary of War.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. EDGE. I now ask for the indefinite postponement of Calendar No. 786, the bill (S. 3814) to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.

The PRESIDING OFFICER. Without objection, the Senate bill will be indefinitely postponed.

SHOSHONE AND ARAPAHOE INDIANS OF WYOMING

Mr. KENDRICK. Mr. President, I ask unanimous consent for the immediate consideration of Calendar No. 816, the bill (S. 3366) to authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from funds held in trust for them by the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The bill had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 7, to strike out "Thirty-fifth" and insert "Thirty-ninth," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States so much of the money credited to the Shoshone and Arapahoe Indians of Wyoming under the act of August 21, 1916 (39 Stat. 519), as may be necessary to make a $25 per capita payment to said Indians, and to pay or distribute the same to all recognized members of the tribes under such rules and regulations as may be prescribed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ACOMA PUEBLO INDIANS, VALENCIA COUNTY, N. MEX.

Mr. BRATTON. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 831, the bill (H. R. 11479) to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians.

Mr. CURTIS. Let the bill be reported.

The legislative clerk read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CURTIS. Mr. President, I do not know enough about the bill to consent to its consideration at this time. Will the Senator let it go over until some other time and I will talk to him about it?

Mr. BRATTON. Very well. I withdraw the request.

VIEW OF THE POLITICAL SITUATION

Mr. SHIPSTEAD. Mr. President, I have an editorial from the Times, of Reading, Pa. It is a very thoughtful article. I ask that it may be printed in the RECORD.

The PRESIDING OFFICER (Mr. CUTTING in the chair). Without objection, it is so ordered.

The editorial is as follows:

LOOKING FOR A LEADER

Senator BURTON K. WHEELER, the energetic young man from Montana who drove Harry Daugherty out of the Cabinet, is discouraged about the American people.

The Nation, he believes, is selfish and inert. If Lincoln himself were to appear to-day, the Senator declares, he could do nothing because the people would be too indifferent to follow him.

It is hard to blame the Senator for being pessimistic. He courageously made war on corruption in high places, and was rewarded by being indicted on trumped-up charges; nor was there any great outcry of popular indignation over the treatment he received.

Yet it is possible to disagree with him.

It is true that we seem far more interested in baseball, criminal trials, airplane flights, and new flivvers than in our governmental leaders and their problems. But this may not be our fault so much as the fault of our leaders.

As a matter of fact, there is no country on earth where the average man looks so longingly for a capable leader as in America. Our trouble is that too often, of recent years, we have learned that our idols had feet of clay. We have grown somewhat suspicious; we have become clever at detecting shams. But let a really great man arise, or even a half-great man, and we are ready to go wherever he asks.

This explains, undoubtedly, our tendency to idolize our industrial captains. We look up to men like Ford, Sloan, Farrell, and du Pont because we recognize that here, for all their shortcomings, are men who are in their own way genuinely big. They may move in narrow fields, but in those fields they loom large. We are hungry for leaders, and since our politicians so often have failed us we are turning to the business man.

The American does not readily lose his capacity for giving himself to great leaders. There is grounded in every heart an inarticulate idealism, shy but ardent, eager to take command if only there will arise a captain capable of making the right appear. On every battle field from Lexington to Chateau-Thierry there are American bodies to testify to this.

Sir Bertram Hayes commanded the big liner *Olympic* during the World War, and helped transport many English and American troops to France. In his recently published book of reminiscences he comments on the contrast between the troops of the two nations. The English soldiers, he said, were care free and jovial en route to France; the Americans were sober, serious, "like crusaders."

That was it. "Like crusaders." Whatever the historians may have discovered regarding the causes of the war; whatever may have happened since then in the rooms where treaties have been signed; the fact remains that we entered the war because the common American was convinced that by so doing he was serving a loftier cause than he could know otherwise. We were asked to give ourselves for an ideal, and we responded.

Is that spirit dead, then? Have we lost our capacity for rising to high ideals? We have not. We are still looking for leaders. We have had a dearth of them of late. But we are ready for them.

Let a man arise again—a man of genuine greatness, with a call to real service on his lips—and there will be a response to shake the world. America is waiting now as always. Let every politician remember it.

JAMES A. DE LOACH

Mr. BLACK. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 779, the bill (H. R. 9902) for the relief of James A. DeLoach. If there is objection, I will withdraw my request.

Mr. CURTIS. Let the bill be reported.

The legislative clerk read the bill.

Mr. CURTIS. Is it a unanimous report from the committee?

Mr. BLACK. It is; and the bill has passed the House.

Mr. CURTIS. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, from any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,500 to James A. DeLoach for injuries received by him while attending a citizens' military training camp at Camp McClellan, Ala.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF PUBLIC UTILITY CORPORATIONS

Mr. WALSH of Montana. Mr. President, I have the second partial report of the Federal Trade Commission, in accordance with Senate Resolution 83, on the electric power and gas utilities inquiry being prosecuted by that body. I am not advised whether the first report, which was submitted on March 15, was printed or not. I ask unanimous consent that this report be referred to the Committee on Printing, together with the preceding report, with a view to printing the same.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECTION OF MIGRATORY BIRDS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds, and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes.

Mr. NORBECK. Mr. President, in explanation of the bill now before the Senate I will state that several objections were made to the bill in the form in which it was previously pending. I think the most serious objection was made to the plan for a considerable number of Federal wardens. Other objections were made to the granting of power to the Secretary of the Treasury by which rules and regulations could be provided, which would be law in effect. A third objection was made to having 40 per cent of the sanctuaries considered as shooting grounds. I have met all three of those objections by the substitute bill which is now pending as an amendment. Those were the principal changes made in the bill.

Mr. TYDINGS. Mr. President, are we to understand that the substitute bill does not retain the license feature?

Mr. NORBECK. Oh, yes; it does retain the license feature as a matter of revenue. That is the only matter to which any objection was raised which I am still retaining in the bill. I do not know how else to get the money.

Mr. SMITH. Is there any restriction placed on the matter of licenses? In other words, would one have to take out a license in the State and would he then be subject to the restrictions of that license no matter where he might want to do his hunting or shooting? As I understood the objection was that the bill was so comprehensive in its original form that a citizen of a State would be restricted in all of his hunting privileges by virtue of there being a game asylum within that State. If one proposes to go within the game asylum, I could see how he might be restricted, but we ought not to have a license so worded that the presence of the preserve would affect the whole hunting condition in that State.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. NORBECK. I yield.

Mr. CARAWAY. As I understood it, of course, it would require every one who hunted off his own property to have a license. But the theory of the bill is that the hunting is not to be upon the preserves. The preserves are very largely breeding places. The game that is bred there will scatter out over the State. I would imagine that nearly anybody would rather pay a dollar for a license to hunt when there is something to hunt than to hunt all day and find nothing. The theory that we are going to multiply the game, and that it can be done, has been demonstrated in the State of Pennsylvania.

Besides, there is an amendment to which the Senator in charge of the bill was good enough to say he had no objection, which will be offered at a later time, providing that whenever the State is ready to take over the bill and its enforcement it may do so, and the Federal Government, with all its regulations, except the general regulations laid down, goes out of the business. There will not be a single Federal employee in the State under those conditions.

Mr. SMITH. Provided the State accedes to the legislation.

Mr. CARAWAY. Yes; if the State is willing to preserve the game. All of us that know anything about the matter know it is not worth anything to South Carolina to preserve wild life that goes into other States, because in one State alone we may destroy most of the migratory wild life. It used to be so in my State. There was one lake—I have a plantation that borders it—where 60 per cent of the ducks and wild geese that went through that State used to rest. The pot hunters swarmed there from everywhere, and they almost destroyed the game as it came and went over that one lake. It was made a Federal game preserve, and the hunting has been better in all the country around because of the impossibility of destroying it all in that one refuge.

Mr. SMITH. So the bill, as it would apply to the southern section of the country and the migratory bird life that goes over the northern section, would not apply to it as a breeding place, but an asylum where all game would be immune from being disturbed during the migratory period.

Mr. CARAWAY. It affords both breeding places and asylums. It is the hope of those who so long have fostered the principle of the bill that it is going to make more plentiful the wild life in all the States. Any wild life that is migratory can not be protected in any one of the several States through which it passes, because it may be preserved in one State and destroyed in the adjoining State. It is to make it possible for this kind of wild life to find sanctuaries and for it to have breeding places, so that it will become once more plentiful in the country.

Mr. SMITH. Are we to understand that the terms of the bill operate entirely or are put into effect at the option of the Federal Government?

Mr. NORBECK. Absolutely, and when it comes to buying land in the State for that purpose, the head of the State game department sits in with the commission and acts with them.

Mr. TYDINGS. Mr. President, will the Senator from South Dakota yield?

Mr. NORBECK. Certainly.

Mr. TYDINGS. What does the Senator propose to do in those States which already tax the people to carry out the idea embraced in his bill? For example, in Maryland we have resident and nonresident licenses; everybody who hunts there must take out a license. With that money we have bought land and established game sanctuaries where game breeds, and is then distributed over the State. The Senator, as I undersand, proposes that in addition to our own tax in Maryland, which under the law we are supposed to pay and do pay, the Federal Government is to come along and duplicate that tax and duplicate the work which Maryland is doing. Why do not those who are in favor of creating game sanctuaries concentrate on the various States? Why do they not try in Arkansas or in Minnesota or in Maryland or any other State to accomplish the result desired by local legislation rather than to establish another bureau of the Government in Washington, and under the guise of enforcing a treaty with a foreign country really make local legislation for every State in the Union?

Under the present treaty the Federal Government does protect wild life. There is a uniform system for the shooting of ducks and geese and swan. There are Federal policemen that go into the various States to enforce that law. The Federal courts have tried and convicted many who have broken the regulations adopted by the department. Now, as I understand, the pending measure merely widens the scope of the powers of the department and really takes over game regulation in its entirety by the Federal Government, so that even though the people of Maryland wanted to have their own game sanctuaries and their own laws within the treaty the whole thing would, more or less, be wiped off the map and the Federal Government would be regulating the entire matter.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. NORBECK. I think the Senator from Maryland is mistaken in some of his assumptions.

Mr. TYDINGS. I hope I am.

Mr. CARAWAY. The Senator from Maryland, I take it for granted, is mistaken in every one of his suggestions. This bill could not prevent Maryland doing whatever she saw fit in the effort to conserve game. All it could do would be to prevent the destruction of game under certain conditions; but, so far as the conservation policy of Maryland is concerned, it would not touch it.

Mr. TYDINGS. Let me interrupt the Senator right there to say that what the Senator has said is but a restatement of what I stated; in other words, in addition to our local legislation protecting game, the Federal Government can pass still further legislation.

Mr. CARAWAY. Of course, the Federal Government has other regulations now.

Mr. TYDINGS. Certainly.

Mr. CARAWAY. It has regulations to define within what period and under what conditions one may shoot migratory birds.

Mr. TYDINGS. That is true.

Mr. CARAWAY. In addition to that it now offers to furnish the means of supplying game sanctuaries and breeding places.

Mr. TYDINGS. But we have them already.

Mr. CARAWAY. The bill will not preclude Maryland keeping those that it has.

Mr. TYDINGS. But it will duplicate the cost of them. Should we be penalized for our progressiveness in protecting birds and appropriating our own money therefor by being compelled to pay a double tax to the Federal Government?

Mr. CARAWAY. Maryland has possibly got more out of the preservation of wild life than has any other State in the Union.

Mr. TYDINGS. No; we have gotten less out of it, because we have a natural resource, as it were, there, and other States are attempting to tell us how to handle our own local affairs.

Mr. CARAWAY. No; we are hoping to prevent the people of Maryland trying to kill everything that flies.

Mr. TYDINGS. The Senator is absolutely wrong in his statement, because the regulations of Maryland, which are within the treaty, restrict the killing of game just as do the present Federal regulations.

Mr. CARAWAY. If so, Maryland will not have any cause to complain of this bill.

Mr. TYDINGS. Yes; Maryland will, because this bill will duplicate the taxes which we already pay, and we do not propose to pay, without protest, a tax to the Federal Government in order to regulate our own affairs.

Mr. CARAWAY. This bill does not regulate local affairs.

Mr. TYDINGS. I should like to say to the Senator, just to clear up that point before I lose the chance to reply, that in most of the States wild fowl may be legally killed six days in the week, whereas in the State of Maryland wild fowl can be killed on Mondays, Wednesdays, and Fridays only, so that the ducks can come back to the feeding grounds between gunning days every other day when there is no gunning on those grounds. In most of the other States one may legally gun six days in the week. When the other States and the Federal Government place themselves in the position in which we have placed ourselves, we will be very glad to sit down and talk this over with them, but when we pay a local tax and establish our own game sanctuaries and make and enforce restrictions to preserve game further than the Federal Government has done, we do not propose, without protest, to pay a duplication of that tax to the Federal Government for the benefit of game preservation in other States.

Mr. CARAWAY. May I ask the Senator a question?

Mr. TYDINGS. Certainly.

Mr. CARAWAY. What good will it do to preserve game in Maryland if they kill it in other States before it gets to Maryland?

Mr. TYDINGS. In what States will it be killed before it gets to Maryland?

Mr. CARAWAY. I do not know. I am asking the Senator that question.

Mr. TYDINGS. What is the use of talking about a proposition concerning which we do not know? Let us talk about the facts.

Mr. SWANSON. Mr. President, let me see if I correctly understand the purport of this bill. As I understand from what has been said, the pending bill does not impose any greater penalties and does not increase the Federal jurisdiction in connection with shooting, does it?

Mr. NORBECK. No, sir.

Mr. TYDINGS. May I interrupt the Senator to say that I do not think that is correct?

Mr. SWANSON. If that be true, the Senator from Arkansas is not correct in urging that this bill will increase the protection to birds. As I understand, it does not increase the present powers in any way at all. All it does, as I understand, is to impose a $1 tax——

Mr. NORBECK. To produce more birds.

Mr. SWANSON. And the dollar so collected is to be used for what purpose? To hire agents to enforce existing law, as I understand.

Mr. CARAWAY. No.

Mr. NORBECK. To buy land.

Mr. SWANSON. To enforce existing law, and, secondly, to buy land.

Mr. CARAWAY. No.

Mr. SWANSON. Where is the land which is to be purchased going to be located?

Mr. SMITH. And who is going to pay for it?

Mr. SWANSON. If there should be collected $200,000 a year in Virginia from such a tax, in five years it would amount to a million dollars. Can any assurance be given to me that that money will be applied in any manner to provide a refuge in Virginia? Can any assurance be given that the money collected from Maryland will be applied to the location of a game refuge in Maryland? Who is to locate the places where the game refuges are to be under this bill?

Mr. NORBECK. Canada has established 50 of them, of which we get the benefit.

Mr. SWANSON. I am asking who determines where this money shall be spent?

Mr. NORBECK. The board which is created is to determine that, in conjunction with the wardens in the States.

Mr. SWANSON. Why does not the Senator provide in the bill that the money shall be spent on refuges in the States where it is collected?

Mr. NORBECK. Of course, the theory is that one place may be better than another. For instance, we passed a bill here a day or so ago establishing a game refuge in Utah.

Mr. TYDINGS. The bill of the Senator from South Dakota proposes to tax the people of Maryland, to take money from the people of Maryland, and spend it in some other State and to build a game refuge with it?

Mr. NORBECK. It may be that money of South Dakota will be taken to build a refuge in Maryland. For all I know, if that shall be the best place for the location of a refuge, that is where it ought to go.

Mr. TYDINGS. All we in Maryland want is to keep the money which belongs to the people of Maryland for use in that State.

Mr. NORBECK. The Atlantic coast has a concentration of wild fowl that the rest of the country has not. The last birds will be killed on the seaboard, if they are killed at all. It is the depletion of the bird life that affects the interior, rather than the contrary being true.

Mr. SWANSON. Mr. President——

Mr. NORBECK. Just a moment. I do not think the bird refuge the Senator is speaking of has any direct relation to migratory birds. It is for the birds that continue to live in Maryland the year around.

Mr. TYDINGS. I will be glad to vote for the Senator's bill if he will eliminate the license feature and make a direct appropriation. Then there would be no complaint anywhere.

Mr. SWANSON. Mr. President, the Senator from South Dakota has convinced me that we ought to have bird refuges. I have heard him with pleasure and profit on that feature of the proposal. However, I do not think it is right to tax the people of the various States by requiring licenses of them and making them pay the Federal Government for the privilege of shooting in order to create a fund such as is proposed. If a national interest is to be subserved, if the purpose is to aid the entire Nation, and to protect the birds everywhere, the money ought to come out of the Treasury. I am willing to vote for funds to be applied to the creation of bird refuges and wild game sanctuaries where needed, in a broad way, for the entire country, but I am not willing to supplement the system we already have by another system of enforcement and another system of taxes, in order to furnish funds to provide refuges. Particularly is that true, so far as I am concerned, with reference to Virginia.

I do not know where the money is going to be spent. I do not think that the theory on which the bill is based is the right one. If, as I have said, a great national interest is to be subserved, it ought to be provided for out of the National Treasury and by national funds. I will vote for such a measure; and I am satisfied if the Senator will introduce a bill which does not require a Federal license, to harass and worry the people of Virginia and the other States who desire to hunt birds, and which takes the necessary money out of the Federal Treasury by a direct appropriation, he will gain much support for it. I would not object to a measure of that kind, even though the money were used in the State of the Senator from South Dakota or some other State and none of it were used in Virginia, if the national interests required such an expenditure. I do object, however, to harassing the people of Virginia and compelling them to furnish a fund when no one knows where the fund is going to be spent.

Mr. SMITH. Mr. President, it would be bad enough if each State were to be the beneficiary of the tax collected within that State for a refuge for domestic birds that are native to the State, but there is not a man on this floor who can not see the palpable injustice of laying a tax on all the States and then leaving it to the Federal Government as to where the refuges or sanctuaries may be located. As the Senator from Maryland

has pointed out as to his State, so also in my State we have a resident and nonresident license, and we are strictly conforming to the international treaty in reference to migratory birds. It seems to me that each State could at least be left to decide whether or not, in conjunction with its strict hunting regulations, it would be to its benefit to have a bird refuge within its borders.

Mr. NORBECK. May I make a suggestion to the Senator?

Mr. SWANSON. I yielded to the Senator from South Carolina, and should like to proceed a moment longer. I do not think the people of South Dakota ought to be taxed to furnish bird refuges that will benefit half a dozen or a dozen States farther south. I think it would be unjust to the State of South Dakota to compel it locally to furnish the funds to protect birds in order that they may breed in that State and fly to a dozen other States. I am willing for the Federal Government to decide where the refuges shall be located; I am willing for the people of Virginia to pay their pro rata part of the taxes to support a refuge that is for the entire country; but I am not willing to have the citizens of Virginia harassed in the effort to furnish revenue which ought to come out of the National Treasury under the ordinary system of taxation.

I ask the Senator from South Dakota not to press this bill. I give him my assurance, so far as I am concerned, that if he will bring in a bill that recognizes that the establishment of refuge for wild life is a national necessity and of importance to all the States and makes a direct appropriation out of the Federal Treasury to provide the means, I shall be willing to consent that the Federal Government shall locate the refuges where it may please, and I will be pleased to support such a bill. I think that would be the right way in which to handle this matter, and I am satisfied the Senator would get possibly a unanimous vote for a bill of that kind on the part of those who want to defeat the pending bill.

If there are those who will oppose such a measure, let them come on the floor and fight it, if they are not willing to have bird refuges and sanctuaries established under such a plan. However, I am not willing to have created the antagonisms that would come from taking care of bird life in the manner proposed, which would result in harassing everybody who wants to obtain a license to shoot any kind of game.

Mr. TYDINGS. Mr. President, I do not believe the people in the State of the Senator from Virginia, and certainly not the people of my State, want in their midst a greater number of Federal agents than is absolutely necessary, enforcing their local laws, because it always makes for ill feeling and a bad situation.

Mr. NORBECK. The Senator knows that I have taken the provision with regard to Federal agents out of the bill, except as they are to be stationed at the bird refuges.

Mr. TYDINGS. Yes; but the bill provides that the Department of Agriculture may issue regulations, and so on, governing the game refuges.

Mr. NORBECK. Just on the ground on which the refuges are located; and the Senator, being a lawyer, knows that that is quite necessary.

Mr. TYDINGS. If the department can do that it can appoint any Federal agent it wants to appoint, so long as the law may be in effect.

Mr. NORBECK. The activities of the agents are to be limited to the particular areas.

Mr. SWANSON. We have in Virginia a good game law, and we have a game commissioner. We have regular refuges, where game life is protected and developed and grows and makes increases. Now, the people in Virginia are interested in it; but if they have to come here, and Federal licenses are required for everybody in Virginia that wants to engage in any little matter of shooting or hunting, and they are to be tried for every little infraction of a Federal statute, that is not a wise way to accomplish the result that is sought by the Senator from South Dakota.

It seems to me, as it is a matter of great national interest to preserve, protect, and take care of this game, that it ought to be treated in a national way. The right way for national interests to be treated is to be sustained out of the National Treasury and not by a license system that will be disturbing, injurious, and repulsive to the people when it is administered.

Mr. NORBECK. Mr. President, I just want to say in reply to that that I think there is considerable confusion between game and bird refuges, it being recognized that migratory birds are very seldom shot in the State where the game refuge is. It is not important to South Dakota that they have game refuges. It is important to South Dakota that there shall be birds flying across the State. We are entirely indifferent as to where the game refuges are located. As I said before, I think we get a great deal of benefit out of those located in Canada.

I just want to say further that the experience of forty-odd States in the Union—I think 46—that have State departments of game is that they are doing something in the game-conservation line. As far as I have been able to find, they are all taxing it back to the man that hunts, because the taxpayers refuse to bear that kind of a burden. They take the attitude, "If the sportsman wants game, let him pay for it through his license."

In proposing this plan we are following the experience of nearly 48 States in the Union, a long experience in the same line, except that the States have found themselves unable to deal with the migratory-bird problem. We are trying to do for migratory birds what the States have done for the birds that nest and remain within the State borders.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator from South Dakota wish formally to present a substitute?

Mr. NORBECK. Yes, Mr. President; I want to offer this amendment in the nature of a substitute. I have made the changes in it as outlined and I have taken out from under the provisions of the bill the dove and the woodcock and the yellowlegs, so as to narrow down the number of birds on which there will be any requirements of Federal license. I ask unanimous consent that it be adopted at this time, and be before the Senate just the same as though it had been reported in that way, and that amendments may be offered to the measure as it will then be pending.

Mr. McNARY. Mr. President, I was interrupted for a moment. Does the Senator offer an entirely new bill?

Mr. NORBECK. It is rewritten, with certain changes, and is offered as an entirely new bill, in the nature of a substitute.

Mr. McNARY. Does it in substance change the bill at all as reported by the committee?

Mr. NORBECK. The Senator was not in the Chamber when I explained it.

Mr. McNARY. No.

Mr. NORBECK. It does away entirely with shooting grounds. My friend the Senator from Utah has been very insistent on that, and the Senator from Washington.

Mr. McNARY. If the Senator explained it, the explanation will appear in the RECORD, and that is all right.

Mr. NORBECK. Yes; it has been fully explained. That is the main change in it.

The PRESIDING OFFICER. The Senator is asking unanimous consent to make the substitution?

Mr. NORBECK. Yes, Mr. President.

Mr. TYDINGS. As I understand, the Senator's purpose is just to get the matter before the Senate, not for final passage.

Mr. NORBECK. Oh, yes; it is just to get it before the Senate in its new form.

Mr. SWANSON. I hope that consent will be granted. This is an improvement on the bill as originally offered. I have no objection to substituting it.

The PRESIDING OFFICER. Is there objection to the substitution? The Chair is advised that it can not be amended after the substitution.

Mr. DILL. Just a moment, Mr. President.

Mr. CARAWAY. That is exactly what the unanimous-consent request was—to let it stand as the original bill.

Mr. DILL. As the original bill.

Mr. NORBECK. To have it appear before the Senate as the original bill, and to be subject to amendment.

Mr. SWANSON. I understood that the Senator's unanimous-consent request was that this should be taken as a substitute for the original bill and treated in the Senate as if it were the original bill.

The PRESIDING OFFICER. Without objection, the request will be agreed to.

Mr. NORBECK's substitute is as follows:

Strike out all after the enacting clause and insert:

That this act shall be known by the short title of "Migratory bird conservation act."

SEC. 2. That a commission to be known as the Migratory Bird Conservation Commission, consisting of the Secretary of Agriculture, as chairman; the Secretary of Commerce, the Postmaster General, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon any area of land, water, or land and water that may be recommended by the Secretary of Agriculture for purchase or rental under this act, and to fix the price or prices at which such area may be purchased or rented; and no purchase or rental shall be made of any such area until it has been duly approved for purchase or rental by said commission. The members of the commission hereby created

shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the same manner as for original appointment: *Provided,* That the ranking officer of the branch or department of a State to which is committed the administration of its game laws, or his authorized representative, and in a State having no such branch or department, the governor thereof, or his authorized representative, shall be a member ex officio of said commission for the purpose of considering and voting on all questions relating to the acquisition, under this act, of areas in his State.

SEC. 3. That the commission hereby created shall, through its chairman, annually report in detail to Congress, not later than the first Monday in December, the operations of the commission during the preceding fiscal year.

SEC. 4. That the Secretary of Agriculture shall recommend no area for purchase or rental under the terms of this act except such as he shall determine is necessary for the conservation of migratory game birds.

SEC. 5. That the Secretary of Agriculture is authorized to purchase or rent such areas as have been approved for purchase or rental by the commission, at the price or prices fixed by said commission, and to acquire by gift or devise, for use as inviolate sanctuaries for migratory birds, areas which he shall determine to be suitable for such purposes, and to pay the purchase or rental price and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, including options when deemed necessary by the Secretary of Agriculture, from moneys to be appropriated by Congress from the migratory bird conservation fund: *Provided,* That no lands acquired, held, or used by the United States for military purposes shall be subject to any of the provisions of this act.

SEC. 6. That the Secretary of Agriculture may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this act, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General, but the acquisition of such areas by the United States shall in no case be defeated because of rights of way, easements, and reservations which from their nature will in the opinion of the Secretary of Agriculture in no manner interfere with the use of the areas so encumbered for the purposes of this act; but such rights of way, easements, and reservations retained by the grantor or lessor, from whom the United States receives title, shall be subject to rules and regulations prescribed from time to time by the Secretary of Agriculture for the occupation, use, operation, protection, and administration of such areas as inviolate sanctuaries for migratory birds; and it shall be expressed in the deed or lease that the use, occupation, and operation of such rights of way, easements, and reservations shall be subordinate to and subject to such rules and regulations.

SEC. 7. That no deed or instrument of conveyance shall be accepted by the Secretary of Agriculture under this act unless the State in which the area lies shall have consented by law to the acquisition by the United States of lands in that State.

SEC. 8. That the jurisdiction of the State, both civil and criminal, over persons upon areas acquired under this act shall not be affected or changed by reason of their acquisition and administration by the United States as migratory bird reservations, except so far as the punishment of offenses against the United States is concerned.

SEC. 9. That nothing in this act is intended to interfere with the operation of the game laws of the several States applying to migratory game birds in so far as they do not permit what is forbidden by Federal law.

SEC. 10. That no person shall knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike, embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this act, or cut, burn, or destroy any timber, grass, or other natural growth, on said area or on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof, or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture; nor shall any person take any bird, or nest or egg thereof, on any area acquired under this act, except for scientific or propagating purposes under permit of the Secretary of Agriculture; but nothing in this act or in any regulation thereunder shall be construed to prevent a person from entering upon any area acquired under this act for the purpose of fishing in accordance with the law of the State in which such area is located: *Provided,* That such person complies with the regulations of the Secretary of Agriculture covering such area.

SEC. 11. That no person shall take any wild ducks, geese, brant, swans, rails, coots, gallinules, curlews, black-bellied or golden plovers, snipe, willet, or other migratory game birds (except woodcock, doves, wild pigeons, or greater or lesser yellowlegs), or nest or eggs thereof, included in the terms of the treaty between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, the taking of which is now or may hereafter be permitted under Federal law, nor shall any person take for scientific or propagating purposes any migratory bird mentioned in said convention, or nest or egg thereof, unless and until he has a license pursuant to this act, and then he may take any such bird, or nest, or egg thereof, respectively, only under the provisions of the Federal law; such license, however, shall not be required of any minor under 16 years of age, nor shall such license be required of any person or member of his immediate family resident with him to take in accordance with such law any such migratory game bird on any land owned or leased by such person and occupied by him as his permanent abode, nor shall such license be required of any employee of the Federal or State government authorized by the Secretary of Agriculture, or of any other person so authorized to take in accordance with such law any migratory birds which have become seriously injurious to agricultural or other interests, nor of any employee of the Federal Government or of any State who is authorized by the Secretary of Agriculture to collect migratory birds and their nests and eggs for official scientific or educational purposes, nor of any person to capture migratory birds for banding in cooperation with the United States Department of Agriculture under permit of the Secretary of Agriculture for this purpose, and nothing in this act shall be construed to exempt any person from complying with the laws of the several States relating thereto.

SEC. 12. That each applicant for a license shall pay $1 therefor and shall sign his name in ink on the face thereof, and each license shall be dated the day of issuance and shall expire and be void after the 30th day of June next succeeding its issuance. Every licensee shall have his license on his person at the time of exercising the privileges thereunder and he shall exhibit it for inspection upon request of any person authorized by the laws of the United States or of any State to enforce the provisions of this act.

SEC. 13. That licenses required by this act shall be issued, and the fees therefor collected, by the Post Office Department under regulations prescribed by the Postmaster General, and such licenses shall be available at post offices throughout the United States. The provisions of the act of January 21, 1914 (38 Stat. L. 278), as amended by the act of July 2, 1918 (40 Stat. L. 754), shall apply to such licenses and funds received from sales thereof in possession of postmasters.

SEC. 14. That all moneys received for such licenses shall be reserved and set aside as a special fund in the Treasury to be known as the migratory-bird conservation fund, of which not to exceed $1,000,000 annually is hereby authorized to be appropriated by Congress, and when so appropriated shall be available until expended, for the acquisition of suitable areas of land, water, or land and water, for use as migratory-bird reservations, and necessary expenses incident thereto, and for the administration, maintenancee, and development of such areas and other preserves, reservations, or breeding grounds frequented by migratory game birds and under the administration of the Secretary of Agriculture, including the construction of dams, dikes, ditches, flumes, spillways, buildings, and other necessary improvements, and for the elimination of the loss of migratory birds from alkali poisoning, oil pollution of waters, or other causes, for cooperation with local authorities in wild-life conservation, for investigations and publications relating to North American birds, for personal services, printing, engraving, and issuance of licenses, circulars, posters, and other necessary matter, for the enforcement of the provisions of this act, and for the repayment of the $50,000 as provided for in this act; and the Secretary of Agriculture and the Postmaster General, respectively, are authorized and directed to make such expenditures and to employ such means, including personal services in the District of Columbia and elsewhere, as may be necessary to carry out the foregoing objects: *Provided,* That no part of such appropriation shall be used for payment of the salary, compensation, or expenses of any United States game warden, except reservation wardens, for the administration, maintenance, and protection of such reservations and the birds thereon: *And provided further,* That reservation wardens appointed under the provisions of this act shall be selected, when practicable, from qualified citizens of the State in which they are to be employed.

SEC. 15. That no person shall alter, change, loan, or transfer to another any license issued to him pursuant to this act, nor shall any person other than the one to whom it is issued use such license.

SEC. 16. That no person shall imitate or counterfeit any license authorized by this act, or any die, plate, or engraving therefor, or make, print, knowingly use, sell, or have in his possession any such counterfeit license, die, plate, or engraving.

SEC. 17. That for the efficient execution of this act, the judges of the several courts established under the laws of the United States, United States commissioners, and persons appointed by the Secretary of Agriculture to enforce this act, shall have, with respect thereto, like powers and duties as are conferred by section 5 of the migratory bird treaty act upon said judges, commissioners, and employees of the Department of Agriculture appointed to enforce the act last aforesaid. Any bird, or part, nest or egg thereof, taken or possessed contrary to this act, when seized shall be disposed of as provided by section 5 of said migratory bird treaty act.

SEC. 18. That in order to pay initial expenses, including personal services in the District of Columbia and elsewhere, supplies, printing and distributing of licenses, circulars, posters, and other necessary matter, and all other expenses that may be necessary to carry into effect the provisions of this act, the sum of $50,000 is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, and when so appropriated shall be available until expended, which sum shall be covered into the Treasury by the Secretary of the Treasury in five equal annual payments from the migratory-bird conservation fund.

SEC. 19. That any person, association, partnership, or corporation who shall violate any of the provisions of sections 10, 15, or 16 of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $10 nor more than $500, or be imprisoned not more than six months, or both; and any person who shall violate or fail to comply with any other provision of this act shall be liable to the United States in the sum of $10 for the first violation, $25 for the second violation, and $50 for each subsequent violation, to be collected in a civil action in the name of the United States: *Provided, however,* That any person desiring to relieve himself from such action may pay such sum to the Secretary of Agriculture, and said Secretary is authorized for good cause to mitigate or remit the liability hereby created; and the gun or other firearm carried or used by such person shall be liable for the payment of the aforesaid sum and may be seized by any United States game warden or deputy game warden, to be held until said liability is discharged, whereupon it shall be forthwith returned to such person. All sums so received by the Secretary of Agriculture shall be deposited in the Treasury to the credit of miscellaneous receipts.

Any person brought before a United States commissioner of competent jurisdiction for a hearing on a complaint charging a violation of sections 10, 15, or 16 of this act, or of the migratory bird treaty act, or of title 18, sections 145, 391, 392, 393, or 394 of the United States Code, or any amendment thereof, and who at such hearing admits the violation, may within such time as the commissioner may allow, not exceeding 10 days, pay to said commissioner such sum, not exceeding the maximum fines prescribed by said acts and sections, respectively, as may be fixed by said commissioners, and upon payment thereof and of the legal costs such person shall be relieved from prosecution for said violation. Unless the amount so fixed by the commissioner, and the costs, be paid at the hearing, the commissioner shall require the usual bond for the appearance of the accused before the district court. Upon payment of said amount and costs within the time allowed by the commissioner such bond shall become null and void, otherwise to remain in full force, and at the expiration of said time shall be transmitted by the commissioner to the district court in the usual course. All moneys received by a United States commissioner pursuant to this section shall be transmitted by him to the clerk of the United States district court for disposition in accordance with the law for the disposition of fines and costs collected in such courts; and each commissioner shall report in duplicate to the Attorney General quarterly, on or before the 15th day of January, April, July, and October of each year, all such proceedings had before him and all amounts of money received by him therein.

SEC. 20. That for the purposes of this act the word "take" shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires.

SEC. 21. Nothing in this act shall be construed as authorizing or empowering the Migratory Bird Conservation Commission herein created, the Secretary of Agriculture, or any other board, commission, or officer, to declare, withdraw, or determine, except heretofore designated, any part of any national forest or power site, a migratory bird reservation under any of the provisions of this act, except by and with the consent of the legislature of the State wherein such forest or power site is located.

SEC. 22. That the patrol for the protection of migratory birds on Federal migratory bird reservations established hereunder in any State may be carried on by such State, through its agency or agencies charged with the administration of its game laws, concurrently with the Secretary of Agriculture whenever so authorized by its legislature.

SEC. 23. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of $5,000, is hereby authorized to be appropriated out of the migratory bird conservation fund. Said appropriation shall be paid out on the audit and order of the chairman of said commission, which audit and order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

SEC. 24. That if any provision of this act or the application thereof to any person or circumstance is held invalid the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 25. That this act shall take effect upon its passage and approval, except the provisions requiring the use of licenses, which shall take effect on the 1st day of July, 1929.

Mr. DILL. Mr. President, I desire to ask the Senator from South Dakota a question. I was not in the Chamber for a while, and I want to be clear about the matter. I have not had time to study the bill.

My understanding is that the new bill limits the authority of the Federal game wardens to the migratory-bird reservations.

Mr. NORBECK. Exactly so.

Mr. DILL. They have no authority outside of the reservations?

Mr. NORBECK. No.

Mr. TYDINGS. Mr. President, may I interrupt the Senator? That may be in the bill, but that obviously can not be so, for this reason: Already numbers of regulations governing migratory birds have been adopted. Already there are appointed Federal game wardens; and, naturally, if a new Federal game warden is sworn in, the very fact that in this bill his jurisdiction is confined to the reservations created for game does not stop him from going ahead and enforcing the other Federal regulations, because he is a Federal game warden; and, even though that is put in the bill, it is just hocus pocus. It does not mean anything.

Mr. DILL. Why not? Does not language mean anything?

Mr. TYDINGS. Do I understand that it is the contention of the Senator from South Dakota that we have one set of Federal game wardens who can enforce all the game laws, and we have another set of Federal game wardens who are only to enforce those laws applying to the reservations?

Mr. DILL. I do not know. I am trying to get clear just what this new measure provides.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes; I yield to the Senator from Wisconsin.

Mr. BLAINE. The Senator from Maryland suggested that there were how many Federal game wardens—20?

Mr. TYDINGS. I say that we have already appointed and have in existence now numerous Federal game wardens.

Mr. BLAINE. Let me give the Senator the exact information on that point.

Mr. TYDINGS. It does not make any difference. The principle of the thing is what I am contending for, not the number.

Mr. BLAINE. I think it is very important.

Mr. TYDINGS. No; because they could be increased tomorrow morning 500 per cent if it was desired to do so.

Mr. BLAINE. If the Senator will permit me to give the number, I know he will be interested.

Mr. TYDINGS. All right; I will.

Mr. BLAINE. This information comes to me from the Civil Service Commission. This is the language they use:

> Referring to the allusion to the activity of Federal game wardens in politics, attention is called to the fact that there are only 23 United States game wardens serving full time in classified positions. There are 630 deputy United States game wardens serving part time in the unclassified service.

Mr. TYDINGS. That seems to be even better than I thought it was——

Mr. BLAINE. I thought the Senator would be interested.

Mr. TYDINGS. Because here you admit that you have not only the privilege of appointing permanent game wardens but any amount of deputy game wardens that you care to appoint. Of course, game wardens can not arrest anybody when the game has gone out of the State.

Mr. BLAINE. Certainly not.

Mr. TYDINGS. There are no ducks in Maryland, for instance, in July and August. The fact that there are no game wardens there then does not amount to anything. The point I make is that you can put on 50,000 game wardens if you want to. You can take the entire jurisdiction of this question out of the hands of the State, and lodge it all in the Federal Government. I really do not understand the philosophy of government anyhow, it seems.

Mr. BLAINE. Mr. President, I suggest the lack of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Couzens	Hawes	McMaster
Bayard	Curtis	Hayden	McNary
Black	Cutting	Heflin	Moses
Blaine	Dill	Johnson	Neely
Blease	Edge	Jones	Norbeck
Borah	Fess	Kendrick	Norris
Bratton	Fletcher	Keyes	Nye
Brookhart	Frazier	King	Oddie
Bruce	Gerry	La Follette	Overman
Capper	Glass	Locher	Phipps
Caraway	Greene	McKellar	Pittman
Copeland	Harris	McLean	Reed, Pa.

Sackett	Simmons	Swanson	Walsh, Mass.
Schall	Smith	Tydings	Walsh, Mont.
Sheppard	Smoot	Tyson	Warren
Shipstead	Steiwer	Vandenberg	Waterman
Shortridge	Stephens	Wagner	Wheeler

Mr. CURTIS. I desire to announce that the Senator from Oklahoma [Mr. PINE], the Senator from Kentucky [Mr. THOMAS], the Senator from West Virginia [Mr. GOFF], and the Senator from Rhode Island [Mr. METCALF] are detained on business of the Senate.

The VICE PRESIDENT. Sixty-eight Senators having answered to their names, there is a quorum present.

Mr. TYDINGS. Mr. President, the main objection that many of us have to this bill is due to the Federal license feature. We do not want to defeat the main purpose of the bill, which is, of course, to protect wild life, and in order that our good faith may be a matter of record, I am going to yield to the Senator from Washington, who has an amendment which will eliminate any objection that we may have to that phase of the bill.

Mr. DILL. Mr. President, I want to say, in the first place, that I have been a consistent opponent of this bill because of certain provisions that have been in it. The Senator from South Dakota has eliminated the public shooting ground feature, and I think the amendment of the Senator from Arkansas [Mr. CARAWAY] will remedy certain other objections.

My objection to the bill as it still stands is that it requires everybody who wants to hunt anywhere in the United States to buy a Federal license. I have prepared an amendment which I think will bring the matter to issue, and I want to offer it to the bill as now before the Senate.

On page 6, line 23, after the word "abode" in the provision that designates who is not required to buy licenses, I would add the words "nor shall any license be required of any person not hunting upon or within the boundaries of a Federal migratory-bird sanctuary or reserve."

That amendment, if adopted, would make it unnecessary for anyone to buy a Federal game license unless he were permitted to shoot on some Federal reserve or sanctuary. I should like to have the amendment taken up for immediate consideration, if the Senator from South Dakota will permit this amendment to be taken up first.

Mr. BRATTON. Mr. President——

Mr. DILL. I yield.

Mr. BRATTON. I merely wanted to ask the Senator to repeat the language.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. The Senator from Washington proposes to insert after the word "abode," in line 23, page 6, the following words:

> Nor shall any license be required of any person not hunting upon or within the boundaries of a Federal migratory-bird sanctuary or reserve.

Mr. NORBECK. Mr. President, the reserves created under this bill are inviolate; there can be no hunting on them. Therefore whatever reference there is to hunting on reserves in the amendment relates to one or two reserves created otherwise than under this bill.

This amendment would take out the only provision there is in the bill for getting money, and I do not think that the sportsmen of the United States should ask the taxpayers to pay for bird refuges for the breeding of game for them to hunt. I think hunters are willing to pay a license for the privilege. I have no doubt on that point.

The Senator from Maryland protested violently in the name of the State of Maryland, and I have no doubt that he speaks the sentiments of a good many people in that State, but the conservation department, the game department, in his State has a different view in the matter from that of the Senator, and highly recommends this legislation. That is how Maryland speaks officially to this body.

Mr. TYDINGS. Mr. President, I would like to say to the Senator that that was true until the merits and demerits of the bill were explained, whereupon the State game department of my State took a different viewpoint from the one expressed to the Senator earlier.

Mr. CARAWAY. Mr. President, I do not know how the State game department of Maryland got a thorough explanation of the bill, because it was not before the Senate until about five minutes ago. But I am not going to worry about that.

I am free to confess that there is a natural hesitancy upon the part of the Senate to intrude the Federal Government into the regulation of affairs within a State. The amendment before the Senate now, however, does not touch that point at all. Of course, if the amendment offered by the Senator from Washington should prevail we would have a bill authorizing the purchasing of breeding grounds for game without provision for the raising of one penny to carry out the law. Then either we would have a wholly useless piece of legislation or we would have to go to the Federal Treasury and ask it to put up money to provide sanctuaries to breed game for people to hunt. In other words, we would be putting the burden, not upon the people who enjoyed the sport, but we would be laying it upon everybody in the United States.

I would be very loath, if I wanted to hunt, to ask somebody who was a cripple and could not hunt to pay a fee for me to hunt. Hunting and fishing have always been in the nature of a privilege, and therefore the States have never hesitated to lay the cost of the conservation of game upon the people who enjoyed the sport, and I have never known a sportsman to object to that. It would be a rather small man who wanted to hunt but wanted to lay the burden of the payment of a dollar upon some widow in his State while he went out and enjoyed the privilege of doing the shooting.

That is all there is in this proposition. It undertakes to say that the Federal Government will aid in trying to establish breeding places and conservation places so that game and wild life may be restored to the States. It is no longer an experiment; it is now a demonstrated fact that that can be done.

On the other hand, it is equally well demonstrated that, unless there be some kind of protection, when wild life goes below a certain percentage it will go on to extinction. If our children who are to come after us are to have any of the joys of hunting, we must now have some kind of wise legislation which will protect and preserve wild life so we may transmit it to them. If there is some one who is willing, if the game shall last out his lifetime, that he does not care if it perishes with him, I would say he is like Louis XVI of France, who said, "After us the deluge," and of course such a man would naturally oppose this legislation.

There is no provision in the bill, however, that the State itself may not take over and regulate and run the matter, under an amendment to which I presume there will be no opposition, because the Senator in charge of the bill has no opposition to it, which will provide that whenever a State prefers to administer the provisions of the bill it may make provision for doing so, and take it over, and it will put on its pay roll every person who is on the Federal pay roll in that State for the enforcement of the bill, and the price will be paid by the fees which are collected under the bill.

Mr. DILL. Does it provide that the Federal license will no longer apply in that State?

Mr. CARAWAY. Oh, no; that is the source of revenue.

Mr. DILL. And they get their share of the revenue?

Mr. CARAWAY. They get every dollar of revenue that is necessary to enforce the law.

Mr. DILL. And the State draws money from the Federal Treasury for that purpose?

Mr. CARAWAY. Yes.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. CARAWAY. Certainly.

Mr. BRUCE. The Senator made reference a moment ago to Louis XVI of France. If he does not regard my interruption as an impertinence, I would like to say that if Louis XVI was a Member of the Senate he would most assuredly vote for the bill, because it is recorded of him that he was so fond of hunting that when for some reason he could not go out and shoot he would simply enter in his diary for that day, "Nothing." When he went out shooting he would say he had been to Fontainebleau, or some other shooting resort, and when for some reason or other he could not go to Fontainebleau or Champigny, or some other resort of that description he would simply enter in his diary, "Nothing." I think the Senator is not exactly fair to Louis XVI when he speaks of him in a slighting, depreciatory manner.

Mr. CARAWAY. Of course, Louis does not need any defense. He lost his head more than a hundred years ago and, therefore, all I say about him will not very much concern him now. He would have been saved the necessity of writing "Nothing" in his diary if there had been some provision for the protection of wild life. If there had been none, he could have written on the first page of his diary "Nothing" and there would have been "nothing" from the beginning to the end of it. I rather suspect that Louis was not entirely devoid of some intelligence, although he does not need any defense at my hands.

Mr. President, this bill, like the one which preceded it, known as the McNary-Haugen bill, proceeds at least in one respect along the same line, that those who are to have the benefit of the bill are to pay for it. Everybody who was against the McNary-Haugen bill, in other words, against the farmer having the right to protect his own products, voted to strike out the equalization fee. Everybody who wants this bill defeated will vote to strike out the license fee.

Mr. DILL. Mr. President, will the Senator yield?

Mr. CARAWAY. Certainly.

Mr. DILL. The Senator understands, of course, that there is an appropriation or an authorization for appropriation which would be made——

Mr. CARAWAY. Would the Senator be willing to put upon the backs of the general taxpayers this burden? Governments do not create wealth. Government never created a dollar since governments have been created. We merely take dollars out of the people's pockets in the way of taxes and apply them to certain useful or nonuseful purposes.

Mr. DILL. The Senator asked me a question?

Mr. CARAWAY. No; I do not think so.

Mr. DILL. The Senator said, "Would the Senator from Washington be willing?"

Mr. CARAWAY. Very well; I yield.

Mr. DILL. I can not find anything in this particular game refuge bill that makes it any different from any other game refuge bill we have passed. We authorized an appropriation of $1,500,000 to buy migratory-bird refuges in northern Mississippi Valley. We passed a bill here the other day authorizing the appropriation of money out of the Treasury to buy a migratory-bird reserve in Utah. I do not find anything in this bill that differentiates it and makes it necessary to go out and charge everybody for a Federal license in addition to the State license, when in the other case we would be taking money out of the Treasury of the United States.

Mr. CARAWAY. The difference is this: The other bills were to protect wild life in its movement from one section of the country to the other. The provisions of this bill are to establish breeding places, sanctuaries where wild life may replenish itself. There will be no hunting in these sanctuaries. It is the belief of those who have advocated it that wild life will multiply and replenish itself and that it will scatter out over the States and be available to people who want to hunt.

Now a dollar is a dollar, and I do not deprecate its 100 cents' value. I have a good deal of respect for the Scotchman that the Senator from Washington [Mr. DILL] told about who went to a bank and asked to borrow $10 and wanted to put up $10,000 in Government bonds as security. The bank at first hesitated, and he said, "If you will not accommodate me, somebody else will," so he finally got them to take his note and borrowed the $10 and paid 80 cents interest. The bank asked him why he did it, and he said, "If I had put these bonds in a safety deposit box you would have charged me $1 a month. Now, you care for them for 80 cents for a year and I get the use of the $10." I have some respect for that Scotchman.

I do not know a man who hunts, who enjoys sport, who is not willing to put up the money that will bring something worth hunting for into the territory where he hunts. There are two things about a sportsman. He usually has a very great deal of respect for the game he hunts; he does not want to destroy it. He is always willing to pay the price of his own sport. It does not run in the tribe of sportsmen to want to make somebody else pay the price of seeking game so he can hunt it. I never knew one that did it. He is willing to pay. Somebody has to pay if wild life is to be replenished and preserved in America. Which is the more generous thing to do, to let the man who does the hunting and gets the sport and the game pay for it or make the men and women who are not privileged to hunt and do not get the game, pay and let the hunter have it? That is all there is to it. We can vote it up or down.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. DILL].

Mr. DILL and Mr. NORBECK asked for the yeas and nays.

The yeas and nays were ordered.

Mr. NORBECK. Mr. President, I desire to explain that those voting "yea" will be voting to leave us without funds; that is, they are voting against the license feature.

Mr. DILL. Mr. President, the roll call was ordered, but if we are going to debate the question further I would like to say something.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I do not know how he would vote on this question. I transfer that pair to the Senator from Massachusetts [Mr. GILLETT] and vote "nay."

Mr. MOSES (when his name was called). Has the Senator from Louisiana [Mr. BROUSSARD] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. MOSES. I have a pair with that Senator. In his absence I withhold my vote.

Mr. SACKETT (when his name was called). I have a pair with the junior Senator from Kentucky [Mr. BARKLEY]. Not knowing how he would vote on this question, I transfer the pair to the Senator from Illinois [Mr. DENEEN] and vote "nay."

Mr. WHEELER (when his name was called). On this matter I am paired with the junior Senator from Connecticut [Mr. BINGHAM]. Not knowing how he would vote on this question, I withhold my vote.

The roll call was concluded.

Mr. McNARY. On this question I am paired with the senior Senator from Mississippi [Mr. HARRISON]. I am unable to obtain a transfer, and therefore withhold my vote.

Mr. BRATTON (after having voted in the affirmative). I have a pair with the junior Senator from Indiana [Mr. ROBINSON]. I transfer that pair to the Senator from New Jersey [Mr. EDWARDS] and allow my vote to stand.

Mr. SMITH (after having voted in the affirmative). I have a pair with the senior Senator from Indiana [Mr. WATSON]. I transfer that pair to the Senator from Iowa [Mr. STECK] and allow my vote to stand.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Maine [Mr. HALE] with the Senator from Missouri [Mr. REED]; and

The Senator from Oklahoma [Mr. PINE] with the Senator from Texas [Mr. MAYFIELD].

Mr. GERRY. I desire to announce that the Senator from Tennessee [Mr. MCKELLAR] is necessarily detained on official business. He has a general pair with the junior Senator from Maine [Mr. GOULD].

Mr. SHEPPARD. I wish to announce that my colleague [Mr. MAYFIELD] is detained from the Senate by illness. He has a general pair with the Senator from Oklahoma [Mr. PINE]. If present, my colleague would vote "yea" on this question.

Mr. WALSH of Montana. I wish to announce that the Senator from Virginia [Mr. GLASS], the Senator from Georgia [Mr. GEORGE], the Senator from Louisiana [Mr. BROUSSARD], the Senator from West Virginia [Mr. NEELY], the Senator from Louisiana [Mr. RANSDELL], the Senator from Mississippi [Mr. STEPHENS], and the Senator from New York [Mr. WAGNER] are necessarily detained on official business.

Mr. OVERMAN. I desire to announce that my colleague the senior Senator from North Carolina [Mr. SIMMONS] is detained from the Senate on official business.

Mr. REED of Pennsylvania (after having voted in the affirmative). I inquire whether the senior Senator from Delaware [Mr. BAYARD] is recorded as having voted.

The VICE PRESIDENT. The Chair is informed that the senior Senator from Delaware has not voted.

Mr. REED of Pennsylvania. I have a pair with that Senator, but I am advised that, if present, he would vote as I have voted, and, therefore, I allow my vote to stand.

Mr. McLEAN (after having voted in the negative). I inquire if the junior Senator from Virginia [Mr. GLASS] has voted.

The VICE PRESIDENT. The Chair is informed that the junior Senator from Virginia has not voted.

Mr. McLEAN. Then I shall have to withdraw my vote, as I have a pair with that Senator.

Mr. NORRIS. I desire to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is detained from the Senate on account of illness in his family.

The result was announced—yeas 31, nays 25, as follows:

YEAS—31

Ashurst	Couzens	King	Steiwer
Black	Dill	La Follette	Swanson
Blaine	Fletcher	Overman	Thomas
Blease	Gerry	Pittman	Tydings
Borah	Harris	Reed, Pa.	Vandenberg
Bratton	Hawes	Sheppard	Walsh, Mass.
Bruce	Hayden	Smith	Walsh, Mont.
Copeland	Heflin	Smoot	

NAYS—25

Brookhart	Greene	Norbeck	Shipstead
Capper	Johnson	Norris	Shortridge
Caraway	Jones	Nye	Tyson
Curtis	Kendrick	Oddie	Warren
Edge	Keys	Phipps	
Fess	Locher	Sackett	
Frazier	McMaster	Schall	

NOT VOTING—38

Barkley	Gillett	McNary	Simmons
Bayard	Glass	Mayfield	Steck
Bingham	Goff	Metcalf	Stephens
Broussard	Gooding	Moses	Trammell
Cutting	Gould	Neely	Wagner
Dale	Hale	Pine	Waterman
Deneen	Harrison	Ransdell	Watson
du Pont	Howell	Reed, Mo.	Wheeler
Edwards	McKellar	Robinson, Ark.	
George	McLean	Robinson, Ind.	

So Mr. DILL's amendment was agreed to.

Mr. NORBECK. Mr. President, the Senate has now acted on the migratory bird bill for the preservation of birds for the purpose of buying large areas in each State and making them inviolate to hunting, and has provided further that not one dollar shall be raised for the purpose. If the amendment had failed, there would have been under the bill as drafted approximately $1,000,000 with which to buy land in the different States. There has been such a claim here that we ought to vote money out of the Treasury that I have an amendment prepared—in fact, I have had it prepared for some time—so as to test the question, in case the vote should turn as it has turned. The amendment provides that the money shall be appropriated out of the Treasury that we would otherwise have gotten under the bill as originally drawn from license fees. The amendment has, at my request, been prepared by the Bureau of Biological Survey, which is thoroughly familiar with this matter. The amendment is rather long, because it involves several changes in the bill, but I desire to offer it at this time in the form in which it is prepared. I first ask, however, for reconsideration of the vote by which the amendment which has just been adopted and which was offered by the Senator from Washington was agreed to. I do not think he will object to that. I make the request in order that I may offer the amendment I have suggested.

Mr. DILL. I understand the Senator is desirous of reconsideration for the purpose of perfecting the amendment and not for the purpose of changing it.

Mr. NORBECK. Yes; the amendment I propose to offer provides no license fee. The Senator's idea will prevail even though his amendment shall be withdrawn.

Mr. DILL. I do not want to withdraw the amendment, but if the Senator will perfect his new form of amendment, I will be very willing to accept that, if it strikes out the license-fee provision.

Mr. NORBECK. Of course, it is difficult to rewrite the amendment in a hurry, but I shall do just as the Senator suggests. I offer the amendment. I do not think it will create any real conflict with the amendment of the Senator from Washington.

Mr. SWANSON. Mr. President, there is no necessity for reconsidering the vote by which the amendment was agreed to.

Mr. NORBECK. The amendment provides that the money shall come out of the Federal Treasury to the amount of $1,000,000 a year.

Mr. SWANSON. Mr. President, as I understand, the license provision contained in the measure has been eliminated by the vote just taken. Consequently that provision disappears from the bill, and the bill itself is still open to any amendment any Senator may wish to offer. So there is no necessity for reconsidering the vote by which the amendment just adopted was agreed to in order to accomplish that purpose.

Mr. NORBECK. Was there objection, Mr. President?

The VICE PRESIDENT. The statement of the Senator from Virginia was to the effect that in order to vote upon the amendment proposed by the Senator from South Dakota it is not necessary to reconsider the vote by which the other amendment was agreed to.

Mr. NORBECK. I shall be satisfied with leaving the other amendment in; I do not think they will conflict; but the other amendment makes no provision for anything, while the amendment I have offered does.

Mr. HARRISON. Mr. President——

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from South Dakota.

Mr. HARRISON. Mr. President, do I understand the Senator withdraws his motion to reconsider the vote by which the amendment just adopted was agreed to?

Mr. NORBECK. Yes; I withdraw that.

Mr. DILL. Let us have the amendment stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to amend section 5, on page 3 of the amendment, in the nature of a substitute offered by the Senator from South Dakota by striking out in lines 15 and 16 the words "by Congress from the migratory-bird conservation fund" and inserting in lieu thereof "hereunder by Congress from time to time," so that the clause beginning in line 15 will read:

from moneys to be appropriated hereunder by Congress from time to time.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment proposed by the Senator from South Dakota will be stated.

The CHIEF CLERK. It is also proposed to strike out section 11 and insert in lieu thereof the following:

SEC. 11. That for the purposes of this act migratory birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916.

Mr. FESS. Mr. President——

Mr. NORBECK. I wish to ask for one change in that amendment.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. FESS. I yield.

Mr. NORBECK. I desire to have inserted the words "(except woodcocks, doves, wild pigeons, or greater or lesser yellowlegs)."

Mr. DILL. Mr. President, if agreed to the Senator's amendment would strike out section 11, which is the section that was just amended on my motion. If the Senator intends to strike out all relation to the license feature——

Mr. NORBECK. I propose to strike that out all the way through.

Mr. DILL. I have no objection to the amendment.

Mr. FESS. Mr. President, my attention was diverted from the amendment when the Chair put the question on it. I am not sure whether we have voted a direct appropriation out of the Treasury or not.

Mr. NORBECK. We have not voted for a direct appropriation but for an authorization.

Mr. FESS. We have not voted for a direct appropriation?

Mr. NORBECK. No.

The VICE PRESIDENT. The clerk will read the amendment.

The CHIEF CLERK. It is proposed to strike out section 11, and in lieu thereof to insert the following:

SEC. 11. That for the purposes of this act, migratory birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds (except woodcocks, doves, wild pigeons, or greater or lesser yellowlegs), concluded August 16, 1916.

Mr. FESS. That has nothing to do with the appropriation. The question I had in mind was as to the first amendment.

The VICE PRESIDENT. The first amendment will be stated.

The CHIEF CLERK. In the substitute of the Senator from South Dakota, on page 3, it is proposed to strike out, in lines 15 and 16, the words "by Congress from the migratory-bird conservation fund" and to insert in lieu thereof the words "hereunder by Congress from time to time," so that the clause, beginning in line 15, will read:

from moneys to be appropriated hereunder by Congress from time to time.

Mr. FESS. Mr. President, I take that to mean an authorization for an appropriation out of the Treasury.

Mr. NORBECK. That is what it means, to the amount of a million dollars a year.

Mr. FESS. We are not ready to vote on that.

The VICE PRESIDENT. The amendment has already been agreed to.

Mr. DILL. Mr. President, the Senator from South Dakota speaks of a million dollars a year.

Mr. FESS. A parliamentary inquiry, Mr. President. It is stated about me here that we have already adopted that amendment.

The VICE PRESIDENT. The Senator is correct.

Mr. FESS. Then, I shall call for a separate vote on the amendment when the bill gets into the Senate.

Mr. BRATTON. Mr. President, may I ask the Senator from South Dakota a question?

Mr. NORBECK. Certainly.

Mr. BRATTON. In connection with the amendment, which is proposed by the Senator from South Dakota, is it his intention after we have voted on that to strike out the first and second lines of section 12, which provide for a license fee of $1?

Mr. FESS. Yes; all that will be stricken out.

Mr. BRATTON. As I understood the amendment proposed by the Senator, it strikes out all of section 11. Section 12 begins with this language:

That each applicant for a license shall pay $1 therefor——

Mr. NORBECK. The Senator will find that a later amendment wipes that all out. The amendment has been prepared so as to harmonize the provisions of the bill with the policy of an appropriation without a license fee.

Mr. BRATTON. I ask that the clerk restate the amendment. As I understand, it strikes out section 11.

Mr. TYDINGS. There is another amendment to follow that.

Mr. BRATTON. That is what I am intending to ask the Senator from South Dakota.

The VICE PRESIDENT. The amendment will be again stated.

The CHIEF CLERK. It is proposed to strike out section 11, and in lieu thereof to insert the following:

SEC. 11. That for the purposes of this act, migratory birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds (except woodcock, doves, wild pigeons, or greater or lesser yellowlegs), concluded August 16, 1916.

Mr. BRATTON. Mr. President, that strikes out section 11 and substitutes new language. Section 12 expressly provides for a license fee of $1.

Mr. NORBECK. There is an amendment to section 12.

Mr. DILL. That is what I have been endeavoring to ascertain—if there is another amendment dealing with that.

Mr. McLEAN. Mr. President, I should like to ask the Senator from South Dakota, in charge of the bill, if any of this $1,000,000 to be appropriated is to be devoted to the enforcement of the act or whether it all goes for the purchase of refuges?

Mr. NORBECK. It all goes to bird refuges and the enforcement of the law on the refuges.

Mr. McLEAN. I desire also to ask the Senator how much the annual appropriation is for the enforcement of the law at this time.

Mr. NORBECK. I can not tell the Senator that. There are 23 regular game wardens and there are quite a number of part-time game wardens in the whole United States.

Mr. McLEAN. Is not more money needed for the enforcement of the migratory bird law?

Mr. NORBECK. Decidedly; but the Senate objects to it, so I had to withdraw it.

Mr. TYDINGS. Mr. President, if the Senator will yield, I should like to make a unanimous-consent request. I know the Senator is actuated by the best of motives, but it is very hard in amending the whole bill for many of us to follow the sequence of the different sections and to see whether they are all in proper order.

I should like to ask that the whole bill be referred back to the committee, with instructions to eliminate the license fee, put in the amendment the Senator now has in his hand, and report the bill to the Senate as soon as possible, and not have it lose its place on the calendar.

Mr. NORBECK. Oh, Mr. President, we have had motions of that kind for seven years. This amendment has been prepared by the bureau at my request to leave out the license and substitute the appropriation, and I think we had better take a vote on it.

Mr. TYDINGS. But the Senator will realize that this is a bill of some 15 pages.

Mr. NORBECK. Yes; but the clerk will read it section by section and the Senator will note the amendments. It will take only a few minutes to go through the bill.

Mr. TYDINGS. I can not read a bill in half a minute and tell what it means, as the Senator can. I really should like to look it over a little bit; and I hope the Senator will let the bill go back to the committee. Of course, if he objects to it, I will withdraw my request. My motive is the best, I will say to the Senator. I do not want to delay the measure, but I should like, at least, to read it in its complete state.

Mr. NORBECK. I have been assured here for years and years of good motives, and all that; and when I get a vote I get just the kind of a vote that I got now. I have been assured that Senators were all anxious to take the money out of the Treasury. Now I propose to act.

Mr. TYDINGS. I will vote for the Senator's amendment to appropriate money for this purpose, but I certainly should like a little time to read the bill. I hate to have it done in sections in this way.

Mr. BLAINE. Mr. President, I should like to ask a question for information. A great deal has been said about a million dollars a year. We have not come to that amendment yet, have we?

Mr. JOHNSON. That was agreed to.

Mr. BLAINE. That did not fix any amount.

Mr. NORBECK. It authorizes that as a maximum.

Mr. BLAINE. As a maximum?

Mr. NORBECK. Yes.

Mr. SMOOT. Mr. President, the Senator has used words in the amendment that are not generally used in any kind of an authorization for the appropriation of money. That is, he makes it available until expended. Therefore, if it is not expended in one year, it will go over into the next year, and there will be added to the million dollars that much more.

Mr. NORBECK. I think the Senator will agree with me that the experience on bird refuges was that the money could not be spent in any one year or two years or, on the upper Mississippi, even at the end of four years. It seems to me necessary, in order to administer the matter, to have the money remain available until expended.

Mr. SMOOT. I will say to the Senator that that only happens in cases where there is a deficiency, and another appropriation is made. Then we provide that it shall be made available until expended. This, however, is not for one year. This will be for year after year, as long as the act is in operation; and it is the first time I have ever seen an authorization for an appropriation made in that way. I was wondering if the Senator had not better make it just a straight million dollars a year.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. NORBECK. The trouble is, the first of the year arrives before the abstract comes in, and the money can not be used, and it is necessary to wait for another appropriation. That is one reason why I tried to get the license fund. Otherwise, we will be in the same fix as certain other activities of the Government that have attempted that, and have fallen down utterly for that very reason.

Mr. SMOOT. It could not affect any other than the first year. That would be the only year that would be affected by the wording of the appropriation.

Mr. NORBECK. I am told that there have been abstracts up here in the Attorney General's office for two years. That is, they have not yet been able to finish the title and get it fixed, and so the money reverts to the Treasury. Then another appropriation is asked for, and it reverts to the Treasury again, before it can be expended.

Mr. SWANSON. Mr. President, if the Senator will yield, as I understand, when an appropriation is made it can provide that the money shall be available until expended.

Mr. SMOOT. Yes. This simply authorizes that.

Mr. SWANSON. But such a provision is not usual in an authorization.

Mr. SMOOT. Never. This is the first time I have ever seen it.

Mr. SWANSON. In bills in which I have been interested, for matters that take some time, when the appropriation is made it is very frequently provided that we shall appropriate so much money, to be available until expended.

Mr. SMOOT. Certainly.

Mr. NORBECK. If the Senator feels that the matter can be taken care of in the appropriation bill, I am willing to have the change made.

Mr. SMOOT. I am quite sure it can be.

Mr. NORBECK. I ask unanimous consent that the clerk be authorized to perfect that amendment.

Mr. TYDINGS. Mr. President, will the Senator from South Dakota yield for a moment? I will say to the Senator in all good faith that there are some Members on this side of the Chamber who would like to vote for his amended bill, but who probably will not vote for it because they had not had an opportunity to read it. I am sure, if he would let my unanimous-consent request go through, that the bill could be brought back in two days, and could be disposed of in five minutes.

Mr. BORAH. Mr. President, it is not necessary to send it back to the committee, even if we wish to do that. The bill can be reprinted with the amendments incorporated in it.

Mr. TYDINGS. I ask unanimous consent that the bill be reprinted in line with the amendments that the Senator from South Dakota has offered and be restored to the calendar in its proper number and not lose its place.

Mr. NORBECK. If the Senator will add to that a unanimous-consent agreement that we vote at 3 o'clock to-morrow, I will accept it.

Mr. TYDINGS. As far as I am concerned, I will agree to that.

The VICE PRESIDENT. Is there objection?

Mr. BLAINE. I should object to the unanimous-consent agreement.

The VICE PRESIDENT. Objection is made. The question is on agreeing to the amendment.

Mr. TYDINGS. Mr. President, I move that the bill be reprinted in line with the amendments offered by the Senator from South Dakota and be restored to its regular place on the calendar.

Mr. SWANSON. I do not see why there need be any restoration to a place on the calendar. The reprinting of a bill by the

Government Printing Office does not deprive it of its position on the calendar.

Mr. SMOOT. Not in the least.

Mr. SWANSON. I presume the amendments will be printed under the general rules of the Senate. We can have a reprint of the bill, with the amendments adopted, if it goes over until to-morrow, in the regular order; but the reprinting of the bill does not interfere with its position on the calendar. It seems to me that if we discuss it to-day, and make all the amendments we desire, and do not complete it, we can have a print of everything to-morrow and then dispose of it.

I think the Senator who has charge of this bill has shown a great deal of patience and forbearance in dealing with the opposition of Senators and is entitled to have this matter disposed of; and I am disposed to help him, with the fee eliminated.

The VICE PRESIDENT. The question is on the motion of the Senator from Maryland that the bill be reprinted with the amendments that have been adopted.

Mr. BORAH. Does that fix the hour for a vote at 3 o'clock to-morrow?

Mr. TYDINGS. No; I did not include that in the motion.

The VICE PRESIDENT. You have heard the motion.

The motion was agreed to.

The VICE PRESIDENT. The bill will be reprinted with the amendments that have been adopted.

Mr. JOHNSON. Mr. President, will this bill retain its status?

Mr. DILL. Let us have the amendments stated.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. DILL. The amendments of the Senator from South Dakota have not been adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from South Dakota to section 11.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the remaining amendments.

The CHIEF CLERK. The next amendment is to strike out sections 12 and 13, on page 7.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHIEF CLERK. Amend section 14 by striking out, in lines 7 to 12, page 8, the following words:

That all moneys received for such licenses shall be reserved and set aside as a special fund in the Treasury to be known as the migratory-bird conservation fund, of which not to exceed $1,000,000 annually is hereby authorized to be appropriated by Congress, and when so appropriated shall be available until expended.

And inserting in lieu thereof:

SEC. 12. That in order to effectuate the provisions of this act, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000.

The Senator from South Dakota has already stricken out the words "and when so appropriated shall be available until expended."

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The CHIEF CLERK. Amend section 14 by striking out, in line 1, page 9, the word "licenses," and in lines 3 and 4, page 9, the words "and for the repayment of the $50,000 as provided for in this act"; also by striking out, in lines 4 and 5, the words "and the Postmaster General, respectively, are" and inserting the word "is," so as to read "and the Secretary of Agriculture is authorized and directed"; and by inserting in line 2, page 9, after the word "matter," the word "and."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHIEF CLERK. Strike out sections 15 and 16 of the substitute.

The amendment was agreed to.

The CHIEF CLERK. Renumber section 17, page 10, as section 13; and insert after the word "act," in line 9, page 10, the following:

(Title 16, sec. 706, of the U. S. C.)

The amendment was agreed to.

The CHIEF CLERK. Strike out section 18.

The amendment was agreed to.

The CHIEF CLERK. Renumber section 19, page 11, as section 14.

The amendment was agreed to.

The CHIEF CLERK. Amend section 19, page 11, in line 2, by inserting after the word "violate" the words "or fail to comply with."

The amendment was agreed to.

The CHIEF CLERK. Amend in lines 2 and 3 by striking out the words "of sections 10, 15, or 16."

The amendment was agreed to.

The CHIEF CLERK. Amend by inserting a period after the word "both," in line 6, and striking out the balance of the paragraph down to and including line 22, so that the first paragraph shall read:

SEC. 14. That any person, association, partnership, or corporation who shall violate or fail to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $10 nor more than $500, or be imprisoned not more than six months, or both.

The amendment was agreed to.

The CHIEF CLERK. Strike out in section 19, line 25, the words "of sections 10, 15, or 16," so that the clause shall read:

Any person brought before a United States commissioner of competent jurisdiction for a hearing on a complaint charging a violation of this act—

And so forth.

The amendment was agreed to.

The CHIEF CLERK. And amend section 19, page 12, by inserting in line 1, after the word "act," the following:

(Title 16, secs. 703 to 711, inclusive, of the U. S. C.)

Mr. DILL. Mr. President, will the Senator explain what the reason for that insertion is, and what it means?

Mr. NORBECK. I was not following it.

Mr. DILL. It is inserted twice in the bill, a certain reference to title 16.

Mr. NORBECK. I am unable to answer that question, except that the whole purpose is to harmonize it with the thought that it would provide for the same enforcement.

Mr. DILL. I wanted to know whether that was another designation of the same provision.

Mr. BLEASE. I would like to know if that amendment means that a United States commissioner is to try a man.

Mr. NORBECK. The original bill, which was pending here for years, provided a method by which offenders could go before a commissioner instead of a judge, and accept a nominal fine in settlement. It is to ease off that disagreeable feature of dragging a man before the nearest Federal judge, perhaps a hundred miles away.

Mr. TYDINGS. Mr. President, the Senator from South Dakota has admitted that he does not know what those sections which have been inserted in the bill mean, and therefore I do not feel that we can take his explanation in regard to them. I think we ought to have time to see what those sections do mean.

Mr. NORBECK. If the Senator will read the part of the section——

Mr. TYDINGS. I mean these parts of the Federal Code which are now being inserted in the bill. What do those sections provide. If anyone here knows what they provide, I would like to know it. I can not believe the Senate is going to pass a bill when not a Senator on either side knows what it means.

Mr. NORBECK. They can vote it down if they do not want to vote for it.

Mr. BLAINE. Mr. President, I suggest to the Senator from Maryland that there is going to be a reprint, as required by the action of the Senate of a few moments ago.

Mr. TYDINGS. All the amendments are being adopted, and the bill may come up and be passed.

Mr. NORBECK. I am not going to insist on the bill passing to-day. The Senator from Maryland has protested against that. For the ninth time I am doing it the way he wants it.

Mr. TYDINGS. All right.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHIEF CLERK. The next amendment is to renumber the section.

The amendment was agreed to.

The CHIEF CLERK. In section 18, to amend the section in line 23, page 13, by striking out the words "the migratory bird conservation fund."

The amendment was agreed to.

The CHIEF CLERK. The next amendment is to insert in lieu thereof the words "any money in the Treasury not otherwise appropriated."

The amendment was agreed to.

The CHIEF CLERK. Renumber section 25, page 14, as section 20, insert a period after the word "approval," in line 9, and strike out the balance of lines 9 and 10, so that the section shall read:

SEC. 20. This act shall take effect upon its passage and approval.

The amendment was agreed to.

Mr. BLAINE. Mr. President, I desire to offer an amendment, which I rather assume will be accepted by the Senator from South Dakota, at the end of line 14, on page 4, to insert the words:

Provided, That no person shall take, hunt, or kill any game birds described in section 11 within the area between the boundary line of any sanctuary herein provided for and a line 10 miles distant from the boundary line of said sanctuary and which are not in the permanent abode of the person taking, hunting, or killing said migratory bird.

Mr. NORBECK. Mr. President, the effect of that amendment, of course, will be to make private lands bird sanctuaries, and I do not have any objection to it, except that I do not think that we can get anywhere with it. I do not want to accept the amendment. I suggest that it be printed and lie over until to-morrow.

Mr. BLAINE. I suggest that this proposed amendment is not intended to make private property bird sanctuaries, but is intended to prevent private hunting clubs from establishing their clubs next to and adjoining a bird sanctuary which will be paid for by the people of the United States. I discussed this very feature when I was engaged in the debate upon this bill a few days ago. The purpose of this is to exclude private hunting grounds immediately adjoining these sanctuaries.

Mr. NORBECK. Mr. President, I can understand the motive that prompts the Senator, and I think it is worthy. But there are a good many objections to it. One objection is to going into a State and passing game laws for the State. It is hardly a Federal matter, for one thing. I believe enough in State rights to think that we should reserve such a power to the States. I wish it could be worked out in some way, but I think there is too much objection to it. Furthermore, it will prevent the boy in a county who buys a dollar license from hunting anywhere within 10 miles of where a bird refuge is. I think it is too broad entirely, for one thing.

Mr. BLAINE. Mr. President, the distance may be greater than necessary, but it has been suggested by conservation organizations that the distance be fixed all the way from 5 to 10 miles. I thought 10 miles would be the proper distance from the sanctuary.

I have another amendment I want to suggest, on page 2, in line 8, after the word "prices," to insert the words "at an average cost per acre not exceeding $5." That has reference to the maximum amount that may be paid for the acreage that is to go into the sanctuary.

Mr. NORBECK. I certainly will not favor that, because the experience in the State of Wisconsin in establishing the upper Mississippi game refuge has shown that the estimate of $5 an acre was wrong, and there has been offered or has passed here a bill to increase that maximum. What is the use of tying our hands at the start?

Mr. BLAINE. I think the Senator is unfamiliar with that situation in Wisconsin.

Mr. NORBECK. I am not unfamiliar with the fact that they are here trying to get legislation to raise the maximum to $10.

Mr. BLAINE. The land which the Federal Government is buying in that region is not worth more than $5 an acre, on the whole, and when the department pays more than that they are paying an excessive price. I feel that $5 an acre is the limit that should be offered for the type of land that is going to be embraced within these refuges. It is not prairie land that we would buy, it is not irrigated land. It is, to a large extent, waste land, and I do not want to make this bill or any other legislation an instrument for somebody to profit unreasonably out of the pocketbook of the people of the United States.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. BLAINE. Yes.

Mr. CARAWAY. If a man would not take $5 an acre for the land, how would you get it away from him?

Mr. BLAINE. The Government has recourse to condemnation proceedings.

Mr. CARAWAY. Then the Senator would have us go to court, and what if the jury should return a verdict for a greater amount from that? How would we get it?

Mr. BLAINE. The same question might be asked with reference to the purchase of any property the Federal Government gets.

Mr. CARAWAY. I would be amazed to find anybody arguing that if we provide that no man shall receive in excess of a certain amount for his property, we will get it for less than that price. That would be introducing something entirely new.

Mr. BLAINE. I think under the circumstances $5 an acre is the amount that has usually been fixed in legislation of this type, at least with respect to the upper Mississippi Valley wildlife refuge; that is the average maximum. I shall offer the amendment at the proper time.

Mr. CARAWAY. If there is no amendment pending I wish to offer one.

The VICE PRESIDENT. Will not the Senator from Wisconsin send up the amendments so that they can be printed? Without objection, the amendments will be temporarily passed over.

Mr. CARAWAY. I wish to offer one amendment, and then a second one to perfect the first.

Mr. NORBECK. They are simply offered to be printed?

Mr. CARAWAY. I will ask the Senator to wait until he hears the amendments. I think the Senator will have no objection.

Mr. NORBECK. Not if they fit in with all the other amendments that have been adopted, so that we will not have a conflict. I suggest that the Senator offer them and have them printed.

Mr. CARAWAY. I offer an amendment on page 9, line 17. It will really be a new section, because of the change in the language. I want the Senator to hear the amendment.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 9, after line 17, insert the following:

That when any State shall, by suitable legislation, make provision adequately to enforce the provisions of this act and all regulations promulgated thereunder, the Secretary of Agriculture may so certify, and then and thereafter said State may take over the enforcement of said act and the regulations made in aid of said act.

Mr. CARAWAY. Before the Senator passes upon that, I offer another amendment to perfect it.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. To add the following:

The said State may and shall, so long as it shall enforce the said act and regulations made in pursuance thereof, be reimbursed from said funds for the costs of said enforcement to the extent such services shall have cost had the service been performed by the Federal Government.

Mr. CARAWAY. May I have the attention of the Senator from South Dakota? Those are the two amendments that were agreed upon with reference to the bill when it was before the Senate before, and which we discussed recently. If there is any objection to that, I am perfectly willing for it to go over.

Mr. NORBECK. If I am assured that this does not amend the migratory bird act——

Mr. CARAWAY. It does not.

Mr. TYDINGS. Mr. President, the Senator has been kind enough to present his amendment in a very fair way and I hesitate to object to it, but as a matter of principle I would like to see the amendments go over, because, in my judgment, under them there would be a national law with States in some cases enforcing it exclusively, and the National Government, in other cases, enforcing it. In other words, Maryland would be the National Government for this law, if it complied, but California would not have the right of enforcing the same law, and the Federal Government would enforce it in that State. I think that is a pretty bad practice to have half a Federal law enforced by some States and the other half by the Federal Government.

Mr. CARAWAY. Of course, if the Senator would be willing to let the State do it when it wanted to, that would be a valid objection. It only provides that when the State has a game department and wants to enforce the law there will be no duplication of service, that the State will be permitted to take over the enforcement of it all, and every employee enforcing the law would be an employee of the State.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The question is upon agreeing to the amendment.

Mr. CARAWAY. The Senator objects, and I am willing that it go over.

Mr. TYDINGS. I am willing to withdraw the objection. I do not want to delay action on the amendment.

Mr. NORBECK. I thought it was agreed that the amendments offered by the Senator from Arkansas should lie over until to-morrow, the same as the amendments offered by the Senator from Wisconsin.

Mr. CARAWAY. If the Senator from Maryland feels that he would like to read the amendments, I will just let them go over with the others until to-morrow.

The PRESIDING OFFICER. The amendments will go over.

Mr. BLEASE. Mr. President, I would like to call the attention of the Senator in charge of the bill to the fact that, in my opinion, he had better consult some lawyer in regard to the question of United States commissioners. A United States commissioner has no power to try anybody. He has no power to impose a fine on anyone. He is quite a different person from a magistrate in a State court. The only jurisdiction conferred by law on a commissioner of the United States is that when certain information is brought before him he can issue a warrant, and under that warrant he can have a party arrested. The only power he has is either to have a hearing and bind the defendant over to court or dismiss him for want of proper evidence. This bill attempts to make a trial court out of a United States commissioner, and if such a provision should be adopted, it would be in direct conflict with the duties now prescribed for United States commissioners.

Who is going to pass on the question of the amount? The bill says the amount shall be from $25 to $500 and that the money shall be paid to the commissioner. Who is to decide what amount it is to be, whether it is to be $25 or more? A commissioner has no such authority. I call the Senator's attention to this fact in order that he may himself look into it, or have it looked into, before he incorporates such a provision in the bill.

There is another question in connection with the matter to which I desire to call the Senator's attention. Commissioners all over the country are complaining that they are not receiving enough pay. They are now making an effort to have the fees and commissions paid to the United States commissioners increased. I have very frankly written to the commissioners in my State that I think they already get too much for what they do and that I would not vote for any increase in their pay. But if we are going to put this additional duty on the United States commissioners they certainly should be allowed more pay than they are getting to-day. This, I believe, is another matter to which the Senator should give consideration. Unless he wants to increase the salaries and fees in every State in the Union, then there is no use to put such a provision in the bill. Such a provision can not be incorporated in the bill unless it conflicts with the present law relating to the duties of United States commissioners. I have no special objection to trying a case before a United States commissioner. My experience with most of them is that they are about as easy to handle as anybody else, even a Sinclair jury, but I would like to have it made plain so that we lawyers who have to practice before them may know what we are doing.

AGRICULTURAL RELIEF

Mr. McMASTER. Mr. President, I am in receipt of a communication from F. W. Murphy, who is chairman of the legislative committee of the Corn Belt Federation. I ask that the letter and the accompanying resolutions may be read at the desk by the clerk.

The PRESIDING OFFICER. The clerk will read, as requested.

The legislative clerk read the letter and resolutions, as follows:

AGRICULTURAL LEGISLATIVE COMMITTEE,
HAMILTON HOTEL,
Washington, D. C., April 17, 1928.

Hon. W. H. McMASTER,
United States Senate,
Washington, D. C.

MY DEAR SENATOR McMASTER: For your information I am handing to you herewith a copy of some resolutions adopted on April 3, 1928, at a regular meeting of the Corn Belt Federation of Farm Organizations held at Des Moines, Iowa.

A partial list of the farm organizations included within the Corn Belt Federation is also inclosed.

I am the chairman of the legislative committee of the Corn Belt Federation.

Very truly yours,

F. W. MURPHY.

The Corn Belt Federation of Farm Organizations met in Des Moines, Iowa, April 3, 1928, and passed the following resolutions:

"Speaking for more than a million organized farmers reaching from Indiana to Montana the Corn Belt committee hereby serves notice upon the leaders of the Republican Party that if by any chance Herbert Hoover should be nominated for President at the forthcoming Kansas City convention, that the great Corn Belt States will be found solidly against him. The farm vote easily constitutes a balance of power in such States as Indiana, Illinois, Missouri, Iowa, Minnesota, North Dakota, Nebraska, and the Northwest, and remembering the perfidy of Hoover to the farmer during the World War, and the sinister and relentless attitude he has maintained toward farm-relief legislation during the Harding and Coolidge administrations, nothing is more certain than that in the event of his nomination the farmers of the above States will utterly ignore party lines in their determination to consign this man to private life for all time to come. Therefore we not only protest against his nomination but we give fair warning to the Republican leaders of what they may expect if such an affront is offered to the farmers of the Nation.

"We have not forgotten the shout that 'Food will win the war,' and the manner in which the farmers of America responded to that appeal will ever stand as an imperishable monument to their patriotism. And yet no sooner did the producers of wheat and livestock and of other farm commodities go to the rescue of their country in its hour of peril, when through the activities of Mr. Hoover as food administrator, prices were controlled or depressed to an extent that defrauded these producers out of hundreds of millions of dollars which justly belonged to them—and this at a time when gunmakers and powder manufacturers and other suppliers of war material were rewarded on the notorious and indefensible plan of 10 per cent plus cost. That under these circumstances intelligent and responsible party leaders should seriously propose Mr. Hoover as a presidential nominee is hardly believable, and can be reconciled only upon the assumption that the farmers of this country possess neither memories nor self-respect."

Following is a partial list of the farm organizations included in the Corn Belt Federation:

American Council of Agriculture, Equity Cooperative Exchange of Minnesota, Kansas Farm Bureau Federation, Kansas Farmers Union, Minnesota Council of Agriculture, Minnesota Farm Bureau Federation, North Dakota Wheat Growers Association, South Dakota Wheat Growers Association, Minnesota Wheat Growers Association, Iowa Farm Bureau, Iowa Farmers Union, Nebraska Farm Bureau, Nebraska Farmers Union, Missouri Farmers Association, Indiana Farm Bureau Federation, Montana Farmers Union, North Dakota Farmers Union, Oklahoma Farmers Union, South Dakota Farm Bureau, South Dakota Farmers Union, South Dakota Council of Agriculture, South Dakota Agricultural Equality Commission, Illinois Farmers Union, Farmers Union of Wisconsin, Farmers Union Terminal Association of Minnesota, Farmers Union Shipping Association of Chicago, National Producers Alliance, Iowa State Grange, Iowa Trashermen's Association, Iowa Ottumwa Dairy Marketing Association, Minnesota Farmers Union, South Dakota Producers Alliance, Central States Soft Wheat Growers Association, Chicago Milk Producers Association, Wisconsin Cooperative Creamery Association, Wisconsin Farm Bureau, South St. Paul Farmers Union Live Stock Commission House, Chicago Farmers Union Live Stock Commission House, Sioux City Farmers Union Live Stock Commission House, Kansas City Farmers Union Live Stock Commission House, Omaha Farmers Union Live Stock Commission House, Illinois Agricultural Association, National Corn Growers Association.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendment of the Senate to each of the following bills and joint resolution:

H. R. 242. An act to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized;

H. R. 1530. An act for the relief of William F. Wheeler;

H. R. 3510. An act to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920;

H. R. 8550. An act to amend the national defense act;

H. R. 9365. An act to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark.; and

H. J. Res. 118. Joint resolution authorizing the Secretary of War to award a duplicate Congressional Medal of Honor for the widow of Lieut. Col. William J. Sperry.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills:

H. R. 5721. An act authorizing J. C. Norris, as mayor of the city of Augusta, Ky., his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky.; and

H. R. 8309. An act to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923.

INJURIES TO CIVILIAN COMPONENTS OF THE ARMY

The PRESIDING OFFICER (Mr. McNARY in the chair) laid before the Senate the amendments of the House of Representa-

tives to the bill (S. 2948) to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes, which were, on page 2, line 2, after the word "injury," to insert "or contract disease"; on page 2, line 3, after the word "while," to insert "en route to or from and while"; on page 2, line 7, after the word "injury," to insert "or contract disease"; on page 2, line 13, after the word "injury," to insert "or disease"; on page 2, line 15, after the word "injury," to insert "or disease"; on page 2, line 19, after the word "suffered," to insert "or disease contracted"; on page 2, line 21, after the word "hospital," to insert "; they shall also be entitled to such further medical treatment for such injury or disease as is reasonably necessary after arrival at their homes under such regulations as may be prescribed by the President"; on page 3, line 3, after the word "homes," to insert "and further medical treatment after arrival at their homes"; on page 3, line 13, after the word "homes," to insert "and further medical treatment after arrival at their homes"; on page 3, line 17, after the word "suffered," to insert "or disease contracted"; on page 3, line 18, after the word "injury," to insert "or disease"; on page 3, line 22, to strike out all after "expenses" down to and including the word "hereby" in line 25; on page 4, line 2, after the word "while," to insert "en route to or from and while"; and on page 4, line 6, after the word "homes," to insert "and further medical treatment after arrival at their homes."

Mr. REED of Pennsylvania. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar until 5 o'clock, beginning where we left off on the last call.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Locher.	Sheppard
Black	Fess	McKellar	Shortridge
Blaine	Fletcher	McMaster	Steiwer
Blease	Frazier	McNary	Stephens
Bratton	Gerry	Metcalf	Swanson
Brookhart	Harris	Moses	Thomas
Bruce	Hawes	Norbeck	Tydings
Capper	Heflin	Norris	Tyson
Caraway	Johnson	Nye	Vandenberg
Copeland	Jones	Oddie	Walsh, Mont.
Couzens	Kendrick	Overman	Warren
Curtis	Keyes	Phipps	Waterman
Cutting	King	Ransdell	
Dill	La Follette	Reed, Pa.	

The PRESIDING OFFICER. Fifty-four Senators having answered to their name, a quorum is present. The clerk will state the first bill in order on the calendar.

The bill (H. R. 11022) to extend medical and hospital relief to retired officers and enlisted men of the United States Coast Guard was announced as first in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will go over, under objection.

The bill (S. 742) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let that bill go over.

The PRESIDING OFFICER. The bill will go over, under objection.

LOAD LINES FOR AMERICAN VESSELS

The bill (S. 1781) to establish load lines for American vessels, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, a number of persons came to see me to-day who are very much interested in this bill. They desire to have an amendment to it offered. I know nothing about the bill at all, but I told them I would speak to the chairman of the Committee on Commerce and ask that the bill go over so that the amendment might be offered.

Mr. JONES. Mr. President, did the persons to whom the Senator from Utah refers indicate the character of amendment they desired?

Mr. KING. Yes.

Mr. JONES. The bill has been pending for a long time; it was before the committee a long time, but nobody asked the committee to have an amendment made to it.

Mr. KING. I will say to the Senator from Washington that one of the amendments desired was to provide that the provision of the proposed act should apply to ships engaged in the coastwise and intercoastal trade.

Mr. JONES. The committee considered that matter very carefully a year or two ago. The bill has been reported about three times. There were objections to that, and the committee finally, as a sort of compromise, eliminated that part of the bill and thought that that could be dealt with as a separate proposition.

The main reason why this proposed legislation has been urged so strongly is the situation existing between this country and foreign countries. They have load lines on their vessels, and they are threatening to apply their load lines on our vessels going into their ports. We eliminated vessels in the coastwise trade, as we thought that phase of the question could be dealt with in a separate measure.

Mr. KING. I have no objection to the bill being taken up on the next calendar day, but I promised the gentlemen who came to see me to object to its consideration should it come up to-day.

Mr. JONES. I hope the Senator from Utah will permit us to get the bill through the next time the calendar is called, because it is important to American shipping that the bill should be passed.

Mr. KING. May I say that the contention of the persons to whom I have referred was that the bill was discriminatory and was in the interest of a number of shippers in the United States?

Mr. JONES. That is not correct.

The PRESIDING OFFICER. The bill will be passed over.

DETENTION OF FUGITIVES IN THE DISTRICT

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8915) to provide for the detention of fugitives apprehended in the District of Columbia, which was read, as follows:

Be it enacted, etc., That whenever any person shall be found within the District of Columbia charged with any offense committed in any State, Territory, or other possession of the United States, and liable by the Constitution and laws of the United States to be delivered over upon the demand of the governor of such State, Territory, or possession, any judge of the police court of the District of Columbia, may, upon complaint on oath or affirmation of any credible witness, setting forth the offense, that such person is a fugitive from justice, and such other matters as are necessary to bring the case within the provisions of law, issue a warrant to bring the person so charged before the police court, to answer such complaint.

SEC. 2. If, upon the examination of the person charged it shall appear to the judge of the police court that there is reasonable cause to believe that the complaint is true, and that such person may be lawfully demanded of the chief justice of the Supreme Court of the District of Columbia, he shall, if not charged with murder in the first degree, be required to give bond or other obligation, with sufficient sureties, in a reasonable sum, to appear before said judge of the police court at a future date, allowing 30 days to obtain a requisition from the governor of the State, Territory, or possession of the United States from which said person is a fugitive, he to abide the order of such judge of the police court in the premises.

SEC. 3. If such person shall not give bond or other obligation, as herein provided, or if he shall be charged with the crime of murder in the first degree, he shall be committed to the District Jail, and there detained until a day fixed by the court, in like manner as if the offense charged had been committed within the District of Columbia; and, if the person so giving bond or other obligation shall fail to appear according to the condition of his bond or obligation, he shall be defaulted, and the bond or other obligation entered into by him shall be forfeited to the United States.

SEC. 4. If the person so giving bond or other obligation, or committed, shall appear before the judge of the police court upon the day ordered, he shall be discharged, unless he shall be demanded by some person authorized by the warrant of the governor to receive him, or unless the judge of the police court shall see cause to commit him for a further time, or to require him to give bond or other obligation for his appearance at some other day, and if, when ordered, he shall not give bond or other obligation he shall be committed and detained as before: *Provided,* That whether the person so charged shall give bond or other obligation, be committed or discharged, his delivery to any person authorized by the warrant of the governor shall be a discharge of his bond or obligation, if any.

SEC. 5. The major and superintendent of the Metropolitan police of the District of Columbia shall give notice to the police official or sheriff of the city or county from which such person is a fugitive that the person is so held in the District of Columbia.

SEC. 6. A person committed as herein provided shall not be detained in jail longer than to allow a reasonable time to the person receiving

the notice herein required to apply for and obtain a proper requisition for such person according to the circumstances of the case and the distance of the place where the offense is alleged to have been committed.

SEC. 7. Nothing herein contained shall prevent the voluntary return, in the custody of a proper official, of a person to the jurisdiction of the State, Territory, or other possession of the United States from which he is a fugitive. And nothing herein contained shall prevent a judge of the police court of the District of Columbia, in his discretion, accepting bond or other obligation for the appearance of a person before the proper official in the State, Territory, or possession of the United States from which he is a fugitive.

SEC. 8. Nothing herein contained shall repeal, modify, or in any way affect existing law concerning the procedure for the return of any person apprehended in the District of Columbia to a Federal district to answer a Federal charge, or repeal, modify, or affect existing law or treaty concerning the return to a foreign country of a person apprehended in the District of Columbia as a fugitive from justice from a foreign country.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT PECK INDIAN RESERVATION, MONT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3593) to authorize the leasing or sale of lands reserved for agency, school, and other purposes on the Fort Peck Indian Reservation, Mont., which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to lease or sell any of the tribal lands on the Fort Peck Indian Reservation, Mont., the lands that were reserved and title thereto reinvested in the Indians by the act of March 3, 1927 (44 Stat. L. 1402), and now reserved for agency, schools, and other purposes, upon such terms and conditions as he may prescribe with the consent and approval of the Indians through the general council of the Fort Peck Indians in the State of Montana at general council meeting when duly called and assembled: *Provided*, That no part of said tribal lands shall be sold until the Secretary of the Interior shall determine that said lands are no longer required for such purposes with the consent and approval of the said general council, and in case of the sale of said tribal lands the mineral rights, including oil, gas, and other minerals, shall be reserved to the Fort Peck Indians: *Provided, however*, That this act shall not be construed to make any such tribal lands available for allotment purposes: *Provided further*, That the proceeds derived from the sale or lease of said tribal lands shall be deposited in the Treasury of the United States to the credit of the Fort Peck Indians under the title of "Fort Peck 4 per cent fund," and shall be subject to disposition under the act of May 30, 1908 (35 Stat. L. 558).

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 6669) fixing the salary of the Public Printer and of the Deputy Public Printer was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over under objection.

The bill (H. R. 10141) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. Mr. President, there are several amendments that I have to offer to that bill, and I ask that it go over.

The PRESIDING OFFICER. The bill will go over, under objection.

LANDS IN LASSEN VOLCANIC NATIONAL PARK

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11685) to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes, which was read, as follows:

Be it enacted, etc., That the provisions of the act of the legislature of the State of California (approved April 20, 1927) ceding to the United States exclusive jurisdiction over and within the territory which is now or may hereafter be included within the Lassen Volcanic National Park are hereby accepted and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the State of California the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park, and the right to fix and collect license fees for fishing in said park; and saving also the persons residing in said park now, or hereafter, the right to vote at all elections held within the county or counties in which said park is situated. All the laws applicable to places under sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of California.

SEC. 2. That said park shall constitute a part of the United States judicial district for the northern district of California, and the district court of the United States in and for said northern district shall have jurisdiction of all offenses committed within the boundaries of the said park.

SEC. 3. That if any offense shall be committed in the said park, which offense is not prohibited or the punishment is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of California in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of California shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals, when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of any of the waters of the said park in any other way than by hook and line, and then only at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to the passage of the act creating and establishing said park, natural curiosities or wonderful objects within said park, and for the protection of the animals in the park from capture or destruction, and to prevent their being frightened or driven from the said park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the said park. Possession within said park of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this act, and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of this act, or any rule or regulation that may be promulgated by the Secretary of the Interior, with reference to the management and care of the said park, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits other than those legally located prior to the passage of the act creating and establishing said park, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the said park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guide post, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to the passage of the act creating and establishing said park, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all the costs of the proceedings.

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of said park when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park, and held pending prosecution of any person or persons arrested under the charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 6. That the United States District Court for the Northern District of California shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law, or of the rules and regulations made by the Secretary of the Interior for the government of said park and for the protection of the animals, birds, and fish and objects of interest therein, and for other purposes authorized by this act. Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this act prescribed for the government of said park, and for the protection

of the animals, birds, and fish in said park, and to try persons so charged, and if found guilty to impose punishment and to adjudge the forfeiture prescribed. In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the Northern District of California and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeals to said United States district court.

SEC. 7. That such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said park of any criminal offense not covered by the provisions of section 4 of this act, to hear the evidence introduced, and if he is of the opinion that probable cause is shown for holding the person so charged for trial shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the Northern District of California and certify a transcript of the record of his proceedings and the testimony in such case to said court, which court shall have jurisdiction of the case: *Provided,* That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State.

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the northern district of California but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said park without process of any person taken in the act of violating the law or this act or the regulations prescribed by the said Secretary as aforesaid.

SEC. 9. That the commissioner provided for in this act shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided,* That the said commissioner shall reside within the exterior boundaries of said Lassen Volcanic National Park at a place to be designated by the court making such appointment: *And provided further,* That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 11 of this act.

SEC. 10. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States or the marshal of the United States collecting the same with the clerk of the United States District Court for the Northern District of California.

SEC. 12. That the Secretary of the Interior shall notify in writing the Governor of the State of California of the passage and approval of this act, and of the fact that the United States assumes police jurisdiction over said park as specified in said act of the State of California.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LASSEN VOLCANIC NATIONAL PARK, CALIF.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11023) to add certain lands to the Lassen Volcanic National Park in the Sierra Nevada Mountains of the State of California, which was read, as follows:

Be it enacted, etc., That the lands hereafter described, to wit: The southwest quarter of the northwest quarter, section 25, and the southeast quarter of the northeast quarter, section 26, township 29 north, range 3 east, Mount Diablo meridian, in the State of California, are hereby added to and made a part of the Lassen Volcanic National Park for use as an administrative headquarters site.

SEC. 2. That the provisions of the act of August 9, 1916, entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains in the State of California, and for other purposes," the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes," and all acts supplementary to and amendatory of said acts are made applicable to and extended over the lands hereby added to the park: *Provided,* That the provisions of the act of June 10, 1920, entitled "An act to create a Federal Power Commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the rivers and harbors appropriation act, approved August 8, 1917, and for other purposes," shall not apply to or extend over such lands.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRANT OF LAND TO MENDON, UTAH

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8724) granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city, which was read, as follows:

Be it enacted, etc., That, upon payment of $1.25 per acre, there is hereby granted to the city of Mendon, Utah, and the Secretary of the Interior is hereby authorized and directed to issue patent to the city of Mendon, Utah, for certain public lands for the protection of the watershed furnishing the water for said city, the lands being described as follows: The west half of section 12, township 11 north, range 2 west, Salt Lake meridian, and containing approximately 320 acres, more or less.

SEC. 2. The conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided,* That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted and the right to prospect for, mine, and remove the same: *Provided further,* That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and if the said land shall not be used for such municipal purpose the same, or such parts thereof not so used, shall revert to the United States and the Secretary of the Interior is hereby authorized and empowered to declare a forfeiture of this grant and to cancel the patent issued hereunder after such proceedings as he may prescribe upon a finding by him that the land has not been used for the purpose for which it was granted. The conditions and reservations herein provided for shall be expressed in the patent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRANT OF LAND TO BOUNTIFUL, UTAH

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8733) granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city, which was read, as follows:

Be it enacted, etc., That upon payment of $1.25 per acre, there is hereby granted to the city of Bountiful, Utah, and the Secretary of the Interior is hereby authorized and directed to issue patent to the city of Bountiful, Utah, for certain public lands for the protection of the watershed furnishing the water for said city, the lands being described as follows: The north half, and the south half of the southeast quarter, of section 14; the north half of section 22; and the south half, and the south half of the north half, of section 26, all in township 2 north, of range 1 east, Salt Lake meridian, United States Survey, and containing approximately 1,200 acres, more or less.

SEC. 2. The conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right of claim initiated under the laws of the United States: *Provided,* That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted and the right to prospect for, mine, and remove the same: *Provided further,* That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and if the said land shall not be used for such municipal purpose the same, or such parts thereof not so used, shall revert to the United States and the Secretary of the Interior is hereby authorized and empowered to declare a forfeiture of this grant and to cancel the patent issued hereunder after such proceedings as he may prescribe upon a finding by him that the land has not been used for the purpose for which it was granted. The conditions and reservations herein provided for shall be expressed in the patent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRANT OF LANDS TO CENTERVILLE, UTAH

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8734) granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city, which was read, as follows:

Be it enacted, etc., That upon payment of $1.25 per acre, there is hereby granted to the city of Centerville, Utah, and the Secretary of the Interior is hereby authorized and directed to issue patent to the city of Centerville, Utah, for certain public lands for the protection of the watershed furnishing the water for said city, the lands being described as follows: All of section 12, township 2 north, range 1 east, Salt Lake meridian, United States Survey, and also the west half of the west half, the northeast quarter of the northwest quarter, the north half of the northeast quarter, and the southeast quarter of the southeast quarter of section 10, township 2 north, range 1 east, Salt Lake meridian, United States Survey, and containing approximately 960 acres, more or less.

SEC. 2. The conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided,* That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted and the right to prospect for, mine, and remove the same: *Provided further,* The said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore

described; and if the said land shall not be used for such municipal purpose the same, or such parts thereof not so used, shall revert to the United States; and the Secretary of the Interior is hereby authorized and empowered to declare a forfeiture of this grant and to cancel the patent issued hereunder after such proceedings as he may prescribe upon a finding by him that the land has not been used for the purpose for which it was granted. The conditions and reservations herein provided for shall be expressed in the patent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATENTS FOR LANDS HELD UNDER COLOR OF TITLE

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3776) to authorize the Secretary of the Interior to issue patents for lands held under color of title, which was read, as follows:

Be it enacted, etc., That whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract of public land, not exceeding 160 acres, has been held in good faith and in peaceful, adverse, possession by a citizen of the United States, his ancestors or grantors, for more than 20 years under claim or color of title, and that valuable improvements have been placed on such land, or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of not less than $1.25 per acre, cause a patent to issue for such land to any such citizen: *Provided,* That where the area so held is in excess of 160 acres the Secretary may determine what particular subdivisions, not exceeding 160 acres, may be patented hereunder: *Provided further,* That coal and all other minerals contained therein are hereby reserved to the United States; that said coal and other minerals shall be subject to sale or disposal by the United States under applicable leasing and mineral land laws, and permittees, lessees, or grantees of the United States shall have the right to enter upon said lands for the purpose of prospecting for and mining such deposits: *And providing further,* That no patent shall issue under the provisions of this act for any tract to which there is a conflicting claim adverse to that of the applicant, unless and until such claim shall have been finally adjudicated in favor of such applicant.

SEC. 2. That upon the filing of an application to purchase any lands subject to the operation of this act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement of the lands by the applicant or his predecessors in interest, and in such appraisal the Secretary shall consider and give full effect to the equities of any such applicant.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRYCE CANYON NATIONAL PARK

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3824) to correct the descriptions of land comprising the Bryce Canyon National Park as contained in the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," and the act approved February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes," which was read as follows:

Be it enacted, etc., That the tract of land described in section 1 of the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," be, and the same is hereby, amended to read as follows:

"Unsurveyed sections 31 and 32, township 36 south, range 3 west; surveyed section 36, township 36 south, range 4 west; north half, southwest quarter, and west half of the southeast quarter of partially surveyed section 5; unsurveyed sections 6 and 7, west half, west half of the northeast quarter, and west half of the southeast quarter of partially surveyed section 8, partially surveyed section 17, and unsurveyed section 18, township 37 south, range 3 west; and unsurveyed sections 1, 12, and 13, township 37 south, range 4, all west of the Salt Lake meridian in the State of Utah."

SEC. 2. That the tract of land described in section 2 of the act approved February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes," be, and the same is hereby, amended to read as follows:

"The east half east half section 25, township 36 south, range 4 west; the east half and southwest quarter section 20, and all of sections 21, 29, and 30, township 36 south, range 3 west; all of sections 24 and 25, township 37 south, range 4 west; and all of sections 19 and 30, township 37 south, range 3 west, Salt Lake meridian."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GUNNISON NATIONAL FOREST, COLO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7223) to add certain lands to the Gunnison National Forest, Colo., which was read, as follows:

Be it enacted, etc., That the following-described public lands be, and the same are hereby, added to and made a part of the Gunnison National Forest, Colo., and are to be hereafter administered under the laws and regulations relating to the national forests:

Township 14 south, range 85 west, sixth principal meridian: North half northeast quarter, southeast quarter of section 26; all of section 35.

Township 15 south, range 83 west, sixth principal meridian: West half northeast quarter, west half southeast quarter, northeast quarter southeast quarter of section 7; south half northeast quarter, southeast quarter, east half southwest quarter of section 8; all of section 17; northwest quarter, west half northeast quarter, southeast quarter northeast quarter, south half southeast quarter, northwest quarter southwest quarter, south half southwest quarter of section 18; all of section 19.

Township 15 south, range 84 west, sixth principal meridian: East half of section 7; all of section 13; south half of section 14, southeast quarter of section 15; east half of section 22; all of section 23; all of section 24; northeast quarter of section 27: *Provided,* That the inclusion of any of the aforesaid land in the Gunnison National Forest shall not affect adversely any valid application or entry pending at the date of the approval of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILFORD W. CALDWELL

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10038) for the relief of Wilford W. Caldwell, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent under the homestead entry of Wilford W. Caldwell for the southeast quarter of the southeast quarter of section 35 and the southwest quarter of the southwest quarter of section 36 in township 1 south of range 1 east, Uintah meridian, Utah, upon compliance by said Wilford W. Caldwell with the homestead laws of the United States: *Provided, however,* That in addition to the usual fees and commissions payable under existing laws said entryman shall pay the sum of $1.25 per acre for the land so entered, which latter sum shall be deposited in the Treasury of the United States and disposed of in the same manner as other proceeds derived from the sale of lands within the former Uintah Indian Reservation, Utah.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS H. HARMON

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1588) for the relief of Louis H. Harmon, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to Louis H. Harmon, Grand Rapids, Mich., the sum of $500, representing the amount paid by him as surety on the estreated bond of Charles Corey, who failed to appear for trial in the Federal court of that city and who was subsequently returned to the custody of the United States marshal at Grand Rapids, Mich., through the efforts of Louis H. Harmon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNITED STATES TARGET RANGE, AUBURN, ME.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2463) to amend an act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.," approved May 19, 1926, which had been reported from the Committee on Military Affairs with an amendment, on page 2, at the end of line 13, to strike out the numerals "1928" and to insert the numerals "1927," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.," approved May 19, 1926, is amended by inserting after the figures "$3,000,'" where they appear in said act, the words "and the sum or sums necessary to be expended for the investigation of title, and

for the required survey and plan of said tract of land," so that said act as amended shall read as follows:

"That the Secretary of War be, and he is hereby, authorized to purchase the tract of land adjoining the United States target range at Auburn, Me., comprising 84 acres, more or less, the property of the heirs of John Barron, for the purpose of adding to said rifle range, and to purchase said property the Secretary of War is authorized to expend a sum not to exceed $3,000 and the sum or sums necessary to be expended for the investigation of title, and for the required survey and plan of said tract of land, from funds allotted to the State of Maine by the United States from the appropriation 'Arming, equipping, and training the National Guard,' for the fiscal year ending June 30, 1927."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CROMWELL L. BARSLEY

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6152) for the relief of Cromwell L. Barsley, which had been reported from the Committee on Military Affairs with an amendment, on page 2, line 2, after the word "shall," to strike out "be held to have accrued prior to the passage of this act," and to insert "accrue or be allowed on account of the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Cromwell L. Barsley, who was a member of Company D, Fifth Regiment United States Volunteers, and Thirty-fourth Regiment United States Volunteer Infantry, and Company D, Nineteenth Regiment Infantry, United States Army, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Nineteenth Regiment Infantry, United States Army, on the 23d day of December, 1907: *Provided*, That no bounty, back pay, pension, or allowance shall accrue or be allowed on account of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DENNIS W. SCOTT

The bill (H. R. 1970) for the relief of Dennis W. Scott was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Dennis W. Scott, who was a member of Company B, Thirty-second Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 31st day of October, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. E. BROWN

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1646) for the relief of James M. E. Brown, which had been reported from the Committee on Claims with an amendment, on line 6, after the words "sum of," to strike out "$5,000" and insert "$2,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay James M. E. Brown and Lena Belle Brown, out of any money in the Treasury not otherwise appropriated, the sum of $2,500, in full and final settlement of all claims against the Government for damages resulting from a raid made on December 20, 1923, by internal-revenue agents upon the premises of the said James M. E. Brown and Lena Belle Brown at 1954 Columbia Road NW., Washington, D. C.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILL J. ALLEN

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2473) for the relief of Will J. Allen. It proposes to pay to Chief Yeoman Will J. Allen, United States Coast Guard, $80 in settlement of a supplemental claim for differences in pay and allowances due him because of his services in the World War, this sum having been erroneously omitted from the statement submitted to the Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1995) placing certain employees of the Bureau of Prohibition in the classified civil service, and for other purposes, was announced as next in order.

Mr. COUZENS. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

MESA VERDE NATIONAL PARK

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8744) to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Mesa Verde National Park, and for other purposes, which was read, as follows:

Be it enacted, etc., That the provisions of the act of the Legislature of the State of Colorado, approved May 2, 1927, ceding to the United States exclusive jurisdiction over the territory embraced and included within the Mesa Verde National Park, are hereby accepted, and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the State of Colorado the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said tracts; and saving also to the persons residing in said park now or hereafter the right to vote at all elections held within the county or counties in which said tracts are situated. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Colorado.

SEC. 2. That said park shall constitute a part of the United States judicial district for the State of Colorado, and the district court of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries.

SEC. 3. That if any offense shall be committed in the Mesa Verde National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of Colorado in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Colorado shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man, all timber, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man, and timber, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay

all costs of the proceedings: *Provided, however,* That any person or persons who may, without permission from the Secretary of the Interior, in any manner willfully remove, disturb, destroy, or molest any of the ruins, mounds, buildings, graves, relics, or other evidences of an ancient civilization from said park shall upon conviction before any court having jurisdiction of such offenses be fined not more than $1,000 or imprisoned not more than 12 months, or such person or persons may be fined and imprisoned, at the discretion of the judge, and shall be required to restore the property disturbed, if possible.

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 6. That the United States District Court for the State of Colorado shall appoint a commissioner, who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by this act.

Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this act prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and if found guilty to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the State of Colorado, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court.

SEC. 7. That such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 4 of this act to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the State of Colorado and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided,* That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State.

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the district of Colorado, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or this act or the regulations prescribed by said Secretary as aforesaid.

SEC. 9. That the commissioner provided for in this act shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided,* That the said commissioner shall reside within the exterior boundaries of said Mesa Verde National Park, at a place to be designated by the court making such appointment: *And provided further,* That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 11 of this act.

SEC. 10. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for the State of Colorado.

SEC. 12. That the Secretary of the Interior shall notify in writing the Governor of the State of Colorado of the passage and approval of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMESTEAD AND DESERT-LAND ENTRIES

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 475) to permit taxation of lands of homestead and desert-land entrymen under the reclamation act, which was read, as follows:

Be it enacted, etc., That the lands of any homestead entryman under the act of June 17, 1902, known as the reclamation act, or any act amendatory thereof or supplementary thereto, may, after satisfactory proof of residence, improvement, and cultivation, and acceptance of such proof by the General Land Office, be taxed by the State or political subdivision thereof in which such lands are located, in the same manner and to the same extent as lands of a like character held under private ownership may be taxed.

SEC. 2. That the lands of any desert-land entryman located within an irrigation project constructed under the reclamation act and obtaining a water supply from such project and for whose land water has been actually available for a period of four years, may likewise be taxed by the State or political subdivision thereof in which such lands are located.

SEC. 3. That all such taxes legally assessed shall be a lien upon the lands and may be enforced upon said lands by the sale thereof in the same manner and under the same proceeding whereby said taxes are enforced against lands held under private ownership: *Provided,* That the title or interest which the State or political subdivision thereof may convey by tax sale, tax deed, or as a result of any tax proceeding shall be subject to a prior lien reserved to the United States for all the unpaid charges authorized by the said act of June 17, 1902, whether accrued or otherwise, but the holder of such tax deed or tax title resulting from such tax shall be entitled to all the rights and privileges in the land of an assignee under the provisions of the act of June 23, 1910 (36 Stat. 592).

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISSUANCE OF PATENT TO ZACCHEUS P. BARBER

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 852) authorizing the issuance of a certain patent, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patent to Zaccheus P. Barber for land described as homestead entry now Visalia 011955, formerly Independence 05027, for the east half of section 14, township 25 south, range 38 east, Mount Diablo meridian, containing 320 acres.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FOREST RESEARCH

The bill (S. 3556) to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics and related subjects, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Agriculture and Forestry with an amendment, in section 1, page 3, after line 15, to insert "*And provided further,* That the provisions of this act shall be construed as supplementing all other acts relating to the Department of Agriculture, and except as specifically provided shall not limit or repeal any existing legislation or authority," so as to make the bill read:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized and directed to conduct such investigations, experiments, and tests as he may deem necessary under sections 2 to 10, inclusive, in order to determine, demonstrate, and promulgate the best methods of reforestation and of growing, managing, and utilizing timber, forage, and other forest products, of maintaining favorable conditions of water flow and the prevention of erosion, of protecting timber and other forest growth from fire, insects, disease, or other harmful agencies, of obtaining the fullest and most effective use of forest lands, and to determine and promulgate the economic considerations which should underlie the establishment of sound policies for the management of forest land and the utilization of forest products: *Provided,* That in carrying out the provisions of this act the Secretary of Agriculture may cooperate with individuals and public and private agencies, organizations, and institutions, and, in connection with the collection, investigation, and tests of foreign woods he may also cooperate with individuals and public and private agencies, organizations, and institutions in other countries; and receive money contributions from cooperators under such conditions as he may impose, such contributions to be covered into the Treasury as a special fund which is hereby appropriated and made available until expended as the Secretary of Agriculture may direct, for use in conducting the activities authorized by this act, and in making refunds to contributors: *Provided further,* That

the cost of any building purchased, erected, or as improved in carrying out the purposes of this act shall not exceed $2,500, exclusive in each instance of the cost of constructing a water supply or sanitary system and of connecting the same with any such building: *Provided further,* That the amounts specified in sections 2, 3, 4, 5, 6, 7, 8, and 10 of this act are authorized to be appropriated up to and including the fiscal year 1938, and such annual appropriations as may thereafter be necessary to carry out the provisions of said sections are hereby authorized: *Provided further,* That during any fiscal year the amounts specified in sections 3, 4, and 5 of this act making provision for investigations of forest tree and wood diseases, forest insects, and forest wild life, respectively, may be exceeded to provide adequate funds for special research required to meet any serious public emergency relating to epidemics: *And provided further,* That the provisions of this act shall be construed as supplementing all other acts relating to the Department of Agriculture, and except as specifically provided shall not limit or repeal any existing legislation or authority.

SEC. 2. That for conducting fire, silvicultural, and other forest investigations and experiments the Secretary of Agriculture is hereby authorized, in his discretion, to maintain the following forest experiment stations for the regions indicated, and in addition to establish and maintain one such station for the Intermountain region in Utah and adjoining States, one in Alaska, and one in the tropical possessions of the United States in the West Indies:

Northeastern forest experiment station, in New England, New York, and adjacent States;

Allegheny forest experiment station, in Pennsylvania, New Jersey, Delaware, Maryland, and in neighboring States;

Appalachian forest experiment station, in the southern Appalachian Mountains and adjacent forest regions;

Southern forest experiment station, in the Southern States;

Central States forest experiment station, in Ohio, Indiana, Illinois, Kentucky, Missouri, Iowa, and in adjacent States;

Lake States forest experiment station, in the Lake States and adjoining States;

California forest experiment station, in California and in adjoining States;

Northern Rocky Mountain forest experiment station, in Idaho, Montana, and adjoining States;

Northwestern forest experiment station, in Washington, Oregon, and adjoining States, and in Alaska;

Rocky Mountain forest experiment station, in Colorado, Wyoming, Nebraska, South Dakota, and in adjacent States; and

Southwestern forest experiment station, in Arizona, and New Mexico, and in adjacent States.

There is hereby authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, not more than $1,000,000 to carry out the provisions of this section.

SEC. 3. That for investigations of the diseases of forest trees and of diseases causing decay and deterioration of wood and other forest products, and for developing methods for their prevention and control at forest experiment stations, the Forest Products Laboratory, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $250,000.

SEC. 4. That for investigations of forests insects, including gypsy and browntail moths, injurious or beneficial to forest trees or to wood or other forest products and for developing methods for preventing and controlling infestations, at forest experiment stations, the Forest Products Laboratory, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $350,000.

SEC. 5. That for such experiments and investigations as may be necessary in determining the life histories and habits of forest animals, birds, and wild life, whether injurious to forest growth or of value as supplemental resource, and in developing the best and most effective methods for their management and control at forest experiment stations, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $150,000.

SEC. 6. That for such investigations at forest experiment stations, or elsewhere, of the relationship of weather conditions to forest fires as may be necessary to make weather forecasts, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $50,000.

SEC. 7. That for such experiments and investigations as may be necessary to develop improved methods of management, consistent with the growing of timber and the protection of watersheds, of forest ranges and of other ranges adjacent to the national forests, at forest or range experiment stations, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $275,000.

SEC. 8. That for experiments, investigations, and tests with respect to the physical and chemical properties and the utilization and preservation of wood and other forest products, including tests of wood and other fibrous material for pulp and paper making, and such other experiments, investigations, and tests as may be desirable, at the Forest Products Laboratory or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $1,000,000, and an additional appropriation of not more than $50,000 annually for similar experiments, investigations, and tests of foreign woods and forest products important to the industries of the United States, including necessary field work in connection therewith.

SEC. 9. That the Secretary of Agriculture is hereby authorized and directed, under such plans as he may determine to be fair and equitable, to cooperate with appropriate officials of each State of the United States, and either through them or directly with private and other agencies, in making a comprehensive survey of the present and prospective requirements for timber and other forest products in the United States, and of timber supplies, including a determination of the present and potential productivity of forest land therein, and of such other facts as may be necessary in the determination of ways and means to balance the timber budget of the United States. There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $250,000: *Provided,* That the total appropriation of Federal funds under this section shall not exceed $3,000,000.

SEC. 10. That for such investigations of costs and returns and the possibility of profitable reforestation under different conditions in the different forest regions, of the proper function of timber growing in diversified agriculture and in insuring the profitable use of marginal land, in mining, transportation, and in other industries, of the most effective distribution of forest products in the interest of both consumer and timber grower, and for such other economic investigations of forest lands and forest products as may be necessary, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $250,000.

Mr. KING. Mr. President, it seems to me this is a very important bill, and I should be very glad to have some information regarding it. We made an appropriation a short time ago of $40,000,000 for the acquisition of forest lands. I will be very glad to have the Senator from Oregon explain it.

Mr. McNARY. Mr. President, the bill in question, about which the able Senator from Utah inquires, is in nowise related to the bill which was passed by this body some three weeks ago, which authorized an appropriation of $40,000,000 for the acquisition of denuded and cut-over land in the watersheds of navigable streams. The bill now before the Senate has been introduced and its passage is asked for the purpose of coordinating the various activities of the Department of Agriculture in order to enable it to do more effective research in the promotion of reforestation in our country. It has had the support of those interested in forestry throughout the country; it has had the support of the Department of Agriculture, and has been unanimously reported by the committee after study.

Mr. KING. I understand the amount appropriated for the Forest Service is not adequate and this is to supplement the activities of that service?

Mr. McNARY. It proposes to coordinate all such activities under one great head in order to prevent duplication, in order to assist in the promotion of reforestation, and in order also to promote research work which has been neglected at the expense of the extension work of the service.

Mr. KING. If I may ask another question, will the forest lands owned by the Indians be able to get any advantage of this activity?

Mr. McNARY. Of course, the able Senator knows that the jurisdiction of the Department of Agriculture does not extend to Indian lands; they are under the jurisdiction of the Department of the Interior; but I will say as a proposition general in its nature that the Indian lands would profit through the promotion of forestry and through the success of the efforts in combating diseases and insects affecting forests. To that extent only will it affect Indian lands.

The PRESIDING OFFICER. (Mr. STEIWER in the chair). The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE H. GILBERT

The bill (H. R. 2294) for the relief of George H. Gilbert was announced as next in order.

Mr. KING. I ask that the bill go over.

Mr. REED of Pennsylvania. Mr. President, may I explain that bill?

Mr. KING. I should be very glad to have the Senator do so.

Mr. REED of Pennsylvania. The pensionable status of the soldier who is the beneficiary of the bill was impaired by the fact that on May 17, 1861, he is reported as having enlisted, and he is recorded as having deserted three days later. The reason for that seems to have been some dispute with his company commander. He enlisted again early in 1862 and served with great credit until June, 1865, when he was honorably discharged as a sergeant. He served through most of the war, as the Senator will see, and it is only those three days in his early service that stand against him.

Mr. KING. I have no objection to the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George H. Gilbert, who was a member of Company C, Fourteenth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 20th day of May, 1861: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJ. GENS. HUNTER LIGGETT AND ROBERT L. BULLARD

The bill (S. 3269) providing for the advancement on the retired list of the Army of Hunter Liggett, major general, United States Army, retired, was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 4, after the name "Liggett," to insert "and Robert L. Bullard"; in the same line, after the word "major," to strike out "general" and insert "generals"; and on page 2, after the word "act," to insert "Said Robert L. Bullard shall also be entitled to receive an amount equal to the difference between such pay and allowances and the pay and allowances of a major general, retired, from January 15, 1925, to the date of the passage of this act," so as to make the bill read:

Be it enacted, etc., That on and after the date of the passage of this act, Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired, shall have the rank of lieutenant general on the retired list of the United States Army, and shall receive pay and allowances determined as provided by law for other officers on the retired list, and based upon the active pay and allowances provided for lieutenant generals during the World War. Said Hunter Liggett shall also be entitled to receive an amount equal to the difference between such pay and allowances and the pay and allowances of a major general, retired, from March 21, 1921, to the date of the passage of this act. Said Robert L. Bullard shall also be entitled to receive an amount equal to the difference between such pay and allowances and the pay and allowances of a major general, retired, from January 15, 1925, to the date of the passage of this act.

Mr. McKELLAR. May I suggest to the Senator from Pennsylvania that the title ought to be changed so as to conform with the amendments to the bill?

Mr. REED of Pennsylvania. Yes; the committee recognized that an amendment to the title was necessary and so reported the bill.

Mr. McKELLAR. I think it very proper that the bill should pass.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. REED of Pennsylvania. Certainly.

Mr. CARAWAY. Does this bill propose to give the retired pay of lieutenant general to the two officers mentioned?

Mr. REED of Pennsylvania. The bill does give the retired pay of lieutenant general to the two officers mentioned.

Mr. CARAWAY. The reason I asked the question is this: When the bill passed the Senate giving the grade of brigadier general to General Nicholson and General Barrette, who were then on the retired list as colonels, it made no provision for increasing their pay.

Mr. REED of Pennsylvania. That is so, Mr. President; but these two officers, General Liggett and General Bullard, are the only two who commanded an Army corps in action in the World War as lieutenant generals. It was felt by the committee that we ought not to give any special relief to lieutenant generals other than these two.

Mr. CARAWAY. I am not objecting to that. I was just wondering, though, why the same thing should not be done for these other generals, who had also very distinguished records of service. One of them, I think, was about the only general who received a medal for bravery under fire in the last war. I simply felt that they ought to have had the same proportionate increase as these generals.

Mr. REED of Pennsylvania. I sympathize with the Senator's question. The reason why they were not given it was that they themselves did not want to benefit in a money way from the recognition.

Mr. CARAWAY. I thought the reason was that they realized that they could not get the legislation, and I felt that it was an injustice.

Mr. REED of Pennsylvania. I do not think that was the reason, Mr. President.

Mr. BRUCE. Mr. President, I simply desire to say that I think it is a decidedly anomalous thing that we should be providing for the advancement on the retired list of these two major generals, and yet, so far as some Members of the Senate at any rate are concerned, be unwilling, apparently, to make proper provision for the situation of Mrs. Leonard Wood, notwithstanding the fact that a most admirable precedent for doing it has been set to us by a foreign country.

I am not going to oppose this bill, but I do trust that when the time comes the Senate will be fully advised as to the claims that the widow of one of the most celebrated soldiers and one of the most illustrious administrators in the history of the United States has on the generosity of the people of the United States.

Mr. McKELLAR. Mr. President, I just want to say that it seems to me this bill is entirely right and proper. Surely men who commanded Army corps in France with such signal success as Gen. Hunter Liggett and Gen. Robert L. Bullard are entitled to this reward, if it may be so designated.

Mr. KING. Mr. President, I should like to ask the Senator from Pennsylvania a question. This does not bestow upon their families any gratuity or bounty?

Mr. REED of Pennsylvania. No, Mr. President.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the advancement on the retired list of the Army of Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired."

EXCHANGE OF LANDS WITH PENNSYLVANIA RAILROAD CO.

The bill (H. R. 9368) to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia and State of Pennsylvania was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT WADSWORTH, N. Y.

The bill (H. R. 11762) to authorize an appropriation to complete construction at Fort Wadsworth, N. Y., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 239) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard staff officers, and for other purposes, was announced as next in order.

Mr. BLAINE. Mr. President, I should like to have that bill go over. It was the understanding that that would be done.

The PRESIDING OFFICER (Mr. McNARY in the chair). The bill will be passed over.

PACIFIC BRANCH, SOLDIERS' HOME, CALIFORNIA

The bill (H. R. 6990) to authorize appropriations for construction at the Pacific Branch, Soldiers' Home, Los Angeles County, Calif., and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia was announced as next in order.

Mr. BRUCE. Mr. President, I should like to call attention to the fact that I offered an amendment to that bill only a few minutes ago. It is on the table. I should like to call it up.

Mr. BLACK. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

LEWIS H. EASTERLY

The bill (H. R. 6431) for the relief of Lewis H. Easterly was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALLIE STAPLEFORD AND OTHERS

The bill (S. 343) for the relief of Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebrand, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sallie Stapleford $100.54; Mrs. J. C. Stuckert, $331.74; Mary E. Hildebrand, $266.45; Kate Wright, $362; Mary M. Janvier, $87.85; Harry L. Gray, $212.83; Frank D. Carrow, $121; Harry V. Buckson, $333.31; George H. Swain, $51.65; Claude N. Jester, $341.64; and Charles H. Jamison, $200.15, out of any money in the Treasury not otherwise appropriated by reason of the losses and damages caused, respectively, to the said Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebrand, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison by reason of the damages to the wells on the properties of the said claimants caused by the lowering of the water level of the Chesapeake and Delaware Canal at the town of St. Georges, in New Castle County, in the State of Delaware.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOUTHERN SHIPYARD CORPORATION

The bill (S. 3030) for the relief of Southern Shipyard Corporation was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Court of Claims is hereby given jurisdiction to hear and determine the claim of Southern Shipyard Corporation, a corporation organized and existing under the laws of the State of Virginia, of Newport News, Va., for any service, material, or labor furnished or supplied the United States in connection with the reconditioning of the United States Coast Guard cutter *Manning* or on account of which it sustained a loss and for which it was not adequately paid, and also to determine whether and to what extent if any said Southern Shipyard Corporation furnished service, material, or labor beyond the requirements of its contract to recondition, and also to determine whether Southern Shipyard Corporation furnished any service, material, or labor or was caused loss through no fault of its own in excess of the amount paid by the United States, and the extent to which the United States benefited thereby or through its officers or agents was responsible therefor.

Mr. McKELLAR. Mr. President, I should like to have some explanation of that bill.

Mr. SWANSON. Mr. President, this shipyard corporation reconditioned for the United States Coast Guard the cutter *Manning*. They claimed that they lost money, and there was a dispute as to what the contract was, and what they should be paid. There was no way to settle it. The Secretary of the Treasury would not pay what they claimed was due. There was no possibility of relief. They could not bring suit unless they got authority from Congress. Congress investigated the claim, and asked Secretary Mellon for the letters and correspondence and accounts. Secretary Mellon sent all the correspondence and stated what the issues were, and added the following:

Replying to your inquiry, it being clearly understood that this department admits no existing obligation on the part of the Government toward the Southern Shipyard Corporation, no objection is entertained to sending this claim to the Court of Claims under the terms of the bill.

That is the only way it could be properly disposed of—by sending it to the Court of Claims to render a judgment. The bill does not make any appropriation of money.

Mr. McKELLAR. That is all right, Mr. President.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FARMERS NATIONAL BANK OF DANVILLE, KY.

The bill (H. R. 7518) for the relief of the Farmers National Bank of Danville, Ky., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. CLARENCE BARNARD

The bill (S. 605) for the relief of Capt. Clarence Barnard was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. Clarence Barnard, Ordnance Department, the sum of $1,374.21, because of losses sustained by him while in the service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

M. LEVIN & SONS

The bill (S. 2438) for the relief of the firm of M. Levin & Sons was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to the firm of M. Levin & Sons, San Francisco, Calif., out of any money in the Treasury not otherwise appropriated, the sum of $269.70, in full satisfaction of their claim against the United States on account of shortage in number of shoes purchased in January, 1921, from the Quartermaster Corps of the Army at Fort Douglas, Utah.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1215) for the relief of Helen F. Griffin was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely. At the request of the present occupant of the chair, it will be passed over.

The bill (S. 1552) for the relief of Thomas J. Roff was announced as next in order.

The PRESIDING OFFICER. This bill also is reported adversely.

Mr. KING. I move that it be indefinitely postponed.

Mr. SHORTRIDGE. Mr. President, in the absence of the author of the bill I suggest that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2901) to amend the national prohibition act, as amended and supplemented, was announced as next in order.

Mr. COUZENS. Mr. President, in the absence of the author of this bill, I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN J. FITZGERALD

The bill (S. 3314) for the relief of John J. Fitzgerald was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the United States Employees' Compensation Commission shall be, and it is hereby, authorized to extend to John J. Fitzgerald, a former employee of the Merchant Fleet Corporation, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the date of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CROMWELL L. BARSLEY

Mr. STEPHENS. Mr. President, I was called from the Chamber a moment ago and in my absence House bill 6152, Order of Business 750, was passed. I should like to ask for the reconsideration of that action.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent that the votes whereby House bill 6152 was ordered to a third reading and passed be reconsidered. Is there objection? The Chair hears none.

The bill is now before the Senate for consideration.

Mr. STEPHENS. Mr. President, this man, Cromwell L. Barsley, enlisted three times in the Army of the United States. Twice he was honorably discharged. During his third term of service he was tried and convicted of stealing two turkeys, valued at $3. He was sentenced to nine months' imprisonment at hard labor and forfeited all of his pay and allowances, and

actually served six months of that time, and was then dishonorably discharged.

Mr. President, in one sense that may have been a serious offense, but in a general sense it was a trivial matter. As I said, this man enlisted three times. It occurs to me that courage is one of the greatest of all the virtues. Indeed, it is the parent of most of them; and without courage no other virtue is of any value.

I am going to ask the Senate to pass this bill without the amendment suggested by the Committee on Military Affairs. It seems to me that under all the circumstances this man has been sufficiently punished—indeed, more than sufficiently punished—for doing a trivial act of which many a young man under somewhat similar circumstances has been guilty.

This man having shown such willingness to serve his country, having served two enlistments and been honorably discharged, I feel that it would be but right under all the circumstances that he should be placed back on the roll. While we do not ask any back pay, any bounty, pension, or anything of that kind, I think the amendment suggested by the Military Affairs Committee should be rejected. It reads:

That no back pay shall accrue or be allowed on account of the passage of this act.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. STEPHENS. I yield.

Mr. CARAWAY. At least an amendment should be added to the bill providing that this man is to pay for the turkeys, should it not?

Mr. STEPHENS. He paid for them by six months' hard labor. He paid for them by forfeiting his pay, all allowances, and so forth. I think the turkeys have been paid for several times over.

Mr. CARAWAY. Did the parties from whom he stole the turkeys get this labor?

Mr. STEPHENS. The turkeys belonged to the Government.

Mr. CARAWAY. Oh!

Mr. STEPHENS. They belonged to the company of which he was a member. Therefore, the very party that lost the turkeys has been paid many times over for them.

Mr. CARAWAY. They belonged to the captain of the company, did they?

Mr. STEPHENS. I do not know whether the captain had an interest in them or not; but they were company turkeys, as I understand.

Mr. CARAWAY. Why did the company get them? Does the record show that?

Mr. STEPHENS. I made no inquiry as to that; but I do feel that under the circumstances——

Mr. CARAWAY. Where did this larceny occur?

Mr. STEPHENS. I can look at the report and find that. I am not sure just where it did occur. Apparently it was out in Oklahoma. As Senators know, that section used to be a little wild. This was 20 years ago.

Mr. CARAWAY. Oh, it is not a Civil War case?

Mr. STEPHENS. No. It occurred in 1907, 20 years or more ago. I remember going out there about that time, and they were not as quiet and peaceful then as they are now.

Mr. CARAWAY. I believe I heard the Senator tell about it. He did not stay long .

Mr. STEPHENS. I will not go into that matter just now.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KING. Mr. President, I am not quite clear as to the difference between the bill and the amendment. As I understand the bill it provides that no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. STEPHENS. The amendment simply cuts off any future action with regard to any right he may have.

Mr. CARAWAY. What is it that occasions his going on the pension roll?

Mr. STEPHENS. I do not know that he will go on the pension roll.

Mr. CARAWAY. The Senator was extolling him for bravery a while ago. I thought he had enlisted during some war; but evidently he enlisted during a time of profound peace.

Mr. STEPHENS. Oh, no; he served in the Spanish-American War, as I understand, or perhaps not. Yes; he was born in Sterling, Ill.; was enrolled June 28, 1898, at Greenville, Miss., for two years; was mustered in, as I said, on July 2, 1898, at Columbus, Miss., as a private of Company D, Fifth United States Volunteer Infantry, war with Spain, and served his enlistment during that war. Later on he reenlisted, and it was during his third enlistment that he stole the turkeys.

Mr. SHORTRIDGE. Mr. President, is the value of these turkeys agreed upon?

Mr. STEPHENS. Three dollars.

Mr. CARAWAY. They must have been mighty small turkeys.

Mr. STEPHENS. Turkeys were not as high priced in those days as they are now.

Mr. BRUCE. Mr. President, I should like to ask a question. I do not see yet that the Senator rests his belief in the bravery of this soldier on any very solid basis of information. The Senator was in doubt in the first instance as to whether or not this man was a veteran of the Spanish-American War. Why does the Senator think he was such a brave soldier? He did not steal the turkeys under circumstances that certified to his bravery; did he?

Mr. STEPHENS. It does require some courage, some bravery, to enlist three times and take the chances of going out and fighting. This man did go out and fight during the Spanish-American War, the record discloses.

Mr. BRUCE. He did not enlist three times in the Spanish-American War, did he?

Mr. STEPHENS. No.

Mr. BRUCE. That would indicate that he deserted three times.

Mr. STEPHENS. No; the Senator did not listen to my statement. I said that he was honorably discharged twice, and it was during the term of his third enlistment that the turkeys disappeared.

Mr. CARAWAY. Mr. President, I never did find out what act it was he was to be pensioned for. Was it for catching the turkeys?

Mr. STEPHENS. I am not asking for any pension for him; I am asking that this black mark be stricken off the record. He was dishonorably discharged simply for stealing the turkeys under those peculiar circumstances that I have related.

Mr. CARAWAY. I thought there was an amendment, which the Senator wanted rejected, that denied him his pensionable status.

Mr. STEPHENS. I want him to have a pensionable status, just like any other man who enlisted in the Army and served his country. I do not know what his physical condition is.

Mr. CARAWAY. The Senator is just attempting to erase from his record the fact that he had been convicted of an offense and dishonorably discharged?

Mr. STEPHENS. He has already served his sentence; he has paid the penalty for the offense. Now I want that black mark of dishonorable discharge stricken from his record.

Mr. CARAWAY. What the Senator is trying to accomplish by an act of Congress is this: To say that this man was honorably discharged when, as a matter of fact, he was discharged as a convicted thief. That is what the Senator is trying to do, is it not?

Mr. STEPHENS. Yes; in one sense that is very true; but that has been done over and over again. However, I would not call a man who was serving as a soldier, a man who was in camp——

Mr. CARAWAY. In time of peace.

Mr. STEPHENS. Handicapped and tied down—I would not call him a thief simply because he went out and took a turkey. I have no doubt that some men in the sound of my voice have taken more than two turkeys, even in the same night.

Mr. CARAWAY. What would the Senator call him?

Mr. STEPHENS. I would call him a hungry soldier.

Mr. CARAWAY. Not after he had eaten the two turkeys?

Mr. STEPHENS. No; not after the turkeys had been eaten.

Mr. FLETCHER. What this bill would do now, as amended by the Committee on Military Affairs, would be to clear this man's record?

Mr. STEPHENS. That is the fact.

Mr. FLETCHER. He was not supposed to have drawn any pension. My recollection is that, as it came to the committee, all he desired was to have his record cleared, and he did not ask any pension.

Mr. STEPHENS. But we want to put him on this basis, so that if in the future conditions should arise that would require it he might have the opportunity to make application.

Mr. BRUCE. Mr. President, after the man served his term of imprisonment, was he retained in the Army?

Mr. STEPHENS. Then he was dishonorably discharged. He served six months at hard labor for stealing the turkeys and then was dishonorably discharged.

Mr. BRUCE. Without being restored to the Army?

Mr. STEPHENS. Certainly he was not restored.

Mr. BRUCE. He was imprisoned, then dishonorably discharged?

Mr. STEPHENS. Yes; he served six months. He was sentenced to nine months and served six months.

Mr. BRUCE. I want to be able to vote intelligently. I can not conceive under what system of ethics this application for relief can be made. The man was a thief and had been dishonorably discharged from the Army.

Mr. STEPHENS. The Constitution provides that cruel and unusual punishment shall not be imposed.

Mr. SWANSON. I call for the regular order.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KING. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. KING. If we agree to the amendment, it means that the stigma of dishonorable discharge will be removed, but this man may not get a pensionable status. It seems to me we will have gone for enough when we go that far.

Mr. SHORTRIDGE. Mr. President, there have been innumerable cases of this kind where bills have been passed providing that their passage shall not result in any back pay or back pension. This bill as introduced was in the usual form. I submit that if it is entitled to be passed at all it should take on and retain the usual form, carrying no back pay, no back pension; but if we are to pass the bill at all—and I think it should be passed—it may well be that this individual, who, it appears, was a brave soldier, might need some little assistance from our Government, and I believe if that should develop the Government should give it to him.

Mr. BRUCE. Mr. President, I note the absence of a quorum.

Mr. SWANSON. Mr. President, I understand that we are proceeding under a unanimous-consent agreement. If anyone wants to object to this bill, it will go over. If a man's conscience is not satisfied as to its right and justice, he can object. There is no use calling a quorum. I simply called for the regular order.

Mr. BRUCE. I am very much obliged to the Senator for his volunteer advice, but I suppose I am at liberty, nevertheless, to present my ideas about the matter.

Mr. SWANSON. The Senator will do that whether it is better to do it or not. We had agreed unanimously that we would consider the calendar until 5 o'clock. I have never seen a unanimous-consent agreement of that kind violated by the protracted discussion of a bill. A bill is called and Senators either consent to its consideration or object. All I ask is that the unanimous-consent agreement be carried out in good faith.

The PRESIDING OFFICER. The Chair desires to know of the Senator from Maryland if he objects to the consideration of the bill or insists on a roll call.

Mr. BRUCE. I insist on the roll call.

Mr. CURTIS. Mr. President, if the Senator will withdraw the request, I will move for an executive session, because there is some executive business to be transacted.

Mr. STEPHENS. Mr. President, let me say just a word.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STEPHENS. I do not want to interfere with the procedure here this afternoon. If anybody indicates to me, without having a roll call, that he wants to object, I should be very glad to let this bill remain on the calendar and be considered another day. I do not want to take up the time with this measure. If the Senator from Maryland wants to object, let him do so.

Mr. SHORTRIDGE. To cut the knot, I object.

Mr. BRUCE. I do not propose to condone theft, and I do object.

The PRESIDING OFFICER. Under objection, the bill goes over.

SCHOONER "ADDISON E. BULLARD"

Mr. BLACK. Mr. President, I have been trying for some time to get the floor to ask that we return to Calendar 674, Senate bill 1486, for the relief of the owners of the schooner *Addison E. Bullard*, and to ask for its passage. It has been reported favorably by the committee.

The PRESIDING OFFICER. Is there objection?

Mr. BRUCE. I object.

Mr. BLACK. Mr. President, I would like to explain this measure to the Senator, if he has no objection.

Mr. BRUCE. I will be glad to hear the Senator.

Mr. BLACK. This is a bill where a man had a boat during the war. The boat was held up by the Shipping Board. They took his cargo and shipped it, and they received $83,000 for him, of his money, which he has been after ever since. This is a bill to pay him his money, which they received for him, under the report of the committee. I would like to have the Senator withdraw the objection.

Mr. BRUCE. I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Horace Turner, managing owner of the American schooner *Addison E. Bullard*, for and on behalf of the owners of the schooner, the sum of $80,000, with interest at 4 per cent from May 6, 1920, such sum representing losses sustained by the owners of the schooner because of the interruption of a voyage by reason of the proclamation of the President, effective September 28, 1917, forbidding sailing vessels from entering the war zone. The acceptance of such sum by the owners of the schooner shall be in full satisfaction of all claims of the owners in respect of such losses.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BLACK STAR LINE (INC.) SEAMEN

The bill (S. 2291) for the relief of certain seamen who are judgment creditors of the Black Star Line (Inc.) for wages earned was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That jurisdiction be, and hereby is, conferred upon the Court of Claims, notwithstanding any lapse of time or statute of limitation, and without the permission on the part of the Government or its representatives, to interpose any kind of defense to said claim, except to have the person, persons, corporation, or corporations to whom such money or a part of such money shall belong, as a matter of equity and justice, to hear, adjudicate, and render judgment, such as equity and justice may require, in favor of such person, persons, corporation, or corporations, as upon a determination of the facts heard by said court, the said court shall determine, is entitled to receive such money in the sum of $21,624.66 less any costs legally incurred in the Court of Claims, which said sum of money has been paid into the Treasury of the United States by the United States Shipping Board, on account of a purchase by the Black Star Line (Inc.) or other persons in their behalf, of a certain ship known as the steamship *Orion*. It is hereby recognized by this act that the said sum of money above set forth, in equity and good conscience, does not belong to the United States Government, and the Court of Claims is vested with full jurisdiction, under its rules and proceedings, to render judgment for such money or parts thereof as in equity and good conscience any person or persons, corporation, or corporations may be entitled to receive.

Mr. KING. Mr. President, will not some one make an explanation of this bill?

Mr. BLACK. I will be glad to explain it. Twenty-two thousand five hundred dollars was paid in by a number of colored people to the Shipping Board on a boat, and they fell down on their trade. The $22,500 belongs to somebody. There are several claimants. I have amended the bill so as to provide that the Court of Claims shall decide to whom the money belongs, and to award it to the proper person. That is the bill.

Mr. KING. Mr. President, I know of a number of cases where individuals bought ships from the Shipping Board, paying all the way from $20,000 to two or three hundred thousand for a number of ships, and then failed ultimately to make the purchase. Would this be a precedent by which they could come back and get an appropriation from Congress?

Mr. BLACK. This is to pay them the $22,500 which they paid in. There is no objection to it. The Shipping Board has not objected to it. It is not my claim. The Senator from New York [Mr. WAGNER] introduced the bill.

Mr. KING. The point I am making is this: Senators know that since the war perhaps two or three hundred sales have been made by the Shipping Board. In a very large number of them payments would be made, from $10,000 to $100,000, and then the purchasers would fall down in the remaining payments.

Mr. BLACK. These people have never gotten the boats. They put up the money as a part of the purchase price in the beginning.

Mr. KING. Was it not given to them, and did they not fail to purchase it, and did not the Government take it back?

Mr. BLACK. No; it was not given to them. They never got the boat.

Mr. KING. It is just a breach of contract; that is, they purchased the boat but the Government failed to deliver it?

Mr. BLACK. The Government never did deliver it.

Mr. KING. Why?

Mr. BLACK. It was for a number of thousand of colored people, who got up money to buy a boat to go to Africa. The head of the movement went to the penitentiary.

Mr. CARAWAY. Let us give them the boat and let them go.

Mr. KING. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of certain seamen and any and all persons entitled to receive a part or all of money now held by the Government of the United States on a purchase contract of steamship *Orion* who are judgment creditors of the Black Star Line (Inc.) for wages earned."

BREACHES OF FIDUCIARY OBLIGATIONS

The bill (H. R. 6844) concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto was announced as next in order.

Mr. KING. This bill, as I remember the title, is a very significant and important measure. We may not have time in the moment remaining to have it disposed of.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

BILL PASSED OVER

The bill (H. R. 6856) relating to the payment or delivery by banks or other persons or institutions in the District of Columbia of deposits of money and property held in the names of two or more persons, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6103) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for fiscal year ending June 30, 1884," and for other purposes, was announced as next in order.

Mr. KING. Let the bill be read so that we may know the meaning of it.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk proceeded to read the bill.

The PRESIDING OFFICER. The hour of 5 o'clock has arrived.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 5 minutes p. m.) adjourned until to-morrow, Wednesday, April 18, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 17, 1928

POSTMASTERS

ALABAMA

Lansing T. Smith to be postmaster at Anniston, Ala., in place of L. T. Smith. Incumbent's commission expires April 21, 1928.

Dyer B. Crow to be postmaster at Collinsville, Ala., in place of D. B. Crow. Incumbent's commission expires April 21, 1928.

Zula L. Persons to be postmaster at Prichard, Ala., in place of Z. L. Persons. Incumbent's commission expires April 21, 1928.

Walter Morgan to be postmaster at Woodward, Ala., in place of Walter Morgan. Incumbent's commission expires April 21, 1928.

CALIFORNIA

Curtis C. Maltman to be postmaster at El Monte, Calif., in place of C. C. Maltman. Incumbent's commission expires April 21, 1928.

Harry H. Chapman to be postmaster at Hornbrook, Calif., in place of H. H. Chapman. Incumbent's commission expires April 21, 1928.

Mary S. Rutherford to be postmaster at Truckee, Calif., in place of M. S. Rutherford. Incumbent's commission expires April 21, 1928.

COLORADO

Charles E. Baer to be postmaster at Steamboat Springs, Colo., in place of C. E. Baer. Incumbent's commission expires April 25, 1928.

FLORIDA

Alonzo A. McGonegal to be postmaster at Yalaha, Fla., in place of A. A. McGonegal. Incumbent's commission expires April 21, 1928.

IDAHO

Austin A. Lambert to be postmaster at Hailey, Idaho, in place of A. A. Lambert. Incumbent's commission expires April 19, 1928.

ILLINOIS

Fred W. Newman to be postmaster at Grand Ridge, Ill., in place of F. W. Newman. Incumbent's commission expires April 22, 1928.

Rose C. Auth to be postmaster at Rankin, Ill., in place of R. C. Auth. Incumbent's commission expires April 22, 1928.

John Van Antwerp to be postmaste at Sparland, Ill., in place of John Van Antwerp. Incumbent's commission expires April 22, 1928.

INDIANA

Frank H. McGuire to be postmaster at Milroy, Ind., in place of H. D. Johnson, removed.

IOWA

Melvin V. Smith to be postmaster at Akron, Iowa, in place of M. V. Smith. Incumbent's commission expires April 22, 1928.

Celia T. Green to be postmaster at Mystic, Iowa, in place of C. T. Green. Incumbent's commission expires April 22, 1928.

KANSAS

Jemima Hill to be postmaster at Arma, Kans., in place of Jemima Hill. Incumbent's commission expires April 21, 1928.

Harold H. Brindley to be postmaster at Peabody, Kans., in place of H. H. Brindley. Incumbent's commission expires April 21, 1928.

Rufus J. Miller to be postmaster at Selden, Kans., in place of R. J. Miller. Incumbent's commission expires April 21, 1928.

Elra L. Robison to be postmaster at Walnut, Kans., in place of J. E. Miller. Incumbent's commission expired January 9, 1927.

KENTUCKY

Sophia A. Calvert to be postmaster at Big Clifty, Ky. Office became presidential July 1, 1927.

LOUISIANA

Nettie Sojourner to be postmaster at Amite, La., in place of Nettie Sojourner. Incumbent's commission expired April 15, 1928.

Minnie M. Baldwin to be postmaster at Bernice, La., in place of M. M. Baldwin. Incumbent's commission expired April 7, 1928.

John A. Moody to be postmaster at Cotton Valley, La., in place of J. A. Moody. Incumbent's commission expired January 7, 1928.

Vera M. Canady to be postmaster at Eros, La., in place of V. M. Canady. Incumbent's commission expired January 7, 1928.

Harry Preaus to be postmaster at Farmerville, La., in place of Harry Preaus. Incumbent's commission expires April 19, 1928.

David S. Leach to be postmaster at Florien, La., in place of D. S. Leach. Incumbent's commission expired March 12, 1928.

George W. Taylor to be postmaster at Franklin, La., in place of G. W. Taylor. Incumbent's commission expired January 7, 1928.

Elson A. Delaune to be postmaster at Lockport, La., in place of E. A. Delaune. Incumbent's commission expired January 7, 1928.

Edward A. Drouin to be postmaster at Mansura, La., in place of E. A. Drouin. Incumbent's commission expired April 2, 1928.

J. Wiley Miller to be postmaster at Many, La., in place of J. W. Miller. Incumbent's commission expired January 28, 1928.

Edwin J. LeBlanc to be postmaster at Melville, La., in place of E. J. LeBlanc. Incumbent's commission expired January 7, 1928.

William F. Hunt (Mrs.) to be postmaster at Meridian, La., in place of Mrs. W. F. Hunt. Incumbent's commission expired April 2, 1928.

Melvin P. Palmer to be postmaster at Morgan City, La., in place of M. P. Palmer. Incumbent's commission expired January 7, 1928.

Otto J. Gutting to be postmaster at Oil City, La., in place of O. J. Gutting. Incumbent's commission expired February 15, 1928.

Teakle W. Dardenne to be postmaster at Plaquemine, La., in place of T. W. Dardenne. Incumbent's commission expired March 19, 1928.

James H. Gray to be postmaster at Pollock, La., in place of J. H. Gray. Incumbent's commission expired January 7, 1928.

Samuel A. Fairchild to be postmaster at Vinton, La., in place of S. A. Fairchild. Incumbent's commission expired January 7, 1928.

Keary E. Ham to be postmaster at Wilson, La., in place of K. E. Ham. Incumbent's commission expired April 15, 1928.

Avenant Manuel to be postmaster at Ville Platte, La., in place of T. G. Ashlock, deceased.

MAINE

Edward R. Veazie to be postmaster at Rockland, Me., in place of G. H. Blethen, deceased.

MASSACHUSETTS

John R. Walsh to be postmaster at Topsfield, Mass., in place of A. N. Andrews, removed.

MICHIGAN

Sadie Curran to be postmaster at Caseville, Mich., in place of Sadie Curran. Incumbent's commission expires April 21, 1928.

Arthur Dillon to be postmaster at East Tawas, Mich., in place of Arthur Dillon. Incumbent's commission expires April 21, 1928.

Harry E. Penninger to be postmaster at Lake Linden, Mich., in place of H. E. Penninger. Incumbent's commission expired September 13, 1922.

Carrie M. Colegrove to be postmaster at Remus, Mich., in place of C. M. Colegrove. Incumbent's commission expires April 21, 1928.

MINNESOTA

Samuel S. Michaelson to be postmaster at Montevideo, Minn., in place of S. S. Michaelson. Incumbent's commission expired March 22, 1928.

MISSOURI

Henry P. Hughes to be postmaster at Everton, Mo., in place of L. W. Rogers, removed.

NEBRASKA

Charles McCray to be postmaster at Merriman, Nebr., in place of Charles McCray. Incumbent's commission expired December 19, 1927.

NEW MEXICO

Clotilde C. Montes to be postmaster at Bernalillo, N. Mex., in place of Ralph Gutierrez, resigned.

NEW YORK

Ward A. Jones to be postmaster at Canajoharie, N. Y., in place of W. A. Jones. Incumbent's commission expired April 15, 1928.

Glenn D. Clark to be postmaster at Prattsburg, N. Y., in place of Leverne Thomas. Incumbent's commission expired January 8, 1928.

NORTH CAROLINA

Christopher C. Snead to be postmaster at Laurel Hill, N. C., in place of C. C. Snead. Incumbent's commission expires April 22, 1928.

NORTH DAKOTA

Marie Siverts to be postmaster at Dodge, N. Dak., in place of Marie Siverts. Incumbent's commission expires April 21, 1928.

James H. McNicol to be postmaster at Grand Forks, N. Dak., in place of J. H. McNicol. Incumbent's commission expires April 19, 1928.

Thomas G. Kellington to be postmaster at New Rockford, N. Dak., in place of T. G. Kellington. Incumbent's commission expires April 21, 1928.

Gilbert A. Moe to be postmaster at Sheyenne, N. Dak., in place of G. A. Moe. Incumbent's commission expires April 21, 1928.

Agnes L. Peterson to be postmaster at Washburn, N. Dak., in place of A. L. Peterson. Incumbent's commission expires April 21, 1928.

Andrew M. Hewson to be postmaster at Wimbledon, N. Dak., in place of A. M. Hewson. Incumbent's commission expires April 21, 1928.

OHIO

Carl E. Richardson to be postmaster at Baltic, Ohio, in place of C. E. Richardson. Incumbent's commission expires April 21, 1928.

Frank L. Lee to be postmaster at Campbell, Ohio, in place of F. L. Lee. Incumbent's commission expired March 5, 1928.

Reinhard H. Curdes to be postmaster at Napoleon, Ohio, in place of R. H. Curdes. Incumbent's commission expires April 21, 1928.

Louise Lovett to be postmaster at Wickliffe, Ohio, in place of Louise Lovett. Incumbent's commission expires April 21, 1928.

OREGON

George W. Epley to be postmaster at Sheridan, Oreg., in place of G. W. Epley. Incumbent's commission expires April 19, 1928.

PENNSYLVANIA

Wade M. Henderson to be postmaster at Brookville, Pa., in place of W. M. Henderson. Incumbent's commission expired February 10, 1927.

William T. Davies to be postmaster at Forest City, Pa., in place of W. T. Davies. Incumbent's commission expires April 19, 1928.

Laura M. Peacock to be postmaster at Houston, Pa., in place of L. M. Peacock. Incumbent's commission expires April 19, 1928.

Frank P. Lightner to be postmaster at Loysville, Pa., in place of F. P. Lightner. Incumbent's commission expires April 21, 1928.

PORTO RICO

Jose Monserrate to be postmaster at Salinas, P. R., in place of Jose Monserrate. Incumbent's commission expires April 21, 1928.

RHODE ISLAND

David Ross to be postmaster at Ashton, R. I., in place of David Ross. Incumbent's commission expires April 21, 1928.

SOUTH CAROLINA

Jesse J. Glass to be postmaster at Trough, S. C., in place of W. W. Goudelock. Incumbent's commission expired January 29, 1927.

SOUTH DAKOTA

Christopher J. Johnson to be postmaster at Centerville, S. Dak., in place of C. J. Johnson. Incumbent's commission expires April 21, 1928.

Lottie M. Johnson to be postmaster at De Smet, S. Dak., in place of L. M. Johnson. Incumbent's commission expires April 21, 1928.

Linville Miles to be postmaster at Langford, S. Dak., in place of Linville Miles. Incumbent's commission expired December 18, 1927.

Fred S. Williams to be postmaster at Pierre, S. Dak., in place of F. S. Williams. Incumbent's commission expired December 18, 1927.

Hugh H. Gardner to be postmaster at Ree Heights, S. Dak., in place of H. H. Gardner. Incumbent's commission expired February 1, 1928.

Ola S. Opheim to be postmaster at Sisseton, S. Dak., in place of O. S. Opheim. Incumbent's commission expired February 8, 1928.

John A. Hawkins to be postmaster at Waubay, S. Dak., in place of J. A. Hawkins. Incumbent's commission expired April 7, 1924.

Edward A. Wearne to be postmaster at Webster, S. Dak., in place of E. A. Wearne. Incumbent's commission expired December 18, 1927.

Charles G. Kuentzel to be postmaster at White Rock, S. Dak., in place of C. G. Kuentzel. Incumbent's commission expired February 8, 1928.

Della Reue to be postmaster at Leola, S. Dak., in place of H. W. Knutson, resigned.

Charles Furois to be postmaster at St. Onge, S. Dak. Office became presidential July 1, 1927.

TENNESSEE

Rufus N. McCaslin to be postmaster at Dickson, Tenn., in place of R. N. McCaslin. Incumbent's commission expires April 22, 1928.

TEXAS

Hal Singleton to be postmaster at O'Donnell, Tex., in place of Hal Singleton. Incumbent's commission expired March 1, 1928.

William J. Davis to be postmaster at Silsbee, Tex., in place of W. J. Davis. Incumbent's commission expired March 1, 1928.

Herbert W. Scott to be postmaster at Throckmorton, Tex., in place of H. W. Scott. Incumbent's commission expired March 17, 1928.

Maggie Thomas to be postmaster at Petersburg, Tex. Office became presidential July 1, 1927.

UTAH

Arthur H. Reeve to be postmaster at Hinckley, Utah, in place of A. H. Reeve. Incumbent's commission expires April 21, 1928.

Benjamin F. Coffey to be postmaster at Sunnyside, Utah, in place of B. F. Coffey. Incumbent's commission expires April 21, 1928.

WASHINGTON

J. Kirk Carr to be postmaster at Sequim, Wash., in place of J. K. Carr. Incumbent's commission expires April 21, 1928.

WEST VIRGINIA

Michael H. Duncan to be postmaster at Crumpler, W. Va., in place of M. H. Duncan. Incumbent's commission expires April 22, 1928.

George H. Spencer to be postmaster at Rivesville, W. Va., in place of G. H. Spencer. Incumbent's commission expired December 18, 1927.

WISCONSIN

Ernest P. G. Schlerf to be postmaster at Oshkosh, Wis., in place of E. P. G. Schlerf. Incumbent's commission expired January 7, 1928.

WYOMING

Edna M. Booth to be postmaster at Sunrise, Wyo., in place of E. M. Booth. Incumbent's commission expires April 22, 1928.

Phyllis C. Dodds to be postmaster at Cumberland, Wyo., in place of Bert Williams, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 17, 1928

UNITED STATES DISTRICT JUDGES

Harold Louderback to be United States district judge, northern district of California.

Frank H. Norcross to be United States district judge, district of Nevada.

POSTMASTERS

COLORADO

William L. Butler, Vona.

GEORGIA

Judge T. D. Conley, Collegepark.

INDIANA

John A. Johnson, Donaldson.
Henry J. Schroeder, Freelandville.

MASSACHUSETTS

Wilhelm O. Johnson, Woronoco.

MICHIGAN

Burton E. Giles, Plymouth.
Ralph S. Wiggins, Sunfield.

MISSOURI

William H. Smith, Holt.

MONTANA

Carl J. Sonstelie, Polson.

NORTH CAROLINA

Atherton B. Hill, Scotland Neck.

OHIO

Nathan H. Powell, Pleasant Hill.

VERMONT

Dwight L. M. Phelps, Richmond.

VIRGINIA

Robert A. Pope, Drewryville.

HOUSE OF REPRESENTATIVES

TUESDAY, *April 17, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord our God, this is the moment of soul silence, and we beseech Thee to hear us. We thank Thee for the mercy of a new day. Bless each one of us with the mercy of a grateful heart. There are many perils of which we are ignorant and many of which we perceive. We can not understand Thy providence, yet we repose our faith in Thee, for Thy abundance overflows and transcends all our needs. Grant that all things base, cruel, inhuman, vain, and ignorant shall lose their power and die away; and may all things pure, upright, ennobling, and enriching grow and gather strength until righteousness and knowledge shall prevail throughout our fair land and the glory of the Lord shall fill the whole earth. Through Jesus Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments bills of the House of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 8550. An act to amend the national defense act; and

H. R. 9495. An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

S. 1377. An act for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy;

S. 2327. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

S. 3092. An act to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans;

S. 3308. An act to confer jurisdiction on the Court of Claims to hear and determine the facts in the claim of John L. Alcock; and

S. 3947. An act to provide for the times and places for holding court for the eastern district of North Carolina.

The message further announced that the Vice President had appointed Mr. COUZENS and Mr. COPELAND members of the joint select committee as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Labor.

The message also announced that the Senate had passed without amendment a bill and joint resolution of the House of the following titles:

H. R. 8983. An act for the relief of William G. Beaty, deceased; and

H. J. Res. 244. Joint resolution authorizing a modification of the adopted project for Oakland Harbor, Calif.

The message further announced that the Senate disagrees to the amendments of the House of Representatives to the bill (S. 2900) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NORBECK, Mr. FRAZIER, and Mr. STECK to be the conferees on the part of the Senate.

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 362. An act to provide for the advancement on the retired list of the Navy of Lloyd Lafot; to the Committee on Naval Affairs.

S. 721. An act to establish a fish-hatching and fish-cultural station in the State of New Mexico; to the Committee on the Merchant Marine and Fisheries.

S. 745. An act to authorize the establishment of a fisheries experiment station on the west coast of Washington; to the Committee on the Merchant Marine and Fisheries.

S. 1261. An act to establish a fish-hatching and fish-cultural station in the State of Idaho; to the Committee on the Merchant Marine and Fisheries.

S. 1377. An act for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy; to the Committee on Naval Affairs.

S. 1609. An act recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic*, *American Trader*, *President Roosevelt*, *President Harding*, and the British steamship *Cameronia*, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

S. 1710. An act authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor; to the Committee on Rivers and Harbors.

S. 1738. An act for the validation of the acquisition of Canadian properties by the War Department and for the relief of certain disbursing officers for payments made thereon; to the Committee on War Claims.

S. 1964. An act to establish a fish-cultural station in the State of Montana as an auxiliary to the Bozeman, Mont., fisheries station; to the Committee on the Merchant Marine and Fisheries.

S. 2019. An act to amend an act entitled "An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes," approved May 22, 1926; to the Committee on Interstate and Foreign Commerce.

S. 2319. An act for the relief of John W. Stockett; to the Committee on War Claims.

S. 2336. An act for the relief of Nina MacDonald, Zenas V. Johnston, Margaret E. Thompson, Arthur L. Beaman, and May Fee; to the Committee on Claims.

S. 2612. An act for the relief of Mary Ellen Tiefenthaler; to the Committee on War Claims.

S. 2804. An act to amend section 812 of an act entitled "An act to establish a code of law for the District of Columbia," as amended; to the Committee on the District of Columbia.

S. 3092. An act to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans; to the Committee on Printing.

S. 3116. An act providing for half holidays for certain Government employees; to the Committee on the Civil Service.

S. 3280. An act for the relief of Margaret Diederich; to the Committee on Foreign Affairs.

S. 3308. An act to confer jurisdiction on the Court of Claims to hear and determine the facts in the claim of John L. Alcock; to the Committee on War Claims.

S. 3338. An act authorizing the sale of certain lands on Petit Jean Mountain near Morrilton, Ark., for use by the Young Men's Christian Association of Arkansas; to the Committee on the Public Lands.

S. 3437. An act to provide for the conservation of fish, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

S. 3602. An act to quiet title and possession with respect to certain lands in Faulkner County, Ark.; to the Committee on the Public Lands.

S. 3774. To provide a temporary location for a farmers' market in the District of Columbia; to the Committee on the District of Columbia.

S. 3947. An act to provide for the times and places for holding court for the eastern district of North Carolina; to the Committee on the Judiciary.

S. J. Res. 28. Joint resolution consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the years 1866, 1867, and 1868, and vesting the right in each State to sue in its own name; to the Committee on Ways and Means.

THE ST. LAWRENCE SEAWAY

Mr. SELVIG. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the St. Lawrence waterway and to include therein certain official notes which have been exchanged between the United States and Canada with reference to that subject.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD and print with them some official correspondence between the United States and Canada. Is there objection?

There was no objection.

Mr. SELVIG. Mr. Speaker and Members of the House, we are heartened to-day by good news with respect to the St. Lawrence-Great Lakes deep-waterway project. The exchange of notes between the Governments of the United States and Canada announced from Ottawa last evening brings this great undertaking nearer to realization than it ever has been before. All agree that the price of our farm products is determined at those points on our seaboard or abroad where the competitive streams of exports come together. The price at the farm is the price made at this junction market, less the cost of transportation and handling to those centers.

From this it follows that the world market price for wheat is now and will continue to be the base from which is figured the price paid to the producers of the wheat. This is true whether their wheat goes to the foreign market place or remains and is consumed at home.

Stated in another way, the basic price to the farmer is the world price less the costs of selling to the world market. The standard cost of movement of wheat from the head of the Great Lakes to Europe is made up of the normal costs of lake and rail movement to tidewater, plus the normal cost of transportation across the Atlantic.

Owing to increases in railway rates and the distance from seaboard our mid-west farmers must pay from 6 to 12 cents per bushel more on grain to reach those markets than before the war. Therefore, the foreign farmers reach the world market at a lower cost than can our mid-west farmers.

INCREASED TRANSPORTATION COSTS

It is not necessary for me to dwell on the increased cost of rail transportation, which is well known to all. In 1914 the index of transportation cost was 99.4. In 1925 it was 157.5 In 1917 a farmer shipping wheat paid 3.5 pounds out of each 100 pounds for freight. In 1922 he paid 9.3 pounds out of each 100 pounds for freight, an increase of 166 per cent. This increase in freight rates has seriously handicapped the farmers in the mid-west. On the other hand, ocean-freight rates have not advanced in this proportion.

The disparity can best be visualized by again referring to wheat. Pre-war, the freight on a bushel of South Dakota wheat by the cheapest route to Liverpool cost approximately 35 cents, while the freight on Argentine wheat to the same market cost 21 cents, a difference of 14 cents. To-day the increased freight rate charges on this bushel have moved the Argentine farmers only 3½ cents a bushel further away from Liverpool, while the South Dakota farmer has moved 12 cents a bushel further away; or a difference of over 8 cents a bushel to the advantage of the Argentine producer. This uneven increase in transportation charges has handicapped our mid-west farmers in competition with these foreign countries.

The same disparity occurs with other commodities. Steel from Pittsburgh to the Pacific coast carries a rate of $10 a ton. Steel by rail from Chicago to the Pacific coast has a rate of $25 a ton. The rate on flour from Seattle by water transportation through the Panama Canal to New York City is $6 a ton. By rail from Minnesota, Kansas, or North Dakota to Seattle the rate of $8.70 a ton.

First-class freight from the Pacific coast to New York by water and then to Milwaukee by rail is $3.92 per hundred pounds. From Milwaukee to the Pacific coast by rail first-class freight carries a rate of $5.10 per hundred pounds. The illustrations could be multiplied indefinitely. The handicaps that the people of the mid-west face are obvious to all.

FARMERS GAIN WHEN CARRYING CHARGES ARE LOWERED

It is well known that the price which the farmer realizes in the foreign competitive markets sets the price of his whole product, not alone the price of the export balance. Therefore the effect of the increase of transportation rates to seaboard is far greater than its effect calculated only upon the part of the crop exported out of the mid-west.

The price to the farmer will be lifted by the amount that the transportation cost can be reduced. There is no difference in opinion in regard to the dominance of the world price with respect to both wheat and rye. The United States is a heavy exporter of both, as well as of flour. Barley and oats are less affected, although in 1926 the United States exported 13,000,000 bushels of domestic barley and 11,000,000 bushels of domestic oats.

MINNESOTA'S AGRICULTURAL PRODUCTION

In Minnesota, my State, the number of bushels of wheat, oats, barley, and rye produced on the average is 240,000,000 bushels per year. A saving of 10 cents per bushel in freight rates would amount in one year to $24,000,000. Wheat and rye produced in the two Dakotas, Montana, and in Minnesota would, at a 10-cent per bushel saving in freight charges, give the farmers of those three States each year the munificent sum of $26,500,000.

Taking Minnesota's annual production of wheat and rye, a 10-cent saving in freight rates for this State alone would amount to $4,000,000.

There are 28,000 farms in my district—the ninth Minnesota district—known also as the Red River Valley district, the banner bread and butter district of the State. These farmers produced 14,000,000 bushels of wheat and rye in 1924. A 10-cent per bushel increase in price would amount in one year to $1,400,000.

The increased price at the farm market of the total production of grain in this district would materially increase this amount. In addition, the reduction in freight charges on arti-

cles purchased would amount to a considerable sum. A total benefit amounting to $3,000,000 annually is not too high an estimate.

Our farmers and townspeople are united in their support of the deep waterway and of inland waterways because they know substantial benefits will come. They are against any unnecessary delay. They will welcome the good news that the two Governments are earnestly endeavoring to complete the negotiations so that dirt may fly and the work of construction begin.

We must restore the additional 6 to 12 cents per bushel on grain in order to remove one of the contributing causes of our postwar agricultural difficulties. It is not all of the farm problem, but it is an important part.

CHEAPER TRANSPORTATION WILL SAVE MILLIONS OF DOLLARS

The United States exports annually 250,000,000 bushels of wheat or equivalent in flour. By means of cheaper transportation, 8 to 10 cents a bushel on outgoing freight is saved, bringing a net increase to the farmers of this country on the actual amount exported between twenty and thirty million dollars. The effect on the price of the unexported portion of the total production will increase the income of the farmers to the extent of meeting the total cost of the capital outlay for the St. Lawrence deep waterway in a single year.

The increased cost of transportation also bears upon many of the goods the farmer buys. This increases the spread in prices between what he buys as against what he sells. In terms of freight rates, the farmers of Minnesota have been pushed hundreds of miles further away both from the former markets and from the sources of their supplies.

The same is true of the Dakota farmer, the Montana farmer, and of the entire mid-west area.

PANAMA CANAL ISOLATED THE MID-WEST

I can not at this time enlarge upon the far-reaching effects upon the Middle West caused by the Panama Canal. Undoubtedly this canal has brought benefits to the people living on the Atlantic, Gulf, and Pacific coasts of the United States. It has benefited this country and the world in general. A direct result has been to draw the Atlantic and Pacific seaboards and their back country much closer together. Just to that extent has it isolated the Middle West.

Chicago, in terms of transportation rates, is at a 4 per cent disadvantage in rates from the Pacific coast, as compared to prewar, while New York has a 12 per cent advantage in rates from the Pacific. Here is a difference of approximately 16 per cent favoring New York over the mid-west area where the same ratios apply as to Chicago.

DEEP WATERWAY IS NEEDED

The Great Lakes-St. Lawrence deep waterway will tend to equalize these disadvantages. Inland waterways will also prove of undoubted benefit. Those who have studied the transportation problem agree that if we were able to run our ocean shipping into the Great Lakes, and if we had the Mississippi waterways fully modernized we could show savings of from 8 to 12 cents per bushel, and perhaps more, in transport from different parts of the mid-west, or about the amount of rail rate increases.

One of the fundamental needs of American agriculture is cheaper transportation. Improvement of the inland waterways offers a large measure of help. Based upon actual going freight rates, on the sea or on the Great Lakes, 1,000 bushels of wheat can be transported 1,000 miles for $20 to $30. Using the modern-equipped Mississippi barges, 1,000 bushels of wheat can be transported 1,000 miles for $60 or $70. It costs from $150 to $200 to carry 1,000 bushels of wheat for 1,000 miles by rail. This gives the facts in a nutshell.

The costs of transportation to and from the farm must be reduced. Every cent of reduction goes into the pocket of the farmer, for where the farmer is a competitive seller in a foreign market the freight comes off his price.

GREAT LAKES CARRY MUCH FREIGHT NOW

To those who are skeptical about the freight business that is being carried on the Great Lakes at the present time, recent figures will prove to be interesting. These figures demonstrate that this waterway is being used very extensively. In 1926 the 13 class 1 railroads of the Great Lakes region moved revenue freight traffic amounting to 93,655,000 ton-miles, at a total freight charge of $1,028,858,000, or 11 mills, or 1.1 cents, per ton-mile. On the Great Lakes in the same year the movement of freight amounted to 96,000,000,000 ton-miles on which the carrying charges amounted to $105,500,000, or 1.1 mills, or a little over one-tenth of a cent, per ton-mile. Three per cent more freight was handled on the Great Lakes than by these railroads and at one-tenth the freight rate. During the same year 10,000,000 tons of freight were carried on the lower Mississippi and 20,000,000 tons on the Ohio. This should be sufficient answer to the skeptics.

SUMMARY OF NEGOTIATIONS WITH CANADA

The Great Lakes-St. Lawrence Deep Waterway is of so great importance to the Mid West that every step leading to its construction is of deepest importance. Several notes which have been exchanged by the two Governments concerned in this project mark definite forward progress in establishing this outlet to the ocean.

This exchange of notes began on May 17, 1922, when Secretary of State Charles E. Hughes, speaking for the United States, indicated that the United States Government would be glad to take up with the Canadian Government the negotiation of a treaty looking to the deepening of the waterways which would enable ocean-going ships to reach the Great Lakes.

On June 5, 1922, the British Ambassador stated that the Canadian Government was of the opinion that it was not considered expedient to deal with the matter at that time.

Later, on January 30, 1924, H. G. Chilton, of the British Embassy at Washington stated that the Government of Canada was willing to undertake the preparation of a final report covering the engineering features of the whole project, including its cost as well as to investigate all the problems involved. Then followed several years of investigations and surveys covering both engineering and economic aspects.

LATER NOTES BETWEEN THE GOVERNMENTS

On April 13, 1927, Secretary Kellogg addressed a note regarding the Great Lakes-St. Lawrence waterway project to the Canadian Government. On July 12, 1927, the Canadian Government made acknowledgment and stated it was not prepared to make a full answer, but would do so when its advisory committee had reported.

The full answer of the Canadian Government dated January 31, 1928, arrived in Washington, and a reply to the same dated March 12, 1928, was sent to Canada by the Secretary of State. The Canadian answer, dated April 5, 1928, and the reply to this by Secretary Kellogg, dated April 7, 1928, has now been made public. The long forward step which these notes have brought about is of fundamental importance to our country. Under the leave granted I will incorporate the full text of these notes in the RECORD:

TEXT OF CORRESPONDENCE EXCHANGED BY THE GOVERNMENTS OF CANADA AND THE UNITED STATES CONCERNING THE PROPOSED ST. LAWRENCE WATERWAY IMPROVEMENT

(Note of January 31, 1928, from the Canadian Minister to the Secretary of State)

SIR: I have the honor to refer to your note of April 13, 1927, in which, after reviewing the steps taken in recent years by the United States and Canada to inquire into the feasibility of a St. Lawrence ocean shipway you stated that the Government of the United States had accepted the recommendations of the St. Lawrence River Commission, appointed by the President as an advisory body, and was accordingly prepared to enter into negotiations with Canada with a view to formulating a convention for the development of the waterway.

Acknowledgment of this communication was made in a note of July 12, 1927, addressed to the minister of the United States at Ottawa, in which it was stated that as the report of the joint board of engineers indicated differences of opinion as to the solution of the engineering difficulties presented by the international section of the waterway, the national advisory committee appointed by His Majesty's Government in Canada to report on the economic and general aspects of the waterway question, would not be in a position to advise the Government until certain alternative schemes under consideration by the joint board, and to be included in the appendixes to the main report, had been received and duly considered.

The full report of the board has now been received, and the national advisory committee, which met in Ottawa this month, has reported its conclusions to His Majesty's Government in Canada. The national advisory committee concurs in the finding of the joint board of engineers that the project is feasible. It recommends, however, that should the work be undertaken, fuller allowance should be made for future requirements by providing, in addition to 30-foot depth for the permanent structures, 27-foot navigation in the reaches rather than the 25-foot navigation proposed by the joint board. While the national advisory committee regards the project as feasible from an engineering standpoint and notes the findings of the International Joint Commission in 1921 as to its economic practicability, it considers that the question of its advisability at the present time depends upon the successful solution of a number of financial and economic difficulties, and upon further consideration of certain of the engineering features as to which the two sections of the joint board of engineers are not as yet agreed. I am instructed by the Secretary of State for External Affairs to inform you that His

Majesty's Government in Canada concurs in these conclusions of the national advisory committee.

In your note of April 13, it was observed that the St. Lawrence River Commission had reported that the construction of a shipway at proper depth would relieve the interior of the continent, especially agriculture, from the economic handicaps of adverse transportation costs which, it was indicated, now operate to the disadvantage of many States and a large part of Canada. It was added that the Government of the United States appreciated the advantages which would accrue equally to both countries by opening up the waterway to ocean shipping, and that the necessary increase in United States railway rates, due to the war, and the desirability of early development of hydroelectric power, were factors which must have equal application to, and influence upon, the Dominion of Canada.

In view of the implications as to Canadian conditions contained in these observations, it may be well to indicate certain features of the transportation situation in Canada which have a direct bearing upon the St. Lawrence waterway question.

For many years past the improvement of transportation has been the foremost task of successive governments of Canada. At heavy cost, an extensive program of railway, waterway, and harbor development has been carried out, with the object of linking up all parts of the Dominion and providing adequate outlets for foreign trade. Two great transcontinental railway systems have been built up, largely with State aid, and both western and eastern Canada are now reasonably well served by railways, though increasing settlement and increasing production render it necessary for both systems to continue to spend large sums annually in the provision of branch lines. Western Canada is now looking to the early completion of the Hudson Bay route to Europe. This route, which it is anticipated will be available in about three years, will shorten the haul to Europe from the Canadian west by a thousand miles and more, and will also be of substantial benefit to shippers from the Western States. Since that work was projected, the completion of the Panama Canal, by the efforts of the United States, has supplied an alternative outlet for much of western Canada through Vancouver and Prince Rupert; and at the present time the Canadian Government is faced with a strong demand for an additional and more direct outlet to the Pacific for the Peace River country. The St. Lawrence route itself has been progressively improved, and has proved of steadily increasing service.

Partly as a result of the existence of competitive alternative outlets, railway rates in Canada are in general lower than in the United States. The rates on grain, which provides 52 per cent of the total traffic of western lines, are now below pre-war level. Material reductions have also been made in another bulk movement of importance to both eastern and western Canada, namely, coal. General commodity rates, which were the subject of the same percentage of relative increase in both countries, due to war conditions, have subsequently been reduced in Canada, in certain instances, to a greater extent than in the United States. In recent months a rate on grain has been established from the head of the Lakes to Quebec, which approximates the charges incident to the movement by water by the present Great Lakes-St. Lawrence route, a route which, in Canada, has always exercised a restraining influence on railway rates. As the greater part of Canada's railway mileage is now owned and operated by the State, the St. Lawrence proposals, in so far as they may possibly affect the revenues of the railways, present considerations as to which Canada's point of view is necessarily somewhat different from that of the United States.

Canada's interest in the improved navigation of the Great Lakes-St. Lawrence route would be associated largely with the movement of bulk commodities, such as grain, timber, and coal. The movement of package freight by water in Canada is at present of small volume, and Canadian railways, unlike, it is understood, those of the Mid West of the United States, are in a position to handle much more of that traffic than at present is offered.

It is believed that development of the waterway would prove of advantage to Canadian commerce and industry, not merely in the sections directly tributary to the Great Lakes and St. Lawrence, but in the Maritime sections, which would be afforded more direct access to the great interior markets of the continent. It is, however, apparent that the United States would benefit much more from the enlarged navigation facilities, both in extent of use and in margin of saving. The report of the International Joint Commission in 1921, after a comprehensive review of the economic aspects of the project, presented the following conclusions to which the National Advisory Committee calls attention:

"As to the economic practicability of the waterway, the commission finds that, without considering the probability of new traffic created by the opening of a water route to the seaboard, there exists to-day, between the region economically tributary to the Great Lakes and overseas points as well as between the same region and the Atlantic and Pacific seaboards, a volume of outbound and inbound trade that might reasonably be expected to seek this route sufficient to justify the expense involved in its improvement.

"It finds that, as between the American and Canadian sides of the tributary area, the former contributes very much the larger share of this foreign and coastwise trade, and in all probability will continue to do so for many years to come. The benefits to be derived from the opening of a water route to the sea will, therefore, accrue in much larger measure to American than to Canadian interests, though it is reasonable to assume that eventually the advantages may be more evenly distributed."

The report of the International Joint Commission continues, in a direct reference to comparative transportation conditions:

"It finds that the existing means of transportation between the tributary area in the United States and the seaboard are altogether inadequate, that the railroads have not kept pace with the needs of the country, but that this does not apply to the Canadian side of the area, where railway development is still in advance of population and production."

It will therefore be observed that the transportation situation in the two countries is not identical as to available facilities, extent of use, or rates, and that the economic handicaps to which you referred in your note of April 13 appear to have more application to United States than to Canadian conditions. In this connection, it may be said that Canadian agriculture is more directly affected by the restrictions on the importation of Canadian farm products which have been imposed by the United States in recent years, with the object, it is understood, of assisting agriculture in those Western States which would share so largely in the benefits of the proposed St. Lawrence waterway. This situation, and the effects upon the maritime sections of Canada of United States duties on the products of the fisheries, are among the factors which have contributed to bringing it about that public opinion in Canada has not so clearly crystalized in favor of the waterway project as appears to be the case in the United States.

Reference was made in your note to the early development of hydroelectric power as a factor which must have equal application to and influence upon the Dominion of Canada. The opportunity of developing great quantities of power incidental to navigation is, it is agreed, a special advantage possessed by the St. Lawrence project and an important consideration in determining its advisability. In this aspect of the project, however, there are again special features in the Canadian situation which it is desirable to make clear. Public opinion in Canada is opposed to the export of hydroelectric power and is insistent that such power as may be rendered available on the St. Lawrence, whether from the wholly Canadian section or from the Canadian half of the international section, shall be utilized within the Dominion to stimulate Canadian industry and develop the national resources. With this view the national advisory committee expresses itself as in complete accord. The committee further indicates that, in view of the relatively limited capacity of the Canadian market to absorb the vast blocks of power contemplated by the St. Lawrence proposals, it follows that it is most important, in any arrangement which may be considered, that the development of power on the Canadian side should not exceed the capacity of the Canadian market to absorb it.

The situation presented by the differences of opinion brought out in the report of the joint board of engineers as to the best method of development in the international section of the St. Lawrence has also received consideration by the national advisory committee. The committee considers it greatly in the public interest that a further attempt should be made to reconcile these varying views. Conclusive assurance is necessary as to control of the fluctuations of flow from Lake Ontario, so essential to the interests of the purely national sections of the river and the port of Montreal, and as to the situation of those Canadian communities on the St. Lawrence, which under certain of the present plans might be obliged to live under levees or to rebuild in part.

A plan has been presented in the appendices to the report of the joint board of engineers proposing an alternative location of the upper works of the Canadian two-stage plan. It is also considered advisable that opportunity should be afforded for further conference on these alternative proposals between the Canadian section of the joint board and engineers representing the Province of Ontario, who have themselves formulated plans dealing with the international section.

The financial phases of the project have been reviewed by the committee. It is pointed out that for many years Canada has been engaged in improving the navigation of the St. Lawrence River both above and below Montreal and in providing navigation facilities across the Niagara Peninsula. At the same time the United States has been similarly engaged in deepening interconnecting channels of the upper Lakes and in providing suitable works at Sault Ste. Marie. Toward the common object Canada has made particularly heavy contributions. It has expended over thirty millions on the ship channel, which has made possible ocean navigation on a large scale to the port of Montreal, an expenditure by which the proposed St. Lawrence project will directly benefit. The Dominion has spent fifty millions on canals and channel improvements between Montreal and Lake Erie, in which improved navigation United States shipping has had equal use and advantage. To the pres-

ent Canada has spent eighty-seven millions on the Welland Ship Canal. In view of these facts and of the very heavy financial burdens imposed by the war, by the railway obligations arising out of the war, and by the necessity since the war ended of finding the large sums required for needed public works throughout the Dominion, it is considered that it would not be sound policy to assume heavy public obligations for the St. Lawrence project.

The National Advisory Committee has reached the conclusion that it is possible to work out a method by which provision could be made for the construction of the waterway on terms which would be equitable to both countries and would take adequate account of the special factors in the Canadian situation to which attention has been directed. Several methods have been considered, but the plan which chiefly commends itself to the committee is, in brief, that Canada should consider providing for the construction of the waterway in the sections wholly Canadian—that is, the Welland Ship Canal and the works in the St. Lawrence below the international boundary—and that the United States should consider undertaking the completion of a 27-foot waterway to the head of the Lakes, in addition to meeting the entire cost of the development, under joint technical supervision on lines to be agreed upon, of the international section of the St. Lawrence, both for navigation and for power. The construction of the wholly Canadian (Welland and St. Lawrence) sections and, if the United States should see fit, of the upper Lakes works, would, on this plan, be given precedence of the international section, because of the necessity alike of providing for further consideration of the engineering problems involved in the international section and of permitting reasonable absorption of the power developed on the Canadian side.

In support of this view, the following statement is submitted by the committee, based on expenditures by both countries on the present through waterway, and on the estimated cost of the presently recommended scheme, with 27-foot navigation, a new United States lock at Sault Ste. Marie of the same dimensions as proposed for the St. Lawrence shipway, and the development on the St. Lawrence of such power as is incidental to navigation:

Canada

Present works:		
St. Lawrence ship channel	$30,000,000	
St. Lawrence and Welland Canals	50,000,000	
Lock at Sault Ste. Marie, Ontario	5,560,000	
		$85,560,000
Proposed works:		
Welland Ship Canal	$115,600,000	
Wholly Canadian section, St. Lawrence shipway, 27-foot navigation and development of 949,300 horsepower	199,670,000	
		$315,270,000
Total for Canada		400,830,000

United States

Present works:		
Dredging St. Clair and Detroit Rivers	17,536,000	
Locks at Sault Ste. Marie, Mich	26,300,000	
		43,836,000
Proposed works:		
International section St. Lawrence shipway 27-foot navigation and initial development of 597,600 horsepower	182,157,000	
To complete development—additional power 1,602,000 horsepower	92,090,000	
Upper lake channels to 27 feet	65,100,000	
		339,347,000
Total for United States		383,183,000

In bringing these conclusions of the National Advisory Committee to the attention of the Government of the United States, His Majesty's Government in Canada desires to add that there are phases of the question, particularly as regards the development of power, as to which it is necessary to take account of the special concern of the two Provinces of Canada bordering on the waterway. The relation between navigation and power involves certain constitutional difficulties, of which, in accordance with the wishes of the governments of Ontario and Quebec, the Government of Canada proposes to seek a solution by reference to the courts. With this preliminary difficulty in process of solution, the Government of Canada will be in a position, upon learning from the Government of the United States whether in its view the procedure above outlined affords an acceptable basis of negotiation, to consult with the Provinces of Ontario and Quebec on the aspects of the problem with which they may be concerned, and thus to facilitate an understanding being reached between all concerned as to the methods and means by which the project could be undertaken.

It is the hope of the Government of Canada that, in any such further consideration of the waterway question, opportunity may be found for reaching a comprehensive settlement of all outstanding problems affecting the Great Lakes and the St. Lawrence, including the preservation of the waters properly belonging to the St. Lawrence watershed, of which the present discussion indicates the paramount importance.

I shall be obliged if you will be good enough to inform me at your convenience, for transmission to His Majesty's Government in Canada, of the views of the Government of the United States on the representations which are outlined above.

I have the honor to be, with the highest consideration, sir,

Your most obedient, humble servant,

VINCENT MASSEY.

(Note of March 12, 1928, from the Secretary of State to the Canadian minister)

SIR: I have the honor to acknowledge your note of January 31, 1928, in which you inform me of the findings and recommendations of the National Advisory Committee in regard to the proposed St. Lawrence waterway improvement.

I note the view of the National Advisory Committee that the question of the advisability of the improvement at the present time depends upon the solution of a number of financial and economic difficulties and upon further consideration of certain of the engineering features and the conclusion of the committee that it is possible to work out a method by which provision could be made for the construction of the waterway on terms which would be equitable to both countries and would also take adequate account of the factors in the Canadian situation which you have set forth.

The suggestions outlined in your note have received thorough consideration. While the United States is not in complete agreement with the representations made by the Canadian Government as to the relative benefits and ultimate costs to the two countries of the proposed improvement of the St. Lawrence and the division of expense to be borne by each country, it is inclined to regard as an acceptable basis of negotiation a proposal along the general lines suggested in your note: That the prosecution of the improvement of the St. Lawrence waterway be based on the undertaking by the United States of the deepening of the necessary channels through the interconnecting waters of the Great Lakes and the improvement of the international section of the St. Lawrence both for navigation and for power; and the undertaking by Canada of the construction of the waterway in the sections wholly Canadian, that is, the Welland Canal and the works in the St. Lawrence below the international boundary.

Whether the United States expends its share of the cost on the international section and Canada its share on the national sections would seem to be immaterial if, in the negotiations, there is a fair division of expense for a through deep waterway to the ocean. Of course, in such an arrangement, all sections of the deep waterway should be so constructed as to make them most suitable for a through system of transportation. This is a detail to which I have no doubt your Government will entirely agree. The use of the waterway should be properly safeguarded by treaties between the two countries.

Concerning the value of the route to the sea to the two countries, I have noted the suggestions made in your note of January 31. I might say that, while it may not be very material to the main issue, the United States has the use of the Panama Canal which is of great benefit to it, especially on the Pacific, Atlantic, and Gulf coasts. It has also the use of the Gulf of Mexico which reaches a considerable way across the continent on the South and furnishes valuable water transportation for a large portion of the southwestern part of the United States. Both of these waterways exercise a great influence on freight rates. The United States has other harbors on the Atlantic, such as New York, served by both railways and the Erie Canal, Philadelphia, Baltimore, and Norfolk, which involve a shorter railroad haul from the Great Lakes territory to the ocean than is enjoyed by Canada. Nevertheless, I feel that the construction of a deep waterway through the St. Lawrence to the ocean will be of tremendous advantage to most, if not all, of the territory in the northern part of the United States, as well as to the corresponding territory in Canada.

Referring to your suggestions as to the order in which the different works should be undertaken, it would seem to me that this matter will also have to be the subject of negotiation because the works ought to proceed so that all parts of the navigation system would be completed substantially at the same time and the United States ought to have the advantage of its share of the power of the international section without waiting until Canada may be able to sell her power from these works.

Referring to the balance sheet, which undoubtedly was included in your note to illustrate the principles of the division of costs and the work to be done by each country, I am in general accord with those principles. The amounts and some of the items would have to be considered and discussed in the negotiations. To illustrate: I am not inclined to the view that it is right to include in the balance sheet the costs of the St. Lawrence and old Welland Canals except so far as they may be of use to the deeper system. These works are understood to be for lighter craft and of little value for the purposes of the works now proposed. These waterways are understood to have served their purpose in economic returns. It would also seem to be necessary to differentiate between the costs that may properly be chargeable to navigation and those to power in general. Those who now or in the future profit by the power

should bear their share of the expense. It is understood that the power development will carry itself. To illustrate: Under the suggestions you make, the United States will have no proprietary interest in the power on the national section. It would, therefore, seem that as this development is for the benefit of Canada, your Government should be responsible for that expense, and that such expense should take into account the costs to be borne by the respective interests whether the power is actually installed now or later. The amount, therefore, which power on the national section should contribute to the cost of the improvement should be left open for consideration and subject to determination in the negotiations. All power, of course, developed for joint benefit in the international section should ultimately be paid for as a part of the joint venture. The application of this principle would change the proposed balance sheet considerably. Therefore, if, as you suggest as to this section, the United States is willing to build not only the waterway but the power, it would seem that the United States ought to be permitted to develop its power and use its half, the other half to be used by Canada or not as it should desire.

The United States is agreeable to the proposal that all navigation channels provided in improvements have a minimum depth of 27 feet, the permanent structures having a depth of 30 feet for future expansion. The United States has at present under consideration the deepening of the lake channels to the extent economically justified by the present commerce of the Great Lakes. There is one question that we should like to leave for discussion, and that is whether it would be economical to at once build a new lock and deepen the Soo Canal until such time as the St. Lawrence is nearing completion, so that there would be a demand for deeper channels. It is clearly advisable that the large expenditures required for depths in excess of present needs be deferred until the greater depths can be profitably used.

The United States fully recognizes the right of the Dominion of Canada to the ownership and use of the Canadian share of the power which may be developed in the international section of the waterway as well as to all that developed in the national section, and it recognizes also that the disposition of the power is purely a domestic question. It recognizes, further, that this share is an inherent attribute of Canadian sovereignty, irrespective of the agency by which the power may be developed.

The United States regards it a fundamental economic principle that the beneficiaries of power developed in the improvement of the international section of the St. Lawrence should pay ultimately their fair share of the cost of its production, whether the agency constructing these works be a corporation, a State or Province, or a national government. It believes that a practicable means can be found for effecting the fulfillment of this principle in the arrangements made for the improvement of the international section of the river for the joint benefit of navigation and power development, and believes that the negotiations entered into in furtherance of the undertaking of the project should have this end in view.

The large expenditures required for the undertaking are a matter of grave concern to the United States as well as to Canada. It is felt that when the United States embarks on the enterprise all expenditures should be on a sound economic basis.

The United States accepts without reservation the principle that the operation of works in the international section must be such as will control fluctuations of the outflow from Lake Ontario in such manner as to safeguard all interests on the purely Canadian sections of the river, including especially the port of Montreal. It regards as acceptable the proposal that the design and operation of works in the international section of the river be under joint technical control and assumes that the design of all works on the waterway will comply in general with the plans agreed upon by the joint engineering board as embodying the best principles.

The United States is fully in accord with the view that the advisability of undertaking the improvement at the present time depends on the solution of the financial and economic problems involved. It shares the hope expressed that a solution will be found which will fully safeguard the interests of the two countries and will afford an equitable basis for a division of the cost. It is confident that when these economic principles are determined, the solution of the engineering problems required for their fulfillment will be speedily realized.

I have the honor to suggest, therefore, that the two countries proceed with the appointment of commissioners to discuss jointly the problems presented in your note, and those which I have presented herein with a view to the formulation of a convention appropriate to this subject.

The Government of the United States will be glad to have this discussion extended to the further consideration of any outstanding problems affecting the Great Lakes and the St. Lawrence as suggested in your note.

Accept, sir, the renewed assurance of my highest consideration.

FRANK B. KELLOGG.

(Note of April 5, 1928, from Mr. Laurent Beaudry, First Secretary of the Canadian legation, to the Secretary of State)

SIR: I have the honor to refer to your note of March 12, 1928, on the St. Lawrence waterway project.

The Secretary of State for External Affairs has noted that while the United States is not in complete agreement with the representations contained in my note, No. 30, of January 31, 1928, as to the relative benefits and ultimate costs to the two countries of the proposed improvement and the division of expenses to be borne by each country, it is inclined to regard as an acceptable basis of negotiation the suggestions of the National Advisory Committee summarized in my note as to the division between Canada and the United States of the tasks involved in the completion of the deep St. Lawrence waterway.

The Secretary of State for External Affairs has also noted that the United States agrees that a channel of 27 feet minimum depth would be advisable, accepts the principle that the works in the international section must be so operated as to control fluctuations of the outflow from Lake Ontario in such manner as to safeguard all interests on the purely Canadian sections, including the port of Montreal, and agrees that the design and operation of the works in the international section should be under joint technical control. It is noted also that the United States would be prepared to have the discussion extend to the consideration of any outstanding problems affecting the Great Lakes and the St. Lawrence watershed, as suggested in my previous note.

In your note under reference you raise some question as to the relative advantage of the waterway to each country and as to the validity of some of the items included on the Canadian side of the balance sheet presented for illustrative purposes by the National Advisory Committee, and refer also to the problems involved in the allocation of costs as between navigation and power. At the present stage it does not appear necessary to discuss these points in detail.

It is further noted that you do not favor the recommendation of the National Advisory Committee, which was an integral feature of its plan and of the division of tasks which it proposed, that the works on the national section should be given priority over the works on the international section in order to permit an agreed solution of the engineering difficulties in this area, and to insure reasonable absorption of the power developed on the Canadian side. In view of the fact that the market for hydroelectric power in Canada, though large and rapidly expanding, has definite limitations, and that export of power is considered contrary to public policy, it is an essential factor in any plan economically feasible from the Canadian standpoint that, whether through the priority procedure set out by the National Advisory Committee or by some alternative method, the development of power to be utilized in Canada should not outrun the capacity of the Canadian market to absorb and thus to meet the proportion of the costs of the waterway fairly chargeable to power.

The National Advisory Committee laid emphasis on another phase of the situation—the necessity of reconciling the divergent views of the two sections of the joint board of engineers as to the best method of development in the international section of the St. Lawrence. Definite and agreed engineering proposals for the development of this section would appear to be a necessary preliminary to any computation of costs or decision as to the order of construction or division of tasks. His Majesty's Government in Canada has previously referred to the view of the National Advisory Committee, which it shares, that a conference should be held between the Canadian section of the joint board and engineers representing the Province of Ontario. It would appear advisable that such a conference should be followed by reconsideration of the engineering problems in the international section by the whole joint board.

Reference was made in my previous note to certain constitutional questions affecting the Canadian situation and to the intention of His Majesty's Government in Canada, in accordance with the wishes of the governments of Ontario and Quebec, to seek a solution by reference to the courts. Steps have since been taken to this end, and it is anticipated that the reference will come before the Supreme Court of Canada at an early date.

It was further indicated in my previous note that with the constitutional question in process of solution His Majesty's Government in Canada would be in a position upon learning whether the Government of the United States considered that the procedure suggested by the national advisory committee formed an acceptable basis of negotiation to consult with the Provinces of Ontario and Quebec upon the aspects of the problem with which they may be concerned. While the acceptance by the United States of this basis of negotiation is attended with important qualifications, yet the position of the Government of the United States has been made sufficiently clear and definite to permit the Government of Canada to take the necessary steps thus contemplated and discuss with the Provinces the aspects in question. Following this consultation His Majesty's Government in Canada will be in a position to inform

the Government of the United States further of its views on the proposals contained in your note of March 12.

I have the honor to be, with the highest consideration, sir,

Your most obedient, humble servant,

LAURENT BEAUDRY
(For the Minister).

(Note of April 7, 1928, from the Secretary of State to the Canadian minister)

SIR: I have the honor to receive your note of April 5, 1928, with reference to the negotiations between the Canadian Government and the United States looking to the construction of the deep St. Lawrence waterway. I note your suggestion that the position of the United States has been made sufficiently clear and definite to permit the Government of Canada to take the necessary steps contemplated and to discuss with the Provinces of Ontario and Quebec the aspects in question. I entirely agree with you that there is no reason why at this time the Government of Canada should not take up such discussion with the Provinces.

I note also that His Majesty's Government of Canada suggests that it would be advisable that definite and agreed engineering proposals for the development of the international section would appear to be necessary preliminary to any computation of costs or decision as to the order of construction or division of tasks and that a conference should be held between the Canadian section of the joint board and engineers representing the Province of Ontario. Further, that it would be advisable that such a conference should be followed by reconsideration of the engineering problems in the international section by the whole joint board. Of course, the Government of the United States fully realizes the desirability of the Canadian Government's consultation with the Provinces and with the Canadian section of the Joint Board of Engineers. The United States section of the joint board will be prepared at any time to take up with the full board and discuss and reconsider engineering problems connected with the construction of the international section. I have the honor to suggest, however, that it would seem as though the entire subject of treaty negotiation need not be postponed until the termination of these discussions and of the reconsideration by the Joint Board of Engineers, and that it might be desirable for the negotiations to go on concurrently with the examination of such engineers as their advice and assistance would be necessary. The United States will be prepared to cooperate to the fullest extent with the Canadian Government at any time for the purpose of accomplishing the improvement contemplated.

Accept, sir, the renewed assurance of my highest consideration.

FRANK B. KELLOGG.

MINNESOTA A LEADER IN THIS PROJECT

My own State of Minnesota takes a peculiar pride in the St. Lawrence waterway project.

It was in Minnesota that the idea originated.

Minnesota was the first State in which the legislature officially declared for the project.

At Grand Forks, N. Dak., I had the privilege of presenting testimony to the members of the International Joint Commission, who, acting for the two Governments—Canada and the United States—sought information bearing on the economic service that the St. Lawrence waterway might render.

The interest of a Minnesotan, therefore, in this great work can be readily understood.

STATE LEGISLATURES ASSIST

Since its inception, 22 States by legislative enactment have associated themselves in this movement. These States are Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Utah, Oregon, South Carolina, West Virginia, Kentucky, and Washington.

Here is a notable array of great Commonwealths of our country, embracing in area more than one-half of continental United States. Joined to this great area and working in cooperation with the representatives of these 22 States is another noteworthy group, that of the New England Council of Thirty which includes a committee of five from each of the six New England States.

Consider for a moment the financial, industrial, agricultural, and commercial importance of these 28 States. Remember also, the territory in Canada that is beneficially affected by this project. The total area includes the major portion of the entire North American Continent. The zone of benefits embraces nearly 50,000,000 people in city and in country.

GREAT LAKES-ST. LAWRENCE TIDEWATER ASSOCIATION

Just a word regarding the character of the Great Lakes-St. Lawrence Tidewater Association. In this organization are 22 sovereign States associated by legislative act and supported solely and exclusively by legislative appropriations. No other organization like it has ever functioned in the history of the Republic.

COUNCIL OF STATES

Read through the list of the members of the council of States. In each State it is headed by the chief executive of the State. Former governors, United States Senators and Representatives, men and women prominent in the political and economic life of the State, leaders in business, banking, education, and press, and in other walks of life are actively supporting this great undertaking. They are the men and women who have brought it up to its present promising state. I will enter into the RECORD the names of the members of the different State councils.

Great Lakes-St. Lawrence Tidewater Association: A voluntary association of 22 member States associated to assemble and disseminate helpful information in regard to the improvement of the St. Lawrence to connect the Great Lakes with the ocean.

The members of the executive committee are: Hon. Henry J. Allen, Kansas; Hon. Adam McMullen, Nebraska; Hon. A. G. Sorlie, North Dakota; Hon. James P. Goodrich, Indiana; William George Bruce, Wisconsin; A. O. Moreaux, Minnesota; Hon. Frank B. Niles, Ohio; Leo C. Harmon, Michigan; Col. William Nelson Pelouze, Illinois.

The officers are W. L. Harding, president, Des Moines; J. A. Doelle, secretary, Lansing; F. W. Blair, treasurer, Detroit; and Charles P. Craig, vice president at large and executive director, Washington, D. C.

OHIO

Hon. Vic Donahey, governor, ex officio, State Capitol, Columbus; The Ohio Waterways Commission: Frank B. Niles, Toledo, chairman; Elbert H. Baker, president, "The Plain Dealer," Cleveland, Ohio; William A. Stinchcomb, president W. A. Stinchcomb Engineering Co., Old Court House, Cleveland; Thomas J. Smull, executive secretary Ohio Northern University, ex-dean College of Engineering Ohio Northern, Ada; Harry D. Silver, State representative, farmer, Eaton.

Vice president, Warren E. Griffith, president Landman-Griffith Co., Toledo.

INDIANA

Hon. Ed. Jackson, governor, ex officio, State Capitol, Indianapolis; Hon. J. P. Goodrich, former governor, honorary, Winchester; The Indiana Waterways Commission: Hon. J. P. Goodrich, chairman; Hon. Wm. A. Guthrie, chairman of the conservation commission, lumber, 10 East Market Street, Indianapolis; George I. Christie, director, experiment station, Purdue University, La Fayette.

Vice presidents, Fred Miller, editor, South Bend Tribune, South Bend; Wm. A. Guthrie, 10 East Market Street, Indianapolis.

ILLINOIS

Hon. Len Small, governor, ex officio, State Capitol, Springfield; Hon. Frank O. Lowden, former governor, honorary, farmer, Sinnissippi Farm, Oregon; Deep Waterway Commission, Col. William Nelson Pelouze, president Pelouze Manufacturing Co., 232 East Ohio Street, Chicago, chairman; M. K. Northam, vice chairman, Railway Equipment, 1117 New York Life Building, Chicago, Ill.; Hon. Martin B. Bailey, lawyer, State Senator, Danville; Hon. G. J. Johnson, State Representative, Paxton; Hon. Thos. J. O'Brady, State Representative, 118 No. La Salle Street, Chicago; Hon. Ben. L. Smith, lawyer, State Senator, Pekin, secretary; Hon. Charles H. Weber, 2924 Southport Avenue, Chicago, member Illinois Legislature; Hon. Harry Wilson, teacher, State Senator, Pinckneyville; Everett C. Brown, Union Stock Yards, Chicago.

Vice President, E. T. Harris, president Payson Manufacturing Co., 2916 Jackson Boulevard, Chicago.

MICHIGAN

Hon. Fred W. Green, governor, ex officio, State Capitol, Lansing; Hon. Alexander J. Groesbeck, former governor, honorary, Dime Bank Building, Detroit; Hon. Albert E. Sleeper, former governor, honorary, Bad Axe; the Great Lakes Tidewater Commission of Michigan: Leo C. Harmon, banker, 125 Oak Grove Street, Minneapolis, chairman; Augustus C. Carton, director bureau of agricultural industry, State Capitol, Lansing, secretary; James E. Davidson, vice president American Ship Building Co., Bay City; Henry McMorran, Port Huron and Sarnia Ferry Co., Port Huron; Huntley Russell, former State land commissioner, 616 Murray Building, Grand Rapids; John A. Russell, publisher Michigan Manufacturer and Financial Record, Detroit; George E. Bishop, manager Upper Peninsula Development Bureau, Marquette.

Vice Presidents: R. J. Maclean, 19 Clifford Street, Detroit; John A. Doelle, Michigan Real Estate Association, 214 United Building, Lansing.

WISCONSIN

Hon. Fred R. Zimmerman, ex officio, State Capitol, Madison; Hon. J. J. Blaine, honorary, Madison, United States Senator; Wisconsin Deep Waterways Commission: C. A. Lamoreux, lawyer, Lamoreux &

Cate, Ashland, chairman; William George Bruce, Bruce Publishing Co., 129 Michigan Street, Milwaukee; Charles A. Halbert, secretary, Madison.

Vice presidents: Charles A. Halbert, Madison; C. A. Lamoreux, Ashland.

MINNESOTA

Hon. Theodore Christianson, governor, ex officio, State Capitol, St. Paul; Great Lakes-St. Lawrence Tidewater Commission of Minnesota: A. O. Moreaux, editor and publisher Rock County Herald, Luverne, chairman; Hugh J. McClearn, 601 Torrey Building, Duluth, Minn.; J. L. Record, chairman of board Minneapolis Steel & Machinery Co., Minneapolis.

Vice presidents: Mrs. Charles M. Irwin, the Commodore, St. Paul; J. F. Reed, Old Capitol Building, St. Paul, president Minnesota Farm Bureau Federation.

IOWA

Hon. John Hammill, Governor, ex officio, State Capitol, Des Moines; Hon. N. E. Kendall, former governor, Grand Avenue and Forest Drive, Des Moines.

Vice presidents: Hon. W. L. Harding, former governor, 503 Fleming Building, Des Moines; J. R. Howard, farmer, Clemons.

MISSOURI

Hon. Sam A. Baker, governor, ex officio, State Capitol, Jefferson City; Hon. Arthur M. Hyde, former governor, honorary, Trenton; Hon. Frederick D. Gardner, former governor, honorary, 4508 West Pine Boulevard, St. Louis; Walter S. Dickey, president W. S. Dickey Clay Manufacturing Co.; editor and owner Kansas City Journal-Post, Kansas City; John B. Jeffries, editor, Hannibal.

NORTH DAKOTA

Hon. A. G. Sorlie, governor, ex officio, State Capitol, Bismarck; Hon. R. A. Nestos, former governor, honorary, Minot; Hon. Lynn J. Frazier, former governor, honorary, United States Senator, Hoople.

Vice presidents: C. W. Graves, secretary Northern Packing Co., Grand Forks; P. R. Trubshaw, member State legislature, publisher, Times Record, Valley City.

SOUTH DAKOTA

Hon. W. J. Bulow, governor, ex officio, State Capitol, Pierre; Hon. Carl Gunderson, former governor, honorary, 300 Fourth Avenue West, Mitchell; Hon. W. H. McMaster, former governor, honorary, United States Senator, Yankton; Hon. Peter Norbeck, former governor, honorary, United States Senator, Redfield.

Vice presidents: Charles McCaffree, secretary Atlantic Yellowstone Pacific Highway, Sioux Falls; L. N. Crill, secretary of agriculture, Pierre.

NEBRASKA

Hon. Adam McMullen, governor, ex officio, State Capitol, Lincoln; Hon. S. R. McKelvie, former governor, honorary, 140 South Twenty-sixth Street, Lincoln.

Vice presidents: Charles B. Towle, Curtis, Towle & Paine, lumber, Lincoln; Nels B. Updike, president Updike Grain Co., Omaha.

KANSAS

Hon. Ben S. Paulen, governor, ex officio, State Capitol, Topeka; Hon. Henry J. Allen, former governor, honorary, editor Wichita Beacon, Wichita.

Vice presidents: Hon. O. O. Wolf, State senator, member executive committee Kansas State Farm Bureau, Ottawa; Hon. Clyde M. Reed, 1012 Baltimore Avenue, Kansas City, Mo.

MONTANA

Hon. J. E. Erickson, governor, ex officio, State Capitol, Helena; Hon. Joseph M. Dixon, former governor, honorary, Helena; Hon. S. V. Stewart, former governor, honorary, Stewart & Brown, Helena.

Vice presidents: A. W. Miles, investments, Livingston; O. S. Warden, manager Great Falls Tribune, Great Falls.

WYOMING

Hon. Frank C. Emerson, governor, ex officio, State Capitol, Cheyenne; Hon. Robert D. Carey, former governor, honorary, Careyhurst.

Vice presidents: William Dubois, architect, Cheyenne; Hon. P. W. Jenkins, irrigation engineer, Bar Cross Outfit, Cora.

COLORADO

Hon. Clarence J. Morley, governor, ex officio, State Capitol, Denver; Hon. O. H. Shoup, former governor, honorary, Colorado Springs.

Vice presidents: Cass E. Herrington, lawyer, Denver; Ralph Faxon, 169 South Franklin Street, Denver.

IDAHO

Hon. H. C. Baldridge, ex officio, State Capitol, Boise; Hon. Charles C. Moore, former governor, honorary, St. Anthony; Hon. D. W. Davis, 3625 Sixteenth Street NW., Washington, D. C.

Vice presidents: C. A. Barton, vice president Boise Payette Lumber Co., Boise; J. A. Harader, manager Chamber of Commerce, Boise.

UTAH

Hon. George H. Dern, governor, ex officio, State Capitol, Salt Lake City.

Vice presidents: A. C. Milner, Milner Corporation, Salt Lake City; James Taylor, vice president and general manager Morrison-Merrill Co., Salt Lake City.

OREGON

Hon. I. L. Patterson, governor, ex officio, State Capitol, Salem; Hon. Walter M. Pierce, former governor, honorary, care of Pierce & Dickson, Pacific Building, suite 40, Portland.

Vice presidents: Jefferson Myers, director in charge finance, Oregon Life Insurance Co., commissioner United States Shipping Board, Portland; George M. Cornwall, owner and publisher The Timberman, Portland.

SOUTH CAROLINA

Hon. John G. Richards, ex officio, State Capitol, Columbia; Hon. Thomas G. McLeod, former governor, honorary, Columbia.

Vice presidents: Hon. Thomas P. Stoney, mayor, Charleston; Dr. R. S. MacElwee, director Bureau of Port Development, Charleston.

WEST VIRGINIA

Hon. Howard M. Gore, governor, ex officio, State Capitol, Charleston.

KENTUCKY

Hon. W. J. Fields, governor, ex officio, State Capitol, Frankfort; Col. T. G. Stuart, lawyer, real estate, Winchester; Hon. S. P. Browning, Maysville.

WASHINGTON

Vice presidents: Garrett Fisher, vice president the Stone-Fisher Co., 410 Equitable Building, Tacoma; Edward Garrett, president Puget Sound Machinery Depot, Seattle.

SPECIAL REPRESENTATIVES

For the Great Lakes: C. C. West, president Manitowoc Shipbuilding Corporation, Manitowoc, Wis.

Eastern vice president: R. R. Dunn, investments, 165 Broadway, New York City.

JOINT NEW ENGLAND-ST. LAWRENCE WATERWAY COMMITTEE

Just a word, too, regarding the personnel of the Joint New England-St. Lawrence Waterway Committee. Here is a galaxy of names, as representative a list as was ever signed to a document in the glorious history of New England. I will enter into the RECORD the names of this committee.

MEMBERS OF THE JOINT NEW ENGLAND-ST. LAWRENCE WATERWAY COMMITTEE

(Charles R. Gow, chairman)

MASSACHUSETTS COMMITTEE

Charles R. Gow, Boston, former president Associated Industries of Massachusetts; former president Boston City Club; and former president Boston Society of Civil Engineers.

Dr. Arthur W. Gilbert, Boston, commissioner of agriculture, State of Massachusetts.

Allen Hubbard, Boston, of Hollis, French & Allen Hubbard, consulting engineers, and former president Affiliated Technical Societies of Boston.

Alton D. Edes, Edes Manufacturing Co., Plymouth, representing Massachusetts State Chamber of Commerce.

Bernard J. Rothwell, president Bay State Milling Co., Boston, and former president Boston Chamber of Commerce.

NEW HAMPSHIRE COMMITTEE

Hon. Robert P. Bass, Concord, N. H., former Governor of New Hampshire and member of New England Council.

Hon. Rolland H. Spaulding, Rochester, N. H., former Governor of New Hampshire and president Spaulding Fibre Co. (Inc.).

Hon. John G. Winant, Concord, N. H., former Governor of New Hampshire.

Hon. Eaton D. Sargent, Nashua, N. H., Mayor of Nashua; former president New Hampshire Manufacturers' Association and treasurer of The White Mountain Freezer Co. (Inc.).

Hon. Raymond B. Stevens, Landaff, N. H., former Member of Congress and United States adviser in foreign affairs, Bankok, Siam.

RHODE ISLAND COMMITTEE

Arthur Bliss Lisle, Providence, R. I., general manager Narragansett Electric Lighting Co., Providence.

Albert J. Thornley, Providence, R. I., president Narragansett Machine Co., Providence.

Edwin C. Smith, Pawtuckett, R. I., president Rhode Island Stop Warp Equipment Co., Pawtucket.

H. W. Gardiner, Providence, R. I., former president Employers' Association of Rhode Island.

Charles C. Remington, Providence, R. I., attorney at law.

VERMONT COMMITTEE

Willard B. Howe, Burlington, Vt., president Howard National Bank, Burlington.

Harrie C. White, North Bennington, Vt., president H. C. White Co., former president Toy Manufacturers, United States of America.

James F. Dewey, Quechee, Vt., president Associated Industries of Vermont; member of New England Council and vice president A. G. Dewey Co., Quechee.

Dr. William H. Beardsley, Springfield, Vt., Jones & Lamson Machine Co., Springfield.

Hon. ELBERT S. BRIGHAM, St. Albans, Vt., Member of Congress.

MAINE COMMITTEE

Judge Benjamin F. Cleaves, Portland, Me., executive secretary Associated Industries of Maine and former chairman Public Utilities Commission of Maine.

Hon. George C. Wing, jr., Auburn, Me., member Maine Legislature, five terms.

Hon. James Q. Gulnac, Bangor, Me., former president Maine State Chamber of Commerce and Agricultural League.

George F. West, Portland, Me., president Maine State Chamber of Commerce and Agricultural League.

Elliot Rogers, Kennebunk, Me., Rogers Fibre Co., Kennebunk.

CONNECTICUT COMMITTEE

Frederick S. Chase, Waterbury, Conn., president Chase Cos.; director Manufacturers' Association of Connecticut (Inc.), Citizens National Bank, and of Waterbury Gas Light Co.

Samuel Ferguson, Hartford, Conn., president Hartford Electric Light Co.; vice president and director Hartford Chamber of Commerce.

Stanley H. Bullard, Bridgeport, Conn., vice president Bullard Machine Tool Co.; director United States Chamber of Commerce and of Connecticut Chamber of Commerce.

B. H. Blood, Hartford, Conn., formerly general manager Pratt & Whitney Co., and colonel of Ordnance officers, United States Reserve Corps.

Raymond L. French, Bridgeport, Conn., president the R. L. French Co. and chairman transportation committee, Manufacturers' Association of Connecticut (Inc.).

HISTORICAL REVIEW OF ACHIEVEMENTS

I will not attempt a detailed statement of what has been accomplished, as that would take too long. A brief historical review, however, will serve to bring the present status into bolder outline. The present movement for connecting the Great Lakes with the Atlantic Ocean for the uninterrupted movement of ocean-borne commerce via the St. Lawrence River had its beginning with an address by Charles P. Craig, the present executive director of the Great Lakes-St. Lawrence Tidewater Association before a large civic dinner in the city of Duluth, in January, 1919.

This was followed by a call by him upon the governors of border Lake States to authorize the sending of delegates to attend an organization meeting in the city of Washington in February of the same year. At this meeting, with six States represented, the formal organization was effected. Coincident with this organization meeting, there was initiated through I. L. Lenroot, at that time United States Senator from Wisconsin, the amendment to the rivers and harbors bill, providing for a joint engineering board to study the engineering features, and a reference of the economic phases of the project to the International Joint Commission, a permanent tribunal existing under the treaty of 1909, between the United States and Canada. This in turn, was followed by a number of extended conferences in Canada leading to their concurrence in such references.

FIRST MEETING OF THE ASSOCIATION

The first meeting of the Great Lakes-St. Lawrence Tidewater Association for discussion and adoption of a program occurred in Chicago, April, 1919. Since that date the association has gradually expanded until to-day it comprises 22 sovereign States, as has already been said.

STATEMENT OF PRINCIPLES

From that day until the present the Great Lakes-St. Lawrence Tidewater Association has functioned as an association for the single purpose set forth in the statement of principles, as adopted at its organization meeting. I quote this article:

The general purpose of this association shall be to bring the Atlantic to the heart of the continent through connecting the heart of the Great Lakes with tidewater, via the St. Lawrence River, and for such purpose cooperate with the Dominion of Canada in what the Dominion is now so unselfishly engaged in doing to that end, and to secure like cooperation with the Dominion and her navigation and power interests in the further development and canalization of the St. Lawrence River and the rivers connecting the Great Lakes to a depth sufficient to accommodate ocean-going vessels of at least 30-foot draft, and also the development and utilization of the possible potential power development of these international waters in connection therewith and to use all lawful and proper means within the power of this association to—and in the shortest possible time—accomplish the purposes stated.

LATER EVENTS

Later events followed in rapid succession.

First. Cooperation was secured from the Canadian Government to enter upon a joint study of the engineering and economic factors involved in the project.

Second. The International Joint Commission held 44 hearings in 16 States of the United States and in 5 Provinces of Canada, with more than 300 citizens giving testimony.

Third. This commission submitted a unanimous report on the economic phases and recommended the immediate undertaking on the part of the two Governments. During this period the importance and economic necessity of the project were kept constantly before the administration in the United States.

Fourth. An enlarged international board of engineers undertook early in 1925 a further study of the engineering questions. This board submitted a report signed by every member of the board.

Fifth. The St. Lawrence Commission of the United States was appointed by President Coolidge on March 14, 1924, to advise upon development of a shipway from the Great Lakes to the sea.

RECOMMENDATIONS OF THE ST. LAWRENCE COMMISSION

The recommendations made by the St. Lawrence Commission of the United States were final and conclusive. I quote their conclusions:

First. The construction of the shipway from the Great Lakes to the sea is imperative both for the relief and for the future development of a vast area in the interior of the continent.

Second. The shipway should be constructed on the St. Lawrence route, provided suitable agreement can be made for its joint undertaking with the Dominion of Canada.

Third. That the development of the power resources of the St. Lawrence should be undertaken by appropriate agencies.

Fourth. That negotiations should be entered into with Canada and an endeavor made to arrive at agreement upon all these subjects. In such negotiations the United States should recognize the proper relations of New York to the power development in the international section.

COMMERCE THAT WILL BE BENEFITED

A very significant part of the economic findings of benefits that would result from the building of the St. Lawrence seaway have been prepared by the Great Lakes-St. Lawrence Tidewater Association. Here are the figures for export, import, and domestic intracoastal traffic, from and to the marooned interior:

	Tons
Exports:	
Grain (400,000,000 bushels)	10,000,000
Flour and meal	1,211,301
Hominy and grits	84,543
Cereal foods, various	12,985
Feeds	31,580
Starch, glucose, and corn sugar	208,075
Meats	263,781
Animal oils and fats	366,173
Linseed cake and meal	128,331
Chemicals, miscellaneous	82,905
Iron and steel	905,395
Copper	106,765
Paper	39,771
Soap	13,979
Sulphate of ammonia	88,270
Automobiles and parts	115,222
Agricultural implements	54,527
All other	2,000,000
Total	15,713,603
Imports:	
Fish	20,338
Rice	10,442
Vegetables and preparations	63,370
Bananas	390,200
Pineapples	34,577
Other fruits	59,150
Nuts	59,140
Cocoa and cacao	56,480
Coffee	196,130
Sugar	950,000
Tea	16,750
Spices	18,440
Asphalt	35,920
China, earthenware, and stoneware	2,830
Vegetable oils and oilseeds	316,666
Rubber and substitutes	210,362
Gums and resins	23,966
Dyeing and tanning materials	38,905
Wood pulp	230,034
Paper	73,500
Rags and other paper stock	97,822
Cabinet woods	66,370
Clay	135,282
Chalk	60,450
Pyrites	66,091
Magnesite	83,320
Manganese, ferromanganese, etc	399,051
Tin	47,772
Hides and skins	62,664
All other	1,000,000
Total	4,826,022

	Tons
Intracoastal:	
Automobiles	975,000
Flour	660,000
Lumber	1,500,000
Sulphur	500,000
Iron ore	1,000,000
All other	5,000,000
Total	9,635,000
Grand total	30,174,625

No one presumes to say that all the products mentioned will move via the waterway when it is opened, but it is held, and with good reason, that all the products named, whether they move via the St. Lawrence waterway or not, will share in the benefits which a cheap major transportation route will bring to the interior of the continent. They will have the benefit of sea rates. They will have an option between such sea rates and such direct ocean movement and the present land and ocean rates via the Atlantic coast.

GREAT PROGRESS MADE

Each year witnessed headway and progress. As was to be expected, there were objections raised. They came from certain quarters in both the United States and from Canada. The opposition from Canada to the development of the St. Lawrence-Great Lakes as a seaway for the commerce of the world to unlock mid-western Canada and the United States can be summarized as follows:

The first was that joint control would be required. Second, that it is a power project and not purely navigation. Third, that the port of Montreal would be jeopardized. Fourth, that the cost of the St. Lawrence deep waterway would be too great.

There also arose opposition within the United States, but to this the report of the Secretary of War and the recommendations of the St. Lawrence Commission gave a convincing answer.

OBJECTIONS WERE MET

Let us consider briefly the objections that were advanced from the Canadian side regarding joint control. The reply is that joint usage prevails now. In the treaty of 1871 the right of citizens of the United States was granted to navigate the waters of the St. Lawrence to the sea. Just 88 years previously, in 1783, a treaty was signed providing that navigation of the River Mississippi shall forever remain free and open to the subjects of Great Britain and to the citizens of the United States. There remained no issue on this point.

POWER TO BE DEVELOPED IS A BY-PRODUCT

The power that will be available when the Great Lakes-St. Lawrence deep waterway is completed is a by-product that will be of great value to both Canada and the United States. The development of 5,000,000 horsepower of water power is a potential asset that goes a long ways toward making this project financially feasible. Both countries will divide the power along the international boundary. The investment for power will pay for itself. The chief benefit of the deep-waterway development is and will always be transportation relief. Twenty-two States, with a population of 40,000,000 people, all of whom are far removed from any possibility of direct benefit from the power developed, are insistently demanding transportation relief and looking to the joint action of the two nations in constructing the St. Lawrence ship channel as bringing about that relief.

What other interest has Minnesota, the first State to broach this project? And Iowa, and the two Dakotas, and Wisconsin, and Illinois? And so I could go through the entire list of 22 States. They seek lower transportation rates. That is their objective.

OBJECTIONS BY MONTREAL

Much has been said and written about the port Montreal and the effect of the improvement of the St. Lawrence on that city. Any increase in the general prosperity of Canada would certainly not injure Montreal. It is inevitable that this improvement shall be made. The taxpayers of the entire Dominion have furnished a large sum of money to improve the St. Lawrence River up to Montreal. The taxpayers now demand that the entire course to the international boundary be made a waterway of sufficient draft to accommodate large ocean-going vessels.

DIVISION OF COST

As to the cost, the cost of the Welland Canal will be credited Canada as part of the whole scheme of the improvement of the St. Lawrence. The total cost of the St. Lawrence project is estimated at $123,000,000. One-half of this $123,000,000, or $61,500,000, would be Canada's share in the cost. If Canada gets credit for half the cost of the New Welland Canal, or $57,000,000, and this be deducted from the half of the $123,000,000, it would leave only the difference for Canada to provide, namely, $4,500,000. Even if the engineers' estimates are appreciably higher, the cost to Canada can not but be regarded as trifling in comparison to the great benefits to Canada's prairie Provinces and her industrial Provinces bordering the Great Lakes.

I have touched briefly upon the international phase and the objections that have been raised from time to time by persons speaking for our neighbors on the north in Canada.

CANADA AND UNITED STATES SEEK A SEAWAY

We have passed the day when this project can be classed as a myth. The old cry of "Wolf, wolf," featuring water power as the whole objective, is also outworn. Twenty-two States of the United States and the greater portion of the Dominion of Canada seek relief to ship cheaply out by the St. Lawrence rather than as now via the all-rail routes, with rail rates steadily rising, or else by water to Lake Erie and then rail to Atlantic Ocean ports.

And why? Because the rail haul from Lake Erie to Atlantic points, some 400 miles, costs exactly what the average rate is for the 3,200 miles across the ocean.

Low-cost water transportation facilities lie along the border of both these countries awaiting the dredge and the mighty army of workmen to fashion it into use. The land-locked empire in the great mid-west of the United States and Canada must be opened to the sea. It is the duty of both nations to see that this is done. The United States has already expended nearly $50,000,000 in improving portions of this waterway. Canada has spent over $250,000,000. A great deal has already been done.

PROMPT ACTION IS WANTED

The interest of 40,000,000 people is behind the deep waterway movement. Now that the preliminary negotiations are completed, prompt action is wanted. The task now is to begin the actual work of drafting the treaty and to secure its ratification by the two countries. Nothing should interfere with this.

The history of past relations with Canada is one of fine cooperation and of mutual respect. In this project the interest of a large part of the population of both countries is so vital and the economic stake is of such great value that there can be no valid reason for delay.

ADDRESS OF HON. JAMES M. BECK

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by Representative BECK of Pennsylvania at the recent meeting of the Sons of the Revolution in Washington.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD by printing an address delivered by the gentleman from Pennsylvania [Mr. BECK]. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, by permission of the House, I insert an address delivered at the Jefferson Day dinner of the Sons of the Revolution by Hon. James M. Beck, president of the Washington Chapter of the society, in Washington, on April 12, 1928.

The address is as follows:

THE MEMORY OF JEFFERSON

My fellow members, we are met on the eve of a great anniversary. To-morrow will be the one hundred and eighty-fifth anniversary of the birth of Thomas Jefferson. It would be strange, indeed, if the Sons of the Revolution failed to note the natal day of the author of the Declaration of Independence. Such a commemoration is a debt not only to the dead but to the unborn.

Thomas Jefferson was the most successful politician that the American Commonwealth has yet given to the world. I used the word "politician" in its original and nobler sense, for, as the late Thomas B. Reed once aptly said, "A statesman is only a dead politician." For a quarter of a century he dominated the politics of this country as no other man has before or since. His extraordinary career is the more remarkable, for apparently his equipment for leadership was slight. His personality had none of the leonine majesty of the greatest of Virginians, who impressed men as the aged Lear did the intrepid Kent, in having that which men obeyed, "authority." His was not the handsome presence and magnetic personality of his great rival, Alexander Hamilton, that Admirable Crichton of our history. Nor did he have the analytical mind of John Marshall. He was not an orator like Henry or Adams. A shy, diffident man, he hated the "morbid rage of debate," rarely spoke in public, and when he did his voice quickly became husky and inarticulate. He was by temperament and choice a philosopher and philanthropist and was most happy when "far from the madding crowd." He loved his garden more than the councils of the mighty, and yet, paradoxical as it may seem, he was the most aggressive and militant leader of a political party that our history has known.

A successful political career was furthermore the more improbable in his case, as Jefferson was the born idealist. This can be seen if we

contrast what the Declaration of Independence would have been if Franklin, Hamilton, or Marshall, instead of Jefferson, had been its draftsman. Franklin would have restricted it to a utilitarian discussion of the advantage to foreign nations of assisting in the creation of a new government and weakening the power of the British Empire. He would also have enlivened his discussion of practical politics with a touch of humor which would have increased the gaiety of nations. Hamilton or Marshall would have restricted the declaration to an analytical statement of the constitutional principle involved in taxing the colonies without the consent of the legal legislators.

Jefferson, however, sounds in the very opening sentence a keynote of such lofty moral purpose that the literature of State documents of that time can be searched without a fitting parallel. In an age when might made right and international morality barely existed, he broadly asserted that a nation, which resorts to force, must justify itself upon moral grounds at the bar of the nations, for "a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation."

Mark the word "requires." This assumes that there is a law of right and wrong, which, standing higher than laws, precedents, and conventions, regulates the relations of nations as well as individuals. It avows its belief in a great human conscience which, rising above the interests of nations and races, would approve the right and condemn the wrong.

The concluding portion of the declaration further recognizes that even above the conscience of mankind was the Ruler of Nations, by its solemn appeal "to the Supreme Judge of the World for the rectitude of our intentions." The enthusiasm of the idealist is further indicated in the sweeping statement that it is a self-evident truth that "all men are born equal," although no truth is less self-evident and, except in a restricted and purely political sense, it was not a reality then and is not now. In this respect Jefferson was again a great human paradox, for this inspired idealist was one of the most practical statesmen of his or any time.

Idealists are generally supposed to be out of place in practical politics. Shakespeare's wonderful character study of Brutus illustrates this by suggesting that if Cassius, the practical politician, had headed the progressive movement in ancient Rome, instead of the noble idealist, Brutus, there might have been a different result. The contrast between the two characters is finely pointed in the quarrel scene, when Brutus speaks of the assassination of the foremost man of all that time as in the nature of a holy sacrifice, while Cassius says—like every practical politician in a crisis—

> "At such a time as this it is not meet
> That every nice offense should bear his comment."

Did Shakespeare intend to satirize the occasional unconscious inconsistency of some sincere idealists in this same scene, when he makes Brutus quarrel with Cassius for the latter's failure to give Brutus money to pay his legions, while criticizing the methods by which Cassius obtained the tainted money?

Jefferson's ruling passion and dominant characteristic was that of the student. No one of his time, with the exception of Franklin, ever gave so much of a life to intellectual pursuits. From early boyhood until his latest hours, he remained the unwearying and zealous student of the great subjects which challenge the attention of the human intellect. A valued correspondent of four great colleges, the successor of Franklin as president of the American Philosophical Society, he crowned his most useful life by founding the University of Virginia, upon lines so broad and catholic as to anticipate many of the most valued improvements in education. Art, music, literature, history, politics, science, agriculture, philosophy, religion, all engaged his thoughts, and of these, the great library, which in the days of his poverty he was compelled to sell to the Government, is a demonstration. In those days men did not buy books as decorative furniture, but each book was bought to read and study.

It required 16 wagons to transport his 10,000 books to Washington, and it was found that they were written in many languages and comprised in their sweep nearly every department of intellectual activity. When he planned the great university, his idea of the curriculum was botany, chemistry, zoology, anatomy, surgery, medicine, natural philosophy, agriculture, mathematics, astronomy, biography, politics, commerce, history, ethics, the law, the industrial and the fine arts, and in all of these his versatile mind took an intelligent interest. Few men in recorded history have been more versatile. In this respect he is only surpassed in his century by Franklin, and he belongs to the class of universal genius of which Franklin and Leonardo da Vinci were the greatest illustrations. Here was a man who could supervise a farm, study nature like a scientist, make useful inventions, draw the plans for a mansion or a public building with the detail of a practical architect, play a Mozart minuet on the violin, ride after the hounds, write a brief, or manage an intricate law case, draft State papers of exceptional importance, and conduct correspondence with distinguished men in half a dozen languages upon questions of history, law, ethics, politics, science, literature, and the fine arts. To him the ancient classics were "a sublime luxury," and he thanked God that He had given him in his early education this great source of delight. One of his recreations was the reading of Homer in its melodious original. His linguistic studies included Latin, Greek, French, Spanish, Italian, and Gaelic. With his all-absorbing love of study, his unflagging intellectual activity, and his natural preference for a scholar's seclusion, he would have been in more peaceful times a philosopher or scientist or a president of a college or university.

The general tendency is to associate the subjective literary faculty with a certain atrophy of the will and a clouding of the judgment. Excessive mental activity does tend to destroy the equilibrium which should prevail between the subjective and the objective faculties of the mind. In this respect, Jefferson's extraordinary career seems to contradict the common experience of life and leads us to repeat our inquiry, What was the secret of his unequaled success? How did he, the intellectual recluse, become, in the apt language of one of his contemporaries, "the most delightful destroyer of dust and cobwebs that his time has ever known?"

I find that secret primarily in his sturdy optimism—in the fact that he believed in the work which he attempted to do, in his own ability to do it, in its significance in the predestined advancement of humanity and in the ability and disposition of his fellow men to follow a true leader. Even these qualities would have availed but little had not his work of establishing democracy synchronized with the spirit of the times. He was the most successful leader of the masses, because he understood their higher inspirations and best voiced their then inarticulate voice.

Democracy is still a prophecy and of its many prophets few surpass Jefferson in real achievement. This is far from saying that he brought about the democratic era with which the nineteenth century began. To that mighty development, many illustrious men and uncounted millions of unknown men had contributed in the long centuries before the emancipation of the masses. The first American democrat was Franklin, but, in that darkest hour before the dawn, Jefferson played the rôle of Chanticleer—his clarion call to wider freedom, while not causing the reddening skies, yet proclaimed the morn. In this is his transcendent merit.

From his earliest manhood Jefferson best voiced the spirit of his time by proclaiming eternal warfare against every tyranny over the mind of man. Only nine days before his death he again showed his unconquerable faith in the triumph of the cause, to which he had dedicated his life, when he wrote for the fiftieth anniversary of the great Declaration, upon which he was destined to die:

"All eyes are opened or opening to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth that the masses of mankind have not been born with saddles on their backs nor a favored few booted and spurred ready to ride them legitimately by the grace of God."

Jefferson truly had the "oversoul," of which Emerson wrote, "the personality that neither flatters nor fails, and which never appeals from itself but believes in itself." It consisted in that faith which can "remove mountains" and "overcome the world," for he powerfully aided in removing mountains of old customs and habits of thought and overcame a world, in which the common man had had but too little opportunity. The world has no use for half-hearted men. Its prizes are for those who throw their whole soul into their work, and with the devouring fire of determination and energy consume the obstacles which lie in their path. Such was the spirit of Thomas Jefferson. He met responsibility halfway. He rejoiced as a strong man to run his course.

To succeed in life, moreover, we must not only have faith in ourselves and in our work but in our fellow men. Democracy has proved a great leveler, and if a man has a public work to do he had better not commence with the premise that he is of a superior caste. Jefferson believed passionately in the people. While he did not regard them as infallible and never assumed that the oil of anointing had fallen from the head of the monarch and conferred infallibility upon the multitudinous tongue of the people, yet, with a passionate fervor which was with him as a religion, he believed that the common sense of the majority could be better trusted than the interested views of a property-holding class. Speaking to his neighbors of Albemarle on returning from France in 1790, he said:

"The will of the majority, the natural law of every society, is the only sure guardian of the rights of man. Perhaps even this may sometimes err, but its errors are honest, solitary, and short lived."

In his first inaugural he said:

"If there be any among us who would wish to dissolve this Union or change its republican form, let them stand undisturbed as monuments of the sanity with which error of opinion may be tolerated where reason is left free to combat it."

I have already quoted the optimistic prediction which he made nine days before his death, to be read on the fiftieth anniversary of the great Declaration, when, with trembling hand but with a buoyant and eternally youthful heart, he wrote: "All eyes are opened or opening to the rights of man."

Viewed in the colder light of a later age, his countless critics have charged him with having been excessively suspicious of his opponents'

motives, but it must never be forgotten that, throughout the whole of his long public career, his political opponents continuously impugned Jefferson's motives and denounced him as a demagogue, a Jacobin, an atheist, and an anarchist. For many years he accepted with heroic composure a greater storm of abuse than was possibly ever visited upon any public man in our history, and if, in his later years, his pent-up spirit found bitter and at times unjust expression in his later writings, something must be allowed to a proud spirit who had for so many years accepted insult without reply. If the furious tempest of his times occasionally drove him from his true course, let it be remembered that only one of his contemporaries—the great-souled Washington—always remained true to the north star.

The greatest inconsistency charged against Jefferson was his acquisition of "Louisiana"—meaning thereby the whole trans-Mississippi region—in supposed violation of his own construction of the Constitution, but this may be due to a misconception of his position and it is possible that if his critics, comprising in this respect most historians, had been as good constitutional lawyers as was Jefferson, they would recognize that Jefferson, in this greatest achievement of his whole career, was more consistent than his critics have supposed.

The problem of acquiring new territory was a new one, and in solving the problem of Louisiana, Jefferson was treading an unbeaten path. He appreciated the enormous importance of the opportunity. He wrote to Monroe:

"On the event of this mission depends the future destinies of this Republic."

And again he wrote to Livingston:

"We are satisfied nothing else will secure us against a war at no distant period."

His opponents opposed the acquisition as in violation of the Constitution, and certain passages in Jefferson's letters apparently indicate that he believed that it would be better for the country to avail itself of an unrivaled opportunity to complete our continental domain even if its constitutionality was doubtful, especially as he felt complete confidence in a subsequent ratification of the acquisition by the American people.

It is, however, inaccurate to say—as nearly all historians have said—that Jefferson had reached the definite conclusion that it was unconstitutional to acquire Louisiana without a constitutional amendment. In his letter to Gallatin, written in January, 1803, he thus aptly states his real conviction:

"You are right in my opinion as to Mr. Lincoln's proposition. There is no constitutional difficulty as to the acquisition of territory and whether, when acquired, it may be taken into the Union by the Constitution as it now stands will become a question of expediency. I think it will be safer not to permit the enlargement of the Union but by amendment of the Constitution."

In other words, Jefferson believed that it was constitutional to acquire Louisiana as territory, but that it was of doubtful constitutionality to incorporate it into the Federal compact without an amendment, and this distinction between "acquisition" and "incorporation" was the very distinction which the Supreme Court subsequently recognized in the insular cases.

Jefferson was more sagacious than his critics; and to-day this constitutional distinction is familiar to us under which we hold the Philippines and Porto Rico as colonial dependencies without admitting them into the Federal Union considered as a constitutional compact.

Without suggesting that Mr. Jefferson was never guilty of inconsistencies—for a successful political career is only too apt to involve at times a compromise of conviction—yet the judicious historian will recognize that Jefferson was as consistently loyal to his lofty political ideals as any public man of our history, with the single exception of Washington.

Freely recognizing his failings and errors, they were far outweighed by his transcendent merits. His idealistic abstractions have turned the world upside down. If it be true, and I think it is, that they have done a great deal of harm, yet it is also true that they have done even greater good. They gave the common man hope and inspiration. The level of the human race was appreciably raised by Jefferson.

As one of his most engaging biographers, Parton, has well said:

"He defended the honor of the human intellect when its natural foes throughout Christendom conspired to revile, degrade, and crush it. He enjoyed his existence and made it a benefaction to his kind."

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, a rule will be presented within a few minutes for the consideration of the flood control bill. In order that the discussion of this bill may be consecutive I have been requested by a number of gentlemen on both sides of the aisle to ask unanimous consent that Calendar Wednesday business to-morrow be dispensed with.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that business on Calendar Wednesday to-morrow be dispensed with. Is there objection?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, what committee has the call?

Mr. TILSON. The Committee on Rivers and Harbors, and this is agreeable to that committee, I am told.

The SPEAKER. Is there objection?

There was no objection.

FLOOD CONTROL

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House Resolution 165

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 3740, an act for the control of floods on the Mississippi River and its tributaries, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 12 hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker and gentlemen of the House, the legislation made in order under this rule is the most important matter that has been brought before this House since the declaration of war about 11 years ago. This legislation provides for the most gigantic undertaking in construction and engineering that any government in the civilized world has ever undertaken. It is most far-reaching in every respect and has a most important bearing upon the economic life of a large portion of our country; it is much larger and will cost four times as much as the Panama Canal.

This legislation should receive the most careful and considerate attention of every Member of this House. All of the hysteria of the times and all of the propaganda which has been brought about in whole-page advertisements in daily newspapers of the country should be forgotten for the present and this legislation should be considered entirely on the merits of the situation. We should try to do what is absolutely right to the people who live in the flood-stricken areas of the Mississippi River and at the same time we should be careful to remember that we men represent constituencies in every part of this country and that we must do justice to them.

This rule provides for 12 hours of general debate. Perhaps we may need more time, but we have limited the general debate to 12 hours because we appreciate the fact that under the five-minute rule, on account of various amendments which will be offered and important discussions on various paragraphs of the bill, the time will necessarily be liberal. The six hours to be controlled by the proponents of the bill will be in charge of the gentleman from Illinois [Mr. REID], the chairman of the committee; the time in opposition, it is expected, will be controlled by the gentleman from Wisconsin [Mr. FREAR], and it has been agreed between Mr. FREAR and the Rules Committee that he will immediately yield 1 hour and 15 minutes of his time to the gentleman from Georgia [Mr. COX], who is very much opposed to certain provisions in the bill.

This bill does not necessarily meet the entire approval of all of the members of the Rules Committee, but we well appreciate the fact that it is a very important national problem and that it is vitally necessary to have legislation at the earliest possible date. Therefore, we have brought this rule on the floor at this time.

Speaking personally, I have been very much interested in this flood-control situation. I was interested enough so that I took two weeks' time, at my own expense, and visited this area. I tried in a limited length of time to get as much information as the average layman could get. I went over the whole proposition from Memphis to New Orleans. I saw the main breaks in the river; I saw devastated areas and similar country that was not reached by the flood, for purpose of making comparison. I visited with a great many of the people in that section of the country and I found them representing a high grade and fine quality of citizenship. From the talks I had with the various people in that section I did not think they had in mind to ask of Congress anything but what was absolutely right, not only to themselves but to the other parts of the country.

The Flood Control Committee has worked long and laboriously on this proposition. They had one of the biggest and most complicated problems that has ever been presented to any

committee of Congress, and it can not be a matter of surprise that they were unable to bring in a bill that would meet with the unanimous approval of every member of the committee or of every Member of this House. On the whole, I know they have done the best they could, and we are willing to bring this proposition on the floor of the House, have it properly debated and carefully considered, with the intention that when this bill is finally completed it will be one that will fairly represent the views of the Members of the House, be fair to the devastated area, and meet with the approval of the people of the whole country. While I do not intend to discuss the bill in detail, I want to call attention to some features that I think are essential to be contained in the bill.

I feel it is of the greatest importance that this work should be done by the Board of Army Engineers and under the supervision of the Secretary of War and the Chief of Engineers.

I met the representatives of the War Department on the Mississippi River when I was down there, and I doubt if you can find anywhere in this country men of greater ability, experience, or better qualified to carry on this work. They are men who are giving the best of their whole lives to this proposition, men who are deeply interested and want to solve the problem. There are no men better trained in every respect to do this work than the men who are in charge of the work at the present time, and I speak especially of Major Connelly, Major Lee, and Major Holcombe. If I recall correctly, these are the three men in charge of the three divisions of the Federal work on the Mississippi River. If these gentlemen and the people they represent have charge of this work, you need not fear any graft or irregularities creeping into the work. Their heart and soul is in it, and you can depend upon it that they will do what is right to the best of their knowledge and ability for the local communities and the people of the whole United States.

I am also very strongly in favor of the principle of local contribution. That principle has never yet been abandoned, and I am strongly opposed to doing it now. In my judgment the people who receive the major part of the benefits are entitled to pay a little bit more than the average citizen of the United States.

In taking this position I do not want to put a single burden on any man or on any community that it is not able to bear, and I have thought that when the President of the United States recommended an economic commission to study the whole proposition and report back what the various communities are able to pay in connection with this work this was absolutely fair and sound in every respect, and no sound-minded or fair-thinking man should oppose it. One of the main reasons it is claimed these people should not pay anything is because they are not able to pay; no man so far has said he was against the principle. If this commission reported back that such and such a community is not able to bear any part of the expense, well and good; if another community could pay 5 per cent, all right; if still another could pay one-third, we could act accordingly; this would cover the situation; and to my mind this is absolutely fair in every respect; and in informal conversations I had with various representatives in that part of the country not one of them ever advanced the idea to me that he expected to get out without making any special contribution to these improved works. It is against our fixed policy and should not be done at this time.

I also feel that all the land for the levees on the main stream and also on the by-passes or spillways should certainly be furnished by the local people. If the States or the localities buy this land, every man on the floor of this House well knows it will be purchased for 25 per cent of what it would cost if the Federal Government goes in there with carte blanche authority to buy the land and bear the entire burden. You must get some local cooperation, or you will more than double all the costs.

I want this bill so drafted that it will contain all the safeguards necessary for the Federal Government. If we go down there and furnish protection to these people—and I assume it is a national responsibility—I do not want to have anything left out of the bill that would protect us now and for all time to come. I for one do not want to open up a situation that will cause thousands of lawsuits for damages against the Federal Government in the next 10, 20, or 50 years. We are entitled to have all of these provisions in the bill, and the American people will not forgive you if you fail to put them in when you have the opportunity. I feel after this bill is properly discussed on the floor, and every man has given it the attention is entitled to, we will improve the bill; and I hope we will finally pass a bill that every man in this House can get squarely behind and say that we have passed a constructive piece of legislation, such a piece of legislation that will not only be approved by the people of the whole country at the present time but in all time to come. That is what I hope will be the result of the consideration of this legislation at this time. [Applause.]

Mr. Speaker, I yield to the gentleman from Tennessee [Mr. GARRETT] such time as he may need.

Mr. GARRETT of Tennessee. Mr. Speaker, I shall support the rule. This tremendous subject, one of the very greatest, certainly, that the Government has ever attempted to grapple with in all its history, is entitled to consideration, and the rule, I think, provides an entirely fair method for its consideration. The time which is allowed for the general debate seems to be satisfactory to all interested.

Therefore I deem it unnecessary to talk about the rule, but in view of the fact I shall not wish to trespass upon the time for general debate which will be under the control of the members of the Flood Control Committee, I will at this moment take advantage of the opportunity which comes to me as a member of the Rules Committee to once more call the attention of my colleagues to an omission from the bill which, at a later period in its consideration, I shall feel it to be my very solemn duty to try to cure.

It just so happens that practically the entire flooded area of one of the States bordering upon the Mississippi River, my own State of Tennessee, lies within the congressional district which I have the honor to represent.

The Jadwin plan is made the basis of the present measure. In so far as the engineering phases of the problem are concerned it is proposed to have the Jadwin plan become the official plan of Congress. In this plan there is nowhere any provision or suggestion for doing anything in regard to the State of Tennessee except to bring further injury upon her, nor is there in the bill, as it passed the Senate and as it has been reported from the House committee, any provision dealing in any effective way whatsoever with this omission from the plan which is made the basis of the work that is to be done. The only thing in the bill as it passed the Senate and as it has been reported by the committee that even squints in this direction, is section 11, and I wish to insert the verbiage of section 11 at this point in my remarks, as follows:

SEC. 11. That the Secretary of War shall cause the Mississippi River Commission to make an examination and survey of the Mississippi River below Cape Girardeau, Mo., (a) at places where levees have heretofore been constructed on one side of the river and the lands on the opposite side have been thereby subjected to greater overflow, and where, without unreasonably restricting the flood channel, levees can be constructed to reduce the extent of this overflow, and where the construction of such levees is economically justified, and report thereon to the Congress as soon as practicable with such recommendations as the commission may deem advisable; (b) with a view to determining the estimated effects, if any, upon lands lying between the river and adjacent hills by reason of overflow of such lands caused by the construction of levees at other points along the Mississippi River, and determining the equities of the owners of such lands and the value of the same, and the commission shall report thereon to the Congress as soon as practicable with such recommendation as it may deem advisable: *Provided*, That inasmuch as the Mississippi River Commission made a report on the 26th day of October, 1912, recommending a levee to be built from Tiptonville, Tenn., to the Obion River in Tennessee, the said Mississippi River Commission is authorized to make a resurvey of said proposed levee and a relocation of the same if necessary, and if such levee is found feasible, and is approved by the board created in section 1 of this act, the commission is authorized to build same out of appropriations hereafter to be made.

An analysis of this section immediately discloses that it does nothing definite even in the matter of constructing one possible levee, nor does it do anything whatsoever of a definite character with regard to the compensation or the working out of the equities of that part of Tennessee which is incapable of being leveed but which will be injured by the constructions upon the west bank that will throw upon us water which does not belong there by nature.

I should certainly be very recreant in my opinion to the duties which I owe the people of my section if I did not do all within my power to bring about in this bill a definite commitment which will give to us at least equality of justice with all other sections down the great stream affected by the bill.

And so at the proper time I shall have an amendment to offer. I can not conceive it possible that in entering on this great plan, which it is proposed to make a national one, at least by many, that the Congress, when it appreciates the physical problems that confront us and the equities we have, will not gladly join in caring for that situation.

If it should be necessary, if the bill takes the form that it may take should the suggestions of the gentleman from New

York be followed and the policy of local contribution is definitely indorsed, then I think I shall be able to demonstrate that under that plan there would be an obligation of the Government to meet the situation in Tennessee, at least pro tanto bearing in mind always that there is nothing in the proposed engineering plan that is to benefit the State in any way, but is all to the injury of the State.

I think, Mr. Speaker, that is all I care to say at this time. It is a matter of great importance to a large number of people in one of the States of the Union. I have taken advantage of this time to say what I have heretofore said to many of my colleagues. The situation is perfectly understood by the Committee on Flood Control, and I give notice that when the stage of amendments is reached I shall hope to offer an amendment that I think will protect our rights, doing justice to our State.

Mr. MANSFIELD. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield.

Mr. MANSFIELD. Can the gentleman give us some information as to the nature of his amendment?

Mr. GARRETT of Tennessee. I will gladly give the gentleman the idea of it. Of course, the gentleman understands that the wording of it will necessarily depend on the form the bill may take. My thought is, without undertaking to give the wording of the amendment, that where under this general plan works are constructed upon one bank of a stream, and those works cause injury to property upon the other side of the stream, that the same rule that it is proposed to apply to compensation for flood rights and for property rights on the side where the works are built should be applied to the opposite side, because the opposite side of the stream will be taken as a flood way without there being any work done upon it.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. JACOBSTEIN. Are there other States that occupy a similar position?

Mr. GARRETT of Tennessee. Sections of other States—Mississippi and Louisiana.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. O'CONNOR of Louisiana. What reason did the Flood Control Committee assign for not granting the relief that the gentleman asked for?

Mr. GARRETT of Tennessee. The committee as a committee has not assigned to me any reason I will say to the gentleman. There have been many private discussions between myself and individual members of the committee, and I have a strong suspicion as to the source of opposition, but I do not believe that there is a member of the committee who will say that there is any argument against it. Of course I can not speak for all of them, but I dare say that there will not be throughout the debate any member of the committee who will have anything to say against the justice of working out something—whether they will be satisfied with the amendment I shall offer I can not say.

Mr. LAGUARDIA. Would not this be assumed to be property damages and payment be made under the provision for flood rights?

Mr. GARRETT of Tennessee. I think I could demonstrate that the people of Tennessee would have good cause to ask for compensation even if you required local contributions in other sections.

Mr. LAGUARDIA. As a matter of law?

Mr. GARRETT of Tennessee. As a matter of equity.

Mr. Speaker, I yield back the balance of my time. [Applause.]

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. REID] chairman of the committee.

Mr. REID of Illinois. Mr. Speaker, I am only going to take five minutes on the rule, and I only do that because of what the chairman of the Rules Committee has said. I did not understand that it was the province of the chairman of the Rules Committee to attempt to argue the merits of the bill. His entire time, it seems to me, was devoted to an argument against doing away with local contributions. The committee has worked hard and long on this bill. We do not claim that it is a perfect bill.

I do not want any Member of this House to be prejudiced before he hears the arguments pro and con. Every position that we will bring to you we expect to maintain, not only by sound logic, but by solid facts. There have been a great many supercommittees working on this bill. I have tried to please as many as I could, but up to date we have not been able to please our own committee. Consequently, if we seem to be in different rôles during the debate, we shall expect you to bear with us. We expect to squarely meet the issue, and the only way that we can do it is to have the bill brought in under a rule.

Mr. Speaker, this problem is bigger than any man or set of men in this Congress. It affects the entire Nation, not directly affecting alone a small portion of the Nation, the South. It is the view of the committee, after long debate and many hearings, that any flood-control project that has local contribution as a basis is doomed to failure. For that reason the bill is reported in the way in which it is now. This bill was passed unanimously by the Senate and reported out of our committee with only one dissenting voice. When the House goes into the Committee of the Whole House on the state of the Union to consider this bill, I want every Member of the House to be on the job and hear for himself and decide for himself; and if he does, then I have faith that we shall decide this question right. [Applause.]

Mr. SNELL. Mr. Speaker, I do not think we want any more time at present on the resolution. I move the previous question on the resolution to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

NATIONAL RIFLE MATCHES

Mr. SPEAKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8550) to amend the national defense act, with a Senate amendment thereto, and move to concur in the Senate amendment.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table the bill (H. R. 8550) to amend the national defense act, with a Senate amendment thereto, and moves to concur in the Senate amendment. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

FLOOD CONTROL

Mr. REID of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes.

Mr. SNELL. Mr. Speaker, pending the motion to go into the Committee of the Whole House on the state of the Union, I ask unanimous consent for control of the time in accordance with the statement I made in presenting the rule, namely, that six hours be controlled by the gentleman from Illinois [Mr. REID] four and three-quarters hours by the gentleman from Wisconsin [Mr. FREAR] and one and one-quarter hours by the gentleman from Georgia [Mr. COX.]

The SPEAKER. The gentleman from New York asks unanimous consent that of the 12 hours assigned for general debate under the rule, six be controlled by the gentleman from Illinois [Mr. REID] four and three-quarters by the gentleman from Wisconsin [Mr. FREAR] and one and one-quarter by the gentleman from Georgia [Mr. COX]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Illinois that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3740.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3740, with Mr. LEHLBACH in the chair.

The Clerk reported the title of the bill.

Mr. REID of Illinois. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. REID of Illinois. Mr. Chairman, one year ago to-day the people of America were stunned by the news of the crevassing of the levees along the Mississippi River at Dorena, Mo. One year ago to-day began the record-breaking flood of 1927 in the valley of the mighty river, which, before its waters had receded months later, was to lay waste with death-dealing desolation a veritable empire and to shock this Nation by what was called America's greatest peace-time disaster. It must indeed be the hand of fate which directs us to a consideration of this measure upon the first anniversary of that event, and its passage must surely be certain if we but turn back our minds to the scenes of those terrible hours and determine our course from what then happened.

The Mississippi River, when in flood, is a constant menace to those who make their homes behind the levees. In many

cases the homes, stores, barns, and other buildings are away below the flood level. When the levee breaks, a raging torrent—60,000,000 horsepower—rushes across the country like a tidal wave, sweeping everything before it.

From Arkansas to Louisiana the swirling waters of the Mississippi carried on its tide animals, fences, bridges, houses, barns, outbuildings, trees, and lumber, a huge mass of wreckage. Levees crumbled as the onrushing water sped along its path and all was panic. Crawling up from the waters to the levee tops came thousands of wild animals and snakes and reptiles, seeking safety and all unmindful of man's presence.

There was devastation and destruction everywhere, Mr. Chairman; there was human suffering and anguish, but there was also heroism and fortitude and courage. Throughout the long vigil men stood guard days and nights upon the levees, working desperately, ceaselessly, and tirelessly, hoping to maintain these bulwarks against the flood waters.

I wish to pay a tribute to the indomitable courage of the people of that stricken area, who amid the wreckage and ruin of their homes and property have never lost heart, and are still hoping to rehabilitate themselves and start life anew.

The sympathy of the American people was aroused, Mr. Chairman. From the President of the United States came the call for aid. The Secretary of Commerce and the Red Cross entered upon the work of rescue and relief. Officers of the Army and the Navy, of the Public Health Service, and the Coast Guard joined the forces of the Veterans' Bureau and the State and local agencies to try to stay the ravages of the great river.

At more than 70 points refugee camps were established by the Red Cross to house a vast army of more than half a million people. To protect against epidemic came the best that science could provide of medicine, drugs, and vaccines, which were administered by doctors and nurses heroically serving without pay.

The sympathetic interest of the American people in the suffering and distress of their fellow citizens in the Mississippi Valley was aroused as never before, and they insist that action be taken that will forever prevent the recurrence of a similar catastrophe.

The 1927 flood could not be passed over as lightly as the former ones. It touched the heart and affected the daily life of nearly every individual in the country. The cry of the valley for help did not fall upon deaf ears, and every person, from the lowliest to the highest, was glad to contribute out of his own pocket for the relief of those unfortunate and destitute people. The Nation during the past year manifested its deep concern in the misery of the people of the valley and is watching with determination to see that its representatives in Congress solve this problem and solve it right.

The problem of flood control has been with this country and before Congress for more than 40 years.

The floods of former years have stricken the people of the South many times, often with as tremendous a force as that of the recent flood, and which were followed by the same untold misery, but never before had their helplessness and their suffering attracted the attention of the entire Nation.

The Flood Control Committee, of which I have the honor to be chairman, has gone deep into the subject of flood control, and I wish to express my appreciation of the cooperation of the members of the committee, who during three whole months of the hearings, at the practical sacrifice of all other affairs, were constantly in attendance.

The bill now before us is a bill which received a unanimous vote in another body, and has been favorably reported to the House by the Flood Control Committee with only one dissenting vote. It is not a perfect bill by any means, and does not represent the legislation which many members of the committee would prefer to see enacted. But in the interest of the people who are living in constant jeopardy of their lives from the menace of another destructive flood, and after many conferences and compromises, the bill now presented is offered as the best that is attainable at this time.

It provides for the construction of flood-control works in the lower Mississippi Valley only. No flood-control construction is authorized upon any of the tributaries of the Mississippi, but an immedate survey is directed to be made of them, as is a study of the possibilities of controlling the floods on the lower Mississippi River by reservoirs.

There is in the bill no provision for local contribution. There can be none if Congress intends to protect the lives and property of its citizens from these destructive floods. The elemental weakness of the present system, as disclosed by the investigations and reports made by the Government agencies, as well as the extended hearings before the Flood Control Committee, is that the dependence upon local participation has resulted in a weak and unfinished system of levees, and therefore provided no adequate flood protection.

The protection of life and property and the safe conduct of interstate commerce, as well as the protection of the mails, is the solemn obligation and duty of the Government of the United States, and that was the underlying thought which secured the approval of the committee for this bill.

The committee's study and investigation of this question has convinced it that what the people of the Mississippi Valley need is protection of their lives and property while they are following their ordinary pursuits of life. One thing they do not need is to reclaim land from the swamp or overflow areas for agricultural purposes, as many farms adequately protected by levees and free from overflow have been abandoned on account of the general slump in the prices of farm products in this section, the same as in other parts of the United States.

No levee system can be effective unless it is unified, coordinated, and complete, and the failure to pay by local levee districts made the whole plan fail. Nearly every levee district along the Mississippi River is now or will soon be bankrupt. There is no posisble way for them to get money, as they are unable to sell new bonds because of the default on the bonds already issued.

Taking into consideration the fact that many of the landowners are poor and have large families to clothe and feed, that the land is taxed to the limit for drainage and general taxes in addition to the levee taxes, and is heavily mortgaged, and that there are no money crops being raised, it is easy to see that the local interests can not be depended upon to provide any money for flood-control works, and any plan depending upon local contribution is doomed before it starts.

The South is not the only section now aroused to a realization that adequate flood protection must be provided—the East, the North, and the West have come to appreciate the fact that they, too, suffer in full proportion, economically, with the people of the South; moreover, the people of the entire Nation now realize the extent of the loss of life, and what the individual suffering and the loss of homes and property of hundreds of thousands of their fellow citizens has meant. The Nation is at last thoroughly aroused, and to permit this session to pass without enacting measures to prevent the recurrence of another disaster like that of 1927 would bring merited condemnation upon this Congress.

The people of the United States are willing to supply all the money necessary to prevent a recurrence of a flood like that of last year, but are not willing to spend large sums of money for reclamation or navigation at this time.

President Coolidge, in his address at the Budget meeting on June 10, 1927, said of the Mississippi River flood of 1927:

> The vast, fertile, and productive reaches bordering the Mississippi and its tributaries have been subjected to great disaster. The loss of life and property is appalling. * * * Control measures that were considered by all as ample to full protection have proven inadequate. Such a disaster must never happen again.

And in addressing the Union League Club of Philadelphia on November 17, 1927, President Coolidge said:

> Flood control must be completed.

Secretary of War Dwight F. Davis, in an address before the Chicago flood-control conference in June, 1927, said:

> The Mississippi River question is one that can and must be controlled. The Nation whose engineers defied seemingly insurmountable obstacles in building the Panama Canal can and will solve this great and complex problem.

Herbert Hoover, Secretary of Commerce, in an address at Little Rock, Ark., June 25, 1927, said:

> The Mississippi flood of 1927 has been a disaster unprecedented in the peace-time history of our Nation.

Maj. Gen. Edgar Jadwin, Chief of Engineers of the United States Army, in an address at the Chicago Flood-Control Conference on June 3, 1927, said:

> The flood of the Mississippi Valley is, in many ways, the most serious catastrophe of its kind in the history of our country. It is less serious only than war itself.

Hon. NICHOLAS LONGWORTH, Speaker of the House, in an address before the Chicago Flood-Control Conference in June, 1927, said:

> I believe there is not a man in either the House or the Senate that does not believe and realize that the time has come when the Government of the United States itself must take an active interest and participation not only in the relief of the sufferers but in the prevention of such future catastrophes.

Hon. MARTIN B. MADDEN, chairman of the House Appropriations Committee, in an address at the Chicago Flood-Control Conference in June, 1927, said:

> We are not penurious. We have been generous with the world. Whenever they have been confronted with a crisis, whenever Congress found itself in session on an occasion where any foreign nation or any foreign people were in trouble like we have been we responded generously to the call, both individually and officially. And we are going to respond to the call of the American people in the Mississippi flood.

But, Mr. Chairman, the memory of man is short, and to-day many people have almost forgotten that catastrophe of only one short year ago, which resulted in the loss of more than 246 lives, drowned out hundreds of cities, towns, and villages, drove 700,000 people from their homes, rendered them objects of charity dependent upon the Red Cross and other agencies, inundated 18,000 square miles, destroyed 1,500,000 farm animals, caused losses amounting to many hundreds of millions of dollars, suspended interstate freight and passenger traffic, prevented telegraph and telephone communication, delayed the United States mails, and paralyzed industry and commerce. In order to bring to our minds again the picture of the problem we have to deal with, I have asked the three members of the Flood Control Committee from the three lower States of the Mississippi Valley which suffered most, to describe the conditions which they saw in their own States. I shall therefore, Mr. Chairman, at this time yield 15 minutes each to Mr. WILSON of Louisiana, Mr. DRIVER of Arkansas, and Mr. WHITTINGTON of Mississippi.

Later I will discuss fully the other phases of this problem. [Applause.]

The CHAIRMAN. The gentleman from Louisiana [Mr. WILSON] is recognized for 15 minutes.

Mr. WILSON of Louisiana. Mr. Chairman and members of the committee, I realize how difficult it would be within a limited time to enter upon any comprehensive discussion in relation to this, the greatest internal project in America. The picture of the flood losses has been given you by the able chairman of this committee. I wish now for the members of the committee and for the people of the alluvial valley of the Mississippi River to extend to the distinguished gentleman from Illinois [Mr. REID] our thanks for his untiring work and for his wonderful ability in developing a record that sustained every contention made by the people of that valley, that the control of the flood waters of the Mississippi River in its alluvial valley is a national problem that should be undertaken by the National Government. [Applause.]

I wish also to extend thanks to the chairman of the Committee on Rules, the gentleman from New York [Mr. SNELL], and to others who visited the lower valley and the State of Louisiana during the flood, Members of the House, and Members of the Senate; also to the majority leader of the House [Mr. TILSON], who came to that stricken territory. The gentleman from New York [Mr. SNELL] has said that he found the people there fair-minded people who would not come to the National Government asking anything that is unfair or asking that the problem be undertaken as a national problem unless the underlying merits justified that course. I believe that this Congress when it has the facts will want to deal with the question in the same way.

In any discussion of the control of the flood waters of the Mississippi River in its alluvial valley as a national problem it would be difficult to offer any statement either new or original. As a result of the disastrous flood of 1927 we are simply at a point where all the arguments made and reasons heretofore given in support thereof are more impressive. In fact, actual results have brought us to the point where the reasons given for dealing with this problem in a national way are unanswerable.

I could quote the declarations of statesmen of the national political parties for time without limit. It might be well to refer here to the declarations of some of those who have dealt with this question in the past. Henry Clay, in a speech in the United States Senate, said:

> With regard to the appropriations made for that portion of the country from which I come, the great valley of the Mississippi, I will say that we are a persevering people, a feeling people, and a contrasting people; and how long will it be before the people of this vast valley will rise en masse and tumble down your little hair-splitting distinctions about what is national and demand what is just and fair on the part of this Government in relation to their great interests?

Abraham Lincoln said:

> The driving of a pirate from the track of commerce in the broad ocean and the removing of a snag from its more narrow path in the Mississippi can not, I think, be distinguished in principle. Each is done to save life and property and to use the waterways for the purpose of promoting commerce. The most general object I can think of would be the improvement of the Mississippi River and its tributaries.

It is interesting to note that Mr. Lincoln had in mind the preservation and promotion of interstate commerce and the saving of life and property, and that it did not appear to him to be a reclamation project.

President Roosevelt said:

> We, the Nation, must build the levees, and build them better and more scientifically than ever before.

It is important now to recall that President Roosevelt said "We, the Nation," must do it, and that the solution of the problem should not be put upon the local interests.

President Taft, in discussing an appropriation, a portion of which was to be dedicated to the control of floods of the Mississippi, said:

> I am strongly in favor of expending the whole $50,000,000 to save that part of the country from floods in a reasonable time and provide a proper levee system.

The platforms of the major political parties for the last 20 years have directly declared that the improvement of the Mississippi River from Cape Girardeau to the Gulf for the purposes of navigation as well as to prevent destructive floods was a national problem.

Even though former Presidents of the United States, statesmen, and leaders in our national life have been outspoken in support of the National Government taking charge of this, the greatest internal project in America, in a more comprehensive way, yet the Congress has been slow to assume the responsibility and place the Government in charge.

It was only after long years of discussion and earnest effort that the Congress recognized flood control as one of the duties of the National Government. Even after the creation of the Mississippi River Commission in 1879 and down to 1917 the appropriations made to assist in flood-control works were based upon the theory of being for the improvement of navigation. It is interesting to review the efforts made by those who might be termed the pioneers in securing Federal jurisdiction for flood control on the Mississippi River. Notable among these were General Catchings, of Mississippi, and Governor Blanchard, of Louisiana. Governor Blanchard, then a Member of Congress, went to section 8, Article I, of the Constitution, which makes it the duty of Congress "to * * * repel invasions," and said:

> An enemy invades us. Our people fly to arms. Points of defense are strengthened. The eye of strategy selects other points to be fortified and defended. Congress votes the money, and immediately long lines of breastworks guard our frontier where attack is apprehended.
>
> But here is an enemy who comes in the form of raging waters, sweeping down in resistless might from the north upon the sunny valleys of the West and South, bringing devastation, destruction, death. He raids through the country, rioting in ruin; and millions, panic-stricken, flee at his approach, leaving their all to be swallowed up in the wild vortex of destruction. The wasting presence lasts but a couple of months, but in that time there has been a destruction of property, present and prospective, equal in value to many millions of dollars.

The aptness of this vivid comparison made by this great Louisianian can be best appreciated by those who witnessed the flood of 1927.

During the Sixty-fifth Congress the Committee on Flood Control was created and in 1917 the first flood control act was passed. In this act flood control was recognized as a function of the National Government and an appropriation of $45,000,000 was authorized. The work was placed under the jurisdiction of the Mississippi River Commission and the project then adopted was from Cairo to the Head of Passes on the main river. Later, in the act of 1923, this jurisdiction was extended to the tributaries and outlets of the Mississippi River, in so far as they are affected by its flood waters—the only outlet existing being the Atchafalaya River in Louisiana. I may suggest here that the flood of 1927 has extended, by the effect of the Mississippi flood waters, the jurisdiction of the Mississippi River Commission. This involves a wide extension of what is termed the approved project and is usually referred to as the project now under the jurisdiction of the commission. In the two flood control acts mentioned, and in appropriations prior to the creation of the Committee on Flood Control, the local interests were required to contribute. Under the act of 1917, as amended by the act of 1923, this contribution by the States and the local interests was fixed at the supplying of all rights of way, paying one-third of the cost of levee construction, and paying the entire cost of levee maintenance.

Unfortunately this maintenance has been given a general construction so as to mean replacements as well as repairs.

Now, in this long struggle, the fact that the States and local interests involved were required to contribute, and did contribute, was not any recognition or admission by them of the principle involved, nor does this constitute any argument that the work of protection against destructive floods in the alluvial Valley of the Mississippi River is a reclamation project. These conditions were simply met in self-defense because Congress adopted that method and did not assume full charge of the problem as a national one.

The reasons for a national undertaking all existed at that time. The people of the lower Mississippi Valley have for more than 100 years struggled against destructive flood waters created by the drainage of 31 States, constituting in area 42 per cent of the Union. The waters from 1,240,000 square miles of territory are concentrated upon 30,000 square miles between Cape Girardeau and the Passes. The people living within this small area accepted the concessions made by Congress because for the greater portion of the time they had been fighting alone. They accepted the conditions, taxed themselves to the limit, floated bond issues, and met to the utmost of their ability every demand of the Mississippi River Commission, the agency of the Federal Government in charge, in order to complete the works proposed by the commission as necessary for the control of the floods.

The work was done upon the plans and specifications of the commission, and it is an interesting fact that every organization all the way from Cape Girardeau to the Gulf, consisting of some 30 levee boards, cooperated with the commission without a dissenting voice. These States and local interests acted in self-preservation and spent some three hundred millions of dollars on this work. They contributed to this work not only in defense of their lives and property, but also to assist in works which benefited the entire Nation through improvement of navigation. It is indeed driving a hard bargain on a cold and calculating basis to come at this time and say that these facts should be used as an argument to establish the principle of local contribution to such an extent that it must be recognized in this legislation.

It would be more correct to say that, having thus expended this amount, burdened themselves with indebtedness to the utmost limit in a heroic effort against an uncontrollable force for which they were not responsible, that they should now be relieved of any obligation or fear of obligation in the execution of this project.

NATIONAL ASPECTS OF FLOOD CONTROL

The work of flood control on the Mississippi River and its tributaries, for the protection of the alluvial valley, can only be made in reality and in fact the work of the National Government by action of Congress. In order to bring definitely to the Congress, the House and the Senate, the information and data to establish the proper basis of action, the Flood Control Committee of the House of Representatives was called in session November 7, 1927, with Congressman FRANK R. REID, of Illinois, presiding. This was one month before the session of Congress started and before the committee was actually authorized to sit, but the sessions were given legal status by the agreement before the session began of the Speaker, Hon. NICHOLAS LONGWORTH; the majority leader, Hon. JOHN Q. TILSON; and the minority leader, Hon. FINIS J. GARRETT. It might be well to say that the country at large indorsed this action, which afterwards had the approval of Congress. The committee was in session for practically 70 days. More than 300 witnesses appeared before the committee and organizations representing every phase of American life presented views and urged action. Among these organizations and individuals might be named the following: United States Chamber of Commerce; American Legion; American Federation of Labor; American Farm Bureau Federation; three former presidents of the American Society of Engineers; 40 Senators and Representatives; governors of States; State officials; mayors of large cities; State engineers; levee district engineers; American Bankers' Association; Chicago Flood Conference; three advisory engineering committees, one from the American Society of Engineers, one from the University of Engineers, and one from the railroad engineers of the Mississippi Valley; and the Mississippi River Commission.

These organizations were unanimous in voicing the sentiment that the flood-control problem now under consideration was one which should be undertaken immediately and effectively by the Federal Government at Federal expense.

The Chamber of Commerce of the United States, whose membership comprises local chambers of commerce throughout the United States, submitted a referendum to its membership and secured almost a unanimous vote approving the following proposition:

The Federal Government should hereafter pay the entire cost of constructing and maintaining works necessary to control the floods of the lower Mississippi River. The Federal Government should assume the sole responsibility for locating, constructing, and maintaining such works.

This same principle has been advocated by the other organizations named and by the major portion of the press of the United States. All these facts were established by the hearings before the Flood Control Committee and also by the hearings before the Commerce Committee of the Senate. If the Congress is responsive to public opinion and the will of a majority of the people of the United States, we should, without hesitation and quibbling, carry out their expressed wishes, which are now well known.

A simple statement of facts regarding the situation of Louisiana demonstrates more clearly than any argument I could make the national character of the flood problem.

The area of the alluvial valley embraced within the present flood-control project, subject to overflow, is 30,000 square miles. The total area of the State of Louisiana is 45,309 square miles, of which 14,690 square miles are within this alluvial area and subject to overflow; so that only slightly less than half of the area sought to be protected is within the State of Louisiana.

From Cairo to the Gulf the length of the Mississippi River is 1,064 miles, and of that 550 miles are within the borders of Louisiana. On this stretch of the river there are about 1,780 miles of levees; 757 miles thereof are in Louisiana.

The lower Mississippi River, from Cairo to the Gulf, must carry the drainage from 42 per cent of the area of the United States. This entire volume of water must pass through Louisiana.

The property values in Louisiana subject to inundation amount to $1,261,997,760; the population in this area is 1,377,137 persons.

The people affected have struggled for more than 100 years in a heroic effort to protect themselves against the invading waters originating outside the borders of that State. The fertile lands embraced within this vast area have been, from the earliest days, developed, cultivated, and used. There is no question of reclamation involved; it is simply the protection of life and property against a force originating outside of Louisiana, and against the destructive invasion of which the local interests in Louisiana are powerless to wage a successful contest at the present time.

In this effort to protect themselves there has been spent on the Mississippi River, its tributaries, and the Atchafalaya outlet in Louisiana, the sum of $143,647,243; of this the Federal Government has paid $35,053,396.27, and the State and local interests therein have paid $108,593,846.73. Of course, this latter figure takes no account of private expenditures and millions spent in struggles against high water, of which no record has been kept. Notwithstanding this expenditure, due to the rapid development and drainage along the upper stretches of the Mississippi River and its tributaries, all necessary for economic development there, and against which no complaint is made, the flood heights on the lower river, and especially in Louisiana, have progressively increased to such an extent that the degree of safety and protection has rapidly diminished, and the danger to life and property is greater to-day than ever before.

The State and the local interests in the area subject to floods have exhausted their ability to provide the funds necessary to continue the work of protection and are laboring under a bonded indebtedness which, without better protection, it will be most difficult to discharge. Added to this has been the continually increasing flood losses. The actual, direct loss caused in Louisiana by the 1927 flood is conservatively estimated at $67,214,000. The indirect and incidental losses are several times that amount. During this flood more than 300,000 people were driven from their homes in Louisiana and some 208,000 were under the care of the American Red Cross. No words of praise would be too great for this organization which did such wonderful work in relieving the flood sufferers, but this merely emphasizes the necessity for comprehensive legislation to avert such a disaster in the future.

THE BILL UNDER CONSIDERATION

All legislation to a certain extent is a matter of compromise, but the bill we now have before us—Senate bill 3740—as amended by the House Committee on Flood Control, meets in every major feature or provision the demands of the public and the necessities of this vital, national undertaking. It covers it in a way just as definite as is practicable or feasible with the information before us.

After the disastrous flood of 1927 investigations were made by the Corps of Engineers of the Army and by the Mississippi

River Commission, using and embodying the work of the spillway board which made a survey on the lower sections of the river.

THE BOARD

The board set up in the act to formulate the plans and specifications for the execution of the project consists of the Secretary of War, the Chief of Engineers of the United States Army, the president of the Mississippi River Commission, and two civilian engineers chosen from civil life. The agency for the execution of the work after the plans are agreed upon is the Mississippi River Commission, under the direction of the Secretary of War and the supervision of the Chief of Engineers.

The board is to take the plan submitted by the Chief of Engineers and the plan submitted by the Mississippi River Commission, which latter includes the report of the Spillway Board and, after reviewing these, may adopt either, or reconcile their differences, and formulate plans which shall constitute a recognized project to be executed by the Mississippi River Commission. For this purpose the sum of $325,000,000 is authorized to be appropriated.

The approved and authorized project embraces what might be termed the emergency work extending from Cape Girardeau, Mo., to the Head of Passes, and deals with the flood waters of the Mississippi River between those points in so far as they affect the main river; and the tributaries and outlets thereof, in so far as they are affected by the flood waters of the Mississippi River. It includes on the main river the work of improvement of navigation, revetting the banks and maintaining the channel for navigation purposes.

For controlling the flood waters of the Mississippi River it also includes the construction and completion of whatever spillways, diversion channels, or flood ways as may be found necessary and feasible in connection therewith.

This project as thus described is to be carried on to completion without local contributions. The States and local interests agreeing to supervise and maintain the levees after completion; such maintenance to be limited to caring for the levees, cutting grass, and so forth, but does not include replacements on account of caving or crevasses. This will keep the States, levee boards, and other local interests in immediate touch with the entire system of works and will place no heavy burden on them.

The question of local contribution has, in a general way, been the subject of chief contention and dispute, but when it was shown that the local interests had, in the effort to protect themselves against the drainage of 42 per cent of the Union and during a contest of more than 100 years, spent $292,000,000 and are now unable to contribute in any way to make an effective flood-control program possible, it was readily conceded in the Senate that no further local contributions should be demanded on this project.

The bill also provides that just compensation shall be paid by the United States for the property taken, used, damaged, or destroyed in carrying out the works authorized, including property located within the areas of the spillways, flood ways, or diversion channels or the uses thereof or flowage rights thereon.

This is certainly a fair provision and simply in accordance with the constitutional provision to the effect that private property can not be taken for public use without just compensation.

The bill further provides that it is the sense and intention of Congress that the work shall be carried on and completed in a manner that will give the same degree of protection to the lands adjacent to the flood ways as to the lands adjacent to the levees on the main river, and that the rights, uses, and property necessary for the flood ways shall be acquired and the protective works therein completed before any diversions are made through the flood way and that, pending all investigations and surveys therefor as well as the performance of the work, the same degree of protection shall be given to all sections of the valley.

SURVEYS

The bill provides that there shall be a further survey and investigation, with data for the recommendations of the board, between Cape Girardeau, Mo., and Baton Rouge, La., before work other than levees and bank revetment is undertaken on that section of the river. This survey is made necessary and essential on account of the facts developed by the hearings both before the House and Senate committees, and also on account of the differences in the reports submitted to Congress by the Chief of Engineers and the Mississippi River Commission. It was evident that sufficient time had not been given for complete surveys and the necessity for these is acknowledged both by the Commerce Committee of the Senate, the Senate itself, and the Flood Control Committee of the House.

The bill also provides that the titles to the lands acquired by the Government under this act shall, when the works are completed, be conveyed to the States and local interests in order to relieve the Government of jurisdiction and transfer it to the States and local interests.

The act authorizes an appropriation of $5,000,000 to be used by the Secretary of War in emergency work during floods on the Mississippi River and its tributaries and for the immediate repair of any flood-control works that may be destroyed.

TRIBUTARIES

This bill for the first time authorizes a complete survey and investigation of the principal tributaries of the Mississippi River that affect floods in the alluvial valley for the purpose of flood control thereon. It authorizes the use of $5,000,000 of the funds authorized in this act, to be used with appropriations already made, amounting to about $1,500,000 for that purpose. It provides when this investigation is made and completed that the data and results shall be placed before the board herein created, which shall consider the same and make recommendations to Congress for a flood-control project on the tributaries. That is an important provision, because the work of complete flood control on the Mississippi necessarily involves the extension of the works to the tributaries.

THE COST

Considerable propaganda has been put forth against the Jones-Reid bill now before us to the effect that the cost will be prohibitive and far beyond anything that has been contemplated. There is no reason or basis for this contention. Reliable estimates all along have been to the effect that the execution of comprehensive flood-control works, in a manner and to the extent required for the national welfare, would be in the neighborhood of five or six hundred million dollars to be expended over a period of from 10 to 20 years. I am sure it will be readily admitted that this is not an unreasonable expenditure in view of the vast interests involved.

The bill under consideration authorizes an appropriation of $325,000,000. The recommendations in the report of the Chief of Engineers and the Secretary of War were for $296,000,000. The report and estimates of the Mississippi River Commission, involving practically the same project, with like character of work, but slightly more complete, were for $407,000,000. This latter contemplated remuneration for the lands and property taken for the flood ways, but the report of the Chief of Engineers did not. Of the amounts recommended and estimates made by the Chief of Engineers and the Mississippi River Commission $110,000,000 is for the improvement of the Mississippi River for navigation. Of course, it should be stated that the amount spent for bank revetment is protective of flood-control works, but in so far as an approved project is concerned and appropriations authorized the bill, if enacted into law, will not go beyond the project included in those estimates and which all admit should be taken up at once as emergency work.

Now, the fact that this bill authorizes an immediate, comprehensive, and complete study of the tributaries that affect the floods in the alluvial valley of the Mississippi River can not be consistently urged as a program for unreasonable or inordinate costs to the Government.

The funds for the surveys are already provided in the rivers and harbors act of 1927 and in the measure now under consideration. Surveys and investigations, with cost estimates, are to be made. The reports of these go first to the board, consisting of the Secretary of War, Chief of Engineers, president of the Mississippi River Commission, and two civilian engineers, and after being considered and passed upon by the board are referred to Congress. The Congress then in existence will have full control of the approval of the projects, the apportioning of the costs, and the appropriation of the money.

If, after these investigations are made, it should be found that complete and effective flood control may be had for the Mississippi River and its tributaries, along with their improvement for navigation, at a cost of $1,000,000,000, to be spent within the next 10 to 20 years, favorable action thereon would be justified, and would be a profitable investment rather than a burden on the National Government. Such a program would have the approval of the States and their joint effort for whatever reasonable demands might be made in connection with the execution of the project.

ADDITIONAL SURVEYS

Some complaint has been made because the bill as it passed the Senate and is now before the House authorizes and directs additional surveys and investigations. There is no increased cost added for that purpose, but these additional investigations are made necessary by reason of the facts developed in the hearings before the Flood Control Committee of the House and

the Commerce Committee of the Senate. In entering upon the execution of a project of this importance, involving rich and fertile areas, thickly populated, I am sure all will admit that each and every step taken should be safeguarded by complete and definite information. Take, for instance, the proposed flood way through the Tensas Basin. The Mississippi River Commission has been dealing with the flood-control works on that section of the river for 50 years. The commission outlined a plan following the flood of 1927. This plan was for a controlled and regulated flood way from Cypress Creek to the head of the Atchafalaya Basin at Old River. It proposed the diversion of approximately 600,000 cubic second-feet during any flood exceeding that of 1922. The application of this in the past would have only involved its use in the 1927 flood.

The Chief of Engineers, with very little experience and no former direct connection with that section of the river, submitted a plan for diversion through a fuse-plug levee, about 30 miles in length, at Cypress Creek, of 900,000 cubic second-feet in any flood exceeding that of 1922. This would have been used in the past only in the flood of 1927. The estimate under the commission plan is $107,000,000, and that of the Chief of Engineers is $7,700,000.

The latter plan makes no provision for payment for the property taken or used for the flood way, although the water diverted through that territory would be twice as much as passed through that section on account of three breaks in the levees in 1927. This would raise flood heights in the flood way for a distance of practically 140 miles 7 to 8 feet above the 1927 flood. Only those who are conversant with the effects of crevasses in levees during extreme floods could estimate or appreciate the effect of the use of a fuse-plug levee. No better description could be given, in my opinion, than the following statement by Hon. Oscar Johnson, a lifetime resident of the Yazoo Basin:

> Not being a civil engineer, I shall not presume to criticize the engineering plans submitted by the general other than in a single particular; namely, the matter of "fuse-plug levees."
>
> The plan provides for a fuse-plug levee at Cypress Creek. The idea of the plan is that at a given height in the water this "fuse plug" will blow out, break, or be overflowed, permitting the escape of a given quantity of water; the maximum of this quantity is stated in the plan at 900,000 cubic feet per second. The greatest crevasse, I believe, that has ever occurred in the Mississippi levee was the break at Mounds Landing, when the water stood approximately 19 feet above the ground. The break was a half mile in width. The water swept through with an unprecedented velocity, and yet it is estimated that the flow through this crevasse was approximately only 500,000 cubic feet per second. This crevasse washed out a lake or "blue hole" more than 100 feet deep, and cut a channel more than a mile back into the interior, destroying 5,000 acres of land by depositing sand of such character as to prevent successful cultivation of the soil in the future. If such a result happens at one of the fuse plugs it would be almost an impossible task to restore the levee without looping or building back for some distance. A few successive breaks of this sort at the same point would shortly result in a channel being cut from the head to the mouth of the spillway.
>
> Those of us who have lived behind levees the greater part of our lives are decidedly of the opinion that levees have a perverse way of not breaking at points where they are expected to break. Frequently water is impounded and raised temporarily as the result of a windstorm; frequently windstorms bring about waves that wash into and cut through a strong levee standing several feet above the crest of the water; frequently levees are undermined by water seeping through below the base.
>
> We believe from practical experience, as opposed to engineering theory, that such spillways as are constructed should be of the type commonly known as "controlled," or should be left open at the head and leveed along the sides so that the flow of water through the spillways may be controlled and regulated.

Other important facts showing the necessity for further surveys were developed in the hearings before the Committee on Flood Control. There was a report filed by the reservoir board which indicated that reservoirs on the White and Arkansas Rivers could be constructed at no exorbitant cost that would retain during a flood period such as we had in the 1927 flood 500,000 cubic second-feet of water. This might render the Boeuf flood way unnecessary, or greatly diminish the requirements for diversion and, therefore, diminish the costs and heavy losses that might occur. The president and members of the Mississippi River Commission were very positive in their testimony that this entire subject should have further consideration before a final conclusion was reached. In that connection I quote from Colonel Potter, president of the commission, and Captain West, a civil engineer who has long been a member of the commission:

> Colonel POTTER. * * * I want some time to study it and see if certain other features can not be brought in to reduce the cost or make the plan more feasible.
>
> The CHAIRMAN. What else have you got in mind?
>
> Colonel POTTER. That is principally the thing. * * *
>
> I believe there is a possibility of control on the Arkansas and White so as to avoid these spillways and flood ways.
>
> I would not put anything of that kind on these people until I had made a thorough study. * * * But I can tell you now that I would rather live behind that levee with a 4-foot raise and a 12-foot crown and a 6-to-1 slope on the back side and a 4-to-1 on the front side, and the right to fight for my life and property, than to have that thing put down on me.
>
> Mr. WILSON. Then, if you had this reservoir storage of 600,000 feet up the Arkansas and White they would relieve the amount of water collected from Old River to go down the Mississippi and the Atchafalaya to that extent, wouldn't it?
>
> Colonel POTTER. Just as much as at Cypress Creek.
>
> Mr. WILSON. The Cypress Creek will be the same as the source of the Atchafalaya, which will be divided between the Atchafalaya and the main river to carry it down.
>
> Colonel POTTER. That is the reason I would study the Arkansas before I would put in the Tensas Basin flood way or the Atchafalaya flood way.
>
> The CHAIRMAN. Now, Colonel Potter's testimony developed the fact that he was not entirely in sympathy with the idea of the proposed flood way through the Tensas Basin, as a means of reducing flood heights at Arkansas City. His statements are to the effect that he was almost disposed to sign a minority report on this particular item. Now, has your study, has your investigation of this particular point, been sufficiently extensive to justify your recording your opinion one way or the other as to the practicability of making use of reservoirs in the Arkansas and White Valleys in preference to the recommended flood way?
>
> Mr. WEST. If reservoirs could be found that would reduce the discharge in the main river at the mouth of the Arkansas River as much as the diversion would reduce it, and even though the reservoirs would cost more than the diversion, it would be infinitely better for the whole problem. It would save the million or two or more acres that the flood way would destroy. It would be better for the river itself, because diversions are not good, except as a last resort to save leveeing further. They are not good for the development of the stream itself, and unless they are absolutely controlled at the head, the entrance, and throughout, they can be more harmful, perhaps, in the long run than they will be beneficial.
>
> The CHAIRMAN. Well, now, the question was——
>
> Mr. WEST. So I only look upon diversion as a matter of last resort.
>
> The CHAIRMAN. All right. Now, the question was this: Has your study and investigation on this particular thing been sufficient to justify you in stating your opinion that it is necessary to proceed with the flood ways at this time——
>
> Mr. WEST. No.
>
> The CHAIRMAN. Or do you incline to agree with Colonel Potter? What is your answer?
>
> Mr. WEST. We suggested in our report that we needed more time to study this particular question, to balance reservoirs against flood ways. I do not think that there would be any time lost in the construction of the whole structure by giving time for that study. It would only delay the time of beginning the flood ways, so that the flood ways could be completed even though you delayed a year or two; they could be completed before you could complete the necessary work along the main river. Then why hurry and make a possible mistake? Why not make a more exhaustive investigation and study of the possibilities of reservoirs?
>
> The CHAIRMAN. All right. Then you are inclined to agree with Colonel Potter in that, are you?
>
> Mr. WEST. I fully agree with Colonel Potter in that; yes, sir.

I have no desire to criticize or to differ with the engineers in charge or those who may be placed in charge, but in view of these facts is it not fair and just, in the interest of the people immediately involved as well as the Nation itself, that a more complete survey and investigation be authorized and directed? That is what this bill provides.

ATCHAFALAYA BASIN

Now, the same is true of the proposed flood way through the Atchafalaya Basin. Whatever volume of water is diverted through the Boeuf River and Tensas Basins must, in the vicinity of Old River, which is the source of the Atchafalaya River, meet and converge with the volume of water carried down the main Mississippi River and that which comes down the Red River. In respect to this flood way a like diversity of opinion exists among the engineering forces.

The spillway board, carrying out a survey authorized by Congress in 1926, spent about one year in investigation before

the flood of 1927 came, and continued their investigations during that flood. Their investigations and report were adopted by the Mississippi River Commission.

It was proposed in that report to divert through the Atchafalaya Basin 900,000 cubic second-feet, with works constructed so as to carry that volume safely to the Gulf, a distance of about 146 miles. The report of the Chief of Engineers proposed to divert through the Atchafalaya Basin 1,500,000 cubic second-feet, with works of quite a different character and largely without protection to rich and valuable territory and with ring levees around a number of important towns. These recommendations were universally disapproved by all the people living in the territory affected. Is it not fair and right that further investigations should be made to be considered by the board created by this act? For this flood way the Mississippi River Commission plan called for an expenditure of $52,500,000, which included compensation for property taken and the uses thereof necessary; that of the Chief of Engineers for an expenditure of $29,900,000. A like situation exists in relation to the proposed diversion at Birds Point.

OCCASIONS NO DELAY

The bill which passed the Senate unanimously is not materially changed by the amendments adopted by the Committee on Flood Control of the House of Representatives. Nothing is added to the approved project and no additional authorization for expenditures. It contains no provision that should in any way delay the execution of the approved project.

All will agree that immediate procedure should be undertaken. First, of raising, strengthening, and relocating the levees on the main river and on the tributaries and outlets in so far as they are affected by the flood waters of the Mississippi River, and revetting the banks of the Mississippi River from Cape Girardeau to the Head of the Passes. That covers the work now under jurisdiction of the commission and which is adopted in this project. The engineering features in this portion of the work are agreed upon. Second, the immediate construction of the Bonnet Carre spillway above New Orleans, as there is entire agreement in relation to this item of the project.

During the time this work is proceeding the further surveys and examinations required under the provisions of this act can be made and definite plans outlined with cost estimates so the work may proceed in a businesslike way.

So when you examine the provisions of this bill and come to an understanding of the project it adopts and the work it authorizes and directs there is nothing to justify the fear of delay and uncertainty.

In fact, more complete surveys and investigations will no doubt adjust the differences of opinion and plans in such a way as to reduce costs and save in the national expense. [Applause.]

Mr. REID of Illinois. Mr. Chairman, I yield 15 minutes to the gentleman from Arkansas [Mr. DRIVER].

Mr. DRIVER. Mr. Chairman, owing to the fact that at a later hour in the course of the discussions of the bill I shall have the opportunity of discussing the features of the plan and offer to the committee some suggestions with respect to that plan, I shall elect now to devote the 15 minutes which are given to me to the effort of presenting to this body a picture of the conditions in the alluvial valley of the Mississippi River which must be known in order that you may be prepared to deal intelligently with what the chairman of your Rules Committee has mentioned as being the biggest interior improvement project ever suggested to the Congress of the United States. It is a distinct pleasure to me, gentlemen, to have the assurances of your interest, which have been manifested so often during the period when the flood was in the valley, after its recession, and during the period since this session of the Congress has convened. I believe, gentlemen, that is only a fair reflection of the sentiments so generously offered by this country and which aroused in the country a spirit of service making possible the salvation of life and the laying of the predicate upon which we are attempting to prosecute the necessary work for the rehabilitation of the Mississippi Valley.

My colleague from Louisiana has mentioned to you the great work that was done by the agencies of this Government, and I would feel that I would be remiss to my duty without saying to you that that work, made possible by the generous donations of the people of this country, which saved so many lives and cared for so many people in the Mississippi Valley, has written one of the brightest pages in our history, and such administrative agencies which so promptly and efficiently came to the aid of that stricken section are entitled to every possible credit that may be offered to them. [Applause.]

They established and maintained lines of communication through which food and medical supplies and the postal service were furnished to and provided for those people; they furnished the necessary instrumentalities through which the marooned people were brought from their tottering homes into places of safety, and they provided shelter for them there.

No man removed from that locality can appreciate the actual conditions under which the people who reside there have existed, nor the great difficulties in their way of accomplishing the purpose of developing that very fertile part of your Nation. The people there, gentlemen, alone waged a war against their common enemy for 200 years in an effort to provide works of defense against the ever increasing flood heights in the Mississippi River.

They believed that while they had no control over the forces which were operating against them, that by using the very utmost of their finances, they would be able to so strengthen their works that they could defend against the mounting crest of that river.

So they expended their accumulations from flood to flood, calling on no agency for aid but depending solely on their ability to earn money with which to carry on these works. They only realized the utter futility of this ambition when the flood of 1927 tore through their works and swept their possessions into the Gulf of Mexico.

Now, let us see the condition that brought about this flood and produced this great damage and exacted the great toll of life.

I am sorry we have not a map before this body in order that I could point out to you the great territory of this Nation which drains into the Mississippi alluvial valley. Suffice it, gentlemen, for me to say to you that it embraces 800,000,000 acres of the very heart of your Nation, a territory 1,240,000 square miles in area. It embraces five large watersheds, the upper Mississippi, the Missouri, the Ohio, the Arkansas, and the Red. It covers a part of two Provinces of Canada and includes 31 States of your Union.

To give you a grasp of the enormous volume of water that is possible to be precipitated upon the people there, I will give you the discharge from the major tributary streams into the Mississippi River.

In 1927 the discharge from the Missouri and the upper Mississippi measured at St. Louis was 800,000 cubic feet; the discharge at the Ohio was 814,000 cubic feet measured at Cairo; the White River, measured at Clarendon, contributed 440,000 cubic feet; the Arkansas River at Little Rock, 813,000 feet; the Red River at Old River contributed 200,000 feet; the Yazoo at Vicksburg, 40,000; and the St. Francis at Parkin, 30,000.

According to the estimate made by those who are in an attitude to speak with knowledge of the situation——

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. DRIVER. I yield to the gentleman, certainly.

Mr. MORTON D. HULL. With respect to those discharges, was that the amount per minute?

Mr. DRIVER. No; cubic feet per second.

It is estimated that a flood 25 per cent in excess of the combination of the waters I have mentioned to you is within the range of possibility at Cairo.

Gentlemen, the people in the valley have always attempted to defend against the volume of water that was precipitated into that stream. Realize this in order that you may appreciate the attitude. They had no control over the causes of this trouble.

Every inch of pavement in your towns and in your cities within this watershed, every rod of road you construct in these basins, every improvement that you make in the way of tiling your land or making your run-off conform to the demands of modern development contributes just that much more to the volume of water that the people of the Mississippi Valley must care for and defend against.

Many allusions have been made with respect to the attitude of these people, and it has been said that the rivers throughout all of the time have coursed through the basin of the Mississippi Valley and, therefore, that country has been impressed with the right of user.

Let me tell you that the oldest settlement in the United States you will find down in the valley of the Mississippi River. The Acadians, whose story has brought tears to the eyes of so many people of our Nation, when they were forced out of their homes settled in the Bayou Teche region in the State of Louisiana. The people have continued the development, beginning on the high banks, for it is a well-known topographical fact that in the valley the higher land we have there is immediately along the banks of the river, and the people settled there hundreds and more years ago and developed their property interests there. There were no flood heights to interfere with the operations of these people at that time. Your country north and up the tributaries was an undeveloped country where

the buffalo and the Indian were accustomed to indulge in their marathons, but these people down there were carving homes out of this alluvial territory and they were seeking to build up and protect those homes, and the only means of protection available to them at that early day was the construction of a levee to defend against the water. They had no agency. There was no jurisdiction of this Government that had ever made an investigation to ascertain a better means to be employed to afford them the protection that was necessary for their property interests and for the lives of their families there. So they were forced from the exigencies of the occasion to resort to levees and base their sole dependence for their future development on the ability of the levee system to furnish them the proper measure of security. They piled their moneys into the levees year after year as the developments continued on the upper reaches of the river, and increased the flood heights in the river; but when the floods of 1882 and 1883, two major floods in succession, were precipitated upon the people in this valley section, they realized at last that their levees were not sufficient to afford them the security; but even then they did not lose confidence in the levee system, but they believed they were unable financially to continue the individual construction of levees which had obtained up to that time. So they organized themselves into districts under authority of their State laws, and they issued bonds and placed a lien on their lands.

They continued to believe in that method until finally, realizing the utter hopelessness of the task, they were forced to join hands with the War Department, in charge of improving and maintaining navigation on the river, to secure the necessary aid to enable them to continue the fight. I do not want you to misunderstand the situation, because it is very important that you do appreciate the nature of it in order to properly deal with the great problem that we have before us. We did not induce the Government to resort to the levees, nor did they induce the people of the valley in their desperate effort to protect themselves to build levees. It is a mutual proposition. It had been the theory of your Government engineers from time immemorial, beginning with the first investigation made on the Mississippi River in 1820, that in order to provide a permanent channel and permit the operation of commerce on the Mississippi River they must confine the flood waters within that channel, in order that their motion would be accelerated, and thereby the water, heavily charged with sedimentary matter, would carry it through the channel and deposit it in the Gulf of Mexico. [Applause.]

In the alluvial valley there are 19,065,600 acres of land, with about 25 per cent improved and in cultivation. Fifteen million acres of the valley were inundated by the flood waters in 1927. Of this amount, there are more than 5,000,000 acres of improved lands, and in the cities, towns, and villages built thereon about 2,500,000 people reside, 440,000 of them being within the city of New Orleans. Not exceeding 500,000 acres of the tillable land escaped the overflow, and not exceeding 250,000 of the residents of the valley outside of New Orleans remained in their homes. Therefore, 1,750,000 of the inhabitants of the valley were forced to evacuate their homes, and 700,000 of the number were rescued with such possessions as could be hurriedly snatched from the toppling homes and herded into camps of refuge to become objects of charity and cared for by the Red Cross. They were all independent, American people, who had by energetic means developed their lands, built their homes, and acquired the necessary personal property interests to enable them to conveniently and profitably operate such property interests, and who had contributed to the fullest extent of their means in the effort to provide protection for themselves and for their property holdings. There were swept from the overflowed area all improvements, leaving a country on whose barren acres there exists a debt of $417,829,276, the payment of which depends upon the results of the farming operations conducted by the people of that region. Seventy-five per cent of all such inundated area remained idle during the year 1927, largely because of the want of the necessary houses, livestock, tools, and feed with which to live and maintain themselves; a country from which every financial interest had withdrawn and have not returned; a country in which the bankers, merchants, and farmers are in bankruptcy; and a country from which much of the labor was forced to resort to the industrial centers for means of livelihood.

The State of Arkansas suffered possibly more than any other section of the valley.

Four million two hundred and twenty-four thousand acres of its lands were flooded, of which 1,000,000 acres were highly developed. One hundred and three towns and villages were overflowed, causing a property loss of $46,173,650. There were swept from the lands 21,650 houses, 9,755 barns, 6,377 head of horses and mules, 98,392 hogs, 263,426 poultry, and household effects valued at $2,981,744. One thousand and forty-seven miles of highways and 244 bridges were covered and put out of commission.

In the alluvial valley of the State there are 10 levee district organizations, embracing an acreage of 3,022,956, of which about 1,000,000 acres is cleared land. These districts maintain 504.22 miles of levee. They have outstanding levee bonds of $12,500,000, and in the area drainage bonds have been issued amounting to $15,000,000. These bonded debts, together with the real-estate mortgage liens, aggregate $89,512,145.

The anomalous situation is presented that the property of the districts bears an assessment of $82,500,000. It is estimated that the actual value of property did not, prior to the flood, exceed double the assessed value, but, since the losses due to floods were sustained, the property loss and the reduction in value, in consequence of the floods, suffered a diminution of at least 50 per cent, thus leaving the actual value less than the liens against the property. A very forcible illustration of the conditions which have brought about the bankruptcy of the country is found in the statement of the losses suffered in the valley prior to the flood of 1927. This is stated as an aggregate loss of $207,762,000 and 150 lives from 1902 to 1926. Of this amount the State of Arkansas sustained a property loss of $80,000,000, with 62 human beings swept to death, which, added to the 70 drowned during the flood of 1927, means a loss of human lives amounting to 132 in Arkansas alone and a property loss of $126,173,650.

The situation with respect to the financial conditions prevailing is offered, with the statement returned by three of the levee districts in the State, as follows:

WHITE RIVER LEVEE DISTRICT

Twenty-nine miles of levee, with 110,000 acres, of which 60,000 acres are in cultivation. Assessed value of all property, $2,500,000; outstanding bonds, $1,300,000; real-estate mortgages, $3,000,000; 1927 flood losses, $2,130,535. District flooded four times since 1916. No lands cultivated past year.

SOUTHEAST ARKANSAS LEVEE DISTRICT

One hundred and forty-seven miles of levee—62 on Arkansas and 85 on Mississippi. District contains 727,264 acres, of which 290,905 acres are in cultivation. Assessed valuation of all property, $12,500,000; outstanding bonds, $8,571,541; real-estate mortgages, $5,000,000; 1927 flood losses, $7,211,905. District overflowed in every year from 1882, including 1927. No lands cultivated in 1927.

LACONIA LEVEE DISTRICT

Twenty miles of levee. Contains 50,000 acres, with 16,000 in cultivation. Assessed valuation of all property, $320,000; outstanding bonds, $365,000; real-estate mortgages, $200,000; 1927 flood losses, $200,000. District overflowed in every flood since 1893. First crevasse on main levee occurred in this district in 1927, due to inability to secure the money with which to meet Federal-aid requirement, leaving the levees below the grade and section generally maintained along the river. No crop in 1927.

Of course, in the face of the stupendous loss of property and the most unfortunate and distressed financial conditions, any plan based upon continued contributions is doomed to failure at its inception. It becomes a matter of impossibility to further finance either the districts or the individuals. Even though it may be possible for some particular section of the valley to find a market for its securities and thus provide the necessary proportionate part of the cost, yet it would avail the district no measure of security, for without the dependable works in the district or districts above it the flood waters could pour in and cover the area and inflict the destruction possible under present conditions. It is peculiarly a case of national responsibility, and the works must be provided at national expense or the unthinkable situation will be presented of forcing the evacuation of the valley and driving the people from their homes because they were so unfortunate as to risk their lives and fortunes in the paths of progress.

Mr. REID of Illinois. Mr. Chairman, I yield 15 minutes to the gentleman from Mississippi [Mr. WHITTINGTON].

CURBING THE MISSISSIPPI RIVER—THE FOREMOST DUTY OF THE NATION

Mr. WHITTINGTON. Mr. Chairman and members of the committee, it is almost a year since the flood of the Mississippi River, described by Herbert Hoover as the greatest peace-time disaster of the Nation, wrought frightful destruction in the lower Mississippi Valley. The heart of the Nation was touched and the conscience of the country was aroused. The horrors and the sufferings of the disastrous flood are still fresh in the minds of the American people.

The harnessing of the flood waters of the Mississippi is conceded to be our greatest domestic problem. Many insisted that a special session of Congress should be called to deal with the

question. Others believed that careful studies and thorough investigations should be made so that Congress could legislate adequately for the solution of the momentous problem. But a year has passed, and no constructive action has yet been taken by Congress.

The world stood aghast at the desolation in the devastated areas in Belgium and France over which the contending armies had marched and countermarched in the many bloody encounters of the World War. Houses had been destroyed and lands torn by shot and shell. There was desolation on every side. With the signing of the armistice the eyes of the world were turned toward the restoration and rehabilitation of the fertile valleys of France and Belgium. The security of these regions was uppermost in the minds of the statesmen as they assembled in the peace conference at Versailles. Recounting the sacrifices of four years France and Belgium demanded security against future attacks. They pleaded the sacrifices of four years in asking for future guaranties of security.

To-day the devastated areas of France and Belgium have been restored. The scars of the war have been healed. France and Belgium feel secure. Their pastures are green and their lands are productive.

While the people of the Mississippi Valley have no indemnities with which to rebuild their homes and restore their farms, they have boldly and courageously gone about the task of reconstruction. They do not ask to be reimbursed for the losses of the greatest of all floods. They know that while armies and navies may prevent another invasion of a foreign foe, they can not check the mad rushes of another flood. In the task of rebuilding the people know that the flood of 1927 may be repeated any year. They are uneasy. The seeming lethargy and inactivity of the National Congress is depressing the brave and struggling people of the valley. They need the tonic and the stimulant of adequate congressional action. The country is of one accord; there has never been such unanimity of sentiment about any matter of national import. From shore to shore, from Lakes to Gulf, the country is of one mind. The intelligent public opinion is demanding national action. The statesmen and the press, the scholars and the business men, the public official and the private citizen are thoroughly agreed; American public opinion is unanimous. Harnessing and curbing the Mississippi River is the responsibility of the Nation.

THE PROBLEM

The Mississippi River and its tributaries drain an area of 1,240,000 square miles, extending from the Alleghenies to the Rockies, from western New York to western and northern Montana, embracing 41 per cent of the area of the United States, exclusive of Alaska, and including all or portions of 31 States of the Union, and about 20,000 square miles in Canada, comprising parts of two Provinces. It provides more drainage and contributes more to navigation than any other river in the country. It is one of our most valuable assets. It is the longest navigable river in the world. The United States has complete jurisdiction and control of the Mississippi River. Its control to the Gulf was one of the main considerations that influenced Thomas Jefferson in negotiating the Louisiana Purchase. The control of its floods and its improvement for navigation are not new ideas. The have been regarded as national by the foremost statesmen of the country. Henry Clay more than 75 years ago in a speech in the Senate said:

> The Mississippi with all its tributaries constitutes a part of a great system, and if the system be not national, I should like to know one that is national.

In 1878 James A. Garfield declared that—

> The statesmanship of America must grapple with the problem of this mighty stream; it is too vast for any State to handle; too much for any authority other than that of the Nation itself to manage.

The valley of the Mississippi River is the second largest in the world, only the valley of the Amazon being larger. It is larger than the whole of Europe, exclusive of Russia, Norway, and Sweden. It constitutes the most productive area in the known world. It is the chief wealth-producing section of the United States. It raises more than two-thirds of the agricultural products; it manufactures one-half of the aggregate products; it feeds and clothes more than 60,000,000 men, women, and children. It embraces 54 per cent of the Nation's population and 64 per cent of the rural population. Eighty-four per cent of the corn of the United States is grown in this area; 80 per cent of the wheat is produced here. The lower valley constitutes the great sugar, rice, and long-staple cotton area of the United States.

In flood time the potential power in the Mississippi River from Cairo to the Gulf is estimated at 60,000,000 horsepower, and this enormous power is consumed in eroding banks and in carrying the great volume of its waters to the Gulf. The waters from the Rockies and the Alleghenies, as well as from the Great Lakes in the north, meet at Cairo and from Cairo to the Gulf the Mississippi River traverses an alluvial basin, the product of its own torrential floods in ages past, and the valley of its own making, comprising 30,000 square miles, or about 19,000,000 acres of the most fertile land in the United States. Six million acres of this land are incapable of being cultivated, and constitute the great preserve for wild game in America. Thirteen million acres are susceptible to cultivation. The region from Cairo to the Gulf is known as the lower Mississippi Valley. This is the territory that is subject to almost annual overflows. These overflows can be prevented.

Flood-control works are like any chain—they are no stronger than their weakest link. The Mississippi River can and must be controlled. We are at the crossroads in the solution of the problem. We have made mistakes in dealing with the greatest of all our rivers. Our mistakes have been costly in lives and property; they have been exceedingly expensive. We recall them only to determine to enact and carry through an adequate program of flood control. The lower Mississippi is different from all other rivers. It neither requires nor makes a precedent in the solution of the problem. It is the great drainage basin of the Nation. No other river renders the service or is subjected to the burdens of the lower Mississippi River. Its burdens have been increased by the progress and advancement of the upper Mississippi Basin. The improvement in the upper reaches of any stream adds to the burden of the lower part of the stream. It is always true that the process by which the country above is relieved is the same process by which the country below is damaged. The pressing and surpassing public duty is to control the floods of the lower Mississippi for the general welfare of the entire Nation. It is the foremost problem of the country. [Applause.]

COMMERCE

The Mississippi is the greatest navigable river not only in the United States but in the world. For practically the first 40 years of its existence the energies of the Mississippi River Commission were devoted, as directed by Congress, to the improvement of the Mississippi River for navigation. The census of 1889 gives us the first accurate statistics as to navigation on the Mississippi and its tributaries. The river traffic during that period was enormous. Freight and passenger boats were at the height of their prosperity. The census gives us the total commerce of the Mississippi River and its tributaries in 1889 as 28,000,000 tons. Railway construction had been begun in the late seventies and early eighties in the lower Mississippi Valley, and as a result of unfair competition between railroads and steamboats for a time the boats very largely disappeared from the river.

But there has been improvement in river traffic as there has been in railways. The old steamboats have been superseded by crafts with modern Diesel engines and with lighter drafts. Commerce is now returning to the Mississippi River. The total commerce in 1926 was 57,000,000 tons, or more than twice what it was in 1889. The operations of the Inland Waterways Corporation have emphasized the importance of the Mississippi River as a navigable stream. It is estimated that this corporation transported 5,000,000 tons on the Mississippi River in 1920, and its tonnage had increased on June 21, 1927, to 17,500,000 tons annually. Provision is now made for maintaining a channel 250 feet wide with an average depth of 9 feet between St. Louis and Baton Rouge, and a navigable channel of 35 feet from the Gulf of Mexico to Baton Rouge, a distance of about 225 miles. Baton Rouge is one of the most important ports in the country, while New Orleans is the second largest port in the United States. More and more will the Mississippi River be utilized for heavy traffic. It must be improved for navigation. It is fortunate that works for flood control are essential in all plans for river navigation. Levees and revetment, according to the best-informed engineers, both civil and military, are the backbone of all plans for the improvement of the navigation and for the control of the floods of the Mississippi River.

The great harbors along the Atlantic seacoast are maintained at Federal expense. Commerce is promoted thereby, and as a result the Nation profits. The harbors of New York, Boston, and Philadelphia are maintained by Federal appropriations. The Mississippi River must be controlled in aid of navigation to provide for the increasing demands of transportation.

OVERFLOWS

There is a tradition that the highest flood on the Mississippi River in the region between St. Louis and Cairo occurred in 1785. A notable flood occurred in 1828. The next great flood occurred in 1844. According to Arthur E. Morgan, eminent

civil engineer, this flood was 2 feet higher north of the mouth of the Ohio than the flood of 1927. There were great floods in 1849, 1850, 1858, 1862, 1865, and 1874. The flood of 1882 was the greatest south of Cairo. In 1882, 1883, 1884 the lower Mississippi Valley was visited for the first time in history with three great excessive and successive floods. There were great floods in 1897, 1912, 1913, 1922. The flood of 1912 was the greatest flood in the lower Mississippi Valley prior to the 1927 flood. Enormous damages have resulted and many lives have been lost in all the floods.

After every great flood commissions have been appointed by Congress to make studies and submit reports. Many commissions have examined and investigated from time to time the various methods of control proposed, including reservoirs, cut-offs, and diversions. The appropriations made by Congress for the Mississippi River prior to 1917 were largely in aid of navigation. Until the passage of the first flood control act on March 1, 1917, Congress had never formulated a definite policy for flood control. The flood control act of 1917 was followed by the second flood control act of 1923. The plan was to provide for the highest flood that had ever occurred. It was estimated that the flood control act of 1923 would provide levees built to the 1914 grade, that would safely carry the greatest flood that had ever occurred, which was that of 1912, in confinement between the levees to the Gulf.

In other words, Congress by passing the second flood control act had provided a program to protect the lower valley against any flood that had ever occurred. It was estimated that the program under that act would have been completed by 1930. The levees along the main river would have been constructed to the 1914 grade and section of the Mississippi River Commission. It is well to remember that in 1927 the levees had not been completed up to grade in some sections. It would have taken three years longer to have brought the levees up to the 1914 grade. This grade would have given protection against the highest flood on the Mississippi River prior to 1927.

But the Army engineers and the Mississippi River Commission have never asserted that the provisional grade line of 1914 would secure the valley against the greatest of floods. It has been considered good engineering to provide against the highest flood that had ever occurred. The levees have not failed but are insufficient. A mistake was made. A factor of safety should have been provided. The plan should have made provision for enlargement and expansion.

THE GREAT FLOOD OF 1927

The year 1927 will never be forgotten in the region from Cairo to the Gulf. It will hereafter be known as the year of the great flood. It was by far the greatest that had ever occurred in the lower Mississippi Valley. The Department of Agriculture estimates that about 11,000,000 acres, of which 4,400,000 acres were crop lands, were inundated in the lower valley in the flood of 1927. There were 17 breaks in the main levee and 209 crevasses on the tributaries of the Mississippi River in 1927.

The losses from the flood of 1927 exceed the aggregate losses of all previous floods. The flood of 1912, which was the greatest of record prior to the 1927 flood, resulted in losses that aggregated $78,188,000. This was twice the damage of any other preceding flood. Reliable statistics compiled by the Mississippi River Flood Control Association, and used by the Chief of Engineers of the United States Army, show that the direct damage from the flood of 1927 amounts to $236,334,414.06. It is estimated that the indirect damage will aggregate an additional $200,000,000. Secretary of Commerce Herbert Hoover estimates the direct losses at $200,000,000, and the indirect losses at $200,000,000 more. One hundred and twenty-nine counties and parishes in seven States were inundated. The Red Cross reports that there were definite records of 245 deaths. I believe from my own personal observation that many more than 245 perished. In my judgment 150 lives were lost in the Yazoo Basin alone. The damages in Washington County, Miss., in which the city of Greenville is located, aggregate $22,907,250. Approximately 735,000 acres of land in the Yazoo Basin that were cultivated in 1926 were overflowed. As a result of a second rise the overflow continued for three months and practically no money crops were produced on the overflow lands in the Yazoo Basin in 1927.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WHITTINGTON. Mr. Chairman, I am wondering if the gentleman from Wisconsin could give me a little more time.

Mr. FREAR. Mr. Chairman, I yield to the gentleman 10 minutes.

The CHAIRMAN. The gentleman from Mississippi is recognized for 10 minutes more.

Mr. WHITTINGTON. The Red Cross reports that 607,000 people were fed and cared for by this great organization. It is estimated that at least 700,000 people were driven from their homes. They were very largely supported by public relief. The American people contributed generously. The Red Cross expended more than $17,000,000 in cash, and the Army furnished supplies valued at $7,000,000. Many of those driven from their homes never returned.

One of the chief losses was the labor supply. Many tenants refused to return to their homes when the water receded, and it will be many years before their places are taken. The loss of labor is sometimes overlooked in estimating losses from the flood, but it very materially reduces the value of land in the flooded area. A plantation or farm without labor is a liability. The largest county in the flooded area in the Yazoo Basin probably lost one-third of its population. In addition to the crop lands that were overflowed it is estimated that about 1,000,000 acres of cut-over and timberlands were inundated in the Yazoo Basin.

Gen. Edgar Jadwin, Chief of Engineers, has said that only war itself is more serious than a Mississippi flood; but I doubt if war would leave more ruin in its wake. I can not draw an adequate picture of the desolation that awaited the return of those who had been driven from their homes by the floods in their mad rush to the Gulf. Houses were washed away, school buildings were filled with slime and muck, courthouses and churches were ruined, railways and drainage canals were damaged and in many cases utterly ruined. Livestock, implements, and improvements were completely destroyed. Provisions were lost; poultry and hogs were drowned; cities and towns were inundated for three months. In many States lands that had been planted to cotton, and in Louisiana thousands of acres where the sugar cane was waist high, were covered with water. There was economic waste and desolation on every side. It is impossible to describe the suffering and losses of the people in the lower Mississippi Valley.

It is now time for clear thinking. A program should be adopted that is economically just, safe from an engineering and scientific standpoint, and financially sound. The flood of 1927 was the most disastrous and calamitous in the history of the American people. It is the greatest catastrophe that ever befell the United States. It is comparable only to war and in many cases it is more destructive than war. We know of Sherman's march to the sea. It extended through the very heart of Mississippi from east to west. The scenes of desolation, of burning homes and smoking factories, of wrecked buildings and ruined railways, as portrayed in my childhood time after time by my grandfather as I sat on his knee, will never be forgotten. But I have witnessed the death and destruction of a Mississippi flood. I know that the onrushing waters wrought infinitely more destruction in the Mississippi Valley than Sherman's march to the sea. The issue has been made. We know now that the flood of 1927 could have been prevented. The challenge is to Congress. It must be met squarely. It can not be evaded. This challenge is a test of the ability of Congress to solve the foremost problem that ever confronted the American people. [Applause.]

EXAMINATIONS

It is sometimes said that more comprehensive investigations and more thorough surveys will have to be made before Congress can adequately solve the problem. It is doubtful if any river in the world has ever been subjected to as careful examination and as thorough study as the Mississippi River. It has been an object of national concern from the very beginning. Congress has undertaken to promote its improvement for more than 100 years. In 1820 Congress appropriated $5,000 for making surveys of the Ohio and Mississippi Rivers, and a report was made by Army engineers known as Young's reconnaissance. In 1822 Bernard and Totten, Army engineers, submitted a report after considerable study. An act of Congress approved September 30, 1850, appropriated $50,000 for surveys to provide for the channel improvement and for the prevention of inundations. Capt. A. A. Humphreys and Lieut. Henry L. Abbott, Army engineers, made extensive studies and careful surveys, and an elaborate report was submitted by them in 1861. This is the great authority on the Mississippi River. By an act of Congress approved June 23, 1874, additional surveys of the Mississippi River from Cairo to New Orleans were made under the direction of Maj. Charles R. Suter, Corps of Engineers, and this report was known as Suter's reconnaissance.

Under an act of Congress approved June 22, 1874, a board of engineers consisting of Army engineers and civilian engineers was appointed to make a full report as to the best method of protecting the alluvial valley from overflow. This board sub-

mitted a report that is known as the Warren report, and it considers very carefully the matter of cut-offs, diversions, reservoirs, and outlets. The ablest engineers of the country have been considering reservoirs in connection with flood control for more than 50 years. Congress has appointed commissions to consider the economic features and the engineering plans necessary to solve the problem of flood control. The Burrowes committee was appointed in 1883 and the Nelson committee submitted a report in 1898. After the flood of 1912 and following the flood of 1913, President Wilson ordered a full investigation for more efficient methods for flood control. The Mississippi River Commission had been organized in 1879, and it has been functioning since that time. It was thought that the problem had been solved. All studies, investigations, commissions, and committees prior to 1927 agreed that levees reinforced by revetment would solve the problem of flood control. As stated, the Mississippi River Commission had provided for the highest flood prior to 1927. Levees with a 3-foot freeboard and up to what is known as the 1914 grade and section were adopted. No engineer has disputed that the policy adopted by the commission was sound. It provided for the highest previous flood. But the flood of 1927 broke all records. We know now that levees alone will not solve the problem.

TWO PLANS

When the flood of 1927 was at its height the President of the United States requested the Chief of Engineers, with the approval of the Secretary of War, to direct the Mississippi River Commission to revise its plan to provide a reasonable factor of safety for any probable flood. In other words, the commission was requested to report a plan that would provide for the maximum probable flood. It has been agreed among engineers that a plan to provide for a flood 25 per cent in excess of the flood of 1927 would be adequate.

Accordingly, on November 28, 1927, the Mississippi River Commission submitted a report, published as Flood Control Committee Document No. 1, Seventieth Congress, first session, and I refer to this report as the commission plan. Maj. Gen. Edgar Jadwin, Chief of Engineers, also submitted a report which was transmitted to Congress on December 8, 1927, and published as House Document No. 90, Seventieth Congress, first session, and I refer to his report as the Jadwin plan. The main engineering features of the two plans are substantially the same. Both plans provide for raising, strengthening, and enlarging the levees from Cape Girardeau to Head of the Passes. Both plans provide for a diversion through the Tensas and Atchafalaya Basins and for a spillway above the city of New Orleans. Both plans provide for further protection in the vicinity of Cairo. The commission plan is to raise the levees in this territory. The Jadwin plan is to construct a diversion by moving the levees back for 5 miles between Cairo and New Madrid. The fundamental difference between the engineering features of the two plans is that the commission plan recommends regulated and controlled diversions through the Tensas Basin and the Atchafalaya Basin. It is fair to say that under the existing flood control acts the Chief of Engineers and the commission were expected to report on the economic features and to make reports covering the local and Federal interests involved. The great difference between the two plans is in the economic features. The Jadwin plan recommends local contributions of 20 per cent, and also recommends that the local interests furnish the rights of way and flowage rights. The Jadwin plan really recommends solving the problem on a 50-50 basis. Under the commission plan local contributions would only be required to the extent and amount of the 1914 grade and section. The fatal objection to the Jadwin plan is that it recommends that the States and districts agree to hold and save the United States free from all damages resulting from the construction of the project, and particularly in the building of the diversions. This is an impossibility. Moreover, the States as such have never constructed levees. The districts along the river have built the dikes. The Yazoo Basin is but one-ninth the area of Mississippi. Levees have been built on the theory that the public interest required that they be constructed without any damage or liability except for rights of way actually taken. The continuance of this principle is essential to flood control.

It is conservatively estimated that the ultimate cost of either plan will be about $500,000,000.

LEVEES AND REVETMENT MUST BE SUPPLEMENTED BY DIVERSIONS AND SPILLWAYS

Numerous alternatives have been suggested for flood control. Repeated investigations have been made covering the various methods proposed. They have been studied in the light of each flood. Every worth while suggestion as an alternative for levees has been thoroughly considered. The engineers of the Government know more about the problems of the Mississippi River than any other engineers in the country. Reforestation, dredging, straightening the channel, clearing between the levees, side channels, levee setbacks, contour plowing, and reservoirs have all been considered. The problem is to protect the lower valley against floods. Reservoirs, for instance, are of particular value on the tributaries. They may be used to solve the problem in the lower valley if the matter of costs is eliminated. They have been discarded largely because their cost is prohibitive. To solve the problem by reservoirs can not be justified from an economic standpoint.

But we know that the flood of 1927 would have overtopped the levees by many feet if they had been completed to the 1914 grade. The flood of 1927 would have overtopped the levee at Greenville 7 feet and at Arkansas City 8½ feet. At both these places the levees were up to 1914 grade. It is apparent that the levees are high enough in many places. It is also apparent that they should be made wider and stronger in other places. Since levees only can not be relied upon to solve the problem of flood control, other methods must be adopted. Spillways and outlets have heretofore been opposed because of their effect upon the discharge capacity of the river. We remember that before the levees were built the water spilled gradually over the banks in every flood. The water was diverted through natural outlets at Cape Girardeau and Cypress Creek. The Chief of Engineers and the commission agree that the levees must be supplemented by spillways and diversions. The combination of the two will solve the problem.

It must ever be kept in mind that revetment is an essential part of all plans. All engineers agree that no system of flood control or navigation improvement works can be effective or secure without stabilization of river banks. Caving occurs in the bends or concave banks and is generally confined to the region between Cairo and the Red River. The Chief of Engineers and the commission, and with practical unanimity all engineers, agree that levees and revetment are essential for both navigation and flood control. All banks do not cave. It is estimated that only about one-third of the banks between Cairo and New Orleans are subject to caving. It is said that 500 miles of additional bank revetment are needed between Cairo and the Gulf. The engineers of the Government estimate that all the material in all the levees now constructed amounts to less in yardage than is annually eroded by caving banks. Revetment is essential to prevent caving banks. Bank stabilization is fundamental. It is important, therefore, that flood-control legislation should make provision for bank revetment as well as for levees, spillways, and diversions. Congress should adopt as the basis of the flood-control project a combination of the Jadwin and commission plans, embodying the best features of both plans.

SECURITY AND PROTECTION, NOT RECLAMATION

It has been suggested that the works for the flood control of the Mississippi would reclaim the lands in the alluvial valley. There is no similarity between flood control and reclamation. The very opposite obtains. The dissimilarity suggests a contrast rather than a comparison. The lands in the lower Mississippi Valley are not wild. They are improved. The area is highly developed. It is said that no lands have been cleared in the Atchafalaya Basin for 100 years. This is no reclamation scheme. Reclamation is already an accomplished fact in the Mississippi Valley. Practically all of the lands have been cleared and can be cultivated with profit. I represent the Yazoo Basin in Mississippi. The development in this area is reflected in the bonded and mortgaged indebtedness of $100,000,000.

The assessed valuation of lands and personalty is approximately $170,000,000. Cities have been founded; highways have been constructed; the lands have been cleared; telephone, telegraph, and power lines have been installed. The people long ago reclaimed the country at their own expense and they are still paying the costs. They also built their levees without aid and without contribution. They have substantially built the levees to their present height; they have gone as far as they can. We have never asked nor do we now ask reimbursement for present or previous losses. In the Yazoo Basin we have expended for levee construction since 1882 some $46,000,000.

Prior to 1917 the local interests practically paid for levee construction. Since 1917 they have issued bonds and have taxed themselves to the limit to contribute the rights of way and one-third the cost of levee construction. They staked their all in one supreme effort to bring the levees to the grade where the engineers of the Government said their homes would be safe and their lands secure. But human nature is frail in the sight of the Almighty. They lost all in the flood of 1927. It will be

many years before they can come back. The local interests will do well to liquidate the outstanding indebtedness that they have incurred to bring the levees to the 1914 commission grade and section.

CONTRIBUTION

The flood of 1927 emphasized the fact that the local interests are unable to handle the problem. Raising the levees in one section increases the flood heights in another section. The States and local districts are no longer able to protect themselves against the floods from 31 States of the Union. As long as the country was sparsely settled the local interests neither asked nor expected aid, but now the country has grown and developed. The great Middle West has been settled. The problem has outgrown the local interests. The engineering is simple but the financial task is gigantic. It requires the strong arm and the big purse of the National Government. Heretofore we have raised the levees to protect against the previous highest flood stages. Now we must aim higher. There must be adequate and complete flood control for the greatest probable flood.

The magnitude of the problem and the vast areas involved are such that the treatment of the lower Mississippi can not be used as a precedent for future action. Moreover, the local interests have borne their part. As shown by the report of the Chief of Engineers and the Mississippi River Commission, the local interests have contributed to the construction of levees since 1882 $167,000,000 while the Federal Government has only contributed approximately $71,000,000. In addition the local interests expended prior to 1882 $125,000,000. In other words, while the Federal Government has an investment of only $71,000,000 in levees along the lower Mississippi River, the local interests have already invested $292,000,000. These figures are authentic. They are furnished by the Chief of Engineers and the Mississippi River Commission.

The great lesson from the flood of 1927 is that the dual responsibility resulting from the local contributions will not solve the problem. All concede that the Government should pay at least 80 per cent of flood-control works. The same argument against the Government assuming the entire cost is applicable to the Government assuming four-fifths of the cost. Delay might mean disaster. We can not afford to quibble about percentages in the face of a great national disaster.

But it is said that improvement will benefit the landowners. Every public improvement results in local benefits. No public improvement is ever made without some section or locality being eventually benefited. Navy yards are for the benefit of the country, but they are of especial advantage to New York, Boston, Philadelphia, and Charleston. The improvement of harbors is for the public welfare, and yet it results in special advantage to the cities located near the harbors. Highway construction and railway construction increase the value of adjacent lands, but who would stay the hand of progress because of the incidental benefits? The Government should be encouraged and not restrained in carrying out a great national project, even though local benefits are conferred upon some people.

Again, if local contributions obtain, the local voice must be considered. If the Government is to play the part of Shylock in demanding a pound of flesh for an ounce of gold, the people of the lower valley, now downcast and discouraged, would be entitled to a voice in the location of the levees. The system would be more efficient if the Government had the final word. Divided responsibility results in inefficiency. In the long run Federal control and Federal construction would be more economical.

Many districts are confessedly unable to pay for further works. The advocates of local contribution recognize this. All admit that any plan must provide for building levees where local interests are unable to contribute. It is conceded that the inability of some to contribute may result in the levee line being broken, so that those who have contributed will suffer because of the failure of others to make their contribution.

If local contributions obtain, there is the matter of interdependence. This interdependence may be fatal to the effectiveness of the entire system. The entire project can not be allowed to lag because of the inability of some districts to contribute. The break at Knowlton and at Laconia Circle resulted from the inability of local districts to pay, and as a result the States of Louisiana and Arkansas were flooded. If the districts were unable to contribute to bringing the levee line up to the 1914 grade, it is inevitable that they are and will be unable to contribute to the completion of the proposed adequate system.

The lower valley must be protected or the Nation will be the loser. The commerce of the Nation is involved. It is unjustifiable to try to protect the heart of the Nation by requiring local contribution. It is just as suicidal as it would be to place the protection of our national boundary upon the people of the coast or boundary States, and it is just as fallacious as it would be to ask the seacoast States to stand for the expense of improving the harbors of their ports. It is just as fallacious as it would be to ask the local districts to pay for the locks and dams on the rivers of the country.

Again, the States can not solve the problem. The districts can not solve it. Only the Federal Government has the power and the money to solve this greatest of all domestic problems. Work is essential in one State for the protection of the people of another State. The flood control of the Mississippi River is a part of the great internal improvement policy for which the Government of the United States was primarily established. The Federal Government was ordained to do what the States themselves are unable to do. If the problem is national, it can not be local. If the problem is national, it must be solved at national expense. The burden of taxation for the further construction of levees should be shifted to the shoulders of the Nation. The benefits to the landowners are incidental compared to the benefits to the Nation at large.

ECONOMIC SURVEY

Extensive hearings have been conducted by the Flood Control Committee of the House and the Commerce Committee of the Senate. It has been demonstrated beyond question that the local interests are unable to pay 20 per cent of the costs under either plan. It is also shown that the alleged 20 per cent in reality means 50 per cent. The hearings disclosed accurately the land values, the production, and the ability of local interests to pay.

The committees of Congress have visited the devastated areas. Studies and surveys have been made on the lower Mississippi since the beginning of the commission in 1879. The commission has been in close contact with the people. It is the representative of the Government. It is familiar with the ability of the local interests to make further contributions. The universal verdict is that the local interests have borne their part.

In addition to the studies and surveys made by the Mississippi River Commission over a period of 50 years, which studies and surveys under the direction of Congress have been both economic and scientific, Congress has the facilities of the Government at its command to ascertain the ability of the lower valley to pay. Data as to the wealth and population have been accumulated by the census. We have adequate studies and we have sufficient economic surveys. We have complete engineering plans. It only remains for Congress to act. Evidently the advocates of local contributions recognize that their position is untenable. They now suggest an economic survey. This proposal begs the question.

The responsibility is on Congress. Congress has been studying the problem for almost a year. It is the duty of the committees of Congress to obtain full information. These committees have heard the evidence. They have made more comprehensive studies than the commission appointed to negotiate the settlement of the foreign debts of the Allies to the United States resulting from the World War. Congress determined the ability and capacity of the debtor nations to pay from the information furnished to the Debt Funding Commission. This commission did not go to Europe to make an economic survey to determine the ability of the Allies to pay. Why should a different method be used to determine the capacity of the people of our own country to pay? No commission can obtain more reliable or adequate facts than the committees of Congress have acquired. A commission means further delay. Delay means danger. It may mean another flood. It may mean vastly more tragedy and destruction.

NATIONAL QUESTION

The question is not sectional; it is national. We are citizens of a common country. We are all Americans. The expense will be large, but the cost will be small when compared to the benefits to be derived. It is said that a large Navy is essential to protect the commerce of the United States, and yet the foreign commerce of the Nation is nothing like the commerce of the Mississippi Valley. Secretary of Commerce Herbert Hoover, who represented the President of the United States during the 1927 flood in the overflow area, has correctly observed:

> It is not incompatible with national economy to prevent $10 of economic loss by the expenditure of $1 of Federal money.

We have neglected our waterways. To-day the improvement of our rivers and other inland waterways is challenging the attention of the country. Flood control is fundamental on the Mississippi River. There can be no navigation without it. The same agency can most economically handle the problem of flood control and navigation. The national wealth will be increased and the commerce of the Nation will be promoted.

SACRIFICES FOR FLOOD CONTROL

Great sacrifices are frequently necessary in the lives and progress of individuals, and also in the progress of nations. The sacrifices of the colonists made possible the settlement of America. The sacrifices of the Revolution were imperative to obtain the liberty of a free people. It took war between the States to abolish slavery. The sacrifices of the World War were made to promote world peace. It may be that the flood of 1927 with all of its horrors, with all of its sufferings, with all of its sacrifices, was necessary to arouse the conscience of the Nation and to obtain protection and security for the Mississippi Valley. Benjamin Franklin, in his autobiography, says:

The best public measures are seldom adopted from previous wisdom, but are forced by the occasion.

But these sacrifices have been going on for centuries. Hernando de Soto discovered the Mississippi River in 1543, and after crossing it in the vicinity of Memphis traveled through Arkansas and Louisiana. When he returned to the great river from the West he found it in flood. The historian of De Soto's expedition gives us an accurate record of the flood of 1543. He paints a graphic picture of the Father of Waters before the country was inhabited by the white man with his boasted progress and civilization. The survivors of this ill-fated expedition undertook to reach Mexico. The trip down the Mississippi to reach Mexico was hindered by a mighty flood, which about the 8th or 10th of March began to come down the river with an enormous increase of water. The flood was 40 days in reaching its greatest height, which was about the 21st of April. It is tragic to think that almost 400 years afterwards, at about 7.30 o'clock in the morning of April 21, 1927, the crevasse occurred in the levee at Mounds Landing, 18 miles north of Greenville. This was the greatest break that ever occurred in the history of the Mississippi River.

Getting back to De Soto's trip, we find that the historian says that the flood waters began to subside about the middle of May and by the end of May the river had returned within its banks. An old Indian woman said to the members of De Soto's expedition that the flood occurred every 14 years, and that these periodical floods covered the entire Mississippi Valley. How very similar was the flood of 1927, some 400 years afterwards.

John James Audubon tells of seeing a cow swim through the second-story window of a house, 7 feet from the ground and 62 feet above the normal level of the Ohio River, in the great flood of 1828. He saw a flood in the more primitive days of the lower Mississippi as he wrote:

All is silent and melancholy, unless when the mournful bleating of a hemmed-in deer reaches your ear or the dismal scream of an eagle or raven is heard, as the foul bird rises, disturbed by your approach, from the carcass on which it was allaying its craving appetite. Bears, cougars, lynxes, and all other quadrupeds that can ascend the trees are observed crouched among their top branches. Hungry in the midst of abundance, although they see floating about them the animals on which they usually prey, they dare not venture to swim to them.

Mark Twain went up the river on a relief boat during the great flood of 1882. The river between Natchez and Baton Rouge flowed 60 miles wide. Its channel could only be guessed by the lines of tree tops barely rising out of the water. People were living on rafts tied to the tree tops or were gathered on Indian mounds that are the haven of refuge in the floods along the river even to-day. He saw many who had moored their cattle on huge rafts traveling about in canoes stripping the leaves from trees to feed their stock.

During the flood of 1927 reporters frequently noted in the daily press items like this: "Some one's house passed through Memphis to-day, bound for the Gulf of Mexico." Mark Twain observed barns and fences floating down the river. He records seeing the lithograph of a soldier on horseback in the flood of 1882 as a mute witness of some hearth invaded and despoiled.

When the flood of 1927 was at its height I came across a picture in an old Harper's Weekly. It was dated March 1, 1884, and the Mississippi River was then in flood. It was a cartoon by Nast, the great cartoonist, and was entitled "An Old Danger and a Slow Government." It represented a mother with outstretched arms and her children floating on a log in the Mississippi flood, and the mother was calling "Help! Help!". At intervals ever since 1884 the same cry has gone out, for the floods come with tragic regularity. Thousands have been crying for help, while hundreds of thousands of homes have been destroyed. The levees have been made a little higher and a little stronger. The Government has merely patched the levees. Congress has thus far never undertaken the real task of flood prevention with a reasonable factor of safety.

I saw in a recent issue of the New York Times a picture of Uncle Sam as he looked at the Mississippi River during the flood of 1927. He was represented as saying to 120,000,000 American people, constituting the greatest nation in this or any other age, "Well, what are you going to do about it?" The people of the lower valley will not have suffered in vain if the Government will solve the problem. The catastrophe of 1927 must not happen again.

I shall never forget the tragic days of April, 1927. Just a few days before the flood the homes in the Mississippi Valley were happy. The fields had been plowed and the crops were beginning to grow. The earth was beginning to yield her increase. Then the floods came and houses and lands were covered with water. Hundreds of thousands of American citizens were made helpless and homeless. I recall one of the most pitiable letters ever written. It was from one of the most cultured women in the Mississippi Valley. She wrote from a refugee camp. The letter told in calm yet burning phrases what had happened in the most fertile valley in the United States. The woman and her husband and children lived in the country. He had accumulated some money and had spent it all in beautifying their home and improving the farm. Twenty-five thousand dollars had been invested in orchards, barns, implements, cows, poultry, and mules. The fruit trees were beginning to bear on that morning in April, 1927.

The father, mother, and children were happy in their attractive home. The shrubs and plants in the yard were beautiful. Then the awful flood came, and it came at night, as floods always do. The home was wrecked and buried in mud. The fruit trees were destroyed, the tenant houses were ruined, the barn washed away and other buildings flooded. As she wrote, this cultured woman and her accomplished husband with their three children had nothing but the clothes on their back and the title to their plantation, that had cost them $100,000, then 15 feet under water. But she was brave and courageous. Hers is but a typical case. The people of the lower valley acquitted themselves like heroes in the awful flood of 1927. I could relate many acts of bravery and recount numerous deeds of heroism. This cultured woman had no complaint to make. She was glad to be alive with her husband and children in a refugee camp. They thanked God they had been rescued. She called attention to her plight and to her sacrifice to point out to the Nation that such a flood must not happen again. Tens of thousands of similar sacrifices have been made. If the Government of the United States will solve adequately the problem of flood control such sacrifices will not have been made in vain. The American people contributed generously for the relief of the flood sufferers in the Mississippi Valley. The people of the lower valley are grateful for all the assistance that has been rendered and for all the improvements that have been made. A program and a plan for flood control have been presented to Congress by the engineers of the Government. They have asked for money to solve the problem. The conscience of the Nation is awake to the duty of the hour. The mighty floods must not again be permitted to destroy a domain more fertile than the valley of the Nile. The greatest valley on earth must be protected. Legislation must pass at this session of Congress. Delay is hazardous. There must be no turning back. We have put our hands to the plow in solving this great problem for the benefit of our common country. The hour has struck. The way has been shown by the losses and sacrifices of hundreds of thousands of American people. Yes, the people of the lower Mississippi Valley have done their part. Too long have they paid for the privilege of being overflowed annually and being subjected to bankruptcy periodically. The burden can not and should not be borne longer. It should be shouldered by the Nation. The floods of the Father of Waters, the greatest and mightiest of rivers, must be held in check so they will not again wreck the Mississippi Valley. The deaths, the devastation, the ruins and the wrecks of 1927 must not be repeated. The national wealth is over $400,000,000,000, and is increasing at the rate of $15,000,000,000 annually. The flood control of the Mississippi River is the greatest problem of the United States. It is our foremost national question. It is the responsibility of all the people. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. FREAR. Mr. Chairman, I yield myself 40 minutes. [Applause.]

Mr. Chairman, I am glad, indeed, that these statements have been made by my colleagues on the committee. You ought to know the situation down there during the Mississippi flood. We are all familiar with it. We all have sympathy for those who were in the flood. Those who are opposing the present bill in its present particulars are opposing it because of certain features of the bill, but we have not delayed action on this bill one hour since it was originally brought before the committee.

It is a national problem. If it were not you could not get Government aid and you would not be entitled to it. That is the reason we all concede for it and we are all glad to give it. I have respect for every one of my colleagues who may disagree with me, and there has been no disposition on the part of any Member, so far as I know, to feel differently with reference to myself. I trust not personally, because I am about to consider the legislative aspect of the bill and discuss one provision particularly.

I am only going to take up one phase of this proposition. Later I expect I will be called upon to answer some of those who feel they should criticize or comment upon anything I may say. I trust I will have the opportunity at that time to reply to any questions and I want to do so, because whatever may be the intent, we all agree with the necessity of flood control, but do not agree to the commission or to that part which refuses local contribution. If I do not make out a case requiring local contribution you ought not to support it. That is for you to say. If I make any misstatements they ought to be pointed out, and later on, if they can not be answered, then, of course, you will have a right to your own judgment.

At the outset let me say no man would hire two extra-official, irresponsible carpenters to help build a valuable cabinet. The Government has the highest skilled engineers in the country familiar with the flood task, so to require the President to name a new commission is only to provide more jobs and delay the work. That is all I can here say about a proposed political flood-control commission.

I say political simply because it will degenerate into that kind of a commission in a few short years; that is the result of our experience.

The lower Mississippi River flood control bill now before the House covers a known cost of approximately $1,000,000,000, although both the Senate and House bills afford evidence of easy legislative virtue by carrying on their face only $325,000,000.

That fact will be considered later on, and I shall be glad to support the facts as given to me by the best authority I can find and the best authority to which we have access.

This last amount is less than one-third of the estimated cost. The facts made known to me after the bill had been reported to the House are set forth in RECORD of April 4 with the names of 1,000 owners of property, including large corporate interests whose land, under the bill, the Government must acquire by condemnation or purchase.

After Senate bill S. 3740 was reported by the committee an estimate on the bill was requested from the Army engineers under whom President Coolidge had asked for flood-control plans to place before Congress at the beginning of the session.

Their statement, as set forth in my remarks of April 4, is as follows:

THE VARIOUS ESTIMATES ARE PRESENTED

Costs that may develop from the Jones bill

	Land in large flood ways at $75 per acre	Land in large flood ways at $50 per acre	Land in large flood ways at $25 per acre
Army engineer project	$296,400,000	$296,400,000	$296,400,000
All rights of way and drainage, plus flowage and damages, Bonnet Carre and Bayou Des Glaizes loop	11,500,000	11,500,000	11,500,000
Land, damages, etc., Birds Point-New Madrid flood way as estimated by local people (Mr. Reid)	18,500,000	18,500,000	18,500,000
Boeuf and Atchafalaya flood ways (3,713,696 acres at $75, $50, and $25 per acre)	278,600,000	185,700,000	92,900,000
Railroad claims estimated by railroad chief engineers' committee (see p. 146, report of Chairman Frank R. Reid, flood control in the Mississippi Valley, March, 1928)	71,800,000	71,800,000	71,800,000
Highway claims if allowed	11,500,000	11,500,000	11,500,000
Masonry spillways if substituted by board	54,000,000	54,000,000	54,000,000
Additional freeboard of 4 feet if substituted by board	167,000,000	167,000,000	167,000,000
Atchafalaya revetments (Mississippi River Commission)	4,500,000	4,500,000	4,500,000
Total	913,800,000	820,900,000	728,100,000
From the surveys of tributaries authorized there may develop tributary and upper river work far exceeding $86,000,000 (estimate for parts affected by backwater). The total will be dependent upon local contributions and rights of way payments adopted	86,000,000	86,000,000	86,000,000
Grand total	999,800,000	906,900,000	814,100,000

From the survey authorized from Baton Rouge to Cape Girardeau there may develop a reservoir project which would substitute $1,500,000,000 for the above.

Comparison of Army engineer plan and Mississippi River Commission plan

Army engineer plan, $296,000,000 ($14,000,000 land and damages to be borne by local interests). Protects against maximum flood predicted as possible	Principal features	Mississippi River Commission plan, $407,500,000 ($90,000,000 included for land and damages). Protects against 1927 flood only
Not included	Above Cape Girardeau	Included.
Not included	Tributaries affected by backwater.	Do.
Levees and New Madrid flood way to protect against maximum flood.	Cape Girardeau to the Arkansas.	Levees only to protect against 1927 flood.
Wide Boeuf flood way	Arkansas to Red	Narrow Boeuf flood way.
Fuse-plug levees as they exist; no damages.		Masonry spillway, crest 6 feet below levee top-land damages.
Main river levees raised 3 feet.		Main river levee raised about 2½ feet.
Atchafalaya flood way, wide	Red to mouth	Atchafalaya flood way, narrower.
Fuse-plug levees at head; no damages.		Levees at head removed and land damages.
Main river levees raised 3 feet.		Main river levees raised about 1½ feet.
Bonnet Carre spillway.		Bonnet Carre spillway.
$80,000,000	Revetment (entire river).	$75,000,000.
$20,000,000	Regulating works for navigation.	None.
$11,000,000	Dredging and surveying.	$11,500,000

The foregoing is plan recommended by Mississippi River Commission. They outlined but did not recommend a plan to cost $775,000,000, which added to the above: Spillway at Carnarvon; additional levee raising and 5 feet freeboard above maximum flood; additional revetments; and additional tributary work.

There are only three projects seriously considered by either committee, and the above estimates are all from the Army engineers' office.

The item for the Boeuf and Atchafalaya flood ways covers nearly 4,000,000 acres within the proposed flood way that under the Jones bill must be acquired by condemnation or purchase by the Federal Government.

Let me say it is over 37,000,000. I am just giving you general figures so you can use those in comparison. And that figure covers only two flood ways. In all, it is about 4,000,000 acres to be acquired by the Federal Government.

Over 15,000,000 acres outside the flood way are to be protected by flood-control works—all without local contribution.

Different estimates above noted relate to varying cost of lands in the flood ways to be paid for by the Federal Government—without local contribution. Witnesses before the committee claimed their nonproductive cut-over lands subject to floods were worth $75 an acre. If such values are to be fixed by juries or other condemnation agencies where local interests control sentiment and evidence, then damages for improved and timbered lands may average far higher. Nor did the engineers make any estimate for incidental damages that will be presented under this bill by thousands of litigants and other claimants in addition to railways above mentioned. Acreage estimates for the New Madrid flood way are around $150 per acre, and the Mississippi River Commission estimate for floodway rights reach about $100,000,000.

The bill before us is the Senate or Jones bill with slight amendment as reported by the House committee for your consideration. Privilege was reserved to offer any amendments. According to the Army engineers, the project may cost $1,000,000,000, depending on the plan to be adopted by the proposed commission. Both the Senate bill and the previously reported House bill reject any local contributions, placing the entire cost on the Federal Government.

LOCAL CONTRIBUTION

The original Army engineers Mississippi flood-control project recommended to the Seventieth Congress by the President presented a simple business proposal of local contribution from beneficiaries. That has been rejected in bill S. 3740 now before you for consideration.

Contribution is a cardinal principle in Federal, State, and municipal aid.

This case presents no exception. I believe I can establish that fact, because in practically all of these flood cases there is serious destitution and serious destruction of property, sometimes of lives. The same distress occurs in every case. Contribution should be had because thousands of corporations and individual owners under this bill will enjoy enormous financial benefits through flood protection. They should contribute to-

ward the expense of protection. Those temporarily unable to contribute can do so through a proposed amendment which will authorize the Secretary of the Treasury to loan funds to such parties at low rates of interest. If destitute or bankrupt and flood-control work is necessary to complete any part of the adopted plan, then a further amendment to be offered will authorize the Secretary of War to proceed in that case without contribution. No more equitable proposal can be offered toward a project that differs little if any in conditions from that presented by past Mississippi and Sacramento flood work or from a hundred other projects later to be presented.

It is inconceivable that the Federal Government should pay $1,000,000 per mile for occasional overflows on a thousand-mile stretch of the Mississippi without receiving any contribution from hundreds of great land and lumber companies that will reap inordinate profits through their ownership of a large part of the 20,000,000 acres to be protected. The taxpayers of every State, including those in the flood districts, will vigorously protest such indefensible tax payments when the real facts are learned.

The Senate Jones bill, S. 3740, in its rejection of local contribution, goes the limit in some respects in its repeal of existing law, but for real overturning of the Federal Constitution by its defenders another Senate bill, S. 819, is a hard rival. The latter appropriates $1,000,000,000 from the Federal Treasury, to be expended at the rate of $100,000,000 annually during a period of 10 years. Not for floods alone, but—

to reimburse any State, county, levee district, or other local agency for any moneys advanced or funds expended in the construction of levee works, and to assume the outstanding indebtedness.

That is the bill which was introduced in the Senate, and the distinguished Senator who introduced it appeared before our committee to tell us there should be no contribution locally. Not in this or any other case. That is a common opinion I apprehend with many others.

All that would be needed is then to capture the political commission. This latter bill would immediately cause many millions of dollars of levee securities now held by St. Louis banks to jump over 100 per cent compared with values of a few months ago.

The $71,000,000 railway reimbursement and general damage section written into the Jones bill is a close second to this proposed hold-up of the Federal Treasury by the banks. All that seems to stand in the way of such legislation appears to be a presidential veto.

THE BILL PREVENTS ANY CONTRIBUTION FROM BENEFICIARIES

In all other Government-aid legislation the Government is protected from inordinate demands and gross favoritism by requiring local contribution where private interests are primarily benefited. Benefits in this flood-control measure often not "special" in character reach presumably into billions of dollars in the aggregate.

From section 1 of the bill—S. 3740—I quote:

That it is hereby declared to be the sense of Congress that the principle of local contribution toward cost of flood-control work which has been incorporated in all previous national legislation on the subject (and is now the law) is sound as recognizing the special interest of the local population in its own protection and as a means of preventing inordinate requests for unjustified items of work having no material national interest * * * and in view of the gigantic scale of the project involving flood waters of a volume and flowing from a drainage area largely outside the States most affected and far exceeding those of any other river in the United States no local contributions to the project herein adopted is required.

Senate bill 3740 as passed by the Senate and as reported with amendments by the House requires the Federal Government to acquire for flood ways 3,713,696 acres, or probably an additional 10 per cent for levees, spillways, and other purposes, making a total of about 4,000,000 acres of land belonging to 7,500 separate owners. This land must be acquired by separate suits for condemnation unless purchased by Government agencies for prices the agency deems "reasonable," and the land acquired by the original owners in many cases for a few cents an acre is to be procured by the Government at a minimum estimate of $100,000,000, and a probable expense of nearer $300,000,000 after costs and all expenses are considered.

OVER 7,000 SUITS INVITED BY THE BILL

All are familiar with lands not worth $10 an acre that have brought ten times that amount when needed by a railroad that submitted values to a jury of good men and true. Over 7,000 such cases are invited by the terms of the bill unless bought at private sale.

Every Member who is an attorney has presumably had the same experience I have had, that when a suit is brought against a railroad company land condemned has brought several times more than local agencies could get it for, and more than the Government can buy it for in this case.

This is only one element in the lower Mississippi flood-control project that is reasonably certain to cost the Federal Government $1,000,000,000. Counting $100,000,000 estimated for bank, flood-control protection, $71,000,000 to $100,000,000 for changing railway tracks and relocations—

and just compensation paid by the United States for all property taken, damaged, or destroyed * * * including all expenditures by persons, corporations, and public service corporations, made necessary to adjust or conform their property because of the spillways, flood ways, or diversion channels herein provided. (Sec. 4 of S. 3740.)

All these may make a draft on the Federal Treasury of more than $1,000,000,000. Engineers can not submit any close guess. Laymen, including Congress, must go it blind.

FLOOD WAYS SHOULD BE FURNISHED BY LOCAL INTERESTS

Original estimates by the War Department of $296,000,000 for control of the lower Mississippi were based on contribution by States and local interests that were to furnish flood ways. Other estimates to afford complete protection through local contribution relate to methods of handling the problem at less than one-third of the estimates on the Jones bill here before us.

A vast cost of one thousand million dollars in S. 3740 occurs through a proposed change in existing law which now requires local contribution. Every grasping agency and every interest naturally looks for personal pecuniary advantage. Without contribution, under this bill they will march on to the Public Treasury with all the vigor and speed of a disciplined army.

I do not in this suggestion refer to the people who are in distress down there in the valley. They are not the ones who will get these great profits. Often they do not own any land or only small parcels. The large owners will get the great profits.

Human experience has ever been to that effect. If we adopt the plan of giving away the taxpayers' money without limit to rehabilitate or benefit great interests that can bring political pressure to bear on Congress, then a hundred other flood-control projects now or soon to be knocking at committee doors, from the States of Washington and North Dakota to Vermont and from California and Texas to the Carolinas, will all rightfully demand the same treatment without contribution. When joined in an omnibus bill encompassing all sections of the country an irresistible measure will roll through Congress and the Treasury with greater speed and thoroughness than any pork barrel of old.

As set forth in the minority report to the reported but abandoned Reid bill, such expenditures are certain to outdistance all past measures, because while Army engineers have control of river and harbor projects and have rejected 80 per cent of those surveyed, there will be few if any rejections when an omnibus flood bill is once put on the skidways. Nothing in or out of Congress will be able to stop its passage.

LOCAL CONTRIBUTION IS NOW THE LAW

A dozen years ago, when Mr. MADDEN, of Illinois, joined me in opposition to similar bills we both voted for the law granting Government aid for Mississippi River flood control, with a proviso that local contribution should be furnished to the amount of one-third the total cost. That principle was adopted because local benefits to property and increased local values warranted contribution and also because any other policy would throw to the winds every safeguard now had by the Federal Treasury. That principle of contribution adopted by Congress 10 years ago and embodied into law is as just and necessary to-day as ever before.

Recent statements by Mr. MADDEN that the adoption of the Jones bill before the House will open many avenues of waste and invite financial disaster with eventual expenditures by the Government ostensibly for flood purposes of $5,000,000,000 is as true now as it was then. Those who argue loudest and longest against Federal interference with the rights of States are often the same ones who demand for their States extravagant appropriations from the Federal Government to be obtained without contribution. Candidates for office from President down to Senators and Congressmen are confronted with this problem when corralling States or communities directly or indirectly affected by flood-control measures.

Every legislative project from farm relief to Boulder Dam, flood control, and lesser measures involving countless millions have been joined into an omnibus movement to rush through Congress these great measures by widespread legislative trades, while telegrams and letters from political supporters back home deluge the average Member who seeks to do his duty to the Government and to measure up to his legislative responsibility.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. FREAR. I can not yield now. I will be very glad to yield later when I get through with my statement.

Those familiar with river and harbor projects which are supposed to be confined to navigable waters believe the doors of the Treasury and Budget estimates will afford little obstruction if local contributions are not furnished. The flood-control field threatens all Government Treasury control when omnibus bills then become the fashion.

RECOMMENDATION OF PRESIDENT COOLIDGE

First. In recommending the Mississippi flood-control work President Coolidge in his message to Congress said:

Under the present law the land adjacent to the dikes has paid one-third of the cost of their construction. This has been a most extraordinary concession from the plan adopted in relation to irrigation, where the general rule has been that the land benefited should bear the entire expense. It is true, of course, that the troublesome waters do not originate on the land to be reclaimed, but it is also true that such waters have a right of way through that section of the country and the land there is charged with that easement. It is the land of this region that is to be benefited. To say that it is unable to bear any expense of reclamation is the same thing as saying that it is not worth reclaiming.

Second. The War Department, familiar with the "improvement" by Congress of a large number of uncommercial waters through river and harbor omnibus bills, has this to say:

It is axiomatic that States and other local authorities should supply all lands and assume all pecuniary responsibility for damages that may result from the execution of the project. It would be revolutionary for the Federal Government to establish the precedent of buying part of the land upon which to build protective works to increase the value of the remainder. Similarly it would be very unwise for the United States in generously helping a section of the country to render itself liable for consequential damages. * * *

CONTRIBUTIONS FAVORED TO PREVENT WASTE

The Government may even bear 80 per cent of such costs, but substantial local cooperation is essential to avoid waste. * * *

It would seem that the States should share with the Federal Government the burden of assisting the levee districts and individual property owners, especially in view of the fact that the States benefit directly by the increased taxes from land made more valuable by reason of its protection.

Those recommendations are based on business and legislative experience. They are summarily rejected in S. 3740.

Here is a bill proposing a project to cost the Federal Government over a billion dollars. A year or more will be required to organize the commission so as to determine a plan and its scope. Ten years or more, it is estimated, will be required to complete the work with an average governmental expenditure of $100,000,000 yearly for this single flood-control project.

Under the bill the Federal Government instead of local interests will furnish 4,000,000 acres of flood ways that were originally given by the Government to the States as swamp lands. These lands are now to be bought back or condemned at an estimated average cost to the Government of possibly $75 an acre. As stated in the minority report to the Reid bill signed by six members of the committee:

FLOOD-WAY SERVITUDE

For untold centuries the lower Mississippi has carried off the waters of many States. During a full century the people living in the great Mississippi River Valley settled on these alluvial lands subject to overflow and floods. They drained the swamps and built levees entirely at their own expense, without Government help. Under the swamp land act they were enabled to buy these lands at nominal cost. In 1917 Congress by law agreed to contribute two-thirds of all moneys expended for levee construction.

The flood servitude has ever existed and the flood ways recommended by Army engineers are through these ancient natural diversion channels. The Federal Government has thus far expended about $190,000,000 for navigation and flood control on the lower Mississippi River and a further sum of $100,000,000 for river-bank revertment is to be expended under the direction of Army engineers irrespective of any separate bill for flood control, although it will be part of the flood-control system.

AN UNPRECEDENTED PARADOX

It must be remembered that a large part of the land in the Mississippi Valley, now asked to be protected by the Federal Government entirely at Federal Government expense, once belonged to the Federal Government. Thereafter a strange cycle of exploitation followed. In order to drain swamp areas the Federal Government gave swamp lands to the several States. Such lands were frequently highly valuable because of heavy natural timber growth, and curiously some of that land lies in districts where diversion channels are now planned through old natural flood ways to aid in the control of present-day occasional floods. Under the provisions of the committee bill the lands so given away by the Federal Government and so sold by the States at $1.25 an acre, now that the valuable timber has been removed, are to be sold back to the Federal Government at a cost of $75 an acre for cut-over lands—without contribution.

The following lands were given to States named under the swamp land act:

	Acres
Arkansas	7,686,455
Louisiana	9,405,929
Mississippi	3,288,418
Missouri	3,346,933

These lands when drained have become the most fertile in the whole country, but when they were drained and reclaimed it vastly reduced the natural flood basins of the Mississippi Valley.

The Government is now directed to buy back these flood ways so given to the States.

THE GOVERNMENT TO REIMBURSE ALL THE RAILWAYS

By the terms of the Senate bill to secure complete flood protection for certain railways the Government must pay these railways over $71,000,000 to persuade them to receive the safety they so forcibly and naturally demand after their 1927 flood losses of $6,318,000. Damages galore from other interests similarly situated await the bill's passage; and when this $1,000,000,000 project is written into law a cloud of other flood-control projects will press for similar recognition and be passed under a generous omnibus bill.

From the list of 7,500 owners of the 4,000,000 acres in the flood way inserted in the RECORD of April 4, two score or more are mentioned from among the larger holdings, to call attention to those vitally interested in having the Federal Government construct this flood control without local contribution. Instead of having the localities furnish the flood ways as proposed by the War Department and submitted to Congress by President Coolidge, this bill provides that the Federal Government must buy or condemn by court procedure all the flood-way lands held by the 7,500 owners for their benefit and the benefit of the owners of the remaining 15,000,000 acres to be protected.

Mr. COX. Will the gentleman yield?

Mr. FREAR. I will be pleased to yield later. I am going to make a fairly complete statement of the case, and then, if there is any time left, I will yield, and I will go beyond the time I have already allotted myself. One can only take up one subject at a time, and we must remember that this is a large proposition; and this is the first time in history anyone has ever tried to put through Congress a project of this kind without local contributions.

The Tensas Land Co. has flood-way holdings, according to the RECORD of April 4, reaching 226,000 acres originally bought at a figure, I am informed, around a dollar an acre and has an office in the city of Chicago. I am also informed the total holdings of the company in and out of the flood way are far greater, and that company agents have made estimates of their value at $50 per acre when protected from floods.

I am also informed the International Harvester Co. is interested in 40,000 acres of cut-over land, though not in the flood way.

If this information is reasonably accurate, it discloses that companies which paid a nominal price and may have removed valuable timber from the proposed flood way, now expect to sell land in the flood way to the Government or force condemnation for over $10,000,000 in a single case, or possibly fifty times the cost price. Necessarily the information furnished may not be accurate in all particulars, but it is sufficient to place Congress on guard when hundreds of other large property owners are also interested in the Jones bill's passage.

INTERESTS BEFORE THE COMMITTEE

Ex-Senator William Lorimer, of Chicago, was in almost daily attendance on the House Flood Control Committee for five months. He stated to the committee he had small holdings that would be increased in value by the flood-control project and naturally he spoke against local contribution.

I am informed Mr. Lorimer has his office in the same building in Chicago in which the Tensas Land Co., owning 226,000 acres, maintains its office—both owning lands affected by this bill. I do not charge any connection or employment with this or with other large Illinois lumber interests in the flood district, but if the information is true and if such interests are combined it indicates influences exist that could well afford to finance many trains, full-page advertisements and various other propaganda in an effort to pass a measure that relieves those having flood lands to sell. A glance will disclose many companies that have their headquarters also in other States and that are to reap

big profits from their southern flood lands without local contribution.

A few names from list of owners of proposed flood-way lands here follows:

Corporations:	Acres
Tensas Delta Land Co	226,171
Tall Timber & G. P. Lumber Co	53,012
Castell Co	64,499
Interstate Cooperage Co	48,120
Willetts Wood & Products Co	41,336
Wilbert Sons Co	48,499
Border Research Corporation	39,518
Pioneer Cooperage Co	32,000
St. Martins Land Co	84,000
Williams Cypress Co	28,948
Louisiana Terre Co	22,347
Brooklyn Cooperage Co	22,515
Jerome Hardware Co	22,726
Wayne Land & Timber Co	20,080
Jeanerette Lumber & Shingle Co	26,297
Jeanerette Lumber Co	8,218
Southwestern Lumber Co	22,650
Leach & Edwards Co	22,374
Fisher Lumber Co	21,823
Arcadia Land Co	19,447
C. D. Whitman Lumber Co	19,680
Schwing, R. & J. Co	19,100
Schwing L. S. & Co	24,818
R. J. Darnell (Inc.)	24,818
Mississippi Valley Timber Co	17,330
St. Landry Land & Lumber Co	15,319
Sondheimer Co	14,450
St. Landry Land & Lumber Co	15,316
National Lumber & Ice Co	15,277
Desha Lumber Co	13,386
Grant Timber & Manufacturing Co	14,910
Concordia Realty M. & P. Co	15,337
Livermore & Ellis Co	13,944
West Virginia Timber Co	18,088
Louisville Cooperage Co	15,640
Pritchard Wheeler Lumber Co	12,445
Barst Cooperage Co	13,025
Lenoni Lumber Co	13,173
Commercial Estate Co	13,370
Kyle Lumber Co	11,758
P. Kimbell Co	10,960
Bonita Lumber Co	10,520
J. H. Hines Co	10,200

Why exempt these companies from local contribution?

The foregoing list of corporations owning over 10,000 acres each in the proposed flood ways is from the report of 460 corporation owners named by me in the RECORD of April 4, but it does not attempt to name all such owners within the 10,000 acres list or over. Double that number of owners of 5,000 acres or over are included in the same list and many large landowners outside of corporations are listed, like G. G. Snowden, with 19,986 acres, Frank G. Nelson, 38,961 acres, R. L. Black, 17,533 acres, A. L. Hardin, 13,198 acres, J. J. Bowden, H. W. Sherbourne, E. B. Schwing, J. N. Parr, William Cypress, and others, each with over 10,000 acres. Why should they not contribute to this flood-control project?

Hundreds, possibly thousands, of owners of small parcels in the proposed flood ways are owners of a portion of the 15,000,000 acres outside the flood ways to be protected by the flood-control project, and holdings of outside properties so protected will presumably average larger than the above list in the proportion that 4,000,000 acres of flood way stands to 15,000,000 acres outside, but completely rejected.

TAXES FOR FLOODS AND FOR HIGHWAYS

No argument is offered that these corporations or individual large owners are more responsible financially than thousands of smaller owners of the 19,000,000 acres in and out of the flood ways now subject to floods, but from that showing no one can consistently say the farmers in my State and in every other State of the Union, often practically bankrupt, should be called upon to pay any part of highway building now undertaken by cooperation with the State and Federal Government. This difference in fact may be noted that while highway construction rarely raises the value of abutting property 10 cents an acre because of that so-called improvement, complete protection to corporations and owners of over 19,000,00 acres will furnish a fairy god father profit system for those owning land in the flood way at outside figures never before known, if a $75 estimate for cut-over lands is any index.

A PROPER FLOOD RELIEF BILL SHOULD BE PASSED

As repeatedly stated, a Mississippi River flood-control measure should be passed by Congress to give early relief to the lower Mississippi districts, and I favor waiving contributions where responsible Government agencies determine what localities, if any, can not pay either by early contributions or through Government loans; but if this bill passes the House without any effort to compel contribution from the owners, a thousand of whom alone were specifically named in my remarks of April 4, then the bill, if it passes Congress, should get what it richly deserves—a veto.

If the facts can be placed before the country there can be no question that public sentiment will heartily approve such veto. If sustained in either House, I am sure those representing the flooded districts will gladly accept aid heretofore proposed in the President's message, generously offered by the Government, and will cheerfully contribute toward their own permanent protection.

Increased values of lands, bonds, mortgages, and of business generally will immediately be reflected upon the passage of a law that gives complete protection. This is evidenced by advertisements in New Orleans papers predicting 100 per cent increase in river-land values within 90 days.

For over five months the House committee has been engaged intermittently in the consideration of this Mississippi River flood-control project. Beginning hearings November 7 of last year, about 300 witnesses were heard, including numerous Senators and Representatives in Congress who quite generally depicted flood conditions in the Mississippi Valley, and concluded with the statement that this is a national project to be built entirely at national expense.

Practically all of these witnesses were from the valley States or had flood-control projects of their own for later consideration, which may have unconsciously influenced their opposition to any contribution for the Mississippi River project, and later for their own.

Accompanying this formidable array of witnesses full-page advertisements in many northern papers, paid for by destitute flood districts, challenged the sympathy of the country. Opening hearings with special train services from different sections and an advertised attendance of a thousand visitors, it is certain that no member of the committee had doubts of influences behind the Mississippi River flood situation. The disaster was known before the hearings and sympathy insured early passage of a relief bill if not delayed by its supporters.

NO MEMBER OF CONGRESS IS OPPOSED TO FLOOD RELIEF

No member of the committee and no Member of Congress, so far as I am informed, has ever opposed a relief bill for the lower river floods. The only real question for determination related to plans to be adopted, machinery of administration, and policy and extent of Federal Government contribution. All favored generous aid by the Government. However, an absolute gift of a billion dollars or more by the Federal Government was never suggested in the hearings or committee meetings. A demand that the taxpayers of the country assume all control work, damages alleged to effect 7,500 flood-way owners and countless thousands of railway, lumber, real estate, and other interests in or out of the immediate flood ways or spillways, never was presented nor received any consideration by any committee of either House.

The Mississippi flood situation has been caused in large part by land reclamation and drainage projects that have closed up or restricted the river's natural outlets and flood ways. Nature's work of countless centuries was changed by men in recent years for their own use and profit.

Only one consequence could result. About a dozen years ago, as stated, Congress was asked to aid in the lower Mississippi River's control, not alone for navigation on which over a hundred million dollars had been spent, but also aid for flood control. I took part in the discussion and determination when that measure was then before the House, and although responsibility of the Federal Government in no way was directly involved by flood conditions, Congress then agreed by law to contribute two-thirds of the expense for flood-control works in addition to all expenditures on the river for navigation purposes.

THE MISSISSIPPI AND SACRAMENTO FLOOD-RELIEF PROJECTS IN THIS SAME BILL

The law of contribution has been in effect for over 10 years and, according to reports by the Mississippi River Commission, it has been found workable and effective in practically all situations. Disastrous floods in the Sacramento Valley are also recommended by our committee to be of national importance, but only one-third of the cost of a new project of $51,000,000 is to be borne by the Federal Government. The remaining two-thirds is to be paid by the State of California and local interests protected. With the exception of loss of lives on the lower Mississippi, both flood districts report the same distress and to the same degree.

California, after its people have spent $100,000,000 on its floods in the Sacramento Valley, now offers to contribute two-thirds of the cost of the $51,000,000 additional improvement, of which the State government is to contribute $17,000,000, the valley residents an equal amount, and the Federal Government the remaining $17,000,000. California now has a State and local debt—Statistical Abstract, 1926, page 220—reaching $16,582,000, based on last reports available, and the per capita indebtedness

of $142.81 is more than double that of any of the States affected by floods in the lower Mississippi Valley. I am not offering any argument as to the injustice exercised toward California and its people beyond a brief statement of the facts existing in a country when every State must contribute its part of the tax for all public improvements and for any work that increases the holdings of the Mississippi Valley corporations and landowners hereinbefore named.

A loss of 200 lives in the Mississippi flood or of more than that number in a recent California reservoir catastrophe can not be minimized, but it should not determine action by Congress where a change of policy that discriminates between sections is certain to prevent any attempt at equal justice. A policy of no contribution for the lower Mississippi will involve the Federal Government in a campaign of prodigal waste measured only by the cupidity and greed of individuals and communities throughout the country that are invited to join in unlimited raids on the Federal Treasury without local contribution. It is suggested that to differentiate between California and the lower Mississippi projects may indicate a purpose by Congress to discriminate. This is unlikely to occur, because in the next omnibus bill all projects from California to Vermont will ask for the same consideration that we now give the Mississippi River, and why not? Why does not California receive the same as the Mississippi River project now?

President Coolidge, in accordance with existing law and established policy, recommended congressional action on the Mississippi flood problem to be accompanied by local contribution. The Secretary of War and Army engineers made the same recommendations to the Nation's Executive and the Mississippi River Commission, based on past experience, declared that policy was necessary to withstand inordinate demands.

THE MINORITY REPORT ON THE REID BILL

When the so-called Reid bill was reported to the House in February, six committee members signed a minority report disclosing that instead of $325,000,000, according to experts, the cost would reach $1,400,000,000; that the bill contained no plan or definite purpose; invited needless delay for a new survey of reservoir sites; and three-fourths of the minority report was devoted to the unwise, unjust, and dangerous precedent proposed by that bill in its demand for no local contribution.

No further action occurred with the House committee for several weeks, nor were any committee meetings held until after the Jones bill passed the Senate. I am stating a fact without ascribing reasons. A feverish effort then occurred for two or three days on the part of one or two members of the House committee to whip into shape a substitute for the Jones bill. The character of the proceeding, the objectionable House bill features to be reoffered, the danger of delay, and differences to be settled in conference all appealed to the House committee, so that on a motion to report the Jones bill to the House, and there offer amendments, the vote to substitute was 14 to 6, including every member of the committee representing Mississippi flood districts from Cairo to the Gulf.

At this point I pause to say Chairman REID before the Rules Committee called the 14 members of the Flood Control Committee a Coxey's army because after nearly five months of uncertainty and delay they voted to report the Senate bill. Among the ablest and strongest men in the House on that committee so voted because they loved Rome more than any leader. They need no defense individually or collectively and are amply able to speak for themselves.

I have no purpose to waste time in personalities or with Chairman REID's characterization of the 14 members of the Flood Control Committee or his references to Representative KOPP or myself. All have extended to him every courtesy during the past five months. I believe the fact that 14 members of the committee acted on their own judgment speaks for itself and they were within their rights in differing from the chairman even as a minority did when calling attention to the Reid bill, which carried a cost of $1,400,000,000 instead of $325,000,000 as reported.

The reference as to "political outcasts" I leave my colleagues to answer. After many years' service in Congress I never felt more comfortable among my colleagues than now. [Applause.] I do not have to consult any leader nor have I ever recanted or flopped in legislative efforts to find the loaded wagon. I would not change such independence for the chairmanship of the Flood Control Committee or for any other committee of the House, nor do I criticize others for so doing. Each must decide for himself. Washington press statements say "'on the highest' authority at the White House the President's opposition to the House Reid flood control bill is based on the same objections stated by Representative FREAR." If true, it fortifies my own judgment in opposition to this bill as reported. [Applause.]

Personally, I respect the chairman of this committee. I have worked with him for years. I admire him because he is a brilliant man, but I have the right to differ from him, and I am differing from him now because I can not take any other position under my own honest convictions.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. FREAR. I will be pleased to yield later on.

CONSISTENT FOR OVER 10 YEARS ON FLOOD CONTROL

I am at least consistent with my position of more than 10 years ago and if I am fortunately in the distinguished company of the President, Chairman MARTIN MADDEN, Leader TILSON, and others of my party on this bill, it demonstrates that sometimes I am "regular" even if my critic is not so now. During past years I have occasionally believed it my duty to differ from the advisers of Presidents and without presumption have helped to bring success to the abolishment of the old public-building pork barrel and defeat of the Mellon tax bill, the sales tax, the dye embargo, and also helped on my committee to pass the soldiers' bonus bill. I followed my honest judgment then as now.

Others did their duty according to their judgment and I have not criticized them nor offered any apologies for the past record. The duty of every Member in the House is as certain as that of the President. He is the Executive charged under his oath of office with protection of the Federal Government's best interests. That also is our own responsibility.

I am not disposed to answer critics even when the door is left wide open for recrimination. Nor will I be swerved from proper criticism of this bill. The estimated cost of the Jones bill of $1,000,000,000 indicates the importance of local contribution. The Jones bill will give 460 corporations and a like number of large owners in the flood ways an outside price to be paid by the Government on all their 3,000,000-acre holdings out of the 4,000,000 acres, the flood ways to be acquired by the Government.

The Jones bill will give to several railways, according to their own estimate, $71,835,000 from the Federal Treasury to relocate their tracks, although the 1927 flood alone caused these same roads a loss of $6,318,000. Against this they ask future complete flood protection without any local contribution from themselves for permanent insurance.

The Jones bill will give damages and compensation to other interests that believe themselves temporarily injured, and all these multitudinous separate interests, whether in or out of the flood ways, will have the right to resort to local courts and local juries or local commissions partial to local interests for their damages and compensation sure to be collected from a wealthy Government.

The Jones bill will add incalculable wealth to the bondholders and landholders when one thousand million dollars is advanced by the Government.

The Jones bill will benefit thousands of other property owners outside the flood way without one dollar of local contribution. Can any man in his wildest fancy predict what this Jones bill, passed by the Senate in a little over one hour's debate, is to cover? What is the end with omnibus bills other than the bottom of the Treasury vaults? One presidential candidate proposes a bond issue. His party associates demand in the same breath a $300,000,000 annual tax cut. To adopt the slogan of a former Member, "Vote against any tax bill and for every appropriation."

WHAT IS THE FEDERAL GOVERNMENT?

We speak of the Federal Government legislatively as a thing separate and apart from our own people, and so we lightly waive local contribution to a thousand million dollar project that possibly will cost the taxpayers of New York two or three hundred million dollars, Illinois one hundred million, and a comparatively small State like Wisconsin will proportionately contribute in taxes over $20,000,000 toward this one project. No exact basis is afforded because of varying conditions, but every expenditure by the Federal Government is paid into the Federal Treasury proportionately by the several States.

Great calamities must be relieved by those who can contribute, but any stock-jobbing proposal that increases $40 drainage or levee bonds to $100 because of complete flood control or that enhances the value of land often bought at nominal value to several times that value should be rejected. The Federal Government, which means all the States, has right to demand through its Senators and Representatives in Congress square dealing for the Government. That means local contribution from those to be benefited.

Every Member sympathizes with unfortunate flood sufferers in the Mississippi Valley and with the equally distressed sufferers in the Sacramento Valley which I have visited, but

when Congress in the bill before us compels California to pay two-thirds of the total cost of flood protection while we throw wide open the door for stock jobbing and land exploitation in the Mississippi Valley, we abandon all attempt at square dealing with the Federal Government or California.

The Federal Government is your State and my State. They pay all National expenditures in addition to all local State and municipal costs. If the flood legislation reaches the proportions prophesied by Chairman MADDEN, of $5,000,000,000, then Wisconsin will eventually pay $100,000,000 toward this new legislative flood industry—without any return. Responsibility for such payments by States rests with our action on this "no-contribution" precedent.

THE JADWIN PLAN AND THE JONES BILL

General Jadwin's plan of flood control was introduced by Senator JONES in the Senate. That bill provided all flood ways should be furnished by local interests and that other contributions should be made according to law and past practice. That original bill is not like the JONES bill which passed the Senate and is reported here.

Protest must arise when taxpayers of the country learn that instead of providing $296,000,000 from the Treasury under the Jadwin plan with local contributions, Congress precipitately has placed on these taxpayers a one billion dollar burden that will serve as a tempting morsel for other billions to cover other flood-control projects in future omnibus bills without contribution.

I have furnished data in the RECORD of April 4 that will not be here repeated. It gives conclusive reasons for requiring local contributions where Government aid is given.

When the bill is read amendments will be offered to carry out the original purposes of the act. I am desirous of affording my colleagues full opportunity to be heard on the bill and so have confined my remarks largely to the matter of local contribution.

In a bill that involved such a vast problem to be worked out legislatively, deliberation instead of speed is the surest way to expedite the project. I trust amendments may be accepted that will strengthen the bill and protect the Federal Government, for after all we are as much the servants of the general Government as of the districts that we represent. What we do here is to be the law for all time, and on a contract involving possibly a billion dollars we should give the close scrutiny and deliberate judgment it deserves. I am hopeful we may bring out something we can all vote for and relieve the lower Mississippi Valley without delay, but responsibility for any failure or delay must be borne by those who refuse to concede the justice of accompanying Government aid with contribution based on benefits received.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. Mr. Chairman, I yield myself 10 minutes more.

I would like to say a word with respect to the map I have here, but the distinguished gentleman from Georgia [Mr. Cox], whom I admire very much, has asked me several times to yield.

Mr. COX. Somebody had to go first, either the gentleman or myself. Does the gentleman yield now?

Mr. FREAR. Yes; only for a question, because I have so much ground I want to cover.

Mr. COX. I would like for the gentleman to be good enough to yield for several questions.

Mr. FREAR. Then I must decline to yield now. I will later answer any question that any Member on the floor wants to ask, but I can not at this time. I am too familiar with the way of the gentleman from Georgia. He is a good cross-examiner, and I fear would take too much of my time. There are Members here that I know are anxious to hear my statement, and I can not afford to yield too much of my time now.

On this map [indicating] out to this point is included approximately 20,000,000 acres of land that is to be controlled by these two flood ways, known as the Boeuf and Atchafalaya, and the other flood ways taking them altogether. This is only illustrative of the protection to be afforded here, and taking them altogether they amount to 20,000,000 acres. It does not attempt to fix the actual limits protected. If there are any questions later, I will be glad to answer them.

This is the protected area of 19,000,000 or 20,000,000 acres outside the flood way, which takes 4,000,000 acres. The red color is the amount of land owned by corporations and large landholders; it is 77 per cent, and the poor, unfortunate little fellows, some 6,500 of them, own only 23 per cent. These are figures furnished me by the Army engineers. They made the map for me. Are you going to give three-quarters of the land in this flood way without local contribution, with a protection of 15,000,000 additional acres without local contribution? If you do so, I will have to go to my people in Wisconsin to pay the taxes and you to the people of Georgia to pay the taxes that protects these great interests without contribution.

Here is a plan furnished by the Army engineers as to the cost of this original bill [indicating]. Here are the various items. This is an enlarged diagram of the estimate, which I will print in my speech.

Now I will yield to the gentleman from Georgia.

Mr. COX. Does the gentleman justify the application of the principle of local contribution upon the idea of special benefit?

Mr. FREAR. I do, the same as I would with highways, irrigation, or anything else wherein the Government contributes Federal aid.

Mr. COX. Does the gentleman concede that no personal liability attaches to the owner of land for the special assessment made?

Mr. FREAR. Under this bill?

Mr. COX. By the law of the several States.

Mr. FREAR. I am taking it as you have it in this bill. Unless special benefits are shown to affect railways, I am not going to discuss a legal question with the gentleman from Georgia. Time is too limited.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. JACOBSTEIN. Will the gentleman explain again his map wherein he says that the large corporations and landowners are going to profit especially by this legislation?

Mr. FREAR. These are the lands in the flood ways owned by the corporations and people which have to be purchased or condemned, about 4,000,000 acres in these flood ways.

Mr. JACOBSTEIN. Their profit will consist of selling the land to the Government?

Mr. FREAR. Perhaps by condemnation proceedings and whatever process they get the land under, but at excess prices where the Government has to buy.

Mr. JACOBSTEIN. The 77 per cent has nothing to do with the flood area?

Mr. FREAR. No. This is the land here, and this is in the flood area. The 77 per cent relates to that part owned by the corporations and large landowners.

Mr. BROWNE. How many condemnation proceedings will there probably be?

Mr. FREAR. Oh, we can not tell; there are 7,500 owners in this tract, and of that number 1,000 are named who own over one section.

Mr. BROWNE. There will be several thousand?

Mr. FREAR. Yes. I will say to my colleague, if we can not get it by purchase we must get it by condemnation.

Mr. LAGUARDIA. The gentleman says the testimony before the committee showed that the value of the land to be $60 or $75 an acre. Is that value based on the land subject to flood danger or land after it has been protected as it would be by the bill?

Mr. FREAR. The land subject to flood danger.

Mr. LAGUARDIA. The uncolored portion of the map between the pink area and that of the dark color is the area that will derive benefits from the protection?

Mr. FREAR. Yes; that is it.

Mr. JACOBSTEIN. These large corporations would benefit anyway, even if they had to make a contribution? Yes; many times. I do not see the force of the gentleman's argument against the elimination of the 20 per cent assessment.

Mr. FREAR. Oh, the gentleman misses the point entirely, I am afraid. The Army engineer bill proposes these flood ways shall be furnished free to the Government. We have to buy them under the bill. It is not the 20 per cent I am now discussing. That is a small item. That only amounts to around $30,000,000. This other item relates to flood ways that the Government must purchase under the terms of this bill, as opposed to the Jadwin plan. That is in the neighborhood of $200,000,000 to $300,000,000 expense to the Government to purchase these rights.

Mr. LAGUARDIA. If the States did furnish the necessary land to provide the flood ways, would that meet the gentleman's objection to the bill?

Mr. FREAR. That would practically meet it, although I think local contributions should be had to some extent to avoid a dangerous precedent.

Mr. COOPER of Wisconsin. Will the gentleman please tell me what the blue line on the map means?

Mr. FREAR. That color represents the land owned by the small owners. About 23 per cent compared with 77 per cent owned by the corporations and large owners.

Mr. COOPER of Wisconsin. Where is the river?

Mr. FREAR. It is away over here to the right. This is going down the flood ways used to care for surplus waters under the plan.

Mr. WILSON of Louisiana. Where did the gentleman get his information as to the value of $75 an acre placed on land in Louisiana?

Mr. FREAR. I did not get it at $75 an acre from the people of Louisiana any more than I did from the people of Arkansas as to the value of their land, but the amount was estimated around $150 at New Madrid. A witness from Arkansas who testified before our committee said it was worth $75 an acre for his cut-over lands, and some figures were larger than that amount. I do not attempt to say what the Government must pay, but that will be eliminated if local interests and States furnish under the Jadwin plan.

Mr. WILSON of Louisiana. And the statement relative to Missouri is what the gentleman bases his statement on in respect to the value of lands in Louisiana?

Mr. FREAR. Oh, no; not entirely. Will the gentleman give the value that it can be obtained for?

Mr. WILSON of Louisiana. We had an estimate made for the flood ways in Louisiana at an average price of $23 an acre for the Boeuf Basin, and $15 an acre for the Atchafalaya Basin.

Mr. FREAR. Just try to get those lands for the Government and the gentleman will find it is a hard proposition at such prices, I fear. A man is going to get all that he can for his land when he finds a buyer who has to have it.

Mr. WILSON of Louisiana. We had many people from the Tensas and the Boeuf Basin, and did they not state that their people are always against the establishment of any flood way there at all?

Mr. FREAR. Surely. I do not question that. That is the heart of the proposition. There was not a proposition which came up to us in committee that some one did not oppose because they were going to be flooded or the waters were to be diverted from ways they felt would injure them.

That is my answer to Brother WILSON, of the committee. Everyone knows that we were constantly confronted with that difficulty, and the Army engineers finally said that their plan, known as the Jadwin plan, is the plan that they could give us. No civil or other engineer has offered anything that is superior to that. If so, I would like to have it presented to the House. Of course, the Jadwin plan is only the result of investigations and conferences with possibly a hundred Army engineers, and then a determination in the one submitted.

Mr. JOHNSON of Texas and Mr. CROSSER rose.

Mr. FREAR. I can not yield now. I wish I could do so, but I am going to speak again, because I presume this suggestion of local contribution is going to be hit and hammered by my colleagues. If I have made any misstatement, I want them to correct it and I shall be glad to be set right, but I have submitted what I believe to be a fair statement of the case.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FREAR. Under leave to extend I append hereto the following:

COOLIDGE DECLARES FLOOD RELIEF BILLS DANGER TO COUNTRY—WOULD COST $1,500,000,000 FOR CHANNELS AND RIGHTS OF WAY, EXPERTS TELL HIM—BENEFIT TO EVERYBODY BUT REAL SUFFERERS—BELIEVES COMMISSION PLAN IS USELESS; BODY PROBABLY IRRESPONSIBLE

Flood control bills now pending before Congress appear to President Coolidge ideally suited to benefit everybody except the actual flood sufferers whom they were originally intended to protect. Railroad companies, lumber interests, individuals holding shares in these concerns, and especially contractors interested in the constructions involved, seem to the President destined to derive majority benefits from the contemplated measures. All in all, he thinks the situation now in Congress is impossible.

Large sums, which some of the experts whom President Coolidge has consulted have estimated as high as $1,500,000,000, will be expended under the bill to buy rights of way, channels for the flood way and contingent expenses, including major maintenance costs.

The letting of contracts for the actual construction would be taken out of the hands of Army engineers, where it has heretofore always rested, to become the jurisdiction of the special commission formed under the provisions of the bill.

DOUBTS COMMISSION'S VALUE

This commission, President Coolidge feels, would be irresponsive, even were it not irresponsible, to the demands and needs of the ordinary flood sufferer.

The principle of no local contribution for works of this kind, in flat contradiction to the stated policy of the administration, appears to President Coolidge to provide an extremely dangerous precedent in matters of this kind.

He regards such a policy as equivalent to bestowing very definite favors upon certain communities at the expense of the remainder of the country.

The immediate reaction, Mr. Coolidge fears, will be that other communities when similarly situated will also call for help from the National Treasury to which they themselves will not expect to contribute. President Coolidge, therefore, regards as beyond computation the obligations for which the central Government might therefore become responsible.

RESERVOIRS HELD FUTILE

He foresees an additional danger in the new policy which Congress is considering, that by which the Government, by shouldering completely all flood-relief work, might become responsible for all future flood damages, both on the Mississippi and on any other rivers whose improvement the United States might be obligated to undertake in the future.

The President has discussed with Representative STRONG, of Kansas, and Representative GARBER, of Oklahoma, a proposal to form a large number of reservoirs on the upper reaches of the tributaries of the Mississippi as a measure of flood control, but from an analysis of the proposal by General Jadwin, who was present at the conference, it appeared to President Coolidge that this plan would not give adequate control.

[From Report of the Mississippi River Commission on Contribution]

(P. 81, Committee Doc. No. 1, 70th Cong.)

The commission is firmly of the opinion that some degree of local financial cooperation is essential to a successful accomplishment of a flood-control project. This opinion is based not on a belief that local interests should share in the cost by reason of their being beneficiaries, but on the belief that without a local sharing in the cost the commission, as an agent of the Federal Government disbursing Federal funds, will be confronted by inordinate demands for flood-control works of large cost which will, if granted free of cost, be demanded for the protection of areas insignificant in size and value, merely because the owner would need to underwrite no part of the cost. Even with a local contribution of one-third, as is now required, the commission has been importuned to levee areas unworthy of the cost of such protection. The commission has been able in the past to apply Federal funds according to its best judgment by its adoption of and adherence to a policy requiring that applicants for Federal aid prove the worthiness of their levee projects. This has been possible because the only cases presented would, if approved, entail liability on the applicants for the costs of rights of way and one-third the costs of construction. With no restriction on demands the commission foresees a multitude of projects of little or no merit which it should deny in the interest of the public whose funds it will handle, but which, lacking authority to call for an outlay of funds by the applicants, it would find difficult or impossible to deny.

The commission would view with deep concern the adoption of a Federal flood-control project that would absolve local interests from participation in costs in levee maintenance. It believes that part of the cost thereof should be borne by the local beneficiaries. On the other hand, it believes that the Federal Government should pay part of the maintenance costs and should reserve full control of such work. The Federal Government alone is equipped with vessels and plant to meet emergencies and should stand ready to perform that function.

The commission believes that protection of lands of small value, except for timber and basins of small area, will be discouraged by a requirement for local participation in cost, as outlined in paragraph 356.

The commission is aware that its operations in the past have been at times hampered through the failure of some levee districts to furnish assurance of their share of the funds needed for levee work, thus adversely affecting the prosecution of the work, but believes that the advantages derived from local participation in costs would more than compensate for such disadvantages.

I submitted to the Army engineers an inquiry as to what course would be pursued providing interested parties in the valley refused or delayed making payments to the Government for their proper portion of the flood-control project.

The following letter gives an outline of what may be done in such event. However, with the adoption of amendments authorizing Government loans to needy interests and the further power of waiving contributions in case of necessity, under an amendment to be offered, it seems every precaution has been taken to avoid delay or the omission of any necessary part of the plan. Letter from General Jadwin, Chief of Engineers, follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 12, 1928.

Hon. JAMES A. FREAR,
House of Representatives, Washington, D. C.

DEAR MR. FREAR: In compliance with your request I have to submit the following:

If the flood control bill should be enacted requiring local contributions from the lands to be greatly benefited, there is no doubt in my mind that contributions would be forthcoming, since anyone can afford to put up 20 cents for a dollar's worth of protection. Contrary to statements that have been made, even if some locality should refuse to contribute, the whole plan would not be held up; neither would a delinquency of one section necessarily leave unprotected another section that had met its just obligations. The plan, with minor modifications, can be made to afford protection to each locality cooperating and to leave without the additional benefits sections not contributing.

If there should be delay in effecting the necessary adjustments for the proposed Birds Point-New Madrid flood way, minor modifications can be made as indicated below so that only that section of Missouri immediately behind that flood way will be left unprotected against the superflood. The riverside levee from Birds Point to New Madrid is now lower in elevation than the levee around the city of Cairo. Excess water will go over that levee and relieve the situation at Cairo as it did in the 1927 flood at the Dorena crevasse. The levee grade now is above the flow line of a flood equal to that of 1927, and even the lands back of the levee are protected except for a superflood exceeding that of 1927. A break in this section overflows a relatively small section of the St. Francis Basin east of the Sykeston Ridge. A small amount of levee work on the Sykeston Ridge will protect the lower St. Francis Basin from any accident due to the delay in constructing the flood way. Above Birds Point the levee can be raised up to Cape Girardeau and thus protect the northern part of the St. Francis Basin against a superflood. This area did not get wet in 1927. As a matter of fact, this entire section is not hard up on account of the 1927 flood, since there was no failure in southeast Missouri except that at Dorena. The water from this crevasse did get over the Sykeston Ridge in limited amounts. However, that contingency can be corrected as indicated at small cost.

The backwater or natural river-bed country on the Tennessee side has always been subject to the vicissitudes of the Mississippi River, and always will be, unless the channel is narrowed beyond safety, and narrow strips of land are reclaimed at unreasonable and uneconomic costs. The Reelfoot territory, the only land now protected on the east side of the river in this general latitude, is to be given additional protection under the project proposed because it is already behind a levee. This additional protection is to cost the United States about $25 per acre protected. You can see that, if merely enlarging existing levees will cost this much, building new levees would cost a great deal more.

As for the Boeuf flood way, as matters now stand, the entire territory on the west side of the river is subject to overflow from a superflood. The plan proposes to limit this overflow to the most undeveloped section in this latitude. The sections thus to be protected will most certainly put up 20 per cent of the cost of their protection. If southern Arkansas should not see fit to contribute, a levee could be put across the upper end of the Lake Providence section from Macon Ridge to the Mississippi River levee and thus protect that section in Louisiana. A more extensive, but not excessive modification of the plan could empty the upper Bartholomew into the Boeuf in Louisiana and thus protect parts of Louisiana outside the flood way, or an additional flood way could be carried down the Bartholomew. Thus Louisiana could participate in the flood control for its own protection and attain full protection, even if Arkansas did not join in. Similarly, if Arkansas alone accepted its share and contributed, the flood way could be stopped at the Louisiana line, and Arkansas would get full protection whether Louisiana joined in or not.

As for the Atchafalaya, it is all in Louisiana, which State is already organized for flood control by State. It has State laws for acquiring lands for levee work, and a State levee organization. Louisiana will desire the benefits of this flood way, and New Orleans must have it. The State now spends some $10,000,000 a year for road work. It can easily put up $3,000,000 a year for 10 years as its flood-control contribution.

On the east side of the river is wealthy New Orleans, which will certainly contribute the amount required for the Bonnet Carre spillway. For several years New Orleans people have been advocating such a spillway and it has appeared that they have wanted it badly enough to make them willing to pay 100 per cent of the cost. In fact, before 1927, they requested permission to remove a levee at Point La Hache below New Orleans and construct, at their own expense, an experimental spillway at a cost of $1,000,000. The lands in Louisiana east of the river are protected by the works there and the water can not come into them from any other State.

The Yazoo Basin is entirely in Mississippi and its protection is only a matter in one State. Of course, Mississippi or the two levee districts therein will contribute 20 cents on the dollar.

From the above you see that the question of one State being put in jeopardy from the delinquency of another State is mostly imaginary. It so happens that there are only two places at which a problem might arise. First, opposite Cairo, any failure of or delay in the plan will affect adversely only the territory refusing to cooperate since effects of overflow are localized by the Sykeston Ridge. Second, the failure of southern Arkansas to cooperate in the upper Boeuf flood ways construction can be made to affect Arkansas only by modifying the plan at the Louisiana line. It is hardly probable that this latter contingency will arise.

There will be plenty of time during the life of the project to iron out difficulties. There is plenty of work to be prosecuted at once before problems are encountered.

The plan is based on local cooperation, and the supplying of land by local interests who are the ones primarily benefited. Without local cooperation the cost can be anything. And the cost of the United States buying land can be any amount. Already expensive and uneconomic masonry spillways are advocated. Excessive freeboard is asked for. Hard-surfaced roads along the top of the entire levee line are demanded. With the United States paying all and accepting a responsibility not legal nor proper now, the sky is the limit.

Yours sincerely,

EDGAR JADWIN,
Major General, Chief of Engineers.

From the Engineering News Record of April 5, 1928, I quote editorial comment that is significant as to the economic situation presented by the Jones bill:

FLOOD-CONTROL LEGISLATION

Precipitate legislation on a momentous question, as represented in the Senate's passage of the Jones flood control bill, can not invite either public or engineering approval. Its political background is obvious. * * *

If the Senate's action gives warning that Congress is simply playing politics in the flood issue and is evading a direct answer to the problem of Mississippi flood control, constructive thinking on the subject becomes the personal obligation of the citizen. Let us therefore inquire what line of action gives real promise. * * *

Consider the economic question of whether certain areas should or should not be protected. Little information exists in usable form of the present actual use of the land and its value. Certain statistics have been compiled as to valuations and acreages of cleared land, but how much of it is in cultivation and where it is located is not known. In 31 levee districts that comprise practically the whole area needing protection, having a total acreage of 17,000,000 acres of which 7,000,000 is cleared the assessed valuation is $504,000,000. Against this there is a total indebtedness of $413,000,000, but only $36,000,000 of the total, or $2.13 per acre, is for levee bonds. Losses from the 1927 flood in these districts were $111,000,000 or $6.60 per acre. Whether, then, it is good economics to spend from one-third billion to a billion dollars to save property valued at half a billion is a pertinent question. Certainly some further economic balancing is needed against what this property will be worth with protection in 10 to 20 years. When some estimate of future values is made, some reasonable figure as to apportionment of cost can be arrived at. Since the country as a whole must pay the bulk of the new costs, some appraisal is needed as to what the country as a whole is going to get and what its own relation is as to the added acres, surpluses, and consequent competition with lowered prices. * * *

With more of these economic questions answered, the individual Congressman would be in a much better position to vote on valley appropriations and know whether he was serving the best interests of the country.

The above editorial does not mention outstanding drainage bonds totaling many millions of dollars. Holders of such bonds and levee bond holders, like owners of land to be sold or benefited, have an abiding interest in the passage of the Jones bill irrespective of its economic value.

WHO ARE THE REAL BENEFICIARIES?—A BRIEF STATEMENT AS TO THE 27 LEVEE DISTRICTS

It is not sound for the United States to assume all responsibility for flood control in the Mississippi Delta merely because there are some 27 levee districts, small and large, which are difficult to coordinate.

There are States which gain taxation by flood control, and these are the units that should deal with the Federal Government in cooperation. To say that the United States should pay all because the States would have some difficulty in organizing themselves is not reasonable. Of course, they will not organize for flood control if the United States will assume all responsibility and all costs.

I understand Louisiana is now spending about $10,000,000 a year for road work. It can spend its contributive quota of the flood-control project which totals less than $3,000,000 a year.

It has been published that Arkansas is launching a road project of over $50,000,000. It can spend its contributive quota of flood control which totals less than $2,000,000 a year.

Other States have lesser amounts to pay for flood control.

The above figures include all costs to States including land and legitimate damages.

Innumerable flood-control plans have been proposed by parties interested in special localities. However, it is unnecessary to let these confuse the issue.

A sound, economical plan has been presented by impartial experts which aims at adequate protection without additional reclamation and without profligate payment of unwarranted claims. Any plan proposing that the United States spend more than $300,000,000 for protection of the Delta Valley looks padded, either with uneconomic new reclamation or with wasteful, unnecessary construction and payment of unjustified claims.

The hearings before the committees of Congress have demonstrated that there is no possibility of having economy in a flood-control project unless local interests benefited pay some percentage of cost of the construction works as well as all land and damage claims. Hundreds of witnesses, technical or otherwise, have advocated various things involving unexcusable and extravagant waste only because they assumed that the United States should pay all. That is the scope of the Jones bill.

One of many letters received from those familiar with conditions in the lower Mississippi Valley:

ALGOMA, WIS., *April 7, 1928.*

Hon. JAMES A. FREAR,
Washington, D. C.

DEAR MR. FREAR: I have just read your stand on the flood control bill and I think you are absolutely right as to compensation in part by owners of timberlands adjacent to the Mississippi and other rivers. It was my business a few years ago to appraise a 10,000-acre tract of hardwoods a few miles south of Memphis, located in Arkansas. It being in the dry season and the only time the land is accessible.

Evidence of the backwaters were on every side, showing where the water left its marks 6 feet and more on all the trees. The tract was sold then for $150,000, since then it has been sold for a good-size profit. To whom I do not know, but I do know that many of the lumbermen at St. Louis and other large cities along the rivers own large and valuable tracts, all of which are inaccessible on account of overflow. It surely must be apparent to anyone who will give the subject the right thought that to restrain these high waters will make it possible for all of this valuable timber to be marketed during the absence of hot weather, with all its pestiferous insects and reptiles.

Just why these owners should not shoulder part of the cost for control of the waters is not apparent to those of us who think that our President is right in his stand. I concede there are many who will be benefited by this improvement who have lost their all, practically, and ought not to be made to pay, but the lumber barons and others inordinately benefited should be compelled to pay according to their benefits, presumably to be arrived at by appraisal as to the value of holdings.

I trust that the opinions of the President and legislators will prevail to the larger extent than seems possible at the present time and justice may be done to all.

Yours truly,

GEORGE D. FELLOWS.

Amendment proposed for Union Calendar No. 238, S. 3740, to cover loans from the Government, April 2, 1928:

Page 4, at the end of section 3 (after an amendment previously proposed), add the following:

"*Provided,* That the Secretary of the Treasury is authorized to lend to States or local interests on proper security, under liberal and favorable terms as to interest and maturity, sufficient funds to permit said States or local interests to finance their share of the flood-control costs, when it is demonstrated to his satisfaction that local interests need loans in order to enable them to carry out their share of the project."

(Doc. No. 90, p. 32)

PLAN, CHIEF OF ENGINEERS

Below Red River:	
Bonnet Carre spillway	$8,200,000
Mississippi levees	18,700,000
Flood way east of Atchafalaya	12,600,000
Flood way west of Atchafalaya	17,300,000
Red to Arkansas:	
Mississippi levees	59,300,000
Boeuf Basin flood way	7,700,000
Arkansas to Cape Girardeau:	
Mississippi levees	53,900,000
Auxiliary levees	7,700,000
Channel stabilization	110,000,000
Mapping	1,000,000
Total	296,400,000

(Doc. No. 90, p. 34)

Its adoption should be made subject to the provision that, except when authorized by the Secretary of War upon the recommendation of the Chief of Engineers, no funds appropriated by Congress for the execution of the project shall be expended on works within a State until that State by appropriate legislation—

(a) Has undertaken to provide without cost to the United States and when required the rights of way for all levee structures and such drainage works as may be made necessary by new levee construction.

(b) Has consented to the maintenance of the levee at the head of flood ways within the State at the grades and cross sections necessary in the opinion of the Chief of Engineers for the security of the levee system and the lands protected thereby.

(c) Has agreed to hold and save the United States free from all damage claims resulting from the construction of the project; and to maintain all flood-control works after their completion except controlling and regulating spillway structures.

(Report of the Mississippi River Commission, p. 89)

The estimated cost of such ($775,000,000) comprehensive plan is as follows:

Levees		$410,000,000
Diversions:		
Cypress Creek	$107,000,000	
Atchafalaya	52,500,000	
Bonnet Carre	11,500,000	
Caernarvon	10,000,000	
		181,000,000
Revetments		165,000,000
Dredging		7,000,000
Supervision, surveys, gauging, contingencies		12,000,000
Total		775,000,000

The estimated cost of annual maintenance, after completion of the above project is as follows:

Diversion channels and spillways	$1,000,000
Revetments	2,000,000
Levees	2,700,000
Dredging	300,000
Total	6,000,000

[Pub.—No. 367—64th Cong.]

EXISTING FLOOD CONTROL LAW

An act (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes.

Be it enacted, etc., That for controlling the floods of the Mississippi River and continuing its improvement from the Head of Passes to the mouth of the Ohio River the Secretary of War is hereby empowered, authorized, and directed to carry on continuously, by hired labor or otherwise, the plans of the Mississippi River Commission heretofore or hereafter adopted, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $45,000,000: *Provided,* That not more than $10,000,000 shall be expended therefor during any one fiscal year.

(a) All money appropriated under authority of this section shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission as approved by the Chief of Engineers, for controlling the floods and for the general improvement of the Mississippi River, and for surveys, including the survey from the Head of Passes to the headwaters of the river, and a survey of the Atchafalaya outlet so far as may be necessary to determine the cost of protecting its basin from the flood waters of the Mississippi River either by its divorcement from the Mississippi River or by other means, and for salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission.

(b) That no money appropriated under authority of this section shall be expended in the construction or repair of any levee unless and until assurances have been given satisfactory to the commission that local interests protected thereby will contribute for such construction and repair a sum which the commission shall determine to be just and equitable but which shall not be less than one-half of such sum as may have been allotted by the commission for such work: *Provided,* That such contributions shall be expended under the direction of the commission, or in such manner as it may require or approve, but no contribution made by any State or levee district shall be expended in any other State or levee district except with the approval of the authorities of the State or district so contributing.

(c) Any funds which may hereafter be appropriated under authority of this act for improving the Mississippi River between the Head of Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended upon any part of said river between the Head of Passes and Rock Island, Ill.

(d) No money appropriated under authority of this act shall be expended in payment for any right of way for any levee which may be constructed in cooperation with any State or levee district under authority of this act, but all such rights of way shall be provided free of cost to the United States: *Provided,* That no money paid or expense incurred by any State or levee district in securing such rights of way, or in any temporary works of emergency during an impending flood, or for the maintenance of any levee line, shall be computed as a part of the contribution of such State or levee district toward the construction or repair of any levee within the meaning of paragraph (b) of this section.

That the watercourses connected with the Mississippi River to such extent as may be necessary to exclude the flood waters from the upper limits of any delta basin, together with the Ohio River from its mouth to the mouth of the Cache River, may, in the discretion of said commission, receive allotments for improvements now under way or hereafter to be undertaken.

Upon the completion of any levee constructed for flood control under authority of this act, said levee shall be turned over to the levee district protected thereby for maintenance thereafter; but for all other purposes the United States shall retain such control over the same as it may have the right to exercise upon such completion.

SACRAMENTO RIVER, CALIF.

SEC. 2. That for controlling the floods, removing the débris, and continuing the improvement of the Sacramento River, Calif., in accordance with the plans of the California Débris Commission, the Secretary of War is hereby authorized and directed to carry on continuously, by hired labor or otherwise, the plan of said commission contained in its report submitted August 10, 1910, and printed in House Document No. 81, Sixty-second Congress, first session, as modified by the report of said commission submitted February 8, 1913, approved by the Chief of Engineers of the United States Army and the Board of Engineers for Rivers and Harbors, and printed in Rivers and Harbors Committee Document No. 5, Sixty-third Congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $5,600,000: *Provided*, That not more than $1,000,000 shall be expended therefor during any one fiscal year.

(a) All money appropriated under authority of this section shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the California Débris Commission, as approved by the Chief of Engineers, for the control of floods, removal of débris, and the general improvement of the Sacramento River: *Provided*, That no money shall be expended under authority of this section until assurances have been given satisfactory to the Secretary of War (a) that the State of California will contribute annually for such work a sum equal to such sum as may be expended annually therefor by the United States under authority of this section; (b) that such equal contributions by the State of California will continue annually until the full equal share of the cost of such work shall have been contributed by said State; and (c) that the river levees contemplated in the report of the California Débris Commission, dated August 10, 1910, will be constructed to such grade and section and within such time as may be required by said commission: *Provided further*, That said State shall not be required to expend for such work, for any one year, a sum larger than that expended thereon by the United States during the same year: *And provided further*, That the total contributions so required of the State of California shall not exceed in the aggregate, $5,600,000.

(b) All money contributed by the State of California, as herein provided, shall be expended under the direction of the California Débris Commission and in such manner as it may require or approve, and no money appropriated under the authority of this section shall be expended in the purchase of or payment for any right of way, easement, or land acquired for the purposes of this improvement, but all such rights of way, easements, and lands shall be provided free of cost to the United States: *Provided*, That no money paid or expense incurred therefor shall be computed as a part of the contribution of the State of California toward the work of improvement herein provided for within the meaning of paragraph (a) of this section.

(c) Upon the completion of all works for flood control herein authorized the said works shall be turned over to the State of California for maintenance thereafter; but for all other purposes the United States shall retain such control over the same as it may have the right to exercise upon such completion.

GENERAL PROVISIONS

SEC. 3. That all the provisions of existing law relating to examinations and surveys and to works of improvement of rivers and harbors shall apply, so far as applicable, to examinations and surveys and to works of improvement relating to flood control. And all expenditures of funds hereafter appropriated for works and projects relating to flood control shall be made in accordance with and subject to the law governing the disbursement and expenditure of funds appropriated for the improvement of rivers and harbors.

All examinations and surveys of projects relating to flood control shall include a comprehensive study of the watershed or watersheds, and the report thereon in addition to any other matter upon which a report is required shall give such data as it may be practicable to secure in regard to (a) the extent and character of the area to be affected by the proposed improvement; (b) the probable effect upon any navigable water or waterway; (c) the possible economical development and utilization of water power; and (d) such other uses as may be properly related to or coordinated with the project. And the heads of the several departments of the Government may, in their discretion, and shall upon the request of the Secretary of War, detail representatives from their respective departments to assist the engineers of the Army in the study and examination of such watersheds, to the end that duplication of work may be avoided and the various services of the Government economically coordinated therein: *Provided*, That all reports on preliminary examinations hereafter authorized, together with the report of the Board of Engineers for Rivers and Harbors thereon and the separate report of the representative of any other department, shall be submitted to the Secretary of War by the Chief of Engineers, with his recommendations, and shall be transmitted by the Secretary of War to the House of Representatives, and are hereby ordered to be printed when so made.

In the consideration of all works and projects relating to flood control which may be submitted to the Board of Engineers for Rivers and Harbors for consideration and recommendation, said board shall, in addition to any other matters upon which it may be required to report, state its opinion as to (a) what Federal interest, if any, is involved in the proposed improvement; (b) what share of the expense, if any, should be borne by the United States; and (c) the advisability of adopting the project.

All examinations and reports which may now be made by the Board of Engineers for Rivers and Harbors upon request of the Committee on Rivers and Harbors relating to works or projects of navigation shall in like manner be made upon request of the Committee on Flood Control on all works and projects relating to flood control.

SEC. 4. That the salary of the civilian members of the Mississippi River Commission shall hereafter be $5,000 per annum.

Approved March 1, 1917.

[S. 3740, 7th Cong., 1st sess.]

IN THE HOUSE OF REPRESENTATIVES,

March 30, 1928.

Referred to the Committee on Flood Control, April 2, 1928. Reported with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

An act for the control of floods on the Mississippi River and its tributaries, and for other purposes

Be it enacted, etc., That the project for the flood control of the Mississippi River in its alluvial valley and for its improvement from the Head of Passes to Cape Girardeau, Mo., in accordance with the engineering plan set forth and recommended in the report submitted by the Chief of Engineers to the Secretary of War dated December 1, 1927, and printed in House Document No. 90, Seventieth Congress, first session, is hereby adopted and authorized to be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers: *Provided*, That a board to consist of the Secretary of War, the Chief of Engineers, the president of the Mississippi River Commission, and two civil engineers chosen from civil life, to be appointed by the President, by and with the advice and consent of the Senate, whose compensation shall be fixed by the President and be paid out of the appropriations made to carry on this project, is hereby created; and such board is authorized and directed to consider the engineering differences between the adopted project and that recommended by the Mississippi River Commission in its special report dated November 28, 1927, and after such study and such further surveys as may be necessary, to determine the action to be taken upon the same, and its decision upon all matters considered by it shall be followed in carrying out the project herein adopted: *Provided further*, That if after considering any controverted problem between the Mississippi River Commission project and the project herein adopted the board shall be of the opinion that a new method should be followed, it shall submit its recommendation thereon to Congress: *Provided further*, That such surveys shall be made between Baton Rouge, La., and Cape Girardeau, Mo., as the board may deem necessary to enable it to ascertain and determine the best method of securing flood relief, in addition to levees, before any flood-control works other than levees and revetments are undertaken on that portion of the river: *Provided further*, That all diversion works and outlets constructed under the provisions of this act shall be built in a manner and of a character which will as fully and amply protect the adjacent lands as those protected by levees constructed on the main river: *Provided further*, That pending completion of any flood way, spillway, or diversion channel, the areas within the same shall be given the same degree of protection as is afforded by levees on the west side of the river contiguous to the levee at the head of said flood way. The sum of $325,000,000 is hereby authorized to be appropriated for this purpose.

SEC. 2. That it is hereby declared to be the sense of Congress that the principle of local contribution toward the cost of flood-control work, which has been incorporated in all previous national legislation on the subject, is sound, as recognizing the special interest of the local population in its own protection, and as a means of preventing inordinate requests for unjustified items of work having no material national interest. As a full compliance with this principle in view of the great expenditure, estimated at approximately $292,000,000, heretofore made by the local interests in the alluvial valley of the Mississippi River for protection against the floods of that river; in view of the extent of national concern in the control of these floods in the interests of

national prosperity, the flow of interstate commerce, and the movement of the United States mails; and, in view of the gigantic scale of the project, involving flood waters of a volume and flowing from a drainage area largely outside the States most affected, and far exceeding those of any other river in the United States, no local contribution to the project herein adopted is required.

SEC. 3. Except when authorized by the Secretary of War upon the recommendation of the Chief of Engineers, no money appropriated under authority of this act shall be expended on the construction of any item of the project until local interests have given assurances satisfactory to the Secretary of War that they will (a) maintain all flood-control works after their completion, except controlling and regulating spillway structures, including special relief levees; maintenance includes normally such matters as cutting grass, removal of weeds, local drainage, and minor repairs of main river levees; (b) agree to accept the title to land turned over to them under the provisions of section 4.

SEC. 4. Just compensation shall be paid by the United States for all property used, taken, damaged, or destroyed in carrying out the flood-control plan provided for herein, including all property located within the area of the spillways, flood ways, or diversion channels herein provided, and the rights of way thereover, and the flowage rights thereon, and also including all expenditures by persons, corporations, and public-service corporations made necessary to adjust or conform their property, or to relocate same because of the spillways, flood ways, or diversion channels herein provided: *Provided*, That in all cases where the execution of the flood-control plan results in special benefits to any person, or persons, or corporations, municipal or private, or public-service corporations, such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid.

The Secretary of War may cause proceedings to be instituted for the acquirement by condemnation of any lands, easements, or rights of way which, in the opinion of the Secretary of War, are needed in carrying out this project, the said proceedings to be instituted in the United States district court for the district in which the land, easement, or right of way is located. In all such proceedings the court, for the purpose of ascertaining the value of the property and assessing the compensation to be paid, shall appoint three commissioners, whose award, when confirmed by the court, shall be final. When the owner of any land, easement, or right of way shall fix a price for the same which, in the opinion of the Secretary of War is reasonable, he may purchase the same at such price; and the Secretary of War is also authorized to accept donations of lands, easements, and rights of way required for this project. The provisions of sections 5 and 6 of the river and harbor act of July 18, 1918, are hereby made applicable to the acquisition of lands, easements, or rights of way needed for works of flood control: *Provided*, That the title to any land acquired under the provisions of this section, and used in connection with the works authorized by this act, shall be turned over without cost to the States or local interests, which shall retain the same for the purposes specified in this act.

SEC. 5. Subject to the approval of the heads of the several executive departments concerned, the Secretary of War, on the recommendation of the Chief of Engineers, may engage the services and assistance of the Coast and Geodetic Survey, the Geological Survey, or other mapping agencies of the Government, in the preparation of maps required in furtherance of this project, and funds to pay for such services may be allotted from appropriations made under authority of this act.

SEC. 6. In an emergency, funds appropriated under authority of this act may be expended for the prosecution of such works for the control of the floods of the Mississippi River as have heretofore been authorized and are not included in the present project; or for the maintenance of any levee when it is demonstrated to the satisfaction of the Secretary of War that the levee can not be adequately maintained by local interests.

SEC. 7. That the sum of $5,000,000 is authorized to be appropriated as an emergency fund to be allotted by the Secretary of War on the recommendation of the Chief of Engineers, in rescue work or in the repair or maintenance of any flood-control work on any tributaries of the Mississippi River, threatened or destroyed by flood.

SEC. 8. The project herein authorized shall be prosecuted by the Mississippi River Commission under the direction of the Secretary of War and supervision of the Chief of Engineers and subject to the provisions of this act. It shall perform such functions and through such agencies as they shall designate after consultation and discussion with the president of the commission. For all other purposes the existing laws governing the constitution and activities of the commission shall remain unchanged. The commission shall make inspection trips of such frequency and duration as will enable it to acquire first-hand information as to conditions and problems germane to the matter of flood control within the area of its jurisdiction; and on such trips of inspection ample opportunity for hearings and suggestions shall be afforded persons affected by or interested in such problems. The president of the commission shall be the executive officer thereof and shall have the qualifications now prescribed by law for the Assistant Chief of Engineers, shall have the title brigadier general, Corps of Engineers, and shall have the rank, pay, and allowances of a brigadier general while actually assigned to such duty: *Provided*, That the present incumbent of the office may be appointed a brigadier general of the Army, retired, and shall be eligible for the position of president of the commission if recalled to active service by the President under the provisions of existing law.

The salary of the president of the Mississippi River Commission shall hereafter be $10,000 per annum, and the salary of the other members of the commission shall hereafter be $7,500 per annum. The official salary of any officer appointed or employed under this act shall be deducted from the amount of salary or compensation provided by, or which shall be fixed under, the terms of this act.

SEC. 9. The provisions of section 17 of the river and harbor act of March 3, 1899, are hereby made applicable to this act.

SEC. 10. That it is the sense of Congress that the surveys of the Mississippi River and its tributaries, authorized pursuant to the act of January 21, 1927 (H. Doc. No. 308, 69th Cong., 1st sess.), be prosecuted as speedily as practicable, and the Secretary of War, through the Corps of Engineers, United States Army, is directed to prepare and submit to Congress at the earliest practicable date projects for flood control on all tributary streams of the Mississippi River system subject to destructive floods, which projects shall include: The Red River and tributaries, the Yazoo River and tributaries, the White River and tributaries, the St. Francis River and tributaries, the Arkansas River and tributaries, the Ohio River and tributaries, the Missouri River and tributaries, and the Illinois River and tributaries: *Provided*, That before transmitting such reports to Congress the same shall be presented to the board created in section 1 of this act, and its conclusions and recommendations thereon shall be transmitted to Congress by the Secretary of War with his report.

The sum of $5,000,000 is hereby authorized to be used out of the appropriation herein authorized, in addition to amounts authorized in the river and harbor act of January 21, 1927, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the preparation of the flood-control projects authorized in this section.

SEC. 11. That the Secretary of War shall cause the Mississippi River Commission to make an examination and survey of the Mississippi River below Cape Girardeau, Mo. (a) at places where levees have heretofore been constructed on one side of the river and the lands on the opposite side have been thereby subjected to greater overflow, and where, without unreasonably restricting the flood channel, levees can be constructed to reduce the extent of this overflow, and where the construction of such levees is economically justified, and report thereon to the Congress as soon as practicable with such recommendations as the commission may deem advisable; (b) with a view to determining the estimated effects, if any, upon lands lying between the river and adjacent hills by reason of overflow of such lands caused by the construction of levees at other points along the Mississippi River, and determining the equities of the owners of such lands and the value of the same, and the commission shall report thereon to the Congress as soon as practicable with such recommendation as it may deem advisable: *Provided*, That inasmuch as the Mississippi River Commission made a report on the 26th day of October, 1912, recommending a levee to be built from Tiptonville, Tenn., to the Obion River in Tennessee, the said Mississippi River Commission is authorized to make a resurvey of said proposed levee and a relocation of the same if necessary, and if such levee is found feasible, and is approved by the board created in section 1 of this act, the commission is authorized to build same out of appropriations hereafter to be made.

SEC. 12. The President shall at once proceed to ascertain, through the Secretary of War, or other agency, the extent to which floods in the lower Mississippi Valley may be controlled by a reservoir system. All such agencies in their investigations shall, so far as they reasonably can, invite the helpful aid of State engineers, university and technical men, and State officials. The studies shall include such questions as: The effect on the subject of flood control in the lower Mississippi River to be attained through the control of flood waters in the drainage basins of its tributaries by the establishment of a reservoir system; the benefits that will accrue to navigation, agriculture, and power from the prevention of erosion and siltage entering the streams; a determination of the capacities of the soils of the district to receive and hold waters from such reservoirs; and such kindred questions. The agencies shall also further inquire as to what additional benefits may accrue from such reservoir system, the prospective income from the disposal of such waters including both agriculture and power; they shall inquire as to the return-flow value of waters placed in the soils from reservoirs, as to their stabilizing effect on stream flow as a means of preventing erosion and silting and improving navigation conditions, and shall determine to what extent reservoired waters may be available for municipal and domestic uses and to what extent reimbursive; they shall report as to the approximate cost of each proposed reservoir and its capacity and shall give specific reasons for acceptance or rejection of any proposed reservoir site.

As soon as the studies of reservoirs, singly or in groups, provided for in the foregoing paragraph, shall have been completed and ap-

proved by the Secretary of War or other agency, with definite estimates of cost and working data, they shall be reported by said Secretary or other agency to the President of the United States, together with all related findings and conclusions, and on his order to such effect, said Secretary or other agency shall proceed with the construction thereof as soon as money shall be available for such purposes, either by the letting of contracts or by Government construction: *Provided*, The conclusion reached by the President shall be that such construction will have a substantial and beneficial influence in the control of floods on the navigable waters of the lower Mississippi Valley and is, in his opinion, economically justifiable.

On completion of any reservoir or reservoirs so constructed, the Secretary of the Interior shall have authority to dispose of any impounded waters, under rules made by him and approved by the President, and may further enter into negotiations for the purpose of disposal of reservoirs themselves, always retaining, however, at all times, authority to direct the impounding and the emptying of the waters in such reservoirs. Tentative agreements for the sale of any reservoir shall be submitted to Congress and be approved by law before final sale thereof is made.

SEC. 13. All laws or parts of laws inconsistent with the above are hereby repealed.

SEC. 14. That the project for the control of floods in the Sacramento River, Calif., adopted by section 2 of the act approved March 1, 1917, entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," is hereby modified in accordance with the report of the California Débris Commission submitted in Senate Document No. 23, Sixty-ninth Congress, first session: *Provided*, That the total amounts contributed by the Federal Government, including the amounts heretofore contributed by it, shall in no event exceed in the aggregate $17,600,000.

Mr. COX. Mr. Chairman, I want to take 10 minutes at this time. The discussion of the gentleman from Wisconsin [Mr. FREAR] constitutes a terrible indictment of the Jadwin plan, and it is also a merciless indictment lodged against the people of the valley. He has discussed at great length, emphasizing his opposition to this bill, the fact that under the Jadwin plan something in excess of 4,000,000 acres of high-priced land as he claims will be dedicated to waste. In his indictment against the people of the valley he has told this House that if this bill passes in its present form the people affected by the execution of the project will march en masse upon the Treasury of the United States and claim in satisfaction of their spurious demands a sum representing ten times the actual value of their holdings destroyed by the Government. The gentleman has said that if this bill is passed, a great number of people in the valley will be profited as a result of their holdings being acquired by the Government for the purpose of the execution of the public work. I wonder if the gentleman has in mind that the legislation that this Congress enacts, in order to receive his indorsement, shall result in extending no benefit to anybody whatsoever. Of course, the execution of the project will benefit the people of the valley. It likewise will be a great benefit to the people of the Nation at large, and the moving cause of the enactment of the legislation is that the country shall be benefited as a result of the action that the Congress takes.

The gentleman says that great corporations and other large landholders in the valley will be unconscionably benefited as a result of this bill, if it passes, and, therefore, that the Congress should be careful in proceeding on the measure. That represents the politics of his argument and of his discussion. That is not a reason that should appeal to the consciences of the men and women of this House. That argument is made for the purpose of prejudicing some one. The gentleman went so far as to mention the fact that a witness who appeared before this committee and gave it valuable assistance, in that he brought facts as to the conditions of the valley, has an office in the same building in Chicago in which are the offices of a large landholding concern. He declares that no wrongful inference is intended, but if he did not intend that an inference detrimental to the character of the witness should be drawn, then why did he go out of his way to make this unwarranted and unjustifiable assault upon a man who has done this cause no harm.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. FREAR. I had no purpose of assaulting his character. He has the right to employment the same as any other man.

Mr. COX. The gentleman says he had no purpose of assaulting his character, but why did he make the argument? What purpose did he hope it would serve except that it would find lodgment in the mind of some Member and perhaps influence his action upon this bill?

I hold for the gentleman an affectionate regard; but, speaking for myself, Mr. Chairman, I am not willing to pay the price for legislation in this Chamber that exaggeration and unmerited argument would impose. The gentleman says if you pass this legislation the bonds held by the people of St. Louis will go back to par. Why make that argument to a House composed of free and independent men? Should the bondholders' interests be destroyed by this Government, which is strong enough and just enough to be fair to all alike? If the legislation passes, the country at large will be benefited, and the very circumstance that somebody in St. Louis or in Chicago is benefited is an evidence that the country at large will be benefited as the result of full and complete treatment in this case.

The only justification that the gentleman has for the application of the doctrine of local contribution is that some one will benefit as the result of the public right. All are agreed that the only justification for requiring contribution from the people in the valley is that they are especially benefited as the result of improvement. But when the gentleman confesses that no personal liability attaches as the result of benefit assessment, then he destroys his argument that the bill should not pass because people of Chicago or St. Louis or in other parts of the country will benefit.

The gentleman has said that under the bill the railroads will receive something. Now, I want to say to the House that while I hold no brief for railroads and none for anyone interested in railroads, I am willing that the railroads shall be treated on the same basis as other property holders in the valley.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. COX. Mr. Chairman, I yield myself five minutes more.

They are not lawful prey for the public. Some one owns them. They have rights; they are to be respected. I do favor an amendment of section 4 of the bill, the railroad section, to the extent that the question of determining the necessity of a relocation or readjustment of lines shall be under the control of the representatives of the Government.

The gentleman talks about a "pork barrel." Where is the barrel, and where is the pork in this case? The Government does not turn loose on the question of condemning the property until the finding is made and until there is a decree of the court. Where the Government has been unable to obtain the property under satisfactory terms the case is brought into the Federal court in the district of the owner, and there the rights of contending parties are adjudicated. If the people's property is to be taken, if ownership of the property must be required by the United States, is not the gentleman and the Congress willing that just compensation shall be allowed?

With reference to the statement made about special assessment. We know that in the case of a special assessment the assessment is a charge against the thing and not the person. If that is true, Mr. Chairman and gentlemen of the Congress, then the question as to the wealth of the holder of the land is not material, so far as this case is concerned. The test is as to the ability of the land especially benefited, as is claimed, to respond to the extra charge imposed upon it by the extra assessment levied to meet the cost in the particular case.

The gentleman attempted in a way to intimidate the House, or at least urge caution or restraint, by the threat of a veto. I wonder if the gentleman has the ear of the Chief Executive of the country?

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. FREAR. I have no better information than the gentleman himself.

Mr. COX. I would like to inquire of the gentleman if he was present at the conference had with the President, at which Mr. Blake, of Oklahoma, and the Chief of Engineers were present when Mr. Blake furnished the President with a brief on this question?

Mr. FREAR. I have not seen the President for two months.

Mr. COX. I submit to you, gentlemen, that in his whole argument as to the cost of the execution of the project, on which he predicates his statement as to what will happen in the courts of the country, the gentleman takes the highest estimate made by any witness appearing before the committee as to the value of the land, and does not show the House fairness of striking an average between the highest and the lowest.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. REID of Illinois. Mr. Chairman, I yield to the gentleman from Illinois [Mr. DENISON] 30 minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for 30 minutes.

Mr. DENISON. Mr. Chairman and gentlemen of the House, I have always had a great deal of respect for anything that was said by the late Champ Clark, of Missouri. During the days I served with him here I learned to love him, as all the rest of us did, and as I look back over the CONGRESSIONAL RECORD I read always with interest what Mr. Clark had to say upon any great public question.

In 1916, in February, 12 years ago, this House amended its rules and created a Committee on Flood Control. Mr. Clark introduced the resolution to provide for the amendment of the rules and the creation of that committee; and I remember well the discussion that took place when that resolution was under consideration. Mr. Mann, who was the leader on the other side of the House, joined with the Speaker and spoke in favor of the rule, and in the discussion Mr. Clark made this brief statement, among others:

> The resolution or rule was introduced for the sole purpose of investigating what I think is the greatest economic question that the American people must deal with in the next quarter of a century.

Later on in his discussion he said:

> In my judgment, the control of floods and incidentally the drainage of overflowed lands is, as I said before, the greatest economic question to which the American mind is going to be directed in the next 25 years.
>
> When I was a child my father used to put me to sleep of a night by singing to me a song that "Uncle Sam is rich enough to give us all a farm." And at that time Uncle Sam was rich enough to do that; but now all of his good land is gone, and men who have children lie awake o' nights studying about where their children are going to find homes in the days to come. Now, here we are. There is enough overflowed land on the Mississippi River and its tributaries—I take that simply because it is the greatest river system on the face of the earth—every acre of that land equal to the best acre of land under the sun, to make a State as big as the State of Missouri, which has 69,815 square miles of territory. This overflowed land lies right in the heart of civilization, with churches and schoolhouses and railroads and markets and all of the facilities for American life. If that land was drained and put under cultivation, it would support a population of 25,000,000 human beings.

While that bill was under discussion I had occasion to make a few remarks, and if the House will pardon me I want to read just a brief statement from the remarks I made at that time. These remarks are found in the CONGRESSIONAL RECORD of February 3, 1916:

> Now, this question of controlling the flood waters of the Mississippi and Ohio Rivers is not a local question. It is one of the Nation's problems. It has long been recognized to be such, but has never been properly handled. I believe that the time has come when the Federal Government should take hold of this, one of its greatest problems, and solve it. The control of the flood waters of the Mississippi and Ohio Rivers and their tributaries should be made a separate national project, like the building of the Panama Canal or the Alaskan Railroad. A plan should be worked out by which a coordinated system of levees and other river improvements would be constructed under scientific and continuous methods, and I do not doubt that the floods of these great rivers can ultimately be controlled, millions of acres of rich land reclaimed, and millions of dollars saved to the people each year.

I could not improve on that if I had written it to-day. In a few moments I will refer to something that I happened to say in the following year when we passed the first flood control act.

I have listened with a great deal of interest to what was said by our friend from Wisconsin [Mr. FREAR]. I have a great deal of respect for the gentleman from Wisconsin and always have had. I remember well the days when the gentleman from Wisconsin was on the Rivers and Harbors Committee. He always serves a good purpose in the House. He is a protestor; he is an objector; he nearly always takes the other side; his criticisms are often constructive; he used to always fight river and harbor appropriations. When he was on the Ways and Means Committee he nearly always fought bills that were brought in by that committee.

Mr. FREAR. Will the gentleman yield?

Mr. DENISON. I yield.

Mr. FREAR. That is rather a blanket indictment. On a great many bills which were successful I was on the affirmative side.

Mr. DENISON. I do not want to be unfair to my friend. I prefaced my remarks by saying that he serves a good purpose here, and yet the policy of river and harbor improvements, which my friend from Wisconsin always fought so strenuously, is more generally approved and more permanently established and followed by Congress to-day than it ever was before he became a member of that committee. He has served a good purpose.

Mr. MAJOR of Illinois. Will the gentleman yield?

Mr. DENISON. I yield.

Mr. MAJOR of Illinois. The gentleman does not mean that his objections helped to accomplish anything, does he?

Mr. DENISON. I think that the objections which are urged by our friend from Wisconsin help to encourage the policy he fights, and I hope that will be true in this case.

Now, gentlemen, let us go back and discuss the Mississippi River for a moment. Geologists tell us that the Gulf of Mexico used to extend up to what is now Cairo, Ill., and that in the course of time the great river which drains all of these 31 States brought silt down from the hills and gradually filled the valley until it has built up what is now known as the Mississippi Delta. The silt coming down from the upper regions gradually built up the banks of the river until back channels were formed, such as the Atchafalaya and others, and if you go down in that valley now you will find that the land along the banks of the Mississippi River is higher than the land back on either side. You have got to go up hill to get to the river.

In this basin there are 30,000 square miles of delta land—that is, there are 30,000 square miles of land that is in a state of nature, subject to the overflows of the Mississippi River. The Delta begins at Cape Girardeau, Mo., just a few miles above Cairo. Originally there was a natural diversion channel beginning just below Cape Girardeau and going from there on south into the St. Francis River, and running into the Mississippi River again farther below; just as the overflow waters of the Mississippi River run over the natural banks of the river in Mississippi, go back into the back country, and form the Yazoo River, which runs practically parallel with the Mississippi River, and finally runs into the Mississippi River below. There are a number of these diversion channels and they reach the sea in Louisiana.

In the early days the people who settled in this valley began protecting themselves against the overflows, and in 1850 the Federal Government deeded to these various States millions of acres of swamp and overflowed land, and one of the purposes stated in the act was that these lands might be drained and reclaimed.

The earliest settlers that settled in the lower States and received their grants of land from governments in Europe—these old, early land grants specified that the land was granted upon the condition that the owners would protect themselves against the floods and reclaim them for cultivation.

They did that. They began a policy of protection as soon as they began to settle the land; they began down about New Orleans to build little levees to protect their land. This policy spread and continued on up the Mississippi River to St. Louis, until gradually levee districts were formed in order that the farmers and other owners of land might cooperate and strengthen themselves in their efforts to fight against the high waters, and gradually they built up a splendid system of levees.

I am going to discuss while I have the time this question of who should pay for this improvement, whose duty it is to pay for the lower Mississippi flood-control works.

I am sorry I can not agree with some others in the House with reference to this question. I am sorry I can not agree with my friend from Wisconsin with reference to it. I believe, gentlemen, there are two problems involved in this flood-control question. There is the problem as it pertains to the principal tributaries of the Mississippi River, and then there is the problem that pertains to the Delta Basin of the river. I think they are entirely separate problems and will require separate remedies. I am going to discuss principally the problem that pertains to the main river, beginning at Cape Girardeau, Mo., and going to the Gulf of Mexico.

My own view is it is the duty of the Federal Government to work out a comprehensive plan of flood control for the Delta Basin of the Mississippi River, and that the Federal Government ought to pay the expense of putting that plan into effect. I do not believe you can ever do it successfully and require local contributions. We have been trying that. We have been trying it for a good many years and it has not worked successfully; in fact, the plan has failed.

In this connection I want the Members of the House to bear this in mind: The State of Missouri has from its own funds constructed a levee system which, if there were not other levee systems in other States, would fully protect all the land in that State. The State of Arkansas, or the people of the State of Arkansas, have with their own funds constructed a system of levees which, but for the levees in other States, would fully

protect the people of the State of Arkansas; and the same is true of the State of Louisiana, and the same is true of southern Illinois.

The point I am making is that the people themselves along this great river from their own funds have reclaimed their lands and built levees that would protect them, were it not for the flood-protection works constructed by the people in other States.

Let us suppose, for instance, there were no levees in Illinois and there were no levees in Arkansas or in Mississippi, and the people of Missouri—and I use that State merely as an illustration—had gone ahead and constructed the levees they have now from their own funds, as they have done largely. The people of Missouri would be absolutely safe from any flood that will ever come down the Mississippi River. The same is true of Arkansas and the same is true of the people in southern Illinois.

The national problem arises by reason of the fact the Federal Government has allowed the people of these various States to follow their own course and build their own levees as they chose and where they chose until the action of the people of one State has thrown the waters back upon the people of another State, and vice versa.

For instance, the people of Missouri have constructed their levees in order to reclaim their lands and protect their people along the west side of the Mississippi River to a point where it backs the flood waters over upon southern Illinois and has threatened the destruction of Cairo and other places in southern Illinois.

Now, what is the solution of this problem? This is where the Federal problem begins. One State can not remedy it; two States can not remedy it. This is a condition that has grown up, not only with the permission of the Federal Government, but with the assistance of the Federal Government. The people began building levees in Cairo, Ill., back in the early part of this century. They built levees that were sufficient to fully protect them from the known floods; but other people began building levees across the river in Missouri to reclaim their lands, which they had the right to do, and as they completed their levee system across the river the flood water had less opportunity to go on its way to the sea, and finally it began to be choked and still further choked as the levees across the river were increased and were built closer and closer to the river banks. The result was that the flood water of the Mississippi and the Ohio were backed up on southern Illinois, and Cairo and the surrounding community had to build their levees higher after each flood because they could see the danger and the destruction that was threatening them. Finally, only a few years ago, Cairo had built a levee 50 feet high, and all the engineers said they were absolutely safe from any flood that would ever come down the Mississippi River. They felt secure, but new levees were built across the river, and those levees were built higher and higher and were often built almost out to the natural banks of the river. Then the natural diversion channel below Cape Girardeau was closed.

So, with a levee on one side and the hills over in Kentucky on the other, a great bottle neck was formed and the flood waters were choked and stopped in their course to the sea; and Cairo was compelled to build her levees 60 feet high, which she did, with her own money, and now she is threatened with destruction because of the construction of the last levee across in Missouri at Dorena; and in the flood of 1927, if the Dorena Levee had not broken, if the Dorena Levee had not given way and allowed the flood waters to go out into their natural basin and flow ways where they had always gone in a state of nature, Cairo would more than likely have been destroyed.

And so all up and down that valley there are populous cities, and great industrial districts, that, when the flood comes, depend for their safety upon disaster happening to somebody else. When the water gets high they patrol the levees just as the Army patrols its lines during war, to prevent people from cutting their levees. The Government must do something to remove the menace that exists all up and down the valley. The necessity always exists for patrolling the levees in order to protect the people of one community from destruction by people in other communities who would cut the levee in order to avert the disaster that threatens them.

So we have now reached the situation in the Mississippi Valley which is not a natural condition. The people from selfish motives—I do not say it critically—try to reclaim as much land as they can, and have built levees for their own protection, and not for the protection of people elsewhere up and down the valley, until now we have a system of levees built too close to the river banks to allow the water to reach the sea.

Water in the time of great floods can not go between the levees fast enough and the only thing that saves us is that there is hardly ever a flood in the Ohio and its tributaries at the same time that one occurs in the Mississippi. In 1927 there was comparatively no flood on the Ohio and its tributaries—the water was low at Paducah.

If there had been a flood on the Ohio and its tributaries in 1927 when the great flood came down the Mississippi nothing could have saved Cairo and Mound City and other cities in southern Illinois. The water would have reached 62 feet or more and the levees are only 60 feet.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. LAGUARDIA. Is not it the experience of levees that it is necessary to build them higher and higher?

Mr. DENISON. Yes; that is what has happened. We have built them higher and higher. Whereas the water used to spread out 30 to 50 miles it is now confined within the channel of 2 to 5 miles.

Mr. LAGUARDIA. Could not they do some dredging?

Mr. DENISON. You can not do that. There are only two practical things that can be done, in my judgment, and one is to relocate the levees back farther and give more room for the flood waters to travel between, or else you have to divert the waters into other channels.

Mr. KVALE. Why can not some dredging be done?

Mr. DENISON. They can do it but it would not solve the problem.

Mr. KVALE. Would it not help?

Mr. DENISON. The cost would be absolutely prohibitive. It is all they can do to dredge the sand bars for navigation, and to deepen the Mississippi River channel would not relieve us of the flood problem. There are only two solutions to this problem, as I have said. I am omitting the theory of reservoirs, because I am not going into that. If you cut that theory out you can only solve the problem by moving the levees back and make the flood way wider or you must divert the flood waters into different channels.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. SHALLENBERGER. Then the gentleman has come to the conclusion that sooner or later levees will be found to be failures because the water gets so high that when it does come it makes the damages greater, and that it must be regulated by spillways or by holding back the waters of the streams or tributaries by reservoirs?

Mr. DENISON. Exactly.

Mr. ARNOLD. Will the gentleman yield?

Mr. DENISON. I will.

Mr. ARNOLD. Does the gentleman think it would be wise to spend the amount of money necessary to control the floods by building spillways and conserving the water by reservoirs?

Mr. DENISON. Yes; I am sure it would be. When the flood occurred in 1927 the President called on the engineers to make an investigation and report. General Jadwin was put to work with 200 Army engineers, men of experience. And, gentlemen, the engineering question in connection with rivers is a special field of work. These men are experienced, and they began work on the question. Then a special committee of engineers of the War Department was organized to study reservoirs, and another special committee of engineers for spillways was created. They went all over the country and got the very best information they could.

The Mississippi River Commission, a very capable organization, also began studying the subject. They went from New Orleans all up the valley holding hearings. They permitted any engineer or any citizen to come before them and present their views on this question. They held very comprehensive hearings all up and down the Mississippi Valley. So that we have had a year to study this question. The engineers have had a year in which to investigate. I think they have done good work. The Chief of Engineers finally coordinated the findings of all of the engineers under him and made a report to the President, and that is known as the Jadwin report or the Jadwin plan.

Mr. HOWARD of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. HOWARD of Oklahoma. The gentleman said that these engineers went all over the country investigating the matter of building reservoirs, and their results on floods.

Mr. DENISON. They are supposed to have done so.

Mr. HOWARD of Oklahoma. I live on the Arkansas River, and we could not even get one of these engineers to come into the State. Yet they made a report against reservoirs on the Arkansas without any survey whatever.

Mr. DENISON. Of course, I am not prepared to defend the committee of engineers that made the investigation in respect to reservoirs. I assume that they did the best they could in the time they had. Their work may not have been complete. At any rate they reported against reservoirs, not because they are not proper in theory, but because they concluded that the expense of constructing them would be prohibitive.

Mr. RAGON. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. RAGON. I happened to be before the Flood Control Committee one day when I heard Colonel Potter, president of the Mississippi River Commission, say that he would not like to hitch himself up to any flood-control plan until he had made further investigation of the reservoir project on the Arkansas and the White Rivers, and I think he is in a position to know as much about this question as any man in the United States. That was right in the face of the report that was made by Colonel Kelly.

Mr. HOWARD of Oklahoma. The gentleman knows that there was brought out in the testimony before the Flood Committee that the presiding officer of that commission of engineers investigating reservoirs was at that time in the employ of a power company, and has since resigned and gone actively with that power company.

Mr. DENISON. No; I did not know anything about that, and that would not influence me if that were the fact. This is too big a problem to discredit any man or any plan because some man who advocates it happens to belong to a corporation or to be connected with some power company, or otherwise. It is too big a question to be decided on considerations of that kind.

Mr. Chairman, I have considered the question of local contributions in connection with the flood problem of the lower Mississippi from every point of view. I can not see how any part of the costs of a broad, adequate national plan can be assessed against the local communities. They have already expended some $290,000,000 in constructing their own levees. They must now be protected against an unnatural condition brought about in each State by the action of other States. Only the Federal Government can provide and pay for such protection, and I think the Federal Government must do it, and ought to do it now, if it is ever to be done at all.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. REID of Illinois. Mr. Chairman, I yield 15 minutes to the gentleman from Missouri [Mr. NELSON].

Mr. NELSON of Missouri. Mr. Chairman and gentlemen of the committee, as has been suggested, this is anniversary week, and I would add that it is for us to observe it by doing in a big way a big job, too long delayed.

On April 16, 1927, a year and a day ago, there came the Dorena break in the levee on the west, or Missouri, bank of the Mississippi River, 33 miles below Cairo. This, the first of 145 crevasses to form, marked the beginning of what Secretary Hoover has called the "greatest peace-time disaster in the history of America."

Before proceeding further, this leads me to suggest that as the first break in this series of crevasses occurred in southeast Missouri, just so does this section represent the key to all that vast territory which stretches away a thousand miles to the South. Here the great alluvial plain has its beginning. Here, if a mistake is made, all below must suffer. Here is the "roof of the valley." The work must be well done. Whatever is undertaken must be finished.

The problem is largely one of finance. The local communities can not contribute. In spending, this section has gone the limit, with $51,000,000 put into drainage and levee projects, almost $32,000,000 remaining unpaid. This is in addition to millions in farm mortgages. As indicating the local situation, eight counties in southeast Missouri, representing 2,580,000 acres of farm lands, show in six years, beginning in 1920, almost half a million acres sold under the sheriff's hammer because of inability of the farmers to meet principal and interest on mortgages. Preposterous seems the proposition to ask a community so situated to pay any part and which at the same time proposes that the people, so sorely pressed, be asked to supply the land for a great flood way for the protection of a city in another State. But as to this I shall not now speak at length.

While southeast Missouri represents the beginning of the alluvial basin, it is not here that the flood problem has its inception. Seeking the real solution of this, we must consider the tributaries, the largest of which is the Missouri, into which pour other important streams, such as the Osage. No plan of flood control which leaves out the tributaries can be thought of as complete and dependable.

The suggestion that flood control be thought of as a national problem is not new.

More than 80 years ago President Tyler, in a message to Congress, urged such action. Following the flood of 1844, the Missouri River crest of which is marked by a tablet set in the wharf in Boonville, Mo., in the district which I serve, a young Representative from the West arose in Congress and made a plea for Federal control of the great river. His name was Abraham Lincoln. Three decades passed, and one of America's greatest men of letters, one who knew the river and its lore, advocated Federal control. He was a Missourian, Mark Twain. Another quarter century, and an able President and outstanding personality, a man of convictions and courage, a hater of cowards, a true conservationist, advocated river control. He was an American, Theodore Roosevelt. [Applause.]

The present plea, as made by the United States Chamber of Commerce, the American Federation of Labor, the great farm organizations, and other bodies, that flood control be regarded as a Federal problem is not new. In 1890 a group of New York business men in a memorial signed by the late Chauncey Depew and others declared that only the Nation could control the Mississippi and in a plea for national support asked:

> Where is the State that does not directly or indirectly derive some benefit from the millions of wealth squeezed out of these sodden grounds but of which the producer retains but the pittance of the poorest living?

The Mississippi is one of the world's greatest rivers. It discharges three times as much water as the St. Lawrence, twenty-five times as much as the Rhine, and three hundred and thirty-eight times as much as the Thames. It has 54 tributaries that are navigable by steamboat and hundreds navigable only by small boats. The total mileage of navigable waterways and tributaries is estimated at 15,000 miles. At 2,000,000 cubic feet per second, flowing for a day, its waters would cover 620 square miles to a depth of 10 feet, while the flow for a week would cover 4,340 square miles to the same depth, or the entire State of Louisiana or Mississippi to a depth of 4 feet in one month, and is equal to six times the water passing over Niagara Falls. It deposits at its mouth each year a mass of soil and silt equal to a square mile in extent and to a depth of 260 feet. It "eats" annually about 9½ acres for each mile of its length. Obviously, no community, no State, can control such a force.

Conceding that flood control on the lower Mississippi is a national problem, there are those who insist that before we proceed we must know what it will cost. Eleven years ago when America, in the name of humanity, went to war, we did not wait to learn what it would cost. I submit that when again comes this same call of humanity, this "Macedonian cry," that we can not consistently wait under the pretext that we want first to see the complete program and know the exact cost.

We have looked after those in foreign fields. We will not do less for our own folk. What if before the work is finally completed and adequate protection afforded for the more than a million human beings behind the earthen banks, the Federal Government has expended a tenth part of the cost of the World War, or even as much as the capitalists of our country last year invested in foreign securities. It will, if the work be well done, be worth the price.

As Secretary Hoover has said, it is not for us to expect the 1,200,000 people in the alluvial plain to move out, but to look forward to the time when as many more will make their homes there.

The argument has been made, subtle and weak as it seems, that these people ought to move out and that "anyway, most of them are negroes." In answer, let it be said that in the saving of human life, in great humanitarian undertakings, we know no color line. Incidentally, some day in this Capital City, with its many monuments, I hope to see erected one to the memory of the "black mammy" of the South, to one who was more than servant. It may be of bronze or marble and the work of a master, but it can not give expression to the spirituals and lullaby songs of those faithful old souls. [Applause.]

Why do the negroes in the cabins, small and meager, and the owners of the big old plantation houses, some of which

seem almost to have souls, continue to live 'mid such surroundings? The answer is:

There's something in us native to the soil where we belong;
The gift of gentle gladness or the touch of living song.
There's something in us answering in the long result of years,
Responsive to the message of the soil that caught our tears,
That caught our echoed laughter in the childhoods far away
It comes back, rushing o'er us some far time at work or play,
And all the end and answer of the problem where we roam
Is in the dreams remembered of the little spot called home.

[Applause.]

The magnitude of this problem is such that we can not measure it in money. There come times, such as this, when the dollar as the measure of value is as false as a 30-inch yardstick, as false as a 10-ounce pound, as false as a three-quart gallon. When I recall some of the pathetic pictures, some of the scenes of utter desolation, ruin and wreck that the river had wrought, when I in memory again take that trip through the flood-devastated regions, I feel that I would do violence to my conscience and be no credit to my country if I should at this time quibble over costs.

I see again the countryside where the waters had receded, littered with dead stock, decaying bodies producing a terrible stench. I see gutters of streets filled with powdered lime like snow. I look again across great seas of muddy water, the sites of homesteads that were, marked here and there by groves of trees. Occasional mounds, frequently crowned by last resting places of the dead, became havens for the living, for human beings and wild animals. Many of these mounds were mounts of prayer—prayer for safety and for the assurance that such a calamity should never again come. I see great sodden stretches. All is gone save here and there a water-warped help house.

As near Elaine, Ark., I see a great plantation of 3,000 acres owned by men of my own State, not one of the 175 plantation houses left in place. Most were demolished. Some were floated over against the timber line and at one point 15 were piled in a mass against a railroad bridge. Where the waters have receded, I catch the glimpse here and there of a cabin out of which the mud and slime had been scooped, the floors scoured, and a white counterpane placed on the bed. It is humble, but it is home.

In connection with the flood come many human interest stories. This is one: After the waters had receded in one stricken city, there was seen a negro carrying a sack over his shoulder. "Boss, does you think thar's any moh dangah o'flood heah?" he asked. On being assured that there was none unless another break should occur, this colored man carefully opened the bag and released an old rabbit. "Ole Mr. Rabbit, him and me done ride all night long on de same log in de rivah and I promise him that if de good Lord save me I sho look arter him."

No better picture of the flood in its relation to the colored people has been given than in these lines, "Broken Levees," by a Missouri philosopher:

O, de pale sun blush whah de black waves rush, en de flat-boat trimble when de ole folks whine;
De tukkey buzza'd gloat whah de dead mule float, en de ha'nt snoop eroun' when de moon don't shine.
Dey's weepin' an' a-wailin' when de watah top de palin' end de sof' mud oozle thoo de crack in de do';
En de coon dawg bristle when de steamboat whistle, de flood guinter kivver all de earth once mo'!
De bird man fly to de top er de sky, en de whole worl' shout w'en he made dat trip;
But we ain't got time in de muck an' de slime, whah de dead mule float in de ole Mississip'!

But, after all, the picture that stands out strongest in my mind is that of the optimism, hope, and persistency of the people. A gray-haired man with characteristic spirit said, "No, sah; we were not defeated; we were merely ovahpowered."

Great floods tear the human heartstrings. There is told the story of a man who saw Neptune walking upon the floor of the sea, and that this mythical god entered the Gulf of Mexico and was soon far up the Mississippi. As he journeyed, he dipped his palm into the water and drank. Soliloquizing, he said, "This is not the sea, but the water is salty." Then it is told how refugees in boats and barges passed by, deep lines in their faces. Sinking with his trident to the river's floor, Neptune said, as he went his way, "The waters taste of human sweat and tears."

At Clarendon, Ark., where the White River, whose waters originate in Missouri, had done its worst, there was wreck and ruin. I went into a bank, a beautiful building, where the water had reached the ceiling. Next door was the office of the only newspaper in the town. The lone linotype had been propped up many feet, yet the flood covered it, as it did everything else in the office. As the waters went down, the editor and his little force, as is characteristic of the craft, as my colleague Mr. HOWARD of Oklahoma knows, dug the sand and mud out of the old type cases and issued an extra. In this edition were these lines:

Don't fret, and don't you cuss,
And don't be trubble' nusser,
Ain't never been anything so wu'se,
But might a been a little wusser.

Can we fail to put faith in such a people, to those who in the darkest hour never doubt?

It was the same story everywhere. We heard it at Greenville, the home of the gentleman from Mississippi [Mr. WHITTINGTON], where for many weeks that splendid city was under water and through the streets of which we drove in wagons pulled by Missouri mules. This was necessary because after six weeks the water in many of the streets was too deep for automobile travel. Here we talked with some of the people gathered in the great concentration camp, one of 149 established by the Red Cross. Many of them had no homes to which to return. They had lost all. The landowners looked forward to another cropping season, and the help, with a confidence which has never been misplaced, looked to the landowners.

In the work of the Red Cross and Government agencies we can secure one of the best pictures of this national calamity. The Red Cross sent out three calls, $17,000,000 came in; 330,000 persons were rescued from housetops, levees, mounds, and other points of temporary safety. At the height of the work this great "mother to all" organization was serving a million meals a day, and 607,000 persons were cared for. More than 200,000 head of livestock was looked after, and this was no small problem, owing to the great scarcity of feed and the difficulty of having it shipped in.

Camps varied from the crudest to the most modern. In some the housing facilities were principally box cars, in which the refugees slept and from the doors of which they fished. Hundreds of cooking stoves were used out in the open, and it was an interesting sight to see the colored women as they prepared their meals, largely of "pone and po'k," if they were given their preference. At Alexandria, La., we saw one of the most modern camps, with special dining and nursery equipment for mothers and babies, and there were many in every camp.

The greatest and perhaps the most important work of all, save that of the immediate saving of life, was represented in the battle to prevent disease. State and national agencies and the Red Cross cooperated; 410,000 were inoculated against typhoid, 163,000 vaccinated against smallpox, and literally barrels of quinine distributed. Because Congress had not been called in special session, those who had been driven from their homes were made dependent upon the Red Cross and the charity of America.

I do not charge that delay in action; that the failure of the President to convene Congress in special session was due to the fact that the South rides to the polls on a mule instead of an elephant, but I do believe that a mistake was made when in the time of dire distress this body was not convened so as to bring about earlier action.

I have referred to the helpful agencies. I have never been close to the great corporations, but, in common justice, it should be said that great credit is due the railroads for the magnificent work done. Every road in the territory did its duty. The work of the Missouri Pacific is typical. It handled thousands of refugees, taking them to concentration camps, furnished more than 3,000 box cars in varying periods from three days to three months. At the same time the expense of keeping its lines open and repairing tracks amounted to almost $2,000,000, while the losses totaled $7,000,000.

A year ago the Nation as a whole had caught a great vision and was determined to vitalize it until it became a verity. But when the flood waters went down many forgot. It has ever been so. We are an impulsive people, anxious to aid even to the extent of giving millions and loaning more to those in other lands.

To-day the question comes home to us: What are we going to do for our own? Are we to continue a piecemeal, penurious policy, which, since 1900, has permitted losses of two and a half billion dollars; or are we going to provide protection for these homes and the safety of every citizen, thereby doing justice to this section, which contributes to the welfare of the whole of our united Nation?

Such is the challenge that comes to this Congress! [Applause.]

Mr. REID of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. O'CONNOR]. [Applause.]

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, on the base of a statue in New Orleans, erected to commemorate the wonderful statesmanship, broad benevolence, and inspiring oratory of Henry Clay, were found the words:

> If I could eradicate this deepest stain, slavery, from the character of our country, I would not exchange the proud satisfaction which I should enjoy for all the triumphs ever decreed to the most successful conqueror.

Paraphrasing that sublime utterance, if I could be instrumental in releasing the people in the Mississippi Valley from the greatest slave owner and slave driver that the world ever knew, the Mississippi River uncontrolled, I would not exchange the proud satisfaction for all the triumphs ever decreed to all the conquerors that ever came onto this earth and who are immortalized in the chapters of all the histories of the globe. [Applause.]

Since I came to Congress I have preached the word of flood control, I thought, to the unconverted, to the heathen. I labored on in the vain hope that my prayer would be answered. I knew I was not going to make any great progress until some unparalleled calamity should occur in the history of the valley. I felt at times I was a distant relation of John the Baptist. Men thought I was talking for the district I have the honor to represent, to use a bromide; that I had some special interest to serve; that I was a potboiler; that I was looking for the fishes and loaves; that I wanted some appropriation to boast about in order to further my political interests and my political ambitions; but, gentlemen, that was farthest from my thoughts.

As a boy, as a child, reared on the banks of the Mississippi, in a city that had the sword of Damocles hanging over it constantly, I soon became aware of the haunting terror that dogged the footsteps of every man and woman who lived along the alluvial parts of the Mississippi River.

The Johnstown disaster, which shocked the Nation, and later on the Galveston affair, which caused people to weep, from ocean to ocean, only served to emphasize the direction of my slant of mind and to show me that a greater catastrophe was impending; that some day the Mississippi River banks would hold; that there would be no break between Baton Rouge and New Orleans; and that then the protection levee which controls the destiny of that city would give way and that New Orleans, on account of its topographical situation, would furnish a tragedy such as the world had never known, for all engineers unite in the belief that the city is so situated that a break in the river at the protection levee or Dumaine Street means that houses would be overturned and driven out to the only place that the waters could find an exit, would there act as a dam, and then begin to burn as they did at Johnstown, so that they could not be used as rafts and that 400,000 of your people, blood of your blood, bone of your bone, and sinew of your sinew, would be drowned like rats or burned in a fire such as hell has never had. That was the picture which was in my mind and that is what inspired me to sing my song here, a melancholy refrain, day after day, whenever I got the opportunity, in order to let you know that your countrymen, the men and women of that valley, were in terrible danger but particularly that the lives of the people of one of the great cities of the United States were hanging in the balance as long as this flood problem was uncontrolled.

Keep in mind, gentlemen, that as long as the levees break above New Orleans we do not have to fear, and it was only when there was the break at Bayou de Glaises, with the water sweeping down the Atchafalaya, that we knew we were safe in the 1927 disaster. For before that crevasse and those that followed when Secretary Hoover gave out the statement that he was looking, with agonized eyes, to the thirteenth city of the United States because 4 feet more of water was coming down the Mississippi than had rushed to the sea in 1922, we felt that that historic city, with all of its wonderfully inspiring memories, was marked and doomed for such a destruction as had never overwhelmed any other city in the history of the world, and it was only the break at Bayou de Glaises and the rushing of the waters down the Atchafalaya which practically made for the safety of the people of New Orleans.

In other words, the misfortune of that rich agricultural section inured to the advantage, the protection, and safety of our old city. It is a melancholy reflection to know that our protection was at the terrible cost of a temporary destruction of our kinsmen. However, in order to make doubly sure we made a cut at Caenarvon, and we did it unhesitatingly, though with great grief and sorrow and financial cost, every dollar of which New Orleans is paying to those whose property was lost or damaged. It was in my district, and I knew the people would be inundated and driven from the homes in which they had lived, not for one or two generations but for six, seven, and eight generations. Those people go as far back for their American origin as any people on this continent. But they got out, and it was one of the most mournful trains in the history of the United States, to see them wending their way into the city of New Orleans, where they were taken into homes and given places until the threat and menace of the flood had disappeared, and we had repaired the levees and rehabilitated their homes.

No, my friends, you can not ignore this proposition. Of course, there will be men who will make money out of it, but many have made billions out of the tariff and nobody has winced. I have voted for such measures because it means for the common good and the upbuilding of the country, from my particular standpoint, though I differ reluctantly from those with whom I am associated and love on this side, the Democratic side, of the House because they are largely closer to me in blood and bone than many on your side, the Republican side.

I have seen hundreds of millions given for the development of waterways in other sections, and I am glad the Congress gave it—$160,000,000 for the Great Lakes and about $150,000,000 for the Ohio River alone. I say this was well done. It will make for the national greatness and the national glory and promote the happiness and welfare of our people. I have seen you give $11,000,000,000 which went, when all is said and done, to make shambles out of Europe and for our boys to die like dogs in the mud; and later on, I have seen you permit our bankers, national and international, under the guise of reconstruction send approximately $15,000,000,000 over the way. If you weep for Europe, whence came our ancestors, my tears will mingle with yours, but what about American Bill Jones on the Arkansas, and World War Veteran Joe Smith on the Mississippi, and Spanish-American War Tom Jones on the Missouri?

Of course, in every great enterprise and national undertaking there will be money made as long as the civilization we have based upon property rights exists, and what if a little money is made in the valley—not by us! We do not own railroads. They belong to magnates, great and small, in other sections of the country. We of the valley have been money-makers. We have always by our toil added to the wealth of other sections whose capital was invested in our factories, foundries, and mines, and fields, and farms, We have always been contributors, and just as we have contributed, just as we have run rivers of gold from that section to New York and other cities where the headquarters of railroad lines are, and insurance companies are located, and where all of the great clothing manufacturers are, have we as uncomplainingly made sacrifices for our country, because it is our own. Gentlemen, here I am, born and reared in New Orleans, and every stitch I have on, shoes, underclothes, socks, and all, come from the Northeast. There may be money made, I repeat again, out of such a gigantic proposition, but how can it be otherwise where great moneys will be expended?

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. REID of Illinois. Mr. Chairman, I yield the gentleman five minutes more.

Mr. O'CONNOR of Louisiana. So, gentlemen, we can not stand upon nickels and dimes in a matter that means so much to the people of the Mississippi Valley directly and to the Nation in its broadest and far-reaching effects. We have got to go on with the work, and so far as investigations are concerned you will become the laughing stock of America if you give that sort of a bunco song to them once more.

The engineers have been investigating for 40 long years, and for 40 years destruction and death have been threatening the people of the valley. We must make a start. Engineering is like medicine—it is experimental. There is nothing exact about it and you have got to lay the foundation and from day to day profit through your errors and build up a successful system upon wrecked theories and fallacies of the past.

You have got to go on, my friends. This is not a threat; it is a mere statement of fact. If the Republican Party, the party in power, does not solve this proposition, they will have more to explain to the people of America than they have ever had during all their long, splendid, historic career, and I honor the party because it has written into the history of this country some memorable chapters. But you can not dodge it if you would, and I know you do not want to do it if you can possibly avoid it. You have got to solve this problem, and you know it.

You can not go into another campaign with the problem unsolved, because the conclusion will be irresistible, the deduction and the inference are inevitable, that if you could not solve this, you are not able to administer the Government safely and accurately and economically along any other lines. In the minds of the American people that thought will be just as certain as night follows the day and they will accept your failure as an infallible indication of your political and mental bankruptcy. Just as false in one means false in all, inability in a great crisis like this would spell inability generally; and you have trouble enough of your own from other angles not to foolishly invite the situation which would come to you in the event that the problem was not solved. If the Republican Party, the administration, does not meet it, write Ichabod over the door of your temple—"The glory of my house has departed"—I think as the tragic farewell to greatness, a mournful announcement of political decay.

I repeat, gentlemen, we can not stand upon the nickels-and-dimes idea. "It will cost too much" will not appeal to American ears where the brains behind those ears know what you have done in so many other directions. You have helped in all other directions and to neglect your countrymen and not to give them—not charity, but only that succor which will put them on their feet and enable them through renewed purchasing power to add to the prosperity of the whole Union, would be fatal.

I remember, Mr. Chairman, in 1895 I was a clerk in a cotton house. I was a sort of chief cook and bottle washer in the establishment. I was the bookkeeper, the stenographer, and did everything, including working as an assistant cotton classer. I mention this to show that it was a day of great poverty throughout the Southland. Then came what was looked upon as a disaster that was going to practically obliterate us and accomplish what was in the minds of many inevitably the result of the great Civil War. Cotton went down until middling hit 5 cents a pound. A bale of cotton could not pay the rent of the acre on which it was raised, and then New England set up a cry because we could not buy their boots, could not buy their shoes or clothes, and that rich powerful manufacturing section then began to understand that the country was interdependent, bound together for weal or woe, for better or worse, in sunshine and in storm, in victory and in defeat, in triumph and in disaster. [Applause.]

I believe it was Lowell, who in his immortal poem, "The Present Crisis," gave to the world over, and to his own America particularly, a message "so holy and so sublime that it would not misbecome the lips of those ethereal virtues whom blind Milton saw with that inner eye which no calamity could ever darken flinging down upon the jasper pavements their crowns of amaranth and gold." He sang into our hearts and souls that benevolence meant the advancement of those who bestowed and that bread cast upon the waters shall be returned to you after many days—that the reward of one duty well performed is the power to discharge another, and that helpfulness to a stricken people made for a realization of the yearning at every heart and brought us nearer my God to Thee—and that neglect-breeding selfishness and greed which, in turn, begot cruelty, took from man that which has ennobled him in the eyes of his Maker. In unforgettable words he carried to our better natures the assurance that right was not forever on the scaffold, that wrong was not forever on the throne. That is perhaps the sentimental aspect and view of a dreamer of dreams—but sentiment is higher and above reason when it is not the loftiest reason itself.

But if America looks at this great question solely from the standpoint of an enlightened selfishness, which many cynical philosophers assert is the basis of all civilization, from the practical standpoint of the hard-boiled statesman flood relief will be granted, the great Father of Waters and main tributaries taken over as a national obligation and converted by the genius of our governmental machinery and capacity into an asset that will build up our greatness higher and along nobler and finer lines than it will ever attain as long as the Mississippi remains the most dangerous and costly liability that ever cursed, afflicted, and disgraced a nation as opulent as the United States of America. [Applause.]

Mr. REID of Illinois. Mr. Chairman, I yield myself five minutes. In order that the committee may not rise without having some idea of the foundation upon which the terrific argument made by the gentleman from Wisconsin [Mr. FREAR] is based I want to call attention to two or three things. If the gentleman from Wisconsin is right then General Jadwin has been guilty of deceit toward the people of the United States. When the Jadwin plan was put forth to the public all through the report were statements like these: "The land is of little or no value." "The land is swamp land."

If the statement of the gentleman from Wisconsin is true, they have misled the people of the United States into thinking that the flood ways are of no value or of small value, and consequently the amount to be contributed by the local interests was little or nothing. To-morrow or the next day I will read the record to you.

Now, in regard to a former Member of Congress and a former Senator appearing before the committee, I am sure the gentleman from Wisconsin, in spite of his enthusiasm, would not want to misrepresent the former Member of the House and former Senator. On page 4482 of the flood-control hearings will be found this:

Mr. JOHNSON. What legislation do you mean, Senator?

Mr. LORIMER. Legislation for flood control, including a spillway through Cypress Creek down into the Tensas Basin.

In so far as we are concerned, Mr. Chairman, if it would assure flood control, such land as we own in that neighborhood we would be very glad to contribute. It has a value of probably around $10 an acre. It never can be worth any more, because it is in the direct path of the flood way and is also in that area that is overflowed by the backwater from the Old River in Tensas Basin.

Now, I have a couple of telegrams which I received to-day that I wish to read. One is from J. F. McIntyre, president of Willets Wood Products Co., Natchez, Miss. He says:

Chairman FRANK R. REID,
Flood Control Committee,
House of Representatives, Washington, D. C.:

Our company own 41,000 acres cut-over and timber land in Concordia Parish, La. We will sell any part of our land that is required for spillways at $5 per acre all around, gas, oil, and timber reserved.

(Signed) J. F. MCINTYRE,
President Willets Wood Products Co.

The next one is from Wilmer J. Thomas, vice president Delta Hardwood Lumber Co., Rayville, La.:

Hon. FRANK R. REID,
Chairman Flood Control Committee, Washington, D. C.:

Believe those opposing your flood control bill because local property owners will demand exorbitant prices are mistaken. We own 12,500 acres in Catahoula Parish and will be glad to accept $10 per acre for flowage rights. Believe you will find most of the landowners will want only a fair and reasonable compensation.

(Signed) WILMER J. THOMAS,
Vice President Delta Hardwood Lumber Co.

Now we are getting the record to present to the House so that you will have an idea that the committee is not guilty of any such disposition as to report out a bill where anybody will make a great deal of money.

Mr. QUIN. Will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. QUIN. The gentleman from Wisconsin is altogether wrong. A lot of this land is worth only $2 to $7 an acre, and the people would be glad to give it to the Government.

Mr. REID of Illinois. I am more sure than ever that my position is right, that local contributions will prevent any flood control, because if the land is of the value he says, how can any local levee district ever raise a billion dollars to match the Government's $290,000,000 under conditions now existing? [Applause.]

Mr. FREAR. Mr. Chairman, I yield myself two minutes. The argument made by the chairman I will be glad to answer at the proper time. I do not think it would be wise to do so at this time. As far as values are concerned, I have given you the best information I have. The committee knows there was testimony offered of $75 an acre. Land in the New Madrid flood way averages double that amount. As to the telegrams, that testimony was never before the committee. We have not had that kind of evidence placed before the committee to my knowledge by anyone. It is true that Mr. Lorimer made a statement as to an interest in lands that he would be glad to contribute. Whether he can contribute or not I do not know; and I do not know what lands he had in mind. He did not offer to contribute any part of the 226,000 acres in the flood way belonging to the Tensas Land Co.

Mr. SCHAFER. Does the gentleman say that former Senator Lorimer was interested in land?

Mr. FREAR. He said so before the committee.

Mr. SCHAFER. Then how can he sit here on the floor of the House if he is directly interested?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. REID of Illinois. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, and had come to no resolution thereon.

WITHDRAWAL OF A BILL

Mr. STALKER. Mr. Speaker, I ask unanimous consent to withdraw the bill (H. R. 12204) to authorize the Director of the United States Veterans' Bureau to accept the title to a State camp for veterans at Bath, N. Y., which was referred to the World War Veterans' Committee.

The SPEAKER. The gentleman from New York asks unanimous consent to withdraw the bill H. R. 12204. Is there objection?

There was no objection.

PORTRAIT OF HON. HENRY D. FLOOD

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. PORTER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following proceedings of the Committee on Foreign Affairs on Friday, March 30, 1928. The committee record relates to the ceremony connected with the presentation to the Committee on Foreign Affairs of an oil painting of Henry Delaware Flood by his widow and children. Mr. Flood was the distinguished chairman of the Foreign Affairs Committee from 1913 to 1919:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Friday, March 30, 1928.

The committee met at 10.30 o'clock a. m., Hon. STEPHEN G. PORTER (chairman) presiding.

The CHAIRMAN. The committee will come to order. Gentlemen of the committee, your chairman has the honored privilege this morning of introducing a distinguished son of Virginia, Harry Flood Byrd, Governor of Virginia. [Applause.]

STATEMENT OF HON. HARRY FLOOD BYRD, GOVERNOR OF VIRGINIA

Governor BYRD. Mr. Chairman, members of the Committee on Foreign Affairs, ladies and gentlemen, I appear here to-day as Governor of Virginia to present to the Committee on Foreign Affairs of the House of Representatives of the United States on behalf of Mrs. Flood, a portrait of the man who served as chairman of this committee in the greatest of all wars brought us into contact with all the world and into conflict with a powerful part of the world.

This portrait preserves for us the features of Henry Delaware Flood, who served his State for 10 years in the legislative halls at Richmond, as a member of the State Constitutional Convention, and who took a leading part in that convention, which was the most important event in the history of Virginia; as a member of the Virginia Debt Commission he took also a leading part in settling that controversy between Virginia and West Virginia; and as chairman of the Democratic State committee.

He served his country for 20 years in the Congress of the United States, and he served all men when he introduced, on behalf of this committee, the resolution declaring war upon Prussian militarism.

That war, initiated by that resolution, marked the inevitable end of America's complete isolation in international affairs, and this former chairman of your committee will always retain the distinction of having played a worthy part in supreme events that revolutionized the place, the power, and the prestige of our country upon a stage as wide as the world itself.

It was Mr. Flood also who, as chairman of the Committee on the Territories, introduced the resolution conferring statehood upon New Mexico and Arizona.

But it is not for me to appreciate at length the public services of this man who was your colleague for so many years. I hold to him a more personal relation. I can not hide behind the mask of my official position the love and admiration that I felt for this brother of my mother.

In my earlier years he was to me another father. In my older years he was an affectionate and considerate elder brother.

I admired him most because of his loyalty to friends and to causes. He never forgot those who served him and he did not hesitate in the face of difficulties in championing the measures in which he believed.

He was a party man, who believed in party discipline and party organization.

For example, he was not for Woodrow Wilson in the Baltimore convention, although Mr. Wilson was born in his congressional district. But no man in either branch of Congress gave to President Wilson a more effective or loyal support, especially during the trying days of the World War.

He was as fair and square in politics as he was in business. But he never posed as the possessor of self-virtues that require self-eulogy. He was a practical, unpretentious man who went his political way without pretense and did his daily work without parade.

And because he was fine and sincere he drew and held the friendship and admiration of many men in both parties in the Congress of the United States, whose own manly qualities recognized and responded to similar qualities in him.

So much I hope you will indulge me in saying this much of this uncle whom I loved.

Now, as Governor of Virginia, acting for Mrs. Flood, I present to you the portrait of one of Virginia's most distinguished sons, who served and loved his State and country. I well know how much he valued the friendship and confidence of his colleagues on this Committee on Foreign Affairs, and I like to think to-day that his sentient spirit smiles down upon us as we place him where he may look down upon your deliberations and be, in memory, the companion of your counsels. [Applause.]

(The portrait of Mr. Flood was unveiled by his children, Bolling Byrd Flood and Eleanor Flood.)

The CHAIRMAN. Gentlemen of the committee, it is peculiarly fitting that another distinguished son of Virginia, and the successor on this committee of Mr. Flood, should respond in behalf of the committee, Mr. MOORE. [Applause.]

STATEMENT OF HON. R. WALTON MOORE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. MOORE. Mr. Chairman and gentlemen of the committee, I feel very much honored in being requested to perform this duty.

I might speak of my personal relations with Mr. Flood, having been associated with him in the General Assembly of Virginia, the Constitutional Convention of the State, and later having served with him here in the House of Representatives. But I shall not do that, but take a few minutes to talk about his important identification with the work of this committee, and incidentally say something of the evolution of the history of the committees which deal with foreign affairs in the two Houses.

We are surprised as we look back to find that in the earliest days there were no standing committees to handle foreign business in either branch of Congress. Prior to those committees being formed, the messages of the Presidents, so far as they touched upon foreign affairs, were distributed among various committees, or were turned over to special committees raised for the purpose when particular matters required consideration.

It is with something of pride, as a Virginian, that I recall that in 1816, when the Senate Committee on Foreign Relations, which has become so powerful and influential, was established, that was done under the leadership of one of the predecessors of Governor Byrd in the office of the chief executive of our Commonwealth, James Barbour, who was also Secretary of War in the administration of President John Quincy Adams, and later minister to England.

And I believe that, when in 1820 the House Committee on Foreign Affairs was created, that was done under the leadership of another Virginian, Representative Hugh Nelson. Before that, between 1909 and 1920, there was a House special Committee on Foreign Affairs.

In the period from 1909 until Mr. Flood passed away, there were 40 chairmen of the special and standing House committees, and of those 40 chairmen, six of whom were Virginians, but one exceeded Mr. Flood in length of service, and that was Representative N. B. Banks, who for a while served as Speaker of the House. Next to him, Mr. Flood and Representative Archer, of Virginia, who afterwards became a Senator, served each for a term of six years.

This committee, so far as the office of chairman is concerned, has had a peculiarly distinguished record. Let me mention some of the very eminent statesmen who have filled the chairmanship.

There was Nathaniel Macon, of North Carolina, for a time Speaker, afterwards a Member of the Senate and its Presiding Officer, and known throughout the country as one of the most conspicuous and trusted leaders of his party.

Another was John C. Calhoun, of South Carolina, Secretary of War, United States Senator, and Vice President.

Another—the memory of great men sometimes fades out and they are forgotten—was John Forsyth, of Georgia, Senator, Secretary of State, and minister to Spain.

Another was the wonderful orator, Edward Everett, of Massachusetts, Secretary of State and also minister to Spain.

Another was Caleb Cushing, of Massachusetts, who was Attorney General, and in many fields of action illustrated his great capacity, his learning, and his ability for service to the country.

Another was a very noted orator, who, in his day, was constantly in the eye of the public, Thomas Corwin, of Ohio, first a Representative and then a Senator, Secretary of State, and minister to Spain.

Another was John J. Crittenden, of Kentucky, who served in the Senate and as Attorney General.

Deserving to rank with those men and others of equal prominence who might be mentioned, and to be thought of in connection with them,

was our friend, whose lamented death occurred during his service of many years here.

Mr. Flood was appointed a member of the committee as far back as 1903 and became chairman in 1913. He was chairman during the time of that greatest of all tragedies to which Governor Byrd has referred. He was chairman while the world was engaged in the war, before we entered the conflict, and he was chairman when it was determined that our Government should become a participant.

There are Members of Congress still serving on one side of the Capitol or the other who belonged to the committee in 1917, gentlemen whom we all know and respect. Mr. LINTHICUM, of Maryland; the venerable gentleman from North Carolina, the only veteran of the Civil War in the House, Major STEDMAN; Mr. HARRISON, of Mississippi, now a Senator from his State; Mr. FESS, of Ohio, also now a Senator; Mr. SABATH, of Illinois; Mr. HUDDLESTON, of Alabama; Mr. CONNALLY, of Texas; Mr. COOPER of Wisconsin; Mr. TEMPLE, of Pennsylvania; and the distinguished present chairman of this committee.

It was on the 2d day of April, 1917—a day that will always shine out on the calendar of the ages—on the evening of that day, after darkness had come and the lights had been turned on, that at 8.30 o'clock the President of the United States appeared before a joint session of Congress and declared that the hour had struck when this country should unite its fortunes with the fortunes of the nations of Europe which were combating the military aggression which seemed then almost too strong to be successfully resisted. No one who witnessed it can ever forget that scene. No one can ever forget the ringing and eloquent words which were uttered to the Congress by the President and which stirred the heart of humanity on both sides of the ocean.

That was on April 2, and on the 4th of April the Senate acted, passing a resolution declaring war, and on that very day the resolution came to this committee, was acted on promptly, reported to the House, the debate forthwith occurred, and the approval of the House voted.

No words of mine justifying the action that was taken can equal the words of the chairman of this committee, Mr. Flood, who brought the resolution before the House and led in the proceedings that were then taken. Let me read one or two sentences from his speech presenting the resolution and urging its passage. I quote from the RECORD:

"But it has seemed to me that during the past three weeks there has been manifested to everyone who has watched the current of events a determined and deliberate intention on the part of the German Government to insult our flag, to destroy American property, and to murder American citizens, and a nation that will not fight for its honor and for such wrongs to its people is not worthy of the love of those people or the respect of the world and will not long retain either. [Applause.] With that situation, it seemed to me there was but one course for an American and a Congressman to pursue, and that was to accept the gage of battle thrown at our feet by the arrogant autocracy of Germany. [Prolonged applause.]

"For two years and a half the world has been afire. For two years and a half of our civilization has been shaken by a convulsion unequaled in its history heretofore. But during that time the great Chief Executive of this country, by the exercise of a marvelous patience, by the exercise of great wisdom and patriotism, has kept this country out of Europe's fearful conflict. But despite all of his effort in the interests of peace, despite the wishes and the prayers of the American people in the interest of peace, despite our many courtesies to and our unfailing consideration of the German Government, this powerful belligerent, this most unscrupulous of all the European belligerents, has so acted as to make it necessary for us to enter the war, and when we do enter it we will teach that belligerent that it is a dangerous thing to arouse the long-suffering and patient democracy of this great Republic. [Applause.]"

Then he said in conclusion, the complete silence broken only by his voice:

"The American Nation is the fairest flower of civilization. Princes may be jealous of her progress and tyrants may read in her rise their own downfall; but the great heart of the people of every land and clime is hers, she is their beacon light, guiding them to the glories of this grander day. [Prolonged applause.]"

The discussion lasted but a few hours, and at its end the die was cast, and this great Republic rapidly and effectively armed for the great adventure. What occurred the world knows, and the annals of men to remotest time will record, and in those annals will always stand the name of the man, then chairman of this committee, who was so conspicuously identified with the great events of the most memorable era in his time; the man whom we are now commemorating, in the presence of his widow and children, relatives, and friends.

I for one do not believe that there is any useful connection with any transaction of high importance, making for the protection and betterment of mankind, can fail to exert a lasting influence. I do not concur in the sentiment of Edmund Burke, the most eloquent man of the most eloquent race, which is so often repeated. Burke and another were the Whig candidates for the House of Commons to represent the city of Bristol. They were campaigning in that city.

Burke had already made an address, which comes down to us as one of the most masterly he ever delivered. In a few hours his colleague suddenly died. The people gathered about the hotel where Burke was staying, calling upon him for some expression of the feelings aroused by the event which had so unexpectedly occurred, and he used this language:

"What shadows we are, and what shadows we pursue."

We can not agree that such an estimate can have any general application. We can not believe that men who served like our friend can be regarded as having been merely shadows in a passing drama, or can be regarded as having merely pursued shadows along the track of time. It seems to me that he and all who, in a spirit of real devotion to duty, willing and eager to make every sacrifice, have performed service, can not be remembered otherwise than as having aided in upbuilding, in developing, and in promoting the progress of civilization, which is no shadowy or unsubstantial performance, but a performance essential to the maintenance of the liberties, the happiness, and the endearing welfare of humanity.

In behalf of the committee, as the friend of Mr. Flood, as a Virginian, and most of all as an American, proud of his record of achievement, I am happy to receive this portrait, which I hope will long be kept among the valued possessions of this body, of which he was such an ornament. [Applause.]

The CHAIRMAN. Gentlemen of the committee, ladies and gentlemen, we appreciate very much your presence here to-day to take part in the commemoration of the memory of a very noted American. The committee, especially its chairman, is very grateful to you.

If there is no further business, the committee will stand adjourned.

(Thereupon the committee adjourned.)

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 242. An act to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized;

H. R. 1530. An act for the relief of William F. Wheeler;

H. R. 3510. An act to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920;

H. R. 5721. An act authorizing J. C. Norris, as mayor of the city of Augusta, Ky., his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky.;

H. R. 7011. An act to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State;

H. R. 8309. An act to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923;

H. R. 8651. An act for the relief of Lynn W. Franklin;

H. R. 9365. An act to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark.;

H. R. 9483. An act to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico; and

H. J. Res. 118. Joint resolution authorizing the Secretary of War to award a duplicate Congressional Medal of Honor to Lieut. Col. William J. Sperry.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills of the House of the following titles:

H. R. 431. An act to authorize the payment of certain taxes to Okanogan County, in the State of Washington, and for other purposes;

H. R. 4702. An act for the relief of Benjamin S. McHenry, alias Henry Benjamin;

H. R. 5687. An act authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes;

H. R. 6360. An act for the relief of Edward S. Lathrop;

H. R. 7191. An act to authorize the Secretary of Commerce to convey certain land in Cook County, Ill., to the Chicago & Western Indiana Railroad Co., its successors or assigns, under certain conditions;

H. R. 7908. An act to authorize the granting of leave to veterans of the Spanish-American War to attend the annual convention of the United Spanish War Veterans and auxiliary in Habana, Cuba, in 1928;

H. R. 8650. An act for the relief of C. S. Winans;

H. R. 9830. An act authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near Great Falls;

H. R. 10540. An act to credit retired commissioned officers of the Coast Guard with active duty during the World War performed since retirement; and

H. R. 10932. An act for the relief of the widows of certain foreign-service officers.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 18, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, April 18, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fifteenth and subsequent decennial censuses (H. R. 393).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended (H. R. 10958).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To regulate interstate commerce by motor vehicles operating as common carriers of persons on the public highways (H. R. 12380).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To provide legal-tender money without interest secured by community noninterest-bearing 25-year bonds for public improvements, market roads, employment of unemployed, building homes for, and financing through community banks organized under State laws, its citizens, farmers, merchants, manufacturers, partnerships, corporations, trusts, or trustees, and for community needs of the United States (H. R. 12288).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended (H. R. 12032).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

To amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920 (H. R. 12952).

Authorizing the erection for the use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C. (H. R. 12899).

To grant to the city of Fort Wayne, Ind., an easement over certain Government property (H. R. 12409).

EXECUTIVE COMMUNICATIONS, ETC.

452. Under clause 2 of Rule XXIV a letter from the Secretary of the Navy, transmitting draft of a bill "For the relief of Mackenzie Memorial Hospital and German-American Hospital and Lau Ye Kun, all of Tientsin, China," was taken from the Speaker's table and referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WHITE of Maine: Committee on the Merchant Marine and Fisheries. S. 744. An act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes; with amendment (Rept. No. 1279). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 1284. An act amending the act approved April 30, 1926, entitled "An act amending the act entitled 'An act providing for a comprehensive development of the park and playground system of the National Capital,' approved June 6, 1924"; without amendment (Rept. No. 1280). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 11354. A bill to provide for the improvement and modernization of the Western Public Market in the District of Columbia, and for other purposes; without amendment (Rept. No. 1281). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. H. R. 11925. A bill authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia; with amendment (Rept. No. 1282). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 2972. A bill for the further protection of fish in the District of Columbia, and for other purposes; without amendment (Rept. No. 1283). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CARSS: A bill (H. R. 13107) for the relief of certain claimants who suffered loss by fire in the State of Minnesota during October, 1918; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 13108) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at or near Newport; to the Committee on Interstate and Foreign Commerce.

By Mr. VESTAL: A bill (H. R. 13109) to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes; to the Committee on Patents.

By Mr. SIMMONS: A bill (H. R. 13110) in respect of rates of postage on semiweekly newspapers; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 13111) to amend section 6 of the act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads and for other purposes," approved November 9, 1921 (42 Stat. 212); to the Committee on Roads.

By Mr. DOUTRICH: A bill (H. R. 13112) to provide for the carrying out of the award of the National War Labor Board of January 15, 1919, Docket Nos. 419 and 420, in favor of certain employees of the Lebanon (Pa.) plants of the Bethlehem Steel Co. and the Lebanon Valley Iron Co.; to the Committee on Claims.

By Mr. ABERNETHY: A bill (H. R. 13113) to amend the interstate commerce act, as amended, to eliminate the requirement of certificates of public convenience and necessity in respect of construction of new lines of railroad and extension of existing lines; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY: A bill (H. R. 13114) to amend section 197 of the Criminal Code (sec. 320, title 18, U. S. C.); to the Committee on the Post Office and Post Roads.

By Mr. LUCE: A bill (H. R. 13115) for the better utilization of Government facilities for the care of disabled veterans; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 13116) to provide an additional justice of the Supreme Court of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 13117) to provide for notice to owners of land assessed for benefits by the verdict of condemnation juries, and for other purposes; to the Committee on the District of Columbia.

Also, joint resolution (H. J. Res. 276) to authorize the merger of street railway corporations operating in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. McSWEENEY: Resolution (H. Res. 171) for the consideration of H. R. 12878, a bill to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of

Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes; to the Committee on Rules.

By Mr. LEHLBACH: Resolution (H. Res. 172) providing for the consideration of H. R. 25, an act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, approved July 3, 1926; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 13118) granting an increase of pension to Maria F. Shuman; to the Committee on Invalid Pensions.

By Mr. BRIGGS: A bill (H. R. 13119) to authorize a preliminary examination and survey at Anahuac Channel, Tex., and for other purposes; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 13120) to authorize a preliminary examination and survey at Turtle Bayou, Tex., and for other purposes; to the Committee on Rivers and Harbors.

By Mr. BUCKBEE: A bill (H. R. 13121) granting an increase of pension to Emily Emmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13122) granting an increase of pension to Jane Kinsey; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 13123) providing for payment of salary to Walter L. Price; to the Committee on Claims.

By Mr. COLLINS: A bill (H. R. 13124) for the relief of Charles B. Cameron, Frank K. Etheridge, and Hardy R. Stone; to the Committee on Claims.

By Mr. COOPER of Ohio: A bill (H. R. 13125) granting an increase of pension to Margaret M. Ward; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 13126) for the relief of Harry E. Hale; to the Committee on Military Affairs.

Also, a bill (H. R. 13127) for the relief of Lowell G. Fuller; to the Committee on Military Affairs.

By Mr. FURLOW: A bill (H. R. 13128) granting a pension to Mary J. Ormond; to the Committee on Invalid Pensions.

By Mr. GRIFFIN: A bill (H. R. 13129) for the relief of Samuel David Singer; to the Committee on Naval Affairs.

By Mr. GILBERT: A bill (H. R. 13130) granting retirement pay to Hunley Singleton; to the Committee on the Civil Service.

By Mr. IRWIN: A bill (H. R. 13131) granting a pension to Aldyth L. Barnes; to the Committee on Invalid Pensions.

By Mr. LANKFORD: A bill (H. R. 13132) for the relief of J. D. Baldwin, and for other purposes; to the Committee on Claims.

By Mr. ROWBOTTOM: A bill (H. R. 13133) granting an increase of pension to Elizabeth Jones; to the Committee on Invalid Pensions.

By Mr. SEGER: A bill (H. R. 13134) granting an increase of pension to Elizabeth Ann Simpson; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 13135) granting a pension to John J. Miller; to the Committee on Pensions.

By Mr. SWICK: A bill (H. R. 13136) granting an increase of pension to Frances Adessa Blount; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 13137) granting a pension to Vernon Charles Young; to the Committee on Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13138) granting an increase of pension to Mary M. Edmonds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13139) granting an increase of pension to Alice Allen; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6864. By Mr. BACHMANN: Petition of Mrs. Joseph Frallic and signatures of 51 citizens of McMechen, Ohio County, W. Va., protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

6865. By Mr. BURTON: Resolution of Star of the East Commandery, Knights of Malta, Cleveland, Ohio, at a meeting held March 30, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6866. Also, resolution of the Musical Mutual Protective Association, Cleveland, Ohio, at a meeting held April 6, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6867. Also, resolution of Ice and Water Wagon Drivers, No. 422, Cleveland, Ohio, at a meeting held March 28, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6868. Also, resolution of Lakewood Commandery, No. 518, Knights of Malta, Cleveland, Ohio, at a meeting held April 4, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6869. Also, resolution of Cuyahoga Lodge, No. 460, Knights of Pythias, Cleveland, Ohio, at a meeting held March 24, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6870. Also, resolution of Cataract Lodge, No. 295, Independent Order Odd Fellows, Cleveland, Ohio, at a meeting held April 4, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6871. Also, resolution of Marble Setters, Helpers, and Polishers, No. 38, Cleveland, Ohio, at a meeting held March 26, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6872. Also, resolution of Patternmakers Association of Cleveland, Cleveland, Ohio, at a meeting held March 30, 1928, approving the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6873. Also, resolution of Avalon Sisterhood, No. 219, Dames of Malta, Cleveland, Ohio, at a meeting held March 28, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6874. Also, resolution of German-American Typographical Union, No. 6, Cleveland, Ohio, at a meeting held April 3, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6875. Also, resolution of Cleveland Typographical Union, No. 53, Cleveland, Ohio, at a meeting held April 1, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6876. Also, resolution of the board of managers, Ohio Branch National Congress of Parents and Teachers, Columbus, Ohio, indorsing the Reed bill (H. R. 12441); to the Committee on Education.

6877. By Mr. CARLEY: Petition of the American Agricultural Chemical Co., protesting against special rule to consider Muscle Shoals resolution; to the Committee on Rules.

6878. By Mr. CURRY: Petition of citizens of Sacramento, Calif., and vicinity, protesting against the enactment of legislation to provide a department of education in the Federal Government with a secretary in the President's Cabinet; to the Committee on Education.

6879. By Mr. FROTHINGHAM: Petition of M. M. Coffey and others in the vicinity of Boston, favoring a Navy and merchant marine second to none; to the Committee on Naval Affairs.

6880. By Mr. GARBER: Letter of Pathé Exchange (Inc.), of New York City, in regard to the pending copyright bill; to the Committee on Patents.

6881. Also, petition of Julien N. Friant, Cape Girardeau, Mo., in support of the McNary-Haugen bill; to the Committee on Agriculture.

6882. Also, petition of New York Mercantile Exchange, in opposition to the passage of the McNary-Haugen bill for farm relief; to the Committee on Agriculture.

6883. Also, petition of M. Hays, Box 126, Sapulpa, Okla., urging the enactment of legislation for the relief of Civil War veterans and widows; to the Committee on Invalid Pensions.

6884. Also, petition of National Association of Letter Carriers, Washington, D. C., by the secretary, M. T. Finnan, urging the enactment of the Lehlbach retirement bill (H. R. 25); to the Committee on the Civil Service.

6885. Also, petition of the Doc & Bill Furniture Co., of Oklahoma City, Okla., by A. G. Moring, president, and H. K. Banks, secretary-treasurer, in opposition to the passage of Senate bill 1752 in regard to stamped envelopes; to the Committee on the Post Office and Post Roads.

6886. Also, petition of Rev. Hale V. Davis, Oklahoma City, Okla., in support of the Fitzgerald bill (H. R. 500) for the retirement of emergency officers; to the Committee on World War Veterans' Legislation.

6887. By Mr. HUDSON: Petition of citizens of the sixth congressional district of Michigan, protesting against the passage of House bill 78, which is commonly known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

6888. Also, petition of citizens of the sixth district of Michigan, urging the passage of House bill 11, known as the fair trade act; to the Committee on Interstate and Foreign Commerce.

6889. By Mr. IRWIN: Petition of Davy Martin et al., of Cahokia, Ill., praying for the enactment of legislation in behalf of Civil War veterans and widows of Civil War veterans at this session of Congress; to the Committee on Invalid Pensions.

6890. By Mr. JOHNSON of Texas: Petition of E. W. Crittenden, Houston, Tex., indorsing the Tyson-Fitzgerald bill (S. 777, H. R. 500) for the retirement of disabled emergency officers; to the Committee on Rules.

6891. By Mr. KVALE: Petition of Hanley Falls (Minn.) Chapter No. 85, Izaak Walton League of America, urging enactment of House bill 7361, providing for establishment of a permanent waterfowl refuge in Cheyenne Bottoms, Kans; to the Committee on Agriculture.

6892. By Mr. McKEOWN: Petition of M. Hays and numerous other citizens of Sapulpa, Okla., urging a hearing on House bill 11474; to the Committee on Pensions.

6893. By Mr. O'CONNELL: Petition of the Proportional Representation League, Philadelphia, Pa., favoring the passage of the Lea resolution (H. J. Res. 181), providing for a change by constitutional amendment in the method of electing the President and Vice President of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

6894. Also, petition of the Zenith Butter & Egg Co., New York City, opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6895. Also, petition of the National Association of Letter Carriers, Washington, D. C., favoring the passage of the Lehlbach bill (H. R. 25) to amend the Federal retirement act; to the Committee on the Civil Service.

6896. Also, petition of the American Agricultural Chemical Co., New York City, protesting against Muscle Shoals resolution now before the Rules Committee; to the Committee on Rules.

6897. Also, petition of the officers and members of the Joint Conference of Affiliated Federal Employees on Retirement of Greater New York, favoring the passage of the Lehlbach retirement bill (H. R. 25); to the Committee on the Civil Service.

6898. By Mr. PEAVEY: Petition by the members of the Oscar Brask Post, American Legion, at Grantsburg, Wis., urging the enactment of the legislation authorizing the construction and maintenance of a bridge over the St. Croix River between the counties of Burnett, Wis., and Pine, Minn.; to the Committee on Interstate and Foreign Commerce.

6899. Also, petition of the town board of the town of West Marshland, Burnett County, Wis., urging the passage of legislation authorizing the construction and maintenance of a bridge over the St. Croix River between the Counties of Burnett, Wis., and Pine, Minn.; to the Committee on Interstate and Foreign Commerce.

6900. By Mr. QUAYLE: Petition of Newport Post, No. 7, American Legion, of Newport, R. I., urging the passage of House bill 12032; to the Committee on Naval Affairs.

6901. Also, petition of N. C. Kern (Inc.), of Brooklyn, N. Y., opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6902. Also, petition of the National Association of Cotton Manufacturers, of Boston, Mass., urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

6903. Also, petition of Artistic Lighting Equipment Association, of New York City, opposing the Parks bill (H. R. 6679); to the Committee on the Judiciary.

6904. Also, petition of Zenith Butter & Egg Co., of New York City, opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6905. By Mr. WINTER: Resolution from Lower Star Valley Commercial Club, G. A. Newswander, president, Freedom, Wyo.; to the Committee on Roads.

6906. Also, resolutions from the following re House bill 9956: J. A. Landgren, chairman executive committee, Laramie Council of Industry, Laramie; C. O. Brown, president Kiwanis Club, Douglas; A. C. Rork, jr., president the Cody Club, Cody; B. T. Cullen, president Kiwanis Club, Casper; J. Clinton Cox, president Shoshoni Commercial Club, Shoshoni; J. E. McElvain, president Powell Chamber of Commerce, Powell; H. R. Sladen, commander Orin Snyder Post, No. 37, American Legion, Midwest, all in the State of Wyoming; to the Committee on Irrigation and Reclamation.

6907. By Mr. WYANT: Petition of Lodge America, No. 735, Sons of Italy in America, by Vincent di Pasquale, secretary, favoring joint resolution proclaiming October 12 as Columbus Day; to the Committee on the Judiciary.

6908. Also, petition of Home Lodge, No. 942, Independent Order of Odd Fellows, of Derry, Pa., by Charles J. Hammer, recording secretary; to the Committee on the Post Office and Post Roads.

6909. By Mr. YON: Petition of Laura Williams, of Estiffanulga, Fla., and 14 other citizens, urging Congress to increase pensions of Civil War veterans; to the Committee on Invalid Pensions.

6910. Also, petition of L. G. Hanks and 35 other citizens of Escambia County, Fla., urging that the immigration laws be made more drastic, deportation quicker; to the Committee on Immigration and Naturalization.

6911. Also, petition of J. W. White, of Campbellton, Fla., and 16 other citizens, urging Congress to increase pensions of Civil War veterans; to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, *April 18, 1928*

Rev. James W. Morris, D. D., of the city of Washington, offered the following prayer:

Let Thy merciful ears, O gracious and Heavenly Father, be open to the prayers of Thy people who come to Thee. Endue their souls with such a realization of Thy all-seeing eye, before which all hearts are open and all desires known, as shall hallow and purify all their occupations and activities. Especially in behalf of those whom Thou hast intrusted with the affairs of state and who sit in the halls of legislation, we pray that their minds may ever be enlightened and their wills clarified and directed by the consciousness of that Thy searching presence, that so all things by their endeavors may be established on the best and surest foundations. Grant this, O Father, for Jesus Christ's sake. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (H. R. 11723) to provide for the paving of the Government road, known as the La Fayette Extension Road, commencing at Lee & Gordon's mill, near Chickamauga and Chattanooga National Military Park, and extending to La Fayette, Ga., constituting an approach road to Chickamauga and Chattanooga National Military Park, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 242. An act to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized;

H. R. 1530. An act for the relief of William F. Wheeler;

H. R. 3510. An act to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920;

H. R. 5721. An act authorizing J. C. Norris, as mayor of the city of Augusta, Ky., his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky.;

H. R. 7011. An act to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State;

H. R. 8309. An act to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923;

H. R. 8651. An act for the relief of Lynn W. Franklin;

H. R. 9365. An act to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark.;

H. R. 9483. An act to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico; and

H. J. Res. 118. Joint resolution authorizing the Secretary of War to award a duplicate Congressional Medal of Honor to Lieut. Col. William J. Sperry.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McKellar	Shipstead
Bayard	George	McLean	Shortridge
Black	Gerry	McMaster	Simmons
Blaine	Glass	McNary	Smith
Blease	Goff	Mayfield	Smoot
Borah	Gould	Metcalf	Steiwer
Bratton	Greene	Moses	Stephens
Brookhart	Hale	Neely	Swanson
Broussard	Harris	Norbeck	Tydings
Bruce	Harrison	Norris	Tyson
Capper	Hawes	Oddie	Vandenberg
Caraway	Hayden	Overman	Wagner
Couzens	Heflin	Phipps	Walsh, Mass.
Curtis	Johnson	Pine	Walsh, Mont.
Cutting	Jones	Pittman	Warren
Dale	Kendrick	Ransdell	Waterman
Dill	Keyes	Reed, Pa.	Wheeler
Edge	King	Sackett	
Fess	La Follette	Schall	
Fletcher	Locher	Sheppard	

Mr. NORRIS. I desire to announce that the Senator from North Dakota [Mr. NYE] is engaged in the Committee on Public Lands and Surveys.

I also desire to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is detained from the Senate on account of illness in his family.

Mr. CARAWAY. I desire to state that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is necessarily detained from the Senate by illness.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

MEMORIAL STATUE OF CARDINAL GIBBONS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 72) to grant permission for the erection of a memorial statue of Cardinal Gibbons, which were, on page 1, line 3, to strike out "Chief of Engineers, United States Army," and insert "Director of Public Buildings and Public Parks of the National Capital"; and on page 2, line 7, to strike out "Chief of Engineers" and insert "Director of Public Buildings and Public Parks of the National Capital."

Mr. FESS. I move that the Senate concur in the House amendments.

The motion was agreed to.

MISSOURI RIVER BRIDGE AT NEBRASKA CITY, NEBR.

Mr. NORRIS. Mr. President, I ask the Chair to lay before the Senate House bill 11887, a bridge bill from the House of Representatives.

The bill (H. R. 11887) authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr., was read twice by its title.

Mr. NORRIS. A similar bill in identical terms was introduced in the Senate by my colleague, the junior Senator from Nebraska [Mr. HOWELL]. The committee to which it was referred has reported the bill, recommending that it pass without amendment. That bill is now on the calendar. I ask unanimous consent that the House bill be substituted for the Senate bill and that the House bill be put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill H. R. 11887, which was read, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the Interstate Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Nebraska City, Nebr., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Interstate Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Interstate Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Nebraska, the State of Iowa, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Interstate Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Nebraska and Iowa, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Interstate Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Interstate Bridge Co., its successors and assigns, and any corporation to which or any person to whom such right, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NORRIS. I ask that Senate bill 3843, of the same title, be indefinitely postponed.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, Senate bill 3843 will be indefinitely postponed.

OCMULGEE RIVER BRIDGE, GEORGIA

Mr. GEORGE. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 837, House bill 11203, a bridge bill in the ordinary form, which has been passed by the House and reported favorably by the Senate Committee on Commerce.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11203) granting the consent of Congress to the counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River at or near the present Jacksonville Ferry in Telfair and Coffee Counties, Ga., which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the counties of Telfair and Coffee, State of Georgia, to construct, maintain, and operate a free highway bridge across the Ocmulgee River at a point suitable to the interests of navigation at or near the present Jacksonville Ferry in Telfair and Coffee Counties, Ga., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNUAL REPORT OF THE PUBLIC PRINTER

The VICE PRESIDENT laid before the Senate a communication from the Public Printer, transmitting the annual report of the operations of the Government Printing Office for the fiscal year ended June 30, 1927, and the calendar year 1927, which was referred to the Committee on Printing.

PETITIONS AND MEMORIALS

Mr. PHIPPS presented letters and telegrams in the nature of petitions from the Medical Society of the city and county of Denver, the Delta County Medical Society, the American Society of Clinical Pathologists, and numerous physicians, all in the State of Colorado, praying for the adoption of the so-called Robinson amendment to House bill 1, the tax reduction bill, so as to permit deduction for income-tax purposes of expenses in attending medical meetings, which were referred to the Committee on Finance.

Mr. JONES presented a petition numerously signed by sundry citizens of the State of Washington, praying for repeal of the national-origins quota provision of the existing immigration law, which was referred to the Committee on Immigration.

Mr. BROOKHART presented a memorial signed by J. A. Field, secretary Izaak Walton League of America, of Des Moines, and sundry other citizens of Des Moines, in the State of Iowa, remonstrating against the passage of Senate bill 1271, the so-called migratory bird bill, which was ordered to lie on the table.

Mr. WARREN presented resolutions adopted by the chamber of commerce of Powell, and Orin Snyder Post, No. 37, American Legion, of Midwest, both in the State of Wyoming, favoring the passage of legislation to provide for aided and directed settlement on Federal reclamation projects, which were referred to the Committee on Irrigation and Reclamation.

He also presented a resolution adopted by Travis Snow Post, No. 5, American Legion, of Torrington, Wyo., favoring the passage of legislation to increase the strength of the Navy, which was referred to the Committee on Naval Affairs.

He also presented a resolution adopted by Travis Snow Post, No. 5, American Legion, of Torrington, Wyo., favoring the passage of the so-called Box bill, being House bill 6465, placing immigration from countries therein designated on a quota basis, etc., which was referred to the Committee on Immigration.

PERSONAL EXPLANATION—TAX REDUCTION

Mr. SHIPSTEAD. Mr. President, I rise to a question of personal privilege. I desire to call the attention of the Senate to an editorial appearing in the Washington Post of this morning, and I ask unanimous consent that it may be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, it is so ordered.

Mr. SHIPSTEAD. The editorial refers to amendments proposed to the revenue bill. An amendment was presented by myself the other day proposing to raise the tariff on certain agricultural products. It is well known that the Washington Post is looked upon as spokesman for the administration. In this editorial it is intimated that a conspiracy has been entered into to prevent the tax reduction bill from being passed. Among other things, the editorial says:

The latest proposal—

To hamper tax legislation, of course—

sponsored by Senator SHIPSTEAD, of Minnesota, is evidently designed only as an embarrassment.

As a matter of fact, Mr. President, I had not consulted any Member of the Senate about the submission of the amendment. It was submitted at the request of very many people in Minnesota who are engaged in the occupation of agriculture, who stated that such products as potatoes and rutabagas are forced down in price because of the flow of similar agricultural products into the Northwest from Canada, and that there are also large importations of vegetable oils which come in competition with our dairy products.

I resent the imputation that the amendment was not offered in good faith. The slogan of the Congress, of the country, and of all political parties has been that a parity shall be established between agriculture and industry. Congress has so far refused to reduce the tariff schedules on manufactured products of industry, and Congress will now have an opportunity to raise the tariff duties on agricultural products to a parity with those on the products of industry.

The amendment was not submitted for the purpose of hindering the passage of the so-called tax bill, the revenue measure. It is not true that it was submitted as a result of any conspiracy of any Member of Congress with me to hamper the passage of the tax bill. Farmers are not concerned much with a reduction of income taxes, because their income is so small they do not pay this tax anyway. Has it come to pass that it is considered to be antagonistic to a Republican administration to propose to raise the tariff? Has it come to a situation where a proposition to raise the tariff is considered heretical doctrine by a Republican administration, or is it only heresy when it applies to agriculture? How do you know the President will veto a bill increasing the tariff on a few agricultural products?

We know, and it is admitted by the advocates of the McNary-Haugen bill, that it would be worthless without a tariff. It is hooked up with the tariff; the very foundation of it is the tariff. It will be ineffective and useless without tariff schedules to protect agriculture from the influx of agricultural products, now amounting to two and one-half billion dollars. So even though Congress may pass the McNary-Haugen bill, and the President may sign it, that measure will to a large extent be useless unless tariff schedules are raised on certain agricultural products. Everyone who knows anything about that subject at all knows that.

I wish again to say that it is an unfair imputation to say that this amendment was not submitted in good faith. I have had correspondence with hundreds of farmers in Minnesota who have asked for relief from the influx of agricultural products into the Northwest. I introduced the amendment for them. The amendment, if adopted, would afford a remedy, and I am very much surprised that a Republican newspaper should charge me with being sponsor of an antiadministration measure because I propose to raise the protective tariff on agricultural products.

The editorial from the Washington Post of April 18, 1928, which was ordered printed in the RECORD, is as follows:

TAX REDUCTION AND POLITICS

Tax reduction bids fair to meet a political death at the present session of Congress. There are increasing signs that enemies of the adminstration intend to make certain that any revenue revision measure passed will be unacceptable to the President. The theory of the anti-administration strategy appears to be that the Republican Party will be weakened if it fails to bring about some cut in the present schedule of taxation.

The latest proposal sponsored by Senator SHIPSTEAD, of Minnesota, is evidently designed only as an embarrassment. A "rider" to the tax reduction bill providing for increased duties on farm products may attract considerable Democratic and Progressive support, but it would not be approved by President Coolidge. The tariff can not be considered in any such piecemeal fashion. The structure of tariff legislation is too complicated and interdependent for any such procedure to be followed. Many Members of Congress know this, but they are more intent upon making political capital than drafting legislation.

Considered in the light of traditional Democratic policy on tariff matters, there ought to be no support from the minority party for tariff revision upward. In this instance the Shipstead plan affords the Democrats the best opportunity they have yet seen to prevent sound tax reduction. The Progressives, more particularly in the Senate, have not been inclined to support a tax cut. Their view is that any surplus which may result from the existing revenue laws should be applied to the debts. They may, however, be swung over to the Democratic theory of tax revision, declared unsound by the Treasury, in order to gain increased duties for agriculture. But, with the House safely Republican, it is not to be expected that the tariff will be revised as an incident to tax reduction.

Mr. SHIPSTEAD's amendment to House bill No. 1, submitted by him on the 16th instant, was also, on his request, ordered to be printed in the RECORD, and it is as follows:

Amendment intended to be proposed by Mr. SHIPSTEAD to the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes, viz: On page 225, after line 19, insert the following new title:

TITLE VIII.—THE TARIFF

SEC. 801. AMENDMENTS TO TARIFF ACT OF 1922

(a) Paragraphs 85, 707, 708, 709, 710, 711, 712, 713, 723, 760, 761, 769, 771, and 777 of the tariff act of 1922 are amended to read, respectively, as follows:

"PAR. 85. Starch: Potato, 3 cents per pound; and all other starches not specially provided for, 1 cent per pound."

"PAR. 707. Milk, fresh, 6½ cents per gallon; sour milk and buttermilk, 3 cents per gallon; cream, 60 cents per gallon: *Provided*, That fresh or sour milk containing more than 7 per cent of butterfat shall be dutiable as cream, and cream containing more than 45 per cent of butterfat shall be dutiable as butter.

"PAR. 708. Milk, condensed or evaporated: In hermetically sealed containers, unsweetened, 4 cents per pound, sweetened, 4½ cents per pound; all others, 4 cents per pound; whole-milk powder, 9 cents per pound; cream powder, 10 cents per pound; and skimmed-milk powder, 4 cents per pound; malted milk, and compounds or mixtures of or substitutes for milk or cream, 40 per cent ad valorem.

"PAR. 709. Butter, 16 cents per pound; oleomargarine and other butter substitutes, 8 cents per pound.

"PAR. 710. Cheese and substitutes therefor, 7½ cents per pound, but not less than 40 per cent ad valorem.

"PAR. 711. Birds, live: Poultry, 9 cents per pound; all other, valued at $5 or less each, 50 cents each; valued at more than $5 each, 20 per cent ad valorem.

"PAR. 712. Birds, dead, dressed or undressed: Poultry, 12 cents per pound; all other, 8 cents per pound; all the foregoing, prepared or preserved in any manner and not specially provided for, 45 per cent ad valorem.

"PAR. 713. Eggs of poultry, in the shell, 14 cents per dozen; whole eggs, egg yolk, and egg albumen, frozen or otherwise prepared or preserved, and not specially provided for, 10 cents per pound; dried whole eggs, dried egg yolk, and dried egg albumen, 30 cents per pound."

"PAR. 723. Buckwheat, hulled or unhulled, 40 cents per 100 pounds; buckwheat flour and grits or groats, one-half of 1 cent per pound."

"PAR. 760. Oil-bearing seeds and materials: Castor beans, one-half of 1 cent per pound; flaxseed, 80 cents per bushel of 56 pounds; copra, 3 cents per pound; poppy seed, 32 cents per 100 pounds; sunflower seed, 2 cents per pound; apricot and peach kernels, 3 cents per pound; soya beans, one-half of 1 cent per pound; cottonseed, one-third of 1 cent per pound.

"PAR. 761. Grass seeds: Alfalfa, 8 cents per pound; alsike clover, 8 cents per pound; crimson clover, 3 cents per pound; red clover, 8 cents per pound; white clover, 8 cents per pound; clover not specially provided for, 6 cents per pound; millet, 1 cent per pound; timothy, 2 cents per pound; hairy vetch, 2 cents per pound; spring vetch, 1 cent per pound; all other grass seeds not specially provided for, 2 cents per pound: *Provided*, That no allowance shall be made for dirt or other impurities in seed provided for in this paragraph."

"PAR. 769. White or Irish potatoes, 80 cents per 100 pounds; dried, dehydrated, or desiccated potatoes, 2¾ cents per pound; potato flour, 2½ cents per pound."

"PAR. 771. Turnips, 50 cents per 100 pounds."

"PAR. 777. Hay, $6 per ton; straw, $1 per ton."

(b) Paragraph 1626 of such act is amended to read as follows:

"PAR. 1626. Oil-bearing seeds and nuts: Hempseed, palm nuts, palmnut kernels, tung nuts, rapeseed, perilla, and sesame seed; seeds and nuts, not specially provided for, when the oils derived therefrom are free of duty."

SEC. 802. EFFECTIVE DATE OF TITLE

This title shall take effect on the day following the date of the enactment of this act.

Mr. HARRISON. Mr. President, of course there is no agreement between the Senator from Minnesota [Mr. SHIPSTEAD] and the Democrats with reference to the amendment which he has offered; and I rise to express my appreciation of the statement given to the press on yesterday by the senior Senator from North Carolina [Mr. SIMMONS], the ranking Democrat on the Finance Committee, with reference to his views touching that amendment.

There was passed in the House of Representatives before Christmas, and labeled House bill No. 1, the revenue bill, seeking to give some tax reduction to the American people at an early date. The bill, as has been stated upon the floor of the Senate and in the House of Representatives, was labeled House bill No. 1 because the leadership in that body thought that should be the first bill passed by the Congress. That bill has remained in the Committee on Finance without final action since last year. For now about three weeks the Committee on Finance of the Senate has been considering the provisions of that bill with the idea of trying to get together upon it and report it to the Senate as early as possible. It now seems that the Finance Committee will report the bill to the Senate early next week. I hope when that report shall have been made that the leadership of this body will steer the bill to early consideration by the Senate. I am sure that this side of the aisle will approve the statement of the Senator from North Carolina that he hopes that nothing will arise in the consideration of that proposed legislation that might embarrass it or defeat tax reduction.

I concede to no Senator here greater enthusiasm for the early consideration of tariff reform or tariff revision legislation. I wish that the House of Representatives during the present session had given consideration to the inordinately high tariff duties on many articles, and, possibly, to the too low duties upon certain other articles, and had passed a tariff revision measure so that the Senate might have considered it; but, of course, under the Constitution, the Senate is not permitted to originate tariff legislation. I wish that we might consider the tariff question in the Senate as a rider upon some bill, but not a bill of the importance of the internal revenue tax reduction measure. That bill, Mr. President, being House bill No. 1, is too important; it means too much to the American taxpayer for us to attempt tariff revision upon it. We know that the Executive would veto any legislation which might be engrafted upon the tax reduction bill that might not meet his views. So it seems to me the wise thing to do, when the Senate Finance Committee shall report the revenue bill, will be to eliminate tariff considerations from it, and confine the discussion to the rates that are in the bill and to its administrative features, so that when the bill shall finally be put into the form in which it will go to the President he will have to write his veto or approval upon that proposition alone.

I hope the Senate will agree with the minority members of the Finance Committee that we can give a greater tax reduction to the people at this time than the Treasury now thinks it wise to give them. The Treasury Department has gradually revised its estimates from this amount to that amount quarterly during the year until now it states that internal-revenue taxation should not be reduced below $200,000,000. I want to put into the RECORD, so that not only the Senators may read it, but the country may read it as well, the views as to the Government estimates and as to how great a reduction the Treasury will stand as expressed to the Finance Committee by the representatives of the United States Chamber of Commerce. I believe that their views are sounder than those expressed by the Undersecretary of the Treasury, Mr. Mills, representing the Treasury Department; and I hope when the bill shall finally go to the President for his approval or disapproval that it will give to the American taxpayer a reduction of at least $300,000,000.

The PRESIDING OFFICER. Without objection, the matter referred to by the Senator from Mississippi will be printed in the RECORD.

The matter referred to is as follows:

CHAMBER OF COMMERCE OF THE UNITED STATES,
Washington, April 12, 1928.

Hon. REED SMOOT,
Chairman Committee on Finance, United States Senate.

DEAR SENATOR SMOOT: Responding to your invitation, I have the honor to present the position of the Chamber of Commerce of the United States on Federal tax reduction.

Since its organization in 1912, the chamber with committees composed of outstanding business executives and economists has continuously studied and from time to time submitted to its membership for referendum vote, questions on the fiscal policies of the Government, without regard to changing governmental administrations.

The essential function of the chamber is to develop and present nonpartisan principles which are in the public interest. Facts are ascertained through careful investigation by representative committees and after full consideration and deliberate vote of our member chambers of commerce and trade associations throughout the country the position of the national chamber is determined.

The chamber's war record of taxation policies has a direct relation to the policies the chamber now urges for the reason that by an overwhelming vote of its membership, effective soon after the declaration of war, the chamber immediately urged a large increase in income taxes, the imposition of excess-profit taxes, and new and heavy excise taxes.

This position was in support of the principle that the largest possible part of war cost should be met through current taxation in order that during the inevitable readjustment of postwar years the tax burden might be more quickly lightened.

This policy was adopted by the Government and the war thus was financed, but since the war full application of the principle has not been made and taxes have continued out of proportion to the needs of the Government for current expenses and for amounts specified by Congress to be used in debt retirement.

Our latest taxation referendum, No. 50 (October last), was carried by the largest vote in the history of the chamber. I am attaching this referendum showing the personnel of the chamber's committee, together with their report, and a tabulation of the names of the organizations which voted upon it and how they voted.

The officers of the national chamber are therefore charged with advocating:

1. Reduction of the corporation income tax to not more than 10 per cent.

2. Repeal of the remaining war excise taxes on particular businesses.

3. Repeal of the Federal inheritance tax.

These proposals were presented by the chamber's tax committee to the Committee on Ways and Means, November 1, 1927.

The revenue bill which passed the House of Representatives on December 15 has been held in the Senate committee now four months. In this period our committee has had no reason to change its views in regard to the revenues of the Government for the fiscal year 1929 on any facts or developments which have arisen in the interval.

The national chamber has steadily advocated return to a peace-time taxation basis. Its recommendations have included for two years the repeal of the Federal inheritance tax, for four years the reduction of the corporation income tax, and for seven years the repeal of the war excise taxes. Two years ago it opposed the increase of the corporation income tax from 12½ per cent to 13½ per cent, now demonstrated to have been unnecessary.

The taxation recommendations of the chamber at previous sessions of Congress are demonstrated to have been entirely feasible and possible, as shown by the following table indicating the total amounts of actual debt retirement in recent years and the sources from which these amounts of retirement were made possible.

Funds used for debt retirement

	Compulsory (required by law gradually increasing each year)	Permissive		Actual retirement
		Interest from foreign governments	Year-end Treasury surpluses	
1924	$289,000,000	$159,000,000	$505,000,000	[1]$1,098,000,000
1925	306,000,000	160,000,000	250,000,000	[1] 754,000,000
1926	322,000,000	160,000,000	377,000,000	[1] 872,000,000
1927	359,000,000	160,000,000	635,000,000	1,133,000,000

[1] Includes an amount obtained through reduction in the balance in the general fund

Over one-fourth of the income of the National Government—that is, $1,133,000,000—during the fiscal year ending June 30, 1927, was applied to debt retirement. This is more than three times the statutory requirements for debt reduction. Nearly as much will be used to reduce the national debt this year should no tax bill be passed.

After careful consideration Congress passed legislation providing for the retirement of the national debt in an orderly manner. If it is the judgment of the American people that the debt should be retired more rapidly, Congress would undoubtedly pass legislation increasing the statutory rate of debt reduction.

ESTIMATES FOR 1929

The national chamber believes that the official estimate of receipts for the year ending June 30, 1929, are low by a considerable figure.

CORPORATION INCOME TAX

We find that corporations showing any net income for 1925 had an aggregate of $9,340,000,000 in taxable income and showed on their returns a tax liability of $1,170,000,000 at a rate of 13 per cent. Through data published by the Treasury in December, 1927, it is demonstrated that the total taxable income shown by corporations for 1926 taxable year was increased over 1925 by at least $200,000,000, or to $9,540,000,000. On this figure, therefore, at the rate of 13½ per cent, the total corporate tax due, according to the 1926 returns, would seem to be at least $1,242,000,000. It has now become evident that the tax liability shown by corporations upon their returns for 1927 will not vary substantially from the tax liability for 1926.

From these amounts due, however, the official estimates are that only $1,120,000,000 was collected in 1927 fiscal year, that $1,120,000,000 will be collected in the 1928 fiscal year, and that $1,120,000,000 will be collected in 1929 fiscal year. In other words, regardless of the nature of the income tax and the undoubted growth in the volume of business, a "fixed" estimate is used for the receipts from a source yielding a good third of the total revenue receipts of the Government. It would seem reasonable to assume that, granted that business conditions in 1928 calendar year remain in general at a parity with the business conditions of 1927, receipts in 1929 fiscal year from current corporation tax at a rate of 13½ per cent would exceed the official estimate of $1,120,000,000 by at least $100,000,000.

It has been pointed out that these figures do not show actual collections made but only taxes due. If this criticism is accepted, the Treasury's estimated basis of the loss of $90,000,000 figured upon the same data for the reduction of the rate of corporate income tax by 1 point—that is, from, say, 13½ per cent to 12½ per cent—is too high.

BACK TAXES

There is no public record over a period of years of the actual collections made from corporations within each fiscal year of the taxes shown upon the returns as filed, or any public record of the part of the tax shown upon the returns on which there was delinquency with payment in subsequent years, or any public record of the amounts collected from corporations through assessment of taxes additional to those shown upon the returns.

A very large total is involved in so-called "back taxes" which fall into the following categories:

First. Uncontested claims which are merely delinquent in payment.

Second. Claims for additional taxes pending in the Internal Revenue Bureau which may be settled there.

Third. Claims for additional taxes which have been sent from the Internal Revenue Bureau to the Board of Tax Appeals on the appeal of the taxpayer.

Fourth. Unpaid claims for additional taxes involved in cases before the courts.

The first must naturally be the amount between the total tax liability admitted on income returns filed by taxpayers and the receipts from taxpayers at the close of the fiscal year.

Upon the second there is no public record of the total amount. One large accounting firm advises that Government claims of this character against their clients now pending in the Internal Revenue Bureau total $100,000,000, and it is, therefore, apparent that the aggregate of all such claims in that bureau must amount to a very large sum, at least several hundred million dollars.

Upon the third the claims before the Board of Tax Appeals now amount to $685,000,000—the greatest total in the history of the board—an increase of $80,000,000 since October, 1927.

The cases under the fourth category, while involving considerable amounts in additional taxes, are particularly important in that the decisions of the courts will be precedents which may determine the outcome of the Government's claims under the second and the third.

The records show that collections from "back taxes" were—

In 1926	$285,000,000
In 1927	331,000,000

The official estimate of last November of revenue from this source of $180,000,000 which has recently been increased by $40,000,000 to $220,000,000 for the fiscal year 1929, is lower by $111,000,000 than the $331,000,000 of 1927, above, which to the chamber does not seem reasonable.

The official statements would seem to mean that in the $220,000,000 now estimated as receipts from "back" taxes in 1929 fiscal year there are $100,000,000 of these delinquent "current" taxes.

In other words, it would seem that in the official estimate there are only $120,000,000 of receipts from claims for additional taxes for all preceding years. Without stopping to cite official testimony as to the amounts of additional taxes assessed and collected for a period within the last 12 months, it seems sufficient to point out that if only $120,000,000 in additional taxes are collected in the fiscal year of 1929 these collections will not be sufficient to offset tax refunds, which are officially estimated to amount to $138,000,000. It is only reasonable to assume that the Government is receiving from its additional tax claims an amount in excess of the refunds made.

OFFICIAL ESTIMATES

In December, 1927, the official estimate of the surplus for 1929 fiscal year was $252,000,000. On April 3, 1928, this estimate was so changed as, upon a comparable basis, to be $297,000,000.

This revision has taken place three months in advance of the opening of the fiscal year of 1929. At the time of the opening of the fiscal year of 1928, now current, the official estimate was that the surplus at the end would be approximately $200,000,000. In December, 1927, when the year was almost half run, the estimate was increased to $454,000,000.

Table A (appended) shows that without exception for each of the past five years the official estimates of receipts have been underestimates by wide margins and that the estimates of expenditures have been overestimates.

It shows, too, that the actual surpluses have exceeded estimates made only six months before the close of each fiscal year in amounts ranging from $100,000,000 to nearly $600,000,000—in the last year, $252,000,000.

RECENT OFFICIAL RECOMMENDATIONS AS TO TOTAL TAX CUTS

In connection with each of the past three revisions of the revenue act there have been official recommendations as to the total amount of tax cut that could not be exceeded.

The following shows that each of these recommendations was greatly under the actual tax cuts made by Congress and, still, large surpluses resulted:

	Cut recommended by the Treasury	Cut passed by Congress [1]	Surplus current year	Surplus year following
Revenue act, 1926	$300,000,000	$422,000,000	$377,000,000	$635,000,000
Revenue act, 1924	323,000,000	519,000,000	505,000,000	250,000,000
Revenue act, 1921	[2] 372,000,000	663,000,000	313,000,000 (1922)	309,000,000 (1923)

[1] The amounts of these reductions are variously computed. The figures in this column are estimates appearing in the Budget message of December, 1927.
[2] The first recommendation of the Treasury was that taxes should be increased, and not decreased.

EFFECT OF CHAMBER'S PROGRAM ON 1928 (FISCAL YEAR)

The following table shows the effect of the national chamber's program for tax reduction in the fiscal year 1928:

Official estimate, surplus as of June 30, 1928	$401,000,000
War excise and estate tax repeal as of July 1, 1928	No effect.
Corporation tax rate reduced to 10 per cent on 1927 incomes would cut receipts of present fiscal year by not more than	150,000,000
Treasury surplus June 30, 1928, after cut of 10 per cent	251,000,000

[NOTE.—It is discretionary with the Secretary of the Treasury by law to carry such surplus to general fund for ordinary expenditures in next fiscal year or for debt retirement.]

EFFECT OF CHAMBER'S PROGRAM ON 1929 (FISCAL YEAR)

As has been shown, the national chamber's committee believes that the official estimates of receipts for the fiscal year 1929 are still too low by more than $100,000,000. Moreover, the chamber's committee has pointed out that there will be available approximately $400,000,000 for current expenses should an actual need arise. Approximately $160,000,000 of this is in interest received from foreign governments which can be used for current expenses of the Government instead of being used, as heretofore, for debt retirement. Added to this would be a sum up to $250,000,000 from the surplus of June 30, 1928, carried into the new year.

Even though the official estimates are taken to be correct, the national chamber's program is well within the principles of sound finance, as is shown below:

Amount which can be carried forward from surplus of 1928	$251,000,000
Official estimate of 1929 surplus (with present tax rates) $297,000,000, less provision for new and unbudgeted expenditures of $85,000,000	212,000,000
Receipts from foreign-loan interest	160,000,000
	623,000,000
Less chamber's program of elimination and cut	394,000,000
Surplus, year end	229,000,000

From the above it is apparent that it would be unnecessary to devote the $160,000,000 of interest payments from foreign governments to current expenditures, but the amount would be available for debt retirement and still leave a surplus of $69,000,000.

BUDGETARY PROCEDURE

Since its first referendum in 1912, and without abatement after the congressional legislation of 1921 establishing the Bureau of the Budget, the chamber has been an outstanding advocate of proper budgetary procedure in the fiscal operations of the Government.

The chamber has always contended that the revenue side of the Budget of the National Government should each year properly provide for the expenditure side.

In support of budgetary procedure the chamber has always contemplated the desirability of one centralized control over estimates both of receipts and expenditures in order adequately to present to the Congress and the country a properly balanced Budget of income and expenditures instead of, as at present, having the expenditure estimates presented by one agency of the Government and the income estimates by another.

The chamber has been a consistent advocate of economy in government and gives due recognition to the record of Congress during the last six years in keeping appropriations within the figures recommended by the President in his Budget messages.

The chamber has never hesitated to advocate and wholeheartedly support reasonable measures of taxation which will produce revenue sufficient to discharge all of the proper obligations of the Government arising out of legitimate governmental activities, whether special or recurring.

The national chamber recognizes that it is the province of Congress to fix the rates of taxes and to set the amount to be raised by taxation, as well as to fix the amount of debt reduction.

We place before you the facts as we find and see them, the well-considered opinion of our members, representing every section of the country and every type of business and industry, in a sincere desire to help you in the consideration of an intricate question which affects the economic welfare of the Nation.

TABLE A.—*Government revenues, showing variations between actual revenues and expenditures and official estimates*
(In thousands of dollars)

Fiscal year ending June 30	Actual	Estimates	Dates of estimates	Increase (+) or decrease (−) of actual over estimates
TOTAL ORDINARY RECEIPTS				
1923	$3,841,926	[1] $3,338,182	December, 1921	+$303,744
		3,073,825	June, 1922	+768,101
		3,429,862	December, 1922	+412,064
1924	4,012,044	3,361,812	do	+650,232
		3,638,489	June, 1923	+373,555
		3,894,677	December, 1923	+117,467
1925	3,780,148	[1] 3,693,762	do	+86,386
		3,579,831	June, 1924	+200,317
		3,601,968	December, 1924	+178,180
1926	3,962,755	3,641,293	do	+321,460
		3,686,642	June, 1925	+296,113
		3,880,716	December, 1925	+82,039
1927	4,129,394	3,824,530	do	+304,864
		3,779,769	June, 1926	+349,625
		4,026,780	December, 1926	+102,614
EXPENDITURES PAYABLE FROM ORDINARY RECEIPTS				
1923	3,532,269	[2] 3,505,754	December, 1921	+26,515
		3,896,258	June, 1922	−363,989
		3,703,801	December, 1922	−171,532
1924	3,506,677	[2] 3,180,843	do	+325,634
		3,668,534	June, 1923	−161,857
		3,565,038	December, 1923	−58,361
1925	3,529,643	[2] 3,298,080	do	+231,563
		3,554,891	June, 1924	−25,248
		3,534,083	December, 1924	−4,440
1926	3,584,987	[2] 3,267,551	do	+317,436
		3,375,671	June, 1925	+209,316
		3,618,675	December, 1925	−33,688
1927	3,493,584	[2] 3,494,222	do	−638
		3,593,472	June, 1926	−99,888
		3,643,701	December, 1926	−150,117
SURPLUS OR DEFICIT				
1923	+309,657	−167,571	December, 1921	+477,226
		−882,433	June, 1922	+1,192,090
		−273,938	December, 1922	+583,595
1924	+505,366	+180,969	do	+324,397
		−30,044	June, 1923	+535,410
		+329,639	December, 1923	+175,727
1925	+250,565	[1] +395,681	do	−145,176
		+24,939	June, 1924	+225,566
		+67,864	December, 1924	+182,701
1926	+377,767	+573,743	do	+4,024
		+290,970	June, 1925	+86,797
		+202,041	December, 1925	+115,726
1927	+635,809	+330,307	do	+305,502
		+186,297	June, 1926	+449,512
		+383,079	December, 1926	+252,730

[1] Estimates made before passage of 1924 revenue law.
[2] These are not actual estimates, but are the amounts requested in the regular annual Budget, to which should be added supplemental requests for appropriation subsequently submitted to Congress.

ADDITIONAL STATEMENT AT REQUEST OF SENATE FINANCE COMMITTEE

(By the Chamber of Commerce of the United States)

In a public statement issued under date of January 3, 1928, copies of which were sent to members of the Senate Finance Committee, it is observed that to the $252,000,000 of surplus then officially estimated for June 30, 1929, there should be added an amount on account of the conservatism of that estimate. It was suggested that the corporation income tax would yield about $135,000,000 more than the Treasury estimated and that back taxes would yield about $50,000,000 more than the Treasury estimated. These two items added to the surplus of $252,000,000, the official estimate, made a total of $437,000,000.

The Treasury has not yet made any specific allowance for increased yield in the corporation income tax, but it has added $5,000,000 from current income tax of both kinds and $40,000,000 to its estimate of yield from back taxes, offsetting these amounts by $85,000,000 on the expenditure side, although that total sum has not yet been voted by Congress. By this calculation it now reduces the surplus earlier estimated at $252,000,000 to $212,000,000 for June 30, 1929.

In support of the proposition that the official estimate of the 1929 surplus is too low, we desire to refer also to the assertion that, since the March collections from income tax are now known, the collections for the remainder of the calendar year, including the first two quarters of 1929 fiscal year, are known. Collections for the March quarter in recent years have varied from 32.2 per cent of the total for the four quarters of the calendar year to 26.5 per cent. Last year the percentage was 27.6 per cent. Any calculation based upon the collections in the March quarter of 1928, therefore, may prove to be wide of the mark by an amount running into the hundreds of millions.

Apparently some confusion has arisen from the circumstance that the chamber has said and believes that the Treasury estimate for June

30, 1929, of a surplus of $212,000,000 is still too low, and repeats that statement in to-day's presentation. It has to-day made the further explanation that, wholly disregarding any possible increase in yield over the Treasury estimate of surplus, the whole chamber program of tax reductions and repeals could be allowed.

This is clear by reason of the discretionary power resting with the Secretary of the Treasury to carry over, say, $251,000,000 from the surplus of the current fiscal year (now estimated at $401,000,000). This $251,000,000 added to the $212,000,000 estimate of 1929 gives a total of $463,000,000, while in that year, without allowing for any increase for growing taxable income of the country, the chamber's program would not reduce public revenues by more than $394,000,000. The further point is made that if need be the power rests with the Treasury to devote up to $160,000,000 of foreign interest payments as an offset against the interest which our Government is paying to the American holders of Government securities, thereby reducing the charge on current taxes by that amount.

There has been no change in the argument, but simply two different presentations.

Mr. SHIPSTEAD. Mr. President, I wish to express my appreciation to the Senator from Mississippi for his eloquence as a spokesman for the White House. I congratulate him.

Mr. HARRISON. That is the first time I have been accused of occupying that position.

Mr. HALE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Maine will state his parliamentary inquiry.

Mr. HALE. Is morning business closed?

The PRESIDING OFFICER. Morning business is not closed.

Mr. HALE. Then, I call for the regular order.

The PRESIDING OFFICER. Reports of committees are in order.

REPORTS OF COMMITTEES

Mr. WATERMAN, from the Committee on Claims, to which was referred the bill (S. 463) for the relief of David J. Williams, reported it with an amendment and submitted a report (No. 834) thereon.

Mr. JONES, from the Committee on Commerce, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (H. R. 11026) to provide for the coordination of the public-health activities of the Government, and for other purposes (Rept. No. 835); and

A bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression (Rept. No. 836).

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 259) authorizing assistance in the construction of an inter-American highway on the Western Hemisphere, reported it without amendment.

Mr. MOSES, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 11279) authorizing the Postmaster General to establish a uniform system of registration of mail matter, and for other purposes, reported it without amendment.

He also, from the same committee, to which was referred the bill (H. R. 8337) to amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926, reported it with an amendment.

AUTHORITY FOR PUBLICATION OF RULES IN COMMON-LAW ACTIONS

Mr. SACKETT (for Mr. DENEEN), from the Committee on the Judiciary, submitted the views of the minority on the bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions, which was ordered to be printed as part 2, Report 440.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Massachusetts:

A bill (S. 4117) granting an increase of pension to Sadie H. Oliver; to the Committee on Pensions.

By Mr. TYSON:

A bill (S. 4118) granting a pension to George R. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. SACKETT:

A bill (S. 4119) granting an increase of pension to Matilda Melson (with accompanying papers);

A bill (S. 4120) granting an increase of pension to Louisa Piercey (with accompanying papers);

A bill (S. 4121) granting an increase of pension to Malissa Hughes (with accompanying papers);

A bill (S. 4122) granting an increase of pension to Vie Morrison (with accompanying papers); and

A bill (S. 4123) granting an increase of pension to Exona Warriner (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4124) to provide for notice to owners of land assessed for benefits by the verdict of condemnation juries in the District of Columbia, and for other purposes;

A bill (S. 4125) to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes; and

A bill (S. 4126) authorizing the National Capital Park and Planning Commission to acquire rights in land and to lease land or existing buildings for limited periods in certain instances; to the Committee on the District of Columbia.

A bill (S. 4127) to provide for the appointment of an additional justice of the Supreme Court of the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. DILL:

A bill (S. 4128) granting a pension to Mary E. Short; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 4129) granting an increase of pension to Mary Jane Nation (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 4130) granting a pension to Anna M. Huston (with accompanying papers);

A bill (S. 4131) granting an increase of pension to Justine Smith (with accompanying papers);

A bill (S. 4132) granting an increase of pension to Eliza J. Griffith (with accompanying papers);

A bill (S. 4133) granting an increase of pension to Minerva Crosley (with accompanying papers); and

A bill (S. 4134) granting an increase of pension to Martha V. Emery (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 4135) to conserve the water resources and to encourage reforestation of the watersheds of Los Angeles County by the withdrawal of certain public lands included within the Angeles National Forest from location and entry under the mining laws; to the Committee on Agriculture and Forestry.

By Mr. RANSDELL:

A bill (S. 4136) to provide for the cancellation of tax liens and other liens in favor of the United States when the property affected thereby has been sold at public sale under a superior lien or claim under the laws of the State where such property is located; to the Committee on the Judiciary.

By Mr. CURTIS:

A joint resolution (S. J. Res. 132) to create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc.) in the city of Washington as a tribute to the negro's contribution to the achievements of America (with accompanying papers); to the Committee on Public Buildings and Grounds.

By Mr. CAPPER:

A joint resolution (S. J. Res. 133) to authorize the merger of street railway corporations operating in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

PROPOSED NICARAGUAN CANAL

Mr. McKELLAR submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan Canal, which was ordered to lie on the table and to be printed.

HOUSE BILL REFERRED

The bill (H. R. 11723) to provide for the paving of the Government road, known as the La Fayette Extension Road, commencing at Lee & Gordon's mill, near Chickamauga and Chattanooga National Military Park, and extending to La Fayette, Ga., constituting an approach road to Chickamauga and Chattanooga National Military Park, was read twice by its title and referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr.

BRITTEN, Mr. BURDICK, and Mr. VINSON of Georgia were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendments to the bill (S. 2900) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. W. T. FITZGERALD, Mr. ELLIOTT, and Mr. UNDERWOOD were appointed managers on the part of the House at the conference.

NAVAL APPROPRIATIONS

The PRESIDING OFFICER. Morning business is closed.

Mr. HALE. Mr. President, I ask unanimous consent that the Senate resume the consideration of House bill 12286, Order of Business 818, the naval appropriation bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. BLAINE. Mr. President, I should like to inquire of the Senator from Maine, in charge of the bill, if his understanding is that the total expense of the Nicaraguan expedition from May 4 of last year until April 16, over and above what the expenditures would have been had that expedition not been made, is $1,608,987.03?

Mr. HALE. Substantially; yes.

Mr. BLAINE. Another inquiry: I notice that the report by the Secretary of the Navy does not include damage that has been done to property belonging to the Government of Nicaragua.

Mr. HALE. I assume that no damages have been assessed. I do not know whether there would be any liability on our part for that or not.

Mr. BLAINE. Has the Senator any information as to the amount of damage that has been inflicted upon property belonging to the Government of Nicaragua by our war vessels and our war operations in Nicaragua?

Mr. HALE. I have not, Mr. President; but I assume that the report of the Secretary of the Navy covers the information they have on hand. If not, possibly the Senator could get further information from the Committee on Foreign Relations. I have no knowledge of the matter myself.

Mr. BLAINE. But the report does not include any statement as to the damages to property belonging to the Government of Nicaragua caused by the Government of the United States through its operations?

Mr. HALE. I do not know whether there has been any such damage.

Mr. BLAINE. For the information of the Senator, though he no doubt knows it, I will state that the Senate took action only a few days ago appropriating a little over $19,000 as one item alone, to repair a dock or wharf that belonged to the Government of Nicaragua, which was damaged by a war vessel ramming that dock. My attention was called to that; and I am referring to damage of that kind, and damage of a similar character.

Mr. HALE. Does the Senator know of any damage of a similar character that occurred? I suppose that might have happened in time of peace. I understand that one of our vessels ran into a dock belonging to the Nicaraguan Government and did a certain amount of damage. If there are any other similar cases, I presume they will be called to our attention. The resolution did not ask for that, and I have no knowledge myself of any such matters.

Mr. BLAINE. The Senator has asked me if I have any information along that line. I might suggest to him that I am not a close confidant of the Secretary of the Navy. It is very improbable that he would give me any information. I am not a member of the Committee on Foreign Relations, nor am I a member of the Committee on Naval Affairs, so I have no means of knowing.

Mr. HALE. No such matter has been brought to my attention, and I doubt if it has been brought to the attention of the Committee on Foreign Relations.

Mr. BLAINE. I am attempting to ascertain just what damage we have done in connection with the operations in Nicaragua.

Mr. HALE. I think the statement made by the Secretary of the Navy is fairly complete.

Mr. FESS. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. FESS. Has the Senator examined the last paragraph on page 5? Does that give the Senator the information he desires?

Mr. BLAINE. That is not the information I desire. That appears to be damage that has been done to Nicaraguan citizens, not to property of the Government of Nicaragua. We may be called upon to pay for damage done to the citizens of the Republic of Nicaragua. I do not know how much that would be. I do not know how much damage has been done to property belonging to the Government of Nicaragua.

Mr. HALE. Does the Senator suggest that the naval appropriation bill for the coming year be held up until we can find out these things? I do not think it is a matter of very great importance.

Mr. BLAINE. No; I have not made any such suggestion.

Mr. HALE. I hope the Senator will not. I hope he will help me in expediting the passage of the bill.

Mr. BLAINE. Mr. President, I desire to call up the amendment that I proposed the other day. I have made a slight modification in it, and will send the amendment to the clerk's desk as soon as I make the insertion. I ask that the modified amendment be stated.

The PRESIDENT pro tempore. The amendment, as modified, will be stated.

The CHIEF CLERK. It is proposed to amend by inserting a new paragraph after line 17, on page 53, as follows:

Provided, That after December 25, 1928, none of the appropriations made in this act shall be used to pay any expenses incurred in connection with acts of hostility against a friendly foreign nation, or any belligerent intervention in the affairs of a foreign nation, or any intervention in the domestic affairs of any foreign nation, unless war has been declared by Congress or unless a state of war actually exists under recognized principles of international law.

The words "acts of hostility" and the words "belligerent intervention" shall include within their meaning the employment of coercion or force in the collection of any pecuniary claim, or any claim of right to any grant or concession for or on behalf of any private citizen, copartnership, or corporation of the United States, against the government of a foreign nation, either upon the initiation of the Government of the United States or upon the invitation of any foreign government existing de jure or de facto.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Wisconsin, as modified.

Mr. HALE. Mr. President, I understand that the Senator is going to speak on that amendment. I certainly can not accept it for the committee.

Mr. BLAINE. I expect to debate the proposition.

Mr. BRUCE. Mr. President, may I interrupt the Senator for a moment? This seems to be a matter of very great significance from every point of view, and I am sure that when it was read the first time its contents were grasped by very few Members of the Senate. Therefore I request that the amendment be read again, so that we can all hear it.

The PRESIDENT pro tempore. The amendment will be again stated for the information of the Senate.

The Chief Clerk restated the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the modified amendment proposed by the Senator from Wisconsin.

Mr. BLAINE. Mr. President, the importance of this amendment will readily occur to those who have given thought to this subject when we study the report made by the Secretary of the Navy in connection with this Government's hostile expedition to the Republic of Nicaragua.

The expenditures, as reported by the Secretary, over and above the normal expenses of the naval forces at the home stations, as set forth in that report, are $1,608,987.03.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. BLAINE. I yield.

Mr. McKELLAR. Does the Senator's amendment provide that the President can act upon the authority of Congress first had and obtained? I am not sure that I caught it accurately. I do not know whether that was made an exception. Ought not that to be an exception in the Senator's amendment?

Mr. BLAINE. The Senator evidently has not caught the purport of the amendment.

Mr. McKELLAR. I do not suppose I have. I heard it read, and I just glanced at it.

Mr. BLAINE. The amendment proposes a limitation or a restriction upon the use of the money appropriated under the power of the President as Commander in Chief of the Army and Navy. Of course, if Congress grants him power, then he may lawfully exercise it.

Mr. McKELLAR. As I understood the Senator's amendment, it provides that this power shall not be exercised unless there is a declaration of war.

Mr. BLAINE. By Congress.

Mr. McKELLAR. I can easily conceive a state of circumstances by which the Congress might want the President to take certain steps in a given case, and I was wondering whether there ought not to be an exception of that kind in the amendment.

Mr. BLAINE. No exception is necessary, because Congress would have the power to do that, notwithstanding the amendment, whenever the proper emergency arose.

The amount of money involved in this hostile expedition, in comparison with the total expenditures for the Army and Navy, is indeed small, but this expedition—I believe an unlawful expedition—has cost the lives of 21 American boys. Forty-five American young men have suffered casualties in addition to the 21 death casualties.

Of the Nicaraguan guard, eight have been killed or have died as the result of wounds. Four of them have suffered casualties other than death. Of the Nicaraguan people, 202, according to the Secretary's report, have lost their lives.

It is admitted that this report does not account for all the loss of life in Nicaragua. We may never be able to determine the total loss of life. The report does not state how many women and children have been killed, and at least the children, the babes in arms, could not have been engaged in any hostile activity. How many of the aged Nicaraguans have felt the force of the hostile army in their country, their home, we do not know.

Mr. President, the blood of these boys, of these men, these women and children, is upon the hands of those who have directed the hostile and war activities against the Republic of Nicaragua, acts contrary to all precedent in the history of this Republic, contrary to the law and the Constitution of this Republic, contrary to the rules and customs that prevail among nations of the world.

I know the defense will be made for this unholy and unwarranted warfare that America is fulfilling its solemn obligation entered into by a representative of this Government and the contending forces of Nicaragua. I anticipate that defense. That defense has no justification in fact or in law or in good morals and good conscience.

On May 4, 1927, a communication was addressed to General Moncado by Henry L. Stimson, the personal representative of the President of the United States. I shall read that communication. It is as follows:

DEAR GENERAL MONCADO: Confirming our conversation of this morning—

We have little information as to what that conversation was, but whatever it was, he continues:

I have the honor to inform you that I am authorized to declare—

Not to request, but to declare—

that the President of the United States has determined to accede to the request of the Government of Nicaragua to supervise the election of 1928; that the permanency in power of President Diaz during the rest of his administration is considered indispensable for this plan, and will be insisted on; that the general disarmament of the country is also looked on as necessary for the successful carrying out of this election, and that the forces of the United States will be authorized to take charge of the arms of those who shall give them up, including those of the government, and to disarm by force those who refuse to comply.

With all respects,

(Signed) HENRY L. STIMSON.

That constitutes the basis of the alleged sacred promise, a promise obtained, an agreement, so far as it is an agreement, not entered into by the free will of the people of Nicaragua, but obtained by force, by intimidation, by coercion, and, it is alleged, by bribery.

The armed forces were there. They had been there for some time. The people of Nicaragua were looking into the muzzles of the guns upon the war vessels. A small, weak, defenseless people, torn to pieces by internal strife, had no power to resist that exhibition of force. There was no course left for them than that demanded by the representative of the President. An invitation under those circumstances, do you call it? If the gunman were to enter your home, and, in the presence of your family and your friends, you were looking into the muzzle of his automatic, when he suggested an invitation to your home, quite readily indeed would the invitation be extended, and he would enjoy the friendliness of the evening, he would impose himself upon you, yes; by invitation, at the muzzle of a gun, your consent having been obtained by the same token. So with the people of Nicaragua and the Government of Nicaragua. A sacred agreement? No! An unholy agreement.

The answer may also be made that this is not the first time that force has been used against weaker and smaller people by the temporary rulers of America. If that is a substantial defense, then I am in error. But, Mr. President, it is demonstrable that never in the history of America, ever since and from the promulgation of our Federal Constitution, on the 17th day of September, 1787, until November 3, 1903, was there ever a single precedent to support any administration in its attack upon the people of the Republics to our south.

I confess that since November, 1903, there have been acts on the part of those who have had the temporary administration of the government, by which they have undertaken, in the countries to the south of us, the same coercive measures that prevail in Nicaragua.

I shall not review in detail the history of this Government in relation to the Republics to the south since 1903. It may be claimed by those who apologize for the acts of this administration in its conduct toward weaker and smaller peoples and nations that there were precedents prior to 1903. Debates in this Chamber in the past have indicated that such defense may be made. But I shall differentiate and I shall undertake to distinguish between those incidents to which reference has been made in former debates, and the acts of hostility in which this administration is presently engaged.

I know there are those who will say that the sending by President Tyler of an expedition to Texas may constitute a precedent, but the facts with respect to the annexation of Texas do not justify any assertion that the act of President Tyler is a justification for the present exhibition of force toward these smaller nations. It must be remembered that when Texas came into the Union, Texas was a republic which had obtained her liberty and her independence. The President of that Republic, President Houston, had entered into a treaty with the Government of the United States for the annexation of Texas to the United States as one of the members of this Union, an act which was freely taken by the people of Texas through their representatives and according to the sentiment of the people of Texas. It had been their hope, and that hope grew into a desire, to join the Union of States. So when that patriot, their President, entered into the treaty with the Government of the United States for the annexation of Texas it was the free, voluntary act of the Republic of Texas and her people. There had been no coercion; there had been no force used and no intimidation.

That treaty was pending. It had not been ratified by the Senate. The President of the Republic of Texas, almost as a condition of that treaty, appealed to the President of the United States to send troops to Texas to protect Texas against invasion by Mexico.

That act was a protective measure in the interest of the Republic which was seeking admission to our Union, and was justified by President Tyler on the ground that the United States had an interest in the preservation of peace and in the security of Texas until the Senate had the opportunity to pass upon the treaty entered into through the free and voluntary acts of the people and the Republic of Texas.

There are those who may contend that when Perry went to Japan in the fifties his act constituted a precedent for the present acts of our Government in Nicaragua. Of course, there was a pretense made even with respect to the expedition of Perry to Japan, but the pretense did not constitute the justification for Commodore Perry's expedition. Commodore Perry carried a friendly message from the President of the United States, and he sought only to deliver that message to the ruler of Japan. However, Japan and her Government were little known to western civilization; even the knowledge of her Emperor was so obscure and uncertain that Perry himself did not know that he was dealing with the imperial representative of Japan instead of the Emperor of Japan. But there was no use of force, no intimidation.

That occurrence in the history of the United States, so far as the facts are concerned, was a voyage of peace carrying a friendly message from the President of the United States, demanding nothing, asking for nothing except the opportunity to enter into friendly diplomatic relations with the Government of Japan. Perry did not go to Japan to protect any loans that had been made by J. P. Morgan & Co., or Kuhn, Loeb & Co., or any other international money lender. Perry did not go there to protect or allegedly to protect property which Americans were exploiting in Japan. There were no Americans in Japan. America had no interests in Japan, financial or commercial.

I know there will be those who will attempt to justify the acts of the administration in the present instance by recalling President Grant's attempt to annex San Domingo. His at-

tempt was unsuccessful. He undertook to usurp the war-making power in the employment of force abroad. He undertook to assert upon his authority the right to send a hostile fleet to a country with which we were not at war. After President Grant had been unsuccessful in his attempts to coerce Haiti in the Domingoan-Haitian controversy, he withdrew his orders for the use of the armed forces of the United States. His withdrawal was under his own orders before any actual force had been employed. He made no further attempt to usurp the power or assume the power under the Constitution which he did not enjoy without an act of Congress. He therefore recognized the constitutional limitations of the President and the constitutional powers of the Congress by his act in withdrawing the armed forces of America, and at a later day expressly in a message to Congress recognized that it was necessary for him to seek and secure an act of Congress before employing force or coercion.

In the debate upon Grant's attempt to usurp the power to make war were engaged two of the great giants of American history—Charles Sumner and Carl Schurz. Sumner, coming from New England in those days when he represented the spirit of New England's patriotism and devotion to our Constitution, joined his great intellect with that of that distinguished German-American who belonged to that group of Germans who came to America in 1848 and here gave their intellect and their blood to the perpetuation of a free government. Those two distinguished Members of this body beat back—yes, they beat back the imperialistic tendency of President Grant, than whom there was none other more efficient upon the field of battle, but who, surrounded as he was, yielded to the pleas and petitions of those who wanted to embark this Government upon the highway of imperialism.

As I recall the history of that incident there was only one voice in this body to express a defense of the acts of the President. It was the voice of Senator Harlan, from Iowa, and in his defense of the attitude and attempt of the President and his administration he undertook to and did refer to the incidents of Perry in Japan and President Tyler in Mexico; but his defense was but a feeble defense, and he made no attempt to harmonize the act of President Grant and his administration with the two incidents to which I have referred. This body, in the several acts passed during those days, sustained the power of Congress and denied the right of a President to make war upon a friendly nation without an act of Congress declaring war.

There was one other incident in the history of our country which the apologists of this philosophy of force and coercion sometimes cite in support of their contention, and I want to distinguish that case from the situation with respect to Nicaragua. I refer to the Boxer rebellion. There was a joint demonstration on the part of the several nations, including America. America sent some 5,000 troops to China; but remember, sirs, that the excuse then used and the reason for the demonstration of force in the sending of an army to China was based upon the proposition that there had been an assault made upon the several governments by the Government of China or those acting in harmony with or with the understanding of that Government, an assault against the embassies of nations duly represented at the Court of China. So in that instance the excuse for the force and coercion then employed was entirely different from the excuse made in the case of Nicaragua. What has been done in China since I shall not discuss at this time.

I can not, however, in this connection remain silent when we find our Government exercising in China a sovereignty of extraterritorial jurisdiction, indefensible and entirely incompatible with the rights of nations and the equality of nations.

Mr. President, the historical incidents to which I have referred neither in fact nor in law constitute a precedent justifying the present policy of imperialism and dollar diplomacy exercised by this Government.

I now come to the period when there was a change in our policy. For 116 years, ever since the foundation of this Republic, down to November, 1903, the policy of this Government was that of noninterference. There was no dollar diplomacy; there was no governmental guaranteeing of private loans abroad. America had not been used as the international sheriff to collect the interest upon bonds and other obligations owing to private parties by foreign governments. For 116 years this Government had observed the policy that secured to us peace and promoted peace on the Western Hemisphere. In 1903 the policy was changed.

There was a revolution in the Republic of Colombia. There is no doubt that that revolution was promoted from Washington, if not, in fact, planned in Washington. It is true the revolution was a coup d'état. That revolution was organized overnight. There had been a treaty or a protocol entered into, as I understand, between the Republic of Colombia and the United States. When the Colombian Congress adjourned without its Senate ratifying the treaty proposed between Colombia and the United States, President Roosevelt, by an Executive order, sent four American warships to the Isthmus of Panama. There was disappointment both upon the part of the revolutionists and the administration at Washington. The American Government had sent four war vessels to the Isthmus, but the Government became impatient at the revolutionists; they were not acting quite as quickly as had been agreed; and the revolutionists became rather doubtful about the compact into which they had entered. The administration at Washington complained that the revolutionists did not take advantage as promptly as they should of the situation that grew out of the presence of the war vessels. So Washington dispatched a message to the American consul, and we will observe with what efficient speed that revolution was conducted.

I assume that Mr. Latané, professor of American history and lecturer on international law in the Johns Hopkins University, can be cited as authority in this respect. He outlines the swiftness of this revolution.

"At 3.40 p. m. on November 3, 1903," he says, "the following dispatch was sent to the American consuls at Panama and Colon":

> Uprising on Isthmus reported. Keep department promptly and fully informed. Loomis, Acting.

At 8.15 the same evening a reply was received from the consul at Panama, as follows:

> No uprising yet. Reported will be in the night. Situation is critical.

At 9 p. m. the very same night a second dispatch was received from the same source:

> Uprising occurred to-night, six—

I presume that means 6 o'clock—

> No bloodshed. Army and navy officials taken prisoners. Government will be organized to-night.

And it was.

That was a revolution, however, without bloodshed. The Panama Canal, the construction of which was brought about by a treaty between America and the Republic of Panama, organized as a result of this overnight revolution, was so popular with the American people that the means of obtaining that canal were given slight consideration; and President Roosevelt later, in effect, repudiated that method of diplomatic concourse.

I reviewed that history to some extent in the debate on a proposal for a foreign policy, and quoted President Roosevelt. The history of that time clearly indicates that, in the opinion of the administration, the end justified the use of any means; but in later years there was regret and America, in acknowledgment of that wrong and in the satisfaction of that wrong, paid the Republic of Colombia $25,000,000. That, however, was the beginning of the present policy of aggression; and that incident has been used to support the policy of imperialism and the policy of "dollar diplomacy" which the present administration has adopted and observes.

Mr. President, it is not my intention to review the unjustifiable acts, the coercion, and the warfare in which our rulers have engaged without the consent of Congress. The history is recent. It is familiar to all. The situation in Nicaragua is only one of the incidents in the last quarter of a century in pursuit of imperialism.

The amendment which I have proposed, Mr. President, has no special reference to Nicaragua. It has no special reference to Haiti. It has no special reference to Cuba or to China. It has no special reference to any country in which the armed forces of America are engaged to-day. It has reference to all of them; for neither in fact nor in law nor in the Constitution is there justification for the occupancy of territory abroad by the armed forces of America.

These coercive measures have been justified on the ground that the President, as Commander in Chief of the Army and Navy, is independent of Congress. I want to examine that proposition. I want to take an inventory, an assessment, of the powers of the President as Commander in Chief and the powers of Congress, and the limitations on both.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield for a moment?

Mr. BLAINE. I yield.

Mr. WALSH of Massachusetts. May I ask the Senator if he does not think his amendment ought to be referred to the Committee on Foreign Relations?

Mr. BLAINE. It has nothing to do with the question which I think the Senator has in mind. This amendment is a limitation upon the expenditure of money appropriated by this bill. If it had any other purpose, it might not be germane to the bill; but this amendment limits only the uses to which the money may be put.

Mr. WALSH of Massachusetts. I am thoroughly in accord with the general principle enunciated by the Senator; but it seems to me that an amendment of the character proposed by the Senator ought to be subjected to the scrutiny of that branch of the Senate which has been giving special study to problems connected with our foreign affairs.

Mr. BLAINE. I will advise the Senator that early in the session I introduced a resolution that embraces that problem which is before the Committee on Foreign Relations.

Mr. WALSH of Massachusetts. I do not want the Senator to misunderstand my inquiry.

Mr. BLAINE. I understand.

Mr. WALSH of Massachusetts. I am in very hearty accord with the general principle which the Senator is seeking to have made a policy of our Government; but I can conceive of possible circumstances where it might be embarrassing to our Government to have a strict limitation such as is proposed by this amendment in the future, apart from the present position of our country in South and Central American States.

Mr. BLAINE. If I may not be interrupted, I think it is demonstrable that the use of money appropriated by this bill for the purposes excluded by the amendment is a diversion of public funds, and against the law and the Constitution.

Mr. WALSH of Massachusetts. I should like to see—and I think the Senator agrees with me—some definite policy fixed. I think it would be a fine contribution to our legislative policy if a committee like the Committee on Foreign Relations should definitely outline a policy which would be carried out in the future, and the prevention of the use of the armed forces of this country insisted upon.

Mr. BLAINE. If the Senator will permit me to proceed, I think I will develop that whole situation before I get through. I appreciate the Senator's position.

Mr. WALSH of Massachusetts. In other words, it seems to me that the subject is such an immense one that we ought to give a good deal of study to it, and now, once for all, in view of the protests in this country against our present policy in Central American States, define a course for the future, and put limitations upon just what the executive departments can do, and how far the Executive can go in pursuing a form of invasion or war.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. NORRIS. I would like to call the attention of the Senator from Massachusetts to the parliamentary situation in which the Senator is now placed. If the course suggested by the Senator from Massachusetts were followed, there would be no effect, of course, on the money appropriated by the pending naval appropriation bill. We would not accomplish anything. It seems to me that we ought to have a well-defined policy. As I look at it, we have no authority of law now for doing the things being done in Nicaragua. I do not believe anybody can cite any provision of law that gives the President the authority to do what he is doing. But if this amendment were referred to the committee, before the committee could possibly act on it and legislation be had, this appropriation bill would be passed, and there would be a continuation of the policy. This amendment has application only to the money appropriated in this bill. It does not fully cover the situation; I think that is conceded. But it seems to me as a parliamentary proposition it is the only thing we can do if we want to do anything.

Mr. WALSH of Massachusetts. I appreciate what the Senator has said, but it seems to me that the discussion which the Senator has opened up has drawn our attention to the necessity for some general legislation, or a general policy, upon the subject.

Mr. NORRIS. I agree with the Senator.

Mr. WALSH of Massachusetts. I would like to ask why the date in the amendment is fixed as December, 1928.

Mr. BLAINE. December 25, 1928.

Mr. WALSH of Massachusetts. Is that because it is Christmas Day?

Mr. BLAINE. Not necessarily, but that is a mighty good date on which to be out of Nicaragua. I think the Christian spirit would run higher throughout the world, and be exalted, if we could get the boys out of Nicaragua by Christmas time. It is not a sentimental question with me; it is a practical question. I understand that the election is to be held in Nicaragua on or about October 24 or 25.

Mr. WALSH of Massachusetts. That is what I supposed the Senator had in mind; that is, waiting until after the election in Nicaragua.

Mr. BLAINE. It is claimed that if we were to withdraw now, there would be an unsatisfactory condition in Nicaragua among the contending factions when the election is held. I have contended that we blundered into Nicaragua, and I have no doubt but that we will have to blunder out, and I am trying to point a way by which this administration can save its face and prevent any further blunders. I think a period of 60 days after the election is held ought to give ample time in which to get out, and that brings it on or about December 25, Christmas time.

Mr. WALSH of Massachusetts. I assumed that was the Senator's reason.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. SHIPSTEAD. If the Senator keeps the marines there for another 60 days, that would be time to have another election.

Mr. BLAINE. After October?

Mr. SHIPSTEAD. After the first one.

Mr. BLAINE. I thought the elections came every four years.

Mr. SHIPSTEAD. They come whenever we decide to conduct them.

Mr. BLAINE. Not if this amendment to this bill is adopted.

Mr. SHIPSTEAD. But the Senator proposes a very unstatesmanlike proposition.

Mr. BLAINE. In respect to what? I am just seeking information.

Mr. SHIPSTEAD. The idea that the Senator has proposed in his amendment is contrary to our history in the Caribbean, in Latin America, for the past 30 years. The Senator proposes that we attend to our own business, and I say that is a very unstatesmanlike proposition.

Mr. BLAINE. Mr. President, I want to suggest to the Senator from Minnesota that this is not a gesture. I am willing to do something for my country, and if we can get those boys out of Nicaragua, and take this hand of coercion and oppression off of the people of Haiti, and keep our nose out of other people's business after Christmas time, then I shall feel that I have accomplished something in the interest of my country.

Mr. President, this is a practical question now. I am not responsible for our blundering into Nicaragua. I am not responsible for the troops now being in Nicaragua. I have stated, and I reassert, that it was a blunder to get into Nicaragua, and we may have to blunder out of there; but if this amendment can be written into the law by this Congress and we can escape this imperialistic policy, if we can shake it off by Christmas time and reestablish America as America was for 116 years, I am willing to offer my cooperation in the interest of the larger measure.

That may be called unstatesmanlike, but I am not keen about names. I am keen only about results. So I say I am willing to permit this Government to have up to Christmas time to end this imperialistic régime; and from that day and hour, if this were the law, there could be no warlike forces of the United States in another country under the terms of this proposed amendment. Perchance, should a President then attempt to usurp power, not only would he be subject to impeachment but he would be subject to prosecution under the criminal laws of the United States and subject to imprisonment. However, I assume, sirs, that the President would obey the law.

Mr. President, I want to define the power the President possesses as Commander in Chief. There is nothing mysterious about the power. There is nothing about the power that is not well understood. The fact that the President is Commander in Chief of the Army and Navy gives him no other power than the power derived from the Constitution and the laws enacted by Congress pursuant to the Constitution.

There are no implied powers in the President as Commander in Chief. There are no reserved powers of the President as Commander in Chief. Every power of the President as Commander in Chief is defined by the law and the Constitution, and the President is subject to the law and the Constitution.

The power of the President in war time has been defined in the case of Ex parte Milligan, United States Reports, volume 71, 4 Wallace. The proposition involved in this matter goes to the question of the exact dividing line between the powers of the Congress to declare war and to appropriate money and the power of the President as Commander in Chief of the Army and Navy.

Let me state, Mr. President, that there is no such thing as war power either in the President or in Congress. Whatever powers the President possesses or Congress possesses after war is declared are powers derived from the Constitution and the

law, and there is no power coming to the President as a war power outside of the Constitution and the limitations fixed by the law.

On page 120 of this report the court said what I shall read. This is language which every President ought to read as his morning prayer and his evening benediction. Says the Justice of the Supreme Court writing the opinion:

> Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain English words that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than 70 years, sought to be avoided. Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be imperiled unless established by irrepealable laws. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people equally in war and in peace.

(At this point Mr. BLAINE was interrupted by the expiration of the morning hour, when some discussion took place, which appears at the conclusion of his speech.)

Mr. BLAINE. Mr. President, I repeat the words of the Chief Justice of our Supreme Court, as follows:

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances.

The court further said:

> The power to make the necessary laws is in Congress, the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authorities essential to its due exercise. But neither can the President in war more than in peace intrude upon the proper authority of Congress nor Congress upon the proper authority of the President. Both are servants of the people whose will is expressed in the fundamental law. Congress can not direct the conduct of campaigns nor can the President, or any commander under him, without the sanction of Congress, institute tribunals for the trial and punishment of offenses either of soldiers or civilians. * * * Where peace exists the laws of peace must prevail. What we do maintain is that when the Nation is involved in war, and some portions of the country are invaded, and all are exposed to invasion, it is within the power of Congress to determine in what States or districts such great and imminent public danger exists as justifies the authorization of military tribunals for the trial of crimes and offenses against the discipline or security of the Army or against the public safety.

I quote that as indicating that the President is limited by the acts of Congress and possesses no power as a war power.

The Commander in Chief of the Army and Navy is the Commander in Chief in war times and in peace times. He commands the militia under certain circumstances. What is his power as Commander in Chief? In war times the Commander in Chief may take physical, actual possession of the Navy. He may sail at the head of the Navy. He may navigate the ships. He may shoot the projectiles from the guns of the ships. He may do anything with the Navy personally in times of war against an enemy nation. But his acts must be within the limitations fixed by Congress and by the usage and customs observed amongst civilized nations. His power is limited by the international law which prevails during war. He may become the pilot of the air forces of the country in time of war and personally take possession thereof. He may become the actual, physical head of the infantry or the artillery. He may operate the trench mortars or fire the 1-pounders or direct and actually fire the machine guns or the great field artillery pieces.

He may do those things personally as Commander in Chief within the limitations fixed by Congress and within the limitations of international law. He may mount his steed, march at the head of the cavalry, and compel everybody else to bite his dust. He can do it personally as Commander in Chief within the limits of the laws fixed by Congress and the international law. He may supply the provisions and the ammunition and all the subsistence necessary for the Army and Navy within the limitations fixed by Congress and the restrictions of international law.

Those are his powers as Commander in Chief. But Congress may not appropriate a single dollar for the Navy, and so as Commander in Chief of the Navy the President then becomes Commander in Chief of painted ships upon a painted ocean. Congress may refuse to appropriate money for the operation of the Cavalry or the Infantry or the Artillery or the Air Unit or of any unit of the Army. The President is still the Commander in Chief, but if there is no money furnished by Congress with which to purchase the horse upon which the Commander in Chief rides in command of his Army, all that is left to him is his hobby horse.

There is nothing strange about the power of the Commander in Chief. What about it in peace times? It is identically the same power. There is no difference. One can not distinguish between the powers of the President in peace times and war times. They are identically the same within the restrictions and limitations fixed by Congress. In peace times he may ride at the head of the Army. He may order out the Artillery, the Infantry, the tanks, the aircraft, and ride up and down the United States within the limitations fixed by Congress and the Constitution and international law. He can not quarter soldiers within the homes of our citizens either in war time or in peace time. So there is no difference between the power of the President as Commander in Chief in war time and peace time. In war time the Congress gives him added power because of the necessities of the emergency; but whatever the power may be that is extended to the President, it comes through the act of Congress within and under the Constitution and does not adhere to the office of Commander in Chief by implication or by inference, but only by express provisions of law.

In peace time, for instance, when Congress appropriates money to build barracks for the marines at Quantico, Va., the President can not take that money and build barracks for the marines at Corinto, in Nicaragua. He can not take money that is appropriated for military reservations and buy migratory game bird sanctuaries. The President, as Commander in Chief, has no more right to divert public funds dedicated for specific purposes by acts of Congress in relation to the Army and the Navy than he has to divert public funds devoted to any other purpose. To divert that money contrary to the act of Congress is an offense against the law, whether he does it as President or as Commander in Chief of the Army and Navy. So the President as Commander in Chief has no general powers, no unrestrained powers, no unrestricted powers. Every power possessed by the President is an express power derived from the Constitution and the laws, and in war times within the limitations fixed by international law.

What are the powers of Congress in this respect? Under Article I, section 8, of the Constitution:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense.

Congress has the power to declare war; Congress, by express declaration, has the power to make rules concerning captures on land and water. Congress has power under that section—I am now quoting the Constitution—

> To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

Now, mark this—and I am again quoting from the Constitution—

> The Congress shall have power to make rules for the government and regulation of the land and naval forces.

The President can not make such rules and regulations as Commander in Chief until Congress shall have acted. Then he initiates them within the limitations fixed by Congress, whether in peace time or war time.

Further, the Constitution gives to Congress the power—

> To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

These are the powers of Congress, not of the Commander in Chief. The Commander in Chief is only the agent of Congress under the Constitution.

Now let us examine briefly the restriction upon Congress. The restriction upon Congress is a restriction upon rulers as well and upon all citizens, as defined in the case of ex parte Milligan, to which I have referred. Under Article I, section 9, of the Constitution, it is provided—I am again quoting—

> No money shall be drawn from the Treasury but in consequence of appropriations made by law.

Not a single dollar can lawfully be taken out of the Treasury of the United States except in compliance with law enacted by Congress.

Mr. President, the senior Senator from New Jersey [Mr. EDGE] said yesterday on the floor of the Senate that the time had come when there should be a "showdown" on the Nicaraguan question. I challenge him now and here to submit a legal justification for the expedition to Nicaragua. No money has been provided by statute, as I understand, to supervise elections in Nicaragua. The appropriations which have been made are for specific purposes, and those purposes are defined.

But, Mr. President, administrations have chosen to exercise this power for the last 25 years; Presidents have chosen to exercise power, contrary to the precedents of 116 years of America's early history. However, even Presidents in the last 25 years have come to Congress for authority in respect to these matters.

I recall that in the so-called Tampico incident, when the question was whether Mexico should give a certain number of salutes—whether 5 or 19, I have forgotten—President Wilson came to Congress for authority to send a squadron down into the Gulf of Mexico to compel the Mexicans to give the proper salute.

When Villa with his band crossed into Arizona or New Mexico—I have forgotten which, but I think it was Arizona—in 1916, and, as I remember, about March 15 of that year President Wilson came to Congress. It was on the 17th day of March following when the Senate of the United States and, I believe, likewise the House unanimously passed a resolution permitting the President to send armed forces into the Republic of Mexico under certain conditions.

Mr. EDGE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. GEORGE in the chair). Does the Senator from Wisconsin yield to the Senator from New Jersey?

Mr. BLAINE. I yield.

Mr. EDGE. Did President Wilson come to Congress before sending marines to Santo Domingo in 1916, which expedition resulted in the loss of some two thousand or more lives, as I recall?

Mr. BLAINE. No, Mr. President; President Wilson did not come to Congress in the Santo Domingo or Haitian matter, and, I think, very much to the regret of his friends; I believe that is an incident which they would like to forget. I do not know why President Wilson engaged in that act, which was contrary to all his public declarations. I have never been able to analyze that which was in his mind when that force of coercion, intimidation, interference, and intervention was sent to Santo Domingo and Haiti.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. BLAINE. I yield.

Mr. SHIPSTEAD. The Senator is aware that when the President acts he must act upon information furnished him by subordinates, by the State Department, by some other department, or by the Army or the Navy, and they in turn must rely upon information furnished them by subordinates. It was said we went into the Dominican Republic for the purpose of putting down bandits; at least that is what we were told we went there for. It is a strange coincidence that we did not hear anything about bandits in the Dominican Republic until sugar went from 3 or 4 cents a pound to 26 or 27 cents a pound, and sugar lands became very valuable in the Dominican Republic.

The people who owned those lands refused to sell them to the large sugar companies, and bandits went out at night and started to shoot up the countryside and burn the buildings of people who would not sell their lands. Then we were asked to go in for the purpose of protecting property against those bandits; and our forces hunted the bandits, but were not very successful in capturing them for a long time. I am reliably informed that in the archives of the Navy Department there is sworn testimony to show that a sergeant of marines one day reported to his colonel and said, "Colonel, here I have the chief bandit." The colonel reprimanded him and apologized to the prisoner and turned him loose, because he was the local manager of the National City Bank of New York. But the colonel was an honest man and stayed on the job long enough until he discovered that the sergeant had told the truth.

The Senator from Massachusetts [Mr. GILLETT] said that we should study some of these questions and find out something about them. I commend his advice to the Senate. The Senate ought to know.

I accused the Senator from Wisconsin a short time ago of expounding a very unstatesmanlike doctrine. I find now that he is going back to the Constitution to find justification in law or in the Constitution for using the armed forces without the consent of Congress. It is a very old-fashioned thing to do. The idea is so old that most people think it is new.

The Senator from Wisconsin has often been accused of having new ideas. The idea that anyone should follow the Constitution or the law is so old-fashioned that most people think it is new.

Mr. BLAINE. Mr. President, the Milligan case defines precisely the powers of the President and the powers of Congress in times of war. It is worth while to review the Prize cases. I shall not take the time to do so this afternoon; but the principle laid down by our Supreme Court in those cases is to the effect that the power of the President as Commander in Chief of the Army and Navy is no different than his power as President. It is wholly within the limitations fixed by law; but as Commander in Chief he may personally assume control of the operation of the Army and Navy, subject to the law and the Constitution, and in war subject also to international law.

Of course, both in war and in peace, the President selects his subordinates to carry out those powers, which he possesses under the Constitution and the law as Commander in Chief. Therefore if Congress refused to appropriate money for the Army and Navy, the Army and Navy would cease to exist. There would be no Army and Navy of which the President could be Commander in Chief, except, as I said, perchance, a painted navy upon a painted ocean. Congress may refuse to appropriate any money for the Army and Navy and thus strip the President of any power as Commander in Chief. Therefore, since this power to raise and support armies and to appropriate money therefor is given to Congress by the Constitution, it is exclusively within the jurisdiction of Congress. Congress may make that appropriation large or small. It may reduce the appropriation to a point where in practice there could be nothing but a paper navy or a paper army. Congress may fix by an appropriation act the limits within which the Commander in Chief must stay. Congress may appropriate money to raise and support an army to be used wholly within the territorial boundaries of the United States, and for no other purpose. It may limit the Navy to the inland waters of the United States. The limit of the extent to which armies and navies may be raised and supported is fixed by Congress.

When public funds are once in the Treasury of the United States they can be withdrawn only pursuant to an express appropriation by Congress, and the restriction operates upon all departments of the Government.

Justification for this statement rests upon the decision in the case of Knote *v.* United States (95 U. S. Repts.), beginning on page 149. I shall not stop to read the opinion delivered by Mr. Justice Field.

In the Prize cases, reported in Second Black, page 668, and in Ex parte Milligan, Fourth Wallace, page 2, and in a long line of decisions this is what the court said:

> The power of the President as Commander in Chief must be exercised in accordance with the laws and usages of nations, and in the manner prescribed by Congress.

Further quoting:

> Otherwise, his orders will afford no protection to an officer acting under them. An instruction to an officer can not justify an act which, without it, would have been a trespass.

It is true he is authorized by law, by the Constitution, previous to the declaration of war by Congress, to meet insurrections or invasions by military force; but that is a constitutional power, derived from the Constitution, and in the name of the Commander in Chief.

There are many things the President can do as Commander in Chief in war times under the laws and usages of nations and under the limitations prescribed by Congress. I shall not go into that question. It is not relevant to my discussion.

The President has the power to repel invasion and insurrection under an act of Congress and within his power under the Constitution. The powers to which I have referred to a very large extent are discussed in the cases to which I have referred. This is not my declaration. I am not making a declaration growing out of my own mind or imagination. I have pointed to the source of power possessed by Congress and by the President.

Now, let us examine what text-writers have said upon this question of the power of the President.

In a general way Willoughby, on the Constitution, in volume 2, page 1207, section 713, gives the powers of the President in times of peace and in times of war. I mean he outlines in more or less detail the things the President may do:

> The constitutional Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the service of the United States, is the President. Through or under his orders, therefore, all military operations in times of peace as well as of war are conducted.

Operations in the field and practice—

> He has within his control the disposition of troops, the direction of vessels of war, and the planning and execution of campaigns. With Congress, however, lies the authority to lay down the rules governing the organization and maintenance of the military forces, the determination of their number, the fixing of the manner in which they shall be armed and equipped, the establishment of forts, hospitals, arsenals, etc., and, of course, the voting of appropriations for all military purposes.

Large power, therefore, is in Congress; and the Commander in Chief merely directs the armies and navies in the field. He may do it in person, as I have said, but he chooses to do it through his subordinates—the only practical way, of course, by which it may be done.

Professor Corwin, professor of politics at Princeton University, after discussing the powers of the President and Commander in Chief, comes to this conclusion, as stated on page 156 of his work The President's Control of Foreign Relations:

I conclude that the presidential power under survey is somewhat analogous to the so-called right of self-preservation at international law. Theoretically the power is a defensive power and reserved for grave and sudden emergencies. Practically the limit to it is to be found in the powers of Congress and public opinion.

Of course, if the President and Congress have deadlocked on the proposition, the President may go to the country and obtain a Congress in accordance with his views, but that does not give him any additional power. He may acquire additional power if Congress responds to his demands.

Henry Campbell Black is recognized as one of the great constitutional lawyers and text-writers of undoubted reputation and intellect, and in his work Black on Constitutional Law, fourth edition, page 123, section 83, he says:

The constitutional power of the President to command the Army and Navy is distinct from the power of Congress to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces. The President can not by military orders evade the legislative regulations, and Congress can not by rules and regulations impair the authority of the President to act as Commander in Chief.

The President has no power to declare war; that belongs exclusively to Congress. But without any declaration of war, or before such a declaration is made, he may recognize the actual existence of a state of war and employ the Army and Navy against the enemy.

That is, where all the facts relating to a state of war exist.

Congress must still "raise and support" the Army and "provide and maintain" the Navy, and it is true that the power of furnishing or withholding the necessary means and supplies may give it an indirect influence on the conduct of the war. But the supreme command belongs to the President alone. In theory, he plans all campaigns, establishes all blockades and sieges, directs all marches, fights all battles and engagements.

Those are the powers of a Commander in Chief of an Army and Navy, restricted in war time as he is restricted in peace time, a power that is within the Constitution, and when Congress acts it makes operative that power.

Mr. President, I desire briefly to call attention to the international law and custom of nations upon this question. I will quote very briefly.

Chancellor Kent is recognized in America as a great authority upon legal propositions, and he gives the rule with simplicity and clearness. Speaking of the equality of nations, he says:

Nations are equal in respect to each other, and entitled to claim equal consideration for their rights, whatever may be their relative dimensions or strength, or however greatly they may differ in government, religion, or manners. This perfect equality and entire independence of all distinct states is a fundamental principle of public law.

General Halleck, who has written upon international law, and who is as authoritative in logic as are Vattel and Sir William Scott, says:

All sovereign States, without respect to their relative power, are, in the eyes of international law, equal, being endowed with the same natural rights, bound by the same duties, and subject to the same obligations.

Washington, in speaking of belligerent intervention contrary to international law, said this on December 25, 1798, when he wrote to his compatriot, Lafayette. They had won the independence of America:

No government ought to interfere with the internal concerns of another, except for the security of what is due to themselves.

I again quote from General Halleck on this question of non-intervention:

Wars of intervention are to be justified or condemned accordingly as they are or are not undertaken strictly as the means of self-defense and self-protection against the aggrandizement of others, and without reference to treaty obligations; for, if wrong in themselves, the stipulations of a treaty can not make them right.

The invitation of one party to a civil war can afford no right of foreign interference as against the other party. The same reasoning holds good with respect to armed intervention, whether between belligerent states or between belligerent parties in the same state.

There is the Nicaraguan situation. There were belligerent parties within the Republic of Nicaragua, and the United States had no right under international law to intervene under any pretext.

Halleck said again:

Armed intervention consists in threatened or actual force employed or to be employed by one state in regulating or determining the conduct or affairs of another. Such an employment of force is virtually a war, and must be justified or condemned upon the same general principle as other wars.

Mr. President, by all the precedents set by the statesmanship of America prior to 1903, statesmanship which towered above the present narrow, intolerant statesmanship as mountains tower above ant hills, we were denied the right of intervention.

The amendment which I have proposed is supported by the history of the United States for 116 years. It is supported by the highest authority in our land, by the judges of our Supreme Court in their decisions in specific cases. It is supported by the text-writers of renown and responsibility, by the statesmanship of those who thought in terms of America, her peace, and her security.

Mr. President, I have failed to find a single case, I have failed to find a single line of legislation, that justifies the conduct of this administration in the affairs of Nicaragua.

In the face of this showing, I repeat that the blood of American boys is upon the hands of those who have, without lawful power, brought our Nation into what Sumner so aptly described as "a dance of blood."

During Mr. BLAINE'S speech—

The PRESIDING OFFICER (Mr. FESS in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 1271, the migratory bird bill.

Mr. CURTIS. Mr. President, may I ask the Senator from Maine [Mr. HALE] if he has any understanding with the Senator from South Dakota?

Mr. BLAINE. I have. I suggested to him that I perhaps would not conclude before half past 2 or 3. However, the Senator from South Dakota is here and can speak for himself.

Mr. NORBECK. I would like to proceed with the migratory bird bill, but the Senator from Wisconsin has not concluded his remarks on the naval appropriation bill, and would prefer very much that he be allowed to proceed. Therefore, let it be understood that he may proceed and we will not press the consideration of the bird bill at this time.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside.

Mr. SWANSON. I understand that the migratory bird bill will be the unfinished business until it is disposed of.

Mr. HALE. Then I shall ask the Senate to go right on with the consideration of the naval appropriation bill and make that the unfinished business.

Mr. CURTIS. That would be unnecessary. I suggest that the Senator in charge of the migratory bird bill ask unanimous consent to lay aside the unfinished business temporarily.

Mr. HALE. I shall be very glad to have him do so.

Mr. CURTIS. The Senator from South Dakota may call up the unfinished business at any time after the Senator from Wisconsin concludes. He will simply have to demand the regular order.

Mr. NORBECK. I was really in hopes that we could dispose of the unfinished business this afternoon.

Mr. SWANSON. I would like to know whether the naval appropriation bill is going to be proceeded with during the remainder of the afternoon or the migratory bird bill. I think, so far as the unfinished business is concerned, we ought to reach a conclusion upon it.

Mr. NORBECK. May I suggest that we take up the migratory bird bill at 4 o'clock and try to get a vote on it at that time? In the meantime Senators can proceed with debate on the naval appropriation bill.

Mr. SWANSON. Apparently the Senator thinks we can get a vote on the migratory bird bill in a very few minutes after it is taken up. I do not know whether the Senator from Wisconsin [Mr. BLAINE] can conclude his remarks in time this afternoon or not. I suggest that we let the migratory bird bill remain before the Senate until 3 o'clock and, if we can not dispose of it in a short time, then temporarily lay it aside, and let us proceed with the consideration of the naval appropriation bill.

Mr. BORAH. Mr. President, it seems to me that this is a very simple matter. The Senator from Maine can ask that the unfinished business be temporarily laid aside and then the Senator from Wisconsin can proceed with his discussion, and when he is through we can vote on the migratory bird bill.

Mr. NORBECK. That course is entirely satisfactory.

Mr. HALE. I am entirely willing to do that.

Mr. NORBECK. With the understanding that we will take up the migratory bird bill at 3 o'clock.

Mr. SWANSON. Yes.

The PRESIDING OFFICER. The unfinished business being temporarily laid aside, the Senator from Wisconsin will proceed.

After the conclusion of Mr. BLAINE'S speech—

PROTECTION OF MIGRATORY BIRDS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1271) to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds, and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes.

Mr. NORBECK. Mr. President, I am not going to make any lengthy speech now. I would like to have printed in the RECORD a statement of the advantages of the license over the direct appropriation.

The PRESIDING OFFICER (Mr. GEORGE in the chair). Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

ADVANTAGES OF THE LICENSE OVER THE DIRECT APPROPRIATION

If the appropriation of $1,000,000 per annum for the acquisition of refuge areas is actually made for a number of years, I have no hesitation in saying that it will be better than the Federal hunting license for the raising of funds to carry out the provisions of the act. But you know as well as I do from our previous experience that after a year or two it is going to be most difficult to continue these appropriations. On the other hand, if a special fund is built up in the Treasury out of the receipts of Federal licenses, it will not be so difficult to get the estimate allowed by the Director of the Budget and the Appropriations Committee for the acquisition of areas as refuges for migratory birds. While there are approximately 6,000,000 licensed hunters throughout the United States according to statistics compiled from the records of State game commissions, these reports include not only the hunters of migratory game but also resident game, such as quail, wild turkeys, pheasants, rabbits, squirrel, deer, elk, and other big game. It is not contemplated that more than 15 or 20 per cent of these hunters will ever be required to take out licenses under the provisions of the bill to hunt migratory birds, particularly with the exemption proposed to eliminate the requirement of the license for hunting woodcock, doves, wild pigeons, and yellowlegs.

The hunting license originated with the first state-wide organization for game conservation adopted in any of the States. Both resident and nonresident licenses are to-day required in every State for the hunting of any kind of game within their borders. Some States, however, exempt resident landowners and members of their immediate families from the necessity of taking out licenses to hunt on their own premises, and one State—Texas, I believe—only requires a license for hunting outside of the county of residence. In most of the States the funds derived from the sale of licenses are turned into game-protection funds for the direct support of game-conservation work in that State. In a few instances, particularly in those States which have adopted budget legislation, the license funds are turned into the treasury as miscellaneous receipts, and direct appropriations are made from the revenues of the State for the support of the conservation work. The hunting license has been in effect for so long and the funds derived therefrom are so generally used for conservation purposes that the support of conservation work throughout the country by hunting licenses may be said to be an institution. It is not the hunters throughout the country who are interested in the conservation of migratory game birds that are kicking on the payment of the proposed $1 Federal license. They are desirous and anxious for the opportunity to contribute this small additional amount in order to provide Federal funds for the furtherance of the conservation of such birds.

The proposed refuges and the proposed licenses will not interfere in any manner with the operation of the State laws or the State conservation program.

Mr. NORBECK. Four amendments have been offered to the bill, two by the Senator from Arkansas [Mr. CARAWAY] and two by the Senator from Wisconsin [Mr. BLAINE]. I think the Senator from Wisconsin wants to make a statement in regard to his amendments.

Mr. BLAINE. Mr. President, I have suggested to the Senator from South Dakota that I desire to withdraw the two amendments which I offered yesterday. I will state my reason for the withdrawal. The Senator from South Dakota with great fortitude and patience has carried on this contest, and it has suggested to me the probability that the amendments I have offered would provoke long debate. I do not believe them important enough to delay a vote on this measure. The question of the maximum amount which might be paid for land is one, perhaps, that can be left to the department until there is some remedial legislation. The question of excluding hunting of migratory birds within a certain area adjoining a sanctuary no doubt may well be left with the States.

I have no doubt that Congress has the power to legislate upon it under Article VI of the Constitution, which makes a treaty the supreme law of the land and provides that every court must recognize it, the laws and constitution of a State to the contrary notwithstanding; but I am certain that the States will perform their whole duty in the future as they have in the past and, therefore, it is a proposition which might well be left to the States. I therefore ask that the two amendments may be withdrawn.

The PRESIDING OFFICER. Without objection, the amendments are withdrawn.

Mr. BRATTON. Mr. President, I suggest that a quorum is absent.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Locher	Schall
Bayard	Frazier	McKellar	Sheppard
Black	George	McLean	Shortridge
Blaine	Gerry	McMaster	Simmons
Blease	Glass	McNary	Steiwer
Bratton	Hale	Metcalf	Stephens
Brookhart	Harris	Moses	Swanson
Broussard	Hayden	Neely	Tyson
Bruce	Heflin	Norbeck	Vandenberg
Capper	Howell	Norris	Walsh, Mass.
Couzens	Johnson	Oddie	Walsh, Mont.
Curtis	Jones	Overman	Warren
Cutting	Kendrick	Pittman	Waterman
Dale	Keyes	Ransdell	
Dill	King	Reed, Pa.	
Edge	La Follette	Sackett	

Mr. JONES. I desire to announce that the Senator from West Virginia [Mr. GOFF] and the Senator from New York [Mr. WAGNER] are detained in committee.

The PRESIDENT pro tempore. Sixty-one Senators having answered to their names, a quorum is present. The bill is as in Committee of the Whole and open to amendment. The amendment proposed by the Senator from Arkansas [Mr. CARAWAY] was temporarily passed over. Is it to be reoffered?

Mr. NORBECK. Before that is done, I desire to offer for printing in the RECORD some indorsements of the migratory bird bill. These telegrams had reference to the bill carrying the $1 license fee, and were all received before the bill was amended by the Senate.

The PRESIDENT pro tempore. Without objection, leave is granted.

The telegrams are as follows:

MISSOULA, MONT., *February 17, 1928.*

United States Senator PETER NORBECK,
Washington, D. C.:

Montana sportsmen realize that if the clean and invigorating sport of shooting wild waterfowl is to continue, something must be done immediately. The nesting, feeding, and wintering ground of these birds is each year becoming more and more restricted; likewise the places where they may be hunted. Migratory bird conservation bill affords the only just and practical relief. We are deeply interested in this measure, and earnestly hope it will speedily pass Congress.

THOMAS N. MARLOVE,
Chairman Montana Fish and Game Commission.

RICHMOND, VA., *February 16, 1928.*

Hon. PETER NORBECK,
United States Senate:

Bird conservation bill indorsed by overwhelming majority America's outstanding wild-life conservationists. No measure had larger and wider publicity. Longer passage delayed more money cost to provide needed refuges and shooting grounds, such lands being taken up fast by wealthy syndicates of hunters.

M. D. HART.

HARTFORD, CONN., *February 16, 1928.*

Hon. PETER NORBECK,
United States Senate:

It is my understanding that hearing on migratory bird conservation bill comes to-morrow. Regret impossible for me to be present. Bill strongly indorsed by this commission. Unless we can provide sanctuaries with feeding grounds for our migratory waterfowl the supply will continue to decrease. The Federal license to provide funds for defraying the expenses involved seems to be the one logical solution of the problem.

JOHN W. TITCOMB,
Superintendent State Board of Fisheries and Game.

BOSTON, MASS., *February 16, 1928.*

Hon. PETER NORBECK,
United States Senate:

Please record Massachusetts as strongly indorsing migratory bird conservation bill. Our sportsmen willing to help finance work of Federal Government in doing things proposed under this bill, although they do not expect any of such funds to be expended in our State until the great needs in the West and South are taken care of. We earnestly urge the passage of the bill at this session of Congress.

WILLIAM C. ADAMS,
Division of Fisheries and Game,
Department of Conservation.

FRANKFORT, KY., *February 16, 1928.*

Hon. PETER NORBECK,
United States Senate:

The Kentucky Game and Fish Commission urges the Senate committee to report favorably the migratory bird conservation bill. Its passage will assist us in conservation, especially in the western part of our State, which lies across the migratory-bird path.

GEORGE C. WAGGONER,
Executive Agent Kentucky Game and Fish Commission.

COLUMBIA, S. C., *February 16, 1928.*

Senator PETER NORBECK,
United States Senate:

I earnestly urge immediate passage of the migratory bird conservation bill, for it will mean a great thing for the conservation of our wild life.

A. A. RICHARDSON,
Chief Game Warden of South Carolina.

DES MOINES, IOWA, *February 16, 1928.*

PETER NORBECK,
United States Senate:

Immediate action necessary to save migratory birds from destruction. Urge your strong support of bills now pending.

W. E. ALBERT,
State Game Warden.

MINNEAPOLIS, MINN., *February 17, 1928.*

Hon. PETER NORBECK,
United States Senator, Washington, D. C.:

Minnesota organized, and individual sportsmen and game and fish department sincerely believe in and squarely behind migratory-bird refuge and shooting grounds conservation bill now before Senate. In view of international aspect and migratory bird treaty act it seems obvious to me protection and perpetuation migratory water fowl is obligation and duty of Federal Government, and further believe if matter left in hands individual State attention given will be both sporadic and spasmodic. Fail to see any justification for claim bill under consideration constitutes any invasion State rights. Sincerely hope bill be recommended for passing by committee Friday and will be enacted into law by Congress this session. Will greatly appreciate any effort you may exert along this line.

JAMES F. GOULD,
Commissioner of Game and Fish.

INDIANAPOLIS, IND., *February 16, 1928.*

Hon. PETER NORBECK,
United States Senate, Washington, D. C.:

The sentiment existing in the State of Indiana is overwhelmingly in favor of the passage of the migratory bird conservation bill. The Federal Government should do its part in the protection and propagation of migratory birds, inasmuch as it holds jurisdiction over the same under the treaty with Canada. Sportsmen in this State will not object to paying a Federal license.

GEORGE N. MANNFELD,
Superintendent Fisheries and Game.

BALTIMORE, MD., *February 16, 1928.*

Senator PETER NORBECK,
United States Senate, Washington, D. C.:

I beg to add my hearty indorsement for the enactment of the migratory bird conservation bill. This bill should be placed on the Federal statutes as quickly as possible. It is very important that we enact both Federal and State legislation for the further protection of the wild life of this country. Under State administration, wherever game refuges have been established they have worked wonders in saving our wild life. And to further the preservation of migratory birds we must establish Federal game refuges. I heartily indorse the hunters' license feature, as this system, wherever it has been adopted in the States, has worked wonders for the conservation of our wild life.

E. LEE COMPTE,
State Game Warden.

Mr. NORBECK. I have a telegram from Dr. William T. Hornaday, a conservancy expert of international fame, which I ask may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The telegram is as follows:

STAMFORD, CONN., *April 9, 1928.*

Hon. PETER NORBECK,
United States Senate, Washington, D. C.:

Latest news received. Your wise and generous amendment to your migratory bird bill has completely transformed that measure into a safe, sane, and far-reaching agency for a general increase in waterfowl throughout the whole United States, and a 25-year extension of legitimate sports in hunting it. No true sportsman or game defender can fail to support your bill as amended. I hope you will stand as firm as the Rock of Gibraltar for the Federal license fee of one insignificant dollar and wardens to protect the sanctuaries and feed birds as may be necessary. On the Jack Miner plan, without the money and the warden, the whole plan falls to the ground and we may as well cease our efforts to save migratory game and hunting on a basis of continuance. I am trying to broadcast an appeal to a million sportsmen for their active support for your bill.

WILLIAM T. HORNADAY.

Mr. NORBECK. Mr. President, in the temporary absence of the junior Senator from Arkansas [Mr. CARAWAY], I will offer his amendment in his behalf. In lieu of section 17 of the bill, I offer what I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The CHIEF CLERK. Strike out section 17 of the bill and in lieu thereof insert:

That when any State shall by suitable legislation make provision adequately to enforce the provisions of this act and all regulations promulgated thereunder, the Secretary of Agriculture may so certify, and then and thereafter said State may take over the enforcement of said act and the regulations made in aid of said act. The said State may and shall, so long as it shall enforce the said act and regulations made in pursuance thereof, be reimbursed from said funds for the costs of said enforcement to that extent said services would have cost had the service been performed by the Federal Government.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from South Dakota in behalf of the Senator from Arkansas.

Mr. BLEASE. Mr. President, I hope the bill will not become a law. This country was once very much divided on the question of the rights which were reserved by the States under the Constitution, and as to just what powers a State did have and what powers were delegated by the bill of rights and the Constitutional Convention to the various States of the Union and what rights the States had given away under the Constitution. I understand from newspaper reports that the President of the United States a few days ago made a speech in which he took up this very important question, and I compliment him even at this late date on being a convert to the idea of State rights.

But that is not all that is involved in the pending bill by any means. Senators talk about bombs in Chicago and heap fire on the head of Hale Thompson. A good deal is said, too, about anarchy. But the common people of the country are getting mighty tired of the Senate and House exercising what have come to be called their aristocratic powers, dominating and controlling and dictating to the people of the country everything they may or may not do, what they shall eat, what they shall drink, when they shall go to bed, when they shall get up, when they shall go fishing, when they shall go hunting, whether they shall have a picnic or not; and, if they have a picnic, what they must have at the picnic, and so forth. It seems to me that Senators and Congressmen, when they get to Washington, absolutely forget that they have any poor people at home; and some of them, I think, forget that they have anybody at home at all.

How much further are we going? What do Senators expect from the people, who know that certain privileges are being exercised by every official of the United States Government, that certain privileges are indulged in by Senators and Congressmen, by the judges who try the criminals, by the solicitors who prosecute them, by the officers who are supposed to be enforcing the law, and yet are denied the common people? Do Senators think those people will forever be satisfied with knowing that they—the ones at home—working in industry, working in the field, and making a living in this country and feeding the world, too, are the only people who are to be denied and deprived of privileges under the laws which their Senators and Congressmen here enact?

Talk about Mussolini; talk about other governments; you are forcing the people to anarchy and to lawlessness just as fast as you can force them. Senators may laugh at that statement if they want to, but to-day in this country men are sitting on juries who are finding not guilty of crime people whom they know are guilty. They are finding them not guilty because they know that the solicitor who prosecuted the case does the same thing for which they are trying the defendant, and because they know that the judge sitting on the bench is guilty of the same crime that the man in the dock is being tried for.

They sit there on juries and bring in such verdicts, and they are as good men as you are or as I am, as high-toned citizens, men who pay their taxes, do their part, do not dodge a draft law by claiming some exemption, as Senators and Representatives may do. When it comes time to fight, they do not claim that they are too young; they do not claim that they are fathers of two or three tots at home and can not leave them; but they walk up like men and volunteer; they take their guns on their shoulders and they fight in defense of their country. Those men render verdicts of not guilty in such cases because they know that those being tried are the only people that those laws are intended to affect and do affect.

I warn you, and I warn you in all seriousness of such a situation. I go among that class of people; I eat at the table with that class of people; I spend nights in the homes of that class of people; I make speeches to that class of people when I go to their meetings in their halls, sometimes in private behind closed doors and sometimes with open doors. I warn you, Senators, that the people are getting tired of being hamstrung and hog tied.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. BLEASE. I yield with pleasure, sir.

Mr. WALSH of Massachusetts. I infer from what the Senator from South Carolina has stated that it is his opinion—and I am in accord with him—that the enactment of such laws as the prohibition law and other laws seeking to restrain personal liberty and to regulate the conduct of individuals is bringing about disrespect for all law and authority.

Mr. BLEASE. Mr. President, the Senator from Massachusetts expresses it exactly and in a very few words.

When I was a boy the people of my section thought the President of the United States was somebody great. They do not think so now. They thought a Cabinet officer was a little something like one of the apostles who went around with their king. I remember in my boyhood days when Judge Kershaw, Judge Wallace, and men of that character came to my little town of Newberry. The crowd would be standing out on the courthouse square talking, when somebody would say, "Here comes the judge." Every man would step back, take his hat off, and when the judge would pass the old soldiers maybe would say, "Good morning, General," while the younger men like myself would say, "Good morning, Judge." Now when a judge comes by it is, "Hello, Dick," "Hello Jim," "What time are you going to open court, Henry?" The people do not have the respect for the President and his Cabinet and for the Senate and the other House of Congress that they once had. Why is it? It is because this House and the House across the way have deprived them of the God-given privileges that they were born with when they were children.

It used to be when Senator Butler or Senator Hampton would come home and walk up the streets of Columbia or when people would come up here to see Senators and Representatives they thought they were big men. They do not think it to-day. Do not fool yourselves. They do not think it because of your little actions, because of the contemptibleness in trying to deprive every man of every privilege that God gave him on this earth. Senators sit here and keep it up day after day and expect the common people of this country, the American voters, to continue to put up with it and stand by. Gentlemen of the Senate, if you keep it up, just as certain as there is a God sitting on His throne in heaven, respect for law will be gone; respect for order will be gone. The people among themselves will agree that they do not propose continuously to be imposed on in any such way. The result will be that jurors will agree before they ever go into the courthouse that they will not render a verdict against accused persons for committing crimes or violations of law when they know that the men higher up are equally guilty.

Mr. WALSH of Massachusetts. Guilty of the same crime.

Mr. BLEASE. Guilty of the same crime.

We had an instance in my own State—I do not like to talk about home folks, but I can. A judge—I will not call his name; it would hardly be right, but I would not much mind doing it; he is not on my side of the political fence. [Laughter.]

Mr. WALSH of Massachusetts. He must be a Republican.

Mr. BLEASE. That judge instructed a jury in the courthouse; he delivered a long charge. When he finished the jury went out, stayed about five minutes, and came in with a verdict of "not guilty," though everybody knew the defendant was guilty. That afternoon court, as we express it down home, "broke" a little earlier than it was expected. The foreman of the jury lived in a town just above the judge's town, and he asked the judge to ride home with him. They got out about 15 or 20 miles from where the court was being held, along in the shank of the afternoon.

Those men—the foreman of the jury and the judge—had been trained together from boyhood. The foreman of the jury knew the country thoroughly; he knew there was a very nice cool spring near the road a short distance out. He turned out to the side of the road, stopped, and said, "Judge, I do not know about you, but I am going to take a drink." He reached down, opened his satchel, and took out a bottle of South Carolina mountains' most perfect corn. [Laughter.] The judge said, "I believe I will join you," and he did. They both took a drink. When he closed his satchel and put it back in the automobile, he said, "Judge"—he called him by name—"do you know why we acquitted that man in the Greenwood courthouse just about two hours ago?" The judge replied, "No; that verdict was quite a surprise to me." He said, "We acquitted him because we knew that you and I and every other man on that jury do the same thing that we just now did and what you were trying him for doing."

That is the condition we are putting this country in; there is no doubt about it. I practiced criminal law for 40 years, ever since I reached my majority, and I have defended all kinds of people. There are some who say it is wrong to take a case if the lawyer knows the man is guilty. I never thought so; I thought it was the lawyer's duty to see that the accused received substantial justice in a fair and proper manner—not to hide or conceal the crime, but to see that the accused had a fair and impartial trial by a fair jury. But the laws which are being enacted in this country to-day are bringing about such a condition that it will soon be impossible to secure a fair jury.

I am reminded of a story I once heard, and I presume Senators have heard it; I imagine it has been told as to every State, but it was told on Judge Hudson, one of the greatest jurists South Carolina ever produced. He was trying a fellow for stealing a hog.

The 12 men on the jury went out and found the accused not guilty. Subsequently, Judge Hudson said to the foreman of the jury, "Bill, that was a very strange verdict to me; you all must have known that fellow stole that hog." The foreman looked at him, laughed, and said, "Judge, that is so; but you know that seven of us were over at George's house the other night at a barbecue and we helped him eat that same hog." [Laughter.] That actually happened and can be proven by older men than am I in my State to-day.

Mr. President, I merely mention these two trifling incidents to show what the Congress of the United States is doing and to beg the Senate to stop. Oh, you may say, "I will be reelected; the conditions referred to by the Senator from South Carolina have nothing to do with the case, not a thing in the world." Yes, Mr. President; I have known men to be elected who went back home and in reality were beaten. I have known men to be elected who knew when they took their seats that if the decision had been left to an honest vote of the people they never would have been heard of; but somebody stole enough votes to put them across because they had money or influence. I know that to be true. So I want the Senate to stop and think a little bit.

I have a cartoon here which I should like to give my friend from South Dakota [Mr. NORBECK]. It depicts a tramp going toward the South; flying over the top of his head is a flock of birds, and under the bottom is the legend "Migratory birds"—and the migratory birds include, of course, that beautiful tramp. [Laughter.] That cartoon reminds me of this bill. I stuck it here on the wall this morning, but I reckon it was against the rules, for somebody went over and took it down, to which I have raised no objection. [Laughter.]

Now, Mr. President, I want to analyze this bill a little. What I have said was in the way of generalities, but I wish to say, before I start on the bill, that I do believe there are Senators and Representatives who yet believe in giving the people some rights, some little privileges, anyway.

Just because we are getting old is no reason for taking away the privileges of everybody else; just because we do not want to drink is no reason why we should not let anybody else have

a drink. Be liberal, be wholehearted, be free-minded, and give the individual some little privileges; some little rights. Let us go back home and talk to our folks about some of these bills we are trying to pass. Let us ask them what they think about them. Go back and ask the cotton-mill boys down in the South what they think about the fact that they can not go fishing unless they have got some trifling little sniper snooping around to watch them and to try to get a chance to run them into court. Then what do they do in many instances? They do not take them into court. They say, "Give me $2.50—your fine will be $5, but give me $2.50, and say no more about it." That is the kind of laws we are making.

Mr. WALSH of Massachusetts. A little more graft.

Mr. BLEASE. A little more graft, as my friend from Massachusetts well suggests. One of these little snipers which it was proposed to provide for in this bill might go out and catch some little fellow shooting, perhaps innocently. He would say to the one found shooting, "I will tell you what I will do"—I know that it is done in connection with the liquor business and there is no reason why they will not do it in the bird business. I have known some rather good men who sell "blind-tiger" liquor, and I have asked them how in the world they kept out of jail. "Well," they say, "We pay the law." They do not call them constables; they call it "the law" down in my country. Sometimes, when the officers are going out to search, one fellow sits around; he is on to the job; he goes to the phone and says, "That you, Bill?" "Yes." "The boys have laid out a program out here. They are going to be up at Barnwell Street first; then they are going across to Market Street; then they are going down on Jervey Street; they will get to your place just about so and so; look out." So about the time they are to get there Bill has got everything hid.

I am stating a fact now; I know it to be true. Bill has got everything hid and put away. The constables all come in, and the informer, the fellow who is getting the money, goes with them. They search everywhere; they find nothing; the constables all leave while Bill and two or three customers stay in the place. Just about the time the last constable goes out the door, Bill reaches down, sets his little stuff up, and says, "Boys, have another one; it is on the law"; and they all laugh. That is what is going on in this country and what is going on in the city of Washington; I know it.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. BLEASE. I always yield with pleasure to my friend from Maryland.

Mr. BRUCE. The Senator doubtless is aware of the fact that General Andrews stated not long ago, when he was connected with the Prohibition Service, that bootlegging was absolutely coextensive with the entire United States. So I am sure the Senator does not intend to create the impression that there is anything merely local or sectional about the conditions that he is depicting.

Mr. BLEASE. Mr. President, I thank my friend for the suggestion; but I am talking about all these fool laws about fishing and hunting and taking a little drink. That is about all I will say right now; but the people are getting tired of all that kind of laws—more tired of it than you think they are.

Mr. BRUCE. Mr. President, may I interrupt the Senator just once more?

The PRESIDENT pro tempore. Does the Senator from South Carolina further yield to the Senator from Maryland?

Mr. BLEASE. I do.

Mr. BRUCE. Does not the Senator's memory also go back to the time in the South—because I was born and bred in a southern community—when it was considered almost a scandalous thing for any reference to be made to politics in the pulpit?

Mr. BLEASE. I never heard of that until I went to running for governor, and then the preachers all went to preaching against me. As my friend from Massachusetts suggests, I had the fellow who sits in the pew on my side; but that is a fact. When I first announced for governor I think about 9 out of every 10 preachers in the whole State would close their Bibles and take their text on BLEASE. I appreciated it. The night after I was inaugurated, and made a speech out on the statehouse steps, I told them I appreciated their praying like they did; that a good many of them had told me they were praying for the best man to win, and I was sure their prayers had come true. Next morning I went into the governor's office, so I had no fault to find with their prayers; but my friend from Maryland is right. I never heard of preachers taking part in politics out in my State until I was a grown man. I do not blame them for taking a part in politics, however. They have got to raise money. They can not live and educate their children on nothing, and they have got to get up something to interest the people with, and why not preach on somebody's politics?

Mr. President, here is this amendment splitting jurisdiction. If a State shall do so-and-so, why, then, the State will take control; but if the State does not do so-and-so, then we, the Federal Government, are going to take control. Why? I make the prediction right here this afternoon that if the enforcement of the prohibition law were left to the honor of the governor of each State of this Nation, you would come nearer having prohibition to-day than you have. I resented it when I was governor, and I never would allow one of my State men to go with a Federal officer to enforce a law for four years and over. If I were the Governor of South Carolina to-night, I would not let a single man under me mix into any raid or any arrest with which the Federal Government had anything to do, because I was not there sworn to uphold the laws of the United States except in so far as they applied to my own State government.

Mr. BRUCE. Mr. President, may I interrupt the Senator just once more?

The PRESIDENT pro tempore. Does the Senator from South Carolina further yield to the Senator from Maryland?

Mr. BLEASE. Yes, sir.

Mr. BRUCE. What the Senator is saying suggests to my mind naturally enough, of course, the fact that in Maryland we have positively refused, from the time of the enactment of the Volstead law, to pass any State prohibition enforcement law. The consequence is that while I often read of corrupt collusion between State and county police officers and prohibition agents, no such scandal, not in one single solitary instance, has been known in the State in which I live.

Mr. BLEASE. Mr. President, I am glad to hear that. I am not surprised at that State wanting a man like Ritchie for governor. If he has that much good, common horse sense, he does not need much other kind to be President of the United States.

This amendment is an effort to force a State to pass a law to keep the great United States Government from sending into it spies such as they used to shoot in the olden times. Why, I know the time when if a man calling himself a gentleman—of course he was not—had been out with a party of friends, and they had had something to drink, or killed a bird, or played a little social game of cards, and he had gone off and told it, he would have been condemned and blacklisted in decent company forever. You people in Congress up here have made it an honor, however. If a man is invited to a Senator's home, or invited to some friend's home, and perchance there should be a little wine or champagne served, and he goes out, like the contemptible cur that he is, and says that that wine was served at this table, this private home, he is honored; he is held up as a law-enforcing officer of the United States. The man that owns the home ought to shoot him like he would a mad dog trying to bite his baby on the front doorstep. [Laughter.]

That is how much I think of this kind of law, publicly expressed; and I hope it will be publicly printed, because I am not afraid of the people that I represent on this floor. I should be glad to go back home and make this same speech on the stump in every county in my State, because we love liberty; and, as I said here the other day, I repeat to-day, we have in the State of South Carolina the purest unmixed American blood in the American Union. There is no nigger marrying in my country. There is no marrying to Japs, and Chinamen, and other mixed breeds. We do not allow it. We have a law against it; and if the law does not take effect, disappearances from home sometimes take effect.

Mr. WALSH of Massachusetts. The only people that need reforming are the preachers, I judge.

Mr. BLEASE. Well, no. I think in my State we have a pretty good crowd of preachers.

Mr. President, this bill deprives a man of the right to a trial by jury. Read the sections of it and see. The Constitution of the United States and the constitutions of every State in this Union guarantee to every man the right of a trial by jury. It is considered a sacred right; and yet here is a bill, under the guise of a migratory bird bill, that takes away that right.

I do not see why these people who live away out in the West always want to be hopping on what we people down in the South do. What business is it of theirs? Why do you not let us alone? You make out that sectionalism is dead. It is just as bitter in the hearts of some people to-day as it was the day that Lee went to Appomattox Courthouse and met Grant and told him the war was over. He did not surrender. The South never has surrendered. You brought all the world to fight us from every nation on God's earth; you paid for them out of the Treasury, and you are paying millions of dollars now to the chaps that they left after them; but there is as much hatred

of the South in the North to-day, I am sorry to say, as there ever was; and I hate to see it. I did not believe it when I first came to the Senate, but it crops out here every day. There are men in the Senate and men in this city and men in this Nation who hate the South to-day just as much as they hated the South the day the Civil War was over. Do not tell me it is not true, for I have tried to see it the other way. I have tried to make friends the other way.

You come in here and take a Cape Cod Canal up here, and appropriate millions and millions of dollars to be wasted on a canal that never will be worth anything to this country. You have a Columbia River Basin project out here, for which you want about $250,000,000. You have all kinds of other bills; but you let the South want something for a navy yard, you let the South want something for reclamation, you let the South want something for some other purposes, and you are told, "No." Economy comes in, and then you talk about loving us. If you love us, let us alone. We are not asking you to give us anything. We do not want any of your charity. We just want you to let us alone. If you want migratory bird bills and other things of that kind out in your country, have them; but my people are getting tired of them—very tired.

Why should a man be deprived of the right of trial by jury? Why should you go to work here and put in a bill that provides that if a man is caught shooting, violating this law, you are going to take him before a United States commissioner and let him fine him between $25 and $500? It is a ridiculous proposition; absolutely ridiculous! Who is going to settle on whether he shall pay $25 or whether he shall pay $500? I will tell you who is going to settle on it—the man who makes the arrest. He is going to make a bargain with that fellow before he ever gets to the commissioner. Whether it is the truth or not, he will say to him, "I will see the commissioner. I will have him make your fine a little bit, so-and-so. You give me so-and-so." That is what it amounts to.

If you want to be honest in your bill, and you are going to pass it, if nothing else will do you but to pass it, pass it, but put the truth in it. Say that if a man is tried, if a man is indicted for violating this law, he shall be taken before a regular court, where he is entitled to go. If he wants to plead guilty, let him get up in the courthouse before a judge whose authority is constituted by the State constitution or the United States Constitution, if he be a Federal judge, and let that judge decide what shall be a proper punishment.

Why let some little United States commissioner that does not happen to like some man's child, maybe, or does not like the man, because his boy violates this law, put on him an outrageous fine to humiliate the poor man, such a heavy fine that he knows that he can not pay it, and put his child in jail?

Why, Senators, I think the most of you surely can not be thinking seriously about this bill. I think you just like the Senator from South Dakota; I think you just see the interest he has in this bill, and I think you are just voting for it to please him, some of you. I wish I could take you through my State for about a week and let one of you get up and read this bill to my people, and then make your speech on it, without my saying a word, and just ask them what they think about it. You would find quite a different opinion from what you find among yourselves up here, when you are endeavoring to take everything in this world from the people of this country.

Now let us read a little bit of this bill. We have plenty of time.

Whether they kill the bill or not does not worry me. I just want my people to know I was not crazy enough to vote for such a thing as this. I read further from the bill:

SEC. 8. That the jurisdiction of the State, both civil and criminal, over persons upon areas acquired under this act shall not be affected or changed by reason of their acquisition and administration by the United States as migratory bird reservations, except so far as the punishment of offenses against the United States is concerned.

"Changed by reason of their acquisition and administration by the United States." Why, then, go on in the bill and make the exception "except so far as the punishment of offenses is concerned"? If you are going to make it even on one score, let us make it even on all. If you are going to put it under the jurisdiction of the United States Government, then why do you want to say that it shall not be the same in case of punishment? I can tell you why, Mr. President. It is because those who have charge of this bill have an idea that the judges appointed from the White House—I may have used the wrong word in saying "appointed." I might have said "designated" from the White House, possibly appointed from Wall Street at the dictate of the money interests of this country, the railroads and the bankers and some others, who generally name their man and send his name down to the White House, and the White House sends his name here. That is about all they have to do with it. I should have said judges designated from that point; that those judges, being in the control of the United States Government, will be more harsh and deal more severely with people who happen to violate this law than a State judge, who lives among them, knows their condition, and knows the circumstances, and who knows the people with whom he is dealing. I can see no other reason why there is a desire to put that provision in the bill. Then there is this:

That nothing in this act is intended to interfere with the operation of the game laws of the several States applying to migratory game birds in so far as they do not permit what is forbidden by Federal law.

That is a wonderful section. I would like to know how the United States Congress can pass any other kind of a law. I would like to know by what authority they have a right to say what the punishment in a State court shall be—

in so far as they do not permit—

That is, the State law—

what is forbidden by Federal law.

There is another power given in this bill which I think this country is getting tired of, and it comes right in this section. When the United States Government was formed, Congress was established to make laws. What have we done? We have sat down here and delegated that power, until we can not make an appropriation without getting somebody else's consent. If there is a bill pending, and some matter comes up and a Senator would like to have an amendment put into the bill to appropriate a certain amount of money for a certain purpose, he is ruled out on a point of order, because some little sap-headed, big-headed Yankee has not approved of it. That is what I am getting tired of. Yet in this bill there is the same thing, and it is set out plainly here that that is the purpose. Its proponents do not even try to hide it or conceal it.

Are we to pass this, and continually pass such bills? As one, I want to warn the people of this country that if they keep on allowing things to go as they are going in this Congress it will not be long before the common man will not be anything in this country except a servant and a slave of somebody.

The Bureau of the Budget has far more power than Congress has. You even go so far as to say that certain boards shall pass laws, not only pass laws but fix the punishment that is to be inflicted for a violation of the law. Ignorance of the law is no excuse. There is not a lawyer in the United States of America, Chief Justice Taft not excepted, who knows what laws are on the statute books of this country to-day, and I will leave to the Chief Justice himself to say whether I am right or not.

Yet you pass a law and let some little board, as this bill proposes to do for the Agricultural Department, pass rules and regulations under the law, and then go out into the country districts and say to the boys and girls of the country, "We will try you and we will convict you," and if he says, "I never heard of this law," they will say, "Ignorance of the law is no excuse." There are Senators on this floor right now whom I might ask about certain statute laws and I venture to say they never heard of them or read them, and I know there are many that they could ask me about with the same result. You are piling them up all the time, robbing the people, absolutely stealing, as Robert Y. Hayne once said on the floor of the Senate, stealing the powers and the rights of the people of the States.

Down in my country there is a bank robbing the people, and I have tried my best to get the Senate to see about it. I want to talk about that bank a little bit, and this is a good time.

I understand the Treasury Department discovered so much rottenness down there that they will not even let the chairman of the committee call a meeting. I asked a friend of mine over here when the Committee on Banking and Currency was going to have a meeting, and he said that they have not had a meeting for a long time and he does not know when the chairman is going to call a meeting. I had printed in the RECORD an article from a paper showing that the bank in Columbia had charged off more than $2,000,000 loaned on worthless land, which was put on the block and sold and the Government had to buy it in. I suggest that Senators get yesterday's RECORD, and there they will see the figures showing that the bank marked off as a total loss about $2,000,000. That is gone. They actually loaned money to a man down there and took a mortgage on a big road. That is the truth. He went to the bank and told them he wanted to borrow some money, and they sent an inspector down there, and the in-

spector went back and informed them that it was all right. When they went to foreclose the mortgage they had about a half of a big road about a mile long included in the acreage on which they loaned the money.

That is the kind of a government we have down there, and when I come to the Senate and ask them to pass a resolution to go down there and investigate the condition of that bank, to investigate whether there is any rottenness in it or not, headquarters speaks. And who is headquarters? Andrew W. Mellon! If I had made as much money out of selling liquor as he has made, I would not want to oppress my people. I would have oppressed them enough. Mellon sits back and says, "NORBECK, don't move." The Senator from South Dakota refuses to call his committee together, and the bank in Columbia continues to go on in this robbery and pilfering of the Federal Government. But a bill can be brought in to say to my people down there, "We rob you through the United States Government; we let this fellow running the Columbia bank rob you; and we will smile at that. That is what we want to do. You southerners ought to be robbed. That is all you are entitled to. You are poor, and we want to keep you poor. That is what is the matter. But we are not going to let you have any privileges. We will let your little boy go hunting, but if he happens to kill a migratory bird we will punish him."

There are plenty of people in this country who do not know what a migratory bird is. I doubt if there is a man on the floor of the Senate, the Senator from South Dakota included, who can stand up right now and repeat what is in the treaty as to what migratory birds are or who migratory birds are. Yet ignorance of the law is no excuse. The poor little devil who violates the law must go to jail because his daddy can not raise $500, and the United States commissioner does not like him.

That is the kind of government we are living under. I do not know whether Hoover could do any worse than that. I know one thing. We have to put up with things under this Government, but we would not put up with Mr. Hoover's "black chocolates," I will tell you that.

If he should try to do with his "black chocolates" some of the things that Coolidge's people with nigger hearts and white blood do, they would not get very far in South Carolina with it.

What else is there is this beautiful bill? I read:

That no person shall knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike, embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this act or cut, burn, or destroy any timber, grass, or other natural growth, on said area or on any area of the United States, which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof, or enter thereon for any purpose, except in accordance with the regulations of the Secretary of Agriculture.

Senators, why not say "except in accordance with the laws passed by the Congress of the United States"? Why do they say "except in accordance with regulations of the Secretary of Agriculture?" When did the Constitution of this country provide that Congress should delegate to the Secretary of Agriculture the right to make laws and regulations that the Senate is supposed to make? When did we reach the point where we delegated our power, instead of sitting here ourselves and saying what the laws of this country shall be? We are delegating that right to the Department of Agriculture. You might say that the Secretary of Agriculture is a great man. I do not know whether he is or not. I have never seen him. But the incumbent will not always be the Secretary of Agriculture. Mr. Hoover might appoint one of his "black chocolates" in order to do away with the race segregation in his Cabinet when he gets in. I do reserve one thing for him. I hope that just before the Kansas City convention goes to make his nomination, they will not circulate the report that Hoover has negro blood in him, in order to fool the southern negro delegates to vote for him on the next ballot. I guess you all know to what I am referring. It was done once.

If that Secretary of Agriculture should be changed, you do not know who the Secretary might possibly be; and why should you pass a bill saying that he shall make the laws, he shall make the regulations, he shall do the things that are to be done under this bill? That should not be in this bill. This measure in its present shape and its amended shape has no right to be placed on our statute books—

but nothing in this act or in any regulation thereunder shall be construed to prevent a person from entering upon any area acquired under this act for the purpose of fishing in accordance with the law of the State in which such area is located: *Provided*, That such person complies with the regulations of the Secretary of Agriculture covering such area.

That is what I object to. Why not say, "Provided such person does not violate the law of the United States Government"? You just simply say to a man, "You go down into South Carolina, or into Georgia, or into any other State you please, make any kind of a regulation you want to make—it does not make any difference what you make, you make the regulations—and then you take the money and you hire just as many contemptible little fellows as you can get and send them around over the country spying on these people, running them into the courts, running them before a commissioner." And yet you make no provision in this bill for the publication of those regulations, and the very people who violate them—not only them but you yourselves—possibly will not know what regulations the Secretary of Agriculture has made or under what rule he has his hand on you until you are arrested and dragged into the courts.

Further on in the bill it is provided:

That for the purposes of this act migratory birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1906.

When I get through I would like to have the author of the bill—and I am not joking about it, either—if he does not know, which I have no idea he does, send for the books and read just exactly what migratory game birds are thus defined by the treaty between the United States and Great Britain. In order that the people of the country may know what a game bird is I called attention to a cartoon which I sent to the Senator from South Dakota which puts the tramp down as a migratory bird. I would like to know if he includes that "bird" in his bill. I would like to know just exactly what he does want included and exactly what people he is after under the bill as at present written.

Other sections of the bill are just as bad. Listen to this beautiful provision:

And then he may take such bird or nest or eggs thereof, respectively, only in accordance with the Federal law and regulations of the Secretary of Agriculture adopted and approved.

Think of that! Not according to the laws of the United States Government, not according to the laws of the State government, but he "may take such bird or nest or eggs, respectively, only in accordance with the Federal law and regulations of the Secretary of Agriculture."

What does that do? It gives this same Secretary of Agriculture more power than the Congress of the United States has, because in this body it takes a majority vote to pass a bill, and then it has to go from this body to the House, or if it originates in the House it has to come from there to the Senate. The House has to put its approval on the bill by a majority vote. Then the bill has to go to the President of the United States, and if he sees fit to veto it and it comes back to the Senate and the House it takes a two-thirds vote of Congress to pass that bill over the veto. Yet here is a bill just about to be passed, and which I suppose will be passed by this body, saying to the Secretary of Agriculture that he may make any law he pleases, he may make any regulation he pleases, he may provide punishment, and when any one of those regulations is violated the boy, the girl, the man, or the woman who violates his rules and regulations shall be fined not less than $25 nor more than $500.

That is more power, I repeat, than either House of Congress or the President has. The very purpose in having two Houses of Congress was to let one be a check on the other, so that if the Senate should hastily do something the House, in its more mature deliberation, might correct the wrong, or vice versa. Then the framers of the Constitution went further and said "We do not propose to let delegates from the States make a law. Congress can not make a law. No," they said, "we will not allow it." They said that the President of the United States, sometimes elected by the people, and sometimes by political tricksters, must place his approval on the bill before it can become a law. And yet here to-day, in April, 1928, the Senate is about to become the father of a law which transfers and gives more authority to the Secretary of Agriculture than is given to the House of Representatives and the Senate combined.

We are about to pass over it as lightly as we recently passed over a bill giving many million dollars for the purchase of the Cape Cod Canal, and just as the other day we came mighty near to authorizing an appropriation of $300,000,000 for the Columbia Basin project. But when the people in the Mississippi Valley come up and want some money, we are told, "I am going to veto it if you do not do so-and-so." There is no

veto for money going to the East. There is no veto for money going out into certain sections of the country represented by certain Senators, but if it is to go into another section of the country there is held up a threatened veto, a threat to Congress "if you do thus and so you will have to override a veto."

Why these discriminations? A Senator of these United States, according to my conception, is not here to represent his State alone. If he is, he should resign and go back to his home State and run for the State legislature. A man in the United States Senate, it seems to me, ought to come as a representative of all the people of the country. I have voted for measures which came from the other side of the aisle and been very severely criticized in my home State for it. Some of my best friends have written letters of protest to me and some of the newspapers have had some very harsh things to say because I voted a certain way on certain measures. I voted that way because I believed it was for the best interests of the Nation even though it might not have been for the best interests of my own little State. I do not vote for any measure because it comes from the Republican side or the Democratic side, and I do not vote for it because it is introduced by a friend of mine or a man who is not a friend of mine. I vote for it or against it as I believe it to be for the best interests of the Nation.

Do we get laws enacted in that way? I think not. I have seen Senators come here at the very first of the session and introduce their bills quickly because they wanted to get them started through. Those bills never come out of the committee. They are never reported back to the Senate. There are bills in committees now on which the chairmen have been asked repeatedly to act. Some of those bills were introduced during the first three days of the session and yet we can not get a report on them. Why is that? Some Senators get up here and introduce a bill and somebody will whisper, "That bill is too late; they will never reach it." The next day the bill will be reported back favorably from the committee, and unanimous consent is asked for its immediate consideration, and in less than 48 hours after it is introduced it is passed. Why that discrimination?

A good many of the people of the country do not know of these things, but they are liable to know of them some day. They do not have anybody to go back home and tell them about those things. Of course, the newspapers do not worry themselves about telling anything with reference to those who oppose them. They do not worry about telling anything except about the man who sets them up to good cigars or a good drink of liquor, or something of that kind, then he gets a good write up all the time. His name is continuously in the papers. But if he happens to be not one of the favorites it does not matter what he may say or do. I am not speaking personally in that connection, because I do not want them to praise me. The newspapers in my State sent me here by abusing me, and if they should come out and praise me now I am afraid my home folks would think I had sold out, so I want them to keep on "cussing" me.

But I have seen other Senators get their bills through in the way I have just stated. Why is that? It is the money power, just as the money power is controlling the press in certain sections of the country to-day in connection with the presidential race. They are bought. They are hirelings of the interests, just as much so as the blackest nigger that shines a shoe in a barber shop in my State.

They are working for the same interests and the same pay that the laborer works for, but against the interests of the country unless those interests be dictated by the money interests. We have had some men send emissaries over the country to see how certain candidates would stand for President and who they would nominate. We have a very large money interest in the country to-day that does not care whether Smith or Hoover is nominated. They want to see them both nominated. They want the Democrats to nominate Smith and the Republicans to nominate Hoover. Then they can sit back and laugh. They will have two horses in the race from two different stables owned by the same man and it does not make any difference to them which one wins, the owner of the stables gets the money. That is what is going on in this country and in the Senate Chamber at this time.

I want to comment now on one other section, and this is a very important and very significant one, too. It provides that for the efficient execution of this act the judges of the several courts established under the laws of the United States, the United States commissioners, and persons appointed by the Secretary of Agriculture shall have the right to seize certain property which shall be disposed of as provided by section 5 of this bird bill, giving to those people the power not only to arrest a man and deprive him of his right of trial by jury, not only depriving him of the right to be taken before a United States commissioner, but actually giving those men appointed by the Secretary of Agriculture the power to seize the property of the people, when the Constitution particularly and distinctly says that there shall be no seizure and no search without warrant; that no right shall exist to seize the people's property without a proper warrant. Yet here is a section in this bill giving to these agents of the Department of Agriculture the right to seize property without a warrant, without other authority of law than the fact that they are appointed by the Secretary of Agriculture for that purpose.

How far are we intending to go in our efforts to break down the Constitution of the country? An officer may go into a man's home. He does not have to have a warrant for that. A man comes to your door to-night and knocks on the door. You go to the door and ask what he wants. "I want to search your house." "Have you a warrant?" "No." "You want to search my house?" "Yes"; and he deliberately comes in and searches it. If you say, "No; I will shoot you down like a dog if you enter my house without a warrant," then you find that he has some little henchman with him, and the two of them will go back and swear that you came to the door with a flashlight, flashed it on them, and that you had a double-barreled, sawed-off shotgun and poked it in their faces and that they had to shoot in self-defense. Then some little United States judge, with about as much brains as a jay bird, who sits on the bench will direct a verdict of "not guilty." This great agent of the law had a right to shoot that man down in his home without a warrant, the victim not even knowing what he was charged with; and Senators are sitting here and by the act which it is now sought to pass proposing to delegate the same kind of power to a man appointed by the Secretary of Agriculture for the purpose of enforcing a bird law, putting a few birds that they happen to call "migratory" above the lives of the American people and the individual citizens of this country.

I do not think, Mr. President, that some Senators can have read this bill; I think some of them have taken it possibly on good faith. I do not believe that the committee before whom the bill went could possibly have given it that serious thought and consideration that they should have given it, because I do not see how men would vote to give any such power to irresponsible agents.

We hear the question sometimes asked, "Why does not the Government get better men to execute and enforce the law?" How are we going to get decent men to hold a job like that? Where are we going to find them? You can not find a decent man in this country, a man of good blood, a man who has been well bred and well reared—and it takes both to make a true man, although sometimes we see a man who is well bred but is not well reared, and we very often find a well-reared man who is not well bred. [Laughter.] But it is asked, "Why do you not get better men?" Whom are you going to get? Who do you think is going to take a job that will compel the holder of it to come to your house and ask you to go out shooting with him and then when you go out and shoot a bird put his gun on you and say, "I have got you; you have violated the law," as officers do in connection with prohibition enforcement? They come over to a man's house saying, "I have got such a terrible pain in my stomach."

Mr. BRUCE. Mr. President, the happy distinction which the Senator from South Carolina made between well-bred and well-reared people reminds me of a remark of John Randolph of Roanoke when he instituted a comparison between Andrew Jackson and John Quincy Adams. He said that Andrew Jackson had no knowledge because he had never been taught, but that John Quincy Adams had none because he was not teachable.

Mr. BLEASE. Mr. President, I think John Randolph had it about right. On Sunday last a statue was unveiled in the Capitol to one who I reckon was a great man, and I notice that somebody from my State said there was not but one South Carolinian present. I do not know why the others did not attend, but I had my reason for not going, so I did not go. I agree with the distinguished Senator from Maryland and I thank him for his contribution.

I repeat, Where are you going to get good men for these places? A Government agent goes to a man and says, "I am awful sick. Ain't you got a little whisky?" "I have not got a bit." "You don't know just how sick I am. Can you not give me a little bit or just sell me a little?" The poor fellow who has a half pint or pint goes and gives the man a drink, and he says, "Take this," and lays down a dollar or 50 cents and leaves it there. He then goes out and swears some poor negro or poor white man sold the whisky to him, and has him arrested.

Senators, that is what you are fixing to have under this bird bill. The people are getting tired of it. They submit for a long time and they will take a great deal; there is no question about that; you can fool them a great deal of the time and you can

fool a great many of them, but when you just keep on encroaching after a while they are going to stop, and when they stop they are going to stop you. If they can not stop you they are going to stop the man whom you send to take their last little privileges away from them.

Some may say, "But we will hang them." That is all right. Away back yonder—I do not know how many years ago it has been—people were burned at the stake to keep down the Christian religion. They burned Tyndale, the man who translated the first Bible into English; they burned a good many others; but when they got through with the burning they found that the Christian religion was stronger than ever; that Jesus Christ still reigned supreme. So you folk are going to wake up some morning and find that the white people of the American Nation reign supreme, and that they are tired, that they are weary of being dictated to and controlled and shackled and hampered in every contemptible way and by every contemptible kind of means that can be devised which it is thought will break down and destroy their peace and their happiness.

Trial by jury gone! Who is going to submit to it? How long are the people going to submit to it? I do not know how long other States are going to submit to it, but when representatives from my State come up here and vote for bills such as this and some others that are being passed, I know how long they are going to be here. They are going to be here just exactly until the expiration of the time for which they have been commissioned, and beginning at 12 o'clock after that date they are going to be at home, or else they will be loafing around Washington, as some are doing now, lobbying, getting into other people's chairs, and interfering with the business of the Senate. [Laughter.]

I wish the Senator from South Dakota [Mr. NORBECK] would go with me to South Carolina at some time. I would be delighted to have him. I would guarantee him any kind of happiness and pleasure he might want and that money could buy—all he wanted to eat and all he wanted to drink, and nice comfortable places in which to sleep—and let him meet a free people, God's people, God's chosen people, a people whose ancestors fought in the Revolutionary War and in the Mexican War and in the War of 1812; people who themselves fought in the Spanish-American War and in the World War, and some of whom are fighting in Nicaragua yonder right now. One South Carolina boy was killed there the other day. He was supposed to be fighting for liberty; but, poor devil, he did not know what he was doing; the Republican administration just sent him there and fooled him; but he thought he was fighting for his country, and that made it all right with him. He was buried over at Arlington yesterday. They shot a few guns over his grave and blew a bugle, I understand, although I was not able to get there. I do not know what good it did him, but he was accorded the final honors due a soldier, and it was all right to do it, and was some consolation to those he left behind him.

However, as I was saying, I should like to have my friend from South Dakota visit me in South Carolina so that he could see the folks in that State, the good common white folks, with no mixed-up blood in them. Then let him go back to South Dakota and talk to his people there; think of what he has seen and heard in South Carolina; compare the two; and I think he would change his views as to some of these radical measures.

We in South Carolina did not come here from across the water; we have not shoved anybody out of a job. We created our own jobs; we made this country; we made our own liberty; but so long as Congress continues to pass such laws as this intended law now before us, and some others which have been passed, they are simply driving this country farther and farther apart. Of that there can be no doubt.

Mr. President, I am glad the Senator from South Dakota has come over on this side of the Chamber. I wish to read him something. I quote from the bill, as follows:

> Any person brought before a United States commissioner of competent jurisdiction for a hearing on a complaint charging a violation of this act, or of the migratory bird treaty act (title 16, secs. 703–711, inclusive, U. S. C.), or of title 18, sections 145, 391, 392, 393, or 394, of the United States Code, or any amendment thereof, and who at such hearing admits the violation, may within such time as the commissioner may allow, not exceeding 10 days, pay to said commissioners such sum not exceeding the maximum fines prescribed by said acts and sections, respectively, as may be fixed by said commissioner.

That is a provision of the bill. It is absolutely in violation of the Constitution of the United States and the constitutions of the various States, because what right, I ask Senators, have they under their constitutional oaths to hold out an inducement to a man who is not guilty of a crime to plead guilty to a crime in order to be let off with a lesser fine? Here is the inducement: Two men go out and they catch a man violating this proposed law, or any other law, although he may not be violating any law, and they say, "I arrest you." He asks, "For what?" They say, "You have violated the bird law." "I have not." But to make a showing they take him before a United States commissioner and say, "It will cost you $50 to get a lawyer; it will take three or four days for your trial; you will have to pay somebody to go on your bond to keep from lying in jail until the trial takes place; but if you will plead guilty, even though you are not guilty, we will get the commissioner to let you off for $25, which would be less than half of what it would otherwise cost you." The poor devil makes the best of the situation, goes to court, pleads guilty, and pays the $25 in order that these agents may report a violation at a certain place or a bird killed at a certain place, and such and such a fine collected.

Senators, that is what I am protesting against. That is a kind of law I do not believe in and that is the kind of law I am standing here to-day endeavoring to try to call to the attention of the Senate.

Then, Mr. President, listen to this grant of double authority:

> SEC. 17. That the patrol for the protection of migratory birds on Federal migratory bird reservations established hereunder in any State may be carried on by such State, through its agency or agencies charged with the administration of its game laws, concurrently with the Secretary of Agriculture whenever so authorized by its legislature.

Mr. NORBECK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LOCHER in the chair). Does the Senator from South Carolina yield to the Senator from South Dakota?

Mr. BLEASE. Yes.

Mr. NORBECK. I do not want to take up the Senator's time because I know he is hurrying on and everybody wants to bring the consideration of the bill to a close as soon as possible, but the section to which the Senator has just referred was stricken from the bill by the Caraway amendment, and is not in the bill any longer.

Mr. BLEASE. That may be true, Mr. President, but when the bill goes to conference it is going to be put back in the bill. I have seen that done here too often not to know.

I saw a bill here the other day that was allowed to pass, and the objection was withdrawn because they said they would fix the objectionable part in the conference committee. That is a greater power than we have here in these two bodies. I saw a flood control bill go through here, too, the other day. Men sat right here and voted for it for political effect who knew it was not right; but they knew it was going to get into hobbles over yonder, and by the time it got between the two Houses it would be straightened out, and they would have the credit for voting for a bill which, if they had known it was going to be a law right then, they very likely would not have voted for.

So it is with this bill. If this bill ever goes out of the Senate, no matter what shape it is in, and goes across to the other House, all they have got to do is to refuse to agree to certain amendments; and the Vice President sits in that chair, and he is smart. Do not worry about that. He would make a very able President of these United States, too. I will say that in passing; but I have never yet seen him put two men on any conference committee on the same side that were not favorable or unfavorable to that bill, whichever way the Republican Party wanted it to go. Do not worry about that, now; and I do not blame him for it. If he is going to be a Republican, let him be one. If he is going to be Presiding Officer, why, let him preside. If he is not going to be, let him get out and let somebody else be. I believe in that doctrine.

What does that mean? That means to say to your State and to mine, "If you do not want Federal agents coming down here and messing with your business and interfering with your people and haranguing and deviling your people, have your legislature pass this law." That is a beautiful threat. "This is the migratory bird law. We are going to enforce this law. We are going to send agents of the Federal Government down here to enforce this law; but if you will submit to this law peacefully, give up your State rights, give up your individuality, and let your legislature adopt this as the law of your State, we will let you enforce it."

I am opposed to any such legislation. If a law is right, pass it without any provision as to whether anybody will accept it or not. If it is not right, do not pass it under any conditions or circumstances. If that is done, I am satisfied that there will be no mistake as to the laws we pass in this country.

I repeat that I am for State rights. I believe in letting every State in the American Union control its own affairs without interference from any other power, whether it be the Government of the United States or any other government. I realize that that idea is getting very unpopular. I realize that very few people in this country to-day are standing up fairly and squarely for that position. It seems that most of them have about reached the conclusion that they are willing to turn over the making of all laws to Congress, and that Congress has about made up its mind to turn over all the laws that are to be made to bureaus; and after a while, I presume, if it keeps on, somebody will offer a bill to wipe out State lines entirely. Just wipe them out. Do not have any State courts. Do not have any State officials. Just have them like Territories.

Let the President appoint a governor for each State, or some kind of a ruler—a viceroy, as my friend from Arizona [Mr. ASHURST] suggests. Let Congress pass the laws to govern the people of all the States. Let Congress empower some little bureau in each State to make the laws for that particular State. Let Congress be the entire, supreme power and boss of the entire United States of America, without giving to the people of a State the right to make any law for their own self-respect or to confine themselves within their own limits in the making of those laws; but have no State lines. That is what you are rapidly coming to, Senators; and when that day comes, woe be unto America!

Other countries have thought they were mighty big. They thought they ruled the world. Napoleon Bonaparte, I think, got to where he thought the only power that could interfere with him was God. As I read his history, I do think that he believed in a God; but that is what he believed. You see what his end was. We had some great countries in the Old World. They thought they controlled it and owned it. They crumbled. They have passed away and are numbered only in the dim pencilings of history. America might take warning from their fate. There is a higher hand than man's; and when that hand moves it makes no difference how large your citizenship may be; it makes no difference how brainy it may be; it makes no difference how strong it may be; it will crumble. When Americans stand back and think they are the supreme people of all the world, and that no power can interfere with them, we have but to look in our own Chamber. We see men standing here, strong, the very picture of health and young manhood, and in the twinkling of an eye they are gone from the world and from the stage of action. In the same twinkling of an eye this Nation can go.

Mr. President, when it was said that "Whatsoever a man soweth, that shall he also reap," I firmly believe that was intended to apply just as much to the city and to the county and to the State and to the Nation as it applies to the individual. I believe that whatsoever any country sows that country will reap. We are sowing to-day for destruction, for riots, for strikes, for dissatisfaction, for discontent, for unhappiness just as surely as God sits upon His throne, because no few men can take the control of this country in their hands and dominate it to the destruction of the many. Sooner or later the majority will speak, and they will speak in no uncertain terms.

As for me, Mr. President, I should much prefer to have a poor government and a rich people than to have a rich government and a poor people. That is democracy. That is the democracy that this Congress should move forward to instead of looking backward and endeavoring to take away every privilege and every right that any citizen of this country has.

We talk about being a great country. Yes; we are, but are we a great people? That is the question that should come first and uppermost in our minds.

A great people is a democratic people; a people that believes in equal rights to all and special privileges to none; a people that believes that the humblest citizen should have the same care and the same protection as the wealthiest; a people that believes that if the rich and the mighty are able to have on their tables that which is best to eat, and, if they see fit to do so, that which they wish to drink; then the most humble in their peaceful way can have what they wish to eat and what they wish to drink; can have their fun and their pleasure. This bill, however, does not apply to the rich man who comes into South Carolina and buys a big reservation, like Barney Baruch, Joe Frelinghuysen, and other men of money, whom I have not anything against, and whom I welcome to my State. They come there and have these large estates. They bring their friends. They have whatever they want; and when I say "whatever they want," I mean what they want. They go out and hunt deer; they shoot quail; they go fishing Sunday, Monday, or any other time they please, and not a word is said. They are the mighty. They have the money. They own big tracts of land. They are on their own land. But if some man who works in a cotton mill or works in a railroad shop from bright and early Monday morning until Saturday night, or Saturday at 12 o'clock, goes home, takes his little bath, gets a little fishing line or a little shotgun and goes out to fish or goes out to shoot a bird, why, here comes along your law and says, "We will put you in jail." "Why?" "Because you are a poor man, and you do not own a big tract of land. You got on somebody else's land."

That is not equality of government. That is not a fair government. That is not an honest government. You are not honest with your people—no government is—that stands up and says, "If you are able to buy a thousand acres of land in South Carolina, you can drink liquor on it, you can make liquor on it, you can fish in the stream that runs through it, you can hunt all the birds that fly across it; but if you have not got these big acres of land, if you do these things the United States Government will put her strong hand on you and put you in jail or in a chain gang."

That is the kind of government I am protesting against. That is the kind of government that I never have subscribed to, and never intend to subscribe to.

Now, why this bill? I have not heard a single reason given for the passage of this bill—not one—and I have listened to the discussion of it. The only reason is to make a few jobs for somebody in the shape of enforcement officials, and create a graft gang to impose upon somebody whose only possible little happiness in life is to have a little hunting trip or go off fishing. Why keep on, gentlemen? You know I am telling you the truth.

You know just as well as I know that there are some men who can do anything they want to do, and it is hidden. If a policeman sees it, he is afraid to say anything about it. If the sheriff sees it, he is afraid he will be defeated at the next election, or lots of them are, and not a word is said; it is covered up, the darkness of the night hides it. But you let some darkey, or some white man who is not so fortunate, go to the same place and do the same thing, and they will lock him up just as quickly as the police wagon can get there and hurry him to the station.

I want to see a government that will put the President of the United States in jail for violating the law just as quickly as it will put the most humble citizen there, a government that will take a judge off the bench who would go the night before and drink the liquor that he sentences the man the next day for transporting to his room, a government that will take the prosecuting attorney out of his office who will drink liquor and gamble and commit other crimes, and go the next day into court and make the most eloquent speeches to put the poor devil in jail who possibly has brought to his room the whisky he drank.

I want to see a government that will allow every man to have a decent suit of clothes, every man to have good substantial food, not fancy, fine food, but at least good, common food, that will sustain his body and give him the life and existence that his Maker intended for him to have.

I want to see a government that says to the people of the country, "Your liberty is yours, and so long as you do not trample upon the rights of your neighbor, you are living the life of a citizen, and can move on, and we will give you the same protection and the same liberty and the same life that we give to the man of money and the man of means."

Do we have that kind of a government to-day? Certainly not. Does this bill intend to give it? Most assuredly not. This bill is in the interest of the few people, this bill is in the interest of the man who has money; this bill is in the interest of the man who wants to keep a certain class of people down under his foot, who does not want them to realize that they are his equals, who does not want them to know that the American Government is theirs as much so as it is the rich man's.

Mr. President, when that form of government comes, there will not be the idleness there is to-day all over this country, farms will not be put on the block all over this country, and there will not be a Federal land bank like the one run in Columbia, S. C., violating the law, buying in land in the name of the Government, and creating a country of landlords and serfs.

I have heard much talk about the farmers, and helping the farmers. No man thinks more of the farmer than I do. I wish I knew how to help him by legislation. But it is not helping him to have a land bank, like the one in Columbia, S. C., that charges so much as an attorney's fee to look up a little piece of land, charges a commissioner's fee to go out and look over

the land and appraise it, charges so much fees for drawing papers, and then charges a double rate of interest for the money, then, when the man can not pay, sells him out, turns him and his little children into the street, and buys the land in the name of the rich United States Government.

It is just such laws as that and just such laws as this measure, Mr. President, that are creating the discontent in this country.

Mr. President, in the journal of the Senate of the General Assembly of the State of South Carolina for the extra session of 1914, on page 107, I quote the following from my message of Wednesday, October 7, 1914:

In my speech at Charleston, following the first primary, I said to the people that the western Senators and Members of the National House of Representatives were not going to permit the United States Government to do what Senator SMITH and his friends and supporters had promised, and that if they were not careful, instead of carrying out the policies which had been promised, the next thing we would hear of would be a demand from other parts of the United States for a tax on cotton. How true was the prophecy! The people who heard the Dillon speech and the Charleston speech will bear witness that I made these prophecies.

I referred to this statement in my remarks, which will be found on page 6361 of the CONGRESSIONAL RECORD, April 13, 1928.

Mr. President, I read now for the information of the Senate the following letter:

THE EQUALIZATION FEE AND COTTON

The above subject reminds me of Johnny, who was kicked in the face by the cow. His mother called the doctor and asked if he could restore his looks. The doctor said, "No; that his face was disfigured, but Johnny now knows more about a cow." When the kick-back from applying an equalization fee on cotton hits the men in public life, they will be disfigured for the rest of their political careers, but will then know more about cotton. The McNary-Haugen bill proposes to place an equalization fee or tax on cotton as ginned. It will tax bolly cotton the same as high-grade cotton, although the difference in price between the two may be 15 or 20 cents per pound. What the farmers who raise low-grade cotton will say when they pay this tax will be a plenty. The bill provides that the tax revenue shall be applied for the benefit of the contributing commodity. That's what the bill says now. But when this tax is once established and a subsequent Republican Congress, as expediency demands, revises this feature, cotton farmers will find that they will probably be paying a tax for the benefit of wheat and corn producers.

We all know the affection the Greeks held for the Trojans when they made the gift of the wooden horse. The Wheat and Corn Belts of the Middle West are handing the cotton farmers a wooden horse. The equalization fee was conceived in the interest of the wheat and corn farmers of the Middle West. Their representatives feel that this equalization fee will be of benefit to wheat and corn, and then they seek to induce the cotton representatives to apply the same thing to cotton. Now, if the wheat and corn Congressmen feel sincerely that the equalization fee will be of benefit to wheat and corn let the representatives of the Southern Cotton States offer to vote for the bill applying the equalization fee to wheat and corn but excluding cotton from this feature of the bill. Do you think these Middle West Congressmen will accept the offer? If they sincerely feel that the equalization fee is such a good thing for wheat and corn, they will accept the offer, but if they reject it and insist that the equalization fee must apply to cotton as well as to wheat and corn their sincerity can well be doubted. Who ever heard of a Congressman from the Middle West attempting to force on cotton from the Southland a boon it does not want? The difference between cotton on the one hand and wheat and corn on the other is very marked.

Of a corn crop of approximately 2,800,000,000 bushels, 50,000,000 bushels will be exported. Of a cotton crop of 13,000,000 bales, 8,000,000 bales will be exported. Of a wheat crop of 850,000,000 bushels, 225,000,000 will be exported. It will take a comparatively small levy on corn to absorb the loss from exporting 50,000,000 bushels at less than market price, and likewise a comparatively small levy on wheat for the same purpose. As to cotton, it is different. We export 60 per cent of the crop. Therefore the 40 per cent remaining in this country will have to bear the burden of a loss resulting from exporting at a sacrifice. If the workings of the bill bring about a material increase in the price of cotton exported, the world will turn to cotton other than from America. To-day we produce about 60 per cent of the world's crop. Let us attempt to artificially elevate the price and the world will rebel "on" cotton, just as it did "on" rubber. England imposed the Stevenson rubber scheme when it had a practical monopoly on rubber. The result was stimulation of production and intensive research for new rubber fields. England had to abandon the project, not, however, until its Indian colony of rubber producers had been immeasurably injured, for the "outside production" that had thus been stimulated will be permanent competitors.

If the cotton farmers want to build up severe competitors from sections that do not now grow cotton, pass this McNary-Haugen bill and artificially elevate the price to the foreign consumers or export it at a loss, impose the penalty on the American farmers and incur their everlasting resentment—once the experiences of the working of the bill manifest themselves.

It is well to note here 3,000 acres planted this year to cotton in a new cotton section of Russia. (See Foreign Crops and Markets, April 9, 1928.)

No prudent man ever indulges in a venture without carefully considering first whether the same is justified by conditions and then whether the probable gains warrant the risks. In corn, demand is shrinking—Europe is rapidly increasing its hog family and curtailing its demand for American hog products. The Government, in a recent report, stated that the number of horses on farms is less than 20 years ago. A few years ago hogs on feed were reported as 70,000,000; to-day, around 56,000,000. In cotton it is different—the world's use of cotton is expanding—the automobile, responsible for decline in use of the horse, is absorbing cotton in increasing amounts. In 1926 the United States raised a record crop of around 18,000,000 bales of lint. It has practically all disappeared. Consumption of American cotton a few years back was 13,000,000 per year; to-day it is estimated at 16,000,000. It is now claimed that unless we raise this year 15,000,000 bales cotton will sell at 25 cents per pound. And yet, with this glorious picture before us, cotton Congressmen, from cotton States, consider penalizing the cotton farmer with this equalization-fee venture, because corn with its shrinking consumption has hypnotized them.

It is popular to cry "farm relief," but should every farm product be treated with the same physic? Because some have diphtheria, should everyone in the community be treated with antitoxin? Because corn is in distress, should the welfare of the cotton farmer be encroached upon? Give corn what it wants but save the cotton farmer from his "corn friends."

Yours sincerely,

DAN SONNENTHEIL,
993 Park Avenue, New York City, and Dallas, Tex.

I think, Mr. President, that I was the only southern Senator who lives in a cotton-growing State who voted against the McNary-Haugen bill in the Senate. I have no doubt but that the letter which I have just read will be of some interest to some of the Members of the House of Representatives, and I hope that somebody interested in this matter will be kind enough to call the attention of the President of the United States to the letter, so that when he gets the bill he can put on it what he did when a similar bill was passed before. I do not know how many votes there will be here to pass it over his veto, but I assure him that there will be one from a cotton-growing State that will certainly vote not to pass it over his veto.

The so-called farm relief bill, this migratory bird bill, and some other few bills that I could mention are the kind of bills that I have spoken about this afternoon. They are the things I have tried in my feeble way to call to the attention of the Senate. If the Senate does not see fit to listen to what I have to say, or to pay any attention to it, I hope it will not be entirely wasted, but that the people of this country, those who have not the privilege of being Representatives or Senators and those who have not the privilege of owning great estates and large tracts of land where they can go and enjoy the privileges by themselves, or take a body of their friends with them and violate the laws openly with impunity—I hope that they, the people, will at least receive some information by having called to their attention the matters about which I have spoken this afternoon.

I hope that Senators in their leisure moments will sometimes stop to think how they would like to be treated as they are treating the ordinary poor people of the country. I do not know that every Senator here is a rich man. I have never taken the time to look it up and never expect to do so, because it is none of my business whether they are rich or poor. But I have an idea that somewhere in this body there are some men who have to appeal at home not to the political bosses or to the ring, who do not have to jump at the crack of the whip of the ringmaster, who will stop and consider and think how far we have gone with this class of legislation and endeavor to give some relief to the people of the country.

Mr. President, I suggest the absence of a quorum.

Mr. CURTIS. Mr. President, I hope the Senator will withdraw that until we can get a vote. If it is necessary to have a yea-and-nay vote, we can get a quorum in that way.

Mr. BLEASE. I want a yea-and-nay vote.

Mr. CURTIS. Very well.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Arkansas [Mr. CARAWAY] as a substitute for section 17.

The amendment was agreed to.

The VICE PRESIDENT. The bill is still in Committee of the Whole and open to amendment.

Mr. BLEASE. Mr. President, I renew my suggestion of the absence of a quorum.

Mr. NORBECK. Mr. President, I think we can avoid the necessity for calling a quorum. I will accept the amendment which the Senator suggests, and then we will get a vote on the bill without having a roll call or a quorum call. I move that all of section 14, from line 12 on, be stricken out.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 8, beginning with line 12, strike out the following:

Any person brought before a United States commissioner of competent jurisdiction for a hearing on a complaint charging a violation of this act, or of the migratory bird treaty act (title 16, secs. 703 to 711, inclusive, of the U. S. C.), or of title 18, sections 145, 391, 392, 393, or 394 of the United States Code, or any amendment thereof, and who at such hearing admits the violation, may within such time as the commissioner may allow, not exceeding 10 days, pay to said commissioner, such sum not exceeding the maximum fines prescribed by said acts and sections, respectively, as may be fixed by said commissioner, and upon payment thereof and of the legal costs such person shall be relieved from prosecution for said violation. Unless the amount so fixed by the commissioner, and the costs, be paid at the hearing the commissioner shall require the usual bond for the appearance of the accused before the district court. Upon payment of said amount and costs within the time allowed by the commissioner such bond shall become null and void, otherwise to remain in full force and at the expiration of said time shall be transmitted by the commissioner to the district court in the usual course. All moneys received by a United States commissioner pursuant to this section shall be transmitted by him to the clerk of the United States district court for disposition in accordance with the law for the disposition of fines and costs collected in such courts; and each commissioner shall report in duplicate to the Attorney General quarterly, on or before the 15th day of January, April, July, and October of each year, all such proceedings had before him and all amounts of money received by him therein.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The Senator from Ohio [Mr. FESS] gave notice that he would ask for a separate vote on the amendment on page 3, line 15. Without objection, the other amendments made as in Committee of the Whole are concurred in. The question is on concurring in the amendment on which the Senator from Ohio asked a separate vote, which will be stated.

The CHIEF CLERK. On page 3, line 19, after the word "appropriated," insert the words "hereunder by Congress from time to time."

The amendment was concurred in.

Mr. BLEASE. Mr. President, in order to be agreeable to my friend from Kansas, I withdraw my request for a quorum. The Senator from South Dakota has stricken from the bill one very objectionable feature. I still object to the bill, but I shall not delay the Senate by asking for a yea-and-nay vote. However, I want to be recorded as still being opposed to the measure.

The bill was ordered to be engrossed and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

On a division, the bill was passed.

The title was amended so as to read: "A bill to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes."

DEMOCRATIC PRESIDENTIAL NOMINATION

Mr. SHEPPARD. Mr. President, in a recent press dispatch going out from Washington it was stated, in reference to several southern dry Democratic Senators, including myself, that we were now being disturbed by a suspicion that the Anti-Saloon League, the Woman's Christian Temperance Union, and similar dry organizations had decided to let Smith seek the nomination and then turn to the Republican Party in a body in the November election. As to myself, and so far as my knowledge goes as to the other Senators alluded to, this statement is erroneous. I have no such suspicion or thought, and I feel sure that my dry southern colleagues have no such suspicion or thought.

Another inaccuracy, doubtless unintentional, in the dispatch is the statement that it is my belief that the drys in the Democratic Party have failed to organize any campaign at all.

DECORATIONS FOR OFFICERS OF THE NAVY AND MARINE CORPS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of service rendered, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. HALE, Mr. REED of Pennsylvania, and Mr. SWANSON conferees on the part of the Senate.

NAVAL APPROPRIATIONS

Mr. HALE. Mr. President, I move that the Senate proceed to the consideration of Calendar 818, House bill 12286, the naval appropriation bill.

Mr. HEFLIN. Mr. President, I do not think we can get anywhere with the consideration of the bill this afternoon. There are some of us who want to discuss it.

Mr. CURTIS. It is not intended to proceed with the consideration of the bill this afternoon. It will be laid aside immediately for an executive session, and its consideration will be resumed to-morrow at 2 o'clock.

Mr. HEFLIN. Very well.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 15 minutes p. m.) adjourned until to-morrow, Thursday, April 19, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 18, 1928

CHIEF JUSTICE OF COURT OF CLAIMS

Fenton W. Booth, of Illinois, to be chief justice of the Court of Claims, vice Edward K. Campbell, resigned.

JUDGE OF COURT OF CLAIMS

Nicholas J. Sinnott, of Oregon, to be judge of the Court of Claims, vice Fenton W. Booth, nominated to be chief justice of the Court of Claims.

UNITED STATES MARSHAL

Thomas Bolton, of Montana, to be United States marshal, district of Montana, vice Engelhart Lieberg, appointed by the court.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 18, 1928

CHIEF JUSTICE OF THE COURT OF CLAIMS

Fenton W. Booth.

POSTMASTERS

NEW YORK

Celia M. Arnold, Chautauqua.
Vida O. Heinold, Cold Brook.
Clarence R. Chismore, Ilion.
Charles A. Sandburg, Jamestown.
Frank E. Whittemore, Johnson City.
John Jack, Lawrence.
Charles H. Griffin, Oakfield.
J. Arthur Haight, Peekskill.
Kate L. Holden, Peru.
Mary Mullins, Phoenix.
Norman M. Misner, Woodbourne.

OKLAHOMA

Ira Thatcher, Vian.

SOUTH CAROLINA

Cecil S. Rice, Denmark.
Bessie T. Cooper, Mayesville.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *April 18, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art our ever-blessed Heavenly Father, the manliest act that we can do is the uplook of our lives to the eternal, the drinking of our souls of the fountain of life, the kneeling of ourselves in humility in which we can be exalted in the sight of God! O it is the rapture of a golden day without a dark outline! O great lamp of life, radiate from the heights of Thy holy hill; O light that falls from the upper world, shine on our country; O voice of God, speak to the people, for only Thou art holy! Not for our salvation, not for our personal exaltation. These are not the motives why we desire to be pure, faithful, strong upright men. It is that we may have a place in the great army of God and go forward, having something to do with the work that is destined to preserve our country and bless all humanity. Hear us, blessed Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 350. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.;

H. R. 475. An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act;

H. R. 852. An act authorizing the issuance of a certain patent;

H. R. 1588. An act for the relief of Louis H. Harmon;

H. R. 1970. An act for the relief of Dennis W. Scott;

H. R. 2294. An act for the relief of George H. Gilbert;

H. R. 6431. An act for the relief of Lewis H. Easterly;

H. R. 6990. An act to authorize appropriations for construction at the Pacific Branch, Soldiers' Home, Los Angeles County, Calif., and for other purposes;

H. R. 7223. An act to add certain lands to the Gunnison National Forest, Colo.;

H. R. 7518. An act for the relief of the Farmers National Bank, of Danville, Ky.;

H. R. 8724. An act granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8733. An act granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8734. An act granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8744. An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Mesa Verde National Park, and for other purposes;

H. R. 8915. An act to provide for the detention of fugitives apprehended in the District of Columbia;

H. R. 11203. An act granting the consent of Congress to the counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River at or near the present Jacksonville ferry in Telfair and Coffee Counties, Ga.;

H. R. 11887. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr.;

H. R. 9368. An act to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia and State of Pennsylvania;

H. R. 9902. An act for the relief of James A. DeLoach;

H. R. 10038. An act for the relief of Wilford W. Caldwell;

H. R. 11023. An act to add certain lands to the Lassen Volcanic National Park in the Sierra Nevada Mountains of the State of California;

H. R. 11685. An act to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes; and

H. R. 11762. An act to authorize an appropriation to complete construction at Fort Wadsworth, N. Y.

The message also announced that the Senate had passed with amendments a bill of the House of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 10437. An act granting double pension in all cases where an officer or enlisted man of the Navy dies or is disabled in line of duty as a result of a submarine accident.

The message further announced that the Senate had passed bills of the following titles in which concurrence of the House was requested:

S. 343. An act for the relief of Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebrand, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison;

S. 605. An act for the relief of Capt. Clarence Barnard;

S. 1486. An act for the relief of the owners of the schooner *Addison E. Bullard;*

S. 1646. An act for the relief of James M. E. Brown;

S. 2291. An act for the relief of certain seamen and any and all persons entitled to receive a part or all money now held by the Government of the United States on a purchase contract of steamship *Orion* who are judgment creditors of the Black Star Line (Inc.) for wages earned;

S. 2438. An act for the relief of the firm of M. Levin & Sons;

S. 2463. An act to amend an act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.," approved May 19, 1926;

S. 2473. An act for the relief of Will J. Allen;

S. 3030. An act for the relief of Southern Shipyard Corporation;

S. 3057. An act authorizing the Secretary of War to transfer and convey to the Portland Water District, a municipal corporation, the water-pipe line including the submarine water main connecting Fort McKinley, Me., with the water system of the Portland Water District, and for other purposes;

S. 3269. An act providing for the advancement on the retired list of the Army of Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired;

S. 3314. An act for the relief of John J. Fitzgerald;

S. 3366. An act to authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from funds held in trust for them by the United States;

S. 3556. An act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes;

S. 3593. An act to authorize the leasing or sale of lands reserved for agency schools, and other purposes on the Fort Peck Indian Reservation, Mont.;

S. 3640. An act authorizing acceptance from PETER G. GERRY of the gift of the law library of the late Elbridge T. Gerry;

S. 3776. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title; and

S. 3824. An act to correct the descriptions of land comprising the Bryce Canyon National Park as contained in the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," and the act approved February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes."

The message further announced that the Senate had agreed to the amendments of the House to a bill and joint resolution of the following titles:

S. 2948. An act to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes; and

S. J. Res. 72. Joint resolution to grant permission for the erection of a memorial statue of Cardinal Gibbons.

BOARD OF VISITORS TO THE NAVAL ACADEMY

Mr. GARRETT of Tennessee. Mr. Speaker, I am advised by telephone that the gentleman from Arkansas [Mr. OLDFIELD] will be unable to serve on the Board of Visitors to the Naval Academy, and I am authorized to present his resignation to the Speaker.

The SPEAKER. The Chair appoints the gentleman from Texas, Mr. SUMNERS, to fill the vacancy.

VOCATIONAL EDUCATION

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of vocational education.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED of New York. Mr. Speaker, much has been said on this floor with reference to farm relief. I do not wish to minimize the value of debate in focusing public attention on so important a subject. There comes a time, however, when legislative action is more important than discussion. This is particularly true when the proposed action is along lines that have proven successful in affording some measure of relief. The problems of agriculture are so many, so varied, and so complex that no thoughtful person would expect to find a legislative panacea for all the ills with which our basic national industry is afflicted. That the situation is serious and one of great importance is testified to not alone by farmers, but by distinguished business men who view the subject as one of grave national concern. A few excerpts from the findings of a commission composed of distinguished business men will indicate quite clearly the necessity for immediate action on H. R. 12241:

Everywhere modern development has put agriculture under pressure; and everywhere the struggle is on to preserve the integrity of the farmer.

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Any serious and careful consideration of the solution and trend of American agriculture makes it clear that in relation to it the United States is confronted with a question of fundamental national concern and of permanent importance to the American people.

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Agriculture is not merely a way of making money by raising crops; it is not merely an industry or a business; it is essentially a public function or service performed by private individuals for the care and use of the land in the national interest, and farmers in the course of their pursuit of a living and a private profit are the custodians of the basis of the national life.

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The disparity between urban and farm incomes has emphasized the disparity in standards of living in the rural and urban populations and caused a large net migration to the cities.

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With declining farm income, the burden of State and local taxes resting upon farm property, the assessment of which was also but slowly readjusted, tended to rise sharply.

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Furthermore, a relatively sudden increase in transportation costs, following the restoration of the railroads to private management, occurred at the time when the general price level, and with it the prices of agricultural commodities, were falling sharply.

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Agriculture embraces about a quarter of the American people and in the past it has connoted a type of citizen, an attitude of mind, and a way of life all of which have been of the highest importance to the social and political welfare of the Nation.

* * * * * * *

Extension of the county agent system is desirable in order to bring home the results of scientific research to the individual farmer. * * * Finally, special attention should be given to the functions of the rural schools in the education of the young people in rural districts with a view not only to improving their efficiency as future farmers but also to cultivating in them a more fundamental appreciation of the values of farming as a way of life and as a profession.

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The farm population, as is well known, has been increasing much less rapidly than the urban population for a long period of time, so that while in 1820 it formed about 90 per cent of the total, in 1920 it was 29.9 per cent of the whole population.

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The mortgage indebtedness of farmers has shown a considerable increase since 1920 in spite of strenuous efforts to curtail agricultural loans. It is estimated that the total mortgage debt of the agricultural industry rose from $7,860,000,000 in 1920 to $8,500,000,000 in 1925.

[NOTE.—W. M. Jardine, Secretary of Agriculture, recently estimated the mortgage debt for 1926 at $9,500,000,000.]

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Another indication of the difficulties under which agriculture has been laboring in recent years is to be seen in the high rates of failure of farm enterprises. These failures are reflected in foreclosure of mortgage, bankruptcy, default of contract, or other transfers to avoid foreclosure, and forced sales for delinquent taxes. Studies made by the United States Department of Agriculture showed that in 1924 and 1925 forced transfers of farms for these reasons constituted slightly over one-third of all transfers of farm property.

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More significant is the fact that in the year ended March 15, 1926, out of each 1,000 farms in the United States 21.39 changed ownership as a result of forced sales and similar defaults.

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In 1925 there were 80,390 fewer farms operated by owners and 107,932 more farms operated by tenants than in 1910.

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It is estimated that in 1922, 27 per cent of the tenant farms of this country changed occupants, and the figure has probably declined only little since then. Men who remain so short a time on a farm obviously can not be expected to employ agricultural methods which conserve the soil fertility or to identify themselves with the cooperation, educational, or social activities of the rural community.

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When the prices of farm products fell, taxes did not follow.

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Direct farm taxes in 1913 amounted to $315,000,000; in 1922 they were $861,000,000, an increase of 173.3 per cent.

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All taxes, direct and indirect, paid by the farmer in 1913 amounted to $624,000,000; in 1922 to $1,436,000,000, an increase of 130.1 per cent.

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Considered on a per acre basis, the increase between 1914 and 1922 was from 31 cents per acre in the former year to 71 cents per acre in the latter; that is, 125 per cent.

The general property taxes levied by State and local governments took $308,000,000 from the farmers in 1913, but $787,000,000 in 1922, an increase of 155.5 per cent.

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Taxes collected from the farms in 1920–21 amounted to about 13 per cent of the farmers' net income and to nearly six times the total net farm profits.

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[NOTE.—In 1921–22 taxes absorbed 77.7 per cent of the total agricultural net profits.]

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Our agriculture embraces a quarter of the American people and in the past it has connoted a type of citizen, an attitude of mind, and a way of life. It is of the highest importance to the Nation to know how changes in agriculture that may make for greater prosperity may also alter all these in the future. A certain degree of prosperity is essential to a full life, but that full life, and not prosperity alone, is the end at which one should aim.

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The process of attrition of agriculture which is now going on in this country is a matter of about which we may feel deep concern and which calls for the earnest application of constructive statesmanship.

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The preservation and improvement from agriculture presents to the American people a national problem which commands their earnest thought and public-spirited action.

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[From the Condition of Agriculture in the United States and Measures for its Improvement]

EDUCATION OF THE FARM YOUTH

It is certain that the task of transmitting to the rank and file of the farmers the results of agricultural research work must largely be attacked through improvements in education of the rural youth. * * * The rural schools can be of great help in transmitting better methods to our future farmers. In the opinion of the commission this phase of rural education has not yet received the necessary attention. At present the rural schools consider it their main task to dispense a type of education which seems ill-suited to the probable needs of the pupils. Little consideration is given to the fundamentals of agriculture and the curriculum seems to be shaped almost completely to meet the requirements necessary for entrance into high school or college. It is not suggested that the rural school become a training ground solely for the vocation of agriculture, but the fact remains that most of the children who stay in the locality will pursue that calling, and it therefore seems that a curriculum which does not completely ignore this fact might be more beneficial than that now normally pursued.

The prosperity of the American farmer depends upon his efficiency relative to foreign competitors. To attain and preserve an American standard of living he must constantly keep several steps in advance of those competitors. This can be adequately done only through education. A well-conceived program of education, moreover, will not only help to provide the means of living well, but will in itself contribute to better living and working conditions. Its benefits will not be rapidly attained nor spectacular, but they will work out their results in a thousand devious but effective ways, and education will thus be one of the most important means for improving conditions on our farms and giving American agriculture the standing which it must have if the Nation is to maintain its proper place in the progress of mankind.

Above all, the commission wishes to emphasize the importance of giving to our rural education in large degree a character and a quality which will help to conserve and improve rural life. If we are to preserve some of the fundamental characteristics of farming as a way of life and a noble calling, our farm youth must be brought to a clearer realization of its intangible values and its advantages in contrast to urban activities, and the farmer himself must in larger

measure be brought to conceive of his occupation not as a temporary makeshift in which he may well be content to accept lower returns for his labor than his city fellow in the hope of speculative returns on his land values, but as an opportunity for a rich, well-rounded life in which his intelligence and culture and all the resources of community life may find full scope for development.

The foregoing excerpts are from a report of the business men's commission on agriculture. It was published jointly by the National Industrial Conference Board of New York and the Chamber of Commerce of the United States of America.

Mr. Speaker, long prior to the war there had been a widespread popular demand that our public-school education should be democratized and take account of the practical needs of the youth of the country. The Commission on National Aid to Vocational Education was created by act of Congress approved January 20, 1914, authorizing the President of the United States to appoint a commission of nine members—

to consider the subject of national aid for vocational education and report their findings and recommendations not later than June 1, next.

Pursuant to this act, President Taft appointed the commission, which organized April 2, 1914, and hearings were begun April 20, 1914, and concluded May 8, 1914. The Smith-Hughes Act, as recommended by the commission, was enacted in 1917.

The purpose of House bill 12241 is to broaden the scope of the work under the Smith-Hughes Act in order to reach the farm boys and girls in larger numbers. The bill in no way changes the policy of the basic act except that the money will be allocated on the basis of farm population instead of rural population. The need is shown by the facts developed at the hearings. The testimony indicates that there were somewhere near 1,000,000 farm boys in public schools between the ages of 14 and 21 in the United States in 1927. In 1923, 6.9 per cent of the farm boys received vocational agricultural work; in 1924, 8.2 per cent; in 1925, 8.5 per cent; in 1926, 9.9 per cent; and in 1927, only 10.6 per cent.

The hearings on H. R. 12241 disclose that after the vocational work had been in operation about five years a survey was made to ascertain what became of the boys who had taken the vocational work. The Federal board made a study of 8,000 boys who had taken vocational agricultural training. The board found that of the 8,000 boys that had taken one or more years of vocational agricultural instruction in schools, 59 per cent of them were actually farming, 6 per cent of them were engaged in related occupations, 9 per cent in agricultural colleges, 15 per cent went to other colleges, and 11 per cent were in nonagricultural occupations. That was the result five years ago. Another survey has just been made by the Federal board covering the five-year period ending in 1927. This record also shows 59 per cent of the boys actually engaged in farming, 9 per cent in related occupations, and 2 per cent going to agricultural colleges.

The hearings disclose that the Smith-Hughes law of 1917 has been successful, especially in stimulating a real interest on the part of farm boys in agriculture. This bill H. R. 12241 has for its sole purpose the extension of the benefits now enjoyed by hundreds of communities in the United States out into the rural communities not now enjoying those privileges. This is essentially a bill to benefit the rural districts. It is a practical method tested and proven successful in keeping the farm boy and girl on the farm.

In this connection let me state that the record shows that there are 11,561 rural high schools in the United States. It is in these rural high schools that vocational agriculture is taught at the present time, but only 29 per cent have been reached as yet.

It is the other 71 per cent of the 11,561 rural high schools which this bill seeks to reach and benefit. Let us see if it really is in conflict with the financial policy of our Government.

The record is clear and undisputed that the financial expenditure thus far made for vocational agricultural instruction has brought a financial return to the country far in excess of the investment. Those who oppose the measure for economic reasons should examine the results in dollars and cents. Let me quote Doctor Lane:

Every boy who elects to take the vocational work as a part of his high-school education is required to carry on for at least six months at home some definite practical work under the supervision of his teacher. Now, that means an economic return on the part of the boys in the production of livestock or crops or some other work around the farm. The total labor income from this practical work during the past five years was $23,637,924.25. That is not an estimate. It is based upon accurate cost accounting. * * * For every dollar of Federal funds spent for vocational agriculture there was a financial return of $2.25 realized by the boys from their labor. * * * The total Federal funds spent for salaries of teachers of vocational agriculture during the five-year period was $10,418,460 and there was realized $23,637,924.25 from the other practical work the boys did.

The Committee on Education, of which I have the honor to be chairman, has reported the bill and it is on the calendar. A resolution asking for a rule has been introduced and referred to the Rules Committee.

CERTIFICATES OF CONVENIENCE AND NECESSITY REQUIRED OF RAILROADS

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. SNELL. Reserving the right to object, Mr. Speaker, I dislike very much to interpose an objection, but we have a very important matter before the House now, and one or two other gentlemen this morning have indicated a desire to make a similar request. Under the circumstances, I wish the gentleman from North Carolina would withdraw his request at this time.

Mr. ABERNETHY. Will the gentleman let me proceed for 10 minutes this afternoon? It is a matter that I wish very much to discuss.

Mr. SNELL. We have before us a very important matter, and I do not think we ought to postpone it for anything else.

Mr. ABERNETHY. Will the gentleman allow me to proceed for five minutes?

Mr. SNELL. I do not think it would be fair to others to agree to that, and I must object.

Mr. ABERNETHY. I am not going to take up any time on general debate on this bill, and if the gentleman would just allow me now to express what I wish in the RECORD I shall be very glad. The bill I have introduced is a very important matter.

Mr. SNELL. The gentleman from New York [Mr. LAGUARDIA] also desires time this morning.

Mr. LAGUARDIA. I want to talk on the bill that is pending.

Mr. SNELL. I shall not object to the gentleman from North Carolina occupying one minute.

Mr. ABERNETHY. Then, Mr. Speaker, I ask unanimous consent to extend my remarks on the bill that I have introduced, affecting the certificates of convenience and necessity that are required now by the Interstate Commerce Commission of all railroads which desire to extend new lines or build railroads. I have introduced a bill which affects two sovereign States. I wish to extend my remarks in the RECORD on the matter as pending.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ABERNETHY. Mr. Speaker, one of the most far-reaching decisions of the Interstate Commerce Commission was rendered on April 3, 1928, when that body denied the Piedmont & Northern Railway Co. the right to construct extensions of its lines from Spartanburg, S. C., to Gastonia, N. C., and from Charlotte, N. C., to Winston-Salem, N. C.

Such power as has been exercised by six men who rendered the decision could not have been contemplated by the most ardent supporters of the interstate commerce act. No one could have dreamed that men chosen by the President of the United States and confirmed by the Senate to carry out the mandate of Congress would ever have exercised such power as is evidenced by the decision in this case.

The Piedmont & Northern Railway was incorporated in South Carolina by a special act of the legislature adopted February 24, 1911, and amended January 27, 1927. The charter granted to this company—

all the rights, privileges, and franchise given unto railway corporations under and by virtue of the general statutes of this State, and all amendatory and supplemental acts.

The company was authorized to—

construct, maintain, and operate a line or lines of railway, with one or more tracks, to be operated by electricity or other motive power—

in and through certain counties in South Carolina and such other counties in the State as may be selected by the corporation with the right—

to purchase, lease, or otherwise acquire the railway and other property, including the rights and franchise, of any other railroad company, or street railway company, now in existence or hereafter created, in this State, or in any other State of the United States, etc.

There were three of the commission who dissented to the majority opinion. They were Commissioners McManamy, Esch, and Brainerd.

Commissioner Brainerd, in his dissenting opinion, said:

The record shows that the applicant is an electric railway other than street or suburban; that it is engaged in the general transportation of freight; and that it is not operated as a part of a general steam railroad system of transportation. Although it is true that this carrier thus engaged and operated is subject to our jurisdiction under section 15 (a) of the act, because "engaged in the general transportation of freight," it is, nevertheless, an interurban electric railway, and not being operated as a part of a general steam railroad system of transportation, it is in express terms excluded from the commission's jurisdiction to issue or refuse a certificate of public convenience and necessity. Interurban electric railways are brought under the provisions of the act concerning the issuance of certificates of public convenience and necessity only when they are operated as a part of a general steam railroad system of transportation. Paragraph (22) of section 1 reads as follows:

"(22) The authority of the commission conferred by paragraphs (18) to (21), both inclusive, shall not extend to the construction or abandonment of spur, industrial team, switching, or side tracks, located or to be located, wholly within one State, or of street, suburban, or interurban electric railways, which are not operated as a part or parts of a general steam railroad system of transportation."

The act does not distinguish between a "commercial railroad operated by electricity" and an interurban electric railroad not operated as a part of a general steam railroad system of transportation, and we can make no such distinction.

Commissioner McManamy held as follows, and Commissioner Esch, one of the authors of the Esch-Cummins Act, transportation act, joined in the dissent:

The ability of the applicant to finance the work has not been questioned, nor has objection been raised to the proposed financial structure. Public interest and the need for the service has been shown by the testimony of the Governor and members of the Railroad Commission of South Carolina, the Governor and members of the Corporation Commission of North Carolina, the county and municipal officers of every county and municipality that will be reached by the proposed line, and by some not reached by the proposed line who desire changes in its location or extensions in order that they also may be served by it. Civic and commercial organizations, manufacturers, merchants, and farmers along the proposed route with exceptional unanimity appeared and testified as to the need for and the benefits which would flow from the additional service. Surely no more convincing showing of public interest could be made.

Against this, as stated in the report of the majority, "no opposition is voiced except by the carriers now serving the territory." These carriers admit that the new line would get at least as much traffic and revenue as it has estimated, and it is not shown that the ability of the carriers now serving the territory to render service would be thereby impaired. It is admitted that "there would no doubt be some benefit to the region immediately served, notwithstanding some impairment that would be likely to result, temporarily at least, in the service of existing lines." The existing lines are not weak railroads. They are among the most prosperous of the country. Their earnings are ample. They are approaching, if not already in, the recapture class. Under such conditions benefit to the region immediately served should not be denied because of the probability that some temporary impairment might result to existing lines when, as a matter of fact, the showing is that diversion of all the traffic which protestants claim would be diverted would not seriously affect their revenue.

It is true that the proposed line will parallel existing steam lines at distances varying from 0 to 13 miles, but this is also true of practically every other electric line. It is also true that it will not immediately be self-supporting from new business which it will create, although the showing is that a substantial portion of its revenues will come from such sources. The record shows that the proposed line will, because of more frequent service and stops, render a service more nearly approaching that of motor trucks, which is admittedly desirable in an industrial district such as this. On the showing here made, the certificate should be granted.

Commissioner Aitchison did not participate, being necessarily absent, so the record says.

Commissioner Woodlock, the record states, was necessarily absent, but had he been present he would have concurred in the result.

The other six members rendered the decision denying the application.

It was shown that the Interstate Commerce Commission had never treated the Piedmont & Northern Railway as subject to the valuation act; that it is governed by the accounting rules of the commission as laid down for electric railways; that on October 12, 1920, the Interstate Commerce Commission made an informal ruling that the Piedmont & Northern Railway was not subject to the provisions of the transportation act relating to the issue of securities, and the Railroad Labor Board ruled that the Piedmont & Northern Railway's line was an electric interurban railroad not operated as a part of a steam railroad system.

In the application of this company before the Interstate Commerce Commission it was contended that the commission had no jurisdiction in that it was an interurban electric railway and not being operated as a part of a general steam railroad system of transportation (and this is what Commissioner Brainerd holds).

Paragraph (22) of section 1 of the interstate commerce act says:

(22) The authority of the commission conferred by paragraphs (18) to (21), both inclusive, shall not extend to the construction or abandonment of spur, industrial, team, switching, or side tracks located or to be located wholly within one State, or of street, suburban, or interurban electric railways which are not operated as a part or parts of a general steam railroad system of transportation.

Those joining in the application for a certificate of convenience and necessity with the railway were:

The Governor of the State of North Carolina, as representing the State; the attorney general of the State of North Carolina; the corporation commission of the State of North Carolina, by its entire membership (this is the utility commission of the State), and the attorney for the commission; the county of Mecklenburg, N. C.; the city of Charlotte, N. C.; the Charlotte Shippers and Manufacturers Association (Inc.); Charlotte Chamber of Commerce; Charlotte Merchants' Association; Charlotte Automotive Merchants' Association; Winston-Salem Chamber of Commerce; county of Davidson, N. C.; city of Lexington, N. C.; Lexington Chamber of Commerce; Lexington Retail Merchants' Association; county of Rowan, N. C.; city of Salisbury, N. C.; Salisbury Chamber of Commerce; Salisbury-Spencer Merchants' Association; Carolina Shippers' Association, a large organization composed of shippers comprising a large portion of North Carolina; county of Gaston, N. C.; city of Gastonia, N. C.; Gastonia Chamber of Commerce; town of McAdenville, N. C.; town of Lowell, N. C.; town of Belmont, N. C.; town of Kings Mountain, N. C.; Kings Mountain Chamber of Commerce; North Carolina Cotton Manufacturers' Association; Governor of South Carolina, representing State of South Carolina; South Carolina Cotton Manufacturers' Association; Railroad Commission of South Carolina; county and city chamber of commerce of Anderson, S. C.; cities of Belton and Honea Path, S. C.; city and Chamber of Commerce of Blackburg, S. C.; county of Cherokee, S. C.; county and city chamber of commerce of Gafney, S. C.; county and city chamber of commerce of Greensville, S. C.; county and city chamber of commerce of Greenwood, S. C.; Spartanburg Transportation Association and the county, city, and Chamber of Commerce of Spartanburg, S. C.; the Georgia & Florida Railroad. In brief, those who asked for this permission for the extension of the Piedmont & Northern Railway Co. were not only the railway company itself, but the sovereign State of North Carolina, and practically all of the public interests representing the shippers, manufacturers, and other business interests of the State, and the sovereign State of South Carolina, and practically all of the public interests representing the shippers, manufacturers, and other business interests of that State, and the Georgia & Florida Railroad, which affected the States of Georgia and Florida very materially.

These were the interests that asked for the permission to construct this road wholly within the States of North Carolina and South Carolina and the only interests that opposed the extension and permission for a certificate of convenience and necessity, quoting from the opinion of the commission itself:

No opposition is voiced except by the carriers now serving the territory.

To put this matter in plain and simple language, we find a commission here in Washington which by vote of half of its membership denied to two sovereign States the right to have constructed strictly within the borders of their States an extension of an electric railway. What have we come to in this day of government by bureaus and commissions? Is there no relief for the people? There is relief, but we can not and may not expect to get this relief from the powerful Interstate Commerce Commission. Congress can grant this relief. Under the procedure in the House and under the rules which are now in force and in existence, if we undertake to get that relief by an act amending the interstate commerce law, this bill will have to run the gantlet of the powerful Committee on Interstate and Foreign Commerce, the powerful Rules Committee, the majority steering committee, the majority leader of the House, and the Speaker of the House.

A bill amending the interstate commerce law, taking away from the Interstate Commerce Commission the power which has been exercised in such cases as the Piedmont & Northern

Railway matter, was introduced in December last by Senator SIMMONS and is now pending in the Senate. I have introduced a similar measure in the House, and it has been referred to the Committee on Interstate and Foreign Commerce for their consideration.

I have taken this opportunity to bring this matter to the attention of the House and the country, to the end that some relief may be given the public from the arbitrary exercise of the power which the Interstate Commerce Commission has taken unto itself under the interstate commerce law.

The President of the United States in an address before the National Society of the Daughters of the American Revolution here this week called attention to the growing evil of government by bureaus and commissions. I trust that we may have the powerful influence of the President to so amend this interstate commerce law that another instance of arbitrary power may not be exercised by this commission as was done in the Piedmont & Northern Railway case. It may be of interest to the House to know that the counsel who presented this matter to the Interstate Commerce Commission on behalf of the Piedmont & Northern Railway were Hon. Mark W. Potter, of New York City, former member of the commission; W. S. O'B. Robinson, jr., of Charlotte; former Governor Cameron Morrison, of the State of North Carolina; that very distinguished citizen, Charles E. Hughes, former Secretary of State and former Associate Justice of the Supreme Court of the United States; Hon. W. G. McAdoo, former Secretary of the Treasury; and the attorneys general of the States of North Carolina and South Carolina, and a number of other able and distinguished attorneys representing the various interests that were joined in this application for a certificate of convenience and necessity.

Against this great array of distinguished citizens representing, as they did, all shades of political faith and all shades of business interests, the opposition was represented by the carriers themselves and no one else. This is carrying to the extreme the question of government by commissions. I do not know whether my action in this matter will have any effect or not, but I can only voice my strong opposition to such a situation. I hope that by instituting this opposition we may eventually get some relief for the people through congressional action.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that in addition to the time allotted for general debate in the discussion of the flood control bill I may have 15 minutes. If I can get time from both sides I can not take it from either side with a moral obligation that I shall support the bill or amendments that may be offered. Coming as I do from a State that is to pay a large portion of the cost, and being sympathetic with the proposition, it seems to me that the request to get 15 minutes on the bill is rather modest.

The SPEAKER. The gentleman from New York asks unanimous consent that the time allotted for general debate be extended 15 minutes, to be occupied by himself. Is there objection?

Mr. SNELL. Reserving the right to object, that is establishing a new precedent. I do not desire to object, but with five hours of debate it seems ample time would be afforded so that the gentleman would have opportunity to express himself. I hope the gentleman from New York will withdraw his request.

Mr. EDWARDS. Mr. Speaker, I hope the gentleman will withhold his objection for a few minutes. The request of the gentleman from New York [Mr. LAGUARDIA] is worthy of consideration. The gentleman from New York is one of the leaders on the Republican side.

Mr. SNELL. That simply shows that we are absolutely fair here. [Applause.]

PENSIONS

Mr. W. T. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill [S. 2900] granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with House amendments thereto, and insist on the amendments of the House and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table the bill S. 2900, with House amendments, insist on the House amendments, and agree to the conference asked for by the Senate. Is there objection?

There was no objection; and the Speaker appointed as the conferees on the part of the House Mr. W. T. FITZGERALD, Mr. ELLIOTT, and Mr. UNDERWOOD.

MEDALS IN THE NAVY AND MARINE CORPS

Mr. BRITTEN. Mr. Speaker, at the request of the Committee on Naval Affairs, I desire to make a unanimous-consent request to take from the Speaker's table the bill H. R. 5898, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table House bill 5898, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, what about the minority? Has the gentleman consulted the minority?

Mr. BRITTEN. Yes; I have. I have just come from the Committee on Naval Affairs.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. BRITTEN, BURDICK, and VINSON of Georgia.

FLOOD CONTROL

Mr. REID of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3740, for the control of floods on the Mississippi River and its tributaries, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3740, with Mr. LEHLBACH in the chair.

The Clerk reported the title of the bill.

Mr. REID of Illinois. Mr. Chairman, I yield 15 minutes to the gentleman from Kentucky [Mr. GREGORY]. [Applause.]

Mr. GREGORY. Mr. Chairman and gentlemen of the committee, those of you who just a year ago witnessed the mad rush of the mighty Father of Waters, sweeping like a destroying angel over hundreds of proud cities, thousands of happy and contented homes, and millions of acres of fertile fields, or who later visited the stricken area to view the scenes of the greatest peace-time disaster this country has ever experienced, know how futile would be the effort of the most gifted tongue or the most facile pen to describe the wreckage and the ruin, the horror and the agony which were left in the wake of the 1927 flood. Scenes such as those beggar description. While the wild ride of the Four Horsemen—death, pestilence, famine, and war between heroic men and the heartless elements—from Cairo to the sea can not be obliterated from the memory of the people of the alluvial valley of the Mississippi, like soldiers returned from the hell of the battle field, they do not care to speak of their hardships, and if they do speak of them they are prone to minimize them. While the columns of the press throughout the land were blackened with great headlines each day over a period of several weeks, describing the ruthless, onward march of the flood, and the hearts of millions living in remote sections melted in sympathy for the defenseless victims of the wrath of the waters, the lapse of time has, in a measure, healed the wounds of those tragic days. Nevertheless I am persuaded that the great heart of America is not asleep. It has not forgotten the obligation of the Nation to the stricken and suffering people of the Mississippi Valley.

Too long has the Congress marked time in the matter of enacting legislation to afford the people of the lower Mississippi Valley some assurance that there shall be no recurrence of the calamity of last year. The eyes of the Nation are upon this body this week as it enters upon the task of discharging the solemn and imperative duty of disarming the giant which has again and again waged war upon a brave and heroic people whose backs are now against the wall. Before the Congress takes final action upon measures of defense which it must surely set up, I deem it appropriate that those of us who, by reason of residence, have had an opportunity to obtain first-hand information relative to conditions in the Mississippi Valley, should briefly call the attention of the House to the menace which threatens the lives and property of a million loyal Americans. Mississippi, Louisiana, Arkansas, and other sovereign States, through their representatives in this body, have told the story of the injuries they have suffered and of their utter helplessness to prevent their repetition. To the panorama which they have spread before you I desire to contribute a few scenes from Kentucky.

I have the honor to stand here to-day as the Representative of the first congressional district of Kentucky. This district has within and on its borders four great rivers. Along the northern boundary of my district flows the Ohio, which enjoys the unique distinction of being the only river on the American continent which carries tonnage from its source to its mouth. Entering from the State of Tennessee, the Cumberland River and the Tennessee River flow across my district and empty into the Ohio River, while the western boundary of my district is formed by the Mississippi River. Having in my district more

great navigable rivers than can be found in any other congressional district in the Union, the people of my district are vitally concerned in the question of flood control.

In December, 1926, an unprecedented flood occurred in both the Cumberland and Tennessee Rivers. For several weeks the only line of communication between the eastern and western portions of my district was the Illinois Central Railroad bridge. Cities and villages were submerged, and thousands of acres of highly productive farming land were transformed into a mighty inland sea. Strange as it may seem to some of you, during and previous to the floods of these two rivers there was no rainfall in that section of Kentucky. All of these flood waters, which destroyed property amounting in value to a vast sum of money, came from other sections of the country, and sweeping on to the Ohio, and thence to the Mississippi, they became the heralds of a flood in the alluvial valley which later was to shock the Nation with the toll of life and property it claimed. While the bill under discussion offers no immediate relief to the people of the Cumberland and Tennessee River sections, it does provide for surveys and studies of these and other important streams in various sections of the country; and it is to be devoutly hoped that as a result of these surveys and studies future Congresses may be supplied with information upon which to base legislation which will enable the people living in the valleys of all of the great navigable streams throughout the country to successfully curb and combat the menace of floods.

It is my purpose to discuss briefly the effect in Kentucky of the 1927 flood in the Mississippi Valley. If there be any of you who may be relying upon the pending bill or upon the map filed with the report of the Chief of the Army engineers to guide you in determining the needs of Kentucky for relief from Mississippi River floods, I want in the outset to advise you that the bill makes no adequate provision for flood protection for the counties in my district bordering on the Mississippi. The objection to the bill, to which the gentleman from Tennessee [Mr. GARRETT] called your attention on yesterday, is well founded, and I shall be glad to join with him at the proper time in urging this body to so amend the bill as to provide the measure of relief to which his people and mine as well as others are so justly entitled.

I hold in my hand a map which accompanies the report of the Chief of Engineers, dated December 1, 1927. The map purports to show the areas in the alluvial valley of the Mississippi River which were subjected to floods before the levees were built and also the areas which were flooded by the Mississippi River in 1927.

The green shading on this map indicates areas subjected to floods prior to levee construction, while the brown shading purports to show sections overflowed in the 1927 flood. From an examination of this map one would conclude that all that portion of Kentucky bordering on the Ohio River from Paducah to Cairo and all of that portion abutting the Mississippi River from Cairo to the Tennessee line had suffered from floods in previous years, but that in the 1927 flood Kentucky was as dry as a powder horn. The utter unreliability and misleading character of this map must be apparent to anyone when he learns that there is no system of levees on the Kentucky side of the Mississippi River north of the city of Hickman, while on the Missouri side of the river levees have been constructed in recent years.

Mr. JOHNSON of Texas. By whom was the map furnished to which the gentleman refers?

Mr. GREGORY. This map was furnished by the Chief of Engineers of the Army. The narrowing of the channel of the natural flood way by the construction of levees on the Missouri side of the Mississippi forced the flood waters of the Mississippi River in 1927 over on the Kentucky side to a depth and extent of area never before approximated by any flood in history. While Kentucky was never menaced by floods from the Mississippi to any appreciable extent prior to the construction of the levees, the extension of the levee system, without a corresponding construction in Kentucky, has caused the floods to encroach more and more upon Kentucky lands.

Mr. QUIN. Will the gentleman yield?

Mr. GREGORY. I yield.

Mr. QUIN. The building of levees on the opposite side of the Mississippi River causes this damage in the counties in the State of Kentucky to which the gentleman refers?

Mr. GREGORY. It does.

Mr. QUIN. Just the same as in my district?

Mr. GREGORY. It does.

For a period of several days in April, 1927, flood waters passed over and by the little city of Columbus, Ky., at a rate in excess of 2,000,000 cubic feet per second. In order to realize what these figures mean, if water were forced upon the State of Rhode Island at that rate for a period of 24 hours it would cover every inch of that State to a depth of 6 feet; the entire State of Massachusetts would be similarly submerged in 8 days; and the gentleman from Wisconsin [Mr. FREAR], who so earnestly contends that the South has not yet contributed enough money for flood control, would find his great State buried beneath a 6-foot blanket of water in 60 days. Yet with this vast volume of water flowing past Kentucky, which was greatly augmented as it flowed toward the Gulf, there are those who seem to think Kentucky experienced nothing more than a spring freshet. As a matter of fact, the four counties in my State which are along the Mississippi River suffered a property loss from the flood of 1927 in excess of $3,000,000. I have here an itemized statement of losses sustained in each of these counties, which I can not take the time to read but which, Mr. Chairman, I ask unanimous consent to incorporate in my printed remarks.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The statement referred to follows:

Loss and damage to property by reason of the 1927 floods in the Mississippi Valley

COUNTY OF BALLARD, STATE OF KENTUCKY

25 houses destroyed	$6,250
100 houses damaged	12,500
1 store destroyed	250
25 barns destroyed	6,250
100 barns damaged	12,500
100 other buildings destroyed	5,000
300 other buildings damaged	7,500
Damage to merchandise	250
Damage to farm implements	3,000
Damage to feed	15,000
Damage to seed	500
Damage to household goods	2,000
10 horses and mules lost	1,000
10 cattle lost	200
100 hogs lost	1,000
1,000 poultry lost	500
Cost of replanting	12,000
Loss of rents of lands not cultivated by reason of overflow	175,000
Damage to 5 miles of fence	500
Business losses	750,000
Damage to growing crops	5,000
Damage to private roads and bridges	500
Damage to matured crops	20,000
Total property damage	1,036,700

COUNTY OF CARLISLE, STATE OF KENTUCKY

6 houses damaged	1,800
2 stores damaged	800
5 barns destroyed	1,250
10 barns damaged	1,000
10 other buildings destroyed	500
20 other buildings damaged	1,000
Damage to merchandise	750
Damage to farm implements	2,500
Damage to feed	150,000
Damage to seed	500
Damage to household goods	2,500
12 horses and mules lost	1,200
20 cattle lost	400
200 hogs lost	2,000
600 poultry lost	300
Cost of replanting	10,000
Loss of rents on lands not cultivated by reason of overflow	20,000
Damage to 7 miles of fence	750
Business losses	500,000
Damage to private roads and bridges	500
Total property damage	697,750

COUNTY OF FULTON, STATE OF KENTUCKY

10 houses destroyed	4,000
46 houses damaged	9,200
25 stores damaged	7,500
2 gins damaged	10,000
15 barns destroyed	4,500
50 barns damaged	5,000
25 other buildings destroyed	2,500
25 other buildings damaged	1,250
Damage to merchandise	10,000
Damage to farm implements	5,000
Damage to automobiles	2,000
Damage to feed	6,500
Damage to seed	2,000
Damage to household goods	3,000
12 horses and mules lost	1,200
6 cattle lost	120
150 hogs lost	1,500
600 poultry lost	300
Cost of replanting	5,000
Loss of rents on lands not cultivated by reason of overflow	64,000
Damage to 10 miles of fence	10,000
Business losses	500,000
Damage to growing cotton crop	200,000
Damage to other growing crops	390,000
Damage to private roads and bridges	2,500
Total property damage	1,247,070

COUNTY OF HICKMAN, STATE OF KENTUCKY

8 houses destroyed	$4,800
200 houses damaged	30,000
10 stores damaged	5,000
20 barns destroyed	4,000
150 barns damaged	10,000
200 other buildings destroyed	4,000
100 other buildings damaged	2,500
Damage to merchandise	3,600
Damage to farm implements	5,000
Damage to automobiles	2,000
Damage to feed	7,500
Damage to seed	2,000
Damage to household goods	6,000
18 horses and mules lost	1,800
163 hogs lost	1,630
500 poultry lost	500
Cost of replanting	12,000
Damage to land by washing and spreading of obnoxious grasses	25,000
Loss of rents on lands not cultivated by reason of overflow	15,000
Damage to 10 miles of fence	6,400
Business losses	100,000
Damage to growing cotton crop	10,000
Damage to other growing crops	15,000
Damage to private roads and bridges	1,000
Damage to private ditches and drains	500
Damage to matured crops	25,000
Total property damage	300,230

Mr. GREGORY. The situation in the counties in western Kentucky bordering on the Mississippi River presents a striking illustration of the injustice and futility of attempting flood control in the Mississippi Valley other than by Government control and at Government expense. The only levee district in Kentucky is the Fulton County levee district. This district maintains about 18 miles of levee in an effort to protect approximately 25,000 acres of land. It extends from the city of Hickman, Ky., to the Tennessee boundary line, where it is joined by the Reelfoot levee. The latter levee is some 4 miles in length and protects approximately 55,000 acres of land. The levees in Kentucky and Tennessee are joint in fact though not in law, and the Tennessee levee would be absolutely worthless if the levee in Kentucky were not maintained. The Fulton County levee board in Kentucky has no funds available for further work, and the taxing power has been exhausted. The assessed value of the land in this levee district is $1,000,000. The mortgage debt against this land amounts to $750,000, while there are outstanding bonds against the land amounting to $104,000. From these figures it must be apparent that no prudent investor would care to buy additional bonds from this district. Since the Reelfoot levee district in Tennessee is wholly dependent for protection upon the maintenance of the levee in Kentucky, no reasonable assurance of safety from floods can be given to the landowners of Tennessee, even though they should be financially able and willing to keep their 4 miles of levee up to the highest standard of efficiency known to engineering skill. However, the financial condition of the Reelfoot levee board is but little, if any, better than that of the Fulton County levee board in Kentucky. On the other hand, it is manifestly unfair to tax landowners in Kentucky to construct and maintain 18 miles of levee for the protection of only 25,000 acres of their own land, while the same levee is absolutely essential for the protection of more than 50,000 acres of land belonging to their neighbors in Tennessee who are required to maintain but 4 miles of levee which offer but little protection to the people in Kentucky, and which would afford no protection whatever to Kentucky land if there were no levee in Kentucky.

The testimony before the Flood Control Committee shows that the people in the Fulton County, Ky., levee district have already expended the princely sum of $300,000 for levee construction and maintenance; yet after being bled white by these contributions the splendid little city of Hickman, their county seat, is left without any protection. Before any levees were built, the city of Hickman was safe and secure and suffered no inconvenience from floods, but the building of levees on the Missouri side of the Mississippi has constantly raised the flood plane in Hickman. This flood plane reached its maximum height in Hickman in 1927, the principal business section of the city being under 6 feet of water. With the Dorena crevasse the flood plane at Hickman was reduced 2 feet in 24 hours. The fact must not be overlooked that when the gauge reading was at a certain point at Cairo in former years before the construction of levees in Missouri, the city of Hickman had no flood problem, but after the construction of the Missouri levees, when the gauge reached the same point at Cairo as in former years, the city of Hickman was submerged. Since no material contribution is made to the flood waters of the Mississippi by local rainfall between Cairo and Hickman, the inevitable conclusion is that the misfortune Hickman has suffered in recent years is directly traceable to levees constructed elsewhere under Government direction and supervision and largely at Government expense.

As I have already shown, Ballard County, Ky., which is just across the river from Cairo suffered greatly, thousands of acres of valuable farming land being overflowed, and a considerable portion of her county seat, Wickliffe, being inundated. The historic town of Columbus, Ky., was swept away, its principal business street now being in the main channel of the river. Facing a recurrence of the terrible disaster of 1927, the people of Columbus have been compelled to remove such of their homes and business houses as were left standing after the flood to the bluffs about one-half mile east of the old town site. Under the direction of the Red Cross and with assistance of that wonderful organization, a new Columbus is arising on the hills where it will be safe from the ravages of the mighty Father of Waters.

What happened at Hickman, Columbus, and Wickliffe happened to the rural section in Kentucky along the Mississippi from Hickman to Cairo, yet the Jadwin plan offers absolutely no protection to these people, save and except the lowering of levees on the river front on the Missouri side, which lowering will be made of questionable value due to the proposed construction of setback levees in Missouri.

I can not understand the attitude of those who insist that the valley States should make further contributions for flood protection.

I can not understand why gentlemen should insist that the people of my district should bear any portion of the expense incident to any protection which may be accorded to them in the future. The suffering they have endured and the great economic loss they have sustained are not the result of their folly in selecting an unsafe place in which to live. Their suffering and their loss did not come from the invasion of a foe marching under an alien flag, nor can this dire calamity be made chargeable to an act of God. It was and is chargeable to the bottling up of the Mississippi River by a series of levees built without their consent, but whose location and construction were determined upon and partially paid for by this great Government. I do not complain, nor do my people complain, because of the building of levees. They have served and will continue to serve a most useful purpose, but no levee should be built to the injury of any people unless just compensation be made therefor. We are not asking the Government to reclaim a foot of land in Kentucky. We want nothing more than simple justice, and justice will not have been done to my people until the injury which has been done to them shall have been remedied. We are not asking for reimbursement for damages sustained in the past. We want and are entitled to security for the future. Anything less than that would, in equity at least, be a taking of private property for public use without just compensation, which is contrary to the spirit of our Constitution and repugnant to the principles upon which this Government was founded.

Although flood control in the Mississippi Valley is absolutely essential for the national defense, for the promotion of commerce, for the transmission of the mails, and for other purposes vitally affecting the welfare of the country at large, it is urged by some that the valley States should not only furnish all right of ways for flood-control works of every character but should also contribute to the cost of construction of these flood-control works. For instance, our neighbors over in Missouri should abandon thousands of acres of valuable farming lands to the mercy of the angry waters that come from Canada and the north and also pay for the privilege of making this sacrifice. If the squeamish and meticulous policy of requiring local contributions to be made for all Federal improvements which may be of incidental benefit to the communities in which they are located is adopted, not a snag could be removed from a river, not a bank could be revetted, not a channel could be dredged, not a lock or dam in aid of river transportation could be constructed without local contributions, because all of these things have a beneficial local influence. Further than that, no public building could be erected in any city without local contributions, because such construction might enhance the value of adjacent property. No harbor on our seaboards could be improved, because harbors are beneficial to the cities where located.

I repeat it: Kentuckians are not here as mendicants; they seek no subsidy; they ask for no reparation. They are a proud and self-reliant people. Since the days when hardy pioneers crossed the Allegheny Mountains and carved from the "Dark and Bloody Ground" a Commonwealth which has given birth to a race of heroes and statesmen the mention of whose names causes a thrill of pride to pulsate in every American heart, Kentuckians have been able to care for themselves and have

been glad to extend a helping hand to others. Need I remind you that it was a Kentuckian, George Rogers Clark, who, with his band of faithful followers, stamped the genius of American civilization and American ownership upon the great Northwest Territory? Need I remind you that it was the sons of Kentucky who, looking across the Father of Waters, first caught the vision of a great American empire, rich beyond the dreams of avarice in products of field and forest, mine and stream, and whose western limits, gorgeously arrayed in fruits and flowers, fringe the sunset sea? Need I remind you that in the dark days of the sixties, when the sons of the North and the sons of the South, divided as they were by their lots in life, divided by the hardening peculiarities of temperament, divided by the most sacred convictions of right and wrong, yet one in valor and in devotion to duty as God gave them the wisdom to see it, engaged in the greatest internecine war the world has ever known, it was Kentucky that gave to the South the intrepid, the peerless, the great-hearted leader of the Confederacy, Jefferson Davis, while to the North she gave the patient, the loving, the magnanimous Abraham Lincoln, whose immortal figure is destined to loom larger and larger in the perspective of the ages? Need I remind you that in every great crisis Kentuckians have always heard the clarion call of duty, and, neither counting the cost nor reckoning the peril, like the prophet of old, have said, "Here am I, send me!"

No, Mr. Chairman; we are not asking for alms. We plead for justice and justice only. When justice is granted to us and to our neighbors to the south of us this great Government will have subdued the raging waters of the Mississippi. Then a million loyal Americans who dwell in the alluvial valley will lift their hearts and again thank God that they live beneath the sheltering folds of the Stars and Stripes. Cities now desolate will again hear the music of whirring spindles in busy hives of industry. Farms now devastated will again be rich in the golden glow of their rice fields and opulent in the mimic snow of their broad acres of cotton. The corn tops will ripen once more, while the meadows will be in bloom. And then, oh then, the sun will shine bright in our old Kentucky home. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. REID of Illinois. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Chairman and gentlemen, the gentleman from Kentucky [Mr. GREGORY] in his speech related facts to you touching the district which he represents in Kentucky that are practically identical with four of the counties on the Mississippi River in the district which I have the honor to represent. The gentleman from Tennessee [Mr. GARRETT] spoke to you yesterday when the rule was under consideration, and his district is likewise affected.

What is embarrassing to us is that this bill fails to provide for the protection of those people. In justice to everybody in the United States the Mississippi River must be controlled through levees and outlets, and it is my judgment that all of the people of the United States should pay for this, and that not one dime should be expected as further contributions from the people who have been suffering this burden during all of these years.

These people in the four counties in the State of Mississippi, these in the State of Tennessee, in five counties, and these in the State of Kentucky, in four counties, are burdened by water being placed on their lands because of the fact that levees have been constructed on the opposite side of the Mississippi River. Therefore when the amendment shall be offered that our friend [Mr. GARRETT] proposes, upon which we have practically agreed, I hope that in fairness to all of the people you gentlemen can see proper to let that amendment be put into this bill.

It occurs to me that with the wise provisions, and in many instances very generous provisions, which have been carried for all others, even tributary streams, the people in the districts I have mentioned should be given consideration. In the State of Mississippi they have taken in the Yazoo River, in the State of Arkansas the Red River, and in the State of Louisiana, and so on, several others. These tributary streams are to be protected, and yet these people, who built their homes and farms in safe places on the east bank of the Mississippi River in my district, have had them destroyed because of the fact that levees built on the west side of the river have been raised higher. That naturally makes this land on the east side of the river a reservoir or flood way in time of high water. That is to be continued under this flood control bill, yet there is not one line in this bill, according to my conception, which will compensate those people or pay them for their lands, although all of the new flood ways that are taken are to be paid for. They are to be compensated for under the terms of this bill. They go so far as to pay for the removal of tracks and the raising of railroads which happen to be in the territory of which the flood commission will take charge.

Yet the bill which the committee has brought out fails to provide a dime for these properties on the east bank of the river in four counties in my district, some in Tennessee and some in Kentucky, while it lends its generosity to the great corporations. The bill provides for payments to railroads, yet under its terms the property of these poor people will be taken and destroyed and not a dime will be paid to them.

I presume that all of my colleagues in the House want to be fair and just in dealing with all the people; and, as I have said, I hope they can see their way clear to support the amendment which will be proposed by the gentleman from Tennessee [Mr. GARRETT]. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. FREAR. Mr. Chairman, I yield 30 minutes to my colleague the gentleman from Iowa [Mr. KOPP].

Mr. KOPP. Mr. Chairman, it is quite certain that no bill that might be passed on flood control would be entirely satisfactory to many Members of this House. It is a difficult subject upon which to reach an agreement, no matter how anxious or sincere Members may be in their desire to come to an agreement. This bill is not entirely satisfactory to me. As I view it, there are some serious defects in it. As it stands I can not vote for it; but I am hopeful that this bill will be perfected by proper amendments that will make it possible for all of us to vote for this important legislation.

We are now in the latter part of the session; not many weeks remain. If it is at all possible, we should now reach a conclusion. The time has come to pass a proper flood control bill.

In the very beginning I want to say that there has been no difference of opinion as to the necessity for flood control; neither has there been any difference in the generous and sympathetic impulses that have pervaded the people in the different sections of the country. That was well demonstrated when the American Red Cross sent out its call for relief. In every State there was immediate response. In every State the amount asked for was oversubscribed. When the second call for aid came the result was the same. There was no East, no West, no North, no South. We were all Americans—were all anxious to relieve the suffering and distress of our fellow citizens. Better still, to the glory and honor of the American people it can be truly said that their benevolences and charities extend even beyond their own land and their own people. Their love for humanity is world-wide. Their sympathy embraces all mankind. No matter where disaster may occur, no matter where misfortune may overwhelm any part of the human family, there you will find the helping and outstretched hands of the American people.

Not only were the American people agreed that the inhabitants of the lower Mississippi Valley should have prompt and effective relief when the flood came, but they were also agreed that a recurrence of such a catastrophe should be made impossible. You will recall that when President Harding met the last shipload of our returning dead from Europe he exclaimed, "This must not happen again!" So to-day the universal sentiment of the American people in reference to the great flood of 1927 is expressed in those same words, "This must not happen again!"

It is not my purpose to dwell at length upon the great flood itself. The details are fully known to all of you. Fortunately, the loss of life was not so great as in some other disasters. No definite figures perhaps are obtainable. By some authorities it has been stated that 246 people perished. If this be correct, the loss of life was approximately one-half as much as in the recent disaster in California. We hardly realize it, but it is a fact, nevertheless, that more than twice as many people as perished in the floods in the Mississippi Valley in 1927 are killed every week in this country by automobiles. These casualties are not so dramatic and therefore do not so completely arrest our attention.

The damage to property was over $200,000,000, and between 600,000 and 700,000 people, it is estimated, had to leave their homes and seek shelter and food in the refugee camps.

With other members of the Committee on Flood Control I spent a week last spring going through the flooded districts from the break in the levee above New Madrid on the north to the break in the levee below New Orleans on the south. It was an interesting and informing trip. We saw much, but one of the things that impressed me most was the wonderful manner in which the Red Cross took care of the situation. If ever a difficult task was well done, such was the case there. I do not know and can not single out the persons to whom particular credit is due. Suffice it to say that there is glory enough for all. The Red Cross has become our great national beacon

light and shines for all the world. Another thing that greatly impressed me was the advance that had been made in preventive medicine. In other days a great epidemic would have broken out and terrific loss of life would have occurred, but so well did preventive medicine do its work in the great flood of 1927 that even in the refugee camps the death rate was little more than normal. What a wonderful work has been done for mankind by members of the medical profession. Oftimes the men who by their researches and experiments make discoveries that save innumerable lives are wholly unknown to fame. In a larger sense, however, they have their reward.

What is known as the alluvial valley of the Mississippi River extends from the Gulf of Mexico to Cape Girardeau. Geologists tell us that this valley was formerly a part of the Gulf but that the silt coming down from the upper reaches of the Mississippi and its tributaries filled this alluvial valley until only the present narrow channel for the river remains.

This alluvial valley contains 29,790 square miles. It comprises a part of seven States, as indicated by the following table expressed in square miles:

	Square miles
Illinois	65
Missouri	2,874
Kentucky	125
Tennessee	453
Arkansas	4,652
Mississippi	6,926
Louisiana	14,695

In fertility and richness the land in this valley is equal to that in the famed valley of the Nile. In this respect no other land in the United States surpasses it. The soil in the alluvial valley can never be exhausted.

The Mississippi River is, of course, the most important stream in the United States. It stands in a class entirely by itself. It is 2,475 miles in length and has about 250 tributaries, of which 50 or more are navigable. The Mississippi Basin contains 1,240,000 square miles, or about 41 per cent of the continental United States, and includes—in whole or part—31 of our States.

Instinctively we recognize that the Mississippi River has been a most important factor in our national development and history. In the very center of this Capitol—commonly known as the rotunda—hang eight large paintings. These paintings have this place of honor not because they are great masterpieces of art, because they represent great historical events. Among these paintings is the Discovery of the Mississippi River. You are all familiar with it. You have seen it again and again. Of all the great throngs that have passed through this Capitol and have looked upon this familiar painting, no one has ever questioned its right to this place of honor.

The hearings on flood control by the Committee on Flood Control were long and extensive. They began November 7, 1927, and continued almost daily, morning, afternoon, and night, for nearly three months. About 300 witnesses appeared before us. Some of these imparted much information and some had little wisdom to offer. The hearings made six printed volumes, with a total of nearly 5,000 pages. In view of the subject under consideration these volumes should not be considered "dry" reading, yet I doubt whether many of the Members will wade through them. Some may think that a flood of words is quite as bad as a flood of water. [Laughter.] The first witness was William Hale Thompson, the well-known mayor of Chicago. There may possibly be some difference of opinion as to the great war he has been waging against King George, but all will agree that he is a picturesque character. He is picturesque not only in manner, but also in speech. Some time ago he announced to the world that King George would have to keep his snoot out of Chicago. That was not saying it with flowers. Our hearings started, so to speak, with a bang. When Mayor Thompson left Chicago to appear before the committee he did not simply pack his grip, sit down in an ordinary Pullman, and read an ordinary book. No; he came in state, with 12 special trains and 2,000 followers and retainers. When the Queen of Sheba visited Solomon she no doubt did her best to impress that able and clever ruler, but her caravan, I dare say, had nothing on William Hale Thompson's trip to Washington. It will always be easy to remember our first witness.

Our hearings had not proceeded far when we were told that flood control on the lower Mississippi should be only a part of our task and that a new and revolutionary policy should be adopted by which the National Government, at national expense, without local contribution, should control the floods on every stream in the country that might cause loss of life or damage to property, no matter how small or insignificant such a stream might be. This was a surprising development; but, like vaccination for smallpox, it "took." We began to hear of rivers from every direction. I never knew before we had so many rivers in this country. Some of these rivers evidently had been concealing themselves, and now, for the first time, came out of hiding. More than that, all of these rivers were represented by the patriots that came before our committee as being desperately wicked and terribly dangerous. According to their story, even rivulets and creeks had become monsters of iniquity and were threatening to engulf the people and their property. As represented to us, the situation was a most distressing one and but one hope of salvation was held out, namely, national flood control at national expense, without local contribution.

The prospect of easy Government money had a very natural effect. Demands for it came from every direction. One witness, more frank that others, when asked to state definitely and specifically just what his people wanted, replied, "Why, we want our share of the money." He thought we were dividing up the money in the United States Treasury and he wanted his people to be in on it. As a matter of fact, he was not far wrong, from his viewpoint. If we adopt the policy to which I have just called attention, the national flood control of all the streams in the country at national expense and without local contributions, the money in the United States Treasury will be quickly divided up.

If that policy is adopted, new geographies will be needed in our public schools. In the geographies which we now use many of the streams for which flood control is asked are not even shown. Necessarily, therefore, the new geographies showing these streams will be much larger than the old ones and, of course, it will cost more to publish them. That should not deter us. We can have them printed "at national expense, without local contribution." In the meantime we can adopt this great, inspiring slogan, "When bigger geographies are made, 'flood control at national expense, without local contribution,' will make them." While thinking on these things let us not forget the noble words which I quoted a moment ago, "We want our share of the money."

If the Government ever takes charge of all the rivers of the country for flood control at national expense and without local contribution, the cost to the Government will be staggering, more, no doubt, than the cost of anything else ever undertaken by the Government except, perhaps, the World War. One of those advocating such a policy and with a keen appreciation of what would result if that policy were adopted, recently remarked somewhat facetiously, "Heretofore we have been drawing money out of the National Treasury through the bunghole, but if we put this policy across it will knock in the head of the barrel." He was undoubtedly right. If this policy is ever adopted, the head of the barrel will certainly be knocked in.

Many things could be said about the hearings, but I shall content myself with but a few observations. Nearly all of the witnesses were interested parties—interested directly in a financial way. The unanimous desire and insistence of these witnesses that the Government should pay the entire bill has been emphasized. To me such unanimity does not seem at all remarkable. I know of nothing that people are more anxious and willing to do than to place their burdens on the shoulders of the Federal Government. I know of nothing that the people acquiesce in more readily than the payment of their bills by the Federal Treasury. These interested witnesses were all asked if they thought that they should pay any part of the expense, and it is true that they all promptly replied "No." Do you think that is strange? Then they were asked if they did not think that the Government should pay it all, and it is true that they just as promptly answered "Yes." Such testimony by interested parties is not very impressive. To me it proves nothing except that human nature is still the same. If litigants in court were permitted to give this kind of testimony, I assure you not much would ever be recovered.

Mr. HOCH. Will the gentleman yield?

Mr. KOPP. I yield to the gentleman from Kansas.

Mr. HOCH. I quite agree with what the gentleman is saying, but I hope the gentleman will not make it unanimous, because the gentleman will recall that the witnesses from my own State vigorously opposed the proposition of the Federal Government meeting the entire expense and said they expected in any flood-control proposition to bear a considerable part of the expense.

Mr. KOPP. That was partly true of the representatives that appeared from the gentleman's State.

Mr. HOCH. It was true of the governor of our State and his associates who appeared before the committee.

Mr. KOPP. One of your very distinguished gentlemen said the Government should pay it all. The delegation from the gentleman's State that agreed with my position were the exception, and you know the exception proves the rule.

It was suggested during the hearings at different times and in different ways that the upper States had done a great wrong to the lower States in the Mississippi Valley by throwing water down upon them, and it was stressed repeatedly that the upper States should be compelled to take care of this water. This, as I look at it, is a self-evident fallacy. The upper States have not thrown their water down on the lower States. As I understand it, God made the earth, including the Mississippi River and the law of gravity. As I understand it, neither legal nor moral responsibility is imposed upon anyone because water still continues to run downhill.

When the people settled in the alluvial valley, they did so with their eyes open. They knew the Mississippi River was there. They knew that floods had come in the past and that floods would come again in the future. Nobody forced them to settle there. Nobody wronged them. Nobody imposed upon them. They had a good and sufficient reason for locating in that valley. On account of the richness of its soil they preferred to settle there and take their chances with the floods. Others took their chances with the drought in the semiarid regions, and they also had great losses, but in neither instance has the Government been in any way to blame.

The Government was also criticized during the hearings, in various ways, because the levee system had not been made an unqualified success. It is true, for instance, that the levee system, by restricting the flow to the channel between the levees had caused increased flood heights in the lower valley, but why blame the Government for this or anything else connected therewith? The Government did not impose the levee system upon the people of that section. Far from it. The levee system was initiated by the local people themselves. They promoted the system. They came to Washington for years and persistently asked for it. All that the Government did was to yield to their entreaties. The Government never required the building of levees. It only aided the people when they decided to build levees, and this at their urgent solicitation and request. Furthermore, the various levee districts had their own engineers and these engineers approved all the projects.

Let it be clearly and definitely understood by all that the record of the Government in the alluvial valley has been a generous one—a record that deserves praise and not blame from the beneficiaries.

Much criticism during the hearings and at other times has been directed at the Army engineers. Some of these criticisms have been made by other engineers who would like to get in on this project. Applicants for executive positions in the execution of this project are quite numerous throughout the country. The applicants seem to be fully convinced that they are much better fitted for this task than the Army engineers. They frankly admit their superior qualifications.

It has been asserted, over and over, that the Army engineers demonstrated their incapacity and unfitness for taking charge of this project by failing to provide for the superflood of 1927. This argument when first heard sounds like a clincher, but upon second thought loses its entire force and effect. It is true that the Army engineers did not prepare for the superflood of 1927. They did not know it was coming and neither did anybody else. The Army engineers judged the future by the past; that was the best they could do. Patrick Henry's eloquent statement that there was no way to judge the future except by the past has been approved and applauded for more than a century and a half. The Army engineers did what any sensible and prudent man would and should have done under the circumstances. If the critics of the Army engineers knew that we were to have a superflood in 1927, or any other time, why did they not tell us about it? Why did they not announce to the world what was in store for us? Why did they not warn us before the catastrophe occurred? We do not give any great or outstanding importance to the man who says, "I told you so." But these critics are not even in that class, for not one of them ever told us so. If any Member of this House thinks that he knew that the superflood was coming, why did he not communicate his wisdom to the rest of us before the thing happened? Every one of us knows that if any Member had introduced a bill during the last session of Congress authorizing the appropriation of three or four hundred million dollars for the control of such a flood, his bill would not have received the slightest consideration in this House. Why? Simply because the Members of Congress, like the Army engineers, judged the future by the past. And if during the last session the Congress had passed such a bill authorizing the appropriation of three or four hundred million dollars for flood control, the country would have looked upon it as a frightful outrage. Why? Simply because the country, like Congress and the Army engineers, judged the future by the past.

While much was said in the hearings against local contributions, the situation in the valley was never made clear to the people generally. The emotions were, of course, deeply aroused by the flood of 1927. The people became very sympathetic for the refugees who were driven from their homes and had to spend weeks and even months in the refugee camps, where they were fed and clothed by the Red Cross. It must be borne in mind, however, that the people whom the Red Cross succored are an entirely different class from the people who will receive special benefits from the levees and other flood-control works.

Generally speaking, that is not clearly understood, but this will be made plain to the country. Most people still think that the local contributions, if insisted upon, will come from the poor refugees, but that is not the fact. The 600,000 or 700,000 refugees will not receive any special benefits from flood control and will not be required to pay local contributions if that policy is adopted. These refugees are poor laboring men or poor tenants who own no land. Of these refugees about 500,000 are poor colored people. The money that was raised for them was a charitable and benevolent fund out of which they were supported and clothed until they could readjust themselves. The owners of the land are an entirely different class. They include the corporations, the bankers, the capitalists, and other large property owners.

No special benefits under this bill will go to the survivors of the poor people that were drowned. No special benefits will go to the refugees who are now trying to make a new start in life. All the special benefits from flood-control works will go to landowners. A large proportion of these live in the cities and towns and live as well to-day as they did before the great flood came. The records show that large corporations hold a big part of the land. Some of these corporations own upward of 50,000 acres. More of them own upward of 25,000 acres, and many own upward of 5,000 acres. The individual owners also in large numbers own great tracts of land. These landowners are not entitled to charity. They have no claim upon us from that standpoint. If we are to give something to the poor people in the lower valley we must give it to an entirely different class from the landowners. We should not permit our tender sympathies for the poor refugees to be coined into dollars for the landowners.

The landowners have put up a great campaign. Many lobbyists have been here for months during the winter. These people, of course, have a right to be represented here by as many lobbyists as they want. Many expensive advertisements have been published from one end of the country to the other. I need not tell you that the refugees have not been paying for these lobbyists and advertisements. That is done by the men who own the land back of the levees and who expect to be, and who will be, tremendously benefited by flood-control works.

I repeat, and I want you to remember, that the poor refugees will receive no special benefits. Not even the families of those who perished will get any special benefits. Here and there may be found an exception, but generally this is true. If these poor refugees and the poor families of the people who lost their lives were to receive the special benefits, we could more readily reconcile ourselves to the doctrine that there should be no local contributions. But it does seem that when special benefits go to the owners of large estates there should be local contributions. Any other rule is unfair and unjust. Nobody has insisted that any arbitrary rule should be made as to local contributions. All we asked was that an economic survey should be made and that if these landowners were able to pay for the special benefits they received, a contribution should be required, and that if they could not pay for special benefits, they should be relieved. I insist that this is fair. I insist that this is just.

It is a far cry from the poor refugees to the corporations, capitalists, and bankers who own the lands. The latter are not objects of charity and are not entitled to charity. It behooves us to exercise due caution that these men shall not convert our tender sympathies for the refugees into large donations for themselves.

The flood had scarcely started last spring until a great cry went up for a special session of Congress. Frantic appeals were made to President Coolidge to call such a session. It was fortunate, indeed, that we had a President not only of good judgment but also of high courage. [Applause.] What could a special session of Congress have done last spring? There was then no evidence on which Congress could act. It was impossible to procure that evidence until about the time the regular session convened; and even after we procured it, it took us nearly five months to get a bill ready for consideration by the House. Any legislation during a special session would

have been the result of strong emotions and would not have been based on sound judgment.

It is a great thing for a country to have a President who is not only right upon the issues before the country at the time of his election but who is also equal to the emergencies that arise from time to time during his administration. No wonder that the country has such remarkable confidence in President Coolidge.

Many bills have been introduced during this session on flood control, but the only bills considered have been those introduced by Chairman REID, of the House committee, and by Chairman JONES, of the Senate committee.

The Reid bill was introduced December 21, 1927. It was amended and ordered favorably reported to the House on February 16, 1928. To this bill six of us felt compelled to file a minority report. The reasons given for our minority report were, briefly, as follows:

That it offered no basis even for an outline of a flood-control plan for the lower Mississippi River.

That it delayed the adoption of any definite flood-control plan until complete study of the Mississippi watershed could be made by a newly created commission of seven members, a majority of whom would probably be wholly unfamiliar with the Mississippi problem.

That it provided maximum flood crest heights at Cairo, Arkansas City, and New Orleans, which heights had been arbitrarily and unwisely fixed without any supporting evidence.

That it exempted from local contribution all costs of construction and maintenance of such control works without reference to local benefits or ability to pay, and in effect reversed the well-settled policy of the Government that there should be local contributions for special benefits.

The Reid bill as reported required gauge heights to be kept down to 54 feet at Cairo, 58 feet at Arkansas City, and 19 feet at New Orleans. These gauge heights in our judgment were entirely impracticable. We found that it would cost $1,400,000,000 to keep the river down to these gauge heights, and there was doubt even if that sum would be sufficient. The bill did not even provide for the local communities to furnish rights of way for the levees, and also placed the entire burden of the maintenance upon the Government.

The other Members joining with me in this minority report were Mr. FREAR, of Wisconsin; Mr. STALKER, of New York; Mr. DAVENPORT, of New York; Mr. SELVIG, of Minnesota; and Mr. COCHRAN, of Pennsylvania. We would have been glad if we could have joined with our colleagues in reporting a bill, but from our standpoint the Reid bill had so many objectionable features and was so revolutionary in character that we could not do otherwise than file our dissent.

Subsequently the Senate passed the Jones bill, known as S. 3740. When that bill reached the House it was, of course, referred to our committee. When that bill was submitted to us we found that in some important respects it was an improvement over the Reid bill. It waived local contributions in this particular project, but it did recognize and declare that local contributions for special benefits were fundamental. It also recognized contributions further by requiring maintenance of the levees on the Mississippi. In addition, it did not contain the objectionable gauge heights. It also provided a commission that was more practicable than the commission in the Reid bill, and in a general way at least adopted a plan for the project.

With us it was a choice between two evils, and we decided to take the lesser and voted to report out the Jones bill as it came to us from the Senate. By this we did not commit ourselves to the Jones bill on the floor. That was made plain and was clearly understood at the time. We hope that the Jones bill, which is before us now, will be so amended and so perfected that all the Members of this House may feel free to vote for it.

Briefly let me now note some objectionable features in the bill before us. In the first place, all of section 1 after the words "chief of engineers," on line 2, page 2, should be stricken out. The whole project should be put under the direction of the Secretary of War and the supervision of the Chief of Engineers. The commission in this bill, while better than the commission in the Reid bill, will inevitably mean increased expenditures. No one can tell what such a commission will do. The way to build these flood-control works is to put all the responsibility upon the administration, which is responsible to the people and can be held accountable by them.

Section 4 contains vicious provisions. Who the author was of said section 4 I do not know, but I feel very certain that it originated in some railroad office. The purpose of that section is to give the railroads in the Mississippi Valley an unfair and unjust advantage. If left in the bill it will make the railroads a present of many millions of dollars over and above just compensation. Under the Constitution, as provided in the fifth amendment thereto, private property can not be taken for public use without just compensation. That phrase fixes the damages to which everybody is entitled in condemnation proceedings when property is taken for public use by the United States Government.

The railroads, however, in the lower valley are not satisfied with the Constitution of the United States. They have inserted cunning language in section 4.

You will note the first part of the section lays down a very broad rule of damages. It seems to include remote and indirect damages, and if section 4 contained only the last three lines at the bottom of page 4 and the first three lines at the top of page 5 it would lay down a broader rule of damages than the courts have heretofore fixed.

But note the first two words in line 4 on page 5. These words are "and also." Therefore, in addition to the rule of damages laid down in the preceding lines, further damages are to be awarded to the railroads. These railroads are preparing to file enormous claims. They came before our committee and asked for over $70,000,000.

The retention of section 4 as it now reads will mean a vast amount of litigation and ultimately great loss to the Government. In any event, why should anybody be given more than the Constitution of the United States plainly directs? Everybody is entitled to just damages, and the courts of the country have interpreted that phrase many times and have laid down rules for ascertaining just damages.

All of the language in section 4 of the bill enlarging the rule of damages fixed by the Constitution of the United States should be stricken out.

The railroads are entitled to their rights. Nobody would take any away—nobody could take them away. They are fixed by the Constitution of the United States.

This bill must be kept free from all graft of every nature and kind. The people of the country have felt sympathetic toward the South, but if they find that this bill is loaded down with graft there will be such a revulsion of feeling as was never witnessed before in the entire history of this Nation. This bill must be clean in its terms, and the flood-control project must be executed by clean hands.

This bill, while it recognizes the fundamental principle of local contribution, does not require any contribution except certain maintenance along the main channel. It does not even require the landowners to furnish the right of way along the Mississippi. This would not be much, for in extent the levees are completed most of the way from Cape Girardeau to the Head of Passes on both sides of the river, where levees are practical. In other words, the United States Government is to make the landowners of the alluvial valley a big present, and then, in addition, is to pay for a place to put it. Without further at length arguing this matter, permit me simply to say that this situation reminds me of an incident that took place in my State many years ago. An old gentleman, who had acquired some means, decided to make a donation of a new church to the congregation to which he belonged. He offered to erect a new building if the congregation would provide the furnishings. A meeting of the congregation was called to consider this proposition, and after a long and heated discussion the following resolutions were adopted:

First. That it is the duty of Brother Johnson to provide the furnishings as well as to erect the church.

Second. That some of the members are too poor to contribute to the purchase of the furnishings and that therefore, it would be economically unsound for the rest of the members to contribute.

Third. That we are opposed to local contributions.

After considering these resolutions with some degree of patience, Brother Johnson replied as follows:

> My dear brethren, your very interesting resolutions have been received. When I offered to erect a new church building if the congregation would provide the furnishings I thought I was serving the Lord. I now find I was mistaken and will await His further orders.

[Laughter and applause.]

Mr. REID of Illinois. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Chairman, I rise for the single purpose of making a correction with reference to some matters of fact.

In an extension of remarks on April 4 last, on page 6150 of the CONGRESSIONAL RECORD, the gentleman from Wisconsin [Mr. FREAR], speaking of the benefits that would accrue to some of the large owners of properties in the flood ways, used this language:

It has been alleged that the Hines Lumber Co. of Chicago has large interests in the flood area and that it has been actively interested in the no-contribution campaign. A casual examination of the record fails to disclose any large holdings of the company under that name in the flood ways, although other lands among 15,000,000 acres to be protected may be involved.

[Omitted from the PERMANENT RECORD.]

While that language is very carefully used and probably can be said not to make the direct charge that the Hines Lumber Co. owns property that may be benefited by the pending bill, still, representatives of this company, many of whom are residents of my district, and particularly their vice president, Hon. William S. Bennet, formerly a Member of this House and now vice president of the Edward Hines Lumber Co., have asked me to place in the RECORD a statement by Mr. Bennet himself to the effect that neither the Hines Lumber Co. nor any of its subsidiaries or stockholders have any interest whatever in the land that may be affected by this legislation and own no property that may be acquired for the purpose of flood ways.

There is another company by the name of Hines listed somewhere as owning property in this area, but that has no connection or association with the Edward Hines Lumber Co. of Chicago.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing the brief statement by Mr. Bennet.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The statement is as follows:

Neither the Hines Lumber Co., of Chicago, nor any company under any name in which the stockholders of that company are interested owns any land within a hundred miles of the flood ways. We do not own any land at all in either Arkansas or Louisiana. We own land on the Gulf coast of Mississippi in Harrison and Hancock Counties and in Stone, Pearl River, and Lamar Counties, immediately adjoining those counties to the north, but these lands are nowhere near any flooded region and not even in the watershed of the Mississippi River. They are the only lands that we own in the State of Mississippi. Congressman FREAR has shown me that he based his statement upon the name of J. H. Hines Co., who, according to the list in the second column on page 5874 of the CONGRESSIONAL RECORD, owns 10,202 acres in Avoyelles Parish. I have never before heard of this company. It is in no way connected with the Edward Hines Lumber Co. * * * It is my intention by the foregoing to make clear the fact that neither the Edward Hines Lumber Co. nor any stockholder in that company owns land in the flooded district at any place.

Mr. FREAR. Mr. Chairman, I yield myself one minute in order to say that the statement made by the gentleman from Illinois is accurate. I made no charge whatsoever; I was informed that the Chicago lumber company owned property there, but I was careful, without any direct information, to state that the Hines Co. was the same. I did so to protect myself from injustice to the company, although there was no improper charge made, for they had a right to own property there if they chose to do so.

I now yield 15 minutes to the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Chairman and gentlemen of the House, I do not anticipate that I can add much of new information on this great subject that we are discussing, but I want to state briefly and definitely my position upon the question, and I think it is that of the people of the State of Nebraska, which I in part represent.

I will vote for a bill that authorizes a plan which will be effective in the regulation and control of the flood waters of the Mississippi and which will promote in the greatest degree the interests of the whole valley and does not unduly burden the National Government.

The bill under consideration sets up a policy and authorizes national expenditures that, if carried to their probable conclusion, can bankrupt the Federal Treasury. I can not support the bill in its present form. The committee that reports it admits that it is not the best nor most efficient plan. Its final cost is beyond the ability of the human mind to conceive or determine.

It is proposed to expend untold millions, raised by general taxation, for the benefit of a limited territory, without any contribution or payment by those directly benefited.

The Congress has in the past authorized great policies and plans for national development—the reclamation act and the national highways are examples. One hundred and fifty millions of Federal funds have been expended by the Government to develop irrigation projects operating in 11 States. But the farmers who have benefited by the expenditure of that great sum of money are bound and their lands and property are pledged to pay back into the National Treasury the money advanced.

Hundreds of millions of dollars have been taken from the National Treasury for the construction of highways, but because the States where they are built are greatly benefited by them the law rightly requires that the States shall pay one-half the cost of their construction. Either the States that benefit from flood control should bear a fair share of the expense or we should provide a plan that will amortize at least a part of the cost to the Federal Treasury.

The committee report states in large type, page 14, "Reservoirs regarded ideal method of control." This truth is fundamental. It is a Scotch saying that the wealth of the farmer is wrapped up in the weather. The wealth and also the troubles of the Mississippi Valley are wrapped up in the weather and the water it brings. Man can not control the weather, but, regulated and restrained, the water in the river will become the greatest blessing bestowed upon this Nation. We all remember the story of the bundle of sticks that could not be broken, but taken one by one they were easily snapped asunder.

And so with the river. United, the floods of the Father of Waters defy man's attempt to confine them. Divided and regulated by reservoirs and storage dams the river will become the servant of man, not his master.

Attempts in the past to confine the combined flood waters to a certain channel have always failed. Either the waters themselves break through the walls built to hold them in, or men destroy their own works to lessen flood destruction. Spillways and "fuse" levees are admissions of this truth.

Nature gives to the Mississippi Valley enough rainfall in every year to make it the most productive agricultural region in the world. When too much of the annual precipitation is concentrated into certain months and the excess waters are permitted to flow unchecked into the lower valley flood losses occur.

If the excess rainfall for the spring months can be held back for a time, floods will be avoided and great benefits in many States will follow. If the spring floods are not stored and used upon the tributary watersheds, the waters are wasted and the lands they destroy are washed into the sea. Losses from drouth on the valley watershed are greater than the damage from too much water. The waste of national wealth by soil erosion is worse than the destruction by floods on the lower river.

Control of flood by protective walls and spillways alone is a policy of great initial and continuous expense with no possibility of returns to the National Treasury. The experts whom President Coolidge has consulted have estimated that the cost of flood control by levees and spillways on the lower Mississippi will amount to more than fifteen hundred millions of dollars. If original estimates are so huge a sum, no one can tell whether the final cost will be one thousand five hundred millions or three thousand millions. In addition there will be continuing maintenance expense.

I was a Member of the House when we voted to build the Panama Canal. Mr. Cannon was then chairman of the Appropriations Committee. I remember that he stated, the engineers say, that the cost of the canal will be $150,000,000, but no man—no engineer—can tell me whether the cost will be $150,000,000 or $300,000,000, because when man sets himself in contest with the greatest powers of nature no set of engineers can tell where the expenditure will cease. He was vindicated, because the cost of the canal was over $300,000,000 instead of $150,000,000 as originally estimated by its advocates.

Expert engineers vary as to probable cost of reservoir storage, but the consensus of opinion is that it will not reach one-half the amount given by the President's advisers as the cost of controlling the floods by walls and spillways in the lower valley.

Regulation by storage and diversion on the tributary streams that cause the flood will be a source of continual benefit to the States and constant returns to the Federal Treasury. Attempted control by levees and spillways will constitute a system of never-ending expense and constant danger.

The committee which reports the bill admits that reservoir control is the scientific and permanent plan for prevention of floods in the Mississippi Valley. Their report states:

The engineering profession, civil and Army, are in accord on the theory that the ideal method of controlling floods is through the use of reservoirs by means of which waters are impounded and controlled in the source of streams.

But they only preach reservoir control. They do not authorize it. What excuse, then, is offered for failure to adopt the only plan that will really work a scientific and economical solution of the flood problem? Reservoir control is rejected, I am told, because a board, the chairman of which, Col. William Kelly, late of the Army engineers, but now in the open employ

of an electrical power corporation of New York, decided it too expensive. The electric-power monopoly, of course, is fighting reservoir control, and the employment of Colonel Kelly by the Power Trust followed fast upon his report against the storage plan.

The amortization of the cost of control by the sale of hydro-electric power is an integral part of the economy of the reservoir plan. After an exhaustive study of the whole question, the committee report on page 22 declares as follows:

The total estimated cost of a comprehensive reservoir control is placed at $445,000,000.

This is about one-third as great as the President's advisers have estimated the price of control under the plan proposed in the present bill.

This bill makes all costs of control a charge upon the National Treasury. No payment is required from any source because of benefits derived. No hope is held out anywhere that money once paid out will ever be returned.

Opponents of storage control contend that reservoirs would be full when floods come. Not if the waters are utilized as they should be for salvage and to amortize the cost of flood control. Water can not be held in reservoirs and used at the same time. For power purposes it must run over the dam. For irrigation it must be spread upon the land. For navigation use it must flow down the river.

Engineers have estimated that the surplus waters that flow into the Mississippi in a flood year like 1927 would fill a lake of the area of the State of New Jersey to a depth of 10 feet.

Agricultural engineers and soil experts agree that an equal amount of water can be stored in the soil of the States of South Dakota, Nebraska, Kansas, and Oklahoma every year to the everlasting benefit of those States and to the salvation of the Mississippi Valley.

Navigation, power, and irrigation are the highest beneficial uses for water in rivers. Storage in reservoirs on tributary streams will utilize the flood waters for these purposes. No other plan will.

Permitting floods to run to destruction on the lower valley wastes and neglects our greatest national resource. If we build storage reservoirs on the watersheds of the upper valley the sale of water and power will, in the course of years, largely repay the cost of construction to the National Treasury.

No one has been bold enough to claim that dirt walls on the lower river will insure the valley from damage by floods in the future, or that any portion of the cost will be paid back into the Federal Treasury. All the States will be taxed to pay the cost of construction and damages resulting from any unsuccessful, unscientific, and uneconomical plan of flood control.

Because we have been blind enough to practice nothing but primitive plans and principles in the past should not prevent us now from spending the Nation's money wisely and for lasting benefits to the entire valley.

We must not blame those who have felt the full force of the concentrated floods in the past that they now ask protection, no matter at what cost to the Federal Treasury. They rightly demand safety from the devastating wall of waters that flows down the river in flood time. But it is also the duty of Congress to select the best plan of control and to protect the National Treasury. Storing the flood waters on the watersheds where they fall will protect the people in the lower valley from floods, and at the same time start a stream of money into the National Treasury paid for the use of the waters where they are impounded. Let us develop our national resources by making these flood waters a power for production and national prosperity. Let us store the waters and save the land, not use them as a lever to open the floodgates of the National Treasury. [Applause.]

I have here a chart which I want to comment upon briefly. This section shows the entire flood in second-feet in the Mississippi Valley at the crest, practically 3,500,000 cubic feet of water per second. This next diagram shows you where the flood came from. The Arkansas and the White added more water to the flood than any other streams. The next greatest contributor was the Ohio, then the Missouri, and here comes the upper Mississippi, and here is the Red River. This picture shows all that the lower Mississippi contributed to the waters of the flood. This chart shows where the silt in the Mississippi comes from. The floods and the silt are the two things that do the damage. The silt coming down the Missouri River is vastly more than that from all other rivers combined—the Mississippi, the Ohio, the Arkansas, and the Red Rivers. That is the reason the Missouri is called the Big Muddy. It brings down ten times as much land and silt as any other single stream. That is the reason we ask consideration of it. This section shows the annual rainfall. This chart was prepared by the engineering department of Nebraska, under Professor Mickey, a witness who appeared before the Flood Control Committee. This shows the water that falls in the entire valley in an average year. So you can see that after all the people who are far from the mouth of the river have much to do with determining the solution of the problem you are fighting against.

As to the possibility of amortization of cost of flood control by reservoirs, in the State of Nebraska we have the Platte River and down through Kansas there runs the Kansas or Kaw. They are the two great tributaries of the Missouri, which we know is really the Mississippi River itself. In the valley of the Platte there are great reservoir sites that will store the flood waters in that stream. Nebraska business men engaged reclamation engineers under authority of an act passed by Congress and have expended $30,000,000 or more of money raised by themselves. They had that project surveyed and estimated and determined by the Government engineers and the cost of moving every foot of the dirt and building the power plant. I took that project down to the Federal Power Commission, authorized to go into such matters, and, based upon the exhaustive report of the Government engineers, which took a year or more to prepare, I was told that 80 per cent of the cost of that project can be amortized to the Government in 40 years.

Mr. SIMMONS. And the gentleman might state that up the river we have demonstrated the truth of this theory in the Platte project.

Mr. SHALLENBERGER. At the Pathfinder Dam the Government has already built a dam that has reduced the floods by 40 per cent in the Platte River and equalized it during the dry season to the extent of 45 per cent. What can be done in Nebraska can be done at the sources of all the streams that flow into the Mississippi, and such a system will work an absolute solution of the question. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. REID of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas [Mr. RAGON].

Mr. RAGON. Mr. Chairman, I would not expect this bill which we are considering to meet the plans and specifications which are in the minds of many different Members; but all great pieces of legislation are brought about usually in the way of compromise. Generally speaking, I can not conceive of how we can get a much better bill than the one that we have here. I am going to forego discussion of any part of the bill save and except that in which I am particularly interested, relating to tributaries. I crave the indulgence of this House until I can give you a picture of what happened in my district as an illustration of the importance of tributaries in the consideration of this Congress in arriving at the proper flood control bill.

I say it without any expectation of contradiction that my district suffered more permanent irreparable injury in the floods of 1927 than any other like area in the United States. There was not a drop of water in my district from the Mississippi River. I say without fear of contradiction that Arkansas suffered more loss in dollars than any State in the Union as a result of that flood, and that only 12 per cent of that loss was caused by the waters from the Mississippi River. There is confronting you now the biggest peace-time question that will come before Congress in this generation. If we had only the floods south of Cairo, Ill., to the Gulf of Mexico to consider, our flood problem could, in a way, be solved. Whenever you submit a flood project for Arkansas, which benefits only 20 per cent of the people and neglects 80 per cent of the people, you are doing something that the people of the United States do not want you to do. Whenever you pass flood-control legislation here that does not take care of tributaries, you are doing something that the American people do not want done. If this Congress is to embark upon a scheme of flood control in this country, they must sink their efforts in some constitutional warrant, and I think this bill has found those provisions.

Then, gentlemen, if you are going to base your efforts upon the constitutional provisions as to commerce and the general welfare and the proper dispatch of our mails; if you are going to do it on the constitutional provisions of national defense, then I say to you that wherever you find these constitutional provisions imperiled, the United States Government must go; that is, at least imperiled to the extent of practically paralyzing these enterprises and involving great loss of life.

To give you an illustration of what the State of Arkansas suffered in the 1927 flood, in order to emphasize the importance of this tributary control, gentlemen, I quote now from the most authoritative source that I can get, the Bureau of Economics in the Department of Agriculture.

Mississippi, Louisiana, and Arkansas suffered more than any other States. The number of horses and mules lost in Mississippi was 7,000, in Louisiana was 7,000, in Arkansas was 9,000.

The number of cattle lost in Mississippi was 9,000, in Louisiana was 19,000, and in Arkansas was 21,000.

The number of acres of land inundated in Mississippi was 861,000; in Louisiana, 1,100,000; in Arkansas, 1,839,000. Therefore, gentlemen, it will be seen that there were inundated in Arkansas approximately 750,000 acres more than in Louisiana.

Let us see how much of that damage came from the tributaries. There were over 8,000 horses and mules lost on tributaries, of a grand total of 9,000 lost in Arkansas. There were 19,000 cattle lost and there were inundated over 1,588,000 acres of land along the tributaries in the State of Arkansas. Therefore, gentlemen, according to the figures which I gathered from the Red Cross and the Department of Agriculture we find that the tributary loss in the State of Arkansas amounted to 88 per cent in the flood damages sustained in the State.

I live in a valley where the land is largely owned by the small farmer, who heretofore has been considered an independent farmer. That little valley is 230 miles long, extending from Fort Smith to Pine Bluff. I am only interested at this time in that Arkansas section. That little valley is from 5 to 25 miles in width. It has 11 cities, ranging in population from 3,000 up to 100,000; Little Rock, the capital city, being the largest. In that distance of 230 miles I went, in person, over all the 13 counties except 2. I asked men whose business ability and business integrity I knew personally to give me the statistics as to the losses that those people suffered in that valley. They based the losses on the permanent injury done to real estate, the damage done from loss of houses and contents, the damages through crop losses, and the damages to bridges and highways.

Gentlemen, when they had turned in their different statements to me, I found there had been a loss in that valley of over $26,000,000. That figure does not include the horses and mules and the personal property outside of the contents of the buildings.

Gentlemen, we have in this bill a survey for the Arkansas River included among the other tributary surveys. Is there anyone, from the President down, who has a voice in this matter that would subtract from this bill, either here or in conference, any provision that would take care of a situation like that? We are standing here ready to shed crocodile tears over the loss of life and property. I say that life and property are as sacred on the tributaries as it is anywhere else.

Governor SHALLENBERGER has in a most able manner presented the question of reservoirs, and I shall not enlarge upon his statement. I have it on no less an authority than General Jadwin himself that through the instrumentalities of reservoirs they can control the floods on the Arkansas River.

Do you know that last year, in April, there occurred on the Arkansas tributaries in the State of Kansas a damage of $12,000,000? Then you come on down into Oklahoma and there you find they suffered another damage of $20,000,000, and then you take the damages in the Arkansas River Valley of $26,000,000 and you have that combined damage in these three States of practically $58,000,000.

I call your attention to this, gentlemen: That I have not touched the area that is below Pine Bluff, a distance of 150 miles from the mouth of the Arkansas River, and the counties in southeast Arkansas that were overflowed by Arkansas waters. So we come to the question, How are you going to control these tributary streams? If we can not do it with reservoirs, I do not know how you are going to do it. I do know that the State of Oklahoma has taken a very progressive step in this matter. Several years ago the State created a flood commission and this commission has surveyed out many large reservoir locations. These locations by great engineers have been sanctioned as feasible and practical, but Oklahoma has not had cooperation from other interested States. It is a project too big for one State to undertake. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. FREAR. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. DAVENPORT].

The CHAIRMAN. The gentleman from New York is recognized for 20 minutes.

Mr. DAVENPORT. Mr. Chairman and gentlemen, I am a member of the Flood Control Committee of the House, a new member, one who came late into the drift of the arguments and the testimony, and therefore my mind is still in process of education; and in the few minutes I have at my disposal I hope to try, if I may, to draw a picture of the development of the discussion on this issue as I have watched it somewhat from the side lines, but partly in connection with the discussions of the Flood Control Committee itself.

It is nearly a year since the great flood of 1927. Certain facts and points at issue have clearly emerged.

In the first place, a definite conviction on the part of the whole country that the terrible catastrophe of 1927, please God and the efficient purpose of the American people, shall never occur again. A generous sentiment has been aroused, national in its range, that all the integrity, intelligence, and experience of the Government of the United States shall be brought to bear upon the problem and that full account shall be taken of the great losses, the sudden and terrible burden upon the Delta districts subject to the overflow.

Second, there is a conviction that the problem shall be considered as a national problem, that the Nation shall take vigorous initiative, that the administration of flood control in the Mississippi Delta henceforth shall be and must be a national administration, and the program of relief shall be a perfected project, looking forward to protection against not only such a gigantic flood as that of 1927 but against superfloods 25 per cent greater.

Upon these matters there is a unity of purpose, of spirit, of thought that approaches the unanimous. There are not two classes among the American people of those who are loyal to the dollar and those who are loyal to humanity. The Nation as a whole proposes to be loyal to humanity.

But some differences of judgment have arisen. First, about the financing of the project. A vast emotional tide, arising out of the catastrophe of 1927, has borne many to the point of view that the Nation should now not only unify the administration of flood control on the lower Mississippi but should pay for it in its entirety for the first time in the history of the country. There are some harbor and other projects where the general benefit is clearly of vast primary importance and where financial and economic skill and experience have not yet worked out the refinements by which any particular special benefit and unearned increment may be brought to pay its appropriate share of the general burden. In these projects the Nation or the collective governmental entity, whatever it may be, has paid the whole bill as a quick and easy way out of a financial dilemma not yet completely mastered.

But in the Delta of the Mississippi no such difficult dilemma has ever presented itself. The history of flood-control financing in that region is an open chapter of natural development of the fiscal relations between the localities and the General Government. Nature established the great watersheds and drainage systems of the Mississippi before there was a human being on the planet. The General Government is not responsible for it.

This wonderfully rich Delta was built up to fertility by this overflow long before the coming of man. And man took this rich and fertile area as he found it, with its original risks as well as its opportunity of profit and happiness. It was always an unmanageable river, and before there was a State or a General Government, man began to build levees and erect a protection against the natural floods of the Mississippi area. For a long time the navigability of the river was not an issue of first importance, and it was the fields of cotton and of cane which were regarded as in need of protection. For a long period the human encroachment upon the normal expansion of the river in flood times was not great and low levees were enough; for many generations the cost of building levees was amply taken care of by the profit from the products of the enormously fertile soil, itself the gift of the river.

Therefore the roots of protection in the Delta are local roots, and for a long period of our history local contributions toward cost of flood control were the only ones recognized in law or in fact in that region. When the swamp and overflow land acts were passed in 1849, 1850, and 1860, the gift of land to the States from the National Government was to aid the States in the construction of levees and drains, and the drift of the responsibility for protection was still local in its significance.

But the areas under cultivation in the Delta grew and the population on both sides of the river above and below grew. At first the whole Delta territory was sparsely settled. Soon it became covered with a network of cities and highways and improved agricultural sections, and one State competed with another State in throwing higher its barriers. The wide wandering of the river in its flood period was checked and hemmed in more and more, and the sudden and vast rainfalls of other sections of the country were carried through higher and higher and more and more costly levees in the great flood bottle neck from Cairo to the Gulf.

As early as 1879 the Federal Government was brought face to face with its own problem of navigation, as the levees became higher and higher and the silt filled the channels of the river.

The Mississippi River Commission was established and the protection of the navigability of the stream scrutinized and provided for as never before. Federal money began to flow into the care of the Delta, not for flood control but for the protection of navigability.

Then as the torrents of 1912 and 1913 arose and the evidence of the new and intolerable nature of the burden became clear, the Federal Government rallied to the support of the localities in the flood control acts of 1917 and 1923, and the local interests thereafter were required to contribute only one-third of the cost of levees, together with the rights of way, and the share which the Nation as a whole assumed gave proof of the country-wide conviction that the burden on the lower Mississippi was a common burden and must be recognized as such.

And after that, the deluge of 1927, its enormous damage, its vast effects of depression upon the homes and hearts of millions in the valley of the Mississippi. With the flood tide of waters came also the flood tide of national emotion.

And then came the time to think. Committees of Congress, individual Members, and public opinion began slowly to listen to the still small voice of facts, caution, reason. The President of the United States is more responsible for setting the Nation to think on this problem than any other force whatever. [Applause.]

It is becoming clearer that flood control on the Mississippi has its roots in special benefits and that general benefits slowly emerge. What then should the general share of the burden be? Under the impulse of emotion, one suggestion has been that the country should throw aside all thought of special benefit and let the Nation pay it all. Yet there is a special benefit in the perfected project; a surer and more continuous income from the cotton fields—real property in the villages and towns and cities on a securer basis than ever before; railroads free of the flood menace; levee bonds rising toward par; young and growing timber no longer subject to drowning in the overflow—surely there is a special benefit to emerge.

As soon as we stop to think we begin to detect special benefits. The principle of appropriate assessment continues to apply as it always has in the whole history of the Delta.

The only question is, What is to be done about it? Two things may be done. First, an economic survey. Nobody knows just how much of the two hundred and ninety-two millions spent by localities in the Delta through the whole range of protection from the beginning should be credited as excessive in view of the fact that the river has slowly been becoming a general burden through encroachment everywhere upon its natural condition. Nobody knows the worth of vast acreages in the Delta. In the Yazoo Valley the testimony runs from $40 to $100 an acre. Which is right? It makes a difference in the amount of contribution which the land might still conceivably and reasonably carry, if provision were made for the burden to be assumed slowly, as the increment of value arises out of the perfected project of flood control. Should not the land be classified, and the worthless, which can bear nothing, be separated from the productive, which can bear something? Will not the railroads in the protected areas be vastly better off, and is it necessary to legislate advantages to them and then pay them for the advantages out of the taxpayers' money? Is there not protection enough against damage for them in the Constitution, without specifically writing something still better into this bill?

There are many questions which are vital to the fair and just solution of the Mississippi flood-control problem on its financial side which can not be answered except by an economic survey by competent persons. Certainly Congress can not settle questions of equitable burden like these by guessed-at percentages or slap-stick financial sections inserted in a bill. An economic survey need not stand in the way for a moment of the vigorous prosecution of essential works of flood control. This is the thorough way and the sound way. This is the way to be sure that the taint of privilege and injustice, broadly charged in the reported views of the President of the United States, may be guarded against.

But an economic survey stirs some sincere apprehension in the minds of the masses of the people in danger of flood. They fear that it means delay and disappointment. It also is calculated to stir the apprehension of any particular interest which may now be profiting by inequitable or inefficient assessment or tax system and which prefers to remain secluded in its security.

And so the alternative of a compromise settlement of the contribution problem has come to the fore. Let us close the matter now, for this particular project, say some, in view of all the circumstances and conditions which surround it, by limiting local contribution to rights of way or for the levees on the river and the flood ways and for maintenance. This will not only serve as a bulwark to the fair principle of local contribution for later projects on the tributaries of the Mississippi and elsewhere but practically approve it under those circumstances and under those conditions where it may again come to its full significance. A method of reasonable compromise may be considered because of the perhaps excessive expenditures of $292,000,000 by these localities hitherto, and because of the interstate character of the great new flood ways.

But there is need of preserving the principle and practice of local self-help. There never was a time in the history of the country when vast projects requiring vast expenditures of the money of the taxpayers pressed so closely upon the Congress of the United States. It is time to think and to plan and to protect the Federal Treasury and not to yield to the emotional tide. Loyalty to humanity is entirely compatible with loyalty to sound governmental financing. The emotionalists who decry carefulness about the dollar, whether the private dollar or the public dollar, have again and again proved themselves to be the real foes of humanity. Perhaps the most depressing chapter in the history of the United States is the financial chapter. Partly necessary and partly ill-managed, the emotional financing of the War of the Revolution, the War of 1812, and the Civil War brought vast misery to the American people. It was not until toward the year 1900 and the early years of the present century that the Government of the United States came to an understanding of the problems which had to do with its own financial well-being. The John Shermans, Nelson Aldriches, the Carter Glasses, and the Woodrow Wilsons, who made the country stop and think about the financial road it was traveling—the country owes them a debt of gratitude which it never can repay. [Applause.]

This is the great contribution in our time of the present President of the United States.

The appeal to emotion, to carelessness, to free spending of other people's money, is in the end the most deadly menace to the orderly progress of humanity.

And the next most needful thing to look out for in this bill is the agency which is to prosecute the project. I am for the Army engineers as the responsible directing authority, with full control of contracts and expenditures of the money appropriated by Congress. I have watched them throughout the development of the discussion of this project, and they are the one group who have made the greatest impression on me for cool-headedness and high intelligence. They have been trained to integrity and a broad patriotism which looks at a problem from the point of view of the whole people. [Applause.] If I had my way, I would double the number of young men at West Point and Annapolis, not so much from the standpoint of a more adequate preparation for war but from the standpoint of having centers of discipline and integrity and self-control in times of peace in thousands of communities all over the United States. Honesty and efficiency and a soundly disciplined life throughout our borders would be the better for it.

I do not blame the President of the United States at all for desiring the engineers of the Army to have the full directing authority and control of contracts, financing, and planning day by day until the work is done. This is a project far greater than the Panama Canal. President Coolidge properly wishes it to be in every respect of integrity and efficiency a monument to his own carefulness and unselfish devotion to his country. No President wishes 5 years, 10 years, 50 years to pass and facts to become known that involve the corruptibility of a great project like this. His own reputation and the reputation of his administratiton and of his country are at stake. And he knows that his own best reliance and the country's best reliance is the skill and honor and discipline of the Army engineers. I do not blame the President for indicating that he can not sign a bill which does not adequately safeguard either his own reputation with posterity or the reputation of his country. [Applause.]

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. DAVENPORT. Yes.

Mr. JACOBSTEIN. The gentleman has made a very able presentation. I want to ask him if he thinks the United States Chamber of Commerce is composed of a group of men that is likely to be swept off of its feet by emotion?

Mr. DAVENPORT. I did not think so until I read the record of the United States Chamber of Commerce in the matter of what should be done about tax reduction. [Applause.] Since then I have been pretty certain that they can be swept off their feet by emotion.

Mr. JACOBSTEIN. The gentleman knows that the United States Chamber of Commerce has determined, on a referendum of 2,131 to 512, that the Federal Government should hereafter pay the entire cost of constructing and maintaining the works necessary to control floods on the lower Mississippi.

Mr. DAVENPORT. I will say to the gentleman from New York that the document he holds came across my desk, too; but it did not register after the action of the United States Chamber of Commerce on tax reduction. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

Mr. REID of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Chairman and gentlemen of the committee, like the last Speaker, I come from a district far removed from the scene of the disaster of the Mississippi; too far away for my people to have any benefits direct or indirect from any project constructed on the Mississippi River. I have tried, as he doubtless has tried, to look at this problem solely from the standpoint of a national legislator. I am glad that he and the gentleman from Iowa, who preceded him, agree with us that in view of what happened in 1927—a loss of 246 lives, between 600,000 and 700,000 people made homeless, an economic destruction of national wealth which they estimated at $200,000,000, but which the evidence before the committee shows is nearer $300,000,000, this thing must never happen again. We all agree with what the President of the United States said, that "its recurrence must be forever prevented." The difference is as to how we are to proceed to prevent the recurrence.

The time is passed to dismiss it as an act of God. Floods can not be prevented, but we know to-day they can be controlled and regulated and passed safely to the sea. I have little sympathy with the argument that because in ages past the Mississippi was wont in a state of nature to overflow and devasted 10,000,000 acres of land that therefore it has the innate and natural right forever to continue to do so. Why, where are the sons of the men who conquered the wilderness and peopled the plains of the Middle West? Where are the sons of the men who reclaimed the western deserts? Where are those who boast of the progress and advancement of our country?

Are they willing to say that a million and a half people and ten millions of the most fertile acres in this country are condemned to suffer the ravages of the floods of the Mississippi River and that the people who have built their homes there must take their chances with the floods because in the undeveloped condition of our country the river was accustomed to overflow, uncontrolled and unrestrained. Oh, they say, that in the lower valley they have reclaimed this land themselves, but I say that if they had not done it, it would have been the duty of the Government to have encouraged and assisted them in reclaiming it. It is our duty to make this country as productive as possible and to utilize all its natural resources. Why, not only in the South have they been engaged in this kind of work, but also in Indiana, in Ohio, in Illinois, and in all the upper States on the tributaries of the Mississippi. Wherever a roof has been erected, wherever a pavement has been laid down, wherever an acre of land has been drained and reclaimed there is found a direct contribution to augmenting and intensifying these floods.

It is the natural order of progress and development, and we are not going to confess our incompetency and our impotency by standing idly by and see go on year after year this great economic waste caused by an uncontrolled river when there is a way and a means to stop it. It is of interest to the people of my community as it is of interest to the people of every other community because we are one people and one nation and what harms one part of this Nation harms every part of it and what adds to the prosperity of one part benefits all.

What is the difference between those who oppose and those who advocate this bill? It is simply the means of bringing about the desired result. Thank God, the engineers who appeared before the committee—and they were numerous—testified that given money enough and means enough it is possible to control and regulate these floods and render them harmless. It is our duty as the National Government to see that this is done, and the only question is in what way it shall be done.

The system which has been in vogue has failed, has utterly failed. I say this with no reflection upon the Army engineers. I join in the pæan of praise that has been rendered them as to their honesty and capability. We ourselves are in part responsible for hog-tying them, for hobbling them, for hindering them with conditions, with restrictions, with limitations which have made it impossible for them to take a broad, comprehensive view of the problem or for them to adopt a plan national in scope. We have made them dependent by the provisions of the law upon local contributions. We have made it a condition precedent that before they can take a single step in this great flood-control work, they must first have a payment of money from the local community.

As one of the members of the Mississippi River Commission who had given much thought to this matter stated, the fault of the present system is that we have too many weak partners. This is a question of fact of record, not a question of mere assertion. It is not something that we can speculate about. The truth is that when the flood of 1927 came there were gaps in the flood protective works. The construction program of the Army engineers had dragged three years behind because of the inability of local communities to make the contribution which the law required, and this great flood coming down found these places that were incomplete and not up to standard and it went through those levees.

Why, if the people could have paid—and there is no sham about this matter—they would have paid because they had before them the warning of the great flood of 1922. Do you think they would have quibbled over a few dollars to have made their property, their own lives, and the lives of their loved ones safe? It is the uncontroverted testimony that before the flood of 1927 came they were unable to vote the bonds necessary, they were unable to sell the bonds necessary, they were unable to raise the necessary money by taxation in three or four levee districts. If they failed before the 1927 flood on a lesser constructive program laid down in 1914, how much more incapable are they now to raise a much greater financial requirement to take up this new and enlarged work which we are now told must take place. [Applause.]

Immediately following the 1927 flood it was found that there were 14 crevasses which it was impossible to close under the provisions of the present law because of the inability of local levee districts to comply with the requirements for local contributions. The Mississippi River Commissioners, in violation of the provisions of the law, closed these breaks at the expense of the Government, and yet the argument is made that the same provision should go back into the pending bill, although it has been proven that it will not work.

Flood control on the Mississippi River is a single problem, and its solution can be secured only by unified treatment. The Federal Government is the only agency capable of doing the job. Every part of the flood-control work is interrelated. What is done downstream affects the river back upstream for miles. What is done upstream may affect the river all the way down. What is done on one bank of the river is certain to affect the opposite bank.

The evidence before the committee showed that Tennessee was dependent in part for its protection upon levees in Kentucky, Arkansas is dependent on works which must be located in Missouri, and Louisiana in turn on levees in Arkansas. If we are to fight the river flood successfully, we must ignore State and local lines, because the river ignores them. We must have a comprehensive plan under unified control and direction. The character and location of the works must be determined by the need of the entire valley and not by the locality where built. Missouri, for instance, does not want a flood way from Birds Point to New Madrid. Arkansas does not want some of its fairest territory turned over to the Boeuf flood way. Louisiana is protesting the use of large areas in the Tensas Basin and Atchafalaya. But the greatest good to the greatest number must be the basis for determining the location of these works and only a Federal agency can make these decisions and, in making them, the agency must be unhampered by local conditions. We would be leaning on a broken crutch if we must depend on local contributions for progress in this work. The local districts are bankrupt as shown by their bonds selling at from 40 to 50 cents on the dollar. If we believe that this job should be done, and should be done before another disaster, then we must decide that the Federal Government is to do it.

The cost should not deter us if we are convinced that the project must be undertaken. "Puffing" is doubtless a legitimate form of argument and there has been much "puffing" of estimated cost. We have been assured by those for and against the present bill that, with the Army engineers executing the work, there will be no waste and no extravagance, and every cent voted will be accounted for. We also ought to have confidence enough in our own Federal courts to know that there will be no hold-up on the purchase of rights of way. The actual values should be paid to the owner, because it is unthinkable that we should take the land of one person in order to protect the property of another. There can be no occasion to fear the results of the condemnation suits that may be brought in the Federal courts and there is no justification for the suggestion of scandal in connection with the acquisition of these rights of way. It will not be a case comparable to juries rendering excessive damages against railroad companies, because in the first place juries will not be used under this law but only appraisers appointed by the judge. The honor and integrity of the Federal judges can not be impugned. Personally, I favor some amendment to the so-called railroad section, but aside from that the bill throws every safeguard possible around the acquisition of the rights of way.

What I fear is not the cost to the Government of the project if we undertake it but rather the cost to the Nation if we fail to undertake it. The tremendous economic waste that has been going on at regular periods will continue with greater disasters in the future if we fail now. This great economic loss will sap the prosperity of our country and strike a staggering blow at our economic welfare. Three hundred and twenty-five million dollars destroyed by floods is that much national wealth gone forever, but $325,000,000 applied to constructive and preventive flood-control works as an investment will pay our country and all the people handsome dividends in restored confidence and in enlarged national prosperity. The money so expended will not be lost but will merely go from one pocket to another. Men out of employment will be put to work. Industry will be stimulated and the country as a whole greatly benefited. Let us not fear to face this great undertaking with vision, courage, and confidence, and settle it right, so that in years to come the job will not have to be done over again by our children and none will have to apologize for our short-sightedness and lack of vision.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. REID of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. WILLIAM E. HULL].

Mr. WILLIAM E. HULL. Mr. Chairman, during the months of May and June, 1927, this country, from Maine to California, was shocked by the terrible disaster caused by the floods in the Mississippi Valley. The sympathy of the Nation went out to the poor people who suffered the loss of their homes and fortune. The Red Cross gathered from all parts of the Nation $15,000,000 to aid these people. The Congress of the United States is now considering what part this Government shall play in bringing back this great valley to a condition that will allow the people to live safely within its confines.

Long hearings and thousands of suggestions, differing in most every particular, have been presented to the Flood Control Committee. This great mass of evidence has confused everybody in Congress and it is a wonder to me that the committee was able even to write a bill.

The present bill—S. 3740—that is before us is one that has been passed unanimously by the Senate of the United States and has finally been favorably reported by the Flood Control Committee of the House. The bill in some respects is justified and in some respects it is not justified; but on the whole we must accept the fact that the flood of 1927 has destroyed property running into many more millions than the total cost of this flood control will be to the Government, and therefore we must take into consideration at this time what has happened in the past in the way of loss and consider for the future what we must do to protect this great territory from any future disaster of this kind.

It has been my opinion that the Government should pay practically the whole expense of this great project of flood control in the Mississippi Valley. The reason that I make this statement is because I do not believe the people of the South are able to pay any proportionate part of it. I do not believe the Government would have any advantage in making assessments against the property owners of the South, because, if they did, the collection of the amounts due would be almost impossible, and it would be necessary to pass over those who could not pay, which would be an injustice to those who could pay. However, I think the Government should not establish a precedent of going into any one locality and paying the entire bill, and, therefore, it would seem to me that those States in the South who are directly interested in flood control should meet the Government at least part way. They should do what they can toward assisting the Government in building flood ways, spillways, and levees for the protection of the southern part of this Nation.

From a speech that I made January 31, 1928, I quote:

> The securing of right of way for spillways and flood ways should devolve upon the State through which the spillway and flood way pass. The State should assume that part of the program to secure either easements or purchase of lands for this purpose so as to relieve the Government of any obligation or damage or future responsibility.
>
> If it becomes necessary to purchase the land the Government should furnish the funds to make the payments and should accept any reimbursements that might come from the resale or the rentals of the land. The States should assume all legal responsibilities. The laws of the States should be so constituted that the minimum purchase price for the land would be accomplished on a basis of the tax valuation of the land. The maintenance and control of the flood ways should be in the hands of the United States Government, but under some conditions it might be equitable to divide the expense between the State and Government.

I have not changed my mind on this proposition, although I intend to support this bill with certain amendments, and I believe that the Southern States should see the advantages that will accrue from carrying out the proposal that I have made, for the following reasons:

It prevents speculation in lands that are to be used or are contiguous to the sections that are to receive the benefits. In other words, if the State assumes this responsibility it will not allow the Government to be subjected to exorbitant prices, that it might be subjected to if the Government is obliged to assume the entire responsibility.

The major portion of these lands where flood ways are to be placed are not particularly valuable lands and the prices should be reasonable.

It should not be the policy of the Government to confiscate a man's property by running water over it without reimbursing the landholder, but, on the other hand, the landholder should not be paid in excess of the true valuation of the property, and the landholders throughout the State who are to be benefited by the flood control of the Mississippi River and its tributaries might well afford to pay a percentage of the cost.

Section 4 reads:

> Just compensation shall be paid by the United States for all property used, taken, damaged, or destroyed in carrying out the flood-control plan provided for herein, including all property located within the area of the spillways, flood ways, or diversion channels herein provided, and the rights of way thereover, and the flowage rights thereon, and also including all expenditures by persons, corporations, and public-service corporations made necessary to adjust or conform their property, or to relocate same because of the spillways, flood ways, or diversion channels herein provided: *Provided*, That in all cases where the execution of the flood-control plan results in special benefits to any person, or persons, or corporations, municipal or private, or public-service corporations, such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid.

This section is very vicious and might prove very disastrous to the country. The provisions in it would require the Government to pay money for the rebuilding of railroads and other public-service corporations, and if a village should be interrupted by the building of the flood way within its limits the Government would be responsible.

There is now a provision in law whereby citizens may receive just compensation in the courts and that should be sufficient, but to commit the Government to a provision fraught with danger and enormous expenditures from which scandals may accrue would be unreasonable. It might in time reflect back to Congress, and therefore it is my opinion that this section should be eliminated entirely.

And so these several States should come to an agreement with the Government so as not to establish a precedent of putting the entire burden upon the Government. This could easily be arranged by bonds given to the Government for 25 years with a nominal rate of interest and making the interest free for the first five years. By doing this it would not put a hardship upon the States and would not establish so dangerous a precedent as may be established if the Government assumes the entire cost and responsibility.

The local interests in those States have already made an expenditure of approximately $292,000,000 that has been used in the alluvial valley of the Mississippi River for the protection against floods.

The people of the Nation will approve of the Government allowing credit for this amount and the issuance of bonds for any additional proportionate part of the cost that may be properly charged to the States. They will also approve of the Government furnishing funds regardless of what it costs to build flood-control works that will control.

The flood of 1927 covered a vast area of land—150 miles in width and 300 miles in length. These flood waters were not the overflow directly from the Mississippi River, but was the overflow of its tributaries. The Yazoo, the White, the St. Francis, the Arkansas, the Ohio, the Missouri, and the Illinois Rivers furnished over 50 per cent of the flood waters of the valley. The tributaries, therefore, were more the cause of the tremendous overflow than the Mississippi itself.

In this bill, the Secretary of War, through the Corps of Engineers of the United States Army, is directed to prepare and submit to Congress at the earliest practicable date, projects for flood control on all tributary streams of the Mississippi system subject to destructive flood, which projects shall include these rivers.

In my judgment, this is one of the important sections of the bill. It would be absolutely absurd to try to protect the valley by simply building levees along the Mississippi River. If you

will investigate, you will find that it was the breaks in the Arkansas River that caused the overflow of all southern Arkansas and western Louisiana. You will find that 7 per cent of the flood waters of the Mississippi River come out of the Illinois River. These were the rivers that caused this great flood disaster. And so it is important that these rivers and all tributaries shall be considered in this bill.

It is not necessary that we should immediately make large expenditures on these tributaries and I would not advocate it, but it is necessary that the Government engineers shall make a survey of all of these rivers and that these rivers be put under the jurisdiction of the Mississippi River Commission or their successors, and that these tributaries shall, at the proper time, receive the same consideration as the Mississippi River proper.

The great bugaboo is raised that if we are to take in these tributaries, it will commit the Government to take in the tributaries of the whole Nation. That is not the fact. This bill only takes care of the tributaries that actually caused the flood, and it should be, because if these tributaries are not taken care of, then the flood control would not succeed.

And so I say to the Congress of the United States that from observations that I have made—and I have spent considerable time on this subject—I think that we should not hesitate to bring about a complete flood control of the Mississippi River and its principal tributaries designated in this bill. In doing this we should take into consideration that we are favoring the Nation at large. This great valley, through which the Mississippi River and the tributaries flow, is the bread basket of the Nation. It furnishes the food for all parts of the country. It is inhabitated by a population who have made their living by the sweat of their brow. The farmer who tills the soil must be protected; he must know that his family will not be deluged by the swift waters that are sure to engulf him unless this protection is given, and I for one, coming from the central part of the country, realizing as I do the great dangers that exist along these rivers, am here to advocate a bill that will protect the people that live in this valley.

Along the Illinois River, where I reside, the farmer has suffered intensely for the past two years; his farms have been inundated for 18 months continually; he has been unable to raise a crop now for two successive years; he is practically broke; he bides the time when the Government will come to his aid; he does not ask the Government to pay the entire expense, and it is not the money that he craves; it is the protection that he wants.

Rivers that flow through the valley where there is no organization to say what should be done with them are in deep distress, and therefore every one of these tributaries, including the Illinois River, should be put strictly under the jurisdiction of the Government with full power to devise ways and means to protect the lands and citizens along the river.

I would not advocate at this time that the Government pay the entire expense of the protection of the tributaries of the Mississippi River, but that the farmer and the landholder should in those cases pay his percentage, namely, two-thirds by the Government and one-third by the land holder; but I do say that the Government should have jurisdiction over the tributary river and should bear the expense of the main channel of the river.

In conclusion, I would suggest that the Congress of the United States should determine a policy that would recognize the obligation of the Federal Government to assume and perform the task of flood control of the Mississippi River and its tributaries. The work should be done promptly and properly; the entire force of the Government engineers should be put to work and no time should be wasted in working out a plan to safeguard the people of the Mississippi Valley so that their families and property may be free from future danger. [Applause.]

Mr. COX. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, I desire in opening to state a few rules of law, consideration of which is pertinent to the issue before the House, and which I shall undertake to apply to the case as I proceed.

A local assessment made on the theory of benefits is an enforced involuntary charge imposed by competent political authority to raise funds to pay for part or all of an improvement of a public character which confers a special benefit upon certain property.

The power of levying a local assessment is distinguishable from our general idea of a tax, but owes its origin to the same source or power.

In other words, an assessment is an enforced contribution for a public object; it is a public tax in the sense that it is levied for a public object; it is a local tax in the sense that it is limited to a certain locality. It differs from ordinary public taxes in that it is not levied upon the polls and estates within a municipality or a district in respect of public or common benefits, but upon particular lands in respect of a particular benefit received by them from the execution of a public object.

In the ordinary sense, a tax is levied to meet the general expense of government, while an assessment is levied to meet cost of public improvements resulting in special benefit.

A tax is a recurring charge, while an assessment is levied occasionally.

In theory the individual who pays a tax is left poorer by reason thereof, while in theory payment of an assessment does not leave the owner of the property assessed any the poorer. He is fully compensated by the special benefits conferred upon him by the improvement.

If a charge is laid against all the property within the limits of some political unit such as city, county, and the like, and if the charge is made in proportion to the valuation of the property upon which it is levied, such an exaction is held to be a tax, and not an assessment. However, if the exaction is levied upon property in such district in proportion to the benefits conferred by an improvement, such form of exaction is regarded as a local assessment, being not of the form of a general tax.

A general benefit is one which is supposed to flow to the general public from a public improvement. While a special benefit is one which enures to certain specific property in a manner different from that in which the general neighborhood is benefited and which operates to increase the value of such property.

Whether a benefit is general because there is so much other property which shares in it, or whether it is special because there is so much other property which does not share in it, is a question somewhat difficult to determine.

The theory underlying the doctrine of assessments for benefits is that the special benefits conferred on the owner of property more than compensate him for the amount of the assessment which he is obliged to pay. The fundamental principles of such special taxation is that it shall be measured by the special benefit.

The assessment is made solely on the ground of benefits conferred.

It is a local assessment imposed occasionally, or required, upon a limited class of persons interested in a local improvement who are assessed to be benefited by the improvement to the extent of the assessment, and it is imposed and collected as an equivalent for the benefit and to pay for the improvement.

Assessments for local improvements can be justified only upon the theory that the lands upon which they are laid are specially benefited by the improvements for which they are laid, and hence ought to bear the burden rather than property generally; and if a law should authorize such assessments to be laid without reference to benefits it would either take property for public good without compensation or it would take property from one person for the benefit of another.

This, in effect, Mr. Chairman, has been the uniform holding of all the courts of last resort of the several States affected. It is pertinent to this discussion, and particularly to that part of the argument of the gentleman from Wisconsin [Mr. FREAR] and the gentleman from Iowa [Mr. KOPP], members of the committee reporting the bill, who make the point that the bill is bad because if enacted into law it will result in special benefits flowing to large land holders living in other sections of the country.

Mr. FREAR. Will the gentleman yield?

Mr. COX. I yield.

Mr. FREAR. That is very kind and considerate, and I appreciate it. Does the gentleman contend that the last provision in this bill which requires the State of California to contribute one-third to the Sacramento project, and the people of that district another one-third, and the Government only one-third, is unjust, and does the gentleman contend that the law that has been in existence for 10 years with respect to the Mississippi River has been illegal or unconstitutional?

Mr. COX. Mr. Chairman, I am not speaking to the Sacramento section of this bill. That which is proposed in that section of the bill is in full satisfaction of the demands of the people of the Sacramento region in the State of California, and I wonder if the gentleman analogizes the Sacramento to the Mississippi to his entire satisfaction. To me, Mr. Chairman, there is a broad distinction, and the two problems must be treated differently.

Mr. FREAR. Then, if that be true, may I ask the gentleman——

Mr. COX. If the gentleman will permit—well, go ahead, sir.

Mr. FREAR. I was just going to say that for the last 10 years the Mississippi River section has made its contribution under the law; what has the gentleman to say about that?

Mr. COX. Mr. Chairman, the gentleman well knows that the witnesses that he has vouched into this court of the country, and upon whose partisan testimony he bases his entire cause in opposition to the bill, stated before the committee of which he is a member that the burden heretofore imposed upon the people of the valley was excessive and therefore unjustifiable, and in recognition of that fact the Chief of Engineers has proposed to reduce the contribution that should be required of the valley from 33⅓ per cent of the costs, as heretofore required under the law, to 20 per cent, and has indicated a willingness to reduce the amount to even less than 20 per cent.

Mr. FREAR. Will the gentleman yield for one more question?

Mr. COX. I can not discuss the matter with the gentleman all day.

Mr. FREAR. The principle is the same whether it is 33 per cent or 20 per cent.

Mr. COX. I submit, Mr. Chairman, that if in this case the proponents of this legislation shall be able to point out irreconcilable conflict in the testimony of witnesses upon the accuracy of whose testimony the opposition have built their case, then the proponents in the light of all the other evidence in the record will be adjudged with having carried the burden that they assumed.

I do not understand that the gentleman of the opposition takes issue with me on the accuracy of the principles of law which I have stated. The opposition have said in effect that this legislation will confer a great benefit upon the people who transgressed upon the natural flowage rights of the river; that the river was in existence when the people settled there; and that this is a reclamation project proposed to be carried on for the special benefit of the people who live near the river from its source to where it empties into the Gulf.

If permitted at this time, I should like in reply to this argument to quote from what I think is quite respectable authority, that is, from a decision of the Supreme Court of the United States found in volume 241 of the Supreme Court Reports, page 368, a decision rendered by Mr. Chief Justice White, one of the most distinguished jurists ever occupying that high position:

> Indeed, from the face of the bill, it is apparent that the rights relied upon were assumed to exist upon the theory that the valley through which the river travels, in all its length and vast expanse, with its great population, its farms, its villages, its towns, its cities, its schools, its colleges, its universities, its manufactories, its network of railroads, some of them transcontinental, are virtually to be considered from a legal point of view as constituting merely the high-water bed of the river, and therefore subject, without any power to protect, to be submitted to the destruction resulting from the overflow by the river of its natural banks.

And, Mr. Chairman, that is the test in this case. If this House finds the execution of the project as proposed is an act of preservation and not primarily one of reclamation, then the responsibility and the full responsibility is upon the Government.

The court further said:

> In fact, the nature of the assumption upon which the argument rests is shown by the contention that the building of the levees under the circumstances disclosed was a work not of preservation but of reclamation—that is, a work not to keep the water within the bed of the river for the purpose of preventing destruction to the valley lying beyond its bed and banks, but to reclaim all the vast area of the valley from the peril to which it was subjected by being situated in the high-water bed of the river. If it were necessary to say anything more to demonstrate the unsoundness of this view, it would suffice to point out that the assumption is wholly irreconcilable with the settlement and development of the valley of the river; that it is at war with the action of all the State governments having authority over the territory and is a complete denial of the legislative reasons which necessarily were involved in the action of Congress creating the Mississippi River Commission and appropriating millions of dollars to improve the river by building levees along the banks in order to confine the waters of the river within its natural banks, and by increasing the volume of water to improve the navigable capacity of the river.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. COX. With pleasure.

Mr. McKEOWN. The court in one of these cases finally held that the United States was not liable in damages.

Mr. COX. Of course; and I want to say that the provisions in section 4 of the bill were written, I dare say, for the purpose—and although I do not agree with some of the provisions of section 4 and opposed them, and shall further urge my objections in detail when we reach the bill under the five-minute rule—of taking the property out of the class that is mentioned in the cases of Jackson and Hume and others, where the property in question was clearly and admittedly destroyed under circumstances where the owner had no right of relief. The fact that it was taken in the name of progress and in behalf of navigation and by the United States with plenary powers was held to be a complete answer to demand for compensation.

While I appear in opposition to this bill, I do so as the friend of flood control interested in the enactment of legislation that meets the responsibility which rests upon the Government fully and completely. The bill under consideration I do not think does this in the fullest sense. I appear not as one antagonistic to the proposition that the flood waters of the Mississippi should be controlled, not as an enemy of the valley of the Mississippi, but as an advocate of the cause of a stricken people. I come from a State that is not affected by the floods, and that is wholly without the influence of their immediate effects. I come as one who has given some study to the question, and who has been brought to the conclusion, fixed, definite, and absolute, that, as the gentleman from New York [Mr. DAVENPORT] has said, as the gentleman from Iowa [Mr. COLE] has said, as the President of the United States has said, as the star witness for the opposition, General Jadwin, has said, this is in all respects a national problem. Mr. Chairman, if the river be a national asset, if the control of its waters be a national responsibility, and the control of the waters is the question under discussion, then it is a national liability, and the Government does not measure up to the responsibility that it confessedly says is upon it, when it fails to control the waters without undertaking to force contributions from the people of the valley who are already worn to the bone in an uneven contest for existence.

It is needless for me to undertake to give you a historical review of the floods of the Mississippi River. This has been too brilliantly recited by men who live under the very menace of the stream itself. Everyone knows that in consequence of the great calamity which befell the people of the valley a year ago there was a demand from all sections of the Nation that the Congress be assembled and that it undertake to give immediate relief.

Congress did not assemble, and I applaud the President for his wisdom in not calling it into extraordinary session at that time. A month before the Congress did convene, the chairman of the Flood Control Committee assembled his committee here in Washington and took up the consideration of this cause. That committee has labored diligently and has done the best it could. It has endeavored to arrive at a proper conclusion. It did arrive at a conclusion. The majority opinion of the committee as to what would constitute a project that would solve this problem was set forth in the report of the majority of the committee on the Reid bill, and was filed by the chairman on behalf of the committee. Mr. Chairman, I pause here long enough to say that, if this bill is enacted into law, the man who should have the right to claim the greatest credit for its enactment is the distinguished chairman of the Committee on Flood Control of this House—a genius, an indefatigable worker; and may it be said to his glory, Mr. Chairman, one who has stood for the declaration of a new policy on the part of the Government with respect to the question of internal improvements. [Applause.]

What is the cause of the floods of the Mississippi River? Again I quote from the Chief of Engineers of the Army. He said in effect that floods result from the constriction of the river channel by the construction of levees and from the improved drainage systems, which mark the progress of civilization in the outstretches of the country. That is the record of the Chief of Engineers made upon the question of the causes of the flood. The people in the valley are not alone to blame for the construction of levees. As a general proposition they did enter upon levee construction as a defensive measure, and they prosecuted it to considerable extent until 1879, when the Congress created the Mississippi River Commission. That commission entered upon a study of the question of the control of the waters of the Mississippi and reported in 1883. Legislation was then enacted which resulted in the adoption of a plan of control.

This legislation regarded the preservation of navigation as peculiarly a national problem; the navigability of the river was to be protected and improved; and it was determined that it could be improved only by the building of a system of levees from Cairo to the Gulf. The Government agents, having adopted that theory, went along and took over the levees that had been constructed at intervals up and down the river, and proceeded to improve them by widening them at their base and increasing their heights. So, Mr. Chairman, the idea was to confine the water. More than that, the Government's agents sealed all of the natural outlets of the river and further in-

creased the levees for the purpose of further restricting the waters, thereby increasing their volume and velocity. It is true that local interests participated. They had to participate. There was no alternative. The very proposal of the Government was put in such form that if they did not contribute, if they did not participate, the Government, upon whom the responsibility of control rested, would refuse to exercise it and let them drown. And that is the proposal that the gentleman from Iowa [Mr. KOPP] and the gentleman from Wisconsin [Mr. FREAR] now make to this House.

Mr. FREAR. Mr. Chairman, will the gentleman yield? That is a serious arraignment.

Mr. COX. I yield.

Mr. FREAR. I put in the RECORD yesterday from the Chief of Engineers a complete statement of what will happen in case they refuse to contribute, and showing where they will not in any way be in danger.

Mr. COX. Mr. Chairman, the gentleman does not have to go further than the report made by the Chief of Engineers, and if that is not entirely satisfactory to him, then I invite him to a study of the report of the Mississippi River Commission. If that be not convincing, then I refer him to the testimony of General Jadwin given before the committee, when he said in effect that as a result of the plan of enforcing local contributions the work of flood control had failed in many particulars and on many occasions.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. COX. I can not yield now. In talking about the participation by the valley, about the responsibility which General Jadwin and the President said should be imposed, the gentleman knows that the witnesses appearing before the committee professing to know anything about the conditions in the valley and knowing anything about the fiscal affairs of the various levee districts all testified with unanimity that the districts have already exercised their taxing power in most instances to the limit; most of them have not only defaulted in the payment of the State and county taxes, but most of them have also defaulted in meeting the interest charges on the bonds; and in many instances, Mr. Chairman, these levee districts, which the gentleman would have you believe are so well able to respond to this demand, have fixed charges in the nature of tax assessments and mortgage liens outstanding against them far in excess of the appraised value of the property of the several districts involved.

They say, Mr. Chairman, they admit, that control must be effective. They say that no such calamity as that which happened a year ago should be permitted to occur again; that the Nation can not permit such a calamity to happen again; and yet, Mr. Chairman, if we should judge to-morrow by yesterday, the proposal which they make means no activity on the part of the Government, because their proposal is that the old system heretofore followed under the law, which has admittedly proven a failure, shall continue under the new legislation.

Why, Mr. Chairman, if the gentlemen deep down in their hearts are interested in the protection of the valley, and feel that the Government should participate, they should be frank and candid enough with this House, that expects the members of the committee to bring the unvarnished facts, and should state what the conditions are, and what the experience of the agency that conducted this work heretofore has been.

Mr. Chairman, they say that the Jadwin plan or the plan of Army engineers, meaning, Mr. Chairman, the Chief of Engineers of the Army, ought to have full jurisdiction of this entire matter or the execution of whatever project is decided upon. I can think of nothing, Mr. Chairman, that will be more unfortunate for the people of the valley than for General Jadwin to be the executive officer, administering the law if it is passed, except to enact no legislation whatever.

Mr. DENISON. Mr. Chairman, will the gentleman yield? I can tell the gentleman something that will be more unfortunate, and that is to have a politician in there; and that is what we will get if we do not put it in the hands of an engineer.

Mr. COX. Mr. Chairman, the gentleman has taken issue with me on the statement that the Chief of Engineers should not be in complete charge. Let me refer to the record. The testimony in this case of all the engineers appearing before the committee, except those under the dominion of the Chief of Engineers, has condemned his plan, and therefore the proposal in the bill is that there shall be an impartial review. The Chief of Engineers objects to any review whatsoever.

I quote from the CONGRESSIONAL RECORD of January 4 last, as follows:

> I have heard that there is propaganda on the part of some to establish a commission to prepare a plan for the flood control of the lower Mississippi, and I understand that they count on putting on that commission some very good men, some very good engineers, but these men are not experienced in the Mississippi Valley. We have counseled, we have had the advantage of the advice of all men who had experience in the last 30 or 40 years on the protection of the Mississippi Valley, Army engineers, civilians; we have had the advice of the levee board engineers; and we have had public hearings and have gotten the views of everybody practically who knows anything really at present about this subject. These men who are going on this commission, if it is appointed, may be good men, but it is going to take them a long time to get to know anything nearly as much about this subject as is known by the men who have worked up this project.
>
> I venture the prediction that if these new men work 10 years on this project they can not get as good a plan as the one that I have presented to you here to-day, unless they recommend the same plan.

The CHAIRMAN. The gentleman has consumed 35 minutes.

Mr. COX. I will take 20 minutes more.

The CHAIRMAN. The gentleman from Georgia is recognized for 20 additional minutes.

Mr. COX. I cite the gentleman to an editorial, and I ask the attention of the gentleman, if you please. I cite to the gentleman an editorial appearing in the Engineering News Record under date of March 8, 1928. I shall not take the time to read the editorial, but this is one that appears in a publication that represents the great engineering associations of this country, and it condemns the plan proposed by the general in this case:

> The share of blame resting on the executive department of the Government is too weighty to be overlooked. A plan and an estimate worked out by that department were presented for decision by Congress—to be taken or left, for no alternative was submitted. But they are such as would inevitably be rejected by any authority charged with deciding on their adoption. The estimate of cost confessedly includes only a fraction of the expense, and even as to the admitted fraction it is under gravest suspicion of inadequacy. * * * Moreover, with the cost altogether disregarded, there remain fundamental doubts as to the technical soundness and efficacy of the plans—doubts clearly expressed by many engineers outside of Government circles, and clearly enough realized by Members of Congress. The New Madrid flood way, shallow diversion channels a dozen miles wide, the sufficiency of which was merely guessed at, reliance on the haphazard crevasse formation to relieve an overburdened channel, levees flowing within a foot of the top in a great emergency, such elements of the plan utterly failed to engage that confidence vital to the undertaking of the great enterprise. That this should be the case is a serious reflection, indeed, on the governmental authorities responsible.

They say that the War College ought to be turning out a great many more engineers than it is doing. In other words, they proceed upon the idea that it is only the War College of the country that can turn out capable and eminent engineers. I want to remind those who hold that view that the War College is but a preparatory school. I measure my words. It is but a preparatory school. The real engineering institutions are the Massachusetts Institute of Technology, the Sheffield Scientific School at New Haven, Conn., the Van Rensselaer Polytechnic Institute at Troy, N. Y., Lehigh of Pennsylvania, Purdue of Indiana, and Cornell University, and others.

They say that the Chief of Engineers is infallible. The Chief of Engineers, when he came before the committee, said that his plans could be executed for $296,400,000 plus the cost of rights of way and damages, which he intimated would not amount to a great deal. At that time in his endeavor to indicate the leniency with which he purported to treat the stricken people of the valley, he said—I quote from his report, page 12, paragraph 42—as follows:

> 42. While $37,440,000 is small in comparison with the amount to be spent by the United States and with the amounts already spent by the people of the valley, it must be remembered that these people still owe considerable sums on their bonds on which the money spent was raised. Some of the levee districts are also near the limit of their bonding power under present State law and also near the limit of their credit.

So, Mr. Chairman, we take the Chief of Engineers as he appeared four months ago at the time of the presentation of his report. I know how some people were shocked when one assumed to question the Chief of Engineers of the Army, but when he appeared before this committee, Mr. Chairman, his position was that he wanted to be lenient with the stricken people of the valley, and therefore he had made the burden light by changing the amount of contribution from a third to a fifth. Take his findings. Take the testimony appearing in this case, where he gave an estimate of a supposedly middle course, on the result of the investigation as to the cost of the rights of way, as to the damages, as to all other things which in his first proposal would be put upon local interests, and you will find

that it is inconsequential in comparison with that which he now says those conditions represent since the proposal in this bill that the Government shall pay.

Let me say to this Congress that the cost of this plan, 60 days, 90 days, or 4 months ago was no greater than it is to-day. The distinguished leader of the dissenters of the committee on this bill has referred to an address published in the RECORD of several days ago under the heading of extension of remarks. He has referred to it with evident pride. In that statement it appeared he had called upon this same Army engineer to furnish him with what? To furnish him with material with which he might destroy this bill, his child, because he did join in the combination that resulted in the reporting of the bill. Not only did he join, but the gentleman from Iowa, largely responsible for this measure being brought before you, now appears before the House and says, in effect:

Although the bill comes to you under my leadership, the bill is unworthy of your support, and I here and now in your presence assault it.

Mr. FREAR. May I inquire of the gentleman just what he means by that statement? I do not understand that.

Mr. SCHAFER. Will the gentleman yield?

Mr. COX. Yes; I yield.

Mr. SCHAFER. The gentleman himself is not in favor of every provision of this bill?

Mr. COX. Oh, no; and I did not vote for its reporting, either.

Mr. FREAR. I voted for the report but not for the bill.

Mr. COX. I understand.

Mr. FREAR. May I ask the gentleman what he refers to in my extended remarks?

Mr. COX. I refer to the statement that the gentleman makes as to the cost, and this is the point. If the gentleman was advised four months ago, he owed it to the committee and to the country at that time to give an estimate of the cost that would be imposed upon local interests. The gentleman stated here in effect, Mr. Chairman:

Under the data given by the Chief of Engineers the cost of the execution of the plan of the Chief of Engineers—

Which he was so strongly in favor of at the beginning of the investigation but which he now opposes—

the cost of the execution of the plan of the Chief of Engineers will be $999,800,000.

Yet the Chief of Engineers purported to make the burden lighter. His proposal in the beginning was that of the $296,400,000, $259,000,000 should be paid by the Government; and, mark you, Mr. Chairman, that was not the sum that went to flood control but only what was left after the deduction of $141,000,000 which went to revetment and mapping. Revetment is necessary to control, but it is not an emergency measure, and there is a condition in the valley that calls for emergency treatment, Mr. Chairman, and the whole country knows it.

According to General Jadwin of a week ago, or whenever this report was furnished, the cost to local interests would be $740,800,000. Gentlemen, that is your witness. That is what General Jadwin now says, or what he said a week ago, that the local interests should be compelled to do, and if it is not, I ask the distinguished leader of the opposition to now make declaration as to what it does show.

This is not all, Mr. Chairman, and I am sorry time does not permit me to go into a minute discussion of this question. The opposition to this legislation is given support by a distinguished gentleman who came here at the beginning of the hearing on the part of this committee, presumably favoring flood control. At the instance of the Representatives of the State from which he came most favorable consideration was shown him by the committee. We thought he came as a friend of all the people of all parts of the country that were subjected to the floods of their rivers. We find now, however, Mr. Chairman, that he has joined the opposition and is snooping around this Congress earwigging this one and that one, conferring with the Chief of Engineers, holding interviews with the President, and furnishing them with ammunition to fight this proposal in every way possible.

I want to show you, gentlemen, what an indictment he lodges against the Chief of Engineers and against the President of the United States.

I want to say here with reference to the President, that while I do not believe he holds the high office of Chief Executive of the country by divine appointment, I do believe, Mr. Chairman, he is a man who is essentially honest, and that no one holds the confidence of the people of this country any more securely than does the President of the United States. [Applause.]

Mr. Chairman, if you will not do me the unkindness to infer that I mean something unfavorable to him, the President of the United States is being dreadfully and unmercifully imposed upon by his advisers upon this particular question.

In a recent interview between Mr. Blake, of Oklahoma, and the President—who else was present I do not know—Mr. Blake furnished the President with a brief he had submitted upon this whole question; and later the Chief of Engineers was called into conference, when a full discussion under the brief was had as between General Jadwin, the President, and Mr. Blake, of Oklahoma. And this is what Mr. Blake said in his brief:

It is apparent that the General Jadwin plan is an expensive plan to somebody, as no calculation, even by its sponsors, brings its cost under $1,000,00,000, and many figure it at $1,500,000,000; some even higher.

Mark you, gentlemen, quoting further:

General Jadwin and the President contemplated $259,000,000 on the Government and the remainder on the community.

That is not all. Another estimate of the cost of the execution of the Jadwin plan is $1,850,928,000 according to the same brief. Quoting further:

General Jadwin expected all this except $259,000,000 to be borne by individuals.

In other words, deducting the amount the Government is to pay, it will be a charge of more than $1,600,000,000 upon local communities. Now, gentlemen, if the division of cost of 1 to 5 is correct then $1,600,000,000 is 5 per cent of $8,000,000,000. That would be the cost to the Government under the Jadwin plan, as Mr. Blake contends, because that is the thought running through the whole discussion of the problem, as presented in the brief. As I say, according to that estimate local interests would contribute $1,600,000,000, whereas the Government would pay $259,000,000.

Now, gentlemen, I must hurry on, and I can not cover the case. I want to call your attention to this one phase. You hear a good deal said by all the gentlemen appearing in opposition about the great lumber interests benefiting and the large landholders who are to profit as the result of the execution of this project. But let me make this observation to you: If the Government finds it is necessary to acquire land in the valley the Government is not going to pay ten times its value, as contended by the gentleman from Wisconsin [Mr. FREAR]. The Government can be charged with only the actual market value of the land. You may find, gentlemen, that in some instances it is a forced sale on the part of the landholders in order that these plans may be executed, and that they will be forced to part with their title. Well, what is the result of such a transaction? The landholder is made no richer. His interest is simply represented by cash in hand whereas before it was represented by land. The Government is out nothing. The Government is just as rich after the transaction is consummated as before. The Government acquires the title to the land and gets the land in exchange for cash. So, gentlemen, the argument that somebody is going to be enriched should have no standing in this consideration.

I know the question runs through the minds of many here as to what it is proposed to do with the tributaries of this country. I know, Mr. Chairman, the trouble resulting from floods and I know that trouble is not wholly confined to the people of the Mississippi Valley; that is, to the people of the alluvial valley. I know there are localities elsewhere, many of them, where the control problems are difficult and where the menace may be as great as in the Mississippi Valley.

So far as I am concerned, Mr. Chairman, I do not think we should permit ourselves to be checked in a determination to meet the responsibility that is upon us with reference to the Mississippi because of a fear that the tributaries will be coming here later and demanding like treatment. Let me say to the Congress that I am willing that the tributaries shall receive the same consideration as is extended to the Mississippi, determining each and every case upon its merits.

The Mississippi presents a national problem as no other stream in the world does. If the proposition is to go there and spend this money in order to confer some special favor upon the people, then the Government is engaged in an enterprise in which it has no business and it should retire, but if the preservation of the stream be necessary for the security of the national welfare, in whatever manner it may be affected, then there is not only justification for the Government giving full and special treatment but there is a responsibility to give immediate consideration.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. COX. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has five minutes remaining. The gentleman has consumed 1 hour and 10 minutes.

Mr. COX. Mr. Chairman, not only is the question of commerce affected by the navigability of a stream but commerce is injuriously affected by the result of overflows and in many other respects. There is the question of transportation of the mail, passenger transportation, telegraphic and telephonic communication. In addition, when three-quarters of a million people are turned out of their homes, and their property laid waste, then their power of production is stopped as well as their power to consume and purchase, and that has a material and injurious effect upon the commerce of the country.

Mr. Chairman, I shall expect some other speakers to develop this particular phase of the question, in which I am more interested than any other, but I have been too late in coming to it.

You stress doing something for the valley and therefore for the country, yet certain of you oppose this legislation unless the execution of the project be put under the jurisdiction of the Chief of Engineers. I want to say that if you pass legislation carrying into effect the economic recommendations of the Chief of Engineers, that if you put the execution of flood-control plans under him, you will fill with mortal terror the people of the valley and destroy their confidence in the conservation of their rights at the hands of the Congress. [Applause.]

Mr. FREAR. Mr. Chairman, I yield five minutes to myself. My distinguished friend from Georgia mentioned a meeting recently held between the engineers, Mr. Blake and General Jadwin, and some other people who were present, and if I gathered correctly he stated as a final instance that if 20 per cent of the general levee and control work was levied on the people it would reach something over a billion dollars, according to Engineers Blake and Jadwin. There is some mistake as to the meeting that occurred between General Jadwin and Mr. Blake, because the President in a message, speaking of the Jadwin plan, said:

> On the basis suggested, the total construction costs would be divided as follows: Total, $258,960,000; 20 per cent by local interests, $37,440,000.

Mr. COX. Will the gentleman permit me to make a statement?

Mr. FREAR. Certainly.

Mr. COX. I do not want the gentleman to put words in my mouth that I did not use, and I do not think the gentleman intends to do so.

Mr. FREAR. I certainly did not.

Mr. COX. I made no statement that any definite conclusion was reached as the result of any conversation between Mr. Blake and General Jadwin.

Mr. FREAR. Did not the gentleman from Georgia say, or did he not mean to be understood, that over a billion dollars was to be placed on the local interests under the Jadwin plan?

Mr. COX. I said that Mr. Blake, in the brief furnished the President, made the statement that the Jadwin plan would cost $1,800,000,000, and in another instance he said it would cost more than a billion. Now, if the participation of the Government is to be limited to $259,000,000, it is a mere matter of calculation——

Mr. FREAR. That is what I understood the gentleman to charge, when here is the statement by the President's message of only $36,840,000 local contribution.

Mr. COX. Did not the gentleman say in the speech which he put in the RECORD a few days ago that the entire cost of the execution of the plan would be $999,800,000? Now, if you deduct the $259,000,000, you will find what the General Jadwin plan would cost local interests.

Mr. FREAR. Oh, the gentleman did not read the speech understandingly. In the speech I gave the different estimates furnished by the engineers. I appreciate the gentleman's excellent judgment in selecting the Engineering News-Record of March for authority, but he ought to have selected the Engineering News-Record of April. Let me read from the April number. This is an editorial:

> Precipitate legislation on a momentous question, as represented in the Senate's passage of the Jones flood control bill, can not invite either public or engineering approval. Its political background is obvious. * * *
>
> If the Senate's action gives warning that Congress is simply playing politics in the flood issue and is evading a direct answer to the problem of Mississippi flood control, constructive thinking on the subject becomes the personal obligation of the citizen. Let us therefore inquire what line of action gives real promise. * * *

Now, I want to say that long before the gentleman from Georgia entered Congress—and he is now an estimable Member—10 years ago I voted for this very protection giving two-thirds of all flood-control payments on the Mississippi incurred by the Government to the people down there in the valley. They have only contributed one-third of the costs. We do insist that justice shall be done the taxpayers of the country under the bill. Here is the difficulty: The gentleman from Georgia says that some interests can not pay. We admit it, and we provide an amendment for Government loans to those who can not pay. I expect to offer an amendment to that end. If they can not do that we are going to place in the hands of the Secretary of War, if you accept another amendment, the right to exempt from contribution where necessary for the entire work. Those who can pay ought to pay, and those who can not do so at this time ought to be willing to take a loan from the Government, and the Government ought to loan it to them. If they can not do that because of conditions named we will exempt them. What can be fairer than that in any business proposition?

Mr. REID of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. REID of Illinois. The figure $37,000,000 which the gentleman just read does not include the rights of way.

Mr. FREAR. Twenty per cent by local interests. This is all the Jadwin plan contemplates—on page 11—20 per cent of general levee and control work, $36,840,000; 50 per cent of special protection works, $600,000; total, $37,440,000.

Mr. REID of Illinois. Read what comes next:

> The local interests are also expected under the project to furnish rights of way and protect the United States against charges for flowage easements and damages.

Mr. FREAR. Unquestionably.

Mr. REID of Illinois. Then the Jadwin plan costs somebody under Mr. Locke's figures, or the gentleman's figures, either the Government or the local interests, a billion dollars.

Mr. FREAR. Fine! Now we have our friends admitting that the flood ways are going to cost the Government $1,000,000,000. I have not contended it would reach half that figure.

I yield 15 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, unlike my colleague from my State, Mr. DAVENPORT, who said that he was far removed from the flooded area, I say to you that the people I represent do not consider themselves distant from the flooded area. With us it is not a sectional matter. Wherever there is a national calamity, wherever there is suffering, there you will find the heart of New York. I do not believe it is necessary for the sponsors of this bill to review and recite the details of the result of the flood. We are agreed on what happened. There is a unanimity of desire in this House to bring about permanent relief. It would be most helpful, I would say, if the sponsors of the bill would explain three points to clarify the provisions of the bill—first, the engineering plan; second, the question of national policy in dealing with a subject of this kind; and, third, the financial details.

Mr. Chairman, if this bill would bring permanent relief to the people of the Mississippi Valley from flood problems, I would shut my eyes and vote for it, no matter what you had in it. There are some of us who consider the engineering plan both crude and primitive, and that being so this bill, I believe, will not permanently solve the problem. The same problem will be back in the House within 10 years. Therefore, the real friends of relief desire to eliminate from the bill every possible danger of a national scandal. I for one do not desire to prejudice relief in the future by what I fear will happen under this bill. Only a week ago to-day the Committee on Agriculture had its Calendar Wednesday, and if you remember we had a little bill here providing for a bird sanctuary up in Minnesota, authorized by Congress over a year ago, providing for the taking of land at $5 an acre; and yet they were here just a week ago to increase the allowance to ten or fifteen dollars because the price of that swamp land had gone up immediately after the law was passed. Can you imagine what will happen to the lands involved in this project? Can we not guard against any such thing taking place? I do not go as far as my colleague from Wisconsin in demanding local contribution. I am not insistent on that. I do not believe that the Federal Government ought to take the attitude of passing the hat around. All I ask the sponsors of this bill to do is to protect it against the inevitable land grab that is now in preparation and ready to move upon the works the minute the bill becomes a law. Rather than a direct system of local assessment on the part of the Federal

Government on the area of benefit, rather than a direct relation between the Federal Government and the owners of the land immediately affected, why can not we arrange a plan between the States interested and the Federal Government? I shall suggest at the proper time a plan whereby the 18,000,000 acres in the area of benefit in the various States could pay for the 3,000,000 acres necessary for flood ways and spillways in accordance with the plan in the bill. Let each State affected contribute the amount necessary to pay for the spillways and flood ways in proportion to the acreage within the State directly benefited.

It will amount to only a few million dollars if the estimated value given by the sponsors of the bill on the land to be taken for spillways and flood ways is correct. The States would furnish the land necessary for the spillways and the flood ways and the United States Government would bear the cost of construction and carrying out the flood-control plan.

The question of flood is not new. Man has had to grapple with it from the beginning of the world. The greatest engineer on the subject lived 2,000 years ago—Lo Ping, of China. They solved the problem there in one instance, and no engineering skill to-day can improve upon the principle which he laid down: "Shen tao t'an, ti tso yen"—"dig the bed deep, keep the banks low." We have spent millions and millions in building levees, and each year the levee is higher and higher, so that now you have the Mississippi River 14 or 15 feet above the level of the city of New Orleans. We have the resources and surely we have sufficient engineering genius to solve this problem constructively and permanently. We can not work out the engineering details here. That is not our function. I think we must work out a satisfactory bill which will provide real flood relief, absolutely graft proof, and void of land speculation.

The gentleman from Nebraska [Mr. SHALLENBERGER] made a splendid speech here this morning. Imagine, as he pointed out, in this day and age, permitting this tremendous power to go to waste! Instead of permitting these millions of horsepower of energy to be a constant danger to the inhabitants of the valley, we could harness it so as to make it a blessing to that region. Why do we not provide in this very bill for the damming of waters at various points of the river and its tributary? Why do we not control the flow and keep it under control, utilizing at the same time this water power for generating electricity?

The minute you do that you step on the toes of the dam and power trust of this country, which apparently is sufficiently powerful to influence the action of this House, and you know it. [Applause.] If you utilize those millions of horsepower in a series of reservoirs along the tributaries of this river and then follow the fundamental principles providing for a deep river bed and low banks, as laid down by the Chinese engineers 2,000 years ago, we shall have solved this problem permanently.

Gentlemen, this bill is important. There is not a great deal of difference between the opponents of the bill and its sponsors. Let us not permit this bill so to leave this House as to bring back another 26-page veto upon it as we received on another bill some time ago. Let us not furnish the justification for a veto. We want to bring about flood relief and we must get together.

There are sufficient friends of this bill here who will support it if you will simply surround it with the protection that I have mentioned before, and that is to have the States furnish the land necessary for the spillways and flood ways. It will then come under local condemnation and be safeguarded by local interests. The cost of the estimated 3,000,000 acres required can not be very much. In comparison with the 19,000,000 acres benefited it is very little indeed.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. ASWELL. Congress in all has appropriated nearly $200,000,000 for the improvement of the harbor of New York. Does the gentleman favor that without State participation?

Mr. LAGUARDIA. New York has contributed hundreds of millions of dollars for harbor improvements.

Mr. ASWELL. But Congress has appropriated $200,000,000 to New York without local contributions.

Mr. LAGUARDIA. I will say to the gentleman from Louisiana that we do not ask that you contribute even in the same proportion as New York does in harbor improvement. I concede that this is a national problem. I concede that it is the duty of the Government to make provision to prevent another flood. But I say that the States that will derive the most benefit should at least furnish the land needed. It will take away from this legislation its land-grabbing feature and will remove the prejudice against the idea of the United States Government going into a project of this kind in the future.

Mr. ASWELL. There has been no prejudice manifested, except in the propaganda and demagoging that has been handed out in the last few days.

Mr. LAGUARDIA. If the gentleman feels that way——

Mr. ASWELL. The gentleman from Wisconsin [Mr. FREAR] and others have done that.

Mr. LAGUARDIA. Does the gentleman think this vast potential power should go to waste because the mighty water-power propaganda has intervened? That is the kind of propaganda that has gone out and that is the kind of propaganda which the gentleman is unwittingly giving aid to.

Mr. FREAR. Mr. Chairman, I yield one minute to myself, to say that if I have been engaged in uttering demagogic expressions, the President of the United States and many other reliable and reputable men have done the same when demanding contributions from those able to pay. I have no personal interest in this matter and am willing to have every State make a contribution, and my State is willing to make contribution of several million dollars for this project, but the gentleman from Louisiana represents a State that is largely interested. He and the other Representatives from his State say the State will contribute nothing for their own protection. The gentleman talks about what has been given years ago. For many years those States have been collecting for their cotton and other crops far more than they have ever expended for the erection of levees. I say that some of the best men in this country believe as I do; that these States should contribute; that it is unjust for us to go on and spend all this money and let the people down there, irrespective of their ability to pay, accept all these benefits free. [Applause.]

Mr. REID of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. MARTIN].

Mr. MARTIN of Louisiana. Mr. Chairman, the bill we are now considering is the result of many months of labor on the part of the Flood Control Committee of the House and the Commerce Committee of the Senate. Both committees held extensive hearings and most of the members visited the flood-stricken area in person.

Too much praise can not be accorded Chairman REID, of the House Flood Control Committee, for so courageously maintaining that flood control is a national problem and insisting that the entire cost should be borne by the Federal Government. A like measure of praise should be accorded Chairman JONES, of the Senate Commerce Committee, whose skill and ability resulted in a unanimous report of his committee and an equally unanimous vote in favor of the bill in the Senate.

The State of Louisiana has reason to be grateful to its member on the Flood Control Committee, Hon. RILEY J. WILSON, and to its two United States Senators, who so ably protected the interests of a State that suffers more than any other from the flood waters of the Mississippi. [Applause.]

EFFECTS OF THE FLOOD

Before discussing the merits of this bill I would like to refer briefly to the effects of the recent flood.

The story of the flood of 1927 is one that will never be forgotten in the Mississippi River Valley. The press, the telephone and telegraph, and the voice of the radio but poorly pictured that tragedy. One had to be on the scene to realize that such a calamity was possible. That many hundreds of lives were not lost was due to the splendid relief work done under the direction of Secretary Hoover and ex-Governor Parker, of Louisiana. That many others did not die of starvation and disease was due to the Red Cross and to the charity and generosity of the American people that enabled this great organization "its wonders to perform."

When the levees on the Bayou des Glaises and the Atchafalaya Basin gave way, it flooded one of the most fertile and thickly populated sections of Louisiana. The cities and towns of New Iberia, St. Martin, Breaux Bridge, and Morgan City were submerged. Ninety-nine per cent of the parish of St. Martin was under water to a depth of 1 to 12 feet. Large areas in the parishes of Iberia, St. Mary, Lafourche, Terrebonne, and Assumption were covered by this devastating flood, and valuable crops were destroyed.

But human suffering and woe is what touched the heartstrings. This flood covered a territory that had never been overflowed. The people could not be convinced that they were in danger. They refused to leave their homes and their possessions. The rude awakening came with the break in the levees, which was followed by a mad rush for safety and frantic attempts to save life, livestock, and property. Business was suspended in neighboring towns, and the whole community became engaged in rescue work. Every available water craft was put into commission and for several days people were

being rescued from housetops. As fast as they could be rescued the refugees were taken to the neighboring cities of Lafayette and New Iberia, whose citizens vied with the Red Cross in extending aid and relief. These refugees, some 50,000 in number, were cared for in the Red Cross camps established at Lafayette, New Iberia, Houma, Thibodaux, and Napoleonville, the citizens of which rendered every aid that was humanly possible. And when at the end of two months the flood had subsided and these people returned from whence they came, what did they find? Their homes had been totally or partially swept away, their fences were all gone, their once-fertile fields were covered with slime and sand, their livestock and chickens had been swept away in the flood. They had nothing left but the courage to begin life again. And yet, it is these same people, we are told by some high in authority, who should now tax themselves and contribute toward flood control.

PROVISIONS OF THE BILL

Mr. Chairman, this bill, like all other legislation, is the result of compromise. Personally, I would have preferred the original Reid bill, which adopted no plan, but provided for a commission with full authority to solve the flood problem without local contribution. It is true that this may have resulted in some delay, but where life and property are at stake a little delay would do no harm.

The bill under consideration, while adopting the Jadwin plan, yet authorizes the modification of that plan and contains provisions which, in my opinion, will safeguard the interests in the Atchafalaya Basin. Had the Jadwin plan been adopted in this bill, without authority to modify or change it and without the safeguards to which I shall presently refer, I should have felt constrained to vote against it, as I am convinced, after a most careful study of General Jadwin's plan, that it would not only fail to remedy conditions in the Atchafalaya Basin but would in times of flood make conditions in that basin even worse than they were in 1927.

I shall take occasion to refer more particularly to the Jadwin plan further on in my remarks.

This bill provides for a board consisting of the Secretary of War, the Chief of Engineers, the president of the Mississippi River Commission, and two engineers chosen from civil life, whose duty it shall be to consider the differences existing between the plan of the Chief of Army Engineers and the Mississippi River Commission plan, and after such study and such further surveys as may be necessary determine the action to be taken on same and its decision followed in carrying out the project. If the board can not reconcile the two plans, then the matter must be referred to Congress. But the most important provision relating to the Atchafalaya and other basins is that which follows:

Provided further, That such surveys shall be made between Baton Rouge, La., and Cape Girardeau, Mo., as the board may deem necessary to enable it to ascertain and determine the best method of securing flood relief in addition to levees before any flood-control works other than levees and revetments are undertaken on that portion of the river.

As originally framed, the bill provided for a survey between Cape Girardeau, Mo., and Point Breeze, La., thus excluding a survey of the Atchafalaya Basin. At my earnest request, Senator RANSDELL, of Louisiana, was considerate enough to have the bill amended in committee by extending the survey as far as Baton Rouge, thereby including the Atchafalaya in the survey to be made. Without this amendment the board was without authority to modify the plan of the Chief of Engineers further than to reconcile it with that of the Mississippi River Commission. With this amendment the board is authorized to make such further surveys as may be necessary for the purpose of determining the best method of securing flood relief in addition to levees, and this must be done before any flood-control works, other than levees and revetments, are undertaken on that portion of the river.

NECESSITY FOR SURVEY

A survey is necessary because the plan of the Chief of Army Engineers neither meets nor remedies conditions in the Atchafalaya Basin.

This plan proposes that the Atchafalaya River shall receive and carry to the Gulf 1,500,000 second-feet of water. The most this river has ever carried is 500,000 second-feet, and this was followed by crevasses that inundated a vast section of the country. The plan of the Mississippi River Commission proposes to divert 900,000 to 1,000,000 second-feet down the Atchafalaya, and that would give a reading of 13 feet on the Morgan City gauge. The diversion of 1,500,000 second-feet through the Atchafalaya would give a gauge reading of over 15 feet, and would submerge the Southern Pacific Railroad from Schriever to Baldwin, a distance of over 50 miles.

The Atchafalaya River, as one of the outlets of the Mississippi River, must bear its burden of the flood waters, but whatever amount of water this river is made to carry, that amount should be limited and controlled.

The proposed fuse-plug levees, so constructed as to give way in time of extreme flood, would turn an indeterminate amount of water down the Atchafalaya, would raise the flood heights several feet over that of 1927; and if perchance the so-called guide or flood-way levees should give way, the loss of life and property would far exceed that of 1927. Such a disaster would not only flood the same territory as did the 1927 flood but hundreds of square miles of additional lands. To make the Atchafalaya River take care of one-half of the water that flows down the Mississippi in time of extreme flood, without limit or control, would be inviting a disaster that would make that of 1927 pale into insignificance.

FLOOD-WAY LEVEES

The guide or flood-way levee proposed in the Jadwin plan for the west side of the Atchafalaya River terminates, according to the map accompanying his plans, near Grand Lake, between Franklin and Patterson. There is no plan to control the water when it reaches the end of this levee, and nothing to stop the water from going around the end of the levee, thereby flooding the entire east side of Bayou Teche, and again there is nothing to stop the water from crossing to the west side of the Teche and flooding the greater portion of St. Mary Parish, including the towns of Charenton, Baldwin, Franklin, Centreville, Patterson, Berwick, and Morgan City.

On the east side of the Atchafalaya conditions would be no better. The flood-way levee proposed in the Jadwin plan terminates about 8 miles east of Morgan City, and the backwater going around the end of this levee would cover the entire west side of Bayou Lafourche as far up as Donaldsonville and would flood a large portion of the parishes of Terrebonne, Lafourche, and Assumption.

That the effect of the Jadwin plan would be as above outlined is the fixed opinion of such eminent engineers as James P. Kemper and Walter Y. Kemper, of Louisiana, both of whom were born and raised in the Atchafalaya Basin and are thoroughly familiar with the levels and topography of that country.

The necessity for a modification of the Jadwin plan is virtually admitted by the general himself in his statement before the Commerce Committee of the Senate, as appears from the following:

Senator RANSDELL. Do you insist on your report through the Atchafalaya? Would you extend that farther down?

General JADWIN. My report provides for going down farther than is shown on the map. You will find a paragraph in there, and I have an addition to the estimate.

Senator RANSDELL. Explain that briefly. My friends down there in that country tell me that they would all be flooded if your project were carried out.

General JADWIN. We are going to take care of everything down there that is economically justified. We have an extra sum in the estimate. You know that country is developing down there, and we want to take care of that water in a way that will fit in with them. That is what we mean when we put a paragraph in there, and we intend to protect everything that is economically justified.

Senator RANSDELL. Entirely down to the Gulf?

General JADWIN. Yes. We intend to go down through there as far as the soil will bear levees, and we may have to make some turns and we may have to put a lock in where we cross the intercoastal waterway.

Senator RANSDELL. And provide for a million and a half second-feet that you suggest?

General JADWIN. Yes.

Senator RANSDELL. It would be a great addition, would it not, to the estimate that you have spoken of? I think you figure $27,000,000 for that general section. You would have to add a great many millions, would you not?

General JADWIN. Oh, it is in there. We have the money in there that will take us down.

It will be noted that General Jadwin states that the guide or flood-way levees will be taken farther down than is shown on his map, and, in fact, be built as far down as the soil will bear levees, thereby protecting everything that is economically justified.

Certain it is that his plan and the map accompanying the same did not indicate the protection that he now proposes, nor did it make any mention of locks. The provision in the bill calling for a survey will therefore permit the changes suggested by General Jadwin and will also permit such further modification of his plan as will give the Atchafalaya Basin the protection to which it is entitled.

MORGAN CITY

Under the Jadwin plan Morgan City is to be protected by a so-called ring levee; that is to say, the city will be placed in the flood way, and its protection will be dependent on a levee which will encircle the city, the cost of which is to be paid one-half by the city and one-half by the Government.

This city of some 5,000 inhabitants, with its flourishing industries of lumber, oysters, fish, and furs, is entitled to more consideration, and is given more consideration by the plan of the spillway board, which is adopted in the report of the Mississippi River Commission. The spillway board proposes that the Atchafalaya River shall receive 1,000,000 second-feet of water, which would put the gauge at 13 feet at Morgan City, while the Jadwin plan proposes that the river shall receive 1,500,000 second-feet, which would put the gauge at Morgan City upward of 15 feet. In his statement before the Flood Control Committee, Colonel Wooten, the chairman of the spillway board, made this statement with reference to the east side of the Atchafalaya River:

Then starting on the east side, to maintain the existing levee intact, strengthen it and build an extension of the levee system down on the east side and swing it around to protect Morgan City, so that backwaters from the Atchafalaya would not back up on Morgan City.

Colonel Wooten also recommends the construction of a sea wall in front of Morgan City of such dimensions as would insure its safety from overflow in times of the highest flood.

With further reference to protecting Morgan City, Colonel Wooten, in answer to a question, makes the following statement:

Mr. MARTIN. You said something about your board having taken into consideration the advisability of putting a spillway in the Atchafalaya near Morgan City.

Colonel WOOTEN. Yes; we looked around for proper sites.

Mr. MARTIN. You did not recommend it on account of expense.

Colonel WOOTEN. Yes; on account of the cost; that is the balance between the costs and the benefits in order to get a discharge which would really amount to anything. It would give us a good deal of the valley which we do not have to have, because we have got enough capacity in the Atchafalaya at Morgan City, if we levee it, to take care of the flow which would be consequent upon the flood which we assume would be the basis.

This answer of Colonel Wooten but emphasizes the necessity for a survey, as is authorized in this bill, to the end that Morgan City may be given relief and not be subjected to a financial burden it is unable to bear.

EAST OF ATCHAFALAYA

With reference to lands lying east of the Atchafalaya, the following colloquy took place between Colonel Wooten and myself before the Flood Control Committee:

Mr. MARTIN. Colonel, in speaking of the height of water at Morgan City, how does your proposed plan protect the parish of Terrebonne, for instance?

Colonel WOOTEN. Perhaps I had better describe that a little bit more. Here [indicating on map] is Morgan City. Here [indicating] is Bayou Boeuf coming down, and Bayou Black coming in over here [indicating]. As you know, the intercoastal canal at the present time goes through Bayou Black and Bayou Boeuf up to Morgan City.

In order to extend the levee system down far enough so that backwater from the Atchafalaya will not come around through Bayou Boeuf and Bayou Black into this Terrebonne and Lafourche country, we propose to put a dam just below Morgan City and put that levee right on across it and extend it down the Bayou Shaffer to its junction with Bayou Chene; and the intercoastal canal, then, instead of going through Bayou Boeuf, would go down through Bayou Chene and up through Bayou Shaffer to Morgan City. It would add a few more miles in length to the intercoastal canal, but it would avoid putting a lock in Bayou Boeuf.

I have great confidence in Colonel Wooten, but whether his plan, as outlined in answer to my question, will protect the parishes of Assumption, Lafourche, and Terrebonne from backwater, I am unable to say. Eminent engineers familiar with the topography of that section of the Atchafalaya Basin say that it would not. There is too much at stake to have any uncertainty, and an additional survey will remove the doubt and provide a remedy, if one is needed.

OTHER SAFEGUARDS

This bill also contains the following provisions:

Provided further, That all diversion works and outlets constructed under the provisions of this act shall be built in a manner and of a character which will as fully and amply protect the adjacent lands as those protected by levees constructed on the main river: *Provided further*, That pending completion of any flood way, spillway, or diversion channel, the areas within the same shall be given the same degree of protection as is afforded by levees on the west side of the river contiguous to the levee at the head of said flood way.

These safeguards should remain in the bill, and they will tend to give the people residing in the Boeuf, Tensas, and Atchafalaya Basins a sense of security during the time that flood-control works are under construction. Under no circumstances should a flood way be constructed until all lands and property embraced within such flood way have been acquired or the easement thereon purchased and all protection and drainage works completed, to the end that lands, cities, and towns adjacent thereto shall be as fully protected as those adjacent to the main river.

A NATIONAL OBLIGATION

I congratulate the committees of both branches of Congress that have framed this legislation upon having reached the conclusions that flood control is a national problem and that the entire cost should be borne by the Government. There can be no flood control with divided authority. Either the Government must take over the problem and solve it, or we must look forward to disasters even worse than that of 1927.

The proposal in the Jadwin plan that the people in the Mississippi Valley pay 20 per cent of all cost of flood control, provide rights of way for all levee structures and drainage works, maintain all levees at the head of flood ways, maintain all flood-control works after construction, and pay all damages resulting from such constructions would cut triple a burden that is already unbearable and defeat the purpose of any legislation looking to flood control. The State of Louisiana can not meet these conditions, nor should it be expected to put up one cent toward controlling a river that belongs to the Nation and that is the drainage ditch of 31 States. We have reached the limit of our financial endurance. We have expended $290,000,000 in an earnest effort to save life and property, only to find that conditions grew worse year by year, and we are told by our engineers that unless this flood-control problem is solved, the worst is yet to come. In 1794 a 3-foot levee gave ample protection at New Orleans. To-day an 18-foot levee keeps the inhabitants of that city in fear and trembling in times of flood. We are the victims of the march of progress. The development of the 31 States above us has made our burden unbearable. There are no longer any natural reservoirs to withhold the flood waters and let them down on us gradually. Lands have been reclaimed, forests have been depleted of their trees, and the lands upon which they grew drained and placed in cultivation. Every improvement in that vast territory between the Rocky and Allegheny Mountains has been reflected in the constantly increasing flood heights in the Mississippi River. This water must enter the Mississippi on its course to the Gulf, and if we owe this servitude to one-half of the Nation, then certainly the problem of so regulating this servitude as to save both life and property is a national one, the cost of which should be borne, as a matter of justice and equity, by the Government alone.

During the disastrous flood of 1927 the President made this statement:

We propose to solve the problem of flood control so that such a situation may never again have to be met.

Speaking at St. Louis, Secretary Hoover said:

I believe the whole of the United States is unanimous in that we must undertake such engineering works as will give security, not only now but for the future.

Who are "we," if it be not the Nation?

Both the President and his Secretary of Commerce spoke with authority, because the Nation is thoroughly aroused, and the demand that this calamity shall never again occur is, as Secretary Hoover puts it, "unanimous."

Every organization of any importance in this country has spoken. The American Legion, the American Federation of Labor, the United States Chamber of Commerce, the farm organizations have all declared and gone on record as favoring absolute control of the flood waters of the Mississippi, and this without local contribution.

In the settling of the debts of our allies growing out of the late World War, we dealt with them upon their "capacity to pay." This was done in order that these countries might recover from the devastating effects of the war and that they might be rehabilitated. Are we to show less consideration to our own people? We have reached the limit of our "capacity to pay." Even with the Government assuming the entire burden, we will be paying taxes on outstanding indebtedness, expended on flood-control work, for the next 40 years.

Mr. Chairman, attempts will be made to amend this bill when it reaches that stage in legislative procedure. Let me express the hope that this House will stand by the action of its committee and not adopt amendments that will defeat the purpose of this legislation.

The duty and obligation of this Government to protect the lives and property of its people is unquestioned. Let us assume this obligation, respond to the sentiment of the country, and by passing this legislation show that this Government is in reality a government "of the people, by the people, and for the people." [Applause.]

Mr. REID of Illinois. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. SIROVICH].

Mr. SIROVICH. Mr. Chairman, ladies, and gentlemen, it is only half an hour since I arrived from the city of New York. During that time I had the privilege of listening to the closing speech of my distinguished friend and colleague [Mr. LAGUARDIA], as well as the remarks of my confrere, Congressman JACOBSTEIN, of Rochester. I had no desire whatsoever to participate in the debate that has been going on here relative to the flood control of the Mississippi. However, the colloquy between Congressman JACOBSTEIN and Mr. LAGUARDIA prompts me to give the House certain information which might be of interest to the membership of this historic body.

The district I represent is the fourteenth congressional district of New York City. It is one of the most crowded and congested districts in the city of New York. During the years 1916 to 1920 it was represented by my good friend Mr. LAGUARDIA. To-day I have the honor to represent it not as its master, but as the servant of its wishes.

A month before Congress convened I sent out a questionnaire, containing nine questions, to all the voters of my district asking my fellow citizens how they would like me to vote on these vital matters affecting the public welfare. One of these questions appertained to flood control through the agency of the Government of the United States. Ladies and gentlemen of the House, I want to say to you in all sincerity that there was not a man or woman who responded to this questionnaire but who answered in favor of giving a helping hand to the people of our Southern States, who have been afflicted with this terrible catastrophe in this their greatest hour of need and sympathy. [Applause.]

The individual States of our Union are comparable to the organs of the human body. When one organ is diseased, the others suffer. So with our States. The social, the economic, the industrial interests of one State affect the other. One is dependent upon the other for its happiness, for its success, for its welfare, and for its prosperity. Coming therefore from one of the largest working districts in the city of New York, representing every class, creed, and color, men and women who toil and struggle in the quarries of life, I feel I have the right as their spokesman and as their servant to state to you gentlemen of the House that the sympathy of the great East Side of New York, the working people, who labor and toil by the sweat of their brow; that they are with you in your desire to improve your economic condition through the prevention of future floods and are desirous of being recorded as anxious to help you so that the tempests of the future, their rain, flood, and storm, shall never again visit their ravages upon your home, upon your fireside, and upon your farms. [Applause.]

Mr. SCHAFER. Will the gentleman yield?

Mr. SIROVICH. I yield to my friend from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Will the gentleman incorporate in the RECORD the questionnaire, so we may have an opportunity to know just what the people of the gentleman's district voted for, and whether they had this bill before them or some other proposition? There are many of us who are in favor of helping the southern people, but there is a difference of opinion as to the method of helping them.

Mr. SIROVICH. I shall be pleased to discuss the question of help the gentleman from Wisconsin speaks of, for a minute or two.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SIROVICH. I can not answer two questions at the same time. If Mr. SCHAFER will allow Mr. LAGUARDIA to ask the question——

Mr. LAGUARDIA. The gentleman conceded he did not hear my speech.

Mr. SIROVICH. I only heard the end of it.

Now, regarding the question of the gentleman from Wisconsin [Mr. SCHAFER]. The question before the House, as I understand it, is, Should the Government of the United States pay the complete expense of the flooded area of the Mississippi, so that the flood should never return again; or should the local communities along the Mississippi River be assessed in part to defray this expense.

Knowing the condition of the poor farmers of the South, realizing their suffering, their trials, their tribulations, and the vicissitudes incident to the destruction of their homes, their farms, their livestock, and the products of nature, representing a working group of people that are in sympathy with the ideals of the farmers of our country, I know I represent the sentiments of the people of the fourteenth congressional district of New York City when I say to you, That the Government of the United States, the most prosperous Nation in the world, should consider it a privilege, yea, an honor, to pay all the expenses of the poor farmers of the South, so that they could be protected against the ravages of nature in the future and live in happiness, in contentment, enjoying the blessings of life and the reward that comes to those who till the soil to reap the harvest of their labor. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. REID of Illinois. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. LEA].

Mr. LEA. Mr. Chairman, I desire to speak in reference to the Sacramento River flood-control project. It is embodied in section 14 of the bill. I regret that the gentleman from California, my colleague Mr. CURRY, who for so many years has been associated with the project, is unable to be here and speak for it instead of myself.

The practical question presented to the House as to this project is as to what should be the equitable and just contribution as between the Federal Government and the State and local interests. The present law provides, in effect, that the Federal Government is responsible for one-sixth of the cost of the project. The State and landowners are responsible for five-sixths of the cost. The proposal embodied in this bill is that the Federal Govenment assume one-third of the cost of the project, the State one-third, and the owners the remaining one-third.

We might consider the Sacramento watershed as illustrated by this Hall. The Sacramento River flows south through the valley 250 miles over a plane practically as level as a floor. On the east side is a mountain range with an average elevation of 4,000 feet and many peaks as high as 8,000 feet. On the west side is another mountain range with an average elevation of one to four thousand feet, while at the head of the valley is a mountain range from two to ten thousand feet high.

This is a land of large rainfalls. The result is that after a rainstorm, within 24 hours the water rushes from the mountains into the valley, and although the watershed is small the flow of the Sacramento River is 600,000 cubic feet per second at the mouth of the river.

This stream flows on a ridge through this great valley. Much of the way the river is 20 feet higher than the valley on each side. There would be no river in the channel if it were not for the protection works that have been constructed along this main channel. There are about 1,100,000 acres in the flood area which are covered with water at times when we have had severe floods. In addition to that amount, over 200,000 acres are in by-passes which help to drain the water to the San Francisco Bay.

Flood control in the Sacramento Valley was greatly complicated by the fact that following a few years after the first gold rush to California a system of hydraulic mining was practiced by which mountains were literally torn away and conveyed down stream. Engineers have estimated that the quantity of débris thus moved down the Sacramento River and its tributaries was equal to seven times the total excavations in building the Panama Canal.

The result was that the bed of the stream filled up 10 feet, and in some places as much as 19 feet, and part of this débris was moved as much as 250 miles to San Francisco Bay. Navigation was practically destroyed and the valley was every now and then overflowed by a destructive flood. In 1893 an attempt was made to take care of this situation.

The California Débris Commission was appointed to consist of three Army engineers, to devise plans for providing for navigation and control of floods. The project was accepted as a cooperative one between the State and Federal Government. During the 17 years that followed an effort was made to dam this débris with the hope that the stream would scour out the rest of the débris below that, and provide navigation and take care of the floods. That plan failed. Then a plan of dredging the river was adopted, and after a brief trial that was shown to be a failure. It was not until 1910 that a successful plan was adopted. That is the plan now under construction. That plan proposed that the State and local interests assume two

thirds of the cost and that the Federal Government assume the other third. Certain definite work was assigned to the Federal Government on this basis. Shortly following the publication of this report, the California Legislature, assuming the report would be adopted, provided legislation under which the landowners could be legally assessed through taxation for their part of the flood-control works. A system of assessment was prescribed under which the lands benefited were to pay in proportion to their benefits. The legislature also made provision for the State assuming its proportion of the liability. The plan of the débris commission was later modified and adopted by Congress.

The Sacramento flood-control project was adopted in the act of 1917, together with Mississippi flood-control legislation. Under the plan as adopted the contribution of the Federal Government was reduced to one-sixth of the cost, with a specific limit of $5,600,000. Landowners had to accept what the act of 1917 provided. In 1925 the California Débris Commission again reported in favor of the division of responsibility, substantially in accordance with the original report of 1910. Several years' experience had demonstrated that the contribution required from the landowners was out of proportion to the benefits they received and more than could justly be required of them.

In the next place, I might say that the Sacramento River carries a commerce of over 1,250,000 tons per year, with an average value of over $75,000,000 per year.

There are five distinct features of the flood-control plan of the Sacramento Valley. The first is channel enlargement. One-half of that cost was to be paid by the Federal Government, and one-half by the State. River levees were to be built and 520 miles of river levees have been constructed. Some of them are 30 feet high, but the average height is 20 feet. They have been constructed at local expense. Weirs were constructed, so that the surplus waters might escape from the stream and run down these side channels instead of breaking through the main channel and destroying navigation and the channel. Those weirs were constructed by the United States. One of the most effective parts of the control of the Sacramento River is the by-passes. The Sacramento River has a capacity in its own channel to carry only one-fifth of these flood waters. In other words, when we have a flood in the Sacramento Valley, five-sixths, and in some places seven-eighths, of the water flows down the by-passes instead of in the central stream. Those by-passes are from 2,000 feet to 14,000 feet wide, so that we have a river in the by-pass from five to eight times the size of the main river. The flowage rights in the by-passes are furnished at local expense. There are 190 miles of levees along these by-passes. There are built by local contributions. There are also levees for short distances up certain tributaries that enter the Sacramento River. This is the scheme as it is provided to-day. The Federal Government's cost of this project was limited specifically to $5,600,000. Since that estimate was made in 1910 the total estimated cost of the project has increased from $33,000,000 to $51,000,000. The plan proposed is that the Federal Government shall assume one-third of that cost, which is a little over $17,000,000. The landowners in that project have contributed over $22,000,000. It was originally estimated that $22,000,000 or $23,000,000 would be their total cost.

The project to-day is only 60 per cent completed. The burden is so heavy on many of these landowners that the California Débris Commission reports that the burden on those landowners is unjust and beyond the benefits they receive, and that it is doubtful if the plan can be completed unless those landowners are relieved of part of the responsibility that now rests upon them. At the present time the State and landowners are paying five-sixths of the cost of this project. The landowners in this flood area in the Sacramento Valley have paid and obligated themselves to pay $100,000,000 to pay for and utilize those 1,100,000 acres of land. Much of that expense, of course, is for protective works not part of the project, but necessary to realize their benefits from the plan. The result is that they are now so burdened that they are unable to go ahead and contribute to the increased funds necessary to complete the plan.

We people of California will be satisfied with the two-thirds contribution required of California and the landowners under the provisions of this bill. There is a special benefit to landowners by reason of this protection for which they are able and willing to pay. Neither do we find fault, as intimated we might, with the more favorable terms provided for the Mississippi. Doubtless the circumstances of the Mississippi vary from those of California. We are satisfied to assume that portion of the expense which our people are able and willing to pay as a just liability.

I understand that negotiations are being carried on looking toward a compromise as to contributions from the Mississippi Valley. The primary consideration as to the Mississippi is to see that the work is done and done well. One year has passed since the Mississippi flood. No new plan has been adopted. No plan of making an economic survey as to the equity of local contributions should delay the progress of the work. Our experience with the excessive contributions against the landowners in California suggests that no plan of oppressive contributions should be adopted for the Mississippi. If any contributions are agreed upon, they should be confined to cases where the special benefits conferred by the improvement are equal to any assessments that may be imposed.

We people of California are in sympathy with the early and complete protection of the Mississippi Valley. We desire to support this and any supplementary proposals that may be offered to legitimately accomplish that purpose.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FREAR. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Chairman, ladies and gentlemen of the committee, the people of the district that I have the honor to represent fully appreciate the seriousness of the Mississippi flood disaster, and desire that their Representative vote for adequate legislation and appropriation to prevent its recurrence. I have carefully listened to the debate on the floor of this House, and I am at a loss to understand just where some of the Members who have spoken stand on the legislation.

The gentleman from Georgia [Mr. Cox] delivered a splendid oration for one hour in which he criticized my colleague from Wisconsin [Mr. FREAR] for opposing the bill as reported by the committee, and yet the gentleman himself opposed the provisions of section 4. I hope this House will carefully consider amendments which will be offered, so that we will pass a bill that will be satisfactory to the entire membership. I have a great deal of faith in the Engineer Corps of the Army. The Army engineers have demonstrated their ability in time of peace as well as in time of war.

Some of the previous speakers lauded the mayor of the city of Chicago, Mr. Thompson, who came down to Washington with a number of special trains filled with people in favor of "flood relief" and led by brass bands. The unofficial hearings at which the Thompson caravan testified do not contain any facts which would be useful to solve the flood-control problem, as nearly all the "testimony" presented consisted of vague generalities or the singing of praises of Mayor Thompson of the great city of Chicago.

Mr. Chairman, we must consider this flood-control question from a great many angles.

The creating of adequate levees and spillways alone will not solve this problem. We must consider the reforestation and the building of reservoirs in the upper river and tributaries, to impound and regulate the waters which flow into the valley. We must also consider the diversion of waters from other bodies, such as the diversion from Lake Michigan by the Chicago Sanitary District which not alone lowers the lake level to the detriment of shipping interests, the municipalities, and people of the Great Lakes district, but also to no small degree contributed to the increase of waters in the Mississippi and its tributaries, thereby being a contributing factor to the recent flood disaster.

Mayor Thompson, of Chicago, who has spent a great deal of his time fighting King George of England at long range has been in the forefront of the forces responsible for this diversion and its continuance. If Mr. Thompson really wants legislation to prevent a recurrence of the recent disaster, he should bend his efforts toward stopping the diversion of water from Lake Michigan by the Sanitary District of Chicago. [Applause.]

I shall vote for the pending bill if certain amendments are incorporated, some of which will be offered by my distinguished colleague from Wisconsin [Mr. FREAR]. I am in favor of flood relief, but opposed to pork-barrel legislation and unwarranted raids on the Treasury in the name of flood relief.

I realize that each individual Member can not carefully study every angle of all of the legislation pending in Congress. My colleague from Wisconsin [Mr. FREAR] is a member of the committee which considered this legislation. He has spent a great deal of time and effort in its consideration. I shall look, for leadership and information, to my distinguished colleague [Mr. FREAR] and the Chief of Engineers of the Army, rather than to those who will reap large and unwarranted financial benefits from the enactment of the bill as reported by the committee. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. REID of Illinois. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, and had come to no resolution thereon.

EXTENSION OF REMARKS—FLOOD CONTROL

Mr. REID of Illinois. Mr. Speaker, I ask unanimous consent that all Members have five legislative days in which to extend their remarks on Senate bill 3740.

The SPEAKER. The gentleman from Illinois asks unanimous consent that all Members may have five legislative days in which to extend their remarks upon this bill. Is there objection?

There was no objection.

Mr. PRALL. Mr. Speaker, ladies and gentlemen of the House, I have the distinguished honor of representing in this House the eleventh congressional district of the great State of New York.

The eleventh district embraces the lower part of Manhattan, which is a part of the old city of New York, Staten Island, known as the Borough of Richmond, an integral part of the city of New York, Governors Island, Bedloes Island, and Ellis Island, in the bay of New York.

While the people of this district are far removed from any part of the Mississippi River flood area, I assure you they are sincerely sympathetic with and interested in Senate bill 3740, now under discussion in the House, and which is designed to forever prevent a recurrence of the horrible disaster of 1927.

I am not in favor of some of the provisions of this bill but will support it and vote for its passage.

It was in the eleventh district I first saw the light of day. I have never lived elsewhere. Having been in close personal contact with its people all my life I believe I know them.

Its electorate is perhaps the most heterogeneous of any political subdivision in the United States and is therefore the most interesting. Its daily turnover in business far exceeds that of any other like area in the world, therefore it stands out and must be considered the most important.

Staten Island, or the Borough of Richmond, the lower portion of the district, is one of New York City's fastest growing boroughs. It has a population of nearly 150,000, 70 per cent of which own and occupy their own homes. It is essentially a borough of homes. It forms a part of the gateway to New York Harbor and the Nation. It was first discovered by the Florentine explorer Verrazano for France in 1524, and later by Hendrik Hudson for the Netherlands in 1609. At about that time it was settled by the Dutch and the Huguenots and its claim to fame was established.

George William Curtis once said, "God may have made a more beautiful place than Staten Island but he never did." To-day it is one of New York City's greatest assets.

Its people have ever been God-fearing, patriotic, thrifty, and progressive. During the days of the Civil, Spanish-American, and World Wars, its quota of fighting men was furnished in almost inconceivable time. They excel in community spirit and enthusiasm, leading to good citizenship. They are generous to a fault when the call comes. They are tolerant. They love their neighbors, their homes, and their country. They are in sympathy with their suffering fellow Americans of the Mississippi River States in this hour of their misfortune.

The upper or northern portion of the eleventh district includes Bedloes Island, famous for its Statue of Liberty, a gift of France, facing the gateway of the Nation at the entrance to New York Harbor to welcome the newcomer to our shores.

Just north of Bedloes lies Ellis Island where the alien first steps foot on the land of freedom and just beyond Ellis one finds the historic Governors Island fortified years ago for the protection of New York City against enemy forces.

The southerly end of Manhattan Island (the old city of New York) from Fourteenth Street to the Battery on the west, and from Market Street to the Battery on the East Side completes its boundary lines.

This portion of the district presents the greatest range and variety of racial groups and business enterprise, more, perhaps, than any similar area in the world.

It is here we see the "melting pot" of the Nation. It is here one public school, whose capable principal is Mr. Joseph T. Griffin, a brother of my colleague Mr. GRIFFIN of New York, boasts of having on its rolls the children of more than 28 distinct nationalities. It is here the toiler in the trades educates and Americanizes his family, and as success and prosperity crown his efforts he moves on to make room for another. Within this part of the district there is a population of approximately 150,000 people.

Men, women, and children who thrive on the opportunities offered in this land of liberty whose statue they can see from their homes. Men, women, and children of understanding inculcated in them by the hard knocks received in the school of experience. Men, women, and children whose hearts overflow with sympathetic affection for those in distress and for those overtaken by misfortune and disaster regardless whether it be those of their own community or beyond it. Men, women, and children who during the stress of war and in times of peace have ever been real red, white, and blue Americans.

Devastation, destruction, disaster, and death followed in the wake of the Mississippi flood of 1927.

From Arkansas to Louisiana the raging waters carried human beings, domestic animals, homes, outbuildings, bridges; in fact, everything in its path to destruction. The human suffering and anguish was indescribable—the personal losses were incalculable. The sympathetic interest of the whole Nation was aroused. The Red Cross Society performed, perhaps, its greatest service in this disaster.

Had this bill been before Congress at that time I doubt if there would have been a single vote cast in opposition. But there is opposition—there seems to be a question of its national status. It has developed, however, in this debate that 31 of the 48 States contribute directly or indirectly to the flow of water in the Mississippi River. It therefore appears to be a national responsibility—a responsibility which is ours—a problem to be solved by Congress. Seven hundred thousand people were driven from their homes. Think of it! They were made objects of charity overnight, dependent upon the Red Cross Society and other agencies for food and clothing. Eighteen thousand square miles of land were inundated; 1,500,000 farm animals and cattle were destroyed—land was laid bare and ruined for farming purposes—all causing a total loss of many hundreds of millions of dollars. Is it a national problem? Certainly it is. Should we solve it? Of course we should. The provisions of the bill have been ably discussed. I will not discuss them. It is not a perfect bill. Some of the objectionable features will undoubtedly be removed by amendment. But the bill has merit. It should pass with some changes. The prevention of future national disasters is a national problem which should be solved by the National Government.

I have discussed the provisions of the bill with the men on the street, with the big business man, and the small business man. In the eleventh district big and little business abound—Wall Street and the great banking and financial corporations are located in the heart of it. Every known trade and business in the country is represented here. Here the largest business turnover in the Nation is made every working-day in the year.

The trans-Atlantic and coastwise shipping port along the Hudson and East Rivers is largely located in my district. Great steamships arrive and depart daily with their cargoes of passengers and freight which has been gathered from the production plants, mills, and factories of every State in the Union for shipment to foreign countries and coastwise ports. There are thousands of smaller business men represented by the retailers and storekeepers everywhere throughout the district. I have discussed this question with many of them from the executive heads to the man on the street; and they are in agreement that it is a national problem.

ORDER OF BUSINESS

Mr. GARNER of Texas. Mr. Speaker, may I ask the gentleman from Illinois, in order that the membership of the House may have some information on the subject, since I have had a number of inquiries about it to-day, when it is hoped to reach a vote on this bill?

Mr. REID of Illinois. In view of the unanimity of intention to offer amendments, I do not know, but I think we will begin reading the bill on Friday.

Mr. GARNER of Texas. When do you expect you will arrive at a vote on the bill in the House of Representatives?

Mr. TILSON. That will depend on the number of amendments offered and the amount of debate under the five-minute rule.

Mr. GARNER of Texas. Do I understand, then, that you hope to arrive at a vote on this bill by Saturday?

Mr. REID of Illinois. Yes.

Mr. TILSON. I hope so.

Mr. GARNER of Texas. You expect to do that?

Mr. TILSON. I expect so, and I shall urge all I can in that direction.

Mr. GARNER of Texas. I understood there was some arrangement being made by certain gentlemen, including the gentleman from Connecticut, whereby they hoped to reach an agreement not later than Monday.

Mr. TILSON. I have heard nothing of it. What the gentleman states is news to me, because I can assure him that his statement is the first I have heard of it.

Mr. GARNER of Texas. Then you expect to vote on the bill on Saturday?

Mr. TILSON. That is the expectation, and I suppose the gentleman from Illinois agrees with me.

Mr. REID of Illinois. I follow my leader.

HAWAII, A TERRITORY OF THE UNITED STATES

Mr. CELLER. Mr. Speaker, I ask unanimous consent to insert in the RECORD certain correspondence that passed to and fro between the Delegate from Hawaii [Mr. HOUSTON] and myself concerning Hawaii, one of our Territories.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks by inserting certain correspondence between himself and the Delegate from Hawaii on the subject of Hawaii. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, under leave to extend my remarks I desire to insert correspondence which has passed to and from Hon. V. S. K. HOUSTON, Delegate to Congress from Hawaii, and myself. The contention of the Delegate from Hawaii is quite sound and it is wrong to classify Hawaii in any way other than that of a Territory of the United States.

The matter referred to is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 14, 1928.

Hon. EMANUEL CELLER, M. C.,
House of Representatives.

MY DEAR CONGRESSMAN: I note from the RECORD of yesterday that during the debate on the legislative appropriation bill you were yielded 10 minutes by Congressman SANDLIN for the purpose of making some remarks on foreign investments made by American banks.

In the figures that you have inserted there appears a paragraph headed "American financing of her Territories," in which there is a confusion of Territories and possessions, in fact, you use the terms "Territorial possessions" in two places. Then there is listed in the tabulation under the term "Country" both Alaska and Hawaii.

I must protest most energetically against the confusion that follows as a consequence of any classification that would list the organized Territory of Hawaii along with the possessions under the American flag. By decision of the United States Supreme Court, Hawaii is an integral part of the United States, and therefore any classification, be it only for convenience, which segregates Hawaii under the general heading of "foreign investments" is wholly wrong and liable to do damage to the interests of the Territory, which I have the honor to represent in Congress.

I ask that you will be so good as to have reference thereto made, because it is all too common for the mistake to be made of confusing the possessions, which are not in fact integral parts of the United States, with the two Territories of the United States, Alaska and Hawaii, which, in effect, are integral parts of the country.

Very sincerely yours,

V. S. K. HOUSTON,
Delegate to Congress from Hawaii.

APRIL 14, 1928.

Hon. V. S. K. HOUSTON,
Delegate to Congress from Hawaii,
House of Representatives, Washington, D. C.

MY DEAR COLLEAGUE: I believe your point is well taken that the Territory of Hawaii is really an integral part of the United States. However, before making the change in the RECORD I would like to have the citation of the decision of the Supreme Court to which you refer, after the receipt of which I shall be pleased to insert in the RECORD the appropriate change, and along with it pertinent portions of that decision.

I accepted the classification of loans as given me by the Department of Commerce and simply inserted them in the RECORD as received.

Very truly yours,

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 16, 1928.

Hon. EMANUEL CELLER, M. C.,
House of Representatives.

MY DEAR MR. CELLER: In reply to your letter of April 14 asking for the citation of the decision of the United States Supreme Court as to the Territory of Hawaii, may I quote you the following:

"In 1903 the Supreme Court of the United States decided unanimously in the case of Hawaii *v.* Mankichi (190 United States Supreme Court Reports, 197) that Hawaii had been incorporated as an 'integral part of the United States.'"

Several opinions were announced, but on this point the only difference of opinion was as to when such incorporation became complete.

Chief Justice White, speaking for himself and Justices Harlan, Brewer, and Peckham, said, among other things, referring to the McKinley treaty and the joint resolution accepting its terms:

"The preamble of this treaty expressed 'the desire of the Government of the Republic of Hawaii that those islands should be incorporated into the United States as an integral part thereof and under its sovereignty,' and that the governments 'have determined to accomplish by treaty an object so important to their mutual and permanent welfare.'"

(See p. 224; also separate opinion of Justice Harlan, p. 227; also p. 225: "By the resolution the annexation of the Hawaiian Islands became complete and the object of the proposed treaty, that 'those islands should be incorporated into the United States as an integral part thereof and under its sovereignty,' was accomplished.")

The above is from the Revised Laws, from page 142, Bill of Rights, Chapter XVII, of 1925, entitled: "Decision of the United States Supreme Court concerning the status of Hawaii in the Union."

Besides the above decision, the United States Congress in providing for the organic act creating the Territory of Hawaii passed the following specific section:

"SEC. 5. That the Constitution, and except as herein otherwise provided, all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States."

That there is a basic difference between the organized Territories and the possessions should be evident from the fact that the Federal income tax laws are applicable in the Territories but not in the possessions. Customs duties collected in the Territories go to the Federal Treasury, but in the possessions go to the island treasuries.

I believe the above fact should be sufficient to support the position taken by the Territory in the matter.

With kindest regards,

V. S. K. HOUSTON,
Delegate to Congress from Hawaii.

APRIL 16, 1928.

Hon. HERBERT HOOVER,
Secretary of Commerce, Commerce Building, Washington, D. C.

MY DEAR MR. SECRETARY: On Friday, April 13, 1928, the Hon. EMANUEL CELLER, Member of Congress, in a speech on the floor of the House commenting on foreign loans, made use of a report from the Department of Commerce of recent date, quoted on pages 6445–6446, in which the organized Territories of the United States are classed under the heading of foreign securities and foreign finance.

I append for your ready reference copies of my correspondence with the Speaker on the subject.

I most earnestly protest against the continuance of the above classification. The inclusion of possessions under the heading "Territories" in the first place is conducive to the subsequent errors. The paragraph of page 6446 headed "America financing her Territories" makes use of the term "Territorial possessions." It is probably as a consequence of such terms that the erroneous inclusion of "organized Territories" followed.

May I not remind the department that Hawaii by a unanimous decision of the United States Supreme Court is an "integral part of the United States," and that by section 5 of the organic act passed by the Federal Congress, the Constitution, and except as herein otherwise provided, all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States.

I had the occasion to bring a similar matter to the notice of the department by my letter of January 25, 1928, in which I referred specifically to the census of agriculture.

May I not hope that appropriate steps may be taken throughout the department to assure correct classification in all matters referring to Hawaii, so that (a) Hawaii as a Territory may not be confused with a possession, (b) Hawaii as an integral part of the United States may be included as under a domestic—not foreign—heading?

Very respectfully,

V. S. K. HOUSTON,
Delegate to Congress from Hawaii.

FLOOD CONTROL

Mr. COCHRAN of Missouri. Mr. Speaker, I would like permission of the House to include in my remarks on the flood control bill a resolution passed by seven large business organizations in reference to the pending measure.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker and Members of the House, my purpose in asking your attention at this time is to read a resolution adopted by seven organizations of St. Louis on the subject of flood control. Included in the membership of the organizations will be found the name of practically every large business concern in St. Louis, as well as the largest taxpayers of my city.

These men represent the great industries for which St. Louis is famous, and I might add at least 80 per cent of them have voted the Republican ticket in the past. They are ready to do their share toward carrying out the provisions of such flood-control legislation as may be enacted. The resolution follows:

Whereas flood control on the lower Mississippi is a matter of the utmost importance and of the greatest urgency not only to the Mississippi Valley region but to the entire country, a matter which involves the economic welfare as well as the humanitarian obligations of the Nation, and which lays upon the Government of the United States an exclusive and inescapable responsibility: Be it

Resolved, That the undersigned organizations representing the business interests and activities of the city of St. Louis convey to the President of the United States and the Members of Congress their firm conviction that the problem is one which the United States Government alone can solve; that any division of responsibility is impractical and can only serve to impede the effort; and that it is essential to the expeditious and effective completion of the great work immediately necessary for the alluvial valley between Cape Girardeau and the Gulf that the Federal Government assume the full obligation the situation imposes; that in view of the magnitude and extraordinary expense of the undertaking it is highly important that the best engineering talent of the country be called upon for the primary determination of the plan, and to that end civilian engineers of the highest competency should be associated with the engineers of the Army and river service; and, finally, it is above all important in the emergency which unquestionably exists affecting such a large proportion of the country, that this pressing need for constructive and comprehensive flood-control legislation at this session of Congress be not jeopardized or endangered by a failure to consort and agree upon the major relief principles; and be it further

Resolved, That in view of the fact that flood control is a to-day need of the Mississippi Valley, that the Representatives in Congress be earnestly urged to insist upon the passage of a measure in which the general principles herein set forth are given concrete expression, and that his excellency the President of the United States be memorialized in the highest interests of our country to continue his assistance in every possible manner toward the effective working out of flood-control relief now.

ST. LOUIS CLEARING HOUSE,
JOHN G. LONSDALE, *President*,
R. S. HAWES, *Vice President*.
INDUSTRIAL CLUB OF ST. LOUIS,
FRANK C. RAND, *President*.
MERCHANTS' EXCHANGE,
F. B. CHAMBERLAIN, *President*.
MANUFACTURERS & MERCHANTS ASSOCIATION,
F. W. CORLEY, *President*.
REAL ESTATE EXCHANGE,
J. L. BARNGROVE, *President*.
ASSOCIATED RETAILERS OF ST. LOUIS,
F. M. MAYFIELD, *President*.
FLOOD CONTROL COMMITTEE ST. LOUIS CHAMBER OF COMMERCE,
THOS. N. DYSART, *Chairman*.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MCMILLAN, at the request of Mr. HARE, for four days, on account of illness in his family.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 350. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.;

H. R. 475. An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act;

H. R. 852. An act authorizing the issuance of a certain patent;

H. R. 1588. An act for the relief of Louis H. Harmon;

H. R. 1970. An act for the relief of Dennis W. Scott;

H. R. 2294. An act for the relief of George H. Gilbert;

H. R. 6431. An act for the relief of Lewis H. Easterly;

H. R. 6990. An act to authorize appropriations for construction at the Pacific Branch Soldiers' Home, Los Angeles County, Calif., and for other purposes;

H. R. 7223. An act to add certain lands to the Gunnison National Forest, Colo.;

H. R. 7518. An act for the relief of the Farmers' National Bank of Danville, Ky.;

H. R. 8550. An act to amend the national defense act;

H. R. 8724. An act granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8733. An act granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city.

H. R. 8734. An act granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8744. An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Mesa Verde National Park, and for other purposes;

H. R. 8915. An act to provide for the detention of fugitives apprehended in the District of Columbia;

H. R. 8983. An act for the relief of William G. Beaty, deceased;

H. R. 9368. An act to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia and State of Pennsylvania;

H. R. 9902. An act for the relief of James A. DeLoach;

H. R. 10038. An act for the relief of Wilford W. Caldwell.

H. R. 11023. An act to add certain lands to the Lassen Volcanic National Park in the Sierra Nevada Mountains of the State of California;

H. R. 11762. An act to authorize an appropriation to complete construction at Fort Wadsworth, N. Y.; and

H. J. Res. 244. An act authorizing a modification of the adopted project for Oakland Harbor, Calif.

The SPEAKER also announced his signature to enrolled bills of the Senate of the following titles:

S. 754. An act for the relief of certain Porto Rican taxpayers;

S. 2752. An act to amend section 80 of the Judicial Code to create a new judicial district in the State of Indiana, and for other purposes; and

S. 2858. An act to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field.

JOINT RESOLUTION AND BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, a joint resolution and bills of the House of the following titles:

H. J. Res. 118. House joint resolution authorizing the Secretary of War to award a duplicate Congressional Medal of Honor to Lieut. Col. William J. Sperry;

H. R. 242. An act to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized;

H. R. 1530. An act for the relief of William F. Wheeler;

H. R. 3510. An act to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920;

H. R. 5721. An act authorizing J. C. Norris, as mayor of the city of Augusta, Ky., his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky.;

H. R. 7011. An act to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State;

H. R. 8309. An act to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923;

H. R. 8651. An act for the relief of Lynn W. Franklin;

H. R. 9365. An act to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark.; and

H. R. 9483. An act to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico.

ADJOURNMENT

Mr. REID of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Thursday, April 19, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, April 19, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend the act of October 28, 1919, known as the national prohibition act as amended and supplemented, for the purpose of enforcing the eighteenth amendment to the Constitution more efficiently and preventing evasions thereof (H. R. 11410).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended (H. R. 12032).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended (H. R. 10958).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To regulate interstate commerce by motor vehicles operating as common carriers of persons on the public highways (H. R. 12380).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

453. A letter from the Public Printer, transmitting annual report to the Congress of the operations of the Government Printing Office for the fiscal year ended June 30, 1927, and the calendar year 1927; to the Committee on Printing.

454. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Treasury Department for the fiscal year 1929, under the provisions of the public buildings act approved May 25, 1926, as amended, $175,000 (H. Doc. No. 235); to the Commitee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. STALKER: Committee on the District of Columbia. S. 1281. An act to amend section 7 (a) of the act of March 3, 1925 (43 Stat., p. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. p. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia; with amendment (Rept. No. 1284). Referred to the Committee of the Whole House on the state of the Union.

Mr. STALKER: Committee on the District of Columbia. S. 2542. An act for the construction of a private conduit across Lincoln Road NE., in the District of Columbia; without amendment (Rept. No. 1285). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 12899. A bill authorizing the erection for the use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C.; without amendment (Rept. No. 1286). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 12415. A bill to grant freedom of postage in the United States domestic service to the correspondence of the members of the Diplomatic Corps and consuls of the countries of the Pan American Postal Union stationed in the United States; without amendment (Rept. No. 1287). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 10441. A bill to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; without amendment (Rept. No. 1288). Referred to the House Calendar.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 5758. A bill amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia; without amendment (Rept. No. 1289). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Public Lands. S. 2910. An act granting to the State of South Dakota for park purposes the public lands within the Custer State Park, S. Dak.; with amendment (Rept. No. 1297). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURDICK: Committee on Naval Affairs. H. R. 5491. A bill to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921; without amendment (Rept. No. 1298). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPDIKE: Committee on Naval Affairs. H. R. 5713. A bill to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the regular Navy, or as warrant or commissioned officers in the United States Naval Reserve Force, for purpose of promotion to chief warrant rank; with amendment (Rept. No. 1299). Referred to the Committee of the Whole House on the state of the Union.

Mr. WURZBACH: Committee on Military Affairs. H. R. 5781. A bill to declare a portion of the battle field of Westport, in the State of Missouri, a national military park, and to authorize the Secretary of War to acquire title to same on behalf of the United States; with amendment (Rept. No. 1300). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALE: Committee on Naval Affairs. H. R. 7209. A bill to provide for the care and treatment of naval patients, on the active or retired list, in other Government hospitals when naval hospital facilities are not available; with amendment (Rept. No. 1301). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPEAKS: Committee on Military Affairs. H. R. 12938. A bill for the relief of the State of Ohio; without amendment (Rept. No. 1302). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SPEAKS: Committee on Military Affairs. H. R. 3462. A bill for the relief of Paul Jelna; with amendment (Rept. No. 1290). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 6549. A bill for the relief of Lewis W. Crain; without amendment (Rept. No. 1291). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 9412. A bill for the relief of Frank D. Peck; without amendment (Rept. No. 1292). Referred to the Committee of the Whole House.

Mr. FURLOW: Committee on Military Affairs. H. R. 11754. A bill for the relief of Edward Knight; without amendment (Rept. No. 1293). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 12538. A bill for the benefit of Morris Fox Cherry; without amendment (Rept. No. 1294). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. S. 1594. An act for the relief of Capt. Joseph W. Loef; without amendment (Rept. No. 1295). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. J. Res. 168. A joint resolution for the appointment of W. S. Albright, of Kansas, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; without amendment (Rept. No. 1296). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 4215. A bill for the relief of Frank L. Merrifield; with amendment (Rept. No. 1303). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 4380. A bill for the relief of Martha Andrew Virginia Johnson; with amendment (Rept. No. 1304). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 8598. A bill for the relief of James J. Dower; without amendment (Rept. No. 1305). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 12012. A bill for the relief of Albert I. Riley; without amendment (Rept. No. 1306). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ZIHLMAN: A bill (H. R. 13140) to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. ESLICK: A bill (H. R. 13141) granting the consent of Congress to T. S. Hassell to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at or near Clifton, Wayne County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. BURDICK: A bill (H. R. 13142) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof; to the Committee on the Judiciary.

By Mr. BACHARACH: A bill (H. R. 13143) to adjust the compensation of certain employees in the customs service; to the Committee on Ways and Means.

By Mr. FRENCH: A bill (H. R. 13144) to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes; to the Committee on the Public Lands.

By Mr. KERR: A bill (H. R. 13145) to repeal the limitations of time for awarding medals of honor, distinguished-service crosses, and distinguished-service medals; to the Committee on Military Affairs.

By Mr. SPROUL of Kansas: A bill (H. R. 13146) to amend section 82, as amended, chapter 447, being "An act to amend the laws relating to the judiciary," approved September 6, 1916 (39 Stat., p. 725, Pt. I), being code section 157, page 881 of the Code of Laws of the United States; to the Committee on the Judiciary.

By Mr. STEDMAN: A bill (H. R. 13147) to establish a national military park at the battle ground of Alamance, State of North Carolina; to the Committee on Military Affairs.

By Mr. STOBBS: A bill (H. R. 13148) to investigate the practices of the chain-store organizations; to the Committee on Interstate and Foreign Commerce.

By Mr. WURZBACH: A bill (H. R. 13149) to authorize an appropriation for the construction of permanent buildings at Station Hospital, Fort Sam Houston, Tex., and for other purposes; to the Committee on Military Affairs.

By Mr. HOWARD of Oklahoma: A bill (H. R. 13150) authorizing an appropriation for the encouragement and benefit of the International Petroleum Exposition Corporation, of Tulsa, Okla.; to the Committee on Mines and Mining.

By Mr. WHITE of Maine: A bill (H. R. 13151) to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries; to the Committee on the Merchant Marine and Fisheries.

By Mr. PORTER: A bill (H. R. 13152) to provide for the reorganization of the Department of State, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STRONG of Kansas: A bill (H. R. 13153) to provide that transferors for collection of negotiable instruments shall be preferred creditors of national banks in certain cases; to the Committee on Banking and Currency.

By Mr. RATHBONE: Joint resolution (H. J. Res. 277) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XX, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWLES: A bill (H. R. 13154) for the relief of estate of Davis W. Bailey, deceased; to the Committee on the District of Columbia.

By Mr. COHEN: A bill (H. R. 13155) authorizing the President to present in the name of Congress a medal of honor to Clarence D. Chamberlin; to the Committee on Coinage, Weights, and Measures.

By Mr. GUYER: A bill (H. R. 13156) for the relief of Charles Percival Williamson; to the Committee on Military Affairs.

Also, a bill (H. R. 13157) granting an increase of pension to Lucy Dodson; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 13158) for the relief of Bessie R. Lyne; to the Committee on Claims.

By Mr. IRWIN: A bill (H. R. 13159) to authorize the construction of a memorial to the memory of George Rogers Clark at Cahokia, St. Clair County, Ill.; to the Committee on the Library.

By Mrs. LANGLEY: A bill (H. R. 13160) granting a pension to Willis Castle; to the Committee on Invalid Pensions.

By Mr. McDUFFIE: A bill (H. R. 13161) for the relief of H. C. Vaughan; to the Committee on Claims.

By Mr. MAGRADY: A bill (H. R. 13162) granting an increase of pension to Almeda L. McClosky; to the Committee on Invalid Pensions.

By Mr. MOORMAN: A bill (H. R. 13163) granting a pension to John M. White; to the Committee on Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 13164) granting an increase of pension to George M. Mitchell; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 13165) for the relief of Eugene Strazdas; to the Committee on Claims.

By Mr. REED of New York: A bill (H. R. 13166) granting a pension to Clara Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13167) granting an increase of pension to Ellen M. Terry; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 13168) granting a pension to Joshua Tate; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 13169) granting a pension to Mary Jane Chetney; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 13170) granting an increase of pension to M. Louise Haladay; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6912. Petition of citizens of New Jersey, urging the passage of the Sproul bill (H. R. 11410) to amend the national prohibition act, commonly known as the Volstead law, making the law more workable, more effective, and easier to enforce; to the Committee on the Judiciary.

6913. By Mr. CHAPMAN: Petition of Harriet Spaulding, D. Owen Robinson, James Coleman, W. B. Blanton, Richard Redding, and 57 other citizens of Frankfort, Ky., advocating passage of a bill increasing the pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

6914. By Mr. COOPER of Wisconsin: Petition of citizens of Mukwonago, Waukesha County, Wis., urging the passage of bill to increase pension of Civil War widows; to the Committee on Invalid Pensions.

6915. By Mr. CRAIL: Petition of California Eastern Petroleum Co. employees, favoring the passage of Senate bill 777; to the Committee on World War Veterans' Legislation.

6916. Also, petition of the Marine Refining Corporation of California, favoring the passage of Senate bill 777; to the Committee on World War Veterans' Legislation.

6917. Also, petition of Los Angeles Unit No. 8, American Legion Auxiliary, indorsing House bill 5520, a bill providing for a dormitory and infirmary for women veterans; to the Committee on Military Affairs.

6918. By Mr. DENISON: Petition of various citizens of Perry County, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6919. By Mr. DICKINSON of Missouri: Petition by certain citizens of Rockville, Mo., urging the passage of a Civil War pension bill carrying the rates advocated by the National Tribune; to the Committee on Invalid Pensions.

6920. By Mr. DREWRY: Petition of sundry citizens of Petersburg, Va., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6921. By Mr. ESTEP: Resolution of Charles A. Locke, Esq., chairman legislative committee, Davis Star Camp, Sons of Union Veterans of the Civil War, urging that the battle flags in our museums may be restored and preserved, etc.; to the Committee on Military Affairs.

6922. By Mr. ROY G. FITZGERALD: Petition of 59 citizens of Dayton, Ohio, praying for the early passage of a bill to increase the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6923. By Mr. GARBER: Petition of Proportional Representation League, by the executive secretary, George H. Hallett, jr., of Philadelphia, Pa., in support of House Joint Resolution 181; to the Committee on Election of President, Vice President, and Representatives in Congress.

6924. Also, petition of J. H. Stolper, general counsel and chairman national executive committee American Veterans of All Wars, Muskogee, Okla., and Second Congressional Republican District Convention of Oklahoma, urging the enactment of House bill 500; to the Committee on World War Veterans' Legislation.

6925. Also, petition of residents of Blackwell, Okla., urging the enactment of legislation for relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6926. Also, petition of Mrs: George T. Whitaker, of Laverne, Okla., in support of Senate bill 2901 and House bill 9588; to the Committee on the Judiciary.

6927. By Mr. HOPE: Petition signed by residents of Reno County, Kans., requesting more adequate pension legislation for Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6928. Also, petition signed by the residents of Fort Dodge, Kans., requesting legislation for the benefit of veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

6929. By Mr. HOWARD of Nebraska: Petition signed by Sophia Hickok, of Columbus, Nebr., and some 60 others, of Columbus, Nebr., praying for the passage of legislation to aid the suffering survivors of the Civil War and the widows of the veterans of the late Civil War; to the Committee on Invalid Pensions.

6930. By Mr. HUDSON: Petition of citizens of Flint, Mich., and Livingston County, Mich., urging favorable consideration of legislation increasing pensions for the veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6931. By Mr. IRWIN: Petition of J. C. Henry, 3252 Waverly Avenue, East St. Louis, Ill., et al., praying for the enactment of legislation in behalf of Civil War veterans and widows of Civil War veterans at this session of Congress; to the Committee on Invalid Pensions.

6932. By Mr. KINDRED: Petition of the Merchants Association of New York, urging the Congress of the United States to enact into law at an early date House bill 10644, by Congressman BACHARACH, which provides certain increases in the amount of compensation paid to employees in the customs service; to the Committee on Ways and Means.

6933. By Mr. LINDSAY: Petition of the American Agricultural Chemical Co., protesting against Muscle Shoals resolution now before the House on the grounds that it is un-American, confiscatory, and destructive of the fertilizer industry; to the Committee on Military Affairs.

6934. By Mr. McFADDEN: Petition of residents of Little Meadows, Warren County, Pa., to bring to a vote the Civil War pension bill, granting relief to veterans and widows of veterans; to the Committee on Invalid Pensions.

6935. By Mr. MAGRADY: Petition of Anna R. Acor, of Potts Grove, Pa., and 29 other citizens of the same community, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

6936. Also, petition of Rozell Porter and 41 other citizens of Sullivan County, Pa., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

6937. By Mr. MEAD: Petition of the Senate of the State of New York, pertaining to an all-American ship canal; to the Committee on Rivers and Harbors.

6938. Also, petition of Willard G. Lockwood, of Buffalo, N. Y., favoring the passage of the Tyson-Fitzgerald bill for the retirement of disabled emergency Army officers; to the Committee on World War Veterans' Legislation.

6939. By Mr. MILLIGAN: Petition signed by citizens of Stanberry, Gentry County, Mo., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying certain proposed increases of pensions; to the Committee on Invalid Pensions.

6940. By Mr. O'CONNELL: Petition of the Merchants Association of New York, favoring the passage of the Bacharach bill (H. R. 10644) providing for certain increases in the amount of compensation paid to employees in the customs service; to the Committee on Ways and Means.

6941. Also, petition of Hon. Louis A. Cuvillier, member of assembly, State of New York, favoring the Tyson-Fitzgerald bill for disabled emergency officers; to the Committee on Military Affairs.

6942. Also, petition of the Pershing Square Post, No. 957, American Legion, New York City, favoring the passage of Senate bill 660 and House bill 10422, designed to give credit to the employees of the Post Office Department for service in the military and naval forces of the United States during wars, expeditions, and military occupations; to the Committee on the Post Office and Post Roads.

6943. By Mr. RATHBONE: Petition by 50 residents of Chicago, urging that immediate steps be taken to bring to a vote a Civil War pension bill giving an increase of pension to widows of Civil War veterans; to the Committee on Invalid Pensions.

6944. By Mr. RUBEY: Petition of the voters of Phelps County, Mo., for more liberal pension laws for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6945. By Mr. SWICK: Petition of West Liberty United Presbyterian Church, of Butler County, Pa., for the enactment of House bill 78; to the Committee on the District of Columbia.

6946. Also, petition of Slippery Rock United Presbyterian Church, Butler County, Pa., for the enactment of House bill 78; to the Committee on the District of Columbia.

6947. By Mr. TEMPLE: Resolution of John Ashley Dennis, jr., Post No. 437, Philipsburg, Pa., protesting against the enactment of Senate bill 777, making eligible for retirement under certain conditions disabled emergency officers of the World War and rewarding them not according to their disability but according to their rank; to the Committee on World War Veterans' Legislation.

6948. Also, petition of Emma A. Wood and Myrtle Parker, of Holbrook, Greene County, Pa., in support of legislation increasing the rate of pension to Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

SENATE

THURSDAY, *April 19, 1928*

Rev. James W. Morris, D. D., of the city of Washington, offered the following prayer:

O Lord God, Thou God of hope, praise be to Thee for the hope that lives with us and for the hope that is set before us, for the assurance through faith both in things seen and temporal and in things unseen and eternal.

We thank Thee that we as a nation may calmly face the future now we have proved the past; that under Thy teaching we have learned that patience worketh experience and experience hope.

Grant, O God, that Thy love may be spread abroad in our hearts through the Holy Ghost which is given us. Keep undimmed the bright skies of hope that shine upon our brave young Nation. Teach us that naught can shadow our far-flung horizon, beckoning to still happier and more glorious days, save sin, which is the ruin and shame of every people. Save us from sordid manhood and besoiled womanhood, from the lust of the flesh, the lust of the eyes, and the pride of life.

And may the God of hope fill us with all joy and peace in believing that we may abound in hope through the power of the Holy Ghost. Through Jesus Christ our Lord. Amen.

The legislative clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 754. An act for the relief of certain Porto Rican taxpayers;

S. 2752. An act to amend section 80 of the Judicial Code to create a new judicial district in the State of Indiana, and for other purposes;

S. 2858. An act to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field;

H. R. 350. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.;

H. R. 475. An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act;

H. R. 852. An act authorizing the issuance of a certain patent;

H. R. 1588. An act for the relief of Louis H. Harmon;

H. R. 1970. An act for the relief of Dennis W. Scott;
H. R. 2294. An act for the relief of George H. Gilbert;
H. R. 6431. An act for the relief of Lewis H. Easterly;
H. R. 6990. An act to authorize appropriations for construction at the Pacific Branch Soldiers' Home, Los Angeles County, Calif., and for other purposes;
H. R. 7223. An act to add certain lands to the Gunnison National Forest, Colo.;
H. R. 7518. An act for the relief of the Farmers' National Bank of Danville, Ky.;
H. R. 8550. An act to amend the national defense act;
H. R. 8724. An act granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city;
H. R. 8733. An act granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city;
H. R. 8734. An act granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city;
H. R. 8744. An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Mesa Verde National Park, and for other purposes;
H. R. 8915. An act to provide for the detention of fugitives apprehended in the District of Columbia;
H. R. 8983. An act for the relief of William G. Beaty, deceased;
H. R. 9368. An act to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia and State of Pennsylvania;
H. R. 9902. An act for the relief of James A. DeLoach;
H. R. 10038. An act for the relief of Wilford W. Caldwell;
H. R. 11023. An act to add certain lands to the Lassen Volcanic National Park in the Sierra Nevada Mountains of the State of California;
H. R. 11762. An act to authorize an appropriation to complete construction at Fort Wadsworth, N. Y.; and
H. J. Res. 244. Joint resolution authorizing a modification of the adopted project for Oakland Harbor, Calif.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Sheppard
Bayard	Frazier	Locher	Shipstead
Bingham	George	McLean	Shortridge
Black	Gerry	McMaster	Simmons
Blaine	Glass	McNary	Smith
Blease	Goff	Mayfield	Smoot
Borah	Gooding	Metcalf	Steiwer
Brookhart	Gould	Moses	Stephens
Broussard	Greene	Neely	Swanson
Bruce	Hale	Norbeck	Thomas
Capper	Harrison	Norris	Tydings
Caraway	Hayden	Nye	Tyson
Copeland	Heflin	Oddie	Vandenberg
Couzens	Howell	Overman	Wagner
Curtis	Johnson	Pittman	Walsh, Mont.
Cutting	Jones	Ransdell	Warren
Dill	Kendrick	Reed, Pa.	Waterman
Edge	Keyes	Sackett	Watson
Fess	King	Schall	Wheeler

The VICE PRESIDENT. Seventy-six Senators having answered to their names, a quorum is present.

JULIAN E. GILLESPIE

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting draft of proposed legislation for the relief of Julian E. Gillespie, temporary special disbursing agent of the Bureau of Foreign and Domestic Commerce, in the matter of certain expenditures, which, with the accompanying paper, was referred to the Committee on Claims.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by the New York County Lawyers' Association, opposing the passage of the bill (S. 3151) to limit the jurisdiction of district courts of the United States, which were referred to the Committee on the Judiciary.

Mr. FESS presented petitions of sundry citizens of Cuyahoga County and College Hill, in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. COPELAND presented petitions of sundry citizens of New York City, Brooklyn, and Richmond Hill, all in the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Jackson County, Mo., and the State of Oregon, praying for the passage of legislation providing for the identification of children at birth by finger and foot prints on joined cards for the mothers and children; identifying persons injured, lost, or otherwise unmarked; and also requiring aliens and travelers to carry finger-printed identification cards, which were referred to the Committee on Immigration.

PROTECTION OF MIGRATORY BIRDS

Mr. TYDINGS. Mr. President, the other day when the migratory bird bill was before the Senate I stated that the game warden of Maryland was opposed to the $1 license fee. I had had a talk with him, and he stated that he was for the purposes of the bill, but, as I understood it, he was not particular about raising the money in that way. I have a letter from him this morning in which he states that I must have misunderstood him. I ask unanimous consent to have the letter printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

STATE OF MARYLAND,
CONSERVATION DEPARTMENT, GAME DIVISION,
Baltimore, Md., April 18, 1928.

Senator MILLARD E. TYDINGS,
United States Senate, Washington, D. C.

DEAR SENATOR TYDINGS: I have been informed that on April 17 there was an amendment offered to the game refuge bill, S. 1271, to eliminate the $1 license feature, and provided for an appropriation by Congress of $1,000,000 for this work.

I understand that you, on the floor of the United States Senate, quoted me as having changed my opinion relative to the game refuge bill. I can not understand how you received this impression. As you are aware, you received a letter from me written on March 28 relative to this bill and requesting your support. I received a reply on March 29, and answered same immediately regarding same, at which time I stated if the $1 license feature was the only objection and would cause the defeat of the bill, and Congress would make the proper appropriation, I had no objection to same; however, still feel that the $1 license feature of the bill is very essential, and believe in placing the burden of financing conservation work on the shoulders of those who receive the benefit of same, and am sure the $1 license feature would more adequately finance the work required by this bill than the money which Congress would appropriate, as I do not believe Congress would make a sufficient appropriation annually, where, I am sure, the $1 license feature would bring in adequate revenue to take care of same.

Therefore, knowing you as I do, I am sure you did not intend to misquote me, but feel you have misunderstood me, and sincerely hope the game refuge bill, providing for the $1 hunters' license system, will be enacted into law and placed on the Federal statute books, thereby keeping our faith with Canada and placing the United States Government in a position to carry out their part of the treaty between the United States and Canada.

Assuring you of my sincere friendship and thanking you for your cooperation, I am,

Yours very truly,

E. LEE LeCOMPTE,
State Game Warden.

ALIEN PROPERTY AND OTHER CLAIMS

Mr. SMOOT. Mr. President, I have here a letter from Mr. A. W. Lafferty, which I ask to have printed in the RECORD, and I also ask to have printed in the RECORD my reply to it.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NEW YORK, *March 31, 1928.*

Hon. REED SMOOT,
United States Senate, Washington, D. C.

DEAR SIR: A week ago to-day, March 24, you placed in the CONGRESSIONAL RECORD a copy of a letter written by me February 11, 1928, to G. Siegel & Co., Stuttgart, Germany, regarding the recent alien property legislation.

You said the letter was "filled with falsehoods" and that you thought it advisable to let the German owners interested know that "Mr. Lafferty is writing to his clients making a number of statements which are absolutely untrue."

I hereby denounce as untrue your accusations and ask that you offer this letter for the CONGRESSIONAL RECORD as my answer thereto.

When you were asked by a Senator to point out in detail wherein my letter was untrue, you failed utterly. You did no more than to read the first paragraph of my letter, wherein I claimed to have succeeded in my fight for an 80 per cent release for my clients, instead of a mere 60

per cent release, as was proposed in the bill reported by you in the first instance, and then your sole comment in refutation of my claim of success was as follows:

"The fact of the matter is that the House of Representatives agreed upon 80 per cent and there was no question in the minds of the members of the Finance Committee to change it in the least. Mr. Lafferty had nothing whatever to do with it."

Will you deny that last session the House also passed an 80 per cent bill and that your committee did change it and reported a 60 per cent bill? Such is the record.

Will you deny that I filed four major briefs and many smaller briefs before you and each member of your committee the past winter protesting against your committee taking the same action this session that it took last in regard to cutting the bill down from an 80 per cent bill to a 60 per cent bill?

Will you deny that I appeared personally before your committee in January, speaking longer than any other person at the public hearings, as the record will show, and that I there repeated my protests against cutting the bill down from an 80 per cent release to a mere 60 per cent release, as was done by your committee last session?

Just when did your committee make up its mind not to cut the bill down from an 80 per cent release to a mere 60 per cent release at the present session? And just why did your committee change its 60 per cent program of last session?

You say I had absolutely nothing to do with it. I ask you to state who did. And when did the change take place? If you will answer these questions, then you will be in a better position to point out, if you can, wherein my letter was "filled with falsehoods."

Personally, I do not care a snap of my finger for your accusations. But I served four long years in the very Congress of which you were then and now are a distinguished upper-branch Member, and I owe it to you and to every man who has ever served in Congress or ever will, and to my relatives now living and yet unborn, to refute your charge that I have signed my name to falsehoods. When I signed that letter I believed it was true, and I still believe it was absolutely and wholly true, and for that reason it was not a falsehood, even though I may have been grossly mistaken as to just what part I played, if any part at all, in changing your committee from the attitude it took last session for a mere 60 per cent release to its final attitude for an 80 per cent release.

You reported last session's bill, Senator SMOOT. Therefore it is conclusive that you favored only a 60 per cent release at that time. Just when did you, personally, change your mind, and why? I thought you changed—partly, at least—as a result of the more thorough and patient hearings you gave the subject this session, and I learn from your denunciation of my letter for the first time that "there was no question in the minds of the members of the Finance Committee" even suggesting a change this year from an 80 per cent release to a 60 per cent release. If you had given us that information before the hearings this year it would have saved a lot of time and work. But I can not yet see how that would have been possible, since five members of the Finance Committee are new this session and had never even heard the subject discussed before. And none of the older members had publicly made it known that they had undergone a change of mind from the 60 per cent commitment, not even yourself.

August 10, 1927, you were quoted in the press throughout Germany, in a dispatch from Washington, as follows:

"Senator SMOOT stated that the German properties would be returned, but he said the House bill providing for an 80 per cent release would have no chance to pass, and that under no circumstances would more than 60 per cent of the German properties be returned, and that the Finance Committee would stand firm for their last year's proposal."

Besides, the bill which you reported last session confiscated outright the interest on German moneys earned before March 4, 1923, a sum of more than $25,000,000. That was changed this year, and the owners are given certificates for that interest money. You were good enough to give me a personal hearing in your office this year on this subject, and at the public hearings the record shows that you requested me to repeat for the benefit of the full committee the arguments I had made in your office, which I did, citing a Supreme Court decision in favor of my contention. I appreciated your courtesy and patience more than I could express, and I wired and wrote all my clients of your great assistance. But if I had nothing whatever to do with the outcome of the bill, it seems to me that it were idle for you to have spent the time of yourself and your committee in the manner here shown.

The answer to this whole riddle is jealousy. I have very few German clients, but certain individuals imagine I have a great many, and they want these clients for themselves and their friends. Many efforts have been made in the past to take my few clients away from me but without success, except in a very few cases. I doubt not that the Siegel letter was handed to you by certain selfish individuals who hope to profit at my expense, and I was probably represented to you as claiming the credit for the work of yourself and your committee in order to stir your ire against me. If so, nothing could be further from the truth. The Senate Finance Committee and its chairman are entitled to all the credit for the 80 per cent release of seized private German property in America, in cash and kind, and 5 per cent interest-bearing certificates for the 20 per cent temporarily withheld to help pay American claims, so far as the bill as reported this year to the Senate and as it subsequently passed is concerned. No advocate, without the help of the committee, could do anything. The committee held the power, and the credit is all due the committee.

I did my best for my few clients. I am grateful to the Finance Committee and to the Senate and to Congress for what my clients will receive under the law, and I am satisfied. But I do not propose to rest under the charge of being the author of "falsehoods" either in connection with the long and arduous work that has been performed by all faithfully connected with it either during its performance or after its completion.

With all due regard, very truly yours,

D. W. LAFFERTY.

UNITED STATES SENATE,
April 18, 1928.

Mr. A. W. LAFFERTY,
510 Park Avenue, New York City, N. Y.

DEAR MR. LAFFERTY: I am in receipt of your letter of April 7, 1928, in answer to my letter of the 5th.

I have been tied up night and day with the consideration of the pending revenue bill and for that reason you must excuse me for not answering your letter before this.

First, the statement to which I referred as being untrue, is as follows:

"You may have heard that I generated some warmth at Washington in regard to the alien property bill. I did, and if I had not done so the capital release would have been only 60 per cent this year instead of 80 per cent. I let the big American damage-award holders, as well as the big German shipping companies and banks, understand that unless my clients got at least an 80 per cent release this year I would point out to the Senate Finance Committee some of the weaknesses of the larger claimants on both sides. As a result, hearings were ordered before the Senate Finance Committee and the large American claimants then agreed to an 80 per cent release of capital at this session to all German property owners."

In justification of my statement I want to say to you that I, myself, had been convinced that the 80 per cent release of the property this year instead of 60 per cent, as provided in the Senate bill a year ago, was the proper thing to do. I had discussed it with other members of the committee before even the hearings began and I can truthfully say that a majority of the committee agreed to that proposition prior to the holding of hearings. In the hearings, however, we heard others on this subject besides yourself. This was done for the record and to secure, if possible, a united vote on the question.

The bill would have been reported to the Senate with the 80 per cent provision if you or any other witness had not appeared before the committee on the subject of the 80 per cent. So your statement that the 60 per cent program would have gone through except for the aggressive fight you put up at Washington for the upstanding German property claimants was not the truth.

You state that your strategy, which you believed would win before the Senate Finance Committee, did win. That is not the case.

You also state that they will receive 5 per cent interest-bearing certificates for the 20 per cent of their capital withheld, and they will receive also certificates for the interest earned by their custodianized cash prior to March 4, 1923, a period of five years, and that interest item will amount to another 20 per cent of the capital, and the last-named item would have been lost entirely this year to the German property claimants if it had not been for the hearings which you alone demanded and procured before the Senate Finance Committee.

This is another exaggerated statement, and I want to say not the truth.

I had a number of briefs on this same subject. It had been discussed between the committee and the Alien Property Custodian, and an expression had been made on the part of the committee against it on the basis that it would never amount to much, as it depended upon the German payments continuing for over 25 years.

If I remember correctly, when Senator KING offered this amendment on the floor of the Senate, I accepted it as chairman of the Finance Committee.

As stated in my letter to you of April 5, 1928, I shall have your letter of March 31, 1928, addressed to me, inserted in the RECORD together with this letter.

With best wishes, I remain, yours truly,

REED SMOOT.

REPORTS OF COMMITTEES

Mr. PITTMAN, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 4126) authorizing the Secretary of the Interior to issue a patent to Katie Cassiday for a certain tract of land, reported it without amendment and submitted a report (No. 837) thereon.

Mr. HEFLIN, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3845) to prohibit

predictions with respect to cotton or grain prices in any report, bulletin, or other publication issued by any department or other establishment in the executive branch of the Government, reported it with amendments.

Mr. McNARY. I report back from the Committee on Agriculture and Forestry without amendment what is known as the European corn borer bill, being the bill (H. R. 12632) to provide for the eradication or control of the European corn borer, and I submit a report (No. 839) thereon. I wish to state that I shall call up the bill, together with other similar bills, at an early day.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. McNARY also, from the Committee on Agriculture and Forestry, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 484) to amend section 10 of the plant quarantine act, approved August 20, 1912 (Rept. No. 841);

A bill (H. R. 4068) for the relief of the Majestic Hotel, Lake Charles, La., and of Lieut. R. T. Cronau, United States Army (Rept. No. 838); and

A bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes (Rept. No. 840).

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 6685) to regulate the employment of minors within the District of Columbia, reported it without amendment and submitted a report (No. 842) thereon.

Mr. BLACK, from the Committee on Military Affairs, to which was referred the bill (S. 3089) to increase the efficiency of the Military Establishment, and for other purposes, reported it without amendment and submitted a report (No. 843) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills:

S. 754. An act for the relief of certain Porto Rican taxpayers;

S. 2752. An act to amend section 80 of the Judicial Code to create a new judicial district in the State of Indiana, and for other purposes; and

S. 2858. An act to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DILL:

A bill (S. 4137) authorizing an appropriation for Mount Adams Highway on the Yakima Indian Reservation; to the Committee on Indian Affairs.

A bill (S. 4138) granting a pension to Mary A. Walters; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 4139) granting an increase of pension to Laura A. Burnham; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4140) for the relief of the City of Beaumont Ship Corporation; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 4141) granting an increase of pension to Sirena A. Moore; to the Committee on Pensions.

By Mr. WATSON (for Mr. ROBINSON of Indiana):

A bill (S. 4142) granting a pension to Mary F. Buckles (with accompanying papers);

A bill (S. 4143) granting an increase of pension to Emma A. Burton (with accompanying papers); and

A bill (S. 4144) granting an increase of pension to Ruhamah Shafer (with an accompanying paper); to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 4145) granting an increase of pension to Caroline Nickles (with accompanying papers); to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 4146) granting an increase of pension to Frances O. Thompson (with accompanying papers); to the Committee on Pensions.

A bill (S. 4147) for the relief of certain claimants who suffered loss by fire in the State of Minnesota during October, 1918; to the Committee on Claims.

A bill (S. 4148) authorizing and directing the Secretary of War to grant certain land to the city of St. Paul, State of Minnesota; to the Committee on Military Affairs.

By Mr. BROUSSARD:

A bill (S. 4149) to authorize the establishment of the northwest Louisiana game and fish preserve, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. CUTTING:

A bill (S. 4150) to provide adequate compensation and treatment for veterans having a tubercular disease; to the Committee on Finance.

A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution of the United States relative to the nomination or election of Members of Congress; to the Committee on the Judiciary.

COLUMBIA BASIN RECLAMATION PROJECT

Mr. JONES and Mr. DILL jointly submitted an amendment intended to be proposed by them to the bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, which was ordered to lie on the table and to be printed.

COMMITTEE SERVICE

Mr. WALSH of Montana. Mr. President, I ask that the junior Senator from Ohio [Mr. LOCHER] be designated as a member of the following committees: Education and Labor, Post Offices and Post Roads, and Pensions, there being a vacancy on each of those committees.

The VICE PRESIDENT. Without objection, it is so ordered.

The order was reduced to writing, as follows:

Ordered, That Mr. LOCHER be assigned to service on the following committees: Education and Labor, Post Offices and Post Roads, and Pensions.

INVESTIGATION OF SALT CREEK OIL LEASES

Mr. NORRIS. Mr. President, I ask to have the clerk read a Senate resolution which I send to the desk. Then I would like to have the judgment of the Chair as to whether it is necessary that the resolution shall be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, since it is in the nature of an amendment to an existing resolution. I call the attention of the Chair to its reading. I ask that the clerk may read the resolution, and then I shall ask for its present consideration.

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 202), as follows:

Resolved, That the Committee on Public Lands and Surveys, or any subcommittee thereof, in addition to the authority conferred upon it by Senate Resolutions 282 and 294 in the Sixty-seventh Congress, and Senate Resolution 101 in the Seventieth Congress, be, and it is hereby, authorized and directed to make a full and complete investigation as to the leasing of the oil lands in the Salt Creek field in the State of Wyoming, for the purpose of ascertaining whether said leases, or any of them, were illegal or fraudulent and whether the assigning of any such leases or the operation under said leases has given to any individual or corporation a monopoly in the production of oil, or whether the said leasing or assignment of leases or operation thereof has tended toward the creation or organization of any monopoly in the production of oil; and to ascertain and report to the Senate whether said leases, or any of them, are fraudulent and could or should be annulled or canceled by the United States Government; and, if the said leasing or the assignment of any of said leases or the operation thereof has been fraudulent or illegal or has resulted in a monopoly or tending toward a monopoly, to report to the Senate what, if any, legislation should be enacted by Congress for the purpose of curing such evils.

The authority conferred upon said committee by said Senate Resolutions 282 and 294 in the Sixty-seventh Congress and Senate Resolution 101 in the Seventieth Congress are hereby extended and continued for the purpose of the additional investigation herein provided for to the same extent and as fully as though they were incorporated herein.

The VICE PRESIDENT. After consultation with the parliamentarian, the Chair holds that since the resolution, if adopted, will create a charge against the contingent fund and provide for a new investigation, the resolution should be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. NORRIS. Then, I ask that the resolution be referred to that committee.

The VICE PRESIDENT. The resolution will be so referred.

UNEMPLOYMENT CONDITIONS

Mr. HAYDEN. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the Independent for April 14, 1928, written by the junior Senator from New York [Mr. WAGNER].

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

SOUND POLICY TO BREAK THE BREAD LINES

I can not believe that it is just sentimental sympathy which has called forth so tremendous a response to the suggestion made in the United States Senate that the Nation begin to attack its unemployment problem. I might have ascribed it to the feeling of charity and human kindness if it were not for the fact that it has been taken up by hard and weather-beaten editors who are not ordinarily swayed by the soft emotion. There is something real and fundamental underneath the present unemployment problem which radically distinguishes it from the romantic episodes of the old General Coxey's army.

Unemployment to-day is of vastly greater significance than it was half a century ago, primarily for the reason that we have become a Nation of wage earners. First, the disappearance of the western frontier; second, the drift of population from the farm to the city; and, third, the growth and development of large corporate business have transformed a nation of independent enterprisers into a people largely dependent upon wages and employment for gaining a livelihood.

All the signs point to the continuance of these economic tendencies. Farm land is naturally limited in quantity, and the size of the tract which the farmer is capable of handling is, through the use of machinery, rapidly increasing. The farm is, consequently, bound to continue to send increments of population to the cities, there to seek industrial and commercial employment in competition with those displayed by machinery and the expanded productivity of labor.

Upon the availability of work and wages, therefore, depends the primary happiness of an ever-increasing proportion of the American people, and the periodic failure of work is the most vicious threat to their security. So far the problem has received but scant attention in the formation of our national economic policies. But in the economic life of every family it has long played a leading rôle. Even in times of plentiful employment, the fear of the loss of work haunts the hearth of every wage earner. It is a dread fear which can not be overcome by courage alone, for over it the worker has no control.

In its struggle for recognition as the major national problem, unemployment must overcome two dangerous attitudes, both of which have found expression in high places. The first is that doses of unemployment are healthful because they serve to teach labor "its place." It is almost superfluous to add that those who subscribe to this view are also of the opinion that the "place of labor" is very low. They look with disfavor upon anything which may enable labor to bargain more effectively for its fair and adequate share of the products of industry.

The second attitude that must be overcome is that which tearfully acknowledges the existence of unemployment and regretfully concludes that it must be so. Such a philosophy of inaction and despair is less malignant than the other, but no less dangerous. Its followers regularly preach the creed that unemployment must be allowed to adjust itself. Even if self-adjustment were to be expected, the question is, Who is to bear the great cost and the terrific losses during the period of adjustment? Are we going to continue to load that burden upon the shoulders of those least able to bear it? For a long time the total loss of industrial accidents was borne by the poor unfortunates who were injured, until workmen's compensation was conceived and the cost was transferred to the industry where it rightfully belonged. Incidentally, that has proved to be a great stimulant to the introduction of safety devices and safety methods. It may well be that a similar result would follow if industry were compelled to bear the cost of its seasonal and cyclical unemployment.

Self-adjustment is but an apologetic title for a do-nothing policy and for a condition of mental sterility. Only those who can complacently see poverty, misery, wretchedness, falling standards, and declining ideals will urge its adoption as a national policy.

How unemployment affects the man who is out of work is fairly well known. His savings are exhausted, his buying power destroyed, and his self-respect undermined. If the idleness is prolonged, not only he but his wife and children suffer actual want and privation until finally they submit to the humiliation of receiving charitable relief.

Is the man at work entirely free from the influence of unemployment? By no means. One of the grave dangers of slavery was that it subjected free workingmen to the unfair competition of slaves. That same unfair competition is inherent in the existence of a standing army of unemployed who are ready to accept employment at any price. It is the presence of this competition which makes the unemployment problem way and beyond more significant than the question of relief to the wageless men, for by causing competition with employed labor enforced idleness serves as a great lever to depress the standard of living of those employed, and to deprive them of any sense of security.

Both the man on the job and the man involuntarily idle look to their Government for protection, and the national welfare demands that it respond at least to the extent of taking the initiative in a campaign against unemployment that will give no quarter to the enemy. Those who are presumably speaking for the present administration are already busy at the task of comforting the public into its smug complacency toward unemployment, and thereby excusing their own failure of accomplishment in stemming the tide of idleness.

One Federal department announces that the presence of 1,000,000 who are out of work is "normal," and, therefore, nothing to be alarmed about. To my way of thinking, there is an unashamed callousness in the logic which reasons that because it is statistically "normal" for a million workers to be compelled to go without work and wages that, therefore, there is no ground for alarm. Do the families whose breadwinners belong to the unlucky million likewise feel that alarm is unwarranted? What peace of mind can the other workers enjoy when they know that, through no fault of theirs, they may be at any time drafted to join the ranks of the idle million? Fully to realize the significance of a statistical million of idle men imagination is necessary—imagination which can read into those digits the anxiety, the cruelly crushing anxiety which they record for a million homes.

The spokesman for another Federal department has declared that relief will come only from the creation of new industries, and he has appealed to the inventive genius of the Nation to exert itself in that direction. Here again a policy is laid down which is no policy at all. Instead of suggesting affirmative action, it relies on the hope that somehow invention will come at the right time and take up just the necessary amount of slack in the industrial machine. It is a truism that the development of new industries is desirable, but the far-reaching inventions and discoveries upon which new industries are founded come into being out of the untapped genius of mankind and do not at all respond to exhortation. No one can foretell when they will come. No one can frame a policy of unemployment relief which relies upon so uncertain a method of solution.

What a confession of defeat it is to admit that there is nothing we can do about unemployment. True enough, there is no ready-made panacea for sustained or periodic idleness, but certainly we shall never find a cure so long as we believe either that nothing can be done about it or that nothing should be done about it; in other words, so long as we despair of discovering a solution or rest upon the pious hope that all will be well. A policy of deliberate experimentation must be substituted for these prevailing attitudes.

The experiments must be along several lines: Increasing wages, thereby enlarging the purchasing power of the working population; decreasing hours to compensate for the expanding productivity of labor; distribution of the risk and burden of unemployment so as to minimize the hardship resulting from idleness; perfecting the channel between the workman and his job through a system of employment agencies; gathering of the pertinent information and data as to employment, unemployment, wages, and prices so as to permit business to be guided intelligently by reference to the facts, and the utilization of the tremendous spending power of government as a great balance wheel to stabilize the vibration of the entire industrial machinery.

These projects must be experimented with vigorously and with a zealous determination to eradicate joblessness. No such experiment will be undertaken or prove successful so long as those who are in charge of the laboratory are of the mind that all is well in our economic household.

CERTAIN OFFICIALS OF PHILIPPINE GOVERNMENT

Mr. BINGHAM. Mr. President, in accordance with the understanding reached several days ago, I ask unanimous consent that the Senate now proceed to the consideration of the bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands and fixing salaries of certain officials, being the bill which was introduced by the late Senator from Ohio, Mr. Willis.

Mr. WHEELER. I object.

The VICE PRESIDENT. The Senator from Montana objects to the request of the Senator from Connecticut.

Mr. BINGHAM. Then I move that the Senate now proceed to the consideration of the bill, notwithstanding the objection.

The VICE PRESIDENT. The question is on the motion of the Senator from Connecticut.

Mr. McNARY and Mr. WHEELER addressed the Chair.

The VICE PRESIDENT. The motion is not debatable.

Mr. McNARY. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. McNARY. Has morning business been concluded?

The VICE PRESIDENT. Morning business has been concluded.

Mr. McNARY. Will the Senator from Connecticut withhold his motion for just a moment in order that I may submit a report?

Mr. BINGHAM. Certainly.

(The report submitted by Mr. McNARY appears elsewhere in the RECORD under the proper heading.)

The VICE PRESIDENT. The question is on the motion of the Senator from Connecticut [Mr. BINGHAM] to proceed to the consideration of Senate bill No. 2292.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. The motion is not debatable.

Mr. WALSH of Montana. I ask that the bill may be read for the information of the Senate.

The VICE PRESIDENT. The clerk will read the bill.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That section 29 of the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916, is amended to read as follows:

"SEC. 29. That, except as in this act otherwise provided, the salaries of all the officials of the Philippines not appointed by the President, including deputies, assistants, and other employees, shall be such and be so paid out of the revenues of the Philippines as shall from time to time be determined by the Philippine Legislature; and if the legislature shall fail to make an appropriation for such salaries, the salaries so fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of the Philippines appointed as herein provided by the President shall also be paid out of the revenues of the Philippines. The annual salaries of the following-named officials appointed by the President and so to be paid shall be: The Governor General, $25,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of the Philippines, with the furniture and effects therein, free of rental; vice governor, $15,000; chief justice of the supreme court, $10,500; associate justices of the supreme court, $10,000; auditor, $15,000; one assistant auditor, $7,500; one assistant auditor, $6,000: *Provided, however,* That no officer whose salary is so paid under this section shall receive either from the treasury of the Philippine Islands or from any other source whatever any additional salary unless specifically provided by law."

SEC. 2. That a new section is hereby inserted between sections 29 and 30 of the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916, as follows:

"SEC. 29½. That from and after the passage of this act all taxes levied, collected, and paid in accordance with law upon articles, goods, wares, or merchandise brought into the United States from the Philippine Islands shall, as heretofore, accrue intact to the general government of the Philippine Islands, and of the amounts so accruing the Governor General may, with the prior approval of the Secretary of War, expend not to exceed $125,000 per annum, without the necessity of further appropriation, for salary, travel, and other expenses of such civilian assistants and technical advisers, or such emergency assistants, as he may see fit to employ on contracts calling for whole-time or part-time service."

The VICE PRESIDENT. The question is on the motion of the Senator from Connecticut to proceed to the consideration of the bill.

Mr. WALSH of Montana. I ask for the yeas and nays on the motion.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON] I transfer that pair to the Senator from Illinois [Mr. DENEEN] and will vote. I vote "yea."

The roll call was concluded.

Mr. GEORGE. I have a pair with the Senator from Colorado [Mr. PHIPPS]. I am informed that if present he would vote "yea" on this motion. I withhold my vote.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Indiana [Mr. ROBINSON] with the Senator from New Mexico [Mr. BRATTON];

The Senator from Oklahoma [Mr. PINE] with the Senator from Massachusetts [Mr. WALSH];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Tennessee [Mr. MCKELLAR]; and

The Senator from Maine [Mr. GOULD] with the Senator from New Jersey [Mr. EDWARDS].

Mr. CARAWAY. I desire to announce that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is detained from the Senate by illness.

Mr. GEORGE. I wish to announce that my colleague the senior Senator from Georgia [Mr. HARRIS] is necessarily detained from the Senate on official business.

The result was announced—yeas 46, nays 20, as follows:

YEAS—46

Ashurst	Edge	Keyes	Sheppard
Bayard	Fess	Locher	Shortridge
Bingham	Frazier	McMaster	Smoot
Black	Gooding	McNary	Steiwer
Blease	Greene	Mayfield	Tydings
Borah	Hale	Metcalf	Tyson
Brookhart	Hayden	Moses	Vandenberg
Bruce	Heflin	Norbeck	Warren
Capper	Howell	Oddie	Waterman
Couzens	Johnson	Reed, Pa.	Watson
Curtis	Jones	Sackett	
Cutting	Kendrick	Schall	

NAYS—20

Blaine	Gerry	Norris	Simmons
Broussard	Glass	Nye	Smith
Caraway	King	Overman	Thomas
Dill	La Follette	Ransdell	Walsh, Mont.
Fletcher	Neely	Shipstead	Wheeler

NOT VOTING—28

Barkley	George	McKellar	Robinson, Ind.
Bratton	Gillett	McLean	Steck
Copeland	Goff	Phipps	Stephens
Dale	Gould	Pine	Swanson
Deneen	Harris	Pittman	Trammell
du Pont	Harrison	Reed, Mo.	Wagner
Edwards	Hawes	Robinson, Ark.	Walsh, Mass.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands and fixing salaries of certain officials, which had been reported from the Committee on Territories and Insular Possessions with amendments.

Mr. BINGHAM. Mr. President, I ask that the committee amendments may be considered.

The VICE PRESIDENT. The clerk will read the first committee amendment.

Mr. WALSH of Montana. Mr. President, I wish to call the attention of the Senate to the nature of this proposed legislation, and then I shall ask the Senate to permit to be heard concerning this matter representatives of the Philippine people who are without representation in this body.

The gist of the bill is in the first few lines. It provides:

That, except as in this act otherwise provided, the salaries of all the officials of the Philippines not appointed by the President, including deputies, assistants, and other employees, shall be such and be so paid out of the revenues of the Philippines as shall from time to time be determined by the Philippine Legislature—

That is a very sensible provision.

Then it continues:

and if the legislature shall fail to make an appropriation for such salaries, the salaries so fixed shall be paid without the necessity of further appropriations therefor.

That is to say, to that extent we propose to take out of the hands of the Philippine people the power to regulate their own affairs even with respect to the matter of appropriations for minor offices of the civil government.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. BINGHAM. I think the Senator will find that that is the law at present. The only change made in the first paragraph is the change in the amounts of the salaries.

Mr. WALSH of Montana. Well, that is the matter of which we complain. We started in with a military government in the Philippines, and, pursuant to sound American principles, we got rid of that just as speedily as we could. The government then consisted of a commission appointed by the President of the United States and confirmed by the Senate, without any participation in the government on the part of the Philippine people.

Later on we established a legislature for the Philippines, the lower branch of the legislature consisting of members elected by the Philippine people themselves, the other branch consisting of members appointed by the President of the United States. When, however, Mr. Wilson became President in 1913 he recognized the right of self-government so far as to appoint a majority of the upper house from the Philippine people themselves; and then under the Jones Act, passed in 1915, the Philippine people were given the power to elect members of both branches of their legislature, and to regulate their own affairs just as we do our own affairs.

This bill attempts to fix the salaries of these officers, and provides that if the Philippine people do not make any appropriation, the thing goes on.

Mr. BINGHAM. But, Mr. President, those are the words of the Jones Act to which the Senator has just referred. There is no change in existing law in that respect. Did the Senator vote for the Jones Act when it became a law?

Mr. WALSH of Montana. I voted for the Jones Act.

Mr. BINGHAM. Then the Senator voted for the sentence to which he is objecting.

Mr. WALSH of Montana. I ask that the statement of Mr. GUEVARA, Resident Commissioner of the United States from the Philippines, be read in explanation of the attitude of the Philippine people respecting this measure.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Without objection, the Secretary will read, as requested.

The legislative clerk proceeded to read the statement, and after having read for about 20 minutes——

Mr. HEFLIN. Mr. President, I ask unanimous consent that the further reading of this document be dispensed with.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection?

Mr. WALSH of Montana. I object.

Mr. HEFLIN. Then I move that the further reading be dispensed with. There is not a Senator in this body listening to it. It is a great, long document, House committee hearings, I understand, and the reading is consuming time and no one is listening to it. What is the use in having it read at the desk? Why not print it in the RECORD?

The PRESIDING OFFICER. The motion is not debatable. The question is on agreeing to the motion of the Senator from Alabama [putting the question].

Mr. HEFLIN. I ask for a division.

Mr. WALSH of Montana. Before the question is voted on, I want to observe that the statement so far is a discussion by Mr. GUEVARA of the general principles which ought to control our legislation. He has not yet reached the specific discussion of the provisions of this bill, which commences on page 13. I trust, at least, that the Philippine people will have an opportunity to be heard with respect to the specific provisions of the bill.

The PRESIDING OFFICER. The motion is not debatable.

On a division, the motion was rejected.

The clerk will continue the reading.

Mr. KING. I am very glad to know that there are only one or two Members of this body opposed to the Filipinos being heard.

Mr. HEFLIN. Nobody is opposed to their being heard. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Sheppard
Bayard	Frazier	Locher	Shipstead
Bingham	George	McLean	Shortridge
Black	Gerry	McMaster	Simmons
Blaine	Glass	McNary	Smith
Blease	Gooding	Mayfield	Smoot
Borah	Gould	Metcalf	Steiwer
Brookhart	Greene	Moses	Stephens
Broussard	Hale	Neely	Swanson
Bruce	Harris	Norbeck	Thomas
Capper	Harrison	Norris	Tydings
Caraway	Hawes	Nye	Tyson
Copeland	Hayden	Oddie	Vandenberg
Couzens	Heflin	Overman	Wagner
Curtis	Howell	Pittman	Walsh, Mont.
Cutting	Johnson	Ransdell	Warren
Dale	Jones	Reed, Mo.	Waterman
Dill	Kendrick	Reed, Pa.	Watson
Edge	Keyes	Sackett	Wheeler
Fess	King	Schall	

The PRESIDING OFFICER. Seventy-nine Senators having answered to their names, there is a quorum present.

Mr. WALSH of Montana. Mr. President, I have just been advised that the Senator from Alabama [Mr. HEFLIN] expected to address the Senate at this hour. In view of that fact, I ask unanimous consent that the further reading of the remarks of the representative from the Philippine Islands be suspended until the conclusion of the address of the Senator from Alabama.

Mr. BINGHAM. Mr. President, will not the Senator couple with that a request that the matter may be inserted in the RECORD without being read?

Mr. WALSH of Montana. No; I would like to have those portions read which relate to the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The senior Senator from Alabama will proceed.

DEMOCRATIC PRESIDENTIAL CANDIDACY

Mr. HEFLIN. Mr. President, the first amendment of the Constitution of the United States provides that there shall be no "abridging of the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The New York World on April 16, on the front page contained an article sent by a New York World correspondent who is now sojourning in Asheville, N. C. I suppose he accompanied Governor Smith to that beautiful and charming place. This man is named Frank L. Hopkins, staff correspondent of the World. The headlines read as follows:

HEFLIN'S fight on Smith hits official snag. Winston-Salem bars the use of courthouse as speaking place to lash New York executive. Asheville also likely to clamp lid on Senator.

Then the article reads:

ASHEVILLE, N. C., April 15.—"Just watch what TOM HEFLIN is going to do to Smith."

This was the word quietly passed around the anti-Catholic group of North Carolina last Friday when they saw the warm reception that Governor Smith received on his arrival at Biltmore. HEFLIN, they boasted, was going to follow Governor Smith into the State and after that the New Yorker might just as well go home. The Alabaman was advertised to speak at Winston-Salem.

Word came to-day that the commissioners of Forsyth County had denied to HEFLIN the use of the county courthouse in Winston-Salem as a speaking place. If he wants a hall he will have to go out and hire one. And while specific details are lacking there are strong intimations that he may have difficulty even then.

ASHEVILLE WON'T HAVE HEFLIN

The chairman of the county commissioners was quoted as saying this body was fully convinced that HEFLIN'S intention was to "injure the reputation of respectable citizens" and they did not propose to permit any public property to be used for that purpose. It is declared by those in the know in Asheville that Senator HEFLIN would have equal or greater difficulty in getting in here.

Mr. President, that is a remarkable statement coming from the Old North State by one who has gone down there with Governor Smith, of New York, taking the Tammany tactics with him and carrying the atmosphere of intolerance, bitterness, coercion, and intimidation. This suggestion comes without warrant. I dare say there is not a decent official in North Carolina who would sanction such a suggestion.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. HEFLIN. I am glad to yield to the able Senator from North Carolina.

Mr. SIMMONS. I think, after more than 45 years in politics in North Carolina, that I know very well the people of that State. Whatever may be said by partisans about their "intolerance," as a matter of fact there is not a more liberal-minded population in America than inhabits the State of North Carolina. I do not believe there is a word of truth in the statement that the board of commissioners of Forsyth County have indicated a purpose to deny the Senator from Alabama the privilege to speak in the courthouse. I do not believe that under any conditions the board of commissioners of any county in North Carolina would deny the eloquent Senator from Alabama that privilege, a Senator who has visited and spoken in North Carolina many times and never without delighting the people of the State. I believe that not only is the statement untrue as to Forsyth County, but I believe there is not a county in the State of North Carolina that would not heartily accord him or any other Senator in this body the use of its courthouse for the purpose of discussing any question that he might see fit to discuss, especially questions relating to public affairs.

Mr. HEFLIN. Mr. President, I thank the Senator from North Carolina. I was sure that such a sentiment prevails among the people in that State which he and his noble colleague, Senator OVERMAN, so ably represent in the Senate.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. HEFLIN. I yield.

Mr. BRUCE. Will the Senator allow me to interrupt him just long enough to say that the most beautiful tribute that I have ever heard in my life to the people of the State of North Carolina was paid by the late Cardinal Gibbons, who at one time lived in that State, in an address which I heard on one occasion at the Hotel Rennert, in the city of Baltimore, when delivered by him before the Maryland Society of the State of North Carolina? Never have I known portrayed in more strik-

ing and effective terms the pure domestic lives and the general personal virtues of the people of North Carolina, with which I myself happen to be so well acquainted.

Mr. HEFLIN. Mr. President, I repudiate and scorn this newspaper man, and denounce and spurn those who inspired him to send such a misleading untruth and villainous statement to the New York World. I have made no plans to speak at Asheville. That Smith crowd there knew that. I have accepted an invitation to speak at Winston-Salem and at Durham, N. C., and I am going to speak at those two places.

My grandfather, Wyatt Heflin, was born in North Carolina, in Orange County, and, as one who has a right to speak for the old stock which helped to start that State upon the road which led to the high eminence which that great State occupies to-day, I say that this man Hopkins and those who inspired his statement insult the people of North Carolina when they send out a statement like that contained in the New York World, to the effect that the people of North Carolina are ready to indorse and employ the intolerant tactics employed by Tammany in New York City; when they do not want a speech made they prevent it by force.

Since this matter has arisen I am going to relate to the Senate and to the country an experience I had in the State of New York last summer. I was booked to speak at White Plains, N. Y., on the Mexican question just as I had discussed it in the Senate. The day before I was to speak there, being already in the State, having made one or two speeches, and being on my way to White Plains, I was notified that the janitor or superintendent of the State armory at White Plains, who held his position under Governor Smith, had told them that if I spoke in that hall and discussed the Mexican question he would lose his job, and that he would have to withdraw the permit for the people to use that hall for my speech. A patriotic American said, "Go and get the theater. Here is $200. I will pay the rent for the theater. I will not submit to this sort of thing. No such brutal and intolerant tactics will go here." He was told that the theater had been closed for two or three weeks and was undergoing repairs and that it was impossible to put it in order in time. I canceled the engagement and did not speak in White Plains, N. Y., over which State presides a man as governor who is seeking to be President of the United States.

Does that man believe in free speech? Does he believe in the first amendment to the Constitution? Does he believe in the right of peaceful assemblage? Does he believe in the right of petition to the Government of the United States? No! I hold in my hand another document written by the editor and publisher of The Fourth Estate, March 31, 1928, New York. The headlines read:

Reporter dismissed. Charles C. White discharged from New York Herald-Tribune for writing letter to Senator Nye involving Governor Smith in oil probe.

The only offense that this young man committed was daring to write to a Senator making some suggestion about a matter that was being investigated by the Government of the United States. I believe I know just what occurred. Knowing the tactics of that bunch as I do, I believe they went down to see this manager and editor and said, "If you do not fire that fellow we will boycott your paper." After a service of 25 years White was discharged because he ran amuck of the Roman Catholic political machine in New York State, the head of which is Gov. Alfred E. Smith, now visiting in North Carolina.

Senators, what do you think of a man and a governor who will permit such miserable and un-American tactics as these to be employed? I have waited until this time for him to repudiate that Hopkins statement sent out from Asheville, N. C., and to hear from him to the effect that Senator HEFLIN, so far as he was concerned, was at liberty to speak anywhere on any subject that he chooses to discuss. But no statement has come from him. No repudiation of this unwarranted and false statement has come from this ambitious man—Governor Smith—now visiting in Asheville, N. C. What would you think of the President of the United States, Mr. Coolidge, if he were to permit those going with him on his tour or his vacation to put out a statement that a man who was going to speak in the State where he was visiting was going to speak and take issue with him on the things that he stands for, and therefore he will be refused a place in which to speak? What would you think if you heard that Calvin Coolidge had permitted a statement to go out that a hall would be denied the man to speak in, and that if he got a hall and paid for it, physical violence would be used upon him?

That is the threat against me, Senators, coming from Governor Smith's friends, who went with him from New York to Asheville, N. C. An American, born on her soil, nurtured at the breast of a Protestant mother, sired by a Protestant father, proud of the religion of both and of the tenets of the Constitution and the fundamental principles of my Government, I would be willing to die for the free institutions of America. And yet, this visit of Governor Smith is made to North Carolina for political purposes. We are told that the governor is down there resting. He is having a nice vacation. Can it be that they have determined that all discussion of matters in which the country is interested must and shall be suspended until Governor Smith's vacation is ended? I do not know whether he got an edict from the Pope to that effect or not. Sometimes the Pope's edicts vitally and injuriously affect American citizens. One of them which the Pope, or college of cardinals, at his instance, issued the other day vitally concerns my country. We have a proposition right now before the Senate to withdraw from Nicaragua our soldiers, who are down there defending and keeping in office Diaz, a Roman Catholic impostor and usurper. He has abolished half of the public schools and has turned the money over to Roman Catholic priests, who ride the streets of the capital city in the limousines of the government. Diaz's troops have retired to places of safety, while our boys are out fighting and dying in the mountain fastnesses of that far-away land.

The money of the Government of the United States is being poured out without stint or limit to carry out this ill-advised and unfortunate foreign program, while our soldiers down there are protecting the property of reckless investors who have gone in there from the United States and put their money in questionable and hazardous situations. This Government, without protest, has permitted an American citizen's property right here at home in the State of Rhode Island to be condemned and injured by a foreign power. This man is the owner and editor of an American newspaper. An order has been issued by the Pope of Rome demanding that he stop publishing his paper. Think of that! In a speech in the Senate last Friday I gave the facts about that case. This intolerant spirit is in the atmosphere around those who believe that the Pope is infallible. Governor Smith has carried that spirit with him to Asheville. It was with him in the governor's office when his appointee at White Plains, N. Y., denied American citizens the right to hear an American Senator tell of the Roman Catholic effort to get us in war with Mexico to restore the Catholic Church to power there.

Senators, the time is coming in this body—and it is not far distant—when there will be more Senators besides myself standing here calling attention to the dangerous and un-American activities of the Roman Catholic political machine. There will be more of them in the House over yonder standing up fighting to preserve in all its integrity this Government in its true American form. We have got this boasting, threatening, colossus in the country; this foreign political machine that now boldly presents its grim front to all public men and all others who aspire to office in the United States, and it says to them, "If you refuse to obey me, if you cross my path, I will destroy you." We have many public men in this country who are lacking in courage and backbone. They are afraid to open their mouths and say what they know ought to be said in order to protect and preserve our American rights and liberties.

What are we going to do, Senators? Are we going to tamely submit to those who would Europeanize our American institutions and make of our country a dumping ground for those foreigners whose plan and program is to completely change our form of government?

Are the principles of the American Government to remain in full force and effect—the pride and hope of liberty-loving Americans—or are the principles of the Roman Catholic government to triumph and be substituted here for the Government of Washington, Jefferson, Lincoln, and McKinley?

These are the questions that confront us. When a bishop of the Catholic Church can take the names of sixty-odd American citizens from Rhode Island, as was done in the case to which I have referred, and carry them to the college of cardinals at the Vatican in Rome and try them in their absence and get a Roman tribunal to pass on their case, conclude it, and condemn them, and excommunicate them, while they are appealing in a court of justice in America asking that justice be done them as American citizens under the flag of the United States—when they can do that, Senators, and get away with it, this country is in a very precarious and dangerous situation. The question naturally arises which one of these governments has exclusive jurisdiction over all citizens in the United States? Watch the newspapers to-morrow. See how they report my speech. You will see some fair reports from some of the boys in the press gallery and some of the reports will not be fair; they will be very unfair.

They will say that Senator HEFLIN exhibited religious intolerance. They have said that many times before. It is not true. I have said before and I want to say again that I am willing for the Catholic to worship as he pleases; nobody will protect him more in that right than I will. If he wants to kneel and worship one way, in a manner entirely different and distinct from the way I worship, I am willing for him to do so. I believe in letting every human being worship God as his or her conscience dictates. I have no religious intolerance in my nature. I am not attacking religious freedom. I am defending it. I am attacking the miserable, insidious, and dangerous tactics of the Roman Catholic political machine. It has boldly and defiantly thrust itself into the political arena of the United States. We have got to combat it and conquer it if this Government is to continue in its present form. The issue is here. I repeat, Senators, that issue is here. The great Democratic Party of the country is threatened by the Irish World, a Roman Catholic newspaper.

It tells the Democratic Party that we have got to nominate Governor Smith, and with other Roman Catholic periodicals throughout the country boldly asserts that if we do not nominate him Roman Catholics will bolt the national Democratic ticket. What is the great Democratic Party going to do when such disgusting, miserable, and insulting methods are employed by those who tried to defeat the Democratic nominee for President in 1916 and 1924? When we consider the fact that this same Roman Catholic group did its best to defeat Woodrow Wilson for reelection in 1916 because he flatly refused to have American boys killed in a war with Mexico on behalf of the Catholic Church, do you wonder that real American Democrats resent such dictatorial and coercive tactics on their part? In view of the fact that Al Smith's bunch bolted John Davis in the last presidential election and delivered the Roman Catholic vote over to Mr. Coolidge, what is the Democratic Party now to do in its own convention with such recalcitrant and renegade political beings who call themselves Democrats?

Shall those who betrayed and left the Democratic Party then be permitted now to come in and take charge of the party and shape its future destiny?

What is the Democratic South to do—the Gibraltar of the Democratic Party, standing with head erect and light upon her face, the courageous and unintimidated Southland? A new, strange, and dangerous political doctrine has been carried from New York into the South by Governor Smith and his friends. The trail of intolerance and bigotry is over it all. From that beautiful, romantic, picturesque region of Asheville, amongst as brave and patriotic a people as ever breathed the breath of life, the strange doctrine enunciated by a Roman Catholic agent from New York, emanates "that HEFLIN, a United States Senator," called by the Democracy of North Carolina many times in the past to come and speak there—and I have never failed to respond and I will respond again—an Alabama Senator, an American Senator dare not come; he can not get a hall, and even if he does obtain one there will be serious trouble and disturbance there.

Think of such an announcement in this enlightened age in which we live.

Senators, little by little and bit by bit, that is the way a country loses its liberty; that is the way that great group of dear things you see out yonder got there. They are increasing in number every year. They are properly called "lost liberties." If the Pope's edict can destroy a man's property in Rhode Island; if he can sit in his Vatican in Rome, in a foreign government, and tell an American citizen "You can not publish your paper in the United States for another day," where is the constitutional right and liberty of that man as an American citizen? Our Constitution provides that a man shall not be deprived of his property without due process of law. That means American law, not Roman law; but here is a man being deprived of his property by having it destroyed under the American flag before his very eyes by the edict of the Pope of Rome.

What are you going to do about it, Senators? Day by day Governor Smith is having what is called his life story told in this little Washington News. That paper, of course, is getting a lot of "sweetening" in its coffee from the Roman Catholic political machine. He must be serving them ice cream and strawberry shortcake, and the like. They have got a story about him every day.

"Up from the streets," by Norman Hapgood and somebody else. The editor of the La Fayette Sun in my home town suggested the other day that after the primary it would be "Back to the streets by the pee-pul."

This little News has a story by a Roman pen pusher called Tracy. I do not know what all they are doing to Tracy, but what they have done to him is a-plenty. Some people would sell their soul for money; some people have no ear for music; the only thing that attracts their attention and charms their ear is the clink of dollars and dimes. They must have recently fed Tracy well. Tracy took his pen in hand, after the World correspondent, Hopkins, of New York, Governor Smith's friend, sent out from Asheville that misleading and untruthful statement. Tracy said:

> It is quite in keeping with Senator HEFLIN'S character that he should hit on the idea of going to North Carolina and insulting the Governor of New York, who is spending a vacation in that State, with his odious claptrap. It is also in keeping with the southern sense of propriety that he should be denied the use of the courthouse at Winston-Salem for such a purpose.

Mr. President, what influence caused this man on the Washington News to say such a thing? Why has that paper picked out Hoover for the Republicans and Al Smith for the Democrats? I will give you some information on those subjects jointly a little later on. They have already had in the Washington News a long story about Hoover, telling things about him from his boyhood. I am satisfied that if Herbert Hoover read some of those little chapters in the story of his life he would not recognize himself as the hero of the story. So Alfred Smith is reading a good deal now that never happened in his brilliant and romantic east side youth time.

But, Mr. President, a strange political campaign is on—political tricks of the trade that Mark Hanna in his palmiest days never thought of are being employed by the Smith forces. In my judgment, a large corruption fund is back of Al Smith in this campaign. His leaders are quietly moving around and quietly and strangely slipping over delegates in States where the rank and file of the party in those States stand against him usually 8 out of every 10 votes. How are they reaching and influencing these delegate manipulators? How are they getting them? Listen to this from the Trenton Evening Times:

> Hague ties up delegates by agreeing to pay bills. Expense may be $100,000, but mayor assumes it in exchange for Smith votes. All go free to the convention.
>
> In exchange for a written pledge to stand by Gov. Al Smith for President to the bitter end, Mayor Frank Hague, of Jersey City, has agreed to defray all traveling and hotel expenses for the New Jersey delegates to the Democratic National Convention at Houston, Tex., in June. The list is to include not only delegates and alternates, but wives and friends to the number of approximately 75. The party may go by special train or by boat, and a conservative estimate of the cost will be from $75,000 to $100,000.
>
> There is naturally some interest as to how Hague, whose salary is only $10,000 a year, will be able to foot such a bill. Whether the signing by the delegates of a written pledge to take orders from Hague at Houston in return for having their bills all paid is in violation of the corrupt practice act is another matter for speculation. The corrupt practice act contemplates that the only money that can be expended in the interest of a candidate must be spent by the officially named manager for such candidate.

Senators, are you learning any politics from this bold and brazen eastern escapade? Hague is not Smith's manager. That is, he has not been designated as such publicly. It seems that anybody they can reach in the East is attending to this thing. A few people are gotten in a room. Delegates and their families are gathered up; a State is traded off and hog-tied. They sign on the dotted line. They pledge themselves to vote for Smith to the bitter end if so much money is put up, and so forth, expenses, hotel bills, taken on a trip to Houston, and stand ready to come at the beck and call of the mayor, Mr. Hague, for Al Smith.

Mr. President, I repeat, I want that resolution introduced—we are discussing it very seriously now, and I think it will be forthcoming soon—to investigate these campaign expenditures. I want to call in these people back of every candidate, call in Mr. Hoover, Governor Lowden, the Senator from Kansas [Mr. CURTIS], and the various other candidates, and interrogate them and others as to the money they are expending to achieve this high honor of being President of the United States.

I want Governor Smith's henchmen summoned to bring down Mayor Hague and ask him where he got this money; ask him who authorized him to expend $100,000 for one delegation to a national convention; ask them why they are violating the corrupt practices act, if they are violating it. Let us be the judges of that; and ask them what they are doing, and let us decide whether or not they are violating it.

Let me remind you of another thing in connection with this. Governor Smith has not formally declared himself a candidate.

All these things that have been going on, if anything should be dug up and exposed, to his hurt and injury, he could very easily say, "Why, I have never announced that I am a candidate. I do not know anything about what they are doing." This would be done in the hope that he might escape any odium that might attach. Well, let us bring them down here and see. Let us find out what all of them and their friends are doing. Let us find out who is furnishing the money, where it is coming from, how much is being furnished by the Roman Catholic political machine here and elsewhere, and how much is being furnished by the European whisky interests that are fighting to break down the Constitution of the United States and the statutes that seek to enforce it. Let us find that out.

Now let us see something about their tactics before I close.

This is from the Washington Post, from a Mr. Bargeron. The staff correspondent of the Post, a Mr. Fox, who, I believe, is a staff correspondent—he is a fox, too—is slipping around the country to these various States and claiming everything for Smith. I have understood that he knows a good deal about how the Arkansas delegation was selected. I should like to have him come before this committee that we are going to raise by a resolution in the Senate and let him tell them if he was present when this delegation was selected, and what was said when they were selected.

Mr. Fox is one of the fellows who was mixed up in the Hearst-Catholic-Mexican scandal. He had some correspondence with one of the crooks and scoundrels in that matter, Mr. Gonzales. He showed me a letter in which Gonzales told him that he had had paid to me certain amounts of money through somebody in New Orleans last summer. "Why," I said, "I have not been in New Orleans in the last two or three years." I said, "This fellow is a son of a gun." He said, "What would you do with the letter?" I said, "Take it to Senator ROBINSON and the special committee appointed to investigate this question, and turn it over to them, and tell them to investigate it"; and I have not heard any more from it—not a word, either from Mr. Fox or from Senator ROBINSON.

Mr. Fox is one of Governor Smith's main boosters. I wonder how much they are putting in his flanks to go around the country and write this fiction that he is writing, claiming everything in sight for Governor Smith.

Here is the Washington Post this morning. Listen to these headlines. This article is from Mr. Bargeron of the Post:

Reed men confer to-day on resisting rising Smith tide.

Is not that a glorious picture—the "rising Smith tide"? Well, Mr. President, they may be able to go up and pluck off a few delegates in the States where the Roman Catholics are in charge of the Democratic organization and where 45 or 50 per cent of the party in some of those non-Democratic States are Catholics. They have done that in several of them recently; and they may be able to pull them off and throw them into the newspaper columns and throw them in our faces at the Capitol in an effort to deceive us into believing that Smith is running away with the nomination and hoping to have us say there is no use to oppose him, you can not defeat him.

That is what they are seeking to do with this miserable and false propaganda. They are not carrying Democratic States. They are plucking off these Smith delegates in States that have no more chance to go Democratic than a snowball has to retain its cold and snow-white appearance down yonder in Pluto's infernal regions. While every Democratic delegate should count, Smith has no right to threaten the Democrats who are opposed to him in States that are normally Democratic. Why should he threaten the Democratic South, that has always held the ark of the covenant when the party completely lost out in the East, the North, and the West? The South, God bless her, stood devotedly and loyally at the altar places of the party, true to the principles of Jefferson, retaining the ark of the covenant; and now comes Governor Smith's henchman in his cabinet at Albany, Tremaine, a State officer, who dares to go into the South and tell the South if she does not truckle and bow her knee to Smith, surrender her convictions, and fall in line, they will punish the South when she asks to have measures passed through Congress—needful, meritorious measures.

And now, on top of that, we find them coming with this spirit of intolerance right down into the South, in North Carolina, where Governor Smith himself has gone; and his friendly correspondent, representing his views and his principles, is sending out a statement that if an American Senator dares to come into that State to speak against what Governor Smith stands for, he is liable to be "mobbed." That is what they are threatening, that they will not let him have a hall to speak in, and he is liable to have trouble, because they will "attack" him if he comes. My God, is that spirit to be tolerated in America? Senators, that spirit has got to be put down. In putting that down we are not interfering with the Catholic's right to worship. Let him repair to his church and worship as he pleases; but let him know that he can not set up the tenets of the Pope of Rome against the fundamental principles of constitutional government in America. Every loyal American is with me on that; and if there is a Senator here who does not agree with me on that vital question, let him have the courage to stand up here and now and say so.

I am glad to see that my friend from Arkansas [Mr. CARAWAY] has come into the Chamber. In this article that I am reading—and I should like to have the Senator's attention just here—in this remarkable article this morning in the Post, they are boosting Smith and knocking REED. They say:

As to the situation in Arkansas, there is no disposition in any quarter now to challenge the first reports that the Arkansas delegation as a whole favors the New York governor, and that it will vote for him the first opportunity it gets.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. TYSON in the chair). Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. HEFLIN. I yield to the Senator gladly.

Mr. CARAWAY. Did the Senator say he was reading from the Washington Post?

Mr. HEFLIN. Yes.

Mr. CARAWAY. Did the Senator get unanimous consent to read that paper in the Senate?

Mr. HEFLIN. I did not get any unanimous consent, but I am reading what they say about the Senator's State, and the Senator himself, I understand, is on that delegation. This paper now is saying that the Arkansas delegation is for Smith and that it will vote for him the first chance it gets. I wish my friend, speaking for four-fifths of the Democrats of his State, who never had an opportunity to vote in a primary on this very important question, would rise up and tell the Senate and the country whether or not that is true.

The Senator from Arkansas, who is sitting before me, fails to respond.

So much for that. I am going to call a general roll here one of these days pretty soon.

Mr. CARAWAY. The Senator is fixing to break a quorum.

Mr. HEFLIN. I may break a quorum; but if I do, I will make the point of no quorum and bring them back and ask them when they come in to tell the people back home how they stand on this question.

You know that story they tell about the drunken fellow in church. The preacher was preaching away, on hypocrites and drunkards, and he said, "You hypocrite, where are you to-day?" and no one answered. After a while he said, "You drunkard, where are you to-day?" He said, "Here I am, Parson, and I ask your prayers." The preacher said, "I repeat my other question: Hypocrite, where are you to-day?" This drunken fellow reached over and took the hypocrite by the shoulder and shook him and said, "Corson, why don't you answer to your name?" [Laughter.]

Mr. President, this article goes on:

Reed chiefs stirred by claims for governor they call propaganda. Senator expected to stay candidate.

You know, it takes a heap of coin to write these nice little sentences, seeking to turn and hook JIM REED off in the ditch instanter.

Speeches and shouts are not enough.

These Smith fellows are right about that if they are going to pay a hundred thousand dollars for a single State delegation. If they are going to pay a hundred thousand dollars for a delegation in New Jersey—and this paper of New Jersey says so—$100,000 to take them to Houston. Then the Post is right, speeches and shouts are not enough. Is this nomination to be bartered to the highest bidder?

NEED ORGANIZATION, FRIENDS ASSERT

By Carlisle Bargeron

Leaders of Senator JAMES A. REED'S presidential campaign are to confer here to-day on what is to be done about his candidacy in the face of the apparent rising tide of Smith sentiment.

There is no suggestion that the Senator contemplates withdrawing from the race. Rather, he is said to be coming back in a fighting mood. But there is a realization in his camp that something must be done to cope with what at least might be described as the surcharged Smith atmosphere.

It is surcharged with coin all right. I would like to have them help me pass a resolution to bring them in here and inquire into this whole matter. That is the way to find that

out. Instead of these Catholic papers and Smith's henchmen abusing me for my speeches here, let their friends stand on this floor and answer them, or answer them truthfully in the press. They do not do it. They dare not undertake it. They can not do it.

Listen to this:

Called pure propaganda.

This is what the Reed crowd is saying:

CALLED PURE PROPAGANDA

The deluge of claims being daily put out by Governor Smith's supporters is pure propaganda, the purpose of which is obvious.

They are trying to stampede the Houston delegates for their candidate. To achieve this, these overzealous men go even to the absurd length of putting Missouri in the Smith column. Everybody, of course, knows that Missouri's delegates were not only instructed by the State convention to vote for Senator REED until released by him, but also that the delegates are personally devoted to him.

Listen to this:

REPORTS AFFECT REED MORALE

It is the reports coming up from the South of crumbling anti-Smith sentiment, especially from around Asheville and Arkansas way, that is causing most alarm in the Reed camp.

They gave out a statement the other day that Senator SIMMONS and Senator OVERMAN had withdrawn their opposition to Smith in North Carolina, and I ask those Senators if such a report was true?

Mr. SIMMONS. Mr. President——

Mr. HEFLIN. I yield to the Senator.

Mr. SIMMONS. I answer the Senator that such a report was printed in a certain daily newspaper of North Carolina supposed to be friendly to Governor Smith, and on the day on which the report appeared in print I denounced it in proper terms.

Mr. HEFLIN. I thank the Senator. I wonder if my good friend the other Senator was also misrepresented by them.

Mr. OVERMAN. I have never seen the misrepresentation. There is no truth in it if there is such a representation.

Mr. HEFLIN. I am glad to hear the Senator say that, for such a misrepresentation was made. I knew it was not true, but it is in line with the tactics talked about in this column by the Reed supporters.

Listen how boldly this fellow talks, and I am going to reread it for the RECORD, and I shall have something more to say about it from time to time. Because for months it was understood that Senator ROBINSON would be the favorite-son candidate from that State. But just before the delegates were selected I understand he withdrew as such a candidate.

As to the situation in Arkansas, there is no disposition in any quarter now to challenge the first reports that the Arkansas delegation as a whole favors the New York governor and that it will vote for him the first opportunity it gets.

In view of the position of the Democrats of Arkansas on this question that statement is exceedingly strange. Mr. President, I have no brief to speak for the people of Arkansas. I know them to be a fine and great people. I have spoken in many places in that State. I have now a number of invitations to speak there, and I will do so when Congress adjourns. I assert that the Democrats of Arkansas would, if they had an opportunity to vote in a primary, register at least two-thirds, and maybe four-fifths, of their votes in opposition to Governor Smith for President of the United States, and I challenge anybody here to dispute that statement. It is accepted as the truth.

Mr. President, before I take my seat I want to reiterate what I said a little while ago, that I am not fighting anybody's religion. I am for religious freedom. I am an enthusiastic champion of religious freedom. What I am fighting for is the right to worship as I please, and the right of every Protestant organization to worship as it pleases, as well as Jews and Catholics.

I am informed on this subject. I have had more books and periodicals sent to me in the last 18 months, since I challenged the right of the Knights of Columbus to use our Army to restore the Pope to power in Mexico, than I had ever read in all my lifetime. I challenge anyone here to dispute this statement, that Pope Pius IX lays it down as a cardinal principle of the Catholic Church that the citizen has no right to worship God according to the dictates of his own conscience, that the State has no right to permit the citizen to have the religion of his choice. I lay down this charge, that he asserts that the Roman Catholic Church has the right to drive out all other religions and set up a Catholic state and declare the Catholic religion to the exclusion of all other religions.

Cardinal Gibbons, to whom the Senator from Maryland [Mr. BRUCE] referred, a very able cardinal, too, said in a speech in substance that—

Nowhere in recorded history can it be found that any Pope ever changed the doctrine or edict of another Pope. The doctrine of anyone of them is the doctrine of all of them.

That is true. The last book that they have sent out to instruct "the faithful" is one written by Doctor Ryan, professor of moral theology right here in the Catholic University of America, a book called "State and Church." He sets out in that book that when the Roman Catholics become strong enough in the United States, they will set up the Catholic state, and will proscribe other denominations, and he asks this question, "What chance will they have then against a Catholic state?" That is a thrust at the heart of religious freedom.

God deliver my country from such a day. It is against the hideous, dangerous, and deadly approach of such doctrines to the Capitol and the White House that I am fighting to the uttermost. I will continue to fight them. I want them to worship as they please, but they have no right to bring the devilish doctrine of the inquisition and of St. Bartholomew's Day into this fair land of liberty of this western world.

Americans, wake up before it is too late, and put none but Americans on guard!

CALL OF THE ROLL

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TYSON in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Shipstead
Bayard	Frazier	Locher	Shortridge
Bingham	George	McLean	Simmons
Black	Gerry	McMaster	Smith
Blaine	Glass	McNary	Smoot
Blease	Gooding	Mayfield	Steiwer
Borah	Gould	Metcalf	Stephens
Brookhart	Greene	Moses	Swanson
Broussard	Hale	Neely	Thomas
Bruce	Harris	Norbeck	Tydings
Capper	Harrison	Norris	Tyson
Caraway	Hawes	Nye	Vandenberg
Copeland	Hayden	Oddie	Wagner
Couzens	Heflin	Overman	Walsh, Mont.
Curtis	Howell	Pittman	Warren
Cutting	Johnson	Ransdell	Waterman
Dale	Jones	Reed, Pa.	Watson
Dill	Kendrick	Sackett	Wheeler
Edge	Keyes	Schall	
Fess	King	Sheppard	

Mr. GERRY. I desire to announce that the junior Senator from New Jersey [Mr. EDWARDS] is necessarily detained from the Senate by reason of illness in his family.

The PRESIDING OFFICER. Seventy-eight Senators having answered to their names, a quorum is present.

LANDS IN OKLAHOMA

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2725) to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma, which was, on page 1, line 4, after the word "Statutes," to insert "(section 1171, title 43, U. S. C.)."

Mr. THOMAS. The amendment of the House simply places in the bill a reference to the amended code. It refers to the same section of the law and adds an additional reference to the amended code. I move that the Senate agree to the House amendment.

The motion was agreed to.

NAVAL APPROPRIATIONS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, the naval appropriation bill.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, the pending question being on the amendment of Mr. BLAINE, to insert, after line 17, page 53, the following proviso:

Provided, That after December 25, 1928, none of the appropriations made in this act shall be used to pay any expenses incurred in connection with acts of hostility against a friendly foreign nation, or any belligerent intervention in the affairs of a foreign nation, or any intervention in the domestic affairs of any foreign nation, unless war has been declared by Congress or unless a state of war actually exists under recognized principles of international law.

The words "acts of hostility" and the words "belligerent intervention" shall include within their meaning the employment of

coercion or force in the collection of any pecuniary claim or any claim or right to any grant or concession for or on behalf of any private citizen, copartnership, or corporation of the United States against the government of a foreign nation, either upon the initiation of the Government of the United States, or upon the invitation of any foreign government existing de jure or de facto.

Mr. BORAH. Mr. President, the situation in Nicaragua is a distressing one and presents a problem of some difficulty, from whatever viewpoint we approach it. I was opposed to sending troops to Nicaragua in the first place, and I am most anxious to see them brought out of Nicaragua. But I do not feel that we can come out of Nicaragua in disregard of a situation which we ourselves have created and in disregard of obligations which we have assumed. It is from this viewpoint alone that I desire to discuss the pending amendment. One is tempted to digress into a general discussion of what should be our policy toward the Central American countries, but it would lead to a longer discussion than I think it justifiable to indulge in at this time.

Mr. President, as I have said, I was opposed to sending troops to Nicaragua in 1925 and 1926. I was also opposed to the recognition of Diaz as President of Nicaragua. I did not think that Diaz was legally elected President. I thought he was a part of the revolutionary movement to overthrow the legal government, and I am still of that opinion. I did not believe that the facts justified the sending of troops into Nicaragua. Nevertheless the power to recognize is in the President and he undoubtedly has the power to send troops for the purpose for which he said he sent these, to protect the life and property of American citizens. So Diaz was recognized and the troops were sent.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER (Mr. TYSON in the chair). Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield.

Mr. NORRIS. I would like to ask the Senator a question, and I am asking for information. I think the Senator's position as chairman of the great committee having to do with these matters places him in a position to know about it. As I understand it, the President said he sent troops in there to protect American lives and property. Was there any danger to American lives or American property at that time, or is there any now, or has there been any for several years past?

Mr. BORAH. I am of the opinion that the facts which were given the President and Secretary of State for the purpose of justifying intercession were not based upon realities. I do not believe that the true facts justified sending the marines; but, of course, the President acted upon the facts as presented to him.

Mr. LA FOLLETTE. Mr. President, will the Senator tell us where those facts came from?

Mr. BORAH. I have no desire to avoid interruptions. In fact, I rather invite them, because I think it the duty of the chairman of the Committee on Foreign Relations to answer any question which may be propounded. But I would like, in the first instance, to submit a line of presentation, after which I will answer any questions which may be propounded.

After the troops were sent into Nicaragua and after the recognition of Diaz, on the 13th day of January, 1927, I discussed the matter in the Senate at some length, and in my concluding remarks I said:

It has been said, and properly said, that we are "in." What should we do about it? I have already expressed myself in regard to the recognition of Sacasa. I would recognize him. I do not believe he is unfriendly to American interests. I have no doubt the people would support him, and we could come out. But if it be thought unwise to do that or if other personal reasons interpose which would make it difficult or embarrassing to do that, then it does seem to me that we are under the highest obligation to call upon Diaz and those who are there by virtue of our recognition to give the people of Nicaragua an opportunity by popular choice and a fair election to select their President. We ought to insure the people a fair election and recognize their choice; recognize the people's choice and withdraw our troops. It seems to me that it is not up to us as a Government to keep Mr. Diaz there until 1929, evidently in opposition to the wishes of the vast majority of the people and as against the two men whom they deliberately selected, but again to call for an election and to conduct it as we did practically in 1925, and give the people of Nicaragua an opportunity to pass upon the question of who shall be their ruler. Let us work if we are to help at all with the popular will. Let us cease thinking solely of our own interests and consult the wishes of the people of Nicaragua, in part at least.

Never in the world, Mr. President, can we have peace in Central America if we force upon the people of Nicaragua or the people of other Central American countries those who are not supported by the popular will. It would be well if rulers could understand that once the people of a nation are imbued with a national and independent spirit, if they could only understand that once a people have been imbued with a spirit of freedom and of free power you can not shoot it out of them; you can not crush it out of them; it is there; it may be submerged to-day by force, but in years to come it will return and assert itself.

Again, in a concluding paragraph, speaking of the Senator from Connecticut [Mr. BINGHAM], I said:

I do not know how the Senator construed what I have said, but I say that what we should do is this: Our marines are there; if we will not recognize Sacasa, we should have an election; we should give the people an opportunity to vote their sentiments; we should, if we are going to stay there with the marines, keep them there in defense of the government which the people themselves want. But while we are now there, I would not stay indefinitely. I would do justice to the people, and then we can safely come out.

Since that time I have been interested in the question of the election and the manner in which it was to be held. On the 24th of September, 1927, I received a letter from a gentleman living in Nicaragua, a Nicaraguan citizen, and among other things in the letter he said:

Now, my dear Senator, regarding the coming election of 1928, which the United States is going to supervise, I beg to inform you the following: The majority of the Nicaraguan citizens are not registered as voters, a trick done by the previous Conservative administrations to insure their place in power; secondly, at the polls, two Conservative members are appointed with only one Liberal member. I believe that it is convenient that a general registration should take place before the election, and that the representatives at the polls must be three members: A Conservative, a Liberal, and a Spanish-speaking American, the American to be the judge of all disputes. By only so doing we could get a fair, free election.

After the receipt of that letter I addressed a letter to the Secretary of State, as follows:

OCTOBER 3, 1927.

The honorable the SECRETARY OF STATE.

MY DEAR MR. SECRETARY: I presume the matter has had your attention, or will have. But, by reason of information reaching me from Nicaragua, may I call your attention to the situation there with reference to registration.

I am advised that the majority of the Nicaraguan citizens are not registered as voters. That by reason of manipulation heretofore had at some previous time in the history of the country registration has not been had to any marked extent.

If it is possible to arrange for a full registration or for an opportunity for all to register who desire to do so, it seems to me that action ought to be taken.

I call this to your attention because it has been particularly called to mine.

I am, my dear Mr. Secretary, very respectfully,

WM. E. BORAH.

On October 4, 1927, I received the following letter from the Secretary of State:

I have your letter of October 3 concerning the subject of registration for the coming election in Nicaragua. As I understand the situation, the chief obligation which we have assumed in connection with the supervision of this election is to see that every citizen of Nicaragua entitled to vote has a full opportunity to do so. Supervision means not merely the preservation of order at the time of the election, but a sufficient control over the preliminary steps, including registration, to see that everybody entitled to vote has an opportunity to register. In other words, the registration is vital. We can not, of course, contemplate the holding of an election in Nicaragua on the basis of previous registration lists. So far as the department and General McCoy are concerned this matter seems vital to us as it does to you. Naturally nobody can guarantee ideal results in any country, but you may depend upon it that every effort will be made on our part to eliminate fraud and intimidation, and to guarantee to every citizen of Nicaragua his rights in this matter.

Mr. CARAWAY. Mr. President, May I ask the Senator a question before he proceeds further?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I yield.

Mr. CARAWAY. We sent our troops down here originally for what purpose?

Mr. BORAH. As stated by the President, to protect the life and property of American citizens.

Mr. CARAWAY. When was it that we decided, then, that we would hold an election?

Mr. BORAH. I am coming to that in a few moments.

Mr. CARAWAY. May I ask the Senator another question? When did we change the object of having the marines there?

Mr. BORAH. I am going to cover that point. The contention of the Government is that they have never changed their object. The contention of the Government is that the holding of an election is one of the steps by which they restore order and thereby insure safety and security to American life and property.

Mr. CARAWAY. Is it the purpose, then, to keep the marines there until the people accept, as fair and valid and binding, an election which we hold? Suppose some people refuse to accept that election, do we propose to make them do so with bayonets?

Mr. BORAH. I do not believe that that is a matter as to which I can interpret the mind of the Government, but, so far as I am concerned, I would not be in favor of such a course.

Mr. CARAWAY. The Senator, then, after the election is held, is in favor of removing the marines, whether the people of Nicaragua are satisfied with the election or not?

Mr. BORAH. I feel, although, as I have said, I am going to cover that in a few moments, I feel we will be able to come out and should do so.

Mr. CARAWAY. I understand, but I merely wanted to get the Senator's position.

Mr. BORAH. If I am permitted, I will cover that in a few minutes and cover it fully.

Mr. CARAWAY. I want to ask the Senator another question. What part of the election is chasing the alleged bandit down there? Has that anything to do with the election? I refer to the bandit who has been killed four or five times and who refuses to be so obliging as to stay dead after we have killed him.

Mr. BORAH. Yes; that is a part of holding the election—that is maintaining order, without which there can be no fair election.

Mr. CARAWAY. So that shooting people is a part of the election?

Mr. BORAH. That is so in this country sometimes.

Mr. CARAWAY. It is true in Chicago; but I thought that that system had been repudiated even in Chicago.

Mr. BORAH. Chicago is not the only place.

Mr. CARAWAY. Does the Senator approve shooting people in order to hold an election?

Mr. BORAH. I am not in favor of that, if it can be avoided—nevertheless I would carry out our agreement and hold the election.

Mr. CARAWAY. Would the Senator be in favor of sending marines to any community in America to prevent shooting at the polls or to encourage it—either one?

Mr. BORAH. If the Senator wishes to go into that, let me say that if a Representative or a Senator or presidential electors were being elected, and it was impossible to have order and protect the polls without doing so, if riot and disorder were such as to prevent an election, I would be in favor of sending troops, if it were necessary to preserve order.

Mr. CARAWAY. That is what I am trying to get at. Then, the Senator's view is that, whenever the administration makes up its mind that an election is not going to be fair, he is in favor of sending armed forces there to make it so?

Mr. BORAH. No; I do not say that. What I say is that if a Federal election were being held, and it was evident that order could not be maintained without the assistance of the Federal Government, and Federal officers were being elected, I would undertake to protect that situation and preserve order. The Federal Government has the right of self-preservation.

Mr. CARAWAY. If there was as much disorder in some place in this country as apparently is occurring in Nicaragua, would the Senator be in favor of sending armed forces to hold the election?

Mr. BORAH. I think they are two entirely different propositions. In this country we have our States to depend upon to maintain order; they are depended upon; and I should always depend upon them so long as they could do so; I would rely upon them. But if States break down I would certainly maintain order for the election of Federal officials.

Mr. CARAWAY. Would not the Senator be willing to rely upon the government of a foreign country as much as he would on a State of the Union? I am expressing no hostility to the Senator's view. I am merely trying to find out from some one who knows just what we are trying to do in Nicaragua.

Mr. BORAH. I am going to cover the ground entirely as I see it.

Mr. CARAWAY. I am just afraid I might not follow the Senator's speech, and I know I would understand the Senator if he should answer the question.

Mr. BORAH. I do not desire to impose upon the Senator by asking him to remain in the Chamber while I am speaking.

Mr. CARAWAY. Oh, I shall do that, but sometimes a speech fails to hit the point I have in mind.

Mr. BORAH. It sometimes fails to hit the other Senator's point.

Mr. CARAWAY. Yes; and evidently the question also missed; so I will wait for the speech.

Mr. BORAH. No; the Senator's question has not missed. I assure the Senator that in good faith I am going to cover this entire question. I have no desire to avoid any part of the facts or the discussion as I see the situation. I should like, as I have said, to go ahead and present——

Mr. CARAWAY. I do not want to divert the Senator; I am perfectly willing that he should proceed.

Mr. BORAH. I am quite sure of that.

Mr. President, since this correspondence with the Secretary of State I have had letters and communications from Nicaragua which convince me that every effort is being made to have a fair election and to have a registration which shall insure the right to vote to every Nicaraguan who is qualified to vote.

Mr. FLETCHER. Mr. President, at that point may I ask the Senator what are the qualifications for voters in Nicaragua? Is there any property qualification, or age limit, or is there female suffrage?

Mr. BORAH. They have not female suffrage, as I remember, and I do not think they have any property qualifications. We do not seek to define the qualifications; they are defined by the constitution and laws of Nicaragua.

Mr. CARAWAY. If I may ask the Senator a question, Who is going to determine the question of whether or not the electors in Nicaragua are qualified?

Mr. BORAH. That is to be determined under the constitution and laws of Nicaragua. We do not undertake to determine that question ourselves at all. We simply carry out the constitution and laws as to qualification.

Mr. CARAWAY. So that if one party or the other shall deny the right to vote on the ground of qualifications or on the ground that a person lacks the qualifications to vote, we are going to accept that?

Mr. BORAH. We are going to have a representative on the board, and that representative will undoubtedly have to be satisfied that under the laws and constitution of Nicaragua the individual is entitled to vote.

Mr. CARAWAY. If he differs with the Nicaraguans, then what steps are we going to take?

Mr. BORAH. My understanding is that under the present law as it is promulgated the ultimate decision is with the American representative.

Mr. CARAWAY. So that we would then be the final registration board in Nicaragua?

Mr. BORAH. That is practically true. The Senator will understand that we have at various times undertaken to carry on elections in Nicaragua and in Haiti and in Santo Domingo and Panama and in other places; and unless the power is sufficient to enable this Government to determine under the laws of the country involved who are entitled to vote, of course, there is no justification for us having anything to do with the election.

Mr. CARAWAY. I want to ask the Senator another question. I do not want the Senator to think I am even differing with him, but I feel strongly about it. Under what constitutional power do we undertake to hold an election in any country outside of continental United States?

Mr. BORAH. I have that question on my list to discuss, and I am going to try to cover that as well as other questions.

I was going to say, Mr. President, that after this correspondence I became convinced that every step possible was being taken to insure a fair registration and a fair election. I think anyone who will take the time to look into the acts and conduct of General McCoy will conclude that General McCoy is determined that there shall be a fair election; that he is entirely impartial as between the Conservatives and the Liberals; and, as I shall undertake to show in a few moments, the very fact that General McCoy is determined that there shall be a fair election is one of the reasons why certain parties in Nicaragua have concluded they do not want an election. It is our good faith and honesty of purpose that is disturbing certain parties.

Mr. President, let us go back——

Mr. SWANSON. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. BORAH. I yield.

Mr. SWANSON. I should like to explain to the Senate at this time that General McCoy was selected by the government which we recognized in Nicaragua, on the recommendation of the President, to have supervision of the election. He is not to perform that office, as I understand, as a marine officer, but

General McCoy has been selected to have supervision of the election, and the marines are simply to keep the peace. General McCoy, under the authority of the Nicaraguan Government, will have control of the election. I think that is true; at any rate, that is my understanding.

Mr. BORAH. That is my understanding also.

Mr. CARAWAY. If I ask the Senator a question, do I understand, then, that we have turned over to the authorities in Nicaragua the right to command our forces there?

Mr. SWANSON. Oh, no.

Mr. CARAWAY. That is what I understood the Senator to say.

Mr. SWANSON. As I understand, our forces are commanded by the marine officers, and they are to keep order and keep the peace.

Mr. CARAWAY. Who commands General McCoy? I think the Senator said that he was turned over to the Nicaraguan Government.

Mr. SWANSON. General McCoy, as I understand, has charge of the election and was appointed to supervise the election by the Nicaraguan Government on the recommendation of the President. The Nicaraguan Government pays the expenses of the election.

Mr. CARAWAY. That is what I am coming to. Do we let somebody else appoint one of our marine officers to office in some foreign country? Does the Senator from Idaho so understand?

Mr. BORAH. Mr. President, General McCoy has been appointed by the President of Nicaragua as one of the supervisors of the election.

Mr. CARAWAY. If he has been thus appointed, to whom does he look for his orders—the people who appointed him to the office or to the United States?

Mr. BORAH. Undoubtedly, he would look in the first instance to the appointing power.

Mr. CARAWAY. Then, we have turned over a marine officer to be appointed by a foreign government, and he owes his position to that government.

Mr. SWANSON. Mr. President, if the Senator from Idaho will permit me, we have done that repeatedly.

Mr. CARAWAY. That is what I am asking about. I did not know that that had ever been done before.

Mr. SWANSON. We have sent officers to other governments at their request to aid them in the management and building up of their naval forces, to aid them in connection with their military affairs, to aid them in diplomatic affairs, to aid them in their customs affairs. That has been done heretofore in the interest of peace and a conciliatory spirit as between governments; but we have done it repeatedly. We sent on request officers of the United States to administer the customs affairs of Persia, as I recall, and of Haiti.

Mr. GEORGE. Mr. President, let me ask the Senator if we have ever sent our officers into foreign countries when there was really a state of war or revolution in the country to which we sent such officers?

Mr. SWANSON. I think some of our officers are in Haiti now.

Mr. BORAH. What was the question of the Senator from Georgia?

Mr. GEORGE. I asked if we had sent our officers to any other country when a state of revolution was in existence.

Mr. BORAH. Oh, yes. I think I shall be able to cite instances.

Mr. GEORGE. I should like to have the Senator cite such an instance.

Mr. BORAH. President Wilson did that in the case of Haiti and Santo Domingo.

Mr. GEORGE. To train the army there?

Mr. BORAH. Yes; to train the army; at least to cooperate with local forces.

Mr. CARAWAY. And to organize forces?

Mr. GEORGE. And to organize forces?

Mr. BORAH. Yes; and to write a constitution for the people and to supervise elections.

Mr. BINGHAM. And to supervise elections; and if the election in the country failed to satisfy the Democratic administration, then to hold another election.

Mr. CARAWAY. Does the Senator from Connecticut approve of that course?

Mr. GEORGE. Mr. President, I should like to ask if the Senator from Idaho approves of that course.

Mr. BORAH. I was opposed to going into Haiti. I spoke against it both here and before the public. I was opposed to going into Santo Domingo, but, after we had gone in, I would use the ballot box any time in preference to a Gatling gun.

Mr. CARAWAY. We seem to be using both in the case of Nicaragua.

Mr. GEORGE. I have no objection to using the ballot box, but I do not want to superimpose a Gatling gun on the ballot box.

Mr. BORAH. I do not want to do so either, but I would carry out the agreement and hold the election according to agreement.

Mr. GEORGE. However, that is not the point in regard to which I wish to ask. I am asking for information whether or not our Government has sent its naval or military officers to any foreign country when that country was in an actual state of revolution for the purpose of assisting or training or organizing the troops of that country.

Mr. BORAH. My opinion is that we have. I will recur to instances later.

Mr. GEORGE. I so understood the Senator from Virginia, and I wished to know if that is true.

Mr. BORAH. I understand that that is exactly what took place in Haiti and Santo Domingo. I do not think there is any difference in principle between what we did in Haiti and Santo Domingo and what we are doing now in Nicaragua, although the details may differ.

Mr. SWANSON. Mr. President, if the Senator from Idaho will permit me, if Senators will read the correspondence between Mr. Bryan as Secretary of State and the Government of Santo Domingo they will find that there was a protest against our supervising the election. Mr. Bryan then accommodated the situation by saying that we would only send observers—he used the word "observers"—to report to the Government as to whether the election was fair or not and whether the government so elected should be recognized. Mr. Bryan, however, refused to send agents. I want simply to state the facts in connection with this matter. As I understand, General McCoy was sent there—I do not know whether he belongs to the Marine Corps or the Army; I do not remember. He was selected by President Coolidge, I do not know whether at the suggestion or at the request of the Nicaraguan Government, but he has charge of the election in Nicaragua. As I understand, the Nicaraguan Government will pay all the expenses incident to the election; and what troops we may keep there are kept for the purpose of maintaining order.

Mr. CARAWAY. Will the Senator from Idaho let me ask the Senator from Virginia a question? If Nicaragua shall not pay the expenses, how are we going to get our money for holding the election for them in Nicaragua?

Mr. SWANSON. As I understand, Nicaragua does not pay anything for the Marine Corps to keep order; but Nicaragua pays the expenses of the election. Nicaragua pays the salary of General McCoy, as I understand, and pays those appointed by him; at least that is what I was told, and I think that was testified before the committee.

Mr. CARAWAY. If they shall not pay that expense, what are we going to do about it?

Mr. SWANSON. Then they will not get their pay unless Congress appropriates it.

Mr. CARAWAY. If they do not get their money, we are going to let them lose it.

Mr. BORAH. Mr. President, I should really like to proceed, and I give the assurance to Senators that before I sit down I will yield myself to any questions which may be asked. I should like, in the first place, to get out of the way some of the facts and some of the history in connection with this matter which I think form the background necessary to a correct understanding of the present situation.

We went into Nicaragua first in 1910 and 1911. At that time Zelaya was President of Nicaragua. He was known as the representative of the Liberal forces of Nicaragua. The result of our intervention in Nicaragua was the downfall of Zelaya. At that time Emiliano Chamorro and Diaz came upon the scene. Ultimately, without going into detail, Diaz was made president. Chamorro was the driving power in public affairs. From 1911 until 1925 through three different administrations the marines were encamped on the white-house grounds at Managua.

The Government of Nicaragua would not have lasted overnight without the presence of the marines in Nicaragua. During that time, for the 15 years intervening, the Liberals contended that they represented from 75 to 80 per cent of the people of that country, and that if they could have a fair election—an election in which the registrations could be had and the vote had in accordance with the rights of the people—

they would undoubtedly elect their candidates for President and Vice President; but during the entire period from 1911 to 1924 the elections were controlled by those who were in power. The Chamorro family and the Diaz followers passed the Presidency and the Vice Presidency about to each other; and during that time the people, or 80 per cent of them, were practically disfranchised.

In 1920 the Liberals sought the aid of the United States Government in holding an election. They did not receive it.

In 1924 a request was again made that the United States aid in giving the people of Nicaragua a fair election. To some extent the aid was granted. Americans supervised the election. Americans had written the election laws; and afterward to a certain extent, though unofficially, they supervised the election. The result of that election was that Solarzano was elected President and Sacasa was elected Vice President.

Within a few weeks after the election, Chamorro and Diaz began their movement for the overthrow of the legally constituted Government of Nicaragua. Within a few months they were in control of the Government; Solarzano, the President, was driven out; Sacasa was driven out; three members of the supreme bench were forced to leave the country; and a number of the members of the legislative body were compelled to go into exile.

This was the history of Nicaragua at the time I called for an election in 1927, at the time I spoke upon the subject here in the Senate. I did not make that declaration without full knowledge of the history of Nicaragua, and without regard to what I thought would be the future of Nicaragua without an election. For 15 years the marines had kept in power those who represented not the people of Nicaragua so much as foreign capitalists who were investing in Nicaragua; and it was my opinion that if we did not give the people an opportunity to express their views and record their views, we would again sit down in the white-house grounds at Managua and maintain in power those who were opposed by the people of Nicaragua. It was for that reason—the troops being there, and Diaz being recognized, and the program apparently provided for—that it seemed to me that the only way in which we could in any sense compensate the people of Nicaragua for the injustice that had been done them was to give them an opportunity to elect their own officers and have their own government. Secondly, it was further my view—and is still my view—that there was no possible way by which we could get out of Nicaragua, under the policy which obtained, other than to give the people of Nicaragua a chance to elect their officials, and give the officials the backing of the public opinion of the country and give them our recognition and thereby our moral support, and thus establish something in the nature of a stable government in Nicaragua. It seemed to me the only possible way to do justice to the great body of the people, and the only probable hope of establishing a stable government. I therefore, under the circumstances, favored an election, and I favor it now.

In March, 1927, after our troops had been there for some months, the President sent his personal representative, Mr. Stimson, to Nicaragua for the purpose of adjusting the controversy, if possible, and restoring law and order. Mr. Stimson met first, of course, with the representatives of the government of Mr. Diaz, and obtained from Diaz an understanding as to a program involving the granting of amnesty to those who had been placed under condemnation by the Conservative government, the restoring of the officers who had been driven out, and providing in the future for Liberals to be represented in the Conservative government. After meeting with the President of Nicaragua he next met with a committee appointed by Sacasa. I should like the Senate to bear in mind that the first contact with the Liberal forces was through a committee of three representing the Liberal forces, one of them being the secretary of Sacasa, another a member of his cabinet, and the other a prominent Liberal leader.

After meeting with this committee the committee indicated their desire to have the views of General Moncada, who was in charge of the military forces, and finally a meeting was had between Mr. Stimson and Moncada. I desire at this time, Mr. President, to read some of the communications which passed between the representative of this Government and the representatives of the Liberal forces and the representatives of the Conservative forces.

On May 4, 1927, Mr. Stimson addressed the following communication to General Moncada:

DEAR GENERAL MONCADA: Confirming our conversation of this morning, I have the honor to inform you that I am authorized to say that the President of the United States intends to accept the request of the Nicaraguan Government to supervise the election of 1928; that the retention of President Diaz during the remainder of his term is regarded as essential to that plan and will be insisted upon—

The only matter in controversy between Stimson and the representatives of the Liberals was the question of maintaining Diaz in power until the election in 1928. The Liberals were anxious—indeed, had been requesting our Government—to supervise the election. As far back as October, 1926, General Moncada had made a statement to the effect that in his opinion quiet and order could not be established in Nicaragua without the supervision of an election upon the part of the United States. The only question about which they could not arrive at an agreement in the first instance, and the only matter which in my judgment our Government imposed upon them, was that of maintaining Diaz in power until after the election of 1928.

As to the holding of the election, the Liberals were not only willing to have the election supervised by the United States but it had been one of the things which they had been asking the United States to do since 1910 and 1911.

that a general disarmament of the country is also regarded as necessary for the proper and successful conduct of such election; and that the forces of the United States will be authorized to accept the custody of the arms of those willing to lay them down, including the Government, and to disarm forcibly those who will not do so.

Very respectfully,

HENRY L. STIMSON.

On May 11 General Moncada replied as follows:

MY DEAR GENERAL STIMSON: It has been my expressed opinion since 1912 that free and fair elections were the one thing most needed in Nicaragua to free it from revolution and to permit its peaceful development. I have further expressed my opinion that free and fair elections could not be obtained except upon the supervision and with the aid of the United States. I so expressed myself to Admiral Latimer on the U. S. S. *Rochester* in October, 1926.

To which Admiral Latimer testified before the committee.

It is because of this often-expressed belief, and the confidence that I now feel that we will get such fair election in 1928, that I shall be able to persuade my army to disarm.

Very respectfully,

J. M. MONCADA.

This letter was written after consultation between General Moncada and the representatives of Sacasa, the vice president under the former election.

Moncada was of the opinion that he would have some difficulty in satisfying the generals under his command; and later Mr. Stimson wrote him the following letter, dated May 11, 1927:

DEAR GENERAL MONCADA: I am glad to learn of the authority that has been placed in you by your army to arrange for a general disarmament. I am also glad to make clear to you and to your army the attitude of the President of the United States as to this matter. In seeking to terminate this war, President Coolidge is actuated only by a desire to benefit the people of Nicaragua and to secure for them a free, fair, and impartial election. He believes that only by such free and fair elections can permanent peace be secured for Nicaragua. To insure this in 1928 he has consented to the request that American representatives selected by him shall supervise the election.

Permit me to interpose here a statement that after Stimson went to Nicaragua our Government telegraphed him asking him if it was not possible to secure an adjustment of the difficulty or controversy in Nicaragua without our taking upon ourselves the obligation of supervising the election.

There had come to the United States a report to the effect that the Conservative forces were gradually winning their military victories; and, based upon that news, our Government was of the opinion that we might be able to restore order, or that order might be restored, without our taking upon ourselves the task of supervising the election. But after consultation with both sides, and especially with the Liberals, it was clearly demonstrated that the Liberals would not lay down their arms, would not cease the conflict, unless we assumed the obligation of supervising the election; and it is my view that the supervision of this election was made absolutely obligatory upon the United States if peace was to be restored through the demands of the Liberal leaders. Indeed, Mr. President, it was the only possible way, except through bloodshed, that the Liberals could secure control of the government; and they represented, it was claimed, from 75 to 80 per cent of the people.

He has also consented to assign American officers to train and command a nonpartisan national constabulary for Nicaragua which will have the duty of securing such a fair election and of preventing any fraud or intimidation of voters. He is willing also to leave in

Nicaragua until after the election a sufficient force of marines to support the work of the constabulary and insure peace and freedom at the election.

Mr. CARAWAY. Mr. President, there is where I wanted to ask the Senator a question. Does the Senator understand from this statement that "after the election" means that as soon as the election is held the marines must come out of Nicaragua?

Mr. BORAH. I would not say as soon as the election is held. The officers who will be elected do not take office until the 1st day of January, 1929; but this is the purpose of the Government as it has been stated to me, and as it has been stated by the representatives of the Government upon public occasions: The intention of the Government is, as soon as the election is held, and the people who go into office as the result of the election are recognized, that we are to bring the troops out of Nicaragua.

Mr. CARAWAY. That does not say that. It says that "as soon as the election is held" we will take our marines out.

Mr. BORAH. That is the exact language here; but I am stating what I understand to be the interpretation of that language by our Government.

I think, Mr. President, I am not overstating the fact when I say that the Government is exceedingly anxious to get out of Nicaragua.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. SHIPSTEAD. Does the Senator think they are more anxious to get out than they were to get in?

Mr. BORAH. Yes; I think they are more anxious to get out than they were to get in.

Mr. SHIPSTEAD. Then they must be very anxious to get out.

Mr. BORAH. I am satisfied that whatever be the fact with reference to the going in, they are anxious to get out.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. BORAH. I yield.

Mr. CARAWAY. If the officers who will be elected in this fair election shall fail to protect certain interests for which we sent the marines there, then are we to send the marines back and repudiate the people we put in office?

Mr. BORAH. I could not foretell what will be done; but I sincerely hope we will not go back. I read further:

As further evidence of the good faith of the American Government and of the present Nicaraguan Government in this matter, I am glad to tell you what has already been done. It will answer the questions contained in the letter of your soldiers which you have shown me. General amnesty has already been granted by the President of Nicaragua. I have recommended to President Diaz that the supreme court be reconstituted by the elimination of the illegal judges placed in that court under Señor Chamorro. President Diaz has already called upon those judges for their resignations, and I believe that those resignations will be obtained. I have already advised that the congress be reconstituted by the holding of special elections in those Liberal districts where elections were not held in 1926 under conditions which will insure that the Liberal voters will be amply protected in their rights. I have also recommended that members of congress illegally expelled by Señor Chamorro whose terms have not yet expired be reinstated. I have been assured that this will be done. I have recommended that the Liberal jefes politicos be appointed in the six Liberal districts of Bluefields, Jinotega, Nueva, Segovia, Esteli, Chinandega, and Leon. I have been assured that this will be done.

In short, I have recommended that steps be taken, so far as possible, to restore the political condition as it existed in Nicaragua before the Chamorro coup d'état, and I believe that so far as possible it will be done.

Mr. CARAWAY. Mr. President, may I ask the Senator another question?

Mr. BORAH. If the Senator will wait until I finish with this.

I hope that these steps will assure you and your army of the fairness of the United States Government and its desire to see peace, justice, and freedom reestablished in Nicaragua without any unfairness or favoritism toward any party, but being regardful of the rights of Liberals and Conservatives alike.

Very respectfully yours,

HENRY L. STIMSON.

Mr. CARAWAY. Was there any demand for local contributions toward paying the expenses of the marines in Nicaragua?

Mr. BORAH. I do not think so.

Mr. CARAWAY. We were having a demand for local contributions for flood control, and I thought maybe there might be a demand for local contributions for maintaining peace and order in Nicaragua.

Mr. BORAH. Mr. President, after this letter was delivered to General Moncada, an agreement was reached upon the part of Moncada with his generals that they would surrender their arms upon the promise of the United States to carry out its pledges with reference to the election.

The thing which controls my view of this matter is the fact, whether we had the authority or not, that we went into Nicaragua; that after having been there for a time, we entered into an agreement, and that agreement has been fulfilled upon the part of those with whom we made the agreement. They have discharged the promise which they entered into with the Government of the United States, to wit, to lay down their arms, to surrender their military protection, and to rely entirely upon the United States for their future rights, political and military.

I am going to discuss a little later the question of our authority to make that agreement, but if we had no authority, if we shall find when we come to examine and analyze the powers of the President that the action was without authority, we are estopped at this time, as a Government and as a people, from saying that we did not have the authority, because others have acted on our assurance to their disadvantage, and at the present time if we should refuse to carry out our agreement, we would leave the Liberals in Nicaragua absolutely subject to the dictation and the power of those who had driven them out prior to the time that Diaz became President. I feel that the condition which we superinduced compels us to fulfill our agreement.

Mr. NORRIS. Mr. President, may I ask the Senator a question at that point?

Mr. BORAH. Yes.

Mr. NORRIS. I understand from this correspondence that it was the intention—and I suppose it was carried out—to disarm both sides. If that be true, then I do not see why the Liberals would be under any disadvantage as compared with the Conservatives, if the Conservatives were also disarmed.

Mr. BORAH. I think in a measure, and I think in good faith, both sides were disarmed; but this fact must be borne in mind, that the Conservatives are in power, they are in control of the government, they are in control of the machinery of election, and they have such power, from the very fact that they are in control of the government, as to deprive the Liberals of any probability of protecting themselves in the election.

Mr. EDGE. They have a national guard there.

Mr. BORAH. Yes.

Mr. NORRIS. But they are disarmed.

Mr. BORAH. The Conservatives, I suppose, as far as they can be disarmed have been disarmed; but they are still in the possession of the government.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. WHEELER. Assuming we remain in there and supervise the elections, after the elections are over, if the Liberals should be elected, and we should pull out, what is going to happen if Chamorro and Diaz and the same group start another revolution down there?

Mr. BORAH. I do not know what will happen, but having given some attention to the Nicaraguan situation now for 16 or 17 years, I have this belief, that if the Liberals elect their President and their Vice President and if they constitute, as I believe they do, 75 or 80 per cent of the people of that country, and will be supported, therefore, by public opinion, and we give them our moral support by recognizing that government, we will have gone the farthest step we could take in restoring stability to the Government of Nicaragua. It may not stand; I do not know. No one can know. But I do know this, that under every rule of democracy and justice the Liberals are entitled to govern Nicaragua if they have the vote; that this election, if fair, will turn the Government of Nicaragua over to those to whom it belongs, that it will take it out of the possession of those who, in my opinion, represent more foreign than domestic interests. Beyond that I do not know. I do not seek to penetrate the veil. I am committed to the proposition of a fair election, hoping, but not knowing, of course, that it will tend to stability and that we may come out.

Mr. WHEELER. Mr. President, will we not be considered morally bound to send marines down there and to keep them in power after they are elected?

Mr. BORAH. Mr. President, let me say this to the Senator: To judge the future by the past, if after they are elected their government falls, if Chamorro and Diaz overthrow it again and our people are placed in danger and property is threatened, we will undoubtedly go back.

Mr. SHIPSTEAD. Mr. President, will the Senator yield for a question?

Mr. BORAH. I yield.

Mr. SHIPSTEAD. Does not the Senator think that the Liberals would be in power now if we had not gone in at all?

Mr. BORAH. I do not know. General Moncada has said that he felt he could have won a military victory, but he said that it was not within his power, or, in his opinion, within the power of any Nicaraguan, under the circumstances, to restore order in Nicaragua. He is a better judge than I am.

Mr. LA FOLLETTE. Mr. President, will the Senator yield for one question?

Mr. BORAH. Yes.

Mr. LA FOLLETTE. If I understood the Senator correctly, he said that he believed that the conservative forces were disarmed as much as they could be disarmed and still retain control of the Government. How large is the constabulary which has been set upon under our supervision?

Mr. BORAH. I have the figures here in the hearings, and I would have to recur to the hearings in order to state it accurately. It is not sufficiently large at the present time to maintain order in Nicaragua.

Mr. LA FOLLETTE. Is that constabulary under the control of the Diaz Government, or is it under the control of our officers?

Mr. BORAH. The constabulary at the present time, as I understand, is under the control of our officers. It is supposed to be neutral, neither Conservative nor Liberal, but, of course, the Senator will realize that the moment we step out in all probability it will go under the complete control of the present Government of Nicaragua. I hope those who are studying the Nicaraguan situation will never lose sight of Emiliano Chamorro. I would expect to see him in control if we should come out with the Liberals disarmed and powerless.

After these letters had passed and the communications were had, General Moncada made this statement:

> The Liberals can not believe that the United States Government, through the personal representative of President Coolidge, will give a promise which it will not fulfill.
>
> Once again the Liberals place their confidence in the United States. The leaders of the army will try to convince their men that this promise of fair elections will be fulfilled. The central point which the army wishes to be assured of is that the United States will do its best to give Nicaragua a fair election in 1928.

To that agreement all generals under General Moncada consented.

It has been said that Sandino did not consent. I think the facts show that Sandino did consent. Afterwards he refused to abide by his agreement, a matter which I need not discuss; but undoubtedly at the time that this obligation was assumed, and at the time that the program was agreed upon, it was understood that Chamorro, now one of the objectors, and Sandino were consenting to the program. It was made, in my opinion, in the utmost good faith upon the part of the Liberal leaders. It was something they had been seeking for 15 years. It was all they desired in order to enable them to take possession of the Government. They agreed to it. They laid down their arms. They are now, in my opinion, at the absolute mercy of the Conservative forces in case we refuse to give them the protection we agreed to give them.

I have a copy of a letter here from Sandino. I have seen the original, and I presume that there is no question about the authenticity of the letter. It will be remembered that the first interview took place at Tipitapa between General Moncada and Mr. Stimson on the 4th of May, and that on the 11th of May the final agreement was reached. Our officers have stated and General Moncada has stated that Sandino agreed to the settlement. This letter is dated May 9, 1927, is addressed to General Moncada and reads:

> EL CACAO DE LOS CHAVARIAS, *May 9, 1927.*
>
> Gen. JOSÉ M. MONCADA,
> *Bouaco (?).*
>
> ESTEEMED GENERAL: I take pleasure in informing you that, having arrived at this place, I have found myself in a difficult position, due to the fact that all of my followers have not joined me, since I have found but a few chiefs, the rest of my troops having gone to Jinotega, the place from whence they came. For this reason I feel that my remaining at this place will avail me nothing, all of my followers having disbanded.
>
> I have decided to go to Jinotega again to assemble my men in order to collect all the arms. In this case I shall remain there awaiting your orders.
>
> I likewise delegate my rights in order that you may arrange the matter as may suit you best, informing me of the results at Jinotega, which I shall occupy with my troops.
>
> The disbanding of my men is due to their not finding anything to eat, and for this reason they have left. However, I assure you that as soon as I arrive they must all come where I am, and then I shall collect all the arms.
>
> (Signed) A. C. SANDINO.

After this agreement was had an attempt was made to agree upon an election law, which was to be passed by the Congress of Nicaragua and which would give Americans sufficient power to insure a fair election. The law was agreed upon by representatives of the Conservative government and by representatives of the Liberal forces. It passed the Senate and went to the Assembly. At the time it reached the Assembly opposition to it was disclosed, particularly upon the part of Chamorro and his followers.

I digress to read a statement from the last copy of the New York Nation as to why Chamorro came to the conclusion that the law was unconstitutional. Bear in mind, in the first place, that Chamorro did not attach his signature to any paper—there was no occasion for his doing so; he was not an official—yet he was in agreement with the settlement evidently because he felt that the election would be carried on in sympathy with the maintaining of the Conservatives in power, something which had been done for the last 15 years.

Mr. BINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. BORAH. I yield.

Mr. BINGHAM. Does not the Senator think that possibly his willingness to agree was his hope that he might be a candidate and was later checkmated by our State Department's desire?

Mr. BORAH. I do not know what that had to do with it. I do know, from the most authentic sources, that he came to the conclusion that General McCoy was going to hold a fair election. He made up his mind that General McCoy intended that every man in Nicaragua entitled to vote should have an opportunity to vote, and that being true, that the Liberals would undoubtedly go into power.

In this article Mr. Beale said:

> General Chamorro told me, "I am ardently pro-American."

I think there can be no doubt about that. He is ardently pro-American. He was the gentleman who signed the treaty which transferred the canal to the United States for $3,000,000, when in all probability it was worth many times that. I have no doubt, when, all things considered, ten times that—

> I am ardently pro-American. Nor am I opposed to American intervention in Nicaragua at the present time. I am merely opposed to the form of that intervention lest the supervision proposed seriously violates our constitutional régime.

This is the language of the gentleman who in October, 1926, took possession of Managua and started a revoluion against the duly elected and constituted President and Vice President of Nicaragua. This is the gentleman, so solicitous for the constitution of Nicaragua, who drove three members of the Supreme Court from their places as judges and drove Sacasa from the country and caused a large portion of the assembly to flee for their lives.

Mr. Beale said further:

> This, of course, is quibble. Intervention constitutes, ipso facto, such violation. Chamorro desires to conserve the advantage to his party derived from its control of the Government and hence the election machinery, which McCoy would take out of its hands. The Conservatives were, at first, eager for American intervention and went into the Stimson agreement, thinking that it was a move to disarm and defeat the Liberals; that the United States was actually interested in keeping the Conservative Party in power. But now that it has become apparent that the Stimson agreement actually involves protection for the Liberal Party, the Conservatives are placing every obstacle in the way of the smooth working of the intervention they themselves invited. Chamorro's maneuvering also involves his desire to be a candidate for the Presidency at the forthcoming elections.

That seems to be true. The only opposition in Nicaragua to the carrying out of this agreement is the opposition of Chamorro and the opposition of Sandino.

Mr. President, what will be the effect if we take our troops out at this time? A leader of the Liberals was in my office some three weeks ago on his way to Nicaragua. I was deeply impressed with the sincerity and the fear of the man lest the Liberals be subjected in the future to the dictation of Conservatives by reason of our withdrawing our troops. He stated that if the troops were withdrawn neither he nor his friends nor those associated with them as leaders could stay in Nicaragua, that the feeling was so intense they would be deprived of

their residence for the purpose of enabling the Conservatives to effectuate a complete control of the election.

Mr. WATSON. Mr. President, will the Senator permit a question?

Mr. BORAH. I yield.

Mr. WATSON. What is the real fundamental issue between the Liberals and the Conservative Parties in Nicaragua?

Mr. JOHNSON. The offices.

Mr. BORAH. No; I do not think it is a question of offices.

Mr. WATSON. I did not ask the question in a controversial spirit at all.

Mr. BORAH. I understand. I may be mistaken, but I think the great controversy between Liberals and Conservatives is that the Liberals represent Nicaragua. They represent the people of Nicaragua. They believe in building up their country and maintaining it in the best way possible by the people of Nicaragua.

Mr. BINGHAM. Is it not true that it is largely a geographical matter?

Mr. BORAH. Yes; that enters into it undoubtedly, but the geography does not take away the fundamental principle which Senators will have no difficulty in discovering if they would study the history of Nicaragua from the time Mr. Diaz went into power in 1910 and 1911.

Mr. WHEELER. Can the Senator tell us who he thinks the Conservatives represent?

Mr. BORAH. Yes. I think the Conservatives represent that class of people who believe that Nicaragua can not get along without the aid of foreign capital, and they are perfectly willing to turn the national wealth of Nicaragua over to their direction and dictation in order that they may benefit by that policy.

Mr. BINGHAM. If there is no question of foreign capital involved, will the Senator tell us why it is that when speeches are made here on behalf of Sandino somebody pays for the cablegrams so that they get into the Nicaraguan papers, and when speeches are made here on behalf of the attitude of our Government the Nicaraguan papers do not seem to get any cable dispatches about them at all?

Mr. BORAH. I do not know anything about the inside workings of those things. I can well understand why people would naturally sympathize with Sandino. I think myself that Sandino ought to have kept his agreement. I think it would have been infinitely better for his country if he had kept it. I think it would have placed the Liberal Party in power. I think it was a tremendous error of judgment. Nevertheless, Sandino has been carrying on a fight for what he claims to be the interests of Nicaragua. I can well understand why people would be in sympathy with him and why some of them would pay for telegrams to reach this country.

Mr. WHEELER. I think the Senator does not share the belief that some of those men do, that Sandino is just a bandit?

Mr. BORAH. Not just a bandit, no.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield.

Mr. NORRIS. The thing I do not quite understand in the Senator's statement is that he says it is necessary that this agreement be carried out to hold an election because the Liberals, about 80 per cent of the people, are so anxious to have it carried out and they would be helpless without it, and yet the Senator makes the statement in regard to Sandino that he is acting for and has the sympathy of the Nicaraguan people.

Mr. BORAH. No; I did not say that. I was referring to the sympathy of people in this country.

Mr. NORRIS. Has not he the sympathy of the Nicaraguans?

Mr. BORAH. No; I do not think so. I think with the exception of a very few, the people want peace and this election.

Mr. NORRIS. Then the question arises in my mind why it is so difficult to capture a few bandits if there is nobody in the country there who is friendly to them.

Mr. BORAH. It was pretty well pointed out by the gentlemen before our committee why it was difficult, in the recesses of the mountains and in places where it was almost impossible to go, to locate Sandino, and especially when Sandino was seldom in company with his troops. I do not believe that very many people in Nicaragua sympathize with the course which Sandino has taken. I am perfectly satisfied that the great majority of the Liberals, practically all the Liberals, feel that their future welfare in Nicaragua depends upon the faithful carrying out of this agreement. Whatever may be their idea about Sandino as a general proposition, they think that he has made a great mistake in embarrassing the carrying out of this agreement. A number of them have said so. I have had correspondence for the last six months with Liberals and with Americans who reside in Liberal territory. With one single exception they have universally agreed that it was in the interest of the Liberals to carry out the agreement, that Sandino was making a mistake, and that he was not receiving the sympathy of the better element of the Liberals.

Mr. NORRIS. Without questioning the thought that it might be better to carry out the agreement, I think the same writer to whom the Senator has just referred has expressed the opinion in some of his articles that the people of Nicaragua look upon Sandino almost as a god; that he is the George Washington of that country. I could not harmonize that, assuming that he had made a correct statement, with the fact that practically all Liberals were anxious to have Sandino quit.

Mr. BORAH. I read Mr. Beale's statement in which he said that Sandino, in his opinion, had the sympathy of many of the people of Nicaragua. I do not know just how he expressed it, but I know he gave the idea that he had generally the sympathy of the Liberals of Nicaragua. I read from his statement where he said he believed, if he were free, that he could soon raise a large army. I am only placing my judgment against his by reason of the fact that from a reading of the newspapers of Nicaragua—the first time I know of in history that Nicaragua ever had free press—and from other facts I am forced to conclude that the vast majority of the people sympathize with the carrying out of this agreement and want to see it done. I am further supported in that view by letters from Americans living in Liberal territory and from Liberal leaders. It may be that I am in error, but I have no doubt about it in my own mind.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. BLAINE. If it is true that there is such great loyalty to the supervision of Nicaraguan affairs by the United States and that those people are against this so-called bandit, why is there not a veritable uprising of the people of Nicaragua to beat back this alleged rebel?

Mr. SHIPSTEAD. Mr. President, will the Senator——

Mr. BORAH. Just a moment, if the Senator please. Let me answer the question of the Senator from Wisconsin.

Sandino has been located in a part of Nicaragua, so far as his active operations are concerned, where there are very few Nicaraguans. It is altogether probable, as the Nicaraguans have been disarmed and are without any means for carrying on war with Sandino, that they would not volunteer to go in search of him. I can readily understand why they would not do so in view of the treatment which Sandino has given them in two or three instances where they did not subscribe to his program with sufficient satisfaction to himself.

Mr. BLAINE. Mr. President, if that be true, would it not be better for the United States Government to permit the people of Nicaragua to organize their government than to beat back this alleged bandit and so-called rebel?

Mr. SHIPSTEAD. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. Yes; I yield.

Mr. SHIPSTEAD. If I remember correctly, Admiral Latimer, when asked his opinion of Sandino, as to whether or not he was a bandit, said that he himself personally did not like to have Sandino called a bandit. Does the Senator from Idaho remember that?

Mr. BORAH. I think the admiral said something to the effect that he did not regard Sandino as a bandit in the true sense of the term. I have not called Sandino a bandit. My criticism of Sandino is that he did not go along with the agreement. I feel as the Liberals of Nicaragua that he would have better served his country. I do not find it necessary to go further in attacking Sandino.

Mr. KING. Mr. President, will the Senator from Idaho permit an inquiry? I do not want to interrupt the continuity of his argument.

Mr. BORAH. I do not think the Senator could do that.

Mr. KING. The Senator from Idaho may have covered the point I have in mind. As I understand the statement of the Senator—I have only heard a small part of his address, having been detained in the Finance Committee on official business—the Senator is defending our activities in Nicaragua upon the ground that an agreement was entered into respecting the election. Nothing that the Senator has said, as I take it, condones the United States Government going into Nicaragua years ago and our continued occupation of Nicaragua and the use of force there in the past, including the maintenance of marines for a considerable number of years?

Mr. BORAH. No, Mr. President. I have not changed my views which I have expressed from time to time with reference to our policy toward Nicaragua. I said in my opening remarks

to-day that I proposed to discuss this matter solely from the standpoint of the condition which we ourselves have superinduced in Nicaragua. I feel very strongly that if we should withdraw from Nicaragua under the present circumstances and conditions we would not only leave Nicaragua to turmoil and strife and bloodshed and leave the Liberals to the mercy of those who have been engaged in depriving them of their rights for the last 15 or 20 years, in ony way and another, but we would forfeit whatever respect we may have among the Central American people generally. Whatever they may think as to our having gone into Nicaragua in the first instance without justification, they now feel, as I believe, that we have entered into an agreement which gives the Liberals of Nicaragua an opportunity to have a hearing. The Liberal sentiment throughout Central America is in sympathy with the Liberals of Nicaragua securing a hearing, and, in my opinion, we should forfeit all respect which we may have in other parts of Central America by betraying the agreement which we made, whether we had any power to make it or not.

Mr. GEORGE. Mr. President, will the Senator from Idaho permit me to ask a question?

Mr. BORAH. Yes, sir.

Mr. GEORGE. Are we not predicating our policy according to the effect that our act has upon Latin America rather than controlling it by what ought to be a proper policy for us to pursue?

Mr. BORAH. Of course, the Senator from Georgia will understand that I do not contend that is the only reason. I say that that is one of the things which we should consider. I would take that position if all Central America was opposed to it. We made this agreement, and we are in honor bound to carry it out.

Mr. GEORGE. I understood the Senator from Idaho to lay down as a basis of his entire argument—if I misapprehended him, I regret it—that whether we were right in going in or not, whether we were justified and were acting within our power in entering into the agreement to supervise the election, since others have acted upon our undertaking, upon our assurance that we would supervise the election, we were morally bound, and that we were estopped—I think the Senator used that word——

Mr. BORAH. Yes; and I take that exact position.

Mr. GEORGE. Then it follows, as a mere corollary to that, that we are formulating our foreign policy upon its effect on the opinion of the Central American people.

Mr. BORAH. No, Mr. President, I do not regard it in that light at all. We went to Nicaragua; we entered into an agreement with those people; we had a reason for doing so. We desired to restore order in Nicaragua, and we made the agreement in good faith.

Now, as to the technical power to make the agreement, I am not at this time discussing it, and I am willing to admit for the sake of the argument that the technical power does not exist; but we made the agreement; the people of Nicaragua relied upon it; they disarmed in consequence of it; and we must carry it out whether the technical power to make it existed or not. That is the position I take. It does not establish a general policy.

Mr. GEORGE. Because to fail to do so would put us in bad repute in every Central American and South American State?

Mr. BORAH. Not alone that, but as a nation we are bound to carry out our agreement which we have made and upon which others have relied.

Mr. GEORGE. Whether we had any right to make the agreement or not?

Mr. BORAH. Yes, Mr. President; when others have fulfilled their part of the agreement.

Mr. GEORGE. And whether it should have been made or not?

Mr. BORAH. Yes, Mr. President.

Mr. GEORGE. Whether it was even a fair or just agreement?

Mr. BORAH. Yes, Mr. President.

Mr. GEORGE. Well, I can not quite follow the Senator.

Mr. BORAH. I am sorry that the Senator can not follow me. But in view of that agreement and what these people have done under the agreement, I would carry it out whether we had the technical power to make it. It would be an act of dishonor to plead want of power in such circumstances.

Mr. DILL. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I yield.

Mr. DILL. Does not the Senator think that the approval and carrying forward of an agreement not authorized by Congress, and when it is admitted that it was made without any authorization at all, will encourage Presidents in the future to disregard the law and to make other agreements which may involve us in international troubles even worse than this?

Mr. BORAH. I have not reached that proposition as yet. I have not said, however, that we did not have the power. I said I was assuming for the sake of the argument in presenting this question that we did not have the technical power to make the agreement. I have not admitted, as a matter of fact, that we have not the power, and I am going to discuss that question in a few moments.

Mr. DILL. Very well.

Mr. BORAH. Mr. President, there are two ways to look at the question of holding an election in a foreign country. I think we are justified, in the first instance, in considering the precedents. In the second place, I think it is fair to examine the proposition upon its merits as to whether or not we would have the power to make such an agreement even if there were no precedents to justify it. But we have been holding elections and supervising elections in the Central American countries for the last twenty-odd years. We have been holding them as a result of agreements upon the part of the Executive. I shall have something to say in a few moments as to whether or not the Executive should consult Congress in regard to them, but, so far as the precedents are concerned, Congress has never been consulted; the President has sent his own representatives, made his own agreements, and has carried them out.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BORAH. Yes.

Mr. WHEELER. If the President of the United States has power to enter into an agreement to supervise an election in Nicaragua, he would have the right to agree with the King of England to supervise an election in Ireland or any other place under the British flag. There would not be any distinction, would there?

Mr. BORAH. That is a conclusion at which the Senator arrives but which I do not accept.

Mr. WHEELER. I ask, is there any distinction?

Mr. BORAH. Yes; I think there is a distinction, a broad distinction, the conditions could never be similar.

Mr. KING. Mr. President, I suggest it is probably a question of propinquity.

Mr. BORAH. In 1908 the opposition party invited Mr. Taft, the then Secretary of War, to arrange some form of American supervision which would insure free and fair elections in Panama. As a result Mr. Taft suggested to the President of Panama that two American witnesses be present in the booths in every polling district in the Republic to watch the voting and witness the count. A joint commission was also appointed of Americans and Pan Americans to make a thorough investigation of the electoral situation and to confer as to measures to be taken to prevent fraud. So far as I have been able to ascertain, that is the first instance in which we undertook to supervise an election in a foreign country.

Mr. CARAWAY. Does the Senator approve the idea of putting Americans into the polling booths in foreign countries?

Mr. BORAH. I am going to discuss that question in a few moments. I said a while ago that if the election in Nicaragua can be associated with the right of the President to protect life and property in a foreign country, if it is one of the methods by which to restore order and to give security and stability to the government, and thereby protection to American lives and property in the foreign country, I think it is one of the methods which may be adopted, when adopted by consent of all parties.

Mr. CARAWAY. Then, it will be equally applicable to any country?

Mr. EDGE. It would be considered one of the most peaceful methods, would it not, rather than the method of armed intervention?

Mr. BORAH. It would be applicable to any country where the same conditions prevailed.

Mr. CARAWAY. Where does the right come from, then, to go into any country? If it does not apply to all countries, why is it right in the case of some particular country?

Mr. BORAH. We have got to take into consideration the question of whether or not under the circumstance which existed this is one of the methods by which we can best secure security for our own people and protection to their lives, and whether it is agreeable to all parties.

Mr. CARAWAY. Then, if this country shall determine that the best way to preserve the life and property of American citizens is to go into a foreign country and supervise their elections, the Senator says we have got a right to go into any country to do that, if we determine that is the best way to protect their lives?

Mr. BORAH. Not if we determine it; and we did not make the determination in this instance. We took into consideration

the consent and acquiescence of those who were interested and the conditions prevailing.

Mr. CARAWAY. The Senator just before that, however, declared Diaz was a usurper, and, therefore, that he had no right to speak for Nicaragua, did he not?

Mr. BORAH. He was president and he had a right to speak for a part of the people of Nicaragua, as the Liberals had a right to speak for the other part.

Mr. CARAWAY. Does the Senator concede that a usurper has a right to speak for the country?

Mr. BORAH. No; but he has the right to speak for those whom he represents, and he speaks for his government so long as he holds the office.

Mr. CARAWAY. Whom does he represent?

Mr. BORAH. He represents the conservative forces in Nicaragua, and he represents the government as he still holds the office.

Mr. CARAWAY. If I understood the Senator correctly a while ago, he said Diaz represented the foreign investors.

Mr. BORAH. He represents the conservative sentiment in Nicaragua.

Mr. CARAWAY. Did not the Senator say he represented foreign investors?

Mr. BORAH. I think he is in sympathy with them and represents them in the respect in which I used the term.

Mr. CARAWAY. The Senator said he represented them; that is what he represented in Nicaragua. Was not that the Senator's statement?

Mr. BORAH. I said he represented them, in the tense in which I was using the term.

Mr. CARAWAY. Foreign investors have not any right to make an agreement as to what we shall do in Nicaragua, have they?

Mr. BORAH. The Liberals consented to our action.

Mr. CARAWAY. Did the Liberals consent to it or not?

Mr. BORAH. Yes; they did consent to it.

Mr. CARAWAY. Then, why are we fighting some of them down there now?

Mr. BORAH. Because one who consented to it broke his word.

Mr. CARAWAY. Did not Mr. Stimson, in the Saturday Evening Post, boast that he and the general of the Liberal forces double-crossed their own forces?

Mr. BORAH. I do not so understand.

Mr. CARAWAY. He said, "My men will not agree to it unless we make a certain condition appear to exist when it did not exist."

Mr. BORAH. No; I do not remember that.

Mr. CARAWAY. It would be interesting to read what he said about it.

Mr. BORAH. If the Senator has it, I will be glad to have him read it.

Mr. CARAWAY. I have not it; but I was certain that the Senator, who is so well informed on this question, had read it.

Mr. BORAH. I do not think Mr. Stimson said that.

Mr. CARAWAY. Oh, yes; he said that.

Mr. BORAH. I have it here. Will the Senator turn to it?

Mr. CARAWAY. I can not do that now, but I will get it. The Senator, who is so well informed on this matter ought to have known that.

Mr. SWANSON. Mr. President, will the Senator yield to me a minute?

Mr. BORAH. I yield to the Senator.

Mr. SWANSON. I want to make this distinction: The Senator draws a parallel between holding an election in Panama and holding an election in Nicaragua. I do not think we had any right to make any agreement to hold an election in Nicaragua; but I agree with the Senator that since it was made, and the situation has changed, and under this agreement the Liberals have put themselves at the mercy of their enemies we ought to carry out the agreement and keep national faith.

When the Senator speaks of Panama, however, we have a treaty with Panama under which we have a right to enforce law and order there, as we had in the case of Cuba; and if that becomes a part of it, I can see where there would be a good excuse for holding an election as part of the methods of guaranteeing law and order. When the Bryan treaties came to the Senate, however, as I understand, there was a provision in these treaties authorizing us to have the same right in Nicaragua to enforce law and order that we have in Cuba, but it was eliminated. The Senate refused to agree to it, and there is no treaty in the case of Nicaragua that provides that this Government has any authority to enforce law and order there; and, consequently, we stand exactly where we stand with other nations.

In Panama we have a right. In Cuba we have a right under the Platt amendment, but in Nicaragua no such right as that exists; and in passing I only want to emphasize the fact that I disagree with the Senator as to the right of holding an election in Nicaragua similar to our right in either Cuba or Panama.

Mr. BORAH. If we have a right to make a treaty to hold an election, we have a right to make an agreement to hold an election, if the holding of an election is a part of the program of protecting life and property.

Mr. SWANSON. I differ with the Senator.

Mr. SHIPSTEAD. One moment, Mr. President. I think there is one thing that should be made clear.

Mr. SWANSON. The Constitution says that any treaty made by the President in regard to foreign affairs, and ratified by the Senate, is the law of the land. I think Congress could pass an act authorizing us, as an act of grace or otherwise, to agree with certain people to do certain things——

Mr. BORAH. I said that we could make an agreement.

Mr. SWANSON. But I deny the right of the Executive to do it. Now, I am going to vote against this amendment. I do not think it ought to pass. I think the honor and faith of this Nation is involved with the entire Liberal party, comprising 80 per cent of those people, who trusted us, surrendered their arms, and put themselves at the mercy of their enemies under an agreement with us by which we were to supervise an election. Now, I think good faith requires us to carry it out. I am not going to quibble over whether we had a constitutional right or a legal right or a technical right to make that agreement or not. I think it would be bad faith to refuse to carry out the agreement now.

Some people differed with me as to whether President Wilson had a right, in the Fourteen Points, to agree to autonomy to the Armenians. I stood here in that case as I stand in this. Whether he made the declaration under authority or not, those people trusted to that declaration. Those people sacrificed all and put themselves at the mercy of their enemies, relying on our aid. I, for one, am for carrying out national faith and not making a mere technical argument as to whether or not it is constitutional. I think it would be bad faith not to have that election. I believe it would prevent the Liberals from getting in power. Feeling that way, I am not going to vote to take the marines out until that election is held.

Mr. WHEELER. Mr. President, the Senator and I do not disagree about national faith; but I feel that if we are going to pass upon this question of national faith because of the fact that the President of the United States has entered into an agreement which he did not have any right to make we ought to go back a little bit further, because when we first sent the marines down to Nicaragua the President of the United States issued a statement saying that we were going to be neutral, and there has not been any neutrality about it at all.

Mr. SWANSON. Will the Senator from Idaho yield to me another minute? I do not want to detain the Senate too long.

Mr. BORAH. I yield.

Mr. SWANSON. The way I feel about the matter is this: I think the Administration made a mistake in going into Nicaragua, and I think the chairman of the Foreign Relations Committee agrees with me. I think there was no American property in jeopardy there, to be frank and candid with you. I think we had ample means to protect that property. I think the Government, when it recognized Diaz, did not carry out the understanding of the five treaties made with the Central American States, that they would not recognize a government that came into power by revolution.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. SWANSON. I will yield later, if the Senator will permit me to state my views. I do not wish to make a speech and delay a vote.

I feel that when the Secretary of State and the President recognized Diaz they should have recognized Sacasa, as the chairman of the Foreign Relations Committee thinks. I think he was the constitutional president when the President resigned. We had supervised an election. The Liberal Party and its candidate had won by 48,000 to 28,000. These nations had agreed that they would not recognize a government that came into power by revolution or a coup d'état. The troops went out in August, and in October this revolution occurred. Then we resorted to the little subterfuge of refusing to recognize Chamorro, but we recognized somebody agreeable to his party that brought about the revolution. I think we ought to have refused to recognize anybody in the Conservative Party that stood behind him and forced this revolution. Consequently, we ought to have refused to recognize Diaz and ought substantially

to have recognized Sacasa. If that had been done I do not believe any trouble would have occurred there.

To my mind, the administration made a mistake. They realized that three-fourths of the people in Nicaragua were with Sacasa and the Liberals. Chamorro and Diaz had been sustained there heretofore by United States troops, held there for a long time. To withdraw, it was necessary for them to get these Liberals disarmed, because it would take thousands of troops to overpower the Liberals. I believe all this movement about neutral territory was simply a means to help the Conservatives.

Mr. LA FOLLETTE. Mr. President, will the Senator from Idaho permit me to ask just one question of the Senator from Virginia?

Mr. BORAH. Yes; I yield.

Mr. LA FOLLETTE. The Senator from Virginia expressed it as his opinion that the troops were not originally sent into Nicaragua for the reasons stated by the President. Is the Senator willing to state to the Senate what reason he believes motivated the Chief Executive in ordering those troops into Nicaragua?

Mr. SWANSON. I stated that I did not believe property was in sufficient jeopardy to justify that excuse for sending them. I think the administration was desirous of recognizing a government dominated by the Conservatives, and by recognition would give them an opportunity to be in power. I think they realized that that was a mistake, that the Liberals had the majority there, and a big majority, and now they are willing to have an election, and that election will put in power the people that they refused to recognize at the beginning.

Mr. LA FOLLETTE. Does not the Senator believe that those troops were sent into Nicaragua for the purpose of sustaining Diaz in his office as President?

Mr. SWANSON. I have an idea that it was under a policy announced by President Coolidge, which I do not agree with, that when we recognize anybody in Central America we ought to make that recognition valuable, and ought to sustain them and give them our support. I have an idea that they went down there because they had recognized Diaz, and felt that they ought to make good any government they recognized in Central America, with which I do not agree.

Mr. BORAH. Mr. President, I trust I shall be permitted to go ahead now, because I do not want to occupy too much time.

Mr. SWANSON. The Senator certainly will, as far as I am concerned; and I apologize for having interrupted him at such length.

Mr. BORAH. I am very glad to have the Senator's suggestions with regard to the matter, but I do not want to hold the floor very much longer.

This was in 1912, in regard to Panama:

> Both parties requested the supervision of the United States Government in the congressional elections, and the American Government consented to intervene and supervise the registration, and, if necessary, the voting. A committee composed of the Governor of the Canal Zone and two American Army officers was designated for the general supervision of the registration and election. One supervisor was appointed for each of the 61 electoral districts, with one or more assistant supervisors, according to the size of the district, 228 supervisors and assistants being appointed in all. The registration was supervised and the American minister reported that the supervisors had little difficulty in maintaining order and in settling amicably the large majority of the controversies which arose.

That election was not held by reason of a treaty.

Mr. SWANSON. What election was it?

Mr. BORAH. The election of 1912. It was held upon the request of both parties or factions in Panama and was, so far as I have been able to ascertain, purely a voluntary matter upon the part of our Government, based upon their request.

Mr. SWANSON. But, if the Senator will permit me, while I do not like to interrupt him too much, in the case of Panama and Cuba, has not our Government authority, under a treaty, where it thinks order can be restored and maintained by certain action, to take a different course than in cases where no such authority exists?

Mr. BORAH. There is no provision in the Panama treaty providing for holding an election.

Mr. SWANSON. No; but, as I stated, if that is conceived to be the best way to keep order down there, we have an obligation to do that under the treaty, and the President can take that means of doing it.

Mr. BORAH. That is exactly my position. I take the position that if through an election we can best establish order and protect life, in which we are interested, our citizens and their property being there, we have the right to conduct an election instead of using gatling guns. I take the further position, however, that it is the obligation of the President, when he desires to hold an election, to consult the Congress of the United States with regard to it. I take that position for this reason: It is the exercise of a sovereign power within the territory of another Government. It is the exercise of a power which is calculated to make trouble; and, therefore, whatever may be the technical right of the President to protect life and property in a foreign country, when it comes to holding an election or comes to doing that which may result in war, the obligation rests upon him to consult the Congress of the United States; but bear in mind that no President has ever done so.

Mr. EDGE. From 1908 up to the present time.

Mr. SWANSON. But the Senator will concede that in those countries where we have a treaty——

Mr. BORAH. I am going to refer to countries where we did not have any.

Mr. DILL. Mr. President, before the Senator takes up that matter, how and when are Presidents to be compelled to come to Congress for this authority?

Mr. BORAH. Mr. President, that presents a legal proposition. I wish I knew the exact solution of it. The President has the power, and it is his duty, to protect American life and property in foreign countries. So long as that protection consists of merely defensive acts for the protection of that life and property, I think it belongs to the President exclusively. When it takes the form of aggressive action, taking possession of territory or carrying on a conflict with forces in that country, I think it is carrying on war. I think then the President ought to consult Congress.

I have no doubt at all but that under the Constitution we carried on war in 1910 and 1911 in Nicaragua. I have not any doubt but that in 1915 and 1916 we carried on war in Haiti and San Domingo. I have no doubt but that we are carrying on war now in Nicaragua. In my judgment, the true rule is that which was laid down by one so aggressive as Andrew Jackson, that whenever it takes the form of aggressive action, taking possession of territory or carrying on a conflict with forces in that country, I think it is carrying on war. I think in such cases the President should consult the Congress of the United States, the war-making power. But bear in mind again, my friends, that no President has ever done so since 1903.

Mr. DILL. And as long as Congress ratifies his illegal acts no President ever will come to Congress.

Mr. SWANSON. Mr. President, if the Senator will permit me to make a historical correction, President Buchanan in two messages requested Congress to give him power to enforce the neutrality of the railroad in Panama, which he had the authority to do.

Mr. BORAH. I did not dispute that proposition. I said since 1903. Prior to 1903, so far as I know, no President ever assumed to use our troops in foreign countries in aggressive action without the authority of Congress. I agree perfectly with those Senators who feel that the power of the President ought to be defined and restrained. I will support any proposition which will bring the President to the Congress of the United States for the purpose of getting authority to use the troops in foreign countries whenever we use troops for any kind of aggressive action.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. EDGE. Is it not absolutely possible, and not only possible, but has it not occurred in the present disturbance in Nicaragua, that under certain circumstances a purely defensive movement necessarily becomes an offensive movement overnight?

Mr. BORAH. Yes.

Mr. EDGE. Certainly the commandant of the marines, when his marines are attacked by an enemy, must, in the ordinary protection of life, take the offensive, rather than huddle in headquarters while those who are attacking them are getting ready for further attack. Can it not even happen that Congress may not be in session when such an occurrence comes about?

Mr. BORAH. Of course that may happen, and that is the exception. I am supporting in good faith and in all sincerity the action of the administration in carrying out this agreement which was made, but I do not modify my view at all as to our policy toward Central America, and I do not modify my view at all that the President of the United States should never employ the troops in foreign countries when the Congress of the United States is available for consultation, without coming to the Congress, except in purely a defensive way to protect life and property.

Mr. HEFLIN. Mr. President, will the Senator yield right there?

Mr. BORAH. I yield.

Mr. HEFLIN. I have a resolution pending now which provides that the President shall either withdraw the armed forces from Nicaragua, or come to Congress and obtain consent to keep them there. Does not the Senator think that is a sound resolution?

Mr. BORAH. No; I do not, for the reason that I do not think we ought to withdraw those troops from Nicaragua.

Mr. HEFLIN. But it provides that in that event he shall come to Congress and consult Congress.

Mr. BORAH. I would be glad to have the President of the United States establish the precedent of consulting Congress whenever Congress is in session or is available, when he desires to employ the troops or keep the troops in a foreign country. But I am not going to vote to bring the troops out of Nicaragua under the present circumstances in order to express my view to the President as to what his policy should be. I will seek a different way than that of violating our pledge to the people who have implicitly trusted our Government.

Mr. HEFLIN. But if Congress should decide that we are in a state of war in Nicaragua, and that the President should obtain an act of Congress declaring war before he should use the troops in Nicaragua, would not Congress have a right to say whether or not it thought the troops were properly there?

Mr. BORAH. That is what we are going to say to-day.

Mr. HEFLIN. So the Senator does agree in part with my proposition, that the President should obtain the consent of Congress to keep them there?

Mr. BORAH. My idea, if I my state it again, is this: That the President may employ the troops in a foreign country for the purpose of protecting life and property, as a defensive act, or, I think, he may employ them even when Congress is in session, purely for the purpose of throwing protection about the life and property of our people in a foreign country. But the moment the action takes on the nature of an aggressive action, the seizing of territory, the carrying on of armed conflict, a controversy with any faction or any part of the Government; when it becomes war, as war is defined by the Supreme Court of the United States, a conflict between two opposing forces, I think the President, when Congress is available, should also consult the Congress, and have his authority confirmed by Congress.

Mr. NORRIS. Mr. President, may I ask the Senator a question there?

Mr. BORAH. Yes.

Mr. NORRIS. The Senator has simply restated what he said directly a while ago, as I understood it, that in his judgment the President is now carrying on a war in Nicaragua. If that be true, and the Senator believes that he should not do it without the consent of Congress, how can we ever reach a point where we can bring that desirable condition about, as long as we continue to vote to approve those actions which we think are wrong?

Mr. BORAH. Mr. President, I would vote right now, this minute, to authorize the President of the United States to employ the troops in Nicaragua for the purpose of carrying out that election agreement. I would not hesitate a moment to do so. I think whatever force is necessary to do that under the circumstances we ought to use, and I would vote to authorize the President, and I believe the Congress would vote to authorize the President, to do that.

Mr. NORRIS. Would not that be a declaration of war, in effect?

Mr. BORAH. It might have that effect.

Mr. EDGE. Against whom?

Mr. NORRIS. Against Nicaragua.

Mr. EDGE. Sandino does not represent any government. As I understand it, he is repudiated by everybody in the government.

Mr. BORAH. Under international law, and under the decisions of the Supreme Court of the United States, in order to carry on war you do not have to have a government to fight. You can carry on war against a faction in a country, you can carry on war against a part of the people of a country. It is not necessary to have a government in order to declare war, or to authorize the use of troops.

Mr. FRAZIER. Mr. President, as I understand it, the Senator from Idaho thinks that the President has been wrong in his attitude in sending marines down there, practically waging war against Nicaragua, and yet he states that he would vote now to authorize the President to send troops down there; in other words, because the President has made a mistake, he should be backed up by the Congress of the United States, regardless of the mistake.

Mr. BORAH. Mr. President, I have stated my position, perhaps inadequately. It is this: The President has made an agreement with the different factions of Nicaragua. That agreement, in my judgment, was entered into in good faith upon the part of the people of Nicaragua, as well as ourselves. As the result of that agreement, the people of Nicaragua have done certain things. In the first place, the Liberals have disarmed, they have laid down their arms, they are now absolutely without protection, either political or military, except what protection the people of the United States give them. Under those circumstances I would vote unhesitatingly to authorize the President to use the troops for the purpose of doing whatever is necessary to carry out that agreement. In other words, I am perfectly willing to share the responsibility with the President, my view being that, the agreement having been made, the President ought to carry it out. I would not urge him to do that unless as a Senator I was willing to share the responsibility.

Mr. NORRIS. Mr. President, would the Senator be willing, as a corollary to that, to vote for a proposition here to give to the President the authority to make agreements with other countries to supervise elections in those countries?

Mr. BORAH. No; I would not. I feel about that just exactly as I do about the question of war. I do not know that anything is to be gained by my expressing my dissent from the policy of the President at this time, but I think that whenever we undertake to exercise the kind of power we must exercise in carrying on elections, the authority of Congress ought to be had.

Mr. SHIPSTEAD. Mr. President, if the Senator will permit me, as a matter of fact, this agreement was entered into as the result of an act of war, was it not?

Mr. BORAH. No; I do not think so.

Mr. SHIPSTEAD. When Mr. Stimson told those people that if they did not disarm they would be forcibly disarmed, he stood on their own soil. He had armed forces of the United States back of him, and he said, "If you do not disarm, we will forcibly disarm you." Was not that in itself an act of war?

Mr. BORAH. Standing as the naked proposition which the Senator makes it, it would be so construed, perhaps; but I do not know whether the Senator is familiar with the facts as to why that statement was made.

Mr. SHIPSTEAD. It is enough that it was made.

Mr. BORAH. Well, everybody down there was striving to bring the different people together. There were certain maneuvers which were thought necessary in order to bring them together. I do not think Mr. Stimson had any authority whatever to actually use the troops for the purpose which he indicated.

Mr. EDGE. It at least stopped bloodshed?

Mr. BORAH. Yes. I will now proceed.

Mr. NORRIS. So that there may be no misunderstanding—and I think there might be some from the answer the Senator made to the Senator from Minnesota—does the Senator mean that Mr. Stimson overstepped the authority granted him by the President?

Mr. BORAH. Stimson has said publicly, and I have read the statement, that he did not feel it was necessary to make that statement so far as the Liberals were concerned, but that there were certain banditti, or certain people who were not ready to listen to reason, and they thought it would have effect rather upon those who were not represented by any organization or represented by any particular party, but were what you might call the lawless element.

Mr. NORRIS. I have been laboring under the impression, in good faith, all the time that Mr. Stimson was correctly interpreting the intention of the President of the United States. I could not think for a moment that he would make that statement down there, and I can not really believe now that the President would permit it to go uncontradicted, if he said to Moncada and his followers, "If you do not disarm we are going to force you to disarm, we are going to insist that Diaz stay in until the next election." If the President of the United States did not mean he should do that, I should think he would have repudiated it at once.

Mr. BORAH. This is what I had reference to. Mr. Stimson said:

> I included the last sentence not as a threat to Moncada's organized and loyal troops, who, I was confident, would follow their leader's direction, but as a needed warning to the bandit fringe who were watching for any sign that we were not in earnest in order to indulge their taste for pillage once the government troops had laid down their arms and there remained no force in the country other than the Americans able to restrain them.

That is what I had reference to. Just what it means, I do not know. Unless it refers to the lawless element found in all strife-ridden communities.

In 1920 the department, while asked to do so by the opposition, declined to exercise any supervision over the Panama presidential elections of that year.

HAITI

In 1916 Dartiguenave was chosen President by the Congress of Haiti under the protection of American marines, who patrolled the entire city and prevented disorders in Congress during the elections.

Mr. SHIPSTEAD. Mr. President, I do not want that statement to go unchallenged. He was elected, not by the people of Haiti, but we elected him. We put him in office.

Mr. BORAH. That is very much stronger for my contention.

Mr. SHIPSTEAD. Our marines elected him.

Mr. BORAH. Very well. I accept the Senator's statement. He has been there, and he has made a personal investigation. I have no desire to state it less fully than the facts would justify. Then I will say that in 1916 Dartiguenave was chosen President under the supervision and by the direction and through the influence of the marines. Is that correct?

Mr. SHIPSTEAD. That is correct.

Mr. EDGE. During the administration of Woodrow Wilson.

Mr. BORAH. I read further:

In 1920 a new Haitian constitution was adopted by a plebiscite. To insure against any possible demonstration or disorders the Haitian gendarmerie, officered by American marines, was authorized to maintain order and to superintend the voting.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BORAH. Just a moment.

The gendarmerie officers were instructed to take such measures as would insure (1) that none but citizens of the district voted; (2) that all qualified citizens had an opportunity to vote; (3) that each voter was free to vote "yes" or "no," as he might desire; (4) that all votes were counted; and (5) that the procès-verbal was exact, unambiguous, and honest.

Now I yield to the Senator.

Mr. SHIPSTEAD. I simply wanted to call the Senator's attention to the fact that that constitution was written in Washington for the Haitian people.

Mr. BORAH. Yes; I know. I think that is correct. I think that constitution was written by Mr. Franklin Roosevelt, Assistant Secretary of the Navy, and was sent down to Haiti to be adopted by the Haitian people, and that it was adopted under the direction and authority of our marines.

Mr. SHIPSTEAD. If the Senator will permit me, I see some Senators laughing. As a matter of fact, the marine officers went out and addressed the people, and told them to go and vote for this constitution, because, they said, the Government of the United States wanted them to adopt it. The Haitian people did not want it, because it had a provision in it that they had always been opposed to; that is, that outsiders and foreigners could own land in Haiti.

In the constitution we wrote for them we incorporated a provision that foreigners could own land, and it was necessary to have marines at the polling places to keep the people quiet.

Mr. NORRIS. Mr. President, the Senator from Utah [Mr. KING] has several times addressed the Senate on that subject, and I remember very distinctly his telling how the election was held. I have read and heard of others who told the same story. So that I think it is historically true that what the Senator has said, or read, in his statement, is absolutely correct—that the people of Haiti as a matter of fact had not anything to do with it.

There was a form of election held, but the result of the election was known beforehand and there was only one way in which that election could result.

The elections for a constituent assembly in 1913 were watched by a commission appointed by the department—consisting of Messrs. Gibson, Stabler, and Sterling—but this commission does not appear to have had any jurisdiction or authority.

Mr. WHEELER. The Senator does not think the President should act without our advice?

Mr. BORAH. No; the President ought to consult the Congress, it seems to me, when we come to making agreements such as this.

In 1914 the elections were observed by American officials, both civil and military.

1920

In May, 1920, the American legation was directed to suggest to the President of Nicaragua the desirability of extending an invitation to General Crowder to proceed to Nicaragua for the purpose of undertaking an expert study of the election laws and of proposing such revision or amendments as he might deem necessary. The President replied that such a course would be inconvenient at that time because of the proximity of elections, and continued by stating that the existing election laws amply provided for free elections.

In September, 1920, Maj. Jesse I. Miller proceeded to Nicaragua and became military attaché to the legation at Managua to serve during the electoral period. Major Miller's instructions were to visit various parts of the Republic and after a study of the situation, if he had reason to believe that steps were being taken by Nicaraguan officials to prevent free elections, or for the practice of fraud or intimidation, that he secure an audience with President Chamorro and bring to the latter's attention the gravest concern with which the United States viewed such actions. He was further to state that the sole interest of the Government of the United States lay in its deep concern in all matters affecting the welfare of the people of Nicaragua and its interest to see that the elections were characterized by entire fairness and freedom.

1924

In 1920, elections having been concluded, the Nicaraguan Government on December 18, 1920, formally requested the assistance of the United States in obtaining the services of General Crowder or some other expert to assist in a reform of the electoral laws, stating that the person so selected would receive from the Nicaraguan Government all the necessary help for the best fulfillment of his mission.

The Secretary of State thereupon suggested the name of Dr. Harold W. Dodds, who entered into an agreement with the Nicaraguan Government, resulting from direct negotiations with that Republic's minister in Washington, and proceeded to Nicaragua, where he drafted an electoral law which was passed by the Nicaraguan Congress on March 16, 1923.

In September, 1923, the executive council of the Liberal Party passed a resolution to request the Government of the United States to supervise the forthcoming elections.

Many difficulties were encountered in carrying out the registration and election under the provisions of the Dodds's electoral law. Four United States marines in civilian dress were assigned to assist Doctor Dodds in the registration of voters at Chinandega in March, 1923. The Nicaraguan Government stated at that time that it not only had no objection to the use of marines for this purpose but would give its consent to similar action in other places.

I may say that this is the election in which Solorzano and Sacasa were elected, an election wherein the election law had been drawn by Americans, an election which was in fact supervised by Americans and which resulted in the election of Solorzano and Sacasa, who were the duly elected president and vice president at the time that Chamorro and Diaz organized their revolution in 1925.

Mr. BINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. BORAH. I yield.

Mr. BINGHAM. Is it not fair to state right there that they would probably have continued to serve throughout their term had not the marines been withdrawn, and that the revolution to which the Senator refers, which was continued by General Chamorro, came very soon after we withdrew our marines?

Mr. BORAH. My view is that the Senator is correct in his statement of facts. As to his conclusion, of course, I could not say. It may be a fair presumption that they would have remained in power had our marines stayed there.

Aside from precedents, by what authority do we obligate ourselves to supervise an election in Nicaragua? It can not be defended as a right or authority in and of itself. It must be associated with and grow out of our right and authority to protect the lives and property of our nationals. It must spring from our duty to protect our people in a foreign country. We were in Nicaragua. We were there to protect the lives and property of our people, which under international law we had a right to do. Turmoil and bloodshed and internecine war prevailed. The Government of Nicaragua seemed powerless to restore order and thereby give security to life and property. It was believed by all parties that order could be restored by the holding of a fair election, but that that fair election could not be held without the interposition of the United States. The restoration of order brought about in this way would bring security to life and property. It seems to me that the method adopted can reasonably be associated with the protection which we are authorized to give to the lives and property of our nationals. In other words, instead of using weapons of warfare, we use the ballot. It was the method believed to be effective by all parties. This is my view of this authority. I can not argue it at this late hour. But I am bound to say that this matter of holding elections involves an agreement with somebody and an agreement which imposes certain obligations upon our Government. I believe that the Senate of the United States ought to be consulted with reference to that agreement. I would not under the circumstances repudiate this agreement because the Senate was not consulted. But I feel that such course would be the proper course to pursue. It is the exercise

of sovereignty within another country. All of which seems to argue most conclusively that the Senate, or perhaps the Congress, should authorize the action; that at least the Executive and the treaty-making power ought to cooperate. Furthermore, the holding of an election can never be of an exigent nature so as to preclude the consideration of the matter by the Congress.

Mr. President, I want briefly to call attention to some views expressed by people now in Nicaragua, who have been there for some time, as to what the effect would be of our withdrawing our troops. I first quote from Mr. Denny, who is a correspondent of the New York Times. I have read his reports for the last several months and my impression is that he is very fair, very accurate, that he is not a protagonist of any faction but seems to be desirous of giving the situation as it really exists. He said:

> The Nicaraguans themselves, Conservatives and Liberals alike, declare unreservedly that anarchy would descend on the country again if the United States withdrew its forces.
>
> * * * * * * *
>
> When Col. Henry L. Stimson intervened as the personal representative of President Coolidge last May and ended the revolution he induced General José Moncada, the Liberal leader, to lay down his arms at the moment when he felt within sight of victory by promising free presidential elections this autumn.
>
> Both the Diaz government and the Liberals agreed upon United States supervision as the best means to obtain such an election. Since the word of the United States has been given, no well-informed person here except the Chamorristas sees how it can turn aside from complete fulfillment of that pledge and retain a vestige of Latin America's respect.
>
> CONSERVATIVES OPPOSE SUPERVISION
>
> General Chamorro and the considerable portion of the Conservative Party, which he controls completely, are now trying tooth and nail to block effective supervision by the United States and the Sandinistos have become an invaluable aid to them whether or not Chamorro and Sandino themselves desired to be allies. The Chamorro bloc seems to have almost forgotten its earlier argument that the transitory electoral provision now before the Nicaraguan Congress was unconstitutional and in place of this is objecting that free elections can not be held with the northern departments torn by the disorder due to Sandino's operations.

Mr. SHIPSTEAD. Mr. President, may I ask the Senator a question for information?

Mr. BORAH. I yield.

Mr. SHIPSTEAD. Does not the Senator think that if we allow a precedent to be established, whereby the President of the United States through his representatives can make certain agreements which may make it necessary to go to war without a declaration of Congress to that effect, it is a very dangerous precedent to establish?

Mr. BORAH. Under the circumstances I should not regard this case as a precedent at all. I have stated my views about the proposition and would be perfectly willing to support any measure which would establish a principle or put upon the statute books a law which would be indicative of the views of Congress in regard to it. However unfortunate it may be, does not the Senator think that we take great chances, after having done what we have done, in withdrawing our troops and leaving the Nicaraguan situation without any stabilizing force whatever? That would establish a precedent we should never think of establishing.

Mr. SHIPSTEAD. I shall express my views on that subject later.

Mr. BORAH. Very well. I shall wait until the Senator expresses his view.

I now desire to read a paragraph from a letter from a gentleman long residing in Nicaragua, an American pursuing his profession and his business in that country. He resides at Bluefields. For manifest reasons I will not give his name to the public, although I would be perfectly willing to give it to Senators. I have had letters from him from time to time since this trouble began last year.

Mr. KING. Mr. President, will the Senator suffer an interruption?

Mr. BORAH. In just a moment. This gentleman says, referring to the Chamorro faction:

> The faction is much afraid that Gen. Frank R. McCoy will have the power and really intends to give the country a free and fair election this fall; and, as all such emotions as well as the inspiration of certain actions emanate, where the gang is concerned, from Wall Street, the fact that the Nicaraguan Congress, a Diaz-Chamorro hand-picked body, despite anything you have heard or may hear to the contrary, has recently refused its sanction of the promised election supervision on the ground that to allow such a procedure would be beneath its dignity as the supreme legislative body of a free and sovereign state, arouses the suspicion that this farcical action may have received its impetus from other sources.

I yield now to the Senator from Utah.

Mr. KING. I was about to ask the Senator, in view of his statement in reply to the Senator from Minnesota, whether he believes, even if we remain to conduct the election, that we will not be compelled, under the same principles of honor for which the Senator is contending, to remain indefinitely, because, from the information I have received from those who have been there recently and letters from that vicinity, there is a strong feeling upon the part of many that the presence of the United States is an insult to the honor and integrity of that country, and those who would perhaps be satisfied with the result of the election would feel it was unjust and improper for the United States to take charge of their election, and that, therefore, the result will be, unless we maintain the marines there indefinitely, a revolt and we will be compelled to remain longer and keep our marines there for the purpose of pacification and the maintenance of peace. Does not the Senator think that by conducting the election we are merely laying the foundation for remaining there indefinitely?

Mr. BORAH. Of course, there may be and undoubtedly are people in Nicaragua, at least a few of them, who do not desire to see us hold this election. But I have no doubt at all that outside of the forces which Chamorro has now been able to organize, the great mass of the people of Nicaragua want this election. They believe it is the beginning of a possible stable government in Nicaragua. I do not know and no one this side of heaven knows what the actual result will be in the future, but that does not seem to me to be the sole controlling proposition. We have a situation which we superinduced. We have an obligation which we have assumed. The obligation seems to point, if it is possible, to a better condition of affairs. We must carry out our obligation. If we carry out our obligation in good faith, if the unfortunate results nevertheless, we will be, it seems to me, with a clear conscience and a just position before the world. But if we do not carry out the obligation, if we leave the Liberals to the mercy of those who control the situation, if we turn the situation back to those who have controlled it for the last 15 years, it seems to me that we are inviting disaster there, and certainly inviting criticism for ourselves.

I do not know what the future has in store. In 1910 and 1911 I made the same protest against the situation that I have made in 1927, but three administrations remained in Nicaragua. The marines camped on the white house grounds during the administration of three Presidents. It may happen again. I do not know. I hope to the contrary. I should like to see us get out of Nicaragua and stay out, as soon as we can do so honorably.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield.

Mr. NORRIS. If I may interrupt the Senator there, I desire to say that I thoroughly agree with the last statement he has made, but I want to suggest a danger, as it appears to me. Even on the theory that we ought to get out of Nicaragua, if we can, and we ought to get out honorably, there may be a disagreement as to whether we are not in honor bound to stay in. However, I want to call the Senator's attention to the fact that one of the dangerous things is the establishment of a precedent that might be used perhaps by a tyrant in the future. Does not the Senator think that the great danger is that every administration is going a little bit further, reaching out just a little bit more, and, the precedent being established, that some President in the future may use it for the purpose of getting us into war with any country with which the President himself thinks we ought to wage war, notwithstanding Congress may be opposed to a declaration of war?

Mr. BORAH. Mr. President——

Mr. NORRIS. Mr. President, if the Senator will permit me, I desire to state that there is an additional reason than the one that has been given by the Senator; namely, that we ought to consider ourselves; that the destiny and the welfare and the future of our own country may be at stake when we tread on such dangerous ground.

Mr. BORAH. Of course, the Congress of the United States can exercise its power at any time it may choose to do so against any precedent that may be established. I am unwilling, however, out of fear of the precedent, to violate what I think to be a national obligation resting in honor.

Mr. LA FOLLETTE. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I yield.

Mr. LA FOLLETTE. If some President in the future should use the precedent established here to bring about a condition of hostilities between this country and some other country, would not the same argument then be made for Congress ratifying the action that the Senator is now making for the continued presence of American marines in Nicaragua?

Mr. BORAH. Mr. President, if the same circumstances and conditions should arise, I presume the argument would be raised and undoubtedly raised effectively; but if the Congress wants to control the situation, if Congress wants to define the power of the President and destroy the effect of all of the precedents which have been established, Congress may do so. I venture to say, however, that Congress will not do so.

However much we may disagree with what President Coolidge did, President Coolidge had ample precedents for the action he took. Congress may destroy those precedents as well as this precedent by establishing permanently a rule of action with reference to such situations.

Mr. NORRIS. Mr. President, I should like to make a suggestion right there. I think the Congress and country are looking to the Senator from Idaho for leadership in that very direction. The Senator from Idaho is chairman of the great committee that is charged with the consideration of questions of this kind. I am not criticising the Senator, but if we had from the Senator from Idaho or his committee some prospect of a bill that would accomplish what the Senator has suggested I do not believe there would be any fight in favor of the pending amendment or any similar amendment. But it almost seems as though we are at sea when the Senator from Idaho, with all of his ability, and his position as chairman of the Committee on Foreign Relations, holding the views that he holds, has not brought before us such proposed legislation as will remedy the situation and destroy these precedents.

I think it is natural that we are filled with a fear when thinking only of the welfare of our own country we realize that to continue to follow these precedents will some time, when there is a more ambitious President, perhaps, in the White House than now, get us into war with a country that may mean much more than a war with Nicaragua would mean.

Mr. BORAH. Mr. President, I should be very glad to have the cooperation of those who agree with me upon this matter in framing a policy or framing a measure which might define our position and define the powers of the President, but I will say to the Senator from Nebraska that it is not an easy thing to do.

Mr. NORRIS. I know it is not.

Mr. BORAH. I venture to say that 60 or 70 per cent of my time since the Senator from Nebraska submitted his resolution upon this subject, when I have not actually been engaged in matters on the floor, has been devoted to writing a brief upon that subject. I have what I believe to be the law, but I do not know that any other Senator would take that view. It is a very difficult proposition to deal with. I am deeply interested in the subject and hope with the aid of others to reach some definite program.

I have here a letter written by a gentleman who is a resident of California, and who came to me with a letter of recommendation from Doctor Jordan, and I gave him a letter to my friends in Nicaragua. Writing me under date of January 18, 1928, he says:

> I have lived in this country most of the past six years and I am somewhat familiar with its peculiar politics.
>
> The fact seems to be that, notwithstanding the explicitness of the treaty, the Conservatives looked upon the return of the marines as a return to the political conditions of 1912–1923, when the elections were entirely in their own hands, and the marines prevented any uprising against them.
>
> Gradually the belief has been growing upon them that the old conditions are not to prevail; that, on the contrary, the Americans are going to do exactly what they said they would do: Let the majority of the people determine who shall govern. And as they have been coming to see this, a discontent with the American intrusion has taken place among certain of the leaders. This discontent has been accentuated by the results of the municipal elections, which were generally unfavorable to the Conservatives, notwithstanding there was no supervision of the polls, but only a restraint imposed by the simple presence of the marines.
>
> The latest manifestation of their state of mind is to be seen in the rejection by the chamber of deputies (Conservative) of the transitory election law proposed by the American Government and accepted by President Diaz.

And so forth.

It is very clear to my mind that the objections now being raised to the Americans' supervising the election are being raised by those who do not want a fair election, who are afraid of the results of the election, who believe that it will give the Liberals control of Nicaragua, and that, outside of that objection upon the part of those men or the limited few, the great body of the people of Nicaragua are relying upon the United States to carry out its agreement.

Mr. WALSH of Montana. Mr. President, can the Senator give us any information about the influences that brought about the defeat of the legislation proposed, and how the situation was met?

Mr. BORAH. The defeat was brought about through the activities of Mr. Chamorro. He secured the cooperation of a sufficient number of his friends to defeat the passage of the law. After the law was defeated, the President of Nicaragua, under what he claims to be the sufficient authority of the constitution, issued a decree the practical result of which is to place General McCoy in charge of the elections instead of the particular individuals who would have had charge of it had not the decree been issued.

Mr. WALSH of Montana. Does that mean that Chamorro still controls the Congress there?

Mr. BORAH. It means that he controls the lower body.

Mr. President, just a word in conclusion.

I said in my opening statement that I did not desire to be understood as discussing the Central American question, or the Central American policy, or the question of the Nicaraguan policy, other than as it relates to the particular situation with which we have to deal. That particular situation, to epitomize, is this:

We went into Nicaragua in 1926 and 1927. It was my judgment that we ought not to have gone, but we did. We recognized Diaz. It was my opinion that he was not the legally elected President of Nicaragua. The executive department was of a different view; so we went into Nicaragua and established the marines in such places as we thought necessary for protecting the lives and property of American citizens.

Things grew worse—more demoralized—until, when Mr. Stimson went there in March, 1927, the country was in a state of civil war. Neither side was any longer taking prisoners. People slain were permitted to rot where they fell; and it was an actual fact that the birds of prey were living upon the carcasses resulting from the warfare that was being carried on in Nicaragua. The condition was such that in order to establish the security which is necessary for the protection of life and property some understanding had to be reached.

Stimson came to an agreement with all the representatives of the different parties, and everyone of any note or prominence in Nicaragua agreed to the program. Chamorro was satisfied; Diaz was satisfied; Moncada was satisfied; Sacasa and his representatives were satisfied; the generals of Moncada were satisfied.

After the election law was defeated, it was revealed that Chamorro had changed his view; and why? It is established beyond peradventure that the reason why he changed his view was because he became convinced that the United States was going to hold a real election in Nicaragua, and that if a real election should result the Liberals, who had been practically disfranchised for 15 years, would take control of Nicaragua. When Admiral Long sent in his report, back in 1910 and 1911, he stated to this Government that 80 per cent of the people of Nicaragua were opposed to the Diaz government; and that has been the condition from that time until now.

This is the first real opportunity the Liberals have had to record their votes for over 16 years. The United States pledged its honor that they should record their votes. Technically, the United States may have gone beyond its power; but the pledge has been made, and, in the language of Lincoln upon a great occasion, the pledge, having been made, must be kept.

If we should withdraw at this time we would leave Nicaragua to turmoil and civil strife and discredit ourselves with the whole of Central America. The path of honor is perfectly plain. There are no two courses open. We must keep our word, and I have no doubt we will keep our word.

Mr. BLAINE. Mr. President, the Senator from Idaho said that he was very willing to answer any questions that might be asked along the line of his argument. I appreciate that he has given years of study to this proposition; and there are two questions that I should like to ask. I am sure that when answered they will afford valuable information.

As I understand, Diaz was elected November 11, 1926, and the American Government recognized that Government on November 17, 1926. The day following American bankers arranged with Diaz for an immediate loan of $300,000 and a future loan of $6,000,000.

I wish to inquire of the Senator to what extent, in his opinion, this matter of foreign loans by American bankers has influenced our foreign policy, and the part which those loans played in the carrying out of that so-called foreign policy.

Mr. BORAH. I do not know that this particular loan had anything to do with the actions of our Government with reference to recognizing Diaz or sending troops. I have no knowledge on that subject at all. Of course, our Government is influenced by our investments in Central American countries, because it is for the purpose of protecting those investments and our property interests and the lives of our people who are there that we send marines into those countries. But I have no information whatever as to any bearing which this particular loan had upon our particular policy at this particular time.

Mr. BLAINE. Mr. President, another question. The information may not be available, but here is a circumstance that Diaz was elected, and, as the Senator has said, in his opinion, wrongfully elected. Then the Government of the United States recognized that government six days afterwards, and American bankers the next day made arrangements for certain loans. The circumstances are rather incriminating, and I think that Congress has a perfect right to investigate those circumstances, and harmonize a policy which might prevent untoward circumstances that flow out of the present diplomacy of America, which is, in effect, a guaranty of loans made by international bankers.

Mr. President, I would like to ask another question of the Senator. Is it the Senator's opinion that if Congress should pass a resolution expressing its opinion, that resolution would have any binding effect upon the President in the conduct of our foreign affairs?

Mr. BORAH. I could not say that the President would not pay any attention to it, but, of course, the constitutional power of the President could not be controlled by a resolution of Congress. If the President were exercising unconstitutional powers, Congress would undoubtedly have the means of controlling. For instance, in my judgment, the President has the power, under the Constitution, to employ troops for the purpose of protecting lives and property of American citizens in a foreign country. We could not, in my judgment, take that power away from him, because it is granted by the Constitution.

Mr. BLAINE. Mr. President, the Senator refers to the power of the President under the Constitution to employ troops to protect our interests. The fact is, is it not, as a legal conclusion, that under the Constitution the President is merely made the Commander in Chief of an army and navy when that army and navy have once been created by Congress; the rules and regulations for the conduct of that army and navy initiated by Congress, and money appropriated for the support of that army and navy? Without those conditions precedent, the power of the President as Commander in Chief is merely a paper power. As I said yesterday, he might command a navy, but it would be painted ships upon a painted ocean. He might command of an army, but it would be an army of hobbyhorses commanded by a Commander in Chief on a hobbyhorse.

There must be the means by which that power as Commander in Chief may be carried out, and the power does not exist until there is an army and navy, and all the other conditions precedent. Congress may also limit the strength of the Army, the extent to which it may be used, and when Congress so legislates, then the President, as Commander in Chief, has the constitutional power to command the Army and Navy for the purposes designed by the Constitution and within the limits of legislation fixed by Congress; and in war time, in addition to that, the limitations fixed by the rules of international law.

Mr. BORAH. Mr. President, if the Congress does not see fit to create an army, the President has no army to command. If the Congress does not see fit to create a navy, the President has no navy to command, because there is no navy in existence. But once an army and a navy are in existence he is the Commander in Chief of the Army and the Navy. Whatever relates to command, whatever is incorporated in the idea of command, belongs to the President, and you can not take it away from the President. It is given to him by the Constitution.

That is not the only power the President has which applies in this particular instance. He is not only the Commander in Chief of the Army and the Navy, but it also rests upon him to enforce the laws of the United States. It is not only the domestic law of the United States, but international law is a part of the law of the United States also; and when a citizen goes from this country into a foreign country he is not under the domestic law alone with reference to his rights, but he passes under international law; and whatever right he has under international law the President is also under obligation to see that he enjoys.

Therefore the minute our people go into Nicaragua or into any other country there are certain rights which belong to them by virtue of international law, and one of those rights is the right to life; another is the right to the protection of their property; and it is the duty of the President to enforce international law. That is a part of the oath which he takes when he takes his oath as President of the United States. Not only any law that Congress passes but international law is a part of the law which the President of the United States must enforce.

Mr. BLAINE. Mr. President, I propound to the Senator this question. The President must exercise that constitutional power within the law fixed by Congress.

Mr. BORAH. Not necessarily. If it is a power expressly granted by the Constitution, he enjoys it by virtue of the Constitution.

Mr. BLAINE. If that is not correct, then the President of the United States has become an unlimited potenate.

Mr. BORAH. Oh, no.

Mr. BLAINE. Absolutely.

Mr. BORAH. No; not at all.

Mr. BLAINE. As absolute as the most absolute absolutism that ever existed.

Mr. BORAH. Mr. President, the Constitution of the United States has delegated certain powers to the President; it has delegated certain powers to Congress and certain powers to the judiciary. Congress can not exercise judicial powers or take them away from the courts. Congress can not exercise executive power specifically granted or take it away from the President. The President's powers are defined by the Constitution. Whatever power belongs to the President by virtue of constitutional provisions, Congress can not take away from him. In other words, Congress can not take away from the President the power to command the Army and the Navy of the United States. Congress can not take away from the President the power to grant pardons, which is a specific power given to the President. Congress can not deprive the President of the primary power to see that the laws of the United States are enforced. Those are powers delegated to the President by the Constitution of the United States, and the Congress is bound by the terms of the Constitution.

Mr. BLAINE. Another question. All that the Senator has said in a general way is sound constitutional law, but before there can be any action on the part of any Government unit requiring the expenditure of funds that are in the Public Treasury, or that may be placed in the Public Treasury, Congress must first act and make an appropriation for every essential purpose. That money so appropriated can be used for no other purpose than that designated by Congress, and there is no power that can coerce Congress into making an appropriation. Therefore, Congress's power over matters respecting the making of war unlawfully, beyond the power of the President, outside of the Constitution or within the Constitution, or conducting hostilities in the nature of war during peace times, can be limited and regulated under the power of Congress to appropriate money.

Mr. BORAH. Of course, I do not disagree with the proposition that if Congress does not create an army, or does not provide for an army, or create a navy, the President can not exercise his control or command over an army or navy which does not exist. But once an army is created, once a navy is in existence, the right to command belongs to the President, and the Congress can not take that power away from him.

Mr. BLAINE. Just one other question, and then I will desist. Does the Senator contend that when the Army is created, or when the Navy is created, Congress then must appropriate money, without limit and without restrictions, to meet the demands of the President as Commander in Chief; or must the President exercise his power within the limits fixed by Congress, the only power having the constitutional right to make an appropriation?

Mr. BORAH. Congress is the only power that can appropriate money. The President can not appropriate money, neither can Congress command the Army and the Navy.

Mr. SWANSON. Mr. President, if the Senator will permit me, I have had occasion to look into this question since the resolution was introduced by the Senator from Nebraska. I think the contention made by the Senator about half an hour ago is the correct one. When the question came up in the Constitutional Convention as to making war, as first reported, the Congress had the power to "make" war. It was provided that "Congress alone shall have the power to make war." I think it was on the motion of Madison that the word "make" was stricken out and the word "declare" inserted. He took the ground that if that language remained the President could not

conduct a defensive war. After much debate the word "make" was stricken out, and the word "declare" was inserted. The first interpretation ever made of that language was when Jefferson was President, in connection with the War with Tripoli.

Jefferson made this distinction: He said he had a right to defend our commerce, but he had no right to go into Tripoli and pursue the enemy, as he thought that would be an aggressive war. I think it is the opinion of the Senator, if I understood his remarks, that the President has a right, in a defensive way, for defensive purposes alone, to make war, but when it comes to aggressive warfare, going further, as Jefferson said in his message to Congress, if I recollect it aright, he could not go any further than simply to defend American rights, and wage a defensive warfare. As I understand, that has been the distinction most writers have made in connection with that question.

Mr. BLAINE. Mr. President, just one other question of the distinguished Senator from Idaho. I know that ordinarily he does not hedge. I want to press him just once more to give us the value of his training as a constitutional lawyer.

I repeat, assuming that Congress has created an army and has created a navy, after that is all done, then may Congress not limit the uses to which money may be put by the President as Commander in Chief in the operation and in the command of the Army and Navy?

The Senator has said that, of course, if we do not create an army and navy, then there is nothing over which the President has command. But we have an Army and a Navy. Can not Congress limit, by legislation, under its appropriation acts, the purposes for which money may be used by the President as Commander in Chief of the Army and Navy?

Mr. BORAH. I do not know what the Senator means by "purposes for which it may be used." Undoubtedly the Congress may refuse to appropriate and undoubtedly the Congress may say that an appropriation is for a specific purpose. In that respect the President would undoubtedly be bound by it. But the Congress could not, through the power of appropriation, in my judgment, infringe upon the right of the President to command whatever army he might find. Congress might, by refusing to make an appropriation or by limiting it to a specific purpose, make it physically impossible for the President to discharge his duty in a particular instance. If I understand the Senator, that is my reply.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. EDGE. Suppose the Congress in its judgment limited the appropriation to very moderate figures and the appropriation had been exhausted at a certain time during the fiscal year; that then a situation occurred somewhat similar to that which we now have in Nicaragua, where, at least in the judgment of the President under his constitutional responsibility, troops should be sent to Nicaragua in order to protect American lives or American property. Suppose he had absolutely no money in the appropriation, as an investigation of that situation would disclose. Yet under the Constitution, as the Senator has very definitely stated, it is his responsibility, and his alone, and Congress can not in any way circumscribe that responsibility. Would the President have the power to send the Army or a portion of the Army to Nicaragua even though he knew there was not a dollar in the Treasury; or, to put it in another way, would it be his duty, if he felt that armed troops should be sent to Nicaragua under the Constitution, to protect American lives and property?

Mr. BORAH. That would depend entirely, in my judgment, upon the risk the President was willing to take with reference to compensation for the services rendered by those whom he should send. I can only repeat what I said, that, of course, if we wish to take away from the President the Army or the Navy or the means of sustaining them, we may undoubtedly do so, and the President thereby would be deprived of his power to exercise the authority of command. But if the Army is in existence, if the Navy is in existence, if it is subject to command, he may send it where he will in the discharge of his duty to protect the life and property of American citizens. Undoubtedly he could send it, although the money were not in the Treasury. What the result would be in the future as to appropriations would be another thing. I do not challenge the proposition that by refusing to appropriate, the President may be affected in the exercise of his power to command. The Congress might also refuse to appropriate for the Supreme Court for marshals, but why speculate about fanciful things?

Mr. SHIPSTEAD. Mr. President, may I ask the Senator a further question?

Mr. BORAH. Certainly.

Mr. SHIPSTEAD. A few moments ago there was discussion with reference to depriving the President of his power. Of course, no one can be deprived of power he does not possess. What I would like to have the Senator's opinion on is whether or not the President has the power to enter into an agreement with any foreign government, an agreement of any kind that may lead to war or an act of war on the part of the United States, without first consulting the Congress?

Mr. BORAH. No. I do not think the President has power to make an agreement looking to war or which may logically lead to war without consulting Congress.

Mr. SHIPSTEAD. Does the Senator agree that the violation of the sovereignty of any foreign power is an act of war?

Mr. BORAH. Yes; it is an act of war; but I want to make the distinction that I think it is a fairly established rule of international law, that the sending of troops into a country to protect the life and property of a citizen is not an act of war. It is not regarded as intervention.

Mr. SHIPSTEAD. I agree with the Senator in that and I do not want to take away from the President the power to use the troops to protect American life and property.

Mr. BORAH. The Senator could not take it away from the President even if he wanted to do so. It is a power which belongs to him. We can not take it away from him.

Mr. SHIPSTEAD. But what I am protesting against is his using a power that he does not have.

Mr. BORAH. The only remedies that I know of for that are two: First, the remedy which the people have of electing somebody else as President; and second, the remedy which the Congress has of impeaching him.

Mr. SHIPSTEAD. Does the Senator think any American life or property was at stake in Nicaragua last spring upon the facts as they are known?

Mr. BORAH. It was my view at the time the troops went in that the facts did not justify sending them in. I have not had any reason to change that view. But I do want to say, because I desire to be fair to the President——

Mr. SHIPSTEAD. So do I.

Mr. BORAH. That the facts submitted to the President convinced the President that life and property were in danger, and he was the one who had to judge.

Mr. SHIPSTEAD. And also that the agents of the Soviet Government of Russia and the Government of Mexico were in there working against our interests. The President and Secretary of State so informed the country and the Congress.

Mr. BORAH. Of course the people of Nicaragua had nothing in the world to do with the soviet representatives and the soviet people.

Mr. SHIPSTEAD. Of course not.

Mr. BORAH. I do not suppose there is any country anywhere that has in it as little of communism as there is in those Central American countries. Of course the Senator understands——

Mr. SHIPSTEAD. I understand the Senator's view very well.

Mr. BORAH. The Senator understands that everything nowadays that we do not agree with is called communism or bolshevism.

Mr. SHIPSTEAD. I understand the Senator's point of view. I can not agree with him on the idea that the President has the right to make agreements that Congress at all times is bound to uphold.

Mr. BORAH. Oh, no.

Mr. SHIPSTEAD. I should like to do it, but I can not force myself to do it.

Mr. BORAH. I have not said anything of that kind.

Mr. SHIPSTEAD. I understood the Senator to say in the midst of his closing remarks that, the agreement having been entered into, it must be kept. That in general is a very good policy. The fact, however, that those in charge of the foreign offices of government all over the world having been permitted to pledge their governments to agreements that might lead to war under certain circumstances, has always led to war, or whenever the parties to the agreement have called for fulfillment, as was done at the outbreak of the last World War, on account of secret agreements, countries had to go to war. That is a precedent I do not want the United States Government to establish.

Mr. BORAH. I agree with the Senator upon that proposition. I do not want the President of the United States to establish precedents looking to making agreements which may lead to war. I quite agree with that proposition. But I think the agreement which the President of the United States made in this particular instance was an agreement which was not designed to lead to war, but was an agreement which was

calculated to lead to peace and did lead to peace. So far as the Liberal forces and the Conservative forces of Nicaragua are concerned, the conflict ceased almost immediately after the making of the agreement. The only exception to that really was the Sandino forces, and we could not anticipate that, because Sandino himself had agreed to come into the agreement. We could not anticipate the breaking of the agreement, and neither am I willing, because some other party has broken the agreement, that the United States shall break it.

Mr. President, I ask permission to insert in the RECORD some excerpts from documents which I was prevented from reading by reason of interruptions.

Mr. SHIPSTEAD. When we go in to protect life and property it has usually been done in this manner: We tell the two contending forces, "You can not fight here. There is some American property here. There are some American citizens here. You will have to go outside of where those Americans live if you want to fight." Does the Senator think that is sound doctrine from the standpoint of international law?

Mr. BORAH. If the Commander in Chief should in good faith arrive at the conclusion that the best way to protect American life and property was to establish a neutral zone as a matter of military tactics or rather as a matter of Executive tactics, he would undoubtedly have the right to do it.

Mr. SHIPSTEAD. If he had the power to do it.

Mr. BORAH. He has the power to do it if it is confined to the mere protecting of American life and property. So long as he acts purely in the defense of American life and property I think he is well within his rights and is exercising a right which we can not take away from him.

Mr. SHIPSTEAD. Let me suggest an illustration to carry out that idea to its ultimate conclusion. Let us assume that when the two great armies that fought at Gettysburg were about to join in combat, there had been an Englishman running a grocery store and a livery stable between the two contending forces; and suppose the British ambassador had said, "Your armies can not fight here; we are going to establish a neutral zone and protect the property and life of English citizens." That is the policy we have been carrying out in Central America. Does the Senator mean to say that that is a sound policy?

Mr. BORAH. Well, I think under the circumstances stated by the Senator that I would regard the Englishman as taking the chances in that instance.

Mr. SHIPSTEAD. Does the Senator not think he ought to take the chances as a matter of international law?

Mr. BORAH. Yes; he ought to take the chances; but the Senator is now speaking of a condition——

Mr. SHIPSTEAD. I am not speaking facetiously at all.

Mr. BORAH. No; the Senator is not speaking facetiously—not intentionally so—but I think his statement is facetious.

Mr. SHIPSTEAD. Of course, I can not control the Senator's opinion.

Mr. BORAH. Mr. President, I ask in this connection that there may be printed in the RECORD the adverse report of the Committee on Foreign Relations on the Senate Joint Resolution 57.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report is as follows:

WITHDRAWAL OF ARMED FORCES FROM NICARAGUA

Mr. BORAH, from the Committee on Foreign Relations, submitted the following adverse report (to accompany S. J. Res. 57):

The Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 57), having considered the same, report the resolution adversely.

The resolution directs the President to withdraw the troops in Nicaragua in the following language:

"That the President be, and he is hereby, requested to immediately withdraw from Nicaragua the armed forces of the United States."

The committee is of the opinion that under the agreement which this Government made with the Nicaraguan Government and with the leaders of the Liberal Party to hold an election in that country and to protect all parties in their rights to a fair election, we can not in justice withdraw our troops at this time. Upon the strength of this agreement to hold an election, the Liberals laid down their arms and not only laid down their arms but surrendered their arms. They intrusted their affairs, both as to elections and as to their safety, to the promise of the United States. To withdraw our troops at this time would not only leave the entire machinery of the election absolutely in the hands of the Conservatives but leave the Liberals helpless to defend themselves or to protect themselves either in the matter of the election or against the violence of their antagonists.

Whatever may be our views with regard to matters transpiring before the agreement and as to the events which led up to the agreement, nevertheless the agreement was made and places an obligation upon us which we can not at this time escape. The committee would like to see our troops withdrawn from Nicaragua, but can not recommend such action under present circumstances and in view of our solemn agreements. If we can hold a fair election in Nicaragua and then recognize the government resulting from that election, there is reason to hope that we can get out of Nicaragua and stay out. It has been stated that the Liberals constitute 75 or 80 per cent of the people of Nicaragua. It would seem, therefore, that if a fair election is held and the Liberals succeed, the government following such election would have the support of the great majority of the people of Nicaragua. And with the recognition of this government there is a probability of stability. But whatever the future may have in store under the present conditions we are bound to our obligation by an agreement made and upon which agreement practically all the people in Nicaragua are now relying for their protection and for the chance to vote at an orderly and fairly conducted election.

It may be helpful to recall the facts relating to making this agreement. In March, 1927, the President selected Henry L. Stimson as his representative to go to Nicaragua with instructions, if possible, to pacify the situation and bring about an adjustment between the warring factions. Mr. Stimson reached Nicaragua in April, 1927. The two armed forces, those under the direction of the Conservatives and those under the direction of the Liberals, were then engaged in a fierce civil war. After numerous consultations with the leaders of both parties, the Conservatives and the Liberals, an agreement was reached. The substance of this agreement was that the United States would undertake to supervise and conduct a fair election at the time specified in the constitution of Nicaragua, in 1928, and that the armed forces in Nicaragua were to surrender their arms. In the meantime, the United States forces were to remain in Nicaragua for the purpose of keeping the peace, protecting life and property, and policing the election. Mr. Stimson conferred with the leaders not only of the Conservative Party but with the delegation appointed by Doctor Sacasa, which delegation consisted of Dr. Rudolpho Espinosa, Dr. Leonardo Arguello, and Dr. Manuel Cordero Reyes. He also consulted General Moncada, who was in charge, and had been for some time, of the Liberal forces. After conferring with General Moncado, as a result of an understanding between Mr. Stimson and General Moncada, Mr. Stimson addressed to him the following letter:

TIPITAPA, *May 4, 1927.*

Gen. JOSE MARIA MONCADA,
Tipitapa.

DEAR GENERAL MONCADA: Confirming our conversation of this morning, I have the honor to inform you that I am authorized to say that the President of the United States intends to accept the request of the Nicaraguan Government to supervise the election of 1928; that the retention of President Diaz during the remainder of his term is regarded as essential to that plan and will be insisted upon; that a general disarmament of the country is also regarded as necessary for the proper and successful conduct of such election; and that the forces of the United States will be authorized to accept the custody of the arms of those willing to lay them down, including the Government, and to disarm forcibly those who will not do so.

Very respectfully,

HENRY L. STIMSON.

Thereafter General Moncada consulted with his troops, and his troops raised certain points upon which he sought an expression from Mr. Stimson, whereupon Mr. Stimson addressed him the following letter:

TIPITAPA, NICARAGUA, *May 11, 1927.*

Gen. JOSE MARIA MONCADA,
Tipitapa.

DEAR GENERAL MONCADA: I am glad to learn of the authority that has been placed in you by your army to arrange for a general disarmament. I am also glad to make clear to you and to your army the attitude of the President of the United States as to this matter. In seeking to terminate this war President Coolidge is actuated only by a desire to benefit the people of Nicaragua and to secure for them a free, fair, and impartial election. He believes that only by such free and fair elections can permanent peace be secured for Nicaragua. To insure this in 1928 he has consented to the request that American representatives selected by him shall supervise the election. He has also consented to assign American officers to train and command a nonpartisan national constabulary for Nicaragua which will have the duty of securing such a fair election and of preventing any fraud or intimidation of voters. He is willing also to leave in Nicaragua until after the election a sufficient force of marines to support the work of the constabulary and insure peace and freedom at the election.

As further evidence of the good faith of the American Government and of the present Nicaraguan Government in this matter, I am glad to tell you what has already been done. It will answer the questions contained in the letter of your soldiers which you have shown me. General amnesty has already been granted by the President of Nicaragua. I have recommended to President Diaz that the supreme court be reconstituted by the elimination of the illegal judges placed in that court under Señor Chamorro. President Diaz has already called upon those

judges for their resignations, and I believe that those resignations will be obtained. I have already advised that the Congress be reconstituted by the holding of special elections in those Liberal districts where elections were not held in 1926, under conditions which will insure that the Liberal voters will be amply protected in their rights. I have also recommended that members of Congress illegally expelled by Señor Chamorro whose terms have not yet expired be reinstated. I have been assured that this will be done.

I have recommended that Liberal jefes politicos be appointed in the six Liberal districts of Bluefields, Jinotega, Nueva Segovia, Esteli, Chinandega, and Leon. I have been assured that this will be done.

In short, I have recommended that steps be taken so far as possible to restore the political condition as it existed in Nicaragua before the Chamorro coup d'état, and I believe that so far as possible it will be done.

I hope that these steps will assure you and your army of the fairness of the United States Government and its desire to see peace, justice, and freedom reestablished in Nicaragua without any unfairness or favoritism toward any party, but being regardful of the rights of Liberals and Conservatives alike.

Very respectfully yours,

HENRY L. STIMSON.

Upon the receipt of this letter, General Moncada said that the letter was satisfactory to his army, and then General Moncada dictated the following statement:

"The Liberals can not believe that the United States Government through the personal representative of President Coolidge will give a promise which it will not fulfill.

"Once again the Liberals place their confidence in the United States. The leaders of the army will try to convince their men that this promise of fair elections will be fulfilled. The central point which the army wishes to be assured of is that the United States will do its best to give Nicaragua a fair election in 1928."

It will be seen from this statement that General Moncada calls attention that they, the Liberals, "place their confidence in the United States," saying that "the leaders of the army will try to convince their men that this promise of fair elections will be fulfilled." All of Moncada's lieutenants agreed to this except Sandino, who was represented to Mr. Stimson as having promised to join in the settlement, but afterwards refused to do so, and with from 150 to 200 followers started northward toward the Honduras border.

This brief outline leaves no doubt that all parties, in particular the Liberals, gave up their arms, with the exception of Sandino and his men, and relied upon the honor of the United States for their protection and for an opportunity to voice their wishes and sentiments through the ballot box under an election fairly and honorably conducted.

The committee, in reaching a conclusion upon this particular resolution, expresses no opinion and does not wish to be understood as expressing any opinion as to the wisdom or unwisdom of any of the steps taken by our Government in sending troops to Nicaragua or in the recognition of the Diaz Government, or of the constitutional questions which may be involved in this matter. It is of the opinion that our responsibility in Nicaragua at the present time arises out of an agreement full and complete and thoroughly relied upon, which agreement brought about a wholly changed condition and situation. Unfortunate and regrettable as the present situation is in Nicaragua, it seems clear that to remove our forces from Nicaragua, after all that has been said and done, would justly subject us to bitter condemnation throughout all Central and South America, and particularly by the more liberal element, as it would be the liberal element we would betray by our action, to say nothing of the discredit to ourselves and the turmoil and bloodshed which would likely follow.

RECEPTION TO CLARENCE D. CHAMBERLIN, AMERICAN AVIATOR

Mr. CURTIS. Mr. President, Mr. Clarence D. Chamberlin, who was the first aviator to fly across the Atlantic Ocean with a passenger, is in the marble room. I ask unanimous consent that the Senate take a recess for five minutes in order that Senators may meet and greet him.

The VICE PRESIDENT. Without objection, it is so ordered. The Senate will stand in recess for five minutes.

The Senate being in recess, Mr. REED of Pennsylvania escorted Mr. Chamberlin into the Chamber.

The VICE PRESIDENT and Mr. Chamberlin stood in the area near the Secretary's desk, and Mr. REED of Pennsylvania personally presented the Members of the Senate to the distinguished visitor, after which he retired from the Chamber, and the Vice President resumed the chair.

THE FEDERAL FARM LOAN SYSTEM

Mr. BLEASE. Mr. President, I ask unanimous consent to have published in the RECORD certain matter which I send to the desk relative to the Federal farm-loan system.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

CANADA AGAIN VOTES AGAINST A SUPERSUBSIDIZED FARM-LOAN SYSTEM SUCH AS WE HAVE IN THE UNITED STATES IN THE FEDERAL FARM-LOAN SYSTEM—OPPOSES POLITICAL CONTROL OF FARMERS' LAND-BANK SYSTEM

On page 5719 of the RECORD, April 2, 1928, was inserted a digest of the recent nation-wide investigation of the Federal farm-loan system and an outline of the many shortcomings of the present political banking system. The Royal Bank of Canada recently awarded a prize of $1,000 for the best essay by a university student for a paper entitled, "Does Canada need a federal farm-loan system?" The award was made to Dermot A. Davies, of the University of British Columbia, who, after making a comprehensive statement, declared: "Frankly, I do not think that we are immediately justified in organizing a federal farm-loan board for long-term loans."

Mr. Davies puts his finger on the sore spot of the whole system when he says: "Unfortunately for us our conditions, both economic and psychological, are entirely different from those existing in the European countries mentioned. Of the two, it is perhaps the psychological difference which is greatest, so that we can not expect remedies which suited the French or German peasant, with his peculiar temperament, to suit the diverse characteristics of the Canadian farmer."

CONTRARY TO AMERICAN PRINCIPLE

Every contention of those who copied Europe's farm-loan systems, in inaugurating the presently organized Federal farm-loan system, was that it could be adapted to the needs of the United States. Mr. Davies in the above paragraph shows how it is not adaptable to such needs, although capable of performing a great service if placed in the hands of the rightful owners, the farmers who now own the capital stock of the 12 district Federal land banks, and assume the entire liability which safeguards the system.

Mr. Davies also demonstrates the folly of having provided in the farm loan act for the privately capitalized joint-stock land banks, which operate in direct competition with the farmer-owned banks, and which are found exclusively in those fields which are termed "the cream" of the farm-land and farm-loan territory. Mr. Davies writes:

"From a financial point of view it is undeniable that the Federal land banks have paid. They are operating on a 1 per cent basis, and are accumulating a very satisfactory reserve fund. They have also lowered the rate of interest to the farmer. To those who offer the criticism that they are forcing private enterprise out of business a few figures may be of interest. The Federal Loan Board can authorize private individuals with a certain paid-up capital to form joint-stock land banks in any district, in competition with the Federal loan banks.

In 1921:	
21 joint-stock land banks closed 881 loans for a total of	$9,334,900
12 Federal land banks closed 27,153 loans for a total of	91,029,976
In 1922:	
43 joint-stock land banks closed 15,916 loans for a total of	138,884,779
12 Federal land banks closed 74,055 loans for a total of	224,301,400
In 1926:	
57 joint-stock land banks closed 100,199 loans for a total of	727,748,388
Federal Farm Loan Board closed 409,570 loans for a total of	1,274,855,666

"These figures indicate the early phenomenal growth of the loans made by the joint-stock banks and the subsequent steady growth."

Interesting extracts from Mr. Davies's essay follow:

FAILURES OF THE LAND BANKS TO SERVE FARMERS

"There has been some confusion on the subject of the extension of credit by the land banks. There are those who say that they have failed because they have not made credit easier.

"The Federal Farm Loan Board has also forced the adoption of the amortization scheme for the repayment of loans. This may or may not be a bad policy (there has been much violent controversy on both sides).

"There is one criticism which has been leveled at the banks which is substantially true, and that is that their introduction has not materially altered the number of foreclosures. This criticism has been offered to prove that they are therefore a failure.

"In Canada—and generally speaking for the farmers as a whole—it has been estimated that the farmer's return upon his investment is 4 per cent to 4½ per cent. There are, of course, many who are making a great deal more than that. But the average return may be taken at that figure. With a return so low, it is manifestly impossible for the average farmer to borrow and pay 8 per cent or more. Incidentally, a reduction in the interest rate to even 6 per cent would not enable all the farmers to borrow even if they had the security. It is for this reason that the Federal Farm Loan Board in the United States has failed to materially alter the number of foreclosures.

"A brief glance at the experiences of some of the Provinces in Canada may reveal some information that is helpful. In one particular is this information interesting. That in every Province where the scheme—where operative at all—has proved a burden on the public we find that the largest proportion of the loans have been made for the purpose of clearing previous encumbrances.

"In Ontario, where the idea is considered successful, 47 per cent of the loans have been made for the purchase of new lands.

"In Quebec we have a unique situation due to the unity of nationality, religion, and habits of the people. A condition met with in European countries but nowhere else on the American Continent—on a scale of similar size.

"In British Columbia, certainly, the scheme has been a financial burden on the taxpayer, and here we notice that the majority of the loans have been to clear off previous debts.

"So much for a study of conditions in the past. What, if any, are the conclusions to be drawn? The first is, that any system of government-controlled credits can not be run as a philanthropic enterprise to the detriment of the taxpaying public. It must be on a sound financial basis.

"Frankly, however, I do not think that we are immediately justified in organizing a Federal farm loan board for long-term loans, because the scattered condition of the farmers would not enable it to advance credit in competition with private enterprises at a sufficiently cheap rate to be beneficial to the farmer and yet yield a margin of reserve."

A DUAL SYSTEM OF BANKING

The above statement, made by Mr. Davies, brings home again the error Congress made when it endeavored, by means of a compromise, to erect two distinct systems of banking within the one Federal farm-loan system, namely, the farmer-owned Federal land banks and the privately capitalized joint-stock land bank system, which now threatens to strangle the farmer-owned banks by serious inroads into their territory, and in many States have now more business on the books, and a far better class of business, than the farmer-owned banks enjoy. Too often the Federal land banks have taken a poorer class of loans with the idea of serving the farmer as the act intended, whereas the joint-stock land banks have taken, as above stated, only "the cream" in loans. The following schedule, released by the Federal Farm Loan Bureau, shows a striking comparison, and the reader is urged to compare the loans between the two types of banks in such States as Iowa, where the bankers' banks now hold about $37,000,000 more loans than does the Federal land bank; in Missouri, where they nearly approach the amount; in Ohio, where they exceed it; as in Illinois, North Carolina:

Statement showing loans closed, segregated by States, by Federal and joint-stock land banks from organization to February 29, 1928

State	Loans closed by Federal land banks		Loans closed by joint-stock land banks	
	Number	Amount	Number	Amount
Maine	3,168	$8,624,350		
New Hampshire	659	1,489,175		
Vermont	1,579	4,752,300		
Massachusetts	1,818	5,320,905		
Rhode Island	160	528,750		
Connecticut	1,551	5,299,150		
New York	8,393	28,480,840	2,559	$12,854,600
New Jersey	1,484	5,876,850	506	2,669,600
Virginia	13,043	34,855,833	2,496	13,065,500
Maryland	1,224	4,938,900	760	4,768,600
Delaware	142	461,100		
Pennsylvania	6,828	18,270,300	2,733	10,737,676
West Virginia	4,417	8,753,450	2,489	8,184,000
North Carolina	12,639	24,757,050	12,929	43,526,600
South Carolina	7,687	21,916,760	3,029	16,235,500
Georgia	12,476	29,316,935	1,735	9,285,400
Florida	4,612	8,975,170		
Tennessee	12,086	29,689,200	886	3,908,200
Kentucky	10,270	31,946,300	2,518	14,780,800
Indiana	14,318	51,689,200	8,400	46,268,384
Ohio	7,176	28,088,700	7,196	34,735,850
Alabama	25,726	47,770,870	998	6,473,200
Louisiana	14,776	36,468,865	70	1,336,700
Mississippi	28,054	56,264,820	589	9,583,550
Illinois	8,442	48,532,805	9,835	88,173,495
Missouri	10,917	37,346,360	4,634	36,702,410
Arkansas	16,940	30,158,710	1,739	15,586,300
North Dakota	11,442	45,739,100	812	4,764,300
Minnesota	11,619	53,900,700	4,976	43,774,725
Wisconsin	9,138	36,698,500	1,203	6,222,250
Michigan	11,243	30,114,600	2,190	10,135,800
Iowa	11,074	90,727,150	10,361	127,634,895
Nebraska	10,692	59,484,190	3,997	35,596,990
South Dakota	7,355	37,539,250	2,021	17,133,975
Wyoming	2,700	8,659,500	755	5,583,000
Kansas	11,191	47,066,350	4,585	31,242,700
Oklahoma	9,275	25,878,800	1,273	7,076,400
Colorado	10,033	30,998,700	1,443	9,710,600
New Mexico	5,920	13,119,900		
Texas	59,025	171,752,091	13,109	96,650,421
California	9,755	39,317,300	2,816	36,826,000
Utah	5,740	18,121,900	176	826,100
Nevada	404	2,760,500	35	775,700
Arizona	1,707	7,144,300	498	3,636,000
Idaho	8,063	29,140,395	933	4,408,400
Montana	8,996	27,712,590	346	2,076,400
Oregon	7,528	25,756,080	1,213	13,822,350
Washington	14,187	39,765,770	239	2,565,500
Porto Rico	4,047	11,946,500		
Total	461,719	1,463,918,114	119,082	839,338,871

Political appointees in the Federal land banks estimate that by the cooperative principle a saving of more than 1½ per cent per annum is possible under the present type of administration of these banks. That would mean that had the loans above listed with joint-stock land banks been placed in Federal lank banks the borrowing farmer would have had returned to him in the form of earnings more than $12,000,000 a year, or 1½ per cent of the total loans of $839,338,871, which now lines the pockets of the joint-stock land bankers. This is price Congress made the American farmer pay each year as a tribute to their own evasion in sound economic principles at the time the farm loan act was passed in 1916. Many of the former members of the Farm Loan Board, who as members of that board did everything in their power to restrict and wreck the cooperative associations, now officer these joint-stock land banks at fancy salaries—at the expense of farmers.

CALLED THEM ENEMY WITHIN

The president of one of the leading Federal land banks recently advised that he considered the joint-stock land banks "enemies within." He did not wish his name mentioned, for perfectly obvious reasons, but he sees the growing menace of these banks which operate in the best loan territory in direct competition with the farmer-owned banks.

"It is certainly an outrage that these banks, having the tax-free feature of their bonds, are licensed by law to a monopoly of all loans above $25,000, whereby they are enabled to exact a tribute of 1 per cent or better from the farmer wishing to secure the best loans now being made. It also seems almost criminal to me to allow these banks, which are favored by the Government, to loan money to land speculators who scalp the land for profits, and landlords who rent their land on leases which force the tenants to rob the soil. We have not inherited land problems from the feudal times like the European countries have. Instead of encouraging landlordism in this country, with all its attendant evils, the Government should see that no such condition is permitted to grow up."

A Texas farm-loan agent advises that the "last great mortgage war was between the farmer and selfish mortgage interests, but that the next great war is now at hand, and is between the farmer's loan associations and the agents of the joint-stock land banks." Because the Federal land banks are officered by political appointees, and a resultant slowing-up processes is usual in action (?), this means that the farmer's association representatives are helpless before the competition of private bankers, and this opens a wide field of political activity.

[Extract from New York Times]

SENATOR SMOOT OPPOSES THESE BANKS

Senator REED SMOOT, of Utah, chairman of the Senate Finance Committee, made plain in a recent address in the Chamber that he strongly opposes the joint-stock land banks enjoying tax-exempt bond privileges, and maintains that private capital is taking to itself all the supposed earnings or savings of these bonds, instead of passing this saving to the farmer borrower through such banks.

"Since the joint-stock land banks were created by act of Congress I have never spoken before an audience calling attention to the privileges granted to individuals in this country under that law, but there has been a favorable response immediately against the injustice of the act," Senator SMOOT said.

"What right have we to say to any man in the United States, 'You and four of your friends may organize a joint-stock land bank; you and your friends may put $1,000,000 capital into it; you and your friends may control it; and the Government of the United States authorizes you to sell tax-exempt securities to the amount of fifteen times $1,000,000, or $15,000,000?' The interest received from those $15,000,000 of bonds is tax free, and so men with large incomes who invest in such bonds are enabled altogether to avoid paying taxes.

"There is a practice going on in the United States to-day that ought to be stopped just as soon as Congress can enact a law for that purpose, for to-day a man can borrow $10,000,000 and purchase $10,000,000 worth of tax-exempt securities, the interest upon which, at 5 per cent, is $500,000 per annum. He can deduct the $500,000 interest he pays on the loan from his income from any other source and pays no tax upon it. Therefore, he can have an income of $500,000 from taxable items and never pay a cent of taxes to the Government of the United States.

"The joint-stock land banks are operating in exactly the same territory that the Federal farm banks are operating in; they are in direct competition with them; and I have not any doubt but that the Federal farm bank would have loaned the money that has been loaned by the joint-stock land banks. If the American people knew the circumstances, I do not believe that they would approve of granting to any individuals in the United States that great power.

"I have been in favor of the Federal farm loan bank. I voted for the bill when it was under consideration in the Senate. I called attention then to the joint-stock land bank provision; it was inserted when the bill was before the Senate, and there was mighty little discussion

of it. The only objection that I have had to the whole system, if we are going to have any further tax-exempt securities, is to the power that has been conferred upon individuals through the organization of joint-stock land banks."

The death knell of the joint-stock land banks would be tolled by Senator SMOOT.

LET FARMERS BE THEIR OWN BANKERS—COOPERATIVE FARM-OWNED BANKS WOULD PROVIDE AN IMPROVED FINANCIAL SERVICE FOR AGRICULTURE

By Hon. Myron T. Herrick

The object of the rural credit movement at its start in this country in 1910 was to introduce European methods for long-term and short-term borrowing. They were entirely free from politics and the idea of general social reforms.

Senator CHARLES CURTIS, of Kansas, delivered a speech in the Senate which few persons noticed at the time. But it came to the attention of some agricultural societies of New York which distributed copies, and it is now arousing widespread interest among farmers throughout the East. The reason is that it struck rural credits squarely on the head, and made sparks fly which lit up this much discussed but badly misunderstood subject in a very clear way.

LET FARMERS RUN THEIR OWN BANKS

The occasion for this remarkable little speech was given by an amendment of the farm loan act, which would take the management of the land banks from the farmers. Senator CURTIS contended that this amendment is wrong and that the farmers would be the safest and most efficient managers. The senator's facts, figures, and arguments must convince any reasonable person that he is right, and furthermore, that the farmers likewise should not delay in establishing a system of their own.

Mortgaging farms or other real estate is, as distinguished from banking, an investment business. It takes money of persons who have no uses for it of their own and lends it to others who can use it to their advantage at an agreed interest rate. Mortgaging is available only for persons who have land to offer as security of a value greater by one-half or one-third than the amount of money they want. So it can not help anybody, except one who has already got considerable property through his own unaided efforts. Indeed, mortgaging is down right dangerous unless the farm is large and productive enough to enable the owner promptly to pay the debt and taxes when due, besides making necessary repairs and meeting living expenses of himself and family. Moreover, mortgaging is disliked by banks that are really banks, since its terms are too long to let them turn over their funds repeatedly in the quick way required for substantial profits.

"Banking is easy to learn," says an old adage, "if you know what a mortgage is and let it severely alone." Farmers ought to learn what banking is. They could do this without very hard study if they would view it apart from plateglass windows, gilded walls, and mahogany desks, and keep in mind that its operations are not always represented by the delivery of so much cash. Banking involves the use of comparatively little money. It is mostly a means of creating and utilizing credit, or the confidence inspired by good character and financial standing. Its functions are: First, the receiving of deposits; second, the lending of deposits and funds obtained from shares and other sources, and the buying of negotiable paper by what is called discounting; third, the issuing of notes by a bank on its own credit and other security to circulate in place of money. The Federal reserve banks are the great banks of issue.

The credit a bank uses is chiefly that of its customers, and rests more on good character than on anything else. The proof of this is that few banks would dare to lend to a man with a bad reputation, no matter what security he offered, while many of them have financed honest and competent persons to success who hadn't a dollar to their names. Of course, some farmers are not and never will be credit worthy. But the great majority have the best of characters, with property and wealth-producing power out of which the soundest credit and the highest financial standing could be created.

The banks know all this. Indeed, most of the funds which they own and are using for other industries came from agriculture.

For what would become of the banks if they should be deprived of the annual agricultural production which is represented by paper passing through them, or which has been transferred permanently to them? But the farmers should not wait for them to act. The farmers in the aggregate have accumulated $60,000,000,000 of wealth. This and their annual income are more than enough to supply their own banking and financial needs, if they should mobilize the credit value of these stupendous resources. But this mobilization can be accomplished only by forming banks of their own.

With such banks the farmers would have first use of the wealth they create, and avoid much of the necessity of mortgaging farms and all the losses coming from forced sales of their crops. Moreover, they would add strength to their already existing associations, and save the interest they now pay in borrowing from outside sources. They would also help all other industries, because the farmers' needs would be for short terms, in most cases extending no longer than from harvest to harvest, when their returns increased by the resulting improvement would mingle again with the general banking power and swell its volume. Perhaps $10,000,000,000 would have been added to this power if the American farmers in their organizations, splendid though some of them are, had not done the very reverse of what the best cooperative farmers in other countries did, who began by forming banks.

A cooperative bank is an incorporated body owned and managed by members and that confines its credit facilities to them. I wish I had space to describe the indivisible reserve and the other wonderful provisions that assure absolute safety and fairness. But the first thing is that the form must be purely associational. That is to say, there should be no shares; or if these be issued, they must be withdrawable, so that any member may retire at will or be expelled by the majority and his money returned. The next thing is that there must be a system which as it grew would have local, regional, State, and district banks and a great bank at the top. The local banks, which peg the system to the soil, would be without shares or limit to liability. The others might be just the reverse. All would be bound together by unions and a federation, and not only would help individual farmers but would also finance agricultural enterprises from the smallest to the largest scale.

In Germany the farmers have bound themselves together in systems embracing three degrees of organization, through which they conduct not only their commercial, industrial, and financial affairs but also their social relations. The first is the local group, consisting either of one bank with trading features or of a bank and affiliated societies. The second is the provincial organization, consisting of adhering local groups, a central bank, and central associations held together by a union. The third is the imperial organization, consisting of adhering central banks and associations and unions and a national bank and national associations held together by a federation.

This structure rests upon the local banks, which all are of the associational form. That is, they depend upon the collective liability, limited or unlimited, of members for obtaining resources and as a guaranty for their operations. Nobody is admitted unless he has taxable property, or at least a character or standing vouched for by members. The result of this eclectic membership is that the credit of a German local bank is so high that it attracts from its neighborhood a volume of deposits sufficient for its daily transactions and as much more besides as is necessary to invest in the stocks and bonds of the associations higher up. For this latter purpose some of the local associations raise funds by issuing and selling shares in the nature of certificates of long-time deposits, payable either at once or in installments.

But the growing tendency of the local bank is to eliminate capital stock, whether fixed or variable, so as to avoid dividends and maintain their true character as neighborhood clubs of 100 or more mutual acquaintances or friends. The profits all go to the reserve. This is their only permanent fund. It is indivisible. It does not belong absolutely either to the members or to the bank. In the event of dissolution it reverts to the province, to be held for a new bank in the same locality. Some of these funds now are very large. Their presence as foundations scattered throughout the country has contributed greatly to stabilizing the rural population. Since the reserve serves not only as a guaranty but also for a working fund, it takes the place of a capital stock. When its size becomes sufficient for these purposes the bank reduces its profit takings. The aim of a bank is not gain, but to save members costs and expenses of obtaining loans and supplies.

In a country as great as the United States there is room for a number of agricultural systems, and each would embrace five degrees—local, regional, State, departmental organizations. Such systematization of agriculture, based upon local cooperative banks, would enable farmers to utilize all their stupendous collective wealth as a mobilized resource for the benefit of themselves individually and agriculture generally.

[Extract from address by Robert E. Lee Saner, before the annual session of the American Bar Association]

[NOTE.—With the United States at present engaged in operating, with the sanction of Congress, a supersubsidized political farm-loan system, such as found only in Russia, the address of Mr. Saner would prove helpful in revealing to many who have not hitherto appreciated what Russianization of our principles may lead to.]

AMERICA—"STOP, LOOK, LISTEN"

Where railroads cross highways there are signs which read, "Stop, look, listen!" It would be well for our people and their Representatives in our Government to follow that admonition now: To stop and take account of our national strength and our national weaknesses; to look calmly and judiciously, without passion and prejudice, at the momentous changes that have arisen out of the World War—political, social, and economic—fanned in this day to a fever heat by self-seeking politicans, demagogues, socialists, and communists; to listen, not to the words of the traitorous, the querulous, the visionaries, the demagogues, but rather to those of the living and the dead, who through the exercise

of patience, courage, loyalty, industry, thrift, and resourcefulness have made this Republic what it is to-day. * * *

My subject might be translated in the form of a quotation from Scripture: "Remove not the ancient landmark which thy fathers have set." It might be said that we have many "landmarks" or guideposts in our wonderful history, but I think we properly may name as the point, both of convergence and divergence, the basic law of our Nation as embodied in the Constitution of the United States. This was a "landmark," indeed, not only in the history of the American Continent, but in the history of the world. It represented the "landmark" toward which all previous efforts for a larger freedom and a better Government had converged and from which all our subsequent history in the marvelous development of America had resulted. Emerging from the oppression and darkness of the Middle Ages a few brave, outstanding spirits—the Huguenots, the Cavaliers, the Pilgrims—sought refuge in this country and eventually founded a government under a written Constitution.

That Constitution is the "ancient landmark which our fathers have set" and which I here and now plead shall not be removed. I reflect, with sentiments of profound admiration, upon the personnel of that little body of big men who drafted our Constitution. There in hot and unpleasant surroundings they worked through the long summer months of 1787, with but one thought in their minds—the welfare of their country. * * * When political expediency raised its brazen head, suggesting a clause that would command the plaudits of the crowd, the great Washington said: "If to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and the honest can repair. The event is in the hands of God."

It is well for us in this generation to hark back to that memorable time. Verily there were giants in those days, Titan souls that dowered their country with the legacy of liberty in thought and word and deed.

To those who have studied the history of the genesis and development of the Constitution it is needless here to say that never in the wildest debates that preceded its adoption did its founders dream of establishing on this American Continent a democracy or a democratic form of government. The thought and purpose of those great men was to establish a republic, and a republic was established.

There is as much difference between a republic and a democracy as there is between day and night, and when one speaks of a "representative democracy" he might as well speak of a healthful sickness or a truthful fisherman or an honest golf player.

The men who made the Constitution, even as small and restricted as this country was at that time, wisely foresaw that, with its diversity in population and with the possibility of its unparalleled extension geographically, the theory of pure democracy would not make for either a safe or a suitable form of government. They therefore ordained under the Constitution, which for the first 120 years of the life of this Nation, proved its wisdom and worth, that the only form of government on the one hand safely to swerve from tyranny and on the other hand from mobocracy was a form of government wherein the people, not as individuals but through their representatives chosen for their wisdom, their knowledge, their sincerity, and patriotism, should control that government. That was the conception of the fathers, and that was the form of government under which this Nation became both great and powerful.

AGE OF FEDERAL ENCROACHMENT

It was not until this present generation, when descendants of these sturdy pioneers had learned to live in fattened and complacent ease upon the wealth and the security and the safety bought for them by the blood and the sacrifice of their forefathers, that the idealists, the doctrinaires, and the demagogues became an established institution in our national life and evolved a new theory of government for the American people. The age through which we now are going may well be termed the age of constitutional amendments and Federal encroachment, encroachment upon the rights and powers of both the States of this Republic and its individual citizens.

It is the age of political quacks and political quackery, and any ambitious politician who desires to attract the attention of the discontented, to appeal to the resentment of the failures, and to flatter the sinister ambitions of those men and women who desire, above all other things, to see the American form of government and the American Constitution overthrown.

BLOCS AND BULLDOZERS

And so to-day we have in this country paternalism run mad. We no longer are a united, homogeneous people; we no longer legislate and plan for the welfare and the benefit of the American people as a whole Nation. We now are confronted by "blocs," which means nothing more or less than a sinister kindling of the flames of class consciousness and an attempt by ambitious and weasel-minded demagogues to divide the citizens of this Nation against themselves. We have the uplifters' bloc, the farm bloc, the militant feminist bloc, the labor bloc, the wet bloc, the dry bloc, and so on ad infinitum, each of them combining a minority for their own self-interest, under the marshalship of highly paid professional bulldozers and reformers, not for the purpose of working for the welfare of the American people but for the purpose of gaining for themselves some selfish and unfair advantage over their neighbors and their fellow citizens.

Not only is Constitution tinkering the leading outdoor sport with the typical politician to-day, but hand in hand with it goes the steadily increasing encroachment of the Federal Government upon the rights of the Commonwealths and the individuals who are citizens of those Commonwealths.

Now, if the Constitution creates so perfect a Government as we who love it contend, how is it possible for this situation to exist? Our Government, unlike all other governments of the world, emanates from the people. It is the people who made it, and likewise the repository of its immortal continuity rests in the people. In the Constitution itself and in the tradition which surrounds its creation and which has maintained it throughout the years the repository of legislative and executive power is vested in representatives of the people, chosen by the people.

It manifestly is impossible for these representatives to know what the thousands of people who selected them desire, and it was the theory of the fathers, which in the early days of the Republic was the practice, that representatives should be chosen for their integrity, their ability, and their mental and moral qualifications, so that when a question was presented for their solution the people might be protected by the well-considered conclusions of men selected for these qualifications in whom their confidence was placed.

This theory of the fathers is no longer the practice. To-day most of the representatives of the people have their ears to the ground in an effort to find what a majority of those who vote for them in the forthcoming elections may desire, and their vote and action upon questions of governmental policy are governed accordingly.

Propaganda, seeking governmental action, no longer consists of facts and figures that appeal to the reason, but of much clamor and of volume, which evidence themselves in organized propaganda and concerted petition. It is apparent in any consideration of the tendency of the times that a minority well organized may by telegrams and letters and petitions and personal appeal overcome the manifest good of the people when that good is backed by a dormant majority. The solution, then, of good government no longer reposes in the representatives of the people as now practiced, but in the reviving of a sense of personal responsibility to the Government on the part of the individuals who compose that Government. My appeal is now and continuously has been for an awakening of this spirit among the people as individuals, to the end that every citizen shall recognize his duty to his country as paramount to the demands of any party, bloc, or clique to which he merely formally pledges allegiance.

One asks the Government to take over the transportation of the country; another asks that he be given a subsidy; a third that he be granted a guaranteed loan at a lower rate of interest than his neighbor can get; the fanatic asks that the morals of this entire Nation be placed in the hands of a bureau in the city of Washington; and the bigot asks that the tastes, efforts, habits, thoughts, and ambitions of his neighbor be standardized and controlled by law. * * *

It is time to call a halt; it is time to get back to the beginning of things; back to the fundamentals; back to the real sources of our strength; back to the Republic that the fathers so wisely conceived and so successfully instituted; back to a government of the whole people, by the whole people, and for the whole people. Day by day and year by year, gradually and insidiously, through constitutional amendments and Federal encroachment, the form of this Government of ours is being changed from that Republic into a political and hysterical chaos whose final terms are expressed in the unspeakable Russia of to-day.

THEODORE ROOSEVELT ON FARM FINANCE

We can not permanently shape our course right on any international issue unless we are sound on the domestic issues; and this farm movement is the fundamental social issue, the one issue which is even more basic than the relations of capitalist and workingman. The farm industry can not stop; the world is never more than a year from starvation; this Great War has immensely increased the cost of living without commensurately improving the condition of the men who produce the things on which we live. Even in this country the situation has become grave.

Our object must be (1) to make the tenant farmer a landowner; (2) to eliminate as far as possible the conditions which produce the shifting, seasonal tramp type of labor and to give the farm laborer a permanent status, a career as a farmer, for which his school education shall fit him and which shall open to him the chance of in the end earning the ownership in fee of his own farm; (3) to secure cooperation among the small landowners, so that their energies shall produce the best possible results; (4) by progressive taxation or in other fashion to break up and prevent the formation of great landed estates, especially in so far as they consist of unused agricultural land; (5) to make capital available for the farmers, and thereby put them more on an equality with other men engaged in business; (6) to care for the woman on the farm as much as for the man, and to eliminate the conditions which now so often tend to make her life one of gray and sterile drudgery;

(7) to do this primarily through the farmer himself, but also, when necessary, by the use of the entire collective power of the people of the country; for the welfare of the farmer is the concern of all of us.

Lack of capital on the part of the farmer inevitably means soil exhaustion and therefore diminished production. The farmer who is to prosper must have capital; only the prosperous can really meet the needs of the consumer; and in this, as in every other kind of honest business, the only proper basis of success is benefit to both buyer and seller, producer and consumer.

[Extract of address delivered in United States Senate Chamber at the time the first endeavor was made to permanently take away from the American farmer owners of the 12 Federal land banks, their property rights to control their own land-bank system, the capitalization of which they now own, the entire liabilities of which they assume, but which are now completely dominated by the Republican politicians, who secured control during the Harding administration, which has further been reinforced during the Coolidge administration, with men on the Farm Loan Board whose confirmation by the Senate was opposed by leading farm-organization leaders. Senator CURTIS's plea for farmer management is even more pertinent to-day than when this address was delivered several years ago, for to-day the system is suffering from political domination, with characteristic resultant weakening of the system]

LET FARMERS OPERATE THE LAND BANKS

By Senator CHARLES CURTIS, of Kansas

Under the syndicate arrangement adopted for selling farm-loan bonds it looks as if brokers get the premiums and that the land banks are getting no particular advantage from the tax exemptions of their securities. Would it not, therefore, be better to let the farmers themselves manage these banks exactly as the law intends? The only change necessary for this would be to give the farmers the entire responsibility for the system and oblige them to operate on their own unquestionably good credit.

This is the secret of the soundness and success of innumerable borrowers' banks of various kinds, among which failures are rarer than among ordinary banks. The 65,000 cooperative credit societies, with 15,000,000 members and $7,000,000,000 of annual business in the world, are based on this idea of using their own credit and of imposing upon members a liability that is either unlimited or else severe enough to be felt. The cooperative bank with unlimited or limited liability has proved its worth wherever tried, in country, town, or city, for encouraging thrift and extending credit in large or small amounts.

The same idea prevails in all true building and loan associations among the 7,269 with 3,858,612 members and $1,769,142,175 assets in the United States. Any member getting a loan must subscribe for shares up to its full amount. His payments are made not on the mortgage but on the shares. When the shares mature he may turn them in and have his debt canceled. The maturing of the shares depends upon his payments and also upon the association's profit and loss. All his credits could be wiped out by a loss, consequently he is liable to the full amount of his mortgage. Profits would hasten the extinction of his debt; and so he is as deeply interested as are nonborrowing members. As a result these associations can operate even on savings with safety, although the borrowers participate in the management.

The landschafts, started 150 years ago, are composed entirely of borrowers. They now number 23 with about $1,000,000,000 of bonds, and none of them ever defaulted an obligation. The borrowers elect all the officers and appraisers, every one of whom must also be a borrower. The borrowers' payments go into a sinking fund, in which the cash on hand, together with the unpaid principal of the loans, must equal outstanding bonds. If this fund becomes impaired in the old landschafts, any member may be assessed without limit for the deficiency. In some of the newer landschafts the liability is limited to the mortgage or some portion of it. But the basic idea in all is that the borrowers have the direct management, use their own credit, and assume liability large enough to be felt.

Nearly all American districts established under State laws for sanitary, mining, or agricultural drainage embody landschaft features. Their bonded indebtedness amounts to millions of dollars. The bonds are not instruments of the State or Federal Government. They are obligations only of the districts. But through the district's right to levy assessments they are secured by the collective ability of the owners of the benefited property and so are easily marketed at reasonable interest rates, although these beneficiaries of the issue also elect the managers.

With these successful instances of borrowers' banks here and in foreign countries, Congress should not hesitate or delay in placing the Federal land banks under the management and the responsibility of the farmers. By so doing the farmers, and not rich investors, would get the advantage of all premiums on the bonds.

[On page 4554 of the RECORD, March 12, 1928, was printed the exposure of the methods adopted by the Federal farm-loan system in foreclosure of mortgages of members of the Federal land banks, and how attorneys, acting for the banks, as employees of the system, were, contrary to the act, charging commissions which were a real hardship to the farmers, resulting in piling up, in the aggregate, millions of dollars a year in unnecessary extortion against the helpless farmer. Other data and documentary evidence is now available for the committee to consider. Below is printed an extract from the New York Times showing that leaders appreciate that there is a real necessity for a uniform mortgage act, and it is a notable fact that not one of the men back of this movement to relieve the people is identified with the Federal farm-loan system. This demonstrates fully that if any reform measure is expected to relieve farmers it must, of necessity, originate outside the "friends of the farmer" within the folds of that system.]

UNIFORM MORTGAGE ACT NEEDED

Do you know that the mortgage laws vary in different States, as to foreclosure, from a practical forfeiture of the mortgaged lands in 20 days after the mortgage is due (in Massachusetts, Rhode Island, Virginia, West Virginia, Tennessee, Mississippi, Texas, and Missouri) to a period of a year for redemption after foreclosure begins (in some 19 States) and even a much longer time in a few States. Are your borrowing farmers faring as well as those in the most favored States, borrowing money on mortgages? If not, are they not entitled to a favorable mortgage law?

In some States it costs from two to four times as much to foreclose a mortgage as in other States, due to expensive complicated court procedure and failure to limit attorneys' fees by statute. The borrower has this sum to pay if he redeems, and in any case it is a tax on the mortgage business.

The commissioners on uniform State laws are framing a uniform mortgage law designed to standardize and simplify mortgages and their foreclosure, give the borrower a fair time for saving his lands after default, and reduce the expenses of foreclosure. It provides for foreclosure by sheriff's sale on notice, without going into court and incurring the expenses of a lawsuit, except where the mortgage is contested. It provides for a period to redeem after the sale, during which the mortgagor has possession, and other safeguards. It also provides a standard short-form mortgage, the use of which is optional.

Such an act should increase the marketability of mortgages in other States and tend to lower the rate of interest. The present diversity among the States in the form of the mortgage and the procedure to foreclose interferes greatly with placing the mortgages with investors.

Three drafts of the act have already been before the conference. This uniform act to have the indorsement of the conference must be approved by commissioners from all the States, and therefore the attitude of your commissioners on this act is important. Will you inform them as to your attitude on this subject? If the laws in States of your patrons are not as favorable as in the most progressive States, you can materially help in shaping the proposed uniform act to that end and can help get a progressive up-to-date uniform mortgage act adopted.

We wish to learn the borrower's point of view. We have no difficulty in getting that of the loaner, but have much difficulty in getting that of the borrower. You may have valuable suggestions as to how the uniform act could aid the farmer by ameliorating the effect of foreclosures, and we should be glad of these suggestions.

Do "real-estate sharks" thrive under your mortgage system and does your mortgage system incubate "land sharks"? If so, you are interested in our mortgage act. There is not a State from which we do not get reports that their mortgage laws work well, even those States where foreclosure is a practical forfeiture. We would like to reach the borrower who has only 20 days to raise the money and redeem.

These uniform acts are framed by the National Conference of Commissioners on Uniform State Laws (made up of three commissioners from each State), affiliated with the American Bar Association. The conference has put out the uniform negotiable instruments act.

[The following extracts from an address by the eminent author and student of economy, Charles Frederick Carter, throw light on what we may expect as a result of Congress turning the farmers' Federal land-bank system over to the politicians to rule. Just replace the word "railroad" by the use of "land banks" and you have a striking picture of the present condition of this banking system as pictured by Mr. Carter for the railroads and other privately owned business enterprises.]

SWAT THE DEMAGOGUE

"The fantastic schemes are nothing more than variations on hallucinations that have run their course in the past.

"If all the fool laws which benefit neither the public nor the railroads were repealed, and railroads permitted to conduct their affairs according to the dictates of common sense, it is my firm belief that they could pay an extra dividend out of half the savings thus made possible and give the public a reduction in rates of the other half.

"Emulating the historic example of the nine tailors of Toley Street, an equally illustrious assemblage consecrates itself to the high purpose of imposing government ownership of railroads by the simple expedient of bankrupting them first.

"When the railroads are safe within the socialistic fold, street railways will follow, then the coal mines, then all other private property, until we have attained the state of perfect bliss as yet existing only in Russia. The next step, I suppose, will be to shoot everybody with sense enough to come in when it rains with ammunition furnished free by the Government, just as has been done in Russia.

"If they only can make noise enough, these radicals will succeed; for noise rather than wisdom seems to be increasingly shaping our course. And let me repeat that the noise-making art has advanced far since the first locomotive with a whistle tooted its way into the hearts of the citizens.

"Permit me to propose a slogan for the struggle with the dark forces of discontent. It is this:

"Swat the demagogue!"

(Much criticism has been piled upon the heads of the Farm Loan Bureau because of the methods, questionable, to place a mantle of charity over them, whereby, under the guise of making "examinations" of national farm-loan associations and joint-stock land banks, their political appointees have employed "blackjack" methods to political ends, crushing any individual who endeavored to exercise their American rights but who, unfortunately, thought and acted contrary to the spirit of the all-highest. The following editorial appearing in Good Business alludes to this custom and shows that the American courts have declared such practices unconstitutional, but it seems a crime that the courts should find it necessary to protect the people from the inroads of bureaucrats established by Congress:)

A BLOW AT SNOOPERS

Professional investigators—"snoopers"—who were getting so thick around Washington that they were forced to wear badges to keep from investigating one another, recently received a jolt which may shake some of them loose from their soft jobs. For two United States district courts have ruled that the Federal Trade Commission had no constitutional right to indiscriminate examination of the books of corporations and individuals, as it is expressly contrary to the spirit of the fourth amendment to the Federal Constitution. These decisions are of wider interpretation than at first may seem evident, and may put a stop to the horde of traveling inspectors going up and down the land, whose total number surpasses Coxey's army of a generation ago, and who depend solely upon the taxpayer for salary expenses.

The seriousness of this blow to political officeholders is apparent when we recall that there are some 40,000 of them connected with the various commissions, bureaus, and investigating committees which Congress has set up to perform its own work. Most of these have come into being in the past decade. Establishing new bureaus and commissions has become the favorite indoor sport of Congress. Usually a very nominal sum is appropriated from the Treasury to cover the first cost. The next annual appropriation is much larger for these former baby bodies, and before we know it the bureau or commission has become a permanent wart on the body politic, and our Federal Government is rapidly degenerating into a mere functioning of bureaus. In short, we are becoming a bureaucracy, face to face with a serious proposition.

The business men who took the case of these "snoopers" into open court and defeated them have performed a distinct public duty, which gives them claim to being patriots. They have successfully resisted the inquisition of petty politicians hampering private enterprise. Their example and leadership should have wide adoption in every branch of business, and each new encroachment on personal right should be fought to a finish.

These 40,000 investigators almost invariably approach a business concern or institution with the preconceived idea that such firm is guilty of unethical methods, if not actual violation of the law—as viewed by said political officeholder. We all know that no business is operated that way, in spite of the outpouring of demagogues to the contrary. Business is inherently honest. There is no reason why the burden of proof should be upon it. However, if any business, institution, or individual is crooked, it is for the properly constituted officials to bring it to book, prove its guilt, and put it out of business or in jail where it belongs. It certainly is not just or American for any investigator to make a partial examination of the case, send propaganda to the four winds, to the detriment of the business, institution, or individual, as these political officeholders have done in hundreds of cases, without first giving the party accused opportunity of going before an impartial court of justice and answering charges.

We no longer have a place in America for the demagogue or the commission, bureau, or self-appointed, self-anointed, which assumes that success and crookedness necessarily go hand in hand, just because they do not happen to parallel the narrow, preconceived ideas of politician appointees. America has forged to her present leading position only because individual initiative has been given full rein. Her failure in the future will result if outside hampering and hamstringing is allowed to continue.

WHAT CRIMES, OH, WHAT CRIMES!

Farmer, O farmer, what crimes are being committed in your name! Every man with a half-baked idea is seeking to exploit it as something good for the farmers, yet most of those so insistent their plans be adopted do not know a plow from a Plymouth Rock rooster, truthfully advises the Mountain States banker. But it is popular. The farmer knows something happened to him. He knows by looking at his pocketbook and his bank account—or the lack of a bank account. In this, however, he is not alone. With an era of wild speculation during the war such as the world has never before known, it was but natural when that magnificent bubble was pricked the fall was going to hurt a whole lot. Few cared to profit by the experience of those who had gone through bubbles in the past. And those who refused to so profit got burned and the thing hurts yet.

But you do not cure a burn or ease the pain by putting salt on it. Those who are to-day seeking limelight with their schemes to aid the farmers care no more about the farmers than they do about the Hottentots of Africa, save as their cries will bring voting support to them.

The real friends of the farmers—the real friends of all the people—have been on the job right along, making no noise, demanding no fancy socialistic legislation, urging no radical changes in the Constitution, and seeking no limelight.

The farmers and the business men, the wage earners and all others must realize that the fellow with the hot air and the magnificent cargo of promises is not their friend.

What surer highway to prosperity than for each to see to it that his own work is done more expeditiously and at the same time more thoroughly? What better method can be found of quieting unrest than for each one to cease envying the other fellow? Why attempt to escape the particular vocation in which one now may be engaged? It is better to set about making it a permanent, profitable employment—whether it be office, shop, factory, or farm.

Neither you nor I can settle these things for the whole country, for our neighbors, or for anyone but ourselves. We can, however, as individuals lay hold upon those fundamental principles of life and by our daily work and conduct do our share in correcting the situation.

It can not be done by agitation, publicity, politics, or pessimism, but will be accomplished by common sense, industry, and frugality.

"THE THOROUGHBRED," A DEFINITION WITH COMMENT BY JUDGE STONE, OF WYOMING

(Copyrighted by V. H. Stone)

Place our great utilities under Government ownership and you kill all incentive to excel, to use initiative, to develop ambition, invention, individualism; you create an army of time-servers, chair-warmers, clock-watchers. Did anyone with a secure position, drawing a regular salary and knowing that he could not be fired for indifference, carelessness, laziness, impudence, or inattention, without going through a red-tape performance that would wear out the stoutest-hearted citizen and leave his complaint unsettled until he died of senile debility, ever invent any useful or labor-saving device, ever advance any new idea, ever accomplish anything for the betterment of mankind? No.

These things have been accomplished by men and women who counted their days not by the hour hand on the clock, but by the results they obtain; men and women with a goal to be reached, a prize to attain, a reward to be earned; men and women who burned the midnight oil. If I am ready and willing to work 12 hours a day, and do work 12 hours a day, it is none of your business. If you are willing to work only 6 hours a day and work but 6 hours a day, it is none of my business; but if I work 12 hours a day and you work but 6 hours a day it is none of your business if my wife and children wear better clothes, eat better food, and live in a better house than your wife and children.

Permit me to quote just a few words written by that student of human nature, that most brilliant Democrat this country ever produced—Henry Watterson—who said, "Individualism was the discovery of the fathers of the American Republic. It is the bedrock of American philosophy."

There is a class of people who have made a failure of life from every standpoint, who imagine that they discovered a cure-all for all the ills with which the body politic is threatened or afflicted. Armed with a Utopian pipe dream, a magnificent set of lungs, and a pair of iron jaws, they preach a doctrine that would tear down those institutions which we have been building up in this country for 300 years.

Whenever you so build the laws of a people that there is no incentive to excel, no reward held out for individual initiative, no prize offered for thrift, industry, and economy, no object to be attained by doing things better than others do them, then you have cut the taproot through which flows the lifeblood of progress, advancement, initiative, invention, individual effort, and competition, and have settled back to a dead level of sameness and stagnation that is incapable of making any material progress in social, physical, mental, or material matters; you have produced a commn herd of scrubs.

The thoroughbred is produced by careful thought, persistent effort, thorough training; by a desire to excel, to be in the forefront, to rise above the dead level of mediocrity. The thoroughbred wants to do better to-morrow than he did to-day; to accomplish more next year than he did this year. The thoroughbred is willing to take a high leap, even though he knock off the top rail of the barrier and come a cropper.

The scrub walks up to the barrier, takes a look, and says that it is too high; that it is useless to try; he has not the nerve to make an effort; he settles back into the pasture which is inclosed by the barrier and where the feed is short, tough, and dry, and drags out a miserable existence on poor feed, poor shelter, and poor care. His eye grows lack-luster, his coat poor and scanty, his ribs push through his hide. He curses his luck and bemoans his hard fate and the lack of those things which he says the world owes him.

The thoroughbred has been willing to pay the price; he has denied himself; he has disciplined himself; he has worked while the scrub slept; he has sweated while the scrub lay in the shade; he has kept his muscles free and supple by grilling work and constant use; he has exercised his initiative, his invention, his pluck, his perseverance, his tenacity; he has fitted himself to succeed; he succeeds; he sails over the barrier like a bird into a pasture where the feed is sweet and tender, the water pure and cool, the shade of the forest of success restful and invigorating.

The scrub looks through the slits in the barrier at the thoroughbred, up to his knees in luxury and grass, whose eye sparkles, whose coat shines with a silken sheen, ribs are covered with sufficient meat to hide his bones. His eye shines with a malevolent light. The scrub says to himself, "It is unjust, unfair, inequitable; there is something wrong with a world that permits such conditions to exist."

And immediately the scrub sets about to devise ways and means, not to fit himself to clear the barrier, not to put himself in a condition where he can by his own effort acquire that which he desires, but to either hamstring the thoroughbred who, by his pluck, perseverance, and tenacity, his willingness to "pay with the body for the soul's desire," has reached his goal, or to destroy the pasture in which the thoroughbred is enjoying the fruit of his endeavor.

The thoroughbred recognizes that in order to be, he must do. The scrub refuses to do, and then curses the rest of the world because he can not be. There is an abundance of feed and water and shelter in the thoroughbred pasture for all.

The thoroughbred never quits while the heart beats, and the lungs perform their function. The scrub quits when he gets tired, and, if given the quirt and steel, lies down with the saddle on.

Be a thoroughbred; don't be a whiner. Try the barrier. If you knock the top rail off or the two top rails, keep on trying; keep on using your pluck, your perseverance, your tenacity, your individualism. Be a thoroughbred or die a-trying. I'd rather really live while I live, and die at 30, a thoroughbred, than be a scrub Methuselah.

[Extract from address by Edson S. Lott, of New York City]

THE MAD WATERS OF SOCIALISM—THE PRICE OF LETTING THE GOVERNMENT RUN THE PEOPLE'S BUSINESS—FEDERAL FARM LOAN SYSTEM IS STRIKING ILLUSTRATION

The present greatness and power of the United States of America are due to the free play allowed under our Government to the initiative, the enterprise, the ambition, and the thrift of its individual citizens.

Our Government has prospered because its individual citizens have prospered. They have prospered because the Government has protected them in their rights to the fruits of their industry and enterprise.

"In all its history" our Government "has trodden down no man's liberty," said Daniel Webster in the Senate of the United States on March 7, 1850.

Within a few months the New York Times said:

"Property and profits are the mainspring of human activities."

This is an individualistic country, thank God. It is a country where superior intelligence along any line of human endeavor, the knowledge properly to apply it, the ambition to make use of it, and sufficient health and grit to keep everlastingly at it, always win individual fame or fortune—frequently both. This very fact is hateful to those socialists and communists who would jackplane all our citizens down to a common level.

There are many brands and breeds of socialists and communists. No one, not even one of themselves, seems to understand the superfine distinctions which mark the differences between them. But there is a common ground for all of them. They all hate, loathe, and spit upon the "capitalistic system."

The opportunity for personal gain through individual effort has developed in this country a citizenship that in turn has made ours the most free and the most powerful among the nations—a country that our socialistic and communistic friends are loath to leave, even when imperatively invited to do so by our Government. Yet of late there has been a tendency on the part of our lawmakers to curtail individual opportunity by placing our Government in competition with its citizens or by actually taking away altogether such opportunity in certain enterprises. This is clearly socialistic to the extent of removing the reward which belongs to individual effort.

EX OFFICIO CHAIRMAN OF FARM LOAN BOARD CONDEMNS GOVERNMENT DOMINATION OF PRIVATE PROPERTY RIGHTS

On December 22 Secretary of the Treasury Mellon wrote the Outlook:

"The most noteworthy characteristic of the American people is their initiative. It is this spirit which has developed America. * * * If this spirit of business adventure is killed this country will cease to hold the foremost position in the world."

The New York Sun says:

"The touch of the Government in business is the touch of death."

When the State goes into business generally and conducts all commercial enterprises, who will pay the cost of carrying on the State's own functions? The State can not conduct all commercial enterprises without crushing all individualism; and by doing that very thing it would dry up the sources of supply needed to sustain its own power.

You believe that the function of the Government is to regulate but never to engage in business, and that whenever it attempts to engage in business it violates a vital and fundamental principle of our Republic.

So, believing, you should constantly combat the efforts of the socialists to put our States into business in competition with their citizens.

You should not wait until the socialists get around to your particular business.

[Extract from editorial appearing in Sunday New York Times, April 15, 1928]

SHALL WE GOVERN OURSELVES?

In an article in Scribner's Governor Ritchie repeats his familiar and mostly sound arguments against "centralization" and in favor of State rights. As a result of "centralization" and "bureaucracy" we are monstrously overgoverned and government tends to become "more arbitrary and remote and different from what the people think it is until self-government and 'consent of the governed' become political myths." If by "consent of the governed" is meant consent of the majority of the governed, that did not come about generally till somewhere about 1830, and in some States not till later. We were a long time in reaching manhood suffrage and a good deal longer in reaching woman suffrage.

Not till our own time, too, have our laws been made by a Congress both branches of which spring "directly from the people." If there has been encroachment on the rights of States and one constitutional amendment has gone to join two others in the limbo of the ineffectual, it is "the people," at least enough of that mysterious entity represented in Congress and the State legislatures, that is to blame. According to Mr. Ritchie, the Jeffersonians and the Hamiltonians are still divided as Republicans and Democrats on centralization or decentralization: "One strong for the people and the other strong for 'the Government.'" As a matter of fact, what microscope can discern the breadth of a hair line between the two? The eighteenth amendment should close Democratic mouths on this subject.

As to bureaucracy, it is attained in its most offensive form under monarchies and despotisms. It is inherited in France. Many Englishmen complain of its arbitrariness in England. Here it simply means too many officeholders, too many commissions, bureaus, and what not. The hammerers of bureaucracy are frequently found voting for more of it. The same tendency exists in the States. It may be true that, what with uplifting, logrolling, class-vote hunting, "our Government becomes steadily the most costly, wasteful, and extravagant on earth"; but there is money to burn. When "the people" feel poor they may want something done about bureaucracy. That plan for the reorganization of departments which Congress is so shy of may be rammed down the throats of their Representatives in Congress.

"A minimum of control" by the Government might make us sigh for the simple days when Jefferson wanted a constitutional amendment forbidding the Federal Government to contract loans—a proposition which would have been somewhat embarrassing to Mr. Gallatin when the Louisiana Purchase had to be paid for. From well-known historical causes, economic and social, the Federal Government has become incomparably stronger, more complex, than Hamilton can have dreamed, but it is hard to see that "the people"—that is, some of the Democratic part of "the people"—attach much importance to the fine phrases on the subject.

Against the economic and social causes that have produced centralization to fight were vain. Against further attempts to magnify its sphere made by powerful minorities, societies, and classes the contest may or may not be more hopeful. Perhaps "the people" will not be satisfied till everybody has got his share of the swag or had his notions written into a law. With all respect, we disagree absolutely with Governor Ritchie's "final analysis":

"Most people who favor our increasing centralization of government do so because they lack faith in political democracy and its capacity to govern itself."

We doubt if many people besides a few "intellectuals" and their worshipers lack faith in political democracy. It is perhaps a common error of our democracy to trust in the wonder-working power of law. Millions of excellent Democrats believed, many of them still believe, that the social habits of other millions could be changed overnight by a constitutional amendment and a statute. The American idea of "liberty" too often takes the liberty of minding other people's business. This and that must be "reformed" by changing it. The reformers want democracy remolded to their heart's desire. They have

too much faith in democracy. They think it is omnipotent. We must not look for instant utopias. What is sure is that "the people," in spite of its large apathy, never loses its capacity of getting upon its hind legs and kicking.

PRESIDENT COOLIDGE OPPOSES GOVERNMENT OPERATION OF PRIVATE BUSINESS

Speaking before the opening session of the Congress of the Daughters of the American Revolution, in Washington, April 15, and over a network of radio stations, to millions of people, President Coolidge took a firm stand as being opposed to Government operation of privately owned institutions. The Associated Press broadcast the following morning, April 16, to the whole country the statement that the President has issued "A warning to those who are 'willing to surrender self-government to Federal agencies,' coupled with an admonition against putting the Government in the field of business."

No doubt many unsuspecting listeners-in and readers will jump to the conclusion that the present administration is "safe," and that it is, because of such statements, not radical, yet few of the multitude who thus unceremoniously and thoughtlessly reach that conclusion do not probably know that the present administration has really stolen from the American farmer stockholders of the 12 district Federal land banks their voting power to the administration of these banks, and that, under the direct control of Andrew W. Mellon, Secretary of the Treasury of the administration, these banks are now operated contrary to every principle of Americanism, because that which belongs to the farmer stockholders is dominated by Republican politicians, or their appointees, which is one and the same.

Mr. Mellon thought it judicious to return to Bill Hays those Teapot Dome Liberties, because he knew they bore a bad odor and that the ownership was in question. The same Mr. Mellon did not believe it needful to return to the American farmer millions of dollars' worth of bank stock in the 12 Federal land banks which a short-visioned Congress, through the instrumentality of an unconstitutional amendment to the farm loan act, deprived the said farmers of exercising in accordance with American business principles. Yet, the President continues to issue addresses from time to time which make it appear that the administration is opposed to the "taking-over" process! If this be true, why has the administration been silent thus far in returning to the thousands of American farmer stockholders of these banks the stock which they have been legally forced to purchase in order to participate in the "saving" which these banks are supposed to make possible, and why have the appointees, from Mr. Mellon down, been so inactive in taking the move to make this honest return of farmer-owned property?

However, extracts from the President's address make interesting reading. However, let the reader remember that the Coolidge administration continues to operate the farmer-owned land banks against the wishes of the owners of those banks, for it is needful that this grain of salt be taken with any statement to the contrary issued by anyone speaking in an official capacity for the present administration.

Extracts from the address follow:

"There are always those who are willing to surrender self-government and turn over their affairs to some national authority in exchange for a payment of money out of the Federal Treasury.

"Whenever they find that some abuse needs correction * * * instead of applying a remedy themselves they seek to have a tribunal sent on from Washington to discharge their duties for them, regardless of the fact that in accepting such supervision they are bartering away their freedom.

"Government must be kept out of business.

"If the people are to remain politically free, they must be economically free. Their only hope in that direction is for them to keep their own business in their own hands.

"Public ownership leads inevitably to a position of entrenched selfishness, where a great body of public employees and large outside interests are in virtual control, with the general public paying a high cost for poor service. With all the care that it is possible to exercise, a situation of this kind become entangled with favoritism and is always in great danger of causing corruption and scandal.

"At certain times and in certain places * * * the power of self-government, instead of being retained by the people, has been exercised by those who were serving their own private interests rather than the public welfare. But the people have always aroused themselves and recaptured the control of their own affairs.

"When authority is located afar off it is necessarily less well informed, less sympathetic, and less responsible to public requirements. When it is close at hand it is more likely to be executed publicly and in the public interest.

"Our theory of society rests on a higher level than communism. We want our people to be the owners of their own property in their own right. We recognize that they are all capitalists by nature. We want them to be all capitalists in fact.

"The very essence of business is the expectation of a profit on the part of those who conduct it. * * * When business is in private hands it is expected to be run for the benefit of the owners. When the Government steps in the purchasers, users, and beneficiaries of what the Government undertakes to supply insist that the concern should be conducted for their benefit. It does not eliminate selfishness; it simply transfers it in part from the seller to the purchaser. Under these conditions it ceases to be a real business, becomes lacking in enterprise and initiative and does not have any motive to provide improved service.

"If it is desirable to protect the people in their freedom and independence; if it is desirable to avoid the blighting effects of monopoly, supported by the money of the taxpayer; if it is desirable to prevent the existence of a privileged class; if it is desirable to shield public officials from the influence of propaganda and the acute pressure of intrenched selfishness; if it is desirable to keep the Government unencumbered and clean, with an eye single to the public service, we shall leave the conduct of our private business with the individual, where it belongs, and not undertake to unload it on the Government."

WILL FARM-LOAN BANKS BE TURNED OVER TO FARMER OWNERS?

The above address surely was only a restatement of the principles which have made America the greatest country in the world, possessed of unique progress resulting entirely from the right of the owner of a given thing to himself manage and guide its destiny. However, we wonder if this declaration is to be construed that the present administration now intends to take action which their officials should have taken long since, namely, deliver to the farmer owners of the 12 district Federal land banks their bank property and remove the politicians therefrom, who have brought about just such a condition as the President pictures in his illuminating address?

It would be nothing short of mockery for a public official to continually speak about "keeping the Government out of business," when the administration with which he is identified, and for which he is directly responsible to the people of the Republic, have not only kept in business, but have taken away from the rightful owners—the farmers—the banking institutions which they—the farmers—own. Mr. Coolidge probably means that he intends to see to it that these banks are delivered over to the owners right away! But wait; let's see!

PERSONAL EXPLANATION—CROMWELL L. BARSLEY

Mr. BRUCE. Mr. President, I rise to a question of personal privilege. In the Baltimore Morning Sun of the 18th instant appeared a dispatch from the Washington bureau of the Sun in relation to the objection that I had made in the Senate on the 17th instant to the consideration of the bill now pending in Congress which provides that in the administration of any laws, conferring rights, privileges, and benefits upon honorably discharged soldiers, Cromwell L. Barsley, a former private in the American Army, should be held to have been honorably discharged from the military service of the United States. The origin of the bill was this: After twice serving as a private soldier in the American Army, first during the Spanish-American War and afterwards during the Philippine insurrection, Barsley was tried by a general court-martial on the charge of stealing two turkeys of the value of $3, the property of Company M, Nineteenth United States Infantry, and sentenced—

to be dishonorably discharged the service of the United States, forfeiting all pay and the allowances due him, and be confined at hard labor at such place as the reviewing authority may direct for nine months.

The report in the Sun was so misleading as to have inspired yesterday an attack upon me in Baltimore at a combined meeting of the American Legion posts of Baltimore by Maj. Henry S. Barrett, who in the course of an address to the meeting expressed the hope that the State of Maryland would not forget the name of the man—that is to say, myself—

who refused to grant an honorable discharge to a soldier who fought honorably in two wars on account of a small, petty thing.

Another consequence of the report in the Sun was an editorial this morning, which places me, to use the words of the editorial, on—

the frigid heights of puritanical morality where the unco' guid assemble in cold and gloomy conclave—

And so on.

The report in the Sun is misleading in more than one respect. It states that Barsley was twice a soldier and was twice honorably discharged from military service, and suffered a term of imprisonment, but it does not say that during his third term of service he was dishonorably discharged, but only that he was "sentenced to prison and lost his record." The report is further misleading—not to use a stronger term—in stating that I opposed the bill when nearly every other Member of the Senate present favored giving the veteran a "clean bill." This is not a fact. The CONGRESSIONAL RECORD will show that Senator SHORTRIDGE, of California, felt that if the bill passed the Government might in time give Barsley some little assistance, but he declared that the bill should carry no back pay and no back pension.

Senator KING, of Utah, expressed the opinion that the bill should go no further than to remove the stigma of dishonorable discharge. He was not willing that Barsley should have a pensionable status. Senator FLETCHER, of Florida, a member of the committee which reported the bill, simply said that his recollection was that when the bill came to the committee all that Barsley desired was to have his record cleared, and that he did not ask any pension. The statement in the Sun report that I stood firm for virtue, while a half dozen of my colleagues argued with me is entirely unsupported by the official record of the discussion. Nor can I imagine from what source the report derived the information warranting it in stating that all the other Senators in the Senate approved the restoration of Barsley's record. Certain at least it is that Senator CARAWAY, of Arkansas, said of Senator STEPHENS, who had brought the bill up—

> what the Senator is trying to accomplish by an act of Congress is this: To say that this man was honorably discharged, when, as a matter of fact, he was discharged as a convicted thief.

The report of the Sun is also peculiarly misleading in that it does not disclose the fact that the real object of the bill in giving Barsley an honorable status was to lay the foundation for a pension for him. "I want him to have a pensionable status just like any other man who enlisted in the Army and served his country," was the frank avowal of Senator STEPHENS in the discussion.

The injustice done me by the report of the Sun was aggravated by the fact that it was published on the first page of the Sun with flaring headlines.

When all the facts of the Barsley case are taken into account, I respectfully submit that in objecting to the bill for his reinstatement as an honorable soldier I did nothing but what an ordinarily conscientious man might have done, and what Senator CARAWAY, of Arkansas, in fact did as well as myself. It should be borne in mind that the Barsley bill was so amended by the committee by which it was reported as to provide that no bounty, back pay, pension, or allowance should accrue or be allowed on account of the passage of the bill. To that extent, at least, the committee shared the moral scruples of Senator CARAWAY and myself. I am informed by Senator BLEASE, who presented the report of the committee, that without this proviso not a member of the committee would have united in a favorable report.

The Washington reporter and the editor of the Baltimore Sun and Major Barrett may think that the theft of two turkeys, or any such theft, followed by conviction, a term of imprisonment, and a sentence of dishonorable discharge, is no reason why the thief should not be placed on a footing of honorable equality with an irreproachable soldier and receive the same pecuniary recompense in the form of a pension as he.

I do not; nor, I believe, do the honorable men and women of Maryland generally. Any man who does, with full knowledge of the facts, deserves, in my opinion, to have a stolen turkey tied about his neck and to be compelled to walk with it in that position fifty times around Sun Square, in the city of Baltimore.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 20, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *April 19, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed be Thy holy name, O Lord most high, for Thou dost not look down upon us as one who dwells in the supremacy of might, but as a Father who is pleased to abide with His children in redeeming love. We thank Thee for this disclosure of the divine nature. When we are faint, Thy healing balm is near; when we are weary, Thy staff gives support; when we stumble, Thy right hand is nigh to lift us up. Give wisdom and counsel to the deliberations of this day. May all our homes be under the shadow of divine love. If any have great burdens or sharp cares, if any feel the pressure of a thorn or the weight of a cross, O minister unto them, by which they shall have great comfort and sweet peace. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate insists upon its amendments to the bill (H. R. 5898), entitled "An act to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered," disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HALE, Mr. REED of Pennsylvania, and Mr. SWANSON to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1271. An act to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes.

FLOOD CONTROL

Mr. REID of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes.

Mr. TILSON. Pending that, I ask unanimous consent that if necessary the time for general debate be extended until the time the committee rises. In other words, that general debate will not close until the committee rises to-day.

Mr. BANKHEAD. With the same agreement as to the division of time?

Mr. TILSON. Yes; there may be no extra time, because we may adjourn early, but if there is any extra time, it will be divided as before. My thought is not to conclude general debate or begin reading the bill to-day.

Mr. BANKHEAD. How much time remains?

Mr. TILSON. Four hours and 20 minutes, and that will probably about consume the day.

The SPEAKER. The Clerk says 4 hours and 18 minutes.

Mr. EDWARDS. Is it the gentleman's idea to take up the reading of the bill under the five-minute rule?

Mr. TILSON. Not to-day.

Mr. EDWARDS. How is the time to be consumed?

Mr. TILSON. In general debate, nothing but general debate to-day.

Mr. EDWARDS. How much additional time is the gentleman asking for? He does not fix the time.

Mr. TILSON. We may not wish to consume any extra time.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that nothing but general debate shall be in order to-day on this bill, and at the conclusion of 4 hours and 18 minutes if it is desired to consume any more time, that time shall be equally divided.

Mr. CHINDBLOM. Reserving the right to object, the Speaker says nothing but general debate shall occur to-day. The Chair means in Committee of the Whole?

Mr. TILSON. On this bill.

The SPEAKER. On this bill. Is there objection? The Chair hears none. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LEHLBACH in the chair.

The Clerk reported the title to the bill.

Mr. FREAR. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. SEARS].

Mr. SEARS of Nebraska. Mr. Chairman, ladies, and gentlemen of the House, it is with a modicum, at least, of embarrassment that I try to talk in 10 minutes upon this subject. I can not do anything but hit two or three of the high points in this discussion. I have been working on this question for a number of years, as earnestly then as I am now.

I was the author of what I think is the constructive—I do not say construction—part of this bill. I think I should have had at least an hour, but I am not complaining; only making a statement of fact. It is useless for me to try and discuss this matter thoroughly when I am cut off with 10 minutes.

Several years ago, owing to the drought condition of the Great Plains country and the study I gave it then, I came to the

conclusion that these questions were correlated, and that there is no more use of having a great drought than there is of having a great flood. They are both of wonderful danger to the people.

Great floods are caused by the aggregate waters from many small floods. I am satisfied that there is no more water falling in any county in the United States than the soil of that county needs during the season. I am satisfied that if the present run-off water is taken up by reservoirs in the small flood areas, which every one of you know, several of the lower floods will be prevented. Then the people back in each one of these flood areas would have a wonderful prosperity, using every particle of the water that falls there.

If you will look at the map that Governor SHALLENBERGER put up here yesterday you will notice the small amount of run-off water in any one of these flood areas.

Those western plains, where there is an immense rainfall, have a capacity to hold 3 feet of water. They put 2 feet of water each season on a great deal of that soil. The result is so wonderful to prosperity that in one county out there they have increased the valuation from $800,000 in 25 years to $40,000,000. They have decreased the flood flow of the Platte River 45 per cent. They have increased the low-water flow of that Platte River 47 per cent, holding back from the current of the main river over 700,000 acre-feet of water. There is no doubt at all that these waters can economically be conserved more cheaply than the immense expense that is meditated by any one of these bills.

When General Jadwin was smoked out finally, his statement grew from about $325,000,000 to a billion and a half before the project is carried out, and any project that we undertake is going to be carried out. If that is carried out before a survey is made of the possibility of reservoir control, of the virtue of which I am satisfied just as surely as I am that you gentlemen are sitting before me, and the Government expends anything like a billion dollars to throw that water out into the Gulf and welcome the floods, then my common sense and your common sense will tell every one of you as well as myself that it will not be in the lifetime of anyone now living when the United States Government will reverse that policy, after incurring this immense expense, and go to the policy of holding back and conserving the waters by reservoirs in smaller flood areas, where the floods originate. There is no occasion for any of these great floods at all. The land needs the water and the people in every community need it. The wheat market has gone up a half dollar in the last three or four weeks. Why? Because the wheat out there is dying for want of water in the Southland, in that strip of 2,000 miles long, and farther up. It is not in the soil and there was not the amount of snow which we would like to have had, and not the amount of rainfall. Our waters ran off and were not conserved. The result is that this Nation is going to pay at least two prices for its wheat. Of that I feel sure. The eastern seaboard calls on the West for 250,000,000 bushels of the wheat. In that group of States over to the Mississippi and the Missouri they raise only what they consume. The Pacific States consume more than they raise. All that is shipped abroad, all that two coasts need, must come from that strip out there. That is where it comes from. It has been figured out that in eight years production and consumption are going to come together, and that in eight years we will be an importing nation of wheat unless something is done to hold the waters and make them work for mankind instead of being an everlasting destruction. [Applause.]

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. SEARS of Nebraska. Yes.

Mr. McKEOWN. Wheat during the winter freezes and is easily killed unless the land is moist, does it not?

Mr. SEARS of Nebraska. Absolutely. By taking out these waters the country will not have any more bad floods. We have not any to-day on the Platte. The gentleman from South Carolina [Mr. STEVENSON] stated that the floods there were ended forever by a dam that was not even thought of in connection with flood control. It is true on the Platte. We do not lose any more bridges, railroad or otherwise. The waters are in perfect control where you take up a good share of the water. One great trouble with reference to navigation in the Southland is in the fall of the year. When the water goes down they have to get out dredges, cutting across the sand bars that show up. The Platte River turns in four or five times as much water now as it used to in the fall months in the low-water time, and that river is simply an illustration of what can be done on every one of our rivers.

I think this is a great moment in the life of this Nation. Economic legislation is before us as it never was before, and if a failure be made at this time it will not be the failure of the Secretary of War or of the President or of General Jadwin. It will be the failure of Congress, where the responsibility must rest. [Applause.]

The two most eminent engineers that appeared before the Flood Control Committee were each most emphatic that no general plan should be adopted until the reservoiring of the minor flood areas had been carefully surveyed. They both realized that as yet no plans had been presented of a definite nature that would justify the adoption of a permanent plan of sending the waters en masse to the Gulf. Anyone attending the hearings before the committee surely recognized that the Army engineers were without civil engineering knowledge. The Army engineers admitted that they knew it to be the policy of our Government when getting information with reference to rivers for legislative action they were required to report as to flood control, navigation benefits, agricultural use, and power. Not one of them made any statement of any definite nature that would throw any light except with reference to dumping the waters into the Gulf.

The belief is here expressed that the shallow and harmful so-called investigation and reports were perpetrated as they were because of the power influence that is abroad in the land, and that reaches and focuses clear to Washington.

Apparently no thought was given to the uses of the run-off waters. Millions more of people are affected by droughts than are affected by flood. More people have been ruined, millions over, by the effects of droughts than by the effects of flood waters. Why should a system be fastened on the Government that will perpetuate floods and also perpetuate droughts when there is but one manner of flood control and it will relieve both conditions? Wherever reservoirs have been constructed there floods have ceased, and the contribution of those flood waters has been subtracted from the flood waters below. Wherever reservoirs have been constructed to conserve the water, then great benefits to agriculture and intended uses have resulted.

What shall we say as to respective costs? With the Jadwin plan we start out with the admitted billion five hundred million to commence with. No one expects otherwise than this amount shall grow, and this to perpetuate floods. To this must be added an annual upkeep charge of at least $25,000,000 on completion; and some years it will be more. This is interest on $600,000,000, all dead capital.

A number of well-posted men have testified as to the cost of reservoir control. Mr. Blake, of Oklahoma, who has given 15 years of intensive study to the subject, believes that $600,000,000 will more than safely reservoir all the flood areas. Also that at least two-thirds of this amount will be reimbursed to the Government by the uses of water and districts that will take reservoirs over by purchase. Professor Mickey, of the State University of Nebraska, who has given many years of study, believes that Mr. Blake's figures are safe ones to follow.

What government before this was ever asked to deprive a great section of its people of their greatest asset, and without benefit to anyone? Is the picture any more pleasing when it is of annual floods rushing through this great country, engulfing its people and carrying destruction in its wake, because it is made perpetual? And because the greatest agricultural section of the world is permanently deprived of prosperity and permanently dedicated to droughts? Is it any more pleasing because 55,000 people are driven away from their homes, that 6,000,000 acres are perpetuated as swamps, that churches, schoolhouses, and organized society there are destroyed? Such a sight as this surely has not been known to America before this time. The picture is the blackest ever attempted to be placed on the canvas of time by deliberate statesmen.

What is the moving influence back of this wretched program that proponents are trying to foist upon this country? We all know. We may as well be frank about it. It is the great power interests of this country that are wrapping their tentacles about all our remaining national flesh. That interest is bound to a policy that means that national resources shall not be developed except as they only are in charge of the development. And then at such cost to the people as shock the conscience. To illustrate, that great interest for years has prevented this Congress from legislating with reference to Muscle Shoals for the benefit of the people. And during this great delay they are getting the power from that plant at 2 mills a kilowatt-hour and selling it to users at 10 cents a kilowatt-hour. If anyone is bold enough to declare that the people of the southeast corner of the United States are being fairly dealt with, let him declare it.

That great influence had enough force at the Chicago flood-control convention—so called—to keep from the resolutions any reference to the control of floods at their source by reservoirs. The threat was made to carry the question to the floor of the convention, and a reservoir plank was inserted. A few days

thereafter General Jadwin, who took part in the convention, named a commission to investigate and report as to reservoir control. He named at the head of it one who had been given a leave of absence on half pay from his service to the Government to take employment at a greatly higher salary with a power company. The report was a farce. The employer paying the higher salary got the report. General Jadwin knew of the dual employment. Lately, the head of that so-called commission of so-called reservoir possibilities was smoked out and resigned from the Army. Before the report was made the association of power people held a meeting and resolved that all flood-control works should be confined to the lower stem of the Mississippi River, which was a declaration of war against reservoir-source control. The report helped to carry on the war against the people's greatest asset yet remaining. Is it any wonder that I doubt the advisability of intrusting to General Jadwin the investigation to be made of reservoir-source control? My own opinion is that under such conditions reservoir-source control would have no more show than a one-legged grasshopper in a pen of hungry turkeys.

All I have asked is for an amendment which should provide that until we have a report from a proper and open-minded board of inquiry as to the value of reservoir-flood control that none of these great run-off ways shall be acquired, which can be done by next December. Being assured as I am that if reservoir-source control is undertaken and carried out by the Government that it will benefit every section of our country; that we will be without great floods and also without great droughts; that the only real flood-control measure will then be reported on favorably; and that the people of the lower stem of the river in place of a great swamp will follow the peaceful pursuits of agriculture and of normal life.

Mr. FREAR. Mr. Chairman, I yield half a minute to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Chairman, I rise simply to make a suggestion to the gentlemen having in charge this bill and those who are most deeply interested in it. I understand several amendments are in contemplation. If such be the case, I hope that these amendments will be printed in the RECORD so that we may have some opportunity to consider them before we are called on to vote upon them. I think it would expedite proper deliberation upon this bill. [Applause.]

Mr. FREAR. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, following the suggestion which the gentleman from Virginia made, I ask unanimous consent that the Clerk read for the information of the committee an amendment which I intend to offer at the proper time and which I send to the desk.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 4, on line 15, strike out the words "local interests" and insert in lieu thereof "the several States within the Mississippi flood area"; and on line 21, after "(b)," strike out the balance of the line and all of line 22 and insert in lieu thereof "without cost to the United States provide necessary drainage works and rights of way or easements for structures, spillways, and flood ways as and when required and will hold safe the United States from all damages or claims resulting from such work: *Provided,* That each of the said several States within the Mississippi flood area shall contribute for the acquisition of land, easements, and rights of way as herein provided in proportion to the acreage within its boundary benefited by the flood-relief plan herein provided: *And provided further,* That the United States will reimburse each of the said several States one-third of the amount expended by it for the acquisition of said land, rights of way, and easements."

Mr. LAGUARDIA. Mr. Chairman and gentlemen of the committee, I want to ask that the committee give some consideration between now and to-morrow to the provisions of my amendment. Personally I sincerely hope that an agreement may be reached satisfactory to all factions, so that we may all vote for the bill and send it to the President with a unanimous vote of the House.

As to my amendment, in the first place I provide that the relation between the Federal Government and the affected areas would be direct with the States involved, instead of with "local interests," as provided in the bill. Rather than have the Federal Government deal locally with townships, parishes, counties, or municipalities, as the case may be, I feel that it would be far more satisfactory to establish direct relation between the States and the Federal Government. It seems to me that the agencies of the States are better qualified and in a better position to deal with their own subdivisions, so that we would have the Government dealing directly with the States in carrying out the provisions of this plan.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. MONTAGUE. How would that apply to a State having a constitutional provision prohibiting the expenditure of any money by the State for the object involved? I understand the State of Arkansas has such a provision.

Mr. LAGUARDIA. It seems to me the States would have to provide the machinery to comply. I submit that it is only fair when we bring in the State of Washington, or Maine, or New York, or any other State distant from this territory, that the States right in the territory should do just a little more and at least provide the liaison between the Federal Government and their own communities. If we are confronted with a proposition that a State directly involved is prevented by its own constitution from cooperation with the Federal Government, I would say that such a proposition weakens the arguments of the sponsors of this bill.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. COX. Would not the gentleman's amendment do away with all benefit assessments—assessments for special benefits as the result of the improvements?

Mr. LAGUARDIA. I would leave that to the States.

Mr. COX. Would you consider those areas to be specially benefited?

Mr. LAGUARDIA. I repeat, I would leave that to the States. I would provide that only the lands or easements necessary for the spillways or flood ways be furnished by all the States in the Mississippi flood area to the Government for the purposes of the plan provided for in the bill. Inasmuch as a great deal of the flood ways would be in one State, manifestly it would be unfair to put the whole burden upon that one State, and therefore we should apportion the costs to the various States in the flood area, in proportion to the acreage directly benefited within these States. For instance, it is estimated that about 19,000,000 acres would be benefited. If that estimate is correct, a State having 3,000,000 acres would pay three-nineteenths of that cost of the land or easements necessary for the flood ways. That is a very small item compared to the total cost of the project. In order to meet the objection that even that burden would be too great, I provide that the Federal Government reimburse the States one-third of the amount expended by them for the necessary acquisition of the land or easements.

Mr. COX. But what would the gentleman do with the New Madrid setback, which is admittedly for the benefit of the States below, but is located entirely in the State of Missouri?

Mr. LAGUARDIA. It would come under the general plan. As to what Missouri's share would be is a mathematical question to be determined in accordance with the general plan. That is mathematical and not legislative.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. McKEOWN. The question is how these States could get into this arrangement. Would they have to have amendments to their constitutions?

Mr. LAGUARDIA. That is left to the States. Under this plan there would be left to the Federal Government the entire cost of the work and the construction, the construction of the levees, and the States involved and affected would provide but two-thirds of the cost of the land or easements.

Mr. COX. But that would condition Federal action upon cooperation by the States? And if one State should refuse to cooperate, that would mean that there would be no improvement within that State?

Mr. LAGUARDIA. I can not imagine a State refusing to cooperate. If a State affected refuses to cooperate to the meager extent provided by this amendment, I fear it would weaken the desire of the country to bear almost the entire cost.

Mr. COX. The gentleman must understand that the areas in the States especially to be benefited constitute a minor part of the territory in any one State, and those living in the other areas within the State would not see any reason for being taxed for the benefit of those living in the affected area.

Mr. LAGUARDIA. Certainly; but the proportion of contribution would be reduced to an insignificant figure in comparison with that contributed by the Federal Government. We can not shut our eyes to past experience. We know that when this land is taken by condemnation, to be paid for by the United States, it will suddenly acquire artificial value, and the price may be exorbitant. If it were left to each State to condemn I am sure local interest would be protected and thereby eliminate all dangers and possibilities of graft, speculation, and profiteering.

Now, if the figures given by the sponsors of the bill are more nearly correct than the figures given by the gentleman from Wisconsin as to the cost of the land, you must perceive that

the contribution of the State under my amendment would be trivial. It would be simply nominal. And my purpose in bringing about this amendment is to safeguard not only the interests of the Government, but to safeguard the interests of the States as to what will happen if they do not take the necessary measures of protection.

Mr. COX. Does it occur to the gentleman that it would cost the State of Louisiana anywhere from $80,000,000 to $100,000,000?

Mr. LAGUARDIA. I do not think it would cost that much.

Mr. COX. If the figures given are correct, it would cost that much.

Mr. LAGUARDIA. No. Louisiana would not have to pay for the land necessary within that State. That expense would be apportioned to the States having territory to be directly benefited.

Now, gentlemen, I want to call the attention of my colleagues from New York to the fact that there is a very good editorial on the subject in the New York World this morning, pointing out the condition of the local interests along the Mississippi.

The editorial points out and states frankly that the local interests—that is, the communities which have suffered by the last and past floods—are really in a bad condition financially and in every way. It points out, too, the danger of land speculation and profiteering if the present bill is passed unchanged. I believe that my amendment would take care of the situation. As I said before, it will leave to each State involved entire control over its own communities, and it would require only the contribution on the part of all of the States directly interested of the land and easements necessary for the floodways and spillways required by the plan; that is, only two-thirds of the cost as my amendment would provide for the reimbursement to the States of one-third of the amount so expended. Then the gentleman from Wisconsin [Mr. FREAR], I am informed, intends to offer an amendment providing that the Federal Government may even loan to the States the amount necessary if the States so request. I want to repeat and make clear that this does not call upon the States to contribute any large amount of money or any large percentage of the total cost. The contribution is limited only to the land or easements over the land for the necessary floodways and spillways. On the figures presented by most of the gentlemen who are in favor of this bill as to the number of acres that will be required and the value of the land or of the necessary easements, I do not believe that the burden to be divided among the various States concerned would exceed 5 per cent of the total cost. It would, however, protect the Federal Government against the abuses with the resultant speculation and profiteering which would add an enormous amount to the cost, and would forever discredit in the minds of the American people the policy of making flood control a national matter.

There was also an excellent editorial in the New York Times along the same lines. Everybody is anxious and eager to have this matter cared for by Congress at this session. Everybody wants to take the necessary measures regardless of necessary costs to prevent another flood disaster, and everybody wants this bill so drawn as to prevent leakages and the entire breaking down of all necessary protections to the Federal Treasurer. Millions are available and should be available for flood protection, but not one penny for graft and profiteering.

I desire to point out to the gentleman from Georgia [Mr. Cox] that if the figures and estimates presented by him and other gentlemen on his side of the question are correct, surely the cost of the land and the easements that would be required in Louisiana to carry out the plan could be nothing like the figure that he has just mentioned.

As to reimbursing railroads for relocating tracks, it seems to me that is a question which could well take care of itself without writing into this bill anything which would change existing law or give an undue advantage to railroad companies. If the railroad bed and tracks are in or along territory in no danger of floods, and by reason of the Government work it is compelled to move the tracks, surely existing law is ample to fully protect the rights of any railroad company under such circumstances. On the other hand, if a company has its roadbed and tracks in territory that is in danger of floods and the Government in order to protect that territory spends millions of dollars, it seems to me that the protection and benefit derived by the railroad company would more than offset the cost of removing tracks if it were necessary. I fear though that by the provision contained in the bill concerning public service corporations existing law as to liability as well as the law on the measure of damages would be changed to such an extent as to require the payment of heavy damages to these corporations, regardless of the equities involved. The Government is better protected under existing law and surely the corporations have no just ground of complaint.

Gentlemen, I am heartily in favor of immediate and adequate measures being taken by the Federal Government for permanent flood relief. I want to do everything within my power to perfect the bill, to reconcile existing differences so that the bill may become a law, and the law provide the means and the money necessary to commence work. A presidential veto may furnish a political issue, but a political issue will not control the waters of the Mississippi. Some of us are asking so little in order to safeguard this bill against abuses that I feel certain we can come to an agreement that will satisfy all factions. We must not permit selfishness, greed, avarice, and special interests to impair the bill and the great work in the future. The true friends of flood relief put politics aside and are ready to work shoulder to shoulder to bring about the passage of a bill that will do the job.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. REID of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. GUYER].

The CHAIRMAN. The gentleman from Kansas is recognized for 10 minutes.

Mr. GUYER. Mr. Chairman, the district which I have the honor of representing is a part of the Louisiana Purchase. It is indissolubly connected with the life, romance, and history of the great world-embracing dreamer—Napoleon Bonaparte. The King of Spain had by the secret treaty of Ildefonse ceded Louisiana to France in 1800. Just a few years before Napoleon's birth, on the Heights of Abraham, at Quebec, in 1759, France had lost a continent in what is considered one of the decisive battles of history, and rightly so, because it was there decided whether the civilization of this continent and ultimately this hemisphere should be Latin or Anglo-Saxon.

Napoleon, like every Frenchman, longed for the time when France should win it back. The great Corsican, triumphant everywhere except on the sea, where England disputed his sway, longed to see the day when a French army would again dispute the title to this virgin continent with the conquerors of Quebec. Over here there would be no English Channel, like an impassable moat, to shield "perfidious Albion." He longed for the time when his eagles would mingle with those of the Cordillera as well as with those of the Alps; when his domain would spread from the Mississippi to the Pacific; and when Mexico would fall into his lap like a ripe peach from the bough of time, for the whole world was not too spacious for his ambition. He would strike England in Canada. He did not love England overmuch. He was the William Hale Thompson of his generation. [Applause.]

In 1801 he had concluded the treaty of Amiens with Great Britain. In 1802 that treaty had been irreparably shattered, and in 1803 England had her eyes on Louisiana. Napoleon thought she was feverishly preparing to take possession of it, for Britain disputed the title of France to it. That was what he would have done. Pitt fortunately overlooked that. Napoleon planned to send General Victor with 25,000 French grenadiers to take possession of Louisiana and be ready for all emergencies.

But 1803 found every royal bayonet in Europe pointed at the breast of Bonaparte. Before him were Austerlitz and Ulm, Jena and Auerstädt, Eylau and Friedland. Livingston had suggested the purchase of New Orleans. The wily Corsican clung long to his dream of an American empire where a growing France under his sway would find room to expand. But no one knew better than he that a dagger, a bullet, or mayhap a Waterloo might end his career, and that England's first demand from humbled France would be Louisiana, which would add a great empire to his hated rival. He would renounce for the moment his dream of American conquest. He needed money for the wars that faced him in Europe. He must feed his hungry cannon. He would sell not only New Orleans, he would sell Louisiana. So, down at the Palace of St. Cloud, he affectionately ran the tips of his fingers over the map of the Mississippi Valley and exclaimed:

> The cession of Louisiana will forever strengthen the power of the United States, and I have given to England a maritime rival that sooner or later will humble her pride.

So it was that we secured Louisiana. So it was we got the Mississippi. So it was we inherited the flood problem, the greatest flood problem, with one exception, that ever confronted any people.

Through Napoleon we not only acquired the Mississippi but it was through him that we got our first lesson in flood control. Gen. Simon Bernard, who served under Napoleon at Waterloo with the rank of lieutenant general, was Napoleon's chief of

engineers. After Waterloo, in 1816 General Bernard came to America as the guest of Joseph Bonaparte, who had taken up his residence in this country. Some one here in Washington had the good sense to place General Bernard at the head of the Army engineers, where he stayed a dozen years or more, and ever since that time the Corps of Engineers of the United States Army has been the best body of engineers in the world, thanks largely to General Bernard. Afterward he was back in France as Minister of War under Louis Philippe.

In 1822 General Bernard issued the first report on the floods of the Mississippi. He had constructed the dikes of the Po, under the direction of Napoleon, to control the floods of that river. He recommended dikes or levees for the Mississippi, and, no doubt, if the watershed of the Mississippi had remained as it then was, the levees or dikes would have controlled its flood waters. So began the work that we are trying to perfect over a century later.

And what an empire this Mississippi Valley, with all its tributaries, is—an empire that produces more than 100,000,000 people can consume! Rome ruled the world from Egypt to the British Isles, yet her eagles could not fly in a straight line as far as from New Orleans to Helena, Mont. Alexander conquered the world and was triumphant from the summit of the Alps to the foot of the Himalayas, yet he could not march his invincible phalanx in a straight line as far as from Pittsburgh to Santa Fe, all within the watershed of this mighty river.

But wide as it is and productive as it may become, future generations will need it all. The populations of England and Germany increase annually over 1 per cent. Should our population increase only as fast as that we will have in A. D. 2000 over 200,000,000 people and by A. D. 2400 some 3,200,000,000. The ripest and rarest scholarship in the world is exhausted on the Encyclopedia Britannica. About 80 years ago it estimated that if the resources of the North American Continent were fully developed it would afford sustenance for 3,600,000,000 inhabitants. At that time that number was five times the number of people there were on the globe. But the human race has doubled in the past century. And it has been the experience of the race that where a soil and climate will support a population the population will come, and this prodigious population will be in existence in about four centuries. That future population must be fed largely by the drainage area of the Mississippi Valley. Napoleon truly said a century and a quarter ago that this would be the richest valley in the world. It long ago justified that prophecy. To-day it produces 70 per cent of the farm products of the Nation and 60 per cent of its wealth. It produces 80 per cent of our wheat and over 90 per cent of our corn. In fact, it creates and produces over 70 per cent of all the basic fabrics of trade and manufacture—coal, iron ore, oil, cotton, wood, and wool—all the basic substances except copper. It has nearly 75 per cent of the Nation's railway trackage and furnishes 58 per cent of its manufactured products; and last, but not always least, it produces 65 per cent of the Members of this House of Representatives.

What we do about this matter of flood control is of vital interest to every citizen of this entire country. This is the greatest task on the hands of this Congress—this and farm relief. And they are closely allied, for they affect to a great extent the same territory.

This is a great constructive and creative enterprise, and it is the duty of every Member here to conscientiously and honestly meet the issue without splitting hairs nor halting at trifles. This bill does not suit me. It does not suit anyone exactly, but that is not strange.

When, on the 17th of September, 1787, the Constitutional Convention was ready to sign the draft of the Constitution there was not a member of that body who was entirely pleased. Washington said there were parts of it which he did not and probably never would approve. Franklin said the same thing. Alexander Hamilton signed it and then tapped the parchment with the tips of his fingers and said it was just a makeshift. But later, when he and Madison were writing the Federalist, the greatest thesis ever written on human government and the greatest exposition ever evolved on that Constitution, Hamilton declared he discovered the intervention of the Almighty in it, as he had so often observed it in the affairs of the Revolution. Fortunately it did not suit any of those great men, but was the result of the combined wisdom of all of them. It seemed as if the good Lord had kept all the fool things out of it and kept all the wise and good things in it and thus produced the greatest document for the preservation and evolution of liberty the world ever possessed.

Now, I am not comparing this bill with that immortal document, I am merely repeating what has been said heretofore—that it is the best bill we could agree on. Bring on your constructive criticism, and if it does not suit you amend it. That is what the committee tried to do. After months of hard work and most exhaustive hearings we reported the best bill we could agree upon.

It has been suggested upon this floor that this bill will encourage speculators to prey upon the Government, if it passes. That has a most familiar sound. That is exactly what they said when Hamilton and Washington undertook to establish the public credit of the United States by paying the public debt of the States and of the Continental Congress. They said that sinister agencies had bought up the scrip issued to the Revolutionary soldiers, and that therefore it was not wise nor right for the General Government to assume and pay the Revolutionary debt. Did George Washington and Alexander Hamilton stagger back before that kind of kitchen gossip? People said, "Let the States do it!" Washington knew the States would not do it. He knew that they would do it like they furnished food and clothing at Valley Forge. It was a task bigger than the States. It was an enterprise for the National Government. It was the biggest undertaking this Government had to perform in launching the Government under the Constitution, and that was the establishment of public credit. Washington and Hamilton knew that no nation was any stronger than its public credit. They knew that the fate of their country depended upon the establishment of the Nation's credit, and they proceeded to do it in a businesslike manner. And they deserve the everlasting acclaim of their country for their work.

And that public debt was a staggering sum at that time—$80,000,000, one twenty-fifth of the entire wealth of the thirteen States. You are talking about this Mississippi flood control costing a billion dollars. I do not understand how this figure is arrived at. I heard nothing serious in those hearings that indicated anything of the kind. But if it did cost a billion, and it did control the Mississippi floods and those of its tributaries, it would be the best investment since the purchase of Louisiana. [Applause.] That would be only one three-hundred-and-fiftieth of the wealth of the country as against one twenty-fifth for the Revolutionary debt.

In supporting this bill I am not conscious of violating any party pledge or principle. Rather, I am following illustrious examples of party policy. All through our political history as a party there runs like a golden thread the principle of nationalism. It means that we always emphasized the Nation and not the States. "We the people" and not "We the States." This has come down to us through our political ancestry, and we are proud of that political ancestry—Washington, Hamilton, John Marshall, Daniel Webster, Abraham Lincoln. Our political ancestry comes down through them as clear and distinct as our lineage through our fathers. We can claim Washington with more consistency than any other party. We have adhered to his policies and principles closer than any other party. The old Federalist Party was not so true to them as we have been. He launched this Government with several primary political policies that were based on fundamental principles: First, a strong and indissoluble Union. The fundamental purpose of our party was to preserve the Union that Washington founded. Secondly, financial integrity—payment by the Government of the Revolutionary debts and the establishment of public credit. Thirdly, industrial stability by following Hamilton's "Report on manufactures," which involved a protective tariff. All will admit that that is a Republican principle. And fourthly, nationalism as opposed to internationalism—national security, no entangling alliances.

Every one of these four policies has for half a century been a fundamental idea in all Republican platforms. Say what you may about the League of Nations and its defeat by a coalition of Senators from both parties, yet behind all of this, within the shadows, towers the majestic figure of Washington, who had warned us against entangling alliances.

The policy pursued in the flood relief bill is nothing new. It is consistent with the policies and principles of the Republican Party. The first speech that Abraham Lincoln ever made he announced he was for certain policies: One was a protective tariff, another the United States bank, and another internal improvement, by which he referred to the Government improving rivers for navigation and building post roads.

We forced this idea of nationalism down the throat of the Southland. We did it in the decisions of John Marshall, Chief Justice of the United States; we did it at Vicksburg, Chattanooga, and Gettysburg; we did it at Appomattox 63 years ago. Now, let us be both honest and consistent. We said that the life of liberty depended upon nationalism; that only through a great and powerful central government could our free institutions survive. Lincoln said:

It has long been a grave question whether any government not too strong for the liberty of the people can yet be strong enough to maintain itself in a great emergency.

This Government proved strong enough to maintain itself in the face of the greatest emergency that a republic ever faced. So let us drive true to form; let us demonstrate again that the Union was worth saving, if for nothing else to throttle this menace of the Mississippi flood. For what chance could there be for flood relief if two nations were separated at Cairo instead of one nation indissolubly welded there so that the strong arm of the North might gather up the South staggering under the weight of this mighty river's wrath? Let us prove our faith in our own doctrine—the doctrine of nationalism.

All have agreed that this is the most important civil matter that has been proposed to Congress in a quarter of a century. Then let us approach it in a manner fitting such a task. It is a stupendous creative enterprise; a great, comprehensive and constructive program to accomplish. We do not need a wrecking crew. We need a construction gang.

This bill provides for surveys of the tributaries of the Mississippi which are subject to destructive floods. The program is to control eventually all the tributaries that have destructive floods, both for the local benefits that will flow from it and for the effect it will have on the lower Mississippi. Many tributaries have floods which, though less extensive, are extremely destructive in the area affected. In the district which I represent we have the Kansas or Kaw. In 1903 a flood destroyed from thirty to forty millions worth of property. Sixteen bridges were swept away, which cost many millions to replace. It cost the lives of a dozen people. In my opinion we can not locally control that flood, but if embraced in a comprehensive plan with the help of the Government it can be mastered.

Fear has been expressed that this flood-control plan will cost too much money. A billion dollars has been mentioned. An extravagant figure from the light of the evidence. Did we not vote nearly $400,000,000 for the Navy the next fiscal year? I voted for it, and I think it was justified. In the past eight years we have spent about $6,000,000,000 on the Army and Navy, and I am not criticizing that. But why, when a great constructive, creative measure like this is before us, do we cry "pork," and vote billions without batting an eye for other purposes which, to say the least, are no more worthy than this? Why is it that when money is mentioned for flood control or farm relief you cry "pork barrel"?

This bill preserves the principle of local contributions, making an exception of the stricken regions of the lower Mississippi. It recognizes that those people have already contributed $292,000,000 in past efforts to control the flood and a half billion in the losses sustained in 1927. I am one of those who, adhering to the policy of local contributions, make an exception here for the reasons stated.

As one who has no political or financial interest except that of a sympathizing fellow countryman, I plead for the 750,000 men, women, and children who tremble beneath the sword of Damocles in the Mississippi Valley. I plead for them whose homes were made desolate by that cataclysmic disaster, whose stock and property were destroyed or carried away on the angry flood. I for one, as a Member of this Congress, want to exert my influence and cast my vote in their behalf, and in doing so I believe I am following the example of the greatest of all Republicans—he who had "malice toward none and charity for all."

And if we do this I believe that it will be the ultimate triumph that he would have decreed for his principles of government and humanity. A greater triumph than when he was called in 1860 to the highest office on earth. A greater triumph than when the flower of the southern army withered before his flaming guns at Gettysburg. A greater triumph than when he sent Sherman, shod with iron fury, to trample the Southland into the bloody dust. A greater triumph than when the gallant sword of Lee was yielded up at Appomattox. A greater triumph than when, just 63 years ago to-day, with the world bowed at his bier, he lay yonder under that great dome, crowned with the everlasting halo of martyrdom. [Applause.] A greater triumph than when his countrymen, North and South, built that temple of classic grandeur on the bank of the Potomac where he sits on his marble throne. His greatest triumph will be when the Union which he saved and for which he died, grown rich "beyond the dream of avarice," strong beyond the vision of its founders, reaches out its mighty arms and rescues his beloved Southland from the menace of its ancient enemy—the fury of the Mississippi flood; when those "mystic chords" will vibrate again as he said they would, when "touched by the better angels of our nature." [Applause.]

Mr. REID of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from North Dakota [Mr. SINCLAIR]. [Applause.]

Mr. SINCLAIR. Mr. Chairman, it was well said at the beginning of the debate on this bill for the control of floods in the Mississippi Valley that this is the greatest undertaking that has ever confronted the National Government. It is, indeed, a stupendous task, and the solution of the problem of flood control will mean more to the economic welfare and safety of the Nation than possibly any other one act that the Congress can perform.

As is generally known, the "levees only" plan has heretofore been adopted as the sole means of controlling the Mississippi floods. There has been considerable criticism of the Army engineers in connection with this plan. I think, in justice to the Army engineers, they should not be held entirely responsible for its failure. A part of that failure rests directly upon Congress. When the Mississippi River Commission was organized, its work was based on improvement of the river channel in the interests of navigation. After a preliminary examination by the commission, its first recommendation to Congress asked for an appropriation with which to contract the channel and stabilize the banks of the river in order that the velocity of the stream might be accelerated. This would insure a scouring of the bed and a more uniform channel. It made navigation easier and more certain. This policy was adhered to by the commission and approved by Congress for over 12 years, and no part of the funds appropriated by the Congress was used for the purpose of preventing injury to the adjoining lands or to prevent floods, except as the deepening and improving of the channel might do so.

About the year 1890 the Congress permitted the building of levees as a partial aid in stabilizing river banks, and this policy prevailed until 1917. Whatever protection was afforded from levees prior to that time was furnished by the individual landowners or levee districts located along the river. It really was not until 1917 that the Congress recognized flood control of the Mississippi River as a part of the national responsibility.

The question we have to decide here in the enactment of legislation is what particular plan we are going to adopt for the control of floods in the Delta basin of the Mississippi River. It is pretty well agreed by all that the "levees only" plan has proven ineffective. Even the friends of that proposal are ready to admit that something additional must be done. The question then, resolves itself into this: Since we are unable through "levees only" to confine the waters within the river channel, shall we let the waters out of the river at convenient and suitable places in the lower river, or shall we prevent them from reaching the river by retention dams and source-stream reservoirs in the headwaters of the various tributaries?

It is contemplated that the "outlet system" will require the dedication of over 6,000,000 acres of land for flood ways and backwater areas. No one knows for a certainty whether this area will not be constantly enlarged as the volume of water increases in future years. It would necessitate a large and growing sum annually to be appropriated for the maintenance and upkeep of levees and spillways. Consequently, we should be reluctant to authorize this plan until a further study has been made and a final conclusion reached that this is the only plan that will insure a margin of safety.

There are five great tributaries that pour their waters into the lower Mississippi from Cairo to the Gulf. They drain 31 States, amounting to over 1,250,000 square miles. The annual discharge of water from this great drainage basin amounts to nearly 500,000,000 acre-feet. The maximum discharge from the Ohio River and its tributaries into the Mississippi is 1,400,000 cubic feet per second. The upper Mississippi River discharges a maximum of 450,000 cubic feet per second. The Missouri River has a maximum discharge of 430,000 cubic feet per second. The Arkansas River has a maximum discharge of 800,000 cubic feet per second, and the Red River has a maximum discharge of approximately 250,000 cubic feet per second. If all these tributaries were discharging a maximum flow into the lower Mississippi at the same time, it would make a volume of water in excess of 3,500,000 cubic feet per second. This would make a flood approximately one-fourth greater than the 1927 flood and greater than any known flood in the history of the country.

There are those who believe that the proper way to control the floods of the lower Mississippi is to control the water at the source of the tributaries. Eminent engineers consider this the best method that can be adopted. If the flood waters are prevented from reaching the lower valley they can do no damage there. By restraining them they will be absorbed at the source of their origin.

It has been estimated that a system of reservoirs in the upper waters of the Ohio River can reduce the flood height of the river at Pittsburgh over 10 feet. This can be met at a cost of something like $20,000,000. Similar reservoir sites have been located in the Tennessee and Cumberland Rivers that will reduce the maximum stream flow of the Ohio River at Cairo by 50 per cent. It has been demonstrated by capable engineers who have made a thorough study that a reservoir system on the Arkansas and Red River Basins will reduce the stream flow of these two rivers over one-half at an estimated cost of $100,000,000.

The State engineer of North Dakota has made a study of a reservoir project in that State which would divert and impound the waters of the Missouri River during the flood season. It is a well-known fact that the annual evaporation of the Great Plains States is exceeding the annual rainfall in those regions. This is due to increased vegetation, wider cultivation, and the more rapid run-off of the annual rains that fall upon the land. Eventually it means the depletion of the subsoil moisture. Even now crops can only be grown successfully in many sections every other year by means of a system of dry-land farming. In my State there are enormous natural storage basins that would afford an annual storage of approximately 5,000,000 acre-feet of water, which could be diverted from the Missouri River. All of the various basins and depressions could be filled from the flow of the Missouri during the flood periods in the spring. Engineers have made a survey, and state that a dam could be constructed in the Missouri River at Fort Clark that would raise the water in the river 150 feet, backing it up 138 miles, without destruction to property except the almost useless bottom land of the river. This reservoir could provide storage for 15,000,000 acre-feet of water, which, added to the storage in the various basins over the State, heretofore mentioned, would make a total of 20,000,000 acre-feet. In this one reservoir alone over one-fourth of the entire annual discharge of the Missouri River could be stored.

During the spring months or flood time in the lower valley, the entire discharge of waters from the Missouri River could be retained in this reservoir alone. The estimated cost to build such a reservoir would be approximately $35,000,000. At the time of the flood of 1927, the Missouri River, at the point of the proposed dam, was carrying approximately 160,000 second-feet of water. This amount is approximately 7 per cent as much as was in the lower Mississippi. If this Missouri water can be stored, and also that of the Arkansas, Red, and Ohio Rivers, it will have practically solved and controlled the flood problem of the Delta stretches of the Mississippi River. It is the excess flood waters that do the damage in the lower valley. Engineers believe that a complete reservoir system can be accomplished at a total cost of $400,000,000.

The people of the Great Plains area are suffering from a lack of water, while the lower Delta basins are suffering from too much water. Why permit this condition to exist when a comprehensive program of control can relieve both situations and provide additional economic benefits to all? No adequate survey of either plan, that of outlet or of reservoirs, has been presented to the committee. None has been had. For that reason it is provided in this bill that an expenditure of $5,000,000 be made for the purpose of surveying the tributaries as to reservoir sites, and studies made thereof as to the effect on flood control. A similar topographical survey must be made in the Delta basins in order to locate the outlets if that plan should be finally adopted. In the meantime, there is sufficient work to occupy the whole time of the agency in charge of repairing levees along the stretches of the lower Mississippi.

In my opinion, for the immediate safety of the city of New Orleans, the Bonnet Carre spillway should be put in. This will cost approximately $12,000,000. The levees on the main river should be brought up to the 1914 grade and section, as approved by the Mississippi River Commission. This will cost about $150,000,000. The work of channel stabilization by means of revetments and bank improvements should be carried on until finished. This will cost $110,000,000. These estimates are practically agreed upon by both the Mississippi River Commission and General Jadwin. They are considered necessary work in the plans for flood control of both organizations. It is my opinion that these projects should be undertaken and vigorously prosecuted until finished. In the meantime, further surveys of spillways, outlets, and reservoirs should be made with a view to securing the best plan for comprehensive and effective flood control.

I have arrived at my conclusions with reference to this bill after a thorough study of all the evidence presented to the committee. I am frank to say that my judgment has been much influenced by the testimony of Mr. John F. Stevens, the most eminent engineer in the United States to-day, who appeared before the committee and stated that it would be impossible for anyone to decide intelligently on a plan for flood control of the lower Mississippi River without further and very careful study of the whole problem. I think the opinion of an engineer of the achievements of Mr. Stevens is entitled to the utmost consideration.

If the reservoir plan be adopted, it will equalize the benefits to all sections of the country and afford flood protection not only to the main river but also to all of the tributaries. In addition, the returns to industry and agriculture, through the use of the reservoir waters, will within a reasonable time more than pay the initial costs to be borne by the Government. [Applause.]

Mr. REID of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. WILSON].

Mr. WILSON of Louisiana. Mr. Chairman and members of the committee, in these few minutes I wish to discuss one phase of the question that has been brought upon the floor of the House and upon which I think the membership should have information.

When we began the discussion and hearings upon flood control and began to work out a plan, we assumed, of course, that everyone dealing with it would want to know exactly what the facts are and would want to deal with them in perfect fairness to everyone concerned. I therefore want to offer some suggestions and some evidence which has been collected relative to the statement that this proposition is going to cost one billion dollars or a billion and a half dollars on account of the efforts of large banks, large landholders, and lumber interests in the alluvial valley to hold up the Government for $75 an acre for the land that may be necessary in that section for flood ways.

This statement has been carried in the press throughout the country and has been offered as evidence why this legislation should be defeated.

I believe it is generally admitted by all that where property is taken to be used as a flood way compensation should be made for whatever interest in that property may necessarily be dedicated to that purpose. Since these charges have been made and the record filled with statements and the names of various concerns, especially by my friend, the gentleman from Wisconsin [Mr. FREAR], I think it only fair to state that many of the statements are entirely unfair and not justified by the actual evidence. For instance, we had a committee of engineers make an investigation of the land values in the territory to be taken for flood ways all through the basins, and especially in Arkansas and Louisiana, and the report showed a value of about $25 per acre, which is quite in contrast with the statement which has been given to the press and the country of $75 an acre.

Then an investigation and report was made by the Mississippi River Commission based upon a survey of the Tensas Basin, and the cost of all the land required, including the work of clearing and removing the timber where necessary, was estimated at $36,000,000. In this basin my friend the gentleman from Wisconsin [Mr. FREAR] outlines practically 2,000,000 acres at $75 an acre.

Mr. FREAR. What flood way is that?

Mr. WILSON of Louisiana. The Tensas Basin flood way.

My friends, charges were made and certain companies were named that happened to be interested in Arkansas and Louisiana. Their names were given and a special reference was made to the Tensas Delta Land Co. Even charges were made, which I think were unfair, that former Senator Lorimer, of Illinois, had his office in the same building as this land company. He had no connection with it in any way. Senator Lorimer happens to live in my district in Louisiana. He went down there and established a sawmill in that country and acquired some property. He was a patriotic and public-spirited citizen there, and on account of the losses from this flood, when his sawmill interests were 15 feet under water, his property was practically wiped out and he has had to abandon Louisiana and go back to Chicago. After all his work there, he wound up owning in his own name 16 acres of land. Now, is it fair to bring charges against this former Senator just because he happened to be in the same building with the Tensas Delta Land Co.?

I am going to place in the RECORD a number of telegrams, which I would like to read if I had the time. I want to read especially a telegram from the president of the Tensas Delta Land Co., which owns in my district in Louisiana about 200,000 acres of land, which, I think, is the amount that the gentleman from Wisconsin [Mr. FREAR] stated.

A portion of that would be in the flood way. Here is what the president of the Tensas Delta Land Co. wires me, a man of standing both in Chicago and in New York:

RILEY J. WILSON, M. C.,

House of Representatives, Washington, D. C.:

President Coolidge is misinformed about lumber interests wanting to hold up the Government in any way on flood control. To the contrary, they will aid in every way in granting spillway rights at nominal cost per acre for land used and very low prices for timber used or destroyed. Tensas Delta Land Co. have authorized no one to make prices on extravagant statements, as reported by STRONG of Kansas, which are untrue. We do want flood control, but not swamp drainage that would ruin the timber. The swamps are necessary for regrowth of hardwoods and acts as reservoirs in high water. Our company ready to accept the lowest prices for land and timber required, ranging from $5 to $10 per acre as may be timbered, with minerals reserved.

That is for the actual title to the land of the Tensas Delta Land Co. The flowage rights is all that anyone expects to acquire, and those would be from $2 to $5 an acre.

The telegram continues:

The writer has been exploring timber in the watersheds of the Mississippi River from Pennsylvania to Montana south to the Gulf, and thus, knowing the great value of protecting this vast territory from devastating floods, believes it to be a national instead of local question.

JAMES LACEY,
President Tensas Delta Land Co.

Charges were made against the Williams Cypress Co. that it wanted to unload on the Government lands at $75 per acre. Here is a wire from C. S. Williams, vice president of the F. B. Williams Cypress Co.:

W. H. DICK,

President Mississippi River Flood Control Association, Washington, D. C.:

Your wire 17th; have discussed subject of your telegram with representative of Downman interests, Kyle Lumber Co., and others. It is our opinion that the use of the Atchafalaya Basin as a flood way would damage our cut-over swamp lands to the extent of, say, $5 per acre, owing to the deposits, and therefore killing of hardwood timber now on these lands, as shown by experience higher up the river. We believe that $10 an acre would represent a fair value for our land, reserving to us only the mineral rights, which at this time appear of high value, but which would not be materially affected by additional waters. We would be unwilling to give up mineral rights, and it seems unnecessary for us to do so. It was agreed that should these figures seem out of line, either too low or too high, that we would gladly submit the question of remuneration to arbitrators. In any event, we don't feel we are entitled to more than actual losses to be incurred. Machinery should be set up, however, for the condemnation of all lands required for flood-way purposes, and reasonable prices should be insisted upon by the Federal Government.

C. S. WILLIAMS,
Vice President F. B. Williams Cypress Co.

Now, that is the value of the land which it is charged they have taken and want to hold up the Government for $75 an acre.

As I said before, the people of this valley, whether they live in Chicago or Louisiana, are interested in flood control, and not in one instance has there been an effort to hold up the Government in that manner.

As I said, the flowage rights is all that is necessary to be acquired. The charge was made that banks in New Orleans were purchasing lands in that territory. I wired to the various clerks of courts of the parishes in the Tensas Basin, and the replies were uniform that no activity whatever, no purchases of lands in the flood ways were being made, and normal conditions prevailed everywhere.

I have a letter from Mr. Lorimer tendering to the Government the right to such of his lands as are left in the basin the right of use without one dollar of cost.

I have a wire from the Holloway Saw Mill Co., which reads as follows:

Congressman RILEY J. WILSON,

House of Representatives, Washington, D. C.:

Have heard claim that land in Tensas Basin was being held at exorbitant prices for Government flood-control purposes. We own 15,000 acres in Tensas Basin and offer all or such portion as needed for flood-control purposes at $10 per acre, reserving timber and mineral rights, or $5 per acre for flowage rights.

HOLLOWAY SAW MILL CO.

I have other telegrams from large landowners in the flood-way areas, as follows:

Wyatt Lumber Co. have been acquiring lands in Delta section Louisiana for 10 years; none within last 3 years. Our lands necessary for flood control can be had at cost and carriage, and none in excess of $10 per acre; we reserve mineral rights and to have water privileges.

A. H. HENDERSON.

Re telegram, we offer in fee about 7,000 acres land in Tensas Parish, La., we reserving timber, oil, and mineral rights. Part of this land is now in cultivation, but, nevertheless, we hereby offer it at average price of about $12 to $15 per acre. We do not understand what is meant by flowage rights, but we are willing to leave flowage price to be fixed by any board of Government engineers at what they think is fair, or to any arbitration board of three, and their decision to be final.

PENROD-JURDEN CO.

In the opinion of this company lands in our territory needed for levees and spillways in connection with Mississippi River flood control can be acquired for not exceeding $10 per acre, owners reserving timber and mineral rights.

TALL TIMBER LUMBER CO.

In the opinion of this company lands in our territory needed for levees and spillways in connection with Mississippi River flood control can be acquired for not exceeding $10 per acre, owners reserving timber and mineral rights.

TROUT CREEK LUMBER CO.

In the opinion of this company lands in our territory needed for levees and spillways in connection with Mississippi River flood control can be acquired for not exceeding $10 per acre, owners reserving timber and mineral rights.

GOOD PINE LUMBER CO.

In the opinion of this company lands in our territory needed for levees and spillways in connection with Mississippi River flood control can be acquired for not exceeding $10 per acre, owners reserving timber and mineral rights.

GRANT TIMBER & MANUFACTURING CO.

These telegrams represent the owners of more than half a million acres of the land under discussion. Their attitude is plain. The figures they quote are plain. They show in a way that can not be contradicted that the charges that have been made of extortion, speculation, and land grabbing are utterly without foundation and are nothing in the world but propaganda. They further show that the land or flowage rights can be acquired for less than $10 per acre.

Mr. FREAR. Mr. Chairman, I yield to myself 10 minutes.

Mr. Chairman and gentlemen of the House, one of the strangest exhibitions I have ever seen in any bill that has been presented to the House is the situation that confronts us now. Not one word of evidence was offered to the committee of these land values except those that were furnished by the engineers, so far as my recollection goes. The Army engineers and the Mississippi River Commission made their statements to us and the Mississippi River Commission estimated about $100,000,000 damages for the two flood ways. The Army engineers on different estimates of $25, $50, and $75 an acre made their estimates which I have quoted.

The gentleman from Louisiana, a member of the committee, never questioned the men who came before us, and said that the cut-over lands were worth $75 an acre. I asked, Is it true that you believe that nonproductive lands in the flood way are worth $75 an acre? and the answer was yes.

Mr. WILSON of Louisiana. Will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. WILSON of Louisiana. We had that question up day before yesterday and some man from Missouri mentioned $75 an acre. I want to say the reason the values were not asked about is that nobody dreamed that these people in Louisiana or Arkansas would ever be charged with attempting to unload their lands on the Government at any such price.

Mr. FREAR. I do not know what price you want to unload without contribution.

Mr. WILSON of Louisiana. There is no proposition to unload any land on the Government, but they are offering lands to the Government for flood rights.

Mr. FREAR. That is as far as I can yield. How do you acquire land rights? By condemnation proceedings. You must go into court. Men do not come voluntarily and make an offer to contribute. They wait until the law is passed and then they say, "What are you going to give us?" You proceed with condemnation rights for flowage as you do for full title. What is the evidence in the case of the Panama Canal, which it was said in Congress was going to cost $150,000,000?

We paid over $300,000,000 for it, and according to some estimates here we did not spend one-third as much for the Panama Canal as we are going to pay for this Mississippi River proposition. One was an investment, the other an enormous contribution.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Not just at this time. I want to make a connected statement if I can, and I am only answering the gentleman from Louisiana [Mr. WILSON] because all of the estimates that I got were very much higher. For instance, take the New Madrid proposition, which is another flood way. There it was in the neighborhood of $150 an acre. If we did not know of some places down there in Louisiana that are now offering this land, that was not our fault. There was no evidence of it before the committee so far as I can recall. I am simply quoting the engineers on the estimates so far as they could ascertain. No estimates were furnished the committee. It would seem to me that the most important thing to do would be to present to the Government of the United States what it is going to cost when you are offering such a bill.

Mr. WILSON of Louisiana. Is it not a fact that the estimate of the Mississippi River Commission for land and clearance in the whole Tensas Basin flood way was $36,000,000?

Mr. FREAR. Oh, here we have it at page 90 of Document No. 1, committee report, Atchafalaya flood way, $52,000,000; Tensas flood way $107,000,000.

Mr. WILSON of Louisiana. But I am speaking only of the land. The figures the gentleman quotes includes the works as well as the land. I think the gentleman ought to be fair.

Mr. FREAR. I will be fair, but I can not yield further. Why did not you ask these questions in the committee?

Mr. WILSON of Louisiana. Because I knew those people were not going to want $75 an acre and never thought anything about it.

Mr. FREAR. You did not know what they were going to ask. You never knew. You did not ask any of them.

Mr. WILSON of Louisiana. And the gentleman did not, either.

SEVENTY-ONE MILLION TO RAILWAYS

Mr. FREAR. That is true. I did not know of it until the bill was reported, what it would contain, but then I asked the facts from Army engineers. Let me quote from Committee Document No. 14:

> The entire expense in taking care of the railroads at this and all other points where expenditures must be incurred to adjust their tracks to fit in with the comprehensive plan recommended by General Jadwin should be assumed by the Federal Government.

This is Document No. 14 that I am quoting from, and the cost is estimated at $66,835,000, and the railroads afterwards jumped that estimate up to over $71,000,000, which amount the Government will have to pay these railways in the flood ways. Here are the names of the railway engineers who signed this—a dozen or more. That is their document and claim against the Government. Are you going to give them that? Possibly.

Mr. Chairman, I concede that this question of values is about as elastic as the length of a piece of string. No one knows what it is going to cost. No one will ever know what it is going to cost if the Government of the United States is to buy this 4,000,000 acres of land, because we will buy it at the outside price. You gentlemen in Louisiana and in Missouri and in other places could get the property at a reasonable price if to be taken by local interests, but once get the United States Government in there, or get a railway in there asking for a right of way, and every man who has any experience in these questions knows that it will cost the Government of the United States or the railways far more than the estimate. I can not say whether it is going to be $25 an acre as figured by the Mississippi River Commission, or whether it is going to cost $50 an acre, or far more than that figure. At $25 an acre the cost of the project is over $800,000,000, and it will go far beyond that.

DRAFTED TO LEAD THE OPPOSITION

Mr. Chairman, I want to present something a little out of order. I am placed here to carry on part of this minority work. I think every member of the committee, at least every member of the minority of the committee, knows that I was not anxious to assume that burden at all, but was placed here at their request, possibly because I had had some experience. I speak of that in justice to myself as well as to all of the members of the committee. If I am not presenting the case properly or effectively, it is their misfortune and not mine, because I did not assume the responsibility to begin with. I have been consistent in my attitude of 12 years ago, and I hope that I shall be hereafter, because that is what I understand to be the issue. I commiserate with my good friend the chairman of the committee, Mr. FRANK REID. I have tried lawsuits for many years, as have many of you here. I never before had constantly dinned into my ears, "This is what your client is trying to do, this is a settlement that your client is making," with the newspapers coming out every morning with a new proposition of what my "client" is doing and what FRANK'S "client" is doing. We are simply presenting the facts to you. We have not any personal interest. He has made a great fight and has done some splendid work. The gentleman from Georgia [Mr. COX] can not say anything in praise of the chairman of the committee that I will not affirm in respect to his ability and his work. The only interest we have in mind is to present to the House the facts, and yet we are both of us placed in this peculiar position: That constantly, every morning, we are advised what our "clients" are going to do. Think of the absurdity of it.

Mr. COX. It would be most unkind on the part of anybody who is familiar with the work of the gentleman from Wisconsin to question his sincerity.

Mr. FREAR. I thank the gentleman. I have differed with the gentleman from Georgia occasionally, but we differ like lawyers, and that is right. That is the only way you will ever ascertain what the facts are in legislation.

I do not know what advisers the President has had. I am not speaking for him. I have never assumed to do that, as you all know. He has been given figures, and I assume that some of them are the same figures that were given to me. He says that this is an extortionate bill in its present form. Perhaps he has modified his ideas; I do not know. I say the same information comes to me, I assume, that comes to him, excepting that I have had the additional benefit of such witnesses as have been asked questions and of the records that have been placed before us.

And I want to say this in reference to him: As to Presidents of the United States, I have served under three. Two were strong and independent men. The other was a very likeable man. I do not need to mention names. And I will say to you, my Democratic brethren, that one President whom you followed through his Cabinet officers helped to break up what is known as the public building pork barrel, although you were in the majority at the time. I can give you the names of the people who furnished the facts to me and sat over behind that desk every day. Your President was independent, and brought that about with the aid of Cabinet officers and a Republican. The man who is to-day in the White House is seeking to stand up against tremendous pressure. I know men who go there constantly, generally on one side, seeking to benefit from this legislation. I hope he will stand firm.

Politics? Yes. On the Democratic side I could tell you about a whole lot of Democratic votes that you are going to get from one city. Do you suppose that support is coming to you because of the legislation alone? Do you suppose there is any politics in it?

I wish I could stop there. But over on my side here we are alike with troubles, so that is one of the propositions mixed up in this bill—the alignment on politics, the alignment on other bills now pending before this Congress for action. We know it. I do not want to discuss it more openly, but those are the facts.

Mr. LAGUARDIA. Of course, the political alignment is significant because of its being the year 1928?

Mr. FREAR. Absolutely. Next year you will have an entirely different situation than that which exists now, and under the circumstances I do not blame you for insisting on the legislation being enacted this year.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. SIROVICH. I come from one of the large cities you speak of. A year ago I sent out a questionnaire to all my constituents, and practically all who answered voted in favor of this legislation.

Mr. LAGUARDIA. But not for this particular bill.

Mr. SIROVICH. I am going to vote for it, not because I am a Tammany man but because I believe in it.

Mr. FREAR. There may be others who will do the same; all of them, I believe.

Mr. SCHAFER. Mr. Chairman, will my colleague yield?

Mr. FREAR. Yes.

Mr. SCHAFER. There is no politics in it. The Democrats are always for State rights except when it comes to prohibition and getting money out of the Federal Treasury. [Laughter.]

Mr. FREAR. Now, the gentleman is getting outside the field that we are discussing, although I must say he is a delightful colleague to start a row.

I have not seen the maps that are to be presented by the distinguished chairman of our committee. We have agreed that when they are presented—and there are quite a number of them out here in the lobby—I may want to speak for a few moments about them.

VITAL OBJECTIONS TO THE BILL

Now the three principle objections to this bill are these: First, the commission is to be purely political; and if it is to

be political, nothing under God's heaven will stop it from hereafter yielding to every demand. That is going to be the effect of it. Next, as to this section 4, the proposition of damages. When it once goes in force you will have bills without limit presented to the United States, and you will have to try them by local juries just as you try the ownership of lands and their values. It is all to be done at Government expense.

I do not know whether my friend is here who had the colloquy yesterday with Major LAGUARDIA. I refer to the gentleman from New York [Mr. JACOBSTEIN]. He quoted the United States Chamber of Commerce as his authority. I am surprised beyond measure that a distinguished economist like the gentleman from Rochester—and I am one who has a high admiration for his ability—that he should quote the United States Chamber of Commerce and tell us how they voted on flood control. You know how they vote. When they voted against the soldiers' bonus bill the gentleman from Rochester voted for it and voted with me, if I remember correctly. When they voted for the Mellon tax bill he voted against it, with me, if I remember rightly. When they voted upon this flood bill they did not know what kind of a bill it was to be, or what kind of expense it was to be. How do they vote? They do not vote by individuals, as we all know. They vote by local organizations, and the subject is presented in a way ordinarily to suggest the vote wanted.

Mr. LAGUARDIA. The same chamber of commerce is now in this position, of urging Congress to reduce taxes by $400,000,000 and at the same time favoring this proposition here.

Mr. FREAR. Yes.

Mr. LAGUARDIA. That shows what good business men they are.

Mr. FREAR. Yes; the chamber of commerce to-day is advocating a cut of $400,000,000 in the tax bill. They do not know anything about it. Only a distinguished economist like my friend who was questioning Major LAGUARDIA yesterday would ever have thought of quoting the chamber here. If I am mistaken in that, I am ready to apologize.

Mr. OLIVER of New York. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. OLIVER of New York. How would you fix the damages for acquisition of the property other than by local juries? Would you have any other plan than the local juries?

Mr. FREAR. No. There have been several amendments suggested, and the bill proposes a commission. It has been proposed by the gentleman from New York [Mr. LAGUARDIA] that the States undertake to secure the lands.

Mr. OLIVER of New York. That the States do it?

Mr. FREAR. Yes; and that the Government pay a part of it back to the States. Then you would have local interests protecting themselves from local witnesses in condemnation suits when the cases were presented.

Mr. LAGUARDIA. And protecting themselves from absentee landlords?

Mr. FREAR. Yes. Like a railroad company, you would have no sympathy at all on the part of local witnesses unless the local government is interested.

Mr. OLIVER of New York. Then it would seem to me that it involves simply a ring?

Mr. FREAR. No; not with a third.

Mr. OLIVER of New York. Why should not the proposition be that there should be local commissioners and have the Federal Government compensate the State?

Mr. FREAR. Why should the Government compensate the State? That is a matter for argument if you wish to have the Government contribute any part toward it.

Why should not the States which are benefited contribute their share? My State, the State of Wisconsin, is willing to give its part. Therefore why should not the States down there give something for special benefits? I am not asking that as a question, but I am offering it as an argument. Why should Wisconsin, my State, give $10,000,000 to the States of Kentucky, Arkansas, and Louisiana? Why should we do it? We are willing to contribute our share of the total cost, and therefore I say that the States which are getting the special benefits should contribute their share. When it came to the San Francisco earthquake, when it came to the flood and great loss of lives in Los Angeles the other day, when it came to the Vermont flood, and when it come to these other calamities, the States affected exercised especial help to the communities afflicted. The local States gave what help they could, and they should do it in this case, because property values in those States will be increased from 100 to 200 per cent in all probability with complete protection.

Their lands are going to have an increase in taxable values, and they are going to get a greater return from their lands by reason of the carrying out of the project proposed.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. LAGUARDIA. If the land value is as the sponsors of the bill say it is, you would be asking the States to contribute about 10 per cent of the entire cost.

Mr. FREAR. Just about. I will say to my friend—and I am not here discussing the McNary-Haugen bill, which is a very sympathetic bill, or any other proposition that aids the farmer—I have seen within the last few years keys to building after building turned over to the banks and to mortgagees in the West; not in my State, because we are better off there. I have seen those farmers leave their places because, as Judge SEARS and others say, they have poor crops; they have everything against them; the tariff has not protected them; the railroads have been protected, but not the farmers; labor has been protected, but not the farmers; the farmers pay from two to three times as much for labor as they paid before the war, and yet they get practically the same for their products; and yet do not propose to give them anything. No one has suggested that. What we do propose to do is to loan them money, and that is as far as we go. Why are they not entitled to gifts without limit if this bill passes? Here is a proposition originally to give certain States $292,000,000 or $300,000,000 or whatever the amount may finally be; the proposition is not only to do that, but to give them everything else in connection with the plan if it amounts to $500,000,000 or to $1,000,000,000. There is no limit—only the sky.

The gentleman from Louisiana [Mr. ASWELL] yesterday referred in a rather unkind way, I thought, to those who differ with him on this subject; and I believe he mentioned the gentleman from Wisconsin as a demagogue. Does it not strike you that a man who has been before this House time after time opposing the McNary-Haugen bill and not offering anything as a substitute which would relieve the farmer ought not to speak in that tone? We are willing to do what we can; we are willing to do a great deal for his State and other States, but we do say, do not force the Government to pay it all. I think the only proposition we should consider at this time is to provide some small contribution on the part of the States that are to be relieved.

I am perfectly willing to stand on my record on this question of demagogism. In that connection you can take the average man and find out where he stands. He asks us to give everything to the State of Louisiana, and when it comes to a farm proposition which will help them, then I am denominated a demagogue when I disagree with him on flood control.

There is in the neighborhood of 4,000,000 acres to be given for this flood way. I believe it ought to be turned over to the States. I would be perfectly willing to loan money to the States to pay a portion of it, although I believe the States ought to assume it themselves. We hear a great deal of talk about Teapot Dome and the extravagance involved in that transaction, and yet I want to say to you that if this bill should go through as it was originally proposed it may cost, in the train of legislation that will follow, $5,000,000,000 or $6,000,000,000. I do not mean directly as the result of enacting this one bill, but I refer to other bills that will follow. Is not that something which should be called to your attention?

Now, this work is not going to be carried out this year nor next year. It will take 10 years or more.

You are not attempting at this time to pass a bill which will cover all of those questions. You are not going into the question of reservoirs and you are not going into the question of tributaries, and I say to you that if we find the predictions verified as it comes to us from the engineers, you gentlemen who are interested in reservoirs and tributaries are going to be the ones to regret it, because I believe it is going to do more than all else to block the proposition you have.

Mr. OLIVER of New York. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. OLIVER of New York. If the States do not contribute and the Federal Government pays it all, would it not cost as much in the end anyway if you have an adequate system of control?

Mr. FREAR. No; because, on the same theory, if you are going to acquire a piece of land and you go into the place where they are all looking for every dollar they can get, they are going to stick you for every dollar—to use that expression. If the Government lets the other fellow buy it and then pays part of it, and he pays part of it, and he is a man who lives in the community, every man knows what the effect is to lessen the cost. I believe that is every experience.

Mr. OLIVER of New York. But is not the land acquisition a small amount in comparison to the $5,000,000,000 or $6,000,000,000 that the gentleman from Wisconsin suggests is the estimated amount it will cost?

Mr. FREAR. I did not mean that would be the cost in this case, and I want to emphasize that. I hope the gentleman will not go out and say I said it was going to cost $5,000,000,000 or $6,000,000,000. I was not referring to this case when I used those figures. I was referring to the expenditures which would be required by the train of bills which would follow in connection with reservoirs and tributaries. I hope I have made myself plain to the gentleman on that proposition.

Mr. HASTINGS. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. HASTINGS. Reverting to the argument the gentleman made against a board of civil engineers, what does the gentleman say about its being political? What does the gentleman say about the Interstate Commerce Commission, the Federal Trade Commission, and the——

Mr. FREAR (interposing). Just a moment. Please argue it in your time. Ask me a question and I will answer it.

Mr. MAJOR of Illinois. Will the gentleman yield?

Mr. FREAR. No; I am going to answer this other question of the gentleman from Oklahoma first.

I have disagreed with the Army engineers possibly as much as any man on this floor, as some of you gentlemen know, but I never disagreed with them as to their ability; I never disagreed with them as to their honesty of purpose; it has always been that they have not stood up; that they have not withstood the assaults that have come upon them from localities, that they have not been able to do so.

Here is an example of what you would have all the way through if civilian engineers are chosen. You will have 100 names presented to the President for the two places for appointment on the commission, and as soon as outside interests get political control of the commission—and that is certain to come—you know what would happen. That is a result that would naturally follow, for hundreds of millions of dollars in levee bonds are then to be backed by the Government.

These Army engineers are capable and they have had years and years of experience.

Some one said yesterday on this floor that 200 Army engineers have passed upon this Mississippi River question in bringing in this Jadwin report. We did not have a single civil engineer present to us a single plan as against the Army engineers' plan, which was a comprehensive plan. My good friend, the gentleman from Georgia [Mr. Cox] criticized them very severely——

Mr. COX. Just what does the gentleman say of the plan presented by the Mississippi River Commission?

Mr. FREAR. They are practically a part of the Army engineers.

Mr. COX. Not all of them, by any means.

Mr. FREAR. Not all of them, no.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. MORTON D. HULL. As I have studied this bill I have found it very difficult to find out what plan is to be followed under this proposal. On the first page, it says that the plan submitted by the Chief of Engineers and printed in a House document is approved and adopted. Then I find that there is a commission to be appointed, and notwithstanding a plan has been approved and adopted, this plan is to be reconciled with the recommendations of this commission. Then I find at the bottom of that page that if this commission can not agree with the plan already adopted and approved, they are to come back to Congress. I find myself traveling in a circle on this question, and at the end of the section the sum of $325,000,000 is authorized to be appropriated "for this purpose." For what purpose? After a plan is adopted, then it is to be reconciled with the plan of some other commission and then it is provided that if they can not agree on anything they are to come back here again. I am at sea, especially when I find $325,000,000 authorized to be appropriated "for this purpose"—for what purpose?

Mr. FREAR. To devise a plan.

Mr. MORTON D. HULL. Why do they not start out with a plan?

Mr. FREAR. My good friend the gentleman from Illinois [Mr. MORTON D. HULL] has put in a few words, better than I could put it, the actual situation that confronts us with respect to this bill.

NO CONGRESS SHOULD DECIDE ON THE PLANS

I am prepared to say, and I believe it is fair to every member of the committee, that although we sat for many months trying to ascertain all the different plans and the influences that would affect every plan, we finally determined we were not sufficiently expert to report a plan. We were wise in not reporting a plan. The best we could do was to recommend some agency that should determine a plan, and in this case the Army engineers had offered their plan. Anyone who attempts to go beyond this, as we discovered, would immediately be open to attack, and he would find he was simply stranded. We were wise in this respect, everyone of us, because of the experience we gained on the committee, and it was a very valuable experience for all of us, lawyers as well as others. We could talk over legal propositions, but when it came to engineering plans we were in deep water.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. Mr. Chairman, I yield myself 10 minutes more.

Mr. MAJOR of Illinois. Will the gentleman now yield?

Mr. FREAR. Yes.

Mr. MAJOR of Illinois. The project which the gentleman has in mind, or whatever he has in mind, is contingent upon the various States contributing, is it not?

Mr. FREAR. That would be one of the suggestions.

Mr. MAJOR of Illinois. What will happen if one or more States refuse to contribute?

Mr. FREAR. That is a very fair question and is one that has been propounded here several times. I can not conceive of any State not contributing; but I am going to assume, for instance, that the State of Missouri would not contribute. I know the State of Illinois would contribute because they pay their part always, but the State of Missouri, it is said, will not do so.

You are going to have 10 years before you can complete your project. I asked this same question, and it is a very fair question and was one of the first questions I propounded to the Army engineers. I said, "Give me an answer to the question of failure of any locality to contribute." I wanted to know about it, and I presented that same question in the committee several times. I put the answer of the Chief of Engineers in the RECORD with my remarks when we first began this debate. Briefly, as before stated, the Government will complete any necessary link in the chain of levees but would not otherwise protect low-valued lands without contributions.

Now, here is an important consideration in connection with that question. Examine the answer and see if you can find a flaw in it. It is to this effect. For a year or more they have got to complete the plans they now have in building up the levees and doing all the necessary work, thereby giving States the opportunity of making their contributions. If they do not contribute so far as they can, then they are going to protect first the property that is most threatened and that is of value. If it is property worth only $5 to $10 an acre, as my good friend from Louisiana has said, I say the Government of the United States ought not to pay $25 an acre to save such $5 lands; but if it is a part of the connecting link of the plan, they have got to do it.

I have an amendment which I want to offer that provides, first, that any State or any locality, if you so decide, that wishes to raise money and has not the means can borrow from the Federal Treasury from the Secretary of the Treasury at low rates of interest for a long period of time in order to contribute its share.

If they refuse—which it is almost impossible to conceive—then the Secretary of War may have the right, where he finds it is necessary and essential to the plan, to go on and complete it.

Mr. MAJOR of Illinois. If the State refuses, the Government may go on and complete it.

Mr. FREAR. If it is absolutely necessary, as you propose to do now. The gentleman, in the remarks of the gentleman from Illinois [Mr. DENISON], I believe, wanted to know what I had done in my objections for legislation. I may not have accomplished much. I did hold up some bills that I thought were bad bills and we defeated them. One was the public building bill and two were in different river and harbor bills that were bad. I can tell the gentleman some things that were stricken out and never put back. I have tried to do some things that are of value. It may be that I exaggerate the importance of them, but after the gentleman and I have been here longer, perhaps he would not ask anyone what a man has done in the way of legislation in Congress. I think he is a valued Member even in the short time that he has been here.

Mr. MAJOR of Illinois. I wanted to know how you were going to compel the local contribution.

Mr. FREAR. I know; but I was talking about the remarks the gentleman made about me yesterday. I gave the gentleman the answer to that question, but apparently he did not understand me. Read the letters that I have put in the RECORD.

Mr. RAGON. Will the gentleman yield?

Mr. FREAR. Certainly.

Mr. RAGON. If I understand the gentleman correctly—take Arkansas, for instance.

Mr. FREAR. Arkansas suffered seriously, I know.

Mr. RAGON. Suppose Arkansas could not pay. Do I understand that the Government will go on and construct it irrespective of any legislative action by Arkansas?

Mr. FREAR. The gentleman will remember that Arkansas is not 5 or 10 miles long, but several hundred miles long. The project is not going to be affected by 5 or 10 miles unless it holds up the whole proposition. If it is a part of the entire project, if it can not be eliminated, the Government eventually in the 10-year project will have to build it if Arkansas refuses. As the gentleman from New York proposes, we will loan Arkansas the money. Surely they can borrow the money. I fully appreciate the situation; Arkansas has a worse situation than has Louisiana.

Mr. RAGON. That is the important point. The gentleman concedes that they would have to have some legislative action.

Mr. FREAR. Yes.

Mr. RAGON. As I understand, under the distributary proposition it would receive only 8 per cent under the Jadwin plan. You give them very little relief.

Mr. FREAR. I think the people of Arkansas would be loyal and patriotic as the people of Missouri and Wisconsin or any other State. They would be so when they realize it is for the protection of their own people and their own properties, and if they did not see fit to do it I think the Government would do it if a necessary part of the plan. I would not for a moment expose to danger any particular unit if that unit itself needed protection.

Mr. RAGON. What machinery would you use in the case of Arkansas?

Mr. FREAR. It could be allocated by the territory that is to be protected. It would raise the taxable values, which would enable the State to do it rather than have the Government pay it all.

Mr. COX. Will not the gentleman concede that the Government has the taxing power?

Mr. FREAR. Yes; but I can not conceive of any State that would not borrow the money if the Government of the United States would loan it to them under the amendment which will be offered.

Mr. COX. But suppose the State is disinclined to accept it.

Mr. FREAR. It is impossible to conceive of that.

Mr. COX. If the State did not cooperate for any reason they may have, you would not favor flood control?

Mr. FREAR. Only in certain cases where it is necessary, as stated, to complete the plan; not for valueless land.

Mr. COX. Would not the gentleman concede that it is necessary to protect all of the land?

Mr. FREAR. Oh, no. Some land that is worth only $5 an acre I do not think should be protected by the Government of the United States at an expense of $25 an acre. I have so stated repeatedly. It is not necessary for the completed plan to buy all of this property. If the gentleman from Georgia will kindly read the report of the Army engineers, whom, I understand, he denounces—but I want him to be fair, because I think he is fair—he will see what they say, and then he can question it as well as myself.

OBJECTIONS TO THE BILL NOT MET

Mr. COX. I agree with the gentleman in much he says in the way of criticism of this bill. For myself, the bill presented by the chairman of the committee best expresses my views, and I take it with the exception of the provision as to the manner in which the cost shall be paid, it best expresses the views of the gentleman.

Mr. FREAR. The bill presented by the chairman of the committee, without any reflection, reported $325,000,000. When we offered it to the Army engineers they said that it would cost a billion four hundred million dollars, and that was because of gauge heights fixed at Cairo, at Arkansas City, and at New Orleans.

Mr. COX. Neither the Chief of Engineers nor any of the other representatives from the War Department gave any testimony before the committee with reference to the execution of the plan submitted by the Chief of Engineers.

Mr. FREAR. No authority, to my knowledge, before the committee ever suggested the gauge heights that were put into the committee bill and that the gentleman voted for.

Mr. COX. No.

Mr. FREAR. That was my difficulty. We did not know what the expense would be, and when we submitted the question to the engineers they told us.

Mr. COX. But the Chief of Engineers never at any time hinted or intimated that the cost of the execution of the plans that he offered would be anything like the amount which the gentleman now states, upon information, as I understand it, given by the Chief of Engineers.

Mr. FREAR. No; because under his proposition the localities and the States were to furnish the money.

Mr. COX. Contribution from the localities would make up a part of the cost.

Mr. FREAR. That was part of his plan.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. FREAR. For a question.

Mr. WILLIAM E. HULL. I want to ask the gentleman a question to get in my own mind what he wants to do. What is the gentleman's proposition—to make complete flood control for the whole section down there or just through the Mississippi River? Which is it?

Mr. FREAR. What does the gentleman mean by "for the whole section"? All of the tributaries?

Mr. WILLIAM E. HULL. All of the tributaries, because the gentleman understands that the tributaries furnish 60 per cent of this water.

Mr. FREAR. This bill does not propose to do that.

Mr. WILLIAM E. HULL. I am asking the gentleman what his idea is. I am trying to get what you want.

Mr. FREAR. What I want to do is this: I want to relieve the people down in the lower Mississippi Valley from the danger to life and property that exists right now. They ought to be taken care of, and then afterwards we can take up this question of the tributaries, which to my mind is an important question; but at this time we can not propose to settle that matter, because if we do we will have to settle the question of reservoirs and other matters at this time.

Mr. WILLIAM E. HULL. That is what I am trying to get at. I was down there when the flood was at its crest.

Mr. FREAR. Oh, just ask a question, and never mind about the flood.

Mr. WILLIAM E. HULL. Are you ready to have me ask you now?

Mr. FREAR. Yes.

Mr. WILLIAM E. HULL. What I want to know of you is this: Do you propose to make flood control just through the Mississippi or do you propose to make flood control that will take care of such rivers as the Arkansas, the Red, the White, the Missouri, and those which furnish 60 per cent of the water?

Mr. FREAR. In this bill?

Mr. WILLIAM E. HULL. No; I ask you what you propose.

Mr. FREAR. This bill is before us. The question of what I propose to do with the flood control generally has nothing to do with it. I may propose to join in some reservoirs away up in Nebraska before I get through. At this time I am interested only in this bill and am insisting that the Government should not undertake an expense of upward of a billion dollars on this one project.

Mr. WILLIAM E. HULL. The gentleman has spoken several times. He ought to have something in his mind as to what he proposes to do.

Mr. FREAR. Yes; I have. I am not going to shift my position. The gentleman proposed a contribution of one-third in his argument the other day.

Mr. WILLIAM E. HULL. Yes; I did that the other day. The trouble is that the gentleman has not yet told us what he proposes.

Mr. FREAR. I do not know what the gentleman proposes.

Mr. WILLIAM E. HULL. The gentleman is the one who is doing the proposing.

Mr. FREAR. I refuse to yield further, because we do not get anywhere with such a discussion. I am in this position: The bill is before us. The gentleman may as well ask me what my views of the stars are. On this question I am in favor of relieving you people down in the South, but ask for local contributions.

Mr. WILLIAM E. HULL. How do you propose to do it?

Mr. FREAR. You do not know how you propose to do it in Illinois?

Mr. WILLIAM E. HULL. I am not talking about Illinois.

Mr. FREAR. Oh, you will after a while, when you come to us for help there; and I believe there are some things in Illinois that should be taken care of.

Mr. WILLIAM E. HULL. But you ought to have some way of telling us what you want done.

Mr. FREAR. I have discussed it repeatedly. I could not tell you in a minute, and the gentleman knows it, and that is the reason he asks the question. The gentleman would not ask

it as a reasonable question. He could not answer it himself, if I understand his question as to tributaries.

Mr. WILLIAM E. HULL. I could if I took as much time as the gentleman has.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. REID of Illinois. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Chairman, I wish to refer briefly to the statement which the last speaker made, in which he announced, with great passion, that the entire Tammany delegation from the State of New York was going to vote for this bill.

Mr. FREAR. I will yield the gentleman a minute more, so as not to take his time. I wish to say that I have heard that statement. I trust it is true.

Mr. O'CONNOR of New York. I do not know from what source the gentleman gets his information, but so far as I personally know I think he makes a pretty good guess. [Applause.] And I will tell him why. It is because up to the time this bill was brought on the floor of this House it never had been suggested by anyone in any responsible quarter, so far as I know, that this great flood of 1927 was anything less than a national calamity. The Mississippi River does not belong to any State. It does not belong to Illinois, or to Missouri, or to Louisiana. It belongs just as much to us in New York, who are as far removed from it as any people in this Union. Why, gentlemen, whenever there has been a great calamity affecting any part of this country, the first place to which the eyes of the afflicted people of that community have turned has been the State of New York. The State of New York has always been willing to contribute to alleviate the sufferings of the people of other sections of this country. It has never been parsimonious. It represents a liberal section of the country.

I can not follow some of the arguments that have been made against this bill. I can not follow them now any more than when it was before the Committee on Rules, of which I am a member. I can not see why the people who happen to live along this great river, which serves the entire Nation, should bear any part of the cost of it, for the reason that anything that is done there is going to relieve a situation which will contribute to the whole Nation and not alone a part of it.

I was interested in hearing the gentleman from New York [Mr. LAGUARDIA], the only alleged Republican left in the city of New York—there are only 18 Republican Members from the whole State of New York out of a total of 43—switch his position and say now that he wants the Southern States to contribute to the cost of this great national improvement. I know positively that does not represent the sentiments of the constituents of the gentleman from Harlem, or the people of the city of New York, or the people of the State of New York. [Applause.]

This fear expressed here to-day that the Federal Government is not able to take care of itself in condemnation proceedings strikes me as something that never should fall from the lips of a lawyer. This indictment of the people of the South, that their local juries in the South are not composed of patriotic citizens of this country, should be stricken from the RECORD.

The assertion that the local juries of the South will mulct the Federal Government in condemnation proceedings and would make awards higher than in the case of proceedings started by the State or local communities is a false slander upon the great patriotic people of the South.

Mr. LAGUARDIA. The gentleman from New York has had some experience of what has happened in New York City in condemnation proceedings under a Tammany administration.

Mr. O'CONNOR of New York. Oh, the people of New York City have given evidence on many, many occasions of their complete satisfaction under a Tammany administration. [Applause.] The gentleman is the last survivor of the old crowd, and he is not going to survive very much longer. [Laughter.]

Mr. LAGUARDIA. What price nomination? [Laughter.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. O'CONNOR of New York. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Without objection, the Chair will recognize the gentleman for one minute more.

Mr. O'CONNOR of New York. Mr. Chairman, if I interpret correctly the insinuation contained in the gentleman's remarks, at least this can be said of the members of the Tammany delegation in this House: If there were any price connected with the nomination, as everybody with reason knows there is not, they never would go shopping from one party to another to get a bargain price. [Laughter and applause.]

Mr. FREAR. Mr. Chairman, I yield myself one minute, if I may, to respond briefly to the distinguished gentleman from New York [Mr. O'CONNOR], who has just spoken. He certainly threw a wonderful bouquet of flowers to the South. He has been in the South. It ought to bring political support for his candidate. But my indictment holds good, as my colleague says, as to the city of New York. The gentleman is a lawyer, and I know he is a capable one. You will find they will hold you up so far as they can in condemnation proceedings through the whole State of New York. It is not a question of North or South, but a question of human nature with which we are dealing.

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Just for a question.

Mr. O'CONNOR of New York. To clear you up on the question.

Mr. FREAR. No; I am cleared up perfectly. I understand the situation perfectly.

Mr. WINGO. Where does the gentleman get the idea that the political support of the South was a matter of barter and sale? Have we not demonstrated throughout our history our fidelity to principle by standing out in the cold for years? The gentleman has made the suggestion that we can be bought and sold like cattle.

Mr. FREAR. Oh, no.

Mr. WINGO. You made that intimation.

Mr. FREAR. Let me have one minute more, Mr. Chairman. If the gentlemen from the South can show their sympathy at this time, I do not think the gentleman from Arkansas or anybody else would mean to say that they are willing to be bought or sold.

Mr. WINGO. What other reason could the gentleman have had in his taunt to the gentleman from New York, that that ought to get him support in the South? The gentleman's suggestion was that. To what does he refer when he intimates that we in our history in the South have merited the reflection that we are open to barter and sale?

Mr. FREAR. The disposition will be to take all of that organization in the city of New York and throw its influence for a good candidate from New York, knowing that the South naturally will be in sympathy with it.

Mr. WINGO. The gentleman from Wisconsin is the last person on earth who should suggest that I have shifted my position.

Mr. FREAR. I have never suggested any such course on the part of my Democratic friends in the South.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. REID of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas [Mr. DRIVER].

Mr. DRIVER. Mr. Chairman and gentlemen, it certainly is my hope that this House will not understand from the references the gentleman made to the present political situation or to the pendency of certain measures that the flood control bill which is now pending before this body, and which is of such vital interest to the people along the Mississippi Valley, should be hazarded on the fortunes, good or bad, of such political or legislative matters. For one who is vitally interested I want to say to you that I have made no alignment politically or with reference to pending legislation. I am here for the purpose of presenting as forcibly as possible and as fairly as I may the demands of the imperiled section for which this bill is proposed. I do not believe that the salvation of the people in the lower Mississippi Valley should be made dependent upon the fact that a few corporations in Chicago and elsewhere a great many years ago saw proper to locate in that valley a certain amount of their money by way of investment, nor do I believe, gentlemen, that the fact that no evidence was offered before the committee as to the value of certain property in what may become spillways or flood ways for the protection of the valley should be charged against the right of those people to make a plea for some measure of protection. I want to say to you that there is absolutely no foundation in fact for the figures which have been offered to you as to the great amount of money that it will cost to provide the land in the proposed flood ways. I am going to say to you in all frankness that there is no justification except in the imagination for offering to this House figures which are entirely unsupported by anything in this record. Judge WILSON has communicated with these land owners, and I am glad he has, and offered to you the exact values fixed by the owners of the property in the flood ways. Here is where the gentleman from Wisconsin [Mr. FREAR] secured his figures, and I am going to ask him to indicate whether or not I am correct. In the extreme north end

of the flood plain there is the highest development in the Mississippi Valley. That is conceded by everyone and the record reflects it. The lands in southeast Missouri are the most valuable in all the Mississippi Valley. There is proposed a flood way through those lands for the benefit of Cairo, Ill., and Cairo needs all the protection that may possibly be afforded, for their property and lives are in immediate danger beyond any question of a doubt. The levees are built there as high as conditions justify. Because the people in southeast Missouri do not want that flood way, and they do not want it, they testified to the value fixed on the highest developed land in the Mississippi Valley, and that has been used as a predicate upon which to base the value of those cheap lands in the flood ways in Louisiana. Now, Mr. FREAR, is that not a fact?

Mr. FREAR. I will say that the Mississippi River Commission values these flood-way lands at about $100,000,000.

Mr. DRIVER. Ninety-one million dollars, my dear sir.

Mr. FREAR. Ninety-one million dollars; and I am sure they have not exceeded the real value they will have to pay; and they are not, of course, the Jadwin figures——

Mr. DRIVER. Jadwin made no figures. The Jadwin plan carried no figures.

Mr. FREAR. No; but the estimates he made——

Mr. DRIVER. The estimate was made by the Mississippi River Commission, and no one has discussed any value with respect to these particular lands outside of the estimate made by that commission.

Mr. FREAR. Oh, yes.

Mr. DRIVER (continuing). Which I know will be entirely sufficient and more than sufficient to cover every dollar of the value that it will be necessary to invest there to provide these auxiliary methods proposed under the suggested plan of protection.

Mr. FREAR. Let me say to the gentleman that the Army engineers have the quantity of land owned by 7,500 people who are on these two flood ways, and they based their answer to the question I put to them on the examinations they had made.

Mr. DRIVER. Yes; but no estimate of value was placed in the record except as fixed by the Mississippi River Commission.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. DRIVER (continuing). Let me say further to the gentleman from Wisconsin [Mr. FREAR] there is not a man who owns land in the flood ways of Louisiana that wants those flood ways provided there. This is building no value for those people there. The only advantage that inures is the fact that it is held in large tracts and in large ownership, for if you take property improved by the individual, with the sentimental value that is always thrown around his home, you do have a value to deal with that will possibly be something more than the actual value of the land involved, but you will not say that to the owner of a large body of land that has some compensating features.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. DRIVER. Yes; with pleasure.

Mr. JOHNSON of Texas. And does not the bill also provide that instead of having juries to assess the damages the Federal court shall appoint three commissioners, who shall determine the values, and that their judgment shall be final?

Mr. DRIVER. Yes; and I want to say to you that I will support any amendment that may be offered to this bill that will provide the machinery to insure a fair measure of value for these lands.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. DRIVER. I want to say to you further that I am willing to support any measure that any of the opponents of this bill or its friends will offer that will reduce the question of damages to the railroads or to any firm, person, or corporation that has an element of damage to be dealt with.

The people who are asking you for protection are not trying to present to you a pork barrel. We are trying to keep anything that looks like something unfair out of this measure, and I appeal to every Member who will not support this bill, if that has not been the attitude all the way through on the part of those whose very lives and properties are involved in your action in respect of this matter.

Let me say to you gentlemen, you can not divide the protection of the Mississippi Valley by States, counties, or sections. It is a connected, and necessarily a consistent, improvement.

Let me give you an illustration; and I am sorry I have not the time to go more thoroughly into this. In the State of Missouri, north of my home, is a levee district that was not able to construct levees to resist the pressure brought against it in the flood of 1927, but our levees held, and yet because of a bankrupt condition in the State of Missouri, to the north of me, there was a crevasse in its line of levees and the flood waters poured into my district and created a damage of $8,500,000 and destroyed lives of people behind that levee who had invested their money to build securely for themselves. Without the flood ways in Louisiana, Mississippi, Arkansas, and Missouri go down, and tell me that a section of your Nation with 4,500,000 acres of land only in cultivation can stand the shock of a loss of $300,000,000 in one year in the face of conditions that prevail generally in the agricultural regions of the Nation; and tell me that they will be able to make further contributions for the protection of their lives and their property! Gentlemen, you are dealing with this problem on a money basis when other things are involved that are more important. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. DRIVER. Can the gentleman yield me one minute more?

Mr. REID of Illinois. I yield the gentleman two minutes more.

Mr. DRIVER. Due to the time—I am trying to embrace everything I can——

Mr. FREAR. Let me yield the gentleman three minutes. I believe the gentleman is entitled to it.

Mr. DRIVER. I certainly appreciate that, Mr. FREAR. Your courtesy has been constant throughout our labors, and I appreciate it.

I want to say that I respect the views of the gentlemen who are opposing this plan, but this is what I want to impress upon you. There is not one section of our Nation that is devoted exclusively to agricultural pursuits that can stand the shock of the loss that was suffered by the acreage I have mentioned to you in the Mississippi Valley and be able to rehabilitate themselves by the most determined and energetic efforts within a period of 10 years.

This 4,500,000 acres of land, my friends, to-day carries the burden of liens of $450,000,000, spent in a determined effort to protect themselves, without calling for the aid of any force on the face of the earth. The financial interests have withdrawn from that territory. We can not negotiate a bond to-day, neither can a single landowner increase the amount of the liens against his property. Then tell me that these bankrupt and prostrate people shall be called upon to provide the means by which their lives can be protected and their property rehabilitated and brought into a condition to enable them to pursue the ordinary affairs of this life.

Why, gentlemen, one-half of the land that was flooded last year remains idle the present year and will not return a dollar of money. The houses were swept from their foundations, teams and food and everything on earth they possessed went into the Gulf of Mexico, and the reconstruction of the property is a matter of years of hard work. There are other features not mentioned, like the loss of labor. Out of 700,000 people that were affected and crowded into refuge camps fully 25 per cent of them were forced to resort to industrial centers in order to find means of livelihood. They are there to-day. The farms are without tenants. They are without houses. These lands must be reimproved. Labor organizations must be reformed before they can continue activity and maintain what little equity they have in the land in that area.

Mr. COLTON. Will the gentleman explain the difficulties with reference to the constitution of the State?

Mr. DRIVER. Their constitutions will be required to be changed, and by the time that can be done there would be nothing left of that for which we are now making provision for protection. [Applause.]

The devastated people of the Mississippi Valley are seriously disturbed over the congressional situation with respect to flood control. They received assurances while the mad waters were surging, overtopping, and crashing through the protective works representing the sum total of their energies through the course of history, wresting from their foundations their homes and destroying their livestock, feed, tools, and equipment provided for the necessary and useful operation of their properties. These assurances, conceived to be from authoritative sources, were like cooling draughts in the fevered hour of suffering. The keenness of distress was allayed, the spirit of hopelessness was turned into one of faith and determination to return to their barren acres and commence the work of rehabilitation, the necessity for which had so often presented itself and so frequently availed that only a major catastrophe as was hurled upon them in 1927 could utterly destroy.

History is replete with instances of great duration of wars between people, the outstanding one covering a period of 100 years. The supply of men, munitions, and food is the determining factor in such tests of endurance and conclude the issue between warring nations without reflecting on the courage of the participants, but the struggle in the Mississippi Valley, which is attended by all of the elements of war, has been persistently prosecuted with unrelenting vigor and undaunted courage for

211 years, but it must be conceded that the munitions of war are exhausted and the gallantry of the defenders of that vast domain has failed in purpose, without a definite program for adequate protective works provided by the National Congress.

The wonder is that in the face of an unequal struggle such determination could have so imbued mere man that he would be unwilling to relinquish the task. The answer, of course, is a want of appreciation of changed conditions which the pursuit of progress has inevitably and consistently produced, carrying with it greater burdens in every step upon those battling elements of the valley. It is strange, indeed, to he who lives in the present hour that the dweller in the alluvial valley failed to appreciate the meaning of continued developments in the great breadth of country comprising 1,240,900 square miles and aggregating 794,176,000 acres of land, extending from the lower areas of two Canadian Provinces through the very heart of the Nation, and from the continental divide to the high peaks of the Appalachians, covering in whole or part 31 of the sovereign States of the Union, and draining 41 per cent of its area. This flood plain is divided into six distinct basins designated as the upper Mississippi, including Minnesota, Michigan, Wisconsin, Iowa, Illinois, and a portion of Missouri, and containing 165,900 square miles, with an annual rainfall of 30.9 inches; Missouri Basin, including North Dakota, South Dakota, Nebraska, and a portion of Kansas, Missouri, Wyoming, Montana, California, and Utah, containing 527,100 square miles in extent, with an average annual rainfall of 20.7 inches; the Ohio Basin, including Indiana, Ohio, Kentucky, Tennessee, and a portion of New York, Pennsylvania, Wisconsin, and Alabama, containing 201,700 square miles in area, with an average annual rainfall of 44.2 inches; the Arkansas Basin, including parts of Arkansas, Missouri, Oklahoma, Kansas, New Mexico, and Colorado, comprising 186,300 square miles, with an average annual rainfall of 29.8 inches; the Red River Basin, including a portion of Arkansas, Louisiana, and Oklahoma, 90,000 square miles in extent, with an average annual rainfall of 38.3 inches; and of the Central Valley, including portions of Illinois, Missouri, Arkansas, Mississippi, and Louisiana, with an area of 69,000 square miles, and an average annual rainfall of 48.8 inches.

When De La Tour, the French engineer, conceived the levee system as a protective measure for the newly founded city of New Orleans the Mississippi Valley was an abiding place for the buffalo and Indian, covered with forests and with pools and sluggish streams, into which the waters accumulated and through slow processes wended their way sluggishly to the Gulf, but the adventurous spirit of the pioneer brought him across the mountains and the plains, where he found a situation inviting, and located his habitat and commenced to fell the forests and to drain the pools. He removed the humus and constructed boats with which to carry his produce to the market and demanded the straightening of the stream, thus accelerating the velocity of the waters. As others joined with the early settlers the development swept inland, carrying the demands and accomplishments of development until the people had built cities and towns and paved them on the main stem of the river and all of its principal tributaries and built roads and drained them, and the commerce grew and navigation improved and more drainage was provided, more creeks and small rivers were straightened, and more forests were felled. Boards of health were organized, with advice to the people to provide more efficient drainage by eliminating the stagnant pools and other places where the waters were accustomed to accumulate until the flood heights assumed dangerous proportions, flowing over the agricultural land of the valley and threatening destruction. The only answer available to the limitations imposed upon the threatened people was levees and more levees. The valley could not stay the hand of progress. They could not provide against reclamation in the upper reaches, but they thought they could fend against it. They strengthened their levees, using the dollars inuring to them from the operation of their property interests to build them broader and taller; but when the floods came the levees were breached and overtopped, and their accumulations were swept away. Their conception following the disaster was that the levees had not been constructed sufficiently wide or to the necessary height. So, when the burden became too heavy for the individual landowners to bear, they organized themselves into levee districts, with authority to charge the cost of the protective works against their land, and with this means of support they built their levees broader and made them stronger and higher, continuing their developments behind them and feeling secure they rebuilt their improvements, restocked their farms, and commenced the struggle anew, investing as usual their accumulations in the levees and in new improvements; and the flood crests reached new heights and their levees were destroyed and their improvements swept away. They issued bonds, secured additional money, increased their tax rate, and built their levees larger and better; and so it has been, as rapidly as they could accumulate and strengthen as frequently came the floods, with greater crests, and wiped them out.

The alluvial plane of the Mississippi extends from Cape Girardeau in Missouri to the Gulf of Mexico, a distance of 1,100 miles, and is an average of 50 miles in width, divided into seven basins, to wit, the St. Francis, in Arkansas and Missouri, comprising 6,706 square miles; White River, in Arkansas, 956 square miles in area; the Tensas, in Louisiana, with an area of 5,370 square miles; the Atchafalaya, in Louisiana, containing 6,085 square miles; the La Fourche, comprising 2,024 square miles; the Ponchartrain Basin, comprising 2,001 square miles; and the Yazoo Basin, in Mississippi, comprising 5,648 square miles.

This area also includes the delta sections of Illinois, Kentucky, and Tennessee, in all aggregating 29,790 square miles, and containing 19,065,600 acres, subject to overflow, and all comprised in levee districts except the extreme lower rim of Louisiana, the marsh area, practically on sea level immediately along the Gulf shore, and the unleveed basins on the east bank of the Mississippi in front of Tennessee, covering 487,000 acres, and a like basin south of Natchez in Mississippi, comprising 700,000 acres, leaving 17,456,647 acres embraced within the 34 levee districts existing within the alluvial plane, with approximately 5,000,000 acres of such land in a state of cultivation.

The levee districts are as follows:

Illinois: Cairo Levee and Drainage District, embracing 6,436 acres, including the city of Cairo, with a population of 15,000, and has 5,793 acres in cultivation; with bonds outstanding amounting to $50,000.

East Cape Girardeau and Clear Creek Drainage and Levee District, containing 9,381 acres, with 8,911 acres in cultivation; bonds outstanding $43,697, and $200,000 in real-estate mortgages.

Sny Island Levee and Drainage District, with an area of 110,000 acres, 95,000 acres in cultivation; bonds outstanding $175,000, with real-estate mortgages amounting to $750,000.

Kentucky: Fulton County Levee District, containing 25,000 acres, and including the city of Hickman, with a population of 10,000, with 20,000 acres in cultivation; bonds outstanding $104,000, and $750,000 in real-estate mortgages.

Tennessee: Reelfoot Levee District, embracing 52,359 acres, with 41,559 acres in cultivation; bonds outstanding $139,000, and $410,000 in real-estate mortgages.

Missouri: Levee District No. 3 of Mississippi County, containing 73,716 acres, with 64,575 acres in cultivation; bonds outstanding $1,414,000, and real-estate mortgages $2,500,000.

Scott County Levee District, with 43,000 acres, 40,000 acres in cultivation; bonds outstanding $86,000, and real-estate mortgages $800,000.

St. John Levee and Drainage District, containing 206,000 acres, with 100,000 acres in cultivation; bonds outstanding $1,220,000, and $4,750,000 in real-estate mortgages.

St. Francis Levee District, embracing 399,000 acres, with 230,000 acres in cultivation; bonds outstanding $1,552,500, and real-estate mortgages $9,975,000.

Mississippi Board of Levee Commissioners' District, containing 1,614,066 acres, with 701,346 acres in cultivation; bonds outstanding $3,025,000, and real-estate mortgages totaling $36,011,142.

Yazoo Mississippi Levee District, containing 2,558,386 acres, with 1,186,451 acres in cultivation; bonds outstanding $4,441,000, and $60,000,000 in real-estate mortgages.

Arkansas: St. Francis Levee District, containing 1,604,729 acres, with 1,185,000 acres in cultivation, $5.786,000 in bonds outstanding, and $10,000,000 in real-estate mortgages.

Helena Improvement District, containing 2,070 acres, with 550 acres in cultivation, and $174,000 in bonds.

Laconia Levee District, No. 1, containing 50,000 acres, with 15,000 acres in cultivation, outstanding bonds, $365,000, and real-estate mortgages amounting to $200,000.

Laconia Levee and Drainage District, containing 64,103 acres, with 25,640 acres in cultivation, $336,500 in bonds and $725,000 in real-estate mortgages.

Cotton Belt Levee District, containing 138,000 acres, with 52,558 acres in cultivation and $282,500 in bonds.

White River Levee District, containing 110,000 acres, with 60,000 acres in cultivation, bonds outstanding, $1,197,000, and real-estate mortgages, $434,350.

White River Levee and Drainage District, containing 168,900 acres, with 50,670 acres in cultivation, with $1,250,000 in bonds and $850,000 in real-estate mortgages.

Southeast Arkansas Levee District, containing 727,264 acres, with 290,905 acres in cultivation, $2,776,500 in bonds, and $5,000,000 in real-estate mortgages.

Farelly Lake Levee District, containing 100,060 acres, with 40,000 acres in cultivation, $1,639,000 in bonds, and $6,500,000 in real-estate mortgages.

Little Red River Levee District, containing 14,900 acres, with 3,100 acres in cultivation, $142,500 in bonds, and $45,000 in real-estate mortgages.

Louisiana: Fifth Louisiana Levee District, comprising 1,490,262 acres, with 594,432 acres in cultivation, bonds outstanding, $2,620,000, and $12,500,000 in real-estate mortgages.

Tensas Basin Levee District, containing 1,216,647 acres, with 272,116 acres in cultivation, bonds outstanding, $646,000, and $3,500,000 in real-estate mortgages.

Caddo Levee District, with 200,000 acres, including 125,000 in cultivation, bonds outstanding $196,300, and $6,000,000 in real-estate mortgages.

Saline Levee District, containing 34,000 acres, with 7,000 in cultivation, $100,000 in bonds, and $250,000 in real-estate mortgages.

North Bossier Levee District, containing 16,000 acres, with 12,800 acres in cultivation, bonds outstanding, $18,000.

Bossier Levee District, containing 102,268 acres, with 55,007 acres in cultivation, bonds, $112,700.

Red River and Bayou des Glaises Levee District, containing 195,000 acres, with 10,000 in cultivation, bonds outstanding, $300,000.

Red River, Atchafalaya, and Bayou Boeuf Levee District, containing 661,000 acres, of which 370,000 is in a state of cultivation, against which a bond issue of $1,410,000 is outstanding, with $10,000,000 in real-estate mortgages.

Grand Prairie Levee District, with 360,000 acres, of which 50,000 is in cultivation.

Atchafalaya Levee District, containing 3,000,000 acres, with 1,000,000 in cultivation, against which a bond issue of $3,351,100 is outstanding, with $20,250,000 in real-estate mortgages.

La Fourche Levee District containing 1,044,000 acres, of which 197,839 acres are in cultivation, against which a bond issue of $1,500,000 is outstanding, with $12,500,000 in real-estate mortgages.

Pontchartrain Levee District containing 480,000 acres, with 250,000 in cultivation, and a bond issue of $1,383,865 outstanding.

The Orleans Levee District comprising 120,000 acres, with 88,000 acres in cultivation, and including the metropolitan city of New Orleans, with an outstanding bond issue of $7,000,000.

The levee districts mentioned have constructed and maintained 2,453.21 miles of levees, and against which levee bonds are outstanding in the amount of $43,805,451 and real-estate liens of $205,650,492. The amount of indebtedness charged against the land is in excess of the combined levee bonds and real-estate mortgage debts, for in practically all of such districts large issues of drainage bonds are outstanding, the amount of which was not ascertained and is difficult to secure an accurate apportionment to the alluvial lands because in most instances large areas immediately adjacent to the alluvial plane are included in the existing agencies created for the purpose of providing drainage works, and which lands share in common with the lands of the alluvial belt in the expense of such improvement, but it is a fact that the drainage issues are greatly in excess of the amount of bonds outstanding for levee purposes. The actual per acre fixed lien is $17.60 on the area within the levee districts.

On the basis of the cleared acreage which must be depended upon to provide the revenue to meet maturing obligations, annual interest charges and maintenance, is now charged with a lien of $23.45 per acre for levee and drainage bond issues, and on the basis of the same calculation the sum of $51.41 per acre on mortgage liens, in addition to the heavy obligations imposed through State, county, municipal, school, and road taxes. The much larger acreage denominated locally as cut-over lands, which means the area from which timber has been removed but has not been reduced to cultivation, and, therefore, nonrevenue-producing property, possessing much less value, is thereby necessarily limited in the amount of its contribution for the support of the burden, and especially is this condition true in the matter of mortgage indebtedness in the face of the ever-prevalent rule that only revenue-producing property is regarded as satisfactory security for debt, and therefore the heavy mortgage liens are applied exclusively to the cleared area.

The most highly controverted question growing out of the demand for adequate flood-control protection arises from the demand for continued contributions by the local interests. These interests as now constituted are in the nature of separate and distinct levee-district organizations, created under the authority of the laws of the States in which they exist, with power to levy taxes against the property within such districts and through which the cost of the improvements and maintenance is secured. The extent to which such levies may be made vary according to the laws of the State of origin, with the right confined to real estate alone in Arkansas, Missouri, Illinois, Kentucky, and Tennessee, and in addition an ad valorem tax on personal property, baled cotton, and occupation in Louisiana and Mississippi.

The financial condition of the levee districts as reflected from the above statement is sufficient to convince a reasonable mind that no immediate financial contribution is possible from the units mentioned, but the story has not been told.

From these 5,000,000 acres there were 246 lives lost and there was swept by the floods of 1927, 7,879 houses, 17 gins, 118 stores, 2,997 barns, and 16,971 outbuildings, together with 12,626 horses and mules, 25,716 head of cattle, 133,174 head of hogs, 2,560 sheep and goats, 719,647 poultry, $1,628,711 in merchandise, $1,317,515 worth of farm implements, $3,054,544.50 in feedstuffs, and $4,730,627 in household goods and effects; also 58,844 houses were damaged, 2,148 stores damaged, 285 gins damaged, 11,994 barns damaged, and 36,723 outbuildings damaged. Altogether inflicting a loss on these acres, together with damages to growing crops, school buildings, lumber and cooperage industries, highways and bridges, aggregating $236,334,414.06, without including practically $20,000,000 lost by the railroads.

To the member representing an agricultural constituency it is not necessary to picture conditions antedating the arrival of the flood waters of 1927 to know how illy prepared these lands, devoted exclusively to agriculture, were to withstand that enormous damage. Our record is replete with conditions prevailing in the agricultural regions of the Nation. We know that the period of deflation was visited upon such areas in an unfortunate and devastating way, and that such areas have staggered under the burdens imposed through the inequalities under which agriculture suffers, and that conditions have grown worse from year to year, with the landowners adding to the mortgage indebtedness until their equities have been conveyed in trust. I challenge, especially my colleagues from that constituency, to point to any single area of 5,000,000 acres, with existing encumbrances, able to withstand the shock of the loss of $236,000,000 of its property interests at one fell swoop, and be able to survive. Calculating from the most favorable attitude, I also challenge anyone familiar with such conditions to deny that many years would be required of most energetic action to rehabilitate that section of their areas struggling under such unfortunate conditions as would result from the staggering losses mentioned. I quote this because of frequent mention in my presence by those who seem to find difficulty in appreciating exactly the financial conditions prevailing in the flooded regions, and who seem to feel that the suggestion of the Secretary of War to the effect that possibly it may become the duty of the National Treasury to finance certain of the devastated areas through bond issues which can not now find a market. The suggestion was inspired through a genuine desire to afford relief, and it is not my purpose to criticize the spirit in which it was offered. I do say, however, with all due deference to its source and the high motive actuating its author, that such financial aid would only tend to complicate the most serious financial situation now existing, in this: That the affected levee districts find themselves without a market for their securities, the financing organizations having withdrawn from the flooded territory, and the individual landowner finds himself without a market from which to secure additional funds on his real estate with which to reconstruct and repair the improvements necessary to enable him to profitably operate his property interests.

The condition is so acute that in most instances the States have been called upon to forego the collection of their annual revenue exactions for necessary expenses of governments. Defaults have occurred and are occurring in the payment of the annual interest on the bonded debts of these districts and the landowners are unable to meet the annual interest on the mortgage indebtedness. It is entirely a matter of speculation as to the duration of time required to inspire confidence of the financiers of the country through which such agencies and individuals may secure the necessary funds with which to meet such obligations and to provide for the rehabilitation of such properties. There can be no doubt of the necessity in the near future of refunding these large bonds issues and renewing the vast debts charged against the individual holdings, and in so doing the bond issues required to meet the contributions demanded would tend to destroy the very foundation upon which their relief must depend, and sweep from those who have the courage and determination to remain and struggle through in reliance upon the promise of national aid, every vestige of interest upon which that aspiration is based.

Another suggestion which contributes to the immediate danger of the financial structure is founded in the proposed plan of control. The works outlined in both the report of the Mississippi River Commission and of the Chief of Engineers are based upon a presumed superflood 25 per cent in excess of the 1927 flood crests if the waters at that time had been confined. In such plans the levee only theory is discarded and flood ways and spillways are provided as an auxiliary system to levee control, and it is further provided that at the junction of the tributary streams with the Mississippi River channel large areas are to be left open for the purpose of creating permanent storage basins, the aggregate of such backwater areas being in excess of 3,000,000 acres, about 33⅓ per cent of such areas, together with 25 per cent of the 2,150,000 acres proposed for flood ways, or about 1,500,000 acres of farm lands will be withdrawn as revenue-producing properties from the several districts.

One illustration will suffice to present the general influence. The southeast Arkansas levee district comprises 727,264 acres, of which 290,905 acres are in a state of cultivation. The Jadwin plan proposes to dedicate 225,000 acres of the lands of such district to the Boeuf River flood way. This land is now charged with levee and drainage liens equal in acreage to the other lands of the district. It comprises slightly more than one-third of the area of the district. Even though the amount of the present liens be relieved against through the purchase of the same for flood way purposes, the annual revenues of the district in the future will be diminished to the extent of more than one-third and leave to the district through such lessened revenues an inadequate sum to pay the expenses connected with the operation of the agency. This situation can only be met by placing the loss upon the remaining lands of such district and thereby increasing their burden.

The same rule, as a matter of course, applies to all the districts along the Mississippi River, and especially could the illustration be emphasized by quoting from the enormous diminution of revenues which will result to the Louisiana levee districts through which the Boeuf River and Atchafalaya flood ways are to be located and in which the backwater areas at the mouth of the Red, Black, and Atchafalaya Rivers meet.

The financial ability of each levee district becomes a criterion of safety under any plan requiring contributions to the expense of flood-control works. The want of integrity in the line of levee maintained by anyone of the several districts on the river destroys the protective value of every other line of levee maintained below it on the same side of the river, without regard to the amount of money expended or the strength and security of its protective works. The situation is illustrated in the disaster of 1927, when the unprecedented flood heights in the Arkansas River crevassed the levees at Medford, Pendleton, and Big Bend, hurling death and destruction upon the residents of the 3,000,000 acres of lands in the Tensas Basin, driving the inhabitants to the house tops and to the trees, sweeping from their farms every vestige of improvements and their personal possessions. Not through the failure of the people resident there to meet the demands of existing law or their failure to build to the fullest security under the plan provided for their safety, but through the inability of the neighboring levee district on the north to provide the funds with which to maintain the integrity of its works.

Reaching nearer home, I may use the Dorena break in Missouri as a further illustration. The levee structure in front of the St. Francis District of Arkansas withstood the crest and remained intact. That district was solvent and had hurried its construction program, but south of Cairo and more than 100 miles north of the lower St. Francis levee line a levee was breached and the flood waters poured through, following the flood plane along Little River to the west and thence to the St. Francis, covering thousands of acres in the district where the levees held and destroying more than $8,000,000 of the property within such district. This was through no fault of the St. Francis District of Arkansas, which is without authority to build up and maintain the levees in Missouri to grade and section to afford the protection. This situation is recognized and was commented on by the members of the Mississippi River Commission, who are in accord on not only the theory of the necessity for a consistent and connected system of works, but that it is an impossibility to secure such consistency under the operations of the local units as they now exist, and upon which reliance must be placed for conformity to any plan of improvement which can be devised for the security of the valley.

Such recognition is carried in the report of the Chief of Engineers of the impossibility of performance commented on, and the recommendation is made that the States supplant the local units and assume the burden. The suggestion carries the same answer; the same want of unanimity and control must necessarily enter into the operation of any agency which may be established by the State. The failure of Missouri in any essential inflicts upon the State of Arkansas the same damage suffered through the failure of the existing unit. But the failure is not the sole incident of danger connected with a change of responsibility.

The great delay necessarily incident to securing legislation and legislative authority is met with at the very threshold. In some instances, notably Illinois, Missouri, Kentucky, and Tennessee, comparatively small areas of the States affected are involved and, therefore, it would become necessary that organizations be created and a campaign undertaken to bring the State as a whole to a realization of a duty and form sentiment with which appropriate aid could be procured. In some of the States it would be necessary to secure constitutional warrant for legislative action, which would necessitate two sessions of the legislative bodies of such States, with an election between in order to make the essential constitutional change. In the history of floods, before such changes could be effectuated, should the recurring visitation be of the magnitude of the one just passed, there would remain nothing of the areas for whose relief and protection such measures were initiated.

Again, the intricacy of the problem can be understood from a consideration of the questions arising for determination between the States, by an allusion to conditions necessitating a method of control for the protection of the city of Cairo in Illinois, around the limits of which swirl the flood crests from both the Mississippi and Ohio Rivers, and where the lives of 15,000 American citizens and millions of dollars of property values are in imminent danger, with but one avenue of relief open. The levee heights have reached the limit of safety, but the flood heights have not reached the maximum even in the 1927 experience. Both of the engineering plans submitted assume a flow of 2,250,000 cubic feet per second is a possible maximum, which would necessitate the construction and maintenance of levees 65 feet in height. There must be diversion of water at that point, with two suggested locations—one through the natural flood plane from Cape Girardeau south through the Little River and St. Francis River basins, estimated by the diversion board to cost more than $300,000,000, the other from Birds Point south to New Madrid in Missouri, at a expense of $32,500,000. There is a certainty of the necessary reduction in the flood heights at Cairo through the more expensive system, and quite a doubt is expressed of the engineering estimate on reduction through the Birds Point diversion. However, the selection of either method is considered to be for the sole protection of Cairo. The question naturally arises that under the suggested theory of State responsibility Illinois would pay the bill. The question then arises as to the State authority to authorize the expenditure of money in the adjoining State. If this question is answered in the affirmative, the question then occurs, how long would it require a sentiment to be built up in Illinois to cause its legislature to enact the necessary law through which funds could be provided and the situation saved; and in the meanwhile, will Cairo survive?

Exactly the same situation exists with respect to the benefits accruing to the States of Mississippi and Arkansas, through the suggested flood ways in the Boeuf and Atchafalaya River Basins of Louisiana. If the salvation of the two States depended on their ability to provide the necessary machinery for the collection and application of the necessary funds with which to compensate Louisiana for the vast acreage to be dedicated for their protection, before any progress could be made in the building up of the necessary protective works through which the waters could be diverted and for the confining of which levees could be constructed, at least one or a succession of floods would in all probability destroy both Mississippi and Arkansas, even if the necessary protective measures could be authorized with all the celerity possible and urged by the utmost good faith and sincerity of purpose.

Disregarding in its entirety every statement with respect to the necessity of a unified and consistent plan of improvement, the great loss of property, the stupendous burden of debt, which renders 22 of the 28 levee districts in the alluvial valley utterly insolvent, and the certainty of calamity before it is possible to shift the necessary authority from the levee districts to the respective States, it is to my mind an indefensible position to seek to place upon the citizens and their property the duty and responsibility of providing the necessary protective works against the flood waters of so vast an area of the Nation as a whole. In taking such position I realize that "It will not be done because it can not be done" is not a sufficient answer, but it is an answer to say that when the magnitude of the task is created by conditions over which local interests have no control

and against which they can not fend in the exercise of the largest measure of authority, it can not be accomplished by other than the national authority.

No one will gainsay that the early settler in the Mississippi Valley was not a trespasser and that he was in the exercise of a privilege which inured to every citizen of the Republic, if not at the direct invitation of a nation whose interest in developing a civilization along what was at that early date conceived to be its most important artery of commerce, establishing means of communication and for protection against the encroachments of a foreign power. It is recorded history that the Mississippi River was the direct and inspiring cause of the purchase of that great domain designated on the map as the Louisiana Purchase. The civilization so constructed in the valley was the bulwark relied upon to effectuate the purposes and aims of the Government in such acquisition. It was upon such foundation the future developments were predicated and the necessary attraction was afforded to the thousands who joined fortunes with the pioneers to give value to the conception of the distinguished Executive in whose administration that transaction occurred. The importance of developing and preserving the navigability of the river was the subject of debate in the various sessions of the Congress, from which this theory stands out:

> If there was not a single inhabitant in the valley, the control of the waters of the Mississippi River is essentially necessary.

To preserve the regimen of the river, levees and revetment have been the sole reliance of those under authority and direction of the Congress to attain such end. Without revetting the banks and providing stability therefor, the waters in the channel would be so charged with silt that the bed of the stream would soon become clogged and navigation thereon be destroyed. Without levees to confine the waters within the channel, the current would be so reduced in velocity that the sedimentary matter could not be carried to the Gulf and the 12,000,000 tons now disposed of would have long since placed the bed of the stream on an even surface with the bank and a repetition of conditions existing in several of the noted streams of the Old World would be true on the Mississippi.

The commerce clause of the Constitution is sufficient warrant for complete national responsibility in this instance; for it is inconceivable that this great Nation, with its wonderful diversification, but withal interdependent, could and would permit a condition to arise that disturbs the business relationship necessary to the welfare of all of its inhabitants. Commerce is not sectional, and when disturbed in any area carries a pronounced influence on the business concern of the Nation and frequently manifests itself in an international way. Commerce to-day does not mean the tonnage which finds its way from the producer over an improved waterway of the Nation, nor is it the volume of material finding its way over the railroads of the country, but the improved highways of the Nation have developed and are increasing by leaps and bounds a trucking system destined to compete favorably with the other established methods. Through the area in the alluvial valley subject to overflow sufficient commerce was developed to induce railroad construction on an elaborate scale, there being 10,000 miles of operating tracks, providing a system which not only traverses the length and breadth of such area but bisecting trunk lines which reach from ocean to ocean. These carriers handle troops, munitions, and food in the stress of war. They handle a great volume of commerce and postal matters in peace time. There are constructed and in usable condition several thousand miles of improved highways, over which the commerce of that area finds its way to the concentration points on the transportation systems where ease and facility is given to its transmission. Over these roads are distributed the mails when discharged at the distributing points. More than 3,000 miles of railroads within the overflowed area was out of commission for from 10 to 120 days, and the several thousand miles of highways were covered with water for periods from 30 to 90 days. Commerce was destroyed, and the mails piled mountain high at the distribution points provided for the proper handling of such matter. An army of employees under experts devoted weeks of time rerouting this enormous accumulation of matter, establishing lines of communication over the flooded lands by means of water craft, with many of the offices swept out of existence and much of the equipment flowing into the Gulf of Mexico.

It is inconceivable that a nation would permit an area of 40 to 50 miles wide and a thousand miles in length to be carved out of its very heart and feel that no national duty was involved. On this national aspect the question of recurring periods of destruction of life and property is offered. Under the general-welfare clause this Nation can not permit this condition to continue. It may be conceded that where conditions over which those whose lives are imperiled and whose property is in jeopardy present the duty of exercising every facility within their power to afford such protection, there certainly must be found somewhere an anchor to tie to when those same lives and property interests are deprived of the means of protection and are rendered defenseless against an assault by forces over which they are denied the right to exercise the necessary control.

No one village or township, levee district, county, or State within the alluvial valley is able to combine the power available to each and mold it into a weapon capable of defending against the conditions wrought by the greater number of people, the greater areas of territory, and the greater rights of all of the States from which pour the flood waters producing the dangers with which they are assaulted. They can not stop the wheels of progress, nor curtail the activities of the citizens. They can not stay the construction of highways, the paving of streets, the tilling of lands, the denuding of the forests, the removal of the humus, the construction of artificial canals, the straightening and deepening of streams through which there pours an ever-increasing volume of water which finds its way with greater velocity into the lower valley, swelling the flood heights, topping and tearing through the pigmy lines of defense offered by the local people to the 60,000,000 horsepower of strength which is loosed upon them.

But we are told the problem is one of reclamation, and that when reclamation is provided the value should be assessed against the beneficiary, the landowners of the valley. It seems difficult to differentiate the theory of reclamation from the problem of flood control, because it is admitted that the effect of such works when security is afforded, will result in the enhancement of land. It seems difficult to convince the mind entertaining such conception that with the complete protection provided, but a reestablishment of the values based upon confidence in the protective worth of such works may only be hoped for. It does not take that which is nonproductive inherently and add the elements which enter into a productive capacity. It does not add one dollar to the producing power of the lands sought to be protected. I believe this is a fair illustration: An acre of improved land in the Mississippi Valley has a certain fundamental value based upon its measure of fertility when reduced to cultivation and provided with the necessary conveniences with which to properly operate it. The cost of clearing and improving the land averages $50 per acre. The location of improved highways for which the lands must pay gives added value and its location with respect to convenient shipping markets and school facilities, offers an additional modicum of value.

When the Mississippi River Commission fixed the 1914 tentative grade and section for the levees on the river, and the progress to completion neared, the lands of the valley were enhanced to their maximum, based upon the confidence of complete protection. The flood of 1927 breached the levees wiping out a large measure of such value, which was further lessened by the want of confidence in the ability to secure protection. Thus, striking from the values then obtaining at least 50 per cent, driving from the territory all of the financial aid theretofore available and in effect, destroying the actual market value of every acre of such lands. Should the Government assume the full responsibility for the construction of adequate flood-control works, the utmost to be hoped would be for a restoration of values existing prior to the tragedy of 1927 and to share with the rest of the Nation in the reasonable enhancement which should enure from the promotion of reclamation and developments incident to the general improvement in the various localities. In other words, it would merely place them on a basis of equality with the other lands of the country and enable them to prosecute their necessary works without fear, hindrance, or the destruction which has so frequently been visited upon them.

Mr. FREAR. Mr. Chairman, I yield myself two minutes. I am in entire sympathy with the gentleman who has just spoken. He has been a very able member of the committee. I wish to correct the figures that he gave, if I understood him. He said that $450,000,000 was the indebtedness of Arkansas.

Mr. DRIVER. Oh, no. I said that was the debt against the whole valley.

Mr. FREAR. I was going to say that if the gentleman would make an examination he would find that the indebtedness is $91,000,000 for all purposes in the State of Arkansas, and that is not nearly the indebtedness of my own State. The State of California in this bill offers to contribute one-third, and that State has a per capita indebtedness of $142.81, while the Arkansas per capita is only $51. I realize, in all fairness, that that is not all the question involves. The State of California is

offering to pay two-thirds of such a project and has a per capita indebtedness of $142.81.

Mr. DRIVER. Will the gentleman yield?

Mr. FREAR. I will.

Mr. DRIVER. The State of California has all of its houses on their foundations and all of its mules and horses and household effects, and they are ready to go to work. It is an entirely different situation from that which prevails in Arkansas.

Mr. REID of Illinois. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR] stated that I offered no substitute for the McNary-Haugen bill. Every other gentleman in the Congress knows that four times I offered a substitute better than that bill, but that is as near the truth as Mr. FREAR approaches. [Laughter.]

I am sympathetic with him because the Republican leaders kicked him out and for four long years he has been on the cold, cold grass. He is now making a frantic effort to get back into the good graces of the Republican leaders. I hope he succeeds, for the Democrats would like to see that sort of leadership in the Republican Party. [Applause.]

I believe Mr. FREAR's heart is good, but his mind or attitude is twisted out of plumb on these questions. I have known him 15 years, and I have found no one who can recall that he was ever on the right side of any question. I am glad that he is opposed to this bill, because by that token I know that I am right. [Applause.]

If he were not a fellow Member of the Congress, I would refer to his wild, monstrous, and exaggerated statements with reference to the lower Mississippi Valley as garrulous chatter, which would be an entirely correct appellation. Except that people away from Washington and maybe some one in the White House might take seriously his wild statements, I would not refer to them now, because no Member of the Congress pays any attention to what he says. His influence in the House is nothing and his opposition to a bill means support for it.

In Mr. FREAR's statement published in the CONGRESSIONAL RECORD of April 4, 1928, under head of "Engineers' estimate of cost to Government," he states that the Boeuf and Atchafalaya flood ways will contain 3,713,696 acres at $75 per acre, or $278,600,000. The estimate of $75 per acre originates in Mr. FREAR's fertile imagination to compensate he says for other probable costs that he anticipates have not been taken care of in the estimate. By reference to page 4811 of volume 6 of the hearings it will be noted in the summary that the total number of acres of land affected by flood way—Cypress Creek to the Gulf of Mexico—is placed at 3,041,300 acres and the valuation of this land is placed at $76,095,533. Mr. FREAR is off the truth only 700,000 acres and $200,000,000, which is not bad for him. [Applause.] The item of $76,095,533 can be further reduced by 50 per cent if the costs of flowage rights be used instead of value. If it is recalled that the backwater area at the lower end of above flood ways is now subject to overflow at ordinary flood, it is evident that applying a valuation of $75 per acre to the 1,000,000 or more acres of this character of land—involving at least $75,000,000—is done for no other purpose than to swell the cost to a fictitious total, which is Mr. FREAR's evident purpose. In the CONGRESSIONAL RECORD of April 17 Mr. FREAR asserts that the flood control bill is covered by a known cost of $1,000,000,000, and to get this amount he conjures up a value on the land at $75 per acre, which is eighteen times as much as the land or flowage rights will cost. [Applause.]

The bill, while it recognizes local contributions as sound, gives the valley credit for the $292,000,000 the local people have already spent. During the course of the hearings before the Flood Control Committee of the House testimony was given to show that the losses during the 1927 flood were approximately $250,000,000; and in addition to this, it was estimated that there was an indirect loss of $200,000,000. Mr. FREAR lays great stress on the danger of large landowners selling their land for $75 per acre, while telegrams from such landowners to-day show that they will turn the land over to the Government from $5 to $15 per acre, and the flowage rights at $3 to $5 per acre. According to Mr. FREAR's own figures he proves conclusively that flood control with local contributions is impossible and hopeless. He grows frantic over what he claims to be the possibility of a cost of a billion dollars to the Government, and yet his own figures show that he would impose upon the helpless States of the valley a crushing burden, as follows:

Amount already expended by local contributions	$292,000,000
Actual property loss during 1927 flood	250,000,000
Very conservatively estimated cost to business	200,000,000
Cost of land in flood ways, at $75 an acre	278,600,000
Total	1,020,600,000

Mr. FREAR seems excited over the possibility that the Government might expend a billion dollars, yet according to his own figures he would tax seven States in the valley, with the burden falling upon three States, the sum of $1,020,600,000. [Applause.]

Mr. FREAR. Mr. Chairman, I yield three minutes to myself in order to answer the statement of the gentleman from Louisiana [Mr. ASWELL], who apparently has not the faintest understanding of what the facts are. The Army engineers reported 3,713,000 acres. That is their statement. The gentleman misquotes me. He says that some other figuring is right. He does not know. They made the examination. He lives down there in Louisiana and he guesses at it. That is his trouble. He assaults everyone who disagrees with him. Without any question he is an able gentleman and a good friend, and yet he has agreed with me on any amount of legislation.

Mr. ASWELL. Name one piece of legislation on which I agreed with the gentleman.

Mr. FREAR. All right. Did the gentleman vote for the Mellon bill?

Mr. ASWELL. I apologize to the country if I ever agreed with the gentleman on anything.

Mr. FREAR. Good. Did the gentleman vote for the Mellon bill or the soldiers' bonus bill? Those are things that I helped fight on this floor. Of course, he did.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. SCHAFER. Were you two gentlemen together on the Volstead Act? [Laughter.]

Mr. FREAR. I do not know what he stood for at that time.

Mr. ASWELL. The gentleman does not want to slander me by saying that I voted for the Mellon bill?

Mr. FREAR. No. Of course, you did not and neither did I. That is the point. We happened to be together. The gentleman showed excellent judgment at that time. I have given no statement to the press, and I have given no statement to the White House. I have not been asked to. My statements made here have been on the basis of information that I received from what I believe to be the most eminent and able men I could find. I did not give alone an estimate of $75, but I gave the estimate at $50 and $25, all that were furnished to me.

I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, I get this time to say a few words in reply to the self-appointed spokesman of Tammany Hall who sought to explain my amendment. Of course, he could not understand my amendment, because he has not even read the bill under consideration. When the sum total of legislative service in this session or any other session of Congress is taken, I think I am willing to compare my contribution to that of the gentleman from New York [Mr. O'CONNOR], and I leave that to every Member of the House. The gentleman from New York [Mr. O'CONNOR] talks about my survival. He need not worry about my political survival or to what party I belong. I say this to the gentleman from New York, the self-appointed spokesman for Tammany Hall, that every time he speaks for five minutes in the House here Al Smith has to apologize for three weeks. The gentleman from New York [Mr. O'CONNOR], speaking by self-appointment for Tammany Hall, refers to my future candidacy. When I ran against the gentleman's party on a city-wide ticket I carried the city, and when I ran against his party in the district, whether on the Republican ticket or as an independent, I defeated his party's candidate.

Mr. ABERNETHY. Mr. Chairman, I make the point of order that the gentleman from New York is not speaking to the bill.

The CHAIRMAN. In the judgment of the Chair, the gentleman is within his rights and will proceed.

Mr. LAGUARDIA. What I have been trying to do here is to reconcile the differences in this bill.

I have at least read the bill and the hearings; I have studied the report; and the amendment which I suggested for the consideration of this House was based on figures submitted by the proponents of this bill on the Democratic side of the House. If the figures given by the gentleman from Louisiana or the gentleman from Arkansas or the gentleman from Georgia are correct, then my amendment indeed is modest, because it would require only something over a 5 per cent contribution. I am taking their figures. What I am trying to do is to bring about some understanding, so that we can pass a bill in this House that will give relief to the people of the Mississippi Valley.

Mr. O'CONNOR of New York. A gentleman said that the gentleman's amendment is based upon an editorial in the New York World of this morning, and he immediately ran to cover.

Mr. LAGUARDIA. Of course, the gentleman was not here yesterday. I did not see him on the floor of the House. I suggested my amendment yesterday in my remarks, and if the gentleman had read the RECORD to find out what took place when he was not here at the time he would have known that I suggested my amendment yesterday and the editorial in the World appeared this morning.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. The gentleman has brought articles appearing in the newspapers into this controversy. Is there any truth in the article in the newspaper to the effect that Al Smith is now drafting a dry plank for the Democratic platform? [Laughter.]

Mr. LAGUARDIA. Perhaps the gentleman from New York [Mr. O'CONNOR] can answer the question of the gentleman from Wisconsin. [Laughter.]

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. O'CONNOR of New York. I was here yesterday and read the gentleman's remarks in the RECORD. The gentleman has been in politics for a good many years. He now assumes to himself not only the leadership of the Republican Party in this House but also all the knowledge and all the intelligence of the entire New York delegation.

Mr. LAGUARDIA. Oh, no; the gentleman's remarks speak for themselves. The CONGRESSIONAL RECORD will show. I leave it to the judgment of every Member on that side of the House.

Mr. REID of Illinois. Mr. Chairman, I yield to myself 45 minutes.

Mr. SWING. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from California makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-two gentlemen are present. A quorum is present.

Mr. REID of Illinois. Mr. Chairman, if the Members will give me their attention I will try to explain to the committee what this is all about. [Applause.]

I am not a candidate for the Presidency or the Vice Presidency, and I have no candidate, so that there is no politics in my remarks, and no religion, but a lot of facts will be presented that I think will stand the acid test put upon me by the minority.

At the opening of this session of Congress the President sent a message to Congress outlining a comprehensive plan for the control of the Mississippi River. That plan is the basis of all the talk you have heard to-day. It is not the creation of the committee or of any member of the committee. It is not due to the authorized agency of the United States for flood control, namely, the Mississippi River Commission. For some unknown reason the laws of the United States were set aside, and the Chief of Engineers usurped the powers of the Mississippi River Commission and produced the plan you hear so much about and know so little about.

THE PROBLEM OF FLOOD CONTROL

The problem before the committee was how to control a raging torrent of 60,000,000 horsepower? That is a lot of horsepower, and when it goes over the bank of a river into the side of a levee, and the levee slips down the valley, it must bring great destruction. I think some of the Members here would feel uncomfortable with wet feet, so that you can imagine how it feels to be driven from house and home.

THE FLOOD-CONTROL PLAN

For the purpose of elucidation of these maps [indicating] we will speak of Cairo as the head of the lower Mississippi, and this control covers the St. Francis Basin, running from Cairo to Helena at the mouth of the St. Francis River. That is the northern section. Then the middle section is the Tensas Basin, taking in part of Arkansas and part of Louisiana on the west side and part of Mississippi on the east side; and the lower part, the Atchafalaya Basin, takes in from Red River Landing and all south of the junction with the Mississippi River.

In the lower part you talk about the city of New Orleans. Somebody said it is the thirteenth city in the United States, and second in rank in the matter of foreign commerce, with a population that goes back even before the United States thought of occupying the important position it occupies to-day.

Now, you have heard a great deal about the Atchafalaya River. The Atchafalaya River is supposed to be another outlet of the old Mississippi River of the olden times. The distance is 50 miles direct to the Gulf, and it is one hundred and some odd miles by the Mississippi through all its wanderings down into the Gulf of Mexico. The problem before the committee was to try to work out some plan to control the destructive floods, so that in the hearings we made inquiry as to what was the matter with the present system.

We learned that there is no law in the United States compelling anybody to control these destructive flood waters or putting the duty of flood control upon any agency. The United States has not that duty expressed in any word. No State in the Mississippi Valley has that duty imposed upon it by any law, and no State or the United States has acted on the theory that it was either a State duty or the duty of the United States to take care of the destructive floods on the Mississippi River. Consequently the problem is: How are we going to get the money to build flood-control works if our engineers can devise the plans? We thought of schemes, and we had even worse schemes than the gentleman from New York [Mr. LAGUARDIA] now suggests. We had schemes to take the river out of its path; we had other schemes that somebody was going to paddle the river and others were going to pipe it all around. We finally came to the conclusion that if you are really going to have flood control, it has got to be done by one agency in a uniform and coordinated manner. It is impossible to have flood control by local option. If you will just put that in your minds you will understand a good many things I am going to tell you about later.

The Mississippi River from Cairo down has a number of basins. These basins are interdependent, and in the basins are levee districts which themselves are interdependent, and a weakness in one of these basins will affect the entire country.

South of Cairo the lands affected would be the so-called Missouri flood way. That could be left out and the Missouri people would be left to their own proposition, because all of the water comes back into the Mississippi River.

The problem which the engineers have now given us is to get away from the levees-only policy. They built the levees higher and higher until they thought they had them high enough, but it rained exceedingly hard, and the synchronization of the tributaries was such that the water overtopped the levees at several places. So having to abandon the policy of levees the question was how to prevent the damages from floods in some other way.

The engineers began to look around for some plan that would divert the water from the main channel and yet not have it go back into the river. They found they could do that only in two places, and that was in the Tensas Basin, bringing it down here [indicating on map]. They worked out one plan set forth in the General Jadwin plan, known as the Birds Point to New Madrid spillway, which is a spillway 5 miles wide and 70 miles long. They are forced to do a thing that is not correct in engineering, because it would bring the water back into the river, and the testimony is that where you bring that water back you put a hump in the river again and have an obstruction which is worse than the condition you had before. That will be the foundation of a great deal of the engineering testimony, as you will find it in the record.

The next problem was how to take water from the main river of the Mississippi and protect Mississippi at the same time, because the water can not be discharged on the east side anywhere, and it would all come back into the Mississippi River. So it was finally decided to put a diversion channel through the Tensas Basin. The Tensas Basin gets its name from the Tensas River. In the lower section there is what is known as the Cypress Creek diversion, a natural diversion right here [indicating on map].

There the water runs down of its own accord and down into the old river at a pool which is discharged through the Atchafalaya Basin.

The Chief of Engineers, General Jadwin, has worked out a plan to take the water at Arkansas City, the place I show you here [indicating], and bring it down this flood way through the territory that you have been hearing about that has very great value or no value at all. It is brought down here to a pool. The pool will bring it into what is known as the Old River. The Old River is a connection with the Red River and with the Atchafalaya River, and sometimes the Red River flows into the Mississippi, and when the Mississippi is full the Red River goes down the Atchafalaya River, but in engineering talk, when you get this water down here, you have 3,000,000 cubic feet per second in the pool.

The trick they had to work out was how to take care of this 3,000,000 cubic feet per second down the main channel, which could only carry about 1,500,000 cubic feet. So the problem was to bring about a diversion. The Chief of Engineer's plan brings 1,500,000 cubic feet to the Atchafalaya Basin, so that the basin as a flood way brings down 1,500,000 cubic feet down the main

Mississippi River toward New Orleans, but in order to save the city of New Orleans they have put in a safety device known as the Bonnet Carre spillway. When the water gets at a certain height on the city of New Orleans gauge, the Bonnet Carre spillway begins to work and discharges 250,000 cubic feet, which takes it into Lake Pontchartrain and on through to the Mississippi Sound. In this way it never gets back to the river.

The Mississippi River Commission's plan for the protection of New Orleans also provided for a spillway at Caenarvon, but the Chief of Engineers did not think this was necessary under his plan, and consequently that is left out of the plan which the Chief of Engineers has submitted.

The gentleman from Illinois [Mr. WILLIAM E. HULL] said he could not understand what plan was adopted. No one could expect the gentleman to understand that, but because it has been a theory in Congress that some project must be adopted at all times, consequently they had to write in the name of a project, so they wrote in the project of the Chief of Engineers.

OBJECTIONS TO "FUSE-PLUG" LEVEE

There was a great deal of criticism of the plan of the Chief of Engineers on account of a new device he has brought into use, known as the fuse-plug levee. The fuse-plug levee is a piece of the old levee that they are going to allow to remain so that when a flood comes the water will deteriorate that levee and let the water down into the flood way that you see here on the map, and in the Jadwin plan they also favor this fuse-plug levee to let the water back to the Mississippi River.

The objection to this is that you can never tell how much water you are going to get into it, because it is not controlled. It might bring in 250,000 cubic feet or it might bring in 1,250,000 cubic feet, and the problem is to take care of only a certain amount. Consequently, there has been a great deal of criticism because you never know how much water you are going to take into the flood way or how much you are going to leave in the Mississippi River, and the same thing is true over here with respect to the spillway. Instead of having a controlled and regulated spillway, as recommended by the Mississippi River Commission, whereby you can let in or let out any amount of water necessary to take care of the floods, he has provided for a fuse-plug levee at Arkansas City, and in order to protect that city he has put a ring levee around Arkansas City.

But when the levees begin to break and the water begins to overflow, the same objection is made. You can not tell how much water is going out of the Mississippi River. You have 3,000,000 cubic feet per second flowing into the Mississippi, and the problem is to take out 1,500,000 cubic feet per second. You may take out a great deal more than that, or you may take out only half of that amount. If you take out a great deal more than that you will flood the entire States of Arkansas and Louisiana all the way down, and if you do not take out enough, you will break the levees and flood the entire State of Mississippi.

So you can see this is why there is a great deal of criticism of the so-called fuse-plug levee.

BIRDS POINT-NEW MADRID FLOOD WAY

The two plans in a general way are in accord, except that the Mississippi River Commission does not think it is necessary to have a flood way in Missouri. They think Cairo ought to be taken care of by pumping the sand out of the Mississippi River and raising the level. The Chief of Engineers was generous enough to say that the State of Illinois would supply the sand if somebody would pump it out to raise the city of Cairo, because Cairo now is way below flood height; and while we are talking about the New Madrid flood way, we might as well tell you that the people here believe this is the most highly developed part of the Mississippi Valley. The improvements there are as fine as any in the world and it is wonderful land. They do not want the flood way. This flood way does not do them any good but does them harm. It would be just like having them ask you to allow them to run a sewer through your back yard. It does not do you any good, but it may do others around you some good. Consequently these people in testifying, testified from that viewpoint and stated they hoped they could put the price so high that the Government would not want to buy their lands for a flood way. Consequently you have in the record the data upon which the gentleman from Wisconsin based his idea of $75 or $150 an acre for this land, which is based on the fact that the people do not want this flood way.

The Mississippi River Commission says about the Jadwin plan, which recommends this improvement, that it is neither economically sound nor engineeringly feasible. If the Mississippi River Commission, that has been working on the river for 40 years—and nobody doubts the ability of the engineers on it—says it is not right, of course, you can not expect the committee to decide the question.

Mr. LAGUARDIA. What is their alternative?

Mr. REID of Illinois. Their alternative is to raise the levees and perhaps make a spillway up below Cape Girardeau, which will bring the water through the St. Francis River. Their objection is you bring the water right back into the river, and you have a hump here [indicating], and you will not get the lowering of the flood height at Cairo that they expect to get, and consequently the city of Cairo is liable to be wiped out some time if the flood way does not carry water that it is expected to carry.

Mr. JACOBSTEIN. Will the gentleman tell us again how they dispose of that 3,500,000 cubic feet per second?

Mr. REID of Illinois. You have 3,000,000 cubic feet in the pool here. The plan is to take care of about 2,800,000 cubic feet at Arkansas City. You have 950,000 cubic feet coming down here; and the accumulation of the tributaries brings it down to this pool; and the Army engineers' plan is to take 1,500,000 cubic feet down through the Atchafalaya Basin; and in order to do that they put levees, on the average about 16 miles apart, bringing the water down here [indicating] and into the Gulf of Mexico.

They take 1,500,000 cubic feet and drop off 250,000 cubic feet at Bonnet Carre and then on into the Gulf and take the other 1,250,000 down past New Orleans, which they think is sufficient to provide safety and protect the people.

Mr. LAGUARDIA. That is the Army plan?

Mr. REID of Illinois. That is the Army engineers' plan.

Mr. LAGUARDIA. Is the Bonnet Carre higher than New Orleans?

Mr. REID of Illinois. Yes. In the levee district in Pontchartrain they did not have money enough to keep the levees up, and consequently New Orleans is frightened to death because a break there would destroy the city of New Orleans. If there was a break there, it would drown out New Orleans, and there would be no way for them to get out. That is the disaster that the engineer talks about.

Mr. WILLIAM E. HULL. How would it come down; through the river?

Mr. REID of Illinois. No; through the back.

Mr. LAGUARDIA. What is the little red area on the map?

Mr. REID of Illinois. That is the city of New Orleans. The objection to the Bonnet Carre spillway is that when the wind was blowing right it raised the water 4 feet, and consequently a great many people object to the spillway. You must get it into your minds that nobody wants flood control where it is going to be at their expense. Consequently you will get no flood control unless it is by an overpowering agency to go in and do the work in spite of them.

INTERDEPENDENCE OF LEVEE DISTRICTS

Now, here is a map of the levee districts. Just below Cairo they have 26 miles of the Mississippi River, and coming down lower there is a district of 58 miles, and then here is a district of 160 miles. The Cotton Belt Levee District is 25 miles. Here is a district of 28 miles. Then you have here a district of 75 miles to the south of the Arkansas Levee District, and then down here is the Tensas Basin Levee District, which has the most of any of them.

How are you going to get the money? You can not get it from the States. There is no chance on earth of doing that. In order to work out Mr. LAGUARDIA's proposition you would have to amend the Constitution of the United States to permit the creation of levee districts. That was the idea of the Chief of Engineers.

Now, the Jadwin levee district would not take in certain States which you are talking about. If it was equitable you would have to take in 31 States. If you are going to take in 31 States you might as well take in the rest of them, and inasmuch as it is for the general welfare of the United States you have to consider it as a national problem. And if it is to improve the Nation it must be taken out of the General Treasury.

There is no connection between this project of flood control and a reclamation project. There is not a foot of land to be reclaimed, for it is not worth it.

I am in favor of flood control that will keep the people from drowning and their property from being destroyed. That is all I am interested in. I am not interested in any land.

Now, suppose the land is to be acquired up here and then you start here and you begin to get land at Arkansas City. Who is going to give the land? The State of Arkansas is not in the levee district. The highlands do not like the lowlands, and there is no chance for them to get together. There is no more chance of that than there is of the gentleman from New York [Mr. O'CONNOR] and the gentleman from New York [Mr.

LAGUARDIA] getting together. [Laughter.] The highlands would not vote to tax their people along the river, and consequently there is no chance of these local people getting together. Why should the people of Louisiana pay for the protection of the people of Mississippi? Why should these people in the Atchafalaya Basin pay for the protection of the city of New Orleans? New Orleans is a rich city, and why should they not pay for it themselves, they ask? It can not be left to the local interests. If you can say to a community, "You can either get protected or not," that is another proposition; but in order to have effective flood control from Cairo to the Gulf, it has to be unified; and in such a way that no particular community can stay in or out, as it pleases, because if anybody stays out, it spoils your entire system. The links here that you see that are weak are the ones that cause the flood. Take the break at Dorena. They did not have enough money there to bring up their levee to the grade of 1914, and all the way down here.

If there are any other questions about these maps, I will be glad to have them asked now. Here is another map of the Mississippi Basin which shows 1,250,000 square miles of drainage area which must be taken care of from Cairo down. That area stretches from New York up to Montana and clear over here to New Mexico. You use this great stem here for the ditch. It is a new idea when the ditch has to carry the load for the entire drainage system, and under no theory of our law would there be a right, if it were between private people, that these people up here could so accelerate their drainage as to harm these people down here without paying for it. That is the reason that they are before Congress here to-day.

Mr. JACOBSTEIN. What would be the cost of the construction of the work at any one given point, like this spillway?

Mr. REID of Illinois. About $11,000,000 for the Bonnet Carre spillway.

Mr. JACOBSTEIN. So that there is no chance of levying that locally?

Mr. REID of Illinois. No. That is what I say. That is for the benefit of the city of New Orleans.

Mr. CRISP. How many States are included in that drainage basin?

Mr. REID of Illinois. Thirty-one. You are asking this lower portion to take the entire burden of that drainage district. Some say that it is the natural drainage ditch. Well, it is said that it used to be swamp land here in front of the Capitol and that the water used to come up nearly to the steps of the Capitol when the Potomac River overflowed. Under the Jadwin plan, if the river overflowed, you could go down here and take all of the property along Pennsylvania Avenue and say you have a right to do it, because this was the natural flood way once, and that you have a right to put it in there again.

Mr. SIROVICH. Does this plan take care of the tributaries?

Mr. REID of Illinois. No. It is not intended to take care of the tributaries. We have in the bill a section which provides for a survey of the tributaries.

FACTS NECESSARY TO UNDERSTAND THE ISSUES—TWO SIDES OF QUESTION PRESENTED

In order to understand the flood-control problem of the lower Mississippi River, it is necessary to know the different schools of thought that have developed in the long years it has been under consideration, and which in turn involves its history and a knowledge of the legislation and upon what that legislation was based.

There are two schools of thought. One we will call the nationalists, who believe that it is and always has been the Government's obligation to control the destructive flood waters of the lower Mississippi, not only on account of its terms of acquisition and its national use, but also on account of the development of the United States in the great West and Northwest and progress in the East, deluging intermittently the lower Mississippi Valley.

The other school we will call the local contributionists, who believe that levee building is a private matter and that the Government's interest is one of navigation only, and that its participation and payment should be so limited.

Originally levee building was a local and private matter, not only as to districts, but as to individual landowners themselves who only protected their own properties.

With the increased floods caused by artificial drainage the task of protecting private property became too great for the individual to cope with singly, so he and his neighbors organized levee districts. Faster came the floods than levees could be built; even levee districts were impotent and crevasse after crevasse overflowed adjacent lands. This summarized the private standpoint.

All this time in another jurisdiction a more important problem to the Nation was being wrestled with, however, not with individuals or localities as the factors, but the great engineering talent of the United States Army, backed by the entire resources of the Nation endeavoring to make and keep the Mississippi River a navigable stream, so that the Nation might prosper.

After spending years of study and great amounts of money, the United States engineers finally determined that the only hope for the navigable channel for the Mississippi River lay in the use of levees to keep the river water under control at all times.

In conformity with this engineering opinion Congress passed laws embodying the recommendations regarding the use of levees as an aid to navigation, and finally in 1879 it created the Mississippi River Commission, which was charged with the duty, among other things, of giving ease and safety to navigation of the Mississippi River, and preventing destructive floods, promoting and facilitating commerce, trade, and the Postal Service.

ERRORS IN JADWIN PLAN POINTED OUT

Regarding the assumptions that the natural bed of the Mississippi River is the alluvial valley and the United States is engaged in a reclamation project, it is sufficient to state that the Supreme Court of the United States has held just the opposite in the case of Cubbins *v.* Mississippi River Commission (241 U. S. 351), the syllabus on exactly this point being as follows:

> The conditions existing in the valley of the river demonstrate that the work of the Mississippi River Commission, and of the various State commissions, in constructing the series of levees from Cairo to the Gulf is for the purpose of prevention of destruction and improvement of navigation by confining the river to its bed and is not for purposes of reclamation.

In deciding this point the Chief Justice, who rendered the opinion, one of the most eminent jurists in our history, said that the contention that the building of the levees was a work not of preservation but of reclamation was unsound, and was "wholly irreconcilable with the settlement and development of the valley of the river."

As to the assumption that the destructive flood waters have an easement, the general's position is not well founded, as will be seen from the following quotation from Ruling Case Law:

> Acceleration of flow or increase in quantity of water: Without a grant, either express or implied, an upper owner has ordinarily no right to accelerate the impelling force of a stream of running water, as by deepening the channel or removing natural obstructions therefrom, to the injury of a lower owner. (27 Ruling Case Law, 1099.)

The true difficulties of this problem will now be appreciated. We can protect Louisiana by simple means from all ordinary natural floods. But the great problem with which we have to cope is to ascertain how to protect her from the deluge created by the artificial improvements which are accelerating the drainage of the prairies and diverting the collected waters from their natural course through the lowlands.

It will thus be seen that it is the pursuit of individual and public interests through all of the northern States of the Mississippi Valley that pours the excess of water down. It may possibly be considered, therefore, that it is the common duty of the States to guard the land which these improvements now endanger.

The justice of this position lies in the fact that the water from 31 States is poured uncontrolled into the Mississippi River. It is the national ditch of the Government and a moral duty rests upon us to prevent the waters from some of those States from destroying the property of the others. If between private parties this would be illegal. This is what the Government is doing; more and more each year they close natural drains and bayous, and thereby divert the natural flow and increase the natural burden in the lower States. The Government participates in this. In this its acts are illegal unless at the same time it protects the lower States against such increased burdens. From a legal standpoint, when the Government thus increases the waters in the river by drainage and levees, it becomes our duty to protect the States along the river from this increased flow of water.

With reference to the general's assumption that the swamp lands were donated by the Government to the States for the building of levees on the Mississippi River: That this is entirely erroneous is shown by the facts upon which the swamp land acts were based, as the swamp lands were donated to 15 States of the Union, including Alabama, California, Oregon, Iowa, and other States entirely out of the Mississippi Valley, and is further shown by the debates in Congress at the time of the passage of the acts.

Mr. WHITTINGTON. Is it not true that all of the swamp land acts of 1849, 1850, 1860 expressly provided that the pro-

visions of those acts extended to all of the other States of the Union and not merely to the States specifically mentioned?

Mr. REID of Illinois. The gentleman is correct about that.

The assumption that participation in his flood-control plan should be optional with local communities needs little comment. The United States are not in the business of keeping people from drowning for a fee and are not dedicated to the idea that these people may drown if they wish. Even in religion we save even though the individual does not think he wants to be saved.

Would anyone think of expending millions of dollars for flood control only to have the whole system fail and the money wasted because one local district elected to stay out? The integrity of the levees is the prime factor in the control of the destructive flood waters. Local communities can not be forced to raise funds or be compelled to enter into a flood-control program which entails the expenditure of private funds.

The assumption that the project should be paid for in the same manner as reclamation projects can not be sustained upon the facts. A reclamation project has for its object the reclaiming or bringing into existence lands theretofore not susceptible of cultivation, while the lands herein involved have been in cultivation for hundreds of years. This is not reclamation but preservation.

It is then contended that benefits will result and those receiving the benefit should pay part of the cost of the work. It is useless to contend that no benefits will ensue; but it is contended that the benefits are not the kind upon which a special tax upon adjacent property is warranted. The benefits may be listed as follows:

Human life will be saved.

Sickness and disease will be prevented.

People will not be driven from their homes and made objects of charity.

Suffering and misery will be prevented.

Land will not be washed away.

Property will not be destroyed.

People will be able to follow their occupations.

Industry will continue.

Interstate commerce and the United States mails will not be interfered with.

There will be a feeling of security that will restore confidence.

No court or law of the land ever levied a special tax on land based on these elements and to require a payment for these benefits would be levying a tax on saving of human life, on occupation, on industry, on opportunity, on progress, and on prosperity. [Applause.]

These benefits are some of those for which our National Government is organized, and always has been, are properly paid out of the General Treasury, and are given freely and without price in order that general welfare may be furthered.

The Federal Government has spent, and will continue to spend, millions of dollars to develop this country so that its citizens may prosper, and it will be a bold Congressman who will advocate a tax on the opportunity to make a good living and a small-caliber one who would begrudge an American citizen this good fortune.

Our country can prosper only in proportion as our citizens prosper, and the misfortune of great numbers affects the fortune of the Nation. Why States as such should be considered in this matter is not quite clear. The States asked to pay have no part in producing the destructive flood waters. Floods know no State boundaries and can not be controlled by fiat. The States as such can not legislate regarding the control or use of the navigable waters of the Mississippi. The States have authorized the organization of levee districts and provided for the raising of funds and there is no more they can properly be asked to do.

Levee building is a matter between the Government and adjacent landowners, one for navigation, the other for protection. The landowner has followed the lead of the Government and has spent millions of dollars and all there is to show for it is a collapse of the system and a poverty-stricken and disappointed people.

Every argument made against the "Government pay all" proposition is equally strong regarding the "Government pay 80 per cent," with this difference, the 80 per cent Government payment secures no adequate flood-control protection while the 100 per cent Government payment insures the absolute success of the undertaking. [Applause.]

While reclamation is important to a landowner, its importance to him sinks in insignificance when compared with the importance to the Nation of maintaining this great river highway as a commerce carrier. Levees are essential to such, so why hesitate to construct them? Shall we neglect matters of national concern because individual citizens might profit therefrom?

Can it be, too, that the vast interests of the Nation in interstate commerce and in the transportation of the mails are not important enough to warrant the Federal Government to take all necessary steps to prevent their being interfered with by flood waters?

Millions of dollars are spent protecting our commerce abroad, yet no one would think of taxing those engaged in commerce to pay the cost of the protection. The lower Mississippi Valley produces more wealth for the United States Treasury than our foreign trade does, yet there are those who pretend to have business insight and who would begrudge this same protection to our home people.

At the present time there is a great deal of talk over our marines being in Nicaragua. Would any one contend that the people whose business is down there in Nicaragua or who own property down there should be taxed so much per person in order to pay the cost of the protection that they and their business is getting? That is a parallel case.

General Jadwin's plan does not take into consideration the regions from which the floods come, and of course no solution of the problem can be found without so doing. Thirty States pour their flood waters down on Louisiana, and yet, after having erected levees sufficient to take care of the natural flood waters, it is forced to contribute large sums to take care of the floods produced by artificial drainage caused by the prosperity of other States. The one causing the damage should pay. It is our boast that there is no wrong without a remedy. This is a vain boast unless the Federal Government does its whole duty to the people of the lower Mississippi Valley. Fair play and common justice would require that, after having the benefit of privately paid for levees to aid navigation, the Government should do the fair thing and build the levees for navigation that will aid these same people.

This is not a reclamation project but is a humanitarian one, pure and simple, and the United States should not attempt to drive a hard bargain when the safety and welfare of so many of its citizens are at stake. Shall it, like Shylock of old, demand its pound of flesh for its ounce of gold, especially when this work is made necessary to correct the mistaken policy of the Government itself in the control of the Mississippi River?

That the Jadwin plan would work successfully dependent on local contribution was doubted even by its author, for, while stating certain conditions, he made provision to waive their compliance when it became necessary to do what he thought was desirable. Congress itself should fix the exceptions, if there are to be any, and should not leave that to the agency doing the work.

JADWIN PLAN PENALIZES ONE DISTRICT TO BENEFIT ANOTHER

Another of the serious objections to General Jadwin's plan, and one which is most strongly urged by the officials and people in the affected States, is that it proposes to protect certain districts and States at the expense of other districts and States. And not only is this so but it proposes further that in some places certain works shall be erected to protect a city or territory, which will result in other territory, sometimes in another State, being periodically flooded, and calls upon the latter district to pay for the works.

As expressed in the brief filed by Governor Martineau, of Arkansas, in referring to the Boeuf Basin flood way proposed by General Jadwin, which would flood over two and a half million acres, much of it productive land, and destroy many cities and towns in Arkansas in order to protect a portion of the State of Mississippi, Arkansas is being asked to "pay a portion of its own funeral in order that other sections may survive."

A similar proposal in the Jadwin plan has aroused the people of southeast Missouri. The general recommends that in order to protect the city of Cairo, Ill., on the other side of the river, the present levees on the Missouri side shall be cut down and set back 5 miles, and a river-bank flood way created between Birds Point and New Madrid, Mo., which in times of flood would lay waste and devastate 144,000 acres of land, 60 per cent of which is highly cultivated and productive. And the cost of this work, estimated at millions of dollars, is to be borne by the people of Missouri, while the city of Cairo, Ill., is not to be asked to put up a cent.

Such inequities and injustices in the Jadwin plan convince the committee that the legislatures of the valley States will never agree to it, and that, therefore, no flood-control work will be done, as the plan provides no work shall be done until the States have consented to the plan and agreed to provide the money.

Instead of the Jadwin plan, if adopted by Congress, providing protection from the floods for the lower Mississippi Valley, it might result in the recurrence of a disaster like that of 1927.

LOCAL CONTRIBUTIONS

The phrase "local contributions" is intended to mean local payment toward the cost of the construction of flood-control works.

The committee found it the controversial point of the whole discussion, so it investigated thoroughly every phase of the subject, and was forced finally to the conclusion that it was not practical and that its incorporation in the proposed legislation would result in its nullification, thus leaving Congress no further advanced, in the solution of the problem, though after more than 40 years spent in the effort and an expenditure of nearly a half billion dollars.

The following question was asked of witnesses time after time for months at the committee hearings:

Question. Have you any practical plan to offer the committee, or have you ever heard of one, to collect money from local interests or State?
Answer. (?).

The question remains unanswered to-day.

Everyone who has studied the subject at all has abandoned the claim that flood control will bring a direct, tangible benefit to the adjacent property owners and have gone from the levee districts as a basis to the State or several States as the source for payment for the flood-control works. Though often requested, no one has offered to present or sponsor a plan of local contribution that would be workable.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. REID of Illinois. How much time have I used?

The CHAIRMAN. The gentleman has 26 minutes remaining.

Mr. REID of Illinois. I shall use 20 minutes more.

Mr. FREAR. Mr. Chairman, I yield 10 minutes more of my time. I have already yielded some.

Mr. REID of Illinois. The committee is of the opinion that the "local contribution" policy of the Government should be abandoned and believes that to make the construction of flood-control works dependent upon local contribution will result in the failure of the whole plan and another disaster such as that which appalled the Nation last year might happen. Divided responsibility resulting from the local contribution policy has been the primary cause for the failure of the protective works, and permitted weak levees, which, when they failed, not only flooded their own districts but also brought disasters to the neighboring districts and neighboring States.

A system which permits local interests to build or not to build adequate levees is doomed from the beginning, and there is no way under the law to compel a district to build flood-control works or force the collection of any assessment for the same.

Under the present law, and similar proposed laws, money for flood-control works must come from the levee districts along the Mississippi River or from the Government. These levee districts, while authorized by State law, are in no way connected with the State. They get no State funds and they are not permitted to use the credit of the State. Every property in each levee district only pays the amount assessed in legal proceedings, and, of course, it can never amount to more than the certain per cent of the increased value produced by the levee works, and the assessments must be uniform and equal.

If property is already burdened with levee bond issues and is not producing enough to pay past-due assessments, there is little hope that they will be able to pay for future assessments, and then, of course, there will be no flood protection if that is made dependent upon local contribution.

There are some who say that there are rich landowners and rich corporations in some of these levee districts that should come to the rescue and put up the money. This might be the case if the United States Government was a besieging enemy sending word that unless a certain amount of money is forthcoming the city will be destroyed. The day has not yet come in America when we are going to demand tribute for saving the life and property in a community or levy an assessment upon a man to save him from drowning.

The raising of this "local contribution" is not to be likened to taking up a collection for a charitable enterprise, where rich men are expected to make large donations and poor people small ones, but all money-raising campaigns must be handled in a legal manner.

The advocates of local contribution fail to take into consideration that the damages are caused by agencies outside of the levee districts or States, and that the damage is not caused by any act or negligence of those suffering from the damage. Under every theory of American law the source of damage and the responsibility therefor is the main factor and the penalty is laid against the party or parties causing the damage.

However, under the local contribution theory these people that are damaged not only suffer the injury, but also have the additional penalty laid upon them of having to pay the money necessary to prevent the damage from the outside source. The advocates of local contribution practically pay no attention to the "regions from which the flood waters come," and without this, of course, there can be no fair solution of the problem. A new levee district that would be fair would have to take in 31 States or more.

It would have to include the 31 States, and I am sure some wealthy people in Pittsburgh and elsewhere would be willing to help the people down here; but it is unconstitutional, and if you wait for the States to amend their constitutions, all the people in the South will be drowned and the historical allusion that we learned about in our childhood as to how terrible the British were in driving out the Acadians from Nova Scotia would be repeated.

Taking into consideration the amount of money already invested by the United States in the levees, the absolute necessity of levees in navigation, the direct taxes that will flow into the United States Treasury on account of the resumption of normal activities, the prevention of interference with interstate commerce and the delay of the United States mails, the amount of money already contributed by local interests amounting to $292,000,000, the United States can ill afford to do anything else than supply the funds for flood-control works.

A mere reading of the statements of the conditions of the levee districts and the necessity of having a unified, comprehensive system of flood control under one authority, as contained in the hearings before the committee and in its report, is sufficient to convince anyone that the position of the committee is justified.

The testimony showed that the local interests have not been able in the past to supply the money necessary to bring the levees up to the 1914 standard grade, and after the flood of 1927 their financial condition is so bad that there is no hope that they will be able to raise any money to apply toward the payment of the costs of the new flood-control works necessary.

Colonel Potter testified that some levee breaks resulted from the inability of local districts to pay a share of the expense of levee construction.

Any plan which is constructed around the idea that local interests must contribute, even if financially unable to do so, is, in the opinion of Commissioner West, "a paper plan" only, doomed to certain failure:

Mr. Cox. Measures dictated by your judgment or by the judgment of the commission you have not been able to put into effect because of that inability to cooperate?

Mr. WEST. Quite frequently that has occurred; yes, sir.

* * * * * * *

Mr. Cox. Yes. If they have been unable to contribute in the past, it is fair to assume that now they are unable to contribute, is it not?

Mr. WEST. Far less able now than in the past; yes, sir.

And according to Mr. West the system requiring local contributions has made an unequal partnership with "too many small partners of varying strength and disposition" and has now caused a delay of three years in the execution of work under way.

INABILITY OF LEVEE DISTRICTS TO CONTRIBUTE FURTHER

The testimony given in the hearings established the fact that those districts in which the greatest damage was done and in which the people are most in need of aid are the districts in which the people are least able to contribute to the cost of flood control. The sparsely settled agricultural districts given over to plantations, where cotton and cane are the principal products, were so overwhelmingly ruined that years will be required for their rehabilitation.

In some of those districts the bonded public debt, representing previous local expenditures for flood control, runs as high as three-fourths of the assessed valuation of the districts; and in other districts it will be found that the total liens and liabilities against the property of the districts, including the bonded public debt and real-estate mortgages against private property, exceed the total valuation of the property of the district available for assessment for taxes or benefits.

Many public officials testified that their districts have reached the limits of bonding and taxation under present laws, and that it will be absolutely impossible for them to participate in any plan for flood control which contemplates that they shall bear any part of the financial burden. They have the spirit and the courage to put themselves in to the extent of their ability, to fight the elements in order to win back their

homes, but of goods, wares, and merchandise they have none, having reached the point where individual credit and public credit are alike ruined.

Not only did the mighty flood sweep away their homes, their cattle, and their tools and implements, but the water remained on the ground for so long a time thereafter that there was no opportunity for them to plant crops during the year. Under these depressing circumstances, it is no wonder that districts defaulted in the payment of interest on their outstanding bonds, the records of which will be found in the hearings, and that individuals could not meet the payments of principal and interest provided for in their mortgages.

This situation involved the merchants of these districts and also the local banks upon which the planters and merchants rely for financing from one season until the next. Every bank in one of the counties in Arkansas had failed as a result of the dreadful conditions brought about by the flood and the consequent failure of crops. How can it be expected that these people, without money and without credit, shall contribute to the great expense of establishing additional flood control?

Aside from the economic survey made through officials in the levee districts, the committee also received communications from mayors of cities, public officials, bankers, merchants, and scores of people generally throughout the districts affected, all testifying to the fact that the people in those districts have been bled white by taxation to provide the $292,000,000 already expended by the taxpayers in the lower valley on levees for flood control. They submit that these expenditures have reduced them in many districts to a condition of insolvency. They say they have exhausted their credit, both public and private, and ask if they may be relieved from any further burden at this time in protecting them from the floods which periodically descend upon them. The details of their unfortunate situation appear in the record of the hearings.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield there?

Mr. REID of Illinois. Certainly.

Mr. MOORE of Virginia. The gentleman was just talking about money, and it has been stated here that the Government's expenditure would run to a billion dollars or more. On the other hand, would the gentleman tell us of the direct losses that have accrued from the year 1902 to the year 1927, plus the $292,000,000 local contributions? I understand from 1902 to 1927, during that quite recent period, the value of property destroyed has exceeded $800,000,000. When you add to that $800,000,000 the $292,000,000 already paid by way of local contributions and confine yourself to that limited period you find at once a liability that has fallen on the people of the lower Mississippi Valley exceeding $1,000,000,000?

Mr. REID of Illinois. There is no question about that.

Mr. MOORE of Virginia. And that does not take into consideration the enormous destruction of property that preceded the year 1902.

Mr. REID of Illinois. Exactly. I think that good business judgment would prompt us to take steps to prevent such losses in the future.

Mr. MOORE of Virginia. I have made no reference to the destruction of human life, which has been very great, and the sufferings to which the hundreds of thousands of people have been subjected.

Mr. LOWREY. Mr. Chairman, will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. LOWREY. Neither does that take into consideration the economic loss of produce and the failure of the development that would have come if these floods had not come.

Mr. REID of Illinois. Yes. If they could not raise the money to repair the crevasses to keep the coming floods out, they certainly can not produce any money for future flood-control work, and that is the answer to anyone who says that local contributions will insure flood control of any kind.

Illustrative of the inability of some of the local levee districts to meet the situation confronting them following the 1927 overflow and to make contributions for the closure of crevasse breached levees, it is noted that the Mississippi River Commission had to waive the requirement of local contribution in the following instances and rebuild the levees at these localities entirely at Government expense. This was done with the approval and consent of the Secretary of War.

COST OF CLOSING CREVASSES BY UNITED STATES WITHOUT CONTRIBUTIONS

Upper Knowlton	$92,668
Lower Knowlton	202,207
Laconia Circle special drainage district	124,014
Upper Snow Lake	99,282
Lower Snow Lake	48,334
Farelly Lake levee district	65,000
Winterquarters	92,180
Glasscock	71,261
Brabston	54,837
Melville	$44,936
Junion	5,617
Bougere No. 1	65,624
Bougere No. 2	51,051
McCrea	166,845
Total	1,183,856

To adhere strictly to the local contribution requirement for financing the flood-control work would, according to Colonel Potter, make it impossible even to do the work necessary to bring the levees up to the 1914 grade, according to his testimony which follows:

Mr. WILSON. Then to make the plan effective, even if you are going to bring the levees up to the 1914 grade and section, it will be necessary for the Federal Government to do the work; furnish the money?

Colonel POTTER. If you are convinced of the financial inability of those districts to put up the money, that would be undoubtedly true. We do not know or we have no way of knowing—I really believe, and I believe it more than I did when I wrote that paragraph of the report; that is, I believe it more now, that they are unable to put it up, than I did believe it when I wrote the paragraph in the report.

The United States should build the levees regardless of whom it benefits:

Mr. Cox. Colonel, if there was not a living soul in the valley, would you not still favor the controlling of these waters in the same manner as recommended by the commission?

Colonel KUTZ. Our plan might be different.

Mr. Cox. But still you would favor the harnessing of the water or controlling the water and not permitting them to split the country in two?

Colonel KUTZ. I think the Mississippi is a valuable part of the transportation system of the country and that even if there was no one living in the valley the river ought to be controlled for that reason.

Mr. Cox. As a matter of national defense, if for nothing else?

Colonel KUTZ. Yes, sir. (P. 2847.)

It has been ascertained and declared by the Mississippi River Commission, composed of some of the most eminent engineers in the world, that levees should be constructed along the banks of the river as works in the interest of navigation, without any reference whatever to the protection of alluvial lands from overflow. This point was made perfectly clear by the testimony of the engineers who appeared before the committee and whose statements are printed in the hearings of 1890. The following colloquy between Senator Gibson and Lieutenant Colonel Suter, of the Engineer Corps of the Army, for many years a member of the Mississippi River Commission, is pertinent at this point:

Senator GIBSON. You stated a moment ago, in reply to a question by the chairman, that if you were improving the Mississippi River, even if it were running through a wilderness, if the country through which it ran were not peopled, you would still build levees on the banks?

Lieutenant Colonel SUTER. Yes, sir.

Senator GIBSON. Why do you hold that opinion?

Lieutenant Colonel SUTER. Because I consider that the improvement of the stream for navigable purposes without it is impossible.

The situation, then, is this: It is impossible to improve the stream for navigation without levees; this is the Government's interest.

No public improvement, however, of any character whatever is ever free from the objection that some particular locality or some particular enterprise or some particular individual is especially benefited by it. This, however, is not a good reason against improvement.

We have heard a lot about the South, and I want to refer to a former Illinoisan, Abraham Lincoln. I want somebody to think about what he said when they make the statement that somebody is going to make some money without working for it.

In a speech delivered in the House of Representatives on the 20th of June, 1848, Mr. Lincoln criticized President Polk's veto of the river and harbor bill, and in that speech discussed at length this very question:

Now, for the second portion of the message, namely, that the burden of improvements would be general, while their benefits would be local and partial, involving an obnoxious inequality. That there is some degree of truth in this position I shall not deny. No commercial object of Government patronage can be so exclusively general as to not be of some peculiar local advantage. * * * The Navy, then, is the most general in its benefits of all this class of objects, and yet even the Navy is of some peculiar advantage to Charleston, Baltimore, Philadelphia, New York, and Boston beyond what it is to the interior towns of Illinois. The next most general object I can think of would be improvements on the Mississippi River and its tributaries. They touch 13 of our States. * * *

Now, I suppose it will not be denied that these 13 States are a little more interested in improvements on that great river than are the remaining 17. These instances of the Navy and the Mississippi

River show clearly that there is something of local advantage in the most general objects. But the converse is also true. Nothing is so local as to not be of some general benefit. * * * The just conclusion from all this is that if the Nation refuses to make improvements of the more general kind because their benefits may be somewhat local, a State may for the same reason refuse to make an improvement of a local kind because its benefits may be somewhat general. A State may well say to the Nation, "If you will do nothing for me, I will do nothing for you." Thus it is seen that if this argument of inequality is sufficient anywhere, it is sufficient everywhere, and puts an end to improvements altogether. I hope and believe that if both the Nation and the States would in good faith, in their respective spheres, do what they could in the way of improvements, what of inequality might be produced in one place might be compensated in another, and the sum of the whole might not be very unequal.

That is good judgment. [Applause.]

The river has no respect for State boundaries and deluges Arkansas through breaks in the levees of Missouri, and overflows Louisiana by floods passing across the Arkansas line.

Heretofore as long as the flood-control policy was one of "levees only," it was the general rule that expenditures for levee work were confined to the payment of work within the levee district itself. There was, it is true, a recognition of the fact that different levee districts within the same natural basin were interdependent as regards protection from overflow, and particularly was this fact realized by the district further downstream, that freedom from overflow depended upon the integrity of the levee line in the sister district, as well as on that of its own levee district. But this recognition did not go to the extent of the lower district coming to the financial assistance of the upper district in promoting their common safety. Probably this was for the reason that there was always work to be done in every district bringing the levees up to the continually increasing grades and the local work was given priority in consideration and execution. It should be stated in this connection that there was one exception to this general statement, which was the Tensas Basin levee district in Louisiana that did spend money in Arkansas for its own protection.

In the present plans submitted by the Chief of Engineers and by the Mississippi River Commission there is a broader conception of the flood-control problem than was shown in the "levees only" policy, and there is brought forcibly to mind the fact that a comprehensive flood-control plan must obliterate levee district lines and even State lines in the working out of a solution for the whole valley.

Taking, for example, the Birds Point to New Madrid riverbank flood way, and assuming that it is the correct solution to apply in the situation, the Chief of Engineers disregards district lines and even State lines and plans a work in Missouri to protect a city in Illinois.

In the instance of the Boeuf diversion, the resultant reduction of the flood height on the main river by abstracting enormous quantities of water from the main river will ameliorate the situation confronting the levee districts in the State of Mississippi and in Arkansas above the mouth of the Arkansas.

Similarly the Atchafalaya spillway will reduce the high-water burden of those levee districts on the main river below Red River Landing, including the Pontchartrain district on the opposite side of the river below Baton Rouge.

The city of New Orleans in common with the Pontchartrain district, the Lafourche district, and the Lake Borgne district will be the beneficiaries of the flood way in the Atchafalaya district.

In his testimony, it may be noted, General Jadwin naïvely suggests that any district which may fail for any reason to contribute to the cost of flood control might have turned onto that unfortunate district the fury of the flood. In this connection attention is invited to the fact that the districts which have borne the brunt of previous flood disasters are the districts which are now unable to raise any money to contribute further, and to the people of those districts the plan of General Jadwin constitutes a pronouncement of doom.

FLOOD CONTROL INDORSED BY NATIONAL ORGANIZATIONS

I want to pause right here to make a comment. Somebody twitted the gentleman from New York [Mr. JACOBSTEIN] about the chamber of commerce. You may not like the chamber of commerce, but I would like to have anybody stand up here who does not regard the American Legion of some importance in these United States. They have unanimously indorsed this proposition of Government control at Government expense. Then, maybe, they are bold enough to say that the American Federation of Labor does not know its business. I would like to hear from any chorus that will say they do not know it. Then even the American Farm Bureau may not know what they are talking about. The organizations to which I have referred have gone on record and heralded to the world, as many thousand other organizations have—local, State, and otherwise—that this is a national problem and should be done at national expense. [Applause.]

FLOWAGE RIGHTS IN FLOOD WAYS

There is no change made in this bill in the plan as presented by the President in his message. There is no change in the Jadwin plan in any detail at the present time. The only change is, Who is going to pay for the flood-control spillways and flood ways necessary? There has not been any change. It is a matter of mere control, and the plans stand just the same. If the land a few months ago had the enormous value somebody has said, it certainly ought to have been told to the country; but I am not much concerned about whether the amount is too high or too low, except that if the Government shall pay for the rights of way you would not have the engineers using the whole State of Louisiana for a flood way. I wish you would listen to that. If the engineers knew that the United States was paying, they would work out an engineering plan that would do the very same thing with a great deal less use of flood ways than if somebody else were paying for it. [Applause.]

To my mind that is one of the big things that must be considered. If we are to do something, if we have all the money we want and somebody else is paying for it, why not? But they have great engineering ingenuity and I know they can solve this and do it economically without any scandal. The President would not be a party to any scandal under this bill. The President is running the Secretary of War and I am certain the Secretary of War would not be a party to any scandal, and I am sure the Chief of Engineers would not be in on any scandal. All of this talk about scandal is a matter of imagination and it was only prompted by people who did not understand what this bill was about, because nobody I have talked to is really against flood control or flood protection for the South. They have their ideas that somebody is wrong about the economical plan or the engineering plan, but nobody down in his heart wants to prevent it. I told a certain individual that I could take a tin cup, go out to the churches and theaters of the United States, and collect enough money to pay the amount that it is said the local interests should contribute. But that is not the principle involved. The principle involved is that you want flood control and it has got to be done by an overwhelming agency that can go in and do it in spite of a local district and in spite of the local States. I think that if the Red Cross could collect what they collected for relief I could collect more than that to prevent it.

RESERVOIR SURVEY

Mr. McKEOWN. Will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. McKEOWN. Will the gentleman tell us something about what the plan is in the bill for reservoirs?

Mr. REID of Illinois. The reservoir plan in the bill is that there shall be an investigation of the reservoirs on the square. There seems to be the impression in the committee and elsewhere that the reservoir proposition was only treated as a stepchild when it was considered by the Government engineers, but you can read the report as to that. The bill as amended by the House provides for a reservoir survey, and there is a provision in the bill that if it should be determined that reservoirs will help to control floods in the lower Mississippi Valley, then they might be substituted in place of some of the proposed flood ways. The Mississippi River Commission said that reservoirs should be considered on the Arkansas and on the Red, so that they would not need to take all of those lands out of cultivation for the flood ways and avoid all of this great speculation which is spoken about. I think that is the bill.

CONDEMNATION PROCEEDINGS IN FEDERAL COURTS

I want to agree with my colleague from New York [Mr. O'CONNOR] that it is a sad commentary on this House if the United States Government can not get justice in its own courts. If anybody will stand up and say you can not get justice in your own courts, what kind of flimflam have you been putting over on the people when you have led the people to believe that the United States courts are integrity itself, that no one in any way could put anything over either on the judges or juries, and that protection to the ordinary individual is their supreme guaranty; and that if the Federal courts undertook to do a thing they would do it right. I have heard no scandals connected with our United States courts in any way, and I am surprised that any Congressman would even think of it.

FLOOD SUFFERERS WOULD BENEFIT FROM ADEQUATE FLOOD CONTROL

Now, comment was made that the 700,000 people who were rendered homeless would not benefit by this proposed legislation. I can not believe they meant this, because if we have flood-control work these people will be able to work and earn some money. In the last analysis the man who pays the levee assessment is the man who produces the crops. In the South it is either the poor white or the colored man. Up to date the slave has not been free. We had a paper freedom according to the President's emancipation proclamation issued in 1863, but the black man to-day is under worse slavery than he ever was, because just when he gets a good crop and thinks he is going to have enough money to live respectably and provide himself with comforts, along comes the Mississippi and wipes him out, and, consequently, there is a debt piled on him each year which crushes him worse than the ownership which he formerly had; and anybody who pretends to have any feeling of humanity in his veins will look to that end alone. The black man bears the burden of this entire thing, and I might say here in regard to the great landowners that have offices in the same building in Chicago with each other that they do not get their feet wet, they do not get washed away, and this is not for them.

Mr. SCHAFER. Will the gentleman yield?

Mr. REID of Illinois. Certainly.

Mr. SCHAFER. About what percentage of the land in the valley does the black man own?

Mr. REID of Illinois. He owns little or none, but he supplies the labor that pays the taxes, that makes the levee districts able to do the work, and he shares not in money like we do up North or in Wisconsin, but shares only from the crop; and if there is no crop he is worse off than ever, and must be taken care of by charity over the balance of the year. At the present time the Red Cross is taking care of a great many of these families down here.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. WHITTINGTON. Is it not also fair to state that according to the testimony before our committee when the tenant makes a crop he gets his part of the crop before the landlord gets a dollar?

Mr. REID of Illinois. There is no question about that.

Do not get the idea that anybody is a Santa Claus. Your Uncle Sam is not Santa Claus, and you are not doling out charity here. You are in the same position of a man who has a wild bull or a savage dog. All you have got to do is to keep that wild bull within the pasture or that savage dog or that mad dog in the pen. This river is the river of the United States. The State of Illinois or the State of Arkansas or the State of Louisiana has no jurisdiction over it, can not legislate in any way in regard to it, and yet it is permitted by the United States, the only agency that has control over it, to run wild and do this harm.

As I have told you, the people in Missouri would stop this project in a minute. They would never give the flood way. The flood way in Missouri does not help them. Why should the people in Louisiana give anything? It does not help them, but helps the people in Mississippi. So you see that if you depend upon any local interest for favorable action, there will be no flood control.

CONCLUSION

We are confronted with a condition, not a theory, and every hour's delay may add another chapter to the awful story of misery and death. The results of the flood of 1927 are listed hereafter, even if the horrors of that disastrous flood are not still fresh in the reader's mind. Under the present law the United States says to the threatened ones, "No pay, no protection." To stave off famine and probably the horrible fate of drowning, the people of the lower Mississippi Valley appeal to us. What shall our answer be? Let those loyal to the dollar stand aside while those loyal to humanity come to the front. No cold, discriminating policy of economy will decide this issue, and any party advocating such a move had better look to its laurels.

Some say that it is not the affair of the United States Government to do this work. But who can stand idly by and see that land devastated and depopulated, business interests destroyed, commercial intercourse cut off, and people starved and degraded?

It may be the naked legal right of the United States Government to stand thus idly by, but, if it does, it is not worth the name. And those who do so say do not represent American sentiment; they do not represent American patriotism.

This Congress is being appealed to; the South, the whole United States, and the whole world will judge our actions. Shall we stamp ourselves as petty and provincial, or shall we be recorded as magnanimous and national?

Is our civilization so little removed from barbarism that it will permit hundreds to be drowned and thousands to be made homeless and destitute? That they can not pay is not on account of their own indolence or neglect but because the progress of industry in other States pours down upon them oceans of destructive flood waters in order that those States may continue to progress and prosper.

As early as 1850 Congress was warned that the process by which the country above is relieved is also that by which the country below is ruined; yet we permit the destructive waters to ravage our towns and destroy the lives of our people. The river is as cold and heartless as an enemy in war. Yet we do not defend against it.

The Mississippi River has worked the deadliest wrong to this country—its gifts to the South are discontent, impoverishment, and degradation.

The farmer and his family must live in semistarvation, in wretched hovels, amid squalor and privations, barbed by the thought that any little money earned by labor and sweat from day to day will have to go to the Federal Government to pay for levees.

The loss in human life can not be measured. For who shall put an estimate upon the value of the souls destroyed by the same causes, and who shall gather the tears of the widow and the orphan, the bloody sweat of anguished families, and the griefs for loved ones lost, fortunes broken, and hopes destroyed, and weigh them in the scale with a pitiful appropriation of money?

After the flood had subsided these people had no homes to which to return; their fields have grown up to weeds, they have no mules, no implements of husbandry with which to begin anew the cultivation of the soil; they have no seed; they have nothing; yet they are asked to pay a special tax to be permitted to earn a living and to be saved from drowning.

The conscience of the whole country has been aroused by the frightful destruction in the lower valley. Nothing less than an adequate, comprehensive plan of 100 per cent flood control without local contribution will satisfy the people of this Nation.

If anyone asks why the Federal Government should be urged to take hold of this problem on a national scale and assume full responsibility for the time, labor, and great cost involved in obtaining complete control of the Mississippi River, surely it is sufficient to remind him that the drainage basin of this great river covers 41 per cent of the total area of the United States. Besides the great investment in the levees, the need of the Mississippi as a carrier of United States and foreign commerce, the havoc wrought to interstate commerce, and the interference with the United States mails when uncontrolled, the increase to the National Treasury when industry is not stopped, the safety of life and property, and the promotion of its general welfare—these formulate an adequate answer to his questioning attitude. To these might be added one thing that would be worth all the cost—national defense. No foreign foe can ever conquer us as long as navigation is kept open on the Mississippi.

There can be no flood control by local option. Let our duty be met squarely. We have evaded our responsibility long enough. [Applause, the Members rising.]

I have two minutes remaining, and I will be pleased to yield first to the gentleman from Wisconsin [Mr. FREAR], and then I will answer any further questions I can in that time.

Mr. FREAR. If I can talk for a moment in the gentleman's time, I will say that I have enjoyed his speech very much. It was an excellent presentation from his side of the question. There is no question about that.

Now, may I yield 15 minutes to myself, Mr. Chairman, and this is in no controversial spirit? I could talk like every Member of the House on the sympathetic side of the question, and I would be delighted to do so, but I am going to present to you several facts, if I may, in connection with what the gentleman has fairly presented, and I say this because I believe it. It has been a good argument from his side of the matter.

We have in the United States to-day a policy adopted over 10 years ago in the case of floods on the Mississippi River that one-third contribution shall be furnished by the localities. I am not now discussing the merits or the fairness of it, but this policy has been in existence for 10 years.

In the bill before us there is a provision for California. They have had a flood in the Sacramento Valley that is just as serious in its proportions as the Mississippi River flood, and this same committee of which I am a member—and we did this because we thought it was fair and proper—decided that the State of California should contribute one-third, the people who live in the valley should contribute one-third, and the Government of the United States should contribute the remainder of all the money that would be required to build levees and protect these

people from the disastrous floods they have in California. That is part of this bill.

This has been the policy of this Government, and I am not questioning at this moment whether it is the proper policy or not; but it has been the policy of the Government for over 10 years in the only two large cases that have been proposed.

Mr. TUCKER. Were those floods in navigable rivers?

Mr. FREAR. Yes; in both cases; and I have seen both of them, because I have been in the Sacramento Valley also.

The situation that confronts the American Congress, as I think, can fairly be taken from the address of the distinguished chairman——

Mr. MONTAGUE. May I ask if the Sacramento flood, to which the gentleman alludes, involved one State or two or more States?

Mr. FREAR. One State.

Mr. MONTAGUE. Then interstate commerce was not affected?

Mr. FEAR. No; it does not affect that.

The question is as to the saving of life and the saving of property. It is the one issue——

Mr. ABERNETHY. Will the gentleman yield?

Mr. FREAR. Will the gentleman let me make a connected statement?

Mr. ABERNETHY. I asked the gentleman to yield—I am entitled to some respect.

Mr. FREAR. I object to yielding now. There is no distinction, as I said, in the arguments that have been made here between interstate streams and State waters. Many of these projects that are now knocking at the door of this committee and of the Interstate Commerce Committee—many of them do not carry interstate commerce; but the seriousness of the situation is that the Mississippi River practically contains every proposition coming before us to-day. Are you going to decide that in all these cases you will not exact any contribution? That is for Congress to decide. If you do that——

Mr. ABERNETHY. Will the gentleman yield?

Mr. FREAR. Not now. We were very generous to the chairman of the committee because he was talking on the sympathetic side. I want to talk about the legal side. I can not understand a single reason to be advanced why the Wabash River, the Sacramento, the Arkansas River, the Red River, and other rivers can not come to us and say, What are you going to do for us, and why should we not be treated just the same way?

Mr. RAGON. Will the gentleman yield?

Mr. FREAR. Not now. If you are going to take that position, I say to you that you do not know where the end will be in omnibus bills that will come here for charges against the United States Treasury.

Now, in the CONGRESSIONAL RECORD of April 17 you will find that I introduced the opinion of as wise and experienced a body of engineers as were ever engaged in flood-control work, officials representing the Government. I am quoting from the Mississippi River Commission, which you will find on page 81 of the document before us. I read:

[From Report of the Mississippi River Commission on Contribution]

(P. 81, Committee Doc. No. 1, 70th Cong.)

The commission is firmly of the opinion that some degree of local financial cooperation is essential to a successful accomplishment of a flood-control project. This opinion is based not on a belief that local interests should share in the cost by reason of their being beneficiaries, but on the belief that without a local sharing in the cost the commission, as an agent of the Federal Government disbursing Federal funds, will be confronted by inordinate demands for flood-control works of large cost which will, if granted free of cost, be demanded for the protection of areas insignificant in size and value, merely because the owner would need to underwrite no part of the cost. Even with a local contribution of one-third, as is now required, the commission has been importuned to levee areas unworthy of the cost of such protection. The commission has been able in the past to apply Federal funds according to its best judgment by its adoption of and adherence to a policy requiring that applicants for Federal aid prove the worthiness of their levee projects. This has been possible because the only cases presented would, if approved, entail liability on the applicants for the costs of rights of way and one-third the costs of construction. With no restriction on demands the commission foresees a multitude of projects of little or no merit which it should deny in the interest of the public whose funds it will handle, but which, lacking authority to call for an outlay of funds by the applicants, it would find difficult or impossible to deny.

Mr. ABERNETHY. Will the gentleman yield now?

Mr. FREAR. Not until I finish my remarks. If the gentleman will give me a chance to finish my argument, I will yield. I will say this, the gentleman would not ordinarily interrupt me. I never did it to anyone else in this manner. I want to make my statement, and then I will answer the gentleman's question.

The report of the Mississippi River Commission continues:

The commission would view with deep concern the adoption of a Federal flood-control project that would absolve local interests from participation in costs in levee maintenance. It believes that part of the cost thereof should be borne by the local beneficiaries. On the other hand, it believes that the Federal Government should pay part of the maintenance costs and should reserve full control of such work. The Federal Government alone is equipped with vessels and plant to meet emergencies and should stand ready to perform that function.

The commission believes that protection of lands of small value, except for timber and basins of small area, will be discouraged by a requirement for local participation in cost, as outlined in paragraph 356.

The commission is aware that its operations in the past have been at times hampered through the failure of some levee districts to furnish assurance of their share of the funds needed for levee work, thus adversely affecting the prosecution of the work, but believes that the advantages derived from local participation in costs would more than compensate for such disadvantages.

Of this commission it has been suggested that Colonel West made a statement to the effect that it was difficult in some cases. He lives at Greenville, which is in the center of the flood district. I do not blame him for feeling that way, but he agreed on this subject of contribution to the report I have read.

Now, I want briefly to answer some questions that have been put whether or not a part of this work can be carried on without the entire work being started at once. We have an amendment to offer in which the Government shall offer to any State, provided you determine it has any State agency, to accept money from the Federal Government and repay it as they do for any other purpose—sufficient in amount to meet their share of the contribution for flood ways or whatever it may be.

Beyond that we have a provision we desire to offer providing that the Secretary of War may take any place required in the general plan——

Mr. ABERNETHY. Will the gentleman now yield?

Mr. FREAR. I will not until I am through.

Mr. ABERNETHY. Then the gentleman intends to yield?

Mr. FREAR. Yes; publicly and privately I will yield to the gentleman and we will have a private talk. [Laughter.]

Mr. ABERNETHY. I only wanted information.

Mr. FREAR. I am giving it to the gentleman, but he does not listen. [Laughter.] Here is a letter from the ablest man we have had before our committee, the ablest engineer, a man the Government is relying on in the next bill to follow this. A man that has expended a billion and a half dollars. That is to say, he represents the Government in these expenditures. This is a letter from General Jadwin, and I think you are entitled to it, and without any criticism of the man. I believe last year he was the president of the American Board of Civil Engineers, the highest position that can be attained by any man in that profession. Anyone who knows him is familiar with his ability. I said to him that what disturbed me and what I wanted him to settle in my mind was in case of failure on the part of any particular district to comply and no money is advanced what the situation would be so far as this whole project of the Mississippi River is concerned. Here is a letter of April 12, and I will read you a portion of it. The whole letter can be found in the RECORD of April 17, 1928, at pages 6661–6662.

If there should be delay in effecting the necessary adjustments for the proposed Birds Point-New Madrid flood way, minor modifications can be made as indicated below so that only that section of Missouri immediately behind that flood way will be left unprotected against the superflood. The riverside levee from Birds Point to New Madrid is now lower in elevation than the levee around the city of Cairo. Excess water will go over that levee and relieve the situation at Cairo as it did in the 1927 flood at Dorena crevasse. The levee grade now is above the flow line of a flood equal to that of 1927, and even the lands back of the levee are protected except for a superflood exceeding that of 1927. A break in this section overflows a relatively small section of the St. Francis Basin east of the Sykeston Ridge. A small amount of levee work on the Sykeston Ridge will protect the lower St. Francis Basin from any accident due to the delay in constructing the flood way. Above Birds Point the levee can be raised up to Cape Girardeau and thus protect the northern part of the St. Francis Basin against a superflood. This area did not get wet in 1927. As a matter of fact, this entire section is not hard up on account of the 1927 flood, since there was no failure in southeast Missouri except that at Dorena. The water from this crevasse did get over the Sykeston Ridge in limited amounts. However, that contingency can be corrected as indicated at small cost.

The backwater or natural river-bed country on the Tennessee side has always been subject to the vicissitudes of the Mississippi River, and always will be, unless the channel is narrowed beyond safety, and narrow strips of land are reclaimed at unreasonable and uneconomic costs. The Reelfoot territory, the only land now protected on the east side of the river in this general latitude, is to be given additional protection under the project proposed because it is already behind a levee. This additional protection is to cost the United States about $25 per acre protected. You can see that, if merely enlarging existing levees will cost this much, building new levees would cost a great deal more.

The entire letter covers every part of the Mississippi Valley.

The gentleman from Illinois [Mr. REID] spoke particularly about the difference between the Mississippi River Commission plan and the recommendations of the Chief of Engineers, General Jadwin, in regard to the situation at Cairo. When I first went into committee I said that we had to protect Cairo and that we had to protect the city of New Orleans, and I say that to-day. That is the first thing that we must do.

The CHAIRMAN. The gentleman has consumed 15 minutes.

Mr. FREAR. I shall take five minutes more. The Mississippi River Commission proposed to build a levee 66 feet high at Cairo and leave Cairo in that dangerous position. That is, the Mississippi River Commission now in charge. I think it would be most dangerous and unfair to put the people of that city in that jeopardy. General Jadwin proposes, in the New Madrid district, to run this water off so that it does not increase the height at flood time on the levees at Cairo to over 56.6 feet. There is a difference of 10 feet between 66 feet and 56 feet. That is a difference in principle. The Chief of Engineers is trying to protect that city and trying to keep them from danger of flood, which might be brought about by the Mississippi River Commission plan.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield now?

Mr. FREAR. No; I am not through yet. I have something interesting to the House, if it is not to the gentleman.

The CHAIRMAN. The gentleman from Wisconsin declines to yield. He has the floor.

Mr. FREAR. I take up now the Boeuf flood way. General Jadwin proceeded there in the same way. Next there is the Atchafalaya, and you will find that in the RECORD of April 17, 1928, at page 6662. In this case he makes provision, as he does in every case, and he said that there is no danger but that can be taken care of by them. In addition to that, if they can not raise the money, if you have a district down the valley that can not raise the money, we propose to take care of it rather than break up the plan. I now yield to the gentleman from North Carolina.

Mr. ABERNETHY. Mr. Chairman, I want to ask the gentleman in fairness what proportion you want to require of these local communities? I am seeking light. The chairman says that 100 per cent is to be paid by the Government. What does the gentleman say the local communities ought to contribute?

Mr. FREAR. The suggestion is made in the Jadwin report of 20 per cent.

Mr. ABERNETHY. What does the gentleman say?

Mr. FREAR. The suggestion of the gentleman from New York [Mr. LAGUARDIA] is one-third in the case of flood ways, and I am willing to support any of them.

Mr. LAGUARDIA. Of the flood ways only.

Mr. FREAR. I am willing to support any one of those—anything to establish the doctrine of local contribution and to make it effective, because of the situation that we can see that is going to confront not only us but the American Congress in the future because of the demands that will be made in behalf of every tributary.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MURPHY. You are asking that these Southern States contribute, say, 20 per cent. Has the National Government asked the city of Cleveland, in my State, to contribute anything toward preparing harbor jetties, or have they done anything of that kind at New York?

Mr. FREAR. No; because that is for the general commerce of the United States.

Mr. MURPHY. And this is for the general welfare of the United States.

Mr. FREAR. In California they are asked to contribute one-third for the State and one-third for the people. If you say nothing is to be paid locally, an unlimited demand will come upon you.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. BANKHEAD. The gentleman has advocated local contributions where, as I understand it, the community is actually able to contribute.

Mr. FREAR. Yes.

Mr. BANKHEAD. Has the gentleman determined in his own mind or has he proposed any method or instrumentality by which he could determine that question?

Mr. FREAR. Yes. The Secretary of War or the Board of Engineers will make that examination.

Mr. BANKHEAD. On what basis? By valuation of real estate? What would be the basis?

Mr. FREAR. I would not care to go into that. For 10 years we have been providing that they should do it. Without question we have been providing that and are providing it in other States. You can offer an amendment in any way you choose to provide the exact machinery.

Mr. BANKHEAD. The gentleman's suggestion was to leave the method of ascertaining the local responsibility to Executive action?

Mr. FREAR. Yes. As Chairman REID said a few moments ago, the Mississippi River Commission did invest the money in case of emergency. Of course they did; and they did right, although in doing so they technically violated the law.

Mr. LUCE. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. LUCE. I have prepared a little statement which might be of interest and value, being pertinent to the subject the gentleman has been discussing. With the gentleman's permission I would like to insert it at this point.

Mr. FREAR. Very well.

Mr. LUCE. In the matter of costs perhaps the pending proposal and possible substitutes can be better understood if we try to think in and emphasize terms of acres rather than terms of millions of dollars.

The report of the Chief of Engineers gives $224 an acre as the value of the property in the region subject to overflow—omitting the city of New Orleans.

The local expenditure for its protection has been $24.93 an acre.

The Federal Government expenditure has been $5.92 an acre.

Of late years two-thirds of the expenditure has been borne by the Federal Government, one-third by local interests. Were this basis continued, the pending proposal would mean $18.05 an acre of contribution by the Federal Government; $9.60 by local interests.

The Chief of Engineers recommends that four-fifths should be borne by the Federal Government, which would be $21.66 an acre; and one-fifth by local interests, or $5.42 an acre.

The pending bill proposes that all be borne by the Federal Government, $27.08 an acre.

Were the advice of the Chief of Engineers to be considered, the question would seem to be whether property now worth $224 an acre would with adequate protection be worth at least $229.42 an acre, being the present value plus the local contribution. If so, then there would be no local burden in case term of payment were adjusted to the situation. The increment would balance the outlay. If the increment were more than $5.42 an acre, a little in excess of 4 per cent, then the property owners of the region would by so much gain at the expense of the country as a whole.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MURPHY. The gentleman made the statement that the problem before us is taking care of the flood waters of 31 States, quite a different problem from that of the State of California in that it involves only one river.

Mr. FREAR. The gentleman is taking my time. The Red River, the Arkansas River, and every other river is subject to the same argument that the gentleman is making. They are all interested, just as is the Mississippi Valley. The gentleman has been listening to these discussions for five months, and he ought to be familiar with the facts.

Mr. MURPHY. Does the gentleman ask the State of New York to take care of the harbor in New York?

Mr. FREAR. No. The gentleman should understand the distinction.

Mr. MURPHY. I do not understand the distinction when 31 States are throwing their water down into the Mississippi Valley.

Mr. REID of Illinois. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, having had under

consideration the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, reported that that committee had come to no resolution thereon.

LAW LIBRARY OF THE LATE ELBRIDGE T. GERRY

Mr. MAPES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 3640 and put it upon its immediate passage.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 3640) authorizing acceptance from PETER G. GERRY of the gift of the law library of the late Elbridge T. Gerry

Be it enacted, etc., That the Chief Justice of the United States is authorized to accept on behalf of the United States, for the use of the Supreme Court, the gift of PETER G. GERRY, a Senator of the United States from the State of Rhode Island, of the law library bequeathed to him by his father, the late Elbridge T. Gerry.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ADDRESSES BY HON. MARY T. NORTON

Mr. JACOBSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including the address delivered by the lady from New Jersey [Mrs. NORTON] on April 18, 1928.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. JACOBSTEIN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered by Hon. MARY T. NORTON, a Representative in Congress from the State of New Jersey, at the Daughters of the American Revolution Convention, Washington, D. C., April 18, 1928:

WOMAN'S PATRIOTIC PRIVILEGE

It is a privilege and a pleasure to come here to-night to address this very representative American audience and to greet your distinguished president general, Mrs. Brosseau, and the delegates gathered here in the interest of the welfare of our beloved America.

Your organization, more than any other, perhaps, is expected to lead in those things that have been in the past and shall continue to be in the future the broad-minded policies of a free people. So it is with a very secure feeling of understanding and cooperation that I address myself to the subject thrat has been assigned to me, "Woman's patriotic privilege."

The title brings me back many years, to my youth, when our progressive farseeing sisters started on a very discouraging crusade to establish patriotic privileges for women; and the thought has come to me that, perhaps, it would be well for me to-night to ask whether or not we have availed ourselves of those privileges, as well as to present to you some reasons why we should do so.

To the first question, I would say that according to statistics we have completely failed in recognizing our privilege and availing ourselves of the means whereby we could make a real worth-while contribution to good government. It was hoped that giving the vote to women would arouse a more general interest in the obligations of election day. For the last two presidential elections the average has been less than 50 per cent. There is no way to divide the total vote cast by men and women; but of the 27,000,000 votes cast it was estimated that only 37 per cent represented the vote of women in 1920, the first election after the adoption of the suffrage amendment.

The senatorial vote of 1922 revealed some astonishing facts. In not a few of the States the vote cast for senatorial candidates was less than 50 per cent of the total vote. In not a single case did the successful candidate secure anywhere near a majority of the total vote; in other words, they were elected by the minority.

In the presidential election of 1924 a great effort was made to get out a larger participation on election day, and prominent patriotic organizations and individuals attempted to get the people to the polls. When the vote was counted it was found that it showed little improvement over the results of 1920, 51 per cent of the voting strength of this country discharging the obligations of citizenship.

When we hear of corruption in politics, what has been our reaction? If the corruption touches us, we naturally recoil from it and are horrified that such conditions do exist. If it does not touch us, we decide that it is none of our business and forget about it if the newspapers permit us to do so.

Do we ever think that part of the condition is our own responsibility? Rarely. And yet this is true, for we have been given a weapon to fight with that is greater, if correctly used, than all the arguments ever spoken or written to purify politics. Our country is just as good, or just as bad, as its citizens; and unless we all take a proper and sincere interest in government, and use that sacred weapon, the ballot, we have no right to criticize or complain of the very worst government. Do you realize the great moral strength that can be secured to government through the proper use of the ballot? Must it come through a great calamity, that all the women of the country shall use the ballot?

If you thought that to-morrow your country would again find itself in a position of defending its honor, and your sons were called to that defense, would you still stand aside and allow a minority to assume the responsibility? I think not.

When the unthinking women of the country are clamoring for peace, and are led along by propagandists reared in the school of sovietism—to believe that peace can be secured only through destroying the great American Army and Navy, and this sinister influence is reaching out to destroy those who would uphold the sacred traditions of our country—would you, then, use your patriotic privilege? I think you would. Why wait, however, until the necessity arises? We have in our country the finest types of womanhood to be found anywhere in the world, and their influence at elections would be tremendous if only they could be brought to realize their importance and organize their full strength.

We hear pacifists all around us, imploring us not to add sufficient strength to our Navy to give us even a fighting chance to save our honor if we were called upon to defend it. Unthinking, well-meaning people who do not realize the dangerous element at work to undermine the foundation of our country.

We want peace; we long for peace; but the peace that is worth having is worth being prepared at all times to defend.

When a doctor is called to a patient, if he knows his business, he isn't satisfied with merely prescribing for the ailment; he takes precautions against the possibility of a more serious ailment, and his dose of prevention is always worth a pound of cure.

This, then, in a greater sense, seems to me the position we are in regarding peace.

We are not preparing for war because we intend to keep our Navy in good condition. We are merely taking precautions against any condition developing that would lead us into war.

I voted, very recently, to add 15 cruisers and 1 airplane carrier to strengthen our Navy, and I say to you to-night that I did so hating war with all my soul; with the never-fading picture before my eyes of millions of boys stricken in their young manhood, when life held the greatest promise; with the recollection of days and nights of great sorrow, when orders came to the camps to prepare to go forward. We were unprepared then, but it did not keep us out of war.

You have heard what took place at the Geneva conference. You know that it is true we were the only nation to live up to the 5–5–3 agreement, and in view of all this do you believe the pacifists who are preaching the philosophy of unpreparedness?

Last year I spoke before you at the Conference on National Defense and urged you to bring all the influence at your command in order to pass an appropriation bill to secure the building of three cruisers to add to our national defense. You did so.

To-night I am here to urge you, as a patriotic privilege and duty, to again do your part to have the Navy program bill, which has already passed the House, acted upon favorably in the Senate, that it may be signed by the President and become a law, not to promote war but to safeguard peace.

We must be prepared to serve notice on all the nations of the world that we want peace so much that we stand ready at all times to defend it.

I am a member of the Veterans' Committee, where the aftermath of war is constantly before me, where never, for even a day, can I forget the suffering of those human derelicts who, a few short years ago, had reason to feel that life held every promise of joy and happiness; and yet with a heart full of sorrow for their great suffering I say to you that we must have no quibbling with well-meaning, but poorly informed, pacifists, who, if their theories were permitted to govern the actions of those responsible for our country's safety, would lead us not away from but into war.

Perhaps I have wandered slightly from my subject, and yet it is interwoven with all that I have said to you to-night, for through your patriotic privilege you can do much to bring about all of the things for which your organization stands and prevent many of the errors entered into through mistaken impulses and, more often, false propaganda.

It is a matter of regret that our country, to-day, to a great extent, is controlled by propaganda, good and bad, but more often bad. In many instances hate is taking the place of love; racial and religious controversies are brought into the most innocent gatherings, and without realizing the insidious propaganda responsible for the intrusion

of subjects that should be sacred to us, as individuals, we permit our passions to rise and forget the teachings of the Master, who came on earth to preach peace and good will to all.

It, therefore, behooves us, as patriotic women, to inform ourselves of all that concerns the well-being of our country, and realizing our responsibility, avail ourselves of that sacred and patriotic privilege which came to us through the hardship and labor of those courageous women of this and a past generation who, realizing that the time would come in the life of our beloved America when its women would be needed, bequeathed to us a priceless gift to use intelligently and with which to defend the policies of a country whose flag typifies all that is purest and best and whose Constitution brought freedom and happiness to the people of all races and religions, who came to our shores from every country in the world.

If I have succeeded to-night in arousing in you your responsibility as a patriotic American; if the teachings of your organization mean all that they should mean to you individually; if the presence of the Unknown Soldier in our beautiful cemetery at Arlington stirs your imagination and brings to your mind that never-to-be-forgotten spring day when hundreds of thousands of the best America had to offer crossed the ocean to answer the call and dedicated their young manhood to the cause of justice and patriotism, then may I beg you organize and bring to the elections next November your full strength in votes, thereby proving, not only to our own people at home but to our sisters abroad, that woman's patriotic privilege is appreciated and that the women of America will answer the call for honesty in government and keep the Stars and Stripes flying in all its strength and purity.

Mr. SOMERS of New York. Mr. Speaker, I make the same request, to print a speech made by the same Representative.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOMERS of New York. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech delivered by Hon. MARY T. NORTON, a Representative in Congress from the State of New Jersey, over the radio, April 17, 1928, in the "Voters' service" program broadcast from station WRC, Washington, D. C.:

ISSUES BEFORE THE DEMOCRATIC PARTY IN 1928

Visioning my great American audience, it is a privilege to address you, and may I hope that my message to you to-night will awaken the conscience of those men and women who constitute the silent voters of the country. A minority that could bring about any reform in our Government.

I have been asked to discuss the issues before the Democratic Party in 1928.

It is a big subject to dispose of in this short time. Therefore, of necessity, I may touch only the high spots as I see them.

The most important issue is whether or not this country shall continue as a democracy or return to federalism? Shall the political philosophy of Hamilton prevail, as evidenced by the constantly increasing bureau control over the States, or shall we reassert our independence and continue the government philosophy of Jefferson? Whether or not paid propagandists are to dominate this country? Any unbiased person who has carefully followed the trend of government during the past seven years must realize that big business and all that it typifies is in the saddle, driving those who are supposed to run the machinery of government whichever way it wills. Efficiency has taken the place of humanity, and God help those who are caught in the wheels of this grinding machinery.

When one thinks of the "Main Street" attitude of our people in many parts of the country, quarreling about nonessentials, when perhaps the very life of the Republic is threatened from within and without, one can not help wondering just what sinister forces are at work to bring about so strange a condition. When it has been demonstrated so conclusively that the Republican administration has permitted a segment of big business, which seeks and receives special favors from the hands of this administration, to frame and carry through the policies of government, even to stealing the properties which belong to and were owned by the Government, it would seem to any thoughtful citizen that the time had come for us to think of the real important issues before us and place in correct position those controversial questions which have no real bearing on the country and should be relegated to their proper place.

Never since Jackson's time has our country been so greatly in need of spiritual rehabilitation. Never since have the forces of public greed and corruption been so demonstrated, and yet there are men and women listening-in to-night so little interested in the welfare of their country that they will not cast a ballot even to save its honor.

They call themselves Americans; yet what part have they played in upholding the integrity of America? "Stay-at-homes," who are too indifferent to avail themselves of the God-given privilege of the ballot to keep their country safe and secure from those who would destroy it.

What kind of Americans are we to permit corrupt business to dominate the policies of the country, to dictate terms to a free people?

Do we want efficiency at the expense of humanity? Do we desire the survival of the few or the happiness of the great American family? Must the dollar mark transcend every inspiration in the heart of America?

I do not think so. Whenever this country has been threatened by exploiters there has always come a rebuke from the thinking people of our land. Those who have revered the traditions of this great country, slow to anger but mighty in action when those traditions are threatened.

A great army of peaceful people, carrying high a banner typifying those things for which our forefathers gave their blood—democracy in its broadest sense, freedom of conscience, freedom of the press, freedom of religion, the greatest good to the greatest number.

These are some of the issues before the people to-day, and their solution will be found in the election of a Democratic President, who will have the courage, honesty, ability, humanity, and determination to carry through the wishes of the masses as against the privileged few who are dominating our country and undermining its foundation.

When we elect a man who will consider the prosperity of the farmer as important as the prosperity of the banker; when the just claims of the great army of Government employees shall be given full consideration and they receive a living wage for their contribution to government; when the claims of the war veterans, who a few short years ago responded with their young manhood to the call to arms to make America safe shall have been generously considered; when we consider charity at home as important as charity abroad, and the flood sufferers in the South have been as fairly dealt with as the bankers of the country—then, and not until then, shall we have established humanity in government and destroyed the spectre of sovietism, which from time to time rears its ugly head.

Ours is conceded to be the greatest country in the world and it is our big task to keep it great. We have all the necessary implements to continue its greatness, but shall we use these implements?

Shall we permit a minority to do our thinking and stand in the middle of the road, or, with conscious individual power, stand together on the side of the road and issue our ultimatum for honesty in government, destruction of bureaucracies, return to State rights, a sound international policy; Army, Navy, and aviation forces that will maintain the respect of all nations and keep peace in our own; a Government concerned in the happiness and well-being of the great American people, who have come to our shores from the nations of the world seeking happiness and freedom in the land of prosperity?

These are our issues, and if you agree with me that the time has come to restore political liberties which have been destroyed through economic opportunities offered to the favored few; if you believe in the distribution of wealth among many rather than the special privileged class; a government to protect the weak; a tariff that will apply to the needs of the farmer in the same proportion that it applied to the industrialist; a return to the good old-fashioned theory of State rights instead of taking orders issued in bureaus at Washington—then I ask you to vote your full strength at the election in November and bring back to power in the Nation the party of Jefferson, Jackson, and Wilson; that party who, during the most trying period of our country in the conduct of a great war, emerged without one stain of dishonor.

Contrast those eight years of Democratic rule with the eight years since, under Republican dishonesty and corruption, and your answer will be the election of a Democratic President next November.

FARMERS' CONDITION AND SURPLUS-CONTROL LEGISLATION

Mr. FULMER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. FULMER. Mr. Speaker, under leave to extend my remarks I am inserting herewith speech delivered by me over radio WTFF, Washington, D. C., on the evening of April 18, 1928:

The speech is as follows:

In the beginning of agriculture and on down through the ages the farmer's chosen aim was to provide the necessities of his household. He has been the outstanding example of self-dependence. While farmers have not abandoned the primary object of providing for his own family, he has branched out into the fortunes of business. He is now being called upon to clothe and feed the world. He is both proprietor and wage earner. Farmers producing the staple agricultural commodities deal almost exclusively as an individual both in buying and selling; therefore he is attempting to perform a variety of functions such as now obtained in almost no other trade. It is too much to expect a farmer to be an efficient producer as well as an expert salesman. He is supposed to be a judge of market conditions as well as an astute financier. He is to-day the only individual in business that absolutely has no control as to the price he must pay for what he buys or as to what price he shall receive for what he sells.

The farmer's business, while no fault of his, is the biggest gamble in the world. He is dependent upon weather conditions in getting his

crops properly started. When his crop is in the most promising condition a wet or dry season may come along and completely destroy it. Or it may be destroyed by pest. If for any of these reasons he makes a short crop, although the price may be fair, he is short of the product. Should God Almighty send forth rain and sunshine ideal for a good harvest and withhold the ravages of the boll weevil, pink bollworm, corn borer, and other crop pests, thereby blessing him with a bountiful yield, the speculator steps in and fixes the price very often below the cost of production. Therefore while he is blessed with a wonderful crop which should prove to be a blessing, it more often proves to be a curse.

There is a class of opponents to farm-relief legislation who know just about as much about agriculture and what farmers have to contend with as a jack rabbit knows about Sunday. They say, "Let the farmers adjust their production so as to meet the actual demand."

The quantity and quality of production on the part of the producer is a gamble. He can cut his acreage, and if blessed with proper seasons and not bothered with crop pests he can produce a surplus. On the other hand, he may increase his acreage, but because of these unforeseen things over which the farmer has no control, his yield may be far below his average production. It is the philosophy of the farmer when prices are low that to be able to pay his obligations and carry on he must increase his acreage, hoping to increase his yield, so as to be able with a low price to bring in the total number of dollars because of the quantity of his production to meet his obligations. Those who do not understand this viewpoint on the part of the farmer will tell you that just the reverse will happen; that is, stimulate the price for that which he produces and the acreage will be so increased that it will bring about an overproduction. It is quite the reverse with every other line of business. Manufacturers can visualize a prosperous season in the future, and therefore take on extra labor, run their machinery full time not only in the day but at night, thereby increasing the output so as to be ready to reap the rich harvest. On the other hand, if they see changed conditions, prospects that look blue, perhaps orders already taken for their merchandise for future shipment are being canceled, they can cut down on their labor, put their plant on part time, and curtail production.

The farmer is the only man in business to-day that can't tell you from one day to the next what his merchandise is worth. Not that he does not know the cost of producing but because, as stated a few minutes ago, he hasn't the marketing machinery, finances, or any way to control distribution or the orderly marketing of his products. He is forced to buy from those who are highly protected under special legislation or from thoroughly organized combinations who are able to monopolize and fix the price. In the meantime, the farmer is forced to sell for prices based on a world's market and through a marketing system owned and operated by millions of middle men and speculators who gamble on the farmer's product and fix the price thereon both to the producer and consumer.

When the cotton farmer of the South buys his fertilizer and plants in the spring, cotton may be selling for 20 cents per pound. When he gets ready to sell in the fall, the speculator may have sold enough futures to put the price down to 15 cents. A cotton farmer may go to his market and sell cotton on Monday for 20 cents, and his neighbor may go to market on Tuesday with the same grade of cotton and get only 18 cents, a difference of $10 per bale. The speculator and the Government may put out bear dope as to farmers' intentions to plant, as to crop conditions, weather, and farm pests and depress cotton prices several cents per pound, and one week later put out reports just the reverse and put cotton up 5 cents per pound.

The cost of living to farmers as well as to all other consumers during the 14-year period from 1913 to December, 1927, inclusive, increased on an average of 72 per cent, according to figures made public by the Bureau of Labor Statistics on January 25. Food in the United States as a whole increased during this period 56 per cent, clothing 63 per cent, housing 60 per cent, fuel and lighting 83 per cent, house-furnishing goods 105 per cent, and miscellaneous items 105 per cent.

It is generally understood that for the past seven years farmers have lost ground compared to workers in other lines and have failed to receive an income equivalent in purchasing power to that of the pre-war period. Since 1920 but few farmers have been able to make ends meet. The majority have failed to maintain their position as compared with earlier years and thousands have lost their property.

We are told by the Census Bureau that about 2,000,000 persons annually for the past few years have left the farm.

In 1910 real-estate mortgage indebtedness amounted to $3,320,470,000. In 1920 it had climbed to $7,857,700,000. In 1926 it had reached the enormous figure of $12,000,000,000. Surely these figures ought to convince those who are now proposing legislation to simply lend additional money to farmers. Farmers are not so concerned about additional loans, but fair prices for that which they produce on a basis of that which they buy, so that they might be able to pay their obligations and carry on like other concerns. Direct taxes from farm property averaged $891,000,000 in 1909–1914. In 1920–21 taxes soared from $596,000,000 to $848,000,000, or about a 42 per cent increase, while at the same time the income of the farmers dropped from $16,621,000,000 to $10,313,000,000, a decline of 39 per cent. (In 1923 farm taxes amounted to $624,000,000. In 1924–25 there was a 236 per cent increase.) During the period from 1905 to 1914 farm bankruptcies averaged 14 out of every thousand farms. Nineteen hundred and twenty-four, 1925, and 1926 bankruptcies had increased to 125 out of every thousand. In 1880, 25 per cent of all farms were run by tenants; in 1920, 38 per cent; and in 1925, 60 per cent. From January 1, 1920, to December 31, 1927, we had bank failures numbering about 4,000, with deposits amounting to $1,200,000,000, and three-fourths of these were located in agricultural States.

The Federal Government has been and is spending millions to help control and eradicate farm pests and to increase production. In other words, trying to make two sprigs grow where one used to grow, but after a glorious production, farmers are left as so many individuals, unorganized, to go up against a thoroughly organized and well-financed marketing system, owned by those who buy their products, and a speculative interest to be robbed of his products and his labor. Not only is the producer under the present system being robbed, but because of the millions of parasites operating between the producer and consumer, the consumer is being robbed also.

I am sorry that I haven't the time to enlighten you on prices received by farmers and prices paid by consumers for various farm products, therefore, I shall mention only one product—sweet potatoes—selling in my State, South Carolina, by the producer for 50 cents per bushel, while the consumers in the large cities, for instance, New York, are paying $6 per bushel. It is said by those who oppose the McNary-Haugen farm-relief legislation, "Let the farmers organize and help themselves." This has been tried and tested for the past 50 years, and because of the various types of farmers, their financial condition, as well as many other reasons, they have been unable to organize, therefore I believe with Abraham Lincoln when he said, "That which a people should do for themselves, but could not do, the Federal Government should do it for them."

The world to-day needs every pound and every bushel of farm products, and at a fair price. Therefore it is my contention that if we had the machinery set up under the McNary-Haugen bill properly financed by the Government in the way of a subsidy, which the farmers do not want, or by an equalization fee so as to create the funds for properly organizing and controlling their own products which would bring about orderly marketing, stabilization of prices, that would be fair to the producer as well as the consumer.

Farmers being unorganized have very little voice in their Government compared to other smaller groups like the railroad interests, manufacturing and banking interests, who are not only thoroughly organized financially but politically, and are therefore able to control the administration now in power. In other words, because of the political and financial power on the part of big business and special interests they are not only able to have special legislation passed by the Congress in their interest, but are able to prevent the passage of legislation that would put producers on a basis of equality.

When one who is anxious to represent the great agricultural interests of the country, composed of 30,000,000 helpless citizens under the present system, by trying to legislate for a marketing system, orderly marketing, and the stabilizing of prices so as to guarantee a fair return to the producer he is told that it is economically unsound and unconstitutional.

The Congress, however, in 1920 passed the transportation act increasing the membership of a Federal board known as the Interstate Commerce Commission. While this board is appointed by the President of the United States and confirmed by the Senate, it seems to be almost impossible to get a man appointed thereon unless he is O. K.'d by the railroad interests. This board not only fixes the valuation of all railroad property at a high valuation, including the millions of acres of land given to the railroad interests in the earlier days by the Government, but month by month they absolutely fix freight rates based on this valuation, to be paid by producers and consumers at a figure that will not only pay all expenses, labor, improvements, new equipment, high-priced salaries for officials, but a net income of 6 per cent on their investment. This board absolutely controls the operations of the railroads. If the railroad interest wants to cut out the operating of any line or build new lines or sell bonds, it is passed on by this board. Farmers would be delighted to have a similar board that would take stock of their capital invested in their farms, machinery, etc., counting the cost of operation, taxes, and labor, and then fix prices on their products so as to pay all expenses and give to them a net 6 per cent on their investment. A few years ago when railroads were doing business in competition to each other, without the benefits of this special legislation, they were in just about as bad condition financially as farmers are to-day.

In 1922 a Republican Congress passed what is known as the Fordney-McCumber tariff bill in the interest of the manufacturing interests, not only containing the highest tariff rates ever written in a tariff bill but a provision whereby the President of the United States on the request and by proper showing on the part of the manufacturer can even increase tariff rates, all of which are costing producers and consumers millions of dollars annually in the way of profits to the manufacturer and in indirect tax to the Government.

We are told by the Republican Party that this special legislation is necessary because manufacturers can not compete with foreign markets; yet under the present system farmers are forced not only to pay for this protection given the manufacturers but are forced to sell their products based on a world market in competition with foreign producers. Of course, the party in power has placed in the tariff act certain rates on farm products—for instance, 42 cents on wheat—but even farmers who grow wheat have found out that this is only a joke.

Wouldn't it be just as fair to say to the manufacturer as well as to the railroad interests when they asked for this special legislation the same thing that the opponents for special legislation for agriculture, that "it is unconstitutional and economically unsound. You should help yourselves and not ask for Government assistance."

Farm products in their raw and unmanufactured state are bulky and heavy. You can ship 1 bale of cotton just as cheap as you can 1,000 bales per hundred pounds. A bushel of corn weighing 56 pounds, worth $1, will cost just as much in the way of a freight rate as a suit of clothes that sells for $50 for the same distance shipped. The manufacturer with the tariff is enabled to so increase his domestic price and profit that he is able to dispose of his surplus by dumping same in foreign markets at considerably lower prices than the domestic price.

Under the present system, although wheat growers have been given a 42-cent per bushel tariff rate, they are unable to make it apply; therefore when they ask for legislation to do the very thing that the manufacturer is doing under his tariff legislation he is called a radical.

The same day the President vetoed farm relief legislation he permitted a 50 per cent increase in the tariff rate on steel for the benefit of the Steel Trust of this country.

We passed an immigration law, and I am for it, limiting immigration so as to enable labor to fix prices without competition of cheap foreign labor.

It is said by those who oppose the McNary-Haugen bill that the equalization or stabilization fee contained therein is a tax on farmers' products. Under the bill this fee, say, $2 or $5 per bale of cotton, is to be paid by all cotton farmers into a stabilization fund which is controlled and administered by a Federal board composed of 12 men. Not one penny would go to the Government. If this was a taxing scheme, this money would go into the Federal Treasury like all other tax receipts. On the other hand, for what purpose is it to be used? To be advanced by the board to certain agencies through marketing agreements; to be used by this agency, not the Federal board, to buy up for orderly marketing the surplus when blessed with a surplus, as was the case in 1926. This would enable farmers to hold their own cotton with their own funds, with equal burdens on all cotton farmers, and feed it back into the market in an orderly manner and during short crop years, like the one in 1927, following the large crop of the previous year. Is there anything unfair about this? Mr. Clayton, of Anderson-Clayton Cotton Co., says it can be done and would solve the cotton farmers' problem, but he also says that he is against the farm relief legislation. He is for letting the farmers organize and help themselves.

About the time farmers were ready to sell cotton in the first of the fall in 1926 cotton was selling for 18 cents. Crop prospects were good and everybody happy. About this time a Government crop report was given out estimating a crop of about 15,000,000 bales, and cotton began to decline. Every 15 days these reports were issued, each time increasing their estimate, until a final estimate of about 18,000,000 bales, which carried the price of cotton down to 11 cents for good cotton and as low as 6 cents for low-grade cotton. What happened? Farmers had to sell. Merchants and banks were calling them speculators and buyers of cotton were buying the actual cotton at their own price and selling futures against same, which helped force the price down. During the 12 months that followed mills and speculators in the United States bought 8,000,000 bales and foreign countries bought and exported 11,000,000 bales, making a total of 19,000,000 bales, 1,000,000 more than was produced that year, and 5,000,000 bales more than was bought during the previous year.

After this cotton passed out of the hands of the producers, along came the short crop of 1927, about 12,750,000 bales, and prices advanced to as high as 24 cents first of the fall of 1927. Now, who is paying the tax—the farmers who sold their 1926 cotton at from 6 cents to 12 cents per pound, or those who bought it and sold during the next spring or the first of the fall of 1927 at from 15 cents to 20 cents, a difference of about $50 per bale, or a difference of $250,000,000 out of the pocket of the unprotected producers into the pockets largely of those who opposed farm relief?

In closing I am reminded of the statement of James J. Hill when he stood on the bank of the Red River, which separates Minnesota from North Dakota, and looked across the vast expanse of what was then considered a desert and is now known as the "bread basket" of the world: "Not armies or navies or commerce or diversity of manufacture or anything other than the farm is the anchor which will hold through the storms of time that swoop all else away."

Surely a prosperous agriculture is fundamental to the success of all related business enterprise and to yourself.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BURTON (at the request of Mr. BEGG), indefinitely, on account of important business.

To Mr. WHITE of Kansas (at the request of Mr. HOCH), indefinitely, on account of illness.

ORDER OF BUSINESS

Mr. GARRETT of Tennessee. Mr. Speaker, I should like to inquire how the time remains for general debate on this bill?

The SPEAKER. The Chair is advised that 20 minutes remain, all in the control of the gentleman from Wisconsin [Mr. FREAR].

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 343. An act for the relief of Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebrand, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison; to the Committee on Claims.

S. 605. An act for the relief of Capt. Clarence Barnard; to the Committee on War Claims.

S. 1271. An act to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes; to the Committee on Agriculture.

S. 1486. An act for the relief of the owners of the schooner *Addison E. Bullard;* to the Committee on War Claims.

S. 1646. An act for the relief of James M. E. Brown; to the Committee on Claims.

S. 2291. An act for the relief of certain seamen and any and all persons entitled to receive a part or all money now held by the Government of the United States on a purchase contract of steamship *Orion*, who are judgment creditors of the Black Star Line (Inc.) for wages earned; to the Committee on Claims.

S. 2438. An act for the relief of the firm of M. Levin & Sons; to the Committee on Claims.

S. 2463. An act to amend an act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.," approved May 19, 1926; to the Committee on Military Affairs.

S. 2473. An act for the relief of Will J. Allen; to the Committee on War Claims.

S. 3030. An act for the relief of Southern Shipyard Corporation; to the Committee on Claims.

S. 3057. An act authorizing the Secretary of War to transfer and convey to the Portland water district, a municipal corporation, the water pipe line including the submarine water main connecting Fort McKinley, Me., with the water system of the Portland water district, and for other purposes; to the Committee on Military Affairs.

S. 3269. An act providing for the advancement on the retired list of the Army of Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired; to the Committee on Military Affairs.

S. 3314. An act for the relief of John J. Fitzgerald; to the Committee on Claims.

S. 3556. An act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes; to the Committee on Agriculture.

S. 3776. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title; to the Committee on Public Lands.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 11203. An act granting the consent of Congress to the counties of Telfair and Coffee to construct, maintain, and

operate a free highway bridge across the Ocmulgee River at or near the present Jacksonville Ferry in Telfair and Coffee Counties, Ga.;

H. R. 11685. An act to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes; and

H. R. 11887. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr.

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 2948. An act to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes; and

S. J. Res. 72. Joint resolution to grant permission for the erection of a memorial statue of Cardinal Gibbons.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 350. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.;

H. R. 475. An act to permit taxation of lands of homestead and desert land entrymen under the reclamation act;

H. R. 852. An act authorizing the issuance of a certain patent;

H. R. 1588. An act for the relief of Louis H. Harmon;

H. R. 1970. An act for the relief of Dennis W. Scott;

H. R. 2294. An act for the relief of George H. Gilbert;

H. R. 6431. An act for the relief of Lewis H. Easterly;

H. R. 6990. An act to authorize appropriations for construction at the Pacific Branch Soldiers' Home, Los Angeles County, Calif., and for other purposes;

H. R. 7223. An act to add certain lands to the Gunnison National Forest, Colo.;

H. R. 7518. An act for the relief of the Farmers' National Bank of Danville, Ky.;

H. R. 8550. An act to amend the national defense act;

H. R. 8724. An act granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8733. An act granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8734. An act granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8744. An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Mesa Verde National Park, and for other purposes;

H. R. 8915. An act to provide for the detention of fugitives apprehended in the District of Columbia;

H. R. 8983. An act for the relief of William G. Beaty, deceased;

H. R. 9368. An act to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia, and State of Pennsylvania;

H. R. 9902. An act for the relief of James A. DeLoach;

H. R. 10038. An act for the relief of Wilford W. Caldwell;

H. R. 11023. An act to add certain lands to the Lassen Volcanic National Park in the Sierra Nevada Mountains of the State of California;

H. R. 11762. An act to authorize an appropriation to complete construction at Fort Wadsworth, N. Y.; and

H. J. Res. 244. Joint resolution authorizing the modification of the adopted project for Oakland Harbor, Calif.

ADJOURNMENT

Mr. REID of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Friday, April 20, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, April 20, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

A bill to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries (H. R. 13151).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

For recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes (H. R. 7495).

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To provide for the transfer to the Department of the Interior of the public-works functions of the Federal Government (H. R. 8127).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended (H. R. 10958).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To provide legal-tender money without interest secured by community noninterest-bearing 25-year bonds for public improvements, market roads, employment of unemployed, building homes for, and financing through community banks organized under State laws, its citizens, farmers, merchants, manufacturers, partnerships, corporations, trusts, or trustees, and for community needs of the United States (H. R. 12288).

COMMITTEE ON EDUCATION

(10.30 a. m.)

Designating May 1 as child-health day (H. J. Res. 184).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

455. A letter from the Secretary of Commerce, transmitting draft of a proposed bill to relieve Julian E. Gillespie, temporary special disbursing agent of the Bureau of Foreign and Domestic Commerce, in the matter of certain expenditures; to the Committee on Claims.

456. A communication from the President of the United States, transmitting supplemental estimate of appropriation under the legislative establishment, United States Senate, for the fiscal year 1928, in the sum of $1,200 (H. Doc. No. 236); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 7904. A bill to transfer to the city of Duluth, Minn., the old Federal building, together with the site thereof; without amendment (Rept. No. 1307). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 12409. A bill to grant to the city of Fort Wayne, Ind., an easement over certain Government property; without amendment (Rept. No. 1308). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. J. Res. 249. A joint resolution granting an easement to the city of Duluth, Minn.; without amendment (Rept. No. 1309). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOWMAN: Committee on the District of Columbia. H. R. 12947. A bill to regulate the practice of the healing art to protect the public health in the District of Columbia; with amendment (Rept. No. 1310). Referred to the House Calendar.

Mr. WINTER: Committee on Irrigation and Reclamation. H. R. 10308. A bill to investigate and determine the feasibility of the construction of an irrigation dam on the Greybull River, Wyo.; with amendment (Rept. No. 1312). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on Irrigation and Reclamation. H. R. 10309. A bill to investigate and determine the feasibility of the construction of an irrigation dam on the Bear River, Wyo.; with amendment (Rept. No. 1313). Referred to the Committee of the Whole House on the state of the Union.

Mr. VESTAL: Committee on Patents. H. R. 10435. A bill providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War; with amendment (Rept. No. 1314). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 12879. A bill to repeal section 1445 of the Revised Statutes of the United States; without amendment (Rept. No. 1315). Referred to the Committee of the Whole House on the state of the Union.

Mr. BACHARACH: Committee on Ways and Means. H. R. 13143. A bill to adjust the compensation of certain employees in the customs service; without amendment (Rept. No. 1316). Referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS: Committee on Immigration and Naturalization. H. R. 12816. A bill relating to the immigration of certain relatives of United States citizens and aliens lawfully admitted to the United States; without amendment (Rept. No. 1317). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 12952. A bill to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920; without amendment (Rept. No. 1311). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 12839) granting an increase of pension to Beckie E. Hyman, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELLIOTT: A bill (H. R. 13171) authorizing the Secretary of the Treasury to accept a franchise from the government of the city of New York, to change the routing of the pneumatic-tube service between the customhouse and the present appraiser's stores building, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. LaGUARDIA. A bill (H. R. 13172) authorizing an appropriation of $1,000 for the erection of a tablet or monument on the grave of Linnie Love in Cornelius Cemetery, Washington County, Oreg.; to the Committee on the Library.

By Mr. BOWMAN: A bill (H. R. 13173) to amend the Federal farm loan act, as amended; to the Committee on Banking and Currency.

By Mr. YON: A bill (H. R. 13174) declaring certain designated purposes with respect to certain parts of Santa Rosa Island in Florida to be "public purposes" within the meaning of the proviso in section 7 of the act approved March 12, 1926, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes"; to the Committee on Military Affairs.

Also, a bill (H. R. 13175) granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, their successors and assigns, to construct, maintain, and operate, or to cause to be constructed, maintained, and operated under franchises granted by them, a toll bridge across Pensacola or Escambia Bay, in the State of Florida; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13176) granting the consent of Congress to the boards of county commissioners of the counties of Escambia, Fla., and Baldwin, Ala., their successors and assigns, to construct, maintain, and operate, or to cause to be constructed, maintained, and operated under franchises granted by them, a toll bridge across Perdido Bay in the States of Florida and Alabama; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13177) granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, their successors and assigns, to construct, maintain, and operate, or to cause to be constructed, maintained, and operated, under franchise granted by them, a free bridge across the Santa Rosa Sound, in the State of Florida; to the Committee on Interstate and Foreign Commerce.

By Mr. LAMPERT: A bill (H. R. 13178) to amend the national prohibition act, as amended, and as published in title 27 of the Code of Laws of the United States of America (44 Stat. L. pt. 1); to the Committee on the Judiciary.

By Mr. PORTER: A bill (H. R. 13179) to provide for reorganization of the Department of State, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WAINWRIGHT: A bill (H. R. 13180) to define the promotion-list officers of the Army, and to prescribe the method of their promotion, and for other purposes; to the Committee on Military Affairs.

By Mr. WELSH of Pennsylvania: A bill (H. R. 13181) authorizing the sale of the old Lazaretto property at Essington, Delaware County, Pa., to the Yacht Repair & Storage Co.; to the Committee on Public Buildings and Grounds.

By Mr. HILL of Alabama: A bill (H. R. 13182) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of Alabama the silver service presented to the United States for the battleship *Alabama;* to the Committee on Naval Affairs.

By Mr. SIROVICH: Joint resolution (H. J. Res. 278) appointing a commission of 15 to inquire into the subject of old-age dependency in the United States and proper method of its relief, and to report back its findings within two years; to the Committee on Rules.

By Mr. RATHBONE: Resolution (H. Res. 173) amending the Rules of the House of Representatives by adding thereto a rule relative to the admission of Representatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAIL: A bill (H. R. 13183) for the relief of James E. O'Donnell; to the Committee on Claims.

By Mr. W. T. FITZGERALD: A bill (H. R. 13184) granting an increase of pension to Mary A. Gnau; to the Committee on Invalid Pensions.

By Mr. FURLOW: A bill (H. R. 13185) granting an increase of pension to Annie Madden; to the Committee on Invalid Pensions.

By Mr. GUYER: A bill (H. R. 13186) granting an increase of pension to John L. Daries; to the Committee on Pensions.

By Mr. HALL of Indiana: A bill (H. R. 13187) granting a pension to Mary B. Mappin; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 13188) granting an increase of pension to Ellen Nance; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 13189) granting an increase of pension to Rosa A. Russell; to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 13190) granting a pension to Mary E. Prine; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 13191) for the relief of Fred Schwarz, jr.; to the Committee on Claims.

By Mr. KURTZ: A bill (H. R. 13192) granting a pension to Elizabeth G. Hays; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13193) granting a pension to Joseph Miller; to the Committee on Invalid Pensions.

By Mr. MAGRADY: A bill (H. R. 13194) granting an increase of pension to Mary E. Young; to the Committee on Invalid Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 13195) granting a pension to Dora E. Cole; to the Committee on Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 13196) granting a pension to Susan Holmes; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13197) granting a pension to Mary E. Bond; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6949. Petition of the executive council, American Bankers Association, in session at Augusta, Ga., urging Congress to pass the flood relief bill; to the Committee on Flood Control.

6950. By Mr. BACHARACH: Petition of the Women's Christian Temperance Union of Atlantic County, in favor of House bill 11410; to the Committee on the Judiciary.

6951. By Mr. BACON: Petition of sundry residents of Huntington, Long Island, N. Y., favoring the passage of House bill 11410; to the Committee on Military Affairs.

6952. Also, petition of Pershing Square Post, No. 957, American Legion, New York, in favor of House bill 10422; to the Committee on the Post Office and Post Roads.

6953. Also, petition of Annie Underhill and another, residents of Glen Head, Long Island, N. Y., urging passage of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

6954. Also, petition of sundry residents of Long Island, N. Y., urging passage of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

6955. Also, petition of sundry residents of Westhampton Beach, Long Island, N. Y., urging passage of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

6956. By Mr. BROWNING: Petition to the Congress of the United States to increase the pension of the widows and veterans of the Civil War; to the Committee on Invalid Pensions.

6957. By Mr. CRAIL: Petition of American Legion, Bert S. Crossland Post, No. 170, of Torrance, Calif., for the creation of the American green cross as a national organization, embodied in House Joint Resolution 196; to the Committee on Education.

6958. Also, petition of the American Legion Auxiliary of Alta Post, No. 19, of California, favoring House bill 5520; to the Committee on Military Affairs.

6959. By Mr. CULLEN: Resolution adopted by the Metal Trades Council of Brooklyn, indorsing House bill 12032; to the Committee on Naval Affairs.

6960. By Mr. GARBER: Petition of National Customs Service Association, by the secretary, Fred A. Ostrick, in support of House bill 10644, providing for salary increases for a large number of the customs employees; to the Committee on Ways and Means.

6961. Also, article of Dan Sonnentheil, 993 Park Avenue, New York City, in regard to the equalization fee as embodied in the McNary-Haugen bill, and including cotton; to the Committee on Agriculture.

6962. Also, petition of Chamber of Commerce, St. Louis, Mo., urging the enactment of flood-relief legislation during the present session of Congress; to the Committee on Agriculture.

6963. By Mr. HARDY: Petition of 32 citizens of El Paso County, Colo., urging the passage of legislation increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6964. Also, Petition of 62 citizens of Pueblo, Colo., urging the passage of legislation increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6965. Also, petition of 49 citizens of Pueblo, Colo., urging the passage of legislation increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6966. Also, petition of 11 citizens of Trinidad, Colo., urging the passage of legislation increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6967. By Mr. KORELL: Petition of citizens of Portland, Oreg., urging the enactment of legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6968. Also, petition of citizens of Portland, Oreg., urging the enactment of legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6969. By Mr. KVALE: Petition of several residents of Minneapolis, Minn., urging passage of House bill 11998, dog experiment bill; to the Committee on the Judiciary.

6970. Also, petition of members of Providence Local, No. 102, of the Farmers' Union of America, Dawson, Minn., urging passage of the Capper-Hope bill; to the Committee on Agriculture.

6971. Also (by request), petition of Theodore Wirth, superintendent, and board of park commissioners, Minneapolis, Minn., urging enactment of the so-called 60-40 basis for District of Columbia annual appropriations and urging provision for appropriation of $1,000,000 for the Planning Commission; to the Committee on the District of Columbia.

6972. Also, petition of Captain Comfort Starr Chapter, Daughters of the American Revolution, Tracy, Minn., urging enactment into law of certain bills proposing to amend the present immigration act; to the Committee on Immigration and Naturalization.

6973. Also, petition of the Northwestern Shoe Travelers Association, favoring the repeal of the Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

6974. By Mr. LAGUARDIA: Petition of Italian Evangelical Ministers' Association of Greater New York and vicinity, indorsing House Joint Resolution 234; to the Committee on Immigration and Naturalization.

6975. By Mr. LINDSAY: Petition of the Proportional Representation League, Philadelphia, Pa., favoring the passage of the Lea resolution (H. J. Res. 181), providing for a change by constitutional amendment in the method of electing the President and Vice President of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

6976. Also, petition of Pickands Mather & Co., Cleveland, Ohio, urging the passage of House bill 102, providing for a 10-year exemption from all income taxes of profits on the sale of certain old American vessels; to the Committee on the Merchant Marine and Fisheries.

6977. Also, petition of leading St. Louis, Mo., associations, petitioning Congress for adequate flood-control legislation at this session; to the Committee on Flood Control.

6978. Also, petition of the Merchants' Association of New York City, favoring House bill 10644, providing for an increase of salaries to employees in the customs service, on the ground that it will result in increased efficiency beneficial to both the Government and business generally; to the Committee on Ways and Means.

6979. Also, petition of Pershing Square Post, No. 957, of the American Legion, New York City, favoring House bill 10422 and Senate bill 860, intended to correct injustices and discriminations against men who served in the military and naval branches of the United States, so far as status as Government employees and appointments are concerned; to the Committee on the Post Office and Post Roads.

6980. Also, petition of Zenith Butter & Egg Co., New York City, opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6981. Also, petition of the Joint Conference of Affiliated Federal Employees on Retirement of Greater New York, requesting that favorable consideration be given the Lehlbach retirement bill (H. R. 25); to the Committee on the Civil Service.

6982. Also, petition of Metal Trades Council of Brooklyn, N. Y., American Federation of Labor, urging enactment of House bill 12032 and Senate bill 3685, providing for the correction of injustices suffered by the chief warrant officers of the Navy, particular attention being invited to resolutions adopted by said council; to the Committee on Naval Affairs.

6983. Also, petition of Federation of Post Office Clerks, New York City, requesting that the Lehlbach retirement bill (H. R. 25) be brought to an early consideration and vote; to the Committee on the Civil Service.

6984. Also, petition of the Crockery Board of Trade, New York, urging passage of House bill 8545, providing for 1-cent postage rate on local letters; to the Committee on the Post Office and Post Roads.

6985. Also, petition of William E. Kelly, county clerk, Brooklyn, N. Y., urging passage of House bill 11622, providing for an equalization of salaries paid to postal employees; to the Committee on the Post Office and Post Roads.

6986. By Mr. LINTHICUM: Petition of Maryland Historical Society, of Baltimore, and Joel Gutman & Co., of Baltimore, Md., registering opposition to Senate bill 1752, for the purpose of discontinuing use of Government stamped envelopes; to the Committee on the Post Office and Post Roads.

6987. By Mr. MEAD: Petition of Buffalo Chapter, No. 12, Izaak Walton League of America, urging the passage of House bill 7361; to the Committee on Agriculture.

6988. By Mr. O'CONNELL: Petition of the metal trades department, American Federation of Labor, Brooklyn, N. Y., favoring the passage of Senate bill 3685 and House bill 12032, to correct injustices suffered by the chief warrant officers of the Navy; to the Committee on Naval Affairs.

6989. Also, petition of the St. Louis Chamber of Commerce, St. Louis, Mo., favoring the passage by this Congress of an adequate flood-control measure; to the Committee on Flood Control.

6990. Also, petition of the Crockery Board of Trade of New York, favoring the passage of House bill 8545, for a 1-cent postage rate on local letters; to the Committee on the Post Office and Post Roads.

6991. By Mr. QUAYLE: Petition of the Grasselli Chemical Co. of Brooklyn, N. Y., opposing the passage of the Wyant bill (H. R. 8127); to the Committee on Expenditures in the Executive Departments.

6992. Also, petition of the Crockery Board of Trade of New York, urging the passage of House bill 8545; to the Committee on the Post Office and Post Roads.

6993. Also, petition of the Merchants' Association of New York, urging the passage of the Bacharach bill (H. R. 10644); to the Committee on Ways and Means.

6994. Also, petition of Pershing Square Post, No. 957, American Legion, of New York City, favoring the passage of House bill 10422; to the Committee on the Post Office and Post Roads.

6995. By Mr. REED of New York: Petition of residents of Dunkirk, N. Y., in favor of Civil War pension bill; to the Committee on Invalid Pensions.

6996. Also, petition of residents of Cuba, N. Y., urging passage of House bill 11410; to the Committee on the Judiciary.

6997. By Mr. SELVIG: Petition by Mrs. Roy Jepson and 49 adult residents of Frazee, Minn., urging Congress to pass the bill increasing the pension rate to $50 for Civil War widows; to the Committee on Invalid Pensions.

6998. Also, petition of Emma Johnson and residents of Detroit Lakes, urging favorable consideration by Congress of the Tyson-Fitzgerald bill and the universal draft bill; to the Committee on World War Veterans' Legislation.

6999. By Mr. STRONG of Kansas: Petition of citizens of Greenleaf, Kans., in support of legislation increasing the rate of pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7000. By Mr. THURSTON: Petition of 20 residents of Van Wert, Iowa, and vicinity, protesting against the passage of Senate bill 1752; to the Committee on Interstate and Foreign Commerce.

7001. By Mr. WATSON: Resolutions passed by the John Ashley Dennis, Jr., Post, No. 437, in opposition to Senate bill 777; to the Committee on World War Veterans' Legislation.

7002. By Mr. WINTER: Resolution from Travis Snow Post, No. 5, American Legion, Thermopolis, Wyo.; to the Committee on Naval Affairs.

7003. Also, resolution from Travis Snow Post, No. 5, American Legion, Thermopolis, Wyo.; to the Committee on Immigration and Naturalization.

SENATE

FRIDAY, *April 20, 1928*

Rev. James W. Morris, D. D., of the city of Washington, offered the following prayer:

Almighty God, our Heavenly Father, who art more ready to hear than we are to pray, and who hast taught us through Thy divine Son that whatsoever we ask in His name He will do, to the end that the Father may be glorified in the Son, we come to Thee now trusting in this sure word of promise. Not knowing what we should pray for as we ought, we come to Thee thankfully, depending upon the intercession of the spirit who helpeth our infirmities. Be pleased to grant that our great people, whom Thou hast so richly blessed with peace, plenty, and abundant prosperity, may be given by Thy divine providence just those proofs and probations, that fatherly training and discipline, such changes and chances of joy and sorrow as shall best enable them to glorify Thy name and to give Thee praise. Help us to—

Welcome each rebuff
That turns earth's smoothness rough
Each sting that bids not sit nor stand but go.

Give to us a realization of the high calling we have of God to witness to His truth by Christian manhood of plain living and high thinking. Through Jesus Christ, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. JONES and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 2948. An act to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes;

H. R. 11685. An act to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes;

H. R. 11887. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr.;

H. R. 11203. An act granting the consent of Congress to the counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River at or near the present Jacksonville Ferry in Telfair and Coffee Counties, Ga.; and

S. J. Res. 72. Joint resolution to grant permission for the erection of a memorial statue of Cardinal Gibbons.

CALL OF THE ROLL

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	La Follette	Sheppard
Barkley	Fletcher	Locher	Shipstead
Bayard	Frazier	McKellar	Shortridge
Bingham	George	McLean	Simmons
Blaine	Glass	McMaster	Smith
Blease	Goff	McNary	Smoot
Borah	Gooding	Mayfield	Steiwer
Bratton	Gould	Metcalf	Stephens
Brookhart	Greene	Moses	Swanson
Broussard	Hale	Neely	Thomas
Bruce	Harris	Norbeck	Tydings
Capper	Harrison	Norris	Tyson
Caraway	Hayden	Nye	Vandenberg
Copeland	Heflin	Oddie	Wagner
Couzens	Howell	Overman	Walsh, Mass.
Curtis	Johnson	Pittman	Walsh, Mont.
Cutting	Jones	Ransdell	Warren
Dale	Kendrick	Reed, Pa.	Waterman
Dill	Keyes	Sackett	Watson
Edge	King	Schall	Wheeler

Mr. CARAWAY. I desire to announce that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is necessarily detained from the Senate on account of illness. I ask that this announcement may stand for the day.

Mr. WAGNER. I wish to announce that the junior Senator from New Jersey [Mr. EDWARDS] is still detained from the Senate owing to illness in his family.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

NORTHWESTERN BANDS OF SHOSHONE INDIANS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 710) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the Northwestern Bands of Shoshone Indians may have against the United States.

Mr. FRAZIER. I move that the Senate disagree to the amendments of the House, ask for a conference on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. FRAZIER, Mr. SCHALL, and Mr. ASHURST conferees on the part of the Senate.

FEDERAL POINT LIGHTHOUSE RESERVATION, N. C.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to transfer the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., which, with the accompanying paper, was referred to the Committee on Commerce.

BOULDER DAM

Mr. ASHURST. Mr. President, I have here a statement concerning the Boulder Dam project which was issued by the American Engineering Council on April 18 of this year. I ask that the clerk may read the same.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

STATEMENT CONCERNING BOULDER DAM PROJECT ISSUED BY AMERICAN ENGINEERING COUNCIL APRIL 18, 1928

American Engineering Council, representing 43,000 professional engineers, is an organization conducted for the purpose of affording a means through which engineers may express their views concerning national questions of an engineering character. National problems such as flood control, utilization of natural resources, and the like, come within its purview of activity.

Consequently council has given careful consideration to the Boulder Dam project which has been under consideration by the Congress. In keeping with its usual practice, the council appointed a special committee composed of most eminent engineers experienced in such matters to review all data and information available relating to the Boulder Dam project. This committee, after due deliberation, submitted a report

to the council which has been approved by the executive committee thereof. The report is as follows:

"Your committee is unanimously agreed that the information set forth in the reports which have been submitted to us is not conclusive as to the engineering feasibility of the plan outlined in the Swing-Johnson bill, and that before either the Government or private capital would be justified on engineering or economic grounds in committing themselves to the expenditure involved, the development of the river for the purpose in view should be further and most thoroughly investigated to determine how the results which it seeks to accomplish can be secured with a reasonable assurance of success."

FRANCIS LEE STUART, *Chairman.*
ALLEN HAZEN.
CLEMENS HERSCHEL.
J. WALDO SMITH.
LEWIS B. STILLWELL.

Mr. ASHURST. Following that which has just been read there are numerous data regarding the training and experience of the members of the committee. I ask that that be included in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

TRAINING AND EXPERIENCE OF MEMBERS OF THE COMMITTEE

Allen Hazen: Consulting civil engineer; vice president American Society of Civil Engineers; vice president Hazen & Whipple, engineers, 25 West Forty-third Street, New York City.

Education: Massachusetts Institute of Technology, Boston, Mass; honorary degree Sc. D. New Hampshire and Dartmouth Colleges.

In charge State board of health experiment station, Lawrence, Mass., 1888–1893.

In charge sewage disposal, World's Columbian Exposition, Chicago, 1893.

In private practice, Boston, 1894–1897, and in New York City since 1897; work mainly on city water supplies.

Chief engineer Albany water filtration plant built 1889–1899, and other purification works.

Consulting engineer for water purification works, Washington, D. C.

Author: The Filtration of Public Water Supplies, 1895–1900; Clean Water, 1907; Meter Rates for Water Works, 1917; also numerous articles on water supply and sewage disposal; joint author, Hydraulic Tables, with Gardner S. Williams, 1905.

Member: American Society of Civil Engineers, American Public Health Association, etc.

Clemens Herschel: Consulting civil and hydraulic engineer; past president American Society of Civil Engineers; 2 Wall Street, New York City.

Education: S. B., Lawrence Scientific School (Harvard), 1860.

Hydraulic engineer, Holyoke (Mass.) Water Power Co., 1879–1889.

Railroad commissioner of Massachusetts, 1881–1883.

Consulting engineer of several of the large water-power companies of Niagara Falls, 1884–1904.

Engineer and superintendent East Jersey Water Co., 1889–1900.

Inventor of Venturi water meter, for which was awarded Elliott Cresson gold medal of Franklin Institute.

Member: American Society of Civil Engineers; Boston Society of Civil Engineers; Institute of Civil Engineers of Great Britain.

Author: Continuous Revolving Drawbridges, 1875; One Hundred and Fifteen Experiments, 1897; Frontinus and the Water Supply of the City of Rome, 1899; also various contributions on engineering topics in technical journals.

J. Waldo Smith: Consulting civil engineer; past vice president American Society of Civil Engineers; consulting engineer for Board of Water Supply of New York; Municipal Building, New York City.

Education: Phillips Academy, Andover, Mass.; S. B., Massachusetts Institute of Technology, 1887; director of engineering, Stevens Institute of Technology, 1918; director of science, Columbia University, 1918.

Chief engineer of his home town at age of 17.

Assistant engineer, Holyoke (Mass.) Water Power Co., 1887–1889.

Resident engineer (two years), principal assistant engineer (six years), East Jersey Water Co., on design and construction of a supply of 50,000,000 gallons of water per day for Newark, 1890–1897.

Chief engineer and superintendent Passaic, Acquackanonk, and Montclair Water Cos., in New Jersey, on maintenance, extension, and operation of water supply, 1898–1900.

Consulting engineer Jersey City Water Supply Co.; built filtration plant at Little Falls, N. J.; and directed design and construction of supply of 50,000,000 gallons daily for Jersey City, 1901–1903.

Chief engineer for aqueduct commissioners, New York, N. Y., in charge of all construction work of Croton water system, involving completion of new Croton Dam, Muscoot Dam, Jerome Park Reservoir, and design of Cross River Dam, 1904–5.

Chief engineer board of water supply, New York, to secure an additional supply of 500,000,000 gallons of water per day from Catskill Mountains from 1905–1922.

Consulting engineer for board of water supply of New York, and in connection with water supplies for Philadelphia, Providence, Boston, and Kansas City, and consulting engineer for the Moffat Tunnel.

Awarded John Fritz medal in 1918 for achievement providing city of New York with water.

Chairman military engineering committee of New York which organized a course of military engineering, lectures given by officers of the Corps of Engineers, Eastern Department, United States Army, immediate result of which was voluntary drilling of considerable numbers and many applications for first Plattsburg camp, 1915–16; on declaration of war, commissioned under direction of Chief of Engineers, United States Army, recruited Eleventh Engineers Regiment.

Member American Society of Civil Engineers, American Society of Mechanical Engineers, Institution of Civil Engineers of Great Brtain, American Water Works Association, and various other scientific and allied technical societies.

Lewis Buckley Stillwell: Consulting electrical engineer; past president American Institute of Electrical Engineers; Century Club, New York City.

Education: Wesleyan University, 1882–1884; Lehigh University, E. E. 1885, M. S. 1907, D. Sc. 1914; Wesleyan University, Sc. D. 1907.

Assistant electrician Westinghouse Electric & Manufacturing Co., 1886–1890; chief electrical engineer, 1890–1898.

Electrical director Niagara Falls Power Co., 1897–1900.

In practice as consulting electrical engineer in New York since 1900.

Consulting engineer Manhattan Elevator Railway Co. (electrification of elevated lines in New York City), 1899–1906.

Electric director Rapid Transit Subway Construction Co., 1900–1909.

Consulting engineer Hudson Co., 1905–1913.

Member Erie Railroad electrification commission.

Consulting engineer United Railways & Electric Co. of Baltimore, 1906–1920; Interborough Rapid Transit Co., 1909–1920.

New York, New Haven & Hartford Railroad Co. (Hoosac Tunnel electrification), 1910–11; New York, Westchester & Boston Railway Co., 1911–1915; Lehigh Navigation Electric Co., 1912–1918.

Consulting engineer Holland Vehicular Tunnels, 1924.

Member: Board of Economics and Engineering of National Association Owners Railroad Securities, 1921–22; National Research Council; American Institute of Electrical Engineers; American Institute of Consulting Engineers; American Society of Civil Engineers; British Institute of Electrical Engineers; president Engineering Foundation; Royal Society of Arts, Great Britain; Franklin Institute; life trustee of Princeton University; board of directors Chamber of Commerce of United States, 1921–1923.

Francis Lee Stuart: Consulting engineer, past vice president American Society of Civil Engineers, 949 Broadway, New York City.

Education: Graduate Emerson Institute, Washington, D. C.

Entered Baltimore & Ohio service 1884, experience in the various engineering departments of railroads.

District engineer of eastern side of Nicaraguan Canal, Nicaraguan Canal Commission, 1897.

Division engineer Isthmian Canal Commission, 1899–1900.

Assistant engineer and later engineer of surveys Baltimore & Ohio Railroad, 1900.

Chief engineer Erie Railroad, 1905–1910; chief engineer Baltimore & Ohio, 1910–1915.

Began private practice 1915 and has continued to date, during which time has served in following capacities:

Chairman terminal port facilities committee of War Industries Board and member depot board, War Department, 1917–18

Chairman budget committee, United States Railroad Administration, 1918–1920.

Engineering expert port development commission, Baltimore, 1921.

Member technical advisory board, New Pork Port Authority, 1921.

Member transit advisory board of Philadelphia, 1923.

Retained by 11 trunk-line railroads serving port of New York to investigate and report on transportation matters.

Consulting engineer Cunard project and Hydroelectric Power Commission, Niagara Falls, Canada, 1920–21.

Consulting engineer greater harbor committee of two hundred of Los Angeles Chamber of Commerce in connection with railroad and harbor problem.

Member board of review, sanitary district, Chicago's lake-leveling controversy and remedial program.

Chairman committee on value diverted water for transportation from Lake Michigan to Gulf of Mexico.

Member committee Great Lakes regulation; giant power advisory board, State of Pennsylvania.

President International Conveyor Corporation, Terminal Operating Corporation, Stuart Patents Corporation.

More than 40 patents, mainly for inventions substituting improved machinery and methods for present practices.

Member: American Society of Civil Engineers, American Academy of Political and Social Science, American Association of Port Authorities,

past president New York Society of Terminal Engineers, and various other scientific and allied technical organizations.

PROHIBITION

Mr. BRUCE. Mr. President, I ask to have a poem read. It is not for me to say whether or not the author of the poem uses the language of John Milton, the favorite bard of the Muses, but the poem is written with manifest sincerity and a highly commendable degree of enthusiasm. It relates to the subject of prohibition.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

PROSTITUTION OF PROHIBITION

By Horace C. Carlisle

Many years the liquor traffic,
Fostered by inebriates,
And the licensed liquor dealers,
Throughout these United States,
Spread, commensurate with progress,
Unmolested, near and far,
Until every town and hamlet
In the country had its bar.

Soon the Woman's Temperance Union
And the great Good Templar's Lodge
Set to work to solve the question
That the church preferred to dodge—
For her influential members,
Many of them, seemed to think
That the church should never question
Any member's right to drink.

For full many an anxious decade
Temperance workers pled their cause
With such fervency and favor
That it changed the liquor laws—
And some States then substituted
For this agency of dread,
In the population centers,
The dispensary instead.

But this, too, was fraught with evils,
Just as many, if not more,
For the drunkards kept on drinking
More, perhaps, than e'er before—
And the profits from the traffic
Opened avenues to graft
Which made justice beg for mercy,
While rum profiteering laughed.

With the deepest of convictions
That the liquor traffic was
Enemy to law and order,
And the noble temperance cause,
The dispensary was ousted,
As a national disgrace,
And—to multiply confusions—
Prohibition tooks its place.

Prohibition drove the liquor
Into hiding everywhere,
And the erstwhile liquor traffic,
Still as death, slept in her lair—
But her sleep soon discontinued,
And she rose to do her worst,
In the name of law enforcement,
To relieve the country's thirst.

Former foes of prohibition
Soon became its bosom friends—
Under prohibition's banner
Graft began to seek its ends—
And those trusted with enforcement
Of the prohibition law
Ofttimes proved the vilest grafters
That corruption ever saw.

Bootleg liquor in abundance,
Everywhere, began to flow
Through more undercover channels
Than the world will ever know,
And the bootleg liquor vendors—
And the grafters in the cause—
Soon became the greatest boosters
Of the prohibition laws.

Temperance is a thing of beauty,
And its practice brings a joy
That polluted prohibition
Seems determined to destroy.
For true temperance, like religion,
Thrives on love, but flees from awe—
Product of divine persuasion—
Not to be enforced by law.

Just one year of real enforcement
Of the untried Volstead Act,
Fair, unbiased, and impartial,
Might reveal the fateful fact,
That the jails would all be crowded
With the Volsteadites that choose—
After preaching "Law enforcement"—
To enjoy, themselves, their booze.

Prohibition's false supporters,
Men of prestige and renown,
Are the ones that have completely
Broken prohibition down—
And, so long as it's intrusted
To these traitors to the cause,
There can never be enforcement
Of the prohibition laws.

But, one year of real enforcement,
Jailing rich and poor alike,
Would make prohibition's traitors
Call a prohibition strike—
And, real temperance still is praying
For a real enforcement, that
Yet will show, in all its folly,
Prohibition, "where we're at."

SEGREGATION OF EMPLOYEES IN GOVERNMENT DEPARTMENTS

Mr. BLEASE. Mr. President, I send to the desk an article appearing in the Pittsburgh Courier of Saturday, April 21, 1928, which I ask that the clerk may read.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[From the Pittsburgh Courier, Saturday, April 21, 1928]

THE ANNOYING MR. BLEASE

The other day Secretary of Commerce Herbert Hoover, candidate for presidential nomination on the Republican ticket, abolished segregation of negro clerks in his department. That was a good move calculated to make Mr. Hoover more popular with the million or more negroes in the United States who can cast a ballot without fear of lynching. Now comes the annoying Senator BLEASE, elected to his office by a handful of people in South Carolina (because the bulk of the electorate down there is disfranchised), complaining against this action. The Senator screams out the alarming news that Mr. Hoover's order "forced white girls to use the same accommodations as negro employees" and that this tragic action would "destroy all chance the Secretary may have ever entertained of breaking the 'solid South.'" "If the policy started by Mr. Hoover is kept up," the fiery South Carolinian predicts, "those who have been dreaming a happy thought of a respectable Republican Party in the South might as well wake up."

Ah! the delightful Senator BLEASE. We are beginning to realize now what his mission is in the United States Senate. It is, we are compelled to believe, the upholding of white supremacy and the spread of Jim Crowism. To Senator BLEASE an American must be what is called white before he can be classed as a citizen. Coming from a benighted area where negroes are only a notch removed from serfdom, deprived of all political rights and privileges, and whose sweat coins millions for their exploiters, Mr. BLEASE naturally wishes to extend this sort of thing over the length and breadth of the land. To that end he has labored assiduously since his election. At all times he is ready to annoy every public man who is trying to do the fair and right thing.

While we hold no particular brief for Mr. Hoover as a presidential candidate, we believe that the support he will get for his ending of segregation in his department will far outweigh any opposition engendered by the ranting of Senator BLEASE to arouse home and national Ku-Klux sentiment. When it comes to votes, we think those of the negroes in the more civilized areas of the country will far outnumber the handful in South Carolina and neighboring States who are permitted to vote.

Mr. BLEASE. Mr. President, I understand that that newspaper is edited by a "nigger." I have no further comment to make on it, except to say that it carries out just what I said as to the object of this candidate for the Presidency in making the rule that he did in his department the other day. It is

clear proof of the fact that Mr. Hoover did it to catch the negro vote and as it is stated he will catch it in that article. I am glad, though, to see that Mr. Hubert Work's State seems not to agree with Mr. Hoover in his negro propaganda.

MEMORIALS

Mr. REED of Pennsylvania presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of the bill (H. R. 8127) to provide for the transfer to the Department of the Interior of the public-works functions of the Federal Government, and for other purposes, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of the bill (S. 1094) to amend the practice and procedure in Federal courts, and for other purposes, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of the bill (S. 3151) to limit the jurisdiction of district courts of the United States, which was referred to the Committee on the Judiciary.

SENIORITY STANDING IN THE POSTAL SERVICE

Mr. WATSON presented a letter from Charles B. Stevens, of Warsaw, Ind., relative to the matter of seniority standing in the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES

Mr. FRAZIER, from the Committee on Indian Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2042) for the relief of Rolette County, N. Dak. (Rept. No. 845);

A bill (S. 3501) to provide for the construction of a boarding school for Indian children at Belcourt, in the Turtle Mountain Indian Reservation, State of North Dakota (Rept. No. 846);

A bill (S. 3503) to authorize the Secretary of the Interior to purchase certain lots in the city of Needles, San Bernardino County, Calif., for Indian use, and authorizing an appropriation of funds therefor (Rept. No. 853); and

A bill (S. 4036) to authorize the Secretary of War to transfer the control of certain land in Oregon to the Secretary of the Interior (Rept. No. 854).

He also, from the same committee, to which was referred the bill (S. 2076) authorizing the enrollment of Carl J. Reid Dussome as a Kiowa Indian, and directing issuance of trust patents to him to certain lands of the Kiowa Indian Reservation, Okla., reported it with amendments and submitted a report (No. 851) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 3990) granting the consent of Congress to the boards of county commissioners of the counties of Escambia, Fla., and Baldwin, Ala., their successors and assigns, to construct, maintain, and operate, or to cause to be constructed, maintained, and operated under franchises granted by them, a toll bridge across Perdido Bay, in the States of Florida and Alabama, reported it with amendments and submitted a report (No. 847) thereon.

He also, from the same committee, to which was referred the bill (S. 4013) authorizing the Henderson-Ohio River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Henderson, Ky., reported it with an amendment and submitted a report (No. 848) thereon.

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

A bill (S. 2340) to transfer to the city of Duluth, Minn., the old Federal building, together with the site thereof (Rept. No. 849); and

A joint resolution (S. J. Res. 119) granting an easement to the city of Duluth, Minn. (Rept. No. 850).

Mr. BLAINE, from the Committee on the District of Columbia, to which was referred the bill (S. 3565) to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes, reported it with amendments and submitted a report (No. 852) thereon.

Mr. MOSES, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 12030) to amend Title II of an act approved February 28, 1925 (43 Stats. 1066, U. S. C., title 39), regulating postal rates, and for other purposes, reported it with amendments and submitted a report (No. 855) thereon.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bill and joint resolution:

S. 2948. An act to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes; and

S. J. Res. 72. Joint resolution to grant permission for the erection of a memorial statue of Cardinal Gibbons.

WRITS OF ERROR

Mr. NORRIS. From the Committee on the Judiciary I report back favorably, without amendment, the bill (H. R. 12441) to amend section 2 of an act entitled "An act in reference to writs of error," approved January 31, 1928, Public, No. 10, Seventieth Congress. Inasmuch as the bill has to do with an emergency I ask unanimous consent for its present consideration.

Mr. CURTIS. Has the bill been unanimously reported from the committee?

Mr. NORRIS. It comes from the committee with a unanimous report, after consultation on the part of a subcommittee of the Judiciary Committee with a committee of the Supreme Court of the United States. It is in regard to the bill which became a law on January 31, 1928. That act abolished the taking of cases to the Supreme Court of the United States from the courts of appeals by writs of error. It abolished the writ of error, and provided that cases should go up by appeal. That measure had been submitted by the American Bar Association, had been recommended by the Judiciary Committees of the Senate and the House, had passed both bodies, and become a law. However, in providing for the simplification of taking cases up by appeal there was no provision for giving bond or payment of costs or anything of that kind, with the result of simply by filing notice of appeal litigants were able to take all kinds of cases to the Supreme Court. The Supreme Court themselves became alarmed at the number of cases that were coming up in this way. So, the bill which I now report, which has passed the House of Representatives, is really presented at the request of the Supreme Court. It merely amends the act which we passed by having section 2 of it read as follows:

SEC. 2. The statutes regulating the right to a writ of error, defining the relief which may be had thereon, and prescribing the mode of exercising that right and of invoking such relief, including the provisions relating to costs, supersedeas, and mandate, shall be applicable to the appeal which the preceding section substitutes for a writ of error.

The bill merely provides a safeguard, Mr. President. I can conceive of no possible objection to it. As I have said, it is an emergency measure, and I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 2 of an act entitled "An act in reference to writs of error," approved January 31, 1928, Public, No. 10, Seventieth Congress, be, and it is hereby, amended to read as follows:

"SEC. 2. The statutes regulating the right to a writ of error, defining the relief which may be had thereon, and prescribing the mode of exercising that right and of invoking such relief, including the provisions relating to costs, supersedeas, and mandate, shall be applicable to the appeal which the preceding section substitutes for a writ of error."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS SAN FRANCISCO BAY

Mr. JOHNSON. Mr. President, from the Committee on Commerce I present a report (No. 826, pt. 2) to accompany the bill (S. 1762) granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State, heretofore reported by me from that committee with amendments.

Inasmuch as this bill is one of very grave importance to the city of San Francisco and inasmuch as it comes here with the approval of the Commerce Committee authorizing the city to build a bridge across the bay, I ask the indulgence of the Senate for its immediate consideration. If there is any delay or any debate or any opposition I will withdraw the request.

Mr. CURTIS. Is the bill in regular form?

Mr. JOHNSON. It is.

Mr. ODDIE. Mr. President, there is opposition to this project on the part of the Navy Department and the War Department, and I think the bill should have the consideration of the Senate. I should like to look into the matter a little before the bill shall be acted on.

Mr. JOHNSON. If there is objection, of course, I can not proceed with it. The bill has been considered by the committee of which the Senator is a member; the committee unanimously reported it; representatives of the Navy Department were there as were representatives of the War Department, and there has been no objection manifested to it at all. I am rather astonished that objection comes from the particular direction from which it does come this morning, but, inasmuch as it is made, I can not proceed; I grant that.

Mr. ODDIE. The Navy, I understand, is opposed to the bill, and I wish to look into it.

Mr. ASHURST. Mr. President, I do not agree with the Senator from California on a certain well-known bill, but I am heartily in sympathy with him in this matter, and I hope that the bill will pass.

The VICE PRESIDENT. The report filed by the Senator from California to accompany Senate bill 1762 will be printed.

TERMS OF COURT AT BRYSON CITY, N. C.

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably, without amendment, House bill 8835, changing the times for holding court in the western district of North Carolina. This is a local matter, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8835) to amend section 98 of the Judicial Code, as amended, to provide for terms of court at Bryson City, N. C.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. CROIX RIVER BRIDGE

Mr. DALE. From the Committee on Commerce I report back favorably, with an amendment, Senate bill 3793, and I submit a report (No. 844) thereon. I call the attention of the senior Senator from Wisconsin [Mr. LA FOLLETTE] to the bill.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent for the immediate consideration of the bill. It is a bridge bill in the usual form.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3793) authorizing the St. Croix Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Croix River on the Grantsburg Road, which had been reported from the Committee on Commerce with an amendment, on page 1, line 9, after the word "navigation," to strike out the word "on" and to insert in lieu thereof the words "at or near," so as to make the bill read:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the St. Croix Interstate Bridge Co., of Grantsburg, State of Wisconsin, its successors and assigns, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the St. Croix River, at a point suitable to the interests of navigation, at or near the Grantsburg Road, near the village of Grantsburg, State of Wisconsin, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the St. Croix Interstate Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said St. Croix Interstate Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Wisconsin, the State of Minnesota, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The St. Croix Interstate Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Departments of the States of Wisconsin and Minnesota a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said St. Croix Interstate Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the St. Croix Interstate Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the St. Croix Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Croix River near Grantsburg, Wis."

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KEYES:

A bill (S. 4151) to provide a building for the Supreme Court of the United States; to the Committee on Public Buildings and Grounds.

By Mr. VANDENBERG:

A bill (S. 4152) granting an increase of pension to Margaret Younkes (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 4153) authorizing the establishment of a migratory-bird refuge in the Cheyenne Bottoms, Barton County, Kans.; to the Committee on Agriculture and Forestry.

By Mr. JOHNSON:

A bill (S. 4154) granting an increase of pension to William C. Rives; to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 4155) granting a pension to Lizzie Kersten (with accompanying papers); to the Committee on Pensions.

By Mr. WAGNER:

A bill (S. 4156) for the relief of the Morse Dry Dock & Repair Co.; to the Committee on Claims.

A bill (S. 4157) to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and to regulate the expenditure of moneys that shall be appropriated for such purposes; and

A bill (S. 4158) to amend section 4 of the act of March 4, 1913, entitled "An act to create a Department of Labor"; to the Committee on Education and Labor.

By Mr. FESS:

A bill (S. 4159) granting a pension to George L. Spain;

A bill (S. 4160) granting an increase of pension to Harriett J. White; and

A bill (S. 4161) granting an increase of pension to Mary Daub; to the Committee on Pensions.

By Mr. WATSON (for Mr. ROBINSON of Indiana):

A bill (S. 4162) to correct the military record of Jacob Shuey; to the Committee on Military Affairs.

A bill (S. 4163) granting an increase of pension to Mary B. Edwards; and

A bill (S. 4164) granting an increase of pension to Lorena A. Weaver (with accompanying papers); to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 4165) granting an increase of pension to Nellie E. Luchy; to the Committee on Pensions.

By Mr. MAYFIELD:

A bill (S. 4166) to remit estate tax on the estate of John Sealy; to the Committee on Finance.

By Mr. SHEPPARD:

A bill (S. 4167) extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas; to the Committee on Irrigation and Reclamation.

By Mr. GOODING:

A bill (S. 4168) to amend the act entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1928, and for other purposes," approved January 12, 1927; to the Committee on Irrigation and Reclamation.

PRACTICE OF THE HEALING ART IN THE DISTRICT

Mr. BRUCE submitted an amendment intended to be proposed by him to the bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia, which was ordered to lie on the table and to be printed.

PROPOSED NICARAGUAN CANAL

Mr. McKELLAR submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan Canal, which was ordered to lie on the table and to be printed.

ESTABLISHMENT OF ADDITIONAL LAND OFFICES

Mr. WATERMAN submitted sundry amendments intended to be proposed by him to the bill (S. 1794) establishing additional land offices in the States of Montana, Oregon, Idaho, and South Dakota, which were ordered to lie on the table and to be printed.

AMENDMENTS TO THE NAVAL APPROPRIATION BILL

Mr. COPELAND submitted an amendment under the heading "Increase of the Navy: Construction and machinery," on page 45, line 4, to strike out "$31,500,000, to remain available until expended," and insert "$32,400,000, of which sum $900,000 shall be immediately available toward the construction of three fleet submarines," intended to be proposed by him to House bill 12286, the naval appropriation bill, which was ordered to lie on the table and to be printed.

Mr. McKELLAR submitted an amendment intended to be proposed by him to House bill 12286, the naval appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 53, after line 17, to insert:

"*Provided*, That no part of the appropriation made in this bill shall be used for the purpose of maintaining marines or troops in the Republic of Nicaragua on and after January 1, 1929, unless specially authorized by the Congress."

PRODUCTION OF TUNGSTEN

Mr. ODDIE. Mr. President, the sudden cessation of the demand for tungsten at the close of the World War, together with the resumption of importations of this mineral from China after the war, left a large surplus of the commodity in the hands of consumers and in bonded warehouses at the time of the passage of the tariff law of 1922. These factors combined to lower the price of tungsten below a point at which its production was profitable, resulting in an almost complete suspension of production until 1925, when the stocks became low enough to warrant a resumption of production, but then to the extent that only those mines with the lowest production costs could operate.

In 1926 the delivery cost on tungsten from China was further reduced, and this resulted in a loss to the domestic operator on every unit produced. Production was, however, continued in the United States during 1927, with the expectation that the internal difficulties in China would cause a diminution of exports from that country, with a consequent advance in the price level to that of 1925; but the heavy imports continued, causing even greater loss to the American producers. At the present time, unless a higher rate of duty can be imposed, production must practically cease.

For these reasons I offer the resolution which I send to the desk, and ask for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution of the Senator from Nevada.

The Chief Clerk read the resolution (S. Res. 203) as follows:

Resolved, That the United States Tariff Commission be, and it is hereby, requested, under the provisions of section 315 of the tariff law of 1922, to make forthwith an investigation into the costs of production of tungsten in the United States and China, the principal competing country, and to report its findings to the President of the United States.

Mr. JOHNSON. I ask that the resolution may go over under the rule.

The VICE PRESIDENT. The resolution will go over for one day under the rule.

APPOINTING AND REMOVAL POWER OF THE PRESIDENT

Mr. McLEAN submitted a resolution (S. Res. 204), which, with the accompanying manuscript, was referred to the Committee on Printing:

Resolved, That the manuscript entitled "The appointing and removal power of the President of the United States," by Charles E. Morganston, be printed as a Senate document.

AMENDMENT OF AIR MAIL ACT

Mr. LA FOLLETTE. I ask unanimous consent that House bill 8337, Order of Business 864, reported from the Committee on Post Offices and Post Roads on April 18, be recommitted to the committee. I may say that that motion has the approval of the chairman of the committee. There have been some developments which require further consideration of the bill by the committee.

The VICE PRESIDENT. Without objection, it is so ordered.

PRESIDENT COOLIDGE'S ADDRESS BEFORE DAUGHTERS OF THE AMERICAN REVOLUTION CONVENTION

Mr. KING. Mr. President, on April 16, 1928, President Coolidge delivered an address before the Society of the Daughters of the American Revolution. In that address he announced very sound doctrines which should commend themselves to the American people, and particularly to the Senate, in view of the irresistible movement in favor of centralization and the destruction of the States. I commend this magnificent address of the President to the American people and to the Senate, and I ask that it be incorporated in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

Madame President General, because this society is a patriotic organization formed to perpetuate the principles established by the American Revolution, it is a satisfaction to join in your devotions. The human race through the medium of organized society, no less than the individual, has to learn through experience. The record of that experience is embodied in history. It is a record full of meaning. It is impossible to comprehend the problems of the present without being informed con-

cerning the problems of the past. We have no method by which we can project our progress into the future, unless we understand the principles and the actions which contributed to past success. Without clear comprehension of the direction from which we have come, we can not chart the direction in which we should go. It is for these reasons that it becomes so important constantly to contemplate the ideals of the formative period of our Nation. It was a time when pretense and fiction had to be cast aside, in order that the people might bestow their entire attention upon the essential and the genuine. They came into close contact with the great realities.

We do not grasp the full import of the American Revolution unless we consider it in its double aspect. In the first place, it was a struggle for independence. But the victory which, after long years of sacrifice crowned that effort, gave to the Colonies little more than an opportunity. They soon found that independence of the Crown of England was of small import unless they could establish themselves under a national government of their own. In the second place, therefore, the revolution meant the adoption of the Federal Constitution. The war would have been of little value if the peace had not been used to create a nation.

Prior to this period our institutions had been in the making, public opinion had been shaping. It was then that final decisions were made and the definite form of our fundamental law was declared. From time to time it has been broadened and strengthened, but in its main principles it has not been much changed. The Republic which it created is the Republic under which we live.

No more enticing subject for discussion exists than the success with which our country has been blessed from the Revolutionary period down to the present hour. Our growth from 3,000,000 people, inhabiting 13 detached Colonies lying on the Atlantic seaboard, poor in almost everything save character and spirit, to the flourishing Nation of 118,000,000 people, extending across the continent, possessed of extensive material resources and endowed with all the facilities of science and art, education, and charity is a record known to all the world and very thoroughly appreciated by everyone but ourselves. While we are all vaguely conscious of this development, too many of us do not realize the great advantages which it confers upon all our people in comparison with those enjoyed in any other locality on earth.

We have every reason to be content with the progress we have made, and yet as we look about us and see the ignorance that still exists, the crime that still flourishes, the distress that so often overtakes the deserving, and the disease which still afflicts so many, we can not escape the conclusion that in spite of all our successes we have much more to do to secure a truly enlightened civilization. Society is made up of individuals with all their strength and all of their high possibilities, but still with all their imperfections. The most that could be hoped for is not perfection, but the best that can be made of a people in our present state of development. Measured by that standard, the results are exceedingly satisfactory.

Admitting that there yet remains much to be done, but believing that the progress we have made indicates that we have been taking the right course, we reach the conclusion that it is desirable to understand the principles and policies which have contributed to our success and attempt to continue to keep them in operation. One of the most important institutions which became more firmly established as the result of the Revolution was the old theory of local self-government. The race experience of those who took such a prominent part in the affairs of that day, and the whole body of the people that supported them, had always been prone to identify the cause of liberty very closely with the cause of local self-government.

The Colonies claimed that system as a right recognized by their royal charters and naturally inherent in their right as freemen. They cheerfully admitted the sovereignty of the mother country over them while at the same time asserting the long-established privilege, which was theirs under the constitution of the realm, to pay no taxes except those which were the self-imposed levies of their own legislatures. The essentials of government, and especially control of the purse strings, unless they were to relinquish their freedom, they knew they must keep in their own hands. If it was to be delegated at all, they wished to delegate it only to representatives of their own choosing. It was obvious that the farther away from them the power of government was located, and the less control they had over it, the more danger there was that it would be exercised arbitrarily and despotically. Rather than submit to these dangers they resorted to the war which gave them independence.

What they were contending for was primarily the rights of the individual, the security of life, of liberty, and of property. They wished him to be provided with an assurance of justice near his own home and to be protected from all unreasonable impositions by the hand of authority. They sought to make him free to manage his own affairs, whether they were economic, political, or religious. This was the heaviest responsibility that was ever undertaken by any people in the world. But they knew, as we know, that there is no other foundation on which liberty and equality can rest. The history of the past 150 years has demonstrated that so far our country has been able to discharge this responsibility. At certain times and in certain places we have been neglectful of it, and the power of self-government, instead of being retained by the people, has been exercised by those who were serving their own private interest rather than the public welfare. But the people have always aroused themselves and recaptured the control of their own affairs. Sometimes they have been tempted by specious presentations to believe that in some way they could live off the Government and get something for nothing, without having to make compensation through their labor or their loss of freedom.

It is the righteous duty of society to assist the disproportionately weak and afflicted. That is the meaning of charity. The same duty requires the protection of the individual against crime and wrongdoing. That is the meaning of security. But the average run of the people must be personally responsible for their own affairs and their own success. Under our institutions they can not evade this duty by attempting to shift it upon the Government, for they are themselves the Government. Unless they discharge this obligation themselves, there is no one that can discharge it for them. To attempt any other method is to deny that the principle of freedom, equality, and self-government is sound.

If the American Revolution had one note that was more dominant than another, it was the principle that the people were competent to run their own business and manage their own government. That was the pæan of emancipation that rang high and clear through the whole period. It was an appeal to the people to emerge from their weakness and their servitude and rely on their own strength and courage to conquer for themselves a place of power and freedom. The determination of the individual to stand alone, unaided and independent, required a high degree of character. The colonists had had enough of aristocracy, of monopoly, and of tyranny, so that they were willing to take their chances with ordered liberty.

The question is always before us of whether we are to have the capacity, the courage, and the character to maintain the high ideals which they established. There are always those who are willing to surrender local self-government and turn over their affairs to some national authority in exchange for a payment of money out of the Federal Treasury. Whenever they find that some abuse needs correction in their neighborhood, instead of applying a remedy themselves they seek to have a tribunal sent on from Washington to discharge their duties for them, regardless of the fact that in accepting such supervision they are bartering away their freedom. Such actions are always taken on the assumption that they are a public benefit. Somewhere, Lincoln said something to the effect that tyrants always bestrode the necks of the people upon the plea that it was for their good. He might have added that the people suffered the rule of tyranny in the hope that it would be easier than to rule themselves. We have built our institutions around the rights of the individual. We believe he will be better off if he looks after himself. We believe that the municipality, the State, and the Nation will each be better off if they look after themselves. We do not know of any other theory that harmonizes with our conception of true manhood and true womanhood.

We have long since realized that we have become one nation. But it is a nation founded on the individual States. Their rights ought always to be scrupulously regarded. Unless their actions are such as to violate the Constitution and seriously interfere with the rights of other States, they should be left to solve their own problem in their own way under the pressure of public opinion, rather than have outside authority step in to attempt to solve it for them. If we are going to have local self-government with all of its advantages, we can not escape from some of its limitations. When authority is located afar off, it is necessarily less well informed, less sympathetic, and less responsive to public requirements. When it is close at hand it is more likely to be executed publicly and in the public interest. Having a personal contact, it is more humane and more charitable. On the other hand, rights can not be long preserved unless they are accompanied by a discharge of obligations. State rights can not be used indefinitely to perpetuate national wrongs.

Our country to some extent tends to depart from these ideals. We are especially prone to call on the National Government to take over our burdens, and with them our freedom. Through regulations and commissions we have given the most arbitrary authority over our actions and our property into the hands of a few men. Some of this has been necessary to prevent those who are weak from being overcome by those who are strong. But it is a procedure fraught with considerable danger and should only be adopted as a last resort. There is one field, however, which belongs to the people, upon which they have uniformly insisted that the Federal Government should not trespass. That is the domain of private business. Society requires certain public activities, like highways and drainage, which are used in common and can best be provided by the Government. But in general the country is best served through the competition of private enterprise. If the people are to remain politically free, they must be economically free. Their only hope in that direction is for them to keep their own business in their own hands.

Our theory of society rests on a higher level than communism. We want the people to be the owners of their property in their own right. We recognize that they are all capitalists by nature. We want them to

be all capitalists in fact. That result is being approached rapidly. Our system is demonstrating by practice that it works.

The theories which are advanced to entice the people into handling their private affairs over to the Government do not take into account all the facts. The fundamental characteristics of humanity are not going to be changed by substituting Government action for private enterprise. The individual who manages the one, with all his imperfections and his selfishness, will have to be employed to manage the other. The very essence of business is the expectation of a profit on the part of those who conduct it. Government is conducted from an entirely different motive. When business is in private hands it is expected to be run for the benefit of the owners. When the Government steps in, the purchasers, users, and beneficiaries of what the Government undertakes to supply insist that the concern should be conducted for their benefit. It does not eliminate selfishness; it simply transfers it in part from the seller to the purchaser. Under these conditions it ceases to be a real business, becomes lacking in enterprise and initiative, and does not have any motive to provide improved service.

Flowing out of these unavoidable conditions, if the Government gets into business on any large scale, we soon find that the beneficiaries attempt to play a large part in the control. While in theory it is to serve the public, in practice it will be very largely serving private interests. It comes to be regarded as a species of Government favor, and those who are the most adroit get the larger part of it. Men in public life are besought to secure places of employment for some persons in their locality and favorable contracts for others. The situation rapidly develops into a position of intrenched selfishness, where a great body of public employees and large outside interests are in virtual control, with the general public paying a high cost for poor service. With all the care that it is possible to exercise, a situation of this kind becomes entangled in favoritism and is always in great danger of causing corruption and scandal.

If it is desirable to protect the people in their freedom and independence, if it is desirable to avoid the blighting effects of monopoly supported by the money of the taxpayer, if it is desirable to prevent the existence of a privileged class, if it is desirable to shield public officials from the influence of propaganda and the acute pressure of intrenched selfishness, if it is desirable to keep the Government unencumbered and clean, with an eye single to public service, we shall leave the conduct of our private business with the individual, where it belongs, and not undertake to unload it on the Government. We shall constantly remember that society can not take any short cuts. It can not escape from itself. It can not get something for nothing. What it has it must pay for. It can not shift, it can not dodge, it can not avoid meeting its own responsibilities. Any scheme to evade, however specious it may appear, will prove to be only a delusion.

The immediate results of the American Revolution were very great. Their indirect influences have been felt in every region of the world down to the present hour. Fundamentally it was an attempt to give the people unrestrained opportunity to proceed with their own development. It was not a promise of immediate perfection, but the establishment of institutions under which the people with the greatest promise of success might work toward perfection. In spite of every discouragement that has arisen, the general results have demonstrated that the correct theory was adopted. Everyone should know that the way will be long and the task hard, but everyone should know that the general welfare of the people is steadily increasing. Those who are in any way connected with the great events that gave our country its independence and liberty and set it on the way to happiness and success may well cherish such relationship with great pride, and through association one with another help to create a public opinion determined to perpetuate what has been so well begun.

DAVID J. WILLIAMS

Mr. DILL. I ask unanimous consent to take up for consideration Senate bill 463, Order of Business 859, for the relief of David J. Williams. If there is any objection, I will not press it.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 463) for the relief of David J. Williams, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the words "sum of," to strike out "$24,734.78" and insert "$22,160.78," so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of David J. Williams, of Tacoma, Wash., formerly collector of internal revenue for the district of Washington, in the sum of $22,160.78, due the United States on account of loss of public funds stolen from the internal-revenue office at Seattle, Wash., March 16, 1920.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 3640) authorizing acceptance from PETER G. GERRY of the gift of the law library of the late Elbridge T. Gerry.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10437) granting double pension in all cases to widows and dependents when an officer or enlisted man of the Navy dies from an injury in line of duty as the result of a submarine accident.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9495) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HAUGEN, Mr. KETCHAM, and Mr. ASWELL were appointed managers on the part of the House at the conference.

ADDRESS BY SENATOR BINGHAM—ACHIEVEMENTS OF THE ADMINISTRATION

Mr. FESS. Mr. President, our colleague the Senator from Connecticut [Mr. BINGHAM] made a very informing and eloquent address at Hartford, Conn., on April 17, before the Republican State convention held on that date. I ask unanimous consent that the address may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

[From the Hartford Daily Courant, Wednesday, April 18, 1928]

BINGHAM PRAISES COOLIDGE ADMINISTRATION FOR POLICY TOWARD LATIN AMERICA—HOPES MCLEAN WILL CONSENT TO RUN AGAIN—KEYNOTE SPEAKER AT REPUBLICAN CONVENTION HERE COMMENDS STATE ADMINISTRATION—APPROVES FEDERAL AVIATION PROGRAM—JUNIOR SENATOR CRITICIZES LEGAL DELAY IN BRINGING GUILTY IN OIL CASES TO FULL JUSTICE

The policy of the Coolidge administration toward its Latin-American neighbors, particularly Nicaragua, and its achievements in finance and aviation were extolled as outstanding accomplishments by United States Senator HIRAM BINGHAM in his address as temporary chairman of the Republican State convention which opened in Foot Guard Hall here Tuesday night. He also pointed out that in spite of the law's delay, progress was being made in the oil cases, and the accused have already been punished by loss of their good names. He commended the present State administration and expressed the hope that his present colleague, Senator GEORGE P. MCLEAN, of Simsbury, would continue to give his services to the State and Nation.

Senator BINGHAM said:

"Mr. Chairman, ladies, and gentlemen of the convention, we are gathered to elect delegates to attend the Republican National Convention which is to adopt a national platform and select candidates for President and Vice President of the United States.

"It is appropriate that we should consider at this time the record which has been made by the Republican administration during the past four years. That record includes the conduct of our foreign relations and the administration of domestic affairs. It is also appropriate that we should consider certain tendencies in American public life and take thought as to how our treasured American institutions may best be preserved.

THREE TOPICS

"It is hardly necessary for me to point out that it is impossible to treat these subjects adequately in the course of one evening, even though I tried to keep you listening long after you wished to rest. Accordingly, I have selected only a few topics drawn from the large field of those which might properly claim our attention at this time. I shall ask you to consider first the American policy toward our neighbors immediately to the south of us, particularly Nicaragua; second, the achievements of the administration as regards aviation and finance; and third, the present state of representative government.

"During the past few months the administration has been under almost constant fire for its activities in Nicaragua. You are all of you familiar with what has happened. You know that from the time of President Taft's administration down to the early part of President Coolidge's administration we had a few marines in Nicaragua in order to preserve order. Their presence was so efficacious that it was thought best to remove them entirely. Almost immediately upon their removal bitter and violent civil war broke out afresh.

"A very considerable number of American citizens and American business houses appealed to us to protect them. Two or three foreign nations indicated to us their fears for the safety of their own nationals

and insisted they would be obliged to protect them unless we afforded them adequate safety. Accordingly some marines were dispatched to Nicaragua, but the trouble continued. President Coolidge then sent as his personal representative Col. Henry L. Stimson, formerly Secretary of War and now Governor General of the Philippine Islands, to promote peace between the two warring factions. The agreement secured by Colonel Stimson is a matter of common knowledge. It resulted in the laying down of arms by the Liberal leader and all of his generals, except General Sandino, who alone chose to continue the fighting in the mountains of northern Nicaragua.

GUARANTEE FAIR ELECTION

"We have agreed with both the Conservative and Liberal Parties in Nicaragua to see to it that a fair election is held this fall and that the voters on each side get the opportunity to deposit their ballots without fear or favor. The administration proposes to carry out its agreement with the two parties in Nicaragua. It is said that some of the Conservatives in the Nicaraguan Congress have tried to block the passage of legislation which might facilitate a fair election, because they fear they will be outvoted by the Liberals.

"In the meantime, General Sandino, discredited by the Liberal Party, has been carrying on guerilla warfare and acting more like a bandit than like a patriotic member of the Liberal Party. He has, however, quite a number of sympathizers in this country and they have accused the Republican administration of attacking Nicaragua because it is small and weak, of engaging in hideous imperialism, and of waging war with a country with which we are at peace.

"Speeches have been made on the floor of both houses of Congress intended to convey the impression that we are engaged in an imperialistic conspiracy to deprive our neighbors to the south of us of their sovereignty for the benefit of American finance and of American big business. The Republican administration has been accused in a way to give great pleasure to our enemies abroad. These speeches have been reported and applauded in the press of some of the largest South American countries. Also some patriotic Americans have been misled by them.

"Consequently, it seems fitting that we should look squarely at the Caribbean problem and see whether the history of our recent dealings with the smaller republics justifies the charge that the Republican administration has been engaged in imperialism and in oppressing the little countries of the Caribbean.

SANTO DOMINGO WORK

"In 1916, we found that due to civil war and revolutions an intolerable situation existed in Santo Domingo. We proceeded to correct it. There was no desire to infringe on the sovereignty or the independence of the Dominican Republic permanently any more than there is any wish at present to infringe permanently on the sovereignty and independence of Nicaragua. In both cases the people of the country involved had been intermittently engaged for a long time in bitter civil warfare. In both cases the rights of our citizens as well as those of foreign countries had been seriously threatened. In both cases we felt that we could neither neglect the rights of foreign citizens, unless we were willing to let foreign countries take forcible means of enforcing their rights. In neither case has the Government of the United States any intention whatever of annexing territory, or of obtaining by force, concessions or other financial advantages for the particular benefit of our own citizens. In both cases it has been part of our purpose to give no European power any excuse for intervention in this hemisphere. We intend to prevent any nation from securing a new foothold on American soil.

"It must be remembered that under well-established international law, governments are entirely within their rights when they choose actively to intervene in support of the contractual claims of their subjects. It has not been our custom to do that, but foreign nations have often exercised this power and there was at one time a growing tendency on the part of European governments more and more to aid diplomatically in the enforcement of the claims of their subjects, as was shown by President Roosevelt's Message to the Senate in February, 1905.

MUST PROTECT CITIZENS

"When the United States is placed in the dilemma of either adhering to its usual attitude of nonintervention in such cases, an attitude which frequently results to the great disadvantage of its citizens in comparison with those of other countries, or on the other hand of actively intervening in order to protect the contracts and concessions of its citizens who are engaged in agriculture, commerce, or transportation in competition with the subjects and citizens of other States, it is necessary to follow a course which will in the first place prevent foreign intervention; in the second place bring peace and prosperity to the small republics in which we are interested, and in the third place protect the right of our citizens to life, liberty, and the pursuit of happiness without ourselves becoming the insurer of speculative risks which our citizens may have taken with full knowledge of the danger involved in these risks.

"After a careful study of the situation I believe that President Coolidge and Secretary Kellogg in handling the Nicaraguan situation have acted in good faith and with skill.

CONDEMNS MUD THROWING

"This is not a matter for partisan politics. This is a matter where the good name and the reputation of the United States are concerned. It ill becomes American citizens to throw mud at their own Government without that full knowledge of the facts which few can have without access to the confidential files of the State Department.

"To form opinions and utter bitter criticisms of our Government's foreign policy on the basis of headlines in the daily papers and interviews with discredited or disgruntled individuals, either of American or foreign birth, does no good to America, lowers our prestige abroad, and makes us ridiculous or worse in the eyes of the world. It accomplishes little else.

"In a message from the Department of State on May 28, 1914, to our minister in Santo Domingo, the then Secretary of State said: 'The United States will use all means in its power to aid in the holding of free and fair elections.'

"A little later the administration sent commissioners to Santo Domingo with a plan for a new government, with a demand that hostilities cease at once, that a president be chosen according to a plan proposed by the United States, or else the United States itself would name a president; that 'the United States would send representatives of its own choosing to observe the proposed election throughout the Republic' and to see that they 'be accorded a courteous welcome' and 'the freest opportunities to observe the circumstances and processes of the election.' That if we were not satisfied that a proper election had been held we would insist upon another election, 'at which the mistakes observed would be corrected,' and that we would then 'feel at liberty to insist that revolutionary movements cease.' Furthermore, this was to take place without argument on the part of the Dominican Republic.

BRYAN'S ORDERS

"Mr. Bryan wrote to the commission which went to Santo Domingo: 'You are instructed to observe and follow out with utmost care the plan which has been presented to you by the Secretary of State. No opportunity for argument should be given to any person or faction. It is desired that you present the plan and see that it is complied with.' The facts in this case make the present actions of President Coolidge and Secretary Kellogg in Nicaragua seem mild in comparison.

"There is no justification for the claim that this administration is infected with imperialism or obsessed with an idea of disregarding the sovereignty or independence of Nicaragua. Our marine and naval forces have protected our citizens and their property as well as the citizens and property of other nationals and prevented a heavy sacrifice of life and the destruction of that country by revolution and civil war. A singularly felicitous settlement was made by Colonel Stimson, acting as a personal representative of the President. 'This was done on the assurance' as the President says in his message of December 6, 'that we would cooperate in restoring a state of peace where our rights would be protected by giving our assistance in the conduct of the next presidential election, which occurs in a few months.'

WILL WITHDRAW

"We are acting patiently, but firmly, courageously, and fearlessly in carrying out our tacitly conceded obligations 'as the nearest friend of Nicaragua in her relations with the rest of the world.' Furthermore, it is safe to conclude that what happened in the Dominican Republic will happen in Nicaragua. The maintaining of order will be entrusted to a Nicaraguan national police force and when the right time comes we shall withdraw entirely and probably without the necessity of establishing an American military government such as that which held sway over the Dominican Republic from 1916 to 1924.

"Our intervention in Santo Domingo was on a grand scale. The military government which we set up in 1916 lasted for more than six years. In July, 1924, the American occupation ceased and under the orders of President Coolidge the last American armed forces left the country before September, 1924. Since that time the United States has exercised no control over the Dominican Government except the supervision over financial and customs matters provided for in the convention of 1924. The United States exercises no supervision over the ends to which the money is applied or the way it is expended. As a matter of fact, the public works are progressing in a very satisfactory manner and the money is being expended wisely and efficiently with a minimum of waste and leakage. Under a capable and honest administration, the Dominican Government has had full value for its expenditures. Furthermore, it is no longer unusual in Santo Domingo to hear quiet acknowledgment from intelligent and patriotic Dominicans of the good accomplished by the Americans. The entire country is peaceful and tranquil and the present government appears to have the support of the great majority of the people.

OUTSTANDING EXAMPLE

"There was no compulsion for us to depart from Santo Domingo. No one could have thrown us out physically. As has been said recently by a distinguished writer, it would be 'a windfall for the European journalistic beraters of American imperialism' if they could put on record in their columns one similar act of retreat and abdication by a single European power.

"Meanwhile Santo Domingo had arrived at a moral and political condition which seemed to prophesy its capacity to establish and maintain a government based on the principles of peaceful constitutionalism. When that moment came President Coolidge's administration consummated American evacuation of Santo Domingo. It is safe to say that the same policy will be followed toward Nicaragua to our mutual benefit and to the satisfaction of all the rest of the world, except those who would like to secure an excuse for condemning their country in the conduct of its foreign relations. Nothing which has been done really justifies this criticism. The only justification for the fears expressed by some of our neighbors to the south is that they are able to quote the words of American citizens, particularly a few of Congress and some journalists who presumably know more about the whole situation than those at a distance and who accuse the United States Government of imperialism and of making war on a small, weak country, because it is small and weak.

"As for the charge that President Coolidge has exceeded his constitutional rights and declared war on a friendly country, it does not seem to me that this merits very serious consideration. At the same time the author of a recent Government document engages in a laborious discussion to show that since 1903 Presidents Roosevelt, Taft, and Coolidge, by employing the armed forces of the United States without authorization of Congress, have undertaken to take away from Congress its war-making power. The author of the document claims that President Wilson acted unwittingly in his armed ventures into Santo Domingo, Haiti, and Mexico.

MATTER OF PRACTICE

"The important question has been raised as to whether the use of armed forces in the manner in which they have been used without express legislative authority constitutes war. I shall not worry you with a legal discussion of the difference between war and the use of armed forces short of war, except to point out, as the matter of common historical knowledge which you will all remember, that it has been an American practice from the earliest days of our country's independence for the Chief Executive to employ the armed forces of the Nation in the protection of American interests abroad. President Jefferson instructed our officers to protect our citizens from violations. President Monroe authorized General Jackson to enter Spanish territory in pursuit of the Seminole Indians. General Jackson actually penetrated the territory of Spain and took possession of the Spanish forts. In 1823 men from our naval vessels landed in Cuba in pursuit of pirates and bandits. In 1832 marines and bluejackets landed on the islands of Sumatra for the purpose of punishing the natives for the plundering of American vessels and the murdering of some members of the crew. In 1840 marines and bluejackets from two of our naval vessels landed on one of the Fiji Islands for the purpose of punishing the natives who had attacked an American surveying party. In 1854 American marines and sailors landed in China and cooperated with a force of British marines against the imperial Chinese forces who had seized American property. Several Americans were killed and wounded. In 1856 another force of American marines was landed in China and stormed the Canton forts. In 1863 an American man-of-war attacked several Japanese vessels that had fired upon an American merchant steamer. In 1864 the Japanese Government closed the straits between Japan and the mainland. Our naval forces joined with those of Great Britain, France, and the Netherlands forcing open the straits. In 1868 our armed forces landed in various places in Japan to protect the interests of American citizens. In 1894 marines and bluejackets landed in Korea to protect American lives and property. In 1900 our marines and troops participated in operations against Tientsin and Peking at the time of the Boxer Rebellion.

"In 1914 our naval forces took Vera Cruz as the result of direct affronts to this Government by General Huerta. These are only a few of the cases in which military forces of the United States have been employed by various Presidents representing various political parties without any express authority from the Congress. In fact, it has been our uniform practice to protect American interests abroad by force if necessary. It would be folly to suppose that the Executive while charged with the responsibility of protecting Americans abroad is without the means of meeting his obligations in this regard.

"There is no question that one of the most important duties resting upon the President of the United States is the affording of protection of American interests in foreign countries. He would be grossly derelict in his duties if he failed to use the armed forces at his command in appropriate cases within reasonable bounds.

PRESIDENT HAS POWER

"I believe that the President has not only the powers conferred on him by the Constitution, but such powers as may be necessary to enable him to carry into execution such duties as are specifically conferred upon him. He is the Commander in Chief of the Army and Navy. He is charged with the duty of conducting the foreign relations of the United States and of affording protection to American interests and to American citizens. It seems to me foolish to say that the President while charged with these grave responsibilities, while given the exalted position of Commander in Chief of the Army and Navy can not properly use the forces at his command in the performance of his duty. Of course he must exercise sound judgment and discretion. I believe, however, that you will agree with me that, like his predecessors, in his conduct of our foreign relations, President Coolidge has displayed that degree of sound judgment which persons who have held that exalted position are presumed to possess and exercise.

"The conduct of foreign affairs must always be a matter of difficulty and hardship, involving, as it does, the honor, integrity, and pride of two sovereign nations. Where two nations are as much alike in speech, manners, and customs, as are the United States and Canada there need not be great armies, powerful forts, and magnificent fleets to keep them from bitter animosity, bloodshed, and war, but where two nations are separated by language, customs, and inheritance as are the United States and Nicaragua, or any other one of the score of republics to the south of us, it requires a skillful hand, a cool head, patience and wisdom to conduct negotiations without arousing lasting national hatred.

WIDE RACIAL GULF

"We must recognize that there exists a wide gulf between them and us. Our manners and customs are frequently irritating and unaccountable to them. Our hale and hearty informality, our tendency toward shirt-sleeve diplomacy, finds no quick and ready understanding on their part. Their habits of mind, their mental inheritance, even their fundamental principles of law and justice are different from ours. All this makes it particularly difficult to manage the successful conduct of international relations with them. Many of their citizens are all too ready to believe that the bitter criticisms leveled at the conduct of our foreign relations by antiadministration Senators have such an unquestioned basis of fact as to cause them to have just fears for the future freedom and liberty of their native lands. As a matter of fact, there is not the slightest scintilla of evidence to show that the Government of the United States is engaged in an imperialistic conspiracy to deprive the little countries around the Caribbean of their sovereignty, or to do more than help them out of their difficulties and into a period of peace, prosperity, and progress.

"On the contrary the record of the recent Pan American Conference at Habana, the attitude of nearly all the Latin American governments, and the astonishing change which has just taken place in our relations with Mexico all give us abundant reason to be proud of the way in which our foreign relations have been handled by President Coolidge and Secretary Kellogg.

AMERICA NEVER A BULLY

"We must not fail to study the history of our country and indeed of mankind. Premiers like Lord Aberdeen, Presidents like Woodrow Wilson have been driven into war as a result of their own fear and dread of war. On the other hand, neither Cleveland nor Roosevelt was afraid of war. And neither was forced into war. A firm hand, a well-trained body, invite respect not quarrels. A bully may be led to fight because he has strength and ability. A gentleman never picks a quarrel merely because he is prepared. America never has been a bully and never will be. America never has been a coward and never will be. Cowards and cravens have to fight or surrender. The God-fearing, courageous gentleman commands respect. He offends no one and no one cares to bother him. So much for our foreign relations.

"Now as to aviation. The Republican administration has followed a farsighted policy of stimulating the development of safe and reliable commercial flying and of encouraging the American aircraft industry to stand on its own feet and find markets which will make it self-supporting. This has resulted in unparalleled expansion of aerial transport and of the construction and use of aircraft during the last four years. Especially since the President's aircraft board was appointed and held its sessions and prepared its report there has been a steady and encouraging progress. In the military service a status of doubt and drift has been replaced by a steady development in accordance with a fixed program. A definite scheme of expansion has been laid down which permits both the officers and men of the Army and Navy and the aeronautical industry to look forward for several years in their planning. Programs have been enacted with the object of making adequate provision for the national defense in the air and of taking the fullest advantage of the possibilities of aviation, without running into extravagant expenditure or unreasonable expansion of our military forces.

NAVAL AIR PROGRAM

"The recent history of naval aviation furnishes an example. A bill providing for a definite program lasting over a period of five years was introduced in Congress with the backing of the administration very shortly after the President's aircraft board completed its deliberations. It was enacted into law on June 24, 1926. At the time of the passage of the bill there were in the possession of the naval service a little less than 900 airplanes, of which the majority were war-time planes, and had to be classified as obsolete in varying degrees. The number which could be considered as truly useful in modern military operations was only about 350. During the past two years approximately 600 new airplanes have been delivered to the naval service. Obsolete equipment have been eliminated, as have machines about the safety of which in flight there could be serious question. The total number of

airplanes nominally available has not appreciably changed, but the number of useful machines capable of military operations, or well fitted for the training of naval aviators has just about doubled in the period of less than two years since the passage of the naval aviation bill and is now about 700. The Army Air Corps has a similar record. Amazing progress has been made in the naval and military services in two years, and the current appropriation bills provide for its continuance. It can be traced directly to the work done under President Coolidge's direction and to the legislation passed by a Republican Congress.

"The remarkable development of commercial flying in the United States without the subsidies which are a general characteristic of air transport elsewhere in the world had its inception in the bold initiative of the Post Office Department under General New some four years ago in undertaking night flying and regularly scheduled transport operations at night. Subsequent growth during the past two years has been due to the passage of the air commerce act in May, 1926, and of the bill providing for contract air-mail services, both of them receiving administration approval, and the former, like the five-year program measures for the Army and Navy, resulting directly from the recommendations of the President's aircraft board. Furthermore, there has recently been passed as the outcome of recommendations made in the President's last annual message to Congress at the beginning of the present session, an act providing for long-term contracts for the transportation of mail by air to foreign countries on terms sufficiently liberal to insure the entry of American business enterprise into the field of international air transport, especially in the area between the continental United States and the Panama Canal.

AIR ROUTES INCREASE

"Through the efforts of the Post Office Department and with the backing of the Republican administration, both in giving air-mail contracts and in providing navigation facilities in accordance with the terms of the air commerce act, the mileage of the air routes regularly flown on schedule has increased from about 3,000 three years ago to nearly 10,000 now. More than 5,000,000 miles were flown on regularly scheduled services during 1927, and 1,449,364 pounds of mail were carried, together with many tons of express and many passengers. Three years ago there was not a single passenger air line in regular operation in the United States. Now there are a number doing a flourishing business. Starting from one Government-operated route in 1925 and with no direct subsidy of any kind, the total mileage flown on American air routes already exceeds that of any European country, and the rate of increase has been so rapid as to justify confidence that we shall gain a growing lead over the rest of the world in air-transportation activity.

"Progress in the aircraft industry has been no less remarkable than in air transport and in the upbuilding of the aeronautical arms of the military services. Three years ago the industry catered almost exclusively to a military market. So far as numbers of airplanes sold are concerned, the Army and Navy purchases have now become a minor part of the whole, and the number of planes annually built for commercial and private use is being measured in thousands. The largest American builder of standardized aircraft engines now sells more power plants for nonmilitary purposes than to the Army and Navy combined. The total output of planes in 1927 was double what it was in 1926, and that year, in turn, had shown a great increase over any previous period. American factories actually built and sold more than 2,000 airplanes in 1927, and only about one-third of them were for governmental use.

MORE PRIVATE OWNERS

"The Department of Commerce has received powers which enable it to control design and construction in the interests of safety, but they have been wisely and moderately exercised, not to put a check upon progress or to impose upon the manufacturer burdens which would force the price of his product unduly high. The airplane remains within the reach of the private owner. That there are more private owners and small commercial operators of aircraft in the United States than in all the rest of the world combined is due in large part to governmental policy. With the stimulus and with the guidance thus furnished the quality of American aircraft and engines is making itself known throughout the world, especially since the great triumphs of Colonel Lindbergh and other users of American aeronautical equipment during the past year. American machines are being sought in foreign markets, and the export sales of airplanes, engines, and parts during 1927 totaled $1,850,000, an increase of 143 per cent over the figure of two years previous.

"This is a most noteworthy achievement in the realm of one of the newest and most important fields of governmental activity in which the members of the Republican Party may well take pride and satisfaction.

SOUND BUSINESS POLICIES

"As regards other characteristics of the Republican administration of our domestic affairs, we are all proud of the record in economy and tax reduction. The administration has followed sound business policies, endeavoring to avoid all unnecessary expenditure, striving hard to pay off the burden of debt inherited from the World War and at the same time reducing the burdens of the taxpayers. As one listens to the debates in Congress even the most casual observer can not help being impressed with the unsound nature of the appeal made by so many members of the Democratic Party who are ever ready to add items of lavish expenditure and at the same time attempt to reduce the revenue of the Government below the actual cost of providing for its expenses and for the reduction of its debt.

"Every business man since the days of Joseph in Egypt knows that there are fat years and lean years. When fat years come it is the part of wisdom to look ahead and provide for the possible lean years. When our income is larger than we expect it is the part of wisdom to pay off our debts and so reduce the annual burden of interest charges which must be met by taxation.

"The administration of President Coolidge has been extraordinary for its financial wisdom. The President himself has repeatedly braved popular disapproval and the condemnation of large sections of the country because of his unwillingness to open wide the doors of the Treasury to satisfy the demands of all who find that their income is not as large as they think it ought to be and who are sure that the Government is rich enough to furnish them with more money.

COOLIDGE POLICY WISE

"President Coolidge's policy has been marked by profound wisdom and sound common sense. This has been appreciated by the great mass of hard-working Americans, even though received with bitter attacks from those who hold unsound economic views.

"In their efforts to secure additional votes, Members of Congress opposed to the Coolidge policies have been ready to vote hundreds of millions of dollars for popular schemes and at the same time they have been ready to vote to reduce taxation below the safety point. They have been actually ready to plunge us further and deeper into debt at a time when we are still struggling with the enormous burden laid upon us by the Great War. It is the courage and sound business sense of President Coolidge and his friends in Congress which alone have prevented the success of many such schemes.

HIGH TARIFF NECESSARY

"Furthermore, many members of the Democratic Party have repeatedly stressed the necessity for lowering the tariff. They have been joined in this by the enemies of President Coolidge. It is unnecessary to state to this audience that every time the tariff has been lowered it has brought suffering to Connecticut. It has meant the closing down of factories, the increase of unemployment, disaster, and poverty to thousands. Our standards of life are such that we can not compete on an equal basis with the workmen of foreign countries unless the tariff wall is sufficiently high to protect us. Yet no actions of President Coolidge have received more bitter denunciation than in connection with the tariff. Consequently it is fair to say that no action of his has been of greater benefit to the people of Connecticut. As Connecticut Republicans we believe in a pay-as-you-go policy. We believe in an economic administration. We believe in keeping the taxes as low as possible, but not lower than is necessary to meet expenses and reduce the public debt. We believe that a protective tariff is wise and beneficial for all parts of the United States. It is the duty of the Federal Government to protect the people of the United States against aggression of all kinds. For this purpose we maintain an Army and a Navy. For this purpose we maintain a protective tariff.

"Now, let us consider for a few moments a dark side to the picture. It was evident four years ago that there was corruption in high places. Four years ago we had to get rid of several Cabinet officers. I said at that time:

"'We have no desire to shield the guilty. We know that the President of the United States is not the kind of man who will take advantage of technicalities to defeat the ends of justice. We know that he is proceeding by proper constitutional methods to seek out the guilty, to recover for the United States whatever property has been improperly acquired, and to punish the wrongdoers. He has appointed able counsel to represent the cause of the people. He wishes to see justice done. * * *

NO WISH TO PROTECT GUILTY

"'There is no wish or thought on our part to protect the guilty or keep them from punishment or to condone any crimes which have been performed by the servants of our Government. Fortunately we know that we have a man at the head of the Government who has kept the law in spirit and in truth. He has observed the proprieties. Not only has he not done wrong, but he has avoided the appearance of evil. He has shown himself willing to sacrifice his future for the sake of what he believed to be right. * * *

"'The guilty must be punished. That body, be it church, lodge, or political party, which contains in its membership a malefactor is unfortunate. The members of such organizations feel ashamed when they learn that they are harboring traitors. * * *

"'If the Republican Party has put into office any men who have not done right it must assume responsibility for having done so and must make every effort to see that they are removed and the harm that they have done be undone. The President has shown that

he appreciates this. He said: "At the revelation of greed making its subtle approaches to public officers, of the prostitution of high place to private profit, we are filled with scorn and with indignation. We have a deep sense of humiliation at such gross betrayal of trust, and we lament the undermining of public confidence in official integrity. * * * We propose to follow the clear, open path of justice. There will be immediate, adequate, unshrinking prosecution, criminal and civil, to punish the guilty and to protect every national interest. In this effort there will be no politics and no partnership.'"

JUSTICE SLOW BUT SURE

"As was to be expected, President Coolidge has done his duty. Distinguished counsel has been appointed; a number of cases have been tried. Procedure in the courts has, it has been true, been irritatingly slow, but the fact remains that the guilty parties are now punished by loss of good name, by loss of public esteem, and by the necessity of residing abroad. We are told that a good name is rather to be chosen than great riches. Certainly quite a number of American citizens of great wealth and of prominent position, politically and socially, have been deprived of their good name. Furthermore, before long some of them will be deprived of their liberty. The wheels of the gods grind slowly, but they grind exceedingly small. It is very easy to be impatient with the slow actions of the court and I wish with all my heart that our brethren who are devoting their lives to the law as a profession would insist upon the speedy, swift, and impartial administration of justice, instead of using their talents as they so often do to prolong the laws' delays, withhold the hand of jusitce and to bring into discredit that very institution which they of all men should be most anxious to see preserved.

HOPE M'LEAN CONTINUES

"So far as the Republicans of Connecticut are concerned, we have reason to be proud of our record. For nearly a quarter of a century we have chosen to place in positions of great power and authority a distinguished citizen of the town of Simsbury. By his keen sagacity, his native wit, and his sound political wisdom he has rendered yeoman's service not only to his State but to his country. We are all of us proud of his record and we hope for many years to come he will continue to be willing to sacrifice his comfort and his desires for a peaceful life of rural retirement for the sake of Connecticut and of the United States. No one questions that we need the services of GEORGE P. MCLEAN.

"The record of Republican administration in the State during the past four years has been one which has caused us to be greatly envied by the citizens of many other States in the Union, particularly by some of our closest neighbors. This is neither the time nor the place to enlarge upon that record. Suffice it to say that we are all proud of that self-reliant, energetic, devoted citizen who began at the very bottom of the ladder and is now our able, fearless, hard-working governor, John H. Trumbull.

"The truth is that the Republican Party strives to secure clean and honest officials and sound, efficient government.

AGAINST LYNCH LAW

"I hold no brief for those who have committed crimes against the Government and the people of the United States. I desire to see them punished according to the law of the land and in an orderly manner. On the other hand, I do not favor lynch law, or "summary justice," as it is called, just because the crimes are great. Because a man has committed murder there is no reason why we should throw overboard the judicial procedure which we have erected to protect the innocent. Because a man has committed a great crime against the people of the United States is no reason why he should not be tried properly by the appropriate courts instead of being given a popular lynching by the great national grand jury or a subcommittee thereof.

"The wisdom and experience of our fathers has taught us that more harm can be done by throwing open the doors of the grand jury room and permitting every breath of scandal to have the widest possible publicity than by having the grand jury proceedings heard in secret. And yet the great national grand jury, applauded by millions of Americans, carries on its inquisitorial proceedings in public and self-righteously justifies itself by pointing with pride to the corruption and scandal which it has unearthed.

"I have read editorials in certain newspapers which regret the present tendency of the Senate but justify it wholly by the immediate results that have been achieved. They overlook the harm done to American institutions. This is a dangerous state of affairs.

NEED SWIFT JUSTICE

"It has been caused in part by the failure of our courts and bar associations to insist upon the swift and impartial administration of justice. We have permitted pleas of insanity to interfere with the prompt punishment of murderers. We have permitted forms of law designed to guard against the hasty conviction of innocent people to facilitate the escape of the guilty. We have disgusted the people of the United States by the easy way in which we have made it possible for criminals to escape punishment by continuous appeals on technical grounds.

"Consequently the Senate has been a great national grand jury, because the action of our judicial system appears to be neither impartial nor prompt. Such conditions cause the approval of lynch law. The first results of lynch law are usually good. The ultimate effect is bad. It leads to tyranny, cruelty, and loss of rights.

MUST CURB CONGRESS

"The Congress is encroaching on the liberty of the people with their consent, because the people are not satisfied with what the States do. We must strive for efficient State government, so that the arbitrary power of Congress shall not be urged to grow. To mention only one specific case, the Republican Party should urge upon State legislatures to pass adequate laws for the regulation of aviation, so as to avoid the necessity of having more rules made in Washington.

"The inefficiency of the States is not a sufficient reason for the growth of Federal power and the spread of bureaucracy, but it seems so to the average voter, and hence his representative in Congress.

"The Connecticut representative republican system of government is based on the belief, so well expressed by that hard-headed countryman who said, 'I make no claims to great knowledge, but I'm a good judge of horses and men.' This is sometimes called horse sense or common sense. It is the logical foundation on which successful popular government may be built.

NEED MORE TOLERANCE

"The glory of America to-day is her tolerance. There is still room for improvement. But the record of the Republican Party shows its faith in the people, its belief in liberty, its tolerance in matters of creed, and color, race and religion. Some of our modern orators appear to be afraid of liberty and tolerance. Let them have no fear.

"Tolerance means charity. Toleration suffereth long and is kind, is not puffed up. Toleration is the very essence of the American spirit. Without toleration we can not have liberty. Without toleration we can not have freedom. Intolerance and bigotry stifle liberty and freedom, crush initiative and invention, destroy opportunity and character.

"Nevertheless we can not tolerate crime. We can not tolerate corruption. We can not tolerate theft of private or national resources. Neither can we tolerate unjust curtailment of individual liberty. The State must protect us against covetousness, theft, and murder. But the State must not interfere with my home, my church, or my school. I must fit myself to be a good citizen. That is my duty. But how I do it is my affair. If I fail to be a good citizen let me be punished. But I demand the opportunity to succeed.

"Furthermore we must not be tolerant of bigotry and intolerance. They are crimes against civilization. They would set brother against brother, clan against clan, race against race, religion against religion. The result would be anarchy and civil war. We must not be tolerant of crime or treason. But, thank God, we have separated church and state. A man no longer is held to commit a crime because he does not worship as I do, nor is he a traitor because his church is not my church.

MUST FIGHT BIGOTRY

"So we must be on our guard against bigotry, intolerance, and standardization in human affairs. We demand for each man and woman the right to worship God in his own way—the right to educate his children in the kind of a school he prefers, the right to mind his own business in his own way so long as he does not interfere with his neighbor in doing the same. In the old days a man who longed for freedom to worship God, freedom to raise his family according to his own ideas, freedom from bureaucratic rulers and regulations, could go West, into the wilderness. To-day the wilderness is gone. But we can find that freedom in the towns of Connecticut.

"The city voter is frequently too busy with other things to think about politics. That is the tendency against which we must struggle. Furthermore, now that the radio and the rural free delivery and the telephone are bringing city life so vividly into country homes our country-bred citizens must guard against any tendency to permit their lives to become so full of personal business and personal pleasure that they can not give that time and attention to political affairs which has been their practice in the past and which has been perhaps the greatest safeguard of American liberty.

"We must beware of seeking for immediate benefits which are so obvious as to be desired by large numbers of citizens, but which, when carefully studied, are shown to be likely ultimately to produce serious ills in the body politic.

PUBLIC OPINION

"It has been said that there is no subject more widely discussed in these days than that of the observance and enforcement of laws. Thoughtful students of the art of government have been reminding us for years that laws are properly the crystallized result of public opinion and that if we attempt to mold public opinion by making laws we are so reversing a natural process as to cause laws to fall into disrespect. As 'Uncle Joe' Cannon once said, 'We are a people who like novelty and a short cut to perfection. We are always able to make ourselves believe that the social millennium is just one lap ahead and we

can catch up with it if only Congress will enact some new-fangled law.' Some people constantly forget that you can not make a man honest by legislation. It is not law nor the Constitution which molds and controls the development of our civilization so much as it is an intelligent and righteous public opinion. When law goes beyond the spirit of the people it lacks that support which alone makes it certain of obedience. When law follows public opinion it can and will be observed. But when a well-organized minority using powerful propaganda appeals to emotional Congressmen we secure legislation by hysteria and we indulge in rash experiments. On the other hand, when a responsible political party through its legally chosen representatives deliberately adopts a political platform and commits itself to a definite course of political action we avoid hysteria and fall back on common sense. If in the adoption of our platform we proceed with deliberation and are governed by the combined wisdom of all our Members, listening to the counsels of the most conservative as well as those of the most liberal, we shall be on safe ground. As President Coolidge once said, 'Do not hesitate to be as reactionary as the multiplication table; do not hesitate to be as revolutionary as science.'

"Our greatest problem as American citizens is how to make popular government successful. Our ancestors were convinced that heredity rule is not in the long run successful. We agree with them. To be sure, one man may make a great ruler. He may be the ideal, benevolent monarch. His son may inherit his qualities and may grant speedy justice and promote the general welfare of all his subjects. Nevertheless, they are subjects and not citizens. Sooner or later a monarch arises whose tendencies are more evil than good, whose love of power is greater than his love of justice, whose wishes for self-enjoyment are more compelling than his wishes for the public welfare. And as a result we get tyranny and despotism, oppression, and suffering. These are due to the inherent tendencies of human nature. Then the only relief is revolution and civil war.

REPRESENTATIVE GOVERNMENT BEST

"The world has tried many different kinds of government. We believe that the safest and best kind is government by the people through their representatives.

"Consequently, we are constantly seeking to strengthen and maintain those forms of government which will assure to us and our children the inherent rights of man; his right to life, liberty, and the pursuit of happiness. Our great problem is to make government by the people operate successfully for the people.

"In a very small community the people may govern directly. In a large community they must govern through their representatives. These representatives must be chosen and elected. They must win the support of the majority of the people. To win that support the representatives must please the people. Consequently, the representatives will usually be chosen from those who are anxious to win the next election, or in other words, those who may be justly accused of taking a constant interest in public opinion. Some folks call them 'politicians.'

"On the other hand, if we are going to provide for the steady development of a sound citizenry and are going to insure the training of good citizens for the future, if these representatives are going to guide the 'Ship of State' so that it may safely weather all possible storms, they must be chosen from citizens who have the inclination and the ability and will take the time to look beyond the next election. If they look too far beyond it, they are not likely to be elected. Their services may be lost to the State. If they do not look beyond it, they may be elected, but their services may be lost to the next generation.

GOVERNMENT BY PEOPLE

"The trouble with many earnest students of government and some would-be statesmen is their failure to be interested in making government-by-the-people work. Actually they are not particularly interested in winning the next election. Their trouble is that they are not interested in the opinions of the man on the street. They are not interested in winning the approval of the great mass of people who in fact constitute the sovereign power, 'We, the people of the United States.' In other words, they are not interested in winning the next election. Actually they do not believe in government by the people. They believe in government by themselves; government by a small group of wiseacres; government by an organized minority.

"Many of our fellow citizens do not look very far ahead. If their immediate wants are supplied, they are satisfied. Their idea of the proper duties and functions of government is limited to their personal wishes for safety, comfort, ease, and amusement. They know all about the heroes of the sporting world, the notorious wrongdoers of the criminal world, and the world as represented in four-column headlines. They know little and care less about history or even current politics unless the dish is served with the sauce of scandal and the spice of shattered reputations. They work hard at their chosen jobs. They mind their own business. But they do not consider their duties as a citizen to be part of their life work. And this is one of the greatest handicaps in the way of making popular government permanently successful in a vast continent inhabited by more than 110,000,000 people.

PURE DEMOCRACY IMPOSSIBLE

"As I see it the fundamental basis for popular representative government, sometimes called a republican form of government, assured to the States by the Constitution, is that while the average citizen may not know much about law, public finance, or the larger problems of public administration, he has a God-given capacity to size up the men he knows. The long process of evolution through the ages eliminated those who were not able to judge of the character of their neighbors. Most people are good judges of human nature. This enables them to select good representatives from the people they know personally instead of having to depend on what they hear about successful advertisers who are particularly keen in pleasing the whims of large numbers of those people who have little time or inclination to give to the deeper aspects of legislation and of legislative policy. It is through the choice of representatives from among those actually known personally to the voter that popular government has been successful. We must preserve the representative system. The larger the country the more impossible it becomes for pure democracy to function, the more necessary is the careful preservation of representative government.

"Have faith in representative government first put into the form of a written constitution in Hartford. Have faith in Connecticut. But remember that 'faith without works is dead.' Have faith in her institutions. Show your faith by good works. Choose representatives who are worthy of your confidence. Then give them a free hand. Trust their judgment until they give you some evidence of failure. We believe in Connecticut. Let us show our faith by working for Connecticut. We believe in America. Let us show our faith by working for America."

POWER TRUST INVESTIGATION

Mr. NORRIS. Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Mr. Eliot Harris and appearing in Labor, reviewing the work of the Federal Trade Commission in investigating the Power Trust.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POWER TRUSTS "EDUCATING" THE PEOPLE; PROPAGANDA AGENTS REVEAL SECRETS—"JOHNNY WALKER" WHISKY FOR ILLINOIS LEGISLATORS; SCHEME TO BRAND ALL PROGRESSIVES AS "REDS"; COLLEGE PROFESSORS "ASSISTED"; NEWSPAPERS AND SCHOOLS FLOODED WITH "DOPE"

By Eliot Harris

Whisky for legislators, propaganda for high schools, scholarships for college students, and "aid" for their professors, "kept" newspapers to stuff the general public with misinformation, and a stock of "bolshevist" scares to hurl at anyone who advocates municipal ownership or protests against the dirty work of private monopoly.

These are the trump cards in the public-utility game as Samuel Insull and Ira C. Copley—the latter a one-time Congressman—play it in Illinois and as it was revealed before the Federal Trade Commission last week.

The star exhibit was a letter from Robert B. Prather, assistant power lobbyist in Illinois, to the chief power lobbyist in New York, January 20, 1921:

"The legislature is in session here, and it looks like a very stormy session, and I could use very handily a little Johnny Walker; and it occurred to me that you could do me a very great favor if the first time you are coming west you would call up a friend of mine in New York and bring me half a dozen bottles."

LETTER TO MR. AYLESWORTH

Four years later Mr. Prather wrote another letter on much the same lines, saying that he had to have something "to sweeten the palates of the legislature."

On the stand he denied vigorously that he had ever given a bottle of whisky to a legislator. (N. B.—He didn't say anything about contributions less than a bottle.)

But taking the two letters together it seems that a thirsty man could get on quite comfortably in the legislature if he only were "reasonable" toward the utility trust.

Mr. Prather is secretary-treasurer of a branch of the National Electric Light Association, which is the propagandist organization of the Power Trust. As showing how the trust runs things in that bailiwick, Prather testified that he was formerly secretary to the public utility commission of Illinois.

The whisky letter was addressed to H. M. Aylesworth. Mr. Aylesworth, thus pressed into service as bootlegger for the solons of Illinois, is the son of a clergyman—"it is dark underneath the candle."

He began his public career as a member of the utility commission of the State of Colorado, and was so satisfactory to the institutions he was "regulating" that he was made chief propagandist of the Power Trust. After several years in this position, he became broadcasting czar of radio.

CALLS COPLEY A LIAR

This revelation of Power Trust methods of controlling public opinion and public officials came out in a singular way. Ira C. Copley, formerly

Congressman from Illinois and owner of four or five newspapers in that State, recently bought a string of newspapers in California, and on taking over one of them made this announcement to the public:

"I have no connection with any public utility anywhere, and no connection with any other business than the newspaper business anywhere."

This statement came to the notice of Willis J. Spaulding, manager of the municipally owned electric light plant at Springfield, Ill., which furnishes current to householders at 5 cents per kilowatt-hour, and is making money at it, when Insull, in Chicago, with a bigger and better plant, charges 9 cents.

Spaulding knew the Copley statement was a lie, and said so in a letter to Senator NORRIS of Nebraska. NORRIS read the letter on the floor of the Senate, and suggested that the Federal Trade Commission look into the matter. The commission began looking last week.

PAPERS SUPPRESSED THE NEWS

Spaulding testified that Copley owned utility stocks and bonds to the value of $10,000,000 to $15,000,000; that his paper in Springfield, the Illinois State Journal, suppressed Senator NORRIS's account of the work of the municipal plant when other papers printed it on the first page.

He reminded the commission that Copley gave $25,000 to Frank Smith's senatorial campaign. When this gift was made, the Copley utility interests had an important case before the Illinois Utility Commission, of which Frank Smith was chairman.

In view of such testimony, it is not surprising that Spaulding summed up by saying that the regulation of public utilities by the Illinois commission had become a "tragic and scandalous failure" since the incoming of Frank L. Smith.

John Callan O'Laughlin, vice president of the Copley Press—which is the Copley newspaper owning corporation—took the stand and said that Copley bought newspapers because they were "a splendid investment."

AN EDITOR WITH A "PAST"

A little questioning brought out the fact that the Illinois State Journal cost Copley $1,000,000, and never paid more than $60,000 per year—6 per cent, when other witnesses had shown that Copley got 22 per cent out of some of his utility investments.

O'Laughlin is the man who was editor of the Army and Navy Journal when that magazine published on the front page an article by the notorious Fred Marvin, denouncing Senator WALSH of Montana and claiming that E. L. Doheny was a "patriot."

He declared that he (O'Laughlin) was opposed to public ownership, and "hoped" the other Copley editors were.

No one who followed the testimony doubts that Copley is buying newspapers not for direct profit or for the pleasure of running them, but to fight the battles of the Power Trust against public ownership.

Aside from Copley and Prather, with his whisky bottles, the chief evidence dealt with the work of the Illinois committee on public utility information. This organization certainly covers a wide field.

PROPAGANDA IN PUBLIC SCHOOLS

Its director is Bernard J. Mullaney, vice president of the People's Gas, Light & Coke Co., the Insull concern which supplies Chicago with gas. The assistant director is Rob Roy MacGregor. Both were on the stand. Their testimony showed—

That this Insull committee is flooding the schools of Illinois with utility propaganda. More than 75,000 pamphlets were distributed to high schools last year.

That the committee furnishes speakers' bulletins and weekly "news" bulletins which go to 900 papers in the State. Five thousand columns of this stuff were printed last year.

That scholarships are offered to college students and "aid" to university professors who want to study utility questions or matters connected therewith.

That lecturers are sent to clubs and civic organizations, and even moving pictures used to spread utility propaganda.

MacGregor said in reply to questions that everyone in the State above the grammar schools had been "reached" by their propaganda.

PUT "RED" BRAND ON CANDIDATES

Part of this stuff is a direct attack on public ownership. Part is devoted to branding anyone who opposes the utilities as a "communist" or "red." MacGregor wrote a speech to be used in campaigning for the United States Senate against any candidate who favored public ownership.

"Pin the bolshevik idea" onto such a candidate, wrote the Truthful James. "Logic or reason is of no use in a political discussion."

Mullaney admitted constant personal efforts to discredit all advocates of public ownership as "communists." He admitted fighting public ownership and operation at Muscle Shoals, Boulder Dam, and everywhere else. Asked why he was so savage at public ownership, he answered:

"Of course, we're not heartily in favor of anything that would destroy our business."

ORGANIZATIONS ON "BLACKLIST"

The Insull committee has circulated "confidential information" listing the following organizations, among others, as "communistic, socialistic, and pacifistic":

American Association of University Women.
American Farm Bureau Federation.
National Education Association.
League of Women Voters.
Religious Society of Friends.

Apparently Mr. Insull, besides being the heaviest investor in United States Senators, has been a strong promoter of that "red" scare which frightens old women of both sexes.

While yelling "bolshevist!" the Insull committee keeps track of the work of educators and speakers, and of the trend of public thinking over the country.

This committee reprinted an address by Dean Ralph E. Heilman of Northwestern University. Mullaney asked Heilman to go over a "municipal credo," which he—Mullaney—had prepared.

Charles E. Merriam, of the University of Chicago, a known and valued Progressive, is listed by the Insull committee as "all wrong." William B. Munro, of Harvard, is called "fair."

AIDS IN PREPARING TEXTBOOKS

Splawn, of the University of Texas, later put on the railroad commission of that State, is described as "sound." Splawn is the man who, as "neutral" arbitrator, gave the conductors and trainmen the worst of it in their western wage case a few months ago.

Prof. E. R. Dillavau, of the University of Illinois, is listed thus: "Generally his conclusions are as they should be."

The Insull committee makes a regular business of giving "help" in preparing textbooks and getting them published.

Twenty-three States are listed in a card index showing the attitude of the public on utility questions. Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, and Nebraska have leagues favorable to municipal ownership. Arkansas, New York, and Texas are declared friendly to private ownership. Others are divided or indifferent.

One of the most amusing bits of evidence presented was a letter from the Nebraska Power Co., asking for special help from the Insull committee, "on account of Senators NORRIS and HOWELL."

FEDERAL LAND BANKS AND FARM RELIEF

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD, without reading, extracts from a number of publications and other data relating to the Federal land banks and farm relief.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[Extract from the Pacific Homestead, Salem, Oreg.]

LET THE FARMERS OPERATE THE LAND BANKS

The farmer borrowers through the more than 4,000 cooperative farm-loan associations of the country are pretty weary of imitation cooperative land banks; they want something besides a dream with a nightmare as the "morning-after" effect.

The farmers have good reason to be tired, too. They have not only advanced the unquestioned collateral security to permit of making the loans, but they have subscribed to the capital stock of the 12 Federal land banks to the extent of 5 per cent of this sum, and have assumed a liability against the repayment of their neighbor's loans to the extent of 10 per cent of these loans. In other words, they have advanced more than $2,500,000,000 worth of farm property as security for the loans now outstanding against the repayment of the mortgages of all farmer borrowers of these associations, subscribed to the capital stock, assumed the legal liability to secure the banks, and, after having done this, these farmers find that they have not one word to say about the administration or operation of the various Federal land banks.

NO OTHER PRIVATELY OWNED BANKS LIKE THESE

Just contrast this against the man who owns but $100 worth of private bank stock—national, State, trust, etc., but who gets a vote on who shall direct the bank each year, and you have a slight contrast between the two methods.

We farmers for more than 40 years fought in getting a land-bank system. The original intent of Congress when the original act was passed, in July, 1916, under the Wilson administration, was that these land banks should be turned over to the farmer owners when the $100,000 necessary to capitalize them had been repaid by the farmers making loans. But Congress took this promise away from the farmers—after they had subscribed to the bank stock—and vested supreme control in the hands of the Farm Loan Board of the Treasury Department, of which the Secretary of the Treasury is the ex-officio chairman.

FARMERS HAVE NOTHING TO SAY ABOUT HOW BANKS SHALL BE OPERATED

Since that date, the farmer owners of these banks have had nothing to say, and will not have until the system is turned over to them.

Every farmer ought to know this, because the word has gone out that we have a "cooperative farm-loan system." We have just to this degree: We take orders from the Farm Loan Board, or their delegated appointees in the land banks. We cooperatively subscribe to capital stock, and assume liability, but that is about as far as the cooperative bug travels.

Would it be fair and just, sprinkled with ordinary common sense, for the more than 7,000 national banks of the country to take orders only from a room in Washington? How would business prosper? About like farming has under such conditions.

Then why should farmers allow this board to dominate the Federal farm-loan system which they own, when they advanced the security upon which the loans are made, own the capital stock, assume the liability?

Have American farmers reached a stage where they need a guardian to manage their business or are they competent and intelligent? "Is taxation without representation" still considered "tyranny"?

HAVE NO FAITH IN FARMERS

Members of the Farm Loan Board have repeatedly advised Congress that they have no faith in the ability of the farmer to run his own business; only these political appointees can do that properly. They have tried time and again to sweep away from the local farm-loan associations, by amendments to the act, even the right to name their own secretary-treasurers, etc., in spite of the present more than 4,000 successful loan associations, which illustrate the success of cooperation in agriculture better than any other agency of ancient or modern times.

The Federal land banks should be turned over to the farmer-owners at once. Farmers ought to demand that Congress fire politicians from the system and let the rightful owners operate their own banks.

[Extract from Commerce Reports, April 9, 1928]

FARMER OWNED AND CONTROLLED BANKS MAKE GOOD IN HUNGARY

(Mr. Hoover's Department of Commerce gives a most interesting report as result of survey by his agents of German territory, and shows dividend payments made by industrial and banking institutions. A notable success was made by the farm-mortgage land banks of Germany, which are operated entirely by the farmer-owners instead of politicians. In face of most unfavorable conditions during the past year, every one of these farmer-owned German banks paid dividends as good as or better than the previous year. Below is the report, as given.)

MORTGAGE BANKS MAKE BETTER SHOWING

The position of mortgage banks is somewhat better. The first and last quarters of the year brought mortgage-bond sales to a higher level than they had been for some time previously; consequently an increase in dividends is noted in some instances. On the whole, however, the dividends of mortgage banks, like those of commercial banks, were no higher in 1927 than in 1926, as evident from a compilation of the percentages paid in the two years:

	1926	1927
	Per cent	*Per cent*
Bayerische Hypotheken und Wechsel Bank	10	10
Berliner Hypotheken Bank	10	12
Braunschweigisch-Hannoversche Hypotheken	9	10
Deutsche Hypotheken Bank	10	10
Hamburger Hypotheken Bank	8	8
Hannoversche Boden	12	12
Mitteldeutsche Boden-Credit	10	12
Preussische Central-Boden	9	9
Preussische Pfandbrief Bank	10	10
Rheinisch-Westfaelische Boden	8	9
Saechsische Bodencredit	12	12

It will be noted that German land banks paid a higher percentage of dividends than did Federal land banks under political domination and control.

[Extract from Industrial News Bureau]

DANGEROUS DOSES OF PATERNALISM

Paternalism presupposes that the individual is unable to care for himself. Have Americans reached the point where they wish to be so classified? If so, they will ultimately find themselves mere wards of the State with their every act regulated by law, edict, or public official.

WOULD DESTROY INDIVIDUAL OPPORTUNITY

Socialism never builds up anything despite its theories. It waits until an industry obtains great success, and then it wishes to step in and operate that industry according to theories, which in the past have usually produced dismal failures.

[Extract from the current program of the Chamber of Commerce of the United States]

IF IT ISN'T GOOD ENOUGH FOR BUSINESS, WHY IS IT GOOD ENOUGH FOR AMERICAN FARMERS?

Favors utility regulation—not ownership—by Government: In the national chamber's confession of economic faith, this principle stands paramount—that Government scrupulously refrain from entering any of the fields of transportation, communication, industry or commerce, or any phase of business when it can be successfully undertaken and conducted by private enterprise. The chamber, to be sure, recognizes that the utilities invested with a public interest are subject to Government regulation, but it insists that such regulation be so exercised that it become not burdensome as to cost and not palsying to that initiative without which adequate and efficient service is impossible. This is the keynote of the chamber's view of the relation of the Government to the essential utilities—railways, merchant marine, coal, telephone and telegraph, radio, and all phases of power development.

[Extract from Industrial News Bureau]

ILLINOIS EDITORS OPPOSE GOVERNMENT OPERATION

Recently the Illinois Committee on Public Utility Information sent a questionnaire to a number of Illinois newspaper editors, of whom 223 answered. Asked if they favored Government ownership or operation of any industry now privately owned, 191 replied "no" with but 2 replying "yes." The rest were evasive and did not directly answer the question. To a question asking if they favored putting Government in business or industry in competition with existing private enterprise, 194 replied in the negative and 3 in the affirmative.

The committee could not have chosen a better way of ascertaining public opinion on this important issue. The viewpoint of State editors is the best possible index of the general opinion of citizens in any community.

With an editorial vote 70 to 1 against the Government competing with private enterprise, it does not look as if proposals for political ownership of industry in this Nation would be popular. The people no longer confuse an intriguing theory with grim reality.

SHALL WE DESTROY DEMOCRACY IN AMERICA?

Why should the state, in a free country, attempt to crush the business of its private citizens? Why is it not better to permit those who own property to completely manage it, free from political dry-rot that immediately afflicts any monopolistic governmental function?

One of the strongest arguments against enlarging the power of public officials to monopolistic proportions is the mere fact that the officials themselves seek this enlargement of their authority.

It is easy for the private citizen to give up rights; it is hard for him to get them back. The minute he closes one avenue of private enterprise, he has limited his future possibilities by that much.

Thus, another branch of business would be taken over by the state to the exclusion of its private citizens and to the enrichment of thousands of new public officials.

POLITICAL PLUNDER

It is high time that the citizens of America—the great, thrifty, and self-provident classes—along with all others opposed to political extravagance and socialism in government should awake to the injustices and dangers of thus picking upon one class of the people for political plunder.

[Extract of letter written by Edson S. Lott to a manufacturer]

Mr. MANUFACTURER: If you, like many farmers in North Dakota, do not believe in the American plan of every business running its own business, but want the Government to run it, do not believe in profits on what you buy, how can you conscientiously ask a profit on what you sell?

You invest capital in your plant and believe you have a right to make a profit on the investment. Why, then, deny a profit on the capital invested in my business?

You would not like to have your own business taken over by the Government, would you? Yet, perhaps you are thinking of joining or have already joined the abortive effort to put my business into the hands of politicians.

If so, how would you like it if the thousands of men in this country in my line of business would join hands to have your plant, and all other plants like it, put into the hands of the Government to operate?

You can't spill gasoline all the way from your house to my house and then set fire to my house without running the risk of having your own house burn.

Is it fair to apply one economic standard to what you buy, and an entirely different one to what you sell? The arguments that appeal to you for Government operation of my business can be applied to your business. If you adopt those principles as to my business, you are plainly inviting the application of them to your business, are you not?

Why not think this over?

If Government ownership and control is good when applied to one line, why should it not be applied to the following businesses:

Wholesale and retail dealing in groceries and provisions, dry goods and clothing, hats and caps, boots and shoes, hardware generally, and house and farm furnishings.

The manufacture of groceries, flour and bakery products, tea, cocoa and chocolate, sugar and sirup, candy, preserves and spices, butter and cheese, bacon and meat products, tobacco products, standard clothing and hosiery, boots and shoes, rope, brushes and brooms, coal and tar, cement and bricks, rubber, barrels, motor trucks and carts, bicycles, and printed matter generally.

In Russia they have already gone this far. In the United States the Government has already taken over the farmers' land banks.

When Socialists have all they want everything will be taken over.

Yes, Mr. Manufacturer, think it over!

[Extract from address by Edson S. Lott]

LET THOSE WHO PAY DO THE BOSSING—SOME THOUGHTS ON MONOPOLISTIC GOVERNMENT-OPERATED BUSINESS

What is the objection to giving those who pay the premiums their choice of insurance carriers?

When a state insurance fund has a monopoly, employers must accept whatever may be given them in the way of service and pay whatever may be demanded of them in the way of premiums. As there is no competition, there is no escape. The management may be competent or the reverse. It may be fair or the reverse. It may be conducted as a well-managed private commercial enterprise is conducted or the reverse.

If those who manage the monopoly desire to make their management appear economical, they need only give poor and cheap service and pay claims without investigation, charging to losses what goes in mismanagement, thereby ultimately increasing premium rates in proportion. The result of such fictitious economy would be to increase the loss ratio in connection with many manufacturing plants inordinately, which in turn would call for a corresponding increase in premium rates; that is, a low expense ratio might increase the premium rates.

As a man-to-man, square-deal, fair-play proposition, if a State insurance fund can not get and hold business on its merits, in competition with private stock and mutual companies, why are the lawmakers justified in giving it a monopoly? Why restrict the number of bidders to one? If "the state" could not get your business away from you in competition, would you think the lawmakers were fair if they should take it away and give it to "the state"?

CAN'T GET COMPETENT MEN

The Government can not get men of sufficient ability to properly conduct monopolistic business, with an income of enough money to make this sort of business pay—it will not pay large enough salaries. And the managers of Government enterprises, even where competent, are handicapped by civil-service rules and political red tape, which do not give them efficient control over their subordinates, even conceding that they did want to do business as it should be transacted.

[Extract from the Clevelander]

BUSINESS AIDS TO SOCIALISM

(By Henry Swift Ives)

There are many property owners and business men in America who are ardent capitalists when their own property or their own business is concerned, but who are inclined to be just as ardent socialists when the other fellow's property or business is concerned.

If it were not for the aid and comfort received from those belonging to this classification, socialism would still be in the theory stage of its existence in this country, government ownership would not be a political issue, and excessive and arbitrary government regulation and control would not threaten the national stability and endanger private property rights.

Indeed, in my opinion, some of those who most loudly complain about "too much government in business" usually are to a considerable extent to blame for the situation against which they complain.

PITY AND SCORN

Government-ownership schemes, the orgy of lawmaking which afflicts us, with its natural offspring of boards, commissions, supervisors, inspectors, and snoopers, and the orgy of tax spending which distresses our pocketbooks—all of these things and other similar manifestations of too much government are chiefly due, indeed, either to the neglect, economic ignorance, or selfish espousal of such causes by many of the property owners and business men of the Nation.

There is no need to elaborate on the feature of this indictment having to do with the neglect of political affairs by business men. That situation is too well known and has been sermonized about so much that it doesn't need further discussion. Economic ignorance and the selfish espousal of such causes are counts which go hand in hand.

Those who are unwittingly lured into supporting some socialist proposal, however, are to be pitied, while those who deliberately aid such enterprises in the hope of thereby gaining some fancied advantage are to be scorned. And the members of both of these classes utterly fail to realize that no single industry or business can be lifted out of the mass of privately conducted enterprise, endowed with the attributes of sovereignty, and subsidized by taxation without every other business feeling the baneful effects of such a procedure.

If they did realize the import of this economic and political axiom, they would soon cease a course of conduct which is quite directly threatening their own business enterprises and their property rights if they only knew it.

DIGGING GRAVES

It is about time in this country that business men and property owners be more generally educated to the interdependence within industry and to a realization of the fact that they are digging their own business graves when they support the socialization or governmental repression of the other fellow's business.

The community of interest between all of the jeopardized private enterprises has been too long ignored. Each is fighting its own battles with little or no appreciation of the common menace. Often those most in danger are arrayed against each other, and do not seem to care what becomes of the others in "the same boat," provided they can keep a few feet ahead of the socialist sheriff with his writ of ejectment.

This unfortunate division must speedily be remedied if the individualist state is to be preserved.

And I think that the various commercial and civic organizations of this country who are interested in sound political practices as much as they are in sound business practices can do much toward showing business men generally the inconsistencies involved in supporting socialistic schemes which do not directly affect them.

Socialism can succeed only when those who would suffer most from it are lured into supporting some phase of the general program of confiscation and repression without fully understanding what it is all about.

[Extract from F. & C. Service Bulletin]

A HORSE OF ANOTHER COLOR

The president of a Northwest bank, at a social gathering recently, said:

"The city ought to run the street-car system. It could save taxes now paid by the private company, use equipment of the city now maintained at the expense of the taxpayers, and thus give the public cheaper rides."

A lumberman, who was one of the heaviest taxpayers in the room, finally said:

"I have always thought it would be a great thing for the city or the State to run a bank. It's got so now that private banks make a charge when an account falls below $100. They make a charge to good customers for cashing certain checks and, on top of it all, they charge a high rate of interest to borrowers. The city, the county, or the State could operate a bank in buildings already furnished by the taxpayers, eliminate the taxes now paid by banks, and thus save the public large amounts of interest and special charges now assessed by banks against depositors and borrowers."

This was a horse of another color. The banker in question immediately attempted to show why the city could not operate a bank as well as a street-car system, but his audience had the laugh on him.

This incident illustrates how nine times out of ten the man who wants government ownership for the other fellow's business, holds up his hands in horror if it is proposed to apply the same treatment to his own business. Public ownership does not square with our form of government.

It makes no difference whether public ownership is applied to printing, street railways, electric companies, banking, farming, or any other activity, the principle is the same—it limits the opportunity of the individual, curtails his liberties, and thereby abrogates the rights guaranteed by the Constitution.

[Extract from New York Times, April 8, 1928]

"BUREAUCRATIC OPPRESSION"—SOME FEATURES OF OUR OWN GOVERNMENT COMPARED WITH THE SOVIET METHODS

To the EDITOR OF THE NEW YORK TIMES:

The Times had an editorial the other day on the recent development of "bureaucratic oppression" by the Soviet Government. Such a development under our central Government has come as suddenly and as insidiously as it is untoward. Why such obliquity of governmental administration has not brought condemnation by the people and the political parties is one of those questions that is unexplainable. The development of this evil, however, has come through the growing administrative departments of the Federal Government, where thousands of agents and bureau chiefs in meeting the citizen exercise arbi-

trary authority that goes on unchecked, with conduct not condemned, and gives opportunity for excesses, exactions, and abuses that become galvanized into rules of practice.

Congress would not dare enact legislation that would directly and publicly affect the citizen comparable with the devastating assumed authority that the agents and petty bureau chiefs of the Income Tax Bureau exercise to-day over the citizen. The Income Tax Bureau, in the extensive and loose authority granted it by Congress, exercises, if it does not possess, a discretion which amounts to license to ruin any citizen in his property and his reputation, or both, upon the whim of more or less irresponsible agents. This bureau is exercising such authority to-day, and the boldness and the indifference to reproach for activities that are above the law show that the public is asleep and that Congress at least is not interested, as it often is not interested in vital things.

The Income Tax Bureau peculiarly offers every opportunity for the exercise of bureaucratic oppression. Its inquisitorial powers, its almost anonymous character, with its horde of all kinds of representatives and its multitudinous and conflicting regulations and opinions, enable its various agents and petty chiefs and attorneys to feel that they are immune from responsibility, however unwarranted their attack.

Attention is finally being drawn to this subject. There have appeared one or two articles in the Times over the last year showing the operations of this bureau that support these statements. Governor Ritchie rises and says that the true and intelligent citizen is "against the bureaucratic system of the Federal Government, remote from the people, with its burdensome, perplexing, and prying laws, lacking popular sanction." And he denounces in the Federal Government "the general incompetence of subordinates performing duties of responsibility."

Under such administrative practices what were once well recognized as rights of the individual will be subverted or disappear in the long run. It is not realized that this arbitrary authority may soon touch and embrace every citizen as well as those who to-day contribute Federal taxes. That it is a dangerous and growing evil is obvious to any thoughtful American. It raises a governmental question of great importance. It is greater than the political subject of prosperity, for that will follow the maintenance of the civil and individual rights with American initiative and independence. The tariff question is insignificant compared with it. The oil scandals are momentary and fleeting in comparison. Even prohibition, the Volstead Act, and questions of foreign debts are minor questions alongside of it.

Without checking peremptorily and forcefully the Federal Government in its maintenance of departments with such arbitrary power, and without the spirit of independence of people that will resent such abuses in the Federal Government, can it be said that we are worthy successors of the hardy forefathers who established the Federal Government?

Reverting to the mention of the development of "bureaucratic oppression" by the Soviet Government, is Russia becoming Americanized or is the Federal Government becoming Russianized? The American people will soon wish to know. M.

NEW YORK, *April 3, 1928.*

[Extract from article in American Grain Trade, Chicago, Ill.]

RUSSIANIZED LAND-BANK SYSTEM FOR AMERICA

Many supersocialistic dreams have been dreamed and put across in our modern Republic in recent times—put across at the expense of all the taxpayers for the benefit of a particular class—contrary to the American principle of Government. The latest, and probably the most menacing fad of all, was the taking over by the politicians of the farmer-owned, farmer-liability-assuming dozen district Federal land banks, and frustrating the more than 4,000 national farm-loan associations of their power to exercise their rights as stockholding owners of these banks. This action on the part of a Congress which was "doing the farmer" is without parallel in economic history, and established a precedent in political philosophy which is as dangerous as it is rank.

VAST AND MENACING POLITICAL MACHINE

This means not only that a vast and menacing political machine has been created, with thousands of jobs to hold forth as bait to the political plunderers, as a Government-operated yet farmer-owned institution, but also that Uncle Sam, a kind and more often overconsiderate gentleman, if justice be done, should foot the bill of any failure of his political manipulators to make these banks which politicians dominate. This bill should be paid by the farmer, who should enjoy the special benefits of the banking system, because it was established for the farmer, but how can we justly ask the farmer to pay a bill which has been executed by politicians who dominate that which the farmer owns?

DREAMS OF SUPERSOCIALISTIC FACTIONS

The World War gave the world an overallotment of long-haired, supersocialistic dreamers, and the sane, common-sense citizen has a double responsibility combatting the efforts of these people to turn the United States into a playground and clearing house and money market for every Tom, Dick, and Harry that comes along with a new pipe dream, the smoke of which he wishes to enjoy while the Government furnishes the fuel.

The Federal farm-loan system is a parallel to the strong Federal reserve system, in that it has 12 district Federal land banks, the local cooperative national farm loan associations acting in the same capacity as do our national banks, being members of the district banks. As the farmer-borrower subscribes for capital stock in his association, which is in turn expended as stock in the district bank to the extent of 5 per cent, or $50 per $1,000 of his loan, like national-bank stockholders, this same farmer assumes a double liability of 10 per cent, or $100 per $1,000, to safeguard the system. Therefore the farmer-owners of the Federal farm-loan system have two reasons why they—not outside politicians—should fully manage the 12 Federal land banks which they, the farmers, now own. First, that the farmer-stockholders have, like other American bank-stock owners, manage that which they have paid for and which they own; secondly, that the management may be invested in their hands, without red-tape political muddling, that they may safeguard their liability interest. This is a principle so old and so sound, widely recognized, that it is utterly impossible for any sane man to reason out how any Congress happened to so amend the Federal farm loan act of 1916 as to take away from the farmer-owners of these banks these rights and privileges.

THE FARMER "HOLDS THE BAG"

However, when Congress did take these banks away from the rightful owners, the thousands of farmer-stockholders residing in every State, it would have seemed, had they thought that strange Russianized principle superior to the tested-and-found-true policy of bank stockholders bossing their own banks, as contrasted with superpolitical banking, that they would have relieved these farmer-owners of the 10 per cent liability and replaced this guaranty with that of the Federal Government. As they did the job, the politicians completely dominate the entire banking system, while the farmers, as regards the 10 per cent liability, "hold the whole bag." The 12 Federal banks are now being operated by the Farm Loan Board, and their horde of political appointees in exactly the same way, with wider latitudes, as are the some 50 joint-stock, privately owned land banks scattered over the country. In these latter banks the private bank-stock owners manage their banks, assume all the liabilities entailed in making farm-mortgage loans, under the supervision of the Farm Loan Board.

Only in the event of a receiver being named, as in the recent case of the Kansas City, Mo., Joint Stock Land Bank, has the Farm Loan Board really stepped in and taken over the management of the bank. They have, in the operation of these banks, fully recognized the right of the stockholders to manage and operate their own banks. Why, then, have the 12 district Federal, farmer-owned land banks been managed and operated by the Farm Loan Board, to the exclusion of any recognition of the property rights of the farmers who own and who assume the liabilities of these banks? This comparison alone shows up the present type of administration of the Farm Loan Board in a very poor light, and shows how far Congress really went in "making a goat" out of the thousands of farmer-owners of these banks, depriving them of privileges which every other American business institution enjoys as being too common to even call for debate.

MORE RADICAL THAN RUSSIA

Thus, by adopting this method of taking away from the farmer-owners of the 12 district Federal land banks, Congress took a step far more radical than has even been proposed, surely not effected, in radical Russia. They have shown the way for Russia's red radicals that can only lead to destruction, if followed for any length of time. This is the only Government in the world where the Government permits the farmers, a special class in a land where there are supposed to be no class lines, to capitalize a great banking system, and then the Government, when this system gets to going and shows signs of being of service to that class, steps in, takes it over, places politicians instead of the farmers' representatives, and then permits the farmer to continue to assume the liability, that he may pay any losses which the political leaders may run up. Ye gods and little fishes! Is this America?

NOT ACCORDING TO AGREEMENT WITH FARMER

This entire plan is not in accordance with the agreement which the Federal Government entered into with every one of the thousands of farmers who secured loans through the various land banks since, when the Federal farm loan act was enacted in 1916, it was specifically written into that act that the Federal Treasury should advance to the banks sufficient capital to start them going; a temporary board was selected by the supervising board in Washington to officer each of the 12 land banks, and every aid was to be rendered by the Government in helping the farmer to organize and get going with his, not the Government's, land banks.

When the farmer had repaid to the Federal Treasury the sum necessary to temporarily capitalize these 12 land banks, the farm loan act of 1916 specified that the permanent board of directors of the land banks should be selected and elected by a majority vote of the farmer owners of these banks. The banks were to be turned over to the farmers in common with the national banks, the Government's only

interest from that date on being to supervise them just as are national banks.

This is widely recognized as the only sane and sensible method of running any kind of a bank anywhere, and the farm loan act, as passed in 1916, passed the acid test of a suit before the United States Supreme Court as to the constitutionality of the act. Therefore, we may assume that the original farm loan act was fundamentally in accordance with the heritage and custom of the United States as formulated in the past 150 years of experience in giving to the individual the widest latitude as to his property rights and the fullest freedom in the management of them.

However, by a piece of political trickery which stands without parallel in our long and varied history, an amendment to the farm loan act was passed by Congress which withdrew from these thousands of farmers their rights and privileges as bank-stock owners, although still leaving them to assume the enormous liabilities, and turned the entire 12 district land-banking system over to politicians. And this trickery was played upon the American farmer by Senators and Representatives who now have the audacity to "go back home" and tell the "dear farmers" that "I am your friend; I vote only for sane and sound farm legislation."

Either their minds are so warped that they do not understand what common decency is, or how, in a legislative way, to carry it out according to the American principle, or they are as dishonest with themselves as they have been with their constituency. It would have taken very slight consideration of the merits and demerits of the proposed amendment to the farm loan act, for any representative of the people, no matter how feeble his mind, to have immediately recognized that the farmer owners of these land banks were to be deprived of their privileges as stockholders by the passage of that proposed amendment. The same alleged representatives, whether Republican or Democratic, would never have passed a similar piece of legislation as regards depriving national-bank stockholders of their rights. Why "take it out" on the helpless farmer? If it is not a plan worthy of consideration as regards national banks, why is it considered so just for the farmers? Answer these questions, Mr. Representative "of the farmer."

GOVERNMENT NOW REPAID ITS ADVANCE

The farmer borrowers have now repaid to the Federal Treasury all the money advanced except less than $1,000,000, according to the report issued by the Federal Farm Loan Board. The financial condition of the 12 district Federal land banks, based upon the amount of business now upon the books, no longer justifies withholding in the Federal Treasury of one red cent of money for the capitalization of any of these land banks. Every cent of this capital should be paid by the farmer borrowers, and the several hundred thousand dollars advanced should be used by the "economical Mr. Mellon" in reducing taxes.

The farmer should himself be given all the privileges of management of these 12 land banks, and the Government should step out of the operation of a class banking system, its board only supervising the banks. No longer should the American farmer be placed in the position of being the only infant in the special-privilege cradle and politicians permitted to become banker in order to carry on the farmer's business for him, acting as wet nurse and job grabber.

Previous proposals have been that the farmer should name six of the nine directors of each land bank, and the Farm Loan Board should name three. This would give the farmer majority control of the banks which he owns, but why not permit the farmer to name all the directors of the land banks, which is the sane and sound plan of other banking institutions, and permit the board to act only as supervising agent, as does the Comptroller of the Treasury in the case of national banks. Why not completely remove anything of a political nature from the operation of these banks? Why let politicians run up and down the land trying to get three of the nine directors named? Experience in the so-called peculiar "election" held to name farmer representatives (?) now on the board of these land banks, gave many a striking illustration of what would happen under any such plan. Remove politics completely from the land-bank operation and place these banks completely in the hands of the farmers who now own them.

SOUND-MINDED FARMERS STAND FIRM

Sound-minded farmers and farm representatives are opposed to the present political domination and manipulation of the Federal farm-loan system. After many months of investigation the American Farm Bureau Federation issued a report which, to say the least, was not to be construed as a compliment to the methods adopted by the political bosses of the banking system. This report is now filed away in Washington, and thousands of farmers who had anticipated some relief by this route are now wondering why the representatives of the organization have been so quiet with respect to presenting and pushing this recommendation of the national committee to a finish.

The National Grange has for years been rated as a sound-minded farm organization; their leaders are strongly opposed to Government operation of any agency. Repeatedly have they appeared before congressional committees and fought any such propositions. Where were they when Congress passed the amendment that deprived the American farmer of his property rights? Where are their representatives now?

James R. Howard, first president of the Farm Bureau, although looking kindly upon many proposals which we could not agree upon, did say: "I deplore a growing tendency on the part, not only of some farmers, but other men in high places, to stress the functioning of Government too much and of the individual too little."

In the present lank bank case, the Government is not only "functioning * * * too much," they are actually operating, through the political appointees, that which belongs to the farmer. The individual (the farmer stockholder) does not, is not permitted, to function even a little; he has been given the gate by Congress; he is on the outside looking in on what Congress has taken away from him.

Put the 12 Federal land banks wholly into the farmer's control. Let the Government get out of wholesale banking. Let the American farmer stand up to the rack and run his own business, and what is even more important—let him pay his own bills—bills that he has contracted for and which no politician is permitted to dip in and help himself to. Do this now.

[Extracts from Looking to Our Foundations, by James F. McCullough. Copyright by J. F. McCullough, Geneva, Ohio]

MENACING TENDENCIES

The very foundations of our most cherished institutions—popular representative government, social and economic justice—are threatened by menacing tendencies. Concentration of wealth, authority, domination, and control into the hands of fewer and fewer favored individuals.

The assumption of sovereign governmental functions and authority by organized minorities. The usurpation of inalienable rights, privileges, and responsibilities of the citizen.

Powerful organizations formed for the advancement and profit of their own members flout the rights of the public, and defy the authority of the Government with seeming impunity.

Any organization which assumes, and is permitted to exercise authority to operate, or to prohibit the operation of anything, is the de facto government of that country.

He who serves notice upon a private citizen that he shall not be permitted to do his own choosing, exercises superior autocratic authority to that ever exercised by any State or Federal court through the injunction, however arbitrary and "sweeping" this court command may have seemed at the time. The court's injunction goes not further than to command the person or persons to whom directed, to refrain from doing some specified act which might interfere with the legal rights of another. This is as far as the courts may go.

POLITICIANS GO FURTHER THAN COURTS

But these officials of the de facto government issue, and in most instances, to our shame, are permitted to enforce their mandates preventing law-abiding citizens from exercising their undisputed legal privileges and duties.

The marauding and preying class understanding this timidity and group cowardice of the people, take advantage of it in the pursuit of their schemes. This is the pitiable condition of the people in Russia to-day. A comparatively small band of well-organized adventurers, having seized the arms, ammunition, the food supply, and the railroads, dominates, coerces, and despoils the millions of people, all that are left of the once great population.

A peaceable, industrious, frugal, and home-loving people are ruthlessly plundered of their savings, their food supplies, their seed grain, and left to all the horrors of starvation in their famine-stricken land. There is no such thing left in Russia as individual and community initiative. The individual and the mass of individuals are cowed by their criminal dictators, supported by their plundering, mercenary enemies.

WE ARE FAST DRIFTING RUSSIAWARD

We are drifting toward the same condition of affairs in this country.

There is no other subject of more immediate and vital importance to the liberty-loving citizen than the question of good government. There is no greater impending calamity than the threatened destruction of our representative free government at the hands of weak and sordid-minded officials, their subservient appointees, and their masters, the professional political bosses, supported by their mercenary tax-consuming hordes and sundry others of their tribe too numerous to specify.

In its organization, intent, and purpose, this Government of ours is supposed to be a representative Republic. Outside of the original "town meeting" in those scattered communities where that "school of practical politics" has survived, it is a mistake to call our form of government a democracy.

According to the fundamental laws of the land, the source of all governmental authority is the expressed will of the majority of the people. But as a matter of fact, the people are governed, or misgoverned, by officials and representatives selected by a very small minority of the legal voters and by an ever-increasing army of officious officials for whose selection and appointment the people have no voice, theoretically nor actually.

These officials, however, by whomsoever chosen and appointed, are clothed with authority to enact and enforce laws, to sit in judgment over the property and civil rights, the personal liberty, and even the lives of the people; to levy and collect taxes, fees, penalties, and fines of all sorts and descriptions; to issue and to sell bonds; and to appropriate and spend public funds!

HONESTY HAS NO PLACE HERE

Men of too strict integrity, civic honesty, moral force, and independence of thought and action are not favorites with political manipulators because they are less likely to submit to the dictation of selfish, interested, political bosses.

It is a serious question whether or not all public officials and Government employees should not be excluded from all participation in political party affairs. Certainly, no officeholder or Government appointee, or employee, should be eligible to sit as a delegate in a political convention.

The organization and management of a political party should be free from the domination and control of officeholders and their appointees. Some students of politics and government go so far as to advocate the disfranchisement of all officeholders and their appointees and employees. But there is no doubt but that some means will have to be found to curb the domination of political parties by officeholders who have been raised to their positions of honor and trust by the favor of their political party.

FREE SYSTEM FROM POLITICAL OFFICEHOLDERS

This separation of all officeholders, their appointees, and political henchmen from participation in the affairs of the political party which elected them would tend to free the political parties from the domination and control of the office-holding class and the officeholders' personal organizations. This would be a long step toward the reinstatement of representative, free, "government of the people, by the people, and for the people!"

Graft, under the cover of its many disguises and devices, is the malignant canker gnawing at the vitals of our political, social, and economic life. Graft and insatiable greed for money are the growing menace to our civilization.

It was graft that destroyed the great Russian Empire. It was graft in Russian official life that made it possible for Japan to defeat and humiliate that once powerful nation.

The Russian people had been heavily taxed for years to build up and equip modern dreadnaughts and other ships of war; to purchase and manufacture field and heavy artillery, rifles and equipment for large armies, and to build armories and army barracks; in short, to make every preparation for war.

The vast sums of appropriated funds were spent and dissipated, and after war was declared the fact came to light that Russia had made very little preparation for war.

The dreadnaughts that had been dearly purchased and paid for, named, equipped, and manned—on paper—had no material existence.

In the great storage yards where the unmounted cannon were supposed to be kept in readiness for immediate mounting for use when needed, there were found acres covered with wooden cannon, turned from logs to look like real cannon. These dummy cannon had all passed inspection and all exacting vouchers were "officially examined and found correct." Similar conditions were found to exist in other military equipment and army supplies. This simply means that the appropriations of the hard-earned tax money of the people were spent, presumably, for warships, arms, and munitions, army supplies of all sorts, in regular routine manner, the vouchers all properly examined, found correct, and officially signed; but only a mere fractional part of the very essential materials were ever delivered.

The potentially great Russian Empire was defeated and doomed to destruction as the direct consequences of graft.

It is generally known that in the late World War the brave soldiers of the Russian armies were defeated, massacred, and practically annihilated by the German armies partly because the Russian soldiers were practically without arms, ammunition, food, and other essential equipment, but mainly for the reason that these millions of men upon whom the destiny of Russia depended were deliberately sent to the slaughter by grafting Government high officials.

GRAFT HONEYCOMBED BUREAUCRACY

Graft had honeycombed the whole Russian bureaucratic official body politic. Graft had infinitely more to do with the downfall of the Russian Empire than czarism, anarchy, communism, and bolshevism combined.

The indescribable wretched conditions in Russia to-day are but the logical outcome of long years of despotic, centralized, bureaucratic rule in which the official life was permeated with insatiable greed for more power and for larger opportunities for graft.

The bolshevik terrorist dictatorship is the illegitimate offspring of that old debauched official life.

In Russia there is no further excuse for the official grafter. The officials simply take private property with Government approval and human life as well whenever there is any slight pretext for doing so.

OWNERS SHOULD BE BOSSES, NOT OUTSIDERS

Ownership would imply that the owners would be allowed a voice in the management and direction of the essential affairs of the property owned. Whoever has the authority to collect, to hold, and to spend the money of a property or business owns and controls that property or business.

One favorite device of the marauding financiers that is used to despoil the minority stockholders of their rightful share of their earnings is the very common practice of the controlling interests paying inordinate salaries to their officials, presidents, vice presidents, treasurers, attorneys, etc. These salaries are often anywhere from five to ten times the salary that the recipient of it ever did earn, or could get in any other similar position.

Even those comparatively few corporations, including banks, that make some pretense of paying dividends to their stockholders, rarely ever pay their minority shareholders more than a fair rate of interest for their money. In the event that the earnings begin to increase to the point that would warrant an increase in the dividend rate, the salaries of the executives are likely to be substantially increased, or one or more high-salaried officials added.

HOW TO REMEDY THIS INJUSTICE

The first step toward a semblance of economic justice in the organization, financing, conducting, and management of these institutions, is to secure the enactment of laws which will give to each shareholder one vote, and no shareholder more than one vote, in the conduct of the affairs of the bank or business.

All members of all boards of directors, and the principal executive officers, should be chosen on account of their honesty, ability, and demonstrated fitness for the respective positions of responsibility and trust, by the direct vote of the individual shareholders, or by delegates chosen by, and representing the predetermined number of shareholders, each and every stockholder whether holding 1 share or 10,000 shares having the same legal right to one vote, and to but one vote.

When the individual citizen asserts his rights, and comes into possession of himself and of his own, there is likely to be a precipitate descension to the private financial ranks of many a fat exploiting financier who has garnered great store of riches from his depredations on the accumulated savings of minority stockholders.

Let us have democratic government in the control and management of all corporate enterprises, wherein each individual shareholder shall be accorded the same rights and privileges as any other individual stockholder! This is for civic, economic, and political rights and privileges as well as the weighty responsibilities of the individual.

There is always a large element of risk involved in intrusting ones money with impersonal organizations to use, manage, and control without a definite assurance of the return of the money when it may be needed.

STOCKHOLDERS HAVE RIGHTS TO ASSERT

A recent decision handed down by the Illinois supreme court deals a severe blow to the control and domination of any organization by intriguing cliques.

The court decided that the State constitution provided that no corporate stock shall be denied the right to vote. (How can the Federal land bank stock, owned by farmers in Illinois, now be controlled exclusively by Washington politicians, counter to this decision?)

The constitutional provision on which the court based its decision reads: "The general assembly shall provide by law that in all elections for directors or managers of incorporated companies every stockholder shall have the right to vote in person or by proxy for the number of shares of stock owned by him for as many persons as there are directors or managers to be elected * * * and such directors or managers shall not be elected in any other manner." (Obviously, the directors of the Federal land bank serving Illinois have been elected contrary to law, or the Federal farm loan system, as presently administered, does not recognize what is commonly termed State rights.)

[Extract from editorial in Good Business Magazine]

AGAIN THE FARMER IS RELIEVED

As Will Rogers says, "The farmer has again been relieved," this time by the fruitless endeavor on the part of the Senate in passing the McNary bill to lift the farmer by his own bootstraps. This is not the first time that Congress has "relieved" the farmer. Not so long ago they passed an amendment to the farm loan act, whereby they took from the farmer owners of the 12 district Federal land banks the stock which thousands of farmers owned, and by placing it in the hands of the political manipulators—the appointees of the Harding and Coolidge administrations, under the supreme control of Andrew W. Mellon—they "relieved" the farmer of millions of dollars worth of bank stock which he owned, for which he was legally forced to pay, and which is his property as much as the soil on his farm which he tills.

Politicians seem to believe that they can erect gigantic paternalistic bureaucracies and thus "relieve" the farming industry. We defy them to name a solitary one that has done other than "relieved" the farmer at his expense and the politician's gain, just as has done the gigantic

plunder of the Federal farm loan banks. Although this is the most glaring steal, far outdistancing nefarious Teapot Dome, it is typical of the results achieved by most endeavors to push the farmer into prosperity at the expense of American principles.

[Extract from article in American Grain Trade, Chicago, Ill.]

RANK SOCIALISM—GOVERNMENT SUPERVISION OF PRIVATE FARM BUSINESS

Is the Government to be made responsible for prosperity and for the success of private enterprises? Until that basic question is definitely answered there will be no sure or sensible avenue of approach to the farm-aid proposition.

Deeply underlying the question of governmental aid to any branch of business is the other basic question, Is a protective tariff a direct aid to particular individuals or lines of business? Is it possible to construct a tariff measure that will give equal protection to all and favors to none? Personally I doubt it. If we really are to have a Government for all the people, we must choose between extending aid to all or to none.

No other question of such far-reaching importance has been before us in 100 years. Are we in the future to continue to build America through individual effort and foresight, through keen competition and individual effort, or are we to allow the Federal Government to spread its protecting care and supervision over all enterprises and by so doing rob us of that enterprise that has made our country commercially the greatest of all in history? The rankest socialism that I can conceive is supervision of private business by the Federal Government.

[Extract from annual report of Secretary of Agriculture, 1924]

A PANACEA FOR FARM ILLS

Good sound growth in the cooperative movement has been somewhat retarded in recent years by overenthusiastic persons who have held it up as a panacea for all the ills from which the farmers are suffering. The mere organization of a cooperative association is not the end to be attained. It is only the beginning. Success in cooperation depends on finding men capable of running cooperative associations, on the loyal support of the membership, and on getting a sufficient volume of business. Some converts to the cooperative movement urge that the Government should proceed to organize the farmers in cooperative associations. But if the Government should ask farmers to join some particular cooperative association it would put itself in the position of guaranteeing an enterprise without having an authoritative voice in its management. There is confusion in the minds of promoters of cooperative enterprises as to what the Government may properly do.

SETTING UP BUREAUCRATIC BOARDS

Bills have been introduced in Congress in the last two years which would put the Government squarely into the business of promoting cooperative associations. These bills would set up a great Federal overhead agency and secondary boards of control and would have these bodies assume control of a number of highly important activities.

FARM ORGANIZATIONS SHOULD BE TRULY COOPERATIVE—CONTROLLED BY FARMER STOCKHOLDERS FREE FROM POLITICAL DOMINATION

The relationship of the Government to cooperation should be one of service. It should help the farmers market their crops just as it helps them to produce crops not by doing the work but by supplying information which the farmers can not get for themselves. To go further would be to injure rather than aid the cooperative movement. The need for strong cooperative associations can not be over-emphasized. They are absolutely necessary to bring about efficient and economical marketing and standardization of crops, but the movement should be truly cooperative. It should be controlled by its membership and kept free from domination of Government agencies.

[Extract from address by Judge John D. Miller, attorney and dairy farmer, member of Dairymen's League of New York, and executive of the National Cooperative Milk Producers' Federation]

THROTTLING COOPERATION

If we interpret aright the thought and the purpose of the hosts of farmers making up the members of this federation, it is that in self-help lies the remedy for agricultural ills.

They recognize that as far as these ills are the result of Federal statutes they may be remedied by statute. Speaking broadly, however, the ills are not statutory but economic. Being economic so must be the remedy.

CAN NOT SUSPEND LAW OF SUPPLY AND DEMAND

It may well be that the thousands of farmers' cooperative marketing associations of this country are now at the parting of the ways. Standing together as a unit they can defeat all proposed legislation, much of which, no matter how friendly the intent, would be most harmful.

Farmers engaged in cooperative marketing are not seeking to repeal or suspend the law of supply and demand. Such law, however, does not translate itself into terms of prices. Some one must name a price if commodities are to be bought and sold. Farmers insist that they should have a voice in determining what price is dictated by the law of supply and demand.

Each of the 28 member associations of this federation is engaged in the cooperative marketing of milk and milk products. They are self-help organizations. They are the kind of organizations that the farmers desire, for the farmers created them. They are the result of years of effort and sacrifice, and most of them have now reached a stage of development that indicates that they have come to stay.

POWERFUL INTERESTS OPPOSE FARMERS

Powerful interests have opposed them; powerful interests are now opposing them. In the early days, however, the opposition was in the open and the weapons used were those of a warrior.

Now all this is changed. Those that have heretofore been open in their opposition now profess to recognize that the cooperative milk marketing associations have to stay, and profess to approve of the general principles of such cooperative marketing.

This does not mean that they are not as much opposed to your efforts as ever; it means that they are taking other ways to retard and obstruct your work and perhaps destroy your organizations. The methods they employ are adroit and insidious. They loudly profess approval of cooperative marketing but always disapprove of the particular organizations that the farmers have created for that purpose, and they are seeking in various ways to so mold conditions that they may have a voice in the control of cooperative organizations.

[Extract from article in American Grain Trade, Chicago, Ill.]

"DEBUNKING" FARM RELIEF BILLS

A pamphlet has been published entitled "The McNary-Haugen Bill: A Frank and Friendly Chat."

"Some people," says the author, "think that every farmer is too much of a numbskull to think out things for himself. Some of us are not * * *. What I have set down is a sort of record of questions asked and my answers. And I defy any level-headed farmer to study the bill as I have studied it without reaching the same conclusions."

HOW IT WOULD WORK

Q. Would the plan raise the price of wheat?—A. Yes; to the consumer 50 cents a bushel; to the farmer, 30.

Q. Please explain as simply as possible.—A. Very well. This illustration is about the same as that given by supporters of the bill in Congress.

Let's assume wheat is $1 a bushel, the world price and domestic price. The farm board decides to put the domestic price to $1.50, which is the tariff, 42 cents, plus freight, 8 cents, added to the American price. To put wheat to that price the board, through its agents, would buy all wheat offered at that price. Part of this wheat the board would export at a 50-cent-a-bushel loss. The remainder would be sold at "an advantageous domestic price" for about $1.50. Operation costs estimated 4 cents a bushel.

Q. Could you give figures on this point?—A. Yes. The United States wheat crop now averages 850,000,000 bushels a year—200,000,000 exported, 650,000,000 consumed at home. Loss of 50 cents a bushel on 200,000,000 exported amounts to $100,000,000. This loss prorated back to the 650,000,000 bushels consumed at home is about 16 cents a bushel.

Q. Getting down to brass tacks, how would the board's operations look?—A. About like this:

Farm board buys surplus and ships it abroad, raising domestic price from $1 to $1.50.

Thirty cents added to farm price. American farmer gets $1.50 minus (a) cost of operation, 4 cents, and (b) loss on exports, 16 cents. Balance due American farmer, $1.30. This leaves a net price elevation to farmer of 30 cents a bushel.

Fifty cents added to American consumer's price, he paying $1.50.

Q. How about the equalization fee?—A. The farmer would pay an equalization fee of 20 cents and get back a price elevation of 50 cents, leaving him a net increase of 30 cents.

Q. Thirty cents a bushel on 850,000,000 bushels equals $255,000,000, the total increase to American wheat growers. How about consumers?—A. American consumers take 650,000,000 bushels at $1.50, a net increase of 50 cents a bushel, or a total of $325,000,000 increase to consumers.

Q. That much would be taken out of the consumer's pocket?—A. Yes. The consumer "pays the freight." Farmers would receive, not pay out, money. The "equalization fee" would be "collected" from them, but not paid in the end by farmers; they would pass it on to consumers.

Q. But aren't the farmers consumers?—A. On that point you are dead right. Farmers themselves constitute a very large part of the total numbers of consumers. That fact is certainly worthy of careful thought. For instance, farmers consume 40 per cent of the wheat grown.

Q. Can you cite an example of a fee being "collected" and not paid?—A. Yes. A farmer at Elk Point, S. Dak., shipped a carload of corn to a Chicago commission merchant. The railroad collected $334 freight from the merchant. But he did not pay this; the farmer did. So it is with this bill. The fee is "collected" from the farmer but the consumer pays.

Q. Now, the psychology of it. Won't the farmer feel he's paying?—A. He won't be conscious of making payment. His crop has been quoted at $1, when the farm board lifted it to $1.30 at the elevator or mill. He enjoys the 30 cents net advance. He will feel no tax is being imposed on him as seller of wheat. The fact is the bill aims to have the equalization fee collected from the elevator or mill or railroad and not from the farmer. So the farmer would not even go through the motions of paying. Hence it is wrong to speak of this fee as a burden borne by producer. If he's a wheat grower, he'll be rewarded, not penalized, for enlarging his crop, for increasing the size of the surplus.

Q. Thirty cents increase in price would give the 2,000,000 United States wheat farmers $255,000,000 total increase?—A. That's right.

Q. And the 50 cents increase to consumers would be $325,000,000?—A. Yes.

Q. Who gets this enormous difference in the farmer's increased price and the price the consumer is forced to pay?—A. Part goes to operation costs. Part to losses on exported wheat. You see, the farm board would export 200,000,000 bushels at $1 a bushel, enough to feed 8,000,000 European families a year. These foreigners would buy this wheat at $1. The bill would tax American consumers, while helping our wheat growers temporarily, and would greatly benefit 8,000,000 families of foreign consumers.

Q. But the bill would raise wheat prices. Isn't that good?—A. Here, my friend, is a monumental weakness. This is called a surplus control bill. Yet the farmer producing the surplus is not penalized. He's rewarded for producing the thing we're supposed to control. So he would produce greater and greater surpluses. It's attractive. The consumer pays the fees, plus charges, costs, and losses. Why not? The very first effect of the law would be an amazing increase in production of the six "basic" crops.

Q. And the final effect?—A. Such startling overproduction of the six crops that prices would crumble to their old levels, and below.

The section "How it would work" concludes with the following paragraphs:

Q. Is this bill, as reported, one of the agricultural West against the industrial East?—A. Perfectly ridiculous. The fact is the agricultural West is now industrialized, and the industrial East is still agricultural. New York and Pennsylvania are "industrialized" while Kansas and Nebraska are called "agricultural." All four States are agricultural. If you will turn to the United States census figures, you will find these facts clearly confirmed. Crop values are about the same in the four States. There are actually more farms in these two Eastern States than in the two Middle Western States. New York has 188,754, Kansas 165,879, Pennsylvania 200,443, Nebraska 127,734, says the 1925 census. So farmers of the East rank with their western brethren.

Q. How about the number of people living on farms?—A. The same census gives Kansas 701,768, New York 767,500, Nebraska 566,660, Pennsylvania 910,847.

Q. Kansas is pretty well industrialized?—A. Very much so. It has 700,000 people living on farms and 1,000,000 living in towns and cities. You need only to turn to the census report to learn the long list of industries actively carried on in that State. The 1919 census reports the industrial products of Kansas as having a value of 109 per cent of the value of that State's farm products. Kansas is an industrial State. Talk of agricultural West against industrial East is pure hokum. Every farm State now has its industries and wants more, to make a home market for its agricultural products.

WHY HAVEN'T FARMERS BUILT ELEVATORS?

If, as the politicians claimed during the debate on the McNary-Haugen bill in the Senate, farmers are so anxious to go into the elevator business, why is it that they have neglected to do so until now? Farmers did not need to wait 300 years to grow corn, tobacco, cotton, wheat, or rye while waiting for Senator MCNARY or Congressman HAUGEN to offer a trumped-up piece of nefarious legislation before they started to work. And by the same token had farmers been as anxious to have gone into business along other lines as these political thinkers seem to believe, they surely would have done it long ago. There is no need of erecting special and cumbersome legislation to effect this; any body of farmers may at any time band together, secure necessary credit through existing banking institutions, and get into business.

Consider the facts below given, and then ask yourself this pertinent question: "If farmers wish, as Senator MCNARY and Representative HAUGEN advise, to go into the grain-elevator business, why have so few done so, with the hundreds of strong farmer grain associations scattered over the country"?

There are 3,338 farmers' associations handling grain in the United States. Among them are some of the best managed country elevators in the world. In spite of our Government's insistence on paternalism to the farmers' elevator movement, however, only about 20 per cent of all country elevators are operated by farmer associations. Evidently there are a few farmers left who are wise enough to specialize in production, rather than marketing and pool shooting.

[Extract from Family Herald and Weekly Star, Montreal, Canada, April 18, 1928]

IS THIS FARM RELIEF?

Will President Coolidge repeat his tactics of last year and veto the new farm relief bill on the ground that it adopted the fixed-price idea?

For although this year's legislation does not in so many words help the farmer by assuring him a profitable price for his wheat, that principle really underlies the whole measure.

So much so that many are pretty certain to claim that the bill was prepared for election purposes only, to win the farmer's vote in this year's political struggle, by representing its opponents as the enemies of the men on the soil.

POLITICAL COOPERATIVE COMPULSION

The measure practically makes cooperative marketing compulsory and imposes a fee upon every bushel brought to elevators so as to form a fund to stabilize prices.

Along with that goes the plan to sell grain to United States customers at an unvarying fixed price set a little higher than that quoted for exported grain.

TAXING CONSUMERS TO PAY FARMERS

Since the greater part of the United States wheat is consumed at home, this means that every bread eater in the country will contribute to the welfare of the farmer.

The argument is being advanced in favor of the measure that in Canada the people already contribute to the farmer's income through the reductions of freight rate imposed upon the national railways, under which the incomes of all the railways—privately as well as publicly owned—have fallen off considerably, the loss falling on the general public.

United States farmers are having a hard time of it, no doubt, though that has not always been the case by any means; but whether the spreading of their losses over the whole body of the people in order to lighten it for them is the best way to help them out is rather problematical.

[Extract from editorial in Good Business Magazine]

SANE FARM LEADERS

In the past few weeks we have had the national spectacle of so-called sane farm leaders indorsing the most radical of proposed legislation. Leaders, who, when speaking before their farmer-members, boast of their sane and safe standards, went before Congress and urged the adoption of a piece of legislation which from practically every standpoint was more rank than anything that has ever come out of Russia. And the crime of it was that these leaders did not speak for one-half of 1 per cent of the American farm population. The joke was that they all agreed that the proposed bill was unsatisfactory, but that they insisted that Congress pass it.

The average American farmer is a sane individual, but that he is blessed with radical leadership. This is not strange, for the average farm organization to-day elects its officers in the hand-picked, long-distance method. Only the "chosen" are sent to the State sessions, where another select few "insiders" are elected, delegated to a national session, where still other of the select become officers and leaders of the organization. By the time that the final election takes place, the average farm organization leader is about 1,000 miles removed from the average farmer. This explains why alleged farm leaders make proposals which are contrary to the wishes of the average farmer.

It is to be hoped and much desired that the American farmer will demand, at a very early date, the right to elect his own delegates, each county, for example, sending to the State or the national convention the farmer-elected representatives, from among whom shall be elected officials to really represent agriculture instead of misrepresent it.

It has become increasingly evident in recent months in Washington, especially in the Senate and the House, that representatives are aware that these self-styled farmer representatives only represent themselves and their chosen clique.

The McNary-Haugen bill is as unsound as it is unsafe, yet it received almost 100 per cent indorsement from farm organization leaders, and the pressure they could bring to bear upon Senate leaders, while the so-called "sane" farm organizations were mysteriously quiet. Why?

Let us hope the hour may come, and very soon, when all farm organizations will institute a method whereby State and national officers will be elected by delegates elected by each county unit, and who, when elected to their high offices from the ranks of the average American farmer, may go to Washington and represent rather than misrepresent the farmer. Until that sort of an organization is effected, standing before a committee and declaring that "I represent one or two million farmers," will mean nothing, for members of that committee know, just as the speaker knows, that the alleged farm representative does not represent any such number of farmers, but that he is holding a straw bag before the committee in an endeavor to drive it into doing what a very few desire done, usually because their personal interest or finan-

cial welfare may be brightened by the passage of the legislation, rather than because the legislation may bring any relief or comfort to farmers in the aggregate.

[Extract from article appearing in Good Business Magazine]

ECONOMIC FALLACIES AND FARMING

By George E. Roberts

Why do unsound economic theories bloom in farming sections? Why do ghosts which were laid in the Middle Ages return to plague American farmers?

Few men are better prepared to answer these questions than Mr. Roberts—former director of the United States Mint, nationally recognized as "the apostle of common sense."

ECONOMIC FALSEHOODS

All the falsehoods about economic conditions which are current now have been refuted over and over again, but trying to kill them off is just like trying to kill off the boll weevil or grasshopper family.

Fallacies are kept alive because people believe what they like to believe. They seldom learn by precept or reading. They learn by experience, although this is the costliest and most painful brand of education. We have an increasing residue of knowledge from generation to generation, but it is still true that men think pretty much as their fathers thought.

I can not think at the moment of anything which would produce greater confusion and inequality than an attempt to base the value of commodities and services on the amount of time consumed in producing them. Not every working hour is of equal value. Who supposes a "work unit" would be a proper basis of pay for a lawyer, or for a physician? This fallacy is only another form of the belief that there is something inherently wicked in the gold standard.

The idea of wanting plenty of currency arises primarily from a common misuse of words. We employ words to think with and when we get them wrong we have wrong thinking. It is a stock phrase of the street that money is "tight," or "scarce," and it is natural for people who can not borrow at such times, whether they live on farms or in cities, to believe that if there were plenty of money they would be accommodated.

If I buy a railroad ticket to Washington I'm not paying for the ticket; I'm paying for transportation. If the train gets only to Philadelphia it doesn't help me that there are plenty of tickets, because the greater number of tickets doesn't diminish the distance to Washington.

Paper money is a kind of ticket. It is a device good for a certain value, as a railroad ticket is good for a certain mileage; but it has no value in itself and is not to be confused with value.

I remember that once after a carnival had been held in a small town some children got hold of a roll of unused tickets and went around trying to sell them. They had seen their parents pay 10 cents each for the tickets, and thought the money was for the pasteboard, and they were surprised that nobody would buy from them at the cut rate of a nickel. Currency doesn't make business any more than those tickets made a carnival. What a man has to sell in the way of services or commodities is what makes the mare go. This is what gives him purchasing power by which he can command the products and services of others. So long as currency maintains an intimate relation to goods moving into consumption it is sound. It is retired or extinguished as fast as the goods are consumed. The process is as continuous as a movie, and it is like a movie in that it is made up of a succession of myriad separate acts.

We have talked about a "favorable" balance of trade until a number of minds are mussed up about it. I suppose the use of the word arose from the fact that we speak of drawing a check or draft in favor of another person, and naturally, we think that when money is being paid to us it is a favorable situation. But international trade is on a wholly different basis. It is not to be confused with domestic transactions between individuals. When we speak of the balance due a nation because it has exported more than it has imported as "favorable" we are wide of the mark. It is not favorable to anybody. The ideal condition of foreign trade is a state of equilibrium.

International trade always simmers down to an exchange of commodities. We exchange our cotton for Brazil's coffee. We trade our typewriters and automobiles for European fashions and scenery. We swap steel rails for Japanese silk and oil for Chinese soy beans. If the United States sells one of these countries more than it buys, every effort is made to settle through a third country in which that country has a balance; but if that be inadvisable, gold is shipped. In this case gold serves the purpose of a commodity. It is used because it is a commodity everybody wants.

I do not suppose there is any more persistent fallacy among farmers than the notion that the price of wheat is "jacked up" after it leaves their hands so as to give the dealers big profits. The farmer has been told this for years, and he likes to believe it. Maybe it gives him a sense of martyrdom, which is said to be pleasant. But if you look at a chart of the monthly prices of wheat on the Minneapolis market for the last 29 years, you will find that the average for the highest month, May, was only about 6 cents above the average for the lowest month, September. Six cents is a modest sum to cover warehousing, interest, insurance, shrinkage, and the risk of market fluctuation. The figures have been compiled by various authorities, including the Department of Agriculture, in each case with similar results.

So if the farmer held his grain the charges would not leave him any greater net profit, probably, than he gets when he disposes of it just after the harvest. If he admitted this it would be disturbing, because he has preconceived notions about it. He thinks, like as not, that the dealers and the manufacturers and the bankers have got it in for him. The prosperity of the country depends on his prosperity, and a conspiracy against him would be little less than suicidal. He shuts his eyes to that. Farmers constitute our largest single class of consumers. If they can not buy freely, everybody feels it sooner or later. But political spellbinders seldom tell them so.

UNSAFE FARM LEADERSHIP

Farmers have gone wrong more from poor leadership than from poor reasoning powers. They have been led to believe that they could find political remedies for economic distress.

They knew something was wrong, and when they tried to find out what it was the politicians gave them the wrong answer. Farmers were right when they said our commercial bank system was not well adapted to their wants, for it was devised to accommodate the man with a quick turnover, who could give short-time paper for loans; whereas the farmer does business on an annual basis. Our country bankers, however, always have known how to take care of the good risks pretty well by a system of renewals; and recent legislation has provided abundant additional facilities. The farmer is certainly at no disadvantage in this regard. Indeed, everybody familiar with his condition knows that most of his troubles always have come from too much rather than too little credit.

Some debts can never be paid. The important thing is not to try by artificial and dangerous methods to validate all liabilities and sanctify as vested interests ancient price ratios. The sound method is to proceed by the elimination of the causes of distress, in so far as they are subject to control, to extend necessary sound credits to make the readjustment as painless as possible, and finally, to let the readjustment proceed so that an economic balance may be restored.

[Extract from address delivered by Hon. WILLIAM H. KING, United States Senator from Utah]

PATERNALISTIC PALLIATIVES—FLOOD OF UNSOUND ALLEGED REMEDIES TO ALLEVIATE DISTRESS OF FARMERS

All paternalisms and bureaucracies in the end become despotic and corrupt.

Those most fanatical in pushing socialistic and centralizing policies have been loudest in proclaiming their devotion to liberty, and have maintained that it was a manifestation of personal liberty to voluntarily transfer to bureaus power which individuals possess and should exercise.

People struggle for centuries to wrest power from tyrannous governments and oppressive bureaucracies only to reconfer the same power upon these unsceptered agencies.

Projects for governmental aid and control of individuals and of their lives and activities are presented in most alluring form and the people are silenced in their opposition or seduced into ardent support only to discover too late that they have bartered away precious rights for a mess of pottage, and personal and individual liberty for a corrupting paternalism and a most deadly bureaucracy.

Jefferson said: "Were we directed from Washington when to sow and when to reap, we would soon want bread." Also that "A single consolidated government would become the most corrupt on earth."

We know the highway by history. Thousands of years ago paternalism and bureaucracy produced stagnation, devitalized the people, brought destruction and indescribable woes to the people.

There are those who would make Washington a kind of "Hegelian harmonization" of all differences and variations existing among the people.

Even those who evince the liveliest interest in the welfare of agriculture do not arrive at the same conclusion regarding projects to aid the farmers.

There are many things which legislation can not remedy. Financial depress and economic crises in the United States, as elsewhere, bring forth a multitude of so-called remedies to alleviate conditions and "to help the people." Most of them are unsound economically. Many of them are wholly unconstitutional and a few are temporary palliatives, but seldom are any found which, if put into operation, would bring substantial relief to those in distress.

It is a fact that not only the farmers but manufacturers and millions of American people in all activities of life are heavily involved in debt.

The farmers of the United States are heavily involved, the farms of many are mortgaged, and their credit in some sections is exhausted.

Their financial condition is serious, and it is important that every proper step be taken to bring relief to them. But I do not believe that the farmers of the United States want mere palliative measures; nor do they want paternalistic schemes inaugurated which promise much but in the long run will not only prove disappointing but disadvantageous.

The position of some have impressed me with the thought that they regard the General Government as having unlimited power to deal with questions coming before it, particularly if it could be said that an "emergency" existed.

I believe that to exercise the taxing power of the Government for the purpose of obtaining money to loan directly or indirectly to classes of individuals, or to industries, is, generally speaking, economically unsound. Its reactions are unfortunate and, in substantially all cases, disastrous.

Many people believe that the vaults of the Treasury are available to any section of the country, large or small, in which it is believed an "emergency" exists. What an emergency is, is not defined, nor can it be defined. Does it mean that an emergency exists if the crop of an individual or a county or a State is destroyed? If that condition is an emergency which calls for general Federal taxation to repair the losses or to provide loans to the suffering individual or distressed inhabitants of a State, then it is clear that emergencies exist daily and monthly and annually in various parts of the United States. And if an emergency is created when the farmers of a State lose one or more crops, then an emergency exists when an individual loses one or more crops and his credit is impaired or destroyed. It is simply a question of degree.

If Congress can repair the losses of the farmers of a State or open the Treasury vaults to loan money, then it has the right to loan money to each individual whose crop has been destroyed. And if the people may be taxed to loan to one individual for loss of crop, they may be taxed to loan money to all persons in the United States whose crops have been lost. And if it is an emergency for farmers when they have lost their crops, is it not an emergency for the sheepmen and cattlemen who have lost their flocks and herds? In some of the Western States during 1920 and 1921 nearly all mines were closed. In many instances they have not been reopened. Tens of thousands of persons were ruined, and their properties, owing to the fall in the price of metals and the increase in the cost of mining operations, have become and are practically valueless. Many towns and mining camps were practically abandoned, and thousands of families were compelled to seek new homes and new employment.

The fathers of this Republic, with the lessons of history before them, conceived a system of government so perfect in form and so adjusted in all its relationships as to bring material prosperity and a high degree of liberty and felicity to those living within its borders. Having been subjects of what they conceived to be the oppression of a centralized government, they determined that all sovereignty should rest with the people, and that the General Government should be so limited in its authority as to be prohibited from performing acts or inaugurating policies not authorized by the Constitution.

While the people of nearly all the countries of the world are stripping power from central governments and are strengthening regional governments and local political subdivisions and thus developing the capacity of the people for self-government, we set our faces in the opposite direction and persist in the transference of the power belonging to the people and the States to the Federal Government. The States are becoming atrophied. They are ceasing to function as designed by the Constitution and a powerful federalism is developing which if unchecked, will inevitably draw to itself the reserved rights of the people and the States and culminate in a centralized government so colossal, so far-reaching, and so omnipotent that it will become despotic or fall by its own weight.

The Nation is a "republic of republics." It is not the sea from which the authority is drawn to control the States or the people, but the people within the States are the springs of life and power.

There are those who make Washington a kind of "Hegelian harmonization" of all differences and variations existing in the States and among the people of all the States. The struggle now is to prevent the absorption of the States by the Federal Government. The question is not to save the Federal Government, but the problem now is to save the States. The States are the bulwarks against antirepublican movements—against the evil forces which have robbed people of their liberty and destroyed powerful States. When legislation is the result of hysteria or emotionalism, there is grave danger as to its consequences. People of high ideals, of charitable impulses, of that spirit of service so essential in the complexities of our modern life are easily moved when appeals are made for the relief of the oppressed or those who are in want.

WE MUST RECOGNIZE PROPERTY RIGHTS OF THE PEOPLE

I repeat that history and political philosophy alike announce that the greatest progress in all fields of human endeavor is made where personal and property rights are respected, where security under stable laws and governments is obtained, and where the hand of bureaucracy and paternalism does not rest upon the people. Against despotism and bureaucracy and communism the people have struggled, seeking to secure personal rights and free opportunity for the development along the lines of their own choosing.

We must not forget, as Tom Paine says, that "government at its best is a necessary evil, but at its worst it is an intolerable one." The best is that in which there is the greatest personal liberty and the worst and most intolerable one is that of an oppressive paternalism or corrupt bureaucracy. And, it may be added as a corollary that all paternalisms and bureaucracies in the end become despotic and corrupt. Those who have been most fanatical in pushing socialistic and centralizing policies have been loudest in proclaiming their devotion to liberty, and they have maintained that it was a manifestation of personal liberty or at least the realization of individual rights and liberty to voluntarily transfer to bureaus and executive agencies authority and power which individuals and the States possess and should exercise.

It is remarkable that people will struggle for centuries to wrest power from tyrannous governments and oppressive bureaucracies only to reconfer the same upon these unsceptered agencies. Mr. John Stuart Blackie has said that the crimes of history may be summed up in the words "abuse of power." The teaching of history is that power is always abused, and yet when people have won liberty they soon forget their struggles and the despotism from which they have been freed and complacently or at least apathetically view insidious efforts by defeated forces to regain authority, and too often they actively participate in movements which inevitably result in the establishment of old and tyrannous conditions from which by their vigor they have been emancipated.

An examination of the centralizing forces in our Government will reveal how far along the path toward paternalism and centralized authority we have gone. The States are losing their importance, and there is a devolution of many of their functions upon the Federal Government. Before Congress now are bills which would increase the authority of the Federal Government and impose tax burdens upon the people of several billions of dollars. Why can we not remember the words of Jefferson when he said that "a single consolidated government would become the most corrupt government on the earth"? And may I again refer to words of this immortal leader:

"Were we directed from Washington when to sow and when to reap, we would soon want bread."

And yet Washington is infested with lobbyists and representatives of hundreds of organizations, many of whom seek legislation which would weaken the States and devitalize the people and augment the powers of the Federal Government. A nation-wide propaganda is carried on by many of these agencies, and methods are employed of cajolery and often of intimidation, for the purpose of forcing through measures which are violative of the spirit and letter of the Constitution and of the theory which underlies our political system.

[Extract from editorial appearing in Good Business Magazine]

DEBT AND PROSPERITY

It may seem paradoxical, yet facts sustain the statement—the richest farmers in America are the heaviest in debt. The farmer carrying a mortgage is usually the most prosperous, while he who has the least debt, or none at all, is also least prosperous. Possibly you have heard men say that they could drive through the country and pick out the farms sustaining a mortgage. They might guess at it, but it is plain "hokum" to hold such belief.

Let us compare two States, each of about equal land area—Wisconsin, in the far north, and Georgia, in the far south. There are 55,256 square miles of land in Wisconsin and 58,725 in Georgia, so that the Southern State has over 3,000 square miles greater potential farming area. The number of acres per inhabitant are quite similar—13.4 in Wisconsin and 13 in Georgia.

Wisconsin farms carry a mortgage debt of about $360,000,000, while Georgia's farmers owe only about $40,000,000, according to the last census report. Wisconsin has a farm population of about 925,000, while there are 1,685,213 people residing in the Georgia countryside, making for economic production.

Let us see how these two States compare as producers. The average value per acre of crops produced in Wisconsin is $43.81, or a value per farm of all farm crops of $2,353; Georgia's average value per acre is $49.20, and per farm, $1,740. Wisconsin farmers produce and sell $177,000,000 and Georgia farmers $5,500,000 worth of dairy products per year. Wisconsin has 159,610 and Georgia 98,628 farm owners; Wisconsin has 27,258 tenants as against Georgia's 207,000—a ratio of 1 to 7.

It is the same all through. The best agricultural States have the most mortgages and the greatest number of proprietor farmers; the poorest States have the fewest mortgages and fewest owners. The farm mortgage is the poor man's stepping stone to ownership. A poor man can not hope to buy a farm unless he can mortgage it. For example, Iowa owes more on farm mortgages than any other State, nearly $500,000,000. It is conceded to be one of the best agricultural sections on the world map, and yet Iowa's farm mortgage debt is twice

the combined mortgage debts of 11 Southern States—Alabama, Arkansas, Delaware, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

The explanation is perfectly easy, but it isn't generally understood. It isn't the mortgage that hurts farming; it's the inability to secure working capital. Wisconsin farmers are about $320,000,000 deeper in debt than Georgia farmers, but Wisconsin farmers are making $613 more per farm operated after paying interest on the debt than are Georgia farmers. It is not such a sin to be in debt as once thought.

FAITH IN FARMING

Both commercial and farm-mortgage bankers deal in credit acceptance; in exchange for the farmer's credit, they loan money for short and long terms. Credit, as a word, was handed down to us from the Latin and means "faith." In other words, the farm financier is a man dealing in faith—the substance of things hoped for. The millions and millions of dollars extended to agriculture is a measure of the faith these bankers have in the future of farming.

The last census shows us the total value of all farm property—land, buildings, machinery, and livestock—in 1919 as $78,000,000,000. The subsequent decline in land values has probably reduced this to seventy-two or seventy-three billions. The Department of Agriculture estimate that the farmer has utilized his credit to the extent of $7,000,000,000 in the form of land mortgages, $3,750,000,000 in bank loans on personal security, and $1,250,000,000 as private personal loans, thus making a total of $12,000,000,000 indebtedness on farm property, or about 16 per cent of the total value.

We often hear of the "sinister interests holding the whip over the farmer." Who holds the twelve billions of loans? Who has this measure of faith in farming? It is shared by banks, loan and trust companies, insurance companies, real-estate agents, mortgage associations, livestock-loan associations, packers, canners, fertilizer companies, storekeepers, and other private individuals, including, of course, the farmer himself. In fact, a survey of one county in Wisconsin showed that only 6 per cent of the farm mortgages were owned by banks and 4 per cent by insurance and trust companies, while 90 per cent of the mortgage loans were obtained privately from small local lenders, a large percentage of the money being loans by one farmer to another. In another case it was found that the farmers of southern Wisconsin bought 66 per cent of the mortgages placed in one northern Wisconsin county.

We need to appreciate these facts, for two reasons. First, that we may stop the hysterical cry against the "predatory selfish interests" of whom the farmer secures his loans; secondly, that we may come to understand that it is childish to believe in the omnipotence of any new-fangled political-finance machinery to be created in Washington, at public expense.

More than half the present farm indebtedness of the Nation is to be classified as a loan of one individual to another. How can any sane-minded individual even suppose that a brand new Government board, even of the most expensive type and most luxuriously housed, bearing a grand title, and located at Washington, supervise, regulate, or to any measurable degree affect the millions of private dickerings underlying these innumerable small loans?

A POLITICAL PANACEA

This leads up to the glittering scheme of a vast export corporation to be conducted by the Government under the McNary-Haugen bill. The farmer does not understand this measure, and is more than half inclined to suspect it. Opponents of the measure have told him, with some show of logic, that this scheme would set up what amounts to an agricultural dictatorship, perpetuating itself through its power to declare emergencies as it sees fit. A direct and heavy tax on every initial sale of the "basic agricultural commodities" is proposed, and in exchange for this, the producer gets absolutely nothing but the hypothetical sale of his exportable surplus in foreign markets which may not even exist.

The bill, to be precise, would impose a direct tax on all wheat as it leaves the farm, the resulting fund to be added to the price received for the exportable surplus. This, it is assumed, would increase the price received for the export wheat by something like 30 cents a bushel. Since domestic wheat prices are regulated by those of the exportable surplus, the beautiful but ludicrous conclusion is drawn that the entire level of wheat values would go up 30 cents, the wheat grower thus making a profit of 23 cents on his tax.

The farmer, however, is not entirely certain about that 23-cent profit on a speculation. He understands pretty well, by this time, that he can not force wheat upon the foreign market without meeting foreign competition as to price.

The simplest law of commerce is that if you flood a market you lower both your own and your competitor's prices. It is not difficult for the canny farmer to see, therefore, that there might, indeed, be no profit at all on his 7-cent investment, and that there might be even a loss, at least of the 7 cents.

The McNary-Haugen bill is an adventure into pure experiment, and in this sense it is somewhat typical of most of the panaceas that have been proposed by the farmer's friends. In consequence, he is beginning to take counsel more with himself than with his political and professional advisers. He has pinned his faith, for example, to cooperative marketing. That is an enterprise of his own that has advanced well beyond experiment both in this and other countries.

FARMERS' PRODUCE MARKET IN THE DISTRICT

The VICE PRESIDENT. The morning business is closed. The calendar under Rule VIII is in order.

Mr. GLASS. Mr. President, I ask unanimous consent to take up for consideration House bill 8298, Order of Business 689, reported favorably from the Committee on the District of Columbia, relating to the establishment of a farmers' produce market in the District of Columbia.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes, which was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire by purchase or by condemnation, or partly by purchase and partly by condemnation, as they may deem best, the whole of squares Nos. 354 and 355, as shown on the plat books in the office of the surveyor of the District of Columbia, and when same shall have been acquired to close to public occupation and use as a street all of F Street SW. within the adjacent curb lines of Tenth and Eleventh Streets SW., the area of said squares and the portion of F Street SW. when same shall have been acquired and closed, to be used and occupied by the District of Columbia as and for the purposes of a wholesale farmers' produce market.

For the purposes of such acquisition, including all necessary expenses incident thereto and for the clearing and leveling of the ground and the erection thereon of protecting sheds, and suitable stands and stalls, and the installation of sanitary conveniences and necessary heating and telephone service, the sum of $300,000, or so much thereof as may be necessary, is hereby authorized to be appropriated out of and charged against the general funds not otherwise appropriated in the Treasury of the United States and against the revenues of the District of Columbia in the same proportion and to be paid in the same way and manner as are other appropriations to cover the expenses of operation and government of the District of Columbia.

And the said Commissioners of the District of Columbia are hereby authorized to make, promulgate, and enforce all appropriate rules and regulations for the control and operation of such market when established, and may establish a reasonable scale of charges to be paid by farmers and others making use of the market or of any of its appurtenant facilities.

Mr. GLASS. Mr. President, this bill deals with a matter which has engaged the attention of the authorities of the District of Columbia and of the Committees on the District of Columbia of both Houses of Congress for a period of two or three years. The bill has passed the House without serious opposition of any kind and has been considered and reported by the Senate Committee on the District of Columbia by a vote of 8 to 3 of its members.

The purposes of the bill, and the reasons for its report and its passage, are set out very explicitly in the majority report of the committee, which is upon the desks of Senators; and at this particular time I do not know that it is necessary for me to discuss in any detail the matters set forth in the report. I shall claim the privilege of closing the debate on the bill, if there should be debate, and of answering as completely as I may any objections that may be urged to its passage.

I think we shall have a very ingenious and delightful speech on the subject from the junior Senator from Maryland [Mr. TYDINGS], who before the committee opposed the passage of the bill. Specious and interesting, it may momentarily confuse the judgment and mislead the opinion of the Senate. Therefore I shall ask Senators to await the counter argument on the bill before permitting themselves to think that the address of the Senator from Maryland is anything more than a charming fiction.

Unless the Senator from Maryland desires to repeat here and to elaborate his objections to the bill, I shall ask for an immediate vote.

Mr. TYDINGS. Mr. President, the first thing I should like to fix in the minds of the Senate in connection with this bill is the unusual phenomenon that the chairman of the Senate committee, the chairman of the House subcommittee, and the Secretary of Agriculture are all opposed to the bill. Moreover, every citizens' association in the entire District of Columbia, as far as I have been able to learn, has considered the matter and gone on record in opposition to it.

I just want to read the names of some of those associations:

First, the Secretary of Agriculture.

Second, the Citizens' Advisory Council of the District of Columbia, consisting of representatives of all the associations in Washington.

The Community Improvement Association.
The General Citizens' Committee of the District of Columbia.
One hundred and thirty-five market dealers in Center Market.
Fifty-eight market dealers on Louisiana Avenue.
The Columbia Heights Business Men's Association.
The Mid-City Citizens' Association.
The Rhode Island Avenue Citizens' Association.
The Stanton Park Citizens' Association.
The Piney Branch Citizens' Association.
The Benning Citizens' Association.
The Manor Park Citizens' Association.
The Mount Pleasant Citizens' Association.
The Lincoln Park Citizens' Association.
The North Capitol and Eckington Citizens' Association.
The Brookland (D. C.) Citizens' Association.
The Takoma Park (D. C.) Citizens' Association.
The Dahlgren Terrace Citizens' Association.
The Cathedral Heights Citizens' Association.
The Michigan Park Citizens' Association.
The Central Citizens' Association.
The Northeast Washington Citizens' Association.
The Columbia Heights Citizens' Association.
The Brightwood Park Citizens' Association.
The Congress Heights Citizens' Association.
The Chillum Heights Citizens' Association.
The Women's City Club.

And I might go on and add to that list many other names that I have here. So that the Senate is now considering a matter of local government for the District of Columbia in which every single, solitary organization in the whole city is in opposition to the bill as reported.

The District has no representative in the Senate. It has no representative in the House. If it had a mayor and a city council, we would not take five minutes in the location of this market; but because the people of the District have no representative in this body they are dependent upon the fair judgment and the honest treatment of the Senate for the consideration that is their due.

Think of it! Think of it! The very people for whom this market is to be built are, with singular unanimity, opposed to the site selected. The Secretary of Agriculture, the man who is supposed to be in close contact with the production end of agriculture as well as the consuming end of it, through the experts in his office has submitted to the committee a report condemning the location of the market on the rim of Washington, the southwest site, away down on the water front.

Inasmuch as this matter affects Washington, inasmuch as the market is to be built out of the revenues of the taxpayers of Washington, inasmuch as the citizens affected by it are the citizens of Washington, I can not see how we can possibly say, "Regardless of what you want, regardless of the fact that we are using your money to build this market, we are not going to build it where you want it, where you think it is advisable to build it, but, on the contrary, we are going to tell you where we think it is better suited for your needs than where you think it should be located."

Where is the market to be located, under the bill now before the Senate? Think of it, Senators! It is to be located south of the Mall, on the river. Washington can never expand to the south, because the Potomac River adjoins the proposed market site. All the people who now live in Washington are northward of the site proposed, and all the growth will be in that direction. So that instead of putting the market in some central location, where it will more conveniently serve all of the people of the city, we are asked to go down on a little strip of land on the Potomac River and force the people in all the northern, western, and eastern districts to cross G Street, F Street, E Street, and Pennsylvania Avenue, through all the traffic on those streets, in order to go down and buy directly from the men who have the produce to sell. We talk about traffic congestion, talk about the traffic in Washington not being well regulated; yet we are going to force the people to go all the way through that congestion, and to come all the way back again, if they want to go to the market to buy produce from the producer.

On the other hand, it has been shown by the Bureau of the Census that the center of population in this city is about Fourth and L Streets NW., and that it is continually moving northward, so that the center of population is moving away from this market site all the time; and as Washington builds up here and there, through the now thinly settled sections of the city, the town will be built away from the site proposed for a market which is supposed to serve the people of this city.

Citizens have been here and protested. They pointed out argument after argument before the committee. They have asked that the market be not placed there, where they can not get to it, where it can not expand. All the farmers of Maryland who sell in the market and over half the farmers of the State of Virginia who bring their supplies to the market have protested against it. Most of the commission merchants who will have their places of business near the market have protested against it. So that we have the spectacle of the men who will sell in the market—practically all of them, certainly over three-fourths of them; I should say over 90 per cent of them—protesting against the location of the market at this place; and all the people who will use the market, without any exception—that is, as far as the city of Washington is concerned—protesting against this site for a market. Yet we say, "You people who sell in the market and you people who buy in the market can not have your wishes respected."

Moreover, the bill will not stand the tests of the courts. I am satisfied, and I shall try to point out, that in a court of law it can not be sustained for this very good reason: The old market was built with funds partly collected from the taxpayers of the District of Columbia on ground designated by Congress for that purpose. The sheds have been taken down and the land turned over to the Federal Government without authority, compensation, or exchange, although the market belonged to the people of the District of Columbia. Yet it is proposed to tax them to buy a new site and build a new market. Furthermore, it is proposed to put it in a place to which these taxpayers, who have spent their money for market purposes with unanimity, are opposed.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Utah?

Mr. TYDINGS. I yield.

Mr. KING. The Senator alluded to a market having been sold and the proceeds derived from the sale placed in the Treasury. To what market does he refer as having been sold?

Mr. TYDINGS. The farmers' produce market, which was torn down. I do not know whether it was sold or not, but the land was taken over by the Federal Government as a site for the new United States Internal Revenue Building.

Mr. KING. To which market does the Senator refer? Where was it located?

Mr. TYDINGS. It is the one that has just been destroyed to make way for the public-building program. I have forgotten the exact street, but we all know where the market is.

Mr. BAYARD. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. BAYARD. Is it not a fact that the act of 1870 creating this old market specifically vested the title to the property, both real and personal, in the District of Columbia?

Mr. TYDINGS. Yes; that is correct; but notwithstanding that, we come along and virtually set aside property rights belonging to taxpayers of this city, and then we say to them, "We are not only going to take your market but we are going to tax you to buy a new one, and not only that but we are going to locate it in a place opposed by the great mass of people of the District of Columbia."

What argument is there for putting it down on the southwest site? What group of people have advocated its location there? I leave that to the Senator from Virginia to point out. I think we will find, if he will deal with the facts, which I know he will, in a fair manner, open and above board, that a certain transportation system for selfish reasons wants the site down in the southwestern part of the city of Washington.

The Senator will not be able to show any people, or certainly any considerable number of people, in the District of Columbia, who will agree that the farmers' produce market should be relocated on the site proposed in this bill.

Senators, this is nothing more nor less than class legislation. We have the striking illustration of an attempt to locate a great public-service institution not where the people want it, not where the people who make their living in the institution want it, but where one corporation—not a Washington corporation either—wants it placed, simply because of their desire for the cold-blooded commerce which they themselves may be able to stimulate to their own selfish interests, without any regard for the people for whom the market really should be built.

From any point of view this legislation is ill advised. Just think of it; here was a bill introduced in the House of Representatives contrary to and in direct conflict with the report of the District Commissioners, the Secretary of Agriculture, the Capital Park and Planning Commission, the United States Bureau of Efficiency, as well as several nationally known city planning and engineering firms. It was introduced for and is sponsored by a small group who would financially benefit by its

passage. After it was introduced I wrote to the District Commissioners. I told them I thought they were in duty bound to express their opinion either in approval or in opposition to this location. I received an answer from them, which I have here, but will not read unless some one wants to hear it, which says, in effect, that they had made a report and could add nothing more at this time. That report was made, however, three weeks before the Stalker bill was introduced, and I call particular attention to the fact that they do not put their stamp of approval on it. The commissioners recommended encouraging retail features and warned against ill advised and premature action—the bill calls for "wholesale" only, and immediate action.

Mr. BAYARD. Mr. President, has it been disclosed in any of the hearings, or has it come to the Senator, exactly who the individual or individuals were prompting the introduction of this bill in the House?

Mr. TYDINGS. I think I could answer that question accurately, but in truthfulness some of the answer would be a matter of speculation. A short while ago I referred to the influence which I think was responsible for the introduction of the original bill.

Mr. BAYARD. In other words, it was not an influence flowing from citizens of this city?

Mr. TYDINGS. Not at all.

Mr. BAYARD. Entirely from outside influences?

Mr. TYDINGS. Exactly. Mr. President, I want to read a table showing the prices of food, to show the economic importance of this matter. I have a letter from the superintendent of markets of the District of Columbia, which I think is well worthy of the consideration of everyone who is interested in this subject. Mr. George M. Roberts, superintendent of weights, measures, and markets of the District of Columbia, has written me this letter in reply to one which I sent to him:

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
DEPARTMENT OF WEIGHTS, MEASURES, AND MARKETS,
April 10, 1928.

Hon. M. E. TYDINGS,
United States Senate, Washington, D. C.

DEAR SENATOR TYDINGS: In response to your letter of April 4, I beg to state that I do not have compiled very extensive data in regard to retail prices of produce on the farmers' market as compared with prices in the retail stores, although I have made some comparisons from time to time. It is known, however, that persons who have gone to the farmers' market to buy at retail have been able to obtain commodities at much lower prices than they have been able to obtain in the stores. This is especially true during the heavy trucking season. As a result, the retail business at the farmers' market has reached considerable proportions since shelters and other improvements were built 12 or 14 years ago.

In order to furnish you as definite information as possible in response to your inquiry, I had a woman buyer go to the farmers' market last Saturday and purchase certain commodities at retail. I then had her go to a retail store located in a populous residential section and buy the same quantities of the same commodities, and of as near the same quality as possible as she had previously purchased on the same day at the farmers' market.

The inclosed statement shows the result.

Trusting that this is the information you desire, I am,

Respectfully yours,

GEO. M. ROBERTS,
Superintendent Weights, Measures, and Markets, District of Columbia.

Inclosed in the letter is the following table:

COMPARISON OF RETAIL PRICES

Following is a comparison of prices at farmers' produce market and at a local retail grocery store. Comparison was made by means of actual retail purchases of same quantities of the same commodities of similar quality at both places on Saturday, April 7, 1928:

	Farmers' produce market	Grocery store
2 dozen eggs	$0.56	$0.70
2 pounds sausage	.50	.80
4 pounds dressed chicken	1.20	2.00
5 bunches onions	.05	.20
½ bushel potatoes	.65	.75
3 pounds kale	.25	.35
4 bunches rhubarb	.30	.60
2 pounds butter	1.00	1.20
Total	4.51	6.60

That shows a flat increase of almost 33⅓ per cent at the grocery store over what the same articles cost at the farmers' produce market.

The purpose of this bill, as far as I can see it, is to destroy all consumer buying from the producer without the middleman. It is to do away with that stabilizing influence on the prices of food throughout the District of Columbia and vicinity.

Mr. President, before taking up some of the other factors that enter into the consideration of this question, I would like to take up the size and grade of the southwest site, to show that even if we did acquire this site we could not reasonably build a market on it. Just think of this as a site for a market. Here is a survey which shows that the southwest corner elevation is 9.83 feet above sea level. The southeast corner is 18.34 feet above sea level, or 9 feet higher. The northeast corner is 33.30 feet above sea level, or 22 feet higher in the air than the eastern side of the market. The northwest corner is approximately the same height. So it is apparent that the southwest corner of this site is more than 23 feet lower than the northeast corner and 8½ feet lower than the southeast corner. Bear with me, and listen to this:

This means that approximately 46 steps will be required to climb from the lowest to the highest point of this site, or that this difference in elevation will have to be overcome by means of ramps, either of which would be awkward and might prove dangerous when the market is crowded with buyers.

This information I obtained from the United States Bureau of Efficiency just this morning. They further state:

This combined site is surrounded on all sides by parking and sidewalks. The parking is 23.8 feet wide on Eleventh Street, 24 feet wide on G Street, 15 feet wide on Tenth Street, and 15.5 feet wide on E Street. The sidewalk is 8.5 feet wide on G Street and 12 feet wide on the other three streets.

Assuming that F Street is closed and that the parking and sidewalks on the other streets are preserved, the proposed site will provide only 350 stalls, each 8 feet wide. If F Street is not closed the proposed site will provide only 300 stalls. If F Street is closed and the parking and sidewalks are not preserved, but are absorbed in this site, provision can be made for 450 stalls. If F Street is not closed but the parking and sidewalks are used as a part of this site provision can be made for 400 stalls.

The above figures are based on sheds 40 feet wide from eave to eave, with a paved walk 22 feet wide under each shed, and driveways 55 feet wide between the covered walks—that is to say, the sheds would be 77 feet on centers—all of which figures approximate closely those which existed at the old farmers' market site.

An analysis of the layout of the southwest site as planned by the commissioners shows that it will provide only 300 stalls and not 500 stalls as claimed.

If F Street is closed and made a part of the site, provision can be made for 350 stalls.

If F Street is closed and made a part of this site and if the public parking and sidewalks surrounding this site are absorbed as a part of the site provision can be made for 450 stalls.

Therefore we are not going to have sufficient stalls or as many as there are now. Moreover, we would have a site which could not be expanded for future needs. It is proposed to locate the market where it can not reasonably be expanded, with 46 steps from the top to the bottom, and only 350 stalls to take care of the business.

Mr. GOODING. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Idaho?

Mr. TYDINGS. I yield.

Mr. GOODING. The information has come to me that practically all organizations interested in marketing, as well as the people generally, are against the provisions of the bill now before the Senate, locating the market in the southwestern part of the city. Am I correct?

Mr. TYDINGS. That is true.

Mr. GOODING. Then why do we want to undertake to force something down the throats of the people of Washington which they can settle best for themselves?

Mr. TYDINGS. That is what I am trying to find out. I am trying to find out why it is that with every organization in town, with all the farmers in Maryland who sell at the market and over half of those in Virginia who sell at the market, with all the commission merchants who sell at the market, and with the taxpayers who are to put up the money to build the market, we have no voice in the District crying for the location of the market on the southwest site. The relocation of the farmers' produce market there will be evidence of the fact that the people of the District of Columbia are deprived of the small remnant of local self-government which has been left them.

Mr. GOODING. I am in favor of giving the people of Washington local self-government, even going much further than permitting them to locate their own market. I would give them a government of their own so they could take care of their own affairs. They would be better off and the Congress would be better off if they had local self-government.

Mr. TYDINGS. If they had local self-government on this occasion, with a city council responsive to their wishes, it would not be very long before they would decide that the southwest site should not be selected.

Mr. GOODING. That is true so far as the information that comes to me is concerned.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from New York?

Mr. TYDINGS. I yield.

Mr. COPELAND. I would like to ask the Senator from Maryland if the various civic organizations mentioned by him are in favor of the Eckington site, which I understand the Senator favors?

Mr. TYDINGS. I am very glad the Senator anticipated me by asking the question. Unlike the bill now before the Senate, which picks out without any study, without any recommendation, without any justice, a single, solitary site away down on the edge of the District of Columbia, the amendment which I propose would provide that—

selection of land acquired under the provisions of this act shall be made jointly by the Commissioners of the District of Columbia, the Director of the office of Public Buildings and Public Parks of the National Capital, and the Secretary of Agriculture, or some official of the Department of Agriculture designated by the said Secretary for that purpose.

I do not attempt to say where the site shall be. I am willing to leave it to the people of the District.

I am not trying to select a site. I realize that I am incompetent to do it. I am not a representative of the people of the District in the primary sense of the word; neither am I an expert on markets; neither am I an expert on agriculture. I am content to leave the problem with those who do represent the people of the District, with the Secretary of Agriculture and with the other governmental agencies here constituted, who are in the best position to know where the market should be placed.

I ask the Senator from New York why he should pick this one site and deny to those who, I believe, are better qualified than he is on this matter, the discretion to select a site where it will best serve the citizen needs of the District.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Maryland yield to the Senator from New York?

Mr. TYDINGS. I am glad to yield.

Mr. COPELAND. The Senator has asked me a question and I want to answer it. The Senator from Maryland surely wants to be fair with the Senate.

Mr. TYDINGS. I do, indeed.

Mr. COPELAND. We are discussing here in blanket form two different markets. This is not the Center Market which we are discussing, where the citizens go to buy produce. It is the farmers' wholesale market, where the produce is brought in to supply the hotels, boarding houses, and the large establishments of the city. If we were talking about Center Market, and if the matter before us were that market, which is the retail market, I would join with the Senator from Maryland, but I would not go then to Eckington. I would go out to mid city on Georgia Avenue near the ball park.

Mr. TYDINGS. I am satisfied to go there.

Mr. COPELAND. That is where the Center Market should go. I have no doubt that is where the Center Market will go. But we are not talking now about the retail market. We are talking about the wholesale market, the farmers' market, and that is what the Senator should discuss in his speech.

Mr. TYDINGS. It is very odd that all of the commission merchants in the District, all of the farmers to whom the Senator has just referred, who are going to use the market which we are now debating, and all the people who are going to buy at the market, should be opposed to the views he has expressed.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Virginia?

Mr. TYDINGS. I yield.

Mr. GLASS. But, of course, the Senator knows that that proposition is very sharply contested. The opposition contended that not one tithe of the produce people are in favor of his proposition.

Mr. TYDINGS. Where is the record?

Mr. GLASS. I will present it at the proper time. The Senator is talking about the comparatively few, the almost insignificant number of truckers in the immediate vicinity of the District in Maryland and Virginia. That is what he is talking about. They do not furnish one tithe of the produce that is sold at this market.

Mr. TYDINGS. For whom is the Senator talking?

Mr. GLASS. I am talking for the sensible thing to do.

Mr. TYDINGS. I know that is the Senator's idea, but for what group of people is he speaking?

Mr. GLASS. I am talking for the people who send produce to Washington to be consumed by the people of Washington.

Mr. TYDINGS. Will the Senator name one?

Mr. GLASS. The people who send produce here.

Mr. TYDINGS. Name one?

Mr. GLASS. They are from here to California and from here to Florida, and not one tithe of them are located in either Maryland or Virginia.

Mr. TYDINGS. Can they not sell equally well if we locate this market where the people of Washington want it?

Mr. GLASS. I will show what difficulty they would experience in sending their produce there, taking it almost to Baltimore and bringing it back.

Mr. TYDINGS. I am going to anticipate the Senator by reading a communication from the Interstate Commerce Commission showing the movement of perishable produce to the District of Columbia. First, I will read a letter from the Interstate Commerce Commission, as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, February 9, 1928.

Mr. S. B. SHAW,
Chief Inspector University of Maryland Extension Service,
Maryland State Department of Markets, College Park, Md.

DEAR SIR: The commission is in receipt of your letter of February 7, requesting information as to whether there is any difference in freight rates on shipments of fruit and vegetables from points in North Carolina, South Carolina, Georgia, Alabama, Florida, Louisiana, Mississippi, and Texas, when consigned for shipment to Washington, D. C., for delivery at the Pennsylvania Railroad terminal, Fourteenth and B Streets SW., as compared to shipments for delivery at the Baltimore & Ohio railroad terminal at Eckington.

An examination of the tariffs on file with the commission indicates that rates for Baltimore & Ohio and Pennsylvania Railroad deliveries at Washington are the same. As an illustration, we find that the rate on peaches from Fort Valley, Ga., to Washington, D. C., for delivery to the Pennsylvania Railroad at their Fourteenth Street yards and for delivery to the Baltimore & Ohio at their Eckington yards is $1.20 per 100 pounds, plus a refrigeration charge of $77.50 per car. The rates from Sanford, Fla., on cabbage in car lots is $1.09 per 100 pounds for delivery on either one of the above lines plus a refrigeration charge of $70 per car. The rate on apples in car lots from Portland, Oreg., to Washington for delivery either at the Baltimore & Ohio Eckington yards or the Pennsylvania Fourteenth Street yards is $1.50 per 100 pounds, plus a refrigeration charge of $100 per car.

There is a difference in the rate on vegetables from near-by points. For example, from Rockville, Md., on the Baltimore & Ohio Railroad to Washington the rate for Baltimore & Ohio delivery on potatoes is 13 cents per 100 pounds, while for Pennsylvania delivery it is 15½ cents. On business from Bowie, a local point on the Pennsylvania Railroad, the rate for Pennsylvania delivery is 13 cents, while the rate for Baltimore & Ohio delivery is 15½ cents per 100 pounds.

The only way where a higher rate would be charged for Baltimore & Ohio delivery than for Pennsylvania delivery would be where the shipment was billed for delivery at the Pennsylvania yards and after reaching that point reconsigned to the Baltimore & Ohio yards. This would bring about an additional charge for reconsigning, switching, etc.; but, as indicated, if the shipment in the first place was routed for Baltimore & Ohio delivery by the shipper they would enjoy the same rate as shipments billed for Pennsylvania delivery; vice versa, a shipment billed for Baltimore & Ohio delivery, and after reaching the Baltimore & Ohio yards reconsigned to the Pennsylvania yards, an additional charge would be made for reconsignment, switching, etc.

Respectfully,

G. B. MCGINTY, *Secretary.*

It was contended at the hearings before the Senate Committee on the District of Columbia that there would be the greatest confusion in the District, that the railroad consignments would be all delayed, and that was one of the arguments in favor of placing the market on the southwest site. I am going to send to the desk and ask the clerk to read a letter which is part of the record on file with the Senate committee, showing that from November 1 to November 30 every day there were cars moved from one railroad to the other, and that the longest time consumed in moving the cars from one railroad

to the other was 3 hours and 10 minutes; and in addition to that it was all done after midnight, so that when daylight and the morning came the car was spotted at its proper place before the trucks of the consigners arrived to haul it away. Moreover, this saved long hauls through down-town traffic.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield again to the Senator from Virginia?

Mr. TYDINGS. I yield.

Mr. GLASS. Right in this connection may I ask the Senator from Maryland how many cars of farmers' products, out of 2,621 cars for a given period, were consigned to the Baltimore & Ohio as contrasted with the Pennsylvania?

Mr. TYDINGS. I do not know. I have not those figures.

Mr. GLASS. I have them right here, and they are available to the Senator. Out of the total number of 2,621, there were 2,304 consigned to the Pennsylvania Railroad and but 317 consigned to the Baltimore & Ohio.

Mr. TYDINGS. But I have just explained to the Senator that it does not make any difference to which railroad they are consigned. The fact is—and the Interstate Commerce Commission has substantiated it in the letter just read—that if it is designated that the freight shall be shipped by the Baltimore & Ohio, for example, to the Pennsylvania freight station or by the Pennsylvania Railroad consigned to the Baltimore & Ohio Railroad, first, there is no increase in freight rates, and, secondly, the cars have been spotted by actual count over a period of a month within 3 hours and 10 minutes after they arrived in Washington.

Mr. GLASS. I am not talking about the freight charge. For that matter, the freight charge from Florida, Georgia, or South Carolina to Baltimore, which is 40 miles farther than Washington, might be the identical freight charge to Washington. I am talking about the convenience under existing conditions; I am talking about the source of farmers' produce supplied to the people of Washington, and under existing conditions it will not be altered by the location of the market in the southwest, which is merely five blocks from the existing market. Three hundred and seventeen cars of produce were consigned to the Baltimore & Ohio Railroad, while the source of the other 2,317 was the Pennsylvania Railroad and the railroads coming from the South.

Mr. TYDINGS. That may be true, but that will not materially affect anything, because I have just attempted, at least, to show, and I think I did show, that regardless of where the produce comes from, regardless of where it is going, if it is consigned to Washington it will be delivered just as quickly; and it does not make any difference to me if it comes on the Pennsylvania or the Baltimore & Ohio or the Southern Railroad or any other railroad.

Mr. GLASS. It can not be delivered just as quickly. It may be delivered at the same rate of charge, but not just as quickly by any manner of means.

Mr. TYDINGS. I am talking about after it reaches the District of Columbia; and I have put into the RECORD the figures for the whole month of November as to the exchange of cars to show that it requires only a few hours at midnight to shift the cars.

Mr. COPELAND. Mr. President, will the Senator from Maryland yield to me?

Mr. TYDINGS. Yes.

Mr. COPELAND. Of course, the discussion of the Senator from Maryland is centered once more about Eckington in contrast to the southwest site, because if a mid-city site is chosen—and that is what the citizens want for a retail market——

Mr. TYDINGS. I am not arguing for any proposed site.

Mr. COPELAND. It can not have any——

Mr. TYDINGS. I am for leaving the question to the people, who are better qualified than is any Member of the Senate, to select the site, and not to have some previously selected site chosen by a small group of people and rammed down the throat of the Senate.

Mr. COPELAND. If the Senator will bear with me——

Mr. TYDINGS. Yes; I will.

Mr. COPELAND. The Senator has made reference to the produce brought over the railroads. If the market shall be put in the mid-city site, where the citizens want it, where all the people to whom the Senator has referred want the market, there can be no railroad service at all. So if there is to be railroad service, the market must be located either in the southwest or in Eckington. If it shall be in Eckington, I want to call the Senator's attention——

Mr. TYDINGS. But I ask the Senator from New York to understand that I am not advocating any site.

Mr. COPELAND. No; but I want to discuss the matter with the Senator for one moment, and then I shall sit down. The fact that if the market goes to Eckington, where the Senator wants it——

Mr. TYDINGS. I do not want it to go to Eckington. I do not want to be quoted in that way. That is the reason I am interrupting the Senator from New York. I do not care where the site goes so long as the proper authorities select it.

Mr. GLASS. The Senator from Maryland wants the market located on the Patterson site.

Mr. TYDINGS. Oh, no.

Mr. GLASS. Oh, yes.

Mr. TYDINGS. I am sorry the Senator from Virginia has said that, if he has said it seriously, because I have an amendment here that will disabuse his mind.

Mr. GLASS. I listened to the Senator very intently when he appeared before the committee, as I did to every other witness, and obtained the very distinct impression that the Senator was in favor of the selection of the Patterson site.

Mr. TYDINGS. If I can find the place, I will read from the hearings before the committee.

Mr. GLASS. As a matter of fact——

Mr. TYDINGS. Let me correct the statement of the Senator from Virginia, because I do not want to be put in that light. I said before the committee that I was appearing in advocacy of no particular site, but I was in opposition to the southwest site. I am going to read my own statement, and I beg the Senator to withdraw his remarks when I show him that he is wrong.

Mr. GLASS. I say I got the impression that the Senator from Maryland was for the Patterson site. As a matter of fact, all of the sites suggested north of Pennsylvania Avenue are in a conspiracy, first, against the southwest site and then to fight among themselves as to which site shall be chosen for the market. That was brought out over and over again.

Mr. COPELAND. Will the Senator yield to me for a moment?

Mr. TYDINGS. Certainly.

Mr. COPELAND. The Senator from Maryland has made reference to the fact that if the southwest site shall be chosen, somehow or other it will favor the Pennsylvania Railroad——

Mr. TYDINGS. I do not care if it does, if it is a wise choice.

Mr. COPELAND. I wish to call the Senator's attention to the statement of Mr. Milton D. Campbell, in which he brought out this point:

> On the other hand, not one pound of fruit or produce which comes from Florida or Georgia or the Carolinas could reach the Baltimore & Ohio terminal except when it was turned over to the Baltimore & Ohio at Potomac yards and then brought through the city, carried out into Maryland, and then brought back into the city yards.

Then I asked him this question:

> I would like to have you repeat, if you will, the fact you brought out about the railroad. I do not think I understood that completely. If brought on the Baltimore & Ohio, where does it have to go?

This is his reply:

> Mr. CAMPBELL. It comes in over the southwest over the Pennsylvania tracks, goes through the city, just this side of Benning, and then is shifted from the Pennsylvania siding over the Baltimore & Ohio track. It is a branch line which goes out 6 miles and goes across the country to Maryland, to Hyattsville, and then comes back to the city over the Baltimore & Ohio main line.

If the Senator wants to have the produce of the country brought to Washington by that indirect method, of course that is his choice.

Mr. TYDINGS. Just to clear up the point, I have shown that there is no increase in charge. As to the element of time I ask that there be read from the desk a communication showing the leaving time of the Richmond, Fredericksburg & Potomac from Potomac yards and arrival time at Washington, D. C. I dislike to take the time of the Senate to have it read, but I wish to show that there is no extra cost and no loss of time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will read, as requested.

The legislative clerk proceeded to read the communication.

Mr. TYDINGS. I ask that the remainder of the communication be inserted in the RECORD unless some Senator desires it read.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The entire communication is as follows:

BALTIMORE & OHIO RAILROAD CO.,
Baltimore, Md., December 3, 1927.

Mr. W. I. BISHOP,
Industrial Agent, Baltimore & Ohio Railroad Co.,
Baltimore, Md.

DEAR SIR: In accordance with your request, I am giving below figures showing the leaving time of R., F. & P. 97 from Potomac yard, and

arrival time at Washington, D. C., as taken from our train sheet, which is the official record:

Date	Forwarding from Potomac yard	Arrival at Washington, D. C.	Elapsed time
	A. m.	*A. m.*	*H. m.*
Nov. 1	1.50	3.44	1 54
Nov. 2	1.25	4.35	3 10
Nov. 3	1.25	3.28	2 3
Nov. 4	1.25	4.17	2 52
Nov. 5	1.15	3.58	2 43
Nov. 6	1.35	4.38	3 3
Nov. 7	1.20	4.11	2 51
Nov. 8	1.30	4.00	2 30
Nov. 9	1.30	4.10	2 40
Nov. 10	1.15	3.35	2 20
Nov. 11	1.25	3.10	1 45
Nov. 12	1.30	3.57	2 27
Nov. 13	1.35	4.25	2 50
Nov. 14	1.20	3.27	2 7
Nov. 15	1.40	3.45	2 5
Nov. 16	2.05	4.15	2 10
Nov. 17	1.40	4.07	2 27
Nov. 18	3.00	5.27	2 27
Nov. 19	1.20	4.02	2 42
Nov. 20	1.10	3.10	2 0
Nov. 21	1.00	3.08	2 8
Nov. 22	1.40	3.12	1 32
Nov. 23	1.15	3.30	2 15
Nov. 24	1.10	3.05	1 55
Nov. 25	1.15	4.17	3 2
Nov. 26	12.55	2.38	1 43
Nov. 27	2.25	4.15	1 50
Nov. 28	1.10	1.48	[1]0 38
Nov. 29	1.20	3.30	2 10
Nov. 30	1.10	3.02	1 52

[1] Accident on this day—train handled through Washington Terminal.

Very truly yours,

C. S. HOSKINS, *Superintendent.*

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Virginia?

Mr. TYDINGS. I yield.

Mr. GLASS. I do not want to interrupt the continuity of the Senator's speech, and I shall not undertake to do it again; I want him to finish his speech, and I merely desire to reply to it at the proper time. Right here, however, it seems pertinent to suggest that the Senator, in the opening of his remarks, for the apparent purpose of prejudicing the case, though that may not have been the motive, undertook to point out that some mysterious railroad influence had interjected itself into the discussion of this problem. I wish to say that I have had no communication from the Pennsylvania Railroad, but the Senator seems to have been in contact with the Baltimore & Ohio Railroad.

Mr. TYDINGS. I am going to answer the Senator's remarks, and then I am going to ask him a question.

Mr. BRUCE. Mr. President——

Mr. TYDINGS. Mr. President, let me clear up the point suggested by the Senator from Virginia, and then I will yield. I have never received any communication from the Baltimore & Ohio directly or indirectly, nor have I talked with anyone representing that railroad directly or indirectly. The superintendent of the Pennsylvania Railroad, who lives in Maryland and is a very warm and good friend of mine, did come here and asked me not to make the fight that I am making to-day. He is the only railroad official that has spoken to me, and he is one of the best friends I have in the State. I told him that I had gotten into this thing, and, notwithstanding my regard for him and my desire at all times to do all I could for him, it looked to me to be so outrageous and so unfair, there was so much of demerit in the southwest site, that I would not go along with the Pennsylvania Railroad in its fight. Therefore, having shown that the only influence which has been brought to bear on me from a railroad source was one asking me to do just the opposite to what I am now doing, without wishing to be personal and in the best of spirit, I should like to ask the Senator from Virginia if the other day he was not riding with one of the District Commissioners and a representative of a railroad in Washington looking over some of the various sites around the town?

Mr. GLASS. Not to my knowledge; I was not.

Mr. TYDINGS. I beg the Senator's pardon; I heard that he was. I did not know whether it was so or not.

Mr. GLASS. I do not know any man——

Mr. TYDINGS. It would have been perfectly proper.

Mr. GLASS. I do not know any man connected with the Pennsylvania Railroad; I have not even a personal acquaintance with the gentleman who sells me a ticket occasionally at the Union Station, and no representative of any railroad, so far as I am aware, has ever approached me on the subject of the location of this market, nor furnished me with any information or data of any description.

Mr. TYDINGS. I feel in honor bound to say to the Senator that I had no idea of reflecting upon his integrity. It would have been perfectly proper to have gone around and listened to their arguments. I had no idea of saying there was any undue influence.

Mr. GLASS. It so happens that I am not conscious of having listened to the argument of any railroad representative, and I was simply calling attention to the fact that if there had been any mysterious railroad influence in the matter it had not reached me.

Mr. TYDINGS. Certainly, the only influence that has been brought to my attention is that which I am now fighting. The position of the Pennsylvania Railroad in this matter, in my opinion, is selfish, cold-blooded, and narrow. It wants to use the Government money to build a freight yard on a site alongside its own tracks, with every citizens' organization in town opposed to it and with all the farmers who sell at the market opposed to it.

Mr. GLASS. Of course, the speciousness of that argument will be shown very definitely; but I assume the Baltimore & Ohio Railroad Co. is patriotic and that it has no selfish interest whatsoever to subserve.

Mr. TYDINGS. I do not think so; I do not think any of the railroads are patriotic; but I think it is to the merit of my cause, as I think the Senator will concede is not so in the effort which he is making, that I am not advocating any site, while the Senator is advocating a site which the railroad company wants.

Mr. GLASS. I will not concede that at all. On the contrary, I expect to show that the Senator is advocating a site to the exclusion of every other site which has been suggested.

Mr. TYDINGS. If the Senator will show me that now, I will not utter another word on this bill.

Mr. GLASS. That would simply terminate one of the most delightful and interesting recitals, without any foundation in fact, to which I have ever listened. [Laughter.]

Mr. TYDINGS. I have an immediate method of discounting what the Senator has just said in a way that he can not controvert, and that is that I have an amendment pending before this body which was offered on March 27, 1928, to the bill now before the Senate——

Mr. GLASS. Yes; I have read it very carefully.

Mr. TYDINGS (continuing). Which does not name any site, but which leaves the selection of the site up to the Commissioners of the District of Columbia, the Director of the Office of Public Buildings and Public Parks of the National Capital, and the Secretary of Agriculture.

Now, I should like to ask the Senator who was the prime mover in selecting the site incorporated in the bill now before the Senate?

Mr. GLASS. The prime mover?

Mr. TYDINGS. Yes.

Mr. GLASS. I do not know.

Mr. TYDINGS. Is it not a remarkable situation that we have before us a committee report on a bill not brought in here by a single agency connected with the District of Columbia?

Mr. GLASS. It is brought here upon the recommendation of the Commissioners of the District of Columbia.

Mr. TYDINGS. I have a letter from them right here which I will read, showing that they refused——

Mr. GLASS. Oh, they refused to enter into this later discussion and agitation that the Senator has stirred up; but, as a matter of fact, incorporated in the House report and incorporated in the Senate report is the report of the District Commissioners advocating the location of this market where the report recommends.

Mr. TYDINGS. But here is the history of this bill. Think of it! A bill is introduced in the House of Representatives directly contrary to a report on the market situation submitted to Congress three weeks before by the Commissioners of the District of Columbia, with everyone denying knowledge by whom and from where. As the commissioner's report seemed to be used and erroneously understood to approve the Stalker bill, I wrote and asked them whether they were for this site or against it, and in a few minutes I will read their letter, in which they refuse to answer my inquiries and state that they can add nothing more to their report at this time.

Mr. GLASS. The Senator should be fair to the District Commissioners.

Mr. TYDINGS. I am not unfair to them.

Mr. GLASS. As a matter of fact, the District Commissioners had public hearings over and over again on this bill and based

their recommendation upon the ascertained facts in the case, and they recommended this southwest site.

Mr. COPELAND. Mr. President, will the Senator yield to me?

Mr. TYDINGS. Let me answer the Senator from Virginia; and then I will yield to the Senator, if he does not mind. I wrote to all three of the commissioners.

Mr. GLASS. I know what the Senator wrote. I have said that the commissioners now decline to be drawn any further into the matter and stand upon the recommendation they originally made.

Mr. TYDINGS. I do not want to draw them in. I simply asked them if they were in favor of or against the bill. Good heavens! If the official representatives of the people of the District can not say they are for or against it——

Mr. GLASS. I have already said that they are for this site, and they decline to change their attitude.

Mr. TYDINGS. I have a written report here to the contrary, and I am just going to read a letter or two. I will ask the clerk to do it. I should first like to have read my letter to the District Commissioners, and then I should like the letter of Mr. Dougherty in answer thereto read.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes; I yield.

Mr. COPELAND. The Senator, I hope, is aware of the fact that this matter was heard before the District Committee of the Senate in the last session. We had an extended hearing. At that time the commissioners were represented, and the testimony was brought before us, and, as I recall, an out-and-out recommendation was made of the southwest site; and that was the reason, I think, that some of us who served on the committee before regarded it as a settled policy on the part of the commissioners. We were, of course, well aware of the fact that those persons who were interested in the Center Market, which is under the Department of Agriculture, are very insistent that there should be a retail market north of the Avenue, and with that sentiment I am in the fullest accord; but, so far as this wholesale farmers' market is concerned, together with the river produce which has to be brought in, it is perfectly logical and scientific, in my judgment, to locate it where the commissioners have recommended.

Mr. TYDINGS. Now, Mr. President, let me tell you about the hearing over in the House, and then I am coming to the hearing in the Senate to show you how Senators vote by proxy who never hear the matter, and that is the way we get committee reports.

In the first place, over in the House there was not a majority of the committee present when the hearing was had; and the chairman of the committee, who sat through it all, Mr. GIBSON—than whom there is no better friend of the District of Columbia in either branch of Congress—wrote one of the most stinging minority reports in opposition to this bill that anybody has ever read. There was only a handful of Representatives there. The telephone was used, and the proxies of Members were gotten, and that is how the bill got before the House.

I kept tab on the Senate hearings, and here is how the Senate committee considered this matter:

The first day the Senator from Kansas [Mr. CAPPER], the chairman, was present, the Senator from Maryland [Mr. BRUCE], the Senator from Virginia [Mr. GLASS], and the Senator from New York [Mr. COPELAND]. A few Senators, one or two—I can not remember just who—came in after we had finished about two-thirds of our side of the case. It is a striking fact that of those four the chairman of the committee [Mr. CAPPER] and the Senator from Maryland [Mr. BRUCE] are both opposed to the present bill. The chairman of the House committee is opposed to it. The chairman of the Senate committee is opposed to it.

Mr. GLASS. If we are to decide the matter upon the theory the Senator is now discussing, I will ask the Senator how the Senate itself may arrive at any just conclusion of this matter, when there are three Senators present on the other side of the aisle, and 13 on this side of the aisle?

Mr. TYDINGS. I am not criticizing——

Mr. GLASS. But the Senator is objecting to a process of considering legislation, and it is not tenable.

Mr. TYDINGS. Has the Senator finished?

Mr. GLASS. Yes; for the present.

Mr. TYDINGS. I know that some of the Senators who were not present at this hearing were detained on other business. I should like to make a parliamentary inquiry if it would be proper for me to insert in the RECORD how the vote on this bill was taken in the Senate committee, who was present at the hearings, who was absent, and how many Senators voted by proxy?

The PRESIDING OFFICER (Mr. MCNARY in the chair). The present occupant of the chair sees no impropriety in offering it for the RECORD, provided it was not in executive session.

Mr. TYDINGS. Mr. President, I withdraw the request; but I will say now in a general way that three of those voting for the bill attended no meetings whatsoever, and, of the balance, most of them who were there the day the bill was considered were not there the day that our side of the case was considered. Further than that, the Senate has a better opportunity to weigh this matter than had the committee, because the very able Senator from Virginia on the one hand and my poor efforts on the other have both filed elaborate briefs which were mailed to every Member of the Senate over a week ago; and they have had ample time, if they want to, to go into it.

Mr. GLASS. The committee had hearings, which were printed, and every member of the committee had an opportunity to read the hearings and make up his own mind.

Mr. TYDINGS. But we have gotten far afield.

Mr. GLASS. I think so.

Mr. TYDINGS. What a ridiculous proposition this is! Here is the city of Washington, which has no representative in either House of Congress. Every single, solitary citizens' association, some 25 that I have read, representing the taxpayers who will have to contribute to this very project, has gone on record as being opposed to the site now incorporated in the bill. All of the farmers, 485 of them, who sell in the market from Maryland, and over half the farmers who sell in the market from Virginia, and the majority of commission and wholesale merchants now doing business in the city of Washington, are opposed to the bill. The chairman of the Senate committee is opposed to it. The chairman of the House subcommittee is opposed to it. The Secretary of Agriculture is opposed to it. In view of that situation, how in the name of common sense, if we have any vestige of local self-government left in our minds, can we cram down the throats of these people who are going to put up the money, legislation which none of them want, and then call this a democratic government?

Mr. GLASS. Of course, the Senator is well aware of the fact that every proposition that he has laid down in the last three minutes is bitterly disputed and contested.

Mr. TYDINGS. I have asked the Senator first of all to tell me who sponsored the bill when it was first introduced in the House.

Mr. GLASS. Of what pertinence is it to a decision of this question as to who sponsors a bill?

Mr. TYDINGS. I should not want the Senator from Virginia to introduce local legislation for the State of Maryland without the people of Maryland having a hearing before a committee upon it.

Mr. GLASS. But some Senator who is not a resident of the District, or some Member of the House who is not a resident of the District was obliged to introduce the bill.

Mr. TYDINGS. But I should think that would be done only upon proper evidence submitted by those interested either on one side or on the other of the matter.

Mr. GLASS. Of course it was done upon both sides upon proper evidence, which the Senator in his address has not touched yet.

Mr. TYDINGS. Whether it was done or whether it was not done upon proper evidence, the undisputed evidence now is that all of the citizens' organizations in the District are opposed to this proposed site.

Mr. GLASS. I bitterly dispute the accuracy of that statement, and shall show that it is specious and not a fact.

Mr. TYDINGS. I do not want to say anything that is not so. Will the Senator contradict me and name one that is in favor of the site?

Mr. GLASS. I shall contradict the Senator with the greatest pleasure and the greatest earnestness when I come to respond.

Mr. TYDINGS. Will not the Senator do it now? Will he name me one citizens' organization in this city that is in favor of the southwest site? Can the Senator name me one?

Mr. GLASS. Just wait until I respond to the Senator's address, and I will name a good many.

Mr. TYDINGS. I am afraid I will forget it then. I should like to have it now.

Mr. GLASS. I will state it to the Senator in a fashion that he will not soon forget.

Mr. TYDINGS. Evidently at least I have stimulated the Senator's desire to answer.

Mr. President, I have just had inserted in the RECORD—I think perhaps there is a Senator or two on the floor who was not here when it was read—a statement of the purchases made in the farmers' market and the purchases made in stores in town, showing a saving of 33⅓ per cent to the buyer who buys

everything from the producer rather than from the storekeeper. In addition to that, here is the market that this bill proposes. Look at it! Here is the Government, spending all this money to beautify this section of the city. Here is Hains Point, where the cherry blossoms bloom. Here is the proposed site, right down here in that section, which in my judgment some day will be a part of the parking system of Washington. In order for the buyer who wants to deal at the market to get to it, he must come all the way through all the congested center of the town, H Street, G Street, F Street, E Street, Pennsylvania Avenue, and then take his purchases through that section again.

Any one of these sites north of Pennsylvania Avenue is satisfactory to me. I do not care if the commissioners go here, there, or over here; but I do not think it can be gainsaid that the place to locate a market is where the people can buy from it; and certainly not only will the traffic congestion be greatly multiplied if the market is built down here, but it can not expand. It can not grow. It is penned up right there on the water front.

The center of population is moving away from the proposed site, which is located on the southern rim of the city of Washington to serve the whole city.

Mr. KING. Mr. President, has the Senator concluded the point he was just making, so that it would not interrupt him if I should ask him a question?

Mr. TYDINGS. Yes.

Mr. KING. When the vote was taken in the committee, I had not had sufficient opportunity to examine into the facts, and I asked to be excused from voting. I have read only a portion of the hearings since then, but I did take the trouble to ride over the city, to visit the locus in quo on the river, and the points north and east where it was proposed that the retail market should be established.

May I say, very frankly, that I am not quite satisfied with the situation presented by the Senator from Virginia or the Senator from Maryland; that is to say, if a retail market is to be established, I should be very much opposed to the establishment of it down on the river front. I think that would not be wise. If a retail market is the chief objective, then it occurred to me from an examination of the terrain, the city, and so on, that it should be at a different point than upon the river.

If a wholesale market is to be established, I see no reason why the District should pay for it. Let the wholesale merchants buy their own ground and build their own wholesale establishment. In my little home city we have wholesale markets, but the wholesalers buy their own ground, and they select the ground that they buy with reference to their accessibility to the railroads.

I shall vote against this bill, because I am opposed to furnishing a wholesale market for anybody, and if the Senator from Maryland offers as a substitute a bill for a wholesale market I shall vote against that.

The question as to whether the District should provide a retail market I hold in reserve. The other day we appropriated $35,000 for a temporary market. There are six or seven markets already in the District. It may be that later on, after the market down there has been taken away, and the Center Market is taken away, it may be deemed wise to establish a retail market for the city. At the present time I am not so sure that that should be done. At any rate, I would not be willing now to vote to locate a retail market anywhere, and I certainly would oppose appropriating money out of the Treasury, chargeable to the Government or chargeable to the District, for the establishment now either of a wholesale or of a retail market.

Mr. TYDINGS. I agree with the Senator.

Mr. KING. Some parts of my statement are tentative, and I shall have an open mind, and be glad to listen to the Senator from Virginia, as well as other Senators.

Mr. CAPPER. Mr. President, if the Senator will permit me, I call his attention to the statement made to the committee by the superintendent of markets, Mr. Roberts, that this market is both a wholesale and retail market, that at least 20 per cent of the business there at this time is retail, that the retail business of the market should be increased and could be increased and developed, providing we have in mind that that market is for the purpose of serving the consumers of the city, as well as the wholesale people.

Mr. KING. I thank the Senator.

Mr. GLASS. Mr. President, if I may interject, I would not say that the Senator was accurate in his statement that 20 per cent of the business is retail. As a matter of fact, to my mind the more convincing evidence was that not more than 8 per cent of the business was retail, as against 92 per cent wholesale.

Mr. KING. That was my recollection.

Mr. GLASS. One witness before the committee did assert that 20 per cent of the business he thought was retail.

Mr. BRUCE. Mr. President, permit me to call the attention of the Senate to the fact that the retail business in 1927 amounted to $627,000.

Mr. GLASS. I am speaking of the evidence upon which we decided the issue in the committee. I have been told a good many things since the hearings were concluded, but I have not listened to a great deal that has been told, because my decision was upon the evidence that was before us.

Mr. TYDINGS. The Senator from Utah has raised a very interesting point. If this market is to be only a wholesale market, then we have the spectacle of Congress authorizing the appropriation of Government money to build a business for certain individuals. Furthermore, the market that is now being eliminated is both retail and wholesale, so that when it is relocated it should be the same kind of market, in my judgment, and I think that if there is any legality back of any market, it certainly is in favor of encouraging the retail advantages for the people.

What we are really doing here, if we build an exclusively wholesale market, is taking Government money to build a wholesale freight station for those engaged in the business and the railroads which will adjoin the property.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield to my colleague.

Mr. BRUCE. I just desire to call attention to the fact that the correspondence sent to the desk, to which the District Commissioners were parties, has not been read, and I trust that before the Senator shall have finished with his discussion on this subject it will be read.

Mr. TYDINGS. I ask that it be inserted in the RECORD, unless the Senator especially wants it read, for this reason, that I do not think the facts stated there are subject to dispute. However, I have no objection to having the letters read, but I did not want to consume time with it, because there are three pages to one letter and one to the other. However, if the Senator from Virginia thinks there is anything hidden in it, I am willing to have it read.

Mr. GLASS. I am not asking that it be read.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. BLAINE. Is the bill as reported designed to have the wholesale market and the cold-storage buildings, and the other necessary buildings, located down in this southwest section, as indicated on this map, in addition to the retail market?

Mr. TYDINGS. I would say, in answer to the Senator's question, that my understanding is that the original bill was intended to embrace both wholesale and retail markets, with whatever went with them.

Mr. BLAINE. Just one other question. What would be the probable extent of the wholesale market and the cold-storage projects that may go in there, what type of buildings would be erected, and how many would there be?

Mr. TYDINGS. It was shown, I think, though I am not certain about this, that the retail end of the marketing business was increasing. In fact, though I am not sure of this, either, in 1927, some one testified, it had reached the point of 20 per cent of the whole. I may be in error about that. It had been 8 per cent, and then 12 per cent, and it finally ran up to 20 per cent. At any rate, the superintendent of markets of the District said the total was $3,000,000, the retail was $600,000—in other words, one-fifth, or 20 per cent. So the retail end had increased to 20 per cent of the total marketing business.

If retail sales are not to be permitted here, we will be authorizing the appropriation of public funds to build a market for wholesale merchants. The retail feature will be eliminated, and, as I see it, we will be building a freight station for one of the railroads, and that is about all.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Maryland yield to the Senator from New York?

Mr. TYDINGS. I yield.

Mr. COPELAND. I do not think the Senator has been quite responsive to the Senator from Wisconsin. The cold-storage plants are already there.

Mr. BLAINE. How many?

Mr. COPELAND. I think probably all they have.

Mr. BLAINE. Is that one or more?

Mr. COPELAND. I do not know how many; but I want to call the attention of the Senator from Wisconsin to this fact—and I wonder if he is clear about it—that the plan we are discussing this morning has nothing to do with the Center Market, the large Center Market which the Senator sees when he goes

down Pennsylvania Avenue. The retail market is not involved in this. This has to do only with the farmers' market, and that has always been from the beginning largely a wholesale market.

Mr. TYDINGS. In reference to the Center Market, the Government has now taken over the Center Market, and the probabilities are that it is to be razed, so that the town will be without a Center Market.

Mr. BRUCE. Mr. President, may I also say to the Senator from Wisconsin that the evidence in this matter shows that only 1 per cent of the deposits with the storage company are derived from the farmers' produce market.

Mr. BLAINE. When gentlemen speak of a farmer's market, does that mean the farmers going to the wholesale houses or going direct to the consumers for their market?

Mr. CAPPER. This market goes to both the wholesale and retail.

Mr. BRUCE. Both wholesale and retail.

Mr. COPELAND. Ninety per cent of it is sold by the farmers to the wholesale people.

Mr. BLAINE. Then the wholesale houses and the cold-storage housing will be located on this water front?

Mr. COPELAND. Not necessarily, because the wholesale men have said that they are going out to Eckington, or somewhere else.

Mr. BLAINE. Not if the market is located here.

Mr. COPELAND. They say that makes no difference.

Mr. BLAINE. I understand quite differently.

Mr. COPELAND. That is according to the testimony they gave.

Mr. BLAINE. My understanding is that the wholesalers and the cold-storage people will go wherever this market is located, so that if we locate this market on the water front, they are going to build their permanent warehouses and cold-storage plants on the water front.

Mr. TYDINGS. Mr. President, let us consider the farmers who sell in the market. A check was kept on all the farmers who sold in the market, and it was found that 465 of them came from Maryland, 65 from the District of Columbia, and 81 from Virginia, and that all of the Maryland farmers, all of the District farmers, and over half of the Virginia farmers, were opposed to the southwest site.

Senators, there is a bit of strategy in this bill that I think is escaping the Senate, in that in all probability the entire food distributing center will be relocated where the farmers' market is placed by Congress. Wherever that goes, the commission men and the others will follow, so that if we establish a wholesale market down on the water front, we virtually force the farmers to drive down there, where they will have to sell only wholesale, because the bulk of the people live in the northern part of the city.

I am just going to review, in five minutes, two or three things for the benefit of those who were not here when this discussion first opened.

First. The Secretary of Agriculture is opposed to this bill.

Second. The chairmen of both the House and the Senate committees are opposed to it.

Third. As introduced in the House of Representatives and now before this body it is contrary to rights, welfare, and interests of the people of the District and all scientific investigations and reports.

It will congest the traffic situation in the District of Columbia.

It will force those who want to buy to needle their way through all the traffic in the downtown section, and then go back again.

The proposed market will be so small that it will accommodate only 350 stalls, or less than the present market. There will be no room for expansion. The price per square foot is higher than most of the other sites to which the market can go.

All of the population of Washington lives north of the proposed site for the market. There is no ground for expansion on the south bank of the river. The center of population is now at Fourth and L Streets NW., and the center of population is growing away from the market, the consumers are growing away from the market rather than toward it.

Mr. SMITH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from South Carolina?

Mr. TYDINGS. I yield.

Mr. SMITH. Can the Senator state what percentage of the produce that is handled in the Washington market originates in territory contiguous to Washington?

Mr. TYDINGS. The last report shows the total business at the farmers' produce market was $3,000,000 per year, of which it was reported $600,000, or 20 per cent, was retail business.

Mr. SMITH. I do not know about that retail business, because men can go to the wholesale market and buy their stuff and retail it through the city. What I would like to get is information as to how much of the total produce brought in for the people of the city comes from local territory and how much is brought in by freight.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 12286, the naval appropriation bill.

The Chair would inquire of the Senator from Maryland if he desires the letters which were not read to be inserted in the RECORD in connection with his remarks?

Mr. TYDINGS. Yes; I do.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The correspondence referred to is as follows:

APRIL 3, 1928.

The COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C.

GENTLEMEN: Of course you are aware that what is known as the Stalker bill (H. R. 8298) has passed the House of Representatives and has been favorably reported to the Senate by the Senate Committee on the District of Columbia. For your ready reference I am inclosing a copy of the bill herewith.

As I intend to take the floor against the measure when it comes up in the Senate in the near future, I would be glad to have your views on the following points:

1. Are you in favor of making the farmers' produce market a "wholesale" market, as provided in line 5, page 2, of the bill?

2. Taking for granted that your recommendation of a temporary site for the farmers' produce market between Sixth and Seventh Streets NW., just south of the foundations for the Victory Memorial Building contemplates that it is intended to continue the farmers' market as a combination wholesale and retail market as at present operated, when moved to the permanent southwest site as provided for in the Stalker bill, will the market automatically revert to exclusive wholesale transactions?

3. What is the present status of the commissioners' study of the known need in the near future of a large new food and produce distribution center, affecting not only the farmers' market but the commission and other merchants and perhaps the Center Market?

It certainly seems to me that delay in a final disposition of this whole mattter can but develop further awkward controversies and dissention such as has divided the community by the Stalker bill, which surely is not a constructive step toward an intelligent solution of the general problem, placing, as it does, a "wholesale" farmers' produce market in cramped quarters in the very extreme southwest corner of the District of Columbia.

Very truly yours,

M. E. TYDINGS.

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 7, 1928.

Hon. M. E. TYDINGS,
United States Senate, Washington, D. C.

MY DEAR SENATOR TYDINGS: The Commissioners of the District of Columbia are in receipt of your letter of April 3, 1928, with reference to House bill 8298, for the establishment of a market in southwest Washington.

The bill referred to has been the subject of open hearings by the House and Senate committees, has been favorably reported by both, has passed the House, and is now pending in the Senate.

By direction of Congress, the commissioners, after considerable study of the subject, including a public hearing, made a lengthy report to Congress on December 15, 1927, respecting the market situation. Since that time, the commissioners have made no particular study of the situation, and believe that there is nothing which they can properly add at this time to the report made to Congress.

Very truly yours,

PROCTOR L. DOUGHERTY,
President Board of Commissioners, District of Columbia.

IN THE SENATE OF THE UNITED STATES,
February 28, 1928.

An act (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire by purchase or by condemnation, or partly by purchase and partly by condemnation, as they may deem best, the whole of squares Nos. 354 and 355, as shown on the plat books in the office of the surveyor of the District of Columbia, and when same shall have been acquired to close to public occupation and use as a street all of F Street SW., within the

adjacent curb lines of Tenth and Eleventh Streets SW., the area of said squares and the portion of F Street SW., when same shall have been acquired and closed, to be used and occupied by the District of Columbia as and for the purposes of a wholesale farmers' produce market.

For the purposes of such acquisition, including all necessary expenses incident thereto and for the clearing and leveling of the ground and the erection thereon of protecting sheds, and suitable stands and stalls, and the installation of sanitary conveniences and necessary heating and telephone service, the sum of $300,000, or so much thereof as may be necessary, is hereby authorized to be appropriated out of and charged against the general funds not otherwise appropriated in the Treasury of the United States and against the revenues of the District of Columbia in the same proportion and to be paid in the same way and manner as are other appropriations to cover the expenses of operation and government of the District of Columbia.

And the said Commissioners of the District of Columbia are hereby authorized to make, promulgate, and enforce all appropriate rules and regulations for the control and operation of such market when established, and may establish a reasonable scale of charges to be paid by farmers and others making use of the market or of any of its appurtenant facilities.

Attest:

WM. TYLER PAGE, *Clerk.*

APRIL 7, 1928.

Hon. PROCTOR L. DOUGHERTY,

President Board of Commissioners, Washington, D. C.

MY DEAR MR. DOUGHERTY: I regret that the commissioners' reply of the 7th instant to my inquiries of the 3d contains no answer to my first two questions.

It is a general congressional practice for committees to refer bills to the departments concerned for an opinion on the merits of the proposed legislation. In the matter of the Stalker bill (H. R. 8298) this usual procedure seems to have been omitted, and I therefore found it necessary to request your views on a matter so vitally affecting the welfare of the citizens of the District of Columbia.

In this particular case I consider your views of more than ordinary importance, because your report on the market situation, dated December 15, 1927, is used as the foundation of the District Committee's favorable report on a bill introduced several weeks later. In your report you state:

"It is generally agreed that it is desirable to all concerned to encourage the retail feature of the farmers' market."

The bill provided just the opposite (H. R. 8298, p. 2, line 5):

"to be used and occupied by the District of Columbia as and for the purposes of a wholesale farmers' produce market."

With the knowledge that your report was being used to support a measure in direct conflict therewith in this important respect, I felt sure you would welcome an opportunity to comment on the bill rather than by silence leave any question of doubt as to your position. From my personal observation, your report of December 15 is used and understood as a report on the Stalker bill, or, in other words, that the Stalker bill is based upon your recommendations.

Furthermore, your entire report of December 15 is surely predicated upon the reservation:

"Has the time arrived for a permanent relocation of the farmers' market?"

In view of the fact that you have made no further study of the situation and can add nothing at this time to your report, your serious doubt as to the wisdom of permanently locating the farmers' market at this time, as expressed in your report, still exists, although nearly everyone who I have heard express an opinion understands that you have freely and fully recommended the immediate change as provided in the Stalker bill. I can't help but feel that such misunderstandings so seriously affecting District legislation should be taken cognizance of by the commissioners.

I was also in hopes that you might care to comment on the fact that, although the old site of the farmers' market taken over by the Federal Government for the new Internal Revenue Building is District property, no provision has been made to reimburse the District for such property out of the public buildings act appropriation. Instead public funds raised by the taxpayers of the District are authorized to be appropriated by the Stalker bill for the purchase of a new site.

Finally, how is it proposed to proceed to build a suitable farmers' produce market on the southwest site, the land for which is appraised at about $300,000 and improvements estimated at $110,000, with the $300,000 authorized to be appropriated by the bill?

The entire history of this proposed legislation is so confusing that I am confident you will agree that all possible light should be thrown upon it.

Very truly yours,

M. E. TYDINGS.

P. S.—Attached is statement setting forth seven reasons why the bill should not be enacted into law.

Reasons why the Stalker bill (H. R. 8298) should not be enacted into law:

1. The bill proposes an economic injustice, and is therefore contrary to the public interest in that it appropriates the people's money to increase their cost of living.

2. It is illegal in that it appropriates District funds to replace land taken by the Federal Government without compensation or authority.

3. It is class legislation of the most vicious type, in that it takes rights and privileges from the general public for the financial benefit of the few.

4. It is premature and disregards the warning of the District Commissioners in that it is based upon no scientific, thorough, or coordinated study of the known future need of a new food-distributing center composed of the farmers' market, commission and other merchants, and perhaps the Center Market.

5. It is impossible in that it proposes to buy land appraised at about $300,000 and build thereon a market estimated at $110,000 with an appropriation of but $300,000.

6. It is unusual in that the Commissioners of the District of Columbia have made no report on this bill, and in fact, although requested, have declined to do so.

7. The site is unsatisfactory, among many other reasons, in that it is proposed to build this market directly across the street from a public school.

Mr. SMITH. I would like to repeat my question to the Senator from Maryland, and that is, how much of the produce consumed in the District of Columbia is local produce and how much is brought in by railroad or by water?

Mr. TYDINGS. I have not the figures immediately available, but I think I know in a general way. I would say to the Senator that in the report of the hearings there is given the number of truck loads brought in from adjacent farms and the number of carloads shipped in from elsewhere.

Mr. BRUCE. May I say in this connection that the testimony shows that the farm produce is brought in by trucks an average distance of 18 miles. It is mainly brought in from the near-by counties of Montgomery and Prince Georges, in the State of Maryland. Then, of course, there is a considerable amount coming from the District of Columbia itself and an inconsiderable amount from the State of Virginia.

Mr. SMITH. How much is brought into this market by freight from States that are not immediately contiguous to the market?

Mr. TYDINGS. I have not those figures here now. I read some of them a while ago. The whole thing is in the hearings, where are given the number of carloads, what they contain, the railroads which bring them, and from whence they came.

Mr. GLASS. The testimony was that not enough of that produce came in to feed Washington 1 day out of 365.

Mr. SMITH. That is, by trucks?

Mr. GLASS. Yes.

Mr. SMITH. The balance of it comes in by freight and by boat?

Mr. GLASS. Yes.

Mr. SMITH. It seemed to me, as my attention was called to it recently, that the natural place for a market would be where the railroads and steamboats could the most economically bring in and discharge their cargoes for Washington, whose consumers are dependent upon that source for their produce.

Mr. TYDINGS. Is the Senator in favor of building a freight depot for the railroads with Government money?

Mr. SMITH. I am in favor of building at the most convenient place for those who feed Washington to do so.

Mr. TYDINGS. With Government money?

Mr. SMITH. With any money.

Mr. TYDINGS. I want to say in conclusion that I have no interest in the bill whatsoever, and I do not care what site is chosen, because it will not affect me in any way that I can see. But I do want to leave the thought that if the Senate wants to put something over on the people of the District of Columbia which every one of its organizations say they do not want, although they have to pay for it, that is the privilege of the Senate. I think that, having no voice in the Government of the country and no representation in this body, at least their wishes should be respected, because they should know better than anyone else what they want, and we should not pass their recommendations by lightly.

ORDER OF PROCEEDING

Mr. EDGE. Mr. President, I had intended to discuss the pending amendment to the naval appropriation bill. During the morning hour, however, I was given to understand that there had been some indication, on the part of those both favoring the amendment and those opposed to it, of a desire to reach a vote without further discussion. I simply want to state that if that is correct and if the Senate is ready to vote on the pending amendment at this time, I have no desire whatever to delay the Senate by discussing the question. But if there

is to be further discussion of the amendment, then I desire to address the Senate on the subject.

Mr. LA FOLLETTE. Mr. President, I can not speak for any other Senator, but it is my understanding that there are several Senators who expect to address themselves to the amendment. I am not certain of it, however, but it is my understanding that at least two Senators intend to speak on the question.

Mr. EDGE. I have also had that intimation since learning of the possibility of an agreement. Apparently there will be further discussion, so that I shall take the opportunity, this afternoon, I hope, to discuss the amendment.

However, since asking for recognition I have been informed that the junior Senator from New York [Mr. WAGNER] gave notice yesterday, I believe, that he would desire to discuss another subject at this hour. In view of that fact, I have no desire to be a party to nullifying any understanding. Therefore, I yield the floor.

UNEMPLOYMENT CONDITIONS

Mr. WAGNER. Mr. President, those who claim a vested political interest in prosperity have permitted themselves a long, easy-going sigh of relief when Secretary Davis submitted his report on unemployment. Only 1,874,050 men in idleness. Mr. Davis professes to be very exact—one million eight hundred and seventy-four thousand and fifty.

The press has been reassured, the pulpits have been calmed, and the general public has been led to believe that a group of scoundrels have for political purposes alarmed the country into believing that there was a serious unemployment situation.

The distinguished senior Senator from Utah [Mr. SMOOT] said on this floor:

> It is gratifying to learn from the report of the Secretary of Labor that while unemployment exists in the country the evil is far less serious than certain alarmists have represented it to be.

Mr. President, is there any justification for the calm complacency that has been restored to the press in reference to unemployment? Is there really cause for gratification? Do the figures presented by the Secretary of Labor actually give no cause for alarm? To me they are the most alarming set of figures that have as yet been published. When Commissioner Stewart's figures are properly read they indicate an unemployment situation far worse than I had ever suspected.

What is the explanation of the fact that the Secretary's report has been received with reassurance? Why do editorial writers say that the Secretary's report is comforting? It is because the Secretary of Labor has either deliberately or inadvertently misread the report of the Commissioner of Labor Statistics and published an interpretation of Mr. Stewart's report which has absolutely no basis in fact.

One may scan every line and every paragraph of Mr. Stewart's report and nowhere will one find the assertion that there are now only 1,874,050 men unemployed. That statement is purely the product of Mr. Davis' imagination. Mr. Stewart is too good a statistician and is too well aware of the difficulties of making an unemployment estimate with the available governmental machinery to try to give an exact and precise figure as to the number of unemployed.

The fact that the Secretary of Labor has thus misconstrued the commissioner's report is indicative of a woeful misunderstanding of the difficulties of securing unemployment statistics. He could never have subscribed to an exact figure like 1,874,050 if he were aware of the uncertainties of unemployment estimates made up with the present facilities. Had he understood the problem and been candid in reporting it there would at least have been a confession in the report of inability to secure exact unemployment data and the expression of an estimate in round figures, sufficiently round, sir, to give warning upon its face that it was but an estimate, with the plain and bold declaration that a margin of error of about 500,000 was reasonably to be expected.

Instead, Mr. Davis leads the country to believe that he has machinery for counting the unemployed sufficiently exact to give us a precise figure.

Mr. Stewart, of course, is not to blame for this. He honestly and candidly admits that he is not giving any unemployment information but is recording simply the shrinkage in the pay roll between 1925 and 1928. He does not attempt to tell us how many men are idle. All he professes to do is to record the number on the pay rolls in 1925 and the number on the pay rolls in 1928, and report the difference to us.

This element of shrinkage is but a single item in a study of unemployment. It must be used in the estimate of the number of unemployed, but does not represent the number of unemployed. It is obvious that at least four large groups are omitted. First, the growth of population; second, immigration; third, drift from the farm to the city; and, fourth, the number of unemployed in 1925.

Each of these groups adds thousands to the number of those who are now in idleness. They must be added if we are to secure an adequate picture of how large an army of unemployed we have now mobilized.

It is absurd to omit them from calculation. We can not close our books as of 1925 and make no additions to our working population. The young men and women who grow up into working age, the farm boy who goes to the city in search of industrial employment, the immigrant who comes to this country from a foreign land, they all must find work; and if they do not, they go to swell the ranks of the unemployed.

How many must we add to the number reported by the department in order to turn that report into an estimate of unemployment? According to Mr. Davis's figures immigration in 1927 alone added 252,023 to the population. The farms, according to the Secretary of Agriculture, contributed to the city between 1920 and 1927 over 3,000,000 persons; and, in addition, 2,000,000 boys and girls annually reach the working age. How many of these actually join the lines of those who are seeking employment?

I have had an estimate made up on the basis of the figures reported by the Secretary of Labor and by the same methods. It is as follows:

Shrinkage between 1925 and 1928, as reported by the Secretary of Labor	1,870,050
On the basis of the same formula there was a shrinkage between 1923 and 1925 of	1,230,870
And between 1924 and 1927 farm workers who moved to the city in search of urban employment	500,000
Increase in population by natural growth and immigration	2,196,000
Total	5,796,920

Even if we accept Doctor Klein's assertion that one and one-half millions were absorbed in other industries, there are still over 4,000,000 unemployed.

No account is taken in this calculation of those who are voluntarily idle. Only those have been counted who, in the words of the Commissioner of Labor Statistics, "are usually employed, but at present out of employment and hunting for work." In other words, this number embraces persons who are ready, willing, and able to work, but who have not been able to find employment.

There have been other estimates made upon this floor on the basis of the Secretary's figures. None have indicated an unemployment total of less than 4,000,000. The only reason that I am going into detail in this matter is because once and for all the error ought to be scotched that the figures of the Bureau of Labor Statistics show the number of unemployed to be less than 2,000,000.

The regular bureau figures do not show any such result. Mr. Stewart's figures for this special report do not show any such result. Mr. Stewart's report does not even profess to be an estimate of unemployment. If an estimate of unemployment in made on the basis of his figures, the conclusion is that there are at the very least 4,000,000 men idle.

Mr. Davis's report, which presumes to be based on Mr. Stewart's figures, is the result of a misapprehension and a misinterpretation. In all candidness and in all sincerity, the error having now been pointed out several times, the Secretary ought to withdraw his figures in order to dispel the confusion that he has created in the mind of the public.

The fundamental danger in a misleading report like the one which is now before the Senate is not that we may be led to believe that there are 2,000,000 unemployed when there are in fact 4,000,000. Such an error can be pointed out and corrected. The real harm is that the public is led to believe that the Government has the machinery and the means whereby it can keep informed of the number of unemployed, when, as a matter of fact, it has no such machinery. I know that the public is misled, because the Senator from Utah has been misled. On one or more occasions he has on this floor informed us that to get unemployment information one had simply to apply to the Bureau of Labor Statistics. He seems to be under the impression, like so many editors whose editorials have come to my attention, that the Bureau of Labor Statistics has the information, when as a matter of fact it has not.

A short time ago the Senator from Utah [Mr. SMOOT] even went to the extent of telling us the precise percentage of unemployment. He said the percentage of unemployment was 5.8 per cent and gave the Bureau of Labor Statistics as his authority.

Now it should be plain to all that neither the Bureau of Labor Statistics nor any organization in this country can know or does know the percentage of unemployment. The percentage to which the Senator from Utah referred represented not the percentage of unemployment but the percentage of

shrinkage in employment between the first of the year and the last of the year 1927. It is in no way a measure of unemployment.

The difficulty has been that those who are in a measure responsible for this situation have concerned themselves far more with publicity to explain their inaction than with an attempt to mitigate some of the hardships of unemployment.

In his report the Secretary of Labor says that the regular bulletins of the Bureau of Labor Statistics have shown that the volume of employment has tended downward since April, 1927, and then he says:

> In the present instance the Department of Labor has sounded such warning in ample time.

Where was the President when that warning was sounded? According to the Secretary, every month since April, 1927, a warning bell was tolled. How is it that the President failed to hear these warning bells? With the din of these warnings sounding in his ears, how could he tell the Congress, as late as December, 1927, that employment was plentiful? That declaration by the President served as a cue to all the departments and all took up the refrain:

> Employment is plentiful; prosperity is here. Nothing need be done.

If Congress had known the truth, Congress might have acted. But even without legislative authority there was plenty of room for action all through the winter in expediting the Government program and thereby relieving in a measure the rigors of unemployment.

The worst offender in the administration's practice of feeding to the public all manner of poppy-cock on the question of unemployment is the United States Employment Service. Regularly it has been issuing bulletins based upon no information and calculated to reassure the administration in its smugness and to serve as an apology for its failure to act.

On March 22 the director general of that service released a report entitled "Industrial Employment Information Bulletin." I want to read a few lines from that report which, to my mind, is the most concentrated piffle that has ever been printed at the Government's expense:

> The country has been unduly alarmed by exaggerated reports that have been circulated widely stating that a serious unemployment situation exists.

You will note that this was to be released on the 22d of March, two days before the Secretary of Labor in his report to the Senate said:

> The present slump in employment, while not so extensive or grave as the estimates that have been generally circulated is, nevertheless, serious.

The Director General of the Employment Service, who is responsible for the breezy reports regularly emanating from that quarter, gathers no statistics, collects no figures, has no direct contact of a measurable kind whatever, yet he continues monthly to publish under the authority of the United States Government misleading reports that serve no earthly purpose except to misinform those who would guide their business activities thereby. To continue with his bulletin: First, he says that there is no ground for alarm, because there are always a million workers out of work. Then he makes this prophecy:

> The horizon is clearing and the employment outlook is encouraging.

I should like to compare this report with the report issued by a private organization that has no political axes to grind.

The Annalist is a journal well recognized for its ability and accuracy in financial matters, and, in fact, is quoted in the Secretary's report. That journal reports weekly on the business outlook as follows:

> February 24, 1928: While building contracts so far this month are fully up to those of last February, the week has seen a fall of 1 per cent in the Annalist price index, and the latest reported freight loadings show a sharp drop. Steel production seems a little unlikely to continue to a fully normal spring peak.
>
> March 2, 1928: Not much of special encouragement in the way of business indications is visible in the week's records. Building contracts, though at high level, have been proved not a sure guaranty of business prosperity. Indications from steel are not very rosy.
>
> March 9, 1928: Aside from the high February building figures and some apparent improvement in railroad earnings, really decisive signs of business improvement are lacking. There is evident uncertainty in the automobile industry. Steel prospects are also vague, reflecting business uncertainty. Freight loadings are unfavorable.
>
> March 16, 1928: Business increased somewhat, supported by large automobile production and building contracts, and evidenced by better freight loading figures. Steel, the general mirror, nevertheless shows cloudiness, suggesting that the present picture may not hold clear. The prospect beyond March is uncertain.
>
> March 23, 1928: Steel, building, and automobiles show expansion, but the freight loadings records indicate that the general activity of business is not up to that in the productive lines noted.
>
> March 30, 1928: Pronounced weakness in steel and iron prices indicates the slackening of the seasonal briskness of demand, and points to an early lessening of production suggestive of recession in business activity. Continued deficiency in freight loadings confirms a level of business below that of the past two years.
>
> April 6, 1928: A somewhat more promising prospect for steel is combined with a March production of pig iron, which shows less than the normal seasonal increase. Freight loadings continue well below those of last year. March building contracts fall somewhat short of March, 1927. Trustworthy forecasting bases are not conspicuous.

Such comparisons as have been made show that we must go back to the dark days of 1921 to find a situation comparable to the present. The Metropolitan Life Insurance Co.'s study of voluntary quits in 350 manufacturing establishments shows a condition as bad as 1921.

A study of want ads in the New York World shows that 1927 has fallen to a level almost as low as 1921. Freight-car loadings continue to decline. During the week ending March 17, 1928, revenue freight-car loadings showed a decrease of 9,467 cars from preceding week, and 59,846 less than the corresponding week last year.

The latest report for the week ending April 7, 1928, shows a decrease of revenue freight cars of 29,131 from the previous week and 34,611 cars less than the corresponding week last year.

It is not my purpose to paint this picture darker than it is. I have introduced these short, pithy paragraphs to show how business journals report conditions when they expect their clients and readers to act. They serve as a basis of comparison with the reports of the United States Employment Service, which are apparently written only for political purposes.

It is my contention that if these administration officials who always see conditions through pink glasses had not ignored the seriousness of present unemployment we might have done something this winter in some measure to have relieved the situation. I know that the Senator from Utah will tell me that there was nothing we could do; that public building had to wait upon the spring; that public construction could not be done during the winter. I will simply refer him to the report of the committee of the President's conference on unemployment, the report which has the approval of Mr. Herbert Hoover. The opening sentence reads:

> Custom, not climate, is mainly responsible for seasonal idleness in construction industries.

On page 5:

> With due precaution and proper equipment nearly all construction work can be carried on in winter and with no great difference of cost.

Indeed, if these recommendations are the recommendations of a Government committee bearing the approval of its Secretary of Commerce, the Government ought to be most zealous to put them into effect in order to set the pace for private construction industry to follow.

So far all I have heard on the other side of this Chamber has been either the declaration that it was all too dreadful but that nothing could be done about unemployment, or else that everything would work out for the best without any interference by the Government. It has been a policy of inaction justified either by despair or by vain and fatuous hope.

In the winter we cry that spring will bring relief, and in the spring we look to winter. Like benighted heathen we turn our faces toward the clouds from them to secure succor. Suppose that the change of seasons will bring an improvement, will provide few or many jobs, can we chain the spring to our streets and detain it there forever? Will not the winter again follow the summer in relentless continuity, and then what shall we say to the cold, the hungry, the unsheltered? Shall we repeat the mocking refrain, "Spring will bring improvement"?

No, Mr. President, spring will not bring relief. If we rely on it we are leaning on a broken reed. For the past three years the figures of the Department of Labor show that employment conditions were best and the employment index was highest during February and March. These months have come and gone without any visible degree of improvement in the condition of the idle. February, 1928, was worse than February, 1927, and that in turn was worse than February, 1926 and 1925.

The Government construction program, we are told by the Senator from Utah, must wait for the spring, while on the shelves of the Library of Congress the report of the Committee

on Construction Industries is green with the golden mold of prosperity.

Indeed, it is amazing that honest and intelligent folk should still have any confidence in the seasons as solvents of human problems. I must repeat, Mr. President, that neither the spring nor the fall, neither the summer nor the winter, are going to solve the unemployment problem. These seasons have been with us for some time and they have not yet solved unemployment. There is no reason to suppose that they ever will.

Neither, Mr. President, will an ordinary business revival cure unemployment. If we look for relief in that quarter, there is certain to be keen disappointment. Business resumption means simply increased production. But the figures are very eloquent that we do not need a much larger force to bring about even a very large increase in production. Production increased between 1919 and 1926 fully 29 per cent, yet at the very same time the number of employees decreased by 7 per cent, and has continued to decline. The same is true of mining, transportation, and even agriculture. What good will a rising production curve do if it is accompanied by a falling employment curve? It has been suggested that new industries will solve the unemployment problems. Perhaps they will. But new industries do not come into being upon request. Usually they are based on fundamental inventions which have a way of coming into the world quite without regard to the unemployment situation. What assurance have we that they will come at all, or at the right time, or that they will take up just the right amount of unemployment slack?

The Secretary of Labor urges the development of new wants to stimulate business activity. Most of the people that I know, Mr. President, claim to be quite well stocked with wants, but what they are complaining of is a shortage of purchasing power to satisfy the old desires. It is true that purchasing power is now concentrated in the hands of a few who are already surfeited with more than they want. But for the vast number of wage earners who have not even achieved the distinction of being among the income taxpayers the great and grievous need is not new wants, Mr. President, but new purchasing power.

We are told not to be alarmed. We are advised that a million idle workers is "normal." The prophets of laissez faire are preaching the creed of self-adjustment. The poor unfortunates who belong to the idle million can derive no comfort from the fact that a million without work is statistically normal. Nor does a statistical norm mean that it is just or proper that it should be so.

And of those who are talking in terms of self-adjustment, I should like to ask: Who is to pay for the terrific loss that is bound up with the readjustment? Must that burden be loaded upon the shoulders of those least able to bear it?

Personally, I am obsessed with a suspicion that self-adjustment is but an apology for continuing the do-nothing policy of the present administration. Let us not forget that every idle man threatens the economic security of his employed brother. No man can feel secure in his job so long as he knows that another is offering to do his work at any price. We owe it to the men and women who work not to expose them to the unfair competition of starved and wretched men. We owe it to ourselves not to permit the army of unemployed to be used as a powerful lever to depress our standard of living.

At any rate, we can not sit by and watch the idle millions tramp the city streets in vain search of work. We can not pray for inventions like the orientals prayed for rain. A little action might be good after all these years of laissez faire, which has not solved the problem. True enough, we do not know any general solution; we have not any panacea for unemployment, but we can begin to experiment along lines that hold the promise of a solution.

We have no choice. A fundamentally vital fact is driving us to action. Every human being exacts a living from the society in which he lives. If permitted, he gives his services in return; if not, he secures his maintenance none the less, perhaps from the superintendent of the poor or the warden of the jail. These men who are now idle must live and will live. Your only alternative is: Will you compel them to be parasites, or will you accept the marvelous wealth that their idle hands are anxious to create for you?

I have this morning introduced two bills, and I have a third in preparation, which, to my mind, are calculated to relieve future unemployment attacks. The three bills together form a plan designed on the basis of information now available. They do not ride any private hobbies. They require no revolutionary changes either in government or industry. Their justification is the plight of the unfortunates who are compelled to go without work and wages and the threat to our national peace and security which is inherent in an army of unemployed.

The present authoritative analysis of the unemployment situation is that we have two classes of idle men; that is, those whose work has been suspended by reason of a cyclical depression in business, and those who have been released from industry because their jobs have disappeared and their work is being done more rapidly and more cheaply by mechanical contrivances.

To solve the problem of the first group we must look to the elimination of the business cycle, to the tempering of the recurrent inflation and deflation. If we could erect some sort of balance wheel which would keep the industrial machine from revolving too rapidly at one time and too slowly at another, the road to a solution of this phase of the unemployment problem would open. The Public Treasury is the largest consumer of goods in the market. Government constitutes the greatest single spending agency in the country. It is reasonable, therefore, to look upon the Government's spending power as the great stabilizer of industrial activity. Since it is not interested in profits, the Government is in a particularly advantageous position to throw its full weight in favor of a level and stabilized business curve.

The second group of workers, whose places at the workbench have been taken by intricate combinations of steel and electricity, must be given new places, rehabilitated, and trained for new work. The whole pattern of their lives must be readjusted. It may involve migration from one part of the country to another. A period of training and apprenticeship may be necessary. The poor workman whose job is gone is hardly in position to make such a major adjustment without assistance. If new industries can use his services, he must be informed. He should not be expected to invest time and savings in preparation for a new life's work only to find at the end that there was no room in the industry he has chosen.

The burden of finding new work is a very heavy one. The workingman should not be made to carry it blindfolded. The very least of services that this Government can render him is to guide his steps, shorten his journey, and assure him that he is going toward an accessible goal. The Government can accomplish it by providing a clearing house of information of available jobs and idle men, and through such an agency to arrange with employers and employees to bring about the necessary adjustment which new mechanized industry requires.

For both classes of involuntarily idle we must have a perfected statistical system which will keep close track of the employment situation, which will serve as the indicator for the operation of the stabilizer of the business cycle, and which will keep us advised of the success or failure of the adjustments that are being made for those whose work has been superseded by machinery.

Paragraph 2 of Senate Resolution 147 called for a study by the Secretary of Labor of the methods of securing employment and unemployment statistics. So far no report has been forthcoming concerning that phase of the resolution, and I have, therefore, had to resort to private agencies. At my request a meeting was held by the subcommittee of the committee on governmental labor statistics of the American Statistical Association. The following participated and agreed upon a plan which is embodied in the bill which I have just introduced. Leonard W. Hatch, member of the industrial board of the New York State Department of Labor; Bryce M. Stewart, of Industrial Relations Counselors (Inc.), formerly director of the Canadian Employment Service; William A. Berridge, economist, of the Metropolitan Life Insurance Co.; Ralph G. Hurlin, director of the department of statistics of the Russell Sage Foundation; and Mary Van Kleeck, director of the department of industrial studies of the Russell Sage Foundation.

The bill will extend the present service of the Bureau of Labor Statistics to include in addition to manufacturing, mining and quarrying, building, construction, agriculture, transportation, retail and wholesale trade.

I am informed that the collection of these statistics is both feasible and practicable and that after the initial expense of setting up, the operation of collection and publication can be done very cheaply. Business men are very anxious to have the information and would gladly cooperate in the collection, as is evidenced by their present voluntary contribution of information to a general pool. Employment information is at the present time the most conspicuously absent piece of business information.

It is the unanimous opinion of every student of the unemployment problem that good statistics would not only tell us about employment and unemployment but would in part actually help to reduce the intensity of unemployment. To the extent that business action and business judgments are referable to intelligent information instead of to blind and chaotic guesswork, waste, maladministration, and unemployment are elimi-

nated. Then again accurate employment and unemployment statistics must be maintained if we are to have any record of the success or failure of any experiment we may undertake for the purpose of curbing unemployment. By shutting our eyes to unpleasant facts we shall not advance this Nation's prosperity, nor shall we accomplish anything by shouting politics at everyone who tells the truth about our economic situation.

The second bill provides for the creation of a system of employment offices on a nation-wide scale under the cooperative auspices of the Federal Government and the States. It is as clear to me as it is to you that employment offices will not create jobs where there are none, nor will they provide workers when there is a shortage of men. It will, however, help to tie up the right man with the right job, provide a channel between the available job and the idle worker, reduce waiting time between jobs, and eliminate the waste of job hunting.

Between 1910 and 1916 seven public studies of unemployment were made and each in turn recommended the establishment of a system of public employment offices. The President's conference on unemployment recommended it. The subcommittee on the business cycle of the President's conference heartily approved it, and it has the indorsement of almost every organization interested in solving the unemployment problem.

Employment exchanges are neither novel or untried. They are in full operation and effect in England, Germany, and Canada. Some of our States have been experimenting with them and have found that there is much for the public employment office to do.

After the war the Federal employment service helped considerably in demobilizing the Army into peaceful pursuits. Instead of continuing to pay lip service to a fine principle, it is time that we actually enacted a piece of legislation that would create the machinery that could actually be used in the battle against unemployment.

Passage of such a bill at this session of Congress would be an earnest, at least, of our desire to try to cope with the workingman's problem.

Finally, there is the idea of long-range planning of public works, a principle to which we have long paid vocal homage but so far never put into operation. Long-range planning does not mean that in times of depression the Government should do things or build things that it would not otherwise do. It does not require the laying of a single brick or the spending of a single dollar that is not now spent. It does not require additional spending but simply requires the intelligent control of the spending that we do so that the time and speed of Federal work will vary with conditions of the labor market.

It is just as important that Government construction be retarded in boom times as that it be accelerated in time of depression. A double purpose is thus served. When men and material are scarce the Government is out of the bidding and does not compete with private citizens for the same things. This helps to keep the inflation within bounds by removing from behind it the impetus of Government work.

As soon, however, as the demand of private enterprise weakens and industry begins to slacken down, then is the time to release the pent-up spending power of the Government and catalytically to set private industry also into motion again. What we have done is simply to withdraw one very powerful customer from the market and have set him down to act contrary to the way the market acts. When everybody is buying let the Government stand by. When everyone else stops buying then the Government can step up to the counter. That in general is the stabilizing principle of the long-range plan. It requires that Government projects be planned long in advance and graded with the degree of immediacy which they demand. Thus every project should be marked whether "to be done immediately" or "to be done during the next period of depression."

For the second class of projects plans should be kept in readiness for immediate execution as soon as the emergency arises. In operation this principle should prove fairly simple. We need first of all a geographical division of the country into appropriate zones. The country as a whole is too big and varied adequately to serve as a plane of operations. For instance, an abnormal condition in one section may cancel a subnormal condition in another and leave a national index uninfluenced, though there may be a serious hardship in a large section of the country. On the other hand, if the country is divided into zones a falling index in one particular zone of the country would be sufficient to bring the relief program into play. The zones in use by the Federal reserve system would serve the purpose, because they represent economic divisions.

We need a sensitive and accurate barometer to indicate when work is to be accelerated and when it is to be retarded. In choosing a barometer both the work to be done and the aim to be accomplished must be taken into consideration. Since the work to be done is largely construction, construction must be one of the elements of the barometer, otherwise it might happen that the Government program should be called into play when construction work was booming.

In addition, we are trying to mitigate unemployment. That is the purpose of long-range planning. A perfected employment index must, therefore, play its part. A good indicator would, therefore, be composed of the combined indices of construction and employment.

Great care must me taken to avoid the misuse of the plan for political purposes. The plan must be administered solely for the purpose of mitigating unemployment, and while a measure of discretion will have to be exercised, it is advisable to include some automatic controls which will not be subject to political manipulation.

Now, Mr. President, I have given this subject a great deal of thought. There are some here and more outside who are so callous to human problems that they can not tell the difference between a political measure and one which has within it the heart and soul of its proponent, because it harbors one of his major interests in life—to lighten the burden of those who labor, to free them of the crushing anxiety of unemployment, and give them an opportunity to engage in the pursuit of happiness with some chance of attaining it.

What I have outlined I believe constitutes a conservative beginning at the job of destroying involuntary idleness. It rests on the basic assumption that unemployment is a pathological economic condition, to be treated as a disease, and not to be accepted as a normal phenomenon under any circumstances. It calls for close study of the facts of unemployment and the closest diagnosis of its history.

Secondly, it provides for the establishment of a national employment service to eliminate the friction of job getting and to establish a machine and train a personnel that is continually engaged in the study of the problems of unemployment. Lastly, provision is made for the long-range planning of public works in order to utilize the vast spending power of the Government as the great balance wheel to stabilize the industrial activity of the Nation.

All of these singly or together will not abolish unemployment at a stroke. But all of these will tend to minimize unemployment and to relieve its rigors.

For those of the unemployed who, as the Secretary of Labor says, are temporarily suspended from their jobs, we provide the long-range plan to tide them over the period of business inactivity. Those who suffer from cyclical changes will be helped by the long-range plan which will tend to stabilize the cycle. For those who are released from industrial pursuits because their jobs have been supplanted by machinery we have a major task of adjustment to accomplish; to find them new places in industry, possibly in new industry. For those men we need the machinery of the employment office to bring about that adjustment; to bring the information of the new job to the displaced employee.

And all the time facts and figures of employment and unemployment must be carefully watched and studied.

That, Mr. President, is my present answer to those who have asked, "What are you going to do about unemployment?" This session of Congress can be a really noteworthy one, distinguished by seriously undertaking to do something about unemployment.

GIFT OF COLLECTION OF PRINTERS' MARKS

Mr. FESS. Mr. President, I have just come from the Library of Congress where I witnessed the ceremonies attending the gift to the Library of Congress of a remarkable collection of European printers' and publishers' marks, made up of 10,800 different leaves. The collection is the gift of Dr. Otto H. F. Vollbehr, a distinguished citizen of Berlin, Germany, and consists of 10,800 different items. It is the largest collection of its kind in the world.

These printer's marks are regarded generally as contributions of literature, of art, of the printer's craft, and of the publishing business. Collections of this kind are new. These marks came coincident with the invention of printing and of woodcutting. All of this collection dates from the fifteenth to the nineteenth century. It is a very remarkable display of the printer's art down to that time.

About 400 out of the 10,800 pieces are on exhibition in the Library. While it is only a matter of impulse with me that I am making this statement, I think it is worth every Senator's time at some time in the future to view the collection while it is on exhibition. It was sent as a loan originally and was on display. A half hour ago I witnessed the donation to the

Library by the owner. It is one other evidence of the fact that our Library is coming to be the most distinctive and eminent of libraries housing collections of this sort.

I think it will not be over four or five years before the Congressional Library will be the depositary of the largest collection of books and manuscripts in the world, and this is one of the unusual incidents that demonstrate that fact.

I merely wanted to make this statement at this time, when I have just witnessed the ceremonies in connection with the donation.

DEVELOPMENT OF AGRICULTURAL EXTENSION WORK

The PRESIDING OFFICER (Mr. COPELAND in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9495) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McNARY. I move that the Senate insist on its amendments, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McNARY, Mr. CAPPER, and Mr. SMITH conferees on the part of the Senate.

CALL OF THE ROLL

Mr. EDGE obtained the floor.

Mr. McNARY. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Schall
Barkley	Fletcher	McLean	Sheppard
Bingham	Frazier	McMaster	Simmons
Blaine	George	McNary	Smith
Blease	Glass	Mayfield	Smoot
Borah	Gooding	Metcalf	Steiwer
Brookhart	Hale	Moses	Stephens
Broussard	Hayden	Neely	Swanson
Bruce	Heflin	Norbeck	Tydings
Capper	Howell	Norris	Tyson
Caraway	Johnson	Nye	Vandenberg
Copeland	Jones	Oddie	Wagner
Couzens	Kendrick	Overman	Walsh, Mass.
Curtis	Keyes	Pittman	Walsh, Mont.
Cutting	King	Ransdell	Warren
Dill	La Follette	Reed, Pa.	Waterman
Edge	Locher	Sackett	Watson

Mr. JONES. I desire to announce that the Senator from Montana [Mr. WHEELER] and the Senator from West Virginia [Mr. GOFF] are detained in committee.

The PRESIDENT pro tempore. Sixty-eight Senators having answered to their names, there is a quorum present.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, the pending question being on the amendment of Mr. BLAINE to insert, after line 17, page 53, the following proviso:

Provided, That after December 25, 1928, none of the appropriations made in this act shall be used to pay any expenses incurred in connection with acts of hostility against a friendly foreign nation, or any belligerent intervention in the affairs of a foreign nation, or any intervention in the domestic affairs of any foreign nation, unless war has been declared by Congress or unless a state of war actually exists under recognized principles of international law.

The words "acts of hostility" and the words "belligerent intervention" shall include within their meaning the employment of coercion or force in the collection of any pecuniary claim or any claim or right to any grant or concession for or on behalf of any private citizen, copartnership, or corporation of the United States against the government of a foreign nation, either upon the initiation of the Government of the United States or upon the invitation of any foreign government existing de jure or de facto.

Mr. EDGE. Mr. President, as briefly as possible I propose to review the situation that would exist if we should adopt the pending amendment to the naval appropriation bill, offered by the junior Senator from Wisconsin [Mr. BLAINE]. After the exhibition yesterday, if I may so refer to it, I ask Senators to permit me to state my views and present the observations I desire to present without interruption.

Mr. President, it seems to me that this subject is one of sufficient importance that a Senator of the United States should be permitted to present his viewpoint and his argument without interruption, because after all is said and done the new policy sought by the so-called Blaine amendment in my judgment is fundamental in defending the traditions and the history of the country. A Senator can not be put on the witness stand and cross-examined and have his viewpoint reversed by implication, and be able to present a clear presentation of his views at the same time. I shall be very glad, so far as I am able, from purely the layman's standpoint, to which it is probably unnecessary for me to refer, to answer any questions after I shall have presented the thoughts which I desire to submit.

Mr. President, I oppose the pending amendment not alone from the viewpoint so ably presented by the Senator from Idaho [Mr. BORAH] on yesterday—that is, so far as his arguments related to the absolute impossibility of this country repudiating a sacred contract made in the name of the President of the United States with contending factions or what had been contending factions in a foreign country. I agree with him absolutely in his argument so far as it relates to that obligation. But I oppose the pending amendment from another standpoint and that is in my judgment, if adopted that it would propose ineffectively, I believe, a curb upon the clearly defined constitutional power, responsibility, and duty of the Chief Executive of the United States, whatever party he might represent, in his contact and dealings with the other nations of the world.

To attempt to change the fundamental policy of over a century through the medium of a rider or an amendment to an annual appropriation bill, without even the slightest consideration on the part of any committee of the Congress, particularly the Committee on Foreign Relations, to which such a policy would naturally and properly be referred, or perhaps the Committee on the Judiciary, is to attempt through legislation to amend the Constitution, as I view it, and is so absolutely beyond defense that it would seem to be unnecessary to consume time even to discuss the proposition.

But in its presentation various suggestions have been made and criticisms have been entered into touching to some extent the present administration as well as previous administrations. I listened attentively most of the time to the argument of the Senator from Wisconsin [Mr. BLAINE] and, so far as I followed it, criticisms were leveled as well against many past administrations. In considering this amendment I feel that some attention should be paid to that criticism, because it is undoubtedly more or less existent in the country to-day. I am glad to discuss the issue as I view it, because it is not a partisan question and can not fairly be made a partisan question.

From the administration of President Roosevelt right through until the administration of President Coolidge, including, of course, that of President Wilson, as was stated several times by the Senator from Idaho [Mr. BORAH] yesterday, without application to or the permission of Congress, various types of intervention were indulged in by the Executive in connection with disturbances in the countries of the Caribbean and in Central America. I do not propose to take time even to mention those various interventions or occupations in detail. The Senator from Idaho yesterday, I think, placed in the RECORD a statement of the various elections which our Government had supervised in Haiti, San Domingo, Cuba, Panama, and Nicaragua by various Executives from Roosevelt to the present time. None of these were through any action of Congress.

The Senator from Idaho very clearly—and I was impressed, could not be successfully challenged—gave it as his opinion that if the President of the United States is charged with foreign relations, and he is and no lawyer or layman can question that fact, then it is within his province and his decision as to what form of action he shall take when he is called upon to act or believes conditions in a foreign country necessitate action on the part of the Government of the United States. Whether the form of protection of American nationals and their property shall be that of supervising what should be a peaceful civil election is a matter, as I followed the argument of the Senator from Idaho and which is my conviction, entirely for the Chief Executive to decide. So far as that is concerned, from a practical standpoint, is it not far better that intervention or protection of the interests of American nationals and property should take the form of supervising a civil election, the modern method of selecting rulers, rather than that of armed intervention as it is generally construed and as it generally results?

I will not take time to quote references. One, however, would seem to cover this entire question. The Supreme Court

said in a case arising from the bombardment of Graytown in 1854:

As respects the interposition of the Executive abroad for the protection of the life or the property of the citizen, the duty must, of necessity, rest on the discretion of the President.

Reviewing the years from 1903 to the present time, when those various types of so-called intervention or cooperation have occurred, I have not any criticism to make of any of them. I think it is impossible for us in the Senate at this time justly to criticize any of them. The results of some of them, of course, were not satisfactory perhaps to any of us. But the decision was made, by whoever was Chief Executive at the time, under his recognized responsibility and duty after being called upon by citizens and nationals of our own country to properly protect their interests in a foreign land. It is difficult for us at this time to analyze the reasons for the various efforts to protect American life and American property, but I am broad-minded enough to feel that every one of them, whatever may have been the result, was undoubtedly carried out absolutely in a spirit of patriotism and proper protection of American interests. I do not believe any critics of any administration will for one moment take the position that a single President of the United States—Roosevelt, Wilson, Taft, Harding, or Coolidge, all of whom were in power at times when these various protective movements became necessary, representing his own viewpoint or his party's viewpoint, or his country's viewpoint—had the slightest idea of any imperialistic design upon the country affected, but, on the other hand, it was for the one, sole, fundamental purpose of protecting the lives and property of our own citizens; to be helpful to the citizens of the country involved, whatever the country might be, and to give the power and strength of this great Nation in the interest of bettering the conditions of the republics to the south of us.

When it is assumed that any of these activities have been or are in the interest of anything but that type of cooperation, then, to my mind, criticism goes a way beyond political division. To my mind, it is a situation in which, while we may differ as to policy, especially in domestic affairs, we should be just a little more generous and a little more liberal with our Chief Executives of the past and present and those to come when they are dealing with foreign nations.

I repeat it is all quite well to differ on domestic policies, and we do differ on farm relief, tariff, merchant marine, prohibition, and many questions that come before us day after day. I hope and I believe, generally speaking, that out of those discussions comes the best constructive thought in the interest of a large majority of the people. But when we deal with a foreign country can not our critics close their ranks for once and let us have one American party away beyond the division of political combat, and thus be that much more effective in our absolutely unselfish and generous desire to be of real help and assistance in cooperation with our less fortunate neighbors on the south?

Mr. President, speaking directly now to the amendment, I recognize through its terms, in view of the fact that withdrawal of the marines is not to take place until December 25, 1928, that at least the proponent of the amendment—and I congratulate him upon the viewpoint—has admitted that it would be absolutely indefensible to repudiate the solemn contract made on behalf of this Government that we would supervise the election which takes place in late October of this year. We have heard much of withdrawing them at once.

But in addition to my fundamental opposition to the terms of the amendment, which I have already discussed in general terms, I am also opposed to any date being determined in advance, for what appeals to me as a practical objection, judging from the past history of Nicaragua particularly. The insertion of a specific date, the date now being considered being a date before the newly elected officials take office, which is on January 1 under their constitution, would be, I am afraid, an invitation for further disturbances in Nicaragua. Unfortunately we can not deal with Nicaragua in that manner.

Much has been said in the debates about our blundering into Nicaragua with our marines; that is, in the present occupation of Nicaragua.

Mr. President, in my judgment, we blundered out of Nicaragua when the marines were recalled in 1925. Within less than two months after the marines were ordered out in that year we all know that a revolution was inaugurated and the government of the country deposed. As I recall, a few marines had been in Nicaragua before that time from 1912—13 years—without any serious disturbance having occurred in Nicaragua. However, I have no intention of repeating that history, which is fairly well known, I am sure, to every Member of the Senate. I want to confine myself to the present situation. Neither shall I discuss the agreement between Colonel Stimson and the representative of the Nicaraguan Government, President Diaz, the representative of the deposed government, Vice President Sacassa, and the commander in chief of the revolutionary army, General Moncada. The Senator from Idaho [Mr. BORAH] covered that phase of the subject yesterday in complete detail, and, in my opinion—I hope I am correct in the statement—a large majority of the Senate recognize the sacredness of that contract.

However, the question was raised in debate yesterday and has been previously raised as to why we were in Nicaragua anyway; why the marines were sent down a little over a year ago. The question was asked as to whether there was any real justification for the marines being returned to Nicaragua after they had been withdrawn in 1925 by President Coolidge.

I have here, Mr. President—and I shall only refer to it briefly, and I ask that it may be inserted as a part of my remarks—a memorandum furnished me by the Department of State, which goes back to August, 1926, setting forth numerous—and I emphasize the word "numerous"—requests for protection and assistance on the part of the American citizens in Nicaragua from our Government. I might say here that in my judgment, and from my viewpoint, at least, irrespective of any policy or any formula that might be adopted by the United States Senate, when a sovereign government is unable or fails to protect its citizens or their property to a reasonable extent in any country in the world, under the flag of any nation, it ceases to be a sovereign government.

These complaints, Mr. President, have no reference whatever to any financial interest or investment, so far as banker's loans are concerned. Of course, all investments in property, manufactures or mining, are necessarily financial, but as to loans of New York or other American bankers in Nicaragua about which we hear so much, I have been informed only this morning, that, according to the balance sheet of the Nicaraguan treasury, the total sum owed to-day to American bankers for loans advanced in the tremendous sum of $53,000, being the net balance of the loan of a million dollars made about a year ago. Not another penny is owed to American bankers. Bonds are still out, of course, representing previous loans held by individuals all over the world, I presume, just as other bonds are held by individuals everywhere; but, so far as the interest of the United States Government and its activities in Nicaragua are concerned, it can not be justifiably charged to the protection of New York or other American bankers. The protection asked by American citizens is mostly on behalf of mahogany and other lumber and business and mining companies.

I ask unanimous consent to have printed in the RECORD at this point a statement of the public debt of Nicaragua as of January 31, 1928, furnished me by the State Department.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statement referred to is as follows:

Public debt of Nicaragua, January 31, 1928

	Outstanding	Rate of interest	Maturity	Security
Foreign debt:	*Dollars*	*Per cent*		
Loan of 1909	3,297,000	5	1944	First lien on customs receipts.
Loan of 1927 [1]	250,000	6	1928	Customs surtaxes, surplus, dividends of railroad and bank.
Supplies from Salvador	55,000			No special security.
Supplies from United States.	265,000	6	1933	Do.
Miscellaneous	100,000	8	(2)	Do.
Total	3,967,000			
Internal debt, customs guaranteed bonds.	2,372,000	5	(3)	Customs surtax, tax on capital, tax on transfer of property, one-half of proceeds from sale of State lands.
Estimated value of claims	2,000,000			
Total	4,372,000			
Grand total	8,339,000			

[1] Since reduced to $53,000, which the department understands will be paid off within a few days.
[2] Various.
[3] Indeterminate (about 1936).

Mr. EDGE. I will cite a few of the instances of demands for protection as contained in the memorandum from the State Department to which I have referred.

On August 20 Senator RANSDELL telephoned to Mr. Stabler on behalf of the Otis Manufacturing Co. He said he understood that all proper steps would be taken by the department to protect American lives and

interests, and Mr. Stabler assured him that such was the case; the department was watching the matter closely. On August 30 Senator RANSDELL was informed by letter that warships had been ordered from Balboa, Canal Zone, to Bluefields and Corinto to protect American lives and property.

On August 23 the American consul at Bluefields telegraphed that conditions were growing worse; that an attack on El Bluff and Bluefields was expected every moment; and that a warship was urgently needed to protect the lives and property of American citizens.

Again:

On August 27 the Bragmans Bluff Lumber Co. telegraphed that the revolutionists were attacking its property at Bragmans Bluff, one of the company's officials being seriously wounded—

We have heard that nothing of that kind ever occurred—

and asked that a warship be sent immediately. The company was informed in reply that the U. S. S. *Galveston* had been ordered to the east coast.

Again:

On September 1 the A. W. Tedcastle Co. (makers of boots and shoes)—

That does not sound like a New York banker—

wrote inclosing a copy of a report from their representative at Bluefields, saying something should be done by the United States.

At another place in this memorandum it is stated:

On October 25, the Standard Fruit & Steamship Co. wrote to call attention to the recent trouble in its Bragmans Bluff division at Puerto Cabezas. The company stated that its investment there amounted to about $8,000,000 and that approximately 1,000 Americans were employed by it at Puerto Cabezas and along the railroad and tributaries thereto, and asked what protection might be expected from the United States Government.

The headquarters of the Standard Fruit & Steamship Co., I believe, are in New Orleans.

On December 13, 1926, the Astoria Importing & Manufacturing Co. requested that Admiral Latimer be instructed to prevent unwarranted exaction of payments to revolutionary authorities who were demanding payments of taxes on shipments of logs already taxed and released by the Government.

That would seem to require some protection on the part of the Government if it is a government worthy of the name.

Senator Ernst called at the department and left a copy of a telegram of December 29, 1926, from the Mengel Co. requesting his support for their requests for protection by this Government for their mahogany operations.

Again:

On January 3, 1927, Eccleston & Son (Inc.) wrote that the revolutionary authorities were interfering with their business operations through illegal collection of taxes and duties, and the department was requested to invoke the assistance of the naval authorities to extend protection to the company.

Again:

On December 30, 1926, the La Luz & Los Angeles Mining Co.—

A California concern, I understand—

wrote that they had $1,000,000 paid-up capital invested in Nicaragua; that revolutionary parties had interfered with their mining operations and shipment of their products; that armed forces had made forced levies of merchandise from their stores; that employees had been conscripted; that outside food supplies for their mine had been stocked for two months; that all floating equipment in the vicinity had been commandeered. They requested that all possible assistance be given the established Government in Nicaragua. They stated that they have meticulously abstained from interference in Nicaraguan politics—

And so forth.

I ask that the memorandum in its entirety be inserted in the RECORD at this point as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The memorandum in full is as follows:

PROTECTION

JANUARY 11, 1927.

On August 19, 1926, the Otis Manufacturing Co. telegraphed that further revolutionary disturbances in Nicaragua were reported, that an outbreak at Bluefields would be serious, and asked what steps were being taken by this Government to protect property. The department replied on August 21 that it was following developments closely and would take such appropriate action as possible to protect American interests which might appear to be in danger.

On August 20 the Freiberg Mahogany Co. telegraphed that interests in Nicaragua seemed to be in danger and said that sending a warship to Bluefields would help. This was answered on August 21 in the same words as the telegram from the Otis Manufacturing Co.

The Mengal Co. also telegraphed on August 20 and was answered in the same way.

On August 20 Senator RANSDELL telephoned to Mr. Stabler on behalf of the Otis Manufacturing Co. He said he understood that all proper steps would be taken by the department to protect American lives and interests, and Mr. Stabler assured him that such was the case. The department was watching the matter closely. On August 30 Senator RANSDELL was informed by letter that warships had been ordered from Balboa, Canal Zone, to Bluefields and Corinto to protect American lives and property.

On August 23 the American consul at Bluefields telegraphed that conditions were growing worse, that an attack on El Bluff and Bluefields was expected every moment, and that a warship was urgently needed to protect the lives and property of American citizens.

On August 25 the Freiberg Mahogany Co. telegraphed asking that a warship be sent at once to Bluefields.

On August 27 the Bragmans Bluff Lumber Co. telegraphed that the revolutionists were attacking its property at Bragmans Bluff, one of the company's officials being seriously wounded, and asked that a warship be sent immediately. The company was informed in reply that the U. S. S. *Galveston* had been ordered to the east coast.

The American consul at Bluefields telegraphed on August 31 as follows:

"Losses to Americans on the rivers will amount to $2,000,000 unless conflict stopped soon. If the five mahogany companies can not get protection on all the rivers their losses will be one and one-half millions. Contending factions take their boats, recruit their men, rendering them helpless, logs float out to sea. The two banana companies are also handicapped, their boats being taken and their laborers being recruited or frightened away."

On September 1 the A. W. Tedcastle Co., makers of boots and shoes, wrote, inclosing a copy of a report from their representative at Bluefields, saying something should be done by the United States.

On September 2 the Bragmans Bluff Lumber Co. telegraphed that interests would suffer enormously unless warship *Rochester* remained indefinitely at Bragmans Bluff. This was answered the same day, to the effect that the *Rochester* would remain on the east coast until further orders.

On September 3 the Freiberg Mahogany Co. telegraphed asking for protection at Prinzapolka and various other loading ports, saying that neutral zone should be proclaimed and military force used if necessary. This was answered on September 4: "Two American warships at present on east coast of Nicaragua to protect American interests."

On September 4 the Mengel Co. telegraphed to ask that arrangements in force at Bluefields be extended to other loading ports. The department replied the same day, asking whether the Mengel Co.'s representative had communicated with the commanding officer of the nearest United States war vessel and informed him as to actual conditions.

On September 8 the Astoria Importing & Manufacturing Co. wrote to ask that loading ports north of Bluefields be declared neutral zone in the same manner as Bluefields itself.

On September 8 the Chicago Bridge & Iron Works wrote, inclosing a copy of a letter of August 29 from its manager at Puerto Cabezas, describing chaotic and dangerous conditions there. A reply was sent on September 15, stating that American war vessels had been sent to the Atlantic and Pacific coasts of Nicaragua to extend protection to American lives and property.

On September 17 the Mengel Co. telegraphed that fighting at Bluefields and vicinity had paralyzed everything.

On September 22 the Astoria Importing & Manufacturing Co. wrote that too much emphasis could not be laid on the seriousness of the situation on the Atlantic coast of Nicaragua. The hope was expressed that the Government of the United States would use its utmost influence to effect an immediate and lasting truce.

On September 23 the Otis Manufacturing Co. wired to ask protection for loading operations at El Bluff. On September 24 this telegram was sent in reply:

"An armistice was signed yesterday afternoon on board the S. S. *Rochester* at Bluefields to take effect immediately. Armistice for 15 days subject extension by mutual consent. Neutral zone extended to include Bluff and the bay. Escondido River opened to legitimate trade. Commerce may be promptly resumed with Bluefields and entire east coast of Nicaragua."

The same telegram was sent to the other companies interested.

On September 24 the department gave to the press the text of the 15-days' armistice agreement between the contending factions at Bluefields.

On October 11 Mr. Frank G. Otis, president of the Otis Manufacturing Co., called to discuss the situation. He said he hoped the conference to be held at Corinto would result in more stable conditions.

On October 13, 1926, the Astoria Importing & Manufacturing Co. wrote that in view of the approaching termination of the truce it was desired that protection be arranged for the shipment of mahogany from the various eastern Nicaraguan ports. In a second letter of the same date the strategic position of El Bluff in relation to Bluefields Harbor was explained; unless El Bluff were neutralized no shipment could be made from Bluefields. Protection was requested for tugs and other floating equipment to prevent seizure by belligerents; the revolutionists tend to seizure of any floating equipment. Hope expressed that United States will exert all pressure within its power to avoid hostilities and effect a compromise; the people of Nicaragua, and reasonable men of both parties, are anxious to reach a compromise and are tired of warfare. The department replied that the matter would have careful consideration.

On October 25 the Standard Fruit & Steamship Co. wrote to call attention to the recent trouble in its Bragmans Bluff division at Puerto Cabezas. The company stated that its investment there amounted to about $8,000,000, and that approximately 1,000 Americans were employed by it at Puerto Cabezas and along the railroad and tributaries thereto, and asked what protection might be expected from the United States Government.

On November 2 the Freiberg Mahogany Co. wrote asking advice as to probable developments. The department replied on November 9 that the armistice between the contending factions had expired on October 27, that Bluefields and El Bluff remained a neutral zone, that it was impossible to predict what the course of events might be, and that the policy with regard to future investments was a question upon which the department was unable to give advice.

On November 2 Mr. Salmen, of the Bragmans Bluff Lumber Co., telephoned to Mr. Morgan from New Orleans that the situation at Puerto Cabezas was becoming very serious and the company wanted to know what protection could be expected.

On November 10 the American Dyewood Co. wrote to ask for assistance in shipping fustic wood from Potosi, Nicaragua, in December or January. The department replied on November 11 that it was unable to predict what the situation might then be and, therefore, could give no advice.

On December 13, 1926, the Astoria Importing & Manufacturing Co. requested that Admiral Latimer be instructed to prevent unwarranted exaction of payments to revolutionary authorities who were demanding payments of taxes on shipments of logs already taxed and released by the Government.

On December 22 Mr. J. Gilmore Fletcher, agent for the Bragmans Bluff Lumber Co., wrote to protest against unwarranted interference by the forces of Sacasa at Puerto Cabezas and to request adequate and prompt assistance and protection of American lives and property in danger.

On December 24 a joint telegram asking protection was sent to the department by the Otis Manufacturing Co., the Mengel Co., and the Astoria Importing & Manufacturing Co.

On December 29 the Bragmans Bluff Lumber Co. sent a strong telegram, quoting from Mr. Fletcher's letter of December 22, and again requesting that the lives of the employees and the property of the company, now clearly in jeopardy, be given full and prompt protection.

On December 30 Senator SACKETT left a letter from the Mengel Co. dated December 29, 1926, requesting his support to secure protection for their mahogany operation in Nicaragua. (317.11/166.)

Senator Ernst called at the department and left a copy of a telegram of December 29, 1926, from the Mengel Co. requesting his support for their requests for protection by this Government for their mahogany operations.

On January 2, 1927, Mr. Douglas H. Allen, in reporting his arrival at Bluefields, telegraphed that the situation was critical and rapidly growing worse; that warfare had passed into a new phase requiring immediate intervention by the United States, otherwise guerrilla warfare would result for a period of years; that immediate intervention could still control the situation and prevent widespread suffering, loss of life, and destruction of property.

On January 3, 1927, Eccleston & Son (Inc.) wrote that the revolutionary authorities were interfering with their business operations through illegal collection of taxes and duties, and the department was requested to invoke the assistance of the naval authorities to extend protection to the company.

On January 4, 1927, the American Legation telegraphed that President Diaz had set forth his inability to guarantee protection of American and other foreign lives; that the British and Italian diplomatic representatives found their nationals in Nicaragua in imminent peril without outside protection; that postponement of the establishment of a legation guard until a crisis developed would prevent the accomplishment of any valuable purpose by the guard.

On January 4, 1927, Mr. Douglas H. Allen telegraphed from Bluefields that in his opinion revolutionary movements would lose much strength if the United States would immediately issue public statement clearly defining its position.

On January 5, 1927, Representative ASWELL transmitted a letter, dated December 27, 1926, from the Standard Fruit & Steamship Co. indorsing the position of that company and requesting protection; and the Representative indorsed the landing of American marines in Nicaragua.

On December 30, 1926, the La Luz & Los Angeles Mining Co. wrote that they had $1,000,000 paid-up capital invested in Nicaragua; that revolutionary parties had interfered with their mining operations and shipment of their products; that armed forces had made forced levies of merchandise from their stores; that employees had been conscripted; that outside food supplies for their mine had been stocked for two months; that all floating equipment in the vicinity had been commandeered. They requested that all possible assistance be given the established Government in Nicaragua. They stated that they have meticulously abstained from interference in Nicaraguan politics.

Mr. EDGE. That, it seems to me, is fair evidence at least, in view of the thousands of American citizens in business in Nicaragua, with millions of dollars of capital invested in legitimate mercantile manufacturing and agricultural pursuits, that there was some justification for the Government of the United States affording protection.

From that time, of course, events happened rapidly. The revolution continued; hundreds of lives were lost on both sides, including the so-called liberal or revolutionary forces and the so-called conservatives. Finally conditions became so bad that the President of the United States sent a representative to Managua, the capital of Nicaragua. In my judgment, that action was entirely within his powers; it was wholly a matter for him to decide what action he should take in order to protect American citizens and their interests in Nicaragua. The policy pursued by him was no different from the policy adopted by President Wilson when he sent John Lind to Mexico when Mexican troubles were threatened and, in fact, had become acute. President Wilson, in that instance, in my judgment, was absolutely within his right.

Colonel Stimson finally negotiated the agreement or understanding which has been referred to so frequently. The conclusion had been reached that the most effective method to adopt in order to bring about peace in Nicaragua, to stop the wholesale butchery on both sides among the Nicaraguans, would be to have an armistice declared and all arms turned in with the understanding that our Government would supervise the election of a new President and Vice President of the country.

It has been suggested that coercion was used in order to bring about this agreement. To that point very briefly I wish to refer. I will admit, as did the Senator from Idaho [Mr. BORAH] on yesterday, that the plain reading of the letter sent by Colonel Stimson to General Moncada to the effect—I will not reread it for it has been read two or three times in the RECORD already—that in the event the rebels should refuse to lay down their arms they would be forcibly dispossessed of them, sounds something like coercion, but this is what Colonel Stimson has stated publicly as to sending the letter:

I included the last sentence—

Which was—

and that the forces of the United States will be authorized to accept the custody of the arms of those willing to lay them down, including the Government, and to disarm forcibly those who will not do so—

I included the last sentence not as a threat to Moncada's organized and loyal troops, who, I was confident, would follow their leader's direction, but as a needed warning to the bandit fringe who were watching for any sign that we were not in earnest in order to indulge their taste for pillage once the Government troops had laid down their arms and there remained no force in the country other than the Americans able to restrain them.

When, Mr. President, you read that and consider it in the light of the Sandino operations you can readily determine how farseeing Colonel Stimson was in making such a statement. He anticipated that there would be some such event as finally happened, when Sandino went back on his own pledge, made over his own signature, to disarm and then did not do so, but went out in the fastnesses and started to make war upon almost anyone who crossed his path and to rob and exact tributes from American citizens.

Again, Colonel Stimson makes this statement, which seemed to me very significant, in connection with President Diaz who, it has been suggested time after time, was the stormy petrel there who kept peace from being achieved. His reason for not insisting that President Diaz abdicate the Presidency is well expressed in this statement which he gave out at that time.

Colonel Stimson stated:

Mr. Diaz himself in one of his conferences with me expressed his own readiness to retire voluntarily, if such retirement were essential to a peace settlement. The result of my investigations, however, convinced me that only through his remaining in office was an immediate peace settlement possible. Under the Nicaraguan constitution he was ineligi-

ble to be a candidate in the election in 1928 to succeed himself. The situation in his case, therefore, could not be complicated by personal ambitions.

In other words, there must be a government. There must be a president. I recognize that it is a question on which men honestly differ as to whether President Diaz's ascendancy to the office was strictly proper or otherwise. I shall not discuss that matter at this time. But, whether it was or whether it was not, the fact remains, as Colonel Stimson has clearly defined in that statement, that to have deposed President Diaz from office at that time would have simply invited more confusion than to have kept him in office, which he insisted on doing in order that there should be a government maintained, and to prepare for the election, and prepare the legislation necessary, or thought to be necessary, to carry out an election.

Right there, without holding any brief for President Diaz, I think, in fairness to him we must admit so far as the press reports that have reached us advise, that he tried his best to influence the congress or the legislature of Nicaragua to pass what was considered by our representatives a workable and fair election law.

Unfortunately, every move that he made seems to have been more or less successfully thwarted by Chamorro, who undoubtedly has been, as past history records, the one real, outstanding, disturbing element in Nicaragua.

After these various preliminary discussions, General Moncada met Colonel Stimson, with representatives of the former vice president, Sacasa; and I want to read just one or two paragraphs of General Moncada's own statement, because it seems to me that it will assist at least in giving a little clearer idea of just what our country has obligated itself to do, and just how those who accepted that promise are expecting us to carry it out; rather than that they were coerced.

A year or so ago, when we were debating on the floor of the Senate the right or otherwise of President Diaz to be recognized by this country, the entire debate on the opposition side surrounded protection for the Liberals, commanded by General Moncada. Just as soon, however, as General Moncada, as a real patriot, believed that the time had arrived to stop butchering his own countrymen and having his followers likewise butchered in open conflict and battle, and depend upon the United States under its guaranty to give them a fair chance for a fair election, the home critics here, apparently losing Moncada as the opportunity to criticise their own Government, became followers and backers of Sandino, who had been publicly repudiated in letter and statement by his former commander, General Moncada.

Mr. President, leaving Chamorro entirely out of the picture—and I think he should be left out—if General Moncada and President Diaz can not speak for 90 to 95 per cent of their countrymen, I do not believe a few critics in the United States, in the Senate or otherwise, are in any way justified or deputized to speak for them.

General Moncada stated in a letter issued December 14, 1927, following this agreement which was ratified on May 11, 1927:

> We Liberals want the United States marines in Nicaragua. We believe that the marine officers such as now command our constabulary can best supervise the free elections necessary to put a representative government in office. Further, we believe that the United States owes it to Nicaragua to keep her marines there until such elections have taken place. It is her duty and obligation.

That is the man who was the martyr a year ago, but who is now being protected by the United States Government, and I trust the protection will continue until our full duty has been accomplished.

He says, further, with regard to meeting Colonel Stimson in the field, leading up to the signing of the agreement:

> Here we found the personal representative of President Coolidge, General Stimson, bearing peace proposals, asking for a cessation of the war.
>
> His words were simple, but solemn and decisive:
>
> "In the name of the United States I exhort you that this war may cease and not another drop of blood be spilt in Nicaragua; on its part, the Washington Government accepts President Diaz's proposal for the supervision of the election of the chief authorities in 1928, which shall be free and fair, so that all Nicaraguan citizens may express their will at the polls. My Government considers that the very honor of the United States is involved in this. In recognizing Diaz my Government has acted in good faith, under a sincere interpretation of the laws of Nicaragua, and wishes the present Chief Executive to continue in the discharge of his functions while the electoral law is reformed and a true nonpartisan national guard is created. With that guard and the marines a free and just election will be carried out."

The answer of General Moncada, touching the matter, is as follows. Understand, he had just come in from the field, where he was in command of the revolutionary army:

> I am here as a simple soldier, and it is my duty to consult with the other chiefs of the army and with the delegates of Doctor Sacasa, who are also in Tipitapa. I ask of you a period of eight days to give an answer. During that time I will return to the army to do what I can to convince it, or to return to war if its opinion should be contrary to mine.

In these conversations the delegates of Doctor Sacasa, the man that our home critics were continually backing a year ago, were present and took part.

Then General Moncada further states:

> I am perfectly convinced, however, that Sacasa or any other statesman will always need the help of the United States to establish a good government. When General Stimson told me at Tipitapa that the President of the United States was willing to assist in the supervision of our election in 1928, I felt, and still feel, that this would open to Nicaragua the only way by which such good government and a lasting peace could be established. I told General Stimson frankly that peace had so far only been attained through tyranny in Nicaragua. Tyranny brings with it no good and depraves the public conscience. To gain power over the dead bodies of our fellow citizens is only worthy of men who are superfluous in modern civilization.
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> * * * * * * *
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> The worth of the election in Nicaragua depends now on the manner in which the arrangements of Tipitapa are carried out. If they are carried out honestly, as I believe they will be, due to President Coolidge's word, the elections will be made with entire equity.

On this question of American capital, even in a letter dealing mainly with the promise and the guarantee of this Government to supervise the election, General Moncada includes this in his statement:

> Capital is a great necessity in Nicaragua for the development of the country's progress. We have neither railroads nor highways. We are out of communication with the civilized world. The construction of the railway to the Atlantic coast is very urgent to bring us nearer to the United States and to Europe. We need more American capital, and it is our first duty to seek it here, for we are obliged to do it by the close relationship that binds together the countries of America for their mutual defense.
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> * * * * * * *
>
> Those that accuse the State Department of supporting President Diaz in obedience to the pressure of bankers and for mean reasons of internal and foreign policies fail in logic when they attack the agreements of Tipitapa and the supervision of the next election by the marines. They know that, upon the premature withdrawal of the marines, power would remain with Diaz or Chamorro, and constitutionalists would lose all hope of liberty and democracy. This would be a tremendous injustice.

Recently there was a convention in Managua of the Liberal political party. General Moncada, the former chief of the revolutionists, was nominated for the Presidency. Demonstrating the view of the general as to the reversed position of our home critics in having deserted his standard, I quote just one paragraph from the general's speech:

> In the Liberal Party only one window was opened, a light in the far distance; the free election of 1928 guaranteed by the Government at Washington signified the establishment of our protest of 18 years. * * * In the appreciation of all this, we have painfully observed how the opinion of those have changed who during the war praised our heroism, who applauded from afar when butcherings took place, but who never helped the heroes with one cent or one cartridge. Those who clamored to the world the justice which accompanied the Nicaraguan Liberals now desire that the American marines, the surety of our liberty, our lives, and property, retire to their own country. This is the humanity and generosity which blazons some representative brothers of America.

This is General Moncada, the leader of the Liberals. He is now deserted by the home critics.

Mr. President, it seems to me that the charge of coercion absolutely fails. A government had to be maintained. The one man who could not run for office at the forthcoming election, who was in office at the time, remained in office, not at his own request. He says here without qualification that he was perfectly ready to abdicate. He remained there because it was considered by the representative of the President of the United States advisable and necessary for him to do so. Under the Constitution the President of the United States certainly has the power to decide what method to pursue in order properly to protect American lives and property. Under that constitutional power this particular decision was made and

carried out, entirely with the cooperation and agreement and now with the insistence of the leader of the revolutionary army. Certainly that was not coercion.

Mr. President, there is one other matter to which I want to draw notice which seemed to escape attention in a great part of the debate yesterday and previously.

I do not propose to discuss the Monroe doctrine and its various interpretations. They perhaps have changed with changing conditions more or less in the last 101 years, during which time every President, I believe, has endeavored to carry it out. They have changed because of changed circumstances, probably; but there never has been a change, so far as I know, in the realization and recognition in this country of the fact that where our Chief Executive, in command of the Army, believed it necessary to occupy or intervene in the affairs of another country, we, the people of the United States, proposed to do so; and there never has been a time, so far as I can recall, when we have permitted the troops of a foreign country to do our work for us. There is not any question in the world but that in the present situation—it is all a matter of record—we were asked by the representatives of Great Britain, by the representatives of Italy, and, I believe, by the representatives of Belgium, to protect their nationals who reside in Nicaragua, naturally with the implication that if we would not they would be compelled to do so. If the Monroe doctrine means anything, as I interpret it, it certainly means that we are not knowingly going to permit any European or Asiatic country to occupy a republic in the Western Hemisphere; and I will say from that standpoint that, so far as I know, no country in any part of the globe, in recent years, certainly, has attempted to do so; that the Monroe doctrine has been generally recognized in international treaties and in international affairs.

Do we propose to abandon that policy? If we had not sent our troops to Nicaragua on the request, almost the demand, of American citizens whose lives and property were in jeopardy, certainly one of these other nations would have sent theirs. I wonder if any American citizen would have been proud of that situation.

If the amendment that is now pending before the Senate should be adopted under its very terms, as I understand them—that is, if the amendment could hold water for a moment, and I do not think it could—at least the intent of the amendment would be to prevent the President of the United States from sending a single soldier to Nicaragua, no matter if our own citizens, Great Britain, or any other country requested us to do so in the protection of nationals, if it meant that we were in any way interfering in the domestic affairs of the country. Of course, we are interfering in the domestic affairs of another nation to some extent when we send armed troops to another nation to protect our nationals, our citizens, and, to a reasonable extent, their property.

Mr. President, it seems to me that we are entering on dangerous ground when we seek to amend the Constitution of the United States through a rider to an appropriation bill. I am not sure that a calm, careful, patriotic study of these situations, in view of present conditions, would not be entirely appropriate for the Foreign Relations Committee or the Committee on the Judiciary. We seem to indulge in almost every line of activity and research in these days. We passed a resolution in the last Congress, unanimously, as I recall it, in which we advised the President to use arbitration in his dealings with Mexico, recognizing that those dealings, under the Constitution, were in his hands. Certainly that was harmless. As a matter of fact, I do not know just how far it influenced the President. Shortly after that he appointed Dwight W. Morrow as ambassador to Mexico, under his responsibility to make such appointments, and Dwight W. Morrow, as is well known, has already settled some very intricate international matters which affected our interests. I have no doubt he is using the principle of arbitration, as is well evidenced in all his negotiations with the foreign office of Mexico. I saw no particular impropriety, however, in our adopting that resolution at the time, and, as I recall, I voted for it.

If the Foreign Relations Committee or the Judiciary Committee could untangle the involved situations which will face every administration in connection with conditions to the south of us—though I do not see how either committee could—could lay out any plan or rule that would be helpful to the State Department or the President, I would be glad, as a member of the Foreign Relations Committee, to take part in the consideration of such matters, but I think such action should be taken only with the clear understanding and conviction that it is only in our advisory capacity that we act, with the hope that among 96 men something might be evolved that would be of help. After all is said and done, the responsibility is alone the responsibility of the President of the United States.

We had stopped bloodshed in Nicaragua, so far as opposing armies of Nicaragua were concerned, by the effort of the President to protect the lives and property of our citizens through the method of supervising the elections. True, some of our own brave soldiers have fallen in that effort. Nothing could be more regretted, nothing could more quickly sadden the American people, nor more quickly bring the natural response, "What is it all about?" It is one of the responsibilities of government, one of the ever-unknown possibilities of bearing arms in an army of any country. I recognize that the President has absolutely no right to declare war or to engage in war in any country without the consent of Congress. There is no argument about that. However, it is absolutely impossible—and let us not confront our Chief Executive with absolute impossibilities—when any Chief Executive, in the course of his duty and responsibility, sends troops to a foreign country, and they are there absolutely as neutrals, and are attacked by irregulars, who do not represent any government, and several of them are killed from ambush and pursued into their own quarters, to say for one minute that because, in order to save their lives, they suddenly pursue offensive warfare, the President of the United States is violating the Constitution.

As a matter of fact, when these negotiations were entered into, on May 11, 1927, Congress was not in session. Colonel Stimson, as I recall, went down some time in March, and Congress had adjourned the 4th of March. The troops were there, and more troops were sent there, and these regrettable things have happened.

I repeat, as one who has had some slight experience in the military of the country, that in 10 minutes, under the command of the commandant of the forces, be they large or small, purely defensive tactics necessarily and properly may become an offensive warfare. Whether Congress is in session or is not in session, that much consideration, that much regard, that much appreciation of a Chief Executive should be given by every citizen of the country and not the technical point raised that because of situations beyond human control we are illegally at war with Nicaragua.

Mr. SACKETT obtained the floor.

Mr. NORRIS. Mr. President, I would like to ask the Senator from New Jersey a question or two. He said he would be pleased to be interrogated when he had finished.

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Nebraska for that purpose?

Mr. SACKETT. I yield.

Mr. NORRIS. I want to ask the Senator whether, in his judgment, a state of war exists now in Nicaragua.

Mr. EDGE. I presume technically; yes.

Mr. NORRIS. Then I would like to ask the Senator if the Constitution of the United States, which he says is being amended, has not been amended by that war being brought about by the President, without any declaration on the part of Congress.

Mr. EDGE. Technically so.

Mr. NORRIS. That is all I want to know.

Mr. EDGE. If I may refer to the last statement I made, there are times, when lives of American citizens are jeopardized, when it does seem to me that some consideration must be given to the situation.

Mr. NORRIS. The Senator is in favor, then, under some circumstances, of having the President instead of Congress declare war?

Mr. EDGE. As a matter of fact, Mr. President, I think I agree with the view expressed by the Senator from Idaho as to that matter, as I followed him yesterday. I would prefer, in a situation of this kind, were it possible, to have the President come to Congress, but I can well conceive of a situation where it would not be possible. In this particular case, when the troops were sent down to Nicaragua, unless he had called a special session of Congress, it would not have been possible for him to consult Congress.

Mr. NORRIS. The Senator must realize, from his own answer and his own idea, if war is existing there it was brought on in some way, but Congress did not declare it, and Nicaragua did not declare it. Therefore it has come about by the action of the President. Does the Senator say he is in favor of permitting the President to declare war whenever Congress is not in session?

Mr. EDGE. It has come about by what I consider an absolutely unwarranted banditry attack on the part of a few men in Nicaragua not connected with any government.

Mr. NORRIS. For argument's sake let us admit that, but the Senator admits there is war. The Constitution says that

Congress shall have the right to declare war, and does not give that privilege or that right or authority to the President.

Mr. EDGE. I repeat, I recognize that there is a technical situation, and I have explained my view about it.

Mr. DILL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Washington?

Mr. SACKETT. I yield, for just a question.

Mr. DILL. I thought the Senator from New Jersey had the floor.

Mr. SACKETT. I have the floor.

The PRESIDENT pro tempore. The Senator from Kentucky was recognized, and yielded for the purpose of permitting the Senator from Nebraska to ask the Senator from New Jersey a question.

Mr. DILL. Mr. President, if the Senator will yield, I would like to ask the Senator from New Jersey how many civilians have been killed in Nicaragua as the result of the trouble that took the marines in there.

Mr. EDGE. I can only refer the Senator to the Navy report.

Mr. DILL. Not soldiers; I am talking about civilians.

Mr. EDGE. I understand; noncombatants.

Mr. DILL. Yes.

Mr. EDGE. The report filed by the Secretary of the Navy within the last 48 hours gave as complete an estimate as he was able to give. I do not recall the figures, but it is a public document.

Mr. DILL. Have American citizens been killed?

Mr. EDGE. No noncombatants. I think the statement as to noncombatants killed referred entirely to Nicaraguans.

Mr. DILL. That is what I want to bring out. My understanding is that no American civilian has been killed, that none was killed either before the marines went in or has been killed since they went in.

Mr. EDGE. I read of one being wounded. I know of none being killed.

Mr. DILL. Then the American lives that have been lost were the lives of American boys taken down there with the marines because of the desire to protect property owned by Americans who wanted to continue to profit.

Mr. EDGE. I would not agree that it was because of the desire to protect property owned by Americans. I would insist that it was mainly and fundamentally for the protection of the lives of American citizens. It speaks mighty well for the marines if no American citizens have been killed, if that report is true. It shows they have done their duty well, if none have been killed.

Mr. DILL. There is no proof that any lives were in danger.

Mr. BINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Connecticut?

Mr. SACKETT. I yield.

Mr. BINGHAM. I desire to take just a moment or two in reply to a question asked by the Senator from Georgia [Mr. GEORGE] yesterday with regard to whether there was any precedent for this action.

He will find in House Documents, volume 1, No. 1721, Sixty-third Congress, Foreign Relations volume, the plan of President Wilson referred to Commissioners Fort and Smith in August, 1914. With this plan there was handed a note from Secretary Bryan, as follows:

DEPARTMENT OF STATE,
Washington, August 13, 1914.

For Commission Proceeding to Santo Domingo:

You are instructed to observe and follow out with utmost care plan which has been presented you by the Secretary of State. No opportunity for argument should be given to any person or faction. It is desired that you present plan and see that it is complied with.

BRYAN.

Here follows the plan of President Wilson as handed to the commissioners:

(File No. 839.00/1582)

PLAN OF PRESIDENT WILSON HANDED TO COMMISSIONERS FORT AND SMITH, AUGUST, 1914

The Government of the United States desires nothing for itself from the Dominican Republic and no concessions or advantages for its citizens which are not accorded citizens of other countries. It desires only to prove its sincere and disinterested friendship for the Republic and its people and to fulfill its responsibilities as the friend to whom in such crises as the present all the world looks to guide Santo Domingo out of its difficulties.

It, therefore, makes the following earnest representations not only to the existing de facto Government of the Dominican Republic but also to all who are in any way responsible for the present posture of affairs there:

I. It warns everyone concerned that it is absolutely imperative that the present hostilities should cease and that all who are concerned in them should disperse to their several homes, disbanding the existing armed forces, and returning to the peaceful occupations upon which the welfare of the people of the Republic depends. This is necessary, and necessary at once. Nothing can be successfully accomplished until this is done.

II. It is also necessary that there should be an immediate reconstitution of political authority in the Republic. To this end the Government of the United States very solemnly advises all concerned with the public affairs of the Republic to adopt the following plan:

(1) Let all those who have any pretensions to be chosen president of the Republic and who can make any sufficient show of exercising a recognized leadership, and having an acknowledged following, agree upon some responsible and representative man to act as provisional president of the Republic, it being understood that Mr. Bordas will relinquish his present position and authority. If these candidates can agree in this matter, the Government of the United States will recognize and support the man of their choice as provisional president. If they can not agree, the Government of the United States will itself name a provisional president, sustain him in the assumption of office, and support him in the exercise of his temporary authority. The provisional president will not be a candidate for president.

(2) At the earliest feasible date after the establishment and recognition of the provisional government thus established let elections for a regular President and Congress be held under the authority and direction of the provisional president, who will, it must, of course, be understood, exercise during his tenure of office the full powers of President of the Republic; but let it be understood that the Government of the United States will send representatives of its own choosing to observe the election throughout the Republic, and that it will expect those observers not only to be accorded a courteous welcome but also to be accorded the freest opportunities to observe the circumstances and processes of the election.

(3) Let it be understood that if the United States Government is satisfied that these elections have been free and fair and carried out under conditions which enable the people of the Republic to express their real choice, it will recognize the President and Congress thus chosen as the legitimate and constitutional government of the Republic and will support them in the exercise of their functions and authority in every way it can. If it should not be satisfied that elections of the right kind have been held, let it be understood that another election will be held at which the mistakes observed will be corrected.

III. A regular and constitutional government having thus been set up, the Government of the United States would feel at liberty thereafter to insist that revolutionary movements cease and that all subsequent changes in the government of the Republic be effected by the peaceful processes provided in the Dominican constitution. By no other course can the Government of the United States fulfill its treaty obligations with Santo Domingo or its tacitly conceded obligations as the nearest friend of Santo Domingo in her relations with the rest of the world.

Mr. GEORGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Georgia?

Mr. SACKETT. I prefer to proceed.

The PRESIDENT pro tempore. The Senator from Kentucky will proceed.

HON. HERBERT HOOVER

Mr. SACKETT. Mr. President, on April 5 there appeared an article in the CONGRESSIONAL RECORD, signed by George N. Peek, which was a collection of misstatements, misrepresentations, and conclusions distinctly libelous directed against Secretary Hoover. The long diatribe is a labored and biased effort to prove that Herbert Hoover is and has been since 1917 "the arch enemy" of the American farmer. I know of no public expression ever made that should cause so much revulsion in the minds of honest men, especially since it comes from one whose public position during the stress of war, when the Nation's life was at stake, gave him full opportunity to know the truth.

As directing head of a Government committee, Mr. Peek was doubly obligated to the American people for an accuracy of statement as distinguished from studied misrepresentation used as political propaganda. I deprecate the use of the CONGRESSIONAL RECORD for the political purpose of injuring leading men of either party just because they may be under discussion for public office. Mr. Peek directs most of his misleading statements and half truths to recounting and criticizing the work of the Food Administration as directed by Mr. Hoover during the war. Therefore I can not remain silent.

I was a member of the Food Administration representing Mr. Hoover in my State, and it thus happens that I am in a fortunate position to discuss this subject. I find that facts have

been garbled and unwarranted conclusions drawn; therefore I insist on letting the country know the real attitude of Mr. Hoover toward American agriculture. I shall also detail certain facts of postarmistice relationships that in large measure account for a growing antagonism on the part of Mr. Peek toward Mr. Hoover. I shall then show the misrepresentation and false statements in Mr. Peek's article which were calculated to poison the minds of the American farmer. The supporting contemporary documents furnish complete refutation of his insidious propaganda. I do not propose a defense of Mr. Hoover; that is not necessary. But I shall show his devotion to the agricultural interests and his remarkable achievements in behalf of the farmers of the country.

Since reading Mr. Peek's statement, I have refreshed my memory through consultation with certain of my colleagues in the Food Administration at the time, and I can emphatically say that the one dominating consideration of the Food Administration throughout the war was the protection of the American farmer. It was a matter of necessity for the world to have increased production of foodstuffs in America as the nearest productive area to the conflict, and means and measures had to be taken that would stimulate the interest of the American farmer. Under the definite plans of Mr. Hoover that stimulation was created. I can say further that no period of greater prosperity has ever come to the farmer in this country than during the life of the Food Administration and the year following its dissolution. There has been no time when the profits of farming were so large, no time when there was such a great advance in land values, and there was no time in all the hundreds of discussions of these problems that Mr. Hoover did not evince his conviction of the necessity of protecting the farmer. There was no time when his own farm upbringing did not come to the surface in the assertion of the farmer's rights.

It would be impossible to go into detail of the hundred negotiations involved in the enormous and complex problem of feeding the world, but there were several outstanding acts which could have been performed only by one whose heart and devotion were in the farmer's interest. One of Mr. Hoover's first acts was to advise the President that the allied governments had pooled the buying of cereals into a single head to become the sole buyer of the export surplus of American food products; that through the control of the export surplus this sole buyer would control the price, and, furthermore, that the attempt was to control that price below levels that would be just to the American farmer. Though the Congress had passed the food control act, setting a minimum price on wheat of $2 per bushel for the 1918 crop, no attempt had been made to establish a price for the 1917 supply. It was therefore at the mercy of the export buyers. As a remedy for the dangerous control of export buying for the earlier crop, Mr. Hoover suggested that the President appoint an independent board on which the farmers would have a dominant interest to determine a fair price to be paid for this export surplus of wheat. That board made the determination. Mr. Hoover was not a member of that board. They determined that a fair price was $2.20 a bushel—20 cents higher than the congressional guaranty on the 1918 crop—and this $2.20 made by the farmer board without the intervention of Mr. Hoover was the price during the war, not because Mr. Hoover held the price of wheat to this as a minimum, as Mr. Peek alleges in his article, but because it was the price declared to be fair to the sole buyer of the export surplus.

Another of his outstanding acts in protecting the farmer was the creation of the Farmers Advisory Board, representative of the agricultural interests all over the United States, and this board sat at Mr. Hoover's elbow throughout the war to represent the farmer, and it was on the recommendation of that board that he acted. They recommended a minimum of $15.50 per hundredweight to be fixed for hogs in the early part of 1918. This guaranty was subsequently shifted by the board to what was considered a more stimulative basis so that the price of hogs would be held at thirteen times the price of corn. Mr. Hoover had no authority or method by which this could be accomplished except his skill and negotiation with the allied buyers on the one hand and the Chicago packers on the other. He negotiated it on behalf of the farmer.

In October, 1918, the approaching armistice caused a rapid fall in the price of corn, and, as a result, the price of hogs to the farmer under the formula adopted threatened to fall below a just amount. The advisory board immediately recommended that the minimum should be raised to $17.50—more than 120 per cent above pre-war prices, and Mr. Hoover again negotiated this protection.

Probably the greatest service ever rendered the American farmer was during the first four months of the armistice period beginning November, 1918. Under the stimulus of the guaranteed price the farmers had prepared a huge surplus of from eighteen to twenty million tons of food to carry on the war for another year. With the sudden arrival of the armistice, with shipping released from war necessities, the Allies were at liberty to go again to the Southern Hemisphere and secure the foodstuffs there accumulated for years because of lack of transport to Europe at far lower prices than those that had been assured the American farmer for his products. The Allies canceled their American contracts. Mr. Hoover was confronted with the tremendous task of redirecting this entire stream of American supplies accumulated for continuing the war into the old enemy country and other markets at a time when credit and ships were lacking. He met with the opposition of the Allies to taking down the blockade on Germany. It required four months of steady fighting to get the blockade down and afford an entrance into the countries lying beyond the western front. During this period the only thing that saved the American farmer from complete collapse was the resolute courage with which Mr. Hoover purchased every month's surplus as it arrived at seaboard. For four months he held the market by main strength until, his fight won with the Allies, he had secured an opening for this great volume of accumulated American products. The war was over at this time, and Mr. Hoover might quite well have retired as a voluntary officer of the Government. It had no right to call upon his services. Yet, without pay and without even traveling expenses, he had sailed for Europe to carry on the battle to maintain the moral guaranties under which the American farmer had produced this surplus and at the same time to feed hundreds of millions of starving people.

The Food Administration ended on June 30, 1919, but so firm were the foundations that Mr. Hoover had laid that the prices of American products held their high levels for a year subsequent to that time. These great outstanding acts have been misrepresented and lied about until the American farmer has been given the impression that these very actions which saved him were militantly against his interests.

No need to speak here in showing Mr. Hoover's continued service to the American farmer. It is going on right down to the present day. Nothing has contributed more to bringing back American agriculture than the establishment of stability in our economic situation, and Mr. Hoover has been a larger factor in that work than any one man in the United States. Nothing is of more service to the farmer than, by perfection in the processes of production and distribution, to reduce the cost of the things that he must buy. The record of the Department of Commerce in this direction has made it an outstanding organization of the Government. The benefits that the farmer has had in these reductions in the cost of things he buys and in full employment of American labor over the last five years are actually greater than would be a rise of 20 per cent in the price of his farm products.

Mr. Hoover has been Secretary of Commerce, not Secretary of Agriculture. His job has been to assist the farmer from a commercial side. He has accomplished his job. This forms a record of deeds which are open to public examination at any time.

By contrast, the record of Mr. Peek, self-appointed critic of the man who compelled the world to recognize its obligations to the American farmer, is a record of talk, misrepresentation, and slogans except during one short period, and I propose to enter into some discussion of that period. That was the time when Mr. Hoover was fighting to uphold prices of farm products during the armistice and to find a market to save the American farmer from destruction. Peek, as the head of a committee of the Commerce Department which he was instrumental in devising, was at that very time trying to reduce these prices. While Hoover was fighting in Europe, Peek was attacking him from the rear. Luckily for the American farmer, he did not succeed.

George N. Peek's record shows a service during the war with the War Industries Board, but he does not come into direct conflict with the efforts that were made by Mr. Hoover in behalf of the farmer until after the armistice. Then a board was created, known as the Department of Commerce Industrial Board, and Mr. Peek was made its chairman. The struggle of that industrial board under his chairmanship during its short life of 2 months and 19 days, deliberately trying to bring about a reduction in prices to be paid the American farmer, at the very time when Mr. Hoover was fighting his postarmistice battle in Europe to maintain the moral guaranties to the producer, is not a happy history to be read by the agricultural interests of this country. It will bear a careful telling, as it tends to show with a definiteness that can not be gainsaid which of these two men was the farmer's friend. I shall point to the contemporary records and documents as proof of the positions taken.

I am not alone in condemning Mr. Peek's misrepresentations and half truths, which so insidiously seek to prejudice American agriculture against its real benefactor, and I can not better demonstrate that fact than to reproduce here a statement from my colleague, the Senator from Virginia [Mr. GLASS]. As Secretary of the Treasury in 1919, Senator GLASS evidently had extensive experience with the industrial board and its methods and with Mr. Peek's ability to misrepresent facts, if we may judge from the Senator's statement in the Washington Post of May 12, 1919. That board was born in the Treasury, and after coming rapidly into conflict with several Government departments was ignominiously dissolved. Secretary GLASS, in pronouncing eulogy at that time, said in part:

> There is scarcely one accurate assertion or sane deduction in all of Mr. Peek's intemperate screed, and to me it is now perfectly clear why there has been a sad ending of the movement which had its initial meeting in the Treasury and which had for its purpose the revival of industrial activity through agents and by methods that were not contrary to the statutes nor obnoxious to the elementary principles of economics. Mr. Peek knows perfectly well that I have never in any way or at any time suggested such action as that taken by the industry board; hence his reference to me on this point perverts the actual truth. Indeed, it is not inexact to say that Mr. Peek has persistently and consistently practiced deception in nearly every public statement he has made.

No better summarization could be made to-day with reference to the mass of misinformation with which Mr. Peek stains the CONGRESSIONAL RECORD in respect to Mr. Hoover.

THE FIGHT FOR THE AMERICAN FARM

Bear with me while I sketch Mr. Hoover's battle in Europe for the American farm and tell the details of the other battle which he was forced to wage with enemies behind his own lines at home.

With the arrival of the armistice, in November, 1918, the American farmer was confronted with the greatest crisis in 150 years' history of American agriculture. Under the appeals for war service in producing food to support the Allies, under the stimulus of the guaranty given by the Government of $2 a bushel on wheat, under the further stimulus of the informal arrangements set up by agreement between the allied buyers and our various commercial agencies jointly, with the farmers covering assurances as to prices for hogs, for cottonseed oil, for rice, and other commodities, the American farmer had prepared the greatest surplus of products ever known in our history. We had prepared an amount of foodstuffs equal to three times our average exports of six and one-half million tons before the war and over double our present annual exports. Due to the shortage in shipping the long-distance markets in the Argentine, Cape Colony, India, and Australia were isolated and there had been dammed back in these countries in November, 1918, vast quantities of foodstuffs that could not be shipped during the war. They were held at much less than the price of American food.

With the armistice, shipping was available to the Allies to reach these sources of supplies. Mr. Hoover recognized the impending disaster that might come to American agriculture, the moral obligation that lay to the American farmer. He went straight to Europe to fight against the situation which was impending. The Allies wanted cheaper food. They saw no reason why they should pay the high guaranteed prices to the American farmer now that the war was over. They canceled contracts they had already made for American supplies. They refused to make further contracts. On the other hand, there were 200,000,000 people starving east of the old western front and a sudden shift in strategy and tactics had to be made in every direction. This shift was vitally necessary for American agriculture if it was to be saved from bankruptcy and if at the same time the vast population in central Europe were to be saved from inevitable anarchy and starvation. But they had little money or ships for transportation. As part of this plan to get cheaper food for their own people, the allied governments refused to take down the blockade on the enemy territory. Our great stream of surplus had to be moved every day. The Government could store wheat; its price was guaranteed by Congress, but these other agricultural products were many of them perishable. There was not sufficient storage in any event. They had to be moved by ships from our ports steadily into foreign countries for consumption.

Mr. Hoover's battle for the American farmer during the four months of December, 1918, and January, February, and March, of 1919, appears between the lines of dry Government reports and war studies. It will some day be a part of the histories of the United States, and it surely demonstrates the most loyal friend that the farmer ever had. During these months Mr. Hoover fought with the allied governments not only that they should take down the German blockade, in order that the starving Germans might have food and that there might be an outlet for the enormous American surplus, but he fought to secure the finance and the ships with which these starving people might be fed. While the allied governments were refusing either to fulfill their orders or take down the blockade it was Mr. Hoover's courage in purchasing every month the export surplus in the American market for four solid months mainly through the Government agencies or himself placing direct orders with other nations that frustrated the attempt to break the American farmer.

He finally succeeded on March 24, 1919, in the final negotiations by which the blockade with Germany was broken down. And in that country and adjacent countries he secured a market for the surplus. He maintained the moral guaranties to our farmers; he protected Congress in its guaranties of $2 a bushel for wheat without loss; he held the price of hogs above $17.50 a hundred; he held the price of cottonseed, rice, and other products where moral obligations had been extended to the farmer. I need not read you the correspondence between Mr. Hoover and the foreign governments, the records of minutes of meetings, the public statements, the debates of this period. They are available, but they are buried in the economic discussions of the war. But if you will go through them you will find there is scarcely a document that does not plead the case of the American farmer and there is scarcely a document that does not demand in the name of humanity that the starving of central Europe should be stopped.

I quote from some of these documents—the full text I place in the RECORD. On January 9, 1919, Mr. Hoover addressed President Wilson in Paris as to cancellation of American food orders and as to obligations to the American farmer, after pointing out that the Allies were a part of the undertaking of these obligations, he stated (Exhibit D):

> The allied food necessities have been outlined from time to time in a series of programs. The latest of these programs which they furnished called for our January surplus. Our manufacturers have provided the particular types of manufacture required by those governments and have enormous stocks of these materials on hand ready for delivery in accordance with their indicated programs. While we can protect the assurances given our producers in some commodities, the most acute situation is in pork products, which are perishable and must be exported. The British position is that they have sufficient to last for weeks, and they wish to reduce their stocks. If we shall find no remedy to this situation we shall have a debacle in the American markets with an advance of several hundred million dollars now outstanding from the banks to the industry. We shall not only precipitate a financial crisis but we shall betray the American farmer. * * * The surplus is so large there can be no absorption of it in the United States. * * * We have endeavored for the last six weeks to arrive at some cooperative action with the British agencies to forefend this situation. The final result has been a refusal on their part to cooperate. * * * I wish to assure you again that we are maintaining prices at the very minimum on which our American farmers can come out whole for the effort they have made in the allied cause.

On January 15 he addressed the British Ministry of Food direct, stating (Exhibit D):

> The time has urgently arrived when the British Food Ministry in justice to the American farmer, who has, at so great an effort and out of patriotic desire to comply with the urgent request from the United Kingdom for the provision of adequate supply of fats, produced these fats far beyond any commercial justification of his normal market, should now have a definite position of one of two alternatives. The first of these alternatives is that the British Ministry should accept financial responsibility for the moral obligation which has been acknowledged by them and make purchases according to agreement at such prices as would protect the American farmer. On the other hand, the whole market of Europe should be opened to the American farmer through the removal of restrictions and blockade. * * *

Again on February 1, 1919, he addressed the President with regard to continued insistence of the Allies as keeping up the blockade in Germany. He said (Exhibit D):

> Our farmers and merchants are in extreme jeopardy from the surplus of food which the British now repudiate as to purchase and in which they obstruct in the wider freedom of market. The French obstruct the notion of neutrals trading with Germany, although that would alleviate both the financial problem and the distress.

On February 4 he again addressed the President, as follows (Exhibit D):

> There is no right in the law of God or man that we should longer continue to starve Europe now that we have a surplus of food * * * by obstruction of every financial measure we can propose to the feeding of Germany. * * * They have already defeated every step so

far for getting them food which we have been promising for three months. * * *

He finally won out. If he had failed, hogs would have gone to $5 per hundredweight. Every merchant and every bank in the mid-west would have come down in the crash. Every farmer would have been ruined. In order to indicate the reality of this I ask leave to print at the end of my remarks two documents, being but a selection from the many that passed on these occasions. After he had won the foodstuffs began to move into Germany. Mr. Hoover came under a fire of criticism for feeding the former enemy by many who still felt the wrongs of the war most strongly. It is worth while reading here for constant repetition to our children a public statement made by Mr. Hoover on the 21st of March, 1919, for it shows the inspiration of a great American to our countrymen that they should rise above hate.

WHY WE ARE FEEDING GERMANY

From the point of view of my western upbringing, I would say at once because we do not kick a man in the stomach after we have licked him.

From the point of view of an economist, I would say that it is because there are 70,000,000 of people who must either produce or die, that their production is essential to the world's future, and that they can not produce unless they are fed.

From the point of view of a governor, I would say it is because famine breeds anarchy, anarchy is infectious, the infection of such a cesspool will jeopardize France and Great Britain, which will yet spread to the United States.

From the point of view of a reconstructionist, I would say that unless the German people can have food, can maintain order and stable government, and get back to production, there is no hope of their paying the damage they owe to the world.

From the point of view of a humanitarian, I would say that we have not been fighting with women and children and we are not beginning now.

From the point of view of our Secretary of War, I would say that I wish to return the American soldiers home, and that it is a good bargain to give food for passenger steamers on which our boys may arrive home four months earlier than will otherwise be the case.

From the point of view of the American Treasurer, I would say that this is a good bargain, because it saves the United States enormous expenditures in Europe in the support of idle men and allows these men to return to productivity in the United States.

From the point of view of a negotiation of the armistice, I would say that we are in honor bound to fulfill the implied terms of the armistice that Germany shall have food.

Let us not befog our minds with the idea that we are feeding Germany out of charity. She is paying for her food. All that we have done for Germany is to lift the blockade to a degree that allows her to import food from any markets that she wishes and in the initial state; in order to effect the above we are allowing her to purchase emergency supplies from stocks in Europe at full prices.

Taking it by and large, our face is forward, not backward on history. We and our children must live with these 70,000,000 of Germans. No matter how deeply we may feel at the present moment, our vision must stretch over the next hundred years, and we must write now into history such acts as will stand creditably in the minds of our grandchildren.

MR. PEEK INTERVENES TO REDUCE PRICES TO THE FARMERS

When Mr. Hoover had almost succeeded in securing an outlet for the American farmer in Europe by overcoming opposition to opening the blockade, there arose a new enemy of the American farmer. That was a flank attack from home under the leadership of no less a person than George N. Peek. These incidents of his action are also in the public records, and they amply prove who was the "arch enemy" of the farmer in 1919. It certainly was not Mr. Hoover, as Mr. Peek alleges, for Mr. Hoover was fighting to uphold the prices to the American farmer and Mr. Peek was deliberately trying to bring about a reduction.

On February 3, 1919, a meeting was held at the United States Treasury, at which were present Mr. George Peek, Secretary Redfield, and other officials. It was determined at this meeting to set up a board, the purpose of which was to bring about a reduction in the cost of living by reducing the price of food and therefore of farm products as well as other commodities. Authority was secured from President Wilson to appoint such a board called the Department of Commerce Industrial Board. Mr. George N. Peek was made its chairman.

I call attention to the fact that this was exactly at the time Mr. Hoover was in the midst of his great fight in Europe. He had not yet secured the opening of the blockade. A public statement by the board to which Mr. Peek's name is attached was issued on February 13, stating that it was the avowed policy of the board to reduce prices of food and thus necessarily of agricultural products, as well as steel and other commodities.

The opening of the program of this board as to the farmers is shown in a letter from Secretary Redfield, dated February 17, 1919, addressed to Mr. Hoover's representative in Washington—Exhibit E—in which he called attention to the published plan adopted by Mr. Peek's board, and directly protested the Food Administration holding up prices of agricultural commodities and even went so far as to denounce it as unpatriotic.

Under instruction from Mr. Hoover, his representative on February 21 replied, calling attention to the moral obligations of the Food Administration to the farmers and refused to follow any such line—Exhibit E. Hoover was willing enough to see the cost of living decreased, but not at the expense of the farmer.

Does this action of Mr. Hoover breathe enmity to the American farmer? However, Mr. Peek, representing Secretary Redfield's board, promptly entered into negotiations with representatives of the Food Administration with a view to securing reduction in the price of wheat and flour.

One of the proposals was that the Food Administration should manipulate wheat control so as to reduce the current premium over the congressional minimum, buy the wheat crop at the congresional minimum, and then resell the wheat or flour to the public at a loss, this loss to fall upon the Government. He conceived that not only would this reduce the price of bread, but the influence of the reduced price of flour would bring down other food prices as well. An extract from his published statement as to the policies of the board on the subject is as follows:

Basic commodities such as steel, building materials, textiles, and food will be considered first and brought to a stable basis. The governmental policy, as expressed by the bill to authorize purchase by the Government of wheat at the guaranteed price and resale of it at the world price, is to assist in bringing prices of basic commodities to normality by bringing down the cost of living.

At the very time he was negotiating these projects, No. 1 northern wheat at Chicago was at a strong premium over the minimum and rose steadily to $3.23 a bushel a year later. In other words, for the period that Mr. Peek proposed that the prices should be reduced to the Government guarantee, the Food Administration actually realized for the farmer from 35 cents to $1.15 above that guarantee. Mr. Peek's proposal would have caused a gigantic loss to the United States Treasury. It would have reduced the price of wheat to the American farmer.

At the time of this suggestion by Mr. Peek, Mr. Hoover was protesting vigorously from Paris against interference with his work in marketing American farm products and getting the most he could for the farmer.

Mr. Hoover, in an interview with the Associated Press, appearing in the New York Times of March 9, 1919, gave reasons why he opposed the plans for reducing prices and subsidizing bread, and stated:

The needs of Europe are larger than our previous estimates—for wheat. In the balance of supply and demand from our present wheat it now looks as though we might see wheat at $3.50 a bushel.

In this interview he went on to state that the resale of wheat by the Government at a loss of even 50 per cent could not possibly affect the price of bread more than 1 or 2 cents, because the larger part of the cost of bread during the war was due to high wages and cost of other supplies.

Mr. Peek disagreed with Mr. Hoover, and attempted to explain away this statement in the press. I quote from his statement in the New York Times of March 24, 1919:

WASHINGTON, March 24, 1919.—Cheaper food in the near future was predicted to-day by Chairman Peek, of the Department of Commerce Industrial Board, as a result of a conference with Food Administration officials in New York. Mr. Peek said there had been a general misunderstanding of a recent statement by Mr. Hoover that wheat might go to $3.50 a bushel, and added that the billion-dollar grain appropriation made by Congress would enable the public to get wheat products at reasonable prices, as well as to make good the guaranty to the producer. With wheat prices reasonable, Mr. Peek said, reasonable prices of other products could be expected because wheat was the barometer of the food trade.

Mr. Peek made no progress with his negotiations, so after unavailing meetings with Food Administration officials he appealed

over their heads to the President, and Secretary Redfield, on behalf of the board drafted the following cable, dated March 25, to be dispatched to President Wilson in Paris. This telegram submitted to Secretary Houston did not meet his approval. Whether it was sent or not I do not know; in any event it shows the spirit of Mr. Peek.

Subject: Administration of wheat bill.

Julius Barnes's policy, as indicated in his statement to the congressional House committee for handling the 1919 wheat crop will be directly opposed to the policy and purposes of my industrial board—the ultimate success of which is dependent on bringing down the cost of living but not the standard of living. His position is, if possible, to liquidate the 1919 wheat crop without using any part of the billion-dollar appropriation, assuming wheat should be sold at home at no higher than world prices, but admits that under conditions likely to prevail world prices will be very difficult to determine. My opinion, shared by the industrial board, is that considering the world situation, if necessary to use part or even all of the appropriation to insure reasonable food prices at home we should do so. The bill provides that the appropriation is made to fulfill guaranty to farmers and assure reasonable living costs. May I suggest that no one man should be permitted to define the policies, but that you should place the administration of the matter in the hands of a small nonpolitical commission which would select a general manager from its number, but policies to be determined by the commission. Barnes said he does not believe in subsidizing the American table. My contention is that this is preferable to general unrest or worse resulting from excessive living costs and any considerable unemployment. This message is sent after Messrs. Peek and Ritter have had full discussion of the subject with Barnes. I regard the whole subject of vital importance. Within last two weeks grain corporation have sold 40,000,000 bushels of wheat to millers at approximately $2.40.

REDFIELD.

You will note the implied protest of Mr. Peek, the friend of the farmer, at holding the price of wheat up to $2.40, the market price of the day.

Mr. Peek went further; he proposed directly that the price of hogs should be reduced. I read here a report written at that time by Edgar Rickard, representing the Food Administration, of a conference on April 15 with the Secretary of Agriculture, Mr. Houston:

Secretary Houston is convinced that the activities of the Industrial Board of the Department of Commerce are serving to destroy rather than pacify the general trade conditions in the United States. Messrs. Peek and Ritter have personally requested him to call a meeting of the packers and insist upon their establishing lower prices for meat and meat products, irrespective of the effect upon the producers. This Secretary Houston has refused to do.

He was asked by Secretary Redfield to join him in a letter to the President requesting that the Grain Corporation be instructed to subsidize wheat prices. Secretary Houston refused to join in any such letter and prevailed upon the Secretary of Commerce to write a letter under his own name if he had to write it at all, reciting the exact status of affairs. This letter was read to me in confidence, and in its final form would carry very little weight as it simply recited three conditions to be considered; the first, whether it is a good policy to artificially maintain the subsidized price for wheat in order to save the Treasury from loss; second, whether the Government pay the difference, irrespective of the so-called "world price"; third, whether it should be left to the future results of supply and demand to determine the entire policy of the handling of the grain crop in 1919. In this letter Secretary Redfield apparently desires to impress the President with his own ideas with regard to subsidizing.

You will note from the above Mr. Peek's friendship to the farmer. Not only did Food Administration officials protest but farmer representatives in the United States protested at the character of Peek's public statements and his proposals.

Among those who protested was Milo D. Campbell, who then headed the National Milk Producers Association. Finally some sort of conference was called at the office of the Secretary of the Treasury in May, 1919, to consider Mr. Peek's work chiefly with regard to steel, after which Mr. Peek stated his views generally, which brought a reply from Mr. CARTER GLASS, then Secretary of the Treasury, which I have quoted.

After the scathing denunciation of the Secretary of the Treasury, the efforts of the Industrial Board of the Department of Commerce, under Mr. Peek's chairmanship came to an inglorious end. It had been thwarted in its effort to depress American farm prices by the successful termination of Mr. Hoover's struggle to open the markets of western Europe to the accumulated American surplus. It was this after-the-armistice struggle wherein Mr. Hoover through his strong opposition had defeated Mr. Peek's attempts to reduce the farmer's prices that won the enmity of the latter and lays the foundation for the campaign of criticism, misrepresentation, and perversion of facts which find their last exposition in the pages of the CONGRESSIONAL RECORD.

MAINTAINING THE PRICE OF HOGS

Examine that record and you will find that one of the lines of Mr. Peek's representation of Mr. Hoover's activities during the war period is in relation to livestock. Mr. Peek bases his statements on wild assertions of a Mr. Hirth, a Democrat from Missouri, together with so well known a livestock authority as Gifford Pinchot. The Food Administration under Mr. Hoover dealt mainly with the problem of hogs; that was the only class of animals where stimulation was given by assurance of prices. The supplies of fats in the world had to be rapidly increased if the Allies and our Army were to be supported. The American hog was the only direction through which it could be quickly accomplished.

In order to deal with the problem justly to the farmer, Mr. Hoover insisted that the Secretary of Agriculture should appoint an advisory board of 32 representative farmers, who in turn appointed a livestock subcommittee who sat constantly at Mr. Hoover's side throughout the war, and no policy of the Food Administration was undertaken without their cooperation. Thus the farmer was given a voice in the determination of his own interest. I place in the RECORD as Appendix A the names of this board, many of whom to-day are the most important agricultural leaders.

The success of this effort to stimulate fat production with its enormous difficulties is one of the greatest services ever performed for the American farmer, and no real friend of the farmer ever served him better. Early in 1918 the advisory board recommended that a minimum of $15.50 should be set as the price of hogs in Chicago in order to stimulate production and protect the farmer. The average pre-war price was $7.50. This was an increase of 112 per cent against a general price level increase at that time of only 88 per cent. This price was negotiated by Mr. Hoover on behalf of the farmers with the Allied Buying Commission on the one side and the Chicago packers on the other, the packers' price being limited to 2½ per cent on sales. This price was maintained over the winter of 1918. In order to further stimulate production and the breeding of hogs in the spring of 1918, an assurance was given that the price of hogs should be made as nearly as could be thirteen times the price of corn. In any event, it would be a minimum of $16 for all the hogs sent to market that were born in the spring of 1918. These hogs began to come to market in October, 1918. The price was above $16 and in October it became evident that the war was about to collapse and vast quantities of corn which had been dammed back in the Argentine threatened the market. The price of American corn began to fall rapidly. It fell 30 to 40 cents a bushel. The farmers, realizing that this would mean a fall in the price of hogs, flooded the market with hogs, and a complete breakdown in all price arrangements was threatened. On October 24 Mr. Hoover addressed a letter to the Farmers' Advisory Board subcommittee which I placed here in the RECORD as Exhibit B. In this letter Mr. Hoover asked for an immediate meeting of the advisory board to consider the situation. He pointed out the precipitate fall in the price of corn, the rush of hogs to market, panic in prices then and pending. In this letter he said:

I am extremely troubled at the situation, for, as the board is well aware, the one desire of the Food Administration is to do justice to the producer in the United States and to secure him a proper return for his large exertions in providing the world with larger food supplies. The whole plan put into action a month ago with the approval of this board was designed purely for this purpose. There can be no doubt that from the overmarketing the plan may become at any moment unmanageable.

The board of farm representatives made a recommendation that the Food Administration adopt a minimum price of $17.50 per hundred pounds for hogs instead of the variable arrangement previously adopted with its minimum of $16. This gave an increase to almost 150 per cent over pre-war. Mr. Hoover negotiated this on behalf of the farmers with the allied buyer on one side and the packers on the other, and thus he overcame the threatened loss due to the fall in corn price and the impending debacle was prevented.

A statement was issued to the press on October 25 setting out in detail the conclusions of this agricultural advisory board and the arrangements which had been entered into. That statement is so enlightening that I have reproduced it here as Exhibit C. There is no man who will read these documents who will not see that their foundation lay in a solicitude for the welfare of the American farmer. They are not the statements of his enemy but the statements of his friend.

WHAT THE FARMERS THOUGHT OF MR. HOOVER'S SERVICES ON THEIR BEHALF DURING THE WAR

As a tribute to this work of Mr. Hoover, the advisory board livestock subcommittee passed the following resolution:

JANUARY 28, 1919.

Whereas there has come to the attention of the livestock committee of the National Agricultural Advisory Committee, through press reports and certain public statements, certain criticisms of the United States Food Administration; and

Whereas these outgivings have made it clear that there is, in some quarters, a lamentable lack of knowledge respecting basic facts connected with the stimulation of production, increase of conservation, and control of distribution of foods; * * *

Whereas the space limitations of these resolutions give no adequate opportunity to direct attention to the broad foundation laid by Mr. Herbert Hoover, the United States food administrator, for the purpose of insuring essential food supplies for war needs, but we feel that we can not do otherwise than record our judgment of the purpose, the spirit, and the accomplishments of his administration: Therefore be it

Resolved by the livestock committee of the National Agricultural Advisory Committee, now in session in Washington, That we here record our high sense of appreciation of the extraordinary ability and uniform fairness with which Herbert Hoover has met and discharged the weighty responsibilities which have devolved upon him in stimulating home production without which we would now be facing a world shortage of food and consequent higher cost of living, in eliminating speculative control of wheat and other essential products, which has ever been harmful alike to producer and consumer, in conserving food and foodstuffs, and in supplying the wants of millions who were and still are dependent upon American resources for the necessaries of life. * * *

We are of opinion that no agency or department of the Government has done a greater work, and that no man of the many chosen for important national and international service has earned a higher place in public esteem and admiration than has the man who played so notable part in guiding and bringing together the producers and consumers of the country, and who, by his rightful possession of the confidence of all classes at home and abroad, has brought a united citizenship into voluntary contributions of service and sacrifice.

I read you a letter sent to the press by a leading farmer of Missouri who sat as a member of this board, under date of February 28, 1928:

I have been a farmer in Saline County, Mo., all my life. During the war I went to Washington as representative of agriculture to confer with the Food Administration with regard to prices of farm products and especially meat prices. I have seen the agricultural price fixing charges which have been made against Secretary Hoover. I believe in a square deal, and having served as an agricultural representative upon the Advisory Committee in the Food Administration, and having had constant opportunity for observation of the attitude of Mr. Hoover for a period of over six months, I feel that it is only fair to say that I have never encountered a man who was more sympathetic and just with agriculture than Mr. Hoover. From the opportunity I had to personally observe his conduct and attitude I don't believe that the farmer has a better friend in America to-day than Mr. Hoover.

S. P. HOUSTON.

I shall also add to my remarks statements issued by two former national presidents of the Farm Bureau Federation as Exhibit H.

Contrast these acts and the results obtained from them with the statement which Mr. Peek puts into his article in the CONGRESSIONAL RECORD, where he says:

Yet his [Mr. Hoover's] attitude for seven years may be summed up as this—

"That if the farmers were fools enough to believe what he told them in war times, so that their total production can be sold only at ruinous prices, let them take the consequences. The only remedy is to let prices get so low that part of the farmers will be starved out in sufficient number to let the rest of them produce at a living wage."

This epitomizes the Hoover viewpoint as Food Administrator, and since, and the farmers know it.

Documents, Mr. Peek, speak louder than words, and the results that flowed from the Hoover policies here presented destroy the venom of this dishonest conclusion.

DETERMINING THE WAR PRICE OF WHEAT

The review of the wheat stabilization contained in Mr. Peek's article varies the usual story which has been circulated by interested critics even when it was known to be without the slightest foundation. But in Mr. Peek's article appears the insinuation that Hoover and Hoover alone fixed a maximum price above which wheat was not allowed to be sold. He varies the oft-repeated story by saying that the farmers do not so much protest against the minimum price as against the fact that under Mr. Hoover's manipulations this guaranteed minimum price was made in effect a fixed maximum price. That statement is as contrary to the truth as was its predecessor that Mr. Hoover controlled the price of wheat against the farmer. The bare lie that has been told that Mr. Hoover controlled the price of wheat has been nailed repeatedly but I will nail it once again. There is nothing like a public record made at the time when all these problems were before the country to demonstrate the truth or falsity of such statements. I therefore append to my remarks as Exhibit F a full statement made to the President of the United States by Mr. Hoover under date of July 10, 1917. It sets out the reasons for the necessity of giving protection to the American farmer in the price of wheat against the $1.50 wheat then prevailing. No enemy of the American farmer could have written this letter. He said:

The experience this year in the rampant speculation, extortionate profits and the prospect of even narrower supplies than 1916 harvest and carry-over, must cause the deepest anxiety. No better proof of the hardship worked upon our people during the past year needs be deduced than the recitation of the fact that the producer received an average of $1.51 per bushel for the 1916 wheat harvest, yet wheat has been as high as $3.25 at Chicago and the price of flour has been from time to time based upon this speculative price of wheat, so that through one evil cause or another, the consumer has suffered from 50 to 100 per cent, and the producer gained nothing. * * *

During recent months the allied governments have consolidated their buying into one hand in order that they might relieve the burden of speculation from their own consumers and the export price, if not controlled, is subject to the will of the allied buyer and in great measure the American producer is left to his judgment and without voice. * * *

In order to do justice to the producers who have shown great patriotism in a special effort to increase production in 1927 and to further stimulate the efforts of 1918, it is absolutely vital that we shall protect the farmer from slump in price this year due to glut as above or from the uncontrolled decisions of any one buyer. I am informed that most of the allied countries have fixed the price of wheat to the farmer at $1.80 per bushel, and many of them believe that as Allies it is our duty to furnish wheat at a price which delivered to them will not exceed their domestic price—in other words, about $1.50 per bushel Chicago. Neither the responsible officials nor I hold this view, because I consider the stimulation to production, if no other reason, is in the long run in the interest of the Allies.

In consequence of this presentation Mr. Hoover recommended that the President appoint a commission on which farmers should be fully represented to determine what would be a fair price for the Allies to pay for wheat. Mr. Hoover took no part in its determination. The constant repetition of the falsehood that Mr. Hoover fixed the price of wheat resulted recently in a prominent western newspaper making inquiry of this commission as to exactly what did happen. That newspaper published its findings in a pamphlet, and I append hereto in this record the statement of the Kansas City Star of October 28, 1927, as Exhibit G.

The four surviving farmers on this board joined in a denunciation of this lie. They are men who lead in farm organizations to-day and are Mr. Hoover's friends.

While that lie is dead, the position has shifted slightly to this new invention which appeared in Mr. Peek's article in the RECORD.

The truth is that after Congress had passed legislation in 1917 guaranteeing the farmers a minimum price of wheat to stimulate production, Mr. Hoover, as Food Administrator, without a shadow of authority from Congress, so manipulated the wheat market that he held down the price of wheat at all times to the minimum figure fixed by the President's proclamation.

A law had been passed by Congress guaranteeing $2 a bushel for wheat for the 1918 crop, but the congressional guaranty did not extend to the 1917 crop. The farmer was protected from $1.50 wheat for the 1917 crop solely by Mr. Hoover's origination of the fair-price commission. This commission stated that the fair price should be $2.20, or 20 cents above the congressional guaranty. The allied buying commission, being the sole buyer of the export surplus, was able at all times to make the price. The fair price determined by the commission in which the farmers participated was the price which the Allies were to pay. No question of minimum price entered into the problem. The charge that Mr. Hoover restrained the price of wheat to the congressional minimum is at once disproved by the fact that this fair-price commission recommended 20 cents above the minimum, which was subsequently raised to 26 cents, and that was practically the price until the armistice, because the sole buyer of the allied buying commission made the price.

When the armistice occurred the world began to realize that the German blockade would be raised, and they brought in their competitive buyers for the surplus and the price rose steadily for a year until it reached $3.25 a bushel.

Within the past 10 days, in protest against the repeated new form of misrepresentation, Mr. E. M. Flesh, president of the United States Grain Corporation, made the following statement, copied in the press, which discloses that the average price received by the farmer over the whole period of Government intervention was not $2, the congressional minimum, not limited to $2.20, the fair price determined upon, but actually was $2.45 a bushel.

Mr. Flesh, in his telegram to Senator REED, said:

As vice president or president of the United States Grain Corporation during its entire existence, I have naturally regretted your Milwaukee attack on Mr. Hoover, where you were misled into stating that he held down the price of wheat during the war. This is not true.

You were originally misled into stating that he fixed the price of wheat. You have rightly abandoned this misrepresentation, as it has been abundantly disproved by the joint statement of the farmer representatives on President Wilson's commission, which was appointed at Mr. Hoover's request, to protect the farmers' interest.

You have, however, again been misled into distortion of a few months' temporary action in a crisis of exhausted supplies, which action prevented profiteering in flour and feed against both farmers as well as other consumers.

The proof that you are misinformed is easily shown by the fact that the price of wheat averaged $2.45 during the whole period of Grain Corporation operations compared with the $2 minimum fixed by Congress, and would have been much lower except for these operations. It may also be noted that this average price was 170 per cent above pre-war, while for the same period all other commodities averaged 115 per cent over pre-war.

It is perhaps unnecessary to protest at these misrepresentations in view of the fact that they have gone on for 10 years, and Mr. Hoover has gained steadily in the affection of the American people during that time.

E. M. FLESH.

A statement recently issued by Professor Warren, of Cornell, shows that the price of wheat was relatively higher than the average of all commodities during the war. I defy any fair-minded farmer in the United States to read and study these evidences and many others and not conclude that Mr. Hoover was actuated by a desire to do justice by the American farmer.

I may call attention to the fact that this was the first time that the American farmer had a full voice in the determination of the price at which he could dispose of his product, and without these stimulations by Mr. Hoover he would have received a far lower price for his crop.

PRICE OF WHEAT IN FOREIGN COUNTRIES DURING THE WAR

Still another misrepresentation of Mr. Peek is shown on page 5927 of the CONGRESSIONAL RECORD, where he says, "the truth is the foreign governments paid more than $2.20 to their own producers." He states France paid $3.94, Italy $4.33, United Kingdom $2.28. I do not know where Mr. Peek gets those figures nor to what period they refer, but if to the period during which we were in the war—1917 and 1918—they are absolutely wrong. The price he quotes for the United Kingdom of $2.28 per bushel is the correct average price for imported wheat in the Liverpool market for the year 1917. It was not the price which the British paid for home-grown wheat, which was not far from $1.80 per bushel. For prices in other countries we may refer to figures quoted by the International Institute of Agriculture, which may be accepted as unbiased.

This authority shows that for the year 1917 the average price of wheat in France was 37.9 francs per 100 kilos. One hundred kilos is equivalent to 220 pounds, and our bushel of wheat weighs 60 pounds. The average exchange rate of francs in 1917 was 17.5 per cent per franc. Making the conversion, the average French price of wheat in 1917 was equivalent to $1.81 per bushel, or quite different from $3.95 quoted by Mr. Peek. From the same source and by the same method it is found that the Italian price in 1917 was equivalent to $1.60 instead of Mr. Peek's $4.33. It is unnecessary to go further, but the other figures show similar discrepancies. It might be added that the price of Argentine and Australian wheat was $1.50, but was inaccessible to the Allies only because we needed all the ships available to carry our troops and supplies to France.

Still another example of Mr. Peek's misrepresentation is when he says that the Grain Corporation negotiated the purchase of 4,000,000 bushels of Canadian wheat for American mills, and that the aim and effect was to hold American wheat prices down, and it worked. If Mr. Peek knew his figures better he might have said that the Grain Corporation in 1917 and 1918 purchased 17,000,000 bushels of Canadian wheat to be ground in American mills. If he knew that he would also know that the purpose was not to hold American wheat prices down. The sole purpose was to secure and employ American flour mills and give the much-needed mill feeds for animals to American dairies and all the resulting flour was shipped to the Allies. Had this wheat not gone through American mills it would have gone direct to the Allies. The wheat was brought here to benefit American farmers with mill feed, to give employment to American labor, and to save shipping space by shipping flour instead of the bulkier wheat.

THE HIGH PRICES OF WHEAT

It has been repeatedly shown by authoritative charts that the price of wheat was relatively higher than that of any agricultural commodity in which there was a free market during the period of control. Mr. Peek seeks to discredit that achievement of the Food Administration operating under Mr. Hoover's direction and tells a half truth only when he calls attention to the fact that the price of rye, which was uncontrolled, rose in Chicago in March, 1918, to $2.84, while No. 2 winter red wheat was selling at $2.17 a bushel. This fact, he concludes, disproves the assertion of the relative higher price for wheat. I charge that a half truth is here stated. There were two or three months in the 1917 and 1918 crop years when rye sold at this higher price than wheat, but, as is well known, it was due to certain neutral Governments who entered the market and bid up the price of rye, hoping to be able to divert their purchases from the war zone and thus get hold of some of the foodstuffs that were being prepared for use either by the Allies or in this country. They were caught up with and were prevented by the War Trade Board from exporting their purchases except as it might go definitely to the Allies. Defeated in their attempt of seeking their own advantage or in the purpose of ultimately delivering their product behind the western front, their speculation went for naught and they resold the rye they purchased at a loss. This very obvious speculation can not in anywise deny the statement honestly made of the relatively higher price that ruled for wheat over that of any agricultural commodity in which there was a free market.

THE CONDITION OF THE FARMER AT THE END OF MR. HOOVER'S DIRECTION OF THE FOOD ADMINISTRATION

Mr. Peek charges in effect that Mr. Hoover brought about the fall of agricultural prices after the war; that it was he who deflated the farmer. It needs but an examination of the actual record to see how far this charge is from the truth. The Food Administration came to an end on the 30th of June, 1919. Mr. Hoover retired from public service at that time. The Government guaranty on wheat was carried on by other persons for another year, but the test of what happened after the war is an examination of prices of farm products themselves, using not only the date of Mr. Hoover's retirement but the prices six months later and prices a year later than that date.

Corn, Chicago, June, 1919	bushel	$1.75
6 months later	do	1.45
1 year later	do	1.84
Oats, June, 1919	do	.69
6 months later	do	.81
1 year later	do	1.11
No. 1 northern wheat, Chicago, June, 1919	do	2.43
6 months later	do	3.18
1 year later	do	3.01
Price of choice steers in Chicago, June, 1919	hundredweight	20.66
6 months later	do	13.70
1 year later	do	14.72
Price of hogs in June, 1919	do	20.00
In December, 1919	do	15.00
In June, 1920	do	16.00

A glance at these prices will convince any skeptic that the great debacle in farm prices did not arrive for a year after Mr. Hoover had retired to private life. As a private citizen he could not have produced the general slump which followed the war. Prices which he was instrumental in securing for the farmer during the whole period of his occupancy of his office gave to the farm the greatest period of prosperity America has ever seen and a period replete with rising values in land. Mr. Hoover came back into public life as a member of the Cabinet in March, 1921, and at that date the prices of these same commodities had fallen to the bottom. From that day to this he has given unceasing support to every legitimate proposal for restoration of farm prosperity.

Again, I am not alone in calling attention to the falsity of the conclusions drawn in the article that Mr. Peek prepared printed in the CONGRESSIONAL RECORD. On April 10, a few days ago, the Senator from Iowa [Mr. BROOKHART] called attention in a speech in this body to the prices at which Mr. Hoover turned over agricultural products when he quit managing prices in the United States, and took issue with the very article of which I am now speaking.

THE PRESIDENT'S AGRICULTURAL COMMITTEE OF 1924

One particular statement made by Mr. Peek interested me to the extent of making further inquiry. He asserts that four years ago, when the President appointed an agricultural commission to inquire into the best method of agricultural relief the membership was announced immediately after election by the President, Mr. Coolidge, and the personnel of the conference were all of the Hoover persuasion. The inference is that this board was dominated by Mr. Hoover; that its conclusions being in opposition to the views of Mr. Peek, were not the conclusions of agriculture but the conclusions of Mr. Hoover. I have inquired into the personnel of this commission and find it was composed of the president of the American Farm Bureau Federation, the president of the Farmers Union, the master of the National Grange, the president of the American National Livestock Association, the Secretary of Agriculture, a former Governor of Wyoming who had been president of the National Livestock Association, and two presidents of agricultural colleges, and one important farmers' cooperative.

It is obvious from that list that President Coolidge called into consultation men who had been selected by farmers themselves to head their great organizations. He included all of the greatest of these organizations. Mr. Peek's lack of accuracy would seem to suggest that Mr. Hoover had designated to the hundreds of thousands of farmers in the United States that they should choose Mr. Taber to be master of the National Grange, Mr. Bradfute to be president of the American Farm Bureau Federation, Mr. Barrett as president of the Farmers Union, Mr. Bixby as president of the Livestock Growers' Association, and Mr. Merritt to represent the cooperative associations of the West in order that he might subsequently direct them to make a report which is a clear refutation of the proposals of Mr. Peek. These gentlemen did not support those proposals which gives an insight into the animus which pervades the article that I have been discussing.

I have thus detailed Mr. Hoover's great services to his country and to the agricultural interests whose welfare he felt so important to the winning of the war which Mr. Peek so sincerely deprecates. I have given you an insight into the contest which was waged against Mr. Hoover behind his own lines. I have pointed out the misrepresentation and falsity of the charges which that animus has spread upon the CONGRESSIONAL RECORD. I have disclosed without fear or favor the public documents of the time which make the record complete, and there is but one word more that I wish to say. Mr. Hoover undertook our Food Administration at the specific request of our Council of National Defense because he alone of all Americans had an experience in the problem of food administration. He had fed 10,000,000 Belgians and French over a period of three years, in which work all problems of production upon the farm and distribution through the market had to be undertaken, and solved them in advance of similar activities in any other of the war countries. The Belgian Relief Commission was the food administration of Belgium, and as such became the progenitor of every other food administration which the war imposed upon the world. As other nations adopted the plan, Mr. Hoover advised them of the experiences that had been acquired in Belgium. The Food Administration under his leadership was one of the great contributing factors in the winning of the war. From an annual export of 6½ million tons of food before the war, that export rate was raised to 20,000,000 tons during the war. In so doing the margin of food supply was provided, which was necessary to enable our own soldiers and those of our Allies to win the war that we had to win. It meant a sacrifice to every one—the farmers, the workers, and above all, the lives of the soldiers of this Republic.

Would Mr. Peek seek to claim that our farmers wanted $5 to $10 a bushel on wheat at 500 to 1000 per cent increase, as the price of their support in the great national effort? If that had happened, the war would have ended right there. If such prices had prevailed, the war would have been lost. No patriotic farmer in the United States ever wanted such a price as the measure of his loyal service.

Mr. President, I ask unanimous consent to have printed at the end of my remarks the various exhibits to which I have referred.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The exhibits are as follows:

EXHIBIT A

The membership of the Agricultural Advisory Committee from time to time comprised the following men:

Henry C. Stuart, Elk Garden, Va., chairman.
C. S. Barrett, Union City, Ga.
E. S. Brigham, St. Albans, Vt.
W. L. Brown, Kingman, Kans.
Milo D. Campbell, Coldwater, Mich.
D. R. Coker, Hartsville, S. C.
W. R. Dodson, Baton Rouge, La.
Eugene Funk, Bloomington, Ill.
N. H. Gentry, Sedalia, Mo.
W. C. Gordon, Humboldt, Tenn.
John Grattan, Broomfield, Colo.
J. N. Hagan, Bismarck, N. Dak.
F. J. Hagenberth, Spencer, Idaho.
W. W. Harrah, Pendleton, Oreg.
C. W. Hunt, Logan, Iowa.
H. W. Jeffers, Plainsboro, N. J.
Isaac Lincoln, Aberdeen, S. Dak.
D. O. Mahoney, Viroqua, Wis.
D. M. Massie, Chillicothe, Ohio.
W. F. Pratt, Batavia, N. Y.
G. C. Roeding, Fresno, Calif.
M. Sanson, Fort Worth, Tex.
C. J. Tyson, Floradale, Pa.
Oliver Wilson, Peoria, Ill.
J. G. Brown, Monon, Ind.
E. C. Grown, Chicago, Ill.
J. M. Evvard, Ames, Iowa.
W. M. McFadden, Chicago, Ill.
J. H. Mercer, Topeka, Kans.
S. P. Houston, Malta Bend, Mo.
A. Sykes, Ida Grove, Iowa.
C. E. Yancey, Liberty, Mo.

EXHIBIT B

OCTOBER 24, 1918.

DEAR GOVERNOR STUART: I have asked that we should have a meeting to consider the present situation in the hog market, and for the board to join in the negotiations for placing the controlled orders for export pork products for the month of November.

You will recollect that at our meeting a month ago methods were outlined by your board that were then felt would apply in a practical way the formula for a price of 100-pound hogs, based on the average farm value of 13 bushels of corn, and that by the application of this arrangement from month to month stability and assurance could be given to the market and a stimulative return could be given to the swine growers of the country during the heavy marketing season. The October contracts for export shipments were let to the 50 different participating packing firms by the Food Administration for 130,000,000 pounds of pork products on a basis reflecting the recommendation of the board, and these packers undertook in writing to support the price of hogs on this general basis during the month of October.

We all believed that these arrangements would work out to stabilize the price up to a fair level to give a just return to the farmer, and would give effect to the announced policies of the Food Administration in his protection.

Since our meeting very serious difficulties have arisen from causes that could not be foreseen, and these difficulties give me the most extreme anxiety. They arise from the following causes:

The current peace negotiations have alarmed the holders of corn and there has been a fall of from 30 cents to 40 cents per bushel in the price. The large accumulations of very low-priced corn in the Argentine and South Africa would upon peace and liberated shipping become available to the European and even the American market, and in consequence there has been a good deal of natural alarm. This fall in corn has created the fear with many hog growers that a similar fall was impending in hogs as well as corn, with the advent of peace. Moreover, this lower range of corn prices, when incorporated in an average of the previous five months settled upon as a basis for calculating hogs, prophesies a continuously falling price of hogs. As a result producers are apparently in a panic at this possible indication of lower ranges and have been overshipping to the market. The receipts of hogs is running apparently somewhere near 30 per cent more than the receipts last year, while the increased production in the country appears to average but about 15 per cent. In addition there has been an undue marketing of heavy sows, which are not adapted for export. The result has been a great embarrassment to the packing houses to take care of the receipts. Many of the packers have actually paid over the price at which hogs were offered in an endeavor to maintain their obligations. The action taken by the board and the Food Administration at the last meeting has fortunately prevented a slump in hogs comparable to corn.

While I do not advance the notion that we may have immediate peace, my own view of its effect if it should be realized is that no matter what the result might be in corn there will be an even larger demand for pork products with peace than during the war, because of the enormous fat shortage in the Central Empires, which would be an additional demand upon the top of the present heavy demands for the Allies. So far as is humanly possible to interpret these facts, I believe we should have an even stronger demand for pork products after peace than before, and that therefore the alarm of hog producers is unwarranted.

I am extremely troubled at the situation, for, as the board is well aware, the one desire of the Food Administration is to do justice to the producer in the United States and to secure him a proper return for his large exertions in providing the world with larger food supplies. The whole plan as put into action a month ago was designed purely for this purpose. There can be no doubt that from overmarketing the plan may become any moment unmanageable. I am therefore anxious that you should consider the problem anew and all its aspects.

To indicate our intention to proceed in this matter in absolute good faith, I may say that we have in hand orders for 170,000,000 pounds of pork products for the month of November, which may be slightly increased during the month. The Food Administration is prepared to place these orders on the basis of the 13-to-1 ratio applied to the month of November. I do not, however, feel that if the producers continue to flood the market this will assure any stability to price. This undertaking on our part should indicate our desire to carry out the plan absolutely as laid down.

As stated above, the hogs in the country indicate a 15 per cent increase and the increased export orders for the last five months of this year compared with last year as follows:

	1917	1918
July	43,400,000	268,600,000
August	67,800,000	178,900,000
September	77,600,000	114,900,000
October	52,200,000	130,000,000
November	98,100,000	170,000,000
December	90,000,000	[1] 200,000,000
Total	429,100,000	1,062,400,000

[1] Estimated.

It will be seen by the above that the demand has greatly increased and I believe we could handle the situation were it not for the panic among producers, and if the hogs were being shipped normally to the market in proportion to their natural increase over last year.

Yours faithfully,

HERBERT HOOVER.

The Hon. H. C. STUART,
Chairman Agricultural Advisory Board, Washington, D. C.

EXHIBIT C

OCTOBER 25, 1918.

The conference between the livestock subcommittee of the Agricultural Advisory Board, including special members representing the swine industry and of the Food Administration, held on October 23 to 25, has, after consideration of the present situation of the pork and hog market, reached the following conclusions:

The entire marketing situation has so changed since the September joint conference as to necessitate an alteration in the plans of price stabilization. The current peace talk has alarmed the holders of corn, and there has been a price decline of from 25 cents to 40 cents per bushel. The fact that the accumulation of low-priced corn in the Argentine and South Africa would, upon the advent of peace and liberated shipping, become available to the European market, has created a great deal of apprehension on the part of corn holders. This decline has spread far among swine growers that a similar reduction in the prices of hogs would naturally follow. Moreover, the lower range of corn prices would, if incorporated in a 13 to 1 ratio, obviously result in a continuously falling price for live hogs. In view of these changed conditions many swine producers anticipated lower prices, and as a result rushed their hogs to market in large numbers, and this overshipment has added to and aggravated the decline.

The information of the Department of Agriculture indicates that the supply of hogs has increased about 8 per cent, while the highest unofficial estimate does not exceed 15 per cent increased production over last year. On the other hand, the arrival of hogs during the last three weeks in the seven great markets has been 27 per cent more than last year during the corresponding period, demonstrating the unusually heavy marketing of the available supply. In the face of the excessive receipts some packers have not maintained the price agreed last month. On the other hand, many of the packers have paid over the price offered to them in an endeavor to maintain the agreed price. The result in any event has been a failure to maintain the October price basis determined upon the September conference and undertaken by the packers. Another factor contributing to the break in prices during the month has been the influenza epidemic; it has sharply curtailed consumption of pork products and temporarily decreased the labor staff of the packers about 25 per cent.

On the other hand, the exports of 150,000,000 pounds of pork products for October compared with about 52,000,000 pounds in October a year ago, and the export orders placeable by the Food Administration for November amount to 170,000,000 contrasted with the lesser exports of 98,000,000 for November, 1917. The increased demands of the Allies are continuing and are in themselves proof of the necessity for the large production for which the Food Administration asked. The increase in export demands appears to be amply sufficient to take up the increase in hog production, but unfavorable market conditions existing in October afford no fair index of the aggregate supply and demand.

It must be evident that the enormous shortage in fats in the Central Empires and neutral countries would immediately upon peace result in additional demands for pork products which, on top of the heavy shipments to the Allies, would tend materially to increase the American exports, inasmuch as no considerable reservoir of supplies exists outside of the United States. It seems probable that the present prospective supplies would be inadequate to meet this world demand with the return to peace. So far as it is possible to interpret this fact, it appears that there should be even a stronger demand for pork products after the war, and therefore any alarm of hog producers as to the effect is unwarranted by the outlook.

In the light of these circumstances, it is the conclusion of the conference that attempts to hold the price of hogs to the price of corn may work out to the disadvantage of pork producers. It is the conclusion that any interpretation of the formula should be a broad-gauged policy applied over a long period. It is the opinion of the conference that in substitution of the previous plans of stablization, the livestock subcommittee of the Agricultural Advisory Board, together with the specially invited swine representatives, should accept the invitation of the Food Administration to join with the administration and the packers in determining the prices at which controlled export orders are to be placed. This will be regularly done. The influence of these orders will be directed to the maintenance of the common object, namely, the stabilization of the price of live hogs so as to secure as far as it is possible fair returns to the producer and the insurance of an adequate future supply.

These foreign orders are placed upon the basis of cost of hogs to the packers.

As the result of conferences between this body and the packers committee, representing the 45 to 50 packers participating in foreign orders, together with the allied buyers, all under the chairmanship of the Food Administration, the following undertaking has been given the packers:

"In view of the undertakings on the part of the Food Administration with regard to the coordinated purchases of pork products, covered in the attached, it is agreed that the packers participating in these orders will undertake not to purchase hogs for less than the following agreed minimums for the month of November; that is, a daily minimum of $17.50 per hundred pounds on average of packers' droves, excluding throw outs. 'Throw outs' to be defined as pigs under 130 pounds, stags, boars, thin sows, and skips. Further, that no hogs of any kind shall be bought, except throw outs, at less than $16.50 per hundred pounds, the average of packers' droves to be construed as the average of the total sales in the market of all hogs for a given day. All the above to be based on Chicago."

We agree that a committee shall be appointed by the Food Administration to check the daily operations in the various markets with a view to supervision and demonstration of the carrying out of the above.

The ability of the packers to carry out this arrangement will depend on there being a normal marketing of hogs based upon the proportionate increase over the receipts of last year. The increase in production appears to be a maximum of about 15 per cent, and we can handle such an increase.

If the producers of hogs should, as they have in the past few weeks, prematurely market hogs at such increasing numbers over the above it is entirely beyond the ability of the packers to maintain these minimums, and therefore we must have the cooperation of the producer himself to maintain these results. It is a physical impossibility for the capacity of the packing houses to handle a similar overflood of hogs and to find a market for the output. The packers are anxious to cooperate with the producers in maintaining a stabilization of price and to see that producers receive a fair price for their products.

THOS. E. WILSON,
Chairman Packers' Committee.

Mr. Hoover wrote on January 9, 1919, to President Wilson, who was then in Paris at the peace conference, regarding allied cancellations, the blockade, and the extreme jeopardy of the American farmer. He said:

"The allied food necessities have been outlined from time to time by a series of programs made up by the Inter-Allied Food Council; the latest of these programs is as recent as the 15th of December, and calls for our entire January surplus. Our manufacturers have provided the particular types of manufacture required by each of these governments and have enormous stocks of these materials in hand ready for delivery in accordance with the indicated programs above mentioned.

"While we can protect our assurances given producers in many commodities, the most acute situation is in pork products, which are perishable and must be exported. We have in January a surplus of about 400,000,000 pounds; and the French, Italian, and Belgian relief and other customary orders, when restored, will cover 60 per cent of such. The British orders, at the rate indicated in their official

programs, would have been 140,000,000 pounds and covered our deficiency plus some help I am giving from the relief. The British position is that they have sufficient supplies to last them for some weeks and that they wish to reduce their stocks.

"If there should be no remedy to this situation, we shall have a debacle in the American markets, and with the advances of several hundred million dollars now outstanding from the banks to the pork-products industry we shall not only be precipitated into a financial crisis but shall betray the American farmer who has engaged himself to these ends. The surplus is so large that there can be no absorption of it in the United States, and it, being a perishable, will go to waste.

"Mr. Davis and I have endeavored for the last six weeks to arrive at some cooperative action with the British agencies to forfend this situation, and, as indicated above, the final result has been the refusal on their part to cooperate. We have suggested that the British Government should join with ourselves in the purchase of the necessary amounts of fats at our assured price to be resold to the liberated and enemy territories in order to prevent the above debacle, and this they have finally refused. I wish to assure you again that the prices we are maintaining are the very minimum on which our American producers can come out whole on the effort they have made in the allied cause, and I can not impress upon you too strongly the reaction that will arise in the United States if this situation falls to the ground."

Mr. Hoover's efforts to open the allied blockade are shown by the following:

PARIS, *February 1, 1919.*

MY DEAR MR. PRESIDENT: Mr. McCormick will be sending to you the three resolutions which we are most anxious should be gotten through the supreme war council at the meeting on Monday or Tuesday. As you know, I have been advocating these points now for nearly two months, and, from selfish or bureaucratic obstruction, we have as yet no results, and I see no hope of attaining any such results except through strong intervention on your part.

Our farmers and merchants are in extreme jeopardy from their surplus supplies of food, which the British now repudiate as to purchase, but which they obstruct to a wider freedom of market. The French obstruct the notion of neutrals trading with Germany, although it would alleviate both the financial problem and distress. We have no justification in humanity or politics in debarring neutrals from buying all the food they wish for their own consumption, now that we have ample supplies. The blockade on Mediterranean countries has no purpose whatever except to serve detailed selfish interests. All these measures impose a much larger burden on relief than would be necessary if all these people could produce and trade where they may in food.

There is so much obstruction that I despair even getting it past the supreme war council unless some great world opinion is brought to bear, and I would like to have you advise me whether you do not think it is desirable for me to disclose the nature of these resolutions that you will propose to the press at once, and I am sure there will be a reaction from the whole neutral world and a reaction from the United States in your support, and the very nature of this reaction will expedite acceptance of the principles.

Faithfully yours,

HERBERT HOOVER.

His Excellency the PRESIDENT,
Hotel Murat, Paris.

PARIS, *February 4, 1919.*

DEAR MR. PRESIDENT: An error in the inclosure sent to you in my letter of yesterday with respect to the relaxation of blockades has, I am sorry to say, confused your mind on the matter. I inclose herewith the resolution drafted by Mr. McCormick and myself, which we are anxious to get through the supreme war council. It has three main purposes:

First. There is no right in the law of God or man that we should longer continue to starve Europe now that we have a surplus of food. That is the object of the first part of the first resolution.

Second. The French, by obstruction of every financial measure that we can propose to the feeding of Germany in the attempt to compel us to loan money to Germany for this purpose, have defeated every step so far for getting them the food which we have been promising for three months. The object of the second part of the first resolution and of the second resolution is to at least find some channel by which the Germans can help themselves by trade with neutrals and South America.

Third. The object of the third resolution is to allow the people bordering on the Mediterranean to get into production and trade with all their might, and by so doing not only revive their commercial life but also to a large degree supply themselves with food and other commodities and thus take a large part of the burden of relief from the back of our governments.

* * * * * * *

I have worked consistently since arriving in Europe on the 25th day of November to secure these objects and I have to confess that, although they have been accepted in principle in first one department and one government after another, they are constantly defeated by one bureaucratic and special self-interest after another of various governments, and I can assure you that the blockade against neutrals and the southwest is being used to-day for purely economic ends, when its sole justification was for the protection and furtherance of military operations, which justification is now gone.

* * * * * * *

Faithfully yours,

HERBERT HOOVER.

His Excellency the PRESIDENT,
Hotel Murat, Paris.

JANUARY 25, 1919.

BRITISH FOOD MINISTRY,
London, England.

DEAR SIRS: In review of the situation in my letters to Mr. Clynes and the British Ministry of Food of January 2, it appears to me that the time has urgently arrived when the British Food Ministry, in justice to the American farmer, who has at so great an effort and out of patriotic desire to comply with the urgent requests of the United Kingdom for the provision of an adequate supply of fats, produced these fats far beyond any commercial justification of his normal market, should now have a definite position of one or two alternatives. First, either the British Food Ministry should accept the financial responsibility for the moral obligation, which has been acknowledged by many of its members, and make such purchases for the month of February as will protect the American farmers' prices under the arrangements by which the American packer is compelled to prepare these products at a profit to himself of not more than one-quarter of a cent a pound; or, on the other hand, that the whole of the market of Europe (except, of course, the enemy other than agreed ration) should be thrown open to him without any restrictions and that the governmental buying agencies in the United States should be immediately withdrawn and the trade allowed to return to its normal basis of supply and demand. The continuation of these agencies, unless they carry out the moral obligations and make their purchases on the basis of a fair return to the farmer, will surely be interpreted as a menace to fair trade.

The American farmer will entirely realize that conditions have no doubt changed with the armistice and will not wish to insist on his product being purchased where it can not be used, but he will rightfully resent it if, as a result of this situation, advantage were taken to make artificial prices against him. I can not imagine any situation that will cause more criticism than for the British Government at a later stage, through consolidated buying agencies like APEC, to enter the American market and acquire large quantities of produce at a depreciated price, this price being the result of maintained artificial commercial conditions.

A periodic conference has been held with the representatives of the American farmer, the representatives of APEC, in which the policies were determined from time to time to the satisfaction of all parties. Such a conference is to be again held on next Tuesday, the 28th instant, to determine the policies to govern the month of February. If the representatives of APEC are not prepared to attend and take such an allotment of products under the condition to be actually agreed there, then this conference must be notified in all justice to British interest and to the American farmer that APEC has entirely withdrawn from the field and that the world markets, including the United Kingdom—but, of course, with enemy restrictions—are coincidentally thrown open to the normal course of trade. The matter is therefore one of urgent care, in which I have but one interest, and that is to see that there is a fair arrangement all around.

Yours truly,

HERBERT HOOVER.

EXHIBIT E

FEBRUARY 17, 1919.

MY DEAR MR. WHITMARSH: I note in Commerce Reports for February 14, page 724, copy herein, that certain suggestions and recommendations therein fully described have been made to the Food Administration, looking to the stabilizing of what are presumably existing or past prices and it appears to be the fact that there was a unanimous agreement with the Food Administration to continue the stabilized prices. I gather from it that the intent is to maintain an existing price. If I am correct in this supposition and if the price thus to be maintained is one that has hitherto prevailed under war conditions, I venture, respectfully, to doubt the wisdom of any effort to maintain it or indeed to maintain any other price now or in the immediate future.

Your attention is respectfully invited to the inclosed statement of an official plan approved by the President and now being undertaken by this department looking toward a general reduction of all commodity prices. This plan having been submitted to many of the industries concerned and discussed by them has been universally approved. It is my judgment that it is not only unpatriotic but dangerous now to attempt to maintain any prices at their former level, and that the Government is in the highest way obligated not only to cease from maintaining them but to see that so far as practicable they are definitely reduced.

There is a specific reason for this viewpoint that I feel you will appreciate. Bolshevism is here not as a theory or as a passing phase but as a serious fact. That which broke out in Seattle and recently showed itself also in Butte, Lawrence, Paterson, and elsewhere was not a mere strike but a definite attempt at a social revolution. The advocates of this revolution do not hesitate so to describe it. They come with official authority from the Russian Bolshevik Government provided with funds and literature. This Bolshevik movement has been applauded in Carnegie Hall in New York within the last three weeks where I was present as a speaker.

This revolutionary movement—for it is no less—has for its background the intense pressure of the cost of living accentuated by the present unemployment and, as our attaché at Petrograd has truly said, Bolshevism is anarchy of mind based upon an empty stomach. Whoever to-day in the presence of our existing growing unemployment attempts to maintain a price on any necessity of life above the lowest figure to which it can be brought by Government aid is playing directly into the hands of a real revolutionary party.

I trust that these suggestions will be taken very seriously, and that nothing will be done looking to maintaining current or past prices or that any action to that effect will be disavowed, if possible.

Yours very truly,

WILLIAM C. REDFIELD, *Secretary.*

Mr. T. F. WHITMARSH,
Acting Food Administrator,
United States Food Administration,
Washington, D. C.

WASHINGTON, D. C., *February 21, 1919.*

Mr. WILLIAM C. REDFIELD,
Department of Commerce, Washington, D. C.

MY DEAR MR. SECRETARY: We are in the position of having certain clearly moral obligations which we have to carry out to producers of food and upon which the production was greatly stimulated and these agreements were made for the purpose of winning the war. The producers have responded in good faith to the program of production which they assumed and the Food Administration can not abandon the moral obligation to which it properly and with due authority committed the Government unless the Government itself by clear and direct Executive order, as assuming the responsibility, requires the Food Administration to withdraw from the regulation and stabilization to which I have referred.

Permit me to say that I do not agree with your suggestion that the effort to maintain the prices as to the commodities above mentioned is either "unpatriotic" or "dangerous" for while we will not undertake any new plan of stabilization of any commodity, we think it would be exceedingly dangerous from the Government's point of view to put itself in the position of not carrying out obligations which it had assumed during the war and for the short period which it may be necessary to continue the same under the agreements.

I inclose you copy of letter I have written Secretary Glass on this subject and am taking the liberty of inclosing him a copy of this letter.

Yours very truly,

T. F. WHITMARSH.

EXHIBIT F

JULY 10, 1917.

DEAR MR. PRESIDENT: In response to your request I send you herewith the following notes compiled by myself and my associates upon the present situation with regard to wheat.

1. The 1917 harvest promises to yield 678,000,000 bushels. The normal internal consumption and seed requirement (assuming a carry-over of same volume in 1918 as in 1917), amounts to about 600,000,000 bushels; thus leaving a theoretical export balance of 78,000,000 bushels. The conservation measures are already having a marked effect and it is not too much to hope that the national saving may be 80,000,000 to 100,000,000 bushels, and therefore the export balance increased to, say 158,000,000 to 180,000,000 bushels.

2. The experience this year in the rampant speculation, extortionate profits, and the prospect of even narrower supplies than 1917 harvest and carry-over, must cause the deepest anxiety. No better proof of the hardship worked upon our people during the past year needs be deduced than the recitation of the fact that the producer received an average of $1.51 per bushel for the 1916 wheat harvest, yet wheat has been as high as $3.25 at Chicago and the price of flour has been from time to time based upon this speculative price of wheat, so that through one evil cause or another, the consumer has suffered from 50 to 100 per cent, and the producer gained nothing. After much study and investigation, it is evident that this unbearable increase in margin between producer and consumer is due not only to rank speculation, but more largely than this to the wide margin of profit naturally demanded by every link in the chain to insure them from the great hazards of trade in the widely fluctuating and dangerous price situation during the year when all normal stabilization has been lost through the interruption of world trade and war. All these factors render it vitally necessary to initiate systematic measures which will absolutely eliminate all possibility of speculation, cure extortionate profits, effect proper distribution and restriction on exports to a point within our own protection. These measures can not be accomplished by punitive prosecution of evil-doers, but only by proper and anticipatory organization and regulation all along the distribution chain.

3. During recent months the allied governments have consolidated their buying into one hand in order that they might relieve the burden of speculation from their own consumers, and the export price, if not controlled, is subject to the will of the allied buyer, and in a great measure the American producer is left to his judgment and without voice. Furthermore, in normal circumstances United States and Canadian wheat is moved to Europe largely in the fall months, such shipments averaging about 40,000,000 bushels per month and relieving a corresponding flow from the farms into the interior terminals. This year, owing to the shortage of shipping, the allied supplies must proceed over a large period of the year and will not during the fall months apparently average over 20,000,000 to 25,000,000 bushels per month. We must, therefore, expect a glut in our interior terminals during a considerable period. The financial resources of the grain trade are probably insufficient to carry this extra load without the help of speculators, and, moreover, the consolidation of practically all foreign buying in the hands of the allied buyer has further tended to diminish the capital resources available by placing a number of firms out of business and limits the financial capital available in export trade. The net result of this situation is that unless some strong and efficient Government action is immediately settled and brought into play the American producer will face a slump in wheat. In any event, the price of export wheat will be dictated by a single agency. The American consumer will be faced with a large part of the essential breadstuff having passed into the hands of speculators, for some one must buy and hold not only the normal flow from the farmer but this probable glut.

4. With great reduction in the consumption of wheat bread now fortunately in progress, the employment of our mills must be greatly diminished, and with the reduction of domestic-flour production and our daily feed from wheat residues will be greatly curtailed. Therefore we must induce foreign buyers to accept flour instead of wheat.

5. In order to do justice to the producers, who have shown great patriotism in a special effort to increase production in 1917 and to further stimulate the efforts of 1918, it is absolutely vital that we shall protect the farmer from slump in price this year due to glut as above or from the uncontrolled decisions of any one buyer. I am informed that most of the allied countries have fixed the price of wheat to the farmer at $1.80 per bushel, and many of them believe that as Allies it is our duty to furnish wheat at a price which delivered to them will not exceed their domestic price—in other word, about $1.50 per bushel Chicago. Neither the responsible officials nor I hold this view, because I consider the stimulation to production, if no other reason, is in the long run in the interest of the Allies. There is, however, a limit to price which so trespasses upon the rights of the consumer as to defeat its own object through strikes, raises in wages, and social disturbances in the country. It is with the view to finding a solution to those problems, filled with the greatest dangers to both our producers and consumers, that legislation has been proposed and pressed for speedy enactment.

6. The proposed Food Administration has conferred with many hundred patriotic men engaged in production and distribution and has investigated the condition of the consumers in many centers as well. Many plans have been tentatively put forward and abandoned and others have been developed, but in any case none has nor can be settled until legislation has been completed. Three facts stand out plainly enough from our investigations: First, that in this situation the farmer will need protection as to the price of wheat; second, that large masses of people in the consuming centers are being actually undernourished to-day due to the exorbitant cost of living, and these conditions, unless some remedy be found, are likely to repeat themselves in even more vicious forms at this time next year; and, third, the speculator, legitimate or vicious, has taken a large part of the money now being paid by the consumer.

7. It seems to be overlooked in some quarters that the marketing of this year's wheat is surrounded with circumstances new to history and that the old distributing safeguards are torn away by isolation from the reciprocal markets abroad and the extinction of a free export market and free export transportation. The harvest has begun to move, and from these very causes the price of wheat has begun to drop, and if the farmer is to sell his wheat, either the speculator must return to the market to buy and carry not only the normal flow from the farmer in excess of domestic and foreign requirements but also the glut due to the restriction upon the outlet to the latter, and he must charge his toll to the producer and the consumer, and this latter upon a more extensive scale than last year, as his risks

will be greater and the practical export buyer must fix his own price for export wheat from the sole outlook of his own clients and in execution of his duty he will in all normal circumstance follow the market down by buying only his time-to-time requirements, as he can not be expected to carry the load of our domestic accumulation. Or the governments must buy the surplus wheat at some reasonable minimum price, allowing the normal domestic trade of the country to proceed with proper safeguards against speculation. Nor would the services of the speculator be necessary, for the Government should be able to stabilize the price of wheat without his assistance and can control the price of export wheat.

I remain,

Your obedient servant,

HERBERT HOOVER.

His Excellency the PRESIDENT OF THE UNITED STATES,
Washington, D. C.

EXHIBIT G

[Reprint from the Kansas City Star, October 28, 1927]

HOOVER NOT PRICE FIXER—A COMMITTEE OF TWELVE MADE WAR WHEAT $2.20—PRESIDENT GARFIELD, CHAIRMAN OF THE FAIR PRICE COMMITTEE, WRITES THE STAR—HOOVER HAD NO PART IN IT

For the first time the full and authoritative facts with respect to fixing the war price of wheat are now revealed.

The basic price of wheat during the war was fixed at $2.20 a bushel by the fair price committee of twelve, appointed by President Wilson. Herbert Hoover had nothing to do with determining the price.

The only reason action was taken at all was to protect the American farmer from $1.80 wheat.

These statements are flatly made by Dr. Harry A. Garfield, president of Williams College and chairman of the fair price committee, in a letter to the Star. They are concurred in by all the surviving farmer members of the committee.

In the discussion of the farm situation since the agitation for the McNary-Haugen bill, there have been many assertions as to the responsibility for the war price of wheat. Some of the farm leaders have said in public addresses that Herbert Hoover, United States food administrator in the war, fixed the price which was carried through the war period.

So many inquiries on the subject came to the Star that it determined to go to headquarters for authoritative information. Accordingly it wrote to Doctor Garfield, as chairman of the committee in direct charge of the price determination, for a statement. Doctor Garfield delayed his reply until he could communicate with the surviving farmer members of the committee and obtain their approval of his presentation of the facts.

THE FAIR-PRICE COMMITTEE

The fair-price committee, which was appointed by President Wilson in the summer of 1917, was composed of the following members:

Harry A. Garfield, president of Williams College, chairman; Charles J. Barrett, president of the Farmers' Union; William M. Doak, vice president of the Brotherhood of Railroad Trainmen; Eugene E. Funk, president of the National Corn Association; Edmund E. Ladd, president of North Dakota Agricultural College; R. Goodwin Rhett, president of the Chamber of Commerce of the United States; J. W. Shorthill, secretary of the National Council of Farmers' Cooperative Associations; James W. Sullivan, of the American Federation of Labor; L. J. Taber, master of the Ohio State Grange; Prof. F. W. Taussig, of Harvard University, chairman of the United States Tariff Commission; Theodore N. Vail, president of the American Telephone & Telegraph Co.; and Henry J. Waters, president of the Kansas State Agricultural College.

THE STAR'S INQUIRY

The Star's letter to Doctor Garfield:

SEPTEMBER 29, 1927.

MY DEAR DOCTOR GARFIELD: With the presidential campaign approaching, the statement is being made in political speeches in the Wheat Belt that Herbert Hoover was responsible for fixing the war price of wheat. The statement often takes the form of a charge that Mr. Hoover arbitrarily and unfairly held down the farmers' profits for the benefit of England. Our understanding in the Star office is that a committee, of which you were chairman, determined the price. But with the lapse of years recollections grow hazy.

We believe you would be doing a public service if you would send us the facts in the case for publication in the Star, so the public may be correctly informed on this moot point.

Thanking you for any information you can supply us, we are,

Very truly yours,

THE KANSAS CITY STAR.

DOCTOR GARFIELD'S REPLY

Doctor Garfield's letter to the Star follows in full:

WILLIAMS COLLEGE,
Williamstown, Mass., October 18.

To the STAR: I am in receipt of your letter of September 29, and am pleased to lay before you the facts with regard to the determination of the price of the 1917 wheat crop.

As chairman of the commission appointed by President Wilson to determine this price of wheat for the 1917 crop, I have carefully preserved the data upon which the findings of the commission were based. I am the more willing to reply to your letter in view of the persistent misstatement that Secretary Hoover determined the price. Mr. Hoover had absolutely no part in this matter other than to urge upon President Wilson that some action must be taken to protect the American farmer.

In order that this controversy should be settled with finality, I have laid the matter before the surviving farmer members of the fair-price commission—Mr. Charles Barrett, president of the Farmers' Union; Mr. L. J. Taber, master of the National Grange; Mr. E. D. Funk, at that time president of the Corn Growers' Association; and Mr. W. J. Shorthill, secretary of the Farmers' Cooperative Elevators Association. Those gentlemen welcomed the opportunity to sign the attached statement in which I, together with Doctor Taussig, the economist member, and Mr. Doak, who represented the railway brotherhoods, also concur.

The occasion for the determination of a fair price arose from the fact that the allied governments had consolidated their buying agencies into one hand and, through this buying power over the surplus, controlled the price of American wheat the moment the exports of the new crop should begin. The allied buying agencies considered that they should not pay more than $1.50 to $1.80 for American wheat. They advanced the argument that abundant wheat existed in the Argentine and in Australia at prices ranging from $1.25 to $1.50 per bushel, and the further fact that they had fixed the price to their own farmers at about $1.80 a bushel; that the only reason for purchasing American wheat was to free allied ships from the long voyages to the Southern Hemisphere in order that they might carry American troops, and they therefore did not consider that they should pay in excess of these prices.

It was solely to protect the American farmers from this situation that Mr. Hoover presented to President Wilson the necessity for some action. President Wilson appointed the commission, directly under himself, to determine the matter, and the commission unanimously determined $2.20 at Chicago as a fair price. The Congress had fixed the Government price for the 1918 crop at 20 cents less; that is, $2 per bushel.

As will appear from the inclosed statement, Mr. Hoover was not a member of the commission and took no part in its deliberations or conclusions.

I attach hereto the signed statement, which I am authorized to forward you on behalf of the above-mentioned gentlemen.

Very truly yours,

H. A. GARFIELD.

THE SIGNED STATEMENT

The signed statement follows:

STATEMENT OF FARM REPRESENTATIVES WHO WERE MEMBERS OF THE PRESIDENT'S FAIR-PRICE COMMISSION FOR WHEAT, 1917 CROP

(a) The allied committee which purchased wheat for all the Allies was practically the only export buyer of wheat, and through this buying power over the surplus exercised an important influence on the price of American wheat.

(b) The minutes of the committee's deliberations, August 17–30, 1917, a certified copy of which was delivered to each member before the final adjournment, evidence the care taken by the committee to prevent outside interference. After many formal and informal ballots it was voted unanimously to recommend to the President that the price for No. 1 northern spring wheat be fixed at $2.20. Only members of the committee were admitted after balloting began; all were present except Mr. Rhett, and none left the room until a statement addressed to the President had been prepared and approved by the committee. The conclusions of the committee were not made known to Mr. Hoover until after this statement had been approved.

(c) In reaching its conclusions the committee kept constantly in mind the three following factors, as stated in its report to the President: The fact that the United States was at war, the need of encouraging the producer, and the necessity of preventing speculation and profiteering.

(d) In accepting the recommendations of the fair-price committee the President issued a statement August 30, 1917, in the course of which he said: "The price now recommended by that committee, $2.20 per bushel at Chicago for the basic grade, will be rigidly adhered to by the Food Administration. Mr. Hoover, at his express wish, has taken no part in the deliberations of the committee on whose recommendation I determined the Government's fair price, nor has he in any way intimated an opinion regarding that price."

CHARLES BARRETT.
L. J. TABER.
E. D. FUNK.
W. J. SHORTHILL.

EXHIBIT H

AN OPEN LETTER TO THE FARMERS OF AMERICA

By Oscar E. Bradfute, former president American Farm Bureau Federation, Xenia, Ohio

I am an American farmer and believe the time has come when the farmers, who constitute one-third of the population of this great country,

and have by far the greatest amount invested in their business of any of the great industrial group in America, should take a very deep interest in the proposed candidates for President of the two great political parties before their nominating conventions, rather than waken up afterwards to find that they have no satisfactory candidate placed before them.

As president of the greatest farm organization in America for three terms, I came in contact with most of the political, social, economic, and industrial leaders of America, and there seemed to me to be one outstanding man among them most eminently fitted to be President of the United States, and that man is Herbert Hoover.

I have recognized in Herbert Hoover a man most fitted for the Presidency, not simply because of his remarkable record in the administration of many complex problems, although I can bear witness to his efficiency in these lines; nor because of his personality, although I have found him always frank, open, and obliging; but I recognize in Herbert Hoover one who is keenly alive to every best interest of the American farmer; because he has stood behind every principle enunciated by our farm organizations than any other man I know of in public life.

I am a farmer and have lived upon, operated, or supervised my own farms for almost half a century. I have no other important interest, private or public, than that of the farm. With this in view, I want to analyze, from the farmer's point of view, the record of Herbert Hoover.

Very few farmers had ever heard of him until he was made Food Administrator during the war. No one will deny that this office, created as a war measure, brought with it duties, responsibilities, and regulations which were new to the farmer. Many of them seemed to interfere with the personal initiative and prerogatives of the individual farmer. Such, of course, invited opposition but were accepted as a necessity born of war.

As Food Administrator, Mr. Hoover could not be the exclusive servant of agriculture. His duties and responsibilities demanded fairness and equality to every class of people. In the perplexing duties which he assumed there was no precedent to guide him, since America had never before needed a Food Administrator. Not only was the welfare of our entire Nation dependent, in a large measure, upon the wisdom of his policies; indeed the welfare of the whole allied cause and the future course of world issues rested more heavily upon his shoulders than any of us realized at the time.

He doubtless made some mistakes. The wonder is that he did not make many. All of our marketing systems were disorganized and on an artificial bases. There are particularly two criticisms sometimes heard regarding his attitude toward the farmer in his Food Administration work. The first of these has to do with the fixing of the price of wheat. I am quite sure that since the publication of the Garfield correspondence only the ignorant or prejudiced can believe he had a part in the conference which did set the price of wheat at $2.20 per bushel. It should be generally known that he asked for the appointment of this commission because the European nations which had been buying our food products (each nation with its own public purchasing department and with private firms of each country also in the market, making a competition which had run prices of wheat and other farm products to high levels with every indication that prices would go still higher) had consolidated their buying in order to stop competition.

Thus the American farmer was about to be left with but a single purchaser for his large exportable surplus. That single purchaser would have the power to determine the price of the farmers' entire crop, because the world price would determine the domestic price. It was the avowed intention, and Mr. Hoover knew it, to force the price of wheat to approximately $1.50 on the farms. He requested a price-fixing commission, because he knew an injustice was about to be done to the American farmer and he was determined to avoid this injustice if possible. It is also known that the price which the commission set was not as high as Mr. Hoover personally thought it might be.

The criticism is made that the established price was to be a minimum price and that at no time during the war did prices go beyond the minimum level. Of course not. They could not have done so with but a single purchaser. It is absurd to have expected that they would. Anyone familiar with the many attempts at price fixing throughout many countries of the world's history knows that an established price, whether maximum or minimum, always becomes the actual price.

The second criticism has to do with pork and pork products, which next to wheat were the most important in the food classification. After a period of uncertainty in the hog market it was agreed in a conference between the Food Administration and representatives of the pork industry that without an official fixing of prices Mr. Hoover would attempt to secure for the farmer a price per hundredweight for live hogs equal to thirteen times that of a bushel of corn on the Chicago market. It was, of course, difficult to absolutely carry out this plan, since the price of corn was a fluctuating price. It was, however, very satisfactorily done until after the armistice, for hogs brought from $6 to $9 per hundredweight over the pre-war average, a higher price than they had seen in the past six years.

At that time Mr. Hoover, as Food Administrator, held enormous contracts from the allied governments for future deliveries of pork. The 1918 pig crop was still largely unmarketed. It had been produced at high cost of food and labor, beginning with the breeding season of a year before.

Shortly after the signing of the armistice the European nations abruptly served notice of the cancellation of their immense orders. They could go to the Southern Hemisphere and get cheaper fats. The high cost of living at home was becoming a serious problem. Enormous pressure was being exerted upon the Federal Government to do something to lessen these costs. The Cabinet of that time believed that the only way to immediately and effectively lower the high cost of living was to lower the price of the basic industry, which in this case was the farmer. Mr. Hoover urged that the agreement with the farmer should be carried out as nearly as it was possible to do so. To cancel the orders or to accede to the request of the administration would have been not only an injustice, but a faithless act to the farmer. Mr. Hoover further maintained that all the 1918 pork production would be needed before another crop could be produced. He believed that if the price agreement with the farmers could be maintained until March that by that time the European powers would be in position to enter the market, and supply and demand would raise price levels even above the agreed price ratios, whereas abrogation of the agreement earlier than March would reduce the prices to the farmer almost half.

I do not know of any more heroic acts in history than that of Mr. Hoover, who almost lone-handed withstood the attacks of the European nations on one hand and the administration of his own Government on the other in his determination to prevent the forcing of lower prices.

His sole motive in making the fight was to secure justice for the farmer. Usually where justice is at stake and determination enters a conflict, justice wins. And Hoover won. It was after the closing of the Food Administration that the disasters or deflation hit the farmer. His fight prevented the whole collapse of American agriculture.

The aftermath of war is always want and suffering. Mr. Hoover took up immediately following his work as Food Administrator the humanitarian work of the American Relief Association. In the saving of the lives of 8,000,000 babies the whole world became his debtor. I do not recall how many millions of number, it would mean little because the figures would be so large that the human mind could not comprehend them. But I do know that in the carrying out of this work Mr. Hoover did not slacken in his allegiance to the American farmer. He insisted that American donations of money, either public or private, must be expended only for American produced food. In this way he very materially enlarged our foreign outlets at a time when it meant much to the farmer.

Those who follow closely the exports of American corn will note that the exportations for the year 1921 were the largest ever known, more than double that of any other year in a quarter of a century. The crop of the preceding year had been a large one and the price disastrously low. Mr. Hoover organized the buying for the Russian famine with the deliberate purpose of raising the price of corn on the Chicago market. His large purchases succeeded in doing this. A raise of at least 10 cents per bushel is directly attributed to him, and this price advance was carried far into the crop of the next year.

Since Mr. Hoover has been a member of the President's Cabinet he he has been most helpful to agriculture. I personally know that one of the first things he did in the Department of Commerce was to establish a foodstuff division, the principal function of which has been to find increased outlets for American farm products. In the selection of men who are carrying on this work in the Department of Commerce, Mr. Hoover was guided largely by the advices of the American Farm Bureau Federation. Shortly after he became Secretary there was a large unemployment of labor and the demand for farm products dropped greatly. To consider means to create employment Mr. Hoover called a notable conference in Washington. It was my privilege and honor to have been invited to serve as one of the representatives of agriculture in this conference. I personally know that one of the objectives of Mr. Hoover in this conference was to assist the farmer as well as the laborer, for by getting the workers back on their jobs it would increase the farm market. It did so. Everyone knows that that conference and subsequent actions of Secretary Hoover have had much to do with the industrial prosperity of the intervening years, and while agriculture has not enjoyed the prosperity which it has deserved, it has, nevertheless, profited largely by the increased domestic market for good products. Had it not been for this, farm prices would have been lower than they have been.

Those who have served the American Farm Bureau Association and other farm organizations will all bear witness that Secretary Hoover has been called upon to consider every helpful farm measure that has been passed by Congress since the war, and that never has he been found wanting. It is not certain that the grain control bill, the emergency tariff, the agricultural schedule of the Fordney-McCumber bill, the intermediate credits act, the packer and stockyards act, as well as various others could have been enacted had it not been for the broad shoulder of Mr. Hoover helping push forward the farmer's wagon.

He has been criticized because he has not approved the McNary-Haugen bill, and it has been freely stated that President Coolidge's

position has been due to Mr. Hoover's influence. The latter statement is certainly an injustice to President Coolidge. Everyone who knows the President knows he has an open mind on all subjects, but no one who knows him well will agree for a minute that he is dictated to or unduly influenced by Cabinet officer or any other man. He is the President of the United States in fact as well as right.

Those who will take the time to look into the history of recent farm legislation will find that Mr. Hoover was the first man in America to advocate a Federal Farm Board. He also early advocated the creation of groups or committees to advise and supervise commodity marketing. He has stood always four-square for the encouragement of orderly cooperative marketing and the proper financing of the same, even through Government aid. These also have been essential features of every McNary-Haugen bill.

It is true that he has not supported the principle of Government price fixing, which has been a part of some of the various McNary-Haugen measures; but even the strongest supporters of these measures have not abandoned what they interpret as price-fixing features and are hence now in agreement with Secretary Hoover. Thus it can be said that in every essential detail, except the equalization fee, Mr. Hoover has been a supporter of the objectives and principles of farm relief. If it is true that he does not believe in the theory of the equalization fee, it can be likewise said that large numbers of our best informed and thinking farmers also disagree with this provision.

Have we come to that place in our American life that either private citizen or public servant must be condemned if he expresses an honest conviction at variance with the conviction of other individuals or groups of people? Does not the genius of our American institutions guarantee to every man freedom of thought and utterance? To what end are we going to permit misrepresentation and vituperation to expend themselves for mere political ends? In whose eye is the mote and in whose the beam?

Both recognition of justice and a well-deserved appreciation of service rendered impels me to repeat that Herbert Hoover has been one of the very best friends the American farmer has had since the opening days of the World War.

O. E. BRADFUTE.

XENIA, OHIO, *March —, 1928.*

Mr. NORBECK. Mr. President, I would like to ask the Senator some questions, if he does not object.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Kentucky yield to the Senator from South Dakota?

Mr. SACKETT. I yield the floor. I am through.

Mr. NORBECK. If the Senator has concluded, I should like to ask if he maintains that the farmers got a square deal in this matter, with the farmers' prices being held down and the prices of manufactured goods going sky high?

Mr. SACKETT. I maintain that they had the most profitable time in the history of the American farmer, and I think I have proven it.

Mr. NORBECK. Does the Senator still maintain that is the situation to-day?

Mr. SACKETT. No; I do not say anything about to-day.

Mr. NORBECK. But the Senator feels that when the manufacturers of shoes, cotton goods, and war supplies generally were given a free and open market the farmer should have been held down and his prices and his prosperity limited?

Mr. SACKETT. If the Senator please, I was not discussing the policy of Congress. I was discussing the act of Mr. Hoover during the war.

Mr. NORBECK. If it was an unfair deal and Hoover did not perpetrate it on the farmers, who did?

Mr. SACKETT. I did not say it was an unfair deal.

Mr. NORBECK. I noticed that.

Mr. SACKETT. I did not say that Mr. Hoover perpetrated it on the farmers. I told the story of the fixing of the fair price of wheat by the board appointed by the President of the United States at Mr. Hoover's suggestion.

Mr. NORBECK. And in which Mr. Hoover had a part.

Mr. SACKETT. I said distinctly he was not a member of that board and did not sit on it. If the Senator will read my speech he will understand that better.

Mr. NORBECK. I beg the Senator's pardon. I listened all the way through his speech trying to find something that Hoover had done for the farmers of this land, and I did not find it. I have been here for seven years while Mr. Hoover has been Secretary of Commerce and he is the one man who has never raised his voice against the agricultural inequality. This may be because he came from that country that has a different kind of national prosperity. England depends on low wages and cheap food. Their manufactured goods can compete in all the markets of the world. This means big dividends in business. I hope it is not the thing that is to be foisted on us.

Mr. SACKETT. He came from Iowa.

Mr. NORBECK. But he was 43 years old before he took any part in this country. He should not be elected President. He was not sufficiently interested in American political affairs to vote in a national election until after he was 43 years of age. His great fortune was amassed in British enterprises and in British territory. He was a member of the Democratic administration of President Wilson and as such in 1918 urged the election of a Democratic Congress to support President Wilson and his policies, and two years later became a candidate of the Democratic Party for President and carried the State of Michigan. He was unconvinced that there was anything in the Republican Party until the big landslide of 1920, and then he became a good Republican. He has given offense to great bodies of the voting population, and has no elements of personal popularity to win them back.

As Food Administrator, he was largely instrumental in holding down the price of wheat. It gave the Allies cheap food.

His attitude toward the Irish and Irish freedom has always been British.

After the armistice he told Germans asking aid for the starving children of Germany that, with his compliments, they could "go to hell."

He would be the most vulnerable candidate the Republican Party could nominate, and his nomination would mean the election of Al Smith for President.

Mr. BLEASE. Mr. President, I want to ask the Senator from Kentucky [Mr. SACKETT] if he will, at his leisure, let us know how much Mr. Hoover was worth when he left this country to go to England, how much he was worth when he returned to this country from England, how much he was worth when the World War began, how much he was worth when the World War closed, and how much he is worth to-day.

Then I would like to ask the Senator personally, and he may answer this question, too, at his leisure, if he agrees with the order which Mr. Hoover recently issued in his department and, through his influence, has had carried out in other departments, by which he has forced equality between the white and colored races.

EQUITABLE USE OF THE WATERS OF THE RIO GRANDE

Mr. KING. Mr. President, I ask unanimous consent for the immediate consideration of a resolution which is on the President's desk. I have submitted it to the chairman of the Committee on Foreign Relations and to the Senator from California [Mr. JOHNSON].

Mr. CURTIS. I understand the Senator is striking out the preamble?

Mr. KING. Yes.

Mr. CURTIS. And he has taken it up with the chairman of the committee and it is satisfactory to him?

Mr. KING. That is correct.

The Senate, by unanimous consent, proceeded to consider the resolution.

The CHIEF CLERK. The Senator from Utah proposes to strike out all after the word "*Resolved*" in his original resolution (S. Res. 181) submitted by him March 24, 1928, and in lieu thereof to insert:

That the Secretary of State and the Secretary of the Interior be, and they are hereby, directed to transmit to the Senate copies of all instructions given by said departments to the commissioners appointed by the President of the United States (to meet with commissioners from Mexico to consider the questions and matters involved) under the act of May 13, 1924, requiring them to study the equitable use of the waters of the Rio Grande River below Fort Quitman, Tex., and also under joint resolution approved March 3, 1927, requiring said commission to study the equitable use of the waters of the lower Colorado River; and said Secretaries are likewise directed to transmit copies of all communications made by the Reclamation Service to said commissioners or persons interested in the negotiation of a treaty between the United States and Mexico regarding the waters of said rivers, and the disposition, allocation, or control of the same; and also copies of all communications between the United States and Mexico concerning the duties and work of said commissioners relating to the distribution, allocation, or control of the waters of said rivers.

The amendment was agreed to.

The resolution as amended was agreed to.

The preamble was stricken out.

THE MERCHANT MARINE

Mr. JONES. Mr. President, I have an address delivered by the Hon. E. C. Plummer, vice chairman of the United States Shipping Board, before the School of Foreign Service, Georgetown University, Washington, D. C., on April 17, 1928, containing important information with reference to shipping and the Shipping Board. I ask that it may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The address is as follows:

SHIPPING SENSE

At this time, when the manifest intention of Congress to do something practical toward the reestablishment of an American merchant marine has, as always, brought forward critics who seek to confuse the issue, and so delay or defeat legislation, it is well to recall the declarations of real Americans who knew what American merchant ships meant to this Nation and who recorded their views in unmistakable words. Said Washington:

"We should not overlook the tendency of war to abridge the means, and thereby at least enhance the price, of transporting productions to their proper markets. I recommend it to your (Congress's) serious reflections how far and in what mode it may be expedient to guard against embarrassments from these contingencies by such encouragement to our own navigation as will render our commerce and agriculture less dependent on foreign bottoms which may fail us in the very moments most interesting to both these great objects. * * * There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure."

The Constitution under which we live grew out of the necessity of centralizing in the hands of our Federal Government the regulation of our commerce, to accomplish the development of which ships of our own were regarded as essential by the great founders of the Republic. Marvin, in his American Merchant Marine, pointedly quotes history when he says:

"It is a memorable fact that the very first real act of the first Congress of the United States—under the then new Constitution—contained vigorous provisions for the protection of the American merchant marine."

That same first Congress specifically and drastically, by law, created a preference for American tonnage engaged in foreign trade. It was under those laws, in greater or less effect until 1850, that American ships averaged during the intervening 61 years the carriage of 80 per cent of our imports and exports.

Representative Williamson, of North Carolina, in 1790 made this statement:

"By permitting foreigners to carry our produce for us in order to pay for the fine goods they furnish us, we have to raise money more from the soil by one-third than if we carried it ourselves."

Representative Smith, of Maryland (afterward Senator from that State), in 1794, discussing the effects of our early-day protective navigation laws, declared:

"Thus have our existing laws done nearly as much for us in two years as the navigation laws of Britain did for them in 40 years."

In 1794, when the United States was truly ship minded, Representative Nichols, of Virginia, declared:

"The interest of the whole community, not only those who are carriers but those who also furnish the object of carriage, positively demands a domestic marine, equal to its whole business. Even if it is to exist under rates higher than those of foreign navigation, it is to be preferred."

It was the illustrious author of the Declaration of Independence who said:

"The marketing of our productions will be at the mercy of any nation which has possessed itself exclusively of the means of carrying them, and our policy may be influenced by those who command our commerce."

Not only did Jefferson believe, and say over and over again, that we should do our own foreign carrying in our own ships, but he also believed that we should build our ships, and this is one of the ways he said that:

"For a navigating people to purchase its marine afloat would be a strange speculation, as the marine would always be dependent upon the merchants furnishing them. Placing as a reserve with a foreign nation or in a foreign shipyard the carpenters, blacksmiths, caulkers, sailmakers, and the vessels of a nation would be a singular commercial combination. We must therefore build them for ourselves. * * *

"To force shipbuilding is to establish shipyards; is to form magazines; to multiply useful hands; to produce artists and workmen of every kind who may be found at once for peaceful speculations of commerce and for the terrible wants of war."

Regarding a merchant marine, Jefferson further said:

"As a branch of industry it is valuable, but as a resource of defense essential."

Senator Rufus King, of New York, afterwards minister to Great Britain, over a hundred years ago sagely and eloquently said:

"Without shipping and seamen the surpluses of agriculture and manufactures would depreciate on our hands; the cotton, tobacco, breadstuffs, provisions, and manufactures would turn out to be of little worth unless we have ships and mariners to carry them abroad and to distribute them in foreign markets."

In 1845 Representative Thomas Butler King, of Georgia, said:

"The time has arrived when we must decide whether we will yield this essential branch of navigation (steamships), and this indirect means of extending our naval armaments to our great commercial rival, or whether we shall promptly extend to our enterprising merchants the necessary means to make them; to bring American energy, enterprise, and skill into successful competition with British sagacity and capital. It would seem that no statesman ought to hesitate for a moment to give his support to a measure which is demanded alike by prudence and the necessities of our position."

The report of the American Institute, of New York, in 1828 said:

"Between 1789 and 1828 Congress passed no fewer than 50 tariff or other laws intended directly or indirectly to protect American shipbuilding and shipowning."

Congress was active during those years.

In his annual message to Congress, in 1847, President James K. Polk, of North Carolina, said:

"The enlightened policy by which a rapid communication with the various distant parts of the world is established by means of American-built steamers will find an ample reward in the increase of our commerce and in making our country and its resources more favorably known abroad."

And what Americans will do when given a chance was shown by Senator Gwin, of California, in 1852, when he said:

"Without regard to the calls of their contract, they (the Collins Line) have built larger vessels than those of the Cunard Line, with improved machinery; and it is officially before the country, in the last annual report of the Postmaster General that these vessels exhibit 'unrivaled qualities,' and establish the 'superiority' of American skill and enterprise in the construction of ocean steamers. Indeed, it is admitted on all sides that they are the finest models afloat—the swiftest, strongest, and most beautiful steamers in the world. They are thus, in fact, a school for the steam marine of the country. This school necessarily educates good machinists, engineers, firemen, mechanics and officers of every grade, alike useful to the commercial and naval marine of the country." We led the world on the ocean then; and then we fell asleep.

In 1852 Representative Howard, of Texas, declared:

"As soon as the Collins Line is withdrawn the Cunarders will raise freights to the price they bore previous to the competition created by American steamers."

And they did.

In 1853 Senator Thomas J. Rusk, of Texas, voiced a recognized truth when he declared:

"Americans are the best shipbuilders in the world and have distanced their rivals."

This was during the period when Senator Rusk was the outstanding national advocate of American lines of mail steamships, at the moment seeking increased compensation from the Government for the American Collins Line of New York. He added:

"More than that, it [the Collins Line] has given you 28 or 30 steamships fit for war purposes without additional expense to your Navy for one-tenth the sum for which you could build and maintain them in your Navy proper. We owe it to American industry and enterprise, to the hardy citizens of our country, to maintain the system. And we owe it to our national defense, in my opinion, to maintain it."

In a special message to Congress in 1870 President Grant emphatically declared:

"A nation of the vast and ever-increasing interior resources of the United States must one day possess its full share of the commerce of these oceans no matter what the cost. Delay will only increase this cost and enhance the difficulty of attaining the result. * * * Building ships and navigating them utilizes vast capital at home. It employs thousands of workmen in their construction and manning; it creates a home market for the products of the farm and the shop; it diminishes the balance of trade against us precisely to the extent of freights and passenger money paid to American vessels and gives us a supremacy upon the seas of inestimable value in case of foreign wars."

A great British maritime historian (Lindsay), for years a member of Parliament, and all his life a shipowner, in his historic work on Merchant Shipping, published about the middle of the last century, said:

"Before the Collins Line was established the Cunarder steamers were receiving £7 10s. per ton freight, which was so much a monopoly rate that in two years after the Collins Line had commenced the rate fell to £4 per ton."

In his great work Twenty Years of Congress, James G. Blaine, of Maine, Representative and Senator in Congress, and afterwards Secretary of State under President Harrison, had this to say:

"The principle of protecting the manufactures and encouraging the navigation of America had been distinctly proclaimed in the first law of the new Government, and was thus made in a suggestive and emphatic sense the very corner stone of the republican edifice which the patriots of the Revolution were aiming to construct."

When he was a United States Senator he engaged in a notable debate on the subject of the protection of our merchant marine in foreign trade. During these remarks he said:

"Congress has passed 92 acts to aid railroads, given 200,000,000 acres of public lands worth to-day thousands of millions of dollars,

and has added $70,000,000 in cash; and yet has extended the aid of scarcely a single dollar to build up our foreign commerce."

Said Lincoln's Secretary of the Treasury:

"If I had been among those who had voted for millions upon millions of dollars for the construction of railroads to bring the productions of the interior to the seaboard, I should be ashamed to face my constituents if I had failed to do what I could toward securing the transportation of the surplus to foreign lands in United States ships."

President Arthur, in his annual message to Congress, in 1882, said:

"This subject [shipping] is of the utmost importance to the national welfare. Methods of reviving American shipbuilding and of restoring the United States flag to the ocean carrying trade should receive the immediate attention of Congress."

This is the way President Harrison expressed himself on the subject in his annual message to Congress in 1892:

"The United States has been paying an enormous annual tribute to foreign countries in the shape of freight and passage money. The balance of trade as shown by the books of our customhouses has been largely reduced and in many years altogether extinguished by this constant drain. I have felt, and have before expressed the feeling, that this condition of things was both intolerable and disgraceful."

Capt. William W. Bates, Commissioner of Navigation under President Harrison's administration and author of two great volumes on American shipping, said:

"American ships for American commerce mean American trade for American merchants."

In his annual message of 1894 President Cleveland said:

"The millions now paid to foreigners for carrying American passengers and products across the sea should be turned into American hands."

Cleveland knew the difference between a condition and a theory.

Representative Nelson Dingley, chairman of the House Ways and Means Committee in 1897, went on record thus:

"The decline of our merchant marine in the foreign trade is a humiliating fact. If our shipping in the foreign trade had grown in proportion to the increase of the cargoes provided by our foreign commerce we should have had a most magnificent fleet of vessels engaged in transporting our exports and imports."

President McKinley, in his annual message of 1899, declared:

"Our national development will be one-sided and unsatisfactory so long as the remarkable growth of our inland industries remains unaccompanied by progress upon the seas. There is no lack of constitutional authority for legislation which shall give to this country maritime strength commensurate with its industrial achievements and with its rank among the nations of the earth."

Senator Thomas Benton, of Missouri, one of the great historical figures of the last century, and an author of renown, in his most famous work has said:

"While the lack of power to regulate foreign commerce was a primary defect of the Confederate Government (1774 to 1788) and the necessity for its exercise so great as to form a chief cause for creating the Federal Government, it is singular that Congress has always overlooked it, or confounded it with impost or revenue power. Though not now exercised, it is a power which has found a need for its exercise, and will find it again."

Half a century ago David A. Wells was one of the most noted of our economists, one who paid great attention to our merchant-marine problem. In his work, Our Merchant Marine, he said:

"During the single year 1849–50 we increased our ocean steam tonnage 113 per cent, and the seagoing qualities and performances of our vessels were so admirable that the Cunard Co., which had then been in operation 10 years, was obliged to bring out new ships to compete with them. The prospect, therefore, at one time was that the United States, although late in the start in this new department of foreign shipping, would soon equal, if not overtake, her great commercial competitor."

President McKinley in his last public speech spoke as the true American he was when he said:

"We must encourage our merchant marine. We must have more ships. They must be under the American flag, built and manned and owned by Americans. They will not only be profitable in a commercial sense; they will be messengers of peace and amity wherever they go."

President Roosevelt spoke often and earnestly in favor of American ships for American foreign commerce. In an annual message to Congress 20 years ago he declared:

"Ships work for their own countries, just as railroads work for their terminal points. From every standpoint it is unwise for the United States to continue to rely upon the ships of competing nations for the distribution of our goods."

And yet there are still to be found in this country puppets who will write, and periodicals that will publish, articles asserting that this Nation does not need merchant ships of its own; that trade does not follow the flag; and that competitors can be trusted to build up our trade in foreign markets just as well as we could do it ourselves; and they give all sorts of scrambled reasons for their un-American views.

In the development of new foreign markets, shipping plays an important rôle, both in the establishment of services and by the personal contact of the shipping representatives of those lines, with potential purchases of American products.

Now, Robert Dollar is an American who has helped to build up this country's foreign trade. He knows, and, knowing, he spoke the other day as follows:

"I was much interested in a recent article on prosperity and sales. It dealt entirely with selling to our own people, who consume 80 per cent of our products; but it did not go into the importance of selling that other 20 per cent in foreign lands.

"This is very important; if it were stopped, 20 per cent of our own factories would be idle and a corresponding number of men idle. It is very difficult to sell more in the United States than is now sold, but foreign trade can be expanded indefinitely and bring money into our country.

"As an illustration: When we started our round-the-world service four years ago practically no trade existed between California and Singapore, Penang, and Ceylon. During the four years of our giving that part of the world a fortnightly service it has brought into this country $29,000,000 of new money. The increase of the then existing trade in Japan, China, and the Philippines amounted to $54,389,045—also new business that did not exist before.

"So I claim that foreign trade is a great factor to our prosperity. * * *

"You can not separate foreign trade and shipping and stay in the shipping business. One is dependent upon the other."

Secretary of State Elihu Root in 1906, in a great speech delivered before the Trans-Mississippi Commercial Congress at Kansas City, the last half of which was wholly devoted to the subject of an American merchant marine, which speech shortly afterwards was not only inserted in the CONGRESSIONAL RECORD but was made a Senate document as well, in part said:

"We are living in a world not of natural competition but of subsidized competition. State aid to steamship lines is as much a part of the commercial system of our day as State employment of consuls to promote business. It will be observed that both of these disadvantages under which the American shipowner labors are artificial; they are created by governmental action—one by our own Government in raising the standards of living and wages, by the protective tariff; the other by foreign governments in paying subsidies to their ships for the promotion of their own trade. For the American shipowner it is not a contest of intelligence, skill, industry, and thrift against similar qualities in his competitor; it is a contest against his competitors and his competitors' government and his own government also. Plainly, these disadvantages created by governmental action can be neutralized only by governmental action, and should be neutralized by such action."

In 1913, in a speech in the Senate of the United States, Senator WESLEY L. JONES said:

"Since 1885 foreign ships have carried over $50,000,000,000 of our foreign commerce. Estimating the freight at 15 per cent, we have paid them over $7,500,000,000 for getting our products to their markets and supplying our own. Of what benefit is a balance of trade in our favor if we pay out most of it for freight?"

In his annual message to Congress in 1914 President Wilson said:

"How are we to build up a great trade if we have not the certain and constant means of transportation upon which all profitable and useful commerce depends? And how are we to get the ships if we wait for the trade to develop without them? The Government must open these gates of trade, and open them wide; open them before it is altogether profitable to open them, or altogether reasonable to ask private capital to open them."

In his annual message to Congress in 1915 President Wilson also said:

"Moreover, we can develop no true or effective American policy without ships of our own—not ships of war but ships of peace, carrying goods and carrying much more; creating friendships and rendering indispensable services to all interests on this side of the water. They must move constantly back and forth between the Americas. They are the only shuttles that can weave the delicate fabric of sympathy, comprehension, confidence, and mutual dependence in which we wish to clothe our policy of America for Americans."

The late President Harding, an ardent advocate of and worker for an American merchant marine in foreign trade, among his many utterances in favor of such a marine said:

"Our shipping will strengthen American genius and determination, because carrying is second only to production in establishing and maintaining the flow of commerce to which we rightfully aspire."

Admiral William S. Benson, who, during the World War, had supreme command in the United States Navy and charge of the manning and operating of about 450 merchant ships for transportation of troops, equipment, and supplies, said in 1921:

"The merchant service, properly organized in time of peace, is the one marine instrumentality which lends itself perfectly to automatic expansion in time of war. With the building up of the merchant marine there will always be available a sufficient number of suitable vessels to carry both personnel and munitions to any extent that this Government may be called upon to use in foreign service. It is one of the age-old traditions of British naval history that the merchant service always supplies men and ships for national defense and a similar policy is unmistakably proclaimed in the merchant marine act, 1920. As neither the Army, Navy, nor Panama transport organizations will ever suffice for military operations entailing the carriage of large bodies of men, both of our fighting services will naturally look to the merchant marine for assistance in this respect immediately upon the outbreak of hostilities. And it seems only reasonable to point out that if the merchant service is to prove indispensable in time of war, it should receive every encouragement in time of general tranquillity. There are several fundamental principles on which this encouragement might properly be based, principles recognized and fully acted upon by the leading maritime nations of the world. One of the most important involves government patronage in time of peace, not only through the bestowal of generous compensation for the carriage of mails but also having its traveling personnel and its miscellaneous freight transported by these same merchantmen which are to prove of such paramount importance to the country in time of national peril."

Senator JOSEPH E. RANSDELL, of Louisiana, on July 20, 1922, said:

"Shall we play the game of our commercial rivals by stifling legislation to establish a merchant marine of our own for our national and industrial protection? Shall we allow Great Britain to dictate our sea policy and leave us in commercial bondage for generations to come? Shall we permit her to set up on the high seas a notice reading: 'British property! Americans keep off'!"

The folly of trusting our carrying trade to competitors, who thus secure inside information of our merchants' and manufacturers' business, is well known, as was succinctly stated by Secretary of Commerce Hoover at New York in a public address four years ago, in the course of which he declared:

"It is simply a truism to say that we must have an American merchant overseas marine.

"We must have ships if we would expand our exports on sound lines, and we must have them as auxiliaries to our national defense. * * *

"To secure export markets we must have some sound proportion of American-controlled shipping to assure us against combinations in rates which would prejudice our goods in competitive markets. Nor have our merchants been without experience of finding that the transport of our goods in foreign bottoms has been taken advantage of by our competitors to learn details of our trade connections.

"Combinations in control of sea rates are the commonest thing in the world shipping fabric.

"It is just as important to the farmer to be guaranteed reasonable rates of sea transport as of land freight. The real security is an American-owned merchant marine."

Henry Herbermann, who purchased 21 ships from the United States Shipping Board and still is operating them despite heavy losses in the Mediterranean trade with North Atlantic ports, and who knows whereof he speaks, said:

"If American tonnage is withdrawn from the ocean as unprofitable and our manufacturers and exporters have to depend upon foreign tonnage for the transportation of their goods, it may result in an increase in rates which may drive our products from foreign markets and result in curtailed production at home to the detriment of the manufacturer and wage earner as well * * *."

In a speech made this year in the Senate (January 5) Senator FLETCHER, of Florida, declared:

"I would a great deal rather see private enterprise take hold of the shipping in a business way, run and replace and reconstruct and rebuild, and go on with this business as it should be done in this country. We ought to have some 8,000,000 tons of merchant ships to carry about 60 per cent of our overseas trade."

In one of his recent messages to Congress President Coolidge said:

"The maintenance of a merchant marine is of the utmost importance for national defense and the service of our commerce."

Therefore, from President Washington to President Coolidge, regardless of political affiliations or sections of the country, for over a hundred and fifty years, our outstanding statesmen have declared the wisdom of providing the Nation with ships of its own, because such ships are indispensable in the promotion of our foreign commerce and essential for the national defense. Time and again has the truth of these utterances been demonstrated.

Never was this truth brought so vividly to the attention of the American people as with the outbreak of the World War.

There had been many developments before that time which should have taught our people what all the great statesmen of this country so well knew; but it was not until the crisis brought on at the beginning of the World War, when the leading maritime nations became involved and our commerce lay rotting upon the shores because the foreign merchant ships we had trusted so long no longer came at our call, that our people resolved never again to depend on other nations to do that which the wisdom of our forefathers long ago had told us we should do for ourselves.

Well may we at this time recall those words of Raleigh upon which was builded the greatest empire of modern times:

"Whosoever commands the sea commands the trade; whosoever commands the trade of the world commands the riches of the world and, consequently, the world itself."

WAR-DEBT CANCELLATION

Mr. JONES. Mr. President, I have a copy of a letter written by Hon. William W. Seymour, of Tacoma, Wash., to Mr. Frederick W. Peabody, of Ashburnham, Mass., dealing largely with the war-debt-cancellation proposition. I know Mr. Seymour personally. He is one of our high-class citizens. He made a recent visit to Europe. I ask unanimous consent to have his letter printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

TACOMA, WASH., *March 15, 1928.*

In re: War debt cancellation.

Mr. FREDERICK W. PEABODY,
Ashburnham, Mass.

MY DEAR SIR: I am in receipt of your circular letter of February "To the men and women who lead."

Since receiving your circular letter of last year I have been to Europe, visiting not only France but England, Italy, and some other countries.

The result of my visit has confirmed my impression before going, namely, that it would be unwise for the United States to cancel the war debt.

You seem to single out France especially. My impressions on the ground were that if any nation is to be given "the benefit of the doubt" it would be England.

I will say that however fundamentally adversely the people of these respective countries may have felt, neither Mrs. Seymour nor myself saw any of it on the surface. Everywhere we were treated courteously, and more than that, I saw no Americans anywhere who complained.

My main reasons before going against the cancellation of our war debt was that these countries, especially France and England, received large concessions in territories and "spheres of influence," which I doubt very much if they would forego, for their indebtedness to us, and then some. Another reason is that a very considerable amount they receive is paid to them by Germany. But since going there and witnessing the amount of money needlessly expended by them, especially on liquor, and learning from Americans who have lived there a number of years the sneaky way the French have of avoiding taxes, I am more than ever convinced that France especially can pay the "war debt" without any very great sacrifice.

However you and I may feel individually as to the wisdom of the Volstead amendment, its opponents claim that it was put over as "a war measure." Why should America, thousands of miles away from the main arena, far less interested than either England or France, deny themselves the purposes "of winning the war" over and above these countries and forego the money paid to them in addition? Of course, I know what they'll say—and what you will reecho—that wine and liquor, tobacco, etc., are to them part of their meal and they would have rather lost the war than forego that sacrifice, but I don't know any reason why a drink shouldn't be appreciated by many Americans as much as by them.

One of my American friends in Paris did pay his taxes, and when he mentioned it he was laughed at by the Frenchmen. After that he did not do so and "got away with it."

Our country, you are well aware, has been the leader in the world on "curtailing armaments," etc., and yet Great Britain, by refusing to cooperate, is compelling us to spend hundreds of millions of dollars on our Navy. You must be aware that both France and England are spending vast amounts on armaments and navy.

You don't mean to, I know, but I am convinced that you are unconsciously doing your country an incalculable harm by stirring up these questions and giving the countries in Europe a false hope that our Congress will "fall for it." What you say is quoted and is intentionally used by designing foreigners to injure our country in various ways.

As I say, I have a great sympathy for the English, and as for France, well, they are not paying anyhow. You just persuade them to follow out that policy. That will save them a number of billion dollars now, and us, perhaps, a good many more in the future.

Respectfully submitted.

WM. W. SEYMOUR.

NICARAGUAN AFFAIRS AND PEACE POLICY

Mr. FRAZIER. Mr. President, I wish merely to announce that it is my intention as soon as I can get recognition to-mor-

row to address the Senate on the pending amendment to the naval appropriation bill and also on Senate Joint Resolution 1.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had adopted a concurrent resolution (H. Con. Res. 31) requesting the President to return to the House of Representatives the joint resolution (H. J. Res. 244) authorizing a modification of the adopted project for Oakland Harbor, Calif., in which it requested the concurrence of the Senate.

OAKLAND HARBOR PROJECT, CALIFORNIA

Mr. CURTIS. I ask the Chair to lay before the Senate the resolution just received from the House.

The PRESIDENT pro tempore laid before the Senate House Concurrent Resolution 31, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the joint resolution (H. J. Res. 244) authorizing a modification of the adopted project for Oakland Harbor, Calif.

Mr. CURTIS. I ask unanimous consent for the immediate consideration of the concurrent resolution. The object is merely to correct a date.

The concurrent resolution was considered by unanimous consent and agreed to.

FERTILIZER PRICES IN TENNESSEE AND ALABAMA

Mr. McKELLAR. Mr. President, some weeks ago I was made acquainted with a very remarkable situation existing in my State, to the effect that fertilizers were being sold at from $3 to $5 a ton cheaper just across the line in Alabama than they were in Tennessee. Of course, I immediately undertook to find out why this was so, if it were a fact. I have here correspondence which shows what the facts are, and the very remarkable statement occurs in a letter from Mr. Charles J. Brand, of the National Fertilizer Association, which admits that this is true and gives the reasons which he alleges why it is true.

I want to say at this time, in asking that the correspondence be printed in the RECORD, that I do not agree with the reasons offered by the Fertilizer Trust for its action in selling fertilizer from $3 to $5 a ton higher in my State than right across an imaginary line in Alabama. There is no reason why it should be that way.

It makes me feel, Mr. President, that we were certainly on the right track when we made, or attempted to make, by the bill which was passed by the Senate a fertilizer proposition out of Muscle Shoals. Surely, if the Fertilizer Trust, for reasons of its own, is able at will to sell fertilizers in one State at a higher price than in another, it is time that the Congress was doing something to remedy that situation.

Mr. NORRIS. What are the reasons that are given?

Mr. McKELLAR. If the Senator from Kansas [Mr. CURTIS] and the Senate will indulge me for just a moment, I will state them. The first reason seems to have substance. It is:

1. The State tonnage tax is 20 cents per ton higher in Tennessee than in Alabama.

That seems to be a real reason—

2. Tennessee customers (dealers) buy from 1 to 5 cars per season, while Alabama customers buy from 5 to 20 cars. This higher sales cost is estimated by one company at 55 cents per ton.

I see no reason in the world for that under the peculiar circumstances surrounding the sale of fertilizers.

3. Tennessee customers demand better drilling condition than is demanded in Alabama.

I think that is utterly without merit.

Mr. NORRIS. Does that mean better fertilizers?

Mr. McKELLAR. No.

Mr. NORRIS. I do not quite understand the meaning of the expression.

Mr. McKELLAR. The statement is, "A better drilling condition is demanded."

Mr. NORRIS. "A better drilling condition"?

Mr. McKELLAR. What he means is this:

This involves double milling and screening and longer curing, making an extra preparation cost of 50 cents per ton.

I am advised that that is not true.

4. The additional freight cost averages about 30 cents per ton.

I am advised by the Interstate Commerce Commission that that is not true; that the rates are the same; and, in so far as the rates are concerned, that there is no reason in the world for fertilizers being sold at a higher price in Tennessee than in Alabama.

5. The Tennessee law requires that all fertilizer be shipped in 125-pound bags, while in Alabama a 200-pound bag is most commonly used. This means six additional bags per ton for goods going into Tennessee. This adds at least 50 cents to the cost.

That, of course, on its face is manifestly without substantive reason behind it.

So this is the way the Fertilizer Trust undertakes to explain that remarkable condition. How they are able to charge the farmers of my State from $3 to $5 a ton more for fertilizer than is charged across the line in Alabama is beyond my understanding, and I am asking that these communications may be put in the RECORD, and I am making this statement in the hope that such steps will be taken as may be necessary.

The PRESIDENT pro tempore. Is there objection to the request for unanimous consent of the Senator from Tennessee? The Chair hears none, and the communications referred to will be printed in the RECORD.

The matter referred to is as follows:

FAYETTEVILLE, TENN., *March 22, 1928.*

Senator K. D. McKELLAR,
Washington, D. C.:

Can you give the people of Lincoln County any explanation as to why commercial fertilizer is $3 to $5 per ton cheaper across the line in Alabama than in Lincoln and other border counties? Please investigate for the citizens of Lincoln whether this is the fault of the fertilizer interests or the Government railroad commissioners. Please reply at once.

FARMERS OF LINCOLN COUNTY.
By WM. M. SMITH.

WASHINGTON, D. C., *March 22, 1928.*

WM. M. SMITH,
Fayetteville, Tenn.:

Answering your telegram. No; I know of no just reason why the price of fertilizer is from $3 to $5 a ton cheaper in Alabama than it is in Tennessee. If so, our State authorities should act at once to obtain redress. If it is due to unlawful combination by the Fertilizer Trust both Federal and State authorities should act. I will have the matter investigated at once and advise you. Glad you called it to my attention. It is the first information I have had of the fact.

KENNETH McKELLAR.

FAYETTEVILLE, TENN., *March 31, 1928.*

Senator KENNETH McKELLAR,
Washington, D. C.

DEAR SIR: You seem to be the only one that seems disposed to help out in this fertilizer matter. It is not the railroads, I think, but the fertilizer people, establishes an imaginary line at the southern border of Tennessee and make a difference of $3 to $5 a ton. Personally, myself, it does not make much difference to me, but it is a condition that affects all of southern and western Tennessee, and I do hope you will not let the matter drop until something is done to rectify this wrong that is being perpetrated on our State. I can assure you that the farmers are getting a bad deal in this matter and will appreciate fully anything that can be done.

Assuring you of my personal kind wishes, I beg to remain,

Yours truly,

WM. M. SMITH.

FAYETTEVILLE, TENN., *April 2, 1928.*

Senator KENNETH McKELLAR.

DEAR SIR: I received a letter from the fertilizer people that they were willing to bill fertilizer to me at Alabama destination and then I could have it stopped in Tennessee, but, of course, I would have to pay railroad switching charges and put Tennessee tags on same. This means a saving of from $2 to $4.50 per ton; and the other fertilizer people are doing the same for their agents in this county. While I do not expect to get back my money for what I have already shipped, but it will save the difference on other shipments. The writer mailed some of the circulars to H. D. McAdams, Pulaski, Tenn., and to Mr. Stribley, of Lawrenceburg. The A. A. C.'s man, who makes this territory, got a copy of my telegram to you and your telegram to me, which he mailed to his compnay. I feel that you have done this county some good in the matter, and I sincerely hope that you will continue to put forth your work for the interest of the farming public in the future as you have in the past for all of Tennessee Valley should get the same prices on fertilizer as Alabama. This has at least started something. If I can be of service to you, please let me know.

Respectfully,

WM. M. SMITH.

FAYETTEVILLE, TENN., *April 9, 1928.*

Hon. KENNETH MCKELLAR,
Washington, D. C.

DEAR SIR: I think most all of the fertilizer people are now letting fertilizer come into Lincoln County at the Alabama price by shipping to Alabama parts and diverting to Tennessee points by paying a small switching charge to railroads. You seem to be the only public official interested in this matter. I don't think any of the other of the counties of Tennessee are getting advantage of this reshipping or stoppage, whichever you would call it. The writer is certainly glad to note that there will be no joint debate between you and the Hon. FINIS GARRETT. Your work as a public servant of the farmers stands out for its worth to them.

The general public can see no reason for swapping horses in the middle of the stream—that is, as far as I can find out.

Mr. GARRETT made a good Congressman and was appreciated.

Mr. MCKELLAR is making a good Senator, and I can find no one who can give a reason for a change.

Respectfully,

WM. M. SMITH.

THE NATIONAL FERTILIZER ASSOCIATION (INC.),
Washington, D. C., April 13, 1928.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

DEAR SENATOR MCKELLAR: I have received your letter of the 10th and am glad to know that you will give careful consideration to my letter of the 9th.

In regard to the apparent price disparity in northern Alabama and the adjoining counties in Tennessee, it happens that I have just received information bearing on this situation from a number of companies that sell in that territory. It is therefore comparatively easy to answer the question raised by Mr. William M. Smith. In answering this question I am giving you summarized information, which I have obtained within the past few days from at least five different companies.

One company reports an average difference on four leading grades of $1.73 per ton, the largest difference being $2.25 per ton on a 12–4–4 grade. Another company reports an average difference of $1.33 per ton, the largest difference on a specific grade being $1.76. Another large company reports an average spread of $1.40 per ton, another $1.75, and still another $1.35.

These differences exist for a number of reasons:

1. The State tonnage tax is 20 cents per ton higher in Tennessee than in Alabama.

2. Tennessee customers (dealers) buy from 1 to 5 cars per season, while Alabama customers buy from 5 to 20 cars. This higher sales cost is estimated by one company at 55 cents per ton.

3. Tennessee customers demand better drilling condition than is demanded in Alabama. This involves double milling and screening and longer curing, making an extra preparation cost of 50 cents per ton.

4. The additional freight cost averages about 30 cents per ton.

5. The Tennessee law requires that all fertilizer be shipped in 125-pound bags, while in Alabama a 200-pound bag is most commonly used. This means six additional bags per ton for goods going into Tennessee. This adds at least 50 cents to the cost.

These added costs would total $2.05, and although this figure should be considered more or less approximate it must be very close to the actual difference in cost, since one of the larger companies estimates this difference at an average of $1.82 per ton. Although the others have not estimated the total difference in cost, they agree pretty well on the above-enumerated items.

It, therefore, seems to me that there is ample justification for the slightly higher prices that are being charged in southern Tennessee as compared to northern Alabama. The larger difference—namely, $3 to $5 per ton reported to you by Mr. Smith—is, of course, a retail price difference, and the figures I have given you are all based on cash prices to dealers. It is, of course, entirely possible that such differences may be found to exist in adjoining counties in the two States, due to the varying commissions charged by dealers. This might easily be true of time prices quoted by different dealers, or it might even be that the cash prices of one dealer are being compared with the time prices of another. At any rate, I am convinced that in so far as fertilizer manufacturers are concerned there are no price differences between the two territories that can not be amply justified by the difference in actual costs of manufacturing and selling.

Very truly yours,

CHARLES J. BRAND,
Executive Secretary and Treasurer.

DEPARTMENT OF AGRICULTURE, STATE OF TENNESSEE,
Nashville, April 17, 1928.

Hon. KENNETH D. MCKELLAR,
Washington, D. C.

DEAR SENATOR MCKELLAR: With further reference to the claim that commercial fertilizer is being sold in Tennessee at $2 to $5 per ton higher than in the States south of us, we have been making some investigations and find that prices are lower on the same brands in Georgia, Alabama, and Mississippi than they are in Tennessee, and higher in Kentucky than they are in Tennessee. They are higher in Illinois, Indiana, and Ohio than they are in Kentucky. We are advised by one manufacturer that this is due to the fact that the farther away you get from the ports of entry the greater the cost of manufacture, but this does not explain why fertilizer manufactured in Nashville and shipped to Alabama, freight prepaid, should sell there from $2 to $5 per ton cheaper than it is sold even in the vicinity of Nashville.

I appreciate your interest in the matter. I am endeavoring to get sufficient data to take this matter up with the Federal Trade Commission. I have been advised that this is the best course to pursue. Will you kindly favor me with your advices in the matter, and should we decide to carry it before the Federal Trade Commission will you advise us as to just how to proceed. Any assistance which you may render us will be duly appreciated.

Thanking you, and with kindest personal regards, I am,

Yours very truly,

HOMER HANCOCK, *Commissioner.*

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Saturday, April 21, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 20, 1928

JUDGE OF COURT OF CLAIMS

Nicholas J. Sinnott to be judge of the Court of Claims.

PROMOTIONS IN THE NAVY

To be lieutenant commanders

Robert B. Matthews.
Merrill Comstock.

To be lieutenant

Stuart S. Purves.

To be lieutenants (junior grade)

Carson R. Miller.
Glenn R. Hartwig.

To be chief pay clerks

Thomas E. Wright.
Edward B. Parker.
Geisert A. Howard.
George A. Looby.
Frank R. Briggs.

POSTMASTERS

INDIANA

Frank H. McGuire, Milroy.

IOWA

Marvin K. Moore, Pacific Junction.

KANSAS

Jemima Hill, Arma.
Harold H. Brindley, Peabody.
Rufus J. Miller, Selden.
Elra L. Robison, Walnut.

MAINE

Edward R. Veazie, Rockland.

MICHIGAN

Sadie Curran, Caseville.
Arthur Dillon, East Tawas.
Harry E. Penninger, Lake Linden.
Carrie M. Colegrove, Remus.

NEW MEXICO

Clotilde C. Montes, Bernalillo.

OHIO

Carl E. Richardson, Baltic.
Frank L. Lee, Campbell.
Reinhard H. Curdes, Napoleon.
Louise Lovett, Wickliffe.

OREGON

George W. Epley, Sheridan.

PORTO RICO

Jose Monserrate, Salinas.

TENNESSEE

Rufus N. McCaslin, Dickson.

TEXAS

Hal Singleton, O'Donnell.
Maggie Thomas, Petersburg.
William J. Davis, Silsbee.
Herbert W. Scott, Throckmorton.

UTAH

Arthur H. Reeve, Hinckley.
Benjamin F. Caffey, Sunnyside.

HOUSE OF REPRESENTATIVES

FRIDAY, *April 20, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our blessed Lord, out of the depths of our conscious need and out of our deepest gratitude we would pray never leave nor forsake us. Bless us with that deep experience of the soul that can not be measured, and help us to that peace that no human mind has ever understood. Lead us to that love whose depths no mortal heart has ever sounded, and to that joy that no earthly lip has ever expressed. All along the pathway that awaits our footfall, may every mountain be brought low and every valley raised up and every rough place made plain. May our mornings and our evenings bring to us satisfaction because of work well done. Raise us to a plane where the losses and the crosses of life are exalted and where the beatitude of our Heavenly Father rests upon us. In the holy name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2725) entitled "An act to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma.

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 8835. An act to amend section 98 of the Judicial Code, as amended, to provide for terms of court at Bryson City, N. C.; and

H. R. 12441. An act to amend section 2 of an act entitled "An act in reference to writs of error," approved January 31, 1928, Public, No. 10, Seventieth Congress.

The message further announced that the Senate disagrees to the amendments of the House of Representatives to the bill (S. 710) entitled "An act conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the Northwestern Bands of Shoshone Indians may have against the United States," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FRAZIER, Mr. SCHALL, and Mr. ASHURST to be the conferees on the part of the Senate.

DISTINGUISHED VISITOR

Mr. TILSON. Mr. Speaker, before taking up the business for to-day I should like to call the attention of the House to the fact that we are honored by having in the Speaker's row in the Member's gallery one of the premier aces of America; that man who made a nonstop flight, with a passenger, from this continent to Germany, 60 miles beyond Berlin, one of the outstanding feats of aviation. We are honored by having as a visitor in the gallery to-day Clarence D. Chamberlin. [Applause.]

FEDERAL FARM BOARD

Mr. SNELL, from the Committee on Rules, submitted the following resolution for printing in the RECORD:

House Resolution 174

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 3555, entitled "An act to establish a Federal farm board to aid in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce." That after general debate, which shall be confined to the bill and which shall continue not to exceed 12 hours, the time to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of the point of order as provided in clause 7 of the Rule XVI, the substitute committee amendment recommended by the Committee on Agriculture, now in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the committee shall rise and report the bill to the House with the committee substitute, as amended, and the previous question shall be considered as ordered on the bill and committee substitute thereto to final passage without intervening motion except one motion to recommit.

AMERICAN MERCHANT MARINE

Mr. SNELL, from the Committee on Rules, also submitted the following resolution for printing in the RECORD:

House Resolution 175

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 744, entitled "An act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes." That after general debate, which shall be confined to the bill and which shall continue not to exceed four hours, the time to be equally divided and controlled by those favoring and those opposing the bill, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of the point of order as provided in clause 7 of Rule XVI the substitute committee amendment recommended by the Committee on Merchant Marine and Fisheries now in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the committee shall rise and report the bill to the House with the committee substitute, as amended, and the previous question shall be considered as ordered on the bill and committee substitute thereto to final passage without intervening motion except one motion to recommit.

Mr. BANKHEAD. Will the gentleman from New York yield for an inquiry?

Mr. SNELL. Yes.

Mr. BANKHEAD. For the information of the Members of the House as to the order of business next week, we are to assume that the resolution for the consideration of the agricultural bill will come up after we have concluded the flood control bill?

Mr. SNELL. That is the expectation, that the farm relief bill will be considered immediately after the conclusion of the flood control bill.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. GARNER of Texas. As I understand, the present bill we are considering is a Senate bill?

Mr. SNELL. Yes.

Mr. GARNER of Texas. If I recall correctly, the two resolutions just offered are for the consideration of Senate bills?

Mr. SNELL. Yes.

Mr. GARNER of Texas. I am just wondering when we are going to consider the Senate bill with reference to Muscle Shoals?

Mr. SNELL. I could not answer that this morning.

Mr. GARNER of Texas. Are you going to wait for the Boulder Dam bill until it passes the Senate or are you going to consider the House bill?

Mr. SNELL. I can not answer that.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that in the consideration of the Private Calendar to-day we begin at the first number on the calendar, that the bills may be considered in order in the House as in Committee of the Whole, and that all bills to which there are less than three objections be considered.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that it shall be in order to-day to consider the Private Calendar in the House as in Committee of the Whole, beginning with the first bill on the calendar and including all bills having less than three objections.

Mr. TILSON. Up to the present star.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, could we not do that in, say about an hour and a half from now so that we can get the bills. I believe we do not have the bills here at the present time. Could we not proceed from the star until half past one and then we can start at the beginning?

Mr. TILSON. Mr. Speaker, I will modify my request on account of the situation in regard to the bills. I ask unanimous consent that we may now begin at the star and after considering bills unobjected to for an hour and a half we may then go back to the first bill on the calendar and call bills to which there are less than three objections.

Mr. EDWARDS. Mr. Speaker, reserving the right to object, do I understand from the gentleman that we are to begin at the star and consider those bills which have not heretofore been considered?

Mr. TILSON. Yes; for an hour and a half, until we get the other bills.

Mr. GRIFFIN. Mr. Speaker, reserving the right to object, may I ask the intention with respect to continuing consideration of the flood control bill?

Mr. TILSON. If the gentleman please, it is thought that time may really be gained by suspending consideration of the flood control bill for the day for further study of the bill.

Mr. GRIFFIN. Will it be taken up to-morrow?

Mr. TILSON. I suppose so. There is nothing definite settled beyond to-day.

Mr. HASTINGS. That is the present understanding?

Mr. TILSON. That is the present understanding.

Mr. HASTINGS. That its consideration will be resumed to-morrow.

Mr. TILSON. There is no understanding beyond to-day.

The SPEAKER. The gentleman from Connecticut modifies his request which now is that it shall be in order to-day to consider bills unobjected to upon the Private Calendar, beginning at the star, in the House as in Committee of the Whole, until half past 1 and thereafter it shall be in order to start at the beginning of the calendar and consider bills to which there are less than three objections.

Mr. GARRETT of Tennessee. Does the gentleman want to fix an arbitrary time—half past 1?

Mr. TILSON. I am informed it will take probably an hour to get the bills ready, so we may properly consider those bills. It was not expected that that portion of the calendar would be taken up, and this is the reason for my modified request.

Mr. TUCKER. They are to be taken up an hour and a half from now?

Mr. TILSON. We have fixed the time at half past 1.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

Mr. HOWARD of Nebraska. Reserving the right to object, Mr. Speaker, there are a number of bills here below the star which are entitled to consideration, and I shall have to object until all of those bills shall have been considered.

Mr. TILSON. It is all one request so that we take up no bills at all unless we get this consent.

Mr. HOWARD of Nebraska. There is one bill there I have killed six or seven times, and I am not going to let it come up again without my objection when there are unconsidered bills here.

Mr. TILSON. If the gentleman will indicate the bill, I have no doubt he will get two other gentlemen who will stand with him.

Mr. HOWARD of Nebraska. It is the Near East relief bill—that is the unhappy name of it.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

Mr. HOWARD of Nebraska. I object unless that one bill shall be eliminated from consideration.

Mr. LAGUARDIA. Mr. Speaker, if the gentleman from Nebraska will permit, I will help the gentleman object to that one bill just to please the gentleman, so as not to prevent the other bills from coming up.

Mr. TILSON. The gentleman need have no apprehension about his bill.

Mr. HOWARD of Nebraska. Mr. Speaker, since I have assurances of the aid of that fighting little colleague from New York in an effort to kill this objectionable bill, I withdraw my objection to the unanimous-consent request preferred by the gentleman from Connecticut.

The SPEAKER. Is there objection?

There was no objection.

PROTECTION OF WATERSHEDS OF NAVIGABLE STREAMS

Mr. HAUGEN. Mr. Speaker, I present a conference report on the bill (S. 1181) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

EXTENSION OF REMARKS

Mr. BERGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the platform of the National Socialist Party in the RECORD. It is a very interesting document.

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, I shall object to printing the platform of any party in the RECORD. This is not what the RECORD is for.

Mr. CRAMTON. Will the gentleman withhold his objection a moment? I wonder if the gentleman from Massachusetts understands that this platform does not contain the declaration for beer and wine which the gentleman from Milwaukee desired, and with that fortunate omission I hope the gentleman will not make any objection.

Mr. UNDERHILL. Mr. Speaker, the RECORD was not instituted and is not carried on for the purpose of politics. It is carried on to record the proceedings of the Congress. I have stood against these extraneous matters going into the RECORD and I must maintain that position.

Mr. LAGUARDIA. If the gentleman will yield, the gentleman from Wisconsin [Mr. BERGER] can get a little time and read it, so we will just be saving time. Other platforms have gone into the RECORD.

Mr. UNDERHILL. Well, if the gentleman wants to take the time of the House to read it, all right.

Mr. BERGER. Mr. Speaker, I ask unanimous consent that I may have 30 minutes at some time to read it and explain it.

The SPEAKER. At what time?

Mr. BERGER. Any time next week.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that just before adjournment to-day the gentleman from Wisconsin may proceed for 10 minutes.

The SPEAKER. The gentleman from New York asks unanimous consent that the gentleman from Wisconsin may address the House for 10 minutes before adjournment this afternoon. Is there objection?

There was no objection.

PENSIONS AS A RESULT OF SUBMARINE ACCIDENTS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10437) granting double pension in all cases to widows and to dependents when an officer or enlisted man of the Navy dies from an injury in line of duty as the result of a submarine accident, with Senate amendments, and agree to the Senate amendments.

The Clerk read the Senate amendments.

The Senate amendments were agreed to.

LEAVE TO ADDRESS THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that at 1.30 o'clock p. m. the gentleman from West Virginia [Mr. O'BRIEN] may have permission to address the House for 30 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that at 1.30 o'clock this afternoon the gentleman from West Virginia [Mr. O'BRIEN] may address the House for 30 minutes. Is there objection?

There was no objection.

THE FLOOD CONTROL BILL

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on flood control and the fiscal relations between the District of Columbia and the Federal Government.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Speaker, I dropped into the Willard last evening and was accosted by a gentleman whom I remembered to have met in New Orleans last summer when I visited the lower Mississippi region to learn what I could about the flood situation.

Knowing my interest in the subject, he invited me to attend a meeting of the representatives of the 7,500 owners of the 4,000,000 acres in the flooded area whose land is to be taken by the Federal Government for the proposed flood-way. Also he said there would be represented the railways whose tracks would have to be raised in the proposed plan, besides the other representatives of the 15,000,000 acres which would be benefited by the project. In fact he said I would meet the representatives of big lumber companies and other corporations which were interested in the proposed bill—in other words, the very best people.

I was ushered into a private parlor where there were engaged in animated conversation about two score of very prosperous-looking gentlemen.

Shortly after I entered the room the meeting was called to order by a portly gentleman, whose name I did not catch, and he proceeded to make a most astounding address. Realizing its import, I asked my friend if there would be any objection to my taking notes, to which he replied in the negative.

Omitting the customary exordium of generalities this is what I took down:

This meeting has been called to register our protest against the scandalous imputations and implications contained in the speeches of Representative JAMES A. FREAR, of Wisconsin, who has outrageously misrepresented the attitude of our friends who are the owners of the land to be taken in the proposed spillways and flood-ways under the Jones bill. He has intimated that we proposed to mulct the Federal Government out of $75 an acre for cut-over lands which we purchased for $1.25 per acre, and that the railroads in the affected area which suffered a loss of $6,318,000 through the flood, want to exact damages to the extent of $75,000,000 for the raising of their tracks under the proposed scheme of flood prevention. We desire to assure him and all others that he wholly misrepresented our attitude.

We realize that in every crisis which this country has had to meet designing and unscrupulous men have not hesitated to put on the cloak of the mendicant or to wrap the American flag around them nor scrupled to use either for their own profit or aggrandizement.

We do not stand in such attitude. On the contrary, this is our credo:

The Mississippi River is entitled to its right of way. It is not an interloper. It was there before the white man settled on its banks. It is a great continental river. It is entitled to free and uninterrupted access to the sea.

Its habits of occasional overflow were soon made known to the first settlers. They took possession of its banks with full knowledge of the river's habits. They possessed themselves of these lands knowing the danger of their situation. The doctrine of caveat emptor applies. The river is entitled to an easement in the lands subject to overflow.

The greed of man has restricted its banks and closed its natural outlets. As the river once flowed it had several natural outlets or mouths called a delta.

Every great continental river is entitled to a delta. The Delta of the Mississippi has been greatly curtailed and confined to one outlet. Originally it had outlets into Lake Pontchartrain and Lake Borgne, also along the Atchafalaya Valley and the Tensas Basin. These have been closed.

The obligation of the Federal Government in the Mississippi, as in all other navigable streams, consists principally in preserving its navigability.

Areas on the low-lying banks of such streams subject to floods are occupied by settlers at their peril. If they take up their abode upon such lands or attempt to farm them, they impliedly assume the burden of protecting themselves.

Land subject to an easement has not the value it would have if it were unburdened by such use. If the land is freed of the easement of the river's tendency to overflow it will have a vastly increased value.

The obligation of the Government is to save human life but not to free the land of its easement or encumbrance. It should not be made a part of this scheme for the Government to augment the values of land subject to flood.

The practice in every community where a road or highway is built which augments the value of adjacent or abutting land is to have such owners contribute to the cost, and we are willing to contribute our share. [Loud and prolonged applause, the audience rising.]

I was pleased beyond measure at this manifestation of altruism and took advantage of the enthusiasm to make my departure. As I was leaving I heard a voice saying, "That fellow has been taking notes," and then a big burly fellow grabbed me and shouted, "Give up those notes!"

I refused indignantly and immediately was attacked and thrown to the floor and was nearly suffocated with the weight of several men trying to overcome me when—I woke up. It was all a dream!

REFORESTATION A FACTOR IN FLOOD CONTROL

In my remarks before the Flood Control Committee of the House, Wednesday, December 7, 1927, I suggested the bill to be brought out by the committee should embody at least three definite features, to wit:

First. Setting the levees farther back from midstream, so as to enlarge the capacity of the channel.

Second. Opening up again the old branches of the Delta and providing for natural spillways.

Third. A definite plan of reforestation and curtailment of timber cutting within the watershed area of the Mississippi and its tributaries.

The bill before us includes the first two recommendations but is silent on the subject of reforestation, showing that the framers of the bill before us do not seem to appreciate the woeful effects of forest denudation in bringing about flood conditions.

I want therefore to insert in the RECORD some observations on the effects of forest denudation from the pen of Raphael Zon, of the Lake States Forest Experiment Station, as follows:

Accurate records, continued for a long period of years, of the effect of forested and deforested watersheds upon the behavior of streams are available for many countries, including the United States. They are particularly abundant in Switzerland, and the French, Italian, and Tyrol Alps. This effect has now been so universally recognized that such countries as Switzerland and France have adopted as a definite policy, involving large expenditures of money, the control of mountain streams by means of forestation.

* * * * * * *

It is not so much the storage of water in the forest floor that gives forests such a prominent part in the regulation of stream flow as their ability to prevent erosion. The forest is the most effective agent for protecting the soil from erosion, because (1) the resistance of the soil to erosive action is increased by the roots of the trees which hold the soil firmly in place, and (2) at the same time the erosive force of the run-off is itself reduced because the rate of its flow is checked and its distribution over the surface equalized.

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The famous French engineer, Demontsey, computed that one mountain torrent brought down after one storm, in 85,000 cubic yards of water, over 221,000 cubic yards of detritus, or more than two and one-half times its own volume.

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The entire top soil is gone from hundreds of thousands of acres in western Virginia, western Pennsylvania, eastern Kentucky, and southeastern Ohio. From these lands rain water courses much faster to the Mississippi than formerly.

* * * * * * *

Trees, grass, wood lots, forests, and other soil-building crops will vastly improve the flood situation. Not only will they slow up the run-off water but they will save the most valuable part of the soil and will reduce the clogging of streams, which cuts down their carrying capacity and adds to the flood danger.

* * * * * * *

In the light of all these facts one can not escape the conviction that the cutting away and burning of the forest on the western slopes of the Appalachians, where the Ohio and its tributaries rise, increased erosion from the slopes, raised the water level in the tributaries, and increased the flood danger farther down the Mississippi.

* * * * * * *

Given a river flowing through a flat, alluvial plain, depositing sediment at its own bottom as it goes, and constantly filling up its bed, the building of levees along its banks under such conditions is courting disaster. The average level of the river will rise between the levees, and the bottom will rise as further sediment is deposited. Therefore, soon the levees will have to be built higher. The net result of the process is only to lift the whole bodily above the plain. This is shown clearly by the Yellow River in China. There are points where "China's Sorrow" has now been lifted 60 feet above the plain. And there is our own Colorado River, whose bed is 200 feet above the Imperial Valley.

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Also, I quote from an article by Col. W. B. Greeley, Chief of the United States Forest Service, entitled "Use common sense":

Forest protection at the source of streams, proper agricultural methods in the valleys and foothills which would increase the absorption of water in the soil and prevent erosion, construction of storage reservoirs for flood regulation where these are required, levees and bank protection where this work is needed, outlets and spillways, and all other work bearing on the control of water should be harmonized into one great unifying system for each drainage basin.

The Mississippi Basin contains about 89,000,000 acres of forested or denuded land, which has little or no utility except in growing timber. No one can assert that the condition of this vast land surface, or the degree of care or of neglect it receives, has no bearing upon the flow of the Mississippi River.

As evidence of the estimation in which reforestation is held in other countries, I herewith append a summary of foreign legislation on the subject:

REFORESTATION IN OTHER COUNTRIES

Austria. For the regulation of the lower portions of the rivers $1,350,000 was appropriated at the same time, and of this sum $400,000 has been expended on reforestation. (Ibid., p. 22.)

Russia. Before the war over 100,000,000 acres of forests had been classed as protection forests, or forests which are indispensable to control of stream flow. (Ibid., p. 22.)

Japan. Has close to 2,000,000 acres of forests specifically designated to prevent denudation of soil and occurrence of floods, embracing some 353,000 separate forest areas. (Ibid., p. 23.)

Italy. In 1877 the first law for maintaining protection forests was passed. It was not, however, until the passage of a new law in 1910 that made obligatory upon communities and private owners reforestation of denuded areas in the mountains that rapid progress was made. (Ibid. p. 23.)

Spain. In 1908 a law was passed for the conservation in flood areas and in other places where the permanence of the forest is essential as a preventive against erosion and rapid surface run-off. (Ibid. p. 23.)

France, through bitter experience, has learned the lesson of forestation of mountains. Other countries, such as Palestine, Assyria, Arabia, Greece, Tunisia, Algeria, Italy, Spain, Persia, Siberia, Dalmatia, all bear the same evidence of deforestation. In 1860 France, after terrible floods of 1856 that ravaged the valleys of the Rhine, the Loire, the Rhone, the Garonne, and the Seine, and caused the loss of a great number of lives and did damage amounting to more than $38,600,000, passed the first law on the reforestation of the mountains. Since then and up to about 1913 some 500,000 acres have been acquired and more than one-half of the land has been planted. Already 163 of the mountain streams have been entirely controlled and 654 are beginning to show the controlling effects of the forests upon their watersheds. Thirty-one of the mountain streams now entirely controlled were considered hopelessly bad half a century ago. (From Floods, Forests, and the Future, published by the American Tree Association, p. 21.)

Three-fourths of the forests of Switzerland are regarded at the present time as protection forests; that is, they are located in the basins of torrents, where they serve to lessen the harmful effects of run-off. (Ibid. p. 22.)

FOREST RESERVES GOOD BUT NOT SUFFICIENT

In the United States we seem to have concentrated our attention mostly on the establishment of forest reserves with the aim of preserving the beauties of nature and conserving game. But that is not sufficient. A forest reserve is a beautiful thing, but its utilitarian value should not be forgotten. Forest reserves alone are not going to correct the flood satuation, but the Government should require a general percentage of forestation within the area of every navigable river's watershed; in other words, restore as nearly as possible the conditions that were found in this watershed in 1850.

THE NATION'S DUTY TO THE DISTRICT OF COLUMBIA FISCAL RELATIONS

Mr. GRIFFIN. Mr. Speaker, the pending appropriation bill for the District of Columbia brings up again the irritating question as to the proper distribution of the burden of the annual costs of maintenance between the Federal Government and the citizens of the District. Each year we are confronted with the same controversial question as to whether or not the $9,000,000, or lump-sum, contribution which the Federal Government has been making toward the carrying on of the municipal activities of the District is fair and equitable, and we are asked to decide whether the share of the respective parties should not be expressed in the form of a ratio, or percentage, as was formerly the practice.

It will be difficult for a hard-headed business man to see the difference between the two methods of apportionment. It is quite obvious that if the Senate and the House conferees could only agree on the proper amount that the Federal Government should contribute, it ought not to make any difference whether the contribution was expressed in dollars or as a percentage.

The real question then is the determination of the amount of the Federal contribution, which will be fair to the taxpayers of the United States as well as to the taxpayers of the District.

I think the proponents of both methods of apportionment will candidly admit that in our present state of darkness as to the many complicated factors entering into the solution of the problem, there is no possible way of extemporizing at this moment even a rough formula which will be even approximately accurate.

If the lump sum of $9,000,000 is guesswork, which even its proponents admit, the fixing of any arbitrary percentage or ratio is equally amenable to the same criticism.

I have alluded to the many and complicated factors which enter into the determination of the problem. As a beginning toward solution, we will assume that we must begin with a determination of the relative assessed valuation of Federal and of District taxpayers' property—that is, land and improvements:

Taxpayers' property	$1,137,000,000
District property (land and buildings)	50,000,000
Total District property	1,187,000,000
Federal property (land and buildings)	470,000,000
Total property to be used as basis	1,657,000,000

[NOTE.—There is an item of $75,000,000 of untaxed property in the District representing the assessed valuation of embassies, churches, schools, and charitable institutions, which, for the time being, will be omitted from the calculation, because of the difficulty of classification. The legations, for instance, it is obvious, should be classified under Federal responsibility, while the schools, churches, and charitable institutions are a distributable factor.]

Therefore, taking $1,657,000,000 as the basis of the calculation, we find that the Federal possessions in the District, to wit, $470,000,000, constitute 28.4 per cent of the whole, excluding the embassies, churches, schools, and charitable institutions. The classification of these in the Federal and District columns, respectively, would not materially affect the result.

From this preliminary calculation it is hard to escape the conclusion that, using it alone as a basis, the Federal Government, having 28 per cent of the total property ought to contribute an amount equal to 28 per cent of the current appropriation.

That, however, is going too fast. The figure $1,657,000,000 excludes the legations, churches, schools, and charitable institutions. Adding the appraised value of these we get $1,732,000,000 as the total of realty in the District of every class, of which $595,000,000, or over 34 per cent, is exempt from taxation.

Using this gross valuation as the basis of our calculations we find, if it were all taxed, it would raise $29,444,000. But we must take off the exempt property, $595,000,000. Deducting that we have $1,137,000,000, which is productive of revenue, upon which the District will collect $19,169,934. But, in addition to that, the District collects from other sources. The following is a complete summary of income:

To be raised by taxation in 1928

Real estate, $1,137,000,000	$19,169,934
Tangible property, $102,000,000	1,734,000
Intangible property, $440,000,000	2,200,000
Public utilities, corporations, bonds, building associations, $46,000,000 gross receipts on which tax is based	2,000,000
Fines, fees, permits, etc. (see p. 8, District finances)	2,800,000
Total estimated receipts for year 1928	27,903,934
Contribution of Federal Government	9,855,000
Total	37,758,934

Another factor in the calculation to be considered is property exempt from taxation:

Property in District exempt from taxation

Federal real estate, land and buildings	$470,000,000
District government lands and buildings	50,000,000
Legations, churches, schools, and charitable institutions	75,000,000
Total exempt	595,000,000

Then there is the factor as to the use of the property. There is a large amount of Federal property included in the above-mentioned sum of $470,000,000 of which the District has the entire or partial use.

My colleague, Mr. SIMMONS, the chairman of our subcommittee, put a table in the hearings—see page 1078—in which he included all the parks, museums, public squares, monuments, and bridges, and even the reservoir and pumping station, as if the people of the District had their exclusive use.

I venture to suggest that this is an unreasonable contention, and herewith submit a corrected list:

Corrected list United States property and improvements in the District of Columbia from which the Federal Government derives the primary use and benefit

Name assessed	Land	Improvements
State, remaining portion of Ellipse	$11,420,865	
Monument Grounds	13,853,388	
Agricultural Grounds	6,214,168	$1,831,400
Judiciary Square (courthouse)	3,455,060	1,700,000
Lafayette Square	10,620,750	
United States of America	118,791	
Rock Creek Park	1,000,864	500
Do	8,261,600	
Smithsonian Institution	388,135	645,000
Red Cross Building		587,300
Pan American Building	1,075,555	867,000
Lincoln House	33,278	4,500
Post office (city)	1,052,826	3,000,000
Potomac Park	19,241,097	
Do	14,453,208	
Above Anacostia Bridge	572,787	
Do	393,057	
Highway Bridge		450,000
Zoo	1,108,770	207,000
Total	93,264,199	9,292,700
Improvements	9,292,700	
Grand total	102,556,899	

Which leaves only $55,113,000 of which the District, by any stretch of the imagination, can be said to derive the primary use and benefit.

If we calculate the tax on the total Federal property—$470,000,000—at the rate of $1.70 per hundred, we find the Federal Government ought to be liable for $7,990,000. But deducting the valuation of Federal property, of which the District has the primary use, to wit, $55,113,101—a very liberal allowance—we find the amount of Federal property for purely Federal uses to be $414,886,899, on which the tax would be about $7,055,000.

These figures are subject to modification, owing to the necessity of considering a number of factors too intricate to go into; but the net result would not be materially affected.

This result, however, is a far fly from the figure of $5,819,210, which our chairman estimates in his speeches to be the amount for which the Federal Government is liable.

If his figures are correct, then the Federal Government is making a present to the District each year of about $4,000,000; and if it were correct, I do not blame him for believing that the Federal Government is liberal enough.

If it is a present, or donation, what is it given for? Here is the crucial point requiring mature consideration. According to his contention, the donation is $4,000,000; according to mine it is only $2,000,000. Now, the question is: What is it for? All will concede that it is for the vague, intangible, and indefinite obligation which the Federal Government owes to the District as the site of the Capital of the Nation, in which all the taxpayers of the Nation have a pride as well as a sense of responsibility.

An exact scientific appraisal of this responsibility perhaps can never be arrived at. Perhaps, too, the taxpayers of the District are indifferent as to whether or not it is ever determined. The fact, however, that this difference in figures on property and tax estimate and the amount of Federal contribution exists, shows that something is lacking in present methods of apportionment.

With this review of the factors entering into the problem, let us look at the present situation.

Whether $9,000,000 as a lump-sum contribution is right or wrong, exact or inexact, the fact remains that the estimates of the present appropriation bill were figured out on the basis of that contribution. It amounts to about 29 per cent of the appropriation bill before us. To transform the $9,000,000 into a 29 per cent contribution would not affect the result. However, to raise the contribution to 33⅓ per cent or 40 per cent would raise the Federal contribution to such a sum as would create a surplus. The tax rate for the current year is already fixed at $1.70, so the surplus derived from the Federal Government under such a change would go into a blind pool of no advantage whatever to the taxpayers, at least for the current year.

However, that does not change the obvious conclusion that some method other than either the lump sum or the ratio basis should be adopted in the future to set at rest this irritating question.

On page 18 of the hearings will be found a table which shows that the percentage of the Federal contribution to the District expenditures covered in the annual District appropriation bills has been dropping steadily. The following is an abbreviated summary:

Table of contributions, 1922–1929

Fiscal year	Total appropriations	District of Columbia share	Final United States share	Per centage of final United States
1922	$22,977,411.07	$13,784,647.70	$8,780,298.48	38.212
1923	27,231,343.01	16,469,244.51	9,860,021.47	36.210
1924	20,505,454.41	12,424,349.78	7,220,977.19	35.210
1925	31,183,151.28	22,037,796.02	9,625,415.23	30.870
1926	31,189,730.38	22,189,638.38	9,729,744.50	31.195
1927	34,894,562.36	25,894,071.85	9,654,272.33	27.667
1928	33,873,899.35	24,872,874.00	9,906,025.35	29.240
1929	34,431,836.00	25,431,836.00	9,845,000.00	28.590

The drop from 38 per cent in 1922 to 29 per cent in 1929 is, no doubt, responsible for a part of the clamor against the lump-sum method of contribution. The chief objection to it is its aspect of permanency and absoluteness. Its effect is also felt inevitably in the making up of each year's estimates, its tendency being to cramp and retard development of the school, highway, and park programs.

I am of the opinion that the Federal contribution should not be limited or bound by an inexorable formula, either on a percentage or on a lump-sum basis, but should vary each year in accordance with the work to be accomplished, taking into consideration the ratio between strictly Federal and strictly District improvements, and also making allowance for the fact that this is the Capital of the Nation, in which every American takes a profound pride. And in arriving at a fair ratio the Congress of the United States should not take a small or picayune attitude, but do everything in its power to promote its development into the most beautiful capital of the world.

DEVELOPMENT OF AGRICULTURAL EXTENSION WORK

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9495), disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill (H. R. 9495), disagree to the Senate amendments, and ask for a conference.

The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 9495) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed as conferees on the part of the House Mr. HAUGEN, Mr. KETCHAM, and Mr. ASWELL.

PRIVATE CALENDAR

The SPEAKER. The Clerk will call the Private Calendar beginning at the star.

JOHN GOLOMBIEWSKI

The first business on the Private Calendar was the bill (H. R. 7079) for the relief of John Golombiewski.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HOOPER. I have had little time to look these bills over as the calendar came up unexpectedly. Is the gentleman from Illinois in charge of the bill?

Mr. RATHBONE. No; I am not. The gentleman from Texas [Mr. HUDSPETH] is in the hospital. I am familiar with the case.

Mr. HOOPER. Was this contest in good faith?

Mr. RATHBONE. Yes. Mr. Golombiewski was a Republican in a district strongly Democratic.

Mr. MADDEN. Mr. Speaker, I object to this bill or any bill of a similar nature. Under the rules of the House no money can be voted for a contestee or a contestant except with the certificate of the chairman of the committee that heard the case. There ought not to be any deviation from that and I object.

HORACE G. KNOWLES

The next business on the Private Calendar was the bill (S. 3325) an act for the relief of Horace G. Knowles.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, was this man confirmed by the Senate?

Mr. UNDERHILL. Yes. This case has been before Congress for many years, and it is through the insistence of the gentleman now addressing the House that the amount has been reduced. The department and all concerned seemed to think that Mr. Knowles was entitled to $7,000. I found that he came to Washington and loafed around here instead of going out and trying to get a job somewhere else. He was not obliged to stay here, but he thought the Government was going to pay him for waiting around.

Mr. LAGUARDIA. Was he under orders?

Mr. UNDERHILL. Yes; but not to the extent he claimed.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $7,296.49 to Horace G. Knowles as salary for the period of March 30, 1909, to December 22, 1909, during which period he was commissioned as a minister of the United States to Nicaragua and was all that whole period under instructions to await orders of the State Department.

With the following committee amendments:

In line 5, after the word "appropriated," add "and in full settlement against the Government"; in line 5, strike out the figures "$7,296.49" and insert in lieu thereof "$1,666.67"; in line 7, strike out "December 22" and insert "July 30."

The committee amendments were adopted.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

E. L. F. AUFFURTH AND OTHERS

The next business on the Private Calendar was the bill (H. R. 5953) for the relief of E. L. F. Auffurth and others.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. UNDERHILL. Reserving the right to object, and I shall not object, I want to take this occasion to throw a bouquet to myself. I am obliged to be away from the House this afternoon. This is the first time I have been absent when the business of the Committee on Claims was being considered. I am obliged to be absent because of a very important engagement. The calendar came up unexpectedly, and it is impossible for me to remain. I withdraw the reservation of an objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, as follows, to wit: To E. L. F. Auffurth, the sum of $105.60; to Adrian M. Finney, the sum of $177.87; to Thomas C. Smith, the sum of $177.87; to Eugene J. Tremant, the sum of $177.87; to John L. Uhde, the sum of $177.87; to W. W. Van Court, the sum of $177.87; said sums representing salary lost by them during suspension while employees in the United States post office and customhouse at New Orleans, La.

With the following committee amendments:

Strike out all after the word "appropriated" in line 5 and insert in lieu as follows: "and in full settlement against the Government, the sum of $105.60, to reimburse E. L. F. Auffurth for loss of salary while employed in the United States post office and customhouse at New Orleans, La."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider was laid on the table.

WIDOW OF ALBERT F. SMITH

The next business on the Private Calendar was the bill (H. R. 9213) granting relief to the widow of Albert F. Smith.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. KNUTSON. Mr. Speaker, reserving the right to object, may we have some information in respect to the bill. Was this man a deserter or what is there to it? There was something wrong with his military record. This is in effect a pension bill.

Mr. LAGUARDIA. As I get it from the record, this is what happened. The man enlisted on June 6, 1861. He was in an engagement and was taken prisoner. He was kept a prisoner of war until December, 1861, when he was paroled. I assume, of course, though I do not know, that under the conditions of the parole he could not enter back into the service again. After he was paroled and he reported to his military authorities, he was given a certificate of sick leave until September 28, 1862, and then he disappeared.

Mr. KNUTSON. What became of him?

Mr. LAGUARDIA. I do not know.

Mr. HUDSON. He is on the roll charged as a deserter.

Mr. KNUTSON. What became of him after he disappeared? Was he ever found again?

Mr. HUDSON. Yes; and the affidavits are in the record. The affidavits are from a number of citizens showing that he continued living at his home but was physically and mentally incapacitated for filling out any term of enlistment.

Mr. KNUTSON. This is in effect a pension bill, because it will confer upon the widow the same right that widows of regularly discharged soldiers have. I think we ought to have some further explanation.

Mr. GLYNN. Mr. Speaker, I reported the bill. I can merely say that he was paroled home and the muster roll of his company showed a discharge at Providence in 1862.

Mr. LAGUARDIA. When was he married? That is the important thing.

Mr. KNUTSON. Oh, there are several important things here besides his marriage, although that is important.

Mr. LAGUARDIA. He is dead.

Mr. KNUTSON. Service has something to do with it.

Mr. GLYNN. I have no information as to when he was married.

Mr. KNUTSON. Mr. Speaker, I shall have to object to this.

The SPEAKER. Objection is heard.

ALFRED G. V. MELDAHL

The next business on the Private Calendar was the bill (H. R. 4108) to correct the military record of Alfred G. V. Meldahl.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Alfred G. V. Meldahl, late of Company E, Twenty-second Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on November 28, 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to this act.

Mr. KNUTSON. Mr. Speaker, may we have some explanation of this bill? This is another pension bill.

Mr. LAGUARDIA. The gentlewoman from California [Mrs. KAHN], I think, can give some information on this bill.

Mrs. KAHN. Mr. Speaker, this bill grants this man the status of an honorably discharged soldier, provided that no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act. He served one enlistment and was honorably discharged. Then he reenlisted again and was discharged as a private without honor because he had gotten into some trouble before his second discharge. He was discharged dishonorably on a general order that men who had had trouble should be discharged without honor. He came in under that order.

Mr. KNUTSON. When was his first enlistment?

Mrs. KAHN. He was discharged the first time on March 21, 1902. Then he reenlisted.

Mr. KNUTSON. I have no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE PETTIT

The next business on the Private Calendar was the bill (H. R. 9827) for the relief of George Pettit.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, reserving the right to object, I hate to be the one to object to this class of legislation and this type of bill, but I call the attention of the House to the fact that some of these bills are very rank. Every time this calendar is called bills are reported out that are rawer than ever. I do not think it is any compliment to the brave men who are already on the pension rolls for us to go ahead and pass these bills and clutter them up with a gang of deserters. I object to this bill and to several others along this line.

Mr. WOODRUFF. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. WARREN. Yes.

Mr. WOODRUFF. I call the gentleman's attention to the fact that this soldier gave to the country more than two years of honest, loyal service. All of his comrades whom the gentleman is pleased to term the better soldiers of the Civil War have been on the pension rolls for years. This man unquestionably has but a few more years to live at the very best. He can not live more than five years. A pension has been withheld from him all of these years. In view of the fact that he has more than two years of honorable service, I think the gentleman ought not to object at this time.

Mr. WARREN. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

JAMES SCOTT

The next business on the Private Calendar was the bill (H. R. 11216) to correct the military record of James Scott.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

LUCIUS K. OSTERHOUT

The next business on the Private Calendar was the bill (H. R. 9995) for the relief of Lucius K. Osterhout.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. WARREN. I object.

Mr. McCLINTIC. Mr. Speaker, will the gentleman withhold his objection?

Mr. WARREN. Yes.

Mr. McCLINTIC. Mr. Speaker and gentlemen of the House, I want to say that this is a case where the record will show that when the soldier enlisted, or a very short time thereafter, he was taken sick and remained sick practically the entire time of his service. This statement is supported by hospital records and evidence of every kind; and the fact that he is now 78 years old and can live only a few more years——

Mr. LAGUARDIA. How long did he serve in the Army? Was it not only one day?

Mr. McCLINTIC. No. He was in the Army about four or five months. Most of the time he was in the hospital. He was sick practically all the time. The committee viewed it this way, that inasmuch as he was ill practically all the time, when the end of hostilities came and the company moved off and left him, of course he did not realize the importance of trying to get an honorable discharge, and went on to his home.

I know this old fellow personally, although he does not live in my district at the present time. He lives up on Long Island. But I remember that every time we had any kind of celebration he always got out his fife and drum corps and marched at the head of the procession. He has lived an honorable life, and has always performed patriotic service in every good cause. Inasmuch as he is now old and was sick most of the time of his service it would seem to be only right to give him an honorable discharge and let him spend the rest of his days in peace.

Mr. WARREN. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

WILLIAM CHILDERS

The next business on the Private Calendar was the bill (H. R. 4357) for the relief of William Childers.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of New York. I object.

Mr. VINSON of Kentucky. I hope the gentleman will withhold his objection.

Mr. BLACK of New York. I am sorry. I object.

The SPEAKER. The Clerk will report the next bill.

RELIEF OF CONTRACTORS AND SUBCONTRACTORS

The next business on the Private Calendar was the bill (H. R. 11951) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, can we get some information on this bill?

Mr. BYRNS. Mr. Speaker, this claimant is one of the contractors who suffered damage on account of the increase in the price of materials during and on account of the war. The gentleman will recall, of course, the contractors' bill which Congress passed, and under which damages were allowed or refunds made to a number of contractors who suffered loss by reason of this increase after their contracts were made. This company was a subcontractor on the Federal building at Nashville, Tenn. It claims damages to the extent of something like $1,790. I think that is the amount. The law under which these claims were filed limited the time for their receipt in the Treasury Department. This contractor, thinking that mailing the claim complied with the law, deposited the claim duly attested in the post office at Nashville, Tenn., the day before the time expired. It was received here by special delivery the morning after the time expired. This bill seeks only to give the contractor his day in court and permit him to prove his claims, just as the other contractors were allowed to do.

Mr. LAGUARDIA. Mr. Speaker, I withdraw my objection.

The SPEAKER. The objection is withdrawn. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926, be, and the same is hereby, amended so that said act shall include the Tanksley-Drumright Stone Cut Co., subcontractor for the Norman-Kerr Co. in the construction of the additions to the post-office building at Nashville, Tenn., and as to said subcontractor numbered claims for reimbursement as provided by said act of August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926, may be filed within three months after the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to recommit was laid on the table.

The SPEAKER. The Clerk will report the next bill.

D. GEORGE SHORTEN

The next business on the Private Calendar was the bill (H. R. 11960) for the relief of D. George Shorten.

The title of the bill was read.

The SPEAKER. Is there objection of the present consideration of the bill?

Mr. LAGUARDIA. Was the postmaster under bond?

Mr. COLTON. Yes. But he had really been released, and after he was entirely out and without responsibility another man was appointed to take his place. He had left the town entirely at the time of the burglary.

Mr. LAGUARDIA. He was under bond. Has the bondsman made good the loss?

Mr. COLTON. I am not sure of that.

Mr. LAGUARDIA. The law requires a bondsman to be appointed. When a defalcation or robbery takes place the bondsman has to make good, and then the insurance companies come in and make a refund.

Mr. COLTON. No. That is not the point in this particular case. There is a technicality involved in this case. He was not really the postmaster, but they held him just the same, because the other man's bond had not been approved.

Mr. LAGUARDIA. He suffered the loss of salary?

Mr. COLTON. Yes; and in fact he lost a good deal more than is provided in this bill.

Mr. LAGUARDIA. He had taken that up with the department?

Mr. COLTON. Yes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to D. George Shorten, late postmaster at Storrs, Utah, the sum of $95.06, being the amount stolen by a burglar on March 30, 1922.

With a committee amendment as follows:

Page 1, line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

MICHAEL MARLEY

The next business on the Private Calendar was the bill (H. R. 5223) for the relief of Michael Marley.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, I object.

Mr. HUDSON. Will the gentleman withhold his objection for a moment?

Mr. WARREN. Yes.

Mr. HUDSON. I would like to see the gentleman withdraw his objection. Here is a man who served faithfully in the Philippine Islands and simply because of a little altercation between himself and a fellow soldier, who would not return a loan of $20, he is to be penalized, after three or more years of faithful service in the Philippines, and anyone who served in the Spanish-American War knows what that service means. I hope the gentleman will withdraw his objection.

Mr. WARREN. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice and retain its place on the calendar.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that this bill may be passed over and retain its place on the calendar. Is there objection?

There was no objection.

FLATHEAD INDIAN RESERVATION, MONT.

The next business on the Private Calendar was the bill (H. R. 10042) to provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation, Mont., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to add to the final roll of the Indians of the Flathead Indian Reservation, Mont., approved January 22, 1920, under the act of May 25, 1918 (40 Stat. L. 591), and the act of June 30, 1919 (41 Stat. L. 9), the names of the following persons, descendants of the confederated Flathead Tribes of Indians; Joseph Russell Bird; Daniel Lawrence Pablo; Valerie Roullier; Henry Roullier, jr.; Julia Roullier; Laura Soucie; Blanche Soucie; Joseph Soucie; Julia Soucie; Rose Marie Soucie; and Audra Jane Martin. The Secretary of the Interior is also authorized to pay each of the persons named a sum equal to that heretofore paid per capita to those whose names were upon the approved roll, and to allot each of these persons, except Audra Jane Martin, the same area of land allotted to children of the Flathead Reservation enrolled upon the final roll, such payments to be made from any tribal funds in the Treasury to the credit of the Flathead Indians, the allotments to be made from any available tribal unallotted lands of the Flathead Reservation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SALLIE E. M'QUEEN

The next business on the Private Calendar was the bill (H. R. 9789) for the relief of the Sallie E. McQueen and Janie McQueen Parker.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, and I do not intend to object, I am rather unfamiliar with this calendar and I would like to have the gentleman from Alabama make a brief explanation about the reason for this bill and the reason for issuing this patent.

Mr. BOWLING. Mr. Speaker, the relief that is desired to be secured by this bill is this: To permit the parties named in the bill to purchase from the Government, they being the equitable owners of this land, as I may call them, these 80 acres which they have lived upon and claimed to own openly and notoriously and for which they have paid taxes ever since the year 1873. This land has been bought and sold ever since the last 56 years and the people believing that they owned it.

Mr. HOOPER. And it has been held continuously by these people?

Mr. BOWLING. It has been held continuously by these people for 56 years. I have the chain of title here. They are not asking for anything except that they be permitted to purchase the land from the Government at the price that was charged entrymen when the other land about it was entered.

Mr. HOOPER. I am wholly satisfied with the gentleman's statement.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue a patent to Sallie E. McQueen and Janie McQueen Parker for the west 80 acres of fractional section 1, township 18, range 18, St. Stephens meridian, lying south of the Coosa River in Elmore County, Ala., upon payment therefor at the rate of $1.25 per acre.

With the following committee amendment:

In line 6, after the figures "18" where they first occur, insert the word "north," and after the figures "18" where they next occur, insert the word "east."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM CHILDERS

Mr. VINSON of Kentucky. Mr. Speaker, I ask unanimous consent to return to Calendar No. 377 (H. R. 4357), for the relief of William Childers.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to return to Calendar No. 377. Is there objection? [After a pause.] The Chair hears none. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William Childers, formerly employed in quarring stone for use in connection with the Government Lock No. 1, on the Levisa Fork of the Big Sandy River, the sum of $3,000, out of any money in the Treasury not otherwise appropriated, as full compensation for injury and consequent loss of the left eye sustained in the course of his employment and without negligence on his part.

With the following committee amendment:

In line 7, strike out the sign and figures "$3,000" and insert in lieu thereof the sign and figures "$840."

The committee amendment was agreed to.

The SPEAKER. Without objection, the Clerk will correct the spelling of the word "quarrying" in line 5.

There was no objection.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIE G. CHAPMAN

The next business on the Private Calendar was the bill (H. R. 9721) for the relief of Willie G. Chapman.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, is the gentleman from West Virginia [Mr. HUGHES] on the floor?

Mr. LAGUARDIA. Mr. Speaker, I am going to object to the bill.

Mr. HUDSON. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice and retain its place on the calendar.

Mr. LAGUARDIA. I will say to the gentleman that I am going to object because here is a man who admits he deserted in the midst of hostilities. He was sentenced to serve five years for desertion during hostilities and the bill has no merit.

Mr. VINSON of Kentucky. If the gentleman please, the conviction was not for desertion, it was for insubordination, and the sergeant who preferred the charges and who appeared as the prosecuting witness at the court-martial, has an affidavit in the record which states that the physical condition of this soldier brought about this condition.

Mr. LAGUARDIA. But if the gentleman please, granting all the gentleman says, he did avoid getting into combat.

Mr. VINSON of Kentucky. Well, he was a sick man and was discharged because of physical disability, as the record shows.

Mr. HUDSON. Mr. Speaker, I object.

AUGUST J. MACK

The next business on the Private Calendar was the bill (H. R. 10472) to authorize the appointment of Master Sergeant August J. Mack as a warrant officer, United States Army.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, is the gentleman from New York [Mr. WAINWRIGHT] in charge of the bill?

Mr. WAINWRIGHT. Yes; the bill is one which I introduced myself.

Mr. HOOPER. And the gentleman is convinced there was a failure on the part of the mails to deliver the application of this man?

Mr. WAINWRIGHT. Absolutely. There were three applications received.

Mr. HOOPER. And were the men together?

Mr. WAINWRIGHT. This man's application was sent by the commanding general two days before those of the other two who were appointed.

Mr. HOOPER. The gentleman from New York is satisfied as to the merits of this bill?

Mr. WAINWRIGHT. Yes; and there is no objection on the part of the War Department.

Mr. HOOPER. Then I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of existing law, the Secretary of War is hereby authorized to take the same action with respect to the application of Master Sergt. August J. Mack for appointment as a warrant officer, United States Army, that he could have taken had the application of Sergeant Mack not been delayed in the mail en route from China to Washington, D. C.; and if necessary, in order to accomplish this purpose, the number of warrant officers authorized by law for the Army is hereby increased by one.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MARION BANTA

The next business on the Private Calendar was the bill (H. R. 10067) for the relief of Marion Banta.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Marion Banta, of Carrollton, Carroll County, Ky., out of any money in the Treasury not otherwise appropriated, the sum of $81.50, in full compensation for the amount of a check cashed and the proceeds thereof appropriated by the United States Government, which was given by said Marion Banta to guarantee the performance of a contract.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

M. M. EDWARDS

The next business on the Private Calendar was the bill (H. R. 3936) for the relief of M. M. Edwards.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of New York. I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

Mr. BLACK of New York. Mr. Speaker, I withdraw the objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to M. M. Edwards, widow of Lieut. John Davis Edwards, chief engineer of the U. S. S. *Shaw*, United States Navy, out of any money in the Treasury not otherwise appropriated, the sum of $1,401.50 for the loss of her husband's household goods and personal effects which were destroyed in the disaster to the U. S. S. *Shaw*, occurring on October 9, 1918, which destruction was due to collission with His Majesty's ship *Aquitania*.

With the following committee amendments:

Page 1, line 7, after the word "appropriated," insert "and in full settlement against the Government"; and in line 8 strike out "$1,401.50" and insert in lieu thereof "$1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JESSE R. SHIVERS

The next business on the Private Calendar was the bill (H. R. 4396) for the relief of Jesse R. Shivers.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jesse R. Shivers, North Wildwood, N. J., the sum of $796.95, for damages sustained to motor boat *L–659*, in collision with U. S. Coast Guard patrol boat *CG–110*, February 9, 1926.

With the following committee amendment:

In line 5, after the word "appropriated," add "and in full settlement against the Government."

The committee amendment was agreed to.

Also the following committee amendment:

In line 6, strike out the figures "$796.95" and insert "$300."

The SPEAKER. The question is on the second committee amendment.

The question was taken, and the second committee amendment was rejected.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN P. STAFFORD

The next business on the Private Calendar was the bill (H. R. 5322) for the relief of John P. Stafford.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. HOOPER. Reserving the right to object, the gentleman from Indiana [Mr. ROWBOTTOM] asked me to make an inquiry of the proponents of the bill, whether the postmaster was in any way negligent.

Mr. PARKS. This bill was introduced by my colleague [Mr. TILLMAN], who was called away on account of illness in his family. I think I can state the circumstances. I do not think the Government sustained any loss finally. These were revenue stamps that got into a waste basket and were burned by the action of the janitor.

Mr. HOOPER. The gentleman from Indiana [Mr. ROWBOTTOM] wanted me to inquire what was the delay in taking the inquiry?

Mr. PARKS. There was no very great delay; about a week.

Mr. HOOPER. The report says a month.

Mr. LAGUARDIA. What troubles me is the relationship between the bondsman, the postmaster, and the Government in these cases. Have these sureties paid this loss?

Mr. PARKS. I understand the postmaster has made the loss good to the Government. I think he paid it to the Government.

Mr. LAGUARDIA. This is not to relieve a surety?

Mr. PARKS. No.

Mr. HUDSON. The record says that the postmaster put the stamps in a safe in the national bank for safe-keeping; that the bank was not careful in guarding his interest as it should be, and that the clerk took the stamps, and they were burned up by the negligence of the janitor as waste paper. Now, they come back, notwithstanding the negligence on the part of the postmaster and the bank and ask reimbursement. Does not the record show that he took the stamps out of the bank and held them for a month before he made an inventory?

Mr. PARKS. Here is what occurred. He carried them to the national bank in an envelope that had become worn, and some of them dropped on the floor of the post office; they were put in the wastebasket by a janitor that could neither read nor write. The reason they believe that is that they found some of the stamps in the waste basket that were not destroyed. It was a month before they discovered the loss. They were revenue stamps and not postage stamps.

Mr. CHINDBLOM. If the stamps were never used then the Government suffered no loss. Did the postmaster pay for them in the settlement with the Government?

Mr. PARKS. Yes.

Mr. HUDSON. The gentleman will admit that the postmaster was negligent. We are passing bills constantly to relieve postmasters when they have not used ordinary common sense in safeguarding the property.

Mr. PARKS. I think the gentleman is too severe in his criticism in this case. I hope you will not object to doing justice to this man because of other cases.

Mr. LAGUARDIA. I do not want to punish this man, but I hope we will adopt the policy of requiring good faith in the accounting officials to safeguard Government funds.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. In the case of some of these postmasters they are bonded, and their bonds cover the embezzlement of employees, over whom they have no jurisdiction. These employees are under the civil service.

Mr. LAGUARDIA. But the bond covers these men, and they pay out of their own pockets.

Mr. SCHAFER. Not in all those cases.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Without objection, the Clerk will report the amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $469.10 to John P. Stafford, former postmaster at Springdale, Ark., to reimburse him for the loss of war tax revenue stamps which were stolen, through no fault or carelessness on his part, from the aforesaid post office, and while serving as postmaster."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

REREFERENCE OF A BILL

Mr. JOHNSON of South Dakota. Mr. Speaker, the bill (H. R. 13035) to amend section 641 of the act approved May 19, 1924, entitled "World War veterans' relief," providing for the payment of a certificate upon certain conditions, was erroneously referred to the Committee on World War Veterans' Legislation. This refers to adjusted compensation over which the committee has no jurisdiction. I ask unanimous consent that it be withdrawn from that committee and referred to the Committee on Ways and Means.

The SPEAKER. Is there objection?

There was no objection.

ELMER J. NEAD

The next business on the Private Calendar was the bill (H. R. 8474) for the relief of Elmer J. Nead.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $277.35 to Elmer J. Nead, in full compensation against the Government for damages sustained as the result of an accident caused by a naval ambulance.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSE FRANCISCO RIVAS

The next business on the Private Calendar was the bill (H. R. 8888) for the relief of Jose Francisco Rivas.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, reserving the right to object, I call the attention of the House to the fact that this is a bill on a claim growing out of President Coolidge's and Secretary Kellogg's war with Nicaragua. It seems that two drunken marines, sent down there on the present expedition of occupation, brutally assaulted a pregnant Nicaraguan woman, her husband, and her child, so that they all had to have medical attention. Of course, it is obvious if the marines had not been down there, this outrage would not have occurred.

I think I ought to congratulate the Secretary of the Navy for the splendid and hard bargain that he has driven in this case. He has sent a bill up here approving the expenditure of $32.50 to pay for the medical attention of these three people and $6 for damages to the torn dress of the woman. In other words, "We are mending you up in the hospital, and patching your rags, and letting you go."

Also, there is a bit of irony in the report, which I think ought to be called to the attention of the House. Secretary Wilbur in his letter to the Speaker of the House of Representatives printed in the report says:

The draft of the bill has been submitted to the Director of the Bureau of the Budget, and the Navy Department has been informed that its enactment will not be in conflict with the financial program of the President.

I think it should also be noted that the introducer of this bill is the distinguished chairman of the Committee on Claims, the gentleman from Massachusetts [Mr. UNDERHILL]. I am glad to see him committing himself this far in advance to the payment of millions of dollars that will come before his committee due to our unlawful occupation in Nicaragua. I have no objection to the passage of this very liberal measure. [Applause.]

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $38.50 to reimburse Jose Francisco Rivas, a resident of Leon, in the Republic of Nicaragua, of which $32.50 is to reimburse the said Rivas for the cost of medical services rendered to said Rivas and his family and made necessary by an attack upon said Rivas, his wife, and child by two privates in the United States Marine Corps attached to the Marine Corps Expeditionary Brigade in Nicaragua on June 5, 1927, and $6 of which is to reimburse the said Jose Francisco Rivas for clothing of his wife damaged during said assault.

With the following committee amendment:

Page 1, line 3, strike out lines 3 and 4 and insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 1, line 8, strike out "$38.50" and insert in lieu thereof "$138.50."

Mr. EDWARDS. Will this increase of $100 be in conflict with the President's financial program?

Mr. LAGUARDIA. Mr. Speaker, I offer this amendment for the sake of good international relations and for the good name of the United States. It is quite obvious in this case that a peaceful citizen of the Republic of Nicaragua, with which we are at peace, was assaulted by two United States marines. It is also obvious, as the gentleman from North Carolina [Mr. WARREN] has suggested, that a hard bargain was struck to settle the damages sustained with these good citizens. To carry out what has been expressed so many times, that we are down in Nicaragua for peaceful purposes, that we are down there at the invitation of the Republic of Nicaragua, that we are down there to maintain law and order, I respectfully submit that when a thing so disorderly and so unlawful happens as occurred in this case, we should not be satisfied with simply reimbursing the actual medical expenses and to pay for this unfortunate woman's torn dress, the result of the assault, but should make adequate compensation for the humiliation and suffering sustained by these good people, citizens of the Republic of Nicaragua with which we are told we are at peace. If United States marines are down in Nicaragua to maintain law and order, let us set a good example, and instead of confining this payment to $6 for the dress and $32.50 for medical attention, make it $138.50, and send that amount down there with the apologies of the United States Government.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. In line with the gentleman's speech, it would seem to me more appropriate to make the amount $1,038.50.

Mr. LAGUARDIA. According to the measure of damages, I think $100 additional is sufficient.

Mr. SCHAFER. Would the gentleman be in favor of $1,000?

Mr. LAGUARDIA. Let us make it $100.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ONA HARRINGTON

The next business on the Private Calendar was the bill (S. 2126) to provide for compensation for Ona Harrington for injuries received in an airplane accident.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, to Ona Harrington, of Minonk, Ill., the sum of $667.40 as compensation for injuries received in an airplane accident in or near Kempton, Ill., on July 10, 1919.

With the following committee amendment:

Line 5, after the word "appropriated," insert "and in full settlement against the Government."

The committee amendment was agreed to and the bill as amended was ordered to be read a third time, was read the third time and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DR. PHILIP SURIANI

The next business on the Private Calendar was the bill (H. R. 3954) to reimburse Dr. Philip Suriani.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, I would like the proponents of this bill to give us some information. It appears to be a rather far-reaching precedent, to reimburse or compensate a private dentist for dental services if we consider the facts in this case. I have no doubt but that a good many thousands, if not tens of thousands, of enlisted men in the Army would have just as valid claims.

Mr. LAGUARDIA. The gentleman knows that these military attachés must have good teeth to attend all the high teas. [Laughter.]

Mr. HOOPER. Mr. Chairman, will the gentleman withhold his objection?

Mr. SCHAFER. I will.

Mr. HOOPER. I do not know whether I can say anything that will change the gentleman's mind in this matter. I do not like to be in the position of getting up and having to speak in behalf of the bill, but the gentleman should realize that for a couple of sessions the committee has given these matters very careful attention. This Italian dentist has been waiting for months and years to get his money. The Government of the United States has recently been getting the reputation of being a poor debtor and a hard creditor. This is one of the cases where a service of this kind should be paid for.

Mr. SCHAFER. I will say to the gentleman that I have a National Home for Disabled Volunteer Soldiers in my district, and there are thousands of cases where they can not get reimbursement under existing law. I do not see why this officer should be singled out from a large number of men whose claims have been rejected.

Mr. LOWREY. Mr. Chairman, will the gentleman reserve his objection?

Mr. SCHAFER. I will.

Mr. LOWREY. I do not know of anybody connected with this case, but the situation was this: This officer was detailed in France and was later assigned to assist the United States military attaché at Rome, and the work was done at Rome. He was an attaché of the American Legation, and when he got to Rome the tooth, which had been treated elsewhere by an Army surgeon, became inflamed, and they found they had to go to the bone and scrape the bone, a very expensive treatment. He was an American officer out of reach of the American dentists, and the work had to be done.

Now, the trouble is that he is out of the service and they could not require him to pay the bill. The Italian dentist did the work for the attaché in the American service. The first work had been done by an Army dentist, and then this attaché was detailed to go elsewhere, and when he could not reach an Army dentist the previous treatment turned out to be ineffectual and the tooth abscessed and required troublesome treatment.

Mr. SCHAFER. Does the gentleman think this is an exceptional case on account of the international feature?

Mr. LOWREY. Yes. I think it would be very bad policy for this Government to allow a local physician in Rome to go unpaid for work done in good faith for an attaché when he understood it was Government work.

Mr. SCHAFER. Mr. Speaker, in view of the gentleman's statement I will withdraw my objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Dr. Philip Suriani, of Rome, Italy, the sum of $422.33, for surgical dental work performed for Lieut. Morgan Heiskill, United States Army, assistant to the United States military attaché at Rome, during the period from March 16, 1919, to August 16, 1919, on the authority of the military attaché, there being no Army dental officer available, and said claim having been disallowed by the Auditor for the War Department.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

MAUDE A. SANGER

The next business on the Private Calendar was the bill (H. R. 4029) for the relief of Maude A. Sanger.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. WARREN. Reserving the right to object—and I shall not object, because I think this is a splendid bill—I wonder if the gentleman who reports this bill has any information as to the number of those involved and whom this bill seeks to relieve? It seems to me we ought to pass general legislation to relieve this situation at once.

Mr. LOWREY. I do not remember about that, but there were very few.

Mr. FOSS. I understand there are no other cases.

Mr. WARREN. Do I understand that this is the only case?

Mr. FOSS. I think so. I made inquiry of the department and learned that if he had made a valid application and lived a day longer he would have come under the war-risk insurance.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau is authorized and directed to pay to Maude A. Sanger, the mother of Paul E. Sanger, all such installments of money which she would be entitled to receive if the said Paul E. Sanger, who died on April 4, 1917, from injuries suffered in the military service of the United States, had made a valid application for war-risk insurance in the sum of $5,000 under the war risk insurance act, as amended, had named the said Maude A. Sanger as his beneficiary, and had died while such insurance was in effect. The first of such installments shall be paid within 90 days from the date of the enactment of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

STAUNTON BRICK CO.

The next business on the Private Calendar was the bill (H. R. 5341) for the relief of the Staunton Brick Co.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. How is it that it is necessary to include in a special act compensation for damage caused by a diversion of coal for war purposes? Was not ample provision made in the various war settlement acts for such cases?

Mr. TUCKER. No. You will find that in the report of the secretary. The statement is that these parties should go to Congress for relief. I understand this claim was filed in September.

Mr. LAGUARDIA. Was this company's claim filed with the commission?

Mr. TUCKER. I think so.

Mr. LOWREY. I do not remember about that. The case was this: This brick company had a contract to make brick for erecting a building at the Virginia Military Institute during the war. They had the kiln ready to burn the brick and applied to the Coal Administration to allow them two cars of coal to burn these bricks. The Fuel Administration granted it and notified them that two cars of coal were shipped; one car came, they fired the kiln and went to work. But by the time they got through with that car of coal the other car had not come and never did come. It was found through the records of the Fuel Administration that the Government took it and shipped it to another place, caught it en route and shipped it to another place and thereby ruined their kiln of brick, because it was only half burned.

Mr. LAGUARDIA. What I can not understand is the authority of the department to settle claims against the Fuel Administration. The question in my mind is whether they filed their claim prior to 1921 and whether this claim was rejected.

Mr. LOWREY. It was never rejected, at least, I do not remember that detail of the case.

Mr. TUCKER. It was simply a claim that was not reached.

Mr. LAGUARDIA. If the claim was not reached and the time terminated, then, of course, they have some equity to come here, if that is the fact.

Mr. SCHAFER. Has the Secretary of the Interior favorably reported on this bill? I do not see any report from any responsible Government agency in favor of this bill, and it seems that its enactment will establish a dangerous precedent. No doubt there were a great many factories and organizations during the war that did not get a car of coal just when they

needed it. I shall ask unanimous consent that the bill be passed over without prejudice.

Mr. TUCKER. If the gentleman will withhold that request for a moment, this case occupies, I think, a very peculiar and interesting position. If this brick company had ordered from the coal operators in West Virginia two carloads of coal to be brought to Staunton and the Government had diverted that coal under its war power we could not have complained, but this company went to the Government and asked if they could get that coal and the Government, through the Fuel Administrator, Mr. Jacob Yost, a very able and conscientious public servant, who occupied a seat upon this floor during two Congresses, a distinguished man; and, by the way, I bear upon my body many scars from his trenchant sword in two memorable contests for a seat in this body, this high official gave the brick company the right to order the coal; and he was the Government, and in carrying out the right which the Government gave them, the Government afterwards diverted one carload of coal and the kiln went to pieces.

Mr. LAGUARDIA. But, if the gentleman from Virginia pleases, there is no question as to the facts. It is simply a question as to what happened to this claim. The coal was diverted on December 17; on January 10, 1918, a claim was filed with the State fuel administrator; then nothing is heard of it until July 6, 1926. The company filed a claim with the State fuel administrator, and properly so, on January 10, 1918, the loss having been sustained in the previous December; no action was taken on that, and then the first letter the War Department had about it was dated July 6, 1926. Either the company is guilty of laches or surely a sufficient and reasonable time of limitation has elapsed.

Mr. TUCKER. The gentleman knows that there were thousands of those claims piling up and this claim was never passed upon by the commission. It is certainly a very just claim.

Mr. ALLGOOD. If the gentleman will permit, it is a worthy claim. I was a member of the subcommittee and there is no question but what it is a just claim. The Government had complete control of the matter. They had a contract to make so many brick and required so much coal for it, and they had an order from the Fuel Administration for two carloads of coal.

Mr. SCHAFER. Was this brick company furnishing brick for the Government?

Mr. ALLGOOD. Yes; there was a Government school there.

Mr. TUCKER. It was a State school.

Mr. LOWREY. The Virginia Military Institute which, of course, was training military men at the time.

Mr. TUCKER. We are not asking anything except the actual cost of the brick.

Mr. SCHAFER. In view of what the distinguished gentleman has stated I shall not object, although I have some doubt as to whether this is a proper bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Staunton Brick Co., Staunton, Va., the sum of $2,000 in full compensation for loss and damage suffered by the said Staunton Brick Co. by reason of the diversion of a car of coal for war purposes in December, 1917.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

M'ATEER SHIPBUILDING CO. (INC.)

The next business on the Private Calendar was the bill (H. R. 5935) for the relief of the McAteer Shipbuilding Co. (Inc.)

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the committee if this bill carries approval of the Bureau of the Budget?

Mr. STRONG of Kansas. If the gentleman will read the last page of the report, he will find the statement made by Hon. Dwight F. Davis, Secretary of War, as follows:

The proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that the proposed legislation is not in conflict with the financial program of the President. I therefore recommend favorable action on the bill submitted.

Mr. SCHAFER. Reserving the right to object, does the Secretary of War recommend favorable action on the merits of the bill or simply because the Director of the Budget states it does not conflict with the financial program of the President? I do not think we should wholly rely on the opinion of the Director of the Budget. We are the legislative body and not the Bureau of the Budget.

Mr. STRONG of Kansas. I will say to my friend that we always write to the department that had control of the matter resulting in the claim, in order that we may learn all facts the department may have, and give their recommendation in our report to the House.

Mr. SCHAFER. Has the department recommended favorable action based on the merits of the case?

Mr. STRONG of Kansas. Yes; and my subcommittee has held hearings and gone into the matter fully.

Mr. LAGUARDIA. The Government was sued for $254,000, and this is a settlement of the action which is now pending in court. It is based on the recommendation of the Department of Justice and the War Department.

Mr. HUDSON. The Attorney General has also passed on this favorably?

Mr. STRONG of Kansas. The Attorney General and the Secretary of War have both approved it. It is a settlement of an action which is now in court and is an effort to save the Government $200,000.

Mr. LAGUARDIA. Yes; the amount involved is $254,000, and this is a settlement for $50,000.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $50,000 in full settlement of all claims of the McAteer Shipbuilding Co. (Inc.), against the United States for losses and damages growing out of and suffered under a contract dated June 30, 1917, for the construction of the steamer *El Aquario*.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

NORMAN P. IVES, JR.

Mr. GREEN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 378, as I understand objection has been withdrawn.

The SPEAKER. The gentleman from Florida asks unanimous consent to return to Calendar No. 378. Is there objection?

Mr. LAGUARDIA. Will the gentleman withhold that request a few moments?

Mr. BLACK of New York. I objected, Mr. Speaker, and I have withdrawn my objection.

Mr. LAGUARDIA. If the gentleman will withhold his request, I will not object later on, but for the present I must object.

KENNETH A. ROTHARMEL

The next business on the Private Calendar was the bill (H. R. 7496) for the relief of Kenneth A. Rotharmel.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Kenneth A. Rotharmel, of the city of Chicago, in the county of Cook, and State of Illinois, the sum of $433.50, in full compensation for arrears of pay, including regular pay, foreign-service pay, and flying pay, during his military service under appointment and commission as a second lieutenant, aviation section, Signal Officers' Reserve Corps, from January 26, 1918, to April 4, 1918.

Mr. CHINDBLOM. Mr. Speaker, I desire to offer an amendment. I wish to say that since this bill was reported the claimant, Kenneth A. Rotharmel, has moved to New Orleans, La. I therefore offer the amendment that in lines 6 and 7 the words "of the city of Chicago, in the county of Cook and State of Illinois" be stricken out and in lieu thereof there be inserted "of the city of New Orleans, State of Louisiana."

The Clerk read the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIAM J. TILSON

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent to consider Calendar No. 455 (H. R. 12311), which is a bill to pay the salary of Judge William J. Tilson.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of the bill (Calendar No. 455, H. R. 12311) to provide for the payment of compensation to William J. Tilson. Is there objection?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 1761 of the Revised Statutes, as amended, William J. Tilson shall be paid the sum of $15,701.38 as compensation for services for the period from July 10, 1926, to March 17, 1928, during which time he held the office of United States district judge for the middle district of Georgia. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THE STORY OF WEST VIRGINIA

The SPEAKER. The Chair will recognize the gentleman from West Virginia [Mr. O'BRIEN].

Mr. O'BRIEN. Mr. Speaker, and Members of the House, being a new Member of this body, and because of the fact that no legislation immediately touching the interests of my State, and especially of my immediate district, has been pending before this body, I have refrained thus far from asking the privileges of this floor. The time of my service, especially on the floor of the House, has been very profitable as well as enjoyable. I have acquainted myself somewhat with legislative procedure, and have made many very pleasant acquaintances, which I trust in time will ripen into friendships. But I believe the time has come when in duty to myself and my State, I should address myself to a matter that has long been upon my mind. Every citizen of this country should be jealous not only of his own reputation but should also be jealous of the reputation of his community, his State, and the whole country at large.

For a number of years there has been reflected in the columns of the press, especially in the cosmopolitan papers of the East, distorted and magnified pictures that grossly discredit West Virginia in the public mind. These pictures are mostly reflections of industrial strifes between operator and miner in the bituminous coal fields. These industrial strifes, often resulting in industrial war called "strikes," have not been confined to the coal fields of West Virginia, for they have been just as common, just as aggravated and ugly in all the other bituminous coal fields of the United States, yet, for some reason unknown to the people of West Virginia, it alone has suffered from the colored limelight of the jibes of the columnist and quipster, and oftentimes from ill-advised, mischievous, and groundless editorials.

I do not wish unduly to criticise the press, for I am loath to believe that it is ever intentionally unfriendly, but time and again the attention of the eastern press has been called to these libelous editorials and quips, by those of my State, who should have commanded respect and attention. I am persuaded that these wrong impressions grow out of the fact that the writers have not even attempted to fully acquaint themselves with the actual industrial, economic and social conditions of West Virginia, and certainly not with the character of its citizens, and have only observed it as a coal-producing State, and have assumed without warrant that its people are exploited by a few, and are always in a state of lawlessness and anarchy, where human life is held cheap. I shall not on this occasion attempt in any way to deal with these industrial strifes in our coal fields. It would not be wise for me to do so, as a Senate investigation is now on, and because it may be one of the "conflicting possibilities" that facts will be developed there and a means devised which will form a basis at least upon which to construct amicable relationships between these warring elements. Nor shall I discuss the differential railroad-rate question, which has recently been decided by the Interstate Commerce Commission, and which has so seriously affected the coal interests of West Virginia, to its almost deadly hurt, because in discussing that, it would be necessary for me to deal with certain matters of law and fact as applied to interstate trade, which are now pending before the courts for decision, and which should at the present status of the controversy be left entirely to the courts for their determination.

Though perhaps, out of the findings of the investigating committee and the decrees of the courts, points of issue may be fixed which will serve as premises for legislative action, should legislation be found the only remedy for the industrial agitation which too frequently prevails in the bituminous-coal fields of the country, it is to be hoped that a long-suffering public can leave the coal industry to work out its own economic and industrial salvation without resort to legislation, for in such economic matters legislation should always be a last resort. But our citizenship, whether of the mine, factory, farm, business, or profession, is intensely anxious in having our State given the high standing in the public esteem to which it is so justly entitled.

If, in your mind's eye, you will turn to the map of the United States and find that State most irregular in shape of all others, lying between the twenty-ninth and thirty-sixth parallels of latitude and the seventy-sixth and eighty-third meridians of longitude, you will see West Virginia. For the reason that there is a narrow strip extending from the main body to the north between the States of Pennsylvania and Ohio and another to the east between Maryland and Virginia, it is called the "Panhandle State." The distance between Harpers Ferry at the extremity of the eastern panhandle and the mouth of the Big Sandy River, at Kenova, the extreme southwest, will measure 275 miles, and from the northern limits of the northern panhandle to the southern limits of the State measures 245 miles. West Virginia was long known as "The Little Mountain State," but by reference you will perceive that it is over three times the size of Massachusetts and twice the size of Maryland. It is no little State.

Its temperature, moisture, and vegetable life is modified by its latitude and the diversity of its altitude. Its topography is varied; from mountain plateau 5,000 feet above the level of the sea to the Cumberland Valley to the east at Harpers Ferry, 280 feet above the level, and to the Ohio River Valley to the southwest, at Kenova, 550 feet above the level. The most of its surface is broken by mountain range, hill, and small valley. Its interior is drained by innumerable small streams. The Potomac, flowing to the east; the Monongahela, flowing to the north, which joins the Allegheny, forming the Ohio at Pittsburgh; the Ohio, to the west; the Tug Fork and Big Sandy, to the southwest; the Great Kanawha, in the southern part of the State, flowing to the northwest into the Ohio; and the Little Kanawha, flowing to the northwest into the Ohio, are its most important rivers.

The total area of West Virginia is 24,715 square miles. Of this, 24,580 square miles, or 15,731,200 acres, are land, and 135 square miles is water surface.

The land for ages past was covered with forest indigenous to its climate—oak, maple, poplar, beech, walnut, chestnut, pine, cedar, and other valuable woods, and these great trees were underspread by laurel, holly, alder, redbud, persimmon, hazelnut, and others too numerous to mention. These woods were the habitat of the bear, the deer, the buffalo, and other wild animals, and also turkey and innumerable birds. Over 100 species of fish abounded in these waters. The clear mountain streams fairly glistened with rainbow trout; the brook and river of the lowlands swarmed in abundance with food fish, such as the wall-eyed pike, blue cat, mud cat, rock bass, white perch, and sucker. It was the hunting and fishing retreat of the Indian.

To these woods first came the white man early in the seventeenth century. The territory embraced in West Virginia was not entered by settlers until about 125 years after the settlement at Jamestown, Va. The first permanent resident, in what is now West Virginia, was a Welshman by the name of Morgan ap Morgan, who crossed the Potomac at the pack-horse ford from Pennsylvania and settled at Mill Creek, in Berkeley County, in the year 1727. In the same year he was followed by German families, who founded a little town, and named it New Mecklenburg, which is now Shepherdstown, in Jefferson County. Others very soon came into this section from Pennsylvania and across the mountains from Maryland and eastern Virginia.

In 1764 John and Samuel Pringle settled near the middle of the State, on the Buckhannon River, near the present city of Buckhannon; and John Simpson in the same year built his cabin where Clarksburg now stands. In 1768 Zackwell Morgan and others made permanent settlement in the northern part of the State, in what is now known as Morgantown.

In 1770 the Zane brothers staked their claims on Wheeling Creek, and very soon a fort was built called Fort Fincastle and later Fort Henry, where the city of Wheeling now flourishes.

In 1773 Walter Kelly brought his family from North Carolina and made his first settlement in the Great Kanawha Valley, in the southern part of the State.

But it must be remembered that practically up to the time of the Revolution the Indians maintained their rights to the territory embraced within West Augusta, and resented the encroachments of the white man upon their hunting ground. In 1744 the commissioners in Pennsylvania, Virginia, and Maryland negotiated with the Six Nations at Lancaster, Pa., and there entered into a treaty and for a consideration of £400, or about $1,850, the Six Nations ceded to the English all the regions between the Alleghenies and the Ohio River. This treaty was not fully recognized by King George III, who ostensibly desired that the trans-Allegheny region should remain a hunting ground for the Indians, and so in 1763 he issued a proclamation forbidding the colonists to grant warrants, surveys, or patents in this territory until it could be opened by satisfactory treaties with the Indians, and two years later the King directed the Governors of Virginia and Pennsylvania to remove all settlers from this region by force. It is worthy of note that Virginia never attempted to execute the King's order. But in 1768 there was a treaty entered into a Fort Stanwix, near Rome, N. Y., between the Six Nations and the King of England, by which the Indians ceded to the King practically all of West Virginia except what is known as the Indian cession. This cession comprised about 4,950 square miles, lying north of the Little Kanawha River, which the Six Nations reserved.

This Stanwix treaty was strengthened in 1777 by a further treaty entered into by the southern Indians at Lochaber, extending the boundary lines to the Kentucky River, but many of the Indians never recognized the validity of any of these cessions, claiming that the treaties were without warrant or authority.

It is interesting to note that in 1771 Thomas Walpole, Benjamin Franklin, and others submitted a petition to the King for a grant of land, including a large part of the territory of western Virginia and the eastern part of Kentucky, proposing to form a colony under the name of Vandalia, with the capital located at the mouth of the Great Kanawha River, now Point Pleasant.

Mr. TUCKER. Will the gentleman yield for an interruption?

The SPEAKER pro tempore (Mr. GUYER). Does the gentleman from West Virginia yield to the gentleman from Virginia?

Mr. O'BRIEN. I will be glad to yield.

Mr. TUCKER. I have been greatly interested in the gentleman's speech. I recall the fact in connection with what the gentleman is now discussing, that the city of Staunton, my old home, was once the county seat of Pittsburgh, and that in 1770 or about that date a sturdy old justice of the peace of Pittsburgh attempted to deny the jurisdiction of Virginia in that section, and there was sent out from Winchester a company of soldiers with a drum and fife and they marched to Pittsburgh, during the winter, arrested the old man, brought him back, and put him in jail in Staunton.

Mr. O'BRIEN. That is a very interesting incident.

I do not have the time to go into the history of what is known as the historic Fairfax land grant, which embraced all the counties of the eastern panhandle and a part of Tucker County of western Virginia, but the original grant from King Charles II bore date of 1681. It finally became the property of Lord Fairfax and in the year 1746 his surveyors completed the survey of this large grant and erected the famous Fairfax stone, being so far as chronicled the first monument marking land surveys in our State. The next year Lord Fairfax employed the boy surveyor, George Washington, to lay off a part of these lands in plats to suit purchasers, and he laid off more than 300 of the first farms of West Virginia, and they were soon sold to incoming home seekers.

But the Revolutionary War ended the King's authority, and grants from the Commonwealth of Virginia only were recognized thereafter, although former grants of the King were respected to some extent.

The first sale of land from Virginia noted in the records took place in 1779, and no titles can be traced before that time. But prior to that time, especially between 1764 and 1774, the settlers established titles by what was known as "tomahawk" rights. Many of the surveys made at that day were inaccurate and grants based on these surveys are the source of litigation even to the present time. Over the conflicting claims of the Indians and settlers there was continuous bloodshed. The Stanwix treaty in 1768 somewhat settled the bloody warfare, but, as has been stated, the great majority of the Indians refused to recognize the authority of the Six Nations to make this treaty. So war and bloodshed continued for many years thereafter.

But the power of the Indians was broken by the battle of Point Pleasant on October 10, 1774. The Virginians under the command of Gen. Andrew Lewis there met in decisive battle and defeated the allied forces of the confederated Indian tribes of the territory west of the Ohio River under the command of the noted Shawnee, Chief Cornstalk. This ended the last organized military effort of the Indians to wrest their cherished hunting ground from the intruding paleface.

The growth of population within the borders of the territory of West Virginia from 1800 to the present day is intensely interesting, but I can do no more than call your attention to the fact that the First Census of 1790 showed a population within its borders of 55,873, and the increase by leaps and bounds by the influx of settlers from Pennsylvania, Maryland, Virginia, and the Carolinas especially brought the population in 1860, just before the admission of the State into the Union, to 376,880. In 1920 the census showed a population of 1,463,700, and in 1927 a fair estimate will show a population of 1,601,130. Of these people I shall deal more fully in discussing their political, social, and industrial relationships.

The political history of West Virginia is of peculiar interest. The first settlements were embraced in what was then designated Orange County, Va., which had been formed from the county of Spotsylvania in 1734, and which extended to the "utmost limits of Virginia," and included in its far reaches what is now West Virginia, Ohio, and Illinois.

In 1776 all of western Virginia and Pennsylvania to the west of the Alleghenies, with indefinite boundaries, was known as West Augusta, and claimed by Virginia. This claim in part was disputed by Pennsylvania, and the dispute was settled in the year 1781 by a temporary survey of what is now known as the Mason-Dixon line, and this was soon followed by the completion of the survey of the western boundary of Pennsylvania northward from the Mason-Dixon line to Lake Erie in 1785 and 1786. This latter line and the line northward to where it intersects the Ohio River has since constituted the boundary lines of West Virginia and Pennsylvania.

Civil government followed close upon the entry of the pioneer in West Virginia, and counties were established by the Assembly of Virginia as necessities required. The first establishment of civil government within the domain of western Virginia was in the eastern panhandle, then within the jurisdiction of Spotsylvania County, and then in the Greenbrier Valley, within the bounds of what was then Augusta County.

Of the 55 counties of the State of West Virginia, 50 were created by Virginia before the division of the State. Hampshire County was established in 1754 from parts of Frederick and Augusta Counties; Berkeley was established in 1772 from a part of Frederick County; Monongalia in 1776 from the "district of West Augusta"; Greenbrier in 1777 from the parts of Montgomery and Botetort Counties. And after population increased and settlements extended, civil government followed and other counties were created. The counties of Grant, Mineral, Lincoln, Summers, and Mingo have been organized and created since the formation of the State. And now, as I have stated, there are 55 counties.

The State of West Virginia is a child of the Civil War. When Virginia voted to secede from the United States a great majority of the inhabitants west of the Alleghenies and of a few counties in the northern part of eastern Virginia were loyal and refused to acquiesce to the will of the majority of Virginia in its secession movement and desired to remain in the Union. The agitation over slavery had been waged for many years, and the majority of the people of Virginia as well as other slave States had maintained the constitutional construction that the United States was a confederacy of States, and maintained the right of a sovereign State to secede from the Union at its pleasure, and many of the people, especially of that part of Virginia east of the Alleghenies, insisted for many years that conditions might arise over the question of the extension of slavery wherein Virginia as a State would secede.

But a large majority of the people in western Virginia were opposed to secession, and Daniel Webster echoed that opposition in his great speech at the laying of the addition to the Capitol in Washington, in 1851, when he called to the men of western Virginia, who occupied the slope from the Alleghenies to the Ohio and Kentucky, and said in thunderous tones:

> What man can suppose that you would remain a part and parcel of Virginia a month after Virginia had ceased to be part and parcel of the United States?

It was but 10 years after Webster made this significant utterance that the crisis came. South Carolina seceded. Governor Letcher, of Virginia, called an extra session of the Assembly of Virginia to determine "calmly and wisely what ought to be done." This session met January 7, 1861, and ordered an election to be held to choose delegates to a convention to determine the policy of Virginia. In most of the

counties of western Virginia public meetings were held and resolutions of protest passed against the holding of any such convention as was called by Governor Letcher. But the delegates were elected and the convention convened February 13, 1861, in the city of Richmond. Special commissioners from Georgia and South Carolina attended this convention and urged secession. In the meantime Fort Sumter fell April 14, and on April 17 Governor Wise, in a dramatic speech, holding his watch in his hand and with a pistol lying in front of him, with his hair bristling and his eyes glaring with excitement, urged the passage of the ordinance of secession, and the vote stood 88 in favor to 55 against. The vote of the members from western Virginia stood 32 in favor to 11 against, 4 not voting. This resolution, known as the Ordinance of Secession, was submitted to the voters of the State at a regular election to be taken May 23, but neither side awaited this election, for civil war was in its incipiency. The secessionists seized the arsenal at Harpers Ferry and the unionists of western Virginia embraced the opportunity to hold Virginia in the Union, looking to a separation.

John S. Carlisle, of Clarksburg, assumed leadership, and a meeting was held at Clarksburg, near the center of the State, on April 22, 1861, and resolutions were adopted at that meeting recommending that each county of northwestern Virginia should send at least five delegates to Wheeling on May 13 to determine action. This meeting at Wheeling convened in "mass convention" and agreed upon the necessity of separation from Virginia, and upon the formation of a new State. Carlisle was for immediate formation of this new State. Another leader, more conservative, Waitman T. Willey, of Morgantown, was opposed to immediate action and suggested deliberation. Francis H. Pierpont, of Fairmont, offered a proposition that in the event that the ordinance of secession should be ratified on May 23, as submitted by the Virginia Assembly, an election should be held in western Virginia to select delegates to a new convention to reorganize the Virginia government. This second Wheeling convention, under the Pierpont resolution, convened, and 77 representatives from 39 counties assembled at Wheeling on June 11. The question of immediate formation of a new State out of the counties represented was again presented, but the majority of the convention supported the proposition to reorganize the Virginia government out of the loyal counties of Virginia. The advantage of this was seen in that the unionists would then control a State already organized and functioning. The convention declared—

all ordinances, acts, orders, resolutions, and other proceedings of the Richmond convention illegal, inoperative, null, and void.

The convention provided for a general election to fill all of the offices of the Government and elected Francis H. Pierpont governor; Daniel Polsley lieutenant governor, and James S. Wheat attorney general.

The first legislature under the reorganized government met at Wheeling on July 1, 1861, completed the organization of government, filled the offices, and elected Waitman T. Willey and John S. Carlisle as United States Senators as of the Virginia government.

On May 13, 1862, this legislature of the restored government gave by ordinance formal consent of Virginia to the erection of a new State out of her territory, which then consisted of 48 counties of northwestern Virginia, and there was provision made for three more counties—Jefferson, Berkeley, and Frederick. Jefferson and Berkeley accepted the proposition and came in, but Frederick never voted on the proposition.

A constitutional convention was called and met in Wheeling on November 26, 1861. The new constitution as framed by the Wheeling convention was adopted by vote of the people on April 4, 1862, which was followed as was heretofore stated, on May 13, by the legislature giving its formal consent to the formation of a new State.

Senator Willey on May 29, representing the reorganized State of Virginia in the United States Senate, in a speech, presented to that body West Virginia's petition for admission to the Union, with the consent resolution of the Legislature of the reorganized State of Virginia. On June 13 following the Senate Committee on Territories favorably reported the bill for admission. The resolution admitting the State was passed by the Senate on July 14, 1862, but its passage was opposed by John S. Carlile because he favored the inclusion of a number of counties of Virginia to the east of the Alleghenies. On December 10 following the resolution passed the House. On December 31 President Lincoln signed the resolution. There were certain provisions required in the resolution for gradual emancipation of slaves to be engrafted into the new State constitution before the State would be finally admitted. So the constitutional convention reconvened on March 26, 1863, and engrafted this amendment to the constitution as previously reported, and the constitution as amended was ratified by the people by a vote of 23,321 to 472, and on April 20, 1863, President Lincoln issued his proclamation by which West Virginia became the thirty-fifth State of the Union on June 20, 1863.

On August 4 the legislature of the new State met in Wheeling and elected Waitman T. Willey and Peter G. Van Winkle as its first United States Senators, and formed three congressional districts, from which Representatives to the House were duly elected.

The political proceedings severing Virginia and the admission of West Virginia into the Union were justified as necessary measures growing out of the exigencies of war, and though extreme bitterness was engendered time has long since removed it and now we are one people, with the same traditions and the same memorials, in which we glory, and the most friendly relationship, both socially and economically, exists between the people east and west of the mountains. The fact is there are no mountains now between Virginians and West Virginians.

The strategical military as well as political situation of western Virginia was perceived by the leaders of both the North and the South in the very beginning of hostilities, and armed forces were dispatched within its borders as quickly as they could be mobilized and equipped. McClellan and Lee were given command of the respective armies, and McClellan took personal command of the forces in the Tygarts Valley. The first battle of the war was fought near the center of the State at Philippi, soon followed by a more decisive battle not many miles away at Rich Mountain, near Beverly, and then the whole State was in the throes of horrible warfare, for this was border territory, and father fought against son and brother against brother in a death struggle, and so the newborn State had its baptism of blood.

When the pioneer settler came he hacked a path to his cabin door, and then made the cross path to the cabin home of his often-distant neighbor. But gradually he widened the path to a road for the sled, and then the wagon.

The first permanent graded road construction was brought about perhaps more by the necessity of communication between the settlers of Ohio and the more thickly populated eastern shore, and this demand for permanent highways brought about the construction of what was known as the National Cumberland Road, which extended from Washington to Wheeling and was opened in 1818. The St. James River and Kanawha Turnpike, between Lewisburg and Charleston, was completed in 1827.

The Staunton and Parkersburg Turnpike, running through the central part of the State, from Staunton across to Parkersburg, was completed in 1849.

What is known as the Northwestern Turnpike, extending from Winchester, Va., to Parkersburg, on the Ohio, was completed to Parkersburg in 1838. But all these routes had been marked out and roads opened and traveled from the pioneer days.

West Virginia only a few years ago recognized the necessity of improving its network of roads, and so established a pretentious State road system. The State, looking forward to hard-surfaced roads, voted to issue bonds to the amount of $50,000,000. This sum has been augmented as provided by law by reissues and sale of additional bonds as the original bonds fell due and were redeemed and supplemented by local road taxes, local bond issues, and by liberal Federal aid. So that the result is at the present time we have a network of improved State roads which contemplates the connection of every county seat in the State with hard-surfaced thoroughfares.

The three great highways referred to above are now hard surfaced and designed and known as the National Highway from east to west through Wheeling; the Northwestern Turnpike from east to west, beginning at Winchester, Va., through Grafton and Clarksburg to Parkersburg; and the Midland Trail, connecting with the Lee Highway and extending through the Great Kanawha Valley to Charleston and on to Huntington; each one of these thoroughfares crossing the Ohio River, connecting with thoroughfares on to the West.

Then the system further comprises three parallel thoroughfares through the State from north to south. We have thousands of miles of improved highways, including lateral roads, 1,000 miles of which are now hard surfaced, with many more miles of hard surfacing now under contract.

We have the Baltimore & Ohio Railroad, which was completed from Harpers Ferry to Wheeling in 1853, and the Grafton branch to Parkersburg in 1857; the Chesapeake & Ohio, running through the southern part of the State, which was completed in 1873; the Norfolk & Western in the southern part of the State, completed in about the year 1900; and with numerous

other lateral roads, the whole comprising a network of 4,038 miles of steam railways. There are 422 miles of electric railways.

The Ohio River within the western border of the State, and the Big Sandy and Tug Fork in the southwestern part, and the Great and Little Kanawhas in the central part, and the Monongahela River in the northern part are locked and navigable the year around. So every section of the State is given transportation facilities to a degree that promises enlarged and extended production of its unlimited resources.

We have a network of telegraph and telephone lines in West Virginia, the last report giving the number of telephones in the offices and homes of our people as 142,100. Practically every rural home has its telephone.

From the very beginning the church and the school were recognized as the handmaidens of the pioneer settlers. No sooner than a neighborhood or village was planted the preacher and teacher there began their beneficent work. The itinerant preacher taught spiritual truths in the cabin, home, and the rude log church, and each village and settlement had its school. The first mention of a schoolhouse in West Virginia is contained in an entry in the journal of George Washington. In the year 1747, while surveying the Lord Fairfax land on the upper Potomac and in the South Branch, Capon, and Patterson Creek Valley, on August 18 of that year, the journal recites that he surveyed a tract of land beginning at a corner in "the schoolhouse old field." This is the only mention, and the location is not now known.

The first school of which we have definite knowledge was in the South Branch Valley. A man by the name of Shrock began teaching in a cabin at Romney in 1753.

The first school law that affected western Virginia was enacted by the General Assembly of Virginia on September 26, 1796. It was called the aldermanic school law, which contained the following preamble:

> Whereas it appeareth that the great advantages which civilized and polished nations appear to enjoy beyond the savage and barbarous nations of the world are principally derived from the invention and use of letters, by means whereof the knowledge and experience of past days are recorded and transmitted, so that man, availing himself in succession of the accumulated wisdom and discoveries of his predecessors, is enabled more successfully to pursue and improve not only those acts which contribute to the support, convenience, and ornament of life, but those also which tend to illumine and ennoble his understanding and his nature.

In 1817 there was an act passed applying the proceeds of what is designated as a literary fund to "the education of the poor." Free schools for the indigent children in the several counties were maintained, and on October 1, 1833, of the 22 counties of western Virginia which reported, there were 655 of these schools in operation and the attendance numbered 5,874.

On March 5, 1846, another important law was passed by the general assembly which made but little improvement over the law preceding it. As the law was then only for indigent children, those who were able to pay tuition fees were required to do so. These old field schools continued until an act was passed March 5, 1846, which was prompted by a desire for something better, and a district public-school system was then established by a vote of two-thirds of the votes cast in the Commonwealth. This was the first gesture in Virginia toward a free-school system.

Higher schools of learning were early established. First an academy at Shepherdstown; then the Randolph Academy at Clarksburg in 1787; the Charlestown Academy, in Jefferson County, in 1797; the Brooke Academy at Wellsburg, in Brooke County, in 1797; Mount Carmel School, Preston County, in 1781; Lewisburg Academy, in Greenbrier County, in 1812; Monongalia Academy at Morgantown in 1814; and then followed the establishment of a great number of others, and the people wonderfully benefited by these schools and education flourished generally to a remarkable degree.

The first constitution adopted at the formation of West Virginia recognized the necessity of an ample free-school system and made provisions for it, and the legislature early extended these provisions into a wise and meritorious system. Gradually ignorance was dispelled, and now we have a school system that is comparable with the best in the country anywhere.

We have 226 high schools in the State with an attendance of 34,864; 170 junior high schools, attendance 22,379; we have elementary schools, four rooms or more, 600; three rooms or more, 350; two rooms, 880; one room, 4,937; making a total number of school buildings in the State of 7,063 and a grand total attendance in all these public schools as follows:

One hundred and eighty-five thousand nine hundred and eighty-five white boys, 182,094 white girls, with a total of 368,079 white children; 11,460 colored boys, 12,513 colored girls, with a total of 23,973 colored children; making a grand total of 392,052 children attending the public schools.

The State has a total number of high-school teachers of 2,575 and a total of elementary teachers of 12,062, making a total of 14,637 men and women employed in the profession of teaching in the high and primary schools.

We have a great university at Morgantown on the Monongahela River. We have six State normal schools. We have a great number of well-endowed denominational colleges and private institutions of learning. There are two standard colleges maintained for the colored race, one the West Virginia Collegiate Institute, located at Institute, Kanawha County, with an attendance of 268 males and 285 females; total, 553; and another, the Bluefield Institute, located at Bluefield, with an attendance of 85 males and 183 females, making a total of 268. In these colored institutes there are 342 students in the collegiate department. In the State there is expended nearly $25,000,000 for school purposes annually. The State schools of West Virginia are all co-educational. The races in the school system are segregated, but the funds are fairly and equitably allocated between these races, and each is well schooled.

The per cent of illiteracy in the State is low. In 1920 the per cent of illiteracy for children of 10 years and over is as follows:

White, native, male, 5.2 per cent; female, 4.4 per cent; average, 4.8 per cent. Foreign, male, 1.5 per cent; female, 1.6 per cent; average, 1.5 per cent. Colored, male, 16.9 per cent; female, 13.3 per cent; average, 15.3 per cent. The average of all classes is 6.4 per cent.

In 1910 the average illiteracy of all classes was 12.9 per cent, and in 1920, the average being only 6.4 per cent, there was a reduction in the 10 years of 6.5 per cent. The reduction in the last 5 years will make a marked decrease in illiteracy from the 1920 showing.

I should add that the State conducts penal institutions in the nature of schools. The Industrial School for Boys is at Pruntytown; the Home for Girls is at Salem. The State feels that the school system of West Virginia has become a challenge to the best school systems anywhere.

I especially take pride in referring to the school advantages in what is strictly the coal-mining sections of West Virginia, in the southern part of the State. In the center of every coal-mining operation there are not only standard primary schools but standard junior and senior high schools conducted, where the operators supplement the teacher's salary as raised by district levies and State funds, by large donations, and only college graduates are employed to teach in the high schools. The school buildings are modern and capacious in structure and well equipped. The schools, both primary and high, are always well attended by the miners' sons and daughters.

The student body of these schools is made up of different nationalities. It was my pleasure to entertain a basket-ball team from one of these high schools two or three years ago in my home, the personnel of which was miners' sons, and was made up of at least four nationalities, and finer specimens of virile young manhood, I assure you, I have never met.

They were intelligent and refined young gentlemen who would be a credit to any community. This particular high school had the reputation at that time that every one of its graduates, except one, had passed from high school into a college. In the northern part of the State the coal fields are in sections of diversified industry, and the children of the miners are just as well schooled as they are in the southern part of the State. I assure you that in the near future illiteracy among the children of this generation in my State will be almost nil, unless there be an influx of ignorance from the outside.

But these schools and institutions of learning have to do mainly with the cultural side of life, dealing with the head alone. About 15 years ago those engaged in the agricultural extension work, with the rural uplift in view, started what is known as the 4-H club work among the farm boys and girls, in which the work-a-day was equally emphasized with the cultural, using the fourfold life program as embedded in the heart, head, health, and hand program. There are now in the State more than 3,000 trained leaders, with 811 registered 4-H clubs, extending into all but 3 of the 55 counties, with a membership of over 13,000 boys and girls. The Federal and State Budgets provide funds for the purpose of training leadership in only corn and pig raising. This leaves the training largely volunteer in the clubs, or by allocations from other fields of educational work. But the thing in this particular program of fourfold training which gives most pride to West Virginia is that it was the first State in the Union to establish a State leaders'

training 4–H camp. A few years ago the State purchased 93 acres of the old Jackson homestead on the West Fork River, a few miles below Weston, where the immortal Stonewall Jackson spent his boyhood days, and dedicated the tract as a 4–H State camp. There are now over 30 buildings constructed on this historic ground—a large assembly hall, mess rooms, and many cottages, a concrete swimming pool, and so forth. Hundreds of the boys and girls of the State assemble here by arrangement through the summer months under most careful, competent, and conscientious leaders and receive instructions along intensely practical lines of the heart, head, health, and hand. I can best describe the plan, purpose, and success of this training in the words of Mr. William H. Kendrick, assistant director in charge of the 4–H camp at Jacksons Mill. This is what he says:

> The bringing out of our 4–H program, which signifies work and taking the best there is in all the other programs and adding it to the project work of the 4–H club, is the thing that has made West Virginia 4–H club work famous. It is truly the most equally balanced youth program in the United States, and after working at it for five years we have the fourfold life chart that gives the boy and girl the picture of themselves as they really are compared with what it is possible for them to be. At this point we have made use of the national motto, which is, "To make the best better." Each member tries to be his best self. After working at this type of program for about five years the expression has come out that 4–H development is the program of work and the project is the expressed activity of that work. All the boys and girls who are in the 4–H club work hold that membership by doing one of the projects and the way he does the project is the reflection of the kind of boy or girl he is.

The hope of all this is a remolding and fashioning of the rural youth of the State, and creating within them a self and community consciousness and opening to them a vision of the dignity and worthwhileness of agricultural pursuits, which will grip them and hold them on the farm.

Our people early recognized the immeasurable worth of the press as a great educational factor and so began the publication of newspapers in cities and smaller towns, and now there are published 31 dailies, 125 weeklies, and 16 monthlies, and these, with the cosmopolitan papers and magazines, through the medium of general and rural free deliveries, with the thousands of telephones and radios, daily bring the thought and news of the world to every home.

Among the early settlers for many years the product of the farm was meager and was consumed at home, for it was a fight for the mere sufficiencies to preserve life, and the little trade existing was purely local and was in the nature of barter, and money was of no practical use, but as the years passed by the farms enlarged and there began to be a surplus of product, especially of cattle and hogs, and this surplus stock was driven across the mountains and usually found a ready market in Richmond and Baltimore. Money then began to circulate as a medium of exchange. Then came the construction of the railroads and great highways and the locking of the rivers, when the markets of the world were opened for the products of our vast natural resources.

Lumber was the first product of value, and was in demand not only for consumption in the States, but millions of feet annually were supplied to the export trade. Almost immediately after the extension of transportation facilities into the great coal areas capital followed and opened mines and coal came to the front as the chief product of traffic and trade. At this day, while the coal is but scratched, the virgin forests are almost exhausted. But there is promise in this: West Virginia soil, even unaided by man, will by nature reforest in something like 30 years, and if these woods continue to be conserved by wise and beneficent laws lumber will continue to be a source of wealth for the generations to come.

But I have for the moment digressed. Let us return to agricultural matters.

At the time of the admission of West Virginia into the Union 80 per cent of the inhabitants were engaged in agriculture and stock raising. At the present time it is not so important in a relative commercial sense as it was at that time. The census of 1925 shows that there were 90,380 farms in the State and that there were 89,666 farmers, with a farm-land area of 15,374,080 acres. It can be truthfully said that there is more bluegrass in West Virginia than there is in the State of Kentucky, and Kentucky is called the Bluegrass State. Even the hills, especially in the central and northern part of West Virginia, grow grass to their very summits. So stock raising, especially of cattle and sheep, is emphasized. Thousands of horses, cattle, sheep, and goats are produced. The cattle and sheep not only contribute to our home markets, but contribute largely to a growing export trade.

The total value of all purely agricultural crops reported in 1920 was $96,537,000. These crops consisted mainly of corn, hay, and tobacco.

In 1925 the livestock on the farms was valued at $39,318,735. Of this, you will note that the cattle were valued at $17,706,639 and sheep at $3,855,648. The chickens numbered 4,349,406, with a value of $4,164,255; the value of eggs produced in 1924 was $6,975,982.

The wool from the sheep in 1924 amounted to 2,118,096 pounds, and the value of the wool was $900,201.

It is very noticeable in the last few years that the farmer is placing more emphasis on the business of dairying, and it gives promise of becoming one of his most profitable activities in the very near future.

While corn, oats, wheat, and other small grains yield profitable crops, yet much of the soil is especially adapted to the growing of berries and vegetables. Potatoes and tobacco are dependable crops of great commercial promise.

Fruit growing is the chief activity of horticulture. The northern and eastern panhandles and certain sections of the Ohio Valley are the orchardists' paradise. The apples, peaches, pears, and other fruits in these orchard sections are of peculiar delicious flavor, which give them an attractive, extended, and limitless market. It has been satisfactorily demonstrated that practically the whole State is well adapted to fruit growing, and every farm has its orchards of well-assorted fruits. The capital invested in fruit growing is of large proportions. The census of 1924 shows 1,361,390 apple trees of nonbearing age and 5,480,350 trees of bearing age, and that there were harvested that year—1924—6,895,824 bushels of apples, and there were 1,788,502 peach trees of all ages, from which was harvested 901,413 bushels of peaches. The greater part of this fruit was shipped beyond the bounds of the State to supply the markets of the eastern cities and across the seas. While fruit growing is now of large and pretentious proportions, yet it is only in its beginnings, because the highway transportation will make possible commercial orchards in many sections of the interior, which heretofore such orchards could not be made profitable because of the inaccessibility of transportation facilities.

West Virginia ranks sixth in the United States in the steel works and rolling-mill industry. It ranks first in the United States in the production of glass and glassware. The census of manufactures of West Virginia in 1923 reported 1,487 industrial establishments, with 85,661 employees, earning $109,926,819 in wages, and the production of the labor was $489,508,462. Of this, the production of the 17 steel works and rolling mills in the State was valued at $99,151,369, and of the glass and glassware the value of the product was $50,211,232; pottery, including porcelain, $10,535,436.

The value of lumber produced was $38,726,959, and the value of paper and wood pulp was $6,707,495.

The bituminous-coal field in West Virginia covers a vast area of 17,280 square miles, or 24,720,461 acres, and is estimated as being one-thirteenth of the total coal area of the United States. This commercial coal is found in every one of the 55 counties of West Virginia, except the counties of Monroe, Hardy, Pendleton, Hampshire, Morgan, Berkeley, and Jefferson. It will be noted that all of these counties lie to the east of what is known as the Appalachian field, but in some of these counties are certain deposits which belong to the Mauch Chunk series and appear to be of rather an inferior quality, and for that reason is not marketable to any appreciable extent. All these coals lie in practically horizontal strata of 63 workable seams of from 3 to 12 feet in thickness, but not all found in the same localities. Those seams above the water levels are known as drift veins, and those below are designated as slope or shaft veins.

Coal production is the leading activity in the State and ranks first in production of bituminous coal. Pennsylvania led for many years, but for the first time last year West Virginia's production exceeded that of Pennsylvania's by many thousand tons.

There are 88,003 coal-mining operatives in the State. Of these, 87,728 are male and 275 female. The production of 1927 was 151,680,000 tons.

Up until very recent years coal was only considered valuable practically from the standpoint of heat unit alone, so its only by-product of commercial value was confined to what is generally known as coke; but of recent years the chemist has discovered that the lump of coal contains certain fuel gases, coal tar, ammonia, and other by-products of far greater commercial value than the heat unit. So, coking as a distinct industry is losing cast in so far as coal is coked separately in what is known as the bee-hive oven, but this coking coal is transported from mine to the place of consumption of coke, and there mixed with highly volatile coals in by-product ovens, and in them, not only the coke but the other by-products, now almost marvelous in

number and value, are saved. The day is not far distant, if not already here, when the use of coal for heating purposes alone will be almost a crime in profligate wastefulness.

West Virginians are awake to all potentialities of commercial values in the chemical properties of coal, oil, and gas, as well as of other minerals found within its bounds, and as the chemist finds, capital invests in production and distribution as demand for the product arises.

Another great source of commercial mineral wealth of my State is petroleum and natural gas. Petroleum was first known in the United States on the shores of Seneca Lake in the State of New York, where small quantities collected and called Seneca oil was used by Indians and settlers as liniment for rheumatism, sprains, bruises, etc. It was first discovered in West Virginia in the Great Kanawha Valley, above Charleston.

The boring or drilling of salt wells began about 1807, and continued for more than 50 years. Nearly all of these wells contained a little petroleum which was permitted to flow over and spread upon the waters of the Great Kanawha, which gave the river the familiar nickname of "Old Greasy." It had no value and was considered a great nuisance.

In the year 1826, Dr. Samuel P. Hildreth, of Marietta, Ohio, in an article in Silliman's Journal of Science, refers to petroleum as being in demand for lamps. Later Jesse Hughes and William Lowther found oil at the waters of Hughes River, and collected about 100 barrels per year, and put it in the market as a medicine. This was the beginning of the commercial oil business in West Virginia. The first natural gas was struck in the State in a salt well drilled by Capt. James Wilson, within the limits of Charleston, in 1815, and in 1841 William Thompkins, in boring a salt well, struck a large flow of gas and used it for his furnace in the manufacture of salt, which, it is claimed, was the first use of gas for fuel for manufacturing purposes in the United States.

Oil and gas is now produced in West Virginia in immense quantities; and the gas product especially is transported by a great network of pipe lines to both domestic and industrial centers of West Virginia and the surrounding States. Millions of dollars are invested in oil and gas developments and transportation, refineries, and manufactures of by-products. The commercial value of our oil and gas products runs into millions of dollars each year.

There is little iron manufactured in the State, but vast beds of iron ore remain untouched for lack of available transportation facilities.

One of the growing industries that should not be overlooked is the manufacture of cement. This industry is now in its comparative infancy, but is of great promise.

There is no more accurate measurement of a community's economic activities than the measure of its banking institutions. West Virginia has 217 State banks and trust companies. The last report contains a record extending from 1891, when 49 banks reported a total deposit of $48,330,896.96. The last fiscal year reported the 217 banks as having deposits to the amount of $196,124,549.14. The net income of these State banks and trust companies for the year total $3,025,740.62. There are 120 national banks, with deposits at the present time of $146,390,900, making a total of bank deposits in the State of $342,514,449. I am unable to give the sum total of the net incomes, as I do not have the income data of the national banks, but as a matter of course, national bank incomes will compare favorably with our State banks.

The assessed valuation of all properties in West Virginia, which are subject to ad valorem taxation in 1927, was $2,130,255,951. The total revenues collected by the State was $20,758,241. Of these revenues, $3,161,803 arose from the sale of gasoline alone.

The future development and economic welfare of West Virginia is, to my mind, peculiarly a question of transportation. I have referred to the network of railroads, highways, and of river transportation as it exists at the present time. Improved water transportation is absolutely necessary to the further development of the vast natural and industrial resources, especially of the Great Kanawha River Valley area, where over 30 different coal seams are now being extensively mined on a commercial basis. But recently a favorable report has been made by General Jadwin, of the Department of Engineers, recommending additional locks on the Kanawha River, giving a 9-foot water stage, extending into this great coal field and industrial area, and the Committee on Rivers and Harbors has very graciously recommended the construction of two locks as a beginning of this necessary improvement, and legislation and appropriations will be asked of this House in the very near future to carry out these recommendations.

I assure you that the business and industrial interests of the Great Kanawha Valley of West Virginia are not knocking at the door of this Congress as mendicants, but come offering to contribute the products of mine, shop, factory, and plant of vast and valuable preportions for transport beyond the confines of State to supply the demands of our own country and to seek the markets of the world. The striking measure of this contribution to traffic and trade is shown in the past by the fact that exclusive of the outstanding values which relate to the production of coal, oil, and gas, but taking into consideration only the manufacturing industries of the Great Kanawha Valley in the area immediately affected by slackwater transportation, the annual pay roll of its plants is over $10,000,000, and the value of its yearly products is over $40,000,000. The question in your mind very naturally is as to whether or not this section as to transportation is not already sufficiently served by the great railways. Only the Chesapeake & Ohio and the Virginian will be affected to any great extent.

I recognize the fact that the problem of adjustment as to competition between carriers is most delicate in its nature. Healthy competitive transportation is much to be desired by a business community, but excessive competition in the carrying trade cripples the service of the carrier and is destructive of the very life of business in all its ramifications. But in this particular case, of the improvement of the Great Kanawha by modern locks and dams by which the water levels will be raised to a 9-foot stage, thereby facilitating water transportation, you will not be met by opposition of the great railroads of that section, but rather, as I am told by those of authority and who should know, the railroads see in this improved waterway an increase rather than a diminution of freight carriage, and that the increased facilities for water transportation will rather open new markets for coal and other products than bring the river into competition with the roads in the carriage to the present or their prospective terminals and markets.

When the time comes for the action of this House upon a measure with a view to the improvement of the Kanawha, I hope to then address myself more in detail as to the Great Kanawha area as a storehouse of potential economic energy and commercial wealth not only for the days but for the centuries to come. Part of my district, which I have the honor and pleasure to represent, is underlaid by some of the most valuable workable coal seams in the world, and which will be materially affected by the prospective waterway improvement of the Great Kanawha, so in pressing the importance of this improvement not only to the locality itself but to the country at large I am but serving my own constituency in the sense that I am seeking from this body means by which my constituency may have opportunity to more fully develop their dormant beds of valuable coal and extend their contribution and enjoy life more abundantly in the rewards of their labor and enterprise.

West Virginia has its settings in romance and history. Every hillside and valley has its bewitching legend of love and valor when the red man roamed the forest. Blennerhasset Island in the Ohio River, just below Parkersburg, through its association with Aaron Burr and the Blennerhassets in their ambitious dream of empire, is truly an isle of romance and thrilling story. Harpers Ferry, where the beautiful Shenandoah mingles its waters with the majestic Potomac, recalls to mind the frenzied rising and tragic end of John Brown's raid, which stirred the smouldering fires of sectional animosities until they flamed into internecine war. Philippi, where the first battle of the rebellion was fought. Point Pleasant, where the forces of Lewis and Chief Cornstalk met in bloody struggle.

There are many other places of national, romantic, and historical interest, but I can not take the time now to point them out. I have taken too much of your valuable time already, but as I have called your attention to the potentialities of West Virginia's natural resources and industrial and other economic activities, and given you somewhat in detail an insight into the State's history, cultural life, and business affairs generally, will you for a moment bear with me that I may call your attention to a notable contribution of men and women to not only the Nation, but to the far-distant realms of the world. I submit to you that it is a contribution worth while.

I shall gather the names of some of these distinguished sons from Virgil A. Lewis's Hand Book of West Virginia, to which I am indebted in the preparation of this address for valuable data, especially as to historic matter. I will only attempt to give you a few of the many:

Berkeley County gave to Ohio four governors—two native born and two of her sons by adoption—among the best that State ever had. These were Edward Tiffin, Thomas Worthington, Robert Lucas, and James Morrow. Randolph County gave to Alabama Reuben Chapman, one among the best governors that State ever had. Monroe County gave to Kansas a distinguished governor, James M. Harvey. The new State of North Dakota is indebted to West Virginia for a most able

chief executive—Hon. Joseph M. Devine. Fayette County gave birth to James T. Farley, who from there went to the Pacific coast to become a prominent United States Senator from California. Iowa, too, recognizes West Virginia as the State of the nativity of Jonathan Prentiss Dolliver, who so ably represented her in the United States Senate. Gen. Stonewall Jackson first saw the light in Clarksburg, but was reared at Jacksons Mill, near Weston, now famed as the State's 4–H camp, which I have heretofore referred to in detail. And further, when President McKinley desired to communicate with General Garcia in the mountains of Cuba, Lieut. Andrew Summers Rowan, a Monroe County, W. Va., boy was selected for the hazardous mission, and the world knows the story of carrying the message to Garcia. Major General Miles said: "In my judgment, Lieutenant Rowan performed an act of heroism and cool daring that has rarely been equaled in the annals of warfare."

In March, 1899, the most destructive hurricane that ever swept the South Pacific Ocean passed over the Samoan Islands and in the little harbor of Apia 6 warships and 10 other vessels were dashed to pieces on the rocky coast. One hundred and forty-two officers and men of the American and German navies went down to death. Lieut. R. M. G. Brown, a Preston County, W. Va., boy, was in command of the U. S. cruiser *Trenton*. Rudderless and sailless she, too, was drifting to her doom upon the rocks when Lieutenant Brown sent 400 men into the rigging, thus forming a human sail, and the vessel passed the reef to the open waters. Thus was she saved from destruction and the 450 souls on board from death in a surging sea.

It was Capt. French Enzer Chadwick, a Monongalia County boy—a native of Morgantown—who so bravely commanded the flagship *New York* that historic day when the Spanish fleet went down at Santiago, and he and his co-commanders won more than did Nelson at Trafalgar—won more than a "peerage and a grave in Westminster Abbey"—they won a place in the hearts of the great American people.

And may I mention a few of the names of noted men whom some of you will recall, who remained within our own borders and whose bodies now sleep beneath our own soil? William L. Wilson, of Charles Town, once a scholarly and distinguished Member of this House, and afterwards Postmaster General in the Cabinet of President Cleveland; Nathan B. Goff, of Clarksburg, once a Member of this House, later Secretary of the Navy, then a Federal judge, and later a United States Senator—a long life of distinguished service to his country. Henry G. Davis, of Elkins, a farseeing pioneer in railroad building and in industrial development. He was a candidate for Vice President on the Democratic ticket with William J. Bryan, and served his State with great credit in the Senate Chamber. Johnson N. Camden, of Parkersburg, another farseeing pioneer in internal development of natural resources and railroad building, and he too served his State in the United States Senate with credit.

It is but proper because of his notable service to his State and country that I should speak of an adopted son, the Hon. Stephen B. Elkins, of the city to which he gave his name. He was associated with his distinguished father-in-law, Hon. Henry G. Davis, in the great industrial and transportation developments of the State in the past half century. He also served his State in the United States Senate with great distinction and left his imprint upon important legislation of the country.

And among those who are yet in the "pulsing, throbbing world" I shall name but three distinguished sons, Melville Davisson Post, who was born near Clarksburg, who has well earned fame as a short-story writer, John W. Davis, born and reared in Clarksburg, once ambassador to the court of St. James, president of the American Bar Association, Democratic nominee for the Presidency, and now the leading lawyer of the United States, and another whose name is indelibly written in the annals of American history, President Woodrow Wilson's Secretary of War, Newton D. Baker, born and reared to manhood at Martinsburg, in the eastern panhandle.

Of the women of our State thus far, their greatest honor is that they have rocked the cradles and given inspiration in the homes. But there is one woman who first saw the light in a cabin in a sequestered valley in Berkeley County whose name will always be remembered and cherished in motherhood. Heaven gave to this woman, Nancy Hanks Lincoln, the crowning honor of American motherhood in the mothering of the man of the ages, Abraham Lincoln.

I trust that West Virginia may soon be seen in a more favorable light, but I know that impressions of a community or a people, once fixed, are not easily changed or removed. So I am asking you to visit the State in person during your summer vacation and see for yourselves. Come by rail or trail. In our business communities you will be astonished and surprised to be shown such a pretentious number of the world's largest industrial plants located in the different sections of the State. I shall name them, lest you overlook them:

Proprietary Remedies Co., Wheeling.
Electrical porcelain plant, Parkersburg.
Sanitary pottery, Mannington.
Stogie factory, Wheeling.
Clothespin factory, Richwood.
Shovel factory, Parkersburg.
Sheet-glass factory, Charleston.
Tannery, Richwood.
Iron furnace, Weirton.
Chinaware plant, Newell.
Vitrolite plant, Parkersburg.
Hosiery mills, Martinsburg.
Axe factory, Charleston.
Natural-gas gasoline plant, Hastings.
Bottle factory, Fairmont.
Iron-nail factory, Wheeling.
Toy-marble factory, Clarksburg.
Thermos-bottle plant, Huntington.
Mono-metal plant, Huntington.

And notably, at Morgantown is located the only pressed prism-glass factory in the world, which supplies a large per cent of the auto headlights used in America.

At the capital city you will see the wings of the capitol which is now being built at a cost of over $5,000,000; and then take the highways and enjoy the scenic beauty of river and valley, the magnificence of hill and plateau, and the sublime grandeur of the rugged mountain, and in this panorama of bewildering beauty you will in nowise wonder why West Virginia has long been called the "Switzerland of America." You will rest for a time at the famous Greenbrier White Sulphur Springs, the Nation's playground, and at Berkeley Springs, where Washington with his family was wont to retreat for their summers.

You will not fail to turn aside to the Old Sweet Sulphur Springs, and the Capon Springs; the Salt Sulphur Springs in Monroe County, and Webster Springs near the center of the State, and with it all meet the people, enjoy their fine hospitality, and you will come away when the vacation ends, I am sure, with enlarged impressions of West Virginia, as not only nature's storehouse of potential energy, but also of diversity of its product of mine, field, furnace, and factory, and of its people both in vocational and social life, I am sure that your visit will prove a surprised revelation, and a lasting pleasure will be your remembrance. [Applause.]

The SPEAKER. The Clerk will call the first bill on the Private Calendar.

MICHAEL PATRICK SULLIVAN

The first bill on the Private Calendar was the bill (H. R. 929) for the relief of Michael Patrick Sullivan.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. HUDSON, Mr. LAGUARDIA, and Mr. WARREN objected.

GEORGE CALDWELL

The next bill on the Private Calendar was the bill (H. R. 3724) for the relief of George Caldwell.

The SPEAKER. Is there objection?

Mr. LAGUARDIA, Mr. HUDSON, and Mr. WARREN objected.

J. H. S. MORISON

The next business on the Private Calendar was the bill (H. R. 4663) authorizing the President to appoint J. H. S. Morison to the position and rank of major, Medical Corps, in the United States Army.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. WARREN, Mr. SCHAFER, and Mr. LAGUARDIA objected.

RICHARD B. BARNITZ

The next business on the Private Calendar was the bill (H. R. 7397) authorizing the President to order Richard B. Barnitz before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. WARREN. I object.

The SPEAKER. Is there any further objections? If not the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War, under the direction of the President, is hereby authorized, in his discretion, to order Richard B. Barnitz, late captain, United States Army, before a retiring board for the purpose of a hearing of his case and to inquire into and determine the facts touching the nature and occasion of his disability, and to find and report the cause which, in its judgment, has produced his incapacity, and whether such cause is an incident of the service, according to the statute, and that upon the findings of such board the President is further authorized, in his discretion, to nominate and, by and with the advice and consent of the Senate, to appoint said Richard B. Barnitz, a captain, the grade which he had at the time of his resignation, and to place him on the retired list of the Army: *Provided,* That no pay, bounty, or other allowance during the period between the time that he resigned and the time of the passage of this act shall become due and payable by virtue of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRED A. KNAUF

The next business on the Private Calendar was the bill (H. R. 6254) for the relief of Fred A. Knauf.

The Clerk read the title of the bill.

The SPEAKER. Is there ojection?

Mr. LAGUARDIA. Reserving the right to object. This is another post office bill. We have several on the calendar. Under the law postmasters are required to file a bond saving the Government against all loss; notwithstanding that, in comes bill after bill relieving postmasters, when as a matter of fact it is really to relieve the bonding company who have received a premium.

Mr. BLANTON. In other words, the Government of the United States is paying the bond and the premium. If we pass this bill the bonding company has received the premium and gives nothing in return.

Mr. LAGUARDIA. And it escapes liability.

Mr. SCHAFER. This is not a case in the class to which the gentleman refers. The bonding company did not bond the postmaster to protect him in the case of burglary but only for embezzlement or the misuse of funds. No bonding company is concerned in this case. The department has gone into this bill thoroughly and the committee of which I am a member has carefully considered it. The postmaster had to keep a large stock of stamps on hand by order of the Post Office Department. There is no negligence on the part of the postmaster, and the report shows that there is not; and it is not a bill in the class to which the gentleman from New York refers. The bond of the postmaster did not cover burglary, and I hope the gentleman will not object.

Mr. HUDSON. Mr. Speaker, I had intended to object to this bill, but inasmuch as the gentleman from Wisconsin [Mr. SCHAFER] reported the bill, knowing the faithfulness with which he considers all legislation, I shall withdraw my objection.

Mr. SCHAFER. Mr. Speaker, I have carefully considered this bill. It is a Wisconsin post-office burglary case, but it is not in my district. I think it is a very meritorious measure.

Mr. LAGUARDIA. Will the gentleman state positively that there is no insurance covering loss by burglary?

Mr. COCHRAN of Pennsylvania. A portion of the fund was covered, but that has been cut out of the bill by these amendments.

Mr. MADDEN. How much is it?

Mr. LAGUARDIA. One hundred and forty-one thousand dollars.

Mr. MADDEN. A mere bagatelle, of course, for the State of Wisconsin, but a considerable sum for any other State.

Mr. BULWINKLE. It is not covered by any bond.

Mr. COCHRAN of Pennsylvania. Only a small portion, but that has been cut out of the bill.

Mr. KADING. Mr. Speaker, I ask unanimous consent at this time to substitute the Senate bill, S. 1758, which has been passed by the Senate and is identical with H. R. 6254.

Mr. LAGUARDIA. But we have not arrived at that state as yet.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object.

Mr. KADING. Mr. Speaker, in connection with this bill I desire to say that an identical bill was introduced in the last session of Congress and was passed by the House. The bill was not reached in the Senate, however, because it was so near the end of the session. At this session I introduced the identical bill passed last session by the House, and in the Senate the same bill was introduced.

The Senate has passed the bill this session. The Post Office Department recommends the passage of this bill and the committee likewise recommends its passage. No blame attaches to the postmaster whatever. There was but one objection when this bill came up on the calendar before; the objection was by the gentleman from Texas [Mr. BLANTON], and I understand that he has since withdrawn his objection and will not now object.

Mr. LAGUARDIA. Mr. Speaker, inasmuch as there are several bills of like character on the calendar, I expect to take this matter up with the Post Office Department and find out just how far the Government is protected by these surety bonds. Therefore I ask unanimous consent to have this bill and the other bills when we come to them go over without prejudice.

Mr. DOWELL. Mr. Speaker, the gentleman is aware that the bond that the postmaster gives does not cover burglary, or anything of that kind, is he not?

Mr. LAGUARDIA. Will the gentleman state that positively?

Mr. DOWELL. There is no question about that.

Mr. LAGUARDIA. But there is a question about it, and there is a division among the members of the committee.

Mr. SCHAFER. Absolutely not.

Mr. DOWELL. There can not be any question about that.

Mr. SCHAFER. The postmaster's bond does not cover any part of the amount provided in this bill. I agree with the gentleman from New York in his contention as to relieving surety companies on postmasters' bonds in certain instances. I carefully look into every one of these bills that come before our committee.

Mr. LAGUARDIA. We can let the bill go over without prejudice.

Mr. SCHAFER. If the gentleman insists, of course, we can not stop him. I ask for the regular order.

Mr. KADING. I hope the gentleman from New York [Mr. LAGUARDIA] will withdraw his objection. We do not know when this bill will be reached again and the gentleman has had ample time to do his investigating as this bill has been on the Calendar ever since early in the session.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I do not agree with the gentleman from New York [Mr. LAGUARDIA] on this bill. A similar bill passed this House at the last session of Congress. There is no provision in the bond which the postmaster furnishes which makes the bonding company liable for burglary loss. An identical bill has unanimously passed the Senate at this session. However, if the gentleman from New York desires to defeat this bill, he will have to follow his own course. I sincerely hope that the gentleman will withdraw his request that the bill be passed over.

Mr. LEAVITT. This bill requires three objections.

Mr. SCHAFER. I shall object to the request of the gentleman from New York that the bill go over without prejudice. I think the bill should be passed now.

Mr. LAGUARDIA. The gentleman will just delay the House on the bills that are to come.

The SPEAKER. Is there objection to the request of the gentleman from New York that the bill be passed over without prejudice?

Mr. SCHAFER. I object. This bill should be considered and passed at this time.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I object.

The SPEAKER. This requires three objections. The Chair hears no other objection, and the Clerk will report the bill.

Mr. KADING. Mr. Speaker, I ask unanimous consent to substitute the Senate bill, S. 1758.

The SPEAKER. Is there objection to substituting the Senate bill for the House bill?

Mr. LAGUARDIA. I object.

The SPEAKER. The Clerk will report the House bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Fred A. Knauf, postmaster at Sheboygan, Wis., in the sum of $141,433.82 (said sum consisting of $107 cash, $76,703.62 salable postage stamps, $64,575.20 precanceled stamps, one war-savings stamp of the value of $5, and war-tax revenue funds to the amount of $43), on account of money, war-savings stamp, and postage stamps stolen from safes in the post office at said city when burglarized on October 17, 1925.

Mr. LAGUARDIA. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from New York moves to strike out the last word.

Mr. LAGUARDIA. I do this simply for the purpose of calling the attention of the House to the fact that it is now appropriating $141,433, and very few Members on the floor know the facts involved. There is a difference of opinion existing among members of the committee that reported this bill as to the liability of the bonding company. Several gentlemen have urged that this bill be considered and passed at this time. But I respectfully invite the attention of the Members to the fact that in a very few moments you will find other bills of a similar character called up, in which the gentlemen who now urge the consideration of this bill are interested.

The question here is one of broad policy, whether or not every loss that occurs in a post office will be made good by this House, regardless of the facts and the circumstances or the law. The postmasters are required to furnish surety bonds. They pay for these surety bonds out of their own salaries. The law requires it, and the moment the loss is incurred the surety company gets the postmaster or his Congressman to come here and ask to be reimbursed. If that is to be your policy, if burglary is not covered by proper insurance, then we ought to pass a law requiring post offices to be covered by that kind of insurance, and thereby we would be saved millions of dollars every year.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. DOWELL. If that proposition were before us it would be another question. If that character of bond had been given there would be no question as to the correctness of the position assumed by the gentleman from New York. But I think the gentleman, by the slightest sort of inquiry, will find that the bond required of the postmaster does not cover this case at all, and that this is squarely a loss, and there is no recovery from the bond.

Mr. LAGUARDIA. Assuming that "the gentleman from New York" is in error as to the law, will the gentleman say in this case that it was burglary? Suppose it was larceny. Would that be covered by the bond?

Mr. DOWELL. Anything that occurred through his office.

Mr. LAGUARDIA. Absolutely.

Mr. DOWELL. But not through a case of burglary.

Mr. LAGUARDIA. Can the gentleman from Wisconsin [Mr. KADING] give us the facts?

Mr. KADING. Mr. Speaker, I will say in reply to that that I have not the report of the Post Office Department or of the committee before me, but those reports cover the matter fully. A great deal of what was taken here consisted of canceled stamps, and I want to say that the report of the department is quite complete.

Mr. LAGUARDIA. I respectfully submit that the very answer now given by the sponsor of this bill, by the gentleman who put in the bill and now calls it up, justifies my position.

Mr. KADING. Let me finish my statement. I am positive that there is no relief for the postmaster other than that provided by this bill; the same relief that Congress has granted in previous similar matters.

Mr. LAGUARDIA. I can do no more than to attempt to protect the Treasury and call the attention of the House to the contents of the bill. The rule requires three objections. If the gentlemen want to appropriate this $141,433 and the additional money carried by following bills that come before the House in a few moments, I can not do anything else but record my objection.

Mr. SIMMONS. I assume the gentleman from New York wants to be fair; but he made the statement that the postmasters get the Members of Congress to introduce these bills.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SIMMONS. I ask unanimous consent that the gentleman be allowed two minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. SIMMONS. The record shows, if the gentleman from New York pleases, that this matter is sent to the Congress in a letter directed to the Speaker by the Postmaster General in pursuance to an act of Congress requiring that these matters come before Congress for decision.

Mr. LAGUARDIA. The gentleman should not understand me as saying that Members of Congress introduce these bills of their own motion, but I desire to state definitely and unequivocally that there are too many of these reimbursement bills coming in.

Mr. SIMMONS. The gentleman said they were coming at the instance of the bonding companies.

Mr. LAGUARDIA. A great many cases are inspired and asked for by the bonding companies.

Mr. SIMMONS. I would like, while I have the floor, to call the attention of the gentleman to the fact that the House has already this afternoon, without objection, passed some of these bills. There has been no objection.

Mr. LEAVITT. Mr. Speaker, I move to strike out the last three words.

The SPEAKER. The gentleman from Montana is recognized.

Mr. LEAVITT. I think a few words should be said from the standpoint of the Committee on Claims regarding its attitude on these bills. The gentleman knows there is no committee of the House that gives more complete and careful consideration to all bills than does the Committee on Claims. Instead of its being a committee from which Members can easily secure favorable action and favorable reports on bills which they introduce, it is one of the most difficult committees from which to secure action and favorable reports.

In this particular case the evidence is complete that there was a burglary. A window was broken open, a burglar went into the basement of the Federal building, held up the night watchman with a revolver at his head, bound him hand and foot, gagged him, and left him. Then the robbery took place. Now, this is merely a question of whether or not the postmaster under those circumstances shall be held personally responsible for the loss of that money and those supplies, or whether the Postmaster General shall be authorized to credit his accounts and let the Government of the United States itself take the loss, which is the loss of the Government and not the loss of the postmaster himself in all justice.

The Government of the United States does not place insurance even on its Federal buildings. It takes the losses. It is not like an ordinary business concern, but is ready to carry its own losses whatever they may be. It does not carry, in bonds taken out by the postmasters and other Federal officials, insurance against burglary and losses of that kind, but takes a bond from postmasters requiring them to carry on the duties of their offices with full faithfulness.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. COCHRAN of Missouri. I have just talked with the Solicitor of the Post Office Department, and he tells me the bonds do cover if negligence is shown, but if not under the law, if the amount is under $10,000, they relieve the postmaster, only however where they find it was through no fault of his the money was stolen. In all other cases there is a reference to Congress and it is for Congress to determine whether the postmaster will be relieved or not.

Mr. LEAVITT. The gentleman is practically accurate in his statement. They do have authority under the present law to give relief, on their own initiative, up to a certain amount, but when it goes over that amount they require an act of Congress.

Mr. SCHAFER. Mr. Speaker, I move to strike out the last three words. I believe our colleague the distinguished gentleman from New York objected to this bill without realizing all of the facts and circumstances relating to it. A similar bill was considered by the Claims Committee of the House in the last session of Congress and passed on the Consent Calendar. Even the gentleman from Wisconsin, who is now speaking, the distinguished gentleman from New York, and the distinguished gentleman from Texas [Mr. BLANTON] had no objection to the bill at that time. An identical bill has passed the Senate at this session.

There are no provisions of law whereby postmasters' bondsmen can be held liable for burglary losses, incurred through no negligence of the postmaster. The report from the Post Office Department, which is embodied in the committee report, clearly shows that there was no negligence on the part of the postmaster at Sheboygan, Wis.

It appears that this post office was broken into by a well-organized gang of post-office burglars, who used an acetylene torch to open the vault wherein these Government funds and stamps were located.

If you will look at the report from the Post Office Department, appearing on page 9 of the committee report, you will find the following language:

> The Sheboygan office is exceptionally well conducted and the records are always current and reliable, so that the loss sustained was very readily arrived at. A record of the daily sales is kept and also a perpetual inventory is maintained. These records have always been found up to date and correct. The figures representing the loss sustained were verified by Postmaster Knauf and also by Assistant Postmaster Fontaine.

You will also find from the statement of the post-office inspectors, as embodied in the committee report, facts indicating that a large supply of stamps was kept on hand by the postmaster because he was following an order of the Postmaster General with reference to keeping certain stocks on hand.

There is not one scintilla of evidence, fact, or law which would substantiate allegations made on the floor of this House that this bill is for the relief of the postmaster's bondsmen. If this bill directly or indirectly relieved those who had bonded the postmaster I would have submitted a minority report from the Claims Committee in opposition to the bill.

I hope the gentleman from New York will permit the gentleman from Wisconsin to substitute the Senate bill so that the final enactment of this justifiable legislation can be hastened.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that Senate bill 1758 may be considered in lieu of the House bill.

The SPEAKER. The gentleman from Montana asks unanimous consent that Senate bill 1758 may be considered in lieu of the House bill. Is there objection?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

LAWTON (OKLA.) FIRE, 1917

The next business on the Private Calendar was the bill (H. R. 4084), for the relief of the persons suffering loss on account of the Lawton (Okla.) fire, in 1917.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $75,000 to the persons whose names appear below, as compensation in full for loss of property destroyed by the fire on September 24, 1917, in the city of Lawton, Okla., such loss having been the result of the inability of the fire department of the city of Lawton to control said fire because of lack of water, all available water for fire-fighting purposes having been appropriated and being used by the War Department in connection with the training of soldiers at Fort Sill and Camp Doniphan: Date Crabtree, $1,132; H. D. Ingraham, $33,682.57; Anna Beaver, $1,800; W. Garven, $1,000; Mrs. C. E. Bear, $7,750; Joe Jacobson, $3,000; Dr. L. C. Knee, $3,000; S. J. Coffey, $1,413.18; C. J. Aurell, $406.75; J. G. Mitchell, $3,077.88; John H. Ledgerwood, $200; E. L. Shanklin and E. L. Kelley, $1,550; Julia N. Burns, $1,208; Hannah Beaver, $700; Mary E. Wooten, $3,150; Charles Fuson and J. E. Fuson, $3,850; Ada Hammond and O. W. Northrup, $2,419.72; Annabel Young, $1,775.35; Lee N. Wallis, $1,000; Mrs. E. C. Swisher, $959; D. D. Dean, $317; C. R. Simpson, $2,850.15: *Provided*, That before any of said claims are allowed and paid the Comptroller General of the United States shall make an investigation of each of said claims to determine the extent and amount of such loss and damage, and such claims shall be adjusted in amounts not in excess of the amounts set out herein and upon certificates issued to each said claimant by the said Comptroller General of the United States.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I sincerely hope there will be no objection to the very meritorious measure before the House for consideration at this time.

If you gentlemen were all as familiar with the circumstances which caused the introduction of the pending measure as I am, I feel sure none of you would oppose our bill for a moment.

I was very much interested in the remarks of the distinguished gentleman from Montana [Mr. LEAVITT] with reference to the bill we have just voted on wherein he stated that the bill then under consideration had the unanimous support of members of the Claims Committee. May I be permitted to add, in this connection, that the measure now before us which proposes to relieve and reimburse, in a small way, a few of the good citizens of the splendid city of Lawton for their losses sustained by the terrible fire of 1917 which visited that city, also has the unanimous indorsement of the Committee on Claims.

If you gentlemen will take the time to read the splendid report of that committee, you will agree with me that no more meritorious measure has been considered to-day, nor during this session as to that matter, than the pending bill. You will find that these good citizens come to us with clean hands, that they are not at fault in any possible way for their great loss, but the fault does lie primarily and absolutely with representatives of our Government. I am sure, Mr. Speaker, and fellow Members, that this Government wants to be fair and pay what it justly owes, and it certainly owes these good people more than any of them are asking for, which debt it should have paid many years ago.

The facts as brought out by the unanimous report of the Committee on Claims shows that on September 11, 1917, Maj. Gen. W. M. Wright, in charge of headquarters Thirty-fifth Division, stated in a communication to the city council of Lawton that arrangements had been made with respect to the water supply at Camp Doniphan and an agreement reached between the Government and the city of Lawton whereby that city gave to Camp Doniphan the entire water supply during certain hours and that the military authorities agreed to keep a water guard at the junction where water was to be diverted from the main pipe running to the city of Lawton in case of fire.

Many of you recall the terrible conflagration that broke out in the city of Lawton back in 1917, and how the city was absolutely helpless, because of lack of water which the camp was using. The committee report, which I have just referred to, shows, gentlemen, that the military authorities failed to keep a water guard on the job as it agreed to do, and for a period of more than 45 minutes no water was turned into the main line going to Lawton, although many telephone calls were sent and every reasonable effort used on the part of the citizens of Lawton to get the water Camp Doniphan was using. I call your attention to the fact, Mr. Speaker, and gentlemen, that this bill does not propose to repay or reimburse anything like all of those who lost all they had in that terrible fire, but it does propose to partially reimburse those whose property was destroyed during the 45 minutes when the water was cut off from the city of Lawton and being used by the Government at Camp Doniphan.

May I be permitted to add, Mr. Speaker, that in my opinion it is a shame these citizens have not been repaid years ago, and while I do not wish to unduly take up the valuable time of this House, I do want to urge that this important matter be not put off another day. These splendid, patriotic citizens are entitled to immediate relief which many of them sorely need. You gentlemen have been very kind to me, which consideration I deeply appreciate, and I sincerely trust that it is not an imposition on you to urge the passage of this bill without further discussion.

Mr. MADDEN. Mr. Speaker, I am not at all clear that this bill is meritorious. It may be. I should judge it is not on account of the array of talent that I see sitting here to bolster it up, but the thing I am curious about and what I would like to have somebody explain is where the gentleman from New York is, who a few minutes ago was sitting here objecting.

Mr. SCHAFER. I think he has gone out to get a drink of water.

Mr. MADDEN. And how he was induced to leave. I have a great deal of admiration for the genius of the gentleman from New York. I had no idea that anybody would have sufficient influence to make him disappear under such doubtful circumstances. This is a case where the Wisconsin idea prevails. There is $141,000 involved.

Mr. SIMMONS. No; that bill has been passed.

Mr. MADDEN. At any rate, there are so many Wisconsin men on the floor advocating this who are generally opposed to anything anybody wants that it looks rather curious to me.

I have not had time to delve into the mysteries of the case, but I have had the privilege of watching the antics of these men who are usually aiding the watchdog of the Treasury in preserving the dignity of the shaving box.

Now, how many burglaries they have fostered and protected and encouraged by the action that has just been taken I do not know, but my hope has been all the time that with these men in whom I have always had the utmost confidence arrayed on the side of right, we would be perfectly safe in attending to our business outside of the Chamber of the House, feeling assured nothing would go wrong inside the Chamber, and while we were saving 50 cents at the end of a long and arduous day of struggle and argument and toil, we would not be spending more than a billion dollars in the House without any consideration whatever. I compliment the gentlemen on the sturdy advocacy of continued burglary of post offices.

Mr. SCHAFER. Will the gentleman yield? [Laughter.]

Mr. MADDEN. I apologize to the gentleman. I was not alluding to him [laughter], and I shall venture to hope that the insurance companies to whom these great premiums are paid for protecting the integrity of the cash box of the Post Office Department will at least be compelled to pay the losses once in a while.

Mr. SCHAFER. Will the gentleman yield?

Mr. MADDEN. I yield to the gentleman.

Mr. SCHAFER. Does the gentleman from Illinois contend that when some Chicago post office robbers come up to Wisconsin and use an acetylene torch on a post-office vault that under existing law the postmaster's bondsmen are held liable for the loss from the burglary?

Mr. MADDEN. No; these vaults ought to be made of steel and nobody ought to be allowed to steal anything out of them.

Mr. SCHAFER. We are looking at the actual facts in this particular case.

Mr. MADDEN. I have not any doubt about it and I compliment the gentleman on his industry.

Mr. SCHAFER. And from the tone of the gentleman's speech, the gentleman would seem to intimate that this is a pork barrel bill. If the gentleman had ever studied the facts in the case I think he would arrive at a different conclusion.

Mr. MADDEN. I have, and I have arrived at the conclusion that this is not a pork-barrel scheme, it is an individual scheme of pork barrels.

Mr. SCHAFER. I will state to the gentleman that he could have objected to the bill and could have had one of his colleagues object and would have had the three objections necessary to strike the bill off the calendar if it is such a bad bill.

Mr. MADDEN. The gentleman does not want me to get too arduous in my opposition, does he? [Laughter.]

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MAJ. HARRY WALTER STEPHENSON

The next business on the Private Calendar was the bill (H. R. 8806) authorizing the President to reappoint Maj. Harry Walter Stephenson, United States Army (retired), to the position and rank of major, Coast Artillery Corps, in the United States Army.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, I notice that the War Department states that the bill in question is for the restoration to the active list of a former major and that they do not recommend favorable consideration or the passage of the bill. I find by the notes I have here that the committee feels an injustice was done in the forced retirement of Major Stephenson and that his reappointment will be for the benefit of the Military Establishment. I am reserving the right to object, but hardly think I shall object, although I would like to ask the gentleman who is in charge of the bill, Mr. REECE, of Tennessee, what is the explanation of the difference of opinion between the committee and the War Department with respect to this bill?

Mr. LAGUARDIA. Inasmuch as the gentleman is not here, let it be passed without prejudice.

Mr. HOOPER. Yes; Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice. I would like to have an opportunity to look into it further.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PLACING OF A RETIRED OFFICER OF ARMY ON RETIRED LIST AS A MAJOR GENERAL

The next business on the Private Calendar was the bill (H. R. 7926) to place a retired officer of the Army on the retired list as a major general.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, reserving the right to object, this bill is for the benefit of General Lord, the Director of the Budget. It comes to us in a little different form from other bills and the report consists merely of letters written by the gentleman from Illinois [Mr. MADDEN] and by the gentleman from Tennessee [Mr. BYRNS]. I understand, after having talked with the gentleman from Michigan [Mr. JAMES], why it comes to us in this form, and I subscribe to everything about General Lord that these gentlemen have said in their letters. However, Mr. Speaker, I can not sit here at this table and object to the reinstatement and then retirement of lieutenants, captains, and majors and then not enter my objection to this bill. I therefore would like to be recorded as one objector.

The SPEAKER. Is there further objection?

Mr. HARE. I object, Mr. Speaker.

Mr. SCHAFER. Reserving the third objection, Mr. Speaker, I want to ask the distinguished gentleman from Illinois [Mr. MADDEN] if this is a good bill. I would like to have a little information about it.

Mr. MADDEN. If the gentleman is referring to me for information, I will say to him I made a very comprehensive study of the merits of this case and I have yet to find any man who has ever been promoted from the rank of brigadier general to the rank of major general whose case possessed any merit approaching the merit which stands behind the case of General Lord.

Mr. LAGUARDIA. If the Army officers had given one one-thousandth part of the services that General Lord has given to the United States Government we could make major generals of them all.

Mr. SCHAFER. In view of the statement of the gentleman from Illinois, I will withdraw my objection.

Mr. RANKIN. I object.

Mr. JAMES. Will the gentleman withhold his objection? This is a case where the Chief of Finance, a brigadier general, had no idea of getting out of the Army, but was drafted by the President of the United States to be Director of the Budget. If he had stayed in the Army he would have been a major general. We are only conferring on him what he would have been entitled to, so that when he gets out of this job he may have the rank of a major general. I trust that the gentleman from Mississippi will not object.

Mr. RANKIN. I will withhold it and let it go over without prejudice.

Mr. JAMES. It has been on the calendar for three months, and we may not get back to it.

Mr. LAGUARDIA. I hope the gentleman from Mississippi will withdraw his objection.

Mr. HILL of Alabama. Let me say that the Military Committee, of which I am a member, gave very careful thought and consideration to this bill. We were satisfied that this was more than a meritorious bill. It is a bill that justice demands. I hope the gentleman will not object.

Mr. HUDSON. If the objection is going to stand I will call for the regular order.

Mr. HARE. Will the gentleman yield?

Mr. HILL of Alabama. Yes.

Mr. HARE. The first objection to this bill is that it does not show on its face what its purpose is. If it is for the purpose of making General Lord a major general, why do you not say so.

Mr. HILL of Alabama. Let me say that it could not apply to any other officer in the United States Army, retired or active, except General Lord.

Mr. HARE. Another question. I would like to know whether or not if General Lord is retired according to the terms of this bill he will be entitled to pay as a retired Army officer in addition to the salary that he now draws?

Mr. HILL of Alabama. No; the law expressly provides that he can only have the salary that he now draws. There will be no increase whatever in his pay by this bill.

Mr. HARE. No increase in salary or pay?

Mr. HILL of Alabama. No. Of course, when he finally leaves the Budget he will get the retired pay of a major general, the same as he would have had if he had stayed in the Army.

Mr. HARE. With that explanation, Mr. Speaker, I withdraw my objection.

The SPEAKER. The Chair hears only two objections, and the Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is hereby authorized to place on the retired list of the Army as a major general, with the retired pay of that grade, the officer who was the first Chief of Finance of the Army, and who was placed on the retired list as a brigadier general while holding that office.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOE BURTON COURSEY

The next bill on the Private Calendar was the bill (H. R. 9017) to reinstate Joe Burton Coursey in the West Point Military Academy.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. HOOPER. Reserving the right to object, the letter of the Secretary of War which accompanies the report says:

I believe that the approval of the proposed legislation would be against good discipline and prejudicial to the interests of the United States Military Academy. I, therefore, recommend that the proposed legislation be not favorably considered.

Now, I am not going to object at this time, but I want to ask some gentleman in the absence of Mr. REED to make some explanation or that it be passed without prejudice.

Mr. WILSON of Mississippi. It has been passed for about two years, and if this man is to get back he ought to be reinstated now or else objection made and definitely dispose of it. The bill has been favorably reported by the committee of which Mr. REED of New York is chairman. It has been passed without a dissenting vote by the House at the last session, went to the Senate and passed that body without a dissenting vote.

Mr. HOOPER. With that statement, Mr. Speaker, I withdraw my objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Joe Burton Coursey, of the sixth congressional district, State of Mississippi, be reinstated in the West Point Military Academy, to graduate at the foot of the class in June, 1928.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THE MAKING OF A REPRESENTATIVE

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to revise and extend the remarks that I made on the anniversary of the birthday of Champ Clark on March 7.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HASTINGS. Mr. Speaker, ex-Speaker Champ Clark is affectionately remembered by the people of the country for his lofty patriotism and his long, honorable service in the Congress of the United States.

On March 16, 1916, he delivered an address at the Washington Press Club to the newly elected Members of Congress, of whom I was one, emphasizing the value of experience, which comes from length of service.

Everyone appreciates that a Member of Congress should (1) know conditions in his district; (2) keep in touch with and be in sympathy with the people of his district; and (3) be honest and have the capacity to represent them.

No one should be elected to serve in any capacity who is dishonest or incompetent. No one would think of employing an attorney unless he thought he was capable of representing him or calling in a physician unless he had confidence in him, and for that matter no one would contract for the services of any one in a business capacity, as a carpenter, a machinist, or a laborer, or to work on the farm, without making some inquiry into the ability and experience of the person to serve them. The prudent person carefully investigates the record and qualifications and ability to serve of the person applying for employment in addition to the statements of the person interested in his own behalf. This speech of ex-Speaker Champ Clark is deserving of the thoughtful study of every voter of the country. We should exercise the same care in the selection of our public servants that we use in the selection of those who serve us personally.

The address is as follows:

REMARKS OF CHAMP CLARK AT THE WASHINGTON PRESS CLUB RECEPTION, THURSDAY, MARCH 16, 1916

[Printed in CONGRESSIONAL RECORD, March 17, 1916]

It is a high honor to be a Representative in Congress, if for only one term, and with the number of terms the honor increases in geometrical rather than in arithmetical proportion. A Member's usefulness to his country should increase in the same proportion. A man has to learn to be a Representative just as he must learn to be a blacksmith, a carpenter, a farmer, an engineer, a lawyer, or a doctor.

"Poeta nascitur non fit"—a poet is born, not made—says Horace; but Congressmen—that is, useful and influential Congressmen—are made largely by experience and practice.

The old Charlotte district in Virginia knew this and kept John Randolph, of Roanoke, in the House till he became a great national figure. Then the Old Dominion sent him to the Senate and General Jackson sent him to St. Petersburg. There are sporadic cases of similar action in other districts.

It is an unwise performance for any district to change Representatives at short intervals. A new Congressman must begin at the foot of the class and spell up. Of course, the more brains, tact, energy, courage, and industry he has the quicker he will get up. If he possesses these qualities, and if his constituents will keep him in the House, he is as certain to rise as the sparks are to fly upward. No human power can keep him down. It is only fair and rational to assume that every Representative's constituents desire to see him among the "topnotchers."

Let us take the present House and see how long the men who hold the high places have served. I can not name all, but will cite a few as samples.

Mr. Speaker Cannon is serving his fortieth year. He holds the record, or, in pugilistic parlance, "he holds the belt," for length of service in the House in our entire history. In several Congresses he was chairman of the great Committee on Appropriations and then was Speaker eight years, only one man, Henry Clay, having been Speaker longer.

I am serving my twenty-second year; Minority Leader Mann is serving his twentieth year; Mr. Kitchin, chairman of Ways and Means, his sixteenth; Mr. Fitzgerald, chairman of Appropriations, his eighteenth; Mr. Moon, chairman of the Post Office and Post Roads, his twentieth; Mr. Jones, chairman of Insular Affairs and "father of the House," his twenty-sixth; Mr. Flood, chairman of Foreign Affairs, his sixteenth; Mr. Hay, chairman of Military Affairs, his twentieth; Mr. GLASS, chairman of Banking and Currency, his sixteenth; Mr. Adamson, chairman of Interstate and Foreign Commerce, his twentieth; Mr. Stephens, chairman of Indian Affairs, his twentieth; Mr. Slayden, chairman of the Library, his twentieth; Mr. Henry, chairman of Rules, his twentieth; Mr. Lever, chairman of Agriculture, his sixteenth; Mr. Padgett, chairman of the Navy, his sixteenth; Mr. Lloyd, chairman of Accounts, his twentieth; and Mr. Sparkman, chairman of Rivers and Harbors, his twenty-second. There are other big chairmanships, but these will suffice to show that as a rule the big places go to old and experienced Members, for most of the men who rank close to the chairmen are old-timers. The same thing holds good with reference to members of the minority. As an illustration, Messrs. GILLETT and COOPER, who are serving their twenty-fourth year, are the ranking Republicans on Appropriations and Foreign Affairs, almost certain to be chairmen thereof should the Republicans ever again have a majority in the House, as in that event, in all probability, Mr. Mann will be Speaker, unless he is nominated for President next June.

Go through the whole list and you will find, with few exceptions, that the men of long service have the high places.

New England and the cities of Philadelphia and Pittsburgh have understood the value of long service all along, and, having elected a fairly good man to Congress, they keep him in the harness.

The Member of longest consecutive service is called "the father of the House." Five Philadelphians in immediate succession bore that honorable title—Randall, Kelly, O'Neill, Harmer, and Bingham. Then it went to Mr. Dalzell, of Pittsburgh. When General Bingham announced the death of General Harmer, his immediate predecessor as "father of the House," he stated that the five Philadelphia "fathers of the House" had served a total of 147 years, and he served 8 or 10 years after making that interesting statement.

In the second and third Congresses in which I served, Maine, with only four Members, had the Speakership and the chairmanship of the great Committees on Ways and Means, Navy, and Public Buildings and Grounds—a most remarkable circumstance, giving the Pine Tree State an influence in the House and the country out of all proportion to her population and wealth. These four men—Reed, Dingley, Boutelle, and Millikin—each served in the House 20 years or more. Other States might profit by her example.

No man should be elected to the House simply to gratify his ambition. All Members should be elected for the good of the country.

The best rule, it seems to me, is for a district to select a man with at least fair capacity, industrious, honest, energetic, sober, and courageous, and keep him here so long as he discharges his duties faithfully and well. Such a man will gradually rise to high position and influence in the House. His wide acquaintance with Members helps him amazingly in doing things.

I can speak freely on this subject without violating the proprieties, for my constituents have kept me here 22 years, and for 20 years have given me nominations without opposition, for all of which favors I thank them from the bottom of my heart. Their generous action and unwavering friendship have enabled me to devote all my time to the public service. I have not been compelled to spend any portion of my time in "mending my fences." My constituents have attended to that. God bless them!

One other thing. I do not know what committee assignments you new Members secured. If they are good, you are to be congratulated. If bad, do not be cast down. No congressional tenderfoot ever had poorer assignments that I had—Claims and Old Pensions—but I never complained or kicked. I went to work as though those committees suited me exactly. Here is an illustration of what may happen and how luck plays an important part; I was next to top Democrat on both Foreign Affairs and Patents for eight years—never advanced a peg so far as committees went. Just when, at the beginning of the ninth year on those two committees, I was about to become top Democrat on Foreign Affairs, Hon. John Sharp Williams, then minority leader, assigned me to the foot of Ways and Means, and at the end of four years through the happenings of politics in five different States I jumped from the foot to the head of the Democratic minority on Ways and Means. So it may be with you. Events over which you have no control may advance you more rapidly than you dreamed of or

hoped for. My advice is this: "Whatever your hand finds to do, do it with your might."

CHARLES R. WAREHAM

The next business on the Private Calendar was the bill (H. R. 8808) for the relief of Charles R. Wareham.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object Here is a case for the payment of $17,000 more. The House having already agreed to the payment of $141,000 in the matter of a similar character, I can do no more than record my objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Charles R. Wareham, acting postmaster at Kearney, Nebr., in the sum of $17,204.83, due to the United States on account of funds and stamps lost in the burglary of the post office at Kearney, Nebr., on September 23, 1926.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ARTHUR L. HECYKELL

The next business on the Private Calendar was the bill (H. R. 3721) for the relief of Arthur L. Hecykell.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, I object.

The SPEAKER. Are there any other objections? The Chair hears but one. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to appoint Arthur L. Hecykell, formerly lieutenant in the United States Navy, a lieutenant in the United States Navy and place him upon the retired list of the Navy, with the retired pay and allowance of that grade: *Provided*, That no back pay, allowance, or emoluments shall become due as a result of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RUSSELL H. LINDSAY

The next business on the Private Calendar was the bill (H. R. 4302) for the relief of Russell H. Lindsay.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, I object.

Mr. WARREN. Mr. Speaker, I object.

The SPEAKER. Two objections are noted by the Chair. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint Russell H. Lindsay, former ensign, United States Navy, in which grade he served honorably during the World War, an ensign in the United States Navy, and to retire him and place him on the retired list of the Navy as an ensign, with retired pay of that grade as provided by law for officers retired by reason of physical disability incident to service.

Mr. HUDSON. Mr. Speaker, I move to strike out the last word. I apprehend that the membership of the House to-day is going to let this bill go through without knowing its merits, even though there are two objections to it. It is not concurred in by the Secretary of the Navy. The testimony shows that the medical boards do not agree as to the testimony, and the bill ought not to pass. I recognize, of course, that only two objections were made.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. HUDSON. Yes.

Mr. VINSON of Georgia. Will the gentleman give the committee the ground upon which he thinks we should reject this bill, in view of his statement?

Mr. HUDSON. Upon the ground that the evidence placed before the committee does not warrant its passage.

Mr. VINSON of Georgia. The gentleman merely stated that the Secretary of War said the bill should not pass. Has the gentleman read this report in full?

Mr. HUDSON. I have.

Mr. VINSON of Georgia. Is it not a fact that when this man was inducted into the Navy he was found to be physically fit and the Navy accepted him. He was then assigned to a battleship and commenced his duties. Within about 30 days he was examined by the medical board and found to have tuberculosis. They refused even to say that the disability was incurred in line of duty. Of course, I want the gentleman to understand that the passage of this bill makes no difference to me. It is not my bill. It is Mr. TIMBERLAKE'S bill. The board of medical examiners after carefully examining this man's physical qualifications for appointment as a Navy officer reported as follows:

Each member of the board [then] made a careful physical examination of the candidate and found no trace of any ailment or disability now existing.

When they accepted him into the Navy he was qualified and in 30 days later upon another examination he was found to have tuberculosis. They now claim that it was not incurred in line of duty.

Mr. HUDSON. There is nothing in the report that shows that the two boards agreed.

Mr. VINSON of Georgia. I am satisfied that the gentleman must have read some other report.

Mr. HUDSON. I assure the gentleman that I have read the report, but I can not agree with him.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PAYMASTER CHARLES ROBERT O'LEARY

The next business on the Private Calendar was the bill (H. R. 4767) for the relief of Paymaster Charles Robert O'Leary, United States Navy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. I object.

The SPEAKER. The Chair notes one objection. Are there any other objections?

The Chair hears no other objections, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That hereafter Paymaster Charles Robert O'Leary, United States Navy, shall be regarded as having been promoted to a pay inspector in the United States Navy on the 11th day of January, 1918, with rank as such immediately after Pay Inspector Herbert Elliott Stevens, United States Navy: *Provided*, That said Paymaster Charles Robert O'Leary shall establish to the satisfaction of the Secretary of the Navy, by examination, his mental, moral, physical, and professional qualifications to perform all the duties of said grade: *Provided further*, That nothing herein shall be construed to entitle Paymaster Charles Robert O'Leary, United States Navy, to any back pay, allowance, or other emoluments in this permanent rank.

With the following committee amendment:

Page 1, line 6, after the figures "1918," strike out the comma and the words "with rank as such immediately after Pay Inspector Herbert Elliott Stevens, United States Navy."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LUCY B. KNOX

The next business on the Private Calendar was the bill (H. R. 1406) granting six months' pay to Lucy B. Knox.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, reserving the right to object, I would like to have the gentleman from Maryland explain the bill. It seems to me that the bill is individual in character and will entail an expense of $2,370 on the part of the Treasury.

Mr. LINTHICUM. Mr. Speaker, this officer died at the Naval Academy in the interim between the time when the bill which grants the six months' pay had been repealed and was reenacted. Had he lived a month longer his widow would have received six months' pay. The widow of every officer

since that time and of every officer prior to 1917 has received this amount of money. We have about four precedents of bills passed for this same purpose.

Mr. HUDSON. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, such sum as may be necessary to pay to Lucy B. Knox, widow of the late Lieut. Commander Forney Moore Knox, United States Navy, an amount equal to six months' pay at the rate said Forney Moore Knox was receiving at the date of his death.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

VINCENTIA V. IRWIN

The next business on the Private Calendar was the bill (H. R. 2494) granting six months' pay to Vincentia V. Irwin.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum as may be necessary to pay to Vincentia V. Irwin, widow of the late Ensign Glendon Ward Irwin, United States Navy, an amount equal to six months' pay at the rate said Glendon Ward Irwin was receiving at the date of his death.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

KENNETH M. ORR

The next business on the Private Calendar was the bill (H. R. 4014) for the the relief of Kenneth M. Orr.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. I object.

The SPEAKER. One objection is noted. Are there other objections? If not, the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the compensation laws and laws conferring rights and privileges upon honorably discharged soldiers, sailors, marines, and so forth, their widows and dependent relatives, Kenneth M. Orr shall hereafter be held and considered to have been discharged honorably from the United States Navy as a fireman, first class, November 20, 1922.

Mr. HOOPER. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Hooper: Page 1, line 9, after the figures "1922," strike out the period, insert a comma, and add the following: "*Provided,* That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

MAJ. CHAUNCEY S. M'NEILL

The next business on the Private Calendar was the bill (H. R. 9149) for the relief of Maj. Chauncey S. McNeill.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, this bill provides that this officer, who has been retired, shall be not only examined and reappointed to the active list but shall be carried as an extra on promotion list. It seems to me, while the Committee on Military Affairs of the House is coming in here and seeking to adjust the promotion list and saying they have too many officers now in certain ranks, after an officer is retired, they should not seek to restore to active service men on the retired list and asking that they be carried as extras on promotion list.

Mr. BOWMAN. No. The bill provides that the officer shall be examined to determine his physical fitness. The facts in this case are these: This young man spent 24 years in the service of the United States. During the World War he was examined, along with 500 or 600 other officers, and was found with a permanent disability, and he was retired from the service.

Mr. LAGUARDIA. During the World War?

Mr. BOWMAN. During the World War. But since then it has been discovered that this disability which the examining officers found was an error in diagnosing his case. It was not a permanent disability. The officer has been restored to health. The young man is now a professor of military tactics at the Fishbourne Military Institute in Virginia, drawing the same salary that he would have drawn if kept on the list as a major. He is now but little past 40 years of age. He is physically fit and he desires to get back into active service, and it is unfair and unjust for this young man to be retired for an error in diagnosis when he desires to get back into active service.

Mr. LAGUARDIA. But he was retired and out of the military service during the World War, was he not? Am I right in that?

Mr. BOWMAN. No. He was retired during the World War on account of a physical disability. An error, however, was made in the diagnosis of this young man, and he has recovered from his physical disability. It is unfair that he should be kept on the retired list, because he is now as physically fit as you or I.

Mr. SCHAFER. Does the gentleman know whether the disability was incurred during the World War service of this officer?

Mr. BOWMAN. The evidence shows that the examining officers made a mistake.

Mr. LAGUARDIA. The Acting Secretary of War says:

The case of McNeill does not constitute such a case, though his record as an active officer is a very creditable one.

Accordingly I recommend that S. 1573 be not favorably considered by your committee and be not enacted into law.

Mr. BOWMAN. I hope the gentleman will not object.

Mr. LAGUARDIA. I shall sleep more comfortably if I record my objection.

The SPEAKER. The Chair hears one objection.

Mr. WARREN. Mr. Speaker, I object.

The SPEAKER. There are two objections. Is there a further objection? If not, the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized to have an Army retiring board examine Maj. Chauncey S. McNeill, United States Army, retired, as to his physical fitness for active service. If the retiring board finds Major McNeill fit for active service, the President is hereby authorized to reappoint him, by and with the advice and consent of the Senate, a major on the active list of the Regular Army, with rank from July 1, 1920, as an additional officer in such arm or branch of the service as may be decided upon by the Secretary of War. When he is restored to the active list, Major McNeill shall thereafter be carried as an extra number on the promotion list in accordance with his total active commissioned service, but no back pay shall accrue as a result of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

CHARLES JAMES ANDERSON

The next business on the Private Calendar was the bill (H. R. 4766) for the relief of Charles James Anderson, former commander, United States Naval Reserve Force.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Reserving the right to object, Mr. Speaker, is the gentleman who is the sponsor of this bill present? I notice that the Navy Department recommends that the bill be not enacted. I do not know but that it is a meritorious matter, but I have not had much of a chance or opportunity to examine the bill. I would like to ask unanimous consent that the bill be passed over for the present without prejudice.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

E. C. CALLAHAN

The next business on the Private Calendar was the bill (H. R. 9161) authorizing the President to reappoint E. C. Callahan, formerly a captain of Infantry, United States Army, a captain of Infantry, United States Army.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I think we should have some information from the Committee on Military Affairs.

Mr. JOHNSON of Indiana. I am not on the Military Affairs Committee this year, but I was last year when this bill was before that committee, and I made the report on the bill when it was reported last session. It passed the House at the last session but failed of passage in the Senate because they did not reach it. I think the bill is meritorious, and I think if the gentleman will look into it he will have no objection whatever. I have looked over the entire proceedings.

Mr. LAGUARDIA. This man resigned?

Mr. JOHNSON of Indiana. He did.

Mr. LAGUARDIA. And then he was sorry he resigned.

Mr. JOHNSON of Indiana. He resigned under pressure from a major. The main point is that he did not have the opportunity that was afforded to withdraw that resignation. When the telegram was sent to him he was not there, and he fully intended to withdraw his resignation.

Mr. LAGUARDIA. Mr. Speaker, I will record my objections. I can not do anything else.

The SPEAKER. The Chair notes one objection. Are there other objections? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to reappoint E. C. Callahan, formerly a captain of Infantry, United States Army, a captain of Infantry, United States Army, in accordance with the provisions of the national defense act of June 3, 1916, as amended by the act of June 4, 1920.

With the following committee amendment:

That the President of the United States be, and he is hereby, authorized to reappoint E. C. Callahan, formerly an officer of the Infantry, United States Army, an officer in the Infantry, United States Army, in the grade and in the position on the promotion list provided by the next to last paragraph of section 24a of the national defense act of June 3, 1916, as amended by the act of June 4, 1920: *Provided*, That said E. C. Callahan shall not by the passage of this act be entitled to any back pay or allowances of any kind: *Provided further*, That nothing contained in this act shall operate to increase the number of officers in the Regular Army now authorized by law.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FAYETTE L. FROEMKE

The next business on the Private Calendar was the bill (H. R. 548) for the relief of Fayette L. Froemke.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, I object.

The SPEAKER. One objection is noted. Are there others? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That so much of section 6 of the naval appropriation act approved July 12, 1921, as provided that the application for retirement of officers of the Naval Reserve Force and temporary officers of the Navy who have heretofore incurred, or who may hereafter incur, physical disability in the line of duty in time of war shall be filed with the Secretary of the Navy not later than October 1, 1921, be, and hereby is, waived in the case of Ensign Fayette L. Froemke, Pay Corps, United States Naval Reserve Force, inactive, and his case is hereby authorized to be considered and acted upon under the remaining provisions of said section if his application for retirement is filed not later than 60 days from the approval of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES JAMES ANDERSON

Mr. CHINDBLOM. Mr. Speaker, I ask to be recognized for the purpose of asking unanimous consent to return to Calendar No. 178, and I ask unanimous consent to proceed for one minute in explanation of that request.

The SPEAKER. The gentleman from Illinois asks unanimous consent to return to Calendar No. 178 and to proceed for one minute. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, this bill was passed over under a unanimous-consent request that the bill be passed without prejudice. Under the practice in vogue to-day the granting of that request has the effect of three objections and prevents only the present consideration of the bill. This particular bill was introduced in the House by the venerable chairman of the Committee on Naval Affairs [Mr. BUTLER] and was reported by him. I am going to ask my friend from Michigan [Mr. HOOPER] whether or not he will not consent to return to the bill?

Mr. LAGUARDIA. But he had the consent of the entire House to have the bill go over.

Mr. CHINDBLOM. Unfortunately the gentleman from Pennsylvania [Mr. BUTLER] was not here to grant his consent.

Mr. HOOPER. After the explanation made by the gentleman from Illinois, and not wishing to work any injustice in this matter, I am perfectly willing to have that course taken by the House. I had not had an opportunity to examine this bill, the Private Calendar having come up unexpectedly, and I fear injustice would be done if I were to insist on my request that it be passed over without prejudice. Therefore, Mr. Speaker, I withdraw my request.

The SPEAKER pro tempore (Mr. TILSON). Is there objection?

Mr. LAGUARDIA. I object. We can not jump all around this calendar. When the gentleman from Michigan asked that it go over he asked that it go over by the unanimous consent of the House.

The SPEAKER pro tempore. The Chair understands that it was passed without prejudice.

Mr. LAGUARDIA. By the unanimous consent of the House.

The SPEAKER pro tempore. Does not this mean that it can be returned to and that this is the difference between being passed without prejudice and three objections? If passed without prejudice, we may return to it, whereas with three objections it could not be considered. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to appoint Charles James Anderson, formerly a commander in the United States Naval Reserve Force, a commander in the United States Naval Reserves and place him upon the retired list of the Navy with the retired pay and allowances of that grade: *Provided*, That a duly constituted naval retiring board finds that the said Charles James Anderson incurred physical disability incident to the service in time of war: *Provided further*, That no back pay, allowances, or emoluments shall become due as a result of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN P. HOLLAND

The next business on the Private Calendar was the bill (H. R. 4066) to place John P. Holland on the retired list of the United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, I reserve the right to object for the purpose of putting into the RECORD my objection to this class of bills. I have recorded my objection to a number of bills reported by the Committee on Naval Affairs. It seems to me if we are going to enact legislation that will benefit these men where the records show the disability did not occur in line of duty, it ought to be general legislation so that every person in the Navy may have the benefit of it rather than that certain recipients should receive this bounty from the Government by finding some Congressman who will introduce his bill because he is in his district and bring it before us. There ought to be general legislation and we should not pass this individual legislation. We are running into a large number of these individual bills.

Mr. HALE. Will the gentleman yield?

Mr. HUDSON. I yield.

Mr. HALE. This bill passed the House last session. One examining board found this young man did incur disability not only in line of duty but in time of war. This report was disapproved. He went before various examining boards, and the

result was that before they got through with him the time lapsed—namely, October 1, 1921—in which under the operation of the law of July 12, 1921, he could have been retired. The young man is known to me personally. It is an extremely worthy case. He was injured in line of duty by a series of accidents, the first of which occurred in 1918 in time of war, when he was serving on board a destroyer. There were several other accidents thereafter. The young man is almost blind, and probably will be blind in the course of another year.

Mr. LAGUARDIA. I want to say to the gentleman from Michigan that there is a great deal more merit in this bill than the bill we returned to and passed just a few moments ago.

Mr. HUDSON. I am not speaking about this individual bill, I will say to the gentleman from New Hampshire, in whose judgment I have great confidence, I am simply pointing out that it seems to me the members of the Committee on Naval Affairs ought to use their efforts toward general legislation rather than exerting their efforts on these individual cases.

Mr. HALE. I will say to the gentleman from Michigan it is my understanding there is general legislation pending before the Congress which would take care of this case if it were passed.

Mr. HUDSON. I am very glad to hear that, because such matters ought to come up in that way.

Mr. LAGUARDIA. A great many of these bills coming from the Naval Affairs Committee and the Military Affairs Committee I have objected to this afternoon, but I have gotten lonesome.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to place John P. Holland, formerly a lieutenant (junior grade), United States Navy, on the retired list of the Navy with the rank and retired pay of a lieutenant (junior grade) of the Navy: *Provided*, That in computing his pay credit shall be given for all his continuous service in the Navy.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FREDERICK D. W. BALDWIN

The next business on the Private Calendar was the bill (H. R. 4931) for the relief of Frederick D. W. Baldwin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA and Mr. HUDSON objected.

Mr. GIFFORD. I am sure the gentlemen will withdraw their objections. This bill is similar to several other bills that have been considered, only it is more meritorious. If the gentlemen will look this bill over I am sure they will have no objection to it.

Mr. LAGUARDIA. The gentleman is now in a very strategic position unless he encourages a third objection.

The SPEAKER. Is there further objection?

Mr. SCHAFER. Reserving the right to object, inasmuch as the gentleman from Massachusetts is endeavoring to make a statement, I would like to ask the gentleman if this is a meritorious bill.

Mr. GIFFORD. Mr. Speaker, this bill passed the House at the last session. It is on the calendar of the Senate and ought to have been reached before this. This is a case of a man suffering from tuberculosis. The bill ought to have been passed a year ago. This disease, according to the report, was incurred in line of duty, and there is no bill on the calendar, in my opinion, that approaches it in being meritorious.

Mr. SCHAFER. I shall not object. I hope we shall pass the bill and pass it quickly.

The SPEAKER pro tempore. The Chair notes two objections. Is there a third objection? [After a pause.] The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., The President is authorized to appoint Frederick D. W. Baldwin, formerly an ensign in the United States Naval Reserve Force, an ensign in the Naval Reserve and place him upon the retired list of the Navy with the retired pay and allowances of that grade: *Provided*, That a duly constituted naval retiring board finds that the said Frederick D. W. Baldwin incurred physical disability incident to the service in time of war: *Provided further*, That no back pay, allowances, or emoluments shall become due as a result of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOSEPH S. CARROLL

The next business on the Private Calendar was the bill (H. R. 2477) for the relief of Joseph S. Carroll.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HUDSON. Mr. Speaker, I see that the report says that this is in conflict with the financial policy of the President. I am wondering what the gentleman from Maryland has to say about the passage of a bill against the wisdom of the President.

Mr. GAMBRILL. We have had many precedents set here to-day, and I am doubtful whether it ought to be raised against this particular bill.

Mr. LAGUARDIA. This man has served only 50 years.

Mr. GAMBRILL. He has served 52 years. The bill passed the House but failed in the Senate. He has had 52 years' faithful and meritorious service, and I hope that there will be no objection to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in consideration of his long and faithful service in various positions at the United States Naval Academy, where he is now employed as utility man for the midshipmen's mess, and of his enlisted service in the regular Navy on various midshipmen's cruises, extending, in all, over a continuous period of 50 years, the Secretary of the Navy is hereby authorized to enlist Joseph S. Carroll as a chief commissary steward in the United States Navy and to immediately thereafter transfer him to the retired list of the Navy with the retired pay of that rating: *Provided*, That the said Joseph S. Carroll shall not be entitled to any back pay or allowances prior to the date upon which he may be transferred to the retired list, as herein authorized: *Provided further*, That the enlistment of the said Joseph S. Carroll, as herein authorized, may be effected without regard to age or physical qualifications.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

STANDARD OIL CO. OF NEW JERSEY

The next business on the Private Calendar was the bill (H. R. 8529) authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey under bare-boat charter from a Danzig corporation.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I would like to ask why it is that the claimants did not file their claims earlier, but waited from 1920 to 1928?

Mr. LEAVITT. I think the gentleman will find in the complete report a statement that an effort was made to have the claims passed upon after the question of the legality of the collection. They have been passed upon by the Solicitor of the Department of Commerce and the Attorney General, and they both hold that the assessment was properly made. There is a great deal of doubt whether the collection should have been made, but the purpose of the bill is only to allow a judicial determination of that fact.

Mr. LAGUARDIA. These vessels were owned by American citizens?

Mr. LEAVITT. Yes; but they flew the flag of the Free City of Danzig.

Mr. LAGUARDIA. Was not that done to escape taxation? Was it not done to avoid the payment of Federal taxes?

Mr. LEAVITT. The statement is made in the report that the vessels were owned by an American corporation.

Mr. LAGUARDIA. Inasmuch as the gentleman from New Jersey [Mr. BACHARACH], who introduced the bill, is not here, I ask unanimous consent that it go over without prejudice. It involves many questions of international law and I hope the gentleman will not object.

Mr. CHINDBLOM. I shall object. I think that that means under the present practice three objections, because that will be the effect of it.

Mr. LAGUARDIA. The gentleman can regard me as one objector.

Mr. SCHAFER. And he can record me as another.

The SPEAKER pro tempore. Is there further objection? The Chair hears only two objections, and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Court of Claims be, and it is hereby, authorized and directed to hear and determine the claim of the Standard Oil Co. of New Jersey, a corporation organized under the laws

of the State of New Jersey, for refund of $60,283 alleged to have been erroneously collected in 1920 and 1921 on three vessels belonging to the claimant, being the *Zoppot*, 5,915 tons; the *Gedania*, 5,107 tons; and the *Baltic*, 5,173 tons, under Danzig charter; it being contended by the claimant that the tonnage taxes assessed and collected on the vessels named were not authorized by law.

SEC. 2. The Court of Claims is authorized to make proper order on its conclusions on the questions presented in section 1 of this Act: *Provided further*, That such notices of the suits shall be given to the Attorney General of the United States as may be provided by orders of the said court, and it shall be the duty of the Attorney General to cause one of his assistants to appear and defend for the United States.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ENGLEHARD SPERSTAD

The next business on the Private Calendar was the bill (H. R. 332) validating homestead entry of Englehard Sperstad for certain public land in Alaska.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the entry hereinafter described be, and the same is hereby, validated and the Secretary of the Interior is authorized to issue patent thereon upon the submission of satisfactory proof of compliance with the provisions of the act of June 6, 1912 (37 Stat. 123): Homestead entry, Anchorage, Alaska, No. 06094, made by Englehard Sperstad on January 28, 1924, for the southeast quarter of section 36, township 13 north, range 4 west of the Seward meridian, and in lieu of that tract the Territory of Alaska shall have the right to select equal area of public land of the character subject to selection under its school-land grant.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FIDELITY & DEPOSIT CO. OF MARYLAND

The next business on the Private Calendar was the bill (H. R. 2488) for the relief of the Fidelity & Deposit Co. of Maryland.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LEAVITT. Mr. Speaker, an identical bill has become a law. I ask unanimous consent that this bill be removed from the calendar.

The SPEAKER pro tempore. Without objection, it will be so ordered, and the bill lie on the table.

GEORGE M. BROWDER AND F. N. BROWDER

The next business on the Private Calendar was the bill (H. R. 3372) for the relief of George M. Browder and F. N. Browder.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George M. Browder and F. N. Browder, as administrators of the estate of the late F. G. Browder, the sum of $10,000. Such sum shall be in full satisfaction of all claims against the United States for damages resulting from the death of the said F. G. Browder, who, on October 20, 1926, near the city of Montgomery, Ala., was struck and killed by an airplane owned and operated by the United States.

With the following committee amendment:

Line 7, strike out "$10,000" and insert in lieu thereof "$7,500."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CREDITS IN DISBURSING ACCOUNTS OF CERTAIN OFFICERS OF THE ARMY

The next business on the Private Calendar was the bill (H. R. 4258) to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, would the gentleman from Kansas tell us what attitude the Comptroller General, Mr. McCarl, takes on this bill?

Mr. STRONG of Kansas. The Comptroller General says that these were technical violations of the law.

Mr. LAGUARDIA. He objects to settling the accounts?

Mr. STRONG of Kansas. Yes; because of the technical matter of violation of the law.

Mr. LAGUARDIA. What does the Comptroller General say?

Mr. HARE. If the gentleman will permit, the Comptroller General takes no attitude in respect to that. Some of these claims were paid out of funds not authorized. For instance, the first one was paid out of a fund for a certain service and when the matter went to the Comptroller General, he said that the officer did not have the right to pay this money out of this particular fund; that it should have been paid out of other funds; and subsequently it was paid out of another fund. This charge remains against that particular fund, and the only way that it can be corrected is by act of Congress, and these acts are purely for the purpose of correcting the books in the auditor's department.

Mr. LAGUARDIA. Each case contained in the bill is a technical violation of the law rather than intentional?

Mr. HARE. Yes.

Mr. CHINDBLOM. This bill, it appears, was introduced at the request of the War Department evidently for the purpose of correcting the records.

Mr. HARE. That is correct.

Mr. STRONG of Kansas. The bookkeeping.

Mr. CHINDBLOM. To balance the accounts.

Mr. LAGUARDIA. Oh, it is a little more than bookkeeping.

Mr. CHINDBLOM. I did not say that. I say for balancing the accounts.

Mr. LAGUARDIA. These officers are now charged and debited with the amounts involved.

Mr. CHINDBLOM. Some of the amounts have been paid.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of the following-named officers of the Army of the United States in the sums herein stated, which now stand as disallowances on the books of the General Accounting Office:

Capt. W. A. MacNicholl, Finance Department, $706.95, being the amount of payments made in his accounts for the month of June, 1925, incident to the medical care and treatment of two officers of the Officers' Reserve Corps who were injured in an aerial flight.

First Lieut. J. P. Tillman, Quartermaster Corps, $150; Capt. E. W. Wilson, Finance Department, $150; Maj. H. E. Pace, Finance Department, $150; Lieut. Col. S. B. McIntyre, Finance Department, $150; and Capt. R. G. Jenks, Finance Department, $150 on account of payments of reenlistment allowance made by them to one Tom F. Nicholson on fraudulent vouchers: *Provided*, That the officers certifying as to the correctness of the service of the soldier and the vouchers on which these payments were made shall be relieved of all responsibility in connection therewith.

Maj. John S. Jadwin, United States Army, retired, $350.62, representing the balance found due the United States from funds turned over by him to his agent officer for the pay and ration funds of a military mapping detachment, and which were embezzled by their immediate commanding officer to whom intrusted for disbursement: *Provided*, That Lieut. John C. Wade, Corps of Engineers, agent officer, shall be relieved of all responsibility and accountability in connection therewith.

Capt. Carl Halla, Finance Department, $174.85, representing the amount paid to S. J. Swiekatowski, former Army field clerk, for personal property destroyed by Government officials while in storage, and which sum was found due and recommended by board of officers.

SEC. 2. The Comptroller General of the United States is hereby authorized and directed to adjust and settle the following claims and certify same to Congress.

Mrs. Letitia Spence, the sum of $966.20, being the amount found due by a board of officers on account of damages sustained to her property as the result of a fire spreading from Camp Lewis, Wash., military reservation, on July 23, 1926.

Edward F. Becken, the sum of $2,255, being the amount found due by a surveying officer for damages sustained to his property as the result of military operations at Camp Upton, N. Y., during the years 1918 and 1919.

Roy Wiedersum, first lieutenant, Air Corps Reserves, United States Army, the sum of $3,386.74, under section 6 of the act approved June 3, 1924 (Public, 1826, 68th Cong.), representing pay and allowances amounting to $645.24, from April 5 to June 27, 1925, and $2,741.50 as

reimbursed approved amounts expended by him for medical and hospital treatment during the same period for injuries sustained in an airplane accident while in training.

With the following committee amendments:

Page 3, after line 3, insert the following:

"Capt. L. H. Price, Finance Department, $199.92, being the amount paid by him to one Beecher Roberts, private, Company K, Twenty-fourth Infantry, in his accounts for May, 1926, soldier having been found not guilty of desertion and honorably discharged.

"Capt. L. V. Houston, Finance Department, $22.10, representing overpayments to citizens' military training camp students on account of travel pay to and from camp.

"Maj. E. T. Comegys, Finance Department, $92.25, being the amount paid by him to W. R. Graham for stenographic report on hearings before the Select Committee of Inquiry into the operations of the United States Army Air Service."

Page 4, line 1, strike out "$2,255" and insert "$1,450."

In line 11, strike out "reimburse" and insert "reimbursement."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES CAUDWELL

The next business on the Private Calendar was the bill (H. R. 4268) for the relief of Charles Caudwell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to substitute an identical Senate bill (S. 1736), already passed by the Senate.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to substitute an identical Senate bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to pay to Charles Caudwell, Congleton, Cheshire, England, from any moneys in the Treasury not otherwise appropriated, the sum of $10,219.65, or so much thereof as may be required to purchase exchange not to exceed the amount of two thousand one hundred pounds sterling, in full settlement of all claims of said Charles Caudwell growing out of his purchase of ovens at London, England, in June and July, 1919.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill, H. R. 4268, was laid on the table.

VALIDATING ACQUISITION OF CANADIAN PROPERTY BY WAR DEPARTMENT

The next business on the Private Calendar was the bill (H. R. 4257) for the validation of the acquisition of Canadian properties by the War Department and for the relief of certain disbursing officers for payments made thereon.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, reserving the right to object, and I do not intend to do so, I see the bill covers something over $315,000. The legislation is recommended by the War Department. It was recommended some four or six years ago. While my colleague from Michigan [Mr. HOOPER] reported the bill, I wish that he would give the House some explanation of it.

Mr. HOOPER. Mr. Speaker, this bill was given careful consideration by the subcommittee and by the full committee. It is a validating bill, pure and simple. It is not an appropriating bill. It is a bookkeeping bill. During the war the Government had occasion in Canada to secure certain munition plants. The Government was unable to purchase the land out-and-out because of a law in Canada, as I recall it, forbidding the acquisition of property by a foreign country. They had to get around this by leasing the property and then by acquiring it subsequently in a roundabout way through trustees. The officers who were in charge of the work expended the money and expended it legitimately, but it will be observed that the report states:

Payments amounting to $315,490.38 by disbursing officers of the United States, for the purchase price of the land and payment of taxes, assessments, services, etc., have been disallowed by the Comptroller General on the ground that the authority to acquire and hold real estate in a foreign country can not be rested upon an appropriation in general terms, and he suggested that the Secretary of War present the matter to Congress for such disposition as it may deem advisable.

This is the only disposition that can be made. There is a loophole in the law by which the Comptroller General thought technically he was unable to recommend an out-and-out payment of it, and he has sent it to Congress for adjustment. The Government has had the benefit of the money expended and the officers have not had any benefit of the $350,000. It is simply to validate and make good a transaction by which the United States Government was able to make munitions in Canada during the period of the war.

Mr. LAGUARDIA. What happens to the land that we acquired?

Mr. HOOPER. The land was resold.

Mr. LAGUARDIA. Was that money converted to the United States?

Mr. HOOPER. Yes. It was converted to the United States. I will say to the gentleman from New York that there is no loss on the part of the United States. This simply amounts to validating the amount so that it can be charged off the books as in favor of these officers.

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to substitute Senate bill 1738, which has passed the Senate and is identical with the House bill.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to substitute the Senate bill for the House bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 1738) for the validation of the acquisition of Canadian properties by the War Department and for the relief of certain disbursing officers for payments made thereon

Be it enacted, etc., That the action by the War Department for the acquisition, through trustees, of an interest in and title to certain tracts of land on which to erect additional manufacturing buildings and facilities to increase the production of shells under contracts entered into with certain Canadian contractors for the manufacture of shells and other munitions during the World War is hereby ratified and validated, and that the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of the following officers in the amounts stated which now stand as disallowances on the books of the General Accounting Office: Capt. J. Q. A. Brett, United States Army (now deceased), $207,223.66; Donald Findley, formerly captain, Ordnance Department, $14,510.39; Capt. Carl Halla, Finance Department (now major), $65,068.12; Maj. E. O. Hopkins, Quartermaster Corps (now major, Finance Department), $14,728.05; Weston Patterson, formerly first lieutenant, Finance Department, $13,960.16; in all, $315,490.38.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The similar House bill was laid on the table.

JOSEPH F. FRIEND

The next business on the Private Calendar was the bill (H. R. 6842) for the relief of Joseph F. Friend.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,000 to Joseph F. Friend, of Swanton, Md., for the capture and arrest of Henderson Hall, a negro who attempted the robbery of the post office at Swanton, Md.

Mr. LEAVITT. Mr. Speaker, there is a story of heroism in connection with this matter that I think should be set out in the CONGRESSIONAL RECORD. I ask unanimous consent that at this point I may insert the letter addressed by the Acting Postmaster General to the committee.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent to insert the letter indicated. Is there objection?

There was no objection.

Following is the letter referred to:

POST OFFICE DEPARTMENT,
Washington, D. C., January 28, 1928.

Hon. CHARLES L. UNDERHILL,
Chairman Committee of Claims, House of Representatives.

MY DEAR MR. UNDERHILL: Further reference is made to your letter of December 17, 1927, inclosing a copy of House bill 6842, providing for the payment of $2,000 for the relief of Joseph F. Friend on account of the capture and arrest of Henderson Hall for the burglary of the Swanton (Md.) post office. You requested to be furnished with an expression of opinion concerning the merits of the bill.

Briefly, the facts relating to this case are as follows: About 10 o'clock on the night of September 17, 1925, claimant, Joseph F. Friend, postmaster, was awakened while sleeping in a room adjoining the store in which the post office at Swanton is located. Uncertain as to whether some one had broken into the place or whether he had been aroused by a passing freight train, Mr. Friend secured his pistol and a flashlight. Upon entering the store he was immediately greeted by a bullet, which grazed his head. Nevertheless Mr. Friend, although two more shots were fired at him, advanced toward the post-office inclosure, discharging his own revolver as he did so. After his second shot he heard a cry, "You have hit me; I give up." Mr. Friend flashed his light upon the post-office section, and immediately the burglar (Henderson Hall) fired another shot. The postmaster continued to move forward, however, and upon reaching and looking through the general delivery window saw Hall and called upon the negro to throw up his hands. The latter jumped toward the postmaster, who fired again, the bullet hitting Hall in the eye. The burglar fell to the floor, and Mr. Friend then entered the post-office inclosure and once more demanded that he throw up his hands. As Hall put his right hand only partly up, the postmaster pulled the trigger of his revolver, but it jammed. Hall then sprang toward the postmaster and a hand-to-hand encounter ensued, during which Mr. Friend was severly beaten about the head and face. The postmaster called for help, and the negro, thinking some one was responding, managed to make his escape. About three hours later he was found by the county sheriff and a posse some 200 yards from the post office. He was in an unconscious condition and had fallen from exhaustion and the loss of blood.

On September 18, 1925, the postmaster and Hall were taken to the hospital, where the postmaster's right eye and Hall's left eye were removed. On account of his physical condition, Hall has not been prosecuted, and on April 1, 1926, an order was issued releasing him from custody. The United States attorney who handled this case made the following statement regarding the services rendered by Mr. Friend.

"His defense of the post office was nothing short of heroic, and he emerges from his encounter with the loss of an eye. I can not think of an effort more deserving of a reward."

Under order No. 650 of the Postmaster General, the notice of reward in effect at the time the offender was arrested, a reward of not more than $2,000 could be paid for the arrest and conviction of any offender on the charge of assaulting any person having lawful charge, control, or custody of any mail matter with intent to rob, steal, or purloin such mail matter or any part thereof, if in effecting or attempting to effect such robbery he did wound the person having custody of the mail or put his life in jeopardy by the use of a dangerous weapon.

As the offender has not been convicted, we can not pay a reward to Mr. Friend for his services in connection with the arrest of Hall.

In accordance with circular letter No. 49 of the Bureau of the Budget, the facts in this case were submitted to the director of that bureau for consideration as to whether House bill 6842 conflicts with the financial program of the President. A reply has just been received stating that the proposed legislation is not in conflict with the financial program of the President. Under the circumstances the department is of the opinion that favorable consideration should be given to the passage of House bill 6842 for the relief of Joseph F. Friend.

Very truly yours,

W. IRVING GLOVER,
Acting Postmaster General.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

GEORGE W. BURGESS

The next business on the Private Calendar was the bill (H. R. 8809) for the relief of George W. Burgess.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, this is only $255,000, another post-office bill. I can not do anything else in the present temper of the House but record my objection.

Mr. HUDSON. Reserving the right to object, Mr. Speaker, I would like to ask whoever is responsible for the bill in the absence of the gentleman from Massachusetts [Mr. UNDERHILL] what about the street-car tokens? Does the Government pay for those?

Mr. LEAVITT. This is one of those bills that came to the Committee on Claims through the Speaker of the House from the Postmaster General, setting forth the losses and giving to the committee full information, to the effect that it was not the fault of the postmaster at all.

The SPEAKER pro tempore. Is there another objection?

There was no other objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of George W. Burgess, postmaster at Pawtucket, R. I., in the sum of $255,231.86, the value of postage-stamp stock lost in the burglary of the post office at Pawtucket, R. I., February 1, 1926.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

CONSTANCE D. LATHROP

The next business on the Private Calendar was the bill (H. R. 6195) granting six months' pay to Constance D. Lathrop.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Constance D. Lathrop, widow of the late Commander Patrick Theodore Moore Lathrop, United States Navy, is hereby allowed an amount equal to six months' pay at the rate said Patrick Theodore Moore Lathrop was receiving at the date of his death.

SEC. 2. That the payment of the amount of money hereby allowed and authorized to be paid to said Constance D. Lathrop is authorized to be made from the appropriations for beneficiaries of officers who die while in the active service of the United States Navy.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The motion to reconsider the last vote was laid on the table.

LANDON RANDOLPH MASON

The next business on the Private Calendar was the bill (H. R. 4605) authorizing the President to issue an appropriate commission and honorable discharge to Landon Randolph Mason.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to issue an appropriate commission and honorable discharge to Landon Randolph Mason, who performed the service of a commissioned officer of the United States from October 14, 1918, to December 31, 1918, under the promise of such commission from proper authority, but which commission was not issued by reason of unavoidable delay, the signing of the armistice, the cessation of hostilities, and orders issued in consequence thereof.

With a committee amendment as follows:

On page 2, at the end of the bill, insert, "*Provided,* That no back pay, pension, pay, or allowances shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

RELIEF OF CERTAIN ARMY OFFICERS

The next business on the Private Calendar was the bill (H. R. 4265) for the relief of certain officers and former officers of the Army of the United States, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, this is an omnibus bill. It is largely a bookkeeping proposition.

Mr. LAGUARDIA. I hope the gentleman will not adopt that phrase, "a bookkeeping proposition." I fear it will be invoked hereafter very frequently.

Mr. HOOPER. Our committee gave the matter very careful attention.

Mr. LAGUARDIA. All right.

Mr. HOOPER. Mr. Speaker, would it not be proper to ask unanimous consent that these items be considered as read in this bill, in order to save time?

Mr. LAGUARDIA. No. I think they should be read for the enlightment of the House. To do otherwise would not be good parliamentary procedure.

Mr. HOOPER. Then, Mr. Speaker, I will withdraw my request.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of the following-named officers and former officers of the Army of the United States in the sums herein stated which now stand as disallowances on the books of the General Accounting Office:

Capt. Bigelow B. Barbee, Finance Department, the sum of $3,022.09, being the amount paid by him for services in preparing searches and title policies on certain real estate acquired by the War Department.

Lieut. Col. Tilman Campbell, Finance Department, the sum of $314.90, representing public funds for which he was accountable, which were stolen from the finance office by the cashier, a technical sergeant, and not due to the neglect or lack of care on the part of Colonel Campbell.

Maj. E. T. Comegys, Finance Department, the sum of $152.50, on account of payments made for two typewriters for use of and now in possession of the military service.

Capt. Walter D. Dabney, Finance Department, the sum of $32.90, representing public funds for which he was accountable, which were lost by the payment of two fraudulent vouchers.

Maj. John M. Eager, Field Artillery, formerly acting quartermaster and disbursing officer, the sum of $180.26, which represents loss of Government funds due to the failure of the Banca Italiana di Sconto, Rome, Italy.

Harry G. Finley, formerly second lieutenant, Quartermaster Corps, the sum of $298.66, being the amount paid by him to one who represented himself as being Lieut. Paul A. Winchell, Air Service.

Maj. Frederick D. Griffith, jr., General Staff, the sum of $182.55, being public funds for which he was accountable and which were stolen by a warrant officer on duty in his office.

First Lieut. Robert A. Hill, Corps of Engineers, the sum of $2,495.63, representing public funds for which he was accountable and which were lost through embezzlement by an employee of the Engineer Department on or about November 17, 1922.

Maj. De Witt C. Jones, Corps of Engineers, the sum of $5,450, representing the amount refunded to Gillett, Eaton & Squire on their contract of September 4, 1917, for the construction of one pair of tandem compound condensing engines for stern paddle-wheel steam towboat.

Capt. James A. Marmon, Finance Department, the sum of $10,832.67, representing funds embezzled by Howard Farmer, second lieutenant, Quartermaster Corps, while acting as agent officer, and which amount now stands as a disallowance on the books of the General Accounting Office.

Capt. J. R. McNiel, Finance Department, the sum of $35.93, on account of payments for services to a civilian nurse at the station hospital, Camp Meade, Md., for treatment of members of the Organized Reserves and the Reserve Officers' Training Corps while on active duty.

Lieut. Col. F. P. Holcomb, Finance Department, the sum of $1,247.50, representing the amount overpaid to Frank Corya, formerly sergeant, Medical Department, for an alleged deposit of $1,150, and interest thereon amounting to $97.50.

Lieut. Col. Charles L. Lanham (deceased), Finance Department, the sum of $125, on account of overpayments of longevity pay to an officer now deceased.

Capt. William A. MacNicholl, Finance Department, the sum of $25, on account of payments made for medical and hospital treatment furnished a private in the enlisted Reserve Corps while on active duty.

Maj. Emmet C. Morton, Finance Department, the sum of $272.40, representing public funds for which he was accountable which were lost by the payment of two fraudulent vouchers.

Maj. C. C. Oakes, Finance Department, the sum of $136.50, representing the amount refunded to D. Kasdan in adjusting a sale of Government property.

Charles O. Pierson, disbursing officer, Washington-Alaska Military Cable and Telegraph System, the sum of $400, which amount was stolen by an enlisted man of the Signal Corps.

Capt. Philip A. Scholl, Finance Department, the sum of $90, representing the amount paid on a fraudulent voucher.

Capt. O. T. Simpson, Finance Department, the sum of $1,370.13, representing the amount refunded to Hoblitzell and Hyde on account of a quantity of canned salmon purchased from the Government by that firm, which was condemned by the health department, State of Massachusetts, as unfit for human consumption and destroyed.

Maj. F. J. Torney, Quartermaster Corps, the sum of $334.75, representing amounts expended by him in the interests of the Army music school.

Capt. Wallace E. Durst, Quartermaster Corps, $6; Lieut. Col. F. P. Holcomb, Finance Department, $18; Capt. W. A. MacNicholl, Finance Department, $2; First Lieut. James A. Durnford, Quartermaster Corps, $6; First Lieut. Fred G. Sherrill, Finance Department, $4; Maj. J. S. Jadwin, Finance Department, $34; being in each instance the amounts paid to civilian witnesses not in Government employ, in accordance with prescribed rates; in all, the sum of $70.

SEC. 2. The Comptroller General of the United States is hereby authorized and directed to adjust and settle the following claims and certify same to Congress:

American Commission Co., $448.08, being the value of 4,070 cans of tomatoes purchased from the Government at a sale of surplus supplies, which were seized by the Federal Food Administrator and destroyed as unfit for human consumption.

Army store, Fort Worth, Tex., the sum of $25, representing the amount which was paid to the Government for certain surplus stores which were undelivered, and which sum was deposited to the credit of the Treasurer of the United States as miscellaneous receipts.

Maj. A. W. Bloor, General Staff, the sum of $24.80, being the amount found due by a board of officers on account of damages to his automobile in collision with an Army truck.

Frank C. Cady (formerly acting dental surgeon), the sum of $127.61, being the amount paid by him from private funds for rental of quarters for the period October 14, 1913, to January 31, 1914, for his use while in the service of the United States.

Maj. James Canby, Quartermaster Corps (now colonel, Finance Department), the sum of $80, which amount he refunded to the Government on account of a disallowance in his money accounts for payment of rental of an automobile used on official business.

Second Lieut. Louis J. Claterbos, Corps of Engineers, the sum of $39.75, being the amount found due by a board of officers on account of damages sustained to his automobile in collision with an Army automobile.

Maj. E. T. Comegys, Finance Department, the sum of $82.50, which amount was refunded to the Government on account of a disallowance in his money accounts in connection with the payment for two typewriters for the use of and now in possession of the military service.

First Lieut. M. J. Conway, Infantry, the sum of $302.85, being the amount found due by a board of officers on account of damages sustained to his personal property by fire at Camp Devens, Mass., on January 28, 1919.

John Dalton, formerly private, Air Service, the sum of 85 cents, representing amount of personal funds stolen from the office of the post prison officer, Fort Bliss, Tex.

Felix Davis, the sum of $32.50, being the amount paid by him for a two-wheel trailer purchased from the Government at a public auction and which could not be located and delivered to him.

Capt. William F. Donnelly, Air Service, the sum of $255.70, being the amount found due by a board of officers on account of damages sustained to his automobile in collision with an Army truck.

E. B. Ellis, the sum of $43.31, representing the amount overpaid to the Government on two purchases of surplus property, and which sum has been deposited to the credit of the Treasurer of the United States as miscellaneous receipts.

Fantus Bros., the sum of $60.98, representing the amount which was overpaid to the Government in the purchase of a quantity of surplus clothing, and which sum has been deposited to the credit of the Treasurer of the United States as miscellaneous receipts.

Matthew E. Hanna (formerly captain, Tenth Cavalry), the sum of $532.18, being the amount of money expended by him as special disbursing agent from an allotment from the appropriation "Contingencies of the Army, 1912," to pay the unusual and extraordinary official expenses of the special mission of Army officers detailed by the President and the Secretary of War to witness the autumn maneuvers of the German Army in 1911, and which amount was deposited by him in the Treasury of the United States from private funds.

Hemingway & Co., the sum of $1,119.40, being the amount overpaid to the Government in connection with the purchase of a quantity of nitric acid, which sum was deposited to the credit of the Treasurer of the United States as miscellaneous receipts.

Hemingway & Co., the sum of $433.37, which was paid to the Government as a deposit on the purchase of a quantity of nitric acid and for which credit was not given when sale was completed, the amount having been deposited to the credit of the Treasurer of the United States as miscellaneous receipts.

Maj. Morton J. Henry, Quartermaster Corps, the sum of $16.80, being the amount paid by him on account of a disallowance in his disbursing account.

The Hohenberg-Lacey-Farrow Mercantile Co., the sum of $10.50, representing the amount overpaid to the Government in the purchase

of certain surplus articles of clothing, and which sum has been deposited to the credit of the Treasurer of the United States as miscellaneous receipts.

Lieut. Col. Henry Jervey, Corps of Engineers, the sum of $24, representing an amount disbursed by him in the interest of navigation and under emergent conditions, which was disallowed in his disbursing accounts and subsequently refunded and deposited in the Treasury of the United States.

Maj. Clifford R. Jones, Coast Artillery Corps, the sum of $36, being the amount paid by him for the release of baggage of a detachment of enlisted men, the checks for which had been lost.

Lazarius G. Joseph, the sum of $400, being the amount paid by him to the salvage officer, quartermaster depot, Manila, P. I., for a condemned distribution box boat hull, which was later recovered from him without refund, on account of a previous sale.

Keene Chemical Co., the sum of $179.60, being the value of a certain quantity of caustic soda purchased from the War Department but not delivered.

Lieut. Col. Benjamin H. Kerfoot, Coast Artillery Corps, the sum of $150, being the value of one horse which he purchased and paid for for the Government and which amount was disallowed by the Comptroller General of the United States and subsequently refunded by officer.

Capt. Sherman Miles, Field Artillery, the sum of $57.95, being the amount of money expended by him as military attaché to the American Legation, Bucharest, Rumania, from an allotment of the appropriation "Contingencies, military information section, General Staff Corps," 1923, and which amount was deposited by him in the Treasury of the United States from private funds.

Northern Saddlery Co., the sum of $15.99, representing the amount which was overpaid to the Government on the purchase of a quantity of white duck, and which sum was deposited to the credit of the Treasury of the United States as miscellaneous receipts.

George H. Parsons, formerly private, Motor Transport Company No. 49, the sum of $52.71, representing personal property and funds consisting of $17.71 in cash and one gold watch valued at $35, which was stolen from the office of the post prison officer, Fort Bliss, Tex.

Lieut. Col. Mason M. Patrick, Corps of Engineers, the sum of $6.80, being the amount paid by him from private funds for the insertion in certain newspapers of an advertisement in October, 1912, inviting public bids for the privilege of importing into the United States power generated in Canada from waters of the Niagara River.

Maj. J. H. Reynolds, jr., retired, the sum of $587.50, being the amount found due by a board of officers on account of damages sustained to his automobile in collision with an Army truck.

First Lieut. John A. Schoonover, Medical Officers Reserve Corps, the sum of $121.66, being the amount to which he is entitled for mileage and reimbursement for expense of shipment of household effects from his home to station upon being ordered to active duty.

First Lieut. Turner R. Sharp, Quartermaster Corps, the sum of $187.40, being public funds for which he was responsible as agent officer, $115.90 of which was stolen on or about November 3, 1920, and $71.50 on or about December 3, 1920, the entire amount ($187.40) having been refunded by him to make good the loss of these public funds.

Maj. Willis Shippam, Coast Artillery Corps, the sum of $163, being the amount found due by a board of officers on account of damages sustained to his personal property while in storage in his quarters at Fort Monroe, Va.

Frederick D. Smith, the sum of $56.03, being the amount of freight charges paid by him for shipment of his household goods incident to his transfer as a clerk from Chicago, Ill., to Louisville, Ky.

Capt. Roy C. Smith, United States Navy, retired, the sum of $24.45, being amount refunded by him from his personal funds to cover a disallowance in his official accounts.

Lieut. Col. George O. Squirer, Signal Corps, the sum of $41.46, being the amount of money expended by him as military attaché to the American Embassy at London from an allotment of the appropriation "Contingencies, military information section, General Staff Corps," 1913 and 1914, and which amount was deposited by him in the Treasury of the United States from private funds.

Acting Dental Surg. William A. Squires, the sum of $290.79, being the amount paid by him for rental of quarters, heat, and light during the fiscal years 1914 and 1915 while an acting dental surgeon in the service of the United States.

St. Francis Hospital, Newport News, Va., the sum of $47.90, and to Dr. S. W. Hobson, Newport News, Va., the sum of $56, being for hospital care and medical services rendered George Vay, seaman, injured on February 12, 1913, while in line of duty; in all, the sum of $103.90.

Maj. George N. Watson, Finance Department, the sum of $398.54, covering loss sustained by him through the cashing of three forged final statements, and which amount has been refunded by him and covered into the Treasury of the United States.

Dick Weaver, formerly corporal, Battery A, Eighty-second Regiment Field Artillery, the sum of $5, representing the amount of personal funds stolen from the office of the post prison officer, Fort Bliss, Tex.

Otis Williams, formerly private, Battery A, Eighty-second Regiment Field Artillery, the sum of $192.97, representing personal funds and property consisting of $172.97 in cash, and one gold watch valued at $20, stolen from the office of the post prison officer, Fort Bliss, Tex.

Wilson Chemical Co., the sum of $2,319.72, representing the amount which was overpaid to the Government on the purchase of a quantity of bromine, and which sum was deposited to the credit of the Treasurer of the United States as miscellaneous receipts.

Sandy Campbell, sergeant, Company I, Twenty-fourth Regiment Infantry, United States Army, the sum of $150, being the amount found due by a board of officers on account of damages sustained to his automobile in a collision with an Army truck.

Maj. Francis J. Baker, Finance Department (formerly pay clerk, Quartermaster Corps), for rental from November 15, 1912, to June 30, 1913, while stationed at Vancouver, Wash., the sum of $141; to Maj. Stephen R. Beard, Finance Department (formerly pay clerk, Quartermaster Corps), for rental from November 30, 1912, to June 30, 1913, while stationed at Fort Worden, Wash., the sum of $168.80; to Maj. Horace G. Foster, Finance Department (formerly pay clerk, Quartermaster Corps), for rental from November 13, 1912, to January 15, 1914, while stationed at the Presidio of San Francisco, Calif., the sum of $350.48; and to estate of Capt. Hastie A. Stuart, Finance Department (formerly pay clerk, Quartermaster Corps), for rental from November 30, 1912, to June 30, 1913, while stationed at the Presidio of San Francisco, Calif., the sum of $182.40, which amounts were paid by the officers named from private funds, being in each instance for rental of quarters for his use in the service of the United States for the periods and while stationed at the places named; in all, the sum of $842.68.

Lieut. George D. Graham, Medical Corps, the sum of $301.20; to Capt. Edward D. Kremers, Medical Corps, the sum of $340; to Capt. Larry B. McAfee, Medical Corps, the sum of $293; to Capt. Laertus J. Owen, Medical Corps, the sum of $171.67; to Lieut. Col. Frederic P. Reynolds, Medical Corps, the sum of $323.90; to Capt. Adam E. Schlanser, Medical Corps, the sum of $278; and to Jay D. Whitham (formerly major, Medical Corps), the sum of $86.80, being the amounts paid by them for commutation of quarters and afterwards refunded by them from their private funds; in all, the sum of $1,794.57.

Capt. W. L. Richards, Medical Corps, United States Army, such amount as he may have refunded to the Government as the result of a payment to Frank Corya, formerly sergeant, Medical Department, of $1,150 for soldiers' deposits on a fraudulent deposit slip which was certified to by Captain Richards, and for which payment he was held responsible and accountable, and to credit the appropriation "Pay of the Army deposit fund" with such amount as will make the total available hereunder $1,150: *Provided*, That Captain Richards is hereby relieved from all responsibility and accountability in connection with the payment of this sum and interest thereon, amounting to $97.50, to said Frank Corya.

Maj. Willard D. Newbill, Quartermaster Corps (now colonel, United States Army, retired), the sum of $39.49, being the amount paid by him to Blair, Murdock Co. from Government funds for printing.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

RELIEF OF CERTAIN OFFICERS OF THE ARMY OF THE UNITED STATES

The next business on the Private Calendar was the bill (H. R. 4266) for the relief of certain officers and former officers of the Army of the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to allow credit in the accounts of the following officers and former officers of the Army of the United States in the sums herein stated which now stand as disallowances on the books of the General Accounting Office:

(1) Herman H. Birney, jr. (formerly second lieutenant, Air Service), the sum of $1,403.50, being the amount of public funds for which he was accountable, lost or stolen on or about December 1, 1919.

(2) Capt. L. C. Brinton (now major), Coast Artillery Corps, the sum of $1,398.66, being the amount of erroneous payments made by him during the summer of 1916 while acting as finance officer at Brownsville, Tex.

(3) Col. Earl I. Brown, Corps of Engineers, the sum of $9,341.35, being the amount paid by him in April, 1920, to the Sheridan-Kirk Contract Co., in connection with the construction of Lock and Dam No. 31, on the Ohio River, under contract dated November 6, 1912, and disallowed because the release, executed prior to such payment, terminating such contract prohibited such payment.

(4) Maj. Walter S. Drysdale, Infantry, the sum of $5,162.58, being the amount which he, as disbursing officer at Peking, China, credited in

his accounts for the loss resulting from exchanges between United States and Chinese currency.

(5) Joe P. Esslinger (formerly captain, One hundred and sixty-seventh Infantry), the sum of $499.56, being the amount of public funds for which he was accountable, and which he has not refunded to the United States, stolen on or about August 9, 1918.

(6) Maj. William F. Grote, Quartermaster Corps (now colonel, retired), the sum of $294.37, being the amount of erroneous payments made by him as disbursing officer at Fort Sheridan, Ill., from October, 1916, to July, 1917.

(7) Paul C. Hunt (formerly major, Adjutant General's Department), the sum of $1,177.54, being the amount which he, as disbursing officer at Berne, Switzerland, credited in his accounts for the loss resulting from the conversion of French francs into Swiss francs.

(8) Maj. F. G. Stritzinger, jr. (now colonel), General Staff, the sum of $30.34, being the amount of overpayments made by him as disbursing officer at Deming, N. Mex., in 1916.

(9) First Lieut. W. W. Jenna, Infantry, the sum of $11,276.63, being the amount which he, while assistant United States military attaché and acting quartermaster at Athens, Greece, and Belgrade, Yugoslavia, credited in his accounts for loss resulting from exchanges between United States and local currency.

(10) Maj. Wallace C. Philoon, Infantry, the sum of $4,945.64, being the amount which he, as disbursing officer at Peking, China, credited his accounts for the loss resulting from exchanges between United States and Chinese currency.

(11) Lieut. Col. C. E. N. Howard, retired, the sum of $639.29, being the amount paid by him in June, 1917, to Findlay and Taylor Bros. on account of shipment of Government property and supplies to the Pershing expeditionary forces in Mexico.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following officers and former officers of the Army of the United States the sums herein stated:

(1) Maj. Earl J. Atkisson, Chemical Warfare Services, the sum of $500, to cover the loss of his automobile shipped on a Government bill of lading on August 30, 1917, and not subsequently delivered to him, but later salvaged as Government property and sold for $291, which sum was deposited in the Treasury of the United States as miscellaneous receipts.

(2) Maj. Delbert Ausmus (now captain), Coast Artillery Corps, the sum of $853.60, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, stolen in February, 1920.

(3) William A. Bailey (formerly first lieutenant, Signal Corps, agent officer), the sum of $936.16, being the amount he has refunded to the United States to partially cover the loss of public funds for which he was responsible, stolen between October 30, 1919, and December 20, 1919.

(4) Capt. Ralph E. Bower, the sum of $135.10, being the amount he has refunded to the United States to cover the loss by fire, on or about March 6, 1920, of public funds for which he was responsible.

(5) Capt. William Bowman, Quartermaster Corps (now warrant officer), the sum of $450, being the amount he has refunded to the United States to partially cover the loss of public funds for which he was responsible, lost in February, 1919.

(6) Henry C. Chappell (formerly captain, National Guard, retired), the sum of $58.50, being the amount paid by him to various newspaper companies for advertisements published in May, 1917, soliciting enlistments in the Quartermaster Reserve Corps.

(7) H. D. Cory (formerly captain, Quartermaster Corps), the sum of $600, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, stolen between March 27, 1918, and May 4, 1918.

(8) Capt. Richard D. Daugherity, Forty-eighth Infantry, the sum of $265.91, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, stolen on December 7, 1918.

(9) Maj. Charles B. Elliott, Infantry, the sum of $15.60, being the amount he has refunded to the United States to cover the amount of overpayments made by him, through a misinterpretation of regulations, to members of the National Guard of New Jersey from September 1, 1916, to November 30, 1916.

(10) Capt. Lewis J. Emery, Quartermaster Officers' Reserve Corps, the sum of $139, being the amount he has refunded to the United States to cover the loss, through an unavoidable accident, of public funds for which he was responsible during the transfer of funds at Cristobal, Canal Zone, on August 6, 1917.

(11) Joe P. Esslinger (formerly captain, One hundred and sixty-seventh Regiment Infantry), the sum of $120.44, being the amount he has refunded to the United States to partially cover the loss of public funds for which he was responsible, stolen on or about August 9, 1918.

(12) Capt. Thomas Feeney, Cavalry (now sergeant, detached enlisted men's list), the sum of $7.50, being the amount he paid on or about November 29, 1919, toward settling a claim for civilian clothing furnished general prisoners upon their discharge at war prison barracks No. 12, Fort Oglethorpe, Ga., in excess of the amount authorized for such clothing at that time.

(13) John H. Hall (formerly first lieutenant, Thirty-third Regiment Infantry), the sum of $200, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, lost by him on or about July 6, 1918, while crossing the Aguadulce River, Panama.

(14) Capt. John Heilich, Quartermaster Corps (now technical sergeant), the sum of $1,960, being the amount he has refunded to the United States to partially cover the loss of public funds for which he was responsible, stolen on or about December 10, 1919.

(15) Nelson Keys (formerly second lieutenant, Infantry), the sum of $238.75, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, stolen on or about December 10, 1918.

(16) Capt. James T. MacDonald, Quartermaster Corps, the sum of $39.33, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, stolen on or about April 8, 1920.

(17) William D. Nicholas (formerly first lieutenant, Quartermaster Corps), the sum of $226.84, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, lost by the cashing of a check, on a forged indorsement, for such amount between May 2, 1919, and August 4, 1919.

(18) Alexander Perry (formerly captain, Coast Artillery Corps), the sum of $1,521.84, being the amount he has refunded to the United States to cover the loss on the United States Army transport *Princess Matioka* between December 9, 1919, and January 31, 1920, of public funds for which he was responsible.

(19) Capt. Talmage Phillips, Quartermaster Corps, the sum of $4,727.57, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, stolen at Gatun, Panama Canal Zone.

(20) Charles F. Risler (formerly captain, Ordnance Department), the sum of $57, being the amount paid by him for advertising, on July 7, 1919, the sale of surplus ordnance supplies.

SEC. 3. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Berwind-White Coal Mining Co. the sum of $118.40. Such sum represents the amount of the damages sustained by such company as a result of a collision between the United States Army chartered barge *Eureka No. 12*, owned by such company, and the United States Army chartered tug *Reliable*, in New York Harbor, on August 23, 1918, due to defective steering gear on such tug.

SEC. 4. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clarence W. Hengen (formerly private, Machine Gun Company, One hundred and sixty-first Infantry) the sum of $55. Such sum represents the amount of pay due the said Clarence W. Hengen as private, and mailed to him on or about February 21, 1918, but which he failed to receive.

SEC. 5. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George G. Motter (formerly corporal, Company E, Three hundred and twenty-ninth Infantry) the sum of $50. Such sum represents the amount deducted from the pay of the said George G. Motter for the purchase of a Liberty bond which he has not received.

SEC. 6. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Schmidt, of Fort Leavenworth, Kans., the sum of $216.75. Such sum is equitably due him on account of the cancellation by the United States on November 1, 1917, of a contract granting him the privilege of grazing stock on a certain portion of the Fort Leavenworth Military Reservation for one year beginning July 1, 1917.

SEC. 7. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following newspapers and publishing companies the sums herein stated:

(1) Charleston American, Charleston, S. C., the sum of $38.40.

(2) Dispatch Printing Co., St. Paul, Minn., the sum of $60.48.

(3) Evening Post Publishing Co., Charleston, S. C., the sum of $40.32.

(4) Montgomery Advertiser, Montgomery, Ala., the sum of $16.75.

(5) Newburgh News Printing & Publishing Co., Newburgh, N. Y., the sum of $27.

(6) New York Evening Journal, New York, N. Y., the sum of $420.

(7) Spokesman-Review, Spokane, Wash., the sum of $23.40.

(8) Stivers Printing Co., Middletown, N. Y., the sum of $22.50.

(9) Times Publishing Co., Montgomery, Ala., the sum of $4.69.

(10) Trenton Times, Trenton, N. J., the sum of $13.44.

(11) Waterbury Republican, Waterbury, Conn., the sum of $22.50.

Such sums represent the value of the printing, done respectively by such newspapers and publishing companies, of official advertisements which were ordered without prior written authority from the Secretary of War during the years of 1918 and 1919.

SEC. 8. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following former enlisted men of the Army, their heirs or assigns, the sums herein stated:

(1) Jose M. Caballero, the sum of $50.
(2) Lloyd Cowles, the sum of $50.
(3) Charles A. Goodman, $50.
(4) Percy E. Leland, the sum of $100.
(5) Luis Rosario, the sum of $100.

Such sums represented the value of Liberty bonds which were subscribed and paid for in full by the respective former soldiers but never received by them.

SEC. 9. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maj. Paul C. Potter, Infantry, the sum of $572.11, being the appraised value of personal property lost or destroyed at Plattsburg Barracks, N. Y., between the months of May, 1916, and June, 1919.

With the following committee amendments:

Page 3, line 16, strike out "$11,276.63" and insert "$1,870."
Page 3, line 22, strike out "$4,945.64" and insert "$1,068.44."
Page 5, line 23, strike out "$265.91" and insert "$256.91."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

ACCOUNTS OF DISBURSING OFFICERS OF THE ARMY OF THE UNITED STATES

The next business on the Private Calendar was the bill (H. R. 7166) to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MAPES). Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, this is a bill we passed over the last time we were considering the Private Calendar. It involves the accounts of officers connected with the surplus property sales of the War Department. In the Sixty-sixth Congress I pointed out what would happen from the way we were going about the sale of surplus supplies. I was on the Military Affairs Committee at the time and they got some man from Philadelphia, who was connected with the gas company, to come here and take charge of the sale of surplus supplies. And what happened? We know that there was sale after sale made through collusion. Because bidders could not examine the property, they could not bid intelligently; whereas those who were in collusion with the officers were able to do so, and they did that with the connivance of the officers. Some of the officers in charge of the sale of these surplus supplies, knowing exactly what was there, just waited for the materials to be returned and then they did whatever they pleased about them. We now have before us the result of that method of selling the surplus war supplies, but the gentleman from Michigan will say that this is simply a straightening out of the accounts of these individual officers.

Mr. HOOPER. I was going to use more guarded language after the gentleman's warning.

Mr. LAGUARDIA. Well, it amounts to that. The loss has been sustained, and let us be very clear about it. Now that the war is a thing of the past, it is very difficult to secure a recovery from juries in the Federal courts, and I understand the department has tried to collect in many instances.

I do hope we can at some time draw the line and clean up all of the unsatisfactory activities of this surplus-property sales department that was created in the Sixty-sixth Congress.

Mr. HOOPER. I would like to say to the gentleman from New York that the War Claims Committee has been very earnestly endeavoring to do the very thing the gentleman is suggesting. We are trying to have an end made at some time of these conditions which have resulted because of the war.

Mr. HUDSON. I would suggest to the gentleman from New York that he use the word "unsavory" instead of "unsatisfactory" in this case.

Mr. LAGUARDIA. I think the gentleman's suggestion is a good one.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clek read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of the disbursing officers of the Army of the United States named herein in the several amounts indicated, representing payments made by direction of local boards of sales control as authorized refundments to purchasers of surplus war supplies for which credit has been disallowed by the General Accounting Office in the audit of their accounts, to wit: Capt. Francis J. Baker, Finance Department, $59,273.11; Lieut. Col. Ward Dabney, Quartermaster Corps, $2,708.04; Capt. E. O. Hopkins, Finance Department, $3,981.40; Capt. P. G. Hoyt, Finance Department, $2,054.13; Capt. M. T. Legg, Finance Department, $17,459.52; Capt. H. B. Lovell, Finance Department, $7,912.66; Lieut. Col. S. B. McIntyre, Finance Department, $3,039.10; Capt. E. C. Morton, Finance Department, $629.58; Capt. A. J. Maxwell, Finance Department, $601.91; Capt. L. L. Simms, Finance Department, $6,246; Maj. E. B. Spiller, Finance Department, $274.63; Capt. E. W. Wilson, Finance Department, $180.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM HENRY JUDSON

The next business on the Private Calendar was the bill (H. R. 2525) for the relief of William Henry Judson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN and Mr. BOX objected.

The SPEAKER pro tempore. It takes three objections. The Chair hears two.

Mr. LAGUARDIA. What kind of a case is this?

Mr. WARREN. It is a desertion case.

Mr. LAGUARDIA. Mr. Speaker, I object.

WILLIAM H. ESTABROOK

The next business on the Private Calendar was the bill (H. R. 11107) for the relief of William H. Estabrook.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, I object. This is another desertion case.

Mr. LAGUARDIA. How long did he serve during hostilities? I see from the report that he served one year and four months, so we will give him the benefit of the doubt.

The SPEAKER pro tempore. The Chair hears one objection. Are there others? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William H. Estabrook, who was a member of Company I, Eleventh Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 3d day of January, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PETER S. KELLY

The next business on the private calendar was the bill (S. 1771) for the relief of Peter S. Kelly.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. I object.

The SPEAKER pro tempore. One objection is noted. Are there other objections? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, their widows, and dependent relatives, Peter S. Kelly, late of Company B, First Regiment Montana Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of the above organization on the 17th day of October, 1899: *Provided*, That no pay, pension, bounty, or other emoluments shall accrue prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIAM ESTES

The next business on the Private Calendar was the bill (H. R. 11094) to correct the military record of William Estes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. I object.

Mr. LAGUARDIA. I would like to know how long this soldier served during the Civil War. We only have his record of desertion.

Mr. ENGLEBRIGHT. For the gentleman's information I will state he served over two years in actual service and a much longer time than that by substitute.

Mr. LAGUARDIA. I do not like that substitute business. That does not go a very long way with me. I do not mean coffee cooling, but how long did he serve?

Mr. ENGLEBRIGHT. The records of the War Department show he served over two years in the Civil War.

Mr. LAGUARDIA. Actual service?

Mr. ENGLEBRIGHT. Actual service.

Mr. LAGUARDIA. And not by power of attorney?

Mr. ENGLEBRIGHT. No; there was actual service of two years' time.

Mr. LAGUARDIA. The gentleman is sure of that?

Mr. ENGLEBRIGHT. Yes.

Mr. LAGUARDIA. How old is the gentleman?

Mr. ENGLEBRIGHT. About 84.

The SPEAKER pro tempore. The Chair notes one objection. Are there any further objections? [After a pause.] The Chair hears none and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, William Estes shall be held and considered to have been honorably discharged from the military service of the United States as a private in Company C, Seventh Regiment Enrolled Missouri Militia, October 27, 1864: *Provided,* That no bounty, pay, or allowance shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PETER S. KELLY

Mr. LEAVITT. Mr. Speaker, I would like to ask unanimous consent to see if it would not be possible to have the one objection that was made to the bill for the relief of Peter S. Kelly withdrawn. The bill is Calendar No. 302. If it can possibly be done, I would like to have the one objection withdrawn. This is a Spanish War soldier of the State of Montana, and if there was time to make a statement with regard to it I am sure no one would object.

Mr. CHINDBLOM. The bill has been agreed to and has passed the House.

Mr. LEAVITT. I understand the situation, but for the sake of this man Kelly, who is a good friend of mine, I would like to have the one objection withdrawn if the gentleman will withdraw it.

Mr. LAGUARDIA. I would like to suggest to the gentleman he is treading on dangerous ground. The gentleman has got his bill passed.

Mr. LEAVITT. It can not be dangerous ground, because the bill is passed.

Mr. WARREN. Mr. Speaker, I demand the regular order.

NEAR EAST RELIEF, INC.

The next business on the Private Calendar was the bill (S. 1287) for the relief of the Near East Relief (Inc.).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOWARD of Nebraska, Mr. LAGUARDIA, and Mr. SCHAFER objected.

APPOINTMENT OF ROY L. MARSTON

The next business on the Private Calendar was the House joint resolution (H. J. Res. 193) for the appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. CHINDBLOM. Mr. Speaker——

Mr. GLYNN. I object, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. I object, Mr. Speaker, and raise the point of order there is not a quorum present.

Mr. LAGUARDIA. Let the bill go over.

Mr. SCHAFER. Will the gentleman withhold his objection?

Mr. LAGUARDIA. If the gentleman will withhold his point of no quorum I ask that this bill be passed over without prejudice. It is better to do this than to stop the calling of the calendar.

The SPEAKER pro tempore. Does the gentleman from Wisconsin withhold his point of order?

Mr. SCHAFER. I withhold the point of order, and I hope the gentleman will withdraw his objection.

Mr. GLYNN. I withdraw the objection.

Mr. SCHAFER. Mr. Speaker, I made the request that this bill be passed over for this reason: There are a number of vacancies on the Board of Managers, and I believe the committee should fill all of these vacancies at the same time. I believe they should consider legislation at the same time providing a member on this board from each State that has a national home. I do not like to raise a point of no quorum, but I think this bill should be passed over without prejudice so that the House can consider the filling of all the vacancies at one time.

Mr. CHINDBLOM. Mr. Speaker, I also made objection, but in view of the fact that the author of the bill is willing to accede to the request of the gentleman from Wisconsin, I shall not interpose an objection. I will say, however, that I think it is bad practice under the present procedure.

Mr. SCHAFER. I will say that this bill was not objected to on the last Private Calendar day, but went over without prejudice upon my request. It was my understanding that one objection would be all that would be necessary to prevent the consideration at this time. If I had known that a parliamentary situation would develop which would require three objections, the gentleman can be assured that I would have had them here to-day. I will withdraw the point of no quorum in view of the fact that the bill will go over without prejudice.

Mr. FISH. Mr. Speaker, I will renew the point of no quorum.

Mr. SUMNERS of Texas. Will not the gentleman reserve it?

Mr. FISH. I will withhold it.

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a very brief statement of a matter discussed yesterday.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, I am pleased to see from yesterday's CONGRESSIONAL RECORD, delivered this morning, that Mr. JONES, of Texas, has inserted in the RECORD a letter written by Mr. John T. Orr, of Dallas, president of the Texas Farm Bureau Cotton Association, with reference to the services rendered agriculture by Mr. Nathan Adams, president of the American Exchange National Bank, also of Dallas.

I have known Mr. Adams for 25 years. During at least the last 14 years he has been perhaps the outstanding figure connected with financial institutions of the Southwest working for the improvement of the selling methods and the general economic condition of agriculture.

When the present Farmers' Cooperative Marketing Association began to come into operation Mr. Adams, as a prominent bank official, gave to them the benefit of his advice, financial support, and influence among financiers and business men. I happen to know that he did this over the protest of certain important depositors of his bank, and in instances at the expense of valuable accounts.

Mr. Adams's time, counsel, and influence in the financial world and his leadership among bankers have been given without reserve whenever the interest of agriculture was in peril or could be served. Mr. Orr's letter touches only a few of the high spots of Mr. Adams's service to agriculture.

Mr. FISH. Mr. Speaker, I insist on my point of no quorum.

Mr. HUDSON. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division there were 2 ayes and 35 noes.

So the House refused to adjourn.

Mr. LAGUARDIA. I move a call of the House.

The SPEAKER pro tempore. The gentleman from New York moves a call of the House.

The question was taken; and on a division there were 5 ayes and 32 noes.

Mr. LAGUARDIA. A parliamentary inquiry, Mr. Speaker. As the status now is, the roll will be called and the Sergeant at Arms will have to bring in absent Members. I object to the vote on the ground that no quorum has voted or is present.

The SPEAKER pro tempore. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll. All those in favor of ordering a call of the House will answer "aye" and those opposed will answer "no."

The question was taken; and there were—yeas 10, nays 245, not voting 177, as follows:

[Roll No. 68]

YEAS—10

Allen	Black, Tex.	Fitzgerald, Roy G.	Mapes
Bacharach	Buchanan	Gambrill	Schafer
Bacon	Crosser		

NAYS—245

Abernethy	Doughton	Jones	Rubey
Ackerman	Dowell	Kading	Rutherford
Adkins	Eaton	Kahn	Sanders, N. Y.
Allgood	Edwards	Kemp	Sanders, Tex.
Almon	Elliott	Kerr	Sandlin
Andresen	Englebright	Kindred	Selvig
Arnold	Eslick	Korell	Shallenberger
Auf der Heide	Evans, Calif.	LaGuardia	Simmons
Bachmann	Faust	Lanham	Sinclair
Beck, Wis.	Fitzgerald, W. T.	Lankford	Sinnott
Begg	Fitzpatrick.	Leavitt	Sirovich
Bell	Fletcher	Lehlbach	Smith
Berger	Fort	Letts	Snell
Black, N. Y.	Frothingham	Lindsay	Somers, N. Y.
Bland	Fulbright	Linthicum	Speaks
Blanton	Fulmer	Lowrey	Spearing
Bloom	Garber	Luce	Sproul, Ill.
Bohn	Gardner, Ind.	McKeown	Stevenson
Bowles	Garner, Tex.	McLaughlin	Strong, Kans.
Bowling	Garrett, Tenn.	McLeod	Summers, Wash.
Bowman	Gasque	McReynolds	Sumners, Tex.
Box	Gibson	McSwain	Swank
Boylan	Gifford	McSweeney	Sweet
Brand, Ga.	Gilbert	MacGregor	Swick
Brand, Ohio	Glynn	Maas	Swing
Briggs	Goodwin	Major, Ill.	Taber
Brigham	Gregory	Major, Mo.	Tarver
Browne	Green	Mansfield	Tatgenhorst
Buckbee	Greenwood	Martin, La.	Temple
Bulwinkle	Griest	Martin, Mass.	Thatcher
Burtness	Griffin	Menges	Thurston
Canfield	Guyer	Michener	Tilson
Cannon	Hadley	Miller	Tinkham
Carss	Hale	Montague	Tucker
Carter	Hall, Ind.	Moore, Ky.	Underwood
Cartwright	Hammer	Moore, Va.	Vestal
Celler	Hardy	Moorman	Vincent, Mich.
Chalmers	Hare	Morehead	Vinson, Ga.
Chapman	Hastings	Morrow	Vinson, Ky.
Chindblom	Haugen	Murphy	Wainwright
Clague	Hickey	Nelson, Me.	Ware
Clancy	Hill, Ala.	Nelson, Mo.	Warren
Clarke	Hill, Wash.	Niedringhaus	Wason
Cochran, Mo.	Hoch	Norton, Nebr.	Weaver
Cochran, Pa.	Hoffman	O'Brien	Welch, Calif.
Cohen	Hogg	O'Connell	Welsh, Pa.
Cole, Md.	Holaday	O'Connor, La.	White, Colo.
Collier	Hooper	O'Connor, N. Y.	Whitehead
Colton	Hope	Parker	Whittington
Connolly, Pa.	Howard, Nebr.	Peery	Williams, Mo.
Cooper, Ohio	Huddleston	Purnell	Williams, Tex.
Cooper, Wis.	Hudson	Quin	Wilson, La.
Corning	Hull, Morton D.	Ragon	Wolverton
Cox	Hull, William E.	Ramseyer	Woodruff
Crail	Hull, Tenn.	Rankin	Woodrum
Crisp	Irwin	Rathbone	Wright
Dallinger	Jacobstein	Reed, Ark.	Wurzbach
Davis	Johnson, Ind.	Reed, N. Y.	Yon
Denison	Johnson, Okla.	Reid, Ill.	Zihlman
De Rouen	Johnson, S. Dak.	Robinson, Iowa	
Dickinson, Mo.	Johnson, Tex.	Rogers	
Dominick	Johnson, Wash.	Romjue	

NOT VOTING—177

Aldrich	Combs	Foss	Kent
Andrew	Connally, Tex.	Frear	Ketcham
Anthony	Connery	Free	Kiess
Arentz	Cramton	Freeman	Kincheloe
Aswell	Crowther	French	King
Ayres	Cullen	Furlow	Knutson
Bankhead	Curry	Garrett, Tex.	Kopp
Barbour	Darrow	Golder	Kunz
Beck, Pa.	Davenport	Goldsborough	Kurtz
Beedy	Davey	Graham	Kvale
Beers	Deal	Hall, Ill.	Lampert
Boles	Dempsey	Hall, N. Dak.	Langley
Britten	Dickinson, Iowa	Hancock	Larsen
Browning	Dickstein	Harrison	Lea
Burdick	Douglas, Ariz.	Hawley	Leatherwood
Burton	Douglass, Mass.	Hersey	Leech
Busby	Doutrich	Houston, Del.	Lozier
Bushong	Doyle	Howard, Okla.	Lyon
Butler	Drane	Hudspeth	McClintic
Byrns	Drewry	Hughes	McDuffie
Campbell	Driver	Igoe	McFadden
Carew	Dyer	James	McMillan
Carley	England	Jeffers	Madden
Casey	Estep	Jenkins	Magrady
Chase	Evans, Mont.	Johnson, Ill.	Manlove
Christopherson	Fenn	Kearns	Mead
Cole, Iowa	Fish	Kelly	Merritt
Collins	Fisher	Kendall	Michaelson
Milligan	Perkins	Shreve	Updike
Monast	Porter	Sproul, Kans.	Watres
Mooney	Pou	Stalker	Watson
Moore, N. J.	Prall	Steagall	Weller
Moore, Ohio	Pratt	Stedman	White, Kans.
Morgan	Quayle	Steele	White, Me.
Morin	Rainey	Stobbs	Williams, Ill.
Nelson, Wis.	Ransley	Strong, Pa.	Williamson
Newton	Rayburn	Strother	Wilson, Miss.
Norton, N. J.	Reece	Sullivan	Wingo
Oldfield	Robsion, Ky.	Taylor, Colo.	Winter
Oliver, Ala.	Rowbottom	Taylor, Tenn.	Wood
Oliver, N. Y.	Sabath	Thompson	Wyant
Palmer	Schneider	Tillman	Yates
Palmisano	Sears, Fla.	Timberlake	
Parks	Sears, Nebr.	Treadway	
Peavey	Seger	Underhill	

So the motion for a call of the House was rejected.

The following pairs were announced:

Mr. Free with Mr. Hudspeth.
Mr. Beers with Mr. Byrns.
Mr. Furlow with Mr. Larsen.
Mr. Burton with Mr. Connally of Texas.
Mr. Cramton with Mr. Mead.
Mr. Darrow with Mr. Douglas of Arizona.
Mr. Fenn with Mr. Oldfield.
Mr. Kopp with Mr. Driver.
Mr. Butler with Mr. Pou.
Mr. Johnson of Illinois with Mr. Harrison.
Mr. Kiess with Mr. Wingo.
Mr. Hersey with Mr. Rainey.
Mr. French with Mr. Stedman.
Mr. Frear with Mr. Taylor of Colorado.
Mr. Underhill with Mr. Carew.
Mr. Manlove with Mr. Bankhead.
Mr. Treadway with Mr. Kent.
Mr. Madden with Mr. Carley.
Mr. Leech with Mr. McDuffie.
Mr. McFadden with Mr. Deal.
Mr. Williams of Illinois with Mr. Aswell.
Mr. Rowbottom with Mr. Howard of Oklahoma.
Mr. Shreve with Mr. Mooney.
Mr. Barbour with Mr. Drane.
Mr. Segar with Mr. Parks.
Mr. Wood with Mr. Weller.
Mr. Perkins with Mr. Rayburn.
Mr. Morin with Mr. Tarver.
Mr. Hawley with Mr. Goldsborough.
Mr. Arentz with Mr. Casey.
Mr. Stalker with Mr. Lozier.
Mr. Wyant with Mr. Ayres.
Mr. Ransley with Mr. Jeffers.
Mr. Porter with Mr. Busby.
Mr. Palmer with Mr. Sears of Florida.
Mr. Moore of Ohio with Mr. Tillman.
Mr. Taylor of Tennessee with Mr. Steagall.
Mr. Michaelson with Mr. Browning.
Mr. Strong of Pennsylvania with Mr. Igoe.
Mr. Golder with Mr. Collins.
Mr. Jenkins with Mr. Wilson of Mississippi.
Mr. Crowther with Mr. Doyle.
Mr. Kendall with Mr. Moore of New Jersey.
Mr. Chase with Mr. Sabath.
Mr. Freeman with Mr. Connery.
Mr. Anthony with Mr. Sullivan.
Mr. Britten with Mr. Garrett of Texas.
Mr. Dempsey with Mr. Steele.
Mr. Kurtz with Mr. Oliver of New York.
Mr. Dickinson of Iowa with Mr. Fisher.
Mr. Dyer with Mr. Prall.
Mrs. Langley with Mr. Davey.
Mr. Hughes with Mr. Lea.
Mr. White of Maine with Mr. Cullen.
Mr. Thompson with Mr. Palmisano.
Mr. Watson with Mr. Drewry.
Mr. Magrady with Mr. Kincheloe.
Mr. Robsion of Kentucky with Mr. Combs.
Mr. Stobbs with Mr. Lyon.
Mr. Burdick with Mr. Dickstein.
Mr. Christopherson with Mr. Quayle.
Mr. Davenport with Mr. Oliver of Alabama.
Mr. Lampert with Mr. Milligan.
Mr. Kearns with Mr. Kunz.
Mr. James with Mr. Douglass of Massachusetts.
Mr. Houston with Mr. Evans of Montana.
Mr. Hancock with Mrs. Norton of New Jersey.
Mr. Campbell with Mr. McMillan.
Mr. Doutrich with Mr. Kvale.
Mr. Curry with Mr. McClintic.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will call the next bill on the Private Calendar.

The next business on the Private Calendar was the joint resolution (H. J. Res. 193) for the appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

Mr. SIMMONS, Mr. JOHNSON of South Dakota, Mr. SCHAFER, and Mr. LAGUARDIA objected.

CLARENCE E. BURT

The next business on the Private Calendar was the bill (H. R. 4935) to authorize the appointment of First Lieut. Clarence E. Burt, retired, to the grade of major, retired, in the United States Army.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WARREN and Mr. BOWLING objected.

The SPEAKER. Are there any further objections? The Chair hears but two objections, and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint and commission Clarence E. Burt, first lieutenant, United States Army, retired, to the grade of major, United States Army, retired, said grade being effective as of December 8, 1918, with the retired pay of captain, said pay to be based on his length of service on January 29, 1920, the date of his retirement.

With the following committee amendments:

Line 5, strike out the word "major" and insert in lieu thereof the word "captain."

Line 9, after the word "retirement," change the period to a colon and add the following proviso:

"*Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider was laid on the table.

CAPT. JOHN J. CAMPBELL

The next business on the Private Calendar was the bill (H. R. 7409) to authorize the appointment of Capt. John J. Campbell, resigned, to the grade of captain, retired, in the United States Army.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. Without objection, the Clerk will report the committee amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert:

That the President of the United States be, and he is hereby, authorized to summon John J. Campbell, formerly captain in the Chaplains Corps of the Army of the United States, before a retiring board, to inquire whether at the time of his resignation, July 3, 1924, he was incapacitated for active service, and whether such incapacity was a result of an incident of service, and upon the result of such inquiry the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said John J. Campbell a captain in the Chaplains Corps and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided,* That the said John J. Campbell shall not be entitled to any back pay or allowances.

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of John J. Campbell."

A motion to reconsider the vote by which the bill was passed was laid on the table.

ALFRED CHAPLEAU

The next business on the Private Calendar was the bill (H. R. 851) for the relief of Alfred Chapleau.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, I object.

The SPEAKER. The Chair notes one objection. Are there any other objections? The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, sailors, and marines, their widows and dependent relatives, Alfred Chapleau shall hereafter be held and considered to have been honorably discharged April 25, 1899, from the military service of the United States in his final service as a member of the Fifth United States Artillery: *Provided,* That no pension, bounty, pay, or other emoluments shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DON C. FEES

The next business on the Private Calendar was the bill (H. R. 11014) for the relief of Don C. Fees.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, reserving the right to object, I wish some one would give us some explanation of this bill.

Mr. SCHAFER. Mr. Speaker, this bill is introduced at the request of the Department of Justice. It appears that a motor cycle used by the Department of Justice was worn out and could not be efficiently used. The department found that they did not have an appropriation with which to buy a new motor cycle. They entered into a renting agreement with a motor-cycle dealer whereby they rented the motor cycle for a certain length of time, at the end of which time the motor cycle became the property of the Government. The department had available appropriated funds for the rental of such machines. This bill is to clear up a technical decision of the Comptroller General and to relieve the disbursing officer of the Department of Justice, who had nothing to do with the procedure. The Government does not lose a penny. The Government now has the motor cycle and the Government needs the motor cycle. In fact, I believe the Government has saved money by the transaction.

Mr. HUDSON. Does the gentleman want to establish a precedent whereby every bureau of every department when its appropriation has been used up can go out and make a contract with an automobile dealer or a motor-cycle dealer to use a car, and thus get around the need for an appropriation for a new car?

Mr. LAGUARDIA. In other words, they lease a car, and when they have paid the full value of the car then the disbursing officer will want to get his accounts settled by a special act of Congress. In other words, they can use funds out of the stationery fund or any other account and avoid having a special appropriation with which to buy a car.

Mr. SCHAFER. This bill is a Department of Justice bill. If the bill is not enacted into law the man responsible for the procedure will not suffer the loss, but the disbursing officer will.

Mr. HUDSON. Did the disbursing officer have any authority to contract any such debt as this? He knew he did not.

Mr. SCHAFER. Considering all of the facts in the case, I think he had authority to make the disbursement. It is a question which is debatable.

Mr. HUDSON. If he had authority, the gentleman would not need this legislation.

Mr. SCHAFER. The Comptroller General held that he did not have authority. I do not always agree with the Comptroller General's interpretations. When there is a difference of opinion between the Department of Justice and the Comptroller General, and there is only a technicality involved, we should not force this disbursing officer to make good this amount. The Government needed the motor cycle and now owns the motor cycle. The Government is not losing one cent, but has saved considerable by the transaction.

Mr. HUDSON. And I suppose next year this gentleman will allow the disbursing officer to get a Lincoln or a Packard.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

The SPEAKER. One objection is noted. Are there any other objections? If not, the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow in the accounts of Don C. Fees, disbursing clerk, Department of Justice, the sum of $446.16 paid by him under authority and direction of said department for the purchase, repair, maintenance, and operation of one motor cycle with side van for transportation of freight, which was disallowed by said Comptroller General.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THE SOCIALIST PLATFORM

The SPEAKER. Does the gentleman from Wisconsin [Mr. BERGER] desire to be recognized at this time?

Mr. BERGER. Mr. Speaker, I have but a few minutes. Therefore, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. The Chair would call the gentleman's attention to the fact that if he de-

sires to insert printed matter, he will explain the matter to be inserted.

Mr. BERGER. I just want to make a little speech in introduction, and then insert the platform of the Socialist Party. It is a short document.

Mr. SCHAFER. Is that the platform in which by a huge majority the organization refused to go on record as in favor of the modification of the Volstead Act?

Mr. BERGER. Yes. That is the platform.

Mr. Speaker, ladies, and gentlemen, like every new phase of civilization, socialism thus far has received the attention only of the oppressed and the lowly. The opulent and the rich have no reason to wish for a change of our system.

Until of late, outside of the working class, only students of history, of political economy, and a few advanced thinkers have given any attention to the principles of socialism in our country. Most people have but a very vague idea even of its basis. Nevertheless socialism is in the foreground of discussion.

HAVE WE REACHED THE END OF ALL PROGRESS?

Socialism stands for a new civilization.

Of course, with people who believe that whatever is will exist forever, and that we have reached the acme of civilization, it is entirely useless to argue.

But surely no educated man believes that the present conditions are the end of all progress.

That we have not reached the end of our national development is clear. Every new invention and every new political question proves that to us. And it would be sad indeed if we had reached "the end" of political and social reforms while progress is still being made in all other fields of human knowledge.

NOT THE RESULT OF ANY AGITATION

To begin with, it is unnecessary to explain that the Socialist movement is not to be traced to the irresponsible work of individual agitators or eccentric persons.

That was the argument against us when the Socialist movement was young, but now that some 40,000,000 voters throughout the civilized world are enrolled under Socialist standards it could not very well be maintained that all of this is the result of "soap-box oratory."

SEEK OPPORTUNITY FOR ALL

Our aim is as follows:

In regard to political reform, the Socialists demand the rule of the people, i. e., democracy.

On the economic field we demand socialism, i. e., the collective ownership of the social means of production and distribution.

Thus, we seek social democracy—a democracy which is founded on economic independence and upon the political and industrial equality of opportunity for all.

WE ARE NOT SIMPLY "TRUST SMASHERS"

Determined as the Socialists are in their opposition to the present capitalist system of industry, still they never consider the concentration of capital the cause of all evil.

Socialists do not now and never did try to smash the trusts. They always considered the trusts as the natural outcome of capitalist evolution. Socialists always appreciated the advantages of industrial production on a large scale as compared with the small-scale production which preceded it.

We are opposed, however, to the private ownership of these trusts.

WHAT THE TRUSTS MEAN TO-DAY TO EVERYBODY

By remaining in the hands of a few who happen to own and control the trusts, the bulk of the Nation finds itself at the mercy of monopolists. From the cradle to the grave, everyone must pay tribute to these monopolists. Everything the people require—and require as urgently as the air they breathe—is owned by a trust.

We all see it. We all feel it. We all know it.

We also fully understand that the owners of stock in our corporations and trusts—the owners of these sheets and strips of paper—which, under our present system, stand for "capital"—virtually decide how much we shall pay for our meat and our bread, how much for our oil and our coal, and how much we are to spend for our houses, clothing, and so forth.

In other words, they decide how well or how poorly we are to live. In the end, therefore, they really also decide how long or how short a time we are to live.

THE WOLVES SUCCEED BEST

And the wageworkers are not the only sufferers.

With the increase of power and concentration of wealth the educated and professional class depends more and more upon the capitalist class.

Our teachers, professors, speakers, editors, and writers, and ministers, doctors, and other professional men are more and more at the mercy of the capitalist system. There is a continuous increase of the educated proletariat.

College teachers are getting retainers from electric-utility companies. The power magnates, in their conventions, are laughing over the ease with which they are making mouthpieces of the intellectual guides of our young people.

The power trust has many university professors on its pay roll.

A GRAFTER'S WORLD

On the other hand, money making is not a matter of education.

On the contrary, the more vulgar and wolfish the man, the more readily he succeeds.

And wealth, usually expressed in dollars, has become the American deity. The "almighty dollar" is not only a figure of speech. It is by parting with a little share of his wealth that the rich man gets his dangerous powers. It is the monopoly of that which all want—some of which all must have—that makes his power so fearful.

The big grafter, or his heir, writes his check and gets all the good or bad things his heart desires. He gets adulation, professional skill, wine and women, and all the luxuries that money can buy—and the world can furnish. Organized finance in particular is all-powerful.

It is inevitable that under such circumstances wealth should also become the root of all evil. Wealth being the greatest social power, it is naturally the worst of all temptations.

Our present system creates grafters, criminals, thieves, and prostitutes.

THE PSYCHOLOGY OF THE PRESENT TIME

And instinctively the average citizen seems to understand that graft is inherent in the present system and a part of it. This is the reason why "the man on the street"—and especially the business man—passes over the complaint about general corruption with a shrug of his shoulder or with a cynical smile. Recent events have again glaringly proved the old adage that a millionaire can not be found guilty of any crime in America.

It has become almost impossible to convict a grafter before a jury of "his peers"—especially in Washington.

We must change this "Hermesian" psychology, of course, before we can have a better world. I use the word "Hermesian" because Hermes was the god of commerce and thievery for the ancient Greeks.

POLITICIAN TRIES TO GET "HIS" SHARE

It is of greater importance, however, to remove the temptations, the occasions, and the chances for graft. Public ownership, if generally adopted, would do away with most of the chances.

As long as we have swamps we naturally shall have mosquitoes.

And as long as powerful politicians can give away our natural resources to grafting capitalists, these politicians will certainly try to get their share of the swag. And we shall have corruption rampant in our public life.

Punishment alone will never stop it.

GIVING AWAY THE PEOPLE'S INHERITANCE

Therefore, we say that of the many crimes of commission and omission with which the capitalist parties—the Republicans as well as the Democrats—can be charged, the handing over of our wonderful natural resources to greedy exploiters and grasping corporations is the greatest, the most flagrant, and the most indefensible. And it is still going on.

The Republican and the Democratic Parties are equally guilty. This unholy alliance of "big business" and government has the approval of both. And both old parties also oppose public ownership. They both favor a policy that despoils the Nation of its dearest possessions—a policy that corrupts the morals of the people.

PARTIES ACT FROM SELF-INTEREST

These conditions are plainly before us in spite of the smoke screen raised around our present system by its beneficiaries and their hirelings.

What remedy can the old political parties bring to the people?

Parties, like individuals, act from motives of self-interest.

Now both of the old parties are owned by the capitalist class. The capitalist class pays the millions necessary for their political contests. This is a fact no longer denied by the leaders of both Republican and Democratic Parties.

And what can we do about it?

MUST RELY ON EDUCATION, PLUS—

There is only one party in the field standing for the "new idea." There is only one party representing on the political field the necessary outcome of the evolution on the economic field. That is the Socialist Party.

It relies upon education and even more so upon the development of the industrial forces. Both of these factors make for socialism.

WE WANT A PEACEFUL REVOLUTION

The Socialist Party, while its ultimate purpose is to change completely the present economic system, is none the less evolutionary and constructive.

Social reforms are advocated and welcomed by all Socialists for many reasons.

In the first place, by reforms we hope to stop the continued pauperization, and consequently also the degradation of the masses of the people. If real social reforms are seriously taken up and carried out with determination, these reforms will advance our people considerably.

But the main reason for our favoring them is because such reforms, if logically carried out, offer the opportunity of a peaceful, lawful, and orderly transformation of society.

Violent revolutions may happen, of course. But like bloody wars, such revolutions are the worst and most expensive method of accomplishing anything.

APPEAL TO THE BEST IN MAN

The Socialist Party is the only true reform party in existence. We agitate for the organization of the masses. We educate, we enlighten, we reason. Our party is constructive. We appeal to the best in every man, to the public spirit of the citizen, to his love of wife and children.

DESERVES ATTENTION

On April 13, 1928, the national convention of the Socialist Party met in New York City. Delegates from 39 States gathered for a five-day conference on our present political situation, to draft a national platform for the 1928 election, and to nominate its standard bearers for the coming presidential campaign.

As the only political party of nation-wide influence in the country which differs fundamentally from the two old parties, and which has a constructive program worthy of the consideration of all thoughtful citizens, its principles and program deserve more attention.

AS TO "LIGHT WINES AND BEER"

The question of "light wines and beer" was mentioned on the floor of the House this afternoon in connection with the Socialist platform. In all fairness I am bound to admit that VICTOR L. BERGER, of Milwaukee, did propose a plank permitting the manufacture and sale of light wines and beer under proper supervision.

My plank was not adopted. The issue was left to the various States to decide in harmony with the prevailing sentiment at home. Individual Socialist legislators are to vote their own judgment.

The convention took the position that both the Republican and Democratic Parties are under the dictatorship of the Anti-Saloon League and are responsible for bringing about prohibition. The Socialists have never advocated prohibition. The old parties must bear the blame for the horrible and criminal conditions now prevailing.

It was pointed out that the two old parties continue to play football with the liquor question, in order to detract attention from the oil scandals and other evident venality, for which prominent leaders of both old parties stood sponsor.

And it was also predicated that neither the Republican nor the Democratic Party would, therefore, put into its platform a demand for the repeal of prohibition or for the modification of the Volstead Act, but, on the contrary, that both old parties would come out for the continuation of the obvious swindle of "law enforcement."

The national platform adopted at the convention reads as follows:

PLATFORM OF THE SOCIALIST PARTY FOR THE PRESIDENTIAL ELECTION OF 1928 AS ADOPTED AT THE NATIONAL CONVENTION HELD IN NEW YORK CITY FROM APRIL 13 TO 18, 1927

PREAMBLE

We Americans are told that we live in the most prosperous country in the world. Certainly our natural resources, our mechanical equipment, our physical power, the technical capacity of our engineers, and the skill of our workers in farm and factory make it possible for us to attain a level of well-being of which our fathers never dared to dream.

Yet poverty abounds. The owners of our natural resources and industrial equipment and the Government, which they have made virtually their tool, have not given us plenty, freedom, or peace in any such degree as we have the right and duty to demand.

Men are hungry while farmers go bankrupt for lack of effective demand for food. Tenant farming has reached a proportion of almost 40 per cent; more than 40 per cent of the value of farm lands is covered by mortgages.

Industrial workers are scarcely better off. In good years there are at least 1,000,000 unemployed. By a conservative estimate in these times of stock-market prosperity the number has risen 4,000,000.

About one-third of those of our population 65 years of age and upward are at least partially dependent upon some form of charity. While real wages have risen for certain groups, they have risen scarcely more than half the increase in the productive power of the workers. And what gains have been made are far from universal, as the misery of textile workers and the tragedy of the coal fields—to cite only two examples—abundantly prove.

In fact, at the present time a majority of workers obtain a wage insufficient to maintain themselves and families in health and decency. Furthermore, the rapid increase in the use of machinery and the growing intensity of work are leading to quicker exhaustion and to ever greater insecurity.

Not only plenty and freedom but peace is endangered by this system under which the many are exploited for the profit of the few. Some of the workers now die in President Coolidge's infamous little imperialistic war in Nicaragua, as they died in President Wilson's similar wars in Haiti, Santo Domingo, and Mexico; and above all in that great imperialistic war born of the trade and financial rivalries of the nations which cost our country tens of thousands of lives and tens of billions of dollars.

Meanwhile, the owning classes have been using the Government to curtail the power of the workers whose organized might, especially through their unions, has been chiefly responsible for whatever material gains they have made. To curb the workers, civil liberties are denied, injunctions are invoked against union activities, and the courts are made the instruments of that class justice of which the Mooney case and the legalized murder of Sacco and Vanzetti were conspicuous examples.

From the wars, waste, and cruelty of a system where the rightful heritage of the workers is the private property of the few, only the united efforts of farmers and workers of hand and brain, through their cooperatives, unions, and political party can save us. We must make government in cities, States, and Nation the servant of the people. That requires our own political party. We can not place our trust in "good men" or political Messiahs.

Bitter experience has proved that we can not trust the alternate rule of the Republican and Democratic Parties. They belong to the landlords, bankers, oil speculators, coal and power barons; in short, to the capitalist class which finances them. Under their control, the Government, by what it does and leaves undone, by its calculated inefficiency as well as its repression and corruption, makes our alleged democracy largely an illusion.

Corruption is natural under parties which are the tools of the forces of privilege. It has become accepted even by the men who are victims of it.

These things need not be. The Socialist Party offers itself as the political party of the producing classes, the workers in farm, factory, mine, or office. It is our political weapon in the class struggle, and in its triumph lies our hope of ending that struggle. Our record proves our good faith. As the only democratic labor party in the United States, we stand now as always, in America and in all lands, for the collective ownership of natural resources and basic industries and their democratic management for the use and benefit of all instead of the private profit of the privileged few.

With this ultimate aim in view the Socialist Party enters the presidential campaign of 1928 with the following program:

PUBLIC OWNERSHIP AND CONSERVATION

To recover the rightful heritage of the people we propose:

1. Nationalization of our natural resources, beginning with the coal mines and water sites, particularly at Boulder Dam and Muscle Shoals.

2. A publicly owned giant power system under which the Federal Government shall cooperate with the States and municipalities in the distribution of electrical energy to the people at cost. Only when public agencies have full control over the generation, transmission, and distribution of electrical power can the consumers be guaranteed against exploitation by the great electrical interests of the country. Public ownership of these and other industries must include employee representation in the management, and the principle of collective bargaining must be recognized.

3. National ownership and democratic management of railroads and other means of transportation and communication.

4. An adequate national program for flood control and flood relief, reforestation, irrigation, and reclamation.

UNEMPLOYMENT RELIEF

To relieve the tragic misery of millions of unemployed workers and their families we propose:

1. The immediate governmental relief of the unemployed by extension of all public works and a program of long-range planning of public works following the present depression. All persons thus employed to be engaged at hours and wages fixed by bona fide labor unions.

2. Loans to States and municipalities for the purpose of carrying on public works and the taking of such other measures as will lessen widespread misery.

3. A system of unemployment insurance.

4. The nation-wide extension of public employment agencies in cooperation with city federations of labor.

LABOR LEGISLATION

The lives and well-being of the producers and their families should be the first charge on society. We therefore urge:

1. A system of health and accident insurance and of old-age pensions, as well as unemployment insurance. As long as the workers are dependent primarily upon their employers rather than on the community for protection against the exigencies of old age, sickness, accident, and unemployment, employers hostile or indifferent to the labor movement will be able to use their private insurance schemes as powerful weapons against organized labor.

2. Shortening the workday in keeping with the steadily increasing productivity of labor due to improvements in machinery and methods.

3. Securing to every worker a rest period of no less than two days in each week.

4. Enacting of an adequate Federal antichild labor amendment.

5. Abolition of the brutal exploitation of convicts under the contract system and substitution of a cooperative organization of industries in penitentiaries and workshops for the benefit of convicts and their dependents, the products to be used in public institutions, and the convict workers to be employed at wages current in the industry.

6. Legislation aiming at the prevention of occupational diseases.

TAXATION

For the proper support of Government and as a step toward social justice we propose:

1. Increase of taxation on high income levels, of corporation taxes and inheritance taxes, the proceeds to be used for old-age pensions and other forms of social insurance.

2. Appropriation by taxation of the annual rental value of all land held for speculation.

CIVIL LIBERTIES

To secure to the people the civil rights without which democracy is impossible we demand:

1. Federal legislation to enforce the first amendment to the Constitution so as to guarantee effectually freedom of speech, press, and assembly, and to penalize any official who interferes with the civil rights of any citizen.

2. Abolition of injunctions in labor disputes.

3. Repeal of the espionage law and of other repressive legislation and restoration of civil and political rights to those unjustly convicted under war-time laws, with reimbursement for time served.

4. Legislation protecting foreign-born workers from deportation and from refusal of citizenship on account of political opinions.

5. Modification of immigration laws to permit the reuniting of families and to offer a refuge for those fleeing from political or religious persecution.

6. Abolition of detective agencies engaged in interstate business.

ANTILYNCHING

As a measure of protection for the oppressed, especially for our negro fellow-citizens, we propose:

Enactment of the Berger antilynching bill, making participation in lynching a felony.

POLITICAL DEMOCRACY

The Constitution of the United States was drafted in 1787 and was designed to meet conditions utterly different from those prevailing to-day. In order to make our form of government better suited to the exigencies of the times we propose the immediate calling of a constitutional convention.

A modernized Constitution should provide, among other things, for the election of the President and Vice President by direct popular vote of the people, for reduction of the representation in Congress of those States where large sections of the citizens are disfranchised by force or fraud, for proportional representation, and for the abolition of the usurped power of the Supreme Court to pass upon the constitutionality of legislation enacted by Congress.

CREDIT AND BANKING

For our emancipation from the money trust we propose:

Nationalization of the banking and currency system, beginning with extension of the service of the postal-savings banks to cover every department of the banking business.

FARM RELIEF

The Socialist Party believes that the farmer is entitled to special consideration because of the importance of agriculture, because of the farmers' present economic plight, and because the farmer is unable to control the prices of what he buys and what he sells. Many of the party's demands, including public development of electrical energy, nationalization of coal and railroads, and reform of the credit system, will be of distinct benefit to the farmer.

As a further means of agricultural relief we propose:

1. Acquisition by bona fide cooperative societies and by Federal, State, and municipal governments of grain elevators, stockyards, storage warehouses, and other distributing agencies and the conduct of these services on a nonprofit basis.

2. Encouragement of farmers' cooperative purchasing and marketing societies and of credit agencies.

3. Social insurance against losses due to adverse weather conditions, such as hail, drought, cyclone, and flood.

INTERNATIONAL RELATIONS

We are unalterably opposed to imperialism and militarism, therefore we propose:

1. Immediate withdrawal of American forces from Nicaragua and abandonment of the policy of military intervention in Central America and other countries.

2. That all private loans and investments of American citizens in foreign countries shall be made at the sole risk of the bondholders and investors. The United States Government shall not resort to any military or other coercive intervention with foreign countries for the protection of such loans and investments.

3. Cancellation of all war debts due the United States from its former associated powers on condition of a simultaneous cancellation of all interallied debts, and a corresponding remission of the reparation obligations of the Central Powers, and on the further condition that our debtors reduce their military expenditures below pre-war level. The Socialist Party especially denounces the debt-settling policy of our Government in favoring the Fascist dictatorship of Italy and thereby helping to perpetuate the political enslavement of the Italian nation.

4. Recognizing both the services and the limitations of the League of Nations—the need of revision of its covenant and of the treaty of Versailles—we unite with the workers of Europe in demanding that the league be made all inclusive and democratic, and that the machinery for the revision of the peace treaties under article 19 of the covenant be elaborated and made effective. We favor the entry of the United States into the League of Nations at the time and under the conditions which will further these causes and promote the peace of the world.

5. The recognition of the Russian Government.

6. Aggressive activity against militarism, against the large Navy and Army program of our present administration, and in behalf of international disarmament.

7. Treaties outlawing war and the substitution of peaceful methods for the settlement of international disputes.

8. Independence of the Philippines on terms agreed upon in negotiations with the Filipinos, autonomy for Porto Rico, and civil government for the Virgin Islands.

Mr. Speaker, I yield back the remainder of my time, and will extend my speech in the RECORD. [Applause.]

NORMAN P. IVES

Mr. GREEN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 378.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. The Clerk will report Calendar No. 378, the bill H. R. 9612.

The Clerk read as follows:

A bill (H. R. 9612) authorizing and directing the Secretary of the Interior to allow Norman P. Ives, jr., credit on other lands for compliances made in homestead entry, Gainesville, 021032

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to allow Norman P. Ives, jr., in connection with any homestead entry he may hereafter make upon lands subject to such entry, but not exceeding 40 acres in area, credit for such compliance as he may have made with the material requirements of the homestead law in connection with canceled homestead entry, Gainesville, 021032, for the northeast quarter of the southwest quarter of section 5, township 4 south, range 17 east, Florida.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. GREEN. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GREEN: On page 1, line 7, after the comma after the word "area," insert "in one or more tracts or parcels of land."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 3640. An act authorizing acceptance from PETER G. GERRY of the gift of the law library of the late Elbridge T. Gerry; and

S. 2725. An act to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma.

LEAVE OF ABSENCE

Mr. HUGHES was granted leave of absence (at the request of Mr. BACHMANN), for one week, on account of illness in his family.

LAGRANGE GROCERY CO.

The SPEAKER. The Clerk will report the next bill on the Private Calendar following the one where we stopped at half past one.

The next business on the Private Calendar was the bill (H. R. 7895) for the relief of the Lagrange Grocery Co.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That inasmuch as the Lagrange Grocery Co., of Lagrange, Ga., on February 6, 1922, at the Candler Warehouse, Atlanta, Ga., bought from the United States Government 50,000 pairs of wool stockings at 10½ cents per pair, and 60,000 pairs of wool stockings at 10½ cents per pair, under sales contracts Nos. SE–5460 and SE–5333, respectively, and 50,000 pairs of wool stockings at 9½ cents per pair, which last-named sale was not confirmed, and thereafter, to wit, on the 7th day of February, 1922, the agents and officers of the United States Government in charge of said sale agreed with the bidders present, including said Lagrange Grocery Co., that if said bidders would purchase at 10 cents per pair and divide among themselves 1,000,000 pairs of wool stockings, which included the ones which had been sold the day before as aforesaid, that the contracts of sale of said stockings on the day before would be canceled, and said Lagrange Grocery Co. accordingly took for its part of said million pairs of stockings 110,000 pairs at 10 cents per pair and paid for same and fixed its sale price on said stockings based on 10 cents per pair, the said action and agreement is hereby ratified on behalf of the United States.

With committee amendments as follows:

Page 1, line 8, strike out the figures "10½" and insert in lieu thereof "10¼."

The SPEAKER. Without objection, the Clerk will correct the spelling of a word on line 5 of page 2.

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

WEST POINT WHOLESALE GROCERY CO., WEST POINT, GA.

The next business on the Private Calendar was the bill (H. R. 7897) to ratify the action of a local board of sales control in respect of contracts between the United States and the West Point Wholesale Grocery Co., of West Point, Ga.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

RETURN OF A HOUSE JOINT RESOLUTION

Mr. CARTER. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Concurrent Resolution 31

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives House Joint Resolution 244, entitled "A joint resolution authorizing the modification of the adopted project for Oakland Harbor, Calif."

Mr. CARTER. Mr. Speaker and gentlemen of the House, I might say that the House Joint Resolution 244 was passed by this House several days ago. In that resolution there was an error in date, the words "the month of June" having been inserted where "the month of January" should have been inserted. This House concurrent resolution which I offer is for the purpose of recalling that resolution so that it may be amended.

Mr. LAGUARDIA. When was that joint resolution passed?

Mr. CARTER. On the 11th day of this month, on Calendar Wednesday.

Mr. GARRETT of Tennessee. Let us see. It is a law now, is it not?

Mr. CARTER. No. It has not yet been signed.

Mr. GARRETT of Tennessee. Ten days have elapsed.

Mr. CARTER. No; not since it passed the Senate. It went over to the Senate and was passed there subsequently. It has not yet been signed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The question is on agreeing to the House concurrent resolution.

The House concurrent resolution was agreed to.

WEST POINT WHOLESALE GROCERY CO., OF WEST POINT, GA.

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to return to H. R. 7897, to ratify the action of a local board of sales control in respect of contracts between the United States and the West Point Wholesale Grocery Co., of West Point, Ga., No. 400 on the Private Calendar.

The SPEAKER. The gentleman from Georgia asks unanimous consent to return to H. R. 7897, No. 400 on the Private Calendar. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That inasmuch as the West Point Wholesale Grocery Co., of West Point, Ga., in disposing of 2,843 pairs of repaired russet shoes, 10,000 cotton undershirts, 10,000 pairs of cotton summer drawers, 10,000 pairs of cotton summer drawers, 10,000 cotton undershirts, 15,000 cotton undershirts, 15,000 pairs of wool drawers, 5,000 wool undershirts, 5,000 wool undershirts, and 5,000 wool undershirts purchased from the United States Government under sales contracts Nos. SE–6362, SE–6364, SE–6375, SE–6391, SE–6402, SE–6417, SE–6440, SE–6451, SE–6452, and SE–6453, respectively, entered into between the United States and the said West Point Wholesale Grocery Co. on March 2, 1922, has adjusted its sales prices in reliance upon the action of the local board of sales control of the War Department in reducing and fixing the price to be paid by the said West Point Wholesale Grocery Co. under such contracts, such action of such board is hereby ratified on behalf of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THE INVENTION OF THE AIRPLANE

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the invention of the airplane and with reference to the House joint resolution providing for an investigation of the placing of proper credit for the invention, introduced by my colleague from South Carolina [Mr. MCSWAIN], and to include therein a letter from Mr. Orville Wright, one of the inventors, to the chancellor of the Smithsonian Institution and his reply.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ROY G. FITZGERALD. Mr. Speaker, and gentlemen of the House, under leave this day unanimously granted by the House, I present these observations. I, with many others, regret that it has been found necessary to intrust the custody of the first airplane to a museum in a foreign country rather than to the Smithsonian Institution in our own country, where scientific research and genius brought to realization the dreams of centuries, where aerial navigation has opened a new and great field of transportation, brought the peoples of the earth into closer communion and understanding, and advanced civilization by an enormous bound in our own day.

In view of the fact that our colleague from South Carolina has introduced in this House Joint Resolution 224 for the appointment of a commission to investigate and determine what was the first successful heavier-than-air flying machine, it may be interesting to know how the zeal of a successor of the learned

Scientist Samuel Pierpont Langley, as Secretary of the Smithsonian Institution, to extend the credit of Langley beyond anything which he claimed and anything that was justified, has brought humiliation to America and a lack of confidence in the integrity of the management of our great scientific institution.

Professor Langley was an earnest and enthusiastic scientific worker who believed that the airplane was possible. The Wright brothers acknowledged an indebtedness to him for inspiration and encouragement in their scientific research work in aerodynamics and its practical application to the navigation of the air. Professor Langley's scientific investigations were incomplete and inaccurate. The demonstration of the unreliability of his calculations was among the great discouragements of the Wright brothers. It has been claimed that the Langley plane, which collapsed and was wrecked twice in launching, could have flown. It is even claimed that it was repaired and flown after the death of Professor Langley and many years after the Wright brothers had perfected their invention.

The Langley plane never flew and never could have flown. After changes in the engine and changes in the structure of the plane in the application of subsequent discoveries, the original plane remodeled in the light of later knowledge made some successful hops or short flights but never sustained itself in the air under its own power until not only changes were made in the structure of the plane, but a new and more powerful and more modern motor was substituted for the original.

One of the brothers, Wilbur Wright, is dead. The other brother, Orville Wright, still survives, subject to continued suffering from the injuries received in the fall in which Lieutenant Selfridge was killed, a martyr to one of the greatest inventions of all times.

While witnesses are living and the truth can be readily ascertained, it is most fitting that an impartial investigation may be had. It should determine and record for the ages to come the facts in regard to the scientific research which made the airplane possible and to whom and in what degree credit should be given.

The world rings with applause for the feats of courage in the air of Rickenbacker, Alcock, Browne, Byrd, Lindbergh, Macready, and a host of others. The people have become aroused to the wonders of navigation of the air. We do not realize or appreciate the indomitable spirit of Wilbur and Orville Wright persevering over discouragement and ridicule in quest of the coefficient of air pressure on plane and cambered surfaces moving through the air. How to escape from a tail-spin now is a matter of common knowledge with every competent airplane pilot, but the world should learn and thrill with the experience of Orville Wright who was swept into a tail-spin with his plane in those early days of this century with nothing but his innate genius and coolness to save him from crashing death.

A Secretary of the Smithsonian Institution has been responsible for incorrect statements which have been spread broadcast and tend to belittle the achievements of the Wright brothers.

That the House may understand something of the situation, I insert the letter of the surviving brother, Orville Wright, addressed to the chancellor of the Smithsonian Institution on May 14, 1925, asking merely for a fair investigation, and the reply of the chancellor as follows:

MAY 14, 1925.

MY DEAR CHIEF JUSTICE TAFT: You have already heard, no doubt, of the newspaper controversy between Doctor Walcott and myself, precipitated by the leaking out of my intention to send our first airplane, which flew on the 17th of December, 1903, to the Science Museum at South Kensington, London.

I shall be very sorry if this controversy in which the Smithsonian Institution is so intimately involved, should cause you personally any pain or embarrassment. I have not, for an instant, thought that you were in any way responsible for what has occurred, or that you would countenance the acts of some of the Smithsonian officials when you learn the facts concerning them.

As far back as 1910 my brother and I realized that the officials of the Smithsonian could not be impartial in a matter in which a former secretary had been concerned. I inclose correspondence of that date. The markings in red are mine. We saw clearly then that our original machine, which had successfully flown in 1903, was not wanted in the National Museum, because it would overshadow the 1903 Langley machine which had failed to fly. But we did not at that time dream that these officials would go so far as to lend the prestige of the institution for the private purposes of parties to patent litigation.

There would have been no objection to an honest effort to prove that the original Langley machine was capable of sustained free flight. No such effort was ever made. The objection is to the manner in which the so-called tests were conducted. I can enumerate over 20 changes made at Hammondsport, all of which were of more or less importance. I can name three or four which were of vital importance. The wings of the Langley machine collapsed in 1903, not on account of a defect in the launching device, as Professor Langley thought, but because the trussing of the wings, due to the lack of knowledge at that time of the location of the center of pressure, was improperly placed. This trussing was moved 30 inches at Hammondsport to correct that error. One other feature of vital importance which could have made the difference between success and failure was the change made in the camber of the wings. The camber of the wings used in 1903 was 1 to 12; that used at Hammondsport in 1914 was 1 to 18. This change improves the dynamic efficiency of a wing over 30 per cent.

There has been no trouble in exposing before a patent court the fraudulent character of the Hammondsport tests; but there has been great trouble in exposing it before the public. An announcement by the Curtiss Co. that the original Langley machine had been flown at the Curtiss factory at Hammondsport in June, 1914, would have carried no weight with the public. Curtiss was known as the defeated defendant in patent litigation, and his announcement of such a flight would have been looked upon with suspicion. But when the reports of the Secretary of the Smithsonian Institution says, "The original Langley man-carrying flying machine has been brought back from Hammondsport, after several successful flights, and is exhibited in the National Museum," and when the report of the National Museum says the original Langley machine "without modification" was flown at Hammondsport, these reports carried great weight, and were not questioned by the public.

A denial of these statements by me might have been looked upon by the public as a jealous attack upon the work of a man who was dead. As the result of this situation, I remained silent for years. Doctor Langley himself would never have countenanced tests of the character of those made at Hammondsport.

It was not until 1921 that I became convinced that the officials of the Smithsonian, at least Doctor Walcott, were fully acquainted with the character of the tests at Hammondsport. I had thought up to that time that they might have been ignorant of the fundamental changes which had been incorporated in the machine before these tests were made, and that when these changes were pointed out to them they would hasten to correct their erroneous reports. They did not do this, but have continued to repeat their early statements. By these the public has been led to think that flights were made in 1914 with the original Langley machine, with no changes excepting such as were necessary to attach floats for the new system of launching.

When the proofs on both sides concerning these changes are shown I do not think it will take you five minutes to make up your mind whether the changes were made and whether they were of importance.

It seems to me possible that you, as chancellor of the Smithsonian Institution, may wish me to present personally to you my evidence on these points and to have Doctor Walcott present at the same time to give his proofs to the contrary. It may be a way of cutting short a long and bitter controversy.

Respectfully yours,

ORVILLE WRIGHT.

The Hon. WILLIAM H. TAFT,
Chief Justice of the United States.

SUPREME COURT OF THE UNITED STATES,
Washington, D. C., May 18, 1925.

Mr. ORVILLE WRIGHT,
Dayton, Ohio.

MY DEAR MR. WRIGHT: I am nominally the head of the board of the Smithsonian Institution, but my duties are such as to make it impossible for me to give any real attention to the questions which have to be settled by the secretary of the board. I have so much to do in the work of our court that I could not give the time to look into the issues which you raise. I am sorry that there is the slightest controversy in respect to the matter to which you refer, and should be glad to help straighten it out if I had the time and opportunity, but it is impossible for me to make any attempt in that direction.

Sincerely yours,

WM. H. TAFT.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills of the House of the following titles:

H. R. 11203. An act granting the consent of Congress to the Counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River, at or near the present Jacksonville ferry in Telfair and Coffee Counties, Ga.;

H. R. 11685. An act to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes; and

H. R. 11887. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintan, and operate a bridge across the Missouri River at or near Nebraska City, Nebr.

ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Saturday, April 21, 1928, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

457. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of Commerce, transmitting draft of a bill for the transfer of Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., was taken from the Speaker's table and referred to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 174. A resolution providing for the consideration of S. 3555, an act to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce; without amendment (Rept. No. 1324). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 175. A resolution providing for the consideration of S. 744, an act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes; without amendment (Rept. No. 1325). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 12031. A bill to extend the times for commencing and completing the construction of a bridge across the Rio Grande River, at or near Tornillo, Tex.; with amendment (Rept. No. 1327.) Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 12100. A bill to amend the act entitled "An act granting the consent of Congress to the Gateway Bridge Co. for construction of a bridge across the Rio Grande between Brownsville, Tex., and Matamoros, Mexico," approved February 26, 1926; with amendment (Rept. No. 1328). Referred to the House Calendar.

Mr. ROBINSON of Iowa: Committee on Interstate and Foreign Commerce. H. R. 12235. A bill authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River, at or near Bettendorf, Iowa, and Moline, Ill.; with amendment (Rept. No. 1329). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 12569. A bill authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.; with amendment (Rept. No. 1330). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 12570. A bill authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.; with amendment (Rept. No. 1331). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 12571. A bill authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Iuka, Ky.; with amendment (Rept. No. 1332). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 12572. A bill authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River; with amendment (Rept. No. 1333). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 12573. A bill authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near Eggners Ferry, Ky.; with amendment (Rept No. 1334.) Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 12619. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Evansville, Ind.; without amendment (Rept. No. 1335). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 12623. A bill granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Starks, La., on the Evangeline Highway, known by the State of Louisiana as Route No. 7, to connect at or near Deweyville, Tex.; with amendment (Rept. No. 1336). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 12678. A bill authorizing the Calhoun Bridge Co., an Illinois corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Illinois River at or near Grafton, Ill.; with amendment (Rept. No. 1337). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 12806. A bill authorizing J. H. Harvell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across New River at or near McCreery, Raleigh County, W. Va.; with amendment (Rept. No. 1338). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 12877. A bill authorizing the Los Olmos International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Weslaco, Tex.; with amendment (Rept. No. 1339). Referred to the House Calendar.

Mr. MAPES: Committee on Interstate and Foreign Commerce. H. R. 12912. A bill authorizing the St. Croix Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Croix River on the Grantsburg Road; with amendment (Rept. No. 1340). Referred to the House Calendar.

Mr. LUCE: Committee on the Library. H. J. Res. 263. A joint resolution authorizing the president and fellows of Harvard College to erect on public grounds in the District of Columbia a monument to Maj. Gen. Artemas Ward; with amendment (Rept. No. 1345). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. J. Res. 265. A joint resolution authorizing the President of the United States to accept a monumental urn to be presented by the Republic of Cuba and providing for its erection on an appropriate site on the public grounds in the city of Washington, District of Columbia; without amendment (Rept. 1346). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER: Committee on Naval Affairs. H. R. 5617. A bill to limit the date of filing claims for retainer pay; with amendment (Rept. No. 1347). Referred to the Committee of the Whole House on the state of the Union.

Mr. ANDREW: Committee on Naval Affairs. H. R. 12694. A bill authorizing the Secretary of the Navy to provide an escort for the bodies of deceased officers, enlisted men, and nurses; without amendment (Rept. No. 1349). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Department of the Interior (Rept. No. 1348). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LOWREY: Committee on War Claims. H. R. 2427. A bill for the relief of Morris Dietrich; without amendment (Rept. No. 1318). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. H. R. 3955. A bill for the relief of the C. Tisdall Co., Herbert W. Smith, Newman Bros., Thomas J. Murphy Co., formerly Edward A. Brown Co., and Giles P. Dunn, jr.; with amendment (Rept. No. 1319). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 7149. A bill for the relief of the legal representative of the estate of Haller Nutt, deceased; with amendment (Rept. No. 1320). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 8463. A bill to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased; without amendment (Rept. No. 1321). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. S. 1736. An act for the relief of Charles Caudwell; without amendment (Rept. No. 1322). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. S. 1738. An act for the validation of the acquisition of Canadian properties by the War Department and for the relief of certain disbursing officers for payments made thereon; without amendment (Rept. No. 1323). Referred to the Committee of the Whole House.

Mr. WILLIAMS of Missouri: Committee on Naval Affairs. S. 1955. An act for the relief of Lieut. Charles Thomas Wooten, United States Navy; without amendment (Rept. No. 1341). Referred to the Committee of the Whole House.

Mr. WOLVERTON: Committee on Naval Affairs. H. R. 7244. A bill for the relief of Mary Martin Harrison; with amendment (Rept. No. 1342). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 10508. A bill for the relief of T. P. Byram; without amendment (Rept. No. 1343). Referred to the Committee of the Whole House.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 12738. A bill to provide for the reinterment of bodies now interred in the grounds of St. Francis de Sales Church in the District of Columbia; without amendment (Rept. No. 1344). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6901) granting an increase of pension to Annie E. Cade; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13035) to amend section 641 of the act approved May 19, 1924, entitled "World War veterans' relief," providing for the payment of a certificate upon certain conditions; Committee on World War Veterans' Legislation discharged, and referred to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 13198) to authorize the Secretary of Commerce to dispose of a certain lighthouse reservation and to acquire certain land for lighthouse purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS: A bill (H. R. 13199) authorizing the payment to the State of Oklahoma the sum of $4,955.36 in settlement for rent for United States Veterans' Hospital No. 90, at Muskogee, Okla.; to the Committee on World War Veterans' Legislation.

By Mr. McSWAIN: A bill (H. R. 13200) to prescribe the jurisdiction of Federal courts in certain cases; to the Committee on the Judiciary.

Also, a bill (H. R. 13201) to prescribe the jurisdiction of Federal courts in certain cases; to the Committee on the Judiciary.

Also, a bill (H. R. 13202) to prescribe the jurisdiction of Federal courts in certain cases; to the Committee on the Judiciary.

By Mr. ROBSION of Kentucky: A bill (H. R. 13203) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the North Fork of Cumberland River at Burnside, Pulaski County, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13204) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near mouth of Indian Creek, in Russell County, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13205) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Creelsboro, Russell County, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13206) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the South Fork of Cumberland River at Burnside, Pulaski County, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13207) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13208) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13209) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13210) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at Blacks Ferry near Center Point, in Monroe County, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 13211) to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 13212) authorizing the National Capital Park and Planning Commission to acquire rights in land and to lease land or existing buildings for limited periods in certain instances; to the Committee on the District of Columbia.

By Mr. CLANCY: A bill (H. R. 13213) to authorize the acquisition of a site and the erection of a Federal building at Detroit, Mich., and to authorize the sale of Federal real estate and buildings at Detroit, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. McLEOD: A bill (H. R. 13214) to authorize the acquisition of a site and the erection of a Federal building at Detroit, Mich., and to authorize the sale of Federal real estate and buildings at Detroit, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. BLAND: Joint resolution (H. J. Res. 279) establishing a commission to formulate and submit plans for the observance of the one hundred and fiftieth anniversary of the surrender of Cornwallis at Yorktown, Va.; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS

Under Clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARENTZ: A bill (H. R. 13215) for the relief of W. Schottenberg; to the Committee on the Public Lands.

By Mr. ANDREW: A bill (H. R. 13216) granting an increase of pension to Mary R. Philbrick; to the Committee on Pensions.

By Mr. BRIGGS: A bill (H. R. 13217) to remit estate tax on the estate of John Sealy; to the Committee on Ways and Means.

By Mr. BUSHONG: A bill (H. R. 13218) for the relief of Robert M. Eaches; to the Committee on Naval Affairs.

By Mr. CONNALLY of Texas: A bill (H. R. 13219) granting an increase of pension to Mary Taylor Ker; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 13220) granting an increase of pension to Sarah J. West; to the Committee on Invalid Pensions.

By Mr. FROTHINGHAM: A bill (H. R. 13221) to remit the duty on a carillon of bells imported for the memorial municipal building, town of Norwood, county of Norfolk, State of Massachusetts; to the Committee on Ways and Means.

By Mr. JENKINS: A bill (H. R. 13222) granting an increase of pension to Alice L. Anderson; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 13223) granting an increase of pension to Lucretia E. Bagby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13224) granting an increase of pension to Clarinda Demaris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13225) granting an increase of pension to Rosanna Lanham; to the Committee on Invalid Pensions.

By Mr. MAJOR of Illinois: A bill (H. R. 13226) granting an increase of pension to Marie C. Burch; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 13227) granting an increase of pension to Harriet Partridge; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 13228) granting a pension to Clora Stanley; to the Committee on Pensions.

By Mr. UNDERWOOD: A bill (H. R. 13329) granting a pension to Fannie Brittingham; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 13230) granting a pension to Logan W. Watson; to the Committee on Pensions.

Also, a bill (H. R. 13231) granting an increase of pension to Susan McGuire; to the Committee on Invalid Pensions.

By Mr. WELLER: A bill (H. R. 13232) granting a pension to Ella Oliver; to the Committee on Invalid Pensions.

By Mr. WOLVERTON: A bill (H. R. 13233) for the relief of Boatswain Walter H. Amberger, United States Navy, retired; to the Committee on Naval Affairs.

Also, a bill (H. R. 13234) for the relief of Lewis N. Prentice; to the Committee on Claims.

Also, a bill (H. R. 13235) for the relief of George Beach; to the Committee on Claims.

Also, a bill (H. R. 13236) granting an increase of pension to Jennie W. Ivins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13237) granting an increase of pension to Anna M. Simmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13238) granting an increase of pension to Elizabeth Porch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13239) granting an increase of pension to Kate Neville; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7004. Petition of the chamber of commerce, Pittsburgh, indorsing the reduction in rates on private-mailing cards, reduction of fourth-class matter mailed on rural routes, and reduction of transient mailings; to the Committee on the Post Office and Post Roads.

7005. By Mr. AYRES: Petition of citizens of Wichita, Kans., and citizens of Towanda, Kans., in behalf of legislation favorable to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7006. By Mr. BACON: Petition of Elizabeth B. Decker and other residents of Flushing, Long Island, N. Y., urging support of House bill 11410; to the Committee on the Judiciary.

7007. By Mr. CRAMTON: Petition signed by Elmer E. Jameson and 50 other residents of Tuscola County, Mich., urging favorable action on legislation to increase the pension rates of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7008. By Mr. DALLINGER: Petition of certain citizens of Middlesex County, Mass., urging the enactment of laws to increase the pensions of Civil War veterans and widows of veterans; to the Committee on Pensions.

7009. By Mr. DOUGLAS of Arizona: Petition signed by 29 persons, mostly residents of Maricopa County, Ariz., indorsing legislation granting increases in pensions to Civil War veterans, their widows, and children; to the Committee on Invalid Pensions.

7010. By Mr. GARBER: Petition of the Western Fruit Jobbers Association, by the secretary, W. Garfitt, of Chicago, Ill., recommending that no further restrictions of Mexican immigration be considered; to the Committee on Immigration and Naturalization.

7011. By Mr. HADLEY: Petition of residents of Sequim, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

7012. Also, petition of residents of Whatcom County, Wash., urging additional pension relief for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7013. By Mr. HILL of Washington: Petition of W. J. Stewart, of Riverside, Wash., and 32 others, protesting against House bill 78, known as the Lankford bill, and other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7014. Also, petition of Horace W. Bray, of Kettle Falls, Wash., and 30 other persons, protesting against the enactment of the Lankford bill (H. R. 78) and all other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7015. Also, petition of John Helm, of Omak, Wash., and 46 other persons, protesting against the enactment of the Lankford bill (H. R. 78) and all other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7016. Also, petition of G. R. Vernaw, of Colville, Wash., and 10 other persons, protesting against House bill 78 and other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7017. Also, petition of Nick Cowling, of Wenatchee, Wash., and 53 others, protesting against House bill 78, and all other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7018. Also, petition of Mattie Hansen, of Spokane, Wash., and 25 others, protesting against the enactment of House bill 78, and any other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7019. Also, petition of Ben. C. Camp, of Kettle Falls, Wash., and 32 others, protesting against the enactment of House bill 78, and any other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7020. Also, petition of Mrs. Ott Wiley, of Wenatchee, Wash., and 15 others, protesting against the enactment of House bill 78, and any other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7021. Also, petition of A. W. Fry, of Omak, Wash., and 11 others, protesting against House bill 78, and any other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7022. Also, petition of P. H. Reister, of Fruitland, Wash., and 10 others, protesting against House bill 78, and any other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7023. Also, petition of J. B. Williams, of Riverside, Wash., and 29 others, protesting against House bill 78, and any other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7024. Also, petition of J. A. Bretz, of Wenatchee, Wash., and 40 others, protesting against House bill 78, and any other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7025. Also, petition of Charles H. Grossman, of Spokane, Wash., and 44 others, urging passage of legislation increasing pensions of Civil War veterans and widows of such veterans; to the Committee on Invalid Pensions.

7026. Also, petition of Dr. John Busby, of Spoken, Wash., and 23 others, urging the passage of legislation increasing pensions of Civil War veterans and widows of such veterans; to the Committee on Invalid Pensions.

7027. Also, petition of Grace B. Dixon, of Omak, Wash., and 85 others, urging the enactment of House bill 78, known as the Lankford bill; to the Committee on the District of Columbia.

7028. By Mr. JOHNSON of Indiana: Petition of numerous voters of Terre Haute, Ind., for increase of Civil War pensions; to the Committee on Invalid Pensions.

7029. Also, petition of numerous voters of Clay County, Ind., for increase of Civil War pensions; to the Committee on Invalid Pensions.

7030. By Mr. JOHNSON of Washington: Petition of citizens of Cowlitz and Lewis Counties, Wash., protesting the Lankford Sunday observance bill; to the Committee on the District of Columbia.

7031. Also, petition of citizens of the third congressional district, State of Washington, praying for increases of pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7032. By Mr. KINDRED: Resolutions of a conference of trade-union officers of Greater New York, indorsing the provisions of the Kelly postal policy bill (H. R. 89) and the Dale-Lehlbach bill (S. 1727, H. R. 25) and urging the early enactment of these measures into law by the United States Congress; to the Committee on the Post Office and Post Roads.

7033. Also, resolution of the William A. Leonard Post. No. 422, American Legion, fully indorsing and approving the present program for a greater Navy for the proper protection of our coasts and commerce on the high seas, in the event of trouble, and deploring the propaganda being brought to bear on Representatives in Congress to place the United States in the same position of unpreparedness as in the past; to the Committee on Naval Affairs.

7034. By Mr. KVALE: Petition of several residents of Minneapolis, Minn., urging passage of House bill 11998, dog experiment bill; to the Committee on the Judiciary.

7035. Also, petition of Dr. C. L. Melby, Owatonna, Minn., urging passage of House bill 11998, dog experiment bill; to the Committee on the Judiciary.

7036. By Mr. LINDSAY: Petition of the Western Fruit Jobbers' Association of America, Chicago, Ill., presenting resolutions recommending that no further restrictions of Mexican immigration be considered; to the Committee on Immigration and Naturalization.

7037. Also, petition of the National Fertilizer Association, Washington, D. C., presenting summary of salient points of Muscle Shoals situation, inasmuch as no opportunity of the fertilizer industry was given to present views; to the Committee on Military Affairs.

7038. Also, petition of Edwin Gould, New York City, praying for liberality in treatment of the budget for colony in Virgin Islands; to the Committee on Insular Affairs.

7039. Also, petition of Frederick Sykes, Williamson Candy Co., Brooklyn, N. Y., urging favorable and immediate considera-

tion of the Tyson-Fitzgerald bill, providing retirement for the disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

7040. Also, petition of United States Customs Inspectors' Association, port of New York, urging early vote and passage of the Lehlbach retirement bill, liberalizing the existing pension law; to the Committee on the Civil Service.

7041. Also, petition of Central Union Label Council of Greater New York, Brooklyn, N. Y., urging enactment of the Lehlbach retirement bill; to the Committee on the Civil Service.

7042. Also, petition of Central Union Label Council of Greater New York, Brooklyn, N. Y., indorsing the provisions of the Kelly postal policy bill (H. R. 89); to the Committee on the Post Office and Post Roads.

7043. Also, petition of New York Branch, National Customs Service Association, urging favorable consideration of House bill 13143 (formerly H. R. 10644), known as the Bacharach bill, providing for increased compensation paid to customs employees; to the Committee on Ways and Means.

7044. By Mr. LINTHICUM: Petition of Strother, Brogden & Co., C. T. Williams & Co., and Equitable Trust Co., all of Baltimore, registering objections to Norris bill (S. 3151) to abolish United States district courts; to the Committee on the Judiciary.

7045. By Mr. MILLER: Petition of citizens of Seattle, Wash., indorsing legislation providing for increases in pension for veterans and widows of the Civil War; to the Committee on Invalid Pensions.

7046. By Mr. MURPHY: Petition of 120 citizens of Belmont County, urging the passage of legislation increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7047. By Mr. O'CONNOR of New York: Resolution of the State Camp for Veterans of the State of New York, protesting against passage of House bill 12204, providing for the transfer of the State Camp for Veterans at Bath, N. Y., to the Veterans' Bureau; to the Committee on World War Veterans' Legislation.

7048. By Mr. O'CONNELL: Petition of the New York Branch, United States Customs Employees Association, New York City, favoring the passage of the Bacharach bill (H. R. 10644); to the Committee on Ways and Means.

7049. Also, petition of the Western Fruit Jobbers Association of America, Chicago, Ill., with reference to Mexican immigration restrictions; to the Committee on Immigration and Naturalization.

7050. Also, petition of the National Fertilizer Association, Washington, D. C., with reference to the Muscle Shoals bill; to the Committee on Military Affairs.

7051. Also, petition of the Central Union Label Council of Greater New York, favoring the passage of the Kelly bill (H. R. 89); to the Committee on the Post Office and Post Roads.

7052. Also, petition of Frederick Sykes, of the Williamson Candy Co., Brooklyn, N. Y., favoring the passage of the Tyson-Fitzgerald bill, providing retirement of disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

7053. Also, petition of Edwin Gould, of New York City, appealing for liberal treatment of budget for the Virgin Islands; to the Committee on Appropriations.

7054. Also, petition of the Carded Woolen Manufacturers' Association, Boston, Mass., favoring the passage of the Caraway bill (S. 1005) to regulate the work of the so-called lobbyists; to the Committee on the Judiciary.

7055. Also, petition of Central Union Label Council of Greater New York, favoring the passage of the Dale-Lehlbach Federal employees' retirement bills (S. 1727 and H. R. 25); to the Committee on the Civil Service.

7056. By Mr. QUAYLE: Petition of Central Union Label Council of Greater New York, favoring the passage of the Kelly postal policy bill (H. R. 89); to the Committee on the Post Office and Post Roads.

7057. Also, petition of Pathé Exchange (Inc.), of New York, making certain recommendations for clauses to be incorporated in the pending copyright bill with reference to motion pictures; to the Committee on Patents.

7058. Also, petition of the American Agriculture Chemical Co., of New York City, protesting against Muscle Shoals resolution now before the Rules Committee; to the Committee on Rules.

7059. Also, petition of Williamson Candy Co., of Brooklyn, N. Y., favoring the passage of the Tyson-Fitzgerald bill providing retirement for the disabled emergency officers of the World War; to the Committee on Military Affairs.

7060. Also, petition of New York Branch National Customs Service Association, of New York, favoring the passage of the Bacharach bill (H. R. 10644) providing for salary increases for a large number of the customs employees; to the Committee on Ways and Means.

7061. Also, petition of the metal trades department, American Federation of Labor, Brooklyn, N. Y., favoring the passage of Senate bill 3685 and House bill 12032, to correct injustices suffered by the chief warrant officers of the Navy; to the Committee on Naval Affairs.

7062. Also, petition of Central Union Label Council of Greater New York, favoring the passage of the Lehlbach-Dale retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

7063. By Mr. SELVIG: Petition of W. G. Beck and 39 employees in the Postal Service, of Crookston, Minn., and neighboring towns, urging the passage of House bills 25 and 89; to the Committee on the Post Office and Post Roads.

7064. By Mr. STRONG of Pennsylvania: Petition of citizens of Indiana, Pa., in favor of immediate action on a bill to increase the rates of pension for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7065. By Mr. SWICK: Petition of the congregation of the Slippery Rock Presbyterian Church, of Elwood City, Lawrence County, Pa., Rev. Paul H. Elliott, pastor, favoring the passage of House bill 78, known as the Lankford Sunday rest bill for the District of Columbia, or similar measures; to the Committee on the District of Columbia.

7066. By Mr. TAYLOR of Colorado: Petition from citizens of Carbondale, Colo., urging early action on legislation for increased pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7067. Also, petition from citizens of Meeker, Colo., urging early action on legislation for increased pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7068. By Mr. TILSON: Petition of residents of West Haven, Conn., in support of legislation increasing the rate of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7069. By Mr. TIMBERLAKE: Petition from residents of Fort Lupton and Boulder, Colo., in behalf of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

7070. By Mr. UNDERWOOD: Petition of citizens of Billespieville, Ohio, favoring increase of pensions for Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

7071. By Mr. VINSON of Kentucky: Petition of veterans of the Civil War and widows of veterans, of Elkfork, Morgan County, Ky., for an increase of pension; to the Committee on Pensions.

7072. By Mr. WELCH of California: Petition containing 66 signatures, forwarded by the United States Employees' Association, favoring the passage of House bill 6518, to reclassify and increase the salaries of Federal employees; to the Committee on the Civil Service.

SENATE

SATURDAY, *April 21, 1928*

(Legislative day of Friday, April 20, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McKellar	Simmons
Barkley	Glass	McLean	Smith
Bingham	Goff	McMaster	Smoot
Blaine	Gooding	McNary	Steiwer
Blease	Gould	Mayfield	Stephens
Borah	Greene	Metcalf	Swanson
Bratton	Hale	Moses	Thomas
Brookhart	Harris	Neely	Tydings
Broussard	Harrison	Norbeck	Tyson
Capper	Hawes	Norris	Vandenberg
Caraway	Hayden	Nye	Wagner
Copeland	Heflin	Oddie	Walsh, Mass.
Couzens	Howell	Overman	Walsh, Mont.
Curtis	Johnson	Pittman	Warren
Cutting	Jones	Ransdell	Waterman
Dale	Kendrick	Sackett	Watson
Dill	Keyes	Schall	Wheeler
Fess	King	Sheppard	
Fletcher	La Follette	Shipstead	
Frazier	Locher	Shortridge	

Mr. CARAWAY. I desire to announce that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is necessarily detained from the Senate because of illness.

Mr. HEFLIN. I wish to announce that my colleague the junior Senator from Alabama [Mr. BLACK] is necessarily detained from the Senate on public business.

Mr. WAGNER. I desire to announce that the junior Senator from New Jersey [Mr. EDWARDS] is detained from the Senate because of illness in his family.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

RELIEF OF UNEMPLOYMENT

Mr. VANDENBERG. Mr. President, I have here certain letters in the nature of petitions which I desire to lay before the Senate with a brief word of explanation.

The distinguished junior Senator from New York [Mr. WAGNER] yesterday discussed at length his proposal for the long-range planning of public works as a means to utilize the spending power of the Government when periods of economic depression need stimulating offset. Shorn of its self-serving political preliminaries, the Senator's economic philosophy greatly interests me. He will find it already embodied in the Jones bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression. He will find it also in the Kenyon bill as drawn by the distinguished former Senator from Iowa in the first session of the Sixty-seventh Congress. The Jones bill is now pending on the calendar. By all means it should be passed, so that the basic principle may be established. Subsequently, in my judgment, the principle should be extended.

It is my contention that when economic depression reaches a point where it is advisable to invoke this stimulus of extra public work we also have reached a point where such public work should be financed by a temporary diversion of a portion of the annual sinking fund rather than by increased taxation, which of itself would hurt rather than help in such an emergency. It is upon this point that I ask permission to have inserted in the RECORD certain excerpts from letters which I have received upon this subject.

The VICE PRESIDENT. Without objection, it is so ordered.

The excerpts are as follows:

Excerpts from letter dated April 16, 1928, at Ann Arbor, Mich., and addressed to Senator VANDENBERG by Gardner S. Williams, of the American Engineering Council

I personally am prepared to indorse your proposition without reserve—namely, the temporary diversion of sinking funds to finance enhanced public works which are undertaken as an offset to emergency periods of unemployment and depression—and will submit it to the American Engineering Council, with whose view in the matter it is more in harmony than the text of the present bill.

It has been our thought that the execution of public works should be slowed down in times of prosperity and extended in times of cessation of industry without provision of a special fund, the adjustment being in the hands of those controlling the works. There are, of course, objections to the latter proposition, and I think that your suggestion accomplishes the same result as would ours.

Excerpts from letter to Senator VANDENBERG, dated April 17, 1928, at Framingham, Mass., by Henry S. Dennison

Your proposal is, it seems to me, highly practical. The psychology of it is obviously good, though, like all questions of psychology, it would be subject to the sometimes quick changes of background, to which, however, you, being on the ground, would be fully sensitive.

Considered from a purely economic viewpoint, the main question is whether public work undertaken during times of depression should be financed out of the next year's taxes or by borrowing. For, in economic effect, though not in psychologic effect, to fail by a hundred million to increase the "sinking fund" for the retirement of public debt would be the same as to provide full "sinking fund" and borrow another hundred million. I feel certain that no categorical answer applicable to all times and conditions can be given to this question. It depends upon a judgment at a given moment as to whether it is better for the Government to compete, as it were, with business for the capital or income of the country. When interest rates are low and profits not too free, borrowing would be indicated, and that is, roughly, the state of affairs at the moment. During times of expansion, however, interest rates tend to be high and profits good. Then it is better to tax. Of course, some other considerations enter, but this, I think, is the bald, primary statement of the case.

Since the record of the past has shown that periods of unemployment may come in almost any state of the money market, and since profits are likely to be on the low side during such periods, and especially since, whatever the previous state of the money market, there is a tendency toward low interest rates during times of depression, it follows that to take extra public works out of Government borrowing rather than out of taxes will more often be wise. If, however, it is found better actually to set aside funds to be drawn upon during times of depression, then those funds could be accumulated in either way that at the time of their accumulation best suited business conditions.

To sum up, then, I think your proposition is economically sound in almost all likely situations, and, in the situation of the moment, is decidedly wise, both economically and psychologically. You will, however, I am sure, be prepared to meet the superficial objections which were thrown at the similar proposition in Great Britain and served temporarily to defeat it, to wit, that borrowing to "make work" was like paper-money financing—unsound and dangerous. The point lies, of course, in the assumption that the work itself will be unsound; but in such a case it is just as bad to tax to get the funds as it is to borrow, and unsound public work is even worse in times of prosperity; bad in either case. This superficial argument depends upon the fear that the legislating bodies will be carried away by sentiment.

Excerpt from letter to Senator VANDENBERG dated April 13 at Philadelphia, Pa., from ex-Senator George Wharton Pepper

I can not think of any objection that is sound in theory to the proposal that you make respecting the suspension of payment into the sinking fund simultaneously with and to an extent equal to emergency appropriations to avert unemployment. I agree with you that it is economically sound to say that when we are making emergency appropriations for such a purpose we are not in shape to indulge in the luxury or debt reduction. I am quite sure that all of us who have been interested in this legislation would heartily approve of a modification of the bill on the lines which you suggest if this were to prove satisfactory to Secretary Mellon and Senator JONES.

Excerpt from letter to Senator VANDENBERG written April 20, 1928, at New York City, by John B. Andrews, secretary of the American Association for Labor Legislation

I do not think your suggestion is visionary. On the contrary, I believe it is economically sound and, subject to the everlasting necessity of also being "expedient" in legislation, it is worthy of the most serious consideration whenever this question of financing the long-range planning of public works is up for discussion. We want the principle adopted now without fail, and any incidental improvement is highly desirable where practicable.

A large number of thoughtful citizens look upon this (the Jones bill) as a reasonable measure of preparedness which we may reasonably expect to be taken at this session of Congress as one important step in the constructive program for dealing with some future period of industrial depression.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1736. An act for the relief of Charles Caudwell;

S. 1738. An act for the validation of the acquisition of Canadian properties by the War Department and for the relief of certain disbursing officers for payments made thereon;

S. 1758. An act for the relief of Fred A. Knauf; and

S. 1771. An act for the relief of Peter S. Kelly.

The message also announced that the House had passed the bill (S. 2126) to provide for compensation for Ona Harrington for injuries received in airplane accident, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 3325) for the relief of Horace G. Knowles, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 332. An act validating homestead entry of Englehard Sperstad for certain public land in Alaska;

H. R. 548. An act for the relief of Fayette L. Froemke;

H. R. 851. An act for the relief of Alfred Chapleau;

H. R. 1406. An act granting six months' pay to Lucy B. Knox;

H. R. 2477. An act for the relief of Joseph S. Carroll;

H. R. 2494. An act granting six months' pay to Vincentia V. Irwin;

H. R. 3372. An act for the relief of George M. Browder and F. N. Browder;

H. R. 3721. An act for the relief of Arthur L. Hecykell;

H. R. 3936. An act for the relief of M. M. Edwards;

H. R. 3954. An act to reimburse Dr. Philip Suriani;

H. R. 4014. An act for the relief of Kenneth M. Orr;

H. R. 4029. An act for the relief of Maude A. Sanger;

H. R. 4066. An act to place John P. Holland on the retired list of the United States Navy;

H. R. 4084. An act for the relief of the persons suffering loss on account of the Lawton (Okla.) fire, 1917;

H. R. 4108. An act to correct the military record of Alfred G. V. Meldahl;

H. R. 4258. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 4265. An act for the relief of certain officers and former officers of the Army of the United States, and for other individual claims approved by the War Department;

H. R. 4266. An act for the relief of certain officers and former officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 4302. An act for the relief of Russell H. Lindsay;

H. R. 4357. An act for the relief of William Childers;

H. R. 4396. An act for the relief of Jesse R. Shivers;

H. R. 4605. An act authorizing the President to issue an appropriate commission and honorable discharge to Landon Randolph Mason;

H. R. 4766. An act for the relief of Charles James Anderson, former commander, United States Naval Reserve Force;

H. R. 4767. An act for the relief of Paymaster Charles Robert O'Leary, United States Navy;

H. R. 4931. An act for the relief of Frederick D. W. Baldwin;

H. R. 4935. An act to authorize the appointment of First Lieut. Clarence E. Burt, retired, to the grade of captain, retired, in the United States Army;

H. R. 5322. An act for the relief of John P. Stafford;

H. R. 5341. An act for the relief of the Staunton Brick Co.;

H. R. 5935. An act for the relief of the McAteer Shipbuilding Co. (Inc.);

H. R. 5953. An act for the relief of E. L. F. Auffurth and others;

H. R. 6195. An act granting six months' pay to Constance D. Lathrop;

H. R. 6842. An act for the relief of Joseph F. Friend;

H. R. 7166. An act to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies;

H. R. 7397. An act authorizing the President to order Richard B. Barnitz before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation;

H. R. 7409. An act for the relief of John J. Campbell;

H. R. 7496. An act for the relief of Kenneth A. Rotharmel;

H. R. 7895. An act for the relief of the Lagrange Grocery Co.;

H. R. 7897. An act to ratify the action of the local board of sales control in respect of contracts between the United States and the West Point Wholesale Grocery Co., of West Point, Ga.;

H. R. 7926. An act to place a retired officer of the Army on the retired list as a major general;

H. R. 8474. An act for the relief of Elmer J. Nead;

H. R. 8529. An act authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey, under bareboat charter from a Danzig corporation;

H. R. 8808. An act for the relief of Charles R. Wareham;

H. R. 8809. An act for the relief of George W. Burgess;

H. R. 8888. An act for the relief of Jose Francisco Rivas;

H. R. 9017. An act to reinstate Joe Burton Coursey in the West Point Military Academy;

H. R. 9149. An act for the relief of Maj. Chauncey S. McNeill;

H. R. 9161. An act authorizing the President to reappoint E. C. Callahan, formerly a captain of Infantry, United States Army, a captain of Infantry, United States Army;

H. R. 9612. An act authorizing and directing the Secretary of the Interior to allow Norman P. Ives, jr., credit on other lands for compliances made in homestead entry, Gainesville, 021032;

H. R. 9789. An act for the relief of Sallie E. McQueen and Janie McQueen Parker;

H. R. 10042. An act to provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation, Mont., and for other purposes;

H. R. 10067. An act for the relief of Marion Banta;

H. R. 10472. An act to authorize the appointment of Master Sergt. August J. Mack as a warrant officer, United States Army;

H. R. 11014. An act for the relief of Don C. Fees;

H. R. 11094. An act to correct the military record of William Estes;

H. R. 11107. An act for the relief of William H. Estabrook;

H. R. 11951. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926;

H. R. 11960. An act for the relief of D. George Shorten; and

H. R. 12311. An act to provide for the payment of compensation to William J. Tilson.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2725. An act to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma; and

S. 3640. An act authorizing acceptance from PETER G. GERRY of the gift of the law library of the late Elbridge T. Gerry.

PETITION

Mr. BROOKHART presented the petition of Dr. John H. Davis and sundry other citizens of Sioux City, Iowa, praying for the adoption of the so-called Robinson amendment to House bill 1, the tax reduction bill, relative to traveling expenses of physicians and dentists in connection with their attendance upon professional meetings, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. WARREN, from the Committee on Appropriations, to which was referred the bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes, reported it with amendments and submitted a report (No. 857) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3771) vacating the alley between lots 16 and 17, square 1083, District of Columbia (Rept. No. 858); and

A bill (S. 3903) to provide for the reinterment of bodies now interred in the grounds of St. Francis de Sales Church in the District of Columbia (Rept. No. 859).

Mr. COPELAND, from the Committee on Appropriations, to which was referred the bill (S. 814) to rearrange and reconstruct the Senate wing of the Capitol, reported it with an amendment and submitted a report (No. 860) thereon.

Mr. STEIWER, from the Committee on Indian Affairs, to which was referred the bill (S. 2139) conferring jurisdiction upon the Court of Claims to hear and determine claims of certain bands or tribes of Indians residing in the State of Oregon, reported it without amendment and submitted a report (No. 861) thereon.

He also, from the same committee, to which was referred the bill (H. R. 10360) to confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926, reported it with amendments and submitted a report (No. 862) thereon.

Mr. DILL, from the Committee on Indian Affairs, to which was referred the bill (S. 2538) for the construction of a road across the Makah Reservation to Neah Bay, Wash., reported it with an amendment and submitted a report (No. 864) thereon.

ST. CLAIR RIVER, PORT HURON, MICH.

Mr. DALE. Mr. President, from the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 11404) authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich., and I submit a report (No. 856) thereon. I call the attention of the Senator from Michigan [Mr. VANDENBERG] to the report.

Mr. VANDENBERG. Mr. President, the bill has the unanimous approval of the House of Representatives, of the Senate Commerce Committee, of all the departments involved, and relates to a bridge over the St. Clair River. The element of time is exceedingly vital. Therefore, I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That in order to facilitate international commerce and improve the Postal Service the Port Huron, Sarnia, Point Edward International Bridge Co., a Michigan corporation, hereinafter referred to as the company, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the St. Clair River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, between a point at or near the city of Port Huron, St. Clair County, State of Michigan, and a point at or near the city of Sarnia, Province of Ontario, Dominion of Canada, in accordance with the provisions of the act entitled "An act to regulate the construc-

tion of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and in so far as the company, its successors or assigns, may act in the Dominion of Canada, subject also to the approval of the proper authorities thereof.

SEC. 2. There is hereby conferred upon the said company, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Michigan needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Michigan, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said company, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. Such bridge shall be constructed in accordance with the standard specifications adopted by the American Association of State Highway Officials. During the construction of such bridge all work thereon shall be subject to inspection and approval by the State Highway Department of Michigan.

SEC. 5. The said company, its successors and assigns, shall not encumber said bridge by the issue of stocks, bonds, notes, mortgages, debentures, or other evidences of indebtedness in an amount which, including all previous encumbrances whether retired or still outstanding, shall at any time exceed in the aggregate the cost as reported to and determined by the Secretary of War in accordance with section 8 hereof. Not less than two-thirds of all encumbrances or securities other than preferred stock issued against said bridge shall be first mortgage bonds, and not more than one-third may be debentures. None of said bonds issued against said bridge shall be sold for less than 92 per cent of their par value nor bear interest at a fixed rate in excess of 6½ per cent per annum. None of said debentures issued against said bridge shall be sold for less than 90 per cent of their par value nor bear interest at a fixed rate in excess of 7 per cent per annum. Any preferred stock issued shall be at par plus accrued dividend, shall represent value, and shall be entitled to cumulative dividends at not to exceed 7 per cent per annum.

SEC. 6. The proceeds from tolls charged for the use of such bridge shall be used: First, to pay the maintenance, repair, and operation costs; second, to pay dividends or interest on outstanding preferred stocks, bonds, notes, mortgages, debentures, or other obligations issued by the company, its successors and assigns; and, third, 20 per cent of any funds then remaining shall be retained for corporate uses by the said company, its successors and assigns, and the other 80 per cent thereof shall be applied by said company, its successors and assigns, in the purchase and retirement in accordance with section 5 hereof of said bonds, debentures, preferred stock, or other outstanding obligations legally incurred against said bridge. At the close of the fiscal year when all bonds, debentures, preferred stock, or other obligations legally incurred against said bridge shall have been retired in accordance herewith such bridge and the approaches thereto and all structures, property, property rights, and franchises, so far as the same are located within the United States, shall be conveyed by the said company, its successors and assigns, without cost or expense, to the State of Michigan or to such municipality or agency of the State of Michigan as the legislature of said State may designate, and so far as the same is situated within the Dominion of Canada shall be conveyed, without cost or expense, to the Dominion of Canada or to such Province, municipality, or agency thereof as the Dominion of Canada may designate, and all right, title, and interest of said company, its successors and assigns, therein shall then cease and determine. After said outstanding obligations of the company have been retired, said 80 per cent of the net earnings shall be held by the company and half thereof shall be turned over to the State of Michigan, or its designated municipality or agency, and half to the Dominion of Canada, or its designated municipality or agency, at the same time as the bridge is turned over. The rates of toll, if any, shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. If said bridge shall not have become the property of the State of Michigan and the Dominion of Canada, or such agencies as may be authorized by them, in accordance with the provisions of this section, within 20 years after the date that it is completed and formally opened to traffic, the said State of Michigan and the Dominion of Canada, or such agencies as may be authorized by them, shall have the additional right at any time thereafter to acquire said bridge by purchase and retirement, at par plus accrued interest or dividends, of the legally authorized obligations then outstanding against same.

SEC. 7. The said company, its successors and assigns, shall keep an accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the bridge, the daily traffic, and the tolls collected, and shall annually submit to the State Highway Department of Michigan and to the Department of Public Highways of the Province of Ontario a sworn itemized statement showing the traffic, the tolls collected, the maintenance, repair, and operation costs, the net earnings, interest, and dividend payments, and the stock, bonds, notes, mortgages, debentures, or other obligations retired during the preceding fiscal year. The State Highway Department of Michigan and the Department of Public Highways of Ontario shall have access at any time to all records, files, and books of the said company, it successors and assigns. The mayor of the city of Port Huron, State of Michigan, and the mayor of the city of Sarnia, Province of Ontario, Dominion of Canada, ex officio, shall be entitled to receive notice of and attend meetings of the board of directors of any company or corporation now existing or hereafter organized and having the control and operation of said bridge.

SEC. 8. The said company, its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Department of the State of Michigan a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches; the actual cost of acquiring any interest in real or other property; interest during construction; and the actual financing costs, not to exceed 10 per cent of the total of said items. The Secretary of War may, and upon request of the Highway Department of the State of Michigan shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy of the costs alleged in the statement of costs so filed, and shall make a finding of the actual costs of constructing and financing such bridge; for the purpose of such investigation the said company, its successors and assigns, shall make available all of its records in connection with the construction and financing thereof. The findings of the Secretary of War as to the costs of the construction and financing of the bridge shall be conclusive for all purposes mentioned in this act, subject only to review in a court of equity for fraud or gross mistake. A report of the maintenance, repair, and operation costs of said bridge shall be submitted by the said company, its successors and assigns, at the end of each six-month period to the State Highway Department of Michigan and to the Department of Public Highways of the Province of Ontario, Dominion of Canada. If any class of expenditures therein is disapproved by said highway departments, or either of them, such class of expenditures shall not thereafter, without approval, be an obligation payable out of the proceeds of tolls collected for the use of such bridge. Reconstruction or betterment costs in excess of $10,000 in any fiscal year must be submitted to and be approved as necessary and reasonable by the State Highway Department of Michigan and the Department of Public Highways of the Province of Ontario prior to incurring the expenditures therefor, and all betterment and reconstruction costs, duly approved if such approval is required, and actually made may be added to the cost of the bridge, as determined by the Secretary of War in accordance with the provisions of this section, and in order to meet the cost thereof additional obligations or encumbrances not in excess of the amount approved for such reconstruction and betterments actually made plus necessary financing costs, not exceeding 10 per cent, may be issued against said bridge.

SEC. 9. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said company, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same, subject to the terms and conditions of this act, as fully as though conferred herein directly upon such corporation or person.

SEC. 10. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REMISSION OF ESTATE TAX ON ESTATE OF JOHN SEALY

Mr. THOMAS. From the Committee on Finance I report back favorably without amendment the bill (S. 4166) to remit estate tax on the estate of John Sealy, and I submit a report (No. 863) thereon. I will say that the bill, I think, will occasion no discussion, and I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The bill will be read for the information of the Senate.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to remit the tax imposed by Title III of the revenue act of 1924, as amended, upon the transfer of the net estate of John Sealy, late a resident of Galveston, Tex., who died on February 19, 1926.

Mr. JONES. I ask the Senator from Oklahoma if the bill has been reported unanimously by the committee?

Mr. KING. What is the nature of the bill?

Mr. THOMAS. It is to remit the tax on a charitable donation given by Mr. John Sealy to a hospital in Galveston, Tex.

Mr. JONES. Is it a unanimous report of the committee?

Mr. THOMAS. It is.

Mr. JONES. How much does it involve?

Mr. THOMAS. The facts are that a bequest to a hospital was made by Mr. Sealy, who died 12 days before the tax law of 1926 became effective. Because of that fact his bequest will be taxed under the 1924 tax law.

Mr. JONES. I notice that the chairman of the Committee on Finance [Mr. SMOOT] is present, so I will not make any objection to the consideration of the bill.

Mr. HALE. Mr. President, I do not understand that the consideration of this bill will in any way displace the naval appropriation bill?

The PRESIDING OFFICER. Not at all.

Mr. SMOOT. If the consideration of this bill shall in any way interfere with the naval appropriation bill, we shall ask that it go to the calendar.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRATTON:

A bill (S. 4169) granting a pension to James V. Latham; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 4170) to authorize plans for a hospital at the Home for Aged and Infirm in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. NYE:

A bill (S. 4171) to establish the Roosevelt National Park in North Dakota;

A bill (S. 4172) to establish the Killdeer Mountain National Park in the State of North Dakota, and for other purposes; and

A bill (S. 4173) to transfer jurisdiction over certain national military parks and national monuments from the War Department to the Department of the Interior, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. CAPPER:

A bill (S. 4174) to establish a woman's bureau in the Metropolitan police department of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HOWELL:

A bill (S. 4175) to amend the Federal farm loan act, as amended, and for other purposes; to the Committee on Banking and Currency.

By Mr. SHORTRIDGE:

A bill (S. 4176) for the relief of Henry J. Ford; to the Committee on Naval Affairs.

A bill (S. 4177) for the relief of the next of kin of Herbert Myers; to the Committee on Military Affairs.

By Mr. HAWES:

A bill (S. 4178) granting an increase of pension to Augusta Berg (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 4179) to amend the corrupt practices act by extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. CARAWAY (for Mr. ROBINSON of Arkansas):

A bill (S. 4180) authorizing the attendance of the Marine Band at the Confederate Veterans' reunion at Little Rock, Ark.; to the Committee on Naval Affairs.

A bill (S. 4181) granting a pension to James R. Brown; and

A bill (S. 4182) granting a pension to Ella True; to the Committee on Pensions.

By Mr. CURTIS (for Mr. DENEEN):

A bill (S. 4183) authorizing the filling of a vacancy occurring in the office of district judge for the northern district of Illinois created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922; to the Committee on the Judiciary.

By Mr. NEELY:

A bill (S. 4184) granting an increase of pension to Mary E. Hawkins; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 4185) granting an increase of pension to Emma J. Jarvis (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 4186) to regulate the use of spray painting compressed air machines, and for other purposes; to the Committee on Education and Labor.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On April 13, 1928:

S. 1628. An act relating to the Office of Public Buildings and Public Parks of the National Capital.

On April 14, 1928:

S. 3435. An act to authorize an appropriation from tribal funds to pay part of the cost of the construction of a road on the Crow Indian Reservation, Mont.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 10042. An act to provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation, Mont., and for other purposes; to the Committee on Indian Affairs.

H. R. 11951. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926; to the Committee on Public Buildings and Grounds.

H. R. 12311. An act to provide for the payment of compensation to William J. Tilson; to the Committee on the Judiciary.

H. R. 332. An act validating homestead entry of Englehard Sperstad for certain public land in Alaska;

H. R. 9612. An act authorizing and directing the Secretary of the Interior to allow Norman P. Ives, jr., credit on other lands for compliances made in homestead entry, Gainesville, 021032; and

H. R. 9789. An act for the relief of Sallie E. McQueen and Janie McQueen Parker; to the Committee on Public Lands and Surveys.

H. R. 548. An act for the relief of Fayette L. Froemke;

H. R. 1406. An act granting six months' pay to Lucy B. Knox;

H. R. 2477. An act for the relief of Joseph S. Carroll;

H. R. 2494. An act granting six months' pay to Vincentia V. Irwin;

H. R. 3721. An act for the relief of Arthur L. Hecykell;

H. R. 4014. An act for the relief of Kenneth M. Orr;

H. R. 4066. An act to place John P. Holland on the retired list of the United States Navy;

H. R. 4302. An act for the relief of Russell H. Lindsay;

H. R. 4766. An act for the relief of Charles James Anderson, former commander, United States Naval Reserve Force;

H. R. 4767. An act for the relief of Paymaster Charles Robert O'Leary, United States Navy;

H. R. 4931. An act for the relief of Frederick D. W. Baldwin; and

H. R. 6195. An act granting six months' pay to Constance D. Lathrop; to the Committee on Naval Affairs.

H. R. 851. An act for the relief of Alfred Chapleau;

H. R. 4108. An act to correct the military record of Alfred G. V. Meldahl;

H. R. 4605. An act authorizing the President to issue an appropriate commission and honorable discharge to Landon Randolph Mason;

H. R. 4935. An act to authorize the appointment of First Lieut. Clarence E. Burt, retired, to the grade of captain, retired, in the United States Army;

H. R. 7397. An act authorizing the President to order Richard B. Barnitz before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation;

H. R. 7409. An act for the relief of John J. Campbell;

H. R. 7926. An act to place a retired officer of the Army on the retired list as a major general;

H. R. 9017. An act to reinstate Joe Burton Coursey in the West Point Military Academy;

H. R. 9149. An act for the relief of Maj. Chauncey S. McNeill;
H. R. 9161. An act authorizing the President to reappoint E. C. Callahan, formerly a captain of Infantry, United States Army, a captain of Infantry, United States Army;
H. R. 10472. An act to authorize the appointment of Master Sergt. August J. Mack as a warrant officer, United States Army;
H. R. 11094. An act to correct the military record of William Estes; and
H. R. 11107. An act for the relief of William H. Estabrook; to the Committee on Military Affairs.
H. R. 3372. An act for the relief of George M. Browder and F. N. Browder;
H. R. 3936. An act for the relief of M. M. Edwards;
H. R. 3954. An act to reimburse Dr. Philip Suriani;
H. R. 4029. An act for the relief of Maude A. Sanger;
H. R. 4084. An act for the relief of the persons suffering loss on account of the Lawton, Okla., fire, 1917;
H. R. 4258. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department;
H. R. 4265. An act for the relief of certain officers and former officers of the Army of the United States, and for other individual claims approved by the War Department;
H. R. 4266. An act for the relief of certain officers and former officers of the Army of the United States, and for the settlement of individual claims approved by the War Department;
H. R. 4357. An act for the relief of William Childers;
H. R. 4396. An act for the relief of Jesse R. Shivers;
H. R. 5322. An act for the relief of John P. Stafford;
H. R. 5341. An act for the relief of the Staunton Brick Co.;
H. R. 5935. An act for the relief of the McAteer Shipbuilding Co. (Inc.);
H. R. 5953. An act for the relief of E. L. F. Auffurth and others;
H. R. 6842. An act for the relief of Joseph F. Friend;
H. R. 7166. An act to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies;
H. R. 7496. An act for the relief of Kenneth A. Rotharmel;
H. R. 7895. An act for the relief of the Lagrange Grocery Co.;
H. R. 7897. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the West Point Wholesale Grocery Co., of West Point, Ga.;
H. R. 8474. An act for the relief of Elmer J. Nead;
H. R. 8529. An act authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co of New Jersey, under bareboat charter from a Danzig corporation;
H. R. 8808. An act for the relief of Charles R. Wareham;
H. R. 8809. An act for the relief of George W. Burgess;
H. R. 8888. An act for the relief of Jose Francisco Rivas;
H. R. 10067. An act for the relief of Marion Banta;
H. R. 11014. An act for the relief of Don C. Fees; and
H. R. 11960. An act for the relief of D. George Shorten; to the Committee on Claims.

BOULDER DAM

Mr. JOHNSON. Mr. President, I ask unanimous consent that there may be inserted in the RECORD an editorial from this morning's Washington Herald entitled "How Power Trust uses newspapers."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOW POWER TRUST USES NEWSPAPERS

It is pretty to watch how the Power Trust gets hold of newspapers and uses them to block congressional action on Boulder Dam.

The Chicago Tribune, one of the leading newspapers of the country, is an illustration, brought out in the current investigation of the "electric-power industry," by the Federal Trade Commission.

On January 27, 1927, a rush telegram was sent out from New York to mobilize public opinion against the Boulder Dam bill, whose passage was then threatening.

The telegram was signed by George Oxley, publicity director of the National Electric Light Association, then the propaganda organization of the private power interests in the United States.

The telegram was received by many local publicity directors in the country, among then B. J. Mullaney, of Chicago, chairman of the Illinois Committee on Public-Utility Information.

On January 27, the same day, Mullaney instructed his assistant, McGregor, to get busy. The instructions ended:

"Perhaps Harper Leech can be interested. Perhaps some of the financial editors or reporters can be interested and then helped to get an interview out of some prominent citizen, banker, or otherwise, from the viewpoint of keeping the Government out of business."

Harper Leech was and is a feature writer on the Chicago Tribune. Well, they got Harper Leech interested. He is still interested and writing against Boulder Dam with material the private power people are furnishing him.

That is made quite clear in a letter written on March 21, 1928, less than a month ago, from McGregor to Maj. J. S. F. Richardson, of the Joint Committee of National Utility Associations, 420 Lexington Avenue, New York. Major Richardson's committee has replaced the National Electric Light Association as the official power company propaganda organization to fight Boulder Dam. McGregor writes:

MARCH 21, 1928.

DEAR MAJOR RICHARDSON: Harper Leech, of the Chicago Tribune (he who wrote as "Scrutator"), is working on a series of articles about the electric light and power industry and is obtaining quite a bit of data through this office.

Now he is on the track of Boulder Dam. He wants to know if the construction of Boulder Dam in accordance with the Swing-Johnson bill would back the water up over any other feasible dam sites for a power supply.

Also he has an idea—from some information he has obtained—that the whole Boulder Dam is a Los Angeles real-estate promotion affair. He would like to have any data that might be had to back up that theory.

I'll appreciate it if you'll have some one wire me to-morrow (Thursday), if possible, the answer to the first question, and let me know if you can send me any data to support the real-estate promotion idea.

Also, what is the latest developments, theories, etc., concerning the proposition—material that might help him.

Best wishes.

Sincerely,

R. R. MCGREGOR.

Did they get the information to Mr. Leech?

Well, the Chicago Tribune of April 5, 1928, presents Mr. Leech's article with the foreword:

"The Tribune presents a second article on the Boulder Dam, the giant water development project which is causing a hard fight in Congress."

The meat of the Leech story is in its headline: "Great clamor for a United States built Boulder Dam. Los Angeles real-estate boom awaits." The final paragraph of Mr. Leech's article reads:

"But no matter what the ultimate problems would be, the psychological effect of a Federal authorization and appropriation for Boulder Dam would be certain. A great boom in real-estate values not only in the Los Angeles region but in all of the area affected by the project would start as soon as the President signed the bill. They know a boom when they see one in the Southwest, and they can see one a long way off."

The Chicago Tribune editorial writer picked up Mr. Leech's contention that Boulder Dam was a Los Angeles real-estate proposition, and in the newspaper's lead editorial of April 16 he wrote:

"We are persuaded that the Boulder Dam proposal should be defeated. The expenditure of $125,000,000 of the taxpayers' money, primarily for the benefit of real-estate speculators, would be worse than unwise. It would be a scandal as odious as Teapot Dome."

We do not believe that the Chicago Tribune, or its eminent editors, knew that the paper was being used by the private power companies to play their game.

We believe that the resentment of the public should be turned merely against the insidious methods of the Power Trust organization, intent upon diverting newspapers from their proper function of protecting the public, and, instead, making them the mouthpieces of private monopoly.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, the pending question being on the amendment of Mr. BLAINE to insert, after line 17, page 53, the following proviso:

Provided, That after December 25, 1928, none of the appropriations made in this act shall be used to pay any expenses incurred in connection with acts of hostility against a friendly foreign nation, or any belligerent intervention in the affairs of a foreign nation, or any intervention in the domestic affairs of any foreign nation, unless war has been declared by Congress or unless a state of war actually exists under recognized principles of international law.

The word "acts of hostility" and the words "belligerent intervention" shall include within their meaning the employment of coercion or force in the collection of any pecuniary claim or any claim or right to any grant or concession for or on behalf of any private citizen, copartnership, or corporation of the United States against the government of a foreign nation, either upon the initiation of the Government of the United States or upon the invitation of any foreign government existing de jure or de facto.

Mr. FRAZIER. Mr. President, the amendment offered by the junior Senator from Wisconsin [Mr. BLAINE] to the naval appropriation bill, having to do with the marines in Nicaragua, has attracted much attention and brought about much debate. The senior Senator from Idaho [Mr. BORAH] admitted that mistakes had been made undoubtedly, probably based upon misinformation which had been given to the State Department and the executive department. I think that is undoubtedly true.

The Senator from New Jersey [Mr. EDGE] also in his remarks yesterday admitted that blunders had been made in regard to the attitude of our administration, or at least its action, with reference to the marines in Nicaragua. He especially thought that a blunder had been made in withdrawing the marines from Nicaragua some months ago because, he said, a revolution was started after that withdrawal.

Looking at the situation from the outside, it seems as if the withdrawal of the marines, if it was a blunder, was based upon misinformation given by some of the financial interests of Wall Street, because it turned out apparently to their advantage. I am not accusing the administration of being connected in any way or working in combination with the Wall Street interests, but it seemed to work out that way. There was an assistant in the State Department who had been an employee of one of the big Wall Street firms, who afterwards left the employ of the State Department and went back to the New York firm after some deals were put across for the benefit of the big New York financial interests.

The revolution which took place in Nicaragua while the marines were out would indicate that the Liberals seemed to be getting the advantage and were gaining pretty rapidly. Of course, after deals were made which gave some of the financial interests in this country practical control of the railroads and banking and power interests of Nicaragua, it was time again to send the marines in to stop the revolution and protect the Government under President Diaz, which everyone seems to admit was absolutely without any authority, at least legal authority, until he was recognized by the United States and the marines were sent down there to protect him.

In view of all the mixed-up situation we have gotten into through our attempts to protect property by means of our soldiers and marines, it seems to me that the logical way out of the whole difficulty might be to outlaw the whole war proposition.

It was admitted here on yesterday by the Senator from New Jersey [Mr. EDGE] that we are in a state of war with Nicaragua to-day. I think there is no doubt about that. Although Congress has never authorized it, yet there seems to be a state of war, and, as the Senator from Idaho [Mr. BORAH] so ably set forth a couple of days ago, it would seem almost impracticable and impossible to withdraw the marines from Nicaragua at the present time because of conditions existing there, which, the chances are, if the marines were withdrawn, would go from bad to worse. So I suppose the marines will have to be left in Nicaragua at least until after the election in that country shall have been held. Notwithstanding that, I believe the amendment of the Senator from Wisconsin [Mr. BLAINE] is a good one, and that it should be adopted.

It occurs to me, however, that the thing to do, the step to take, in order to avoid future trouble of this kind is to prevent all war and, if possible, to make war legally impossible. So I want to address the Senate on Senate Joint Resolution 1, which provides for the outlawing of all war. Judging from the communications I have received from practically every State in the Union in reference to the joint resolution, I believe that the great majority of the people to-day, if they were given an opportunity to vote on the subject, would vote for outlawing war, to make war impossible; and if Congress is willing to give the people a chance to express themselves, through their State legislatures and otherwise, upon this important question, I think there can be no doubt that the outcome will be the adoption of the amendment to the Constitution of the United States which is proposed by the joint resolution.

Mr. President, the amendment to the Constitution proposed by Senate Joint Resolution 1 would make it legally impossible for the United States to commit the greatest crime known to man. It would outlaw war.

I believe in the proposed amendment to our Constitution because I do not want to be a party to the crime of war; because I am unwilling that the Nation to which I belong, for which I am in part responsible, shall ever again commit that crime.

No compromise is possible. We must either outlaw war and take the consequences, whatever they may be, or be ready for the next war and take the consequences, whatever they may be. There is no middle ground. It has been aptly said that—

either civilization must destroy war or war will destroy civilization.

I am for the outlawing of war, believing that is the humane way of safety and sanity. It is the only way which can be taken by those who see in war a denial of Christianity and civilization, a denial of the survival of all that gives value to the work of men and of nations.

We have talked peace, but we have not repudiated war. We entered and fought a war to end war and then began to prepare at once for the "next war." We have made gestures of good will and killed Nicaraguans. We have gone to disarmament conferences and talked about the size of battleships and the elevation of guns. Colonel Lindbergh has been our envoy of international friendship, yet the very boys who seek to emulate him are being forced to take military training in our schools and colleges so that, whenever friendship fails, killing can begin.

This is both inconsistent and hypocritical, and unworthy of the American people. There is neither principle nor common sense in such a mixture.

The proposed amendment is a definite, uncompromising repudiation of war by the United States. It makes war an outlaw, depriving it, the enemy of law, of all legal sanction and prestige, of all the protection and support which our Constitution now gives it.

The amendment provides that war for any purpose shall be illegal; that it shall be illegal to prepare for war or spend money for war. It eliminates all powers of war from the Constitution. The Women's Peace Union proposed this amendment. They are honestly in favor of it and have the courage of their conviction to back it. They are using their political power to oppose the crime of war, to conserve life, and to promote the cause of civilization.

I have had letters and telegrams from men and women all over the Nation favoring this amendment. But, as in all reform movements, some scoff, scorn, and oppose.

A New York woman, opposing the amendment, wrote as follows:

I received to-day from a friend in Washington a newspaper clipping which reports a resolution put forward by you for a constitutional amendment under which the United States would be prohibited from preparing for or engaging in offensive or defensive war. I can not believe any man could be elected to your high office who entertains such treasonable sentiments, and no intelligent or patriotic American can view such a resolution otherwise.

To this lady I replied:

I am at a loss to know what the newspaper clipping to which you refer could have contained in order that you should make such rash statements as you have in your letter.

The resolution I introduced was for an amendment to outlaw war, and it seems to me that any good, Christian woman must be in favor of a measure of this kind. Zona Gale said: "When any body politic in all the world will say quietly through its lawmakers, 'We are done with every form of militarism in our State,' I am assured that this will be, not the shot, but the voice, heard around the world," which I believe is true.

In contrast with the letter from New York was one received from a citizen of North Dakota. It reads:

Listening to a sermon yesterday, my attention was called to a bill before Congress whereby the Navy is to receive a vast sum of public money for the next 10 years for the building of battleships.

Arms never mean peace, and I am opposed to any war, and I think the congregation yesterday, judging from the remarks after the sermon, were unanimously with the preacher for the prevention of all wars.

In view of our enormous public debt and the necessity of more hospitals, I think that the people who pay the taxes and do the dying and the mourning should be entitled to be heard from before this apparently mad policy is fixed.

These letters express two very usual attitudes toward war. To the lady who denounces this resolution war is apparently almost a sacred institution, her highest ideal of patriotism. To her, loyalty to our country and belief in the war system are synonymous. Anyone who says we can and should outlaw war is to her a traitor. She represents the established order, which does not explain or justify itself, yet threatens anyone who has other standards and ideas. This type of men and women are, in my opinion, the chief obstacle to a clear understanding of war and to the immediate repudiation of it, which understanding will produce.

The writer of the other letter is realistic, seeing in war death, sorrow, and the expenditure of vast sums of money which are needed for beneficent purposes and for the payment of war debts we already have. I agree with this correspondent not only in opposing all war but also in believing that armies and navies do not bring peace.

Our War Department, in Document No. 499, gave these war strengths for 1911—that is, the soldiers and the reserves fully trained:

Of France, 2,988,136; of Germany, 4,713,366; of Austria, 2,059,954; of Russia, 4,689,409; of England, 366,190; and of Italy, 1,586,270.

Did these armies stand for peace or protection? The World War demonstrated that they brought anything but peace, and the protection was, to say the least, far from perfect. It is also my belief that before any further war preparations are authorized the "people who do the dying, mourning, and paying" should have an opportunity to decide whether or not they wish to sanction war or peace, whether or not they wish to maintain armed forces or to abolish them and outlaw war.

The war powers now possessed by our Government were written into the Constitution 141 years ago. No one alive now has had any voice or vote concerning them. Since 1787 much advancement has admittedly been made, manhood suffrage has been extended, slavery has been abolished, women have secured their political freedom. But on this most vital matter the people have had no chance to express themselves. I wonder how many of our citizens to-day would agree with the statement of George Mason, in the Virginia convention, called for the ratification of the Constitution. He said:

I abominate and detest the idea of a government where there is a standing army. * * * When a standing army is established in any country the people lose their liberty. (Elliott's Debates, p. 379, Vol. III.)

And with Madison, who said at the same convention:

Mr. Chairman, I most cordially agree with the honorable gentleman last up that a standing army is one of the greatest mischiefs that can possibly happen. * * * (Ibid., p. 381, Vol. III.)

We have had, and we now have, the standing army many of our forefathers feared. We have had the War of 1812, the Mexican War, the Civil War, the Spanish-American War, and the late World War; and in addition an almost unbroken line of military expeditions and undertakings from 1789 to the present year, when our marines have been employed in Haiti, Nicaragua, China, the Philippines, and wherever else they have been sent, even without the authorization of Congress or the consent of the people. I have many clippings which tell something of the death and destruction our armed forces have caused in China and Nicaragua in 1927–28, and the recent statements from the Secretary of the Navy give 21 of our marines killed and died of wounds, and 202 natives killed in Nicaragua in the past year. I am not proud of these figures, Mr. President. It seems to be popular at present to speak of our soldiers and marines as though they were welfare workers, engaged in philanthropic missions here and there about the world. If that were really the object, Mr. President, we might better send the Salvation Army, for their record for welfare work is vastly better than that of our war forces.

O Mr. President, I am not in any way blaming the soldiers and marines. Oh, no; they are not to blame. "Their's not to reason why; their's but to do and die." The blame is ours, here in the Senate and the other branch of the Congress. We have the power to regulate these conditions and to change our methods, so that never again shall an agent of ours kill people in the name of the United States, thereby inviting hatred and violence from others.

Let us not be deceived. The purpose of armed forces is to kill, wound, to maim, to destroy. I quote from the official training regulations of the United States Government:

The fighting instinct of the individual soldier must be developed to its highest point by the instructor. (Training Regulations, No. 50–25, War Department, Washington, January 2, 1926, p. 1.)

The point of the bayonet should be directed against the opponent's throat, especially in hand-to-hand fighting, so that the point will enter easily and make a fatal wound on penetrating a few inches. Other vulnerable and frequently exposed parts are the face, chest, lower abdomen, thighs, and, when the back is turned, the kidneys. The armpit, which may be reached with a jab, if the throat is protected, is vulnerable because it contains large blood vessels and a nerve center.

Four to six inches penetration is enough to incapacitate and allow a quick withdrawal, whereas if a bayonet is driven home too far it is often impossible to withdraw it. In such cases, a round must be fired to break up the obstruction. (Ibid. p. 5.)

In many instances, a kick to kneecap or crotch will aid the butt stroke. A butt stroke or kick will only temporarily disable an enemy, and it should be clearly understood that the butt must not be employed when it is possible to use the point of the bayonet effectively. (Ibid. p. 22.)

There is a lot more in these training regulations to show how war maiming and killing can best be done, the rewards going to those most skilled in the job, as the next quotation shows:

* * * to each officer and enlisted man qualifying for the first time as bayonet expert, insignia indicating their skill with the bayonet will be issued. (Ibid., p. 43.)

Not much philanthropy or Christianity about that. Are we proud of teaching this to our boys and sending them out in the world to practice it?

Col. Charles Erskine Wood, of California, a West Point graduate of 1874, who saw 10 years of active service, in commenting upon these instructions at the hearing on this amendment last winter, said:

Now, the art of war, if it is an art, has changed very greatly since I left West Point and was engaged in slaughtering Indians * * * we did not have such things as poison gas, and my instruction in the use of the bayonet was always to spare your man if he was down and wanted quarter, and we were not told to seek out his kidneys if he lay on his belly and seek out his heart if he lay on his back. (Sixty-ninth Cong., 2d sess., hearing before subcommittee of Senate Committee on the Judiciary, constitutional amendment making war legally impossible. January 22, 1927, Government Printing Office, Washington, D. C.)

Mr. President, what happens to the souls of our boys while they stand before dummies in human form learning to perfect the diabolical use of the bayonet? And what must they think of us, the United States Congress, who, in the last analysis, are responsible?

So long as we sanction and provide for war we are responsible for every act of war, for all the agony, all the torture, and all the hideous waste it involves.

This, for instance, is a description of a trench raid by Maj. Gen. Robert Lee Bullard, who was with the A. E. F. in France:

* * * It is a short, terrible, crashing fight, a thing of a few rods and a few minutes, filled with danger and death. It is preceded and followed by a tornado of artillery fire that drives men into the earth as the only safety, from which they may not emerge at all—or emerge to death or capture. Its suddenness, its hand-to-hand deadly encounters, its carnage at close quarters with daggers, pistols, and fearful explosives, its shattering, bloody, merciless action, make it terrible to both raiders and raided. Well that it lasts but a few minutes—it can not last more. (Bullard, Personalities and Reminiscences of the War, p. 148.)

Here is another picture of war given us by an American soldier named Wallace, writing of his experiences in the British Army in the Dardanelles:

For seven weeks we lay in this position, with 2,400 dead men lying within 10 yards of us, unable to pull them into the trench to cremate them or to get out and bury them. There it lay—heads, arms, legs, feet, hands, brains, and entrails and pieces of flesh, littered all over the slope of the parapet; the hot broiling sun blazing down upon this mass of mutilated human flesh to rot it and form maggots. And then it rained and washed all this nauseating mass into our trench. And in this we had to eat, sleep, and live! (Wallace, Daniel H., Shanghaied into the European War, 1916, published by League of Humanity, Chicago, p. 9.)

Mr. President, these things are not decent. They are not civilized. They are not Christian. We boast of our advanced civilization. We are pleased to call ourselves a Christian nation. After thousands of years of civilization and after 1900 years of Christian teachings, in the name of the Great Master, is it not time to abolish war? It seems all but incredible that at this day and age we can send our boys to war to do such deeds and endure such suffering. The reason is, of course, that in this matter of war we think in terms of nations and governments and so-called sacred property rights, and not in terms of human beings as the victims. We like to think of the courage, the bravery, the heroism of our boys. But it is our duty here to see to it that their youth, their strength, their courage, their loyalty shall not be betrayed by ignorance, fear, hate, or greed.

It is our finest young men we send to war.

The Napoleonic wars shortened the stature of the French race by killing off so many tall soldiers whose height would have been inherited had they lived to have children. So also the World War has killed off the healthiest, strongest, bravest, and most intelligent young men of Europe—medically selected for slaughter. (League or War? By Dr. Irving Fisher, p. 206.)

Why do we go into war?

I quote from an address made at Harvard University in June, 1927, by the Hon. Alanson B. Houghton, our present ambassador to the Court of St. James:

War does not originate from time to time simply in a sudden and uncontrollable impulse on the part of one of these great national masses to go out and slaughter another. War is possible, no doubt,

because these masses are willing, under conditions, to fight. But these conditions are themselves an integral part of the problem. And that problem—

He continues—

broadly speaking, is the outcome of a series of maneuvers by which the masses concerned are brought into positions of opposition. Obviously, this maneuvering is not done by the masses themselves. Collectively and as individuals they have little, if anything, to do with the subtle and gradual shifting of international relationships. Their interests are directed to the more humble and prosaic task of earning a living.

The maneuvering is done by little groups of men called governments. These little groups seek constantly and naturally to gain supposed advantages of one sort and another for their own nationals. Out of their efforts to enlarge or to strengthen or to maintain the interests intrusted to their charge the masses they represent are gradually maneuvered into positions which, to say the least, can not easily be surrendered. If the process continues, sooner or later a situation arises in which an agreement between these small groups becomes impossible. Then, on the ground that their lives and families and property are somehow involved and endangered, these great masses of men and women, roused by every power of organized appeal and propaganda, are ordered under arms, and war follows. The entire process is in control of the smaller groups. They make the issue. They declare the war. The masses they control simply obey.

That is what our present ambassador to the Court of St. James says.

This statement is undoubtedly true. Ambassador Houghton might have added that every country in the World War conscripted its soldiers. The United States, after conscripting, endeavored to make the soldiers hate the enemy. For example, here is an extract from the diary of Maj. Gen. Robert Lee Bullard:

January 8, 1918: Am engaged in a hate-making campaign against the German. I am trying to imbue our soldiers with a determined hatred of them, their method, their purposes and acts. It is justified by German conduct in Belgium and France. It is, besides, a part of the preparation necessary. I believe that I shall succeed. * * * I deemed it especially necessary with our men, because many of them had been quite accustomed to Germans as fellow-citizens at home in the United States. Not having found them cruel or brutal, they would think that the Germans as an enemy had been lied about greatly by English and French. (Bullard, Personalities and Reminiscences of the War, pp. 116, 118.)

War ought to be outlawed because of what it always, and of necessity, involves—hating and lying, killing and maiming, violent coercion of body and soul. We ought to outlaw war, even if it could ever profit us or protect us, though there is no conclusive evidence that it can do either.

The only way in which we can outlaw war is by amending the Constitution. If there were any other way, no one would propose so drastic a change, and one which will take several years at least to accomplish. So long as our fundamental law gives war powers to the Government, war will be a legal activity, which we can not restrain by a treaty, by an act of Congress, even by a referendum of the people.

I have been asked why I do not modify this resolution. One suggestion is that war be made illegal except in case of invasion. What would be the result? We would have, as we have now, a great Army, Navy, and air force to protect us from the possible, though to my mind very improbable, invader; for even now, with war for any purpose, even aggression or conquest, entirely legal, we are told that our armed forces are merely for defense—defense of our lives, our homes, our institutions, our industries.

The most ardent of our preparedness advocates will not admit that our Army should or could be used for invasion. Our greater Navy advocates will not admit any desire for conquest. Oh, no; their one plea is preparedness and defense. Therefore, if war were legal only for the purpose of resisting invasion, we would have just such an Army, Navy, and air force as we now have. We would then, as now, confess our willingness to hide behind the bodies of our boys in order to keep ourselves safe. In the meantime our boys would be used, as they are now, to protect our business interests and alleged property rights away from home; getting us into trouble instead of keeping us out; using our flag to cover greed and coercion, instead of holding it up proudly as the emblem of liberty and justice.

There is the same objection to the proposal for a referendum on war before Congress can declare war in any given instance. The Army, Navy, and air forces would have to be maintained ready for use in case the result of the referendum were in favor of war, though I do not believe the people of the United States would ever vote in favor of war, no matter how much misleading propaganda had previously been fed to them.

It has been suggested that we enter into agreements with other nations not to fight, but keep our armed forces to use in case the other nations break their agreements. That suggestion also shows faith in the efficacy of armed force, and implies moral sanction for it. Moreover, the possession of armed forces means the use of them, either directly in actual killing or indirectly in coercing the weak, because it seems to be easier to resort to violence than to rely upon justice and intelligence. War is the selfish and greedy man's way of settlement.

If, as a practical matter, it were possible to make treaties with other countries outlawing war and also providing for complete disarmament, the treaties would not be binding as far as we are concerned, because they would be in conflict with the war powers granted by the Constitution of the United States, and a treaty can not deprive the Government of its constitutional powers. Moreover, any treaty can be nullified by an act of Congress of subsequent date, if, and in so far as, the two are in conflict.

This amendment differs from other peace plans which have been proposed in that it does not attempt to reconcile war and peace. The amendment is designed merely to make war legally impossible. Its proponents believe this can and should be done. They believe that the resort to violence is now in no sense a necessity but a habit, a survival of the time when the economic and social interests of men and nations were conflicting, not interwoven and interdependent at all points, as we now see them to be.

Therefore the proposal does not bear on its face the solution of all economic problems, all national and international relations. Many people contend that war and preparation for war must go on until a solution is found. That might be a reasonable contention, if war offered any such solution. Even then some of us might prefer the disputes, the animosities, and the problems to the war; in short, prefer the disease to the remedy. A successful operation which kills the patient does not amount to much. What war has ever been worth the cost?

War does not settle trade disputes, abolish racial animosities, guarantee the safety of lives, investments, and governments, or furnish a permanent cure for hate, greed, and murder. In fact, war actually prevents such settlements, guarantees, and cures, because it sweeps whole nations out of sanity into the grip of the most destructive emotions, far beyond the call of justice, reason, and humanity.

The development of modern warfare makes it almost impossible to talk of the defense of life or property, no matter how efficient the army, the navy, and the munition workers may be. With aircraft capable of crossing the ocean and destroying our cities in a night, it is futile to talk of the sacred right of self-defense. The right may still exist but the defense is practically impossible.

The following quotations were used by Dr. Irving Fisher in his book League or War:

[From the New York Times, March 13, 1921]

The Chemical Warfare Service has discovered a liquid poison so strong that three drops will kill anyone whose skin it touches. * * * Falling like rain from nozzles attached to airplanes, the liquid would kill everything in the aircraft's path.

The use of poisonous gas at the end of the World War was a child's game compared to what it will be in the future. (Brig. Gen. A. B. Fries, Chemical Warfare Division, United States Army.)

In a report to the League of Nations, published in the New York Times of August 22, 1924, Professor Angell said:

That whereas it is possible to take refuge from steel projectiles and high explosives in deep trenches and dugouts, there is no refuge from deadly gases.

And Professor Mayer doubts whether the world sufficiently realizes the power of the new arms and the dangers to which they expose populations, while Professor Cannon goes further and says that in the last war nothing was seen which is even comparable with the probable destruction of industrial regions and the massacres of civilian populations in the war now being planned.

Mr. President, this is a far cry from the Middle Ages, when it was forbidden to bombard a city before due notice had been given and every opportunity granted the noncombatants to flee from the danger.

No; there will be no guaranty of safety in the "next war," either to life or property. There may be an apparent victory, perhaps, for the nation which is most ruthlessly efficient in the use of bombs, poison gas, and disease germs, which sacrifices its own population and wealth and destroys without scruple or discrimination the enemy, young and old, women and children, ill and infirm. I can not believe, Mr. President, that such a victory could possibly be worth the price.

Many people realize that a guaranty of safety or defense is impossible for anyone to give, yet demand that guarantee before they will consider this amendment. They wish to keep the advocates of the amendment busy, offering them facts and figures about arbitration, passive resistance, multilateral treaties, and so on, in order that they themselves will not have to think about the amendment and the truth which it embodies, namely: That violence and bloodshed are always wrong in principle and disastrous in practice. These same people admit that stealing is wrong in principle and generally disastrous in practice. They do not say, "Give me a guaranty that I shall always have plenty of money or I will steal and make others steal for me." That would be unmoral. Is it not even more unmoral to demand the guaranty before we refrain from killing our fellow men—unmoral for those who believe that human life should be held sacred, unmoral also for those who believe that law and order must suffer whenever and wherever life is held cheap?

It is said that cannibalism became unpopular when some cannibal, with the vision of a capitalist, saw that it would be more profitable to keep his victim alive and make him work, since insteat of merely furnishing one meal he could produce many meals for his captor.

If we are not interested in abstract morality, we can certainly see that instead of killing our neighbors we might better let them live and trade with them, thus producing many meals and much prosperity for ourselves.

To my mind these are the only questions we need ask ourselves: Is war a crime against humanity? If so, shall we commit that crime? Or shall we say we are done with it—It shall be outlawed?

The proponents of this amendment say outlaw war. My home is near the Canadian border. That border is unarmed. Between Canada and the United States there is peace and friendship. It is possible to extend that peace and friendship to the world, and it is possible to begin now.

If this resolution be adopted, if the United States disarm completely and spend a little money to let the people of the world know why we are unarmed, no one will attack us. Governments might be willing, but their people never would.

In any event, I would rather take the chance that we might possibly be wrong in putting such faith in our fellow men than to face the certainty that our country will continue to commit the crime of war, and face the certainty of destruction of life and property, almost beyond human comprehension, if another world war is waged.

I am not alone in believing that the much-heralded invading enemy of an unarmed nation is a myth; almost as much of a myth as the nation which fights solely in self-defense.

"No nation has ever admitted being an aggressor," says Arthur Ponsonby, a member of the British Parliament and former Undersecretary of State for Foreign Affairs. Mr. Ponsonby has spoken for the abolition of the air forces and is working for the complete independent disarmament of Great Britain. Disarmament by example, he calls it.

No nation could get its people to support a war which was declared openly to be a war of aggression.

Continuing, he says:

An attack leveled against a nation which had repudiated the idea of ever resorting to force, and which, therefore, could not be suspected in the remotest degree of provocation, would ipso facto be a war of aggression before the world. No nation, no government, no statesman would be a party to any such move. The fear, therefore, of a disarming or unarmed nation being attacked is imaginary and need not be taken into account. * * * Disarmament must be treated as the preliminary to, not the consequence of, security.

Other members of the House of Commons are working in that body for the complete disarmament of the British Empire. On five different occasions the question of doing away with the armed forces of Great Britain has been debated and brought to a vote, the last time being on March 12, when 116 members voted to abolish the air force and 215 voted to retain it.

Mr. President, at the proper time I am going to attempt to get a vote upon this resolution, but I predict right now that there will not be enough Members of the United States Senate with the nerve to allow the resolution to be voted on. They do not want to vote for it, and they do not dare to vote against it. They have not the courage of our English brothers over in the House of Commons, where 116 voted on the 12th of March to outlaw and do away with the air force of that nation.

I have the official reports of the House of Commons. In 1924, speaking on a motion the intent of which was to abolish the British Army, Mr. Ayles said:

I believe that had we learned the lessons of the recent war, and of every war that has gone before that, we should have come to the conclusion that we can not get any kind of security from armed force and from the preparation of armed force. When have armaments given us security? What did we find during the war? We found that in 1914 the greatest military machine this world has ever known was in the field against other armies. Where is the German army to-day? It is extinct. It brought no security to the German men and to the German women, who were led to believe that armed force meant security. * * *

I want to suggest that so far as any kind of security is concerned, in the time of Napoleon, when his victorious army marched across Europe, and when he was more victorious than ever before, France was less secure than ever she had been. In 1914 the greatest military power in the world, with all the forces and all the skill which she had, was not able to safeguard her own homes or her own people.

* * * I believe in complete and final disarmament, even in the midst of an armed world. I believe that the nation that is prepared to have the courage in the midst of an armed world to lay down its arms and not to be filled with fear—fear dogging its footsteps and paralyzing its efforts—will be the only safe nation, will be the only secure nation, will be the only nation that will be able to lead the nations of the world into the paths of righteousness. * * * You have failed with all kinds of armaments and with all wars in the past. You have degraded the world; you have degraded society; you have spoiled the whole lives of millions; you have destroyed the wealth that has been built up, and which ought to have been used for the betterment of mankind. The time has come to disband your armies and for every man to say, "We will never use our hands or our brains to slaughter our fellow men." In other words, the time has come when we should dethrone Mars and exalt Christianity. (Official report, Parliamentary Debates, House of Commons, vol. 171, no. 34, March 17, 1924, pp. 119–125, printed and published by His Majesty's Stationery Office, Imperial House, Kingsway, London, W. C. 2, England.

In support of the same motion Mr. Thurtle, an ex-soldier, spoke in the House of Commons:

Why am I here to support this amendment? * * * because of my experience on the other side of the channel. The conclusion I came to as a result of that experience was that the kind of ordeal to which human life is put in modern scientific war, with its intensive barrage, its poison gas, its tanks, and things of that sort, is such that no human being ought to be asked to endure it. It is an ordeal which is too great a strain for man's physical and nervous system.

I might say here, Mr. President, that right here in our own United States, of which we are so proud, we have to-day over 24,000 of our returned soldiers in hospitals for the insane.

Mr. Thurtle continued:

* * * When you inveigle the inexperienced youth of this country into the Army, do you call their attention to the fact that the Army contract involves a great deal more than getting good clothes, good pay, good food, with attractions in the shape of an education? When you put these objects and advantages before the youth of the country you always keep in the background, whether it be in the air force of the Army or whatever portion of it, the real purpose for which you are getting them, which is that you may use their lives and limbs as a living shield to protect you in the case of a great war.

* * * What we are trying to say to the House and to the people of this country is that some time some country has to break this vicious circle and to make a definite stand and say that this vicious circle of fear is not going to continue. What we want to say to the people of this country is that there can be nothing finer or greater than that this country should be the country to take that stand first of all. * * * It is the duty of this country to say, * * * "We are going to establish a precedent, we are going to give one clear call to all the nations of the world." I am perfectly certain that if we give that clear call we shall rally the whole of the peoples to our standard. (Ibid. pp. 125–133.)

If you think these English members of Parliament and this Senate joint resolution too idealistic, here is the alternative, here is war:

In the World War the United States lost 125,500 men (Leonard P. Ayres, The War with Germany, p. 57), had 205,690 wounded (ibid., p. 58). There are still in hospitals in the United States 24,493 insane or partially insane soldiers.

In spite of this fearful object lesson preparations are being made for the "next war." I want to read what Irving Fisher says of the last war and of the "next war" in his book before referred to:

THE LAST WAR

What did the war cost? Its money cost to governments was $186,000,000,000, to which might be added the billions spent during the generation preceding the war in preparing for it. This does not count the

billions of dollars' worth of devastation in France and Belgium and on the sea—the destruction of ships, factories, railroads, mines, soil—nor the intangible costs of disrupting trade and industry.

In human lives it cost 10,000,000 killed. This does not include the 30,000,000 of civilians "who might be living to-day."

In morale it cost respect for law and decency, a widespread demoralization from which the world probably can not recover in a generation. (Fisher, Irving, League or War? p. 205. Harper & Bros., New York, 1923.)

THE NEXT WAR

* * * And "the next war" will probably cost more in every one of these ways. In that war not soldiers only but helpless women and children will be asphyxiated by the newly invented gas bombs to be dropped from the sky. Whole cities, like New York, will have their inhabitants put to death by this method, and its buildings set on fire by other gas devices. The next world war means the suicide of the world!

This is not the kind of a nightmare that we have in our dreams. It is a nightmare of broad daylight. It simply represents the hard, cold facts of modern warfare as thus far developed, without any guessing as to further developments which future military science has surely in store for a world so blind as to countenance war. (Ibid., p. 206.)

Some say that we are not prepared for war and that there will be no "next war," but the War Department counts to-day on a man power of more than 675,000 men, including men in the Regular Army and Navy actually in service and the Organized Reserves. This figure also embraces men and boys, still civilians but partly trained either in the National Guard, the National Guard Reserve, citizens' military training camps, the Reserve Officers' Training Corps, civilian students' Army correspondence schools, the Naval Reserves, the Naval Reserve Officers' Training Corps, rifle clubs—a total of 17 branches of both services.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from North Dakota yield to the Senator from Utah?

Mr. FRAZIER. I yield.

Mr. KING. It would be relevant to the matter just referred to concerning appropriations if the Senator referred to the appropriation bill carrying nearly $400,000,000 for the Army for the next fiscal year and to the naval bill now before us, carrying nearly the same amount for the Navy for the next fiscal year. In addition to that, the Secretary of the Navy, with the approval of the President and the Budget, as I am told, recommended an appropriation of $740,000,000 additional for new naval construction. Knowing, as we do, that most naval construction always exceeds the amount of the estimates, and in many cases the final costs are from 50 per cent to 100 per cent above the estimates, it would mean, if all of the demands of the executive departments are granted, Congress would appropriate directly and authorize the appropriation directly and indirectly approximately $2,000,000,000 for military purposes for the next fiscal year. It seems to me that the militarists in the United States, with their strident voices, are quite successful in suppressing the voices of those who speak for a safe and proper naval policy and for world peace.

Mr. FRAZIER. I appreciate the Senator's suggestion, and I may state in connection with that line of thought that the report of the Secretary of the Treasury for the fiscal year 1927 gave some very interesting figures on expenditures for that year. Fifty-one per cent of the total expenditures by the United States Government for that year were for public debt and interest on the public debt, and the public debts are war debts. Thirty-one and a fraction per cent was for military functions. Seventeen and a fraction per cent was for civil functions. Undoubtedly a considerable portion of that 17 per cent plus is for war preparations, for expenditures we would not need if we were not preparing for war. In other words, 82 per cent of our annual expenditures raised by taxation from the people of the United States goes for past wars and preparation for future wars.

The ideal of the War Department is universal military training (Annual Report Secretary of War, 1921, p. 9).

In its Army Regulations the War Department takes for granted that immediately upon the declaration of war a conscription act similar to that in force during the World War will be jammed through Congress. (Army Regulations, No. 120–10, War Department, June 18, 1926, mobilization man power for military purposes, p. 7.)

The general plan for mobilization has been formulated and is in the hands of the local authorities throughout the country. (Ibid., pp. 3, 4, also Annual Report Secretary of War, 1927, p. 30.)

Army regulations for them provide in detail for the—

recruitment for the organization and the reception of men from the local draft boards. (Army Regulations, No. 135–10, War Department, Washington, December 31, 1924, par. 13, c. p. 5.)

And specifically state that—

prior to the operation of the selective service law—

There will be—

intensive voluntary recruitment at home stations, rendezvous or mobilization points. The personnel required to bring all mobilized cadres to war strength will be obtained directly from local draft boards. * * * (Army Regulations, No. 120–10, War Department, Washington, March 5, 1924.)

We have guns, bayonets, poison gas, tanks, and bombs. We are accumulating a war reserve of weapons and ammunition. Congress has been asked to authorize "educational orders" for munitions to be placed among private concerns, those concerns to be paid for keying their factories to war production and training their men in the manufacture of war material (Annual Report Secretary of War, 1927, p. 36), the contention being that it is necessary to have definite plans to prepare millions of men for war-time production. (Ibid., p. 39), since at least 17 civilians must work behind the lines to maintain one soldier in the line. (Assistant Secretary of War, in an address on January 24, 1927, reprinted in the United States Daily, January 25, 1927.)

We have raw materials allocated by 20 commodity committees. (Annual Report Secretary of War, 1927, p. 32.)

We have military men in contact with an executive railroad officer in each corps area, and car-service division representatives in touch with War Department agents. (Ibid.)

We have maps of all the transmission systems and plans for the coordination of the power industries urged upon the National Electric Light Association as a war measure. (Ibid., p. 33.)

The Navy Department reports 305 vessels in full commission, including battleships, cruisers, submarines, destroyers, and airplane carriers, with 190 aircraft attached to the fleets. (Annual Report Secretary of the Navy, 1927, pp. 10, 42.)

Mr. President, who can tell when this "next war" is going to come? When is this fearful machine, composed potentially of all the able-bodied men of the United States, trained in the latest scientific devices of slaughter; disciplined to instant, unquestioned obedience; drilled in the art of bombing, gassing, and bayoneting their fellows; supported by regimented industries back of the lines; reinforced by those iron monsters patrolling the seven seas and further augmented by an immense air force to start on its path of terror and destruction?

Or shall we decide not to have this "next war"? The decision lies with us.

War is a tremendous stupidity, a denial of our own intelligence. It is not only murder on a vast scale, but often national suicide on a larger scale. It is the means through which, so far, many civilizations have perished, and could easily be the means by which we also might be destroyed. War is primitive and barbaric. It should have no place in present-day civilization. It should be outlawed. The United States should set the example. Are we, as Members of the United States Senate, willing to pass this resolution and give the people of the various States a chance to speak on this subject? In my opinion the great majority of the people of this country would be glad to vote to outlaw war if given an opportunity to do so. I want them to have that opportunity.

This amendment to outlaw war is not expected to meet with the approval of people who always want to follow the established custom and who think that any suggested reform is a radical heresy. It will not be approved by those who believe in the "divine right of kings," in the divine right of a government to plunge its people into war. Neither will it be approved by those who believe in the sacred right of property over that of human life.

But the amendment is favored by those who honestly believe that war is a crime toward humanity and by those who honestly believe in the right of the people to govern.

I quote from Ralph Waldo Emerson's Essay on War:

If you have a nation of men who have risen to that height of moral cultivation that they will not declare war or carry arms, for they have not so much madness left in their brains, you have a nation of lovers, of benefactors, of true, great, and able men. Let me know more of that nation; I shall not find them defenseless, with idle hands swinging at their sides. I shall find them men of love, honor, and truth; men of an immense industry; men whose influence is felt to the end of the earth; men whose very look and voice carry the sentence of honor and shame; and all forces yield to their energy and persuasion. Whenever we see

the doctrine of peace embraced by a nation, we may be assured it will not be one that invites injury; but one, on the contrary, which has a friend in the bottom of the heart of every man, even of the violent and the base; one against which no weapon can prosper; one which is looked upon as the asylum of the human race, and has the tears and the blessings of mankind.

Mr. President, at the proper time I intend to do everything in my power to bring about a vote on Senate Joint Resolution 1.

Mr. BROOKHART. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. FRAZIER. Gladly.

Mr. BROOKHART. Has the Senator any information as to those contracts or tentative contracts which have been made for the use of industries in the next war?

Mr. FRAZIER. I will say to the Senator that I have no definite information, but from the authentic reports which I have I believe such arrangements are being made.

Mr. BROOKHART. There has been a special mobilization of industry provided for. I mean to bring it before the Committee on Military Affairs soon, if I can. In a general way, as I understand it, it is proposed that we are to bring about a stabilization of prices and of earnings, and these industries are to be given a 6 per cent capital return, plus expenses, costs, and everything else.

Mr. FRAZIER. That is, on a cost-plus basis?

Mr. BROOKHART. Yes; only it is 6 per cent or something like that, as I understand the arrangement. It seems to me that any arrangement of that kind would be the greatest possible encouragement for the industries to go into war, in time of depression particularly, when their earnings were low, because they would profiteer over and above peace times even by such arrangements as may have been made for stabilization in war time.

Mr. FESS. Mr. President, will the Senator yield?

Mr. FRAZIER. In just a moment. From our experience in the past war with the profiteering that went on, we would naturally assume that the statement of the Senator from Iowa is correct, because it is so well known that there were some 17,000 new millionaires created, as I recall.

Mr. BROOKHART. It was reported that there were 23,000. The Treasury Department could not find all of them, however.

Mr. FRAZIER. There was a vastly greater number of millionaires after the war than there was at the beginning of the war. I now yield to the Senator from Ohio.

Mr. FESS. The query of the Senator from Iowa, which was quite strong, might be answered by what I think it is generally going to be conceded will be done in case any other war comes on, and that is the conscription not only of the man power of the country but of the money power as well. In other words, if we ever become involved in war we shall never limit the operation of conscription to the war elements.

Mr. FRAZIER. Mr. President, I am very glad to hear the keynoter of the next Republican National Convention make that statement, because the Senator from Ohio remembers that at the beginning of the World War anyone who advocated such a thing as that was called a traitor. I know, because I advocated it.

Mr. FESS. The Senator may recall that I offered an amendment on the floor of the other House to that effect at the time we were discussing the man power bill; so it is no new thing to me. I have long had such a conviction.

Mr. NORRIS. I do not see how the Senator from Ohio escaped. [Laughter.]

Mr. FESS. And, secondly, I am convinced that since the war there has been a general unanimity of sentiment that in case of another war the conscription policy, if applied at all, must be applied generally.

Mr. BROOKHART. Mr. President, on that proposition I desire to state that the American Legion has favored a resolution for a long time—and the rank and file of the Legion believe in it—to the effect that the next time we have a war capital shall be drafted on the same terms as those on which men are drafted. But at this session there has been introduced in both Houses a universal draft bill with the indorsement of certain leaders of the Legion, the auxiliary of the Legion, and I presume of the D. A. R.—I think that body indorsed it; at any rate, it has the indorsement of a great many of the members of that organization. That bill provides for the drastic draft of men by the President even before a declaration of war, but when it gets down to capital in war, I want to call the attention of the Senator from Ohio to the fact that it says we will stabilize the earnings of capital and the price of commodities; there is no drafting of capital about it. According to information I have—I do not state it as accurate, because it is not official—the War Department has mobilized the industries at 6 per cent, whereas if capital were drafted as are men it would be mobilized at 2 per cent, or something like that. In case that be true this draft scheme that is being tried to be put over in Congress at this time is another war-profiteering scheme of gigantic proportions.

Mr. FRAZIER. It looks that way. Since the Senator from Iowa has mentioned the Daughters of the American Revolution—I had not intended to mention that organization—I will say that I clipped from the editorial column of Arthur Brisbane in this morning's Washington Herald this little article:

> The charming and lovely Daughters of the American Revolution admit that they have a "blacklist," made up of public men and public speakers. "We must take great care in selecting our speakers," the ladies say, "for there is dangerous radicalism abroad."

Brisbane continues:

> Patrick Henry would be on that "blacklist," of course, and several other radicals connected with the Revolution. As for Him who said, "Take all thou hast and give to the poor," He would be barred from D. A. R. speaking, as a matter of course.
>
> However, these are dangerous days. It's a blessing we have those ladies to protect us.

Mr. HEFLIN obtained the floor.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. NORRIS. I will say to the Senator from Alabama that I am in no hurry to proceed, and if he would prefer to proceed now I will yield and let him go ahead.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. BINGHAM. Mr. President, will the Senator from Alabama yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. HEFLIN. I yield.

Mr. BINGHAM. I do not want to let go by without protest the statements just made by the Senator from Iowa [Mr. BROOKHART] and the Senator from North Dakota [Mr. FRAZIER]. I know statements of that kind with regard to manufacturers and their willingness to drag this country into war if they are not doing well in their business are thought by many persons to be unworthy of any consideration whatsoever, but, coming from a manufacturing State and one that produced more munitions during the World War for the cause of the Allies and for the cause of America than any other State, and knowing many of those manufacturers personally, I want to state in the strongest and most emphatic way possible that, so far as the manufacturers of Connecticut are concerned—and I have no reason to believe that they are any better than those in the other States of the Union—I do not believe that there is a single manufacturer in this country so unpatriotic, so selfish, so thoughtless of suffering as to be willing to see war come because his business is not prosperous.

Mr. BROOKHART. Mr. President, can the Senator from Connecticut give us any information in regard to the tentative contracts which have been made?

Mr. BINGHAM. No; I am not familiar with that matter, but I wish to say that I think before the Senator made such a charge on the floor of the Senate he ought to have asked the War Department, through the chairman of the Military Affairs Committee, whether any such cost-plus-6-per-cent arrangement had been made with our manufacturers.

Mr. BROOKHART. I have asked for and I expect to have that information; but there was quite wide publicity given to this mobilization plan. I do not know that it included any manufacturer in Connecticut, but I will find out; and, until I do find out, I will not hold them guilty.

Mr. BINGHAM. With regard to the mobilization, it is a well-known fact that Congress has given to the Assistant Secretary of War the power of making arrangements with manufacturers so that in case of war we need not take so long as has been the case heretofore to get under way. What those arrangements are, however, I do not know.

Mr. BROOKHART. They are not drafting arrangements such as have been so eloquently suggested by the Senator from Ohio, and I insist that capital shall be drafted on the same terms as men are drafted.

Mr. FRAZIER. Mr. President, will the Senator from Alabama yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Dakota?

Mr. HEFLIN. I yield.

Mr. FRAZIER. I should like to ask the Senator from Connecticut if he knows how many new millionaires were made in Connecticut during the World War?

Mr. BINGHAM. No. I know that this country was very prosperous during 1914, 1915, and 1916, when the countries of the world were paying millions and millions of dollars to our manufacturers all over the country for the purchase of commodities which they needed. It is my opinion from what I saw, although I was not in a position to see much during the war, for I was in the Army myself, that the money made in this country was made before the United States entered the war rather than afterwards.

Mr. FRAZIER. But we have ample figures to show that there was all kinds of money made during the war time, when we were actually in the war. There was a lot of graft that went on during that time; there is no getting away from that and no doubt about it; although we might go a little further back and say that a great amount of money was made during the war period previous to the time we went into the war. However, does the Senator from Connecticut think it was just right for a neutral country, as we were supposed to be, to furnish some of the warring nations with munitions to carry on the war?

Mr. BINGHAM. Certainly. I am glad we furnished them; and if we had not furnished them there is a likelihood that the Allies might not have won the war. However, as to a single manufacturer desiring to involve us in war for the sake of making money, it is not so.

Mr. FRAZIER. Of course, there is room for difference of opinion there.

Mr. BINGHAM. Can the Senator mention the name of a single manufacturer who did that?

Mr. FRAZIER. The hearings brought out all kinds of facts in regard to that. I can give the record if the Senator desires.

Mr. BINGHAM. That a single manufacturer desired to involve us in war so that he could make money?

Mr. FRAZIER. They made all kinds of money, but I do not know what their desires were; of course, that is a hard thing to tell; we can only judge that from their attitude and what they did. Perhaps the Senator does not remember the occasion, but I made a statement on the floor of the Senate during the discussion of the World Court question quoting Colonel House and calling attention to the fact that he stated in an article published in a magazine, the name of which I do not recall at the moment, that had it not been for the fact that Germany was reckless in her use of submarines and in some other measures she took along that line, and had it not been for some other mistakes that Germany apparently made, this Nation might have found itself on the side of Germany instead of on the side of the Allies in the World War.

ACQUITTAL OF HARRY F. SINCLAIR

Mr. HEFLIN. Mr. President, I wish to say a few words about a very startling and shocking thing that has just taken place in the Capital of the Nation.

Some months ago the Capital was shocked, as was the Nation, when told that a "bye-bye blackbird" jury had acquitted Doheny and Fall. All honest men and women in the country were dazed, humiliated, and grieved because a court here at the Capital had gone through the farcical performance of investigating high crimes and misdemeanors of a grave national character, and had finished up by giving a clean bill of health to two notorious and guilty criminals. A Cabinet officer, one who sat at the helm of the Nation and helped guide its affairs, who had intrusted to his care rights and properties of the people and of the Government, deliberately betrayed his trust and sold out to Doheny and Sinclair the great oil reserves of the Nation.

Doheny and Sinclair, two of the money lords of the country, reveling in their ill-gotten gain, connived with Fall, this betrayer of his country, and corruptly induced him to sell himself in the market place, and through that corrupt performance they obtained the Nation's rich oil reserves.

President Roosvelt had set aside this valuable oil property to be kept and used some time in the hour of the country's need. President Wilson, followed in his footsteps, safeguarded the arrangement by which these oil reserves were to be held in trust for the people of the United States. No armed band from the outside marched against the strongholds of the Government to deprive it of that property, worth millions of dollars. It was accomplished by treason to the Government, by betrayal of a trust, and by the use of enormous funds of filthy lucre on the part of Doheny and Sinclair.

The Government went out and apprehended these outlaws and national highwaymen and took them into court to answer for their crimes.

The grand jury indicted Fall, Doheny, and Sinclair. The Doheny and Fall farcical trial of hateful memory is behind us. They both, strange to say, were acquitted. Doheny is permitted to go his way, to enjoy himself, to clip his coupons and revel in the fruits of his corrupt dealings with a traitor to the Government. Mr. Sinclair comes on to be tried, and what do we witness at the capital of the country?

Senators, where law enforcement ought to obtain, where the courts of justice ought to stand everlastingly above suspicion and devoted to the principles of right and justice, what do we find in the trial of Mr. Sinclair, this rich money lord of the Nation? When a jury is being impaneled to try him—a jury to lift their hands to God and swear that they will a true verdict render according to the law and the evidence, so help them God—what do we find?

We find Sinclair, with hired villains, trying to bribe the jury as it is being formed, and former detective agencies at the Capital in his employ engaged in this villainous work of helping to break down the courts of justice in the Nation, not out in the interior of the country but right here at the Capital itself. Then what do we see in the court?

I am not condemning courts. I am condemning a court. I am not attacking the jury system. I am attacking particular juries and particular judges. I believe in the courts; I believe in the jury system with all my heart.

What did we see? We saw the trial judge permitting the Sinclair case to be sidetracked, and the court's arm went reaching out into the briar patches and hedgerows hunting for these little fellows who were accused of trying to bribe somebody. The Sinclair case goes over and drags along for another year untried, and in the meantime they have all the time they want to perfect their corrupt arrangements to bring about his acquittal.

Senators, these truths ought to be told by somebody. You can not hold the respect and confidence of the masses of the people in the courts, in our free institutions, if you permit those high in authority to betray their trust, and permit those who are rich to buy their way out of the courthouses of the country. You can not hold the confidence of the respectable men and women of the Nation. You have got to have one standard of justice for the high and the low, the rich and the poor alike. If a millionaire violates the law, it is a reflection on the court and a shame on those in authority in it if they can not convict him and have him punished under the law like other people are punished.

This verdict to-day is shockingly astounding in the face of the ruling of the Supreme Court in this case on the vital facts of the case. This case was tried before Judge Kenyon, formerly a Republican Senator from the State of Iowa, a big, strong, clean, courageous man, now on the circuit court of appeals. He tried the case, and he said that this transaction was branded all over with fraud and corruption. The case was carried to the Supreme Court of the United States by the defense, and the Supreme Court sustained Judge Kenyon, saying that this whole transaction was branded all over with fraud and corruption. Then, if that is true, this whole miserable transaction was unclean, criminal, and rotten. There was no just reason for permitting them to keep this property, and the Supreme Court ordered what was left of it returned to the United States Government. There was no reason why they should not be prosecuted, punished, and imprisoned for their villainous crime against the Government that they have sworn to support and sustain. But what have we got here this morning, Senators?

We have here in the Capital a man, a haughty millionaire, who stands to-day in contempt of the Senate of the United States. He has defied the constituted authority of the greatest law-making body in the world. He refuses to give the Senate testimony when the Senate calls in the name of the Government for that testimony; and to-day he walks the streets of Washington with a clean bill of health—a verdict of acquittal at the end of another farcical performance in a courthouse at the Capital of the Nation. Senators, I read just the other morning about a poor fellow out in the West who had seven or eight children and he was not able to support them all. The little boys had heard the father talk about how scant food supplies were and say he did not see how he could provide much longer for so many children. They found one of the boys upstairs. He had shot himself through the stomach with a pistol. When the doctor reached him and asked him why he did it, the little fellow, writhing in pain, his face wet with tears, said, "I thought there would be one less for dad to have to feed." God bless that little fellow and save his life! We have many poor people in this great country struggling for an honest living, millions of them who are hard pressed for the necessities of life.

These human beings made in God's image have a right to live. Sometimes sheer want and hunger drive them to steal. I sympathize with them and pity them. If they go out and steal a loaf of bread, they are put in the penitentiary.

The military authorities not long ago disgraced a United States soldier, I am told, for stealing two dressed turkeys. Think of that! Here was a boy who went to France and offered his life for his country. Because he stole a couple of dressed turkeys the military arm of the Nation reached out, got him, and dishonorably discharged him and imprisoned him. Think of that!

Out in the Northwest the other day a man held up a bank and robbed it of one or two thousand dollars. They apprehended him and convicted him, as they should have done; but Sinclair robs the Government of the United States of a hundred million dollars' worth of property, violates the law of the land, corrupts Cabinet officers, deprives the Government of supplies for future national defense, then scorns and defies the Nation's Senate—laughs at the laws of the country and escapes punishment in a court at the Capital.

Senators, have the American people reached the point of indifference and decadence where they are no more stirred to righteous indignation by the recital of such wrongs and crimes? This country must wake up. It must be aroused to the importance of combating the dangers that threaten it. Is the spirit of honor and integrity, of self-respect, love of justice and of right principles dying out in our country? What are we doing here to safeguard and preserve them? Certain foreign influences and certain domestic influences are seeking to undermine this great American Government. "They must not pass."

Sinclair goes his way, acquitted. The finding of the circuit court of appeals based on all the facts, and they were undisputed, the decision of the highest court in the land, the Supreme Court of the United States, based on those findings, made on facts, as I have said, that were undisputed—all these have gone down to-day because Sinclair, the man that Governor Smith, of New York, appointed and kept in office during all that time, has his millions and hundreds of millions. Not only has he done that but he has put his Government bonds, strangely purchased, into the hands of Will Hayes, gathering up corrupt campaign funds for the Republican Party and turning them over to Mr. Mellon, Secretary of the Treasury of the United States.

He keeps them and then says that finally he turned them back, and that he, out of his own generous impulse and liberality, took out of his pocket $50,000 and paid it himself, rather than to be found with any of these Sinclair bonds in his possession; but Mr. Mellon never told anybody about that.

Senators, what would happen to the ordinary man in public office if he had been caught connected up with a big scandal like that, and a judge had brought him into court and said, "Didn't you know about this?" "Yes." "You knew about all the circumstances connected with the villainous work of this man?" whoever he might be; it happened to be Sinclair in this instance. "Yes." "Why didn't you tell it? You were guilty of concealing the truth, and to that extent helping to cover up a crime, when you were put into honorable position and expected to cry out against wrongdoing and crime arising from any source, and to serve your country faithfully."

Mr. Mellon never told anybody about it until the Senate committee investigating the matter asked him the direct question on the witness stand.

Senators, are we going to tamely and cowardly submit to the establishment of two standards of conduct in public office—one for the rich and one for the poor? Two standards of justice—one for the rich and one for the poor? If so, we had better put up two courthouses at every place—one for the rich and one for the poor—and write over the door of the entrance of the one for the poor, "Who enters here may or may not obtain justice"; and put upon the front of the other one, "Here is where verdicts are made to order and sold for cash to the highest bidder."

Are we going to come to that? God forbid! I burn with righteous indignation, as I know some of you do, as I talk to-day about this scandalous performance that has just taken place here in the Capital of the Nation. Doheny will rejoice out in California. Old Fall will rejoice—the archtraitor of his country.

Sinclair will, no doubt, spread a feast to-night when he will stand up and say, if he dared to say, "My money is powerful; it is stronger than the institutions that stand on yon Capitol Hill, stronger than the statutes enacted by Congress, stronger than the so-called justice that they claim governs and is over all in this country. My money has wrought this thing and out of the clutches of the Government and its law I am free because I and my money have willed it."

What has he done? He has left a slimy trail behind him that stinks with scandal, corruption, crime, and treason, and the Capital to-day and the Nation to-day are given notice that the ends of justice have been defeated at the seat of government—that a rich man has been acquitted, not because the facts and law justified it, not because he was innocent, but because he corruptly used the power of his purse to procure the results achieved. Admiral Robison will never be able to lift the black cloud that hangs heavy over his guilty head.

Mr. President, it is the duty of Congress to pass additional laws if we have not already laws sufficient to cover all these national scandals and crimes.

There ought to be a statute that would imprison for life any citizen who corrupts a public official and one to imprison for life any public official who becomes corrupt and betrays his country. Neither one of them should ever again be permitted to walk the earth a free man, or stand out in the open under the blue sky of heaven, who betrays his trust, proves traitor to his country, and dishonors himself and those who trust him. For the public officials are in positions of trust and power. They can do much to protect and preserve or to betray and destroy our free institutions. Fall is free out yonder, enjoying the ill-gotten gain that he obtained from Sinclair. He is a rich man now, so far as dollars go. So these mighty rich men, these national crooks, thieves, and scoundrels have laughed at and scorned the National Government. They have defeated the ends of justice and walked out free from the courthouse here at the Capital, within a stone's throw of the White House, where once sat the mighty Jefferson, Jackson, Lincoln, McKinley, Roosevelt, and Wilson. And, Senators, all this has transpired right here in the Capital of our country in this morning of the twentieth century, where we of America are supposed to be the "heirs of all the ages in the foremost files of time."

ERADICATION OF PINK BOLLWORM

Mr. RANSDELL. Mr. President, I ask unanimous consent to report back favorably with amendments, from the Committee on Agriculture and Forestry, Senate Joint Resolution 129, to provide for eradication of pink bollworm and authorizing an appropriation therefor, and I submit a report (No. 865) thereon.

Mr. President and Senators, this is a great emergency. The paper that came in this morning, the United States Daily, shows that the bollworm quarantine has been extended to nine counties in Texas. It is a very serious matter, really an emergency, threatening the entire industry. The Federal Department of Agriculture thinks this pest can be entirely eradicated. It was eradicated, I will say, from southeastern Texas and southwest Louisiana in 1917, 1918, 1919, and 1920, at a cost to the Government of around $3,111,000. Now it has gotten into the western part of Texas, and it threatens the whole industry.

The report of the Secretary was favorable, the Budget recommended it, and there is a unanimous report from the Committee on Agriculture. I would not ask to have this matter brought up at this time if there were not a real emergency, which ought to be acted upon promptly. I ask unanimous consent for the immediate consideration of the resolution.

Mr. KING. Mr. President, I wish the Senator would let this go over until Monday. Let me say that in the closing hours of the last session a demand was made for an appropriation of $10,000,000, as I recall—perhaps it was more—because of the great danger that threatened the corn crop, the statement being that $10,000,000 must be appropriated to eliminate the corn borer before we left the Senate Chamber. I have heard a vast amount of criticism over the action of the Senate, and many have contended that the appropriation was not needed and that much of it had been inefficiently used.

I do not like these imminent appropriations that have to come before us and be passed upon in a few minutes, without full consideration, calling for such stupendous sums.

Moreover, the agricultural appropriation bill which has just been passed carries more than $140,000,000, and in that measure there were a large number of items dealing with subjects of this character.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator object?

Mr. RANSDELL. I hope the Senator will not object. The Senator from Texas [Mr. MAYFIELD] can tell him something about the necessity for this action.

Mr. KING. I will object for the present. I suggest that the Senator seek to have the joint resolution come up later in the day.

The PRESIDING OFFICER. The Chair understands the Senator from Utah to object?

Mr. RANSDELL. The Senator from Utah asks that the joint resolution go over for the present. He may withdraw his objection later in the day.

The PRESIDING OFFICER. The joint resolution will be placed on the calendar.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11020) validating certain applications for and entries of public lands.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1181) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes.

Mr. BINGHAM. Mr. President, we have had some interesting views with regard to the so-called war in Nicaragua. I studied international law under a democratic professor of international law, the late Professor Strobel, who was at one time advisor to the King of Siam, at one time minister to Spain, and at one time Assistant Secretary of State. It was Professor Strobel's idea, as supported by most of the textbooks which we used, that war was a very definite, clearly defined, legal status.

I do not believe in the doctrine of outlawing war, because it appears to me that war is illegal until the Congress makes it legal. If anybody wants to start a war because he thinks it is legal, he will soon find out that it is contrary to law, that the only way there can be war is by special act of Congress. When the people of the United States, through their representatives, indicate that they believe that war is necessary, then that war and that war alone becomes legal.

Mr. FRAZIER. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Connecticut yield to the Senator from North Dakota?

Mr. BINGHAM. Certainly.

Mr. FRAZIER. The Senator from Connecticut then does not agree with the Senator from New Jersey in his statement yesterday that a state of war does exist in Nicaragua?

Mr. BINGHAM. I listened to the Senator from New Jersey during his address yesterday, and I did not hear him make that statement. Perhaps I was not listening at the particular moment the Senator thinks he made it.

Mr. NORRIS. The Senator will remember, if he was here, that it came out in answer to a question I asked him at the conclusion of his remarks.

Mr. BINGHAM. I heard the Senator endeavor to secure an admission of that kind.

Mr. NORRIS. I got it.

Mr. BINGHAM. I am glad the Senator was satisfied.

Mr. NORRIS. I was satisfied.

Mr. BINGHAM. I can assure the Senator that he will not be satisfied with my position.

Mr. NORRIS. I know that in advance, of course.

Mr. BINGHAM. So do I.

Mr. MCKELLAR. Mr. President, if the Senator will allow me to quote what the Senator from New Jersey said, I can refresh his memory.

Mr. BINGHAM. I shall be very glad to have the Senator do so.

Mr. MCKELLAR. I read from yesterday's RECORD:

> Mr. NORRIS. Mr. President, I would like to ask the Senator from New Jersey a question or two. He said he would be pleased to be interrogated when he had finished.
>
> The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Nebraska for that purpose?
>
> Mr. SACKETT. I yield.
>
> Mr. NORRIS. I want to ask the Senator whether, in his judgment, a state of war exists now in Nicaragua?
>
> Mr. EDGE. I presume technically; yes.
>
> Mr. NORRIS. Then I would like to ask the Senator if the Constitution of the United States, which he says is being amended, has not been amended by that war being brought about by the President, without any declaration on the part of Congress.
>
> Mr. EDGE. Technically so.
>
> Mr. NORRIS. That is all I want to know.

Mr. BINGHAM. I am glad to have my memory refreshed in the matter. I do not agree with that position, because I do not believe that technically a state of war exists in Nicaragua, and if the Senator will do me the honor to listen to that which I have prepared——

Mr. MCKELLAR. May I interrupt the Senator again, just before he begins his remarks?

Mr. BINGHAM. Certainly.

Mr. MCKELLAR. The Senator says that a state of war does not exist in Nicaragua.

Mr. BINGHAM. Does the Senator think a state of war exists in Chicago?

Mr. MCKELLAR. No.

Mr. BINGHAM. They kill people there.

Mr. MCKELLAR. I know; but this is different.

Mr. BINGHAM. There are also machine guns being used.

Mr. NORRIS. We have our troops in Nicaragua.

Mr. BINGHAM. We have policemen in Chicago.

Mr. MCKELLAR. We are proceeding against an army in Nicaragua, and that army is proceeding against our troops in Nicaragua, and men are being killed on both sides. The Senator will certainly admit that statement.

Mr. BINGHAM. Men are being killed on both sides in Chicago, as far as I can learn, but that does not prove there is a state of war there.

Mr. MCKELLAR. The Senator certainly knows better than to say that conditions existing between the American Government and Nicaragua are similar to those existing in Chicago. Surely the Senator can not take that position. I have too much respect for the Senator's views to believe for a moment that he would say that there is any similarity between the two situations.

Mr. BINGHAM. I thank the Senator, I am sure.

I was very much interested in an article which the junior Senator from Wisconsin asked to have printed as a Senate document some time ago, and which he quoted recently. It is called Senate Document No. 39, and in it an effort is made to show that under the Constitution of the United States the Congress has power—sole power—to declare war. In the course of the article reference is made to Article I, section 8, clause 2, of the Constitution of the United States, to debates in the Constitutional Convention, and to decisions of the Supreme Court of the United States. Quotations are made also from the utterances of Presidents and Secretaries of State to show that they recognized that the power to declare war rested with Congress.

The meaning of the provision of the Constitution cited seems so clear that it is strange that it should be deemed necessary seriously to argue that the Congress possesses power to declare war. This power has on several occasions been exercised by the Congress and, while questions have been raised as to the dates on which a war began or the date on which a state of war ceased to exist, so far as is known no question has ever been raised as to the power of Congress to declare war or to recognize the existence of war by declaring that a state of war existed, or as to the efficacy of a declaration made by the Congress that a state of war existed. The opening and closing pages of the article, however, disclose that the purpose in engaging in so laborious a discussion of so simple a question is to show that, since 1903, Presidents Roosevelt, Taft, and Coolidge, in employing the armed forces of the United States without authorization of Congress, have sought to wrest the war-making power from Congress. The author of the article seeks to exclude President Wilson from the scope of the accusation by explaining that, although President Wilson's ventures in the Dominican Republic, Haiti, and Mexico entailed the use of armed forces without legislative authority to a greater extent than has been done by any other President before or since his time, President Wilson acted unwittingly under the influence of holdover diplomats.

In the light of the evident purposes of the article, it seems that the real question raised—although little consideration is given to it in the article—is whether the use of armed forces in the manner in which they have been used without express legislative authority constitutes war. Since the article is a professed attempt to discuss the question from a strictly legal standpoint, and inasmuch as the Constitution of the United States by which the war-making power is placed in the Congress is the fundamental law of the country, the questions as to what constitutes war and whether the practice which the author seems to regard as so iniquitous constitutes war in contemplation of law should be considered.

A statement made in the opinion of the United States in Bas *v.* Tingy (4 Dallas, 37) as to the meaning of war is quoted in the article. The quotation is as follows:

> It may, I believe, be safely laid down that every contention by force between two nations, in external matters under the authority of their respective governments, is not only war, but public war.

This was obviously not intended as an all-exclusive or all-inclusive definition of war. Since war between nations is

largely regulated by international law, it is deemed not inappropriate to set forth a definition of war used in a recognized work on international law. The following is quoted from Oppenheim's Work on International Law:

SEC. 54. War is the contention between two or more states through their armed forces for the purpose of overpowering each other and imposing such conditions of peace as the victor pleases. War is a fact recognized, and with regard to many points regulated, but not established, by international law. * * *

SEC. 55. In any case, it is universally recognized that war is a contention, which means a violent struggle through the application of armed force. For a war to be in existence, two or more states must actually have their armed forces fighting against each other, although the commencement of a war may date back to its declaration or some other unilateral initiative act. Unilateral acts of force performed by one state against another without a previous declaration of war may be a cause of the outbreak of war, but are not war in themselves, as long as they are not answered by similar hostile acts by the other side, or at least by a declaration of the other side that it considers the particular acts as acts of war. Thus it comes about that acts of force performed by one state against another by way of reprisal or during a pacific blockade in the case of an intervention are not necessarily initiative acts of war. And even acts of force illegally performed by one state against another, such, for instance, as occupation of a part of its territory, are not acts of war so long as they are not met with acts of force from the other side, or at least with a declaration from the latter that it considers the particular acts as acts of war. * * * (Oppenheim, International Law, 2d ed., Vol. II, pp. 60–61.)

Mr. WATSON. What is the Senator reading?

Mr. BINGHAM. This is from Oppenheim's great work on international law. The Senator will recall that Oppenheim is recognized as one of the world's great authorities on international law.

It will be observed that the author distinguishes between war and the use of armed forces short of war. The distinction between war in the legal sense and war in a material sense was recognized by the Supreme Court of the United States in The Three Friends (166 U. S. 63). The following quotation is taken from the opinion in that case:

But it belongs to the political department to determine when belligerency shall be recognized, and its action must be accepted according to the terms and intention expressed.

That is a distinction which appears not to have been common on the floor of the Senate in recent discussions.

The distinction between recognition of belligerency and recognition of a condition of political revolt, between recognition of the existence of war in a material sense and of war in a legal sense, is sharply illustrated by the case before us. For here the political department has not recognized the existence of a de facto belligerent power engaged in hostility with Spain, but has recognized the existence of insurrectionary warfare prevailing before, at the time, and since this forfeiture is alleged to have been incurred.

It will be seen from the foregoing that, according to responsible authorities, the use of the military forces in itself does not constitute war as that term is understood in law and as it is used in the Federal Constitution. As a matter of common historic knowledge, it has been from an early date in this country's independent existence a practice for the Executive to employ the armed forces to protect American interests abroad.

In a message to Congress of December 6, 1805, President Jefferson, in speaking of depredations committed on the commerce of the United States under the authority of Spain, stated:

Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided. I have barely instructed the officers stationed in the neighborhood of the aggressions to protect our citizens from violence, to patrol within the borders actually delivered to us, and not to go out of them but when necessary to repel an inroad or to rescue a citizen or his property; and the Spanish officers remaining at New Orleans are required to depart without further delay. (1 Richardson, 389.)

In his message of November 16, 1818, to the Congress President Monroe stated:

In authorizing Major General Jackson to enter Florida in pursuit of the Seminoles care was taken not to encroach on the rights of Spain. I regret to have to add that in executing this order facts were disclosed respecting the conduct of the officers of Spain in authority there in encouraging the war, furnishing munitions of war and other supplies to carry it on, and in other acts not less marked which evinced their participation in the hostile purposes of that combination and justified the confidence with which it inspired the savages that by those officers they would be protected. A conduct so incompatible with the friendly relations existing between the two countries, particularly with the positive obligation of the fifth article of the treaty of 1795, by which Spain was bound to restrain, even by force, those savages from acts of hostility against the United States, could not fail to excite surprise. The commanding general was convinced that he should fail in his object, that he should in effect accomplish nothing, if he did not deprive those savages of the resource on which they had calculated and of the protection on which they had relied in making the war. As all the documents relating to this occurrence will be laid before Congress, it is not necessary to enter into further detail respecting it.

Although the reasons which induced Major General Jackson to take these posts were duly appreciated, there was nevertheless no hesitation in deciding on the course which it became the Government to pursue. As there was reason to believe that the commanders of these posts had violated their instructions, there was no disposition to impute to their Government a conduct so unprovoked and hostile. An order was in consequence issued to the general in command there to deliver the posts—Pensacola unconditionally to any person duly authorized to receive it, and St. Marks, which is in the heart of the Indian country, on the arrival of a competent force to defend it against those savages and their associates.

In entering Florida to suppress this combination no idea was entertained of hostility to Spain, and however justifiable the commanding general was, in consequence of the misconduct of the Spanish officers, in entering St. Marks and Pensacola to terminate it by proving to the savages and their associates that they should not be protected even there, yet the amicable relations existing between the United States and Spain could not be altered by that act alone. By ordering the restitution of the posts those relations were preserved. To a change of them the power of the Executive is deemed incompetent; it is vested in Congress only. (2 Richardson, 42–43.)

In a note to the Spanish minister, dated November 30, 1818, the Secretary of State stated:

After a full and deliberate examination of these proofs, the President deems them irresistibly conclusive that the horrible combination of robbery, murder, and war, with which the frontier of the United States bordering upon Florida has for several years past been visited, is ascribable altogether to the total and lamentable failure of Spain to fulfill the fifth article of the treaty of 1795, by which she stipulated to restrain, by force, her Indians from hostilities against the citizens of the United States * * *. It is therefore to the conduct of her own commanding officers that Spain must impute the necessity under which General Jackson found himself of occupying the places of their command. (Moore's International Law Digest, Vol. II, p. 405.)

It will be noted that the author of the article published in Senate Document No. 39 quoted from a message of President Monroe of March 25, 1818. The message of November 16, 1818, shows that General Jackson penetrated the territory of Spain, took possession of Spanish forts, and employed the Army to a much greater extent than the message of March 25, 1818, from which the author of the article quotes, indicated. Furthermore, a statement of the Secretary of State in the note to the Spanish minister, an excerpt of which is quoted above, shows that President Monroe approved the action of General Jackson. Inasmuch as General Jackson, who headed the expedition into Florida was Andrew Jackson who later became President of the United States, it is probably unnecessary to make any further comments in regard to the views and action of President Jackson as to the use of the military forces when occasion for doing so arose.

The communications of Secretary Cass, quoted in the article, show without doubt that he considered that the Congress possessed the war-making power. They show also that, while Secretary Cass recognized that the war-making power was in Congress occasions had arisen in which it was necessary to employ the military forces of the United States without authorization by Congress. He apparently understood also that such use of the military forces did not necessarily constitute war. The following paragraph of Mr. Cass's letter to Mr. Body, part of which was quoted in the article, shows that Mr. Cass recognized the necessity of the use of armed forces without express legislative provision in some instances:

Cases may occur where the circumstances may justify the employment of our naval or military forces, without special legislative provision, for the protection of our citizens from outrage, but it is not necessary to examine the extent or limit of this right, because the principle is inapplicable in your case, where you demand a forcible interposition with the Nicaraguan Government, in order to give effect to the contract to which you refer. (Moore's International Law Digest, Vol. VII, p. 166.)

It appears from the above that Presidents Jefferson, Monroe, Jackson, and Buchanan, although they affirmed that the power to declare war was in the Congress, authorized or employed

force, without legislative authority, to protect American interests. The views of various Executives as to their power to employ the armed forces can probably better be judged by action which was taken under their authority than by statements which they made.

In May, 1811, the United States cruiser *President* attacked and disabled the British warship *Little Belt*. (History of the Navy of the United States of America, by Cooper, vol. 2, p. 26.)

In 1823 a force was landed at Siquapa Bay, Cuba, from the barges *Gallinipper* and *Mosquito* to pursue pirates who had fired on the barges. The men from the United States vessels landed and, with the local authorities, killed, wounded, and took prisoners all the pirates who had reached the shore from their vessel. About the same time a force was landed from the *Greyhound* and *Beagle* at Cape Cruz. (History of the Navy of the United States of America, by Cooper, 1866, vol. 3, pp. 26–28.)

In 1832 a force of 250 seamen and marines from the U. S. S. *Potomac* landed on the island of Sumatra for the purpose of punishing the natives of the island for the plundering of the vessel *Friendship* and the murdering of the mate of the vessel and other members of the crew. The landing force engaged the natives in action, stormed a fort on shore, and burned a considerable portion of the town. Two members of the landing force were killed and 11 wounded. On the return of the party on board the *Potomac* they were followed by the natives carrying a flag of truce and begging for peace. (History of the Navy of the United States of America, by Cooper, vol. 3, pp. 31–36.)

In July, 1840, a force of seamen and marines was landed from the *Vincennes* and *Peacock* on one of the Fiji Islands for the purpose of punishing natives who had attacked an American surveying party. The principal town of the natives was destroyed. About the same time a force of 70 officers and men was landed on another island of the Fiji group to punish the natives for killing two American officers who had been attacked while on shore. (History of the Navy of the United States of of America, by Cooper, vol. 3, pp. 45–46.)

In 1851 the U. S. sloop *Dale* visited the island of Johanna and obtained under threat of bombarding the town $1,000 as indemnity for the imprisonment and detention on the island of the captain of the American whaling brig *Maria*. (Moore's International Law Digest, Vol. VII, p. 112.)

In 1854 60 sailors and marines from the American sloop *Plymouth* and a number of seamen landed in China and cooperated with a force of English sailors and marines against the Imperial forces, who had seized an American pilot boat. Several Americans were killed and wounded. (History of the Navy of the United States of America, by Cooper, vol. 3, p. 102.)

In 1855 a force was landed in the Fiji Islands from the sloop *John Adams* to obtain reparation for the wrongs inflicted by natives on Americans residing on the island and shipwrecked seamen. After several sharp skirmishes and the burning of several villages, the native chief signed articles promising better conduct. (Cooper, vol. 3, p. 105.)

In November, 1856, a force of 280 sailors and marines was landed in China from the U. S. warships *Portsmouth* and *Levant* and stormed the Canton barrier forts. Firing from the forts was silenced by the *Portsmouth*, and the storming party took four forts. Following the capture of these fortifications the Chinese concluded a commercial treaty with the United States. (Cooper, vol. 3, pp. 105–106.)

In August, 1858, Secretary Cass addressed to the Secretary of the Navy a letter, reading in part as follows:

> In view of the bitter feelings of hostility which exist in the east toward Christians residing there, as manifested in the recent occurrences at Jeddah and in the island of Candia, and also in the late outbreak at Alexandria, I have the honor also to suggest the importance of our squadron being directed to traverse the whole of the Levant, showing itself along the coasts of Egypt, Palestine, Syria, and of Asia Minor for the purpose of affording all possible protection to the persons and property of our citizens as well as to remind the authorities in those regions of the power of the United States. (49 MS. Dom. Let., Department of State, pp. 111–112.)

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. COUZENS in the chair). Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BINGHAM. I yield.

Mr. FESS. Just as a matter of comment, all with the exception of one citation fell under the administration of Democratic Presidents, which indicates that this was not a Republican policy or a Whig policy, but an all-American policy, including all parties.

Mr. BINGHAM. I thank the Senator. There is no partisan politics in it. It has been the universal practice of American Presidents, and it has been our pride as American citizens that they have done so, to demand respect for American lives and property in foreign parts and to use the armed forces of the United States in commanding such respect whenever it was necessary to do so.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BINGHAM. I yield.

Mr. KING. May I say, in respect to the comment just made by the Senator from Ohio, that I beg that he will reconsider the attempt to link the transactions in Nicaragua with any of those to which the Senator from Connecticut is referring, because there is no parallel. The line of demarcation separating the incidents referred to by the Senator from Connecticut from the proceedings in Nicaragua is so apparent that it does not require a lawyer or a professor to distinguish it.

Mr. FESS. Mr. President——

Mr. BINGHAM. Of course, that is a matter of opinion, which leads to debate, and I should prefer to continue my argument, but I yield to my friend from Ohio.

Mr. FESS. As a matter of courtesy, I should like to state, as the Senator refers to Nicaragua, that the facts are that the marines were kept in Nicaragua eight years under Woodrow Wilson; and, secondly, that the marines were landed in Haiti by the order of Woodrow Wilson.

Mr. BINGHAM. Mr. President, I hope that we shall not open up the debate at this time, as I desire to complete the argument which I have prepared in an effort to show that, although Congress undoubtedly has a right to declare war, various Presidents of both parties have repeatedly used the armed forces of this country abroad without any direct authorization of the Congress and nobody has claimed that such action was war.

Mr. FESS. Mr. President, I beg pardon of the Senator from Connecticut for interrupting him, but I thought my interruption was rather pertinent to what he was saying.

Mr. SHORTRIDGE. Mr. President, will the Senator from Connecticut permit me to say one word?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from California?

Mr. BINGHAM. I yield.

Mr. SHORTRIDGE. I assume that the Senate does not overlook the proposition that by silent acquiescence—to use the phrase of the Supreme Court—the Congress has approved of the use of force by or through the order of the Presidents, and, therefore, as of now, by silent acquiescence, the present occupant of the White House had legislative authority and approval for what he has done.

Mr. BINGHAM. Mr. President, if I may be permitted to resume the historical summary I am submitting, I desire to say further that under the administration of President Lincoln, in 1863, the *Pembroke*, a small American steamer, laden with merchandise from Yokohama, in attempting to pass through the Straits of Shimonoseki, was fired upon from the shore and by an armed brig belonging to the Prince of Nagato. The vessel was not struck. The American minister demanded redress for the insult to the American flag, and by his direction the commander of the U. S. S. *Wyoming* proceeded to Shimonoseki to retaliate. He found three vessels of the prince lying at anchor near the shore. He attacked them and, after a short conflict with them and the shore batteries, sank a brig and blew up a steamer, by which action some 40 persons were said to have been killed. On the *Wyoming* there were five killed and six wounded. The American minister presented to the Japanese Government a claim on behalf of the *Pembroke* for $10,000, covering loss of time and freight and the abandonment of the voyage. The claim was promptly paid. (Moore's International Law Digest, Vol. VII, p. 116.)

In 1864 the Mikado Government in Japan refused to recognize treaties which had been concluded with the United States, France, Great Britain, and the Netherlands. The Mikado closed the Straits of Shimonoseki. The naval forces of the United States, Great Britain, France, and the Netherlands jointly proceeded to force open the Straits and obtained the unconditional surrender of the prince. (Moore's International Law Digest, Vol. V, p. 749.)

In 1868 armed forces of the United States were landed at various places in Japan to protect the interests of American citizens; and all this without any authorization on the part of Congress or any claim that the President was going beyond his power.

In 1893 the Brazilian Navy at Rio de Janeiro, under the command of Admiral Mello, revolted. The insurgents interfered

with commercial operations at the port and threatened to bombard the city. They attempted to prevent vessels from going to the docks. Admiral Benham, of the United States Navy, employed force to protect American vessels desiring to go to the docks. In his annual message of December 3, 1894, President Cleveland referred to this incident as follows:

It appearing at an early stage of the insurrection that its course would call for unusual watchfulness on the part of this Government, our naval force in the harbor of Rio de Janeiro was strengthened. This precaution, I am satisfied, tended to restrict the issue to a simple trial of strength between the Brazilian Government and the insurgents, and to avert complications which at times seemed imminent. Our firm attitude of neutrality was maintained to the end. The insurgents received no encouragement of eventual asylum from our commanders, and such opposition as they encountered was for the protection of our commerce and was clearly justified by public law. (Moore's International Law Digest, Vol. VI, p. 439.)

In 1894 a detachment of 21 marines and 29 sailors was landed in Korea from the U. S. flagship *Baltimore* to protect the American Legation and American missionaries there. (Report of the Secretary of the Navy, 1895, p. 523.)

In 1900 United States troops and marines were sent to China to guard the American Legation and to participate in the operations against Tientsin and Peking at the time of the Boxer uprising. (Foreign Relations of the United States, 1900.)

Intervention in the Dominican Republic and Haiti is mentioned in the article, but the suggestion conveyed by the article that the President exceeded his constitutional authority is not convincing.

The taking of Vera Cruz by United States naval forces in April, 1914, was the result of direct affronts to this Government by General Huerta and his adherents through the arrest of the paymaster of the U. S. S. *Dolphin*, who had landed at Tampico with a whaleboat and boat's crew to take off certain supplies needed by his ship; the arrest at Vera Cruz a few days later of an orderly from the U. S. S. *Minnesota*, who had gone ashore in uniform to obtain the ship's mail; the withholding by authorities of the Mexican telegraphic system until peremptorily demanded by the American chargé d'affaires in person of an official dispatch from this Government to its embassy in Mexico City. For the incidents at Tampico and Vera Cruz Admiral Mayo demanded that the flag of the United States be saluted with special ceremony by the military guard of the port.

The immediate purpose of the landing of forces and the taking of possession of the customs was to prevent the landing of a cargo of arms intended for the Huerta régime. In this case, however, the President had delivered a message to the Congress on April 20, fully setting forth the facts, and the House of Representatives had passed a resolution supporting the President's position.

The forces were landed on April 21, and the Senate approved the House resolution the day following, namely, April 22, 1914. In submitting the matter to Congress and requesting the latter to support him in his contemplated action the President stated:

No doubt I could do what is necessary in the circumstances to enforce respect for our Government without recourse to the Congress and yet not exceed my constitutional powers as President—

I should like, Mr. President, particularly to call the attention of the Democratic Senators to that statement of President Wilson that—

no doubt I could do what is necessary in the circumstances to enforce respect for our Government without recourse to the Congress and yet not exceed my constitutional powers as President—

He went on to say—

but I do not wish to act in a matter possibly of so grave consequence except in close conference and cooperation with both the Senate and House. I therefore come to ask your approval that I should use the armed forces of the United States in such ways and to such an extent as may be necessary to obtain from General Huerta and his adherents the fullest recognition of the rights and dignity of the United States, even amidst the distressing conditions now unhappily obtaining in Mexico.

In connection with the Pershing expedition into Mexico in 1916 in pursuit of Villa, it was thought that an understanding had been reached between the executive branches of the two Governments in which Mexico had consented on the basis of reciprocity to the sending of American troops across the border. The President nevertheless laid the matter before the Congress, and the latter, by resolution of March 17, 1916, after reciting that the President—

has ordered or is about to order the armed forces of the United States to cross the international boundary line between this country and Mexico—

And so forth, and gave its approval to the use of such forces—

for the sole purpose of apprehending and punishing the lawless bands of armed men who entered the United States from Mexico on the 9th day of March, 1916, committed outrages on American soil, and fled into Mexico. (Foreign Relations, 1916, p. 491.)

It appears, nevertheless, that the President considered that he had sufficient authority in this case without the approval of Congress. American troops were actually under way several days before any action was taken by the Congress. The resolution was apparently for the purpose of showing that the Congress supported the President in his action.

It is clear, Mr. President, from what is set forth above, that military forces of the United States have been employed without express statutory authority on numerous occasions practically from the beginning of the Government by many executive administrations. A substantially uniform practice of protecting American interests abroad, by force if necessary, negatives the suggestion that the Executive, while charged with the responsibility of protecting Americans abroad, is without means of meeting his obligation in this regard. While the war-making power of Congress has not been questioned by any President, and while Executives have as a rule been cautious to take no action which was likely to result in war without obtaining the approval of Congress in advance, yet they have with few, if any, exceptions been ready to employ the armed forces to protect American interests when necessary and when that could be done without precipitating war. Some of the instances cited above entailed the use of a considerable measure of force. American marines lost their lives and frequently the naval forces of the United States were employed with fatal consequences to their opponents. Yet none of the instances cited was considered as constituting war. When nations become engaged in war, in contemplation of law certain rights accrue to them as belligerents which did not accrue to the United States on these occasions. The legal consequences of a state of war are well defined in international law. The people of the belligerent countries become enemies, intercourse between them becomes unlawful, the right of visitation, search, and seizure accrues, and so forth. None of these rights was exercised or thought to exist in the frequent instances of the employment of force referred to in the foregoing. Neither do they exist at the present time in Nicaragua. None of these rights are exercised or are thought to exist in Nicaragua at the present time.

The reason why these consequences did not ensue is that war in the legal sense did not exist.

While the case In re Neagle (135 U. S. 1) did not require a decision of any question relating to the power of the President to use the armed forces of the United States to protect American interests, comments made in the course of the opinion of the court in that case rendered in 1889 are of interest in relation to the subject under discussion. Referring to section 3, Article II of the Constitution of the United States, which declares that the President "shall take care that the laws be faithfully executed," Justice Miller stated:

Is this duty limited to the enforcement of acts of Congress or of treaties of the United States according to their express terms, or does it include the rights, duties, and obligations growing out of the Constitution itself, our international relations, and all the protection implied by the nature of the Government under the Constitution?

The Justice then goes on to say:

One of the most remarkable episodes in the history of our foreign relations, and which has become an attractive historical incident, is the case of Martin Koszta, a native of Hungary, who, though not fully a naturalized citizen of the United States, had in due form of law made his declaration of intention to become a citizen. While in Smyrna he was seized by command of the Austrian consul general at that place, and carried on board the *Hassar*, an Austrian vessel, where he was held in close confinement. Captain Ingraham, in command of the American sloop of war *St. Louis*, arriving in port at that critical period, and ascertaining that Koszta had with him his naturalization papers, demanded his surrender to him, and was compelled to train his guns upon the Austrian vessel before his demands were complied with. It was, however, to prevent bloodshed, agreed that Koszta should be placed in the hands of the French consul subject to the result of diplomatic negotiations between Austria and the United States. The celebrated correspondence between Mr. Marcy, Secretary of State, and Chevalier Hülsemann, the Austrian minister at Washington, which arose out of this affair and resulted in the release and restoration to liberty of Koszta, attracted a great deal of public attention, and the position assumed by Mr. Marcy met the approval of the country and of Congress, who voted a gold medal to Captain Ingraham for his conduct in the affair. Upon what act of Congress then existing can anyone lay his finger in support of the action of our Government in this matter?

Mr. FESS. Mr. President, will the Senator yield?

Mr. BINGHAM. Certainly.

Mr. FESS. The remarkable feature in that case was that this Hungarian had made application and had secured his first papers——

Mr. BINGHAM. That is all.

Mr. FESS. And he had not yet been naturalized. He was awaiting the time, and in the meantime had gone over and was caught on this vessel; and our Government went to that extent to protect a man who was not yet a citizen, but had merely taken out his first papers.

Mr. BINGHAM. But in those days, Mr. President, we were a little more jealous than we are to-day of the honor attaching to the term "American citizen."

Mr. FESS. And that was W. L. Marcy, a distinguished Democrat from New York.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BINGHAM. Certainly, if it will not lead to a long debate, because I desire to complete the argument. Then I shall be glad to yield. I am almost through.

Mr. NORRIS. Of course, I will not interrupt the Senator without his consent.

Mr. BINGHAM. Unless the Senator desires to add to the argument, which I am afraid the Senator does not desire to do.

Mr. NORRIS. I do not suppose I could add to any argument of the Senator, even if I tried to.

Mr. BINGHAM. The Senator is far too modest.

Mr. NORRIS. But I was interested to know whether the Senator from Ohio and the Senator from Connecticut were citing that case to show that there is not any war in Nicaragua, and I was interested in knowing what that had to do with the Nicaraguan situation. I may be dense, but personally I can not understand, if that is the point the Senators are trying to make, what it has to do with this matter. Nobody has contested anything of that kind.

Mr. BINGHAM. I do not think the Senator was present when I began.

Mr. NORRIS. Yes; I was present.

Mr. BINGHAM. The effort of this argument, I will say to the Senator, is to show that acts of armed forces of the United States do not constitute war, and that when they have been indulged in or threatened, as in this case, it has not been held that the President exceeded his authority.

Mr. NORRIS. I think myself that the historical matters that the Senator is relating here are exceedingly interesting; but I have been listening very attentively to find one that is similar to the conditions down in Nicaragua, and I was wondering if it was the same Supreme Court decision where our Supreme Court passed on what constitutes war. They have passed on the question. I should like to have the Senator read that decision.

Mr. BINGHAM. I have read several decisions of the Supreme Court.

Mr. NORRIS. The Senator has not read any yet——

Mr. BINGHAM. I have not read any that suits the Senator; I realize that.

Mr. NORRIS. No; the Senator has not read any that has any application to Nicaragua.

Mr. BINGHAM. That is a matter of opinion.

Mr. NORRIS. Yes.

Mr. SHORTRIDGE. The Boxer incident involved some force in China.

Mr. BINGHAM. I should like also to read the following quotation from the dissenting opinion rendered in this particular case, which I believe is also of interest. The dissenting opinion reads:

> To illustrate the large sphere of powers self-executing and independent of statutes claimed to be vested in the Executive, reference is made to the continually recurring cases of the President's interference for the protection of our foreign-born and naturalized citizens on a visit to their native country; and we are cited, as a striking instance of the exercise of such power, to the case of Martin Kozsta, who, though not fully a naturalized citizen of the United States, had in due form of law made his declaration of intention to become a citizen, and who, whilst at Smyrna, was seized by order of an Austrian official and confined on board an Austrian vessel, and who, being afterwards delivered up to Captain Ingraham, commanding an American war vessel, in compliance with a demand, backed by a demonstration of force, on the part of that officer, was placed in the hands of a French consul subject to negotiations between the American and Austrian Governments, resulting in the famous correspondence between the American Secretary of State, Mr. Marcy, and the Chevalier Hülsemann, representing the Austrian Government, and the restoration of Kozsta to freedom. We are asked, "Upon what express statute of Congress then existing can this act of the Government be justified?"

I am sure the Senator from Nebraska will realize that that question has been repeatedly asked in this debate.

The Supreme Court said in this dissenting opinion:

> We answer that such action of the Government was justified because it pertained to the foreign relations of the United States, in respect to which the Federal Government is the exclusive representative and embodiment of the entire sovereignty of the Nation in its united character; for to foreign nations, and in our intercourse with them, States and State governments and even the internal adjustment of Federal power, with its complex system of checks and balances, are unknown, and the only authority those nations are permitted to deal with is the authority of the Nation as a unit.

It will be noted that reference is here made in 1889 to the continually recurring cases of the President's interference for the protection of American citizens. The transitory period, if there was one, has been somewhat misplaced by the author of the article under discussion. The truth is that there has been no transitory period. The armed forces of the United States have been employed necessarily from an early date to the extent that means were available and occasion arose to protect American interests. A possible reason for timidity on the part of the Executive at some stages of the country's history is suggested by Cooper, cited above, writing of the assault on the U. S. S. *Chesapeake* by the British warship the *Leopard* in June, 1807, as follows:

> With a foreign trade that employed 700,000 tons of American shipping alone, Congress passed a law on the 22d day of December, 1807, declaring an unlimited embargo, for all the purposes of foreign commerce, on every port in the Union, anticipating a large portion of the injuries that might be expected from an open enemy by inflicting them itself.
>
> This extraordinary measure was not avowedly taken in consequence of the attack on the *Chesapeake*, for the English Government early professed a readiness to atone for that outrage, but it originated in the feelings it engendered. The national pride had been wounded, and the injury rankled the deeper because all intelligent men felt that the Nation was not in a condition to resent the insult. The squadron that then lay in Lynnhaven was probably equal to blockading the entire naval force of the United States of America, and this, too, it ought never to be forgotten, in a country that met its current expenses and extinguished an ancient debt with the duties on its imports alone, which possessed the amount of shipping already mentioned and had nearly 100,000 registered seamen. (Cooper, History of the United States Navy, Vol. II, p. 23.)
>
> It is an axiom, as true as it is venerable, that a "divided power becomes an irresponsible power." Such, in fact, is the nature of the authority wielded by the National Legislature, the neglect of which, in the way of military and naval preparations, would long since have ruined most of the statesmen of the country, had they been guilty of the same omissions, as individuals, that they had sanctioned as bodies of men. We may lament the infatuation, condemn the selfishness, and denounce the abandonment of duty, which impel ambitious politicians to convert the legislative halls into arenas for political controversies that ought never to degrade their deliberations, or impair the sanctity of their oaths; but when we find the consequences of such unconstitutional innovations putting in jeopardy the lives and honors of those who are subject to martial law, a solemn and reproving sentiment must mingle with the views of every honest citizen, as he maturely considers the hardships of the case. (Cooper, Vol. II, p. 22.)

So much for Historian Cooper.

I find no difficulty in agreeing with the learned author of the article set forth in Senate Document No. 39 that, under the Constitution, the war-making power rests with the Congress. There is no question of that; but I submit that the gentleman has misconstrued the meaning and effect of the various acts and incidents which he has referred to as acts of war in his endeavor to show that the Executive has gradually encroached upon the prerogatives of the Congress. One of the most important duties resting upon the Executive of this country is the affording of protection to American interests in foreign countries. He would be grossly derelict in his duty if he failed to use the armed forces at his command in appropriate cases and within reasonable bounds without first petitioning the Congress for authorization. The exigencies of the situation would often render it impossible for the President to obtain advance authorization, and an effort to do so would, in many cases, result in a failure to afford timely protection.

Imagine, for example, what would have happened in connection with the Boxer uprising in China, to which reference has been made by the Senator from California [Mr. SHORTRIDGE], had the Executive awaited the authorization of Congress to use the military forces of the United States to afford protection to American citizens and the American Legations, who were at

the mercy of fanatics. Failure of the Executive to act when the legation and a large number of American citizens in the legation were under siege would have been wholly inexcusable.

The Executive, as well as the other branches of the Government, has not only the powers conferred by the Constitution but has such implied powers as may be necessary to enable it to carry into execution power specifically conferred. The President by the Constitution is made the Commander in Chief of the Army and Navy of the United States. He is also charged with the duty of conducting the foreign relations of the United States and of affording protection to American citizens and American interests. It would be an idle thing to say that the President, while charged with these grave responsibilities and while given the exalted position as Commander in Chief of the Army and Navy, can not use the forces at his command in the performance of the duty enjoined upon him of affording protection. It is not to be forgotten that, in carrying out this grave responsibility, the President must exercise sound judgment and discretion.

I believe, however, that President Coolidge, like his predecessors in the exercise of this power, has displayed that degree of sound judgment which persons who have held that exalted position have exercised and are presumed to exercise. He has maintained the best American traditions. Both he and Secretary Kellogg have shown remarkable and continued skill and ability in the handling of our relations with Mexico, as well as the other American Republics.

If we will think back just for a moment to the position which we took in regard to the Republic of Mexico and which they took in regard to us but a year ago, and the widespread clamor on the part of many people that intervention was necessary, and the widespread belief on the part of thousands of people that war was coming between us and Mexico, and that we were being driven into it by "the wolves of Wall Street" and the financial interests who were said to have their hands on this administration to such an extent as to direct its foreign policy, the present situation seems almost incredible. Within a very few months after the arrival of our new ambassador to Mexico, Hon. Dwight W. Morrow, the situation has changed. The country has become friendly. The most difficult possible matters at issue between the two countries have been ironed out. No one thinks of intervention. There is no talk of war; and for the first time in many years there is a feeling of cordial friendship and of international amity between this country and our neighbor to the south of us. To my mind, Mr. President, that is one of the greatest single achievements of the present administration.

At Habana recently, at the Pan American Conference, certain matters of great contention arose. Certain matters were given great prominence in the newspapers because of the possibility of friction between us and the Argentine Republic. There were at that conference certain individuals who endeavored to raise an issue with the United States; but, notwithstanding all that, the fact remains that more good was accomplished at that conference, more conventions were signed, more agreements were entered into between the republics of Pan America, looking toward peace in the future and prosperity in the Western Hemisphere, than at any preceding conference; and our relations with the governments of Latin America to-day are in good condition. They are friendly to us, notwithstanding the efforts of many on this floor to make people in foreign countries believe that we persecute the weak, that we are at war with Nicaragua because she is poor and needy, and that we are fighting for "the wolves" of financial Wall Street.

I believe if some of the Senators who have expressed those opinions were themselves more familiar personally with conditions in the republics to the south of us they would not indulge in flights of fancy of that character, or even permit their convictions to find expression unless they knew more about it. If they knew more about it, there would be no expression of that sort, which gives comfort to our enemies, which makes us ridiculous abroad, and which gives ammunition to those in the countries to the south of us who, for reasons best known to themselves, are constantly endeavoring to make trouble for the United States of America, which is their best and greatest friend.

Mr. HARRIS. Mr. President, I do not like legislation of this kind on an appropriation bill; but we have had a number of resolutions relating to this subject before the Committee on Foreign Relations, we have not had any report on any of them to the Senate, and have had no way to express our views in opposition to the President's policy in using the marines to supervise an election in Nicaragua.

Our forefathers provided, under our Constitution, that Congress alone can declare war, and can appropriate money to carry on war. Unless Congress prevents, some of this appropriation will be used for war. We are really at war with some of the people in Nicaragua. If Congress had declared war, even though I should have voted against it, I would stand by the President of the United States, no matter whether he were a Republican or a Democrat. There would not be a Senator in this Chamber who would support the President more steadfastly than I would. But the President has no right to send the marines to Nicaragua to supervise an election, which has really put this country into a war without the consent of Congress. Many of our marines have already been killed and they have killed many more Nicaraguans.

I believe that using our marines to hold an election is one of the most dangerous things we could do, and would lead us into serious troubles. I do no believe in sending our Army and Navy to all parts of the world to collect private debts of wealthy men, and to voice my protest I shall vote for the amendment of the Senator from Wisconsin [Mr. BLAINE] if no better substitute is offered. I believe the people of this country are more opposed to the Nicaraguan policy of the President than anything he has done since he has been in office.

I dislike very much to differ from him in any matter relating to foreign affairs and, although I differ with the President in sending our marines to Nicaragua, I would not vote to withdraw them at this time, because the President has made an agreement to carry on this work; but I do believe that when this work is over, we should withdraw our marines. I do not think we should ever attempt to supervise an election in a foreign country again. I have in the past and will continue in future to do everything within my power to prevent war. War is a relic of barbarism, and civilized nations should try every way to avoid war. For that reason I shall support an amendment which prevents our marines from remaining in Nicaragua longer than just after the election.

Mr. DILL. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. DILL. Does not the Senator think that a very proper amendment to this bill would be a provision that none of the moneys carried in the bill should be expended for troops in Nicaragua, unless and until the President had secured the consent of Congress to keep the troops in Nicaragua?

Mr. HARRIS. Yes; I favor that.

Mr. DILL. It seems to me that is a fair proposition, and one that gives every opportunity for Congress to pass on this question, and, at the same time, would not force the marines to be taken out.

Mr. HARRIS. I do not believe in a Senator embarrassing the President of the United States about foreign affairs, and I hope never to do so. I am sorry to differ from the President at this time, but I believe that it is important to the country that we should get out of Nicaragua. It has already led us into war with those people, and I am afraid it is going to lead us to even more serious war. I believe in avoiding war in every way we possibly can.

For these reasons, I shall support some amendment that will carry out my views.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. DILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	George	McLean	Shortridge
Blaine	Glass	McMaster	Simmons
Blease	Gooding	McNary	Smith
Borah	Hale	Mayfield	Steiwer
Bratton	Harris	Metcalf	Stephens
Brookhart	Harrison	Moses	Swanson
Broussard	Hawes	Neely	Thomas
Capper	Hayden	Norbeck	Tydings
Caraway	Heflin	Norris	Tyson
Copeland	Johnson	Nye	Vandenberg
Couzens	Jones	Oddie	Wagner
Curtis	Kendrick	Overman	Warren
Cutting	Keyes	Pittman	Waterman
Dill	King	Ransdell	Watson
Fess	La Follette	Schall	Wheeler
Fletcher	Locher	Sheppard	
Frazier	McKellar	Shipstead	

The VICE PRESIDENT. Sixty-six Senators having answered to their names, there is a quorum present.

The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. BLAINE], on page 53, line 17.

Mr. NORRIS obtained the floor.

Mr. HEFLIN. Mr. President——

Mr. NORRIS. I yield to the Senator from Alabama.

Mr. HEFLIN. I have a substitute which I wish to offer for the pending amendment. I would like to have a vote on it. It is to be offered at the same place, and reads as follows:

Provided, That none of the appropriations made in this act shall be used to pay any expenses incurred in connection with acts of hostility by United States marines in Nicaragua unless and until the President shall obtain from Congress consent to keep them there.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Alabama. [Putting the question.] The nays have it.

Mr. HEFLIN. Let us have the yeas and nays.

The VICE PRESIDENT. Is the demand sufficiently seconded? [After a pause.] Apparently it is, and the clerk will call the roll.

Mr. CURTIS. Mr. President——

Mr. NORRIS. Just a moment. I do not quite understand the situation. I had the floor, and had been recognized by the Chair.

Mr. HEFLIN. I thought it was agreeable with the Senator to have a vote on my amendment.

Mr. NORRIS. I have not any objection myself.

Mr. HEFLIN. Then let the roll be called.

Mr. SHORTRIDGE. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from California will state the point of order.

Mr. SHORTRIDGE. I question whether the requisite number indicated a desire for a vote by yeas and nays.

Mr. HEFLIN. The Chair had already announced that the roll would be called and the clerk directed to call it.

Mr. NORRIS. If we are going to be at all technical, I make the point that the Chair had no authority to recognize the Senator from Alabama with his proposition after he had recognized me and I was entitled to the floor. However, I make no point of it. I do not care.

Mr. HEFLIN. I have no objection. The Senator can go ahead and make his speech now.

Mr. NORRIS. I am perfectly willing to wait until Monday. I do not care whether we vote to-night or not.

The VICE PRESIDENT. The Chair was under the impression that the Senator from Nebraska had yielded the floor.

Mr. NORRIS. Oh, no; I had not.

Mr. CURTIS. Mr. President, there are a number of Senators who understood that there would be no yea-and-nay vote on this subject this afternoon. I had understood the first amendment would be passed on by a viva voce vote. In view of that fact I do not think it would be fair to those Senators who are not here to have a yea-and-nay vote now.

Mr. NORRIS. If that is true, of course, we ought not to have a yea-and-nay vote.

Mr. CURTIS. If the Senator from Nebraska would like to speak on the pending question this afternoon, I would be glad to have him do so. Otherwise I shall ask for a recess until Monday.

Mr. HEFLIN. We are going to have a yea-and-nay vote on this amendment of mine. I do not agree to this performance of having an agreement with Senators on the side who want to attend ball games and other things, that we will not have a yea-and-nay vote. The American people have a right to a yea-and-nay vote when their representatives here demand it. If Senators want to leave their place of duty and go somewhere else, and somebody here enters into an agreement with them that there will not be a yea-and-nay vote, I insist it is a very high-handed piece of leadership in this body. I do not think any leader on either side of the Chamber has the authority to engage in such tactics.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator from Utah.

Mr. KING. Let me say to the Senator from Alabama that there was an understanding that there would be a number of speeches upon the general subject before the question of a vote upon the various amendments which will be offered would be brought up for consideration, and it was the consensus of opinion that the discussion on the general subject would consume the afternoon and that a vote would be taken on Monday upon the Senator's amendment and any others that might be offered.

Mr. HEFLIN. But the Senator from Kansas said that there was an understanding that there would be no yea-and-nay vote.

Mr. CURTIS. Oh, no, Mr. President.

Mr. HEFLIN. I ask to have the Official Reporter's notes of the Senator's statement read.

Mr. CURTIS. Let me state what I intended to say and what I believe I said.

Mr. HEFLIN. The Senator can state now what he intended to say, but I am talking about what he did say.

Mr. CURTIS. What I said was this——

Mr. NORRIS. Mr. President, I claim the floor for the purpose of debating the pending amendment. I will settle the question in that way.

Mr. CURTIS. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. I yield to the Senator from Kansas.

Mr. CURTIS. I do not want my position to be misunderstood or misconstrued. There were a number of Senators who indicated their intention to debate the pending amendment. A number of other Senators came to me and said they understood there would be no yea-and-nay vote upon the Nicaraguan question this afternoon. I talked with one or two Senators interested in the amendment, and they said they did not care for a yea-and-nay vote upon the pending question, and that there would be other amendments offered upon which there would be a yea-and-nay vote; probably on Monday. In view of the fact that those Senators went away believing there would be no yea-and-nay vote this afternoon, it would be unfair to them to have one. So far as I am personally concerned I am ready to vote at any time.

Mr. HEFLIN. Hereafter I do not want anybody to make an agreement that we will not have a yea-and-nay vote, and then, when some Senator, exercising his right as a United States Senator, asks for a roll call, Senators sit with their hands down and refuse to call for a yea-and-nay vote because they quietly had an understanding with some Senator who wants to take his ease and go somewhere. We would all like to get out and get some fresh air, but let us not legislate in that way. No Senator here has a right to traffic away the rights of other Senators to the extent that we are not permitted to have a yea-and-nay vote because some Senator happens to be absent. I think each Senator ought to stand on his own rights under the Constitution and that other Senators ought to be here. I would like to change the rule so that when a Senator has to be away for any great length of time he must get permission from the Senate to absent himself.

Mr. CARAWAY. Mr. President, will the Senator from Nebraska yield to me a moment?

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. CARAWAY. Of course this tempest in a teapot does not require any serious discussion. The rule has been in effect as long as I have been acquainted with this body that where Senators threaten to make a speech others who do not want to suffer may enter into an agreement that they will go away and come back and vote the next day. I do not want to see that right of escaping punishment abrogated. [Laughter.]

Mr. HEFLIN. Until the Senator from Arkansas can get to the point where he can screw up his courage to tell the country how the Arkansas delegation stands on Al Smith, he ought not to make any such suggestion as that. [Laughter.]

Mr. CARAWAY. Whenever the Senator from Alabama can find out what he is going to do himself, then he can lecture somebody else. Until he can convince us that he knows what he is going to do himself, he had best consult his own case and not lecture other people.

Mr. HEFLIN. The country knows that I am against him.

Mr. CARAWAY. The country knows the Senator has said so, but they do not know how the Senator will vote.

Mr. HEFLIN. I am going to vote against him.

Mr. CARAWAY. If he is nominated will the Senator vote against him or for him?

Mr. HEFLIN. I will not cross that bridge until I come to it. [Laughter.] If he is going to obtain the nomination by such tactics as were employed in Arkansas and Iowa and Illinois he will have a good deal of explaining to do. I do not think the Democratic Party is ready to sanction the sale of the Democratic nomination. We are not ready to sell out to the Roman Catholic political machine and the whisky interests.

Mr. CURTIS. Mr. President, will the Senator from Nebraska yield to me to move a recess?

Mr. NORRIS. I yield for that purpose.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon Monday.

The motion was agreed to; and the Senate (at 3 o'clock and 10 minutes p. m.) took a recess until Monday, April 23, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

SATURDAY, *April 21, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The Lord God is a sun and shield; no good thing will He withhold from them that walk uprightly. At the call of this day do Thou make goodness and gladness the aroma of our conduct; bless us with a realization of Thy presence and crown our labors with success. Qualify us in those virtues that make for personal rectitude and stability of government, and give us the blessing of a mind that sees and of a heart that feels. Persuade us that purity is never so divine as when it appeals to the impure; that strength is never so courageous as when it helps the weak, and wisdom is never so learned as when it instructs the ignorant. When the experiences of life come hard and the head is bowed and the heart is heavy, gracious Lord, bestow sweet peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 463. An act for the relief of David J. Williams; and

S. 3793. An act authorizing the St. Croix Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Croix River near Grantsburg, Wis.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 9495) entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McNARY, Mr. CAPPER, and Mr. SMITH to be the conferees on the part of the Senate.

The message further announced that the Senate had concurred in the following concurrent resolution:

House Concurrent Resolution 31

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the joint resolution (H. J. Res. 244) entitled "Joint resolution authorizing a modification of the adopted project for Oakland Harbor, Calif."

The message also announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 11404. An act authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.

LEAVE OF ABSENCE

Mr. BLANTON. Mr. Speaker, beginning next week, I ask for an indefinite leave of absence.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADDRESS OF COL. WADE H. COOPER

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a short address of Colonel Cooper on the occasion of the dedication of the medical building at Howard University.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. TAYLOR of Tennessee. Mr. Speaker, the following address by Col. Wade H. Cooper, president of the Continental Trust Co., Washington, D. C., was delivered Monday, April 9, 1928.

In addition to assistance given to Lincoln Memorial University at Cumberland Gap, Tenn., and other educational institutions, Colonel Cooper was one of the first contributors to the new medical building at Howard University.

His speech delivered on this occasion praised the colored people for the progress they had made since their emancipation and was full of helpful suggestions for maintaining harmony between the races. Colonel Cooper is a southern man, and his speech is therefore so unusual that I think it deserves to be inserted in the RECORD.

DEDICATION OF THE MEDICAL BUILDING AT HOWARD UNIVERSITY, WASHINGTON, D. C.

Mr. Chairman, ladies, and gentlemen, we have all had some unpleasant experiences during our lives, but these unpleasant experiences have been more or less counteracted by the more pleasant experiences of life.

On the 4th day of last July, at the flag raising of the Shelter Harbor Country Club, Shelter Harbor, R. I., between Newport and Watch Hill, known as the Land of the Last of the Mohicans, near the very spot where King Philip made his last stand for supremacy in this country, I delivered a regular Fourth of July oration to a large assembly gathered from all over New England. I had a wonderful reception and regarded the occasion as one of the most pleasant of my life.

From Rhode Island I journeyed westward to the State of Minnesota, where on Lake Minnetonka and Lake Minnehaha, the land of Longfellow's Hiawatha, I enjoyed a most pleasant outing. Thence I journeyed westward again to the Dakotas, Montana, Wyoming, California, Oregon, Washington, and finally by boat over the beautiful Puget Sound to Victoria and Vancouver in British Columbia. All of this was fine. But let me tell you, nothing was finer or more pleasing to me than the moment when I stepped from the Baltimore & Ohio train in our own Union Station in our own beautiful National Capital.

When your distinguished president came to my office and requested me to give him a contribution of $1,000 toward the erection of this medical building, I did not hesitate a minute. With pleasure I handed him my check for the sum of $1,000.

And nothing pleases me more than to be able to appear here to-day and pay tribute to the heroic colored men and women whose names are inscribed upon this tablet to perpetuate their memories for having made possible the erection of this magnificent medical building by their different contributions.

In this connection and at this time, I also desire to make mention of the John R. Francis scholarship fund of $2,500 donated by Mrs. Bettie G. Francis in memory of her husband on May 26, 1926, the proceeds of which are to be used for the maintenance of the John R. Francis scholarship fund of the medical school. Doctor Francis was a member of the faculty of the school of medicine during the nineties.

I also wish to make mention of a bequest of $2,500 made May 31, 1922, under the will of Dr. George W. Cabaniss, member of the medical class of 1890, for the establishment of the George W. Cabaniss medical scholarship fund. This bequest was paid in full during 1925.

Both of the above funds show the desire of the respective donors to be helpful, and these funds, as well as the other funds contributed, mean much more for this medical school than can possibly be expressed, for the good they will do will go on, and on, and on, until time shall be no more.

This tablet is in itself a great monument not only to the people whose names are inscribed thereon, but to the people from whom they came, to the people whom they represented, all the colored people of this great country, and the entire Negro race.

This tablet represents all the noblest, best, and truest sentiments of the human heart. This tablet represents sacrifice, self-denial, devotion, courage, determination, industry, integrity, frugality, economy, love, and charity.

The poet hath truly said:

> "That man may last but never lives,
> Who much receives but nothing gives;
> Whom no one loves, whom no one thanks,
> Creation's blot, creation's blank."

There is nothing finer or better than the desire of one human being to be helpful to another; there is nothing finer or nobler than the desire to these people to be helpful to their fellows by contributing and making possible the erection of this great medical building, where young men from different parts of the country may come and, by faithful application, qualify for administering to sick and suffering humanity.

This tablet represents more than what I have said, for it represents the progress of the Negro race since the immortal emancipation proclamation by Abraham Lincoln in January, 1863. I know of no race of people in all history, from the very earliest dawn of authenticity down to this very hour, which has made the progress that the colored people have made in this country within the past 50 or 60 years.

No statement to which mortal man ever gave utterance is truer than the statement of Abraham Lincoln, when he said: "This Nation can not endure one half slave and the other half free." And let me say here and now that if this Nation is to endure, it will have to endure as the result of our desire to help and not hurt each other. It will have to endure as the result of helpful cooperation and not dissension and strife.

The oldest republic of which recorded history gives us any account is the Hebrew Commonwealth, under the administration of Moses, one of the greatest, if not the greatest, lawgiver of all time. Then follows the ancient republics, including the Cathaginian Republic, the Lombard League, the Athenian Republic, the Roman Republic, the Venetian Republic, the Florentine Republic, the Achaen League, the Beotian Confederacy, and the Aetolian League.

The Venetian Republic lived for about 1,300 years, having endured longer than any other of the ancient republics. The Florentine Republic lived for about 450 years, or the shortest lived of any of the ancient republics.

Therefore, if our own Republic should live for 300 years more, it will then only have lived as long as the life of the shortest of the ancient republics, the Florentine Republic.

I am proud of my relations with the colored people, for they have always been pleasant and peaceful. I have always found that if you will help the colored man he will help you. Be true to him and he will be true to you. Some of my most faithful and devoted friends from childhood have been my colored friends. God bless them.

I am proud of the fact that no colored man has ever fired upon the flag of our country and that no colored man has ever betrayed our country—a record of patriotic devotion and loyalty likely unequaled in the history of the world.

There is nothing truer than the statement of St. Paul: "Whatsoever a man soweth, that shall he also reap."

You have been sowing good seed; keep it up, and in due season you will be able to reap a wonderful harvest. Do not be drawn aside from the main thing—the supreme thing—the wonderful harvest ahead of you, by trifling matters, but continue to improve, continue to move forward in every line, continue to equip yourselves; and when you are fully equipped you need not worry, for the whole world and all its opportunities await you.

And let us ever remember that "eternal vigilence is the price of liberty."

As I emerged from Westminster Abbey in London some time ago I stood with uncovered head before the statue of Abraham Lincoln, whose name I regard as the very synonym of liberty, freedom, and justice. And while Mr. Lincoln laid down his life in freedom's cause, let us remember that freedom can not walk alone, that freedom can not stand unsupported, that freedom must be sustained in order to be maintained, that in order to have freedom we must play the part of real freemen, that we must prove ourselves worthy of freedom, that we must show ourselves worthy of the esteem, respect, and confidence of our fellowmen, that we must be real men, men of courage, character, and capacity, loyal and faithful to our friends, our families, our neighbors, our country, and our God, and I know of no better method of displaying these qualities than by sustaining and supporting Howard University, its medical school, and all its other departments, as the university with all its departments is striving to do those very things that are so necessary and essential to make real men, men worthy of that freedom with which you have been so abundantly blessed.

One of the greatest documents in all history, the document which meant more for human liberty, human rights, and human justice than any other, until the immortal Emancipation Proclamation by Mr. Lincoln in January, 1863, was Magna Charta, when the people wrested their rights from King John at Runnymede. One article of about one dozen words in Magna Charta guaranteed to man every right which he could hope to enjoy. It was this:

"We will not deny, delay, or sell justice to any man."

And, while Magna Charta is a very long document, all these other articles were merely methods prescribed for sustaining and maintaining the article to which I have just referred. For instance, from Magna Charta we derived our celebrated writ of habeas corpus, from Magna Charta we derived our right of trial by jury, and, while we talk about our own Declaration of Independence and our great Constitution and Thomas Jefferson, George Washington, Benjamin Franklin, and John Adams, all our institutions are likely based upon the declarations contained in Magna Charta.

But these rights by these Englishmen were not attained in a night or by a hurried fight—not at all—but by centuries of preparation. These Englishmen wrought and taught and fought all over the British Isle before they ever succeeded in wresting their rights from the king, and from that day to this Englishmen have been ever jealous in safeguarding their liberties, which means that we must be equally as jealous in safeguarding our own.

Let us ever be clean and correct in our habits, physical as well as mental. Cicero said, "Mental stains can not be removed by time nor washed away by any waters." Let us be clean and clear in our thoughts as well as our actions. And, above all, let us not be narrow-minded bigots.

The Negro, the Jew, and the Catholic can all stand the Ku-Klux Klan, but America can not stand it and will not stand it, for there is no place on the soil of America for any such a hooded organization. You do not have to worry about the Klan, for it will fall of its own dead weight.

In conclusion, let me say that after all the only real democracy is a democracy of education, a democracy of intelligent information.

Goethe said, "One of the prime requisites of genius was a desire to know the truth, a passion for the truth." Holy Writ tells us, "Ye shall know the truth, and the truth shall make you free."

Howard University is striving to educate and enlighten her children, striving to ascertain the truth, and with her and her people all of us ought to be able to join joyfully in the old Latin maxim: "Non nobis solum sed patria et amicus" (not for ourselves alone, but for our friends and our country).

ORDER OF BUSINESS

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

Mr. TILSON. Reserving the right to object, will the gentleman withhold his request until I can submit a request, and then I shall make no objection to the gentleman's request.

Mr. BANKHEAD. My object was to try to secure some information from the Republican leader, if the gentleman has no objection to my asking him a question or two in my time.

Mr. TILSON. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BANKHEAD. Mr. Speaker, I have asked this time for this reason: We have had a very important legislative program pending here under a special rule, the Mississippi flood control bill, in which not only the entire country is very largely interested, but also the entire membership of this House. We proceeded with the general debate on the bill until it expired and we reached the time for consideration of this very important measure under the five-minute rule. It then developed, for some reason with which most of us are not acquainted, that certain negotiations were being undertaken by somebody in some way for the purpose of effectuating some purpose. I would like to inquire of the leader of the majority if he would be willing to acquaint the House with just what is being done to delay the consideration of the flood-control measure; what conferences, subterranean or otherwise, are taking place with reference to it, in order that we may become acquainted with the real situation, if the majority leader cares to take the House into his confidence on the question.

Mr. TILSON. There have been no subterranean conferences whatsoever, so far as I know. There have been conferences with members of the Flood Control Committee and others looking to an agreement as to certain points concerning which there have been differences of opinion. These conferences are still going on. I was before the Committee on Flood Control half an hour ago, and that committee was then considering the question of flood control. The distinguished minority leader was also present, and by a unanimous vote of that committee the minority leader and myself were asked to request that the consideration of this bill might go over until Monday, in the belief that the House will then be better able to consider the bill and that better legislation will probably eventuate by further conferences. This is all I know about it.

Mr. BANKHEAD. I will say to the gentleman, my inquiry is not at all critical. I do not interpose the question in any obstructive sense, but there are a great many of us here upon the floor of the House who have not been taken into the conferences of the negotiators on this question who are really anxious to find out what is the real situation, and I assume that when the gentleman says that conferences have taken place he means between representatives of the legislative branch and the executive branch of the Government.

Mr. TILSON. To a certain extent, yes.

Mr. BANKHEAD. In order to try to iron out, if possible, some of the objections of the Executive to this measure as reported?

Mr. TILSON. That is correct.

Mr. BANKHEAD. Can the gentleman from Connecticut give us any reasonably definite assurance that the measure will be proceeded with on Tuesday or Monday of next week?

Mr. TILSON. It is expected that it will come up Monday. I am sure that it was the expectation of the committee when they asked me to request that the consideration of the bill might go over to-day that the bill would be considered on Monday.

Mr. BANKHEAD. Of course, all of us who are interested in this measure hope some agreement can be reached to effectuate the purpose, and the only purpose of my inquiry was to get some information about the situation.

Mr. TILSON. I have given the gentleman substantially all I know about it.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GARRETT of Tennessee. The situation as described by the gentleman from Connecticut to the extent that the request was made by the Flood Control Committee that the program go over until Monday is correct. As to the conferences outside, I know nothing. The situation of Tennessee has been so repeatedly explained here that it is not necessary to explain it again. It is the only case I have ever known of in which the court, the jury, and the spectators all were for a proposition, and yet unable to work it out in the way I want it worked out. [Laughter.]

Mr. GARNER of Texas. Mr. Speaker, while we are on this matter I want to ask the gentleman from Connecticut a question. I do not know—for he has not gone into the question—as to what object is being arrived at. The bill passed the Senate, was reported by the committee of the House, and was being considered. In the meantime the Chief Executive of the Nation gave out a statement in which he requested the country to prevent the graft of the railroad and the lumber interests and others from overreaching Congress and passing some legislation detrimental to the country. I would like to know whether that influence has been sufficient to reach the organization in the House as to what shall be done, since the other body unanimously passed the bill.

Mr. TILSON. The gentleman from Texas does not propound a fair question at all.

Mr. GARNER of Texas. It is a fact, the press gave out the statement and put it in the President's mouth, and nobody has denied it—that this bill that passed unanimously in the Senate, 70 Senators voting for it and not a single vote in the opposition, was tainted with graft—was obtained by collusion between the railroads and the lumber interests.

Mr. TILSON. No such question as the gentleman has discussed has been considered in any conference that I have attended. Every conference I have attended has had as its object to arrive at a conclusion that will serve the purpose for which we are attempting to legislate, and at the same time properly safeguard the interests of the Government and the taxpayer. This has been the only object of all the conferences.

Mr. GARNER of Texas. I want to congratulate the gentleman from Connecticut on coming over to this side of the House and getting wisdom, statesmanship, and honesty. [Laughter.]

Mr. TILSON. Well, if a Democrat does happen to have a good idea occasionally, I am perfectly willing to profit by it. [Laughter.]

Mr. SCHAFER. Mr. Speaker, if the gentleman will yield, after listening to the Democratic floor leader you would be led to believe that the entire Democratic membership of the House was in favor of the bill as reported out by the committee, but when you look into the RECORD of the debate you find much opposition from the Democratic side to certain provisions.

Mr. TILSON. Mr. Speaker, by unanimous vote of the Flood Control Committee it is requested that the consideration of that bill go over until Monday. I therefore ask unanimous consent that the House consider as in Committee of the Whole unobjected bills upon the Private Calendar, beginning at the single star.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the House consider as in Committee of the Whole the Private Calendar, beginning at the single star. Is there objection?

Mr. WARREN. Reserving the right to object, I am going to ask the gentleman from Connecticut to modify his request by beginning at the single star and concluding at Calendar No. 444. That will give us an opportunity to consider 40 bills. I am endeavoring to go over each one of these bills as carefully as I can, and I will say that I have not had an opportunity to examine the bills beginning with Calendar No. 444.

Mr. LAGUARDIA. It has occurred to me that we can take up the Private Calendar with the understanding that only unobjected bills will be considered, and that will require only one objection.

Mr. WARREN. I will say to the gentleman that I dislike to object to a bill that I have not had the opportunity to read.

Mr. LAGUARDIA. It would retain its place on this calendar.

Mr. TILSON. The bills objected to on the Private Calendar retain their place. It is not like the Calendar for Unanimous Consent.

Mr. WARREN. I understand that; but I dislike to object to a bill that I have not had an opportunity to read or look at the report, and therefore I hope the gentleman will modify his request.

Mr. TILSON. I will say that I am trying to take advantage of every opportunity to consider the Private Calendar. I dislike to have the session of Congress come to an end without giving everyone an opportunity to have his bills on the Private Calendar considered. I am simply trying to take advantage of every hour when not engaged in something else more important to consider this calendar. If we must stop at Calendar No. 444, I fear that we shall only take a small part of the time and that the rest of the day will be practically wasted.

Mr. LAGUARDIA. I suggest to the gentleman from North Carolina [Mr. WARREN] that I am sure no Member who has a bill on the calendar can object to any Member asking that it go over without prejudice when the calendar is called suddenly in this way. I do not think that prejudices a bill in any way.

Mr. GARNER of Texas. Mr. Speaker, may I make a suggestion to the gentleman from Connecticut? If I understand it, the gentleman from North Carolina [Mr. WARREN] has examined only 40 of these bills, or at least up to Calendar No. 444. When we reach that point, why not take up the Consent Calendar? The Consent Calendar is very much congested, and it will take more than two days outside of suspensions to get anything like through the present Consent Calendar. I called it to the Speaker's attention this morning. If we are going to start suspending the rules at 3 o'clock on every other Monday, we will never get through with the Consent Calendar. Suppose we consider the Private Calendar up until Calendar No. 444 is reached, and then take up the Consent Calendar.

Mr. LAGUARDIA. Oh, Mr. Speaker, the Consent Calendar contains bills of great importance. They are public bills.

Mr. GARNER of Texas. If the gentleman is not prepared to go on with that calendar, very well.

Mr. LAGUARDIA. I am not prepared to go on with that to-day at all.

Mr. TILSON. Will my friend from North Carolina [Mr. WARREN] withhold his objection for the present?

Mr. WARREN. Mr. Speaker, I withhold the objection, reserving the right, when we reach Calendar No. 444, to object to further consideration.

Mr. BULWINKLE. Mr. Speaker, will the gentleman yield?

Mr. WARREN. Yes.

Mr. BULWINKLE. It will be necessary on account of the Private Calendar to have some night sessions, and we might as well put in this time now.

Mr. TILSON. That is the reason I make this request. We shall probably have to have long sessions, and, perhaps, night sessions, in order to give everyone a chance to have his bills on the Private Calendar considered. I am hoping that we may use such time as comes to us unexpectedly, like to-day, in the consideration of that calendar.

Mr. MONTAGUE. And the gentleman suggests that we begin at what point?

Mr. TILSON. From the star where we left off yesterday and go right on with bills that are unobjected to.

Mr. MONTAGUE. And by that the gentleman means to consider bills that require three objections?

Mr. TILSON. No; just one objection.

Mr. CHINDBLOM. Can the gentleman say whether it is the purpose, in any event, to proceed to the consideration of any other business to-day than the Private Calendar?

Mr. TILSON. There is nothing else ready. To do so would be taking Members by surprise. I do not think that would be fair. I shall move to adjourn and lose the time rather than to do that.

Mr. HASTINGS. Mr. Speaker, that is the question that I was about to ask, so that we may be sure nothing will be taken up other than the Private Calendar.

Mr. TILSON. It is not my purpose to take up anything else of importance unexpectedly, as this would be.

Mr. WARREN. Mr. Speaker, the gentleman of course understands that I have been asked to attempt to do this work, and it is entirely impersonal with me.

Mr. TILSON. I quite understand, and I think the gentleman is doing excellent work.

Mr. WARREN. I can not agree to consider these bills when I have not had the opportunity to go into them. Therefore I shall object to any agreement that takes up any bill after Calendar No. 444.

Mr. SCHAFER. The gentleman does not have to object to any bill that he has not studied. He can ask unanimous consent that it be passed over without prejudice.

Mr. WARREN. While I am attempting to do this, I think I ought to have the opportunity of reading the bills and the reports before undertaking to consider them in the House.

Mr. SPEAKS. Mr. Speaker, I ask unanimous consent to proceed for a moment. I desire the attention of the gentleman

from North Carolina. I have a bill on the Private Calendar in which I am interested merely from the standpoint of desiring to help a man who has rendered faithful and efficient service to his Government in time of war and who later reenlisted, as he states, under a distinct promise that he would be returned to the Philippines for the remainder of the period. He claims that the Government violated that agreement, and he left the service. I want recognition for the faithful service he rendered in time of war, regardless of his later record. Will the gentleman from North Carolina object to the consideration of bills of that character to-day?

Mr. WARREN. What is the calendar number?

Mr. SPEAKS. It is Calendar No. 411.

Mr. VINSON of Georgia. But that comes within the number that the gentleman from North Carolina agreed to consider.

Mr. TILSON. Mr. Speaker, if the Members of the House do not wish to use the time in this way, of course there is but one thing we can do, and that is to adjourn. I dislike very much to do it, and I wish to have the responsibility placed where it belongs.

Mr. SPEAKS. Mr. Speaker, I desire to say that statement does not correctly represent the attitude of the membership of this House.

Mr. TILSON. I had no reference whatever to the gentleman from Ohio.

Mr. DYER. Regular order, Mr. Speaker!

The SPEAKER. The regular order is demanded.

Mr. TILSON. Mr. Speaker, is my request granted that we go on with the consideration of the Private Calendar to-day?

Mr. CHINDBLOM. Will the gentleman from North Carolina [Mr. WARREN] permit this request to be granted as made, and when we reach Calendar No. 444, if the gentleman feels as he does now, rise and say he will object to further bills being considered? That will end the proceeding.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut that the House shall consider the Private Calendar?

There was no objection.

PROTECTION OF WATERSHEDS OF NAVIGABLE STREAMS

Mr. HAUGEN. Mr. Speaker, I call up the conference report on the bill S. 1181, authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

The SPEAKER. The gentleman from Iowa calls up a conference report, which the Clerk will report.

The conference report was read.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1181), authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following: "available July 1, 1928, $2,000,000; available July 1, 1929, $3,000,000; available July 1, 1930, $3,000,000; in all for this period, $8,000,000, to be available until expended"; and the House agree to the same.

G. N. HAUGEN,
FRED S. PURNELL,
J. B. ASWELL,
Managers on the part of the House.

CHAS. L. MCNARY,
HENRY W. KEYES,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1181), authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers, submit the following written statement in explanation of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate bill authorized an aggregate appropriation of $40,000,000 to become available over the period from the passage of the act to July 1, 1936. The amendment of the House provided an aggregate of $4,000,000, one-half of which was to become available July 1, 1928, and one-half to become available July 1, 1929. The conferees agreed upon a substitute provision authorizing a total appropriation of $8,000,000; $2,000,000 to become available July 1, 1928, $3,000,000 July 1, 1929, and $3,000,000 July 1, 1930.

G. N. HAUGEN,
FRED S. PURNELL,
J. B. ASWELL,
Managers on the part of the House.

Mr. SNELL. Mr. Speaker, perhaps it would be well to have a word of explanation concerning this bill. I could not catch it from the reading.

Mr. HAUGEN. Eight million dollars is authorized, of which $2,000,000 is to be available on July 1, 1928.

Mr. SNELL. What for?

Mr. HAUGEN. Under the Weeks Act. Two million dollars is to be available.

Mr. CHINDBLOM. Will the gentleman tell us what the legislation is?

Mr. HAUGEN. To authorize an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, to enable the States to cooperate for the protection of the watersheds of navigable streams.

Mr. SNELL. What is the effect of the amendment?

Mr. HAUGEN. The effect of the amendment is that the House authorized $4,000,000 and the Senate $40,000,000, and the conferees agreed upon $8,000,000, $2,000,000 of which is to be available on July 1, 1928.

Mr. SNELL. Is that similar to the McSweeney bill?

Mr. HAUGEN. Not exactly similar. This is for the purchase of land.

Mr. SNELL. It does not cover the same proposition as the McSweeney bill?

Mr. HAUGEN. No. The McSweeney bill provides for the administration of the law and additional funds beyond what has been appropriated before.

Mr. SNELL. The bill provides for an expenditure of $8,000,000?

Mr. HAUGEN. Yes. The House bill provides for $4,000,000 and the Senate recommended $40,000,000, and the House agrees upon $8,000,000. The Senate bill from the present time up to the year 1946 provides for a total of $40,000,000.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

VALIDATION OF APPLICATIONS FOR PUBLIC LANDS

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11020, validating certain applications for and entries of public lands, with Senate amendments, and move to concur in the Senate amendments.

The SPEAKER. The gentleman from Oregon calls up the bill H. R. 11020, with Senate amendments. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11020) validating certain applications for and entries of public lands.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

THE PRIVATE CALENDAR

The SPEAKER. The Clerk will call the first bill on the Private Calendar, beginning with the star.

LAGRANGE GROCERY CO.

The first business on the Private Calendar was the bill (H. R. 7898) to ratify the action of a local board of sales control

in respect of contracts between the United States and the Lagrange Grocery Co., of Lagrange, Ga.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, will the gentleman from Georgia state whether this is simply to ratify a settlement made between the War Department and the purchasers of these surplus supplies?

Mr. WRIGHT. Absolutely. This was referred to what is known as a local board of sales control, an organization created by the War Department under authority of law. This local board of sales control made a thorough investigation and report, and my constituent, the Lagrange Grocery Co., accepted that, paid the money they said should be paid, and received the goods.

Mr. LAGUARDIA. Did the law provide that such a settlement would have to be ratified by an act of Congress?

Mr. WRIGHT. No; it did not.

Mr. LAGUARDIA. Then why should we ratify it now?

Mr. WRIGHT. The whole trouble arose by reason of a ruling of the Comptroller General.

Mr. LAGUARDIA. Did he hold that the board was not authorized to make this settlement?

Mr. WRIGHT. I presume that is what he held.

Mr. LAGUARDIA. But the board was created by act of Congress?

Mr. WRIGHT. Absolutely; it was a Government organization.

Mr. LAGUARDIA. And this will close the deal as between the Government and the grocery company?

Mr. WRIGHT. Absolutely. It simply ratifies what this board did.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That inasmuch as the Lagrange Grocery Co., of Lagrange, Ga., in disposing of 10,000 cotton undershirts, 10,000 cotton undershirts, 2,000 cotton undershirts, 5,000 shoe brushes, 5,000 shoe brushes, and 1,000 shoe brushes purchased from the United States Government under sales contracts Nos. SE-5428, SE-5427, SE-5251, SE-5625, SE-5624, and SE-5623, respectively, entered into between the United States and the said Lagrange Grocery Co. on February 6, 1922, has adjusted its sales prices in reliance upon the action of the local board of sales control of the War Department in reducing and fixing the price to be paid by the said Lagrange Grocery Co. under such contracts, such action of such board is hereby ratified on behalf of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CITY OF PARK PLACE

The next business on the Private Calendar was the bill (H. R. 10218) authorizing the Court of Claims of the United States to hear and determine the claim of the city of Park Place, heretofore an independent municipality, but now a part of the city of Houston, Tex.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to say to the gentleman from Texas that I do not doubt in the least that there is a great deal of merit in the claim of this municipality, but let me submit to the gentleman, who is a member of the Committee on Military Affairs, that if we establish the precedent that any municipality, city, or township which may have had its streets torn up by reason of the traffic of military trucks we are establishing a very dangerous precedent. My own city could come in and claim a million dollars.

Mr. GARRETT of Texas. Let me say to the gentleman that we have already established this precedent in a number of instances. There are several counties in the United States that have been paid for damage to their streets and highways, one or two in Texas, I think in Mr. CONNALLY's district.

Mr. LAGUARDIA. Were they not cases where the road was used exclusively for military traffic?

Mr. GARRETT of Texas. Oh, no; they were regular highways built by the counties and erected by the counties.

Mr. KNUTSON. Was not Maryland reimbursed for damage to her pavements in connection with Camp Meade, through Representative ZIHLMAN?

Mr. GARRETT of Texas. There have been quite a number of them. Let me say to the gentleman from New York that the board which was created immediately after the war passed on this claim and said that in their opinion the city should be reimbursed in this amount, and recommended it. It came up to the board in Washington and they turned it down on a question of law. They said they did not think a municipality had the right to make claims for damages done to its streets or highways.

Mr. LAGUARDIA. Suppose New York City should come in with a claim for wear and tear on its pavements by trucks connected with Army posts around New York and connected with many military activities during the war. If that were done, it would run into millions of dollars, and every large city could follow that procedure.

Mr. GARRETT of Texas. I will say to the gentleman that might be true, but this has already been done in a number of cases. Now, whether the Court of Claims is going to hold with the board that held that as a matter of law they were not entitled to any damages is an entirely different question. All I am asking is that this matter be referred to the Court of Claims.

Mr. LAGUARDIA. The gentleman from Minnesota has referred to the case of Maryland and the gentleman from Texas has referred to other cases in the State of Texas. Were they not disposed of by direct appropriations?

Mr. GARRETT of Texas. They came out of our committee. I did not have this referred to my committee but to the Committee on War Claims.

Mr. LAGUARDIA. And there were direct appropriations in those cases?

Mr. GARRETT of Texas. Direct appropriations were authorized.

Mr. LAGUARDIA. Is this the first case that will go to the Court of Claims?

Mr. GARRETT of Texas. It is the only one I know of.

Mr. LAGUARDIA. I am willing to take the chance that the Court of Claims will hold against you. That is our only hope, otherwise the doors are wide open.

Mr. HUDSON. This has been denied by the board of appraisers, has it not?

Mr. GARRETT of Texas. It has been allowed.

Mr. HUDSON. No; it has been denied.

Mr. GARRETT of Texas. At Washington; yes; but the board of appraisers at Ellington Field, the officers who were convened there, allowed it.

Mr. HUDSON. I find this language in the report:

The case was reviewed under date of October 8, 1919, by the War Department board of appraisers, which recommended that the claim be denied, on the ground that it is not within the power of the municipality to collect damages from the owners of cargo vehicles of ordinary and well-recognized types when the street surface is damaged by the lawful passage of such vehicles, however frequent.

Mr. GARRETT of Texas. The board at Washington held that. They reversed the board at Ellington Field. The board there allowed the claim, but when the claim was sent up here this board reversed the board at Ellington Field.

Mr. LAGUARDIA. I think the law laid down by the board is correct.

Mr. GARRETT of Texas. If that be true, the case will go out on a demurrer in the Court of Claims.

Mr. LAGUARDIA. Can you demur in the Court of Claims?

Mr. GARRETT of Texas. As I understand, you can plead anything there you can plead anywhere else.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Court of Claims be, and it is hereby, authorized and directed to hear and determine the claim of the city of Park Place, Tex., heretofore an independent municipality but now included within the extended corporate limits of the city of Houston, Tex., for compensation for the destruction of the streets of the said city of Park Place by the Army trucks of the United States in the years of 1917 and 1918. Said claim shall not be barred by any statute of limitations nor because of the fact that the claimant was at the time of the injury a separate municipality and now a part of the city of Houston, Tex.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

P. L. ANDREWS CORPORATION

The next business on the Private Calendar was the bill (S. 2644) to carry out the findings of the Court of Claims in the case of the P. L. Andrews Corporation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

OLD DOMINION LAND CO.

The next business on the Private Calendar was the bill (S. 2926) for the relief of the Old Dominion Land Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ETHEL L. SAUNDERS

The next business on the Private Calendar was the bill (H. R. 11716) authorizing and directing the Secretary of the Interior to issue patents to Ethel L. Saunders, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue a patent to Ethel L. Saunders, of St. Cloud, Fla., for lot 3 of section 10, and lot 3 of section 11, township 26 south, range 31 east, Tallahassee meridian, a part of the lands embraced in homestead application (Gainesville 017626), filed June 18, 1924. The Secretary of the Interior is also authorized and directed, upon payment of $1.25 per acre, to issue a patent to said Ethel L. Saunders for lot 5 of section 11, township 26 south, range 31 east, also claimed by said Ethel L. Saunders under a settlement antedating the survey of the lands.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOE W. WILLIAMS

The next business on the Private Calendar was the bill (S. 484) for the relief of Joe W. Williams.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to convey by patent to Joe W. Williams, of Chipley, Fla., the west half of the west half of section 19, township 7 north, range 12 west, Houston County, Ala., upon payment by the said Joe W. Williams to the United States of the sum of $1.25 per acre at any time within 90 days after the enactment of this act: *Provided*, That upon default on the part of said Williams in making such payment within said period, all rights hereby conferred shall lapse.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN M. KING

The next business on the Private Calendar was the bill (H. R. 3222) for the relief of John M. King.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, who is interested in this bill?

Mr. DICKINSON of Missouri. I am.

Mr. LAGUARDIA. The department states that repeated effort has been made to locate the records to show that this man did not desert or that he was sick, as he states, with measles which affected his eyesight. It does not appear that this man really was engaged in active service at any time during the period of the war. I really do not see any merit in the bill.

Mr. DICKINSON of Missouri. But he was in the service when he was taken sick with measles and was sent home by authority of the military doctor and the disease was contracted in the service. The measles settled in his eyes and permanently injured his eyesight and rendered him unfit for further military service. He was given permission to return home by the battalion doctor and remained continuously at his home near Dadeville, Dade County, Mo.

Mr. LAGUARDIA. The gentleman is reading from the report?

Mr. DICKINSON of Missouri. I am reading from the report, and that statement is taken from the testimony of men who knew him and who served with him and are familiar with the facts.

Mr. LAGUARDIA. The records of the department state that nothing has been found of record to show that he was sick or under medical treatment at any time during the period of his actual service.

Mr. DICKINSON of Missouri. But I want to call the gentleman's attention to the fact that the records in the Civil War were not kept as well as they were in the later wars, and you have got to establish some of these things by those who are familiar with the facts.

Mr. LAGUARDIA. I think it is really surprising how well the records were kept.

Mr. DICKINSON of Missouri. The testimony here is from parties who served with him in part, and these reputable people have sworn to the facts in the case, and I think the record of this old man, who is now deceased, ought to be permitted to be corrected.

Mr. LAGUARDIA. If the gentleman pleases, he is supposed to have been mustered in the service on September 1, 1861. On the company roll covering the period from July 1 to September 1, 1861, he is reported absent on leave of absence to protect his property, and on the muster roll dated October 31, 1861, he is reported present. Now, we have one month there.

Then on December 31 he was absent without leave. On February 28 the muster roll shows that he refused to be mustered and had left the command. That shows that there were pretty good records kept at that time. Giving him the benefit of the doubt, he only served about 30 days in camp.

Mr. DICKINSON of Missouri. That was in another service. He seems to have been in two services. There is most overwhelming testimony about his condition, and his being sent home by direction of the doctor because the measles had settled in his eyes and he was not able to serve. I hope the gentleman will not object.

Mr. LAGUARDIA. How old is this man?

Mr. DICKINSON of Missouri. He is dead, but his widow is living.

Mr. LAGUARDIA. When did he marry?

Mr. DICKINSON of Missouri. Fifty or sixty years ago.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John M. King, who was a private in Company D, Sixth Regiment Missouri Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

With the following committee amendments:

Line 9, after the word "regiment," insert "September 30, 1862"; same line, strike out all of the proviso and insert in lieu thereof "That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

REGULATION OF COTTON EXCHANGES

Mr. JOHNSON of Texas. Mr. Speaker, I rise to ask unanimous consent that my colleague [Mr. CONNALLY of Texas] be permitted to extend his own remarks in the RECORD on a bill introduced by him on the regulation of cotton exchanges.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, I wish to urge upon your attention a bill introduced

by me (H. R. 10709) to regulate cotton exchanges and to stop gambling and manipulation of the cotton market by fictitious operations and by conspiracy to rob the farmer. It puts the cotton exchanges under regulations as the grain exchanges are now controlled. It provides criminal prosecution for those who violate the law. The present law does not provide penalties and does not afford proper regulation of the exchanges. The Connally bill does not destroy the exchanges, but it provides that their operations must be restricted to legitimate sale and purchases of cotton so that the market may in fact reflect supply and demand, and that the farmer may get a fair and honest price for his cotton.

Gentlemen of the House, it is notorious that during the fall of 1927 the cotton market was scandalously manipulated. In August the cotton estimate was 13,492,000 bales. December cotton on the New York Exchange went to 23.70 cents a pound. Immediately an organized drive was begun to break the market and December cotton was forced down to 18.92 cents. The September estimate was 12,692,000 bales, practically 1,000,000 bales less than the August estimates. By some character of conspiracy or manipulation between certain cotton factors and operators on the New York Cotton Exchange, December cotton was hammered down to 20.23 cents. With 1,000,000 bales less cotton, the price was forced downward to the loss of the farmer, merchant, and banker. The estimate for October was 12,678,000 bales, and in the face of that estimate cotton again declined to 19.4 cents. The November estimate made a slight increase and the December estimate fell 63,000 bales under November. December cotton was beaten down to 17.96 cents, or nearly $30 a bale below what cotton had sold for earlier in the fall and summer. And yet in August the estimate was 1,000,000 bales more than it was in November. The Connally bill is similar to the Vinson bill, by the gentleman from Georgia. I have no pride of authorship. I shall be satisfied if Congress will pass the Vinson bill or the Connally bill, or any other bill that will properly regulate the exchanges and stop gambling and manipulation. The Connally bill prohibits what is known as "straddling." It prohibits "washing" the market and "shaking out" spot cotton. It prohibits the dissemination of false information and it provides penalties for the violation of the regulations laid down in the act and laid down by the Secretary of Agriculture and the board to govern the exchanges. The Connally bill provides that if a cotton exchange violates the law or regulations it can be suspended or closed. Any operator on the exchange, who violates the law can be denied the privilege of the futures market.

The law of supply and demand in the cotton market during last fall was not permitted to operate by these artificial processes of tendering and retendering the same cotton repeatedly to fulfill future contracts. With no bona fide intention to sell or buy a real bale of cotton manipulators began a campaign to hammer down the market and shake out spot cotton held by producers all over the country. There is a large amount of spot cotton still in the farmers' hands and the object of the drive was to depress the market and to make the producers believe it is going even still lower and shake them out and buy their cotton at ruinous prices.

SUPPLY AND DEMAND

If supply and demand had operated normally, such fluctuation could not have taken place. It is self-evident that some sort of artificial juggling or manipulation operated to hurt the cotton producers, the bankers who held loans on spot cotton, and legitimate cotton merchants.

STABLE PRICE

Stability of price is desirable by the producers and legitimate cotton dealers. Violent fluctuations, up or down, are extremely harmful. It unsettles and disrupts business. Only those who gamble on the future market can be benefited by widely varying prices. A limit ought to be placed on the amount of fluctuation of the market for any single day of 50 points and no more.

FORMS OF MANIPULATION

Big operators on the exchanges, with large resources and much cotton at their command, can bring about manipulation. The same is true of big operators in any commodity. Through "pools" a few big operators can depress or raise the price almost at will. The same thing happens on the stock exchange. Pools ought to be prevented by law and operations on the exchanges ought to be made subject to the antitrust laws.

"Washing the market" takes place when the same firm or group, through its brokers, buys futures and at the same time through other brokers is selling futures. With large stocks of cotton such a scheme can send the market up or down almost at will. This is a form of "shadow boxing" harmful to the market. "Straddling" is another practice that is harmful. By selling May cotton and at the same time buying October cotton through other brokers, or vice versa, an artificial spreading of prices between the two months is brought about. One month goes up and the other down and the manipulator profits. It ought to be prevented.

CALL COTTON

Much has been said about the sale of cotton on call. A cotton buyer sells spot cotton based on some future month. He delivers his cotton to the big spot operator at a price to be fixed "on call." The seller puts up a margin. The big operator can not lose, because the margin protects him. When the cotton is called the price is fixed by the price of that month on the exchange. The seller takes all the risk.

LOW-GRADE COTTON TENDERED ON EXCHANGES

It is claimed that much of the cotton accumulated at New York for tendering purposes is "half-and-half cotton" of a weak staple, though technically of a tenderable grade. The staple may come within the law, but the cotton is unspinable, and sometimes rotten. Low-grade cotton when tendered is not accepted, because spinners will not buy it. On the other hand, the tendering of good cotton would assist the market by the absorption of cotton offered. Instead of a staple of seven-eighths inch, as is now permitted for tendering purposes, it should be fixed at fifteen-sixteenths-inch staple.

The Government ought to supervise the operation of the exchanges. They ought to be required to preserve an accurate record of all sales and purchases, and their books should be open to Government auditors. In this way illegal pools and conspiracies to put the market up or down could be detected. The Connally bill limits the tendering and retendering of the same spot cotton on contracts. Cotton when tendered should be merchantable.

Through the operations of the exchanges, the southern cotton farmers during 1927 suffered the loss of millions and millions of dollars. While we may not know without experimenting just what ought to be done, we know that something is radically wrong with the cotton market. If a 13,000,000-bale crop was worth 24 cents, a 12,000,000-bale crop ought not to have sold for $30 a bale less money. Stricter supervision and inspection of the books of the exchanges will result in much good. Illegal pools and conspiracies can be broken up and punished. To prevent a few big operators from controlling the market a limit ought to be placed on the amount any one firm could buy or sell on the future market in any one month, and, if possible, a proper parity ought to be preserved between each delivery month.

It is the intention of manipulators to make the spot-cotton holders shake out and sell their spot cotton, and once it is sold to the manipulators, once it is in their hands, it will go back to 23 or 24 cents per pound, as it was early in the fall, notwithstanding the fact that the actual production of cotton is practically 1,000,000 bales less than it was in August. The cotton farmers have lost 5 or 6 cents per pound through juggling and manipulation of the market.

Mr. Speaker and gentlemen of the House, the Connally bill puts the cotton exchanges under strict regulation. It gives the Government the power to cancel or suspend their permits to do business if they permit manipulation of the market. It punishes any operator who violates the law or regulations. It prohibits "straddling" and "washing" the market. It restricts operations of the exchanges to legitimate purposes of buying and selling cotton and legitimate operations of that character. The Connally bill will save the cotton farmers millions upon millions of dollars. If you will pass the bill, you will be giving the farmers real relief and you will permit the normal laws of supply and demand to operate.

OLD DOMINION LAND CO.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to return to Calendar No. 404, S. 2926, for the relief of the Old Dominion Land Co., the objection having been withdrawn.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to return to Calendar No. 404. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to certify for payment to the Old Dominion Land Co., from any money in the Treasury not otherwise appropriated, the sum of $3,314.40, on account of destruction

by the United States of two buildings formerly located on premises leased from the claimant in connection with Camp Hill and Camp Stuart, Va.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ELBERT L. COX

The next business on the Private Calendar was the bill (H. R. 10702) for the relief of Elbert L. Cox.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I would like to ask the gentleman from Virginia if all the facts in the case are stated on page 2 of the report?

Mr. WHITEHEAD. Yes; and the letter of the War Department, and the War Department makes no objection to it.

Mr. LAGUARDIA. It was only a technical charge?

Mr. WHITEHEAD. That is all; he was exonerated from any intent to violate the Articles of War.

Mr. LAGUARDIA. I have no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Elbert L. Cox, who was a member of Headquarters Troop, One hundred and thirty-fifth Machine Gun Battalion, Thirty-seventh Division, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a second lieutenant of that organization on the 19th day of August, 1918: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WESLEY JORDAN

The next business on the Private Calendar was House joint resolution (H. J. Res. 77) concerning lands and property devised to the Government of the United States of America by Wesley Jordan, deceased, late of the township of Richland, County of Fairfield, and State of Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Resolved, etc., That the acceptance of the devise and bequest made by Wesley Jordan in his last will and testament to the Government of the United States of America and recorded in volume 34, page 386, of the will records of Fairfield County, Ohio, be declined by the Government of the United States of America, and that the estate of the said Wesley Jordan be, and is, forever discharged from any obligation to the United States of America growing out of said last will and testament of said Wesley Jordan, deceased.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

STEAMSHIP "CITY OF BEAUMONT"

The next business on the Private Calendar was the bill (H. R. 8001) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *City of Beaumont* against the United States, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HOOPER. Reserving the right to object, I would like to ask the gentleman from Massachusetts a question. I notice that the collision occurred on the 19th day of December, 1918. What is the reason for this long lapse of time?

Mr. UNDERHILL. The war principally. We passed a general admiralty bill to cover all such cases back in 1920. This collision antedates that bill.

Mr. HOOPER. I have no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the City of Beaumont Ship Corporation, a corporation existing under the laws of the State of Delaware, owner of the American auxiliary barkentine *City of Beaumont*, is hereby authorized to bring suit in personam against the United States within one year after this act becomes law to recover damages for any injury to the said steamer *City of Beaumont* which may have been caused by the U. S. S. *Westland* on December 19, 1918, and jurisdiction in admiralty is hereby conferred upon the District Court of the United States in the Southern District of New York, to hear, consider, and determine such suit upon the principles of liability, and in accordance with the practice obtaining in like suits in admiralty between private parties, and to enter a decree or judgment for or against the United States or said City of Beaumont Ship Corporation, including costs and interest at 4 per cent per annum.

SEC. 2. That either said City of Beaumont Ship Corporation or the United States as parties to any suit commenced as authorized above, may offer in evidence testimony heretofore taken on behalf of either of the said parties under any suits in admiralty heretofore pending in the United States District Court for the Southern District of New York, on behalf of said City of Beaumont Ship Corporation against either the steamship *Westland* or the United States of America as owner of the said steamship, the said libels having been excepted to by the United States of America only on jurisdictional grounds, and those exceptions being supported under recent decisions of the United States Supreme Court.

SEC. 3. That the suit herein authorized shall be brought and prosecuted in accordance with the provisions of the act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, as amended in so far as such provisions are applicable thereto, unless otherwise provided herein. The right of appeal and review shall be afforded as now provided by law in like suits in admiralty between private parties.

SEC. 4. That in case a final judgment or final decree is rendered against the United States, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay such final decree, which shall be paid to City of Beaumont Ship Corporation by the Secretary of the Treasury upon the presentation of a duly authenticated copy of such final judgment or final decree.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof as follows:

"That the claim of the City of Beaumont Ship Corporation, a corporation existing under the laws of the State of Delaware, owner of the American auxiliary barkentine *City of Beaumont*, against the United States of America for damages alleged to have been caused by collision between the said vessel and the U. S. S. *Westland* on the 19th day of December, 1918, may be sued for by the said owners of the *City of Beaumont* in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the City of Beaumont Ship Corporation, or against the said corporation in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal, except that no interest shall be allowed on any claim: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by orders of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EDWARD TOMLINSON

The next business on the Private Calendar was the bill (H. R. 10261) for the relief of Edward Tomlinson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, reserving the right to object, this is the bill which the gentleman from Ohio [Mr. SPEAKS] spoke about a few moments ago. This soldier in whom he is interested did serve out one term in the Army. He then reenlisted on December 4, 1901, and deserted on March 12, 1902, after a three months' service. He has never been heard of since that time. For that reason I object.

Mr. SCHAFER. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. WARREN. Yes.

Mr. SCHAFER. This soldier rendered faithful and honorable service during the Spanish-American War. He left the service without leave after the war period. I do not think this bill will confer any additional pension rights. It is my understanding under the regulations of the Pension Bureau that he

now is entitled to a pension under the act of May 1, 1926, by reason of his Spanish-American War service.

Mr. SPEAKS. Mr. Speaker, I have no special interest in this case, and whatever I may have said in the colloquy which occurred a short time ago referred to the principle involved. After a bill has gone to a committee, has received thorough consideration, and a unanimously favorable report and is sent to the floor of the House, I question the propriety of a Member after a hasty and merely a superficial investigation of the matter taking the responsibility of objecting to its consideration when in regular order it is reached on the calendar. Take the case of this soldier, and it is typical of thousands of them. He served faithfully and received an honorable discharge and returned to the United States from the Philippines. He was urged to reenlist, and consented with the understanding, as he claims, that he should be returned to the Philippines for service. He waited three months for that arrangement to be carried out. He regarded it as a contract between himself and the Government in which he had rights equal to those of the Government. After repeated requests to be returned to the Philippines, which were denied, he left.

I agree that that was not the proper course for him to follow, even though it was a contract, even though right and justice were on his side, what chance had he battling with this great Government without congressional action? Absolutely none. That is the only reason I am interested in his case. He is helpless, even though the equities are on his side. I doubt very much the propriety of the gentleman from North Carolina [Mr. WARREN]—and I agree that he is acting with proper motives—in objecting to a bill under these circumstances.

Mr. LAGUARDIA. Mr. Speaker, I do not think that is a fair statement. I do not think it is fair to doubt the propriety of the gentleman from North Carolina.

Mr. SPEAKS. I do doubt the propriety of this course, although admitting he is within his rights.

Mr. LAGUARDIA. I do not think that is fair. Some of us feel that we have a duty to perform in respect to this calendar and that we must exercise the judgment that we have, whether it is as perfect as the judgment of the gentleman from Ohio [Mr. SPEAKS] or not, and whether it be or not, I do not think it is a question of propriety.

Mr. SPEAKS. Mr. Speaker, in order that the RECORD may be clear, may I proceed for a moment?

Mr. WARREN. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the bill go over without prejudice. Is there objection?

There was no objection.

Mr. SPEAKS. Mr. Speaker, has my time expired?

The SPEAKER pro tempore. There is no rule of time running.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio be permitted to address the House for five minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. SPEAKS. I do not want five minutes. But since the question is up, I desire to say that on a previous occasion I undertook to obtain favorable action by the House on a bill which had been before Congress for many years. Senator Lodge, Senator Foraker, and other men of high standing in the Congress had made efforts to have the bill considered, but could not get final action because of the same program being followed as at this time.

I went into the case thoroughly, because I was convinced that justice demanded that the case was entitled to favorable consideration. One night when private bills were being considered it was objected to, and I pressed the gentleman who made the objection for some reason. The only reply he could give was that a certain gentleman had asked him to object to all these bills on that particular occasion. I insist that such procedure is not a proper method of conducting legislation. That is all.

E. H. JENNINGS, F. L. JOHANNS, AND HENRY BLANK

The next business on the Private Calendar was the bill (H. R. 9620) for the relief of E. H. Jennings, F. L. Johanns, and Henry Blank, officers and employees of the post office at Charleston, S. C.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, clearly here is a case where the postmaster was under bond. What happened to the bond and what happened to the bondsman?

Mr. HARE. Mr. Speaker, in answer to the gentleman, I wish to say first that I do not happen to be the author of this bill. It is the bill of my colleague from Charleston, S. C. [Mr. MCMILLAN], who happens to be away at this time on account of a death in his family. The circumstances in the case are these, if I understand them correctly: The money-order clerk took the money involved some time during the day, the shortage being detected about the close of work hours in the afternoon. As soon as he was detected and he knew that others were aware that he had embezzled this money, he committed suicide. The money has never been located. The Postmaster General feels that the postmaster and the parties named in the bill here may be technically liable, but not legally so, because the post-office officials say that in the course of his duty this young man had access to these funds while performing his regular work, and that they should not be held liable for his misconduct. Now, as I understand it, the Post Office Department raises the question whether or not the bondsman of the postmaster himself could be forced to pay this money.

Mr. LAGUARDIA. Why not, under the provisions of the bond?

Mr. HARE. Because the Post Office Department, through its inspectors, does not claim that the postmaster himself was negligent in any way or responsible for this shortage. This young man had access to these funds in the regular performance of his duties, and there was no negligence on the part of the postmaster or these other employees who were under bond.

Mr. LAGUARDIA. What efforts have the Post Office officials made to assert their rights under the bond?

Mr. HARE. I am not prepared to answer that further than to say that they have investigated the matter and recommend that this bill should pass.

Mr. LAGUARDIA. This matter of releasing bonds is a sort of obsession to me. I think we ought to look into it.

Mr. HARE. We have looked into this case, and other bills of a similar character have heretofore been passed.

Mr. UNDERHILL. Mr. Speaker, in order to avoid taking up the time on similar bills, I make the inquiry how this bill happened to get before the Committee on Post Offices and Post Roads? Perhaps it was because of the policy adopted by the Committee on Claims.

An employee of the post office, whether he be a postmaster or in some subordinate position, gives bond. The bond covers his honesty and integrity rather than that of anyone who is under him. The Government or the individual in private business could not hold the postmaster liable under that bond or the surety liable under that bond if some subordinate employee should default or rob or steal or get away with funds.

Now, we must realize that in public employment, particularly in the Post Office Department, the postmaster has no jurisdiction over whom he shall hire or whom he shall fire. That is done through the Civil Service Commission. They allot certain men, and then they have inspectors to keep guard and watch over the other employees. Now, if one of these subordinates gets away with a lot of money or a lot of securities, under the bond of the postmaster you can not hold him liable, because he performs his duty. He is not liable. If the system is wrong in the Post Office Department, it ought to be corrected. Every subordinate ought to be bonded to the Government or to the postmaster.

Mr. LAGUARDIA. The gentleman from Massachusetts is entirely wrong on the law and the facts, and the proof here is that in this case the bond was held liable and they paid the bond. For that reason I withdraw my objection.

Mr. UNDERHILL. That may be true, so far as that is concerned.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to relieve E. H. Jennings, F. L. Johanns, and Henry Blank of the payment of the sum of $2,011.03 each, to cover shortage of funds embezzled by H. H. Carter, a money-order clerk, while on duty in the Charleston post office, occurring on March 26, 1927.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

RELIEF OF CONTRACTORS AND SUBCONTRACTORS

The next business on the Private Calendar was the bill (H. R. 10957) to amend the act entitled "An act for the relief of con-

tractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920, be, and the same is hereby, amended so that said act shall include W. H. Stillwell, of Savannah, Ga., the contractor for the United States post-office building erected at Burlington, N. C., and, as to said W. H. Stillwell, contractor, claims for reimbursement as provided by said act of August 25, 1919, as amended by act of March 6, 1920, may be filed within three months after the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

DAVID J. WILLIAMS

The next business on the Private Calendar was the bill (H. R. 6780) for the relief of David J. Williams.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, here is another case where an employee was short in his account.

Mr. SCHAFER. No. This is a robbery case.

Mr. JOHNSON of Washington. This is a case of burglary by bandits.

Mr. Speaker, I ask unanimous consent to substitute bill S. 463, which is on the Speaker's table.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that Senate bill 463 be substituted for the House bill, which is identical with the House bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of David J. Williams, of Tacoma, Wash., formerly collector of internal revenue for the district of Washington, in the sum of $22,160.78, due the United States on account of loss of public funds stolen from the internal revenue office at Seattle, Wash., March 16, 1920.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

FRANK HANLEY

The next business on the Private Calendar was the bill (S. 802) for the relief of Frank Hanley.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, if my understanding is correct, when this man went to join his ship he found the ship had sailed?

Mr. WILLIAMS of Missouri. Yes. That is the case.

Mr. SCHAFER. I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of laws conferring rights and privileges upon honorably discharged soldiers or sailors, Frank Hanley shall be held to have been honorably discharged from the naval service as a landsman on board the U. S. S. *Yantic* on November 20, 1865: *Provided*, That no back pay, compensation, or other benefit shall accrue prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

CHARLES R. SIES

The next business on the Private Calendar was the bill (H. R. 4012) for the relief of Charles R. Sies.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to ask my colleague from California how he overcomes the objections raised by the Navy Department, first:

It will be noted that Chief Pay Clerk Sies is not eligible for consideration under the terms of the above-quoted provision of law for the reason that he was retired prior to December 31, 1921.

And, secondly, that other bills of a like nature have been unfavorably reported by the department.

Mr. EVANS of California. He comes within the period of some few days in the change of the law. He is the only officer who was retired while serving under a temporary appointment and not retired under that rank. He was serving under a temporary appointment as lieutenant in the Navy, and while thus serving he was permanently and totally disabled. He is paralyzed from his waist down and incurred that disability in line of service. He is the only officer who was not retired under the act which is quoted in the report, as follows:

Any officer of the regular Navy who has been retired since December 31, 1921, by reason of physical disability which originated in the line of duty at any time between April 6, 1917, and March 3, 1921, inclusive, while holding higher temporary rank, shall be advanced on the retired list to, or shall be placed on the retired list in, such higher grade or rank.

He was retired on December 5 while this was made effective as of December 31. He is the only officer who has not the rank which he held at the time he was retired.

Mr. LAGUARDIA. It makes a difference of $390 a year?

Mr. EVANS of California. Yes. This man is totally paralyzed from his waist down.

Mr. LAGUARDIA. Instead of providing that the bill shall take effect on March 4, 1925, why not provide that it shall take effect immediately after the passage of the act?

Mr. EVANS of California. Because he is really entitled to it, and this $390 a year means a great deal to this man.

Mr. LAGUARDIA. Was he incapacitated in line of duty?

Mr. EVANS of California. Yes. He is paralyzed, and is as dead as a stick from his waist down.

Mr. SCHAFER. Is it not a fact that the Secretary of the Navy generally fails to favorably report on bills such as this as a matter of policy, and that the Naval Affairs Committee considered this bill on its merits?

Mr. EVANS of California. There was not a bill before our committee, when I have been present, that has had the unanimous support that this bill had when it came up. An officer from the Navy Department came before the committee and recommended its passage.

Mr. LAGUARDIA. How long was this man in the service?

Mr. EVANS of California. I believe for several years. He is now 48 years of age.

Mr. SCHAFER. He was in the service during the war?

Mr. EVANS of California. Yes. He was in the service for a great many years.

Mr. HALE. The Navy Department has not made an unfavorable recommendation as to this bill. They simply do not take a position on it one way or the other. The reason why they did that, as appears in the hearings, is because the Budget reported that it would be in conflict with the President's financial program.

Mr. LAGUARDIA. Well, $390 a year might unbalance our Government.

Mr. HALE. So far as the Navy Department is concerned, it is in favor of this bill, as I think the record of the hearings will show.

Mr. LAGUARDIA. How much is this officer drawing in retired pay now?

Mr. EVANS of California. His rank is now chief pay clerk and this will advance him to the rank of lieutenant.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, although this bill apparently is in conflict with the President's financial program, according to the Director of the Budget, I will rely on the recommendation of the Naval Affairs Committee, because their report shows that this is a very meritorious measure, and I certainly will not object to its consideration.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Chief Pay Clerk Charles R. Sies, United States Navy, retired, shall be advanced on the retired list to passed assistant paymaster with the rank and retired pay and allowances of a lieutenant on the retired list of the Navy. Such rank shall take effect on March 4, 1925, and such pay and allowances shall be paid from and after such date.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FREDERICK O. GOLDSMITH

The next business on the Private Calendar was the bill (H. R. 4440) for the relief of Frederick O. Goldsmith.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $1,150.95 to Lieut. Frederick O. Goldsmith, of Belmont, Mass., on account of expenses incurred by him for civilian medical treatment while sick with typhoid fever in 1923, at which time he was attached to the U. S. S. *Ramapo.*

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GEORGE R. ARMSTRONG

The next business on the Private Calendar was the bill (H. R. 4664) for the relief of Capt. George R. Armstrong, United States Army, retired.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, I understand the gentleman from Tennessee [Mr. REECE] is not here at this time, and in view of some matters contained in the memorandum I have attached to this bill, I would ask unanimous consent that it be passed over without prejudice. Is the gentleman from Kentucky in charge of the bill?

Mr. CHAPMAN. I made the report on the bill.

Mr. HOOPER. I desire to ask a question about the bill. I do not intend to object to it. I notice the memorandum I have shows that the War Department states that in view of the fact the aggregate amount of this gentleman's active duty as a retired officer was only 8 years 2 months and 22 days, it appears there is no authority of law for his promotion to a grade above captain.

A similar bill was reported in the Sixty-ninth Congress, and the War Department then stated it was consistently opposed to special legislation of the type carried in the bill, and recommended that it should not be enacted into law. I would simply like to know what the gentleman has to say in reply to that, because I have had but little time to give the matter consideration.

Mr. CHAPMAN. That is the general policy of the War Department. It is a fact, however, that there are precedents for such legislation in past Congresses. There was one such bill passed in 1924. In this case this man has been on the roll of the Army for 30 years. He has had active service of 19 years 8 months and 25 days, including service in the Spanish-American War, the Philippine insurrection, and the World War. At the time of the passage of the act of June 10, 1922, he lacked one year and one month of having enough service to entitle him in due course of promotion to the promotion sought in this bill. However, since that time he has been called back into active service, and has now had a total of 10 years 3 months and 26 days of active service since his retirement in 1907, that being approximately one year longer service than would have been required in due course of promotion to entitle him to this relief. His retirement was following an operation performed as a result of injuy sustained by him in line of duty at the time of the San Francisco earthquake.

Mr. HOOPER. If the gentleman feels the equities of the matter are such as to entitle him——

Mr. CHAPMAN (continuing). At that time he led a detachment that saved the United States mint with more than $200,000,000 in money and bullion.

Mr. HOOPER. In view of the explanation made by the gentleman from Kentucky, I will not object.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CHAPMAN. Yes.

Mr. LAGUARDIA. What was the highest rank he ever held in active service?

Mr. CHAPMAN. He was retired as a captain.

Mr. LAGUARDIA. What rank did he hold?

Mr. CHAPMAN. I think he was a first lieutenant at that time.

Mr. LAGUARDIA. What precedent is there to jump him now to lieutenant colonel?

Mr. VINSON of Kentucky. He was a captain.

Mr. CHAPMAN. He was retired as a captain.

Mr. LAGUARDIA. And now you are going to retire him with the rank of lieutenant colonel?

Mr. CHAPMAN. Yes; because in regular course of promotion he would have been entitled to that grade.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be authorized to appoint George R. Armstrong, captain, United States Army, retired, a lieutenant colonel on the retired list of the United States Army, effective from the date of the passage of this act.

Mr. LAGUARDIA. Mr. Speaker, I have an amendment, on page 1, line 6, strike out the word "passage" and insert in lieu thereof the word "approval," so that it will read "effective from the date of the approval of this act."

Mr. CHAPMAN. That is all right.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 1, line 6, strike out the word "passage" and insert in lieu thereof the word "approval."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MRS. MOORE L. HENRY

The next business on the Private Calendar was the bill (H. R. 7976) for the relief of Mrs. Moore L. Henry.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. TILSON). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Moore L. Henry, of New York City, the sum of $958.98. Such sum represents the pecuniary loss sustained by the late Moore L. Henry, husband of the said Mrs. Moore L. Henry and formerly proprietor of a restaurant at Indianhead, Md., on account of the failure of the disbursing office of the naval proving ground at Indianhead, Md., to collect from certain employees of the Government the cost of meal tickets issued by the said Moore L. Henry to such employees in accordance with an arrangement with the naval authorities at such naval proving ground.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JACOB E. DE GARMO

The next business on the Private Calendar was the bill (H. R. 9148) for the relief of Ensign Jacob E. De Garmo, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, Ensign Jacob E. De Garmo, United States Navy, a lieutenant, junior grade, on the retired list of the Navy: *Provided,* That nothing contained herein shall entitle Ensign Jacob E. De Garmo to any back pay or allowance.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THOMAS A. HEARD

The next business on the Private Calendar was the bill (H. R. 5931) for the relief of Thomas A. Heard.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. WARREN. I object.

Mr. MANLOVE. Will the gentleman withhold his objection?

Mr. WARREN. I will.

Mr. MANLOVE. I have known this man for 20 years. The evidence before the committee showed that the only infractions were that he went down town at night a couple of times with the boys and got back too late to report for duty. In one case he was fined $4, and in the other case $1.50. He never was in the guardhouse, and never was reported for fatigue duty. There are affidavits from the lieutenants and many other officers who were in charge of him tending to show that he was a man of great honor and that he always responded to duty, and instead of having been discharged without honor his reputation was that of a man of such high standing as to entitle him to an honorable discharge.

Mr. WARREN. This is the case of a soldier discharged without honor after having served six months in the Army.

Mr. MANLOVE. He served nine months.

Mr. WARREN. The statement of the War Department says that he was given a discharge without honor, and stated that his record showed two convictions by summary court-martial; that his character was bad enough to make him very undesirable as a soldier; that there was no prospect of being able to get any satisfactory service out of him; that he not only exercised a demoralizing influence upon the other men but was a constant source of trouble, and that his discharge would greatly improve the moral tone of the company and would be a relief both to the officers and to the enlisted men. For that reason I ask that the bill go over.

Mr. MANLOVE. Has the gentleman read the further affidavits in support of the bill?

Mr. WARREN. I have read some of them. I ask that the bill go over without objection from me.

Mr. MANLOVE. I am sorry the gentleman feels that way, for it is a meritorious case. If the gentleman will let it go over for a few minutes and let my distinguished colleague read the testimony in behalf of the man I shall be obliged. I agree that the report from the War Department does not present an especially meritorious case, but the erroneous action of the War Department is exactly what we are attempting to correct here to-day. After the gentleman from North Carolina has carefully read the very conclusive testimony of the men who served with Thomas A. Heard, and he is not then convinced that this man should be vindicated in the eyes of the world, I shall not insist further at this time. However, my colleague will find that Thomas A. Heard was a soldier who never shirked a duty; who was often singled out for service by reason of the fact that he was looked upon as especially honest and dependable. It is clearly shown by the evidence presented that the soldier was afflicted with a sickness which was sometimes mistaken for intoxication. Remember this man was a volunteer in time of war; a man of honor and valor. When my friend has fully read and digested the evidence as set forth in the report of the committee, he will, I am sure, withdraw any objections he has been disposed to make by reason of having read the report of the War Department.

Mr. WARREN. Let it go over for the present.

The SPEAKER pro tempore. Without objection, the bill will be passed over temporarily.

EDWARD DELANEY

The next business on the Private Calendar was the bill (H. R. 10352) to correct the military record of Edward Delaney.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. WARREN. I ask that that bill go over.

KIRBY HOON

The next business on the Private Calendar was the bill (H. R. 11508) for the relief of Kirby Hoon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CLAGUE. Mr. Speaker, I ask that the bill be passed over.

The SPEAKER pro tempore. Without objection, the bill will be passed over.

OLIVER C. MACEY AND MARGUARITE MACEY

The next business on the Private Calendar was the bill (H. R. 2481) for the relief of Oliver C. Macey and Marguarite Macey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HUDSON. Reserving the right to object, and I shall not object, what is the determination of the committee as to the amount that shall be allowed as compensation in such cases? I had the impression that it would be $5,000, but I see in this case that it is $3,000. Is that the policy of the committee?

Mr. GAMBRILL. I was disappointed by the action of the Committee on Claims in reporting the bill out in the amount of $3,000. This was a young child 11 years of age that was killed. The mother, who was driving the automobile, suffered severe and painful injuries. Their expenses alone were $750. There was a complete destruction of the automobile, valued at $400. If we allocate the mother $600 for her pain and suffering, $750 for expenses, and $400 for the loss of the automobile, then the mother and father will only receive $1,200 as compensation for the death of the little child. It is my purpose when the bill is read for amendment to offer an amendment increasing the amount to $6,250.

Mr. SCHAFER. Mr. Speaker, I object to consideration of the bill under such circumstances. The Claims Committee, of which I am a member, has carefully considered this bill. The claim for the loss of the automobile is exorbitant.

Mr. VINSON of Georgia. The policy stated by the gentleman from Michigan, as I understood it, was that in cases where death occurred the committee allowed $5,000.

Mr. UNDERHILL. Oh, Mr. Speaker, that is entirely wrong. Heretofore, in the case of the death of a breadwinner, a man who has left dependents, or a man in the prime of life, the committee has suggested $5,000; but when a man reaches the age of, say, 70 years, or in the case of a youth or a child, the committee has as fair a scale of rates as they can possibly get under the advice of the compensation board. In this case this claim has evidently been very much padded. They wanted us to pay for a tombstone; they wanted us to pay for a lot in the cemetery; they wanted us to pay for flowers at the funeral; and we cut the proposition down to an equitable, a just, and a fair basis.

Mr. VINSON of Georgia. Then the award is for the compensation of the death of a child, which is fixed at $3,000?

Mr. UNDERHILL. The bill calls for $3,000 in settlement in full.

Mr. GAMBRILL. Mr. Speaker, if the gentleman will permit, I think the gentleman is mistaken when he says that the bill was padded. The bill as it came to the committee had actual expenses amounting to about $880. There was included in that, as I recall, about $150 or $200 for a cemetery lot, but there were expenses of the doctors of $175, and of the undertaker amounting to $200, and other expenses, which ran it up to the legitimate sum of $750. The mother at the same time was painfully and seriously injured. Nothing has been allowed for her pain and suffering. There was the death of the daughter. There was the destruction of the automobile, and I say to the gentleman from Wisconsin [Mr. SCHAFER] that I think he is entirely unfair when he says that the automobile was not worth $400. As a matter of fact, it was a Chevrolet car, which had been in use but a short time, and the fair value of it was $400. I hope the gentleman will not object to the consideration of the bill, but will let it come up for consideration.

Mr. UNDERHILL. Mr. Speaker, I shall object to it unless the gentleman agrees to accept the report of the Committee on Claims. That is the policy that we have established. Unless the gentleman wants to accept our report we will have to protect ourselves and object to the consideration of the bill.

Mr. GAMBRILL. May I make this statement? A bill for $6,250 has passed the Senate for the relief of Marguarite Macey and Oliver C. Macey, the parents of this child. I hope the gentleman from Massachusetts [Mr. UNDERHILL] will not place me in the very embarrassing position of having to acquiesce in his demands, because it is quite an embarrassing position, when the Senate has already passed a bill for the full amount of $6,250.

Mr. UNDERHILL. Mr. Speaker, the gentleman from Massachusetts, year after year and session after session, has tried to relieve his colleagues of that situation; and up to the present time he has not been able to get legislation which will relieve them of a situation of this character. The gentleman from Maryland [Mr. GAMBRILL] is in no different position than hundreds of our colleagues have been in the past, where the Senate has passed a bill on courtesy without investigating the facts, and unfortunately some gentleman in the House has had to hold the bag.

Mr. SCHAFER. Mr. Speaker, I am a member of the Committee on Claims which considered this bill. In view of the fact that we are considering the Private Calendar on a day which is usually not devoted to the consideration of that calendar, when many Members of the House are away, and some of them would not be here on a roll call, I do not want to let

this bill come up for consideration if the gentleman is going to offer amendments. If the gentleman at some future time on a Friday, when we consider these Private Calendar bills, desires to consider the bill and offer amendments, I shall not object. I believe in the final analysis that the House should determine the matter, but not to-day when we are considering the Private Calendar, on a day not generally devoted to it.

Mr. HUDSON. The gentleman from Maryland will notice by going back over the records of previous Congresses that we have allowed compensation in cases of minor children at $1,500. It seems to me that the gentleman would better let his bill go through at $3,000, which is double the amount heretofore granted.

Mr. GAMBRILL. Mr. Speaker, in view of the statement made by the chairman of the Committee on Claims, I shall not offer an amendment if the bill is considered at this time.

Mr. SCHAFER. Mr. Speaker, in view of that statement, I shall not object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Oliver C. Macey, of Anne Arundel County, Md., out of any money in the Treasury not otherwise appropriated, the sum of $5,000, in full compensation for the death of his infant daughter, Eleanor Macey, who was killed December 14, 1925, by reason of the negligence of the operator of a United States Navy commissary truck.

SEC. 2. The Secretary of the Treasury is also authorized and directed to pay to Marguarite Macey, out of any money in the Treasury not otherwise appropriated, the sum of $1,250, in full compensation for personal injuries, medical and funeral expenses, and loss of automobile, which resulted by reason of the negligence of the operator of a United States Navy commissary truck.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $3,000, to Oliver C. Macey and Marguerite Macey, of Anne Arundel County, Md., on account of the death of their infant daughter, Eleanor Macey, who was killed December 14, 1925, by reason of the negligence of the operator of the United States Navy commissary truck, and for injuries sustained in said accident by Marguerite Macey."

Mr. LAGUARDIA. Mr. Speaker, I ask recognition on the committee amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York.

Mr. LAGUARDIA. Mr. Speaker, this case shows the necessity of a law to provide means for claims of this character to be properly adjudicated. It is simply impossible for this House to pass upon the merits of a claim of this kind, as is disclosed by the facts in this bill. There is the matter of the value of the loss of services and the matter of the actual loss sustained by reason of the negligence of an agent of the Government. All these factors enter into the claim, and the Committee on Claims, with its hundreds and hundreds of bills before it, is at a very great disadvantage, considering all of the other legislative duties that the members of that committee must fulfill.

Now, we passed a bill here. No action has been taken at the other end of the Capitol. If we adopt the principle laid down in the Underhill bill, which passed the House some time ago, then we will have established machinery whereby citizens who sustain loss by reason of acts of agents of the Government can present their claims in a proper way. I fear even then that we will have to go through a period of conflict of attitude in these cases between the various departments; but even that we can reconcile by acts of Congress later on. As it is now, it is exceedingly difficult for anyone working on this Private Calendar to know just what to do in cases of this kind. It is extremely difficult. We can not do other than accept the report of the Committee on Claims as to the facts. As to questions of policy or the law involved, I think every Member has the right to assert himself, but not as to the facts. I am entirely in sympathy with what the gentleman from Maryland says, but we have no means of reviewing the facts under the present policy. I hope we can get some action during this session of Congress that will relieve us of the necessity of going into details and ascertaining the facts. It should be put under a proper tribunal, so that citizens may get redress for losses incurred by reason of the action of agents of the Government.

Mr. UNDERHILL. There is a Senate bill on the Speaker's table. I ask unanimous consent to strike out all after the enacting clause in the Senate bill and substitute the House committee amendment. The Senate bill is No. 1648.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to substitute the Senate bill for the House bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Oliver C. Macey, of Anne Arundel County, Md., out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full compensation for the death of his infant daughter, Eleanor Macey, who was killed December 14, 1925, by reason of the negligence of the operator of a United States Navy commissary truck.

The SPEAKER pro tempore. The Clerk will report the House committee amendment.

The Clerk read as follows:

Strike out the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $3,000, to Oliver C. Macey and Marguerite Macey, of Anne Arundel County, Md., on account of the death of their infant daughter, Eleanor Macey, who was killed December 14, 1925, by reason of the negligence of the operator of the United States Navy commissary truck, and for injuries sustained in said accident by Marguerite Macey."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill as amended.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The similar House bill was laid on the table.

PRESS PUBLISHING CO., MARIANNA, ARK.

The next business on the Private Calendar was the bill (H. R. 4839) for the relief of the Press Publishing Co., Marianna, Ark.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized, notwithstanding the provisions of section 3828, Revised Statutes, to adjust and settle the claim of the Press Publishing Co., of Marianna, Ark., in the amount of $9, for publication of advertisements inviting proposals for sundry work at Marianna, Ark., post office, during July and November, 1924, and January, 1925, and to certify same for payment from the appropriation "General expenses of public buildings, 1925."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

NANNIE SWEARINGEN

The next business on the Private Calendar was the bill (H. R. 10336) for the relief of Nannie Swearingen.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $5,000 to Nannie Swearingen to compensate her for the death of her husband, who was struck by a Government-owned postal motor vehicle on November 26, 1926.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

THOMAS A. HEARD

Mr. MANLOVE. Mr. Speaker, I ask unanimous consent to return to Calendar No. 422.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to return to Calendar No. 422, which was passed over without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws Thomas A. Heard, late of Company H, Third Regiment United States Volunteers, shall hereafter be held and considered to have been honorably discharged from the military service of the United States.

With the following committee amendment:

Line 7, after the word "States," strike out the period, insert a comma, and add "on January 18, 1899: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

PETER HANSEN

The next business on the Private Calendar was the bill (H. R. 4111) to correct the naval record of Peter Hansen.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Peter Hansen, formerly seaman, United States Navy, be, and he is hereby, relieved of all disabilities attendant upon the bad conduct discharge received by him December 25, 1901, and the Secretary of the Navy is hereby authorized and directed to review the naval record of said Peter Hansen and grant him an honorable discharge: *Provided,* That no back pension, allowance, or other emolument shall accrue prior to the passage of this act.

With a committee amendment as follows:

Strike out all after the enacting clause and insert:

"That in the administration of the pension laws or of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers and sailors, Peter Hansen shall hereafter be held and considered to have been honorably discharged from the naval service of the United States: *Provided,* That no pension shall accrue prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

LAURENCE OLIPHANT SCHETKY

The next business on the Private Calendar was the bill (H. R. 4827) providing for the promotion of Chief Pharmacist Laurence Oliphant Schetky, United States Navy, retired, to the rank of lieutenant, Medical Corps, on the retired list of the Navy.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized to advance Chief Pharmacist Laurence Oliphant Schetky, United States Navy, retired, to the rank of lieutenant, Medical Corps, on the retired list of the Navy, with the retired pay and allowances of that rank: *Provided,* That the said Schetky shall first establish to the satisfaction of the Secretary of the Navy that the disability for which he was retired on April 11, 1925, originated in line of duty while he held the temporary rank on the active list of lieutenant, Medical Corps, United States Navy: *Provided further,* That no back pay or allowances shall accrue as the result of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

WYMAN HENRY BECKSTEAD

The next business on the Private Calendar was the bill (H. R. 8358) for the relief of the parents of Wyman Henry Beckstead.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that a similar bill passed by the Senate be considered in lieu of the House bill and that the House bill lie on the table.

The SPEAKER pro tempore. The gentleman from Utah asks unanimous consent to substitute Senate bill 2008. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Paymaster General of the Navy is authorized and directed to pay, out of funds appropriated for the pay of the Navy, to the parents of Wyman Henry Beckstead, late radio man, second class, United States Navy, an amount equal to six months' pay at the rate received by said Wyman Henry Beckstead at the time of his death: *Provided,* That said parents establish to the satisfaction of the Secretary of the Navy that they were actually dependent upon the said Wyman Henry Beckstead at the time of his death.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

ALEXANDER GINGRAS

The next business on the Private Calendar was the bill (H. R. 11978), granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased, private, United States Marine Corps, in active service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of current appropriations, Pay of the Navy, 1927, to Alexander Gingras, father of Louis W. Gingras, deceased private, United States Marine Corps, who died in line of duty on March 31, 1927, at Managua, Nicaragua, an amount equal to six months' pay at the rate said Louis W. Gingras was receiving at the date of his death.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MARY M. TILGHMAN

The next business on the Private Calendar was House joint resolution (H. J. Res. 47) for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased, United States Marine Corps.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, why is this in the form of a joint resolution instead of in the form of a bill?

Mr. SMITH. I do not know of any special reason except to explain in the preamble the reasons for the enactment of the law.

Mr. LAGUARDIA. Of course, that will be stricken out?

Mr. SMITH. Yes; certainly.

Mr. LAGUARDIA. So much for the procedure. Now, as to the merits. The Secretary says:

Since this proposed legislation would make an exception in the case of a particular individual while many others under the same circumstances would derive no benefit therefrom, and since the enactment of this proposed law would furnish an undesirable precedent, the Navy Department recommends against the enactment of House Joint Resolution 47.

Can the gentleman tell us how many similar cases there are?

Mr. SMITH. The gentleman from Maryland [Mr. GAMBRILL], a member of the Naval Committee, can give the gentleman the information.

Mr. GAMBRILL. I did not understand the question asked by the gentleman from New York.

Mr. LAGUARDIA. I was pointing out to the gentleman from Idaho the suggestion made by the Acting Secretary of the Navy that this would be a dangerous precedent because there are so many other similar cases which would not derive any benefit by the enactment of this particular resolution.

Mr. GAMBRILL. I will say that the Committee on Naval Affairs came to the conclusion that there would be no case similar to this in the enlisted force of the United States. This man enlisted in 1870; he had six distinct enlistments and died in the service of the Marine Corps in 1900, after 30 years of service. There was a hiatus of one month and three weeks between the fourth and fifth enlistments, and the only purpose of this bill is to provide for a continuity of the service.

Mr. LAGUARDIA. Then the Secretary was simply assuming that there are many other cases?

Mr. GAMBRILL. Precisely.

Mr. LAGUARDIA. And I assume the committee did look into that?

Mr. GAMBRILL. It did.

Mr. LAGUARDIA. And it would not establish a precedent because there could not be another case that would have all of the facts so similar as to be entitled to recognition under this precedent?

Mr. GAMBRILL. That is a correct statement of the committee's attitude.

Mr. LAGUARDIA. And it is not correct to say that there is any favoritism shown in this case?

Mr. GAMBRILL. That is true.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution, omitting the preamble.

The Clerk read as follows:

Resolved, etc., That the service rendered by Sergt. Frederick Coleman, deceased, United States Marine Corps, from September 5, 1870, to the date of his death, April 29, 1900, shall be considered under the law providing for longevity pay as continuous service in the United States Marine Corps, and that the Secretary of the Navy be, and he is hereby, authorized and directed to construe the records of the said Sergt. Frederick Coleman in the United States Marine Corps as conforming with this authorization, to the end that Mary M. Tilghman, former widow of the said Frederick Coleman, deceased, shall be entitled to receive the pay, benefits, and emoluments conferred by law or regulations for continuous service in the United States Marine Corps of her late husband.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

REREFERENCE OF BILLS

Mr. ZIHLMAN rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Maryland rise?

Mr. ZIHLMAN. Mr. Speaker, I would like to submit a unanimous-consent request for a change of reference of two bills. It will take but a moment, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will propound his request.

Mr. ZIHLMAN. I ask unanimous consent that H. R. 13116 and H. R. 9762, which have been referred to the Committee on the District of Columbia, be rereferred to the Committee on the Judiciary.

Mr. MONTAGUE. May I ask the nature of the bills?

Mr. ZIHLMAN. H. R. 13116 provides for an additional justice of the Supreme Court of the District of Columbia and H. R. 9762 relates to commitments to St. Elizabeths Hospital.

Mr. SCHAFER. Reserving the right to object, I could not hear the statement of the gentleman. What is there in these bills?

Mr. ZIHLMAN. One bill provides for an additional judge for the District of Columbia and the other relates to commitments to St. Elizabeths.

The SPEAKER pro tempore. From such examination of the bills as the Chair has been able to make, it is clear that both of these bills are erroneously referred to the Committee on the District of Columbia and should have been referred to the Committee on the Judiciary.

Mr. LAGUARDIA. We will take them.

The SPEAKER pro tempore. Without objection, they will be rereferred to the Committee on the Judiciary.

There was no objection.

FRANK TOPPING AND OTHERS

The next business on the Private Calendar was the bill (S. 19) for the relief of Frank Topping and others.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, reserving the right to object, I do not know anything about the merits of this bill, but it does seem to me that there should be an amendment providing that the amounts authorized shall constitute full settlement of said claims against the Government.

Mr. LAGUARDIA. Mr. Speaker, this bill involves something that is entirely new, and in view of contemplated legislation, I suggest we go rather slow on this matter and let the bill go over. This establishes, I fear, the liability of the Government for losses sustained through defective construction of dams.

Mr. HUDSON. Mr. Speaker, will the gentleman from New York yield?

Mr. LAGUARDIA. Yes.

Mr. HUDSON. I want to call attention to this paragraph in the report accompanying the bill:

> Under date of April 26, 1926, Mr. Topping, who appears to be acting as spokesman for the other claimants, wrote me—that is, the Secretary of the Interior—that they had decided to withdraw their claims for damages alleged to have been sustained during the high water in 1920, there being no proof that any damages suffered during that year was caused by the Haskell floodgates being open.

I agree, Mr. Speaker, that this is legislation providing payment for alleged flood damages; and I would expect that we would have gentlemen in here from Vermont and from California and from other States.

Mr. GREEN. From Florida?

Mr. HUDSON. Florida has floods? I never saw any water down there to amount to much except in the ocean. It seems to me this is a very dangerous piece of legislation.

Mr. GUYER. Mr. Speaker, it is true that the claims for damages for 1920 have been withdrawn because it is probable that even if the floodgates, which were open, had been shut, the damage would have been the same; but in the case of the other two years the Haskell Institute and its superintendent were notified to close the floodgates, but the floodgates were not closed and they damaged these nine farmers. In view of the fact that these Kansas farmers are not going to get any other relief this year, I want them to have the benefit of this legislation.

Mr. LAGUARDIA. Let me say to the gentleman that our objection at this time is not to the merits of the gentleman's bill and is not to the individuals mentioned in the bill, but please do not precipitate this matter so that we establish a policy on the very eve that we are about to adopt a bill appropriating hundreds of millions of dollars and when we are going into the wholesale flood-relief business. Let this go over. Let us look into it calmly and study it more carefully.

Mr. GUYER. I want to call attention to the fact that this is not a matter of flood relief, but is a matter of negligence on the part of agents of the Government.

Mr. LAGUARDIA. Let me say to the gentleman from Kansas that the bill should so state.

Mr. HUDSON. Mr. Speaker, I ask that the bill may go over for to-day without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ICHABOD J. WOODARD

The next business on the Private Calendar was the bill (H. R. 3224) for the relief of Ichabod J. Woodard.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, did this man render any active service?

Mr. DICKINSON of Missouri. Yes; three and a half years.

Mr. LAGUARDIA. There is no objection on my part.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Ichabod J. Woodard, who was a member of Company K, Second Regiment Iowa Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 9, after the word "organization," insert the words "October 1, 1862."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HENRY MANSKE, JR.

The next business on the Private Calendar was the bill (H. R. 8484) for the relief of Henry Manske, jr.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, how was this good sailor injured? Was it at a 5 o'clock tea—it was not in line of duty.

Mr. SCHAFER. Yes; it was in line of duty. I will state to the gentleman that this sailor enlisted on November 5, 1912, and was discharged on October 29, 1913. At the time of his enlistment he was examined by competent medical officers of the Navy and they found no disability. After rendering nine months' service as a shipwright a hernia was found, and he was hospitalized and discharged on surgeon's certificate of disability, with a notation made by the board of medical survey that the disability existed prior to enlistment. This board's allegation that the hernia existed prior to enlistment is only the opinion of the doctors nine months after the date this man enlisted. If Manske had a hernia prior to enlistment, it would have been detected upon medical examination at the time of enlistment, and it would have certainly manifested itself before nine months had passed, in view of his laborious work as shipwright, coaling, and the like.

Mr. GREEN. Reserving the right to object, I want to state to the gentleman that I have a similar case, and I believe the bill ought to pass.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and hereby is, directed to indicate on the medical records of the Navy Department of Henry Manske, jr., late of the United States Navy, that the left inguinal hernia which resulted in his discharge was incurred in line of duty instead of not incurred in line of duty as is now noted.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRANCIS L. SEXTON

The next business on the Private Calendar was the bill (H. R. 3893) for the relief of Francis L. Sexton.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Francis L. Sexton, late of Company F, Fourth Regiment Volunteer Infantry, Troop M, Seventh Regiment Volunteer Cavalry, and Company C, Third Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of Company C, Third Regiment United States Infantry: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The following committee amendments were read:

Line 5, strike out the word "Regiment" and insert in lieu thereof the words "United States."

Line 6, strike out the word "Volunteer"; also strike out the word "Regiment" and insert in lieu thereof the words "United States."

Line 7, strike out the word "Volunteer."

Line 11, after the word "Infantry," add a comma and insert the words "July 27, 1902."

Line 11, after the word "no," strike out the word "pay" and insert in lieu thereof the words "bounty, back pay."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HEIRS OF THE LATE DR. THOMAS C. LONGINO

The next business on the Private Calendar was the bill (H. R. 5398) for the relief of the heirs of the late Dr. Thomas C. Longino.

The Clerk read the title to the bill.

The SPEAKER pro tempore (Mr. MAPES). Is there objection?

There was no objection.

The Clerk read the committee amendment.

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $1,000 to the heirs of the late Dr. Thomas C. Longino as reimbursement on account of losses of personal property as a result of the Galveston flood on September 8, 1900."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRITISH STEAMSHIP "LARCHGROVE"

The next business on the Private Calendar was the bill (S. 3506) for the relief of the owners of the British steamship *Larchgrove*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the owners of the British steamship *Larchgrove* against the United States for damages and loss alleged to have been caused by a collision between the said steamship *Larchgrove* and the American steamship *Hawaiian* off Tarifa Point, Spain, on October 27, 1918, may be determined in a suit to be brought by the said owners against the United States in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases; and that said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages, without interest, sustained by reason of said collision, if any shall be found to be due either for or against the United States, upon the same principles and measures of liability, and with costs, as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by the order of the said court, and upon the receipt of such notice it shall be the duty of the Attorney General to cause the United States attorney in the district to appear and defend for the United States: *Provided further*, That such suit shall be brought and commenced within four months of the date of the approval of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EDWARD TOMLINSON

Mr. SPEAKS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 411, H. R. 10261, for the relief of Edward Tomlinson.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio to return to Calendar No. 411?

There was no objection.

The Clerk read the title of the bill.

A bill (H. R. 10261) for the relief of Edward Tomlinson.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edward Tomlinson, who was a member of Company A, Twenty-seventh Regiment United States Volunteer Infantry, war with Spain, and Thirty-fourth Company, United States Coast Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of the latter organization on the 4th day of February, 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MARIE ROSE JEAN BAPTISTE, MARIUS FRANCOIS, AND REGINA LEXIMA

The next business on the Private Calendar was the bill (H. R. 12189) for the relief of Marie Rose Jean Baptiste, Marius Francois, and Regina Lexima, all natives of Haiti.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this is another bill that is the result of keeping law and order in southern republics. Why is the payment of $10,070 to be made to the Republic of Haiti?

Mr. MORTON D. HULL. Mr. Speaker, that amount should be $1,070. That is a mistake in the committee amendment, and it is my purpose to offer an amendment to correct that. Fifty dollars of that goes to Marius Francois and $20 to Regina Lexima. I have prepared an amendment, as I say, to correct the figures.

Mr. LAGUARDIA. But this money will be paid to the Government of the Republic of Haiti?

Mr. MORTON D. HULL. Yes.

Mr. LAGUARDIA. For the purpose of paying these citizens of the Republic?

Mr. MORTON D. HULL. Yes.

Mr. LAGUARDIA. How many were killed?

Mr. MORTON D. HULL. One of them was killed and the other wounded by a drunken marine, who is now serving 10 years in prison.

Mr. LAGUARDIA. And perhaps if we had not sent the marines down there, we would not have had to pass any such bill as this. The gentleman says that $10,070 is an error?

Mr. MORTON D. HULL. Yes. It is also my purpose to offer an amendment to insert the word "thereof" after the figures "$50" and after the figures "$20," so that it will be clear that the payments of the $50 and $20 are to come out of the $1,070.

Mr. LAGUARDIA. Would the gentleman be willing to accept an amendment to insert, after "the Republic of Haiti," the words "for the purpose herein provided"?

Mr. MORTON D. HULL. That is satisfactory.

Mr. LAGUARDIA. In other words, we want to make sure that a proper voucher is obtained by the Government and submitted to us that this money was turned over.

Mr. MORTON D. HULL. I have no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to pay Marie Rose Jean Baptiste, the mother of Andre Nelson; the sum of $50 to pay Marius Francois; and the sum of $20 to pay Regina Lexima; the above sums to be in full compensation for the killing of Andre Nelson and wounding of Marius Francois and Regina Lexima by shooting by an enlisted man of the United States Marine Corps on July 19, 1927, at Port au Prince, Republic of Haiti.

With the following committee amendments:

Page 1, line 5, after the word "of," strike out "$1,000 to pay Marie Rose Jean Baptiste, the mother of Andre Nelson; the sum of $50 to pay Marius Francois; and the sum of $20 to pay Regina Lexima" and insert in lieu thereof the following: "$10,070 to pay the Republic of Haiti as an act of grace and without reference to the question of liability therefor; the sum of $1,000 thereof to pay Marie Rose Jean Baptiste, the mother of Andre Nelson; the sum of $50 to pay Marius Francois; and the sum of $20 to pay Regina Lexima."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

Mr. MORTON D. HULL. Mr. Speaker, I offer the following amendment to the committee amendment.

The Clerk read as follows:

Amendment by Mr. MORTON D. HULL: Amend the committee amendment by striking out the figures "$10,070" and substituting therefor the figures "$1,070"; also by inserting the word "thereof" after the figures "$50," and also by inserting the word "thereof" after the figures "$20."

The SPEAKER pro tempore. The question is on the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment to the committee amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA to the committee amendment: Page 1, line 7, after the word "pay," insert the words "for the purposes herein provided."

The SPEAKER pro tempore. The question is on agreeing to the amendment to the committee amendment.

The amendment was agreed to.

The committee amendment as amended was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EDWARD DELANEY

Mr. TATGENHORST. Mr. Speaker, I ask unanimous consent to return to Calendar No. 423, H. R. 10352, to correct the military record of Edward Delaney.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to return to Calendar 423. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, is the Member present who objected to the consideration of this bill before?

Mr. TATGENHORST. Yes.

Mr. SCHAFER. I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edward Delaney, who was a member of Company D, Sixteenth Regiment Pennsylvania Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 11th day of August, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SAN FRANCISCO, NAPA & CALISTOGA RAILWAY

The next business on the Private Calendar was the bill (H. R. 2474) for the relief of the San Francisco, Napa & Calistoga Railway.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, empowered, and directed to pay, out of any funds in the Treasury of the United States of America not otherwise appropriated, the sum of $126.70 to the San Francisco, Napa & Calistoga Railway for repairs to freight cars damaged while on Mare Island Navy Yard in charge of the Navy Department.

With the following committee amendment:

Line 6, after the word "appropriated," insert "and in full settlement against the Government."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MARJORY VIRGINIA WATSON

The next business on the Private Calendar was the bill (H. R. 11429) granting six months' pay to Marjory Virginia Watson.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Scretary of War be, and he is hereby, authorized and directed to pay out of the appropriation "Pay of the Army, 1928," to Marjory Virginia Watson, daughter by birth of the late First Lieut. Arthur Gillette Watson, Air Corps, United States Army, who was killed in an airplane accident at San Jose, Costa Rica, on May 11, 1925, $1,650, the amount equal to six months' pay at the rate said Arthur Gillette Watson was entitled to receive at the date of his death.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

Mr. WARREN. Mr. Speaker, under the unanimous-consent agreement, I am willing that we shall continue down to and including Calendar No. 469. I wish to give notice that if we do proceed I shall object to the consideration of all bills after that number.

The SPEAKER pro tempore. The Clerk will report the next bill.

LIEUT. HENRY C. WEBER

The next business on the Private Calendar was the bill (S. 2442) for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, I should like to know why this particular officer is singled out for special consideration.

Mr. SCHAFER. I will inform the gentleman that this is a Senate bill, identical with H. R. 16197 which I introduced on January 11, 1927, Sixty-ninth Congress, and H. R. 3676, which I introduced on December 5, 1927, at this session. It is not singling out and giving to this officer any special consideration. Lieutenant Weber took the examination for appointment as assistant surgeon in the United States Navy on October 30, 1918. The Surgeon General of the Navy informed him on January 2, 1919, that he had passed this examination, and on March 1, 1919, his appointment was confirmed by the United States Senate. However, on March 1, 1919, he was 24 days over the age limit of 32 years, and his commission was withheld. Later the age limit was raised to 42 years and Lieutenant Weber was placed on the rolls and is now serving with the Asiatic fleet.

The long delay between the taking of the examination and the confirmation by the Senate was due to the fact that the President of the United States was then in Europe and the list of successful candidates prepared by the Navy Department could not be transmitted to the Senate until his return.

Mr. UNDERHILL. I have no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to place Lieut. Henry C. Weber, Medical Corps, United States Navy, in the position on the list of lieutenant commanders in the Medical Corps of the United States Navy which he would have held had he been commissioned in the said Medical Corps of the United States Navy as of December 10, 1918: *Provided,* That the said Lieutenant Weber, Medical Corps, shall first establish, in accordance with existing provisions of law, his physical, mental, moral, and professional qualifications to perform the duties of a lieutenant commander in the Medical Corps of the United States Navy: *Provided further,* That no back pay or allowances shall accrue by reason of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

F. C. WALLACE

The next business on the Private Calendar was the bill (H. R. 8440) for the relief of F. C. Wallace.

The title of the bill was read.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, it is simply a question of the value of this building that was destroyed by fire. The fact that there was a fire is very clear. Can the gentleman furnish any additional information?

Mr. LETTS. I will say to the gentleman from New York that only $400 of this sum is for the building. It was a frame building. There is a large list of airplane fires. The gentleman will understand. He knows all that, and their value.

Mr. LAGUARDIA. Mr. Speaker, I withdraw my reservation.

Th SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. C. Wallace, of Bettendorf, Iowa, the sum of $2,910.87. Such sum shall be in full satisfaction of all claims against the United States on account of the loss by fire at Wallace Field, Bettendorf, Iowa, on December 27, 1924, of a frame building and personal property therein owned by the said F. C. Wallace, said loss being the direct result of aid gratuitously rendered by the said Wallace to a stranded Air Service officer, who was then on an authorized flight, by placing the facilities of the air field owned by the said Wallace, which had been closed for the winter, at the disposal of said officer for the purpose of enabling him to return to his proper station.

With a committee amendment as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,910.87 to F. C. Wallace, of Bettendorf, Iowa, on account of the loss by fire of a frame building and personal property sustained while the Wallace Aero Co. was aiding a stranded Air Service officer to recondition his plane in order to enable him to return to his proper station."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

WILLIAM DOWNING PRIDEAUX

The next business on the Private Calendar was the bill (H. R. 3960) for the relief of William Downing Prideaux.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to order William Downing Prideaux, formerly commander, United States Naval Reserve Force, to appear before a naval retiring board for the purpose of determining whether or not the disability complained of in his case originated in the line of duty in time of war: *Provided,* That if said naval retiring board finds that the said William Downing Prideaux is now suffering from a disability incurred in the line of duty in time of war which renders him unfit to perform all the duties of the grade of commander, United States Naval Reserve Force, in time of war, the President be, and he is hereby, authorized to appoint William Downing Prideaux a commander United States Naval Reserve Force and to place him upon the retired list of the Navy with the retired pay and emoluments of that grade: *Provided further,* That no back pay, allowances, or emoluments shall become due because of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

GEORGE J. ILLICHEVSKY

The next business on the Private Calendar was the bill (H. R. 967) for the relief of George J. Illichevsky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George J. Illichevsky the amount of $50 on account of losses sustained by him when called from his regular duty as member of a trail crew by order of the Forest Service to fight forest fires during July, 1926, in the Coeur d'Alene National Forest.

With the following committee amendment:

Page 1, line 4, after the word "pay," insert the words "out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HAVERT S. SEALY

The next business on the Private Calendar was the bill (H. R. 3470) granting relief to Havert S. Sealy and Porteus R. Burke.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $35,000 to Havert S. Sealy and Porteus R. Burke, of New Iberia, La., in full compensation against the Government for destruction by fire of a residence on the Rosedale plantation, situated in the parish of Iberia, La., on the 1st day of June, 1927, due to the fault and negligence of an agent of the Department of Agriculture.

With the following committee amendment:

Page 1, line 5, strike out "$35,000" and insert in lieu thereof "$10,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FRANK F. MOORE

The next business on the Private Calendar was the bill (H. R. 3949) for the relief of Frank F. Moore.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of Frank F. Moore, postmaster at Roscoe, Ill., in the sum of $102, such sum representing the deficit in the account of the said Frank F. Moore, caused by fire to the post office on November 10, 1926, and for which casualty the said Frank F. Moore was in no way responsible.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM V. TYNES

The next business on the Private Calendar was the bill (H. R. 7061) for the relief of William V. Tynes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $125 to William V. Tynes, in compensation for damages sustained by his Ford motor car as result of a collision with United States Navy trailer No. 42, in Norfolk, Va., on March 4, 1924.

With the following committee amendment:

Page 1, line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS EDWIN HUFFMAN

The next business on the Consent Calendar was the bill (H. R. 11741) for the relief of Thomas Edwin Huffman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Thomas Edwin Huffman United States coupon notes numbered L–12380683 to L–12380685, inclusive, in the denomination of $50 each, of the Victory Liberty loan 4¾ per cent convertible gold notes of 1922–23, matured May 20, 1923, with interest at the rate of 4¾ per cent per annum from May 20, 1919, to May 20, 1923, inclusive, without presentation of said notes or the coupons representing interest from May 20, 1919, to May 20, 1923, the notes with the said coupons attached having been lost, stolen, or destroyed: *Provided*, That the said notes shall not have been previously presented and paid, and that payment shall not be made hereunder for any coupons that shall have been previously presented and paid: *And provided further*, That the said Thomas Edwin Huffman shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said notes and the interest payable thereon when the notes matured, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed notes hereinbefore described, or the coupons pertaining thereto.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A. ROY KNABENSHUE

The next business on the Private Calendar was the bill (H. R. 11764), conferring jurisdiction upon the Court of Claims of the United States or the district courts of the United States to hear, adjudicate, and enter judgment on the claim of A. Roy Knabenshue against the United States for the use or manufacture of an invention of A. Roy Knabenshue, covered by letters patent No. 858875, issued by the Patent Office of the United States under date of July 2, 1907.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is it not a departure from established custom to permit a claim of this kind to be filed in the Court of Claims?

Mr. STRONG of Kansas. I think not; but the author of the bill, Mr. EVANS of California, will explain it to the gentleman.

Mr. EVANS of California. I think not, I will say to the gentleman from New York. This man, Mr. Knabenshue, had a patented tent. He consented for the War Department to use it on one occasion for the purpose of housing an airplane, but without his knowledge and without any disposition on the part of the War Department to do it, and without his consent, they went ahead, during the strenuous times of the war, and constructed various others. Some time after that was all over he learned of it and filed a claim against the War Department. Negotiations were entered into for the settlement of the claim, but no settlement was reached, and on the last page of the report the gentleman will find this from the War Department:

In view of all the circumstances, I am inclined to believe that Mr. Knabenshue is entitled to his day in court and therefore interpose no objection to the bill.

It is a very small thing.

Mr. LAGUARDIA. The law is established that the United States Government has the right to use any patents in time of emergency.

Mr. EVANS of California. That question is not involved here. This is only a question of whether or not they did in certain cases use his patents which they themselves say they had no right to use. It is only a very small matter.

Mr. LAGUARDIA. Of course, they would have to pay a reasonable amount. If the War Department feels the facts must be settled——

Mr. HUDSON. Probably if it had not been for the stress of war at that time there would have been adequate contract entered into.

Mr. EVANS of California. I will say to the gentleman that at the time of the hearing before the committee a representative of the War Department recommended that the committee report this claim favorably and stated that Mr. Knabenshue was entitled to have his claim passed upon.

Mr. LAGUARDIA. On that statement, it seems fair and I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claim and/or the district court of the United States, notwithstanding the lapse of time or the statute of limitations, to hear, examine, adjudicate, and render judgment of the claim of A. Roy Knabenshue for the use and manufacture by or for the United States without license of the owner thereof or lawful right, and infringement thereof of patent described in or covered by Letters Patent No. 858875, issued by the Patent Office of the United States on the 2d day of July, 1907. From any decision in any suit prosecuted under the authority of this act an appeal may be taken by either party as is provided for by law in other cases.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

W. H. WALKER AND OTHERS

The next business on the Private Calendar was the bill (H. R. 12049) to authorize the Secretary of the Interior to sell to W. H. Walker, Ruth T. Walker, and Queen E. Walker, upon the payment of $1.25 per acre, the southeast quarter section 34, township 2 north, range 14 east, Choctaw meridian, Clarke County, Miss.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to sell the lands described as the southeast quarter section 34, township 2 north, range 14 east, Choctaw meridian, Clarke County, Miss., to W. H. Walker, Ruth T. Walker, and Queen E. Walker, upon the payment of $1.25 per acre therefor.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WIDOW OF SURG. MERVIN W. GLOVER

The next business on the Private Calendar was the bill (H. R. 12063) for the relief of the widow of Surg. Mervin W. Glover, United States Public Health Service, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Massachusetts [Mr. UNDERHILL] if this class of men in the service of the United States are taken care of by general legislation, just as Army officers are taken care of?

Mr. UNDERHILL. No; but they ought to be. The officers of the Public Health Service are not taken care of under any of our various provisions for care of the employees or for members of our various branches of service.

Mr. LAGUARDIA. They ought to have equal treatment.

Mr. UNDERHILL. The procedure heretofore has been very indefinite. Some of them have received two years' salary and allowances, others have received one year's salary. In this instance we struck out "allowances," as the man was dead and could not use such allowances, and provided for one year's salary, which is the policy of our committee.

Mr. HUDSON. Is this equal to what the dependents of a commissioned officer of the Army would have received?

Mr. UNDERHILL. I think it is about equal. In this case there is a year's salary, and in the case of the commissioned officer, I understand, under the law they get six months' salary and certain allowances.

Mr. LAGUARDIA. We have had to-day several bills providing six months' pay. We have had five or six bills on this calendar where we authorize the payment of six months' pay and allowances to the widow or dependents, but here we provide for one year's salary.

Mr. UNDERHILL. Yes; and you do not take care of this man all the time he is ill and confined to the house and hospital under the care of a surgeon. This man was ill for a long time.

Mr. LAGUARDIA. I am simply pleading for uniformity of treatment in these cases.

Mr. UNDERHILL. We could not separate all these things and say that so much was for medical attention, so much for surgical attention, so much for hospitalization, but following our usual practice we lumped it all into one year's salary, which makes it about commensurate with what would have been received had he been provided for under the provisions of the retirement law.

Mr. LAGUARDIA. I know that, but we allow six months' pay to dependents of officers of the Army and the Navy.

Mr. UNDERHILL. Yes.

Mr. LAGUARDIA. And in this instance you allow one year's salary.

Mr. UNDERHILL. But in this allowance of one year we included all of these expenses.

Mr. HUDSON. I withdraw my objection.

Mr. LAGUARDIA. It is the gentleman from Massachusetts and his committee who will have to grapple with this problem.

Mr. UNDERHILL. I am sorry we have to.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to the widow of Mervin W. Glover, deceased, the sum of $6,496.67, being the amount of salary and allowances for one year.

With the following committee amendments:

Page 1, line 6, strike out "$6,496.67" and insert in lieu thereof "$4,725"; and on page 1, line 7, strike out the words "and allowances."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MARY CLERKIN

The next business on the Private Calendar was the bill (S. 205) to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary Clerkin, of Newtownbutler, county of Fermanagh, Ireland, out of any money in the Treasury not otherwise appropriated, the sum of $140 for the loss of certain laces which were destroyed in the fire in the appraiser's warehouse at New York City in May, 1909.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MARTHA A. HAUCH

The next business on the Private Calendar was the bill S. 1368, an act to extend the benefits of the employees' compensation act of September 7, 1916, to Martha A. Hauch.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. UNDERHILL. Reserving the right to object, and I shall not object, I want to bring to the attention of the House and ask for its indorsement the action of the Committee on Claims in reporting this case. The patient or claimant was a student nurse. She was learning her profession at the Walter Reed Hospital. She contracted tuberculosis. There is no provision of law whereby she can be taken care of, and the only thing was to kick her out into the streets and let society in general take care of her if it had the heart to do so. We provide in the bill that she shall receive something to live on while she is being taken care of in some hospital. She was not even allowed hospitalization. It is a case where we have established the policy of taking care of these nurses.

Mr. EDWARDS. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. EDWARDS. I concur in what the gentleman from Massachusetts has said. I have in mind a nurse that lost her health during the Spanish War while nursing the sick American soldiers in a hospital at Jacksonville, Fla. Because she was not regularly in the service no recognition has been given her claim. Her health has been destroyed and she was without means.

Mr. UNDERHILL. We would have to take care of such cases as that later on. In this case there was no remedy whatever. I will say to the House that there are at least three other cases of the same character that I know of, and there may be others.

Mr. HUDSON. Would there not be some relief under the civil service?

Mr. UNDERHILL. No; she was not a civil-service employee.

Mr. LAGUARDIA. I congratulate the gentleman from Massachusetts. I am sure the House will sustain the committee in establishing this policy. Where a young man or woman in the Government service contracts tuberculosis or is otherwise incapacitated and is not covered by any existing law the committee ought to establish a generous policy.

Mr. UNDERHILL. I want to say that the gentleman from Massachusetts is not responsible for this, but the gentleman from North Carolina [Mr. BULWINKLE] has handled the case, fully investigated the facts, and makes the report. It is largely through his effort that we have brought about a definite policy on the part of the committee which we desire to have indorsed by the House.

Mr. LAGUARDIA. I congratulate both the gentleman from North Carolina and the gentleman from Massachusetts.

The SPEAKER pro tempore. The Clerk will read the committee amendment.

The Clerk read the committee amendment, as follows:

Strike out all after the enacting clause and insert in lieu thereof as follows:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,000 to Martha A. Hauch, formerly a nurse in the service of the United States Army, who contracted tuberculosis while on duty at Walter Reed General Hospital from September 16, 1922, to August 22, 1924; and that said Martha A. Hauch shall be admitted to such Army hospital as may be directed by the Surgeon General of the United States Army for necessary care and treatment."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

R. BLUESTEIN

The next business on the Private Calendar was the bill (S. 1428) for the relief of R. Bluestein.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this is a case where a bond was forfeited and paid. This was a criminal bond, was it not?

Mr. EDWARDS. Yes.

Mr. LAGUARDIA. How long after the default in the appearance of the defendant was he apprehended and produced?

Mr. UNDERHILL. Mr. Speaker, we have had several of these cases, but, if I recollect correctly, it was some several weeks. The expense would have been considerably more, unless I confuse this case with another case, if the United States marshal had not been in Cleveland and brought this man back to Georgia. The committee took this question up with the Attorney General and the Department of Justice. We wanted to establish some definite policy and asked the Department of Justice to declare what they wanted in such cases. The department, in a letter to the chairman, states that they want the offender, they want the criminal, they do not want the sureties, and where a man has given a bond or has gone surety, and the defendant has not appeared, and the man goes out and apprehends the defendant through his own efforts and brings the man to justice, the department thinks the bondsman ought to be reimbursed the amount of the bond less the amount which it has cost the Government.

Mr. LAGUARDIA. I agree with the gentleman so far, but I am sure the department wants the defendant when they want him and not when the defendant deems it wise to appear.

Mr. UNDERHILL. Very true.

Mr. LAGUARDIA. Very often it happens that the defendant will not present himself for some time because he is waiting for witnesses to disappear or something of that kind.

Mr. UNDERHILL. May I add there that in all cases we have reported thus far the defendant has been convicted?

Mr. EDWARDS. I think that is the case here.

Mr. BULWINKLE. I say to the gentleman from New York that I am not in favor of granting this relief to a bonding company or one of these private bondsmen who is doing the bonding business as a living and collecting premiums.

Mr. UNDERHILL. I think the committee is in accord with the gentleman from North Carolina. I am sure the chairman is. Where it is a commercial transaction we have no interest in it, but where it is a matter of accommodation or a matter of faith upon the part of the bondsmen, and his faith is misplaced, and he goes and gets his man, then we feel that he should be reimbursed.

Mr. LAGUARDIA. I think the committee should have it certified to by the Department of Justice that the defendant has been produced and that his nonappearance has in no way defeated the ends of justice.

Mr. UNDERHILL. That is the idea.

Mr. SCHAFER. These people are not professional bondsmen, are they?

Mr. EDWARDS. No; they are not.

Mr. LAGUARDIA. Mr. Speaker, I shall not object upon the statement made by the gentleman from Massachusetts [Mr. UNDERHILL] and the assurance given by the gentleman from Georgia [Mr. EDWARDS], but I state that all of these bills returning forfeited bonds, or other bail bonds or surety bonds or fidelity bonds, are going to be very carefully scrutinized, and this is not a matter of criticism of the committee at all.

Mr. EDWARDS. I would not have introduced the bill if it had not been a clean transaction.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $978.60 to Abe Tenenbaum, attorney for R. Bluestein, Savannah, Ga., which sum represents the loss sustained by the said R. Bluestein on the bail bond of Frank Holmes, who was afterwards captured and returned to the United States officers by the said R. Bluestein; record of said estreatment of bond is shown in report of clerk of the United States Court, L. M. Erwin, at Macon, Ga., January 20, 1925.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN STEAM TUG "W. S. HOLBROOK"

The next business on the Private Calendar was the bill (S. 2516) for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook.*

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, I ask that the bill be passed over for the day.

The SPEAKER pro tempore. The Chair suggests that we are considering bills where only objections are in order, and that it does not change the condition of the program by objecting.

Mr. HUDSON. I object.

Mr. UNDERHILL. Mr. Speaker, this is simply another one of those bills which do not come within the provisions of the admiralty law. No exception should be made in this case when no exception has been made in other cases.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. I object.

COAST TRANSIT DIVISION BARGE "NO. 4"

The next business on the Private Calendar was the bill (S. 2586) for the relief of the owner of the Coast Transit Division barge *No. 4.*

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, I object.

ANITA W. DYER

The next business on the Private Calendar was the bill (H. R. 10536) granting six months' pay to Anita W. Dyer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, here is a bill where for an ensign we allow six months' pay to the mother.

Mr. VINSON of Georgia. Under the law they are entitled to six months' gratuity pay. This is simply designating the beneficiary.

Mr. HUDSON. Mr. Speaker, I shall finally object to the consideration of this bill.

Mr. VINSON of Georgia. If the gentleman will permit me one moment, I would like to make a statement.

Mr. HUDSON. I shall be glad to.

Mr. VINSON of Georgia. I trust the gentleman from Michigan will not interpose an objection to this bill, for the simple reason that under the act which has been in existence for some time every enlisted man or officer of the Navy and Marine Corps is permitted to designate his beneficiary, and when they die their beneficiaries who are dependent upon them are given six months' pay. In this case this ensign died in line of duty. He failed to designate his beneficiary.

Mr. HUDSON. Here is a policy of one committee as to members of the Navy, and their private bills affecting the Navy are brought in here. Another committee, representing another branch of the military service, refuses to bring out bills of that kind. I decline to be a party to such a policy.

Mr. VINSON of Georgia. The law is this:

Any officer, enlisted man, or nurse on the active list of the regular Navy or regular Marine Corps, or on the retired list when on active duty, the Paymaster General of the Navy shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child, to any other dependent relative of such officer, enlisted man, or nurse previously designated by him or her, an amount equal to six months' pay at the rate received by such officer, enlisted man, or nurse at the date of his or her death.

That is the law. In this case the ensign had a perfect right to designate whom he cared to be his beneficiary, if they were dependent on him. But in this case he failed to designate his mother as his beneficiary and therefore we are simply seeking to comply with the general statute. She must prove that she was dependent.

Mr. HUDSON. The Navy Department is opposed to this.

Mr. VINSON of Georgia. Yes. The trouble is this man did not designate anybody. If his mother was dependent, she would under the law be entitled, provided she were designated. The only trouble in this case is that he did not designate his mother. We have passed many cases of this kind.

Mr. HUDSON. That does not meet the objection, because when we attempt to be complimentary to the Committee on Naval Affairs we are not doing justice.

Mr. VINSON of Georgia. We are following the law.

Mr. HALE. The Committee on Naval Affairs has recognized the situation which exists, and only recently reported out favorably general legislation to take care of these cases, of which there are a great many, and to meet which we have passed half a dozen bills this afternoon. This legislation is not retroactive.

Mr. SPEAKS. This is not a question for the Secretary of the Navy to decide. It is the duty of Congress to determine what shall be done. That is why this bill in on the calendar.

Mr. COLLIER. That is the reason why the Navy Department objected to it.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of the appropriation "Pay of the Navy, 1928," to Anita W. Dyer, dependent mother of the late Ensign William Lansdale Dyer, United States Navy, who died on board the U. S. S. *Relief* February 20, 1927, an amount equal to six months' pay at the rate said Ensign William Lansdale Dyer was entitled to receive at the date of his death.

With a committee amendment as follows:

Page 1, line 10, after the word "death," strike out the period, insert a colon and the following: "*Provided*, That the said Anita W. Dyer establishes to the satisfaction of the Secretary of the Navy the fact that she was dependent upon her son, the late William Lansdale Dyer, at the time of his death."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

RADIO DEVELOPMENT

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a short address I delivered over the radio last night upon radio development.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. DAVIS. Mr. Speaker, under leave granted to do so, I extend my remarks by inserting herewith an address delivered by me over radio station WTFF, Washington, D. C., on the evening of April 20, 1928, as follows:

There is no art or industry in which there has been such a rapid and startling development as in radio, and yet we are now only on the threshold of radio discovery and use. We can but contemplate its future potentialities. Radio may be said to have had its beginning 25 or 30 years ago. Even then anyone prophesying the present development of the art would have been deemed to be a fit subject for a lunatic asylum. However, in the light of the varied and marvelous radio development, people have practically ceased to question any possibility. An interesting fact is that amateurs have played a large part in this development.

BROADCASTING

While broadcasting is now regarded as a relatively unimportant feature of radio science and industry, yet it is the feature with which the public generally come in most direct contact and in which they therefore take the most interest.

The first broadcasting station was established in 1921. On January 1, 1922, there were only seven broadcasting stations. However, the number of stations thereafter grew rapidly until now there are approximately 700 radiobroadcasting stations in the United States. Since that time the American people have expended nearly $2,000,000,000 for radio receiving sets and parts. For the past three years the American people have been purchasing receiving sets and parts to the extent of nearly $500,000,000 per annum. Of course, many of the older sets have become obsolete and been discarded; but it is estimated that there are now in American homes about 7,500,000 radio receiving sets representing a cost of more than a billion dollars, and that the radio audience—that is, the number of people listening to sets now in use—number about 35,000,000.

The National Association of Broadcasters places the value of the existing broadcasting stations at approximately $19,500,000. This valuation includes transmitting apparatus, radio towers, studios, radio furnishings, and all the equipment which goes with transmitting stations. The value of the transmitting apparatus alone is probably near $7,000,000. It will be noted that the investment in receiving sets is more than a hundred times as much as the investment in broadcasting stations.

While it is considered that some form of radio transmission may be employed on a range from 1 meter to 15,000 meters, yet the range assigned for broadcasting is 200 to 550 meters. The range of 150 to 200 meters is reserved for the amateurs. The other channels are assigned to the Government service, ship and ship to shore service, national and international commercial service, and experimental work.

Within the range assigned for broadcasting there are 95 available wave lengths or channels. By agreement between the United States and Canada 6 of these wave lengths have been exclusively assigned to Canada, 9 wave lengths are shared between the United States and Canada, and 80 exclusive wave lengths are assigned for use in the United States. The broadcasting assignment is differently described by a range of from 550 to 1,500 kilocycles. There is a 10-kilocycle separation between each two adjoining wave lengths, any closer separation being impracticable under the present state of the art. Channels are being described more and more in terms of kilocycles rather than meters, and it is likely that in such description the term kilocycle will in time wholly supersede that of meters. Scientific definitions of wave lengths, kilocycles, and meters are but little more intelligible to the layman than the terms themselves.

Radiobroadcasting has been in a very unsatisfactory condition, particularly during the past two or three years. This has largely been due to the unscientific broadcast structure. This situation was largely due to the fact that it had just grown up with the result that many channels were overcrowded, high-powered stations frequently being placed on the same wave length with low-powered stations, stations in close proximity to each other being placed on the same channel, far too many stations being congregated in certain areas, and other unfavorable situations existing. However, this confused and unsatisfactory condition was undoubtedly produced in large measure by discrimination against many stations and sections and in favor of other stations and sections. Monopoly stations have been favored beyond measure. The high power which some of them have been granted has largely contributed to the blanketing and heterodyning which has played such havoc with radiobroadcasting and reception. One of the radio commissioners stated at the recent hearings that 90 per cent of the stations in this country were heterodyned. Heterodyning may be described as the interference created by the ether waves set in motion by broadcasting apparatus, resulting in howls, whistles, screeches, and other outlandish noises in a receiving set. In this connection it should be borne in mind that such ether waves extend ten times as far as the audible program broadcast by the station in question.

RADIO LEGISLATION

The first measure dealing with the subject of radio was enacted by the Congress in 1912. Radio was then in its infancy and naturally the lawmakers did not contemplate the present-day problems. The need of new legislation on the subject was apparent, and various efforts to enact such legislation were made; but such attempts were thwarted by the opposition and activities of the Radio Trust. During the last Congress the House and the Senate passed different radio bills.

The radio monopoly was very much opposed to the Senate bill and opposed to features of the House bill. Both bills were sent to conference. There finally emerged from conference a bill different in many important respects from both the House and Senate bills, and the conference report bill after much opposition was finally adopted and approved. It was the only radio bill of a general nature which had had the approval of the radio monopoly. Subsequent events have vindicated my criticism of features of that bill and my predictions as to what would result.

The Radio Commission created by said act, instead of improving the unsatisfactory situation, made it worse. Their favoritism to the Radio Trust and their unfair discrimination against whole sections of the country were such that there arose a demand for fair play. This resulted in the recent enactment of amendments to the radio law, including the "equalization amendment" directing the commission to make an equal allocation of broadcasting stations, wave lengths, periods of time for operation, and station power among the different radio zones, and directing a fair and equitable distribution among the different States within each zone. It is to be hoped that the Federal Radio Commission will carry out this plain legislative mandate, the spirit and purpose of which were clearly and forcibly expressed by the Representatives of the people in the Halls of Congress.

The purpose of this equalization amendment is constructive. It is devoutly hoped that the Radio Commission, under the authority and direction thus given them, will make such a fair and scientific realloca-

tion of broadcasting facilities that the citizens throughout this country can satisfactorily hear the programs which they desire to hear and tune out those which they do not desire to hear. No broadcasting station should be aided by the Government in projecting its program into a home where it is not wanted; on the other hand the desired radio guest should be permitted to enter.

OTHER BRANCHES OF RADIO INDUSTRY

I have chiefly discussed radiobroadcasting. However, there are other very important developments and uses of radio.

It embraces one of the most useful and one of the most rapidly developing means of international communication service. Long-distance radiotelephony is an important development. Citizens in this country are now successfully carrying on conversations by radio with citizens on the other side of the Atlantic.

Through radio Arctic explorers keep in daily communication with this country.

Photos of men and events are being daily transmitted by radio across the continent and across the seas. Commercial pictoradiogram services are firmly established. Facsimiles of written documents are thus being transmitted. A citizen of the United States temporarily in Paris recently transmitted by radio to the proper officials of a State in this country his petition and signature for qualification as a candidate.

Television is already with us. Perhaps the time is not far distant when we can sit in our homes and see and hear a play transmitted by radio.

It has been fully demonstrated that ships, airplanes, and other mobile carriers may be successfully directed by radio.

The radio compass is being successfully and usefully employed on ships.

Successful experiments have been made with beam or directional radio transmission. Secret messages by radio are possible.

Another feature of radio which is even now important but destined to become very much more important and valuable is wired radio. This is not only being widely used in commercial communication transmission but also in connection with broadcasting. Chain programs are now transmitted to the various broadcasting stations over telephone wires, and in turn broadcast by the respective broadcasting stations.

Some enterprising hotels have receiving sets in every room.

Broadcast programs can be transmitted direct from the station into the homes over telephone or electric-light wires. In at least two cities such service over the electric-light wires is now in successful operation. A simple receiving apparatus is screwed into the electric-light socket. It is said that under such a system there is an entire absence of static, interference, fading, day and night effects, and seasonal changes. In my opinion such system is destined to come into general use, particularly in cities.

RADIO IN WAR

Radio is important, and will soon be regarded as essential in times of peace, but in future it will be imperative in times of war.

Radio played a considerable part in the last war, but it will play an infinitely greater part in any future wars.

The Navy Department says that the effective direction of the United States fleets is dependent upon radio communication. The War Department states that "radio communication is the very lifeblood of aviation."

A WARNING

I have undertaken to give some indication of the vast possibilities for good in radio. Its potentialities for evil are quite as great.

There must be careful governmental control and supervision over an instrumentality of such vast and varied possibilities for good or evil. The responsibility rests upon the Government to see that the interests of all the people are protected.

Monopoly constitutes the greatest menace to freedom of the air and a fair and proper use of the radio art. There already exists a powerful Radio Trust, with billions of dollars in assets, which is practically dominating every branch of the radio industry. It is imperative that effective steps be taken to break up this monopoly. All the people are entitled to the use of the air, and they should see to it that their rights therein are fully preserved and protected, and that individual citizens or corporations shall be permitted to use the air only in the interest of the people and not against their best interests. Full freedom of the air and the use thereof in the public interest can only be maintained by eternal vigilance on the part of the people and patriotic service by their Representatives in Congress, and by a fearless administration and enforcement of the laws enacted for the public protection.

J. A. PERRY

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that H. R. 4489, No. 482 on the Private Calendar, be returned to the Committee on Claims, it having inadverently been placed on the calendar.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to rerefer H. R. 4489 to the Committee on Claims. Is there objection?

There was no objection.

ROBERT STANLEY ROBERTSON, JR.

The next business on the Private Calendar was the bill (H. R. 4598) for the relief of Robert Stanley Robertson, jr.

The Clerk read the title of the bill?

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that Senate bill 1377 be substituted for the House bill.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent that Senate bill 1377 be substituted for the House bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, Lieut. Robert Stanley Robertson, jr., United States Navy, a lieutenant commander on the retired list of the Navy, with pay and allowances of the fourth pay period, as now prescribed under existing laws, and with credit for all service which he is now entitled to count in the computation of his pay: *Provided,* That nothing contained herein shall entitle Lieut. Robert Stanley Robertson, jr., United States Navy, to any back pay or allowances.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RALPH OLE WRIGHT

The next business on the Private Calendar was the bill (H. R. 5910) for the relief of Ralph Ole Wright and Varina Belle Wright.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ralph Ole Wright and Varina Belle Wright, the parents of Ralph Atkinson Wright, deceased, who, while serving as a seaman, second class, at the United States naval training station at Great Lakes, Ill., while in the performance of his duty at the radio station at Great Lakes, Ill., without any fault of his own, on June 15, 1922, met his death from electric shock by coming in contact with the high-tension switches on the switchboard in basement of building No. 63, at the United States naval training station, Great Lakes, Ill., in use as a transmitting and receiving radio station, the sum of $10,000, said sum to be in full settlement of the claim.

With the following committee amendments:

On page 2, in line 8, strike out the sign and figures "$10,000" and insert in lieu thereof the sign and figures "$2,500."

In line 8, after the word "in," strike out the words "full settlement of the claim" and insert in lieu thereof the words "lieu of pension."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BYRON BROWN RALSTON

The next business on the Private Calendar was the bill (H. R. 5968) for the relief of Byron Brown Ralston.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to appoint Byron Brown Ralston, formerly lieutenant commander in the United States Navy, a lieutenant commander in the United States Navy and place him upon the retired list of the Navy with the retired pay and allowance of that grade with credit for any purposes for all service to which he was entitled on April 15, 1927: *Provided,* That a duly constituted naval retiring board finds that the said Byron Brown Ralston incurred physical disability incident to the service while on the active

list of the Navy: *Provided further*, That no back pay, allowance, or emoluments shall become due as a result of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A. ROY KNABENSHUE

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the proceedings whereby House bill 11764 was passed may be vacated, so that we may correct the title to conform with the text.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the proceedings whereby House bill 11764 was passed be vacated. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I desire to call attention to the fact that in the committee amendment the name is "A. Roy Knabenshue," while in the title it is "Roy A. Knabenshue." I ask unanimous consent that the title may be corrected to conform with the text and that the bill be passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

U. R. WEBB

The next business on the Private Calendar was the bill (H. R. 4101) for the relief of U. R. Webb.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I would like to ask the gentlewoman from California as to the amount of relief here granted. I know we have compensated various officials of the Government who lost their property in Yokohama at the time of the earthquake, but here the amount is $6,534.

Mr. HALE. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HALE. In the hearings the amount was checked up and a list of articles lost was submitted by the Navy Department and the representative of the Navy Department in response to my inquiry about the very same point which the gentleman raises stated that the Navy Department was satisfied that the amount is correct and accurate.

Mr. LAGUARDIA. He must have been a very prosperous naval officer.

Mrs. KAHN. All of his household effects were lost and everything belonging to himself and wife, including many things which they had collected for a number of years, and, of course, his uniforms were lost.

Mr. LAGUARDIA. If the committee has gone into it thoroughly, that satisfies me.

Mr. HALE. Not only the committee but the department has gone into the matter.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby authorized and directed to pay to U. R. Webb, commander, Medical Corps, United States Navy, out of any money in the Treasury not otherwise appropriated, the sum of $6,534, in reimbursement for the loss by earthquake and fire of personal property in Yokohama, Japan, while he was serving as commanding officer of the United States Naval Hospital at Yokohama, Japan.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WENDELL M. SAUNDERS

The next business on the Private Calendar was the bill (H. R. 1957) for the relief of Wendell M. Saunders.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Wendell M. Saunders, late ensign of the United States Naval Reserve, before a retiring board for the purpose of a hearing of his case, and inquire into and determine all the facts touching on the nature of his disabilities, and to find and report the disability which, in its judgment, has produced his incapacity, and whether his disabilities are an incident of service; that upon the findings of such a board the President is further authorized, in his discretion, either to confirm the order by which the said Wendell M. Saunders, an ensign in the United States Naval Reserve, and place him immediately thereafter upon the retired list of the Navy, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for the officers of the regular Navy: *Provided*, That the said Wendell M. Saunders shall not be entitled to any back pay or allowances by the passage of this act.

Mr. HALE. Mr. Speaker, there are two committee amendments which the committee voted to report to correct clerical errors in the bill, which somehow or other were inadvertently omitted in the report, and I now offer them. The first is in line 12, page 1, strike out the word "either"; and the second is, in line 13, page 1, strike out the comma after the word "Saunders" and insert the words "was appointed."

The SPEAKER pro tempore. The gentleman from New Hampshire offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HALE: On page 1, line 12, strike out the word "either"; and in line 13, after the word "Saunders," strike out the comma and insert "was appointed."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRANK DIXON

The next business on the Private Calendar was the bill (S. 1848) for the relief of Frank Dixon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Dixon, of Dunkirk, Ind., dependent father of Floyd Dixon, late electrician's mate, third class, United States Navy, the sum of $360, as six months' gratuity pay, which amount would have been paid by act of Congress approved June 4, 1920, but for the omission, through ignorance or error, of his son to designate a proper beneficiary before he was killed in the performance of service duty: *Provided*, That the said Frank Dixon establishes to the satisfaction of the Secretary of the Navy that he was actually dependent upon his son, the said Floyd Dixon, at the time of the latter's death.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SALE OF LAND IN LOUISIANA

The next business on the Private Calendar was the bill (H. R. 9568) to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to allow the Investors Mortgage Co., of New Orleans, La., to purchase at private sale, at the rate of $1.25 per acre, section 58 in township 12 south of range 14 east, Louisiana meridian, Louisiana.

With the following committee amendments:

Line 4, strike out "Investors Mortgage Co., of New Orleans, La.," and insert in lieu thereof "persons or corporation, in possession and having the bona fide equitable ownership thereof."

Line 7, strike out the period at the end of the line, insert a comma, and add "containing 39.80 acres."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ST. JOSEPH'S ROMAN CATHOLIC CHURCH, BATON ROGUE, LA.

The next business on the Private Calendar was the bill (H. R. 12041) granting certain land to the Roman Catholic congregation of St. Joseph's Roman Catholic Church of the city of Baton Rouge, La.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. TARVER. I object.

Mr. LAGUARDIA. Will the gentleman withhold his objection?

Mr. TARVER. Yes.

Mr. LAGUARDIA. We had a bill the other day on the Consent Calendar covering contiguous land, giving it back to the university, this being a public institution. This is a part of the same land.

Mr. TARVER. I have read the bill and the report of the committee and am familiar with it. It appears that the United States has a reversionary interest in and to this land. It appears that the adjoining tract has been donated to public usage in connection with an agricultural and mechanical school. I have no objection to the donation of lands for public educational institutions which may be used by any member of the public. But this bill proposes to donate certain property rights of the Government to the Roman Catholic Church for sectarian purposes for the maintenance of a sectarian institution. The amount, I believe, is small, but the principle, however, is large, and in my judgment no donation should be made of Government property to any church for any sectarian purpose.

Mr. LAGUARDIA. That is not the policy that the House has followed. There are hundreds of precedents to the contrary.

Mr. TARVER. For one I object to the passage of a measure that I consider to be antagonistic to the spirit of the Constitution of the United States, and I shall feel constrained to exercise my privilege.

Mr. KEMP. May I ask the gentleman to reserve his objection?

Mr. TARVER. I will reserve it.

Mr. KEMP. I am familiar with the whole situation. If the gentleman will permit an explanation of the facts, I think he will withdraw his objection. This institution has a corporate title of the Congregation of the Roman Catholic Church of East Baton Rouge, La. It involves only 2½ acres. Congress granted to this Roman Catholic congregation this 2½ acres of land in 1890. I will say in that connection that this was the burial ground for over 100 years prior to that time. By another act of Congress in 1892 the use of this land was made to include charitable and educational purposes, and the only claim that the Government reserved in this land was that in the event it should be needed for military purposes it should be used by the Government for that purpose.

I wish to call the attention of the gentleman from Georgia to this language: Here is a grant from the Congress of the United States of this 2½ acres of land which is to be used as a burial ground and for educational purposes. It has been so used for over a hundred years. Here is the grant of Congress——

Mr. HUDSON. Mr. Speaker, unless the gentleman is going to withdraw his objection, I demand the regular order.

Mr. KEMP. Mr. Speaker, this is an important matter. It is the last bill to be called to-day, as I understand it.

Mr. TARVER. I am familiar with the facts in the case.

Mr. KEMP. I think possibly I could give the gentleman some additional facts. The Government has no title to this land at the present time. The Government has only a reversionary interest in the event that the Secretary of War deems it necessary——

Mr. HUDSON. Mr. Speaker, if the gentleman is going to insist upon his point of order, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. TARVER. Mr. Speaker, I object.

MICHAEL J. BAUMAN

The next business on the Private Calendar was the bill (H. R. 2817) for the relief of Michael J. Bauman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, under the unanimous-consent agreement, I gave notice some time ago that I would object to all bills after No. 469 on the calendar. The bill just called is 470 on the calendar.

Mr. O'CONNOR of Louisiana. Mr. Speaker, will the gentleman reserve that? It is only 25 minutes after 3 o'clock. I know that the gentleman stated his position clearly at the beginning of the consideration of this calendar, but, after all, this is the Private Calendar. The reports accompany the bills. There are many bills where justice could be done to men who have been denied justice for a long time, and they are clamoring for it to-day. I have one bill on this calendar of the case of a poor fellow who had been under a stigma since 1898 for an insignificant bagatelle. He wants to go to a hospital, but because of that stigma he can not go. There are other meritorious bills. I think we should go on until 5 o'clock.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, I object.

Mr. TILSON. Is it the intention of the gentleman from North Carolina to object to bills from this point on?

Mr. WARREN. It is.

Mr. TILSON. The gentleman has that right. Under the agreement entered into any Member has the right to object to bills. It is worse than futile, however, to go on under the circumstances. It would be really unfair to bills that are on the calendar to call them and have them objected to indiscriminately. Therefore, I shall move to adjourn.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I did not quite understand the latter part of the gentleman's statement with reference to its being unfair to proceed with the consideration of this calendar.

Mr. TILSON. The gentleman from North Carolina says that he is going to object to every bill that is called from now on to-day, and I deem it unfair to have bills called in this way and have them objected to.

Mr. O'CONNOR of Louisiana. The gentleman is quite correct.

Mr. WARREN. I do that because I have not had an opportunity to read the bills and the reports.

Mr. TILSON. We understand the gentleman's position.

Mr. DICKINSON of Missouri. When will we take up the Private Calendar again?

Mr. TILSON. I shall avail myself of every reasonable opportunity to get consideration for the Private Calendar and utilize such time as comes to us for that purpose. I can not make a promise now as to any certain time.

Mr. DICKINSON of Missouri. Probably at an early date?

Mr. TILSON. Just as early as we can conveniently.

Mr. CHINDBLOM. And the gentleman's statement is in the nature of a notice to all of us to be prepared for such an emergency.

Mr. TILSON. I wish that Members would be prepared to go on with these bills at any time.

MR. OLDFIELD

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman from Arkansas [Mr. OLDFIELD], the whip on the Democratic side, has just had to submit to an operation. He will be absent from the House, and I ask unanimous consent that he may have indefinite leave of absence on account of illness.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

Mr. TILSON. Mr. Speaker, may I inquire of the gentleman from Tennessee in regard to the condition of Mr. OLDFIELD? All of the Members of the House are very deeply concerned over his condition.

Mr. GARRETT of Tennessee. He was operated upon at 11.30 o'clock this morning. We do not know yet how serious it is.

Mr. TILSON. I know that I speak the sentiments of all Members when I wish for him a complete and speedy recovery.

SHOSHONE AND ARAPAHOE INDIANS OF WYOMING

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3366) to authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from the funds held in trust for them by the United States, which is identical with the House bill that has been unanimously reported by the Committee on Indian Affairs, and consider the same at this time.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States so much of the money credited to the Shoshone and Arapahoe Indians of Wyoming under the act of August 21, 1916 (39 Stat. 519), as may be necessary to make a $25 per capita payment to said Indians, and to pay or distribute the same to all recognized members of the tribes under such rules and regulations as may be prescribed.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 11365) was laid on the table.

ST. JOSEPH ROMAN CATHOLIC CHURCH, OF BATON ROUGE, LA.

Mr. KEMP. Mr. Speaker, I ask unanimous consent to return to Calendar No. 469, H. R. 12041, granting certain lands to the Roman Catholic Congregation of St. Joseph's Roman Catholic Church, of the city of Baton Rouge, La.

Mr. TILSON. Is this a bill that was passed without prejudice?

Mr. KEMP. No; it was the last bill under consideration.

Mr. TILSON. Has the objection been withdrawn to it?

Mr. KEMP. The objection has not been actually withdrawn, but the gentleman who made the objection has withdrawn from the Chamber.

The SPEAKER pro tempore. The Chair would not feel warranted in recognizing the gentleman from Louisiana to ask unanimous consent to take this bill up at this time under those circumstances.

Mr. TILSON. If the gentleman who objected to it has left the Chamber, then it should not be called up.

Mr. KEMP. But the gentleman who objected to it has withdrawn from the Chamber with the idea of letting the bill be passed.

The SPEAKER pro tempore. The Chair does not think he should recognize the gentleman for that purpose at this time.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 30 minutes p. m.) the House adjourned until Monday, April 23, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committe hearings scheduled for Monday, April 23, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To authorize the merger of street railway corporations operating in the District of Columbia (H. J. Res. 276).

EXECUTIVE COMMUNICATIONS, ETC.

458. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting deficiency estimate of appropriation for the Department of State for the fiscal year 1927, amounting to $1,293.80, and supplemental estimates of appropriations for the fiscal years 1928 and 1929, amounting to $96.50; in all, $1,390.30 (H. Doc. No. 237), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on the District of Columbia. H. R. 12896. A bill to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes; with amendment (Rept. No. 1357). Referred to the Committee of the Whole House on the State of the Union.

Mr. LETTS: Committee on Indian Affairs. H. R. 7204. A bill to authorize the creation of Indian trust estates, and for other purposes; with amendment (Rept. No. 1358). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. H. R. 12697. A bill to amend the Code of Laws of the District of Columbia relating to interest and usury; without amendment (Rept. No. 1359). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. H. R. 13117. A bill to provide for notice to owners of land assessed for benefits by the verdict of condemnation juries, and for other purposes; without amendment (Rept. No. 1360). Referred to the House Calendar.

Mr. REED of New York: Committee on Education. H. J. Res. 184. A joint resolution designating May 1 as child health day; with amendment (Rept. No. 1361). Referred to the House Calendar.

Mr. McSWEENEY: Committee on Agriculture. H. R. 12878. A bill to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes; without amendment (Rept. No. 1363). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McLEOD: Committee on the District of Columbia. S. 1387. An act for the relief of J. W. Anderson; without amendment (Rept. No. 1350). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 379. An act for the relief of William R. Boyce & Son; with amendment (Rept. No. 1351). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 764. An act for the relief of J. F. Nichols; without amendment (Rept. No. 1352). Referred to the Committee of the Whole House.

Mrs. LANGLEY: Committee on Claims. S. 1691. An act for the relief of William A. Light; without amendment (Rept No. 1353). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2227. An act for the relief of F. L. Campbell; without amendment (Rept. No. 1354). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2697. An act for the relief of Hattie M. McMahon; without amendment (Rept. No. 1355). Referred to the Committee of the Whole House.

Mr. SEARS of Nebraska: Committee on Claims. H. R. 9943. A bill for the relief of Sawyer Motor Co.; without amendment (Rept. No. 1356). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. S. 620. An act for the relief of Russell & Tucker and certain other citizens of the States of Texas, Oklahoma, and Kansas; without amendment (Rept. No. 1362). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 13116) to provide an additional justice of the Supreme Court of the District of Columbia, and for other purposes; Committee on the District of Columbia discharged, and referred to the Committee on the Judiciary.

A bill (H. R. 9762) to regulate the commitment to and discharge from St. Elizabeths Hospital of persons certified by heads of departments and establishments; Committee on the District of Columbia discharged, and referred to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolution were introduced and severally referred as follows:

By Mr. CHALMERS: A bill (H. R. 13240) to authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska; to the Committee on the Territories.

By Mr. SMITH: A bill (H. R. 13241) to amend the act entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1928, and for other purposes," approved January 12, 1927; to the Committee on Irrigation and Reclamation.

By Mr. ELLIOTT: A bill (H. R. 13242) to provide a building for the Supreme Court of the United States; to the Committee on Public Buildings and Grounds.

By Mr. MAPES: A bill (H. R. 13243) to exempt veterans of the World War from payment of the fee for the issuance of a passport; to the Committee on Foreign Affairs.

By Mr. WAINWRIGHT: A bill (H. R. 13244) to make chiefs and assistant chiefs of branches of the Army eligible for appointment as general officers of the line; to the Committee on Military Affairs.

By Mr. McSWAIN: A bill (H. R. 13245) to increase the efficiency of the Military Establishment, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 13246) to increase the efficiency of the Military Establishment, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 13247) to increase the efficiency of the Military Establishment, and for other purposes; to the Committee on Military Affairs.

By Mr. BRITTEN: A bill (H. R. 13248) to authorize an increase in the limit of cost of one fleet submarine; to the Committee on Naval Affairs.

Also, a bill (H. R. 13249) to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels; to the Committee on Naval Affairs.

By Mr. WAINWRIGHT: A bill (H. R. 13250) to authorize the Secretary of War to fix the percentages of enlisted men of the Army in the sixth and seventh grades, and for other purposes; to the Committee on Military Affairs.

By Mr. SUMMERS of Washington: A bill (H. R. 13251) to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes; to the Committee on Education.

By Mr. RAGON: A bill (H. R. 13252) authorizing the attendance of the Marine Band at the Confederate veterans' reunion at Little Rock, Ark.; to the Committee on Naval Affairs.

By Mr. CELLER (by request): Joint resolution (H. J. Res. 280) providing for the renunciation of war as an instrument of national policy and the settlement of international disputes by arbitration or conciliation; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUCKBEE: A bill (H. R. 13253) granting an increase of pension to Mary I. Harwig; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 13254) for the relief of James W. Shaw; to the Committee on Military Affairs.

By Mr. CRAIL: A bill (H. R. 13255) granting a pension to Annie B. King; to the Committee on Invalid Pensions.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 13256) granting an increase of pension to Melissa Sachsenheimer; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 13257) granting an increase of pension to Kate Neal; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 13258) for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office; to the Committee on Agriculture.

By Mr. FULMER: A bill (H. R. 13259) for the relief of the trustees of St. Stephen's Church, of the Evangelical Lutheran Synod of South Carolina, of Lexington, S. C.; to the Committee on War Claims.

By Mr. McKEOWN: A bill (H. R. 13260) for the relief of Josiah Harden; to the Committee on Military Affairs.

By Mr. McSWEENEY: A bill (H. R. 13261) granting a pension to Jennie Messer; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 13262) granting an increase of pension to Alice R. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13263) for the relief of William H. Johns; to the Committee on War Claims.

By Mr. MORROW: A bill (H. R. 13264) granting a pension to James V. Latham; to the Committee on Pensions.

By Mr. SELVIG: A bill (H. R. 13265) granting an increase of pension to Josephine Baumann; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 13266) granting a pension to Berta Weterick; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7073. By Mr. BLOOM: Petition of the delegates to the Conference of Trade-Union Officers of Greater New York, indorsing the postal policy bill (H. R. 89); to the Committee on the Post Office and Post Roads.

7074. By Mr. BUCKBEE: Petition of Lawrence Bollman and 46 other citizens of Whiteside County, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7075. Also, petition of J. S. M. Millan and two other citizens of Henderson County, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7076. Also, petition of Frank W. Clansen and 14 other citizens of Woodford County, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7077. Also, petition of Mrs. J. L. Smith and 17 other citizens of Ogle County, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7078. Also, petition of David S. West and 12 other citizens of Madison County, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7079. Also, petition of Oscar A. Lathrop and 28 other citizens of Mendota, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7080. Also, petition of T. S. Footer and 12 other citizens of Piatt County, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7081. Also, petition of F. W. Taylor and 279 other citizens of Chicago, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7082. Also, petition of Edgar Jackson and 25 other citizens of La Salle County, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7083. Also, petition of A. E. Warren and 20 other citizens of Centralia, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7084. Also, petition of William W. Alden and 20 other citizens of Byron, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7085. Also, petition of Eunice M. Russell and 31 other citizens of Alton, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7086. Also, petition of Marion J. Reed and 26 other citizens of Kewanee, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7087. Also, petition of Harold D. Keyes and 23 other citizens of Will County, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7088. Also, petition of Clarence Peterson and 20 other citizens of Rockford, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7089. Also, petition of M. E. Post and 71 other citizens of Quincy, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7090. Also, petition of Paul B. Stamper and 43 other citizens of Virden, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7091. Also, petition of W. E. Patterson and 39 other citizens of La Harpe, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7092. Also, petition of F. M. Witwer and 27 other citizens of Champaign County, Ill., praying for immediate national flood-control relief; to the Committee on Flood Control.

7093. Also, petition of Mead H. Lee and 43 other citizens of Chana, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7094. Also, petition of S. J. McFarren and 23 other citizens of Oregon, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7095. By Mr. CANNON: Petition of A. H. Bottermuller and other citizens of Warren County, Mo., favoring an increase of pension of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7096. Also, petition of Julius E. Hecht and other citizens of Franklin County, Mo., favoring an increase of pension for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7097. By Mr. CELLER: Petition of Central Union Label Co., of the State of New York, urging the passage of House bill 25; to the Committee on the Civil Service.

7098. Also, petition of Central Union Label Co., of the State of New York, urging the passage of House bill 89; to the Committee on the Post Office and Post Roads.

7099. Also, petition of American Legion of the State of New York, urging the passage of the flood control bill; to the Committee on Flood Control.

7100. Also, petition of New York State Soldiers and Sailors' Home, proposing transfer of the State camp for veterans to the United States Government; to the Committee on World War Veterans' Legislation.

7101. Also, petition of Allied Veterans' Council, United States Hospital, No. 98, of the State of New York, urging more compensation and better treatment for tuberculous veterans in

hospitals; to the Committee on World War Veterans' Legislation.

7102. Also, petition of League of Nations Nonpartisan Association, Brooklyn Division, on the Capper resolution; to the Committee on Foreign Affairs.

7103. By Mr. CONNOLLY of Pennsylvania: Memorial of the Philadelphia Board of Trade, protesting against passage of the bill (H. R. 8127) to provide for the transfer to the Department of the Interior of the public-works functions of the Federal Government, and for other purposes; to the Committee on Expenditures in the Executive Departments.

7104. By Mr. CULLEN: Resolution of Mansfield Dakin Post, No. 35, urging passage of legislation for relief of aged veterans; to the Committee on Invalid Pensions.

7105. By Mr. DEMPSEY: Petition of citizens of Barker and Appleton, N. Y., favoring the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

7106. By Mr. ENGLEBRIGHT: Petition of Merle F. Hughes and other citizens of Columbia, Calif., urging increase of pensions for Civil War veterans; to the Committee on Invalid Pensions.

7107. By Mr. HAWLEY: Petition of residents of Newberg, Oreg., requesting increases in pensions to veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

7108. By Mr. MORROW: Petition of Western Fruit Jobbers' Association of America, at twenty-fourth annual meeting, protesting against further restriction of Mexican labor and protesting against Box bill; to the Committee on Immigration and Naturalization.

7109. By Mr. O'CONNELL: Petition of the board of visitors, State Camp for Veterans, protesting against the passage of the Stalker bill (H. R. 12204) providing for the transfer of the State Camp for Veterans to the United States Veterans' Bureau; to the Committee on World War Veterans' Legislation.

7110. By Mr. SELVIG: Resolution of Parent-Teachers' Association of Thief River Falls, Minn., Pearl W. Mabey, secretary, opposing the bill providing for the establishment of a department of education with a secretary in the President's Cabinet; to the Committee on Education.

7111. By Mr. WEAVER: Petition of citizens of Tryon, N. C., for the passage of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

7112. By Mr. WELSH of Pennsylvania: Petition favoring the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

7113. By Mr. WHITE of Kansas: Petitions of L. M. Foster et al., of Dresden, Kans., and Mattie Adams et al., of Ellsworth, Kans., for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.